



STATEMENT OF ENVIRONMENTAL EFFECTS

26 ELIZABETH STREET LIVERPOOL

16 NOVEMBER 2018
SA7331
FINAL
PREPARED FOR BINAH DEVELOPMENTS PTY LTD



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Clare Brown
Senior Consultant	Nazia Pokar
Consultant	Adam Wood
Project Code	SA7331
Report Number	Final

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1. INTRODUCTION

This Statement of Environmental Effects (**SEE**) is submitted to Liverpool City Council (**the Council**) on behalf of Binah Developments Pty Ltd (**the applicant**) in support of development application (**DA**) for the demolition of existing structures and the erection of a 35 storey mixed use development comprising commercial floors over three levels, (113) hotel rooms, 194 residential apartments and a restaurant at 26 Elizabeth Street, Liverpool.

1.1. THE PROPOSAL

The subject DA specifically seeks consent for the following:

- Demolition of all existing structures on the site;
- Construction of a new laneway south of the subject site and to be dedicated to the Council;
- Earthworks to facilitate the construction of the proposed residential development, including excavation works to facilitate four basement levels;
- Provision of four basement levels to accommodate (128) bicycle spaces, (203) car spaces, (22) accessible car spaces, (20) visitor spaces, (45) commercial car spaces, (1) service/car wash bays, (15) motorcycle spaces, (149) residential storages, security room and plant equipment.
- Basement Level 1 to include the hotel office, HR office, IT office, uniform room, staff amenities, Lounge/canteen, store room housekeeping room, maintenance workshop and laundry for the hotel use.
- The ground floor level to comprise four lobby entries for the four separate uses for commercial, hotel, residential and restaurant. The hotel lobby is accessed from the north eastern entry and includes an office and luggage area, security office, kitchen, hotel amenities, hotel bin room, loading dock, substation, and restaurant lobby. The residential lobby is accessed from the eastern entrance and includes resident letterboxes, building manager's office and parcel room. The northern (Elizabeth Street) entrance to be accessed by commercial tenants and visitors. The restaurant lobby is provided between the hotel and residential lobby areas.
- Landscaping and public domain works including the provision of new ground covers and low shrubs, street trees and paving to the frontages.
- A total of (113) hotel apartments consisting of (103) standard rooms, (6) accessible rooms and (4) self-contained rooms over levels 5-8 of the development.
- Level 9 provides ample communal open spaces to support a range of active and passive recreational activities for the residents of the development including private dining area, resident's lounge, pool, pool lounge, gym, media room, amenities and terraces.
- A total of (194) residential apartments on Levels 10 – 34 including the provision of (20) one-bedroom, 151 two-bedroom, 20 three -bedroom and 3 four-bedroom units.
- Level 35 is dedicated to a restaurant and bar with kitchen and outdoor dining spaces.
- Removal of the existing crossovers to Bigge Street and existing kerb to George Street to allow for access to proposed rear laneway.
- Two-way vehicle entry from Bigge and George Streets is proposed via the new rear laneway. Separate car park access is provided from the proposed laneway for residential and commercial parking located on basement levels 1-4. Hotel parking to be located on the podium Levels 1 and 2 and accessed from proposed new laneway.

1.2. STRUCTURE OF THIS REPORT

The subject SEE is structured in the following manner:

- A description of the site context, including identification of the subject site, existing structures on the site, and surrounding development.

- A description of the planning framework
- Detailed description of the proposed development.
- Assessment of the proposed development with the relevant environmental planning instruments and policies and relevant matters under section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act).
- Identification and assessment of the key issues relevant to the proposed development.

Details of the proposal and assessment of it against relevant legislation, environmental planning instruments and policies are set out in this SEE. A thorough assessment has been undertaken under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This report has been prepared by Urbis based on the following inputs from the project team detailed in **Table 1**.

The subject SEE should be read in conjunction with supporting documentation submitted with the development application.

Deliverable	Consultant	Appendix
Quantity Surveyor	Construction Consultants	Appendix A
Survey Plan	Project Surveyors	Appendix B
Architectural Plans	Rothelowman	Appendix C
Design Verification Statement	Rothelowman	Appendix D
Landscape Plans	Site Design + Studios	Appendix E
Detailed Site Investigation	EI Australia	Appendix F
Acid Sulfate Soil Assessment	EI Australia	Appendix G
Remediation Action Plan	EI Australia	Appendix H
Civil and Stormwater Concept	EWWF	Appendix I
BASIX and Section J Certificate	BECA	Appendix J
BCA Assessment Report	AED Group	Appendix K
Access Consultant Report	IAccess	Appendix L
Acoustic Report	Sebastian Giglio	Appendix M
Traffic Impact Assessment	PTC	Appendix N
Fire Engineering Report	Innova Services	Appendix O
Waste Management Plan	Elephants Foot Recycling Solutions	Appendix P
Public Artwork Opportunities Report	Baber Studios	Appendix Q
Wind Engineering	CPP	Appendix R
Aviation Assessment Report	Thompson GCS	Appendix S
Vertical Traffic Report	Schindler	Appendix T

The estimated cost of works is \$104,901,237 including GST as calculated in accordance with clause 245N(1) of the *Environmental Planning and Assessment Regulation 2000* and detailed in the Quantity Surveyor's Report at **Appendix A**. As the cost of works exceeds \$20 million, the DA is submitted to Council for assessment and determination by the Sydney Western City Planning Panel.

2. SITE AND LOCALITY

2.1. SITE DESCRIPTION

The subject site (the site) is commonly known as 26 Elizabeth Street, Liverpool. The site is legally described as Lot 1 in Deposited Plan 217460 and Lot 10 in Deposited Plan 621840.

The site is rectangular in shape and has a combined area of 3,082m² as identified in Appendix B – Survey Plan. An aerial image of the subject site is provided in Figure 1.

Figure 1 – Aerial Photograph of the Site



Source: NearMap 2018

2.2. EXISTING DEVELOPMENT

The site has frontage to Elizabeth Street to the north and is located centrally in the Liverpool City Centre. The site is currently used by Peter Warren Automotive for the servicing of automotive vehicles for both Toyota and Hyundai. The site is primarily sealed with bitumen/concrete and includes a warehouse building which includes the service yard and reception building refer to Figure 2.

Figure 2 – Photograph of the existing site viewed from Elizabeth Street, Liverpool

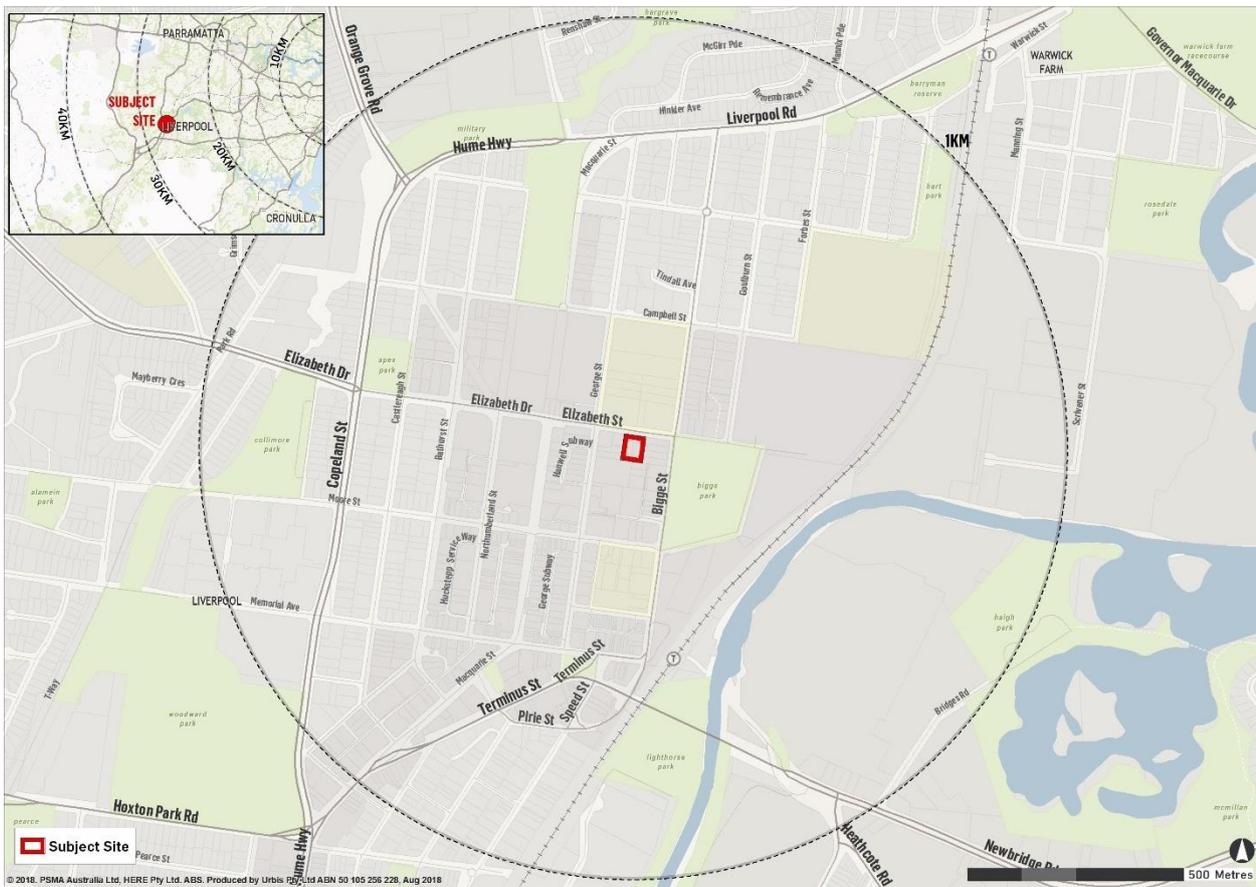


Source: Google Streetview 2018

2.3. SURROUNDING CONTEXT

The site is located approximately 27km from the Sydney CBD. The location of the site is indicated at Figure 3.

Figure 3 – Location Plan



Source: Urbis 2018

The subject site is bordered by Elizabeth Street to the north, George Street to the west and Bigge Street to the east. The subject and adjoining sites are identified as 'Key Sites' under Clause 7.37 of the Liverpool Local Environmental Plan 2008 (LLEP 2008) as shown in Figure 4.

Figure 4 – Key Sites



Source: Urbis 2018

The land immediately surrounding the subject site are listed in Table 1 – *Surrounding Context*.

Table 1 – Surrounding Context

Direction	Land Use Description	Notable Uses
North	Northern boundary of the site fronts onto Elizabeth Street. The All Saints church is located opposite the subject site and the All Saints' Catholic Girls College. North-west of the site is the Liverpool Westfields Shopping Complex and the new Western Sydney University (Liverpool Campus)	All Saints' Catholic Girls College All Saints' Catholic Church Liverpool Westfield Shopping Complex
East	Medical precinct including Liverpool Hospital and NSW Health facilities. Bigge Park is located east of the site along Bigge Street.	NSW Health medical precinct Liverpool Hospital Bigge Park
South	Various community and civic uses. Liverpool train station and bus interchange is also located approximately 300m south-east of the site.	Liverpool Court House Liverpool Police Station Liverpool Library

Direction	Land Use Description	Notable Uses
West	Various commercial tenancies	Small businesses including tailors, hairdressers and barber, restaurants, etc.

3. PROPOSED DEVELOPMENT

3.1. DEVELOPMENT SUMMARY

The proposed development for which consent is sought comprises:

- Demolition of existing automotive service centre and associated structures;
- Erection of a mixed-use building consisting of:
 - 4500m² of commercial gross floor area;
 - 6,700m² of hotel gross floor area;
 - 19620m² of residential gross floor area;
 - 11,051 m² of car parking floor space; and
 - 2,803m² of terrace space
- A café (food and beverage) is to be located within the Hotel lobby area;
- Provision of (338) parking spaces (including (26) accessible bays) over the four basement levels and podium levels 1 and 2. The basement will include (5) service bays, (1) carwash bay, (19) motorcycle/scooter parking bays and (163) bicycle parking bays.
- Provision of 149 residential storage units within the basement levels 2-4;
- Landscaping works; and
- Creation of a rear laneway south of the subject site providing access to the site between George Street and Bigge Street and to be dedicated to Council.

The architectural plans prepared by Rothelowman are included at Error! Reference source not found. **C.** Key numeric aspects of the proposal are provided at Table 2 – *Proposed Development Parameters* and the various components of the proposed development are described in the following sections.

