

Attachment B – Tables of Compliance

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ENVIRONMENTAL ASSESSMENT

Statutory Framework

Environmental Planning and Assessment Act 1979

This Statement has been prepared in accordance with the provisions of the Environmental Planning and Assessment Act 1979. The proposed development has been considered having regard to the requirements of Part 4 of the Act.

State Environmental Planning Policy No. (Resilience and Hazards) 2021

- i. Clause 4.6 Contamination and remediation to be considered in determining development application

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, specifically Chapter 4 – Remediation of Land, as the proposal involves the development of land to accommodate a change of use.

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

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

Clause 4.6(1) prescribes the contamination and remediation matters that must be considered by Council before determining the development application. Specifically, Council must consider:

- whether the land is contaminated; and
- if the land is contaminated, the Council must be satisfied that the land is suitable in its contaminated state (or will be suitable after remediation); and
- if the land requires remediation to be made suitable, Council is satisfied that the land will be remediated before it is used.

Pursuant to Clause 4.6(1) the following shall be addressed:

Clause 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	A Stage 2 Detailed Site Investigation has not been submitted with the application.

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	<p>The DSI was not submitted as requested to assist the development and was instead replaced by letters from suitably qualified experts in support of the land contamination. Both documents concluded that contaminants are potentially still present on site and that further detailed assessments are to be undertaken.</p> <p>In the absence of a DSI, Council is unable to ensure that the site is suitable for the proposed use.</p>
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Whilst works have occurred onsite, it has not been determined if all contaminants have been removed of site.

Based on the above assessment the application has failed to address the SEPP and the consent authority is not satisfied that the site is suitable for the proposed use.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

i. Chapter 2 – Vegetation in non-rural Areas

The proposal does not exceed the biodiversity offsets scheme threshold. No vegetation proposed for removal.

ii. Chapter 6: Water Catchments

The subject land is located within the Georges River catchment and as such State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable, in particular Part 6.2 – Development in regulated catchments. Part 6.2 of the SEPP generally aims to protect the environment of water catchments by ensuring that impacts of future land uses are considered in a state, regional, and local context.

When determining a development application, consideration shall be given to the matters listed in Division 2 and 3 of Part 6.2. Accordingly, a table summarising the matters for consideration in determining development applications, and compliance with such is provided below.

Division 2 Controls on development generally	Comment
6.6 Water Quality and Quantity	The proposed stormwater management plan illustrates a standard water quality treatment device has been incorporated into the design, as well as appropriate erosion and sedimentation controls during construction.
6.7 Aquatic ecology	As noted above, a standard water quality treatment device is required to be incorporated into the design, which would reduce water pollution and improve the quality of water entering the waterway and catchment.
6.8 Flooding	The site is not affected by flooding, and the proposed development will have no impact on flood behaviour within the catchment.

6.9 Recreation and public access	Not applicable
6.10 Total catchment management	It is considered unlikely that the proposal will have any adverse impact upon the catchment.

It is considered that the proposed development is not in conflict with the objectives of Chapter 6 of the SEPP which seeks to promote the protection of the Georges River Catchment. It is considered that appropriate conditions can be imposed relating to erosion and sediment control and storm water runoff mitigation.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.119 – Development with frontage to a classified road

Vehicular access via Carey Street and pedestrian is via Macquarie Street. No impact to operation of the Classified Road.

Clause 2.120 – Impact of road noise or vibration on non-road development

Clause 2.120 provides:

- (1) *This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—*
 - (a) *residential accommodation,*
 - (b) *a place of public worship,*
 - (c) *a hospital,*
 - (d) *an educational establishment or centre-based child care facility.*
- (2) *Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.*

The proposed development constitutes a 'residential accommodation' on land adjacent to a road corridor with an annual average daily traffic volume of > 20,000 vehicles, as per the RTA (now TfNSW) traffic volume maps.

Subclause (2) of the SEPP provides that the consent authority must take into consideration any guidelines issued for the purpose of this section. The Department of Planning document entitled 'Development Near Rail Corridors and Busy Roads – Interim Guideline 2008' is the relevant Guideline in this case.

In order to achieve the required noise criteria, an acoustic report was prepared by a qualified acoustic consultant demonstrating that the design can meet the stated environmental noise criteria as provided within the SEPP.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)

The proposal seeks approval for a Concept Development Application for the construction of a 31-storey mixed-use development consisting of the establishment of the building envelope, gross floor area, maximum building height, design excellence, public domain works, vehicular access and car parking provision, stormwater management and concept landscape design. The provisions of SEPP 65 apply to the proposed development, as it has a height greater than 3 storeys and contains more than 4 residential apartments.

SEPP 65 requires:

- A Design Verification Statement from a qualified designer, verifying he/she completed the design of the residential apartment development, and that the design quality principles set out in Part 4 of SEPP 65 — Design Quality of Residential Apartment Development are achieved; and
- In determining a development application for consent to carry out residential apartment development, the consent authority is to take into consideration the Apartment Design Guide (ADG).

An assessment of the proposal against the requirements of SEPP 65 and the ADG was undertaken by the Liverpool Design Excellence Panel who is satisfied that the proposal meets the requirements of SEPP 65 and the ADG (refer to the DEP Minutes of 11 May 2023 for details).

Liverpool Local Environmental Plan 2008

The site is zoned MU1 (or B4) Mixed Use pursuant to the Liverpool Local Environmental Plan 2008.

The Liverpool Local Environment Plan 2008 Land Use Table for the MU1 Mixed use zone is replicated below:

Zone B4 Mixed Use (Now known as MU1)

1 Objectives of zone

- *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.*

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

*Amusement centres; Artisan food and drink industries; Boarding houses; Car parks; Centre-based child care facilities; **Commercial premises**; Community facilities; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; High*

technology industries; Home businesses; Home industries; Hostels; **Hotel or motel accommodation**; Information and education facilities; Medical centres; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; **Residential flat buildings**; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; **Shop top housing**; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water recreation structures

4 Prohibited

Pond-based aquaculture; Any other development not specified in item 2 or 3

Comment:

The site is zoned B4 (or MU1) Mixed Use under the provisions of the Liverpool Local Environmental Plan 2008. The proposed shop top housing, residential flat building and hotel and motel accommodation are permitted within the zone and would meet the objectives of the zone.

Compliance with the relevant provisions of the Liverpool LEP 2008 is outlined in Table 2 below.

