

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-137
DA Number	DA-585/2019/A
LGA	Liverpool
Proposed Development	<p>Modification to Development Consent DA-585/2019 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979. The application seeks to modify the approved consent as follows:</p> <ul style="list-style-type: none"> • to increase the depth of the approved basement concept envelope from RL 8.00 to RL 4.00 for the component of the envelope associated with the Phase A basement and part of the Phase B/C basement of the Liverpool Civic Place development; • rectification of a drafting error in the approved Concept Consent condition 3, to make clear that a boarding house use is approved within the Phase B/C envelope, in accordance with the stamped approved building envelope drawings; • deletion of condition 10, with associated changes to plans in Condition 1 to reference plans that were submitted in satisfaction of Condition 10; • modification of the wording of condition 23 to remove the requirement for SIDRA analysis using traffic generation rates in the TfNSW guide as part of traffic impact assessments submitted with the Stage 2 Detailed DAs; • deletion of condition 7 requiring a Local Area Traffic Management Plan to be provided to Council prior to the determination of a Stage 2 Detailed DA, and • deletion of condition 27 relating to the requirement submit a Travel Plan with any future Stage 2 Detailed DA.
Street Address	<p>40-46, 48, 52 and 64 Scott Street, 306-310 Macquarie Street, Liverpool NSW 2170</p> <p>Known as 52 Scott Street, Liverpool ('Liverpool Civic Place')</p>
Applicant/Owner	Applicant: Ethos Urban; Landowner: Liverpool City Council
Date of DA lodgement	16 February 2021
Number of Submissions	N/A
Recommendation	Approved with conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and	The Sydney Western City Planning Panel (SWCPP) is the determining body as the original application was approved by the SWCPP for a Council related development' with a capital investment value of over \$5 million, and has an overall CIV of over \$30 million.

Regional Development) 2011	
List of all relevant s4.15(1)(a) matters	<ol style="list-style-type: none"> <u>Environmental Planning Instruments (EPI's)</u> <ul style="list-style-type: none"> State Environmental Planning Policy No.55 – Remediation of Land (SEPP55); State Environmental Planning Policy (State and Regional Development) 2011; State Environmental Planning Policy (Infrastructure) 2007; Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment; Liverpool Local Environmental Plan 2008 (LLEP2008); <u>Draft Environmental Planning Instruments</u> <ul style="list-style-type: none"> Draft State Environmental Planning Policy (Remediation of Land) Draft State Environmental Planning Policy (Environment) <u>Development Control Plans</u> <ul style="list-style-type: none"> Liverpool Development Control Plan 2008 (<i>LDCP2008</i>) <ul style="list-style-type: none"> Part 1 – Controls to all development Part 4 – Development in Liverpool City Centre
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> Recommended modifications to conditions of consent Statement of Environmental Effects Revised Building Envelope Plans Aboriginal heritage due diligence assessment Traffic Impact Cover Letter Letter confirming fulfillment of Condition 10 of DA-585/2019 prepared by Liverpool City Council Heritage Impact Statement Cover Letter Revised Historical Archaeological Assessment Revised Geotechnical and Environmental Investigation Geotechnical and Environmental Investigation Cover Letter
Clause 4.6 requests	N/A
Summary of key submissions	N/A
Report prepared by	Architectus Australia Pty Ltd
Report date	07 June 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
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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?	Yes
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e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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?	Not Applicable
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?	Not Applicable
<i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	

Conditions

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

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

The Sydney Western City Planning Panel (SWCPP) is the determining body as the original application was approved by the SWCPP for a 'Council related development' with a capital investment value of over \$5 million, and has an overall CIV of over \$30 million. This proposed modification application is lodged under Section 4.55(1A) of the Environmental Planning & Assessment Act (EP&A Act).

