

Attachment A - REASONS FOR REFUSAL

1. The proposed development does not comply with Clause 5.10 Heritage Conservation pursuant to Liverpool Local Environmental Plan 2008. The application is not supported by a visual impact assessment to consider potential impacts to significant views to, from and in conjunction with the adjacent State heritage item of St Lukes Anglican Church (SHR 00086), nor is the application supported by plans indicating a sympathetic material schedule, colour palette and signage strategy demonstrating consideration of the setting and views of St Lukes Anglican Church.

The application is also not supported by a preliminary Historical Archaeological Report to determine the potential for historical archaeology. Therefore, the development proposal is not appropriate, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b), and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

2. The proposed development does not comply with Clause 7.1 Objectives for Development in Liverpool City Centre in which the applicant has not demonstrated the proposal complies with the objectives of the Clause, specifically objective (d) *“to improve the quality of public spaces in the city centre”*, and therefore is not appropriate, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
3. The proposed development does not comply with Clauses 4.4(2) Floor Space Ratio and 7.5A Additional Provisions Relating to Certain Land at Liverpool City Centre of the Liverpool Local Environmental Plan 2008, as the applicant has not provided sufficient information to demonstrate compliance with the maximum FSR allowed for the areas of the site identified as ‘Area 7’ and ‘Area 8’ on the Floor Space Ratio Map, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
4. The proposed development is inconsistent with Clause 7.5 Design Excellence of the Liverpool Local Environmental Plan 2008, as the applicant has not submitted a response to the comments from the Design Excellence Panel and Council’s Urban Design Officer, who do not support the proposal and therefore is not considered suitable pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
5. Pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development has not adequately demonstrated the likely impacts of the development, and otherwise, based on the information submitted, is likely to have an adverse impact in terms of the following:
 - a) Natural Environment - the applicant has not demonstrated that the proposed development would not create a detrimental impact on the existing natural environment, primarily to the existing State heritage item of St Lukes Anglican Church (SHR 00086).
 - b) Built Environment - the proposed development is undesirable within the Liverpool Local Government Area, as it would likely result in significant sustainable performance issues due to the extent of glazing across the façades of the building .
 - c) Social Impact - the proposal lacks an aesthetic that contributes positively to the social fabric of the locality as is required by development within the zone, and the potential

impacts on the public domain cannot be properly assessed due to insufficient information.

6. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not considered to be in the public interest, having regard to the above reasons of refusal, and that undermining the zone objectives and surrounding character and context in such a way would risk allowing an undesirable precedent considering the perceived impacts to the surrounding sites for development currently within the locality, and in the future.

ADVISORY NOTES

- a) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).

An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.

- b) Section 8.7 and 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.