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ENVIRONMENTAL ASSESSMENT

Statutory Framework

Environmental Planning and Assessment Act 1979

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

a) State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 2 of Schedule 6 of the Planning Systems SEPP as the proposal is development with an estimated development cost of more than \$30 million. Accordingly, the Sydney Western City Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

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

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

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

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

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

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

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

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

Clause 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	

(a) it has considered whether the land is contaminated, and	A Preliminary Site Investigation Report was submitted and noted the site was contaminated. A Stage 2 Detailed Site Investigation was requested on two (2) occasions which has not been submitted by the application.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	Insufficient Information has been presented to ascertain the extent of contamination.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does require remediation.

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

I. Chapter 2 – Vegetation in non-rural areas

The proposal intends to remove existing trees, plants and shrubs located at 2 Charles Street. An Arboricultural Impact Assessment and Tree Management Plan has been submitted to outline the removal of 39 trees on the site due to the proposed works.

The report has not adequately considered the heritage nature of the landscaping present at 2 Charles Street, in which the Heritage Impact Assessment is devoid of environmental planning grounds to justify the removal of the landscaping. The removal of the vegetation is purely for the proposed developments construction of a basement carpark and vehicular access to the site.

The Design Excellence Panel (DEP) raised concerns pertaining inconsistency between the Architectural and Landscaping plans, to ascertain the number and area for the removal of vegetation, as well as the recommendation for vegetation to be retained as much as possible on the site.

The applicant has not provided a response to the DEP comments.

II. Chapter 6 – Water Catchments

The subject land is located within the Georges River Catchment and as such Chapter 6 applies within the Biodiversity SEPP. The Biodiversity SEPP aims to protect the environment of the Georges River system by ensuring the impacts of future land uses and development in general are considered in a regional context.

The relevant parts of the SEPP are:

Chapter 6	
Part 6.1 Preliminary	
Provisions	Comment
6.1 Land to which this chapter applies	
This Chapter applies to land in the following catchments— (d) the Hawkesbury-Nepean Catchment	The subject site is identified as being within the Georges River Catchment.

Part 6.2 Development in regulated catchments

6.6 Water quality and quantity

(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—

- (a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,
- (b) whether the development will have an adverse impact on water flow in a natural waterbody,
- (c) whether the development will increase the amount of stormwater run-off from a site,
- (d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,
- (e) the impact of the development on the level and quality of the water table,
- (f) the cumulative environmental impact of the development on the regulated catchment,
- (g) whether the development makes adequate provision to protect the quality and quantity of ground water.

Insufficient Information has been provided to ascertain how water flow and run-off will be appropriately managed and that impact on water quality and quantity will be appropriately minimised.

6.7 Aquatic ecology

(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—

- (a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,
- (b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require—
 - a controlled activity approval under the *Water Management Act 2000*, or
 - (ii) a permit under the *Fisheries Management Act 1994*,
- (c) whether the development will minimise or avoid—
 - (i) the erosion of land abutting a natural waterbody, or
 - (ii) the sedimentation of a natural waterbody,
- (d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,
- (e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,
- (f) if the development site adjoins a natural waterbody—whether additional measures are

Subject to conditions of consent the impact on terrestrial, aquatic or migratory animals or vegetation will be minimised.

N/A

Erosion and Sediment Controls have not been considered and are not suitably addressed by the applicant.

Development is not identified as being in proximity to wetlands or littoral rainforest area.

Impacts to the Georges River Catchment have not been considered suitable given the locality of the development.

required to ensure a neutral or beneficial effect on the water quality of the waterbody.	The development has not demonstrated the impact on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and the impacts on water quality will be minimised.
6.8 Flooding (1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems. (2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not— (a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or (b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.	The subject property is not flood affected.
6.9 Recreation and public access	The development is not considered to impact public access to recreational land. Noted the site is not adjacent to a recreation land or foreshores.
6.10 Total catchment management	The development is not anticipated to impact on total catchment management.

The submitted information has been assessed and has not demonstrated the proposed development would achieve the stormwater and water quality design requirements of Liverpool City Council. The development has been reviewed by Council's Land Development Engineering and Flooding section, in which Council Flooding Engineering's were not supportive of the application due to insufficient information.

It is considered the proposal cannot satisfy the provisions of the Biodiversity SEPP and the consent authority cannot be satisfied the proposed development demonstrates potential impacts on the water quality and quantity and aquatic ecology is reasonable as expressed within the provisions.

State Environmental Planning Policy (Transport and Infrastructure) 2021

(i) Clause 2.119 – Development with frontage to classified road

The subject application fronts Terminus Street, which is a classified road, and as such the provisions of Clause 2.119 of the SEPP apply to the development. Clause 2.119(2) provides the following:

Clause	Comment
(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—	
(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and	Complies Vehicular access to the land is provided from Nagle Street,
(b) the safety, efficiency and ongoing operation of the classified road will not be	Complies

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 proposed development would not impact on the safety, efficiency and ongoing operation of the classified road.
(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.	See discussion of Clause 2.120 below.

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

The subject application includes development for the purposes of residential accommodation and centre based childcare facility adjacent to the road corridor for a road with an annual average daily traffic volume of more than 20,000 vehicles and is likely to be adversely affected by road noise or vibration, and as such the provisions of Clause 2.120 apply to the subject development.

Clause 2.120(3) provides requirements for the maximum noise level in a bedroom or other space within residential accommodation. An acoustic report has been provided which addresses noise impacts from the classified road on the development, and conditions of consent can be imposed requiring construction to adhere to the requirements of the report

The application was referred to TfNSW in which on the 8th of May 2025 provided a response and is address further within this report.

(iii) Clause 2.122 – Traffic-generating development

The application involves a total of 180 residential apartments and childcare facility with access provided within 90m of a classified road. As such, Clause 2.122 of the SEPP applies to the application. The applicable provisions under this clause are Subsection 4(b) (i)-(iii), which are discussed below.

(4) Before determining a development application for development to which this section applies, the consent authority must—

(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, TfNSW advises that it will not be making a submission), and*

The application has been referred to Transport for NSW (TfNSW) and they have advised they are supportive subject to imposition of conditions.

(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*

The site is fairly accessible, being located in the Liverpool CBD with multiple bus stops within reasonable walking distance. The proposed use would principally generate individual car trips, with some small- to medium-sized trucks providing occasional services.

- (iii) *any potential traffic safety, road congestion or parking implications of the development.*

The proposed development was referred to Councils Traffic Engineers who did not support the proposed development and requested further information which has not been responded to by the applicant. It has been identified the site has a shortfall of parking, in particular to the proposed Hotel Use in which a shortfall of 82 spaces and 1 space per two employees is identified.

- (iv) Chapter 3 Educational Establishments and Childcare Facilities

Chapter 3 of the SEPP aims to facilitate the effective delivery of educational establishments and early education and care facilities. The proposed development includes a centre based childcare centre and is subject to the provisions of the SEPP.

A compliance table of the relevant clauses of Chapter 3 specific to the development is provided below:

State Environmental Planning Policy (Transport and Infrastructure) 2021			
Chapter 3 – Educational Establishments and child care facilities			
Part 3.3 – Early education and care facilities – specific development controls			
Clause	Requirements	Proposed	Comment
3.22 - Centre-based child care facility—concurrence of Regulatory Authority required for certain development	This clause applies to development for the purpose of a centre-based child care facility if: (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations , or (b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations	Regulation 107 and 108 of Educational and Care Services National Regulation specifies the following: • Indoor - 3.25m ² per child • Outdoor - 7.0m ² per child Required Indoor - (110 x 3.25) = 357.5sqm Outdoor - (110x 7sqm) = 770sqm The proposal development has not demonstrated it could comply with the above requirements.	Insufficient Information The applicant was required to demonstrate the childcare centre would comply with the requirements; this has not been demonstrated.
3.23 - Centre-based child care facility—matters for consideration by consent authorities	Before determining a development application for a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development	The development is for a concept application, in which the applicant was required to demonstrate the childcare facility could comply with the Childcare Guidelines. This has not been provided to Council to ascertain compliance.	Insufficient Information
3.24 - Centre-based child care facility in Zone	To minimise land use conflicts with existing industrial development	The site is in a Mixed Use zone and is not located in	Not Applicable

IN1 or IN2—additional matters for consideration by consent authorities		proximity to industrial development.	
3.25 - Centre-based child care facility—floor space ratio	FSR in zone R2 – Low Density Residential is not to exceed 0.5:1 unless specified elsewhere.	The site is not located within an R2 Zone.	Not Applicable
3.26 - Centre-based child-care facility—non-discretionary development standards	<p>To identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters. –</p> <p>a) the development may be located at any distance from an existing or proposed early education and care facility</p> <p>b) indoor and outdoor space complies with regulation 107 and 108 of the Education and Care Services National Regulations</p> <p>c) the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>d) the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p>	<p>Noted.</p> <ul style="list-style-type: none"> Indoor - 3.25m² per child Outdoor - 7.0m² per child <p>The proposed development has not demonstrated it meets the minimum requirements under the Regulations.</p> <p>Noted</p> <p>The site is listed as containing a heritage item.</p>	Insufficient Information
3.27 - Centre-based child care facility—development control plans	<p>1) A provision of a development control plan that specifies a requirement, standard or control does not apply in relation to</p> <p>a) Operational or management plans or arrangements (including hours of operation)</p> <p>b) Demonstrated need or demand for child care services</p>	<p>The assessment was not accompanied by documentation in relation to operational or management plans.</p> <p>The site is located approximately 150m away</p>	Insufficient Information