1.2 The proposal

The development of the site under DA-585/2019 was approved on 31 August 2020 for the following development concept:

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

The following changes are proposed to the consent under a Section 4.55(1A) Modification:

- i. to increase the depth of the approved basement concept envelope from RL 8.00 to RL 4.00 for the component of the envelope associated with the Phase A basement and part of the Phase B/C basement of the Liverpool Civic Place development;
- ii. rectification of a drafting error in the approved Concept Consent condition 3, to make clear that a boarding house use is approved within the Phase B/C envelope, in accordance with the stamped approved building envelope drawings;
- iii. deletion of condition 10, with associated changes to plans in Condition 1 to reference plans that were submitted in satisfaction of Condition 10;
- iv. modification of the wording of condition 23 to remove the requirement for SIDRA analysis using traffic generation rates in the TfNSW guide as part of traffic impact assessments submitted with the Stage 2 Detailed DAs;
- v. deletion of condition 7 requiring a Local Area Traffic Management Plan to be provided to Council prior to the determination of a Stage 2 Detailed DA, and
- vi. deletion of condition 27 relating to the requirement submit a Travel Plan with any future Stage 2 Detailed DA.

The modifications to the Concept Development Consent are sought to ensure that the Phase A and Phase B/C developments (the subjects of separate detailed DAs currently under assessment) are consistent with the Concept Development Consent, as required by section 4.24 of the EP&A Act.

1.3 The site

The site that was subject of the approved Concept Proposal (DA-585/2019) is known as 40-46, 48, 52 and 64 Scott Street Liverpool and 306-310 Macquarie Street, Liverpool. The overall site is made up of 12 lots. It is located within the southern end of Liverpool city centre and is of area 9,189.5m². Council are the site landowners.

1.4 The issues

There are no major issues raised with respect to the proposed modification.

1.5 Exhibition of the proposal

The modification application was not placed on public exhibition as per Section 7.7 of the Community Participation Plan.

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 modification application be approved subject to conditions of consent.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

