

LOCAL PLANNING PANEL AGENDA

11 December 2024

VIA MS TEAMS

LIVERPOOL
CITY
COUNCIL



MATTERS FOR THE LOCAL PLANNING PANEL'S DETERMINATION

Wednesday, 11 December 2024

VIA MS TEAMS

Commencing at **2:00 PM**

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Submissions by the applicant and concerned parties will be considered at the meeting. A concerned party is deemed to be a person who has made a written submission in respect to the application. The Panel shall, upon request, hear submissions from persons who identify prior to a meeting that they wish to make a submission to be considered by the Panel. Presentations to the Panel by the applicant and concerned parties shall be restricted to **3 minutes each**. The Panel Chairperson has the discretion to extend the period if considered appropriate.

Should you wish to address the Panel, please advise Amanda Merchant, Panel Support Officer on 8711 7712, by 4pm, 9th December 2024

For further information relating to the Local Planning Panel please refer to Council's web page:

[Liverpool Local Planning Panel / Liverpool City Council \(nsw.gov.au\)](https://www.liverpoolcitycouncil.nsw.gov.au/liverpool-local-planning-panel)

ITEM No.	SUBJECT	PAGE No.
1	<p>DEVELOPMENT APPLICATION DA-385/2024</p> <p>SUBDIVISION OF TWO (2) EXISTING ALLOTMENTS INTO FOUR (4) TORRENS TITLE LOTS.</p> <p>LOT 1 DP 350146 & LOT 2 DP 659669</p> <p>3-5 BOUNDARY ROAD, LIVERPOOL NSW 2170</p>	4 - 24

ITEM No.	SUBJECT	PAGE No.
2	<p>DEVELOPMENT APPLICATION DA-452/2024</p> <p>CHANGE OF USE TO AN EDUCATIONAL ESTABLISHMENT (UNIVERSITY). THE PROPOSED USE IS TO OCCUPY PART OF THE UPPER GROUND, PART LEVEL 1, LEVELS 2, 3, 5 & 6 OF AN EXISTING 14 STOREY BUILDING. NO PHYSICAL WORKS ARE PROPOSED AS PART OF THE APPLICATION</p> <p>LOT 1 DP 1293937</p> <p>CIVIC PLACE, 40-52 SCOTT STREET, LIVERPOOL NSW 2170</p>	25 - 49

Item Number:	1
Application Number:	DA-385/2024
Proposed Development:	Subdivision of two (2) existing allotments into four (4) Torrens Title lots.
Property Address	3-5 Boundary Road, Liverpool
Legal Description:	Lot 1 DP 350146 & Lot 2 DP 659669
Applicant:	Pivotal Planning Pty Ltd
Land Owner:	Greenfinch Investments Pty Ltd
Cost of Works:	\$19,000
Recommendation:	Approval
Assessing Officer:	Darren Laybutt, GAT & Associates

1 EXECUTIVE SUMMARY

Council has received a Development Application (DA No. DA-385/2024) seeking consent for subdivision of two (2) existing allotments into four (4) Torrens Title lots at 3-5 Boundary Road, Liverpool.

The site is zoned R2 Low Density Residential pursuant to Liverpool Local Environmental Plan (LLEP) 2008 and the proposed development is permissible with consent.

The development application was not required to be notified in accordance with the Liverpool Community Participation Plan 2022. No submissions were received.

There is sufficient information to determine if the subject site is suitable for the proposed development and that it meets the requirements of the Liverpool Local Environmental Plan 2008 and Liverpool Development Control Plan 2008.

The Development Application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979. Based on the assessment of the application, it is recommended that the application be approved for the following reasons:

1. The proposed development complies with the minimum lot size development standard under Clause 4.1 of the Liverpool Local Environmental Plan 2008 pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the EP&A Act 1979.
2. The proposed development does not have an adverse impact on the built environment and natural environment and would not have adverse social impacts, pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.

3. The proposal demonstrates that the site would be suitable for the proposed development, pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
4. Due to the above reasons, the application is in the public interest, pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the *Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent, endorsed by the Minister for Planning and Public Spaces on 6 May 2024*, as the development falls in the categories of:

Conflict of interest.

Development for which the applicant or land owner is:

The landowner is a relative of a sitting Councillor at Liverpool City Council at the time of lodgement of the subject application.

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The Site

The subject site consists of two (2) allotments identified as Lot Pt 1 DP 350146 and Lot 2 DP 659669, and is commonly known as 3-5 Boundary Road, Liverpool. The subject site is situated on the northern side of Boundary Road. Refer to Figure 1.

The site is irregular in shape with a frontage of 48.32m to Boundary Road. The eastern side boundary measures 46.215m and the western side boundary measures 49.635m. The rear (northern) boundary measures 32.09m. The survey information provided with the application shows that Lot 2 DP 659669 (No. 3) is 879.8m² (by title) and Lot Pt 1 DP 350146 (No. 5) is 955.7m² (by calculation).

Each existing lot currently contains a single storey dwelling, with outbuildings and vegetation. All lots have vehicular access from Boundary Road.

The topography of the land falls gently from the western boundary to the eastern boundary, with a level difference of around 1.2m, noting RL 34.20 in the southwest corner to RL 35.47 near the southeast corner.



Figure 1: Aerial view of the site (Source: SIX Maps)



Figure 2: The existing dwelling at No. 3 Boundary Road.



Figure 3: The existing dwelling at No.5 Boundary Road.



Figure 4: Street view of the site, No. 3-5 Boundary Road.

2.2 The Locality

The subject site is located on the northern side of Boundary Road, just west of the Hume Highway. The immediate locality consists of low to medium density residential developments, including single dwellings, dual occupancies and multi-housing developments. The residential development in the area is of a single and two storey scale, predominantly of older housing stock. Adjoining the site to the north, west and east, as well as to the south-west, are multi-housing developments.

The commercial development along the Hume Highway consists of car sales yards, businesses and bulky goods-type uses, including Brinlay Paints, Pro Green Energy, Solomons Flooring, and Dulux Trade Centre.

The site is approximately 65m west of the Hume Highway and approximately 2.1km north of the South Western Motorway (M5). The site is in proximity to Liverpool Train Station, approximately 2km to the north-east, and Casula Train Station, approximately 2.6km to the south-east. The site is also located approximately 2.6km from Liverpool Hospital and approximately 2.1km from Casula Mall.

The locality of the site is demonstrated in Figure 5.

