

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-24
DA Number	DA-262/2019
LGA	Liverpool City Council
Proposed Development (as amended)	The application proposes the demolition of existing building and structures, remediation of the site, construction of a mixed use development comprising a 4-storey commercial, retail, food use and residential podium including a two-level restaurant, two residential towers at a total of 17 levels and 23 levels in height comprising a total of two hundred and sixty four (264) units, above three (3) levels of basement car parking and associated landscaping and services.
Street Address	77 – 79 Bathurst Street, 70 Memorial Avenue and 90 – 94 Castlereagh Street Liverpool Lot 7, 8, 9, 10 and 11 DP 7541; Lot 4 and 5 DP 800326
Applicant	Il Capitano Investments CO/- Brian Mariotti AJ&C Architects
Owner	Zdzislaw Sofi, Sam Sofi and Sebastiano Sofi
Date of DA Lodgement	26/04/2019
Number of Submissions	One (1) submission
Recommendation	Refusal
Regional Development Criteria pursuant to Schedule 7 of the SEPP (State and Regional Development) 2011.	The future proposal has a capital investment value of over \$30 million, pursuant to Clause 2 of Schedule 7.
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>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.</i> ○ <i>State 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>

	<ul style="list-style-type: none"> ○ <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)(iiia)</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	<ol style="list-style-type: none"> 1) Revised Architectural Plans 2) Without prejudice conditions of consent 3) Statement of Environmental Effects 4) SEPP 65 Statements 5) Urban Design Report 6) Architectural Design Report 7) Energy Efficiency Report 8) Landscape Plan 9) Hydraulic Civil Plans 10) Heritage Impact Statement 11) Geotechnical Report 12) Arborists Report 13) Tree Management Plan 14) Traffic Report 15) Access Report 16) Acoustic Report 17) BCA Report 18) Building Services Report 19) Preliminary Site Investigation 20) Stage 2 Detailed Site Investigation 21) Remedial Action Plan 22) Social Impact Assessment 23) Wind Assessment

	24) Waste Management Plan 25) Design Excellence Panel comment 26) Roads and Maritime Services response 27) Sydney Water response 28) Endeavour Energy Response 29) South Western Sydney City Planning Panel briefing minutes 30) Valuation report 60 Memorial Avenue, Liverpool (private and confidential) 31) Valuation Report 96-98 Castlereagh Street, Liverpool (private and confidential) 32) Valuation Report 3 Norfolk Avenue, Liverpool (private and confidential) 33) Letters of offer to purchase neighbouring properties (private and confidential)
Clause 4.6 requests	N/A
Summary of key submissions	<ul style="list-style-type: none"> • The proposal is not a logical development of the remaining undeveloped portion of the northern side of the street block bounded by Memorial Avenue, Castlereagh Street, Norfolk Avenue and Bathurst Street. • A suitable adjoining land value has not been determined on the basis of permitted heights and FSR should neighbouring properties amalgamate with the subject site for the purpose of development. • The site forms a gateway between the zoned land to the west and that land in the Liverpool City Centre to the East Zoned B4. The proposal does not represent a suitable gateway between the two zones due to 60 Memorial Avenue not being developed as part of the proposal. • The presentation of the western tower to Castlereagh Street is overbearing to the existing streetscape. • The proposal results in poor street activation to the Memorial Avenue frontage and provides no weather protection to the public footpath to any frontage. • The site impinges on the neighbouring development in terms of building separation and reduces the capacity of adjoining allotments to be equitably developed in relation to the current planning controls.
Report by	Peter Nelson
Report date	23 November 2020

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
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<p>Legislative clauses requiring consent authority satisfaction</p> <p>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?</p> <p><i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i></p>	<p>Yes</p>
<p>Clause 4.6 Exceptions to development standards</p> <p>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?</p>	<p>N/A</p>
<p>Special Infrastructure Contributions</p> <p>Does the DA require Special Infrastructure Contributions conditions (S7.11)?</p> <p><i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i></p>	<p>N/A</p>
<p>Conditions</p> <p>Have draft conditions been provided to the applicant for comment?</p> <p><i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i></p>	<p>Yes</p>

1. 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 Statement of Environmental Effects lodged in support of the development application has indicated that the application is seeking consent for;

- *Demolition of all buildings and structures on the site and excavation to accommodate three levels of basement car parking.*
- *A podium form of 4 storeys that includes retail and commercial spaces at ground level, including two level restaurant that is partly located on Level 1 and dwellings on Levels 1 to 3.*
- *Two residential towers comprising a total of 264 dwellings comprising of the following dwelling mix:*

28 One-bedroom units (10.6%).

206 Two-bedroom units (78%).

30 Three-bedroom units (11.4%).

- *The western tower off Castlereagh Street comprises 20 storeys (measured above the 4 storey podium); and the eastern tower, off Bathurst Street comprises 14 storeys (measured above the 4 storey podium).*
- *A gross floor area of 25,998sqm and floor space ratio of 6.00:1.*
- *Three levels of basement car parking which includes opportunity for future connection with a basement associated with a future redevelopment at 60 Memorial Avenue.*
- *The proposed development adopts a zero-street alignment to Bathurst Street as required by the DCP and provides a 10m setback along Memorial Avenue to create a publicly accessible plaza with dimensions 42.7m and 10m.*

- *Street alignment from Castlereagh Street is 2.5m, consistent with the Liverpool DCP.*
- *Tower forms that are distinct from the lower level podiums by building articulation and design treatment as opposed to adopting 6m setbacks above street frontage heights.*
- *Communal landscaping and recreational spaces on the upper podium level; as well as outdoor area associated with a child care centre.*
- *318 carparking spaces accessed from Castlereagh Street towards the southern boundary of the site.*
- *Landscaping works including deep soil planting along Memorial Avenue, a landscape buffer to 90-92 Castlereagh Street and appropriate landscaping on level 1 of the development, landscaped terrace on level 4 of the West Tower and level 8 of the East Tower.*
- *Opportunity for future connection with a basement associated with a future redevelopment at 60 Memorial Avenue.*
- *Required infrastructure and servicing.*

The Statement of Environmental Effects is dated March 2018 and it appears that the plans have been amended since the preparation of this document. In relation to the above, the proposal now comprises:

- the demolition of the existing improvements on the site,
- remediation of the site,
- construction of dual tower development comprising a twenty-three (23) level tower on the north western corner of the site and a seventeen (17) level tower on the eastern side of the site. As the tower elements are generally closer to the street elevation than the podium level on all frontages, the proposal is described as a dual tower (rather than tower on podium),
- Three (3) levels of basement car parking providing 309 parking spaces,
- ground floor level comprising retail areas, a two-level restaurant on the ground and first floor,

- Level 1 comprises 448.2m² of restaurant floor space with an internal lift and stair access from the ground floor level of the restaurant; ten (10) residential units and approximately 1219.4m² of outdoor communal open space comprising a 256.6m² landscaped buffer zone on the southern side of the proposal to the boundary with 96 – 98 Castlereagh Street, and the remainder of this area made up by various play areas, a barbeque area and a swimming pool,
- A total of approximately 23819m² of residential floor space comprising 264 residential apartments over two towers.
- The child care centre has been deleted,
- The number of spaces within the basement car park have been reduced to 306 spaces to allow for access to level 1 of the basement from a future basement at 60 Memorial Avenue and a future basement at 3-5 Norfolk Street.

1.3 The site

The subject site is commonly known as 77 – 79 Bathurst Street, 70 Memorial Avenue and 90 – 94 Castlereagh Street Liverpool. The site is legally described as Lots 7, 8, 9, 10 and 11 in Deposited Plan 7451 and Lots 4 and 5 in Deposited Plan 800326.

1.4 The issues

The predominant issue with the proposal are that:

- (1) it does not presently represent the orderly development of the site, nor will it permit a future orderly development of the remaining undeveloped portion of the street block bordered by Bathurst Street, Memorial Avenue, Norfolk Street and Castlereagh Street; comprising the remaining neighbouring sites identified as 60 Memorial Avenue, 3-5 Norfolk Street and 96 – 98 Castlereagh Street.
- (2) The proposal has not provided a realistic valuation of the adjoining properties and to the extent that the isolation principles under *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 apply, a reasonable offer has not been made to adjoining properties.
- (3) it will result in a poor streetscape to Memorial Avenue that does not relate to the wider context or the neighbourhood context and will not provide for appropriate street activation and pedestrian amenity.
- (4) The proposal results in significant variations to the built form, character, amenity and design requirements of the Apartment Design guideline and as such does not satisfy

the aims and objectives and design principles of State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development.

- (5) The proposal does not satisfy the aims of the Liverpool Local Environmental Plan 2008 and does not demonstrate compliance with the objectives of the zone or the objectives of the Liverpool City Centre.
- (6) The proposal results in significant variations to the Liverpool DCP 2008 in relation to building separation, building design, streetscape and pedestrian amenity.
- (7) In sufficient information has been provided in relation to the proposal meaning that a complete assessment could not be undertaken.
- (8) One neighbour submission was received from an immediately adjacent neighbour raising an objection to the approach taken in the valuation report being contrary to the advice provided in the initial Panel briefing minutes.

1.5 Exhibition of the proposal

The application was lodged with Council on 26 April 2019. Advertisement followed between 4 September 2019 to 18 September 2019, in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). There were no submissions received within the notification and advertising period.

However, following the period in which the applicant approached the adjoining property owners in an attempt to purchase adjoining properties to permit an orderly development, one submission was raised specifically in relation to the valuation which informed the attempt to purchase adjoining sites.

Discussion pertaining to the concerns raised in the submissions are provided further in this report, however it is noted that the objection raised within this submission is considered to be valid.

1.6 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act (EP&A) 1979. Based on the assessment, the application is considered to be unsupportable and unsatisfactory in establishing the merits of the development and it is recommended that the DA be determined by way of refusal for the reasons included in the report.

Despite the above, a set of draft without prejudice conditions have been included as part of the usual panel process.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site has three street frontages comprising; a 60.95m frontage to Castlereagh Street, a 38.22m frontage to Bathurst Street and a 45.505m frontage to Memorial Avenue.

The site has three street frontages, however it is “L” shaped, as the adjoining site on the corner of Memorial Avenue and Bathurst Street (60 Memorial Avenue) does not form part of the proposal. This is demonstrated in the image below.

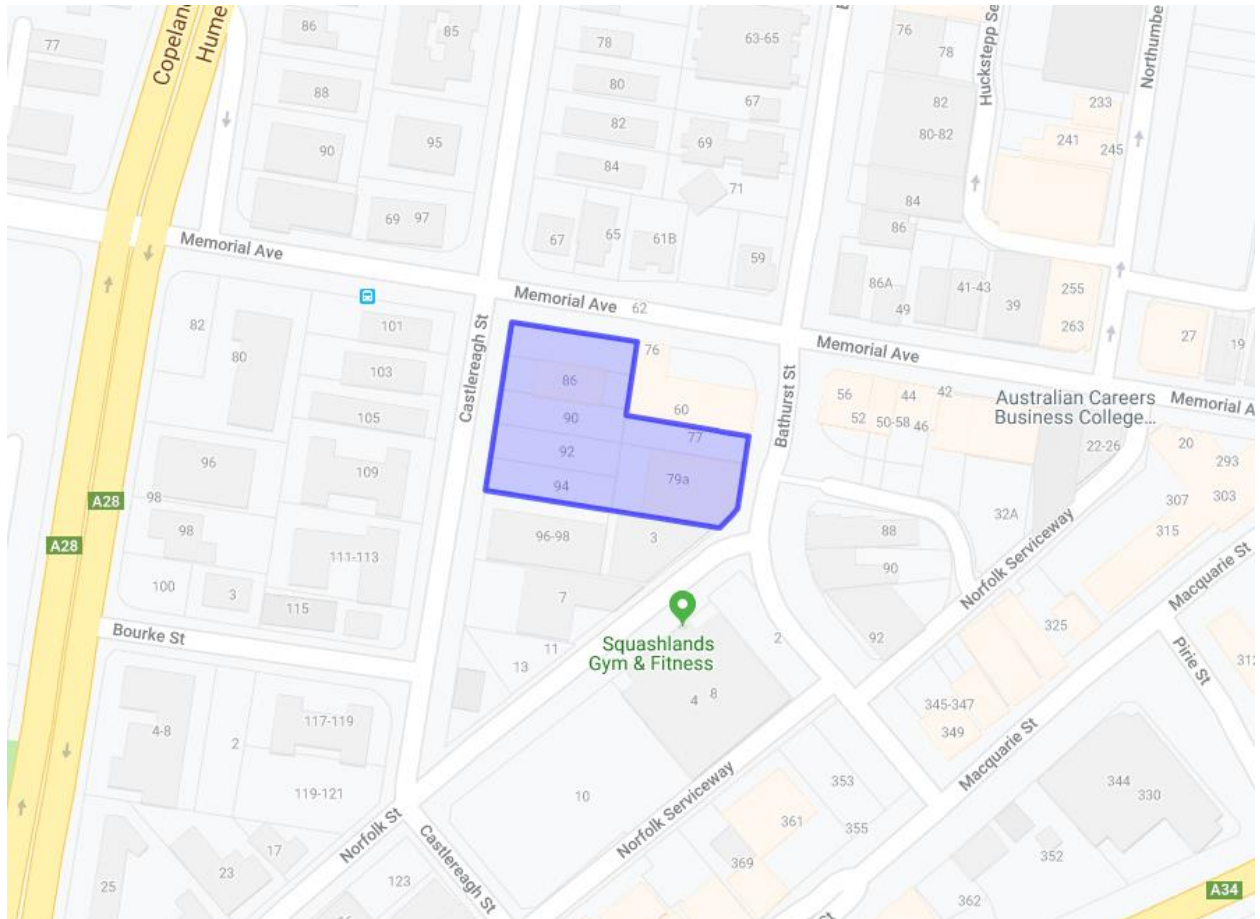


Figure 1: Site and Road Map; source nearmap

The subject site is currently occupied by a service station at 86 – 90 Castlereagh Street on the corner of Castlereagh Street and Memorial Avenue. A mixed-use restaurant/commercial development is located at 77 – 79 Bathurst Street, the car park for which is located on 92 – 94 Castlereagh Street.

The site is generally level with only a slight gradient to the north-west corner towards Memorial Avenue.

2.2 Locality

The site is located within the Liverpool City Centre. The Liverpool City Centre transitions from the Liverpool City Centre in the north-east and east to the residential areas in the north-west and west.

The immediate neighbour to the south-west of the subject site at 96 – 98 Castlereagh Street is occupied by a 3-storey residential flat building comprising 24 units.

The immediate neighbour to the south-east is identified as 3 Norfolk Avenue and is occupied by a 2-storey commercial building with basement car parking. Should the proposal be approved in its current form, this site would become isolated. The neighbour to the north east on the corner of Memorial Avenue and Bathurst Street is identified as 60 Memorial Avenue and is occupied by a single storey retail development with at grade car parking on site. Should the proposal be approved in its current form, the development potential of the site would be decreased and the provision of appropriate vehicular access to this site would be problematic.

The locality is also transitioning from smaller scale single and two storey development to multi-storey mixed-use developments. The site to the south at 7 – 13 Norfolk Street Liverpool has been approved for a 25-storey mixed use development.

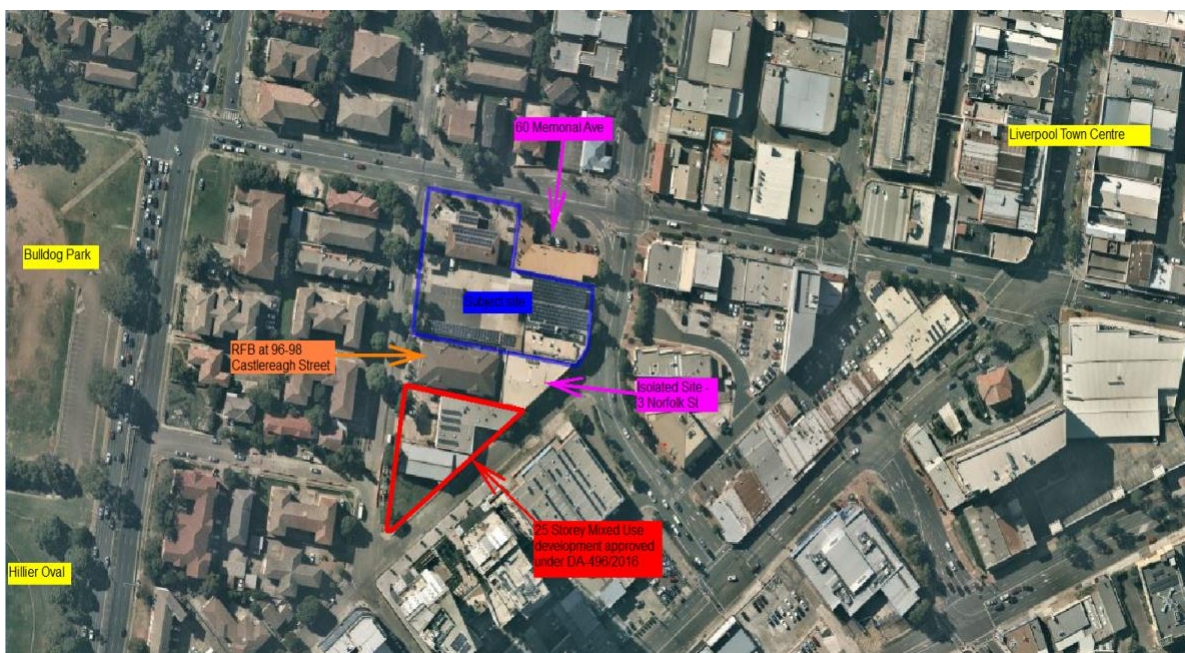


Figure 2: Neighbourhood Map detailing subject site

A broader indication of the Liverpool City Centre is included in the image below, sourced from the Urban Design Report lodged in support of the application;

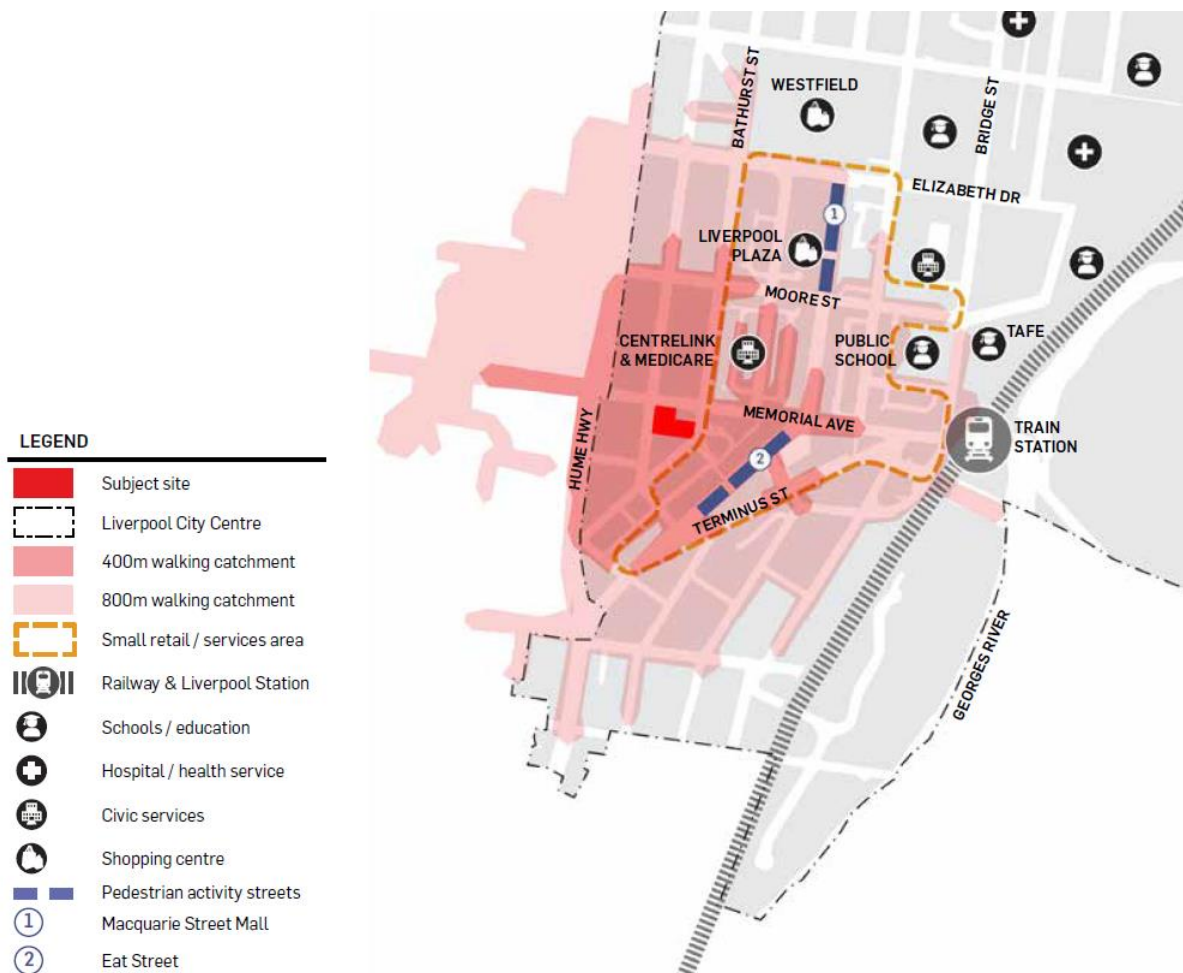


Figure 3: Liverpool City Centre walking catchment; source Urban Design Report prepared by Urbis, Dated March 2019

2.3 Site affectations

The site is constrained by contamination and heights are regulated in relation to Bankstown Airport.