Table 2 – Proposed Development Parameters

Parameter	Proposed
Site Area	Approximately 3,082m ²
Land Use	Mixed-use development containing the following proposed uses: <ul style="list-style-type: none"> (a) Commercial premise; (b) Hotel premises; (c) Residential premises; and (d) Food and drink premises
Maximum Height	No Controls Applicable
Building Height/ Storeys	133m (SFL) / 36 Storeys (135.9m overall inclusive of rooftop services and equipment)
Gross Floor Area	30,820m ²
Floor Space Ratio	10:1

Parameter	Proposed
Car Parking	Residential: 203 spaces Visitor: 20 spaces Commercial: 45 spaces Hotel: 61 spaces Accessible: 26 spaces (inclusive of total) Car-share: 3 spaces Service: 5 spaces Carwash: 1 space
Additional Parking / Storage	Motorcycle/Scooter: 19 bays Bicycle: 163 bays Residential Storage: 149 storage spaces

3.2. BUILDING DESIGN

The Liverpool CBD is a City in a state of change and flux. A City with significant history that is transitioning to become major centre with unique geography and climate considerations.

The design intent in developing the proposal was to investigate what a contemporary, Western Sydney residential tower should not only look like but also how it would operate and serve its occupants.

The design team examined how the balance of creating high quality internal amenity for residents, with access to daylight and breezes, could be balanced with the complexity and engineering lead requirements for wind, overshadowing to neighbouring development and the public realm.

The challenge of designing such a tower is in the creation of unique identities for each of the diverse uses in the building how it will make a contribution to the activation of the City around it. Ensuring it will be a building that can be understood and experienced by members of the public and at both the macro City level and at the human scale at the ground level.

The concept of this building is therefore to clearly express each of the uses housed within and the complexity of the various mixed uses is embraced and crafted into a contemporary architectural outcome.

By bringing robust and honest materials of natural concrete (refer to Figure 5) and appropriate climatic devices that create deep shade elements. The aesthetic for the building expresses as an essay in precast. A familiar material used in an unfamiliar, almost traditional way to create mass and void, solid and light.

As the building transcends closer to the ground plane, the level of detail and fenestration along with the pragmatic elements will adapt and enhance with its surrounds.

The uses will combine to maximise the potential of the site, creating the potential for energy and injection of life into the expanding Liverpool CBD experience.

The concept is therefore a tower that not only can make a positive contribution to the City at the street level, but at the broader city scale, performing the dual role that significant towers must satisfy to create a new skyline for Liverpool City.

To create a modern vibrant city, the notion of compartmentalising land uses to different allotments needs to be revisited. The mixed use development proposed by Binah Group will encourage the integration of multiple user groups, whilst maintaining individual components and creating a live, work and recreate opportunity for members of the local community.

Figure 5 - Building Perspective



A typical challenge for these types of developments is to create a legibility of each use within the building, whilst still creating a cohesive design language for the exterior and development as a whole. The Architects have therefore ensured the development is neatly stacked vertically in form (refer to Figure 6) with each change in use cleverly identified by a shift in the building envelope and change in architectural language. The residential tower in particular is expressed as a singular form and designed to be read at the City scale and various vantage points.

The hotel component (refer to Figure 6) is a singular, slick form acting as the connector between the typologies. The commercial tenancy levels (refer to Figure 7) create the elegant street address for the development, with deep horizontal shading to fully protect the elaborate glazing in mid-summer and appropriate to the Western Sydney climate.

As the building connects to the ground plane, the key advantage of the mixed-use typology becomes apparent and the relationship with the public realm. Multiple pedestrian access points are provided on the ground level and designed to provide an extension and expansion of the street edge through the north-south shared link to the east of the site.

The ground plane is thereby truly active and will be a source of life across the day and night with each user group.

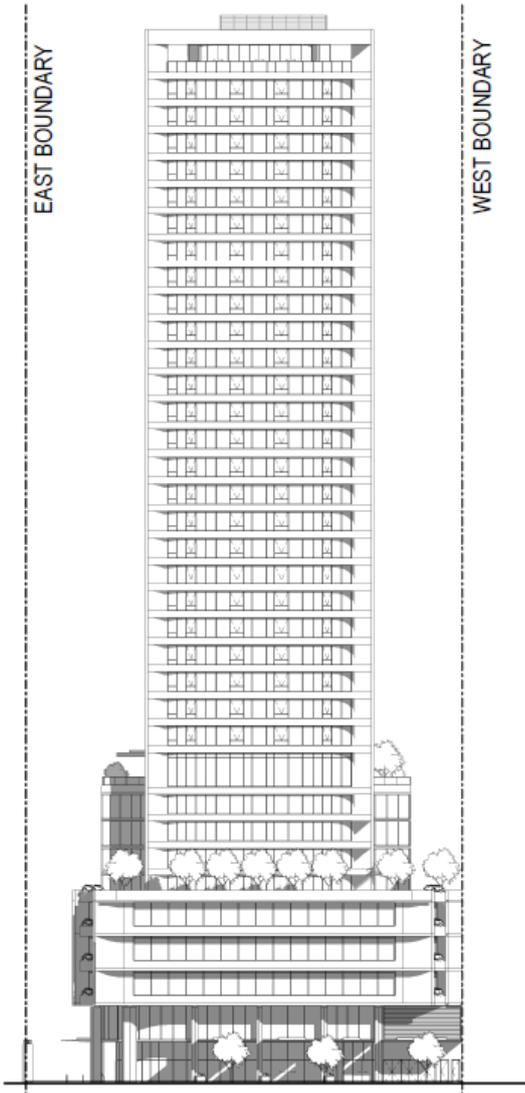


Figure 6 - Proposed Tower façade, looking north

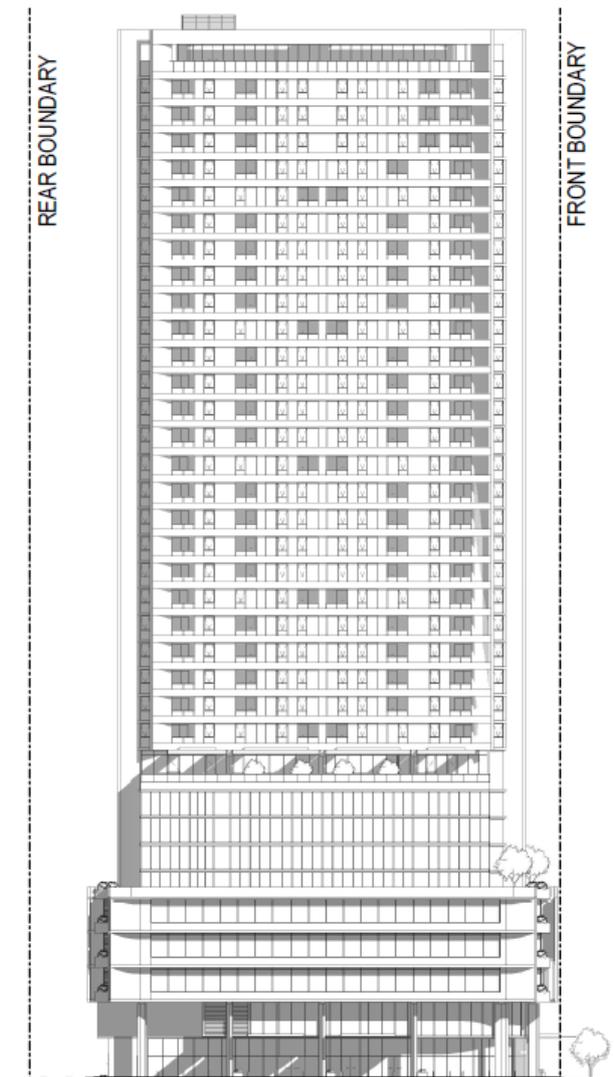


Figure 7 - Proposed Tower façade, looking east

3.3. NEW ROAD AND PUBLIC DOMAIN

The application includes the construction of a new rear laneway to be established within the rear or southern portion of the site which will provide a local through-connection between George Street and Bigge Street as required by Section 7.3 of the Liverpool Development Control Plan 2008 (LDCP 2008).

The proposed laneway construction is part of the proposed connection between George and Bigge Streets designed to provide a continuous access way along the rear of the sites. As the timing of development on the adjacent sites is unknown, the design of the road accommodates an interim scenario to be completed and executed prior to develop occurring on the adjacent sites, and an ultimate future desired outcome.

The interim scenario includes the construction of:

- 8m wide laneway, incorporating:
 - 6.5m wide two-way laneway;
 - 1.2m wide footpath the northern side of the proposed new laneway;
 - 0.3m kerbing on the southern boundary; and

- Provision of civil works required to deliver the new laneway including but not limited to kerb and gutter, asphalt roads, street lighting to be connected into existing grid, line markings, and road and street signage.
- Under DA 369/2015 development consent was granted for the subdivision of 10 lots into 3 lots and the creation of a right of way. Under the requirements of the 88B Instrument affecting each of the three respective lots, the provision for the construction of the lane way is to be undertaken by the relevant land owner and dedicated to the Council. At present each respective owner is reviewing their development potential for the site as noted in the supporting letters provided by Uniting (Lot 3) and Elizabeth Place Pty Ltd (Lot 1).
- Therefore, in order to ensure adequate vehicular access is provided to the users of the subject site (exiting the site), a condition of consent can be provided which requires the construction of the lane way to be undertaken prior to the operation of the use. This will ensure that provisions for vehicular access is provided to allow for traffic movement from the subject site to either Bigge or George Streets.

3.4. TRANSPORT, PARKING AND ACCESS

3.4.1. Vehicular Access

The development proposes two vehicular access points as shown on the site dedication plan to the basement and parking accessed via the proposed rear laneway. Separate access points are intended to be provided for the residents and the other users of the building to avoid any confusion or vehicle/pedestrian conflict refer to Figure 25 – Vehicle Access Arrangement of the Traffic Impact Assessment – Appendix N)

Three hundred and thirty-eight car parking spaces are proposed within the development. Parking is provided for commercial tenants, residents, visitors, and hotel users and includes both motorcycle and bicycle bays. The proposal includes (26) accessible car parking spaces.

An internal private roadway is proposed along the eastern boundary of the site, enabling a through connection to Elizabeth street and allowing for a set-down/pick-up location which is able to service the mix of uses within the building. The roadway will maintain the one point of access onto Elizabeth Street with the existing crossover location to be removed and replaced with the new crossover point.

3.4.2. Pedestrian Access

The newly created rear laneway will provide through access and connection between George Street and Bigge Street and will primarily be used for occupant traffic use and service vehicles only.

Primary access to the building for visitors will be via both the northern and eastern sides which have been designed to enable pedestrian interaction and permeability.

3.5. TREES AND LANDSCAPING

The site is currently devoid of vegetation with exception to a single tree centrally located and a grassed verge area.

Whilst the existing tree is to be removed to enable the development of the site, the design and layout of the development incorporates areas of landscaping. The proposal seeks to provide an eastern boundary feature landscape wall rather than traditional ground level planting.

Additional landscaping is proposed to be incorporated into the building itself with vegetation provided along the various podium levels as outlined in Table 3 below.

Table 3 – Deep Planting Schedule

Level	Area (m ²)	Depth (mm)
Level 3	35	800
Level 5	179	800
Level 9	257	600-1000
Total	471	600-1000

Clause 2.3 of LDCP2008 requires the provision of 15% of the site as deep soil planting and equates to 462.3m². The intent of this control is met through the vertical green wall including planting proposed on structures and planter boxes. A similar requirement is identified in Objective 3E-1 of the Apartment Design Guide (ADG). However, it is also noted that the design guidance specifies that achieving this design criterion may not be possible on some sites where the location and building typology have limited or no space for deep soil at ground level such as CBD locations or where there is 100% site coverage with non-residential uses at ground level.

Overall, the proposed landscape elements represent a significant gain in landscape treatment on the site and within the Liverpool CBD and will integrate well with the mixed-use nature of the proposal. The intended landscaping will provide a better outcome that will increase the amenity for the site and its users and also the surrounding area.

3.6. DESIGN EXCELLENCE PANEL REVIEW

The primary function of the Design Excellence Panel (DEP) is to advise Council and the public of the design quality of development applications so that Council can determine whether such applications will contribute to an improvement in the built environment of Liverpool.

In considering whether proposal exhibits design excellence, the consent authority must have regard to the matters outlined within Clause 3 of Section 7.5 of the LDCP 2008. These considerations have been addressed in the table below.

