

24176

2 April 2025

Mr Jason Breton
Acting Chief Executive Officer
Liverpool City Council
52 Scott Street
Liverpool, NSW 2170

Attention: Ms Lina Kakish (Director of Planning and Compliance)

Dear Ms Kakish,

Section 4.55(1A) Modification to DA-585/2019 52 Scott Street, Liverpool

Beam Planning has prepared this modification application on behalf of Built Capital Group Pty Ltd, pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* to modify Development Consent DA-585/2019 relating to a Concept DA for a mixed-use precinct known as Liverpool Civic Place.

The proposed modification seeks amendments to the approved building envelope in place for Phase B of Liverpool Civic Place to facilitate the provision of a university and life science building on the site with a floor plate commensurate with such uses. No change is proposed to the approved or anticipated land uses, maximum height, maximum floor space, or any other parameters of Development Consent DA-585/2019.

This application addresses the applicable provisions of section 4.55(1A), including an assessment of the potential environmental impacts, whether the amended development is substantially the same as the development originally approved, and any consultation requirements. This application is accompanied by amended Architectural Envelope Drawings prepared by fjc (refer to **Appendix C**).

This application should be read in conjunction with the Statement of Environmental Effects (SEE) prepared for the Stage 1 Concept DA DA-585/2019, dated 16 September 2019, as well as the SEE submitted in support of the Amending Stage 1 Concept DA DA-72/2024, dated 22 December 2023.

1.0 The Site

The site is located at 52 Scott Street, Liverpool, within the Liverpool Local Government Area (LGA) and forms part of Phases B and C of the Liverpool Civic Place redevelopment. The site is situated approximately 300 metres southwest of Liverpool Railway Station and is surrounded by key sites, such as Liverpool Hospital, Western Sydney University Liverpool Campus, Westfield Liverpool, the Georges River and Biggie Park.

The site, only comprising of one (1) allotment, is legally known as Lot 1 in DP1293937 and has a total site area of 9,189m². It has three primary road frontages, including a primary frontage to Scott Street to the north, George Lane to the east, and Terminus Street to the south. An aerial image of the site is provided at **Figure 1**, which identifies the entire Liverpool Civic Place site and the Phase B/C component to which this amending DA relates.



Figure 1 Site aerial

Source: Beam Planning

2.0 Consent to be Modified and Relevant History

Several approvals have been granted following the granting of the Stage 1 Concept Development Consent DA-585/2019. This modification pertains to the Phase B section of the site where no works have commenced under the approved Stage 1 Concept Approval. The relevant approvals are outlined below.

2.1 Stage 1 Concept DA: DA585/2019

Development consent DA-585/2019 was granted by the Sydney Western City Planning Panel on 31 August 2020. Key components of the approved Concept DA include:

- **Building Envelopes and Uses:**
 - **Phase A:** Two building envelopes with maximum heights of RL 44.45 and RL 84.25 for uses including a public library, public administration building, commercial premises and childcare uses.
 - **Phase B:** A single building envelope with maximum height of RL 118.85, accommodating uses including commercial premises, educational establishments, tourist and visitor accommodation, and student accommodation.
- **Basement Parking:** An envelope for a 3-storey shared basement car park across the Site, accommodating both the public and private parking needs. It is noted that a subsequent modification (DA-585/2019/A) extended this to a four-storey basement.
- **Landscaping and Public Domain:** A public through-site link connecting Scott and Terminus Street, along with landscaping and public domain improvements.

This modification application seeks to amend the approved Stage 1 Concept in relation to the Phase B building envelope.

2.2 Amending Stage 1 Concept DA: DA-72/2024

An Amending Stage 1 Concept DA was lodged in February 2024 and was approved by the Sydney Western City Planning Panel on 26 November 2024. This DA was lodged in response to evolving market dynamics and Sydney's housing crisis and in summary, sought approval for additional residential uses to be accommodated within the Phase B/C building envelope of the Liverpool Civic Place development, including residential flat buildings, shop top housing and co-living housing. Associated building envelope and design refinements were sought to facilitate and accommodate these residential uses.

The Amended envelope, as modified under DA-72/2024, is shown at **Figure 2**.