2.3.1 Contamination

A site investigation conducted by the applicant's consultant identified contamination in association with the existing service station use on the site that will require remediation. It was considered that the site can be remediated to render it suitable for the proposed development, subject to conditions.

2.3.2 Bankstown Airport Obstacle Height Limit

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 site is located 5.5km to the west of Bankstown Airport. At this position, the height of the OLS is just below the 140 AHD contour.

3. Background of application

12 June 2018 Pre-lodgement application lodged under PL-66/2018.

13 September 2018 Pre-lodgement application considered at a meeting of the Design Excellence Panel.

The DEP provided the following comment in relation to the proposal:

The Design Excellence Panel makes the following comments in relation to the project:

- *The Panel appreciated the proponent's presentation which provided a background on the design rationale for the overall development.*
- *The panel noted that the proposal is within the permissible building height limit but were also advised that the proposal exceeded the maximum permissible FSR for the site. The Panel recommends that the proposal be amended to comply with the permissible FSR.*
- *The proponent advised that the built form, mass and scale of the scheme have been influenced by the objective of minimising the overshadowing impact upon neighbouring sites, particularly the RFB to the south. The Panel supports the aim of protecting the solar access of adjacent sites.*
- *The Panel raised concerns about the isolation of adjoining sites including 60 Memorial Avenue (corner of Memorial Avenue and Bathurst Street) and southern adjoining sites facing Bathurst and Castlereagh Streets. The Panel recommends that every effort should be made to amalgamate the subject site with the adjoining northern and southern sites to help ensure that a coherent development result for the precinct bounded by Memorial Avenue, Bathurst/Norfolk Street and Castlereagh Street. If the sites cannot be amalgamated the proponent should propose a development that acknowledges and responds to the adjoining sites limited future potential development in terms of urban design, scale, boundary treatment and view lines. Unarticulated zero lot line buildings are not acceptable where the adjacent sites will not likely be developed in a similar way.*
- *The Panel appreciated that the plaza to Memorial Avenue provides for a greater setback than that identified in the Liverpool LEP. The Panel considered that the departure from the guideline needed to be appropriately detailed and justified. The future development of the adjacent site, and the potential for this site to develop to the DCP set back, must be taken into account.*

- *The Panel questioned how the demands of the diversity of proposed land uses (including supermarket, restaurant, child care centre, office tower and two residential towers) will be addressed particularly in terms of servicing access to car parking via a single point from Castlereagh Street. The Panel supports the single entry point but questions the diversity of functions that will require car access via this entry. Confusion between supermarket customers, child care customers, office and residential uses is likely. The proponent should make a clearer strategy for addressing the use of the car park.*
- *The proponent indicated that discussions have taken place with the prospective supermarket operator. Smaller sized trucks, capable of utilising the proposed turntable, will be used instead of semi-trailers to deliver goods.*
- *Resident access to COS and the swimming pool is inequitable. Residents in the east tower will be required to walk around the building or going down to the basement carpark and then up to the first floor COS. The Panel did not support such arrangements.*
- *The treatment of the boundary wall and proximity of the car park entry to the existing residential flat building is unacceptable. Modifications to the design are necessary to protect the amenity of those residents.*

By way of comment in relation the pre-lodgement advice of the DEP, the identified site isolation issue noted in relation to the site at 60 Memorial Avenue and sites to the south of the proposal have not been resolved in the plans lodged as part of the current development application. The current plans have responded to the other comments raised by the DEP.

14 September 2018	Pre-lodgement Advice provided.
26 April 2019	Application lodged.
6 May 2019	Application placed on stop the clock pending submission of a Stage 2 Detailed Site Investigation and, if required, the provision of a Remediation Action Plan.
11 July 2019	Proposal referred to the Design Excellence Panel. No advice was forwarded to the applicant given outstanding issues relating to orderly that would have the effect of rendering the comments obsolete, if sites were to be amalgamated as requested.
3 September 2019	Stage 2 Detailed Site Investigation and Remediation Action Plan submitted.

- 4 September 2019 Application Neighbour notified from 4th September to 18th September 2019. No submissions were received in relation to the proposal.
- 14 October 2019 Panel Briefing undertaken. The Panel provided the following written response
- *The Panel saw the relationship of the development site with the remaining undeveloped sites in the block as critical. Issues arising include the potential for site isolation, and whether the remaining development options for the adjoining sites are reasonable taking into account required setbacks and potential means of facilitating vehicular access to likely basement car parks.*
 - *The Panel would like to see evidence that reasonable approaches have been made to either acquire the adjoining sites (noting the discussion concerning isolated sites in 60 Memorial Avenue, 3-5 Norfolk Street and 96 – 98 Castlereagh Street) or to devise a concept for development of the remaining sites within the block which would deliver a co-ordinated and integrated concept. The information provided should include some degree of communication with the neighbouring owners.*
 - *In that regard the Panel would like to ensure that the adjoining owners' attention has been drawn to clause 4.4 of Liverpool LEP and the substantial increase in development potential that would flow from a site of around 1000 m2 being amalgamated into a development site with a total area exceeding 2,500 m2. It seems that a co-ordinated concept for the whole block might form the basis for extending the additional permitted density to the adjoining sites and improve the planning outcome for the subject DA.*
 - *Having regard to that clause, the Panel raises as an issue whether the site can be said to deliver an ordered planning outcome for the DA site without these matters being properly addressed.*
- 4 November 2019 Council sent a request for information to the applicant in relation to the Panel comments and the isolation/ordered outcome issues relating to the site. On the basis that the ideal solution would be the amalgamation of the three neighbouring properties (at 60 Memorial Avenue, 3-5 Norfolk Street and 96 – 98 Castlereagh Street) the applicant was advised that no further assessment of the proposal would be undertaken until this issue had been addressed satisfactorily.
- 5 November 2019 Supplementary advice provided to the applicant.

11 May 2020	Further written request seeking information requested on 4/11/2019 sent to the applicant.
25 May 2020	Applicant seeks extension of time on the basis of the impacts of Covid, which Council accepts.
18 June 2020	Council writes to the applicant advising that the application be withdrawn on the basis of significant delays.
25 June 2020	Applicant requests further extension which Council accepts.
5 August 2020	Applicant forwards written query in relation to the amended Liverpool City Centre DCP.
6 August 2020	Council provides written advice to applicant in relation to the Liverpool DCP.
30 September 2020	Applicant provided written response in relation to the initial request for information dated 4 November 2019. This information does not provide a satisfactory response to the matters raised by Council.

4. DETAILS OF THE PROPOSAL

The proposed development seeks consent for the construction of two residential towers located above a retail and residential podium as follows;

Basement 3 levels comprising a total of 309 car parking spaces, 16 motorbike spaces, 162 bicycle lockers, 115 storage lockers, 6 x lift access, 2 x access stairs and rooms totalling 193.58m² for services and plant.

Ground Floor The Bathurst Street frontage comprises a residential entrance lobby and; two retail shops with areas of 442.7m² and 402.4m² and frontages to the street of 13.967m and 17.155m respectively.

The Castlereagh Street frontage comprises a residential lobby; a commercial unit with an area of 108.7m² and a frontage of 12.3m and; a restaurant and outdoor seating area with a frontage of 21.73m. The vehicular entry to the ground floor loading dock and vehicular basement access ramp is provided on the southern side of this frontage. An electrical substation is proposed on this frontage in the south western corner of the site adjacent to the access driveway.

The Memorial Avenue frontage comprises a restaurant with an area of 549.7m² and associated entrance foyer and lift to the basement car parking area with a frontage of 42.705m.



Figure 4 – Excerpt from Ground floor plan

- Level 1** Includes the second floor of the restaurant addressing Memorial Avenue comprising 448.2m²; one 2 bedroom unit and two 3 bedroom units on the western side of the podium; a central courtyard comprising open space, a barbeque area and a swimming pool. The eastern side of the podium consists of four x 1 bedroom units, three x 2 bedroom units and one x three bedroom unit as well as a gymnasium..
- Level 2** Includes one x 1 bedroom unit, three x 2 bedroom units and four x 3 bedroom units on the western side of the podium and; six x 1 bedroom units, three x 2 bedroom units and one x 3 bedroom unit on the eastern side of the podium level.

Level 3	Identical unit plan to level 2 and this level also marks the extent of the podium.
Level 4	Includes three x 3 bedroom units and a roof terrace area in the western tower and six x 2 bedroom units in the eastern tower.
Level 5	Includes two x 3 bedroom units and five x 2 bedroom units in the western tower and six x 2 bedroom units in the eastern tower.
Level 6	Identical unit mix to Level 5.
Level 7	Eight x 2 bedroom units in the western tower and six x 2 bedroom units in the eastern tower.
Level 8	Eight x 2 bedroom units in the western tower and one x 1 bedroom unit, two x 2 bedroom units and one x 3 bedroom unit in the eastern tower.
Level 9 – 17	Eight x 2 bedroom units in the western tower and one x 1 bedroom unit, two x 2 bedroom units and one x 3 bedroom unit in the eastern tower replicated over 9 levels.
Level 18 – 23	Eight x 2 bedroom units in the western tower replicated over 6 levels.
Roof	<p>The roof of the western tower will comprise the lift over run, solar panels and a plant room.</p> <p>The roof of the eastern tower will comprise the lift over run, hot water plant and solar panels.</p>

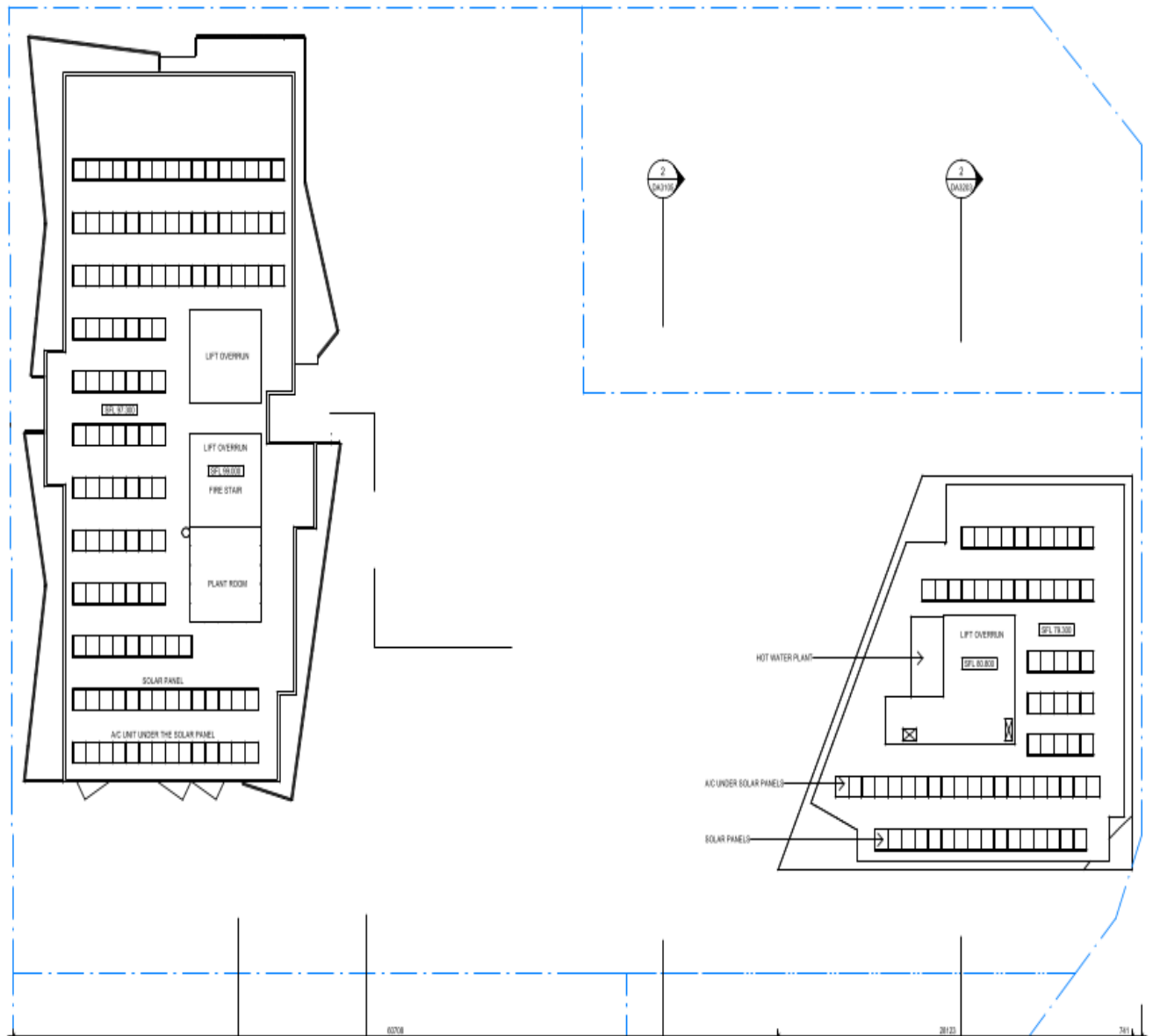


Figure 5 – Excerpt from Roof plan

Perspectives of the proposal are provided below:



Figure 6 - Perspective looking south towards the Memorial Avenue frontage

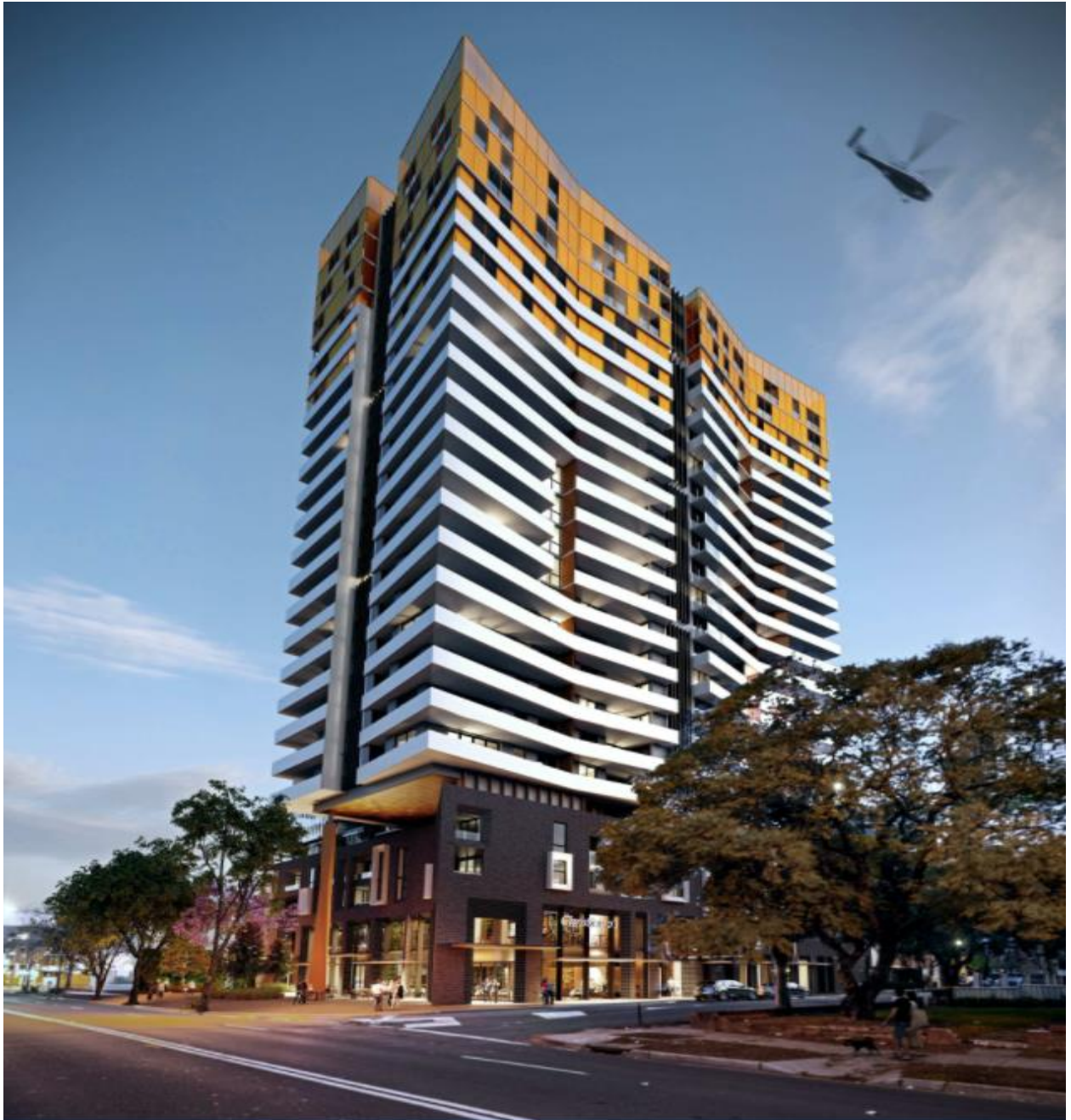


Figure 7: Perspective looking south-east towards the corner of Memorial Avenue and Castlereagh Street



Figure 8: Perspective from Bathurst Street looking north-west

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development.
- State Environmental Planning Policy No.55 – Remediation of Land.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- Liverpool Local Environmental Plan 2008;

Other Plans and Policies

- Apartment Design Guide;

Development Control Plans

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

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 9.

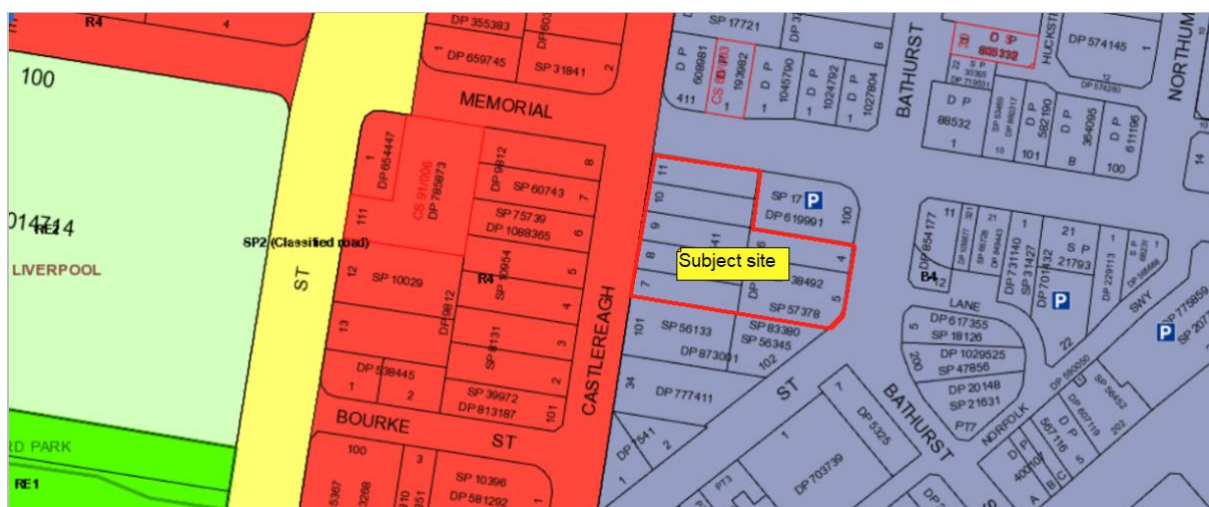


Figure 9: Extract of Zoning map from Liverpool Local Environmental Plan 2008

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, 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 the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* as follows:

6.1 Objects of the Act

The Environmental Planning and Assessment Act 1979 (as amended) entails the following objects in Section 1.3:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(d) to promote the delivery and maintenance of affordable housing,

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

(g) to promote good design and amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment.

The proposal generally does not offend the objects of the act with the exception of;

(c) to promote the orderly and economic use and development of land.

It is considered that should the proposal be developed in the current form it will result in the partitioning of the street block as demonstrated in Figure10 below;



Figure 10: Base map showing subdivision pattern from Liverpool Local Environmental Plan 2008 with annotations identifying street block partitioning caused by the proposal

From the image above;

“A” represents the subject site which has a total area of 4,333m² and is being developed to a FSR of 6:1 and to an overall height of 80m.

“B” represents the existing approved development at 7-13 Norfolk Avenue which has a total area of 2,110.2m² on which a mixed-use development has been approved with up to the maximum permissible FSR of 5.09:1 and a height of 81.2m.

“C” represents 60 Memorial Avenue which is currently undeveloped and has a site area of 1,059m². This site has a maximum FSR limit of 2.63:1 and a maximum permitted height of 80m.

“D” represents 3-5 Norfolk Street and 96-98 Castlereagh Street, which, if amalgamated would comprise a total site area of 1,777.9m². This amalgamated site has a maximum FSR limit of 4.315:1 and a maximum height limit of 80m.

In terms of encouraging orderly development, the proposal fails to achieve this object in that it takes advantage of the maximum permitted 6:1 FSR credit permitted for sites in excess of 2,500m² while denying this outcome to the remaining sites in the street block identified as “C” and “D” in Figure 10. This will not encourage orderly development as the remaining allotments will have a significantly smaller permitted gross floor area resulting in development of a scale that is considerably less than the existing approved development in the street block. This will result in a disorderly graduation of maximum permitted FSR within the street block bounded by Memorial Avenue, Bathurst Street, Norfolk Street and Castlereagh Street.

