

SYDNEY WESTERN CITY PLANNING PANEL

ASSESSMENT REPORT

Panel Reference	2019WCI001
DA Number	DA-926/2018
LGA	Liverpool City Council
Proposed Development	<p>Construction of a commercial tower and a new entertainment and leisure precinct (ELP) at the existing Westfield Shopping Centre.</p> <p>Liverpool City Council Is The Consent Authority And The Sydney Western City Planning Panel Has The Function Of Determining The Application.</p>
Street Address	<p>Lot A DP 33536, Lot B DP 33536, Lot 1 DP 34300, Lot 5 DP 36148, Lot 6 DP 36148, Lot D DP 382865, Lot E DP 382865, Lot 12 DP 710597, Lot 13 DP 710597, Lot 14 DP 710597, Cnr Lot 1 DP 729652, Lot 2 DP 729652, Cnr Lot 20 DP 807472, Lot 21 DP 807472, Lot 1 DP 554550, Cnr Lot 21 DP 613438, Cnr Lot 22 DP 613438, Lot 433 DP 822256, Lot 435 DP 822222, Part Lot 1 DP 136327, Lot 11 DP 1068213, Lot 1 DP 958735, Lot 12 DP 1068213, Lot 13 DP 1068213, Lot 14 DP 1068213, Lot 20 DP 871292, Lot 100 DP 1033517, Lot 101 DP 1033517, Lot 100 DP 620292, Lot 423 DP 720737</p> <p>Westfield Shopping Centre, 25 George Street, Bathurst Street, Northumberland Street, 17 Secant Street, Lot 12 – 14 Northumberland Street, Lot 20 Secant Street, Lot 100 Bathurst Street, 57 Elizabeth Drive, Part Lot 1 Secant Street, Liverpool NSW 2170</p>
Applicant	Scentre Group Design & Construction Pty Ltd
Owner	P T Limited & Kent Street Pty Ltd
Date of DA Lodgement	12 December 2018
Number of Submissions	Two (2) submissions
Regional Development Criteria (Schedule 7 of the State and Regional Development SEPP)	The Sydney Western City Planning Panel is the determining body as the Capital Investment Value of the development is over \$30 million.
List of all relevant s79C(1)(a) matters	<p>1. <i>List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)</i></p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No.55 – Remediation of Land • Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997) (Deemed SEPP) • Liverpool Local Environmental Plan 2008

	<p>2. <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: Section 4.15(1)(a)(ii)</i></p> <ul style="list-style-type: none"> • No draft Environmental Planning Instruments apply to the site. <p>3. <i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i></p> <ul style="list-style-type: none"> • Liverpool Development Control Plan 2008. <p>4. <i>List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: Section 4.15(1)(a)(iia)</i></p> <ul style="list-style-type: none"> • No planning agreement relates to the site or proposed development. <p>5. <i>List any relevant regulations: 4.15(1)(a)(iv)</i></p> <ul style="list-style-type: none"> • Consideration of the provisions of the Building Code of Australia.
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Draft Conditions 2. Architectural Plans 3. Survey Plan 4. Clause 4.6 Variation Request – Maximum building height 5. Clause 4.6 Variation Request – Car Parking 6. Area Schedule 7. Car Parking Schedule 8. Stormwater Report and Civil Plans 9. Traffic Report 10. Landscape Plan 11. Waste Management Plan 12. Access Report 13. Statement of Heritage Impact 14. BCA Assessment and Letter 15. Arborist Report 16. ESD Analysis Report 17. Noise Impact Assessment 18. Fire Engineering Report 19. Structural Report 20. Public Art Strategy 21. Construction Waste Management Plan 22. Wind Analysis Report 23. Shadow and Façade Study 24. Social Impact Assessment 25. CPTED Report 26. Economic Impact Assessment 27. Vision Document 28. Architectural Design Statement 29. Design Fit out of Commercial Tenancy
Recommendation	Approval, subject to conditions

Report prepared by	Development Assessment Branch
Report date	25 November 2019

Summary of Section 4.15 matters Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.11)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

The Sydney Western City Planning Panel is the determining body as the Capital Investment Value of the development is over \$30 million, pursuant to Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.

1.2 The proposal

The application seeks consent to expand on the existing shopping centre with the construction of an 8 storey commercial office tower and an entertainment and leisure precinct (ELP) on the rooftop carpark. The 8 storey commercial tower will provide for approximately 9,827m² of office floor space above the existing shopping centre. The ELP will provide for 7,978m² of commercial floor area that provides mainly for food and drink premises, entertainment facilities and indoor recreation facilities.

1.3 The site

The subject site is identified as Westfield Shopping Centre. The site is rectilinear in shape with a total area of 7.237 Ha. The site has a frontage of 304m to Campbell Street, 231m to George Street, 203m to Elizabeth Drive and 221m to Bathurst Street. The site currently accommodates a shopping centre that has approximately 108,925sqm of GFA.

1.4 The issues

The main issues are identified as follows:

- Non-compliance with the Liverpool Local Environmental Plan (LLEP 2008) – Clause 4.3 Height of Buildings; and
- Non-compliance with the Liverpool Local Environmental Plan (LLEP 2008) – Clause 7.3 Car Parking in Liverpool City Centre.

1.5 Exhibition of the proposal

The development application was advertised for thirty (30) days between 23 January 2019 and 22 February 2019 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). Two (2) submissions were received to the proposed development. The application was redesigned substantially, with a reduction in the built form, in response to the Council assessment and the submissions received during the notification period. Accordingly, it is not considered necessary to notify the application again.

1.6 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act 1979. Based on the assessment of the application and the consideration of the written request to vary the height of buildings development standard and provision of car parking in Liverpool City Centre pursuant to Clause 4.6 of LLEP 2008, it is recommended that the application be approved, subject to conditions.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site is identified as Westfield Shopping Centre, 25 George Street, Bathurst Street, Northumberland Street, 17 Secant Street, Lot 12 – 14 Northumberland Street, Lot 20 Secant Street, Lot 100 Bathurst Street, 57 Elizabeth Drive, Part Lot 1 Secant Street, Liverpool NSW 2170.

The site is rectilinear in shape with a total area of 7.237 Ha. The site has a frontage of 304m to Campbell Street, 231m to George Street, 203m to Elizabeth Drive and 221m to Bathurst Street. The site currently accommodates a shopping centre that has approximately 108,925sqm of GFA.

There are 3498 above ground car parking spaces at the site for the existing shopping centre. The shopping centre has two main levels of retail floor area with a mezzanine level between the basement and ground floor level. There is an existing cinema on the rooftop. The rooftop has a number of cooling towers and plant rooms associated with the shopping centre.

Vehicular access to the shopping centre is provided from Bathurst Street (two locations), Campbell Street (three locations), George Street and the northern section of Northumberland Street and Macquarie Street. The main pedestrian entrance to the shopping centre is via Campbell Street/Macquarie Street intersection, George Street and Elizabeth Drive/Macquarie Street intersection.

An aerial photograph of the subject site is provided below.



Figure 1: Aerial photograph of the Site

2.2 The locality

The subject site is located at the northern end of Liverpool CBD. It occupies the large block bounded by George Street, Elizabeth Street, Northumberland Street and Campbell Street.

Liverpool CBD is located in an area that is effectively bounded by the Hume Highway to the north and west, the railway line to the east and Terminus Street/Macquarie Street to the south. This area also includes a number of schools, hospitals and community facilities.

Liverpool CBD is a major focus for public transport in the region. Liverpool Station is located adjacent to the south eastern corner of the CBD. The station is located approximately 700 metres from the shopping centre. The station accesses the Inner West, Bankstown and Cumberland Lines.

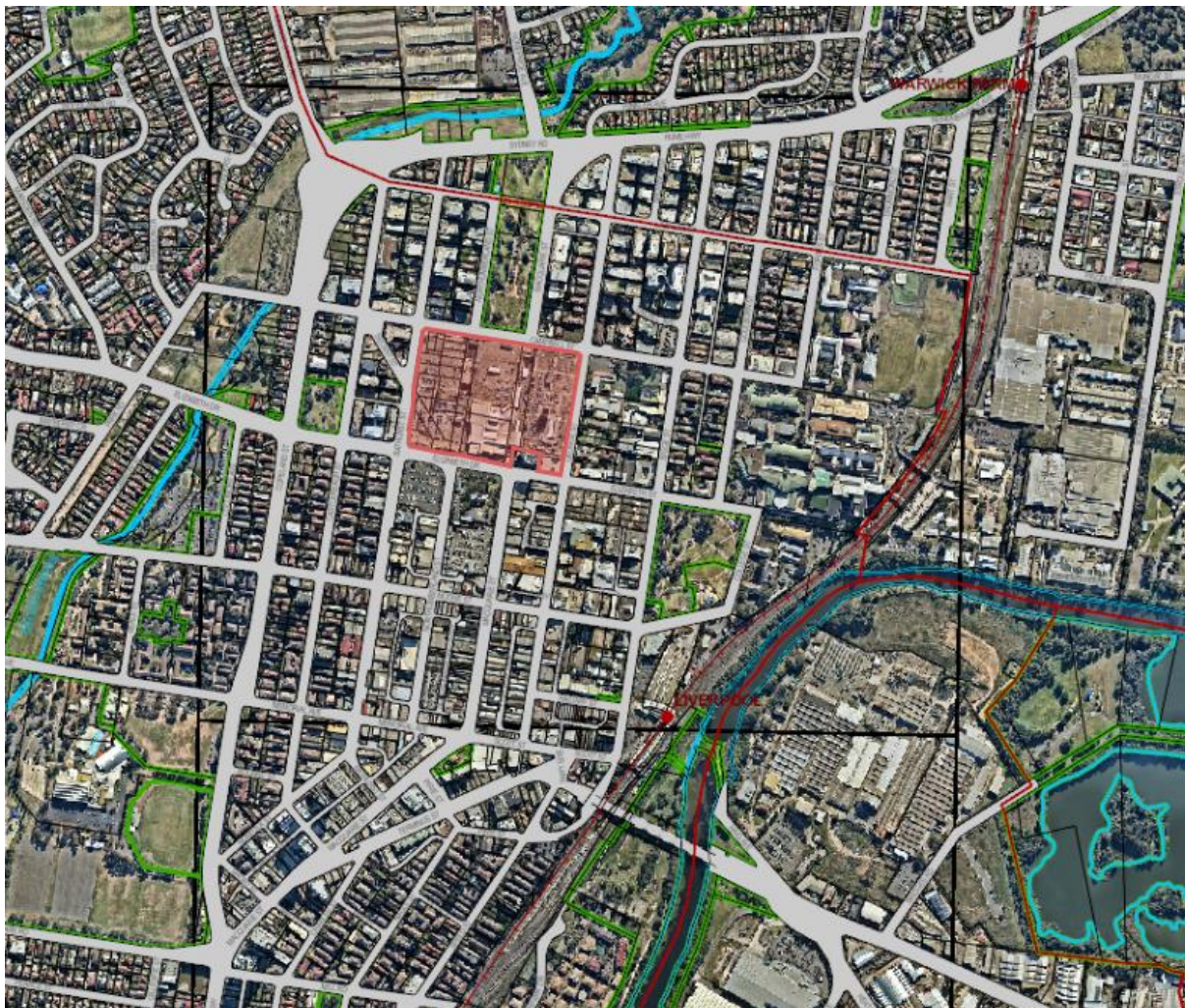


Figure 2: Aerial photograph of the Locality

2.3 Site affectations

The subject site has number of constraints, which are listed below:

2.3.1 Hospital helicopter airspace

The site is located within the Liverpool Hospital Helicopter Landing Surface.

2.3.2 Bankstown Airspace

The subject site is located within Bankstown Airport Obstacle Limit of 110m AHD.

3. BACKGROUND

3.1 Related applications Pre-DA meetings

A pre-DA meeting was held on 2 July 2018 for a commercial tower and alterations and additions to retail at ground level, a new entertainment and leisure precinct at roof level and associated works at Westfield Liverpool fronting Elizabeth Drive.

3.2 Design Excellence Panel Briefing

The subject application was considered by the Design Excellence Panel (DEP) on 14 March 2019 and 25 June 2019.

At the second and final meeting on 25 June 2019 the DEP made the below comments in relation to the project.

For clarity purposes, the specific comments made by the DEP with regards to the application are outlined in the table below, along with Council's response in the corresponding column.

Panel Comments	Council Response
Context	
<u>Hoddle Grid</u>	
<ul style="list-style-type: none"><i>The Greater Sydney Commission's Liverpool Collaboration Area Place Strategy sets a pathway to realising Liverpool's metropolitan role through investments in connectivity, liveability, productivity, sustainability and governance. In terms of connectivity, the Place Strategy identifies the existing Hoddle grid street pattern as a strong foundation of the locality which provides for a permeable and legible city environment. Having regard to the shopping centre, a key initiative of the Place Strategy is to reinstate pedestrian connection through the shopping centre, along Macquarie Street.</i> <p><i>The panel acknowledges that the design principles in the applicant's proposal identify the importance of increasing connectivity (i.e. both physical and visual openness and connectivity) through the Westfield shopping centre, along the</i></p>	<p>The site is located within the Liverpool City Centre. A <i>Metropolis of Three Cities</i> identifies Liverpool as a Collaboration Area. In this case, it is appropriate to consider the development as it responds and contributes to the vision of Liverpool City Centre in the <i>Liverpool Collaboration Area Place Strategy</i>. The Place Strategy recognises the metropolitan role of Liverpool and establishes a clear vision of a mixed use central business district through a number of shared objectives to help achieve the vision.</p> <p>To achieve the vision and objectives, the Strategy identifies priorities and actions set around connectivity, liveability, productivity, sustainability and governance. In terms of connectivity, the existing grid street pattern has been identified as a strong foundation of the locality that provides for a permeable and legible city environment. Having regard to the subject site, a potential initiative of the Place Strategy is to reinstate pedestrian connection through the shopping centre along Macquarie Street (refer to Appendix A</p>

<p><i>Macquarie Street spine. However these principles have not been realised in the proposed design.</i></p>	<p>of the Strategy).</p> <p>The applicant acknowledges that the shopping centre is a key site in the City Centre. In this regard, the applicant has submitted to Council a vision document that provides a blueprint of the potential redevelopment of the site. The vision document acknowledges the grid street pattern as a strong foundation for the locality and proposes initiatives with the current application and as part of any future development to enhance pedestrian access and movement, in a manner that respects the constraints and opportunities at the site.</p> <p>The applicant provides the following response to the DEP comments with respect to connectivity:</p> <p><i>“The proposed works relate to the south-east portion of the shopping centre only. Without undertaking significant demolition and construction works to the entire shopping centre, it is difficult to reinforce the dominant ‘Hoddle Grid’ street pattern.</i></p> <p><i>Despite this, the proposal recognises the significance of the Hoddle grid street pattern and seeks to lay the foundations for future development. A through site link has been considered as part of the future vision for the Westfield site to recover the Hoddle Grid through interpretation and improve pedestrian and visual connectivity from Macquarie Street Mall to Pioneers Memorial Park.</i></p> <p><i>In the interim, it is proposed to increase connectivity between Westfield Shopping Centre and the southern side of Macquarie Street Mall. This has been achieved by introducing water-lights, skylights and greenery along with active frontages that will enhance the pedestrian experience. These elements will act as a ‘way finding’ elements and an urban green spine, providing a</i></p>
---	--

	<p><i>seamless connection to Liverpool Pioneers Memorial Park and Macquarie Street Mall in the future. It is noted that the existing escalators that act as a large visual barrier are to be removed as part of the proposed development.</i></p> <p><i>The location of the commercial tower on a prominent CBD corner (Elizabeth Drive and Macquarie Street Mall) also reinforces the underlying principles of the Hoddle grid street pattern by increasing permeability and legibility of the city environment.”</i></p>
<p><u>Vision for the site</u></p> <ul style="list-style-type: none"> • <i>The site master plan should focus on:</i> <ul style="list-style-type: none"> ○ <i>Looking at the site as a whole (i.e. rather than presenting the portion of the site that is subject to this proposal, in isolation).</i> ○ <i>Better integrating the site with the Liverpool City Centre.</i> ○ <i>A bold vision, long term ideas for the site, and staging of site redevelopment.</i> ○ <i>Achieving a meaningful connection through the site (particularly along Macquarie Street), at ground level eventually and both levels of the building.</i> ○ <i>Looking at the internal configuration of shops, including long-term potential to remove/relocate shops located along the Macquarie Street axis (i.e. outside MYER).</i> ○ <i>More integrated and active spaces/edges at street level.</i> ○ <i>Undertaking a whole-of-site value capture model, including analysis of actual footprint required for the shopping centre (e.g. explore the possibility of selling the western block of land to fund site redevelopment).</i> ○ <i>Addressing the below-mentioned items.</i> 	<p>The applicant has submitted a Vision document for Council consideration of the development in the context of potential future development at the site. It is noted that the Vision Document presents a character that reflects a transition in built form occurring throughout the City Centre and into the future. The Vision document illustrates a mix of commercial buildings, particularly on prominent corner locations and at existing public entry points of the site, which is anchored by the existing podium level that envelopes the site.</p> <p>Furthermore, the document acknowledges the priorities and actions set out <i>Liverpool Collaboration Area Place Strategy</i>. It sets out priorities and actions such as extending Macquarie Street Mall, responding to places of heritage significance, place making and street activation, night time activation, pedestrian through site links, a commercial address. Overall, for the purpose of this application, it is considered that the applicant has provided adequate consideration of the existing and future context so as to ensure that any development occurs in a manner that is sympathetic to its context.</p> <p>As such, it is not considered necessary to provide any additional information for the purpose of this application. The built form of any development at the site is regulated as a function of structures responding to site</p>

