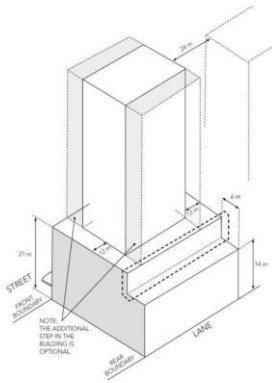


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Development Control	Provisions	Comment
Part 1: General Controls for All Development		
2. Tree Preservation	<b>Not applicable.</b> No tree removal is proposed as part of the amending concept DA.	
3. Landscaping and Incorporation of Existing Trees	<b>Not applicable.</b> No tree removal is proposed as part of the amending concept DA.	
4. Bushland and Fauna Habitat Preservation	<b>Not applicable.</b> The site does not adjoin bushland.	
5. Bushfire Risk	<b>Not applicable.</b> The site is not bush fire prone land.	
6. Water Cycle Management	<b>Not applicable.</b> Stormwater management measures would be required to be developed at the detailed DA stage.	
7. Development near a Watercourse	<b>Not applicable.</b> The site is not located within 40m of a watercourse.	
8. Erosion and Sediment Control	<b>Not applicable.</b> Erosion and sediment control measures would be developed at the detailed DA stage.	
9. Flooding Risk	<b>Not applicable.</b> The site is not flood prone land.	
10. Contaminated Land risk	This chapter prescribes controls for preliminary and detailed contamination investigations, as well as Remedial Action Plan provisions.	<b>Complies.</b> The previous concept DA was supported with a Preliminary Site Investigation Report, which concluded that the soil and groundwater tests results indicated that no significant widespread chemical contamination was present. Further soil testing was recommended, following demolition of the existing buildings on site, and that a RAP was to be developed to suitably remediate the site, as necessary. A condition of consent to this effect was imposed on the concept DA, and the same would be imposed on any consent granted.
11. Salinity Risk	<b>Not applicable.</b> Geotechnical and salinity testing would be required at the detailed DA stage.	
12. Acid Sulfate Soils Risk	<b>Not applicable.</b> The site is mapped as Class 5. Notwithstanding, this matter would be considered at the detailed DA stage, rather than the concept DA stage, where no physical works are proposed.	
13. Weeds	<b>Not applicable.</b> The matter of landscaping and species selection would be considered at the detailed DA stage.	
14. Demolition of Existing Developments	<b>Not applicable.</b> No physical works are proposed as part of the amending concept DA. The demolition of the existing building and the car park on site has already been granted, under DA906-2019.	
15. On-site Sewage Management Systems (OSMS)	<b>Not applicable.</b> To be considered as part of a detailed DA.	
16. Aboriginal Archaeology	<b>Not applicable.</b> No physical works are proposed as part of the subject DA. Notwithstanding, Council's Heritage Officer has confirmed no archaeological	

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	investigation would be required, following previous assessments undertaken at the site.	
17. Heritage and Archaeological	Provisions relating to the conservation of heritage items.	<b>Complies.</b> The site is not in proximity of heritage listed items or a Heritage Conservation Area. Council's Heritage Officer has confirmed that the concept DA would bear no impact to the wider heritage setting.
20.2 Vehicular Access Arrangement and Manoeuvring Areas	On-site parking provisions and access arrangements.	<b>Able to comply.</b> The amending concept DA seeks no changes to the site access arrangements or the location of on-site parking. The approved 4-level basement would provide for on-site parking, though the quantum of spaces required would be determined at a detailed DA stage.
22. Energy Conservation	<b>Not applicable.</b> This would be considered at the detailed DA stage.	
25. Waste Disposal and Re-use Facilities	<b>Not applicable.</b> This would be considered at the detailed DA stage. Sufficient room for refuse storage could be provided within the concept envelope to address these provisions.	
Part 4: Liverpool City Centre		
4.2.1. Building Form	2. 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).	<b>Complies.</b> The site is being developed pursuant to Clause 7.5A of LLEP 2008, therefore the proposed tower on podium typology is acceptable.
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.	<b>Complies.</b> This amending DA relates to the approved Concept DA that applies to both the Phase A and Phase B sites (DA-585/2019).

