

14 May 2021

2190157

Mr Tony Reeves
Chief Executive Officer
Liverpool City Council
Shop R1, 33 Moore Street
Liverpool NSW 2170

Dear Mr Reeves,

SECTION 4.55(1A) MODIFICATION APPLICATION (CONCEPT DA – DA-585/2019)
Liverpool Civic Place – 52 Scott Street and 306-310 Macquarie Street, Liverpool

This modification application has been prepared by Ethos Urban on behalf of Built Development Group (Built), pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent DA-585/2019 (being the Concept Development Consent) relating to the Liverpool Civic Place project at 52 Scott Street and 306-310 Macquarie Street, Liverpool (the site). Specifically, this modification application seeks the following amendments:

- 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 Concept DA as proposed and assessed, and as reflected in the stamped approved building envelope drawings and Council's assessment report for the Concept DA; and
- 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. This proposed modification to Condition 23 is necessary as TfNSW does not establish traffic generation rates for all the land uses contained within Liverpool Civic Place, and therefore, strict compliance with this condition is not achievable. An alternative approach to the assessment as agreed with Council is proposed.

For absolute clarity, this modification application does not involve or relate to any physical works or detailed design. It is administrative in nature and 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 4.22 of the EP&A Act. All technical studies supporting the provision of additional basement car parking spaces, additional excavation and increased basement depth were submitted with the approved early works modification application (DA-906/2019/A).

This application identifies the consent, describes the proposed modifications, and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. This application is accompanied by the following supporting documentation:

- Amended Concept Envelope Plans prepared by FJMT (**Attachment A**);
- Traffic Impact Cover Letter prepared by PtC (**Attachment B**);
- Letter confirming fulfilment of Condition 10 of DA-585/2019 prepared by Liverpool City Council (**Attachment C**);
- Heritage Impact Statement Cover Letter prepared by NBRS Architecture (**Attachment D**);
- Historical Archaeological Assessment Cover Letter prepared by Extent Heritage (**Attachment E**);
- Revised Aboriginal Heritage Assessment prepared by Extent Heritage (**Attachment F**);
- Revised Geotechnical and Environmental Investigation prepared by Golder (**Attachment G**); and
- Geotechnical and Environmental Investigation Cover Letter prepared by Golder (**Attachment H**).

1.0 Consent proposed to be modified

Concept Development Consent DA-585/2019 was granted by the Sydney Western City Planning Panel (the Panel) at its meeting on 31 August 2020 for the Liverpool Civic Place Concept DA, which includes four building envelopes containing a variety of land uses (including a boarding house use), a landscape concept and two vehicular access points to the site. One of the approved components of particular relevance to the subject modification is the envelope approved for a basement across the entire site, to be delivered in two stages herein referenced as Phase A and Phase B/C. As a proof of concept, the Concept DA was supported by a holistic basement reference design accommodating 413 car parking spaces. The Liverpool Civic Place development approved pursuant to the Concept Development Consent (DA-585/2019) is shown in **Figure 1**.

