

**REVISED 3 SEPTEMBER 2021**

# **ATTACHMENT 1 – DRAFT WITHOUT PREJUDICE CONDITIONS FOR PPSSWC-74 – 431 MACQUARIE STREET LIVERPOOL**

Council has imposed the following conditions under the relevant planning instruments and policies.

## **A. GENERAL CONDITIONS**

### **Approved Plans/Documents**

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

<b>Plan Name</b>	<b>Drawing No.</b>	<b>Issue</b>	<b>Date</b>	<b>Prepared By</b>
Site Plan and Development data	AP02	C	03.03.21	MPA
Basement Levels	AP03	D	01.04.21	MPA
Ground Level & Level 1-3	AP04	D	01.04.21	MPA
Levels 4-5	AP05	D	01.04.21	MPA
Levels 6-16 & Level 17	AP06	D	01.04.21	MPA
Level 18-26 & Roof Level	AP07	D	01.04.21	MPA
Macquarie Street Elevation	AP08	D	06.04.21	MPA
Short Street Elevation	AP09	D	06.04.21	MPA
Copeland Street Elevation	AP09	D	06.04.21	MPA
Sections	AP11	B	14.10.2020	MPA
Sections	AP12	B	14.10.2020	MPA

Report name	Dated	Prepared by
Urban Design Review	B	MPA

#### Clause 6.4A Liverpool LEP

2. Prior to any development consent being granted under this concept development consent which development to be carried out including residential accommodation on the site, the Secretary must first certify 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.

#### Environmental Planning and Assessment Act 1979

3. In accordance with section 4.22(4) of the EP&A Act all development under the Concept Proposal must be subject of future application(s). This consent does not permit the carrying out of any works.

#### Public Domain and Landscaping – Design Excellence

4. A *Public Domain Design Panel* is to be convened and a Public Domain Plan prepared:
  - a. Prior to the determination of any Detailed DA subject to this Concept Approval, a detailed Public Domain and Landscape Plan must be prepared by a suitably qualified AILA Registered Landscape Architect or Urban Designer, in accordance with the requirements of this condition.
  - b. A design review process is to be undertaken for the Public Domain and Landscape Plan with the purpose of achieving design excellence of the public domain in accordance with Clause 7.5 of Liverpool Local Environmental Plan 2008.
  - c. As part of the design review process, a *Public Domain Design Panel* is to be convened, that is to be chaired by the nominated chair of Council's Design Excellence Panel or his or her nominee, and whose other members are to include (at least):
    - A representative of or person nominated by Government Architect NSW;
    - A suitably qualified landscape architect and urban designer;
    - A representative of Liverpool City Council's City Design and Public Domain team.
  - d. At least two public domain design workshops are to be convened for attendance by members of the Public Domain Design Panel, the Applicant, and other relevant technical officers of Liverpool City Council which may include officers responsible for Heritage, Traffic, Public Art, Community Planning, Indigenous Culture and Heritage, and Community Development.
  - e. At the conclusion of the public domain design workshops, the *Public Domain Design Panel* is to record its recommendations.



- f. The recommendations of the *Public Domain Design Panel* are to be incorporated into a Public Domain and Landscape Plan to be prepared by the Applicant.
- g. The Public Domain and Landscape Plan is to be endorsed by the Chair of the Public Domain Design Panel as satisfactorily responding to the outcome of the public domain workshops, prior to the determination of any future Detailed DA under this Concept Approval.

## **PART B - CONDITIONS TO BE SATISFIED PRIOR TO THE SUBMISSION OF FUTURE DEVELOPMENT APPLICATIONS**

### **Pre-Development Application Meeting**

- 5. Prior to the submission of an application for the built form a Pre-Development application meeting is to be undertaken with Liverpool City Council. Advice of the subject Pre-Development application meeting is to be accompanied with the submission of the development application.

### **Pre-Development Design Excellence Panel Meeting**

- 6. Prior to the submission of an application for the built form a Pre-Development Design Excellence Panel meeting is to be undertaken with Liverpool City Council. Advice of the subject Pre-Development application meeting is to be accompanied with the submission of the development application.

### **Community Centre**

- 7. Prior to the submission of an application for the built form, evidence is to be provided demonstrating that an agreement has been reached with a not for profit organisation for the running of the proposed community centre.

## **PART C - CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS**

### **Maximum GFA**

- 8. Any future applications submitted is not exceed a maximum Gross Floor Area (GFA) of 49,425m<sup>2</sup>.
- 9. A minimum 20% of the GFA for any applications submitted is to be designated for the purpose of and use as a Business Premises, Retail Premises.

### **Building Envelopes**

- 10. Any future application is not permitted to extend beyond the approved building envelopes approved under DA-285/2020 excepting only supporting columns designed in form and



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

materials so as not to detract from the concept design to the satisfaction of Council's Design Excellence Panel.

### **Vehicular and pedestrian Access**

11. Any future development applications are to provide vehicular access off Macquarie Street only. No Vehicular access is permitted off Terminus Street.
12. The layout, proposed means of access and façade of the approved building as it presents to the east is to be suitably adapted to take into account the land use of the Council owned land adjacent to the site.

### **Contamination**

13. Any future Detailed DA subject to this Concept Approval that proposes excavation requires a Stage 2 – Detailed Site Investigation to fully delineate the contamination issues prior to the preparation of a Remediation Action Plan. The relevant assessments are to be undertaken by a suitably qualified and experienced contaminated land consultant with regard to the potential effects of any contaminants on public health, the environment and building structures and shall meet the sampling density outlined in the NSW EPA Contaminated Sites Sampling Design Guidelines (1995).

### **Acoustic Report**

14. Any future development application is to be accompanied by an acoustic report prepared by a suitably qualified acoustic consultant that demonstrates compliance with the relevant provisions of the State Environmental Planning Policy (Infrastructure) 2007, Clauses 101 and 102.

### **Traffic Impact Study**

15. Any future development application, must be accompanied by a cumulative Traffic Impact Study in consultation with and to the satisfaction of the RMS and Liverpool City Council.

### **Wind Study**

16. Any future development application is to be accompanied by a wind report prepared by a suitably qualified consultant. Wind tunnel testing and mitigation measures are to be provided as part of the wind study, with consideration of wind impacts on public areas and roof gardens.

### **Easement**

17. Any future Development Application is to provide an easement over the Civic Plaza enabling unimpeded public access.



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

## Environmental Sustainable Design (ESD)

18. Any future development application is to be accompanied by a report prepared by a suitably qualified Environmental ~~Suitable~~ Sustainable Design (ESD) consultant. A thorough analysis of all suitability principles shall be undertaken, and details for all measures to be incorporated as part of the development shall be provided, with particular reference to solar shading to the facades (including materiality) and energy requirements for heating and cooling.

## Public Art

19. Any future development application is to be accompanied by a Public Art Strategy prepared by a Public Art consultant, which includes consideration for typology and where public art may be appropriately located within the site. The Public Art Strategy shall ensure:
- The location of public artwork is outside of areas of potential land acquisition by Transport for NSW, or consideration should be provided as to where it could be relocated to if land acquisition was to occur, and the appropriateness of the alternate location/s.
  - The public artwork is created by a local artist.
  - Community engagement must be undertaken for any proposed artwork.
  - Public art is bespoke (i.e. not off-the-shelf) and relevant to the site and context.

Approval shall be sought from Council's Public Arts Officer for all public artwork on site.



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471