

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

SSWPP No	PPSSWC-74
DA Number	DA-285/2020
Local Government Area	Liverpool City Council
Proposed Development	<p>Concept development application pursuant to section 4.22 of the Environmental Planning & Assessment Act for a proposal that will encompass the following;</p> <ul style="list-style-type: none"> • Demolition of all existing site features • A stepped 26-17-4 storey tower comprising a total GFA of 49,425m² made up of; <ul style="list-style-type: none"> - 9,715sqm of retail/business floor area for future cafes, restaurants, shops and a possible community civic arts centre (20% of total proposed floor area); - 36,992m² of commercial (office premises) floor area; - 2,718m² of residential floor area (Levels 1-3) • A new publicly accessible civic plaza from Short Street; and • Five (5) basement levels of parking and loading areas for service and waste vehicles with access from Short Street, inclusive of 365 car parking spaces, 412 bicycle spaces and loading areas. <p>Liverpool City Council is the assessment authority and the Sydney Western City Planning Panel has the function of determining the application</p>
Street Address	LOT 11 DP 533054, LOT 12 DP 533054, LOT 1 DP 542729, LOT 2 DP 542729, LOT 100 DP 569294, LOT 262 DP 656694, LOT 1 DP 656695 431 MACQUARIE STREET LIVERPOOL NSW 2170
Owner	BUTTERFLY DEVELOPMENTS PTY LTD
Date of DA Lodgement	3 April 2020
Applicant	BUTTERFLY DEVELOPMENTS PTY LTD

Number of Submissions	NIL
Regional Development Criteria pursuant to Clause 2 of Schedule 7 of the SEPP (State and Regional Development) 2011.	The future proposal has a capital investment value of over \$30 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • <i>List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)</i> <ul style="list-style-type: none"> ○ <i>State Environmental Planning Policy (State and Regional Development) 2011</i> ○ <i>State Environmental Planning Policy No.55 – Remediation of Land.</i> ○ <i>SEPP65 – Design Quality of Residential Apartment Development</i> ○ <i>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.</i> ○ <i>Liverpool Local Environmental Plan 2008.</i> • <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: Section 4.15(1)(a)(ii)</i> • <i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i> <ul style="list-style-type: none"> • <i>Liverpool Development Control Plan 2008.</i> <ul style="list-style-type: none"> • <i>Part 1: General Controls for All Development.</i> • <i>Part 4 – Development in the Liverpool City Centre.</i> • <i>List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: Section 4.15(1)(a)(iiia)</i> <ul style="list-style-type: none"> • <i>No planning agreement relates to the site or proposed development.</i> • <i>List any relevant regulations: 4.15(1)(a)(iv)</i> <ul style="list-style-type: none"> • <i>Consideration of the provisions of the Building Code of Australia.</i>
List all documents submitted with this report for the panel's	<ol style="list-style-type: none"> 1) Recommended conditions of consent 2) Approved building envelope plans

consideration	3) Further building envelope plans and Urban Design Review 4) Site Plan and Development Data 5) DEP minutes 6) Landscape Plans 7) Traffic Matters 8) Wind study 9) Shadow Diagram 10) Sun Angle Views 11) CGI's
Recommendation	Approval
Report by	George Nehme
Report date	29 July 2021

Summary of Section 4.15 matters Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	No
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.11)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Yes
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

Pursuant to Part 4, Clause 21 of the State Environmental Planning Policy (State and Regional Development) 2011, the Sydney Western City Planning Panel is the determining body as the Capital Investment Value of the future development is over \$30 million, pursuant to Clause 2 of Schedule 7 of the SEPP (State and Regional Development) 2011.

1.1 The proposal

Development consent is sought for a:

Concept development application pursuant to section 4.22 of the Environmental Planning & Assessment Act for a proposal that will encompass the following;

- Demolition of all existing site features
- A stepped 26-17-4 storey tower comprising a total GFA of 49,425m² made up of;
 - 9,715sqm of retail/business floor area for future cafes, restaurants, shops and a possible community civic arts centre (20% of total proposed floor area);
 - 36,992m² of commercial (office premises) floor area;
 - 2,718m² of residential floor area (Levels 1-3)
- A new publicly accessible civic plaza from Short Street; and
- Five (5) basement levels of parking and loading areas for service and waste vehicles with access from Short Street, inclusive of 365 car parking spaces, 412 bicycle spaces and loading areas.

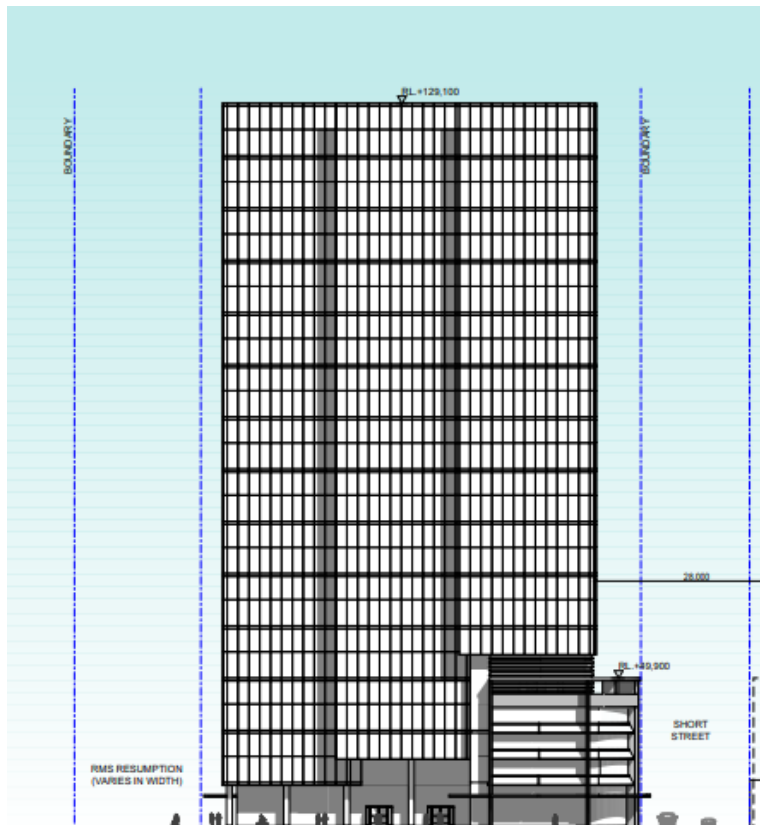


Figure 1: Building Envelope perspective

1.2 The site

The subject site is identified as Lot 11 in DP 533054, Lot 12 in DP 533051, Lot 1 & 2 in DP 542729, Lot 100 in DP 569294, Lot 262 in DP 65694 and Lot 1 in DP 656695, being 431

Macquarie Street, Liverpool. An aerial photograph of the subject site is provided below. The site is triangular in shape with a total area of 5,434.3m². The site has a frontage of 131 metres to Copeland Street, 76 metres to Macquarie Street and 106 metres to Short Street. The site gradually slopes from south west to east. An aerial photograph of the subject site is provided below.



Figure 2: Aerial Photo

1.3 The issues

It is considered that the planning concerns have been adequately addressed with the amended proposal. The remaining issue pertains to

- 1) Solar Access impacts on adjoining development

1.4 Exhibition of the proposal

The concept application was exhibited from 30 April 2020 to 19 May 2020 in accordance with the Community Participation Plan. No submissions were received during the exhibition period.

1.5 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act (EP&AA) 1979. Based on the assessment of the application it is recommended that the application be approved.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site is identified as Lot 11 in DP 533054, Lot 12 in DP 533051, Lot 1 & 2 in DP 542729, Lot 100 in DP 569294, Lot 262 in DP 65694 and Lot 1 in DP 656695, being 431 Macquarie Street, Liverpool. The site is triangular in shape with a total area of 5,434.3m². The site has a frontage of 131 metres to Copeland Street, 76 metres to Macquarie Street and 106 metres to Short Street. The site gradually slopes from south west to east. An aerial photograph of the subject site is provided below.

2.1 The locality

The subject site is located at the south-western end of Liverpool CBD. It occupies the large block bounded by Short Street, Macquarie Street and Copeland Street (Hume Highway). Liverpool CBD is located in an area that is effectively bounded by the Hume Highway to the north and west, the railway line to the east and Terminus Street/Macquarie Street to the south. This area also includes a number of schools, hospitals and community facilities. Liverpool CBD is a major focus for public transport in the region. Liverpool Station is located adjacent to the south eastern corner of the CBD. The station is located approximately 860 metres from the site. The station accesses the South, Bankstown and Cumberland Lines.



Figure 3: Aerial Photo

2.2 Site affectations

The subject site has number of constraints, which are listed below:

2.3.1 Bankstown Airport Obstacle Limitation

The site is affected by an obstacle limitation contour of 140m AHD.

2.3.2 Classified Road Noise Impacts

The subject site is affected by Classified Road Noise Impacts emanating from Copeland Street and Macquarie Street.

2.3.3 TfNSW Road Acquisition

The application was referred to TfNSW for comments. TfNSW has advised that

1. *It is noted that the subject property is within an area under investigation for Copeland Street/Macquarie Street intersection upgrade. In accordance with the TfNSW's preliminary concept of the intersection upgrade, the setback of 3.5m along Copeland Street and 10.8m along Macquarie Street would be required for the TfNSW future*

land acquisition. As such, the revised design plan (in DWG or compatible format), incorporating these setbacks, should be submitted to TfNSW for review.

Comment: The applicant provided a revised drawing in which the setbacks stipulated by the TfNSW have been accommodated for;

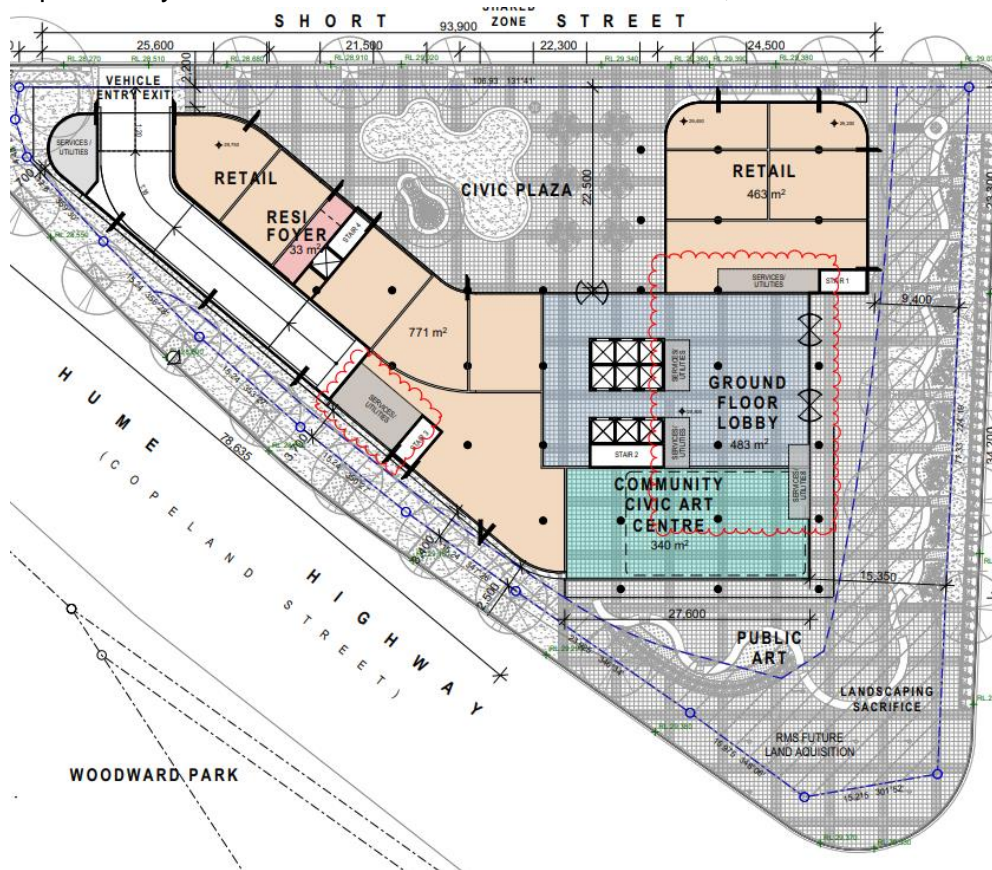


Figure 4: Ground floor plan of Building indicating location of RMS acquisition

The BEP and floor plates proposed under the concept have been designed and located to be outside the nominated acquisition area nominated by TfNSW. As such, it is considered that this level of detail is acceptable at this stage of the assessment and a final survey would be conditioned as part of the concept application prior to the submission of a built form DA.

