

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-223
DA Number	DA-1408/2021
LGA	Liverpool City Council
Proposed Development (as amended)	<p>The proposal seeks consent for the following:</p> <p>Demolition of existing structures and construction of a thirty-four (34) storey mixed use development comprising of the following:</p> <ul style="list-style-type: none"> • Six levels of basement car parking providing a total of 542 car and 29 motorcycle parking spaces; • Ground floor level retail tenancies, commercial and residential lobby entries, loading dock, basement entry, waste and storage collection zones, associated civil, stormwater, and services infrastructure; • Site improvements including establishment of a through-site link along the eastern boundary from the Elizabeth Street frontage to the rear service lane incorporating public domain improvements, landscaping, public art, street trees and paving; • Mezzanine level for end-of-trip facilities (including locker storage and unisex bathrooms); • Level 1 to 4 commercial office spaces with bathroom and amenities, and outdoor terrace. – Communal open space, including seating areas, open lawn areas, multi-purpose decking, swimming pool, outdoor gymnasium, outdoor kitchen / barbecue area, breakout space, and lounge area; and • Level 5 to 33 providing 312 residential apartments (136 x one-bedroom units, 128 x two-bedroom units, and 48 x three-bedroom units); and <p>Sydney Western City Planning Panel has the function of determining the application.</p>
Street Address	Lot 1 in Deposited Plan 1261270 28 Elizabeth Street Liverpool
Applicant/Owner	Altis Bulky Retail Pty Ltd /The Trust Company (Australia) Limited
Date of DA Lodgement	13/12/2021
Number of Submissions	One (1)
Recommendation	Approval, subject to conditions of consent
Regional Development Criteria pursuant to Schedule 7 of the SEPP (State	The proposal has a capital investment value of over \$30 million, pursuant to Clause 2 of Schedule 7.

and Regional Development) 2011.	
List of All Relevant s4.15(1)(a) Matters	<ul 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"> ○ <i>SEPP (Biodiversity and Conservation) 2021 (Repealed Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment).</i> ○ <i>State Environmental Planning Policy (Resilience and Hazards) 2021 (Repealed Environmental Planning Policy No.55 – Remediation of Land).</i> ○ <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</i> ○ <i>State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development</i> ○ <i>Liverpool Local Environmental Plan 2008.</i> • <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"> ○ <i>Nil</i> • <i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i> <ul style="list-style-type: none"> ○ <i>Liverpool Development Control Plan 2008.</i> <ul style="list-style-type: none"> ○ <i>Part 1: General Controls for All Development.</i> ○ <i>Part 4 – Development in the Liverpool City Centre.</i> • <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> • <i>List any relevant regulations: 4.15(1)(a)(iv)</i> <ul style="list-style-type: none"> ○ <i>Consideration of the provisions of the National Construction Code of Australia.</i>
List all documents submitted with this report for the panel's consideration	<p>Attachments:</p> <ol style="list-style-type: none"> 1. Architectural plans, demolition plan & landscape plans 2. Survey plan and Stormwater Concept Plans 3. Recommended conditions of consent 4. Statement of Environmental Effects 5. Clause 4.6 variation written justification to building separation 6. SEPP 65 Design Verification Statement 7. DEP comments

	8. Acid Sulfate Soil Management Plan 9. Access Report 10. Acoustic Assessment Report 11. Aeronautical Impact Assessment 12. Arborist Report 13. Architectural report 14. Contamination report 15. Detailed Site Investigation 16. Geotechnical Assessment report 17. Stormwater Management Plan 18. Traffic Report 19. Public Art Report 20. Waste management plan 21. Wind Engineering Report 22. BASIX certificate and house energy rating
Clause 4.6 requests	The applicant has provided an assessment under Clause 4.6 to vary the building separation under Clause 7.4 of the LLEP 2008
Summary of key submissions	Only one submission was received which pertains to overshadowing of existing solar panels on its building.
Report by	Emmanuel Torres
Report date	14 August 2022

Summary of Section 4.15 matters

Have all recommendations in relation to relevant Section 4.15 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? **Yes**

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? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.11)? **N/A**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

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

EXECUTIVE SUMMARY

1.1 Reasons for the report

The Sydney Western City Planning Panel (SWCPP) is the determining authority as the Capital Investment Value of the development is over \$30 million, pursuant to Clause 2 of Schedule 7 of the SEPP (State and Regional Development) 2011.

1.2 The proposal

The subject DA, as revised, specifically seeks consent for the construction of a thirty-four (34) level of mixed-use development over six (6) levels of basement car parking. Ground level consists of retail tenancies, commercial and residential lobby entries, loading dock, basement entry, waste and storage collection zones, and back-of-house services. A mezzanine level contains the end-of-trip facilities including locker storage and unisex bathrooms. Level 01 to 04 consists of commercial / office floor space, bathroom amenities, and outdoor terrace. A communal open space on Level 4 with indoor gym, communal living dining and lounge areas as well as outdoor seating areas, open lawn area, multi-purpose decking, swimming pool with shallow seating, outdoor gym area and dog area.

Levels 5 to 33 comprise the residential flat building (RFB) component providing a range of residential apartments from 136 one-bedroom units, 128 x two-bedroom units, and 48 x three-bedroom units or a total of 312 residential units.

The proposed development features a publicly accessible through-site link along the eastern boundary which links a rear service laneway to the Elizabeth Street and functions as an integrating element between the site adjoining approved mixed used development to the east as well as into the pedestrian network of the CBD.

The development offers public domain improvements, including landscaping, public art, street trees, and paving.

1.3 The issues

The remaining issue with regard to the development application is:

- Pending approval from the Department of Infrastructure, Transport, Cities and Regional Development; and

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1.4 Exhibition of the proposal

The application that was lodged with Council on 13 December 2021. Notification followed between 11 January 2022 to 26 January 2022 and again on 8 to 23 February (with additional information provided on overshadowing) in accordance with Liverpool Community

Participation Plan 2019. There was only 1 submission received within the notification and advertising period. Discussion pertaining to the concerns raised in the submission are provided further in this report.

1.5 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act (EP&A) 1979. Based on the assessment of the application and the amendments made to the original proposal by the applicant, it is recommended that the DA be determined, subject to the imposition of conditions.

2. Site Description and locality

2.1 The site

The subject site is known as 28 Elizabeth Street, Liverpool. The corner lot site is legally described as Lot 1 in Deposited Plan 1261270. It has a total land area of 3,609m².

The site has the following boundaries:

- Primary (north facing) to Elizabeth Street: 55.77m;
- Side (west-facing) to George Street: 59.27m;
- Rear (south-facing) to Liverpool Police Station and Court House: 57.875m; and
- Side (east-facing) to 26 Elizabeth Street: 61.395m.

The site is currently vacant.



Figure 1: Aerial photograph of the Site (Source: Geocortex)

2.2 Locality

The site is located in the heart of the Liverpool CBD which is positioned to be the Sydney's third CBD after Sydney and Parramatta. The area has recently experienced significant growth as evidenced by the proliferation of high-rise building construction hinged on the development of the Western Sydney Airport and recent changes in the Local Environmental Plan rezoning approximately 25 hectares of land in the CBD area.

The site is surrounded by a mixture of commercial, retail, educational, recreation and medical facilities and services as shown on Figure 2.

The northern boundary of the site fronts onto Elizabeth Street, directly opposite the All Saints Church and the All Saints' Catholic Girls College. North-west of the site is the Liverpool Westfield Shopping Centre and the new Western Sydney University - Liverpool Campus.

To the northeast is the medical precinct where medical services and facilities are co-located. At its core is the Liverpool Hospital and the South West Sydney Local health district offices. The Sydney Southwest Private Hospital, various medical clinics, medical specialist offices and clinics are located in and around the precinct.

To the east is the historic Bigge Park that features playgrounds, exercise areas, tennis court and other facilities that make it popular for sporting and community events.

To the south is the Police and Court House complex, Liverpool Library and Liverpool City Council administration building that incorporates the University of Wollongong - South Western Sydney Campus.

Within 300m of the site to the southeast is the TAFE campus, Liverpool train station and the main bus interchange that provides bus services to most of the Liverpool suburbs and major destinations with direct services to Parramatta, Campbelltown and Sydney CBD. Similarly, the train lines (T2, T3 & T5) through Liverpool station provide train services that cover the metropolitan Sydney network and intercity lines.

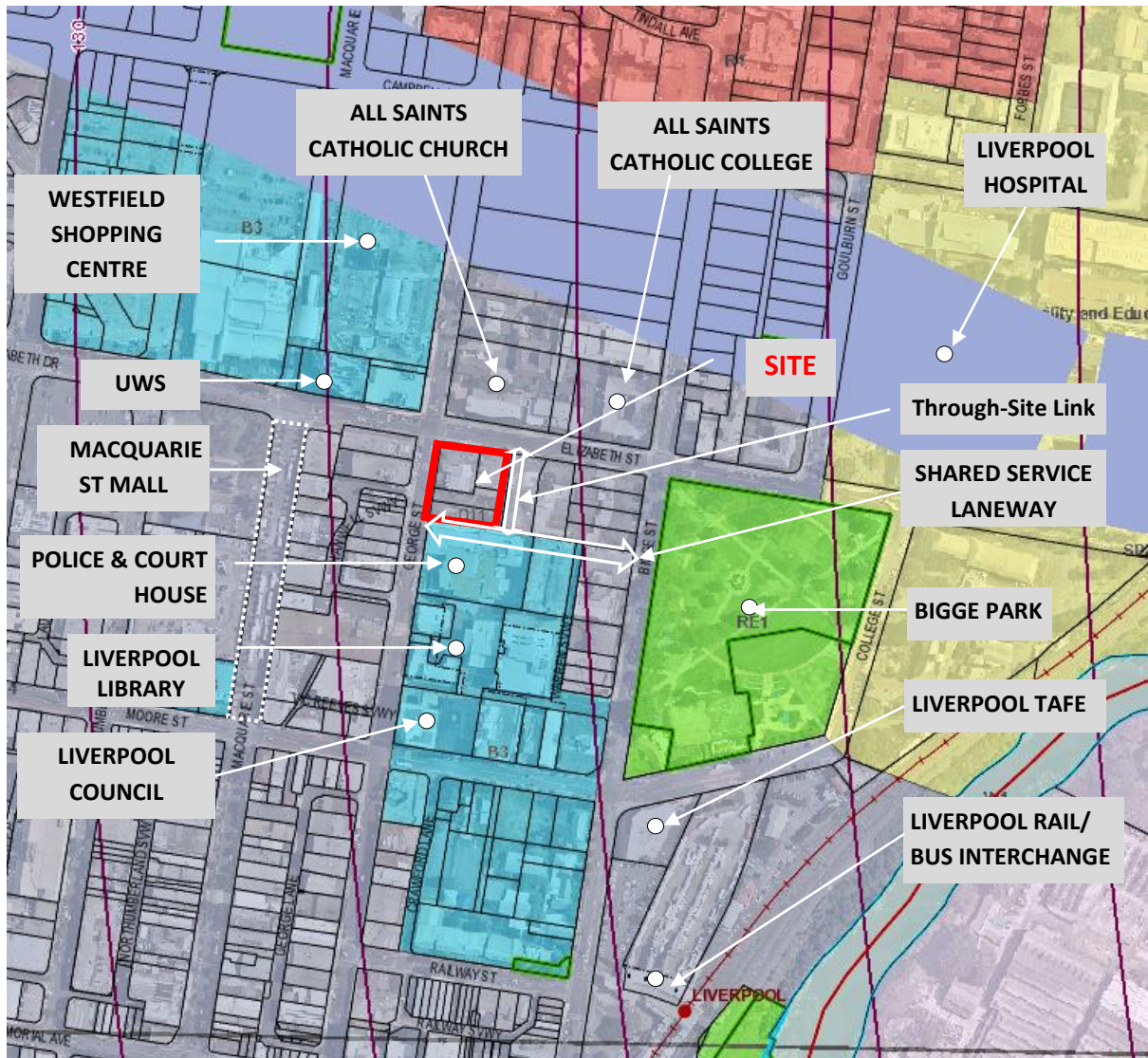


Figure 2: Development in the locality

The adjoining site to the east has an approved development application (DA-886/2018) for a 34 storey mixed use development consisting of ground floor retail, commercial offices, hotel and residential flats with 4 basement level and level 1 parking. A current modification for this application is under assessment (DA-886/2018/A) for additional basement carparking.

2.3 Site affectations

2.3.1 Contamination

Previous environmental assessments conducted on the site identified various contaminants in concentrations exceeding ecological based criteria and posing unacceptable risks to potential human health and groundwater quality. In addition, site history reveals that it has previously been utilised as a service station and underground petroleum storage systems consisting of five underground storage tanks remain.

The proposed remediation strategy of selected excavation and off-site disposal will not entail a long-term environmental plan. This will ensure that the remediated site can be made suitable for the proposed development subject to conditions of consent.

2.3.2 Bankstown Airport Obstacle Height Limit & Liverpool Hospital helipad

The maximum building height for the site is limited by the Obstacle Limitation Surface (OLS) and Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) from Bankstown Airport. The OLS at the site is 120m which will be penetrated permanently by the proposed building and temporarily by the construction tower. This means that both (building and crane) are classified as ‘controlled activity’ that require approval by the Department of Infrastructure, Transport, Regional Development and Communications. To date no response has received from the agency.

In a letter provided by Sydney Metro Airports, that manages Bankstown Airport, the application was forwarded to the approval agency. The letter noted that the proposed building height to the top of rooftop plant is at RL128.275m and 135.9m for the construction crane. In comparison, the approved building height of DA-886/2018 is 126.29m for the building and 134.5m for the construction crane.

The site is also located west-southwest of Liverpool Hospital which has an active rooftop helipad. The South Western Sydney Local Health District with jurisdiction on Liverpool Hospital was notified. It was advised that the application has no impact to the hospital and that there is no objection to development application.

3. Background of application

The site is the result of previous amalgamation of several lots and subsequent subdivision into its current form and property ownership. The following outlines the background of the site as it relates to the current application:

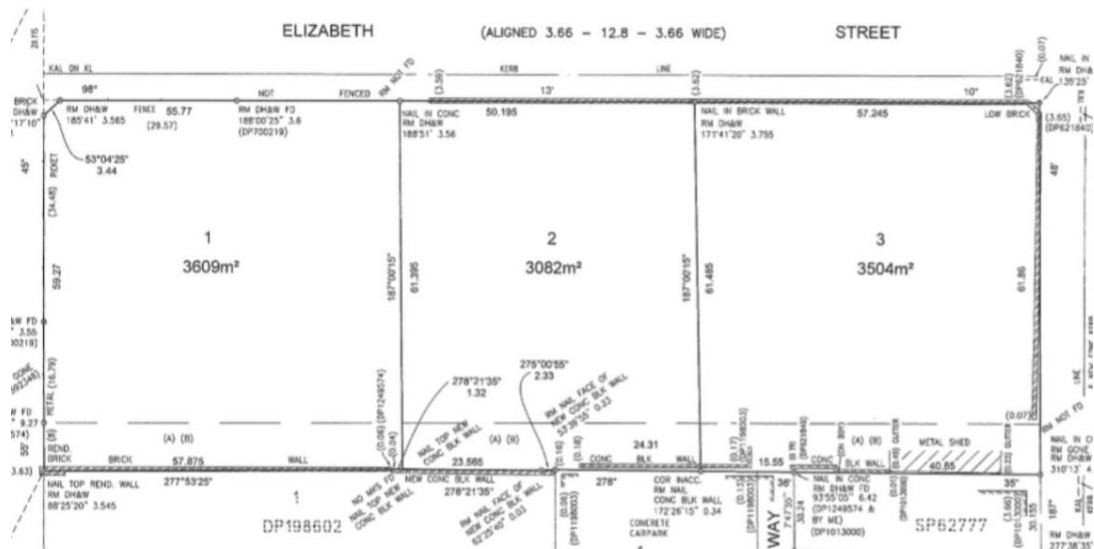


Figure 3: Approved subdivision (DA-369/2015)

- On 25 August 2021, a pre-lodgement meeting (PL-86/20121) was conducted between the applicant's team and relevant Council officers. In terms of professional advice on the built form, Council will rely on a panel of experts – Design Excellence Panel (DEP).

On 30 September 2021, upon council advice, an extraordinary DEP meeting was scheduled to allow the applicant to present to the DEP prior to lodgement. While the DEP supported the application on the basis on the preliminary plans and presentation, after lodgement of the development application in December 2021, it was noted that a number of comments made by the panel were not adopted which necessitated another DEP presentation.

- On 13 December 2021, the development application was lodged thru the planning portal.
- On 10 March 2022, upon presentation of amended plans, the DEP panel provided its final direction subject to the Applicant to again respond and incorporate recommendations of the panel. A detailed tabulation of the discussion and comparison of the comments in both meetings are provided in Attachment 7.
- On 11 April 2022, a kick-off briefing to the SWCPP chair was conducted where the Council assessment officer and the applicant's design team were provided opportunity to present to the panel chair. In that meeting, the chair pencilled and indicative timeframe of late June 2022 determination.
- On 22 April 2022, a Request for additional information (RFI) was sent to the Applicant. Council having received responses to initial referrals, the RFI outlined a number of unresolved issues identified in the preliminary assessment ranging from urban design, waste management, environmental health and engineering. In addition, referrals to

TfNSW, Bankstown Hospital (helicopter) and Bankstown Airport were still outstanding. Comments from the DEP also required to be addressed.

- On 19 May, the Applicant provided its response to the above RFI.
- On 28 June another RFI was sent to the Applicant as a result of the comments from internal units on the submission in response to the RFI above. Most of the issues raised were on urban design, public art and environmental health that were not sufficiently addressed or were not included in the previous RFI.
- On 12 July 2022, the applicant provided a consolidated response including a new set of plans.

4. DETAILS OF THE PROPOSAL

The proposed development seeks consent for the Demolition of existing structures and construction of a thirty-four (34) storey mixed use building comprising of the following:

- Six levels of basement car parking providing a total of 542 car and 29 motorcycle parking spaces;
- Ground floor level retail tenancies, commercial and residential lobby entries, loading dock, basement entry, waste and storage collection zones, associated civil, stormwater, and services infrastructure;
- Site improvements including establishment of a through-site link along the eastern boundary from the Elizabeth Street frontage to the rear service lane incorporating public domain improvements, landscaping, public art, street trees and paving;
- Mezzanine level for end-of-trip facilities (including locker storage and unisex bathrooms);
- Level 1 to 4 commercial office spaces with bathroom and amenities, and outdoor terrace. – Communal open space, including seating areas, open lawn areas, multi-purpose decking, swimming pool, outdoor gymnasium, outdoor kitchen / barbecue area, breakout space, and lounge area;
- Level 5 to 33 providing 312 residential apartments (136 x one-bedroom units, 128 x two-bedroom units, and 48 x three-bedroom units); and
- Associated drainage and civil works.