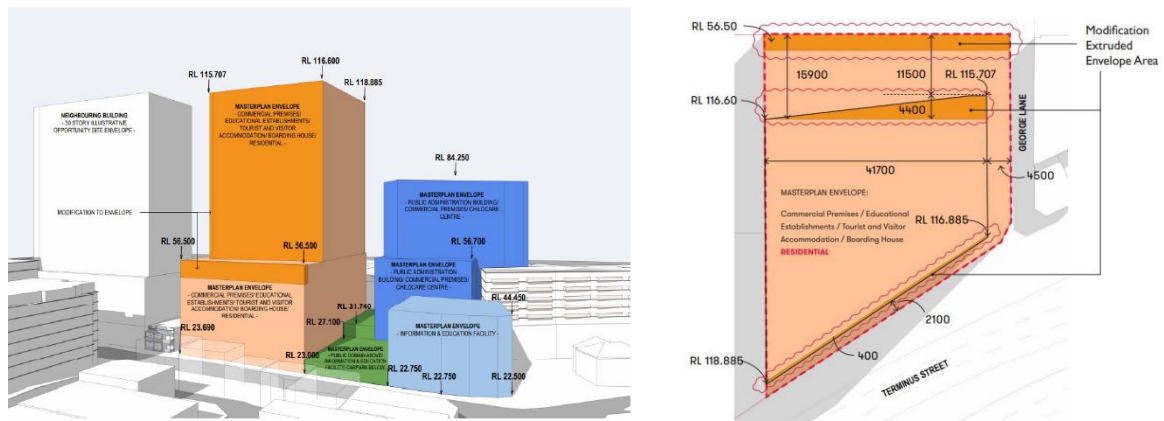


Figure 2 Amending Stage 1 Concept DA Envelope (North Elevation)

Source: FJC

3.0 Proposed Modifications

3.1 Modifications to the Envelope

The proposed modifications to the approved Stage 1 Concept only relate to the Phase B/C envelope, and can be described as follows:

- Extension of the tower building envelope to the east by ~1.952m.
- Extension of the tower building envelope to the south by ~2.1m

No change is proposed to the base/podium building envelope, or any areas of the public domain.

The modifications sought to the building envelope are illustrated in **Figure 3** and **4**, and on the Architectural Envelope Drawings at **Attachment A**.

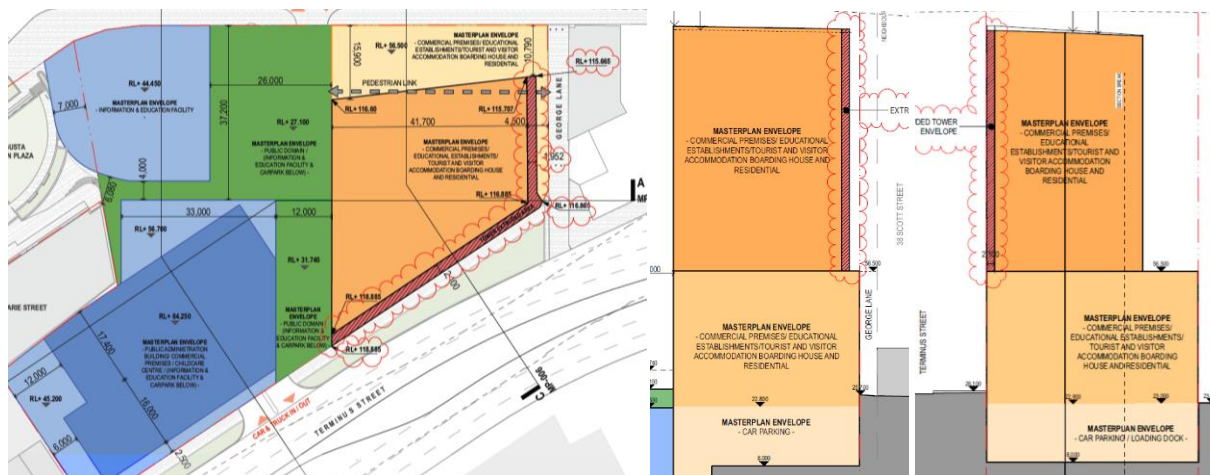


Figure 3 Amended Envelope Plan and Sections (proposed modification shown in red cloud)