3. BACKGROUND

3.1 History of application

1. A Pre-DA meeting was held with Council on 9 August 2017 prior to the formal lodgement of the DA. The applicant presented their proposal for the demolition of existing structures and the construction of a 25-storey mixed use building accommodating approx. 205 apartments, 17 storey commercial building.

accommodating approx. 17,000sqm, basement level car parking and associated public open space forecourts.

2. DA-176/2019 was lodged with Council on 26 March 2019 for the construction of two commercial buildings (13 storey commercial development and 22 storey hotel development) over five levels of basement car parking. The DA was presented at the DEP meeting on 15 August 2019. The panel did not support the design for this site. Subsequent meetings were held between the applicant and DEP on 12 September 2019 and 19 October 2019 to develop an alternative concept for the subject site. The DA was withdrawn on 5 December 2019.
3. The subject application was subsequently lodged on 3 April 2020.

3.3 Design Excellence Panel Briefing

The proposal was presented to Council's Design Excellence Panel on several occasions, with the final time being 11 February 2021. The summary of the minutes and the applicant's response to minutes of the meeting is detailed below. Based on the response of the applicant and the fact this application provides for a concept application, it is considered that the application is worthy of support from a design review perspective and with the imposition of additional conditions of consent can be further refined prior to or with subsequent development applications.

DEP PANEL COMMENTS

For clarity purposes, the specific comments made by the DEP with regards to the application are outlined in the table below, along with Council's response in the corresponding column.

Panel Comments	Response
Context	
The Panel notes that the design proposal has improved over time and recommends the applicant to further refine the design with adequate emphasis on design details. The Panel encourages the applicant to strive for design excellence for the proposed scheme.	<p>The following comments below are provided below by the applicant</p> <ul style="list-style-type: none"> • <i>Provision of Green Star / A-Grade rated Commercial Office Space through the use of materials, design and detailing. Achieving sustainable design.</i> • <i>Provision of a new public accessible north facing plaza from Short Street improves the quality and amenity of the public domain.</i> • <i>Ground level retail street activation along Macquarie and Short Street improving the quality and amenity of the public domain.</i> • <i>Ground level retail activation within plaza improving amenity.</i> • <i>Multi directional open style ground level Lift Lobby improving circulation,</i>

	<p><i>connectivity and amenity.</i></p> <ul style="list-style-type: none"> • <i>Public Art Strategy throughout the site</i> • <i>Built form and massing strategically located and proportioned to improve view corridors.</i> <p>Council comment: As will be indicated in the assessment of the application the proposal has progressed to a point under a concept proposal where it is considered that design excellence is achieved to an extent acceptable.</p> <p>It is acknowledged that further refinement with regards to materiality and public domain improvements will need to be considered in more detail at built form stage, it is considered that the applicant has demonstrated that the building envelope layout, location and bulk and scale is at a point whereby it is worthy of support.</p>
Built Form and Scale	
<p>The Panel requires the applicant to respond to the wind studies previously submitted as part of the application and provide justifications for the treatments being proposed to mitigate the impacts of downward wind drafts that will be generated on the south eastern and south western corners of the site, and to expressly indicate what mitigation measures (such as awnings/trees) are proposed</p>	<p>The following comments below are provided below by the applicant</p> <p><i>The proposed development has considered technical advice included in the Wind Commentary prepared by Cermak, Peterka & Petersen and adopted necessary mitigation measures to reduce the impacts of downward wind drafts.</i></p> <p><i>Mitigation conditions / measures include:</i></p> <ul style="list-style-type: none"> • <i>The adjacent Skyhaus development to the south-east of the site provides some level of shielding from predominant wind directions;</i> • <i>The office tower wing and the remaining parts of the podium are shielded by the main office tower;</i> • <i>The revolving doors at the lobby entrance will significantly assist in preventing pressure driven flows and improving door operability;</i> • <i>Significant landscaping has been proposed to assist in maintaining suitable conditions for pedestrian thoroughfare;</i> • <i>All exposed footpaths and entrance zones around development are now protected by the introduction of awnings; and</i>

	<ul style="list-style-type: none"> • <i>Outdoor rooftop terrace on level 4 will be protected by the introduction of a 1.8m high glazed balustrade along the entire rooftop.</i> <p>Council comment: Based on the recommendations put forth in the above-mentioned wind report, it is considered for the purpose of the concept application the proposal has provided sufficient response at this stage of the development process to ensure the building envelope if approved has had sufficient consideration for wind mitigation.</p> <p>It is acknowledged however that an updated wind assessment would be required with any subsequent DA stage and will be part of the conditions of consent.</p>
<p>The Panel requires the applicant to undertake additional wind studies to demonstrate the future conditions of the plaza and the wind conditions along the south eastern/south western corners of the site. The Panel requires the applicant to identify appropriate mitigation measures that will help reduce the downward wind drafts on ground level.</p>	<p>The following comments below are provided below by the applicant</p> <p><i>The Applicant understands the importance of undertaking wind studies to demonstrate future conditions of the plaza and south-eastern / south-western corners of the site. The Applicant also understands the importance of introducing appropriate mitigation measures to reduce downward wind drafts at the ground level.</i></p> <p><i>Due to the proposed developments identification as a <u>Concept DA</u>, additional wind studies will be undertaken in support of a future DA for detailed design and construction of the building. As such, it is proposed that completion of additional wind studies be included as a condition of development consent.</i></p> <p>Council comment: Refer to comments in previous row</p>
<p>The Panel requires the applicant to analyse the extent of shadow being cast on the neighbouring development (i.e. Skyhaus Towers) and provide details of the impacts on solar access for the residential units. The Panel requires the applicant to identify the number of units that will be affected by</p>	<p>The following comments below are provided below by the applicant;</p> <p><i>Refer to Solar Analysis Table and Shadow Diagrams for comprehensive analysis of overshadowing impacts on June 21, September 21 and December 21.</i></p>

<p>overshadowing and outline the duration/extent of time to which the units will be affected. The Panel also requires the applicant to assess the solar access during the summer months from September 21 to December 21.</p>	<p>Council comment: The applicant has provided shadow diagrams demonstrating the impact on skyhaus including during the summer months. This has been attached to the report. This would be further discussed in this report under the LEP section. The impacts on skyhaus against the requirements of the ADG are also further discussed in this report. It is acknowledged that the proposed building envelope if approved will result in an additional impact on skyhaus with regards to solar access.</p> <p>However it is important to note that the provisions and controls that govern Council's LEP namely the existing density bonuses afforded for opportunity sites, there will be an expected amenity impact as a consequence of a development of a scale such as this proposal. It is envisaged that many of the vacant sites surrounding the development site within the B4 zone will have the opportunity to be developed to a similar scale of this development. It is on this basis that it is considered the impacts on surrounding development as a consequence of this proposal is not unexpected.</p> <p>It is also important to note that the development is also accompanied by legal advice which indicated that the provisions within the ADG envisages that developments particularly in a dense urban environment such as the Liverpool CBD forecasts a certain impact on solar access that would be considered acceptable. The advice provided by the applicant was peer reviewed for Council and the peer review concurred with the findings of the advice provided by the applicant. The advice is provided in this report.</p>
<p>The Panel notes that the 3D models/visualisations with grey forms submitted as part of the application are not acceptable and needs to incorporate further details for the built form. The Panel requires the applicant to provide detailed CGI's that will accurately demonstrate the final appearance of the building (materials, textures, shade/light – solar access, form) for</p>	<p>Consultant engaged to produce relevant CGIs that include additional details of the proposed built form;</p> <p>Council comment: It is a positive fact the applicant has presented CGIs which have been attached for consideration during the concept plan. It is important to note however the CGI will not form part of the</p>

the proposal at eye level as well as the overall CGI; and indicate appropriate materials for the built form to provide a better understanding of the design proposal.

determination documents of the application as this is simply an application for a concept. It is considered more appropriate that the materiality of the building be developed and enhanced as part of subsequent applications where the materiality of the building and the detailed building design is developed. For the purpose of a concept application the CGIs are considered acceptable.



CGI provided

with the proposed concept.

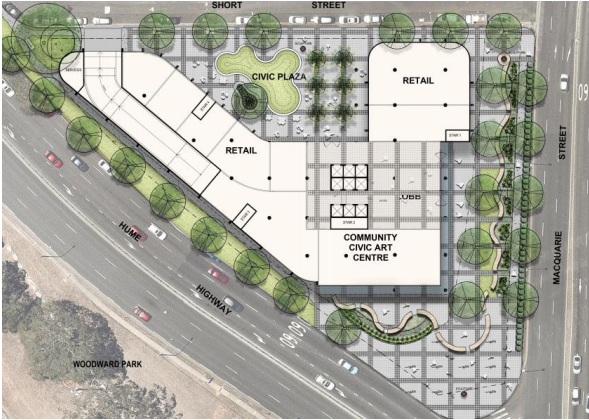
Sustainability

The Panel recommends the applicant to appoint an ESD Consultant to undertake a thorough analysis of all sustainability principles being incorporated within the development and provide additional details for all such measures being incorporated as part of the development, in particular solar shading to the facades and energy requirements for heating and cooling.

The following comments below are provided below by the applicant;

To ensure a good standard of sustainable design the proposal will:

- *The development will adopt a number of sustainable building methods as outlined under NATHERs including water-saving fixtures, energy efficient lighting and electrical appliances, including air conditioning systems.*
- *Adopt standards to achieve a Green Star Rating and consider advice from the Green Building Council of Australia.*
- *Consider and implement mechanisms as part of the construction and operation phases to limit carbon emissions and reduce the carbon footprint of the development. These should be included in both the Construction and Operational Management Plans.*

	<ul style="list-style-type: none"> • <i>Incorporate landscape elements into the design to promote natural cooling.</i> • <i>Where possible, incorporate building materials and design approaches to promote natural cooling and ventilation and limit impacts from direct exposure to sunlight in warmer months (such as the use of operable louvres or other sun-shading devices).</i> <p><i>As this is a <u>Concept DA</u>, it is proposed that the ESD Consultant be engaged as a condition of development consent to be submitted with the future DA for detailed design and construction of the built form.</i></p> <p>Council Comment: It is considered that much of the ESD recommendations can be implemented and provided as part of subsequent applications for the built form.</p>
Landscape	
<ul style="list-style-type: none"> • The Panel requires the landscape architect for the project to be in attendance for the next DEP meeting and present the revised landscape scheme for the proposal. • The Panel understands that the applicant needs to address the issues raised by Council's internal Public Domain and City Design team; and requires the applicant to present a summary of the response/actions undertaken to the panel in the next DEP meeting. 	<p>The following comments below are provided below by the applicant;</p> <p><i>The project Landscape Architect the proposed revised landscape scheme.</i></p>  <p>Council Comment: It is important to note that the applicant has engaged a landscape architect to put forth a landscape design for the proposed concept. It is considered for the purposes of the concept application the applicant has provided sufficient landscape detail to be considered acceptable for this level of development. It is considered that through conditions of consent or through the</p>

	submission of subsequent applications the proposed landscape design and concepts can be further refined.
Amenity	
The Panel notes that the proposed built form affects the amenity for the existing residential development in the vicinity and requires the applicant to undertake appropriate studies to establish the extent of the impacts (see notes above) – noting these impacts should not adversely effect the SEPP65 compliance of nearby buildings.	<p>The following comments below are provided below by the applicant;</p> <p><i>It is noted that the proposed built form will have an unavoidable impact on solar access to the existing residential development at 420 Macquarie Street.</i></p> <p><i>Shadow diagrams have been prepared by MPA to establish the extent of overshadowing on June 21, September 21 and December 21 on surrounding development</i></p> <p>Council Comment: Refer to previous comments regarding expected impacts on adjoining development with regards to overshadowing in this table.</p>
Safety	
The Panel notes that Council's City Design and Public Domain Team has raised concerns which need to be addressed by the applicant. The Panel requires the applicant to provide a summary of the responses/actions undertaken	The response to the concerns raised by Council's City Design and Public Domain team are addressed further in this report.
Aesthetics	
The Panel requires the applicant to provide more details for the materiality of the built form and include adequate details within the CGI's for the built form (see point 4.2 above) – noting the DEP is a Design Excellence Panel and requires the applicant of this significant & important development to achieve design excellence.	Refer to comments previously regarding CGIs.
Outcome	
The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows: The project is supported in principle. The applicant needs to respond to recommendations/comments made by the panel and needs to present the revised drawings to the Panel.	Noted

Based on the above comments from the Design Excellence Panel, above and the corresponding comments provided by the applicant and the additional assessment undertaken of the revised concept as indicated further in this report, particularly with regards to Clause 7.5A and the findings regarding the solar access impacts of the proposal it is deemed that the design of the proposal can be accepted in principle at this stage.