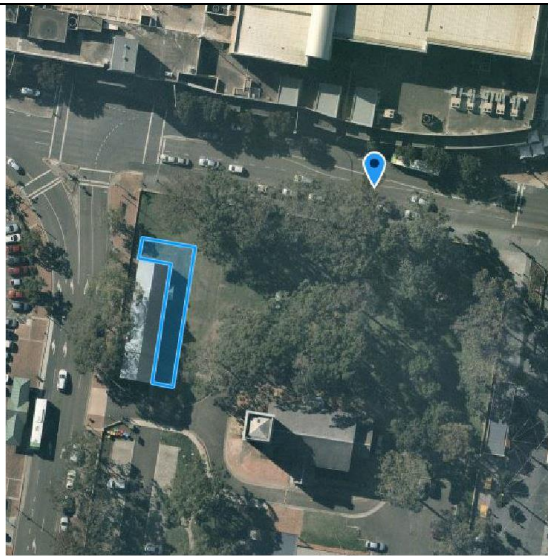
	<p>constraints. For instance, due to the Hoddle grid street pattern, the location of any tower forms is naturally aligned along this pattern. Also, in this particular case, the presence of public open space across from the site necessitates a built form that avoids excessive overshadowing to that space. It is considered that the development is well designed.</p> <p>The applicant provides the following comments in response to the DEP:</p> <p><i>A Vision Document has been prepared by the applicant. The document identifies the site as a whole, its relationship to the immediate context and identifies future opportunities to integrate the site with broader City Centre.</i></p> <p><i>The applicant have established a bold vision to transform Westfield Liverpool into a diverse and dense component of the Liverpool CBD, which is seeking to establish itself as Sydney's third CBD. Staging of future development aspirations has been addressed in Section 3 of the Vision Document.</i></p> <p><i>The first stage (the subject of this application seeks to create a new ELP precinct that will promote Liverpool as a regional destination and improve the pedestrian link from the shopping centre to Pioneers Memorial Park by incorporating greenery and introducing new skylights that maximise natural daylight along the hoddle grid.</i></p> <p><i>Future initiatives include:</i></p> <ul style="list-style-type: none"> ○ Stage 2 - <i>A new tower on the corner of Elizabeth Drive and George Street. This development re-imagines the George and Elizabeth Drives corner and continues the focus of existing investment along this key spine towards Bigge Park</i>
--	---

	<p>and the hospital. The future development presents a mixed-use opportunity including commercial and short-stay accommodation with an active retail corner.</p> <ul style="list-style-type: none"> ○ Stage 3+ - Ongoing investigations into longer term redevelopment opportunities will continue to focus on the important pedestrian spines of Elizabeth Drive and Macquarie Street Mall. Existing redevelopment opportunities are identified on corner sites due to the ability for these locations to accommodate servicing requirements, provide street addresses to tower forms and present the opportunity to improve activation on key corners. <p>A meaningful connection through the site has been established at ground level by introducing active edges to the ground level public domain and upper level dining terrace. The location of the ELP precinct has been purposely chosen due to the ability to extend it to the existing Macquarie Street Mall, making access to the existing shopping centre seamless and vibrant.</p> <p>In regard to the internal configuration of shops, the alignment is greatly influenced by the existing large tenancy occupied by Myer. Myer has recently downsized to reflect changes in department store trends however the long lease (2036) constrains small retail tenancies to the west and south which provide active uses along what would otherwise be a blank wall.</p> <p>Upon arrival at the shopping centre and dining, entertainment and leisure precinct, new retail tenancies will provide retail activation at street level.</p> <p>Further improvements and changes to reflect items identified by the DEP may be appropriate in the future but is heavily tied to as yet unknown opportunities that may arise with regard to major tenant movement within the centre.</p> <p>Recommendations such as whole-of-site value capture that falls outside of the scope of this application are considered</p>
--	---

	<i>unreasonable and not relevant to the merits of the application.</i>
Built Form + Scale	
<p><u><i>Building height</i></u></p> <ul style="list-style-type: none"> <i>Clause 4.3 of the LLEP indicates a Maximum Height of 35 metres for structures. The application originally proposed a height of 47.7m AHD up to the top plant room on Level 12 of the office tower. This is a variation of 12.7 metres of 36%. The Panel notes that the proposed development has been amended, with the office tower having been reduced in height from 11 storeys to 10 storeys, at a height of 45.8m AHD, up to the top of the plant room. This is still a variation of 10.8 metres or 31% from Council's LLEP Maximum Height Controls for the site. It is also noted that the applicant has submitted a written request to Council, under Clause 4.6 of the LLEP to vary the building height. The Panel does not support a breach of Council's LLEP controls for maximum building heights, particularly given the fact this breach will result in overshadowing of the St. Luke's Anglican Church yard (see notes on overshadowing below).</i> 	<p>Clause 4.3(2) of the LLEP 2008 identifies a maximum height of 35m for the site.</p> <p>Originally, the proposed development proposed a height of 43.2m to the top of parapet and 47.7m to the top of plant room of the office tower. Respectively, this equates to a variation of 23% and 36%.</p> <p>In its current form, the proposed development has a building height of 39.5m to the top of parapet and a height of 44.5m to the top of plant rooms. Respectively, this equates to a variation of 12.8% and 27%.</p> <p>The applicant has provided a clause 4.6 variation to justify the non-compliance. The submitted written request to vary Clause 4.3 - height of buildings has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the B3 zone.</p> <p>A discussion of the non-compliance with regard to the provisions of Clause 4.6 of LLEP 2008 is provided in the body of the report. The proposed variation to the Clause 4.3 "<i>height of buildings</i>" has satisfied the provisions of Clause 4.6 and is supported in this circumstance. Furthermore, the applicant provides the following comments in response to the DEP:</p> <p><i>"A revised Clause 4.6 has been submitted to Council. The proposed development has been further significantly amended since the DEP meeting with a reduction of one metre from the retail level three and setting back the rooftop level and plant to deliver a much more compliant scheme. The overall height of the building has now reduced to 45m to the top of the plant room (28% height variation).</i></p> <p><i>A detailed shadow analysis comparing the proposed building envelope with a fully compliant envelope has also been</i></p>

	<p><i>submitted and demonstrates the proposed building will not excessively overshadow St Luke's Church and grounds. When compared to a compliant scheme, the proposed building envelope improves sunlight to St Luke's Church grounds by 19.2%.</i></p> <p><i>At 9am, majority of the church and grounds will be overshadowed. Between 10am and midday, the majority of overshadowing is confined to the north-east corner of the church grounds, away from the church hall and church. From 1pm onwards, the majority of the church, church halls and grounds will receive full sunlight whereas a compliant envelope would continue to cause additional overshadowing. It is noted that the existing mature trees within the church grounds provide significant shadowing of this space.</i></p> <p><i>Accordingly, in response to the DEP comment, the proposed building height does not result in excessive overshadowing to St Luke's Anglican Church yard and in fact improves solar access to the church, church hall and church grounds when compared to a fully compliant building height."</i></p> <p>The applicant considers there to be sufficient environmental planning grounds to support the height variation request given that the shadow impact of the proposed scheme is less than that of a compliant scheme. A shadow study was submitted with the variation request to compare the shadow impact. Council advised the applicant that the compliant scheme is not comparable to the proposal.</p> <p>In this regard, another shadow study was submitted for Council assessment. The shadow study identifies that the proposed built form (when compared to a comparable compliant envelope) results in a minor increase in overall shadow impact of 1.3% prior to 11am. From 11am onwards the shadow impact of the proposal is improved</p>
--	--

	<p>compared to a comparable complaint envelope. Council considers that the overshadowing impact is acceptable and the broader justification provided with the Clause 4.6 variation remains valid.</p>
<p><u>Overshadowing</u></p> <ul style="list-style-type: none"> <p><i>Clause 7.2 'Sun Access in Liverpool City Centre' of Council's LLEP 2008 indicates that development on the site is prohibited, within 9m of the public right of way on the northern side of Elizabeth Drive, opposite St Luke's Church grounds, if it results in any part of a building projecting above 20 metres.</i></p> <p><i>In its original form, the office tower did not comply with this clause. The Panel notes that the development has now been revised so that there is no part of the building greater than 20 metres above ground level located within 9 metres of the property boundary.</i></p> <p><i>Notwithstanding the above, the current proposed office tower would still result in overshadowing of the St Luke's Anglican Church yard in the morning adjacent to the well-used church hall. The church and its yard are heritage listed, and the forecourt is a significant and well-used open space within the Liverpool City Centre. The panel does not support any non-compliance with Council's LLEP 2008 maximum permissible building heights.</i></p> <p><i>The panel does not support full realisation of the permitted height of 35m if that would result in overshadowing of the open space around the church hall during the morning period. The panel recommends a curtilage zone of 5m minimum to the north and east of the church hall has solar access maintained at all times between 9am and 3pm throughout the year. See diagram below.</i></p> 	<p>The proposed development complies with Clause 7.2 of LLEP 2008. Notwithstanding this, the DEP raises concerns with the overshadowing impact of the proposed development as it results in overshadowing of St Luke's Church Grounds. In particular, the DEP is concerned with a very specific outdoor area in the Church grounds (i.e. the curtilage zone).</p> <p>Shadowing is an impact that is to be expected in an area undergoing transition in density and scale. However, the level of impact considered to be satisfactory in a given context is a function of the planning controls. In this case, although there is no specific numerical control regarding solar access in the City Centre, other controls exist for development in the City Centre which indirectly manage the shadow of development on surrounds such as building height, building setbacks and the like.</p> <p>The proposal contravenes building height of 35m. Notwithstanding this, it should be noted that the building has been modulated so as to mitigate the shadow otherwise generated from a breach in the building height. For instance, the office tower has been setback 12 metres from the boundary up to a height of 35 metres rather than the minimum of 9 metres. Also, the level above 35 metres has been setback 21 metres from the boundary and the plant room approximately 33 metres from the boundary.</p> <p>As a result, the shadow study indicates that the proposed built form generates a shadow impact to surrounds in a manner virtually identical to a comparable compliant envelope. Also, having regard to the impact to St Luke's Church grounds, it is noted that the curtilage zone will be overshadowed between 9am and 9:30am, whether or not</p>



Given the size of the site, it is the Panel's view that there is no reasonable justification for any building that exceeds permissible building heights at this location.

the development breaches the maximum building height of 35 metres.

The applicant provides the following comments in response to the DEP:

"We understand the church hall and outdoor forecourt is identified by the DEP. For the purposes of our studies, and in accordance with the DEP's recommendation, a curtilage zone of 5m minimum has been applied around the church hall. The DEP have identified that solar access to this curtilage zone must be maintained at all times between 9am and 3pm throughout the year.

Based on our review of St Luke's Church calendar, the first mass on Sunday's commences at 8:30am and small bible study groups are held weekly at 9:45am. Accordingly, it would be expected that the church yard and grounds would only be used for social gatherings after 9:30am.

Shadow diagrams demonstrating the degree of overshadowing to the church hall have been prepared at five-minute intervals. The shadow study demonstrates that by 9:30am at mid-winter, there will be no overshadowing to the church hall and adjoining forecourt. It is noted that within a period of two months either side of mid-winter this gradually reduces to no shadow impact.

Any further reduction, to achieve compliance between 9am and 9:30am, would result in a reduction of over 3000sqm of GFA rendering the project unviable.

Furthermore, whilst the DEP has identified the church hall and forecourt as a 'significant' and 'well-used' open space, these areas are not specifically listed as areas of significance in Liverpool LEP or DCP.

Whilst the church hall and forecourt will be subject to some overshadowing between 9am and 9:30am on the 21 June, in accordance with Clause 7.2 of Liverpool LEP, the degree of overshadowing (30 minutes) is not considered excessive."

Council considers that the overshadowing impact of the proposed development is not

	excessive and is acceptable in the circumstances of the case.
Density	
<ul style="list-style-type: none"> <i>The panel is not able to assess density implications without a master plan for the site. The panel requests that the applicant finalise the master plan for the site to address all items raised in this advice.</i> 	<p>The subject site is subject to a maximum FSR of 5:1. The FSR standard is to control building density and bulk in relation to the site area in order to achieve the desired future character of the area. The height of building standard establishes the maximum height limit in which floor space can be achieved to ensure an appropriate transition in built form and land use intensity. In its current form, the proposed development is below the maximum FSR of the site and greater than the height of buildings standard.</p> <p>The development is not considered to be of a density or result in a density that is inconsistent with that expected in the locality. However, the height of building standard indicates the manner in which the building density can be provided so as to achieve the desired future character of the area. The applicant claims, although strict compliance with the numerical standard for building height is not achieved, the development still provides an adequate density of development in a manner that is sympathetic to the desired future character.</p> <p>Council considers that it is important to understand how the development addresses the local context. A study of the objectives of Part 4 LDCP 2008 as well as other policies, including the Liverpool Place Strategy and CBD Activation Strategy provides an understanding of the desired future character of Liverpool City Centre. Review of these documents has revealed a desire for tower on podium structure. The development provides for a development that is consistent with this form of development in the City Centre.</p> <p>In addition, it should be noted that properties to the north and south of the site have maximum height standard ranging from 18 metres to 100 metres. This excludes the ability of some of these</p>

properties, by virtue of Clause 7.5A of LLEP 2008, to develop up to the obstacle height limit of Bankstown Airport. The proposed development provides for an office tower with a height of 45 metres on a site that is predominately within the height limit. The office tower, even with an additional height of 10 metres above the standard, is sympathetic to the desired future character of the local area.

Furthermore, even with a variation to the height standard, the development has been designed so as to ensure that buildings and public areas continue to receive satisfactory exposure to the sky and sunlight. In this way, the proposed development achieves an appropriate building density that is consistent with the desired future character. Council considers that the development is appropriate in its current form. Any future development of the site can be redeveloped so as to be sensitive to its context.

The applicant provides the following comments in response to the DEP:

“Future initiatives in regard to massing and density have been addressed in Section 3.3 of the Vision Document. Potential future Stage 2 works seek to redevelop the central portion of the existing shopping centre and introduce a new tower on the corner of Elizabeth Drive and George Street.

Stage 3 works will involve investigating redevelopment opportunities on the important pedestrian spines of Elizabeth Drive and Macquarie Street Mall. Existing redevelopment opportunities have been identified on corner sites due to the ability for these locations to accommodate servicing requirements, provide street addresses to tower forms and improve activation on key corners.

Future massing options of the subject site and broader City Centre have been provided in Section 3.3 of the Vision Document.