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	<p>2. Clause 7.5A(3)(b) of LLEP 2008 specifies that any proposed development which seeks to utilise the additional provisions relating to certain land in Liverpool city centre must yield a public benefit, in that the site on which the building is to be located must also include one or more of the following uses:</p> <p>recreation areas;</p> <p>recreation facilities (indoor);</p> <p>community facilities;</p> <p>information and education facilities;</p> <p>through site links; or</p> <p>public car parks.</p>	<p><b>Complies.</b></p> <p>The approved concept DA includes information and education facilities (public library), a through site link, and a public carpark, all of which have been constructed and are now operational.</p>
	<p>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).</p>	<p><b>Complies.</b></p> <p>Refer to response provided against Clause 7.5 in the assessment report. In summary, appropriate mechanisms are in place to ensure the amending DA exhibits design excellence, including a Design Excellence Panel and conditions of consent prescribing further design panel collaboration, having specific regard to landscaping and public realm treatment.</p>
	<p>4. Locate non-residential uses at ground level that address all street frontages where possible.</p>	<p><b>Able to comply.</b></p> <p>The amending concept DA does not seek approval for a detailed design. This, however, is capable of being achieved at the detailed DA stage.</p>
	<p>5. Development a maximum of two levels of above-ground car parking.</p>	<p><b>Complies.</b></p> <p>The previous concept DA approved a four-storey basement carpark. This amending DA does not seek to amend this.</p>
	<p>6. Construct buildings according to the requirements illustrated in Figure 4-6, 4-7 or 4-8, depending on the location of the site.</p>	<p><b>Supportable on merit.</b></p> <p>The front elevation of the podium measures approximately 33.5m in height (the concept envelope) and the tower element is setback between 11.3 and 12.9m from the front façade facing Scott Street. The amending envelope proposes minor changes only, filling in the 3m setback at levels 7 and 8, which would not result in significant visual impacts. The generous setback of the tower element helps breakdown the massing.</p>

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	<p>Figure 4-7: Tower on a Podium/Mid-Block</p> 	
4.2.6 Building floor plates	2. Provide a maximum GFA of 700sqm per level for residential towers with maximum length of elevation of 45m.	<p><b>Able to comply.</b></p> <p>This is to be addressed at the detailed DA stage, however, the reference scheme provided includes residential levels that measure approximately 700sqm in GFA.</p>
	3. Comply with ADG standards for building depth and number of apartments.	<p><b>Does not comply.</b></p> <p>Any future detailed DA would need to consider this control and address the requirements accordingly.</p> <p>Notwithstanding, the reference scheme provided does not comply with Design Criteria 2, Part 4F – Common Circulation and Spaces of the ADG. The criteria stipulates for buildings 10 storeys and over, that the maximum number of apartments sharing a lift is to be 40.</p> <p>The reference scheme proposes 320 units to be serviced by 4 lifts. This equates to 80 units sharing a single lift (a 100% variation to the ADG criteria).</p> <p>This is noted by the applicant to have been designed by a vertical transport expert and be in line with operator expectations. However, it is advised that the applicant provides a revised reference scheme to demonstrate a compliant, or significantly closer to compliant, scheme.</p>
4.2.7 Street alignments and street setbacks	1. Buildings are to comply with the front setbacks as set out in figure 4-12 (i.e. 3m for the Scott Street frontage, and 2.5m for Terminus Street)	<p><b>Supportable on merit.</b></p> <p>The approved concept DA permitted a nil front setback to Scott Street, and a nil setback to Terminus Street at the podium level, and 2.5m for the tower. The amending DA proposes a minor change to this, by infilling the 3m setback that was</p>