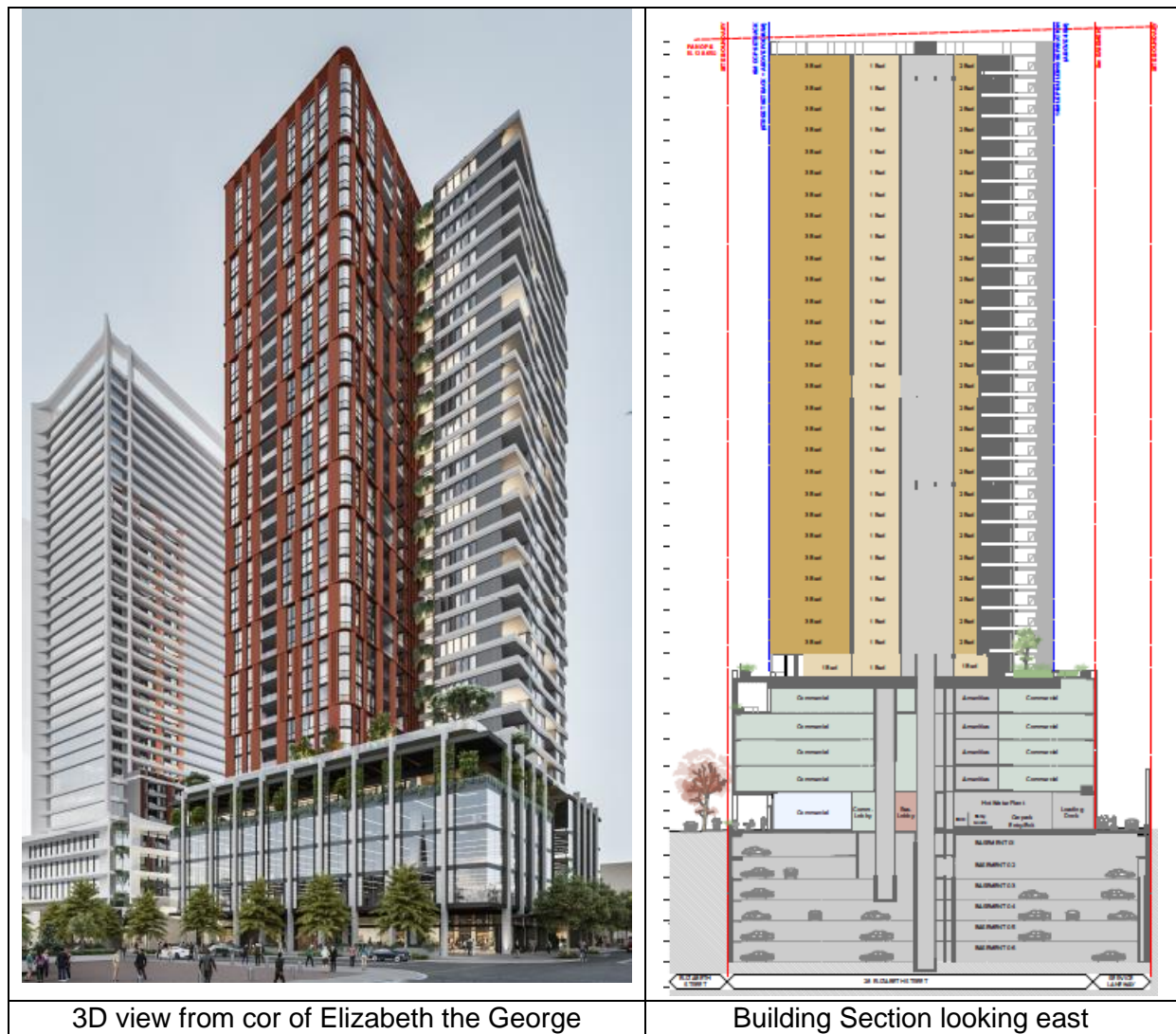


Figure 4: Proposed mixed-use development (Source: Turner)

A detailed description of the development is as follows:

Ground Floor Level

The ground level consists mainly of functions that provide street level connection and access to the various building uses. It features retail tenancies with display windows, outdoor seating and dining spaces along Elizabeth Street, part of George Street and the through-site link frontages. The total ground floor retail area is 760m².

Ground floor access to the above office and residential occupancies is thru two separate and segregated lobbies centred around the lift core that service the entire building. The commercial lobby is oriented towards the George Street frontage to the west and is flanked by retail tenancies on both sides of the lobby leading to the concierge and lift entrance beyond. Similarly, the residential lobby entrance is accessed via the through-site link to the east. It features a seating area, concierge/admin, mail land parcel areas.

The entire eastern site boundary is occupied by the proposed through-site link which is a dedicated pedestrian north-south accessway and incorporates an End of Trip (EOT) facility for the storage of bicycles and a small retail area.

To the rear of the site is proposed 8m wide service laneway parallel to Elizabeth Street that will eventually link Bigge and George Streets. This laneway is the main vehicular access into the building through the ramp and into the basement parking levels. Service vehicles including garbage trucks and delivery vans will also use the rear lane for access.

The ground level also contain the Fire Control Room, substation, gas meters, waste storage for bins and bulky goods and loading dock.

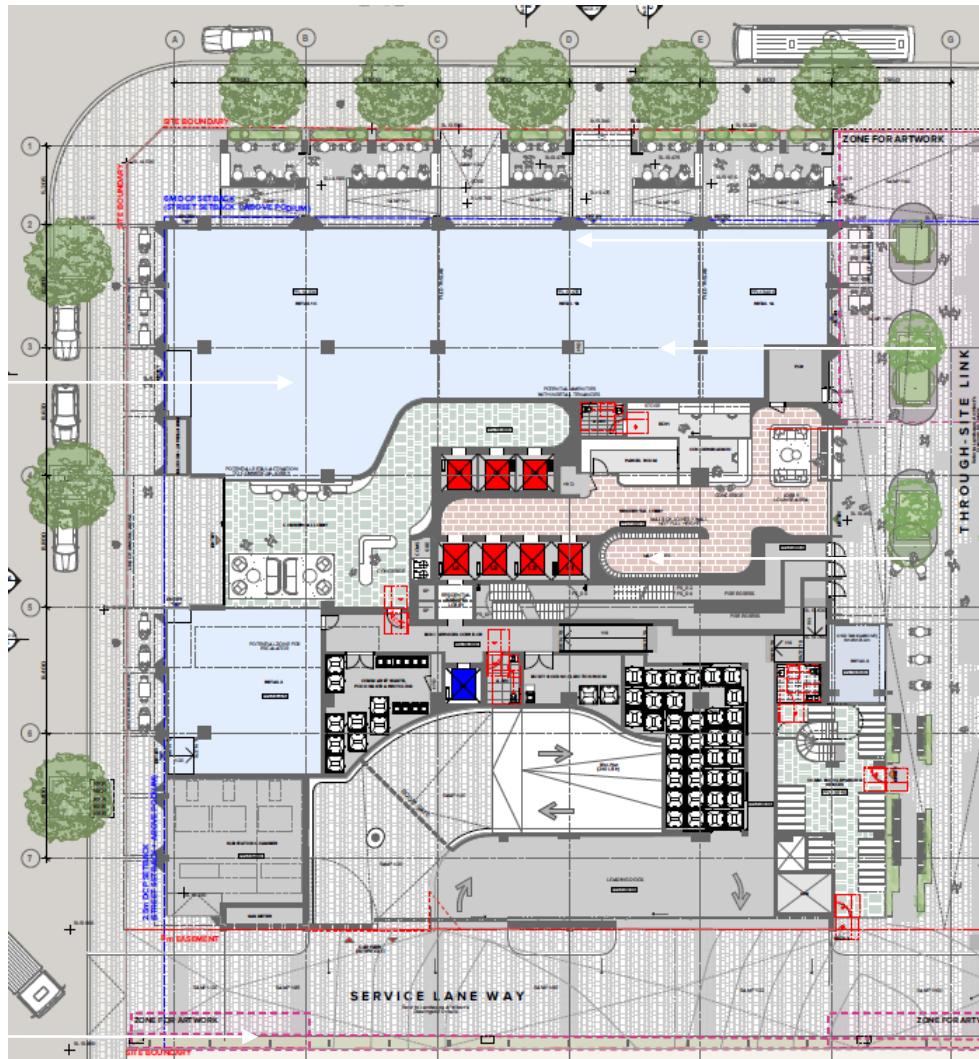


Figure 5: Proposed Ground Floor plan (Source: Turner)

Mezzanine Level

The remaining services and utility rooms including the hot water plant, kitchen exhaust plant rooms are located on the mezzanine level. Shower and locker rooms and the OSD tanks are also on this level.

Levels 1 to 4

Levels 1 to 4 are designated for commercial office spaces with a combined total GFA of 8,284m². The typical open plan structure of Levels 1 to 4 are designed to provide flexibility to cater to a range of tenant/occupant needs and preferences. The commercial areas have natural daylighting on all sides and features a central core containing the lifts, amenities, services and utilities. Level 4 floor plate varies slightly with a roofed north facing outdoor terrace that partly wraps around the east and western facades, which contributes breakout space, shading, and architectural modulation.

These levels together with the ground level and the level 5 above define the podium which has a vertical emphasis that echoes the adjoining heritage structure of All Saints Catholic Church across the street. Behind the vertical columns are expressed external façade by the deep horizontal bands of slim concrete parapets between tinted glazing and overall reads as a street wall that blends into the scale and design of surrounding buildings.

Starting from Level 5, these levels are indented from the podium and clearly defines its distinct function from the commercial and residential levels. The increased building setback provides opportunity to provide planting around the periphery of level 5 where planter boxes, for mature tree planting are provided.

Levels 5 to 33

Levels 5 to 33 comprise the residential flat building (RFB) of the mixed use development. Level 5 contains 8 residential units and the communal open space (COS). The total COS area is 908m² or 25.1% of the site area. It is divided into the northern section which features a swimming pool with shallow seating area, gym, amenities, living and dining rooms. The southern portion has an large open lawn area and a dog wash zone

The 29-storey RFB provides a total of 312 residential apartments comprising of 136 x one-bedroom units, 128 x two-bedroom units, and 48 x three-bedroom units.

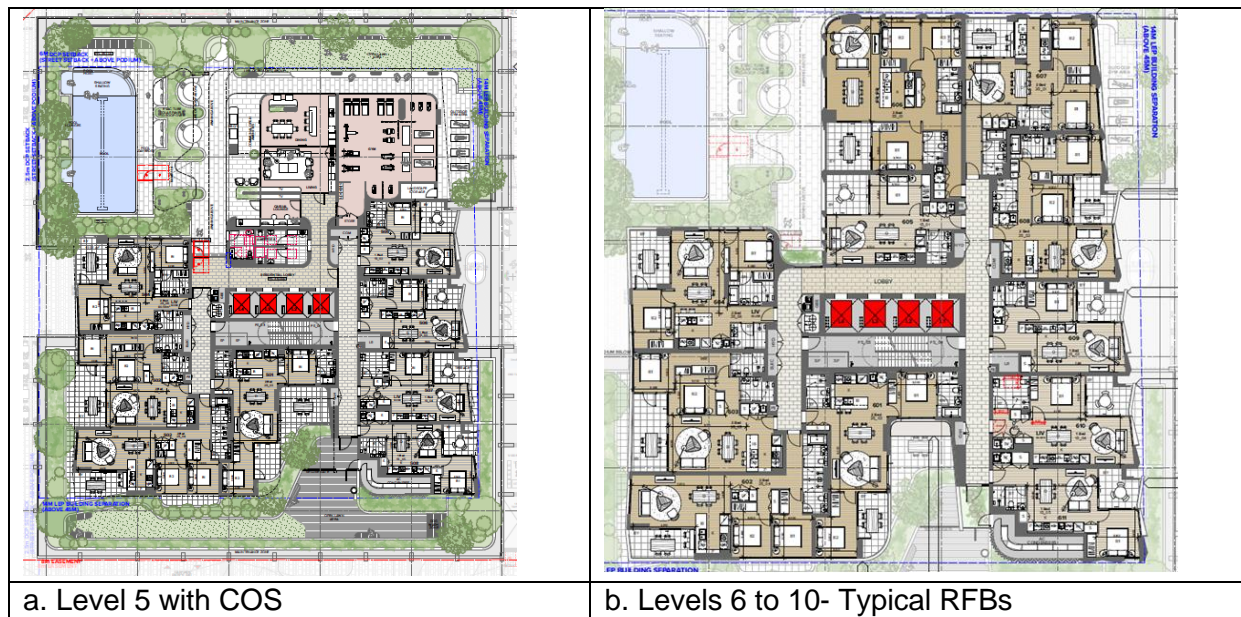


Figure 6: Proposed Level 5 & Levels 6-10

Level 34

The roof top level contains plant, services and solar panels

Basement Levels 1 to 6

Basement Level 1 incorporates visitor car parking for residential, retail and commercial uses as well as additional waste storage areas and services. Basement Level 2 are for commercial and retail car parking. Basement Level 3 are for residential occupants and visitors alike. Levels 4 to 6 are for residents.

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)

- SEPP (Biodiversity and Conservation) 2021 (Repealed Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment).
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Repealed Environmental Planning Policy No.55 – Remediation of Land).
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- Liverpool Local Environmental Plan 2008.

Other Plans and Policies

- Apartment Design Guide;

Development Control Plans

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

Contributions Plans

- Liverpool Contributions Plan 2018 (Liverpool City Centre) applies to the development.

5.2 Zoning

The site is located in Zone B4 Mixed Use pursuant to LLEP 2008 as depicted in Figure 7.



Figure 7. Extract of LLEP 2008 zoning map

5.3 Permissibility

The proposed development is identified as a '*Mixed used development*' and is defined under the LLEP 2008 as a '*building or place comprising of 2 or more different land uses.*'

The proposed development incorporates *commercial premises, on, residential flat building, food and drink premises and recreation facility (indoor)*. The definition of each use is as follows:

- **Commercial premises** is defined under the LLEP 2008 as:
 - (a) *Business premises;*
 - (b) *Office premises; or*
 - (c) *Retail premises.*
- **Residential flat buildings** is defined under the LLEP 2008 as: *A building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.*
- **Food and drink premises** is defined under the LLEP 2008 as: *means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—*
 - (a) *Restaurant or Café,*
 - (b) *take away food and drink premises,*
 - (c) *a pub,*
 - (d) *a small bar*
- **Recreation facility (indoor)** is defined under the LLEP 2008 as '*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.*

The proposed land uses are permissible with consent in the B4 – Mixed Use zone under LLEP 2008.

6. ASSESSMENT

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

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

(a) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; and the Apartment Design Guide

The proposal has been evaluated against the provisions of SEPP 65 which aims to improve the design quality of residential apartment development. SEPP 65 does not contain numerical standards but requires Council to consider the development against 9 key design quality principles and against the guidelines of the associated ADG. The ADG provides additional detail and guidance for applying the design quality principles outlined in SEPP 65.

Following is a table summarising the nine design quality principles outlined in SEPP 65, and compliance with such.

Design Quality Principle	Comment
Principle 1– Context and Neighbourhood Character	
<p>Good design responds and contributes to its context. Context is 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>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The Architect's SEPP 65 statement identifies the site follows: <i>"The site stands on the edge of the existing retail core to the west, with the traditional high street of Macquarie Mall adjacent to Westfield Shopping centre. To the east are Bigge Park, Liverpool Hospital and Liverpool TAFE. To the south are the central transport hub and institutional facilities. The emerging context, facilitated by Liverpool DCP and Public Domain Masterplan, seek to connect these key areas via several routes. Elizabeth Street and George Street are two of these, meeting at the corner of the proposal site and offering the opportunity for an expanded and activate public realm. The proposal aims to fully engage with this urban context, responding to the evolving streetscape, activity and social mix. Running east-west, Elizabeth Street will stand as a primary Boulevard, tree lined and with street setbacks underlining its importance and the opportunity for outdoor street dinning. George Street, running north-south, will grow as a secondary retail and commuter street. Again with setbacks supporting increased use and activation. Working with the existing and emerging contexts, the proposal will support the long term attraction and identity of Liverpool as a strategic centre in western Sydney."</i></p> <p>Councils Comment:</p> <p>It is considered that the site, along with the adjoining similarly sized lots is located at the geographic centre of the Liverpool CBD. The block is located in the middle of significant sites and precincts that define the city centre. To the west is the retail precinct centred around Westfield Shopping Centre and the Macquarie Mall, to the east is the health precinct anchored around the Liverpool Hospital and Sydney Southwest Private</p>

Design Quality Principle	Comment
	<p>Hospital and Bigge Street Park. To the south of the site are government services including the courts, police and local council offices. The University of Western Sydney and University of Wollongong - Liverpool campuses are also in close proximity to the site.</p> <p>The proposed development responds to its context by providing physical links to integrate the surrounding precincts and enhance permeability and walkability of the centre. The incorporation of ground level retail and street front activation, commercial tenancies, and residential apartments add to the mixture and diversity of activities and experience on offer.</p> <p>Visually, the proposal provides an iconic central place definition of the city centre as it will contribute to its identity and will set a benchmark for future developments.</p>
Design Principle 2 – Built form and scale	
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also 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.</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>The applicants architect considers that <i>“The massing, form and articulation seek to respond to the surrounding built form, align with key datums and establishing the corner site as a landmark in the CBD.</i></p> <p><i>From the approved 26 Elizabeth Street scheme, to the unique form of the All Saints Church opposite to the north, the architecture of the proposal recognises the existing and emerging urban fabric taking cues from both elements.</i></p> <p><i>At the ground plane, materials, awnings, activation, landscaping and placement of entries work together to support a vibrant and interesting addition to the streetscape.</i></p> <p><i>The podium pays respect to the architectural language of All Saints Church through the rhythm and slender form of columns. The proportions of the columns and massing of the podium give human scale to the lower portion of the proposal, integrating with the surrounding future fabric.</i></p> <p><i>At ground level the north face of the proposals is setback 6m and 2.5m setback from George Street. The through-site link along the eastern boundary exceeds the minimum 3m DCP requirement for most of its length, all three spaces working to shape the building and foster an active and attractive public realm. Above the podium, the tower is also set back 6m from the north, 8m from the south and 12m from the east within DCP and ADG requirements ensuring fullmassing compliance.</i></p> <p><i>This building separation from the adjacent 26 Elizabeth Street</i></p>

