

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

SSWPP No	PPSSWC-114
DA Number	DA-836/2020
Local Government Area	Liverpool City Council
Proposed Development	<p>Development Application (DA-836/2020) seeks detailed consent in accordance with approved Concept Proposal (DA-585/2019) for Stage 2 (Phase A) of the 'Liverpool Civic Place'. The proposal includes:</p> <ul style="list-style-type: none"> • Construction and use of six (6) storey information and education facility (public library); • Construction and use of fourteen (14) storey mixed use building comprising public administration, childcare and commercial office uses; • Construction of a five (5) level basement, that will accommodate car, bicycle and motorbike parking; • Landscaping and public domain works; and • Extension and augmentation of services and infrastructure as required.
Street Address	40-46, 48, 52 and 64 Scott Street, Liverpool 306-310 Macquarie Street, Liverpool
Applicant/Landowner	Built Development Group
Date of DA Lodgement	8 October 2020
Number of Submissions	One (1) submission
Recommendation	Approval subject to conditions
Regional Development Criteria - Schedule 7 of the SEPP (State and Regional Development) 2011.	Sydney Western City Planning Panel (SWCPP) is the determining body as the Capital Investment Value (CIV) of the development is over \$30 million (as well as being a Council related development over \$5 million), pursuant to Clause 2 and 3 of Schedule 7.
List of All Relevant s4.15(1)(a) matters	<p>1. <i>List of all the relevant environmental planning instruments: Section 4.15(1)(a)(i):</i></p> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy No.55 – Remediation of Land</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i> • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> • <i>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</i> • <i>Liverpool Local Environmental Plan 2008 (LLEP2008)</i> <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"> • <i>Draft State Environmental Planning Policy (Remediation of Land);</i> • <i>Draft State Environmental Planning Policy (Design and Place); and</i> • <i>Draft State Environmental Planning Policy (Environment).</i> <p>• <i>List any relevant development control plan: Section 4.15(1)(a)(iii)Liverpool Development Control Plan 2008.</i></p> <ul style="list-style-type: none"> ○ <i>Part 1: General Controls for all development</i>

	<ul style="list-style-type: none"> ○ <i>Part 4 – Development in the Liverpool City Centre</i> <p>3. <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"> • <i>No planning agreement relates to the site or proposed development.</i> <p>4. <i>List any relevant regulations: 4.15(1)(a)(iv)</i></p> <ul style="list-style-type: none"> • <i>Consideration of the provisions of the National Construction Code of Australia.</i>
List of all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> 1. Draft Conditions of Consent 2. Statement of Environmental Effects 3. Clause 4.6 Variation Request 4. Architectural Drawings and Landscape Drawings 5. Response to Pre-DA Feedback 6. Site Survey 7. Design Report 8. BCA Report 9. QS Report 10. Civil and Stormwater Engineering Report 11. Heritage Impact Statement 12. Geotechnical and Environmental Investigation Report 13. Crane Operation Approval, prepared by Department of Infrastructure, Transport, Regional Development and Communications 14. Child Care Guideline Response Table 15. National Quality Framework Assessment Checklist 16. DCP Compliance Table, prepared by Ethos Urban 17. ESD Report, prepared by Stantec 18. Traffic Impact Assessment 19. Wind Impact Assessment 20. Noise Impact Assessment 21. Utility Services Request 22. Civil Engineering Drawings 23. Fire Engineering Statement 24. Social Impact Assessment 25. Access Report 26. Waste Management Plan 27. Structural Statement 28. Applicant's Response to Council's Request for Additional Information, dated 26 February 2021 29. Applicant's Response to Architectus RFI dated 2 May 2021 30. Letter from the Panel Chair endorsing public domain and landscape plan (also accompanying) in relation to Condition 4 and 5 of Development Consent 585/2019
Clause 4.6 requests	Yes
Summary of key submissions	<ul style="list-style-type: none"> • Design of the fire stairs results in a safety issue • Insufficient width of replacement ramp • Overlooking and light spill from the library to existing residential apartments of adjoining 300 Macquarie Street • Encroachments into the site outside of the approved building envelopes that formed part of the Concept Development Consent • Landscaping within Augusta Cullen Plaza • Access between the site and Augusta Cullen Plaza and forecourt area of 300 Macquarie Street • Noise impacts from the proposed development including noise impacts from mechanical equipment on the rooftop of the library
Report prepared by	Architectus Australia Pty Ltd

Report date	14 June 2021
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Summary of Section 4.15 matters

Yes

Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

Yes

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?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

Yes

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?

Special Infrastructure Contributions

No

Does the DA require Special Infrastructure Contributions conditions (S7.11)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Yes

Have draft conditions been provided to the applicant for comment?
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

1. EXECUTIVE SUMMARY

1.1.1 The Site

The Sydney Western City Planning Panel (SWCPP) is the determining body for the application under Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, as the development is 'Council related development' with a CIV of more than \$5 million, and has an overall CIV of over \$30 million.

1.1.2 The Proposal

The site benefits from an approved Concept DA (DA585/2019). This DA was approved by the SWCPP on 31 August 2020. DA-836/2020 for Stage 2 (Phase A) Detailed DA forms the first of two (2) detailed work DAs under the approved Concept Proposal. The second detailed DA for Phase B/C (DA-1080/2020) of Liverpool Civic Place was lodged with Liverpool Council 22 December 2020 and is currently under assessment.

DA-836/2020 seeks consent for the construction of a new public library, a fourteen (14) storey mixed use building comprising an eight (8) storey public administration building, four (4) storeys of commercial premises in addition to retail and childcare space which is supported by a five (5) level basement with landscaping and public domain works.



1.1.3 The Site

The site that was subject of the approved Concept Proposal (DA-585/2019) is known as 40-46, 48, 52 and 64 Scott Street Liverpool and 306-310 Macquarie Street, Liverpool. The overall site is made up of 12 lots:

The 'Phase A' site, to which this development application relates, is located at 52, 64 Scott Street and 306-310 Macquarie Street, Liverpool. The 'Phase A' works will take place on lot descriptions listed in the below table.

Phase A (the subject site)	Phase B/C (subject to Stage 2 Detailed DA)
<ul style="list-style-type: none"> • Lot 1, DP 229979 • Lot 22, DP 441010 • Lot 23, DP 441010 • Lot 2, DP 229979 • Lot 1, DP 507070 • Lot 3, DP 229979 • Lot 1, DP514817 • Lot 201, DP 1224084 • Lot 17, DP 81842 	<ul style="list-style-type: none"> • Lot 11, DP 522284 • Lot 12, DP 657056 • Lot 100, DP 877435

1.1.4 The Issues

The predominant issues with the proposal are that:

1. Non-compliance with conditions of the Concept Development Consent. Note, this is to be rectified via Section 4.55(1A) Modification to the Concept DA to be reported to SWCPP concurrently (i.e. DA-585/2019/A).
2. Non-compliance with building separation distances within Clause 7.3 of LLEP 2008. A Clause 4.6 Variation to Development Standards Request has been submitted for consideration of this non-compliance and is considered to be worthy of support.

1.1.5 Exhibition of the proposal

The development application was placed on public exhibition from 28 October 2020 to 26 November 2020, in accordance with Liverpool Community Participation Plan. A single submission was received for the application by an adjacent property owner at 300 Macquarie Street, Liverpool. The submission did not object to the proposal but rather sought amendments to the design. An addendum to that submission was received on 31 March 2021. Discussion pertaining to the concerns raised in the submissions are provided further in this report, however it is noted that the objection raised within this submission is considered to be adequately addressed.

1.1.6 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 building separation development standard pursuant to Clause 4.6 of the LLEP 2008, it is recommended that the application be approved, subject to conditions.

2. SITE DESCRIPTION AND LOCALITY

2.1.1 The Site

The site that was subject of the approved Concept Proposal (DA-585/2019) is known as 40-46, 48, 52 and 64 Scott Street Liverpool and 306-310 Macquarie Street, Liverpool. The overall site is made up of 12 lots:

Address	Legal Description
40-46 Scott Street, Liverpool	Lot 100 DP 877435
48 Scott Street, Liverpool	Lot 11 DP 522284 Lot 12, DP 657056
52 Scott Street, Liverpool	Lot 1 DP 229979 Lot 22 DP 441010 Lot 23 DP 441010 Lot 2 DP 229979 Lot 1 DP 507070 Lot 17 DP 81842 Lot 3 DP 229979
64 Scott Street, Liverpool	Lot 1 DP 514817
306-310 Macquarie Street, Liverpool	Lot 201 DP 1224084

The site is an irregularly shaped lot with a total area of 9,189.5m². The site is located at the southern end of Liverpool City Centre, within the Liverpool LGA. Liverpool City Council are the site's landowners.

The site has three road frontages including the main frontage to Scott Street to the north, Macquarie Street to the north-west, George Lane to the east, and Terminus Street to the south.

The site slopes to the north with a fall of approximately 3.5m from its Terminus Street frontage (approx. RL25.95) to its Scott Street frontage (approx. RL22.74).

A diagram showing the site area is provided at Figure 1. An aerial image of the subject site is provided in Figure 2 below.



Figure 1: Site Area of the Concept Development Consent
Source: Six Maps

The site is currently the subject of ongoing bulk earthworks and shoring approved under a separate DA (DA-906/2019) on 31 August 2020. This DA was subject of a modification (DA-906/2019/A) that was approved on 2 March 2021 to increase the depth of excavation and shoring approved under DA-906/2019. Both DAs were determined by SWCPP.

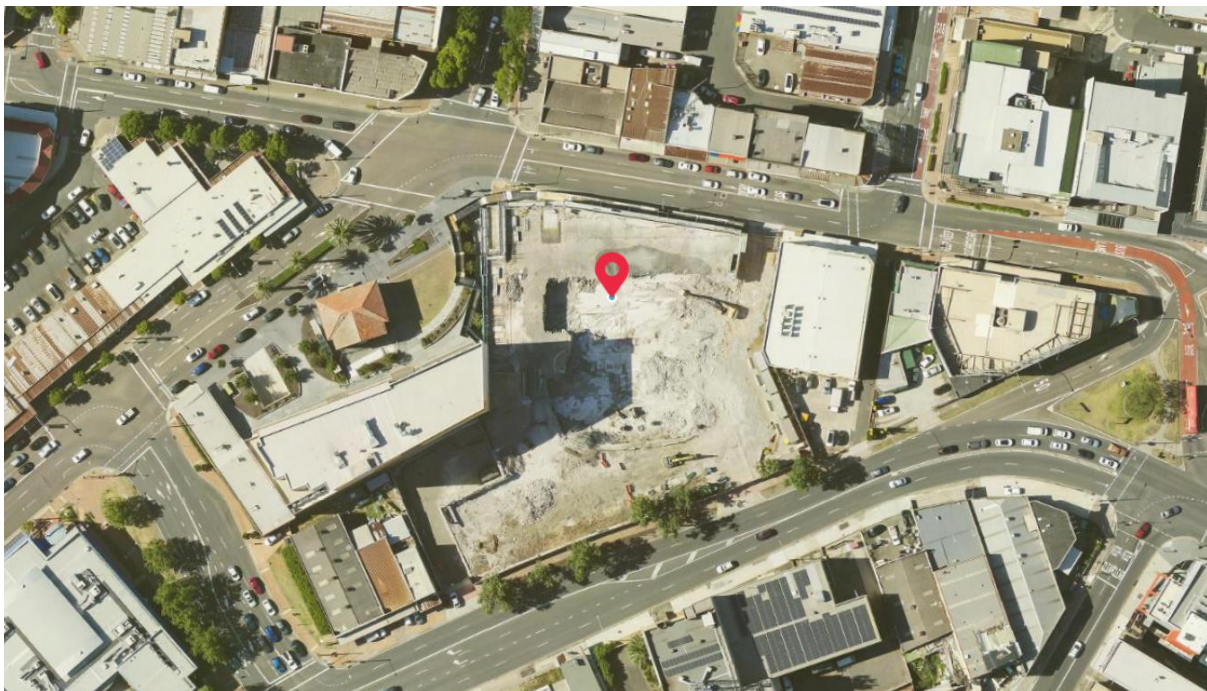


Figure 2: Aerial view of the subject site
Source: Metromaps

The 'Phase A' site, to which this development application relates, is located at 52, 64 Scott Street and 306-310 Macquarie Street, Liverpool. The 'Phase A' works will take place on lot descriptions listed in the below table and **Figure 3** below.

Phase A (the subject site)	Phase B/C (subject to Stage 2 Detailed DA)
<ul style="list-style-type: none"> • Lot 1, DP 229979 • Lot 22, DP 441010 • Lot 23, DP 441010 • Lot 2, DP 229979 • Lot 1, DP 507070 • Lot 3, DP 229979 • Lot 1, DP514817 • Lot 201, DP 1224084 • Lot 17, DP 81842 	<ul style="list-style-type: none"> • Lot 11, DP 522284 • Lot 12, DP 657056 • Lot 100, DP 877435



Figure 3: Site Area for DA-836/2020 in comparison to the site area for the Concept Development Consent
Source: Six Maps

2.1.2 The locality and adjacent site

The site is located at the southern end of Liverpool City Centre and is approximately 300m south-west of Liverpool Railway Station. The Georges River is located adjacent to Liverpool Railway Station and marks the eastern boundary of the Liverpool CBD.

An adjoining 9-storey mixed use building is located at 300 Macquarie Street (refer to **Figure 5**), with part of the building wedged between the northern and southern extent of the subject site. The mixed-use building contains ground floor retail uses which are set back from the Memorial Arts Building and Macquarie Street. This adjoins low scale automotive service tenancies to the west.

Retail and commercial buildings of two to three storeys are located to the north of the site, transitioning to higher densities in the Liverpool civic and retail centre (bound by Macquarie Street and George Street). Westfield and Western Sydney University Liverpool Campus are located approximately 550m north.

To the south, opposite Terminus street, is the Telstra Exchange building that has a height of approximately four storeys. There are various retail stores along Terminus Street, with residential flat buildings located further south.

The Liverpool CBD is growing a strategic centre within Greater Western Sydney, comprising a true mixed-use character. The Liverpool CBD is currently going through a period of renewal and urban transformation which reflects the strategic positioning of Liverpool within the Western Parkland City of the Western City District Plan and the location of the new Western Sydney Airport and Aerotropolis.

The surrounding locality is indicated in **Figure 4** below.



Figure 4: Locality Plan

Source: Nearmap with Architectus edits 2020



Figure 5: Site area for the Concept Development Consent in red
Source: Ethos Urban

2.1.3 Site affections

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

Heritage

The site contains heritage item I99, the 'Memorial School of Arts', a building of local heritage significance identified under Schedule 5 of the Liverpool Local Environmental Plan (LEP) 2008 (see **Figure 6** below). The 'Memorial School of Arts Building' fronts Macquarie Street and is located adjacent to Augusta Cullen Plaza. The Memorial School of Arts is a prominent institutional, recreational, and educative facility and is representative of a public building from the Inter-War era which exhibits the influence of the Colonial Revival style, now rare within the Liverpool area.



Figure 6: Memorial School of Arts Building

Photo looking south-west towards the 'Memorial School of Arts Building', Macquarie Monument and 'row of three palm trees', all of which are heritage items identified under LLEP 2008.

Source: Google Street View

Other surrounding heritage items in the vicinity of the site are summarised in the table below and **Figure 7** below.



Figure 7: Heritage items in the local vicinity

Source: Liverpool Local Environmental Plan 2008

Item name	Item number	Address	Significance
Plan of town of Liverpool (early town centre street layout – Hoddle 1827)	I89	Streets in the area bounded by the Hume Highway, Copeland Street, Memorial Avenue, Scott Street, Georges River and Main Southern Railway Line (excluding Tindall Avenue and service ways)	Local
Commercial building (formerly Rural bank and State bank)	I91	Macquarie Street and Memorial Avenue	Local
Boer War Memorial, including memorial to Private A.E. Smith	I92	Corner of Macquarie and Scott Streets (Macquarie Street public footpath adjacent to 296 Macquarie Street)	Local
Macquarie Monument	I93	Corner of Macquarie and Scott Streets (Macquarie Street public footpath adjacent to 296 Macquarie Street)	Local
Row of three palm trees	I94	Macquarie Street median strip	Local
Golden Fleece Hotel	I103	Corner of Scott and Terminus streets	Local
Liverpool Fire Station	I109	70-78 Terminus Street	Local
Bigge Park Conservation Area	Conservation Area	Area bounded by and including College, Goulburn, Railway, Scott and Bigge Streets as shown hatched red in Figure 6	Local

Traffic and access

The southern boundary of the site fronts Terminus Street, a Transport for NSW Classified Road that is currently four to six lanes wide and experiences an average daily volume of traffic more than 20,000 vehicles. In this case, the site is likely to be adversely affected by road noise or vibrations. In addition, part of the site along Terminus Street is subject to land acquisition by Transport for NSW to facilitate future widening of the road.



Figure 8: Road widening is shown by pink colour

Source: Transport for NSW in correspondence to Council dated 12 August 2020

Acid Sulfate Soils

The site is mapped as Class 5 under the Acid Sulfate Soils Map in the Liverpool LEP 2008.

3. BACKGROUND

3.1.1 History of the Application

- A Pre-DA meeting was held on 10 September 2020.
- DA-836/2020 was lodged on 8 October 2020.
- DA was referred externally on 19 November 2020, Transport for NSW, Sydney Water, Endeavour Energy, Bankstown Airport, NSW Police, and NRAR.
- Notification of the DA was from 28 October 2020 to 26 November 2020. One (1) submission was received on 25 November 2021. An addendum to that submission was received on 31 March 2021.
- A Design Excellence Panel (DEP) meeting was held on the 1 December 2020. A Public Domain Design Panel (PDDP) meeting was also held on 1 December 2020.
- A briefing with the Sydney Western City Planning Panel (SWCPP) was held on 15 December 2020.
- A Request for Further Information (RFI) letter was issued to the applicant on 23 December 2020 requesting additional information to assist in the progress of the assessment and determination of the application.
- Applicant's response to the RFI was obtained on 26 February 2021.
- Applicant's response to the Request for Information was externally referred to Transport for NSW. A letter from Transport for NSW dated 25 March 2021 was received which raised no objections to the proposed development, subject to conditions.
- The applicant presented a revised scheme to the PDDP meeting which was held on the 23 March 2021.
- The applicant submitted a response to the Panel chair on 23 April 2021 following the PDDP meeting.
- The Public Domain Panel Chair endorsed the submitted Public Domain and Landscape Plan, in accordance with Condition 4 and 5, on 28 May 2021.
- Revised Architectural and Landscape Plans in accordance with the endorsed Public Domain and Landscape Plan were received on 5 June 2021.

3.1.2 Site background – relevant applications

The site is subject to multiple DA's of relevance to the subject application. These are summarised below:

Concept Approval (DA-585/2019)

The site benefits from an approved Concept DA (DA585/2019) pursuant to Section 4.22 of the EP&A Act. This DA was assessed by an Independent Consultant Planner and approved by the SWCPP on 31 August 2020.

Specifically, the following was approved:

- A building envelope with a maximum height of RL 43.45 for the purpose of an information and education facility (public library) use
- A building envelope with a maximum height of RL 84.25 for the purpose of a public administration building use, and either (or a combination of) commercial premises or child-care centre uses;
- A building envelope with a maximum height of RL 118.85 which will accommodate either (or a combination of) commercial premises, educational establishments, tourist and visitor accommodation or boarding house (student accommodation) uses;
- A landscaping and public domain concept including the provision of a public through-site link running north to south through the site, connecting Scott Street to the north through to Terminus Street to the south; and
- A building envelope for a three-level shared basement car park across the entire site to accommodate parking for all future uses (approximately 413 spaces, to be determined as part of future detailed DAs) and accommodating a public car park to be owned by Council.