	<p>c) Proximity of facility to other early education and care facilities</p> <p>Any matter in relation to development for the purpose of a centre-based child care facility contained in design principles set out in Part 2 of the <i>Child Care planning Guideline</i> or matter for consideration set out in Part 3 of the requirements set out in Part 4 of Guideline other than height, side and rear setback or car parking rates.</p>	<p>from Bakarar Family Daycare located on Bathurst Street.</p> <p>Noted</p>	
Chapter 4 Operational Requirements			
Division 1 Center-based services and family day care services			
Clause	Proposed	Comment	
<p>Clause 103 Premise, furniture and equipment to be safe clean and in good repair</p> <p>The approved provider of an education and care service must ensure that the education and care service premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair.</p>	Noted	Noted.	
<p>104 Fencing</p> <p>Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p>	Detailed designs have not been provided for the fit out of the childcare facility due to the concept application proposal.	Insufficient Information	
<p>106 Laundry and hygiene facilities</p> <p>The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering. Laundry/hygienic facilities are located where they do not pose a risk to children.</p>	Detailed designs have not been provided for the fit out of the childcare facility due to the concept application proposal.	Insufficient Information	
<p>107 Unencumbered indoor space</p> <p>The proposed development includes at least 3.25 square metres of unencumbered indoor space for each child.</p> <p><i>Refer to regulation 107 of the Education and Care Services National Regulation for further information on calculating indoor space.</i></p>	<p>A total of 110 children will be cared for on the site. The proposed unencumbered indoor space has not been demonstrated to meet the minimum required under the Regulations.</p> <p>Indoor Required – 357.5</p>	Insufficient Information	

108 Unencumbered outdoor space The proposed development includes at least 7.0 square metres of unencumbered outdoor space for each child. <i>Refer to regulation 108 of the Education and Care Services National Regulation for further information on calculating outdoor space, and for different requirements for out-of-school-hours care services.</i>	A total of 110 children will be cared for on the site. The proposed unencumbered indoor space has not been demonstrated to meet the minimum required under the Regulations. Outdoor Required 770	Insufficient Information
109 Toilet and hygiene facilities The proposed development includes adequate, developmentally and age-appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service. The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.	Detailed designs have not been provided for the fit out of the childcare facility due to the concept application proposal.	Insufficient Information
110 Ventilation and natural light The proposed development includes indoor spaces to be used by children that — <ul style="list-style-type: none"> • will be well ventilated; and • will have adequate natural light; and • can be maintained at a temperature that ensures the safety and well-being of children. 	The applicant has not demonstrated the proposal complies with the requirements. It is noted the proposed development is concept and a future detailed development application may be submitted.	Insufficient Information
Division 2 Additional requirements for centre-based services		
111 Administrative space The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations.	The applicant has not demonstrated the proposal complies with the requirements. It is noted the proposed development is concept and a future detailed development application may be submitted.	Insufficient Information
112 Nappy change facilities (To be completed only if the proposed development is for a service that will care for children who wear nappies)	The applicant has not demonstrated the proposal complies with the requirements. It is noted the proposed development is concept and a future detailed development application may be submitted.	Insufficient Information
113 Outdoor space – natural environment The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.	The applicant has not demonstrated the proposal complies with the requirements. It is noted the proposed development is concept and a future detailed development application may be submitted.	Insufficient Information
114 Outdoor space – shade The proposed development includes adequate shaded areas to protect children from	The applicant has not demonstrated the proposal complies with the requirements. It is noted the proposed development is concept and a future detailed development application may be submitted.	Insufficient Information

overexposure to ultraviolet radiation from the sun.		
115 Premises designed to facilitate supervision The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.	The applicant has not demonstrated the proposal complies with the requirements. It is noted the proposed development is concept and a future detailed development application may be submitted.	Insufficient Information
Division 2 Minimum number of educators and family day care coordinators required		
123 Educator to child ratios—centre-based services The minimum number of educators required to educate and care for children at a centre-based service as follows; 1) Children age between 0 to 24 months- 1 educator to 4 children;	The applicant has not demonstrated the breakdown of the proposed childcare in terms of ratios.	Insufficient Information
2) Children age between 24 months to 36 months - 1 educator to 5 children;	The applicant has not demonstrated the breakdown of the proposed childcare in terms of ratios.	Insufficient Information
3) Children age between 36 months and over - 1 educator to 10 children; and	The applicant has not demonstrated the breakdown of the proposed childcare in terms of ratios.	Insufficient Information
4) Children over preschool age- 1 educator to 15 children.	No children over preschool age proposed.	Not Applicable

The applicant was requested to provide further information in relation to internal and external unencumbered space requirements identified under the SEPP and the Education and Care Services National Regulations.

State Environmental Planning Policy (Housing) 2021 –

i. Chapter 4 – Design of Residential Apartment Development

The provisions of Chapter 4, of the SEPP (Housing) applies to the proposed development, as it has a height greater than 3 storeys and contains more than 4 residential apartments.

Chapter 4 of the SEPP (Housing) requires:

- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9, and endorsed by a qualified designer.
- (b) In determining a development application for consent to carry out residential apartment development, the consent authority is to take into consideration the Apartment Design Guide (ADG).

An assessment of the proposal against the requirements of Chapter 4 and the ADG was undertaken by the Liverpool Design Excellence Panel who is not satisfied the proposal meets the requirements of SEPP and the ADG (refer to the DEP Minutes of 27 February 2025 for details). The following table outlines compliance with the ADG:

Provisions	Comment
PART 3 SITING THE DEVELOPMENT	
3A Site Analysis	
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context DCP	Insufficient Information The proposed development is not considered appropriate for its context. The building is considered to not be consistent in scale with surrounding developments in the CBD. The proposal does not provide appropriate building setbacks in line with the LEP, notwithstanding that ADG separations have not been met in full.
3B Orientation	
3B-1. Building types and layouts respond to the streetscape and site while optimising solar access within the development	Insufficient Information The design of the proposed development should be based on existing site conditions and constraints. The proposal does not provide for adequate presentation to the street, given multiple secluded entrances are proposed for the mixed-use nature of the site.
3B-2. Overshadowing of neighbouring properties is minimised during mid-winter	<p>The building envelope has not adequately demonstrated the proposal would not optimise solar access to the site and minimise overshadowing to neighbouring properties to comply with ADG and requirements under the LLEP.</p> <p>The layout has not appropriately considered the site isolation to the immediate adjacent property at Terminus Street, in which the orientation of the built form should amalgamate this site.</p>
3C Public Domain Interface	
3C-1 Transition between private and public domain is achieved without compromising safety and security	Insufficient Information Whilst it is noted the proposal is for a Concept Application, the DEP has raised fundamental concerns pertaining to the transition between the public domain and the entrances into the building for the multiple uses proposed on site.
3C-2 Amenity of the public domain is retained and enhanced	
3D Communal and public open space	
3D-1. An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	Insufficient Information The applicant has not provided an assessment or indication of the requirement to meet CoS.
1. Communal open space has a minimum area equal to 25% of the site	
2. 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)	
3D-2. Communal open space is	

designed to allow for a range of activities, respond to site conditions and be attractive and inviting													
3D-3. Communal open space is designed to maximise safety													
3D-4. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood													
3E Deep soil zones													
Site Area – 2,292m ² Min. Dimensions 3m Deep soil zone (% of site area) - 7%	Insufficient Information Insufficient information has been provided to ascertain the extent of the deep soil area, noting there are two separate lots, and the proposed location of the deep soil is located on a separate lot to which the Residential Flat Building is proposed. The site has not been consolidated, nor has the development considered Deep Soil within the lot the RFB is proposed.												
3F Visual Privacy													
Requirement: <table><tr><th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non Habitable Rooms</th></tr><tr><td>Up to 12m (4 Storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 Storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Up to 12m (4 Storeys)	6m	3m	Up to 25m (5-8 Storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	North East Boundary (Terminus Street) <ul style="list-style-type: none">• Ground Floor to level 7 (Non-Residential) – 0m• Levels 8 = 0m (Podium) and 19.9m• Levels 9-29 = 18.68m• Level 30 = 21m CoS contains nil setback but is consistent with concept approval. It is justified as follows: <ul style="list-style-type: none">• Level's 7 & 8 of the adjoining development 108-188 Macquarie Street, provide 6.1m to the side boundary that results in compliance with the minimum separation required for that site. The proposal is responding to this setback and provides an active street frontage.• The separation with the subject site does not result in additional adverse amenity impacts to 180-188 Macquarie Street.• The proposal is consistent with the approved concept application. South-East Boundary <ul style="list-style-type: none">• Ground Floor to Level 7 (non-residential) – 7m• Level 8 = 13.79m• Levels 9-29 = 12.35• Level 30 = 12.9m A 7m setback is proposed on the ground floor to level 7, which is non-residential. All levels above 7 are compliant with greater than 12m.
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms											
Up to 12m (4 Storeys)	6m	3m											
Up to 25m (5-8 Storeys)	9m	4.5m											
Over 25m (9+ storeys)	12m	6m											
3G Pedestrian access and entries													
3G-1. Building entries and pedestrian access connects to and addresses the	Unsupported The proposal provides multiple entrances within the												

