

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-128
DA Number	DA-822/2020
LGA	Liverpool City Council
Proposed Development	<p>Mixed use development incorporating a 32-storey tower with 3 levels of basement parking, retail/commercial and child care floorspace and serviced apartments and associated signage.</p> <p>Liverpool City Council is the consent authority and the Sydney Western City Planning Panel has the function of determining the application</p>
Street Address	LOT 6 DP 628996 167 NORTHUMBERLAND STREET, LIVERPOOL NSW 2170
Applicant/Owner	KARIMBLA CONSTRUCTIONS SERVICES PTY LTD
Date of DA Lodgement	2 October 2020
Number of Submissions	2 objections
Recommendation	Approved – Subject to Conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	The proposal has a capital investment value of over \$30 million
List of all relevant s4.15(1)(a) matters	<ol style="list-style-type: none"> <i>List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)</i> <ul style="list-style-type: none"> State Environmental Planning Policy No.55 – Remediation of Land. State Environmental Planning Policy No. 64 – Advertising and Signage. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment; Liverpool Local Environmental Plan 2008. <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: Section 4.15(1)(a)(ii)</i> <ul style="list-style-type: none"> N/A <i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i> <ul style="list-style-type: none"> Liverpool Development Control Plan 2008. <ul style="list-style-type: none"> Part 1: General Controls for All Development. Part 4 – Development in the Liverpool City Centre. <i>List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: Section 4.15(1)(a)(iia)</i>

	<ul style="list-style-type: none"> ○ <i>No planning agreement relates to the site or proposed development.</i> <p>5. <i>List any relevant regulations: 4.15(1)(a)(iv)</i></p> <ul style="list-style-type: none"> ○ <i>Consideration of the provisions of the Building Code of Australia.</i>
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Draft Conditions of Consent 2. Architectural Plans 3. Civil Report 4. Operational Waste Management Plan 5. Wind Report 6. Aeronautical Impact Assessment 7. Traffic Report 8. Sustainability Statement 9. Signage Strategy 10. Public Art Strategy 11. Acoustic Report 12. Section J Report 13. Access Report 14. BCA Report 15. Acoustic Report (Child Care) 16. CPTED Assessment 17. Landscape Report 18. Archaeological Assessment 19. Clause 4.6 Variation 20. Statement of Environmental Effects 21. Design Excellence Panel Minutes (27 October 2020)
Clause 4.6 requests	Yes
Summary of key submissions	<ol style="list-style-type: none"> 1. Overshadowing 2. Privacy Impacts 3. Traffic congestion and poor access arrangements 4. Inconsistent with character of the area 5. Damage to buildings during construction
Report prepared by	Development Assessment
Report date	27 July 2021

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.11EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions	

Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes
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1. EXECUTIVE SUMMARY

1.1 Reasons for the report

The Sydney Western City Planning Panel is the determining body as the Capital Investment Value of any future development proposed with the Concept DA is over \$30 million, pursuant to Clause 2 in Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.

1.2 The proposal

The site benefits from a Concept DA (DA-82/2020). This DA and the concept DA are being considered for determination concurrently and if this application is approved will need to address any conditions of the concept DA prior to the commencement of any CC for the built form approved under this application.

The application seeks consent for a mixed-use development incorporating a 32-storey tower with 3 levels of basement parking, retail/commercial floorspace/child care centre/recreation facility and serviced apartments. The development consists of

- 1) A 32-storey mixed-used development with a maximum RL of 127.700. The 32-storey building incorporates a four-storey podium that incorporate the following;
 - A variety of retail/business premises split between the ground level and level 3.
 - An indoor recreation facility predominately consisting of a swimming pool, spa and sauna on level 2 and
 - A child care centre to operate from 7am to 6pm Monday to Friday to cater for 79 children on Level 3.
 - The combined floor area of the uses above equates to 3,130sqm
 - On the fourth level of the podium there are six serviced apartments including (2x2 bedroom, 3x1 bedroom and 1x studio apartment).
- 2) Above the podium is a 28-storey tower incorporating serviced apartments and associated plant rooms and services. The tower incorporates 157 serviced apartments including (27 studio apartments, 76x1 bedroom apartments, 44x2 bedroom apartments and 10x3 bedroom apartments). The total floor area of the serviced apartment element of the development equates to 12,520sqm.
- 3) The mixed-use development is proposed over a 3-level basement that will cater for the following;
 - 94 car spaces
 - 6 motorcycle spaces
 - 40 bicycle bays

The basement also caters of a section on level 1 of the basement to enable a future driveway access to the adjoining southern site for parking purposes.

This DA is the Stage 1 DA that is to align with the concept application being considered concurrently under DA-82/2020.



Figure 1: Perspective from primary frontage

1.3 The site

The subject site is identified as Lot 6 in DP 628996, being 167 Northumberland Street, Liverpool. An aerial photograph of the subject site is provided below.

The site is regular in shape with a total area of 1,565m². The site has a frontage of 37.955 metres to Northumberland Street and the rear laneway.

The subject site is zoned B4 Mixed Use, pursuant to the Liverpool Local Environmental Plan (LLEP) 2008.

1.4 The issues

The predominant matters of concern with this development have been dealt with under the concept application. This subsequent DA has demonstrated it aligns with the concept proposal determined under DA-822/2020. However, concerns under this application pertaining to submissions from adjoining properties and parking shortfalls are further assessed under this application.

1.5 Exhibition of the proposal

The development application was exhibited from 7 December 2020 to 11 January 2021. two objections were received in relation to the proposal.

1.6 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act (EP&AA) 1979. Based on the assessment of the application it is recommended that the application be approved, subject to the attached conditions of consent.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site is identified as Lot 6 in DP 628996, being 167 Northumberland Street, Liverpool. An aerial photograph of the subject site is provided below.

The site is regular in shape with a total area of 1,565m². The site has a frontage of 37.955 metres to Northumberland Street and the rear laneway. Existing on the premises is a two-storey commercial building consisting of multiple commercial tenancies. The centre of the site is the highest point in terms of ground floor level and slopes both to the laneway at the rear and Northumberland Street at the front of the site. The high point of the site RL 20.46 and the low point of the site is RL 19.77.



Figure 2: Aerial Photograph of the site

2.2 The locality

The subject site is located towards the centre of Liverpool CBD. It occupies the large block bounded by Bathurst Street, Moore Street, Northumberland Street and Elizabeth Street.

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

Adjoining the site to the north is an existing 2 storey commercial building, to the west of the site (opposite the laneway) is a 6 storey mixed use development with commercial on ground floor and residential apartments above, to the south of the site is an existing 2 storey commercial premises that is bounded by the laneway (ingress only) further south of this property. Liverpool Shopping Plaza is located to the east of the site, opposite Northumberland Street.

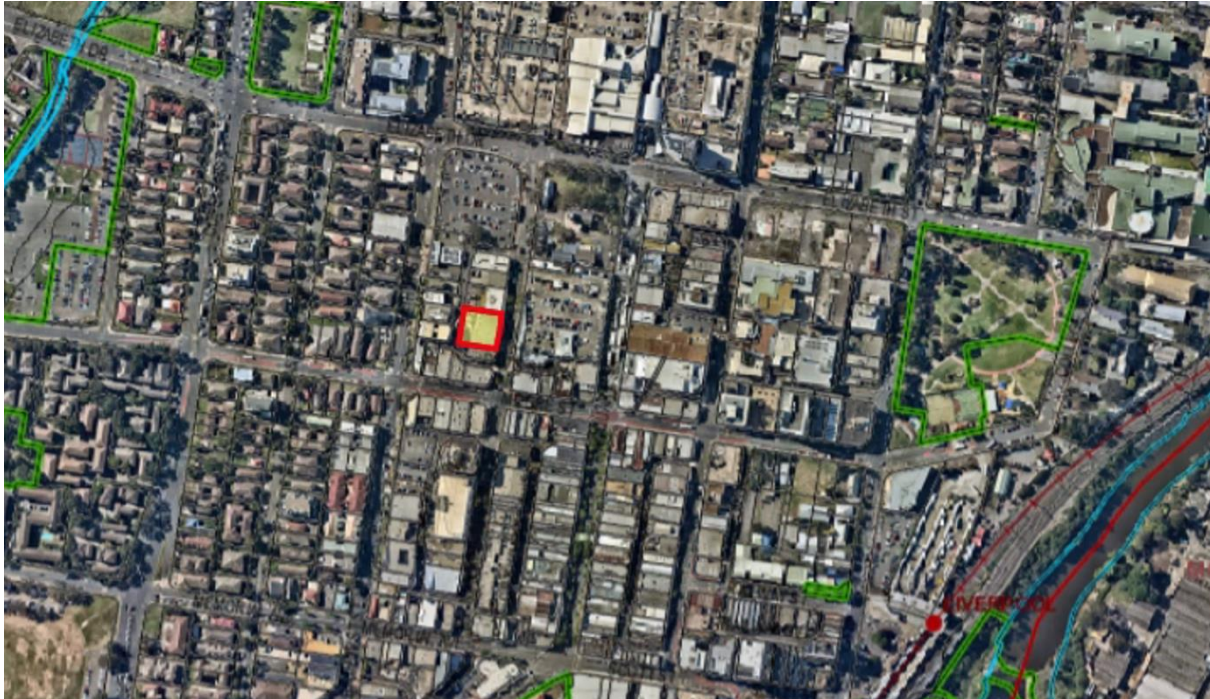


Figure 3: Locality of the Site

2.3 Site affectations

2.2.1 Heritage

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

The subject site is located within the immediate vicinity of the following local heritage items in Schedule 5 of the Liverpool LEP 2008:

- Plan of Town of Liverpool (early town centre street layout – Hoddle 1827)

2.3.2 Airport Noise Impact

The subject site is located within Bankstown Airport Obstacle Limit of 120 - 130m AHD. The airport authority has reviewed the application and considered the application satisfactory.

3. BACKGROUND

1. DA-822/2020 was lodged on 2 October 2020.
2. Application presented to the DEP on 27 October 2020

3. Application neighbour notified from 7 December 2020 to 11 January 2021. Two objections were received in relation to the proposal.
4. Application was briefed with the SWCPP on 8 February 2021.

3.2 Related applications

1. DA-82/2020, which develops the concept proposal for the site to inform the additional built form stages was lodged on 3 February 2020. Given the timing of the Concept application progress it was considered acceptable in this instance to enable the concurrent lodgement and consideration of this DA being the built form DA. The concept application has been assessed and is considered worthy of support.
2. DA-96/2020 was approved on 20 February 2020 for the demolition of existing structures onsite. A subsequent 4.55 modification was also approved on 20 October 2020.
3. DA-222/2020 was lodged on 11 March 2020 for excavation to create basement levels associated with the proposed mixed-use development. This DA was approved on 11 February 2021.
4. DA-270/2020 was lodged on 25 March 2020 for Stage 2 of the Concept DA. This DA was withdrawn on 31 August 2020.
5. DA-222/2020/A was lodged on 10 May 2021. The modification application approved additional excavation to cater for an additional basement level associated with the proposed mixed-use development. The modification to DA-222/2020/A was approved on 6 July 2021. The modification will result in the development being able to cater for an additional basement level and an additional 30 car spaces. This will still result in a shortfall of 10 spaces, however is considered a considerable improvement of the initial proposal submitted which sought a 40-space shortfall.

The concept application and subsequent built form DA will still have a shortfall, however a shortfall of 10 spaces is considered a more appropriate outcome. The shortfall in car spaces is discussed in further detail under the LEP assessment of this report.

6. This application was lodged on 2 October 2020 and was exhibited from 7 December 2020 to 11 January 2021. This DA proposes to construct the mixed-use development and depends on the determination of DA-82/2020.

3.3 Design Excellence Panel Briefing

The subject application was considered by the Design Excellence Panel (DEP) on 27 October 2020.

For clarity purposes, the specific comments made by the DEP with regards to the application are outlined in the table below, along with Council's response in the corresponding column. This application was supported by the panel following the desk top review.

Panel Comments	Response
Context	
The Panel acknowledges and supports the sculptural approach that has been adopted in developing the proposal against the framework of the rectangular tower envelope identified in the Concept DA.	Noted.