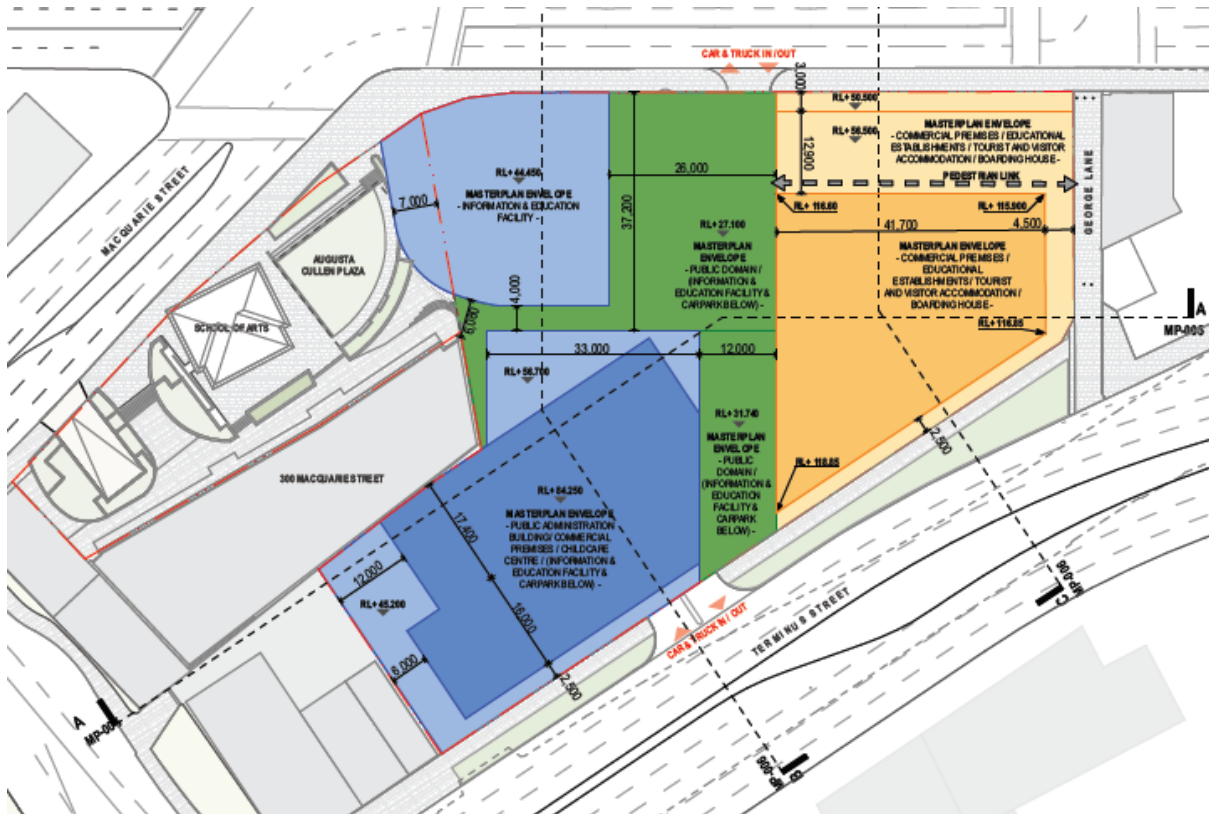


Figure 9: Approved building concept envelopes

Source: FJMT

Proposed s4.55 Modification to Concept DA (585/2019A)

The applicant is seeking to amend DA-585/2019 to modify the following matters:

- to increase the depth of the approved basement concept envelope from RL 8.00 to RL 4.00 for the component of the envelope associated with the Phase A basement and part of the Phase B/C basement of the Liverpool Civic Place development.
- rectification of a drafting error in the approved Concept Consent condition 3, to make clear that a boarding house use is approved within the Phase B/C envelope, in accordance with the stamped approved building envelope drawings.
- modification of the wording of condition 23 to remove the requirement for SIDRA analysis using traffic generation rates in the TfNSW guide as part of traffic impact assessments submitted with the Stage 2 Detailed DAs.
- deletion of condition 7 requiring a Local Area Traffic Management Plan to be provided to Council prior to the determination of a Stage 2 Detailed DA.
- deletion of condition 27 relating to the requirement submit a Travel Plan with any future Stage 2 Detailed DA.

The modifications to the Concept Development Consent are sought to ensure that the Phase A and Phase B/C developments (DA-836/2020 and DA-1080/2020) are consistent with the Concept Development Consent, as required by section 4.24 of the EP&A Act. This modification application will be reported to the SSWCPP concurrently with DA-836/2020.

S4.55 Modification to Early Works DA (DA906/2019A)

A Clause 4.55(1A) modification to DA-906/2019 was approved by SWCPP on 2 March 2021 for the following amendments:

- Increase the depth of bulk earthworks from RL 10.36m to RL 6.75m (increased depth of 3.61m), including an extension of the associated retention system comprising secant piling.
- Demolition of the existing planters and pedestrian access ramp within Lot 201 in DP 1224084, also owned by Liverpool City Council.
- Relocation of the temporary concrete driveway on Scott Street further to the east.

All matters relating to the technical works required to extend the basement depth in the Phase A (DA-836/2020) component of Liverpool Civic Place development have been addressed in the approved early works modification application (DA-906/2019/A).

Stage 2 (Phase B/C) Detailed DA (DA-1080/2020)

The second detailed DA for Phase B/C of Liverpool Civic Place was lodged with Liverpool Council 22 December 2020 and seeks approval for:

- Construction and use of a 22 storey commercial office building,
- Construction and use of a 9 storey co-living building,
- Construction of a 4 level basement,
- Landscaping and public domain works

The SWCPP was separately briefed on this DA on 8 March 2021. This DA is currently under assessment.



Figure 12: Perspective view of Phase B/C development (DA1080/2020)

Source: FJMT

3.1.3 Design Excellence Panel Briefings

The proposal was presented to Council's Design Excellence Panel (DEP) on 2 occasions. The proposed development was presented initially on 20 August 2020; prior to the lodgement of the DA. A revised scheme was presented to the DEP on 1 December 2020, addressing the issues raised in the first DEP briefing.

At the meeting of 1 December 2020, the DEP supported the project, subject to several recommendations to be incorporated in any updated drawings for a DEP Desktop Review.

The applicant submitted a response to these matters on 26 February 2021 (refer to Attachment 28). This response was referred to Council's City Design and Public Domain team for review. In summary, Council's City Design and Public Domain team is satisfied with the applicant's response.

The table below, outlines the Panel's comments from the previous DEP meeting on 1 December 2020, along with the Independent Consultant Planner response in the corresponding column with comments from the City Design and Public Domain Team, where relevant.

Panel Comments from meeting on 1 December 2020	Planners Response
1. Context	
The Panel acknowledges that the applicant has responded to the recommendations previously made by the panel and appreciates the efforts of the design team in achieving a design excellence for this project.	Not applicable – Supported by DEP
The Panel questions the proposed vehicular movement / volume of traffic for the site and requires the applicant to identify / articulate the different vehicular entries proposed for the site.	<p>The applicant has stated in the RFI Response letter dated 26 February 2021, that the applicant has negotiated with TfNSW to allow 202 vehicles to enter the basement car park through Terminus Street. The remaining vehicles would enter the site through the central shared laneway entry along Scott Street.</p> <p>The Traffic Report considers the projected traffic volumes in the shared zone because of this DA and DA-1080/2020 (see Attachment 18). The Report indicates that, with the provision of a Terminus Street access, the remaining traffic activity on the shared zone peaks at approximately 150 vehicle movements during the morning peak hour.</p> <p>Providing access to the public car park/fleet parking spaces via Terminus Street means the remaining traffic activity is suitably low for a shared zone environment. If this was not the case and access to both the public/fleet parking and service vehicles was proposed via Scott Street, the traffic activity would diminish the pedestrian priority over the shared zone.</p> <p>This Traffic Report was referred to TfNSW for concurrence. TfNSW raised no objections to the proposed development, subject to conditions of consent. Council's Traffic Branch have also raised no objections to the development, subject to conditions.</p>
The panel supports the design of the entry ramp into the library and notes that the form of the ramp demonstrates a journey into the library and promotes equitable access.	Not applicable – Supported by DEP.
The Panel questions the ownership of the space and recommends the applicant to identify the public/private domains within the development. The Panel recommends the applicant to incorporate wayfinding strategies within the design to ensure that there is adequate legibility and coherence within the design.	The applicant has confirmed that Council will own, manage and maintain all the public domain areas of the development. The applicant has clarified incorporating the wayfinding strategy as part of conditions of consent. In this regard, a condition will be imposed on any consent granted that requires a wayfinding strategy to be developed for the proposed development, prior to CC.

Panel Comments from meeting on 1 December 2020	Planners Response
The Panel appreciates that the response to context has evolved over time and notes that the design acknowledges/fits in to the context appropriately establishing the required connection to the surrounding.	Not applicable – Supported by DEP.
The Panel supports the chamfering the built form of commercial tower, incorporation of pocket park and upper level plaza.	Not applicable – Supported by DEP.
The Panel notes that the applicant needs to finalise and embed the governance structure for the proposed development to avoid any later issues in regard to management, maintenance and control of public domain.	The applicant has clarified in the RFI response that 'Council will own, manage and maintain all public domain areas of the development'.
2. Built Form + Scale	
The Panel acknowledges that the development is within the proposed building envelopes and appreciates the relationship of the public domain at ground level with the overall built form.	Not applicable – Supported by DEP.
3. Density	
The Panel notes that the density is consistent with the concept approval.	Not applicable – Supported by DEP.
4. Sustainability	
NIL.	NIL.
5. Landscape	
The Panel supports the additional space being added to the upper level plaza and recommends the applicant to further enhance the quality of the design as there is ample opportunity to achieve a better design outcome including investigating opportunities for viewing from the upper to lower plaza. The Panel supports the location of the café near the upper level Plaza.	The upper level plaza has been developed as part of the public domain and landscape workshops with the PDDP. The Panel chair endorsed the public domain and landscape plan, in accordance with Conditions 4 and 5 of Development Consent No. 585/2019, on 28 May 2021 (refer to Attachment 30). The architectural plans are consistent with the endorsed PDDP which provides for adequate space in the upper level plaza.
The Panel supports the design of the pocket park; however, the Panel questions the development of the pocket park in stages.	The applicant has provided a detailed response for staging of the pocket park in the RFI response document and has provided supplementary design report to justify its stance (refer to Attachment 18). The argument provided by the applicant, which is detail in Section 313 of this Report, is considered to be acceptable.
The Panel question the layering of the proposed vegetation within the development and its reference to the natural vegetation of the Cumberland plain. The Panel recommends the applicant to consider cultural planting as part of the palette (i.e. introducing planting species that are more appropriate for the area).	The applicant has provided a detailed response to the layering of the proposed vegetation and has included various diagrams/illustrations to identify the different types of vegetation being proposed as part of the development. Council's City Design and Public Domain team considers that the applicant has addressed the concerns raised by the Panel appropriately.
The Panel recommends the applicant to select tree species that are appropriate for the region/micro-climate to ensure that they would	Council's City Design and Public Domain team considers that the applicant has incorporated tree

Panel Comments from meeting on 1 December 2020	Planners Response
thrive in the climate of Liverpool and provide a sustainable outcome.	species that are appropriate for the climate of Liverpool and has addressed the recommendations made by the Panel appropriately.
The Panel recommends the applicant to consider vegetation that would complement the built form; and to ensure that the proposed vegetation highlights the design quality and complements the proposed architectural finishes/texture.	The applicant has provided a detailed response to the concerns raised by the Panel and has identified the various tree species/types of vegetation being proposed for the site. Council's City Design and Public Domain team considers that the applicant has addressed the concerns raised by the Panel appropriately.
The Panel notes that the design should ensure adequate soil volume for the proposed trees within the development.	The applicant has provided a detailed response to the concerns raised by the Panel and has identified the proposed soil volume/depth for various tree plantings within the site. Council's City Design and Public Domain team considers that the applicant has addressed the concerns raised by the Panel in a satisfactory manner.
6. Amenity	
The Panel notes that the key buildings within the development are distinguishable and quite legible which adds to several cues for wayfinding. However, the panel recommends the applicant to undertake a wayfinding strategy which would be beneficial for the design and will add to the legibility of the area.	The applicant has clarified incorporating the wayfinding strategy as part of conditions of consent. In this regard, a condition will be imposed on any consent granted that requires a wayfinding strategy to be developed for the proposed development, prior to CC.
7. Safety	
The Panel notes that there will be potential conflicts with pedestrians and cars entering the shared way. The Panel recommends the applicant to consider appropriate measures to ensure that future conflicts are reduced. The Panel recommends Council to review the traffic arrangements thoroughly at the approval stage to ensure there are no conflicts; and a traffic management plan is implemented.	See discussion above in relation to Context.
The Panel notes that CPTED principles are being considered however recommends the applicant to consider appropriate tree specifications to ensure ground level visibility.	The applicant has identified the minimum clear trunk height for tree planting to be 4m within the public domain. Council's City Design and Public Domain team considers has requested that the minimum clear trunk height is to be conditioned as part of any consent to ensure compliance with the recommendations of the Panel.
8. Housing Diversity and Social Interaction	
NIL	NIL.
9. Aesthetics	
The Panel notes that the proposed façade will be very dynamic and has the potential to become a	Not applicable – Supported by DEP.

Panel Comments from meeting on 1 December 2020	Planners Response
delightful experience for Liverpool. The Panel notes that the applicant's response to impart a high level of amenity within the façade is appreciated.	
The Panel questions the mock-up for the proposed façade systems and related studies in regard to its function/operation. The Panel recommends the applicant showcase the prototype of the façade system and prepare 1:1 scale VMU (visual mock ups) for presentation to the panel once developed.	The applicant has indicated that Panel's request for developing a '1:1 scale Visual Mock Up' for the façade system and for presenting it back to the Panel once it is ready is not required. Council's City Design and Public Domain Team raises no objection, provided that the prototype/ '1:1 scale Visual Mock Up' of the façade system is submitted to Council for approval prior to any Construction Certificate.
The Panel notes that the project demonstrates integrity of ideas and has demonstrated design excellence in its detailing and response to users.	Not applicable – Supported by DEP.

Based on the above comments from the Design Excellence Panel, the applicants response to those comments and the outcome of Council's Public Domain and City Design review of applicant's response to the Panel, it is deemed that the project is acceptable in the form proposed.

In closing, the Panel has requested that a Design Integrity Panel (DIP) be constituted for the proposal to work through the final stages of the design to ensure the integrity of design ideas throughout the approval process. A condition will be imposed on any consent granted that requires a DIP to be constituted for critical stages of the proposed development, including prior to CC and OC as well in the event of a modification application.

3.1.4 Sydney Western City Planning Panel Briefings

The proposal was presented to the Sydney Western City Planning Panel (SWCPP) on 15 December 2020. The comments from the briefing are summarised below.

- The Panel discussed the importance of the public realm and ground floor activation, for the overall success of the precincts. Advice from the Liverpool DEP was pending at the time of the Panel's briefing.*

Comment: The proposal has been subject to two Design Excellence Panels and has provided support for the proposal, subject to recommendations which have been implemented into the proposed scheme.

- The Panel would also be assisted by advice as to how the special purpose public realm advisory body convened as part of the concept approval for the site, has informed the design of the individuals buildings including buildings which are subject of this application, as well as the overall scheme.*

Comment: The Public Domain Design Panel (PDDP) that was constituted for the site was made up of the same Panel members as the Design Excellence Panel for DA-836/2020 and DA-1080/2020. Accordingly, in endorsing the public domain and landscape plan as per Condition 4 and 5, the PDDP would have done so with an understanding of the built form proposed in Phase A and B/C.

Furthermore, in endorsing the public domain and landscape plan as well as the buildings, panel members are to have regard to the matters in Clause 7.5 of LLEP 2008. Clause 7.5 requires consideration of the public domain and its relationship to buildings. It is considered that this matter has received adequate consideration from both PDDP and DEP.

- The Panel notes that information on a number of matters remain outstanding, namely: traffic management; public domain; stormwater management and environmental health. Specific, design based justification for the building separation non-compliances has been requested.*

The Panel endorses this request for specific design based justification for building separation non-compliances, notwithstanding that the application remains consistent with the Concept DA. In addition to visual appearance and privacy considerations, the interface between the individual buildings and the public realm, including the activation of ground for uses and the quality of public open spaces, are key design principles which should be addressed.

Comment: Feedback has been received from Council's Traffic Branch, Public Domain and City Design Team, Development Engineering, and Environmental Health. No objection is raised to the proposal, subject to conditions.

In summary, the applicant proposes two Clause 4.6 Variations to Development Standards to building separation required under Clause 7.3 of LLEP 2008. Notably, the degree of the variation has reduced under this proposed DA which is less than that approved under the Concept Development Consent.

Consideration of the Clause 4.6 variation request is addressed in further detail in Section 6.1.6 of this Report. In summary, it is considered that the variation/s are worthy of support.

- *Further, it would be helpful to understand how the public domain will be treated during the different stages of the overall concept plan until development is completed.*

Comment: The Public Domain will be delivered in stages. Phase A will develop the public domain up to and including the proposed shared zone. Land to the east of the shared zone will be delivered under Phase B/C development (DA-1080/2020). This is shown in the Figure 13 below.

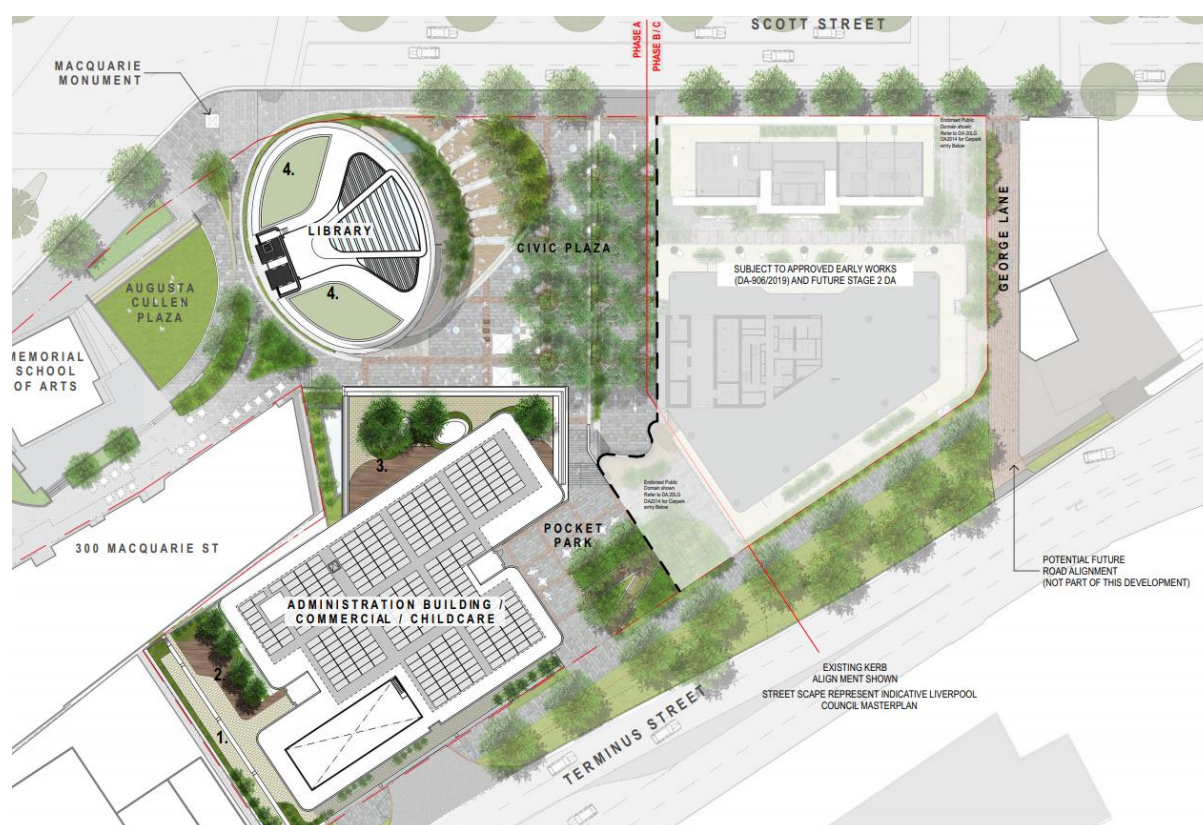


Figure 13: Staging of the proposed public domain

Source: FJMT

The Concept Approval has been developed to enable flexibility for the development to be delivered in two stages, being Phase A (DA-836/2020) and Phase B/C (DA-1080/2020).

Whilst this is currently the case, the staged construction is to a large extent dependent on securing an anchor tenant for the Phase B/C commercial building. As such, there are two main scenarios which could occur, including:

- The Contractor, Built, commence construction of Phase B/C by the practical completion (PC) date of Phase A in which case there will be no need for a temporary public domain (TPD) within the Phase B/C site.
- The contractor, Built, do not commence construction of Phase B/C by the Phase A PC date, in which case there will be a need to provide a TPD within the Phase B/C site. In this instance, Built are contracted to provide a TPD with a budget of \$250,000AUD.

Given the uncertainty of the construction staging at this point in time it is reasonable to defer the consideration of a TPD to the assessment and determination of the Phase B/C DA, where an appropriately worded condition of consent could be developed, if necessary.

Based on the 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

4.1.1 Stage 2 (Phase A) Detailed DA

The site benefits from an approved Concept DA (DA585/2019). This DA was approved by the SWCPP on 31 August 2020. DA-836/2020 for Stage 2 (Phase A) Detailed DA forms the first of two (2) detailed work DAs under the approved Concept Proposal. The second detailed DA for Phase B/C (DA-1080/2020) of Liverpool Civic Place was lodged with Liverpool Council 22 December 2020 and is currently under assessment.



Figure 14: Phase A Building Envelopes in the context of the building envelopes of the Concept Development Consent

Source: FJMT Architects

DA-836/2020 seeks consent for the construction of a new public library, a fourteen (14) storey mixed use building comprising an eight (8) storey public administration building, four (4) storeys of commercial premises in addition to retail and childcare space which is supported by a five (5) level basement with landscaping and public domain works. The main works are as illustrated in Figures 15, 16 and 17.