Design Quality Principle	Comment
	<p><i>the east, and Liverpool Police Station to the south forms an effective island site, able to engage on all sides to each specific immediate context.</i></p> <p><i>The design approach of the tower has been to sculpt two slender vertical elements to reduce bulk and overshadowing. The language of the facades is then further emphasised by the differing architectural expression of each of the two parts."</i></p> <p>Councils Comment:</p> <p>It is considered that the proposed development achieves a scale, bulk and height appropriate to the existing or desired future character of the street block and surrounding buildings. It aligns with the FSR allowed under Clause 4.4 of the LLEP 2008.</p> <p>The proposed development achieves an appropriate built form for the site and is generally consistent with the applicable standards under the Apartment Design Guide (ADG). The proposed development has been reviewed by Council's Design Excellence Panel (DEP) on two occasions including Council's Urban Design officer and is considered to be satisfactory.</p>
Design Principle 3 – Density	
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The Architect's SEPP 65 Statement provides that "<i>Liverpool city centre has engaged in the strategic opportunity of Western Sydney Aerotropolis masterplan, connected via the 15th Avenue bus way and extended train line.</i></p> <p><i>Together with local growth, the nature and urban form of the CBD is evolving to provide new retail and commercial facilities, and importantly, introduce new residential uses. This aims to create a vibrant origin and destination place of activity, with uses of mutual benefit.</i></p> <p><i>The proposals are fully in keeping with the mixed-use intentions of the LSPS and DCP, supporting an integrated urban fabric. This supports and strengthens existing public transport networks, as well as commercial, retail and entertainment offerings.</i></p> <p><i>The proposals will provide 312 residential units, with a mix of 136 1 bed, 128 2 bed and 48 3 bed units, as well as commercial and retail floor space.</i></p> <p><i>The ground plane has taken a considered approach to distributing activity, entries and servicing through each frontage to efficiently integrate the proposals."</i></p>

Design Quality Principle	Comment
	<p>Councils Comment:</p> <p>The proposal contains a mix of 1,2 3 bedroom units which is considered appropriate for the location and proximity to the City Centre. The proposed density of 10:1 for the site and adjoining lots is achieved. This density responds to the demands of the market and is consistent with the availability of infrastructure, public transport, community facilities and environmental quality.</p>
Design Principle 4 – Sustainability	
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation</p>	<p>The Architect's SEPP 65 Statement provides that <i>"The project brief takes a clear ESD driven approach, requiring PCA Grade A, NatHERS 7* and NABERS 5.5* along with BASIX and Section J compliance for the various elements of the building.</i></p> <p><i>From first principles, the design seeks to optimise passive strategies including solar access to living rooms and private open spaces above and beyond ADG requirements. Operable windows are provided to every habitable room, and apartments are arranged to maximise natural ventilation opportunities.</i></p> <p><i>The facade design further supports a passive approach, targeting a 50-60% glazing to wall ratio to balance daylight access while restrict solar heat gain.</i></p> <p><i>Operationally, the proposals are provided with a 85kW solar array on the roof, and a solar thermal system to heat the pool at level 5. Waste is to be separated for all user groups with separated collection rooms in the basement and ground level. Lower energy heat pumps will provide hot water to apartments, who are also supplied with water and energy efficient fixtures and appliances.</i></p> <p><i>In further support of a sustainable approach, extensive landscaping is designed for the ground plane and level 5 in compliment to the range of communal rooms and spaces. Recycled rainwater will supply landscaping, while the communal facilities have been designed to host a range of indoor and outdoor activities to support the residential community in a safe and welcoming environment.</i></p> <p><i>Within each level, common spaces will be provided with natural ventilation and daylight access to a layout that minimises single linear runs of corridor to create semi-private spaces.</i></p> <p><i>These features, and those further detailed in the and water consumption and reduce the operation impact of the proposals."</i></p> <p>Councils Comment:</p> <p>The development provides opportunities in this regard, as requiring BASIX and Section J compliance for the various</p>

Design Quality Principle	Comment
	<p>elements of the building. Energy efficiency is also aided by the use of water/energy efficient fittings, appliances and lighting. The development will incorporate rooftop solar panels to add to the renewable power for the building.</p> <p>Waste minimisation and recycling strategies have also been incorporated into the operations of various uses in the development.</p>
Design Principle 5 – Landscape	
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</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>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.</p>	<p>The Architect's SEPP 65 Statement provides that "<i>Landscaping has been integrated in harmony with the architectural approach across the proposals, providing relief and animation in communal spaces, while framing views and providing privacy.</i></p> <p><i>At the ground plane, planting is provided along Elizabeth Street to compliment the street trees planned along the Council foot path.</i></p> <p><i>To the north east corner of the site, planting will frame the entry to the through-site link and residential entrance, lining the east boundary in ground integrated with public seating and hung planters above. A feature tree will provide shading and identity at the heart of the link, marking the residential lobby.</i></p> <p><i>Above, the podium creates a green oasis with planting to the full perimeter of the communal level for privacy and softening the outlook across the city. A mixture of dense planters, trees and low-level shrubbery will provide interest and depth while also supporting biodiversity and shading.</i></p> <p><i>Stretching up the proposals, as the dual towers meet, planters will provide a green thread through the weave of the facade, whilst adding to the outlook of the common lift lobby at every residential floor.</i></p> <p><i>Below, as part of the architectural form of the podium, the fourth floor is recessed to form a breakout terrace for the commercial uses. As above, the perimeter will be lined with planters, softening the view and providing passive animation to the space.</i></p> <p>Councils Comment:</p> <p>The site's location within the highly built-up CBD area means opportunities for landscape will rely on the building and landscaping design which the proposal has achieved.</p> <p>It is important and commendable that on the ground level a number of proposals enhance the overall landscape amenity of the public domain including the provision of shared pedestrian to the east which is proposed to be embellished with public art, planting and other landscape elements. Similarly, the street frontage to Elizabeth Street is provided with generous setback to</p>

Design Quality Principle	Comment
	create quality, shaded hardscape spaces for use by the public and building occupants.
Design Principle 6 – Amenity	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The Architect's SEPP 65 Statement provides that the “<i>From the outset, the quality of environment for each user group has been a key design driver. From building separation, to orientation and the adoption of passive strategies. Each approach contributing to the privacy, amenity and enjoyment of the proposals.</i></p> <p><i>As described previously, the massing has been informed by solar access, cross ventilation and outlook, in parallel to working with the urban context.</i></p> <p><i>Internally units are laid out with regular room shapes and dimensions to support ease of use and adaption. Unit depths seek to further support enjoyment of use by optimising the effectiveness of natural daylighting and ventilation.</i></p> <p><i>As part of the unit mix, 20% are provided to Silver universal design standards, and 10% as adaptable to support a range of resident needs. This is part of a unit mix of 1,2 and 3-bedroom units informed by local demographic trends.</i></p> <p><i>Each unit has been designed to minimise acoustic transmission laterally and vertically, with complimentary room types positioned adjacent to one another where possible and acoustic treatments provided to compartment divisions Storage forms part of this strategy, aiding space division, while providing valuable amenity to residents with additional dedicated storage spaces located in the residential basement levels.</i></p> <p><i>At level 5, communal facilities have been arranged to support accessibility and the enjoyment of a range of activities while respecting the privacy residents at this level and above. The north facing lawn, seating, BBQs and pool areas support socialising while the south facing yoga deck and gardens connects to the yoga deck, with views eastwards and is separated from residential uses by circulation and storage spaces. Adjacent, the communal living room, dining and kitchen spaces compliment the north facing social spaces as well as working from home and study needs.</i></p> <p>Councils Comment:</p> <p>The design is considered to be satisfactory by optimising views and internal amenity through appropriate room sizes, access to natural light and ventilation, visual and acoustic privacy,</p>

Design Quality Principle	Comment
	<p>provision of storage spaces, indoor and outdoor spaces. A mixture of bedroom configurations and proposed adaptable units offer a variety of housing choice to the broader community.</p> <p>.</p>
Design Principle 7 – Safety	
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The Architect's SEPP 65 Statement provides that <i>"The ground plane acts as the key interface with the public realm. Uses and entries have been strategically located to balance enjoyment, activation and safety."</i></p> <p><i>Both residential and commercial lobby entries are clearly defined in the architectural form, with clear sight lines from the public domain, lighting and views into the space through to lift lobbies. Concierge facilities are also offered in both lobbies to further support the safety and comfort of each user group through passive presence and surveillance</i></p> <p><i>Clear sight lines, lighting and a considered facade design further support the safety and security of the ground plane interfaces, avoiding recessed hidden spaces and opportunities for vagrancy. Planting, integrated seating and active frontages support a passive presence and encourage positive occupation of space.</i></p> <p><i>The extensive glazed facades to the retail and commercial opportunities and maintain presence across these areas. Communal spaces, located at level 5 are accessible only swimming pool and perimeter of the level.</i></p> <p><i>Basement and service entry will also be by secure access controlled gates, ensuring user groups have a clear point of entry and use area without interfering in adjacent users.</i></p> <p>Councils Comment:</p> <p>It is considered that the proposal maximises the potential for passive surveillance in accordance with CPTED principles of surveillance, access, territorial reinforcement and space management.</p> <p>The mixed-use nature of the ground plane encourages passive surveillance over the building entries and surrounding area. The development has been designed to avoid hidden corners or concealment points.</p> <p>Controlled vehicular access to the building is provided by secure car park access from the rear laneway, with direct and separate access from the basement car park to the lift lobbies for residents and commercial users.</p>

Design Quality Principle	Comment
Design Principle 8 – Housing Diversity and Social Interaction	
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The Architect's SEPP 65 Statement provides that <i>"A range of unit sizes have been provided including 1, 2 and 3 bed apartments. All with well sized bathrooms and kitchens, supported by ADG compliant private open spaces and internal dimensions."</i></p> <p><i>The mix of units has been designed to suit the local demographics, supported by a range of community spaces at podium level.</i></p> <p><i>Within the 312 apartments, 20% are provided to silver universal living standard, and 10% as adaptable to support diverse group of residents</i></p> <p><i>At level 5 a gym and communal lounge with kitchen are provided. Externally, a pool, yoga deck, open lawn and secluded reflective garden have been integrated with generous landscaping.</i></p> <p><i>The communal spaces have been designed and laid out to support a range of activities at any one time, from social events around the BBQ and pool, to study and work in the communal living room, to private reflective moments in the gardens and yoga space.</i></p> <p>Councils Comment:</p> <p>It is considered that the design responds to the demographics, social needs and preferences of the existing and emerging housing market catering to diverse cultural background, lifestyles, affordability and mobility.</p>
Design Principle 9 – Aesthetics	
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The Architect's SEPP 65 Statement provides that <i>"The architectural language has been inspired by local cultural and urban heritage. Conceptually, the well-defined historic urban grid and wool processing trade has inspired patterns within the facade to provide depth and interest in the built form. The dual-towers have adopted two specific but complimentary material palettes, emphasising their slender proportions"</i></p> <p><i>To the podium below, a more regular form reflective of the ground footprint reinforces the urban grid. Here, influence is taken from the immediate context through the rhythm of All Saints Church opposite. The Church stands as a significant architectural feature in the local area. While not significant in mass, its gentle bowed facade and simple expressed columns have a big impact on the streetscape. The proposals have been</i></p>

Design Quality Principle	Comment
	<p><i>directly influenced by this, seeking to reference the architectural facade at 28 Elizabeth Street</i></p> <p><i>Across the architectural form, landscaping is used to accent public and communal spaces. Signifying moments of interest and social activity while supporting a contextual and integrated urban architecture."</i></p> <p>Councils Comment:</p> <p>The proposal is considered responsive to the environment in terms of composition and use of materials, responding to the streetscape and existing heritage items within the vicinity of the site. The overall aesthetics is considered to be a suitable response to the evolving character of the precinct and envisaged future development outcomes within the area.</p> <p>The development will set an aesthetic benchmark for the desired future character of the CBD.</p>

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential apartment development to be designed in accordance with the Apartment Design Guide (ADG). The following table provides an assessment of the development against the relevant provisions of the ADG.

The RFB component of the building comprise all floors from Levels 5 to Level 33 comprising a total of 28 levels.

Provisions	Proposed	Complies
2E Building depth		
Suggested maximum of 12-18m	The proposed depth of the RFB component (Levels 6 – 33) is 20m at the longest length of a double loaded floor plate. See discussion below	Yes, by merit
<p><u>Discussion on Building depth:</u></p> <p>The aim of this clause is to ensure that the bulk of the development relates to the scale of the desired future context. The proposed depth is proportional to the length which provides a slender but visually solid and stable structure. Any leaner will convey instability.</p> <p>The other aim is to support apartment layouts that meet the objectives, design criteria and design guidance within the ADG. As shown in the succeeding analysis, the proposed apartments allows for solar and light penetration into the deeper parts of the dwellings for most of the apartment units.</p>		
2F Building separation		
<p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> • 24m between habitable rooms/balconies • 18m between habitable and 	<p>These separation distances apply from Level 6 to 33 (25m and over), the minimum building separation = 12m (24m/2)</p> <p>Provided:</p>	Yes

Provisions		Proposed				Complies
non-habitable rooms <ul style="list-style-type: none">12m between non-habitable rooms <p>Note: <i>It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance.</i></p>		Level	South (rear)	East (side)	West (side)	See drawing DA310-101-Section AA & DA310-101-Section BB Note: The building separation also complies with the DCP requirements
		Level 6-33	14m	14m	N/A	
3A Site analysis						
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context		See above 6.1(a) Design Quality Principle 1 – Context and Neighbourhood Character				Yes
3B Orientation						
3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development		The proposed building is aligned to the street grid which also orients the primary building form on a north-south axis. This north-south axis maximises equitable solar access to the apartments. Because most buildings are double-loaded, most apartments receive two hours solar access via either the east or west. The podium form addresses the streetscape by scaling to the appropriate height that minimises impact at the pedestrian scale. The primary form of the tower has been strongly influenced by solar access and cross ventilation.				Yes
3B-2 Overshadowing of neighbouring properties is minimised during mid-winter		The site adjoins a property to the east with similar development controls. Due to the ideal northern orientation of both sites, it is likely these neighbouring sites will result in some overshadowing in mid-winter. However, with a primary north-south axis orientation and with significant building separation, direct solar access to the east and west facades of these buildings are provided. The buildings to the south of the site are civic, commercial and retail buildings that are predominantly oriented to Bigge Street to the east and George Street to the west. The orientation, and current and future use of these buildings minimises the overshadowing impact of the proposed development. Shadow studies demonstrate that the narrow				Yes

Provisions	Proposed	Complies
	northern frontage of the building means overshadowing to any adjoining building is limited to 3 hours in mid-winter.	
3C Public Domain Interface		
3C-1 Transition between private and public domain is achieved without compromising safety and security transition between private and public domain is achieved without compromising safety and security	<p>Access from the public street to the building entries are straight, clear and legible, providing safe access to the proposed development. The site is surrounded by streets and laneways on all sides that along with the generous setbacks facilitate an 'island' site, which can be accessed from every frontage.</p> <p>The Elizabeth Street frontage is lined with retail uses that attract pedestrian traffic and surveillance particularly with the proposed outdoor seating areas. Likewise, seating areas provided in the residential and commercial lobbies fronting George Street and the Through-Site Link to the east, respectively allow for activation, interaction participation with the public. The ground floor level has active frontages on 3 sides.</p> <p>The laneway benefits from passive and active surveillance not only from pedestrian traffic but also from the EOT facility and retail tenancy from the corner of Elizabeth Street to the small retail outlet outside the entrance to the residential lobby.</p>	Yes
3C-2 Amenity of the public domain is retained and enhanced	<p>The public domain of Elizabeth and George Street is enhanced with active retail frontages that incorporate seating, landscape planting and an expanded footpath zone.</p> <p>Public domain is enhanced by the extended public domain offered by the proposed pedestrian walkway which is also planned to be embellished with street furniture and public art.</p> <p>Majority of services, loading and car parking are segregated and accessed through the new rear service laneway.</p>	Yes
3D Communal and public open space		
<p>Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</p> <p>1. Communal open space has a minimum area equal to 25% of the site.</p>	<p>The internal and external communal open space (COS) is located at Level 5. The COS is divided into the northern and southern part with some apartment units in between.</p> <p>The larger COS area is oriented to the north and features an outdoor swimming pool with shallow seating, an open lawn, outdoor seating, a gym with interior and exterior</p>	Yes

Provisions	Proposed	Complies
2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)	<p>exercise spaces, communal open amenities with BBQ facilities, dining, kitchen and casual lounge for the use of residents.</p> <p>The smaller COS located to the south is reserved to cater for passive recreation and incorporates a large lawn and deck area with a dog wash facility. The artificial turf will enhance the space for quiet respite, dog training and the like.</p> <p>The combined COS meet the area and solar access requirements of the ADG. The site area is 3,609m² and the minimum COS requirement of 25% of the site is equal to 902.25m². The proposed COS area Level 5 is 903m².</p> <p>While not included as COS, the through-site link at ground level, has been provided with landscaping, seating and spill out dining space from the retail units to further enhance the amenity of residents.</p> <p>Please refer to architectural drawings DA-110-009, DA-110-015, DA-730-001 and DA-730-002.</p>	
Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	<p>The COS have been designed to support both social, private, active and reflective activities in an urban setting.</p> <p>Various interior and exterior spaces and sub-spaces with varying uses and provided with facilities and amenities to allow for simultaneous use by multiple groups.</p>	Yes
Objective 3D-3 Communal open space is designed to maximise safety	<p>Level 5 podium is accessible only to residents through a secure lobby and lift entry.</p> <p>Necessary safety features are provided around the swimming pool area, with planting and glazed windbreaks providing protection from the podium edge. The external spaces are all overlooked from the internal areas to promote passive surveillance.</p>	Yes
Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	<p>The ground plane has been configured to support public realm objectives, providing active frontages, planting and visibility to internal spaces.</p> <p>Building alignments are within relevant setbacks and in keeping with the urban design strategy by offering larger shared spaces and</p>	Yes

Provisions			Proposed	Complies
			<p>increased pedestrian zones with potential for enhanced street planting, footpath and dining for the public and adjoining uses.</p> <p>The rear service laneway connects George Street to Bigge Street in the east-west direction and Through-Site Link will link Elizabeth Street and the rear service laneway. These connections reinforce the existing grid pattern and enhances cross block linkages the of the CDB.</p>	
3E Deep soil zones				
Deep soil zones are to meet the following minimum requirements:			<p>The site area is 3,609m² and falls under the 7% requirement or 256m² DSZ with minimum dimensions of 6m for this site.</p> <p>There is no proposed DSZ, See discussion below.</p>	Yes, by merit
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)		
Less than 650m ²	-	7%		
650m ² to 1500m ²	3m			
Greater than 1500m ²	6m			
Greater than 1500m ² with significant tree cover	6m			
<p>Discussion on DSZ.</p> <p>The applicant did not provide an area for DSZ as the site is in a highly urbanised environment. However, whilst there are no deep soil zones provided on the ground floor, there is opportunity for deep soil on structure planting. The submitted Landscape Plan provides tree planting on the Through-Site Link and on selected areas on Level 5. These are detailed as planter boxes that vary in depth from 800mm to 1000mm to host appropriately scaled trees and plant species that respond to the climate and wind conditions on the structure.</p> <p>It is considered that his strategy is acceptable as the objective of providing for large trees is still achieved.</p>				