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

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

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

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

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

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



Figure 1: Site Area of the Concept Development Consent

Source: Six Maps

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

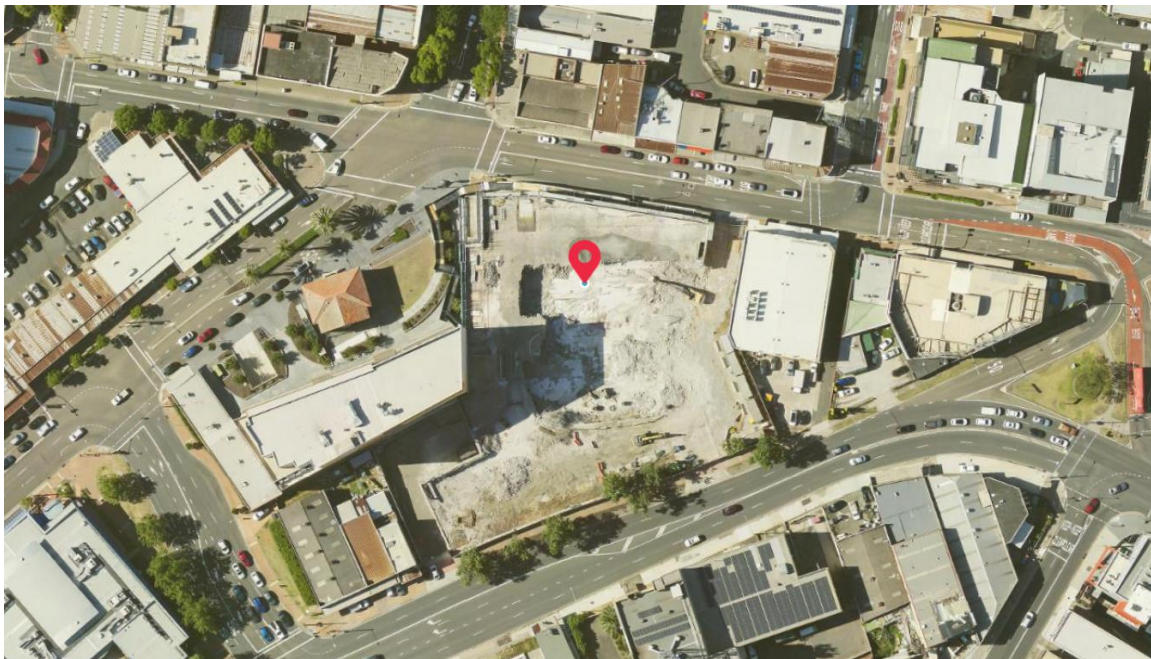


Figure 2: Aerial view of the subject site

Source: Metromaps

2.2 The locality

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

An adjoining 9-storey mixed use building is located at 300 Macquarie Street (refer to Figure 4), with part of the building wedged between the northern and southern extent of the subject site. The mixed-use building contains ground floor retail uses which are set back from the Memorial Arts Building and Macquarie Street. This adjoins low scale automotive service tenancies to the west.

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

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

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

The surrounding locality is indicated in **Figure 3** below.



Figure 3: Locality Plan
Source: Nearmap

2.3 Site affectations

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

2.3.1 Heritage

The wider development site includes the heritage item I99, the Memorial School of Arts, a building of local heritage significance on Schedule 5 of the Liverpool Local Environmental Plan (LEP) 2008 (See **Figure 5**).

The heritage item is located at 306-310 Macquarie Street, Liverpool (Lot 201 DP 1224084), to the west of the extent of proposed modification works.

Other surrounding heritage items in the vicinity of the site are summarised in the table below and identified in **Figure 4**.

Item name	Item number	Address	Significance
Plan of town of Liverpool (early town centre street layout – Hoddle 1827)	I89	Streets in the area bounded by the Hume Highway, Copeland Street, Memorial Avenue, Scott Street, Georges River and Main Southern Railway Line (excluding Tindall Avenue and service ways)	Local
Commercial building (formerly Rural bank and State bank)	I91	Macquarie Street and Memorial Avenue	Local
Boer War Memorial, including memorial to Private A.E. Smith	I92	Corner of Macquarie and Scott Streets (Macquarie Street public footpath adjacent to 296 Macquarie Street)	Local
Macquarie Monument	I93	Corner of Macquarie and Scott Streets (Macquarie Street public footpath adjacent to 296 Macquarie Street)	Local
Row of three palm trees	I94	Macquarie Street median strip	Local
Golden Fleece Hotel	I103	Corner of Scott and Terminus streets	Local
Liverpool Fire Station	I109	70-78 Terminus Street	Local
Bigge Park Conservation Area	Conservation Area	Area bounded by and including College, Goulburn, Railway, Scott and Bigge Streets as shown hatched red in Figure 5	Local



 The Site

Figure 4: Heritage items in the vicinity of the site

Source: Liverpool LEP 2008



Figure 5: Photo looking south-west towards the 'Memorial School of Arts Building', Macquarie Monument and 'row of three palm trees', all of which are heritage items identified under LLEP 2008.

Source: Architectus

2.3.2 Traffic

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

2.3.3 Acid Sulfate Soils

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

3. HISTORY OF THE SITE

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

Concept Approval – DA-585/2019

The site has an approved Concept DA (DA585/2019) pursuant to Section 4.22 of the EP&A Act. This DA was approved by the SWCPP on 31 August 2020.

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

Development Application DA-836/2020 seeks detailed consent for Stage 2 (Phase A) of the Liverpool Civic Place at 52 Scott Street Liverpool. The proposal includes construction of a new public library, a fourteen (14) storey mixed use building comprising an eight (8) storey public administration building, four (4) storeys of commercial premises in addition to retail and childcare space which is supported by a five (5) level basement with landscaping and public domain works.

DA-836/2020 is to be reported to SWCPP for determination concurrently with this modification application.