The density identified in the vision document is indicative, and has been modelled based

	<p><i>on potential environmental impacts created as well as existing limitations on the site such as the helicopter path of the Liverpool hospital which causes quite significant limitations to the northern side of the site, resulting in much lower indicative heights in this location.”</i></p>
Sustainability	
<ul style="list-style-type: none"> <i>The panel is not able to assess sustainability implications without full vision for the site. Prepare a whole of site plan for sustainability initiatives. An overarching sustainability strategy needs to be prepared for this site, as part of the proposal.</i> 	<p>In its current form, the Westfield site is comprised of hard materials producing heat build-up and a large amount of stormwater runoff. The proposed development requires sustainability initiatives to positively contribute to the Liverpool City Centre. It should be noted that the development will convert existing hardstand spaces for car parking to open air pedestrian spaces with planting on podium. Also, the proposed development incorporates a number of sustainability initiatives into the design such as stormwater capture and reuse as well photovoltaic technologies, where possible.</p> <p>The applicant provides the following comments in response to the DEP:</p> <p><i>“An ESD and Energy Efficiency Report has been submitted. The report outlines the overarching sustainability strategy including sustainability commitments for the proposed development and key initiatives that the applicant will target to implement and investigate in order to deliver the benefits of best practice sustainable design as practically as possible.</i></p> <p><i>The ELP and commercial office will be designed to the following sustainability principles/methodologies:</i></p> <ul style="list-style-type: none"> <i>• 5 Star Green Star Design & As Built v1.1 for the office tower & Retail ELP;</i> <i>• 5 Star NABERS Energy for Office (Base Building);</i> <i>• Partial NABERS ratings are not available however the retail ELP will be designed in accordance with principles adopted by low-energy shopping centres.</i> <p><i>Strategies to be incorporated in the design may include:</i></p> <ul style="list-style-type: none"> <i>• Design the façade and building services</i>

	<p><i>to be better than Section J NCC 2019.</i></p> <ul style="list-style-type: none"> • <i>Selection of non-toxic finishes to improve health & wellbeing.</i> • <i>Efficient fittings, fixtures and appliances to minimise water demand.</i> • <i>Use of recycled water to reduce mains water consumption.</i> • <i>Load reduction, passive design, energy efficient building services and smart controls to reduce energy consumption.</i> • <i>Promotion of healthy and active living through design and education strategies in the office building, including recreational and end-of-trip facilities, prominent placement of stairs and access to fresh food. Enhanced commissioning and tuning practices to translate design intent into actual performance.</i> • <i>Environmental and waste management to ISO14001 standard during demolition and construction.</i> • <i>Incorporation of crime prevention through environmental design (CPTED).</i> • <i>Selective procurement to consider the supply chain impacts of materials used in construction in terms of environmental and social responsibility, and to reduce embodied carbon.</i>
Landscape	
<ul style="list-style-type: none"> • <i>The panel recommends that a Public Domain (Urban) Plan, and revised Landscape Plans is developed for the site, in collaboration with Council.</i> 	<p>Revised Landscape Plans has been developed for the proposed development with Public Domain considerations. The Plans were submitted to Council's Urban Design Team for comments. Council's Urban Design Team has reviewed the plans and do not raise objection to the proposed development, subject to conditions of consent.</p>
<ul style="list-style-type: none"> • <i>The Panel does not support the prioritisation of commercial ideas within a privately owned site. Pedestrian linkages and civic gestures should be a higher priority than commercial towers. The Public Domain (Urban) Place should consider the following:</i> <ul style="list-style-type: none"> ○ <i>Public domain benefit, as well as commercial opportunities.</i> ○ <i>Increased frontages.</i> ○ <i>Good quality and activated public domain.</i> ○ <i>Connection between Liverpool pioneers Memorial Park and</i> 	<p>Councils aim for the forecourt is for it to appear as an extension of the Macquarie Mall. The applicant proposes seating and planting area into the forecourt. The forecourt has been designed so that it is consistent with the use of paving, tree species and furniture elements in the mall. In addition, the applicant proposes shopfronts along the pedestrian corridor so as to provide for a diversity of pedestrian activity within the forecourt in a manner that is consistent with the mall. It is considered that the development contributes to and activates the public domain.</p>

<p>Macquarie Mall (i.e. two of the city's most important/largest green spaces).</p> <ul style="list-style-type: none"> ○ Consistency of treatment/design approach from south to north to reinforce development of reconnection of Macquarie Street though the site. ○ Valuable sunny open spaces. 	<p>The applicant provides the following comments in response to the DEP:</p> <p><i>'Amended landscape and public domain plans have been submitted in response to the key landscape and public domain matters addressed in Council's RFI.</i></p> <p><i>Consideration has been given to the broader public domain benefit as well as commercial opportunities. The new commercial tower acts as a landmark and improves wayfinding to the shopping centre. The tower anchors the precinct and provides a visual reference on the corner of two of the city's key axis (Macquarie Street Mall and Elizabeth Drive).</i></p> <p><i>The proposal significantly improves the quality of the public domain and activates the mall by introducing ground floor retail uses within the existing shopping centre and new commercial tower. Whilst the new tower will provide seven levels of commercial office space, the three levels below the commercial tower are dedicated entirely to retail uses for the benefit of the broader community. Publicly accessible spaces (including landscaped dwell zone and kids play) that form part of the shopping centre and dining, entertainment and leisure precinct are located on level 3.</i></p> <p><i>Despite the commercial tower being located within a privately-owned site, it offers considerable benefit to the wider community by responding to the demand for A-grade office space and increasing employment in the Liverpool CBD by delivering approximately 1,000 jobs.</i></p> <p><i>A consolidated green buffer is proposed adjacent the commercial tower, providing healthy relief around the shopping centre, University and the new tower. Greenery is incorporated throughout the plaza and along the outdoor terraces to improve the connection between Liverpool Pioneers Memorial Park and Macquarie Street Mall.</i></p> <p><i>The provision of seating, public art and lighting will encourage use of the outdoor plaza and provide a pleasant experience for both visitors and future employees. Additional tree planting and reduced paving is also proposed as a means of improving</i></p>
---	--

	<i>the amenity of the outdoor area, increasing sustainability and providing relief from hot climate.'</i>
<ul style="list-style-type: none"> <i>A landscape approach for the site must address a number of disparate and adjacent conditions. A simple approach incorporating paving elements already used in Macquarie Mall should be adopted with the intention of creating a cohesive and coherent entry to the centre. This landscape design must prioritise amenity to pedestrians and include advanced trees [in deep soil or min. 30 cubic metre planters], high quality paving and seating.</i> <p><i>The development proposes changes to the mall entry of the shopping centre at the Elizabeth Drive frontage, including modifications to the layout and size of the mall entry.</i></p> <p><i>The proposal is to extend the width of the pedestrian corridor further west in order to achieve greater trafficable areas between towers. However the panel notes that there is also proposed landscaping in the pedestrian corridor which reduces any increase to useable width and which will also potentially divert the majority of pedestrian traffic onto the UWS site, into the shopping centre. This needs to be addressed in the revised landscape design.</i></p>	<p>Council concurs with the DEP and does not support the use of planters in the pedestrian corridor. It is noted that the plans were not revised to adequately address the comments of the DEP.</p> <p>Notwithstanding this, it is recognised that the planters play a function in providing green amenity as well as providing rest space within the pedestrian corridor. Council does not oppose tree planting and seating in the pedestrian corridor provided it is suitable in scale and location, so as to alleviate the DEP concerns. In this case, any tree planting and seating is to be designed such that it is consistent with recent public domain improvements i.e. the same tree species (<i>Fraxinus pennsylvanica</i> 'Urbanite') and bench-type seating as the mall.</p> <p>In response, the applicant submitted revised landscape plans that provide for tree planting within the corridor with an integrated public bench encircling the tree. The revised design also increases the amount of area in the corridor to retain and enhance existing paths of travel for pedestrians. Council also notes that the applicant proposes to use pavers in the pedestrian corridor which are used within the Liverpool City Centre.</p>
Amenity	
<ul style="list-style-type: none"> <i>The revised site master plan needs to achieve a high level of amenity and demonstrate a clear public offering, including greater consideration to the public domain, particularly at the street level. The Panel recommends that the revised site master plan is focused around achieving the best possible public domain outcomes as a starting point, then developing the proposal around these outcomes, in order to achieve a high level of amenity. The panel recommends that the revised master plan incorporates sleeving of the entire ground floor of the site, with active frontages, that integrates</i> 	<p>Council notes that the applicant is providing for a renewed public domain outcome. The applicant recognises the public benefit in retaining the pedestrian corridor and seeks to enhance the amenity of the pedestrian corridor with a modest amount of seating and tree planting. Shopfronts with ground level access will be provided along the pedestrian corridor and even extend to Elizabeth Street frontage thereby providing an active street environment.</p> <p>The applicant provides the following comments in response to the DEP:</p> <p><i>"The Vision Document outlines the clear public benefit of the proposal, that is</i></p>

<p><i>with the city centre (these tenancies may include a range of uses from hospitality to offices and consulting sites to retail).</i></p>	<p><i>protecting and developing the commercial core, improving the public domain and providing a vibrant mix of uses to support lifestyle, entertainment and the night-time economy.</i></p> <p><i>The proposed development seeks to improve the relationship between the shopping centre and the street level through level change improvements, active retail fronting Macquarie Street and an improved entry to Westfield Liverpool. Recommendations that fall outside of the scope of this application are considered unreasonable and not relevant to the merits of the application.”</i></p>
<p>Safety</p>	
<ul style="list-style-type: none"> <i>The panel is not able to assess safety implications without a master plan for the site. Prepare a master plan for the site, with consideration to safety, including CPTED principles.</i> 	<p>A CPTED report has been submitted with the application. The CPTED report identifies four potential risk areas; including car parking, entry and exit points, external and internal layout as well as maintenance and management. Recommendations are made to improve the proposed development performance against CPTED principles. A condition will be imposed on any consent granted for the development to be carried out in accordance with the recommendations of the report. Furthermore, the application was referred to the NSW Police for comments. NSW Police raised no objections to the proposed development subject to conditions of development consent.</p> <p>The applicant provides the following comments:</p> <p><i>“A detailed CPTED Report has been submitted to Council. The proposed development has been assessed against the four CPTED principles – surveillance, access control, terrestrial reinforcement and site and activity management.</i></p> <p><i>The assessment focuses on four priority areas including car parking, entry and exit points, external and internal layouts, maintenance and management. The assessment has found that the proposed development incorporates CPTED principle by improving surveillance, activating the site, providing safe access control and enhancing gathering areas.</i></p> <p><i>The report contains recommendations regarding the implementation of lighting,</i></p>

	<i>signage, maintenance and mechanical surveillance methods which will ensure the proposal adequately incorporated CPTED principles."</i>
Aesthetics	
<ul style="list-style-type: none"> <i>The building as presented is well resolved externally and appears to be of a high quality façade design and finished. Effective sunshading will further activate and enliven the façade.</i> <i>Where possible, the panel recommends the use of materials in their unfinished and unpainted state where possible (e.g. brick, concrete, timber). Where materials are applied with a finish, ensure that the highest quality materials are used and the lowest maintenance is required.</i> 	<p>Council concurs with the comments made by the DEP. It is considered that the applicant incorporates high quality materials into the design of the office tower and ELP. Furthermore, the applicant provides the following comments:</p> <p><i>"Materials in their unfinished and unpainted state will be utilised where possible. As outlined in the Schedule of Materials and Finishes submitted with the application, materials will include metal, rendered concrete, composite panels, aluminium spandrel panels and glass. These materials have been selected on the basis that they are high quality and low maintenance. Concrete planters with green overhang will also be incorporated along the outdoor plaza and terraces, softening the overall built form."</i></p>
Conclusion	
<p>The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:</p> <p>The proposal is not supported by the DEP however, further presentations to the panel are not requested; recommendations contained in this advice must be responded to in revised designs and provided to Council for final review</p>	<p>Council considers that the development is not considered to be unacceptable in the form proposed. Furthermore, the applicant provides the following comments:</p> <p><i>'Significantly revised architectural drawings have been prepared and submitted. The plans have been amended to respond to a number of the comments raised by the DEP, particularly with regards to overshadowing to St Luke's Church Grounds and Church Hall.'</i></p>

3.3 Planning Panel Briefing

A SWCPP briefing meeting was held on 11 March 2019. At the meeting the panel discussed key issues and matters to be addressed in the Council assessment report; as follows:

- Significant height exceedance (36%) – justification for seeking cl4.6 variation rather than lodging a planning proposal or site specific DCP.*

Comment: As identified in the compliance table above, building height does not comply with the provisions of the LLEP 2008. Clause 4.3(2) of the LLEP 2008 identifies a maximum height of 35m for the site.

The proposed development originally had a height of 47.7m AHD up to the top of plant room on Level 12 of the office tower. This is a variation of 12.7 metres or 36%. The height variation is shown in Figure 3 below.

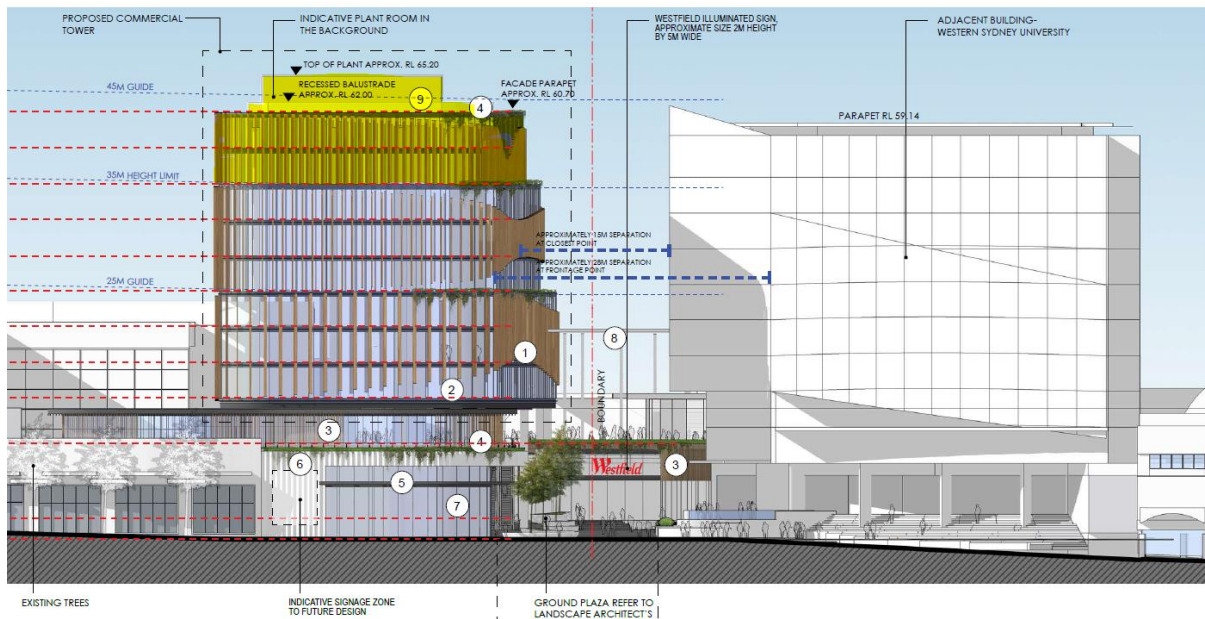


Figure 3: Extract of building height from the original architectural drawings (area marked in yellow is part of building that exceeds the building height of 35m).

The proposal has been revised with a reduction in overall building height. The proposed development provides a height of 39.5m to the top of parapet and a height of 44.5m to the top of plant rooms, which equates to 12.8% and 27%, respectively. See Figure 4 below.

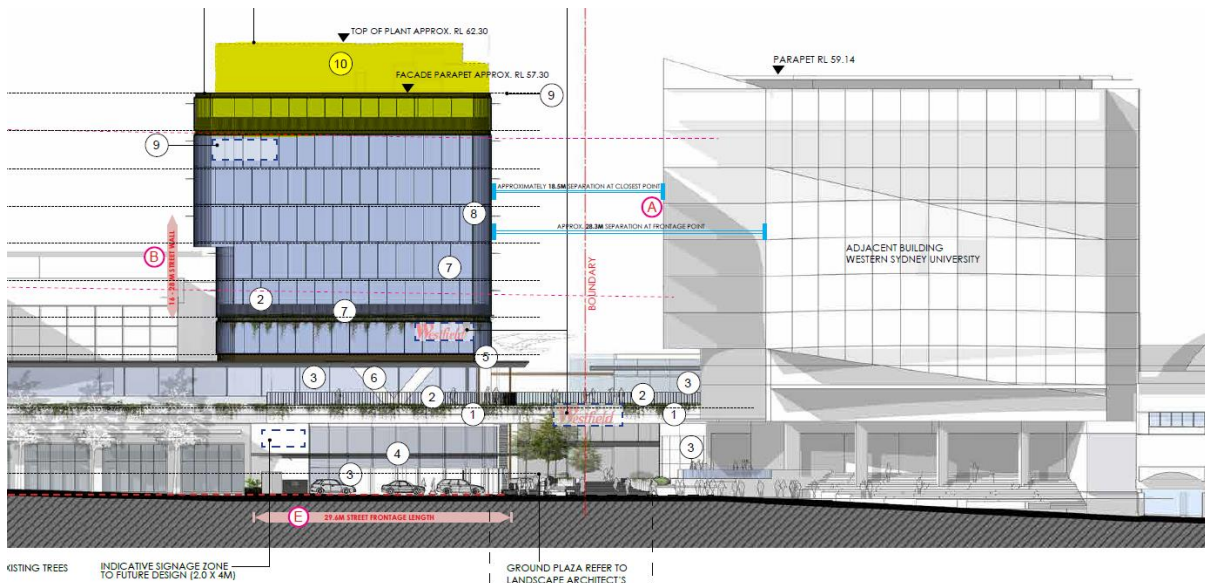


Figure 4: Extract of building height from the revised architectural drawings (area marked in yellow is part of building that exceeds the building height of 35m).

