

ETHOS URBAN

Clause 4.6 Variation request to development standard – car parking in Liverpool city centre

44 Scott Street, Liverpool
Liverpool Civic Place – Phase B & C

Submitted to Liverpool City Council
On behalf of Built Development Group

23 February 2022 | 2200620



Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

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1.0 Introduction

This clause 4.6 variation request has been prepared by Ethos Urban on behalf of Built Development Group (Built). It is submitted to Liverpool City Council (Council) in support of a development application (DA) comprising two buildings forming Phase B and C of the mixed-use precinct known as Liverpool Civic Place at 44 Scott Street, Liverpool (the site).

This clause 4.6 variation request relates to the development standards within clause 7.3 ‘Car parking in Liverpool city centre’ of the Liverpool LEP 2008 and should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by Ethos Urban dated December 2020, and the Traffic Impact Letter prepared by PTC dated February 2022 (**Attachment A**).

Clause 4.6 of the *Liverpool Local Environmental Plan 2008* (Liverpool LEP 2008) enables a consent authority to grant consent for development even though the development contravenes a development standard. Clauses 4.6(3) and (4)(a)(ii) require that a consent authority be satisfied of three matters before granting consent to a development that contravenes a development standard. These three matters are detailed below:

- that the applicant’s written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- that the applicant’s written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard; and
- that 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.

The Land and Environment Court has established a set of factors to guide assessment of whether a variation to development standards should be approved. The original approach was set out in the judgment of Justice Lloyd in *Winten Property Group Ltd v North Sydney Council* [2001] 130 LGERA 79 at 89 in relation to variations lodged under *State Environmental Planning Policy 1 – Development Standards* (SEPP 1). This approach was later rephrased by Chief Justice Preston, in the decision of *Wehbe v Pittwater Council* [2007] NSWLEC 827 (Wehbe).

While these cases referred to the former SEPP 1, the analysis remains relevant to the application of clause 4.6(3)(a). Further guidance on clause 4.6 of the Standard Instrument has been provided by the Land and Environment Court in a number of decisions, including:

- *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118;
- *Turland v Wingecarribee Shire Council* [2018] NSWLEC 1511;
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009;
- *Micaul Holdings Pty Limited v Randwick City Council* [2015] NSWLEC 1386; and
- *Moskovich v Waverley Council* [2016] NSWLEC 1015.

In accordance with the above requirements, this clause 4.6 variation request:

- identifies the development standard to be varied (**Section 2.0**);
- identifies the variation sought (**Section 3.0**);
- establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (**Section 4.0**);
- demonstrates there are sufficient environmental planning grounds to justify the contravention (**Section 5.0**);
- demonstrates that the proposed variations are in the public interest (**Section 6.0**); and
- provides an assessment of the matters the secretary is required to consider before providing concurrence (**Section 7.0**).

This clause 4.6 variation request demonstrates that compliance with the LEP clause 7.3 ‘car parking in Liverpool city centre’ development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify varying the standard. Therefore, the DA may be approved with the variations proposed in accordance with clause 4.6 of the Liverpool LEP 2008.

2.0 Development standard to be varied

This clause 4.6 variation request seeks to justify contravention of the development standards set out in clauses 7.3(2)(a) and 7.3(2)(b) of the Liverpool LEP 2008. Clause 7.3 states as follows:

7.3 Car parking in Liverpool city centre

- (1) *The objective of this clause is to ensure that adequate car parking is provided for new or extended buildings on land in the Liverpool city centre that is commensurate with the traffic likely to be generated by the development and is appropriate for the road network capacity and proposed mix of transport modes for the city centre.*
- (2) **Development consent must not be granted to development on land in the Liverpool city centre that is in Zone B3 Commercial Core or B4 Mixed Use that involves the erection of a new building or an alteration to an existing building that increases the gross floor area of the building unless—**
 - (a) **at least one car parking space is provided for every 200 square metres of any new gross floor area that is on the ground floor level of the building, and**
 - (b) **in respect of any other part of the building—**
 - (i) *at least one car parking space is provided for every 100 square metres of any new gross floor area that is to be used for the purposes of retail premises, and*
 - (ii) **at least one car parking space is provided for every 150 square metres of any new gross floor area that is to be used for any other purpose.**
- (3) *Despite subclause (2), development consent may be granted to a development with less or no on site car parking if the consent authority is satisfied that the provision of car parking on site is not feasible.*
- (4) *In this clause, the following are to be included as part of a building’s gross floor area—*
 - (a) *any area of the building that is used for car parking and is at or above ground level (existing), except to the extent permitted by a development control plan made by the Council,*
 - (b) *any area of the building that is used for car parking below ground level (existing), except where the car parking is provided as required by this clause.*
- (5) *Council owned public car parking and parts of a building used for residential purposes must not be included as part of a building’s gross floor area for the purposes of this clause.*

(our emphasis bold)

The proposed development includes new gross floor area (GFA) on the ground floor, and commercial office and tourist and visitor GFA on other parts of the site. As such, clause 7.3(2)(a) and 7.3(2)(b)(ii) apply to this development proposal.

