

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

SSWPP No	PPSSWC-127
DA Number	DA-1080/2020
Local Government Area	Liverpool City Council
Proposed Development	<p>Development Application (DA-1080/2020) seeks detailed consent in accordance with approved Concept Proposal (DA-585/2019) for Stage 2 (Phase B/C) of the 'Liverpool Civic Place'. The proposal includes:</p> <ul style="list-style-type: none"> - Construction and use of a 22-storey commercial office building, comprising lower ground and upper ground retail floor space and 19 commercial office levels (excluding plant level); - 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, that will accommodate car, bicycle and motorbike parking as well as loading facilities; - Landscaping and public domain works; and - Extension and augmentation of services and infrastructure as required.
Street Address	40-46, 48 and 52 Scott Street, Liverpool
Applicant/Landowner	Built Development Group
Date of DA Lodgement	22 December 2020
Number of Submissions	One (1) submission
Recommendation	Approval subject to conditions
Regional Development Criteria - Schedule 7 of the SEPP (Planning Systems) 2021.	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 6.
List of All Relevant s4.15(1)(a) matters	<p>1. List of all the relevant environmental planning instruments: Section 4.15(1)(a)(i):</p> <ul style="list-style-type: none"> - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Liverpool Local Environmental Plan 2008 (LLEP2008) <p>2. 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):</p> <ul style="list-style-type: none"> - Draft State Environmental Planning Policy (Remediation of Land); and - Draft State Environmental Planning Policy (Environment). <p>3. List any relevant development control plan: Section 4.15(1)(a)(iii) Liverpool Development Control Plan 2008:</p> <ul style="list-style-type: none"> - Part 1: General Controls for all development - Part 4 – Development in the Liverpool City Centre

	<p>4. 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):</p> <ul style="list-style-type: none"> No planning agreement relates to the site or proposed development. <p>5. List any relevant regulations: 4.15(1)(a)(iv)</p> <ul style="list-style-type: none"> Consideration of the provisions of the National Construction Code of Australia.
List of all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> Draft Conditions of Consent Statement of Environmental Effects Clause 4.6 Variation Request for Building Separation Clause 4.6 Variation Request for Car Parking Applicant's Letter amending the application Amended Architectural Plans Amended Architectural Design Statement Amended Landscape Plans Hotel Plan of Management Site Survey Plan BCA Report Cost Estimate Report Civil and Stormwater Engineering Report Crane Operation Approval Heritage Impact Statement Geotechnical and Environmental Investigation Report DCP Compliance Table, prepared by Ethos Urban ESD Report Traffic Impact Assessment Wind Impact Assessment Structural Statement Amended Noise and Vibration Impact Assessment Utility Services Request Civil Engineering Drawings Updated Social Impact Assessment Access Report Waste Management Plan Applicant's Response to Council's Request for Additional Information, dated 7 July 2021 Traffic Engineering Response, dated 9 June 2021 and 22 February 2022 DEP minutes from 23 March 2021 and email from the Panel Chair endorsing the proposed development, dated 20 October 2021.
Clause 4.6 requests	Yes – Clause 7.3 and Clause 7.4 of LLEP 2008
Summary of key submissions	Support the application subject to resolution of the issues contained in their submissions relating to library site and the new Council Chambers.
Report prepared by	Architectus Australia Pty Ltd
Report date	7 April 2022

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**No**

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 (Planning Systems) 2021, 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

As detailed further below, the site benefits from an approved Concept Development Application (DA) (DA-585/2019). In accordance with the Concept DA, two subsequent detailed DA's were prepared. DA-836/2020 for Stage 2 (Phase A) Detailed DA forms the first of two (2) detailed work DAs and relates to the construction of a new public library, 14 storey mixed use building comprising public administration and commercial premises. This DA was approved by SWCPP on 5 July 2021.

DA-1080/2020, the subject DA, is the second detailed DA for Phase B/C of Liverpool Civic Place. The proposal seeks consent for:

- Construction of a 22 storey commercial office building, comprising:
 - Lower ground and upper ground retail floor space; and
 - 19 commercial office levels.
- Construction of a 9 storey hotel building, comprising of;
 - Lower ground floor lobby and retail; and
 - 84 hotel rooms.
- Construction of a four (4) level basement below both buildings, 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.

A proposed render of Liverpool Civic Place is at **Figure 1** below.

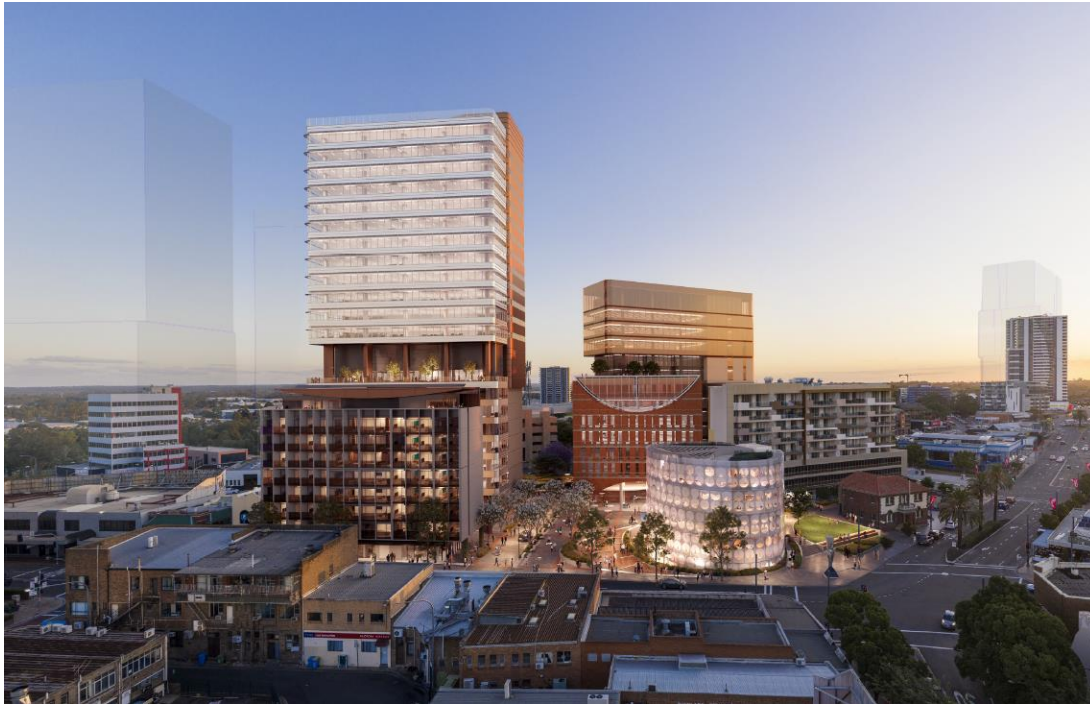


Figure 1 *Render of Liverpool Civic Place looking south at the site*

Source: FJMT Architects

Note, on the 3 November 2021, the subject DA was to be amended pursuant to Clause 55 of the EP&A Regulation 2000. The amendment involves the changing the use of the originally proposed co-living building (boarding house) to a hotel building (tourist and visitor accommodation). It is noted that under the Concept DA consent (DA-585/2019), tourist and visitor accommodation is an approved use.

Refer to

Figure 2 below for approved Concept DA plan, including tourist and visitor accommodation as an approved use.



Figure 2 *Approved Concept DA Plans*

Source: FJMT Architects

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 B/C' site, to which this DA relates, is located at 40-46, 48 and 52 Scott Street, Liverpool. The 'Phase B/C' works will take place on lot descriptions listed in the **Table 1** below.

Table 1 Site Details

Phase A (subject of DA-836/2020)	Phase B/C (the subject site)
<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 • Lot 1 DP 507070 • Lot 17 DP 81842 • Lot 3 DP 229979

The site is subject to multiple DA's of relevance to the subject DA. These are summarised **Table 2** below.

Table 2 Site History

Application Number	Description	Approval date
DA-906/2019	Early works DA for the site which sought the demolition of the existing structures on the site and early works site preparation, including bulk earthworks and shoring for future basement car park associated with the Concept Proposal.	29 June 2020
DA-585/2019	Concept Plan for: <ul style="list-style-type: none"> – 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. 	31 August 2020

DA-906/2019/A	Section 4.55(1A) Modification to increase the depth of bulk works and associated retention system, demolition of planters and access ramp, including the relocation of this ramp.	2 March 2021
DA-836/2020	First detailed DA for Phase A of Liverpool Civic Place for the construction and use of a 14-storey mixed use building comprising public administration, childcare and commercial office uses; construction and use of a six-storey information and education facility (public library) building; construction of a five-level basement that will accommodate car parking; and landscaping and public domain works.	5 July 2021
DA-585/2019/A	Section 4.55(1A) Modification for modifications to conditions as well amendments to the depth of basements.	6 July 2021
DA-836/2020/A	Section 4.55(1A) Modification to modify Development Consent no. DA-836/2020, by deleting the approved fifth basement level, modifications for the fourth basement level and the associated removal of 73 car parking spaces and amendments to the mix of car parking allocation.	25 October 2021
DA-836/2020/B	Section 4.55(1A) Modification to modify Development Consent no. DA-836/2020 by amending consent conditions and the deletion of a condition to enable the staging of construction.	25 October 2021
DA-836/2020/C	Section 4.55(1A) Modification to modify the timing of commitments required by certain conditions.	21 December 2021
DA-906/2019/B	Section 4.55(1A) Modification to modify DA-906/2019 to reduce the depth of bulk earthworks from RL 6.75 metres to RL 10.35 metres (i.e. to reduce the depth of excavation by 3.6 metres, consistent with the original approval) to reflect the deletion of basement carpark level 5 as proposed by DA-836/2020/A including a reduction of the associated structural retention system.	23 December 2021
DA-836/2020/D	Section 4.55(1A) Modification for minor design amendments that are a consequence of ongoing design development, services and accessibility coordination, and the objective of enhancing ecologically sustainable development outcomes for the library, given the introduction of independent Green Star accreditation for the library. The amendments do not result in a built form outcome that is substantially different from the approved development	Currently under assessment
DA-585/2019/B	Section 4.55(1A) Modification to remove condition relating to car parking (i.e. Condition 24).	Currently under assessment

1.1.4 The Issues

The predominant issues with the proposal are that:

1. Non-compliance with Clause 7.3- *Car Parking in Liverpool City Centre* of Liverpool Local Environmental Plan (LLEP) 2008. A Clause 4.6 Variation to Development Standards Request has been submitted for consideration of this non-compliance and is considered worthy of support.

Furthermore, this non-compliance also renders the proposal inconsistent with the conditions of the Concept Development Consent. Note, this is to be rectified via Section 4.55(1A) Modification to the Concept DA to be considered separately by Council under delegated authority (i.e., DA-585/2019/B).

2. Non-compliance with building separation distances within Clause 7.4 – *Building Separation in Liverpool City Centre* of LLEP 2008. A Clause 4.6 Variation to Development Standards Request has been submitted for this non-compliance and it is considered worthy of support.

1.1.5 Exhibition of the proposal

The development application was placed on public exhibition from 21 December 2021 to 24 January 2022, in accordance with Liverpool Community Participation Plan. A single submission was received for the application by an adjacent property owner. The submission indicated general support for the redevelopment of the library site and the council chambers, however subject to resolution of the issues contained within the earlier submissions for DA-836/2020.

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 car parking and building separation development standards under Clauses 7.3 and 7.4 respectively, 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

Site Address and Legal Description

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 'Phase B/C' site, to which this development application relates, is located at 40-46, 48 and 52 Scott Street, Liverpool. The following lots are part of the subject site:

- Lot 11, DP 522284
- Lot 12, DP 657056
- Lot 100, DP 877435
- Lot 1 DP 507070
- Lot 17 DP 81842
- Lot 3 DP 229979

Liverpool Civic Place Site

The overall Liverpool Civic Place 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. Liverpool Civic Place 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. RL 25.95) to its Scott Street frontage (approx. RL 22.74).

Phase B/C Site

The Phase B/ C site to which the DA and this report relates, comprises a total site area of approximately 2,300m². Phase B/C site has three primary road frontages, including the main frontage to Scott Street to the north (40m), George Lane to the east (37m) and Terminus Street to the south (41m).

Figure 3 and **Figure 4** below illustrate the site's area and indicate where the Phase B/C works will be undertaken in comparison to the Liverpool Civic Place site.



Figure 3 Site Area of Liverpool Civic Place
Source: Ethos



Figure 4 Phase B/C in comparison to Liverpool Civic Place
Source: Ethos

The site is currently the subject of ongoing bulk earthworks and shoring approved under a separate DA (DA-906/2019) by SWCPP on 31 August 2020. **Figure 5** below shows an aerial view of the bulk earthworks and shoring being undertaken on the site.

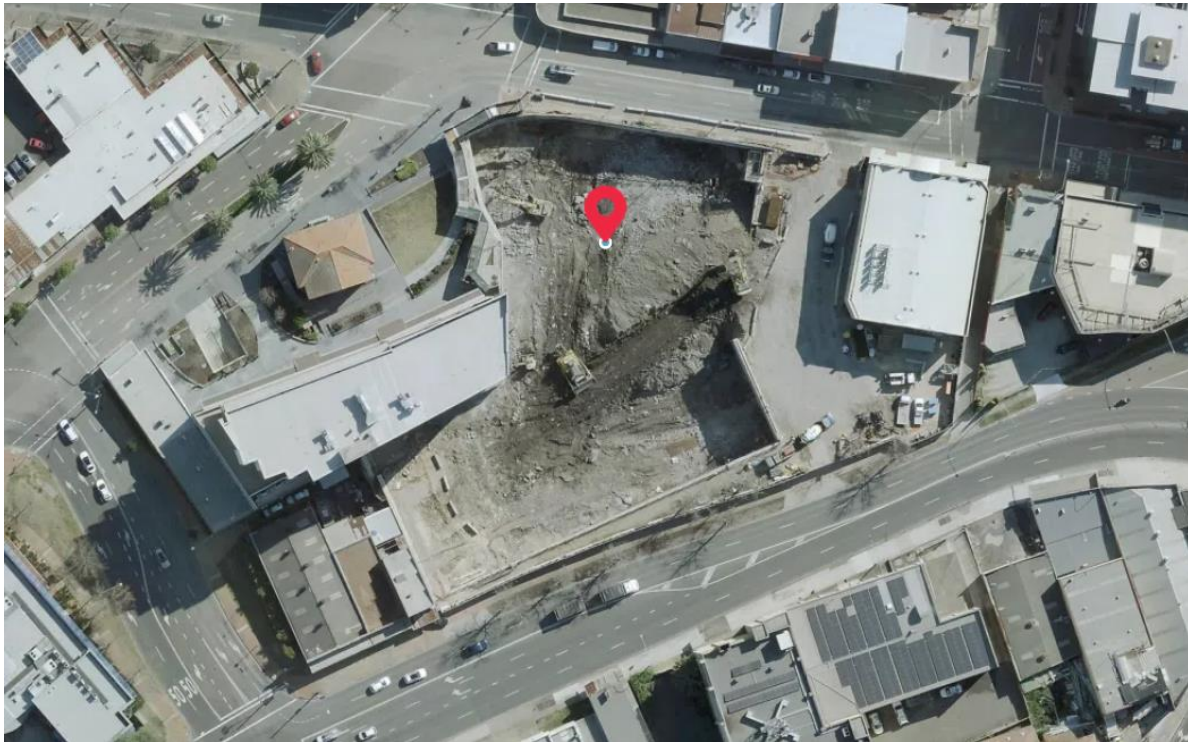


Figure 5 Aerial view of the subject site

Source: Metromap (August 2021)

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 7**), 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 6** below.



Figure 6 *Locality Plan*
Source: Ethos



Figure 7 *Site and adjacent 300 Macquarie Street*
Source: Ethos

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 LLEP 2008 (see **Figure 8** 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. The proposed works do not directly adjoin this item.



Figure 8 *Memorial School of Arts Building*

Source: Architectus

Other surrounding heritage items in the vicinity of the site are summarised in the **Table 3** below and **Figure 9** below.