public domain	ground floor, however, are hidden and are not readily accessible from Terminus Street or Charles Street. The DEP raised concerns pertaining to this which have not been addressed by the applicant.
3G-2. Access, entries and pathways are accessible and easy to identify	
3G-3. Large sites provide pedestrian links for access to streets and connection to destinations	
3H Vehicle Access	
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Complies Vehicle access is also via the rear lane being Nagle street. The design is considered satisfactory by Council's Traffic Engineer.
3J Bicycle and Car Parking	
3J-1. Minimum car parking requirement for residents and visitors to comply with Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant Council, whichever is less.	Does not Comply It is identified the site has a significant shortfall with the RMS Guide to Traffic Generating Development, in which is not support by Councils traffic department. The rates have been calculated in which the following is required pursuant to Clause 7.3 of the LEP and ADG: An assessment of the proposal against the applied controls has identified the following parking requirements are required: <ul style="list-style-type: none">- Hotel – 4654sqm – 31 Spaces- Childcare – 633sqm – 110 Children with 18 employees required = 29 Spaces Required- Commercial/Retail tenancy Ground Floor – 265sqm – One (1) space Totalling 61 spaces required. <ul style="list-style-type: none">- Residential Flat Building –<ul style="list-style-type: none">o 25 x studios -o 49 x 1-bedroom units -o 105 x 2-bedroom units. -o 11 x 3-bedroom units- The ADG refers to the Traffic Generating development which requires the following rates: 0.4 space for Studio and 1-bedroom apartments = 29.6 = 30 Spaces 0.7 space for 2 bedroom units = 7.35 = 74 spaces 1.2 space for 3 bedroom units – 13.2 = 14 spaces 1 space per 7 dwellings for Visitor = 27.1 = 28 spaces Totally a requirement of 146 spaces for the Residential Flat Building. The total paring requirement for the site 207 spaces. The site has a shortfall of 73 spaces which is not
3J-2. Parking and facilities are provided for other modes of transport	
3J-3. Car park design and access is safe and secure	
3J-4. Visual and environmental impacts of underground car parking are minimised	
3J-5. Visual and environmental impacts of on-grade car parking are minimised	
3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised	

	supported.
PART 4 DESIGNING THE BUILDING	
4A Solar and Daylight Access	
<p>1. 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.</p> <p>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>Insufficient Information</p> <p>The applicant has not provided an assessment or indication of the requirement to meet solar and daylight access for the site.</p> <p>Whilst it is noted the proposal is for Concept approval, a detailed assessment against the provisions should be provided and demonstrated within the architectural plans set to ensure at Detailed Design stage, minimum requirements are achieved to comply.</p>
4A-2 Daylight access is maximised where sunlight is limited	
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	
4B Natural Ventilation	
4B-1 All habitable rooms are naturally ventilated to create healthy indoor living environments.	<p>Insufficient Information</p> <p>The applicant has not provided an assessment or indication of the requirement to meet natural ventilation requirements.</p> <p>Whilst it is noted the proposal is for Concept approval, a detailed assessment against the provisions should be provided and demonstrated within the architectural plans set to ensure at Detailed Design stage, minimum requirements are achieved to comply.</p>
4B-2 The layout and design of single aspect apartments maximises natural ventilation	
4B-3 The number of apartments with natural cross ventilation is maximised	
<p>1. 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.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	
4C Ceiling Heights	
4C-1 Ceiling height achieves sufficient natural ventilation and daylight access. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	<p>Insufficient Information</p> <p>The applicant has not provided an assessment or indication of the requirement to meet ceiling heights deemed appropriate.</p> <p>Whilst it is noted the proposal is for Concept approval, a detailed assessment against the provisions should be provided and demonstrated within the architectural plans set to ensure at Detailed Design stage, minimum</p>
Minimum ceiling height for apartment and mixed use buildings	

<div>Habitable Rooms2.7m</div> <div>Non-Habitable2.4m</div> <div>If located in mixed use areas3.3m for ground and first floor</div>	requirements are achieved to comply.
4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.	
4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building.	
4D Apartment Size and Layout	
<div>4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</div> <div>1. Apartments are required to have the following minimum internal areas:<ul style="list-style-type: none">Studio 35m²1 bedroom 50m²2 bedroom 70m²3 bedroom 90m²</div> <div>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</div> <div>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. Daylight and air may not be borrowed from other rooms.</div>	<div>Insufficient Information</div> <div>The applicant has not provided an assessment or indication of the requirement to meet the minimum floor areas for the proposed mix of apartments and layout.</div> <div>Whilst it is noted the proposal is for Concept approval, a detailed assessment against the provisions should be provided and demonstrated within the architectural plans set to ensure at Detailed Design stage, minimum requirements are achieved to comply.</div>
<div>4D-2 Environmental performance of the apartment is maximised.</div> <div>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height. Based on ceiling heights of 2.7m, habitable room depths are required to be limited to 6.75m.</div> <div>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</div>	
4D-3 Apartment layouts are designed	

to accommodate a variety of household activities and needs

1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)
2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)
3. Living rooms or combined living/dining rooms have a minimum width of:
 - 3.6m for studio and 1 bedroom apartments
 - 4m for 2 and 3 bedroom apartments
4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts

4E Private Open Space and Balconies

4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity

1. All apartments are required to have primary balconies as follows:

Dwelling type Minimum Area
Minimum Depth

Studio	4m ²
1 bedroom	8m ²
2m	
2 bedroom	10m ²
2m	
3+ bedroom	12m ²
2.4m	

2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.

4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents

4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building

4E-4 Private open space and balcony design maximises safety

Insufficient Information

The applicant has not provided an assessment or indication of the requirement to meet private open space for each of the proposed apartment's balconies.

Whilst it is noted the proposal is for Concept approval, a detailed assessment against the provisions should be provided and demonstrated within the architectural plans set to ensure at Detailed Design stage, minimum requirements are achieved to comply.

4F Common circulation and spaces											
<p>4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments.</p> <p>1. The maximum number of apartments off a circulation core on a single level is eight.</p> <p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>Considered Acceptable</p> <p>The proposal includes the provision of three (3) lift shafts to service the sites.</p> <p>Additional information has bene indicated to be provided as detailed design stage.</p>										
<p>4F-2 Common circulation spaces promote safety and provide for social interaction between residents</p>											
4G Storage											
<p>4G-1 Adequate, well designed storage is provided in each apartment. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><thead><tr><th>Dwelling Type</th><th>Storage volume</th></tr></thead><tbody><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bedroom</td><td>6m³</td></tr><tr><td>2 bedroom</td><td>8m³</td></tr><tr><td>3+ bedroom</td><td>10m³</td></tr></tbody></table> <p>At least 50% of the required storage is to be located within the apartment</p>	Dwelling Type	Storage volume	Studio	4m ³	1 bedroom	6m ³	2 bedroom	8m ³	3+ bedroom	10m ³	<p>Insufficient Information</p> <p>The applicant has not provided an assessment or indication of the requirement to meet storage requirements.</p> <p>Whilst it is noted the proposal is for Concept approval, a detailed assessment against the provisions should be provided and demonstrated within the architectural plans set to ensure at Detailed Design stage, minimum requirements are achieved to comply.</p>
Dwelling Type	Storage volume										
Studio	4m ³										
1 bedroom	6m ³										
2 bedroom	8m ³										
3+ bedroom	10m ³										
<p>4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments</p>											
4H Acoustic Privacy											
<p>4H-1 Noise transfer is minimised through the siting of buildings and building layout</p>	<p>Insufficient Information</p> <p>The applicant has not provided an assessment or indication of the requirement to meet acoustic privacy concerns.</p> <p>Whilst it is noted the proposal is for Concept approval, a detailed assessment against the provisions should be provided and demonstrated within the architectural plans set to ensure at Detailed Design stage, minimum requirements are achieved to comply.</p>										
<p>4H-2 Noise impacts are mitigated within apartments through layout and acoustic Treatments</p>											
4J Noise Pollution											
<p>4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</p>	<p>Insufficient Information</p> <p>The applicant has not provided an assessment or indication of the requirement to meet acoustic pollution concerns.</p> <p>Whilst it is noted the proposal is for Concept approval, a detailed assessment against the provisions should be provided and demonstrated within the architectural plans set to ensure at Detailed Design stage, minimum</p>										
<p>4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise</p>											