While the FSR differential may be capable of being somewhat disguised in a podium and tower development on the amalgamated site identified as “D” in Figure 10, the same cannot be said for 60 Memorial Avenue, identified as “C” in Figure 10. This site comprises a prominent corner site which will be significantly constrained by the proposed development to the effect that any development on this site in accordance with the permitted FSR will not be capable of reinforcing the prominence of this corner position relative to the much greater FSR of the proposed development that borders this site to its western and southern boundary.

The ideal solution to this issue would be for the subject site to amalgamate with the remaining undeveloped sites identified under “C” and “D” or as a minimum square off the corner and at least amalgamate with “C” in Figure 10 above. The applicant has recognised that this is a significant issue and has approached the adjoining neighbours at 60 Memorial Avenue and 3 – 5 Norfolk Street with offers to purchase on two separate occasions. A single offer was also made to the landowners at 96-98 Castlereagh Street. It is noted that these offers were either rejected or no answer was provided.

Following a review of the approaches made to the adjoining property owners, Council is of the opinion that the land valuation that informed those approaches is not satisfactory as it did not consider the appropriate value of these adjoining sites. The land valuation was based on the maximum permitted FSR achievable on the adjoining sites as stand-alone developments. However, it is considered that a fair valuation would calculate the value of these adjoining allotments assuming the benefit of the 6:1 FSR permitted following amalgamation.

Finally, in terms of determining what constitutes orderly development, it is important to consider what the likely long-term outcome of the proposal will be in the current form. As noted, 60 Memorial Avenue will not be able to take advantage of an FSR enjoyed by the subject site. On the basis that this site is in multiple ownership, with 7 registered owners under the 7 strata lots, this Lot is unlikely to redevelop if there is no incentive to do so. As a result, this existing single storey site will be dwarfed by a 15.45m high podium to the west

and a 15m high podium and a 63.08m high tower to the south. This is a poor outcome for the streetscape and a poor outcome for urban design and planning within the Liverpool City Centre that is not in keeping with the object of the Act.

On the basis that the current development proposes a pattern of redevelopment that will not result in an orderly development of the site nor the locality and that inadequate approaches have been made to the neighbouring sites to rectify this issue; the application is not considered to be worthy of support.

This recommendation is further justified noting the further variations identified in this report reinforcing the notion that the proposal does not represent an orderly development.

Following from the above, while it has been noted that the immediately adjoining neighbouring sites are not technically defined as isolated sites, the planning principle under *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 is still useful as this provides guidance as to how the neighbouring sites may be approached by way of a planning assessment with the aim of achieving orderly forms of development.

The first principle reads as follows;

Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.

Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the Environmental Planning and Assessment Act 1979.

In relation to this principle, the applicant has approached the adjoining property owners with a valuation prepared by a valuation expert and with an offer to purchase on this basis. These offers were either refused outright by the adjoining property owners or alternatively no response was received. In terms of the reasonableness of the offer, Council is of the opinion that a reasonable offer would be based on the estimated value of the neighbouring properties with consideration of the value of those sites based on the 6:1 FSR permitted

under an amalgamated site. The valuation reports prepared have not taken the amalgamated 6:1 FSR into consideration and as such the offer is not considered to be reasonable.

The second principle reads:

The key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non-compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.

To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.

The subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments.

In relation to this principle, the applicant has prepared an indication of a complying site envelope for the adjoining properties detailing adjoining properties developing up to the proposed podium level of the subject development. This envelope does not recognise that adjoining neighbours are going to seek the maximum permissible built form under the current controls, and this would result in adjoining developments with tower forms. Tower forms on adjoining allotments are not envisaged in the indicative envelope of neighbouring sites provided by the applicant. The result of this is that the current proposal has sought to vary the building separation distances to the tower component as the design assumption is that development on the subject site would preclude immediately neighbouring sites from developing tower forms. This assumption is flawed in that both 60 Memorial Avenue and an amalgamated 96-98 Castlereagh Street and 3-5 Norfolk Street would be able to achieve an adjoining residential tower on both adjoining sites. Such towers may be slender and on alternative podium forms and would likely result in a disorderly streetscape and an urban form that is not ideal but this would be the likely result for future development where the maximum development is sought on these adjoining sites.

6.2 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 One – 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 proposal does not satisfactorily respond to either its wider context or neighbouring context as follows;</p> <p><u>Wider scale:</u> As indicated in the Figure 20 below, the site represents a gateway between the residential, open space and commuter parking areas to the west with the mixed use/commercial core of Liverpool City centre to the east and north-east. The site plays an important role in the wider scale, especially in relation to the Memorial Street frontage in providing both a gateway and a link between these separate areas. However, it is considered that the design fails to provide for an appropriate built form and pedestrian entry into the Liverpool City Centre. The lack of an awning to the Memorial Avenue public footpath further detracts from the the wider context.</p> <p><u>Neighbourhood scale:</u> The neighbourhood is generally characterised by four storey residential flat building developments in the neighbouring R4 Zone to the immediate west and north west of the site and RE1 and RE2 Zoning comprising parkland and commuter parking to the south west of the site. The subject site and land to the north, south and east is identified as B4 Zoning and is an area in transition with older one and two storey mixed use developments, retail/commercial developments and residential flat buildings making way for mixed use tower developments.</p> <p>Being on the western periphery of the B4 Zone, the subject site marks a gateway between the entirely residential area with a 4-storey height to the west with the mixed use and</p>

Design Quality Principle	Comment
	<p>permitted tower form development permitted on the subject site and properties to the east.</p> <p>However, it is considered that the design fails to provide for an appropriate built form and pedestrian entry into the Liverpool City Centre. The proposal also does not provide for appropriate pedestrian amenity to the public footpath, in the form of an awning, to provide shade and weather protection along the east-west Memorial Avenue frontage.</p> <p>This frontage represents a strong pedestrian desire line, providing a pedestrian from residential areas to the west of the site into the Liverpool City Centre.</p>

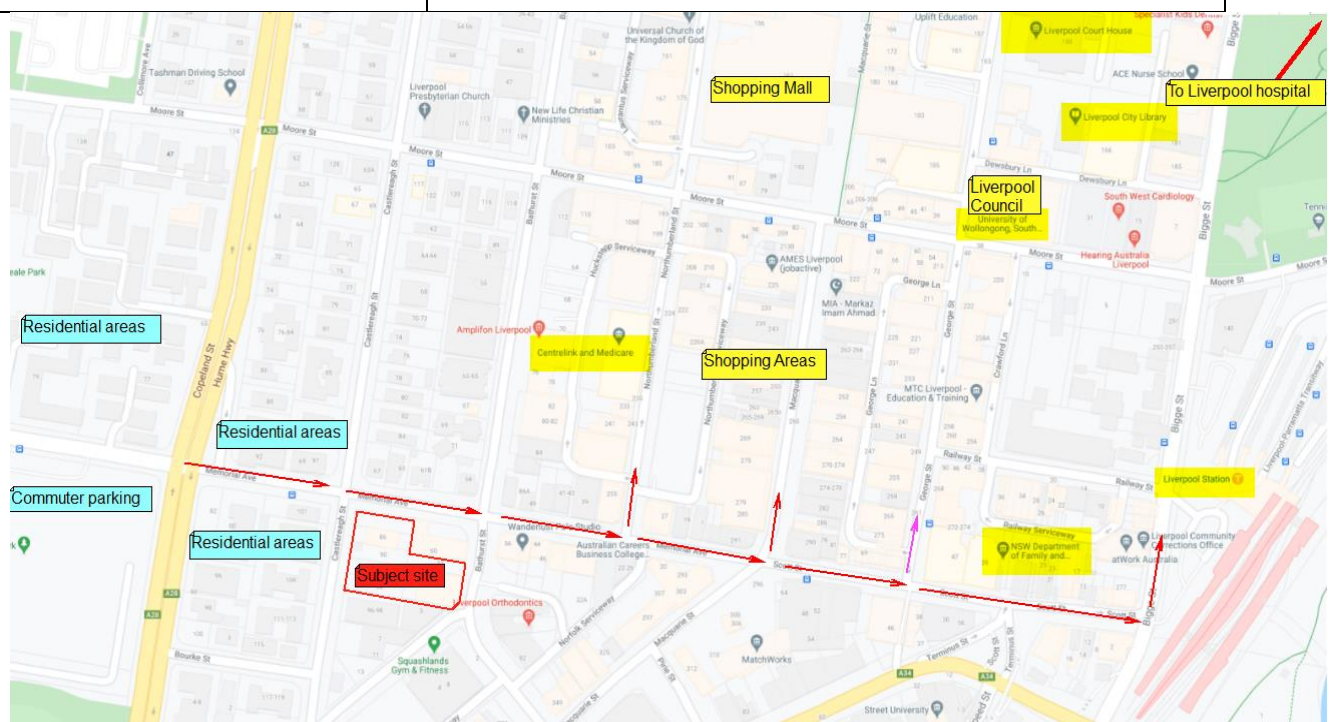


Figure 11: Wider scale context detailing points of interest and pedestrian desire lines

The image above sets out the wider scale of the area detailing the prominent location of the subject site as a gateway between the residential areas to the west and the mixed use/commercial core of Liverpool City centre to the east. Memorial Avenue functions as a prominent pedestrian and vehicular desire line linking residential areas and commuter parking areas to the west with shopping, services, University campuses, Liverpool Railway Station and Liverpool Hospital to the east and north east.

Design Principle 2 – Built form and scale	
Good design achieves a scale, bulk and height appropriate to the existing or desired future	<p>Following on from the wider context discussed above, the streetscape scale is characterised by two distinct forms;</p> <ol style="list-style-type: none"> 1. the existing streetscape along the Memorial Avenue and

<p>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>Bathurst Streets is generally single and two storey commercial development with nil boundary setbacks. This area is in transition under the current B4 zoning which permits perimeter block development with a nil boundary setback to Bathurst Street and a 3m setback to Memorial Avenue in which tower elements are further set back.</p> <p>2. the existing streetscape along Castlereagh Street is characterised by generally three and four storey residential development with greater setbacks provided along Castlereagh Street. Castlereagh Street also provides a generally unbroken avenue of street tree planting (Brushbox) along both sides of the street. This existing character on the western side of Castlereagh Street has potential to redevelop to residential flat buildings up to 35m but is unlikely to change in the short term due to the adjoining properties being residential flat buildings in multiple ownership. The eastern side of Castlereagh Street will permit a perimeter block development with a setback of 2.5m.</p> <p>The proposed development fails to respond satisfactorily to each streetscape as follows:</p> <p>Castlereagh Street</p> <p>An appropriate design response would respond to both those elements of the existing character that are likely to remain in the short term (the three and four storey residential flat buildings on the western side of Castlereagh Street immediately opposite the site) and to the future envisaged character to both the west and east of Castlereagh Street.</p> <p>The proposal does not create a building that reads as a formal podium design to Castlereagh Street. The idea of a podium is created to the Castlereagh Street frontage by proposing a differentiation in finishes rather than any formal setback of the tower element. The ground floor is setback 2.5m from Castlereagh Street, with elements of the podium set back, a minimum of 1.73m to the face of the balcony and 2.72m to the building.</p> <p>The proposal reads as a tower form when viewed from Castlereagh Street. The design has eliminated the human scale that results from a formal and defined podium. Such a form would result in a building that when viewed from street level looking either south or north along Castlereagh Street would represent a transition from three and four storey development on the western side of the street and a</p>
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	<p>23 level tower on the eastern side of the street. The lack of provision of a formal podium from which the tower form set back represents a poor outcome for the Castlereagh Street streetscape and the design does not represent an appropriate transition in terms of either the wider scale or neighbourhood scale.</p> <p>Memorial Avenue</p> <p>The treatment of the Memorial Avenue frontage is also exceeding problematic in terms of both the context and streetscape. The 10m setback from the ground floor up to Level 4 form does not activate the Memorial Avenue frontage and no weather protections is provided to pedestrians along this important east-west link.</p> <p>In addition to the lack of an awning over the public footpath to the Memorial Avenue frontage, the 10m setback from ground floor up to Level 4 will disallow a logical street edge progression of the streetscape for any future development of the adjoining site to the east, at 60 Memorial Parade. Should the current proposed 10m Memorial Street setback be approved, a logical development of 60 Memorial Avenue would necessarily continue this alignment. This would significantly impact the available ground floor area for this development and would also result in a streetscape out of keeping with both the currently existing nil boundary setbacks currently adopted by development in Memorial Avenue to the east of the site and the future envisaged 3m setbacks.</p> <p>The tower element presentation to Memorial Avenue also projects forward of the podium below (which has been setback 10 m from the property boundary). This is a poor outcome in terms of built form and character that does not respond to the human scale when viewed from street level. A more considered design approach would recess the tower element behind the podium on this elevation.</p> <p>Bathurst Street</p> <p>Except for the lack of an awning to the public footpath on Bathurst Street, the context and neighbourhood character to the ground floor treatment of Bathurst Street is satisfactory. To overcome this issue, it would be expected that a future design would extend the awning for the majority of the width of the public footpath and replace the street trees with a more mature and longer trunked</p>
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	<p>specimen with a high canopy that formed above the level of the awning.</p> <p>In terms of the human scale on Bathurst Street, the building form, setback and articulation creates a visual interest that breaks up the built form on this elevation. However, this interest is generally created by a built form that overhangs the podium and the articulation provided is unlikely to provide an appropriate human scale to the streetscape that would be created by stepping the tower back from the edge of the podium. In this regard, when viewed from street level looking south along Bathurst Street a transition from two storey development on the eastern side of the street and a three storey built form to the south of the site on the bend in Bathurst Street would line up with a 17 level tower presentation on the western side of the street. The lack of provision of a formal podium from which the tower design is set back represents a poor outcome for the Bathurst Street streetscape and the design does not represent an appropriate treatment in terms of streetscape that the visual interest created in the built form is unlikely to mitigate.</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 subject site is within walking distance to a broad array of services, retail shops, educational facilities, a library, hospital and the Liverpool Railway Station. This location can support the nominated density of the proposal.</p>
Design Principle 4 – Sustainability	
<p>Good design combines positive environmental, social and economic outcomes.</p>	<p>The development provides opportunities in this regard, as reflected within the submitted BASIX Certificate and as such, the response to sustainability is satisfactory.</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>Design Principle 5 – Landscape</p>	
<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</p>	<p>Ground Level landscape</p> <p>The location of the landscaped area within the front boundary setback does not appropriately consider the wider context and the role the site plays in addressing a primary pedestrian link from the residential neighbourhoods to the west with the mixed use/commercial core to the east. The setback negates the opportunity for an awning to the public footpath resulting in a poor outcome for pedestrians and the location of the landscaped space on the high traffic Memorial Avenue results in an area that is not private and that will likely be impacted by traffic noise. Additionally this area will essentially perform the role of de-facto outdoor seating for the proposed restaurant on the ground floor so the end usability as an available public space, or even as a useable outdoor area for residents of the building is curtailed to the extent that this landscape area should not be viewed as a common area as this area will be predominately used by restaurant patrons.</p> <p>Podium Level Landscaping</p> <p>The area set aside for landscape provision on the podium level is satisfactory. While the area provided is satisfactory, the species selected for planting is shown as indicative on the plans. The success of the southern landscaped planting bed for buffer planting between the first floor communal area and the immediately adjoining residential flat building to the south needs to be resolved to the extent</p>

interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.	that the planting will form a suitable visual and acoustic buffer while still allowing for appropriate solar access to this neighbour. The current plans do not provide a suitable level of detail to achieve this outcome.
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 design is satisfactory by optimising views and internal amenity through; generally appropriate room sizes, access to natural light and ventilation, provision of visual and acoustic privacy, the capacity to achieve appropriate provision of storage spaces and satisfactory indoor and outdoor spaces. A mixture of bedroom configurations and proposed adaptable units offer a variety of housing choice to the broader community.</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</p>	<p>The proposed Memorial Avenue landscaped street setback of 10m is a poor outcome in relation to CPTED principles. The setback creates a blind spot for pedestrians travelling in a westerly direction on the southern side of Memorial Avenue as the wall of 60 Memorial Avenue will create an area in which potential assailants can hide in wait of pedestrians progressing in this manner.</p> <p>The safety to the remaining frontages of the building and access to the car park is generally satisfactory.</p>

areas that are easily maintained and appropriate to the location and purpose.	
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>It is considered that the design provides an appropriate mix of residential apartments in terms of bedroom mix and there is opportunity for social interaction in the common areas.</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 proposed building finishes are 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 aesthetics of the building finishes are suitable. However, the building finishes and façade treatment is not in itself enough to provide a sufficient aesthetic response to the evolving character of the area and envisaged future development outcomes within the area. A design with the similar finishes and aesthetics with a formal podium with tower elements recessed from the podium edge would create a more sympathetic response to both the existing and the future envisaged streetscape.</p>

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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.

Provisions	Proposed	Complies												
2E Building depth														
Suggested maximum of 12-18m	The proposed maximum depth of the RFB component is approximately 22.5m for the eastern tower and 21.5m for the western tower. This variation is unlikely to result in an unreasonable impact on amenity.	Yes (on merit)												
2F Building separation														
<p>Minimum separation distances for buildings are:</p> <p><u>Up to four storeys (approximately 12m):</u></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms <p><u>Five to eight storeys (approximately 25m):</u></p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms <p><u>Nine storeys and above (over 25m):</u></p> <ul style="list-style-type: none"> • 24m between habitable rooms/balconies 	<p>The variations to building separation requirements are underlined in the table below.</p> <p>Separation to 60 Memorial from eastern elevation of the western tower and from the northern façade of the eastern tower:</p> <table border="1"> <thead> <tr> <th>Level</th><th>Eastern tower</th><th>Western tower</th></tr> </thead> <tbody> <tr> <td>Level 2</td><td>6m required to habitable 8.067m to window and balcony</td><td>6m required to habitable <u>Podium built on boundary</u></td></tr> <tr> <td>Level 3 (4th storey and below)</td><td>6m required to habitable 8.067m to balcony and window</td><td>6m required <u>Podium built to boundary</u></td></tr> <tr> <td>Level 4 (5th storey)</td><td>9m required to habitable <u>6.416m min to balcony</u></td><td>9m required to habitable <u>Nil setback to roof</u></td></tr> </tbody> </table>	Level	Eastern tower	Western tower	Level 2	6m required to habitable 8.067m to window and balcony	6m required to habitable <u>Podium built on boundary</u>	Level 3 (4 th storey and below)	6m required to habitable 8.067m to balcony and window	6m required <u>Podium built to boundary</u>	Level 4 (5 th storey)	9m required to habitable <u>6.416m min to balcony</u>	9m required to habitable <u>Nil setback to roof</u>	No
Level	Eastern tower	Western tower												
Level 2	6m required to habitable 8.067m to window and balcony	6m required to habitable <u>Podium built on boundary</u>												
Level 3 (4 th storey and below)	6m required to habitable 8.067m to balcony and window	6m required <u>Podium built to boundary</u>												
Level 4 (5 th storey)	9m required to habitable <u>6.416m min to balcony</u>	9m required to habitable <u>Nil setback to roof</u>												

Provisions	Proposed			Complies
<ul style="list-style-type: none">• 18m between habitable and non-habitable rooms• 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>		<u>6.66 to wall and windows</u>	<u>deck/outdoor area</u>	
	Level 5 (6 th storey)	9m required <u>6.416m to balcony</u> <u>6.66 to wall and windows</u>	9m required 19.3m at closest point	
	Level 6	9m required to habitable <u>6.416m to balcony</u> <u>6.66 to wall and windows</u>	9m required to habitable 11.055m at closest point	
	Level 7	9m required to habitable <u>6.416m to balcony</u> <u>6.66 to wall and windows</u>	9m required to habitable 10.76m to balcony	
	Level 8 (9 th storey)	12m required <u>5.66m to balcony</u> <u>6.66 to wall and windows</u>	12m required <u>10.76m to balcony</u>	
	Level 9 - 17	12m required <u>5.66m to balcony</u> <u>6.66 to wall and windows</u>	12m required <u>10.76m to balcony</u>	
	Level 18 - 23	12m required N/A as no built form	12m required <u>10.76m to balcony</u>	
	Separation to southern boundary;			

Provisions	Proposed			Complies
	Level	3-5 Norfolk Ave	96 -98 Castlereagh St	
	Level 2	6m required to habitable 8.067m to window and balcony	6m required to habitable 12.055m to wall and window	
	Level 3 (4 th storey)	6m required to habitable 6.406m to balcony and window	6m required to habitable 12.055m to wall and window	
	Level 4 (5 th storey)	9m required to habitable <u>6.106m min to balcony</u> <u>6.7m to window</u>	9m required to habitable 12.05m to balcony	
	Level 5	9m required to habitable <u>6.106m min to balcony</u> <u>6.7m to window</u>	9m required to habitable 10.9m to wall	
	Level 6	9m required to habitable <u>6.106m min to balcony</u> <u>6.7m to window</u>	9m required to habitable 10.9m to wall	
	Level 7	9m required to habitable <u>6.106m min to</u>	9m required to habitable	

Provisions	Proposed			Complies
		<u>balcony</u> <u>6.7m to window</u>	10.9m to wall	
	Level 8 (9 th storey)	12m required <u>7.007m to balcony and window</u>	12m required <u>10.86m to balcony</u> 12.059m to window at closest point	
	Level 9 - 17	12m required <u>7.006m to balcony and window</u>	12m required <u>10.86m to balcony</u> 12.059m to window at closest point	
	Level 18 - 23	12m required N/A as no built form	12m required <u>10.86m to balcony</u> 12.059m to window at closest point	

Discussion on Building Envelope:

The provision of insufficient building separation to both the 60 Memorial shared boundary and the southern shared boundary with 3-5 Norfolk Street and 96-98 Castlereagh Street is not supported as this variation would inhibit any potential tower development on both 60 Memorial Avenue and an amalgamated development on the southern side of the site. Furthermore, the design verification statement has not identified any variation to building separation.