The applicant has submitted to Council a written request under Clause 4.6 of LLEP 2008 to vary building height. Council has reviewed the submitted variation request and considers it to be well founded and justified in the circumstances. It is appropriate in this instance to apply a

degree of flexibility when applying the maximum height development standard as it provides for a high quality outcome on the site which is suitable for the City Centre.

- *Impacts on solar amenity of heritage item (Church) – need for 9m setback from footpath on any portion of a development over 20 metres.*

Comment: Clause 7.2 – Sun Access in Liverpool City Centre of LLEP 2008 indicates that development on the site is prohibited, within 9m of the public right of way on the northern side of Elizabeth Drive, opposite St Luke’s Church grounds, if it results in any part of a building projecting above 20 metres.

The architectural drawings submitted with the application indicates that the office tower has been measured from the end of carriageway of Elizabeth Drive. It is considered that land within 9 metres of the public right of way is to be measured from the property boundary of the site and not the carriageway.

In response, the applicant revised the design so that any part of the building greater than 20 metres in height is setback 12.6 metres from the property boundary. The development is at least 3 metres in excess than the minimum requirement of 9m. The proposed development satisfies Clause 7.2 of LLEP 2008.

- *Public domain/entrance/relationship to pedestrian mall – compromised by the encroachment of the new commercial building into existing public domain, effectively requiring pedestrians to access via the University site.*
- *Removal of street trees (an awkward replacement in central pedestrian entrance way).*

Comment: In its existing form, the mall entry of the shopping centre connects to the public domain both visually and physically via a pedestrian corridor. The existing pedestrian corridor comprises two properties, known as Lot 435 DP 822222 and Lot 8 DP 1217134. It should be noted that Lot 435 belongs to the shopping centre site and Lot 8 belongs to the University site. There are no reciprocal rights of way over the pedestrian corridor.

The development proposes changes to the mall entry of the shopping centre at the Elizabeth Drive frontage, including modifications to the layout and size of the mall entry. The proposal extends the width of the pedestrian corridor further west in order to achieve greater trafficable areas between towers. However landscaping is also proposed in the pedestrian corridor which reduces any increase to useable width and which is considered to divert the majority of pedestrian traffic onto the UWS site, into the shopping centre.

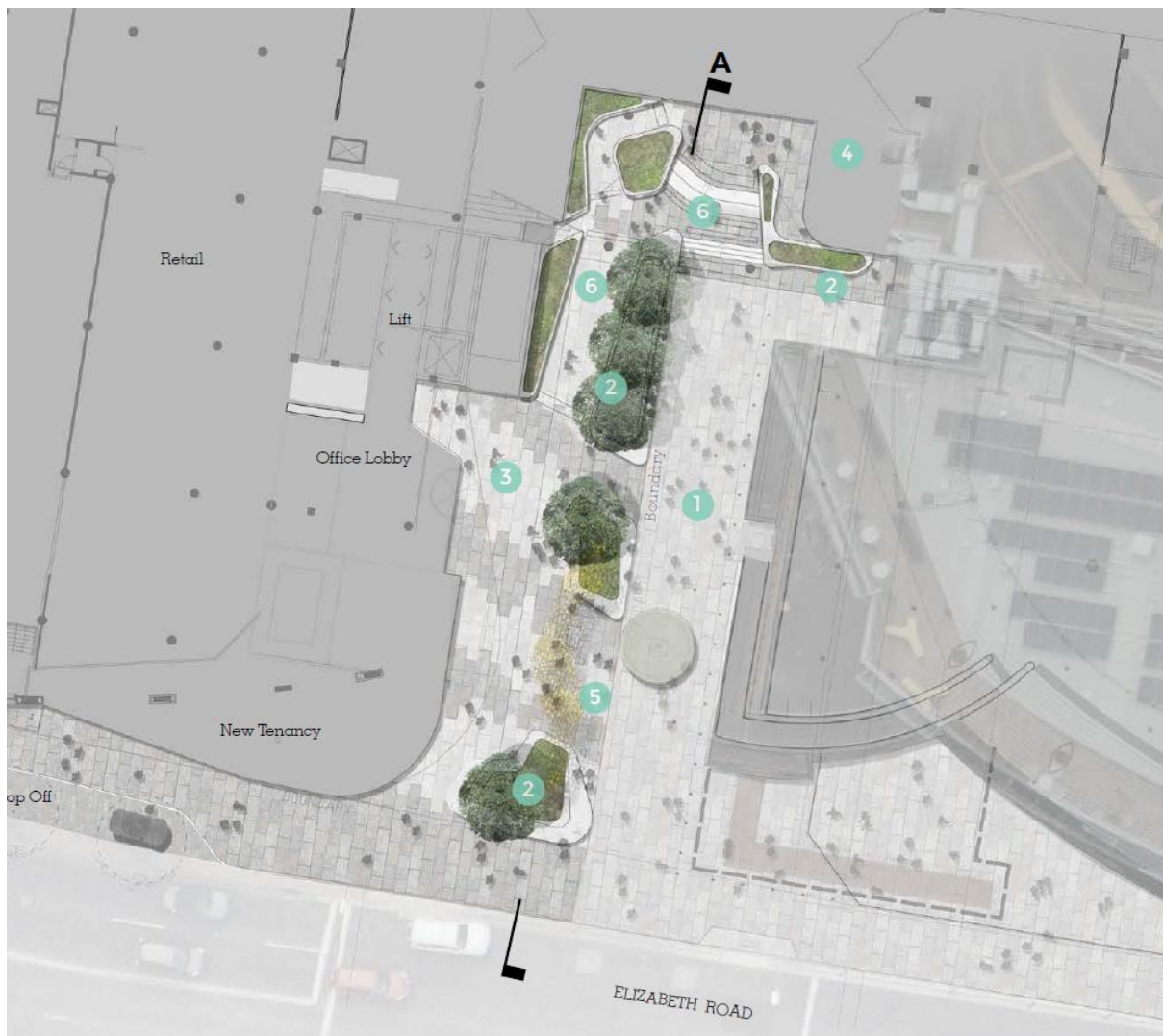


Figure 5: Original landscaping proposed in the pedestrian corridor as extracted from the submitted landscape drawings

Notwithstanding this, it is recognised that the planters play a function in providing green amenity as well as providing rest space within the pedestrian corridor. Council does not oppose tree planting and seating in the pedestrian corridor provided it is suitable in scale and location. Also, any tree planting and seating would need to be designed such that it is consistent with recent public domain improvements i.e. the same tree species and bench-type seating as the mall.

In response, the applicant submitted a revised concept that provides for tree planting within the corridor with an integrated public bench encircling the tree. The revised design also increases the amount of area in the corridor to retain and enhance existing paths of travel for pedestrians. The applicant has submitted a letter from a BCA consultant to confirm that sufficient width is available in the pedestrian corridor for path of travel to Elizabeth Drive. The proposed development does not pass over the adjoining allotment.



Figure 6: Proposed landscaping in the pedestrian corridor as extracted from the submitted landscape drawings.

In addition, it is considered appropriate that the development provides for an improved pedestrian link across Elizabeth Drive to Macquarie Street Mall. In this case, it is considered appropriate that two traffic calming treatments are provided across sections of Elizabeth Street approximately 20m from the signalised pedestrian crossing at Macquarie Mall. A condition will be imposed on any consent granted that requires the applicant to provide a design for approval of the Local Traffic Committee, prior to any Construction Certificate.

- *Relocation of the bus stop – need to justify and ensure that public transport accessibility to the shopping centre, new facilities, and existing pedestrian mall is not compromised.*

Comment: The proposed development has been revised so as to remove the proposed drop off zone on Elizabeth Drive. As a result, the existing bus stop will be retained in its current location. The three (3) existing street trees proposed to be removed also as a result of the proposed drop off zone will be reinstated as part of this application.

Based on the amended scheme provided, it is considered that the proposal provides for a development that addresses the concerns raised by SWCPP and is worthy of support.

4. DETAILS OF THE PROPOSAL

The application seeks consent to expand on the existing shopping centre with the construction of an 8 storey commercial office tower and an entertainment and leisure precinct (ELP) on the rooftop carpark. The 8 storey commercial tower will provide for approximately 9,827m² of office floor space above the existing shopping centre. The ELP will provide for 7,978m² of commercial floor area that provides tenancies for a mix of food and drink premises, entertainment facilities and indoor recreation facilities.

The application seeks a staged consent of works:

Stage 1

- Associated level one works for the proposed retail development
 - Minor excavation works for the new tower footings and associated new vertical transport.
- Associated level one works for commercial tower
 - Conversion of use of a portion of existing retail area into end of trip facilities associated with the commercial tower above.
- Level two retail development and future proofing for commercial tower development:
 - A new escalator providing access to the entertainment and leisure precinct on level three
 - New landscape and plaza upgrades
 - Extended and lowered retail shops to external ground level
 - Modification to the internal vertical transport to provide access to the new retail level three.
- Associated level three works.
 - A new Entertainment and Leisure Precinct is proposed on level three that will create tenancies for a mix of uses including restaurants, cafes and retail tenancies, tavern/pub, landscaped mall with public seating, reconfigured cinema, entertainment and leisure facility.
 - The fit out and use of Tenancy S.3.00 for the purpose of an indoor recreation facility.

Stage 2

- Level 4 retail development
 - Two new recreation facilities is proposed on level 4 which includes a terrace overlooking level 3.

Stage 3

- Associated level three car park allowance for commercial tower
- Level four to 11 commercial tower development.

Stage 4

- Associated car park works and internal ramps:
 - Bathurst and George Street corner carpark upgrade on Level 2 and Mezzanine to facilitate a new internal express ramp to the existing level three rooftop carpark.

Stage 5

- The addition of a new level of parking with 118 car parking spaces.

Staging may not occur in the order expressed above. The applicant requests that the wording of any relevant conditions is such to allow staged construction certificate and occupation certificate.



Figure 7. Perspective Drawing of the Proposed ELP

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.55 – Remediation of Land.
- State Environmental Planning Policy No. 64 – Advertising and Signage
- State Environmental Planning Policy (Infrastructure) 2007;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- Liverpool Local Environmental Plan 2008;
- Liverpool Development Control Plan 2008.

Other Plans and Policies

- No other plans and policies

Development Control Plans

- Liverpool Development Control Plan 2008
 - Part 1 – Controls to all development
 - Part 4 – Development in Liverpool City Centre

Contributions Plans

- Liverpool Contributions Plan 2018 applies to all development within the Liverpool City Centre, and requires the payment of contributions equal to 3% of the cost of the development pursuant to Section 7.12 of the *EPA & Act*.

5.2 Zoning

The site is zoned B3 Commercial Core pursuant to LLEP 2008 as depicted in Figure 8.



Figure 8. Extract of LLEP 2008 zoning map

5.3 Permissibility

The proposed development is a “Mixed use development”, which comprises the following land uses definitions:

“commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.”

“entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.”

“recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.”

“pub means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.”

All these land uses are permissible within the B3 Commercial Core zoning.

6. ASSESSMENT

The development application has been assessed in line with the relevant matters of consideration prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* as follows:

6.1 Section 4.15(1)(a)(1) – Any Environmental Planning Instrument

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The objectives of SEPP 55 are:

- to provide for a state wide planning approach to the remediation of contaminated land.
- to promote the remediation of contaminated land to reduce the risk of harm to human health or any other aspect of the environment.

Under the above SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

Council's records indicate that historically the uses on site were predominately commercial in nature. The proposed development will maintain the commercial nature of the site, it is not considered a proposed use that will be considered a 'sensitive use' pursuant to SEPP 55 regulations. The proposal does not involve any uses that will result in human habitation such as dwellings.

Based on the above, it can be considered that the proposal will satisfy clause 7 of SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007

The proposal is identified in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 as a traffic generating development. Pursuant to Clause 104, the application was referred to the Roads and Maritime Service for comments.

The applicant proposed changes to the traffic signal controlled intersection of Bathurst Street/Secant Street as follows:

- All egress to be left turn only. Due to the tightness of the approach to Bathurst Street vehicles turning right out of the site block vehicles turning left;
- Relocate the existing pedestrian crossing from the southern side to the northern side of Bathurst Street;
- Modify the signal phasing to reflect the above changes.

The above changes would improve capacity of the intersection by reducing the number of phases for the traffic signals. Correspondence has been received from the RMS which states that they not support these changes. The RMS has advised that further network investigations are required to determine the impacts on the surrounding road network as a result of the proposed changes.

Council's Traffic and Transport Section has reviewed the response. It is noted that the current intersection operates at Level of Service A/B. Considering the potential traffic likely to be generated as a result of the development, the Level of Service is not expected to change markedly if the signal is to operate in its current form. Accordingly, exclusion of these changes is not expected to have a detrimental impact on the local traffic environment.

Notwithstanding this, the Traffic and Transport Section are aware of some traffic congestion and delays at the intersection. It would be optimal for the intersection to be modified as it could potentially address these concerns. Council's Traffic and Transport Section recognise that these concerns may be addressed with other improvements to the shopping centre, including upgrading the parking boom gate control system to number plate recognition.

Given the above, no objection is raised by Council's Traffic and Transport Section to the proposed development. However, the Traffic and Transport Section have requested a condition be imposed on any consent granted that requires the above intersection to be monitored for twelve (12) months following completion of the proposed development and any changes made so as to address any issues that may or may not materialise.

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP).

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application planning principles are to be applied (Clause 7(2)). Below is a summary of the matters for consideration in determining development application (Clause 8 and Clause 9).

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	Noted.
(a) the aims, objectives and planning principles of this plan	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas	Proposal reviewed by Council's Engineers and considered satisfactory.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries	A stormwater concept plan was submitted and reviewed by Council's development engineers.
d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.

which are available from the respective offices of those Departments)	
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning)	Consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice	Notification of a public authority was not required in this instance.
(g) whether there are any feasible alternatives to the development or other proposal concerned	The site is located in an area nominated for commercial development.
Clause 9 Specific Principles	Comment
(1) Acid sulphate soils	The land is not identified as containing Acid Sulphate Soil mapping.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	Subject land not flood affected.
(4) Industrial discharges	Not applicable.
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and minimize erosion and sediment loss and is required prior to CC.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Stormwater Concept Plan submitted.
(10) Urban development areas	The development is located in an intensive urban development area.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	Erosion and sediment control to be implemented in construction. Salinity measures to be implemented during earthworks and construction.
(13) Wetlands	Not applicable.

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to site remediation and appropriate sedimentation and erosion controls during construction, the development will have minimal impact on the Georges River Catchment.

Liverpool Local Environmental Plan 2008

As stated previously the subject site is zoned B3 Commercial Core under Liverpool Local Environmental Plan 2008 (LLEP 2008). The proposed development is permitted with development consent in the B3 zone.

Zone Objectives

The objectives of the B3 zone are as follows:

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

It is considered that the proposal is consistent with the objectives of the B3 Commercial Core Zone. The proposed development offers a range of employment opportunities and contributes to the ability of Liverpool City Centre to become a regional business and retail centre for south western Sydney.

Principal Development Standards

The following principal development standards are applicable to the proposal:

Liverpool Local Environmental Plan 2008		
Clause	Provision	Comment
Part 4 Principal Development Standards		
2.7 Demolition	The demolition of a building or work may be carried out only with development consent.	Complies Development consent is sought for the partial demolition of existing structures to facilitate the development.
4.3 Height of Buildings	The height of the building must not exceed 35m	Does not comply (refer to below discussion)
4.4 Floor Space Ratio	The maximum floor space ratio permitted is 5.0:1	Refer to discussion below regarding Clause 4.4
4.6 Exceptions to development standards	Development consent can be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.	Complies A written request has been submitted by the applicant pursuant to Clause 4.6 for variation to Clause 4.3 and 7.3 of LLEP 2008.