Table 4 – Design Excellence Considerations

Clause	Consideration	Comment	Compliance
A	Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved.	<p>An appropriate composition of building elements, material textures and colours have been utilised to provide a positive contribution to the existing City Centre. The form of the building provides articulation in response to the planning controls and allows each use to be expressed discreetly through the building form, massing and façade treatment.</p> <p>The development has been designed to promote visual interest and avoid blank unarticulated walls. The facades are engaging and provide a cohesive expression of the architectural language.</p> <p>The three key design elements include the white masonry ribbed structure, charcoal window elements and light framing which provide a unique and centre orientation from each perspective. The singular attractive nature of the tower is amplified through the fine elements that address each elevation creating an iconic form of the tower. The podium responds to the fine</p>	✓

Clause	Consideration	Comment	Compliance
		scale of its surrounds through articulation and massing.	
B	Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain.	<p>The mixed-use nature of the development calls for a high performing ground plane that offers a unique address to each use whilst integrating an efficient servicing and back of house operation. The form of the development creates a prominent central element of the three key sites. It has a distinctive frontage with greater public spaces and landscaping to afford the necessary frontage to encourage active street uses and servicing of the site.</p> <p>Introducing a shared pedestrian link along the site's eastern boundary effectively extends the active frontage of the site and offers a high level of amenity and public domain to the residential occupants and hotel users. The new link provides individual entries to the residential apartments, restaurant and hotel, and a sheltered drop-off zone for pedestrians and deliveries.</p> <p>The new link will also offer an opportunity to connect into the existing laneway network within the City. Future connections can be made into the Warren Serviceway offering quick and easy pedestrian access through the block.</p>	✓
C	Whether the proposed development detrimentally impacts on view corridors.	The subject and adjoining sites have vantage points in all directions due to the central location. The proposed development will not detrimentally impact on significant view corridors or limit any views of existing development.	✓
D	Whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers' Memorial Park, Apex Park, St Luke's Church Grounds and Macquarie Street Mall (between Elizabeth Street and Memorial Avenue).	The shadow diagrams demonstrate that the proposed development is of appropriate form and scale and will not detrimentally affect the listed existing public open space areas or active pedestrian streets within the proximity of the subject site.	✓

Clause	Consideration	Comment	Compliance
E	Any relevant requirements of applicable development control plans.	A detailed assessment of the proposed development has been undertaken within Section 6.2 of this SEE which demonstrates that the proposal meets the requirements for the site set out in LDCP 2008.	✓
F	How the proposed development addresses the following matters: i) the suitability of the site for development, ii) existing and proposed uses and use mix, iii) heritage issues and streetscape constraints, iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form. v) bulk, massing and modulation of buildings, vi) street frontage heights, vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, viii) the achievement of the principles of ecologically sustainable development, ix) pedestrian, cycle, vehicular and service access, circulation and requirements, x) the impact on, any proposed improvements to the public domain.	i) The NSW Government and Liverpool City Council have implemented changes to the Liverpool Local Environment Plan 2008 (LLEP 2008) which will aim to revitalise the Liverpool City Centre through the development of up to 10,000 new homes and creation of 22,000 jobs in the local area. The proposed redevelopment of the site will help to assist in the delivery of this vision for housing supply and job creation. The development will enhance and revitalise existing building stock in the City Centre and act as a catalyst for future redevelopment within the Centre and 'EdMed' precinct. The proposal will also assist in achieving the employment and housing targets set out by the State and Local governments. ii) The site is currently used as an automotive servicing centre. The proposal seeks a mixed-use development consisting of commercial, residential, hotel and restaurant uses. It is intended that the various uses proposed with the development and users of the site will help to increase the overall activation of the City Centre befitting a key CBD site. iii) The site is not identified to be of any environmental, cultural or social significance. Additional consideration of streetscape works has been considered through the design of the proposal demonstrated in the accompanying Architectural Plans. The overshadowing diagrams demonstrate no adverse impact on surrounding	✓

Clause	Consideration	Comment	Compliance
		<p>heritage items or conservation area (Bigge Park Conservation Area).</p> <p>iv) The tower and podium components will sit within the future high-density developments in the immediate neighbourhood and respects the form and scale envisaged for the site.</p> <p>v) The built form of the proposed development is appropriate in the future context of Elizabeth Street and achieves the objectives of the relevant built form controls. The addition of a pedestrian and vehicular laneway along the eastern boundary creates an opportunity for increased frontage and public domain activation. This space also offers a break in the built form that will front Elizabeth Street alongside adjacent future development.</p> <p>The different forms within the podium articulate the different uses, and the terraced form minimised the visual impact of the taller forms at street level. The scheme responds to the desired future character of slender, tall towers at the northern edge of the CBD. The tower element is an elegant response to the floor space and setback controls, with the orientation maximising view potentials and solar access.</p> <p>The building facades have been articulated and setback to provide an appropriate level of visual bulk when viewed from surrounding areas. The development is striking and will create visual interest and a new sculptural element at the macro city scale.</p> <p>vi) The LLEP 2008 does not set street height controls for the subject site. Notwithstanding this Figure 5 of the LDCP 2008 suggests that a height of 16m-26m (4-6 Storeys) is appropriate for the subject site. This is inconsistent with the permitted FSR of 10:1 permitted under LLEP 2008.</p>	

Clause	Consideration	Comment	Compliance
		<p>A podium is proposed to be established between level 2 and 5 which results in the top of the podium to be located at 34.1m SFL. The resultant being a total 21.2m GL and is therefore compliant with the requirements.</p> <p>vii) Specialists reports have been prepared and are included with this application. Each report appropriately addresses the matters relating to sustainable design, overshadowing, wind and reflectivity. The outcome of each is that the proposed development is considered to be consistent with and able to achieve all relevant standards and requirements for development.</p> <p>viii) The design makes efficient use of natural resources, energy and water throughout its full life cycle including construction methods.</p> <p>An energy efficient building response is developed through passive design and sun control elements on the façade design. The building design is characterised by deep horizontal façade elements and vertical window forms to the east and west, which provide shading and control the head load on the building. Natural light and air flow have been optimised to achieve high personal comfort and low-energy consumption.</p> <p>ix) A Traffic Impact Assessment has been prepared by PTC and has been assessed against the various traffic, parking and access requirements for the site and proposed development. The report has found that the proposed development is compliant with the Council's requirements.</p> <p>Additionally, the creation of a rear laneway will also provide adequate access through the site providing local and service connection between George and Bigge Streets.</p>	

Clause	Consideration	Comment	Compliance
		<p>x) No public domain works have been identified by Council to be undertaken along Elizabeth Street.</p> <p>Notwithstanding, the proposal will seek to enhance the streetscape and frontage along Elizabeth Street which will result in the upgrading of various features included in the Public Art Report prepared by Baber Studios.</p>	

4. STRATEGIC PLANNING ASSESSMENT

4.1. A PLAN FOR GROWING SYDNEY

A Plan for Growing Sydney (the Strategy) includes goals, directions and actions that aim to support the strategic growth of Sydney over the next 18 years, including delivery of 664,000 new dwellings by 2034. The proposed development is consistent with the goals and directions contained within the Strategy, including:

- *Direction 1.4: Transform the productivity of Western Sydney through growth and investment;*
- *Direction 2.1: Accelerate housing supply across Sydney;*
- *Direction 2.2: Accelerate urban renewal across Sydney;*
- *Direction 2.3: Improve housing choice to suit different needs and lifestyles;*
- *Direction 3.3: Create healthy built environments.*

The proposal is consistent with the goals and the supporting directions as it will:

- Contribute to Sydney's housing supply through construction of new apartments in the next major City Centre undergoing significant change;
- The residential apartments proposed within the development provides housing choice and affordability with the provision one, two, three and four-bedroom apartment types;
- The mixed used development seeks to revitalise an underutilised site to progressively transition and add value to the three key sites centrally located within the City Centre and create a vibrant precinct; and
- Facilitate a healthy built environment through good design and a generous provision of generous public domain spaces public art, communal open spaces and generous landscaping.
- Based on the above, it is considered that the proposed development positively contributes to meeting the strategic directions provided by the greater Strategy.

4.2. DRAFT PLAN - OUR GREATER SYDNEY 2056

The Draft *Our Greater Sydney 2056 (Draft Sydney Plan)* includes a range of draft amendments to update 'A Plan for Growing Sydney' including a range of new objectives that will replace 'directions'. The proposed development is consistent with various objectives contained within the Draft Sydney Plan, including:

- *Objective 5: Services and Infrastructure meet communities changing needs*
- *Objective 10: Greater housing supply; and*
- *Objective 11: Housing is more diverse and affordable*
- *Objective 12: Great places that bring people together*
- *Objective 22: Investment and activity in centres*
- *Objective 31: Public open space is accessible, protected and enhanced*

The proposal will contribute to housing supply and choice in the Liverpool LGA, including a mix of one, two, three and four bedroom apartments. It will in turn place downward pressure on housing demand and affordability to cater for the various demographic profiles of the community within the local government area. The proposal also includes a significant landscaping and public open spaces across the site that will contribute to the desired landscape character of the area and improved public domain.

4.3. DRAFT WESTERN CITY DISTRICT PLAN

Released in October 2017, the *Draft Western City District Plan (Draft District Plan)* includes a range of statistics, priorities and actions to appropriately support the strategic growth of Sydney's Western City District. In particular, the Draft District Plan identifies that:

- The population of the Western City District is predicted to grow by 464,000 people between 2016 to 2036;
- An additional 184,500 homes will be required in the Western City District by 2036 to support the districts predicted population growth; and
- A total of 8,250 additional dwellings are targeted to be constructed within the Liverpool LGA between 2016 to 2021.
- The proposed development will significantly contribute to delivering a number of these required dwellings within the Liverpool LGA and wider Western City District. The site is suitably located and encourages this type of development due to its central positioning within the Liverpool City Centre, availability to public amenities, shopping and educational facilities and proximity to public transport nodes including Liverpool railway station.

5. STATUTORY PLANNING ASSESSMENT

The following section provides an assessment of the proposed development against the relevant statutory planning framework including relevant Acts, environmental planning instruments, draft environmental planning instruments, and development control plans.

The relevant State and Local planning controls that apply to the site and the proposed development, include

- *Water Management Act 2000*
- *Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (State Significant Precincts) 2005*
- *Liverpool Local Environmental Plan 2008*
- *Liverpool Development Control Plan 2008*

5.1. WATER MANAGEMENT ACT 2000

The application is accompanied by a Geotechnical Report prepared by EI Australia (EI) (Appendix G and F). Groundwater was observed at approximately 9.7m AHD as per the Remediation Action Plan (RAP) (Appendix H) and is expected to intersect the basement level. Given the depth of the proposed basement EI has assumed that groundwater would be collected and retained within onsite sumps and discharged to the Council stormwater system assumed to enter Georges River located 420m south east of the site.

Consequently, the proposal is integrated development and requires concurrent consent from the NSW Department of Industry – Water before granting development consent to *'Integrated Development'*, the consent authority must obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body in relation to the development.

5.2. GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO 2 – GEORGES RIVER CATCHMENT

The site is located within the Georges River Catchment area. Accordingly, *Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (GMREP2)* applies to the site and consideration of the proposal against the general aims and objectives of GMREP2 is required.

The general aims and objectives include (amongst other things):

- *"To maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment;*
- *To protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner;*
- *To ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the Catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries;*
- *To establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment; and*

- *To provide a mechanism that assists in achieving the water quality objectives and river flow objectives agreed under the Water Reform Package.”*

The proposed development has been designed to appropriately respond to these aims and objectives. The proposed erosion and sediment control measures during construction and ongoing drainage concept (refer to concepts in Error! Reference source not found.) will ensure the proposal does not have a negative impact on the Georges River catchment.

5.3. STATE ENVIRONMENTAL PLANNING POLICY

5.3.1. State Environmental Planning Policy (Infrastructure) 2007

The aim of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) is to facilitate the effective delivery of infrastructure across NSW by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure such as classified roads and prescribing consultation requirements for certain development.

The relevant provisions of the ISEPP in relation to the proposed development are considered in the following table.

Table 5 – Relevant provisions of the ISEPP

Clause	Response	Referral Agency
Part 3, Division 5 Electricity transmission or distribution, Subdivision 2 Development likely to affect an electricity transmission or distribution networks	The application is subject to Clause 45 of ISEPP as the development is likely to affect an electrical transmission or distribution network. A new electricity substation will be constructed on site as part of the development. The substation is currently proposed to be located to the rear of the development adjacent to the proposed laneway. Additional considerations relating to electrical services has been addressed under Section 3.11 of the report prepared by EFWW Consulting Engineers.	Ausgrid
Part 3, Division 17 Roads and traffic, Subdivision 2 Development in or adjacent to road corridors and road reservations Clause 101 Development with a frontage to classified road	The residential accommodation component of the development must achieve the noise criteria outlined in clause 102 of the ISEPP. The Acoustic Assessment at Appendix M provides an assessment against this criterion. The assessment of the proposal concludes that <i>“the project can comply with established acoustic criteria for both noise emission as well as noise impacts on the development itself”</i> .	RMS
Part 3, Division 17 Roads and traffic, Subdivision 2 Development in or adjacent to road corridors and road reservations Clause 104 Traffic-Generating development	Pursuant to Schedule 3 of the ISEPP, the proposal constitutes traffic generating development and as such in accordance with section 104 the DA must be referred to the Roads and Maritime Services (RMS). The Traffic Impact Assessment prepared by the PTC at Appendix N provides an assessment of the level of traffic generation resulting from the development and the impact it will have on the surrounding road network.	RMS

Clause	Response	Referral Agency
	The assessment found that the proposed development would have a minor impact on the road network.	