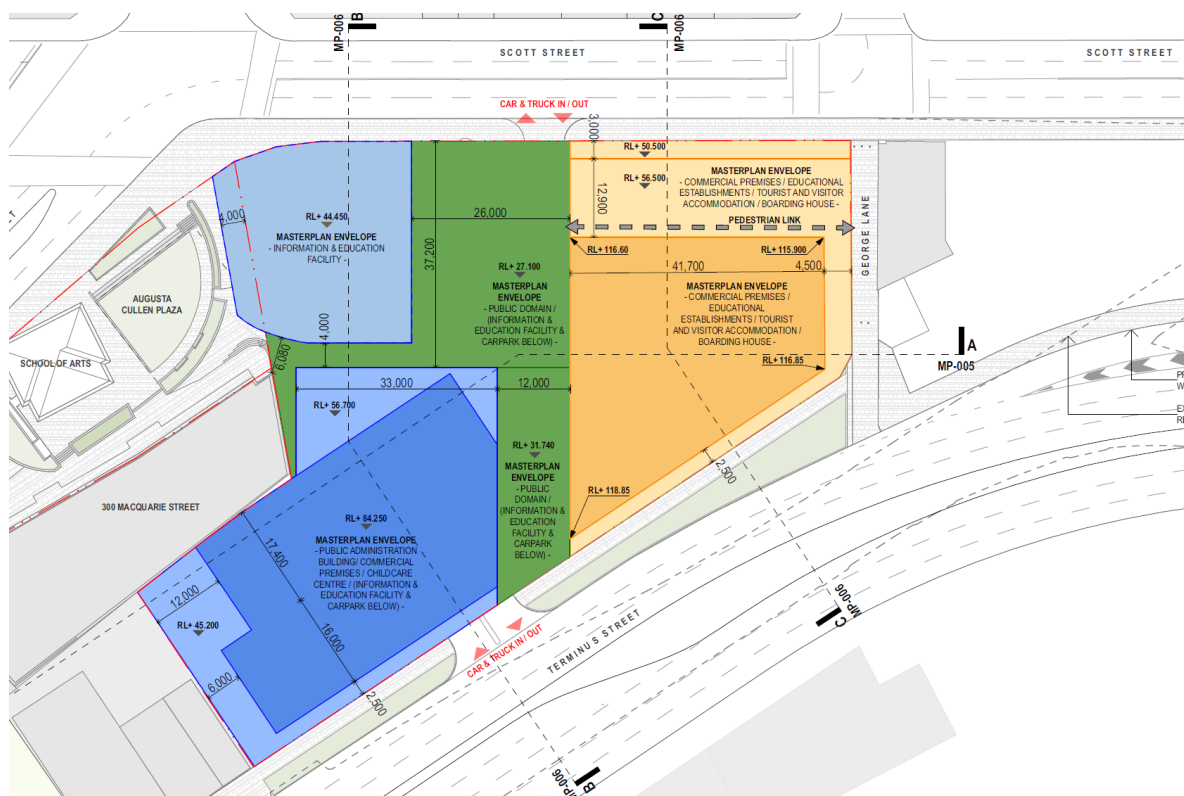


Figure 1 Liverpool Civic Place approved concept (overall site)

Source: FJMT

2.0 Proposed modifications to the consent

2.1 Proposed modifications to the approved development

This modification application proposes the following modifications to the approved development:

- 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 boarding house uses are approved within the Phase B/C envelope, in accordance with the Concept DA as proposed and assessed, and as reflected in the stamped approved building envelope drawings and Council's assessment report for the Concept DA; and
- 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. This proposed modification to Condition 23 is necessary as TfNSW does not establish traffic generation rates for all the land uses contained within Liverpool Civic Place, and therefore, compliance with this condition is not achievable. An alternative approach to the assessment as agreed with Council is proposed.

Additional basement depth

The application proposes to modify the Concept Development Consent to reflect the increased excavation for an additional half level of basement that is required to accommodate the proposed basement design associated with Phase A¹ of the Liverpool Civic Place development, as illustrated in the Amended Concept Envelope Plans at **Attachment A**. This involves an increase to the depth of the basement concept from RL 8.00 to RL 4.00 (4m increase in depth), as illustrated at **Figure 2**.

