

COUNCIL ASSESSMENT REPORT
SYDNEY WESTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSWC-559 DA-585/2019/C
PROPOSAL	Modification to Development Consent DA-585/2019 for changes to the approved building envelope
ADDRESS	40-52 Scott Street Liverpool NSW 2170 LOT 1 DP 1293937
APPLICANT	BUILT Group
OWNER	Liverpool City Council
DA LODGEMENT DATE	14 May 2025
APPLICATION TYPE	S.4.55 Modification Application
REGIONALLY SIGNIFICANT CRITERIA	Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> including both: Section 2- Development that has an estimated development cost of more than \$30 million; and Section 3 - Development for a Council related development with an estimated development cost of over \$5 million.
CIV	\$164,812,499.00 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	<p>Environmental Planning Instruments</p> <p>State Environmental Planning Policy (Resilience and Hazards) 2021</p> <p>State Environmental Planning Policy (Transport and Infrastructure) 2021</p> <p>State Environmental Planning Policy (Biodiversity and Conservation) 2021</p> <p>Liverpool LEP 2008</p> <p>Development Control Plans</p> <p>Liverpool Development Control Plan 2008</p> <ul style="list-style-type: none"> Part 4 – Development in Liverpool City Centre
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	No public submissions received.

DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Attachment A: Draft Notice of Determination • Attachment B: Tables of Compliance • Attachment C: Architectural Drawings • Attachment D: Statement of Environmental Effects
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval with conditions
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	Click here to enter a date.
PLAN VERSION	Revision 01
PREPARED BY	The APP Group (external consultant planner)
DATE OF REPORT	27 November 2025

1. EXECUTIVE SUMMARY

1.1 The proposal

The subject application seeks a modification to the Concept Development Consent DA-585/2019 for Phase B of the Liverpool Civic Place development.

The proposed modification is to extend the approved Phase B tower building footprint / envelope on its southern and eastern sides, and to amend the approved plans in Condition 1 of the consent to refer to the revised architectural plans.

No change is proposed to the approved landuses, gross floor area, building height, basement parking or public domain.

1.2 The Site

The subject site has a title description Lot 1 DP 293937 and street address 52 Scott Street, Liverpool.

1.3 Exhibition of the Proposal

The application was placed on public exhibition from 4 June 2025 until 3 July 2025 in accordance with the Liverpool Community Participation Plan. Zero (0) submissions were received. Part 5.2 outlines issues raised by external agencies and council officers in their response to referrals.

1.4 Reasons for the Report

Sydney Western City Planning Panel (SWCPP) is the determining body as the original Concept Development Application DA-585/2019 for a 'Council related development' with a capital investment value of over \$5 million was approved by SWCPP. This modification application proposes modifications to the Concept DA under Section 4.55(1A) of the Environmental Planning and Assessment (EP&A) Act 1979.

2. THE SITE AND LOCALITY

2.1 The Site

The development site has a title description of Lot 1 DP 293937 and street address of 40-52 Scott Street, Liverpool. The site is the subject of this modification application for Concept DA-585/2019 which comprises a Phase A development already completed, and a Phase B development which is the subject of this modification as shown below.



Figure 1: Aerial Image of the site Lot 1 outlined in yellow and showing the Phase B development site outlined red (Source: Nearmap)

The development site for Phase B is bound by Scott Street (a local heritage item) on its northern boundary, Terminus Street (a classified road) on its south side, the Phase A development of Council's office building library and public plaza on its west side, and a low rise two storey commercial building on its east side.

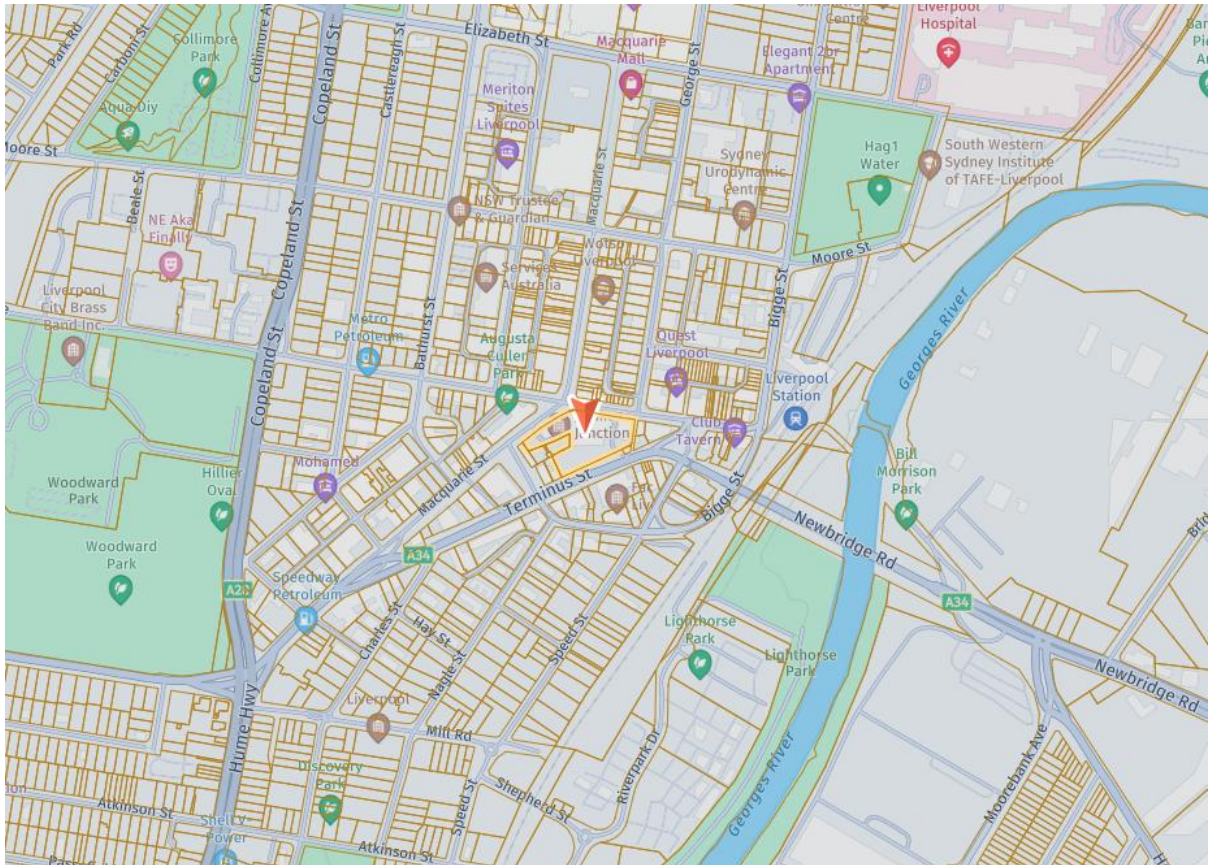


Figure 2: Locality Map showing site outlined yellow and with red pointer (Source: Nearmap)