Table 2 – Compliance with Liverpool LEP 2008

LIVERPOOL LEP 2008			
Clause	Required	Provided	Complies
Part 1 Preliminary			
1.3 Land to which this Plan applies	(1) This Plan applies to the land identified on the Land Application Map.	The site is identified on the Land application map.	Yes
Part 2 Permitted or prohibited development			
2.2 Zoning of land to which Plan applies	For the purposes of this Plan, land is within the zone shown on the Land Zoning Map.	The site is zoned MU1 Mixed Use	Yes
Part 4 Principal development standards			
4.1 Minimum subdivision lot size	Minimum lot size – 1000m ² .	2,292m ²	NA. No subdivision proposed.
4.3 Height of buildings	Clause 7.5A allows for increased building height for sites in the Liverpool city centre that have a site area exceeding 1,500m ² . No height limit.	The overall height of the proposal is 104.9m	Yes
4.4 Floor space ratio	Clause 7.5A provides for bonus floor space provisions for sites in the Liverpool city centre that have a site area exceeding 1,500m ² . The maximum permitted FSR is 10:1.	10:1	Yes

4.6 Exceptions to development standards	<p>(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:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	Clause 4.6 variation statement submitted in support of departure from the building separation in the Liverpool city centre development standard requirements of Clause 7.5 of the Liverpool LEP 2008.	Yes
Part 5 Miscellaneous provisions			
5.1 Relevant acquisition authority	(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).	The site is not identified as land required to be acquired.	N/A
5.2 Classification and reclassification of public land	(2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the <i>Local Government Act 1993</i> .	The site is not identified as land to be classified or reclassified as operational land or community land.	N/A
5.10 Heritage conservation	(5) Heritage assessment	The land is not identified as a heritage	

	<p>The consent authority may, before granting consent to any development:</p> <ul style="list-style-type: none"> (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>item or land within a heritage conservation area.</p> <p>However, the site is located in close proximity to a heritage item listed within Schedule 5 as Item 89 – ‘Plan of Town of Liverpool (early town centre street layout– Hoddle 1827)’.</p> <p>It is considered that the proposed development is unlikely to have any impact the existing street layout of the Liverpool Town Centre.</p>	Yes
5.11 Bush fire hazard reduction	<p>Bush fire hazard reduction work authorised by the <i>Rural Fires Act 1997</i> may be carried out on any land without development consent.</p> <p>Note— The <i>Rural Fires Act 1997</i> also makes provision relating to the carrying out of development on bush fire prone land.</p>	The subject site is not bushfire prone land.	N/A
5.21 Flood planning	<p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <ul style="list-style-type: none"> (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental 	<p>The site is not identified within the LEP maps as being flood prone land. Council’s on-line mapping system indicates that the site is not flood affected.</p>	Council’s flooding engineer has no objection to the proposal.

	<p>increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p>		
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Part 7 Additional local provisions

Division 1 Liverpool city centre provisions

7.1 Objectives for development in Liverpool city centre	<p>Before granting consent for development on land in the Liverpool city centre, the consent authority must be satisfied that the proposed development is consistent with such of the following objectives for the redevelopment of the city centre as are relevant to that development—</p> <p>(a) to preserve the existing street layout and reinforce the street character through consistent building alignments,</p> <p>(b) to allow sunlight to reach buildings and areas of high pedestrian activity,</p>	<p>The existing street layout is preserved.</p> <p>The shadow impact of the proposal will have acceptable impact on adjoining / surrounding development or areas</p>	<p>Yes</p> <p>Yes</p>
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	<p>(c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,</p> <p>(d) to improve the quality of public spaces in the city centre,</p> <p>(e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,</p> <p>(f) to enhance the natural river foreshore and places of heritage significance,</p> <p>(g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.</p>	<p>of high pedestrian activity.</p> <p>Vehicular access is achieved via Carey Street and thus pedestrian / vehicular conflict along the Hume Highway is unlikely to be increased as a result of the development.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
7.1A Arrangements for designated State public infrastructure in intensive urban development areas	<p>(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the development of land wholly or partly for residential purposes, to satisfy needs that arise from</p>	<p>Development consent cannot be granted for the purposes of residential accommodation in an intensive urban development area that results in an increase in the number of dwellings in that area, unless the Secretary has certified in writing to the consent authority that satisfactory</p>	<p>Yes</p>

	<p>development on the land, but only if the land is developed intensively for urban purposes.</p> <p>(2) Despite all other provisions of this Plan, development consent must not be granted for development for the purposes of residential accommodation (whether as part of a mixed use development or otherwise) in an intensive urban development area that results in an increase in the number of dwellings in that area, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.</p> <p>(3) This clause does not apply to a development application to carry out development on land in an intensive urban development area if all or any part of the land to which the application applies is a special contributions area (as defined by section 7.1 of the Act).</p> <p>(4) In this Part— <i>intensive urban development area</i> means the area</p>	<p>arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.</p> <p>The NSW Department of Planning has advised in correspondence that this matter is to be addressed at the Detailed DA stage in the future.</p>	
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	of land identified as “Area 7”, “Area 8”, “Area 9”, “Area 10”, “Area 12” or “Area 13” on the Floor Space Ratio Map .		
7.3 Car parking in Liverpool city centre	<p>(2) Development consent must not be granted to development on land in the Liverpool city centre that is in Zone B4 Mixed Use that involves the erection of a new building or an alteration to an existing building that increases the gross floor area of the building unless—</p> <p>(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</p> <p>(b) in respect of any other part of the building—</p> <p>(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</p> <p>(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.</p> <p>(3) Despite subclause (2), development consent may be granted to a development with less or no on site car parking if the consent authority is satisfied that the provision of car parking on site is not feasible.</p> <p>(4) In this clause, the following are to be included as part of a</p>	<p>Parking for the proposed Concept DA will be provided within 6 levels of basement car park and the Statement of Environmental Effects submitted with the application attests that the basement car parks will provide sufficient parking to accommodate the required rate for the development under the Liverpool LEP.</p> <p>In addition, the Concept DA will achieve the minimum parking rates for vehicles, motorbikes, bicycles and service vehicles in accordance with Section 4.4 of the Liverpool DCP 2008 for both the commercial and residential component of the development.</p> <p>A total of 244 car parking spaces will be provided over 6 levels of basement car parks.</p> <p>Council’s Traffic Engineering Section has reviewed the submitted Traffic Assessment Report and has raised no objection to the proposed Concept DA in terms of traffic generation and impact, access and parking arrangements.</p> <p>Full assessment of the quantum of parking</p>	Yes