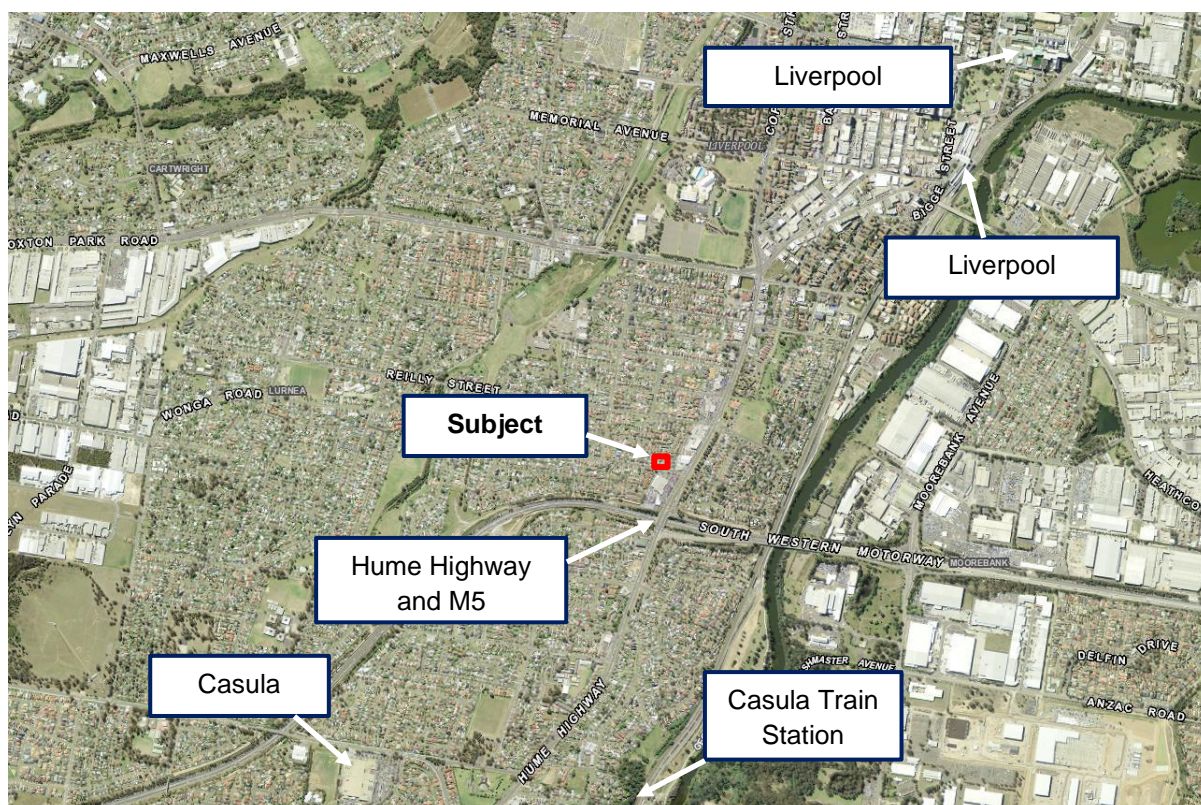


Figure 5: Locality surrounding the Proposed Development Site (Source: Six Maps)

3. BACKGROUND/HISTORY

The subject site has no history of past development applications, and the subject DA was lodged with Council on 22 August 2024.

The application did not require notification and no submissions were received.

An additional information request was issued on 2 October 2024 requiring the submission of:

- A detailed drainage plan illustrating the future lots, including specific requirements from Council's Land Development Engineer.
- A building envelope plan illustrating how dwellings can be accommodated on the proposed lots given their irregular shape and dimensions.

Additional information was submitted on 22 October 2024.

The application has been assessed based on the information submitted to date.

4. DETAILS OF THE PROPOSAL

The development application was submitted for the purpose of subdivision of two (2) existing allotments into four (4) Torrens Title lots at 3-5 Boundary Road, Liverpool.

Refer to the subdivision plan in Figure 6.

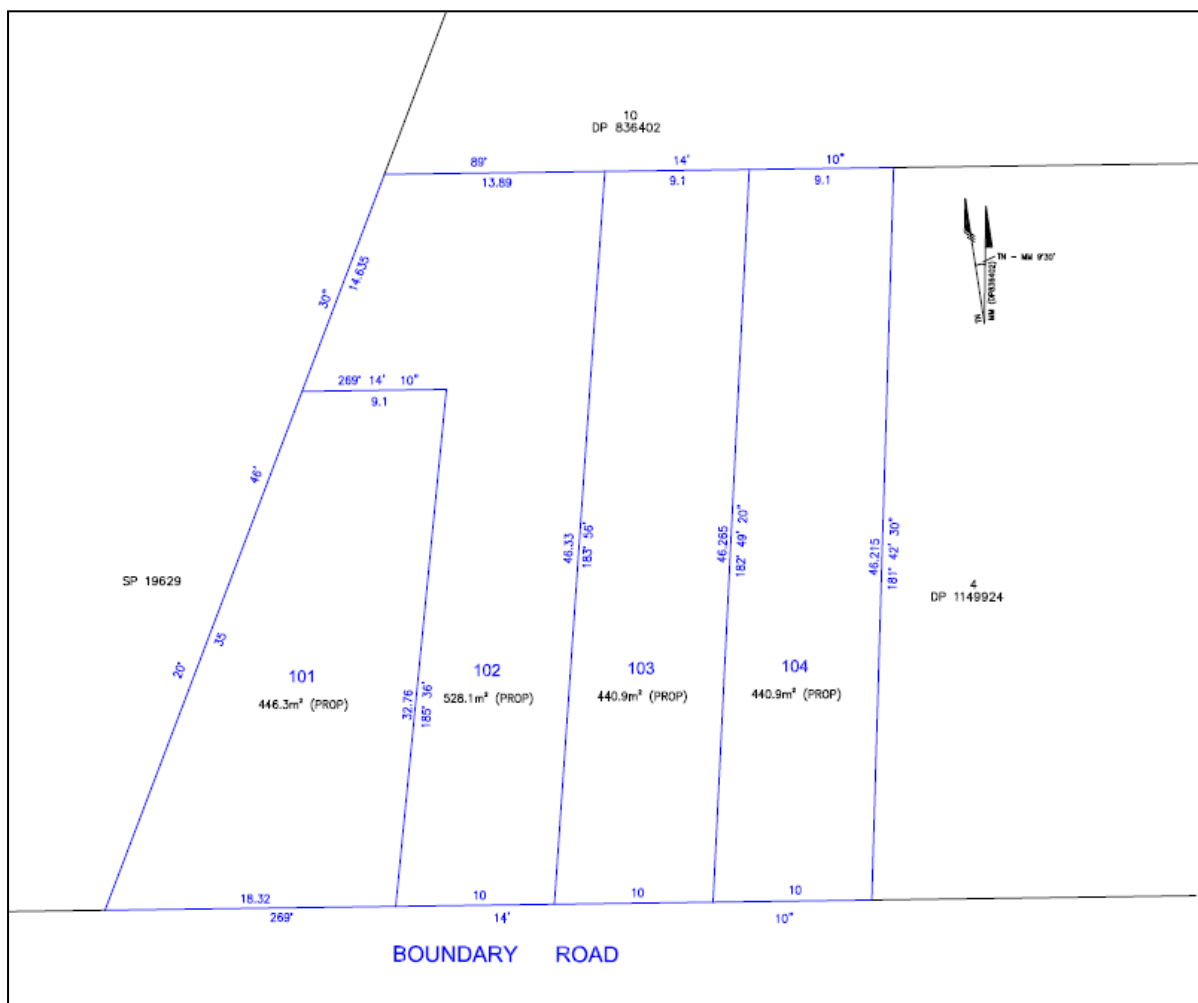


Figure 6: Proposed Subdivision Plan (RGM Property Surveys)

The table below provides key development data for the proposal.

