

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-30
DA Number	DA-585/2019
LGA	Liverpool City Council
Proposed Development	The application seeks consent for the following land uses and building envelopes on the site: • Building envelope with a maximum height of RL 43.45 for the purpose of an information and education facility – public library use, and public domain; • Building envelope with a maximum height of RL 84.25 for the purpose of a public administration building use and / or a commercial premises or child care centre uses; • Building envelope with a maximum height of RL 118.85 which all accommodate either commercial premises, educational establishments, tourist and visitor accommodation or boarding house (student accommodation) uses; • Landscaping and public domain concept including the provision of a public through site link running north to south through the site, connecting Scott Street to the north through to Terminus Street to the south; • Building envelope for a three-level shared basement car park across the entire site to accommodate parking for all future uses (approx. 413 spaces) and accommodating a public car park to be owned by Council. This basement envelope is also proposed to include information and education facility uses; and • Two vehicular access points to the site.
Street Address	40, 48, 52 and 64 Scott Street, Liverpool 306-310 Macquarie Street, Liverpool
Applicant/Owner	Applicant: Built Development Group; Landowner: Liverpool City Council
Date of DA lodgement	20 September 2019
Number of Submissions	Three (3)
Recommendation	Approved with conditions

Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Sydney Western City Planning Panel (SWCPP) is the determining body as the Capital Investment Value (CIV) of the development is over \$30 million (as well as being a Council related development over \$5 million)
List of all relevant s4.15(1)(a) matters	Environmental Planning Instruments (EPIs) • <i>State Environmental Planning Policy No.55 – Remediation of Land;</i> • <i>State Environmental Planning Policy (State and Regional Development) 2011;</i> • <i>State Environmental Planning Policy (Infrastructure) 2007;</i> • <i>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;</i> • <i>Liverpool Local Environmental Plan 2008.</i> Development Control Plans (DCP) • <i>Liverpool Development Control Plan 2008</i> ○ Part 1 – Controls applying to all development ○ Part 4 – Development in Liverpool City Centre Regulations • <i>Environmental Planning and Assessment Regulation 2000</i>
List all documents submitted with this report for the Panel's consideration	1) Concept Envelope Plans (Revised) 2) Reference Scheme (Revised) 3) Architectural Design Statement (Revised) 4) Clause 4.6 Variation Request (Revised) 5) Statement of Environmental Effects 6) DEP Minutes (17 March 2020) 7) SWCPP Minutes (14 April 2020) 8) Applicant's Response to RFI letter (dated 6 May 2020) 9) Applicant Response to DEP Conditions (29 July 2020) 10) Transport for NSW initial comments (11 December 2019) 11) Transport for NSW final comments (12 August 2020) 12) Deposited Plan – Title Search 13) Pedestrian Wind Environment Statement (Revised) 14) Traffic Impact Statement (Revised) 15) Recommended Conditions of Consent
Clause 4.6 requests	Clause 4.6 request to vary Liverpool LEP 2008 Clause 7.4: Building separation in Liverpool City Centre

Summary of key submissions	• Noise and access during construction • Hoarding • Access between Macquarie Street and 300 Macquarie Street, Liverpool • Public domain interface • Proposed site layout • Wind assessment • Light and air easement encroachment • On site car parking
Report prepared by	Architectus
Report date	18 August 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

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

Conditions

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

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

1. EXECUTIVE SUMMARY

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, development consent is sought for the concept plan approval for the following land uses and associated building envelopes on the subject site (40, 48, 52 and 64 Scott Street, Liverpool and 306-310 Macquarie Street, Liverpool):

- Building envelope with a maximum height of RL 43.45 for the purpose of an information and education facility – public library use, and public domain;
- Building envelope with a maximum height of RL 84.25 for the purpose of a public administration building use and / or a commercial premises or child care centre uses;
- Building envelope with a maximum height of RL 118.85 which all accommodate either commercial premises, educational establishments, tourist and visitor accommodation or boarding house (student accommodation) uses;
- Landscaping and public domain concept including the provision of a public through site link running north to south through the site, connecting Scott Street to the north through to Terminus Street to the south;
- Building envelope for a three-level shared basement car park across the entire site to accommodate parking for all future uses (approx. 413 spaces) and accommodating a public car park to be owned by Council. This basement envelope is also proposed to include information and education facility uses; and
- Two vehicular access points to the site.

No physical works are sought under DA585/2019.

Sydney Western City Planning Panel (SWCPP) is the determining body for the application under Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, as the development is 'Council related development' with a CIV of more than \$5 million, and has an overall CIV of over \$30 million.

The following relevant Environmental Planning Instruments, Development Control Plans and Codes or Policies have been considered as part of the assessment of this application:

Legislation

- *Environmental Planning and Assessment Act 1979*
- *Roads Act 1993*

Environmental Planning Instruments (EPI's)

- *State Environmental Planning Policy No.55 – Remediation of Land;*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;*
- *Liverpool Local Environmental Plan 2008.*

Development Control Plans

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

Summary of relevant matters

Section 4.22 Concept development applications – EP&A Act

This application has been submitted pursuant to Section 4.22 of the *Environmental Planning and Assessment 1979* (EP&A Act):

*For the purposes of this Act, a **concept development application** is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.*

The subject application is concept development application that sets out concept proposals for the development of the site and this application enables the lodgement of subsequent development applications for detailed proposals at a later date.

It is noted that the granting of consent for a concept development application does not authorise the carrying out of development unless otherwise specified by Section 4.22(4)(a) or (4)(b). This application is a concept development application only, and no physical works are proposed. Subsequent development applications will be required to seek consent to carry out development on the site. A condition of consent will be included to reflect the requirements of this provision.

State Environmental Planning Policy (Infrastructure) 2007

The site has a frontage to Terminus Street, a classified road. A small portion of the site is also reserved for acquisition for the purpose of widening Terminus Street. As such the proposal must be considered under the relevant provisions of *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP).

- **Clause 101 Development with frontage to classified road**

(1) *The objectives of this clause are:*

- (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*

- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road*

The concept development application has been considered against the relevant provisions of Clause 101, to the extent deemed appropriate for a concept development application. The concept development application provides an overall maximum GFA for future development but the final GFA will be determined in subsequent detailed design applications. As the final details are not known at this stage and the consequential traffic generation/parking impact of a final detailed design cannot be determined.

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

It is considered appropriate to give further consideration to the potential impacts under Clause 101 at a future development application stage.

It is important to note, subsequent development applications for future stages of development on the site will be integrated development under Section 4.46 of the EP&A Act and will require concurrence under Section 138 of the *Roads Act 1993*.

Transport for NSW note that concurrence under Section 138 of the *Roads Act 1993* will be considered following review and approval of detailed design plans provided in subsequent development applications. Transport for NSW have specified a number of matters to be addressed in subsequent development applications, including; limiting access from Terminus Street to 202 spaces and restricting access from Terminus Street to left in / left out. These matters will be imposed as a recommended condition of consent for future development applications.

Liverpool Local Environmental Plan 2008

B4 Mixed Use Zone

The concept development application is consistent with the objectives of the B4 zone. The concept application will facilitate a mix of compatible land uses and provides for appropriate building envelopes that have been suitably located to cater for civic, community, business, retail, hotel, and other uses. The concept development application does not propose any residential uses. The concept application has been presented to Council's Design Excellence Panel on numerous occasions and is considered an appropriate concept application that can facilitate a high-quality urban design and public domain outcome.

Clause 7.4 Building separation in Liverpool City Centre

Subclause 7.4(2)(d) and (e) require the following building separations for land zoned B4 Mixed Use within the Liverpool City Centre:

- 12m for parts of buildings between 25-45m above ground level (finished); and
- 28m for parts of buildings 45m or more above ground level (finished).

Portions of the proposed building envelope do not comply with the 12m or 28m building separation required under Clause 7.4. The submitted written request to vary Clause 7.4 (Building Separation in the Liverpool City Centre) has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the B4 zone.

With considerations of the justifications provided in support of the Clause 4.6 Variation, the proposed variation to the Clause 7.4 “*Building Separation in the Liverpool City Centre*” has satisfied the provisions of Clause 4.6 and is supported in this circumstance.

Clause 7.5 Design Excellence

To ensure developments of this nature and scale exhibit design excellence, Council has in place a Design Excellence Panel (DEP) that oversees proposals and provides advice to applicants to ensure development can achieve the outcomes specified in Clause 7.5 (3).

The concept development application was presented to Council’s Design Excellence Panel on 2 occasions. The concept application and supporting reference scheme was presented twice as part of the DA assessment on 26 November 2019 and 17 March 2020.

The Design Excellence Panel outlined a number of matters to be addressed following the meeting on 26 November 2019. These matters were provided to the applicant in a response for information request on 14 February 2020. Following submission of a preliminary revised concept application package, the application was presented to the Design Excellence Panel a second time (17 March 2020). On this occasion, the Design Excellence Panel provided their support for the proposal. The applicant formally submitted a package of additional information on 6 May in response to the request sent on 14 February 2020.

The Design Excellence Panel recommended that the Design Excellence Panel has an ongoing role in the final design and approval of the public domain strategy for the site. This will ensure the highest quality public domain outcome and ensure development can achieve the requirements of Clause 7.5. The Design Excellence Panel have provided a recommended condition of consent to achieve this outcome.

It is important to note that subsequent applications that involve the detailed built form will be presented to the Design Excellence Panel for consideration under this clause. This will ensure that future development on the site, achieves the requirements of Clause 7.5.

Clause 7.5A Additional provisions relating to certain land at Liverpool City Centre

If it is demonstrated that a development provides for the mandated minimum 20% then a development may obtain an unrestricted height limit and an FSR of up to 10:1 despite the maximum height and FSR development standard indicated by Clauses 4.3 and 4.4 of the Liverpool LEP 2008.

The concept proposal has demonstrated that a future development is able to accommodate a minimum 20% of the GFA for numerous uses detailed in the Clause above. The proposed building envelopes in the concept development application demonstrate that of the maximum 50,034m² of GFA the proposal can accommodate, 5,059m² could be accommodated by an information and education facility (library) and approximately 17,014m² of GFA for the purposes of a public administration building.

This equates to 44.1% of the total GFA and satisfies this Clause. A condition of consent will be imposed requiring that any future application provide a minimum 20% of the GFA for the uses listed in Clause 7.5A (2).

The concept development application and supporting reference scheme demonstrates that the proposed building envelopes are capable of accommodating approximately 50,034m² of GFA, which equates to an FSR of 5.44:1. Therefore, the proposed building envelopes are capable of complying with the maximum FSR of 10:1 established under Clause 7.5A.

Therefore, having regard to the above it is considered that the concept development application is consistent with the requirements of Clause 7.5A. Future development applications will be required to demonstrate compliance with the provisions of Clause 7.5A.

Submissions made in relation to the Development

- **Transport for NSW**

The application was referred on 2 occasions to Transport for NSW for consideration. Both responses are attached to this report.

Transport for NSW has reviewed the concept development application and in principle raise no objection.

Transport for NSW note that concurrence under Section 138 of the *Roads Act 1993* will be considered following review and approval of detailed design plans provided in subsequent development applications. Transport for NSW have specified a number of matters to be addressed in subsequent development applications, including; limiting access from Terminus Street to 202 spaces and restricting access from Terminus Street to left in / left out. These matters will be imposed as a recommended condition of consent for future development applications.

It is important to note, subsequent development applications for future stages of development on the site will be integrated development under Section 4.46 of the EP&A Act and will require concurrence under Section 138 of the *Roads Act 1993*.

Recommendation

It is recommended that Development Application DA-585/2019 be approved subject to conditions of consent.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The site's main address is at **52 Scott Street, Liverpool** but is officially comprised of 11 lots, legally described as:

Address	Legal Description
40-46 Scott Street, Liverpool	Lot 100, DP 877435
48 Scott Street, Liverpool	Lot 11, DP 522284 Lot 12, DP 657056
52 Scott Street, Liverpool	Lot 1, DP 229979 Lot 22, DP 441010 Lot 23, DP 441010 Lot 2, DP 229979 Lot 1, DP 507070 Lot 17, DP 81842 Lot 3, DP 229979
64 Scott Street, Liverpool	Lot 1, DP514817
306-310 Macquarie Street, Liverpool	Lot 201, DP 1224084



Figure 1: Lot composition of development site.

Source: Six Maps

The landowner of the site is Liverpool City Council.

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

A diagram showing the site area is provided at **Figure 2**. An aerial image of the subject site is provided in **Figure 3** below.

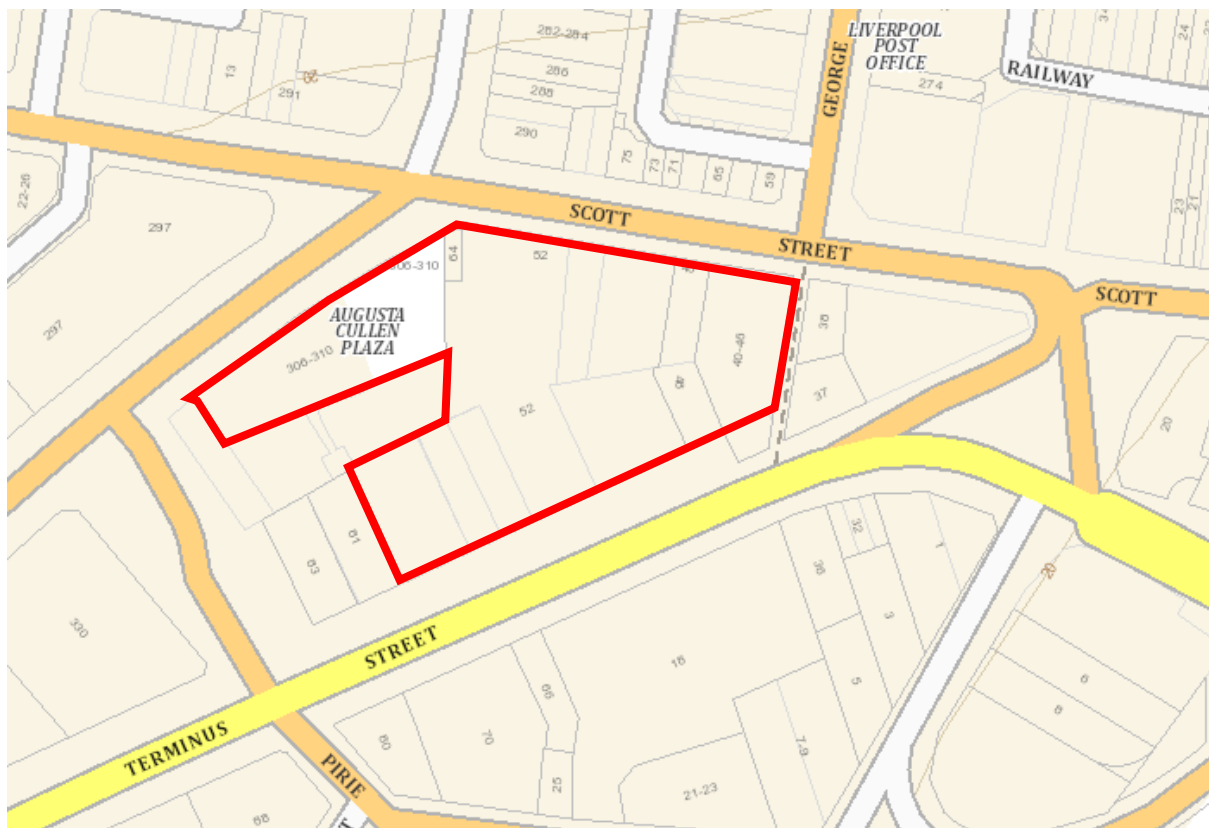


Figure 2: Site area (in red)

Source: Six Maps

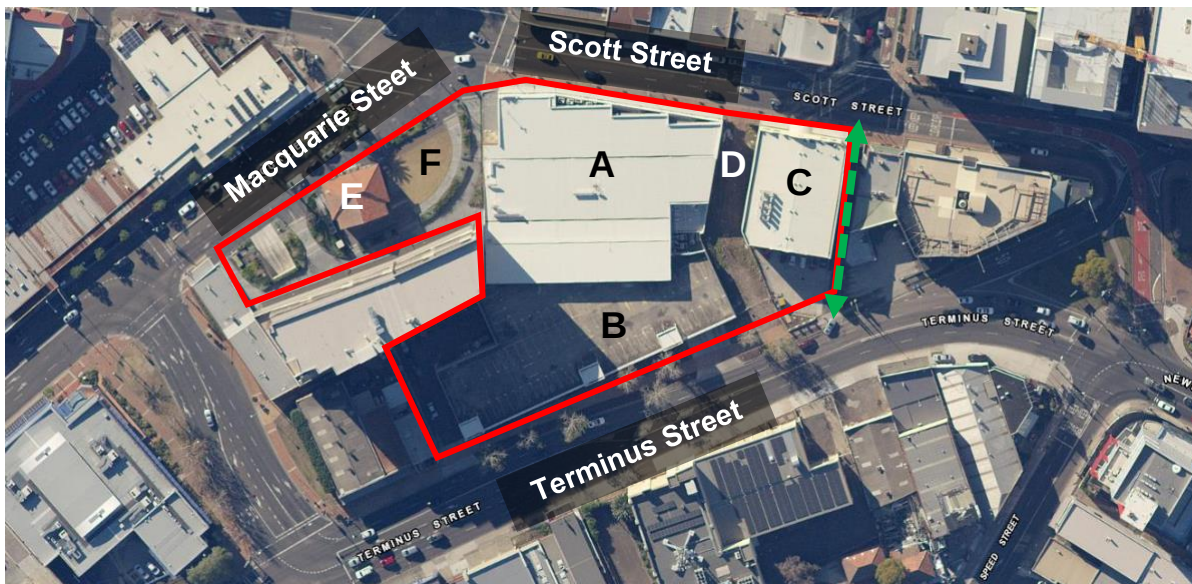


Figure 3: Aerial of subject site (in red) and surrounds. George Lane indicated in green dash.