Provisions	Proposed	Complies												
3F Visual Privacy														
<p>Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</p> <p>Minimum separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <tr> <th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non Habitable Rooms</th></tr> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>12m to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </table>	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Up to 12m (4 storeys)	6m	3m	12m to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>Building elements have been located to respect ADG required setbacks and separation distances to ensure adequate privacy and daylight are achieved.</p> <p>The RFB component starts from Level 5 to 33. Minimum setbacks of 14m to the adjoining property to the east and rear have been provided which are over the 12m requirement.</p>	Yes
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms												
Up to 12m (4 storeys)	6m	3m												
12m to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	The comprehensive solar and view analysis has allowed for building to be oriented to take advantage of key views and solar access. The simple, rectangular form and recessed balconies means there is no overlooking issues between units on a single level.	Yes												
3G Pedestrian Access and Entries														
Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain.	<p>All building entries are provided with clear site lines, are publicly accessible and integral to the public realm composition.</p> <p>The apartment lobby addresses the publicly accessible Through-Site Link on the eastern edge of the site. Care has been taken to create legible and permeable access for pedestrians throughout the development.</p>	Yes												
Objective 3G-2 Access, entries and pathways are accessible and easy to identify	All entries are clearly legible in architectural form, and are easily accessible.	Yes												
Objective 3G-3 Large sites provide pedestrian links for access to	The fundamental design principle for the site has been to create a north-south link to	Yes												

Provisions	Proposed	Complies
streets and connection to destinations	<p>increase the active frontage and provide potential for future connections linking Elizabeth Street into the laneways within the block. Great care has been taken to ensure excellent pedestrian permeability and legibility through the site.</p> <p>The proposals reinforce the street edge with active frontages, expanding the public realm through setbacks and a new through-site link.</p>	
3H Vehicle Access		
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	<p>Vehicular parking and service access have been coordinated along the southern boundary, accessed from the rear service lane.</p> <p>Car park and loading access points are consolidated on the rear service laneway to minimise interruption to street frontage. The vehicle access points are clear and legible and are located away from all pedestrian entries.</p>	Yes
3J Bicycle and Car Parking		
<p>Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p> <p>For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street</p>	Car parking for mixed use is provided in the LLEP 2008 discussion.	Yes

Provisions	Proposed	Complies
Objective 3J-2 Parking and facilities are provided for other modes of transport	<p>Parking spaces are provided for private cars for each user group (residential, retail and commercial) including visitors, electric vehicles and motorbikes. Dedicated bicycle parking spaces are also provided for commercial occupants at ground level, and for residents within storage cages throughout the lower basement levels</p> <p>The six-level basement car park comprises:</p> <ul style="list-style-type: none"> • 411 residential parking spaces (including 32 visitor spaces); • 100 commercial car spaces (including 20 visitor car spaces); • 31 retail car spaces (including 20 visitor car spaces); • 60 end-of-trip bicycle parking spaces (retail / commercial); • 312 residential storage cages; and • 29 motorcycle spaces. 	Yes
Objective 3J-3 Car park design and access is safe and secure	Basement entry will be by secure gate entry, with user groups separated within the basement by secure gates.	Yes
Objective 3J-4 Visual and environmental impacts of underground car parking are minimised	Basement levels will not rise above ground level ensuring there is no visible impact.	Yes
Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised	Visual and environmental impacts of aboveground enclosed car parking are minimised	Yes
4A Solar and Daylight Access		
<p>Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</p> <p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</p>	<p>91% of apartments receive solar access to living rooms and private open spaces for 2hrs between 9am and 3pm in mid-winter.</p> <p>Only 9% of apartments receive no-direct sunlight between 9am-3pm in mid-winter.</p>	Yes
2. A maximum of 15% of apartments in a building receive	Daylight has been maximised to all units while balancing an efficient glazing to wall ratio.	Yes

Provisions	Proposed	Complies
no direct sunlight between 9 am and 3 pm at mid-winter		
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	Glazing types will be specified appropriate to each orientation with low-e coatings and SHGC factors incorporated.	Yes
4B Natural Ventilation		
Objective 4B-1 All habitable rooms are naturally ventilated.	All habitable rooms are provided with operable windows to 5% of the floor area for natural ventilation.	Yes
Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation	Apartment depths and layouts are designed to maximise natural ventilation.	Yes
Objective 4B-3 The number of apartments with natural cross ventilation is maximised 1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	More than 60% (63%) of apartments up to Level 9 achieve cross-ventilation. Unit depths are in line with ADG requirements.	Yes
4C Ceiling Heights		
Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access 1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	A floor-to-floor height of 2.7m will be provided to all habitable areas, apart from some localised mechanical and hydraulics services requirements at the kitchen area. Any associated 2.4m ceiling areas will be minimised.	Yes

Provisions		Proposed	Complies
Minimum ceiling height Habitable rooms Non-habitable For 2 storey apartments Attic spaces If located in mixed use areas	2.7m		
	2.4m		
	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area		
	1.8m at edge of room with a 30 degree minimum ceiling slope		
	3.3m from ground and first floor to promote future flexibility of use		
Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well proportioned room		Apartments at level 5 are provided with increased ceiling heights to increase a sense of volume aligned with additional outdoor private open space.	Yes
Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building.		Floor-to-floor heights throughout the podium levels range from 5.2m at ground to 3.8m across commercial levels aiding in flexibility of space.	Yes
4D Apartment Size and Layout			
Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity 1. Apartments are required to have the following minimum internal areas:		Apartment sizes meet and where possible, exceed ADG requirements.	Yes
Apartment Type	Minimum Internal A		

Provisions		Proposed	Complies
Studio	35m ²		
1 bedroom	50m ²		
2 bedroom	70m ²		
3 bedroom	90m ²		
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each			
2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms		All habitable rooms are provided with windows.	Yes
Objective 4D-2 Environmental performance of the apartment is maximised 1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.		Apartment depths to the primary living are generally satisfy ADG requirements.	Yes
2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window		Rear walls of any kitchen are no more than 8m from the facade line	Yes
Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs 1. Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)		Habitable and non-habitable rooms satisfy and where possible, exceed ADG requirements.	Yes
2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)		As shown on the architectural plans, all bedrooms have a minimum dimension of 3m.	Yes
3. Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom		As shown on the architectural plans, all living/dining rooms have a minimum width of 3.6m for 1 bedroom and 4m for 2 and 3 bedroom units.	Yes

Provisions	Proposed	Complies															
apartments																	
4E Private Open Space and Balconies																	
<p>Objective 4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p> <p>1. All apartments are required to have primary balconies as follows:</p> <table border="1"> <tr> <th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr> <tr> <td>Studio</td><td>4m²</td><td>-</td></tr> <tr> <td>1 br</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 br</td><td>10m²</td><td>2m</td></tr> <tr> <td>3 br</td><td>12m²</td><td>2.4</td></tr> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p>	Dwelling Type	Minimum Area	Minimum Depth	Studio	4m ²	-	1 br	8m ²	2m	2 br	10m ²	2m	3 br	12m ²	2.4	<p>Private open spaces satisfy and where possible exceed ADG requirements.</p> <p>Apartments at level 5 satisfy the additional spaces requirements of a minimum 15sqm, and where possible exceed this.</p> <p>All balcony widths comply with the minimum depths of 2m and 2.4m</p>	Yes
Dwelling Type	Minimum Area	Minimum Depth															
Studio	4m ²	-															
1 br	8m ²	2m															
2 br	10m ²	2m															
3 br	12m ²	2.4															
<p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m</p>	N/A	N/A															
<p>Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents</p> <p>1. Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space</p>	<p>Balconies have been orientated to emphasis outlook and solar access.</p> <p>All balconies open directly from living areas, and where possible also from bedrooms.</p>	Yes															
<p>Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</p>	<p>Balcony forms are integral to the architectural language of the facade.</p>	Yes															
<p>Objective 4E-4 Private open space and balcony design</p>	<p>All relevant regulatory requirements have been satisfied in balcony design.</p>	Yes															

Provisions		Proposed	Complies
maximises safety			
4F Common Circulation and Spaces			
<p>Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments</p> <p>1. The maximum number of apartments off a circulation core on a single level is eight.</p>		<p>Common circulation spaces are provided with two sources of natural light, and are naturally cross ventilated.</p> <p>The circulation space layout minimises the number of units operable of each section.</p>	Yes
<p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>		<p>There are 4 lifts allocated to 312 residential apartments or a ratio of 78 apartments per lift.</p> <p>An accompanying vertical transport engineering report prepared by Stantec supports the use of four high speed lifts to service the apartments. In its analysis it found that the four lifts with a rated speed of 3.0m/s provides an adequate service to the building for the target market.</p>	Considered acceptable.
<p>Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents</p>		<p>Common circulation spaces provide safe, secure and legible areas with northerly outlooks with planting adjacent to lift waiting areas.</p> <p>The ground floor lobbies have been designed to allow a direct, clear and legible access from the street. The lobby area has additional space for residents to meet, along with the communal floor. Each residential lobby is naturally lit and ventilated.</p>	Yes
4G Storage			
<p>Objective 4G-1 Adequate, well designed storage is provided in each apartment.</p> <p>1) In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p>		<p>Apartments are provided with adequate storage with a min. 50% achieved within units, and the remaining allocation located in secure, dedicated storage cages within the basement.</p>	Yes
Dwelling Type	Storage Size Volum		

Provisions		Proposed	Complies
Studio	4m ³		
1 bedroom	6m ³		
2 bedroom	8m ³		
3 bedroom	10m ³		
At least 50% of the required storage is to be located within the apartment.			
Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments		Additional storage within the basement is dedicated within residential parking areas in secure cages.	Yes
4H Acoustic Privacy			
Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout.		<p>Apartment types typically stack vertically to ensure complimentary rooms are above one another, minimising opposing uses and noise transmission.</p> <p>Floor plans have been laid out to further provide complimentary room uses adjacent to each other where possible.</p> <p>Care has been taken to avoid major acoustic clashes through apartment layouts. The deeply recessed balconies on all apartments mitigate environmental noise.</p> <p>The loading docks are fully enclosed within the building to minimise noise transfer. These are located below, several floors away from residential uses.</p>	Yes
Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments		<p>Storage and circulation spaces are located where possible to further aid acoustic separation.</p> <p>Dividing walls will be provided with appropriate treatments to meet acoustic separation standards.</p> <p>Care has been taken to co-locate similar room types where possible and to use buffers, such as wardrobes, between different spaces.</p>	Yes
4J Noise and Pollution			
Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings		<p>Residential uses are raised from ground level, to begin at level 5, away from external noise sources.</p> <p>No significant noise sources have been identified in the acoustic engineering report.</p>	Yes
Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction		Level 5 is provided with ample landscaping and perimeter raised glazing to mitigate wind and noises sources.	Yes

Provisions	Proposed	Complies
and choice of materials are used to mitigate noise transmission	Glazing and external wall specifications will support acoustic protection of apartments.	
4K Apartment Mix		
Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	A range of unit types and sizes are provided and include 1 bed, 2 bed and 3 bed apartments to meet market needs and provide a diversity of product. Adaptable and living apartments are provided in support of DCP requirements.	Yes
Objective 4K-2 The apartment mix is distributed to suitable locations within the building	Apartment types are distributed across the floorplate. Apartment types are mixed throughout the building's height and offer a range of orientations.	Yes
4M Facades		
Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area.	Active frontages are provided to George and Elizabeth Street and extended into the through-site link. Frontages are articulated with quality materials to encourage activity and integrated with the existing and emerging public realm. Care has been taken to ensure a proportionally-balanced building which fits within the surrounding future context. The scale of the facade components has been carefully considered to address proximity to the pedestrian plane, with finer grain detailing in the lower podium and grander gestures within the tower.	Yes
Objective 4M-2 Building functions are expressed by the facade	The architectural language has been designed to provide legibility of the user group within. Lobbies are clearly legible in this language, marked by breaks in massing. The three components are consistent in colour and materiality, and are deployed in different ways across the retail commercial and residential facades	Yes
4N Roof Design		
Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street	Datums are established at key heights in the proposals to align with contexts and provide scale and legibility. The podium roof top open spaces each integrate with the facade from below, and the	Yes

Provisions	Proposed	Complies
	roof top treatment provides a crown to the expressed frame of the tower. Services are contained within the form where possible, and set back from the edge of the building to minimise visual impact	
Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised	Level 5 is provided with a range of communal facilities.	Yes
Objective 4N-3 Roof design incorporates sustainability features	Level 33 roof is provided with a 85kW photovoltaic array. Level 5 is provided with drought resistant planting, rainwater capture for irrigation and solar thermal panels for swimming pool heating	Yes
4O Landscape Design		
Objective 4O-1 Landscape design is viable and sustainable	Landscaping has been specified for the current and changing climate of Liverpool with a range of species supporting biodiversity. Rainwater capture systems have been incorporated to reduce potable water use, and supply irrigation.	Yes
Objective 4O-2 Landscape design contributes to the streetscape and amenity	Landscaping at ground level has been designed to support the public realm experience. Planting lines the eastern boundary of the through-site link, softening the border with the neighbouring site. Planting has also been designed along Elizabeth Street to provide a break in the urban street scape, while providing animation to the street front. The landscape design maximises the amenity of the communal open space by balancing planted areas with areas for residents to relax or interact. The streetscape landscape design provides key planting elements to create visual interest and provide wind breaks to the pedestrian zone.	Yes
4P Planting on Structures		
Objective 4P-1 Appropriate soil profiles are provided	Soil profiles have been specified as designed by qualified landscape architects in line with ADG requirements The landscape has been designed with tree planting on structure alongside lower planting	Yes

Provisions	Proposed	Complies
	zones and shrubs in appropriately sized bases.	
Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance	The landscape has been designed with a diverse range of native and exotic species appropriate to the various areas and planting opportunities.	Yes
Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	Planting at level 5 is a key component of creating a welcoming and comfortable space. Scale and species type have been located to provide shading, soften environment and provide privacy and separation where necessary.	Yes
4Q Universal Design		
Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	At least 20% of apartments are designed to meet the Liveable Housing Guidelines silver level.	Yes
Objective 4Q-2 A variety of apartments with adaptable designs are provided	10% of the units are adaptable with accessible car space.	Yes
Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	Layouts are designed to provide simple, regular room forms for ease of use and adaption.	Yes
4S Mixed Use		
Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	<p>The site is located within a mixed use, city centre location.</p> <p>Active street frontages are provided to three of four boundaries; Elizabeth Street to the north, George Street to the west and the through-site link to the east.</p> <p>All setback requirements have been supported, expanding the public realm into the site.</p> <p>Active frontages are maximised through the introduction of the north-south Through-Site Link.</p>	Yes
Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	<p>The residential entry is visually integrated within the overall ground plane design.</p> <p>Residential access is provided by a dedicated, safe and clearly legible entry from the through-site link with clear site lines from Elizabeth Street.</p> <p>Concierge is provided at ground level as a further safety and lifestyle support offering.</p> <p>Each unit is provided with a private secure entry.</p>	Yes

Provisions	Proposed	Complies
	Car park access is via a secure and clearly legible entry point with a secondary secure line within the basement separating commercial and residential uses.	
4T Awnings and Signage		
Objective 4T-1 Awnings are well located and complement and integrate with the building design	Awnings have been integrated into the facade design and provided along active street frontages where appropriate An awning is provided over the footpath in accordance with the Liverpool DCP for the majority of the site width. The podium form and ground floor setbacks create significant shaded and sheltered spaces under the line of the building.	Yes
Objective 4T-2 Signage responds to the context and desired streetscape character	Signage positions and extents will be incorporated into the ground level articulation. Specific signage designs will be submitted as a separate application.	Yes
4U Energy Efficiency		
Objective 4U-1 Development incorporates passive environmental design	Building orientation, articulation and massing have been formed to support passive solar access, natural cross ventilation and outlook. Passive environmental design features are provided including large street tree planting and significant shading in the landscape for reduction of temperature	Yes
Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	Facade projections, eaves and balcony positions work to support passive shading during mid-day in summer, minimising heat gain. The general orientation of buildings in a north-south axis assists with solar access and shading for the majority of apartments. The articulated building facade and deep balconies to apartments provide for shading in summer and solar access in winter.	Yes
Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	All habitable rooms are provided with operable windows for natural ventilation. Cross ventilation strategies required at lower levels are extended through to upper levels. Refer to BASIX assessment	Yes
4V Water Management and Conservation		
Objective 4V-1 Potable water use is minimised	Rainwater capture systems are provided for landscape irrigation, reducing potable water	Yes

Provisions	Proposed	Complies
	<p>use.</p> <p>Efficient fixtures and fittings are provided throughout commercial and residential uses to further reduce potable water use.</p> <p>Refer to BASIX assessment.</p>	
Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters	<p>Storm water treatment is provided as described in the Storm Water Management Report prepared by Stantec.</p> <p>Application referred to Council's Development Engineering Team who raised no objections to the proposed method of stormwater discharge, subject to conditions.</p>	Yes
Objective 4V-3 Flood management systems are integrated into site design	<p>On site detention tanks are provided</p> <p>The site is not flood affected.</p>	Yes
4W Waste Management		
Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	<p>Waste management is handled entirely within the building envelope and screened from external view.</p> <p>Waste storage areas are located in dedicated rooms within the basement and ground level.</p> <p>Waste collection is to occur within the loading dock, accessed from the rear service laneway.</p> <p>Waste chutes are provided at each residential level, along with separate collection bins.</p>	Yes
Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	<p>Separate recycling facilities and rooms for each apartment are provided. Refer to Waste Management Report</p>	Yes
4X Building Maintenance		
Objective 4X-1 Building design detail provides protection from weathering	<p>Building materials and components have been designed appropriate for the current and changing climate of Liverpool.</p> <p>Robust finishes have been selected for maintenance and high durability</p>	Yes
Objective 4X-2 Systems and access enable ease of maintenance	<p>Suitable access for cleaning and maintenance has been designed for all appropriate areas.</p>	Yes
Objective 4X-3 Material selection reduces ongoing maintenance costs	<p>Applied finishes have been minimised where possible to reduce maintenance.</p> <p>Materials and finishes will be specified for their longevity and minimal maintenance</p>	Yes

Provisions	Proposed	Complies
	requirements.	