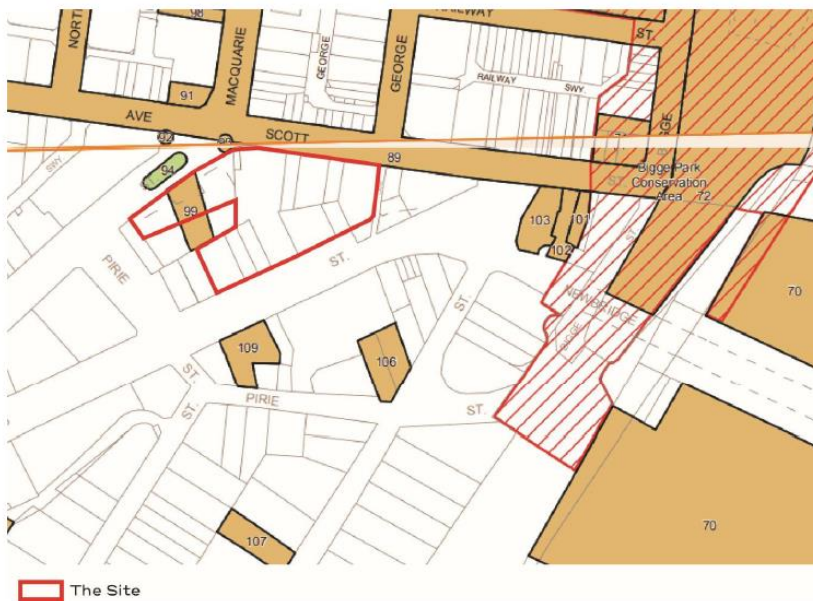


Figure 9 *Heritage items in the local vicinity*

Source: Ethos

Table 3 *Heritage Items and Conservation Areas in the vicinity of the site*

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

Acid Sulfate Soils

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

Traffic and access

As mentioned above, the site has three street frontages – Scott Street to the north, George Lane to the east and Terminus Street to the south. Scott Street functions as a collector road connecting Memorial Avenue through to Bigge Street and is aligned in an east-west direction. Scott Street is a two way, two lane road within a 12m wide carriageway with no vehicle access points to the site.

The southern boundary of the site fronts Terminus Street, a Transport for NSW (TfNSW) Classified Road that is currently four to six lanes wide and experiences an average daily volume of traffic more than 20,000 vehicles. 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 (as shown in **Figure 10** below).

Scott Street, Terminus Street and Macquarie Street are well established pedestrian routes, connecting the site to the Liverpool Railway Station and Liverpool Retail Precinct. The sites eastern boundary fronts the George Lane, a pedestrian access way which links Scott Street to Terminus Street.



Figure 10 *Road widening is shown by pink colour*
Source: TfNSW

3. BACKGROUND

3.1.1 History of the Application

- A Pre-DA meeting was held on 26 November 2020.
- A Pre-DA DEP meeting was held on 1 December 2020.
- DA-1080/2020 was lodged on 8 January 2021.
- DA was referred externally on 20 January 2021 to TfNSW, Sydney Water, Endeavour Energy, Bankstown Airport and NSW Police.
- Notification of the DA was from 20 January 2021 to 4 February 2021. One (1) public submission was received on 4 February 2021.
- A briefing with the Sydney Western City Planning Panel (SWCPP) was held on 8 March 2021.
- A Design Excellence Panel (DEP) meeting was held on the 23 March 2021.
- A Request for Further Information (RFI) letter was issued to the applicant on 12 April 2021 requesting additional information to assist in the progress of the assessment and determination of the application.
- The Public Domain Panel Chair endorsed the submitted Public Domain and Landscape Plan, in accordance with Condition 4 and 5, on 28 May 2021.
- Applicant's response to the RFI was obtained on 7 July 2021. Relevant internal and external referrals were made.
- A desktop review of the RFI response was undertaken by the Chair of the DEP on 20 October 2021 endorsing the proposed development.
- The Applicant submitted an Amended Application on 3 November 2021. The Amended Application proposed the change of use of the co-living use to a hotel use.
- The Amended Application was re-advertised between 21 December 2021 and 24 January 2022. No submissions were received. The Amended Application was also re-referred to relevant internal branches (including Council's Community Branch, Traffic Branch, Economic Unit and Building Branch) and all external authorities on 21 December 2021.
- A Clause 4.6 Variation request to Clause 7.3 – Car Parking in Liverpool City Centre along with a traffic cover letter was received on 23 February 2022. These items were referred to Council's Traffic branch as well as TfNSW for comment.

3.1.2 Site background – relevant applications

As mentioned above, 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 (DA-585/2019) 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.

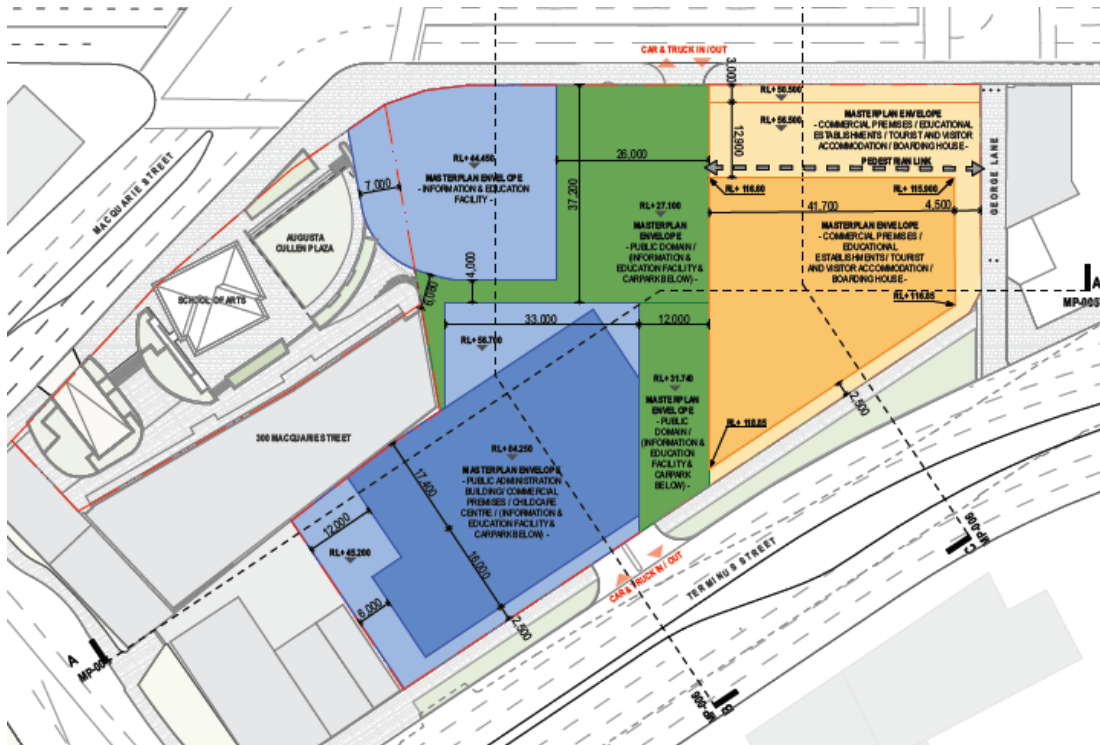
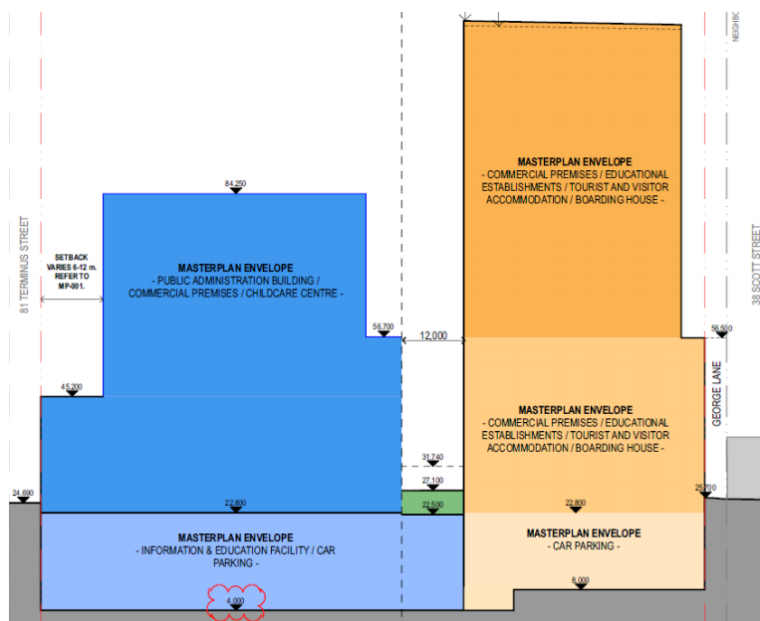


Figure 11 Approved building concept envelopes
Source: FJMT Architects

A Section 4.55(1A) Modification No. DA-585/2019/A was approved by SWCPP on 6 July 2021 for modifications to conditions as well amendments to the depth of basements.

A Section 4.55(1A) Modification No. DA-585/2019/B was lodged on 14 March 2022 to remove the condition relating to car parking (i.e., Condition 24). At the time of writing, it is understood that Council is assessing the Modification and seeks to determine it prior to the scheduled determination meeting for the subject DA with SWCPP on 19 April 2022.

As required by Section 4.24 of the EP&A Act, DA-1080/2020 is consistent with DA-585/2019 as amended (DA-585/2019/B). Refer to **Section 6** of this Report for further details of compliance.



DA-906/2019 was amended on the following occasions:

- Section 4.55(1A) modification No. DA-906/2019/A was approved by SWCPP on 2 March 2021 to increase the depth of bulk works and associated retention system, demolition of planters and access ramp, including the relocation of this ramp.
- Section 4.55(1A) modification No. 906/2019/B was approved by SWCPP on 23 December 2021. This application proposed to modify DA-906/2019 (as already modified) to reduce the depth of bulk earthworks from RL 6.75m (as approved) to RL 10.35m (i.e., to reduce the depth of excavation by 3.6m, consistent with the original approval) to reflect the deletion of basement carpark level 5 as proposed by DA-836/2020/A including a reduction of the associated structural retention system.

All matters relating to the technical works required to accommodate the basement depth in the Phase B/C (DA-1080/2020) have been addressed in the approved early works modification application (DA-906/2019).

Stage 2 (Phase A) Detailed DA (DA-836/2020)

The first detailed DA for Phase A of Liverpool Civic Place was approved by SWCPP on 5 July 2021 for the construction and use of a 14-storey mixed use building comprising public administration, childcare and commercial office uses; construction and use of a six-storey information and education facility (public library) building; construction of a five-level basement that will accommodate car parking; and landscaping and public domain works.

DA-836/2020 was amended on the following occasions:

- Section 4.55(1A) Modification Application no. DA-836/2020/A was approved by Council on 25 October 2021 to modify Development Consent no. DA-836/2020, by deleting the approved fifth basement level, modifications for the fourth basement level and the associated removal of 73 car parking spaces and amendments to the mix of car parking allocation.
- Section 4.55(1A) Modification Application no. DA-836/2020/B was approved by Council on 25 October 2021 to modify Development Consent no. DA-836/2020 by amending numerous conditions of consent. Such modifications affect the timing of certain condition requirements and processes, but do not alter the form of the approved development.
- Section 4.55(1A) Modification Application no. DA-836/2020/C was approved by Council on 21 December 2021 to modify Development Consent no. DA-836/2020 to alter the timing of commitments required by certain conditions, as was largely enabled by the previous modification application (DA-836/2020/B).
- Section 4.55(1A) Modification Application No. DA-836/2020/D is seeking to undertake minor design amendments that are a consequence of ongoing design development, services and accessibility coordination, and the objective of enhancing ESD outcomes for the library, given the introduction of independent Green Star accreditation for the library and civic building. Currently under assessment.



Figure 14 *Perspective view of Phase A development (DA-836/2020)*
Source: FJMT Architects

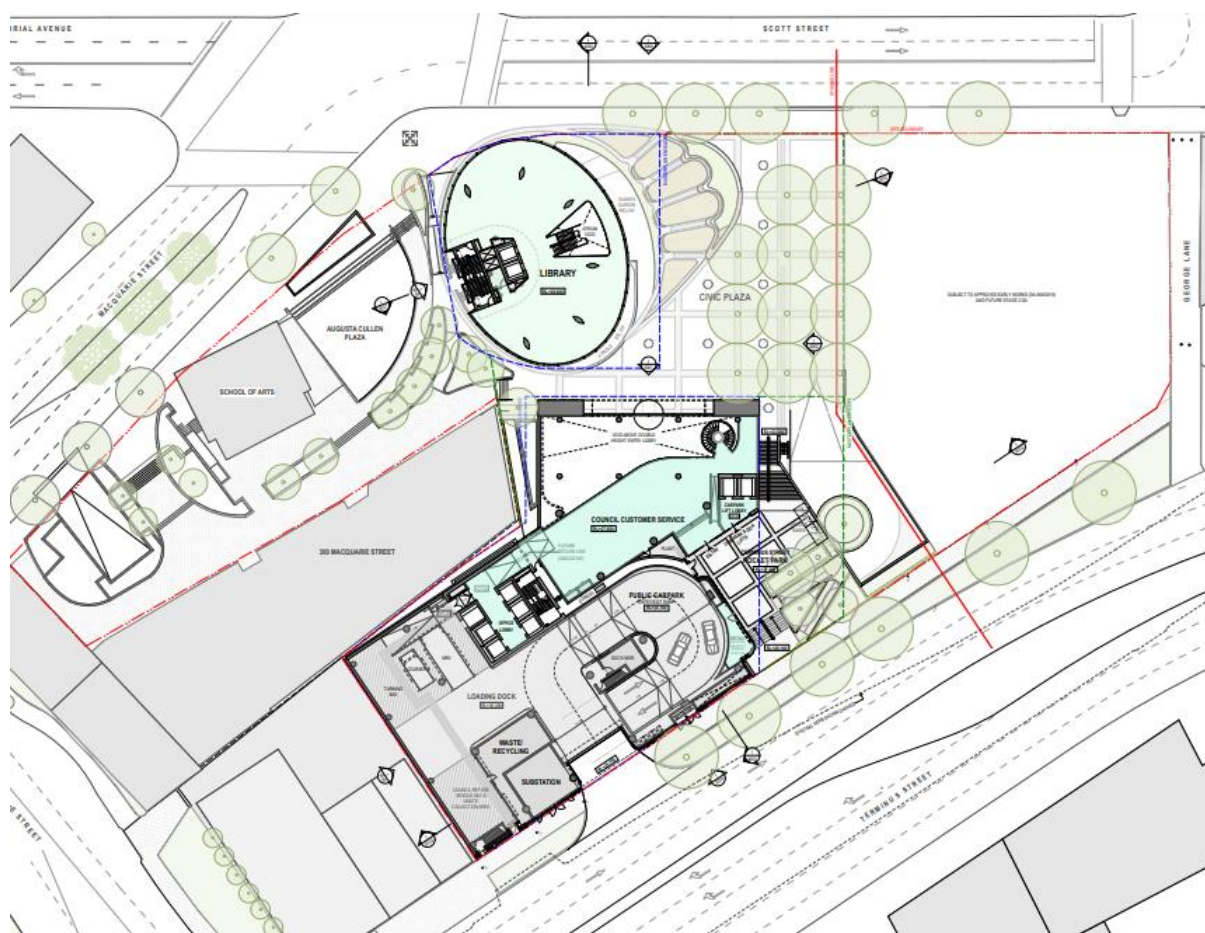


Figure 15 *Upper Ground Floor Plan of Phase A development (DA-836/2020)*
Source: FJMT Architects

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 1 December 2020; prior to the lodgement of the DA. A revised scheme was presented to the DEP on 23 March 2021, addressing the issues raised in the first DEP briefing.

At the meeting of 23 March 2021, 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 7 July 2021 (refer to Attachment 28). A desktop review was undertaken by the Chair of the DEP who was satisfied with the applicant's response to their earlier recommendations from the 23 March 2021. Refer to Attachment 30 for their comments.

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 SWCPP on 8 March 2021. The comments from the briefing as well as response to these conditions are summarised below.