<p>The Panel notes that the applicant has undertaken a series of site isolation studies to demonstrate that the proposed 3m setback to the southern boundary does not adversely impact on the development potential of the adjacent site (i.e. 179 Northumberland Street). The Panel accepts that the reduced setback will not adversely impact the southern neighbour, because any future development on that site would need to look out to the streets and laneways surrounding it on three sides and would require a nil setback blank wall abutting the southern boundary of the subject site for feasible future development.</p>	<p>Noted</p>
<p>The Panel's concerns for the subject site relate to potential daylight access and visual amenity issues for the serviced apartments on the south side of the proposal above the podium up to the 28m permissible height for the adjacent site (L4, L5 and L6).</p>	<p>The applicant has provided an adequate response for the concerns raised by the Panel and has taken into consideration the feedback provided by the Panel.</p>
<p>Built Form and Scale</p>	
<p>The Panel recommends that the building design be subject to further refinement of detailing to address various environmental issues (e.g. deep vertical slits within the tower that may create strong wind drafts, the mirroring of building elevations that lack response to the climatic impacts of varying aspects, fenestration detailing).</p>	<p>The applicant has provided a response stating that a wind report has been submitted as part of the Stage 2 DA, however, the applicant does not indicate whether all the recommendations of the wind report have been incorporated as part of the design. The applicant also states that the building elevations and the internal design/layout of service apartment units are compliant with relevant standards (i.e. BCA and NABERS standards), hence no further design changes are required.</p>
<p>The Panel notes the applicant's suggestion that the south-facing studio units on Level 4-7 could be amalgamated with the adjoining one-bedroom units. The Panel remains concerned that this change would not resolve the issues raised above. From L4 to L6 there should be no habitable rooms or spaces on the southern side of the tower facing (i.e. with openings towards) the southern boundary.</p>	<p>The applicant has provided a response that the south facing Studio units from Level 04 to 07 have been amalgamated with the adjoining 1-bedroom units and obscure glazing has been incorporated as part of the elevation, however the Panel recommended that there should not be any habitable rooms facing south from L4 to L7. The applicant has not responded to the Panel's recommendation satisfactorily and still needs to address the concerns raised by the Panel. It is recommended that an additional screening / angled louvres are incorporated as part of fenestration details (i.e. up to Level 7) for the habitable rooms facing south.</p>

<p>The Panel recommends the applicant consider modifying the design to ensure that the overall environmental amenity is enhanced in the intersect space between 167 Northumberland Street and 179 Northumberland Street (e.g. a multi-level green space replacing the studio units up to 28m).</p>	<p>The applicant has provided a response stating that the Panel's recommendation of providing a 3-storey green space is not suitable as it would not have access to sunlight for the plants to survive and will also compromise the structural integrity of the floor slab over time. The applicant also states that the Building Code of Australia recognizes green walls as fire source and the certifiers will not approve the design if green walls are incorporated.</p> <p>The applicant has provided adequate response to the recommendations made by the Panel.</p>
<p>The Panel notes that the design of the podium on Level 4 includes skylights for the swimming pool area below. Carving out the central studio units (up to 28m) could provide for a larger opening to the pool area below (a glazed roof, rather than skylights).</p>	<p>The applicant has provided a response that there would be ample light entering the swimming pool area through the 3x skylights and a full height window along the eastern façade of the podium.</p> <p>The applicant has provided adequate response to the concerns raised by the Panel.</p>
<p>The Panel notes that the proposed building flanges with deep vertical slits within the built form are likely to result in strong wind drafts along the face of the tower and direct southerly winds against serviced apartments. The Panel recommends that appropriate details are incorporated within the design to minimise strong wind drafts along the faces of the tower.</p>	<p>The applicant has provided a response that additional full height glazed wind barriers will be provided to the corners of the balconies which will help reduce the impacts of wind along the face of the tower. The design has also incorporated shade cloth for the outdoor play areas within the childcare facility to mitigate the effects of downward wind drafts.</p> <p>The applicant has provided adequate response and has addresses the concerns raised by the Panel satisfactorily.</p>
<p>The Panel notes that the internal layout for the childcare facility indicates a kitchen located along the main corridor. The Panel recommends that the layout be revised to ensure all relevant standards and regulations are addressed.</p>	<p>The applicant has updated the internal layout for the childcare facility and has provided a response that the fit-out would be subject to a separate DA application in future which would show the location of all facilities in accordance with the relevant Australian standards. The applicant has provided adequate response and has addresses the concerns raised by the Panel satisfactorily.</p>
<p>The Panel notes that the lift lobby design for the tower only provides for indirect natural lighting. Given the scale of the tower building, design excellence would be better achieved by providing appropriate direct natural lighting into all</p>	<p>The applicant has provided a response stating that an access to direct natural light is not a requirement for serviced apartment; and has incorporated full height windows towards the end of the corridors. The applicant has provided an</p>

lobbies.	adequate response to the recommendations made by the Panel.
The Panel encourages the applicant to future-proof the design of the serviced apartments by considering compliance with the requirements of SEPP 65 – Apartment Design Guide (ADG). This would avoid sub-standard living environments if the serviced apartments are changed to residential units in the future and ensure long-term value for the development.	The applicant has provided a response stating that there is no requirement to future proof the design for compliance with SEPP 65 as the development application was submitted for a serviced apartment which is a compliant use. The response provided by the applicant is noted.
Sustainability	
The Panel raises its concerns relating to potential wind downdrafts which could impact on the outdoor areas associated with the childcare facility. The Panel recommends that the design of the podium should incorporate measures to mitigate the impacts of any downward wind movement on the outdoor play areas.	<p>The revised design has incorporated shade cloth to some areas of the outdoor play space for the childcare facility. The applicant should ensure that the proposed extents for the shade cloth is adequate to mitigate the effects of downward wind draft.</p> <p>The applicant has addressed the concerns raised by the Panel appropriately.</p>
The Panel recommends that the design/detailing of the building incorporate principles of Environmentally Sustainable Development (ESD). The façade design should reflect aspect considerations and the varying responses required to further enhance natural comfort and sustainability.	The applicant has confirmed that the proposed development complies with the energy efficiency requirements as per BCA and NABERS. The applicant has provided an adequate response to the recommendations made by the Panel.
Landscape	
The Panel notes that the landscape plans for the podium level (i.e. above the childcare facility) indicate artificial turf as part of the proposed landscape treatment. The Panel recommends the applicant reconsider the landscape design for the podium level and improve/enhance the quality of the proposed landscape design with natural plantings that are child friendly and suitable for its environment.	The applicant has provided a response stating that artificial turf will provide an improved visual finish for the residents as compared to the gravel finish. The applicant has clarified that Level 4 podium will not be accessed by the guests or children for safety, security and privacy reasons. The applicant has provided an adequate response to the recommendations made by the Panel.
The Panel notes that there is no provision for Communal Open Space and that this is not required by the applicable controls for serviced apartments. However, there is the possibility of conversion to apartments in the future. The building's roof should be designed such that it can be easily modified to provide rooftop communal space should this occur.	The applicant has responded stating that there is no proposal or requirement to convert the building to a residential use in future. The applicant highlights that an adequate communal area in the form of gym, swimming pool and spa is being provided as part of the development. The applicant has provided an adequate response to the recommendations made by the Panel.

Aesthetics	
The Panel supports the sculptural form of the proposed tower. The Panel recommends that further design consideration be given to the building elevations and detailing that respond to the different orientations and conditions (refer Sustainability).	The applicant provides a justification for the symmetry adopted as part of the design of the tower and states that the orientation of the tower is constrained by the required building setbacks. The applicant has provided an adequate response to the recommendations made by the Panel.
The Panel notes that horizontal slabs extending beyond glazed areas will act as thermal bridges and recommends that further consideration be given to façade detailing to minimise impacts.	The applicant acknowledges that the horizontal slab extensions beyond the glazed areas are not required as per Section J Report and the sustainability statement provided by the applicant. The applicant has addressed the concerns of the Panel appropriately.
The Panel encourages the applicant to consider alternative materials for the proposed building facades (e.g. pre-cast panels and other compliant cladding).	The applicant has provided a response that the materials being used are modern materials that are compliant with NABERS and BCA. The applicant has provided an adequate response to the recommendations made by the Panel.
Outcome	
The project is supported, subject to the above comments and recommendations. The applicant is to respond to the Panel's recommendations and the revised documentation are to be submitted to Council for further review by this Panel.	A desktop review for the revised documentation for the development has been undertaken; and the revised comments are mentioned as per the above.

3.4 Planning Panel Briefing

A SWCPP briefing meeting was held on 8 February 2021. At the meeting of 8 February 2021 the panel discussed key issues and matters to be addressed in the Council assessment report; as follows:

- *This detailed DA relates to the concept proposal the subject of DA 82/2020 which was the subject of a Panel briefing report dated 14 April 2020. The Panel refers to its observations contained in that report.*

Comment: The detailed DA has consideration with the concept application and it is considered that the subject DA is consistent with the building envelopes approved under DA-82/2020

- *Notably, to achieve the proposed height and apportionment of land uses, the concept plan will have to first be approved.*

Comment: The concept plan is being determined concurrently with this application.

- *The issue of site isolation arises in relation to the property occupied as a “continental butchery” to the immediate south. The Panel notes that Council staff has spoken directly to the owner to explain the issue.*

Comment: Noted the concern regarding isolation has been discussed and resolved as part of the concept application.

- *The draft concept plan duplicates the present DCP requirement for a 6 m setback above the third storey which is not complied with (see detail below). The non-compliance will need to be allowed for in the proposed concept, but would require justification. The Panel's support for that aspect of the design should not be assumed.*



Figure 4 : Section of building where non-compliance is

Comment: Variation discussed below in DA assessment.

- *The childcare centre would need to satisfy the Child Care Planning Guideline. The plans would seem to indicate an issue in relation to solar access (item 4.11 of the Guideline).*

Comment: The proposal is considered to satisfy the child care regulations

Overall, it is considered that the comments raised by the Panel have been addressed by the applicant and is worthy of support.

4. DETAILS OF THE PROPOSAL

Development consent is sought under this application to align with the concept plan being considered concurrently with this subsequent stage DA for the built form. The proposed built form being considered is as follows;

- 1) A 32-storey mixed-used development with a maximum RL of 127.700. The 32-storey building incorporates a four-storey podium that incorporate the following;
 - A variety of retail/business premises split between the ground level and level 3.
 - An indoor recreation facility predominately consisting of a swimming pool, spa and sauna on level 2 and
 - A child care centre to operate from 7am to 6pm Monday to Friday to cater for 79 children on Level 3.
 - The combined floor area of the uses above equates to 3,130sqm
 - On the fourth level of the podium there are six serviced apartments including (2x2 bedroom, 3x1 bedroom and 1x studio apartment).

- 2) Above the podium is a 28-storey tower incorporating serviced apartments and associated plant rooms and services. The tower incorporates 157 serviced apartments including (27 studio apartments, 76x1 bedroom apartments, 44x2 bedroom apartments and 10x3 bedroom apartments). The total floor area of the serviced apartment element of the development equates to 12,520sqm.
- 3) The mixed-use development is proposed over a 3-level basement that will cater for the following;
 - 94 car spaces
 - 6 motorcycle spaces
 - 40 bicycle bays

The basement also caters of a section on level 1 of the basement to enable a future driveway access to the adjoining southern site for parking purposes.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.55 – Remediation of Land.
- State Environmental Planning Policy No. 64 – Advertising and Signage.
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- Liverpool Local Environmental Plan 2008.

Other Plans and Policies

- No other plans or policies

Development Control Plans

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

Contributions Plans

Section 7.12 contributions have been levied in accordance with the Liverpool Contributions Plan 2018 – Liverpool City Centre, which is based on 3% of the cost of development.

Therefore, based on the above, the contributions payable is \$1,808,567.00. The payment of the contribution will be enforced through a condition of consent, requiring the full payment to be made prior to issue of a construction certificate.

5.2 Zoning

The site is zoned B4 Mixed Use pursuant to LLEP 2008 as depicted in the figure below.



Figure 5: Zoning of the site

5.3 Permissibility

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

“commercial premises means any of the following:

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

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

“centre-based child care facility means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Note.

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided. but does not include—

(c) a building or place used for home-based child care or school-based child care, or (d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or

(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or

(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or

(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.”

“tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

(a) backpackers' accommodation,

(b) bed and breakfast accommodation,

(c) farm stay accommodation,

(d) hotel or motel accommodation,

(e) serviced apartments, but does not include—

(f) camping grounds, or

(g) caravan parks, or

(h) eco-tourist facilities.”

“serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.”

business identification sign means a sign—

(a) that indicates—

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry-on business at the premises or place.

Note—

Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

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

6. ASSESSMENT

Clause 4.22 of the EP & A Act 1979 states;

4.22 Concept development applications

It is relevant in this instance to consider that the subject application is consistent with the concept application being considered concurrently with the subject application. From the review of the current proposal the built form proposed under this DA is consistent with the building envelopes under the concept application.

- 1) The subject proposal provides for 94 parking spaces in accordance with the concept plan.
- 2) Access off the service way is consistent with the concept proposal.
- 3) The proposal does not exceed the maximum floor area proposed under the concept plan being 15,650sqm.
- 4) The proposal remains within the setbacks and height limits considered worthy of support under the concept application.

It is therefore considered the proposal does not exceed what has been considered worthy of support under the Concept application.

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

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

The proposed development incorporates a Child Care Centre facility to accommodate 79 children on level 3 of the proposed building that will operate from 7am-6pm Monday to Friday. An assessment of the application against the relevant provisions of the SEPP (Educational Establishments and Child Care Facilities) 2017 is detailed below;

Part 3 Early Education and Care Facilities – Specific Development Controls

23 Centre-based child care facility—matters for consideration by consent authorities

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.

Comment: The proposal has been assessed in relation to the Child Care Planning Guideline in the table included below.

25 Centre-based child care facility—non-discretionary development standards

(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.

(2) The following are non-discretionary development standards for the purposes of section 4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:

(a) location—the development may be located at any distance from an existing or proposed early education and care facility,

(b) indoor or outdoor space

(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor

space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or

(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,

(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,

(d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.