	Proposed
Lot Size	Lot 101: 446.3m ² Lot 102: 528.1m ² Lot 103: 440.9m ² Lot 104: 440.9m ²
Lot Width	Lot 101: 18.32m (frontage) and 9.1m (rear boundary) Lot 102: 10m (frontage) and 13.89m (rear boundary) Lot 103: 10m (frontage) and 9.1m (rear boundary) Lot 104: 10m (frontage) and 9.1m (rear boundary)

The demolition of existing structures does not form part of this proposal and will occur under a separate application. It is recommended that a condition of consent be imposed, requiring the demolition of the dwellings and outbuildings prior to the release of a subdivision certificate.

The built form on the proposed lots will be subject to separate applications.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The following planning instruments/policies applicable to the proposed development area as follows:

Environmental Planning Instruments (EPI's)

- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
 - *Chapter 2 Vegetation in Non-Rural Areas;*
 - *Chapter 6 Water Catchments*
- *Liverpool Local Environmental Plan 2008 (LLEP 2008).*

Development Control Plan

- *Liverpool Development Control Plan 2008 (LDCP 2008);*
 - *Part 1: General Controls for All Development.*

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 Evaluation of the EP&A 1979 and the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation), as follows:

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

(a) State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.120 of SEPP (Transport and Infrastructure) 2021 relates to the impact of road noise or vibration on non-road development, as follows:

“(1) This section 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 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—

- (a) residential accommodation,*
- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or centre-based child care facility.”*

The site is located approximately 60 metres west of the Hume Highway. As stated in the referral comments received from Council's Environmental Health Officer:

“Acoustic Consulting Engineers Pty Ltd was engaged to assess compliance with internal noise levels specified in State Environmental Planning Policy (Transport and Infrastructure) 2021 and the NSW Department of Planning’s ‘Development near Rail Corridors and Busy Roads- Interim Guideline. Based upon the consultant’s site inspection, it was reported that the land is partially exposed to Hume Highway. According to the consultant, long-term unattended and short-term attended noise measurements were undertaken between 10th February 2023 and 17th February 2023.

Although compliance with the noise criteria is likely to be achieved with standard residential construction, the consultant provided recommendations to be incorporated into the design and construction of the premises. Mechanical plant and equipment will need to be evaluated by a suitably qualified acoustic consultant prior to issue of a Construction Certificate (as part of a separate Application) to mitigate potential acoustic impacts. Based upon their assumptions, Acoustic Consulting Engineers Pty Ltd concluded that internal noise levels would comply with the nominated criteria.”

Council's Environmental Health Officer has recommended that conditions of consent be imposed requiring the creation of a restrictive covenant over each lot, requiring any future development to be designed and constructed in accordance with the requirements of the submitted acoustic report prepared by Acoustic Consulting Engineers.

(b) State Environmental Planning Policy (Resilience and Hazards) 2021

The objectives of SEPP (Resilience and Hazards) 2021, Chapter 4 Remediation of Land, 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.

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

Clause 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	It is unlikely the land is contaminated as it is existing residentially zoned allotments.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The land is suitable for the proposed works and it is unlikely that the land is contaminated, given the history of the site for residential use.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require remediation.

Based on the above assessment, there is no evidence to suggest that the land has been or is contaminated, and a formal land contamination assessment is not required. It is considered that the proposal is satisfactory for the site and the relevant objectives and provisions of SEPP (Resilience and Hazards) 2021.

(c) State Environmental Planning Policy (Biodiversity and Conservation) 2021

(i) Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The development is within a non-rural area and Chapter 2 of the SEPP is applicable.

The site contains trees. Development is solely for the purpose of Torrens Title Subdivision of the existing allotments, and the proposal does not seek to remove any trees.

Separate approvals will be required for any tree removal, the demolition of existing structures, and construction of new dwellings on the proposed lots.

No further assessment is required under this application.

(ii) Chapter 6 Water Catchments

Chapter 6 Water Catchments applies to land within the Georges River Catchment and aims to maintain and improve water quality.

The application was referred to Council's Land Development Engineering section, who

reviewed the information submitted. Council's Engineers are supportive of the proposed development subject to the imposition of conditions of consent. Accordingly, the proposed development is considered to meet the objectives of the SEPP and is unlikely to have a negative impact on the environmental quality of the Georges River Catchment.

(d) Liverpool Local Environmental Plan (LLEP) 2008

(i) Zoning

The subject site is zoned R2 Low Density Residential pursuant to the LLEP 2008. An extract of the zoning map is provided below.