Stage Two (Phase B/C) Detailed DA (DA1080/2020)

Development Application DA-1080/2020 seeks detailed consent for Stage 2 (Phase B/C) of the Liverpool Civic Place at 52 Scott Street Liverpool. The proposal includes construction of and use of a 22-storey commercial office building, a 9 storey co-living building as well as related works such as a 4-level basement, landscaping and public domain works. DA-1080/2020 is currently under assessment.

Early Works DA

DA-906/2019 is a detailed early works Development Application (DA) for 52 Scott Street, Liverpool. The DA sought the demolition of existing structures on site and early works site preparation. The intent of this application was to allow for early works to commence on the Liverpool Civic Plaza project. DA-906/2019 was approved on 29 June 2020 by the Sydney Western City Planning Panel (SWCPP). Works have commenced on the site under this DA.

S4.55 Modification to Early Works DA (DA-906/2019/A)

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

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

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

4. DETAILS OF THE PROPOSAL

The development of the site under DA-585/2019 was approved on 31 August 2020 for the following development concept:

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

The following changes are proposed to the consent under a Section 4.55(1A) Modification:

Additional basement depth

DA-836/2020 proposes five basement levels of car parking. However, the Building Envelope Plans that were approved as part of the Concept Development Consent only provide scope for four basement levels of car parking. Accordingly, the modification seeks to increase the depth of the approved basement concept envelope from RL 8.00 to RL 4.00 to facilitate the basement levels and car parking proposed in DA-836/2020.