Source: fjmtstudio

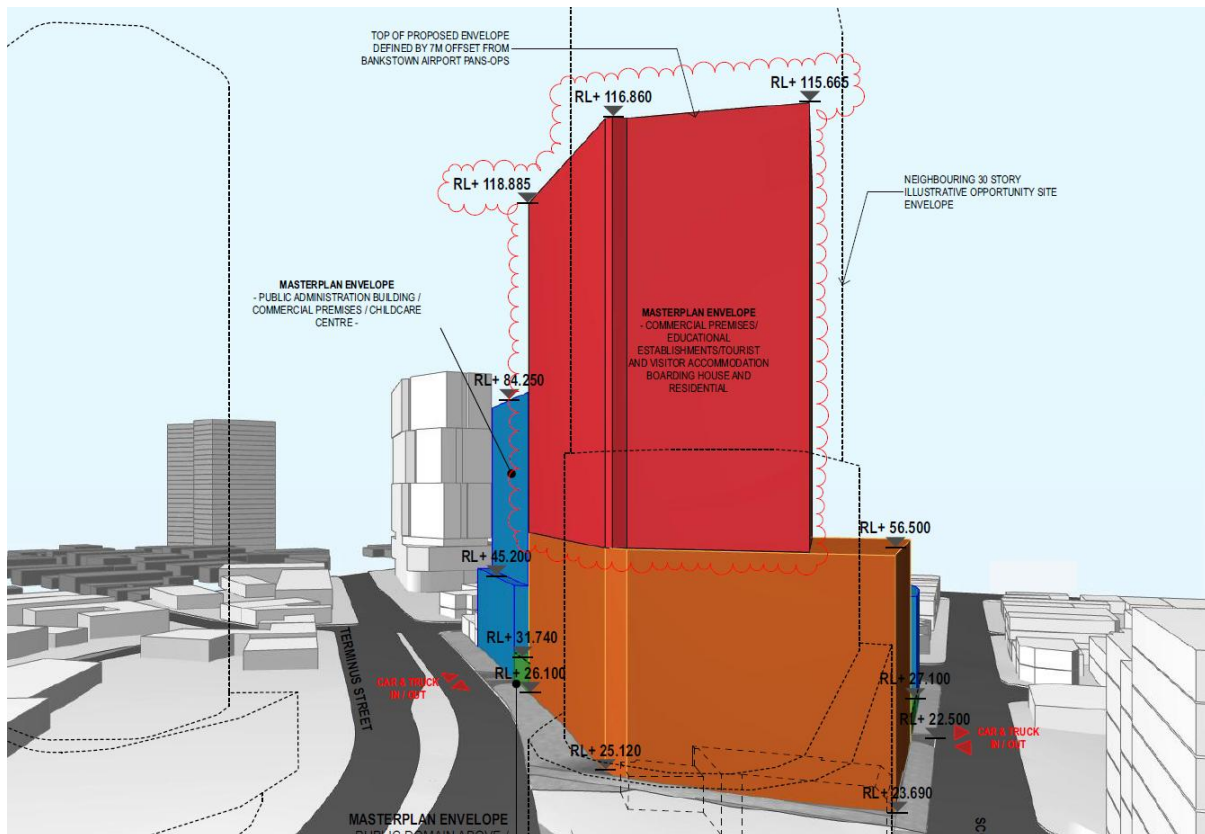


Figure 4 Amended Envelope Perspective from the East (proposed modification shown in red cloud)

Source: fjmtstudio

3.2 Modifications to the Conditions

The above modifications to the development necessitate the following amendments to the conditions of consent. Deleted words are shown in **~~bold italics strike through~~** and proposed words to be inserted are shown in ***bold italics***.

Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following approved plans / reports marked as follows, except where modified by the undermentioned conditions.