1. *Particularly at ground level, a strong concept is required for the public spaces within the development as a catalyst to spur a new and vibrant street life in this part of Liverpool. Design excellence should start with the concept for those spaces and the relationship of the buildings to them. Relevant in that regard will be the quality of public pedestrian movement through the site, accessibility and legibility, to be assessed in terms of their achieving design excellence for all users. Three issues noted were:*
 - *How can the surrounding structures relate to laneway behind the student accommodation and the spaces affording access to Terminus street and are those spaces in their volume, design and detail of design excellence?*
 - *How can the design of adjacent retail spaces enliven and connect with the outdoor spaces including hopefully a contribution to the night time economy and casual surveillance into the public spaces at ground level?*
 - *What is the form, function, use and outcomes of the central passage between Scott and Terminus Streets, taking into account vehicular movement? How do they contribute to design excellence of that space?*

Comment: This project has been subject to an extensive and rigorous design excellence process. In relation to this DA, this has included a review by Council's Design Excellence Panel (DEP) on three separate occasions. Further to this, as required by conditions imposed by the SWCPP on the Concept DA Consent, a new site-specific Public Domain and Landscaping Design Excellence Panel was established (Condition 4-6 of DA-585/2019) for the public spaces within the development. The public spaces proposed with this DA is consistent with the endorsed Public Domain Concept Plan.

In this regard, with the endorsement of each Panel, the SWCPP can be confident that the project has achieved design excellence. Also, on this basis, the panel can be satisfied that the final configuration of the retail tenancies will facilitate the vitality, connection and surveillance of public spaces at ground level. Regarding the central passage between Scott Street and Terminus Street, this is a shared accessway with pedestrian priority directing vehicles to the proposed basement to be delivered under DA-836/2020 and is outside the scope of the subject DA.

Notwithstanding this, the shared access way has been a key design component that has evolved through the Concept and Phase A design development in consultation with TfNSW, Council's Traffic Engineers and the Design Excellence Panel. The shared zone will be supported by the required signage, and safety provisions such as the high contrast edge-lines designed into the plaza landscaping design, the trees and seating to prevent errant vehicles accessing the plaza in line with the objectives of the relevant Technical Direction.

A condition has imposed requiring compliance with the Direction prior to operation of DA-836/2020. Furthermore, a condition will be imposed on any consent granted for the subject DA that requires this shared zone to be implemented, prior to the occupation of the proposed development.

2. *Notably, the design included significant design features which reduced the bulk of the proposed commercial component of the design. The panel inquired as to whether some architectural treatment or feature might be employed to emphasise that the public spaces are a focus of the development rather than sitting to the side of the main buildings. That issue might be raised for the attention of the Design Excellence Panel.*
3. *The built form relationships as well as the proposed built form separations and treatments will no doubt receive close examination by the Design Excellence Panel with reference to the ADG standards and their intended purpose.*
4. *In that regard, the Panel understands that the design team has foreshadowed that some reduction in the minimum setbacks may be proposed particularly between the proposed student accommodation building and the commercial building. That issue might usefully be raised with the Design Excellence Panel for guidance.*

Comment: The DEP notes that the proposed building separation is inconsistent with LLEP2008 Clause 7.4. In this instance, the proposed separation distances have been supported by the DEP. A copy of their comments can be found in Attachment 30 and have been reproduced in Section 6.1.5. Furthermore, the laneway design has been designed to be consistent with the endorsed Public Domain and Landscape Plan, which provides a concept

for public spaces to be provided by both Phase A and Phase B/C. Therefore, it is considered that these comments have been adequately considered by the DEP.

5. *Assessment of the proposal against the requirements of the concept proposal will of course be required, as well as the public domain and landscape plan when it is finalised.*

Comment: This has been completed. The proposed development is consistent with the requirements of the endorsed Public Domain and Landscape Plan. Furthermore, the proposal has been assessed against the requirements of the Concept Approval and is consistent with its requirements. Although it is noted that Condition 24 precludes a development from varying the applicable parking rates in the LEP, Modification Application No. 585/2019/B has been lodged to the approved Concept DA by the applicant to delete this condition, thereby enabling the consideration of the Clause 4.6 variation submitted for this DA. At the time of writing, this modification still has not been approved, however we have been advised that the assessment of this modification is being expedited so that it can be determined prior to the determination meeting on 19 April 2022.

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

4. DETAILS OF THE PROPOSAL

4.1.1 Stage 2 (Phase B/C) Detailed DA

The site benefits from an approved Concept DA (DA-585/2019). This DA was approved by the SWCPP on 31 August 2020.

DA-836/2020 for Stage 2 (Phase A) Detailed DA was the first of two (2) detailed work DAs approved pursuant to the Concept Approval.

DA-1080/2020 for Stage 2 (Phase B/C) Detailed DA, the subject DA, forms the second of two (2) detailed work DAs under the approved Concept Approval. Refer to **Figure 16** below.

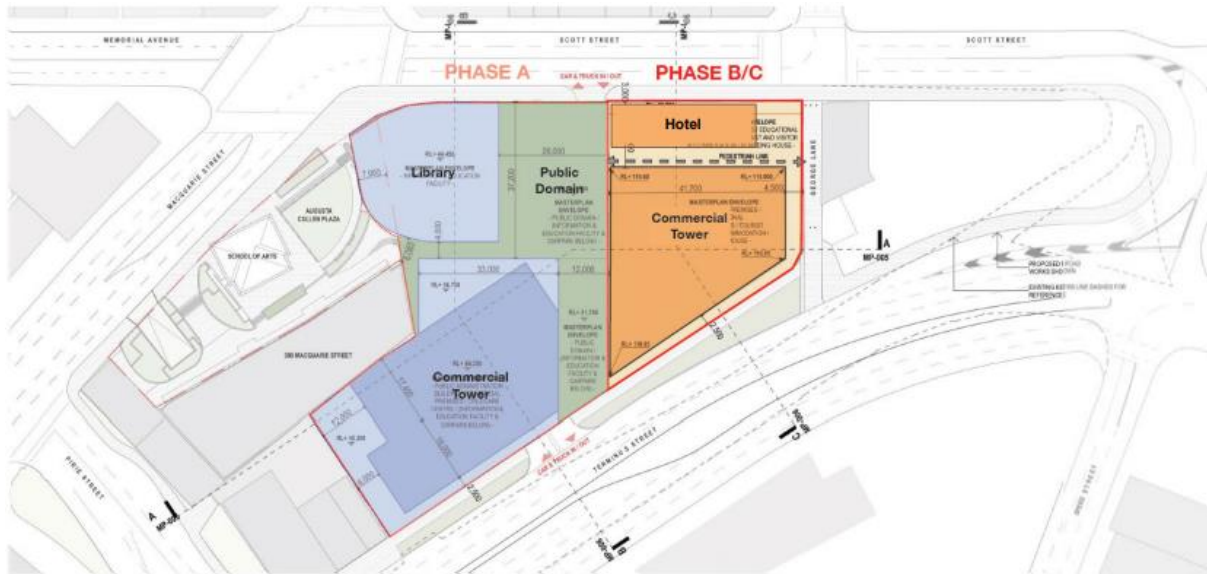


Figure 16 Phase B/C Building Envelopes in the context of the building envelopes of the Concept Development Consent
Source: FJMT Architects

DA-1080/2020 seeks consent for the construction of a new nine (9) storey hotel building, a twenty-two (22) storey mixed use building comprising commercial premises in addition to retail space which is supported by a four (4) level basement with landscaping and public domain works. The main works are as illustrated in **Figure 17** and **Figure 18**.

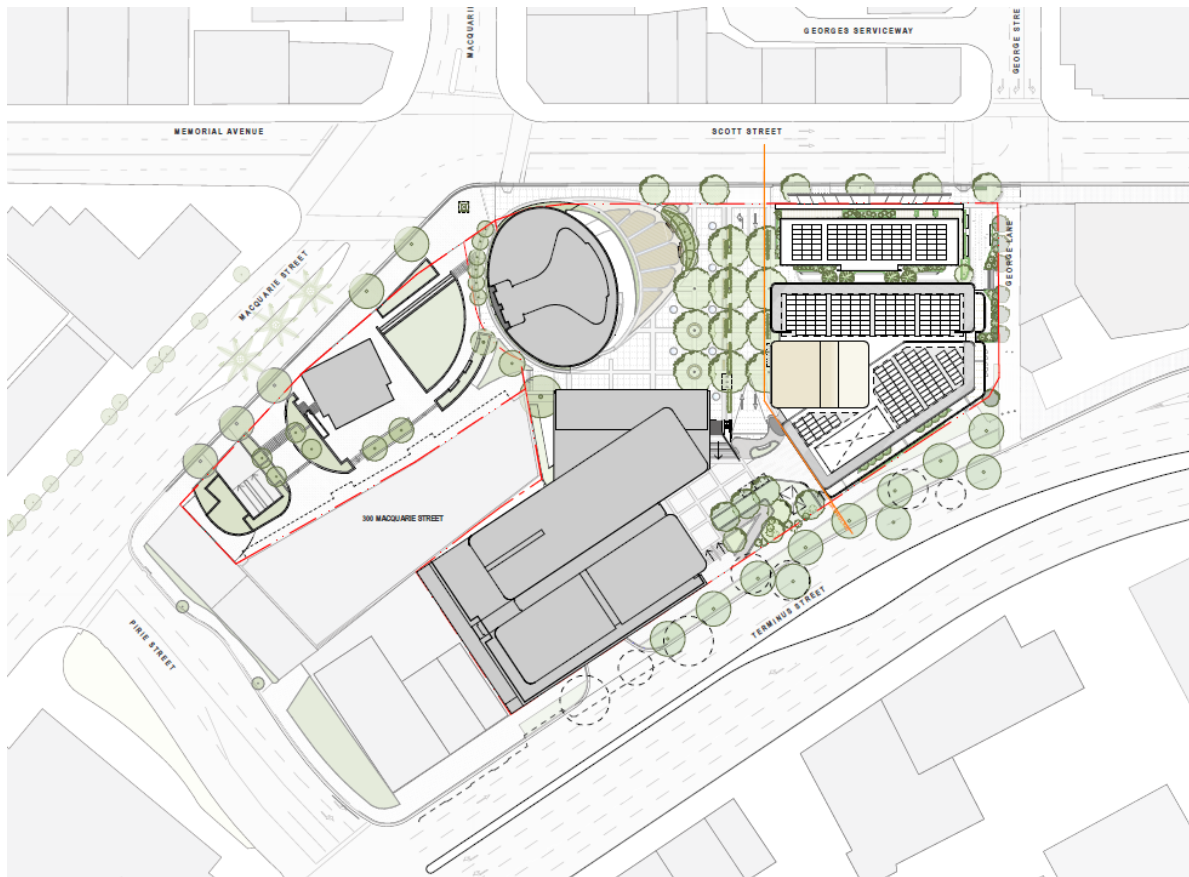


Figure 17 Phase B/C Site Plan
Source: FJMT Architects



Figure 18 Photomontage of the proposed development looking south-east from Scott Street
Source: FJMT Architects

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

Commercial Office Building

The commercial office tower is located on the south-eastern end of the site. The building primarily fronts Scott Street to the north and Terminus Street to the south. To the east, the building fronts George Lane. This building has a GFA 22,027m² (comprising of 21,660m² for commercial and 367m² for retail). The commercial tower consists of nineteen (19) total floors of office space – split into 7 low-rise floors and 12 high-rise floors, with an additional two plant levels. Retail tenancies are located at both lower and upper ground and providing activation to both the new laneway and Terminus Street pocket park.

Figure 19 below illustrates the components of the commercial office building.

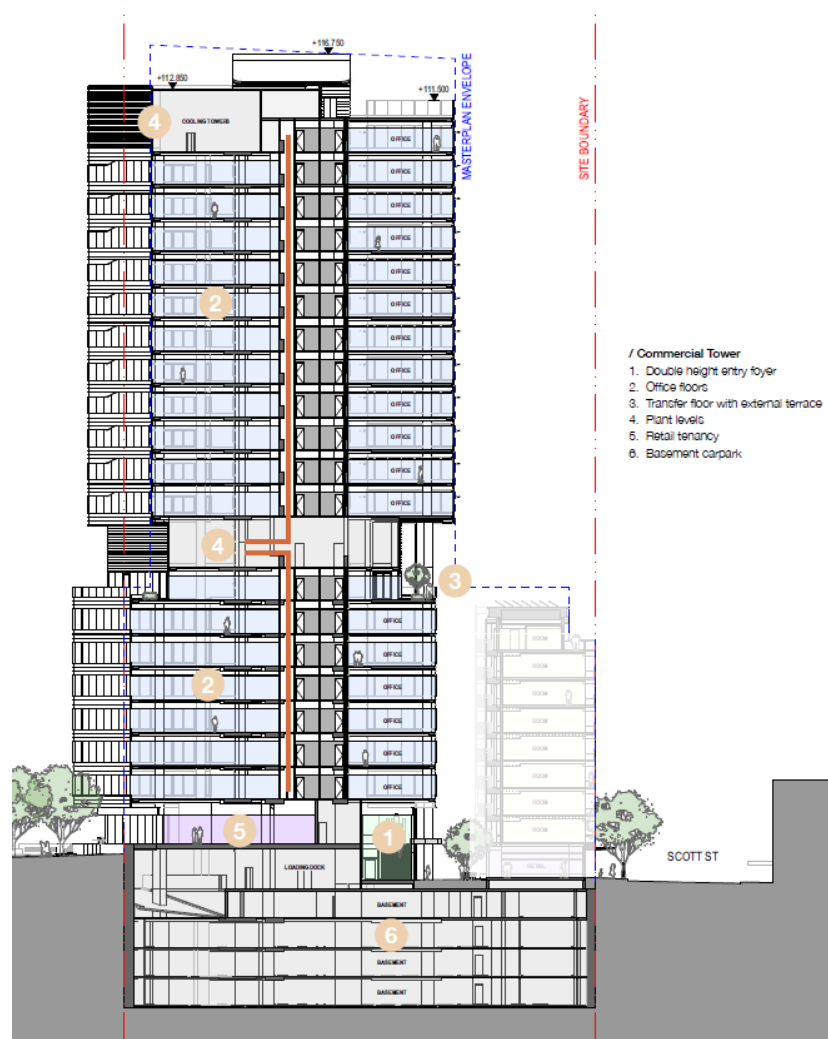


Figure 19 Components of the Commercial Office Building
Source: FJMT Architects

Due to its two primary frontages, the office building has two main wings facing north and south. Both wings comprise of a neutral grey tone and soft, curved edges. Between the wings, bronze glazing and lower terracotta elements separate the main components of the wings of the building. The elements of the podium and tower facing north are responsive to the surrounding development and public domain and represent the main civic address of the building to the public domain.

A render of the proposed commercial office building, viewed from the east to the west – showing the George Lane public domain and Scott and Terminus Street, is provided at **Figure 20**.



Figure 20 **Commercial Office Building**

Source: FJMT Architects

A tower entry is positioned on the western elevation of the upper ground floor and northern elevation on the lower ground floor, facilitating access to the tower via the Terminus Street pocket park and proposed Scott Street pocket park, respectively. Refer to **Figure 21** below.



Figure 21 *Pedestrian entries and paths of travel*
Source: FJMT Architects

The level seven (7) terrace in the commercial office building has raised planters at the southern boundary to provide shelter and amenity to the outdoor space. Whereas, the northern side of the terrace incorporates four raised planters, with two of these including integrated seating and small trees. The northern side of the terrace has considerable space, allowing for additional moveable furniture. Refer to **Figure 22**.



Figure 22 *Level 7 of the Commercial Building*
Source: FJMT Architects

Hotel Building

To the north of the commercial office building is the proposed hotel building. Note, the lodged DA package was for a co-living building and has been amended to be hotel space. The change of use does not result in internal or external changes, including GFA or the external design of the proposal.

The hotel building contains floor space distributed over nine (9) storeys, including eight (8) storeys of hotel levels and one ground floor level that contains the hotel lobby and retail spaces. The hotel building has a total GFA of 3,135m² (including a split of 175m² for retail and for 2,960m² hotel use).

The hotel is rectangular in shape and has a primary frontage to Scott Street. Refer to **Figure 23** for perspectives of the northern and southern façades. The hotel will be made up of 84 rooms (including 9 adaptable rooms) and will operate 24 hours a day, 7 days a week. It will operate with 15 staff.



