STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of a 31-Storey Mixed-use Development and Associated Site Works
402 Macquarie Street, Liverpool

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1.0 Introduction

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) submitted to Liverpool City Council. This DA proposes the construction of a 31-storey mixed-use development comprising hotel or motel accommodation, recreational facility (indoor), residential apartments and associated site works at 402 Macquarie Street, Liverpool.

On 15 December 2023, the Sydney Western City Planning Panel granted development consent to **DA-1262/2022** for a concept development application pursuant to Section 4.22 of the Environmental Planning and Assessment (EP&A) Act 1979. The proposed development consists of the Stage 2 detailed development application for the Concept Approval **DA-1262/2022** and seeks consent for the erection and use of the following buildings and works:

- Construction of a thirty-one (31) storey building with a maximum building height of 104.99m and a maximum Floor Space Ratio of 9.95:1.
- Ground floor level will comprise the hotel lobby, bar, conference, lounge and dining areas, residential lobby and indoor recreation facility (gym).
- Level one will comprise the hotel administration area and the second level of the gym.
- Level 2 to 7 will comprise 198 hotel rooms.
- Level 8 will comprise of a hotel bar and lounge, hotel rooftop alfresco, internal residential communal facilities, residential communal open space, and rooms for building services.
- Level 9 to 29 will comprise a mix of residential units and includes 168 apartments in the following configuration:
    - 84 x 1-bedroom units;
    - 63 x 2-bedroom units; and
    - 21 x 3-bedroom units.
- Provision of a six-level basement car park comprising 205 car spaces, 1 loading dock, 1 loading bay, 11 motorcycle spaces, 115 bicycle spaces and 2 wash bays.
- Provision of residential communal open space on Level 8 and 30 comprising 959.7m^2;
- Provision of signage strategy consisting of the following types of signage:
    - 1 x Free Standing sign for the purpose of building identification;
    - 1 x Free Standing sign consisting of business identification, building identification and directional items;
    - 2 x Flush wall signs for the purpose of business identification; and
    - 1 x projecting wall sign for the purpose of business identification.

- Key support infrastructure including electrical, stormwater, hard and soft landscaping and additional parking facilities for visitors.

This SEE provides a detailed description of the site and the proposal and provides an assessment of the proposal against the relevant heads of consideration set out in Section 4.15 of the *Environmental Planning and Assessment Act, 1979 (EP&A Act)*. That assessment has found that the proposal:

- Meets the objectives of the SEPP's, LEP and DCP where applicable;
- Will not result in significant negative impacts on surrounding land uses and environment;
- Is responsive to site context and presents a positive visual relationship with surrounding uses; and
- Is strongly in the public interest.

The SEE forms part of a suite of documents that are submitted in support of the application attached as **Appendices A-JJ.**

1.1 Project Context

The subject site is corner allotment located on the south eastern side of Macquarie Street and Terminus Street and norther eastern side of Carey Street. The site is identified as a mixed-use development site under the provisions of the Liverpool Local Environmental Plan (LEP) 2008. The site is commonly known as 402 Macquarie Street, Liverpool and is legally described as Lots 100 DP 1250893.

This application relates to the concept development application (**DA-1262/2022**) which was approved by the Sydney Western City Planning Panel on 15 December 2023. Specifically, **DA-1262/2022** granted consent to 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 at 402 Macquarie Street, Liverpool.

The subject application proposes consists of the Stage 2 detailed development application for the Concept Approval **DA-1262/2022**. The development has been designed in accordance with Concept Approval and ensures compliance with the approved building envelopes, height and density.

The vision for the site is to deliver an integrated and high-quality mixed-use development that provides housing choice and affordability for the existing and planned community of Liverpool. The development will also incorporate a range of services and facilities that serve the needs of residents and visitors within the surrounding area.

The key aims of the project can be summarised as follows:

- Provision of a mixed-use development consistent with the objectives of the Apartment Design Guide, State Environmental Planning Policy (Housing) 2021, Liverpool Local Environmental Plan 2008 and Liverpool Development Control Plan 2008.

- Ensure that a high level of residential amenity and diversity in housing form is allowed for and achieved within the site.

- Provision of communal open space within the site to encourage the creation of a connected community.

- To provide a development that is consistent with the bulk, scale and design of development envisaged within the Liverpool Town Centre.

1.2 Pre-Application Consultation

A Pre-Lodgement meeting was held with Liverpool City Council to discuss the proposal on 17 April 2024. The matters raised in the formal response from Council have been taken into consideration in the formulation of the Development Application. The requirements have been addressed as follows:

Table 1: Response to Pre-DA Requirements

Development Component	Comments from Council	Response
Planning Matters	To ensure that the proposed Development Application is assessed in a timely manner the following matters are to be include in the application. Please note should these not be submitted with any DA to Council it may result in delays and/or refusal of the application:	
	• Compliance the Apartment Design Guidelines. Design Verification Statement to be included. Address schedule 9 Design Principles for Residential Flat Buildings under the SEPP (Housing) 2021.	Noted. Refer to the ADG Compliance Table in **Appendix A** and Design Verification Statement provided in **Appendix F**.
	A Plan of Management for the operation of the Hotel Gym, bar, and Apartments. It should include: • Details of Operators. • CPTED Matters • General operation of the proposed uses on site.	Refer to the Preliminary Plan on Management **(Appendix X)** accompanying this development application.

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	A confirmation letter from a registered surveyor confirming the final gross floor area (GFA) of the development as intended of be constructed.	Refer to the letter **(Appendix T)** from a registered surveyor accompanying this development application.
	The final building footprint is to comply with the approved Concept Development Application DA-1262/2022. Any minor variations may be considered on merit; however, the variations should not result in any additional adverse impacts to the site and neighbouring properties.	The development has been designed in accordance with Concept Approval issued under **DA-1262/2022** and ensures compliance with the approved building envelopes.
	The waste areas in the basement will require redesign and must have a head height of a minimum of 3.9m which is required for waste contractor vehicle access. This has been confirmed with the waste contractor. Further details have been raised in the Waste Management section below.	Refer to the Architectural Plans (**Appendix E**) demonstrating a 3.9m clearance at the loading dock.
	Detailed landscape plans are to be provided with the application and must detail the location of vegetation and species to be incorporated into the development. Advice provided from previous the design excellence panel and consultation with Council shall be incorporated into the landscaping.	Refer to the Landscape Plans provided in **Appendix I**.
	Public Art strategy to be implemented with the assistance of Council's Public Arts Officer.	Refer to the Public Art Submission provided in **Appendix Y**.

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	Urban Design report to be provided with the Application as standard. Further details are provided in the Urban Design section below.	Refer to the Susceptibility to Change Analysis **(Appendix E)** accompanying this development application.
	All reports and documents are to be updated for Lodgement with the detailed DA for the building.	All reports and documents have been updated and submitted with this detailed DA for the building.
	Architectural Plans, in addition to standard plans the following are to be provided: • The applicant is to ensure that a height plain map is provided with the application which is consistent with the approved Concept DA.	A height plain map forms part of the Architectural Plans, refer to **Appendix E**.
	• GFA and FSR calculations per floor highlighting the areas counted as per the definition of FSR. This will be backed by the confirmation letter provided by the surveyor mentioned above.	GFA and FSR diagrams forms part of the GFA Letter, refer to **Appendix T**.
	Capital Investment Value (CIV) Changes. The application should be accompanied by an EDC completed by suitably qualified AIQS Quantity Surveyor and be lodged with the development application. The quantity surveyors EDC report should individually specify the cost of each proposed use together with a total including and excluding GST.	Refer to the QS Report **(Appendix L)** accompanying this development application. The report has calculated the EDC as $159,025,000.
	Sydney Western City Planning Panel	

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	Given the estimated Capital Investment Value of the development will more than likely exceed $30 million, the application will be determined by the Sydney Western City Planning Panel.	Noted.
	Design Excellence Panel It is strongly recommended that you consider scheduling a meeting with the Design Excellence Panel (DEP) before lodging the DA in order to clarify any issues identified by the Panel prior to Lodgement. The DEP comments will be considered in the assessment of the application. It is recommended that the design issues discussed above be addressed prior to the proposal being presented to the Design Excellence Panel for comment. All SEPP (Housing) apartment buildings must be designed by an architect and their registration number is to be shown on all drawings.	Refer to the response to DRP comments below. Refer to the Architectural Plans provided in **Appendix E**. The plans have been prepared by an architect and includes their registration number.
	Liverpool DCP 2008 The applicant shall demonstrate that the proposed complies with all of the relevant controls contained within the LDCP 2008, Part 1 – General Controls for all development and Part 4 – Development in Liverpool City Centre. The applicant is required to provide a Social Impact Comment in accordance with Section 27 of the Part 1 of the LDCP 2008.	Refer to the DCP compliance table in **Appendix C** demonstrating consistency with the relevant provisions. Refer to the Social Impact Comment in **Appendix Z**.

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	Any variation to be clearly stated and defined in the DCP. Note: Any variations to DCP controls will be assessed during the assessment of the DA and will be reviewed on merit during. No approval is given in this Pre-DA.	Refer to the DCP compliance table in **Appendix C.**
	Materials Board and Elevations Please ensure the materials can be sourced and details to be provide on the finished schedule and elevations should also be provided indicating the location of finishes in addition to the finishes schedule.	Refer to the Architectural Plans in **Appendix E**.
	Wind Analysis Should factor in the nearby buildings in addition to the subject development.	Refer to the Wind Analysis in **Appendix CC**.
	Solar Penetration Analyses The solar analysis should assess the penetrations of sunlight into living areas.	Refer to the Solar Analysis forming part of the Architectural Plans in **Appendix E**.
	Signage and Advertising Should and form of signage be proposed it must be addressed in the application. If it complies with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP), it must be noted in the Statement of Environmental Effects. Should any signage proposed not comply with the Codes SEPP, Chapter 3, Advertising and Signage of State	Signage is not proposed as part of this application.

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	Environmental Planning Policy (Industry and Employment) 2021 is to be addressed.	
Land Engineer	**Stormwater** • Stormwater drainage for the site must be in accordance with Council's Development Control Plan. • A stormwater concept plan shall be submitted with the application. • The stormwater concept plan shall be accompanied by a supporting report, calculations and DRAINS model. • On-site detention is required to be provided for the site. • The on-site detention system must be within common property and accessible from the street without going through dwellings or private courtyards. • Investigation of the existing external stormwater system (where the site will drain to) shall be carried out, any upgrades required shall be completed as part of the development. • The proposed basement car park shall ensure that the stormwater drainage system has been designed in accordance with the requirements	Refer to the stormwater concept plan (**Appendix J**) lodged in support of this application. As above. Refer to the Stormwater Management Report and Drains models accompanying this application, **Appendix J and K**. Refer to the stormwater concept plan (**Appendix J**) lodged in support of this application. A above. The on-site detention system is sited within common property and accessible from the street. Refer to the Stormwater Management Report **(Appendix K)** and Drains models **(Appendix J)** accompanying this application. The development has been designed to conform to all relevant Australian Standards.

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement carparks. • A water quality treatment device shall be provided in accordance with Council's Development Control Plan. A MUSIC model shall be submitted with the development application. • Existing services within the public footpath area, such as pits (e.g. Telecom, stormwater) and poles, are to be shown on the drawings. • Identify any existing easements, restrictions etc burdening the site. • Engineering conditions from DA-1262/2022 shall be addressed. Note: TfNSW concurrence is required for any proposal to drain water into Macquarie Street.	Refer to the stormwater concept plan and MUSIC model **(Appendix J)** lodged in support of this application. Refer to the stormwater concept plan (**Appendix J**) showing relevant details. There are no current easements that are applicable to the site as shown in the survey plan provided in **Appendix H.** Engineering conditions have been addressed as part of this report. Noted.
	Traffic & Access • The application shall be supported by a Traffic Impact Statement prepared by a suitably qualified person. • The application must demonstrate that access, car parking and manoeuvring details comply with	Refer to the Traffic Report **(Appendix S)** lodged in support of the application. The development has been designed to conform to all relevant Australian Standards and Council DCP.

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	AS2890 Parts 1, 2 & 6, and Council's Development Control Plan. • The proposed development shall be designed to be serviced by a Medium Rigid Vehicle. • The application shall be supported by turning paths in accordance with AS2890 clearly demonstrating satisfactory manoeuvring on-site and forward entry and exit to and from the public road. • Clearance is required to public utility assets with at least 1m required by the authorities.	Refer to the Swept Path Diagrams provided in **Appendix S.** The development has been designed to conform to all relevant Australian Standards and Council DCP. Sufficient clearance have been provided.
	Roadworks and Road Reserve Works • Vehicular crossing/driveway, which is to be consistent with the footpath paving treatment to maintain pedestrian priority. • Reconstruction of the kerb and gutter. • Removal of all redundant driveways and/or laybacks and replaced with kerb and gutter. • Liverpool CBD Footpath Paving (Periphery (exposed aggregate) to Carey Street & (Granite) to Macquarie Street), is to be implemented within the site frontage. • Street lighting.	All required works from part of this development application.
	Earthworks • No retaining walls or filling is permitted for this development which will impede, divert, or	No retaining walls or filling impact stormwater runoff within the site.

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	concentrate stormwater runoff passing through the site. • Earthworks and retaining walls must comply with Council's Development Control Plan. • The application is to be supported by a geotechnical report prepared by a suitably qualified person. • Proposed fill material must comply with Council's Development Control Plan.	Refer to the DCP compliance table in **Appendix C**. Refer to the Geotechnical report provided in **Appendix U**. All Fill Material will be VENM or ENM and can be suitable conditioned by Council.
Flood Engineer	• On-site detention (OSD) basin shall be provided to limit the post-development flow to the pre-development level. • On-site water quality treatment devices shall be provided to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging to council's stormwater network. Water quality treatment works shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link. ○ Water quality modelling report and electronic copies of MUSIC model.	Refer to the stormwater concept plan (**Appendix J**) lodged in support of this application. As above. In addition, the application is accompanied by a Stormwater Management Report and (**Appendix K**) and MUSIC models **(Appendix J)**

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	• A detailed stormwater drainage design prepared by a qualified practicing civil engineer must be provided for assessment. The design shall include all engineering details for collection and disposal of stormwater, existing site levels, finished levels, pipe sizes and grades, on-site detention system and water quality treatment trains. The design shall demonstrate that the site stormwater will be discharged to the nominated point of discharge by gravity. ○ Stormwater management concept design and plan along with necessary details and supporting calculations. • Operation and Maintenance Plan of the water quality treatment device.	Refer to the stormwater concept plan (**Appendix J**) lodged in support of this application. Refer to the Stormwater Management Report (**Appendix K**) lodged in support of this application.
Traffic and Transport	• The submitted traffic impact assessment (TIA) report has been reviewed and is considered sufficient for lodgement with the DA for subsequent detailed assessment. • Dimensions of the driveway and aisles widths need to be provided in the TIA. • Swept path diagrams to demonstrate that entry and exit to and from the site to be in a forward direction and safe parking and unparking and manoeuvring within the site.	Refer to the Traffic Report (**Appendix S**) lodged in support of this application. As above. Swept Path diagrams from part of the Traffic Report, see **Appendix S**.