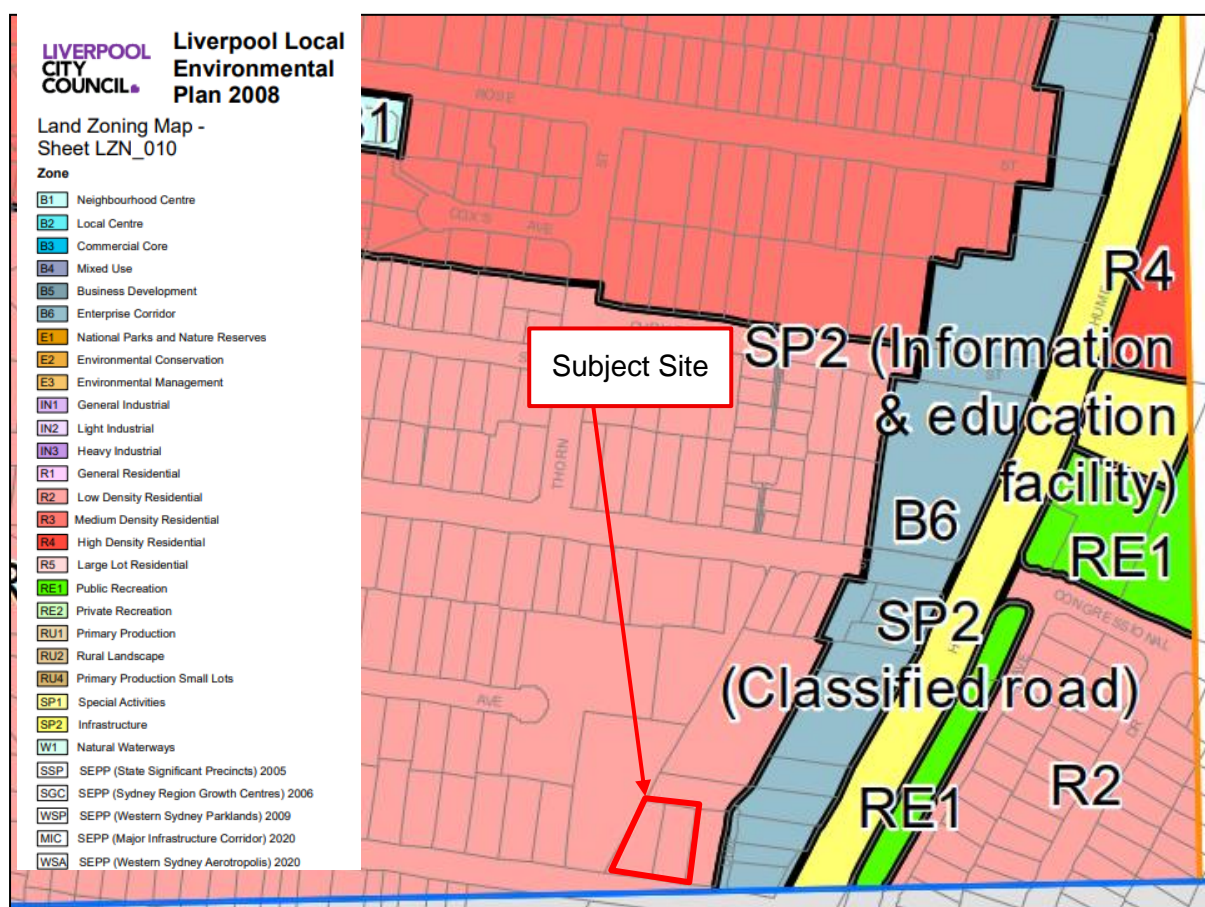


Figure 6: Zoning Map (Source: NSW Planning Portal Digital EPI Viewer)

(ii) Permissibility

The land use table for the R2 Low Density Residential zone is provided below.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture

4 Prohibited

Any development not specified in item 2 or 3

Consent is being sought for subdivision, which is permissible under Clause 2.6 of LLEP 2008.

The applicant has indicated that demolition of the existing dwellings and construction of future residential development on the site will be subject to a separate approval pathway.

(iii) Objectives of the Zone

The objectives of the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide a suitable low scale residential character commensurate with a low dwelling density.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The proposal is consistent with the objectives of the zone in that:

- The proposed Torrens Title Subdivision facilitates the provision of an additional two (2) lots to serve the housing needs of the community within the R2 Low Density zone.
- The proposed development does not affect the ability of other land uses to provide facilities or services to meet the day-to-day needs of residents. The development is solely for the purpose of *subdivision*.
- The proposed development is of an appropriate scale for the context of the site, given the new lots achieve the minimum lot size required under the LLEP. The proposal will contribute positively to the future character of the locality.
- The proposed development is solely for the purpose of subdivision and has the potential to provide future dwellings that offer a high level of residential amenity.

(iv) Principal Development Standards

The following principal development standards of LLEP2008 apply to the proposal:

LLEP 2008 – Principal Development Standards		
Development Provision	Requirement	Compliance
2.6 Subdivision	Consent is being sought for subdivision	Complies
2.7 Demolition	The demolition of a building or work may be carried out only with development consent.	N/A No demolition is proposed under this DA. Demolition will be subject to a separate approval process. It is recommended that a condition of consent be imposed requiring the demolition of all structures prior to the issue of a subdivision certificate.
4.1 Minimum Subdivision Lot Size	Minimum lot size of 300m ² on map	Complies* Lot 101: 446.3m ² Lot 102: 528.1m ² Lot 103: 440.9m ² Lot 104: 440.9m ² (*see comment at end of table)
4.3 Height of Building	Max height of building of 8.5m on map	N/A No built form is proposed
4.4 Floor Space Ratio	Max floor space ratio of 0.5:1 on map	N/A No built form is proposed
7.7 Acid Sulfate Soils	Subject site is not mapped within a Class of acid sulfate soils area on LEP Map_013.	N/A The subject site is not mapped as having acid sulfate soil.

Clause 4.1 Minimum Subdivision Lot Size

It is acknowledged that Proposed Lot 102 is atypical, in that it is an ‘L-shape’ allotment, however this configuration does allow for Lot 101 to be more evenly sized, given its western boundary is on a splay. Realigning the subdivision line between Proposed Lots 101 and 102 to be straight (i.e. remove the dog leg) would result in both lots narrowing considerably along the rear boundary (as the length of Proposed Lot 102 rear boundary is 13.89m) which could lead to the rear of both lots being under-utilised. The Proposed Lot 101 will have an area of

446.3m², so even with the splayed western boundary, the site can easily accommodate a new dwelling with appropriate landscaping and open space.

It is considered that the proposal meets the objectives of Clause 4.1, which are:

- “(a) to ensure that lot sizes are consistent with the desired residential density for different locations,*
- (b) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,*
- (c) to prevent fragmentation of land which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations,*
- (d) to minimise traffic impacts resulting from any increase in the number of lots on classified roads,*
- (e) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,*
- (f) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,*
- (g) to ensure that lot sizes allow buildings to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views.”*

Each proposed lot exceeds the minimum lot size requirement of 300m². The submitted building envelope plans show that each site will be able to accommodate a dwelling that provides appropriate setbacks, open space and landscaped areas, without creating potential amenity impacts to adjoining properties.

In terms of the subdivision pattern of the area, there is no predominant subdivision pattern. There is a mix of larger, irregularly shaped allotments that have been developed for multi-dwelling housing, and smaller lots used for single dwellings which are a range of sizes and dimensions. The lots that immediately adjoin the site are used for multi-dwelling developments, and the proposal will not create the potential of any isolated sites or inhibit their redevelopment.

The proposal will not impact any natural or cultural features of the locality.

As demonstrated in the above compliance table, the application satisfies the development standards of LLEP 2008.

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

There are no draft Environmental Planning Instruments that affect the development or the assessment of this application.

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

(a) Liverpool Development Control Plan (LDCP) 2008

The proposed development is subject to the LDCP 2008. The proposal has been assessed under the following Parts of the LDCP 2008:

- Part 1: General Controls for all Development.

The proposal is consistent with the key controls outlined in the LDCP 2008. Refer to the compliance table below.

LDCP 2008 Part 1: General Controls for All Development		
Control	Requirement	Comment
3. Landscaping and Incorporation of Existing Trees	Existing trees and native vegetation are to be retained	Complies The proposal does not seek to remove any trees.
6. Water Cycle Management	To ensure adequate drainage is provided for developments.	Acceptable by Conditions Engineering works are subject to conditions of consent, as recommended by Council's Land Development Engineers.
12. Acid Sulfate Soil Risk	Subject site is not mapped as having acid sulfate soil.	N/A No further consideration is required in this regard.
14. Demolition of Existing Development	Demolition works will be carried out in accordance with the proposed demolition plan and relevant OH&S and Australian Standards.	Acceptable by Conditions No demolition is proposed. However, the existing dwellings are situated across the future lot boundaries. A condition of consent is to be imposed to ensure demolition of the structures occurs prior to the issue of a subdivision certificate.