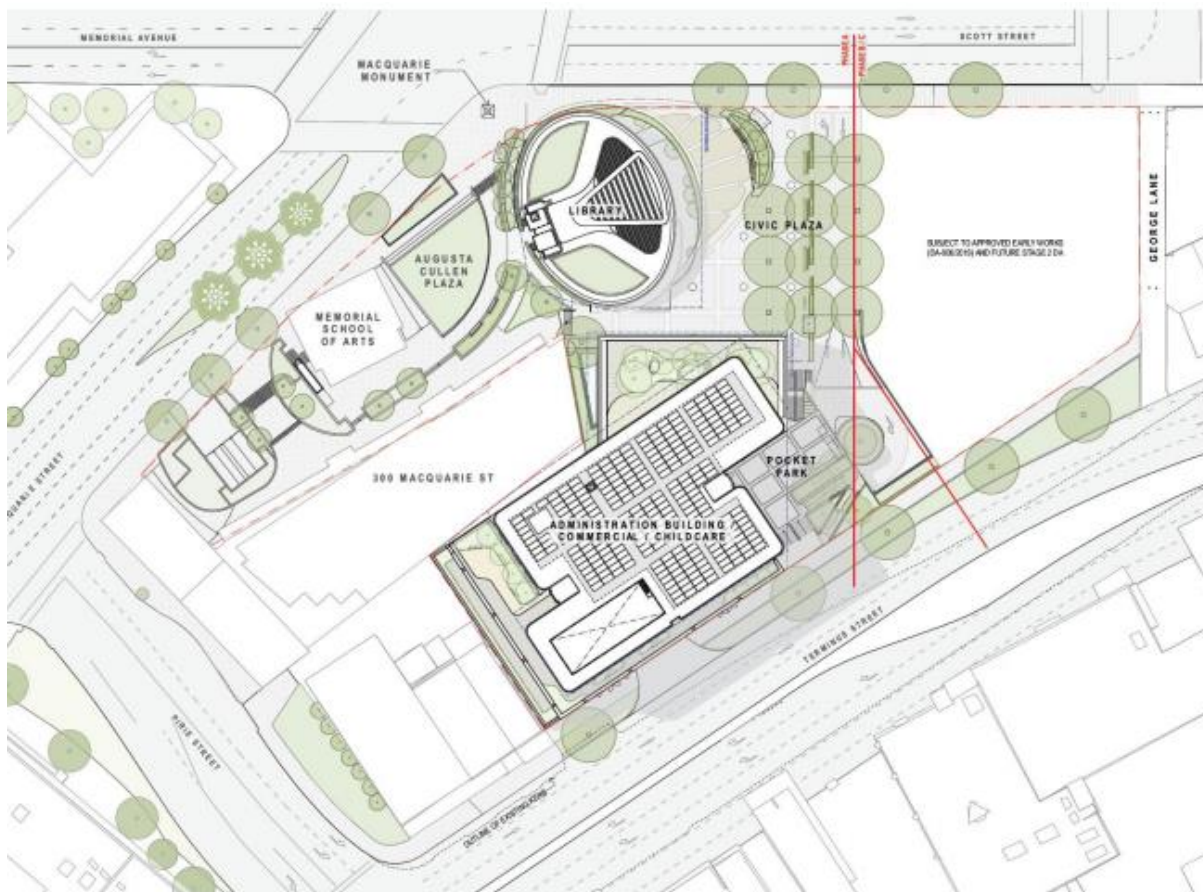


Figure 15: Phase A Site Plan
Source: FJMT Architects



Figure 16: Phase A Site Perspectives (view from Macquarie Street looking south-west)
Source: FJMT Architects



Figure 17: Phase A Site Perspectives (view from Terminus Street looking north-west)

Source: FJMT Architects

The detailed design can be separated into three main components, being the public library building, the public administration building, and the public domain area. These components are discussed in further detail below along with parking, access, site drainage, utilities, and public art considerations.

Public Library

- The public library is located at the intersection of Scott Street and Macquarie Street. The design reads as a four-storey oval shaped building from the public domain.

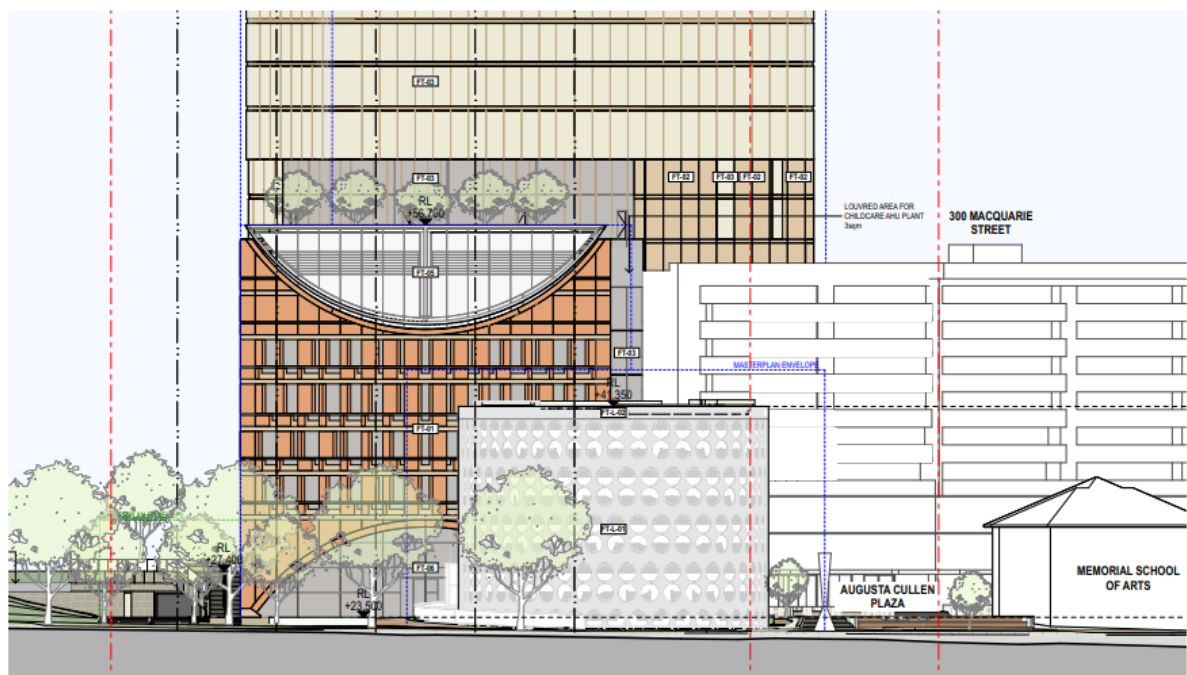


Figure 18: North Elevation of the development

Source: FJMT Architects

- The public library building will contain floor space distributed over six levels. Two storeys of the library are below ground levels (i.e. Basement 01 and Basement 02). See Figure 19.



Figure 19: Public Library level by level use

Source: FJMT

- The library has a combined GFA of approximately 5,000m². The library from Basement 01 and above each have a footprint of approximately 500m². The library has access to natural light from all elevations and internally from an atrium. The library on Basement 02 has a footprint of approximately 2,512m². This space contains an open-air landscaped garden and skylights that provide natural light from the public domain area above.
- The main access to the library is from the civic plaza that encompasses the library building from the east and south. See Figure 20 below. The library has elevators that provides access to all basement floor levels except for basement levels 04 and 05 (private car park).

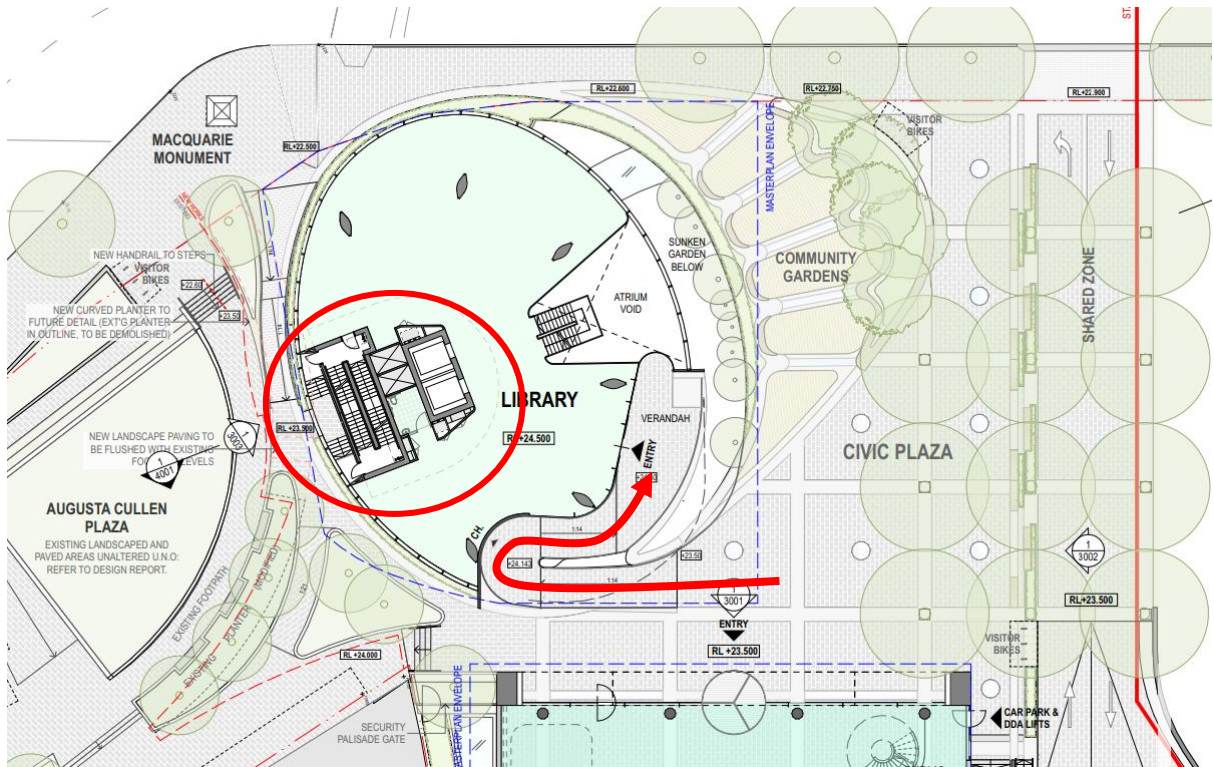


Figure 20: Public Library entry ramp marked in red and location of lift core

Source: FJMT Architects

- The library provides for active white-toned façade from all elevations. Façade elements are made up of full height glazing and rotary fabric blinds. See Figure 21 below.

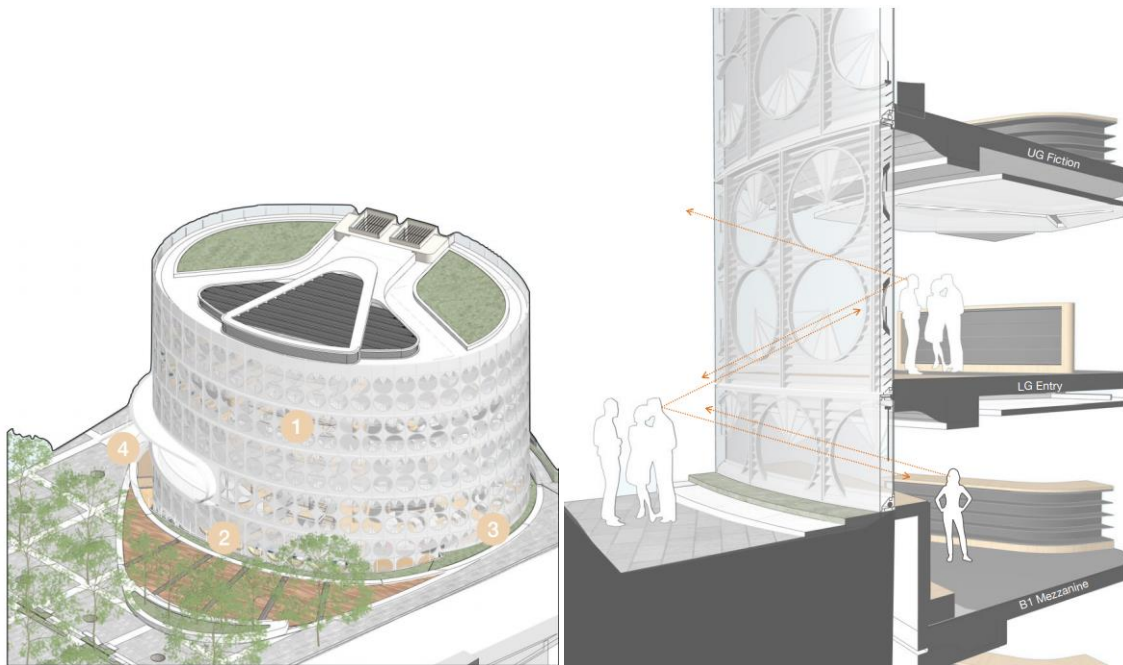


Figure 21: Façade elements of the library building

Source: FJMT Architects

Mixed Use Public Administration Building 'Civic Building'

- The Mixed-Use Civic Building is a 14-storey building with a combined GFA of approximately 16,689m². The building is located to the south of the proposed public library and has a frontage to Terminus Street which borders the proposed building to the south.



Figure 22: Perspective of the public administration building in contrast to the surrounding buildings
Source: FJMT Architects

- The building is broken up into two distinct forms when viewed from Scott Street and along Terminus Street. The development presents a strong four storey podium that addresses Terminus Street above which a tower is recessed up to twelve storeys in height. To Scott Street, the development presents as a strong seven storey podium above which a tower form is recessed above up to twelve storeys in height.



Terminus street looking west



Scott street looking south

/ Facade Types
1. Civic Square Podium Facade
2. Terminus Street Podium Facade
3. North/east/west-facing Tower Facade
4. South-facing Tower Facade
5. Library Facade

Figure 23: Perspectives from Terminus Street and Scott Street show the distinct tower on podium typology that addresses each street frontage

Source: FJMT Architects

- Pedestrian access to the building from Scott Street is achieved on lower ground level via Civic Plaza which borders the building to the north.

- [illegible]

Source: FJMT Architects

- DA-836/2020

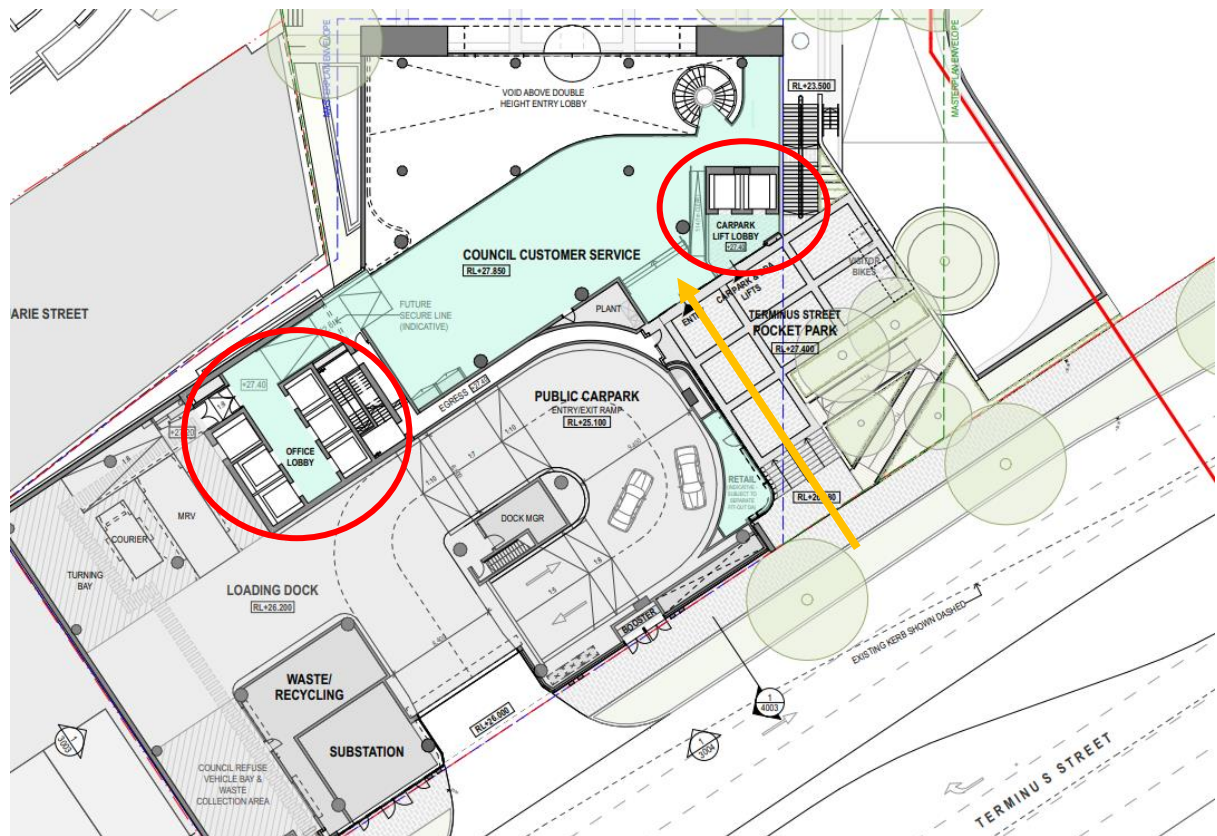


Figure 25: Extract of upper ground level showing direction of pedestrian entries and lift lobbies circled in red

Source: FJMT Architects

- Council Offices are located on Level 01 to 05 and Level 07 to Level 11. Level 06 is nominated for use as a future childcare tenancy. Council chambers are proposed on Level 01 with a double height void above.
- A small retail tenancy is provided on the upper ground level facing the Pocket Park.
- A public lift is provided within the mixed-use building to facilitate access for disabled persons through the site Terminus Street through to Scott Street. The public lift is proposed to operate 24 hours.
- A trafficable terrace is provided on Level 01, Level 04 as well as Level 07. The roof level provides for solar panels.
- The material palette seeks to align with the rich brick and sandstone banding features through the local heritage assembly including the Memorial School of Arts.

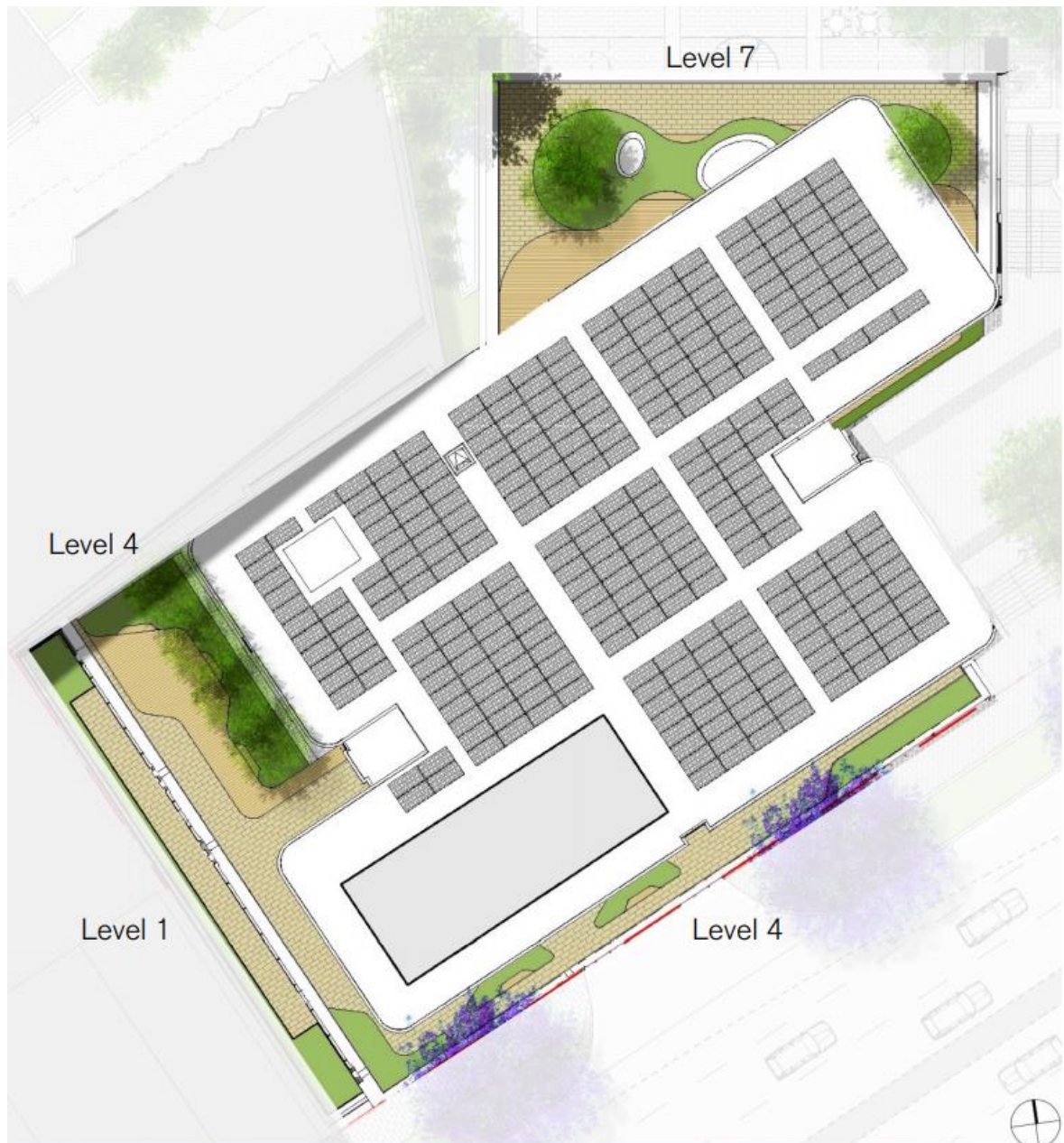


Figure 26: Landscaping on terraces and location of solar panels on rooftop

Source: FJMT Architects

Public Domain

- The Public Domain Works as it pertains to the Phase A development has several main components as illustrated in Figure 27.



Figure 27: Landscape Character Zones

Source: FJMT Architects

- The **Civic Grove** provides a central grid of trees, understorey planting, integrated seating and traffic calming devices to the edge of the sharezone. The **Civic Grove** also contains stairs which connect the Civic Plaza to the Pocket Park on Terminus Street. These stairs provide a through site link from Terminus Street to Scott Street.
- The **Civic Verandah** provides a variety of fixed and temporary seating in front of the Council and Office Lobby.
- The **Civic Plaza**, **Civic Verandah** and **Pocket Park** will provide granite paving with accent brick bands. The road reserve of Scott Street and Terminus Street will be upgraded with Granite Paving without the brick paving bands and new tree planting and vegetation.
- An **Indigenous sunken garden** is open to the sky and connected to the Library Level Basement 02. Adjacent to the sunken garden is the **Indigenous gathering garden** which included raised inclusive sinuous seating edges on both sides with raised native gardens planters. The gathering garden has central decking that is flush with the plaza level.
- Civic Plaza provides a landscaped access to existing **Augusta Cullen Plaza** Gardens at 306-310 Macquarie Street via a set of stairs and separate level path for wheelchairs along the façade of the library. Enhanced landscaping is proposed in this area.
- A disabled access ramp within the **Augusta Cullen Plaza** provides access to 300 Macquarie Street from Macquarie Street. This ramp has a minimum dimension of 1.8m and replaces an existing ramp that currently provides access to 300 Macquarie Street from the public domain.