Given the proposal at the concept stage is supported in principle and much of the requirements of the DEP can be considered appropriate to be addressed at the built form stage or prior to the submission of a formal DA it is considered for the purposes of a concept having specific regards to height, bulk, scale and how the compliance with the LEP have been appropriately addressed at this stage of the development. The requests of the panel particularly regarding landscaping, materiality etc is not considered necessary at this stage of the development.

It is considered this can be further and informed and developed and enhanced at the built form stage or alternatively through relevant conditions to be addressed prior to the submission of a formal DA.

3.4 SWCPP Briefing

A SWCPP briefing meeting was held on 8 February 2021. At the meeting the panel requested that Council address the following matters;

- *This concept plan proposes a 26-storey mixed use development with a proposed 9.3:1 FSR which is below the permissible Maximum of 10:1 (allowing for bonuses), notably including a proposed civic plaza at its ground level. Its scale and gateway location make it a key site to achieving success in urban design for this end of Macquarie Street.*

Comment: This is further assessed and considered in the body of the report.

- *Two substantial issues of concern arose in in the Panel's discussion in relation to over shadowing and the contribution to place making, noting the essential requirements in that regard to achieve the FSR bonus for the site.*

Comment: The provision of a public plaza and the extent of overshadowing and how it is deemed acceptable for the determination of the concept is detailed further in this report.

- *The proposed FSR relies upon clause 7.5A which requires the provision of one of a selection of various public facilities. The applicant now proposes the ground level publicly accessible "civic plaza" to satisfy that statutory requirement. The Panel would need to be convinced that facility meets the LEP test. Essential to success in that regard would be a meaningful public domain design for the termination of the service way on the opposite side of Short Street (potentially involving public art for example and pedestrian friendly traffic design features). If there is no demand for the Community Civic Art Centre, that should still leave open an*

approach to the uses for and treatment of that location that acknowledges its important prominent location.

Comment: The applicant is to have adequately considered the aspect of public benefit under this concept application and has put forth multiple uses that can be further refined or use determined under a future DA, this can be incorporated into conditions of consent under this concept application.

- *It would seem essential that involvement of the Council's available public domain team at the concept and design stage occur.*

Comment: Not to dissimilar with recent determined applications within the LGA proposing Civic plazas or the like it would be considered appropriate that the refinement and overall design of the civic plaza be further developed prior to the submission of a subsequent DA for the future built form. It is considered that at this stage the detail of the proposal put forth is acceptable for the purpose of a concept application.

- *Overshadowing of the "Skyhouse" development to the south across Macquarie Avenue was discussed as a significant issue. The Applicant has submitted advice that a reduction in solar access of neighbouring developments was acceptable. The Panel would be assisted by a response from the DEP as to how that issue was considered in its assessment of the design excellence of the proposed building and whether any modification of the proposed form is required.*

Comment: It is considered that the advice provided by the applicant in terms of the envisaged impacts on adjoining development under the ADG particularly having regard to the impacts of solar access is considered acceptable in this instance. It is acknowledged that the densities envisaged by the LEP in its current form will result in one form or another an impact on adjoining development.

It would be considered inappropriate not to expect developments of this scale as envisaged by the adoption of the bonus controls under Clause 7.5A would not have an amenity impact in one form or another on adjoining development. By enabling the densities of development of this height and scale within the Liverpool CBD will more than likely result in an impact on adjoining developments in one form or another.

It is clear that the bonus controls in place there is an expected density and scale of development expected within the CBD.

- *The Panel understands that new information and modelling has emerged from recent litigation concerning the nearby "Kingdom Towers" site. That information might be made available to the DEP to assist in that regard.*

Comment: Noted

4. DETAILS OF THE PROPOSAL

Development consent is sought for a:

Concept development application pursuant to section 4.22 of the Environmental Planning & Assessment Act for a proposal that will encompass the following;

- Demolition of all existing site features
- A stepped 26-17-4 storey tower comprising a total GFA of 49,425m² made up of;
 - 9,715sqm of retail/business floor area for future cafes, restaurants, shops and a possible community civic arts centre (20% of total proposed floor area);
 - 36,992m² of commercial (office premises) floor area;
 - 2,718m² of residential floor area (Levels 1-3)
- A new publicly accessible civic plaza from Short Street; and
- Five (5) basement levels of parking and loading areas for service and waste vehicles with access from Short Street, inclusive of 365 car parking spaces, 412 bicycle spaces and loading areas.

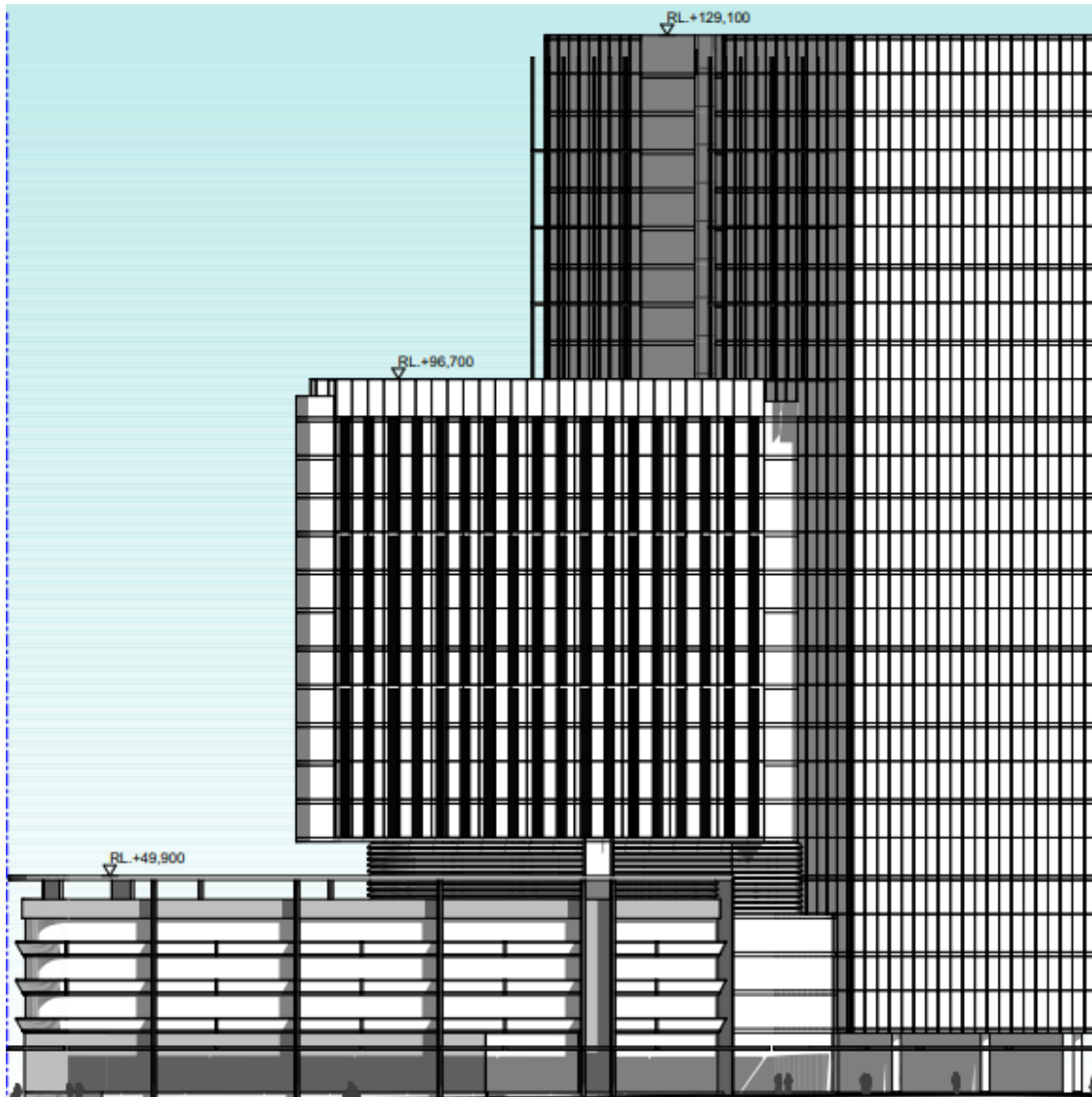


Figure 5: Diagram indicating maximum heights

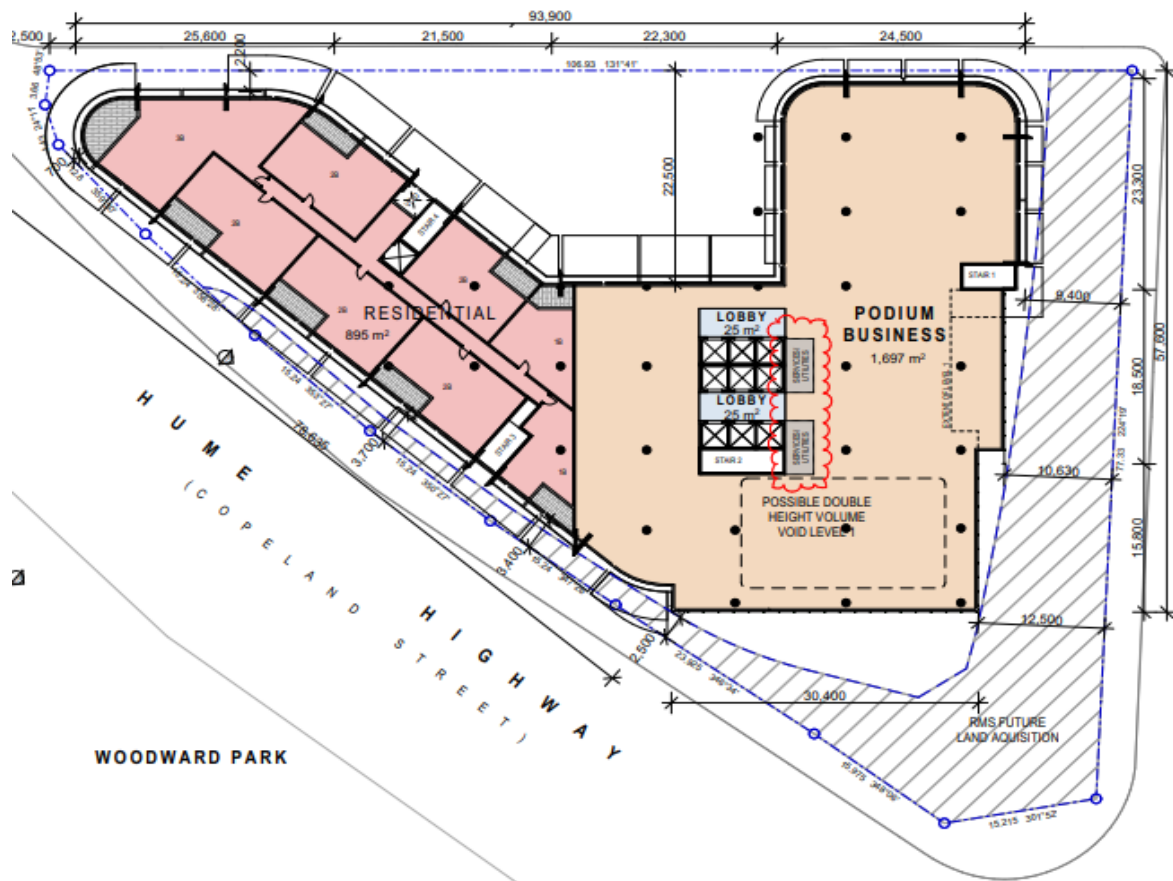


Figure 6: Location of additional residential long the north-western element of the building on levels 1-3

It is to be noted through amendments to the proposal circa October 2020, a residential component was incorporated into the concept proposal to provide a element of flexibility to alter the concept at a future date if it is warranted. The original concept application did not have a residential component and was proposing the following;

- Demolition of all existing site features;
- A new stepped 26-17-4 storey tower comprising a total gross floor area (GFA) of 50,384m² made up of:
 - 11,098m² of retail / business floor area for future cafes, restaurants, shops and a Community Civic Art Centre;
 - 38,463m² of commercial (office premise) floor area;
 - 340m² internal community leasable space; and
 - 483m² ground level lobby.
- A new publicly accessible civic plaza from Short Street;
- Five (5) basement levels of parking and loading areas for service and waste vehicles with access from Short Street, inclusive of 425 parking spaces and loading areas.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development.
- State Environmental Planning Policy No.55 – Remediation of Land.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy (Infrastructure) 2007;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;

Development Control Plans

- *Liverpool Development Control Plan 2008*
 - Part 1 – Controls to all development
 - Part 4 – Development in Liverpool City Centre

5.2 Zoning

Under the LEP the subject site is zoned B4 Mixed Use.