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	• It is noted the proposal seeks the deletion of one parking space on the western side of Carey Street opposite the proposed access driveway and change the existing NO PARKING restriction to NO STOPPING (extending northerly to Macquarie Street) to enable ready access to/from the site. The applicant is to consult with the neighbouring landowners along Carey Street that may be affected by it.	Relevant consultation to occur during the DA Assessment Process.
Environmental Health	**Statement of Environmental Effects** The Application shall be supported by a detailed Statement of Environmental Effects (SEE) in accordance with the *Environmental Planning and Assessment Regulation 2021.* The SEE must detail the likely impacts of the proposed development. Measures shall be outlined to mitigate impacts on the natural and built environment. The Statement of Environmental Effects shall include a detailed assessment of the proposal against the relevant planning controls.	Relevant matters have been assessed as part of this SEE.
	Waste Management The application shall specify how refuse and waste will be managed during demolition, construction, and operation. Suitable waste storage facilities are to be provided as part of the proposal.	Refer to the Waste Management Plan in **Appendix P.**
	Construction Phase Sediment and Erosion Control Plan A sediment and erosion control plan shall be prepared and submitted to Council for the construction phase of the project.	A sediment and erosion control plan forms part of the Stormwater Concept Plans, see **Appendix J.**

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	Stage 1 - Preliminary Site Investigation A suitably qualified and experienced contaminated land consultant is to prepare a Stage 1 - preliminary investigation for the property. The preliminary site investigation is to comply with guidelines made or approved by the NSW EPA under the Contaminated Land management Act 1997 and identify all past and present potentially contaminating activities; identify potential contamination types; discuss the site condition; provide a preliminary assessment of site contamination; and assess the need for further investigations.	Refer to the Detailed Site Investigation provided in **Appendix M** and discussion provided in **Section 4.1.2** of this report.
	Acoustic Assessment The proposed development may be a source of offensive noise and increase background noise and potentially impact upon human health and amenity. An acoustic report shall be prepared by a suitably qualified acoustic consultant in accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017). The cumulative effect of noise must be considered when assessing the impact upon receivers.	Refer to the Acoustic Report provided in **Appendix Q**.
	Licensed Premises and Entertainment Venues Noise from licensed premises and late night entertainment venues may interfere unreasonably with the comfort and repose of sensitive receivers. To	Refer to the Acoustic Report provided in **Appendix Q**.

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	prevent impacts on human health and amenity, the Application shall be supported by an acoustic report prepared by a suitably qualified acoustic consultant. The acoustic report shall include a detailed Venue and Patron Management Plan for the licensed premises. The Plan shall address means by which the licensed premises will control noise from the facility. As a minimum, the Plan shall include: hours of operation of all parts of the premises; patron capacity; patron security; pass out process; queuing areas; complaint handling processes; staff training; management of patrons and outdoor areas; noise attenuation measures; outdoor smoking areas; music provision; lighting outside the premises and disposal and collection times for waste. The acoustic report and Venue and Patron Management Plan shall be submitted to Council with the Development Application.	Refer to the Venue and Patron Management Plan forming part of the Acoustic Report (**Appendix Q**). As above.
	Noise Management Plan The Application shall be supported by a Noise Management Plan prepared under the supervision of a suitably qualified acoustic consultant.	Refer to the Noise Management Plan (**Appendix Q**).
	Food Premises Construction Details – Kitchens and Bars Detailed floor and section plans of a suitable scale (e.g. 1:50) for the food	Refer to the Architectural Plans (**Appendix E**) demonstrating

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	premises are to be submitted to Council for review.	compliance with relevant Australian Standards, Food Standards Code (Australia) and Building Code of Australia. Details required have been provided within the Architectural Plans.
	Mechanical Ventilation System Detailed plans and specifications of the mechanical ventilation system servicing the food preparation and dining areas of the premises shall be prepared by an appropriately qualified person. The plans shall certify compliance with AS/NZS 1668 - 'The Use Of Ventilation and Air-Conditioning In Buildings' and include the following: a) The location of the mechanical ventilation system outlet including detailed specifications of the stack height and discharge velocity required to service the food preparation and dining area; b) Proposed methods to mitigate odour and noise impacts arising from the operation of the mechanical ventilation system; and c) The sound output level (Sound Pressure Level at 1 metre) of the mechanical ventilation system. Please note: In addition to the requirements of AS/NZS 1668.1 and AS 1668.2, an extraction system shall be provided where there is any dishwasher and other washing and sanitizing	Refer to the Mechanical Design Statement (**Appendix DD**) providing details regarding mechanical ventilation system outlets. Furthermore, the acoustic report (**Appendix Q**) provides details regarding noise impacts and sound output levels. Regarding Oduor, it is noted that a solid vehicle Dock is proposed to help protect Porte Cochere users (guests) from dock sounds and smells, refer to the Architectural plans in **Appendix E**. The development has been designed to conform to all relevant Australian Standards.

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	equipment that vents steam into the area to the extent that there is, or is likely to be, condensation collecting on walls and ceilings.	
	Waste Storage The garbage/waste storage area/s shall be clearly identified on the site plan and be located within the proposed building. The designated garbage/waste storage area shall comply with the following requirements: a) The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor; b) The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and ‘ c) The door to the room must be tight-fitting, self-closing and fitted with mechanical ventilation. Please refer to the Liverpool Development Control Plan 2008 for further information regarding the construction standards for waste storage areas.	Refer to the Architectural Plans identifying the Waste areas within basement level 1. The waste rooms are fully enclosed and provided with a concrete floor and capable of being provided with concrete or cement rendered walls covered to the floor. The room conforms to the requirements of Sydney Water and incorporates floor waste which is to consist of a removable basket within a fixed basket arrestor. The doors to the room will be tight-fitting, self-closing and fitted with mechanical ventilation. Refer to the DCP Compliance Table in **Appendix C**.
	Detailed Floor and Section Plans for Vehicle/ Equipment Wash Bays	

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	Detailed floor and section plans shall be provided for any proposed vehicle/ equipment wash bays proposed for the If applicable, the plans to be submitted with the Application.	Car Wash Bay Hydraulic Design Plans (**Appendix II**) have been provided incorporating requested environmental safeguards, roof covering, treatment devices, stormwater details, and Manufacturer's specifications. Of note, separate approval will be sought to hold or process sewage that is to be subsequently discharged to the public sewer.
Urban Design and Public Domain	**Context** • For consistency, CDPD encouraged the proponent to include all proposed public domain works in the architectural and landscape package. • The proponent must ensure that all streetlights within the development frontage are relocated to the back of the kerb or proposed garden beds as per the light pole at the neighbouring site (178 Terminus Street). All light poles must be replaced with the Macarthur Multi-Pole per the Liverpool City Centre Public Domain Furniture, Fixtures and Fittings Specifications List. Likewise, all proposed public domain furniture must be per Council's Specifications List. • All trees proposed within the public domain must be a minimum of 200L pot size.	Refer to the Public Domain Landscape Plan (**Appendix I**) providing details on public domain work. Noted. Refer to the Landscape Plans (**Appendix I**) indicating the location of the streetlights. Any upgrade works can be suitably conditioned by council Refer to the Landscape Plans in **Appendix I.**

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	• Details of all types of tree planting (i.e. garden beds, tree pits, etc.) within the public domain must be included in the landscape package.	As above.
	• All garden beds must indicate the extent of the structured Stratavault trench proposed.	As above.
	• To provide a more appealing public domain, the proposed garden beds should be composed of more diverse planting/grasses.	As above.
	Built Form and Scale • Given the site is within a mixed-use zone with no proposed residential uses for the lower levels, the design must ensure the bottom two levels comply with the minimum floor-to-ceiling requirements set on the ADG 4C (refer to the diagram below). The current GF and L1 height are 3.34m this is not supported. CDPD encourage higher ceiling heights that support flexibility of use that accommodate additional servicing needed for the proposed uses.	The proposed 3.343m complies with the minimum of 3.3m and promotes future flexibility of use as per the ADG. This was considered acceptable under **DA-1262/2022** and any amendments would necessitate unnecessary modifications to the Concept Approval.
	• CDPD encouraged the proponent to further refine the design to better align with the property at 170 Terminus Street while achieving best practices for ceiling heights on the podium floors.	The proposed development appropriately aligns with the property at 170 Terminus Street while achieving best practices for ceiling heights on the podium floors.
	• CDPD recommends the proponent further refine the ground floor plane interface towards Carey Street to increase activation and improve the	The proposed ground floor plane provides suitable activation and visual

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	streetscape and visual interest. This may include the incorporation of public art on the proposed planter boxes and other enhancements to the public domain.	interest along Carey Street where practicable.
	• It is noted the current design does not comply with the DCP-required 4.5m landscape street setback that aligns with the neighbouring building (7 Charles Street). The proponent must ensure the proposed podium's nil setback allows safe transit for pedestrians and cyclists to and from the proposed vehicular access. Refer to the image below.	The proposed development will provide safe transit for pedestrians and cyclists to and from the proposed vehicular access points. Suitable sight distances are provided.
	• As part of the DA package, the applicant should develop 1:20 or 1:50 sections for the resolution of architectural + landscape design treatments along all street edges.	Refer to the Architectural Plans (**Appendix E**) and Landscape Plan (**Appendix I**) accompanying this application.
	• The applicant must ensure all setback dimensions are clearly indicated in the site plan (for the building envelope) and floor plans (for the proposed building facade).	Refer to the Architectural Plans (**Appendix E**) providing details on setbacks.
	• To provide an accurate assessment during the DA stage it is recommended that all sections, elevations, and visual representations include all existing neighbouring buildings.	Refer to the Architectural Plans in **Appendix E** providing details of all existing neighbouring buildings.
	Sustainability The proposed development should incorporate adequate sustainability	The proposed development incorporates adequate sustainability

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	initiatives as part of the overall proposal (e.g., Photovoltaic panels, rainwater harvesting system, green roofs, etc.) following the DEP's recommendations provided as part of the concept design. Refer to the DEP Meeting Minutes dated 11 May 2023. The submitted design package should include details for all sustainability initiatives being considered as part of the development proposal.	initiatives as shown on the Architectural Plans (**Appendix E**) and BASIX Strategy Report (**Appendix R**).
	Landscape The pre-DA documentation did not include a landscape package. A review of the proposed landscape was not able to be completed. Refer to the additional documentation section for the landscape package requirements. CDPD noted that the hotel courtyard and all residential communal open spaces are proposed on slab. The landscape package should indicate the soil depth and volume for all trees and vegetation proposed on the slab, including tree planting details. Likewise, CDPD encourages the proponent to include details of proposed irrigation and maintenance access routes.	Refer to the Landscape Plans in **Appendix I**. As above.
	Safety CPTED principles must be used throughout the building design. It is recommended that a CPTED report is prepared for the application to ensure general safety and security for all users.	Refer to the CPTED report (**Appendix EE**) lodged in support of this application.
	Amenity • CDPD acknowledges the proponent has submitted a preliminary solar	Refer to the Architectural Plans provided in **Appendix E** which includes

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	access analysis. However, the diagrams more accurate assessment and precise solar access compliance with Part 3B-2 of the NSW Apartment Design Guide (ADG), the diagrams must show the impact of the future context scenario on the proposed development. It is encouraged a comprehensive overshadowing impact analysis that includes both existing and future scenarios with sites D & G accurately reflecting the FSR control of 2.412:1 and 10:1 respectively, is submitted with the DA application. • It is encouraged that a comprehensive natural ventilation diagram in compliance with the ADG requirements is submitted as part of the DA application.	a solar access analysis and comprehensive overshadowing impact analysis. The lowest apartment level is the 10th storey. Proposed balconies allow for adequate natural ventilation and are not fully enclosed.
	Housing Diversity and Social Inclusion • CDPD support the proponent is providing 12.5% of the total dwelling mix as 3-bedroom units. To promote a more diverse range of housing typologies to suit future residents, Council encourages the dwelling mix within new residential developments to deliver a minimum of 15 to 20 per cent family-friendly units (3-to-4-bedroom units). When possible, it is encouraged the proponent investigate providing a higher percentage of family-friendly apartments including 4-bedroom units.	The proposed development has been designed to encourage an appropriate dwelling mix that meets the needs of existing and future residents. 4-bedroom units are not considered to be feasible or reasonable in this instance noting family-friendly three-bedroom units have been provided. The application is also accompanied by an Apartment Mix Statement, refer to **Appendix GG**.
	Aesthetics	Noted. Refer to DEP response below.

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	• The applicant must demonstrate compliance with the DEP's recommendations on building aesthetics as part of the detailed DA submission. Refer to the DEP Meeting Minutes dated 11 May 2023. • It is recommended a Public Art Strategy in accordance with Council's Public Art Policy and in consultation with Council's public art officer is submitted as part of the DA package. The Public Art Strategy should establish an appropriate public art framework to incorporate design with Country in consultation with Council and relevant stakeholders.	Refer to the Public Art Submission provided in **Appendix Y.**
Waste Management	• Requirements for this development will be the equivalent of 28 x 660L waste bins, as compaction will be used at a maximum of 2:1 the requirement will be for 14 660L waste bins. • Council will from July 2025 also provide the building with the equivalent of 21L of bin capacity for food waste which will be collected weekly to align with Councils commitment to food organics recycling these will likely be 120L, 240 at a maximum. The developers would be advised to consider how this material will be transported from the floors to the bin holding area and where the bins will be stored, At present it appears to be via a single waste chute with bins on a carousel,	Refer to the Architectural Plans (**Appendix E**) accommodating suitably sized and sufficient waste bins. A dual chute system over a FOGO bin on the floors is currently not possible with the current arrangement. The FOGO System will be managed in accordance with the Waste Management Plan (**Appendix P**) lodged in support of the application. This includes: • *The FOGO bins will be serviced weekly. The building manager will be responsible for rotating interim FOGO bins from each residential occupied level daily at the expense to the residents/ building manager.*

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	with FOGO (Food Organics Garden Organics) collected in bins on the floors and transported to waste holding rooms for collection. Due to the potential for the attraction of pests and vermin as well as offensive smells, Councils waste department would recommend the installation of a dual chute system over a FOGO bin on the floors.	• *No loose or unbagged waste materials will be transferred around the site through lift wells if not contained in a Mobile Garbage Bin.* • *The building manager will be responsible for collaborating with the Council to improve source separation and resource recovery of different types of recyclable material on the site.* • *They will be required to make any reasonable adjustment as advised by the Council, which may include a range of actions, such as residents education, adjustment of waste management set-up and practices, the addition or reduction of bins as well as other appropriate measures.*
	• Co-mingled recycling is shown to be collected in 240L bins before being decanted into 660L bins for collection by councils contractor.	Refer to the WMP confirming recycling practices, see **Appendix P.**
	• Due to the need to decant bins the waste management plan (WMP) should show where the bin lifter is located and stored. This apparatus should only be used by persons who are authorised to do so and trained appropriately.	Refer to the WMP (**Appendix P**) submitted in support of the application.
	• The bulky waste storeroom is located next to the bin store, the current sizing is inadequate. For a building with this number of residential apartments a minimum of 40m2 will	The bulky waste room contains an area of 40m^2 which complies with Council requirements. This complies with the minimum specified in the Liverpool DCP.

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	be required. Additionally, there is also no direct path for the transport of waste from the bin room to the holding area where it will be collected.	
	• Regarding the onsite collection point for this building: Architectural plans will require amendment to include a 3.9m head height including safe clearance for the collection of bins and bulk waste. Plans currently only show a clearance of 3.6m this was flagged in the waste correspondence for the concept DA which can be found on TRIM: 358828.2023.	Refer to the Architectural Plans (**Appendix E**) demonstrating a 3.9m clearance at the loading dock.
	• The swept path diagram in the traffic assessment is required forward direction.	Refer to the Swept Path Diagrams forming part of the Traffic Report in **Appendix S**.
	• Due to this development being mixed use, there will also be commercial waste. LCC requests that all waste generated in the residential portion of the development is segregated from the commercial portions from generation to collection. Councils waste department does not provide comment on commercial waste operations. The following submission requirements are to be incorporated into any written correspondence provided to the applicant.	Waste rooms have been separated. A WMP has been submitted in support of the application, refer to **Appendix P**.

Table 1: Response to Pre-DA Requirements		
Development Component	**Comments from Council**	**Response**
	• WMP to be updated to show where the residential waste bin lifter is located and stored. • The current sizing of bulk waste room is too small. A minimum of 40m2 will be required. Additionally, there is also no direct path for the transport of waste from the bin room to the holding area where it will be collected, this is to be shown on the WMP or architectural plans. • Architectural plans amended to include a 3.9m safe clearance height in collection bay as required by Councils waste contractor.	The bulky waste room contains an area of 40m^2 which exceeds the minimum specified within Liverpool DCP. Refer to the Architectural Plans (**Appendix E**) demonstrating a 3.9m clearance at the loading dock.
City Design Heritage	A statement of heritage impact is to be incorporated into the statement of environmental effects or as a separate document.	A statement of heritage is not required in this instance.