<p>21. Subdivision of Land and Buildings</p>	<p>Minimum lot size: 300sqm</p> <p>Minimum lot width: 9m minimum lot width</p> <p>Subdivision of land involving the creation of lots less than 300 sqm or less than 10m lot width shall include the dwelling house as part of the development application.</p>	<p>Complies*</p> <p>Proposed Lot 101: 446.3m² / min 9.1m width.</p> <p>Proposed Lot 102: 521.85m² / min 10m width.</p> <p>Proposed Lot 103: 440.3m² / min 9.1m width.</p> <p>Proposed Lot 104: 440.9m² / min 9.1m width.</p> <p>(*see comment at end of table)</p>
<p>25. Waste Disposal and Re-use Facilities</p>	<p>Provision must be made for general waste, recycling and green waste.</p>	<p>Complies</p> <p>No Waste Management Plan submitted. A WMP will be required for future applications for demolition and construction.</p>

Subdivision of Land and Buildings

As per the subdivision plan, Lots 101, 103, and 104 have a minimum lot width of 9.1m measured to the rear boundary. The variation to the minimum 10m lot width under Part 1, Section 21 of the LDCP is 900m, a 9% variation. However, each proposed lot achieves a minimum frontage of 10m (18.32m for Lot 101).

The DCP requires dwellings to be included in the application where the site is less than 10m in width. This current development application does not include dwellings; and it is only for a subdivision. While it is considered that each lot would have the ability to meet dwelling design requirements as they have a frontage of at least 10m, a dwelling envelope was requested from the applicant. See extract of the dwelling envelope plans in Figure 7.



b) To minimise adverse effects on the natural environment.

No tree removal is proposed to fulfil the subdivision, and any future tree removal is subject to separate approvals.

c) To provide for the needs of future users of the land in respect to building requirements vehicular and pedestrian access, provision of services and an amenity appropriate to the zoning of the land.

The building envelopes have illustrated that the lot shapes (<10m in width toward the rear) are still capable of accommodating dwellings of suitable size and otherwise complying with key controls (e.g. setbacks, landscaped area, private open space). The lots are capable in meeting the needs of future users of the land for vehicular and pedestrian access, provision of services and an amenity appropriate to the R2 Low Density Residential zoning of the land.

d) Provide for the economic utilisation of the land resource of the area.

The subdivision of land will allow for additional density to support local centres economically.

e) To achieve a balance between the development / subdivision of residential, commercial and industrial land and the amenity of existing occupants.

All lots easily exceed the minimum subdivision lot size prescribed under Clause 4.1 of the LLEP 2008. The subdivision proposed will not unreasonably compromise the amenity of existing occupants.

f) To provide for an equitable and efficient distribution of public amenities and services.

The subdivision relates to residential land and is compliant with the minimum subdivision lot size. Consequently, the density has been considered by Council as part of the zoning of the land in relation to public amenities and services.

g) To minimise Council's future maintenance costs for roads, services and open spaces.

These matters are for consideration as conditions of consent (e.g. contributions).

The absence of the proposal including the dwellings themselves is not deemed to conflict with the objectives of the subdivision controls in the LDGP 2008.

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

There are no Planning Agreements that apply to the development.

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

The Environmental Planning and Assessment Regulation 2021 requires the consent authority to consider the provisions of the National Construction Code. Accordingly,

appropriate conditions of consent will be imposed where compliance with the NCC is required.

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

(a) Natural Environment

The proposed development will not have an adverse impact on the natural environment. The proposal seeks a four (4) lot Torrens title subdivision and the site is located within a low density residential environment. Any demolition or tree removal will be subject to separate applications.

(b) Built Environment

The proposed works relate to a four (4) lot Torrens title subdivision of two (2) existing allotments. No building works are proposed and there is no impact on the built environment. The proposed subdivision pattern is not dissimilar to existing development in the locality, in which there is no prevailing subdivision pattern. The immediate area consists of a mix of residential development (single dwellings and multi-unit housing) with varying lot sizes and dimensions. There are also larger commercial properties located along the Hume Highway to the east.

The proposed lot sizes satisfy Council’s minimum standards demonstrating that a positive architectural outcome is achievable on the land, subject to separate approvals for built form.

(c) Social Impacts and Economic Impacts

The proposal will have a positive social and economic impact on the locality. The proposal provides for two additional allotments in a low-density residential area that is close to public transport and public open spaces, as well as to shops, infrastructure, and services.

6.7 Section 4.15(1)(c) - The Suitability of the Site for the Development

The subject site is suitable for the proposed development. The proposal is generally compliant with the provisions of the LLEP 2008, the relevant State Environmental Planning Policies, and LDCP 2008, as outlined in this report. The proposal is unlikely to result in any adverse impacts to the locality and would not be contrary to the public interest.

6.8 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:

Department	Comments
Engineering	No objections subject to conditions.
Environmental Health	No objections subject to conditions.

(b) External Referrals

Given the proximity of the site to the Hume Highway, the application was referred to Transport for NSW (TfNSW). However, TfNSW advised that referral is not required under Clauses 2.119 and 2.120 of SEPP (Transport and Infrastructure) 2021.

(c) Community Consultation

The proposal did not require notification in accordance with the Liverpool Community Participation Plan 2019 as the lots exceed 300m² and no submissions were received.

6.9 Section 4.15(1)(e) - The Public Interest

The development is consistent with the objectives of the R2 Low Density Residential zone and is generally compliant and considered acceptable with the relevant planning provisions and controls contained under the LLEP 2008 and LDGP 2008. The development is deemed to be in the public interest as the subdivision provides for two additional allotments within a low-density residential neighbourhood in proximity to public transport, services, and shops, servicing the needs of people within the locality.

7. DEVELOPMENT CONTRIBUTIONS

Section 7.11 development contributions are applicable to the proposed development in accordance with Liverpool Contributions Plan 2018 Established Areas and will be imposed as a condition of consent in any approval granted for the proposed development. The development attracts a total contribution of \$32,051.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, and the Environmental Planning Instruments, including the applicable State Environmental Planning Policies, Liverpool LLEP 2008, LDGP 2008, and the relevant codes and policies of Council.

The proposed development demonstrates that it will be in the public interest and is unlikely to result in adverse impacts on neighbouring properties and the locality. Based on the assessment of the application, it is recommended that the application be approved subject to the imposition of conditions.

9. RECOMMENDATION

That Development Application DA-385/2024 seeking approval for a four (4) lot Torrens title subdivision of the existing allotments at 3-5 Boundary Road, be approved.

ATTACHMENTS

1. Notice of Determination (with Conditions) (Under separate cover)
2. Survey plan (Under separate cover)
3. Subdivision Plan (Under separate cover)
4. Building Envelope Plan (Under separate cover)
5. Stormwater Drainage Plan (Under separate cover)
6. Noise Assessment (Under separate cover)

Item Number:	2
Application Number:	DA-452/2024
Proposed Development:	Change of use to an educational establishment (University). The proposed use is to occupy part of the upper ground, part level 1, levels 2, 3, 5 & 6 of an existing 14 storey building. No physical works are proposed as part of the application
Property Address	Civic Place, 40-52 Scott Street, Liverpool NSW 2170
Legal Description:	Lot 1 DP 1293937
Applicant:	Knight Frank (Aust) P/L
Land Owner:	Liverpool City Council
Cost of Works:	Nil
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Leena Sebastian – Monteath & Powys

1. EXECUTIVE SUMMARY

This development application (DA) seeks approval for the use of part of the upper ground level, part of level 1, and levels 2, 3, 5, and 6 of an existing 14-storey mixed -use building (hereafter referred to as the subject building) on the site as an educational establishment. The proposal will facilitate the relocation of University of Wollongong’s (UoW) south-western Sydney campus to the southern end of Liverpool Central Business District (CBD).