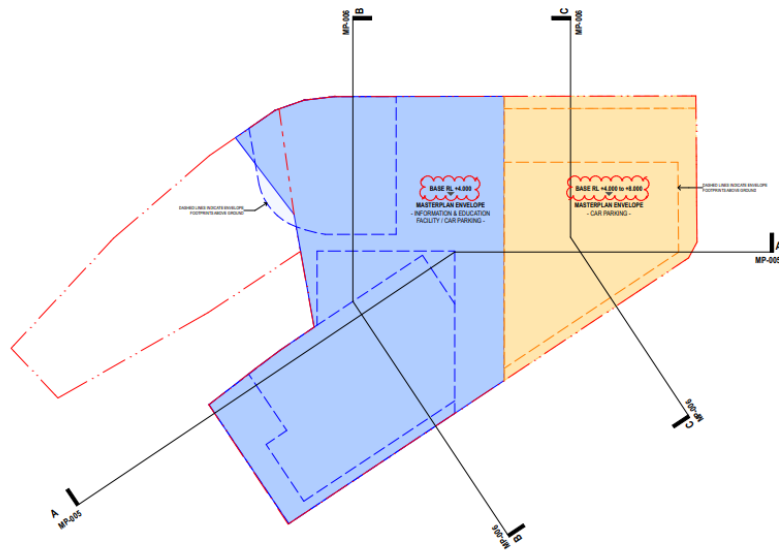


Figure 6: Changes to basement envelopes
Source: Fjmt Architects

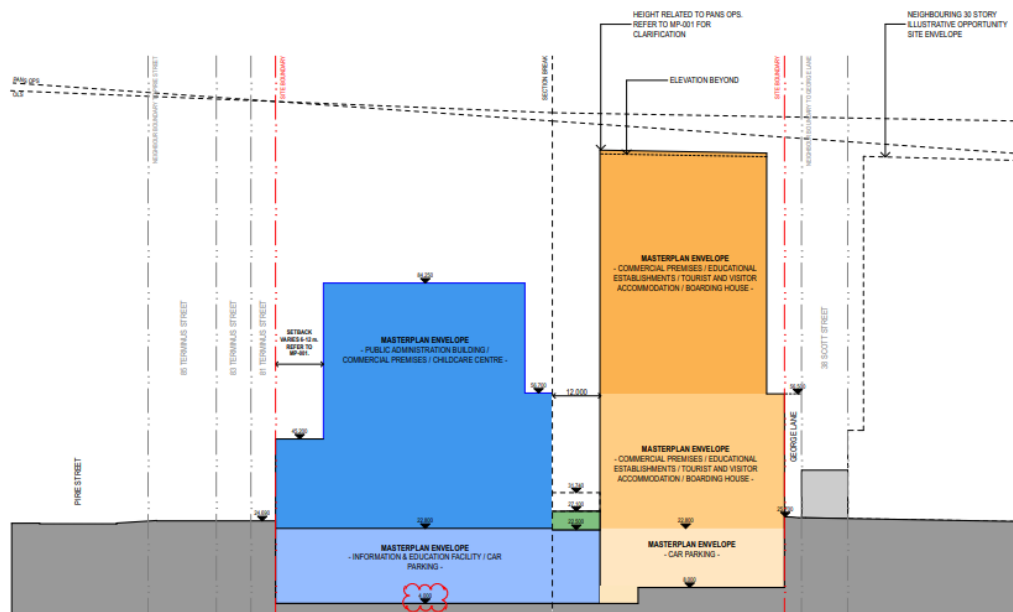


Figure 7: Changes to basement envelopes
Source: Fjmt Architects

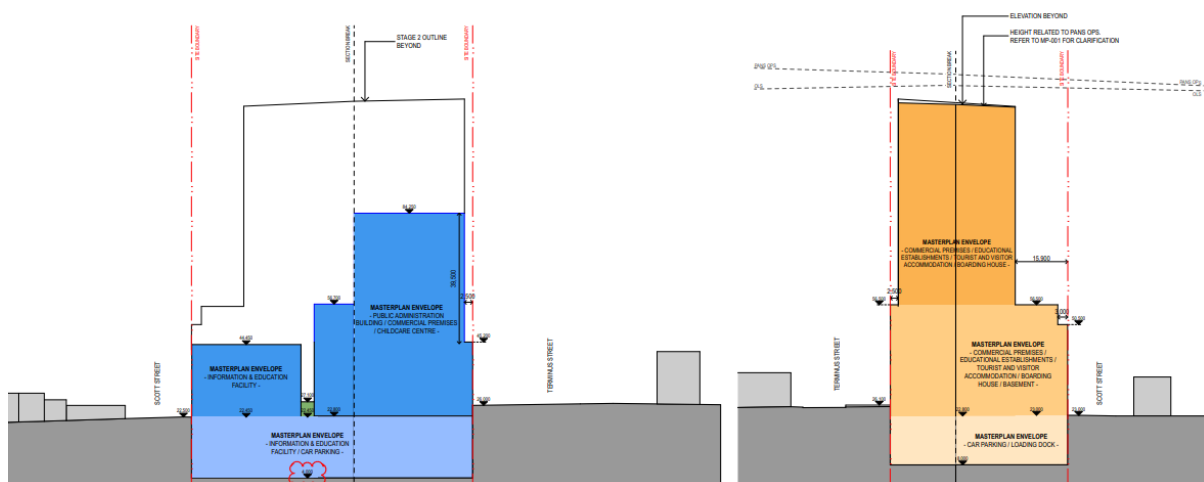


Figure 8: Changes to basement envelopes

Source: Fjmt Architects

Revised Building Envelopes

The proposed modification seeks to amend condition 10 of the Concept Development Consent which requires plans outlined in Condition 1 to be amended.

This condition was satisfied pursuant to revised envelope plans prepared on 16 September 2020, as demonstrated through Council's letter dated 21 September 2020 confirming that these envelope plans fulfilled the requirements of Condition 10 (refer to Attachment 6 of this Report).

Condition 1 is to be updated to reference the plans that were submitted in satisfaction of Condition 10, thereby rendering this condition obsolete.

Provision of boarding houses

The proposed modification seeks to amend condition 3 of the Concept Development Consent which prohibits any residential land uses under the Concept Approval.

However, having regard to the approved building envelopes in Condition 1 of the Concept Development Consent, a boarding house use was proposed for the Phase B/C envelope. These drawings identify that approval was granted for a boarding house (which is defined as residential accommodation under the Standard Instrument Local Environmental Plan).