Source: Six Maps

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

The site currently contains:

- A. A two storey commercial building fronting onto Scott Street;
- B. Above ground car parking structure accessible from Terminus Street, servicing the aforementioned commercial building;
- C. A two storey commercial building located at the eastern side of the site with an adjoining carpark at the rear;
- D. A vacant lot separating the two commercial buildings;
- E. A heritage item (I99) 'Memorial School of Arts' building fronting Macquarie Street; and
- F. Augusta Cullen Plaza, a small public park located adjacent to the Memorial School of Arts.

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

2.2 The locality and adjacent site

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

An adjoining 9-storey mixed use building is located at 300 Macquarie Street (refer to **Figure 4**), with part of the building wedged between the northern and southern extent of the subject site. The mixed-use building contains ground floor retail uses which are set back from the

Memorial Arts Building and Macquarie Street. This adjoins low scale automotive service tenancies to the west.

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

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

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



Figure 4: Aerial of subject site (in red) and the adjoining residential flat building at 300 Macquarie Street (in blue)

Source: Six Maps, annotations by Architectus.

The surrounding locality is indicated in **Figure 5** below.



Figure 5: Locality Plan

Source: Nearmap, annotations by Architectus.

2.3 Site affectations

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

2.3.1 Heritage

The site:

- **is not** listed as a heritage item in the Liverpool LEP 2008; though,
- **is** located within the immediate vicinity of heritage items.

The site includes heritage item I99, the 'Memorial School of Arts', a building of local heritage significance identified under Schedule 5 of the Liverpool Local Environmental Plan (LEP) 2008. The 'Memorial School of Arts Building' fronts Macquarie Street and is located adjacent to Augusta Cullen Plaza.

Other surrounding heritage items in the vicinity of the site are summarised in the table below and identified in **Figure 6**.

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

Bigge Park Conservation Area	Conservation Area	Area bounded by and including College, Goulburn, Railway, Scott and Bigge Streets as shown hatched red in Figure 6	Local
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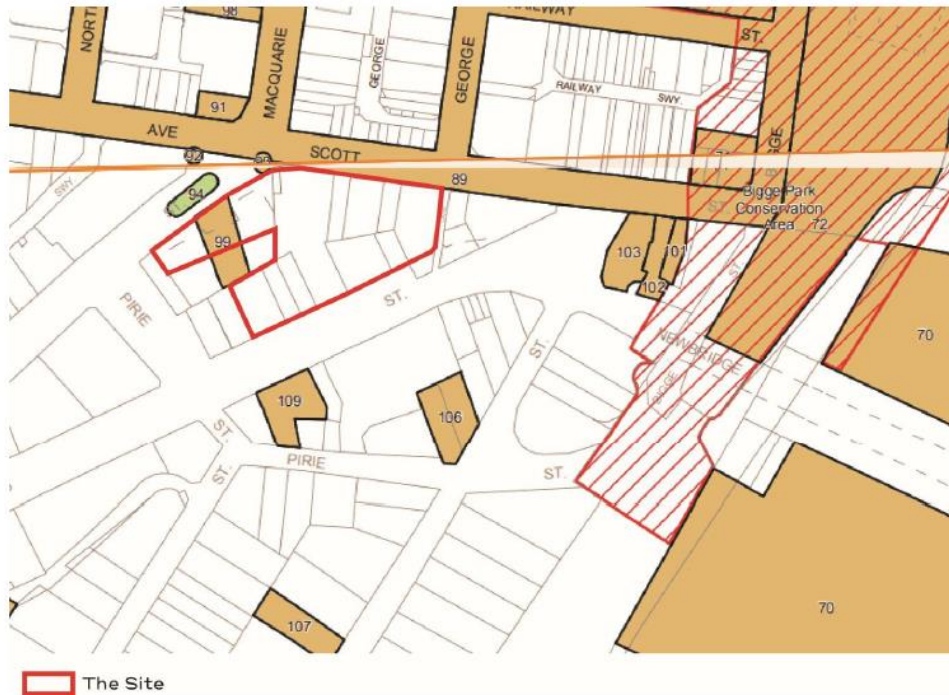


Figure 6: Heritage items in the vicinity of the site

Source: Liverpool LEP 2008, annotations by Architectus.



Figure 7: Photo looking south-west towards the 'Memorial School of Arts Building', Macquarie Monument and 'row of three palm trees', all of which are heritage items identified under LLEP 2008.

Source: Architectus

2.3.2 Traffic and access

The southern boundary of the site fronts Terminus Street, an RMS Classified Road that is currently four to six lanes wide. The site currently has a main vehicular entrance from Terminus Street to the car parking structure servicing the main two-storey commercial building on Scott Street.

Terminus Street is the main east-west thoroughfare for district traffic, connecting the Hume Highway at its western terminus and Bankstown Airport and beyond in the east. It is a major road that enables vehicles to bypass Liverpool City Centre and experiences high volumes of traffic. Part of the site along Terminus Street is subject to land acquisition by RMS to facilitate future widening of the road.

Two construction vehicle access points are proposed: one from Terminus Street and one from Scott Street. Approximately 100 construction vehicle movements a day are expected to facilitate the construction activities, with peak vehicle movements anticipated between 7am – 3pm Monday to Friday.

Traffic management impacts associated with the proposed works will be addressed in a Traffic Management Plan. The DA was also referred to Transport for NSW for comment and recommended conditions will be imposed as condition of consent.

2.3.3 Flooding

The proposed development is within the Georges River catchment area, however, is not impacted by 1 in 100-year flooding event. The DA was referred to Council's Flood Engineer, who supports the proposal subject to conditions.

2.3.4 Contamination

A Preliminary Site Investigation prepared by Douglas Partners identified that the site contains potential contaminants including uncontrolled filling, existing and former buildings on site, the former fire station and the adjacent mechanical workshop. The Concept DA does not propose any physical works or excavation on the site. Though a condition of consent has been imposed on any future Detailed DA subject to this Concept Approval that proposes excavation to require a Stage 2 – Detailed Site Investigation to fully delineate the contamination issues prior to the preparation of a Remediation Action Plan.

3. BACKGROUND

3.1 History of application

- DA was lodged on 20 September 2019
- DA was internally referred to Council's Urban Design, Natural Resources, Flooding, Traffic and Transport, Heritage, Community Planning, Development Engineering, and City Economy Branches for comment, and referred externally to Transport for NSW, Sydney Water, Endeavour Energy, Bankstown Airport, NSW Police, Careflight and Air Ambulance.
- Notification of the DA from 9 October 2019 to 8 November 2019 – three (3) were received
- An initial Design Excellence Panel (DEP) meeting with the applicant was held on 26 November 2019 to review the design merits of the proposed development. The proposal is required to demonstrate design excellence under Clause 7.5.
- An initial briefing (Briefing 1) with the Sydney Western City Planning Panel (SWCPP) was held on 10 February 2020.
- A letter was issued to the applicant on 14 February 2020 requesting additional information to assist in the progress of the assessment and determination of the application. The key issues identified included the following:
 - Vehicular access;
 - Building bulk, scale and setbacks;
 - Design excellence;
 - Concept landscape masterplan;
 - Building separation;
 - Access easements – 306-310 Macquarie Street; and
 - Wind assessment.
- The applicant presented a revised scheme to the Design Excellence Panel (DEP) on 17 March 2020, addressing the above issues identified by Architectus and the initial comments provided by the DEP. The DEP issued recommendations for consideration and were in support of the revised scheme. The comments and recommendations of the DEP have been appended to this report.
- A second briefing (Briefing 2) with the SWCPP was held on 14 April 2020. The comments and recommendation from Briefing 2 have been appended to this report.
- The applicant formally submitted a package of additional information on 6 May in response to the request sent on 14 February 2020.
- DEP and Council's Urban Design section was consulted to develop conditions of consent that related to the design excellence of the public domain and landscaping on 19 May 2020.
- Final comments and conditions received from Council's Urban Design section on 17 June 2020.

- Final comments from Sydney Water were received on 26 June 2020.
- Final comments from Transport for NSW were received on 12 August 2020.

3.2 Design Excellence Panel briefings

The proposal was presented to Council's Design Excellence Panel on 2 occasions. The concept application was presented initially on 26 November 2019; a revised scheme was presented to the DEP on 17 March 2020, addressing the issues raised in the first DEP briefing.

The comments from the final DEP meeting on 17 March 2020 are summarised as follows:

Panel Comments	Response
The panel acknowledges that the location and form of the library building envelope has been revised to increase the proposed area of public domain, and the proposed civic plaza has been redesigned to be level with Scott Street and provide direct entry/level access to the Council Administration Building and library building. This redesign is supported and it is noted that it will result in a significant improvement to the useability and presence of the civic plaza space within the city centre and ensure greater exposure to the entrance of the proposed Council Administration Building.	Noted.
The panel commends the consultants and Council staff for their ongoing efforts with RMS to increase vehicle access from Terminus Street. Notwithstanding this notable success, the Panel understands that access from Scott Street is still required. This is accepted. The access should be via a pedestrian shared zone which, with the reduced car parking numbers, will provide a safe environment for all users. Provision will be required to allow for the closing of this new shared way at special event times, for weekend markets and the like. Alternative vehicle access will be needed at these times.	Noted. The approach to the public domain, including the treatment of the internal road and the proposed open spaces, are to be resolved and further detailed as part of a Public Domain and Landscape Plan, which has been imposed as a condition of consent.
The revised scheme accommodates the level change (i.e. between Scott Street and Terminus Street) within the building enabling the public plaza ground plane to be lowered to the level of Scott Street, improving its usability and connectivity to surroundings.	Noted.
Whilst the proposed library, due to its form and position, will stand out as a public building, the entrance to the Council building (and importantly the Council Chambers) on the south side of the plaza is diagrammatic only at this stage; how the envelope proposed will support a legible and amenable entrance to the building is not clear. Whilst	Noted, further resolution of public building entrances and interface will ensue in future Detailed DAs

it is now a common approach for Council Administration Buildings to be located within office buildings, it should still read as a civic building, particularly given the co-location with the library addressing a major new public outdoor space. If a suitable design solution for this requires modification of the building envelope, this should be done now, so as not to limit an excellent outcome in the future.	
The fact the public square is addressed by public buildings on two sides is a good design outcome. The permeability and filtration throughout the ground floor is supported and helps connect the 'Civic Square' and 'Civic Green' spaces. Ensure the same level of permeability and filtration is achieved in the Council Administration Building as well, by locating public functions on the ground floor (e.g. Customer Service front counters and Council chambers).	Noted. Further resolution of ground plane approach and interface will ensue in future Detailed DAs, subject to a Public Domain and Landscape Plan, which has been imposed as a condition of consent.
The panel supports the location and uses for the proposed 'Civic Green' (i.e. encompassing Augusta Cullen Plaza). However, this space needs to be a key focus of the proposal as it progresses, with detailed and resolved designs to ensure the opportunity of the space is fully realised.	Noted, as above.
The panel acknowledges that there are air rights over Augusta Cullen Plaza, limiting Council's ability to propose trees within the plaza. However, the panel urges Council to continue to liaise with the adjacent property owners and negotiate to plant trees within the plaza. Provision of shade and pockets of open space is needed for the success of the public plaza and to ensure that it will be heavily used.	Noted.
The design of the plaza needs to factor in operational requirements (e.g. for activation events), but not be driven by these requirements. The plaza needs to be designed to be a great public space for the city, which is attractive and functional when it is not being used for events (i.e. majority of the time).	Noted. Further resolution of ground plane approach and interface will ensue in future Detailed DAs, subject to a Public Domain and Landscape Plan, which has been imposed as a condition of consent.
It is recommended that Council ensures that approval of the Master Plan preserves the separation between the building envelopes and public domain. Any articulation and/or an extension of the library should be to improve the amenity of the library and/or adjacent public spaces (e.g. shelter to provide protection for people during	The proposed building envelopes are considered acceptable considering their associated land uses. Future built form under a Detailed DA will be required to comply with

summer). This should be included as a condition of the Development Application.	the proposed building envelopes, as well as demonstrate consistency with the built form controls under Liverpool DCP 2008.
The proposed pocket park that adjoins George Lane is an important part of the scheme and should be encoded into the building envelope controls, to ensure it is protected. Include Conditions of Consent within the next stages of the Development Application that specify public domain treatments to the space, noting that this space could be part of an access route between Scott Street and Terminus Street that will be used by many pedestrians.	The approach to the public domain, including the treatment of proposed open spaces, are to be resolved and further detailed as part of a Public Domain and Landscape Plan, which has been imposed as a condition of consent.
The Panel notes that the separate massing of the hotel on Scott Street (Masterplan Envelope Mixed Use) and the office building to the south (Masterplan Envelope Commercial), the new east-west pedestrian lane open to the sky between these buildings and the “pocket park” at Scott Street and George Lane, as shown in the updated Masterplan reference design, are highly desirable. These massing and public domain strategies enhance the public experience at street level and manage the scale of the new buildings as seen from Scott Street and the new plaza. They also provide a pedestrianised space within the site, sheltered from Scott Street and accommodating foot traffic between the train station and Council. These elements are not contained in the updated Masterplan Envelopes. The Panel recommends that the open-air link and pocket park are incorporated into the envelope approval to ensure an open to sky laneway connection parallel to Scott Street is not lost.	Noted, as above. The proposed building envelopes will enable a level of flexibility for detailed design and approach for the east-west through site link. Principles for pedestrian movements and amenity are to be considered as part of a Public Domain and Landscape Plan.
The panel has no objection to the minor non-compliance of the building envelope (i.e. two-storey street height along Scott Street/Proposed George Lane), given the demonstrated potential performance in the proposed design. The shadow diagrams demonstrate sufficient sunlight will reach the proposed pocket park located on the proposed George Lane.	Noted.
The amount of glazing (i.e. to the windows on the towers and library building), particularly given the hot microclimate of Liverpool CBD, is of concern. Explore alternative solutions to reduce heat to the buildings.	Noted. No physical works are proposed as part of this Concept DA. This may be resolved as part of future Detailed DAs.