A Pre-Lodgement Design Excellence Panel meeting was held with Liverpool City Council to discuss the proposal on 9 May 2024. The matters raised in the formal response from Council have been taken into consideration in the formulation of the Development Application. The requirements have been addressed as follows:

Table 1: Response to Pre-DA Requirements	
Recommendations from DEP	**Response**
The Panel discussed that access to significant surrounding views is a key feature for the development. The applicant is encouraged to explore and document orientation to the surrounding significant views, including the Blue Mountains, Georges River, city and culturally significant places, to inform the design and layout of the apartments and the rooftop communal spaces, as part of the next development application stage.	The development orientation to the surrounding significant views have been documented in the Design Analysis (**Appendix E**).

Table 1: Response to Pre-DA Requirements	
Recommendations from DEP	**Response**
The Panel supports the proposed street trees in terms of the location and species nomination as Tristaniopsis Laurina. To ensure their long-term viability, particularly located in the CBD and surrounded by services, it is highly recommended they are installed in structural vaults designed to accommodate appropriate soil volumes to support the estimated mature height of the proposed tree species.	Refer to the Public Domain Landscape Plan (**Appendix I**) demonstrating how mature height trees can be accommodated within the street.
The Panel appreciates and supports that the landscaping at ground level has been shifted closer to the Macquarie Street edge. However, this has created a large blank zone between the building, main entries and the road edge, and a poor urban condition as the building interfaces with the ground. The Panel recommends further design resolution to improve the pedestrian experience, public domain and sense of arrival in this semi-public area. Lighting, public art, planting and seating should be explored as part of the next development application stage.	Refer to the Public Domain Landscape Plan (**Appendix I**). The front façade contains awnings, and other public domain elements that improve pedestrian experience and public domain and sense of arrival in this semi-public area. Furthermore, a Public Art Submission has been provided in support of the application, refer to **Appendix Y**.
The Panel recommends the applicant provide public art in the development and requests confirmation of its location and details be provided in the Development Application. Public art and location to be provided in consultation with Council's Public Art Officer.	A Public Art Submission has been provided in support of the application, refer to **Appendix Y**.
The Panel discussed that planter boxes require ongoing maintenance, and if not maintained risk impacting the visual appearance of the built form, therefore are discouraged in privately managed spaces. The Panel recommends planters are removed from the private balconies, and careful consideration of the ease of maintenance for those integrated in the awning. It is the Panel's preference that planter boxes should be only located in communal areas where they	The planters are capable of being appropriately maintained in privately owned land. Low maintenance shrubs and vegetation have been selected to ensure visual appearance of the built form is maintained.

Table 1: Response to Pre-DA Requirements	
Recommendations from DEP	**Response**
can be accessed for irrigation, maintenance and removal of green waste.	
The planter boxes as part of the awning planting is supported, however at the shallow depth (300mm) proposed will be prone to drying out from both exposure to heat radiating off the façade, and during heavy rain, overflowing with water. The landscape design requires demonstrated coordination with the hydraulic and structural engineering to ensure that adequate drainage provision is provided for peak rainfall events. It is recommended that careful consideration is given to soil depths and irrigation to ensure that planting is not impacted by soil overheating. In the future submission larger detail sections such as 1:10 should be provided of all planter boxes.	Refer to the Architectural Plan in **Appendix E** detailing the depths incorporated for planters.
The Panel recommends further investigation for the refinement of the tower façades, given that the tower component will be highly visible from different parts of the city. The applicant should consider façade studies at a finer scale 1:500 to explore strategies for articulation, weather protection and on aesthetic merits. The Panel also discussed alternative strategies that could enhance the façade, for example introducing vertical panels in areas may break the horizontal banding and improve articulation – these should be explored.	Refer to the Design Analysis provided in **Appendix E**. The facades of the development have been designed to incorporate suitable articulation, weather protection and an aesthetic presentation.
As part of the façade studies, the Panel encourages the applicant to consider an appropriate colour and materials palette. The Panel supports the dominant use of cream colour and suggests introduction of a bronze shade to increase visual interest. The applicant is encouraged to develop their Designing with Country strategy and response as part of the material & tower design process for the DA stage.	Refer to the Material and Finishes Schedule in **Appendix E**.
The Panel discussed at the meeting that the proposed housing mix is not consistent with the Liverpool DCP,	Refer to the Sales Advice (**Appendix GG**) regarding housing mix. Furthermore, the

Table 1: Response to Pre-DA Requirements	
Recommendations from DEP	**Response**
given that there is a high percentage of one-bedroom apartments, and not enough three or four-bedroom apartments. The applicant should provide a rationale for not responding to the need in Liverpool, which is to provide family-friendly apartments. The applicant noted there is a possibility that the project will be changed to Build-To-Rent (BTR) in future. The Panel further notes that the proposed housing mix may be acceptable if the project is going to be delivered as Build-To-Rent. If so, please provide a statement from the BTR Housing Provider detailing their strategy.	proposed development is consistent with dwelling mix specified in Section 4.2.10, Part 4 of the Liverpool DCP.
In the Panel's view, if the project remains as (privately-owned) residential apartments, then the proposed mix should be reconsidered. The Panel recommends that the number of three-bedroom or four-bedroom apartments should be increased to a minimum of 25% (a minimum of 5% four-bedroom apartments), and a family-friendly strategy be incorporated into a portion of both the two-bedroom and three-bedroom apartment layouts. For example – two-bedroom apartments could be larger and provided with a study nook close to an external window and natural daylight.	The proposed development is consistent with dwelling mix specified in Section 4.2.10, Part 4 of the Liverpool DCP. Furthermore, Apartment sizes have been provided in accordance with requirements set out in the ADG (**Appendix A**).
The Panel discussed that in residential living, kitchens become a central part of the home life. The Panel commends the thoughtful design of the corner apartment layouts where kitchens are adjacent to the balconies, creating direct connectivity and access with both – the living and the outdoor spaces.	Noted. Residential living, kitchens continue to be a central part of the each apartment.
The Panel notes that due to services coordination the AC condensers have been moved to the balconies. However, the Panel notes that the AC condensers on balconies would compromise the usable space and amenity of the balconies, creating potential visual impact. The Panel also discussed that the effectivity of condensers may also diminish when these are screened. Therefore, it is recommended that the	The proposed AC condensers have been retained on the balconies to ensure a practicable and feasible solution in the coordination of services. These services have been appropriately sited to minimise any visual impacts and avoid any adverse impacts on the amenity of the balconies.

Table 1: Response to Pre-DA Requirements	
Recommendations from DEP	**Response**
applicant move the condensers back to a consolidated plant room on each floor in an appropriate discreet location or move to a central system.	
The Panel notes that the south facing bedroom windows appear too narrow. The applicant is encouraged to widen the windows to improve outlook, daylight and natural ventilation.	The proposed development continues to achieve adequate daylight and natural ventilation in accordance with the applicable requirements of the ADG. Furthermore, large balconies are provided to the rear dwellings that ensure suitable opportunities for outlook are provided.

1.3 Planning Framework and Referrals

The site is located in the Liverpool Local Government Area (LGA) and as such the DA will be assessed by Council's Planning Assessment Team. In preparation of the development, consideration has been given to the following planning instruments:

- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021;
- State Environmental Planning Policy (Housing) 2021;
- Liverpool Local Environmental Plan 2008; and
- Liverpool Development Control Plan 2008.

Pursuant to Clause 2.19 and Schedule 6 of the SEPP (Planning System) 2021, the proposed development has a Estimated Development Cost (EDC) of $159,025,000 which exceeds the threshold of $30 million for regionally significant development. Therefore, the development will be determined by Sydney Central City Planning Panel.

2.0 Site Analysis

2.1 Location and Context

The subject site is corner allotment located on the south eastern side of Macquarie Street and Terminus Street and norther eastern side of Carey Street. The site sits within the Liverpool City Centre and is zoned MU1 Mixed Use under the provisions of the Liverpool Local Environmental Plan 2008.

There are a variety of medium to high density residential and mixed-use developments along with public recreation land uses in close proximity to the site. The area is currently undergoing transition with a number of new high density mixed-use developments of a similar scale to the proposal either under construction or recently constructed in close proximity to the site.

The site's locational context is shown at **Figure 1**.

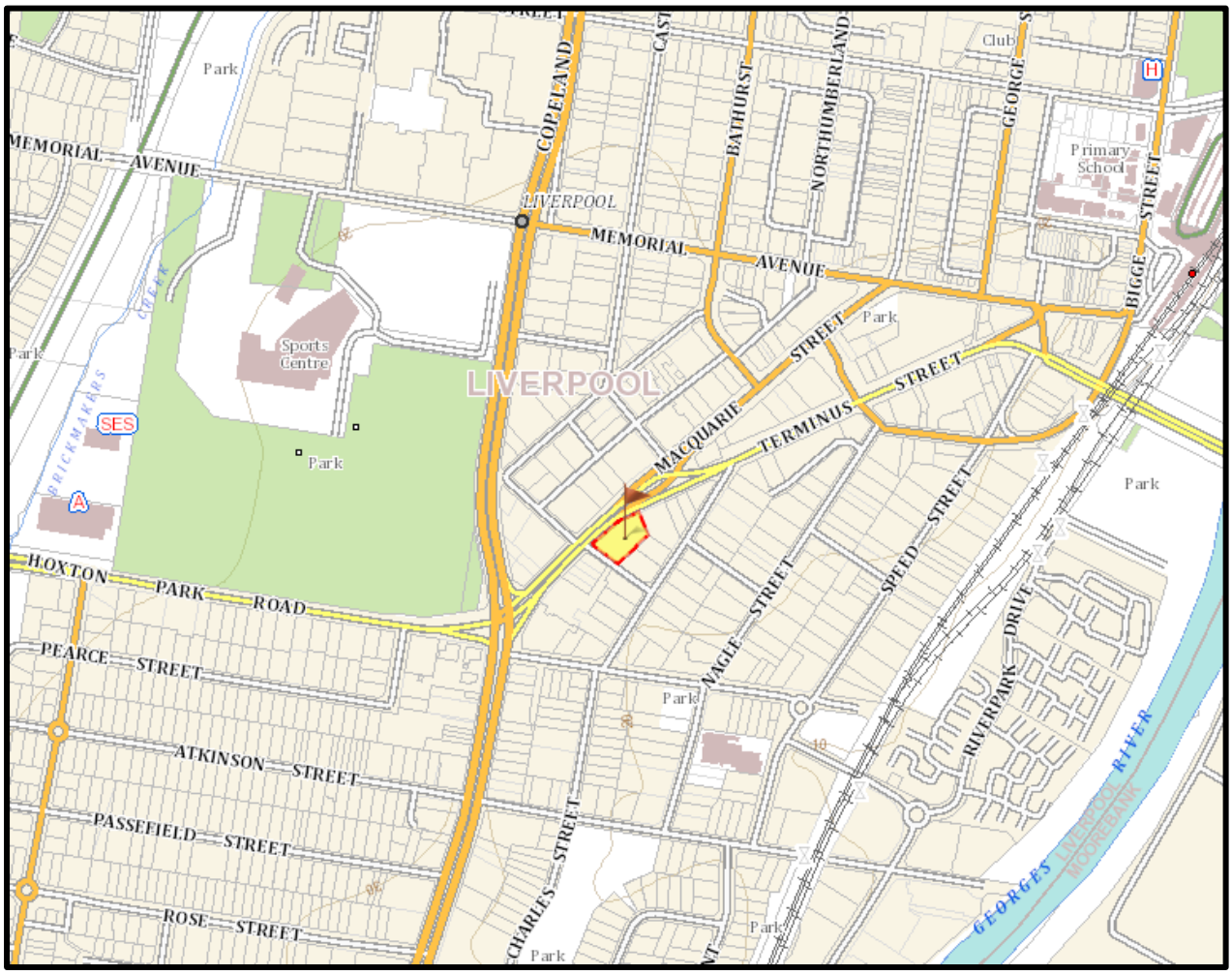

Figure 1: Locality Plan demonstrating the site outlined in red (Source – Sixmaps)

2.2 Site Description

The site is commonly known as 402 Macquarie Street, Liverpool and legally described as Lot 100 DP 1250893. The site has a total area of approximately 2,292m^2 with a frontage of approximately 71m to

Macquarie Street and Terminus Street towards the north west and 37.18m to Carey Street towards the south west. The site is currently vacant and cleared of any vegetation.

Liverpool train station is located 850m from the site. In addition, Liverpool Hospital, All Saints Catholic Primary School and TAFE NSW Liverpool are located approximately 1.3km from the site. A range of public open spaces are also in close proximity with Woodward Park and Hillier Oval being located approximately 250m from the site.

An aerial photo of the site is shown at **Figure 2**.

Figure 2: Site Aerial of the Subject Site (Source: Nearmap)

2.3 Existing Site Conditions

Specific details on the existing site conditions are provided as follows:

Existing Structures	The site is currently vacant and cleared of any vegetation.
Access	The site currently contains vehicular access via Terminus Street towards the north.

Easements	There are no current easements or restrictions applicable to the site as shown in the Survey Plan provided in **Appendix H**.
Heritage	The site does not contain a heritage item nor is it located within a heritage conservation area.

3.0 Proposed Development

3.1 Overview

This DA seeks consent for the Stage 2 detailed development application for the Concept Approval **DA-1262/2022** and consists of the construction of a thirty-one (31) storey mixed development comprising motel or hotel accommodation, indoor recreational facility (indoor), residential flat building and associated site works at 402 Macquarie Street, Liverpool. Specifically, consent is sought for the following works:

- Construction of a thirty-one (31) storey building with a maximum building height of 104.99m and a maximum Floor Space Ratio of 9.95:1.
- Provision of a three-level basement car parking comprising 205 car spaces in the following configuration:
    - Spilt Level Basement Level 6 will comprise a total of 43 car spaces (including 1 disabled spaces) along with 22 bicycle parking spaces, 1 motorcycle parking, 2 car washing bays, lift/stair access and residential storage.
    - Split Level Basement Level 5 will comprise of 45 car spaces (including 2 disabled spaces) along with 19 bicycle parking spaces, 1 motorcycle parking, lift/stair access and residential storage.
    - Split Level Basement Level 4 will comprise of 45 car spaces (including 2 disabled spaces) along with 19 bicycle parking spaces, 1 motorcycle parking, lift/stair access and residential storage.
    - Split Basement Level 3 will comprise of 38 car spaces (including 2 disabled spaces) along with 46 bicycle parking spaces, 5 motorcycle parking, grease arrestor, fan room, lift/stair access and residential storage.
    - Split Basement Level 2 will comprise of 33 car spaces (including 3 disabled spaces) along with 4 bicycle parking spaces, 2 motorcycle parking, staff rooms, commercial kitchen, staff lockers, engineering work shop, rooms for building services, and lift/stair access.
    - Split Level consisting of a Porte Cochere and Basement Level 1 comprising of 1 car spaces, loading dock, waste rooms, hotel storage provisions, rooms for building services, and lift/stair access.

- Ground floor to level 1 will consist of two (2) separate tenancies over two levels, residential lobbies, and building services including substations and fire control rooms with a total GFA of 1,645.6m^2. The specific fit out of the two levels will be as follows:

    - Ground floor level will comprise the hotel lobby, bar, conference, kitchen, lounge and dining areas, hotel courtyard/outdoor dining, residential lobby, indoor recreation facility (gym) and building services including substation, lift/stair access, fire control room and residential lobby.

    - Level one will comprise the second level of the gym, hotel administration area comprising offices, meeting rooms, print room, server & PABx, the second level of the gym and building services including switch and communication rooms and lift/stair access.

- Level one will comprise the hotel administration area and the second level of the gym.

- Level 2 to 7 will comprise 198 single bedroom hotel rooms, lift/stair access and building services.

- Level 8 will comprise of a hotel bar and lounge, hotel rooftop alfresco, internal residential communal facilities, residential communal open space, and building services including lift/stair access and plant rooms.

- Level 9 to 29 will comprise a mix of residential units and includes 168 apartments in the following configuration:

    - 84 x 1-bedroom units;
    - 63 x 2-bedroom units; and
    - 21 x 3-bedroom units.

- Level 30 will comprise of residential communal open space, internal residential lounge and building services including lift/stair access and a plant room.

- Provision of residential communal open space on Level 8 and 30 comprising 959.7m^2;

- Provision of signage strategy consisting of the following types of signs:

    - 1 x Free Standing Signs for the purpose of building identification;
    - 1 x Free Standing sign consisting of business identification, building identification and directional items;
    - 2 x Flush wall signs for the purpose of business identification; and
    - 1 x projecting wall sign for the purpose of business identification.