Figure 6: zoning map

5.3 Permissibility

The concept application would be incorporate a number of uses all of which are permissible within the B4 Mixed Use zoning. These uses include;

Residential flat building

Means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing;

Retail premises

means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) (Repealed)*
- (b) cellar door premises,*
- (c) food and drink premises,*
- (d) garden centres,*
- (e) hardware and building supplies,*
- (f) kiosks,*
- (g) landscaping material supplies,*
- (h) markets,*
- (i) plant nurseries,*
- (j) roadside stalls,*
- (k) rural supplies,*
- (l) shops,*
- (m) specialised retail premises,*
- (n) timber yards,*
- (o) vehicle sales or hire premises,*

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Business premises

means a building or place at or on which:

- (a) *an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*
- (b) *a service is provided directly to members of the public on a regular basis,*
and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

commercial premises

means any of the following—

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*

community facility

means a building or place—

- (a) *owned or controlled by a public authority or non-profit community organisation, and*
- (b) *used for the physical, social, cultural or intellectual development or welfare of the community,*

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation

6. ASSESSMENT

As the application has been submitted pursuant to Clause 4.22 of the Environmental Planning and Assessment (EP & A) Act 1979, an assessment against the relevant provisions of 4.22 is provided below;

Clause 4.22 of the EP & A Act 1979 states;

4.22 Concept development applications

- (1) *For the purposes of this Act, a **concept development application** is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.*

Comment: The subject application is considered to be a concept development application that sets out concept proposals for the development of the site and this

application enables the lodgement of subsequent development applications for detailed proposals at a later date.

- (2) *In the case of a staged development, the application may set out detailed proposals for the first stage of development.*

Comment: The application is for the concept only and does not involve additional stages as part of this application.

- (3) *A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.*

Comment: The applicant has requested the development application be treated as a concept application.

- (4) *If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:*

- (a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*
- (b) the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*

The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.

Comment: It is noted that the granting of consent for a concept development application does not authorise the carrying out of development unless otherwise specified by 4(a)(b) above. As previously noted, the application is for a concept application only and does not propose additional stages for future development. Having regard to this clause a condition of consent will be imposed stipulating as such.

- (5) *The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications*

Comment: Noted. An assessment of the likely impacts of the concept proposal to the extent it is deemed appropriate against section 4.15 is provided below.

The concept development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

6.1 Section 4.15(1)(a)(1) – Any Environmental Planning Instrument

(a) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; and the Apartment Design Guide

The proposal has been evaluated against the provisions of SEPP 65 which aims to improve the design quality of residential apartment development. SEPP 65 does not contain numerical standards, but requires Council to consider the development against 9 key design quality principles and against the guidelines of the associated ADG. The ADG provides additional detail and guidance for applying the design quality principles outlined in SEPP 65.

Following is a table summarising the nine design quality principles outlined in SEPP 65, and compliance with such.

Note: It is important to note as stipulated in Clause 4.22 (4) of the EP & A Act 1979, an assessment against SEPP65 has been undertaken to the extent deemed appropriate for the concept development application proposed. It is envisaged that a further assessment against SEPP65 will be required once subsequent development applications are submitted for the detailed built form.

Design Quality Principle	Comment
Principle One – Context and Neighbourhood Character	
<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The proposed concept application is considered to respond to its context. The concept has been designed to response to the key natural features of the site including site location, layout and shape. The concept application has provided a proposal that aligns with the desired future character of the Liverpool CBD, particularly when having reference to the bonuses to height and FSR afforded to sites such as this one in the CBD.</p>
Design Principle 2 – Built form and scale	
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p>	<p>It is considered that the proposed development achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. The proposed concept aligns with the FSR and heights allowed under Clause 7.5A of the LLEP 2008</p>

Design Quality Principle	Comment
<p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposed development achieves an appropriate built form for the site and is generally consistent with the applicable standards under the Apartment Design Guide (ADG). The proposed development has been reviewed by Council's Design Excellence Panel (DEP) on three occasions and is considered to be satisfactory for the purposes of a concept application.</p> <p>The development provides an appropriate building envelope form that enhances the streetscape and provides a direct response to the site characteristics including the irregular shape of the development site.</p> <p>A further assessment of the built form and scale of the development would be undertaken once subsequent development applications are submitted.</p>
Design Principle 3 – Density	
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>It is considered that the proposed concept plan has been designed to cater for the maximum envisaged densities as stipulated by the LLEP 2008, i.e. FSR, Height, setbacks etc. The proposal has been designed to cater for the required parking when subsequent development applications are proposed. The proposed concept has also been designed to enable the achievement of appropriate employment generating activities and appropriate and compliant commercial activity within the Liverpool CBD as required by Clause 7.5A.</p>
Design Principle 4 – Sustainability	
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation</p>	<p>The achievement of appropriate natural ventilation, sunlight, amenity of the subject proposal etc would be considered more appropriate to assess once detailed development applications are provided at a later date.</p>
Design Principle 5 – Landscape	
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with</p>	<p>An assessment of a detailed landscape design is considered more appropriate at a later date with the submission of future detailed applications for the site.</p>

Design Quality Principle	Comment
<p>good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.</p>	
Design Principle 6 – Amenity	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>An assessment of amenity specifically relating appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy etc. is considered more appropriate at a later date with the submission of future detailed applications for the site.</p>
Design Principle 7 – Safety	
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas</p>	<p>An assessment of safety is considered more appropriate at a later date with the submission of future detailed applications for the site.</p>

Design Quality Principle	Comment
<p>promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	
Design Principle 8 – Housing Diversity and Social Interaction	
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>A detailed assessment of housing diversity is considered more appropriate at a later date with the submission of future detailed applications for the site.</p> <p>However, the concept proposal put forth for consideration has demonstrated that the building envelopes proposed with the concept application is able to cater for an appropriate apartment mix including 1, 2- and 3-bedroom apartments and the provision of suitably located communal open space. It should be noted that residential development involves a minor element of the total maximum GFA proposed within the BEP that would be recommended for approval under this concept. Based on the concept proposed the RFB element is isolated to Levels 1-3 along the north-western portion of the proposed BEP and constitutes a maximum of 2,955sqm of a possible 50,633sqm afforded to this development by virtue of Clause 7.5A. This equates to a total of 5.83% of the total GFA.</p>
Design Principle 9 – Aesthetics	
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>An assessment of aesthetics is considered more appropriate at a later date with the submission of future detailed applications for the site.</p>

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential apartment development to be designed in accordance with the ADG. The following table provides an assessment of the development against the relevant provisions of the ADG.

Provisions	Comment
2E Building depth	
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	The concept proposal has been designed to enable the achievement of appropriate building depths with future development applications.
2F Building separation	
Minimum separation distances for buildings are: Five to eight storeys (approximately 25m): <ul style="list-style-type: none"> - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms 	The concept proposal has been designed to enable the achievement of the appropriate building separation with future development applications for levels 1-5.
Nine storeys and above (over 25m): <ul style="list-style-type: none"> - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms 	The concept proposal has been designed to enable the achievement of the appropriate building separation with future development applications for levels 8 and above that contain the residential elements of 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	The concept proposal has been proposed in light of the existing site constraints i.e. the irregular shape of the development site and the bulk and scale proposed takes into account the desired future character of the area. Further assessment will be considered more appropriate once subsequent applications have been submitted.
3B Orientation	
Building types and layouts respond to the streetscape and site while optimising solar access within the development Overshadowing of neighbouring properties is minimised during mid-winter	<p><u>Considered acceptable.</u></p> <p>The concept proposal put forth demonstrates that appropriate solar access to adjoining sites and to future development applications can be achieved.</p> <p>It is acknowledged that as a consequence of the concept proposal there is an envisaged solar access impact on the skyhaus development located at 420 Macquarie Street to maintain a compliant solar access arrangement. Based on the shadow diagrams put forth the propose BEPs presented results</p>

Provisions	Comment												
	<p>in the reduction of the solar access at mid-winter.</p> <p>Discussions regarding the non-compliance and the utilisation of the clause within the ADG to enable a further amenity impact is discussed after this table. The advice provided by the applicant and the peer reviewed advice provided to Council is summarised. It is considered that the proposal is considered acceptable and worthy of support.</p>												
3D Communal and public open space													
<p>Communal open space has a minimum area equal to 25% of the site</p> <p>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)</p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p> <p>Communal open space is designed to maximise safety</p> <p>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</p>	<p>The concept proposal provides a large area of COS that would service the residential development this includes a large civic plaza that can be used by future residents.</p>												
3E Deep soil zones													
<p>Deep soil zones are to meet the following minimum requirements:</p> <table><tr><th>Site Area</th><th>Minimum Dimensions</th><th>Deep Soil Zone (% of site area)</th></tr><tr><td>Less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m² to 1500m²</td><td>3m</td></tr><tr><td>Greater than 1500m²</td><td>6m</td></tr><tr><td>Greater than 1500m² with significant tree cover</td><td>6m</td></tr></table>	Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	Less than 650m ²	-	7%	650m ² to 1500m ²	3m	Greater than 1500m ²	6m	Greater than 1500m ² with significant tree cover	6m	<p>Given the location and site within the Liverpool CBD and the irregular and narrow shape of the site, it is unlikely the requirement for deep soil can be achieved on this site. The ADG acknowledges that in certain locations the attainment of appropriate deep soil for planting is not possible. In those instances, a proposal must incorporate acceptable stormwater management and alternate forms of planting such as on structures is to be provided.</p>
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)											
Less than 650m ²	-	7%											
650m ² to 1500m ²	3m												
Greater than 1500m ²	6m												
Greater than 1500m ² with significant tree cover	6m												
3F Visual Privacy													
<p>Minimum separation distances from buildings to the side and rear boundaries are as follows:</p> <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>12m 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	12m to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>The concept proposal provides a building envelope that demonstrates appropriate separation distances can be achieved.</p>
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms											
Up to 12m (4 storeys)	6m	3m											
12m to 25m (5-8 storeys)	9m	4.5m											
Over 25m (9+ storeys)	12m	6m											
3G Pedestrian Access and Entries													

Provisions	Comment
Building entries and pedestrian access connects to and addresses the public domain	The concept proposal has provided an appropriate building envelope in consultation with the Design Excellence Panel to enable an appropriately designed and articulated building entry. Details of the design of the building entry would be more appropriately considered at future development stage.
Access, entries and pathways are accessible and easy to identify	
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	In consultation with the RMS, vehicular access will be provided off Short Street.
3J Bicycle and Car Parking	
<p>For development in the following locations:</p> <ul style="list-style-type: none">- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street</p>	The concept plan has also been designed to cater for 1 car was bay, a minimum of 365 spaces and 412 bicycle spaces. Based on the concept put forth and the traffic studies provided it is considered the number of vehicles and bicycles the development can cater for is considered acceptable in this instance. This can be further refined and developed at the built form stage.
Parking and facilities are provided for other modes of transport	
Car park design and access is safe and secure	
Visual and environmental impacts of underground car parking are minimised	
Visual and environmental impacts of on-grade car parking are minimised	
Visual and environmental impacts of above ground enclosed car parking are minimised	
4A Solar and Daylight Access	
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	The concept proposal has demonstrated that the minimum solar access requirements can be achieved, however it is considered a more detailed assessment would be appropriate once a detailed building design application is lodged at a later date.
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	The concept proposal has demonstrated that the minimum solar access requirements can be achieved, however it is considered a more detailed assessment would be appropriate once a detailed building design application is lodged at a later date.
4B Natural Ventilation	
All habitable rooms are naturally ventilated	The concept proposal has demonstrated that

Provisions		Comment												
The layout and design of single aspect apartments maximises natural ventilation		the minimum natural ventilation requirements can be achieved, however it is considered a more detailed assessment would be appropriate once a detailed building design application is lodged at a later date.												
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														
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line														
4C Ceiling Heights														
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:		The concept design proposed demonstrates a minimum 3.1m floor to floor can be achieved, which will enable a minimum 2.7m floor to ceiling to be achieved. A condition of consent will be imposed stipulating that this is achieved through subsequent development applications.												
<table><tr><td colspan="2">Minimum ceiling height</td></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed use areas</td><td>3.3m from ground and first floor to promote future flexibility of use</td></tr></table>			Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use
Minimum ceiling height														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use													
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms														
Ceiling heights contribute to the flexibility of building use over the life of the building														
4D Apartment Size and Layout														
Apartments are required to have the following minimum internal areas:		The assessment of apartment size and layouts would be considered more appropriate at a future DA stage.												
<table><tr><td>Apartment Type</td><td>Minimum Internal Area</td></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table>			Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²		
Apartment Type	Minimum Internal Area													
Studio	35m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	90m ²													
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each														
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		Considered more appropriate at a future DA stage.												
Habitable room depths are limited to a maximum of 2.5 x the ceiling height		Considered more appropriate at a future DA stage.												
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window		Considered more appropriate at a future DA stage.												
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)		Considered more appropriate at a future DA stage.												
Bedrooms have a minimum dimension of 3m		Considered more appropriate at a future DA												