transmission	requirements are achieved to comply.
4K Apartment Mix	
4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	Complies The proposal includes the following apartment mix- <ul style="list-style-type: none">o 25 x studios -o 49 x 1-bedroom units -o 105 x 2-bedroom units. -o 11 x 3-bedroom units- A number of 3 bedroom units should be increased due to the demand for growing larger apartments in CBD's.
4K-2 The apartment mix is distributed to suitable locations within the building	
4L Ground Floor Apartments	
4L-1 Street frontage activity is maximised where ground floor apartments are located	Satisfactory No Ground floor units are provided, due to the mixed use nature and the site and the locations. Notwithstanding, direct access and entries are provided for residents and visitors.
4L-2 Design of ground floor apartments delivers amenity and safety for residents	
4M Facades	
4M-1 Building facades provide visual interest along the street while respecting the character of the local area	Insufficient Information The DEP raised concerns surrounding the building façade, due to insufficient information provided to respond to the DEP comments an appropriate assessment against the provisions of 4M have not been undertaken.
4M-2 Building functions are expressed by the facade	
4N Roof Design	
4N-1 Roof treatments are integrated into the building design and positively respond to the street	Insufficient Information The applicant has not provided an assessment or indication of the requirement to meet Roof Design, furthermore, the RL's on the architect set are not measure to the highest paramant to ascertain the roof design, impacts on neighbouring development and any potential sustainability features to comply. Whilst it is noted the proposal is for Concept approval, a detailed assessment against the provisions should be provided and demonstrated within the architectural plans set to ensure at Detailed Design stage, minimum requirements are achieved to comply.
4N-2 Opportunities to use roof space for residential accommodation and open space are maximised.	
4N-3 Roof design incorporates sustainability features	
4O Landscape Design	
4O-1 Landscape design is viable and sustainable	Insufficient Information The applicant has not provided an assessment or indication of the requirement to meet landscape requirements. Additional Information was requested and not responded to by the applicant. Whilst it is noted the proposal is for Concept approval, a detailed assessment against the provisions should be provided and demonstrated within the architectural
4O-2 Landscape design contributes to the streetscape and amenity	

	plans set to ensure at Detailed Design stage, minimum requirements are achieved to comply.
4P Planting on Structures	
4P-1 Appropriate soil profiles are provided	Insufficient Information The applicant has not provided an assessment or indication of the requirement to meet landscape requirements. Additional Information was requested and not responded to by the applicant. Whilst it is noted the proposal is for Concept approval, a detailed assessment against the provisions should be provided and demonstrated within the architectural plans set to ensure at Detailed Design stage, minimum requirements are achieved to comply.
4P-2 Plant growth is optimised with appropriate selection and maintenance	
4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	
4Q Universal Design	
4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	Insufficient Information The applicant has not provided an assessment or indication of the proposal for Universal Design for apartments. Whilst it is noted the proposal is for Concept approval, a detailed assessment against the provisions should be provided and demonstrated within the architectural plans set to ensure at Detailed Design stage, minimum requirements are achieved to comply.
4Q-2 A variety of apartments with adaptable designs are provided	
4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	
4R Adaptive Reuse	
4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Insufficient Information The applicant has not provided an assessment or indication of the proposal for adaptive reuse. Whilst it is noted the proposal is for Concept approval, a detailed assessment against the provisions should be provided and demonstrated within the architectural plans set to ensure at Detailed Design stage, minimum requirements are achieved to comply
4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Insufficient Information The applicant has not provided an assessment or indication of the development and how it will integrate and operate with the Hotel and Childcare facility. Particular in relation to the street frontages and entrances. Whilst it is noted the proposal is for Concept approval, a detailed assessment against the provisions should be provided and demonstrated within the architectural plans set to ensure at Detailed Design stage, minimum requirements are achieved to comply
4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4T Awnings and Signage	

4T-1 Awnings are well located and complement and integrate with the building design	Insufficient Information The applicant has not provided an assessment or indication of the proposal for awnings and Signage. Whilst it is noted the proposal is for Concept approval, a detailed assessment against the provisions should be provided and demonstrated within the architectural plans set to ensure at Detailed Design stage, minimum requirements are achieved to comply
4T-2 Signage responds to the context and desired streetscape character	
4U Energy Efficiency	
4U-1 Development incorporates passive environmental design	Insufficient Information The applicant has not provided an assessment or indication of the proposal complying with BASIX. Whilst it is noted the proposal is for Concept approval, a detailed assessment against the provisions should be provided and demonstrated within the architectural plans set to ensure at Detailed Design stage, minimum requirements are achieved to comply
4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
4V-1 Potable water use is minimised	Insufficient Information The applicant has not provided an assessment or indication of the proposal for Universal Design for apartments. .
4V-2 Urban stormwater is treated on site before being discharged to receiving waters	
4V-3 Flood management systems are integrated into site design	
4W Waste Management	
4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Insufficient Information The applicant has not provided an assessment or indication of the proposal for Waste Management.
4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	
4X Building Maintenance	
4X-1 Building design detail provides protection from weathering	Insufficient Information The applicant has not provided an assessment or indication of the proposal for Building Maintenance.

Liverpool Local Environmental Plan 2008

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

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

Zone B4 Mixed Use (Now known as MU1)

1 Objectives of zone

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

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

*Amusement centres; Artisan food and drink industries; Boarding houses; Car parks; Centre-based child care facilities; **Commercial premises**; Community facilities; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; High technology industries; Home businesses; Home industries; Hostels; **Hotel or motel accommodation**; Information and education facilities; Medical centres; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; **Residential flat buildings**; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; **Shop top housing**; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water recreation structures*

4 Prohibited

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

Comment:

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

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

Table 2 – Compliance with Liverpool LEP 2008

Control	Requirement	Proposal	Comply
Height of buildings (CI 4.3(2))	28metres	The proposal seeks to benefit under Clause 7.5A to seek approval for 110m.	No – See Clause 7.5a
FSR (CI 4.4(2))	3:1	The proposal seeks a GFA of approximately 19,374.5sqm meaning an FSR of 9.99:1.	No- See Clause 7.5a
Heritage (CI 5.10)	Development consent is required for the alterations of heritage item.	The proposed development has not adequately considered the Local Heritage item.	No- see below.

Objectives for development in Liverpool City Centre (Clause 7.1)	Before granting consent for development on land in the Liverpool city centre, the consent authority must be satisfied that the proposed development is consistent with such of the following objectives for the redevelopment of the city centre	The development has not adequately considered the existing street character, layout in terms of building alignments, as well as passive, direct and convenient pedestrian links through the site. Furthermore, the development has not appropriately considered the impacts the development would have on solar access to the rear properties, rendering access to sunlight moot.	No- see discussion below.
Carparking in Liverpool City Centre (Clause 7.3)	Minimum parking requirements for E2 and MU1 zones. 1 car space per 200sqm gross floor area on the ground floor; 1 car space per 100sqm retail premises not on ground floor; 1 car space per 150sqm of any other purpose not on ground floor.	The proposed development seeks 134 parking spaces a shortfall of parking spaces required.	No – See discussion below.
Building Separation in Liverpool City Centre (Clause 7.4)	12m for parts of buildings 25-45m above finished ground level in MU1. 28m for parts of buildings 45+m above finished ground level in MU1		No – See discussion below
Design Excellence in Liverpool City Centre (Clause 7.5)	Development must exhibit design excellence.	The application has been referred to the Design Excellence Panel, who were no supportive of the proposed development.	No- see discussion below
Additional provisions relating to certain land at Liverpool City Council (Clause 7.5a)	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 childcare facilities, commercial premises, community facilities, educational establishments, entertainment facilities, functions centres, hotel	The development seeks utilisation of the Clause in terms of additional Height and FSR provisions. The applicant has not demonstrated <i>how</i> the site benefits from the clause and therefore does not comply.	No – see discussion below.

	or motel accommodation, information and education facilities, medical centres or public administration buildings—		
Ground floor development in Zones E1 and MU4 (CI 7.16)	This clause applies to land in E1 and MU1 zones; development consent must not be granted unless the ground floor is to be used for business premises or retail premises, and will have at least one entrance and at least one other door or window facing a street other than a service lane.	The proposed development includes a hotel on the ground, however, has not adequately demonstrated how it will enhance the streetscape.	No- see discussion.

The proposal is considered to not be generally inconsistent with the LEP.