3.0 Proposed development

The DA follows the approval of a Concept Proposal in September 2020 (DA-585/2019), which approved land uses and building envelopes for the entire Liverpool Civic Place project. This DA constitutes the second detailed ‘Stage 2’ proposal following approval of the Concept Proposal and represents the second and third phase of the development. Specifically, the DA seeks approval for:

- Construction and use of a 22 storey commercial office building, comprising:
 - lower ground and upper ground retail floor space; and
 - 19 commercial office levels.
- Construction and use of a 9 storey tourist and visitor (hotel) building, comprising:
 - lower ground level retail floor space; and
 - 8 hotel levels.
- Construction of a 4 level basement, including:
 - 150 parking spaces (130 commercial spaces and 20 hotel spaces);
 - motorcycle, bicycle parking spaces and end of trip facilities; and
 - loading dock facilities.
- Landscaping and public domain works including:
 - a pocket park fronting Scott Street; and
 - an east west through-site link connecting George Lane to the central public plaza.
- Extension and augmentation of services and infrastructure as required.

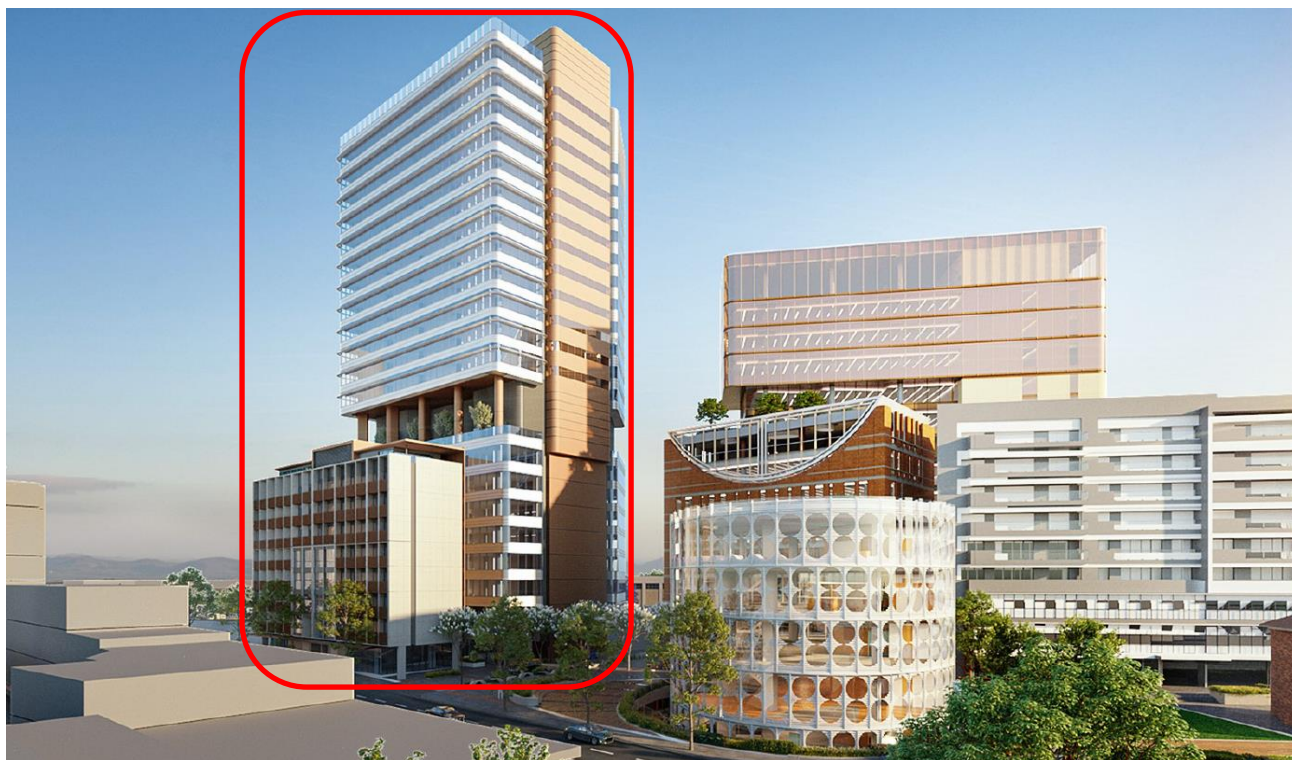


Figure 1 Photomontage of the proposed development

Source: FJMT

4.0 Nature of the variation sought

The number of car parking spaces required pursuant to clause 7.3(2) is a total of 167 spaces, including:

- 5 spaces for the 1,018m² of ground floor GFA (Clause 7.3(2)(a));
- 142 spaces for the 21,243m² of commercial office GFA on all other levels (Clause 7.3(2)(b)(ii)); and
- 20 spaces for the 2,960m² of hotel GFA on all other levels (Clause 7.3(2)(b)(ii)).

The proposal seeks approval for a total of 150 car spaces (130 commercial office spaces and 20 hotel spaces), resulting in a shortfall of 17 spaces (or a 10.18% variation) from the rate required under clause 7.3(2) of the Liverpool LEP 2008. A detailed breakdown of the proposal's GFA and required number of spaces is provided in **Table 1**.

Table 1 Summary of proposed car parking requirements and proposed variation

Level	GFA	LEP requirement	LEP required spaces	Proposed car spaces	Surplus/shortfall (+/_)
Ground level*	1,018m ²	1 space per 200m ² (cl. 7.3(2)(a))	5	5	N/A
Above ground levels	24,144m ² comprising:				
	• 21,243m ² (commercial)	1 space per 150m ² (cl. 7.3(2)(b)(ii))	142	125	-17
	• 2,901m ² (hotel)	1 space per 150m ² (cl. 7.3(2)(b)(ii))	20	20	N/A
Phase B/C DA total proposed			167	150	-17

*Note: includes lower and upper ground floor levels of the commercial building, and ground floor level of the hotel building

The car parking provision allocates 20 car spaces to the hotel use to ensure that guests and staff are serviced entirely within the Phase B/C site. The remaining 130 spaces are allocated to the commercial uses.

For absolute clarity, this results in a total shortfall of 17 commercial office spaces (or a 10.18% variation) from the number of spaces required under clause 7.3(2) of the Liverpool LEP 2008. However, as the proposal comprises a mix of uses, it is understood that more specifically, the variation relates to the required number of commercial car spaces, based on the GFA calculation set out in **Table 1** above.

5.0 Clause 4.6 (3)(a): Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

In *Wehbe*, Preston CJ of the Land and Environment Court provided relevant assistance by identifying five ways in which it could be shown that a variation to a development standard was unreasonable or unnecessary. However, His Honour in that case (and subsequently in *Initial Action*) confirmed that these five ways are not exhaustive; they are merely the most commonly invoked ways. Further, an applicant does not need to establish all of the ways.

While *Wehbe* related to objections made pursuant to *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1), the analysis may be of assistance in applying clause 4.6 given that subclause 4.6(3)(a) uses the same language as clause 6 of SEPP 1 (see *Four2Five* at [61] and [62]; *Initial Action* at [16]).

The five methods outlined in *Wehbe* were:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard (**First Method**).
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (**Second Method**).
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (**Third Method**).
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (**Fourth Method**).
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (**Fifth Method**).

In this instance, the **First Method** is of particular assistance in establishing that compliance with the development standard is unreasonable or unnecessary.

5.1 The objectives of the development standard are achieved notwithstanding the non-compliance (First Method)

The objective of the development standards contained in clause 7.3(2) of the Liverpool LEP 2008 is:

'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.'

The single objective places an emphasis on adequate car parking being provided for new or extended buildings, while appropriately balancing traffic impacts, allowing for car parking that is commensurate with the traffic likely generated by the proposed development, and that is appropriate for the road network capacity and the proposed mix of transport modes for the city centre. The proposed development achieves the objectives of the development standard as is set out in the subsections below.

Car parking is commensurate with traffic generated and the road network

As noted in the traffic report which accompanied the DA (section 6.2.3, pg. 29), the proposed quantum of car parking is commensurate with demand generated by the proposal. The proposal's impact on the surrounding road network capacity is also considered appropriate (section 8, pg. 35 of the DA traffic report). The Traffic Impact Cover Letter prepared by PTC also notes that the site's location is within the Liverpool City Centre, being a catchment which is very well serviced by public transport. Accordingly, based on transit-oriented development best practice, the traffic generated by the proposal does not necessitate the provision of an additional 17 car parking spaces as required by the parking control.