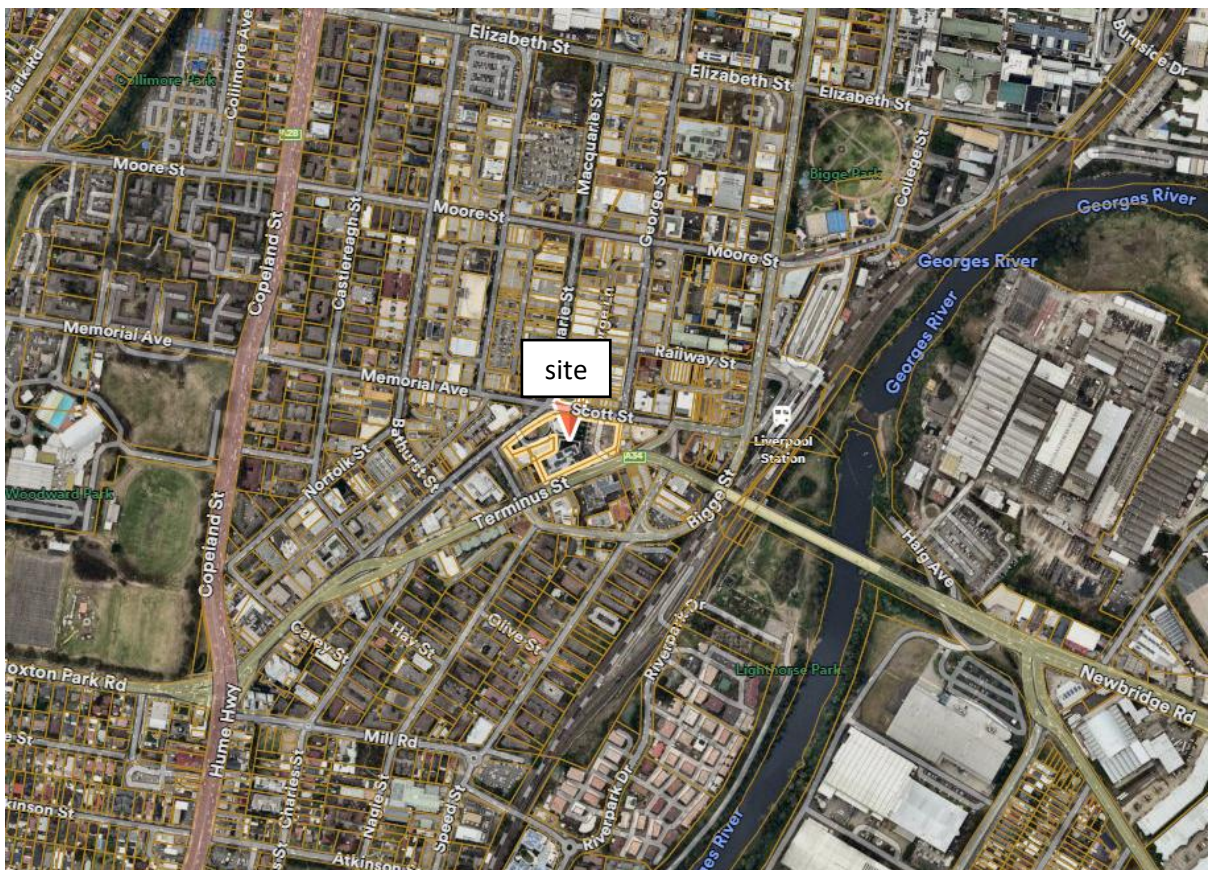


Figure 3: Aerial Photo of locality with the site outlined yellow and with red pointer (Source: Nearmap)

The development site for Phase B has been the subject of early works involving demolition of the previous low rise commercial building and erection of hoardings around the site under the previously approved DA (DA-906/2019) in preparation for its development.

The topography of the site is relatively flat with a gentle slope to the north with a fall of approximately 3.5m from the high point on the Terminus Street frontage at around RL26 to the low point on the Scott Street frontage at around RL22.

Vegetation on the site is limited to landscape planting in the public domain on and around the Phase A development. There is no vegetation on the development site for Phase B.

2.2 The Locality

The subject site is located in a MU1 Mixed Use Zone in the southern part of Liverpool City Centre approximately 200m to the southwest of Liverpool rail station. The locality is characterised by a mix of older main street style of urban development with two storey commercial buildings and newer high rise commercial and mixed use buildings.

To the north of the site on the opposite side of Scott Street are two storey commercial buildings. Further to the north is the Liverpool City Centre with a mix of older low rise commercial main street style of development and newer high rise commercial and mixed use development.

To the south of the site on the opposite side of Terminus Street are a 2-3 storey Telstra telecommunications exchange building and low rise commercial buildings.

To the east of the site are low rise two storey commercial buildings fronting Scott Street. Further to the east is the Liverpool rail station and rail line, Lighthorse Park and Georges River.

To the west of the subject Phase B development site is the Phase A development on the site which includes Council's multi-storey office building and library and public plaza. Further to the west is a heritage-listed Memorial School of Arts building, and a mix of rise commercial and high rise mixed use buildings in the centre to the Hume Highway.



Figure 4: Surrounding development north of the site on Scott Street (Source: Google Street View)

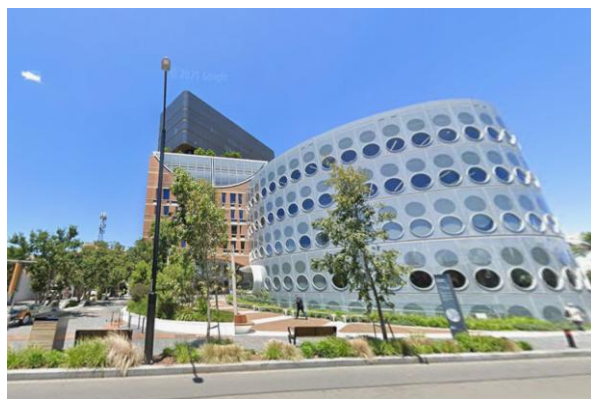


Figure 5: View of adjoining Phase A development from Scott Street (Source: Google Street View)



Figure 6: Surrounding development south of the site on Terminus Street (Source: Google Street View)



Figure 7: Aerial view of the site and surrounding context (Source: Beam Planning)

3. THE PROPOSAL AND BACKGROUND

3.1 The Proposal

The subject application seeks a modification to the Concept Development Consent DA-585/2019 for the Liverpool Civic Place development.