Transport, Access and parking

- Vehicular access to the site is gained from Scott Street and Terminus Street.
- The Scott Street access will comprise of a shared zone with one travel lane in each direction for vehicle arrival and departure. The shared zone leads to the private car park entry at the lower ground floor level. Entry and exit into the car park will be controlled via a boomgate or similar.

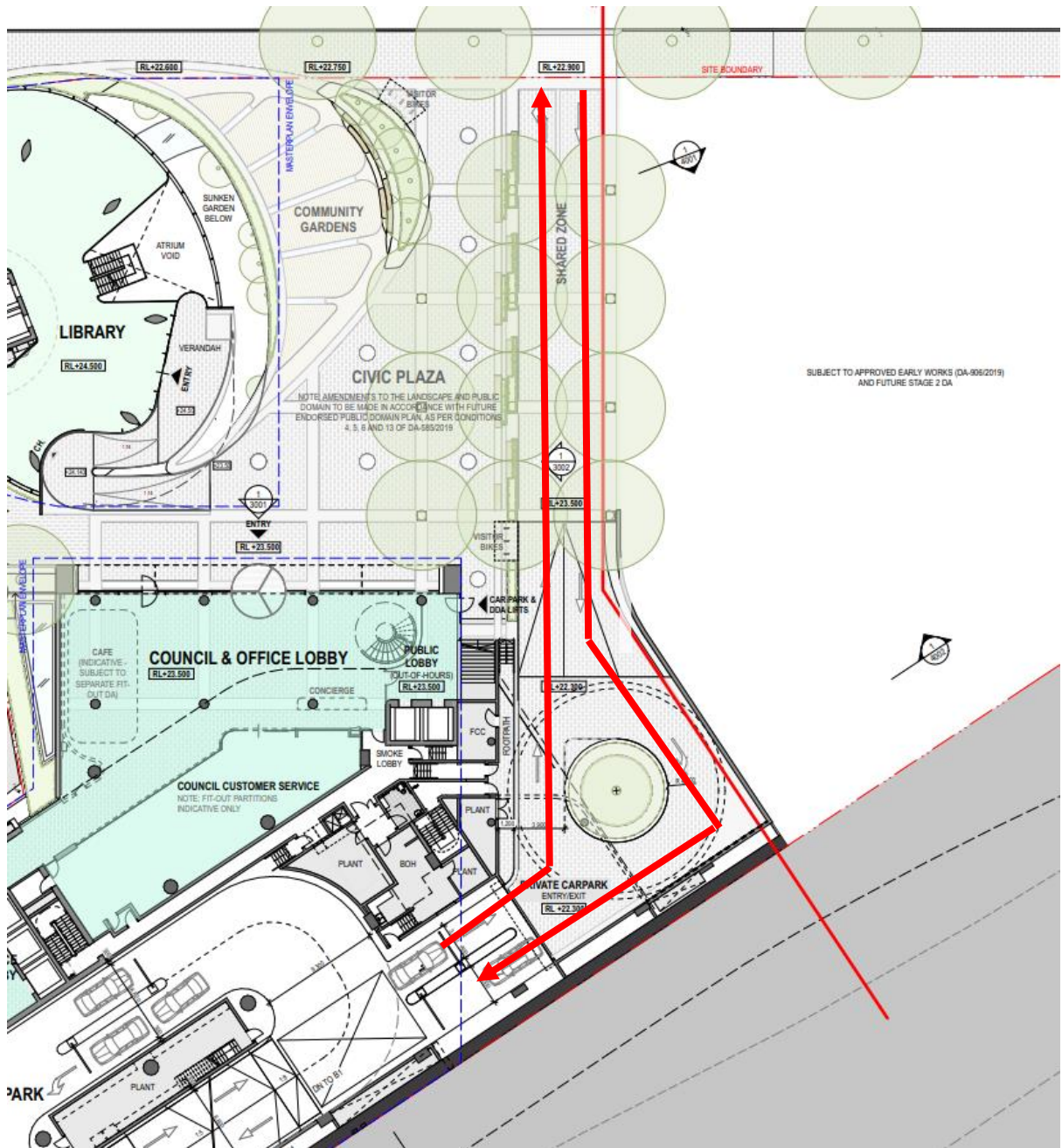


Figure 28: Extract of lower ground level showing vehicular entries from Scott Street

Source: FJMT Architects

- Access to the site from Terminus Street will be via a left in/left out manoeuvre only. Vehicles will enter the site on the upper ground level which provides a ramp down to the lower ground level wherein which access to the basement levels below will require payment via an access control system (i.e. boomgate or similar).

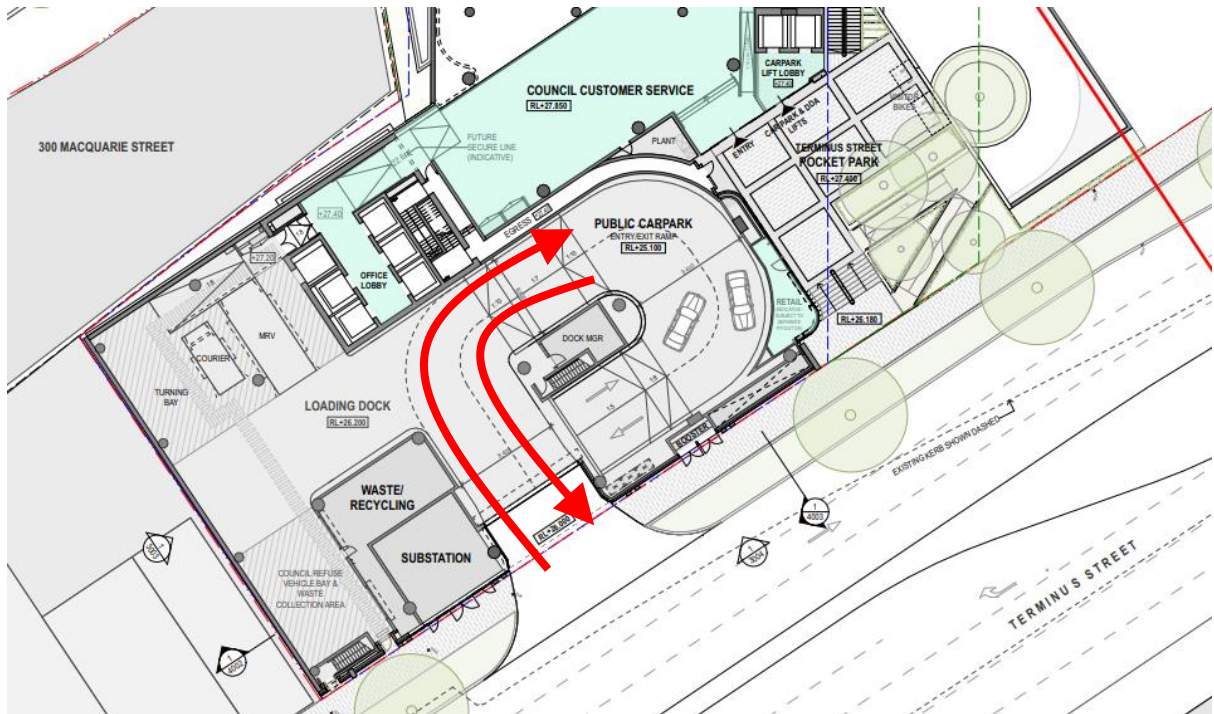


Figure 29: Extract of lower ground level showing vehicular entries from Terminus Street

Source: FJMT Architects

- The access control system will only permit up to 202 vehicles to access the public car park at any one time. If fully occupied, vehicles will be able to enter to exit the car park in a forward direction.
- The public carpark is located on Basement Level 01, 02 and 03. The private car park is located on Basement Level 04 and 05. An access control system (i.e. boomgate or similar) will restrict access from the public car park on Basement Level 03 to the private car park on Basement Level 04 and 05.
- The public car park will contain a total of 202 parking spaces, 156 which is allocated for public car parking and 46 of which are allocated as parking for Council fleet vehicles. The private car park will contain 142 car parking spaces.
- Loading dock for service vehicles is provided on the upper ground floor level. Vehicular access is achieved via the Terminus Street entrance. Manoeuvring space is sufficient to enable entry and exit of vehicles up to 9.9m in length (i.e. Medium Rigid Vehicle).
- A total of 18 motorbike spaces and 138 bicycle spaces (108 secure spaces and 30 visitor spaces) are provided at the site. End of trip facilities will also be provided including 14 showers and 134 lockers.

Infrastructure

- It is proposed that there will be two (2) combination treatment tanks installed for the proposed development located in the Council office building and Library building. These tanks will ensure that water quality targets are met by the proposed development.
- Servicing provisions such as substation are located within the building along the Terminus Street frontage.

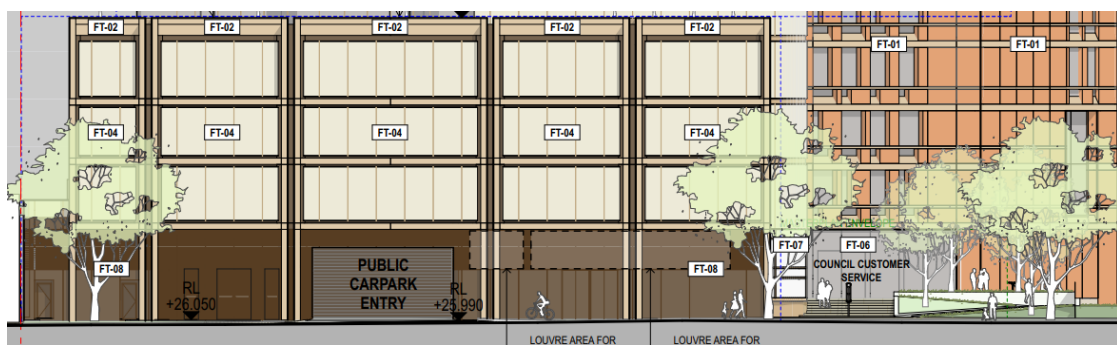


Figure 30: Terminus Street Elevation showing the architectural treatment of service rooms

Source: FJMT Architects

Public Art

- Locations of public art have been selected and will be further developed in consultation with Council as part of a Public Art Strategy, including:
 1. Sunken garden
 2. Local craft library furniture
 3. Main lobby ceiling
 4. Terminus Street elevation



Figure 31: Potential locations of art to be established as part of Public Art Strategy
Source: FJMT Architects

5. STATUTORY CONSIDERATIONS

5.1.1 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 (Infrastructure) 2007*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*
- *Liverpool Local Environmental Plan 2008 (LLEP2008)*

EPIs that have been on public exhibition

- *Draft State Environmental Planning Policy (Remediation of Land);*
- *Draft State Environmental Planning Policy (Design and Place); and*
- *Draft State Environmental Planning Policy (Environment).*

Development Control Plans

- *Liverpool Development Control Plan 2008:*
 - *Part 1: General Controls for all development*
 - *Part 4 – Development in the Liverpool City Centre*

5.1.2 Zoning

The site is zoned B4 Mixed Use under Liverpool LEP 2008.



Figure 32: Landscaping and Public Domain Plan

Source: FJMT

5.1.3 Permissibility

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

Information and education facility	Means a building or place used for providing information or education to visitors, and the exhibition or display of items, and include an art gallery, museum, library, visitor information centre and the like.
Public Administration Building	Means a building used as offices or for administration or other like purposes by the Crown, a statutory body, a council or an organisations established for public purposes, and includes a courthouse or a police station.
Commercial Premises	Means any of the following – a) Business premises; b) Office premises; c) Retail premises.
Centre Based Child Care Facility	Means – a) A building or place used for the education and care of children that provides any one or more of the following – (i) Long day care, (ii) Occasional Child Care, (iii) Out of school hours care (including vacation care), (iv) Preschool care, or b) An approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)
Car park	Means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

All these land uses are permissible with development consent within the B4 Mixed Use zoning.

6. ENVIRONMENTAL ASSESSMENT

The proposed development is in accordance with the Concept DA approval for the site that was made pursuant to Section 4.22 of the EP&A Act, which results in the site being subject to more detailed development provisions under Section 4.24 of the Liverpool Local Environmental Plan 2008.

Section 4.24 of the EP&A Act states:

Section 4.24 Status of Concept Development Applications and Consents

- 1) *The provisions of or made under this or any other Act relating to development applications and development consents apply, except as otherwise provided by or under this or any other Act, to a concept development application and a development consent granted on the determination of any such application.*
- 2) *While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.*
- 3) *Subsection (2) does not prevent the modification in accordance with this Act of a consent granted on the determination of a concept development application.*

Comment: The site benefits from an approved Concept DA (DA-585/2019) pursuant to Section 4.22 of the EP&A Act. This DA was assessed approved by the SWCPP on 31 August 2020. The subject application proposes to develop the site in accordance with the consent for the concept proposal.

Furthermore, the applicant is seeking to amend DA-585/2019 pursuant to Clause 4.55(1A) of the EP&A Act 1979. Consistency of the proposed development with the consent for the concept proposal, including the modification application, is detailed in the table below:

Table of Consistency with the Conditions of the Concept Development Consent

Condition	Proposed	Compliance
A. THE DEVELOPMENT		
1. <i>Development the subject of this determination notice must be carried out strictly in accordance with the following approved plans / reports marked as follows, except where modified by the undermentioned conditions.</i>	A comparison of the key dimensions approved for the relevant building envelopes in the Concept DA and the dimensions sought as part of the subject DA is provided in the table below.	Complies
2. <i>In accordance with section 4.22(4) of the EP&A Act all development under the Concept Proposal must be subject of future application(s). This consent does not permit the carrying out of any works.</i>	DA-836/2020 proposed to carry out development on the site in accordance with the Conditions of this Concept Approval.	Complies
3. <i>This consent does not approve any residential land uses on the subject site.</i>	No residential land use is proposed with DA-836/2020.	Complies
4. <i>A Public Domain Design Panel is to be convened and a Public Domain Plan prepared:</i> a) <i>Prior to the determination of any Detailed DA subject to this Concept Approval, a detailed Public Domain and Landscape Plan must be</i>	The Panel Chair has prepared a letter that endorses the following plan in accordance with Condition 4 and 5. <ul style="list-style-type: none"> Public Domain and Landscape Plan Lower and Upper Ground, as prepared by fjmt, 	Complies

Condition	Proposed	Compliance
<p><i>prepared by a suitably qualified AILA Registered Landscape Architect or Urban Designer, in accordance with the requirements of this condition.</i></p> <p>b) <i>A design review process is to be undertaken for the Public Domain and Landscape Plan with the purpose of achieving design excellence of the public domain in accordance with Clause 7.5 of Liverpool Local Environmental Plan 2008.</i></p> <p>c) <i>As part of the design review process, a Public Domain Design Panel is to be convened, that is to be chaired by the nominated chair of Council's Design Excellence Panel or his or her nominee, and whose other members are to include (at least):</i></p> <ul style="list-style-type: none"> <i>• A representative of or person nominated by Government Architect NSW;</i> <i>• A suitably qualified landscape architect and urban designer;</i> <i>• A representative of Liverpool City Council's City Design and Public Domain team.</i> <p>d) <i>At least two public domain design workshops are to be convened for attendance by members of the Public Domain Design Panel, the Applicant, and other relevant technical officers of Liverpool City Council which may include officers responsible for Heritage, Traffic, Public Art, Community Planning, Indigenous Culture and Heritage, and Community Development.</i></p> <p>e) <i>At the conclusion of the public domain design workshops, the Public Domain Design Panel is to record its recommendations.</i></p> <p>f) <i>The recommendations of the Public Domain Design Panel are to be incorporated into a Public Domain and Landscape Plan to be prepared by the Applicant.</i></p>	<p>sheet no. PD8001, revision 03, dated 14/5/21.</p> <p>A copy of the letter can be found at Attachment 30 to this Report.</p>	

Condition	Proposed	Compliance
<p><i>g) The Public Domain and Landscape Plan is to be endorsed by the Chair of the Public Domain Design Panel as satisfactorily responding to the outcome of the public domain workshops, prior to the determination of any future Detailed DA under this Concept Approval.</i></p>		
<p><i>5. The Public Domain and Landscape Plan is to:</i></p> <ul style="list-style-type: none"> <i>a) Identify any landscape constraints, including (but not limited to) setbacks, existing street trees, landscape features, screening / buffer requirements</i> <i>b) Include public domain design guidelines that are to be implemented across the subject site</i> <i>c) Identify the location of public domain areas within the site, providing detail on their role, character and extent</i> <i>d) Set aspirations and principles for each public domain area in order to achieve Design Excellence in accordance with Clause 7.5 of Liverpool Local Environmental Plan 2008</i> <i>e) Identify the location of trees, planters, water sensitive urban design treatments, deep soil and direct sunlight to public domain areas</i> <i>f) Detail design principles for roof terraces, including (but not limited to) how planting, deep soil, access and shade would be implemented</i> <i>g) Identify any intended design elements such as green roofs and walls, water sensitive landscape design treatments and sustainability targets</i> <i>h) Demonstrate consistency with the relevant landscape provisions of the Liverpool Development Control Plan 2008 and Liverpool City Centre Public Domain Master Plan</i> 		

Condition	Proposed	Compliance
i) <i>Demonstrate how the public domain areas will relate to proposed future built form within site, including consideration of pedestrian movements to and between buildings within the site</i>		
6. <i>All future detailed Development Applications subject to this Concept approval will need to demonstrate to the consent authority consistency with the endorsed Public Domain and Landscape plan.</i>	DA-836/2020 is consistent with the endorsed Public Domain and Landscape Plan.	Complies
7. <i>Prior to the determination of a Detailed DA, a Local Area Traffic Management Plan is to be submitted to Council's Traffic and Transport Section and to the Liverpool Pedestrian Active Transport and Traffic Committee for endorsement. The Local Area Traffic Management Plan is to identify traffic infrastructure improvements including changes to the adjoining traffic signals, signs, line markings and timed parking restrictions.</i>	<p>DA-836/2020 has been supported by a Local Area Traffic Management Plan (LATMP).</p> <p>Referral comments have been received from Council's Internal Traffic Branch. In relation to the submitted LATPM, no objection is raised subject to a condition that requires a revised LATPM to be submitted to Council's Traffic and Transport Section for review and endorsement by Liverpool Council Traffic Committee, prior to the issue of Construction Certificate.</p> <p>The LATPM will need to be revised to prohibit right turn movements out of the new driveway on to Scott Street, as per the traffic report section 7.1 page 32 (28 September 2020) and to incorporate the proposed 'Shared Zone' on the access to the development site, pedestrian crossing across Scott Street to access the site and other treatments that may be required along the pedestrian path on both Scott Street and Terminus Street surrounding the site, and bus stop and other amenity requirements close to the site.</p> <p>Given the above, Condition 7 of the Concept DA has not been satisfied. Despite this, it appears that Council's Traffic Branch has no objection for the revised LATPM to be referred to Local Traffic Committee, prior to CC rather than determination of DA. DA-585/2019/A proposes to delete Condition 7 of the Concept -Approval, to ensure that the proposed development can proceed.</p>	Complies subject to amendments to conditions proposed under DA-585/2019/A

Condition	Proposed	Compliance
8. <i>Future Detailed DAs subject to this Concept Approval shall comply with all conditions provided by Transport for NSW dated 12 August 2020. A copy of the conditions is attached to this decision notice (Attachment 1). Note: the conditions do not constitute a Section 138 concurrence under the Roads Act 1993.</i>	The proposed development was referred to TfNSW for concurrence. TfNSW have reviewed the submitted documentation and raises no objection to the proposed development, subject to conditions of consent. It is noted that the conditions included in Attachment 1 of the Development Consent no. 585/2019 have been replicated in the conditions provided by TfNSW for this development.	Complies
B. CONDITIONS TO BE SATISFIED PRIOR TO THE SUBMISSION OF FUTURE DEVELOPMENT APPLICATIONS		
9. <i>Prior to the submission of a development application which seeks approval for any detailed design of a building under this Concept Approval, a Pre-Development Application meeting is to be convened with representatives of Liverpool City Council. Advice of the subject Pre-Development application meeting is to accompany the development application when lodged.</i>	A Pre-DA meeting was held on 10 September 2020 for the proposed development prior to the lodgement of DA-836/2020.	Complies
10. <i>Prior to the lodgement of any Detailed DA subject to this Concept Approval, the plans outlined in Condition 1 must be amended to reflect the following:</i> <i>a) The extent of the building envelope titled 'Masterplan Envelope – Information & Education Facility' must be reduced to a maximum of 4 metres from the eastern edge of Lot 201 in DP 1224084, also known as 306-310 Macquarie Street (excluding any decorative architectural features above ground level). Evidence is to be provided to Liverpool City Council's Manager Development Assessment that satisfactorily demonstrates the plans have been amended to reflect this condition.</i>	This conditioned was discharged by Council on 21 September 2020.	Complies
C. CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS		
11. <i>Built form proposed in any future Detailed DA subject to this Concept Approval is not permitted to extend beyond the building envelopes approved under DA-585/2019.</i>	The proposed development does not extend beyond the building envelopes approved under DA-585/2019. Please refer to table below for a breakdown of compliance with the building envelope plans.	Complies
12. <i>Any built form proposed within the building envelope titled 'Masterplan Envelope – Information & Education</i>	Provided. The applicant proposes fixed (closed) radial blinds on Level 2 and 3 of the library in the area closest to 300	Complies