(3) To remove doubt, this clause does not prevent a consent authority from:

(a) refusing a development application in relation to a matter not specified in subclause (2), or

(b) granting development consent even though any standard specified in subclause (2) is not complied with.

Comment: The proposal provides sufficient unencumbered indoor and outdoor space in accordance with Clause 108 of the Education and Care Services National Regulations. Based on the number of children proposed a minimum 256.75sqm of indoor space is required based on 3.25sqm per child. The proposal has also catered for 7sqm of unencumbered outdoor space per child, which equates to 553sqm of outdoor space.

26 Centre-based child care facility—development control plans

(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:

(a) operational or management plans or arrangements (including hours of operation),

(b) demonstrated need or demand for child care services,

(c) proximity of facility to other early education and care facilities,

(d) any matter relating to development for the purpose of a centre-based child care facility contained in:

(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or

(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

(2) This clause applies regardless of when the development control plan was made.

Comment: Noted the proposal complies with the relevant guidelines.

Child Care Planning Guideline

Clause	Control	Plan	Compliance
1.3 Objectives	(1) promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations.	(1) The proposed centre may be conditioned to comply with requirements of the regulations as detailed in the table above.	Yes
	(2) ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses.	(2) The centre has been appropriately incorporated into the proposed building and does not create a detrimental impact on the streetscape.	Yes
	(3) minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment	(3) The centre has been appropriately incorporated into the proposed building and does not create a detrimental impact on the adjoining property	Yes
2 Design Quality Principles	<p>Principle 1 – Context</p> <p>Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.</p> <p>Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being</p>	<p>The surrounding area is characterized predominately by a high-density city centre environment.</p> <p>The proposal results in a satisfactory built form.</p>	Yes

	<p>responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.</p> <p>Principle 2 - Built form</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.</p> <p>Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p> <p>Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.</p> <p>Principle 3 - Adaptive learning spaces</p> <p>Good facility design delivers high quality</p>		
	Good facility design delivers high quality	All internal play rooms provide for sufficient natural	Yes

	<p>learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out.</p> <p>Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.</p> <p>Principle 4- Sustainability</p> <p>Sustainable design combines positive environmental, social and economic outcomes.</p> <p>This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p> <p>Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption,</p>	<p>light and cross ventilation and have a range of facilities to enable adaptive learning of the children.</p> <p>The centre provides an appropriate sustainable designed the play areas are appropriately located to benefit from natural ventilation.</p>	Yes
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	<p>less generation of waste and air emissions and reduced operational costs.</p> <p>Principle 5 – Landscape</p> <p>Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Principle 6 – Amenity</p> <p>Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes</p>	<p>The centre has proposed suitably designed landscape features, notwithstanding the fact that it is located within the existing building proposed building envelope.</p> <p>The proposal has been appropriately designed to accommodate for appropriate amenity for the future users of the centre and the surrounding locality.</p>	<p>Yes</p> <p>Yes</p>
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	<p>to positive learning environments and the well-being of students and staff.</p> <p>Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.</p> <p>Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.</p> <p>Principle 7 – Safety</p> <p>Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.</p> <p>Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).</p>	<p>The proposed centre appropriately use the natural and built environment.</p>	<p>Yes</p>
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3.1 Site Selection and location	Objective To ensure that appropriate zone considerations are assessed when selecting a site.	The site is Zoned B4 and centre based child care facilities are permitted in the Zone.	Yes
	C1 For proposed developments in or adjacent to a residential zone, consider:		
	• the acoustic and privacy impacts of the proposed development on the residential properties.	The proposed child care centre has appropriately been appropriately acoustically attenuated and provided sufficient acoustic assessments that demonstrate site is suitable for the proposed use.	Yes
	• the setbacks and siting of buildings within the residential context.	N/A	N/A
	• traffic and parking impacts of the proposal on residential amenity.	Council's Traffic Engineer has raised no issues in relation to traffic and parking.	Yes
	Objective To ensure that the site selected for a proposed child care facility is suitable for the use.	The subject site has been demonstrated to be suitable for the development of a child care centre with conditions required in relation to the capacity of the centre.	Yes
	C2 When selecting a site, ensure that:		
	• the location and surrounding uses are compatible with the proposed development or use.	The location of the premises is considered appropriate.	Yes
	• the site is environmentally safe	The site has been appropriately assessed and	Yes

	<p>including risks such as flooding, land slip, bushfires, coastal hazards.</p> <ul style="list-style-type: none"> • there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed. • the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> - size of street frontage, lot configuration, dimensions and overall size. - number of shared boundaries with residential properties. - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas. • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use. • there are suitable drop off and pick up areas, and off and on street parking. • the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use. 	<p>considered suitable for the proposed use.</p> <p>SEPP 55 considered with previous applications</p> <p>The child care centre has been appropriately designed given the location in the Liverpool CBD.</p>	<p>Yes</p> <p>Yes</p>
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	<ul style="list-style-type: none"> • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. <p>Objective</p> <p>To ensure that sites for child care facilities are appropriately located.</p> <p>C3</p> <p>A child care facility should be located:</p> <ul style="list-style-type: none"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship. • near or within employment areas, town centres, business centres, shops. • with access to public transport including rail, buses, ferries. • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. <p>Objective</p> <p>To ensure that sites for child care facilities do not incur risks from</p>		
	<ul style="list-style-type: none"> • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. <p>Objective</p> <p>To ensure that sites for child care facilities are appropriately located.</p> <p>C3</p> <p>A child care facility should be located:</p> <ul style="list-style-type: none"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship. • near or within employment areas, town centres, business centres, shops. • with access to public transport including rail, buses, ferries. • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. <p>Objective</p> <p>To ensure that sites for child care facilities do not incur risks from</p>	<p>The child care facility is generally appropriately located within the CBD context. The site is close to other schools and shopping areas.</p>	Yes

	<p>environmental, health or safety hazards.</p> <p>C4</p> <p>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> • proximity to: <ul style="list-style-type: none"> - heavy or hazardous industry, waste transfer depots or landfill sites. - LPG tanks or service stations-water cooling and water warming systems. - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses. 	<p>The centre is considered to be appropriately located and has not been located in a location that would generate detrimental impacts</p>	<p>Yes</p>
<p>3.2 Local character, streetscape and the public domain interface</p>	<p>Objective</p> <p>To ensure that the child care facility is compatible with the local character and surrounding streetscape.</p> <p>C5</p> <p>The proposed development should:</p> <ul style="list-style-type: none"> • contribute to the local area by being designed in character with the locality and existing streetscape. • reflect the predominant form of surrounding land uses, particularly in low density residential areas. • recognise predominant streetscape qualities, 	<p>The proposed centre is located within a proposed building envelope and is designed to be compatible with the existing surrounding uses and predominant built form.</p>	<p>Yes</p>

	<p>such as building form, scale, materials and colours.</p> <ul style="list-style-type: none"> • include design and architectural treatments that respond to and integrate with the existing streetscape. • use landscaping to positively contribute to the streetscape and neighbouring amenity. • integrate car parking into the building and site landscaping design in residential areas. <p>Objective</p> <p>To ensure clear delineation between the child care facility and public spaces.</p> <p>C6</p> <p>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> •fencing to ensure safety for children entering and leaving the facility. •windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community. •integrating existing and proposed landscaping with fencing. <p>C7</p> <p>On sites with multiple buildings and/or entries, pedestrian entries and</p>	<p>Centre appropriately designed to create the delineation.</p>	<p>Yes</p>
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	<p>spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p> <p>C8</p> <p>Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries. • low fences and planting which delineate communal/private open space from adjoining public open space. • minimal use of blank walls and high fences. <p>Objective</p> <p>To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</p> <p>C9</p> <p>Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance</p>	N/A	N/A
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	<p>with local heritage provisions.</p> <p>C10</p> <p>High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>		
<p>3.3 Building orientation, envelope and design</p>	<p>Objective</p> <p>To respond to the streetscape and site, while optimising solar access and opportunities for shade.</p> <p>C11</p> <p>Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties. - placing play equipment away from common boundaries with residential properties. - locating outdoor play areas away from 	<p>Proposal has been designed to accommodate appropriate solar access opportunities</p>	<p>Yes</p>

	<p>residential dwellings and other sensitive uses.</p> <ul style="list-style-type: none"> • optimise solar access to internal and external play areas. • avoid overshadowing of adjoining residential properties. • minimise cut and fill. • ensure buildings along the street frontage define the street by facing it. • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. <p>Objective</p> <p>To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</p> <p>C12</p> <p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality. • building height should respond to the scale and character of the street. • setbacks should allow for adequate privacy for neighbours and children 	<p>Scale of centre is appropriate</p>	
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	<p>at the proposed child care facility.</p> <ul style="list-style-type: none"> • setbacks should provide adequate access for building maintenance. • setbacks to the street should be consistent with the existing character. <p>Objective</p> <p>To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</p> <p>C13</p> <p>Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p> <p>C14</p> <p>On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p> <p>Objective</p> <p>To ensure that the built form, articulation and</p>	<p>Centre appropriately setback from boundary.</p> <p>The centre does not create a detrimental impact on the</p>	
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	<p>scale of development relates to its context and buildings are well designed to contribute to an area's character.</p> <p>C15</p> <p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage. • contributes to the identity of the place. • retains and reinforces existing built form and vegetation where significant. • considers heritage within the local neighbourhood including identified heritage items and conservation areas. • responds to its natural environment including local landscape setting and climate. • contributes to the identity of place. <p>Objective</p> <p>To ensure that buildings are designed to create safe environments for all users.</p> <p>C16</p> <p>Entry to the facility should be limited to one secure point which is:</p>	<p>character of the local area. It is suitably located within the proposed building envelope.</p> <p>The centre has been designed to be safe for children who will attend the facility.</p>	
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	<ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians. • directly accessible from the street where possible. • directly visible from the street frontage. • easily monitored through natural or camera surveillance. • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. <p>Objective</p> <p>To ensure that child care facilities are designed to be accessible by all potential users.</p> <p>C17</p> <p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation. • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry. • providing a continuous path of travel to and within the building, including access 		
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	<p>between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible.</p> <ul style="list-style-type: none"> • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 		
3.4 Landscaping	<p>Objective</p> <p>To provide design that contributes to the streetscape and amenity.</p> <p>C18</p> <p>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context. • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. <p>C19</p> <p>Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings. 	<p>The proposed centre is integrated within the building envelope</p>	<p>Yes</p>

	<ul style="list-style-type: none"> • taking into account streetscape, local character and context when siting car parking areas within the front setback. • using low level landscaping to soften and screen parking areas. 		
3.5 Visual and acoustic privacy	<p>Objective</p> <p>To protect the privacy and security of children attending the facility.</p> <p>C20</p> <p>Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p> <p>C21</p> <p>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> •appropriate site and building layout. •suitably locating pathways, windows and doors. •permanent screening and landscape design. <p>Objective</p> <p>To minimise impacts on privacy of adjoining properties.</p> <p>C22</p> <p>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p>	<p>Outdoor space appropriately located within building envelope and is appropriately screened</p> <p>View of outdoor areas is appropriately minimised and located through design to avoid privacy impacts on adjoining properties.</p> <p>The privacy, both visual and acoustic, is to be maintained by treated acoustic barriers</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	<ul style="list-style-type: none"> •appropriate site and building layout. •suitable location of pathways, windows and doors. •landscape design and screening. <p>Objective</p> <p>To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</p> <p>C23</p> <p>A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	<p>The site and building layout appropriately responds to visual and acoustic privacy issues.</p> <p>Appropriate acoustic treatment provided to alleviate impacts on adjoining properties.</p>	<p>Yes</p> <p>Yes</p>
3.6 Noise and air pollution	<p>Objective</p> <p>To ensure that outside noise levels on the</p>	<p>The site is located in a mixed-use neighborhood</p>	<p>Yes</p>

	<p>facility are minimised to acceptable levels.</p> <p>C25</p> <p>Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • creating physical separation between buildings and the noise source • orienting the facility perpendicular to the noise source and where possible buffered by other uses • using landscaping to reduce the perception of noise • limiting the number and size of openings facing noise sources • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits • locating cot rooms, sleeping areas and play areas away from external noise sources. <p>C26</p> <p>An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed</p>	<p>and background noise levels are unlikely to impact on the operation of the facility.</p> <p>No significant noise source identified.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>Acoustic treatment to the building has been incorporated in accordance with the Acoustic report.</p> <p>As above</p> <p>The cot room is appropriately located</p> <p>An acoustic report has been provided.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>in any of the following locations:</p> <ul style="list-style-type: none"> • on industrial zoned land • where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 • along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • on a major or busy road • other land that is impacted by substantial external noise. <p>Objective</p> <p>To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</p> <p>C27</p> <p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p> <p>C28</p> <p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>The proposal is not adjacent to a major road or an industrial facility.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
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	<p>accordance with relevant legislation and guidelines.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility. 	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
3.7 Hours of operation	<p>Objective</p> <p>To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</p> <p>C29</p> <p>Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care</p>	<p>The use is proposed to operate from 7am to 6pm Monday to Friday, with no operation on weekends or public holidays.</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p>