The Concept Development Consent DA-585/2019 comprises two phases of development as follows:

- Phase A – Council public library and office / public administration building envelope, public plaza and basement parking which has been the subject of a subsequent detailed DA and is now constructed and completed.
- Phase B - Building envelope for commercial premises, educational establishments, tourist and visitor accommodation, student accommodation, residential units and basement parking.

The proposed modification is to extend the approved Phase B tower building footprint / envelope on its southern and eastern sides. This includes an extension of the tower building envelope 1.952 m to the east toward George Lane and 2.1 m to the south toward Terminus Street.

The proposed extension to the eastern and southern sides of the Phase B tower building envelope will result in new tower setbacks above podium along Terminus Street and George Lane as shown in the table below:

Table 1: Approved and proposed boundary setbacks for Liverpool Civic Place Phase B

Boundary	Approved podium setback	Approved tower setback	Proposed tower setback
Terminus Street (south)	0m rear setback	2.1m rear setback	0m rear setback
George Lane (east)	0m side setback	4.5m side setback	2.5m side setback

The proposed modifications to the approved Phase B tower building envelope are shown in the architectural drawings prepared by FJC Studio included at **Attachment C** and also in the plan extracts in **Figures 8 to 11** below.

Condition 1 in the Concept Development Consent DA-585/2019 is proposed to be modified to reference the revised architectural plans.

The proposed modification does not propose to change the land uses, maximum gross floor area, maximum building height, basement parking or public domain in the approved Concept Development Consent DA-585/2019.



Figure 8: Amended envelope plan with proposed modification shown in red cloud

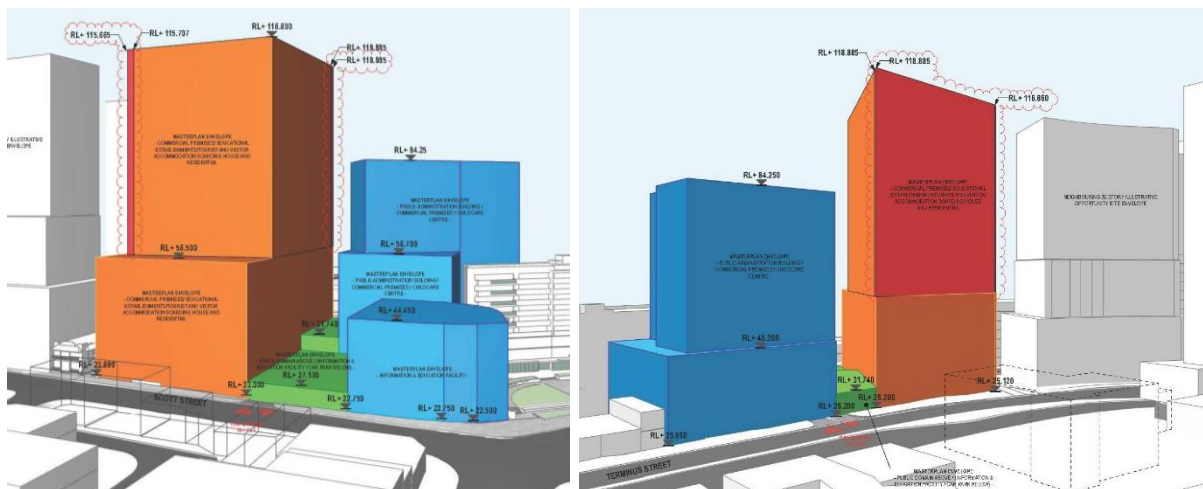


Figure 9: Amended envelope perspective from north (left) and south (right) with proposed modification shown in red cloud