5.3.2. State Environmental Planning Policy 55 – Remediation of Land

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) provides the state-wide statutory policy for the remediation of contaminated soils. Pursuant to SEPP 55 the site will require a preliminary investigation of contamination as the proposal will change the use of the site from an automotive service centre to a mixed-use development. Clause 7 of the SEPP 55 refers to the SEPP 55 guidelines for the activities on land uses requiring consideration for contamination, sites used for the purpose of engine works are subject to clause 7 as outlined below.

Contamination and remediation to be considered in determining development application,

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(4) The land concerned is:

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

A preliminary contamination assessment was completed by EI Australia (Appendix G). The assessment revealed that potential contaminants exist on site, but could be utilised for the proposed use subject to remediation. The following recommendations were made in the assessment:

- A Hazardous Materials Survey should be completed before commencement of demolition works to identify any hazardous materials present within the existing building structure;
- Preparation of a Remedial Action Plan (RAP);
- Implementation of the RAP; and
- Preparation of a final site validation report by a suitably qualified environmental consultant, certifying site suitability of soils and groundwater for the proposed land use.

Subsequently EI Australia expanded the investigation to include a Detailed Contamination Investigation (DSI) as outlined in Appendix F to satisfy the requirements of SEPP 55. The DSI was informed in part by soil sampling obtained from a number of locations across the site. This investigation found localised soil contamination would require remediation works to be undertaken.

The identified groundwater concentrations measured are not considered by EI to represent a cause for environmental concern.

Subsequently, a Remediation Action Plan (RAP) refer to Appendix H was prepared by EI Australia and forms part of the supporting documentation accompanying the subject development application. The RAP is submitted for consideration and approval by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

5.3.3. State Environmental Planning Policy (Building Sustainability Index BASIX) 2004

The *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)* requires all residential development in NSW to achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The proposed development has been assessed in accordance with the relevant requirements and a formal BASIX Certificate has been issued (Certificate Number: 961335M). The certificate confirms that the proposed development achieves the minimum water, energy and thermal performance ratings required.

The BASIX Certificate is provided at Appendix J.

5.3.4. State Environmental Planning Policy 65 and Apartment Design Guide

State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development) (SEPP 65) applies to development for the purposes of a building that comprises three or more storeys and four or more self-contained dwellings.

In determining a development application for residential flat development, a consent authority is to consider:

- (a) the advice of the relevant design review panel;
- (b) the 9 Design Quality Principles of the SEPP; and
- (c) the Apartment Design Guide.

The development is subject to the requirements of SEPP 65. SEPP 65 prescribes (9) design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

A Design Verification Statement has been prepared by Rothelowman and is submitted with the application verifying that they designed, or directed the design of, the development. The statement also provides an explanation that verifies how the design quality principles are achieved within the development and demonstrates, in terms of the Apartment Design Guide (ADG), how the objectives in Parts 3 and 4 of the guide have been specifically achieved.

The subject development is generally acceptable having regard to the (9) design quality principles as:

- The development is a site specific response presenting appropriate density, scale and built form within a City Centre precinct;
- Resource, energy and water efficiency has been addressed through lodgement of a BASIX certificate;
- Adequate deep soil planting and landscaping is provided throughout the development for private and public use;
- The development provides good amenity for the various users of the residential, hotel and commercial uses;
- The development improves the safety and security of the street and is acceptable when considered against CPTED principles (discussed later in this SEE); and
- The development responds positively to the Council's Design Excellence Panel requirements as discussed earlier in this SEE.

The ADG contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of the SEPP the requirements contained within LDCP 2008 in relation to visual privacy, solar and daylight access, common circulation and spaces, apartment sizes and layout, ceiling heights, private open space and balconies, natural ventilation and storage have no effect. In this regard objectives design criteria and design guidelines set out in Parts 3 and 4 of the ADG prevail.

The development has been assessed against the relevant design criteria within Part 3 and 4 of the ADG as shown Table 6.

Table 6 – Apartment Design Guide Key Numeric Requirements

Requirement	Proposal
Communal Open Space	Level 9 is provided as communal open space which allows for high quality landscaping, outdoor dining and private recreational spaces. This space exceeds the minimum 25% requirement of the ADG.
Deep Soil Zones	A total of 15% of the site area is proposed as deep soil landscaping which exceeds the minimum 7% requirement of the ADG.

Requirement	Proposal
Building Separation and Visual Privacy	<p>The proposal includes generous setbacks as demonstrated in the constraints sections prepared by Rothelowman. The proposal therefore complies with the building separation requirements to surrounding properties.</p> <p>The setbacks of 12m have been provided from Level 9 and above levels to the side and rear setbacks. As a result, visual privacy concerns have been addressed satisfactorily.</p>
Solar Access	78.4% of apartments within the proposed development receive at least 2 hours of direct sun between 9am and 3pm on 21 June. The breakdown of solar access is provided in the accompany plans prepared by Rothelowman.
Natural Cross Ventilation	The residential units are located from Level 10 upwards. The design of the apartments allows each to have open balconies to increase natural cross ventilation throughout the apartment.
Floor to Ceiling Heights	Habitable rooms to all apartments within the proposed development meet the 2.7m ceiling height requirement.
Minimum Apartment Sizes	All proposed apartments layouts comply with the requirements of the ADG with regards to room layouts and dimensions.
Private Open Space	All apartment types achieve the minimum required private open space areas identified within the ADG.
Common Circulation	There is a maximum number of (8) apartments per floor, with 7 units per floor on the upper levels 32-34 sharing a circulation core within the proposed development and complies with the ADG.
Storage	All apartments comply with the storage requirements of the ADG. Where the full volume of storage space is not accommodated within the apartment, 50% or less has been provided within dedicated basement storage areas which includes 149 residential storages spaces within basement levels 2-4.

Based on the above assessment and accompanying SEPP 65 Statement, it is considered that the proposed development achieves all of the design quality principles and controls of SEPP 65.

6. SECTION 4.15 ASSESSMENT

The following assessment has been structured in accordance with Section 4.5 of the EP&A Act.

6.1. LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 (LLEP 2008)

The LLEP 2008 is the comprehensive Local Environmental Plan for the Liverpool Local Government Area (LGA). The LLEP recently received some minor amendments on the 7 September 2018, which resulted in changes that would otherwise impact the subject site through the removal / revision of various provisions. A detailed assessment of these requirements has been conducted throughout this section.

6.1.1. Zoning

The subject site is zoned *B4 – Mixed Use* as prescribed in the LLEP 2008 and identified in Figure 8.

Figure 8 - Zoning



Source: Urbis 2018

The objectives of the *B4 – Mixed Use* zone are prescribed as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling;
- To allow for residential and other accommodation in the Liverpool city centre, while maintaining active retail, business or other non-residential uses at street level; and
- To facilitate a high standard of urban design, convenient urban living and exceptional public amenity.

The proposed mixed use development is consistent with these objectives as:

- The proposal incorporates a variety of commercial uses otherwise not catered for in surrounding developments;
- The proposal promotes street level activation through the active uses and lobbies diverting pedestrian traffic throughout the building;
- Walking and cycling will be promoted through the proximity of the site to the retail and commercial centres, public transport routes and railway station (via Bigge Street) and high availability of bicycle and scooter parking spaces within the development;
- The proposal is in keeping with the desired future character for Liverpool CBD and represents a further step in the evolution of Liverpool into a major City Centre in the South West; and
- The development promotes the highest standard of urban design and architecture as demonstrated in the plans prepared by Rothelowman.
- As a result, the proposed development meets the objectives of the B4 – Mixed Use zone.

6.1.2. Permissibility

The proposed development is defined as '*mixed use development*' under LLEP 2008. The definition of '**Mixed use development**' means a building or place comprising of 2 or more different land uses.

The subject mixed use development seeks to propose uses including commercial premises, hotel premises residential apartments and restaurant. Each of the uses are defined under the LLEP 2008 as follows:

'Commercial premises' which is defined under the LLEP 2008 as:

- a) *Business premises;*
- b) *Office premises; or*
- c) *Retail premises.*

'Hotel premises' which is defined under the LLEP 2008 as:

"A building or place that provides temporary or short-term accommodation on a commercial basis and that:

- a) *Comprises rooms or self-contained suites, and*
- b) *May provide meals to guests or the general public and facilities for the parking of guests' vehicles.*

'Residential flat premises' which is prescribed under the LLEP 2008 as:

A building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

'Food and drink premises' which is defined under the LLEP 2008 as:

A Restaurant or Café,

- a) *take away food and drink premises,*
- b) *a pub,*
- c) *a small bar*

Based on the above definitions the proposed a land uses are permissible with consent in the B4 – Mixed Use zone under LLEP 2008.

6.1.3. Other LEP Provisions

Other relevant provisions contained to the LLEP are addressed in **Table 7** overleaf.

Table 7 – LLEP 2008 Compliance Table

Clause	Control	Comment	Compliance
Clause 2.7 Demolition Requires Development Consent	The demolition of a building or work may be carried out only with development consent.	The proposal seeks to demolish existing structures at the site as detailed on the demolition plan included at Appendix C.	YES
Clause 4.3 Height of Buildings	Not applicable	The subject site is not affected by a maximum building height.	YES
Clause 4.4 Floor Space Ratio (FSR)	<p>Proposal located in area of the site with a maximum FSR of 10:1.</p> <p>2B) Despite subclause (2), the maximum floor space ratio of a building in the Liverpool city centre that is:</p> <p>(a) on a site area greater than 1,000 square metres, and</p> <p>(b) on land in a zone specified in the Table to this clause, and</p> <p>(c) on land for which the maximum building height shown on the Height of Buildings Map is as specified in Column 1 of the Table under the heading for that zone,</p> <p>is the amount specified opposite that height in:</p> <p>(d) Column 2 of the Table, if the site area for the building is greater than 1,000 square metres but less than 2,500 square metres, or</p> <p>(e) Column 3 of the Table, if the site area for the development is equal to, or greater than 2,500 square metres</p>	<p>Based on the development area (3082m²) and proposed GFA (30820 m²), the proposed FSR equates to 10.:1.</p> <p>Plans demonstrating the calculation of GFA used to calculate the FSR have been included as part of the architectural plans at Appendix C.</p>	YES

Clause	Control	Comment	Compliance
Clause 5.10 Heritage Conservation	Conserve the heritage significance of heritage items and heritage conservation areas.	European Heritage: The site is not identified as a heritage item or located within a heritage conservation area. The site adjoins the Bigge Park heritage conservation area however the proposal will not negligibly affect the heritage significance of this area.	YES
Clause 7.1 City Centre objectives	Ensure objectives for the redevelopment of the city centre are met	<p>The proposed mixed use development addresses the existing grid pattern and will enhance the character of the existing Elizabeth Street precinct.</p> <p>Allows sunlight access to neighbouring buildings and areas of high pedestrian activity</p> <p>The development will help to improve the quality of public spaces with the proposed public art in the City Centre and public domain spaces on the street level.</p> <p>The site's proximity to Liverpool Railway Station and availability of public transport will help to support the transportation needs of the hotel and residential users and including employees of the commercial tenancies.</p> <p>The lane way to be provided at the rear of the site will help to create more direct, convenient and safe pedestrian links throughout the City Centre.</p>	YES
Clause 7.2 Sun access in City centre	Protect public open spaces from excessive overshadowing.	The subject site is not affected by this control. However, the supplementary shadow diagrams show limited overshadowing of Bigge Park.	YES
Clause 7.3 Car parking in Liverpool City Centre	Development consent must not be granted to development on land in the Liverpool city centre that is in Zone B3 Commercial Core or	A total of (338) parking spaces are provided for the various uses proposed within the mixed use development.	YES