Figure 23 *Material and Quality of the Hotel Building*

Source: FJMT Architects

There are three main types of apartment mix, including a typical studio, an adaptable studio and an executive suite; comprising:

- Typical studio rooms make up the majority of the apartment mix. They provide 22 sqm of internal space and 2 sqm balcony space. Living spaces are prioritised by being positioned at the north end with the best access to natural daylight, with sleeping and bathrooms further back in the plan.
- Nine (9) adaptable rooms are provided over levels 1, 2, 3 and 7. Typically these provide 31 sqm of internal space.
- Six (6) executive suites are provided, including 28 sqm of internal space and an additional 4 sqm of balcony space.

A rooftop terrace is provided on Level 8 of the Hotel which provides some shared facilities for hotel patrons. The space incorporates raised planter beds at the western perimeter and at the northern aspect of the terrace to screen views from the terrace area into the hotel rooms. See **Figure 24** below.

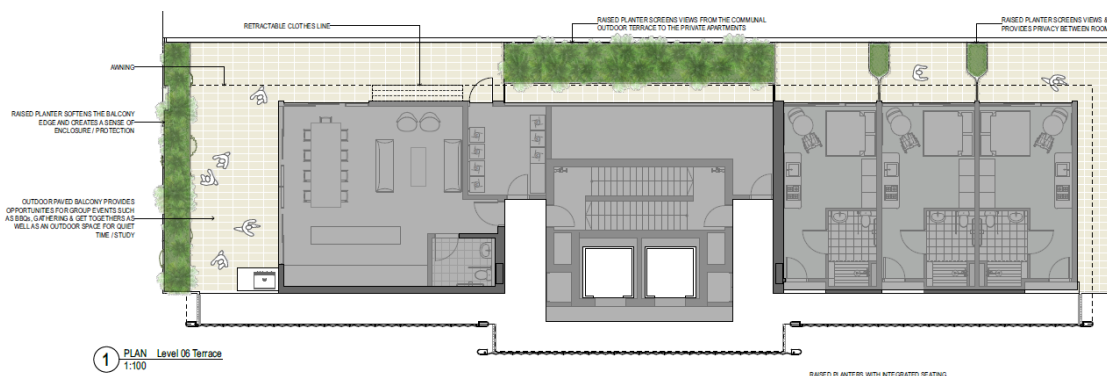


Figure 24 Level 8 roof terrace
Source: FJMT Architects

Landscaping and public domain

The Landscaping and Public Domain Works has several main components. **Figure 25** illustrates the five main components of landscaping and public domain.

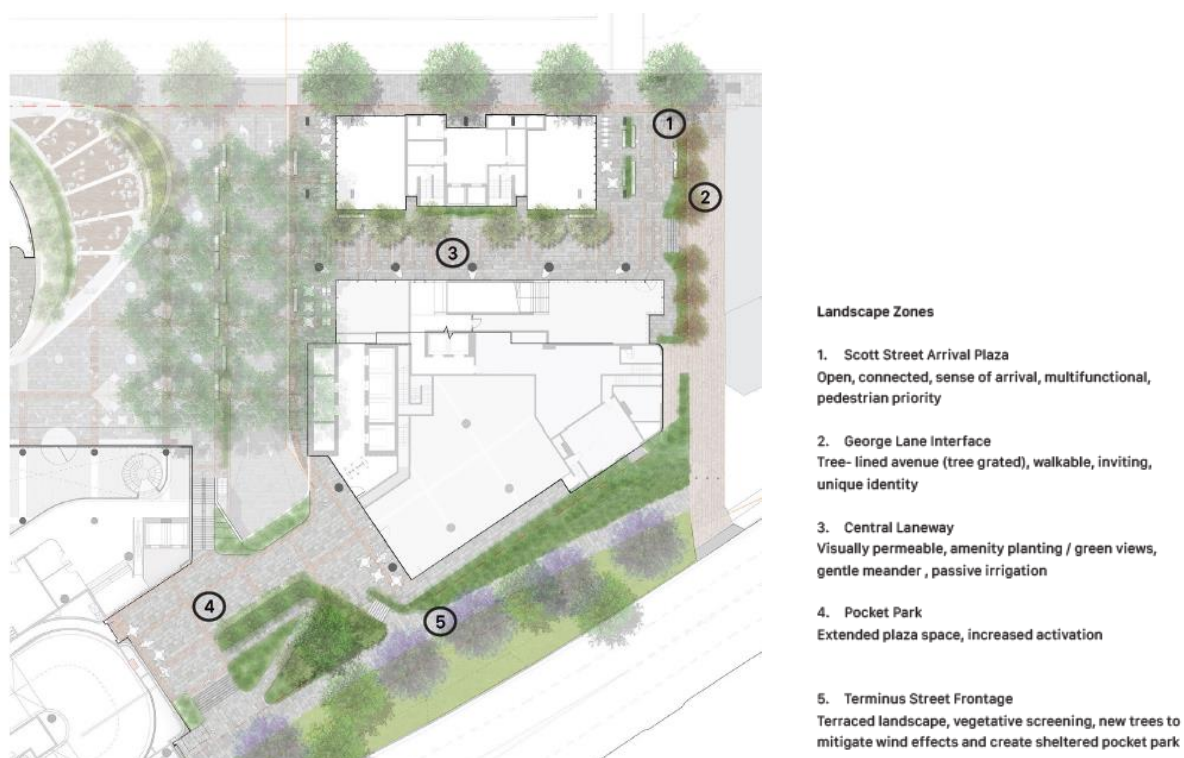


Figure 25 Landscape Zones
Source: FJMT Architects

- The **Scott Street Arrival plaza** is situated at the north-eastern corner of the Phase B/C site and is anticipated as the primary pedestrian access from George Street. The proposed landscaping elements include benches, seats, raised garden beds and turfed areas.
- The **George Lane interface** runs along the eastern side of the hotel and the commercial office building. The proposed interface will be a north-south running laneway and lined with numerous new trees.

- The **Central Laneway** is positioned between the proposed commercial office building and hotel building. The proposed landscaping elements include new trees, groundcovers, integrated planter, bench seats and mass planting features.
- The **Terminus Street pocket park** has been extended as a result of the proposed development, resulting in greater building separation and an enlarged area that provides a clearer visual link between the upper and lower plaza. Refer to **Figure 26** which shows the difference of this scheme with the Concept Approval.

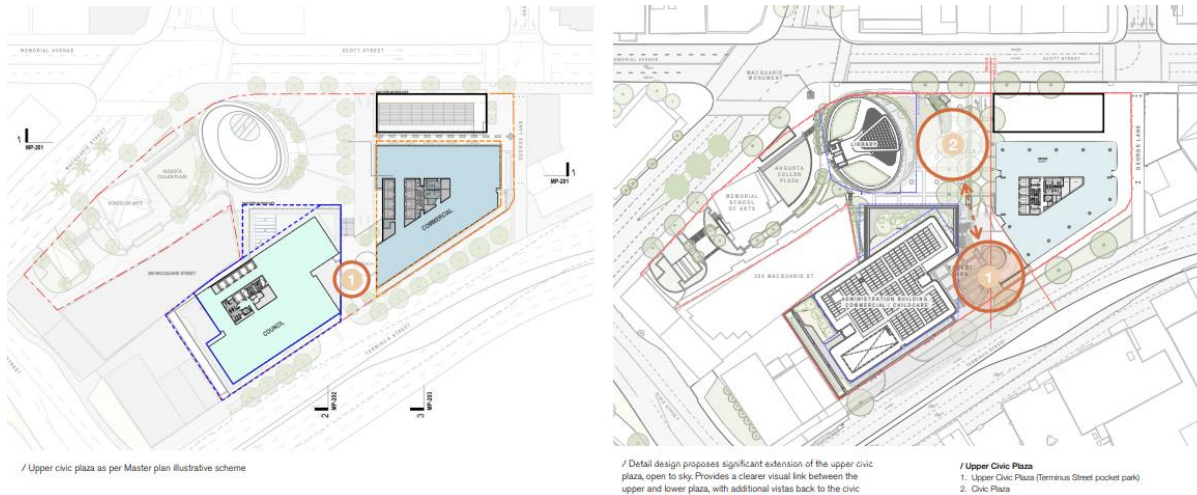


Figure 26 *Extension of the Upper Civic Plaza (Terminus Street)*

Source: FJMT Architects

- The **Terminus Street frontage** runs along the southern boundary of the commercial office building. The proposed landscaping elements include terraced landscaping, vegetative screening, and new trees.

Public Art

In addition to landscaping and the surrounding public domain, public art is also proposed in accordance with the Liverpool Civic Place Art Strategy. Public art is proposed within the north-western corner in the foyer of the commercial office building, overlooking the through site link connecting Scott Street and Terminus Street. Refer to indicative positioning of public artwork within the commercial office building foyer at **Figure 27** below.

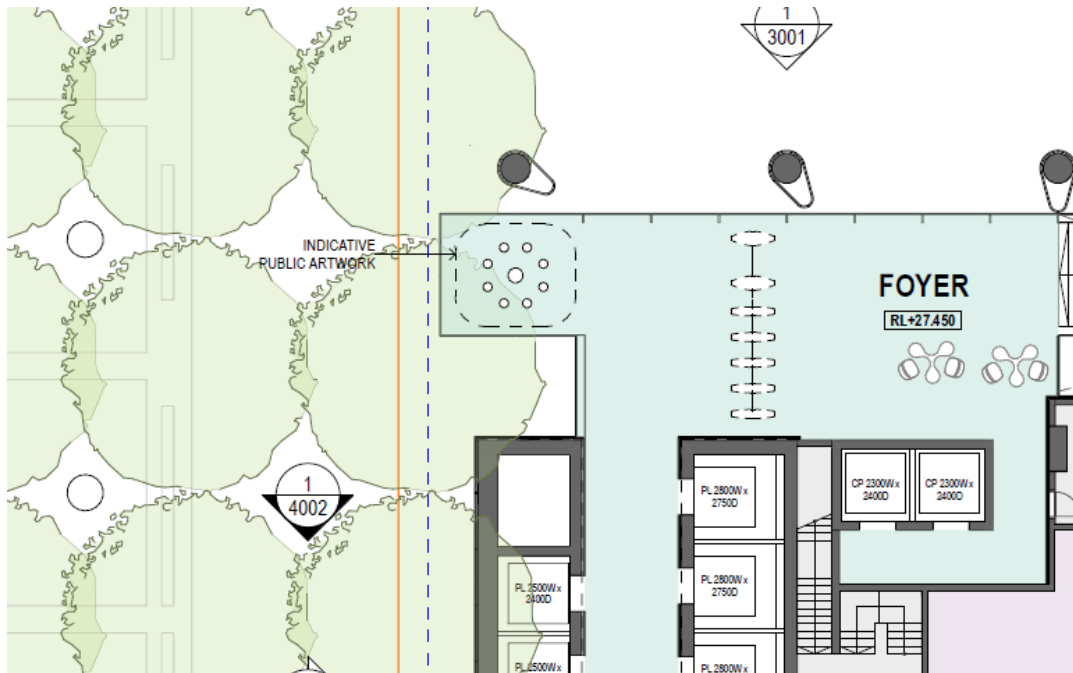


Figure 27 *Indicative public artwork position within commercial office building foyer*
Source: FJMT Architects

A photomontage of the proposed public artwork position is provided in **Figure 28** below. The photomontage illustrates that the proposed public art will be seen below from the through site link and the central laneway between the hotel and office building, as well as within the foyer of the commercial office building.

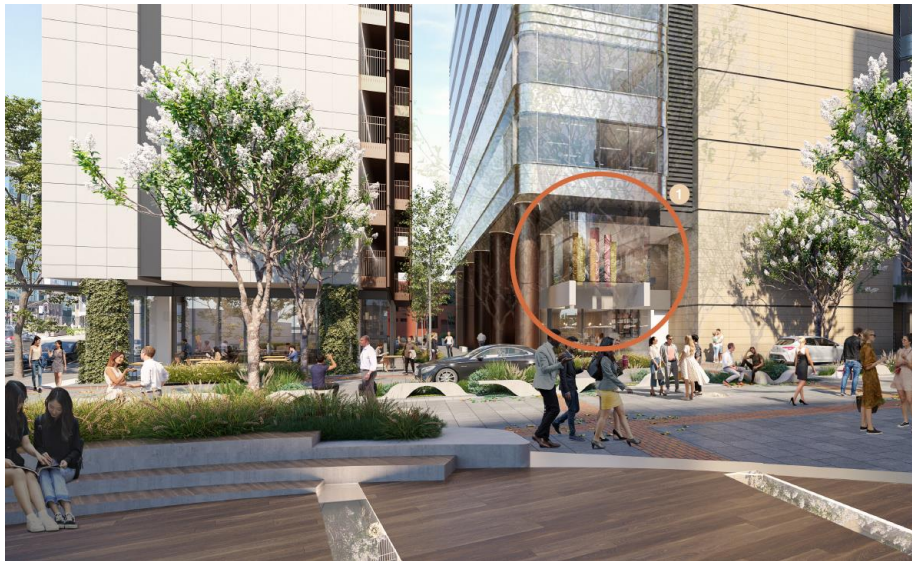


Figure 28 *Photomontage of proposed public art*
Source: FJMT Architects

Transport, Access and Parking

- Vehicle access is gained from Scott 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.
- The carpark is located on Basement levels 01 to 04. The car park will contain 150 car parking spaces, 20 of which are allocated to the Hotel use. A total of 12 motorcycle spaces are proposed.

- The loading dock for service vehicles is provided on lower ground level. The loading dock consists of 2 spaces for a Small Rigid Vehicle (SRV) and 2 spaces for a Medium Rigid Vehicle (MRV). Manoeuvring is to be provided by a truck turning table.



Figure 29 **Vehicle access strategy**

Source: FJMT Architects

- A total of 147 bicycle spaces are provided in Basement Level 01 accessible via the public lobby or by the carpark ramp. 30 visitor spaces are provided as part of DA-836/2020 for shared use with the proposed development. End-of trip facilities are also proposed on this level in the form of 148 lockers and 16 showers.



Figure 30 *Bicycle provision and access*

Source: FJMT Architects

Service Infrastructure

- The proposed stormwater concept consists of one combination treatment tank installed to service the office building. The roof catchments of the building will be discharged into the proposed tank. This tank connects to the new treatment pit to be located to the north-western corner of the site.

In addition, both the run-off collected by the roof of the hotel building and run-off generated between the office building and hotel building will be captured through drains that will reticulate to this treatment pit.

- Run-off from Georges Lane will be captured in a treatment pit for discharge to the existing pit in Scott Street.
- Back of house areas including location of the proposed substation are located within the building along the Terminus Street and Georges Lane frontage.

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 (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Liverpool Local Environmental Plan 2008 (LLEP 2008)*

EPIs that have been on public exhibition

- *Draft State Environmental Planning Policy (Remediation of Land); 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 LLEP 2008.

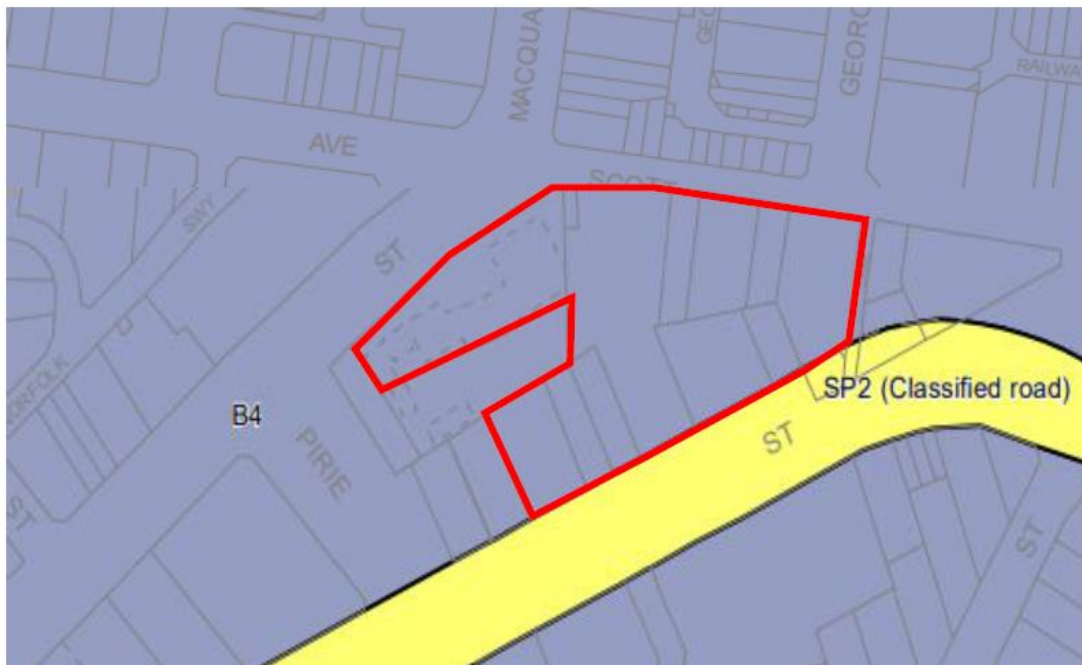


Figure 31 **Landscaping and Public Domain Plan**

Source: Council map with Architectus Overlay

5.1.3 Land Use Permissibility

The proposed development is a “mixed use development”, which comprises the land use definitions in **Table 4** the below.