The revised vehicular access strategy is supported, noting that the proposed vehicular entry at the intersection of Scott Street and George Street has been removed, a vehicular entry off Terminus Street has been added, and a vehicular entry from Scott Street (i.e. with an internal share-way street providing basement access) has been included.	Noted.
The panel recommends that Council includes conditions on the master plan approval to permit the temporary closure of the proposed share way for major public events. This needs to be captured and preserved via. the Development Application conditions of consent for approval of the master plan.	As the Concept DA seeks approval for building envelopes, access points and land uses (and no physical works), these conditions would be appropriate for imposition on future Detailed DAs.
It was noted there are great opportunities to include sustainability and regenerative design with the Architecture and Landscape Architecture. The discussion included the exploration of efficient building envelopes (not entirely glazed and appropriately shaded), use of PVC cells, use of onsite electricity generation to provide comfortable spaces for pedestrians AND occupants.	Noted, as above.
A thorough and thoughtful exploration of indigenous history and how it may be interpreted and integrated within the development play a key role in future design development. The panel looks forward to this being explored and explained as the design progresses	Noted.
The panel outlined wind studies need to be completed to ensure the project provides for a comfortable streetscape and plaza design	Noted, conditions of consent requiring a wind study for future Detailed DAs has been included.
The panel requests that the Terminus Street frontage be developed as visually and physically permeable where possible and that a blank 'back of house' approach be avoided. The panel requests the Architects review the design of the Terminus Street frontage. All public domain frontages around the site need to be resolved and recognised as public spaces, and the same attention that has been given to Scott Street needs to be applied along Terminus Street. The panel recommends preparing a section drawing showing how Terminus Street links through to the mezzanine level of the Council Administration Building. Consider how this part of the site can contribute to the gateway experience for people (including motorists and cyclists) entering the Liverpool CBD from Newbridge Road. Consider incorporating a	Noted. Further resolution of ground plane approach and interface will ensue in future Detailed DAs, subject to a Public Domain and Landscape Plan, which has been imposed as a condition of consent.

bold/strong graphic artwork (e.g. similar in significance to the Claire Foxton mural on Bigge Street) or including green walls on the building.	
The panel requests a focus of the next phases of design to be centred on the plaza design and how it interacts with the architecture and streetscape. There needs to be a diversity of spaces, the space must be well resolved, appropriately detailed for durability and amenity, designed for the microclimate of the area addressing year round conditions (hot/cold, sun/shade), an attractor for use and enjoyment and designed to engage with users of all ages and backgrounds. The panel stated the plaza should be a place in almost constant use (an 18 hour a day place). The discussion included potential inclusions such as provision for outdoor digital displays, performance spaces and deciduous tree planting among others, but resolved that all design options need to be considered and developed further.	Noted, as above.
The project is supported. Respond to recommendations made by the panel, then the plans are to be reviewed/approved by Council.	Noted.

Based on the above comments from the Design Excellence Panel, it is deemed the concept proposal put forth is considered acceptable at this stage. It is important to note as this application is for a concept proposal only that sets out building envelopes for future detailed proposals to be submitted as part of future detailed development applications and will be presented to the Panel to determine if acceptable. The DEP has recommended certain conditions be imposed on any consent issued to ensure any future development application incorporate an appropriate design.

3.3 Sydney Western City Planning Panel briefings

The proposal was presented to SWCPP on 2 occasions. The concept application was presented initially on 10 February 2020 (Briefing 1); a revised scheme was presented to the SWCPP on 14 April 2020 (Briefing 2).

The comments from Briefing 2 are summarised as follows:

Key Comments	Response
Discussion at the DEP meeting referred to the lack of a design competition for the project and suggestions were made as to how elements of competitive architectural input could be included in the design process. One possibility aired was the option of a condition of concept	Noted. The approach to the public domain, including the treatment of the internal road and the proposed open spaces, are to be resolved

approval requiring a design competition for the public domain. Other options might also achieve the same intended result.	and further detailed as part of a Public Domain and Landscape Plan, which has been imposed as a condition of consent.
Design competitions should be considered for each of the buildings, including external public domain areas around each building. The Concept design resolution of building envelopes and associated ground plane areas for each building are currently at a conceptual level. Building envelopes will most likely need to be modelled (cut into/reduced) as the final mix of uses, internal programming and movement patterns are resolved. Design competitions will ensure the design of building envelopes and public domain interface areas achieves a high level of integration and design excellence.	As above. The Public Domain and Landscape Plan is to be reviewed and endorsed by a Public Domain Design Panel, imposed as a condition of consent. This process is intended to ensure the public domain areas achieve design excellence in accordance with Clause 7.5 of Liverpool LEP 2008.
Setbacks, connections, and through links would need careful consideration to ensure that the Terminus Street presentation was meaningful from a public domain perspective. The driveway entry and ramp should not be located adjacent to the public plaza.	Noted, as above and to be resolved further in future Detailed DAs.
The Terminus Street plaza works to resolve the level differences on the site and to provide separation between a commercial plaza; Terminus Street, and the more civic focused public domain area; Scott Street and around the library. It is important that each of these two areas has physical and visual access to the interiors of adjacent buildings. The way the edges of the buildings interact with these external spaces is important to the success of these spaces: items for further design consideration could include: • Double height ground floor spaces onto public open spaces and streets. • Foyer areas facing onto public open spaces and streets. • Avoiding level changes between public spaces and internal building spaces. • Avoiding service areas, ramps, driveways alongside public open spaces and streets. • Ensuring there is a transition from the external space to inside. Areas of high pedestrian movement may require covered outdoor areas adjacent to entries.	Noted, as above.

• Consider the size, configuration and layout of uses in the internal and external spaces it ensure they match the level of activity and movement patterns and achieve functional and beautiful spaces. • The Terminus and Terminus Street Plaza building frontages required much greater activation (seek to achieve 70% for Terminus Street and 85% for the Plaza). • The two void spaces located on either side of the Council lobby require further resolution. Consideration for locating both spaces within the building associated with a staircase or other circulation space ie. lift lobby, could allow the voids to be a more logical extension of visual and physical permeability.	
It is queried as to whether there is sufficient parking on site for such a large and varied development and whether there is public benefit in increasing carparking on the site.	The projected number of carparking spaces to be provided on site, based on the land uses proposed and total GFA is consistent with Clause 7.3 Car Parking in Liverpool City Centre (Liverpool LEP 2008). Future Detailed DAs will be required to demonstrate consistency with Clause 7.3
A query was raised as to whether provisions to ensure that important design and public domain principles or elements shown in the referral scheme could be incorporated in a concept approval. It was suggested that care be taken in the assessment to identify which aspects of the referral scheme may need to be captured in any conditions of approval relating to the more detailed design process for the project.	Noted.

3.4 Site background – related applications

The site subject to this Concept DA (DA585/2019) is also subject to DA906/2019 which was approved by the SWCPP on 25 May 2020. DA906/2019 approved the demolition of existing structures and early works site preparation for Liverpool Civic Place.

4. DETAILS OF THE PROPOSAL

Development consent is sought for the concept plan approval for the following land uses and associated building envelopes on the subject site (40, 48, 52 and 64 Scott Street, Liverpool and 306-310 Macquarie Street, Liverpool):

- Building envelope with a maximum height of RL 43.45 for the purpose of an information and education facility – public library use, and public domain;
- Building envelope with a maximum height of RL 84.25 for the purpose of a public administration building use and / or a commercial premises or child care centre uses;
- Building envelope with a maximum height of RL 118.85 which all accommodate either commercial premises, educational establishments, tourist and visitor accommodation or boarding house (student accommodation) uses;
- Landscaping and public domain concept including the provision of a public through site link running north to south through the site, connecting Scott Street to the north through to Terminus Street to the south;
- Building envelope for a three-level shared basement car park across the entire site to accommodate parking for all future uses (approx. 413 spaces) and accommodating a public car park to be owned by Council. This basement envelope is also proposed to include information and education facility uses; and
- Two vehicular access points to the site.

4.1 Building Envelopes and vehicular access points

The following Building Envelope Plans illustrate the proposed land uses, massing and vehicular access points.

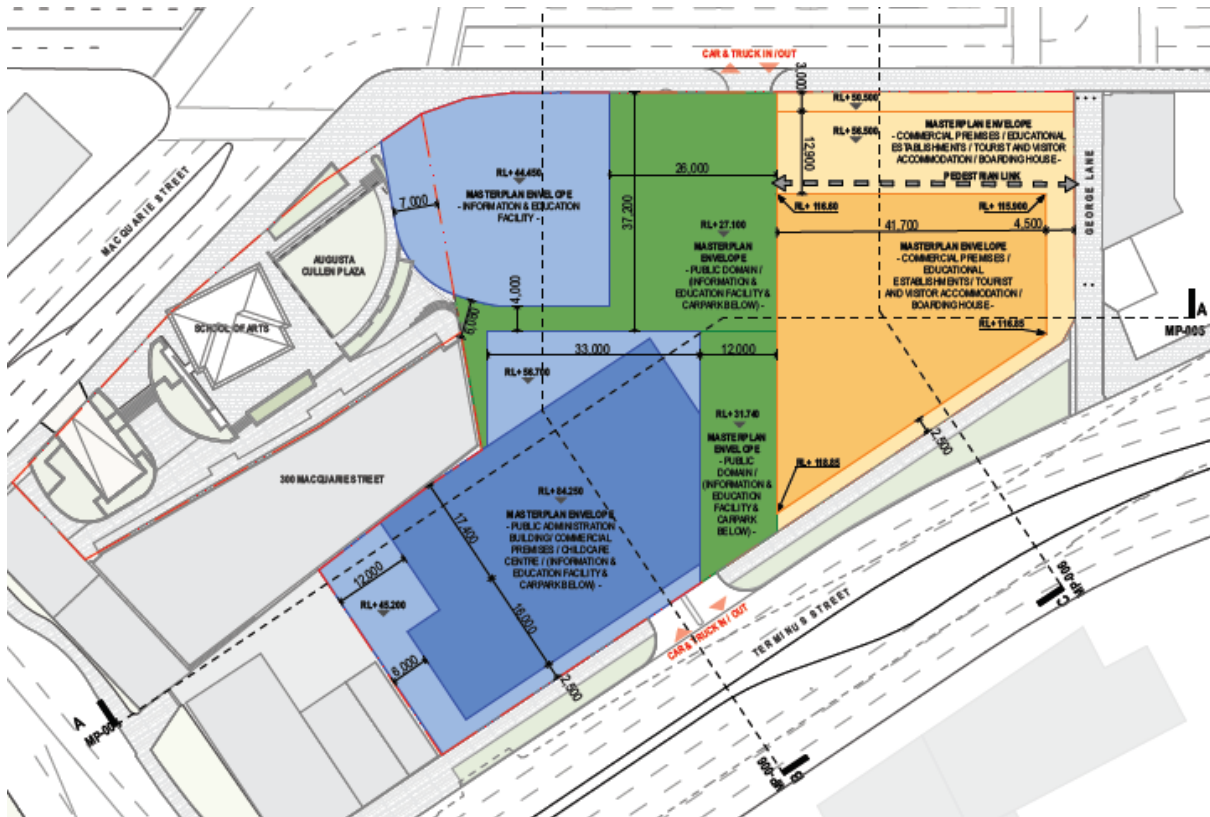


Figure 8: Proposed envelope plan and associated land uses

Source: FJMT

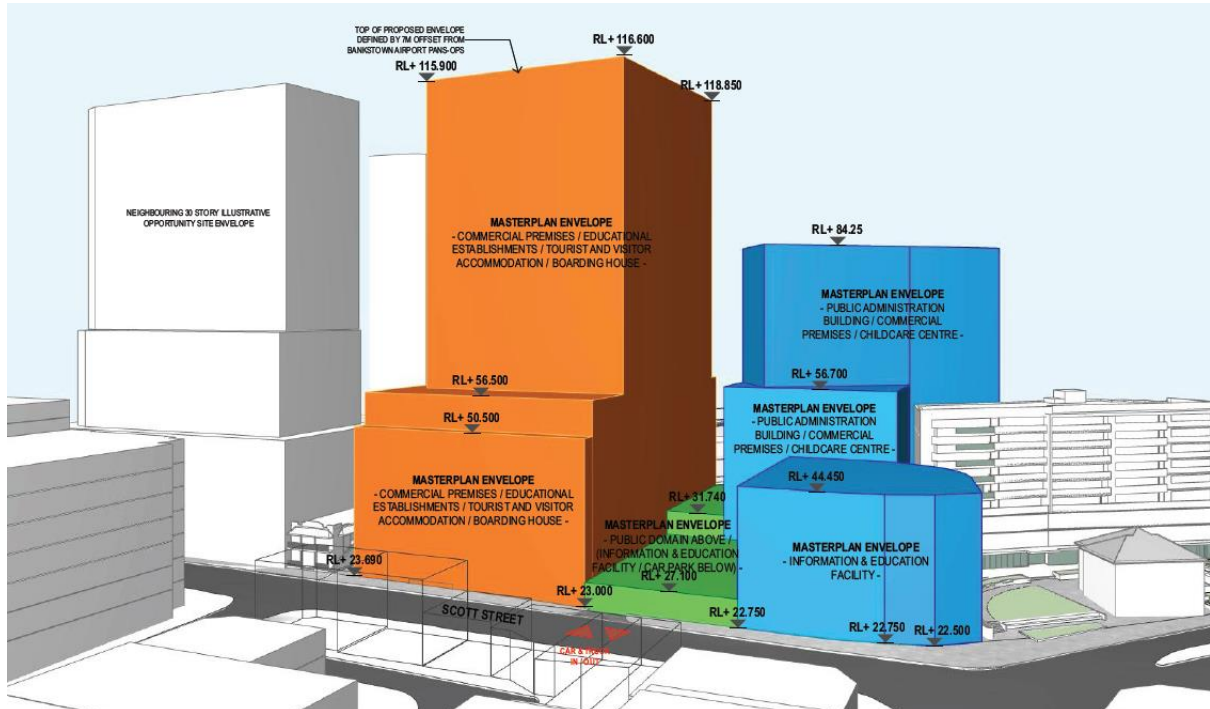


Figure 9: Proposed building envelope perspective – north (Scott Street)

Source: FJMT

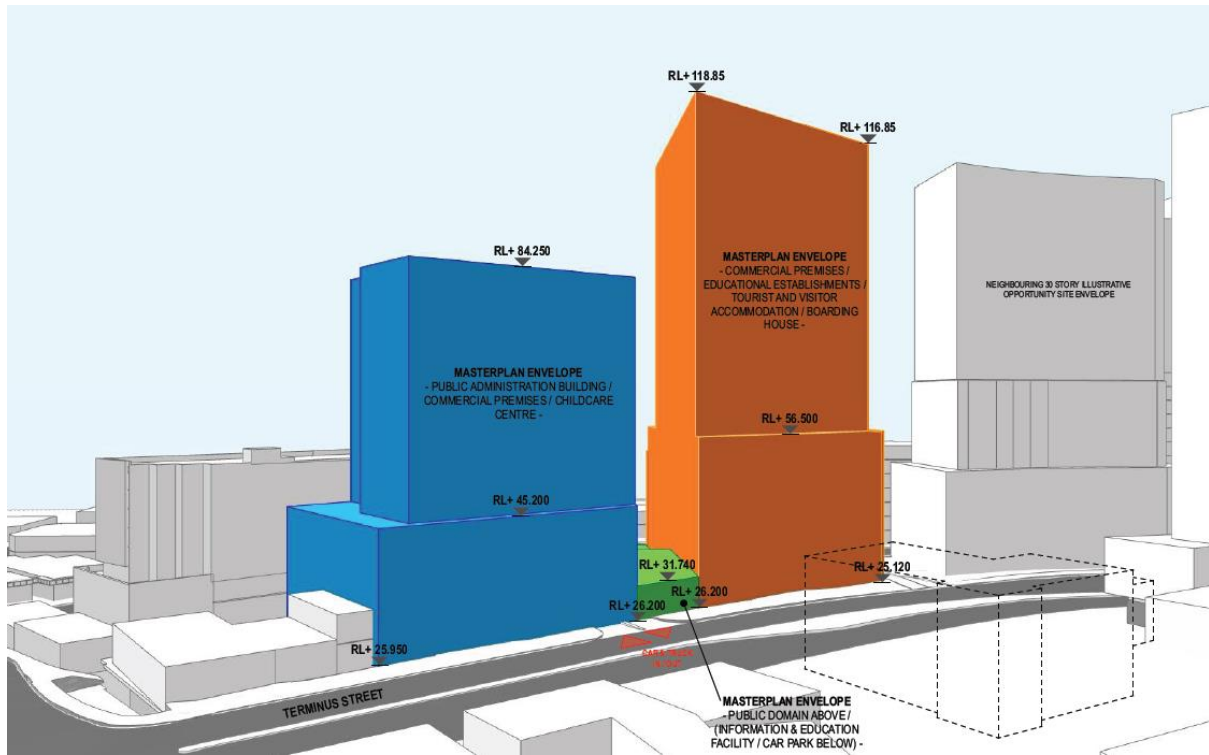


Figure 10: Proposed building envelopes and land uses perspective – south (Terminus Street)
Source: FJMT