	<p>facility may be extended if it adjoins or is adjacent to non-residential land uses.</p> <p>C30</p> <p>Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	N/A	N/A
3.8 Traffic, parking and pedestrian circulation	<p>Objective</p> <p>To provide parking that satisfies the needs of users and demand generated by the centre.</p> <p>C31</p> <p>Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> • 1 space per 10 children. • 1 space per 2 staff. <p>Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.</p>	Parking catered for within the basement of proposed building.	Yes

	<p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children. A reduction in car parking rates may be considered where: • the proposal is an adaptive re-use of a heritage item. • the site is in a B4 Mixed Use Zone or other high density business or residential zone. • the site is in proximity to high frequency and well connected public transport. • the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks). • there is sufficient on street parking available at appropriate times within proximity of the site. <p>C32</p> <p>In commercial or industrial zones and mixed use</p>	<p>Traffic and parking assessment provided and considered acceptable.</p>	<p>N/A</p>
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	<p>developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.</p> <p>C33</p> <p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected. • there will be no impacts on the safe operation of the surrounding road network. <p>Objective</p> <p>To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</p> <p>C34</p> <p>Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> • a classified road. • roads which carry freight traffic or transport dangerous goods or hazardous materials. The 		<p>Yes</p> <p>N/A</p>
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	<p>alternate access must have regard to:</p> <ul style="list-style-type: none"> • the prevailing traffic conditions. • pedestrian and vehicle safety including bicycle movements. • the likely impact of the development on traffic. <p>C35 Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p> <p>Objective</p> <p>To provide a safe and connected environment for pedestrians both on and around the site.</p> <p>C36</p> <p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility. • defined pedestrian crossings included within large car parking areas. • separate pedestrian and vehicle entries from the street for parents, children, and visitors. • pedestrian paths that enable two prams to pass each other. • delivery and loading areas located away from 		
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	<p>the main pedestrian access to the building and in clearly designated, separate facilities.</p> <ul style="list-style-type: none"> • in commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas. • vehicles can enter and leave the site in a forward direction. <p>C37</p> <p>Mixed use developments should include:</p> <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks. • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or maneuvering areas used by vehicles accessing other parts of the site. • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or 		
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	<p>access point to the facility.</p> <p>C38</p> <p>Car parking design should:</p> <ul style="list-style-type: none"> • include a child safe fence to separate car parking areas from the building entrance and play areas. • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards. • include wheelchair and pram accessible parking. 		
4.1 Indoor space requirements	<p>Regulation 107 Education and Care Services National Regulations</p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p> <p>Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> •passageway or thoroughfare (including door swings) used for circulation •toilet and hygiene facilities •nappy changing area or area for preparing bottles •area permanently set aside for the use or storage of cots •area permanently set aside for storage 	<p>79 children proposed and a minimum of 257sqm of indoor space provided</p>	<p>Yes</p>

	<ul style="list-style-type: none"> •area or room for staff or administration •kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen •on-site laundry •other space that is not suitable for children. <p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.</p> <p>When calculating indoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated.</p> <p>Verandahs may be included when calculating indoor space with the written approval</p>		
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Verandahs have been included as outdoor play area so have not been included as part of the internal area.

	<p>from the regulatory authority.</p> <p>Verandahs as indoor space</p> <p>For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space.</p> <p>Storage</p> <p>Storage areas including joinery units are not to be included in the calculation of indoor space. To achieve a functional unencumbered area free of clutter, storage areas must be considered when designing and calculating the spatial requirements of the facility. It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> • a minimum of 0.3m³ per child of external storage space. • a minimum of 0.2m³ per child of internal storage space. <p>Storage does not need to be in a separate room or screened, and there should be a mixture of safe shelving and storage that children can access independently. Storage of items such as prams, bikes and scooters should be located adjacent to the building entrance. Where an external laundry</p>	<p>Storage has not been used in the calculation of play space.</p>	<p>Yes</p>
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	<ul style="list-style-type: none"> • an on-site laundry cannot be calculated as usable unencumbered play space for children. 	Storage areas provided.	Yes
4.3 Toilet and hygiene facilities	<p>Regulation 109</p> <p>Education and Care Services National Regulations</p> <p>A service must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p> <p>Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p> <p>Design Guidance</p> <p>Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could include:</p> <ul style="list-style-type: none"> • junior toilet pans, low level sinks and hand drying facilities for children. • a sink and handwashing facilities in all bathrooms for adults. • direct access from both activity rooms and outdoor play areas. 	<p>Toilets are provided to Playrooms on both the ground and first floors.</p> <p>Toilet facilities are provided. It would appear that sufficient area is provided for toilets and hand wash and the design allows for access and observation in accordance with this section of the Child Care Planning Guideline.</p>	<p>Yes</p> <p>Yes</p>

	<ul style="list-style-type: none"> • windows into bathrooms and cubicles without doors to allow supervision by staff. • external windows in locations that prevent observation from neighbouring properties or from side boundaries. 		
4.4 Ventilation and natural light	<p>Regulation 110</p> <p>Education and Care Services National Regulations</p> <p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p> <p>Design Guidance</p> <p>Ventilation</p> <p>Good ventilation can be achieved through a mixture of natural cross ventilation and air conditioning. Encouraging natural ventilation is the basis of sustainable design; however, there will be circumstances where mechanical ventilation will be essential to creating ambient temperatures within a facility. To achieve adequate natural ventilation, the design of the child care facilities must address the</p>	All areas are provided with sufficient natural ventilation and natural light.	Yes

	<p>orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.</p> <p>Natural light</p> <p>Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:</p> <ul style="list-style-type: none"> • providing windows facing different orientations. • using skylights as appropriate. • ceiling heights. <p>Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room</p>		
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	size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.		
4.5 Administrative space	<p>Regulation 111</p> <p>Education and Care Services National Regulations</p> <p>A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p> <p>Design Guidance</p> <p>Design considerations could include closing doors for privacy and glass partitions to ensure supervision.</p> <p>When designing administrative spaces, consideration should be given to functions which can share spaces and those which cannot (refer Figure 4). Sound proofing of meeting rooms may be appropriate where they are located adjacent to public areas, or in large rooms where sound can easily travel.</p> <p>Administrative spaces should be designed to ensure equitable use by parents and children at the facility. A reception desk may be designed to have a portion of it at a lower level for children or people in a wheel chair.</p>	<p>A visitor waiting area is provided adjacent to the front door and a staff admin area/office is provided immediately adjacent to this waiting area.</p> <p>Sufficient area is provided for consultation with parents is not ideal. A condition requiring the sign in counter be provided with a shutter when required would overcome this issue.</p> <p>A staff room is provided for the use of all staff</p> <p>The provision of a staff room in the form of an eat-in kitchen on the first floor is appropriate.</p>	<p>Yes,</p> <p>Yes</p> <p>Yes</p>

4.6 Nappy change facilities	<p>Regulation 112</p> <p>Education and Care Services National Regulations</p> <p>Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.</p> <p>Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p> <p>Design Guidance</p> <p>In circumstances where nappy change facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> • properly constructed nappy changing bench or benches. • a bench type baby bath within one metre from the nappy change bench. • the provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area. • a space to store steps. • positioning to enable supervision of the activity and play areas. 	<p>A nappy change room is provided.</p> <p>TBC.</p> <p>Nappy change bench is provided.</p> <p>A baby bath is not shown but sufficient area is available for the inclusion of a baby bath.</p> <p>A hand wash sink is provided.</p> <p>Storage area is provided.</p> <p>Glazing treatment of the wall allows for supervision of Playroom 1.</p>	<p>Yes</p> <p>TBC</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4.7 Premises designed to	Regulation 115		

	spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities.		
4.8 Emergency evacuation procedures	<p>Regulations 97 and 168</p> <p>Education and Care Services National Regulations</p> <p>Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> • instructions for what must be done in the event of an emergency. • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit. • a risk assessment to identify potential emergencies that are relevant to the service. <p>Design Guidance</p> <p>Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency. Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to</p>	<p>A fire egress plan has been provided to accompany the application.</p> <p>The plan provides emergency instructions.</p> <p>Provided as part of DA.</p> <p>Emergency plan covers fire and bomb threat.</p> <p>The application proposes a two storey facility. Evacuation via either the internal or external stairwell is indicated on the fire egress plan.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>protect staff and children. For example:</p> <ul style="list-style-type: none"> • independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations. • a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation. <p>An emergency and evaluation plan should be submitted with a DA and should consider:</p> <ul style="list-style-type: none"> • the mobility of children and how this is to be accommodated during an evacuation. • the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings. • how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios. 	<p>A separate fire stair is provided from the first floor providing access to the street via the side access passage on the southern side of the site.</p> <p>The fire egress plan does not indicate an internal mustering area. A condition of consent will require the fire egress plan to be amended to show a fire mustering area.</p> <p>Provided</p> <p>Appropriately covered by condition.</p> <p>An emergency evacuation point is identified on the street in the corner splay area outside the site.</p> <p>Emergency evacuation plan provided and appropriately covered by through condition</p>	<p>Yes</p> <p>Yes,</p> <p>Yes</p> <p>Yes, by condition.</p> <p>Yes, by condition.</p> <p>Yes, by condition.</p>
4.9 Outdoor space requirements	Regulation 108 Education and Care		

	<p>Services National Regulations</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.</p> <p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> • pathway or thoroughfare, except where used by children as part of the education and care program. • car parking area. • storage shed or other storage area. • laundry. • other space that is not suitable for children. <p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.</p> <p>Applicants should also note that regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure there is no swimming pool on</p>	<p>A minimum 553sqm of outdoor space is required based on 7sqm per child. The proposal provides for the correct amount of outdoor space.</p>	<p>Yes</p>
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	<p>the premises, unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.</p> <p>A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.</p> <p>Design Guidance</p> <p>Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play. When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered.</p> <p>Verandahs as outdoor space</p> <p>Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> • be open on at least one third of its perimeter. • have a clear height of 2.1 metres. • have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter. 		
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	<ul style="list-style-type: none"> • have adequate flooring and roofing. • be designed to provide adequate protection from the elements. 		
4.10 Natural environment	<p>Regulation 113</p> <p>Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p> <p>Design Guidance</p> <p>Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space. Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:</p> <ul style="list-style-type: none"> • are known to be poisonous, produce toxins or have toxic leaves or berries. • have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches. <p>The outdoor space should be designed to:</p> <ul style="list-style-type: none"> • provide a variety of experiences that facilitate the development of 	<p>Whilst outdoor play area is located within existing building envelope, the proposal has been designed to enable an appreciation of the natural environment.</p> <p>Considered satisfactory</p>	<p>Yes</p> <p>Yes,</p>

	<p>cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.</p> <ul style="list-style-type: none"> • assist supervision and minimise opportunities for bullying and antisocial behaviour. • enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction. 		
4.11 Shade	<p>Regulation 114</p> <p>Education and Care Services National Regulations</p> <p>The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p> <p>Design Guidance</p> <p>Solar access</p> <p>Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year. Outdoor play areas should:</p> <ul style="list-style-type: none"> • have year-round solar access to at least 30 per cent of the ground area, 	<p>Appropriate shaded areas are available to both the ground and first floor outdoor areas.</p> <p>There is the opportunity for solar access to multiple outdoor areas throughout the day.</p> <p>Provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>with no more than 60 per cent of the outdoor space covered.</p> <ul style="list-style-type: none"> • provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area. • have evenly distributed shade structures over different activity spaces. <p>Natural shade</p> <p>Natural shade should be a major element in outdoor play areas. Trees with dense foliage and wide-spreading canopies provide the best protection. Existing stands of trees, particularly in rear setbacks, should be retained to provide shaded play areas. Species that suit local soil and climatic conditions and the character of the environment are recommended. Dense shrubs can also provide shade. They should be planted around the site perimeter so they don't obstruct supervision. Pruning shrubs on the underside may create shaded play nooks underneath.</p> <p>Planting for shade and solar access is enhanced by:</p> <ul style="list-style-type: none"> • placing appropriately scaled trees near the eastern and western elevations. • providing a balance of evergreen and deciduous 	<p>Appropriate shade structures provided</p> <p>Shade structures are available in multiple areas.</p> <p>Appropriate shading provided within existing building envelope</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>trees to give shade in summer and sunlight access in winter.</p> <p>Built shade structures</p> <p>Built structures providing effective shade include:</p> <ul style="list-style-type: none"> • permanent structures (pergolas, sails and verandahs). • demountable shade (marquees and tents). • adjustable systems (awnings). • shade sails. <p>Shade structures should not create safety hazards. Support systems such as upright posts should be clearly visible with rounded edges or padding. Vertical barriers at the sides of shade structures should be designed to prevent children using them for climbing. Shade structures should allow adults to view and access the children's play areas, with a recommended head clearance of 2.1 metres. The floor area underneath the structure should be of a sufficient size and shape to allow children to gather or play actively.</p>	Appropriate shading is provided.	Yes
4.12 Fencing	<p>Regulation 104</p> <p>Education and Care Services National Regulations</p> <p>Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under</p>	Provided.	Yes