The Traffic Impact Assessment prepared by PTC which accompanied the SEE at Appendix O, identifies that the proposal will generate an average of 0.50 trips per car space over the AM and PM peak periods, highlighting that there is no apparent demand for the additional car parking required by clause 7.3. Therefore, despite proposing fewer commercial office car parking spaces than what is required by clause 7.3, the trip generation rate demonstrates that the proposed parking will still be commensurate with the traffic generated by the proposal.

Furthermore, providing less car parking spaces than required will reduce the number of additional vehicle trips which would have otherwise been generated by an additional 17 commercial office car parking spaces were the proposal to comply with the parking rate. Commercial office workers will instead be able to utilise the range of sustainable and active transport modes that are available in proximity to the site. As such, the proposed shortfall in car parking is appropriate for the road network, as it will reduce traffic generation, with any increase to the proposed car parking to achieve the requirements of clause 7.3 unnecessarily generating greater traffic impacts and associated vehicle trips.

Appropriateness of car parking for mix of transport modes in Liverpool city centre

The proposed car parking shortfall of 17 spaces solely relates to the commercial use. Given the proximity of the site to various public transport services, including Liverpool Railway Station (being only 280m walking distance from the site), Liverpool bus interchange directly adjacent to the station, and bus stops nearby on Scott and George Streets, workers will have multiple transport options to commute to and from the site. Furthermore, the proposal also includes the provision of 147 bicycle spaces to encourage workers to use active transport modes.

Given the mixture of active and sustainable transport modes that are available in the Liverpool City Centre and on the site, the proposed quantum of car parking is considered appropriate and will encourage the use of public transport, promote walkability and allow for sustainable urban development. This aligns with the broader strategic vision for key strategic centres (including Liverpool) that is set out in the Western City District Plan, which strives for the promotion of public transport use, creation of a 30-minute city and the promotion of walkability.

6.0 Clause 4.6(3)(b) There are sufficient environmental planning grounds to justify contravening the development standard

Clause 4.6(3)(b) of the LEP requires the consent authority to be satisfied that the applicant's written request has adequately addressed clause 4.6(3)(b), by demonstrating:

'That there are sufficient environmental planning grounds to justify contravening the development standard.'

The environmental planning grounds relied on in the written request under clause 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (*Initial Action v Woollahra Municipal Council* [24] and *Turland v Wingecarribee Shire Council* [42]).

There are sufficient environmental planning grounds to justify a flexible approach to the application of the clause 7.3 'car parking in Liverpool city centre' control as it applies to the site. In *Four2Five*, the Court found that the environmental planning grounds advanced by the applicant in a clause 4.6 variation request must be particular to the circumstances of the proposed development on that site. The environmental planning grounds justifying the contravention to the development standard are discussed below.

6.1 Adequate provision of car parking for the commercial office land use

The proposal includes 130 car spaces to cater for the car parking needs of the commercial office use. This represents a de facto shortfall of 12 car spaces from the 142 required car spaces pursuant to clause 7.3 of the Liverpool LEP 2008. However, these car parking spaces are expected to cater to the car parking demands of the commercial office use as discussed in the DA traffic report, as office workers are likely to commute into the office, given the site's proximity to various public transport services, which is also encouraged by the inclusion of 147 bicycle spaces within the proposed development (refer to **Section 6.2** below for further detail).

Additionally, the car parking requirements set out in clause 7.3 of the Liverpool LEP 2008 have been embedded in the Liverpool LEP 2008 for over a decade and therefore are not reflective of contemporary office parking demand. In this regard, the car parking requirement also does not account for the recent change to the office working environment following the COVID-19 pandemic, whereby office workers more commonly work from home. As such, the car parking rates included in the Liverpool LEP 2008 are likely to overestimate the required parking demand.

Moreover, the minimum car parking rates set out in clause 7.3 of the Liverpool LEP 2008 strongly contrast other major centres throughout metropolitan Sydney, such as the City of Sydney, City of Parramatta and North Sydney Councils, all of which comprise conservative maximum parking rates, in recognition of their CBD statuses and public transport accessibility levels. The maximum car parking rates are reflective of a move towards limiting parking provisions, as a tool for managing traffic growth and mode shift in CBD centres, aligning with current best practice transit-oriented development principles that encourage less parking provision in strategic centres that are well serviced by public transport, as is the case with Liverpool city centre. **Table 2** below applies the maximum parking rates of the City of Sydney, City of Parramatta and North Sydney to the proposal.