	<p>building's gross floor area—</p> <p>(a) any area of the building that is used for car parking and is at or above ground level (existing), except to the extent permitted by a development control plan made by the Council,</p> <p>(b) any area of the building that is used for car parking below ground level (existing), except where the car parking is provided as required by this clause.</p> <p>(5) Council owned public car parking and parts of a building used for residential purposes must not be included as part of a building's gross floor area for the purposes of this clause.</p>	<p>required for the development will be undertaken as part of Stage 2 of the Detailed DA in the future.</p>	
<p>7.4 Building separation in Liverpool city centre</p>	<p>(2) Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least—</p> <p>(d) 12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use, and</p> <p>(e) 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use.</p>	<p>Proposed setbacks considered acceptable and sufficiently justified in the submitted Clause 4.6 Variation Statement.</p>	<p>Yes</p>

7.5 Design excellence in Liverpool city centre	<p>(1) The objective of this clause is to deliver the highest standard of architectural and urban design.</p> <p>(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.</p> <p>(3) In considering whether development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,</p> <p>(c) whether the proposed development detrimentally impacts on view corridors,</p> <p>(d) whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers’</p>	<p>Application referred to Design Excellence Panel on 11 May 2023. The panel has provided an in-principal support of the proposal subject to recommendations. The recommendations have been satisfactorily addressed by the applicant.</p>	<p>Yes</p>
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	<p>Memorial Park, Apex Park, St Luke's Church Grounds and Macquarie Street Mall (between Elizabeth Street and Memorial Avenue),</p> <p>(e) any relevant requirements of applicable development control plans,</p> <p>(f) how the proposed development addresses the following matters—</p> <p>(i) the suitability of the site for development,</p> <p>(ii) existing and proposed uses and use mix,</p> <p>(iii) heritage issues and streetscape constraints,</p> <p>(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</p> <p>(v) bulk, massing and modulation of buildings,</p> <p>(vi) street frontage heights,</p>		
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	<p>(vii) environmental impacts such as sustainable design, waste and recycling infrastructure, overshadowing, wind and reflectivity,</p> <p>(viii) the achievement of the principles of ecologically sustainable development,</p> <p>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</p> <p>(x) the impact on, and any proposed improvements to, the public domain.</p> <p>(4)–(8) (Repealed)</p>		
7.5A Additional provisions relating to certain land at Liverpool city centre	<p>(1) This clause applies to land development on land that—</p> <p>(a) is identified as “Area 8”, “Area 9” or “Area 10” on the Floor Space Ratio Map, and</p> <p>(b) has a lot size exceeding 1500m², and</p> <p>(c) has 2 or more street frontages.</p> <p>(2) Despite clauses 4.3 and 4.4, if at least 20% of the gross floor area of a development is used for the purpose of centre-based child care facilities, commercial premises, community facilities, educational establishments, entertainment facilities, functions centres, hotel</p>	<p>The site is located within Area 8 of the Liverpool City Centre and has lot size exceeding 1,500m² and contains 2 street frontages. The development incorporates a hotel accommodation that exceeds 37% of the gross floor area of the development.</p> <p>As such, the maximum FSR may be increased to 10:1.</p>	Yes

	<p>or motel accommodation, information and education facilities, medical centres or public administration buildings—</p> <p>(a) the height of the building may exceed the maximum height shown for the land on the Height of Buildings Map, and</p> <p>(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—</p> <p>(i) in relation to a building on land identified as “Area 8” or “Area 10” on the map—10:1, or</p> <p>(3) Development consent must not be granted under this clause unless—</p> <p>(a) a development control plan that provides for the matters specified in subclause (4) has been prepared for the land, and</p> <p>(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.</p> <p>(4) The development control plan must include provision for how proposed development is to address the following matters—</p> <p>(a) the impact on conservation areas,</p> <p>(b) encouraging sustainable transport,</p>		
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	<p>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,</p> <p>(c) achieving appropriate interface at ground level between buildings and the public domain,</p> <p>(d) the excellence and integration of landscape design,</p> <p>(e) the matters specified in clause 7.5(3)(f)(i)–(viii) and (x).</p>		
Division 2 Other provisions			
7.6 Environmentally significant land	<p>(2) Before determining an application to carry out development on environmentally significant land, the consent authority must consider such of the following as are relevant—</p> <p>(a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location,</p> <p>(b) the importance of the vegetation in that particular location to native fauna,</p> <p>(c) the sensitivity of the land and the effect of clearing vegetation,</p> <p>(d) the relative stability of the bed and banks of any waterbody that may be affected by the development, whether on the site, upstream or downstream,</p> <p>(e) the effect of the development on water quality, stream flow and the functions of aquatic ecosystems</p>	The site is not identified as environmentally significant land.	N/A

	(such as habitat and connectivity), (f) the effect of the development on public access to, and use of, any waterbody and its foreshores.		
7.7 Acid sulfate soils	(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	The subject site is not affected by acid sulfate soils.	N/A
7.9 Foreshore building line	2) Subject to the other provisions of this Plan, development may be carried out, with development consent, for the purposes of a building on land in the foreshore area only if— (a) the levels, depth or other exceptional features of the site make it appropriate to do so, or	The subject site is not identified on the foreshore building line map.	
7.11 Minimum dwelling density	(2) Development consent must not be granted for the subdivision of land shown on the Dwelling Density Map unless the consent authority is satisfied that the dwelling density likely to be achieved by the subdivision is not less than the dwelling density shown for the land on that Map.	The subject land is not identified on the dwelling density map.	N/A
7.12 Maximum number of lots	The total number of lots created by the subdivision of land in an area of land identified as “Restricted Lot Yield” on the Dwelling Density Map must not exceed the number shown on that map for that area.	The subject land is not identified on the dwelling density map.	N/A
7.16 Ground floor development in Zones B1, B2 and B4	(2) This clause applies to land in Zone ... B4 Mixed Use. (4) Development consent must not be granted for development for the purposes of a building on land to which this clause applies unless	Complies.	Yes