Provisions		Comment															
(excluding wardrobe space)		stage.															
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">- 3.6m for studio and 1 bedroom apartments- 4m for 2 and 3 bedroom apartments		Considered more appropriate at a future DA stage.															
4E Private Open Space and Balconies																	
All apartments are required to have primary balconies as follows: <table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m²</td><td>2m</td></tr><tr><td>3 bedroom</td><td>12m²</td><td>2.4</td></tr></table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p>		Dwelling Type	Minimum Area	Minimum Depth	Studio	4m ²	-	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3 bedroom	12m ²	2.4	Considered more appropriate at a future DA stage.
Dwelling Type	Minimum Area	Minimum Depth															
Studio	4m ²	-															
1 bedroom	8m ²	2m															
2 bedroom	10m ²	2m															
3 bedroom	12m ²	2.4															
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 15m ² and a minimum depth of 3m																	
4F Common Circulation and Spaces																	
The maximum number of apartments off a circulation core on a single level is eight.		Considered more appropriate at a future DA stage.															
Where design criteria 1 above is not achieved, no more than 12 apartments should be provided off a circulation core on a single level																	
4G Storage																	
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling Type</th><th>Storage Size Volume</th></tr><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></table> <p>At least 50% of the required storage is to be located within the apartment.</p>		Dwelling Type	Storage Size Volume	Studio	4m ³	1 bedroom	6m ³	2 bedroom	8m ³	3 bedroom	10m ³	Considered more appropriate at a future DA stage.					
Dwelling Type	Storage Size Volume																
Studio	4m ³																
1 bedroom	6m ³																
2 bedroom	8m ³																
3 bedroom	10m ³																
4H Acoustic Privacy																	
Noise transfer is minimised through the siting of buildings and building layout	Considered more appropriate at a future DA stage.																
Noise impacts are mitigated within apartments through layout and acoustic treatments																	
4K Apartment Mix																	
A range of apartment types and sizes is provided to cater for different household types now and into the future	Considered more appropriate at a future DA stage.																
The apartment mix is distributed to suitable locations within the building																	
4L Ground Floor Apartments																	

Provisions	Comment
Street frontage activity is maximised where ground floor apartments are located	N/A
Design of ground floor apartments delivers amenity and safety for residents	
4M Facades	
Building facades provide visual interest along the street while respecting the character of the local area	The proposed concept application has provided appropriate building envelopes with extensive articulation that will enable the achievement of an appropriately designed facades and encourage street activation and enhance the character of the locality, however detailed consideration of building facades would be considered more appropriate at a future DA stage.
Building functions are expressed by the facade	
4N Roof Design	
Roof treatments are integrated into the building design and positively respond to the street	Considered more appropriate at a future DA stage.
Opportunities to use roof space for residential accommodation and open space are maximised	
Roof design incorporates sustainability features	
4O Landscape Design	
Landscape design is viable and sustainable	Considered more appropriate at a future DA stage.
Landscape design contributes to the streetscape and amenity	
4P Planting on Structures	
Appropriate soil profiles are provided	Considered more appropriate at a future DA stage.
Plant growth is optimised with appropriate selection and maintenance	
Planting on structures contributes to the quality and amenity of communal and public open spaces	
4Q Universal Design	
Universal design features are included in apartment design to promote flexible housing for all community members	Considered more appropriate at a future DA stage.
A variety of apartments with adaptable designs are provided	
Apartment layouts are flexible and accommodate a range of lifestyle needs	
4R Adaptive Reuse	
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not applicable
Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	The proposed concept application has provided appropriate building envelopes with extensive articulation that will enable the achievement of an appropriately designed facades and encourage street activation and
Residential levels of the building are integrated within the development, and safety and amenity is	

Provisions	Comment
maximised for residents	enhance the character of the locality, however detailed consideration of building frontages and integration of the residential elements of the building through the design would be considered more appropriate at a future DA stage.
4T Awnings and Signage	
Awnings are well located and complement and integrate with the building design	Considered more appropriate at a future DA stage.
Signage responds to the context and desired streetscape character	
4U Energy Efficiency	
Development incorporates passive environmental design	Considered more appropriate at a future DA stage.
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
Potable water use is minimised	Considered more appropriate at a future DA stage.
Urban stormwater is treated on site before being discharged to receiving waters	
Flood management systems are integrated into site design	
4W Waste Management	
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Considered more appropriate at a future DA stage.
Domestic waste is minimized by providing safe and convenient source separation and recycling	
4X Building Maintenance	
Building design detail provides protection from weathering	Considered more appropriate at a future DA stage.
Systems and access enable ease of maintenance	
Material selection reduces ongoing maintenance costs	

3B Orientation

The key discussion of 3B of the ADG is to explain and determine that the extent of the solar access/overshadowing impact of the proposal on adjoining development particularly the impact of the proposal on 420 Macquarie Street is deemed acceptable and worthy of support in this instance.

The applicants and Council have acknowledged that an element of the residential units at 420 Macquarie Street will have a solar access impact as a consequence of this concept proposal. Based on the solar access studies and counts provided by the applicant, the following has become evident;

1. Currently, 319 of the 462 apartments in SkyHaus (69%) achieve compliant solar access to living rooms, balconies and private open space. Accordingly, the adjacent development falls short of the guidelines under Part 4A, Design criteria (2) of the ADG and the design criteria under Part 3B-2 applies.

The analysis undertaken by the applicant has confirmed that the proposal will result in the unavoidable overshadowing of an additional 58 apartments during 21 June. This means that 261 apartments or 56.5% of units in Skyhaus will receive 2 hours of sunlight.

The proposal will result in the unavoidable overshadowing of an additional 16 apartments during 21 September, resulting in 65.6% of units in Skyhaus receiving 2 hours of sunlight at this time. There will be no additional units impacted by overshadowing from the proposed development during 21 December.

2. Under Part 3B-2 of the ADG, the proposal will result in additional overshadowing impacts to 18% of those apartments which currently receive 2 hours of direct sunlight at 21 June, or 13% of the total development.

The solar access diagrams demonstrating the non-compliant impact of the proposed concept is attached to this report for information. Based on the resultant impact of the proposal it was put forth by the applicant that the ADG envisages such an impact for a development of this nature based on the following clause under objective 3B-2

“Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%”

On the basis of the above clause, it was argued by the applicant that as it has been demonstrated that 420 Macquarie Street does not achieve the required solar access under the ADG the impact of 420 Macquarie can be exasperated by a further margin as long as it is not reduced by more than 20%. As a consequence of the position put forth by the applicant it was requested by Council for the applicant to obtain legal advice to determine if can be utilised.

Consequently, the applicant obtained a legal opinion from Mills Oakley dated 11 December 2020 is summarised as follows;

- *Turning now to the ADG provisions, in our opinion the development application plainly satisfies the Design Guidance criteria set out in 3B-2 of the ADG, which is in the following terms: “Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%”.*
- *On our review of the approved drawings for the adjacent development at 420 Macquarie Street, it is apparent that the solar access that is to be achieved at mid-*

winter is 69%. That amount is less than the 70% specified as the minimum amount in 4A-1 (page 79) of the ADG (which requires that “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 in the Sydney Metropolitan Area”). Therefore, as the adjoining property, as approved, “does not currently receive the required hours of solar access”, the above-mentioned Design Guidance criteria set out in 3B-2 of the ADG squarely applies.

- We are instructed that the subject development application complies with the Design Guidance criteria set out in 3B-2 of the ADG, in that it does not reduce solar access to that neighbouring property at 420 Macquarie Street by more than 20%. The reduction is in the order of only 13%.
- It follows that the subject development application complies with the applicable ADG control for overshadowing of neighbouring properties.
- For completeness, while we are unaware of whether the Council will seek to apply some other overshadowing control via its own DCP, we reiterate what is said at paragraph 2 above, namely that a DCP cannot be inconsistent with the ADG in relation to ‘solar access’, and to the extent that a DCP is inconsistent it shall be “of no effect”. There can be no doubt that the Design Guidance criteria set out in 3B-2 of the ADG is in respect of ‘solar access’, since it expressly uses the words “solar access” twice. As such, this is a control which is expressly called up by clause 6A of SEPP 65, such that it prevails over any DCP provision dealing with the same subject matter. The Land and Environment Court recently agreed with us on this point, setting aside DCP setback controls based on inconsistency with ADG separation controls, in the matter of *Binnijig Pty Ltd v Canterbury Bankstown Council* [2020] NSWLEC 1086, where we acted for the developer. The arguments set out above were accepted entirely by the Court.
- It would therefore be a legal error for the consent authority in this instance to seek to apply a different DCP solar access control, in circumstances where any such control is legally “of no effect”. It is the ADG criteria that are to be applied.

The above advice was peer reviewed by Council. The peer reviewed advice is summarised as follows;

Overall, we agree with the Letter of Advice, in that:

- (b) Development Control Plan (DCP) provisions that specify requirements, standards or controls in relation to solar and daylight access are not applicable to the proposed development by operation of clause 6A of State Environmental Planning Policy No 65— Design Quality of Residential Apartment Development (SEPP 65).
- (c) SEPP 65 requires the Council to take into consideration the ADG in determining the DA.

Based on the advice above it is agreed that the application of the clause under the ADG is deemed valid.

Notwithstanding the above it is accepted that the proposal presents an acceptable level of impact as envisaged by the ADG. Moreover, as will be expanded upon under Clause 7.5A and the LEP assessment along with the comments provided previously under the assessment of the comments of the design excellence panel it is considered the solar access proposed by this concept is acceptable and worthy of support in this instance.

The controls and bonuses provided under the LEP which enables development uplift for certain sites where a set criteria is met envisages a large scale dense urban environment. It is not appropriate to expect a CBD environment where development maybe enabled to a potential FSR of 10:1 with no height limit wont have amenity impacts on adjoining development. It is considered that the concept applicant aligns with the objective of 3B-2 as well as the expected future character of the Liverpool CBD. It is on that basis that the proposal is considered acceptable and worthy of support in this instance.

(b) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The objectives of SEPP 55 are:

- *to provide for a state-wide 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.*

Pursuant to the above SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

Comment: As this a concept proposal and does not involve any physical works, it is considered that any subsequent DA be accompanies by relevant documentation to determine if the proposed built form satisfies SEPP 55. This will form part of conditions of consent.

(c) State Environmental Planning Policy (Infrastructure) 2007

The subject site has a frontage to Copeland Street and Macquarie Street. Both Copeland and Macquarie Streets are Classified Roads and as such the proposal must be considered under the relevant provisions of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP). Specifically, the following clauses have been considered during the assessment of the proposal.

101 Development with frontage to classified road

(1) The objectives of this clause are:

- (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (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*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (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*

Comment: The concept development application has been considered against the relevant provisions of Clause 101, to the extent deemed appropriate for a concept development application. It is important that the submitted concept plans demonstrate suitable vehicular access to the site will be provided off a road other than a classified road if possible. The submitted concept plan demonstrated that vehicular access will be provided off Short Street.

As the concept plan provides maximum GFAs for residential, retail, business etc. and the final details are not known at this stage and the consequential traffic generation/parking impact and acoustic impacts of a final detailed design it is considered appropriate to give further due consideration to the potential impacts under Clause 101 at a future development application stage.

102 Impact of road noise or vibration on non-road development

- (1) *This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*
- (a) *a building for residential use,*
 - (b) *a place of public worship,*
 - (c) *a hospital,*
 - (d) *an educational establishment or child care centre.*

- (2) *Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.*
- (3) *If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*
- (4) *In this clause, **freeway**, **tollway** and **transitway** have the same meanings as they have in the [Roads Act 1993](#).*

Comment: In response to the above clause, it is generally accepted that a development that involves one of the uses stipulated in Clause 102(1) would require the submission of an acoustic report to satisfactorily address the minimum acoustic requirements stipulated in the proceeding sub-clauses under Clause 102. It is considered appropriate in this instance that the requirement to address Clause 102, be deferred to the subsequent built form applications as they will provide more details as to the materiality of future buildings that will be utilised to satisfy Clause 102. It is not known at the concept stage. Therefore, a condition of consent will be imposed on the concept application stipulating the submission of an acoustic report that addresses the technical requirements of Clause 102 of the SEPP.