Liverpool Local Environmental Plan 2008		
Clause	Provision	Comment
5.10 Heritage Conservation	To protect existing items/locations identified as containing significant heritage value.	<p>Complies</p> <p>As part of the proposal the applicant submitted a Heritage Impact Statement (HIS) prepared by GBA Heritage Pty Ltd. The HIS states that the proposed development will have no adverse impact on the heritage significance of the heritage listed properties in the vicinity.</p> <p>The application was referred to Council's Heritage Advisor for comments. Council's Heritage Advisor has concluded that the proposal is unlikely to result in an impact greater than what already exists within the streetscape and is therefore acceptable.</p>
Part 7 Additional local provisions		
Division 1 Liverpool city centre provisions		
7.1 Objectives for Development in Liverpool City Centre	Proposed developments must be consistent with the objectives.	Refer to discussion below regarding Clause 7.1
7.2 Sun access in Liverpool City Centre	Despite clause 4.3, development is prohibited on land within 9m of the public right of way on the northern side of Elizabeth Drive, opposite St Luke's Church Grounds between Northumberland Street and Macquarie Street if any part of a building projects above 20 metres in height.	<p>Complies</p> <p>No part of the proposed development projects above 20 metres in height, within 9m of the public right of way on the northern side of Elizabeth Drive.</p>
Clause 7.3 Car Parking in Liverpool City Centre	Proposed developments must ensure that parking provision is consistent with the applicable rates.	Does not comply (refer to below discussion)

Liverpool Local Environmental Plan 2008		
Clause	Provision	Comment
Clause 7.4 Building Separation in Liverpool City Centre	<p>Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least:</p> <ul style="list-style-type: none"> - 12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use, and - 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use. 	<p>Complies</p> <p>The proposed tower has a maximum height of 44.5m. A separation distance of 12 metres is therefore applicable to the proposed development. The proposed development has a separation distance of 18.5m from the adjacent Western Sydney University.</p>
Clause 7.5 Design Excellence in Liverpool City Centre	Must comply with Clause 7.5(3) with regards to exhibiting design excellence.	Refer to discussion below regarding Clause 7.5
Division 2 Other provisions		
7.14 Minimum building street frontage	Development consent must not be granted to development, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres.	<p>Complies</p> <p>The development site has a building street frontage that is greater than 24 metres.</p>

Liverpool Local Environmental Plan 2008		
Clause	Provision	Comment
7.17 Airspace Operations	Provisions to protect airspace around airports	Complies Correspondence was received from Sydney Metro Airports that considers the Maximum height of 65.20 RL to top of plant will not have an impact on Bankstown Airport's Airspace. However, any cranes utilised during construction may require separate consent. A condition will be imposed on any consent granted that a separate application will need to be made for any structures that exceed this maximum height associated with the construction of the proposed development.
7.17A Hospital helicopter airspace	<p>Development consent must not be granted to development under, or that intrudes into, hospital helicopter airspace unless the consent authority—</p> <p>(a) refers the application for development consent to the chief executive of the relevant local health district, and</p> <p>(b) considers any submission to the consent authority by the chief executive made within 21 days of the referral, and</p> <p>(c) is satisfied the development does not present a hazard to helicopters using hospital helicopter airspace.</p>	Complies The DA was referred to Air Ambulance and Careflight NSW in order to determine any effects on helicopter airspace. These departments provided no comments or objection to the proposed development.

The key clauses applicable to the application are discussed in further detail below.

Discussion on variation to Clause 4.3 Height of Buildings

As identified in the compliance table above, building height does not comply with the provisions of the LLEP 2008. Clause 4.3(2) of the LLEP 2008 identifies a maximum height of 35m for the site. The development proposes a height of 39.5m to the top of parapet and a height of 44.5m to the top of plant rooms.

The non-compliant height is shown yellow in the below figure.

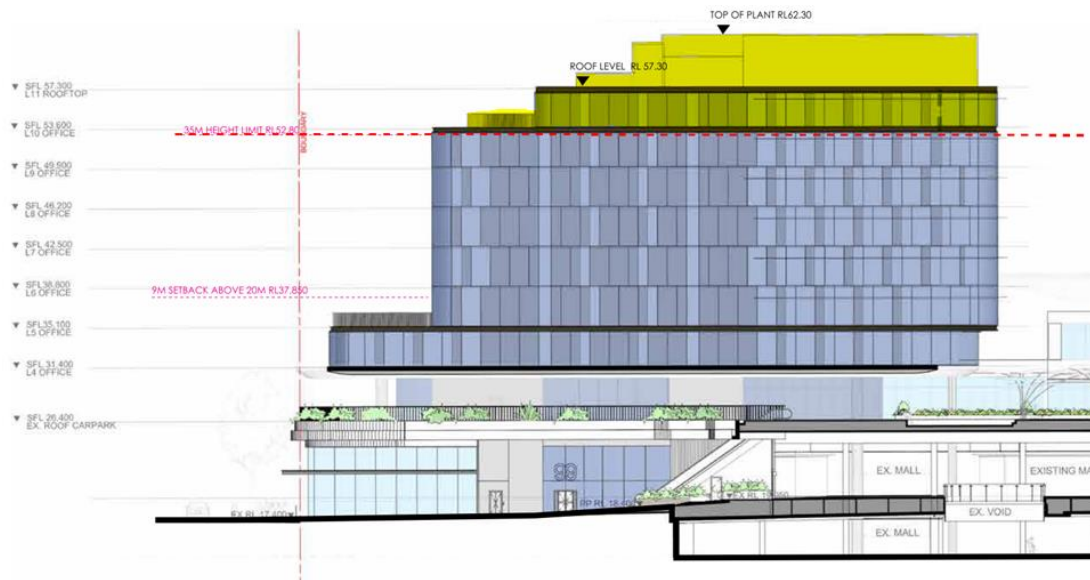


Figure 9 – Extract of the submitted plans showing the building elements which exceed the height limit.

Consequently, the applicant has provided a clause 4.6 variation to justify the non-compliance.

The submitted written request to vary Clause 4.3 - height of buildings has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the B3 zone, are discussed below:

The objectives and standards of Clause 4.6 of the Liverpool Local Environmental Plan (LEP) 2008 are as follows:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

1) Written request addressing why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the contravening of the development standard

The applicant has provided the following comments addressing why compliance with the development standard is unreasonable or unnecessary in this case, as summarised:

- *The proposed height variation relates to a site within an existing, highly urbanised and town centre. The development has been purposely designed to provide a positive environmental benefit. Rather than distributing the floor space across the site (which would require demolition of significant portions of the existing shopping centre and a greater building footprint) the majority of the height non-compliance is consolidated in the seven-storey commercial tower at the south-east corner of the site.*
- *Between the hours of 9am and 3pm on 21 June, the proposed development casts 19.2% less shadow than a compliant development (2.8% less shadow per hour) which is considered a better outcome than a development with a fully compliant building height. Furthermore, the church hall in the north-west portion of the church grounds receives full sunlight from 9.29am onwards.*
- *The overall site development is well below the maximum FSR permitted on the site (Permitted: 5:1, Proposed: 2.76:1). The height non-compliance is not driven by excess bulk or overdevelopment.*
- *The proposed development is consistent in scale and form with the approved WSU building located on the opposite side of Macquarie Street Mall. The proposal exceeds the height standard by a similar proportion to the exceedance of the adjoining building. As such, strict compliance with the development standard would result in a building 8m below the adjoining building a present an incongruous transition of building heights.*
- *Strict compliance with the 35m height control would result in the loss of approximately 3,275sqm of highly sought A-Grade commercial floor space in the Liverpool CBD. The proposed commercial tower seeks to act as a catalyst for change across the broader City Centre by providing A-Grade office space within a highly accessible and prominent location. This will contribute towards fulfilling the vision for Liverpool as Sydney's 'third CBD'.*
- *The areas of non-compliance are set back from the street boundary and podium and therefore are not readily discernible from a pedestrian viewpoint at ground level.*
- *The development is consistent with previous Council approvals to exceed building height in the immediate vicinity.*
- *The development achieves the objectives of the development standard as outlined in Section 6.3.1 and is also consistent with those objectives as outlined in Section 6.3.3.*
- *The proposed commercial building is consistent with the desired future character of Liverpool CBD which envisions buildings up to a height of 80m. Whilst the proposal does not rely on this clause, it should be noted that the site is located in 'Area 10' as identified on LLEP's height of buildings map. In accordance with clause 7.5A of LLEP, developments that dedicate at least 20% of the total GFA to: business premises, centre-based child care facilities, community facilities, educational establishments, entertainment facilities, food and drink premises, function centres, information and education facilities, medical centres, public administration buildings*

or retail premises, and are able to meet the criteria listed below, are able to exceed the maximum height of buildings standard:

- Lot size exceeding 1500sqm; and*
- 2 or more street frontages.*

In order to be eligible for the bonus height, a development control plan must be prepared and the site on which the building is located also includes recreation areas, recreation facilities (indoor), community facilities, information and education facilities, through site links or public car parks.

The commercial building is located on Lot 22 DP 613438, has a lot size of approximately 7,687sqm, dual frontage to Elizabeth Drive and Macquarie Street Mall and dedicates more than 20% of the GFA to business premises. Whilst the proposal does not rely on this clause, it demonstrated that the proposed development has been designed to account for the desired future character and intended built form for the site.

In response to the applicant's submission, Council accepts that strict compliance with the applicable height control is unreasonable and unnecessary having regard to the following:

- The subject site is subject to a maximum FSR of 5:1. The FSR standard is to control building density and bulk in relation to the site area in order to achieve the desired future character of the area. In its current form, the proposed development is below the maximum FSR of the site.
- Properties to the north and south of the site have maximum height standard ranging from 18 metres to 100 metres. This excludes the ability of some of these properties, by virtue of Clause 7.5A of LLEP 2008, to develop up to the obstacle height limit of Bankstown Airport. The proposed development provides for an office tower with a height of 45 metres on a site that is predominately within the height limit of 35m. The office tower, even with an additional height of 10 metres above the standard, is sympathetic to the desired future character of the local area.
- The development has been designed so as to ensure that buildings and public areas continue to receive satisfactory exposure to the sky and sunlight, particularly the grounds of St Luke's Church.
- The proposed building height still promotes a high quality urban form.

2) Consistency with objectives of the development standard Clause 4.3 Height of Buildings

The objectives of Clause 4.3 and assessment are as follows:

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved*
- (b) to permit building heights that encourage high quality urban form,*
- (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.*

The proposed development is considered to be consistent with the objectives of Clause 4.3 of LLEP 2008, in that notwithstanding the height exceedance, it will provide a built form that is compatible with the intended future character of the area.

Properties to the north and south of the site have maximum height standard ranging from 18 metres to 100 metres. This excludes the ability of some of these properties, by virtue of Clause 7.5A of LLEP 2008, to develop up to the obstacle height limit of Bankstown Airport.

The proposed development provides for an office tower with a height of 45 metres on a site that is predominately within the height limit. The office tower, even with an additional height of 10 metres above the standard, is sympathetic to the desired future character of the area.

The proposed development is considered modern in its design with a strong base of five storeys and midrise of 6 storeys to Elizabeth Drive. The upper levels of the building has been designed to be recessive with increased setbacks.

The proposal allows for a tower that encourages high quality urban form with the inclusion of outdoor terraces with landscaped areas. In addition, the proposed development has been well articulated at the street frontage and proposes varying setbacks to ensure that the actual and perceived bulk of the building is minimised when viewed from the street.

Also, it is considered that the shadows cast by the development do not significantly alter from a compliant scheme. Public areas will continue to receive satisfactory exposure to the sky and sunlight.

Given the above, it is considered that the proposed development is consistent with the objectives of Clause 4.3 of LLEP 2008.

3) Consistency with objectives of the zone – B3 Commercial Core

The objectives of the B3 Commercial Core zone are as follows;

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

The site constitutes the three city blocks that is bounded by Elizabeth Drive, Bathurst Street, Campbell Street and George Street with the exception of the UWS site. Existing on the site is a shopping centre that provides for one of the largest concentrated footprint of retail and business uses within the Liverpool City Centre. The entire site is zoned B3 Commercial Core and comprises a majority of all the B3 zoned land in Liverpool.

The proposal expands on existing retail offerings, provides additional entertainment facilities and high quality commercial office space in the Liverpool City Centre. It is considered that the application will strengthen the metropolitan role that Liverpool City Centre will play into the future. Also, it is considered that the ELP has the potential to add to revitalisation of the night time economy and public domain within the Liverpool City Centre.

4) Consistency with Clause 4.6 objectives

- a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development*
- b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances,*

As detailed above, the request to vary the development standard of Clause 4.3 - Height of Buildings is considered to be well founded and justified under the circumstances. It is

considered appropriate in this instance to apply a degree of flexibility when applying the maximum height development standard applicable to the subject site. Moreover, it is considered that achieving a greater height in this instance will allow for the creation of a high quality development within the locality and in turn represents a design outcome that is suitable for the locality.

5) Recommendation

With considerations to the discussion above, the proposed variation to the Clause 4.3 “height of buildings” has satisfied the provisions of Clause 4.6 and is supported in this circumstance.

Discussion on Clause 4.4 Floor Space Ratio

Clause 4.3(2) of the LLEP 2008 identifies a maximum Floor Space Ratio (FSR) of 5:1 for the site. The FSR of buildings on a site is the ratio of the gross floor area (GFA) of all buildings within the site to the site area. In calculating GFA, reference is to be made to subclause 7.3(4)(a) of the LLEP 2008, which has been reproduced below:

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

- (a) any area of the building that is used for car parking and is at or above ground level (existing), except to the extent permitted by a development control plan made by the Council,*
- (b) any area of the building that is used for car parking below ground level (existing), except where the car parking is provided as required by this clause.”*

Subclause (4)(a) enables a Development Control Plan (DCP) to nominate the extent of car parking at or above ground level (existing) which is included as part of the GFA of a building. Section 4.3 Onsite Parking in Part 4 of LDCP 2008 provides the following relevant control:

“8. Onsite parking is to be accommodated in basement parking, except to the extent provided below;

- Up to 25% of the required parking can be provided above ground where it is fully integrated into the building design in accordance with Figure 23 without counting towards gross floor area.*
- Any parking above the 25% will count towards gross floor area for the purposes of calculating Floor Space Ratio.”*

Accordingly, any car parking at or above ground level (existing) which is above 25% of the total number of parking spaces provided at or above ground level is to be included as part of the GFA of a building.

The existing GFA at the site is 200,461sqm – including car parking to be counted towards GFA for the purposes of calculating FSR in accordance with sub clause 4.3(4)(a). The proposed development contributes a GFA of 17,809sqm. Accordingly, the proposal results in a total GFA of approximately 218,270sqm at the site which equates to a FSR of 3:1.

Discussion on Clause 7.1 Objectives for Development in Liverpool City Centre

Clause 7.1 of the LLEP 2008, stipulates the objectives that must be satisfied by any redevelopment in the city centre. The objectives of Clause 7.1 are as follows;

- (a) to preserve the existing street layout and reinforce the street character through consistent building alignments,*
- (b) to allow sunlight to reach buildings and areas of high pedestrian activity,*
- (c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,*
- (d) to improve the quality of public spaces in the city centre,*
- (e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,*
- (f) to enhance the natural river foreshore and places of heritage significance,*
- (g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.*

Comment: The proposal is considered to satisfy the objectives of clause 7.1 as it provides a development that significantly improves the public domain. It provides a design that will enable sunlight to reach buildings and areas of high pedestrian activity, being St Luke's Church Grounds. It also provides a development that has given appropriate consideration to existing site constraints and the surrounding local and wider context.

Discussion on variation to clause 7.3 Car Parking in Liverpool City Centre

As identified in the compliance table above, Car Parking does not comply with the provisions of the LLEP 2008. Clause 7.3(2) of the LLEP 2008 indicates that consent must not be granted to development in the Liverpool City Centre that is in Zone B3 Commercial Core or B4 Mixed Use that involves the erection of a new building or an alteration to an existing buildings that increases the gross floor area of the building unless-

- (a) at least one car parking space is provided for every 200 square metres of any new gross floor area that is on the ground floor level of the building, and*
- (b) in respect of any other part of the building—*
 - (i) at least one car parking space is provided for every 100 square metres of any new gross floor area that is to be used for the purposes of retail premises, and*
 - (ii) at least one car parking space is provided for every 150 square metres of any new gross floor area that is to be used for any other purpose.*

The proposed development results in an additional gross floor area of 7,982sqm for the purpose of retail and 9,827sqm for the purpose of commercial. On this basis, at least 146 car parking spaces is required to be provided for the proposed development. Additional car parking is not proposed with the development. In fact, the proposed development results in a loss of 60 car parking spaces. This results in an overall net shortfall of 206 spaces.

Consequently, the applicant has provided a clause 4.6 variation to justify the non-compliance.