Condition	Proposed	Compliance
<p><i>Facility' must incorporate the following requirements:</i></p> <p><i>a) Floors facing the north western façade of the existing mixed-use building at 300 Macquarie Street, Liverpool, are to incorporate design features that limits overlooking into existing residential areas.</i></p>	Macquarie Street building, thereby reducing overlooking into living areas of existing residential apartments.	
13. All future detailed Development Applications subject to this Concept Approval are to demonstrate consistency with an endorsed Public Domain Plan, detailed in Conditions 4 and 5.	DA-836/2020 is consistent with the endorsed Public Domain and Landscape Plan.	Complies
14. A concept stormwater drainage system must be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.	A Civil Engineering Report and accompanying drawings has been completed in accordance with these conditions. A copy can be found at Attachment 10 and 22. The Civil Engineering Report and drawings has been reviewed by Council's Internal Engineering Branch. No objection is raised to the proposed development, subject to conditions of consent.	Complies
15. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate.		
16. The stormwater drainage system for the basement car park is to be designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems in basement carparks		
17. A stormwater pre-treatment system shall be incorporated on the proposed stormwater plans and that the design meets pollutant retention criteria in accordance with Council's Development Control Plan.		
18. On site water quality treatment facilities shall be provided to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging it to downstream. Water quality treatment works shall be designed using MUSIC modelling software and the water quality treatment		

Condition	Proposed	Compliance
<p><i>system performance shall be verified using Council's MUSIC link.</i></p>		
<p>19. <i>The below pollutant reduction targets are to be satisfied:</i></p> <p><i>45% reduction in the baseline annual pollutant load of total nitrogen (TN);</i> <i>65% reduction in the baseline annual pollutant load of total phosphorous (TP);</i> <i>85% reduction in the baseline annual pollutant load of total suspended solids TSS); and</i> <i>90% reduction in the baseline annual pollutant load of litter and vegetation larger than 5mm (gross pollutants).</i></p>		
<p>20. <i>A full planting schedule details and specifications are to be provided including planting details and specifications, maintenance, planting pits, pots and structural elements to be certified by an appropriately qualified person where appropriate.</i></p>	<p>Sufficient details have been submitted for the assessment of the proposed development. No objection is raised subject to conditions of consent.</p>	<p>Complies</p>
<p>21. <i>A comprehensive social impact assessment (CSIA) is to be submitted in accordance with Liverpool City Council's Development Control Plan 2008 and Social Impact Assessment Policy.</i></p>	<p>A CSIA has been submitted with this DA and can be found in Attachment 24 to this Report. The CSIA was referred to Council's Community Planning Branch for assessment. No objection is raised to the proposed development.</p>	<p>Complies</p>
<p>22. <i>The Lachlan Macquarie Statue on the corner of Scott Street and Macquarie Street is to be retained at its existing location.</i></p>	<p>The statue is being retained as demonstrated in the Public Domain and Landscape Plan and drawings for approval as part of this DA.</p>	<p>Complies</p>
<p>23. <i>Revised Traffic Impact Assessment (TIA) reports are to accompany future Detailed DAs for the site. The revised TIAs are to include the following:</i></p> <ul style="list-style-type: none"> <i>Updated SIDRA analysis using traffic generation rates in the TfNSW Guide (1.6 and 1.2 vehicular trips per hour per 100m2 GFA during the morning and afternoon peak period, respectively) for the 'Developer Buildings' component, at the minimum, to understand the traffic impact of the development under an alternative scenario.</i> <i>Endorsed vehicular access arrangements – The revised reports are to outline and provide details of the endorsed left in/left out access arrangement off Terminus Street</i> 	<p>A Traffic Report has been submitted with DA-836/2020 for consideration of matters referred to in Condition 23 except for the updated SIDRA analysis using the traffic generation rates in the TfNSW Guide. Instead the applicant uses the Warren Serviceway car park as the highest level of traffic generation prediction possible.</p> <p>The applicant provided a response to this matter which can be found in Attachment 28 to this Report. The submission argues that the SIDRA modelling does not require updating as the traffic generation rates applied to the development, although less onerous than the TfNSW Guide, are more</p>	<p>Complies subject to amendments to conditions proposed under DA-585/2019/A</p>

Condition	Proposed	Compliance
<p><i>addressing all the requirements contained in the letter from TfNSW to Council in Attachment 1 of this consent.</i></p> <ul style="list-style-type: none"> <i>Allocation of car parking spaces - information regarding the allocation of car parking spaces to the various land uses, including adequate provisions for bicycle and motorcycle parking in the revised TIA.</i> 	<p>relevant to the proposed uses and its location in the same CBD.</p> <p>Given the above, Condition 23 of the Concept DA has not been satisfied. Despite this, it appears that Council's Traffic Branch has no objection to the proposal. Also, both the Traffic Report and accompanying submission from the consultant were referred to TfNSW for their consideration. TfNSW has not requested for updated SIDRA analysis.</p> <p>DA-585/2019/A proposes to modify Condition 23 of the Concept Approval to remove the requirement for updated SIDRA analysis, to ensure that the proposed development can proceed.</p>	
<p><i>24. Car parking provision – future Detailed DAs are to provide car parking provisions in accordance with the car parking rates set out in the Liverpool LEP 2008 and Liverpool DCP 2008 as well as provide for the replacement of the existing public car parking spaces at the site as outlined in the TIA, as prepared by PTC, dated 22 April 2020</i></p>	<p>The April TIA assumes a provision of 200 car parking spaces for public use. The April 2020 TIA sets out this provision for traffic generation testing purposes, not a recommended minimum public parking provision.</p> <p>In terms of car parking allocation, Section 8.2 of TIA is clear that the final allocation would be subject to the relevant Stage 2 DA, including the allocation of public car parking spaces. In this regard, the provision of 156 public car parking spaces under this DA does not contravene the April 2020 TIA.</p> <p>Council's Traffic Branch has not raised any objection to the proposed development.</p>	Complies
<p><i>25. Detailed design drawings of the driveways, ramps, aisles, loading bays and parking spaces, as well as for swept path analysis, footpath paving, street lighting, sign and line marking scheme, demonstrating that the design has been carried out in accordance with RMS Guidelines, DCP and AS: 2890 is to be submitted to Council with the detailed development applications.</i></p>	<p>Drawings has been provided for assessment. A condition will be imposed on any consent granted for these details to be provided</p>	Complies
<p><i>26. The drawings must be certified by a qualified traffic engineer and are to comply with the requirements of the DCP and Australian Standards in relation to the Terminus Street access.</i></p>		

Condition	Proposed	Compliance
27. A Travel Plan that contains specific measures to promote the use of more sustainable modes of travel including walking, cycling, public transport and car sharing are to be submitted as part of any future Detailed DA.	Council's Traffic Branch has raised no objection for a Travel Plan to be submitted to Council for approval prior to the issue of Occupation Certificate. DA-585/2019/A proposes to remove Condition 27 of the Concept Approval, to ensure that the proposed development can proceed.	Complies subject to amendments to conditions proposed under DA-585/2019/A
28. Provide a footpath design that ensures pedestrian priority along Scott Street. The pavement design at driveway locations must include: a) The design of the driveway must be delivered with Granite pavement in 100x100mm sets (refer to Figure 6.254, page 268, Liverpool City Centre Master Plan) b) The driveway is to be designed flush with the pedestrian pavement along Scott Street and only demarcated by the change in pavement c) The pedestrians have priority over vehicle movements. And the space must be demarcated as such	The applicant provides for these elements in the overall design. Conditions will be imposed to ensure that the shared zone is designed to meet the TTD 2016/001.	Complies
29. Weather protection is required to be provided along Scott Street (east of the driveway access) to allow pedestrian movements along the street in all-weather situations. Street trees must be provided and designed into the street awning.	This is to be provided as part of the Phase B/C development.	Complies
30. Include sun-shading and façade treatments are functional in reducing heat-gain from sun exposure.	The applicant has indicated that this has been provided. A condition will be imposed to ensure that it is incorporated in any CC issued drawings.	Complies
31. Any future development application is to be accompanied by a wind report prepared by a suitably qualified consultant. Wind tunnel testing and mitigation measures are to be provided as part of the wind study, with consideration of wind impacts on public areas and roof gardens.	The proposed development has been accompanied by a Wind Impact Assessment that incorporates wind tunnel modelling. A copy can be found at Attachment 19 to this Report.	Complies
32. Any future development application is to be accompanied by an acoustic report prepared by a suitably qualified acoustic consultant that demonstrates compliance with the relevant provisions of the State Environmental Planning Policy (Infrastructure) 2007, as well as	The proposed development has been accompanied by an Acoustic Impact Assessment. A copy can be found at Attachment 20 to this Report.	Complies

Condition	Proposed	Compliance
<i>consideration of impacts on surrounding sensitive receivers.</i>		
33. <i>The Preliminary Site Investigation prepared by Douglas Partners, dated April 2019, submitted with the application has identified asbestos contamination on the site. Any future Detailed DA subject to this Concept Approval that proposes excavation requires a Stage 2 – Detailed Site Investigation to fully delineate the contamination issues prior to the preparation of a Remediation Action Plan. The relevant assessments are to be undertaken by a suitably qualified and experienced contaminated land consultant with regard to the potential effects of any contaminants on public health, the environment and building structures and shall meet the sampling density outlined in the NSW EPA Contaminated Sites Sampling Design Guidelines (1995).</i>	No excavation is proposed as part of this DA. It was undertaken as part of DA-906/2019 and DA-906/2019/A. A Preliminary Site Investigation (PSI) was undertaken with these DAs. The PSI concluded that the remediation is not required for the site, except for some fill where asbestos was observed. An Asbestos Management Plan was conditioned with these DAs	Complies
34. <i>Future Detailed DAs subject to this Concept Approval shall comply with the advice provided by Sydney Water dated 26 June 2020. A copy of the advice is attached to this decision notice (Attachment 2).</i>	The proposed development was referred to Sydney Water for review. Sydney Water reviewed the proposed development and did not raise objection, subject to conditions.	Complies

Table of Consistency of the proposed development with the approved Building Envelopes, vehicle entry and basement envelopes

Control	Concept DA Approval (DA-585/2019)	Phase A Proposal	Difference between applications	Consistency with Concept DA
Vehicle Entry	Vehicle entry from Scott Street and Terminus Street	Vehicle entry proposed from Terminus Street and Scott Street	Nil	Yes
Basement Envelopes	RL 8.00	RL 6.75 (DA-585/2019/A proposes to increase the basement envelope to RL 4.00)	- 1.25	Yes, subject to amendments to conditions proposed under DA-585/2019/A
North-western building (library)				
Land Uses	Information and education facility (public library)	Information and education facility (public library)	Nil	Yes

Control	Concept DA Approval (DA-585/2019)	Phase A Proposal	Difference between applications	Consistency with Concept DA
		Liverpool Civic Place		
• West	• 0.8m-4m separation to adjacent site	• 2.6m – 5.5m separation to adjacent site	+1.8 & 1.5	Yes
Tower setbacks and separation of South- western building envelope				
• North	• Approximately 41.8m setback to Scott and 49.2m setback to Macquarie Street	• Approximately 41.8m setback to Scott and 49.2m setback to Macquarie Street	Nil	Yes
• South	• 2.5m setback from Terminus Street	• 2.5m setback from Terminus Street	Nil	Yes
• East	• 12m separation from eastern envelope	• 12m separation from eastern envelope	Nil	Yes
• West	• 6m-12m separation from adjacent site	• 6m-12m separation from adjacent site	Nil	Yes



Figure 33: Envelope comparison plan (Concept DA building envelopes identified in light blue colour)
Source: FJMT Architects



Figure 34: Envelope comparison elevation (Concept DA building envelope identified in light blue colour)
Source: FJMT

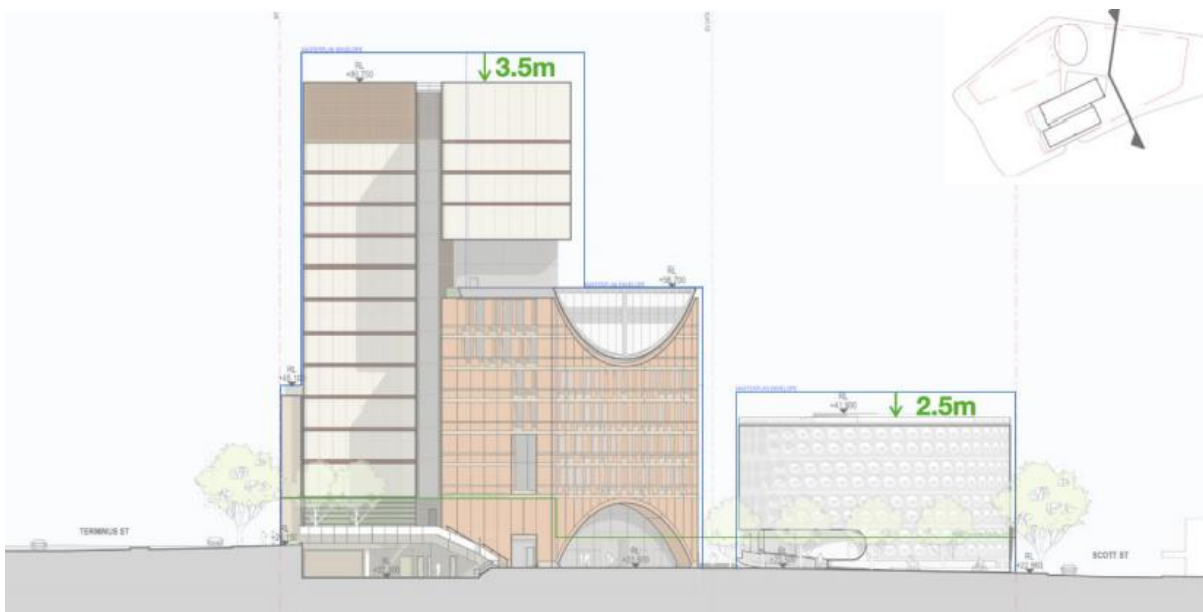


Figure 35: Envelope comparison elevation (Concept DA building envelope identified in light blue colour)
Source: FJMT

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

6.1.1 State Environmental Planning Policy (State and Regional Development) 2011

As the proposal is a class of development described in Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, being a Council related development that has a CIV over \$5 million and a CIV over \$30 million. Part 4 of the State and Regional Development SEPP applies to the DA. Under Part 4 of the SEPP, the Council's consent function is exercised by the Sydney Western City Joint Regional Planning Panel.

6.1.2 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 for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Pursuant to 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.

Comment: The provisions of SEPP 55 have been considered and addressed as part of the early works application, DA-906/2019, which was approved by SWCPP for site preparation and early works on site, including demolition and excavation.

DA-906/2019 was accompanied by a Preliminary Site Investigation (PSI). The PSI concluded that the remediation is not required for the site, except for some fill where asbestos was observed. Removal and proper handling of asbestos is recommended in this instance. Conditions were imposed on the consent that require an Asbestos Clearance certificate to be provided prior to the issue of any OC.

Further consideration of contaminated land matters is therefore not required with DA-836/2020. A condition will be imposed on any consent that requires the conditions of DA-906/2019 to be satisfied prior to the commencement of works associated with DA-836/2020.

6.1.3 State Environmental Planning Policy (Infrastructure) 2007

The site has a frontage to Terminus Street, a classified road. Relevantly, the following provisions of SEPP (Infrastructure) 2007 are required to be addressed with the application:

Clause 101 Development with frontage to a classified road

The proposal has a frontage to a classified road. Relevantly, subclause 101(2) reads as follows:

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road

Having regard to subclause (2), the site has a frontage to a local road (Scott Street) in addition to the Classified Road frontage (Terminus Street).

In its current form, access to the car park at the site will be provided from Scott Street, via a Shared Zone through the public plaza and via a driveway on Terminus Street. The proposal provides for a total of 344 car parking spaces at the site for the following user groups:

- 142 parking spaces for private (Council) parking,
- 46 spaces for the parking of Council fleet vehicles and
- Additional 156 parking spaces for public use.

Access to the public car parking spaces/fleet parking spaces (total of 202 spaces) will be from Terminus Street. The Terminus Street access will also provide access to the loading dock area. The remaining 142 spaces in the private (Council) car park will have access to the site via the Shared Zone. In addition, the Shared Zone will also provide access to the car park to be provided with the Phase B/C development (subject of DA-1080/2020). Accordingly, a total of 270 spaces will have access via the Shared Zone.

A shared zone is proposed as a means of prioritising pedestrian movement on the driveway access to the development off Scott Street. Providing access to the public car park/fleet parking spaces via Terminus Street means the remaining traffic activity is suitably low for a shared zone environment. Providing access to both the public/fleet parking and service vehicles via the shared zone would diminish the pedestrian priority over the proposed shared zone. This is further helped by diverting service vehicles for Phase A development to Terminus Street.

The option of a secondary access from Terminus Street was presented to TfNSW on this basis. TfNSW have not raised objection to Terminus Street for access to the loading dock and car parking provided that the number of spaces accessing the site via Terminus Street does not exceed the number of parking spaces that constituted the former public car park at the site (202 spaces). The car park proposes to implement access control systems to ensure that only the public car park/fleet parking spaces (total of 202 spaces) will be accessed via Terminus Street.

In relation to subclause (3), the development has been designed to shield the proposed plaza and library from the traffic noise and vehicle emissions along. This is considered to be an appropriate urban design response to the existing traffic environment on Terminus Street. There are no sensitive uses within the proposed buildings that will be affected by the traffic noise except for the child care use that has been nominated on level 6 of the proposed Council administration building.

Although the DA does not include the fit out and use of the child care centre, the potential for noise from Terminus Street to impact this potential use have been considered in an Acoustic Report (see Attachment 20). The Report shows that the use of Level 6 for the purpose of a child care centre would comply with the noise criteria in Clause 102 of the Infrastructure SEPP, subject to a number of design measures. In this regard, the proposed development will future proof the ability of Level 6 to achieve an adequate noise environment.

Clause 104 Traffic generating development

The proposal seeks approval for a commercial premise greater than 10,000 m² in gross floor area (GFA). Therefore, the proposed development is deemed to be "Traffic generating" development under Clause 104 of the Infrastructure SEPP. Relevantly, subclause 104(3) reads as follows:

(3) Before determining a development application for development to which this clause applies, the consent authority must—

(a) give written notice of the application to RMS within 7 days after the application is made, and

(b) take into consideration—

(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including—

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

The application was referred to Transport for NSW (TfNSW) for comments pursuant to Clause 104 of SEPP Infrastructure. TfNSW have reviewed the proposed development and raised no objection subject to conditions. Similarly, no objection is raised to the proposal by Council's Traffic Branch, subject to conditions. Traffic, parking and vehicular access impacts are discussed in further detail below.

Traffic generation

The TIA notes that the application of the unrestrained trip generation rates in the former RMS Guide results in a higher traffic activity than the number of parking spaces proposed within the development. It argues that it is appropriate to apply a different trip generation rate that reflects the CBD location of the site, the high accessibility to alternative travel modes, and the restrained parking provision for the site.

In this case, it has used trip generation rates of 0.56 and 0.48 vtpm for the AM and PM peak periods, respectively derived from data collected from the Warren Serviceway Car Park. Based on the derived rates, it predicts the traffic generation of the Phase A development to be 200 and 141 vtpm in the AM and PM peak period, respectively. This is predicted to increase to 272 and 203 vtpm in the AM and PM peak period, respectively, when Phases B and C are added.

The TIA shows that the Phase A project involves a similar level of traffic compared with the concept approval, with minor changes (an increase of 5 and 13 vehicles during the morning and evening peaks respectively), which it considers will not have significant impact on the surrounding road network. It notes that the traffic generation of Phases B and C development is not yet able to be calculated in detail and is therefore unchanged.

These traffic generation rates formed the basis of the SIDRA modelling for the proposed development. The SIDRA modelling indicates that the Scott Street and Terminus Street accesses will operate with acceptable delay and queuing in both AM and PM peaks post development. It also indicates that the George Street and Scott Street intersection will operate in similar level of delay and queuing as the existing conditions.

The TIA notes that the average delay and queuing for the eastern leg of the Macquarie Street/ Memorial Avenue/ Scott Street intersection will increase during the post-development scenario (approximately 26 seconds and 65m respectively during the PM peak compared to the existing condition of 20 seconds and 50mts, respectively). It notes that this may impact the proposed access driveway along Scott Street, but will remain to operate at Level of Service A.

Vehicular Access and Parking

Pursuant to Liverpool LEP 2008, B4 zoned land in the City Centre is required to provide parking at the rate of 1 space per 200m² GFA at ground floor and one space per 150m² for any other levels. In this case, the development is required to provide 142 car parking spaces. The proposal provides for 344 car parking spaces in total: including 142 parking spaces for private (Council) parking, 46 spaces for the parking of Council fleet vehicles and an additional 156 parking spaces for public use.

Access to the public car parking spaces/fleet parking spaces will be via Terminus Street which will be controlled by an Access Control System. This will prevent use of this access by Council employees, as the system will require payment on exit. The parking system will only permit up to 202 vehicles to access the public car park at any-one time. The access from Terminus Street will also provide access to the loading dock serving the development. Internally, access control systems will prevent these vehicles from accessing private (Council) spaces.

Access to the private (Council) parking will be provided via the shared zone from Scott Street. Access will be controlled through a car park management system that requires an access card (or similar) for authorised users only. Notwithstanding this, it is proposed that during weekends, that private (Council) parking spaces would be made available to the public for use. This would also require access to the spaces via Scott Street to be made available to the public.