(d) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP).

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application planning principle are to be applied (Clause 7(2)). Accordingly, a table summarising the matters for consideration in determining development application (Clause 8 and Clause 9), and compliance with such is provided below.

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application
(a) the aims, objectives and planning principles of this plan	Considered more appropriate at a future DA stage.
(b) the likely effect of the proposed plan, development or activity on adjacent or	Considered more appropriate at a future DA stage.

downstream local government areas	
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries	Considered more appropriate at a future DA stage.
d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments)	Considered more appropriate at a future DA stage.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning)	Considered more appropriate at a future DA stage.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice	All relevant State Government Agencies were notified of the proposal and all relevant State Government Policies, manuals and guidelines were considered as part of the proposal.
(g) whether there are any feasible alternatives to the development or other proposal concerned	The site is located in an area nominated for mixed use development and provides for a development that is consistent with the objectives of the applicable zoning and is consistent with the desired future character of the surrounding locality.

Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The site is not affected by acid sulphate soils.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The site is not affected by flooding.
(4) Industrial discharges	Not applicable. The site has been used for commercial purposes previously.
(5) Land degradation	Considered more appropriate at a future DA stage.

(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Considered more appropriate at a future DA stage.
(10) Urban development areas	<p>The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy.</p> <p>The site is not identified as being an Urban Release Area under LLEP 2008.</p>
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	Considered more appropriate at a future DA stage.
(13) Wetlands	Not applicable.

It is considered that the concept proposal appropriately satisfies the provisions of the GMREP No.2 to the extent considered appropriate in this instance. Further consideration of the proposal will be given once subsequent applications have been submitted for detailed building plans.

(d) Liverpool Local Environmental Plan 2008

The concept application would be incorporate a number of uses all of which are permissible within the B4 Mixed Use zoning. These uses have been detailed previously in this report.

Zone Objectives

The objectives of the B4 zone are as follows:

- *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.*

The proposed concept application is considered consistent with the objectives of the B4 zone in that it will facilitate a mixture of compatible land uses, provides for appropriate building envelopes that have been suitably located to cater for suitable business, residential, retail and other uses. It enables the provision of future residential accommodation in the Liverpool City Centre while enabling the provision of active retail, business and other non-residential uses at street level. The concept application has also been presented to Council's Design Excellence Panel on numerous occasions and is considered an appropriate concept application that can facilitate a high standard of urban design.

Principal Development Standards

The following principal development standards are applicable to the proposal. The principle development standards have been considered against this concept proposal to the extent deemed appropriate in this instance.

Clause	Provision	Comment
Clause 2.7 Demolition Requires Development Consent	The demolition of a building or work may be carried out only with development consent.	N/A
Clause 4.3 of Height Buildings	Maximum height of 28m	N/A The application is being proposed pursuant to Clause 7.5A, which enables the removal of a maximum height limit on a site subject to the satisfaction of clause 7.5A. Clause 7.5A assessment is provided further in this report.
Clause 4.4 Floor Space Ratio	Maximum FSR of 3:1	N/A The application is being proposed pursuant to Clause 7.5A, which enables an additional FSR on a site up to a maximum of 10:1, subject to the satisfaction of clause 7.5A. Clause 7.5A assessment is provided further in this report.
Clause 5.10 Heritage Conservation	Development proposed within the vicinity of a heritage item must be accompanied by a heritage management document to assess the impact of the	Refer to discussion below regarding Clause 5.10

	heritage significance of the heritage item.	
6.4A Arrangements for designated State public infrastructure in intensive urban development areas		Refer to discussion below regarding Clause 6.4A
7.1 Objectives for Development in Liverpool City Centre	Proposed developments must be consistent with the objectives	Complies Refer to discussion below
7.2 Sun access in Liverpool City Centre	Development on land to which this clause applies is prohibited if the development results in any part of a building on land specified in Column 1 of the Table to this clause projecting above the height specified opposite that land in Column 2 of the Table	N/A This clause does not encompass the subject site.
7.3 Car Parking in the Liverpool City Centre	<ul style="list-style-type: none"> At least one car parking space is provided for every 200m² of new ground floor GFA; At least one car parking space is provided for every 100m² of new retail premises GFA; and At least one car parking space is provided for every 150m² of new GFA to be used for any 	N/A As indicated previously in this report, the concept application was proposed in accordance with the RMS parking rates. The proposal demonstrates compliance with the applicable RMS rates.

		other purpose.	
Clause 7.4 Building Separation in Liverpool City Centre	Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least: - 12 metres for parts of buildings between 25 and 45 metres above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use, and - 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use	Complies The proposed concept plans has demonstrated it could accommodate a building envelope that would achieve the required building separation under the LLEP 2008.	
Clause 7.5 Design Excellence in Liverpool City Centre & Key Site Controls	Must Comply with Clause 7.5(3) with regards to exhibiting design excellence	Complies The application has been reviewed by Council's Design excellence panel on 2 occasions and the application has been supported.	
Clause 7.14 Minimum Building Street Frontage	A minimum building street frontage of 24m is applicable.	Complies The site has multiple frontages that exceed 24m	
7.5A Additional provisions relating to		Complies – Refer to discussion below	

certain land at Liverpool city centre		
7.16 Ground floor development in Zones B1, B2 and B4	Development Consent is not to be granted unless it is demonstrated that the ground floor will not be used for residential accommodation	Complies Proposed concept does not provide any residential accommodation on ground floor.
Clause 7.17 Airspace Operations	Provisions to protect airspace around airports	Complies The application was reviewed by Sydney Airport authority who provided conditions of consent.

(i) **Other Relevant LLEP 2008 Clauses**

Clause 6.4A Arrangements for designated State public infrastructure in intensive urban development areas

Clause 6.4A states;

- (1) *The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the development of land wholly or partly for residential purposes, to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.*
- (2) *Despite all other provisions of this Plan, development consent must not be granted for development for the purposes of residential accommodation (whether as part of a mixed use development or otherwise) in an intensive urban development area that results in an increase in the number of dwellings in that area, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.*
- (3) *This clause does not apply to a development application to carry out development on land in an intensive urban development area if all or any part of the land to which the application applies is a special contributions area (as defined by section 7.1 of the Act).*
- (4) *In this Part:*

intensive urban development area means the area of land identified as “Area 7”, “Area 8”, “Area 9”, “Area 10” or “Area 11” on the [Floor Space Ratio Map](#).

Comment: As part of the adoption of Amendment 52, Council undertook a traffic study to understand the potential impacts of the envisaged residential up lift created. The traffic report was prepared by GTA Consultants. The conclusions of the report found that to cater

for the envisaged-up lift, upgrades to key intersections in and around the CBD will be required.

Consequently, to the above Clause 6.4A was introduced, which stipulates “satisfactory arrangements” are to be made for the provision of designated state infrastructure before the development of land wholly or partly for residential purposes.

As this proposal is a concept proposal at this stage and does not involve or give consent to the construction of a building involving residential accommodation under this concept approval, it is considered appropriate in this instance to impose a condition of consent requiring Clause 6.4A has been addressed prior to the lodgement of a future development application involving residential accommodation.

Clause 7.1 Objectives for Development in Liverpool City Centre

Clause 7.1 of the LLEP 2008, stipulates the objectives that must be satisfied by any redevelopment in the city centre. The objectives of Clause 7.1 are as follows;

- (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.*

Comment: The proposal is considered to satisfy the objectives of clause 7.1 as it provides a concept development that significantly improves the public domain and improves the quality of public spaces in the city centre. It provides a concept design that will enable a well designed development in close proximity to a major transport hub, being the Liverpool Train Station and the Liverpool-Parramatta transitway. It provides a development that has given appropriate consideration the existing site constraints and the surrounding local and wider context.

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.*

Comment: The subject site is located in “Area 8” on the FSR map as indicated in figure 8 below. The development site is greater than 1500sqm and has 2 or more street frontages. On this basis Clause 7.5A would apply to this site.

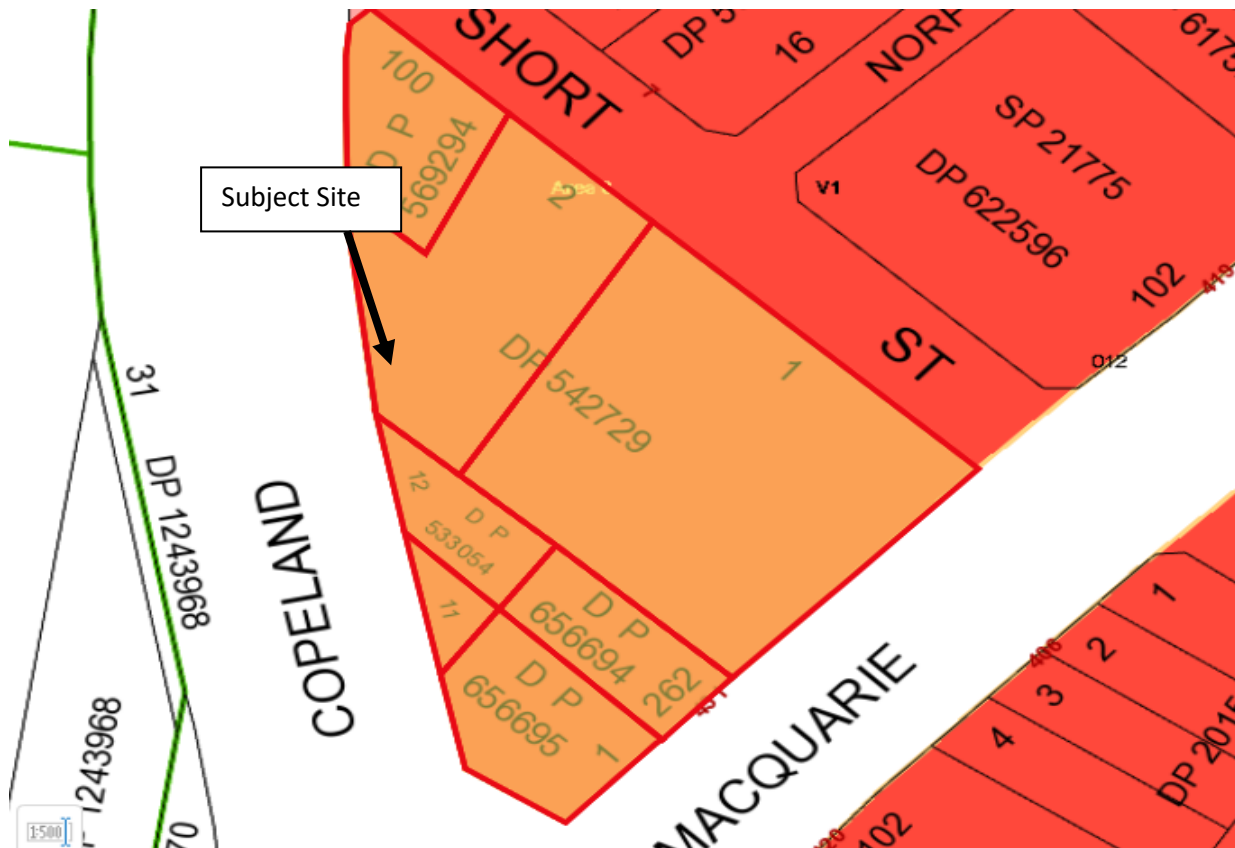


Figure 8: FSR Map indicating site is in Area 8

- (2) *Despite clauses 4.3 and 4.4, if at least 20% of the gross floor area of a building is used for the purposes of business premises, centre-based child care facilities, community facilities, educational establishments, entertainment facilities, food and drink premises, functions centres, information and education facilities, medical centres, public administration buildings or retail premises:*
 - (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.*

Comment: This clause mandates that for sites that fall within Area 8 provide a minimum 20% of the GFA for the purpose **business premises, centre-based child care facilities, community facilities, educational establishments, entertainment facilities, food and**

drink premises, functions centres, information and education facilities, medical centres, public administration buildings or retail premises.

If it is demonstrated that a development provides for the mandated minimum 20% then a development may obtain an unrestricted height limit and an FSR of up to 10:1 despite the maximum height and FSR development standard indicated by Clauses 4.3 and 4.4 of the LLEP 2008.