Plan	Plan Number	Date	Prepared By
Basement Envelope Plan	MP-002	2/05/2020 21/3/2025	FJMT
Envelope Plan	MP-001	2/05/2020 21/3/2025	FJMT
Envelope Section A	MP-005	2/05/2020 21/3/2025	FJMT
Envelope Section B & C	MP-006	2/05/2020 21/3/2025	FJMT
Envelope Perspective North	MP-003	2/05/2020 21/3/2025	FJMT
Envelope Perspective South	MP-004	2/05/2020 21/3/2025	FJMT
Envelope Perspective East	MP-007	2/05/2020 21/3/2025	FJMT

4.0 Environmental Assessment

Section 4.55(1A)(a) requires the consent authority to be satisfied that the proposed modifications are of minimal environmental impact.

4.1 Building Massing and Scale

The massing and scale of the building envelope as proposed to be modified will not be significantly altered from that approved under Development Consent DA-585/2019 (and as amended under Development Consent DA-72/2024). As the proposed modification does not seek an increase in height but instead proposes a minor extension of the façade outward to the south and east, the overall form, massing and scale of the building is maintained.

It should also be noted that in the detailed design of the development, the amended project strategy will result in a development of a reduced scale. As shown in **Figure 5**, the refinement of land uses in Phase B/C of the project allows the building to significantly reduce in height from the scale approved under Development Consent DA-1080/2020. The commercial premises under Development Consent DA-1080/2020 has a significantly larger presence on the site and takes up the entirety of the available envelope, while the university/life sciences development proposed in the amending DA concurrently under assessment to this modification will result in a reduced building form.



Figure 5 Comparison of approved commercial building (left) and proposed university and life sciences building (right)
Source: FJC

The extension of the floor plate to the south and east will therefore not only produce a more usable internal space for the proposed land uses, it will allow for a more harmonious scale to be achieved with the overall building height. This will reinforce the fundamental principles of the approved Concept DA DA-585/2019, facilitating a variety of building scales across the site. The amended envelope will ultimately create a more regular and balanced building form, enhancing both the architectural aesthetic and the functional layout of the structure.

4.2 Internal Floor Plate Design

The amended building envelope will enable the tower to extend consistently above the podium, reflective of the large campus-style floor plate required for the university and life sciences uses separately proposed for the building in the amending DA concurrently being sought to amend the detailed building design approved under Development Consent DA-1080/2020. The proposed campus-style floor plate is reflective of the proposed building use and will ensure a functional and flexible layout is achieved. **Figure 6** illustrates the detailed building design, in particular demonstrating the placement of columns on the exterior of the floor plate in the extended envelope area to enable maximum flexibility.