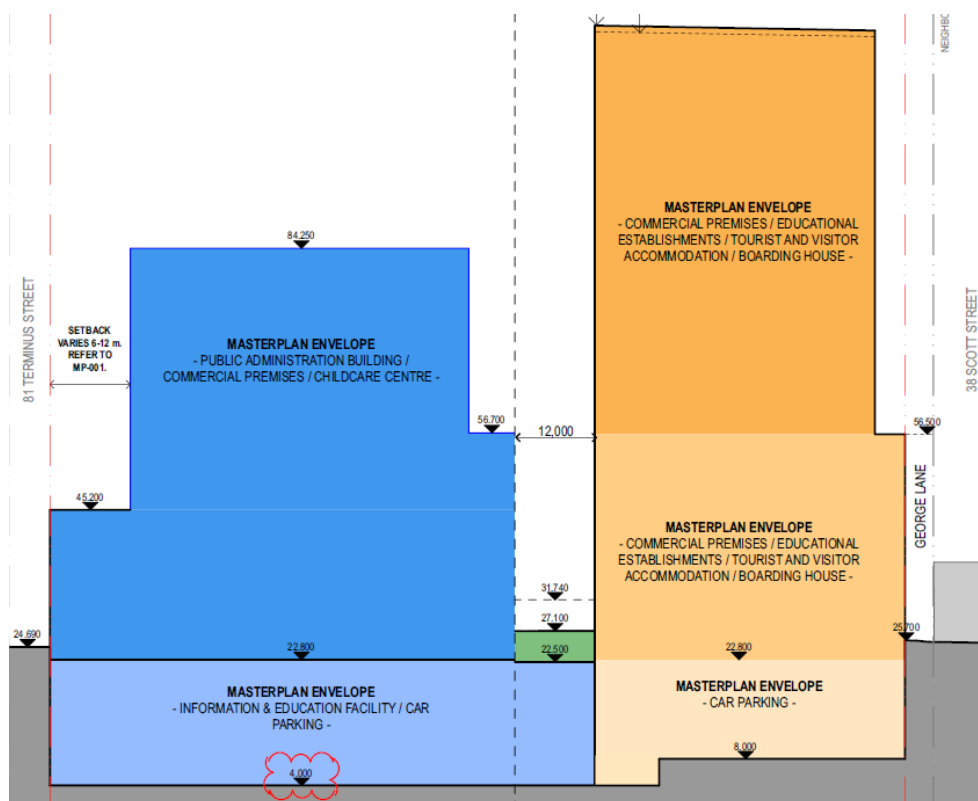


Figure 2 Proposed amended basement depth across Phase A (left) and Phase B/C (right)

Source: FJMT

Following detailed design development, which has encompassed the approval of an early works DA (DA-906/2019) and lodgement of Stage 2 DAs for Phase A (DA-836/2020) and Phase B/C (DA-1080/2020), it has been determined that the approved concept basement envelope does not provide sufficient depth and flexibility to accommodate the Phase A detailed basement design and car parking requirements. Specifically, the concept basement envelope depth was predicated on a reference design which included a total of 413 car parking spaces across the site. The detailed designs for Phase A and Phase B/C currently under assessment (at the time of writing) comprise a total of 493 basement car parking spaces, of which 343 spaces are included in the Phase A DA and 150 spaces in the Phase B/C DA.

To further contextualise this modification application, it is necessary to summarise other development applications/consents that have progressed for the Liverpool Civic Place redevelopment. Specifically, this application seeks to increase the depth of the approved basement concept envelope to generally align with:

- the excavation depth of Phase A and part of Phase B/C achieved through the approved section 4.55(1A) modification application to the early works DA for the project (DA-906/2019/A), which relates to the physical site preparation and early works for the Liverpool Civic Place development;
- the depth of the detailed basement design sought as part of a Detailed (Stage 2) DA for Phase A of the Liverpool Civic Place development DA-836/2020 (currently under assessment); and
- the approximate quantum of car parking spaces proposed as part of the Phase A and Phase B/C Detailed (Stage 2) DAs.

¹ Whilst **Figure 1** illustrates a protrusion into the Phase B/C site (shown in yellow) the extended basement envelope will exclusively accommodate the Phase A detailed basement design.

As shown in **Table 1**, consistent with the original approach to developing the Concept DA envelopes, the proposed modified basement envelope provides a 'loose fit' to enable appropriate flexibility for the associated applications comprising detailed works and designs.

Table 1 Basement depth noted across all Liverpool Civic Place applications

Application	Status	Phase A Max Depth	Phase B/C Max Depth
Early works			
DA-906/2019 (Early Works DA)	Approved	RL 10.36 (excavation)	RL 10.36 (excavation)
DA-906/2019/A (early works 4.55 modification)	Approved	RL 6.75 (excavation)	RL 6.75 (excavation)
Main works			
DA-585/2019 (Concept DA)	Approved	RL 8.00	RL 8.00
DA585/2019/A – This 4.55 modification application	This application	RL 4.00	Part RL 4.00 and part RL 8.00
<i>DA-836/2020 (Phase A Stage 2 Detailed DA)</i>	<i>Under assessment</i>	<i>RL 7.60</i>	<i>N/A</i>
DA-1080/2020 (Phase B/C Detailed DA)	<i>Under assessment</i>	<i>N/A</i>	<i>RL 9.10</i>

Modification of condition 3 to allow for the provision of boarding house uses

The proposed modification seeks to amend condition 3 of the Concept Development Consent which erroneously notes that it does not approve any residential land uses. This is a drafting error, given that the Concept DA proposed and approved a boarding house use for the Phase B/C envelope, as shown in the stamped approved Building Envelope Drawings. These drawings and the assessment report identify that approval was granted for a boarding house (which is defined as residential accommodation under the Standard Instrument Local Environmental Plan). This is reaffirmed in Council's Assessment Report whereby it is noted that a boarding house use is included within the approved development, namely within a building envelope containing the following:

'building envelope with a maximum height of RL 118.85 which all accommodate either commercial premises, educational establishments, tourist and visitor accommodation or boarding house (student accommodation) uses'.