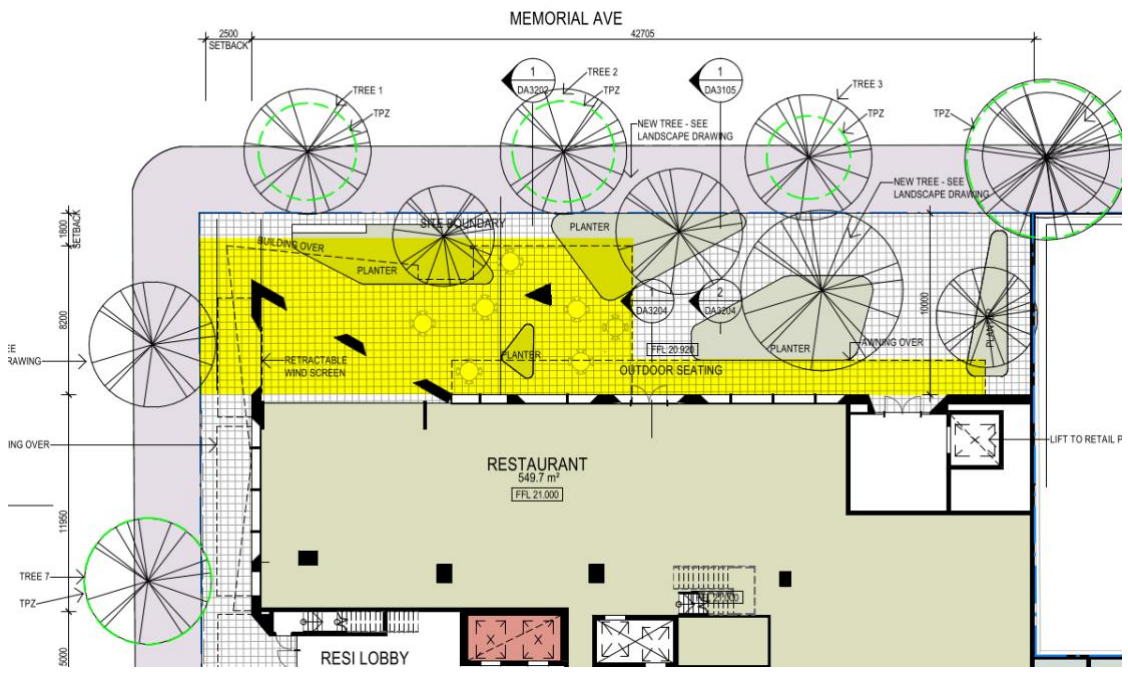
The future development capability of the adjoining site at 60 Memorial Avenue has been identified in an indicative building envelope diagram that shows development on this site only reaching the height of the proposed podium. However, this assumption is unrealistic as any development on 60 Memorial Avenue is likely to attempt to maximise the provision of residential floor space on this site and may do so by limiting floor space within the podium (with greater setbacks from the street frontage as per the proposed development) and maximising residential floor area within a slender tower form.

For instance, it could be envisaged that, to maximise potential residential floor areas, 60 Memorial Avenue could be developed with a ground floor retail/commercial floor plate with a high atrium or architectural feature proposed to form an architectural response matching

Provisions	Proposed	Complies
<p>the height of the podium on the subject site, thereby creating the potential for a tower development on this site to a height greater than the podium level on the subject site. On this basis, the proposed development must achieve boundary setbacks representing half of the required building separation to all levels.</p> <p>A similar requirement for building separation to be satisfied to the southern boundary as a tower development up to the maximum permitted height would be possible on a site comprising an amalgamated 3-5 Norfolk Street and 96-98 Castlereagh Street. This variation will form a reason for refusal.</p>		
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	As described in the assessment under Principle One – Context and Neighbourhood Character and Principle 2 – Built form and scale, above, the proposal fails to respond satisfactorily to the existing opportunities and constraints of the site.	No
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 not built to the street boundary at the ground floor level on the Memorial Avenue frontage, creating a disjointed streetscape that does not continue the retail/commercial nil street setback to the east of the site and that does not respond to the future envisaged 3m setback sought to the southern side of Memorial Avenue under the Liverpool DCP. This is a poor outcome in terms of streetscape, especially when viewed from ground level and will result in a poor outcome for the activation of the Memorial Avenue frontage and the provision of poor pedestrian amenity to Memorial Parade.	No
3B-2 Overshadowing of neighbouring properties is minimised during mid-winter	<p>The proposal allows for the provision of a minimum of 3 hours of solar access to adjoining residential neighbours to the south at 96-98 Castlereagh Street and the approved tower development forming the end of the street block at 7-13 Norfolk Street.</p> <p>The existing commercial building to the immediate south at 3-5 Norfolk Street is built to the shared boundary and will therefore not be impacted by</p>	Yes

Provisions	Proposed	Complies
	overshadowing from the north. Any future development on this site with northern facing windows will be significantly overshadowed by the eastern tower and western facing windows will be significantly overshadowed by the western tower.	
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	The proposed interface with Memorial Avenue and the transition between the proposed 10m Memorial Avenue setback and the existing nil boundary setback to 60 Memorial Avenue is a poor outcome that creates a blind spot and detracts from safety.	No
3C-2 Amenity of the public domain is retained and enhanced	The proposal does not provide for satisfactory amenity of the public domain along the Memorial Avenue frontage. Provision of appropriate amenity to the remaining interfaces to the public domain on Bathurst Street and Castlereagh Street is also not appropriately resolved. As described above, the site is located in an area that provides a prominent pedestrian link from residential areas to the west, south-west and north-west to mixed use/commercial core within the Liverpool City Centre. As such, it is vital that the proposal provides for a built form capable of activating the street frontage and providing an awning over the public footpath on all frontages in order to increase the amenity of the public domain by providing for weather protection (both from the sun and rain). The lack of awnings over the public footpath fails to achieve appropriate public domain amenity.	No
3D Communal and public open space		
Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for	The minimum communal open space of 25% of the site of 4333m ² is 1083.25m ² . As indicated in the table below, the proposal provides in excess of the minimum	Yes

Provisions	Proposed		Complies
landscaping. 1. Communal open space has a minimum area equal to 25% of the site. 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)	communal open space required.		
	Space	COS Area m ²	
	Podium level 1	1219.4	
	Memorial Avenue frontage restaurant Seating/under awning area	193.9	
	Memorial Avenue frontage area not set aside for restaurant seating (not included in total, see discussion below)	260.5	
	Podium level 4	288.5	
	Total COS	1768.4	
	The podium communal open space on both Level 1 and level 4 receive sufficient solar access for 2 hours between 9am and 3pm.		
<u>3D- Communal and public open space discussion:</u>			
The image below is an excerpt from Future Developments Ground Floor, drawing DA2200 Issue 1 with the extent of outdoor seating area immediately in front of the restaurant highlighted in yellow. Represented numerically, the restaurant outdoor seating area comprises 193.9m ² and the remaining area for communal use is 260.5m ² . It is considered that this Memorial Avenue front setback area does not satisfy the aim that areas for communal use be equitable as this area is likely to be used predominately as external seating for the restaurant use as highlighted in the image below.			

Provisions	Proposed	Complies
	 <p>Irrespective of the above, the Memorial Avenue setback area is not required for the provision of communal open space as the remaining area of COS provided within the front setback and on Level 1 and Level 4 of the podium represents 40.81% of the site area.</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>Communal open spaces is provided on Level 1 with an outdoor open space, landscaped areas, BBQ area and swimming pool provided. An indoor gym is also provided on this level.</p> <p>A separate outdoor roof deck is also provided on Level 4.</p>	Yes
Objective 3D-3 Communal open space is designed to maximise safety	<p>The communal open space is located on top of the podium and will be accessible only to residents. This communal area is also overlooked from balconies and windows of the eastern and western tower providing for an appropriate level of safety to these podium level open space areas.</p>	No
Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	<p>No public open space is provided as part of the proposal. The provision of publicly accessible open space within the Memorial Avenue frontage is within the boundary of the site and is identified as private land.</p>	N/A
3E Deep soil zones		

Provisions			Proposed	Complies
Deep soil zones are to meet the following minimum requirements:			<p>This section of the ADG notes that:</p> <p><i>Achieving the design criteria may not be possible on some sites including where:</i></p> <ul style="list-style-type: none"><i>the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)</i><i>there is 100% site coverage or non-residential uses at ground floor level</i> <p><i>Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved, and alternative forms of planting provided such as on structure.</i></p> <p>The subject site provides for deep soil planting within the Memorial Avenue frontage. However, as the site is located within the Liverpool City Centre and development to the street boundary is preferred on the ground floor, the landscaping provided within the generously proportioned planter beds on Level 1 is considered to be adequate for the proposal in accordance with this section of the ADG.</p>	Yes
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)		
Less than 650m ²	-	7%		
650m ² to 1500 m ²	3m			
Greater than 1500 m ²	6m			
Greater than 1500 m ² with significant tree cover	6m			
3F Visual Privacy				

Provisions	Proposed	Complies												
<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"> <thead> <tr> <th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non Habitable Rooms</th></tr> </thead> <tbody> <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> </tbody> </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>As indicated in the assessment under 2F above, the proposal does not provide for sufficient shared building separation distances.</p> <p>In addition to this, insufficient detail has been provided in relation to species selection to demonstrate that the landscaped planting bed for the provision of buffer planting is sufficient enough to provide for suitable privacy (while not reducing solar access) to the existing residential neighbour at 96-98 Castlereagh Street.</p>	No
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>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</p>	<p>The site and building design elements allow access to light and air both within the site and for residential neighbours.</p>	Yes												
3G Pedestrian Access and Entries														
<p>Objective 3G-1 Building entries and pedestrian access connects to and addresses the public</p>	<p>As discussed above, the proposal does not satisfactorily address Memorial Avenue.</p> <p>The building entries and pedestrian access</p>	No												

Provisions	Proposed	Complies
domain.	to Castlereagh Street and Bathurst Street are appropriate.	
Objective 3G-2 Access, entries and pathways are accessible and easy to identify	<p>The geometry of the planting beds and pathways within the Memorial Avenue setback do not allow for direct access from the public footpath to the restaurant entry which makes this entry hard to identify.</p> <p>The building entries to Castlereagh Street and Bathurst Street are straightforward and appropriate.</p>	No
Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations	No pedestrian link is provided through the site between Bathurst Street and Castlereagh street.	No
3H Vehicle Access		
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	The location of the car park and loading area entry on the southern side of the Castlereagh Street frontage is the most appropriate location for vehicular access to the site in terms of minimising traffic conflicts. However, in relation to streetscape, it is not ideal that the driveway crossing requires the removal of two street trees that form part of a consistent street planting for this section of Castlereagh Street.	No
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 	<p>Car parking for the RFB and use has been provided in accordance with the Liverpool LEP and is located on basement levels 1, 2 and 3, with direct lift access to lobbies on the ground floor and to floor areas above.</p> <p>Arrangements for the provision of shared basement access from the subject site to the neighbouring sites of 60 Memorial Avenue and 3-5 Norfolk Street has been provided on Level 1 of the basement. This arrangement has been provided for 60 Memorial Avenue as this corner site has vehicular access restrictions to all</p>	Yes

Provisions	Proposed	Complies
<p>Area; or</p> <ul style="list-style-type: none"> 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>	frontages. This arrangement has been provided for 3-5 Norfolk Street as this site is of insufficient dimensions to allow for the provision of a basement access ramp and basement parking.	
Objective 3J-2 Parking and facilities are provided for other modes of transport	162 Bicycle lockers are provided exceeding the 132 required under the Liverpool DCP. Each level also provides 16 motorcycle parking spaces.	Yes
Objective 3J-3 Car park design and access is safe and secure	<p>The car parks are secured with a remote-control gate. An indication as to how access is to be provided for retail parking, loading and services has not been provided.</p> <p>The traffic report accompanying the application has indicated that the basement design, manoeuvrability and aisle widths are satisfactory.</p>	Insufficient information
Objective 3J-4 Visual and environmental impacts of underground car -parking are minimised	The basement carpark is a true basement that does not interfere with ground floor levels to the extent that ramping is required for access into the building. This is a good outcome.	Yes
Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised	All car-parking is located within the basement.	Yes

Provisions	Proposed	Complies
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>	At least 92.4% of the residential apartments achieve two hours of solar access between 9am and 3pm in midwinter.	Yes
<p>2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</p>	No more than 7.6% of apartments receive no direct sunlight.	Yes
<p>Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months</p>	The western façade of the western tower is protected from the harsh western summer sun by deep balconies which shade western facing windows.	Yes
4B Natural Ventilation		
<p>Objective 4B-1 All habitable rooms are naturally ventilated.</p>	Openable windows are proposed for all habitable rooms	Yes
<p>Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation</p>	Openable windows are proposed for all habitable rooms and living spaces wrap around balconies to provide openable windows to two sides.	Yes
<p>Objective 4B-3 The number of apartments with natural cross ventilation is maximised</p> <p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the</p>	At least 78.8% of apartments are considered to be naturally ventilated.	Yes

Provisions	Proposed	Complies
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		
4C Ceiling Heights		
<p>Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access</p> <p>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p>	The floor-to-floor heights of 3.1m on residential levels will allow 2.7m ceilings to all living areas and bedrooms	Yes

Provisions		Proposed	Complies
Minimum ceiling height			
Habitable rooms	2.7m		
Non-habitable	2.4m		
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area		
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope		
If located in mixed use areas	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		A 2.7m floor to ceiling height is achieved for all apartments.	Yes
Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building.		Retail tenancies on the ground floor level of the building have 5m ceiling heights with the restaurant provided with 4.6m on the ground floor. Residential apartments have 3.1m floor to floor heights and should provide for sufficient flexibility in achieving appropriate floor to ceiling heights.	Yes
4D Apartment Size and Layout			

Provisions	Proposed	Complies																																																									
<p>Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p> <p>1. Apartments are required to have the following minimum internal areas:</p> <table><tr><th>Apartment Type</th><th>Minimum Internal</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedrooms</td><td>70m²</td></tr><tr><td>3 bedrooms</td><td>90m²</td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each</p>	Apartment Type	Minimum Internal	Studio	35m ²	1 bedroom	50m ²	2 bedrooms	70m ²	3 bedrooms	90m ²	<p>As shown on the table below, all units are above the minimum requirement for each bedroom type.</p> <table><tr><th rowspan="2">Typical Levels</th><th colspan="3">Unit Area by Bedroom Types (m²)</th></tr><tr><th>1br</th><th>2br</th><th>3br</th></tr><tr><td>1</td><td>All >51.2</td><td>All >76.7</td><td>All >95.5</td></tr><tr><td>2</td><td>All >51.2</td><td>All >76.7</td><td>All >95.5</td></tr><tr><td>3</td><td>All >51.2</td><td>All >76.7</td><td>All >95.5</td></tr><tr><td>4</td><td>N/A</td><td>All >74.2</td><td>All >96.2</td></tr><tr><td>5</td><td>N/A</td><td>All >72.5</td><td>All >97.6</td></tr><tr><td>6</td><td>N/A</td><td>All >72.5</td><td>All >97.6</td></tr><tr><td>7</td><td>N/A</td><td>All >72.5</td><td>All >97.6</td></tr><tr><td>8</td><td>N/A</td><td>All >72.5</td><td>N/A</td></tr><tr><td>9-17</td><td>All >54.1</td><td>All >72.5</td><td>All >99</td></tr><tr><td>18-23</td><td>N/A</td><td>All >72.5</td><td>N/A</td></tr></table>	Typical Levels	Unit Area by Bedroom Types (m ²)			1br	2br	3br	1	All >51.2	All >76.7	All >95.5	2	All >51.2	All >76.7	All >95.5	3	All >51.2	All >76.7	All >95.5	4	N/A	All >74.2	All >96.2	5	N/A	All >72.5	All >97.6	6	N/A	All >72.5	All >97.6	7	N/A	All >72.5	All >97.6	8	N/A	All >72.5	N/A	9-17	All >54.1	All >72.5	All >99	18-23	N/A	All >72.5	N/A	Yes
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<p>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</p>	<p>All habitable rooms are provided with windows.</p>	Yes																																																									

Provisions	Proposed	Complies
air may not be borrowed from other rooms		
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.	Living rooms, dining rooms and bedrooms are a maximum of 6.75m from the facade.	Yes
2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	The rear walls of a number of kitchen areas exceed 8m with up to 8.5m proposed for some units.	No
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)	As shown on the architectural plans, all master bedrooms have a minimum area of 10m ² and all other bedrooms are at least 9m ²	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 apartments	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
4E Private Open Space and Balconies		
Objective 4E-1 Apartments provide appropriately sized	As shown on the architectural plans, balconies are provided as follows with the	No

Provisions			Proposed				Complies
private open space and balconies to enhance residential amenity 1. All apartments are required to have primary balconies as follows:			variations underlined:				
			Typical Levels	POS area by Bedroom Types (m ²) and minimum dimension (m)			
Dwelling Type	Minimum Area	Minimum Depth	1br	2br	3br		
Studio	4m ²	-	1	All >8.4 <u>Min 1.96</u>	All >10 <u>Min 1.1</u>	All> 13.1 Min 2.44	
1 br	8m ²	2m	2	All >8.4 <u>Min 1.96</u>	All >10.1 <u>Min 1.1</u>	All >22.5 <u>Min 1</u>	
2 br	10m ²	2m	3	All >8.4 <u>Min 1.96</u>	All >10.1 <u>Min 1.1</u>	All >22.5 <u>Min 1</u>	
3 br	12m ²	2.4	4	N/A	All >10.1 <u>Min 1</u>	All >22.5 Min 2.4	
The minimum balcony depth to be counted as contributing to the balcony area is 1m			5	N/A	All >10.1 <u>Min 0.9</u>	All >13.2 <u>Min 2.3</u>	
			6	N/A	All >10 <u>Min 0.9</u>	All >13.2 <u>Min 2.3</u>	
			7	N/A	All >10 <u>Min 0.46</u>	N/A	
			8	All >11.7 <u>Min 0.85</u>	All >14.5 <u>Min <1</u>	All >12.8 <u>Min 1.9</u>	
			9-17	All >11.7 <u>Min 0.85</u>	All >14.5 <u>Min >1</u>	All >12.8 <u>Min 1.9</u>	
			18-23	N/A	All >10 <u>Min >1</u>	N/A	
			While generally complying with balcony area as described in the table above, multiple balcony widths do not comply with the minimum depths. For a proposal that provides balconies forward of the podium creating a dominant tower form to				

Provisions	Proposed	Complies
	simultaneously not satisfy minimum balcony depths is a poor design outcome and is not supported.	
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 15m ² and a minimum depth of 3m	Where units face on to the podium, terraces with an appropriate area and minimum dimension are provided.	Yes
Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents 1. Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space	All primary balconies and terraces are located adjacent to a living space.	Yes
Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	The balconies form an integral part of the building design.	Yes
Objective 4E-4 Private open space and balcony design maximises safety	Balcony balustrades are shown at 1m in height. Any future consent would be required to demonstrate compliance with the NCC/BCA in regard to required balustrade heights.	Yes
4F Common Circulation and Spaces		
Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments 1. The maximum number of apartments off a circulation core on a	The eastern tower proposes up to 10 units per floor.	No

Provisions	Proposed	Complies										
single level is eight.												
2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	The western tower provides 2 lifts servicing 92 apartments. Three (3) lifts would be required for this tower to satisfy the ADG. The eastern tower provides 4 lifts servicing 172 apartments. Five (5) lifts would be required for this tower to satisfy the ADG.	No										
Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents	The ground floor lobbies have been designed to allow a direct, clear and legible access from the street. The lobby area also includes the provision of mailboxes.	Yes										
4G Storage												
Objective 4G-1 Adequate, well designed storage is provided in each apartment. 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><td>Dwelling Type</td><td>Storage Size Volume</td></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bedroom</td><td>6m³</td></tr><tr><td>2 bedrooms</td><td>8m³</td></tr><tr><td>3 bedrooms</td><td>10m³</td></tr></table> At least 50% of the required storage is to be located within the apartment.	Dwelling Type	Storage Size Volume	Studio	4m ³	1 bedroom	6m ³	2 bedrooms	8m ³	3 bedrooms	10m ³	A number of units, especially the one bedroom units appear to fall short of the minimum required storage space internally. This is made up by the provision of sufficient storage lockers within the basement levels. However, the designation of the storage lockers is unclear and should be detailed appropriately as there is the potential for basement storage lockers to not be associated with the residential car parking space assigned to each unit, meaning that storage lockers could potentially be on the opposite side of the basement (or on another basement level entirely) to the assigned car parking space. This could be overcome by requiring all designated residential car parking spaces to be amended to show a storage cage at the end of the car parking space. This would require amendment of the basement car parking plan and would require the provision of a minimum of one parking space to each residential apartment.	No
Dwelling Type	Storage Size Volume											
Studio	4m ³											
1 bedroom	6m ³											
2 bedrooms	8m ³											
3 bedrooms	10m ³											
Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	Lockers are proposed in the basement, but these are not nominated for the use of specific residential apartments.	No										