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:

Legislation

- *Environmental Planning and Assessment Act 1979*
- *Roads Act 1993*

Environmental Planning Instruments (EPI's)

- *State Environmental Planning Policy No.55 – Remediation of Land;*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;*
- *Liverpool Local Environmental Plan 2008.*

Development Control Plans

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

5.2 Zoning

The site is zoned B4 Mixed Use under Liverpool LEP 2008. The relevant objectives of B4 Mixed use related to the proposed development are:

- *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 facilitate a high standard of urban design, convenient urban living and exceptional public amenity.*

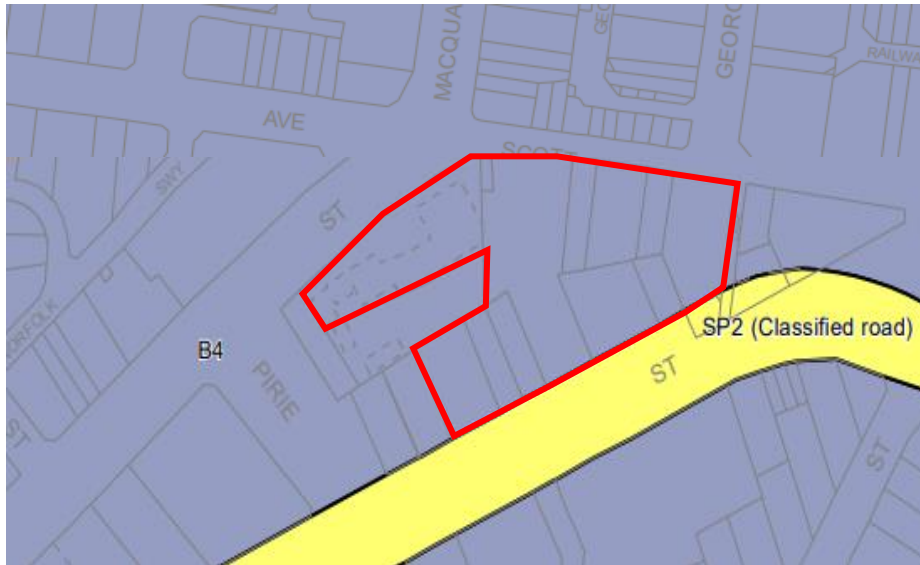


Figure 11: Land Use Zoning Map

Source: NSW Planning Portal

5.3 Permissibility

The concept application proposes a number of uses all of which are permissible within the B4 Mixed Use zoning. These uses include:

Information and education facility

Means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

public administration building

Means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

commercial premises

means any of the following—

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

centre-based child care facility

Means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—*
 - (i) long day care,*

- (ii) occasional child care,
- (iii) out-of-school-hours care (including vacation care),
- (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

educational establishment

Means a building or place used for education (including teaching), being—

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

tourist and visitor accommodation

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

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

boarding house

Means a building that—

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

car park

Means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

5.4 Height of Buildings

The maximum height for the site under the Height of Buildings Map of Liverpool LEP 2008 is 28 metres. However, the site is subject to Clause 7.5A which allows for additional height to exceed 28m for 'opportunity sites' that are able to meet certain criteria under Clause 7.5A. The proposal sets a maximum height of RL 118.85.

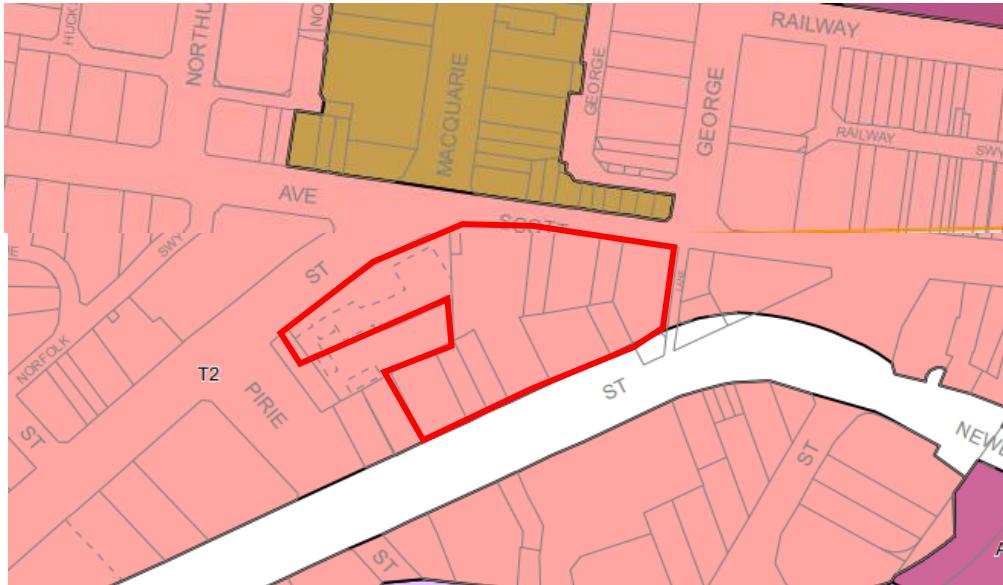


Figure 12: Height of Buildings Map

Source: Liverpool LEP 2008

5.5 Floor Space Ratio

The maximum FSR for the site under the FSR map of Liverpool LEP 2008 is 3:1. However, this site is subject to Clause 7.5A which allows for additional FSR to exceed 3:1 (to a maximum FSR of 10:1) for 'opportunity sites' that are able to meet certain criteria under Clause 7.5A. The concept DA does not propose a maximum FSR, which is sought to be resolved through subsequent detailed DAs. The reference design indicates an FSR of approximately 5.44:1.



Figure 13: FSR Map

Source: Liverpool LEP 2008

5.6 Clause 7.5A

Clause 7.5A provides incentive planning controls (FSR and height) for certain sites and development within Liverpool City Centre if certain criteria within the clause are met:

Criteria:

- Site is identified as “Area 8”, “Area 9” or “Area 10” on the FSR map.
- Site has a lot size exceeding 1,500m².
- Site has 2 or more street frontages.
- At least 20% of the gross floor area of a proposed development is used for the purposes of business premises, centre-based child care facilities, community facilities, educational establishments, entertainment facilities, food and drink premises, functions centres, information and education facilities, medical centres, public administration buildings or retail premises.
- The proposed development also includes recreation areas, recreation facilities (indoor), community facilities, information and education facilities, through site links or public car parks.

The subject site and proposed land uses meet the criteria within Clause 7.5A for incentive FSR and height to exceed the height limit set under the LEP and for the potential of an FSR of up to 10:1. Note, there is no requirement for a design competition for the additional height or FSR under Clause 7.5A. The provisions in Clause 7.5 ‘Design Excellence in Liverpool City Centre’ are to be addressed in the DA (note, Clause 7.5 does not require a design competition).

6. ASSESSMENT

As the application has been submitted pursuant to Section 4.22 of the *Environmental Planning and Assessment 1979* (EP&A Act), an assessment against the relevant provisions of 4.22 is provided below.

Section 4.22 of the EP&A Act states:

Section 4.22 Concept development applications

- (1) *For the purposes of this Act, a **concept development application** is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.*

Comment: The subject application is concept development application that sets out concept proposals for the development of the site and this application enables the lodgement of subsequent development applications for detailed proposals at a later date.

- (2) *In the case of a staged development, the application may set out detailed proposals for the first stage of development.*

Comment: The application is for the concept only and does not involve additional stages as part of this application.

- (3) *A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.*

Comment: The applicant has requested the development application be treated as a concept application.

- (4) *If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:*

- (a) *consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*
- (b) *the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*

The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.

Comment: It is noted that the granting of consent for a concept development application does not authorise the carrying out of development unless otherwise specified by 4(a) or 4(b) above. This application is a concept development application only, and no physical works are proposed. Subsequent development applications will be required to seek consent to carry out development on the site. A condition of consent will be included to reflect the requirements of this provision.

- (5) *The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications*

Comment: Noted. An assessment of the likely impacts of the concept development application to the extent it is deemed appropriate under section 4.15 is provided below.

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

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

(a) 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.

Comment: Potential contamination and remediation measures have been considered and addressed as part of DA-906/2019. DA-906/2019 sought approval for site preparation and early works on site, including demolition and excavation. DA-906/2019 was approved by the Sydney Western City Planning Panel in June 2020, with appropriate conditions to manage and remediate potential contamination on-site.

This concept development application does not propose any physical works on site. A condition of consent has been included for future Detailed DAs that proposes excavation works to consider contamination and remediation measures.

Therefore, based on the conditions of approval in DA-906/2019, it is considered that the proposal is consistent with SEPP 55 and will be made suitable for the proposed development.

(b) State Environmental Planning Policy (Infrastructure) 2007

The site has a frontage to Terminus Street, a classified road. A small portion of the site is also reserved for acquisition for the purpose of widening Terminus Street. As such the proposal must be considered under the relevant provisions of *State Environmental Planning*

Policy (Infrastructure) 2007 (Infrastructure SEPP).

Specifically, the following clauses have been considered during the assessment of the proposal.

- **Clause 100 Development on proposed classified road**

Development on land reserved for a classified road (with a value of more than \$185,000) requires concurrence of Transport for NSW (RMS).

(1) Consent for development for any of the following purposes on land reserved for the purposes of a classified road (but before the land is declared to be a classified road) may be granted only with the concurrence of the chief executive officer of RMS—

(b) development with a capital investment value greater than \$185,000

Comment: A small part of the site on Terminus Street is identified for acquisition for the purpose of widening of Terminus Street, however; no building envelopes or land uses are proposed on land subject to the Terminus Street road reservation acquisition.

As this application is a concept development application only and does not propose any development on land identified for acquisition, it is considered appropriate to give further consideration to the provisions of Clause 100 at a future development application stage.

- **Clause 101 Development with frontage to classified road**

(2) The objectives of this clause are:

(c) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(d) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(3) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(d) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(e) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(iv) the design of the vehicular access to the land, or

(v) the emission of smoke or dust from the development, or

(vi) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(f) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate

potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road

Comment: The concept development application has been considered against the relevant provisions of Clause 101, to the extent deemed appropriate for a concept development application. The concept development application provides an overall maximum GFA for future development but the final GFA will be determined in subsequent detailed design applications. As the final details are not known at this stage and the consequential traffic generation/parking impact of a final detailed design cannot be determined.

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

It is considered appropriate to give further consideration to the potential impacts under Clause 101 at a future development application stage.

It is important to note, subsequent development applications for future stages of development on the site will be integrated development under Section 4.46 of the EP&A Act and will require concurrence under Section 138 of the *Roads Act 1993*.

Transport for NSW note that concurrence under Section 138 of the *Roads Act 1993* will be considered following review and approval of detailed design plans provided in subsequent development applications. Transport for NSW have specified a number of matters to be addressed in subsequent development applications, including; limiting access from Terminus Street to 202 spaces and restricting access from Terminus Street to left in / left out. These matters will be imposed as a recommended condition of consent for future development applications.

(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, the planning principles 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. The proposal is consistent with the aims of the Plan.

(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas	Considered more appropriate at a future DA stage.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries	Considered more appropriate at a future DA stage.
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. Considered more appropriate at a future DA stage.
(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)	Considered more appropriate at a future DA stage.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice	All relevant State Government Agencies were notified of the proposal and all relevant State Government Policies, manuals and guidelines were considered as part of the proposal.
(g) whether there are any feasible alternatives to the development or other proposal concerned	The site is located in an area nominated for mixed use development and provides for a development that is consistent with the objectives of the applicable zoning and is consistent with the desired future character of the surrounding locality.

Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The site is mapped as Class 5 Acid Sulfate Soils under the LLEP 2008. However, soil testing undertaken as part of DA-906/2019 did not identify acid sulfate soils on the site.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The site is not affected by flooding.
(4) Industrial discharges	Not applicable.

(5) Land degradation	Considered in the early works DA (DA-906/2019). Further consideration more appropriate at a future DA stage.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Considered more appropriate at a future DA stage.
(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	Not applicable
(13) Wetlands	Not applicable.

It is considered that the concept development application appropriately satisfies the provisions of the GMREP No.2 to the extent considered appropriate in this instance. Further consideration of the proposal will be given once subsequent applications have been submitted for development on the site.

(d) Liverpool Local Environmental Plan 2008

(i) Zone Objectives

The objectives of the B4 zone are as follows:

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

The concept development application is consistent with the objectives of the B4 zone. The concept application will facilitate a mix of compatible land uses and provides for appropriate

building envelopes that have been suitably located to cater for civic, community, business, retail, hotel, and other uses. The concept development application does not propose any residential uses. The concept application has been presented to Council's Design Excellence Panel on numerous occasions and is considered an appropriate concept application that can facilitate a high-quality urban design and public domain outcome.

(ii) Principal Development Standards

The following principal development standards in the Liverpool LEP 2008 are applicable to the proposal. The principle development standards have been considered against this concept development application to the extent deemed appropriate in this instance.

Clause	Provision	Comment
Clause 2.7 - Demolition	Demolition may be carried out only with development consent.	N/A. Demolition works approved in June 2020. Refer to DA-906/2019
Clause 4.3 - Height of buildings	Maximum height of 28m	N/A The application is being proposed pursuant to Clause 7.5A, which enables the removal of a maximum height limit on a site subject to meeting the requirements of clause 7.5A. An assessment against the provisions of Clause 7.5A is provided further in this report.
Clause 4.4 – Floor Space Ratio	Maximum FSR of 3:1	N/A The application is being proposed pursuant to Clause 7.5A, which enables an additional FSR on a site up to a maximum of 10:1, subject to the satisfaction of clause 7.5A. An assessment of Clause 7.5A is provided further in this report.
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	Refer to discussion below regarding Clause 5.10

	significance of the heritage item.	
6.4A Arrangements for designated State public infrastructure in intensive urban development areas		N/A Residential development is not proposed as part of the concept application.
7.1 Objectives for Development in Liverpool City Centre	Proposed developments must be consistent with the objectives	Complies Refer to discussion below
7.2 Sun access in Liverpool City Centre	Development on land to which this clause applies is prohibited if the development results in any part of a building on land specified in Column 1 of the Table to this clause projecting above the height specified opposite that land in Column 2 of the Table	N/A This clause does not encompass the subject site.
7.3 Car Parking in the Liverpool City Centre	The objective of this clause is to ensure that adequate car parking is provided for new or extended buildings on land in the Liverpool city centre that is commensurate with the traffic likely to be generated by the development and is appropriate for the road network capacity and proposed mix of transport modes for the city centre. • 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	Refer to discussion below

	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 separate raised parts, of the same building is at least: 12 metres for parts of buildings between 25 and 45 metres above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use, and 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use	Non-compliance – Refer to Discussions below
Clause 7.5 Design Excellence in Liverpool City Centre & Key Site Controls	Must Comply with Clause 7.5(3) with regards to exhibiting design excellence and The subject site is identified as a key site under Clause 7.5(4) of the LLEP 2008. Clause 7.5(4) requires development with a CIV over \$10million identified as a key site to participate in an architectural design competition.	Refer to Discussions below

Clause 7.14 Minimum Building Street Frontage	A minimum building street frontage of 24m is applicable.	Complies The site has multiple frontages that exceed 24m
7.5A Additional provisions relating to certain land at Liverpool city centre		Complies – Refer to discussion below
7.16 Ground floor development in Zones B1, B2 and B4	Development Consent is not to be granted unless it is demonstrated that the ground floor will not be used for residential accommodation	Complies Proposed concept does not provide any residential accommodation on ground floor.
Clause 7.17 Airspace Operations	Provisions to protect airspace around airports	Complies The application was reviewed by Sydney Airport authority who provided conditions of consent.

(iii) Other Relevant LLEP 2008 Clauses

In addition to the above development standards, the application has also been considered in regard to other relevant standards of the Liverpool LEP 2008. The key clauses applicable to the application are discussed in further detail below.

• Clause 5.10 Heritage Conservation

The site includes heritage item 199, the 'Memorial School of Arts', a building of local heritage significance identified under Schedule 5 of the Liverpool Local Environmental Plan (LEP) 2008. The 'Memorial School of Arts Building' fronts Macquarie Street and is located adjacent to Augusta Cullen Plaza.