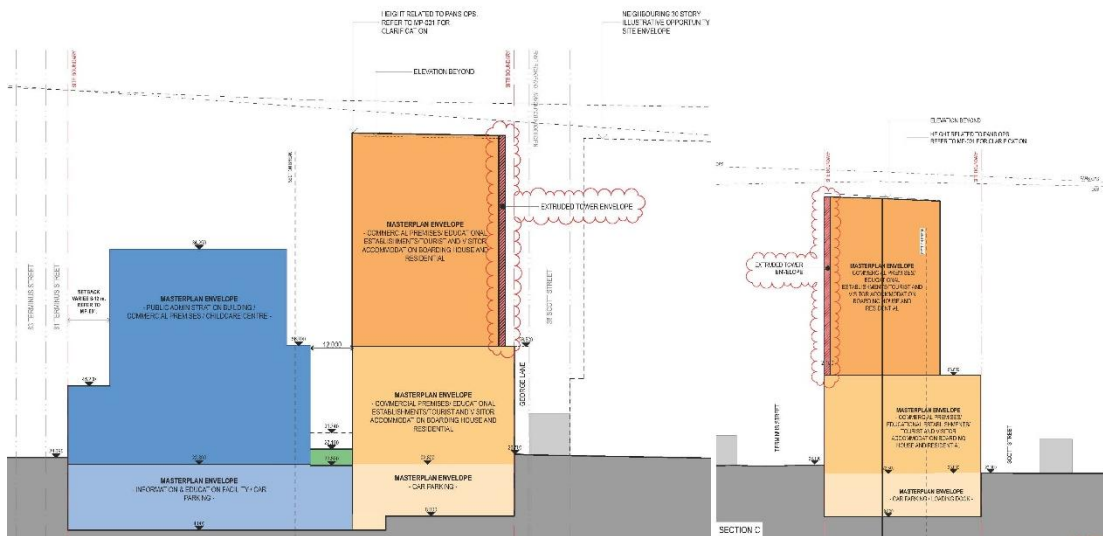


Figure 10: Amended sections with proposed modification shown in red cloud

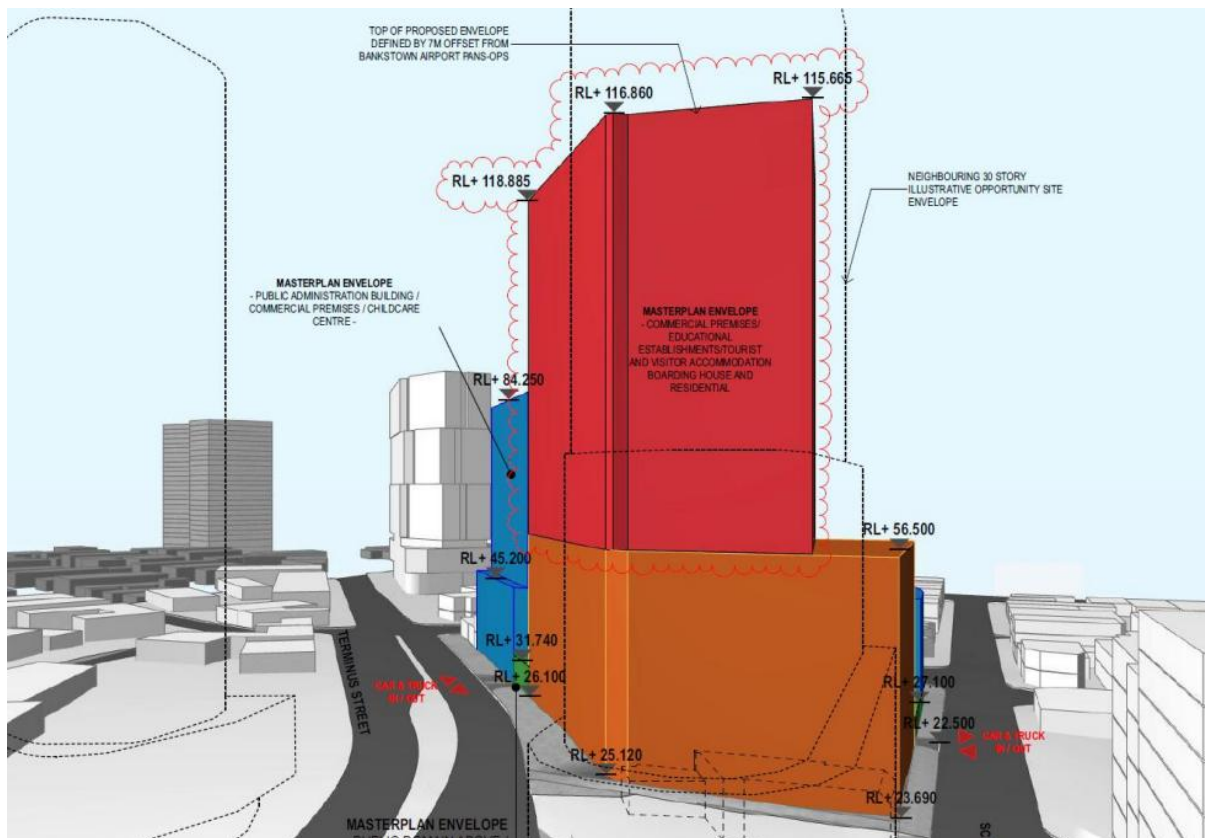


Figure 11: Amended perspective from east with proposed modification shown in red cloud

3.2 Background

The subject application is DA-585/2019/C. The development application was lodged on 20 May 2025. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
14 May 2025	Modification application lodged
27 May 2025	Application submitted to Planning Portal for review by SWCPP
4 June 2025	Exhibition of the application

3.3 Site History

The following are previous development applications lodged and considered on the subject site.

Table 3: Development history of the subject site

DA Number	Proposal	Outcome
DA-906/2019	Demolition of existing structures and early works site preparation	Approved by SWCPP on 29 June 2019
DA-585/2019	Concept DA for a mixed use precinct including three building envelopes for the purpose of a information and education facility (public library), public administration building, commercial premises, educational establishments, tourist and visitor accommodation or boarding house (student accommodation), basement car parking landscaping and public domain concept.	Approved by SWCPP on 31 August 2020
DA-836/2020	Phase A detailed design for a 6 storey public library, 14 storey mixed use office and administration building, basement parking and public plaza.	Approved on 5 July 2021
DA-585/2019/A	Modification to Concept DA-585/2019 to increase the depth of the basement concept envelope.	Approved by SWCPP on 6 July 2021
DA-585/2019/B	Modification to DA-585/2019 to delete condition requiring compliance with car parking rates in the Liverpool LEP 2008	Approved 13 April 2022
DA-1080/2020	Construction and use of a 22 storey commercial office building and 9 storey hotel building within the Phase B envelope, basement, landscaping and public domain works.	Approved 3 May 2022
DA-72/2024	Amending Concept Application for change of use to allow residential flat buildings, co-living housing and shop top housing in the Phase B envelope, and extension of the Phase B building envelope on its northern and southern sides.	Approved by SWCPP on 26 November 2024

4. STATUTORY CONSIDERATIONS

4.1 Section 4.55(1A) of the EP&A Act 1979

An assessment of the proposed modification of consent pursuant to Section 4.55(1A) of the Environmental Planning and Assessment (EP&A) Act 1979 is provided below.

(1A) Modifications involving no or minimal environmental impact.

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the proposed modification is of no or minimal environmental impact, and

Comment: The proposed modification is to a Concept DA and involves a relatively small extension to two sides of a maximum allowable building envelope in which the building design and environmental impact assessment of it is to be the subject of a separate DA. The environmental impacts of the proposed modification to the maximum allowable building envelope in the approved Concept DA are considered to be minimal at this Concept DA stage. The environmental impacts are considered further below in Section 4.3 of this report.

(b) it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment: The development with proposed modifications is considered “substantially the same development” which was granted consent under the original Concept DA-585/2019 for the following reasons:

- The modification maintains the same land uses, gross floor area, public domain and overall form of the development concept approved in the original Concept DA-285/2019.
- The modification does not result in substantial changes to the anticipated environmental outcomes as assessed under the original DA.
- There is no modification proposed to Phase A in the Concept Development Consent DA-285/2019.
- There are no proposed changes to the number, siting, massing, or height of building envelope, basement parking envelope, or public domain in Phase B.
- The proposed extensions to two sides of the upper tower building envelope in Phase B are both relatively small in dimension and do not substantially change the development concept.

(c) it has notified the application in accordance with—

- i. the regulations, if the regulations so require, or*
 - ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent,*
- and*

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: The proposed modification was notified by Council in accordance with the regulations. One submission was received from Endeavour Energy which is considered in Section 5 of this assessment report. No public submissions were received.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment: An assessment of the proposed modification of consent against the relevant provisions in Section 4.15(1) of the EP&A Act is below.