5.10 Heritage Conservation

5.10 Heritage conservation

Note—

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) Objectives *The objectives of this clause are as follows—*

- (a) to conserve the environmental heritage of Liverpool,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent *Development consent is required for any of the following—*

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*
 - (i) a heritage item,*
 - (ii) an Aboriginal object,*
 - (iii) a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land—*

-
- (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
 - (f) subdividing land—*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5), or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment the consent authority may, before granting consent to any development—

- (a) on land on which a heritage item is located, or*
 - (b) on land that is within a heritage conservation area, or*
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*
- (6) Heritage conservation management plans the consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.*

Council requested the applicant to provide a detailed Historical Archaeological Assessment, a Landscape Analysis in relation to the heritage item and proposed landscaping and a Conservation Management Plan which has not been provided by the applicant.

Furthermore, the applicant has not appropriately considered the heritage item in terms of the impacts the development will cause on the item and the surrounding locality. Council's Heritage Officer therefore can not support the proposed development in line with Clause 5.10 of the LEP.

Clause 7.1 Objectives for Development in Liverpool City Centre

7.1 Objectives for development in Liverpool city centre

Before granting consent for development on land in the Liverpool city centre, the consent authority must be satisfied that the proposed development is consistent with such of the following objectives for the redevelopment of the city centre as are relevant to that development—

- (a) to preserve the existing street layout and reinforce the street character through consistent building alignments,*
- (b) to allow sunlight to reach buildings and areas of high pedestrian activity,*
- (c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,*
- (d) to improve the quality of public spaces in the city centre,*
- (e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,*

(f) *to enhance the natural river foreshore and places of heritage significance,*

(g) *to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.*

The development has appropriately or succinctly demonstrated it meets the objectives of Clause 7.1 of the LEP due to the following:

- It does not preserve or provide passive solar access to existing buildings
- The applicant has not demonstrated the proposed built form benefits from Clause 7.5a of the LEP in which contributes to the excessive bulk and scale.
- The applicant has failed to address the concerns of the DEP, in which is to be consistent with Clause 7.4 of the LEP, in particular for convenient and safe pedestrian routes, public open space and reinforcement of the streets character.

Council has not received sufficient information to ascertain the above and therefore can not support the proposed development.

Clause 7.3 – Carparking in Liverpool City Centre

7.3 Car parking in Liverpool city centre

(1) The objective of this clause is to ensure that adequate car parking is provided for new or extended buildings on land in the Liverpool city centre that is commensurate with the traffic likely to be generated by the development and is appropriate for the road network capacity and proposed mix of transport modes for the city centre.

(2) Development consent must not be granted to development on land in the Liverpool city centre that is in Zone 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.

(3) Despite subclause (2), development consent may be granted to a development with less or no on-site car parking if the consent authority is satisfied that the provision of car parking on site is not feasible.

(4) 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.

(5) Council owned public car parking and parts of a building used for residential purposes must not be included as part of a building's gross floor area for the purposes of this clause.

A Clause 4.6 has not been requested to vary the development standard applied to the site. The applicant has identified there is a shortfall of car parking spaces which is not supported by Council, given the lack of car parking within the City Centre and surrounding road networks.

An assessment of the proposal against the applied controls has identified the following parking requirements are required:

- Hotel – 4654sqm – 31 Spaces
- Childcare – 633sqm – 110 Children with 18 employees required = 29 Spaces Required
- Commercial/Retail tenancy Ground Floor – 265sqm – One (1) space

Totalling 61 spaces required.

- Residential Flat Building –
 - o 25 x studios -
 - o 49 x 1-bedroom units -
 - o 105 x 2-bedroom units. -
 - o 11 x 3-bedroom units-

The ADG refers to the Traffic Generating development which requires the following rates:

0.4 space for Studio and 1-bedroom apartments = 29.6 = 30 Spaces
0.7 space for 2 bedroom units = 7.35 = 74 spaces
1.2 space for 3 bedroom units – 13.2 = 14 spaces
1 space per 7 dwellings for Visitor = 27.1 = 28 spaces

Totally a requirement of 146 spaces for the Residential Flat Building.

The total parking requirement for the site 207 spaces.

Therefore, it is identified the total amount of parking required for the development is, in which the applicant proposed 134 a shortfall of 73 spaces. This further demonstrates the proposed development is not appropriate for the site or its locality due to the noncompliance with Clause 7.3 (2) and consent must not be granted.

Clause 7.4 Building separation in Liverpool City Centre

The application does not comply with required building separation for the development. The applicant was required to address this within the Request for Further Information (RFI) dated 22nd of April, and a response has not been received during the preparation of this Report. It is noted, on the 23rd of July, the applicant submitted a half response to the RFI due to being advise Council was proceeding with determining the application and no previous response to the RFI was submitted.

Nonetheless, the development standard to be varied is Clause 7.4 of the LLEP which reads as follows:

7.4 Building separation in Liverpool city centre

- (1) *The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access.*
- (2) *Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least—*
 - (a) *9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential, and*

- (b) 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) on land in Zone R4 High Density Residential, and
- (c) 18 metres for parts of buildings above 35 metres on land in Zone R4 High Density Residential and
- (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 portion of the building in which the setbacks for those levels are as follows:

Levels	Setback to comply with Clause 7.4	Southern Elevation	Eastern Elevation
8- 13	12m	6m	6m
14+	28m	14m	14m

Assuming 50% of any building separation occurs on each lot, and as such the maximum noncompliance would be 50% (where there is no setback), the non-compliances with Clause 7.4 are as follows:

Levels	Southern Elevation Noncompliance	Eastern Elevation	Western Elevation
8-13		N/A	
14	8m or 57.14%	6.56M 46.89%	6.510m – 24.945m or 53.5%

The rear boundary is zoned R4 with a maximum prescribed height limit of 45m, in which an existing Residential Flat Building exists.

Clause 46)3_ of the LEP establishes a precondition which must be satisfied before a consent authority can exercise the power to grant consent. Clause 4.6(2) establishes the power to grant consent for a development which contravenes the development standard and states:

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

At the preparation of this Report a Clause 4.6 Variation request was not submitted to Council to assess or ascertain whether the noncompliance would be deemed acceptable. Given the development does not comply with a number of development standards as well as insufficient information has been provided to Council to undertake a thorough assessment, Council is unable to support such noncompliance in this instance.

Clause 7.5 Design Excellence in Liverpool city centre

7.5 Design excellence in Liverpool city centre

(1) The objective of this clause is to deliver the highest standard of architectural and urban design.

-
- (2) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in the Liverpool city centre unless the consent authority considers that the development exhibits design excellence.
- (3) In considering whether development exhibits design excellence, the consent authority must have regard to the following matters—
- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 - (c) whether the proposed development detrimentally impacts on view corridors,
 - (d) whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers' Memorial Park, Apex Park, St Luke's Church Grounds and Macquarie Street Mall (between Elizabeth Street and Memorial Avenue),
 - (e) any relevant requirements of applicable development control plans,
 - (f) how the proposed development addresses the following matters—
 - (i) the suitability of the site for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,
 - (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, waste and recycling infrastructure, overshadowing, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (x) the impact on, and any proposed improvements to, the public domain.

(4)– (8) (Repealed)

The development application proceeded to the DEP on the 27th of February 2025, in which they did not support the proposed development and raised fundamental and significant concerns surrounding the proposal. The applicant was requested to respond to the DEP comments which has not been undertaken.

It is in Councils view and position the proposed development does not exhibit Design Excellence and therefore consent must not be granted pursuant to Clause 7.5(2).

The DEP minutes are provided within Attachment D.

Clause 7.5a Additional provisions relating to certain land at Liverpool City Council

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

(1) This clause applies to land development on land that—

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

(2) Despite clauses 4.3 and 4.4, if at least 20% of the gross floor area of a development is used for the purpose of centre-based childcare 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—

- (a) the height of the building may exceed the maximum height shown for the land on the [Height of Buildings Map](#), and

- (b) the maximum floor space ratio of the building may exceed the maximum floor space ratio shown for the land on the [Floor Space Ratio Map](#) but must not exceed—
- (i) in relation to a building on land identified as “Area 8” or “Area 10” on the map—10:1, or
- (ii) in relation to a building on land identified as “Area 9” on the map—7:1.
- (3) Development consent must not be granted under this clause unless—
- (a) a development control plan that provides for the matters specified in subclause (4) has been prepared for the land, and
- (b) the site on which the building is located also includes recreation areas, recreation facilities (indoor), community facilities, information and education facilities, through site links or public car parks.
- (4) The development control plan must include provision for how proposed development is to address the following matters—
- (a) the impact on conservation areas,
- (b) encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and car parking provision, including integrated options to reduce car use,
- (c) achieving appropriate interface at ground level between buildings and the public domain,
- (d) the excellence and integration of landscape design,
- (e) the matters specified in clause 7.5(3)(f)(i)–(viii) and (x).

The applicant was requested to demonstrate *how* the proposed development benefits from Clause 7.5a noting lot consolidation has not been proposed and each existing lot is less than 1500sqm and only has one (1) street frontage each.