	<p>cannot go through, over or under it.</p> <p>This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.</p> <p>Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.</p> <p>Design Guidance</p> <p>Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding area. In general, fencing around outdoor spaces should:</p> <ul style="list-style-type: none"> • prevent children climbing over, under or through fences. • prevent people outside the facility from gaining access by climbing over, under or through the fence. • not create a sense of enclosure. <p>Design considerations for side and rear boundary fences could include:</p> <ul style="list-style-type: none"> • being made from solid prefinished metal, timber, or masonry. 	<p>TBC.</p> <p>Facility secured within existing building envelope</p> <p>Appropriate.</p> <p>Appropriate.</p> <p>Appropriate.</p> <p>Appropriate.</p>	<p>TBC</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<ul style="list-style-type: none"> • having a minimum height of 1.8 metres. • having no rails or elements for climbing higher than 150mm from the ground. <p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems.</p>	<p>Provided.</p> <p>Provided.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>
4.13 Soil Assessment	<p>Regulation 25 Education and Care Services National Regulations</p> <p>Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.</p> <p>With every service application one of the following is required:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises. • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil 	<p>N/A – Proposed fitout within existing building envelope</p>	<p>N/A</p>

	<p>assessment was undertaken.</p> <ul style="list-style-type: none"> • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. <p>Design Guidance</p> <p>To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process.</p> <p>Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil. This includes sites with or without buildings and existing approved children's services where:</p> <ul style="list-style-type: none"> • the application is to alter or extend the premises. • the alteration or extension requires earthworks or deep excavations (exceeding a depth of one metre). • the works are going to take place in an area used for children's outdoor play or will be used for children's outdoor play after the work is completed. 		
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	<ul style="list-style-type: none"> • a soil assessment has not been undertaken at the children's service. <p>Minor landscaping, creation of sand pits, movement of play equipment and so on do not qualify as earthworks and do not require a soil assessment.</p> <p>An assessment of soil for a children's service approval application may require three levels of investigation:</p> <ul style="list-style-type: none"> • Stage 1 - Preliminary investigation (with or without soil sampling). • Stage 2 - Detailed site investigation. • Stage 3 - Site specific human health risk assessment. 		
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State Environmental Planning Policy No. 64 – Advertising and Signage

The application was accompanied by a signage strategy detailing the signage that is to be erected on the proposed serviced apartment building. Therefore, the application is required to be assessed against SEPP 64. Please refer to table below outlining the proposals compliance against SEPP 64.

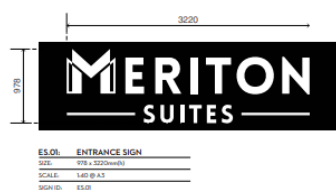


Figure 6: Extracts from signage strategy

SEPP 64 Assessment Criteria Clause 3 – Aims, Objectives	Comment
<p>Consistency with the objectives of SEPP64 as set out in clause 3 (1)(a):</p> <p>a) to ensure that signage (including advertising):</p> <p>(i) is compatible with the desired amenity and visual character of an area, and</p>	<p>The proposed signage is compatible with the locality of the site which is a large-scale CBD environment with a mixture of commercial, retail and residential uses.</p> <p>The sign does not block any significant views and will not have a detrimental</p>

<ul style="list-style-type: none"> (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and b) to regulate signage (but not content) under Part 4 of the Act, and c) to provide time-limited consents for the display of certain advertisements in transport corridors, and d) to ensure that public benefits may be derived from advertising in and adjacent transport corridors 	<p>impact on the current and future amenity of the surrounding area.</p> <p>The proposed signage will be designed complementing the existing building, site and surrounding landscape.</p>
Schedule 1 Criteria	Comment
<p>Character of the area</p> <p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area of locality?</p>	<p>The proposed sign is considered sympathetic to the building architecture, general built environment and character of the area. The signage design and form complement the buildings architecture and are similar to other business signage in the area.</p>
<p>Special Areas</p> <p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The proposed sign is not located within the vicinity of environmentally sensitive areas, heritage areas, natural or other conservation areas, open space etc. It is unlikely that the proposal will detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, or rural landscapes.</p>
<p>Views and Vistas</p> <p>Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?</p>	<p>The proposed signage is unlikely to adversely affect important views and vistas.</p>
<p>Streetscape, Setting or Landscape</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management?</p>	<p>The proposed signage is considered to be designed at a suitable scale that complements the existing streetscape, setting and landscape. The location of the signage by the entrance of the car park for the site. The sign is considered to be appropriately located.</p>

<p>Site and Building</p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The proposal is considered to be compatible with the scale and proportion of the existing buildings on site.</p>
<p>Associated devices and logos with advertisements and advertising structures</p> <p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it to be displayed?</p>	<p>The proposed sign is a business identification sign.</p>
<p>Illumination</p> <p>Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?</p>	<p>The proposed signage will be Internal illuminated. The internal illumination is not expected to result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, nor detract from the amenity of any residence.</p> <p>The proposal is considered consistent with the B4 zone.</p>
<p>Safety</p> <p>Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>The proposed signage is not located over a public road, does not obstruct pedestrian or cycle routes and does not obscure any sightlines. It is not considered to reduce the safety of pedestrians, cyclists and motorists.</p>

Based on the assessment above it is considered that the proposed signage is appropriately located and designed to avoid any detrimental impact on adjoining properties or the locality as a whole.

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

The objectives of SEPP 55 are:

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

Under the above SEPP, Council must consider:

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

Comment: The concept application DA-82/2020 was supported by a report on Preliminary

(Contamination) Site Investigation with Limited Sampling Proposed Meriton Suites and Commercial Building 167 Northumberland Street, Liverpool (Project 99527.01, Document No. R.001.Rev1, File name 99527.01.R.001.Rev1) prepared by Douglas Partners Pty Ltd dated 20th October 2020. Douglas Partners Pty Ltd confirmed that additional intrusive investigations are required at the site following demolition of the buildings to determine the suitability of the land for the proposed development and to classify soils requiring off-site disposal.

Based upon these findings, the Applicant was required to engage the services of a suitably qualified environmental consultant to prepare or review and certify a Stage 2- Detailed Site Investigation of the land. If the Stage 2-Detailed Site Investigation indicates that the site poses unacceptable risks to human health or the environment, a Remedial Action Plan (RAP) needs prepared or reviewed and certified by a suitably qualified environmental consultant. This documentation is usually assessed prior to development consent being granted.

Council notes that the following applications were lodged with and approved by Council:

1. DA-96/2020 was approved on 20 February 2020 for the demolition of existing structures onsite. A subsequent 4.55 modification was also approved on 20 October 2020.
2. DA-222/2020 was lodged on 11 March 2020 for excavation to create basement levels associated with the proposed mixed-use development. This DA was approved on 11 February 2021.

DA-222/2020 was supported by the following additional technical reports:

- Contamination Investigation Proposed Meriton Suites & Commercial Building 167 Northumberland Street, Liverpool (Project 99527.01, Ref: 99527.01.R.002.Rev1) prepared by Douglas Partners Pty Ltd dated 24th November 2020; and
- Report on Detailed Site Investigation (Contamination) Meriton Suites and Commercial 167 Northumberland Street, Liverpool (Project 99908.00, Document No. R.001.Rev0) prepared by Douglas Partners Pty Ltd dated 21st January 2021.

When reviewing these reports, Council's Environmental Health Section considered whether the land is contaminated. Based upon the consultants' findings, Council's Environmental Health Section understands that the land is suitable in its current condition for the proposed use without the need for remediation.

Based on the above assessment of the consultants' findings, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55 Clauses 7(1), 7(2), 7(3) and 7(4), therefore, it is considered that the subject site is suitable for the proposed development.

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

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

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

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	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.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas	The proposal provides soil and erosion control measures.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries	The proposal provides a stormwater management system that will connect to the existing system. A Stormwater concept plan also outlines proposed sediment and erosion control measures.
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.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning)	The proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice	All relevant State Government Agencies were notified of the proposal and all relevant State Government Policies, manuals and guidelines were considered as part of the proposal.
(g) whether there are any feasible alternatives to the development or other proposal concerned	The site is located in an area nominated for mixed use development and provides for a development that is consistent with the objectives of the applicable zoning and is consistent with the desired future character of the surrounding locality.

Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The site is not affected by acid sulphate soils.
(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. The site has been used for commercial

	purposes previously.
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Stormwater Concept Plan proposes connection to existing services.
(10) Urban development areas	<p>The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy.</p> <p>The site is not identified as being an Urban Release Area under LLEP 2008.</p>
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	A drainage plan proposes stormwater connection to existing services.
(13) Wetlands	Not applicable.

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

Liverpool Local Environmental Plan 2008

The concept application would be incorporate several uses all of which are permissible within the B4 Mixed Use zoning. These uses have been detailed previously in this report.

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 concept application is considered consistent with the objectives of the B4 zone in that it will facilitate a mixture of compatible land uses, provides for appropriate building

envelopes that have been suitably located to cater for suitable business, retail and other uses. It enables the provision of future tourist and visitor accommodation in the Liverpool City Centre while enabling the provision of active retail, business and other non-residential uses at street level. The concept application has also been presented to Council's Design Excellence Panel on numerous occasions and is considered an appropriate concept application that can facilitate a high standard of urban design.

Principal Development Standards

The following principal development standards are applicable to the proposal:

CLAUSE	REQUIRED	PROPOSED
Clause 2.7 Demolition Requires Development Consent	The demolition of a building or work may be carried out only with development consent.	N/A
Clause 4.3 Height of Buildings	Maximum height of 28m	N/A The subject proposal benefits from Clause 7.5A. As the proposal is to align with the concept proposal being considered concurrently with the subject application. It is considered that the proposal aligns with the concept proposal that has been considered worthy of support and therefore the maximum height proposed align with the height proposed under the concept application.
Clause 4.4 Floor Space Ratio	Maximum FSR of 3:1	N/A The subject proposal benefits from Clause 7.5A. As the proposal is to align with the concept proposal being considered concurrently with the subject application. It is considered that the proposal aligns with the concept proposal that has been considered worthy of support and therefore the Floor area proposed aligns with the floor area proposed
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 No concerns raised by Council's Heritage Advisor.
7.1 Objectives for Development in	Proposed developments must be consistent with the objectives	Complies

Liverpool City Centre		Refer to discussion below.
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	N/A This clause does not encompass the subject site.
7.3 Car Parking in the Liverpool City Centre	<ul style="list-style-type: none"> At least one car parking space is provided for every 200m² of new ground floor GFA; At least one car parking space is provided for every 100m² of new retail premises GFA; and At least one car parking space is provided for every 150m² of new GFA to be used for any other purpose. 	Does not comply – The proposed concept plan indicated that it was 10 spaces short of the required parking. As such a Clause 4.6 to justify the non-compliance was submitted with the Concept application. After a review of the concept application and the variation provided it was considered the 4.6 was worthy of support. For completeness the 4.6 variation is discussed below again.
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 (finished) on land in Zone B3 Commercial Core or B4 Mixed Use, and 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use 	Complies

Clause 7.5 Design Excellence in Liverpool City Centre	Must Comply with Clause 7.5(3) with regards to exhibiting design excellence	Complies The application has been reviewed by Council's Design excellence panel and the application has been supported.
Clause 7.14 Minimum Building Street Frontage	A minimum building street frontage of 24m is applicable.	Complies The site has a frontage that exceeds 24m
7.5A Additional provisions relating to certain land at Liverpool city centre		Complies – The concept application considers the proposals consistency with Clause 7.5A. It is considered that the concept proposal adequately demonstrates compliance with Clause 7.5A and therefore this subject application aligns with the concept and considered satisfactory.
7.16 Ground floor development in Zones B1, B2 and B4	Development Consent is not to be granted unless it is demonstrated that the ground floor will not be used for residential accommodation	Complies Proposed concept does not provide any residential accommodation on ground floor.
Clause 7.17 Airspace Operations	Provisions to protect airspace around airports	Complies The application was referred to Sydney Metro Airports who raised no objections to the concept DA.
Clause 7.19 Serviced Apartments	Development consent must not be granted for the subdivision under a strata scheme of a building or part of a building that is being, or has been, used for serviced apartments unless the consent authority is satisfied that the following are achieved for the development as if it were development to which clause 4 of <i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i> applies— (a) the design quality principles set out in Schedule 1 to that Policy, (b) the design principles of the	N/A The applicant has confirmed that the serviced apartments will not be subdivided under a strata scheme.

	Apartment Design Guide (within the meaning of that Policy).	
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In addition to the above development standards, the application has also been considered in regards to other relevant standards of the LLEP 2008. The key clauses applicable to the application are discussed in further detail below.

a) Variation to Clause 7.3 – Car Parking in the Liverpool City Centre

For consent to be granted for new GFA on B4 Mixed Use zoned land in the Liverpool City Centre, Subclause 7.3(2) provides that the consent authority must be satisfied that:

- 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.

Based on a GFA of 15,650m², the site would be required to provide 104 car parking spaces in order to be compliant with Subclause 7.3(2). However, it is proposed to provide 94 car parking spaces at the site. This equates to a non-compliance with the car parking requirements of Clause 7.3 by 10 spaces or 9.6%.

Consequently, the applicant provided a clause 4.6 variation to justify the non-compliance, prepared by Urbis.