The submitted written request to vary Clause 7.3 – Car Parking in Liverpool City Centre has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the B3 zone, are discussed below:

The objectives and standards of Clause 4.6 of the Liverpool Local Environmental Plan (LEP) 2008 are as follows:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
 - (iii) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (iv) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- 1) Written request addressing why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the contravening of the development standard

The applicant has provided the following comments addressing why compliance with the development standard is unreasonable or unnecessary in this case, as summarised:

- *As Liverpool grows in its role as a Strategic Centre, development should seek to reduce parking particularly when there is an excess of parking on site than what is required under current demand. Uniform car parking rates cannot always be applied to a development. Historically, traffic authorities have accepted a demand study-based approach to the provision of car parking. As outlined in Section 5.2, the proposed parking satisfies existing and future demand.*
- *As shopping centres such as Westfield Liverpool grow, their uses tend to diversify. The proposed development will provide a mix of uses, transforming the southern portion of the existing shopping centre into a dining, entertainment and leisure precinct. The co-location of these facilities should be considered when calculating car parking demand for the site. It is anticipated that the majority of trips to the site will be multi-purpose trips, reducing the need for additional car parking.*
- *Whilst this request seeks a variation to Clause 7.3(2) of LLEP, one of the primary objectives of on-site car parking in Liverpool DCP is to recognise the complementary use and benefit of public and non-motorised modes of transport. The proposed development will provide end of trip facilities and bicycle storage and is well serviced by trains and buses. Accordingly, there is a greater likelihood of people utilising public or active modes of transport instead of driving.*
- *As outlined in the Traffic Report submitted at **Appendix G**, Section 5.7.1 of the RMS Guide to Traffic Generating Developments (2002) states that the 85th percentile level or parking demand should be considered for shopping centre. The parking demand*

when calculated in accordance with the RMS guidelines is 2,690 spaces. The proposed parking greatly exceeds this requirement.

- The proposed commercial tower will provide end of trip facilities and secure bike storage, promoting walking and cycling as viable modes of transport.*
- The 66 car spaces dedicated to the commercial tower will be available on weekend for retail parking.*
- The proposed development promotes sustainable development by reduced reliance on motor vehicles.*
- Complying with the LEP parking rates would require the conversion of gross floor area to car parking, resulting in the loss of significant commercial and retail employment floor space.*
- Whilst this variation request relates specifically to Clause 7.3 of LLEP, the LLEP is supported by the Liverpool Development Control Plan 2008 which contains further controls and objectives relating to on-site car parking. Part 4 of LDGP states ‘the majority of commercial development in Liverpool City Centre will be concentrated around the public transport interchange and in areas already containing a focus of commercial development. This strategy will assist in creating vitality and ensuring a high level of public transport accessibility.’*

The proposal directly responds to this objective by providing a retail and commercial development close to existing public transport. This is also consistent with the Western City District Plan which seeks to co-locate infrastructure in metropolitan and strategic centres such as Liverpool and more direct public transport to these places so that people can access service and jobs.

- As noted in the Traffic and Parking Report accompanying the original DA submission, the 85th percentile level of parking demand contained in the RMS Guide to Traffic Generating Developments (2002) should be considered for shopping centres. Based on these rates, the shopping centre, following the completion of the proposed entertainment and leisure precinct and commercial tower would require 3,228 parking spaces. The proposed provision of 3,438 spaces satisfies this requirement.*

In response to the applicant's submission, Council accepts that strict compliance with the applicable car parking control is unreasonable and unnecessary having regard to the following:

- Car parking is provided for the proposed development that is commensurate with the traffic likely to be generated by the development and is appropriate for the road network capacity and proposed mix of transport modes for the city centre.

2) Consistency with objectives of the development standard Clause 7.3 Car parking in Liverpool city centre

The objective of Clause 7.3 is “to ensure that adequate car parking is provided for new or extended buildings on land in the Liverpool city centre that is commensurate with the traffic likely to be generated by the development and is appropriate for the road network capacity and proposed mix of transport modes for the city centre”.

The submitted traffic report indicates that the shopping centre proposes 3,438 car parking spaces at the occupation of the proposed development. The RMS guide to traffic generating developments requires shopping centres with areas greater than 30,000m² gross leasable

floor area (GLFA) to provide 4.1 car parking space per 100m² GLFA. It also advises that developments should be required to provide for 85% of the parking demand.

In this regard, the shopping centre will be required to provide 3,467 parking spaces to accommodate 85% of the parking demand to be generated by proposal. The development provides for 3,438 parking spaces which represents a short fall of 29 parking spaces (0.8%) from that required by the RMS. Notwithstanding this, it is noted that the shopping centre is well served by public transport services, which is likely to alleviate any shortfall.

It should be noted that the application was referred to both the RMS and Council's Traffic and Transport Branch for comments. RMS and Council's Traffic and Transport Branch are satisfied with the proposed parking provision of the development. Accordingly, it is considered that the provision of car parking at the site is satisfactory to meet the expected demand for parking generated by the proposed development.

Given the above, it is considered that the proposed development is consistent with the objectives of Clause 7.3 of LLEP 2008.

3) Consistency with objectives of the zone – B3 Commercial Core

The objectives of the B3 zone are as follows;

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

The site constitutes the three city blocks that is bounded by Elizabeth Drive, Bathurst Street, Campbell Street and George Street with the exception of the UWS site. Existing on the site is a shopping centre that provides for one of the largest concentrated footprint of retail and business uses within the Liverpool City Centre. The entire site is zoned B3 Commercial Core and comprises a majority of all the B3 zoned land in Liverpool.

The proposal expands on existing retail offerings, provides additional entertainment facilities and high quality commercial office space in the Liverpool City Centre. It is considered that the application will strengthen the metropolitan role that Liverpool City Centre will play into the future. Also, it is considered that the ELP has the potential to add to revitalisation of the night time economy and public domain within the Liverpool City Centre.

4) Consistency with Clause 4.6 objectives

- c) *to provide an appropriate degree of flexibility in applying certain development standards to particular development*
- d) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances,*

As detailed above, the request to vary the development standard of Clause 7.3 – Car Parking in Liverpool City Centre is considered to be well founded and justified under the

circumstances. It is considered appropriate in this instance to apply a degree of flexibility when applying the car parking provisions applicable to the subject site. Moreover, it is considered that the variation to parking provision in this instance will allow for the creation of a high quality development with sufficient car parking so as to accommodate the traffic generated by the development.

5) Recommendation

With considerations to the discussion above, the proposed variation to the Clause 7.3 “*Car parking in Liverpool City Centre*” has satisfied the provisions of Clause 4.6 and is supported in this circumstance.

Discussion on variation to clause 7.5 Design Excellence in Liverpool City Centre

Clause 7.5 of the LLEP 2008 prescribes that development consent must not be granted to development within the Liverpool City Centre, unless the consent authority considers that the development exhibits design excellence. The objective of this clause is to deliver the highest standard of architectural and urban design within the city centre. The key Clauses of 7.5 in this instance that will need to be considered when determining whether a proposal exhibits design excellence are Clauses 7.5(2) and (3).

Note: A Design Excellence Statement has been submitted by two registered architects acting on behalf of the applicant. The Design Excellence Statement addresses the provisions of Clause 7.5. The response provided by the applicant appends Council's response in the below table.

Clause 7.5	Council Response
(2) <i>Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in the Liverpool city centre unless the consent authority considers that the development exhibits design excellence.</i>	Noted. Council has considered whether the proposed development exhibits design excellence.
(3) <i>In considering whether development exhibits design excellence, the consent authority must have regard to the following matters:</i>	Regard to the matters listed in Subclause 7.5(3) are discussed as follows:
(a) <i>whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;</i>	Council considers that the proposed tower and entertainment leisure precinct (ELP) is of a high standard of architectural design, materials and detailing appropriate for the building type and location. Also, the Design Excellence Panel has confirmed that <i>the building as presented is well resolved externally and appears to be of a high quality façade design and finished</i> . It is considered that the development, through the employment of adequate setbacks, street activation and a commercial address will improve the quality and amenity of the
(b) <i>whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,</i>	

	<p>public domain.</p> <p>The applicant provides the following comments:</p> <p><i>“The additions to the centre form two major components (i) the entry plaza, new centre entry and office building as urban interface and (ii) the dining, entertainment and leisure precinct as a new urban destination.</i></p> <p><i>The urban interface elements include a high quality urban marker in the new office building together with a reconfigured urban realm which will greatly enhance the entry experience of all users of the centre. The materiality and detailing reflect the important public facing location and provide an architectural design that is dynamic and contemporary.</i></p> <p><i>Comprehensive analysis of the site and context has been undertaken. The location of the activation is carefully crafted via the amplification of the strength of the Macquarie Street entrance, thus the rise of the complementary tower on the west of the axis. This will create a highly desirable hub with diverse offerings for the community.</i></p> <p><i>The dining, entertainment and leisure precinct creates a new urban gathering space in the CBD and seeks to become a major new destination in the heart of Liverpool. The proposed retail environment is founded on a quality outdoor environment brought to life by a diversity of dining, leisure and recreation activities from an upgraded cinema offering and children’s playground to F+B offerings. The architectural framework seeks to bring together these uses in a cohesive precinct. The introduction of both components of the redevelopment will enhance the quality and amenity of the centre both as it interfaces with the public domain and through the increase in the communal outdoors space it offers.”</i></p>
<p>(c) whether the proposed development detrimentally impacts on view corridors,</p>	<p>The development is at a key intersection with the rest of the Liverpool City Centre. The proposed development terminates at the vista down the Macquarie Mall and acts as a key attractor of pedestrian movements. In its current form, it is considered that the commercial tower works well with the</p>

	<p>adjacent Wollongong University building to frame the vista from the mall.</p> <p>The applicant provides the following comments:</p> <p><i>“The proposal does not impact view corridors. The proposal improves the view along both Elizabeth Drive and Macquarie Streets by offering a contemporary corner building to anchor the intersection and indicate the main entry to the centre, as such it provides a landmark within the Liverpool cityscape.”</i></p>
<p>(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),</p>	<p>The applicant modulates the building so as to mitigate the shadow otherwise generated from a breach of the building height. For instance, the office tower has been setback 12 metres from the boundary up to a height of 35 metres rather than the minimum of 9 metres. The level above 35 metres has been setback 21 metres from the boundary and the plant room approximately 33 metres from the boundary.</p> <p>In this regard, the shadow study indicates that the proposed built form generates a shadow impact to surrounds in a manner virtually identical to a comparable compliant envelop. There is minimal overshadowing of St Luke’s Church grounds between 9am and 10am during the winter solstice, with the remainder of the day maintaining high levels of solar access. Also, the shadow impact to Macquarie Street Mall is less than the adjacent WSU tower which was previously approved by Council.</p> <p>Council considers that the proposed development does not detrimentally overshadow St Luke’s Church grounds or Macquarie Street Mall.</p> <p>The applicant provides the following comments:</p> <p><i>“There are no overshadowing impacts on Bigge Park, Liverpool Pioneer’s Memorial Park or Apex Park.</i></p>

	<p><i>Whilst the proposal creates some additional shadow when compared to the existing scenario, it is considered that the proposal does not create excessive overshadowing impacts to St Luke's Church grounds and Macquarie Street Mall during the winter months. This has been achieved through a well-considered and articulated built form outcome that seeks to provide a tiered design. When compared to a compliant building envelope, the proposed tower form results in a lesser shadow impact.</i></p> <p><i>Whilst the proposal exceeds the height of building control, the elements of the building that are above the 35m height limit are well setback so as not to create any additional overshadowing impacts.</i></p> <p><i>The footprint of the overshadowing has been minimised by creating a slimmer profile and building setback from Elizabeth Drive which in turn casts a reduced footprint of shadow in comparison to the adjacent development. The architecture has been crafted in careful consideration to all key aspects of design excellence.</i></p> <p><i>The overshadowing effect and duration are also comparable to the adjacent approved and completed development currently tenanted by Western Sydney University."</i></p>
<i>(e)any relevant requirements of applicable development control plans,</i>	<p>Assessment of the proposal is conducted against the provisions of Liverpool DCP 2008, particularly with regard to <i>Part 4 Development in Liverpool City Centre</i>. The proposal substantially complies with the provisions of the LDCP 2008.</p> <p>The applicant provides the following comments:</p> <p><i>"The design process has been a collaborative and transparent process where the requirements of Liverpool LEP & DCP have been acknowledged in the design process and Pre-DA meetings conducted with the Council as part of the consultative process. The outcome of the Pre-DA</i></p>

	<i>meeting, Council's written response to the DA submitted, and Design Excellence Panel review has been thoroughly considered and has guided our current amended design."</i>
<i>(f) how the proposed development addresses the following matters:</i>	Regard to the matters listed in Subclause 7.5(3)(f) are discussed as follows:
<i>(i) the suitability of the site for development,</i>	<p>The site constitutes the three city blocks that is bounded by Elizabeth Drive, Bathurst Street, Campbell Street and George Street with the exception of the UWS site. Existing on the site is a shopping centre that provides for one of the largest concentrated footprint of retail and business uses within the Liverpool City Centre. The entire site is zoned B3 Commercial Core and comprises a majority of all the B3 zoned land in Liverpool.</p> <p>The proposal expands on existing retail offerings, provides additional entertainment facilities and high quality commercial office space in the Liverpool City Centre. It is considered that the application will strengthen the metropolitan role that Liverpool City Centre will play into the future. Also, it is considered that the ELP has the potential to add to revitalisation of the night time economy and public domain within the Liverpool City Centre.</p> <p>The applicant provides the following comments:</p> <p><i>"Westfield Liverpool has been a major component of the retail life of Liverpool for its entire lifespan and the proposed changes look to enhance this offering through the addition of complementary uses in line with our company purpose, 'creating extraordinary places, connecting and enriching communities'. The enhancement of the centre through office, dining, entertainment and leisure functions are considered not only suitable but highly desirable additions to the centre of Liverpool and to the Westfield precinct."</i></p>
<i>(ii) existing and proposed uses and use mix,</i>	The site constitutes the three city blocks that is bounded by Elizabeth Drive, Bathurst Street, Campbell Street and George Street with the exception of the University of Western Sydney (UWS) site. Existing on the

	<p>site is a shopping centre that provides for one of the largest concentrated footprint of retail and business uses within the Liverpool City Centre. The entire site is zoned B3 Commercial Core and comprises a majority of all the B3 zoned land in Liverpool.</p> <p>The proposal expands on existing retail offerings, provides additional entertainment facilities and high quality commercial office space in the Liverpool City Centre. It is considered that the application will strengthen the metropolitan role that Liverpool City Centre will play into the future. Also, it is considered that the ELP has the potential to add to revitalisation of the night time economy within the Liverpool City Centre.</p> <p>The applicant provides the following comments:</p> <p><i>“Currently, Westfield Liverpool trades as a major regional shopping centre, catering for the needs of the community. The proposed development will elevate the existing Centre to become a Living Centre, which offers a new dimension to the existing centre by providing much needed commercial floor space and uses that contribute to developing a night-time economy within Liverpool’s CBD.</i></p> <p><i>This is very fitting in the context of Liverpool becoming the gateway of the Greater Western region of Sydney and will significantly benefit the greater community.”</i></p>
(iii) heritage issues and streetscape constraints,	<p>The context of the northern alignment of Elizabeth Drive varies significantly from the southern. The curtilage around St Luke’s Church defines the southern edge of Elizabeth Drive and acts to protect the visual character of the church from the surrounding urban development.</p> <p>The proposed development while significantly taller than the heritage item, its position, on the northern side of Elizabeth Drive, away from the curtilage of the heritage item and in not being directly adjacent to the site or in a position to block</p>

	<p>any views to the heritage item from the public sphere act as a mitigating factor.</p> <p>The proposed design of the office tower appears recessive and while of similar height to the WSU tower, does not appear to visually dominate the background of the church, with the church still maintaining a prominent position in the street view.</p> <p>Given the above, the proposal is unlikely to result in an impact greater than what already exists within the streetscape and as such is acceptable.</p> <p>The applicant provides the following comments:</p> <p><i>“The primary heritage relationship for the proposed works is the grounds of St Luke’s Church to the south of Elizabeth Drive and the proposed commercial office development. The office tower has been designed as a series of slipped rectangular forms that seek to reinforce the street wall and setback above to minimise overshadowing of the church grounds. Through careful articulation of the built form the development achieves less overshadowing than a complying built envelope as it orientates itself north south along Macquarie Street rather than East West along Elizabeth Drive. By so doing the development offers both the corner marker and street wall appropriate to Elizabeth Drive and minimised overshadowing of the church grounds opposite. For additional heritage related information please refer to the Statement of Heritage Impact Report”.</i></p>
<p>(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,</p>	<p>Any development of the site is required to comply with building separation requirements of Clause 7.4(2) of LLEP 2008; which requires a separation distance of 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. A minimum separation distance of 18.5 metres to 28.3 metres is provided between the proposed tower and from the adjacent Western Sydney University Building.</p> <p>The applicant provides the following comments:</p>