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		provided at levels 7 and 8 only. This envelope would now be solid, as a result of the minor infilling. This would not cause unreasonable impact in terms of massing and bulk and scale and considering the previous concept DA (DA-585/2019) supported a nil setback envelope, this can be supported in this instance. The envelope would be pushed 0.4m closer to the Terminus Street frontage at the tower level, amending the approved tower setback from 2.5m to 2.1m.
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 approved concept development application.	<b>Supportable on merit.</b> The amending DA does not propose any changes to the approved building separation distances of DA-585/2019. This matter is required to be considered further at the detailed DA stage.
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.	<b>Able to comply.</b> A future detailed DA would need to consider these minimum requirements, though it is considered that this is capable of being achieved.
4.2.11 Deep Soil Zones and Site Cover	1. The maximum permitted site coverage for Commercial Core, Fine Grain, and Midrise zones – for commercial and mixed use is up to 100%. This control is not applicable for residential development.	<b>Complies.</b> The concept envelope, as approved under DA-585/2019, proposes a site cover of 100%. Notwithstanding, the applicant has been asked to provide a concept landscape plan to accompany the reference scheme, which should include a provision for deep soil planting and trees. This will be re-addressed following receipt of the concept landscape plan.
4.2.12 Public open space and communal 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.	<b>Able to comply.</b> To be considered and discussed with Council, pursuant to condition 4 of the approved concept DA (585/2019).

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	<p>3. Developments with a residential component in all zones must comply with the sections 3D Communal Public Open Space and 4F Common Circulation and Spaces, of the ADG.</p>	<p><b>Does not comply.</b></p> <p>To be addressed as part of a future detailed DA.</p> <p>Notwithstanding, a review of the reference scheme has been carried out in respect of sections 3D and 4F of the ADG below:</p> <p>3D-1(1): Complies. Approximately 58% of the site area is provided as communal open space, indicated to be spread across the lower ground level, the outdoor terrace at upper ground, the landscaped rooftop on level 9, and the communal rooftop on level 27.</p> <p>3D-2: Complies.</p> <p>The communal open space could be designed to allow a range of activities available to residents.</p> <p>3D-3: Complies.</p> <p>The communal open space would be designed to maximise safety.</p> <p>3D-4: Complies.</p> <p>The communal open space, particularly that at the ground level, will enhance the existing pattern and neighbourhood uses of the civic centre.</p> <p>4F-1(1): Complies.</p> <p>The number of apartments located on each floor complies with the 1 circulation core: 8-unit ratio, as there are 4 lifts provided at each floor.</p> <p><b>4F-1(2): Does not comply.</b></p> <p><b>The reference scheme provides more than 40 units per lift: 320 units are proposed to be serviced by 4 lifts, equating to 80 units sharing a single lift. This is a 100% variation to the criteria.</b></p> <p>4F-2: Complies.</p> <p>Common circulation spaces would be able to promote safety and provide for social interaction.</p>

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4.2.13 Landscape Design	1. A landscape plan prepared by a registered architect is to be provided, demonstrating compliance with the objectives of this control and section 4V (Water management and conservation) of the ADG.	<p><b>Able to comply.</b></p> <p>Condition 4 of the approved concept DA (DA-585/2019) requires a Public Domain Design Panel to be convened, to approve a Landscape and Public Domain Design Plan for any detailed DA subject to the concept approval. This condition will remain imposed on any amended concept approval to ensure a high-quality landscape arrangement is provided on site.</p>
4.3.8 Building Design and Public Domain Interface	<p>1. Design new buildings that adjoin existing buildings, particularly heritage buildings and those of architectural merit so that they consider:</p> <ul style="list-style-type: none"> <li>a) the street 'wall' alignment and building envelope;</li> <li>b) the 'depth' within the façade;</li> <li>c) facade proportions; and</li> <li>d) the response to the corners at street intersections.</li> </ul>	<p><b>Able to comply.</b></p> <p>This is a matter to be considered and sensitively developed for the detailed DA. Any detailed DA would be subject to DEP review process, which would assist in ensuring an appropriate interface between the Phase A and Phase B buildings are achieved.</p>