State Environmental Planning Policy (Resilience and Hazards) 2021

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, specifically Chapter 4 – Remediation of Land, as the proposal involves the development of land to accommodate a change of use with the potential under the former SEPP 55 guidelines to be a site that could be potentially contaminated.

The objectives of SEPP (Resilience and Hazards) 2021 are:

- *to provide for a statewide planning approach to the remediation of contaminated land.*
- *to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Pursuant to 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.

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, Council is required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application.

Clause 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	Based on the submitted Detailed Environmental Site Investigation Report no widespread contamination was identified on site. However, the report noted that in the site investigation conducted, potential asbestos containing material was found across the ground surface.

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The site was previously utilised for horticultural purpose and as a service station which are potentially contaminating activities. A Remediation Action Plan (RAP) to address potential human health risks associated with bonded asbestos contamination was submitted and selected excavation and off-site disposal as the preferred remediation option. This was supported by Councils Environmental Health officer and conditions of consent were provided.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	It is believed that the site can be made suitable for the proposed development subject to site remediation in accordance with the submitted RAP.

The proposal has provided satisfactory information to demonstrate that the site is suitable for residential use and is in accordance with SEPP (Resilience and Hazards).

(b) State Environmental Planning Policy (Biodiversity and Conservation) 2021.

The subject land is located within the Georges River Catchments and as such, Chapter 11 – Georges River Catchment of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, formerly the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River, applies to the application.

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application, planning principles are to be applied (Clause 11.5). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 11.6 and Clause 11.7), and compliance with such is provided below

Clause 11.6 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 proposed works are unlikely to significantly impact on the Georges River.

(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The proposal seeks consent for the use of the site as a mixed used development. The proposed works are unlikely to significantly impact on the Georges River.
(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),	Consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	The site is not located within 40m of a waterway. The application was not required to be referred to the Natural Resource Access Regulator (NRAR).
(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 the proposal is consistent with this zoning.
Clause 11.7 Specific Principles	Comment
(1) Acid sulfate soils	The land is identified as containing class 5 acid sulfate soils (ASS). The detailed site investigation report noted that no visual ASS were observed during the geotechnical field investigations and therefore unlikely that ASS was present and the need for ASS management was not required.
(2) Bank disturbance	No bank disturbance is proposed.
(3) Flooding	The site is not flood affected.
(4) Industrial discharges	Not applicable.
(5) Land degradation	The proposed development is unlikely to cause land degradation. An erosion and sedimentation plan was submitted with the application and conditions of consent will be provided.
(6) On-site sewage management	The site will be connected to a reticulated sewer system.

(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Stormwater matters have been satisfied by the development.
(10) Urban development areas	The area is within an Urban Release Area.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	Erosion and sediment control and salinity measures to be implemented in construction.
(13) Wetlands	Not applicable

It is considered that the proposal satisfies all the relevant provisions of the SEPP (Resilience and Hazards) 2021 and supported on this basis.

(d) Liverpool Local Environmental Plan 2008

(i) Permissibility

The development application incorporates a number of uses all of which are permissible within the B4 Mixed Use zoning. These uses have been detailed previously in this report.

(ii) Objectives of the zone

The objectives of the B4-Mixed Use zone are prescribed as follows:

Objective	Comment
<i>To provide a mixture of compatible land uses.</i>	The proposal incorporates retail, commercial and residential uses in a single building.
<i>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.</i>	The proposal promotes street level activation and permeability as it provides a mid-block pedestrian walkway. The site is at the core of major activity generators surrounded by the health, recreation, retail and community services precincts. It functions as a spoke that connects these uses and provides a convenient, safe and sheltered walking experience in the east-west and north-south direction connections.
<i>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.</i>	Walking and cycling will be promoted through the proximity of the site to the retail and commercial centres, public transport routes and railway station (via Bigge Street) and high availability of bicycle and scooter parking spaces within the development.

<i>To facilitate a high standard of urban design, convenient urban living and exceptional public amenity.</i>	The proposal is in keeping with the desired future character for Liverpool CBD and represents a further step in the evolution of Liverpool into a major City Centre in the South West and the development promotes the highest standard of urban design and architecture as demonstrated in the submitted reports plans.
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The proposed mixed-use development is consistent with the objectives as outlined on the table above.

(iii) Principal Development Standards

The LLEP 2008 contains a number of principal development standards which are relevant to the proposal. Assessment of the application against the relevant standards is provided below.

Clause	Required	Provided	Complies												
Clause 2.7 Demolition Requires Development Consent	The demolition of a building or work may be carried out only with development consent.	The proposal includes demolition of existing structures and submitted a demolition plan.	Yes												
Clause 4.3 Height of Buildings	The subject site is not affected by a maximum building height.	N/A	N/A												
Clause 4.4 Floor Space Ratio	<p>Maximum FSR = 10:1 LLEP 2008 (Floor Space ration map – sheet FSR-011</p> <p>Based on the site area of 3,609m², the maximum GFA = 36,090m².</p>	<p>The proposed GFA is summarised as follows:</p> <table><tr><th>Land Use</th><th>GFA (m²)</th></tr><tr><td>Retail</td><td>760</td></tr><tr><td>Commercial</td><td>8,284</td></tr><tr><td>Residential</td><td>29,930</td></tr><tr><td>Total</td><td>35,974</td></tr><tr><td colspan="2">FSR = 35,974/3,609m²=9.967</td></tr></table> <p>Calculation sheet is provided with the application and demonstrates compliance with the accepted methodology.</p>	Land Use	GFA (m ²)	Retail	760	Commercial	8,284	Residential	29,930	Total	35,974	FSR = 35,974/3,609m ² = 9.967		Yes
Land Use	GFA (m ²)														
Retail	760														
Commercial	8,284														
Residential	29,930														
Total	35,974														
FSR = 35,974/3,609m ² = 9.967															
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.	The site is not identified as a heritage item or located within a heritage conservation area. However, it is in the vicinity of a Heritage Conservation Area and individually listed heritage items. A Heritage Impact Statement prepared by Urbis was submitted with this DA which assessed the proposed development	Yes												

		to have a minimal and not unreasonable impact on the significance of the heritage items in the vicinity. This was supported by Councils Heritage officer who provided conditions of consent. See also discussion below.	
<p><u>Discussion on Heritage</u></p> <p>The site is not listed as a heritage item in any statutory instrument and is not within any Heritage Conservation Area (HCA). However, it is in the vicinity of several listed heritage items listed in Schedule 5 of the LLEP 2008 as follows:</p> <ul style="list-style-type: none"> • Item 82, Bigge Park; • Item 83, Milestone; • Item 84, St Luke's Anglican Church Group; • Item 85, All Saints Roman Catholic Church, including interiors; • Item 89, Plan of Town Liverpool (early town centre street layout – Hoddle street grid including Elizabeth Street); and • Item C01, Bigge Park Heritage Conservation Area (LEP). <p>The report concludes that overall, there will be no adverse impact on any heritage items in the vicinity and the proposed development is consistent with the heritage requirements and guidelines of the Liverpool LEP 2008, the Liverpool DCP 2008 and the Heritage NSW guidelines.</p>			
7.1 Objectives for Development in Liverpool City Centre	<p>Before granting consent for development on land in the Liverpool city centre, the consent authority must be satisfied that the proposed development is consistent with such of the following objectives for the redevelopment of the city centre as are relevant to that development.</p> <p>(a) to preserve the existing street layout and reinforce the street character through consistent building alignments,</p> <p>(b) to allow sunlight to reach buildings and areas of high pedestrian</p>	<p>(a) The proposed mixed-use development is designed to addresses the existing grid pattern and reinforce the street grid by the introduction of the Through-Site Link to the east and rear service laneway.</p> <p>(b) The proposed mixed-use building allows sunlight access to neighbouring buildings and areas of high pedestrian activity by</p>	Yes

	<p>activity,</p> <p>© to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,</p> <p>(d) to improve the quality of public spaces in the city centre</p> <p>(e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,</p> <p>(f) to enhance the natural river foreshore and places of heritage significance,</p> <p>(g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.</p>	<p>compliance to setback and building separation requirements as well as adopting architectural design strategies.</p> <p>(c) N/A</p> <p>(d) The development will help to improve the quality of public spaces with the introduction of the pedestrian walkway, outdoor seating areas, public art and overall urban design strategies proposed in the public domain spaces on the street level.</p> <p>(e) The site's proximity to Liverpool Railway Station and availability of public transport will help to support the transportation needs of the retail, commercial and residential users, visitors and employees.</p> <p>(f) N/A</p> <p>(g) The proposed Through-Site Link and rear service lane way will help to create more direct, convenient and safe pedestrian links throughout the City Centre.</p> <p>It is considered that the proposal satisfies the objectives of the clause.</p>					
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	The subject site is not affected by this control. However, the applicant prepared supplementary shadow diagrams to demonstrate overshadowing impact of the development on Bigge Park. The diagrams indicate that for most part of the day, Bigge Park is not significantly impacted by the proposed building. Overshadowing of a small portion to the west of the park starts from 2pm onwards. This impact is considered to be negligible.	Yes				
7.3 Car Parking in the Liverpool City Centre	Development consent must not be granted to development on land in the Liverpool city centre that is in Zone B3	<table><tr><td>Required</td><td>Minimum required</td></tr><tr><td>On Ground</td><td>34,630m²/150</td></tr></table>	Required	Minimum required	On Ground	34,630m ² /150	Yes
Required	Minimum required						
On Ground	34,630m ² /150						

	<p>Commercial Core or B4 Mixed Use that involves the erection of a new building or an alteration to an existing building that increases the gross floor area of the building unless:</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.	<table><tr><td>Floor:</td><td>spaces/m²</td></tr><tr><td>1 car parking space per 200 sqm GFA</td><td>=230.8 spaces</td></tr><tr><td>On other parts:</td><td>1,344m²/200 spaces m²</td></tr><tr><td>1 car parking space per 150 sqm GFA</td><td>=6.78 spaces</td></tr><tr><td>Total requirement</td><td>237.58 or 238 spaces</td></tr></table> <p>The total parking provision of 542 parking spaces in the six-level basement car park far exceeds the above requirement. The carparking spaces provided consists of the following:</p> <ul style="list-style-type: none">• 411 x residential car parking (including 32 accessible spaces for tenants) and 32 visitor spaces (including 4 accessible spaces for visitors – 10%);• 31 x car retail parking spaces and 20 visitor spaces (including 4 accessible spaces for visitors – 20%); and• 100 x commercial car parking spaces (including 8 accessible spaces for tenants – 10%) and 20 visitor spaces (including 2 accessible spaces for visitors– 10%). <p>The proposed car parking provision is considered acceptable for the site</p>	Floor:	spaces/m ²	1 car parking space per 200 sqm GFA	=230.8 spaces	On other parts:	1,344m ² /200 spaces m ²	1 car parking space per 150 sqm GFA	=6.78 spaces	Total requirement	237.58 or 238 spaces	
Floor:	spaces/m ²												
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On other parts:	1,344m ² /200 spaces m ²												
1 car parking space per 150 sqm GFA	=6.78 spaces												
Total requirement	237.58 or 238 spaces												
Clause 7.4 Building Separation in Liverpool City	Development consent must not be granted to development for the purposes of a building on	The proposal presents the following building setbacks from the site boundary: <ul style="list-style-type: none">• 14m between 25m (Level 5) and	Yes, by merit										

Centre	<p>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"> • 12m 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 • 28m for parts of buildings 45 metres or more above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use 	<p>45m (Level 13) building height;</p> <ul style="list-style-type: none"> • 24m over 45m (Level 14 to 33) building height. <p>Please see discussion below.</p>	
<p>Discussion on building separation of towers</p> <p>The proposed development complies with the required 12m separation for towers with building height of 25m (Level 6) to 45m (Level 13). At this range the proposed setback of this development is 14m.</p> <p>However, the prescribed building separation above 45m (Levels 14 -33) of 28m or 14m for each adjoining tower is not achieved as the approved setback on the adjoining tower (26 Elizabeth St) was only 12m resulting in a total of 26m (2m shortfall). The current proposal cannot be burdened by the previous approval (i.e provide a setback of 26m) to achieve the total 28m building separation between the towers.</p> <p>Regardless, the proposed building setback is compliant with the ADG requirements for building separation (minimum separation distances for buildings above 9 storeys is 24 metres between habitable rooms/balconies). It is also noted that Council's assessment of the development of 26 Elizabeth Street identified that the provision of similar setback distances for development on adjoining properties (i.e. the subject site) would be satisfactory.</p> <p>The building separation distances are reasonable in the context of the site's CBD location. The building achieves equitable distance separation to the approved development on the adjoining site and achieves compliance with ADG building separation design criteria.</p> <p>A Clause 4.6 Variation request was submitted by the applicant. Please see detailed discussion below.</p>			
Clause 7.5 Design Excellence in Liverpool City Centre	(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and	The development has been the subject of the Design Excellence Panel (DEP) review for the assessment of design excellence. The applicant and representatives of	Yes

	location will be achieved,	<p>the project team met with the DEP to discuss the architectural, urban design, and landscape merits of the proposal. The project architect (Turner Studio) and landscape architect (Site Image) described the proposal's response to site conditions and a detailed compliance assessment against the SEPP 65 Design Quality Test (being the nine design quality principles)</p> <p>The DEP commended the project architect, landscape architect, and the proponent for achieving a good design outcome for the site and encouraged the applicant to strive for design excellence through detailed design development. The DEP provided directions and recommendations to inform final design refinements. These have informed the final architectural design.</p> <p>The outcome of the Design Excellence process was that the DEP supported the project in principle. Subject to the proposal's response to the recommendations, the DEP will only require a desktop review at DA stage.</p> <p>The Architectural Report prepared by Turner (Attachment 13) assesses the proposal against the provisions of clause 7.5. This assessment concludes that the proposal exhibits design excellence.</p>	
	(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	<p>The form of the development creates a prominent central element of the three key sites. It has a distinctive frontage with greater public spaces and landscaping to afford the necessary frontage to encourage active street uses and servicing of the site.</p> <p>Introducing a pedestrian link along</p>	Yes

		<p>the site's eastern boundary effectively extends the active frontage of the site and offers a high level of amenity and public domain.</p> <p>It is considered that the proposal will improve the quality of the public domain as an iconic building that will dominate and define the Liverpool City Centre. On the ground level, the urban design features will contribute to the functionality, permeability, walkability and overall human experience of the public domain.</p>	
	(c) whether the proposed development detrimentally impacts on view corridors,	The subject site and adjoining sites have vantage points in all directions due to the central location. The proposed development will not detrimentally impact on significant view corridors or limit any views of existing development.	Yes
	(d) whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers' Memorial Park, Apex Park, St Luke's Church Grounds and Macquarie Street Mall (between Elizabeth Street and Memorial Avenue),	<p>The shadow diagrams demonstrate that the proposed development is of appropriate form and scale and will not detrimentally affect the listed existing public open spaces or active pedestrian streets within proximity of the subject site.</p> <p>As discussed above, a very small portion of west of Bigge Park is overshadowed from 2pm onwards.</p>	Yes
	(e) any relevant requirements of applicable development control plans,	A detailed assessment of compliance with the LDCP 2008 is undertaken further in this report. It is considered that the proposed development is consistent with the requirements of the LDCP 2008.	Yes
	<p>(f) how the proposed development addresses the following matters</p> <p>(i) the suitability of the site for development,</p> <p>(ii) existing and proposed uses and use mix,</p> <p>(iii) heritage issues and</p>	<p>(i) The NSW Government and Liverpool City Council have implemented changes to the LLEP 2008 which will aim to revitalise the Liverpool City Centre. The proposed development will contribute to the delivery of the updated plans.</p> <p>(ii) The proposal is a mixed-use development combining residential, commercial and retail uses</p>	Yes

	<p>streetscape constraints,</p> <p>(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</p> <p>(v) bulk, massing and modulation of buildings,</p> <p>(vi) street frontage heights,</p> <p>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</p> <p>(viii) the achievement of the principles of ecologically sustainable development,</p> <p>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</p> <p>(x) the impact on, and any proposed improvements to, the public domain.</p>	<p>(iii) The site is not listed as a heritage item in any statutory instrument and is not within any Heritage Conservation Area (HCA). However, it is in the vicinity of several listed heritage items, which will not be adversely impacted as a result of the proposal.</p> <p>(iv) The site has been designed in conjunction with future development of adjoining lots.</p> <p>(v) The proposed building has been designed using different forms within the podium to articulate the different uses, and the terraced form minimised the visual impact of the taller forms at street level.</p> <p>The scheme responds to the desired future character of slender, tall towers at the northern edge of the CBD. The tower element is an elegant response to the floor space and setback controls, with the orientation maximising view potentials and solar access.</p> <p>(vi) The LLEP 2008 does not set street height controls for the subject site.</p> <p>(vii) Specialists reports have been prepared that appropriately addresses the matters relating to sustainable design, overshadowing, wind and reflectivity. The outcome of each is that the proposed development is considered to be consistent with and able to achieve all relevant standards and requirements for development.</p> <p>(viii) The design makes efficient use of natural resources, energy and water throughout its full life cycle including construction methods.</p> <p>An energy efficient building response is developed through passive design</p>	
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		<p>and sun control elements on the façade design. Natural light and air flow have been optimised to achieve high personal comfort and low-energy consumption.</p> <p>(ix) A Traffic Impact Assessment has been prepared by PTC and has been assessed against the various traffic, parking and access requirements for the site and proposed development.</p> <p>The report has found that the proposed development is compliant with Council's requirements.</p> <p>Additionally, the creation of a rear service laneway will also provide adequate access through the site providing local and service connection between George and Bigge Streets.</p> <p>(x) No public domain works have been identified by Council to be undertaken along Elizabeth Street.</p> <p>Notwithstanding, the proposal will seek to enhance the streetscape and frontage along Elizabeth Street.</p>	
Clause 7.7 Acid Sulfate Soils	Ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage	The land is identified as containing class 5 acid sulfate soils (ASS). The detailed site investigation report noted that no visual ASS were observed during the geotechnical field investigations and therefore unlikely that ASS was present and the need for ASS management was not required.	Yes
Clause 7.14 Minimum Building Street Frontage	At least one street frontage to public street of at least 24 metres for any building on land zoned B4 Mixed Use.	The proposed development has a public street frontage to Elizabeth Street and George Street. Both have frontages greater than 24 metres	Yes
Clause 7.16 Ground floor development in Zones B1, B2 and B4	Development consent must not be granted for development for the purposes of a building on land to which this clause applies unless the	<p>a) Residential accommodation is not proposed on the ground floor.</p> <p>b) The ground floor uses will have primary entrance from Elizabeth Street and George Street.</p>	Yes