	<p><i>“The proposed tower on the North West corner of Elizabeth Drive and Macquarie Street works in partnership with the recent University of Western Sydney tower on the North East corner to frame the northern end of Macquarie Street. Together the buildings act to frame the entry condition to the centre and provide a pedestrianised entry forecourt to both the existing centre and the proposed dining, entertainment and leisure precinct above it.”</i></p>
<p>(v) <i>bulk, massing and modulation of buildings,</i></p>	<p>The built form and scale of the development is in context of the Liverpool city centre and Councils vision for the Liverpool City Centre to be the Sydney’s third CBD. The proposed development reflects a transition in built form currently occurring throughout the City Centre which is characterised by a mix of commercial/residential tower forms that are setback over a strong podium level that contain active uses addressing the street frontage. The simple built form, city scale and articulations combine to provide an attractive building.</p> <p>The applicant provides the following comments:</p> <p><i>“The office tower and its retail base form the North West corner of the intersection of Macquarie Street and of Elizabeth Drive, providing a street well form of just less than the maximum 20m in height with active uses on multiple levels. The form of the building steps back from Elizabeth Drive to minimise overshadowing and to create a series of terrace levels that allow additional outdoor areas at both public and office levels adding life and vitality to the street. The architectural device used to allow the forms to slip north as they go up is a series of horizontal recessed joints between forms. The bulk and massing of the building is thus modulated in response to context while still providing a cohesive and dramatic addition to the city skyline.”</i></p>
<p>(vi) <i>street frontage heights,</i></p>	<p>Part 4 of LDCP 2008 requires that the street frontage height of the building achieves a maximum height above mean ground level</p>

	<p>of 16m – 26m (4-6 storey). The proposed development has a height of 17 metres along the property boundary which is then setback approximately 12 metres up to Level 10. Level 10 and the roof plant room above is setback further distance from the property boundary so that it is imperceptible at the street frontage. It is considered that the proposed development results in a street frontage height in common alignment with the existing shopping centre.</p> <p>The applicant provides the following comments:</p> <p><i>“Street frontage height is approximately 17 metres from the street level at zero setback from the boundary. The tower (to roof plant) is 45 metres tall from the street level.”</i></p>
(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,	<p>An ESD and Energy Efficiency Report has been submitted. The report outlines the overarching sustainability strategy including sustainability commitments for the proposed development and key initiatives that the applicant will target to implement and investigate in order to deliver the benefits of best practice sustainable design as practically as possible. For instance, the proposed development incorporates a number of sustainability initiatives into the design such as stormwater capture and reuse as well photovoltaic technologies, where possible.</p> <p>A wind report has also been submitted with the application which concludes that the proposed development will not have any adverse impact on the existing wind environment. Also, the development is proposing to convert existing hardstand spaces for car parking to open air pedestrian spaces with planting on podium. This has the added benefit of reducing the overall hardstand area at the site.</p> <p>The applicant provides the following comments:</p> <p><i>“The design of the office building in particular is designed to achieve a minimum performance of 5 Stars in both NABERS energy and Green Star which relates to Australian Best practice as a rating. The</i></p>
(viii) the achievement of the principles of ecologically sustainable development,	

	<p><i>design of the building features a highly efficient façade with extensive use of insulated panels and external shading to optimise views and outlook while maximising the energy performance of the building. The facades will be designed with a maximum reflectivity of 20% on all glass surfaces to minimise any reflectivity issues. For additional detail and sustainability features please refer to ESD and Energy Efficiency Report.”</i></p>
<p><i>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</i></p>	<p>The development seeks to use and improve on existing vehicular access to, from and within the site. The following improvements to vehicular access is proposed:</p> <ul style="list-style-type: none"> • Express ramp from the second level up to the third level, bypassing the mezzanine level. • Improvements to the driveway access off George Street. • Introduce automatic number plate recognition system as part of the proposed development. • Raise the pedestrian crossing on the eastern approach to the intersection of Macquarie Street and Campbell Street. <p>Pedestrian circulation in the pedestrian corridor will be retained and even enhanced with the addition of tree planting and street furniture. Existing pavers will be replaced with new pavers in the pedestrian corridor and on Elizabeth Drive along the frontage of the proposed development. Also, pedestrian access to the entertainment and leisure precinct (ELP) will be provided both internally and externally, forming both a physical and visual connection to Macquarie Street Mall.</p> <p>The proposed development provides for end of trip facilities below the office tower for cyclists.</p> <p>The applicant provides the following comments:</p>

	<p><i>“Pedestrian circulation will be upgraded with easier access to multi-level entries, such as the level 2 and level 3 new precinct which facilitates permeable circulation. End of trip facilities are proposed with adequate bike storage and other facilities designed as per the ESD guidelines.</i></p> <p><i>Existing circulation axes’ are maintained and the proposed will enhance this via various strategies.</i></p> <p><i>Traffic circulation in the centre will be improved by the introduction of an internal express ramp. Supporting detail of carpark & loading services allowance information can be found in the traffic report provided.”</i></p>
<p>(x) <i>the impact on, and any proposed improvements to, the public domain.</i></p>	<p>Council notes that the applicant is providing for a renewed public domain outcome. The applicant recognises the public benefit in retaining the pedestrian corridor and seeks to enhance the amenity of the pedestrian corridor with a modest amount of seating and tree planting. Shopfronts with ground level access will be provided along the pedestrian corridor and even extend to Elizabeth Street frontage thereby providing an active street environment.</p> <p>The applicant provides the following comments:</p> <p><i>“The proposed development aims to improve the engagement Westfield has with the public domain, provide greater offerings for the community and enhance the public domain. This will be achieved through the redesign of the entry plaza that forms the end of Macquarie Street and the front door to the centre as well as through the aforementioned dining, entertainment and leisure precinct on top of the centre which will provide a multitude of offerings including;</i></p> <ul style="list-style-type: none"> <i>• An open expansive area of landscape, open space and kids play area for public use and community activities/events.</i> <i>• New Recreation Facilities (indoor) with Ancillary Amusement offer</i>

	<p><i>connected to the proposed rooftop Dining Precinct.</i></p> <ul style="list-style-type: none"> • <i>New reconfigured and refurbished cinema to include Gold Class offering.</i> • <i>New retail focusing on dining, leisure and recreation uses.</i> • <i>A family friendly Tavern activating the upper level looking south down Macquarie Mall.</i> • <i>Modification to existing rooftop carpark."</i>
--	---

Council considers the proposal exhibits design excellence and is a design that is considered innovative and beneficial for the Liverpool LGA and the City Centre, specifically.

6.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

No draft Environmental Planning Instruments applies to the site.

6.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

Part 1 - General Controls for all Development and Part 4 - Development in the Liverpool City Centre of the Development Control Plan apply to the proposed development and prescribe standards and criteria relevant to the proposal.

The following compliance table outlines compliance with these controls.

Part 1 – General Controls for all development		
Controls	Provided	Complies
2. Tree Preservation	No major trees on site.	Yes
3. Landscaping	Landscape plan provided which proposes planting in the pedestrian corridor and in the rooftop car park.	Yes
4. Bushland and Fauna Habitat Preservation	The site does not include any significant bushland native vegetation.	N/A
5. Bushfire Risk	The site is not identified as bush fire prone.	N/A
6. Water Cycle Management	Retention and re-use of stormwater is proposed and connection to Council's system.	Yes
7. Development Near Creeks and Rivers	Not near a watercourse.	N/A
8. Erosion and Sediment Control	Soil and erosion measures reviewed by Council Engineers and conditions of consent will be attached to any consent.	Yes
9. Flooding Risk	The site is not affected by flooding.	N/A
10. Contamination Land Risk	Assessment under SEPP 55 detailed above.	Yes

Part 1 – General Controls for all development		
11. Salinity Risk	Proposal will not have detrimental impacts on salinity.	Yes
12. Acid Sulfate Soils Risk	Site is not identified as affected by Acid Sulphate Soils.	N/A
13. Weeds	Site is not affected by Noxious Weeds.	N/A
14. Demolition of existing development	Demolition works are proposed. Conditions to be imposed on any consent granted.	Yes
15. On-site sewage disposal	Not proposed	N/A
16. Aboriginal Archaeology	The proposal does not impact on any aboriginal heritage.	Yes
17. Heritage and Archaeological Sites	The impact of the development on heritage items has been considered in the submitted Heritage Impact Statement. The Statement has been reviewed by Council's heritage advisor who raises no objection to the proposed development.	Yes
18. Notification of Applications	Application was notified in accordance with the DCP.	Yes
20. Car Parking & Access	Car parking requirements covered by Clause 7.3 of LLEP 2008	Yes
22. Water Conservation	An ESD report has been submitted with the application and is considered to be satisfactory. Report will form part of conditions of consent.	Yes
23. Energy Conservation	An ESD report has been submitted with the application and is considered to be satisfactory. Report will form part of conditions of consent.	Yes
25. Waste disposal and reuse facilities	Consent will have necessary conditions imposed regarding waste disposal.	Yes
26. Outdoor advertising	Signage is considered to be acceptable in its proposed form.	Yes
27. Social Impact Assessment	A social impact assessment has been submitted to Council for assessment.	Yes

The Liverpool Development Control Plan 2008 (LDCP) Part 4 is applicable to the proposed development. Key controls in the LDCP are discussed below:

Development Control	Provision	Comment
Part 4 Liverpool City Centre		
2. Controls for Building Form		
Building to Street Alignment and Street Setbacks	Street building alignment and street setbacks are to comply with 0m setback (build to street alignment).	Complies The development is built to the street alignment.
	The external facades of buildings are to be aligned with the streets that they front.	The external façade of the building is aligned with Elizabeth Drive.
	Notwithstanding the setback controls, where development must be built to the street alignment (as identified in Figure 3), it must also be built to the side boundaries (0m setback) where fronting the street. The minimum height of development built to the side boundary is to comply with the minimum street frontage height requirement.	Noted
	The street frontage height of buildings must comply with the minimum and maximum heights above mean ground level on the street front of 16m – 26m (4-6 storey)	Complies The development maintains a street frontage height of 17 metres along Elizabeth Drive.
	Notwithstanding the above, the street front height of any new building is to be consistent with the controls in Section 2.6 Solar Access.	Noted.
	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.	Complies Heritage advisor has raised no objection to the proposed street frontage height of the office tower.
Building Depth and Bulk	<p>The maximum floor plate sizes and depth of buildings in residential zones are as follows:</p> <ul style="list-style-type: none"> Above street frontage height is 1,200sqm of GFA per floor and maximum building depth of 30m. 	<p>Acceptable on merit</p> <p>The maximum building depth is 30m. The GFA per floor of the office tower is 1,537sqm on Level 4, 1,307sqm between level 4 – 5, 1,423sqm between level 7-9 and 1,154sqm for level 10. Notwithstanding this, the office tower is considered to achieve good internal amenity and does not result in a bulk and</p>

Development Control	Provision	Comment
		scale that is not inconsistent with the existing and anticipated local character.
Boundary Setbacks and Building	<p>The minimum building setbacks from the front, side and rear property boundaries are as follows:</p> <p><u>All uses up to SFH level:</u></p> <ul style="list-style-type: none"> No front, side or rear setback <p><u>Between SFH level and 45m:</u></p> <ul style="list-style-type: none"> A front, side and rear setback of 6 metres <p><u>Above 45m:</u></p> <ul style="list-style-type: none"> A front setback of 6 metres A side and rear setback of 14 metres 	<p>Complies</p> <p>The proposed development has been setback in accordance with the DCP.</p>
2.3 Site Cover and Deep Soil Zones		
	The maximum site cover for development is 100%.	<p>Considered acceptable</p> <p>The site 100% developed. It is noted that more tree plantings are proposed in the pedestrian corridor and on the rooftop car park.</p>
	Developments with a residential component in all zones, except the Commercial Core, must include a deep soil zone.	<p>Complies</p> <p>The site is in a commercial zone and no deep soil zone is required.</p>
3.2 Active Street Frontages		
	Active street fronts are required on ground level of all areas identified in Figure 11, including adjacent through block connections	<p>Complies</p> <p>Active street frontages are provided for the development via shop fronts and entrance to retail. The shop fronts have glazed entries.</p>
	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	<p>Complies</p> <p>There are no residential uses on the ground floor and on the first floor.</p>

Development Control	Provision	Comment
	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.	
	Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.	Complies Shop front will be at ground level and accessed off the street
3.4 Safety and Security		
	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).	Complies A CPTED report has been submitted with the application. The CPTED report identifies four potential risk areas; including car parking, entry and exit points, external and internal layout as well as maintenance and management. Recommendations are made to improve the proposed development performance against CPTED principles. A condition will be imposed on any consent granted for the development to be carried out in accordance with the recommendations of the report.
3.5 Awnings		
	Street frontage awnings are to be provided for all new developments on the site.	Complies Street frontage awnings are provided for along Elizabeth Drive.
3.8 Building Exteriors		
	<p>Adjoining buildings (particularly heritage 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, - appropriate materials and finishes selection, - facade proportions including horizontal or vertical emphasis, and - the provision of enclosed corners at street intersections. 	Complies Heritage advisor considers that the proposed development appropriately responds to the heritage items.

Development Control	Provision	Comment
	Balconies and terraces should be provided, particularly where buildings overlook public spaces. Gardens on the top of setback areas of buildings are encouraged.	Complies The applicant provides for a terrace that overlooks public space.
	Articulate façades so that they address the street and add visual interest. Buildings are to be articulated to differentiate between the base (street frontage height), middle and top in design.	Complies The proposed development is well articulated.
4.1 Pedestrian Access and Mobility		
	Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	Complies The main building entry point is visible from the primary street frontage
	The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, or as amended) and the Disability Discrimination Act 1992 (as amended).	Complies An access report has been submitted. Conditions to be imposed on any consent granted.
4.3 On Site Parking		
	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.	Acceptable on merit The proposed car parking does not comply with the LEP or DCP parking rates. Refer to discussion provided in the report relating to Clause 7.3 of LLEP 2008.
	Onsite parking is to be accommodated in basement parking, except to the extent provided below; - Up to 25% of the required parking can be provided above ground where it is fully integrated into the building design in accordance with Figure 23 without counting towards gross floor area. - Any parking above the 25% will count towards gross floor area for	Acceptable on merit Parking above the 25% has been counted towards gross floor area for the purposes of calculating FSR.

Development Control	Provision	Comment
	<p>the purposes of calculating Floor Space Ratio.</p> <ul style="list-style-type: none"> - Exposed but screened natural parking ventilation may be permitted fronting onto the nominated sections of service lanes as illustrated in Figure 24 	
	<p>The impact of any on grade car parking must be minimised by:</p> <ul style="list-style-type: none"> - Locating parking on the side or rear of the lot, away from the street frontage - Provision of fencing or landscaping to screen the view of cars from adjacent streets and buildings - Incorporating car parking into landscape design of the site (such as plantings between parking bays to improve views, selection of paving material and screening from communal and open space areas) 	<p>Acceptable on merit</p> <p>The applicant proposes an additional level of car parking with 118 spaces. These spaces are setback approximately 10 metres from the property boundary and are screened from public view.</p>
5.1 Energy Efficiency and Conservation		
	All Class 5 to 9 non-residential development is to comply with the Building Code of Australia energy efficiency provisions.	To be Conditioned
	Provide an Energy Efficiency Report from a suitably qualified consultant to accompany any development application for new commercial office development. The report is to demonstrate that the building can achieve no less than 4 stars under the Australian Building Greenhouse Rating Scheme.	<p>Complies</p> <p>Energy Efficiency Report has been submitted to Council. The Report has been undertaken by a suitably qualified consultant against National Australian Built Environment Rating System (NABERS) as the ABGRS has been superseded.</p>
5.2 Water Conservation		
	A comprehensive Water Management Plan is to be submitted with all non-residential development.	<p>Complies</p> <p>A Water Management Plan has been included in the submitted Energy Efficiency Report.</p>
5.3 Reflectivity		
	New buildings and facades should not result in glare that causes	Noted

Development Control	Provision	Comment
	discomfort or threatens safety of pedestrians or drivers.	
	Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.	To be conditioned
	Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.	Not required No Reflectivity Report is required due to the design of the office tower.
5.4 Wind Mitigation		
	A Wind Effects Report is to be submitted with the DA for all buildings greater than 35m in height.	Complies A Wind Analysis Report was submitted with the development.
5.5 Noise		
	An acoustic report is required for all noise affected locations, as identified in Figure 25. This report is to demonstrate that appropriate noise attenuation and barrier planning is to be implemented.	Complies An acoustic report has been submitted with the DA. This report demonstrates that the proposed development is appropriate.
5.6 Waste		
	Development applications for all non-residential development must be accompanied by a waste management plan	Complies A Waste Management Plan (WMP) has been submitted and is considered to be acceptable.
	The waste management plan is to be prepared by a specialist waste consultant and is subject to approval by Council	Complies Council's Waste Management Section has reviewed the submitted WMP and considers to be acceptable.

6.4 Section 4.15(1)(a)(iia) - Any Planning Agreement or any Draft Planning Agreement

No planning agreement relates to the site or proposed development.

6.5 Section 4.15(1)(a)(iv) – The Regulations

The proposed development is consistent with the provisions of the relevant regulations.