Council's Heritage Officer has reviewed the proposal and made the following comments / recommendations:

There are no objections to the proposal subject to the following:

- a. The Lachlan Macquarie Statue on the corner of Scott Street and Macquarie Street is to be retained at its existing location.*
- b. Prior to commencement of works, a historical archaeological research design is to be prepared and submitted to Heritage Division for approval for an excavation permit under section 140 of the Heritage Act.*
- c. Historical archaeological remains are protected by the Heritage Act and require a permit for disturbance or salvage. Where unexpected archaeological remains, those*

not identified within the report, are discovered, all works in this area should cease and the Heritage Division is to be notified in accordance with section 146 of the Heritage Act.

- d. All contractors are to undergo a heritage induction prior to commencing work on site. The induction is to include an overview of the heritage values and potential historical relics which may be uncovered on the site. The induction is to provide the contractors with the guidelines for management of expected and unexpected archaeological relics and the relevant contacts for assistance.*
- e. A protection zone is to be established around the Former Memorial School of Arts during any works to be undertaken within the Augusta Cullen Plaza.*
- f. A dilapidation report is to be prepared for the Former Memorial School of Arts prior to commencement of works. The report is to be reviewed at completion of the demolition works with any damage identified rectified.*
- g. Vibration monitoring is to be undertaken at the Former Memorial School of Arts during demolition and excavation works.*

Recommendation a. has been included as a condition of consent. The remaining recommendations / comments are to be addressed as part of future Detailed DAs.

- **Clause 7.1 Objectives for Development in Liverpool City Centre**

Clause 7.1 of the LLEP 2008, stipulates the objectives that must be satisfied by any redevelopment in the city centre. The objectives of Clause 7.1 are as follows;

- (a) to preserve the existing street layout and reinforce the street character through consistent building alignments,*
- (b) to allow sunlight to reach buildings and areas of high pedestrian activity,*
- (c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,*
- (d) to improve the quality of public spaces in the city centre,*
- (e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,*
- (f) to enhance the natural river foreshore and places of heritage significance,*
- (g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.*

Comment: The proposal is considered to satisfy the objectives of clause 7.1 as it provides a concept development that significantly improves the public domain and improves the quality of public spaces in the city centre. It provides a concept design that will enable civic, community and commercial development in close proximity to a major transport hub, being the Liverpool Train Station and the Liverpool-Parramatta transitway. It provides a development that has given appropriate consideration the existing site constraints and the surrounding local and wider context.

- **Clause 7.3 Car parking in Liverpool city centre**

Clause 7.3 provides criteria for parking provision in Liverpool City Centre.

- (1) *The objective of this clause is to ensure that adequate car parking is provided for new or extended buildings on land in the Liverpool city centre that is commensurate with the traffic likely to be generated by the development and is appropriate for the road network capacity and proposed mix of transport modes for the city centre.*
- (2) *Development consent must not be granted to development on land in the Liverpool city centre that is in Zone B3 Commercial Core or B4 Mixed Use that involves the erection of a new building or an alteration to an existing building that increases the gross floor area of the building unless—*
 - (a) *at least one car parking space is provided for every 200 square metres of any new gross floor area that is on the ground floor level of the building, and*
 - (b) *in respect of any other part of the building—*
 - (i) *at least one car parking space is provided for every 100 square metres of any new gross floor area that is to be used for the purposes of retail premises, and*
 - (ii) *at least one car parking space is provided for every 150 square metres of any new gross floor area that is to be used for any other purpose.*

Comment: Based on the indicative GFA of 50,034m² and uses proposed, 329 car parking spaces would be required. Although the requiring car parking provision will be confirmed in subsequent DAs, the concept application is capable of achieving compliance with the minimum rates in Cause 7.3. The concept application provides for 413 car parking spaces on site, demonstrating compliance with this Clause.

- **Clause 7.4 Building separation in Liverpool City Centre**

Subclause 7.4(2)(d) and (e) require the following building separations for land zoned B4 Mixed Use within the Liverpool City Centre:

- 12m for parts of buildings between 25-45m above ground level (finished); and
- 28m for parts of buildings 45m or more above ground level (finished).

Portions of the proposed building envelope do not comply with the 12m or 28m building separation required under Clause 7.4 (refer to **Figure 14**):

a) Central variation (internal)

The proposed central separation between the proposed south-western tower envelope and the eastern tower envelope is 12m above 45m in height, in contravention of Clause 7.4(2)(e), which requires a minimum separation at this height to be 28m. The proposed variation to this development standard ranges between 7m (25%) to 16m (57%).

b) Western variation 1 (adjoining site)

A nil separation is proposed from the south-western building envelope to the rear of the existing mixed-use building at 300 Macquarie Street, in contravention of Clause 7.4(2)(d), which requires a minimum separation distance of 12m for parts of buildings between 25m and 45m in height. The contravention occurs as the proposed building envelope is greater than 12 metres in height (RL 56.7 at the podium and RL 84.25 at the tower) and 300 Macquarie Street is greater than 25 metres in height but less than 45 metres in height. The nil separation distance has been set by the design of the mixed use development at 300 Macquarie Street, as it presents a rear party wall to the site boundary and all apartments and tenancies are oriented to the north west away from the site.

c) Western variation 2 (adjoining site)

A varied building separation of between 0.8m and 4m is proposed between the northern section of the podium of the south western building envelope and the existing building at 300 Macquarie Street, in contravention of Clause 7.4(2)(d), which requires a minimum separation distance of 12m for parts of buildings between 25m and 45m height. The contravention occurs as the podium is proposed at a height between 25m and 45m in height (RL 56.7) and 300 Macquarie Street is greater than 25 metres in height but less than 45 metres in height. Notably, the eastern edge of 300 Macquarie Street is a blank wall and therefore no apartments or tenancies are oriented toward the site.

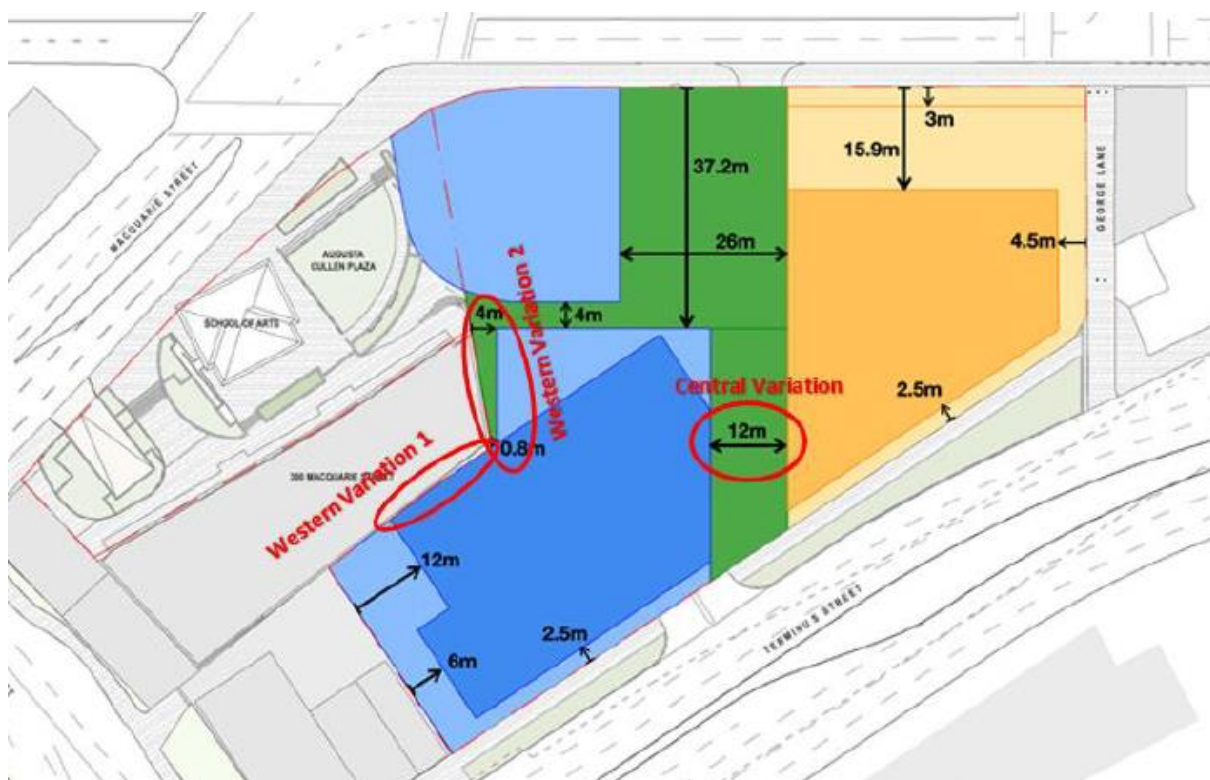


Figure 14: Visual representation of proposed building separation variations (towers indicated in darker shades)

Source: FJMT with Ethos Urban edits.

Consequently, the applicant has provided a clause 4.6 variation to justify the non-compliance. The clause 4.6 variation is attached to this report.

The submitted written request to vary Clause 7.4 (Building Separation in the Liverpool City Centre) has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the B4 zone, are discussed below:

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

- a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- 3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- 4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

1) Circumstances of the development

The Concept DA seeks approval for building envelopes, vehicular access points and land uses (though no physical works) to facilitate the redevelopment of Liverpool Civic Place.

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

The applicant has provided the following comments addressing why compliance with the development standard is unreasonable or unnecessary in this case, as summarised:

- ***The objectives of the development standard are achieved notwithstanding the non-compliance***

The objective of the development standards contained in Clause 7.4(2)(d) and Clause 7.4(2)(e) of the Liverpool LEP 2008 is:

'To ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access'

- **Visual appearance:** The site is in an advantageous central location for site access and activation, site division and the positioning of a gateway tower marker development. The southern end of the Liverpool CBD largely consists of dated low scale buildings and will significantly benefit from urban revitalisation. The massing of the Concept Proposal (including the proposed building separation variations) has been designed to facilitate highly visible, transparent public facilities in this location.
- **Privacy:** The components of the proposal which are proposed to exceed the building separation development standards will not result in adverse impacts on privacy:
 - The central separation is dividing a proposed building envelope with a maximum height of RL 84.25 for the purpose of a public administration building use, and either (or a combination of) commercial premises or child-care centre uses, and a proposed eastern building envelope with a maximum height of RL 118.85, which will accommodate either (or a combination of) commercial premises, educational establishments, tourist and visitor accommodation or boarding house (student accommodation) uses. In the absence of any sensitive residential use and by virtue of the proposed uses, the privacy impacts which are internal to the site are considered negligible.
 - Western variation 1 involves the rear elevation of the building at 300 Macquarie Street presenting a blank party wall to the proposed south-western building envelope. Western variation 2 relates to the proposal interfacing with the eastern edge of 300 Macquarie Street. Notwithstanding, apartments and tenancies within this building are oriented to the north west and the building contains no rooftop uses. As such, the Concept Proposal will have no impact on the privacy to this building.
- **Solar access:** The elements which are proposed to exceed the building separation development standard will not result in significant adverse impacts on solar access to the site or the surrounding development. In support of this, FJMT has prepared a detailed shadow study. For absolute clarity, the shadow diagrams are based on the proposed concept envelopes during the winter solstice. As such, this represents the worst case scenario. The envelopes are deliberately designed as a 'loose fit' with sufficient excess volume to allow for design excellence to be achieved through the detailed building design and articulation. In this way the detailed designs will present an improved overshadowing outcome.

3. Consistency with objectives of the development standard Clause 7.4 Building Separation in the Liverpool City Centre

The objectives of Clause 7.4 and assessment are as follows:

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

The proposed development is considered to be consistent with the objectives of clause 7.4, in that, despite the non-compliance the proposed building envelopes will enable an improved public interface and an improved public domain presentation. The proposed building

separation does not create unreasonable overshadowing impacts or create a detrimental impact in terms of privacy or solar access.

4. Consistency with objectives of the zone – B4 – Mixed Use

The objectives of the B4 Mixed Use zone are as follows;

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

The proposal satisfies the objectives of the B4 zone in that it proposes a mixed use development that will provide a range of commercial, civic and community uses that will serve the need of the local and wider community. It provides for a mixed use development that encourages employment opportunities within walking distance of Liverpool Train Station and the Transit way.

Given the strategic location of the site at the southern end of Liverpool City Centre near Liverpool Train Station, it provides the ability to maximise public transport patronage. The proposal provides for a unique development within the Liverpool CBD in that it's a large-scale mixed use development that will encourage a range of commercial and civic uses and employment generating activities for the Liverpool CBD and Western Sydney as a whole.

It provides for a development on a key site within the Liverpool CBD that will promote and encourage active retail, business and non-residential uses at street level. The proposal has given strong consideration to the urban design presentation of the development and will be able to facilitate a high level of urban design and public domain amenity.

5. Consistency with Clause 4.6 objectives

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

It is considered appropriate in this instance to apply a degree of flexibility when applying the building separation development standard applicable.

6. Recommendation

With considerations to the discussion above, the proposed variation to the Clause 7.4 "*Building Separation in the Liverpool City Centre*" has satisfied the provisions of Clause 4.6 and is supported in this circumstance.

- **Clause 7.5 Design Excellence in Liverpool City Centre**

Design Excellence

In accordance with Clause 7.5 of the Liverpool LEP 2008 development consent must not be granted to development within the Liverpool City Centre, unless the consent authority considers that the development exhibits design excellence. The objective of this clause is to deliver the highest standard of architectural and urban design within the city centre. The key Clauses of 7.5 in this instance that will need to be considered when determining whether a proposal exhibits design excellence are Clauses 7.5(2) and (3). Clause 7.5 (2) and (3) state the following;

- (2) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in the Liverpool city centre unless the consent authority considers that the development exhibits design excellence.*
- (3) In considering whether development exhibits design excellence, the consent authority must have regard to the following matters:*
 - (a) whether a high standard of architectural design, materials and detailing 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,*
 - (c) whether the proposed development detrimentally impacts on view corridors,*
 - (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),*
 - (e) any relevant requirements of applicable development control plans,*
 - (f) how the proposed development addresses the following matters:*
 - (i) the suitability of the site for development,*
 - (ii) existing and proposed uses and use mix,*
 - (iii) heritage issues and streetscape constraints,*
 - (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,*
 - (v) bulk, massing and modulation of buildings,*
 - (vi) street frontage heights,*
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
 - (viii) the achievement of the principles of ecologically sustainable development,*

(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,

(x) the impact on, and any proposed improvements to, the public domain.

Comment: To ensure developments of this nature and scale exhibit design excellence, Council has in place a Design Excellence Panel (DEP) that oversees proposals and provides advice to applicants to ensure development can achieve the outcomes specified in Clause 7.5 (3).

The concept development application was presented to Council's Design Excellence Panel on 2 occasions. The concept application and supporting reference scheme was presented twice as part of the DA assessment on 26 November 2019 and 17 March 2020.

The Design Excellence Panel outlined a number of matters to be addressed following the meeting on 26 November 2019. These matters were provided to the applicant in a response for information request on 14 February 2020. Following submission of a preliminary revised concept application package, the application was presented to the Design Excellence Panel a second time (17 March 2020). On this occasion, the Design Excellence Panel provided their support for the proposal. The applicant formally submitted a package of additional information on 6 May in response to the request sent on 14 February 2020.

The Design Excellence Panel recommended that the Design Excellence Panel has an ongoing role in the final design and approval of the public domain strategy for the site. This will ensure the highest quality public domain outcome and ensure development can achieve the requirements of Clause 7.5. The Design Excellence Panel have provided a recommended condition of consent to achieve this outcome.

It is important to note that subsequent applications that involve the detailed built form will be presented to the Design Excellence Panel for consideration under this clause. This will ensure that future development on the site, achieves the requirements of Clause 7.5.

Clause 7.5A Additional provisions relating to certain land at Liverpool city centre

(1) *This clause applies to land development on land that:*

- (a) is identified as “Area 8”, “Area 9” or “Area 10” on the Floor Space Ratio Map, and*
- (b) has a lot size exceeding 1500m², and*
- (c) has 2 or more street frontages.*

Comment: The site is mapped as ‘Area 8’ on the FSR map (as shown in **Figure 15** below), has a combined lot size exceeding 1,500m² (9,189.5m²) and has at least two road frontages. On this basis Clause 7.5A would apply to this site.