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, are discussed below:

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

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- 3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- 4) Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) the consent authority is satisfied that:*

- i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

1) Circumstances of the development

The development seeks development consent for the following;

The application seeks consent for a mixed-use development incorporating a 32-storey tower with 3 levels of basement parking, retail/commercial floorspace/child care centre/recreation facility and serviced apartments. The development consists of

- 1) A 32-storey mixed-used development with a maximum RL of 127.700. The 32-storey building incorporates a four-storey podium that incorporate the following;
 - A variety of retail/business premises split between the ground level and level 3.
 - An indoor recreation facility predominately consisting of a swimming pool, spa and sauna on level 2 and
 - A child care centre to operate from 7am to 6pm Monday to Friday to cater for 79 children on Level 3.
 - The combined floor area of the uses above equates to 3,130sqm
 - On the fourth level of the podium there are six serviced apartments including (2x2 bedroom, 3x1 bedroom and 1x studio apartment).
- 2) Above the podium is a 28-storey tower incorporating serviced apartments and associated plant rooms and services. The tower incorporates 157 serviced apartments including (27 studio apartments, 76x1 bedroom apartments, 44x2 bedroom apartments and 10x3 bedroom apartments). The total floor area of the serviced apartment element of the development equates to 12,520sqm.
- 3) The mixed-use development is proposed over a 3-level basement that will cater for the following;
 - 94 car spaces
 - 6 motorcycle spaces
 - 40 bicycle bays

The basement also caters of a section on level 1 of the basement to enable a future driveway access to the adjoining southern site for parking purposes.

2) 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. The Clause 4.6 variation prepared by Urbis is summarised as follows:

- *The parking is commensurate with the traffic likely to be generated by the development and appropriate for the road network capacity – The Traffic Impact Assessment*

prepared by Arup notes that the proposed development will generate less than one vehicle trip every two minutes on average during peak periods, resulting in minor traffic generation impacts to the road network. Strict application of clause 7.3 will result in greater traffic impacts.

- *The parking is commensurate with the proposed mix of transport modes for the City Centre – The proposed number of car parking spaces is considered proportionate to the mix of transport modes available in the City Centre. As Liverpool grows in its role as a Strategic Centre and CBD, an objective for the site should be to minimise car parking to promote the use of public and sustainable forms of transport. Liverpool Station is located 650 metres from the site, servicing the Inner West, Leppington, Bankstown and Cumberland lines. Liverpool bus interchange is also located immediately adjacent to the station. It serves as a terminus for all bus routes serving the CBD and Liverpool to Parramatta, all within walking distance from the site and servicing the immediate locality (Figure 5). The proposed mixed-use development also provides 40 bicycle spaces to encourage active modes of transport. It is anticipated that guests, visitors and employees will utilise the existing bus, rail and active transport options available. In addition, visitors staying in the serviced apartments will also access the site by taxi or other ride share methods.*
- *An underlying objective of the standard is to promote the use of public and active transport. The mix of transport modes in the CBD has been a key determinant informing the proposed number of car parking spaces provided on site. As discussed, the site is well serviced by trains and buses. If additional car parking is provided, it will further encourage the use of motor vehicles and discourage patrons from utilising the existing public transport available, defeating the underlying objective of the standard.*
- *A secondary objective of this clause is to ensure car parking provision is commensurate with the traffic likely to be generated by the development. As discussed in the Traffic Report, the increase in traffic is considered to be 'minor in nature and will have negligible impacts' and that the proposed 'reduced car parking spaces generate less trips in comparison to the trips generated based on the number of the proposed units'.*

In response to the comments raised above, Council has provided the following justification as to why the imposition of the applicable car parking standard is unreasonable and unnecessary in this instance:

- With the subjects site's close proximity to the Liverpool Train Station and the Liverpool-Parramatta Transitway the proposed developments reduced parking rate promotes and encourages the establishment of a Transit Orientated Development (TOD) and the positive attributes associated with such a development through the following.
 - The development provides for a large-scale commercial development within close proximity to a significant transport hub of Western Sydney. With the reduced parking rate and the close proximity to the significant transport hub the development will promote the use of the well serviced and accessible public transport options in lieu of the use of motor vehicles.
 - By encouraging the use of public transport and the reduced dependency on motor vehicles the development promotes sustainable urban development and the reduction in a carbon footprint.
 - The development in this form and location will promote walkability and create an improved and engaging public domain and promote social interaction as it will reduce car dependency and vehicle congestion within the CBD.

- As indicated in the justification provided above the proposals reduced parking rate aligns with the desired and envisaged direction of the Greater Sydney Commissions “Western Sydney District Plan” for key strategic centres including Liverpool, by promoting the use of public transport, creation of a 30-minute city and promoting walkability.
- Low car parking provisions is considered important in this instance as it will also act to limit potential traffic generation by the sites activity to a level which will not unduly compromise the operation of the Liverpool CBDs existing road network.
- Given the location of the proposal within close proximity to Liverpool Station and Transit way the provision of a reduced amount of parking spaces for future users of the service apartments or employees that will be employed in the building is considered a viable option in this instance.
- The proposed development is considered to have due consideration to the encouragement of the use of reduced car dependency and vehicular movement to and from the site through the introduction of and encouragement of bicycle parking.

As part of the lodgement a traffic impact assessment prepared by ARUP dated 11 May 2021 was submitted with the application. The assessment is attached to this report. The report provided additional reasoning from a traffic assessment perspective as to why a shortfall in parking is considered acceptable in this instance. A summary of the comments in the assessment are as follows;

By applying the rates to each component of the development, 104 parking spaces would normally be required. In response, 94 parking spaces are provided on three (3) basement levels which results in a total of 10 fewer parking spaces. This is deemed acceptable for the following reasons:

- *The site is centrally located within the Liverpool City Centre, and therefore has excellent access to nearby facilities including public transport. The subject site is located within a desirable distance from numerous bus services operate in the vicinity of the site. In addition, Liverpool Railway Station services the area and is located within eight minutes’ walk of the site, hence, the development has the potential to be a premier Transit - Oriented Development. Therefore, suitable and convenient public transport options are available for serviced apartment guests, staff and visitors.*
- *In the DCP, walking is encouraged as opposed to the use of private vehicles for local trips. In addition, the DCP encourages the design of buildings, car parks and pedestrian areas are designed to promote safe pedestrian access and encourage the use of public transport.*
- *Reduction of on-site parking spaces is proposed to actively discourage parking in circumstances where there is excellent public transport availability, particularly given the constrained surrounding road network.*
- *Reduced parking in such areas is consistent with current State Government policy and will deliver a more sustainable transport outcome.*

- *The site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks).*
- *In order to realise the Greater Sydney Commission vision of 30-minute city¹, the site is in a prime location to access two of these future cities with access via the Council led FAST corridor to the future Western Sydney Aerotropolis and the existing Sydney Trains direct link to Parramatta.*
- *As a result of the measures to be implemented by the future development to encourage alternate modes of transport (active and public transport) as well as a reduction allowance for car pooling, it is assumed that approximately 10% mode shift away from the private vehicle can be achieved compared to the current mode share for people working in the area. By applying this reduction factor to 104 parking spaces, 94 parking spaces will ultimately be required.*
- *There are opportunities for a mode shift away from private vehicle travel, with the site located less than 10 minutes' walk distance from major bus routes and Liverpool Station.*
- *There is also numerous restricted on-street parking available within walking distance of the site along Northumberland Street on both sides of the street. The Bathurst Street carpark to the north of the proposed development (three blocks away from the development to the north) is also available for public use.*

3) 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;*

Given the close proximity of the development to a key transport hub and the primary use of the development as a serviced apartment it is envisaged that a large number of patrons of the building will use public transport options. The propose development encourages and promotes the reduced dependency on motor vehicles through the encouragement of public transport usage and the large amount of bicycle parking. It is on this basis that it is considered the proposal is consistent with the objective of Clause 7.3.

4) Consistency with objectives of the zone – B4 – Mixed use

The objectives of the B3 Commercial Core 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 concept proposal that will provide a mixture of compatible land uses that will serve the need of the local and wider community. It provides for a commercial development that encourages employment opportunities within walking distance of Liverpool Train Station and the Transit way.

Given the strategic location of the site across the road from Liverpool station it provides the ability to maximise public transport patronage. The proposal provides for a unique development within the Liverpool CBD in that it's a large-scale development that will encourage a range of commercial uses and employment generating activities for the Liverpool CBD and Western Sydney as a whole.

It provides for a development on a key site within the Liverpool CBD that will promote and encourage employment opportunities for the longer term. The proposal has given strong consideration to the urban design presentation of the development and has proposed a final design that now exhibits design excellence.

5) Consistency with Clause 4.6 objectives

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

It is considered appropriate in this instance to apply a degree of flexibility when applying the car parking development standard applicable to the subject site having regard to the comments above

6) Recommendation

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

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

The following draft Environmental Planning Instruments applies to the site.

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

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

The following compliance table outlines compliance with these controls.

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
CONTROLS	PROVIDED	COMPLIES
2. TREE PRESERVATION	The site does not contain any vegetation requiring removal.	N/A

3. LANDSCAPING	Considered more appropriate at a future DA stage.	Yes
4. BUSHLAND AND FAUNA HABITAT PRESERVATION	The development site is not identified as containing any native flora and fauna.	N/A
5. BUSHFIRE RISK	The development site is not identified as being bushfire prone land.	N/A
6. WATER CYCLE MANAGEMENT	Considered more appropriate at a future DA stage.	N/A
7. DEVELOPMENT NEAR CREEKS AND RIVERS	The development site is not within close proximity to a water course.	Yes
8. EROSION AND SEDIMENT CONTROL	Considered more appropriate at a future DA stage	N/A
9. FLOODING RISK	The development site is not identified as flood affected.	N/A
10. CONTAMINATION LAND RISK	See discussion under SEPP 55	Yes
11. SALINITY RISK	Considered more appropriate at a future DA stage	N/A
12. ACID SULFATE SOILS RISK	The site is not identified as containing the potential for acid sulphate soils.	N/A
13. WEEDS	The site is not identified as containing noxious weeds.	N/A
14. DEMOLITION OF EXISTING DEVELOPMENT	Consent has already been issued for demolition of the existing development.	N/A
15. ON-SITE SEWERAGE DISPOSAL	The site has access to sewage services and will not rely on OSMS.	N/A
16. ABORIGINAL ARCHAEOLOGY	The site is unlikely to have remnants of aboriginal archaeology.	Yes
17. HERITAGE AND ARCHAEOLOGICAL SITES	The site is unlikely to have impact on any existing heritage items or conservation areas.	Yes
18. NOTIFICATION OF APPLICATIONS	The application was notified in accordance with the DCP. Three submissions were received which are considered further in this report.	Yes
20. CAR PARKING & ACCESS	See discussion under Clause 7.3 of LLEP 2008	No
21. WATER CONSERVATION	Considered more appropriate at a future DA stage.	N/A
22. ENERGY CONSERVATION	Considered more appropriate at a future DA stage.	N/A
23. REFLECTIVITY	A condition will be imposed on any consent granted that requires these controls to be addressed as part of any subsequent application for the site.	N/A
25. WASTE DISPOSAL AND RE-USE FACILITIES	Considered more appropriate at a future DA stage.	N/A
26. OUTDOOR ADVERTISING AND SIGNAGE	Considered more appropriate at a future DA stage.	N/A
27. SOCIAL IMPACT ASSESSMENT	Considered more appropriate at a future DA stage.	N/A

LDCP 2008 Part 4: Liverpool City Centre: It is important to note that this concept plan sets the maximum parameters for the site in terms of bulk, scale, location and setbacks etc. It is considered that the concept plan is akin to a site specific DCP and consideration of part 4 below will be taken into account where deemed appropriate or relevant.