Clause	Control	Comment	Compliance
	<p>B4 Mixed Use that involves the erection of a new building or an alteration to an existing building that increases the gross floor area of the building unless:</p> <p>(a) at least one car parking space is provided for every 200 square metres of any new gross floor area that is on the ground floor level of the building, and</p> <p>(b) in respect of any other part of the building:</p> <p>(i) at least one car parking space is provided for every 100 square metres of any new gross floor area that is to be used for the purposes of retail premises, and</p> <p>(ii) at least one car parking space is provided for every 150 square metres of any new gross floor area that is to be used for any other purpose.</p>	<p>A thorough assessment of the parking requirements has been undertaken by PTC and it is concluded that the parking spaces meet the requirements of the LDCP 2008.</p>	
<p>Clause 7.4 Building separation in City Centre</p>	<p>12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use</p>	<p>The proposed development provides the required setback of 12m.</p>	<p>YES</p>
<p>Clause 7.5 Design excellence in City centre</p>	<p>Criterion to ensure development exhibits design excellence</p>	<p>A thorough assessment of the design excellence provisions has been undertaken in Section 3.6 of this SEE.</p>	<p>YES</p>
<p>Clause 7.7 Acid Sulfate Soils</p>	<p>Ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage</p>	<p>The subject site is affected by Class 5 - acid sulfate soils. A separate report has been prepared by EI Australia addressing the impact of ASS/PASS on the proposed development as unlikely to be present at the site (Appendix G).</p>	<p>YES</p>

Clause	Control	Comment	Compliance
		In this regard a management plan is not required.	
Clause 7.8 Flood Planning	The proposal must be designed to minimise flood risk.	The subject site is not affected by flood planning controls.	YES
Clause 7.14 Minimum building street frontage	At least one street frontage to public street of at least 24 metres for any building on land zoned B4 Mixed Use.	The proposed development has a public street frontage to Elizabeth Street and has a frontage greater than 24 metres.	YES
Clause 7.16 Ground floor development in B4 zone	Development consent must not be granted for development for the purposes of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building: (a) will not be used for the purposes of residential accommodation, and (b) will have at least one entrance and at least one other door or window on the front of the building facing a street other than a service lane.	The proposed ground floor has been designed to accommodate retail floor space, and food and beverage facility. The ground floor uses will have primary frontage to Elizabeth Street and wrap around to the vehicle drop off area in the eastern part of the site, providing activation and interaction for the two frontages of the development. The commercial entrance will be to Elizabeth Street, with the hotel entrance being located on the corner of Elizabeth Street and the vehicle drop-off area.	YES
Clause 7.31 – Earthworks	Earthworks must not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features on surrounding land.	Excavations to a depth of approximately 7.7m will be required for the basement. Proposed earthworks will be undertaken in accordance with the: <ul style="list-style-type: none"> • Geotechnical Report (refer to Appendix F and G) • DA conditions of consent; and • The site will be managed with appropriate silt, sediment and erosion controls and construction management plan. 	YES
Clause 7.37 (3)	Despite any other provision of this Plan, development	A total of 4,500m ² is proposed for commercial uses and an additional	YES

Clause	Control	Comment	Compliance
Floor space ratio of buildings on certain land at Bigge, Elizabeth and George Streets	consent must not be granted to the erection of a building on land at 26–28 Elizabeth Street, Liverpool (being Lot 1, DP 217460 and Lot 10, DP 621840) or 133 Bigge Street, Liverpool (being Lots A, B, C and D, DP 337604) unless the consent authority is satisfied that the gross floor area of that part of the building that is to be used for non-residential purposes is at least 1.5 times the site area.	<p>6,378 m² is proposed for hotel use, resulting in a total of 10,870m².</p> <p>Given the site area is approximately 3,082 m² this therefore equates to 3.5 times the site area provided. This provision has been satisfied.</p>	

6.2. LIVERPOOL DEVELOPMENT CONTROL PLAN 2008

The *Liverpool Local Environmental Plan (LDCP 2008)* provides detailed controls for specific development types and locations. Many controls in the LDCP 2008 relate to character, streetscape and public domain works. An assessment of the proposal against the key relevant controls within the LDCP 2008 has been provided in **Table 8**.

Table 8 – DCP 2008 Compliance Table

Consideration	Control	Comment	Compliance
Part 1: General Controls for All Development			
12 - Acid Sulfate Soils Risk	<p>4. Any acid sulfate soils analysis, assessments and management plans shall be undertaken or prepared by an appropriately qualified professional with experience in acid sulfate soils analysis and assessments as well as the preparation of acid sulphate soils management plans.</p> <p>5. Council may require monitoring reports on the implementation of an acid sulfate soils management plan to be submitted.</p>	<p>An acid sulfate soil assessment has been completed by EI (Appendix G).</p> <p>The report found that based on observations obtained during intrusive investigations, the site did not demonstrate indicators for the presence of ASS/PASS, and that it is unlikely to be present at the site. In this regard a management plan is not required.</p>	YES
20 – Car Parking and Access	<p>Car parking rates for residential flat buildings:</p> <ul style="list-style-type: none"> • 1 Bedroom – 1 space per dwelling • 2 Bedroom – 1.5 spaces per dwelling • 3+ Bedroom – 2 spaces per dwelling • Visitors – 1 space per 4 dwellings 	<p>These rates trigger the requirement for 230 car spaces. The proposal seeks to provide a total of 338 car parking spaces (comprising 206 residential spaces, 45 commercial spaces and 67 hotel spaces and 20 visitor spaces). The proposed car parking satisfies the parking rates within the <i>RMS Guide to Traffic Generating Developments</i>.</p> <p>The Traffic Impact Assessment at Appendix N provides a more detailed assessment.</p>	YES
27 – Social Impact Assessment	<p>Social Impact Comment required for residential flat buildings greater than 20 units, but less than 250 units.</p>	<p>A Social Impact Comment is provided. Refer to Section 7.7 of this SEE.</p>	YES

Consideration	Control	Comment	Compliance
Part 4: Development in Liverpool City Centre			
2.1 Controls for Building Form			
Building to Street Alignment and Street Setbacks.	<ol style="list-style-type: none"> 1. Street building alignment and street setbacks are to comply with Figure 3. 2. The external facades of buildings are to be aligned with the streets that they front. 3. Notwithstanding the setback controls, where development must be built to the street alignment (as identified in Figure 3), it must also be built to the site boundaries (0m setback) where fronting the street. The minimum height of development built to the side boundary is to comply with the minimum street frontage height requirement. 4. Balconies may project up to 1.2m into front building setbacks in the High Density Residential zone and up to 600mm in all other zones, provided the cumulative width of all balconies at that particular level totals no more than 50% of the horizontal width of the building façade, measured at that level. 5. Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible (see also Section 3.8 Building Exteriors). 	<p>Figure 3 indicates that a 3.5m to 5.43m setback is appropriate for sites fronting Elizabeth Street.</p> <p>Further setback details have been explored in designing the proposal and as presented in the architectural plans (Appendix C) the proposal will achieve all required street setback and alignments.</p> <p>No balconies of the proposed development project into the front building setbacks.</p> <p>Sun shading devices are proposed to be installed along the outer sides of the building, primarily on floors where residential uses are proposed.</p>	YES
Street Frontage Heights	1. The street frontage height of buildings must comply with the minimum and maximum	Based on Figure 5 of the LDCP 2008 street frontage heights of between 16m and 26m (4-6	YES

Consideration	Control	Comment	Compliance
	<p>heights above mean ground level on the street front as shown in Figure 5.</p> <p>2. Notwithstanding the above, the street front height of any new building is to be consistent with the controls in Section 2.6 Solar Access.</p> <p>3. Notwithstanding the controls in Figure 5, the street frontage height controls of any new building adjacent to Heritage Items is to be appropriately scaled (refer to Section 7.1 Heritage Items and Special Heritage Areas.</p> <p>4. "Fake" building street walls (frames with the building line recessed behind) will not be permitted up to street frontage height level.</p>	<p>Storeys) is appropriate for the site and been met with the proposed design of the development.</p>	
<p>Building Depth and Bulk</p>	<p>1. The maximum floor plate sizes and depth of buildings are specified and illustrated in Figure 6 and Table 1.</p> <p>2. Notwithstanding the above, the component of a building above the maximum specified street frontage is not to have a building length in excess of 45m.</p> <p>3. Maximum floor plate sizes only apply above street frontage height levels.</p> <p>4. All points on an office floor should be no more than 10m from a source of daylight (eg. window, atria, or light wells) in buildings less than 25m in height, and no more than 12.5m from a window in buildings over 25m in height.</p>	<p>The required floorplate size for developments in the B4 Mixed-Use zone is:</p> <p>900sqm GFA floor area and a maximum building depth (excluding balconies) of 24m for commercial/retail uses; and.</p> <p>700sqm GFA floor area and a maximum building depth (excluding balconies) of 24m for residential uses.</p> <p>The proposal is generally consistent with the floor plate sizes and building depth. The regular shape of the site presents a design challenge which has been met by providing multiple podiums and an interesting built form.</p> <p>The proposal adopts floor plates with a GFA of approximately 900sq.m</p>	<p>YES</p>

Consideration	Control	Comment	Compliance
Boundary Setbacks and Building Depth and Bulk	<p>1. The minimum building setbacks from the front, side and rear property boundaries are specified in Table 2 and illustrated generically in Figure 7.</p> <p>2. In mixed use buildings, setbacks for the residential component are to be the distances specified in the table below for residential development in the specified zone.</p> <p>3. If the specified setback distances cannot be achieved when an existing building is being refurbished or converted to another use, appropriate visual privacy levels are to be achieved through other means. These will be assessed on merit by the consent authority.</p> <p>5. The front setback for buildings on the southern side of Elizabeth Street between Macquarie Street Mall and George Street (Lot 2 DP 90210) must be 3m for the ground floor. Any awning / roof structure above the 3m setback area shall not restrict solar access to the footpath area.</p>	Building setbacks have been explored in the development of the proposed architectural scheme. The proposal as demonstrated in Appendix C will achieve all required street setback and required building alignments.	YES
2.2 Mixed Use Buildings			
Mixed use buildings	The ground floor component of a mixed-use building is to be used for a permitted non-residential use.	The ground floor of the building is proposed to incorporate a variety of land uses such as the hotel lobby and lounge area, food and beverage area, a commercial lobby, kitchen, back of house and service areas, residential lobby, restaurant lobby and various other services. No residential uses are proposed on the ground floor.	YES

Consideration	Control	Comment	Compliance
	<p>2. Ground floor of all mixed-use buildings is to have a minimum floor to ceiling height of 3.6m in order to provide for flexibility of future use. Above ground level, minimum floor to ceiling heights are 3.3m for commercial office, 3.6m for active public uses, such as retail and restaurants, and 2.7m for residential.</p> <p>3. Provide flexible building layouts which allow variable tenancies or uses on the first floor of a building above the ground floor in the Mixed-Use zone.</p> <p>4. Separate commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook.</p> <p>5. Locate clearly demarcated residential entries directly from the public street.</p> <p>6. Clearly separate and distinguish commercial and residential entries and vertical circulation.</p> <p>7. Provide security access controls to all entrances into private areas, including car parks and internal courtyards.</p>	<p>The ground floor tenancy is proposed to have a ceiling height of 5m. Commercial uses above ground level are to have a ceiling height of 4m, with the restaurant at level 35 to have a floor to ceiling height of 4.2m. Hotel and residential uses will have a floor to floor height of 3.1m</p> <p>Commercial tenancies are provided in an open plan format to allow for the flexibility in tenants and uses within these areas. Additional considerations have also been given to 2-bed Type A apartments to allow for an adaptable layout to cater for the future resident's needs.</p> <p>Commercial service requirements have been consolidated onto the ground level, providing access to a loading dock and bin areas. Residential and commercial services bin areas have been placed on basement level 1 to achieve the required separation, whilst hotel services will have bin areas on both ground and basement 1 floors. Notwithstanding, provisions have been made whereby access and transport of the bins to ground level is safe and easy when required.</p> <p>A dedicated residential lobby and entrance area has been provided along the eastern side of the building.</p> <p>Similarly, residents will also have access to resident only lobbies accessible from the residential parking areas.</p> <p>Appropriate security controls will be provided throughout the building</p>	