	<p>the consent authority is satisfied that the ground floor of the building—</p> <p>(a1) if the development is on land in Zone B4 Mixed Use—will be used for the purposes of business premises or retail premises, and</p> <p>(b) will have at least one entrance and at least one other door or window on the front of the building facing a street other than a service lane.</p>		
7.17A Hospital helicopter airspace	<p>(2) Development consent must not be granted to development under, or that intrudes into, hospital helicopter airspace unless the consent authority—</p> <p>(a) refers the application for development consent to the chief executive of the relevant local health district, and</p> <p>(b) considers any submission to the consent authority by the chief executive made within 21 days of the referral, and</p> <p>(c) is satisfied the development does not present a hazard to helicopters using hospital helicopter airspace.</p>	<p>The subject site is not located within the helicopter flight path as shown on the key sites map.</p> <p>The application has been referred to the Local District Health Service for comments.</p>	Yes
7.17 Airspace operations	<p>(1) The objective of this clause is to protect airspace around airports.</p> <p>(2) The consent authority must not grant development consent</p>	Bankstown Airport Corporation has confirmed that it has no objection to the proposal.	Yes

	<p>to development that is a controlled activity within the meaning of Division 4 of Part 12 of the Airports Act 1996 of the Commonwealth unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.</p> <p>Note— Controlled activities include the construction or alteration of buildings or other structures that causes an intrusion into prescribed airspace (being generally airspace around airports). Controlled activities cannot be carried out without an approval granted under regulations made for the purposes of Division 4 of Part 12 of the Airports Act 1996 of the Commonwealth.</p>		
7.31	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p>	<p>Council Development Engineers have no objection to the proposal.</p> <p>The proposed development is unlikely to affect any future use or redevelopment of the site.</p> <p>Council's EHU raise no concerns.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	Privacy is maintained to adjoining sites and the extent of overshadowing is acceptable, having regard to the circumstances of the case.	Yes
	(e) the source of any fill material and the destination of any excavated material,	Considered satisfactory by Council's Waste Management Section.	Yes
	(f) the likelihood of disturbing relics,	The site is not affected by any aboriginal archaeology.	N/A
	(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	The proposal is unlikely to have any adverse impact on nearby any watercourses, drinking water catchments or environmentally sensitive areas.	N/A

Liverpool Development Control Plan

The Liverpool Development Control Plan 2008 supports the Liverpool Local Environmental Plan 2008 by setting additional development controls for development located in the Liverpool LGS.

Compliance with the relevant provisions of the Liverpool Development Control Plan 2008 is outlined in Table 3 below:

Table 3 – Compliance with Liverpool Development Control Plan 2008

Liverpool Development Control Plan 2008			
Clause	Required	Provided	Complies
Part 1 General Controls for all Development			
2. Tree Preservation			
	Consideration shall be given to the potential impact of development on existing vegetation.	No vegetation on site.	Yes
3. Landscaping and Incorporation of Existing Trees			
	Incorporate existing trees where appropriate.	Extensive landscaping will be provided to complement the proposed development. Refer to submitted landscape plan. Council's Landscape Section considers the design to be satisfactory.	Yes

4. Bushland and Habitat Preservation			
	Consideration shall be given to the potential impact of the development on surrounding bushland and animal habitat.	The development site is not identified as containing any native flora or fauna, nor is there any potential for threatened ecological communities.	NA
5. Bushfire Risk			
	Any development on or adjacent to bushfire prone land to comply with RFS requirements.	The site is not identified as bushfire prone land.	N/A
6. Water Cycle Management			
	Consideration shall be given to the impacts associated with stormwater.	This aspect has been reviewed by Council's Development Engineering Section, who has raised no objections, subject to conditions.	Yes
7. Development Near a Watercourse			
	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	The development site is not within close proximity to a water course.	N/A
8. Erosion and Sediment Control			
	Erosion and sediment control plan to be submitted.	Erosion and sediment control plan submitted and considered satisfactory. Standard conditions of consent recommended to be incorporated in the draft conditions of consent.	Yes
9. Flooding Risk			
	Consideration shall be given to the potential of flood affectation on the development, and the potential for the development to affect flood behaviour and impact to surrounding properties.	The site is not identified as a Flood Prone Land and not within the Flood Planning Area. Council's flood engineer has no objection to the proposal.	Yes
10. Contaminated Land Risk			
	The potential for site contamination shall be considered having regard to previous land uses and the requirements of SEPP.	Contamination and remediation matters have not been addressed with the relevant documentation; therefore the proposal is not supported.	No
11. Salinity Risk			
	Salinity Management response required for affected properties.	Standard conditions recommended to be incorporated in the draft conditions of consent.	Yes
12. Acid Sulfate Soils Risk			

	This section applies to any development that is located in an area identified as having an acid sulfate soil potential within the Liverpool LEP 2008.	The subject site is not affected by acid sulfate soils.	N/A
14. Demolition of Existing Developments			
Demolition	<p>All demolition work must comply with the Australian Standard AS2601 - 1991, The Demolition of Structures</p> <p>A Waste Management Plan (WMP) is to be submitted with the Development Application. The WMP must include realistic estimates of the volume or area of all types of waste material to be generated from the demolition and excavation activities. Details of how each of those materials will be re-used, recycled or disposed of is to be provided, including the locations to which the materials will be taken.</p>	<p>No demolition works proposed.</p> <p>A Waste Management Plan has been submitted which is considered to be satisfactory.</p>	Yes
17. Heritage and Archaeological Sites			
	This section applies to development affecting a heritage item, land in a heritage conservation area or an archaeological site as identified in the Liverpool Local Environmental Plan 2008, as well as land in the vicinity of a heritage item.	The site is not identified as having any archaeological potential.	N/A
20. Car Parking and Access			
Off-Street - Car Parking Provision other than Liverpool City Centre	<p>Off street car parking provision and service and loading provision shall be provided in accordance with Table 11.</p> <p><u>Service and Loading</u></p> <p>- Service facilities for a van</p>	<p>The SEE submitted attests that the Stage 1 Concept proposal will comply with the minimum parking rates for vehicles, motorbikes, bicycles and service bays as per the Liverpool DCP 2008.</p> <p>Council's Traffic Section is satisfied with the proposal from a traffic perspective.</p>	Yes
20.4 Car Parking Design			
		Council's Traffic Section is satisfied with the proposal.	Yes
20.7 Driveway Crossings			
		Council's Engineering Section is satisfied with the proposal.	Yes
23. Reflectivity			