	<p>consent authority is satisfied that the ground floor of the building:</p> <p>(a) will not be used for the purposes of residential accommodation, and</p> <p>(b) will have at least one entrance and at least one other door or window on the front of the building facing a street other than a service lane.</p>		
Clause 7.17 Airspace Operations	<p>The consent authority must not grant development consent to development that is a controlled activity within the meaning of Division 4 of Part 12 of the <i>Airports Act 1996</i> of the Commonwealth unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.</p>	<p>The application was referred to Bankstown Airport and endorsed the application to the Department of Infrastructure, Cities and Regional Development, which is the approval agency. To date, no approval has been received which is a requirement under the Airports (Protection of Airspace) Regulations 1996 for the 'controlled activity'.</p> <p>Note: The Adjoining property to the east has obtained approval with a number of conditions including a maximum height of 126.49AHD. The current proposal has a proposed maximum height of 128.650 AHD.</p> <p>The SWCPP chair noted at the final briefing that this DA could be considered for approval despite the controlled activity approval not being issued. The report has been prepared on this basis.</p>	No
Clause 7.31 – Earthworks	<p>Earthworks must not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features on surrounding land</p>	<p>The basement necessitates an excavation depth of approximately 18 metres.</p> <p>The Geotechnical Report prepared EIAustralia (at Attachment 16) assess site surface and subsurface conditions. The assessment involved drilling deep boreholes to understand the nature and strength of the shale bedrock and provide geotechnical recommendations.</p> <p>The Geotechnical Report</p>	Yes

		<p>recommends additional work to be carried out.</p> <p>Excavations to a depth of approximately 13m will be required for the basement. Proposed earthworks will be undertaken in accordance with the Waste Management Plan, Remedial Action Plan, Geotechnical Report, silt sediment and erosion controls and DA conditions of consent.</p>	
<p>Clause 7.37 (3)</p> <p>Floor space ratio of buildings on certain land at Bigge, Elizabeth and George Streets</p>	<p>Despite any other provision of this Plan, development consent must not be granted to the erection of a building on land at 26–28 Elizabeth Street, Liverpool (being Lot 1, DP 217460 and Lot 10, DP 621840) or 133 Bigge Street, Liverpool (being Lots A, B, C and D, DP 337604) unless the consent authority is satisfied that the gross floor area of that part of the building that is to be used for non-residential purposes is at least 1.5 times the site area.</p>	<p>The site area is 3,609m² and the required GFA of 9,022.5 of the part of the building is to be used for non-residential purposes.</p> <p>The combined GFA of the Commercial and Retail (non-residential) is 9,044m². This provision has been satisfied.</p>	<p>Yes</p>

Clause 4.6 – Exceptions to development standards (Variation to Clause 7.4 Building Separation in Liverpool City Centre

Clause 7.4 of the LLEP 2008 states;

- (2) *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—*
- ...
- (d) *12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use, and*
- (e) *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.*

The site is on land zoned B4 Mixed Use and the proposal presents the following separation distances to an approved neighbouring building on the adjoining site to the eastern boundary (at 26 Elizabeth Street):

- 14 metres between 25 and 45 metres – compliant with Clause 7.4(d)
- 24 metres over 45 metres – non-compliant with Clause 7.5(e)

The proposal presents a separation distance to the neighbouring approved building of 24 metres above 45 metres. This is non-compliant with Clause 7.4(e) which requires a separation of 28 metres above 45 metres. This translates into a 14m setback for each adjoining building. However since the approved adjoining future building on 26 Elizabeth Street (DA-886/2018) has only provided a 12m setback. The total building separation is 26m which is a 2m shortfall or a 7.14% variation.

Figure 8 identifies the building separation distance of the proposal to the neighbouring approved building.

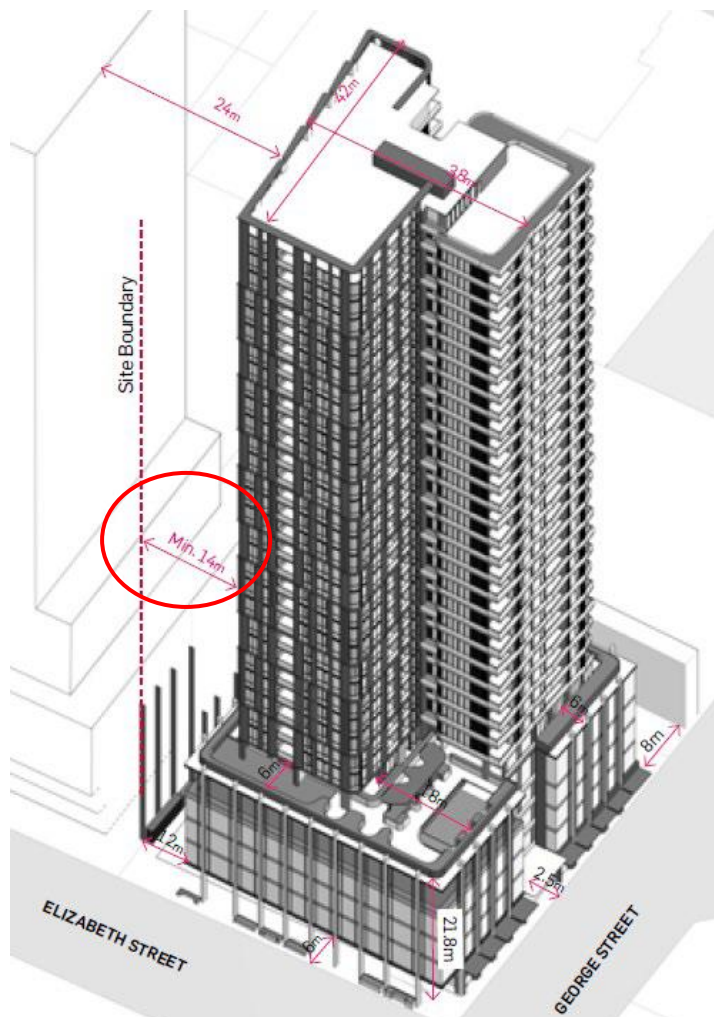


Figure 8. Building setback non-compliance (Source; Urbis)

Consequently, pursuant to Clause 4.6 of the LLEP 2008 the applicant has submitted a written request seeking a variation to building separation control as prescribed by Clause 7.4.

The objective of Clause 4.6(1) are as follows:

“(1) The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access.”

Clause 7.4 prescribes:

“(2) 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—

(d) 12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use, and

(e) 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..”

Written request addressing why compliance with the development standard(s) is unreasonable or unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify contravening of the development standard(s)

The applicant submitted a Clause 4.6 Variation Statement to the Building in the Liverpool city centre dated 18 August 2022, in order to justify the variation described above. In conjunction with an examination of case law regarding 4.6 Variations, this document provides the following justifications based on the merits of the proposal:

Assessment of Clause 4.6 Variation

1) *Is the planning control a development Standard that Cn be varied?*

The building separation development standard prescribed by Clause 7.4 of the LEP is a development standard capable of being varied under Clause 4.6(2). The variation is not excluded from the operation of Clause 4.6(2) as it does not comprise any of the matters listed within Clause 4.6(6) or Clause 4.6(8).

2) *Is compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*

Historically, the most common way to establish a development standard was unreasonable or unnecessary was by satisfying the first method set out in *Wehbe v Pittwater Council* [2007] NSWLEC 827. This method requires the objectives of the standard are achieved despite the non-compliance with the standard.

This was recently re-affirmed by the Chief Judge in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 at [16]-[17]. Similarly, in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 at [34] the Chief Judge held that “establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary”.

This Request addresses the first method outlined in *Wehbe v Pittwater Council* [2007] NSWLEC 827. This method alone is sufficient to satisfy the ‘unreasonable and unnecessary’ requirement.

The Request also addresses the third method, that the underlying objective or purpose of the development standard would be undermined, defeated or thwarted if compliance was required with the consequence that compliance is unreasonable (*Initial Action* at [19] and *Linfield Developments Pty Ltd v Cumberland Council* [2019] NSWLEC 131 at [24]). Again, this method alone is sufficient to satisfy the ‘unreasonable and unnecessary’ requirement.

The Request also seeks to demonstrate the ‘unreasonable and unnecessary’ requirement is met because the burden placed on the community by not permitting the variation would be disproportionate to the non-existent or inconsequential adverse impacts arising from the proposed non-complying development. This disproportion provides sufficient grounds to establish unreasonableness (relying on comments made in an analogous context, in *Botany Bay City Council v Saab Corp* [2011] NSWCA 308 at [15]).

- a) *The objectives of the standard are achieved notwithstanding non-compliance with the standard*

The specific objective of the building separation development standard specified in Clause 7.4 of the LEP is detailed in Table 1 below. An assessment of the consistency of the proposal with the objectives is provided.

Objectives:

“The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access.”

Comment:

With regards visual appearance, building separation is reasonable in the context of the site’s CBD location. The building achieves equitable distance separation to the approved development on the adjoining site and achieves compliance with ADG building separation design criteria. The impact of the tower form in terms of bulk and scale has been appropriately mitigated through careful consideration and design and refined through a design excellence evaluation process. The proposal provides a notable contribution to the Liverpool CBD skyline in a considered manner, that is not intended to dominate or distract.

With regards privacy, the design of the proposal has been refined to ensure adequate and equitable building separation distances to the adjoining site to the east and to achieve reasonable levels of external and internal visual privacy.

With regards solar access, the ADG requires that living rooms and private open space of at least 70% of apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm in mid-winter. The ADG ensures that a maximum of 15% of apartments receive no direct sunlight between 9am and 3pm at mid-winter. The proposal exceeds the requirements in that a total of 284 out of 312 apartments (91%) achieve the required direct solar access for two hours in mid-winter. The proposal provides 908 sqm communal open space at Level 05, of which at least 50% receives direct sunlight for two or more hours on 21 June.

The objectives of the building separation development standard are achieved, notwithstanding the noncompliance with the standard in the circumstances described in this variation report.

- b) *The underlying object or purpose would be undermined, if compliance was required with the consequence that compliance is unreasonable.*

The objectives of the building separation development standard (summarised above) are better achieved by the proposed development compared with a potentially compliant scheme because:

- The design of the proposal has been refined to ensure adequate and equitable building separation distances to the adjoining site and achieve reasonable levels of external and internal visual privacy.*
- The proposed built form and scale signals a contemporary architectural landmark for new development in Liverpool city centre. The built form of development is commensurate with its location insofar as it will be a visual marker and urban landmark entry element in the eastern approach into Liverpool city centre.*
- The proposed building setback of 24 metres over 45 metres achieves compliance with building separation design criteria of the Apartment Design Guide which require a minimum separation distances for buildings above 9 storeys to be 24 metres between habitable rooms / balconies.*
- The built form has been refined through detailed engagement with Council and the Design Excellence Panel. These refinements have sought to mitigate built environment impacts and ensure the proposal provides a high quality, positive contribution to the architectural character and amenity of the CBD.*
- The proposed building setback is also consistent with Council's assessment of the development on the adjoining land to the east (DA-886/2018). Council's Assessment Report to the Sydney Western City Planning Panel (dated 29 May 2020) states as follows:*

“Furthermore, the proposed building setback is compliant with the ADG requirements for building separation. As such, were adjoining properties to be developed with similar setbacks, it is noted that the building separation provided would be satisfactory.”

- c) The burden placed on the community would be disproportionate to the (non-existent or inconsequential) adverse consequences attributable to the proposed non-compliant development*

As discussed above, the environmental impacts resulting from the breach are minimal and appropriate. Requiring strict compliance with the development standard would result in an inferior design outcome.

- 3) Are there sufficient environmental planning grounds to justify contravening the development standard Clause 4.6(3)(b)?*

The Land & Environment Court judgment in Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 2018, assists in considering the sufficient environmental planning grounds. Preston J observed:

“...in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and

...there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development”

There is an absence of environmental harm arising from the contravention and positive planning benefits arising from the proposed development. As detailed above, it is demonstrated that there are sufficient environmental planning grounds to justify non-compliance with the development standard in this instance.

(b) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,

- 4) Has the written request adequately addressed the matters in sub-clause(3) – Clause 4.6 (4)(A)(I)?*

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

Each of the sub-clause (3) matters are comprehensively addressed in this written request, including detailed consideration of whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. This request also provides

sufficient environmental planning grounds, including matters specific to the proposal and the site to justify the proposed variation to the development standard.

5) Is the proposed development in the public interest – Clause 4.6(4)(b)(II)

- a) Clause 4.6(4)(a)(ii) states development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the proposal will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the zone.*

The consistency of the proposal with the objectives of the development standard is demonstrated before and the proposal is also consistent with the land use objectives that apply to the site which is zone B4 Mixed Use as follows”

Objective 1:

To provide a mixture of compatible land uses.

Comment:

The proposal provides a mix of compatible land uses including commercial, retail, and residential uses.

Objective 2:

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.

Comment:

The site occupies a highly accessible location and will leverage its proximity to public transport infrastructure to maximise public transport patronage and encourage walking and cycling.

Objective 3:

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.

Comment:

The proposal facilitates residential accommodation in the Liverpool City centre and maintains active retail and commercial (non-residential uses) at street level.

The above demonstrates that the proposal will be in the public interest notwithstanding the variation to the building separation development standard as 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

- 6) *Has the concurrence of the planning secretary been obtained - Clause 4.6(4)(b) and Clause 4.6(5)?*

The Secretary can be assumed to have concurred to the variation under Department of Planning Circular PS

18-003 'Variations to development standards', dated 21 February 2018. This circular is a notice under the Environmental Planning and Assessment Regulation 2021.

The Secretary can be assumed to have given concurrence as the matter will be determined by an independent hearing and assessment panel or a Sydney district or regional planning panel in accordance with the Planning Circular.

The matters for consideration under Clause 4.6(5) are considered below.

- *Clause 4.6(5)(a) – does contravention of the development standard raise any matter of significance for State or regional environmental planning?*

The proposed non-compliance with the building separation development standard will not raise any matter of significance for State or regional environmental planning. It has been demonstrated that the proposed variation is appropriate based on the specific circumstances of the case and would be unlikely to result in an unacceptable precedent for the assessment of other development proposals.

- *Clause 4.6(5)(b) - is there a public benefit of maintaining the planning control standard?*

The proposed development achieves the objectives of the building separation development standard and the land use zone objectives despite the technical non-compliance.

The proposed building setback of 24 metres over 45 metres achieves compliance with building separation design criteria of the ADG which require a minimum separation distances for buildings above 9 storeys to be 24 metres between habitable rooms / balconies. The built form has been refined through detailed engagement with Council and the Design Excellence Panel. These refinements have mitigated built environment impacts and ensures the proposal provides a high quality, positive contribution to the architectural character and amenity of the CBD. The proposed building separation distances are consistent with Council's assessment of the development on the adjoining land, whereby Council stated that the provision of similar setback distances on adjoining properties (i.e. the subject site) would be satisfactory.

There is no material impact or benefit associated with strict adherence to the development standard and there is no compelling reason or public benefit derived from maintenance of the standard.

- *Clause 4.6(5)(c) – are there any other matters required to be taken into consideration by the Secretary before granting concurrence?*

Concurrence can be assumed, however, there are no known additional matters that need to be considered within the assessment of the variation request prior to granting concurrence, should it be required

Council Assessment of variation proposed

A detailed Statement of Environmental Effects (SEE) has been prepared and submitted with this application and provides a comprehensive environmental planning assessment of the proposed development. The SEE has demonstrated that the proposal is compliant with all adopted planning controls and guidelines for the site. The SEE has also demonstrated that there are no adverse environmental impacts as a result of the proposal.

As a result of the assessment above, it is also considered that compliance with the building separation is unreasonable or unnecessary due to the circumstances of this case. The proposed building separation distance is less than the 10% norm, this development application should not be burdened by the non-compliance of the adjoining approved application, the proposal is consistent with Council's assessment of the development on the adjoining land at 26 Elizabeth Street and there are sufficient environmental planning grounds to justify contravening the development standard.

Having regard to the above, it is considered that there are sufficient environmental planning grounds to vary Clause 7.4 Building Separation in Liverpool City Centre in this instance.

Recommendation

With considerations to the discussion above, the proposed variation to Clause 7.4 Building Separation in Liverpool City Centre, adequately addresses the provisions of Clause 4.6 including the objectives of the development standard and the zoning. The proposal is also considered to be in the public interest and is therefore supported in this instance.

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

No draft Environmental Planning Instruments applies to the site

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

The application has been assessed against the controls of the LDCP 2008, particularly Part 1: *General Controls for all Development*, and Part 4 - *Development in The Liverpool City Centre*.

The tables below provides an assessment of the proposal against the relevant controls of the LDCP 2008.