- Key support infrastructure including electrical, stormwater, hard and soft landscaping and additional parking facilities for visitors.

Gym Operational Requirements

- Hours of Operation - 6:00am - 10:00pm (Monday to Sunday).
- Staff and Capacity – To be determined once a third party (outside of the current hotel group's scope) is selected.
- Access - The gym will be accessible to both the public and hotel guests.

Hotel Bar Operational Requirements

- Hours of Operation – 10am to 3am (Monday to Sunday).
- Staff – To be determined once a third party (outside of the current hotel group's scope) is selected.
- Capacity – A maximum of 200 patrons will be permitted with the bar and alfresco dining area on level 8.
- Access –
    - Restaurant and bar patrons will be able to access the publicly accessible areas of the premises, including the lobby and ground floor restaurant. The bar and al fresco dining area on Level 8 will be accessible via the lifts.
    - Access to guest- or staff-only areas will be restricted via the aforementioned security key card system.

Hotel Restaurant Operational Requirements

- Hours of Operation – 6:00am to 1100pm (Monday to Sunday).
- Staff – To be determined once a third party (outside of the current hotel group's scope) is selected.
- Capacity – A maximum of 290 patrons will be permitted within ground floor indoor and outdoor dining areas.
- Access –
    - Restaurant and bar patrons will be able to access the publicly accessible areas of the premises, including the lobby and ground floor restaurant. The bar and al fresco dining area on Level 8 will be accessible via the lifts.
    - Access to guest- or staff-only areas will be restricted via the aforementioned security key card system.

Note: - Cleaning and maintenance operations, lobby reception and other ancillary functions will occur 24/7. A revised Plan of Management will be updated ad finalised following selection of third party operating the facilities.

3.2 Numerical Overview

A numerical overview of the development is presented in **Table 2** below:

Table 2: Numerical Overview	
Feature	**Proposed**
Site Area	2,292m^2
Maximum Height	104.99m (31-storey)

Table 2: Numerical Overview	
Feature	**Proposed**
Gross Floor Area	A total GFA 22,820m^2 as follows: • Gym – 353.95m^2 (1.55% of GFA) • Hotel – 8,073.32m^2 (35.38% of GFA) • Residential – 14,392.73m^2 (63% of GFA)
Floor Space Ratio	9.95:1
Residential Apartments and Mix	168 apartments in the following configuration: ○ 84 x 1-bedroom units; ○ 63 x 2-bedroom units; and ○ 21 x 3-bedroom units.
Hotel Rooms	198 single bedroom hotel rooms.
Total Car Spaces	205 car spaces as follows: • Residential – 150 Car Spaces • Hotel – 54 Spaces • Gym – 1 Space
Motorcycle spaces	11 motorcycle spaces
Bicycle Spaces	115 bicycle spaces
Residential Communal Open Space	947.62m^2 (41.34%)
Deep soil	84.96m^2 (3.7%)
Residential Solar Access	126 units (75%)
Residential Adaptable/SDA HPS Units	17 residential units (10.1%)

3.3 Concept Approval Compliance

Compliance with the relevant conditions of consent issued under DA-1262/2022 is outlined in Table 2 below.

Table 3: Compliance with DA-1262/2022	
Condition	**Proposed**
2. TfNSW Requirements	The development will fully comply with the TfNSW requirements.
3. Sydney Wayer Requirements	The development will fully comply with the Sydney Water requirements.
4. EP&A Act 1979	Noted. The subject application seeks approval for the physical works in line with the concept approval.
5. Clause 7.1A Liverpool LEP	The condition has been deleted in accordance with **DA-1262/2022/A** which modified the concept approval.

Table 3: Compliance with DA-1262/2022	
Condition	**Proposed**
5. Public Domain and Landscaping	Consultation is currently being undertaken with Councils Public Domain Team with the first workshop being held on Wednesday 6 March. All requirements of the condition will be met under the subject application.
6. Pre-Development Application Meeting	A Pre-Lodgement meeting was held with Liverpool City Council to discuss the proposal on 17 April 2024. The matters raised in the formal response from Council have been taken into consideration in the formulation of the Development Application.
7. Pre-Development DEP Meeting	A Pre-Development Design Excellence Panel meeting was held with DEP to discuss the proposal on 11 May 2023. The matters raised in the formal response from Council have been taken into consideration in the formulation of the Development Application.
8. Contributions	Noted, this condition will be satisfied as part of the development application.
9. Design Excellence	The design of the subject development complies with the requirement of this condition as shown on the Architectural Plans (**Appendix E**)
10. Maximum GFA	The proposed development does not exceed a maximum GFA of 22,920m² as shown on the Architectural Plans (**Appendix E**)
11. Building Envelopes	The detailed design of the development does not extend beyond the approved building envelopes approved under **DA-1262/2022**.
12. Urban Design	Refer to the ADG Compliance Table in **Appendix A**.
13. Urban Design	As above.
14. Landscaping	Refer to the Landscape Plans provided in **Appendix I** detailing soil volume and depth.
15. Waste Management	The waste storage areas for commercial and residential uses are sufficiently separated. Separate collection areas cannot be provided based on the structural design of the development. Therefore, separate collection times will need to be managed within the loading dock.
16. Waste Storage Area	The waste areas are clearly identified on the plans and will satisfy the requirements of this condition.
17. Food Premises	The proposed development has been designed in accordance with the relevant provisions of the Australian Standards, Food Standards Code, BCA and Sydney Water Corporation Trade Waste Section.
18. Environmental Health	Refer to the Mechanical Design Statement (**Appendix DD**) accompanying this application providing details of mechanical ventilation. In addition, Car Wash Bay Hydraulic Design has been provided in **Appendix II**. Cooling Towers are not proposed under this application.

Table 3: Compliance with DA-1262/2022	
Condition	**Proposed**
19. Engineering and Flooding	Refer to the Detailed Stormwater Plans (**Appendix J**) and Stormwater Management Report (**Appendix K**) demonstrating compliance with this condition.
20. Contamination	Refer to the Detailed Site Investigation (**Appendix M)** accompanying this development application.
21. Traffic Impact Study	Refer to the Traffic Report (**Appendix S)** accompanying this development application.
22. Acoustic Report	Refer to the Acoustic Report (**Appendix Q)** accompanying this development application and addressing matters in this condition.
23. Noise Management Plan	Refer to the Noise Management Plan (**Appendix Q)** accompanying this development application and addressing matters in this condition.
24. Wind Study	Refer to the Wind Study (**Appendix CC)** accompanying this development application and addressing matters in this condition.
25. Special Infrastructure Constriction (SIC)	To be suitable conditioned by Council.
26. Environmentally Sustainable Development (ESD)	Refer to the Section J Report (**Appendix FF)** accompanying this development application and addressing matters in this condition.
27. Public Art	Refer to the Public Art Submission (**Appendix Y)** accompanying this development application and addressing matters in this condition.

3.4 Built Form and Design

In accordance with the applicable concept DA, the built form proposed under this detailed development application has been designed to fit within the approved building envelopes, height and density. The project continues to be carefully derived from the surrounding context in order to minimise its visual bulk and impact on the neighbours. The use of careful strategic articulation and planning aims to reduce negative contextual impacts and maximise residential amenity for the end occupants. The architectural vision for the site is as follows:

- Creation of a successful residential address that is sensitive to the public realm and place making. This includes the conscience decision to create the podium and tower expression with a recessed ground plane that provides a relationship to the human scale.

- The design intent behind the proposed architectural composition is to provide greater focus on the ground plane and podium levels with a range of materials and tactile finishes as well as operable facade elements that allows the architecture to interact with the user experience. This contrasts with a very simple architectural language in tower form as it fades towards the skyline.

The proposed development is considered appropriate for the site and commensurate in scale and height with the current developments and desired future character of the Liverpool Town Centre.

The scale of the proposed building when viewed from Terminus, Carey and Macquarie Street and the broader visual catchment (including the Hume Highway) is consistent with the future scale of development on Terminus and Macquarie Street. As detailed in the Architectural Plans (**Appendix E**), the development incorporates a variety of façade treatments at the ground floor, podium, and tower levels of the building.

Particularly at the ground floor level, the proposal incorporates materials and design palettes that contribute towards providing a human scale for pedestrians on Macquarie, Terminus and Carey Streets.

The building retains its appearance as a lightweight structure that is designed to respond to the urban setting of the Liverpool City Centre through the facade treatment and ground floor use, incorporating separate articulation of the base, the upper floor levels, the podium, and tower. The design intent is to focus all the activity, colour and materiality along the ground plane and podium levels.

The development incorporates the provision of indoor and outdoor spaces that will be comfortable and practical to use. The dimensions and layout of the apartments will appropriately control sunlight to living areas and balconies and provide natural ventilation.

Areas of outdoor open space adjoin the main living areas and bedrooms of the apartments. All apartments meet the size requirements under the ADG, with open plan designs allowing flexibility in terms of furniture layout and functionality.

The detailed design of the development demonstrates an approach in delivering additional housing choices within the area and provides a well-designed building that integrates and appropriately separates the residential and commercial uses. The site represents a unique opportunity to provide additional housing options and with a range of affordability within the Liverpool Town Centre.

The response to the Design Quality Principles highlights how the design quality principles set out in Schedule 9 of SEPP (Housing) 2021 have been achieved by the proposed development (see **Appendix G**). Furthermore, this compliance shows how the proposal is unlikely to prevent adjoining sites from similarly re-developing in accordance with the Apartment Design Guide, Liverpool Local Environmental Plan 2008 and the Liverpool Development Control Plan 2008.

It is considered that this design approach has high architectural merit and will be a great design response to the site context and proposed development. Keeping the overall design simple with a few areas of highlights and features will be a very strong and timeless approach.

A full assessment of the amended development against the requirements of the ADG is also provided in **Appendix A** and again demonstrates that the design, bulk, and scale of the development is appropriate in its context and is a positive response to the design controls that apply to the site.

3.5 Residential Amenity

Communal Open Space

The proposed residential units have been designed with a high-level of residential amenity and outlook. A total of 75% of all units envisaged will receive the required solar access provisions and 67.5% proposed units will benefit from cross flow ventilation.

A key consideration in the design of the proposal was the amenity of adjoining properties and the future context of the surrounding area. The proposed development has been sited and designed to ensure an appropriate level of solar access is maintained for adjoining properties as demonstrated in the Shadow Diagrams provided in **Appendix D**.

In addition, amenity of adjoining developments has also been considered and shadow diagrams prepared that demonstrate that adjoining properties will still maintain the required levels of solar access based on the siting, bulk and scale of the development proposed. The building design also proposes rear and side setbacks throughout the development that are generally compliant with the relevant ADG requirements.

3.6 Landscaping and Communal Open Space

Landscaping

A total of five (5) distinct landscapes and spaces will be accommodated within the development site and built form that will be organised to respond to the context of the locality. These landscapes are in the form of private and communal open spaces as well as general landscaped areas.

These landscapes include:

- Hotel Courtyard and Outdoor Dining Area at the Ground Floor Level;
- Balconies for Hotel Rooms from Level 2 - 7;
- Hotel Podium Alfresco and Residential Communal Open Space at the Podium Level;
- Residential Communal Open Space at the Rooftop Level; and
- Landscaped Areas at the Ground Floor Level.

Landscape Plans have been prepared by Site Image in support of the application and are provided in **Appendix I**.

Communal Open Space

The proposed residential units have been designed with a high-level of residential amenity and outlook. A total of 75% of all units envisaged will receive the required solar access provisions.

The communal open space is 959.84m2 (41.9%) for the residential component provided across multiple areas of the development which will be landscaped for residential amenity, featuring significant landscaping features that will assist in complementing and extending the range, diversity and affordability of residential accommodation on site. These spaces are detailed below:

- Podium & Roof Top Communal Open Space

A total of 475.15m^2 of residential communal open space is provided at the podium level of the building (level 8). Additionally, the podium level also provides for high quality residential amenities including a roof garden, large BBQ area, outdoor lounge area and raised planter beds as detailed in the landscape plans prepared by Place Design Group.

A total of 484.7m^2 of roof top residential communal open space is also proposed which provides for additional open space for future residents.

A number of internal communal facilities are also proposed on Level 8 and Level 30 which aim to provide a functional space that can facilitate a number of communal interactions.

Therefore, the development provides for a high standard of residential amenity through the provision of a variety of communal open space areas and facilities.

3.7 Pedestrian Access, Vehicle Access and Car Parking

Pedestrian Access

- Direct pedestrian street access is provided to the residential apartments through a dedicated lobby on the ground floor fronting Macquarie Street.
- Direct pedestrian street access is provided to the Gym from Terminus Street on ground floor. Dedicated internal lifts and stairs provide access to the basement levels and first floor facilities providing access for both the public and hotel guests.
- Direct pedestrian street access is provided to the Hotel from Macquarie Street on ground floor. Dedicated internal lifts and stairs provide access to the basement levels and first floor facilities.
- Access to the level 8 and Level 30 residential communal open space will be restricted to residents and visitors and is achieved via dedicated internal corridors and lifts.
- Access to the ground floor hotel courtyard/outdoor dining, Level 8 hotel bar and alfresco will be restricted to staff and patrons of the Hotel and is achieved via dedicated internal corridors, lobbies and lifts with a security key card system.

Vehicle Access

Vehicle access for residents, visitors and service vehicles is via Carey Street with a porter cochere/driveway providing access to the separate loading dock and 6 basement levels.

Sufficient clearance space has been provided for service vehicles to enter and exit the site. Loading/servicing of the proposed development is expected to be undertaken by a variety of commercial vehicles. A dedicated loading dock is proposed within basement level 1 to ensure adequate space for waste

collection and servicing for the hotel. All users within the building will also have access to a loading bay within basement level one.

Car Parking

The on-site car parking details a total of 205 car spaces. This is to be accommodated within a 6-level basement car park. All car spaces and aisle widths are fully compliant with AS2890.

A Traffic Report has been prepared in support of the proposal and is provided in **Appendix S**.

3.8 Safety and Security

The following section outlines Crime Prevention through Environmental Design (CPTED) principles and uses these to assess the Architectural Plans for the proposed development. This assessment has been undertaken in accordance with the NSW Government's CPTED principles (outlined below), and the requirements of Liverpool Development Control Plan (DCP) 2009. The following section also outlines recommended mitigation measures to be considered in the final design.

There are a number of criteria to be considered when assessing CPTED as part of a development application. As stated by the NSW Government, CPTED aims to influence the design and management of buildings and places by:

- Increasing the perception of risk to criminals by increasing the possibility of detection, challenge and Capture.
- Increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended.
- Reducing the potential rewards of crime by minimising, removing or concealing 'crime benefits'.
- Removing conditions that create confusion about required norms of behaviour.

To that end, the four key principles to minimise the opportunity for Crime are outlined in **Table 2** below:

Table 4: CPTED Key Principles

No.	PRINCIPLE	DEFINITION
1	**Natural Surveillance**	Involves maximising opportunities for passers-by or residents to observe what happens in an area (the 'safety in numbers' concept). This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting. Natural surveillance is a by-product of well-planned, well-designed and well-used space. Higher risk locations can also benefit from organised surveillance, which involves the introduction of formal measures such as on-site security guards or CCTV.
2	**Access Control**	Control of who enters an area so that unauthorised people are excluded, for instance, via physical barriers such as fences, grills etc. The business is 100% cashless and no cash on premises signage is provided.
3	**Territorial Reinforcement**	People are more likely to protect territory they feel they own and have a certain respect for the territory of others. This can be expressed through

	/Ownership	installation of fences, paving, signs, good maintenance and landscaping. Territoriality relates to the way in which a community has ownership over a space.
4	**Space Management**	Ensures that space is appropriately utilised and cared for. Space management strategies include: activity coordination (i.e. having a specific plan for the way different types of activities are carried out in space), site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out lighting and the removal or refurbishment of decayed physical elements.

Car Parking Areas

Car parking areas are typically common spaces for offences against property or persons. Relevant CPTED considerations for car parks include: access control, providing visibility, ensuring safe access for cars and pedestrians, and discouraging loitering. The following points provide a description of the sites proposed car parking area:

- Adequate lighting compliant with AS1158 will be provided throughout car park, including at all car park entry/exit points and loading/unloading areas;
- Clear demarcation of pedestrian walkways throughout the car park to avoid conflicts with vehicles is provided through line marking and signage; and
- Safe parking signage throughout car park to remind people to secure their cars and valuables will be installed prior to the occupation of the development.