Figure 15: FSR Map with Area 8 identified

Source: Liverpool LEP 2008

- (2) *Despite clauses 4.3 and 4.4, if at least 20% of the gross floor area of a building is used for the purposes of business premises, centre-based child care facilities, community facilities, educational establishments, entertainment facilities, food and drink premises, functions centres, information and education facilities, medical centres, public administration buildings or retail premises:*
- (a) the height of the building may exceed the maximum height shown for the land on the Height of Buildings Map, and*
 - (b) the maximum floor space ratio of the building may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map but must not exceed:*
 - (i) in relation to a building on land identified as “Area 8” or “Area 10” on the map—10:1, or*
 - (ii) in relation to a building on land identified as “Area 9” on the map —7:1.*

Comment: This clause mandates that for sites that fall within Area 8 provide a minimum 20% of the GFA for the purpose **business premises, centre-based child care facilities, community facilities, educational establishments, entertainment facilities, food and drink premises, functions centres, information and education facilities, medical centres, public administration buildings or retail premises.**

If it is demonstrated that a development provides for the mandated minimum 20% then a development may obtain an unrestricted height limit and an FSR of up to 10:1 despite the maximum height and FSR development standard indicated by Clauses 4.3 and 4.4 of the Liverpool LEP 2008.

The concept proposal has demonstrated that a future development is able to accommodate a minimum 20% of the GFA for numerous uses detailed in the Clause above. The proposed building envelopes in the concept development application demonstrate that of the maximum 50,034m² of GFA the proposal can accommodate, 5,059m² could be accommodated by an information and education facility (library) and approximately 17,014m² of GFA for the purposes of a public administration building.

This equates to 44.1% of the total GFA and satisfies this Clause. A condition of consent will be imposed requiring that any future application provide a minimum 20% of the GFA for the uses listed in Clause 7.5A (2).

The concept development application and supporting reference scheme demonstrates that the proposed building envelopes are capable of accommodating approximately 50,034m² of GFA, which equates to an FSR of 5.44:1. Therefore, the proposed building envelopes are capable of complying with the maximum FSR of 10:1 established under Clause 7.5A.

Therefore, having regard to the above it is considered that the concept development application is consistent with the requirements of Clause 7.5A. Future development applications will be required to demonstrate compliance with the provisions of Clause 7.5A.

(3) Development consent must not be granted under this clause unless:

- (a) a development control plan that provides for the matters specified in subclause (4) has been prepared for the land, and*
- (b) the site on which the building is located also includes recreation areas, recreation facilities (indoor), community facilities, information and education facilities, through site links or public car parks*

Comment: Subclause 3(a) requires a DCP is to be prepared for the site for consent to be granted. However, Clause 4.23 of the EP&A Act provides for a concept development application to be provided as an alternative to a DCP. See below:

4.23 Concept development applications as alternative to DCP required by environmental planning instruments (cf previous s 83C)

- (1) An environmental planning instrument cannot require the making of a concept development application before development is carried out.*
- (2) However, if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a concept development application in respect of that land.*

Note. Section 3.44 (5) also authorises the making of a development application where the relevant planning authority refuses to make, or delays making, a development control plan.

- (3) *Any such concept development application is to contain the information required to be included in the development control plan by the environmental planning instrument or the regulations.*

Comment: Clause 4.23 above enables lodgement of a concept development application as an alternative to a DCP. Therefore, in accordance with Clause 4.23, this concept application has the same effect as the preparation of a DCP and satisfies Clause 7.5A(3). Details below demonstrate how the concept proposal meets the relevant requirements of a DCP as required by Clause 7.5A(4) below.

- (4) *The development control plan must include provision for how proposed development is to address the following matters:*

- (a) the suitability of the land for development,*
- (b) the existing and proposed uses and use mix,*
- (c) any heritage issues and streetscape constraints,*
- (d) the impact on any conservation area,*
- (e) 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,*
- (f) the bulk, massing and modulation of buildings,*
- (g) street frontage heights,*
- (h) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,*
- (i) the achievement of the principles of ecologically sustainable development,*
- (j) encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and car parking provision, including integrated options to reduce car use,*
- (k) the impact on, and any proposed improvements to, the public domain,*
- (l) achieving appropriate interface at ground level between buildings and the public domain,*
- (m) the excellence and integration of landscape design*

Comment: While it is acknowledged that a site specific DCP was not prepared for the site as required by Clause (3), the concept application and supporting reference scheme has given due consideration for all the matters listed in subclause (4). It is also important to note that the submitted concept application has been presented numerous times to Councils Design Excellence Panel, which have provided their support for the concept application.

In addition, the DEP will have an ongoing role in the preparation of the detailed public domain strategy for the site, which will ensure future development achieves design excellence and delivers a high-quality public domain outcome, that achieves the matters outlined in subclause (4).

Reference Scheme

The Reference Scheme prepared by FJMT, has taken due consideration of all the matters listed in subclause (4). Refer to **Figures 16 to 23** and Reference Scheme appended to this report.