The intention of this development consent condition was to prohibit alternative residential accommodation land uses, namely in the form of residential flat buildings. Accordingly, the proposed modification seeks to modify the wording of this condition to reflect this intention, thereby prohibiting residential land uses other than boarding houses.

SIDRA analysis requirement

Condition 23 requires a revised Traffic and Impact Assessment (TIA) to accompany future Detailed DAs which includes an updated SIDRA analysis based on traffic generation rates in

the TfNSW Guide. The modification seeks to amend condition 23 to remove the requirement for an updated SIDRA analysis using traffic generation rates in the TfNSW guide.

The applicant argues that the trip generation rates in the TfNSW does not reflects the CBD location of the site, the high accessibility to alternative travel modes, and the restrained parking provision for the site. As a result, the applicant has derived trip generation rates from data collected from the Warren Serviceway Car Park.

Traffic and Access

Condition 7 requires a Local Area Traffic Management Plan (LATMP) to be submitted for endorsement by Council's Traffic and Transport Section and Liverpool Traffic Committee, prior to determination of a Detailed DA. The proposed modification seeks to remove the requirement for a Local Area Traffic Management Plan (Condition 7) to be submitted to Council prior to the determination of any Stage 2 Detailed DA.

Condition 27 requires a Travel Plan to be submitted as part of any future Detailed DA. The proposed modification seeks to remove the requirement for a Travel Plan to be submitted to Council as part of any future Stage 2 Detailed DA.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The following legislation, 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 (SEPP55);
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- Liverpool Local Environmental Plan 2008 (LLEP2008);

Draft Environmental Planning Instruments

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

Development Control Plans

- Liverpool Development Control Plan 2008 (*LDCP2008*)
 - Part 1 – Controls to all development
 - Part 4 – Development in Liverpool City Centre

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15(1) and 4.55 of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000, as follows:

Section 4.55(1A) of Environmental Planning and Assessment Act (EP&A Act) 1979

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

Comment: The proposed modification does not alter the approved development's compliance with applicable environmental planning instruments and development control plans, nor does it introduce any additional environmental impacts beyond those originally considered with the Concept Approval. In this regard, the concept as proposed to be modified, will be of minimal environmental impact.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment: The proposed amendments to the Concept Approval is considered to result in a scheme that is substantially the same as that approved originally by the SWCPP, in that:

- i. it maintains identical land uses and above ground built form to that originally approved aside from a minor correction to enable boarding house use;
- ii. the modification application provides additional basement depth (noting a basement concept was already approved as part of the concept DA);
- iii. it does not alter the development's compliance with the relevant statutory planning instruments and development control plan, nor does it raise any additional environmental impacts;
- iv. the environmental impacts of the modified development are substantially the same as the approved development; and
- v. it is an administrative modification application that does not involve any physical works or detailed design.

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment: Reference was made to the Community Participation Plan. Section 7.7 of the Plan indicates that modification applications are generally exempt from notification provided that

the application is of minimal environmental impact. In this case, it is satisfied that the proposed modification is of minimal environmental impact.

Furthermore, the Concept Development Consent is being amended to ensure that the Phase A (DA-836/2020) and Phase B/C (DA-1080/2020) developments are consistent with the Concept Development Consent, as required by section 4.24 of the EP&A Act. These applications have been separately notified to adjoining or nearby landowners.

As such, adjoining or nearby landowners would have had the opportunity to review these detailed DAs, which already reflect the amendments being sought under this modification application to the Concept Development Consent. Submissions received for these detailed DAs do not raise any matters relevant to any changes proposed in this modification.

Given these circumstances, this modification application is not required to be notified to adjoining or nearby landowners.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: No submissions received as the modification application was not notified to adjoining or nearby land.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment: The matters referred to in Section 4.15(1) are discussed in the report.