Table 4 *Land Use Definitions*

Commercial Premises	Means any of the following – a) Business premises; b) Office premises; c) Retail premises.
Hotel or motel accommodation	Means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that— a) comprises rooms or self-contained suites, and b) may provide meals to guests or the general public and facilities for the parking of guests’ vehicles, but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation. Note— Hotel or motel accommodation is a type of tourist and visitor accommodation —see the definition of that term in this Dictionary.

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

6. ENVIRONMENTAL ASSESSMENT

The proposed development must be 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 EP&A Act, which 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 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, DA-585/2019 has been and is being modified again pursuant to Clause 4.55(1A) of the EP&A Act. Consistency of the proposed development with the consent for the concept proposal, including modification applications, is detailed in the **Table 5** below:

Table 5 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-1080/2020 proposes to carry out development on the site in accordance with the Conditions of this Concept Approval, except for Condition 24. However, this is proposed to be deleted as part of 4.55(1A) Modification Application No. DA-585/2019/B.	Complies subject to approval of DA-585/2019/B.
3. <i>This consent does not approve any residential land uses other than boarding houses on the subject site.</i>	No residential land use is proposed with DA-1080/2020.	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</i>	The Panel Chair endorses the following plan in accordance with Condition 4 and 5. • Public Domain and Landscape Plan Lower and Upper Ground, as	Complies

Condition	Proposed	Compliance
<p><i>Approval, a detailed Public Domain and Landscape Plan must be 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</i></p>	<p>prepared by fjmt, sheet no. PD8001, revision 03, dated 14/5/21.</p>	

Condition	Proposed	Compliance
<p><i>and Landscape Plan to be prepared by the Applicant.</i></p> <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> <p><i>a) Identify any landscape constraints, including (but not limited to) setbacks, existing street trees, landscape features, screening / buffer requirements</i></p> <p><i>b) Include public domain design guidelines that are to be implemented across the subject site</i></p> <p><i>c) Identify the location of public domain areas within the site, providing detail on their role, character and extent</i></p> <p><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></p> <p><i>e) Identify the location of trees, planters, water sensitive urban design treatments, deep soil and direct sunlight to public domain areas</i></p> <p><i>f) Detail design principles for roof terraces, including (but not limited to) how planting, deep soil, access and shade would be implemented</i></p> <p><i>g) Identify any intended design elements such as green roofs and walls, water sensitive landscape design treatments and sustainability targets</i></p> <p><i>h) Demonstrate consistency with the relevant landscape provisions of the Liverpool Development Control Plan</i></p>		

Condition	Proposed	Compliance
<p><i>2008 and Liverpool City Centre Public Domain Master Plan</i></p> <p>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></p>		
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-1080/2020 is consistent with the endorsed Public Domain and Landscape Plan.	Complies
7. <i>[Deleted]</i>	N/A	N/A
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 provides conditions of consent.	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 26 November 2020 for the proposed development prior to the lodgement of DA-1080/2020.	Complies
10. <i>[Deleted]</i>	N/A	N/A
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. Refer to the Table 6 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 under DA-836/2020. Not relevant to DA-1080/2020.	N/A

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>		
<p>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.</p>	<p>DA-1080/2020 is consistent with the endorsed Public Domain and Landscape Plan.</p>	<p>Complies</p>
<p>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.</p>	<p>A Civil Engineering Report and accompanying drawings has been completed in accordance with these conditions. A copy can be found at Attachment 13 and 24. 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.</p>	<p>Complies</p>
<p>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.</p>		
<p>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</p>		
<p>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.</p>		
<p>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</p>		

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 consideration. 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>Not applicable to this DA. The statue is being retained as demonstrated in the Public Domain and Landscape Plan and drawings for approval as part of DA-836/2020.</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>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 addressing all the requirements contained in the letter from TfNSW to Council in Attachment 1 of this consent.</i> <i>Allocation of car parking spaces - information regarding the allocation of car parking spaces to the various land uses, including adequate provisions for</i> 	<p>A Traffic Report has been submitted with DA-1080/2020 for consideration of matters referred to in Condition 23 except for endorsed vehicular access arrangement, noting that these arrangements are facilitated by DA-836/2020.</p> <p>Regarding the allocation of car parking spaces, Council's Traffic Branch has no objection to the proposal.</p>	<p>Complies</p>

Condition	Proposed	Compliance
<i>bicycle and motorcycle parking in the revised TIA.</i>		
24. <i>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>The LEP rates generate a requirement for 167 parking spaces for the development. The development provides for 150 parking spaces.</p> <p>A Clause 4.6 variation has been submitted to vary this development standard. Refer to this discussion in Section 6.1.5 of this Planning Assessment Report.</p> <p>Furthermore, a 4.55 Modification Application No. 585/2019/B has been lodged proposing to delete this condition under the approved Concept DA. DA-1080/2020 can be determined once the Modification is approved.</p> <p>It is understood that Council is expediting its assessment of this Modification Application to determine DA-585/2019/B prior to the scheduled determination meeting with the SWCPP on 19 April 2022.</p>	No, but Condition to be deleted as part of DA-585/2019/B
25. <i>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>	Drawings have been provided for assessment. A condition will be imposed on any consent granted for these details to be provided.	Complies
26. <i>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>		
27. <i>[Deleted]</i>	N/A	N/A
28. <i>Provide a footpath design that ensures pedestrian priority along Scott Street. The pavement design at driveway locations must include:</i> <p>a) <i>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)</i></p>	Provided under DA-836/2020. Not relevant to DA-1080/2020.	N/A

Condition	Proposed	Compliance
<p>b) <i>The driveway is to be designed flush with the pedestrian pavement along Scott Street and only demarcated by the change in pavement</i></p> <p>c) <i>The pedestrians have priority over vehicle movements. And the space must be demarcated as such</i></p>		
29. <i>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.</i>	An awning is provided along Scott Street (east of the driveway access) to the hotel building. A condition will be imposed on any consent that street trees must be provided and designed into the street awning.	Complies
30. <i>Include sun-shading and façade treatments are functional in reducing heat-gain from sun exposure.</i>	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. <i>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.</i>	The proposed development has been accompanied by a Wind Impact Assessment that incorporates wind tunnel modelling. A copy can be found at Attachment 20 to this Report.	Complies
32. <i>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 consideration of impacts on surrounding sensitive receivers.</i>	The proposed development has been accompanied by an Acoustic Impact Assessment. A copy can be found at Attachment 22 to this Report.	Complies
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</i>	No excavation is proposed as part of this DA. It was undertaken as part of DA-906/2019.	N/A

Condition	Proposed	Compliance
<i>density outlined in the NSW EPA Contaminated Sites Sampling Design Guidelines (1995).</i>		
34. 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).	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 6 Table of Consistency of the proposed development with the approved Building Envelopes, vehicle entry and basement envelopes

Control	Concept DA Approval	Phase B/C Proposal	Difference between applications	Consistency with Concept DA
Vehicle Entry	Vehicle entry from Shared Zone to be delivered under Phase A.	Vehicle entry proposed from Shared Zone to be delivered under Phase A.	Nil	Yes
Pedestrian Link	East-west pedestrian link provided within podium envelope	An east-west pedestrian link is provided in the same location between the hotel building and the office tower	Although the east-west link is externalised, it is located in the intended location as shown in the concept plans.	Yes
Basement Envelopes	RL 8.00	RL 9.10	- 1.1m	Yes
Land Uses	Either (or a combination of) commercial premises, educational establishment, tourist and visitor accommodation or boarding house uses	Commercial office, retail and tourist and visitor accommodation (i.e. hotel or motel accommodation) uses	Nil	Yes
Building Height				Yes
<ul style="list-style-type: none"> Podium/Small Building Tower 	<ul style="list-style-type: none"> RL 50.50 to RL 56.50 RL 115.90 to RL 118.85 	<ul style="list-style-type: none"> RL 50.50 to RL 54.20 RL 111.50 to RL 116.75 	<ul style="list-style-type: none"> 2.3m less 3.6m to 5.2m less 	
Podium/small building setbacks and separation				
<ul style="list-style-type: none"> North 	<ul style="list-style-type: none"> Nil setback to Scott Street up to RL 50.50 	<ul style="list-style-type: none"> Nil setback up to RL 50.50 	<ul style="list-style-type: none"> Nil 2.3m less 	Yes

Control	Concept DA Approval	Phase B/C Proposal	Difference between applications	Consistency with Concept DA
	<ul style="list-style-type: none"> 3 metre setback from Scott Street up to RL 56.50 	<ul style="list-style-type: none"> 3 metre setback from Scott Street up to RL 54.20 		
<ul style="list-style-type: none"> South 	<ul style="list-style-type: none"> 0m setback to Terminus Street up to RL 56.50 	<ul style="list-style-type: none"> 0m rear setback to Terminus Street up to RL 55.00 	1.5m less	Yes
<ul style="list-style-type: none"> East 	<ul style="list-style-type: none"> 0m setback to George Lane 	<ul style="list-style-type: none"> 2.7m - 7.1m setback from George Lane 	2.7m to 7.1m more	Yes
<ul style="list-style-type: none"> West 	<ul style="list-style-type: none"> 26m separation to library building in Phase A 	<ul style="list-style-type: none"> 31.7m separation to library building 	+5.7m	Yes
Tower setbacks and separation				
<ul style="list-style-type: none"> North 	<ul style="list-style-type: none"> 15.9m setback from Scott Street 	<ul style="list-style-type: none"> 15.9m setback 	Nil	Yes
<ul style="list-style-type: none"> South 	<ul style="list-style-type: none"> 2.5m setback from Terminus Street 	<ul style="list-style-type: none"> 2.5m setback from Terminus Street 	Nil	Yes
<ul style="list-style-type: none"> East 	<ul style="list-style-type: none"> 4.5m separation from George Lane above RL 56.50 	<ul style="list-style-type: none"> 4.5m separation from Georges Lane above RL 56.50 	Nil	Yes
<ul style="list-style-type: none"> West 	<ul style="list-style-type: none"> 12m separation from public administration building in Phase A 	<ul style="list-style-type: none"> 19.7m – 20.7m separation from adjacent site 	+ 7.7m to 8.7m	Yes

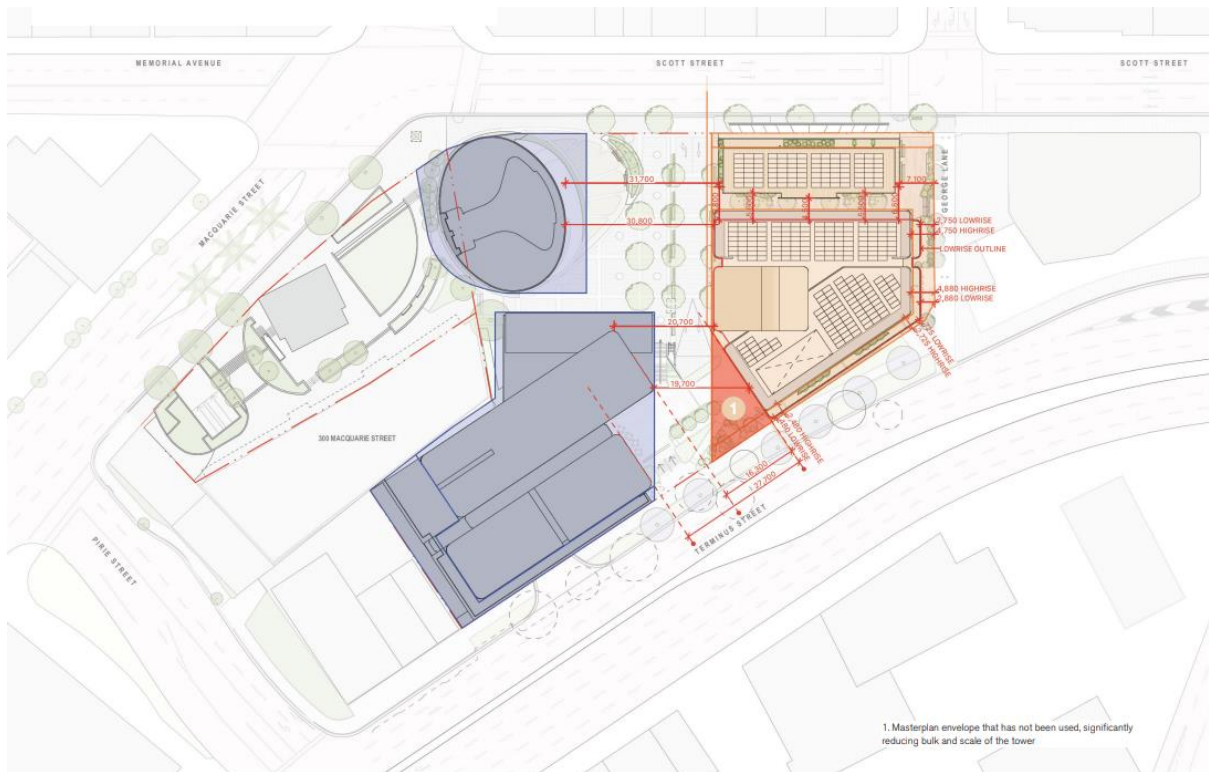


Figure 32 Envelope comparison plan (Concept DA building envelopes identified in light blue colour for Phase A site and light orange colour for Phase B/C site)
Source: FJMT Architects



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

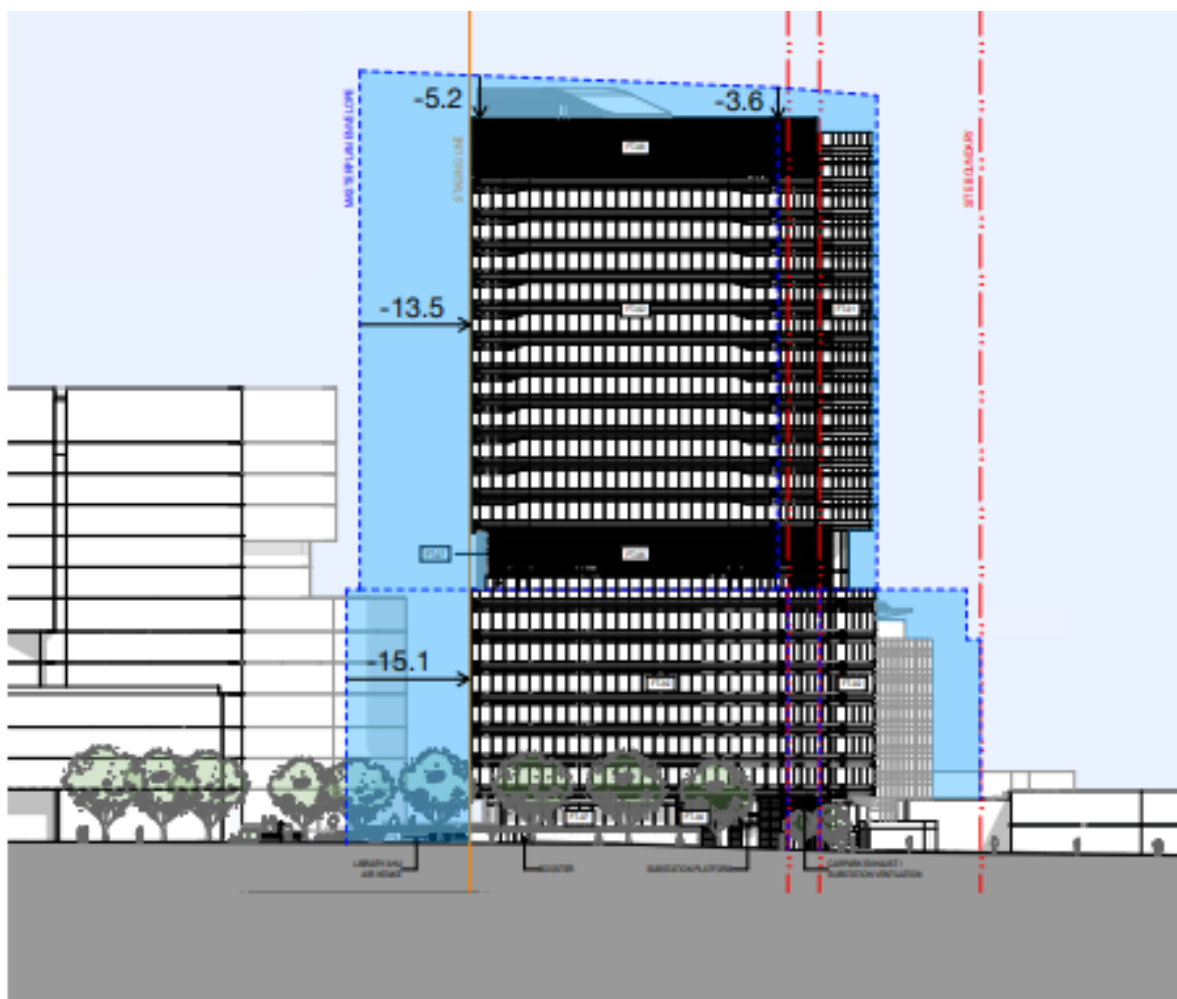


Figure 34 Envelope comparison elevation (Concept DA building envelope identified in light blue colour)

Source: FJMT Architects

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

6.1.1 State Environmental Planning Policy (Planning Systems) 2021

As the proposal is a class of development described in Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, being a Council related development that has a CIV over \$5 million and a CIV over \$30 million, Part 2.4 of the Planning Systems SEPP applies to the DA. Under Part 2.4 of the SEPP, the Council's consent function is exercised by the SWCPP.