CONTROLS	PROVIDED	COMPLIES
4.2.5 Controls for sites that require the submission of a site specific DCP or concept DA		
1. 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.	Concept DA submitted and will be determined concurrently with the subject application. It is determined that the proposal is consistent with the concept DA proposed.	Yes
<p>2. Clause 7.5A(3)(b) of LLEP 2008 specifies that any proposed development which seeks to utilise the additional provisions relating to certain land in Liverpool city centre must yield a public benefit, in that the site on which the building is to be located must also include one or more of the following uses (NB: in order to provide the required public benefit, these uses must be publicly accessible):</p> <ul style="list-style-type: none"> • recreation areas; • recreation facilities (indoor); • community facilities; • information and education facilities; • through site links; or • public car parks. <p>Each land use that is required to yield public benefit (with the exception of “through site links” and “public car parks”, defined below), is defined in the Dictionary of LLEP 2008. The size, scale, location and detailed use of any such proposed development, must be included in the required site specific DCP or concept development application, and be to the satisfaction of Council.</p>	Applicant proposes a recreation facility (indoor) in excess of 400sqm on Level 02.	Yes

<p>Through site links are only to be developed on those sites indicated in Figure 4.12 and must be developed in accordance with the requirements of section 4.3 Pedestrian Amenity.</p> <p>Public car parks are only to be developed with the written permission of Council and must be vested in or under the control of Council. Provision of public car parking must be consistent with Council's Parking Strategy and locational requirements. Any such public car park must be of sufficient scale and located so as to be of a public benefit acceptable to Council.</p>		
3. The concept development application lodged pursuant to clause 7.5A of LLEP 2008, must demonstrate how the proposal addresses all matters described in 7.5A(4)(a-m)	This was discussed in detail under the concept application proposal (DA-82/2020). The subject application is considered consistent with the concept application.	Yes
4. Locate non-residential uses at ground level that address all street frontages (and laneway/service way frontages, where possible).	Non-residential uses proposed at ground level	Yes
5. Develop a maximum of two levels of above-ground car parking, provided it is sleeved by other uses on street frontages and appropriately screened or sleeved by other uses on lane/serviceway frontages. Aboveground parking must achieve minimum floor to ceiling heights that would permit adaption for another use (e.g. commercial/retail or residential).	No above-ground parking proposed	Yes
6. Construct buildings according to the requirements illustrated in Figure 4.7 , Figure 4.8 or Figure 4.9 , depending on the location of the site.	The proposed development is not inconsistent with Figure 4-7 tower on a podium/mid-block except for the southern property boundary. This is considered to be acceptable in the circumstances, as it is anticipated that the adjoining property directly to the south will not be able to develop in	Considered acceptable.

	excess of the podium height of the concept DA (i.e. four storeys).	
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 and, if aboveground, adaptable to another use, as above. 	<p>The concept indicates the following floor to floor heights:</p> <ul style="list-style-type: none"> • The floor to floor height of the ground floor is in excess of 5m • Floor to floor above ground level is 4.5m except for level 04 which will have floor to floor of 3.7m and levels with serviced apartments which will have floor to floor heights of 3.1m. <p>Vertical clearances provided</p>	Yes
4.2.13 Landscape Design		
1. Submit a landscape plan prepared by a registered landscape architect that demonstrates consistency with the above objectives and section 4V, water management and conservation, of the ADG.	Landscape Strategy provided and considered acceptable	Yes
4.2.14 Planting on Structures		
1. Comply with the Section 4P, planting on structures in the ADG in all developments with a residential component and/or communal open space.	Landscape Strategy provided and considered acceptable	Yes
4.3.1 Pedestrian Permeability		
1. Design through-site links to have direct sight lines.	No through site link proposed	N/A
2. Locate through-site links as shown in Figure 4-12 .	Through site link is not required through this site	N/A
3. Locate through-site links within "through site link encouragement areas" (as identified in Figure 4-12) opposite other through site links.	The applicant does not intend to provide any link or arcade through the site	N/A
4. Extend existing dead end lanes (as identified in in Figure 4-12) through to the next street as redevelopment occurs.	No through site link required	N/A
5. Connect new through site links with existing and proposed	No through site link required	N/A

through site links, serviceways, shared zones, arcades and pedestrian ways.		
6. The siting of new through site links may be varied where new links cannot be directly aligned with existing links.	No through site link required	N/A
7. Retain existing, publicly and privately owned, through-site links.	No through site link required	N/A
8. Locate active uses on through site links where possible.	No through site link required	N/A
9. Nominate sites for through-site links, shared zones etc. that may be acquired by Council or may be dedicated to Council at no cost as part of a concept development application.	No through site link required	N/A
10. Vehicular access shall be provided from secondary streets or laneways only. Vehicular access will not be allowed from the primary street.	No through site link required	N/A
4.3.2 Pedestrian Overpasses and Underpasses		
1. Design underpasses or overpasses in accordance with <i>Crime Prevention Through Environmental Design</i> principles and compliant with the applicable Australian Standard for Disabled Access.	No underpasses or overpasses proposed	N/A
2. Design overpasses to be fully glazed or open, and not greater than 3m wide or more than one level high.	No underpasses or overpasses proposed	N/A
3. Consider underpasses for direct connection under adjacent streets to the railway station where they: a) would substantially improve pedestrian safety and accessibility; b) incorporate active uses, particularly at entry and exit points; and c) have a minimum width of 4.5m clear of all fixed obstructions	No underpasses or overpasses proposed	N/A

and a minimum ceiling height of 6m.		
4.3.3 Active Street Frontages		
1. Locate active street frontages on the ground level of all commercial or mixed use buildings, including adjacent through-site links.	Ground floor retail uses are proposed along the primary street frontage	Yes
2. Locate active street frontages in the Mixed Use, Commercial Core, Enterprise Corridor and Neighbourhood zones (as identified in Figure 4-2), on ground level. This does not preclude servicing activities particularly in the serviceways.	The envelopes provide for ground floor retail uses that is likely to activate the primary street frontage	Yes
3. Locate active street frontages at first floor level in addition to ground for sites addressing major roads as depicted in Figure 4-16 .	The applicant indicates floor area on the first floor level for the purpose of business premises.	Yes
4. Locate street fronts at the same level as the footpath and with direct access from the street.	A section of the building indicates that any ground floor level will be relatively level with the primary street frontage.	Yes
5. Use only open grill or transparent security (at least 50% visually transparent) shutters to retail frontages.	Noted. This is to be considered further with subsequent application	N/A
4.3.4 Street Address		
1. Provide a clear street address and direct pedestrian access off the primary street frontage in mixed use and residential developments.	Proposal provides clear and distinguishable entrances off the primary frontage.	Yes
2. Provide multiple entrances to large developments on all street frontages.	Given secondary frontage is off a laneway it is considered appropriate in this instance to maintain access solely off Northumberland Street	Yes
3. Provide direct 'front door' and/or garden access to the street in ground floor residential units.	No ground floor residential units proposed.	N/A
4.3.5 Street and Building Interface		
1. Design the area between the building and the public footpath so that it: a) provides visibility to and	Addressed through conditions of consent	Yes

<p>from the street (if non-residential use);</p> <p>b) provides privacy if residential uses are on the ground floor;</p> <p>c) introduces paving and/or landscaping between the street and the building; and/or</p> <p>d) screens any above ground car parking.</p>		
<p>2. Use front fences that:</p> <p>a) do not present a solid edge to the public domain greater than 1.2 m above the footpath / public domain level; and</p> <p>b) are not constructed of sheet metal or opaque glass.</p>	Appropriate materiality proposed	Yes
4.3.6 Lane/Service ways and Building Interface		
1. Set back all levels above ground of buildings 6m from the centre line of the lane/serviceway so that residential uses can be accommodated on opposite sides of the serviceway, as described in Figure 4-11 .	No residential uses proposed.	N/A
2. Provide active uses and/or entries at ground level where possible.	Active frontages provided through commercial uses fronting Northumberland Street	Yes
3. Screen or sleeve above ground car parking with green walls or other screening devices.	No above ground parking proposed	N/A
4. Electricity substations (where required) shall be situated within the building or its basement.	Substation to be located at the rear of the site off the serviceway	Yes
5. Vehicular entry points must be of high quality design. The impact of vehicular entry points on pedestrians must be minimised.	Vehicular entrance points considered appropriate with the imposition of traffic calming conditions.	Yes
6. Garbage collection points, fire services and other service requirements are to be integrated into the design of the building.	Considered appropriately integrated in the building	Yes
4.3.7 Awnings		
1. Provide street frontage awnings for all new developments on streets identified in Figure 4-13 .	Street frontage awning provided	Yes
2. Awnings must be:	Awning considered to be appropriately	Yes

a) horizontal in form; b) minimum 2.4m deep (dependent on footpath width); c) minimum soffit height of 3.2m and maximum of 4m; d) stepped to accommodate sloping streets; e) integral with the building design; f) slim vertical faciae or eaves (generally not to exceed 300mm height); and g) setback 1.2m from kerb to allow for clearance of street furniture, trees, and other public amenity elements.	located	
3. Match awning design to building facades, so that they maintain continuity and are complementary to those of adjoining buildings.	Newest building within street as such adjoining buildings when developed should match proposal, or propose an appropriate alternative.	Yes
4. Include appropriate sun shading device for the outer edge of awnings along east-west streets if required. These blinds must not carry advertising or signage.	N/A	N/A
5. Provide lighting recessed into the soffit of the awning to facilitate night use and to improve public safety.	Design considered appropriate	Yes
6. Maintain a minimum clearance of 2.8m from the level of the pavement to the underside of awning signage.	Provided	Yes
7. Provide all residential buildings in areas not identified for continuous awnings in Figure 4-13 with awnings or other weather protection at their main entrance area.	N/A	N/A
4.3.8 Building Design and Public Domain Interface		
1. 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	Proposal is the newest building within street	Yes

façade; c) facade proportions; and d) the response to the corners at street intersections.		
2. Provide balconies and terraces appropriately orientated where buildings face public spaces.	Balconies where provided are appropriately located	Yes
3. Articulate façades to address the street, proportion the building, provide 'depth' in the street wall when viewed obliquely along the street and add visual interest.	Development appropriately articulated	Yes
4. Use high quality robust finishes and avoid finishes with high maintenance costs, and those susceptible to degradation due to a corrosive environment. Large expanses of rented concrete finish are discouraged.	Finishes considered appropriate	Yes
5. 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	Finishes considered appropriate	Yes
6. Maximise glazing in the facades for retail uses	Maximised where possible	Yes
7. For residential components of buildings, do not use highly reflective finishes and curtain wall glazing above ground floor level.	N/A	N/A
8. Construct only minor projections up to 600mm from building walls into the public space. These must not add to the GFA and must provide a benefit, such as: a) expressed cornice lines that assist in enhancing the definition of the street; or b) projections such as entry canopies that add visual interest and amenity.	Proposed articulation incorporated into the building is considered appropriate	Yes
9. Do not locate communication towers such as	None proposed	Yes

mobile phone towers, but excluding satellite dishes, on residential buildings or mixed use buildings with a residential component.		
10. Incorporate roof top structures, such as air conditioning and lift motor rooms, into the architectural design of the building.	Appropriately incorporated	Yes
11. Screen air conditioning units on balconies.	None indicated on proposed plans	Yes
12. No clothes drying facilities to be allowed on balconies.	N/A	N/A
4.3.9 Street Intersections and corner buildings		
1. Address all street frontages in the design of corner buildings. 2. Design the corner buildings to respond to the character of the intersection by recognising the different hierarchies of the street typologies.	Not a corner location	N/A
4.3.10 Public Artworks		
1. Design public art to respond to the particular site of the development as well as the city as a whole.	Strategy provided and considered appropriate and will form part of conditions of consent. Proposed along rear laneway	Yes
2. Provide well designed and visually interesting public art created by artists or organisations that are competent in the selected field and committed to best practice.	Strategy provided and considered appropriate and will form part of conditions of consent. Proposed along rear laneway	Yes
3. Construct Public Art of materials that are durable, resistant to vandalism, safe for the public and constructed to ensure minimal maintenance.	Strategy provided and considered appropriate and will form part of conditions of consent. Proposed along rear laneway	Yes
4. Develop clear and concise agreements with artists/organisations in relation to expectations and deaccession (the process used to permanently remove an object, artwork or assemblage).	Considered appropriate as part of conditions of consent	Yes
4.4.1 Vehicular Access and Manoeuvring Areas		
1. Vehicular access shall be	Vehicular access is proposed from the	Yes

restricted to the secondary street (other than along a High Pedestrian Priority Area) where possible.	rear laneway	
2. 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.	Materiality of entry points discussed by Council's Design Excellence Panel and considered appropriate.	Yes
3. All weather access: a) Locate and design porte cochere (for hotels only) to address urban design, streetscape, heritage and pedestrian amenity considerations. b) Design porte cochere to be internal to the building, where practical, with one combined vehicle entry and exit point, or one entry and one exit point on two different frontages of the development. c) In exceptional circumstances for buildings with one street frontage only, an indented porte cochere with separate entry and exit points across the footpath may be permitted, as long as it is constructed entirely at the footpath level and provides an active frontage at its perimeter.	Not proposed	N/A
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	Car parking is to be provided within a basement.	Yes

lodgement of a concept DA, a maximum of one level of surface (at grade) and one additional level of above ground parking may be provided where it is fully integrated into the building design.		
<p>2. Provide car parking for buildings developed on land in the R4 - High Density Residential zone as follows:</p> <p>a) 1 space per two studio apartments.</p> <p>b) 1 space per one bedroom or two bedroom apartments.</p> <p>c) 1.5 spaces per three or more bedroom apartments.</p>	The site is not in an R4 zone	N/A
<p>3. Provide car parking for buildings developed on land in other zones (B1 — Neighbourhood Centre and B6 — Enterprise Corridor) as follows:</p> <p>a) 1 space per 100 m² of floor area</p>	The site is not in a B1 zone or B6 zone.	N/A
<p>4. Service and visitor parking is to be provided for all development within the city centre. For sites zoned B3 — Commercial Core or B4 — Mixed Use, service and visitor parking is to be provided as part of the parking required according to clause 7.3 of LLEP 2008, Car parking in Liverpool city centre. For all other sites, service and visitor parking requirements are additional to that specified in controls 2 and 3 above.</p> <p>Service and visitor parking is to be provided In accordance with the following formula:</p> <p>Residential (including residential components of mixed-use or other developments)</p> <ul style="list-style-type: none"> - 1 space per 10 apartments or part thereof, for visitors; and - 1 space per 40 apartments for service vehicles (including removalist vans and car washing bays) up to a maximum of 4 spaces per building 	See discussion above in LLEP table	Considered acceptable