The concept proposal has demonstrated that a future development is able to accommodate a minimum 20% of the GFA for numerous uses detailed in the Clause above. The concept plan has provided a building envelope that demonstrates of the maximum 49,425m² of GFA the proposal can accommodate 9,715sqm² for the purpose of retail/business floor area for future cafes, restaurants, shops and a possible community civic arts centre. This equates to 20.07% of the total GFA and satisfies this Clause. A condition of consent will be imposed requiring that any future application provide a minimum 20% of the GFA for the uses listed above.

Therefore, having regard to the above it is considered reasonable in this instance that the concept proposal provides an FSR of 9.93:1 as it has demonstrated that it is consistent with the requirements of this Clause.

(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*

Comment: In the first instance it is important to note that the concept plans includes provision for a community facility in the form of an arts centre on the ground floor, which would be defined as a community facility under the LLEP 2008.

It is evident by subclause 3(a) that a DCP is to be prepared for the site for consent to be granted. However, in this instance it is important in this instance to reference Clause 4.23 of the Environmental Planning and Assessment Act, which states;

4.23 Concept development applications as alternative to DCP required by environmental planning instruments (cf previous s 83C)

- (1) *An environmental planning instrument cannot require the making of a concept development application before development is carried out.*
- (2) *However, if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a concept development application in respect of that land.*

Note. Section 3.44 (5) also authorises the making of a development application where the relevant planning authority refuses to make, or delays making, a development control plan.

- (3) *Any such concept development application is to contain the information required to be included in the development control plan by the environmental planning instrument or the regulations.*

Clause 4.23 above enables the submission of a concept development application in lieu of the development of a site specific DCP. Therefore, it is considered that the submission of a concept application has the same affect as the preparation of a DCP in this instance and satisfies Clause 7.5A(3). Details below demonstrate how the concept proposal meets the relevant requirements of a DCP as required by Clause 7.5A(4) below.

- (4) *The development control plan must include provision for how proposed development is to address the following matters:*
- (a) the suitability of the land for development,*
 - (b) the existing and proposed uses and use mix,*
 - (c) any heritage issues and streetscape constraints,*
 - (d) the impact on any conservation area,*
 - (e) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (f) the bulk, massing and modulation of buildings,*
 - (g) street frontage heights,*
 - (h) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,*
 - (i) the achievement of the principles of ecologically sustainable development,*
 - (j) encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and car parking provision, including integrated options to reduce car use,*
 - (k) the impact on, and any proposed improvements to, the public domain,*
 - (l) achieving appropriate interface at ground level between buildings and the public domain,*
 - (m) the excellence and integration of landscape design*

Comment: While it is acknowledged that a site specific DCP was not prepared for the site as required by Clause (3), it is evident that the concept proposal has given due consideration for all the matters listed in subclause (4). This is evidenced by the Urban Design review

undertaken by MPA.

It is also important to note that the submitted concept plan has been presented numerous times to Councils Design Excellence Panel, which have deemed the documentation satisfactory in-principle.

A brief discussion on how each of the listed criteria has been considered as part of the concept DA and is to be carried through to any subsequent application is provided below:

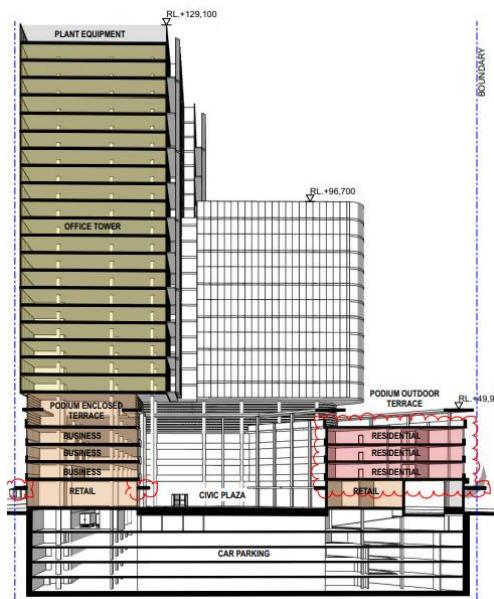
a) The suitability of the land for development,

An analysis of the characteristics and the local context has been included in the Urban Design Review. From this, the applicant has explored possible options for redevelopment that respond appropriately to the characteristics and the local context before arriving at the chosen concept. See Figures below.



b) *the existing and proposed uses and use mix,*

The Urban Design review describes the proposed use mix to be developed on the site. The submitted concept plans that will form part of any conditions of consent for this DA also indicate the location and general layout of proposed uses that will occupy any future building at the site.



c) *any heritage issues and streetscape constraints,*

The subject site is located within the immediate vicinity of the following local heritage items in Schedule 5 of the Liverpool LEP 2008:

- Plan of Town of Liverpool (early town centre street layout – Hoddle 1827)

Council's Heritage Advisor has reviewed the concept development application and raised no objections to the proposed concept.

d) *the impact on any conservation area,*

This criterion is not a relevant consideration as the site is not located within or located in the proximity of a conservation area.

e) *the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*

The applicant has explored possible options for redevelopment that respond appropriately to the characteristics and the local context including future building separation to potential envelopes on adjoining sites. See figures below.



f) *the bulk, massing and modulation of buildings,*

Massing of the chosen scheme as well as alternatives possible options has been explored in the review.

g) *street frontage heights,*

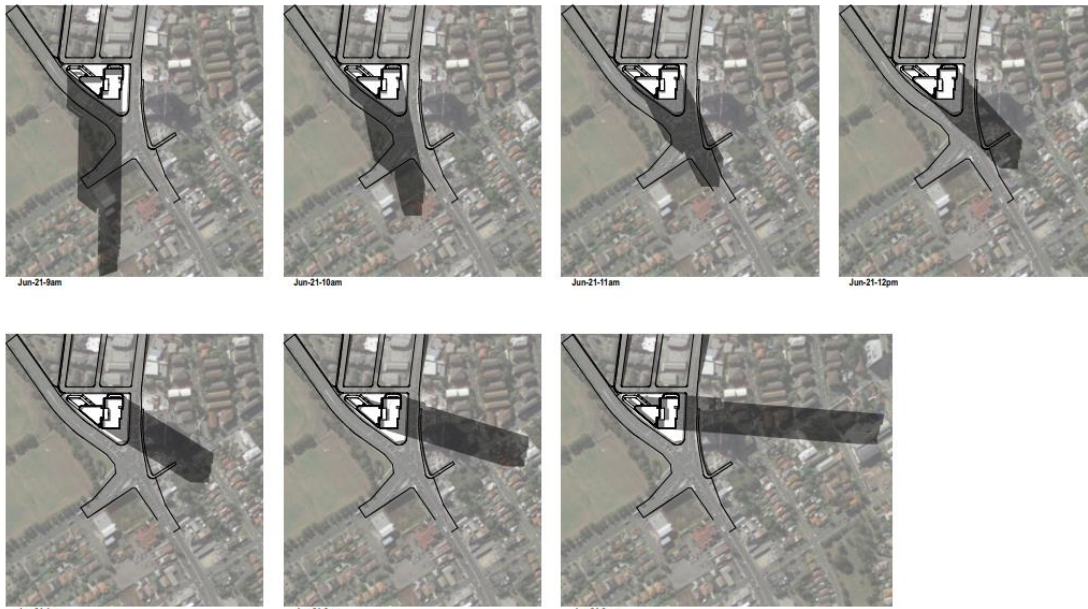
The applicant proposes building envelopes that respond appropriately to the location of the site. Taking advantage of all frontages with appropriate articulation and scale to make prominent frontages important. See figure below.



The proposed development is consistent with the street frontage heights anticipated in the B4 zone.

h) *environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,*

The submitted design report includes shadow diagrams and solar access study. See figures below.



i) *the achievement of the principles of ecologically sustainable development,*

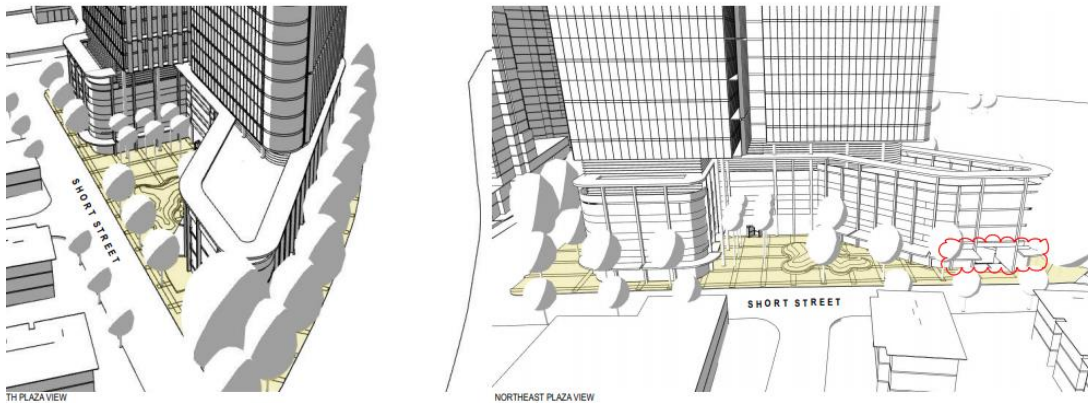
The applicant has acknowledged the importance of ESD and proposes to incorporate these provisions in any subsequent application to Council for the building. These matters can be addressed in any subsequent application to Council. Conditions will be imposed on any consent that requires these matters be addressed in a subsequent application.

j) *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,*

The applicant has indicated that parking will be provided at the site for cars, motorbikes and bicycles. There will also be end of trip facilities provided within any building.

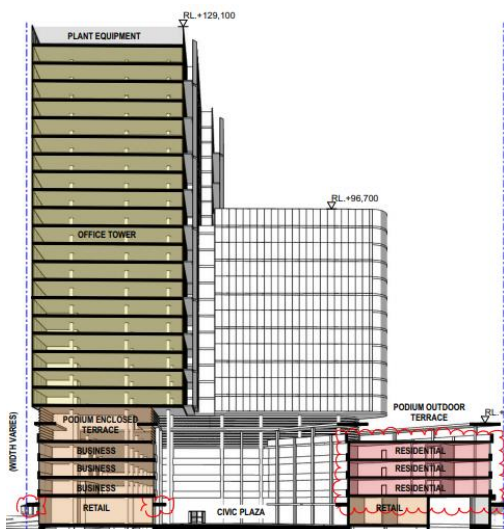
k) *the impact on, and any proposed improvements to, the public domain,*

The concept application is considered to improve the public domain, particularly with the introduction of a civic plaza. Subsequent DAs for the built form can further refine the public domain interface. See below figure.



l) *achieving appropriate interface at ground level between buildings and the public domain,*

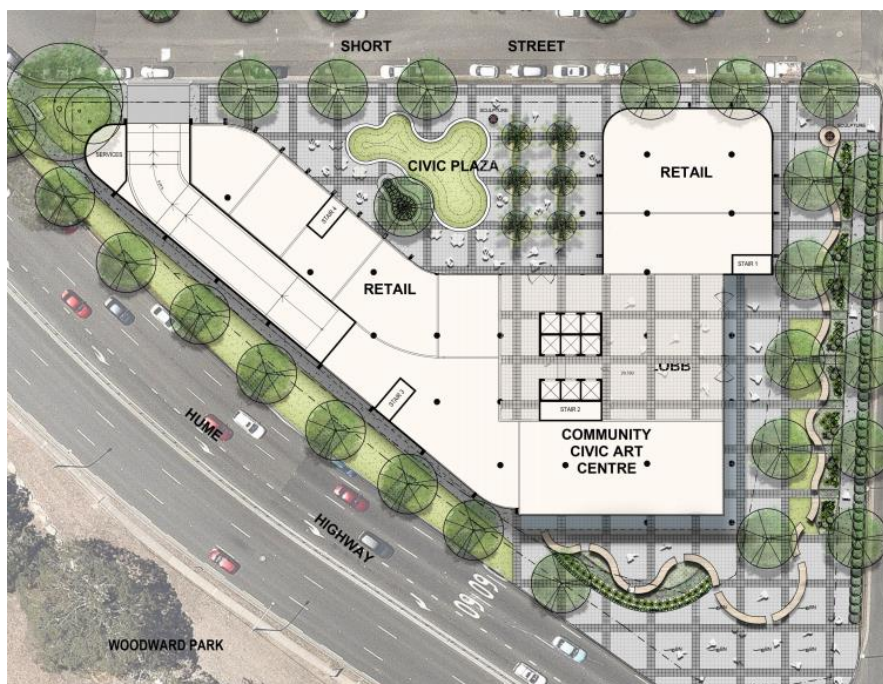
The Urban design review provides elevations and section drawings that show the interface at ground level between buildings and the public domain. See figure below.