6.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Pursuant to Clause 2.4 of Chapter 4 of 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 Chapter 4 of SEPP (Resilience and Hazards) 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-1080/2020. 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-1080/2020.

6.1.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

The site has a frontage to Terminus Street, a classified road. Relevantly, the following provisions of SEPP (Transport and Infrastructure) 2021 are required to be addressed with the application:

Clause 2.118 Development with frontage to a classified road

The proposal has frontage to a classified road. Relevantly, Section 2.118(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).

Access to the public car parking spaces and loading dock area will be from Scott Street, via the shared zone to be delivered under DA-836/2020. No vehicular access is proposed to Terminus Street as part of DA-1080/2020.

Notwithstanding, the ongoing operation of the surrounding road network has been assessed. Council's traffic branch considers that the road network will not be adversely affected by the development.

Furthermore, having regard to subclause (c), it is considered that the development is of a type that is not sensitive to traffic noise or vehicle emissions.

Clause 2.121 Traffic generating development

The proposal seeks approval for a commercial premises greater than 10,000m² in GFA. Therefore, the proposed development is deemed to be "Traffic generating" development under Section 2.121 of the SEPP. Relevantly, sections 2.121(3) and (4) read as follows:

(3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—

(a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and

(b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.

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

(a) give written notice of the application to TfNSW 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, TfNSW 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 comment pursuant to Section 2.121 of SEPP (Transport and Infrastructure). TfNSW have reviewed the proposed development issued conditions of consent. Similarly, Council's Traffic Branch support the DA, 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, trip generation rates of 0.56 and 0.48 vph for the AM and PM peak periods have been applied to the Concept Approval. Based on the derived rates, it predicts the traffic generation of the Phase A development to be 200 and 141 vph in the AM and PM peak period, respectively. This is predicted to increase to 272 and 203 vph in the AM and PM peak period, respectively, when Phases B and C are added.

The TIA shows that the Phase B/C project involves a similar level of traffic compared with the Concept Approval, with minor changes (an increase of 10 and 8 vehicles during the morning and evening peaks respectively), which it considers will not have significant impact on the surrounding road network.

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.

Given the above, the proposed development is acceptable in relation to impacts associated with traffic generation, noting that these matters were also considered in the Concept Approval.

Vehicular Access and Parking

Pursuant to Clause 7.3 of LLEP 2008, a total of 167 car parking spaces (5 car parking spaces for Ground Floor Uses, 142 spaces for commercial office uses and 20 spaces for Hotel Uses) are required to be provided. The proposal provides for 150 car parking spaces (5 car parking spaces for Ground Floor Uses, 125 spaces for commercial office Uses and 20 spaces for Hotel Uses). Therefore, a shortfall of 17 commercial spaces is proposed. A detailed discussion of this matter is provided in Section 6.1.5 of this Report.

Notwithstanding this, it should be noted that the application was referred to both TfNSW and Council's Traffic and Transport Branch for comments. TfNSW and Council's Traffic and Transport Branch have not raised objection to the proposed development. Accordingly, it is considered that the provision of car parking is acceptable considering the proximity of the site to numerous transport options, public parking to be provided in DA-836/2020 and provision of bicycle parking and end-of-trip facilities.

Vehicular access to the development will be provided via the shared zone to be delivered under DA-836/2020. It is noted that the level of traffic generated by this proposal is consistent with those trips forecasted under the Concept Approval, ensuring that the overall level of traffic continues to be adequate for the proposed Shared Zone, which relies on a limited vehicular movement to provide a safe pedestrian environment. Conditions have been imposed to ensure the Shared zone is delivered under DA-836/2020 prior to occupation for this DA.

In this regard, it is considered that the proposed development is consistent with the provisions of Section 2.121 of the Transport and Infrastructure SEPP.

6.1.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 11 of the SEPP (Biodiversity and Conservation) 2021 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 (Section 11.2). Accordingly, a table summarising the matters for consideration in determining a development application (Section 8 and Section 11.7), and compliance with such is provided in **Table 7** and

Table 8 below.

Table 7 *Table of Compliance for Section 8 of Chapter 11 of SEPP (Biodiversity and Conservation)*

Section 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 co-locate 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)	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004. The proposed development has provided acceptable water management procedures and infrastructure.
(e) the <i>Georges River Catchment Regional</i>	The Civil and Stormwater Engineering Report outlines the

<i>Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning)	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.

Table 8 *Table of Compliance for Section 11.7 of Chapter 11 of SEPP (Biodiversity and Conservation)*

Section 11.7 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	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	The proposed development is in the catchment of a future sewer lead in main along Macquarie Street. Construction of the main is anticipated to be completed at the end of 2022 Sydney Water has approved the application, subject to conditions of consent.
(9) Urban/stormwater runoff	The proposed stormwater drainage is supported by Council's Engineering Branch to service the development.
(10) Urban development areas	The site is not identified as being located within the Southwest 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 Chapter 11 of the Biodiversity and Conservation SEPP to the extent considered appropriate in this instance.

6.1.5 Liverpool Local Environmental Plan 2008

As stated previously the subject site is zoned B4 Mixed Use Zone under 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 proposed development 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) Provisions of LLEP 2008

The provisions of the LLEP 2008 which are applicable to the proposal have been outlined and addressed in **Table 9** below.

Table 9 *Applicable provisions of LLEP 2008*

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	Complies by virtue of Clause 7.5A The maximum height for the site under the Height of Buildings Map of LLEP 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 RL 50.50 to RL 56.50 (approximately 30 metres) for the podium and RL 115.90 to RL 118.85 (approximately 94 metres) for the tower. The height of the proposal complies with the height limits of the Concept Approval.
Clause 4.4 - Floor Space Ratio	Maximum FSR of 3:1	The maximum FSR for the site under the FSR map of LLEP 2008 is 3:1. However, by virtue of Clause 7.5A(2) of LLEP 2008, the site benefits from an FSR of up to 10:1 provided the development does not extend beyond the building envelopes of the Concept Approval.

		The proposal has a GFA of 25,162m ² . Combined with the GFA approved under DA-836/2020, the overall GFA at the site will be 46,831m ² . When using the site area that was subject of the approved Concept Proposal (9,348m ²), this equates to a FSR of 5:1.
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 Clauses 7.3 and 7.4 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.	Complies The application was referred to Council's heritage advisor for comments who has advised that while the site as a whole is adjacent to the Memorial School of Arts, the primary focus of impact is through the Library and Council's Civic Building which were separately assessed under DA-836/2020. Therefore, there are no objections to the proposal, subject to conditions of consent.
Clause 7.1 – Objectives for Development in Liverpool City Centre	Proposed developments must be consistent with the objectives.	Complies The proposal is considered to satisfy the objectives of Clause 7.1 as it provides a development that it: <ul style="list-style-type: none"> • Significantly improves the public domain and improves the quality of public spaces in the city centre. • Provides a detailed design that will enable tourist and visitor accommodation and commercial development near a major transport hub, being the Liverpool Train Station and the Liverpool-Parramatta transitway. • Provides a development that has given appropriate consideration the existing site constraints and the surrounding local and wider context. • 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	Not Applicable The development does not propose any residential accommodation.

	the land on which the development is to be carried out.	
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	<p>Complies</p> <p>The proposal does not create additional overshadowing to any of the areas nominated under this clause.</p>
Clause 7.3 – Car parking in the Liverpool City Centre	<p>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.</p> <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. 	<p>Does not comply</p> <p>A total GFA of 25,162m² is proposed. A breakdown of this GFA and parking demand generated by that GFA is provided below:</p> <ul style="list-style-type: none"> - Ground floor uses - 1,018m² at a rate of 1 space per 200m² generates a requirement for 5 car parking spaces, - Commercial uses - 21,243m² at a rate of 1 space per 150m² generates a requirement for 142 car parking spaces, and - Hotel uses – 2,901m² at a rate of 1 space per 150m² generates a requirement for 20 car parking spaces. <p>The proposed development generates a total car parking requirement of 167 spaces. The development provides for 150 car parking spaces with the following mix:</p> <ul style="list-style-type: none"> - Ground floor uses - 5 parking spaces are proposed, and - Commercial uses - 125 parking spaces are provided; and - Hotel use – 20 spaces are provided. <p>Therefore, there is a shortfall of 17 spaces, attributed to the commercial uses at the site. The ground floor uses, and hotel uses have a car parking provision that is consistent with the applicable LEP rates.</p> <p>This proposed shortfall in car parking is addressed in the discussion below table.</p>
Clause 7.4 – Building separation in Liverpool City Centre	<p>Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least:</p> <ul style="list-style-type: none"> - 12 metres for parts of buildings between 25 and 45 metres above ground level 	<p>Does not comply</p> <p>Refer to discussion below table.</p>

	<p>(finished) on land in Zone B3 Commercial Core or B4 Mixed Use, and</p> <ul style="list-style-type: none"> - 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 	
Clause 7.5 – Design Excellence	Must comply with Clause 7.5(3) with regards to exhibiting design excellence.	<p>Complies</p> <p>The proposal has been subject to two DEP meetings and a Desktop Review. The DEP 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. A condition will be imposed on any consent for DIP process to be undertaken post-determination, as per the request of the DEP.</p>
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.	<p>Complies</p> <p>See below for further details</p>
Clause 7.7 Acid Sulfate soils	The site is mapped as Class 5 under the Acid Sulfate Soils Map in the LLEP 2008	<p>Not Applicable</p> <p>Acid Sulfate Soils was considered with the Early Works detailed application, approved by the SWCPP on 29 June 2020.</p>
Clause 7.14 – Minimum building street frontage	A minimum building street frontage of 24m is applicable.	<p>Complies</p> <p>The site has multiple frontages that exceed 24m.</p>
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	<p>Complies</p> <p>The application does not provide any residential accommodation on the ground floor.</p>
Clause 7.17 – Airspace operations	Provisions to protect airspace around airports	<p>Complies</p> <p>The application was reviewed by Bankstown Airport authority who raised no objection to the proposed development. 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 14 to this Report.</p>

Clause 7.3 – Car Parking

The car parking rates provided in Clause 7.3 generates a total requirement of 167 spaces, including:

- 5 car parking spaces for the 1,018m² of ground floor GFA;
- 142 car parking spaces for the 21,243m² of commercial office GFA on all other levels; and

- 20 car parking spaces for the 2,960m² of hotel GFA on all other levels;

The proposal seeks approval for a total of 150 car spaces (5 car parking spaces for Ground Floor Uses, 125 spaces for commercial office Uses and 20 spaces for Hotel Uses) resulting in a shortfall of 17 spaces (or a 10.18% variation) from the rates under Clause 7.3 of the LEP. More specifically, the variation relates to the shortfall of 17 spaces experienced by the commercial (i.e., 125 spaces are proposed when the requirement generated is 142 spaces).

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 at Attachment 4.

The submitted written request to vary Clause 7.3 (Car Parking 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, and is discussed below:

The objectives and standards of Clause 4.6 of the LLEP 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 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. 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.*
- *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.

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.

- 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.*
- 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.*

It is accepted that strict compliance with the applicable separation requirements prescribed by Clause 7.3 of LLEP 2008 is unreasonable or unnecessary having regard to the above reasons.

2. Consistency with objectives of the development standard Clause 7.3 Car Parking in the Liverpool City Centre

The objectives of Clause 7.3 and assessment are as follows:

(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.

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 and End of Trip Facilities (a surplus of 27 bicycle spaces). A condition is to be imposed on any consent granted for the preparation of a green travel plan for the approval of Council's Traffic Branch, prior to occupation. The implementation of this green travel plan coupled with the abundance of bicycle facilities will provide a mechanism that encourages the adoption of sustainable travel for the journey to and from work.

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.

The range of sustainable modes available in proximity to the site will be sufficient to cater for the travel demands of the proposal. Providing an additional 17 commercial office car parking spaces, where the demand can be met by more sustainable modes of transport, results in unnecessary vehicle trips and additional traffic impacts. Furthermore, although unlikely, DA-836/2020 was approved with a surplus of public and private parking provision that is also an option for those who choose to drive to the site.

It should be noted that the application was referred to both the TfNSW and Council's Traffic and Transport Branch for comments. TfNSW and Council's Traffic and Transport Branch raised no objection to the proposed

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

3. Consistency with objectives of the zone – 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 uses that will serve the need of the local and wider community. It provides for a mixed-use development that encourages employment opportunities as well as tourist and visitor accommodation within walking distance of active and sustainable transport modes.

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. 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.

In this case, the proposed variation improves consistency of the development with the objectives of the B4 zone, given that the reduced car parking provision will maximise public transport patronage as well as walking and cycling. The provision of bicycle parking and end-of-trip facilities in addition to the abundance of public transport options in proximity of the site, will ensure that alternative modes of transport are attractive and viable options.