4.2 Section 4.15(1)(a)(i) – Provisions of Environmental Planning Instruments

State Environmental Planning Policy (Resilience and Hazards) 2021

The proposed modification does not change compliance with applicable provisions of the SEPP (Resilience and Hazards) 2021. Consideration of contaminated land is not required for this modification application. Site remediation was addressed in the original DA and has been resolved. The conditions contain measures for the removal and handling of asbestos on the site.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposed development fronts the classified road Terminus Street to the south.

Section 2.119 of the SEPP (Transport and Infrastructure) 2021 requires consideration of the operation and function of classified roads, vehicular access and potential traffic noise impacts on the development. The proposed extension of the tower building envelope in the Concept DA without any change to the approved land use, gross floor area, basement parking or vehicle access has no traffic implications for Terminus Street or for the matters for consideration in clause 2.119 of the SEPP.

Section 1.22 of the SEPP requires traffic generating development near a classified road to be referred to Transport for NSW for comment. The proposed modification is not traffic generating development.

State Environmental Planning Policy (Biodiversity and Conservation) SEPP 2021

The site is identified within the Georges River Catchment. Chapter 6 of the SEPP (Biodiversity and Conservation) 2021 requires consideration to be given to water quantity and quality, scenic value and recreational use of the waterway. The proposed modification does not affect any of these matters.

Liverpool Local Environmental Plan 2008

The relevant local environmental plan applying to the site is the *Liverpool Local Environmental Plan 2008* ('the LEP'). The aims of the LEP include the following:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Liverpool,

- (b) to foster economic, environmental and social well-being so that Liverpool continues to develop as a sustainable and prosperous place to live, work, study and visit,
- (c) to provide community and recreation facilities, maintain suitable amenity and offer a variety of quality lifestyle opportunities to a diverse population,
- (d) to strengthen the regional position of the Liverpool city centre as the service and employment centre for Sydney's south west region,
- (e) to concentrate intensive land uses and trip-generating activities in locations most accessible to public transport and centres,
- (f) to promote the efficient and equitable provision of public services, infrastructure and amenities,
- (g) to conserve, protect and enhance the environmental and cultural heritage of Liverpool,
- (h) to protect, connect, maintain and enhance the natural environment in Liverpool, and promote ecologically sustainable development which takes into account the environmental constraints of the land,
- (i) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires, by managing development in sensitive areas,
- (j) to promote a high standard of urban design that responds appropriately to the desired future character of areas,
- (k) to improve public access along waterways and vegetated corridors while ensuring the natural environmental values of riparian and bushland corridors and the habitat they provide are protected and enhanced,
- (l) to improve public transport accessibility, and facilitate the increased use of public transport, cycling and pedestrian activity,
- (m) to enhance the amenity and positive characteristics of established residential areas,
- (n) to ensure the agricultural production potential of rural land and prevent its fragmentation,
- (o) to encourage development opportunities for business and industry so as to deliver local and regional employment growth

The proposed modification as submitted has not demonstrated consistency with the aims of Liverpool LEP relating to the built form and public domain considerations detailed in Section 4.3 further below in this report. However, consistency with the aims of the LEP is achieved via the recommended condition of consent for an urban design study to be prepared to address the matters identified in Section 4.3 of this report as part of a DA for the detailed design of the Phase B development.

Zoning and Permissibility (Part 2)

The site is located within the MU1 zone.

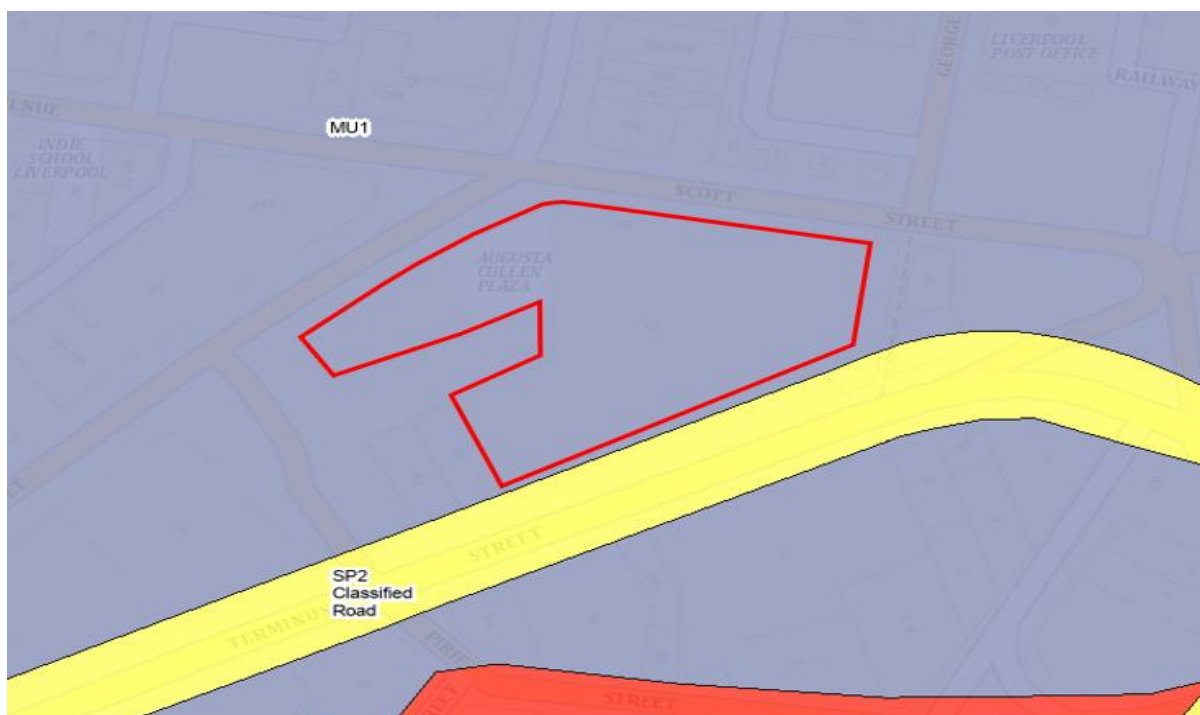


Figure 12: Zoning map

The application does not propose changes to the approved uses for the Phase B building. This includes commercial premises, educational establishments, tourist and visitor accommodation, student accommodation and residential units.