The figure indicates that the proposed ground floor will be relatively level with the public domain so as to ensure limited disparity in floor levels between buildings and the public domain.

m) *the excellence and integration of landscape design*

The applicant has provided a landscape concept strategy that has informed the future design. A site plan indicating the location of the landscaping are provided below.



Conclusion: Based on the information above it is considered the concept development application has satisfactorily addressed Clause 7.5A and is considered worthy of support in this instance.

6.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

No draft Environmental Planning Instruments applies to the site

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

Part 1 - General Controls for all Development and Part 4 - Development in The Liverpool City Centre of the Development Control Plan apply to the proposed development and prescribe standards and criteria relevant to the proposal.

The following compliance table outlines compliance with these controls.

LDCP 2008 Part 1: General Controls for All Development

Development Control	Provision	Comment
Section 2. Tree Preservation	Controls relating to the preservation of trees	Not Applicable The site does not contain any vegetation requiring removal.
Section 3.	Controls relating to	Considered more appropriate at a future DA stage.

Development Control	Provision	Comment
Landscaping and Incorporation of Existing Trees	landscaping and the incorporation of existing trees.	
Section 4 Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not Applicable The development site is not identified as containing any native flora and fauna.
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land	Not Applicable The development site is not identified as being bushfire prone land.
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Considered more appropriate at a future DA stage.
Section 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.	Not Applicable The development site is not within close proximity to a water course.
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Considered more appropriate at a future DA stage.
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	Not Applicable The development site is not identified as flood prone land.
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies As discussed within this report, the subject site is considered to be suitable for the proposed development. Further consideration

Development Control	Provision	Comment
		will be given when applications for buildings are submitted.
Section 11. Salinity Risk	Provisions relating to development on saline land.	Not Applicable The development site is identified as containing a low salinity potential. Therefore, a salinity management response plan is not required.
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not Applicable The site is not identified as containing the potential for acid sulphate soils.
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	Not Applicable The site is not identified as containing noxious weeds.
Section 14. Demolition of Existing Development	Provisions relating to demolition works	Considered more appropriate at a future DA stage.
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	Not Applicable OSMS is not proposed.
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Satisfactory
Section 17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	Complies The proposals impact on the surrounding heritage items are discussed previously in this report.
Section 19. Used Clothing	Provisions relating to used clothing bins.	Not Applicable

Development Control	Provision	Comment
Bins		The DA does not propose used clothing bins.
Section 22. and Section 23 Water Conservation and Energy Conservation	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Considered more appropriate at a future DA stage.
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Considered more appropriate at a future DA stage.
Section 26 Outdoor Advertising and Signage	Provisions relating to signage.	Not Applicable The DA does not propose any signage.

LDCP 2008 Part 4: Liverpool City Centre: It is important to note that this concept plan sets the maximum parameters for the site in terms of bulk, scale, location and setbacks etc. It is considered that the concept plan is akin to a site specific DCP and consideration of part 4 below will be taken into account where deemed appropriate or relevant.

Controls	Comment	Complies
PART 4 - DEVELOPMENT IN LIVERPOOL CITY CENTRE		
<p>2. Controls for Building Form</p> <p>2.1 – Building Form</p> <p>Subject Site located within the residential area in accordance with the DCP</p> <p>Street Setbacks</p> <p>1. Street building alignment and street setbacks are to comply with figure 3. Subject site requires a 0m street setback.</p>	<p>Appropriate street setbacks for the site set by the concept plan documentation provided and supported by Council and DEP</p>	<p>Satisfactory</p>

<p>2. External facades of buildings are to be aligned with the streets that they front.</p>	<p>Appropriate street setbacks for the site set by the concept plan documentation provided and supported by Council and DEP</p>	<p>Satisfactory</p>
<p>3. Notwithstanding the setback controls, where development must be built to the street alignment (as identified in Figure 3), it must also be built to the side boundaries (0m setback) where fronting the street. The minimum height of development built to the side boundary is to comply with the minimum street frontage height requirement.</p>	<p>Appropriate setbacks for the site set by the concept plan documentation provided and supported by Council and DEP</p>	<p>Satisfactory</p>
<p>Street Frontage Heights</p> <p>1. Street Frontage height of buildings must comply with the minimum and maximum heights above mean ground level on the street front as shown in figure 5. Subject site requires 16-26m or 4 to 6 storeys</p>	<p>Appropriate street frontage heights for the site set by the concept plan documentation provided and supported by Council and DEP.</p>	<p>Satisfactory</p>
<p>Building Depth and Bulk</p> <p>1. The maximum floor plate size and depth of buildings are specified and illustrated in Figure 6 and table 1 above street frontage height (i.e. 1,200sqm and 30m depth)</p>	<p>Appropriate maximum floor plates for the site set by the concept plan documentation provided and</p>	<p>Satisfactory</p>

	supported by Council and DEP.	
Boundary Setback and Building Depth and Bulk		
<p>1. The minimum building setbacks from the front, side and rear property boundaries are specified in table 2.</p> <ul style="list-style-type: none"> ➤ Up to permissible SFH level requires Nil setback to side and rear ➤ From SFH to 45m, a minimum of 6m side and rear setback is required 	<p>Appropriate street setbacks for the site set by the concept plan documentation provided and supported by Council and DEP</p>	Satisfactory
<p>2.2 – Mixed use Buildings</p> <p>1. Ground floor component is to be used for non-residential use</p> <p>2. Ground floor – floor to ceiling not to be less than 3.6m</p> <p>3. All other levels require 2.7m</p>	<p>The concept proposal puts forth a design that is consistent with these provisions.</p>	Satisfactory
<p>2.3 – Site Cover & Deep Soil Zones</p> <p>1. Site coverage maximum is 100 %</p>	<p>Concept plan envisages site cover of 100%</p>	Satisfactory
<p>2.4 – Landscape Design</p>	<p>Further consideration of landscape design will be given with subsequent built form applications.</p>	Satisfactory
<p>2.5 – Planting on Structures</p>	<p>Further consideration of landscape design</p>	Satisfactory

	will be given with subsequent built form applications.	
3. Amenity		
3.1 – Pedestrian Permeability	N/A	N/A
3.2 – Active Street Frontages & Address	Concept plan has been proposed to cater for active street frontages and will be considered in further detail with future applications.	Satisfactory
3.3 – Front Fences	N/A	N/A
3.4 – Safety & Security	Will be considered further with subsequent applications.	Satisfactory
3.5 – Awnings	Will be considered further with subsequent applications.	Satisfactory
3.6 – Vehicle Footpath Crossings	Will be considered further with subsequent applications.	Satisfactory
3.7 – Pedestrian Overpass and Underpass	N/A	N/A
3.8 – Building Exteriors	Will be considered	Satisfactory

3.9 – Corner Treatments	<p>further with subsequent applications</p> <p>Concept put forth proposes a design that addresses the intersection appropriately. Further consideration will be given with future development applications</p>	Satisfactory
4. Traffic & Access		
4.1 – Pedestrian Access& Mobility	<p>Proposal considers satisfactory in relation to pedestrian access and mobility.</p>	Yes
4.2 – Vehicular Driveways & Manoeuvring Areas	<p>Vehicular access is considered satisfactory. Access is provided at the most practicable point</p>	Yes
4.3 – On Site Parking	<p>Traffic studies put forth demonstrates at the concept stage that the parking is satisfactory</p>	Yes

5. Environmental Management		
5.1 – Energy Efficiency & Conservation	Considered more appropriate at future DA stage	N/A
5.2 – Water Conservation	Considered more appropriate at future DA stage	N/A
5.3 – Reflectivity	Considered more appropriate at future DA stage	N/A
5.4 – Wind Mitigation	Considered more appropriate at future DA stage	N/A
5.5 – Noise	Considered more appropriate at future DA stage	N/A
5.6 – Waste	Considered more appropriate at future DA stage	N/A
5.7 – Floodplain & Water Cycle Management	Subject site not in a floodplain	N/A
5.8 – Sewage Treatment Plant	N/A	N/A
5.9 – Business where trolleys are required	N/A	N/A
6. Controls for Residential Development		
6.1 – Housing Choice and Mix	Concept plan indicates an appropriate housing mix can be catered for, however further consideration will be given at a future DA stage.	Satisfactory

6.2	– Multi Dwelling Housing	N/A	N/A
7.	Controls for Special Areas		
7.1	– Heritage Items & Conservation Areas	Discussed previously in report	Yes
7.2	Controls for Restricted Premises	N/A	N/A
7.3	Key Sites	NA	N/A
7.4	Design Excellence	Proposed concept has demonstrated design excellence	Yes
7.5	Non Business Uses	N/A	N/A
7.6	Restaurants/Outdoor cafes	N/A	N/A
7.7	Child Care Centres	Further consideration of Child Care Centre will be given as part of future DA.	N/A

6.4 Section 4.15(1)(a)(iia) - Any Planning Agreement or any Draft Planning Agreement

No planning agreement relates to the site or proposed development.

6.5 Section 4.15(1)(a)(iv) – The Regulations

The Environmental Planning and Assessment Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. As this is a concept application with no physical built form no conditions requiring compliance with the BCA is deemed necessary at this stage.

6.6 Section 4.15(1)(a (v) – Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates

There are no Coastal Zones applicable to the subject site.

6.7 Section 4.15(1)(b) – The Likely Impacts of the Development

(a) Natural and Built Environment

Built Environment

The proposed concept development is considered to have an overall positive impact on the surrounding built environment. The proposal has been designed to take into account the unique site location and has provided a concept design that is of an appropriate bulk and scale and consistent with the desired future character of the area.

Natural Environment

The proposed development is not considered to have a detrimental impact on the existing natural environment. The development proposal is located within a mixed-use zone that is fairly well developed.

(b) Social Impacts and Economic Impacts

The development is considered to result in a positive social impact by facilitating a feasible and well-balanced mixed-use development that will consist of a range of potential commercial uses in close proximity to a major transport hub which will generate and encourage employment generating activities for the Liverpool CBD.

The development will result in a positive economic impact, through the provision of the commercial premises which will provide employment opportunities for the community. Additionally, employment opportunities will also be generated through the construction of the development and the on-going maintenance of the building.

6.8 Section 4.15(1)(c) – The Suitability of the Site for the Development

The land is zoned for commercial development. The proposed development is in keeping with the zones objectives and is compatible with the anticipated future character within the Liverpool City Centre.

There are no significant natural or environmental constraints that would hinder the proposed development. The proposal effectively responds to its surroundings. Accordingly, the site is considered suitable for the proposed development.

6.9 Section 4.15(1)(d) – Any submissions made in relation to the Development

(a) Internal Referrals

The following comments have been received from Council's Internal Departments:

Internal Department	Status and Comments
City Design and Public Domain	No objection, subject to conditions
Land Development Engineering	No objection, subject to conditions
Environmental Health	No objection, subject to conditions
Waste Management	No objection at this stage of the development
Heritage	No objection, subject to conditions on any subsequent application
Traffic Engineering	Recommendations made
Economic Development	No objection to the proposed development

(b) External Referrals

The following comments have been received from External agencies:

External Department	Status and Comments
TfNSW	Concept considered to appropriately respond
Bankstown Airport Limited	No objections to the proposed development

(c) Community Consultation

The concept application was exhibited from 30 April 2020 to 19 May 2020 in accordance with the Community Participation Plan. No submissions were received during the exhibition period.

6.7 Section 4.15(1)(e) – The Public Interest

The proposed development is consistent with the zoning of the land and would represent a high-quality development for Liverpool. The development provides additional commercial opportunities within close proximity to public transport.

In addition to the social and economic benefit of the proposed development, it is considered to be in the public interest.

7 SECTION 7.12 CONTRIBUTIONS

Section 7.12 contributions do not apply at this stage as the application is for a concept design only. Section 7.12 Contributions will be levied once subsequent applications for the built form are submitted.

CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Sections 4.15 and 4.22 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The concept proposal is consistent with the intended desired future character of the area.
- The proposal is consistent with the objectives of the B4 – Mixed Use zone that is applicable to the site under the LLEP 2008.
- The proposal has undergone an extensive design review process and has satisfied the applicable objectives and provisions of Liverpool LEP 2008.

It is for these reasons that the proposed concept application is considered to be satisfactory and, the subject application is recommended for approval, subject to conditions.

8 ATTACHMENTS

- 1) Recommended conditions of consent
- 2) Approved building envelope plans
- 3) Further building envelope plans and Urban Design Review
- 4) Site Plan and Development Data
- 5) DEP minutes
- 6) Landscape Plans
- 7) Traffic Matters
- 8) Wind study
- 9) Shadow Diagram
- 10) Sun Angle Views
- 11) CGI's