LDCP 2008 Part 1: General Controls for All Development

Development Control	Required	Provided	Complies
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Section 2. Tree Preservation	Controls relating to the preservation of trees	The site does not contain any vegetation requiring removal.	N/A
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Landscape design has been provided in this application. Please refer to Attachment 1. Landscape Plans prepared by Site Image Landscape Architects Rev C dated 08/07/22	Yes
Section 4 Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	The development site is not identified as containing any native flora and fauna.	N/A
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land	The development site is not identified as being bushfire prone land.	N/A
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Stormwater management will be implemented as per the Stormwater Management Report prepared by Stantec.	Yes
Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	The development site is not within close proximity to a water course.	N/A
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Erosion and sediment control will be implemented as per the Stormwater Management Plan (Attachment 17) submitted with the DA.	Yes
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	The development site is not identified as flood prone land.	N/A
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	The DA is accompanied by a Remediation Action Plan to describe the works required to render the site suitable for the development	Yes

Section 11. Salinity Risk	Provisions relating to development on saline land.	The development site is identified as containing a low salinity potential. However, a salinity management plan was submitted as contingency and risk management.	N/A
Section 12. Acid Sulphate Soils	Any acid sulfate soils analysis, assessments and management plans shall be undertaken or prepared by an appropriately qualified professional with experience in acid sulfate soils analysis and assessments as well as the preparation of acid sulphate soils management plans. Council may require monitoring reports on the implementation of an acid sulfate soils ma	The Acid Sulfate Soils Management Plan prepared by EI Australia dated 27 October 2021 was submitted with the application. The report concludes that the management plan is prepared as a contingency despite PASS (Potential Acid Sulfate Soils) is not expected to be encountered during the proposed development. Should ASS (acid Sulfate Soils) or PASS be encountered, management techniques may need to be revised.	Yes
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	The site is not identified as containing noxious weeds.	N/A
Section 14. Demolition of Existing Development	Provisions relating to demolition works	The existing structures on the site have been demolished.	N/A
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	OSMS is not proposed.	N/A
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Based on the history of the site this investigation was not conducted.	N/A

Section 17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	The proposals impact on the surrounding heritage items is considered to be acceptable.	Yes
Section 19. Used Clothing Bins	Provisions relating to used clothing bins.	The DA does not propose used clothing bins.	N/A
20 – Car Parking and Access	<p>Car parking rates in Liverpool City Centre is as follows:</p> <ul style="list-style-type: none"> • 1 Bedroom = 1 space per unit • 2 Bedroom = 1 spaces per unit • 3+ Bedroom = 1.5 spaces per dwelling • Visitors = 1 space per 10 unit <p>Motorcycle</p> <ul style="list-style-type: none"> • 1 per 20 car spaces <p>Bicycle</p> <ul style="list-style-type: none"> • 1/200m² of leasable area <p>Disabled Parking</p> <ul style="list-style-type: none"> • 2% of total demand 	The total carparking provision for mixed use in the CBD was discussed Section 7.3 Car Parking in the Liverpool City Centre of the LLEP 2008.	N/A
Section 22. and Section 23 Water Conservation and Energy Conservation	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	A Basix Certificate was lodged with the application and is consider to meet key water conservation and thermal targets.	Yes
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	An Operational Waste Management Plan was submitted with the application. This was reviewed by Councils Waste Management Section who raised no objections to the proposal, subject to conditions.	Yes
Section 26 Outdoor Advertising and Signage	Provisions relating to signage.	The DA does not propose any signage.	N/A

27 – Social Impact Assessment	Social Impact Comment required for residential flat buildings greater than 20 units, but less than 250 units.	A Social Impact Comment has been provided and is considered acceptable.	Yes
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LDCP 2008 Part 4: Development in the Liverpool City Centre:

Development Controls	Required	Provided	Complies
4.2 Controls for Building Form			
4.2.1 Building Form	<p>Relevant Controls:</p> <p>As shown on Figure 4.2 Precincts in the LDCP 2008, the site is to be built as Tower on podium or detached building typology for standalone sites.</p>	<p>The proposed building form is a tower on a podium.</p> <p>The proposal is consistent with Council's expectation for standalone sites in that it is capable of achieving architecturally significant building and adopts a 'tower on podium' building typology (accommodating commercial and residential land uses).</p>	Yes
4.2.2 Building Envelopes	<p>Street Frontage:</p> <ul style="list-style-type: none"> Ground to 21m = 0, additional step back above 21m is optional. <p>Side Boundary</p> <ul style="list-style-type: none"> Ground to 21m = 0; above 21m = 12m <p>Rear Boundary</p> <ul style="list-style-type: none"> Ground to 14m = 0; above 14m but below 21m = 6m; above 21m additional step back is optional. 	<p>Proposed setbacks:</p> <p>Street Frontage:</p> <ul style="list-style-type: none"> Ground Level = 6m Levels 1 to 5 (20m) = 0 Level 6 to 33 = 6m <p>Side Boundary (West)</p> <ul style="list-style-type: none"> Ground to Level 5 (20m) = 0 Level 6 to 9 = 6m Level 10 to 33 = 12m <p>Side Boundary (East)</p> <ul style="list-style-type: none"> Ground Level = 10m Level 1 to 5 (20m) = 8m Level 6 to 33 = 15m <p>Rear Setback</p>	Yes

		<ul style="list-style-type: none"> • Ground Level = 1.2m • Level 1 – 5 (20m) = 0 • Level 6 to 33 =12m 	
4.2.6 Building Floor Plates	<p>Relevant Controls:</p> <p>2. Provide a maximum GFA of 700m² per level for residential towers with maximum length of elevation of 45m.</p> <p>3. Comply with ADG standards for building depth and number of apartments.</p> <p>4. Provide a maximum GFA of 1,000m² per level for commercial towers with maximum length of elevation of 45m. Where sites are greater than 2,000m² a proportionally larger GFA per floor may be considered for building depth and number of apartments.</p>	<p>The maximum length of the proposed residential tower is 41.66 metres. The maximum floor plate size is 932 sqm. This is appropriate to the site's size and context and is capable of accommodating floor plates compliant with the ADG.</p> <p>The proposed GFA per level of the RFB component (Levels 10-33) range from 627m² to 665m² and building depth of approximately 43m.</p> <p>The ADG standard of 18m is exceeded. As discussed in that section (2E – Building depth), any leaner will be a significant departure from the architectural design intent.</p> <p>The site area is 3,082m² and the regular shape of the site presents a design challenge including increased floor plate and multiple podiums to achieve the desired built form and character.</p>	<p>Yes</p> <p>Yes, by merit.</p> <p>Yes, by merit</p>

<p>4.2.7 Street Alignments and Street Setbacks</p>	<p>1. Buildings are to comply with the front setbacks as set out in Figures 4-12 (this refers to Figure 4-10 – Street Setbacks).</p> <p>2. Upper level frontages to a lane/serviceway must be setback 6 metres from the centre line of the lane/ serviceway.</p> <p>3. Construct perimeter block buildings and podiums, which comply with the building envelope requirement, to the street and side boundaries (0m setback).</p> <p>4. N/A.</p> <p>5. Buildings on the southern side of streets identified in Figure 4-10 have minimum front setbacks as follows, in order to maximise solar access:</p> <p>a. Elizabeth Street between Bathurst Street and George Street - 6m.</p> <p>6. Pave the land in the setback zone to match the paving in the public street so that it provides a seamless and level ground plane.</p> <p>7. Ensure that no columns, blade walls or other building elements encroach the ground level of the front setback.</p> <p>8. N/A</p>	<p>At ground level, the proposal presents a minimum 6m setback to Elizabeth Street and a 2.5m setback to George Street.</p> <p>Above ground level to Elizabeth Street, the building presents a 'reverse' setback. This is compliant with the principle for perimeter block buildings and podiums to be built to the side boundary (nil setback).</p> <p>1. Required setback for Elizabeth Street as shown on Figure 4-10 is 6m. Provided setback is 6m.</p> <p>7) Upper level frontages:</p> <p><u>Rear Service Laneway:</u></p> <p>Provided setback from centre line of laneway starting from Level 1 to Level 4 = 3.8m (36.6% variation) and from Level 5 to 34 = 9m</p> <p><u>East side laneway:</u> <u>Through-Site Link</u></p> <p>Provided setback from</p>	<p>Yes</p> <p>Yes, by merit</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>9. Ensure that minor projections into front building lines and setbacks above ground level are designed for sun shading, entry protection or building articulation and enhance the amenity of the public domain.</p>	<p>the centre line of the shared Through-Site Link from Level 1 to Level 4 = 5.5m (8.3% variation).</p> <p>3. Proposed podium is built hard to the adjoining property (0m) to the west starting from the Ground Level to Level 4 (podium).</p> <p>5a. A 6m front setback from Elizabeth Street is provided.</p> <p>6. To be conditioned</p> <p>7. While no structural columns are located on the front setback, a series of smaller columns are required to support the continuous pedestrian awning across the length of the building. Pedestrian flow is not obstructed and at the same time protection from the weather elements is provided</p> <p>9. Sun shading devices are proposed to be installed along the outer sides of the building, primarily on floors where residential uses are proposed. Projections to the front of the building facing Elizabeth street consists of concrete sunshade, feature structural blade columns and planter boxes.</p> <p>10. No balconies are</p>	<p>Yes, by merit</p> <p>Yes</p> <p>Yes</p>
	<p>10. Allow enclosures or screening of balconies only if they are moveable and aid the amenity of the apartments.</p>		

		proposed for RFB units facing Elizabeth Street. Street.	
4.2.8 Side and Rear Boundary Setbacks	<p>1. All residential and commercial buildings must comply with the separation distances in SEPP 65 and the ADG unless otherwise agreed with Council in an approved concept development application.</p> <p>2. 3.4.= N/A</p> <p>5. Construct buildings across the site facing the street and the rear boundaries rather than facing side boundaries.</p>	<p>1. The proposed building setbacks are compliant with the ADG building separation criteria.</p> <p>5. The proposed building faces 3 sides: Elizabeth Street side laneway & Rear service laneway.</p>	<p>Yes</p> <p>Yes</p>
4.2.9 Minimum Floor to Ceiling Heights	<p>The minimum floor to ceiling heights are:</p> <p>1. Ground floor: 3.6m.</p> <p>2. Above ground level:</p> <p>a) Commercial office 3.3m.</p> <p>b) Capable of adaptation to commercial uses 3.3m.</p> <p>c) Residential 2.7m.</p> <p>d) Active public uses, such as retail and restaurants 3.6m.</p> <p>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>	<p>The proposed floor-to-ceiling heights are:</p> <ul style="list-style-type: none"> • Ground floor: 4.5m • Commercial levels: 3.3 m • Residential (habitable): 2.7m • Residential (non-habitable): 2.4m(select kitchen areas). <p>Car parks have sufficient vertical clearance.</p>	Yes
4.2.10 Housing Choice and Mix	<p>Controls</p> <p>1. In addition to the provisions for dwelling mix in the ADG, residential apartment buildings and shop-top housing must comply with the following apartment mix and size:</p> <ul style="list-style-type: none"> • Studio and one bedroom units must not be less than 10% of the total mix of units within each 	<p>1. The proposal residential unit mix is:</p> <ul style="list-style-type: none"> • 136 one-bedroom (44%); • 128 two-bedroom (41%); and • 46 three-bedroom (15%). <p>2. A total of 32 (10.3%) apartments are designed to be</p>	Yes.

		<p>development;</p> <ul style="list-style-type: none"> Three or more bedroom units must not be less than 10% of the total mix of units within each development; A minimum of 10% of all dwellings (or at least one dwelling – whichever is greater) to be capable of adaptation for disabled or elderly residents. <p>2. Adaptable dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995).</p> <p>3. Provide certification from an Accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).</p>	<p>adaptable.</p> <p>3. An Access Assessment Report prepared by BCA Access Consultants dated 2 November 2021 was provided with certification for all components of the entire building.</p> <p>4. As above, carparking was included in the design review and certification.</p>	
4.2.11	Deep Soil Zones and Site Cover	<p>Controls</p> <p>1. The maximum permitted site coverage for development is specified in Table 4-2.</p> <p>Table 4-2 Site coverage:</p> <ul style="list-style-type: none"> Existing Mixed Use = 75% <p>2. Include a deep soil zone as per Section 3E of the ADG in all developments with a residential component in all areas other than the Fine Grain Precinct and Midrise Precinct, or where perimeter block buildings are developed.</p>	<p>The proposal has a ground floor site coverage of 59%. Given the site's highly urbanised environment, it is unreasonable to expect the development to achieve deep soil requirements. Whilst there are no deep soil zones provided on the ground floor, there is opportunity for deep soil on structure planting.</p>	Yes, by merit
4.2.12	Public Open Space and Communal Open Space	<p>Existing Public Open Space</p> <p>1. Ensure that at least 70% of Bigge Park, Apex Park, Pioneer Park and any other public open space in the city centre has a minimum of 3 hours of sunlight between 10am and 3pm on 21 June</p>	<p>1. The submitted solar access diagrams indicate that for most part of the day, Bigge Park is not impacted by the proposed building and only</p>	Yes

	<p>(Winter Solstice).</p> <p>2. N/A</p> <p>3. Developments with a residential component in all zones must comply with the sections 3D Communal Public Open Space and 4F Common Circulation and Spaces, of the ADG. Consistent with the requirements of the ADG, communal open space is to be collocated with areas of deep soil, where possible.</p> <p>4. The roof space of residential flat buildings (RFBs) and mixed-use development (including shop-top housing) is to be developed for the purposes of communal open space that incorporate shade structures and amenity facilities (barbecue and rooftop garden) that complement the development.</p>	<p>starts to be overshadowed from 2pm onwards. The impact is considered to be acceptable.</p> <p>8) Please refer to discussion in 3D Communal Public Open Space and 4F Common Circulation and Space of the ADG table above.</p> <p>4. The podium on Level 5. features an outdoor swimming pool with shallow seating, an open lawn, outdoor seating, a gym with interior and exterior exercise spaces, communal open amenities with BBQ facilities, dining, kitchen and casual lounge for the use of residents. Another part has a large lawn and deck area with a dog wash facility.</p>	<p>Yes</p> <p>Yes</p>
4.2.13 Landscape Design	<p>Controls</p> <p>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.</p>	<p>A comprehensive landscape design is provided. Please refer to Landscape Plans prepared by Site Image Landscape Architects Rev C dated 08/07/22 (Attachment 1).</p>	Yes
4.2.14 Planting on Structures	<p>Controls</p> <p>1. Comply with the Section 4P, planting on structures in the ADG in all developments with a residential component and/or communal open space.</p>	<p>The proposed landscaped areas will be irrigated with recycled water. The landscape plan identifies the required conditions for plants and trees growth including and not limited to drainage requirements, soil depth, soil volume</p>	Yes

		and soil area appropriate to the size and of plants to be established.	
4.3. Pedestrian Amenity			
4.3.1 Pedestrian Permeability	General Controls	<p>The proposal incorporates a highly articulated and landscaped pedestrian link along the eastern boundary. The link has a varied width (8m & 10m wide at its maximum) and integrates with the residential lobby. The configuration and design is consistent with Council's expectations and objectives:</p> <ul style="list-style-type: none"> • It is a minimum width of 3m clear of all obstructions. • It is open to the sky and to be publicly accessible at all times. • It provides signage at street entries indicating public accessibility and the street to which the link connects. <p>The proposal includes the continuation of the new east-west service laneway (8 metres in width) along the southern (rear) boundary of the site. The laneway design responds to Council objectives and controls.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	Specific Controls for Different Link Typologies	<p>The Through Site Link is 8 to 10m wide and open to the sky. It is proposed to be accessible to the public. Conditions of consent will be provided in terms</p>	Yes

	<p>and clear of all obstructions.</p> <p>b) Be open to the sky and to be publicly accessible at all times.</p> <p>c) Display signage at street entries indicating public accessibility and the street to which the through site link connects.</p>	of signages.	
4.3.3 Active Street Frontages	<p>Controls</p> <p>1. Locate active street frontages on the ground level of all commercial or mixed-use buildings, including adjacent through-site links.</p> <p>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.</p> <p>3. N/A</p> <p>4. Locate street fronts at the same level as the footpath and with direct access from the street.</p> <p>5. Use only open grill or transparent security (at least 50% visually transparent) shutters to retail frontages.</p>	<p>1. The proposal provides ground level retail and commercial tenancies to activate the site's dual frontage to Elizabeth Street and George Street. The proposal also provides activation of the through-site link.</p> <p>3. As above</p> <p>4. The street fronts have the same level as the footpath.</p> <p>5. Rear service entry driveways will be installed with transparent security doors.</p>	Yes
4.3.4 Street Address	<p>Controls</p> <p>1. Provide a clear street address and direct pedestrian access off the primary street frontage in mixed use and residential developments.</p> <p>2. Provide multiple entrances to large developments on all street frontages.</p> <p>3. Provide direct 'front door' and/or garden access to the street in ground floor residential units.</p>	<p>1. The proposal provides a clear street address to Elizabeth Street and direct pedestrian access off the primary frontage.</p> <p>2. As above.</p> <p>3. Landscaping is provided on both frontages.</p>	Yes
4.3.5 Street and Building Interface	<p>Controls</p> <p>1. Design the area between the building and the public footpath</p>	1. The development proposed the following:	Yes

	<p>so that it:</p> <p>a) provides visibility to and 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>	<p>a. The building facades have been articulated and allow for street address and visual interest.</p> <p>b. No residential uses are located on the ground floor.</p> <p>c. Paving and landscaping are provided on the street frontages.</p> <p>d. N/A</p> <p>2. No front fencing is proposed.</p>	
4.3.6 Lane / Serviceways and Building Interface	<p>Controls</p> <p>1. Setback 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.</p> <p>2. Provide active uses and/or entries at ground level where possible.</p> <p>3. Screen or sleeve above ground car parking with green walls or other screening devices.</p> <p>4. Electricity substations (where required) shall be situated within the building or its basement.</p> <p>5. Vehicular entry points must be of high quality design. The impact of vehicular entry points on pedestrians must be minimised.</p> <p>6. Garbage collection points, fire services and other service requirements are to be integrated into the design of the building.</p>	<p>1. Proposed setback from the centre line of the service laneway is 3.7m. However, the adjoining site to the rear is Zone B3 – Commercial Core where RFB are not permitted and unlikely to be built.</p> <p>2. Vehicular entries to the shared service laneway to the basement parking will provide continuous activity on the service laneway.</p> <p>3. N/A.</p> <p>4. The sub-station is integrated into the building and is located to the south west rear corner fronting the rear service laneway and George Street.</p> <p>5. Vehicular entry points are of high quality design.</p>	Yes

		6. Garbage collection and other services are located on the Ground Floor to the rear (Loading Dock) and on Basement 1.	
4.3.7 Awnings	<p>Controls</p> <ol style="list-style-type: none"> 1. Provide street frontage awnings for all new developments on streets identified in Figure 4-13. 2. Awnings must be: <ol style="list-style-type: none"> 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. 3. Match awning design to building facades, so that they maintain continuity and are complementary to those of adjoining buildings. 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. 5. Provide lighting recessed into the soffit of the awning to facilitate night use and to improve public safety. 6. Maintain a minimum clearance of 2.8m from the level of the pavement to the underside of awning signage. 7. Provide all residential buildings in areas not identified for continuous awnings in Figure 413 	<p>The proposal provides continuous overhead awnings along George and Elizabeth Street.</p> <ol style="list-style-type: none"> 1. The site is identified as requiring continuous awnings along Elizabeth Street 2. The proposed awning will cover the entire setback width and length. 	Yes

	with awnings or other weather protection at their main entrance area.		
4.3.8 Building Design and Public Domain Interface	<p>Controls</p> <p>1. Design new buildings that adjoin existing buildings, particularly heritage buildings and those of architectural merit so that they consider:</p> <p>a) the street 'wall' alignment and building envelope;</p> <p>b) the 'depth' within the façade;</p> <p>c) facade proportions; and</p> <p>d) the response to the corners at street intersections.</p> <p>2. Provide balconies and terraces appropriately orientated where buildings face public spaces.</p> <p>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.</p> <p>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 is discouraged.</p> <p>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.</p> <p>6. Maximise glazing in the facades for retail uses.</p> <p>7. For residential components of buildings, do not use highly reflective finishes and curtain wall glazing above ground floor level.</p> <p>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:</p> <p>a) expressed cornice lines that</p>	<p>1. The building design echoes the elements of the heritage building across the street.</p> <p>a. The design follows the prescribed setbacks to maintain the future desired street wall alignment</p> <p>b. As above</p> <p>c. The façade is well proportioned and articulated.</p> <p>d. The site is in a street corner of Elizabeth and George Street as well as the intersection with the and the intersection Through-Site Link which are all treated as frontages and accorded due prominence.</p> <p>2. Balconies are provided to the various apartments and allowing opportunities to overlook public spaces.</p> <p>3. Facades have been articulated and allow for street address and visual interest. The design clearly allows for differentiation between the base (street frontage height), middle and top.</p> <p>4. The finishes</p>	Yes