The zone objectives include the following (pursuant to the Land Use Table in Part 2):

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

The proposed modification does not affect the consistency of the Concept Development Consent DA-285/2019 with the zone objectives.

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls that are a relevant consideration in relation to the proposed modification are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Provision	Comment	Comply
Part 4 Principal development standards			
4.3 Height of buildings	28 m	The Concept DA Consent 585/2019 was approved under the bonus height and FSR controls in Section 7.5A of the LEP below which continue to apply.	N/A
4.3 Floor space ratio (FSR)	3:1		
Part 5 Miscellaneous provisions			
5.10 Heritage conservation	Development in the vicinity of a heritage item may need a heritage impact statement.	The site is located within the vicinity of two heritage items including Scott Street on the northern boundary of the site, and the 'Memorial School of Arts' to the west of the Phase A development on the site. The proposed extension to the Phase B tower building footprint on its eastern and southern sides will not have a significant impact on the heritage significance of these two nearby heritage items.	Y
Part 7 Additional local provisions			
7.1 Objectives for development in Liverpool City Centre	(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	The proposed modification is consistent with the objectives for development in the Liverpool City Centre subject to the recommended condition of consent for an urban design study to be prepared to address matters identified in Section 4.3 of this report as part of a DA for the detailed design of the Phase B development.	Y

	<p>transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,</p> <p>(f) to enhance the natural river foreshore and places of heritage significance,</p> <p>(g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.</p>		
7.4 Building separation in Liverpool City Centre	<p>(2) Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least –</p> <p>d) 12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone E2 Commercial Centre or MU1 Mixed Use, and</p> <p>(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.</p>	<p>.</p> <p>The proposed modification is to extend the approved building envelope 2.1m to the south and 1.952m to the east. There are currently no neighbouring buildings to the south or the east which are over 25 metres in height to which the building separation standards in Section 7.4 of the LEP would apply.</p> <p>There is, however, potential for future building development on the land to the south and east above 25 metres in height which, although not subject to Section 7.4, should be taken into consideration in terms of planning and urban design merit.</p> <p>Section 4.3 of this report below provides an assessment of the potential for building separation distances in Section 7.4 of the LEP to be achieved between the proposed</p>	Y

		modified Phase B building envelope and future high-rise development on the neighbouring sites to the south and east.	
7.5 Design excellence	(3) In considering whether development exhibits design excellence, the consent authority must have regard to the following matters –		Y
	(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	These detailed design aspects are not part of the Concept DA and are subject to a future separate DA for detailed design.	N/A
	(b) whether the form and external appearance of the proposed development will improve quality and amenity of the public domain	Refer to the assessment of public domain considerations in Section 4.3 of this report below.	Y
	(c) whether the proposed development detrimentally impacts on view corridors	<p>The proposed modification is to extend the Phase B tower footprint on its southern side fronting Terminus Street and on its eastern side fronting George Lane.</p> <p>The visual size of the proposed extensions to the tower building envelope (ie.2.1m to the south and 1.9m to the east) relative to the approved size of the tower building envelope (25m x 40m x 50m) is considered relatively minor.</p> <p>There is no residential building located nearby the site that has significant views across the site frontage on Terminus Street</p>	Y

		<p>or George Lane at the height of the proposed modifications to the tower envelope or that would be significantly impacted by the proposed modifications.</p> <p>There is also no public park or area of public domain near the site (other than the affected streetscapes) that has significant views across the site frontages on Terminus Street or George Lane.</p> <p>The impact of the proposed modification on the view corridor along the streetscapes of Terminus Street and George Lane will depend on the detailed design of the Phase B building in a future DA. A condition of consent is recommended for the detailed DA for the Phase B building design to be the subject of an urban design study that, amongst other matters, addresses the streetscapes along Terminus Street and George Lane in the detailed design.</p>	
	(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)	These public parks and public domain areas are in the city centre further to the north of the site in locations which are not impacted by shadows from the approved development concept or proposed modification.	Y
	(e) any relevant requirements of applicable development control plans	Compliance with the Liverpool DCP 2008 is discussed in Part 4.2(c) of this report.	Y
	(f)(i) the suitability of the site for development	The site is considered suitable for the proposed	Y

		modification as there are no prohibitive constraints on or around the site.	
	(f)(ii) existing and proposed uses and use mix	The modification does not propose any changes to the approved uses.	N/A
	(f)(iii) heritage issues and streetscape constraints	Refer to Section 5.10 of the LEP above on heritage. Refer to Section 4.3 of the report below for assessment of streetscape considerations.	Y
	(f)(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	The proposal maintains the approved location of towers in the approved Concept DA. Refer to Section 4.3 of this report for an assessment of the proposed modification to the Phase B tower envelope in terms of relationship with other buildings.	Y
	(f)(v) bulk, massing and modulation of buildings	The proposed modification does not significantly affect the massing of building envelopes in the approved Concept DA 585/2019. Refer to Section 4.3 below for assessment of implications of the proposed modification for building bulk and built form modulation.	Y
	(f)(vi) street frontage heights	The proposed modification has potential to change the street frontage height on Terminus Street by removing the tower setback above podium along this street front. Refer to Section 4.3 of this report below for an assessment of the implications of this modification for the streetscape. The proposed modification does not change street frontage height in Scott Street or George Lane.	Y

	(f)(vii) environmental impacts such as sustainable design, waste and recycling infrastructure, overshadowing, wind and reflectivity	Detailed development design aspects relating to ESD are not part of the Concept DA and are subject to a future separate DA for detailed design. Refer to Section 4.3 of this report below for assessment of environmental impacts of the proposed modification.	N/A
	(f)(viii) the achievement of the principles of ecologically sustainable development	The proposed modification is not inconsistent with ESD principles subject to an urban study being prepared as part of a DA for detailed design of Phase B development as recommended in Section 4.3 of this report below. Detailed development design aspects relating to ESD are not part of the Concept DA and are subject to a future separate DA for detailed design.	Y
	(f)(ix) pedestrian, cycle, vehicular and service access, circulation and requirements	These detailed design aspects are not part of the Concept DA and are subject to a future separate DA for detailed design.	N/A
	(f)(x) the impact on, and any proposed improvements to, the public domain	Refer to the assessment of public domain considerations in Section 4.3 of this report below.	Y
7.5A Additional provisions relating to certain land at Liverpool city centre	Section 7.5A provides for additional FSR and building height for development that achieves particular outcomes on sites within particular areas which includes the subject site.	The proposed modification does not propose any changes to the approved building height or FSR in the Concept Development Consent DA-585/2019, and does not change any of the particular outcomes in the approved development concept needed to achieve the approved FSR and height.	N/A

The proposal is considered to be generally consistent with the LEP.