	New buildings and facades must not result in glare that causes discomfort or threatens safety of pedestrians or drivers.	Standard conditions recommended to be incorporated in the draft conditions of consent.	Yes
25. Waste Disposal & re-use Facilities			
Residential development	Provision must be made for on-site waste storage and collection by private contractor.	Council's Waste Management Section raise no objections.	Yes
Waste Management Plan	A Waste Management Plan (WMP) shall be submitted with a Development Application for any relevant activities generating waste. The WMP is provided in three sections: Liverpool Development Control Plan 2008 Waste Disposal and Re-use Facilities Part 1 115 - Demolition; - Construction; and - On-going waste management.	A WMP submitted which addresses waste reuse and disposal for demolition, construction and on-going waste. Council's Waste Management Section is satisfied with the proposal.	Yes
26. Outdoor Advertising and Signage			
		The application does not propose the erection of any signage.	N/A
27. Social Impact Assessment			
	Child care centres with 20 or more children required to undertake a Social Impact Comment, as per the proforma provided in Council's Social Impact Policy 2022.	Council's Community Planning Section has raised no objection.	Yes
29. Safety and Security			
	Address 'Safer-by-Design' principles in the design of public and private domain, and in all developments including the NSW Police 'Safer by Design' Crime Prevention Through Environmental Design (CPTED) principles	It is considered that the four (4) main principles of CPTED have been satisfactorily incorporated into the design.	Yes
Part 4 Liverpool City Centre			
4.2 Controls for Building Form			
4.2.1 Building form			
Controls	Develop new buildings in Liverpool city centre using the following building typologies for precincts as identified in Figure 4-2 2. Perimeter block typology for Midrise <u>precinct</u> , with the exception of those Midrise sites developed	The proposal is consistent with the tower on podium typology.	Yes

	<p>pursuant to clause 7.5A of LLEP 2008 (which may also be developed with a tower on podium typology).</p> <p>6. Perimeter block, or detached <u>building</u> typology for Mixed Use.</p>		
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4.2.5 Controls for sites that require the submission of a site specific DCP or concept DA	1. 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.	A Concept DA has been lodged for the site.	Yes
	<p>2. Clause 7.5A(3)(b) of LLEP 2008 specifies that any proposal which seeks to utilise the additional provisions relating to certain land in <u>Liverpool city centre</u> must yield a public benefit, in that the site on which the <u>building</u> is to be located must also include one or more of the following uses (NB: in order to provide the required public benefit, these uses must be publicly accessible):</p> <ul style="list-style-type: none"> • recreation areas; • recreation facilities (indoor); • community facilities; • information and education facilities; • through site links; or • public car parks. <p>Each land use that is required to yield public benefit (with the exception of “through site links” and “public car parks”, defined below), is defined in the Dictionary of LLEP 2008. The size, <u>scale</u>, location and detailed use of any such proposed development, must be included in the required site specific DCP or concept development application, and be to the satisfaction of <u>Council</u>.</p>	The proposal is considered consistent with the requirements of Clause 7.5A of the LLEP.	Yes
	3. The concept development application lodged pursuant to clause 7.5A of LLEP 2008, must demonstrate how the proposal addresses all matters described in 7.5A(4)(a-m), as follows:		

	<p>a. the suitability of the land for development. The site specific DCP or concept development application must articulate planning and design principles relating to development of the land and explain how these address Part 4 of Liverpool Development Control Plan 2008 and any other relevant documents or plans. It must include an analysis of the characteristics and the local context of the land to which it applies. It must conceptually outline and show graphically the proposed site layout and planning for the development of the land, including the conceptual vertical and horizontal distribution of potential future uses, arrangement, footprint, envelopes and mix of <u>building</u> types. Through analysis of a number of illustrated options for redevelopment it must determine the preferred approach,</p>	Acceptable	Yes
	<p>b. the existing and proposed uses and use mix. The site specific DCP or concept development application must describe the existing uses of any <u>building</u> currently occupying the site, and the proposed use mix to be developed on the site (noting additional use requirements outlined in control 1 above),</p>	Acceptable	Yes

	<p>c. any heritage issues and streetscape constraints. The site specific DCP or concept development application must describe how the proposal will address all heritage items <u>in the vicinity</u>, in accordance with the requirements of clause 5.10 of LLEP 2008 and section 4.6.1 of this Part,</p>	Acceptable	Yes
	<p>d. the impact on any <u>conservation area</u>. The site specific DCP or concept development application must indicate how any proposed development within the Bigge Park <u>Conservation Area</u> addresses the requirements of clause 5.10 of LLEP 2008 and section 5.10 of this Part,</p>	Minimal impact envisaged.	Yes
	<p>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 <u>form</u>. <u>Liverpool city centre</u> is a mixed-use environment. The site specific DCP or concept development application must ensure that any proposed residential tower is consistent with ADG separation and side <u>setback</u> distances, taking into account existing or proposed towers on the same site or neighbouring sites. Siting of all proposed towers, residential or commercial, must be consistent with clause 7.4 of LLEP 2008 <u>Building separation in Liverpool city centre</u>,</p>	Acceptable	Yes

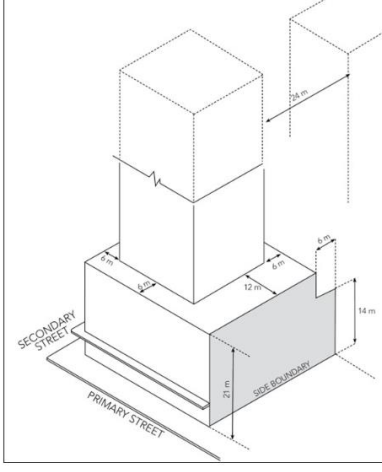
	<p>f. the bulk, massing and modulation of buildings. The site specific DCP or concept development application must illustrate the proposed bulk, massing and modulation of buildings to be developed on the site,</p>	acceptable	Yes
	<p>g. street <u>frontage</u> heights. The site specific DCP or concept development application must indicate the street <u>frontage</u> heights of any proposed <u>building</u>. A tower on podium <u>building</u> is to be designed so that the podium is:</p> <ul style="list-style-type: none"> a. four to six storeys in <u>height</u> at the primary street <u>frontage</u>; b. four storeys in <u>height</u> to the lanes and/or serviceways; and c. 6 metres from a side/rear boundary if the site is adjoining a property that is not zoned B4 – Mixed Use or contains a stand-alone <u>building</u>. The <u>setback</u> should be in accordance with the ADG, 	Revised proposal has reduced the podium to 6 storeys in height at the primary street frontage of Macquarie Street.	Yes