6.6 Section 4.15(1)(b) – The Likely Impacts of the Development

(a) Natural and Built Environment

Eight pieces of aboriginal pavement art have been installed in the Elizabeth Drive footway. The applicant proposes to replace the existing pavers with new pavement. As a result, three (3) existing works of pavement art will be disrupted by the pavement works. These are shown in the figures below:

Richard Grove's "Reconciliation",



Robert Sloane "Girrawaa"



Adam Hills "Meeting Place"



The applicant has prepared a Public Art Strategy. The Public Art Strategy details that the existing Pavement Art is to be relocated to the Liverpool Museum and replaced with public art in a manner that is consistent with Council's Public Art Policy. Council's Public Art officer has reviewed the Public Art Strategy and is satisfied with the Strategy.

Council notes that the replacement of pavers is proposed within certain sections of the Elizabeth Drive. In this case, it is considered appropriate that the applicant upgrade existing pavers along the entire Elizabeth Street frontage. As a result, all eight (8) pieces of aboriginal art will be disrupted and will need to be replaced. Conditions will be imposed to this effect.

Overall, the proposed development will not generate a detrimental impact on the locality. The development has been appropriately designed to alleviate any detrimental overshadowing concerns on adjoining properties. The proposal remains consistent with the zone objectives and will not create a detrimental impact on the locality and the streetscape.

(b) Economic Impacts and Social Impacts

Economic Impact

An Economic Impact Assessment (EIA) has been prepared by the applicant. The report provides an assessment of the economic impacts that the proposed expansion will have on the broader Liverpool City Centre. A summary of the key findings of the Economic Impact Assessment is provided below:

- *The development of an ELP at Westfield Liverpool will support the 18-hour activation strategy of Liverpool City Centre and is consistent with objectives of key planning policies and strategies for the rejuvenation and activation of the Liverpool City Centre, including the Liverpool Collaboration Area Place Strategy and the City Activation Strategy 2019-2024.*
- *Westfield Liverpool is currently underprovided in terms of food and beverage floor space relative to the regional centre benchmarks and is within the minority of regional shopping centres without a consolidated ELP offer.*
- *The proposed Westfield ELP development therefore represents a unique opportunity for the Liverpool City Centre and its enhancement as a destination for dining, leisure and entertainment activities. The development also addresses an existing market gap for restaurants and entertainment facilities.*
- *In addition to addressing a gap in the offer in the Liverpool City Centre, the proposed ELP development at Westfield Liverpool would serve the growing demand for F&B retailing and entertainment facilities which will be driven by the increase in the trade area market (11% over the three year period and 37% over the next 10 years).*
- *Trade area residents currently direct their food & beverage expenditure across a broad range of locations. The assessed trading impacts on the balance of the Liverpool City Centre from the proposed ELP development at Westfield Liverpool are estimated to be minor, given the broad distribution of food & beverage expenditure and modest increase in food & beverage tenants (i.e. around 17 net additional tenants which represents a 12% increase in F&B tenants in the City Centre).*
- *In total, the impact is estimated to be in the order of \$2.4 million, or around 1% of estimated total retail turnover, which is well within acceptable levels. The impact on F&B tenants in the balance of the City Centre would be a low 2.2%. The level of impacts are well within the acceptable levels and substantially less than 10%, which is the notional benchmark for when impacts may be deemed an issue. Any impacts on the Liverpool City Centre would be expected to be absorbed within less than one year, given the strong growth in the catchment and the City Centre more broadly, as well as the*

The submitted EIA was referred Council's City Economy Branch for comments. Council's City Economy Branch believe that the economic impact of the development on the city centre may be more significant than what is reported.

According to the submitted report, the total annual retail turnover of the city centre, including Westfield, is \$700M per annum. Approximately \$230M of this is generated when Westfield is excluded from the data, so approximately \$470M spending per year in the city centre is attributed to Westfield. Given this already disproportionate spending pattern, it is considered that the 1% reduction in turnover on the retail external to Westfield, when this development is operational, is an optimistic claim. Similarly, the food and beverage impact of negative 2.2% on trade is seemingly understated. The report also projects the negative impacts will be reduced within 12 months as the overall market grows which is also unlikely.

City Economy believes that a significant way to mitigate against the negative economic impact of the Westfield expansion on the retail environment of the CBD is to adopt an integrated and activated city centre strategy, which includes both Westfield and CBD retailers together i.e. a joint marketing approach. However, with regard to the current application, it is recommended that Westfield contribute to wayfinding infrastructure in the overall CBD. Providing adequate wayfinding throughout the CBD connects key landmarks, such as Westfield and the train station, and connects the varied and diverse offerings of the city centre to each other and is considered to mitigate the effects of the proposed expansion.

The applicant notes that a contribution equal to 3% of cost of development - **\$2,803,248 (subject to indexation)** – will need to be paid prior to the issue of a Construction Certificate, in accordance with Section 7.12 of the Act. However, the applicant acknowledges that these contributions do not directly apply to the provision of wayfinding infrastructure. In addition to this, the applicant indicates that the development site has been contributing and will continue to contribute towards the City Development Fund (CDF), adopted by Council in May 2017. The applicant notes that the fund can be used for “wayfinding direction and information signage” amongst other CBD related improvements.

Given the above, the applicant does not believe it to be a reasonable or fair request for the applicant to provide for any additional works with the application as it would appear to double up for contributions that the applicant is already making and will continue to make, especially with regard to the CDF. Council notes that the contribution payable under CDF is a percentage of the unimproved land value of properties in the CBD. The amount payable would be the same whether or not the applicant develops their property. In this regard, the funds collected each year would not be an appropriate mechanism to contribute to wayfinding in a scale commensurate with the value of the proposed development.

A contribution to wayfinding is considered to be appropriate mechanism in the circumstances. Council has drafted a Master Plan for the City Centre. Below is an extract of the Draft Master Plan for the City Centre. The Draft identifies the types and location of signage in the City Centre (site marked in yellow, primary signage marked in red, secondary signage marked in blue and tertiary signage marked in green).



Figure 10 – Extract of the Master Plan for the City Centre

In this case, it is considered appropriate for the applicant to contribute to the provision of 8 primary signage, preferably along Macquarie Street and around the train station. A condition will be imposed on any consent granted that requires the applicant to design and install wayfinding signage to the satisfaction of Council's Manager City Design.

Social Impact

The development application was referred to Council's Social Planning Branch for comments. Council's Social Planning Branch raised the following comments for the consideration of the proposed development:

1. *The shopping centre holds 4.7 ha of building footprint with roof-top parking area. Car parks are known to trap heat within the built form and contribute to the increased atmospheric temperatures. The roof-top space presents with an opportunity to minimise heat attraction by creating green roofs. These green roofs can serve an excellent platform for social interactions – commercial use (which supports night-time economy) complemented with public use and place activation. Roof-top activation can be linked with the surrounding parks and reinstate the missing link of the city's green grid network. Incentives can be given on the provision of roof-top commercial space to unlock a 4.5ha of block for communal use which will also support and activate the city's economy.*

The current proposal directly responds to this through the provision of the Rooftop Dining, Entertainment and Leisure Precinct (ELP) which is intended to be a green public space for the community. Furthermore, the applicant incorporates tree planting and seating into the pedestrian corridor along Elizabeth Drive, which is likely to improve the green infrastructure at the site. There is a proposed gain in the overall green infrastructure at the site. Any future expansion and development of the centre will seek to incorporate additional green infrastructure at the site so as to enhance its contribution to green amenity in the City Centre.

2. *Vision statement often does a good job in its visual demonstration of the wider Westfield site and uses an approximately 500m radius to include the Liverpool Pioneers' park in its future context. However, there's no tangible plan currently to improve this essential part of the public domain which is essential for Council to generate a better overall outcome. Stage 3 of the project could include northern side of the site to the suggested 'green spine' and/or include it in the vision for 'heritage axis' via creating a pedestrian connection via Campbell Street to the Pioneers' park. Pioneers' Park is a significant place for Liverpool's civic pride and currently is currently in a bad shape. Considering the site as a whole we believe an investment to Pioneer's Park would help integrate the site more with the city centre and increase the value of the proposed Westfield upgrade.*

The proposal provides an opportunity to extend the existing Macquarie Street Mall to the northern side of Elizabeth Drive, connecting to what will become a key cultural and night-time destination in Liverpool City Centre. There is a direct relationship between the public domain improvements along Elizabeth Drive and the proposed development, in contrast to the remainder of the frontage of the existing shopping centre. The vision statement has identified the proposed development as the preliminary stage of a long term vision to redevelop the site. Council considers it appropriate that any public domain improvements would occur in a symbiotic relationship with further development of the site when there is an established nexus for improvements.

3. *The potential to create new long term employment opportunities in Liverpool CBD through the subject development is acknowledged and fully supported by Community Planning. However, there is no clear commitment in regards to local employment and/or local procurement strategies at this stage and we would like to see these materialised at the earliest opportunity. Clear and measurable commitments are important to ensure success as there is existing research evidence suggesting unless there are measures such as a local employment strategy/commitment put in place, the outcome as far as the number of jobs is concerned could be negative in the medium to long run as new jobs are created thanks to the construction of shopping mall, but at the same time people lose their jobs due to the liquidation of some of the smaller shops in the vicinity. It is expected*

for the developer to have a tangible approach on this issue in order to create the maximum benefit for Liverpool community.

The proposal is expected to support the creation of new jobs in the Liverpool CBD across a range of industries and skill levels, including construction, hospitality and professional services. Whilst the applicant is currently at discretion to select their workforce, it would seem likely that the proposal would result in the retention of skilled workers in the local area, including from some smaller shops in the vicinity. Notwithstanding this, it is noted that any negative impact on the local retailers that the development is forecast to have is expected to be alleviated in the short-term future. Given the strong growth in the catchment and the City Centre more broadly, it is expected that that the proposal will provide for more local employment opportunities for the community.

4. *There is an abundance of literature around the issue of alcohol-related harm and direct correlation existing between for example the increase in alcohol supply and increase in domestic and/or non-domestic violence. It would also be beneficial to assess the impacts of patrons leaving the tavern, either by vehicle or walking, on the surrounding residential area especially in regards to neighbourhood amenity and safety.*

The Comprehensive Social Impact Assessment (CSIA) has been submitted to Council in accordance with Liverpool City Council *Social Impact Assessment Policy*. The CSIA has been prepared to identify potential positive and negative impacts of the proposal, in particular the creation of the ELP (with uses that permit the sale of alcohol). More specifically, the proposal includes a family friendly tavern, an Archie Brothers licensed arcade and has potential to include other licensed venues.

The applicant understands that increasing alcohol outlets in a local area has potential to increase alcohol related assault. The CSIA considers this yet still concludes that the proposal will not have a negative impact on health and wellbeing. Notwithstanding this, it is acknowledged that a detailed assessment for each premises seeking a liquor licence will be undertaken by Office of Local Government (OLG) where the focus will be on the alcohol related impacts.

The applicant has acknowledged the Council concern of amenity and safety of patrons leaving licensed premises. The applicant has indicated that licensed premises will prepare a plan of management with management and mitigation strategies including how each venue will manage patrons leaving the venue will be outlined. Council's Social Planning Branch has raised no further concern, subject to conditions of consent.

Given the above, it is considered that the social impacts of the proposed development have been adequately considered and the proposed development is considered to be satisfactory with regard to social impacts.

6.7 Section 4.15(1)(c) – The Suitability of the Site for the Development

The site is considered suitable for the proposal.

6.8 Section 4.15(1)(d) – Any submissions made in relation to the Development

(a) Internal Referrals

The following comments have been received from Council's Internal Departments:

Internal Department	Status and Comments
Building	No objection, subject to conditions
Urban Design	No objection, subject to conditions
Environmental Health	No objection, subject to conditions
Land Development Engineering	No objection, subject to conditions
Traffic Engineering	No objection, subject to conditions
Waste Management	No objection, subject to conditions
City Economy	No objection, subject to conditions
Heritage Branch	No objection, subject to conditions
Community Planning	No objection, subject to conditions

(b) External Referrals

The following comments have been received from External agencies:

External Department	Status and Comments
NSW Police	No objection, subject to conditions
Roads and Maritime Service	No objection raised.
Endeavour Energy	No objection, subject to conditions
Sydney Metro Airports	No objection to the proposed development. Separate approval will be required for any crane utilised during construction. A condition will be imposed on any consent granted.
Careflight	No comments were received - no objection.
Air Ambulance	No comments were received - no objection.

(c) Community Consultation

The development application was advertised for thirty (30) days between 23 January 2019 and 22 February 2019 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). Two (2) submissions were received to the proposed development that raised the following matters below:

- 1. The population in Liverpool is increasing very fast. More people in Liverpool City will need more homes but also better infrastructure to satisfy their everyday life needs, like jobs, retail shops, and entertainment and recreation facilities.*

Comment: Existing on the site is a shopping centre that provides for one of the largest concentrated footprint of retail and business uses within the Liverpool City Centre. The proposal expands on existing retail offerings, provides additional entertainment facilities and commercial office space in the Liverpool City Centre. The proposed development is considered to be consistent with the objectives of the B3 Commercial Core.

2. *Figure 3 does not show all the State Heritage Registered buildings in the vicinity of Westfield's proposed development. 1) Old Liverpool Courthouse 2) Old Hospital TAFE 3) Apex Park and 4) Pioneer Memorial Park as well as St Luke's Church (Anglican) all of these are in the Government Macquarie Town Plan and this makes the heritage value of the site important.*

Comment: Figure 3 of the Statement of Environmental Effects (SEE) provides a contextual analysis of the locality of the development site. The Figure indicates St Luke's Church Grounds, Apex Park and Pioneer Memorial Park. Both Apex Park and Pioneer Memorial Park are local heritage items. Also, it should be noted that the Old Hospital TAFE is a state heritage item that is located in the Liverpool Hospital Grounds and the Old Liverpool Courthouse is a local heritage item that is located in the Liverpool Public School Grounds as indicated in Figure 3 of SEE. The application was referred to Council's Heritage Advisor for comments. Council's Heritage Advisor concluded that the proposal is unlikely to result in an impact greater than what already exists within the streetscape and is therefore acceptable.

3. *I believe the building is too high and box like. There is already the University of Western Sydney Liverpool in close proximity. Height should be reduced and levels set or stepped back.*

Comment: The proposed development originally had a height of 47.7m AHD up to the top of plant room on Level 12 of the office tower. This is a variation of 12.7 metres or 36%. The proposed development has been revised with a reduction in overall building height. The proposed development provides a height of 39.5m to the top of parapet and a height of 44.5m to the top of plant rooms, which equates to 12.8% and 27%, respectively. Also, the applicant revised the design so that any part of the building greater than 20 metres in height is setback 12.6 metres from the property boundary which is an increase of approximately 9 metres from the original scheme.

The application was referred to Design Excellence Panel for matters concerning the design of the proposed development. The DEP considers that the building as presented is well resolved externally and appears to be of a high quality façade design and finished. In addition, the application was also referred to Council's Urban Design Team for consideration of urban design. Council's Urban Design Team has reviewed the proposed development and raises no objections, subject to conditions of consent. Given the above, it is considered that the design of the proposed development is considered to be acceptable in its revised form.

4. *The restaurant area on Level 3 is good. Please put a restaurant at the front and not a hotel as families need to be able to view the only green space and the oldest church in NSW from these windows.*

Comment: In its original form, the applicant proposed a family friendly tavern on the podium level overlooking Elizabeth Drive. The proposal has been revised so that the tavern has been setback so as to provide for a pedestrian circulation area that overlooks Elizabeth

Drive. It is considered that the revised layout provides patrons with views of the St Luke's Church Grounds.

6.9 Section 4.15(1)(e) – The Public Interest

The proposal generally complies with the relevant planning controls and is considered to be in the public interest.

7 CONCLUSION

The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory. It is recommended that that Development Application DA-926/2018 be approved subject to conditions of consent.

8 ATTACHMENTS

1. Draft Conditions
2. Architectural Plans
3. Survey Plan
4. Clause 4.6 Variation Request – Maximum building height
5. Clause 4.6 Variation Request – Car Parking
6. Area Schedule
7. Car Parking Schedule
8. Stormwater Report and Civil Plans
9. Traffic Report
10. Landscape Plan
11. Waste Management Plan
12. Access Report
13. Statement of Heritage Impact
14. BCA Assessment and Letter
15. Arborist Report
16. ESD Analysis Report
17. Noise Impact Assessment
18. Fire Engineering Report
19. Structural Report
20. Public Art Strategy
21. Construction Waste Management Plan
22. Wind Analysis Report
23. Shadow and Façade Study
24. Social Impact Assessment
25. CPTED Report
26. Economic Impact Assessment
27. Vision Document
28. Architectural Design Statement
29. Design Fit out of Commercial Tenancy