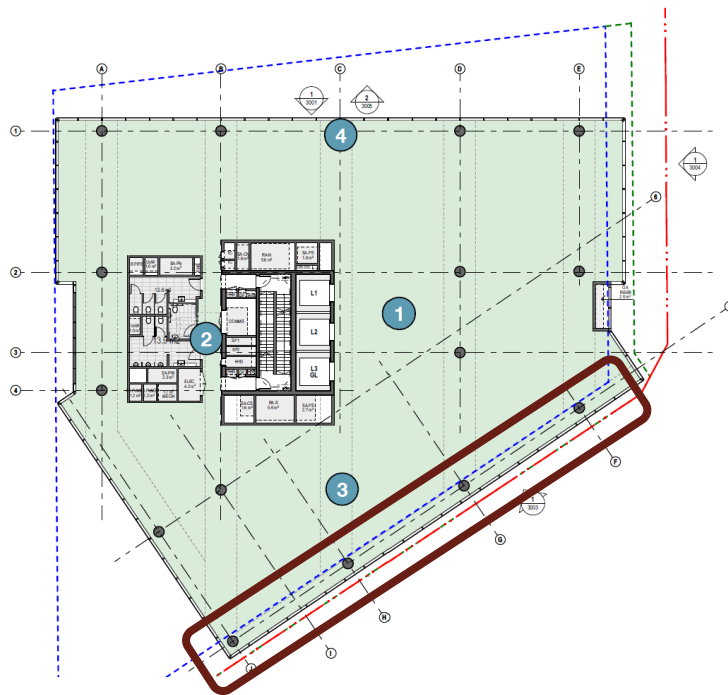
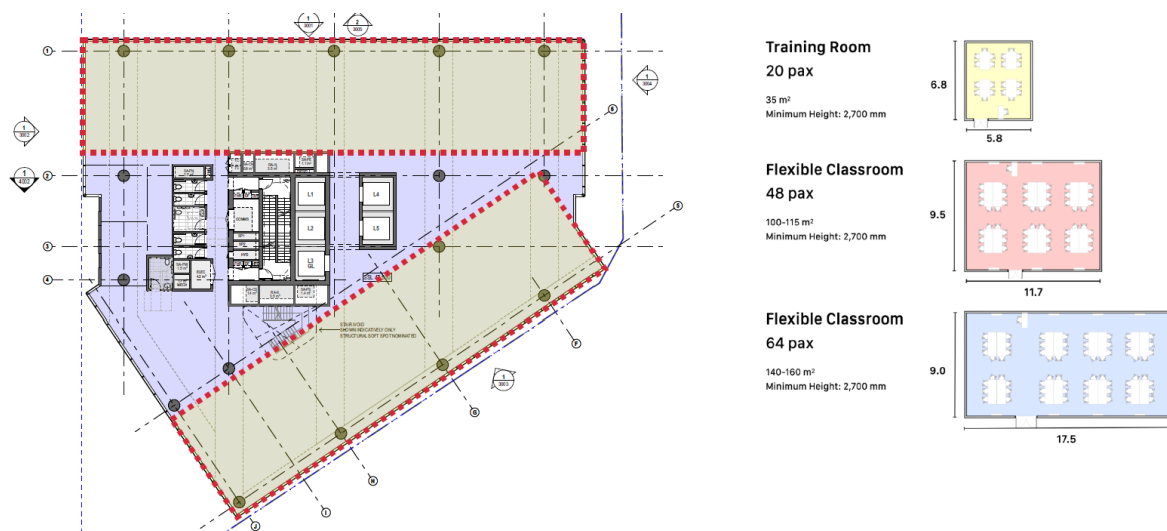


Figure 6 Detailed building floor plate design for the proposed university and life sciences building (perimeter columns circled)

Source: FJC

Figure 7 illustrates the benefit of the detailed structural solution proposed for the university floor plate, enabling flexibility to provide standard university teaching and lecture layouts on the floor plate. This structural solution, of large expanses with limited columns, is facilitated by the proposed envelope extensions sought in this modification application.



Typical University Level

Standard Modules

Figure 7 Floor plate design for the proposed university and life sciences building and standard modules

Source: FJC

4.3 Building Separation

The proposed modification will result in minor extensions of the upper tower setbacks to be consistent with the approved podium side and rear setbacks for the Phase B envelope. Given the proposed university and life sciences use intended to be provided within this building, and in the context of the minor nature of the amendments, these setbacks are appropriate and will continue to enable suitable building separation to be achieved to surrounding existing, and potential, buildings. As the envelope will align the podium and tower setbacks, there will continue to be a reinforcement of the surrounding street and lane network, particularly to Terminus Street and George Lane.

5.0 Substantially the Same Development

Section 4.55(1A)(b) requires the consent authority to be satisfied that the development as proposed to be modified remains 'substantially the same' as the development for which the consent was originally granted, prior to any previous modification.

The development as proposed to be modified is "substantially the same development" for the following reasons:

- This modification does not propose any change to the uses previously approved in the Stage 1 Concept. The building envelope to which this modification relates was approved under the original Concept DA as comprising "either commercial premises, educational establishments, tourist and visitor accommodation or boarding house (student accommodation) uses".
- The proposed amendments are minor in the context of the overall building envelope, comprising slight extensions to the southern and eastern facades by 2.1m and 1.952m respectively. Given these minor changes, the scale, massing, and visual appearance of the envelope remains as anticipated.
- The environmental outcomes assessed and considered acceptable in the original Concept DA-585/2019 and subsequently in the modified Concept DA-72/2024 remain relevant and the findings unchanged. As discussed in **Section 4.0** of this letter, the proposed development has considered all environmental impacts and it has been deemed, much like that of previous approvals, that acceptable outcomes are proposed.
- The number and siting of buildings, the maximum height of the approved envelopes, the landscaping and public domain concept, and the basement extent is not proposed to be amended.
- All administrative processes established in the consent conditions are not proposed to be amended.