4. Consistency with Clause 4.6 objectives

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

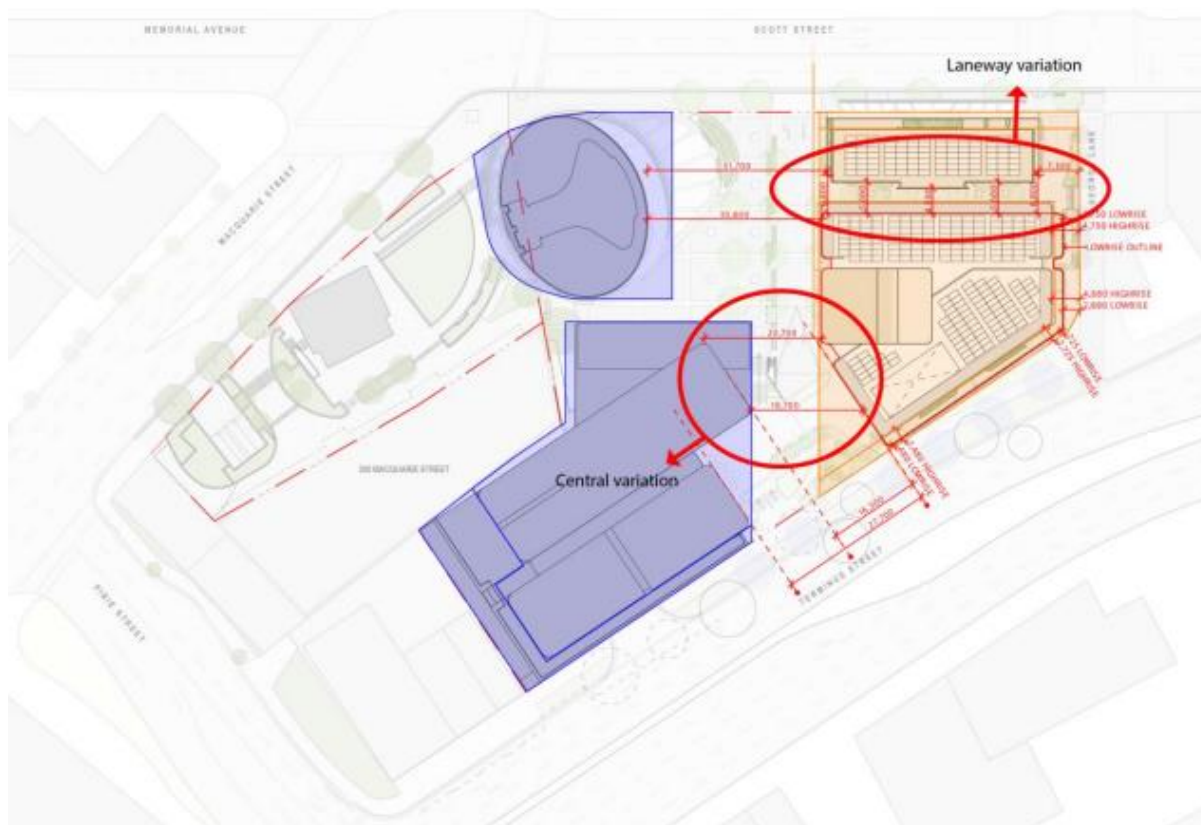
It is considered appropriate in this instance to apply a degree of flexibility when applying the car parking development standard as achieves a better outcome for and from development.

5. Recommendation

Further to the discussion above, it is considered the proposed variation to Clause 7.3 “Car Parking in the Liverpool City Centre” has satisfied the provisions of Clause 4.6 and is supported in this circumstance.

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

- Portions of the proposed development do not comply with the 12m building separation required under Clause 7.4 (refer to **Figure 35**).



Source: FJMT Architects

The building separation between the proposed commercial office building and the approved south-western public administration building (the detailed design of which is approved under DA-836/2020) ranges from 19.7 to 27.7m above 45m in height. Clause 7.4(2)(e) requires a minimum separation at this height to be 28m. The proposed variation to this development standard ranges from 0.3m (1.1%) to 8.3m (29.6%). It should be noted that the extent of the non-compliance is limited to three storeys of the office tower, as the highest point of the adjacent south-western building was approved up to a height of approximately 60 metres. Refer to **Figure 36**.

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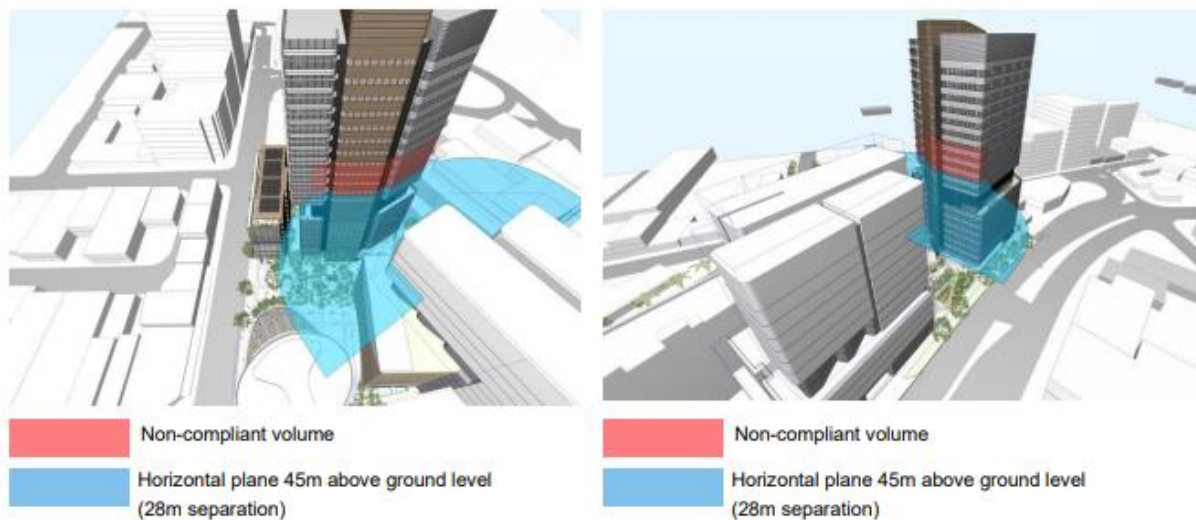


Figure 36 *Perspectives of central variation (variation viewed from the west and south-west, respectively)*

Source: FJMT Architects

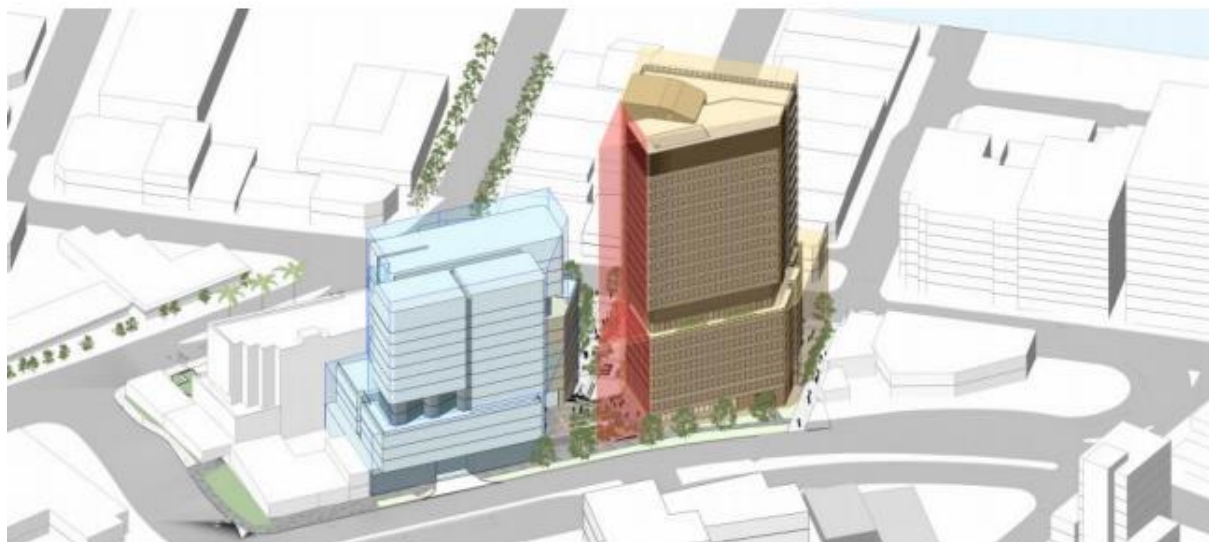


Figure 37 *Reduced bulk and scale due to increase central setback*

Source: FJMT Architects

b) Laneway variation

The building separation between the proposed commercial office building and hotel building ranges from 4.5m to 6.8m between 25m and 45m in height above ground level. Clause 7.4(2)(d) requires a minimum separation at this height to be 12m. The proposed variation to this development standard ranges from 5.2m (43.3%) to 7.5m (62.5%). It should be noted that the extent of the non-compliance is limited to two storeys of the hotel building. Visualisations of the laneway variation are provided in **Figure 38**.

The Concept Plan approval does not indicate any separation requirements between the office building and hotel building as the building envelopes allow for a single tower on podium building. In this case, although the hotel building is well within the podium envelopes of the Concept approval, the proposed development has opted for a hotel building that is physically separated from the office building to the south, allowing for an east-west laneway connection between these buildings.

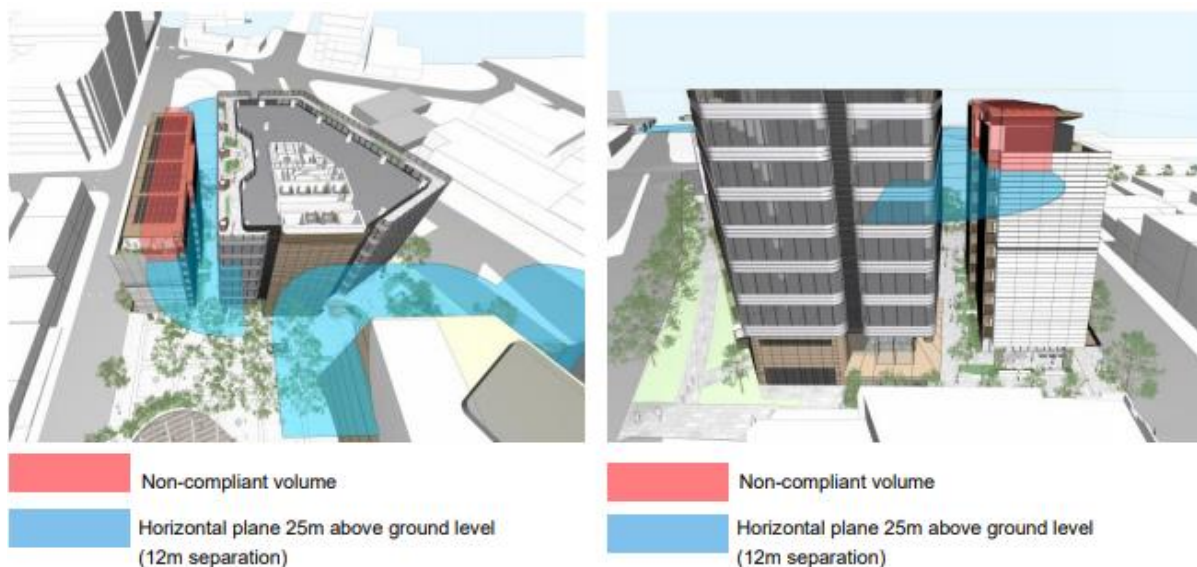


Figure 38 Perspectives of laneway variation (variation viewed from the west and the east, respectively)
Source: FJMT Architects

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 at Attachment 3.

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 development standards of Clause 4.6 of LLEP 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:
 - (b) the consent authority is satisfied that:
 - i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
1. Written request addressing why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the contravening of the development standard

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

- The proposed variation divides the proposed commercial office building from the civic building to be located in Phase A of the Liverpool Civic Place project, which contains a mixture of public administration, commercial office, and child care uses. Both buildings do not contain any residential uses. As a result, vast building separation is not warranted, which would otherwise be required to maintain high levels of privacy to any private dwellings in the circumstance of these buildings containing

residential development. It is widely accepted that these uses can coexist in neighbouring buildings without warranting a significant building separation to maintain privacy.

In addition to this, it is highlighted that the central variation relates to the secondary façade or short sides of the building envelopes. The primary facades of the western envelope are oriented to the north west and south west and the primary facades of the eastern envelope are oriented to the north and the south.

- The site is located in a local context that is characterised by the heritage significant 'Hoddle grid' network as detailed at Section 4.1.1. The proposed building separation variation is a result of creating a building separation between Phase A and Phase B and C and has been informed by the spatial characteristics of George Lane. This is considered a strong urban design move which is unique to the site, and will stitch the proposed development to its local urban context.*
- The main issue arising from the laneway variation are potential privacy impacts on the co-living rooms contained in the co-living building. However, these are effectively mitigated through the proposed development's incorporation of a perforated bronze screen along the southern façade of the building. The screen conceals the co-living rooms from direct overlooking from the commercial office building. Moreover, the colour and materiality of the screen harmoniously integrates with the broader Liverpool Civic Place precinct and the proposed development.*
- The two buildings are separated by an open laneway and associated landscaping embellishments which improves the permeability of the precinct. It is noted that close building proximity and ground floor activation are inherent to a successful laneway. The extent of the proposed separation allows for a harmonious built form relationship between the commercial office building and the co-living building, while also allowing for a sense of enclosure and intimacy which is key to the appreciation of the space as a laneway. Furthermore, the ground plane is activated through the inclusion of retail tenancies at the ground plane which are selectively placed so that they front key components of the public domain including the civic plaza, central laneway, and Scott Street pocket park.*
- The shadow cast by the proposed development during the winter solstice will reach south of Pirie Street but pass over residential blocks allowing over 3 hours sunlight between 9am and 3pm, while also allowing the primary open space on Scott / Macquarie Streets to receives over 5 hours of sun, from 11am until the afternoon. The proposal reduces the bulk and scale of the proposed development by minimising the height of the commercial tower by 5.2m and not using part of the approved envelope, therefore resulting in considerably less overshadowing to the building envelopes approved under the Concept DA.*
- The laneway variation does result in any additional shadow impacts on surrounding environment which were assessed and considered acceptable as part of the Concept DA.*
- Windtech 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.*

The proposed design was supported by the Design Excellence Panel in their meeting on 23 March 2021, where they have commented:

"The Panel notes that the proposed building separation (i.e. between the co-living building and the commercial tower) is inconsistent with LEP Clause 7.4. In this instance, the proposed separation distances can be supported based on the following reasons;

- A short length of the proposed laneway;*
- Varying distances of separation towards the centre and the edges;*
- It faces a transitional space servicing a small number of co-living spaces and no habitable rooms front on to the laneway;*
- The design of the privacy screen is being detailed and will be developed further to improve visual amenity/privacy; and*

- *The proposed laneway is not subject to an any adjacent development.”*

Whilst the above variation request and DEP advice were provided prior to the amended application which sought to convert co-living spaces to hotel rooms, it is noted that internal and external design of the building is unaltered, thereby ensuring that the justification remains valid to the current hotel building.

Given the above, 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.*

In terms of privacy, any overlooking between hotel rooms and office space due to the reduced laneway separation distance is resolved by design (i.e., no habitable rooms front onto the laneway and perforated bronze screen on the southern façade of the hotel building) ensuring that even overlooking between transitory spaces is limited.

Regarding the central variation, the proposed development also does not result in any privacy impacts by virtue of the extent of the non-compliance and nature of spaces that overlook one another. The office floors within the proposal that encroach into this setback will only have views of Council office space. Notwithstanding, it is highlighted that the central variation relates to short sides of the floor plates for each building.

In addition to this, the proposed variations to not result in additional overshadowing impacts compared to the impacts that were considered as part of the Concept Approval. In fact, it is noted that the reduced bulk and scale of the proposed development, due to increased setbacks provided by the design, results in a superior solar access outcome to surrounds.

In terms of visual appearance, the development provides for a typology of buildings that has been informed by, yet improves the Concept Approval, through increased building setbacks as well as the externalising of the east-west pedestrian link anticipated by the Concept Approval. Council's DEP has also reviewed the submitted documentation and considers the proposal to exhibit design excellence.

Given the above, it is considered that the proposed development is consistent with the objectives of Clause 7.4 of LLEP 2008.

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 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

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

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 39** 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.