The site is legally described as Lot 1 DP 1293937 and is under the ownership of Liverpool City Council. The subject building forms part of a concept approval (DA-585/2019) for Liverpool Civic Place, a significant revitalisation project to transform the southern end of the CBD into a vibrant and sustainable precinct.

The concept approval was granted by the Joint Regional Planning Panel (JRPP) on 15 September 2020. A subsequent consent (DA-836/2020) for Phase A of the development comprising the subject building and an adjoining six-storey public library building on the western part of the site along with public domain works was issued in July 2021. Phase A was completed in October 2023, and the buildings are currently in operation.

Phase B of the concept approval is yet to be implemented. It includes a mixed-use building with a maximum height of RL 118.85, to accommodate either (or a combination of) commercial premises, educational establishments, tourist and visitor accommodation, or boarding house (student accommodation). Development applications associated with this

phase, including an amending DA to the concept approval to include residential uses, are currently under assessment.

The subject building was intended to contain Council's administrative office and chambers, (business premises) along with a childcare centre and other commercial premises.

This application seeks to change some of Council's administrative spaces into educational spaces and ancillary facilities for UoW. Essentially, the purpose of the DA is to gain concept approval for a change of use from business premises to an educational establishment, with no physical works involved. Future development applications will be lodged to undertake the works required for the change of use. While the existing development is subject to a concept plan and associated approvals, it is not bound by any conditions that limit the floor areas of each use within the building.

The proposed development does not present any inconsistency with the existing approvals, and any future applications associated with this change of use will be required to comply with the existing conditions of approval. In assessing the development in accordance with the requirements in the *Environmental Planning and Assessment Act 1979* (the Act), it is considered to have merits for approval, subject to conditions of consent.

This application is being referred to the Local Planning Panel for determination in accordance with Liverpool City Council's Council-related Development Policy as it relates to a Council owned asset.

2. SITE DESCRIPTION AND LOCALITY

2.1. The site

The site is legally described as Lot 1 DP 1293937, and known as 40-52 Scott Street, Liverpool. It is an irregular parcel with an area of 9,189m², forming the Liverpool Civic Place at the southern end of the CBD. The site is largely adjoined by roadways on all sides with Scott Street and Macquarie Street forming its north-eastern and north-west boundaries respectively. Terminus Street adjoins the southern boundary, and George Lane abuts the eastern boundary and along with Macquarie Street, are state-classified roads.

Access to the site is gained via a shared access driveway through the plaza from Scott Street, and from Terminus Street. A double-storey local heritage item, the Memorial School of Arts, is located in the north-western part of the site. The subject building is located at the frontage of Terminus Street, behind the heritage building and the public library.

The site is zoned MU1 Mixed Use under the Liverpool Local Environmental Plan. The existing approval for the subject building includes:

- 8 levels of public administration floor space to be occupied by Liverpool City Council
- Four levels of commercial premises (office) floor space

- Retail uses on the lower ground and upper ground levels
- Childcare centre on Level 6
- Rooftop plant on the uppermost level

Construction of Phase A of the Liverpool Civic Place comprising the subject building and the public library was completed in October 2023, and the buildings are currently in operation.

Figure 1 shows the aerial photo of the site.



Figure 1: Aerial Photo of the Site (Source: MetroMap, November 2024)

2.2. The locality

The site is strategically located in the vicinity of public transport, shops, and healthcare facilities. Liverpool Train Station is within walking distance of 350m to the east of the site, and the local shopping complex and Liverpool Hospital are located within a 1km radius. The closest bus stop is located at the site's frontage on Scott Street.

Adjoining uses include a nine-storey mixed-use development to the west of the site. Double-storey commercial buildings exist to the east of the site across Scott Street. Buildings of varying heights ranging from single to four storeys exist on the opposite side of the site on Terminus and Scott streets.

To the west of the site, beyond the railway line is Georges River. Several heritage items of local significance are located in the vicinity of the site.



Figure 2: Context and Setting of the Site (Source: Six Maps, November 2024)

3. BACKGROUND/HISTORY

Liverpool Civic Place was approved as a regionally significant development to transform the southern end of the CBD into a vibrant mixed-use precinct containing civic, cultural, and commercial spaces.

A concept approval (DA-585/2019) for Liverpool Civic Place was granted by the Sydney Western City Planning Panel (the Regional Planning Panel - RPP) on 15 September 2020, which set the building envelopes, land uses, and public domain areas for the precinct.

The subject application relates to the 14-storey mixed-use building containing public administration, a childcare centre, and commercial uses, which formed part of Phase A of the concept approval. Other components of Phase A included a six-storey public library building and public domain areas. Phase B of the approval comprised a mixed-use building containing commercial premises, educational establishments, tourist and visitor accommodation, or a boarding house (student accommodation). While the concept approval established the land uses, extent of building envelopes, and footprints, no specific limit was imposed on the floor areas for each use anticipated in the precinct.

Subsequent approvals to modify the consent under Section 4.55 of the Act were granted in the following years to increase the depth of basement excavation and to vary the car parking standards under (DA-585/2019/A) and (DA-585/2019/B) respectively.

Figure 3 shows the concept approval under DA-585/2019.



Figure 3: Concept approval under DA-585/2019 (Source: FJMT)

On 29 June 2020, DA-906/2019 was approved by the RPP to allow early works including demolition of all existing structures on the site, bulk earthworks to accommodate basement levels, and tree removal. An important aspect of the application was that it modified the concept approval to increase the depth of excavation to accommodate an additional basement-level car park.

A detailed DA (DA-836/2020) for the construction and use of Phase A of the Liverpool Civic Place containing the subject building, adjoining 6-storey public library and the public domain area was approved by the RPP on 5 July 2021. This consent was modified on several occasions as detailed below:

- DA-836/2020/A – A Section 4.55(1A) modification application for the deletion of the fifth basement level, removal of 73 car parking spaces, and amendment to the mix of car parking spaces resulting in an overall reduction to 271 car spaces, was approved by Council on 25 October 2021.

- DA-836/2020/B – Modification application under Section 4.55(1A) of the Act to allow staged Construction Certificates was approved by Council on 25 October 2021.
- DA-836/2020/C – This Section 4.55(1A) approval issued by Council on 21 December 2021 varied the timing of commitments required by certain conditions to align with the changes proposed under the previous approval DA-836/2020/C.
- DA-836/2020/D – Minor design changes pursuant to Section 4.55(1A) of the Act were approved by Council on 14 July 2022.
- DA-836/2020/E – Section 4.55(1A) modification involving further changes to the design to replace the operable glass louvres with fixed ones, and inclusion of wintergardens on Level 6 of the subject building, was approved by Council on 5 January 2023.