Consideration	Control	Comment	Compliance
	<p>8. Provide safe pedestrian routes through the site, where required.</p> <p>9. Front buildings onto the public domain with active uses</p> <p>10. Avoid the use of blank building walls at the ground level.</p>	<p>and appropriately service the variety of uses.</p> <p>Footpath areas have been provided along the norther, eastern and southern boundaries of the site to ensure safe pedestrian separation from adjacent vehicles.</p> <p>Active frontages are to be provided along the northern and eastern frontages. The northern interface will be the primary source of activation.</p> <p>Minimal blank walls will be used to ensure active frontages are maintained.</p>	
2.3 Site cover and deep soil zones			
<p>Site cover and deep soil zones</p>	<p>The maximum site cover for Mixed-Use developments is 75%</p> <p>Developments with a residential component in all zones, except the Commercial Core, must include a deep soil zone.</p> <p>The deep soil zone shall comprise no less than 15% of the total site area (or proportionate to the percentage of residential uses in a mixed-use development). It is to be provided preferably in one continuous block but otherwise with no dimension (width or length) less than 6m.</p> <p>Where non-residential development results in full site coverage and there is no capacity for water infiltration, the deep soil component must be provided on structure, in accordance with the provisions of Section 2.5. In such cases, compensatory stormwater management</p>	<p>The site is currently devoid of vegetation with exception of a single tree centrally located within the site, and a grassed verge area.</p> <p>Whilst the tree is to be removed to enable the development of the site, the inclusion of planting on structures has been integrated into the design, particularly adjacent to the northern and eastern boundaries which are to be provided through a landscape feature wall rather than traditional ground level planting.</p> <p>Additional landscaping is proposed to be incorporated into the building itself with vegetation provided along the various podium levels. Levels which are to incorporate vegetation include:</p> <p>Level 3 (35m² Deep Soil area)</p> <p>Level 5 (179 m² Deep Soil area)</p> <p>Level 9 (257m² Deep Soil areas respectively)</p> <p>The total landscaped area proposed is 471sq.m. As discussed</p>	<p>YES</p>

Consideration	Control	Comment	Compliance
	<p>measures must be integrated within the development to minimise stormwater runoff.</p> <p>Where deep soil zones are provided, they must accommodate existing mature trees/ shrubs that will grow to be mature plants.</p> <p>No structures, works or excavations that may restrict vegetation growth are permitted in this zone (including but not limited to car parking, hard paving, patios, decks and drying areas).</p>	<p>earlier strict compliance with this control is not possible and not reasonable given the context of the site and the mix of land uses proposed. Landscaping has been integrated with the architectural design and future built form and will provide visual amenity for resident and visitors to the site.</p> <p>It is considered that the development will result in an overall net increase of vegetation at the site and as such provide a better outcome that will support the amenity of not only the users of the site, but also the surrounding area.</p>	
2.4 Landscape Design			
Landscape Design	<p>Landscaped areas are to be irrigated with recycled water.</p> <p>Landscape species are to be selected in accordance with Council's schedule of Preferred Landscape Species.</p> <p>Commercial and retail developments are to incorporate planting into accessible outdoor spaces.</p> <p>Remnant vegetation must be maintained throughout the site wherever practicable.</p> <p>A long-term landscape concept plan must be provided for all landscaped areas, in particular the deep soil landscape zone. The plan must outline how landscaped areas are to be maintained for the life of the development.</p> <p>Any new public spaces are to be designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between</p>	<p>The proposed landscaped areas will be irrigated with recycled water.</p> <p>The proposed plant species as provided in the Landscape Plan reflects the native and Council's preferred species of planting for the Liverpool LGA.</p> <p>The proposed Landscape Plan includes planting into accessible outdoor areas.</p> <p>The site is located in the City Centre and no remnant vegetation exists or can be provided.</p> <p>The proposed landscape plan includes a long-term planting concept and allocated deep planting zones.</p> <p>The proposed public spaces will receive at least 50% of sunlight for a minimum of 3 hours between</p>	YES

Consideration	Control	Comment	Compliance
2.5 Planting on Structures			
Planting on structures	<p>1. Areas with planting on structures are to be irrigated with recycled water.</p> <p>2. Design for optimum conditions for plant growth by:</p> <ul style="list-style-type: none"> • providing soil depth, soil volume and soil area appropriate to the size of the plants to be established, • providing appropriate soil conditions and irrigation methods, and • providing appropriate drainage. • Design planters to support the appropriate soil depth and plant selection by: • ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and providing square or rectangular planting areas rather than narrow linear areas. <p>3. Increase minimum soil depths in accordance with:</p> <ul style="list-style-type: none"> • the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass, 	<p>The proposed landscaped areas will be irrigated with recycled water.</p> <p>The landscape plan identifies the required conditions for plants and trees growth including and not limited to drainage requirements, soil depth, soil volume and soil area appropriate to the size and of plants to be established.</p>	YES

Consideration	Control	Comment	Compliance
	<ul style="list-style-type: none"> • the level of landscape management, particularly the frequency of irrigation, • anchorage requirements of large and medium trees, and soil type and quality. <p>4. Provide sufficient soil depth and area to allow for plant establishment and growth. The following minimum standards are recommended:</p> <p>(a) Large trees (over 8m high) minimum soil depth 1.3m, minimum soil volume 150m³</p> <p>(b) Medium trees (2 – 8m high), minimum soil depth 1m, minimum soil volume 35m³</p> <p>(c) Small trees (up to 2m high), minimum soil depth 0.8m, minimum soil volume 9m³</p> <p>(d) Shrubs and ground cover, minimum soil depth 0.5m, no minimum soil volume.</p>		
Amenity			
3.1 Pedestrian Permeability	<p>Through site links are to be provided as shown in Figure 11. 2. Where possible, links are to be open to the air, rather than enclosed or internal (refer to Figure 12).</p> <p>Where possible, links are to be open to the air, rather than enclosed or internal.</p> <p>Where possible, existing dead-end lanes are to be extended through to the next street as redevelopment occurs.</p>	<p>As per Figure 12 of the LDCP 2008, the site is located in an area where the delivery of through site links is encouraged through the provision of pedestrian links and arcades (where possible).</p> <p>The proposed through site link is open to air, clear of obstructions and will take the form of a shared zone vehicle and pedestrian zone with a typical width of 10m. This will provide a safe passage through the site for pedestrians.</p>	YES

Consideration	Control	Comment	Compliance
3.2 Active Street Frontages and Address	<p>New through site links should be connected with existing and proposed through block lanes, shared zones, arcades and pedestrian ways and opposite other through site links.</p> <p>Existing publicly and privately-owned links are to be retained.</p> <p>Through block connections are to be a minimum with of 5m clear of all obstructions, have active frontages, be clear and direct throughways for pedestrians, be open to the air and accessible at all times, have signage at street entries and demonstrate 'safer-by-design' principles.</p> <p>1. Active frontage uses are defined as one of a combination of the following at street level:</p> <ul style="list-style-type: none"> • entrance to retail, • shop front, • glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage, • café or restaurant if accompanied by an entry from the street, • active office uses, such as reception, if visible from the street, and • public building if accompanied by an entry. 	<p>The site is identified as having active street frontages on Elizabeth Street, and facing the eastern through-site connection.</p> <p>The proposal will provide a combination of the following:</p> <ul style="list-style-type: none"> • glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage. • Food and beverage area. • Hotel lobby and lounge area (reception) <p>A 10m wide through site access is proposed adjacent to the eastern boundary of the site to encourage both pedestrian and vehicular permeability of the site.</p> <p>The proposed ground floor level will allow for an active street front, with various access points, hotel reception and café.</p>	YES

Consideration	Control	Comment	Compliance
	<p>2. Active street fronts are required on ground level of all areas identified in Figure 11, including adjacent through block connections.</p> <p>3. In the commercial core, mixed use and enterprise corridor zones, active street fronts are required in the form of non-residential uses on ground level. In addition to the ground level, non-residential active uses are also required at first floor level when facing onto the busy vehicular roads along Memorial Avenue, Scott Street and from the southern boundary of the DCP area from the Hume Highway to the junction with Macquarie Street and along Terminus Street to Newbridge Road.</p> <p>4. Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street</p> <p>5. Restaurants, cafes and the like are to consider providing openable shop fronts.</p> <p>6. Only open grill or transparent security (at least 50% visually transparent) shutters are permitted to retail frontages.</p>	<p>The proposed uses on the ground floor level listed above are all forms of non-residential use.</p> <p>The active ground level uses are designed to be at the same level as the footpath and accessible directly from Elizabeth Street.</p> <p>The café proposed will require access via the hotel entry due to the design of the ground floor level and safety and security reasons.</p> <p>No open grill or transparent security shutters are proposed.</p>	
<p>3.4 Safety and Security</p>	<p>1. Address “Safer-by-Design” principles to the design of public and private domain, and in all developments (including the NSW Police “Safer by Design” crime prevention through environmental design (CPTED) principles).</p>	<p>The building design has allowed for passive surveillance of public and communal spaces, accessways, entries and driveways, notably through the location of balconies and the use of windows along the various boundaries.</p> <p>It is noted that residential balconies commence at level 10 and face east and west, whilst the hotel</p>	<p>YES</p>

Consideration	Control	Comment	Compliance
	<p>2. Ensure that the building design allows for passive surveillance of public and communal spaces, accessways, entries and driveways.</p> <p>3. Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and car parks.</p> <p>4. Maximise the number of residential ‘front door’ entries at ground level.</p> <p>5. Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.</p> <p>6. Clearly define the development boundary to strengthen the transition between public, semi-private and private space. This can be actual or symbolic and can include landscaping, fences, change in paving material, etc.</p> <p>7. Provide adequate lighting of all pedestrian access ways, parking areas and building entries.</p> <p>8. Provide clear lines of sight and well-lit routes throughout the development.</p> <p>9. Where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway.</p>	<p>rooms are located lower in the building and address all four sides of the development.</p> <p>A detailed CPTED assessment is provided in Section 6.4 of this SEE.</p> <p>No blind corners and dark alcoves are proposed.</p> <p>Due to the mixed use nature of the development a number of front door entries to the various levels of the building are provided however specific to the use.</p> <p>Each of the entries are sited are in visually prominent positions and which are easily identifiable. The frontage of the development will incorporate the street numbering of the site.</p> <p>Landscaping features and furniture will be used to delineate between public and private spaces.</p> <p>Adequate lighting will be provided to pedestrian access ways, parking areas and building entries.</p> <p>The development provides clear lines of sight from the various orientations of the ground floor.</p> <p>As provided in the CPTED assessment in the SEE, all pathways are visible from all vantage points.</p> <p>A CPTED assessment has been provided in the SEE.</p>	

Consideration	Control	Comment	Compliance
3.5 Awnings	<p>10. For large scale retail and commercial development with a gross floor area of 5000 sqm over, provide a ‘safety by design’ assessment in accordance with the CPTED principles from a qualified consultant</p> <p>1. Street frontage awnings are to be provided for all new developments as indicated in Figure 16.</p>	<p>The site is identified as requiring continuous awnings along Elizabeth Street as per Figure 16 of the LDCP 2008.</p> <p>A continuous awning is proposed for the width of the building however; it will not extend over the eastern laneway.</p>	YES
3.6 Vehicle Footpath Crossings	<p>1.No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified in Figure 18 (edged in blue).</p> <p>2. In all other areas, one vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed-use developments) will be generally permitted.</p> <p>3. Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with high pedestrian priority routes.</p>	<p>One vehicle entry/exit point is to be retained fronting onto Elizabeth Street. Accordingly, there is no net increase of vehicle crossovers accessing the site from Elizabeth Street.</p> <p>A rear laneway has also been incorporated in the project design as identified under LDCP 2008 and LLEP 2008. The laneway will provide additional access to the parking and service facilities within the site.</p>	YES
3.8 Building Exteriors	<p>1. Adjoining buildings are to be considered in the design of new buildings in terms of:</p> <ul style="list-style-type: none"> • Appropriate alignment and street frontage heights. • Setbacks above street frontage heights. 	<p>The proposed building includes architectural articulation and does not promote large expanses of the same material as demonstrated in the submitted plans in Appendix C.</p>	YES

Consideration	Control	Comment	Compliance
	<ul style="list-style-type: none"> • Appropriate materials and finishes selection. • Façade proportions including horizontal or vertical emphasis, and • The provision of enclosed corners at street intersections. <p>2. Balconies and terraces should be provided, particularly where buildings overlook public spaces. Gardens on top of setback areas of buildings are encouraged.</p> <p>3. Articulate facades so that they address the street and add visual interest. Buildings are to be articulated to differentiate between the base (street frontage height), middle and top in design.</p> <p>4. Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases, an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.</p> <p>5. Finishes with a high maintenance costs, those susceptible to degradation due to a corrosive environment or finishes that result in unacceptable amenity impacts, such as reflective glass are to be avoided.</p> <p>6. To assist articulation and visual interest, expanses of</p>	<p>Balconies are provided to the various apartments and allowing opportunities to overlook public spaces.</p> <p>Facades have been articulated and allow for street address and visual interest. The design clearly allows for differentiation between the base (street frontage height), middle and top.</p> <p>No blank walls have been proposed.</p> <p>The finishes proposed do not attract high maintenance costs or subject to degradation or will detract in its appearance in the future.</p>	