Entry and Exit Points

Entry and exit points are a key consideration for CPTED assessments because of the interface they provide with the surrounding area. Relevant CPTED considerations for entry and exit points include: access control, providing visibility, ensuring safe access for cars and pedestrians, and discouraging loitering. The subject DA proposes the following measures:

- Adequate lighting at all entry and entry points will be provided in accordance with the relevant Australian Standards;
- All entry/exit points are aesthetic and inviting and the landscaping, building position and activities are all orientated to maximise natural surveillance on entry/exit.
- Ground level landscaping has been selected so that it does not provide areas of concealment.

Internal Layouts

Key internal layout considerations in regard to CPTED include interfaces between public and private space; and the existence of ‘dead space’, ‘areas of entrapment’ and ‘areas of concealment’. The subject DA proposes the following measures:

- The design of new internal spaces does not create 'areas of entrapment or concealment, particularly in toilets and accessways;
- All entries have good sight lines, are well lit and are in areas with ample room for access; and

- Clear definition between public and private access areas are created secure and easily identifiable entries.

External Areas

Key external layout considerations in regard to CPTED include visibility, activation and prevention of vandalism and graffiti. The subject DA proposes the following measures:

- All external areas of the building are proposed to be well lit, particularly at night.
- No opportunities for concealment are provided by external building design or landscaping based on the design of the proposal.

As identified above, the proposed development has been designed with regard to the principles of Crime Prevention Through Environmental Design. Landscaped areas within the development site will be maintained to a good standard. Clear delineation between public and private areas is proposed. Lighting that complies with AS1158 will be used.

The proposed development is therefore considered compliant with the requirements of CPTED.

3.9 Waste Management

A Waste Management Plan has been prepared and is attached as **Appendix P** of this report. The plan details the manner in which waste will be managed during the construction and operational phases of the development. Key features include:

- Waste streams from building construction will be recycled and reused where possible;
- The proposed waste management facilities and equipment are to be designed and constructed to comply with council controls.
- All residential waste and recycling will be collected by Council.
- The Gym and Hotel waste will be collected by a licensed private waste and recycling collection contractor.

4.0 Assessment of Environmental Impacts

4.1 Statutory Planning Framework and Compliance

An assessment of the proposal has been made against the relevant planning instruments applicable to the land and the proposal. The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2021;

- State Environmental Planning Policy (Industry and Employment) 2021;
- State Environmental Planning Policy (Housing) 2021;
- Liverpool Local Environmental Plan 2008; and
- Liverpool Development Control Plan 2008.

4.1.1 State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 - State and Regional Development

Pursuant to Clause 2.19 and Schedule 6 of the SEPP the proposed development has a Estimated Development Cost (EDC) of more than $30 million and therefore the development will be determined by the Sydney Central City Planning Panel. The QS Report is provided in **Appendix L**.

4.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Chapter 4 of the SEPP requires Council to consider whether the subject land of any development application is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use or zoning, Council must be satisfied that the land can and will be remediated before the land is used for that purpose.

The SEPP further requires the preparation of a report specifying the findings of a preliminary investigation of the land concerned, carried out in accordance with the contaminated land planning guidelines, to be considered by the consent authority before determining an application for consent to carry out development that would involve a change of use of that land.

A Detailed Site Investigation has been prepared in support of the proposal and is provided in **Appendix M**. The investigation concludes with the following:

- *No further environmental works or assessment are required, specifically with reference to the intent and purpose of s 4.6 (3) of the RH SEPP.*
- *Based on the findings of this assessment, Canopy considers the Site is suitable for the proposed land use (see Section 7.4) being residential with minimal opportunities for soil access which includes dwellings with fully and permanently paved yard space such as high rise buildings and apartments.*

Based on the findings of the DSI, the site is considered suitable for the intended land uses and further investigation is not considered to be necessary.

4.1.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

An assessment of the development against the relevant provisions of Chapter 2 of the Transport and Infrastructure SEPP is provided in the table below.

Table 5: Transport and Infrastructure SEPP		
Clause	**Requirement**	**Compliance**
2.119 Development with frontage to classified road	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	The proposed development provides practical and safe, vehicular access to the land and avoids access via a classified road.
	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	The application is accompanied by a Traffic Report (**Appendix S**) which demonstrates the proposed access will not impact on safety, efficiency and ongoing operation of surrounding classified roads. Of note, the proposed development will not emit smoke or dust and will be suitably managed during construction.
	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 application is accompanied by an Acoustic Report (**Appendix Q**) which assesses potential noise impact from traffic and vehicle emissions. The report by provides a range of construction recommendation that ensure adverse impacts are appropriately mitigated and minimised.
2.122 Traffic Generating Development	In this section, relevant size or capacity means—	
	a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified	The proposed development and associated access arrangements are within 90m of the connection of a classified road. The proposed development contains basement car parking with 50 or more car parking

	opposite that development in Column 2 of the Table to Schedule 3, or b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.	spaces and contains Residential accommodation with 75 or more dwellings. As such, the development is considered to be Traffic Generating Development.
	A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has— a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.	Noted. Council to refer the application to TfNSW for concurrence.
	Before determining a development application for development to which this section applies, the consent authority must— a) give written notice of the application to TfNSW within 7 days after the application is made, and b) take into consideration— (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed,	Noted. Council to refer the application to TfNSW for concurrence. The application is accompanied by a Traffic Report (**Appendix S**) which demonstrates the proposed development will not impact on efficiency of movement of people and freight. In addition, the site is located in proximity to Liverpool Train station and provides a range of bicycle parking spaces. As such, it is satisfied that the development encourages the potential to minimise the need for travel by car.

	TfNSW advises that it will not be making a submission), and (ii) the accessibility of the site concerned, including— A. the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and B. the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and (iii) any potential traffic safety, road congestion or parking implications of the development.	All traffic safety, road congestion and parking implications have been assessed as part of the Traffic Report, refer to **Appendix S**.

4.1.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 - Water Catchments

The subject site is located within the Georges River Catchment and Chapter 6 of the SEPP applies. The SEPP aims to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, state, regional and local significance of the catchment.

It is considered that the proposed development is consistent with the general aims of the Plan and would not result in a development that would have an adverse impact on water quality in the catchment.

Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal complies with the requirements of the SEPP.

4.1.5 State Environmental Planning Policy (Sustainable Buildings) 2021

Chapter 2 Standards for Residential Development

Chapter 2 of the SEPP aims to encourage the design and delivery sustainable residential development and requires DAs for such development to be accompanied by a list of BASIX commitments as to the manner in which the development will be carried out. The proposed development is consistent with the aim of the SEPP and all of its planning controls.

A BASIX Strategy Report has been attached demonstrating the developments capabilities of meeting relevant water and energy targets, see **Appendix R.**

Chapter 3 Standards for non-residential development

Chapter 3 of the SEPP aims to encourage the design and delivery sustainable non-residential development and requires DA's for such development to be accompanied by a list of NABERs commitments as to the manner in which the development will be carried out. The proposed development is consistent with the aim of the SEPP and all of its planning controls.

An Embodied Emissions Materials Schedule has been prepared in support of the application and will be submitted on the planning portal.

4.1.6 State Environmental Planning Policy (Housing) 2021

Chapter 4 Design of residential apartment development

The Design Quality Principles incorporated in this chapter of the Housing SEPP have been incorporated into the design of the development and Mackenzie Architects have also detailed this through the Architectural Plans (**Appendix E**) and the Design Verification Statement found in **Appendix F.**

In addition, an assessment of the proposal against the Apartment Design Guide has been prepared and is attached at **Appendix A**. The assessment addresses the requirements of the ADG and should be read in conjunction with the Architectural Plans.

4.1.7 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 – Advertising and Signage

Chapter 3 of SEPP (Industry and Employment) 2021 applies to the entire state to ensure that signage is compatible with the desired amenity and character of an area and to ensure that signs provide effective communication in suitable locations.

The application proposes a signage strategy consisting of the following types of signage:

- 1 x Free Standing Signs for the purpose of building identification;
- 1 x Free Standing sign consisting of business identification, building identification and directional items;
- 2 x Flush wall signs for the purpose of business identification; and
- 1 x projecting wall sign for the purpose of business identification.

Relevant Clauses

An assessment of the proposed signage against the relevant clauses of the SEPP is provided in the table below.

Table 6: SEPP (Industry and Employment) 2021 - Chapter 3 - Advertising and Signage		
Clause	**Requirement**	**Comment**
3.1 Aims, objectives	This Chapter aims— (a) to ensure that signage (including advertising)— (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and	 The proposed signage stratergy has been designed in a manner that is compatible with the desired amenity and visual character of an area. The signs proposed implement effective communication in a location that experiences a high frequency of pedestrian and vehicular movement. activity. The proposed signage strategy is of high-quality design and finish that will respond sympathetically to the streetscape.
3.6 Granting of consent to signage	A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied— (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.	 See section 3.1 above. An assessment against Schedule 5 is provided below this table.
Schedule 5 Assessment criteria		
1. Character of the Area	Is the proposal compatible with the existing or desired future character or	The proposed signs are compatible with the existing and future character of the area.

Table 6: SEPP (Industry and Employment) 2021 - Chapter 3 - Advertising and Signage		
Clause	**Requirement**	**Comment**
	the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	 The proposed signs are considered to be consistent with other signage in the locality in terms of design and size.
2. Special Areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage will not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas or other areas including residential.
3. Views and vistas	Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	The proposed signs will not obscure or compromise any important view lines. The proposed signs will not dominate the skyline of reduce the quality of vistas. The proposed signs does not detract from the viewing of any advertising structure within the local.
4. Streetscape setting on landscape	Is the scale proportion and form of the proposal appropriate for the streetscape or landscape? Does the proposal contribute to the visual interest of the streetscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness?	The scale and form of the proposed signs will not impact on the amenity of surrounding streetscape or landscape. The signs will add to the visual interest of the streetscape. This application will not result in visual clutter.

Table 6: SEPP (Industry and Employment) 2021 - Chapter 3 - Advertising and Signage		
Clause	**Requirement**	**Comment**
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management?	The proposed signs has been designed to complement both street frontages. The proposed signs do not protrude above the building or tree canopy. No vegetation management will be required.
5. Site and Building	Is the proposal compatible with the scale, proportion and other characteristics of the site or building or both on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site building or both?	The proposed signs have been designed to reflect the scale and character of the use of the subject site. The proposed signs respects the important features of the site. Signage details have been incorporated within the structure.
6. Associated devices and logos with advertisements and advertising structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Signs have been designed as an integrated product.
7. Illumination	Would illumination result in unsightly glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed illumination will not result in any unsightly glare. The proposed illumination will not affect pedestrians, vehicles, or aircraft. The proposed illumination will not detract from the amenity of any residence or other form of accommodation in the area.

Table 6: SEPP (Industry and Employment) 2021 - Chapter 3 - Advertising and Signage		
Clause	**Requirement**	**Comment**
	Can the intensity of the illumination be adjusted, if necessary?	The intensity of the illumination can be adjusted if necessary.
8. Safety	Would the proposal reduce the safely on any public road?	The proposed signage will not impact on the safety of motorists travelling on adjoining public roads.
	Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage will not impact on the safety of pedestrians or cyclists.
	Would the proposal reduce the safety for pedestrians, particularly children by obscuring sightlines from public areas?	The proposed signage will not obscure sightlines from public areas.

4.1.8 Liverpool Local Environmental Plan 2008

Permissibility

The site is situated within the Liverpool Local Government Area (LGA) and is subject to the provisions of the Liverpool Local Environmental Plan (LEP) 2008.

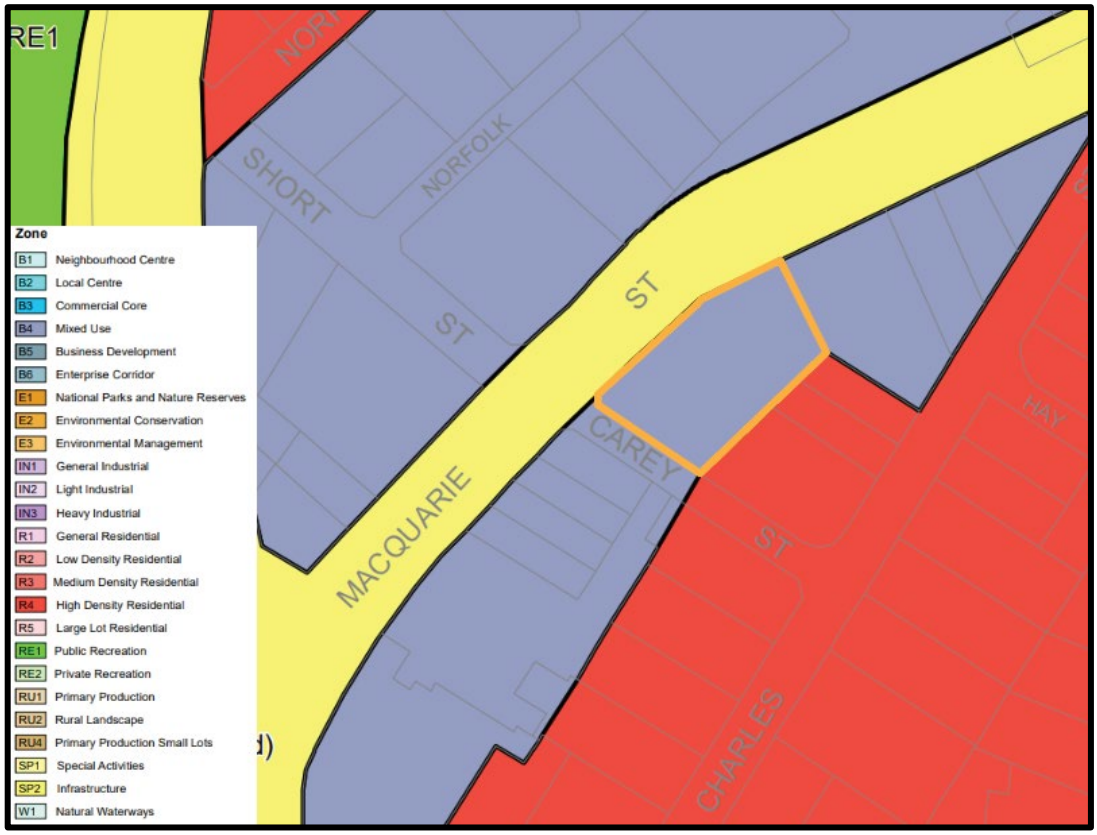

Figure 3:Land Zoning Map demonstrating the subject site as outlined in orange (Source – NSW Legislation).

The site is zoned MU1 Mixed Use under the provisions of the Liverpool LEP. The proposed development consists of the construction of a mixed development comprising motel or hotel accommodation, indoor recreational facility (indoor), residential flat building and associated site works at 402 Macquarie Street, Liverpool. Motel or hotel accommodation, indoor recreational facility (indoor) and residential flat building are permitted with consent in the MU1 zone.

Zone Objectives

The objectives of the MU1 Zone are:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To allow for residential and other accommodation in Liverpool city centre, while maintaining active retail, business or other non-residential uses at street level.*

Comment

It is considered that the proposed development is consistent with the relevant objectives of the MU1 zone in that the DA proposes a mixed-use development within the Liverpool City Centre including non-residential land uses that encourage employment opportunities and high-density residential accommodation.

The proposed development provides for a diverse and active street frontage that attracts pedestrian traffic and contributes to vibrant, diverse and functional streets and public space. The mix of land uses proposed on the ground floor encourages other non-residential land uses that do arise any conflicts between upper-level residential accommodation or adjoining properties.

Relevant Clauses

A full response to all requirements of the Liverpool LEP 2008 is provided for at **Appendix B**.

4.1.9 Liverpool Development Control Plan 2008

The Liverpool Development Control Plan 2008 provides detailed provisions to supplement the Liverpool LEP 2008. An assessment of the proposal against the relevant development controls applying to the subject land is provided for at **Appendix C**.