For the above reasons, the consent authority may be satisfied that the modified proposal represents substantially the same development for which consent was originally granted.

6.0 Reasons for Granting Consent

Section 4.55(3) of the EP&A Act requires a consent authority to take into consideration the reasons for approval of the original application. The original application was determined by SWCPP, and **Table 1** addresses the Statement of Reasons which accompanied the consent.

Table 1 Assessment Against Statement of Reasons provided in Consent DA-585/2019

Description	Assessment
<i>As has been acknowledged with the approval of the preparatory works for the Liverpool Civic Place redevelopment, the project offers the potential to drive the rejuvenation of the core of the City of Liverpool as the heart of the Town Centre development strategy. As such, it will inform a key component of the establishment of Liverpool CBD as a vibrant source of employment and civic life, completion of the Liverpool Civic Place will assist in the progress of the Western City District generally.</i>	The proposed envelope modification does not contradict this reason, as the overall design is substantially the same as that approved under Consent DA-585/2019. As the proposed modification will strengthen the development as one with a more suitable design for its intended use as a university and life sciences development, the proposed modification gives greater weight to this reason, as it provides a better development, and subsequently better outcome in consideration of the Liverpool Civic Place and Western City District generally.

Description	Assessment
<i>To achieve those goals, it is vital that innovative and sophisticated urban design is employed to deliver an engaging relationship between public domain spaces, the civic buildings and the adjacent commercial and residential towers. The Panel is satisfied that this concept proposal does this.</i>	The envelope amendments proposed in this application do not alter the public domain arrangement or the engaging relationship between public domain spaces, the civic buildings and the adjacent commercial and residential towers within the site.
<i>Notably, a condition is included in the development consent which implements a requirement for a Public Domain and Landscape Plan to be developed in close consultation with a Public Domain Design Panel through workshops involving the various areas of expertise within the Council. That condition is reflective of the key importance of the public domain elements of this proposal to the success of the project in adding life to this part of Liverpool's Centre.</i>	This modification does not relate to the public domain, nor does it propose the removal of any conditions relating to the Public Domain Panel. Additionally, the amended envelope does not inhibit the public domain works from being carried out.
<i>While the Panel considered the Applicant's suggestion that a plan for the different elements of the public domain be developed 'prior to the determination of the relevant Detailed DA', the Panel were of the view that the public domain should be considered holistically at the outset, to better allow the buildings interacting responsively to it, rather than the public domain being left to respond to buildings that have already been conceived to an advanced stage. A set of design principles have been incorporated into the conditions which the Public Domain and Landscape Plan is to respond to. The extent to which resolved details of different parts of the public domain can be deferred will be a matter to be considered by the Public Domain Design Panel.</i>	This modification does not seek to amend any conditions relating to the carrying out of public domain works or the inclusion of the Public Domain Panel in the design process.
<i>The process is one way of ensuring the final design achieves strong street level activation (including at the Terminus and Terminus Street Plaza building frontages).</i>	This modification does not seek to amend any conditions relating to the carrying out of public domain works or the inclusion of the Public Domain Panel in the design process.
<i>The concept development proposal to the extent it has been resolved has demonstrated that future buildings will be able to meet the criteria necessary for the site to qualify for the bonus provisions allowed for under Clause 7.5A in relation to maximum height.</i>	The proposed amendment still allows for the proposed development to retain its ability to satisfy clause 7.5A of the Liverpool LEP 2008.
<i>To a degree appropriate for this concept stage of the planning for this key site, issues of heritage, traffic impacts, efficient and safe pedestrian movement through the site, permeability and integration with the surrounding central Liverpool precinct have been sufficiently resolved, including with reference to the requirements and objectives of State Environmental Planning Policy (Infrastructure) 2007. The relevant objectives of B4 Mixed Use will be achieved.</i>	The proposed modification does not alter the findings of these key matters which were resolved in the assessment of DA-585/2019. The objectives of the MU1 Mixed use zone are still achieved as the land uses facilitated by the proposed amendment significantly contribute to the diversity of the Liverpool LGA.
<i>Issues if compliance with Liverpool LEP 2008, SEPP 55 and other applicable instruments have been considered, including during assessment of DA-906/2019 for site preparation and early works on site.</i>	The proposed modification does not alter compliance with the Liverpool LEP 2008, <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (which contains relevant provisions of previous SEPP 55) and other applicable instruments.
<i>The panel determined to uphold the Clause 4.6 variation to building height for the reasons outlined above; and to approve the concept development application having regard to the reasons outlined in the independent assessment report produced by Council's consultant planners – Architectus.</i>	The proposed modification does not modify the heights of the envelopes established under DA-585/2019.