Table 2 Proposed commercial car parking compliance with other parking rates

Council	Maximum car parking rate	Maximum permitted car spaces	Compliance (Y/N)
City of Sydney	1 space per 50m ² of site area (maximum)	Maximum of 46.22 car spaces	N
City of Parramatta (Parramatta CBD Planning Proposal rate)	1 space per 50m ² of site area (maximum)	Maximum of 46.22 car spaces	N
North Sydney	1 space per 400m ² GFA (maximum)	Maximum of 54.15 car spaces	N

Table 2 highlights that the proposal provides well above the required parking rates in other commensurate strategic centres in Greater Sydney. As such, this demonstrates that the proposed 130 commercial car spaces would

adequately service the proposal and would be deemed appropriate in major centres throughout metropolitan Sydney that adopt a stance that seeks to limit car parking with the intention of minimising vehicular traffic, in line with contemporary transit-oriented development best practice.

Importantly, such an approach to car parking aligns with the broader strategic vision set out in the Greater Sydney Commission's Greater Sydney Region Plan '*A Metropolis of Three Cities*' (Region Plan) and the Western City District Plan (District Plan), which both inherently strive to achieve a 30-minute city largely through the co-location of housing and jobs with transport infrastructure, with a specific emphasis on encouraging public and active transport use, and providing direct connections through convenient public transport, and which envision Liverpool as Sydney's 3rd CBD.

6.2 Proximity of the site to public transport

The proposed development is situated within walking distance of Liverpool Railway Station, the Liverpool bus interchange (which is directly adjacent to the station), and other bus stops along Scott and George Streets, in close proximity to the site. The rail services provide connections to and from the remainder of metropolitan Sydney via the Inner West, Bankstown, Cumberland and Leppington lines, while the bus services provide links to and from surrounding suburbs of Liverpool, as well as Parramatta, Burwood, Macarthur and Badgerys Creek, among others. Further, the proposal includes 147 bicycle spaces. Therefore, the proposed 130 commercial car parking spaces which constitute a minor variation of 10.18% to the required parking spaces, are considered appropriate in this instance, given that the site is not wholly reliant on private motor vehicles for access, as it is well serviced by an abundance of active and sustainable transport modes.

6.3 Public car parking available in Phase A of Liverpool Civic Place

The proposed development also has the opportunity to access public car parking spaces that will be available in the approved basement car park of Phase A of Liverpool Civic Place. The Phase A public car park will have 82 public car spaces inclusive of three disabled car spaces available for public use. These car spaces are part of the overall Liverpool Civic Place mixed use development and therefore are conveniently located for use by the office workers, if necessary, however demand for these spaces generated by the Phase B/C development is considered negligible.

7.0 **Clause 4.6(4)(a)(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**

In *Initial Action* it is established that it is the proposed development's consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest. Accordingly, it is demonstrated throughout this clause 4.6 that the proposal is in the public interest as it is entirely consistent with the objectives of the development standard and the objectives of the zone.

7.1 **Consistency with the objectives of the development standard**

The proposed development is consistent with the objectives of the car parking in Liverpool city centre development standard, for the reasons discussed in **Section 5.1** of this report.

7.2 **Consistency with the objectives of the B4 Mixed Use Zone**

First objective: *To provide a mixture of compatible land uses*

The proposed development will facilitate a true mixed-use precinct. As outlined in the SEE, this proposed development seeks approval for commercial office, retail and hotel uses, along with additional public domain area. Specifically:

- Construction and use of a 22 storey commercial office building, comprising:
 - Lower ground and upper ground retail floor space; and
 - 19 commercial office levels.
- Construction and use of a 9 storey hotel building, comprising:
 - Lower ground level retail floor space; and
 - 8 hotel levels.
- Construction of a 4 level basement, including:
 - 150 parking spaces;
 - Motorcycle, bicycle parking spaces and end of trip facilities; and
 - Loading dock facilities;
- Landscaping and public domain works including:
 - a pocket park fronting Scott Street; and
 - an east west through site link connecting George Lane to the central public plaza.
- Extension and augmentation of services and infrastructure as required.

As such, it is abundantly clear that the proposed development includes a mix of compatible uses and the proposed variation to the car parking in Liverpool city centre development standard does not stifle this.