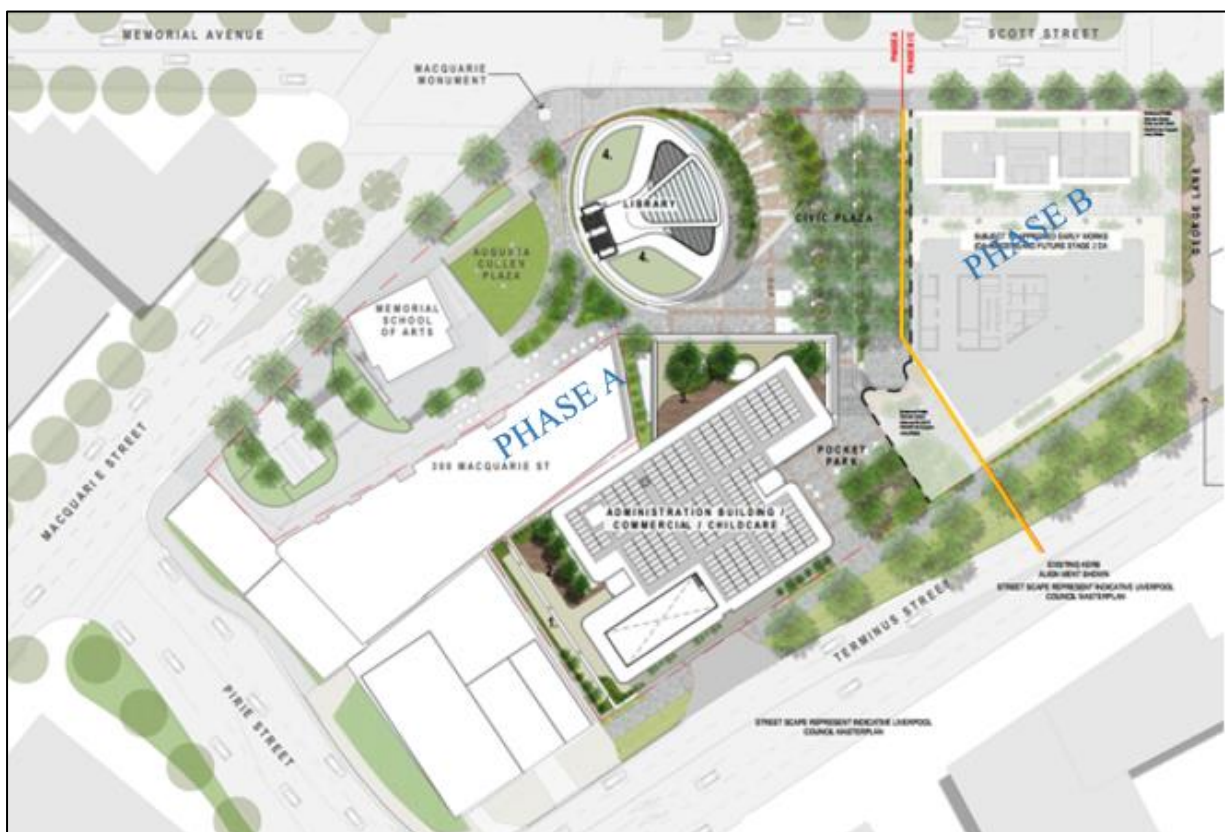


Figure 4: Approved layout under DA-836/2020 (Source: FJMT)

Another development application relating to the subject building is DA-224/2023 for the fit-out and use of the childcare centre on Level 6, which was approved by the Local Planning Panel on 11 June 2024.

Phase A works were completed by the end of 2023, while Phase B has not commenced. An amending DA (DA-72/2024) to modify the concept approval to include residential use in the

mixed-use building for Phase B is currently under consideration by the Council. Additionally, the Department of Planning, Housing and Infrastructure is assessing a State Significant Development Application for a 29-storey build-to-rent shop-top housing development as part of Phase B.

4. DETAILS OF THE PROPOSAL

UoW is seeking to use part of the upper ground level and Level 1, and the entire floor area on levels 2, 3, 5, and 6, comprising an overall floor area of 6,700m² for the relocated campus. As these areas are currently approved for public administration and childcare centre, the proposal involves a change of use to an educational establishment with no physical works or design changes.

The central circulation core containing the lifts and the stairs will remain common for all tenancies in the building. Although the plans submitted with this application indicate a new stair near the central circulation core for the exclusive use of the university, it does not form part of this application. Essentially, this proposal involves a conceptual change of use to the approval under DA-836/2020 (as amended) as detailed below:

- Upper ground level – Council’s customer service in the north-eastern part will be replaced by the student services, reception, and security spaces for UoW as shown in Figure 5. It should be noted that the purple shading for the stairs in the central area is indicative only and does not form part of this proposal.
- Level 1 – The Council office areas in the southern and western parts of Level 1 will be changed to learning areas and other spaces for UoW. However, the Council chambers at the eastern end of this level will remain unaffected by the proposal.
- Levels 3 and 5 – The entire Council office areas on these levels will be used by the UoW.
- Level 6 – The approved childcare centre on this level will be replaced by UoW.

The floor spaces will be fit-out to suit the needs of the courses offered by the university. This may include specialised lab and simulated hospital wards in addition to formal and informal classrooms, meeting rooms, amenities, and a range of other ancillary spaces. Separate DA/DAs will be lodged in the future to address any design changes and the works required to facilitate the proposed change of use, once exact details of the spaces and capacities are known.

The parking needs of the staff is expected to be met through the parking allocation currently available for the Council offices. No student parking will be provided on campus. Further details of the parking will need to be provided with the future DA. As the proposal involves a change in the Building Code of Australia (BCA) building classification, upgrades will be required which will need to be considered in future DAs.

The campus is expected to open to staff and students during the following operating hours.

47 weeks per year	4 weeks per year
Monday – Friday: 8:30 – 21:00 Saturday: 8:30 – 17:30 Sunday: 8:30 – 17:30	Monday – Friday: 8:30 – 21:00 Saturday: 8:30 – 17:30 Sunday: Closed