	<p>h. environmental impacts, such as sustainable design, <u>overshadowing</u> and solar access, visual and acoustic privacy, noise, wind and reflectivity</p> <p>The site specific DCP or concept development application must illustrate how the proposed design will satisfactorily address environmental impacts on the public domain and other sites in proximity, depending on the <u>scale</u> of the development. Designs must ensure the streetscape environment is of pedestrian <u>scale</u> and ensures human qualities of solar access, shade and amenity are provided and negative elements such as noise and wind are minimised,</p>	Acceptable	Yes
	<p>i. the achievement of the principles of <u>ecologically sustainable development</u>.</p> <p>The site specific DCP or concept development application must illustrate the ways by which the development proposed maximises ecological sustainability,</p>	Acceptable	Yes

	<p>j. encouraging sustainable transport, including increased use of public transport, walking and cycling, <u>road</u> access and the circulation network and car parking provision, including integrated options to reduce car use.</p> <p>The site specific DCP or concept development application must incorporate a Transport Management and Access Plan (TMAP). The TMAP must illustrate how the proposed development will encourage sustainable transport including:</p> <ul style="list-style-type: none"> - measures to encourage increased use of public transport, walking and cycling; - provisions for access (for pedestrians, cyclists and vehicles including heavy vehicles), circulation and car parking; and - other measures to reduce car use (e.g. carpooling and car-share services), 	<p>The site is located within the Liverpool city centre and has excellent access to public transport.</p>	<p>Yes</p>
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	<p>k. the impact on, and any proposed improvements to, the public domain. The site specific DCP or concept development application must demonstrate how the proposed development will integrate with and/or make improvements to the existing public domain, including the provision of setbacks where required. The site specific DCP or concept development application must include a detailed public domain plan.</p> <p>Improvements to the public domain include:</p> <ol style="list-style-type: none"> 1. Contributing to the urban tree <u>canopy</u> through new street tree plantings consistent with the Liverpool CBD Streetscape and Paving Manual 2018. 2. Providing street furniture and pedestrian amenity items. 3. Installing high quality pedestrian paving consistent with the Liverpool CBD Streetscape and Paving Manual 2018. 4. Integrating public art in accordance with section 4.3.10 of this Part. 5. Making provision for pedestrians to access to sunlight and shade. 6. Providing a design that contributes to activation of street frontages. 7. Integration of WSUD elements to improve vegetation success within the public domain, 	<p>The revised proposal has satisfactorily demonstrated that the proposal will positively contribute to the public domain of the Liverpool city centre.</p>	<p>Yes</p>
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	<p>l. achieving appropriate interface at ground level between buildings and the public domain. The site specific DCP or concept development application must demonstrate how all buildings, including any proposed tower <u>building</u>, achieves an appropriate interface at ground level with existing and proposed buildings and the public domain, according to the requirements of Section 4.3.1 to 4.3.10 of this Part.</p> <p>Electricity substations and waste collection points must be appropriately integrated into the <u>building</u> design to minimise disruption and visual clutter in the ground plane and streetscape,</p>	Council's City Design and Public Domain Section is satisfied with the proposal.	Yes
	<p>m. the excellence and integration of landscape design. The concept development application must demonstrate compliance with section 4.2.13 of this Part.</p>	Council's City Design and Public Domain Section is satisfied with the proposal.	Yes
	<p>4. Locate non-residential uses at ground level that address all street frontages (and laneway/service way frontages, where possible).</p>	The revised proposal satisfactorily activates the street frontages of Macquarie Street and Carey Street.	Yes

	<p>5. Develop a maximum of two levels of above-ground car parking, provided it is sleeved by other uses on street frontages and appropriately screened or sleeved by other uses on lane/serviceway frontages. Aboveground parking must achieve minimum floor to ceiling heights that would permit adaption for another use (e.g. commercial/retail or residential).</p>	<p>Complies. Only below ground parking is proposed.</p>	<p>Yes</p>
	<p>6. Construct buildings according to the requirements illustrated in Figure 4.7, Figure 4.8 or Figure 4.9, depending on the location of the site.</p> <p>Figure 4-8: Tower on a Podium/Corner Site</p> 	<p>The revised proposal has reduced the podium of the development to 21m in height or 6-storey.</p> <p>Floor plates comply.</p>	<p>Yes</p>

<p>4.2.6 <i>Building Floor Plates</i></p>	<ol style="list-style-type: none"> 1. Achieve living and working environments with good internal amenity and minimise the need for artificial heating, cooling and lighting. 2. Provide viable and useable commercial and/or residential floor space. 3. Contribute to useable and pleasant streets and public domain at ground level by controlling the size of upper level floor plates of buildings. 4. Reduce the apparent bulk and <u>scale</u> of buildings by limiting the size of the <u>building</u>. <ol style="list-style-type: none"> 1. Design the floor plate sizes and depth of buildings for Fine Grain and Midrise sites as indicated in the <u>building</u> envelopes. 2. Provide a maximum GFA of 700<u>m</u>² per level for residential towers with maximum length of elevation of 45<u>m</u>. 3. Comply with ADG standards for <u>building</u> depth and number of apartments. 4. Provide a maximum GFA of 1,000<u>m</u>² per level for commercial towers with maximum length of elevation of 45<u>m</u>. Where sites are greater than 2,000<u>m</u>² a proportionally larger GFA per floor may be considered. 	<p>The proposal does not contravene any of these requirements.</p> <p>Residential floor plate – 644.2m²</p> <p>Hotel floor plate – 1152.7m²</p>	<p>Yes</p>
<p>4.2.7 Street Alignments and Street Setbacks</p>			