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

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

SEPP 55 contains state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

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

DA-906/2019 was accompanied by a Preliminary Site Investigation (PSI). The PSI concluded that the remediation is not required for the site, except for some fill where asbestos was observed. Removal and proper handling of asbestos is recommended in this instance. Conditions of consent provided by Council's Environmental Health Officers for DA-906/2019 addressing this matter.

The depth of bulk earthworks approved in DA-906/2019 was increased from RL 10.36m to RL 6.75m in DA-906/2019/A. A cover letter from Golder was submitted with DA-906/2019/A to further investigate the potential contamination impacts of revised depth of bulk earthworks. Golder confirmed that the outcomes and recommendations outlined within the original PSI to be valid for changes proposed under DA-906/2019/A.

Further consideration of contaminated land matters is therefore not required with this modification application.

6.1.2 State Environmental Planning Policy (Infrastructure) 2007

The concept development application was considered against the relevant provisions of Clause 101, to the extent deemed appropriate for a concept development application.

Transport for NSW reviewed the concept development application and in principle raise no objection (refer to letter dated 12 August 2020).

Transport for NSW specified a number of matters to be addressed in detailed development applications, including limiting access from Terminus Street to 202 spaces and restricting access from Terminus Street to be restricted to left in / left out via a new median.

Transport for NSW noted that concurrence would be required under Section 138 of the Roads Act 1993 for the construction of a new median on Terminus Street. This matter would be considered in subsequent development applications.

The concept basement envelope depth was predicated on a reference scheme which provided for up to four levels of basement. The proposed modification will provide for an envelope for up to five levels of basement for the Phase A development. This amendment will align with the DA for Phase A (DA-836/2020) which proposes five basement levels.

The additional level of basement and increased car parking spaces has been assessed within the Traffic Impact Assessment submitted with DA-836/2020. The traffic consultant concludes there is little variation in the findings of this traffic assessment in comparison to the approved Concept, in terms traffic yield and vehicle access locations.

DA-836/2020 has been considered by TfNSW who raise no objections to the proposal, subject to conditions.

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

The original proposal was assessed as being compliant with REP 20 and conditioned accordingly. The current modification application will not result in any departure from the requirements of REP 20. No additional conditions required to be imposed.

6.1.4 Liverpool Local Environmental Plan 2008

- **Permissibility**

The site is zoned B4 mixed use pursuant to the LLEP 2008.

The current modification will not change the nature of uses that were considered as part of the original assessment. The boarding house use was considered in the original assessment report as being a use permitted with consent in the zone.



Figure 9: Land Use Zoning Map

Source: NSW Planning Portal

• **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.*

As originally assessed, the proposed modification does not cause the merits of the development to become inconsistent with the objectives of the B4 zone.

• **Principal Development Standards**

Assessment of the modification application against the applicable provisions is provided below. The proposal generally demonstrates compliance with these provisions.

Clause	Provision	Comment
Clause 7.3 Car parking in	The objective of this clause is to ensure that adequate car parking is provided for new or extended buildings on land in	Complies Based on the indicative GFA of 50,034m ² and uses proposed,

Liverpool City Centre	<p>the Liverpool city centre that is commensurate with the traffic likely to be generated by the development and is appropriate for the road network capacity and proposed mix of transport modes for the city centre.</p> <ul style="list-style-type: none"> • At least one car parking space is provided for every 200m² of new ground floor GFA; • At least one car parking space is provided for every 100m² of new retail premises GFA; and • At least one car parking space is provided for every 150m² of new GFA to be used for any other purpose. 	<p>approximately 330 car parking spaces would be required. The proposed modification to the basement will enable up to 493 car parking spaces. Future Detailed DAs will be required to demonstrate consistency with Clause 7.3</p>
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Clauses 2.7, 4.3, 4.4, 5.10, 6.4A, 7.1, 7.2, 7.3, 7.4, 7.5, 7.5A, 7.16 and 7.17 of LLEP 2008 were assessed and addressed as part of the original consent. The modifications to the proposal do not result in any changes to conclusions made in relation to these provisions.