(a) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no draft environmental planning instruments that apply to this site or development.

(b) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- ***Liverpool Development Control Plan 2008 ('the DCP')***

Part 4 – Development in Liverpool city centre is applicable to the proposed modification of consent. The proposal does not affect the level of compliance of the approved Concept DA-585/2019 with other DCP controls. The proposal is considered to be consistent with the controls set out within the DCP. All relevant compliance tables can be found in Report **Attachment B**. Matters of particular significance are also provided in **Table 5** below.

Table 5: Consideration of the DCP Controls

DCP Part	Comment	Comply
Part 4 – Development in Liverpool City Centre		
Part 4.2 Controls for Building Form		
4.2.4 Controls for the Midrise Precinct	The proposed modification has potential to change the street frontage height on Terminus Street to more than 6 storeys by removing the tower setback above podium along this street front. Refer to Section 4.3 of this report below for an assessment of the implications of this modification for the streetscape which is considered acceptable subject to urban design study to address it in a future DA for detailed design.	N
	The proposed modification does not change street frontage height in Scott Street or George Lane. The proposed modification does not change the land uses or basement parking in the approved Concept DA.	Y
4.2.7 Street alignments and street setbacks	Refer to Section 4.3 of this report below for an assessment of considerations relating to the proposed modification to the building envelope in the approved Concept DA. Detailed design considerations are to be the subject of a future DA for detailed design of the Phase B development.	Y
4.2.8 Side and rear boundary setbacks	The proposed modifications to the Phase B tower building envelope are along the street front setbacks to Terminus Street and George Lane, and do not affect any side or rear setback.	N/A
4.3 Pedestrian amenity		

4.3.5 Street and building interface	Refer to Section 4.3 of this report below for an assessment of considerations relating to street and building interface associated with the proposed modifications to the Phase B tower building envelope. Detailed design considerations are to be the subject of a future DA for detailed design.	Y
4.3.6 Lane/serviceways and building interface	<p>The controls requires a 6m setback from the centre line of laneways for all levels above ground so that residential uses can be accommodated. The approved Concept DA includes a 2m setback from the centre of George Lane to the Phase B building envelope podium, and a 6.5m setback from George Lane to the Phase B tower building envelope above podium.</p> <p>The proposed modification results in a 4.5m setback from George Lane to the Phase B tower building envelope above podium. This is considered reasonable in the circumstances subject to an urban design study being prepared to address the urban design, built form, public domain and amenity considerations as addressed in the assessment in Section 4.3 of this report below.</p> <p>Detailed design aspects such as location of uses, parking, vehicular entry points and services are subject to a future separate DA for detailed design of the Phase B development.</p>	N
4.3.8 Building design and public domain interface	Refer to Section 4.3 of this report below for an assessment of considerations relating to building design and public interface associated with the proposed modifications to the Phase B tower building envelope. Detailed design considerations are the subject of a future DA for detailed design.	Y
4.5 Environmental management		
4.5.1 Wind mitigation	Refer to Section 4.3 of this report below for an assessment of considerations relating to potential wind impacts associated with the proposed modifications to the Phase B tower building envelope.	Y

(c) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There are no planning agreements that apply to this site.

(d) Section 4.15(1)(a)(iv) - Provisions of Regulations

There are no provisions of the 2021 EP&A Regulation that are relevant to the proposed modification.

4.3 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. Potential impacts of the proposed modification to the Phase B tower building footprint relate to the built environment and public domain environment which are considered below. The proposed modification has no significant impact on the natural environment and no significant economic effect.

The approved Phase B building envelope has a distinct podium and tower form with tower setbacks above podium which (at the approved height) substantially influences the visual bulk of the building, design /architectural quality, its relationship with surrounding buildings (existing and potential future buildings) in terms of built form and separation distances affecting privacy, and amenity in the public domain at ground level in terms of pedestrian scale, sunlight / daylight, and wind comfort level. The proposed modification to remove the tower setback above the podium on its southern side and reduce the tower setback above podium on its eastern side has potential to impact on these urban design quality and amenity factors which are considered further below.

Built Form

The approved Phase B building envelope with a podium street wall and tower setback form at the approved height mitigates against an imposing visual bulk and scale of the building particularly at ground level, and has a distinct podium that promotes a cohesive design relationship with surrounding buildings and in particular the completed Phase A library building and podium form of the Phase A office / administration building.

The proposed modification to remove the tower setback on its southern side and reduce the tower setback on its eastern side has potential for a building at the approved height to have an imposing visual bulk and scale particularly at ground level, and affect the cohesiveness of the design relationship with Phase A buildings. The visual bulk of the building and its design relationship with surrounding buildings will depend on the detailed building design in a future DA. A condition of consent (Condition 35) is therefore recommended to require an urban design study be prepared that addresses these built form considerations in a DA for the detailed design of the Phase B building.

Building Separation

To the south

The approved Phase B tower envelope has a separation distance of approximately 30m to the boundary of properties to the south on the opposite side of Terminus Street. The modification seeks to extend the Phase B building tower envelope south by 2.1m to the Terminus Street boundary which reduces the separation distance to 20m to the property on the opposite side of Terminus Street to the south. This proposed separation distance is more than adequate and does not compromise any future medium or high rise commercial or mixed use development of properties to south on the opposite side of Terminus Street in compliance with building separation and setback controls.

To the east

The approved Phase B tower envelope has a separation distance of approximately 8.5 m to the boundary of the property to the east at 38 Scott Street & 37 Terminus Street on the opposite side of George Lane.

The proposed modification seeks to extend the Phase B building tower envelope east toward George Lane by 1.952m and thereby reducing its separation distance to approximately 6.5m to the boundary of the property to the east on the opposite side of George Lane.

The property adjacent to the east of the site has street frontage widths of approximately 11m to Scott Street and 25m to Terminus Street, and currently contains a two storey commercial building. This adjacent property is not of sufficient size to be developed for medium to high rise development itself. Any future medium to high rise development to the east would need to involve an amalgamation of the adjacent property at 38 Scott Street & 37 Terminus Street together with the neighbouring property further to the east at 24-36 Scott Street.