Liverpool Development Control Plan

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

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

Table 3 – Compliance with Liverpool Development Control Plan 2008

Liverpool Development Control Plan 2008			
Clause	Required	Provided	Complies
Part 1 General Controls for all Development			
2. Tree Preservation			
	Consideration shall be given to the potential impact of development on existing vegetation.	Existing vegetation on site.	No
3. Landscaping and Incorporation of Existing Trees			
	Incorporate existing trees where appropriate.	The proposal includes the removal of a number of significant trees to facilitate the construction of the basement. This has not been adequately addressed by the applicant.	No
4. Bushland and Habitat Preservation			
	Consideration shall be given to the potential impact of the	The development site is not identified as containing any	NA

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

	acid sulfate soil potential within the Liverpool LEP 2008.		
14. Demolition of Existing Developments			
Demolition	<p>All demolition work must comply with the Australian Standard AS2601 - 1991, The Demolition of Structures</p> <p>A Waste Management Plan (WMP) is to be submitted with the Development Application. The WMP must include realistic estimates of the volume or area of all types of waste material to be generated from the demolition and excavation activities. Details of how each of those materials will be re-used, recycled or disposed of is to be provided, including the locations to which the materials will be taken.</p>	<p>Demolition works are proposed.</p> <p>A Waste Management Plan is required to be submitted during detailed design stage.</p>	Considered on Merit.
17. Heritage and Archaeological Sites			
	This section applies to development affecting a heritage item, land in a heritage conservation area or an archaeological site as identified in the Liverpool Local Environmental Plan 2008, as well as land in the vicinity of a heritage item.	The site is identified as having a local heritage item. Additional information as requested and not responded to.	No
20. Car Parking and Access			
Off-Street - Car Parking Provision other than Liverpool City Centre	<p>Off street car parking provision and service and loading provision shall be provided in accordance with Table 11.</p> <p><u>Service and Loading</u></p> <p>- Service facilities for a van</p>	The development relies upon Clause 7.3 of the LEP for parking provisions and the Traffic Generation Guide. The proposal has a shortfall of 74 parking spaces which is not considered suitable.	Does not Comply
20.4 Car Parking Design			
Car Space Dimensions	<p><u>Width</u> –</p> <p>Residential/Employee/Commuter = 2.4m, Short-Term Stay = 2.6m Long-Term Stay = 2.5m Disability parking space = 3.2m</p> <p><u>L1</u> –</p> <p>Residential/Employee/Commuter = 5.4m, Short-Term Stay = 5.4m,</p>	Council's Traffic Section is not satisfied with the proposal.	No.

	<p>Long-Term Stay = 5.4m, Disability parking space = 5.4m,</p> <p><u>L2 –</u> Residential/Employee/Commuter = 4.8m Short-Term Stay = 4.8m Long-Term Stay = 4.8m Disability parking space = 4.8m</p> <p><u>Aile Width –</u> Residential/Employee/Commuter = 6.2m Short-Term Stay = 5.8m Long-Term Stay = 5.8m Disability parking space = 5.8m</p>		
20.7 Driveway Crossings			
Location of Driveway Crossings	<p>Driveway Crossings shall be located a minimum distance from the following items:</p> <ul style="list-style-type: none"> - 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 	Council's Engineering Section is preliminarily satisfied with the proposal.	Yes
23. Reflectivity			
	New buildings and facades must not result in glare that causes discomfort or threatens safety of pedestrians or drivers.	Standard conditions recommended to be incorporated in the draft conditions of consent.	Yes
25. Waste Disposal & re-use Facilities			
Residential development	Provision must be made for on-site waste storage and collection by private contractor.	Detailed requirements will be submitted at detailed DA stage.	Yes
Waste Management Plan	<p>A Waste Management Plan (WMP) shall be submitted with a Development Application for any relevant activities generating waste. The WMP is provided in three sections: Liverpool Development Control Plan 2008 Waste Disposal and Re-use Facilities Part 1 115</p> <ul style="list-style-type: none"> - Demolition; - Construction; and - On-going waste management. 	Detailed requirements will be submitted at detailed DA stage	Yes
26. Outdoor Advertising and Signage			
		The application does not propose the erection of any signage.	N/A

27. Social Impact Assessment			
	Child care centres with 20 or more children required to undertake a Social Impact Comment, as per the proforma provided in Council's Social Impact Policy 2022.	Additional Information is required to ascertain compliance the childcare will meet the requirements.	No
29. Safety and Security			
	Address 'Safer-by-Design' principles in the design of public and private domain, and in all developments including the NSW Police 'Safer by Design' Crime Prevention Through Environmental Design (CPTED) principles	Detailed requirements will be submitted at detailed DA stage	Yes
Part 4 Liverpool City Centre			
4.2 Controls for Building Form			
4.2.1 Building form			
Controls	Develop new buildings in Liverpool city centre using the following building typologies for precincts as identified in Figure 4-2 2. Perimeter block typology for Midrise <u>precinct</u> , with the exception of those Midrise sites developed pursuant to clause 7.5A of LLEP 2008 (which may also be developed with a tower on podium typology). 6. Perimeter block, or detached <u>building</u> typology for Mixed Use.	The proposal is not consistent with the tower on podium typology.	No
<i>4.2.5 Controls for sites that require the submission of a site specific DCP or concept DA</i>	1. Sites that require the submission of a DCP are to be developed pursuant to the adopted site specific DCP or a concept development application consistent with Division 4.4 of the EP&A Act 1979 and clause 7.5A of LLEP 2008.	A Concept DA has been lodged for the site.	Yes
	2. Clause 7.5A(3)(b) of LLEP 2008 specifies that any proposal which seeks to utilise the additional provisions relating to certain land in <u>Liverpool city centre</u> must yield a public benefit, in that the site on which the <u>building</u> is to be located must also include one or more of the	The proposal is not considered consistent with the requirements of Clause 7.5A of the LLEP.	No

	<p>following uses (NB: in order to provide the required public benefit, these uses must be publicly accessible):</p> <ul style="list-style-type: none"> • recreation areas; • recreation facilities (indoor); • community facilities; • information and education facilities; • through site links; or • public car parks. <p>Each land use that is required to yield public benefit (with the exception of “through site links” and “public car parks”, defined below), is defined in the Dictionary of LLEP 2008. The size, <u>scale</u>, location and detailed use of any such proposed development, must be included in the required site specific DCP or concept development application, and be to the satisfaction of <u>Council</u>.</p>		
	<p>3. The concept development application lodged pursuant to clause 7.5A of LLEP 2008, must demonstrate how the proposal addresses all matters described in 7.5A(4)(a-m), as follows:</p>		
	<p>a. the suitability of the land for development.</p> <p>The site specific DCP or concept development application must articulate planning and design principles relating to development of the land and explain how these address Part 4 of Liverpool Development Control Plan 2008 and any other relevant documents or plans. It must include an analysis of the characteristics and the local context of the land to which it applies. It must conceptually outline and show graphically the proposed site layout and planning for the development of the land, including the conceptual vertical and horizontal distribution of potential</p>	Unacceptable	No

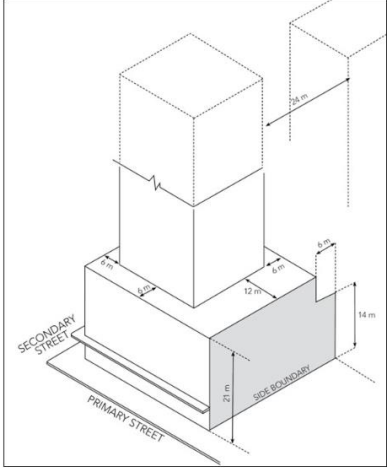
	future uses, arrangement, footprint, envelopes and mix of <u>building</u> types. Through analysis of a number of illustrated options for redevelopment it must determine the preferred approach,		
	b. the existing and proposed uses and use mix. The site specific DCP or concept development application must describe the existing uses of any <u>building</u> currently occupying the site, and the proposed use mix to be developed on the site (noting additional use requirements outlined in control 1 above),	Unacceptable	No
	c. any heritage issues and streetscape constraints. The site specific DCP or concept development application must describe how the proposal will address all heritage items <u>in the vicinity</u> , in accordance with the requirements of clause 5.10 of LLEP 2008 and section 4.6.1 of this Part,	Unacceptable	No
	d. the impact on any <u>conservation area</u>. The site specific DCP or concept development application must indicate how any proposed development within the Bigge Park <u>Conservation Area</u> addresses the requirements of clause 5.10 of LLEP 2008 and section 5.10 of this Part,	Unacceptable	No
	e. the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban <u>form</u>.	Unacceptable	No