It is presumed that 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.

Modification of condition 23 to remove the SIDRA analysis requirement

The proposed modification seeks to amend 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. This proposed modification to condition 23 is necessary as TfNSW does not establish traffic generation rates for all the land uses contained within Liverpool Civic Place, and therefore, **strict compliance with this condition is not achievable**. An alternative approach to the assessment has been agreed with Council and is now reflected in the traffic analysis that accompanied the Phase A Detailed DA currently under assessment. Most recently, this is reflected in the Traffic Impact Cover Letter prepared by PtC (**Attachment B**) which accompanied the response to the RFI for the Phase A Detailed DA (DA-836/2020) that was submitted to Council in February 2021.

We note that the proposed alternate approach was discussed and developed in close consultation with Liverpool City Council's Traffic Engineers prior to the submission of the Concept DA (DA-585/2019). An agreement was reached for an alternate approach to be adopted, involving the trip generation rates to be established through surveys of similar land uses. PtC met again with Council's Traffic Engineers on 12 February 2021, whereby this approach was reaffirmed and agreed by Council. At **Attachment B**, PtC specifically note that:

*The trip generation associated with the development were established through surveys of similar land-uses specifically as the TfNSW Guide does not present trip rates for the proposed uses. **The use of the Warren Serviceway car park as a reference was agreed with Council's traffic engineering team during the preparation of the Stage 1 DA and therefore is relevant to the Stage 2 application.***

*The Guide does not contain relevant trip rates and the collection of data at similar land-uses (particularly being within the same CBD) is the highest level of traffic generation prediction possible. **In this regard the trips rates adopted in the traffic assessment are robust and does not require the SIDRA modelling to be updated.***

Given the above, Condition 23 is proposed to be amended as set out below.

2.2 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in **bold italics**.

Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following approved plans / reports marked as follows, except where modified by the undermentioned conditions.

Plan Name	Plan Number	Date	Prepared By
Basement Envelope Plan	MP-002	16/09/2020 2/02/2021	FJMT
Envelope Plan	MP-001	16/09/2020	FJMT
Envelope Section A	MP-005	2/05/2020 2/02/2021	FJMT
Envelope Section B & C	MP-006	2/05/2020 2/02/2021	FJMT
Envelope Perspective North	MP-003	16/09/2020	FJMT
Envelope Perspective South	MP-004	2/05/2020	FJMT
Envelope Perspective East	MP-007	2/05/2020	FJMT

Reason: While no physical works are proposed as part of the subject modification application, the approved Basement Envelope Plan, Envelope Section A and Envelope Section B & C drawings are proposed to be amended so that the basement concept envelope is generally consistent with the extended basement level reflected in applications referenced in **Table 1** above. This increase in basement depth is required to accommodate an additional half level of basement for the Phase A development. In effect, this will provide approximately 80 additional public parking spaces to that included in the reference design which supported the Concept DA, allowing for the 493 total spaces proposed in the Phase A and Phase B/C Detailed (Stage 2) DAs to be delivered.

The development consent identifies the date of the Basement Envelope Plan as 2/05/2020, however the date of the plan that is in force is 16/09/2020, pursuant to the fulfilment of Condition 10 which was confirmed through Council's letter dated 21 September, provided at **Attachment C**. The fulfilment of Condition 10 also required the Envelope Plan and the Envelope Perspective North to be amended as they relate to the public library concept envelope. As such, the dates of these plans have been updated to 16/09/2020 given this condition has been fulfilled.

Amended Plans

10. Prior to the lodgement of any Detailed DA subject to this Concept Approval, the plans outlined in Condition 1 must be amended to reflect the following:

- ~~a) The extent of the building envelope titled ‘Masterplan Envelope – Information & Education Facility’ must be reduced to a maximum of 4 metres from the eastern edge of Lot 201 in DP 1224084, also known as 306-310 Macquarie Street (excluding any decorative architectural features above ground level). Evidence is to be provided to Liverpool City Council’s Manager Development Assessment that satisfactorily demonstrates the plans have been amended to reflect this condition.~~

Reason: 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 C**). Accordingly, strikethrough is proposed for this condition.