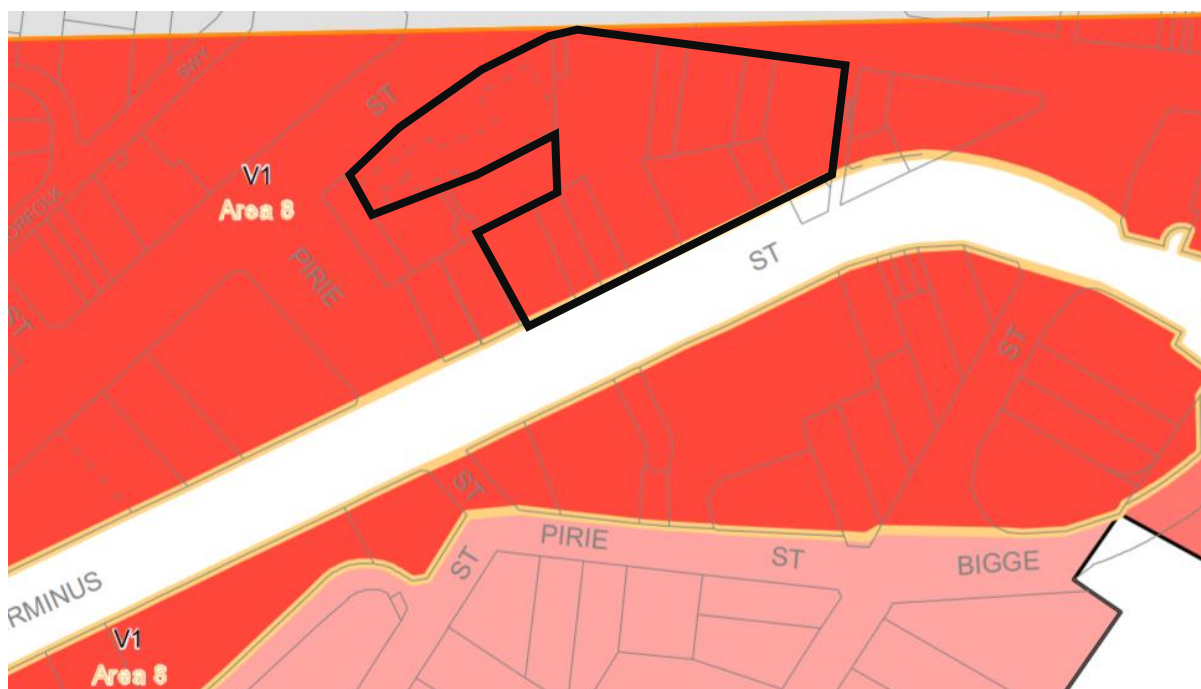


Figure 39 FSR Map with Area 8 identified (location of site is outlined in black)

Source: LLEP 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 LLEP 2008.

DA-836/2020 was approved with a GFA of approximately 21,669m² (comprising of public administration building, commercial premises and information and education facility). DA-1080/2020 proposes an additional 25,162m² of commercial and hotel floor space. In this regard, 100% of the GFA of overall development is for the purposes identified in Clause 7.5A(2)(a) 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. The proposal is consistent with both of these requirements.

(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 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 the relevant Concept Approval as per 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’. The site on which DA-1080/2020 is proposed will be developed for the purpose of ‘information and education facilities’, ‘public car parks’ and ‘through site link’.

In this case, development consent can be granted under Clause 7.5A of LLEP 2008 for DA-1080/2020.

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

The proposal is assessed against the following 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 Draft Environment SEPP contains provisions that are not dissimilar to the gazetted SEPP (Biodiversity and Conservation). The development is not inconsistent with the Draft Environment SEPP.

Draft State Environmental Planning Policy (Remediation of Land)

Draft Remediation Land SEPP contains content that is not dissimilar to the gazetted SEPP (Resilience and Hazards) 2021. The proposed development aligns with the aims and objectives of Draft SEPP.

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 LDCP 2008 apply to the proposed development and prescribe standards and criteria relevant to the proposal. **Table 10** and **Table 11** outlines compliance with the relevant controls in the DCP.

Table 10 *Part 1 – General Controls for all Development – Compliance Table*

Development control	Provision	Comment
Section 2 – Tree Preservation	Controls relating to the preservation of trees	<p>Complies</p> <p>Tree preservation was detailed in the Early Works detailed application, approved by the SWCPP on 29 June 2020.</p> <p>Replacement trees are outlined in the landscape plans appended at Attachment 8 of this Report.</p>
Section 3 – Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	<p>Complies</p> <p>Existing trees on the site are subject to the Early Works detailed application, approved by the SWCPP on 29 June 2020.</p> <p>Incorporation of existing trees and proposed landscaping are detailed in Attachment 8 of this Report.</p>
Section 4 – Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	<p>N/A</p> <p>The site is not identified as containing any native flora and fauna.</p>
Section 5 – Bush Fire Risk	Controls relating to development on bushfire prone land	<p>N/A</p> <p>The development site is not identified as being bushfire prone land.</p>
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 civil and stormwater engineering report has been submitted and is at Attachment 13 of this Report. Additionally, civil drawings were submitted and is at Attachment 24 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 24 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>

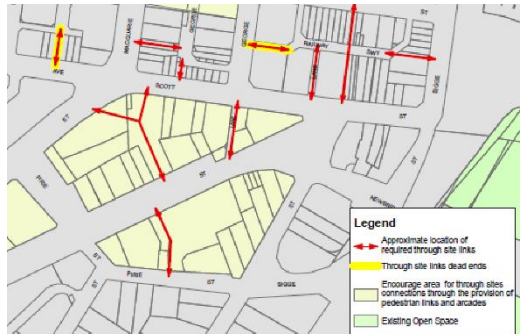
Development control	Provision	Comment
Section 10 – Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies See discussion on SEPP (Resilience and Hazards) 2021.
Section 11 – Salinity Risk	Provisions relating to development on saline land.	Considered acceptable The development site is identified as containing a moderate salinity potential. An additional geotechnical response is required demonstrating that salinity has been appropriately considered.
Section 12 – Acid Sulfate Soils	Provisions relating to development on acid sulphate soils	Complies The site is mapped as Class 5 under the Acid Sulfate Soils Map of the LLEP 2008. This was considered as part of the early works DA.
Section 14 – Demolition of Existing Development	Provisions relating to demolition works	N/A This application does not include any demolition. Demolition works was approved under the Early Works DA-906/2019 and subsequent modification/s.
Section 16 – Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Complies 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 per 200sqm of retail GFA and 2 plus 1 per 100sqm GFA for visitor/customers 1 space per 10 hotel staff and 4 plus 1 per 20 bedroom/sites 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 120 bicycle parking spaces for staff of hotel/office/retail and visitors to the hotel. The proposal provides 147 bicycle parking spaces including 148 lockers and 16 showers. The proposal requires 35 spaces for visitors to commercial and retail. 30 visitor spaces are proposed to be shared between the office/retail visitors and library visitors. In this case, the surplus of 27 spaces can also cater for additional office worker and visitor demand.

Development control	Provision	Comment
Section 22 – Energy Conservation	<p>To reduce the necessity for mechanical heating and cooling.</p> <p>To minimise greenhouse gas emissions.</p> <p>To provide thermal comfort by minimising temperature variations within buildings</p>	<p>Complies</p> <p>An ESD Report was submitted and is found at Attachment 18. The ESD Report indicates that the proposed development will achieve a minimum 5 Star Green Star Design and As Built outcome.</p> <p>A condition will be imposed on any consent granted that requires the proposed development to achieve a minimum 5 Star Green Star Design and As Built outcome at occupation.</p>
Section 23 - Reflectivity	To restrict the reflection of sunlight from buildings to surrounding areas and buildings.	<p>TBC</p> <p>A condition is to be imposed on any consent granted that restricts visible light reflectivity from building materials used on the facades of proposal to a maximum of 20%.</p>
Section 25 – Waste Disposal and Re-Use Facilities	Provisions relating to waste management during construction and on-going waste.	<p>Complies</p> <p>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.</p> <p>A Waste Management Plan (WMP) was submitted with the proposal at Attachment 27. A condition will be imposed that requires waste management to occur in accordance with the endorsed WMP.</p>
Section 27 – Social Impact Assessment	Any Social Impact Assessment shall be prepared in accordance with Council's Social Impact Policy	<p>Complies</p> <p>The Social Impact Assessment (Attached at 25 of this Report) has been undertaken in accordance with this Policy and submitted to Council's Community Planning Branch for review. Community's Planning Branch support the proposed development.</p>
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.	<p>TBC</p> <p>A condition will be imposed on any consent granted for the principles to be incorporated into the development.</p>

Table 11 *Part 4 – Liverpool City centre – Compliance Table*

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	<p>Complies</p> <p>The site is being developed pursuant to Clause 7.5A and may</p>

Development control	Provision	Comment
	Midrise sites developed pursuant to clause 7.5A of LLEP 2008 (which may also be developed with a tower on podium typology).	be developed with a tower on podium typology. The proposal provides for a tower on podium and small building typology that is consistent with anticipated forms of development in the locality.
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.	Considered acceptable The site is 2,311m ² . The GFA of a typical commercial tower level is 1162m ² and maximum length of the elevation of the tower component is 41m. In this case, it is noted that the floor plates have been reduced compared to the concept approval to provide for greater separation, minimising bulk and ensuring that the office floor plates receive adequate solar access.
4.2.7 Street Alignments and Street Setbacks	Buildings to comply with the front setbacks: <ul style="list-style-type: none"> • 0m to laneway • 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 Hotel building • Nil setback to laneway • Nil setback to Terminus Street The development has been designed in a manner which is consistent with the Concept Approval. Notwithstanding this, the proposed setbacks are not considered to detract from the streetscape character. Furthermore, the proposed setbacks are and supported by the DEP.
4.2.8 Side and rear boundary setbacks	All residential and commercial buildings must comply with the separation distances in SEPP 65 and the ADG unless otherwise agreed with	Complies Refer to building separation discussion in Section 6.1.6 on

Development control	Provision	Comment
	Council in an approved concept development application.	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 is achieved throughout the development.</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.</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 for DA consideration.</p>
4.3.1 Pedestrian Permeability	<p>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> <p>A through-site link is also identified on the existing pedestrian walkway from George Street to Terminus Street.</p> 	<p>Complies</p> <p>The site enhances the existing pedestrian walkway from Scott to Terminus Street via Georges Lane and provides for a new through site link from Terminus Street to Scott Street.</p>

Development control	Provision	Comment
4.3.3 Active Street Frontages	Locate active street frontages on the ground level of all commercial or mixed-use buildings, including adjacent through-site links.	Complies The application proposes a range of 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.
4.3.4 Street Address	Provide a clear street address and direct pedestrian access off the primary street frontage in mixed use and residential developments. Provide multiple entrances to large developments on all street frontages.	Complies The proposed hotel building comprises of lobby and retail uses that address Scott Street. The office building provides for a strong street address to Terminus Street through the provision of ground floor retail and Pocket Park.
4.3.5 Street and Building Interface	Design the area between the building and the public footpath so that it provides visibility to and from the street.	Complies The buildings have been designed to provide visibility to and from the street.
4.3.6 Lane/Serviceway and Building Interface	Provide active uses and/or entries at ground level where possible. Screen or sleeve above ground car parking with green walls or other screening devices. Garbage collection points, fire services and other service requirements are to be integrated into the design of the building.	Complies The laneway is activated at its interface with Scott Street up to the foyer space on the ground floor of the proposed commercial office building. From there up to Terminus Street, the frontage is allocated to plant rooms which have been integrated into the design of the building.
4.3.7 Awnings	Provide street frontage awnings for all new developments on streets: <ul style="list-style-type: none"> • Scott Street and • Terminus Street 	Considered acceptable Awnings have not been provided with the proposed development. However, noting that the location of the pathway relative to the property boundary, it is not feasible to expect an awning to be provided.
4.3.8 Building Design and Public Domain Interface	Design new buildings that adjoin existing buildings, particularly heritage buildings and those of architectural merit so that they consider: 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. 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.	Complies The proposed development provides for a modern aesthetic that is sensitive to its existing context, including its adjoining heritage item – Memorial School of Arts Building. The roof will also help to reduce the urban heat island effect as they are covered by photovoltaic solar panels.

Development control	Provision	Comment
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.	Complies Locations of public art have been selected and will be further developed in consultation with Council as part of a Public Art Strategy to be conditioned.
4.4.1 Vehicular Access and Manoeuvring Areas	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. 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.	Considered acceptable. Vehicular access to the proposed basement is provided via shared zone off Scott Street. The Scott Street access is to be delivered under DA-836/2020. The shared zone will enhance the public domain offering of the overall development.
4.4.2 On Site Parking	1. All required car parking is to be provided on site in an underground (basement) carpark except to the extent provided below: 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. Sufficient service and delivery vehicle parking adequate to provide for the needs of the development. Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces. 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	Complies All parking on site is provided in an underground (basement) carpark. 150 car parking spaces are proposed on site, which requires a provision of 8 motorcycle spaces. 12 motorcycle parking spaces are to be provided. No less than 2% of the total parking spaces provided will be accessible parking spaces.
4.5.1 Wind Mitigation	1. Design all new buildings to meet the following maximum wind criteria: (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. 2. Submit a Wind Effects Report with the DA for all buildings greater than 35m in height 3. Submit results of a Wind Tunnel Testing report for buildings over 48m in height.	Complies A Wind Impact Assessment has been submitted and is provided in Attachment 20 to this Report. 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.

Development control	Provision	Comment
		<p>The results of the wind analysis have confirmed that wind conditions for the majority of trafficable outdoor locations within and around the development will be suitable for their intended uses. However, some areas will experience strong winds which will exceed the relevant criteria for comfort and/or safety.</p> <p>Accordingly, the Wind Impact Assessment recommended in-principle treatments on the lower ground floor, upper ground floor and Level 7 terrace. Compliance with the recommendations of the Wind Impact Assessment will be conditioned.</p>
4.5.2 Noise	To ensure noise mitigation measures achieve appropriate amenity in noise affected locations.	<p>Complies</p> <p>A Noise Impact Assessment has been prepared for the proposed development (Attachment 22 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>It is the finding of this assessment that the proposed development is compliant with the relevant noise and vibration controls for the proposed types of uses, as it is expected to comply with all applicable regulations.</p> <p>The NIA was referred to Council's Environmental Health Section (EHS) for review. Council's Environmental Health Section raises no objections, 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 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 as well as tourist and visitor accommodation and commercial floor space 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 zone's 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

Table 12 outlines the comments which have been received from Council's Internal Departments:

Table 12 *Internal referrals*

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 supported, subject to conditions
City Design Traffic	Application supported, subject to conditions
City Economy	Application considered acceptable.
Heritage	Application considered acceptable, subject to conditions of consent.
Engineering	Application considered acceptable, subject to conditions of consent.
Community Planning	No objection to the proposed development.

(b) External Referrals

Table 13 outlines the comments which have been received from External agencies:

Table 13 *External referrals*

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

(c) Community Consultation

The DA was placed on public exhibition from 21 December 2021 to 24 January 2022, 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 showed general support for the redevelopment of the library site and the council chambers, however subject to the resolution of issues contained within the earlier submissions for DA-836/2020.

In this case, it is considered that there are no concerns from community consultation relevant to the consideration of this proposal as the issues contained in earlier submissions were resolved in the determination of DA-836/2020.

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 **\$3,659,117.00.**

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 Clauses 7.3 and 7.4 of LLEP 2008;
- The proposal has undergone an extensive design review process and has satisfied the applicable objectives and provisions of LLEP 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 satisfactory and the subject application is recommended for approval, subject to conditions of consent.

However, at the time of writing, 4.55 Modification Application 585/2019/B is yet to be determined. Council is aware that the SWCPP will only be able to make a determination once the Application is approved.

In this regard, Council has advised that they will endeavour to expedite its assessment of this Modification Application for determination prior to or on the date of the SWCPP determination meeting of 19 April 2022.

9. ATTACHMENTS

1. Draft Conditions of Consent
2. Statement of Environmental Effects
3. Clause 4.6 Variation Request for Building Separation
4. Clause 4.6 Variation Request for Car Parking
5. Applicant's Letter amending the application
6. Amended Architectural Plans
7. Amended Architectural Design Statement
8. Amended Landscape Plans
9. Hotel Plan of Management
10. Site Survey Plan
11. BCA Report
12. Cost Estimate Report
13. Civil and Stormwater Engineering Report
14. Crane Operation Approval
15. Heritage Impact Statement
16. Geotechnical and Environmental Investigation Report
17. DCP Compliance Table, prepared by Ethos Urban

18. ESD Report
19. Traffic Impact Assessment
20. Wind Impact Assessment
21. Structural Statement
22. Amended Noise and Vibration Impact Assessment
23. Utility Services Request
24. Civil Engineering Drawings
25. Updated Social Impact Assessment
26. Access Report
27. Waste Management Plan
28. Applicant's Response to Council's Request for Additional Information, dated 7 July 2021
29. Traffic Engineering Response, dated 9 June 2021 and 22 February 2022
30. DEP minutes from 23 March 2021 and email from the Panel Chair endorsing the proposed development, dated 20 October 2021.