Controls	1. Buildings are to comply with the front setbacks as set out in Figures 4-12.	Required setbacks: - Macquarie St = 0 - Carey St = 4.5m landscaped area Proposed: - Macquarie St = 0 – 5.4m for the lower part of the building - Carey Street = 0 for the podium and 4.5m from the tower.	N/A Yes No
	2. Construct perimeter block buildings and podiums, which comply with the building envelope requirement, to the street and side boundaries (0m setback).	The perimeter part of the building is proposed to Macquarie St and Carey St.	Yes
	6. Pave the land in the setback zone to match the paving in the public street so that it provides a seamless and level ground plane.	Condition of consent	Yes
	7. Ensure that no columns, blade walls or other building elements encroach the ground level of the front setback.	Complies.	Yes
	9. Ensure that minor projections into front building lines and setbacks above ground level are designed for sun shading, entry protection or building articulation and enhance the amenity of the public domain.	Noted	
	10. Allow enclosures or screening of balconies only if they are moveable and aid the amenity of the apartments.	Noted	
4.2.8 Side and rear boundary setbacks			
	1. All residential and commercial buildings must comply with the separation distances in SEPP 65 and the ADG unless otherwise agreed with Council in an	For buildings > 25m in height, the ADG requires the following separation distances: Over 25m (9+ storeys):	

	approved concept development application.	<ul style="list-style-type: none"> • 12m habitable rooms/balconies • 6m non-habitable rooms <p>Proposed:</p> <ul style="list-style-type: none"> - 0m setback to eastern side boundary for the podium part of the building to butt against an adjoining perimeter building. - The tower part of the building is setback >18.7m from the eastern side boundary. - >12m from rear boundary. <p>Refer to further discussion below.</p>	Yes
<p>Comments:</p> <p>The ADG provides some flexibility in areas undergoing transition. The locality is undergoing transition from low density commercial to mixed use high-rise development. In addition, the immediate locality is within Town Centre area, where taller buildings and higher density is envisaged.</p> <p>The proposed side and rear setbacks are appropriate and the applicant has demonstrated that the building will satisfactorily integrate with existing surround buildings and the susceptibility analysis shows that neighbouring sites are capable of re-development.</p>			
	2. Construct buildings across the site facing the street and the rear boundaries rather than facing side boundaries.	Achieved	Yes
4.2.9 Minimum Floor to Ceiling Heights			
	<p>The minimum floor to ceiling heights:</p> <ol style="list-style-type: none"> 1. Ground floor: 3.6m. 2. Above ground level: <ol style="list-style-type: none"> 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 and, if aboveground, adaptable to another use, as above. 	<ul style="list-style-type: none"> - G/F = 3.34m (floor-to-floor) - Level 1 = 3.34m (floor-to-floor) - Levels 1– 8 = 3.09m (floor-to-floor) - Levels 9-30 = 3.1m (floor-to-floor) - 3m provided. The basement levels accommodate passenger vehicles only. - Porte Cochere is provided with 4.2m headroom. 	<p>Acceptable</p> <p>Acceptable</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>4.2.10 Housing Choice and Mix</p>	<p>1. In addition to the provisions for <u>dwelling</u> mix in the ADG, residential apartment buildings and <u>shop-top</u> housing must comply with the following apartment mix and size:</p> <ul style="list-style-type: none"> • Studio and one bedroom units must not be less than 10% of the total mix of units within each development; • Three or more bedroom units must not be less than 10% of the total mix of units within each development; • Dual-key apartments must not exceed 10% of the total number of apartments; and • A minimum of 10% of all dwellings (or at least one <u>dwelling</u> – whichever is greater) to be capable of adaptation for disabled or elderly residents. 	<p>1 Bed – 84 (50%) 2 Bed – 63 (37.5%) 3 Bed – 21 (12.5%)</p> <p>Adaptable Units – 21 (12.5%)</p>	<p>Yes</p>
	<p>2. Adaptable dwellings must be designed in accordance with the Australian <u>Adaptable Housing</u> Standard (AS 4299-1995).</p>	<p>To be dealt with at the DA stage.</p>	<p>Yes</p>
	<p>3. Provide certification from an Accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian <u>Adaptable Housing</u> Standard (AS 4299-1995)</p>	<p>To be dealt with at the DA stage.</p>	<p>Yes</p>
	<p>4. Ensure car parking and garages allocated to adaptable dwellings comply with the requirements of the relevant Australian Standard for disabled parking spaces.</p>	<p>To be dealt with at the DA stage.</p>	<p>Yes</p>

4.2.11 Deep Soil Zones and Site Cover			
	1. The maximum permitted site coverage for development is specified in Table 4-2. Commercial Core, Fine Grain and Midrise: up to 100%	96.3% coverage	Yes
4.2.12 Public Open Space and Communal Open Space	1. Developments with a residential component in all zones must comply with the sections 3D Communal Public Open Space and 4F Common Circulation and Spaces, of the ADG. Consistent with the requirements of the ADG, communal open space is to be colocated with areas of deep soil, where possible. 2. The roof space of residential flat buildings (RFBs) and mixed-use development (including <u>shop</u> -top housing) is to be developed for the purposes of communal open space that incorporate shade structures and amenity facilities (barbecue and rooftop garden) that complement the development.	No public open space proposed. 569.8m ² of residential communal open space is provided on the podium level. 461.6m ² of residential communal open space is provided on the rooftop. Total communal open space provided = 1031.4m ²	Yes
4.2.13 Landscape Design			
Private Open Space	1. Submit a landscape plan prepared by a registered landscape architect that demonstrates consistency with the above objectives and section 4V, water management and conservation, of the ADG.	A satisfactory landscape plan submitted.	Yes
4.2.14 Planting on Structures	1. Comply with the Section 4P, planting on structures in the ADG in all developments with a residential component and/or communal open space.	A satisfactory landscape plan submitted.	
4.3.3. Active Street Frontage			
	1. Locate active street frontages on the ground level of all commercial or mixed use buildings,	The proposal provides active frontage to Macquarie Street and Carey Street.	Yes

	including adjacent through-site links.		
4.3.4 Street Address			
	1. Provide a clear street address and direct pedestrian access off the primary street frontage in mixed use and residential developments.	Provided	Yes
	2. Provide multiple entrances to large developments on all street frontages.	Separate residential lobby is provided to the hotel lobby.	Yes
	3. Provide direct 'front door' and/or garden access to the street in ground floor residential units.	No ground floor residential apartments proposed.	N/A
4.3.5 Street and Building Interface			
	1. Design the area between the building and the public footpath so that it: a) provides visibility to and from the street (if non-residential use); c) introduces paving and/or landscaping between the street and the building; and/or	Visibility and passive surveillance over the street is achieved via street-facing windows. Front setback areas to be landscaped.	Yes Yes
4.3.7 Awnings	a. Provide street <u>frontage</u> awning for all new developments on streets identified in Figure 4-13 .	Appropriate colonnade provided along Macquarie St frontage of the site.	Yes
4.3.8 Building Design and Public Domain Interface			
	1. 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.	It is considered that the design of the front façade of the building and the building envelope is appropriate for the site and surrounding sites, and for the public domain. The revised podium height appropriately matches the eastern adjoining mixed-used of 6 storeys as required by the DCP.	Yes
	2. Provide balconies and terraces appropriately	Complies	Yes