TfNSW has imposed conditions of consent that restrict access from Terminus Street to be a left-in/left out movement. A median is to be installed along Terminus Street to physically restrict right turn movements into and out of the driveway. The median is to cover the full length of the driveway. A condition will also be imposed to limit access from Terminus Street to a maximum of 202 spaces to be segregated from the total underground parking.

Conditions for the shared zone have also been imposed to regulate the proposed Shared Zone. To ensure pedestrian safety along the shared way, TfNSW provide a condition of consent that requires “appropriate traffic calming must be provided within the shared zone to ensure compliance of the 10km/h speed limit. The proposed shared zone must comply with the requirements set out in the TTD 2016/001.”

This Technical Direction provides guidelines for all aspects of shared zones, including design and implementation. Similarly, Council’s Traffic Branch has imposed a condition for a Local Area Traffic Management Plan to be developed that incorporates the proposed shared zone for endorsement of the Liverpool Pedestrian Active Transport and Traffic Committee, prior to the issue of a CC.

In this regard, it is considered that there are sufficient safeguards to ensure that the shared zone is implemented in a manner that ensures the safety of all user groups.

6.1.4 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The DA only seeks to nominate Level 6 as a childcare centre. The fit out and use of the centre will be subject to a future development application. A condition will be imposed on any consent granted that requires the child care to be subject to a separate development application.

6.1.5 Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

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, the planning principles are to be applied (Clause 7(2)). Accordingly, a table summarising the matters for consideration in determining development application (Clause 8 and Clause 9), and compliance with such is provided below.

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(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. The proposal is consistent with the aims of the Plan.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas	The proposed development will collocate employment generating uses and supporting economic sectors that will contribute to Liverpool CBD and indirectly, to the NSW economy.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries	The proposed development will not have any negative impacts on the health, quality or sustainability of the George’s River and its ecosystem.
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 which are available from the respective offices of those Departments)	<p>The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.</p> <p>The proposed development has provided acceptable water management procedures and infrastructure.</p>

(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)	The Civil and Stormwater Engineering Report outlines the impact on the George's River Catchment and it is considered acceptable.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice	All relevant State Government Agencies were notified of the proposal and all relevant State Government Policies, manuals and guidelines were considered as part of the proposal.
(g) whether there are any feasible alternatives to the development or other proposal concerned	The site is located in an area nominated for mixed use development and provides for a development that is consistent with the objectives of the applicable zoning and is consistent with the desired future character of the surrounding locality.

Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The site is mapped as Class 5 Acid Sulfate Soils under the LLEP 2008. However, soil testing undertaken as part of DA-906/2019 did not identify acid sulfate soils on the site.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The site is not affected by flooding.
(4) Industrial discharges	Not applicable.
(5) Land degradation	Considered in the early works DA (DA-906/2019). The site is heavily disturbed and degraded. The development is unlikely to negatively affect the land.
(6) On-site sewage management	Two wastewater networks are proposed to serve the development. Sydney Water has approved the application, subject to conditions of consent.
(7) River-related uses	Not applicable.
(8) Sewer overflows	An additional on site watermain is proposed to service the development so the development does not exceed the capacity of the current wastewater main. Sydney Water has approved the application, subject to conditions of consent.
(9) Urban/stormwater runoff	The proposed stormwater involves two combination treatment tanks installed to service each building. The roof catchments of both buildings will be discharged into the proposed tanks. The proposed stormwater drainage is sufficient to service the development.
(10) Urban development areas	The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy. The site is not identified as being an Urban Release Area under LLEP 2008.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	Not applicable
(13) Wetlands	Not applicable.

It is considered that the subject development application appropriately satisfies the provisions of the GMREP No.2 to the extent considered appropriate in this instance.

6.1.6 Liverpool Local Environmental Plan 2008

As stated previously the subject site is zoned B4 Mixed Use Zone under Liverpool Local Environmental Plan 2008 (LLEP 2008). The proposed development is permitted with development consent in the B4 zone.

(i) Zone Objectives

The objectives of the B4 zone are as follows:

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

The Phase A development application is consistent with the objectives of the B4 zone. The subject application will facilitate a mix of compatible land uses and provides for appropriate building envelopes that have been suitably located to cater for civic, community, business, retail, hotel, and other uses. The development application does not propose any residential uses. The subject application has been presented to Council's Design Excellence Panel on two occasions and is considered an appropriate application that can facilitate a high-quality urban design and public domain outcome.

(ii) Principal Development Standards

The following principal development standards in the Liverpool LEP 2008 are applicable to the proposal. The principle development standards have been considered against this concept development application to the extent deemed appropriate in this instance.

Clause	Provision	Comment
Clause 2.7 – Demolition	Demolition may be carried out only with development consent.	N/A Demolition works were approved in June 2020. Refer to DA-906/2019.
Clause 4.3 – Height of Buildings	Maximum height of 28m	The maximum height for the site under the Height of Buildings Map of Liverpool LEP 2008 is 28 metres. However, by virtue of Clause 7.5A(2) of LLEP 2008, the site can extend beyond the maximum height provided that is within the envelopes approved under DA-585/2019. Under the Concept approval, the maximum building height is RL42.85 (approximately 20 metres) for the library building and RL 84.25 (approximately 60 metres) for the Council administration building. The development proposes a height of RL 41.90 for the library and RL 80.75 for the Council administration building.
Clause 4.4 - Floor Space Ratio	Maximum FSR of 3:1	The maximum FSR for the site under the FSR map of Liverpool LEP 2008 is 3:1. However, by virtue of Clause 7.5A(2) of LLEP 2008, the site benefits from a FSR of up to 10:1 provided that the built form does not extend

		beyond the building envelopes approved under DA-585/2019. The proposed development has a GFA of 21,689m ² which equates to an FSR of 2.32:1 when using the site area that was subject of the approved Concept Proposal (9,348m ²).
Clause 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.	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. A discussion is provided following this table.
Clause 5.10 - Heritage Conservation	Development proposed within the vicinity of a heritage item must be accompanied by a heritage management document to assess the impact of the heritage significance of the heritage item.	Refer to discussion below regarding Clause 5.10
Clause 7.1 – Objectives for Development in Liverpool City Centre	Proposed developments must be consistent with the objectives	<p>Complies</p> <p>The proposal is considered to satisfy the objectives of clause 7.1 as it provides a development that:</p> <ul style="list-style-type: none"> significantly improves the public domain and improves the quality of public spaces in the city centre. It provides a detailed design that will enable civic, community and commercial development near a major transport hub, being the Liverpool Train Station and the Liverpool-Parramatta transitway. It provides a development that has given appropriate consideration the existing site constraints and the surrounding local and wider context. It retains and enhances places of heritage significance within the Liverpool CBD.
Clause 7.1A – Arrangements for designated State public infrastructure in intensive urban development areas	Development consent must not be granted for development for the purposes of residential accommodation in an intensive urban development area that results in an increase in the number of dwellings in that area, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.	<p>N/A</p> <p>The development does not propose any residential accommodation.</p>

Clause 7.2 – Sun access in Liverpool City Centre	Development on land to which this clause applies is prohibited if the development results in any part of a building on land specified in Column 1 of the Table to this clause projecting above the height specified opposite that land in Column 2 of the Table	Complies The proposal does not create additional overshadowing to any of the areas nominated under this clause.
Clause 7.3 – Car parking in the Liverpool City Centre	The objective of this clause is to ensure that adequate car parking is provided for new or extended buildings on land in the Liverpool city centre that is commensurate with the traffic likely to be generated by the development and is appropriate for the road network capacity and proposed mix of transport modes for the city centre. <ul style="list-style-type: none"> • At least one car parking space is provided for every 200m² of new ground floor GFA; • At least one car parking space is provided for every 100m² of new retail premises GFA; and • At least one car parking space is provided for every 150m² of new GFA to be used for any other purpose. 	Complies Based on the indicative GFA of 21, 689m ² and land uses proposed within the development, a minimum of 142 car spaces are required. The proposed development has provided a provision of 344 car spaces with the following user mix: <ul style="list-style-type: none"> - 142 parking spaces for private (Council) parking, - 46 spaces for the parking of Council fleet vehicles and - Additional 156 parking spaces for public use. The proposed development complies with the parking rates in Clause 7.3.
Clause 7.4 – Building separation in Liverpool City Centre	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: <ul style="list-style-type: none"> - 12 metres for parts of buildings between 25 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 	Does not comply Refer to discussion below table.
Clause 7.5 – Design Excellence	Must comply with Clause 7.5(3) with regards to exhibiting design excellence.	Complies The proposal has been subject to two Design Excellence Panels and has provided support for the proposal, subject to recommendations which have been

		implemented into the proposed scheme. It is considered that the proposal exhibits design excellence in accordance with Clause 7.5 of the LLEP 2008.
Clause 7.5A – Additional provisions relating to certain land at Liverpool City Centre	Provisions for land identified as Area 8, lot size exceeding 1500m ² and has 2 or more street frontages.	Complies See below for further details
Clause 7.7 Acid Sulfate soils	The site is mapped as Class 5 under the Acid Sulfate Soils Map in the LEP	Complies Acid Sulfate Soils was considered with the Early Works detailed application, approved by the SWCPP on 29 June 2020.
Clause 7.14 – Minimum building street frontage	A minimum building street frontage of 24m is applicable.	Complies The site has multiple frontages that exceed 24m.
Clause 7.16 – Ground Floor development Zones B1, B2 and B4	Development Consent is not to be granted unless it is demonstrated that the ground floor will not be used for residential accommodation	Complies The application does not provide any residential accommodation on the ground floor.
Clause 7.17 – Airspace operations	Provisions to protect airspace around airports	Complies The application was reviewed by Bankstown Airport authority who provided conditions of consent. Furthermore, the applicant has obtained separate approval from Department of Infrastructure, Transport, Regional Development and Communications for the intrusion of cranes at 52 Scott Street into airspace for Bankstown Airport. See Attachment 13 to this Report.

Clause 5.10 Heritage Conservation

Part of the site includes heritage item I99, the “Memorial School of Arts” and is not located within a heritage conservation area. The site is also located near a number of local heritage items as identified in Section 2.3.1.

As part of the proposal the applicant submitted a Heritage Impact Statement (HIS). See Attachment 11 to this Report. The HIS concludes that the proposal will have no adverse impact on the cultural significance of the heritage listed items in the vicinity of the subject site, and that the proposal will not alter or adversely impact the existing street grid pattern.

The application was referred to Council’s Heritage Advisor for comments. Council’s Heritage Officer has reviewed the proposal and made the following assessment:

- *The development has been designed in a manner which is consistent with the previously approved master plan for the site. The height, bulk and scale are all compliant and do not raise any additional issues.*
- *In terms of materiality and articulation of the buildings, the applicant/architects have sought to use materials and colours which are drawn from the school of arts building in a contemporary form that provides a visually pleasing series of buildings which not only sits in comfort with the heritage item but also provide a better relationship to the item as compared to the adjacent new building.*
- *It is also acknowledged that the proposal is located within the vicinity of a number of other heritage items including the town plan, Macquarie Statue and the Boer War Memorial Lamp. The proposal does*

not seek to adversely impact on either of these elements and as such a need for an impact assessment would not be required.

- *I note that recent ground works have uncovered archaeological remains associated with 1850s buildings once erected along Terminus Street. Further investigations are being undertaken to determine the extent of the remains.*
- *The proposed new administrative tower does impact on these archaeological remains and as such appropriate approvals and salvage will need to occur before the building can be constructed.*

In this regard, Council's Heritage Advisor raises no objections to the proposal, but subject to the following conditions:

1. No works are to commence on the Council Administration building until approvals have been sought from Heritage NSW for the disturbance and salvage of the archaeological remains on site.
2. A heritage interpretation plan shall be prepared for the site, related to the archaeological remains and the known history of the site. The plan shall be submitted for approval by Council's Heritage Officer prior to Issue of Construction Certificate. Evidence of implementation of the interpretation plan shall be received and approved by Council's Heritage Officer prior to Issue of Occupation Certificate.

These conditions will be imposed on any consent granted. Accordingly, it is considered that Clause 5.10 of LLEP 2008 has been satisfied.

Clause 7.4 – Building Separation

Subclause 7.4(2)(d) and (e) require the following building separations for land zoned B4 Mixed Use within the Liverpool City Centre:

- 12m for parts of buildings between 25-45m above ground level (finished).

Portions of the proposed development do not comply with the 12m building separation required under Clause 7.4 (refer to Figure 36):



Figure 36: Envelope comparison elevation (location of variations shown in red)
Source: FJMT Architects

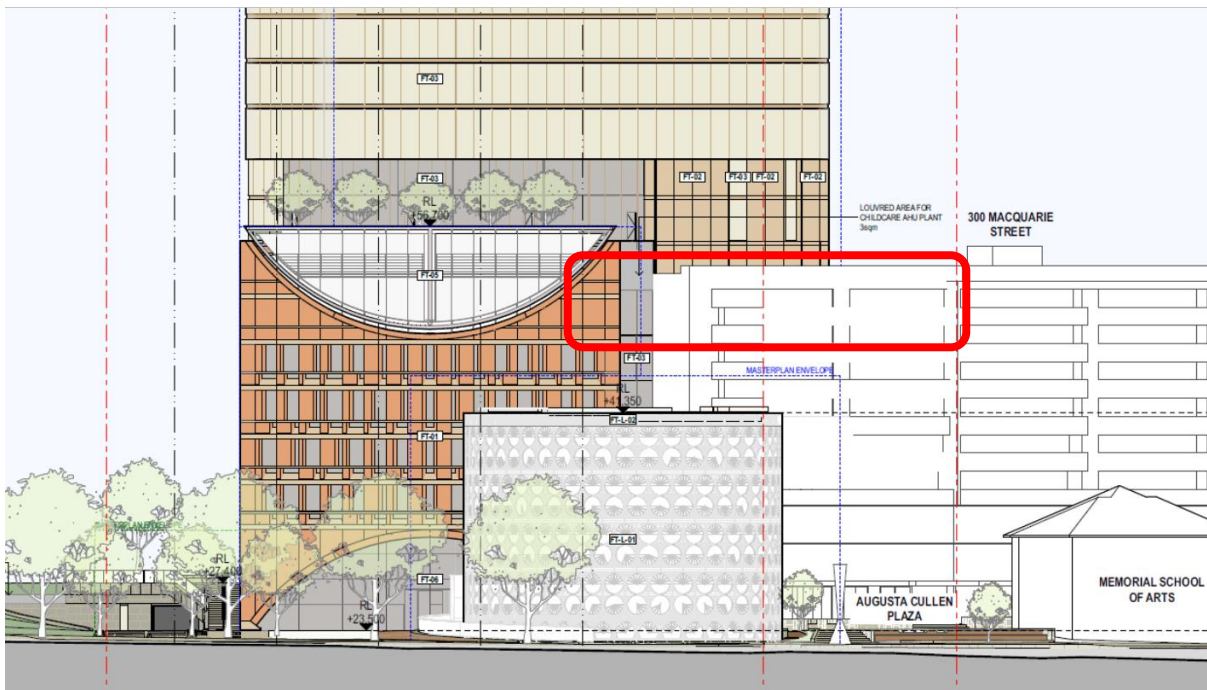


Figure 37: North elevation (location of variations shown in red)
Source: FJMT Architects

a) Western variation 1 (adjoining site)

A nil separation is proposed from the public administration building to the rear of the existing mixed-use building at 300 Macquarie Street, in contravention of Clause 7.4(2)(d), which requires a minimum separation distance of 12m for parts of buildings between 25m and 45m in height. The contravention occurs as the proposed building envelope is greater than 25 metres in height (RL 56.7 at the podium and RL 84.25 at the tower) and 300 Macquarie Street is greater than 25 metres in height but less than 45 metres in height. The proposed separation distance is consistent with that approved under Concept DA 585/2019.

b) Western variation 2 (adjoining site)

A varied building separation of between 2.6m and 5.5m is proposed between the northern section of the podium of the public administration building and the existing building at 300 Macquarie Street, in contravention of Clause 7.4(2)(d), which requires a minimum separation distance of 12m for parts of buildings between 25m and 45m height. The contravention occurs as the podium is proposed at a height between 25m and 45m in height (RL 56.7) and 300 Macquarie Street is greater than 25 metres in height but less than 45 metres in height. The proposed separation distance is a greater than that approved under Concept DA-585/2019, which allowed for building separation of between 0.8m-4m.

Consequently, the applicant has provided a clause 4.6 variation to justify the non-compliance. The clause 4.6 variation is attached to this report.

The submitted written request to vary Clause 7.4 (Building Separation in the 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 B4 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 rear elevation of the building at 300 Macquarie Street presents a blank party wall, as such it is visually appropriate to conceal this from the public domain.*
- *The western variations will ensure the development of the block results in buildings which take full advantage of views to the north, south, east and west, whilst minimising unusable space between the rear of the abutting building at 300 Macquarie Street, as well as at the blank walls to the east. This provides the best city building outcome for the block.*
- *The podium of the south-western building has been informed by the datum of the existing mixed-use building.*

- *Apartments and tenancies within the building at 300 Macquarie Street are oriented to the north west and the building contains no rooftop uses, as such the variations will not generate any privacy impact to this building.*
- *The shadow cast by the proposed development allows the new public domain area to the east of the library to be provided with quality solar access throughout the day.*
- *The central through-site link receives over 2 hours of direct sunlight between 11am and 1pm on 21 June. Whilst some overshadowing is proposed this is appropriate within an urbanised and growing metropolitan centre.*
- *The nil separation to the 300 Macquarie Street is at the southern interface, as such there is a negligible impact on solar access to this building.*
- *The wind consultant concludes that the proposed development (including building variation separations) is capable of accommodating a development that can achieve suitable wind conditions for pedestrians in and around the site.*

It is accepted that strict compliance with the applicable separation requirements prescribed by Clause 7.4 of LLEP is unreasonable or unnecessary having regard to the above reasons.

2. Consistency with objectives of the development standard Clause 7.4 Building Separation in the Liverpool City Centre

The objectives of Clause 7.4 and assessment are as follows:

(1) The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access.

The mixed use development at 300 Macquarie Street presents a blank party wall to the site boundary to the south and east. All apartments and tenancies are oriented to the north west away from the site. In this regard, the proposed development does not result in any privacy impacts. Furthermore, there are no overshadowing impacts as the development is not located to north of the apartments and tenancies at 300 Macquarie Street. In terms of visual appearance, the development provides for a tower on podium typology with adequate consideration given to siting, articulation, and height, that has been informed by the desired street future character of the CBD context. Council's DEP has reviewed the submitted documentation and considers the proposal to exhibit design excellence.

3. Consistency with objectives of the zone – B4 – Mixed Use

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

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

The proposal satisfies the objectives of the B4 zone in that it proposes a mixed use development that will provide a range of civic and community uses that will serve the need of the local and wider community. It provides for a mixed use development that encourages employment opportunities within walking distance of Liverpool Train Station and the Transit way.

It provides for a development on a key site within the Liverpool CBD that will promote and encourage active retail, civic and non-residential uses at street level. The proposal has given strong consideration to the urban design presentation of the development and will be able to facilitate a high level of urban design and public domain amenity.

4. Consistency with Clause 4.6 objectives

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

It is considered appropriate in this instance to apply a degree of flexibility when applying the building separation development standard as achieves a better outcome for and from development.

5. Recommendation

With considerations to the discussion above, the proposed variation to the Clause 7.4 “*Building Separation in the Liverpool City Centre*” has satisfied the provisions of Clause 4.6 and is supported in this circumstance.

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

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

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

Comment: The site is mapped as ‘Area 8’ on the FSR map (as shown in **Figure 38** below), has a combined lot size exceeding 1,500m² (9,189.5m²) and has at least two road frontages. On this basis Clause 7.5A would apply to this site.

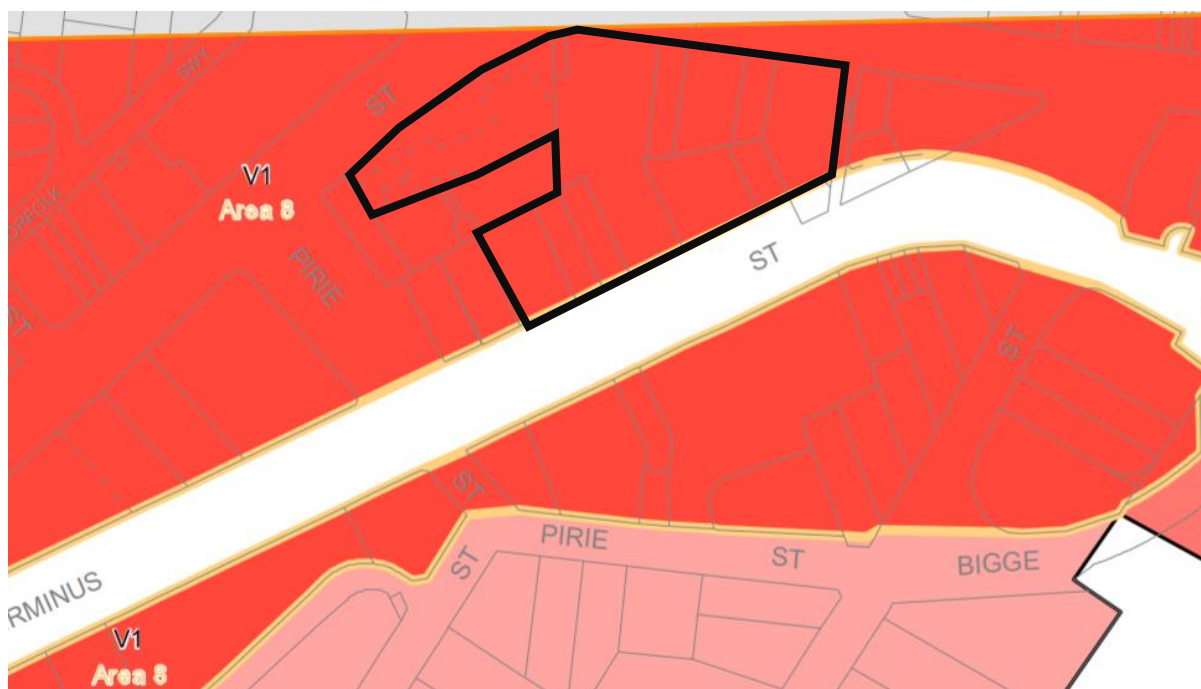


Figure 38: FSR Map with Area 8 identified (location of variations shown in black)

Source: Liverpool LEP 2008

- (2) *Despite clauses 4.3 and 4.4, if at least 20% of the gross floor area of a development is used for the purpose of centre-based child care facilities, commercial premises, community facilities, educational establishments, entertainment facilities, functions centres, hotel or motel accommodation, information and education facilities, medical centres or public administration buildings*
- (a) *the height of the building may exceed the maximum height shown for the land on the Height of Buildings Map, and*
 - (b) *the maximum floor space ratio of the building may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map but must not exceed:*
 - (i) *in relation to a building on land identified as “Area 8” or “Area 10” on the map—10:1, or*
 - (ii) *in relation to a building on land identified as “Area 9” on the map —7:1.*

Comment: If it is demonstrated that a development provides for the mandated minimum 20% then a development may obtain an unrestricted height limit and an FSR of up to 10:1 despite the maximum height and FSR development standard indicated by Clauses 4.3 and 4.4 of the Liverpool LEP 2008.