4.2 Noise, Visual Impacts & Building Separation

Noise

Three (5) noise sources are identified as having potential impacts upon the residential amenity of the building being noise intrusion from mechanical plant, and equipment, car parking noise, gym noise, waste transfer and operations and patron and licensed premises noise. The acoustic amenity of new residential apartments will be effectively controlled to achieve recommended and regulatory design limits by the external façade and roof treatments. Additionally, the application is accompanied by a Venue and Patron Management Plans and Noise Management Plan that ensure the uses within the building avoid adverse impacts on nearby residential receivers.

Further detail on acoustic impacts is provided in the Acoustic Report and Noise Management Plan submitted in support of this DA (**Appendix Q**). The Acoustic Report concludes with the following:

- *The proposed development will have limited acoustic impacts and the applicable environmental noise emissions criteria can be complied with at the adjacent residential receivers.*

Visual Impacts

From a visual perspective, an appropriate composition of building elements, material textures and colours have been utilised to reflect the building's commercial and residential use character. The articulation of the external facades of the reflects the desired future character of the Liverpool City Centre.

The external appearance of the building reflects consideration to various development controls and the articulation of the building along with its massing composition reflects the desired future character of the mixed-use area.

The massing of Macquarie Street, Terminus Street and Carey Street has been designed to achieve an aesthetic outcome to fit within a desired building envelope. Its facades are all designed with various architectural elements to provide articulation, depth, shade and a pleasing aesthetic.

The development is considered to represent a positive contribution to the streetscape and its siting design and location of car parking with a basement ensures the amenity of adjoining residents is not unduly compromised.

Building Separation

The ADG requires a 6m separation from habitable rooms to the boundary up to 4 storeys, a 9m separation room habitable rooms to the boundary up to 7 storeys and requires a 12m separation from habitable rooms to the boundary from 9 storeys and above.

The setback distances have been provided in accordance with the building envelopes approved under **DA-1262/2022** which are as follows:

Northern Eastern Boundary

- Ground Floor to Level 7 (Non-residential) – 0m.
- Levels 8 – 0m (Podium) and 20.37m.
- Level 9 – 29 – 18.68m
- Level 30 – 21m

The proposed development provides a 0m setback on the ground floor to Level 7 which is considered acceptable as it does not relate to residential development. All levels from Level 8 and above (10 Storeys) exceed the minimum of 12m.

South Eastern Boundary

- Ground Floor to Level 7 (Non-residential) – 7m.
- Levels 8 – 13.79m.
- Level 9 – 29 – 12.35m
- Level 30 – 12.9m

The proposed development provides a 7m setback on the ground floor to Level 7 which is considered acceptable as it does not relate to residential development. All levels from Level 8 and above (10 Storeys) exceed the minimum of 12m.

4.3 Stormwater and Drainage

The relevant requirements and objectives of the Stormwater Drainage part of the Liverpool DCP 2008 have been considered in the design of the proposed development. Stormwater Plans and specifications have been prepared to accompany the proposal and are found in **Appendix J**.

The site is not identified as being situated within a flood prone area. Water quality treatment is proposed to be achieved in accordance with Council's Engineering Specifications, refer to the Stormwater Management Report provided in **Appendix K** for further details.

4.4 Social and Economic Impacts

The construction of the proposed development will bring with it several important economic and social benefits for the local and wider community, and this is further detailed in the SIA (**Appendix Z**) prepared in support of the DA. In summary the development will:

- Enable Liverpool Council to continue to meet the needs of local residents through the provision of mix of affordable unit types and commercial space in a key location;
- Promote enhanced neighbourhood safety and security through casual surveillance generated by the presence of additional activity within the site;
- Provide short-term economic benefits through construction expenditure and employment; and
- Provide improvements to streetscape appearance, character, amenity of the area thus enhancing resident quality of life and satisfaction.

4.5 Site Suitability

Having regard to the characteristics of the site and its location in Liverpool, the development is considered to be appropriate having regard to the following elements:

- The zoning of the site permits the proposed use, and the development has been designed having regard to the prescriptive measures to achieve the desired character as required by the Liverpool LEP and DCP;
- The size and dimensions of the land are appropriate for accommodating the proposal in its current form;
- It provides a well-designed built form on a site envisaged for high density development within walking distance to various public transport options;
- It is generally consistent with the site-specific objectives and provisions of the Housing SEPP, Liverpool LEP 2008 and Liverpool DCP 2008; and
- The development is sited and designed to ensure no adverse impacts occur on surrounding development including overshadowing, noise, and traffic impacts.

4.6 Public Interest

The proposal will facilitate the development of the site by providing a development that meets the growing needs of the local and wider population. It is in the public interest to reinforce the importance of this

location as a suitable development site for high density residential accommodation. Generally, the proposal provides the following public benefits:

- It is consistent with the objects of the EP&A Act of encouraging the economic and orderly development of land;
- It has been carefully designed to ensure consistency with the applicable Council policies where possible;
- It provides a development with no adverse overshadowing impacts, noise impacts, traffic impacts or visual impacts; and
- Delivers a development that enhances and responds sensitively to its setting through the creation of a space that reflects the required scale and significance of the desired future context of the immediate precinct.

5.0 Conclusion

This proposal seeks approval for the Stage 2 detailed development application for the Concept Approval **DA-1262/2022** and consists of the construction of a thirty-one (31) storey mixed development comprising motel or hotel accommodation, indoor recreational facility (indoor), residential flat building and associated site works at 402 Macquarie Street, Liverpool.

The proposal is generally consistent with the relevant environmental planning instruments, including the Housing SEPP, the Liverpool LEP 2008 and Liverpool DCP 2008.

The proposal will directly contribute to the provision of a well-designed mixed-use development in the Liverpool Town Centre area. The proposed development has significant planning merit in the following respects:

- the proposed development provides additional affordable housing to meet the needs of a growing population;
- the development is located on close proximity to range of services and amenities and public transport; and
- there are no adverse impacts on surrounding properties.

Having regard to the above, and in light of the relevant heads of consideration listed under Section 4.15 of the Environmental Planning and Assessment Act, 1979 the proposal is reasonable and appropriate and warrants favourable consideration.

APPENDIX A

APARTMENT DESIGN GUIDE – COMPLIANCE TABLE

402 MACQUARIE STREET, LIVERPOOL

Level 57
25 Martin Place
Sydney NSW 2000

02 9220 1766
www.theplanninghub.com.au
info@theplanninghub.com.au

Apartment Design Guide – Compliance Table 402 Macquarie Street, Liverpool			
Control	**Requirement**	**Comment**	**Complies**
3D – Communal and Public Open Space	Communal open space has a minimum area equal to 25% of the site.	The development proposes an area of 947.62m^2 for the residential component of the development which equates to 41.34% of the site.	✓
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	Solar Access Diagrams of the communal open space area located at the podium level of the building are submitted with this application that demonstrate compliance with this control.	✓
3E – Deep Soil Zones	7% of site area and a minimum dimension of 3m.	The site has a total area of 2,292m^2 that would require a minimum deep soil area of 160.44m^2 to be provided. A total of 84.96m^2 (3.7%) has been proposed. The proposed variation was deemed reasonable under **DA-1262/2022** noting the building envelopes have been approved. The variation was deemed reasonable noting it was a characteristic of development in the city centre. An excess of communal open space continues to be provided for the development on site that enhances the landscaping characteristics of the property. Therefore, the proposal is acceptable in this regard.	**On merit**

3F – Visual Privacy	**Up to 12m (4 storeys)** • 6 metres between habitable rooms/balconies and boundary • 3 metres between non-habitable rooms and boundary **Up to 25m (5-8 storeys)** • 9 metres between habitable rooms/balconies and boundary • 4.5 metres between non-habitable rooms and boundary **Over 25m (9+ storeys)** • 12 metres between habitable rooms/balconies and boundary • 6 metres between non-habitable rooms and boundary	The setback distances have been provided in accordance with the building envelopes approved under **DA-1262/2022** which are as follows: <u>Northern Eastern Boundary</u> • Ground Floor to Level 7 (Non-residential) – 0m. • Levels 8 – 0m (Podium) and 19.9m. • Level 9 – 29 – 18.68m • Level 30 – 21m The proposed development provides a 0m setback on the ground floor to Level 7 which is considered acceptable as it does not relate to residential development. It is noted that the podium communal open space contains a nil setback. This is non-compliant with the control. However, the proposal as considered acceptable under **DA-1262/2022** for the following reasons: ○ Levels 7 and 8 of the adjoining development at 180-188 Macquarie Street, Liverpool provides a 6.1m to the side boundary setback that results in compliance with the minimum building separation distance required on the subject site; ○ The development has been designed to respond to the site's constraints, provide an active street frontage and tie into the proposed development proposed on the adjoining site at 180-188 Macquarie Street, Liverpool; and ○ The proposed building separation does not result in adverse amenity impacts to the adjoining property.	**On Merit**

		Alterations are not proposed to the approved building envelopes. This includes all levels from Level 9 and above (10 Storeys) which exceed the minimum of 12m. <u>South Eastern Boundary</u> • Ground Floor to Level 7 (Non-residential) – 7m. • Levels 8 – 13.79m. • Level 9 – 29 – 12.35m • Level 30 – 12.9m The proposed development provides a 7m setback on the ground floor to Level 7 which is considered acceptable as it does not relate to residential development. All levels from Level 8 and above (10 Storeys) exceed the minimum of 12m.	
3J – Bicycle and Car Parking	For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less ○ 0.4 spaces per 1 bedroom unit. ○ 0.7 spaces per 2 bedroom unit. ○ 1.20 spaces per 3 bedroom unit. ○ 1 space per 7 units (visitor parking).	The site is within 800m of a railway station in the Sydney Metropolitan Area. Car parking has been provided in accordance with ADG. The residential apartments warrant 102.9 (103) car parking spaces. It is noted that the proposed development utilises visitor parking rates provided in the Liverpool DCP (1 space per 10 apartments or part thereof, for visitors) being the lessor of the two rates. The proposed development therefore warrants 119.7 (120) parking spaces for residents and visitors. The proposed 150 residential and visitor car parking spaces comply with the minimum of 120.	✓

	The car parking needs for a development must be provided off street	All spaces are contained wholly on site.	✓
4A – Solar and Daylight Access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter	A total of 126% (75 apartments) receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter to Living rooms and private open spaces.	✓
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	A total of 12.5% (21 apartments) receive no direct sunlight between 9 am and 3 pm at mid-winter.	✓
4B – Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	The lowest apartment level is the 10th storey. Proposed balconies allow for adequate natural ventilation and are not fully enclosed.	✓
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	No cross over or cross through apartments in this design.	✓
4C – Ceiling Heights	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: • Habitable rooms – 2.7m; • Non-habitable rooms – 2.4m; • For Two-storey apartments – 2.7m for main living area and 2.4m for second floor where area dos not exceed 50% of the apartment area;	All residential floors have a floor to ceiling level of at least 2.7m.	✓
	Mixed Use Areas – 3.3m for ground and first floor to promote future flexibility of use.	The proposed 3.343m complies with the minimum of 3.3m and promotes future flexibility of use as per the ADG. This was considered acceptable under **DA-1262/2022** and any	✓

		amendments would necessitate unnecessary modifications to the Concept Approval to increase the building height.	
4D - Apartment Size and Layout	Apartments are required to have the following minimum internal areas: • Studio – 35m^2 • 1 Bedroom – 50m^2 • 2 Bedroom – 70m^2 • 3 bedroom – 90m^2	All apartments provided meet the minimum internal area requirements.	✓
	The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m2 each	All apartments with an additional bathroom proposed have increased the minimum internal area by at least 5m^2.	✓
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.	Every habitable room has a window in an external wall with a total glass area of at least 10% of the floor area of the room.	✓
4E – Private Open Space and Balconies	All apartments are required to have primary balconies as follows: • Studio Apartments – Minimum area of 4m^2 • 1 Bedroom Apartments – Minimum area of 8m^2 with a minimum depth of 2m • 2 Bedroom Apartments – Minimum area of 10m^2 with a minimum depth of 2m • 3 Bedroom Apartments – Minimum area of 12m^2 with a minimum depth of 2.4m	All apartments proposed meet the minimum primary balcony area requirements.	✓
4F – Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.	A total of 168 residential units over 21 levels are proposed to share the three (3) residential lifts within the building.	**On merit**

	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Therefore, a maximum of 56 units would share a single lift that is non-compliant with the control. This is similar to a number of other recent high-profile apartment buildings within Sydney inkling the following: • One Central Park (main residential tower) – 94 apartments per lift. • Lumiere, Sydney – 91 apartments per lift. • V by Crown, Parramatta – 128.5 apartments per lift. • City Tattersall's Current Proposal – 89 apartments per lift The reduction in the number of lifts serving residential developments is commonplace and this may also be reflective of the increase in lift speeds now proposed. The lift speed anticipated in this development would operate at a speed capacity of 2.5m/s. Furthermore, this was considered acceptable under **DA-1262/2022** and any amendments would necessitate unnecessary modifications to the Concept Approval.	
4G - Storage	Minimum storage to be provided as follows: • Studio – 4m^3; • 1 bed – 6m^3; • 2 bed – 8m^3; and • 3 bed – 10m^3. At least 50% of the required storage is to be located within the apartment	Each apartment is provided with storage in excess of the minimum requirements. At least 50% of the required storage is to be located within the apartment.	✓ ✓

APPENDIX B

LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - COMPLIANCE TABLE

402 Macquarie Street, LIVERPOOL

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Liverpool Local Environmental Plan 2008 402 Macquarie Street, Liverpool			
Clause	**Requirement**	**Comment**	**Complies**
4.3 – Height of Building	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. 28m.	Refer to Clause 7.5A below.	✓
4.4 – Floor Space Ratio	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. 3:1	Refer to Clause 7.5A below.	✓
4.6 Exception to development standards	To provide an appropriate degree of flexibility in applying certain development standards to particular development.	The proposed development seeks consent for a variation to Clause 7.4 of the LEP, see below. A clause 4.6 submission has been prepared and is attached as **Appendix D**.	✓
7.2 Sun access in Liverpool city centre	Despite clause 4.3, development on land to which this clause applies is prohibited if the development results in any part of a building on land specified in Column 1 of the Table to this clause projecting above the height specified opposite that land in Column 2 of the Table.	The subject site does not fall on land identified within this clause so the provisions of LLEP 2008 Clause 7.2 do not apply to the development.	✓
7.3 Car parking in Liverpool city centre	Development consent must not be granted to development on land in the Liverpool city centre that is in Zone E2 Commercial Centre or MU1 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.	The ground floor contains a total GFA of 908.4m^2 (excluding residential lobby) and warrants a total of 4.542 car spaces. The proposed development contains a total GFA of 7,518.87m^2 (excluding ground floor and residential components). As such, the proposed development warrants 50.12 car parking spaces for all other levels, noting retail premises are not proposed. As such, the LEP warrants a total of 54.662 (55) car spaces for non-residential uses. The proposed 55 car parking spaces serving the hotel and gym complies with the minimum of 55.	✓
	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.	The proposed parking provisions exceed the minimum specified.	✓
	In this clause, the following are to be included as part of a building's gross floor area— (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, (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.	All spaces are located within basement levels and are excluded from the calculation of GFA.	✓

	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.	Noted. Residential Parking Spaces have been provided in accordance with the ADG.	
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— (d) 12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone E2 Commercial Centre or MU1 Mixed Use, and (e) 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone E2 Commercial Centre or MU1 Mixed Use.	The development has been designed to be consistent with **DA-1262/2022** with no alterations proposed to the approved building envelopes. The proposed development consists of a total of 31 storeys and has a maximum building height of 104.9m. Part of proposed level 7, up to proposed level 14, is sited between 25m-45m above finished ground floor level. Levels 15 and above are sited above 45m on land zoned MU1 - Mixed Use. **Rear Setback** The adjoining development at the rear of the site contains two x 3-storey mixed-use buildings which have a rear setback of at least 5m and 9m, respectively. Adequate building separation has been provided for proposed levels 7-14 towards the rear boundary that is compliant. Furthermore, Clause 7.4 (e) requires a building separation of 28m for parts of buildings 45m or more above ground level (finished). Proposed level 14 and above is sited greater than 45m above ground level (finished) and under the provisions of this clause, would require a building separation of 28m, should development to the rear be developmed in excess of 45m from ground level (finished).	**On merit**