Provisions	Proposed	Complies
4H Acoustic Privacy		
Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout.	The loading docks are fully enclosed within the building to minimise noise transfer. These are located below two floors away from residential uses.	Yes
Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	There do not seem to be any major acoustic clashes through apartment layouts. Some living areas share walls with a bedroom in a neighbouring apartment, but this is not likely to result in major issues.	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	No significant noise concerns have been identified in the acoustic engineering report on the basis that the construction is in accordance with the recommendations of this report.	Yes
Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	This item is a matter for any future Construction Certificate application.	Yes
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 mix of 1, 2, and 3 bedroom apartments is provided.	Yes
Objective 4K-2 The apartment mix is distributed to suitable locations within the building	Apartment types are mixed throughout the building 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.	The building facades provide visual interest. However, it was concluded that the proposal does not respect either the existing or the future envisaged character	No

Provisions	Proposed	Complies
	of the area.	
Objective 4M-2 Building functions are expressed by the facade	<p>Residential building entries are clearly defined however the restaurant entry is unclear.</p> <p>The amount of horizontal articulation provided for the proposed tower elements is not sufficient enough to clearly distinguish the podium from the tower form. The attempt to delineate the podium from the tower element predominately through the use of alternative finishes is not considered to be sufficient.</p>	No
4N Roof Design		
Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street	Roof treatments are satisfactory.	Yes
Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised	The main podium space is given over to communal open space for residents.	Yes
Objective 4N-3 Roof design incorporates sustainability features	The roof area of both towers is provided with significant solar panels.	Yes
4O Landscape Design		
Objective 4O-1 Landscape design is viable and sustainable	The landscape plan has not been fully resolved to identify species that are proposed to be used. Additional information is required, nominating all species and the location of these species within the identified planting beds.	No
Objective 4O-2 Landscape design contributes to the streetscape and amenity	<p>The landscape design is not useful for streetscape amenity to Memorial Avenue as this area would be better utilised for retail built to the boundary with an awning provided to the public footpath.</p> <p>Appropriate amenity is provided by the landscaped area on Level 1 of the podium.</p>	No
4P Planting on Structures		

Provisions	Proposed	Complies
Objective 4P-1 Appropriate soil profiles are provided	The landscape plan has not been fully resolved in this regard however the extent and depth of the planning beds provided should enable the provision of appropriate landscaping on the podium.	Yes
Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance	Only an indicative species selection has been provided on the landscape plan. As such no assessment can be made in relation to the appropriateness of the planting.	No
Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	Should suitable, low maintenance, long liver species be proposed there is no reason to doubt that the planting will contribute to resident amenity. Details of this planting must be provided.	No
4Q Universal Design		
Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	The apartment design provides suitable flexibility.	Yes
Objective 4Q-2 A variety of apartments with adaptable designs are provided	24 apartments (9.09%) of the units are adaptable and 29 accessible car parking spaces are provided.	Yes
Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	The design offers a diverse range of apartment types, with a series of alternative layouts within some apartment types.	Yes
4S Mixed Use		
Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Active frontages are provided to the Castlereagh Street and Bathurst Street frontages. As indicated previously the Memorial Avenue frontage is not activated appropriately.	No
Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for	Residential entries are separated from commercial entries and are directly accessible from the street. Commercial service areas are separated from residential areas and security at entries	Yes

Provisions	Proposed	Complies
residents	and safe pedestrian routes are provided.	
4T Awnings and Signage		
Objective 4T-1 Awnings are well located and complement and integrate with the building design	Memorial Avenue is not provided with an awning over the public footpath and there is insufficient provision of awnings over the footpath in Bathurst and Castlereagh Streets. This is a poor outcome.	No
Objective 4T-2 Signage responds to the context and desired streetscape character	Signage has not been proposed.	N/A
4U Energy Efficiency		
Objective 4U-1 Development incorporates passive environmental design	The proposal satisfies Basix requirements.	Yes
Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	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 balconies to each apartment provide for shading in summer and solar access in winter.	Yes
Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	Refer to BASIX assessment	Yes
4V Water Management and Conservation		
Objective 4V-1 Potable water use is minimised	Refer to BASIX assessment	Yes
Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters	Application referred to Council's Development Engineering Team who have indicated that the proposal does not provide sufficient detail in relation to the disposal of stormwater.	No
Objective 4V-3 Flood management systems are integrated into site design	The site is not flood affected.	N/A
4W Waste Management		
Objective 4W-1 Waste storage	Waste management is handled entirely	No

Provisions	Proposed	Complies
facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	within the building envelope and screened from external view. Council's Waste Management Section have indicated that additional details are required in relation to waste to ensure resident amenity.	
Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	Separate facilities and rooms for commercial and residential waste is provided and a separate room for bulky waste is also provided.	Yes
4X Building Maintenance		
Objective 4X-1 Building design detail provides protection from weathering	Robust finishes have been selected for maintenance and high durability	Yes
Objective 4X-2 Systems and access enable ease of maintenance	Stair access is provided to rooftop plant and equipment. Other services areas are located within the podium or basements of each building.	Yes
Objective 4X-3 Material selection reduces ongoing maintenance costs	The finishes selected appear to offer an appropriate level of robustness.	Yes

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

The objectives of SEPP 55 are:

- *to provide for a state-wide planning approach to the remediation of contaminated land.*
- *to promote the remediation of contaminated land 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.

The applicant provided a Remediation Action Plan dated 19 August 2019 prepared by EI Australia, Report No: E24273.E06, following the preparation of a Preliminary Site Investigation and a Detailed Site Investigation. The report concluded that;

Based on the information available from previous investigations at the site, this RAP has

been prepared to inform the remediation works at 86-94 Castlereagh and 77-79 Bathurst Street, Liverpool NSW. Demolition of site structures and removal of underground storage tanks, waste oil separators, vehicle hoists and underground petroleum storage systems is required to remediate the site to a condition suitable for the proposed mixed residential/commercial use.

The preferred approach involves excavation and offsite disposal of impacted fill materials. Groundwater beneath the site has been found to be suitable for the proposed use, however, may require additional assessment once remediation is complete. It is envisaged that the remediation works will be implemented in stages, as follows:

- *Demolition of structures*
- *Decommissioning of UPSS/UST*
- *Additional Assessment*
- *Waste Management*
- *Excavation*
- *Validation*

Material management procedures are provided to characterise soil for offsite disposal, and contingency measures are provided for any unexpected finds. In summary, EI considers that the site can be made suitable for the proposed mixed commercial and residential land use through the implementation of the works described in this RAP.

Council's Environmental Health Branch has reviewed the documentation provided by the applicant and supports the application, subject to conditions.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55 as it is considered that the subject site can be made suitable for the proposed development, subject to conditions requiring remediation of the site in accordance with the submitted RAP and related validation conditions.

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

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

When a consent authority determines a development application planning principle are to be applied (Clause 7(2)). Accordingly, a table summarising the matters for consideration in determining development application (Clause 8 and Clause 9), and compliance with such is provided below.

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application
(a) the aims, objectives and planning principles of this plan	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas	The proposal provides soil and erosion control measures.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries	Council's Engineers have requested additional information. The concept stormwater management plan is not fully resolved.
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)	Council's Engineers have requested additional information. The concept stormwater management plan is not fully resolved.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice	Council's Engineers have requested additional information. The concept stormwater management plan is not fully resolved.
(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 that is permissible within the zone.

Clause 9 Specific Principles	Comment
(1) Acid sulphate soils	The site is not affected by acid sulphate soils.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.

(3) Flooding	The site is not affected by flooding.
(4) Industrial discharges	Water table and surface flows relating to the existing service station use and potential remediation of this use are addressed in the Remediation Action Plan.
(5) Land degradation	An erosion and sediment control plan has been lodged in relation to the proposal.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Council's Engineers have requested additional information. The concept stormwater management plan is not fully resolved.
(10) Urban development areas	The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy. The site is not identified as being an Urban Release Area under LLEP 2008.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	Council's Engineers have requested additional information. The concept stormwater management plan is not fully resolved.
(13) Wetlands	Not applicable.

The application has provided insufficient information to demonstrate compliance with the provisions of the GMREP No.2.

(d) Liverpool Local Environmental Plan 2008

(i) Aims of the Plan

The Aims of the Liverpool Local Environmental Plan as per Clause 1.8 of LLEP 2008 are as follows:

- (a) to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Liverpool,*

- (b) to foster economic, environmental and social well-being so that Liverpool continues to develop as a sustainable and prosperous place to live, work and visit,*
- (c) to provide community and recreation facilities, maintain suitable amenity and offer a variety of quality lifestyle opportunities to a diverse population,*
- (d) to strengthen the regional position of the Liverpool city centre as the service and employment centre for Sydney's south west region,*
- (e) to concentrate intensive land uses and trip-generating activities in locations most accessible to transport and centres,*
- (f) to promote the efficient and equitable provision of public services, infrastructure and amenities,*
- (g) to conserve, protect and enhance the environmental and cultural heritage of Liverpool,*
- (h) to protect and enhance the natural environment in Liverpool, incorporating ecologically sustainable development,*
- (i) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires,*
- (j) to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas.*

The assessment under this report will set out how the proposed development fails to satisfy the following aim of the Liverpool LEP 2008;

(j) to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas.

The proposal does not appropriately respond to either the existing or future envisaged character of the area in terms of the wider context, neighbourhood context or in relation to streetscape. These issues are discussed above in the assessment under SEPP 65 and the associated ADG.

The proposal will result in a development that has limited regard to the existing subdivision pattern to the extent that it will impinge on the potential of neighbouring sites to develop in accordance with the planning controls relating to the desired future character of the area. This predominantly relates to the lack of adequate building separation required to all neighbouring allotments.

The proposed design does not adequately address the Memorial Avenue frontage and does not provide an awning over the public footpath along existing pedestrian desire lines that should be encouraged as part of new development. This poor amenity outcome is a direct result of the variation to setback and results in a poor outcome for the future character of the area.

(ii) Objectives of the zone

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

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To allow for residential and other accommodation in the Liverpool city centre, while maintaining active retail, business or other non-residential uses at street level.*
- *To facilitate a high standard of urban design, convenient urban living and exceptional public amenity.*

The proposed development does not satisfactorily satisfy the following objectives of the zone (emphasis added to illustrate specific parts of each objective):

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To allow for residential and other accommodation in the Liverpool city centre, while maintaining active retail, business or other non-residential uses at street level.*
- *To facilitate a high standard of urban design, convenient urban living and exceptional public amenity.*

The development does not suitably provide for pedestrian amenity, especially to the public footpath along Memorial Avenue. The lack of appropriate street activation and the lack of provision of an awning over the public footpath will not encourage pedestrians to utilise the Memorial Avenue footpath. The 10m setback of the restaurant use to the Memorial Avenue frontage does not suitably activate this street frontage and results in public safety concerns.

The proposed built form is not considered to present a high standard of urban design as it is not consistent with the design quality principles of SEPP 65 and does not satisfy the requirements of the Apartment Design Guideline.

The proposed built form does not provide a setback of the tower elements from the podium. The tower forms are generally closer to the street frontages than the podium resulting in no definition between the podium and the tower. This results in a dominant tower form presenting directly to the street frontages, resulting in a poor urban design outcome in terms of the streetscape and the human scale when viewed from street level.

(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.	Demolition of the existing buildings and structures on site and the remediation of the site following the demolition of the service station form part of this proposal.	Yes
Clause 4.3 Height of Buildings	80m	Western Tower = 80m Eastern Tower = 63.08m	Yes
Clause 4.4 Floor Space Ratio	Under Clause 4.4(2B)(e) the maximum permitted FSR for this site, being that it has a site area > 2500m ² is 6:1.	Total FSR proposed 6:1	Yes
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.	A heritage report has been submitted in relation to the nearby heritage listed dwelling house to the south-west of the site at 115 Castlereagh Street. The proposal will not unreasonably impact on this heritage item.	Yes
7.1 Objectives for Development in Liverpool City Centre	Before granting consent for development on land in the Liverpool city centre, the consent authority must be satisfied that the proposed	As indicated previously in this report, the proposal represents a disorderly development of the site and locality and does not respond appropriately to the existing or future envisaged character of the area. Of particular note, the proposal will	No

	<p>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 activity,</p> <p>(c) 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</p>	<p>not reinforce the street character through consistent building alignments and will therefore not satisfy objective (a).</p>	
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	<p>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>		
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.	N/A
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 Commercial Core	With the exception of residential development, which is catered for within Council's DCP, the proposal generates a demand of 17 car parking spaces on the ground floor. Sufficient car parking is provided on site in relation to this clause.	Yes

	<p>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. 		
Clause 7.4 Building Separation in Liverpool City Centre	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	<p>Building separation (<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>) is required to be provided in the form of 6m for levels 7 – 13 and 14m for levels 14 and above.</p> <p>The proposal does not provide the required shared 14m building separation (half of 28m) from any</p>	Yes, but not supported

	<p>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>potential future neighbouring tower to the adjoining site at 60 Memorial Avenue or either of the adjoining neighbours to the south.</p> <p>In this regard, rather than providing 14m to neighbouring sites, a minimum of;</p> <ul style="list-style-type: none"> • 5.666m is provided to the shared boundary with 60 Memorial Avenue; • 7.006m is provided to the shared boundary with 3-5 Norfolk Street; and • 11m is provided to the shared boundary with 96-98 Castlereagh Street. <p>It should be noted that the proposed development does not contravene the development standard as there are no buildings greater than 45 metres on any of the neighbouring sites.</p> <p>However it is noted that the failure to provide 50% of the required building separation under this clause of the LEP will further prejudice development on adjoining sites, requiring any future tower development on those neighbouring sites to provide greater setbacks to meet this provision.</p> <p>As such, the proposed building setbacks are not supported.</p>	
Clause 7.5 Design Excellence in Liverpool City Centre	(a) whether a high standard of architectural design, materials and detailing	The building materials selected is appropriate	Yes

	appropriate to the building type and location will be achieved,		
	(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	As indicated extensively elsewhere in this report, the 10m setback to podium along Memorial Avenue and the lack of awning provision over the public footpaths fronting the site is a poor outcome in relation to the public domain.	No
	(c) whether the proposed development detrimentally impacts on view corridors,	The proposed development is unlikely to impact on view corridors from street level looking towards the subject site from any of the surrounding street grid.	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),	The proposal is in a location where these identified areas are not impacted.	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. The proposal results in a number of variations to the LDCP 2008.	No
	(f) how the proposed development addresses the following matters	(i) The site is not suitable for the development as it will result in the disorderly development of the street block. This is discussed in this report.	No

	<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 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</p>	<p>(ii) The proposal is a mixed use development combining residential, commercial and restaurant uses</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 a listed heritage item, which will not be adversely impacted as a result of the proposal.</p> <p>(iv) The site has been not been designed in conjunction with potential future development of adjoining lots and does not provide suitable setbacks to achieve a 50% share of the required building separation under both the LLEP and the ADG.</p> <p>(v) The proposed building bulk, massing and modulation is generally appropriate but requires some resolution to achieve an appropriate urban form outcome with the relationship between the podium and the tower elements.</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 address sustainable design, overshadowing, wind and reflectivity. It is noted that elements of the proposal have not been tested under the submitted Wind report and conditions relating to balcony treatment under Section 8 of this report may change the external appearance of the building. This should be addressed</p>	
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	<p>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>and considered prior to determination.</p> <p>(viii) The design makes satisfactory use of natural resources by providing a satisfactory response to solar and cross ventilation requirements of the ADG, a complying BASIX certificate and the provision of solar panels on the roof.</p> <p>(ix) While Council's Traffic Engineer has raised no issues in relation to the proposal, the RMS have requested additional data. Additional information is also required in relation to the capacity of waste vehicles to service the site.</p> <p>(x) The proposal will generally not improve the public domain.</p>	
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 both Memorial Avenue and Castlereagh Street that is greater than 24 metres.	Yes
Clause 7.16 Ground floor development in Zones B1, B2 and B4	<p>Development consent must not be granted for development for the purposes of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building:</p> <p>(a) will not be</p>	<p>a) Residential accommodation is not proposed on the ground floor.</p> <p>b) The ground floor uses will have pedestrian entrances to all frontages.</p>	Yes

	<p>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 Airports Act 1996 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 proposal is not within prescribed airspace for the purposes of the Airports Act. The height of the OLS is just below the 140 AHD contour. With a maximum building height of RL 100.8 AHD the proposal is significantly below the prescribed airspace.</p>	Yes
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</p>	<p>A geotechnical report has been lodged in support of the proposal. This report does not discuss salinity and the site is identified as being moderately impacted by salinity. It is considered that additional geotechnical advice is required in relation to salinity.</p>	No

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

No draft Environmental Planning Instruments applies to the site.

6.4 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
Section 2. Tree Preservation	Controls relating to the preservation of trees	Two established street trees (brushbox) are proposed to be removed to make way for the driveway	No
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Detailed landscaping assessment is provided under Part 4 of the DCP assessment in the table below	See assessment below
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.	Council's Land Development Engineer requires additional information and detail in relation to the stormwater disposal in order to provide a full assessment of the proposal.	No

Section 7. Development Near Watercourse	a	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.	A Sediment & Erosion Control Plan has been provided	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.	A Remediation Action Plan (RAP) has been prepared to make the land suitable for the proposed development.	Yes
Section 11. Salinity Risk		Provisions relating to development on saline land.	The development site is identified as containing a moderate salinity potential. An additional geotechnical response is required demonstrating that salinity has been appropriately considered.	No

Section 12. Acid Sulphate Soils	<p>Any acid sulphate soils analysis, assessments and management plans shall be undertaken or prepared by an appropriately qualified professional with experience in acid sulphate soils analysis and assessments as well as the preparation of acid sulphate soils management plans.</p> <p>Council may require monitoring reports on the implementation of an acid sulphate soils ma</p>	The site is not impacted by Acid Sulphate soils	N/A
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 application proposes demolition and a suitable plan has been submitted. Additional detail is required in relation to the disposal of non-contaminated construction waste.	No. Additional information required
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 18. Notification of Applications	Provisions relating to the notification of applications.	The proposal was notified in accordance with this section of the DCP. Note that this section of the DCP has since been replaced by the Liverpool Community Participation Plan 2019.	Yes
Section 19. Used Clothing Bins	Provisions relating to used clothing bins.	The DA does not propose used clothing bins.	N/A

20 – Car and Parking 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	<p>The total carparking provision is as follows:</p> <table><tr><td></td><td>Required</td></tr><tr><td colspan="2">Residential</td></tr><tr><td>28 x 1br</td><td>28</td></tr><tr><td>206 x 2br</td><td>206</td></tr><tr><td>30 x 3br</td><td>45</td></tr><tr><td>Visitors</td><td>27</td></tr><tr><td>Total required</td><td>261</td></tr><tr><td>Provided</td><td>309</td></tr></table> <p>The proposal generates the requirement for 132 bicycle spaces and provides 162 spaces.</p> <p>15 motorcycle spaces are provided representing 1 per 20 car parking spaces.</p> <p>29 disabled car parking spaces are provided representing 9.3% of the total.</p> <p>Council's Traffic and Parking Unit has reviewed the application and has no objection to car parking and access, subject to conditions.</p>		Required	Residential		28 x 1br	28	206 x 2br	206	30 x 3br	45	Visitors	27	Total required	261	Provided	309	Yes
	Required																		
Residential																			
28 x 1br	28																		
206 x 2br	206																		
30 x 3br	45																		
Visitors	27																		
Total required	261																		
Provided	309																		
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	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 have indicated that additional detail is required as specified in the referral section below.	Additional information required
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 is provided.	Yes

LDCP 2008 Part 4: Development in the Liverpool City Centre:

It is important to note that this development application (DA-262/2019) was lodged on 26 April 2019. While amendments to the LLEP 2008 which made significant planning changes to the city centre was gazetted on 5 September 2018, this part of the LDCP was made operational on 6 May 2020.

This development application was therefore prepared from the previous version of Part 4 – Development in the Liverpool City Centre. Despite this, no savings provision was included with this part of the of the LDCP, so an assessment is included below:

Section	Objective/Control	Plan	Compliance
4.1 Preliminary – Land to which the section applies	Identified on the map in figure 4-1	The site is identified in the plan	N/A
4.2.1 Building Form	Objectives 1. Establish the scale, dimensions, form and separation of buildings as appropriate for the city centre and the range of uses	An assessment in relation to form and setbacks of setbacks is provided under the relevant sections of the table below and as described in the Design Quality	See assessment under SEPP 65 and the ADG above and under relevant sections of this DCP in the table below.

	2. Provide a strong definition of the public domain with buildings on a common alignment	Principles of SEPP 65 and ADG assessment above. The proposal results in a poor definition of the public domain to Memorial Avenue	No – see additional assessment below
	3. Promote building frontages with good connections to the street	The building frontage to Memorial Avenue has a poor connection to the street.	No – see additional assessment below
	Controls Develop new buildings in Liverpool city centre using the following building typologies for precincts as identified in Figure 4-2: Perimeter block, or detached building typology for Mixed Use	The DCP does not nominate building envelope controls for Mixed Use development that is not in an identified “Area.” On this basis the building envelope controls of the ADG Apply.	N/A

Additional comment relating to 4.2.1 Building Form

Memorial Avenue

The proposal does not provide a strong definition of the public domain with buildings on a common alignment. As indicated in the images below, the ground floor setbacks to Memorial Avenue does not correspond to either; the existing nil boundary setbacks for the immediately adjoining B4 Zoned land to the east, or the required 3m setback to Memorial Avenue.