	<p>assist in enhancing the definition of the street; or</p> <p>b) projections such as entry canopies that add visual interest and amenity.</p> <p>9. Do not locate communication towers such as mobile phone towers, but excluding satellite dishes, on residential buildings or mixed use buildings with a residential component.</p> <p>10. Incorporate roof top structures, such as air conditioning and lift motor rooms, into the architectural design of the building.</p> <p>11. Screen air conditioning units on balconies.</p> <p>12. No clothes drying facilities to be allowed on balconies.</p>	<p>proposed do not attract high maintenance costs or are subject to degradation or will diminish in its appearance in the future.</p> <p>5. Various materials and delineation through design is provided to create visual interest. A sample board has been provided by the architect as part of their design scheme.</p> <p>6. The street frontages are proposed to be fitted with shopfront external glazing.</p> <p>7. The RFB component use predominantly precast concrete.</p> <p>8. No projection is proposed that would trigger the need for it be considered as GFA</p> <p>9. The services have been designed into the architecture of the building to avoid detracting views of such structures and facilities.</p> <p>10. Rooftop services are proposed to be screen and not impact on the visual presentation of the structure.</p> <p>11. Individual air-conditioning installation to the RFB will be addressed in the conditions.</p> <p>12. To be addressed in</p>	
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		conditions of consent	
4.3.10 Public Artworks	<p>Controls</p> <ol style="list-style-type: none"> 1. Design public art to respond to the particular site of the development as well as the city as a whole. 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. 3. Construct Public Art of materials that are durable, resistant to vandalism, safe for the public and constructed to ensure minimal maintenance. 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). 	Detailed design refinement of the proposal will integrate a well designed and visually interesting public art strategy. This is detailed in the Public Art Report provided.	Yes
4.4 Traffic and Access			
4.4.1 Vehicular Access and Manoeuvring Areas	<p>Controls</p> <ol style="list-style-type: none"> 1. Vehicular access shall be restricted to the secondary street (other than along a High Pedestrian Priority Area) where possible. 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. 3. All weather access: <ol style="list-style-type: none"> 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. 	<ol style="list-style-type: none"> 1. Vehicular access is to be provided via a newly created rear service laneway. 2. As above 3. N/A 	Yes

		<p>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.</p>		
4.4.2	On Site Parking	<p>Controls</p> <p>1. All required car parking is to be provided on site in an underground (basement) carpark except to the extent provided below:</p> <p>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</p> <p>b) On sites requiring the lodgement of a concept DA, a maximum of one level of surface (at grade) and one additional level of above ground parking may be provided where it is fully integrated into the building design.</p> <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> <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> <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</p>	<p>1. All on-site parking is provided across six basement levels,</p> <p>The provision of car, bicycle and motorbike parking onsite for the residential component has been calculated in accordance with the minimum requirements of in the LDCP</p> <p>The total carparking provision for mixed use in the CBD was discussed Section 7.3 Car Parking in the Liverpool City Centre of the LLEP 2008.</p>	Yes

	<p>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: 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 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> <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>		
4.5 Environmental Management			
4.5.1 Wind Mitigation	<p>Controls</p> <p>1. Design all new buildings to meet the following maximum wind criteria :</p> <ul style="list-style-type: none"> a) 10m/second in retail streets; b) 13m/second along major pedestrian streets, parks and public places; and c) 16m/second in all other streets. <p>2. Submit a Wind Effects Report with the DA for all buildings greater than 35m in height.</p>	The DA is accompanied by a Wind Engineering Report (Attachment 21)	Yes

	3. Submit results of a Wind Tunnel Testing report for buildings over 48m in height.		
4.5.2 Noise	<p>Controls</p> <p>1. Design development on sites adjacent to road and rail noise sources identified in Figure 4-16, in a manner that shields any residential development from the noise source through the location and orientation of built form on the site, supported by an appropriate acoustic report as required by the State Environmental Planning Policy (Infrastructure) 2007.</p> <p>2. Provide an 8m setback from the primary street frontage to any residential component of development located along Terminus Street and the Hume Highway.</p> <p>All residential apartments and / or serviced apartments within a mixed use development should be designed and constructed with double-glazed windows and / or laminated windows, solid walls, sealing of air gaps around doors and windows as well as appropriate insulating building elements for doors, walls, roofs and ceilings etc; to provide satisfactory acoustic privacy and amenity levels for occupants within the residential and / or serviced apartment(s).</p> <p>Figure 4-16 Noise</p>	<p>1. The DA is supported by an Acoustic Report (Attachment 10) to assess noise impacts associated with the development, particularly acoustic mitigation to Elizabeth and George Streets.</p> <p>The overall findings from the report was that the project can comply with established acoustic criteria for noise.</p> <p>2. Setback of RFB units facing Elizabeth Street and George Streets are 6.5 and 2.5m respectively.</p> <p>Acoustic treatment will be conditioned accordingly.</p>	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 National Construction Code (NCC). If approved,

appropriate conditions of consent will be imposed requiring compliance with the NCC.

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

(a) Natural and Built Environment

Built Environment

The proposed 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 design that is of an appropriate bulk and scale and consistent with the desired future character of the area.

The proposed built form and scale signals a contemporary architectural landmark for new development in Liverpool city centre. The built form of development is commensurate with its location insofar as it will be a visual marker and urban landmark entry element in the eastern approach into Liverpool city centre.

The proposed built form has been refined through detailed pre-DA discussions with Council and the Design Excellence Panel evaluation process. These refinements have sought to mitigate built environment impacts of this significant new development and ensure that the development provides a high quality, positive contribution to the architectural character and amenity of the Liverpool CBD.

The podium is the primary presence to the streetscape, providing building entries to retail and commercial tenancies, active frontage interfaces, and opportunities for architectural expression. The influence of the design is taken from the All-Saints Catholic Church across Elizabeth Street, establishing points of rhythm, form, and scale to which the design responds. The height, and built form responds to the adjoining approved development (at 26 Elizabeth Street) which established a series of podium and ground datums.

The ground floor features retail tenancies with display windows, spill-out dining space and passive seating which will contribute towards the ground-level activation along George Street, Elizabeth Street, and the through-site link. Access to the commercial and residential lobbies will further enhance activation.

The upper podium (at Levels 01 – 04) offer high quality PCA grade-A commercial space with varied workspaces to cater to a range of tenancies. The upper podium levels have been designed to enable flexibility for occupants through centrally located amenities and a regular open plan structure, with excellent natural daylighting on all sides. The commercial tenancies benefit from a large north-facing outdoor terrace, which contributes breakout space, shading, and architectural modulation.

The tower has been designed not only for a local context, but also from a long-range view as it will contribute a substantial element in the skyline on the approach to the CBD, particularly

along George Street and Elizabeth Street. The tower presents an elegantly proportioned building, with vertical and slender emphasis. The tower form is highly articulated and modulated to provide visual interest from a long-range perspective.

The impact of the tower form in terms of bulk and scale has been appropriately mitigated through careful consideration and design, and as refined through the design excellence evaluation process. The tower will provide a notable contribution to the Liverpool CBD skyline in a considered manner, that is not intended to dominate or distract. The tower forms complement the rich palette of materials and activation at the podium.

Natural Environment

The site is highly urbanised, having had an established history of use as motor show room. The proposal will have minimal impact on the natural environment insofar as no significant tree plantings or vegetation will be removed and an extensive new landscape design and public domain strategy will be implemented.

No threatened species or endangered flora or fauna will be affected by the proposed development and there will be no significant environmental impacts on biodiversity.

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 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 proposal will deliver diverse social and economic benefits. These can be summarised as follows:

- Many and varied employment opportunities (direct and indirect jobs) will be generated during marketing, construction, fit-out, and operation of the development.
- The podium level land uses will generate increased job supply, strengthen the role of the Liverpool city centre, and improve commercial and retail offerings for the community.
- Contemporary residential accommodation will be provided within Liverpool city centre and will benefit from close proximity to employment opportunities, retail, and major transport routes.
- The proposed development will achieve a range of residential apartment unit typologies and sizes which will broaden the supply of housing for residents and families in the Liverpool LGA.
- Future residents of the development will benefit from excellent amenity with ready

access to public transport, local services and facilities, and employment opportunities.

- Significant public domain works are proposed, including the delivery of landscaped site boundaries and the creation of a new publicly accessible through-site link from George Street to the rear service laneway to encourage foot traffic and improve accessibility throughout the CBD.

The proposal will provide positive social and economic impacts to the immediate and wider communities

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

The land is zoned for mixed use development. The proposed development is in keeping with the 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.

6.9 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:

Comment	Response
City Economy	Supports the proposal especially in the provision of A-grade office space in the CBD.
Heritage	Supports the proposed development subject to conditions
Environmental Health	Supports the proposed development subject to conditions:
Traffic	Supports the proposed development to conditions.
Waste Management	Supports the proposed development subject to conditions.
City Design and Public Domain	Supports the proposed development subject to conditions.
Land Engineering	Supports proposed development subject to conditions
Community Planning	Supports the proposed development subject to conditions

(b) External Referrals

The following comments have been received from External agencies:

Agency	Response
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Agency	Response
Transport for NSW (TfNSW)	<p>TfNSW provided comments for Council's consideration in the determination of the application:</p> <ul style="list-style-type: none"> • TfNSW raises concerns of the increased queue lengths on the western approach at the Elizabeth Street/ Bigge Street intersection, which can potentially impact the signals at the Elizabeth Street/ George Street and Macquarie street/ George Street signals. • Condition of consent is imposed for applicant to investigate and identify improvement measures that can mitigate the forecast poor performance of the intersection of Bigge Street and Elizabeth Street.
Bankstown and Camden Airports Limited	<p>In accordance with regulation 14, approval from Department of Infrastructure, Transport, Cities and Regional Development for the intrusion of the tower crane and building on the site into airspace prescribed for Bankstown Airport is required.</p> <ul style="list-style-type: none"> • Sydney Metro Airports, that manages Bankstown Airport has forwarded the application to the Department of Infrastructure, Transport, Regional Development and Communications. • The letter noted that approval for the proposed building height at RL128.275m and 135.9m for the construction crane will have to be obtained. <p>No approval from the Department of Infrastructure, Transport, Cities and Regional Development has yet been granted.</p> <p>The SWCPP chair noted that this DA could be considered for approval despite the controlled activity approval not being issued. The report has been prepared on this basis.</p>
Endeavour Energy (EE)	<p>EE provides comments for Council's consideration in the determination of the application:</p> <ul style="list-style-type: none"> • The Architectural Plans shows the provision of an indoor substation to the south western corner of the George Street road frontage. The substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. • Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure that the substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc. As a condition of the Development Application consent Council should request the submission of documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the Construction or Subdivision Certificate / commencement of works.

Agency	Response
	<ul style="list-style-type: none"> • Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant / Accredited Service Provider (ASP) prior to finalising plans to in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application. • Endeavour Energy's Asset Planning & Performance Branch has provided the following advice. • Endeavour Energy's Customer Applications Management System (CAMS) shows an application for connection of load (Endeavour Energy reference UML10138) has already been processed. Based on the Level 3 ASP's maximum demand calculations, the application requires a new dedicated 11 kV feeder from Homepride Zone Substation (located at 8 Homepride Avenue Warwick Farm) to supply 3 x 1500 kVA transformers in an indoor substation which will also require the provision of adequate space for a switching station. <p>The applicant should complete the application for connection of load process with Endeavour Energy's Customer Network Solutions Branch who are responsible for managing the conditions of supply with the applicant and their ASP.</p>
South Western Sydney Local Health District	<p>The South Western Sydney Local Health District. with jurisdiction on Liverpool Hospital was notified.</p> <p>Council was advised that the application has no impact to the hospitals established operational flight paths and that there is no objection to development application.</p> <p>However, it would be expected that any cranes associated with the construction, and the final building itself be appropriately illuminated with a steady red obstruction light per the requirements of the CASA Manual of Standards Part 139.</p> <p>The Department of Infrastructure, Transport, Cities and Regional Development referral provides these requirements. A condition of consent to prepare a Construction Management Plan is imposed to ensure those conditions are complied with.</p>
NSW Police	<p>The comments/ recommendations from the NSW Police was not received by Council.</p>
Sydney Water	<ul style="list-style-type: none"> • The proposed development is located within a high residential growth precinct with building heights greater than 8 storeys. The minimum pipe size required to service the site is a 200mm main. • The developer will be required to amplify approximately 155m of existing 150mm water main up to a 200mm water main. This will be from the existing 200mm water main located west of the site in Elizabeth Street. • The proposed development will be supplied from the new 200mm water main amplified under this case. • The site is serviced by an existing 300mm sewer main which discharges

Agency	Response
	<p>(via a section of 450mm) into a 1800mm trunk sewer main located 170m downstream of the site in Elizabeth Street.</p> <ul style="list-style-type: none"> The proposed concept servicing plan indicates that the existing 300mm sewer main will be deviated closer to the southern boundary of the subject site and adjacent lots to facilitate future development. The developer will be required to prepare a catchment plan and flow schedule analysis on the sewer main between the site and 1800mm trunk main in Elizabeth Street. This will ensure that the deviation is adequately sized, and also identify any potential amplification of mains up to the trunk main. If analysis identifies an ultimate deficiency within the downstream 300/450mm sewer, the downstream amplification will be considered for inclusion within the developer works. This would mitigate any avoidable impact on the development within the overall catchment and immediate adjacent future development to the 300mm sewer in Bigge Street. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application.

(c) Community Consultation

The application that was lodged with Council on 13 December 2021. Notification followed between 11 January 2022 to 26 January 2022 and again on 8 to 23 February (with additional information provided on overshadowing) in accordance with Liverpool Community Participation Plan 2019. There was only 1 submission received within the notification and advertising period. The issue raised in the submissions, and a response, are summarised as follows:

Comment	Response
Submission 1	
<p>The height of the building at 34 stories will disrupt the natural sunlight on my building for many hours in the morning</p> <p>This will have an effect on the solar panels on my roof. Currently I produce enough renewable electricity for most of the buildings requirements.</p> <p>I would like to know exactly how much shadowing my building will receive , from this development, during the 4 seasons and during the opening times of my business.</p> <p>For this reason I object to the height of the</p>	<p>A shadow diagram was requested and provided to the objector. It demonstrates overshadowing occurs only in the morning hours and from 11am onwards will have sufficient solar access. No further communications was received from the objector.</p>

Comment	Response
development	

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

The proposed development is considered in the public interest for the following reasons:

- It provides for the orderly and economic use of land for permissible uses under the relevant planning instrument and in a form which is consistent with the desired character of the locality, and does not impact unreasonably on, surrounding land;
- It strongly aligns with key directions, priorities, and actions for the future growth of Liverpool CBD, established within relevant strategic planning policies, including the Greater Sydney Region Plan – A Metropolis of Three Cities, Western City District Plan, and Liverpool Local Strategic Planning Statement;
- It achieves a high level of compliance with the objectives and development standards of relevant statutory planning instruments, including State Environmental Planning Policies, the Liverpool LEP 2008, and the Liverpool DCP;
- It delivers diverse mixed typology housing within the heart of the Liverpool CBD and within walking distance to high frequency public transport, community facilities, and employment opportunities;
- It creates a vibrant, safe, and active place for people to live, work, and visit;
- The retail and commercial land uses will attract vitality and investment in the local economy;
- It achieves a high standard of architectural design and functionality which will activate George and Elizabeth Streets and through-site link that make a positive contribution to the surrounding streetscape and CBD context; and
- It is compatible with the existing and desired future character of the prevailing town centre locality and does not create any significant adverse impacts on the environment or adjoining properties.

Accordingly, it is considered that the proposed development is in the public interest.

7 SECTION 7.12 CONTRIBUTIONS

Liverpool Contributions Plan 2018 (Liverpool City Centre) applies to the development. The applicable contribution amount for the subject proposal is **\$4,158,979**.

8 CONCLUSION

In conclusion, the following is noted that:

- The proposal will deliver a contemporary, landmark mixed use development that leverages the site's highly accessible and strategic location within the Liverpool CBD.

Urban renewal of the site will deliver high-quality residential apartments and employment opportunities in a highly accessible location.

- The proposal is consistent with Council's strategic vision for Liverpool City Centre as the primary commercial centre and a mixed use central business district that accommodates high-order retail and commercial amenities and services and residential apartments with activated ground floor uses.
- The proposal will have a positive effect on the wider Liverpool City Centre through provision of a new retail and commercial tenancies and a high quality publicly accessible through-site link.
- The design responds positively to the site conditions and the surrounding environment. The proposal has been subject to detailed pre-DA consultation with Council and the Design Excellence Panel to ensure that the development achieves high quality design outcomes.
- The proposed residential apartments will offer residents a high standard of internal and external amenity. The apartments achieve a high degree of compliance with the key parameters of the ADG including natural cross ventilation, solar access, building separation, landscaping, and communal open space.
- The proposal strongly aligns with key directions, priorities, and actions for the future growth of Liverpool CBD, established within relevant strategic planning policies, including the Greater Sydney Region Plan – A Metropolis of Three Cities, Western City District Plan, Liverpool Local Strategic Planning Statement, and Liverpool Collaboration Area Place Strategy.
- The development satisfies the applicable local and state planning policies. The proposal meets the objectives and intent of the Liverpool LEP 2008 and achieves a high level of consistency with the key planning controls within the LDCP 2008. Where the proposal does not fully comply with a numeric provision, the objectives and intent are met and achieve compliance.
- The proposal is consistent with the provisions of other relevant State policies and statutory environmental planning instruments, including SEPP (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development.

Having considered the relevant considerations under Section 4.15 of the EP&A Act it is concluded that the proposal represents a significant and positive development outcome that respects and responds appropriately to the site location and amenity of the surrounding context.

The proposed mixed-use development is in the public interest and considered worthy of Council's support and recommendation for approval from the Sydney Western City Planning Panel.

6 ATTACHMENTS:

1. Architectural plans, demolition plan & landscape plans
2. Survey plan and Stormwater Concept Plans
3. Recommended conditions of consent
4. Statement of Environmental Effects
5. Clause 4.6 variation written justification to building separation
6. SEPP 65 Design Verification Statement
7. DEP comments
8. Acid Sulfate Soil Management Plan
9. Access Report
10. Acoustic Assessment Report
11. Aeronautical Impact Assessment
12. Arborist Report
13. Architectural report
14. Contamination report
15. Detailed Site Investigation
16. Geotechnical Assessment report
17. Stormwater Management Plan
18. Traffic Report
19. Public Art Report
20. Waste management plan
21. Wind Engineering Report
22. BASIX certificate and house energy rating