Second objective: *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*

The site is located approximately 300m from Liverpool Railway Station and is in the Liverpool CBD which is well serviced by public transport. The proposed development will therefore contain a mixture of uses in a location that is close to existing and future transport infrastructure and will allow the integration of suitable uses in an accessible location, encouraging public transit patronage. Bicycle parking and end of trip facilities are also integrated into the development which will help to encourage active transportation, including walking and cycling. The proposed variation to the development standard is therefore consistent with this objective.

Third objective: *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*

The proposed development includes a tourist and visitor accommodation use within the hotel building, with active retail uses at street level that activate the ground plane and provides active uses to cater to visitors of the proposed hotel building.

Fourth objective: *To facilitate a high standard of urban design, convenient urban living and exceptional public amenity*

The proposed development does not result in an adverse urban design impact or result in any significant adverse environmental impact. The proposal facilitates a high standard of urban design, as demonstrated in the Statement of Environmental Effects prepared by Ethos Urban.

8.0 Secretary's concurrence

Under clause 4.6(5) of the Liverpool LEP 2008, the Secretary's concurrence is required prior to any variation being granted. Under clause 64 of the *Environmental Planning and Assessment Regulation 2000*, the Secretary has given written notice dated 21 February 2018 to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under clause 4.6, subject to the conditions in the table in the notice. We note that none of the conditions in the table apply to the proposed development, therefore the Secretary's concurrence is assumed. Nevertheless, the following section provides a response to those matters set out in clause 4.6(5) of the Liverpool LEP 2008 which must be considered by the Secretary.

8.1 **Clause 4.6(5)(a): Whether a contravention of the development standard raises any matter of significance for State or regional environmental planning**

The variation does not raise any matters of significance for State or regional environmental planning. The variation to the car parking in Liverpool city centre development standard will not contravene any overarching State or regional objectives or standards. Further, the provision of fewer parking spaces on site is consistent with relevant State and regional planning policies that seek to promote sustainable and active transport modes, to minimise motor vehicle dependency, and in turn reduce environmental impacts through the generation of less emissions.

8.2 **Clause 4.6(5)(b): The public benefit of maintaining the development standard**

Maintaining the development standard would not result in any public benefit in this situation. As demonstrated in **Section 5.1** and **Section 7.0**, the proposal achieves the objectives of the car parking in Liverpool City Centre development standard and the B4 Mixed Use zone objectives notwithstanding the technical non-compliance. Strict numerical compliance would not result in any public benefit and would encourage the use of private motor vehicles which may result in increased traffic impacts and vehicle emissions.

8.3 **Clause 4.6(5)(c): Other matters required to be taken into consideration before granting concurrence**

We are not aware of any other matters that the Secretary (or the consent authority, under delegation) is required to consider before granting concurrence.

9.0 Conclusion

This clause 4.6 variation request adequately addresses the matters in clause 4.6(3) by demonstrating that compliance with the car parking in Liverpool city centre development standard contained in clause 7.3 of the Liverpool LEP 2008 is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify the contravention. It also demonstrates that the proposed development will be in the public interest because it is consistent with the objective of the car parking in Liverpool City Centre development standard and the objectives of the B4 Mixed Use zone.

This clause 4.6 variation demonstrates that, notwithstanding the proposed variation to the car parking in Liverpool city centre development standard, the proposed variation is acceptable as:

- It is consistent with the objectives of the zone and the car parking in Liverpool city centre development standard in the Liverpool LEP 2008;
- Despite the technical non-compliance, the proposed 130 car spaces allocated to the commercial uses are adequate, given that:
 - contemporary car parking demand has diminished relative to the rates that have been embedded in the Liverpool LEP for over a decade;
 - office workers are working from home more regularly, thereby reducing the demand for car parking; and
 - the site is located in close proximity to public transport, therefore people are less dependent on private motor vehicles for their commute to and from work.
- There is the opportunity for a portion of the 130 commercial car spaces to be utilised by the hotel use over the weekend, subject to agreement with the operator, given the nature of these uses, with hotels being busier over weekends and offices generally being non-operational on weekends;
- There are 82 public car parking spaces available in Phase A of Liverpool Civic Place that can be utilised by the commercial office use if required at any given time;
- Strict numerical compliance with the development standard will culminate in greater environmental impacts in the form of increased vehicle emissions; and
- It will not adversely impact on the amenity of surrounding land uses or development;

For the reasons set out in this variation request the development should be approved with the variation as proposed in accordance with the flexibility allowed under clause 4.6 of the Liverpool LEP 2008.