The Concept Development Consent included a holistic basement reference design that comprised 413 car parking spaces, as a baseline proof of concept of the basement envelope sought for approval at the time. The concept development consent was issued on the basis that the detailed basement design and car parking provision across Phase A and Phase B/C of the development would be subject to subsequent Detailed (Stage 2) DAs.

However, following further detailed design development, which has culminated in the submission of an early works DA (DA-906/2019) as well as Stage 2 DAs for Phase A (D-836/2020) and Phase B/C (DA-1080/2020), it has been determined that the approved concept basement envelope does not provide sufficient depth and flexibility to accommodate the Phase A detailed basement design and car parking requirements. Specifically, the size and depth of the approved concept basement envelope was predicated on a total of 413 car parking spaces across the site (as documented in the reference design submitted with the Concept DA. However, the detailed designs currently under assessment (at the time of writing) have evolved to comprise a total of 493 basement car parking spaces, of which 343 spaces are included in the Phase A DA and 150 spaces in the Phase B/C DA, and a depth greater than RL 8.00.

Land Uses

3. This consent does not approve any residential land uses **other than boarding houses** on the subject site.

Reason: This proposed modification seeks to correct a drafting error in the Concept Development Consent by rewording the condition to allow for boarding house uses to be provided within the Liverpool Civic Place mixed-use precinct, notwithstanding the prohibition of other residential land uses. This is consistent with the stamped approved Building Envelope Drawings and Council’s Assessment Report.

Traffic and Access

23. Revised Traffic Impact Assessment (TIA) reports are to accompany future Detailed DAs for the site. The revised TIAs are to include the following:

- ~~• Updated SIDRA analysis using traffic generation rates in the TfNSW Guide (1.6 and 1.2 vehicular trips per hour per 100m² GFA during the morning and afternoon peak period, respectively) for the ‘Developer Buildings’ component, at the minimum, to understand the traffic impact of the development under an alternative scenario.~~
- Endorsed vehicular access arrangements – The revised reports are to outline and provide details of the endorsed left in/left out access arrangement off Terminus Street addressing all the requirements contained in the letter from TfNSW to Council in Attachment 1 of this consent.
- Allocation of car parking spaces - information regarding the allocation of car parking spaces to the various land uses, including adequate provisions for bicycle and motorcycle parking in the revised TIA.

Reason: The proposed modification seeks to remove the requirement for future detailed DAs to be accompanied by a SIDRA analysis using only traffic generation rates in the TfNSW guide as this does not establish traffic generation rates for all the land uses contained within Liverpool Civic Place. Accordingly strict compliance with this condition is not achievable.

An alternative approach was agreed upon following discussions between Liverpool City Council and PtC, involving the trip generation associated with the development being established through surveys of similar land uses. Most recently, this alternative approach was endorsed at a meeting between PtC and Council's Traffic Engineers on 12 February 2021 (refer to **Attachment B**). As such, this renders this condition redundant and supports its proposed deletion.

3.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *'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)'*. The development, as proposed to be modified, is substantially the same development as that originally approved in that:

- it maintains identical land uses and above ground built form to that originally approved;
- the modification application provides additional basement depth (noting a basement concept was already approved as part of the concept DA);
- 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 (as set out in **Section 4.0**);
- the environmental impacts of the modified development are substantially the same as the approved development; and
- it is an administrative modification application that does not involve any physical works or detailed design.

4.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *'it is satisfied that the proposed modification is of minimal environmental impact'*. Under section 4.55(3) the consent authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the granting of the original consent.

The Statement of Environmental Effects (SEE) submitted with the approved Concept DA addressed the proposal's compliance with the following strategic plans, environmental planning instruments and development control plans:

- The Greater Sydney Region Plan 'A Metropolis of Three Cities';
- Western City District Plan;
- State Environmental Planning Policy No 55 – Remediation of Land;
- 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; and
- Liverpool Development Control Plan 2008.

Additionally, the SEE submitted with the approved Concept DA assessed the following environmental impacts of the proposed development:

- built form;
- impacts on adjoining properties;
- heritage (discussed further in **Section 4.1**);
- transport and accessibility (discussed further in **Section 4.2**);
- wind impact;
- acoustic impact;
- aeronautical impact;
- geotechnical (discussed further in **Section 4.3**);
- contamination (discussed further in **Section 4.4**);
- stormwater management and flooding;
- crime and public safety;
- site suitability; and
- public interest.