	orientated where buildings face public spaces.		
	3. Articulate façades to address the street, proportion the building, provide 'depth' in the street wall when viewed obliquely along the street and add visual interest.	The front façade is articulated to provide depth and will add visual interest to the street.	Yes
	4. Use high quality robust finishes and avoid finishes with high maintenance costs, and those susceptible to degradation due to a corrosive environment. Large expanses of rented concrete finish is discouraged.	Achievable	Yes
	5. Select lighter-coloured materials for external finishes including roofs and avoid the use of darker-coloured materials (e.g. black, charcoal) to reduce the urban heat island effect.	The proposed colour palette is considered appropriate.	Yes
	6. Maximise glazing in the facades for retail uses.	Complies	Yes
	7. For residential components of buildings, do not use highly reflective finishes and curtain wall glazing above ground floor level.	N/A	N/A
	8. Construct only minor projections up to 600mm from building walls into the public space. These must not add to the GFA and must provide a benefit, such as:	Building elements do not encroached into public space.	Yes
	a) expressed cornice lines that assist in enhancing the definition of the street; or	Achievable	Yes
	b) projections such as entry canopies that add visual interest and amenity.	Achievable	Yes

	<p>9. Do not locate communication towers such as mobile phone towers, but excluding satellite dishes, on residential buildings or mixed use buildings with a residential component.</p> <p>10. Incorporate roof top structures, such as air conditioning and lift motor rooms, into the architectural design of the building.</p> <p>11. Screen air conditioning units on balconies.</p> <p>12. No clothes drying facilities to be allowed on balconies.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4.3.9 Street Intersections and Corner Buildings	<p>1. Address all street frontages in the design of corner buildings.</p> <p>2. Design the corner buildings to respond to the <u>character</u> of the intersection by recognising the different hierarchies of the street typologies.</p>	The building appropriately addresses Macquarie St and Carey St.	Yes
4.4 Traffic and Access			
4.4.1 Vehicular Access and Manoeuvring Areas			
Fencing	<p>1. Vehicular access shall be restricted to the secondary street (other than along a High Pedestrian Priority Area) where possible.</p> <p>2. Design of vehicle entry points must be of high quality and relate to the architecture of the building, including being constructed of high quality materials and finishes.</p> <p>3. All weather access:</p> <p>a) Locate and design porte cochere (for hotels only) to address urban design, streetscape, heritage and pedestrian amenity considerations.</p>	<p>Vehicle access is achieved via Carey Street, which is considered appropriate in this case.</p> <p>Achievable</p> <p>Appropriate porte cochere design proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>b) Design porte cochere to be internal to the building, where practical, with one combined vehicle entry and exit point, or one entry and one exit point on two different frontages of the development.</p>	Appropriate porte cochere proposed.	Yes
	<p>c) In exceptional circumstances for buildings with one street frontage only, an indented porte cochere with separate entry and exit points across the footpath may be permitted, as long as it is constructed entirely at the footpath level and provides an active frontage at its perimeter.</p>	The porte cochere is off Carey Street, which is considered appropriate.	Yes

<p>4.4.2 On Site Parking</p>	<p>All required car parking is to be provided on site in an underground (<u>basement</u>) carpark except to the extent provided below:</p> <ul style="list-style-type: none"> - On Fine Grain and Midrise sites, a maximum of one level of surface (at grade) parking may be provided where it is fully integrated into the <u>building</u> design; and - 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 <u>building</u> design. 	<p>Only basement carpark (6 levels) is proposed, except for the Porte Cochere for the hotel.</p>	<p>Yes</p>
	<p>Service and visitor parking is to be provided for all development within the city centre. For sites zoned B3 — Commercial Core or B4 — Mixed Use, service and visitor parking is to be provided as part of the parking required according to clause 7.3 of LLEP 2008, Car parking in <u>Liverpool city centre</u>.</p> <p>Service and visitor parking is to be provided in accordance with the following formula:</p> <p>Residential (including residential components of mixed-use or other developments)</p> <ul style="list-style-type: none"> ▪ 1 space per 10 apartments or part thereof, for visitors; and ▪ 1 space per 40 apartments for service vehicles (including removalist vans and car washing bays) up to a maximum of 4 spaces per <u>building</u> <p>All other development</p>	<p>To be addressed at the DA stage.</p>	<p>Yes</p>

	<p>Sufficient service and delivery vehicle parking adequate to provide for the needs of the development.</p> <p>Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces.</p>		
	No less than 2% of the total parking demand generated by development shall be accessible parking spaces, designed and appropriately signposted for use by persons with a disability.		
4.5 Environmental Management			
4.5.1 Wind Mitigation	<p>Submit a Wind Effects Report with the DA for all buildings greater than <u>35m</u> in <u>height</u>.</p> <p>Submit results of a Wind Tunnel Testing report for buildings over <u>48m</u> in <u>height</u></p>	To be addressed at the DA stage.	Yes
4.5.2 Noise			
	1. Design development on sites adjacent to road and rail noise sources identified in Figure 4-16, in a manner that shields any residential development from the noise source through the location and orientation of built form on the site, supported by an appropriate acoustic report as required by the State Environmental Planning Policy (Infrastructure) 2007.	Acoustic report submitted and considered satisfactory by Council Environmental Health section.	Yes
	<p>2. Provide an <u>8m setback</u> from the primary street <u>frontage</u> to any residential component of development located along Terminus Street and the Hume Highway.</p> <p>All residential apartments and / or serviced apartments within a <u>mixed use development</u> should be designed and constructed with double-glazed windows and /</p>	The residential apartments fronting Macquarie Street are not provided with 8m setback, but considered acceptable, having regard to the built form, scale and architecture of the development.	Yes

	or laminated windows, solid walls, sealing of air gaps around doors and windows as well as appropriate insulating <u>building</u> elements for doors, walls, roofs and ceilings etc; to provide satisfactory acoustic privacy and amenity levels for occupants within the residential and / or <u>serviced apartment(s)</u> .		
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