Consideration	Control	Comment	Compliance
	<p>any single material is to be avoided.</p> <p>10. A materials sample board and schedule is required to be submitted with applications for development over \$1million or for that part of any development built to the street edge.</p> <p>11. Minor projections up to 450mm from building walls in accordance with those permitted by the Building Code of Australia may extend into the public space providing it does not fall within the definition of gross floor area and there is a public benefit, such as:</p> <ul style="list-style-type: none"> -Expressed cornice lines that assist in enhancing the streetscape; -Projections such as entry canopies that add visual interest and amenity. <p>13. Roof top structures, such as air conditioning, lift motor rooms, and the like are to be incorporated into the architectural design of the building.</p>	<p>Various material and delineation through design is provided to create visual interest.</p> <p>A sample board has been provided by Rothelowman as part of their design scheme.</p> <p>No projects proposed that would trigger the need for it be considered as GFA.</p> <p>The services have been cleverly designed into the architecture of the building to avoid detracting views of such structures and facilities.</p>	
3.10 Public Artworks	<p>Major developments (over 5,000sqm) are required to prepare a Public Art Plan as part of the development proposal.</p> <p>Public art is to respond to the particular site of the development as well as the city as a whole.</p>	<p>A public artwork opportunities report has been prepared by Baber Studios. The report identifies two artwork opportunities with the incorporation of landscape and/or furniture on the Elizabeth Street frontage and vertical plane within the internal driveway east of the subject site.</p> <p>The proposed art responds to the subject site and the character of the future Liverpool City centre.</p>	YES

Consideration	Control	Comment	Compliance
<p>4.1 Pedestrian Access and Mobility</p>	<p>Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.</p> <p>The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS1428 Pt1 and 2, or as amended) and the Disability Discrimination Act 1992 (as amended).</p> <p>Barrier free access is to be provided to not less than 20% of dwellings in each development and associated common areas.</p> <p>The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.</p> <p>The development must provide accessible internal access, linking to public street and building entry points.</p> <p>Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.</p>	<p>The site provides for pedestrian and DDA access as demonstrated in the Architectural plans in Appendix C and Access Report (Appendix L).</p>	<p>YES</p>

Consideration	Control	Comment	Compliance
4.2 Vehicular Driveways and Manoeuvring Areas	<p>Driveways should be:</p> <p>Provided from lanes and secondary streets rather than the primary street, wherever practical,</p> <p>Located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees,</p> <p>Located a minimum of 10m from the perpendicular of any intersection of any two roads, and</p> <p>Located to minimise noise and amenity impacts on adjacent residential development.</p> <p>Vehicle access is to be integrated into the building design so as to be visually recessive.</p> <p>Driveways and car spaces must be compliant with relevant Australian Standards.</p>	<p>Vehicular access is to be provided via a newly created rear laneway.</p> <p>Additional access it to be provided via an internal driveway along the eastern side of the site, which will primarily be used to access Elizabeth Street and for a pick-up/drop-off location for residents, commercial visitors and hotel guests.</p>	YES
4.3 On Site Parking	<p>Except as separately provided for in the Liverpool LEP 2008, on site vehicle and bicycle parking is to be provided in accordance with Table 3.</p> <p>For developments within the Mixed-Use zone, onsite parking is to be accommodated in basement parking, except to the extent below:</p> <p>Up to 25% of the required parking can be provided above ground where it is fully integrated into the building design in accordance with Figure 23, without counting towards gross floor area.</p>	<p>On-site parking is to be provided across four basement levels and up to level 2 of the building, where it is integrated into the various uses, reducing any appearance of above ground parking.</p> <p>The provision of parking onsite has been calculated in accordance with the minimum requirements of Table 3 in the Liverpool City Centre DCP.</p>	YES

Consideration	Control	Comment	Compliance
	<p>Any parking above the 25% will count towards gross floor area for the purposes of calculating Floor Space Ratio.</p> <p>Exposed but screened natural parking ventilation may be permitted fronting onto the nominated sections of service lanes as illustrated in Figure 24.</p>		
5.1 Energy Efficiency and Conservation	New dwellings, including dwellings within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with the State Environmental Planning Policy – Building Sustainability Index (BASIX). A complying BASIX report is to be submitted with all development application containing residential activities.	A BASIX Certificate is included at Appendix J. The certificate confirms that the proposed development meets the NSW government's requirements for sustainability. The BASIX assessment indicates that the proposal achieves the water, thermal and energy performance ratings required.	YES
5.2 Water Conservation	New dwellings, including a residential component within a mixed-use building and serviced apartment intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	A BASIX Certificate is included at Appendix G. The certificate confirms that the proposed development meets the NSW government's requirements for sustainability. The BASIX assessment indicates that the proposal achieves the water, thermal and energy performance ratings required.	YES
5.3 Reflectivity	<p>New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.</p> <p>Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.</p> <p>Subject to the extent and nature of glazing and</p>	A schedule of materials proposed has been presented in the architectural drawings by Rothelowman. It is noted that consideration of appropriate glass types has been outlined within the BASIX report and achieve the requirements of this provision.	YES

Consideration	Control	Comment	Compliance
5.4 Wind Mitigation	<p>reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.</p> <p>To ensure public safety and comfort, the following maximum wind criteria are to be met by new buildings:</p> <ul style="list-style-type: none"> • 10m/second in retail streets • 13m/second along major pedestrian streets, parks and public places, and • 16m/second in all other streets. • Site design for tall buildings (towers) should: • Set tower building back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower. • Ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre, • Consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level, and. • Ensure useability of open terraces and balconies. 	<p>A Wind Report prepared by Cermak Peterka Petersen (Appendix R) concluded that <i>“being taller than most surrounding buildings, the proposed development is exposed to prevailing winds in the area, however due to the orientation and tower setbacks the proposed building is not expected to have a significant impact on the existing wind conditions from a pedestrian comfort and safety perspective”</i>.</p> <p>It should be noted that the adjoining sites when developed will reduce wind conditions.</p>	YES

Consideration	Control	Comment	Compliance
	<p>A Wind Effects Report is to be submitted with the DA for all buildings greater than 35m in height.</p> <p>For buildings over 48m in height, results of a wind tunnel test are to be included in the final report.</p>		
5.5 Noise	<p>Sites adjacent to noise sources identified in Figure 25 are to be designed in a manner that any residential development is shielded from the noise source by virtue of the location and orientation of build form on the site.</p> <p>Depending on the type and scale of development, acoustic assessment may be required for sites outside the noise source areas</p>	<p>An Acoustic report has been prepared by Sebastian Giglio (Appendix M) and considered any acoustic implications of the proposed development.</p> <p>The overall findings from the report was that the project can comply with established acoustic criteria for both noise emission as well as noise impacts.</p>	YES
5.6 Waste	<p>A Waste Management Plan is to be prepared by a specialist waste consultant and is subject to approval by Council.</p>	<p>An Operational Waste Management Plan has been prepared by Elephants Foot Recycling Solutions (Appendix N)</p>	YES
7.3 Key Sites	<p>Development applications for a lot or combination of lots within Key Sites are to demonstrate design excellence.</p> <p>Development of individual proposals on a Key Site and Special Precinct Areas is to be coordinated with adjacent and neighbouring properties.</p> <p>Development applications within Key Sites are to demonstrate compatibility with the general development principles outlined in this DCP for each site.</p>	<p>The site is identified within the 'Northern City Centre Gateway' sites. The three key sites are located to the main northern entries to the City Centre between Bigge and Macquarie Streets. The sites present as the northern gateway to the City centre, and development on these sites is to define the entrance to Liverpool City centre's northern end with a series of residential flat buildings.</p> <p>The detailed urban design report by Rothelowman further articulates how the proposal integrates with the neighbouring sites.</p>	YES

7. KEY PLANNING CONSIDERATIONS

The proposed development has been assessed having regard to a wide range of social, environmental and economic considerations. These are discussed in the following subsections.

7.1. DESIGN AND BUILT FORM

To create a modern vibrant city, the notion of compartmentalising land uses to different allotments needs to be revisited. A high-density development such as the proposal, can integrate multiple user groups, and not compromise these individual components, but enhance each by the co-location of others.

The project opportunity being created, incorporates residential apartments, a hotel, commercial office tenancies of various sizes, and a roof-top restaurant.

A typical challenge for these types of developments is to create a legibility of each use within the building, whilst still creating a cohesive design language for the exterior and development as a whole.

The program is stacked vertically in the form, with each change in use identified by a shift in the building envelope, and change in architectural language.

The residential tower is expressed as a singular form, designed to be read at the city scale where it will be visible.

The Hotel component is a singular, slick form acting as the connector between the typologies. The Commercial office tenancies create the elegant street wall for the development, with deep horizontal shading to fully protect the glass line in mid-summer, appropriate to development in Western Sydney.

As the building connects to the ground plane, the key advantage of the mixed-use typology becomes apparent, in the significant extent of activation that is created through this typology. Multiple pedestrian access points are created, such that the extension and expansion of the street edge is created by the development of an additional North-South shared link to the East of the site.

The ground plane is thereby truly active, and will be a source of life across the day and night with each user group.

7.2. LANDSCAPE

The sites landscaping has been prepared in accordance with Council DCP for the Liverpool City Centre. The plan incorporates internal design as well as public domain works along Elizabeth Street.

Public domain works on site include pavement treatments, and various other public realm enhancements. It is proposed that the pavement treatments along street frontages are to be in keeping with council design throughout the city centre as demonstrated in the plans (Appendix C).

7.3. PARKING AND TRAFFIC

On-site parking is to be provided across four basement levels and up to level 2, where it is integrated into the various uses, reducing any appearance of above ground parking. The car parking is proposed at a capacity of 338 bays (not including motorcycle or bicycle bays). Parking is to be accessed via the new rear laneway and is supported by Traffic Impact Statement by PTC provided in Appendix N.

7.4. OVERSHADOWING

The proposal will produce overshadowing onto adjoining development however will comply with the relevant controls of the Department of Planning's Apartment Design Guidelines. The overshadowing will not reduce solar access of neighbouring developments beyond 2 hours of direct sunlight per day as demonstrated in the plans prepared by Rothelowman.

7.5. PRIVACY, VIEWS AND VISUAL IMPACT

The proposal is sited across from All Saints Catholic Girls College to the north, as well as various other multi-storey developments in the surrounding area. The site provides separation from any residential apartments

greater than the 24m separation required by the Apartment Design Guidelines and therefore is not considered to encroach on visual privacy. Moreover, the apartments have all been designed to predominantly face east and west to maintain appropriate levels of privacy to residents.

7.6. CONSTRUCTION IMPACTS

7.6.1. Geotechnical Engineering

A phase one site investigation has been conducted by EI for the site in consideration of both potential contamination and included additional geotechnical assessments assisted by SGS. The investigation involved a desktop study as well as samples from nine (9) test bores on the site and has concluded the site can be made suitable for further commercial uses and high density residential.

The assessment identified that no respirable fibres were detected in all soil samples, however asbestos was found at the site.

Accordingly, a Remediation Action Plan (RAP) (Appendix H) has been prepared by EI which further outlines the considerations and recommended remediation and investigation activities to be undertaken at the site. The RAP will guide the significant removal of soil at the site to prepare the land for the subject development. In summary, EI concluded that the site will be made suitable for the proposed development.

7.6.2. Noise and Vibration

An Acoustic report has been prepared by Sebastian Giglio (Appendix M) and considered any acoustic implications of the proposed development.

The overall findings from the report was that the project can comply with established acoustic criteria for both noise emission as well as noise impacts.

7.6.3. BCA and DDA Compliance

A BCA report has been prepared by AEDGroup (Appendix K) to identify any non-compliance matters associated with the current proposed design when assessed against current Deemed-to-Satisfy (DTS) Provisions of the BCA and subsequently provided compliance recommendations to overcome any identified DTS non-compliances.

It is expected that all identified non-compliances will be appropriately addressed during detailed design phase to achieve compliance with the relevant standards.

7.6.4. Sustainable Development

A BASIX Certificate is included at **Error! Reference source not found. J**. The certificate confirms that the proposed development meets the NSW government's requirements for sustainability.

7.6.5. Waste Management

A Waste Management Plan has been prepared by Elephants Foot Recycling Solutions (Appendix P) and identifies the management need for the proposed commercial and retail uses. It is noted that education on the correct separation of waste and recycling is major part of correct management of waste and is recommended that signage be implemented to encourage the correct separation and disposal of waste and recycling on site.