Figure 12 – Excerpt from the Statement of Environmental Effects with Council additions detailing streetscape setbacks along Memorial Avenue.

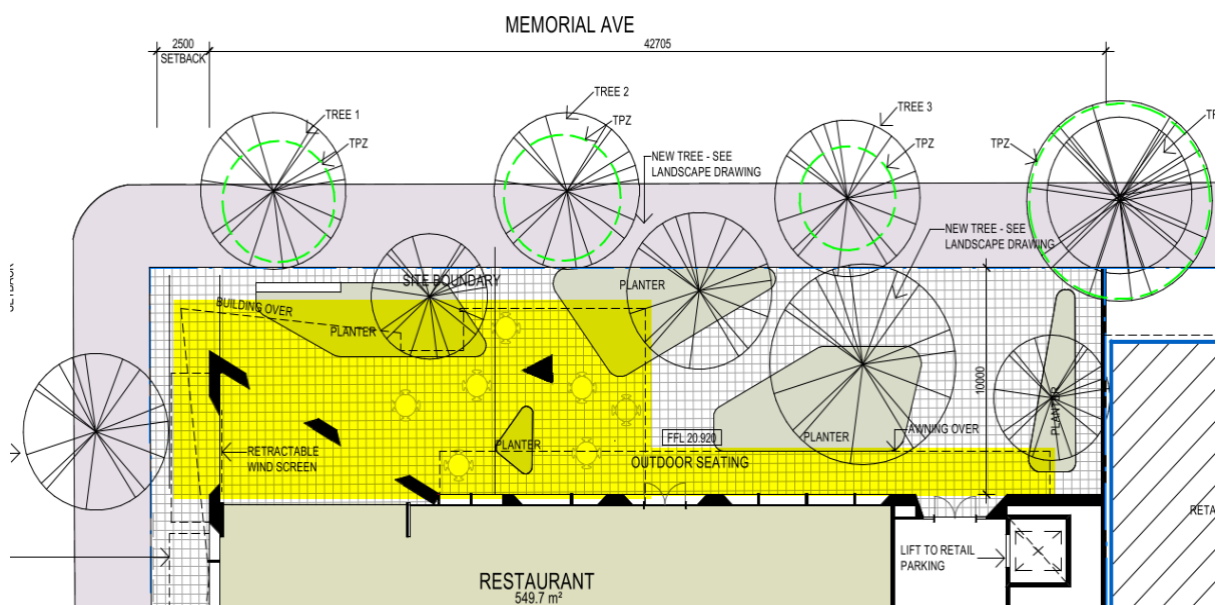


Figure 13: Excerpt of Ground Floor Plan

The image above details the extent of building overhang and awning provision (highlighted in yellow), clearly indicating that no weather protection is provided to the Memorial Avenue

public footpath. The restaurant setback does not suitably activate the street frontage and the existing western wall of the neighbouring site to the east at 60 Memorial Avenue forms a blind spot for pedestrians approaching along the public footpath to the east.

This image also indicates the angles direction of footpath entry to the restaurant doors. The lack of a direct pathway to the restaurant results in an unclear entry point and further detracts from the goal of street activation.



Figure 14: Excerpt of North Elevation – Memorial Avenue

Figure 14 includes Council notation in red text indicating the 17.8m height of the tower form that sits forward of the podium form over the outdoor area below to both the Castlereagh Street and the Memorial Avenue frontages. This overhang results in a poor result for the

streetscape as previously discussed. Additionally, the height of this overhang will provide limited weather protection to the Memorial Avenue Plaza.

The site represents a gateway into the Liverpool City Centre. However, at the human scale, when viewed from street level looking east along Memorial Avenue towards the subject site, it will not represent a gateway or offer a welcoming pedestrian entrance into the city centre. What it will offer is a landscaped area impacted by traffic noise with no weather protection that pedestrians will avoid on days with high temperatures and during rain events.

Castlereagh Street

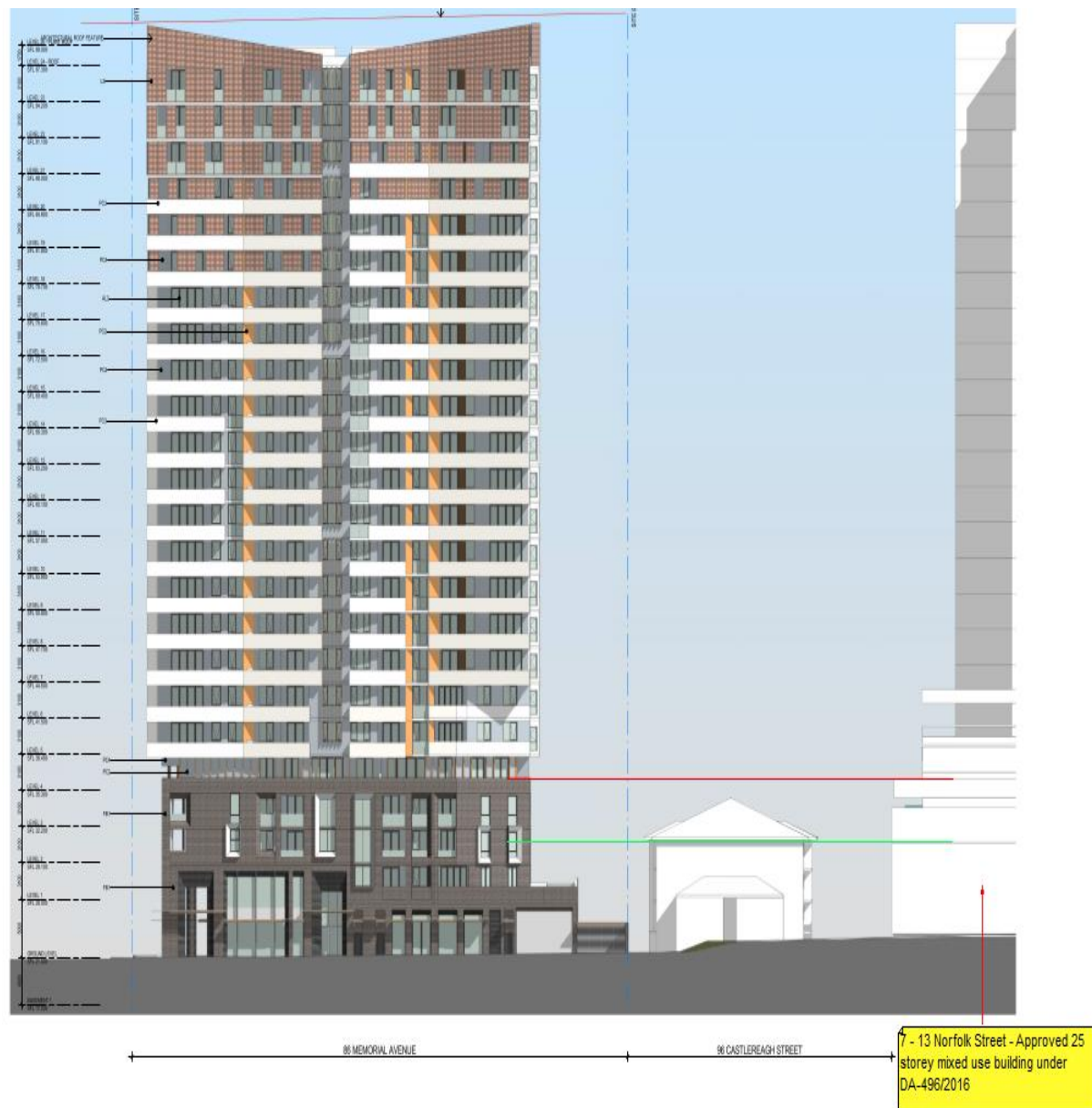


Figure 15: Excerpt from South Elevation with Council notation

Figure15 details the streetscape to Castlereagh Street. There is an approved 25 storey development forming the southern block end at 7-13 Norfolk Street (right of image annotated within yellow box). This 25-storey building and the proposed 24 level development on the

subject site will dwarf 96 – 98 Castlereagh Street. The podium levels (at RL 36.5 AHD) annotated by the red line are 5.4 metres higher than the eave height (RL 31.1 AHD) of 96. Were the tower element appropriately setback from the podium level, this height difference would, on the basis that the area is in transition, be generally supportable. However, as part of the design of the tower form to Castlereagh Street, the balcony elements (that are located a metre closer to the street front than the podium setback with solid wall balustrade treatments) will result in a development which reads from the street as a 23 Level tower. This will result in the three (3) storey building at 96-98 Castlereagh Street being flanked by a five-storey podium to the south and what reads as a 23 Level tower on the subject site.

The proposal will form an imposing feature in terms of streetscape when viewed from Castlereagh Street as the 23 Level built form will overhang the podium towards the Castlereagh Street frontage and will dominate the neighbouring built form at 96-98 Castlereagh Street and the Castlereagh Street streetscape in general.

The Castlereagh streetscape would be better served with a built form that established a podium to the front boundary defined by additional setbacks from the podium boundary edge for all elements of the tower above. This would improve the streetscape when viewed from Castlereagh Street and would relate more appropriately to the eye line of the approved podium of 7-13 Norfolk Street, the existing neighbouring residential flat building at 96-98 Castlereagh Street and the height of the residential flat buildings on the opposite (western) side of Castlereagh Street.

Bathurst Street

A similar outcome will result to Bathurst Street for those elements of the tower that sit flush with or project closer to the street boundary than the front façade of the podium. In this regard the podium is generally set back from the Bathurst Street frontage by 2.499m. Level 8 and Levels 9-17 are proposed with a balustrade setback of 1.263m (with associated façade treatments that are set back 775mm from the front boundary).

The human scale of the street and as a result the streetscape, would be better served by a tower element that was recessed behind the Bathurst Street setback of the podium to create the podium form as the predominant feature when viewed from the street. The setback from the podium should be sufficient to reduce the apparent bulk of the building when viewed from street level.

Section	Objective/Control	Plan	Compliance
4.2.2 Building Envelopes	Building envelopes provide buildings with a strong address to the street, ensure compatibility between sites and maintain a suitable relationship to the scale of existing buildings. The lower scale buildings on the Fine Grain and	The DCP does not identify specific building envelopes for mixed use sites but requires these sites to provide perimeter block, or detached building typologies. As no specific building envelope requirements are provided the	See SEPP 65 discussion on Design Quality Principles and ADG assessment

	<p>Midrise sites contribute to the character of the existing city centre and make a positive contribution to its vitality, image and identity. Midrise and Commercial Core sites of over 1,500m² in area may be developed as described in clause 7.5A of LLEP 2008 in certain circumstances. See section 4.2.5 Controls for sites requiring the submission of a DCP for greater clarification</p>	<p>assessment reverts to SEPP 65 and the ADG.</p> <p>The proposed 10m setback to the podium does not provide a building with a strong address to Memorial Avenue. This setback is not compatible with the existing setback of the neighbouring development at 60 Memorial Avenue which is built to the street alignment immediately adjacent to the shared boundary.</p>	
4.2.6 Building Floor Plates	<p>Objectives</p> <p>1. Achieve living and working environments with good internal amenity and minimise the need for artificial heating, cooling and lighting.</p> <p>2. Provide viable and useable commercial and/or residential floor space.</p> <p>3. Contribute to useable and pleasant streets and public domain at ground level by controlling the size of upper level floor plates of buildings.</p>	<p>Appropriate amenity achieved in relation to solar access and cross ventilation</p> <p>Appropriate retail and restaurant floor space with access to the street is provided.</p> <p>The extent of the tower footprint siting on the podium means both tower forms overhang the podium to the Memorial Avenue, Castlereagh Street and Bathurst Street frontages overburdening the</p>	<p>Yes</p> <p>Yes</p> <p>No</p>

	<p>4. Reduce the apparent bulk and scale of buildings by limiting the size of the building.</p>	<p>human scale</p> <p>As indicated in relation to point 3 above, the siting of the towers overhanging the podium will result in a poor outcome for the streetscape of Memorial Avenue, Castlereagh Street and Bathurst Street as the towers present directly on to the street frontage.</p>	<p>No</p>
	<p>Controls</p> <p>1. Design the floor plate sizes and depth of buildings for Fine Grain and Midrise sites as indicated in the building envelopes.</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</p>	<p>N/A</p> <p>Level 2,3, 7-23 for Eastern Tower and Level 1-3 for the Western Tower exceed 700m² per floor. Also, the Western tower elevation exceeds a length of 45m for level 5 – 23</p> <p>See ADG assessment</p> <p>N/A</p>	<p>N/A</p> <p>No</p> <p>See ADG assessment</p> <p>N/A</p>

	elevation of 45m. Where sites are greater than 2,000m ² a proportionally larger GFA per floor may be considered.		
4.2.7 Street Alignments and street setbacks	Objectives <ol style="list-style-type: none"> 1. Create a strong and consistent definition of the public domain. 2. Define the street as a spatial entity. Reinforce the importance of the public role of the street. 3. Provide front setbacks appropriate to building function and character. 4. Establish the desired spatial proportions of the street. 5. Provide sunlight access to streets, comfortable wind conditions, a generous footpath for pedestrians, and to assist growing conditions for street trees. Allow for street landscaping. 6. Locate active uses, such as shopfronts, close to pedestrian activity areas. Allow an outlook to, and 	<p>Issues with Memorial Avenue streetscape as described throughout this report</p> <p>The east-west pedestrian priority path along Memorial Avenue is not reinforced with an awning for pedestrian amenity</p> <p>As above</p> <p>As above</p> <p>Provided</p> <p>Castlereagh and Bathurst Streets are appropriate. Memorial Avenue does not for the issues identified</p>	<p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>Yes</p> <p>No</p>

	boundaries (0m setback).		
	4. Buildings with a boundary to the Hume Highway have a minimum setback of 8m.	N/A	N/A
	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:	N/A	N/A
	a. Elizabeth Street between Bathurst Street and Bigge Street - 6m.		
	b. Railway Street, Scott Street and Memorial Avenue - 3m.		
	c. Parts of George, Bathurst, Terminus and Bigge Streets – 2.5m		
	6. Pave the land in the set-back zone to match the paving in the public street so that it provides a seamless and level ground plane.	Details not provided	No
	7. Ensure that no columns, blade walls or other building elements encroach the ground level of the front setback.	No encroachments at ground level are proposed	Yes
	8. Ensure that balconies project a maximum of 1.2 metres into front	N/A	N/A

Section	Objective/Control	Plan	Compliance
4.2.8 Side and Rear boundary setbacks	Objectives		
	Side and rear boundary setbacks must:		
	<p>1. Ensure an appropriate level of amenity for building occupants in terms of daylight, outlook, view sharing, ventilation, wind mitigation, and privacy.</p> <p>2. Achieve usable and pleasant streets and public domain areas in terms of wind mitigation and daylight access.</p>	<p>Non-compliance with ADG requirements will result in issues for any potential future development on adjoining sites due to variations proposed</p> <p>Wind report provided detailing treatment to ground floor and podium levels to reduce wind impacts</p>	<p>No</p> <p>Yes</p>
	Controls		
	<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. For existing buildings that do not comply with the setback requirements identified in control 1 above, appropriate screening must be installed should the building be refurbished or converted.</p>	<p>No, see ADG assessment above</p> <p>N/A</p>	<p>No</p>

	3. Buildings with a rear or side boundary to the rail corridor are to provide a minimum setback of 12m. The setback is to be appropriately landscaped.	N/A	
	4. Buildings on land zoned B6 – Enterprise Corridor and B1 – Neighbourhood Centre located in the Liverpool city centre, to have setbacks consistent with Table 4-1 below.	N/A	
	5. Construct buildings across the site facing the street and the rear boundaries rather than facing side boundaries.	N/A no rear boundary	

Table 4-1 Side and rear boundary setbacks

Enterprise Corridor, Neighbourhood Centre and Existing Mixed Use areas	Setbacks	
	Side	Rear
Podium up to six levels :		
- If adjoining development built to boundary	0m	0m
- If adjoining stand-alone development	ADG	ADG
Stand-Alone Buildings		
- Building height up to 12m	ADG	6m
- Building height 12-25m	ADG	9m
- Building height over 25m	ADG	12m

Section	Objective/Control	Plan	Compliance
4.2.9 Minimum floor to ceiling heights	Objectives Minimum floor to ceiling heights must:		
	1. Address the	3.1 floor to floor	Yes

	use, as above.		
4.2.10 Housing Choice and Mix	Objectives		
	Developments must:		
	1. Provide a mix of dwelling types, sizes and open space to cater for a range of household types and living styles.	Appropriate	Yes
	2. Provide dwelling layout that is sufficiently flexible for residents' changing needs over time.	Appropriate	Yes
	3. Meet the Australian Adaptable Housing Standard (AS 4299-1995) and provide a sufficient proportion of dwellings that include accessible layouts and features to accommodate the changing requirements of residents.	Sufficient adaptable units are provided	Yes
	Controls		
	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:		
	<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 development; 	10.6%	Yes

	<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; 	11.4%	Yes
	<ul style="list-style-type: none"> • Dual-key apartments must not exceed 10% of the total number of apartments; and 	None proposed	N/A
	<ul style="list-style-type: none"> • 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. 	24 proposed or 9.09%	No
	2. Adaptable dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995).	Yes	Yes
	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).	Accessibility report provided	Yes
	4. Ensure car parking and garages allocated to adaptable dwellings	Sufficient disabled car parking spaces provided	Yes

	comply with the requirements of the relevant Australian Standard for disabled parking spaces.		
4.2.11 Deep soil zones and site cover	Objectives		
	1. Provide an area on site that enables soft landscaping and deep soil planting, permit the retention and/or planting of trees that will grow to a large or medium size.	Subject site is within the town centre and there is limited opportunity for deep soil planting. Landscaping beds provided on the podium are sufficient	Yes, on merit
	2. Improve amenity by allowing for good daylight access, ventilation, and assisting improved visual privacy.	Provided pending additional landscaping detail as required elsewhere in this report	Subject to additional landscaping detail
	3. Integrate with the open space and provide passive and active recreational opportunities.	The area provided on the podium level is appropriate	Yes
	Controls		
	1. The maximum permitted site coverage for development is specified in Table 4-2.	100% permitted as the site is in the commercial core	Yes
	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	See ADG Assessment	Yes, on merit

	buildings are developed.		
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Table 4-2 Site coverage

Zone	Commercial & Mixed Use	Residential
Commercial Core, Fine Grain and Midrise	Up to 100%	N/A
Existing Mixed Use	75%	N/A
Enterprise Corridor and Infrastructure	75%	50%
All other zones	60%	50%

Section	Objective/Control	Plan	Compliance
4.2.12 Public open space and communal open space	<p>Objectives</p> <p>Open space must:</p> <p>1. Provide amenity in the form of:</p> <p>a) landscape character and design;</p> <p>b) opportunities for group and individual recreation and activities, including on the roof space of new residential flat buildings and mixed-use developments;</p> <p>c) opportunities for social interaction;</p> <p>d) environmental and water cycle management; and</p> <p>e) opportunities to enhance microclimate.</p> <p>2. Allow for a range of activities.</p> <p>3. Provide an attractive outlook for</p>	<p>Appropriate pending additional landscaping detail</p> <p>Provided</p> <p>Available</p> <p>Potentially available pending WSUD details being provided</p> <p>Potentially pending additional landscaping detail</p> <p>Yes</p> <p>Yes</p>	<p>Insufficient detail provided</p> <p>Yes</p> <p>Yes</p> <p>Insufficient detail provided</p> <p>Insufficient detail provided</p> <p>Yes</p> <p>Yes</p>

	residents.		
	4. Respond to and enhance site characteristics and context.	The Memorial Avenue landscaped setback is not an appropriate response to context.	No
	5. Optimise safety.	The Memorial Avenue landscaped setback results in CPTED issues as discussed elsewhere in this report	No
	Controls		
	Existing Public Open Space		
	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 (Winter Solstice). New Public Open Space	The proposal will not impact on any existing public open space	N/A
	2. Dedicate open space to Council, where required, as part of an approved concept development application if the space meets the requirements of Council in terms of:	N/A	N/A
	a) location;		
	b) aspect;		
	c) accessibility;		
	d) safety; and		

	<p>e) solar access. The open space must be located and designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21 June (Winter Solstice).</p> <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 colocated 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>See ADG assessment</p> <p>Provided to podium rooves</p>	<p>See ADG</p> <p>Yes</p>
4.2.13 Landscape Design	Objectives		

	<p>1. Enhance quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities.</p> <p>2. Ensure potable water for irrigation is minimised. Incorporate passive irrigation where possible.</p> <p>3. Ensure landscaping is integrated into the design of development.</p> <p>4. Improve stormwater quality and control run-off.</p> <p>5. Improve the microclimate and solar performance within the development.</p> <p>6. Improve urban air quality and contribute to biodiversity.</p>	<p>Appropriate pending additional landscaping detail</p> <p>Additional detail required in relation to proposed podium planter bed watering</p> <p>Appropriate pending additional landscaping detail</p> <p>Appropriate pending additional stormwater detail</p> <p>Satisfactory pending additional landscaping detail</p> <p>Detailed planting schedule required</p>	<p>Insufficient detail provided</p> <p>Insufficient detail provided</p> <p>Insufficient detail provided</p> <p>Insufficient detail provided</p> <p>Insufficient detail provided</p> <p>Insufficient detail provided</p>
	<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>The landscape plan does not nominate numbers and locations of species. An indicative species list is provided. This offers insufficient information for a complete assessment.</p>	<p>No</p>

4.2.14 Planting on structures	Objectives		
	1. Contribute to the quality and amenity of open space on roof tops and internal courtyards.	Sufficient planting beds provided.	Yes
	2. Encourage the establishment and healthy growth of trees in urban areas.	Satisfactory pending additional landscaping detail	Insufficient detail provided
	3. Minimise the use of potable water for irrigating planting on structures.	Appropriate pending additional stormwater detail	Insufficient detail provided
4.3.1 Pedestrian permeability	Controls		
	1. Comply with the Section 4P, planting on structures in the ADG in all developments with a residential component and/or communal open space.	See ADG assessment	See ADG Assessment
4.3.1 Pedestrian permeability		This section omitted as the subject site is not located within an identified area for site permeability as per Figure 4-12 below.	