In addition to the consistency with the above reasons, the proposed modification also upholds the Statement of Reasons provided with the approved Consent DA-72/2024 as shown in **Table 2**.

Table 2 Assessment Against Statement of Reasons provided in Consent DA-72/2024

Description	Assessment
<i>The development either complies with or is consistent with the provisions of the relevant environmental planning instruments, including the requirements in the Liverpool Local Environmental Plan 2008.</i>	The proposed amendment to the approved building envelope does not propose any inconsistencies with any environmental planning instrument. Importantly, the maximum height established under DA-585/2019 and DA-72/2024 are not proposed to be amended.
<i>Under the conditions of the approved concept development application, the site can be made suitable for the proposal.</i>	This modification relates to an amendment of the building envelope and does not alter the ability for the site be made suitable for the proposal.
<i>The impacts of the development are acceptable and can be suitably controlled by conditions.</i>	As noted under Section 4.0 , no further impacts not already assessed and considered acceptable in the assessment of DA-585/2019 and DA-72/2024 result from the proposed modification to the building envelope.
<i>The recommended conditions should be amended to:</i> <ul style="list-style-type: none"> • Reinforce the importance of encouraging non-residential uses at the street level, consistent with the objectives of the zoning; and • Require future development applications for residential development within the Phase B building envelope to consider whether any variations to the approved building envelope are warranted to facilitate compliance with building separation requirements in the Apartment Design Guide. 	This modification does not propose to amend the uses of the approved development and does not relate to residential uses.
<i>The development will complement the development of the Edmondson Park town centre by providing additional housing within walking distance of the railway station and regional open space for the growing population, consistent with the strategic planning objectives for the area.</i>	This reason relates to Edmondson Park, which is not in proximity of the site, therefore is irrelevant.
<i>The development is in the public interest.</i>	<p>The development remains in the public interest as:</p> <ul style="list-style-type: none"> • The proposed modification will facilitate a better outcome for the proposed development, facilitating a viable use within the building envelope. • The proposed modification does not inhibit the development from providing the same public benefits as established under DA-585/2019 and DA-72/2024. • The proposed modification has no impact on the approved public domain works and subsequently the permeability / usability of the site.

7.0 Notification Requirements

The Liverpool Community Engagement Strategy 2022 states that “A modification application is generally exempt from notification provided that the application only involves amending a minor error, misdescription or miscalculation. If, in the opinion of the Council or the consent authority, the proposed modification has the potential to increase the impact of the development on adjoining or nearby land or development, the application will be notified or advertised in accordance with the provisions of Table 1 or 2 and the Environmental Planning and Assessment Act 1979.”

If Council chooses to notify the proposed modification, the minimum exhibition period is 14 days, and properties within 75m of the site must be notified. Any submissions made during the public exhibition process will be considered by the consent authority in determining this application.

8.0 Conclusion

This application seeks to modify the building envelope for the Phase B/C envelope within the approved Liverpool Civic Centre mixed-use precinct.

Pursuant to 4.55(1A) of the EP&A Act, and as outlined in this application, Council may modify the consent as the proposal:

- is of minimal environmental impact;
- remains substantially the same as the development originally approved; and
- has adequately addressed the matters for consideration at section 4.15 and the reasons for granting consent in the first place.

The assessment of the prescribed matters has determined that no unacceptable impacts will result from the amended development. Accordingly, we have no hesitation in recommending Council approve this s4.55 modification application as submitted.

Should you have any queries regarding this matter, please do not hesitate to contact me on the details below.

Kind regards



Brendan Hoskins

Director

bhoskins@beamplanning.com.au

Supporting Attachments:

Attachment A - Architectural Plans