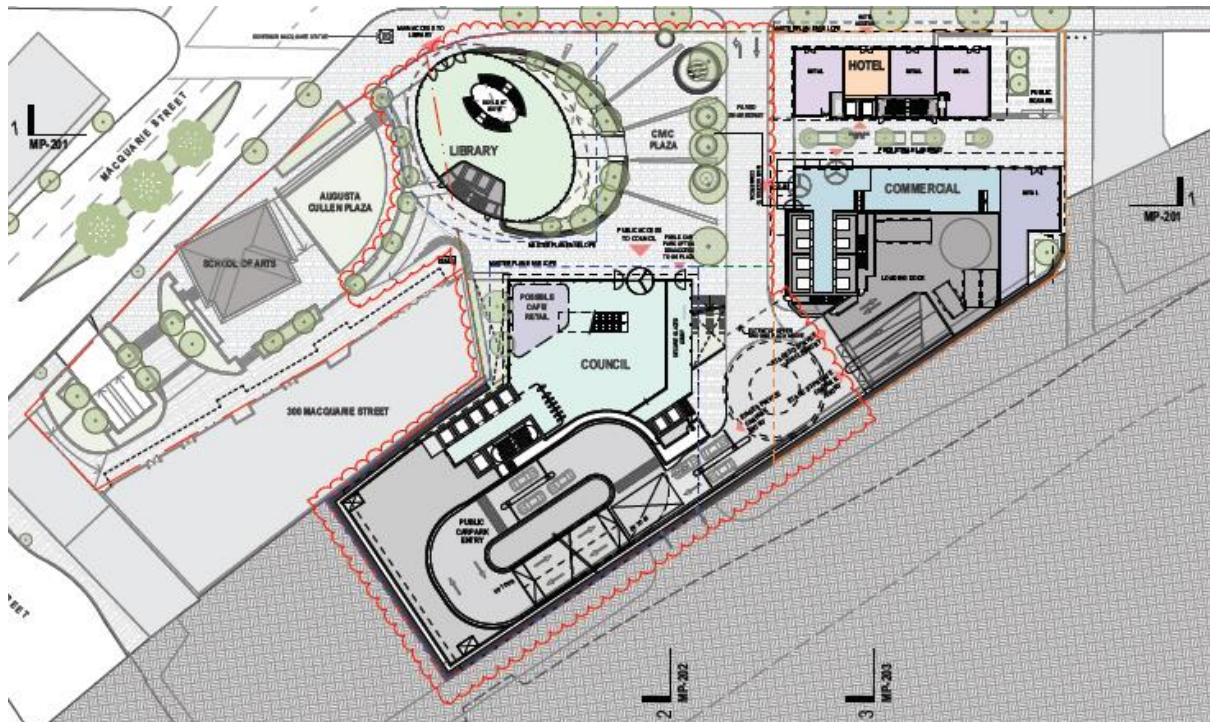


Figure 16: Reference Scheme – Lower Ground Floor
Source: FJMT

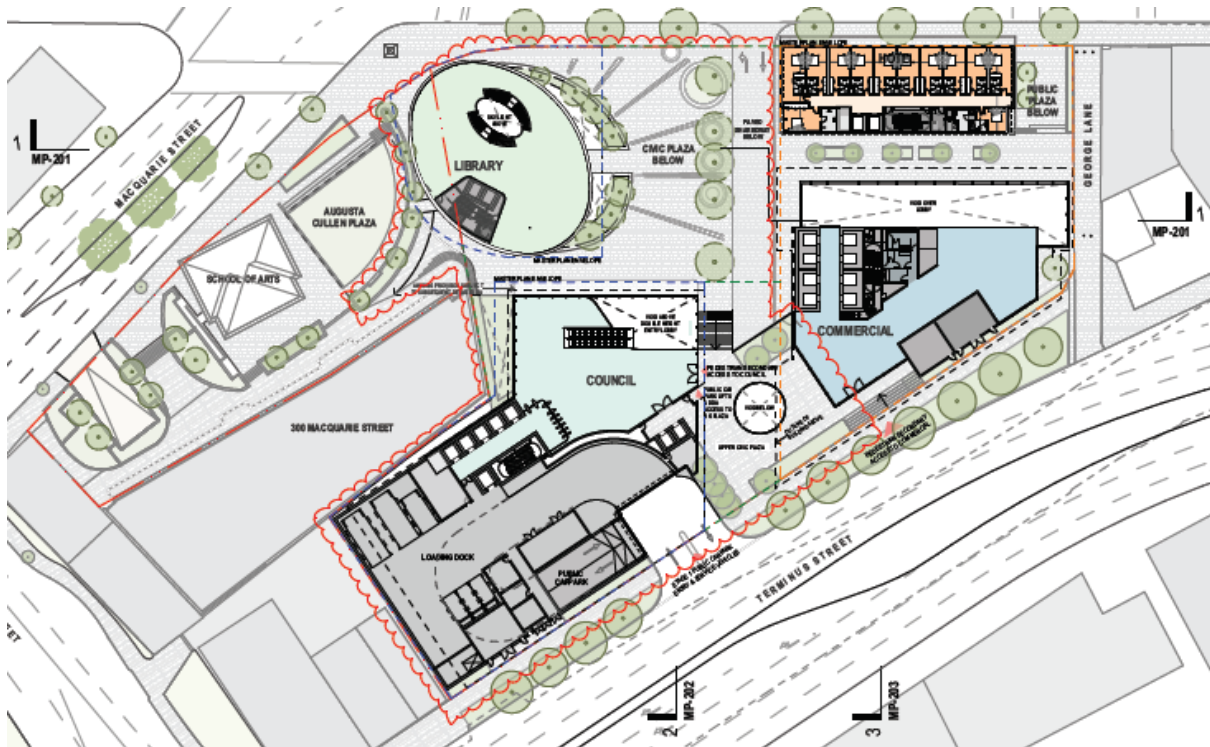


Figure 17: Reference Scheme – Upper Ground Floor
Source: FJMT

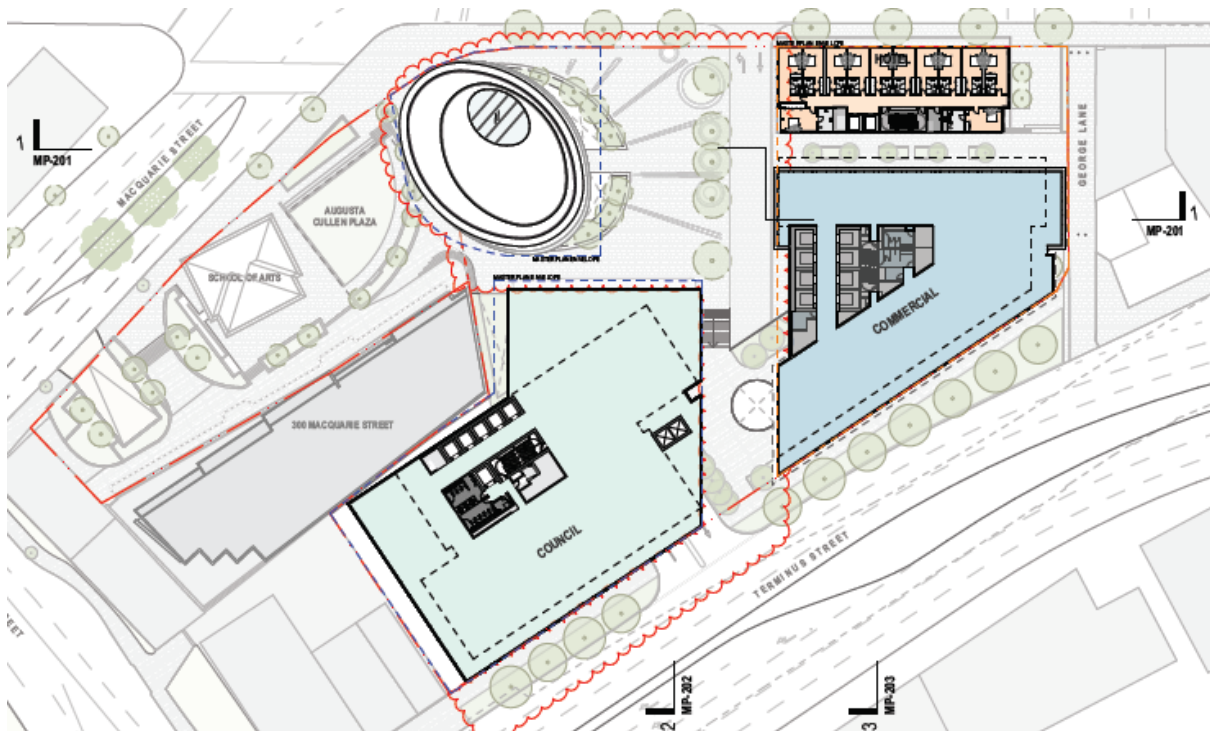


Figure 18: Reference Scheme – Typical Podium Plan
Source: FJMT

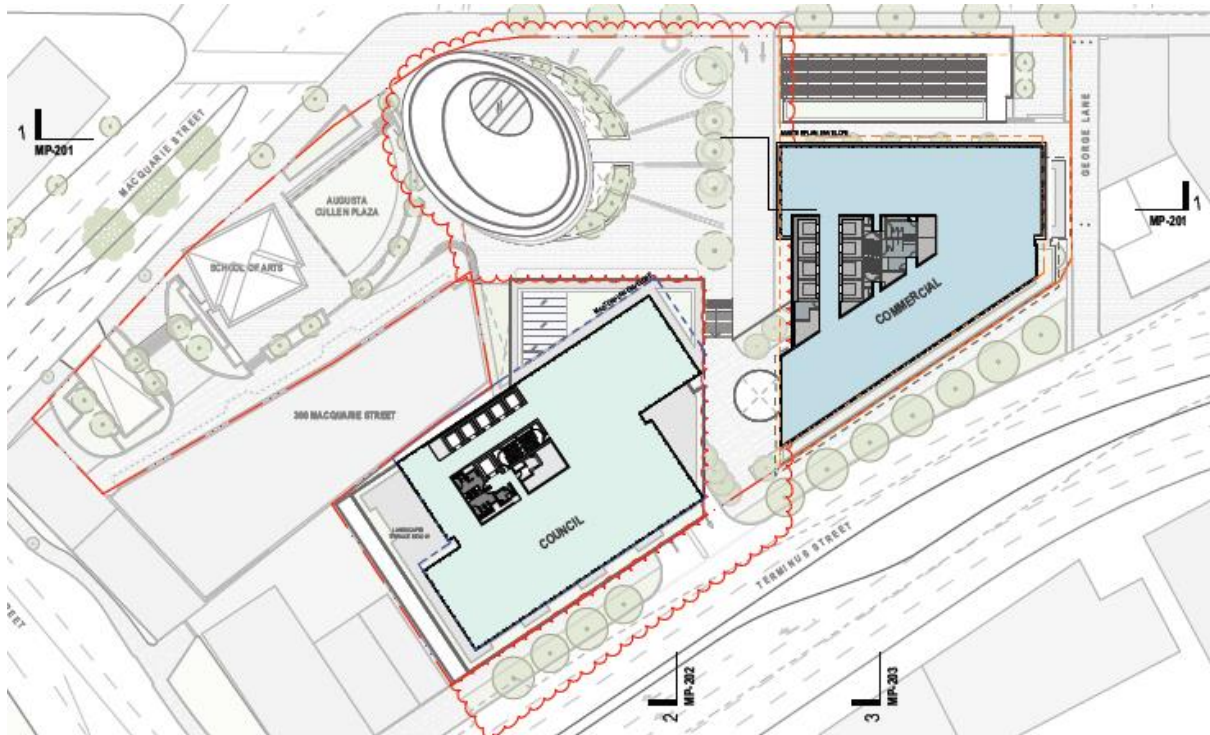


Figure 19: Reference Scheme – Typical Tower Plan

Source: FJMT

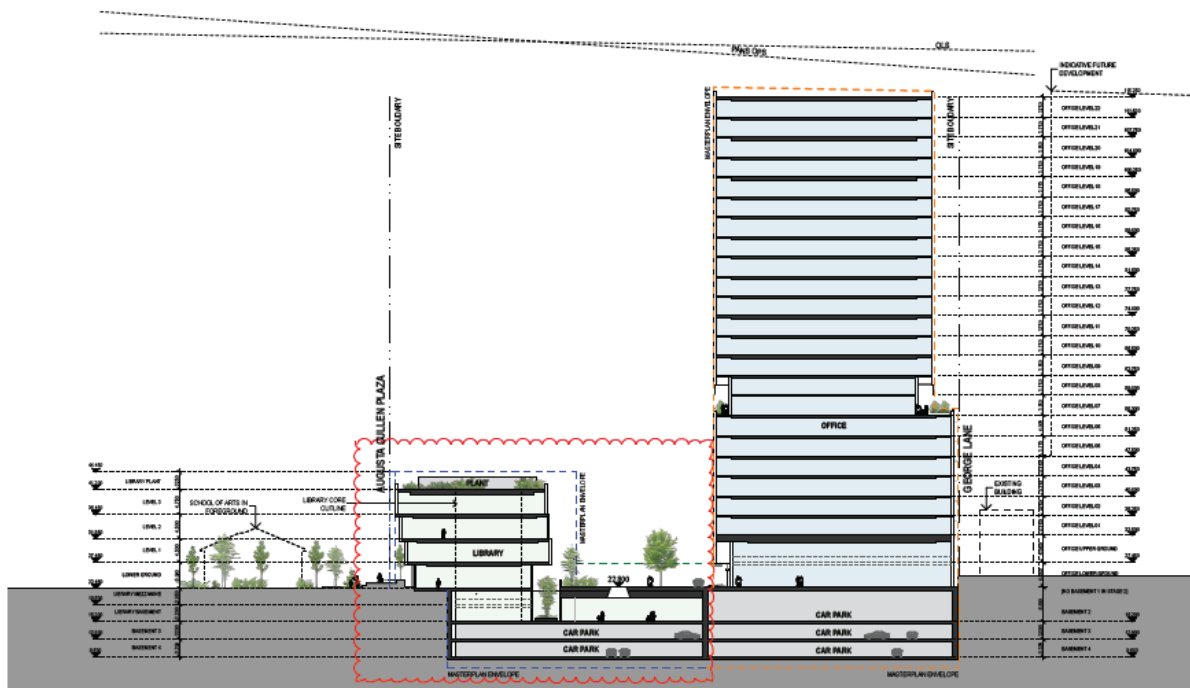


Figure 20: Reference Scheme – Section 1

Source: FJMT

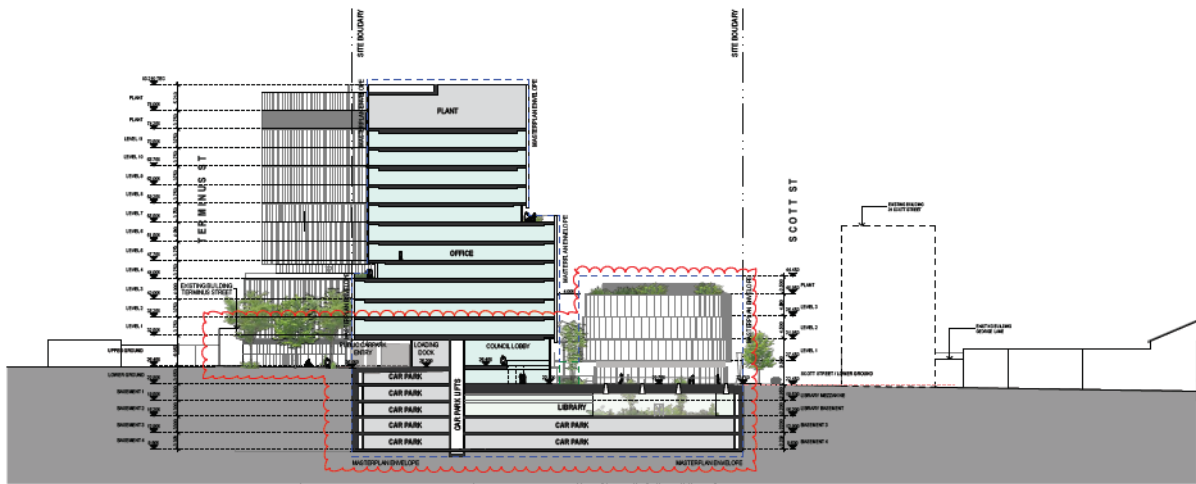


Figure 21: Reference Scheme – Section 2
Source: FJMT

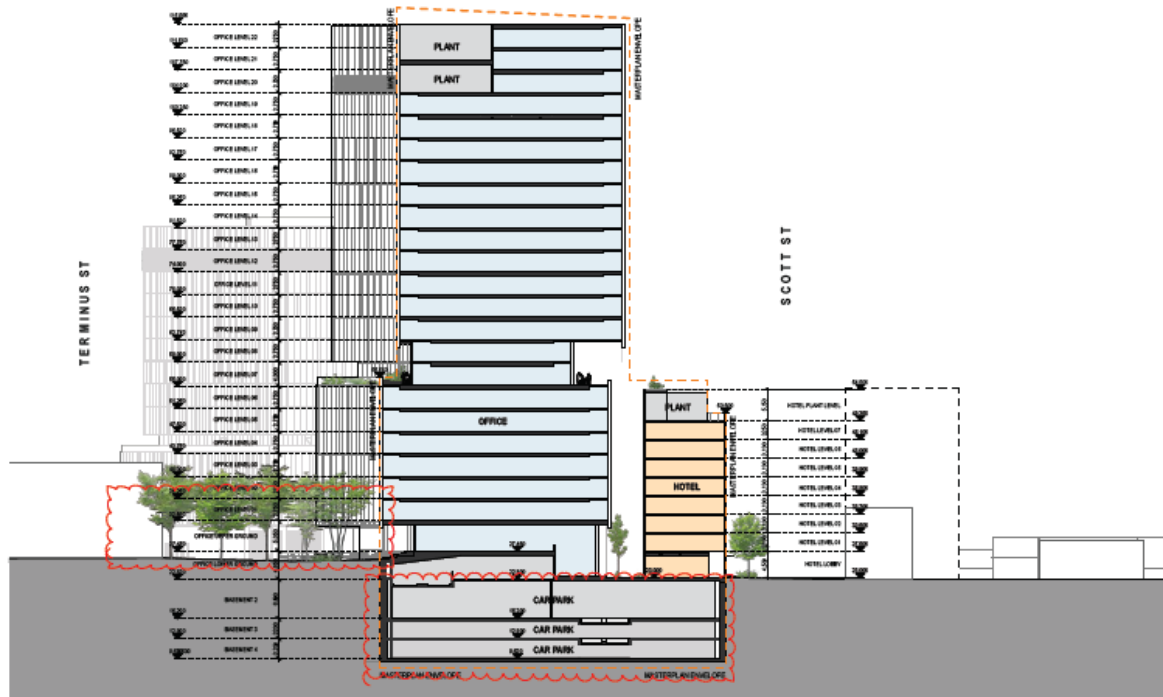


Figure 22: Reference Scheme – Section 3
Source: FJMT

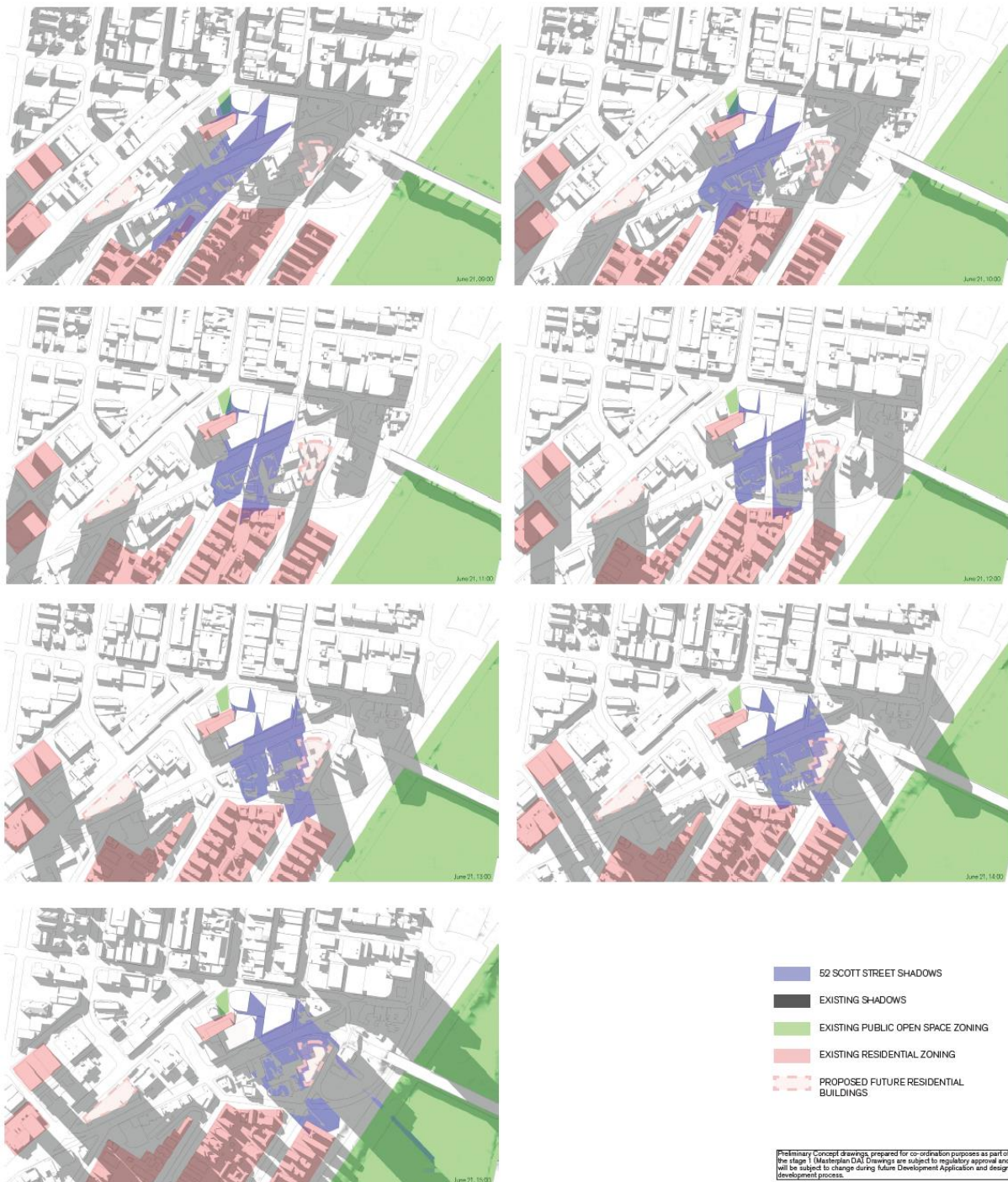


Figure 23: Reference Scheme – Shadow Diagrams

Source: FJMT

Conclusion: Based on the information above it is considered the concept development application has satisfactorily addressed Clause 7.5A.

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

No applicable draft Environmental Planning Instruments.

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

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

The following compliance table outlines compliance with the relevant controls in the Development Control Plan.

LDCP 2008 Part 1: General Controls for All Development

Development Control	Provision	Comment
Section 2. Tree Preservation	Controls relating to the preservation of trees	N/A The concept DA does not propose any tree removal. Tree removal associated with the concept DA was considered in DA-906/2019.
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Considered more appropriate at a future DA stage.
Section 4 Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	N/A The site is not identified as containing any native flora and fauna.
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land	N/A The development site is not identified as being bushfire prone land.
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.	Considered more appropriate at a future DA stage.

Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	N/A The site is not within close proximity to a water course.
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	N/A The concept DA does not propose any site works or physical development. Considered more appropriate at a future DA stage.
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	N/A The site is not identified as flood prone land.
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies The site is considered to be suitable for the proposed development. Further consideration will be given when applications for buildings are submitted. Potential contamination associated with the early works on site was considered in DA-906/2019.
Section 11. Salinity Risk	Provisions relating to development on saline land.	No works are proposed as part of the concept application. Considered more appropriate at a future DA stage.
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	The site is mapped as Class 5 under the Acid Sulfate Soils Map of the Liverpool LEP 2008. No works are proposed as part of the concept application. As such, Acid Sulfate Soils will be considered as part of future detailed development applications.
Section 14. Demolition of Existing Development	Provisions relating to demolition works	The concept development application does not include any demolition.

		Demolition of existing structures on site was approved in DA-906/2019.
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.	N/A The Concept DA does not propose any physical works or excavation.
Section 17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	The site includes heritage item I99, the 'Memorial School of Arts', a building of local heritage significance identified under Schedule 5 of the Liverpool Local Environmental Plan (LEP) 2008. The 'Memorial School of Arts Building' fronts Macquarie Street and is located adjacent to Augusta Cullen Plaza. Council's Heritage Officer has reviewed the proposal and has no objections to the Concept DA.
Section 18. Notification of Applications	Provisions relating to the notification of applications.	The development application was advertised for a period of 28 days from 9 October 2019 to 8 November 2019, in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). Three (3) submissions were received during the exhibition period.
Section 20.2 Car parking	Provisions relating to minimum motorcycle and bicycle parking.	Motorcycle and bicycle parking provision will be subject to detailed design in future DA's, however, the proposed concept is capable of complying.
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Considered more appropriate at a future DA stage.

LDCP 2008 Part 4: Liverpool City Centre

This concept application sets the maximum parameters for the site in terms of bulk, scale, location and setbacks etc, with detailed built form and the public domain being subject to future DA's. Consideration of the provisions in Part 4 below are taken into account where deemed appropriate or relevant.

Development Control	Provision	Comment
4.2.1 – Building Form	The site is identified in the Midrise precinct (Area 8). This section requires new buildings to be developed using the following typology: Perimeter block typology for Midrise precinct, with the exception of those Midrise sites developed pursuant to clause 7.5A of LLEP 2008 (which may also be developed with a tower on podium typology).	Complies. The site is identified as an opportunity site in the Liverpool LEP and therefore, may be developed with a tower on podium typology. The concept application and supporting reference scheme demonstrates that a tower on podium typology will be achieved for future buildings.
4.2.2 – Building Envelopes	Midrise and Commercial Core sites of over 1,500m ² in area may be developed as described in Clause 7.5A of Liverpool LEP 2008 in certain circumstances	Complies. The concept application is consistent with the provisions of Clause 7.5A.
4.2.5 – Controls for sites that require the submission of a site specific DCP or concept DA	Sites that require the submission of a DCP are to be developed pursuant to the adopted site specific DCP or a concept development application consistent with Division 4.4 of the EP&A Act 1979 and clause 7.5A of LLEP 2008	Complies. This concept application satisfies this requirement. Refer to discussion on compliance with Clause 7.5A at Section 6.1 above.
4.2.6 Building Floor Plates	Provide a maximum GFA of 1,000m ² per level for commercial towers with maximum length of elevation of 45m. Where sites are greater than 2,000m ² a proportionally larger GFA per floor may be considered.	The proposed building envelopes are capable of complying with this provision. No physical built form is proposed. The Reference Scheme shows that maximum length of building under this clause could be accommodated, as well as an appropriate floor plate size in

		proportion to the total site area in accordance with this clause.
4.2.7 Street Alignments and Street Setbacks	Buildings to comply with the front setbacks: • 3m Scott Street • 2.5m Terminus Street • Upper level frontages to a lane/serviceway must be setback 6 metres from the centre line of the lane/serviceway	Acceptable on merits The proposed building envelopes provide for the following setbacks: 0m along Scott Street 0m along Terminus Street 4.5m upper level setback The proposed setbacks are considered acceptable for the site and supported by the DEP. Appropriate street frontage heights for the site are provided in the concept application and supported by the DEP. The proposed setbacks are not considered to have any unacceptable impacts on the public domain and the amenity of the streetscape.
4.2.8 Side and rear boundary setbacks	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.	Acceptable on merits For further discussion regarding building separation distances, refer to discussion on Clause 4.6 Variation for Clause 7.4 of Liverpool LEP 2008 in Section 6.1 above.
4.2.9 Minimum Floor to Ceiling Heights	The minimum floor to ceiling heights are: 1. Ground floor: 3.6m. 2. Above ground level: a) Commercial office 3.3m. b) Capable of adaptation to commercial uses 3.3m. c) Residential 2.7m. d) Active public uses, such as retail and restaurants 3.6m. 3. Car Parks: Sufficient to cater to the needs of all vehicles that will access the car park	Complies The proposed building envelopes are capable of achieving compliance with the minimum floor to ceiling heights. This will be a matter for consideration in future DA's.