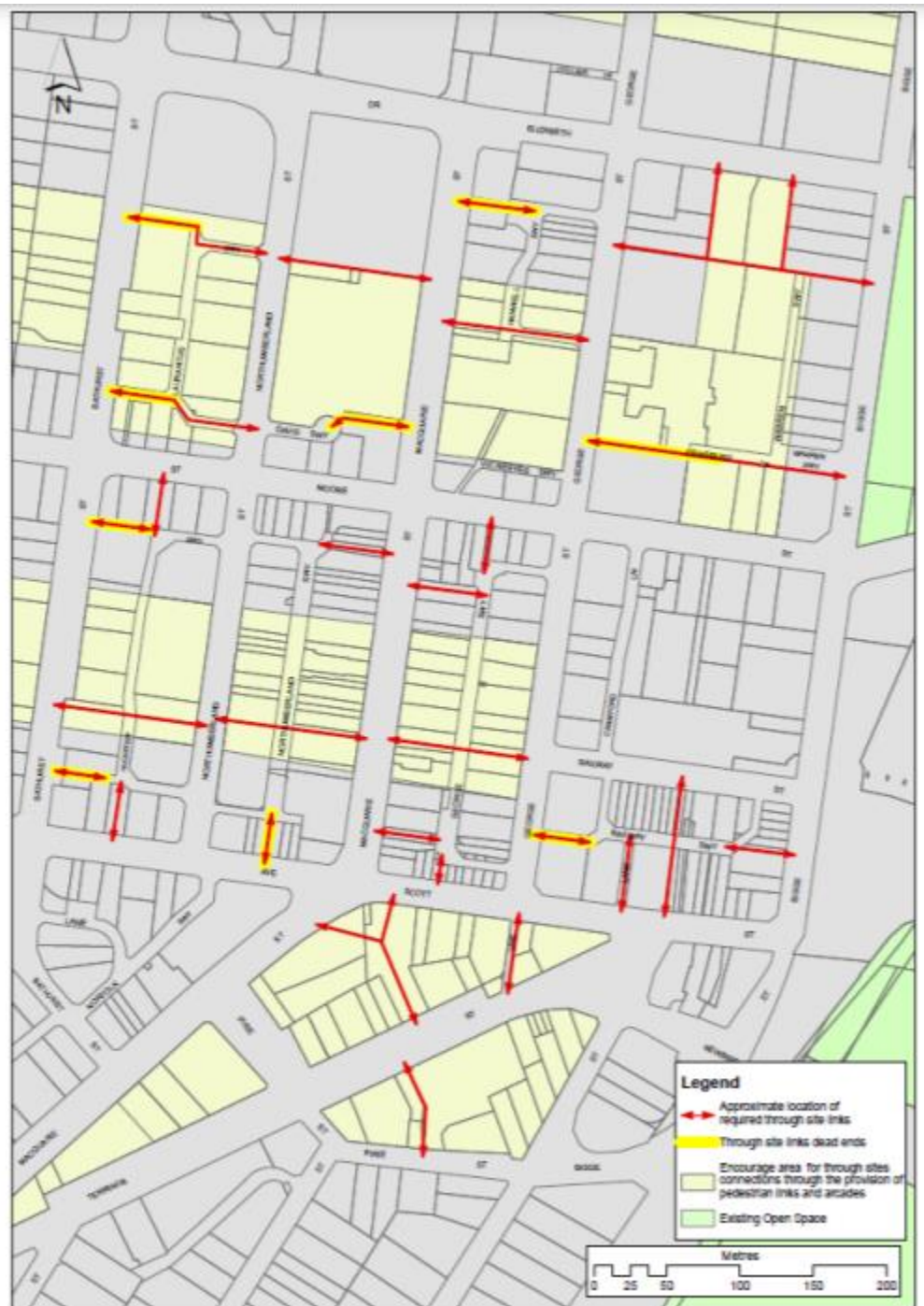


Figure 4-12 Through site links

Section	Objective/Control	Plan	Compliance
4.3.3 Active Street Frontages	Objectives 1. Promote pedestrian activity	The lack of an awning over the	No

	and safety in the public domain.	public footpaths to all frontages does not encourage pedestrian activity	
	2. Maximise active street frontages in Liverpool city centre.	The Memorial Avenue frontage is not suitably activated	No
	3. Development in Liverpool city Centre is consistent with the Liverpool City Activation Strategy 2019-24.	The site is located outside the area covered under the Liverpool City Activation Strategy 2019-24.	N/A
	Controls		
	1. Locate active street frontages on the ground level of all commercial or mixed use buildings, including adjacent through-site links.	Memorial Avenue does not have an active frontage as this function is significantly reduced by the 10m setback and landscaped buffer	No
	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.	Not achieved to Memorial Avenue on the ground or first floors	No
	3. Locate active street frontages at first floor level in addition to ground for sites addressing major roads as depicted in Figure 4-16.	Not achieved to Memorial Avenue on the first floor	No
	4. Locate street fronts at the same	Achieved	Yes

	<p>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>Majority floor to ceiling glazing provided to all ground floor retail and restaurant uses</p>	<p>Yes</p>
4.3.4 Street Address	<p>Objectives</p> <p>1. The street address for buildings must provide:</p> <p>a) An attractive interface between the public and private domains.</p> <p>b) Legible entries to the building from the street.</p> <p>c) Opportunities for surveillance of the street and public domain.</p>	<p>Provided</p> <p>The Memorial Avenue entries are unclear</p> <p>CPTED issues to the Memorial Avenue frontage as described elsewhere in this report</p>	<p>Yes</p> <p>No</p> <p>No</p>
	<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</p>	<p>Appropriate to Bathurst and Castlereagh Streets but problematic for Memorial Avenue</p> <p>Provided</p> <p>N/A</p>	<p>No</p> <p>Yes</p> <p>N/A</p>

	the street in ground floor residential units.		
4.3.5 Street and building interface	Objectives		
	1. Clearly define the interface between the public and private domain.	Unclear to the Memorial Avenue frontage	No
	2. Provide privacy for dwellings on the ground floor of buildings.	N/A	N/A
	3. Ensure front fences allow for passive surveillance of the street.	N/A	N/A
	4. Encourage the preservation and/or construction of fences, walls and landscaped areas that contribute to the character of the locality.	The proposal results in the removal of two brushbox street trees from the Castlereagh Street verge. This is a detriment to the existing streetscape.	No
	Controls		
	1. Design the area between the building and the public footpath so that it:		
	a) provides visibility to and from the street (if non-residential use);	CPTED issue to eastern side of Memorial Avenue front setback area	No
	b) provides privacy if residential uses are on the ground floor;	N/A	N/A
	c) introduces paving and/or landscaping between the street and the building; and/or	Provided however the paving detail needs to be defined	Additional detail required

	<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>N/A</p> <p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
4.3.6 Lane / Serviceways and Building Interface	This section omitted as it is not relevant to the subject application		
4.3.7 Awnings	<p>Objectives</p> <p>Awnings on buildings must:</p> <p>1. Provide shelter for public streets where most pedestrian activity occurs.</p> <p>2. Address the streetscape by providing a consistent street frontage.</p>	<p>Not provided to any frontage</p> <p>Not provided</p>	<p>No</p> <p>No</p>
	<p>Controls</p> <p>1. Provide street frontage awnings for all new developments on streets identified in Figure 4-13.</p> <p>2. Awnings must be:</p> <p>a) horizontal in form;</p> <p>b) minimum 2.4m</p>	<p>Not provided</p> <p>Not provided</p> <p>Not provided</p>	<p>No</p> <p>No</p> <p>No</p>

	deep (dependent on footpath width);		
	c) minimum soffit height of 3.2m and maximum of 4m;	Not provided	No
	d) stepped to accommodate sloping streets;	Not provided	No
	e) integral with the building design;	Not provided	No
	f) slim vertical fascia or eaves (generally not to exceed 300mm height); and	Not provided	No
	g) setback 1.2m from kerb to allow for clearance of street furniture, trees, and other public amenity elements.	Not provided	No
	3. Match awning design to building facades, so that they maintain continuity and are complementary to those of adjoining buildings.	Not provided	No
	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.	Not provided	No
	5. Provide lighting recessed into the soffit of the awning to facilitate night use and to improve	Not provided	No

	<p>public safety.</p> <p>6. Maintain a minimum clearance of 2.8m from the level of the pavement to the underside of awning signage.</p> <p>7. Provide all residential buildings in areas not identified for continuous awnings in Figure 4- 13 with awnings or other weather protection at their main entrance area.</p>	<p>Not provided</p> <p>N/A</p>	<p>No</p> <p>N/A</p>
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Excerpt of Figure 4-13 showing Awnings are required to the Memorial Avenue and Bathurst Street frontages

Section	Objective/Control	Plan	Compliance
4.3.8 Building design and public domain interface	Objectives		
	The design of new/modified buildings in Liverpool city centre must:		
	1. Contribute positively to the streetscape and public domain by means of high quality architecture and robust selection of materials and finishes.	Material selection is satisfactory	Yes
	2. Provide richness of detail and architectural interest especially at visually prominent parts of buildings such as lower levels and roof tops.	Appropriate	Yes
	3. Clearly define the adjoining streets, street corners and public spaces and avoid ambiguous external spaces with poor pedestrian amenity and security.	The Memorial Avenue Setback is not appropriate	No
	4. Seek to reduce the urban heat island effect by selecting lighter coloured external finishes	Material selection is generally appropriate	Yes
	Controls		
	1. Design new buildings that adjoin existing buildings, particularly heritage buildings and those		

	<p>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>The interface with 60 Memorial is inappropriate</p> <p>Façade depth to podium unsatisfactory</p> <p>Façade proportions are too bulky to Memorial Avenue, Bathurst and Castlereagh Streets. The façade requires a break between the podium and the tower form by setting the tower portion back from the street edge of the podium.</p> <p>The response to the Memorial Avenue and Castlereagh intersection is inappropriate and the result for the Memorial Avenue and Bathurst Street intersection will detract from the streetscape.</p>	<p>No</p> <p>No</p> <p>No</p> <p>No</p>
	<p>2. Provide balconies and terraces appropriately orientated where buildings face public spaces.</p>	<p>Balcony orientations are appropriate however balcony setbacks to Castlereagh Street are not.</p>	<p>Yes</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>This is not achieved to the Memorial Avenue, Castlereagh and Bathurst Street facades as the tower form protrudes forward of the street alignment of the podium thereby providing no depth to</p>	<p>No</p>

		the podium, which forms the street wall.	
	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.	Finishes are generally appropriate.	Yes
	5. Select lighter-coloured materials for external finishes including roofs and avoid the use of darker-coloured materials (e.g. black, charcoal) to reduce the urban heat island effect.	Colours are generally appropriate.	Yes
	6. Maximise glazing in the facades for retail uses.	Achieved	Yes
	7. For residential components of buildings, do not use highly reflective finishes and curtain wall glazing above ground floor level.	Satisfactory	Yes
	8. Construct only minor projections up to 600mm from building walls into the public space. These must not add to the GFA and must provide a benefit, such as: a) expressed cornice lines that assist in enhancing	No projections over public space is proposed	Yes

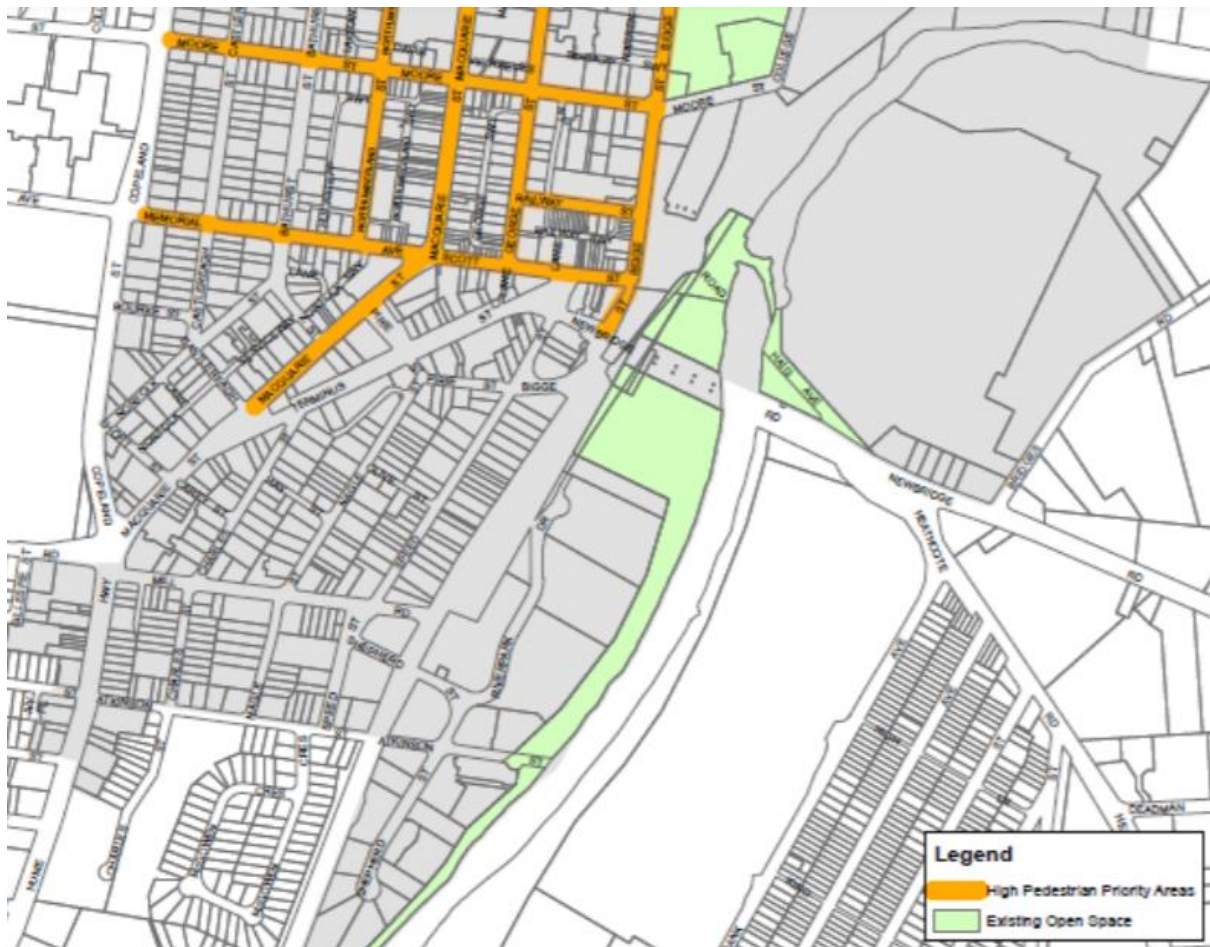
	<p>the definition of the street; or</p> <p>b) projections such as entry canopies that add visual interest and amenity.</p> <p>9. Do not locate communication towers such as mobile phone towers, but excluding satellite dishes, on residential buildings or mixed use buildings with a residential component.</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>None shown</p> <p>Achieved</p> <p>None shown</p> <p>None shown, condition required</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4.3.9 Street intersections and corner buildings	<p>Objectives</p> <p>Corner buildings must:</p> <p>1. Contribute to the legibility of the city.</p>	<p>Not achieved for the current proposal and the current proposal reduces the capacity of the provision of suitable legibility to the Memorial Avenue and Bathurst Street intersection by</p>	<p>No</p>

		disrupting the development potential of the neighbouring site at 60 Memorial Avenue	
	2. Ensure they address all street frontages.	Does not address Memorial Avenue	No
	3. Support the role of corner sites in creating a clear skyline and minimising apparent density.	Does not achieve this for the Memorial/Castlereagh corner and reduces the future potential for this to be achieved to the Memorial/Bathurst corner.	No
	4. Respond to any heritage buildings on opposing corner sites.	No heritage site sharing an intersection with the site	No
	Controls		
	1. Address all street frontages in the design of corner buildings.	Not achieved to Memorial Avenue	No
	2. Design the corner buildings to respond to the character of the intersection by recognising the different hierarchies of the street typologies.	The existing or future envisaged character of the Memorial frontage are both ignored	No
	Note: Intersections of different street types all require varied design responses.		
4.3.10 Public Artwork	Objectives Public Art in Liverpool city centre must:		
	1. Contribute to the	No public art provided.	No

	<p>city's physical attractiveness and the quality of life that it offers visitors and residents.</p> <p>2. Interpret and express Liverpool's historical and cultural themes, particularly as identified in Our Home, Liverpool 2027. Community Strategic Plan 3. Improve the quality of public artworks in Liverpool. 4. Encourage the development of public art as consistent with Council's Public Art Policy.</p>	For a development of this size and value, there is the opportunity to provide for a significant contribution to public art that should be explored.	
	<p>Controls</p> <p>1. Design public art to respond to the particular site of the development as well as the city as a whole.</p> <p>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.</p> <p>3. Construct Public Art of materials that are durable, resistant to vandalism, safe for the public and constructed to ensure minimal</p>	<p>Not provided</p> <p>Not provided</p> <p>Not provided</p>	<p>No</p> <p>No</p> <p>No</p>

	<p>maintenance.</p> <p>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).</p>	Not provided	No
4.4.1 Vehicular access and manoeuvring areas	<p>Objectives</p> <p>The design and location of vehicular access to developments must:</p> <p>1. Avoid or minimise conflicts between pedestrians and vehicles on footpaths, particularly along pedestrian priority areas identified in Figure 4-15.</p> <p>2. Not intrude visually into the streetscape continuity.</p>	<p>In terms of public safety, the driveway location is appropriate</p> <p>The driveway location is the most logical one for the site in terms of the streetscape.</p>	<p>Yes</p> <p>Yes</p>
	<p>Controls</p> <p>1. Vehicular access shall be restricted to the secondary street (other than along a High Pedestrian Priority Area) where possible.</p> <p>2. Design of vehicle entry points must be of high quality and relate to the architecture of the building, including being constructed of</p>	<p>Yes</p> <p>Appropriate however additional details are required to describe how the public will access the retail/restaurant spaces through the security car</p>	<p>Yes</p> <p>Additional detail required</p>

	<p>high quality materials and finishes.</p> <p>3. All weather access:</p> <p>a) Locate and design porte cochere (for hotels only) to address urban design, streetscape, heritage and pedestrian amenity considerations.</p> <p>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.</p> <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>	<p>park access.</p> <p>N/A</p> <p>Not provided</p> <p>Not provided</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
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Excerpt from Figure 4-15 identifying Memorial Avenue as a high pedestrian priority area

Section	Objective/Control	Plan	Compliance
4.4.2 On-site parking	<p>Objectives</p> <p>On site car parking must:</p> <ol style="list-style-type: none"> 1. Provide a sufficient supply of on-site parking on the outskirts of the city centre to cater for a mix of development types. 2. Encourage economic growth within the city centre. 	<p>Adequate car parking provided</p> <p>Potentially</p>	<p>Yes</p> <p>Yes</p>

	3. Enable the conversion of above ground parking to other uses in the future.	No above ground parking provided	N/A
	4. Encourage a modal shift in transport and recognise the complementary use and benefit of public transportation and non-motorised modes of transport such as bicycles and walking.	The proposal will not encourage a modal shift. At best the proposal could provide for awning protection to all frontages to provide a more amenable pedestrian experience during wet or excessively hot days.	No
	Controls		
	1. All required car parking is to be provided on site in an underground (basement) carpark except to the extent provided below:	Achieved	Yes
	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	N/A	N/A
	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.	N/A	N/A
	2. Provide car	N/A	N/A

	<p>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 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</p>	<p>N/A</p> <p>See assessment above under Clause 7.3 and Part 1 of the DCP.</p>	<p>N/A</p> <p>N/A</p>
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	<p>specified in controls 2 and 3 above. Service and visitor parking is to be provided in accordance with the following formula:</p> <p>Residential (including residential components of mixed-use or other developments) - 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> <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>	<p>Exceeded in accordance with controls under Part 1</p> <p>Achieved</p> <p>Provided</p> <p>Provided</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4.5.1 Wind	Objectives		

Mitigation	<p>Wind mitigation measures must:</p> <p>1. Ensure that new developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians.</p> <p>2. Ensure that the moderate breezes are able to penetrate the streets of Liverpool city centre.</p>	<p>Achieved to the ground floor, additional detail required for residential balconies</p> <p>Available</p>	<p>Additional detail required</p> <p>Yes</p>
	<p>Controls</p> <p>1. Design all new buildings to meet the following maximum wind criteria :</p> <p>a) 10m/second in retail streets;</p> <p>b) 13m/second along major pedestrian streets, parks and public places; and</p> <p>c) 16m/second in all other streets.</p> <p>2. Submit a Wind Effects Report with the DA for all buildings greater than 35m in height.</p> <p>3. Submit results of a Wind Tunnel Testing report for buildings over 48m in height.</p>	<p>See wind report, note that Section 8 of this report requires additional modelling to be undertaken to determine additional measures for upper levels of the building.</p>	<p>Additional information required</p>
4.5.2 Noise	<p>Objectives</p> <p>1. Noise mitigation measures must</p>	<p>Appropriate</p>	<p>Yes</p>

6.5 Section 4.15(1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement

No planning agreement relates to the site or proposed development.