The proposed modification does not significantly alter the approved development's compliance with the abovementioned strategic plans, environmental planning instruments and development control plans, nor does it introduce any additional environmental impacts beyond those mentioned above, as discussed in the sections below. As such, the following assessment considers only the matters relevant to the proposed modification under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

Early Works Modification Application (DA/906/2019/A)

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). These issues include the following:

- compliance with legislation and planning instruments;
- contamination;
- waste management;
- noise and vibration;
- geotechnical conditions;
- structural adequacy; and
- heritage and archaeology.

The subject modification application does not alter the development's consistency with any of these issues, as set out within the environmental assessment subsections below. This application is administrative, relating to the amendment of the Basement Envelope Plan, Envelope Section A and Envelope Section B & C to generally reflect the basement depth that is sought across the technical works applications for Liverpool Civic Place. These include the approved early works modification application (DA-906/2019/A) and the Phase A (DA-836/2020) Detailed (Stage 2) DA.

4.1 Heritage

The proposed modification application will not result in any additional impact on heritage, European archaeology and Aboriginal archaeology, as confirmed by the following cover letters and revised report:

- Heritage Impact Statement Cover Letter prepared by NBRS Architecture (**Attachment D**);
- Historical Archaeological Assessment Cover Letter prepared by Extent Heritage (**Attachment E**); and
- Revised Aboriginal Heritage Assessment prepared by Extent Heritage (**Attachment F**).

4.2 Transport, accessibility and parking

Increase in basement depth

The proposed modified development seeks to increase the depth of the basement envelope to enable the Phase A design to accommodate an additional half level of basement. The Phase A (DA-836/2020) and Phase B/C (DA-1080/2020) Detailed (Stage 2) DAs propose 343 and 150 spaces, respectively, totalling 493 spaces throughout the Liverpool Civic Place development. This exceeds the 413 spaces illustrated in the Concept DA holistic basement reference design.

As referenced within the Phase A and Phase B/C Stage 2 DA Traffic Impact Assessments, the cumulative assessment of both development phases has been considered. Specifically, PtC conclude that 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.

Regarding car parking provision, the additional half level of basement and 80 car parking spaces distributed through the Phase A and Phase B/C detailed basement designs maintains compliance with the minimum rates stipulated in the Liverpool LEP 2008.

Removal of SIDRA analysis requirement

The proposed modification seeks 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 for Phase A (DA-836/2020) and Phase B/C (DA-1080/2020). The removal of this requirement is necessary given that TfNSW's guide does not establish traffic generation rates for all the land uses contained within Liverpool Civic Place, therefore rendering compliance with the condition unachievable.

As outlined in the Traffic Impact Cover Letter prepared by PtC (**Attachment B**), an agreement was made between PtC and Council prior to the lodgement of the Concept DA for an alternative approach to be adopted. This approach involves the trip generation associated with the development being established through surveys of similar land uses and this method was utilised for the approved Concept DA (DA-585/2019). Recent discussions between Council and PtC on 12 February 2021 reaffirmed the merits of using this approach for the assessment for subsequent Detailed DA's.

4.3 Geotechnical

A revised Geotechnical and Environmental Investigation Report has been prepared by Golder for the purposes of assessing the approved early works encompassed in DA-906/2019/A which will facilitate the extended basement extent to which the subject modification relates (see **Attachment G**). Golder has advanced their assessment with regard to the additional excavation proposed under the approved early works modification (DA-906/2019/A) to discern the suitability of the associated deeper basement proposed in the subject modification.

Golder originally identified that the base of the excavation for the future basement will be approximately 7m below the current static groundwater level, however the increased basement depth will result in this increasing to 12m below the current static groundwater level. This is beyond the termination depth of original boreholes, therefore there is a risk of encountering sub-horizontal seams which may be a potential groundwater inform path into the excavation. Golder notes that this could result in increased groundwater inflow during construction dewatering and long-term seepage.

Specifically, in relation to the potential for sub-horizontal seams allowing groundwater inflow, Golder has recommended additional testing below the proposed BEL system. Moreover, Golder has determined that pursuant to the development of the detailed recommendations within the revised Geotechnical and Environmental Investigation Report, the geotechnical conditions of the site can be made suitable for the proposed basement depth and associated works on site.