		Side Setbacks (North-Eastern Side) The top of level 7 and proposed level 8 (communal open space on the podium level) is sited above 25m from the ground floor level that has a nil setback to the side boundary. A clause 4.6 submission has been prepared and is attached as **Appendix D.** It is noted that this variation was deemed acceptable under the concept approval.	
7.5 Design excellence in Liverpool city centre	To deliver the highest standard of architectural and urban design.	The concept proposal complies with design excellence in that it has been designed by a registered architect, it responds and contributes to its context, and enhance the qualities and identity of the area including the adjacent sites, streetscape, and neighbourhood. In addition, the development also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation, and the manipulation of building elements. This is further detailed in the Design Verification Statement and included as **Appendix F** with this development application.	✓
7.5A Additional provisions relating to certain land at Liverpool city centre	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 or motel accommodation, information and education facilities, medical centres or public administration buildings—	35.38% of the total GFA is used for the purpose of hotel or motel accommodation and complies with minimum of 20%.	✓
	(a) the height of the building may exceed the maximum height shown for the land on the Height of Buildings Map, and	Noted. The development proposes a maximum building height of 104.99m and is compliant with the requirements of Clause7.5A.	✓

	(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 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.	The proposed FSR 9.95:1 complies with the maximum of 10:1. Part 4 of the Liverpool DCP relates to the Liverpool City Centre. The proposed development includes a recreation facility (indoor).	✓ ✓ ✓
7.16 Ground floor development in Zone E1 and MU4	Development consent must not be granted for development for the purposes of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building— (a1) if the development is on land in Zone MU1 Mixed Use—will be used for the purposes of business premises or retail premises, and (a) if the development is on land in Zone E1 Local Centre—will not be used for the purposes of residential accommodation, and (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.	The proposed uses are consistent with the concept approval and continue to provide for active frontage to encourage the presence and movement of people. The proposed development will also contain at least one entrance and at least one other door or window on the front of the building facing a street.	**On merit**

7.31 Earthworks	To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The concept proposal involves the construction of a mixed-use building with six (6) levels of basement car parking that are unlikely to adversely impact on surrounding properties and all earthworks will be carried out in accordance with the recommendations of the Geotech Report provided in **Appendix U.**	✓

APPENDIX C

LIVERPOOL DEVELOPMENT CONTROL PLAN 2008

– COMPLIANCE TABLE

402 MACQUARIE STREET, LIVERPOOL

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Liverpool Development Control Plan 2008 – Compliance Table 402 Macquarie Street, Liverpool			
Control	**Requirement**	**Comment**	**Complies**
Part 1 General controls for all Development			
6. Water cycle management			
6.1 Gravity Drainage to Council's Drainage system	Stormwater runoff shall be connected to Council's drainage system by gravity means. Mechanical means (i.e. pump) for disposal of stormwater runoff will not be permitted except for basement car parks. Charged systems will not be permitted.	Refer to the Stormwater Plans (**Appendix J**) and Stormwater Management Report provided in **Appendix K**.	✓
8. Erosion and Sediment Control			
Controls	The development application shall be accompanied by either a Soil and Water Management Plan (SWMP) or an Erosion and Sediment Control Plan (ESCP) as shown in Table 1.	Refer to the Erosion and Sediment Control Plan that forms part of the Stormwater Plans (**Appendix J**).	✓
10. Contaminated Land Risk			
Controls	If the Preliminary Site Contamination Investigation (Stage 1) indicates a potential for contamination and that the land may not be suitable for the proposed use, a Detailed Contamination Investigation (Stage 2) shall be undertaken.	Refer to the Detailed Site Investigation provided in **Appendix M**.	✓
20. Car Parking and Access			
20.2 Vehicular access arrangement and manoeuvring areas	If driveways are proposed from a classified road approval is required from the Roads and Maritime Services (RMS). Vehicular egress and entrances must be integrated into the building design so they are visually recessive. This can be achieved by locating the opening a small distance behind the front façade.	Noted. Council to ensure the application is referred to TfNSW under this development application. The width of the driveway cross over has been minimised at the front building line to ensure vehicular egress and	✓

		entrances is integrated into the building design and visually recessive.	

20.3 Onsite car parking provisions and service facilities by land use	Basements cannot extend out of the ground more than 700mm at the street front of a site and 1200mm at the rear unless site conditions are such that minor variations are required parking rate.
	
	<u>Car Parking Provision in Liverpool City Centre</u>
	
	Off-street car parking shall be provided in Liverpool City Centre in accordance with Clause 7.3 of Liverpool Local Environmental Plan (LLEP) 2008, Car parking in Liverpool city centre (where the land is zoned B3 — Commercial Core or B4 — Mixed Use) and Section 4.4.2 of Part 4 LDCP 2008.
	
	<u>Bicycle Parking and Cycling Facilities</u>
	Bicycle parking and cycling facilities shall be provided in accordance with Table 13 below.
	
	• Residential Flat Buildings, Multi-Dwelling Housing:
	  ○ Resident Parking Spaces: 1 per 2 units, or 1 for every 4 bedrooms (whichever is greater).
	  ○ Visitor/Customer Parking Spaces: 1 per 10 units.
	• Tourist & Visitor Accommodation
	  ○ Employee/Resident Parking Spaces: 1 per 10 staff.
	  ○ Visitor/Customer Parking Spaces: 1 per 20 bedrooms/sites.
	• Recreational Facilities:
	  ○ Employee/Resident Parking Spaces: 1 per 10 staff
	  ○ Visitor/Customer Parking Spaces: 2 plus 1 per 100sqm
		The proposed basement does not extend more than 700mm at the street front of a site and 1200mm at the rear.
		
		Vehicle Parking Spaces have been provided in accordance with Clause 7.3 of the Liverpool LEP, refer to **Appendix B**.
		
		It is noted that staff numbers for the hotel and gym are yet to be finalised. However, adequate Bicycle parking facilities have been provided as set out in the Traffic Report, refer to **Appendix S**.
			✓
			
			✓
			
			✓

	Loading Facilities Adequate facilities for servicing developments shall be provided on-site to ensure loading/unloading activities do not occur on street and compromise the safety, amenity and capacity of the public road system.	Adequate loading facilities have been provided in accordance with the relevant Australian Standards. The proposed provisions will not occur on street and compromise the safety, amenity and capacity of the public road system.	✓
20.7 Driveway Crossing	Driveway Crossings shall be located a minimum distance from the following items: - 0.5m from all drainage structures on the kerb and gutter; - 1.0m from side property boundaries; - 6m from a kerb tangent point of a street corner.	Refer to the Stormwater Plan demonstrating works are not within 0.5m from all drainage structures on the kerb and gutter. Note that this is a sloping site and the driveway, and the existing stormwater infrastructure are located at the lowest point on the proposed frontage. The proposed driveway has been sited 850mm from 'rear' boundary which generally aligns with the concept approval. The proposed development is not within 6m from a kerb tangent point.	✓ ✓ ✓
22. Energy Conservation			
Residential	New dwellings, including multi-unit development within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). A complying	A BASIX Certificate has been attached demonstrating the developments capabilities of meeting relevant water and energy targets, see **Appendix R.**	✓

	BASIX report is to be submitted with all development applications containing residential activities.		
Non-residential	All Class 5 to 9 non-residential developments are to comply with the Building Code of Australia energy efficiency provisions. Improve the control of mechanical space heating and cooling by designing heating/ cooling systems to target only those spaces which require heating or cooling, not the whole building.	The proposed development has been designed in accordance with the relevant provisions of the BCA, refer to the BCA Report in **Appendix N**. Windows and openings have been sited in a manner that minimises the need for mechanical space heating, cooling, and lighting where practicable.	 ✓
23. Reflectivity			
Controls	Visible light reflectivity from building materials used on the facades of new buildings must not exceed 20%.	The proposed development does not utilise building materials on the facades that exceed 20% reflectivity.	✓
25. Waste Disposal and Re-use Facilities			
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: • Demolition; • Construction; and • On-going waste management.	The application has been accompanied by a WMP, refer to **Appendix P.**	✓
26. Outdoor Advertising and Signage			
26.1 General Control	Signage design, materials, colours, and placement should be visually compatible with the building, nearby signage, and the surrounding locality The scale of signage must be consistent with the scale of the building or the property on which it is located.	The proposed signs have been designed to be visually compatible with the building, nearby signage, and the surrounding locality. The proposed signs are of a scale that reflects the building.	✓ ✓

	Signs must not display offensive content, be reflective, or result in glare.	The proposed signs will not display offensive content or result in unsightly glare.	✓
	Signage is to be constructed and secured in accordance with the relevant Australian Standards.	The proposed signs are capable of being constructed in accordance with the relevant Australian Standards.	✓
	New and replacement signage should be designed and located in a manner that avoids the intensification of visual clutter caused by the cumulative effect of signage within the streetscape.	The proposed signs have been appropriately sited to avoid visual clutter.	✓
	Signage displays must not contain/use: • Flashing lights; • Animated display, moving parts or simulated movement; • Complex displays that hold a driver's attention beyond glance appreciation; • Displays resembling traffic signs or signals, or giving instruction to traffic by using colours and shapes that imitate a prescribed traffic control device or words such as 'halt' or 'stop'; or • A method of illumination that distracts or dazzles.	The proposed signs do not contain any of the listed items.	✓
26.2 Signage Controls by Type	**Flush Wall Signs**		
	Not to project above, horizontally or below the wall to which it is attached;	The proposed signs no not project above, horizontally or below the wall to which they are attached.	✓
	Where it is illuminated, it must be at least 2.6m above the ground level.	The proposed signs are located 2.6m above the ground level.	✓
	Not to extend more than 0.3m from the face of the wall to which it is attached.	The proposed signs will not protrude more than 0.3m from the face of the wall to which it is attached.	✓

	Illuminated Signs		
	The display should be energy efficient.	The displays are capable of being energy efficient.	✓
	For night-time use, illumination must not cast shadows on areas that were previously lit and that have a special lighting requirements, such as pedestrian crossings.	The proposed signs are site in a manner that ensures illumination does not cast shadows on areas that were previously lit or areas that have a special lighting requirement.	✓
	Daytime luminance levels are to comply with the Transport Corridor Outdoor Advertising and Signage Guidelines, as outlined below. Night-time luminance levels are to be one-quarter of the daytime luminance levels.	The signs are capable of complying with the relevant Daytime luminance levels and can be suitable conditioned by Council.	✓
	Projecting Wall Signs		
	Not to project above the top of the wall to which it is attached;	The proposed sign does no not project above the wall to which they are attached.	✓
	Not to project more than 1.2m from the wall to which it is attached; ‘	The proposed sign projects 1.3m from the wall and does not comply with the maximum of 1.2m. The proposed variation is minor and unlikely to have an adverse impact on the streetscape. Specifically, the sign is located Level 5 and 6 and the minor exceedance will not be visually prominent from any vantage points.	**Merit Assessment**
	A minimum clearance of 2.6m from the ground level to the underside of the sign;	The sign is located Level 5 and 6.	✓
	A minimum of 0.6m clearance inside the kerb.	The proposed sign maintains a clearance of 0.6m to the Kerb.	✓

	Business zones		
	The cumulative area of all signs is not to exceed 1sqm of advertising area per 1m length of street frontage.	Advertising is not proposed.	✓
	One projecting wall sign is permitted per building elevation.	One projecting wall sign is proposed under this development application.	✓
	One flush wall sign is permitted per building elevation.	It is noted that two flush wall signs are proposed along the north western elevation. These signs are considered acceptable as they are adequately separated and do not result in visual clutter.	**On merit**
	Signs in excess of a total of 50sqm in area are generally unsupported and are to be considered on their merits.	Signs over $50m^2$ are not proposed.	✓
	Signs must not be present on walls facing adjoining residences.	The proposed signs front business zoned land.	✓
27. Social Impact Assessment			
Controls	A social impact assessment shall be submitted with a development application for all types of development listed in Table 21.	The application has been accompanied by a SIA, refer to **Appendix Z.**	✓
29. Safety and Security			
29.1 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 Though Environmental Design (CPTED) principles.	Refer to **Section 3.8** of the SEE providing an assessment against the CPTED Principles.	✓

29.2 Pedestrian Access ad Mobility	Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage and high-quality architectural detail. The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, or as amended) and the Disability Discrimination Act 1992 (as amended).	The proposed building entries are clearly visible from the street. The proposed development has been designed to conform to all relevant Australian Standards and the Disability Discrimination Act.	✓ ✓
PART 4: DEVELOPMENT IN LIVERPOOL CITY CENTRE			
SECTION 4.2: BUILDING FORM			
4.2.1 Building Form	Develop new buildings in Liverpool city centre using the following building typologies for precincts as identified in Figure 4-2: • 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).	The site sits in Area 8 – Midrise Precinct. The subject site is developed pursuant to clause 7.5A of LLEP 2008 and a tower on podium building style has been proposed and therefore reflects the envisaged typology of the Midrise Precinct.	✓
4.2.2 Building Envelopes	Building envelopes provide buildings with a strong address to the street, ensure compatibility between sites and maintain a suitable relationship to the scale of existing buildings. The lower scale buildings on the Fine Grain and Midrise sites contribute to the character of the existing city centre and make a positive contribution to its vitality, image, and identity. Midrise and Commercial Core sites of over 1,500m2 in area may be developed as described in clause 7.5A of LLEP 2008 in certain circumstances.	The proposed development is contained within a well-considered and approved building envelope that is compatible with the existing and envisaged future Liverpool City Centre, and will contribute positively to its vitality, image, and identity. A sympathetic material and colour palette has been selected to complement the proposed landscape design and to ensure the development reflects its immediate context. A grand double scale colonnade has been integrated into the design to activate the street sidewalk. Furthermore, the building envelope has been designed with rounded external	✓

		corners to furth soften the robust materials of the podium, providing a more friendly and inviting form.	
4.2.4 Controls for the Midrise Precinct	Construct buildings to a maximum of six storeys to the street and four storeys to the lane/service way frontages, with an additional two storeys set back to both frontages in accordance with Figures 4-5 and 4-6.	The site is subject to Clause 7.5 of the LLEP 2008. The proposed development consists of the construction of a 31-storey building with six levels of basement car parking.	✓
	Develop retail uses at the ground floor at street and lane/service way frontages (where possible).	The proposed building consists of ground hotel and public recreation facilities being permissible land uses that continue to provide suitable activation.	**Merit Assessment**
	Develop at least one level above the ground floor for a commercial use, or that is capable of being adapted to a commercial use	The first floor has been dedicated for hotel facilities and a publicly accessible gym. Both spaces are capable of being converted to commercial uses.	✓
	Provide parking in a basement car park. No more than one level of service (at grade) car parking is permitted, and this is to be appropriately screened or sleeved.	The proposed development consists of six levels of basement car parking.	✓
	Provide parking in accordance with the LLEP 2008.	Proposed parking is in accordance with the LLEP 2008	✓
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.	The proposed development consists of the Stage 2 detailed development application for the Concept Approval **DA-1262/2022**.	✓
	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	The proposed ground floor and first floor consists of a publicly accessible gym which is an indoor recreational facility.	✓

	more of the following uses (NB: in order to provide the required public benefit, these uses must be publicly accessible): • recreation areas; • recreation facilities (indoor); • community facilities; • information and education facilities; • through site links; or • public car parks.		
	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: (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	The subject application proposes consists of the Stage 2 detailed development application for the Concept Approval **DA-1262/2022**. The development has been designed in accordance with Concept Approval issued under **DA-1262/2022** which demonstrated consistency with matters described in 7.5A(4) (a-m).	✓

	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.		
	Locate non-residential uses at ground level that address all street frontages (and laneway/service way frontages, where possible).	Proposed non-residential uses at ground levels address both street frontages.	✓
	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/service way frontages. Aboveground parking must achieve minimum floor to ceiling heights that would permit adaption for another use (e.g., commercial/retail or residential)	Proposed development does not consist of above ground car parking. Six levels of basement car parking have been proposed.	✓
	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.	Proposed development continues to be designed with reference to Figure 4.8 with the building envelopes approved under **DA-1262/2022.**	✓
4.2.6 Building Floor Plates	Design the floor plate sizes and depth of buildings for Fine Grain and Midrise sites as indicated in the building envelopes	Proposed floor plate design has been designed in accordance with Midrise sites as approved under **DA-1262/2022.**	✓
	Provide a maximum GFA of 700m2 per level for residential towers with maximum length of elevation of 45m.	A summary of the GFA per floor as amended is provided below:	**Merit Assessment**