The Waste Management Plan has calculated the following amounts of waste and recycling generated per type of use of the site. these calculations are shown below:

Residential Waste

- Residential waste based on the proposed 194 units is projected at 23280L/per week.
- Recycling generated from the same residential units is projected at 23280L/per week

Waste calculations result in the following estimated required bin collections;

- Garbage: 18 x 660L Garbage Bins collected 2 x weekly
- Recycling: 18 x 660L Garbage Bins collected 2 x weekly

Hotel

- Hotel waste based on the proposed 113 beds is projected at 3955L/per week.
- Recycling generated from the same hotel beds is projected at 791L/per week

Waste calculations result in the following estimated required bin collections;

- Garbage: 3 x 660L Garbage Bins collected 2 x weekly
- Recycling: 1 x 660L Garbage Bins collected 2 x weekly

Commercial/Retail

- Commercial waste based on the proposed NLA of 4352sq.m is projected at 3648.4L/per week
- Recycling generated for the same commercial area is projected at 3422.65L/per week

Waste calculations result in the following estimated required bin collections;

- Garbage: 2 x 660L MGBs collected 3 x weekly
- Recycling: 2 x 660L MGBs collected 3 x weekly

waste rooms and allow the waste collection vehicle to exit the premises in a forward-facing direction. Residential waste is expected to be collected by Council with both garbage and recycling being collected twice weekly.

For the retail and commercial uses including the hotel, waste will be collected by a private contractor to an agreed schedule. Bins are able to be collected via the loading area, adjacent to the

7.6.6. Construction Management

The development subject to approval will be required to prepare a construction management plan (CMP) that will help to guide and facilitate the development during the construction process. It is expected that a CMP will be submitted as part of the Construction Certificate documentation.

7.6.7. Utilities

The proposal will seek to provide utilities to the Green Star Standard. The site is currently serviced by the required services of water, gas and electricity. Further confirmation of services will be provided prior to the construction phase.

7.7. SOCIAL IMPACTS IN THE LOCALITY

7.7.1. Social Impact Comment

The NSW Government and Liverpool City Council have implemented changes to the Liverpool Local Environment Plan 2008 (LLEP 2008) which will aim to revitalise the Liverpool City Centre through the development of up to 10,000 new homes and creation of 22,000 jobs created in the area. The proposed redevelopment of the site will go part way to deliver this vision to enhance, revitalise and act as a catalyst for future redevelopment within the Liverpool city centre area. The proposal will also assist in achieving the employment and housing targets.

The site at present is underutilised and not fitting for a future major centre. Based on the detailed assessment undertaken in this SEE, the proposal will not pose any adverse social impacts on the local community. Rather it will foster growth and development in the City of Liverpool by providing additional employment lands within the local centre. A significant number of residential and mixed-use developments are currently being considered by the Council. Similarly, this proposal will seek to compliment these other developments with the provision of a place in which individuals and groups can live, work and recreate and within 30 mins of established and future land release areas.

The proposed CIV for the development will be \$104,901,237 and is considered to be a far superior development than the current land use and will provide an enhanced level of pedestrian interaction and connection. Accordingly, the proposed development will significantly contribute to the social development of the LGA.

7.7.2. Crime Prevention Through Environmental Design

The Crime Prevention Through Environmental Design (CPTED) guidelines were prepared by the NSW Police in conjunction with the NSW Department of Planning and Environment. CPTED provides a clear approach to crime prevention and focuses on the planning, design and structure of cities and neighbourhoods. The main aims of the guidelines are to:

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

The guidelines provide four key principles to limit crime: natural surveillance, access control, territorial reinforcement and space management. **Table 9** outlines how the proposed development has been designed to incorporate these CPTED design principles.

Table 9 – CPTED Assessment

	Principle	Definition	Proposal
1	Natural Surveillance	Natural surveillance is a by-product of well-planned, well-designed and well-used space. It involves maximising opportunities for passers-by and users to observe what happens in an area (the 'safety in numbers' concept). Higher risk locations can also benefit from organised surveillance, which involves the introduction of formal measures such as on-site security guards or CCTV.	<ul style="list-style-type: none"> • The proposal incorporates balconies facing the existing and proposed roadways. This will provide passive surveillance for future residents of the development and for passers-by on these adjoining roads. • Appropriate lighting will be installed at street level and in all areas throughout the development. • The basement level will be adequately lit with signs to ensure safe access.
2	Access Control	Control of who enters an area so that unauthorised people are excluded, for instance, via physical barriers such as fences, grills etc.	<ul style="list-style-type: none"> • Temporary construction fencing will be installed around the site during construction to restrict access in accordance with workplace safety requirements. • Access to the development will be restricted to residents of the building to prevent unauthorised access. Whilst a reception desk is proposed on the ground foyer level of the • Access cards will be distributed to all users of the buildings, permitting access only to the levels to which they are allowed entry. • Vehicular access points will be well lit, signposted and unconcealed to ensure safe access. Roller doors and automated intercoms will control access to the basement car parking.

	Principle	Definition	Proposal
3	Territorial Reinforcement	People are more likely to protect territory they feel they own and have a certain respect for the territory of others. This can be expressed through installation of fences, paving, signs, good maintenance and landscaping. Territoriality relates to the way in which a community has ownership over a space.	<ul style="list-style-type: none"> All areas at ground level will have a clear delineation between public and private space to provide a sense of ownership. The proposal provides well-designed spaces. The landscaping proposed as part of the development will be managed by the sites future strata body to ensure the landscape design maintains its integrity and vandalism is discouraged.
4	Space Management	Ensures that space is appropriately utilised and cared for. Space management strategies include: activity coordination (i.e. having a specific plan for the way different types of activities are carried out in space), site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out lighting and the removal or refurbishment of decayed physical elements.	<ul style="list-style-type: none"> Regular maintenance will promote an image of a well-cared for development which discourages graffiti and vandalism. The significant landscaped areas proposed as part of the development will be predominantly managed by the future strata body (including landscaped setbacks, common open space and communal rooftop spaces) to ensure the landscape design maintains its integrity and vandalism is discouraged. Hardwearing materials will be utilised where appropriate to minimise opportunities for vandalism.

7.8. ECONOMIC IMPACTS

It is considered the following positive economic impacts will arise both during the construction and occupation stages as a result of the proposed development:

- The construction of the development will generate employment opportunities and contribute to the local and broader economy through new jobs in the construction sector.
- The proposed development will increase the supply of residential apartments in the LGA, broadening housing choice and providing additional opportunities for a mix of household types to reside in the locality.
- The mixed use within the Liverpool City Centre and will benefit from the proximity to public transport and future employment and retail opportunities. Increasing the provision of housing in proximity to the future town centre will also improve the viability and activity of the centre. Section 79C Assessment.

8. SECTION 79C ASSESSMENT

The following assessment has been structured in accordance with section 79C(1)(a) of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

8.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed development has been assessed in accordance with the relevant state, regional and local planning policies, as follows:

- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (State Significant Precincts) 2005*
- *Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment*
- *Liverpool Local Environmental Plan 2008*

This SEE demonstrates within **Section** Error! Reference source not found. that the proposed development is generally consistent with the relevant provisions of each of the environmental planning instruments that apply to the proposal. The negligible exceedances to the height of buildings development standard under LLEP 2008 has been justified within the clause 4.6 variation at Error! Reference source not found.

8.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft environmental planning instruments that are of relevance to the proposal.

8.3. DEVELOPMENT CONTROL PLAN

The proposal demonstrates a high level of compliance with the local provisions contained in LDCP 2008. This has been addressed in detail within Table 8.

8.4. PLANNING AGREEMENT

The development application not accompanied by a Voluntary Planning Agreement. Road works required by LDCP 2008 will be delivered in consultation with Council.

8.5. REGULATIONS

The relevant regulations have been considered in preparation of this application.

8.6. LIKELY IMPACTS OF THE DEVELOPMENT

The likely impacts of the development have been considered under **Section 7**.

8.7. SUITABILITY OF THE SITE

The site is zoned specifically to accommodate the proposed form of development and is sufficient in area to adequately support the vision pedestrian vibrancy through implementation of the proposal including pedestrian through site links and activated street frontages. The site is bound by Elizabeth Street to the north and provides an opportunity for development to activate the major street frontage.

While elements of contaminated material have been located on site remediation in accordance with the RAP will result in a site suitable for the development.

The site presents an opportunity to develop a strategic gateway to the Liverpool City Centre. Liverpool is currently subject to numerous DA's for redevelopment within the City Centre, and currently struggles to delineate the desired City Centre from surrounding land uses. The proposal provides the city with a landmark opportunity to announce the new and vibrant City Centre to the wider NSW community.

8.8. THE PUBLIC INTEREST

The proposal is in the public interest as it provides the following public benefits:

- The orderly and economic use of the land for a mix of land uses that are permissible under LLEP 2008.
- The proposal achieves the objectives of the relevant planning controls including the LLEP 2008 and the LDCP 2008.
- The proposal achieves a high level of planning policy compliance, including SEPP 65 and the ADG and provide a high level of amenity to residents of the development.
- The proposal has a high level of public domain at ground level that will contribute to the vitality and streetscape, particularly along Elizabeth Street.
- Delivery of a diverse range of housing options as well as hotel uses and commercial tenancies at a key site within the Liverpool CBD that is also in close proximity to public transport, community facilities, key retail shopping centres and will bring increased employment opportunities to the area.
- Construction of a new rear laneway between George and Bigge Streets as well as a pedestrian and vehicle access through to Elizabeth Street.

9. CONCLUSION

The development application seeks consent for demolition of existing structures, excavation, remediation, construction and operation of a mixed-use development at 26 Elizabeth Street, Liverpool.

This SEE has assessed the proposal against the relevant provisions of section 4.15 of the EP&A Act. The compelling reasons why a positive assessment and determination of the project should prevail are as the proposal:

- **The proposal is consistent with State and subregional strategic planning objectives.**
Further the proposal will have a positive effect on the wider Liverpool CBD through provision of new laneways, connecting pedestrian linkages, and being a catalyst for future development within the CBD area, including the adjacent key sites.
- **The proposal satisfies the applicable local and state planning policies.**
The proposed development has been specifically designed in accordance with the relevant controls contained to the following local and State planning policies:
 - *Water Management Act 2000*
 - *State Environmental Planning Policy (Infrastructure) 2007*
 - *State Environmental Planning Policy No. 55 – Remediation of Land*
 - *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
 - *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*
 - *State Environmental Planning Policy (State Significant Precincts) 2005*
 - *Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment*
 - *Liverpool Local Environmental Plan 2008*
 - *Liverpool Development Control Plan 2008*
- **The proposal will offer a high standard of amenity.**
The apartments and the development generally will offer residents a high standard of internal and external amenity. The proposed residential apartments achieve a high degree of compliance with the key parameters of the ADG including natural cross ventilation, solar access, building separation, landscaping area and communal open space. Furthermore, the inclusion of the mixed uses such as commercial and hotel tenancies will see an efficient and appropriate activation of the site and its surrounds.

Having considered all the relevant considerations under Section 4.15 of the EP&A Act, it is considered that the proposal represents a sound development outcome that respects and responds to the prominent site location and the amenity of surrounding developments. The development proposal should be supported.

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APPENDIX A CAPITAL INVESTMENT VALUE REPORT

APPENDIX B SURVEY PLAN

APPENDIX C ARCHITECTURAL DRAWINGS

APPENDIX D DESIGN VERIFICATION STATEMENT

APPENDIX E LANDSCAPE PLANS

APPENDIX F DETAILED SITE INVESTIGATION

APPENDIX G

ACID SULFATE SOIL ASSESSMENT

APPENDIX H REMEDIATION ACTION PLAN

APPENDIX I CIVIL AND STORMWATER CONCEPT

APPENDIX J BASIX AND SECTION J

APPENDIX K BCS ASSESSMENT REPORT

APPENDIX L ACCESS CONSULTANT REPORT

APPENDIX M ACOUSTIC REPORT

APPENDIX N TRAFFIC IMPACT ASSESSMENT

APPENDIX O FIRE ENGINEERING REPORT

APPENDIX P WASTE MANAGEMENT PLAN

APPENDIX Q PUBLIC ARTWORK REPORT

APPENDIX R WIND ENGINEERING

APPENDIX S AVIATION ASSESSMENT REPORT

APPENDIX T VERTICAL TRAFFIC REPORT



BRISBANE

Level 7, 123 Albert Street
Brisbane QLD 4000
Australia
T +61 7 3007 3800

MELBOURNE

Level 12, 120 Collins Street
Melbourne VIC 3000
Australia
T +61 3 8663 4888

PERTH

Level 14, The Quadrant
1 William Street
Perth WA 6000
Australia
T +61 8 9346 0500

SYDNEY

Level 23, Darling Park Tower 2
201 Sussex Street
Sydney NSW 2000
Australia
T +61 2 8233 9900