The proposed development proposes a GFA of 16,669m² for public administration building and commercial premises and 5,000m² of GFA for the information and education facility. This equates to a total GFA of approximately 21,669m². Accordingly, a total 100% of the GFA of the development proposed under DA-836/2020 is for the purposes identified in subclause (2)(a).

The concept approval indicates that Phase B/C development can provide for an additional 25,162m² of commercial and residential (boarding house) floor space. Factoring in the GFA from the Phase B/C development, the land uses proposed in DA-836/2020 will still make up 46% of the overall GFA at the site. Therefore, the overall development of the site will comply with Clause 7.5A(2) of the LLEP.

Therefore, the maximum heights and floor space ratio for the site do not apply to the development, provided that the overall FSR does not exceed 10:1 and that the development stays within the building envelopes of the Concept Approval.

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

(a) *a development control plan that provides for the matters specified in subclause (4) has been prepared for the land, and*

(b) *the site on which the building is located also includes recreation areas, recreation facilities (indoor), community facilities, information and education facilities, through site links or public car parks*

Comment: Subclause 3(a) requires a DCP is to be prepared for the site for consent to be granted. However, Clause 4.23 of the EP&A Act provides for a concept development application to be provided as an alternative to a DCP. In this case, Development Consent No. 585/2019 is a concept development application that has been approved for the land in accordance with Subclause (3)(a). As demonstrated in Section 6 of this Report, the proposed development is consistent with conditions stipulated in Development Consent No. 585/2019.

Subclause (3)(b) requires the site on building is located to include 'recreation areas', 'recreation facilities (indoor)', 'community facilities', 'information and education facilities', 'through site links' or 'public car parks'. DA-836/2020 proposes to develop the site for the purpose of 'information and education facilities', 'through site link' and 'public car park'.

In this case, development consent can be granted under Clause 7.5A of LLEP 2008 for DA-836/2020.

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

The lodgement package was submitted before the Explanation of Intended Effect for three draft environmental planning instruments were published. For the basis of assessment, the proposal is assessed against the draft EPI's.

Draft State Environmental Planning Policy (Environment)

The Draft Environment SEPP is a proposed new SEPP that will form part of the broader land use planning framework in NSW. The proposed new SEPP aims to deliver a planning framework that protects a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

The Draft Environment SEPP contains provisions that are not dissimilar to the gazetted Sydney Harbour SREP. The Draft Environment SEPP is not directly applicable to the proposed development.

Draft State Environmental Planning Policy (Remediation of Land)

Draft SEPP 55 contains content that is not dissimilar to the gazetted SEPP 55. The proposed development aligns with the aims and objectives of Draft SEPP 55

Draft State Environmental Planning Policy (Design and Place)

Public exhibition of the Design and Place SEPP Explanation of Intended Effect has occurred. The Draft SEPP proposes to simplify and consolidate how to deliver good design in NSW. The proposed Design and Place SEPP is framed around five guiding principles:

*Principle 1 – **Design places with beauty and character** that people feel proud to belong to*

*Principle 2 – **Design inviting public spaces** to support engaged communities*

*Principle 3 – **Design productive and connected places** to enable thriving communities*

*Principle 4 – **Design sustainable and greener places** for the wellbeing of people and the environment*

*Principle 5 – **Design Resilient and Diverse places** for enduring communities.*

The proposed Design and Place SEPP will comprise a set of considerations that collectively respond to each of the principles which will be refined during development of the SEPP.

It is proposed the principles and considerations outlined in this EIE are mandatory matters for consideration for the purposes of s.4.15 of the EP&A Act and will be required to be considered as part of the development assessment process.

The proposed development is considered to provide a sound response to principles and considerations that are outlined in this EIE.

6.3 Section 4.15(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 Liverpool Development Control Plan apply to the proposed development and prescribe standards and criteria relevant to the proposal.

The following compliance table outlines compliance with the relevant controls in the Development Control Plan.

LDCP 2008 Part 1 – General Controls for all Development

Development control	Provision	Comment
Section 2 – Tree Preservation	Controls relating to the preservation of trees	Complies Tree preservation was detailed in the Early Works detailed application, approved by the SWCPP on 29 June 2020. Replacement trees are outlined in the landscape plans appended at Attachment 4 of this Report.
Section 3 – Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Complies Existing trees on the site are subject to the Early Works detailed application, approved by the SWCPP on 29 June 2020. Incorporation of existing trees and proposed landscaping are detailed in Attachment 4 of this Report.
Section 4 – Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	N/A The site is not identified as containing any native flora and fauna.
Section 5 – Bush Fire Risk	Controls relating to development on bushfire prone land	N/A The development site is not identified as

Development control	Provision	Comment
		being bushfire prone land.
Section 6 – Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	<p>Complies</p> <p>A stormwater drainage plan and report has been submitted and is at Attachment 10 of this Report. Additionally, civil drawings were submitted and is at Attachment 22 of this Report.</p> <p>The development provides the necessary drainage infrastructure to support sustainable water management.</p> <p>Council's Development Engineering Branch has reviewed the proposal and raises no objection, subject to conditions.</p>
Section 7 – Development near a watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	<p>N/A</p> <p>The site is not within close proximity to a water course.</p>
Section 8 – Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	<p>Complies</p> <p>An erosion and sediment control plan has been submitted and is attached at Attachment 22 of this Report.</p>
Section 9 – Flooding risk	Provisions relating to development on flood prone land.	<p>N/A</p> <p>The site is not identified as flood prone land.</p>
Section 10 – Contaminated Land Risk	Provisions relating to development on contaminated land.	<p>Complies</p> <p>See discussion on SEPP 55.</p>
Section 11 – Salinity Risk	Provisions relating to development on saline land.	<p>Considered acceptable</p> <p>The development site is identified as containing a moderate salinity potential. An additional geotechnical response is required demonstrating that salinity has been appropriately considered.</p>
Section 12 – Acid Sulfate Soils	Provisions relating to development on acid sulphate soils	<p>Complies</p> <p>The site is mapped as Class 5 under the Acid Sulfate Soils Map of the Liverpool LEP 2008. This was considered as part of the early works DA.</p>
Section 14 – Demolition of Existing Development	Provisions relating to demolition works	<p>N/A</p> <p>This application does not include any demolition.</p> <p>Demolition works was approved under the Early Works DA-906/2019 and subsequent modification.</p>
Section 16 – Aboriginal	An initial investigation must be	Complies


Development control	Provision	Comment
Archaeology	carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	The site is heavily disturbed and unlikely to contain any items of aboriginal archaeology. A condition of consent can be added, if any archaeological items are found during construction, work will pause until items are taken care of.
Section 17 – Heritage and Archaeological Sites	Provisions relating to heritage sites.	Complies Council's Heritage Officer has reviewed the proposal and has no objections subject to conditions.
Section 20 – Car parking and Access	Provisions relating to minimum bicycle parking: 1 per 200sqm of GFA for Office Premises and 1 space per 750sqm for visitor 1 space per 10 staff and 4 plus 1 per 200sqm for visitors End-of-trip facilities (showers and change rooms) are to be provided at the rate of 1 per 10 employee bicycle spaces.	Complies The proposal requires 86 bicycle parking spaces for staff. The proposal provides 138 bicycle parking spaces including 134 lockers and 14 showers. The proposal requires 51 spaces for visitors. 30 visitor spaces are proposed to be shared between the office visitors and library visitors. The Traffic Consultant notes that it is unlikely that the peak demand for visitor bike parking relating to the office and the library would coincide, therefore a sharing of these facilities is appropriate
Section 25 – Waste Disposal and Re-Use Facilities	Provisions relating to waste management during construction and on-going waste.	Complies The proposal provides an adequate amount of storage for waste management across the site that will address and accommodate waste volumes by non-residential development.
Section 27 – Social Impact Assessment	Any Social Impact Assessment shall be prepared in accordance with Council's Social Impact Policy	Complies The Social Impact Assessment (Attached at 24 of this Report) has been undertaken in accordance with this Policy. The SIA was reviewed by Council's Community Planning Branch who raised no objection to the proposed development.
Section 29 Safety and Security	Address 'Safer-by-Design' principles in 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.	TBC A condition will be imposed on any consent granted for the principles to be incorporated into the development.

LDCP 2008 Part 4 – Liverpool City Centre

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
4.2.1 – Building Form	The site is identified in the Midrise precinct (Area 8): Perimeter block typology is required for Midrise precinct, with the exception of those Midrise sites developed pursuant to clause 7.5A of LLEP 2008 (which may also be developed with a tower on podium typology).	Complies The site is being developed pursuant to Clause 7.5A and may be developed with a tower on podium typology. The proposal provides for a tower on podium.
4.2.2 – Building Envelopes	See section 4.2.5 Controls for sites requiring the submission of a DCP for greater clarification.	Complies The proposed development is consistent with Section 4.2.5.
4.2.5 – Controls for sites that require the submission of a site specific DCP or concept DA	Sites that require the submission of a DCP are to be developed pursuant to the adopted site specific DCP or a concept development application consistent with Division 4.4 of the EP&A Act 1979 and clause 7.5A of LLEP 2008	Complies Clause 4.23 of the EP&A Act provides for a concept development application to be provided as an alternative to a DCP. A concept application for the site was approved by the SWCPP on the 31 August 2020 (i.e. DA-585/2019).
4.2.6 Building Floor Plates	Provide a maximum GFA of 1,000m ² per level for commercial towers with maximum length of elevation of 45m. Where sites are greater than 2,000m ² a proportionally larger GFA per floor may be considered.	Complies The GFA and maximum length of the elevation of the tower component. Complies with this control.
4.2.7 Street Alignments and Street Setbacks	Buildings to comply with the front setbacks: <ul style="list-style-type: none">• 3m Scott Street• 2.5m Terminus Street	Considered acceptable The proposed development provides for the following setbacks: <ul style="list-style-type: none">• Nil setback along Scott Street for Library• 37.7m front setback to Scott Street for Council Administration Building• Nil setback to Terminus Street for the Administration Building The development has been designed in a manner which is consistent with the previously approved master plan for the site. Notwithstanding this, the proposed setbacks are not considered to detract from the streetscape character. Furthermore, the proposed setbacks are and supported by the DEP and Council's Heritage Advisor.
4.2.8 Side and rear	All residential and commercial buildings must	Acceptable on merits

Development control	Provision	Comment
boundary setbacks	comply with the separation distances in SEPP 65 and the ADG unless otherwise agreed with Council in an approved concept development application.	Refer to building separation discussion in Section 6.1.6 on proposed building separation distances.
4.2.9 Minimum Floor to Ceiling Heights	<p>The minimum floor to ceiling heights are:</p> <ol style="list-style-type: none"> 1. Ground floor: 3.6m. 2. Above ground level: <ol style="list-style-type: none"> a) Commercial office 3.3m. b) Capable of adaptation to commercial uses 3.3m. c) Residential 2.7m. d) Active public uses, such as retail and restaurants 3.6m. 3. Car Parks: Sufficient to cater to the needs of all vehicles that will access the car park 	<p>Complies</p> <p>Minimum floor to ceiling heights are achieved throughout the civic building and library.</p>
4.2.12 Deep Soil Zones and Site Cover	<p>The maximum permitted site coverage for development:</p> <p>(a) Commercial Core, Fine Grain and Mid Rise: Up to 100%</p>	<p>Complies</p> <p>Maximum site coverage proposed.</p>
4.2.12 Public Open Space and Communal Open Space	<p>New Public Open Space</p> <p>Dedicate open space to Council, where required, as part of an approved concept development application if the space meets the requirements of Council in terms of:</p> <ol style="list-style-type: none"> a) location; b) aspect; c) accessibility; d) safety; and e) solar access. The open space must be located and designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21 June (Winter Solstice). 	<p>Complies</p> <p>All public areas proposed with the development is consistent with the endorsed public domain and landscape plan as per Condition 4 and 5 of DA-585/2019. These areas are to be owned and maintained by Council.</p>
4.2.13 Landscape Design	Submit a landscape plan prepared by a registered landscape architect that demonstrates consistency with the objectives of this provision, and section 4V, water management and conservation, of the ADG.	<p>Complies</p> <p>A landscape plan was prepared and submitted with the lodgement package. The plans are considered acceptable.</p>
4.3.1 Pedestrian Permeability	Requirement for a new through-site link to be provided on the site. The DCP provides an approximate location for a through-site from Scott Street to Terminus Street.	<p>Complies</p> <p>The site enhances the existing pedestrian walkway from George Street to Terminus Street and provides for a new through site link from Terminus Street to Scott Street.</p>

Development control	Provision	Comment
	<p>A through-site link is also identified on the existing pedestrian walkway from George Street to Terminus Street.</p> 	
4.3.3 Active Street Frontages	<p>Locate active street frontages on the ground level of all commercial or mixed use buildings, including adjacent through-site links.</p>	<p>Complies</p> <p>The application proposes a range of civic, commercial and retail uses to provide active street frontages. The proposed uses are also provided adjacent to the through site link from Scott Street to Terminus Street.</p>
4.3.4 Street Address	<p>Provide a clear street address and direct pedestrian access off the primary street frontage in mixed use and residential developments.</p> <p>Provide multiple entrances to large developments on all street frontages.</p>	<p>Complies</p> <p>The proposed location of the library, Council administration building and proposed new public spaces, provides a strong civic address to Scott Street.</p> <p>The Council administration building and Pocket Park provides for a strong street address to Terminus Street.</p> <p>The application provides multiple entries to Council administration building from Scott Street and Terminus Street.</p>
4.3.5 Street and Building Interface	<p>Design the area between the building and the public footpath so that it provides visibility to and from the street.</p>	<p>Complies</p> <p>The buildings have been designed to provide visibility to and from the street.</p>
4.3.7 Awnings	<p>Provide street frontage awnings for all new developments on streets:</p> <ul style="list-style-type: none"> • Scott Street and • Terminus Street 	<p>TBC</p> <p>Awnings have not been provided with the proposed development. In this case, it is considered appropriate for an awning to be provided along Terminus Street as the building alignment would enable a continuous awning along this frontage for weather protection.</p>
4.3.8 Building Design and Public	<p>Design new buildings that adjoin existing buildings, particularly heritage buildings and</p>	<p>Complies</p>

Development control	Provision	Comment
Domain Interface	<p>those of architectural merit so that they consider:</p> <ul style="list-style-type: none"> a) the street 'wall' alignment and building envelope; b) the 'depth' within the façade; c) facade proportions; and d) the response to the corners at street intersections. <p>Select lighter-coloured materials for external finishes including roofs and avoid the use of darker-coloured materials (e.g. black, charcoal) to reduce the urban heat island effect.</p>	<p>The proposed development is sensitive to its existing context, including its adjoining heritage item – Memorial School of Arts Building.</p> <p>Lighter coloured materials have been selected so that it is compatible with the materials of the existing school of arts building.</p> <p>The colour of materials will also help to reduce the urban heat island effect.</p>
4.3.10 Public Artworks	Public Art in Liverpool city centre must contribute to the city's physical attractiveness and the quality of life that it offers visitors and residents.	<p>Complies</p> <p>Locations of public art have been selected and will be further developed in consultation with Council as part of a Public Art Strategy. Council's Public Arts Officer has reviewed the proposed development and raises no objections to the development.</p>
4.4.1 Vehicular Access and Manoeuvring Areas	<p>Vehicular access shall be restricted to the secondary street (other than along a High Pedestrian Priority Area) where possible. Scott Street is identified as a High Pedestrian Priority Street.</p> <p>Design of vehicle entry points must be of high quality and relate to the architecture of the building, including being constructed of high-quality materials and finishes.</p>	<p>Considered acceptable.</p> <p>Vehicular access to the proposed five level shared basement is provided via the south of the Terminus Street frontage and via Scott Street. TfNSW will not permit more than 202 vehicles to access the site via Terminus Street. In this regard, a separate access point via Scott Street is necessary in the circumstances.</p> <p>Notwithstanding this, the Scott Street access is designed as a shared zone which enhances the overall public domain works sought as part of the proposed development. The Terminus Street access has also been integrated into the overall design of the building along this frontage.</p>
4.4.2 On Site Parking	<p>1. All required car parking is to be provided on site in an underground (basement) carpark except to the extent provided below:</p> <ul style="list-style-type: none"> a) On Fine Grain and Midrise sites, a maximum of one level of surface (at grade) parking may be provided where it is fully integrated into the building design; and b) On sites requiring the lodgement of a concept DA, a maximum of one level of surface (at grade) and one additional level of above ground parking may be provided where it is fully integrated into the building design. 	<p>Complies</p> <p>All parking on site is provided in an underground (basement) carpark.</p> <p>344 car parking spaces are proposed on site, which requires a provision of 18 motorcycle spaces. 18 motorcycle parking spaces are to be provided.</p> <p>No less than 2% of the total parking spaces provided will be accessible parking spaces.</p>

Development control	Provision	Comment
	<p>Sufficient service and delivery vehicle parking adequate to provide for the needs of the development.</p> <p>Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces.</p> <p>No less than 2% of the total parking demand generated by development shall be accessible parking spaces, designed and appropriately signposted for use by persons with a disability</p>	
4.5.1 Wind Mitigation	<p>1. Design all new buildings to meet the following maximum wind criteria:</p> <p>(a) 10m/second in retail streets; (b) 3m/second along major pedestrian streets, parks and public places; and (c) 16m/second in all other streets.</p> <p>2. Submit a Wind Effects Report with the DA for all buildings greater than 35m in height</p> <p>3. Submit results of a Wind Tunnel Testing report for buildings over 48m in height.</p>	<p>Complies</p> <p>A Wind Impact Assessment has been submitted and is provided in Attachment 19 to this Report.</p> <p>This assessment has studied the existing wind conditions in the locality and the potential effects of the proposed buildings through a wind tunnel study, which assessed wind speeds at selected critical outdoor trafficable areas within and around the subject development.</p> <p>The results of the wind analysis have confirmed that it is not expected that the wind conditions at the site will pose any safety risks to pedestrians in the area, and that wind conditions for the majority of trafficable outdoor locations within and around the development will be suitable for their intended uses.</p> <p>Some areas on terraces are recommended to include mitigation measures to improve conditions. Compliance with the recommendations of the Wind Impact Assessment will be conditioned.</p>
4.5.2 Noise	<p>To ensure noise mitigation measures achieve appropriate amenity in noise affected locations.</p>	<p>Complies</p> <p>A Noise Impact Assessment has been prepared for the proposed development (Attachment 20 to this Report).</p> <p>The NIA considers the potential sources of noise from the proposed development during construction and operation to surrounding receivers.</p> <p>The NIA was referred to Council's Environmental Health Section (EHS) for review. Council's EHS notes that consideration has not been given to noise impacts that</p>

Development control	Provision	Comment
		<p>the centre may have on internal sensitive receivers and noise from public events to surrounding receivers</p> <p>In response, the applicant advised that consent is not sought for the childcare centre or public events with this DA. These aspects will be reviewed under a separate development application.</p> <p>Council's Environmental Health Section raises no objections on this basis, subject to conditions.</p>
4.6.1 Heritage Items and Conservation Areas	Undertake an assessment for sites in the vicinity of heritage items or heritage conservation areas, of the impact of the proposal on the setting of nearby heritage items or heritage conservation areas.	<p>Complies</p> <p>See discussion on Clause 5.10.</p>

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

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

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

Natural and Built Environment

Built Environment

It is considered that the proposal is unlikely to create any detrimental impacts on the surrounding built environment. The proposed development delivers a built form that is responsive to its surrounding context and characteristics of the precinct, the character of the surrounding area and the location of the development on the edge of Liverpool CBD. The design and layout of the proposed buildings is seen as an appropriate response to a uniquely shaped site and its constraints.

Natural Environment

The proposed development is not considered to have a detrimental impact on the existing natural environment. Overshadowing, solar access, visual impacts, noise and wind impacts are all considered appropriate for the development within its mixed use context and fairly developed area.