<table>
<tr>
<td></td>
<td></td>
<td>
<table>
<tr><th colspan="3">Proposed GFA for Each Floor Plate</th></tr>
<tr><td>Level</td><td>Proposed</td><td>Non-compliance</td></tr>
<tr><td>0 (Ground)</td><td>966 m^2</td><td>38%</td></tr>
<tr><td>1</td><td>504m^2</td><td>Complies</td></tr>
<tr><td>2-7</td><td>1139 m^2</td><td>62.71%</td></tr>
<tr><td>8 (Podium)</td><td>300 m^2</td><td>Complies</td></tr>
<tr><td>9-29</td><td>646m^2</td><td>Complies</td></tr>
<tr><td>30</td><td>650m^2</td><td>Complies</td></tr>
</table>

Ground Floor and Levels 2-7 continue to exceed the control of 700m2. However, the proposed development continues to provide for appropriate setbacks and separation distances, therefore maintaining a high level of amenity for future residents and adjoining developments. The development is designed with a podium and tower-built form structure that is considered to exhibit design excellence and the floorplates as proposed are considered an integral part of this design.
</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Comply with ADG standards for building depth and number of apartments</td>
<td>The proposed development is compliant with the ADG in regard to building depth and number of apartments. Each level has eight apartments.</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Provide a maximum GFA of 1,000m2 per level for commercial towers with maximum length of elevation of 45m. Where sites are greater than 2,000m² a proportionally larger GFA per floor may be considered.</td>
<td>N/A. The proposed development is a mixed-use building.</td>
<td>✓</td>
</tr>
</table>

4.2.7 Street Alignments and Street Setbacks	Buildings are to comply with the front setbacks as set out in Figures 4-12	The proposed front setback is compliant with Council's controls with regards to the front setback to Macquarie and Terminus Streets and aligns with the concept approval for the building envelopes. A minor non-compliance is proposed to the 4.5m landscape setback to Carey Street which was considered acceptable under **DA-1262/2022.** Therefore, the proposal is considered to contain setbacks that are suitable for the site circumstances and are characteristic of development in the Liverpool City Centre.	**Merit Assessment**
	Upper-level frontages to a lane/service way must be setback 6 metres from the centre line of the lane/service way	The site does not front a lane or service way	✓
	Construct perimeter block buildings and podiums, which comply with the building envelope requirement, to the street and side boundaries (0m setback).	Proposed podium has been designed to comply with the building envelope requirement, to the street and side boundaries.	✓
	Buildings with a boundary to the Hume Highway have a minimum setback of 8m.	N/A. Subject site does not have boundary to the Hume Highway.	✓
	Buildings on the southern side of streets identified in Figure 4-10 have minimum front setbacks as follows, in order to maximise solar access: a. Elizabeth Street between Bathurst Street and Bigge Street - 6m. b. Railway Street, Scott Street and Memorial Avenue - 3m. c. Parts of George, Bathurst, Terminus and Bigge Streets – 2.5m.	Alterations are not proposed to the building envelop and associated setback to Terminus Street.	✓

	Pave the land in the set-back zone to match the paving in the public street so that it provides a seamless and level ground plane	Land in the setback zone will be paved to patch the public street to a achieve a seamless and level ground plane.	✓
	Ensure that no columns, blade walls or other building elements encroach the ground level of the front setback	No columns, blade walls or other building elements encroach the ground level of the front setback	✓
	Ensure that balconies project a maximum of 1.2 metres into front building setbacks in the R4 - High Density Residential Zone.	N/A. The site is zoned MU1.	✓
	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.	No minor projections into front building lines and setbacks above ground level proposed.	✓
	Allow enclosures or screening of balconies only if they are moveable and aid the amenity of the apartments.	Balconies are not equipped with screens or enclosures.	✓
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	Refer to the ADG Compliance table in **Appendix A** for residential components.	✓
	Construct buildings across the site facing the street and the rear boundaries rather than facing side boundaries.	The proposed building faces Macquarie Street.	✓
4.2.9 Minimum Floor to Ceiling Heights	The minimum floor to ceiling heights is: 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.	A floor to ceiling of 3.343m has been provided for the ground floor, which does not comply with the minimum of 3.6m. The proposed distance was considered acceptable under **DA-1262/2022** and is considered sufficient in accommodating the proposed uses and associated services on the ground floor.	**Merit Assessment**

	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.	A floor to ceiling of 3.343m has been provided for the first floor which complies with the minimum of 3.3m. In addition, a minimum 2.7m floor to ceiling height has been provided for the residential levels. The car parks have sufficient height to ensure access is adaptable and not compromised.	
4.2.10 Housing Choice and Mix	In addition to the provisions for dwelling mix in the ADG, residential apartment buildings and shop-top housing must comply with the following apartment mix and size: • 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 dwelling – whichever is greater) to be capable of adaptation for disabled or elderly residents.	Apartment Mix: • 1 Bed – 84 (50%) • 2 Bed – 63 (37.5%) • 3 Bed – 21 (12.5%) Adaptable units – 17 (10.11%) adaptable and SDA HPS Dwellings Therefore, the proposed development is compliant with the apartment mix outlined in this control.	✓
	Adaptable dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995).	Adaptable units have been designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995).	✓
	Provide certification from an Accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	Adaptable units have been designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995).	✓

	Ensure car parking and garages allocated to adaptable dwellings comply with the requirements of the relevant Australian Standard for disabled parking spaces.	Proposed accessible car parking spaces have been designed to comply with the requirements of the relevant Australian Standard for disabled parking spaces.	✓
4.2.11 Deep Soil Zones and Site Cover	The maximum permitted site coverage for development is specified in Table 4-2. Midrise Zone: • Commercial and Mixed Use: up to 100% • Residential: N/A	100% is permitted in the midrise precinct.	✓
	Include a deep soil zone as per Section 3E of the ADG in all developments with a residential component in all areas other than the Fine Grain Precinct and Midrise Precinct, or where perimeter block buildings are developed	N/A. The subject site is located within the Midrise Precinct.	✓
4.2.13 Landscape Design	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 Landscape Plan has been prepared and is provided as **Appendix I.**	✓
4.2.14 Planting on Structures	Comply with the Section 4P, planting on structures in the ADG in all developments with a residential component and/or communal open space.	The proposed development is compliant with Section 4P with regard to planting on structures in the ADG in all developments with a residential component and communal open space. The proposal provides for a number of communal open space areas in the form of communal open space at the podium level and in the form of neighbourhood terraces. These spaces contain high quality landscaping and planting that contributes to the enhancement of residential amenity within the development.	✓
SECTION 4.3: PEDESTRIAN AMENITY			

4.3.1 Pedestrian Permeability	Locate through-site links as shown in Figure 4-12.	The site is not identified as requiring through-site links to be incorporated into the development, however, works to enhance the public domain are proposed.	✓
	Vehicular access shall be provided from secondary streets or laneways only. Vehicular access will not be allowed from the primary street.	Vehicular access is proposed along Carey Street which is the secondary street frontage.	✓
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 proposal provides for ground floor level space that promotes pedestrian activity in the public domain. As mentioned above, works to enhance the public domain.	✓
	Locate active street frontages in the Mixed Use, Commercial Core, Enterprise Corridor and Neighbourhood zones (as identified in Figure 4-2), on ground level. This does not preclude servicing activities particularly in the service ways.	Active street frontage is proposed along Macquarie Street and extensive landscaping is provided to promote pedestrian activity.	✓
	Locate active street frontages at first floor level in addition to ground for sites addressing major roads as depicted in Figure 4-16.	The first floor consists of hotel amenities and publicly accessible gym.	✓
	Locate street fronts at the same level as the footpath and with direct access from the street.	Street fronts are located at the same level as the footpath and with direct access from the street.	✓
	Use only open grill or transparent security (at least 50% visually transparent) shutters to retail frontages.	Open grill and transparent security not proposed.	✓

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.	A clear street address and direct pedestrian access off the primary street frontage (Macquarie Street) has been proposed. The front façade, at the human scale, is well articulated with architectural features and appropriately landscaped.	✓
	Provide multiple entrances to large developments on all street frontages.	Multiple entrances have been integrated into the design.	✓
	Provide direct 'front door' and/or garden access to the street in ground floor residential units.	N/A. No ground floor units proposed.	✓
4.3.5 Street and Building Interface	Design the area between the building and the public footpath so that it: • provides visibility to and from the street (if non-residential use); • provides privacy if residential uses are on the ground floor; • introduces paving and/or landscaping between the street and the building; and/or • screens any above ground car parking	The area between the building and the public footpath provides adequate visibility to and from the street, integrated paving and landscaping between the public domain and building. Note, no above ground car parking or ground floor residential units have been proposed.	✓
4.3.7 Awnings	Provide street frontage awnings for all new developments on streets identified in Figure 4-13	The proposal provides adequate shelter at the pedestrian footpath on Terminus and Macquarie Streets.	✓
	Awnings must be: a) horizontal in form; b) minimum 2.4m deep (dependent on footpath width); c) minimum soffit height of 3.2m and maximum of 4m; d) stepped to accommodate sloping streets;	Awnings remain within the approved envelope and continue to be an integrated within the buildings design, refer to the Architectural Plans in **Appendix E**. The awnings continue to be horizontal in form, minimum 2.4m deep, and of an appropriate soffit height.	✓

	e) integral with the building design; f) slim vertical faciae or eaves (generally not to exceed 300mm height); and g) setback 1.2m from kerb to allow for clearance of street furniture, trees, and other public amenity elements.		
	Match awning design to building facades, so that they maintain continuity and are complementary to those of adjoining buildings	Proposed awing design complements the proposed building and adjoining development.	✓
	Include appropriate sun shading device for the outer edge of awnings along east-west streets if required. These blinds must not carry advertising or signage	Appropriate shading is provided.	✓
	Provide lighting recessed into the soffit of the awning to facilitate night use and to improve public safety.	The development has been designed to incorporate CPTED principles and based on anticipated access points, corner treatments, public and private domains, the development is considered consistent with the safer by design requirements.	✓
	Maintain a minimum clearance of 2.8m from the level of the pavement to the underside of awning signage.	No awning signage proposed.	✓
	Provide all residential buildings in areas not identified for continuous awnings in Figure 4- 13 with awnings or other weather protection at their main entrance area.	Continuous awning proposed as required in Figure 4-13.	✓
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	The proposed development has high architectural merit in that is integrates architectural elements that articulate the building envelope to create a visually appealing façade that responds to the streetscape and is appropriate in scale.	✓

	d) the response to the corners at street intersections.		
	Provide balconies and terraces appropriately orientated where buildings face public spaces	Proposed balconies and terraces are appropriately located.	✓
	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 proposed development has been well articulated with architectural elements to provide facades that address the street positively and provide visual interest to the streetscape.	✓
	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 are discouraged	High quality material and finishes have been selected to ensure the building will "age gracefully" and to minimise easy degradation. Large expanses of rented concrete finish have been avoided.	✓
	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.	Lighter material colours have been selected, as detailed in the Schedule of Colours and Materials, to reduce the urban heat island effect.	✓
	Maximise glazing in the facades for retail uses	Glazing has been maximised for ground floor components.	✓
	For residential components of buildings, do not use highly reflective finishes and curtain wall glazing above ground floor level.	Highly reflective finishes and curtain wall glazing above ground floor level not proposed.	✓
	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:	No projections into the public space proposed.	✓

	• expressed cornice lines that assist in enhancing the definition of the street; or • projections such as entry canopies that add visual interest and amenity.		
	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	Communication towers not proposed.	✓
	Incorporate roof top structures, such as air conditioning and lift motor rooms, into the architectural design of the building.	Roof top structures have been well integrated into the design of the building and demonstrated in the Architectural Plans provided.	✓
	Screen air conditioning units on balconies.	Air conditioning units are appropriately screened.	✓
	No clothes drying facilities to be allowed on balconies.	No clothes drying facilities on balconies.	✓
4.3.9 Street Intersections and Corner Buildings	Address all street frontages in the design of corner buildings.	The site is not identified as requiring corner treatments in Council's DCP.	✓
SECTION 4.4: TRAFFIC AND ACCESS			
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.	Access has been provided on Carey Street, which is a secondary street.	✓
	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.	Design of the proposed vehicle entry point is of high quality and relate to the architecture of the building and will be constructed of high-quality materials and finishes.	✓

	All weather access: a) Locate and design porte cochere (for hotels only) to address urban design, streetscape, heritage, and pedestrian amenity considerations. 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. 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.	A porte cochere is located in the Basement 1 Level and has been designed to address urban design, streetscape, heritage, and pedestrian amenity considerations. Only one ingress and egress point has been proposed.	✓
4.4.2 On Site Parking	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 where it is fully integrated into the building design; and a) b) On sites requiring the lodgement of a concept DA, a maximum of one level of surface (at grade) and one additional level of above ground parking may be provided where it is fully integrated into the building design.	Proposed car parking has been provided in the six levels of basement car park.	✓
	Service and visitor parking is to be provided for all development within the city centre. For sites zoned B3 — Commercial Core or B4 — Mixed Use, service and visitor parking is to be provided as part of the parking required according to clause 7.3 of LLEP 2008, Car parking in Liverpool city centre. For all other sites, service and visitor parking requirements are additional to that specified in controls 2 and 3 above.	Noted. Sufficient services and visitor car parking has been provided for non-residential components of the development in accordance with clause 7.3 of LLEP 2008.	✓

	Service and visitor parking is to be provided in accordance with the following formula: Residential (including residential components of mixed-use or other developments) • 1 space per 10 apartments or part thereof, for visitors; and	It is noted that the proposed development utilises visitor parking rates provided in the Liverpool DCP (1 space per 10 apartments or part thereof, for visitors) being the less then the ADG. The proposed development warrants 16.8 (17) visitor parking spaces and 17 have been provided.	✓
	• 1 space per 40 apartments for service vehicles (including removalist vans and car washing bays) up to a maximum of 4 spaces per building	The proposed development also includes 3 spaces in the form of 1 loading bay and 2 car wash bays. The proposed 3 does not comply with the minimum of 4 spaces. However, it is noted that the use of the loading bay can be appropriately managed by time restrictions and building management to ensure the space is available where required by residents.	**On merit**
	Sufficient service and delivery vehicle parking adequate to provide for the needs of the development	Sufficient service and delivery vehicle parking adequate to provide for the needs of the development has been provided.	✓
	Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces.	205 car parking spaces have been provided. A total of 10.25 (11) motorcycle parking spaces are required and 11 have been provided have been provided.	✓

	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.	11 (5.33%) accessible car parking spaces has been provided.	✓
SECTION 4.5: ENVIRONMENTAL MANAGEMENT			
4.5.1 Wind Mitigation	Submit a Wind Effects Report with the DA for all buildings greater than 35m in height	The application is accompanied by Wind Report, refer to **Appendix CC.**	✓
4.5.2 Noise	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	The site is identified as Lots Potentially affected by Noise Source 1 (Major Roads). An Acoustic Report has been prepared and is provided as **Appendix Q.**	✓
	Provide an 8m setback from the primary street frontage to any residential component of development located along Terminus Street and the Hume Highway	The provided Acoustic Report confirms that the development is capable of achieving compliance with the internal design noise levels through suitable construction treatments. A setback of 8m is therefore not necessary, given the development can sufficiently minimise potential noise impacts.	✓
	All residential apartments and / or serviced apartments within a mixed-use development should be designed and constructed with double-glazed windows and / or laminated windows, solid walls, sealing of air gaps around doors and windows as well as appropriate insulating building elements for doors, walls, roofs and ceilings etc; to provide satisfactory acoustic privacy and amenity levels for occupants within the residential and / or serviced apartment(s).	The proposed development has been designed with appropriate glazing, solid walls, sealing of air gaps around doors and windows as well as appropriate insulating building elements for doors, walls, roofs, and ceilings to provide satisfactory acoustic privacy and amenity levels for occupants within the residential and hotel components.	✓

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