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

Refer to Draft SEPP 55 and Draft Environment SEPP further above.

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

The modifications to the proposal generally do not result in changes to any conclusions reached from an assessment of the original proposal with regard to objectives and controls of Part 1 - General Controls for all Development and Part 4 - Development in The Liverpool City Centre of the Liverpool Development Control Plan.

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 Regulation 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

Environmental impacts

The likely environmental impacts of the proposed modification have been assessed below:

- All matters relating to the technical works required to extend the basement depth in the Phase A component of Liverpool Civic Place development have been addressed in the approved early works modification application (DA/906/2019/A), including contamination, waste management, noise and vibration, geotechnical conditions, structural adequacy and heritage and archaeology (refer to Attachments within this Report)
- The yield of the development and the vehicle access locations are largely consistent with the approved Concept and as such there is little variation in the findings of this traffic assessment in comparison to the approved Concept.

Social and Economic Impacts in the locality

The likely social and economic impacts of the proposed modification on the locality have been assessed below:

- The proposed development is unlikely to generate any significantly adverse social impacts.
- The proposed modifications to the Concept Development Consent will support the broader Liverpool Civic Place redevelopment. They will result in a positive economic impact through the capital investment value of the development and employment opportunities generated by the development subject to future applications.

Summary

In summary the proposed modifications are of minimal environmental impact.

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

As provided above, the site conditions do not prevent the proposed modifications and nor do the proposed modifications generate impacts that are significantly adverse which cannot be ameliorated.

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

Council's Internal Traffic Engineers have been requested to provide comment on the application. Council's Internal Traffic Engineers have not raised objection to the proposed development application, subject to the following conditions to be imposed on any detailed development applications:

1. Implementation of an Operational Traffic Management Plan to be approved by Council's Traffic and Transport Section, prior to issue of Occupation Certificate.

2. A final Local Area Traffic Management Plan (LATMP) to be submitted and endorsed by Council's Traffic and Transport Branch and Liverpool Local Traffic Committee, prior to the issue of Construction Certificate.
3. A Travel Plan is to be submitted to Council's Traffic and Transport Section for approval, prior to the issue of an Occupation Certificate. The Travel Plan is to be implemented throughout the life of the development.

In relation to the public domain, Council's Traffic Engineers have noted that TfNSW appears to be satisfied with the proposed shared zone in-principle, which is planned for delivery as part of DA-836/2020.

TfNSW reviewed DA-836/2020 and in principle raised no objection (refer to letter dated 25 March 2021) to the proposed shared zone, subject to conditions that the proposed shared zone comply with the requirements set out in the TTD 2016/001.

Council's Traffic Branch raises no objection to the application provided that the proposed shared zone, as approved by TfNSW, is implemented prior to the issue of Occupation Certificate for DA-836/2020.

(b) External Referrals

The application has not been referred externally.

(c) Community Consultation

The development application was not placed on public exhibition as per Section 7.7 of the Community Participation Plan.

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

The proposal generally complies with the relevant planning controls and is considered to be in the public interest. The proposed development is consistent with the zoning of the land and enable additional civic, community and commercial opportunities within Liverpool City Centre.

7. CONCLUSION AND RECOMMENDATION

The following conclusions are made in relation to proposed modification DA-585/2019/A:

- The modification application has been assessed having regard to the matters for consideration pursuant to Section 4.15(1) and 4.55 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The proposed modification remains consistent with the objectives of the B4 Mixed Use zone.
- The proposed modification generally complies with the provisions of the Liverpool LEP 2008 and other environmental planning instruments.
- The proposed modification is in the public interest.
- The proposed modification is of minimal environmental impact and is substantially the same development to that approved under DA-585/2019.

Accordingly, it is recommended that the Section 4.55(1A) Modification to DA-585/2019/A be approved subject to the modified conditions of consent.