4.4 Contamination

As noted in the detailed Preliminary Site Investigation (PSI) submitted with the original DA, the site contains potential contaminants including uncontrolled filling, existing and former buildings on site, the former fire station and the adjacent mechanical workshop. In this regard, a supporting cover letter has been prepared by Golder to further investigate the potential contamination impacts of the additional basement depth and the associated demolition and excavation required (**Attachment H**). As detailed in **Attachment H**, Golder has confirmed that the site can be made suitable for the proposed development and future uses consistent with the requirements of SEPP 55, subject to the risk management actions outlined within the original PSI.

4.5 Reasons given for granting consent

Section 4.55(3) requires that the consent authority takes into consideration the original reasons given for granting the consent that is sought to be modified. The Panel gave the following reasons for the decision:

- *As has already been acknowledged with the approval of the preparatory and early works for the Liverpool Civic Place redevelopment, the project offers the potential to drive the rejuvenation of the core of the City of Liverpool as the heart of the Town Centre development strategy. As such, it will form a key component of the establishment of Liverpool CBD as a vibrant source of employment and civic life, completion of the Liverpool Civic Place will assist in the progress of the Western City District generally.*
- *To achieve those goals it is vital that innovative and sophisticated urban design is employed to deliver an engaging relationship between the public domain spaces, the civic buildings and the adjacent commercial and residential towers. The Panel is satisfied that this Concept Proposal does this.*
- *Notably, a condition is included in the development consent which implements a requirement for a Public Domain and Landscape Plan to be developed in close consultation with a Public Domain Design Panel through workshops involving the various areas of expertise within the Council. That condition is reflective of the key importance of the public domain elements of this proposal to the success of the project in adding life to this part of Liverpool's Centre.*
- *While the Panel considered the Applicant's suggestion that a plan for the different elements of the public domain can be developed 'prior to the determination of the relevant Detailed DA', the Panel were of the view that the public domain should be considered holistically at the outset, to better allow the buildings interacting responsively to it, rather than the public domain being left to respond to buildings that have already been conceived to an advanced stage. A set of design principles have been incorporated into the conditions which the Public Domain and Landscape Plan is to respond to. The extent to which resolved details of different parts of the public domain can be deferred will be a matter to be considered by the Public Domain Design Panel.*
- *That process is one way of ensuring the final design achieves strong street level activation (including at the Terminus and Terminus Street Plaza building frontages).*
- *The concept development proposal to the extent it has been resolved has demonstrated that future buildings will be able to meet the criteria necessary for the site to qualify for the bonus provisions allowed for under Clause 7.5A in relation to maximum height.*
- *To a degree appropriate for this concept stage of the planning for this key site, issues of heritage, traffic impacts, efficient and safe pedestrian movement through the site, permeability and integration with the surrounding central Liverpool precinct have been sufficiently resolved, including with reference to the requirements and objectives of State Environmental Planning Policy (Infrastructure) 2007. The relevant objectives of B4 Mixed Use will be achieved.*
- *Issues of compliance with Liverpool LEP 2008, SEPP 55 and other applicable instruments have been considered, including during the assessment of DA-906/2019 for site preparation and early works on site.*
- *The panel determined to uphold the Clause 4.6 variation to building height for the reasons outlined above; and to approve the concept development application having regard to the reasons outlined in the independent assessment report produced by Council's consultant planners – Architectus.*

The proposed modification application does not raise any further matters for consideration having regard to the reasons given for granting development consent DA-585/2019.

5.0 Conclusion

The proposed modification seeks the following amendments to the Concept Development Consent:

- 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 Concept DA as proposed and assessed, and as reflected in the stamped approved building envelope drawings and Council's assessment report for the Concept DA; and
- 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. This proposed modification to Condition 23 is necessary as TfNSW does not establish traffic generation rates for all the land uses contained within Liverpool Civic Place, and therefore, compliance with this condition is not achievable. An alternative approach to the assessment as agreed with Council is proposed.

This application is administrative in nature, with the modifications being proposed in order to ensure that the subsequent detailed DAs relating to Phase A (DA-836/2020) and Phase B/C (DA-1080/2020) of the Liverpool Civic Place mixed use precinct are consistent with the Concept Development Consent, as required by section 4.22 of the EP&A Act.

In accordance with section 4.55(1A) of the EP&A Act, Council may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- the proposed modified development is substantially the same development as the development for which the consent was originally granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



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