All other development		
<p>5. Sufficient service and delivery vehicle parking adequate to provide for the needs of the development.</p> <p>Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces.</p>	Traffic Report indicates that this can be accommodated within the proposed building envelopes.	Yes
<p>6. No less than 2% of the total parking demand generated by development shall be accessible parking spaces, designed and appropriately signposted for use by persons with a disability.</p>	Traffic Report indicates that this can be accommodated within the proposed building envelopes.	Yes
4.5.1 Wind Mitigation		
<p>1. Design all new buildings to meet the following maximum wind criteria :</p> <p>a) 10m/second in retail streets;</p> <p>b) 13m/second along major pedestrian streets, parks and public places; and</p> <p>c) 16m/second in all other streets.</p>	Wind effects report submitted by SLR, indicates that the proposed development is considered appropriate subject to incorporation of recommendations of the SLR report.	Yes
<p>2. Submit a Wind Effects Report with the DA for all buildings greater than 35m in height.</p>	Wind Report provided	Yes
<p>3. Submit results of a Wind Tunnel Testing report for buildings over 48m in height.</p>	Wind report provided	Yes
4.6.1 Heritage items and Conservation Areas		
<p>1. Submit a Conservation Management Plan prior to the submission of any development application for the following sites:</p> <p>a) St Luke's Church;</p> <p>b) Liverpool Railway Station; and</p> <p>c) Liverpool College of TAFE (Francis Greenway Building).</p>	The development is not located on any of the identified sites.	N/A
<p>2. Ensure that all development in the Bigge Park Conservation Area addresses any</p>	The development is not located in the Bigge Park Conservation Area.	N/A

potential impact on the heritage significance of the area as a whole.		
3. Retain and enhance the significance of heritage items and their setting in any new development within Liverpool city centre.	Council's Heritage Advisor has considered the proposed building envelopes in the context of the Hoddle Grid Street Network which is a recognised Heritage item. Council's Heritage Advisor raises no objection to the proposed building envelopes.	Yes
4. 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.	Not required	N/A
5. Establish the relevant criteria for each proposal depending on the nature of development, the proximity of the development to surrounding heritage items and conservation areas in addition to any other factors considered in the design of the subject building.	Noted	Yes
6. Infill building must not precisely imitate its neighbour but use recognisable tools such as spatial organisation, massing, scale, alignment, detailing, materials, roof forms and coursing lines to complement adjacent heritage items.	Noted	Yes
7. New buildings must not obstruct important views and vistas of a heritage item.	Noted	Yes

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

No planning agreement relates to the site or proposed development.

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

The Environmental Planning and Assessment Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. As this is a concept application with no physical built form no conditions requiring compliance with the BCA is deemed necessary at this stage.

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

(a) **Natural and Built Environment**

Built Environment

The proposed concept development is considered to have an overall positive impact on the surrounding built environment. The proposal has been designed to take into account the unique site location and has provided a concept design that is of an appropriate bulk and scale and consistent with the desired future character of the area.

Traffic and Access Arrangements

The applicant proposes a building that indicates the proposed location of any basement driveway as well as indicating three basement levels. See Figures below.

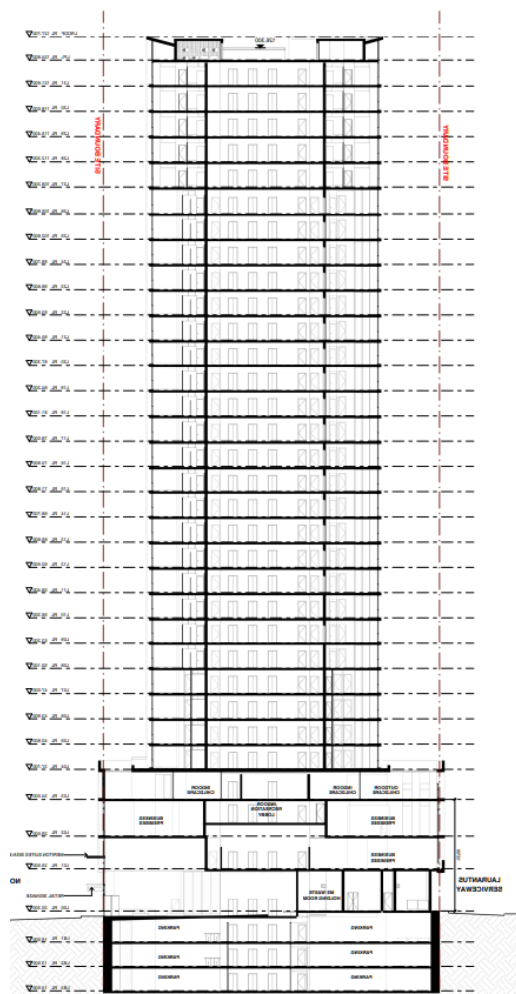


Figure 7: Section of the building indicating 3 level of basement

A Traffic Report prepared by Arup was submitted by the applicant to consider parking, access arrangements as well as traffic implications of any potential development within the proposed envelopes.

In relation to access arrangements, concerns were raised about the location of the driveway. In their response, the applicant has indicated that the driveway location is suitable subject to an approach speed of 20km/r within the laneway and the installation of mirrors within the laneway.

Council's Traffic Branch indicates that the approach speed of 20 km/hr is acceptable subject to installation of speed control devices to ensure that speed and the proposed installation of

mirrors is also acceptable subject to Council being indemnified from any public liability claim on such installation.

Council is satisfied that the any vehicular access to and from the site is achieved via the laneway thereby maintaining pedestrian priority to Northumberland Street. In this case, it is considered that the proposal can be consented to.

Having regards to car parking, the submitted Traffic Report indicates that all car parking will be accommodated within the basement. However, it is noted that there is a shortfall of parking proposed with this development.

More specifically, the proposed development is required to comply with the car parking rates in Clause 7.3 of LLEP 2008. Clause 7.3 generates a car parking requirement of approximately 104 parking spaces. The applicant proposes 94 spaces. After a review of the proposal, it is considered that the proposal is worthy of support.

Natural Environment

The proposed development is not considered to have a detrimental impact on the existing natural environment. The development proposal is located within a mixed-use zone that is fairly well developed.

(b) Social Impacts and Economic Impacts

The development is considered to result in a positive social impact by facilitating a feasible and well-balanced mixed-use development that will consist of a range of potential commercial uses in close proximity to a major transport hub which will generate and encourage employment generating activities for the Liverpool CBD.

The development will result in a positive economic impact, through the provision of the commercial premises which will provide employment opportunities for the community. Additionally, employment opportunities will also be generated through the construction of the development and the on-going maintenance of the building.

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

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

There are no significant natural or environmental constraints that would hinder the proposed development. The proposal effectively responds to its surroundings. Accordingly, the site is considered suitable for the proposed development.

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

(a) Internal Referrals

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

Internal Department	Status and Comments
City Design and Public Domain	No objection, subject to conditions
Land Development Engineering	No objection, subject to conditions

Environmental Health	No objection, subject to conditions
Waste Management	No objection subject to conditions
Heritage	No objection, subject to conditions
Land Development Engineering	No objection, subject to conditions
Traffic Engineering	No objection, subject to conditions
Economic Development	No objection to the proposed development

(b) **External Referrals**

The following comments have been received from External agencies:

External Department	Status and Comments
Transport for NSW	Advised that the proposed development will generate approximately 120 vehicle trips during peak hours, which is equivalent to less than 1% traffic to Hume Highway/Elizabeth Drive intersection and has minor impact on the classified road network. As such, TfNSW raises no further comment to the development subject to Council approval.
Endeavour Energy	No objections, subject to recommendations
Bankstown Airport Limited	No objections to the proposed development

(c) **Community Consultation**

The development application was exhibited from 7 December 2020 to 11 January 2021, two objections were received in relation to the proposal that raised the following matters which are summarised below:

- 1) *The first 3 levels may block out a significant amount of natural light to several levels of the residential building at 58 Bathurst Street. Also, the new building will extend slightly over the boundary of the lot, over Laurantus Serviceway, meaning that it will be very close to the apartment windows of the building at 58 Bathurst Street, which is a privacy issue for both the residents at 58 Bathurst Street and the commercial occupants of the first 3 levels of the Meriton building.*

The rest of the new Meriton building is fine, but the 3 levels from ground should really be re-designed so that they limit the negative impact on the other buildings that connect to Laurantus Serviceway.

Comment: Given the orientation of the development site being predominately east-west, the adjoining RFB located across the service way will still receive the required solar access of a minimum 2 hours under the ADG. The proposed development has been designed to align with the concept application that has been considered appropriate from a bulk and scale perspective. The incorporation of the retail/business uses on the first 3 levels align with the objectives of the CBD redevelopment strategy for opportunity sites in which a minimum amount of a redevelopment in a building within this zone be allocated to business/retail uses.

The proposal was also accompanied by a variety of technical reports including acoustic reports and design reports whereby it has been determined that the proposal has been appropriately

designed to mitigate acoustic and privacy impacts on adjoining properties.

The proposed western elevation along the first 3 levels have provided appropriate louvered devices to further ensure privacy impacts are minimised and to ensure solar access from the western elevation does not create a detrimental impact on the subject building during the afternoon.

To ensure privacy is further maintained a condition will be imposed for all windows along the western elevation for the first three levels of the development be provided with a minimum 1.8m opaque glass.

2) General:

- *Height & Scale: I am very concerned about & object to the size of the proposed redevelopment, which greatly exceeds the current planning controls for the site. The proposal is an inappropriate development for the existing character of central Liverpool.*
- *Visual impact: The proposed redevelopment does not represent or attempt to fit the existing built character or streetscape of the local area.*
- *Open Space How are private open space & landscaping areas being achieved for each of these units?*
- *Parking: Parking is already in short supply in the Liverpool City Centre & available parking is generally metered. The proposed development is providing a very small number of spaces for the varied commercial, retail & residential tenants. The unrealistically low number of residential parking provision is based upon an equally unrealistic expectation that residents will not own cars & can rely on public transport or walking. Where to visitors to residents park?*
- *Impact on Trade & Emergency Services: Businesses & residents to the rear of the proposed development rely on 24/7 clear access provided by Larantus Serviceway*

Comment: The proposed development is enabled under the provisions of Clause 7.5A of the Liverpool Local Environmental Plan 2008, whereby if demonstrated the proposal meets a certain criterion in terms of site area and the approval of a concept proposal a development can put forth a development of this scale in this zone. The proposed development has undertaken extensive design reviews both at concept stage and building stage to ensure it provides for a development that will be consistent with the desired future character of the Liverpool CBD.

Notwithstanding the proposed development may not fit within the existing built character it is expected that given the amendments to the EPLs that govern Liverpool surrounding sites will be developed to a scale not to dissimilar to the current proposal, provided it demonstrates compliance with the applicable controls.

With regards to the requirement of open space and landscaping areas the proposed development is to cater for serviced apartments, in which there is no requirements for the provision of open space as opposed to standard residential units.

It is acknowledged the proposal provides for a reduced number of parking however as indicated in the submitted technical traffic assessments and the justification provided by the applicant and reviewed as part of the proposal it is considered that the parking shortfall is acceptable in this stance. It is also a requirement of the conditions of this consent that appropriate traffic calming devices and safety devices are provided at the entrance to the development from the service way to ensure the appropriate operation of the service way is

maintained.

- 3) Concerns during construction including pedestrian and vehicle access, traffic, pedestrian safety, noise and dust.

Comment: Similarly, to all development approved for buildings, appropriate conditions of consent will be imposed during construction to mitigate impacts on adjoining properties. These include but not limited to hours of construction, the submission and endorsement of construction traffic management plans and sediment and erosion control plans.

6.9 Section 4.15(1)(d) – 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 have been levied in accordance with the Liverpool Contributions Plan 2018 – Liverpool City Centre, which is based on 3% of the cost of development.

Therefore, based on the above, the contributions payable is \$1,808,567.00. The payment of the contribution will be enforced through a condition of consent, requiring the full payment to be made prior to issue of a construction certificate.

8 CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Sections 4.15 and 4.22 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 to recent amendments to the LLEP 2008 relating to the CBD.
- The proposal is consistent with the objectives of the B4 – Mixed Use zone that is applicable to the site under the LLEP 2008.
- The proposal has undergone an extensive design review process and has satisfied the applicable objectives and provisions of Liverpool LEP 2008 including the provisions of Clause 7.5 relating to design excellence.

It is for these reasons that the proposed concept application is considered to be satisfactory and, the subject application is recommended for approval, subject to conditions.

9 **ATTACHMENTS**

1. Draft Conditions of Consent
2. Architectural Plans
3. Civil Report
4. Operational Waste Management Plan
5. Wind Report
6. Aeronautical Impact Assessment
7. Traffic Report
8. Sustainability Statement
9. Signage Strategy
10. Public Art Strategy
11. Acoustic Report
12. Section J Report
13. Access Report
14. BCA Report
15. Acoustic Report (Child Care)
16. CPTED Assessment
17. Landscape Report
18. Archaeological Assessment
19. Clause 4.6 Variation
20. Statement of Environmental Effects
21. Design Excellence Panel Minutes (27 October 2020)