	<p><u>Liverpool city centre</u> is a mixed-use environment. The site specific DCP or concept development application must ensure that any proposed residential tower is consistent with ADG separation and side <u>setback</u> distances, taking into account existing or proposed towers on the same site or neighbouring sites. Siting of all proposed towers, residential or commercial, must be consistent with clause 7.4 of LLEP 2008 <u>Building</u> separation in <u>Liverpool city centre</u>,</p>		
	<p>f. the bulk, massing and modulation of buildings. The site specific DCP or concept development application must illustrate the proposed bulk, massing and modulation of buildings to be developed on the site,</p>	Unacceptable	No
	<p>g. street <u>frontage</u> heights. The site specific DCP or concept development application must indicate the street <u>frontage</u> heights of any proposed <u>building</u>. A tower on podium <u>building</u> is to be designed so that the podium is:</p> <ul style="list-style-type: none"> a. four to six storeys in <u>height</u> at the primary street <u>frontage</u>; b. four storeys in <u>height</u> to the lanes and/or serviceways; and c. 6 metres from a side/rear boundary if the site is adjoining a property that is not zoned B4 – Mixed Use or contains a stand-alone <u>building</u>. The <u>setback</u> should be in accordance with the ADG, 	Unacceptable	No
	<p>h. environmental impacts, such as sustainable</p>	Unacceptable	No

	<p>design, <u>overshadowing</u> and solar access, visual and acoustic privacy, noise, wind and reflectivity</p> <p>The site specific DCP or concept development application must illustrate how the proposed design will satisfactorily address environmental impacts on the public domain and other sites in proximity, depending on the <u>scale</u> of the development. Designs must ensure the streetscape environment is of pedestrian <u>scale</u> and ensures human qualities of solar access, shade and amenity are provided and negative elements such as noise and wind are minimised,</p>		
	<p>i. the achievement of the principles of <u>ecologically sustainable development</u>.</p> <p>The site specific DCP or concept development application must illustrate the ways by which the development proposed maximises ecological sustainability,</p>	Unacceptable	No
	<p>j. encouraging sustainable transport, including increased use of public transport, walking and cycling, <u>road</u> access and the circulation network and car parking provision, including integrated options to reduce car use.</p> <p>The site specific DCP or concept development application must incorporate a Transport Management and Access Plan (TMAP). The TMAP must illustrate how the proposed development will encourage sustainable transport including:</p> <ul style="list-style-type: none"> - measures to encourage increased use of public 	The site is located within the Liverpool city centre and has access to public transport.	Yes

	<p>transport, walking and cycling;</p> <ul style="list-style-type: none"> - provisions for access (for pedestrians, cyclists and vehicles including heavy vehicles), circulation and car parking; and - other measures to reduce car use (e.g. carpooling and car-share services), 		
	<p>k. the impact on, and any proposed improvements to, the public domain.</p> <p>The site specific DCP or concept development application must demonstrate how the proposed development will integrate with and/or make improvements to the existing public domain, including the provision of setbacks where required. The site specific DCP or concept development application must include a detailed public domain plan.</p> <p>Improvements to the public domain include:</p> <ol style="list-style-type: none"> 1. Contributing to the urban tree <u>canopy</u> through new street tree plantings consistent with the Liverpool CBD Streetscape and Paving Manual 2018. 2. Providing street furniture and pedestrian amenity items. 3. Installing high quality pedestrian paving consistent with the Liverpool CBD Streetscape and Paving Manual 2018. 4. Integrating public art in accordance with section 4.3.10 of this Part. 5. Making provision for pedestrians to access to sunlight and shade. 6. Providing a design that contributes to activation of street frontages. 7. Integration of WSUD elements to improve 	<p>The revised proposal has not satisfactorily demonstrated that the proposal will positively contribute to the public domain of the Liverpool city centre.</p>	<p>No</p>

	vegetation success within the public domain,		
	<p>l. achieving appropriate interface at ground level between buildings and the public domain. The site specific DCP or concept development application must demonstrate how all buildings, including any proposed tower <u>building</u>, achieves an appropriate interface at ground level with existing and proposed buildings and the public domain, according to the requirements of Section 4.3.1 to 4.3.10 of this Part.</p> <p>Electricity substations and waste collection points must be appropriately integrated into the <u>building</u> design to minimise disruption and visual clutter in the ground plane and streetscape,</p>	Council's City Design and Public Domain Section is not satisfied with the proposal.	No
	<p>m. the excellence and integration of landscape design. The concept development application must demonstrate compliance with section 4.2.13 of this Part.</p>	Council's City Design and Public Domain Section is not satisfied with the proposal.	No
	4. Locate non-residential uses at ground level that address all street frontages (and laneway/service way frontages, where possible).	The proposal has not adequately address the issued raised by the DEP in terms of frontage requirements to Terminus and Charles St	No
	5. Develop a maximum of two levels of above-ground car parking, provided it is sleeved by other uses on street frontages and appropriately screened or sleeved by other uses on lane/serviceway frontages. Aboveground parking must achieve minimum floor to ceiling heights that would permit adaption for another	N/A	N/A

	use (e.g. commercial/retail or residential).		
	<p>6. Construct buildings according to the requirements illustrated in Figure 4.7, Figure 4.8 or Figure 4.9, depending on the location of the site.</p> <p>Figure 4-8: Tower on a Podium/Corner Site</p> 	Insufficient information has been provided to ascertain compliance.	No

<p>4.2.6 Building Floor Plates</p>	<ol style="list-style-type: none"> 1. Achieve living and working environments with good internal amenity and minimise the need for artificial heating, cooling and lighting. 2. Provide viable and useable commercial and/or residential floor space. 3. Contribute to useable and pleasant streets and public domain at ground level by controlling the size of upper level floor plates of buildings. 4. Reduce the apparent bulk and <u>scale</u> of buildings by limiting the size of the <u>building</u>. <ol style="list-style-type: none"> 1. Design the floor plate sizes and depth of buildings for Fine Grain and Midrise sites as indicated in the <u>building</u> envelopes. 2. Provide a maximum GFA of 700m² per level for residential towers with maximum length of elevation of 45m. 3. Comply with ADG standards for <u>building</u> depth and number of apartments. 4. 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. 	<p>Insufficient information has been provided to ascertain compliance.</p>	<p>No</p>
<p>4.2.7 Street Alignments and Street Setbacks</p>			

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

	approved concept development application.	<ul style="list-style-type: none"> • 12m habitable rooms/balconies • 6m non-habitable rooms <p>Proposed:</p> <ul style="list-style-type: none"> - 0m setback to eastern side boundary for the podium part of the building to butt against an adjoining perimeter building. - The tower part of the building is setback >18.7m from the eastern side boundary. - >12m from rear boundary. <p>Refer to further discussion below.</p>	Yes
<p>Comments:</p> <p>The ADG provides some flexibility in areas undergoing transition. The locality is undergoing transition from low density commercial to mixed use high-rise development. In addition, the immediate locality is within Town Centre area, where taller buildings and higher density is envisaged.</p> <p>The proposed side and rear setbacks are appropriate and the applicant has demonstrated that the building will satisfactorily integrate with existing surround buildings and the susceptibility analysis shows that neighbouring sites are capable of re-development.</p>			
	2. Construct buildings across the site facing the street and the rear boundaries rather than facing side boundaries.	Achieved	Yes
4.2.9 Minimum Floor to Ceiling Heights			
	<p>The minimum floor to ceiling heights:</p> <ol style="list-style-type: none"> 1. Ground floor: 3.6m. 2. Above ground level: <ol style="list-style-type: none"> a) Commercial office 3.3m. b) Capable of adaptation to commercial uses 3.3m. c) Residential 2.7m. d) Active public uses, such as retail and restaurants 3.6m. 3. Car Parks: Sufficient to cater to the needs of all vehicles that will access the car park and, if aboveground, adaptable to another use, as above. 	Insufficient information has been provided to ascertain compliance.	No

<p>4.2.10 Housing Choice and Mix</p>	<p>1. In addition to the provisions for <u>dwelling</u> mix in the ADG, residential apartment buildings and <u>shop-top</u> housing must comply with the following apartment mix and size:</p> <ul style="list-style-type: none"> • Studio and one bedroom units must not be less than 10% of the total mix of units within each development; • Three or more bedroom units must not be less than 10% of the total mix of units within each development; • Dual-key apartments must not exceed 10% of the total number of apartments; and • A minimum of 10% of all dwellings (or at least one <u>dwelling</u> – whichever is greater) to be capable of adaptation for disabled or elderly residents. 	<p>Insufficient information has been provided to ascertain compliance.</p> <p>It is not the proposal predominately includes 2 bedrooms units, with a recommendation an increase of 3 bedrooms is proposed given the demand for larger apartments to cater for families.</p>	<p>No</p>
	<p>2. Adaptable dwellings must be designed in accordance with the Australian <u>Adaptable Housing</u> Standard (AS 4299-1995).</p>	<p>Insufficient information has been provided to ascertain compliance and whether adaptable units will be proposed.</p>	<p>No</p>
	<p>3. Provide certification from an Accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian <u>Adaptable Housing</u> Standard (AS 4299-1995)</p>	<p>Insufficient information has been provided to ascertain compliance and whether adaptable units will be proposed</p>	<p>No</p>
	<p>4. Ensure car parking and garages allocated to adaptable dwellings comply with the requirements of the relevant Australian Standard for disabled parking spaces.</p>	<p>Th Insufficient information has been provided to ascertain compliance and whether adaptable units will be proposed</p>	<p>No</p>