4.2.12 Deep Soil Zones and Site Cover	The maximum permitted site coverage for development: (a) Commercial Core, Fine Grain and Mid Rise: Up to 100%	Complies. Concept application envisages site cover of 100%
4.2.12 Public Open Space and Communal Open Space	New Public Open Space 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: a) location; b) aspect; c) accessibility; d) safety; and 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).	Complies The concept application provides for new open space on site. The public domain strategy, including new open space, will be developed and approved by the Design Excellence Panel and Council's urban design and public domain team. This is to ensure the public domain strategy achieves design excellence and meets the requirements of Council. This will be imposed as a condition of consent. The reference scheme prepared by FJMT demonstrates that 50% of the proposed open space will achieve a minimum of 3 hours of sunlight.
4.2.13 Landscape Design	Submit a landscape plan prepared by a registered landscape architect that demonstrates consistency with the objectives of this provision, and section 4V, water management and conservation, of the ADG.	The requirement for a detailed landscape plan will be imposed as condition of consent. The landscape plan will be developed in consultation with the Design Excellence Panel and Council's public domain team (as part of the public domain strategy). Further consideration of landscape design will be given with subsequent built form applications

4.3.1 Pedestrian Permeability	Requirement for a new through-site link to be provided on the site. The DCP provides an approximate location for a through-site from Scott Street to Terminus Street. A through-site link is also identified on the existing pedestrian walkway from George Street to Terminus Street. 	The concept application provides for a through-site link from Scott Street to Terminus Street. The concept application provides the through-site link in an alternative location' however, demonstrates compliance with the objectives of this provision. The concept application also provides for activation and embellishment of the adjacent through-site link from George Street to Terminus Street. The design of through-site links will be developed as part of the public domain strategy for site – in collaboration with the DEP and Councils' public domain team.
4.3.3 Active Street Frontages	Locate active street frontages on the ground level of all commercial or mixed use buildings, including adjacent through-site links.	The concept application proposes a range of civic, commercial and retail uses to provide active street frontages. Active street frontages and will be considered in further detail with future applications.
4.3.4 Street Address	Provide a clear street address and direct pedestrian access off the primary street frontage in mixed use and residential developments. Provide multiple entrances to large developments on all street frontages.	Complies The concept application demonstrates that a clear street address can be provided from Scott Street. The proposed location of the library and proposed new public spaces, provides a strong civic address to Scott Street. The concept application provides flexibility for multiple entries to future buildings from Scott Street and Terminus Street.

		This will be further considered in the preparation of public domain strategy (to be imposed as a condition of consent) and subsequent detailed DA's for development.
4.3.5 Street and Building Interface	Generally for residential. Buildings are to provide privacy if dwellings are located on the ground floor. Where fences are used, they need to be designed to enable a positive relationship between the building and the street.	No residential uses are proposed on site.
4.3.7 Awnings	Provide street frontage awnings for all new developments on streets: • Scott Street and • Terminus Street	Will be considered further with subsequent applications.
4.3.8 Building Design and Public Domain Interface	Design new buildings that adjoin existing buildings, particularly heritage buildings and those of architectural merit so that they consider: a) the street 'wall' alignment and building envelope; b) the 'depth' within the façade; c) facade proportions; and d) the response to the corners at street intersections.	No physical works are proposed in the Concept DA. This Clause will be relevant to future Detailed DAs for the site for the resolution of building design and its relationship to the existing urban context.
4.3.10 Public Artworks	Public Art in Liverpool city centre must contribute to the city's physical attractiveness and the quality of life that it offers visitors and residents.	No physical works are proposed in the Concept DA. This Clause will be relevant to future Detailed DAs for the site.
4.4.1 Vehicular Access and Manoeuvring Areas	Vehicular access shall be restricted to the secondary street (other than along a High Pedestrian Priority Area) where possible. Scott Street is identified as a High Pedestrian Priority Street.	The concept application provides for access from both Scott Street and Terminus Street. Access to Scott Street
4.4.2 On Site Parking	1. All required car parking is to be provided on site in an underground (basement) carpark except to the extent provided below: a) On Fine Grain and Midrise sites, a maximum of one level of surface (at grade) parking may be provided	Complies. The Concept DA proposes car parking within a basement only, in line with this clause.

	where it is fully integrated into the building design; and 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.	
4.5.1 Wind Mitigation	1. Design all new buildings to meet the following maximum wind criteria: (a) 10m/second in retail streets; (b) 3m/second along major pedestrian streets, parks and public places; and (c) 16m/second in all other streets. 2. Submit a Wind Effects Report with the DA for all buildings greater than 35m in height 3. Submit results of a Wind Tunnel Testing report for buildings over 48m in height.	Considered more appropriate at future DA stage; however, preliminary wind testing demonstrates that the proposed building envelopes are capable of accommodating buildings that will meet all the relevant criteria. Wind tunnel testing will be undertaken as part of future detailed DA's.
4.5.2 Noise	To ensure noise mitigation measures achieve appropriate amenity in noise affected locations.	Consideration of noise impacts will be a matter for further consideration in detailed DA's. However, the concept application does not include any residential accommodation.

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

No planning agreement relates to the site or proposed development.

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

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

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

(a) Natural and Built Environment

Built Environment

It is considered the proposal is unlikely to create any detrimental impacts on the surrounding built environment. The concept development application does not involve any physical works or development on site.

Natural Environment

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

(b) Social Impacts and Economic Impacts

The proposed development is unlikely to generate any detrimental social impacts. However, given the significant scale of the development and future land uses permitted on the site, a comprehensive social impact assessment (CSIA) has been included as a condition of consent to be satisfied in future Detailed DAs. The CSIA is to assess the potential direct and / or cumulative impacts of future development on the site, and is to be prepared according to Liverpool Council Development Control Plan 2008 and Social Impact Assessment Policy.

The proposed development would result in a positive economic impact through the capital investment value of the development and employment opportunities generated by the development.

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

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

There are no significant natural or environmental constraints that would hinder the proposed development. Accordingly, the site is considered suitable for the proposed development.

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

(a) Internal Referrals

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

Department	Comments
City Economy	Application considered acceptable.
Community Planning	Application considered acceptable subject to conditions of consent.
Development Engineer	Application considered acceptable subject to conditions of consent.
Flood Engineer	Application considered acceptable subject to conditions of consent.
Heritage	Application considered acceptable subject to conditions of consent.
Natural Resources	Application considered acceptable subject to conditions of consent.
Traffic and Transport	Application considered acceptable subject to conditions of consent.
Urban Design	Application considered acceptable subject to conditions of consent.

(b) External Referrals

The following comments have been received from External agencies:

Authority	Comments
Bankstown Airport	Bankstown Airport has reviewed the proposal and has no objections to the proposal.
Endeavour Energy	Endeavour Energy has reviewed the proposal and has no objections to the proposal. Recommendations in regards to Network Capacity Connection, Easement Management/ Network Access, Earthing, Prudent Avoidance, Removal of Electricity Supply and Public Safety was provided.
Transport for NSW	The application was referred on 2 occasions to Transport for NSW for consideration. Both responses are attached to this report. However, in summary the final comments from Transport for NSW were: <i>Final Response from Transport for NSW – 12 August 2020</i> <i>TfNSW has reviewed the submitted application and in principle raises no objection to the abovementioned concept plan. It should be noted this is not a Section138 concurrence under the Roads Act 1993. Concurrence would be provided following review and approval of detailed design plans received in subsequent applications. Any concurrence provided would be subject to the following conditions:</i> <i>1. Access from Terminus Street will be limited to a maximum of 202 spaces and segregated from the total underground parking.</i> <i>2. Access from Terminus Street is to be a left in / left out movement. A median is to be installed along Terminus Street to physically restrict right turn movements into and out of the driveway. The median is to cover the full length of the driveway.</i> <i>3. The proposed road works (median and lane widths) along Terminus Street shall be designed and constructed to meet TfNSW requirements, and endorsed by a suitably qualified practitioner. The design requirements will be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the Construction Certificate by</i>

	<i>the Principal Certifying Authority and commencement of road works.</i> <i>4. Redundant driveways along Terminus Street shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter shall be in accordance with TfNSW requirements.</i> <i>5. The developer will be required to enter into a Works Authorisation Deed for the abovementioned works.</i> <i>6. The largest vehicle to use this site shall be no bigger than 9.9m.</i> <i>7. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Documents should be submitted to Development.Sydney@rms.nsw.gov.au.</i> <i>8. TfNSW has previously vested a strip of land as road along the Terminus Street frontage of the subject property, as shown by grey colour on the attached Aerial - "X".</i> <i>The subject property is affected by a Road Widening Order under Section 25 of the Roads Act, 1993 as published in Government Gazette No. 22 of 5 February 1960; Folio 353, as shown by pink colour on the attached Aerial- "X" and DP 446163.</i> <i>The subject property is also affected by an additional road proposal as shown by pink colour on the attached Aerial - "Y".</i> <i>Any new buildings or structures, together with any improvements integral to the future use of the site, are erected clear of Terminus Street boundary, land reserved for road widening and land required for road (unlimited in height or depth).</i> <i>In addition, the subject property is also within a broader investigation area to look at options to upgrade Macquarie and Terminus Streets at this location. The investigations have not yet advanced to the stage where options have been</i>
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	<i>defined and accordingly it is not possible at this date to identify if any part of the subject property would be required to accommodate this proposal however it is likely that the frontage of the site may be impacted.</i> Comment: Transport for NSW has reviewed the concept development application and in principle raise no objection. Transport for NSW note that concurrence under Section 138 of the <i>Roads Act 1993</i> will be considered following review and approval of detailed design plans provided in subsequent development applications. Transport for NSW have specified a number of matters to be addressed in subsequent development applications, including; limiting access from Terminus Street to 202 spaces and restricting access from Terminus Street to left in / left out. These matters will be imposed as a recommended condition of consent for future development applications. It is important to note, subsequent development applications for future stages of development on the site will be integrated development under Section 4.46 of the EP&A Act and will require concurrence under Section 138 of the <i>Roads Act 1993</i>.
Sydney Water	Sydney Water has reviewed the proposal and provided comments to assist in planning of the proposed development. Recommendations in regard to Water Servicing, Wastewater servicing and Stormwater was provided. The advice is not a formal approval and will be provided once the development is referred to under a Section 73 application.

c) Community Consultation

The development application was placed on public exhibition from 9 October to 8 November 2019, in accordance with Liverpool Development Control Plan 2008 (LDCP 2008).

Three (3) submissions were received during the exhibition period. The concerns raised in the submission and the response to the submissions are provided below:

Noise and access during construction

Noise during construction and road access at the intersection and along Macquarie Street, Scott Street and Memorial Street during and after construction. As a major thoroughfare to the Hume Highway during peak hours this intersection is already congested? Has there been any consideration for other access points to ease this specific intersection?

Comment: No physical works are proposed under this Concept DA. Noise and

access during construction are to be addressed as part of the assessment of any future Detailed DAs that includes physical works on the site.

Hoarding

To be hindered by construction safety measures for example, hoarding will directly impact our potential to draw in customers and in turn income.

Comment: No physical works are proposed under this Concept DA. The use of hoarding during construction works are to be addressed as part of the assessment of any future Detailed DAs that includes physical works on the site.

Access between Macquarie Street and 300 Macquarie Street, Liverpool; Public domain interface

Access on foot to the restaurant is also a concern. The most obvious and used access to the restaurant is via the footpath between the Augusta Cullen Plaza park and the Memorial School of Arts off Macquarie Street.

Comment: The proposed building envelope does not extend to the footpath between Augusta Cullen Plaza park and the Memorial School of Arts Building. No physical works are proposed under this Concept DA. Access during construction works are to be addressed as part of the assessment of any future Detailed DAs that includes physical works on the site.

I refer to the Master Plan that illustrates that there is an intention to reinstate the existing ramp along the eastern boundary of my client's site, which forms part of the main access to that property. There is a concern to the constructability of this ramp. Has the design considered the actual construction of the ramp, which requires the removal of a significant slab over the basement car park level. It is our concern that the thickness of that slab may not be able to facilitate the new ramp as suggested. It is therefore imperative that there is further investigation as to the likelihood, both structurally and legally, as to whether this can be facilitated noting that the car spaces below this section of the ramp belong to my client.

It is our submission that there needs to be greater interaction immediately at that interface with Augusta Cullen Plaza.

Comment: No physical works are proposed under this Concept DA. A condition of consent has been imposed for a detailed Public Domain and Landscape Plan to identify and consider any landscape constraints, including (but not limited to) setbacks, existing street trees, landscape features, screening / buffer requirements. Further resolution of the approach to access and landscaping will be addressed in future Detailed DAs.

Proposed site layout

There is also a concern, based on the Master Plans, that the floor level to the roof of the library, which is at RL41.450 compared to RL43.050 being the top of the building, only allows

a 1.6m height and concern is raised as to access to services and plant equipment within that gap, which will be reduced once one takes into consideration roof thickness and the like.

Comment: No physical works are proposed under this Concept DA. Any buildings proposed in future Detailed DAs will be required to comply with the building envelopes subject to this Concept DA.

300 Macquarie Street from level 4 onwards has residential apartments. It is not unreasonable that a separation of 12.0m should be achieved between the built forms as per the requirements of SEPP65 (ADG requirements).

Concern is raised to the overall height of the library building. The proposed library is in front of three (3) residential units within my client's development. The position of the library significantly removes views down Macquarie Street, which are considered as a valued asset to the current development.

Comment: The proposal does not contain residential uses and as such SEPP 65 and the Apartment Design Guide building separations are not statutorily applicable. The applicant has demonstrated that the residential dwellings at 300 Macquarie Street within 12m of the library building envelope can achieve adequate amenity in visual privacy, outlook and solar access.

Wind assessment

It is our recommendation that the Council should ask for a wind tunnel assessment of the massings / envelopes to make sure that there are no impacts, not only within the subject site, but to my client's site.

Comment: Suitable conditions have been imposed to require the preparation of a wind study for future Detailed DAs.

Augusta Cullen Park

The current proposal extends into the easement that protects [300 Macquarie Street] from any building encroachment onto Augusta Cullen Park, yet Council is seeking an encroachment of the built form into this space.

Comment: The proposed library building envelope does not encroach into the easement for light and air benefitting 300 Macquarie Street, Liverpool. The library envelope responds to the easement boundary defined under DP1224084.

Parking

Council should insist in providing parking within the development of Civic Centre.

Comment: The proposal facilitates the provision of a public carpark on site.

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

The proposal generally complies with the relevant planning controls and is considered to be in the public interest.

The proposed development is consistent with the zoning of the land and enable additional civic, community and commercial opportunities within Liverpool City Centre.

7 SECTION 7.12 CONTRIBUTIONS

Development contributions do not apply to this development.

8 RECOMMENDATION

That Development Application DA-585/2019 be approved subject to conditions of consent.

9 ATTACHMENTS

- 1) Concept Envelope Plans (Revised)
- 2) Reference Scheme (Revised)
- 3) Architectural Design Statement (Revised)
- 4) Clause 4.6 Variation Request (Revised)
- 5) Statement of Environmental Effects
- 6) DEP Minutes (17 March 2020)
- 7) SWCPP Minutes (14 April 2020)
- 8) Applicant's Response to RFI letter (dated 6 May 2020)
- 9) Applicant Response to DEP Conditions (29 July 2020)
- 10) Transport for NSW initial comments (11 December 2019)
- 11) Transport for NSW final comments (12 August 2020)
- 12) Deposited Plan – Title Search
- 13) Pedestrian Wind Environment Statement (Revised)
- 14) Traffic Impact Statement (Revised)
- 15) Recommended Conditions of Consent