Social Impacts and Economic Impacts

Social Impacts

The proposed development is unlikely to generate any detrimental social impacts. The Social Impact Assessment (at Attachment 24) notes that the overall long term benefit of the proposed development is considered to be positive, with negative impacts of the proposal ranging from low to moderate, with no identifiable significant negative impacts that cannot be mitigated.

Economic Impacts

The proposed development would result in a positive economic impact through the capital investment value of the development and employment opportunities generated by the development. It is considered that the proposal will provide a well-integrated and economically vibrant public domain and civic buildings that will support the Liverpool CBD and NSW going forward.

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

The land is zoned for mixed-use development. The proposed development is in keeping with the zones objectives and is compatible with the anticipated future character within the Liverpool City Centre.

There are no significant natural or environmental constraints that would hinder the proposed development. Accordingly, the site is considered suitable for the proposed development.

6.7 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:

Department	Comments
Flooding	Application supported, subject to conditions
Environmental Health	Application supported, subject to conditions
City Design and Public Domain	Application supported, subject to conditions
Natural Environment Landscape	Application considered acceptable.
City Design Traffic	Application supported, subject to conditions
City Economy	Application considered acceptable, subject to conditions of consent.
Heritage	Application considered acceptable, subject to conditions of consent.
Public Arts	Application considered acceptable, subject to conditions of consent.
Engineering	Application considered acceptable, subject to conditions of consent.
Community Planning	Application considered acceptable, subject to conditions of consent.

(b) External Referrals

The following comments have been received from External agencies:

Authority	Comments
Sydney Water	Application considered acceptable, subject to conditions of consent.
NRAR	No comments received.
Transport for NSW	No objection to the proposed development, subject to conditions.
Bankstown Airport	No objection
NSW Police	No comments received

(c) Community Consultation

The development application was placed on public exhibition from 28 October 2020 to 26 November 2020, in accordance with Liverpool Community Participation Plan. A single submission was received for the application by an adjacent property owner at 300 Macquarie Street, Liverpool. The submission did not object to the proposal but rather sought amendments to the design. An addendum to that submission was received on 31 March 2021.

Privacy and Light glare - *There needs to be a fix screen to the library to protect privacy and light glare from the extended hours of a public building (library) to the residential apartments which directly face the new library building.*

Comment: The applicant has considered the impact on 300 Macquarie Street through the façade treatment. The proposal has considered the need to locate heavily used areas within the library away from 300 Macquarie Street. In terms of privacy, the upper two levels will be provided with fixed screening to obscure vision from the library interiors and preserve privacy to the residential neighbours. See below Figures 39.

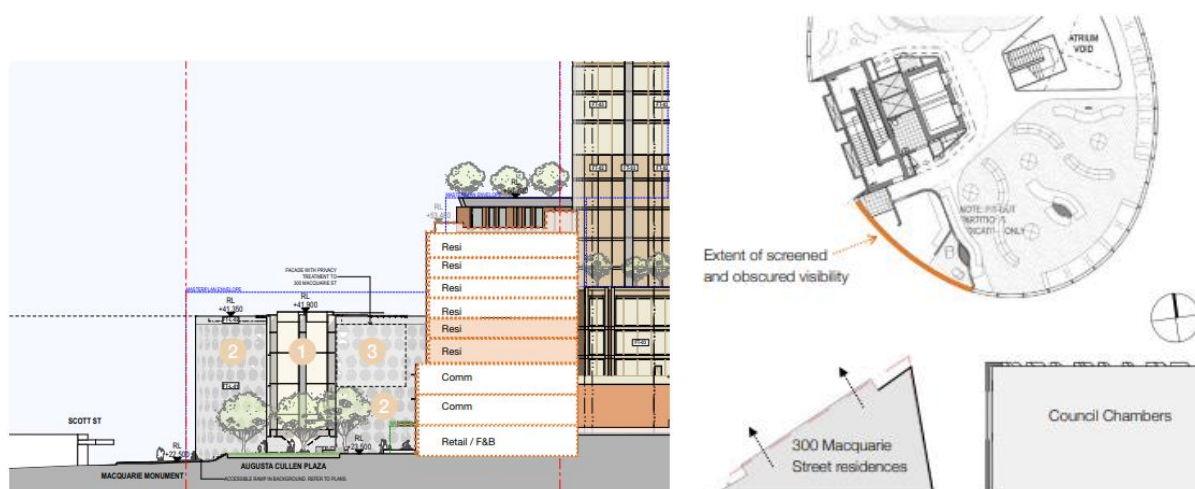


Figure 39: Façade with privacy treatment to 300 Macquarie Street

Source: FJMT

In terms of light spill, it is considered that this matter can be further developed as part of a lighting strategy prior to issue of any CC. This matter is to be imposed on any consent granted.

Access - *The plans which are available online does not clearly illustrate the connection of the ramp that is being removed as part of this proposal. This ramp provides formal entry and disabled access to 300 Macquarie Street. The proposal should provide a minimum width of 2m (ramp) to replace the existing ramp between the library and the open space.*

Comment: In response, the applicant has provided a replacement ramp that is proposed to retain access to 300 Macquarie Street from Macquarie Street. The ramp is to be a width of 1.8m that widens to approximately 5 metres at the street frontage of Macquarie Street. An access consultant engaged by the applicant has confirmed that width of ramp would be adequate.

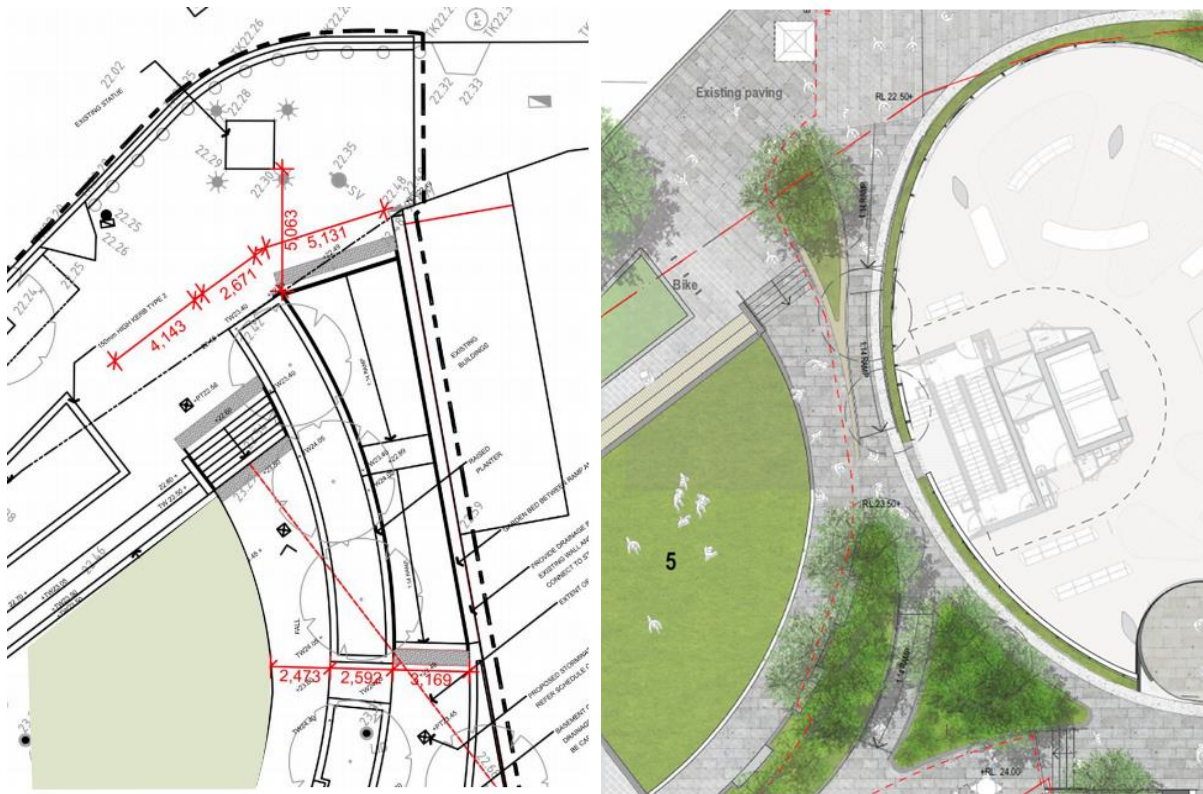


Figure 40: Existing ramp shown on the left and proposed ramp shown on the right

Source: FJMT Architects

Augusta Cullen Plaza - It appears that there is only a set of stairs which allows access from the new public domain to the forecourt of 300 Macquarie Street. If Augusta Cullen Plaza is to be used as an informal park, then it is unclear as to how connectivity from a disabled access perspective is being provided.

Comment: In addition to the set of stairs, a walkway and ramp provides access from the library and civic plaza to 300 Macquarie Street retail forecourt and Augusta Cullen Plaza. The walkway is 1.6m and the ramp is 1.8m wide.

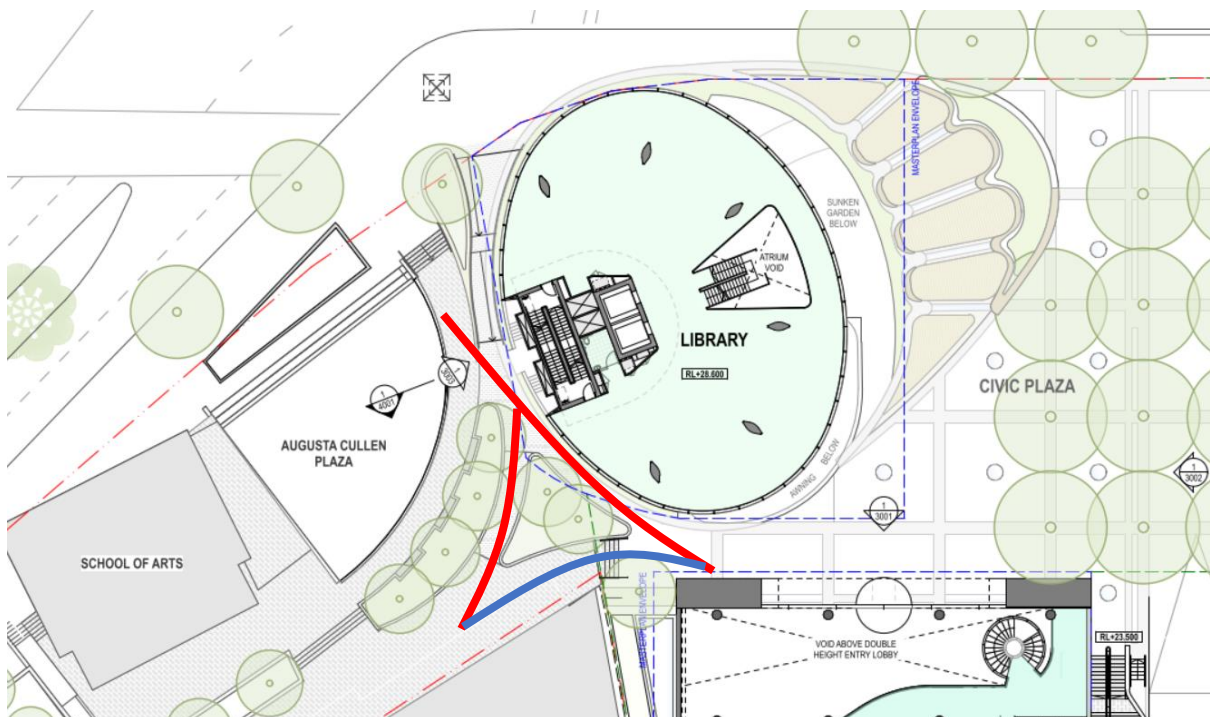


Figure 41: extract from upper ground level plan showing disabled accessway between the site and Augusta Cullen Plaza and the forecourt of 300 Macquarie shown in red, and stairway shown in blue

Source: FJMT

Fire Stairs - There was a concern which related to the location and detailing of the fire stairs and how that interfaces with Augusta Cullen Plaza. It is requested that there is separation via a gate or door that better integrates this element from a design and crime prevention perspective. At the moment the plans appear to show an area one can hide behind.

Comment: It is noted that the internal floor level does not match the Augusta Cullen plaza floor level, so external stairs are required to mediate the level difference. It has been proposed by the Applicant, that the external stairs will be positioned within the oval footprint of the library and the façade wraps these stairs to present a neat elevation treatment to the plaza (see Figure 42 below). The wrapping facade is low and mostly transparent. This design outcome is considered appropriate.

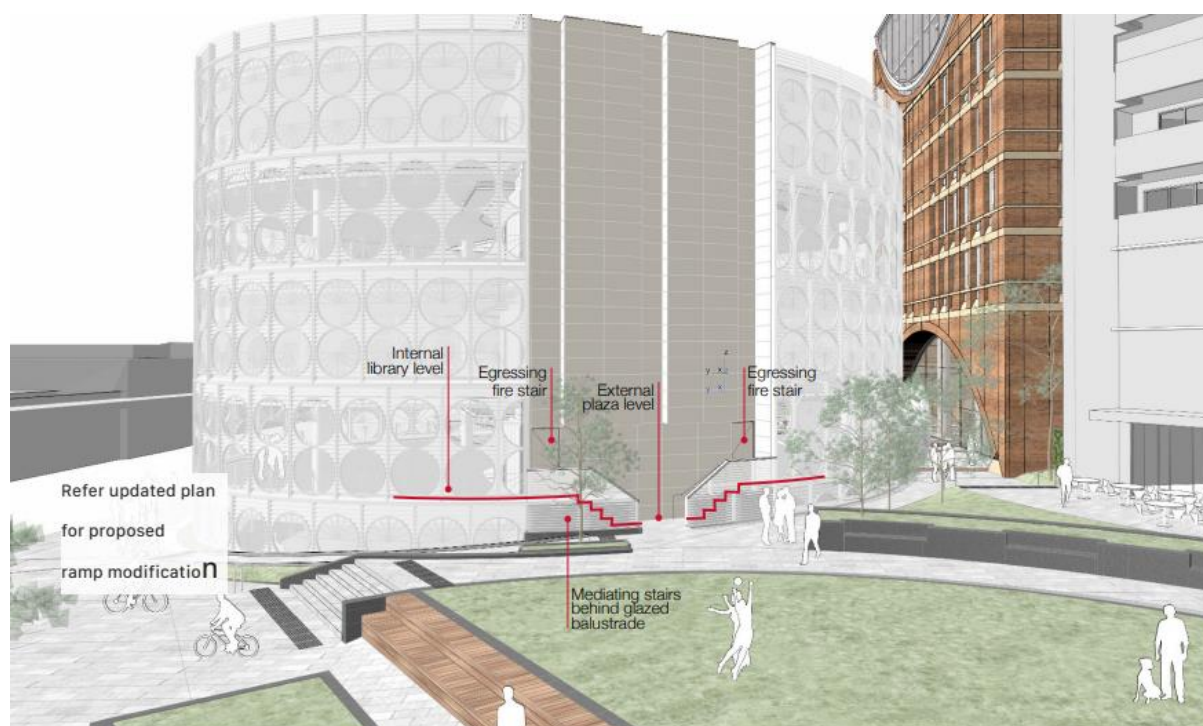


Figure 42: West elevation of library with Augusta Cullen Plaza in foreground

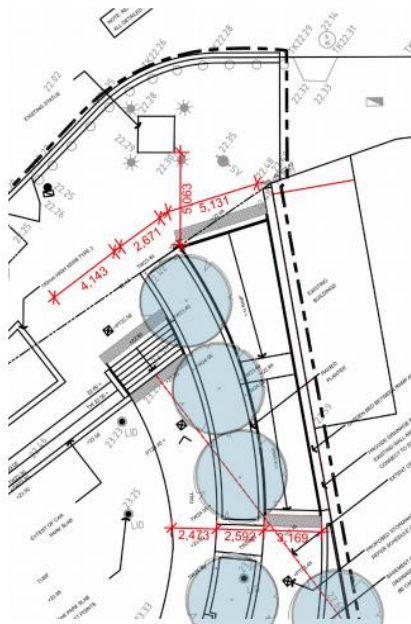
Source: FJMT

Consistency with Concept Plan - One of the other concerns, which was raised, was the overall height of the library and its encroachment into the light and air easement. Given the blank box over the notification plans, it is not clear whether the building encroaches into the 4m setback approved under the Master Plan.

Comment: The Concept application provides for a maximum encroachment of 4m. The proposal has been designed within the building envelope and controls approved within the Concept application and will not encroach into the light and air easement.

Landscaping - There does appear to be some landscaping which creates a delineation between the stairs and the ramp however, it is not clear what will be the width of this landscaping. We also wish to seek some further clarification and have input into the nature of the planting which will be provided within Augusta Cullen Plaza prior to its implementation.

Comment: Larger species planting has been included within the triangular planter to the south west of the library envelope, in addition to the low scale planting proposed in the planter boxes west of the entry ramp. This is considered acceptable and does not obstruct views to 300 Macquarie Street. The tree species is also consistent with the trees that currently delineates between the stairs and the ramp, as per the Figure 43 below.



***Triadica sebifera* (Chinese Tallowood)**
 This ornamental tree is fast growing species. A deciduous tree growing up to 15m with a grey to brownish bark. The heart shaped leaves sit on long drooping branches giving a breadth its form. Street presence is prominent within the autumn months as it displays it wide array of colours.

(Source: LCC Public domain masterplan)



Figure 43: Existing landscaping at Augusta Cullen Plaza (top image) and proposed landscaping at Augusta Cullen Plaza (bottom image)

Source: FJMT Architects

Acoustic Measures - All acoustic measures need to be met to ensure the residential amenity of the client's residential units are protected, especially from plant rooms and the like on the roof of the library building.

Comment: A Noise Impact Assessment (NIA) was prepared for the development that considered 300 Macquarie Street as the nearest sensitive receiver for the purpose of its assessment of noise emissions from the proposed development (see Attachment 20 to this Report). The NIA considered noise emissions to the development from the potential use of Level 06 as a child care centre, noise from mechanical sources, traffic noise as well as noise during the construction phase of the proposed development.

In terms of mechanical noise emissions, the consultant proposes the maximum noise sound power levels based on typical mechanical plant spectra to achieve the noise criteria at the nearest sensitive receiver of the site. These levels will need to be revisited once specific units have been selected prior to CC. Should the plant sound power levels exceed levels presented in this report, additional noise mitigation measures will be required. These measures will be developed prior to CC.

It was identified that the increase in traffic as a result of the development would lead to an overall increase of less than 1.3 dB therefore is negligible and complies with the NSW Road Noise Policy. The NIA also considers the noise impacts during construction. In this respect, the NIA provides some consideration of construction noise but ultimately recommends that an in-depth Construction Noise and Vibration Management Plan (CNVMP) be prepared once the construction methodology, construction equipment and programme are finalised.

In this regard, it is considered that sufficient consideration has been given at this stage to the potential noise emissions of the development to surrounds. The proposed development is satisfactory, subject to conditions of consent for recommendations in the NIA to be implemented and incorporated into the design prior to CC and construction of the development (including the assessment of mechanical plan/s and equipment) as well as the development of CNVMP prior to CC and its implementation during construction.

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

The proposed development is consistent with the zoning of the land and would represent a high-quality development for Liverpool. The development provides additional commercial opportunities within close proximity to public transport.

In addition to the social and economic benefit of the proposed development, it is considered to be in the public interest.

7. SECTION 7.12 CONTRIBUTIONS

Section 7.12 contributions apply to the development in accordance with Liverpool Contributions Plan 2018 (Liverpool City Centre). The applicable contribution amount for the proposal is **\$4,534,716**.

8. RECOMMENDATION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 4.15(1) and 4.24 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory;
- The proposal is consistent with the intended desired future character of the area, particularly when having regard LLEP 2008;
- The proposal is consistent with the objectives of the B4 Mixed Use zone that is applicable to the site under the LLEP 2008;
- The proposed development is considered to acceptable with regards to the relevant considerations of Clause 4.6 of LLEP 2008 notwithstanding non-compliance with the development standards in Clause 7.3 of LLEP 2008;
- The proposal has undergone an extensive design review process and has satisfied the applicable objectives and provisions of Liverpool LEP 2008 including the provisions of Clause 7.5 relating to design excellence; and
- The proposal is consistent with the Concept Development Consent and provides a scheme that is consistent with all the additional provisions of Clause 7.5A relating to land in the City Centre.

It is for these reasons that DA-836/2020 is considered to be satisfactory and, the subject application is recommended for approval, subject to conditions of consent.

9. ATTACHMENTS

1. Draft Conditions of Consent
2. Statement of Environmental Effects
3. Clause 4.6 Variation Request
4. Architectural Drawings and Landscape Drawings
5. Response to Pre-DA Feedback
6. Site Survey
7. Design Report
8. BCA Report
9. QS Report
10. Civil and Stormwater Engineering Report
11. Heritage Impact Statement
12. Geotechnical and Environmental Investigation Report
13. Crane Operation Approval, prepared by Department of Infrastructure, Transport, Regional Development and Communications
14. Child Care Guideline Response Table
15. National Quality Framework Assessment Checklist
16. DCP Compliance Table, prepared by Ethos Urban
17. ESD Report, prepared by Stantec
18. Traffic Impact Assessment
19. Wind Impact Assessment
20. Noise Impact Assessment
21. Utility Services Request
22. Civil Engineering Drawings
23. Fire Engineering Statement
24. Social Impact Assessment
25. Access Report
26. Waste Management Plan

27. Structural Statement
28. Applicant's Response to Council's Request for Additional Information, dated 26 February 2021
29. Applicant's Response to Architectus RFI dated 2 May 2021
30. Letter from the Panel Chair endorsing public domain and landscape plan (also accompanying) in relation to Condition 4 and 5 of Development Consent 585/2019