6.6 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.

6.8 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 negative impact on the surrounding built environment. The proposal responds neither to the existing character of the area, nor does it respond to the future envisaged character of the area.

The proposal does not present appropriately to the Memorial Avenue frontage from which it is set back too far. The proposal also does not present appropriately to the Bathurst Street or Castlereagh Street frontages to which the proposed tower elements project too close to the street boundary, overwhelming the streetscape.

The alignment to and presentation with the neighbouring development at 60 Memorial Avenue will significantly impinge on the development potential of this site, with the likely result that this site will either remain undeveloped or alternatively will be unable to redevelop to a scale that is commensurate with good urban design principles in that a prominent built form is presented to the intersection. This will result as any development on this neighbouring site will be dwarfed by the current proposal.

On this basis the proposal is not supported.

Natural Environment

The proposed development is not considered to have a detrimental impact on the existing natural environment within the boundaries of the site. The proposal will improve the natural environment by removing the existing service station and remediating the site. However the removal of two brushbox street trees on Castlereagh Street is not an ideal outcome for the natural environment.

(b) Social Impacts and Economic Impacts

The development will result in a generally positive economic impact, through the provision of

the commercial and restaurant premises which will provide employment opportunities for the community. Additionally, employment opportunities will also be generated through the construction of the development and the on-going maintenance of the building.

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

As indicated within this report the site in the current form is not suitable for the proposed development as it represents a disorderly development of the site and locality and will result in a poor outcome for the future development of the street block bordered by Memorial Avenue and Norfolk, Bathurst and Castlereagh Streets.

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

(a) Internal Referrals

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

Internal Department Referrals
<p>Heritage</p> <p>Council's Heritage Officer has raised no objection to the proposal.</p>
<p>Traffic</p> <p>Traffic and Transport has no objections to this proposed development, subject to conditions.</p>
<p>Waste Management</p> <p>The information that has been submitted to this point includes a Remediation Action Plan from EI Australia, dated 19 August 2019. This is in respect to its use as a service station and mechanical workshop, the potential contaminants that may be found within the site as a result of those uses and how those will need to be addressed. No detail is provided as to what the expected volumes of the various different types of waste are, and whether (based on their status as 'contaminated' or 'not contaminated') these will be re-used, recycled or disposed of at landfill and what facilities they will be taken to. This information is required to be presented at DA stage; it is not appropriate to leave this for a management plan to be submitted at CC stage.</p> <p>With regards the waste management of the development when in operation, the number of bins that will be required service the residential component of the development are provided as follows:</p> <p>660 litre yellow-lid recycling bins that will be required by the development is:</p> <p>$264 \div 12 = 22$ in total, collected twice weekly.</p> <p>The number of 660 litre general waste bins will be:</p> <p>$264 \div 24 = 11$ in total, collected twice weekly.</p> <p>Waste collection will be carried out solely internally within the building. In terms of access for the waste truck to carry out the waste bin emptying, clarification is required as to what the available unobstructed head-height is for the whole path of travel of the waste truck when entering and leaving the building. Confirmation will also be required that a full sized, rear-lift waste truck of the dimensions and turning characteristics used by Council's waste contractor can safely execute the required turning manoeuvres.</p> <p>The residential waste bin storage room on the ground floor and the two residential waste compactor rooms (one for each tower) are of a size and configuration that are sufficient and appropriate to take the number of waste bins that will be required, including space for access and manoeuvring of the bins. The features of the waste storage areas as listed in the construction requirements section of the Operational Waste Management Plan from Elephant's Foot (Rev E) meet the requirements of the DCP.</p> <p>The residential waste bin storage area and the commercial waste storage area must be kept secure and the access and security arrangements must ensure that the commercial tenants and their cleaners/agents cannot get access the residential waste bin room and</p>

vice versa. Residential and commercial wastes must be kept separate at all times. Permanent signage must be provided to clearly identify the function of the bin storage areas.

The intermediate waste transfer areas on each level of the towers are generally in accordance with the requirements. However, only one recycling bin is shown as being contained within the recycling storage areas. This, given the number of units on each level of the towers, and the likely generation of recyclable materials from these, may result in bins having to be rotated and emptied every single day in order for there to be enough available volume for residents to put their recyclables. Serious consideration should be given to providing two 240 litre recycling bins on each level of each tower to ensure that there will be enough recycling capacity available.

All waste chute disposal points must have signage giving instructions as to how to operate the chute, as well as what the correct items are that can go down the chute and what must not be put down the chute, including recyclable materials.

Appropriate signage is to be provided at all waste aggregation points to reinforce the practices of correct waste separation and handling.

As stated in the WMP, the amount of green (garden) waste that will be produced by the proposal is negligible. No green waste services or bins are requested from or will be provided by Council. This will be included as a 'restriction as to user' that will be included on the title of the property at the Applicant's expense.

The bulky household waste area provided is approximately 60m² (5.25m x 11.50m approx) which given the size of the residential portion of the development is an acceptable size and configuration.

City Design and Public Domain

The following provides a summary of the concerns and additional information request from the City Design and Public Domain team which have not been addressed by the applicant:

- The removal of x2 *Lophostemon confertus*, Brush Box street tree along Castlereagh Street is not supported. Retain Castlereagh Street, street tree planting.
- Recommend reconfiguring vehicle access / exit away from Castlereagh Street.
- The current plaza and setback is not supported in the current design. Refer previous correspondence from February 2019. Detailed designs of this space are required to show:
 - Justification for the plaza set-back.
 - Details of the weather protection to the plaza that is to be provided.
 - How passive surveillance and CPTED considerations are designed into the space.
 - Detailed ground treatments including deep soil, paving design, proposed planting and irrigation for planting that is from a non-potable supply.
 - Installation of trees as minimum 200L. Include species (recommend large spreading canopy species) and proposed planting detail.
 - Extent of Deep Planting Zone

- Proposed seating including construction detail.
- Details of all furniture including rubbish bins and layouts of potential restaurant/cafe seating.

- Information is required on proposed photovoltaic technology to be used for power supply to common areas.
- Information on rainwater / stormwater capture and reuse including for irrigation
- Revise apartment designs and provide evidence of ability to have cross-ventilation.
- Install ceiling fans to residential apartments.
- Increase the number of communal open space options in line with Design Excellence Panel (DEP) comments.
- Show details of high performance glazing with fixed overhangs, to provide sun shading on the lower levels of the building, along Memorial Avenue where western sun exposure will impact internal comfort and amenity, in line with DEP comments.
- Ensure a schedule is provided that responds to the DEP comments and the changes noted on submitted drawings.

Engineering

The proposed application is unsatisfactory. Prior to further assessment by Land Development the following matters must be addressed by the applicant.

- Amend civil plans to remove reference to standard drawings for footpath construction. Footpath paving will need to be in accordance with Council's CBD Paving guidelines as amended, Implementation Note 12:2015 and specific details of pavers/ periphery paving and planting should be shown on the civil plans and match the landscape plans.
- Stormwater plans should clearly show how the entire site is drained to the proposed WSUD system. Please include all surface inlet pits, downpipes etc,
- Provide a stormwater plan(s) for the basement levels showing how these levels will be drained to Council's System.

City Economy

The two additional retail spaces proposed (the restaurant is already existing on site and is a re-development) are around 400 square metres each, which could accommodate some additional employment (perhaps 10 - 15 jobs) and provide for some extra convenience based outlets to serve residents.

A previous proposal which included larger retail floor plates and additional space for a childcare centre offered superior employment outcomes to the current proposal. This proposal would have created more jobs (perhaps 40 – 50 new jobs) and additional larger floor plates for retail (e.g. metro style supermarket), which in our opinion would have also created better amenity for the future residents of this development and surrounding developments. We understand though this would not fit on the current site due to compliance with the site's planning constraints.

City Economy would encourage therefore a development which provided better amenity and more jobs on such a strategic site in the CBD. Inclusion of the neighbouring property on the corner of Bathurst and Memorial Streets, within the development, is a preferred option. We are aware the developer has attempted to negotiate previously with the owner(s) of this site on several occasions but without success.

Our opinion is the original development was superior in terms of economic outcomes. However, given our earlier experience with this development we understand the challenges that were faced by both the developer and the assessment team prior to lodgement and therefore can appreciate why the current proposal is before council for assessment.

Strategic Planning

It is noted that the proposal contains a number of inconsistencies with Part 4 Liverpool Development Control Plan (LDCP) 2008, which will need to be merit assessed in determining the application.

However, it would not appear that the application raises strategic issues which require comment from Council's strategic planning section.

Natural Environment/Landscape

The landscaping plan, proposed species use, and design layout appears generally suitable for the proposed development. However, full details and specifications for all components of the landscaping plan, including plant quantities must be provided within the planting schedule, approved by a suitably qualified landscaping design professional.

(b) External Referrals

The following comments have been received from External agencies:

Roads and Maritime Service (RMS)

Roads and Maritime has reviewed the submitted application and provides the following comments for consideration in determination of the application:

1. Roads and Maritime notes the network capacity at the Hume Highway and Memorial Avenue intersection is already constrained and that the additional uplift in this location will further reduce the level of service.

2. It is noted in the traffic generation numbers are very low for the proposed development. The proposed development will result in greater vehicular generation than estimated. This needs to be updated to show more realistic numbers. Council should be satisfied that the proposed development will not have a detrimental impact on the surrounding road network and that the proposed development is included in Council's

<p>Liverpool CBD Traffic Study and investigations being undertaken for alternative traffic pattern/routes within the Liverpool CBD.</p> <p>3. Further, there is no assessment for Terminus Street - there appears to be distribution percentages but no modelling for vehicles accessing Terminus Street.</p> <p>4. Roads and Maritime notes the cycle times used are 100 seconds. Cycle times should be 140 seconds in the traffic modelling.</p> <p>5. The submitted traffic assessment and modelling will need to be updated to include the above, and any other alternative traffic patterns/route within the Liverpool CBD being proposed in Council's investigations and the wider Liverpool Centre Traffic Study.</p> <p>6. The SIDRA files should be submitted to Council for review.</p>
<p>Bankstown and Camden Airports Limited</p> <p>A written response has not been received in relation to the referral sent to Bankstown and Camden Airports Limited.</p> <p>A letter of approval must also be sought from the Department of Infrastructure Regional Developments and Cities (DIRDC).</p> <p>Information must also be sought from the Emergency Helicopter operators. This has not been provided at this time.</p>
<p>Endeavour Energy</p> <p>Endeavour Energy has no objections to the proposal subject to conditions of consent.</p>
<p>NSW Police</p> <p>A written response has not been received in relation to the referral sent to the NSW Police.</p>
<p>Sydney Water have provided a letter containing a number of items to be addressed as follows:</p>
<p>Water</p> <ul style="list-style-type: none"> • The developer will be required to amplify the existing 150mm drinking water main in Castlereagh Street to a minimum of 200mm. • The proposed development will be serviced from this new 200mm water main. • The amplification will be from the existing 500mm trunk main along Memorial Avenue to the full frontage of the site in Castlereagh Street. <p>Wastewater</p> <ul style="list-style-type: none"> • Existing wastewater infrastructure in the area has enough capacity to service the

proposed development.

- There are multiple reticulation sewer mains traversing the site which may require deviation or disuse.
- The site may either discharge to the existing 225mm sewer main in Memorial Avenue or the 300mm sewer main in Bathurst Street, subject to the proposed development's effects on the multiple sewer mains traversing the site.

Amplifications, extensions or deviations to the drinking water and wastewater network is required to comply with the Water Services Association of Australia (NSAA) code – Sydney Water edition.

The developer will need to engage a Water Servicing Coordinator (NSC). The WSC will be the applicant's point of contact with Sydney Water. The WSC can answer most questions the applicant might have on Sydney Water's developer process and charges. For a list of authorised Coordinators, either visit www.sydneywater.com.au >Plumbing, building & developing > Developing> Providers> Lists or call 13 20.

The developer will be required to submit a concept water and wastewater servicing plan for the site at the section 73 application phase. The concept plan will detail the proposed deviations, disuse, amplification including water and wastewater connection points to the Sydney Water reticulation network.

This advice is not a formal approval of our servicing requirements. 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 was notified and advertised in accordance with the Liverpool Development Control Plan 2008 (LDCP 2008). No submissions were received during the notification period.

Following the second round of valuation reports and offers of purchase being sent to neighbouring property owners, Council received one submission from a neighbouring property owner indicating that the valuation reports had not been prepared in accordance with the Panels initial comments, requiring the 6:1 FSR permitted as part of an amalgamated site to be considered when preparing the valuation report for any subsequent offers. This submission is considered to be valid and has not been adequately addressed with this application.

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

The proposed development is not in the public interest for the reasons of refusal provided within this report.

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 **\$3,344,495.**

CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to the Environmental Planning and Assessment Act 1979, one of the objects of which, namely the requirement that land be developed in an orderly manner, is not achieved.
- The proposal is inconsistent with the existing and the intended desired future character of the area, particularly when having regard to the LLEP 2008 and LDCP 2008 relating to the CBD.
- The proposal provides an inappropriate response to the neighbourhood and wider context and fails to satisfy the SEPP 65 design principles and the requirements of the Apartment Design Guide.
- The proposal is inconsistent with the applicable objectives and provisions of Liverpool LEP 2008.

It is for these reasons that the proposed development application is considered to be unsatisfactory and, as such, the subject application is recommended to be determined for refusal.

9 REASONS FOR REFUSAL

1. Pursuant to Clause 1.3 of the Environmental Planning and Assessment Act 1979 the proposal is not consistent with the object of the act as follows;

(c) to promote the orderly and economic use and development of land.

The proposal will not result in an orderly development of the site and locality and will negatively impact on neighbouring allotments, reducing the capacity of these sites to be developed in accordance with the relevant planning considerations.

The proposal will result in a poor urban interface to the neighbouring property at 60 Memorial Avenue and a resultant disorderly appearance when viewed from the intersection of Memorial Avenue and Bathurst Street.

2. Subject to Clause 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal does not comply with the relevant provisions of State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development , in terms of the following:

(a) The proposed development is inconsistent with the following design quality

principles;

- i. Design Quality Principle 1
- ii. Design Quality Principle 2
- iii. Design Quality Principle 5
- iv. Design Quality Principle 7
- v. Design Quality Principle 9

(b) The proposed development does not comply with Clause 30(2) as it is inconsistent with Objectives;

- i. 2F – Building Separation
- ii. 3A – Site Analysis
- iii. 3B – Orientation
- iv. 3C – Public Domain Interface
- v. 3F – Visual Privacy
- vi. 3G – Pedestrian Access and Entries
- vii. 4D – Apartment Layout and Design
- viii. 4E – Private Open Space and Balconies
- ix. 4F – Common Circulation and Spaces
- x. 4M – Facades
- xi. 4S – Mixed Use
- xii. 4T – Awnings and Signage

(c) The proposal does not provide sufficient information to demonstrate compliance with the following sections of the Apartment Design Guideline;

- i. 4G – Storage
- ii. 4O – Landscape Design
- iii. 4P – Planting on Structures
- iv. 4V – Water management and Conservation

3. Subject to Clause 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal does not comply with the relevant Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP) in terms of the following;

(a) The proposal does not provide sufficient information to demonstrate compliance with the following sections of the SEPP;

- i. (c) The cumulative impact on the catchment
- ii. (e) Georges River Catchment Regional Planning Strategy
- iii. (f) State Government policies, manuals and Council guidelines
- iv. (9) Urban Stormwater runoff issues
- v. (12) Water quality issues

4. Pursuant to Clause 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with the following provisions of Liverpool Local Environmental Plan 2008 as follows;

(a) 1.2 Aims of the Plan

- (b) 2.3 Zone Objectives
 - (c) 7.1 Objectives for Development in the Liverpool City Centre
 - (d) 7.5 Design Excellence in Liverpool City Centre
 - (e) 7.31 Earthworks
5. Pursuant to Clause 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposal does not comply with the following parts of the Liverpool Development Control Plan 2008;
- (a) The proposal does not meet the objectives or controls of the following sections of Part 1 of LDCP 2008:
 - i. Section 1 Tree preservation
 - (b) The proposal does not meet the objectives or controls of the following sections of Part 4 of LDCP 2008
 - i. 4.2.1 Building form
 - ii. 4.2.2 Building envelope
 - iii. 4.2.6 Floor plates
 - iv. 4.2.7 Street alignments and setbacks
 - v. 4.2.8 Side and rear setbacks
 - vi. 4.2.10 Housing choice and mix
 - vii. 4.2.12 Public space and communal open space
 - viii. 4.2.13 Landscape design
 - ix. 4.3.3 Active street frontages
 - x. 4.3.4 Street address
 - xi. 4.3.5 Street and building interface
 - xii. 4.3.7 Awnings
 - xiii. 4.3.8 Building design and public domain interface
 - xiv. 4.3.9 Street intersections and corner buildings
 - xv. 4.3.10 Public artwork
 - (c) The proposal does not provide sufficient information to demonstrate that the proposal meets the objectives or controls of the following sections of Part 1 of the Liverpool Development Control Plan 2008;
 - i. Section 6 Water cycle management
 - ii. Section 11 Salinity
 - iii. Section 14 Demolition and waste
 - iv. Section 25 Waste Disposal and reuse
 - (d) The proposal does not provide sufficient information to demonstrate that the proposal meets the objectives or controls of the following sections of Part 4 of the Liverpool Development Control Plan 2008;
 - i. 4.2.12 Public space and communal open space
 - ii. 4.2.13 Landscape design
 - iii. 4.2.14 Planting on structures
 - iv. 4.5.1 Wind mitigation

6. Pursuant to Clause 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the proposal is likely to have the following adverse impacts of the proposal to the built environment are unacceptable as follows:

(a) Built Environment -

The proposed development is considered to have an overall negative impact on the surrounding built environment. The proposal responds neither to the existing character of the area, nor does it respond to the future envisaged character of the area.

The proposal does not present appropriately to the Memorial Avenue frontage from which it is set back too far. The proposal also does not present appropriately to the Bathurst Street or Castlereagh Street frontages to which the proposed tower elements project too close to the street boundary, overwhelming the streetscape.

The alignment to and presentation with the neighbouring development at 60 Memorial Avenue will significantly impact on the development potential of this site, with the likely result the this site will either remain undeveloped or alternatively will be unable to redevelop to a scale that is commensurate with good urban design principles in that a prominent built form is presented to the intersection. This will result as any development on this neighbouring site will be dwarfed by the current proposal.

7. Pursuant to Clause 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not suitable for the proposal. The site in the current form is not suitable for the proposed development as it represents a disorderly development of the site and locality and will result in a poor contextual outcome in relation to both the broader and neighbourhood areas and in relation to the streetscape in general. The proposal will also result in an unfavourable outcome for the remaining undeveloped allotments within the street block bordered by Memorial Avenue and Norfolk, Bathurst and Castlereagh Streets in that the built form of the proposal will impact on the required shared boundary setbacks reducing the permissible extent of future development on these adjoining sites.
8. Pursuant to Clause 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, a neighbour submission has been received that raise valid concerns in relation to site isolation. One neighbour submission of objection was received in relation from an immediate neighbour claiming that the valuation report and associated offer of purchase submitted was not in accordance with the briefing report minutes of the Panel. The neighbour has indicated that any valuation should be in accordance with this recommendation of the Panel requiring the 6:1 FSR permitted as part of an amalgamated site to be considered when preparing the valuation report for any subsequent offers.
9. Pursuant to Clause 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 the proposal is not in accordance with the public interest, with respect to the reasons stated above.
10. Insufficient information has been submitted in order to permit a proper assessment of

the application. In this regard, the following additional information is required to allow for a complete assessment of the proposal:

- (a) Stormwater information – Must be updated in accordance with Council's Land Development Engineering requirements.
- (b) Landscaping information – an assessment of the landscaping provision cannot be completed until specific details of species selection is provided.
- (c) Traffic report information – must be updated in accordance with RMS requirements.
- (d) Waste Management Information – In accordance with the requirements of Council's Waste Management section.

10 ATTACHMENTS

1. Revised Architectural Plans
2. Without prejudice conditions of consent
3. Statement of Environmental Effects
4. SEPP 65 Statements
5. Urban Design Report
6. Architectural Design Report
7. Energy Efficiency Report
8. Landscape Plan
9. Hydraulic Civil Plans
10. Heritage Impact Statement
11. Geotechnical Report
12. Arborists Report
13. Tree Management Plan
14. Traffic Report
15. Access Report
16. Acoustic Report
17. BCA Report
18. Building Services Report
19. Preliminary Site Investigation
20. Stage 2 Detailed Site Investigation
21. Remedial Action Plan
22. Social Impact Assessment
23. Wind Assessment
24. Waste Management Plan
25. Design Excellence Panel comment
26. Roads and Maritime Services response
27. Sydney Water response
28. Endeavour Energy Response
29. South Western Sydney City Planning Panel briefing minutes
30. Valuation report 60 Memorial Avenue, Liverpool (private and confidential)

31. Valuation Report 96-98 Castlereagh Street, Liverpool (private and confidential)
32. Valuation Report 3 Norfolk Avenue, Liverpool (private and confidential)
33. Letters of offer to purchase neighbouring properties (private and confidential)