The proposed extension of the Phase B tower building by 1.952m to the east is a relatively minor extension which does not isolate properties to the east and does not sterilise the capacity for future medium to high rise development to the east across George Lane in compliance with relevant building separation controls. A condition of consent (Condition 35) is recommended to require an urban design study be prepared as part of a DA for the detailed design of the Phase B building that addresses building separation to the east and demonstrates the capacity for future medium to high rise development on properties to the east in compliance with building separation controls.

Solar Access

The proposed extension of the Phase B tower envelope by 2.1m to the south would have no impact on solar access on its surrounds. It would have no impact on any existing residential property or future residential development on surrounding properties, and negligible impact on the public domain.

The proposed extension of the Phase B tower envelope by 1.952m to the east has potential to impact sunlight and daylight access in the public domain in George Lane. It would have no impact on solar access in any other significant public domain area, any existing residential property, or any future residential development to the north, east or west. It would have minimal to negligible impact on solar access in any future residential development to the south on the opposite side of Terminus Street. A condition of consent (Condition 35) is recommended to require an urban design study be prepared that addresses sunlight and daylight access in George Lane in a DA for the detailed design of the Phase B building.

Wind

The approved Phase B building envelope includes a tower setback above podium which disrupts wind shear down the building elevations at podium roof terrace level and mitigates wind impact in the public domain at ground level.

The proposed modification to remove the tower setback above podium along the Terminus Street elevation and reduce the tower setback above podium along the George Lane elevation, can have adverse wind impacts on the public domain on ground level from wind shear / deflection down these building elevations all the way to ground level without being disrupted and mitigated by a podium roof terrace level. The wind conditions in the public domain at ground level will depend on the detailed design of the Phase B development and any wind mitigation measures included in it.

Condition 31 in the existing Concept Development Consent No.585/2019 requires a wind study to be submitted with a DA for the detailed design of the Phase B development. A further condition of consent (Condition 35) is recommended requiring an urban design study be prepared that addresses wind in the public domain on ground level as part of a future DA for detailed design of the Phase B development.

Pedestrian Scale

The proposed removal and reduction of Phase B tower building setbacks above podium on the southern and eastern sides respectively raises the potential for the building at the approved height to have an excessive visual bulk and scale in the pedestrian and public domain at ground level. This will depend on the detailed design of the Phase B building in a future DA. A condition of consent (Condition 35) is recommended requiring an urban design study be prepared that addresses pedestrian scale in the public domain on ground level as part of a future DA for detailed design of the Phase B development.

Streetscapes

The proposed extension of the Phase B tower building envelope has potential to impact on the streetscapes of Terminus Street and George Lane in relation to the issues identified above such as building alignments, built form relationships along the streetscape, and pedestrian amenity in the street at ground level. Condition 35 is recommended requiring an urban design study be prepared that addresses these streetscape considerations as part of a future DA for detailed design of the Phase B development.

4.4 Section 4.15(1)(c) - Suitability of the site

The site conditions are considered suitable for the proposed extension to the Phase B maximum tower building envelope subject to the detailed design of the Phase B development including an urban design study addressing the detailed site design considerations as described in Section 4.3 above.

4.5 Section 4.15(1)(d) - Public Submissions

The Council received no public submissions to this modification application during the notification period.

4.6 Section 4.15(1)(e) - Public interest

The proposal is in the public interest as it will deliver the same social and economic benefits identified in the Original Concept DA. The proposed modification does not significantly affect the level of compliance and consistency with the relevant planning controls, and does not generate any unreasonable adverse environmental impact subject to a DA for the detailed design of Phase B development addressing the urban design issues identified above in Section 4.3 of this report.

5. REFERRALS AND SUBMISSIONS

5.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 6**.

Table 1: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act) – N/A			
Referral/Consultation Agencies			
Endeavour Energy	Section 4.55 - Environmental Planning and Assessment Act 1979	Endeavour Energy made a submission dated 2 June 2025 raising no objection to the proposed development subject to standard conditions of consent as well as any conditions recommended by EE for the site in previous applications.	Yes
Integrated Development (S 4.46 of the EP&A Act) – N/A			

5.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 7**.

Table 2: Consideration of Council Referrals

Officer	Comments	Resolved
Strategic Planning	Not required.	N/A
Urban Design & Public Domain	Council's CDPD officers made a submission dated 22 July 2025 requesting information from the assessing officers about the Concept DA's setback and potential amenity impacts on the site, neighbouring properties and public domain as a result of the proposed modification to building envelope. A condition of consent is recommended requiring an Urban Design Study to be prepared that addresses these issues as part of the DA for detailed design of Phase B development.	Yes

5.3 Community Consultation

The proposal was notified in accordance with Council's Community Participation Plan from 4 June 2025 until Thursday 3 July 2025. The notification included the following:

- Details of the application and supporting documentation sent to the owners/occupiers of any properties considered to be potentially affected by the proposal;
- A sign placed on the subject site;
- Notification on the Council's website.

The Council did not receive any submissions during the public exhibition period.

6. KEY ISSUES

The key issues associated with the proposed modification to the Phase B building envelope in the approved Concept DA-285/2019 relate to a number of urban design and amenity considerations addressed above in Section 4.3 of this report. A condition of consent (Condition 35) is recommended to require an urban design study to address these issues in a DA for the detailed design of the Phase B development.

7. CONCLUSION

This application to modify the Concept Development Consent (DA-585-2019) has been considered in accordance with the requirements of the EP&A Act and associated EP&A Regulation as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, the resulting conclusions have been made.

- The proposed modification is of minimal environmental impact and results in a development concept that is substantially the same as the original Development Consent.
- The proposed modification does not significantly affect the level of compliance and consistency of the concept development with the relevant provisions of environmental planning instruments and development control plan.
- The proposed modification to extend the Phase B tower building envelope on two sides raises a number of considerations relating to the built environment, design excellence and amenity in the public domain which depend on the detailed design of the Phase B development. A condition of consent (Condition 35) is recommended to require an urban design study to address these issues in a DA for the detailed design of the Phase B development.
- The proposed modification would not have any significant impact on the natural environment or any significant economic effect.
- The site is considered suitable for the proposed modification.
- The proposed modification is in the public interest.

8. RECOMMENDATION

That the Modification Application (DA-585/2019/C) be APPROVED pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* subject to the conditions of consent in the draft Notice of Determination included in this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Notice of Determination
- Attachment B: Tables of Compliance
- Attachment C: Architectural Drawings
- Attachment D: Statement of Environmental Effects