4.2.11 Deep Soil Zones and Site Cover			
	1. The maximum permitted site coverage for development is specified in Table 4-2. Commercial Core, Fine Grain and Midrise: up to 100%	Insufficient information has been provided to ascertain deep soil coverage.	Insufficient Information
4.2.12 Public Open Space and Communal Open Space	1. Developments with a residential component in all zones must comply with the sections 3D Communal Public Open Space and 4F Common Circulation and Spaces, of the ADG. Consistent with the requirements of the ADG, communal open space is to be collocated with areas of deep soil, where possible. 2. The roof space of residential flat buildings (RFBs) and mixed-use development (including <u>shop-top</u> housing) is to be developed for the purposes of communal open space that incorporate shade structures and amenity facilities (barbecue and rooftop garden) that complement the development.	No public open space proposed. Insufficient information has been provided to ascertain compliance for COS.	No
4.2.13 Landscape Design			
Private Open Space	1. Submit a landscape plan prepared by a registered landscape architect that demonstrates consistency with the above objectives and section 4V, water management and conservation, of the ADG.	A landscape plan has been submitted, however the applicant has not appropriately considered the Heritage Landscaping of the site given the removal of a significant number of trees proposed.	No
4.2.14 Planting on Structures	1. Comply with the Section 4P, planting on structures in the ADG in all developments with a residential component and/or communal open space.	As above.	No
4.3.3. Active Street Frontage			
	1. Locate active street frontages on the ground level of all commercial or mixed use buildings, including adjacent through-site links.	The proposal does not provide active frontage to Terminus and Charles Street.	No

4.3.4 Street Address			
	1. Provide a clear street address and direct pedestrian access off the primary street frontage in mixed use and residential developments.	Provided	Yes
	2. Provide multiple entrances to large developments on all street frontages.	Separate residential lobby is provided to the hotel lobby.	Yes
	3. Provide direct 'front door' and/or garden access to the street in ground floor residential units.	No ground floor residential apartments are proposed.	N/A
4.3.5 Street and Building Interface			
	1. Design the area between the building and the public footpath so that it: a) provides visibility to and from the street (if non-residential use); c) introduces paving and/or landscaping between the street and the building; and/or	Insufficient Information provided	No
4.3.7 Awning s	a. Provide street <u>frontage</u> awning for all new developments on streets identified in Figure 4-13 .	Insufficient Information provided	No
4.3.8 Building Design and Public Domain Interface			
	1. Design new buildings that adjoin existing buildings, particularly heritage buildings and those of architectural merit so that they consider: a) the street 'wall' alignment and building envelope; b) the 'depth' within the façade; c) facade proportions; and d) the response to the corners at street intersections.	It is considered the design of the front façade of the building and the building envelope is not appropriate for the site and surrounding sites, and for the public domain. The applicant has not provided a response to the DEP comments which do not support the proposal and raise fundamental concerns about the concept design in terms of building design and public domain interface.	No
	2. Provide balconies and terraces appropriately orientated where buildings face public spaces.	Insufficient Information provided.	No
	3. Articulate façades to address the street,		

	proportion the building, provide 'depth' in the street wall when viewed obliquely along the street and add visual interest.	The front façade is not articulated to provide depth and will visual interest to the street.	No
	4. Use high quality robust finishes and avoid finishes with high maintenance costs, and those susceptible to degradation due to a corrosive environment. Large expanses of rented concrete finish is discouraged.	Could be achievable	No
	5. Select lighter-coloured materials for external finishes including roofs and avoid the use of darker-coloured materials (e.g. black, charcoal) to reduce the urban heat island effect.	Insufficient information has been provided to determine whether the colour palette is considered appropriate.	No
	6. Maximise glazing in the facades for retail uses.		
	7. For residential components of buildings, do not use highly reflective finishes and curtain wall glazing above ground floor level.	Complies	Yes
		N/A	N/A
	8. Construct only minor projections up to 600mm from building walls into the public space. These must not add to the GFA and must provide a benefit, such as:		Yes
	a) expressed cornice lines that assist in enhancing the definition of the street; or		Yes
	b) projections such as entry canopies that add visual interest and amenity.	Achievable	Yes
	9. Do not locate communication towers such as mobile phone towers, but excluding satellite dishes, on residential buildings or mixed use buildings with a residential component.	Achievable	N/A
		Noted	

	<p>10. Incorporate roof top structures, such as air conditioning and lift motor rooms, into the architectural design of the building.</p> <p>11. Screen air conditioning units on balconies.</p> <p>12. No clothes drying facilities to be allowed on balconies.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4.3.9 Street Intersections and Corner Buildings	<p>1. Address all street frontages in the design of corner buildings.</p> <p>2. Design the corner buildings to respond to the <u>character</u> of the intersection by recognising the different hierarchies of the street typologies.</p>	The building does not appropriately addresses Terminus and Charles St. The applicant has not responded to the DEP commentary to ascertain design excellence in the city centre.	No
4.4 Traffic and Access			
4.4.1 Vehicular Access and Manoeuvring Areas			
Fencing	<p>1. Vehicular access shall be restricted to the secondary street (other than along a High Pedestrian Priority Area) where possible.</p> <p>2. Design of vehicle entry points must be of high quality and relate to the architecture of the building, including being constructed of high-quality materials and finishes.</p> <p>3. All weather access:</p> <p>a) Locate and design porte cochere (for hotels only) to address urban design, streetscape, heritage, and pedestrian amenity considerations.</p> <p>b) Design porte cochere to be internal to the building, where practical, with one combined</p>	<p>Vehicle access is achieved via Nagle Street, which is considered appropriate in this case.</p> <p>Achievable</p> <p>Insufficient Information provided</p> <p>Insufficient Information provided</p>	<p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p>

	<p>vehicle entry and exit point, or one entry and one exit point on two different frontages of the development.</p> <p>c) In exceptional circumstances for buildings with one street frontage only, an indented porte cochere with separate entry and exit points across the footpath may be permitted, as long as it is constructed entirely at the footpath level and provides an active frontage at its perimeter.</p>	Insufficient Information provided	No
4.4.2 On Site Parking	<p>All required car parking is to be provided on site in an underground (<u>basement</u>) carpark except to the extent provided below:</p> <ul style="list-style-type: none"> - On Fine Grain and Midrise sites, a maximum of one level of surface (at grade) parking may be provided where it is fully integrated into the <u>building</u> design; and - On sites requiring the lodgement of a concept DA, a maximum of one level of surface (at grade) and one additional level of above ground parking may be provided where it is fully integrated into the <u>building</u> design. 	Only basement carpark is proposed.	Yes
	<p>Service and visitor parking is to be provided for all development within the city centre. For sites zoned B3 — Commercial Core or B4 — Mixed Use, service and visitor parking is to be provided as part of the parking required according to clause 7.3 of LLEP 2008, Car parking in <u>Liverpool city centre</u>.</p> <p>Service and visitor parking is to be provided in accordance with the following formula: Residential (including residential components of</p>	To be addressed at the DA stage.	Yes

	<p>mixed-use or other developments)</p> <ul style="list-style-type: none"> ▪ 1 space per 10 apartments or part thereof, for visitors; and ▪ 1 space per 40 apartments for service vehicles (including removalist vans and car washing bays) up to a maximum of 4 spaces per <u>building</u> <p>All other development</p>		
	<p>Sufficient service and delivery vehicle parking adequate to provide for the needs of the development.</p> <p>Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces.</p>		
	No less than 2% of the total parking demand generated by development shall be accessible parking spaces, designed and appropriately signposted for use by persons with a disability.		
4.5 Environmental Management			
4.5.1 Wind Mitigation	<p>Submit a Wind Effects Report with the DA for all buildings greater than 35<u>m</u> in <u>height</u>.</p> <p>Submit results of a Wind Tunnel Testing report for buildings over 48<u>m</u> in <u>height</u></p>	A Wind Assessment has not been lodged with the application which the development must adhere to.	No
4.5.2 Noise			
	1. Design development on sites adjacent to road and rail noise sources identified in Figure 4-16, in a manner that shields any residential development from the noise source through the location and orientation of built form on the site, supported by an appropriate acoustic report as required by the State	Acoustic report submitted and considered satisfactory by Council Environmental Health section.	Yes

	Environmental Planning Policy (Infrastructure) 2007.		
	<p>2. Provide an 8m <u>setback</u> from the primary street <u>frontage</u> to any residential component of development located along Terminus Street and the Hume Highway.</p> <p>All residential apartments and / or serviced apartments within a <u>mixed use development</u> should be designed and constructed with double-glazed windows and / or laminated windows, solid walls, sealing of air gaps around doors and windows as well as appropriate insulating <u>building</u> elements for doors, walls, roofs and ceilings etc; to provide satisfactory acoustic privacy and amenity levels for occupants within the residential and / or <u>serviced apartment(s)</u>.</p>	Insufficient Information provided.	No