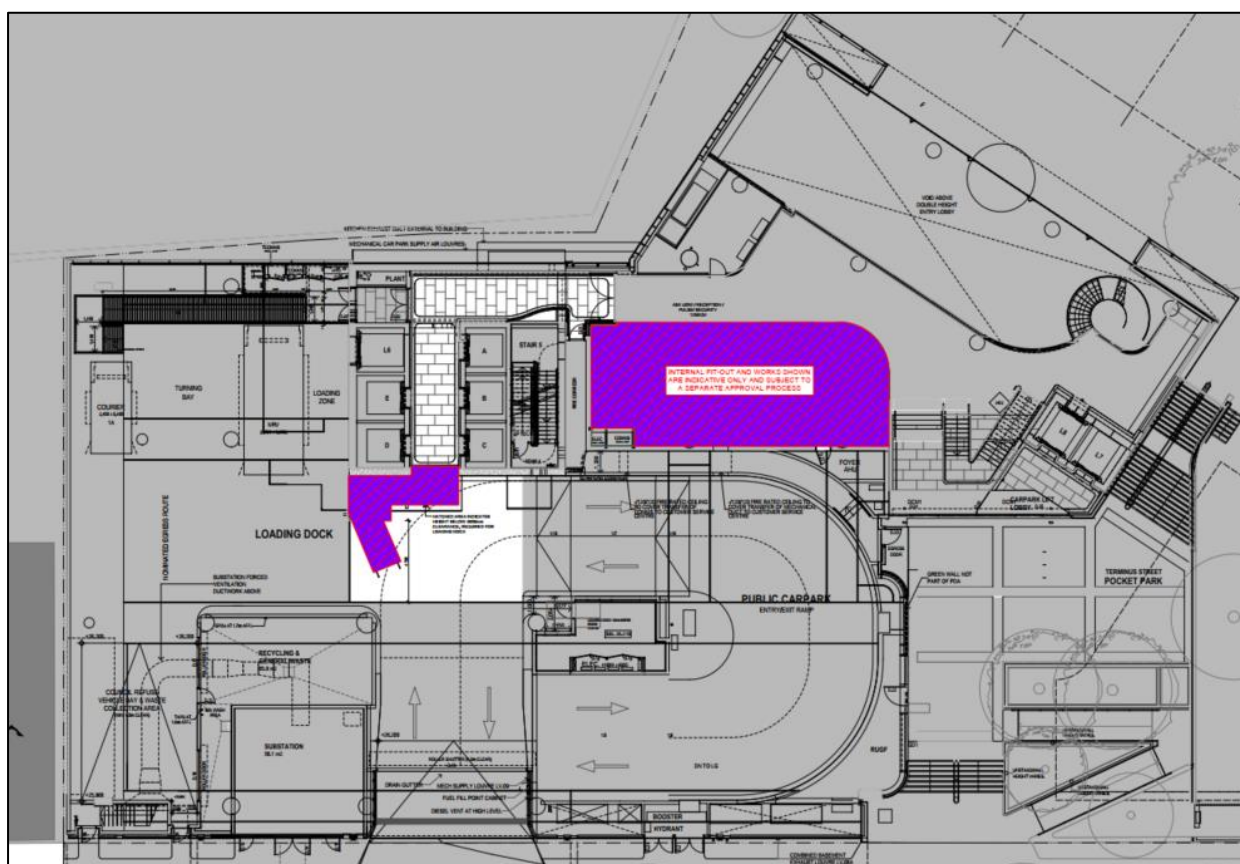


Figure 5: Proposed change of use (indicated by the purple shading) at upper ground level

A full set of plans indicating the change of use on all levels is provided in Attachment 1.

5. STATUTORY CONSIDERATIONS

5.1. Relevant matters for consideration

The relevant environmental planning instruments and policies applicable to the proposed change of use are listed below:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity Conservation) 2021
- Liverpool Local Environmental Plan 2008
- Liverpool Development Control Plan 2008
- Community Engagement Strategy 2022

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 Evaluation of the EP&A 1979 and the Environmental Planning and Assessment Regulation 2021, as follows:

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

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

Schedule 6, clause 5(b) of State Environmental Planning Policy (Planning Systems) identifies educational establishments as Regionally Significant Developments if the Capital Investment Value (CIV) exceeds \$5 million.

Part 2.4, Section 2.20 of this policy states that if development listed in Schedule 6 is defined by a minimum estimated cost, size, or other criterion as a Regionally Significant Development, and it is part of a concept application under Part 4 of the Act, any separate part of the development will be considered under Schedule 6 only if it triggers the specified criteria.

While the CIV value of the existing building exceeds the thresholds in Schedule 6, this change of use application is conceptual and does not involve any construction costs. Therefore, the subject application is not considered a Regionally Significant Development. However, it is noted that future applications may trigger this approval pathway if the cost of works exceeds \$5 million.

(b) State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2, Section 2.119(2) of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (hereafter referenced as the Transport and Infrastructure SEPP) outlines the following matters for consideration by consent authorities prior to granting consent for a development with frontage to a classified road.

- (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.*

The subject building is located at the frontage of Terminus Street, a classified State Road under the control of Transport for NSW (TfNSW). The existing vehicular access from Terminus Street was assessed and approved under the previous applications.

The proposed change of use is not expected to generate any additional traffic. The site is well serviced by public transport and students will not be permitted to park on campus. Staff parking is expected to be accommodated in the existing parking allocation for Council offices. Further confirmation of staff parking requirements will need to be furnished with future DAs once exact details of the university operations and capacities are known.

This application is supported by a Traffic Impact Assessment prepared by PTC which concludes that the trip generation from the development will be capped by the parking availability on the site. As the proposed change of use does not involve the provisioning of additional parking spaces, the traffic generation from the site will remain unchanged.

With regard to the consideration of road noise impacts as required in Section 2.120 of this policy, it is noted that the existing building has been constructed with appropriate acoustic treatments to mitigate road noise and other emissions and therefore no further consideration of external noise impacts is warranted by this application.

Section 3.44 of this policy identifies MU1 Mixed Use as a prescribed zone. This application relies on the provisions of Section 3.46(1) for permissibility which permits development for the purpose of a university to be undertaken by any person with development consent in a prescribed zone.

Under Section 3.58 of this policy, an educational establishment with 50 or more students on a site with direct vehicular or pedestrian access to any road is considered a traffic-generating development. As such, TfNSW was notified of the application in accordance with Section 3.58(2) and the Council has been advised that the traffic generation from the development is unlikely to have a detrimental impact on the surrounding classified road network.

(c) State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4, Section 4.6 of this policy requires the consent authority to assess whether the land is contaminated and ensure that it is either suitable in its current state or can be made suitable through remediation for the intended use before determining a development application.

The subject application deals with the use of a site and building which has been approved in accordance with these requirements. Therefore, no further contamination investigation is warranted by this change of use proposal.

(d) State Environmental Planning Policy (Biodiversity Conservation) 2021

The site is located within the Georges River catchment which triggers considerations under Chapter 6 of this policy.

Part 2, Sections 6.6, 6.7, and 6.8 provides the consideration for consent authorities when determining developments within a regulated catchment mainly to protect the water quality, aquatic ecology and to minimise impact on the water flow. As the development involves the use of an existing structure with no external works, the existing stormwater regime, aquatic ecology, and water quality in the river will not be impacted by the proposal.

Section 6.9 contains provisions to protect the recreational use of the river and to ensure developments do not impact foreshore access. The site is not waterfront land with direct access to the river to have any adverse impacts on its use or access.

The proposal is consistent with the requirements and there is nothing in this policy that precludes the operation of an educational establishment on the site.

(e) Liverpool Local Environmental Plan 2008

(i) Zoning

The site is zoned MU1 mixed use in Liverpool Local Environmental Plan 2008 (the LLEP). **Figure 6** shows the zoning context, indicating the site's location at the southern end of the CBD.

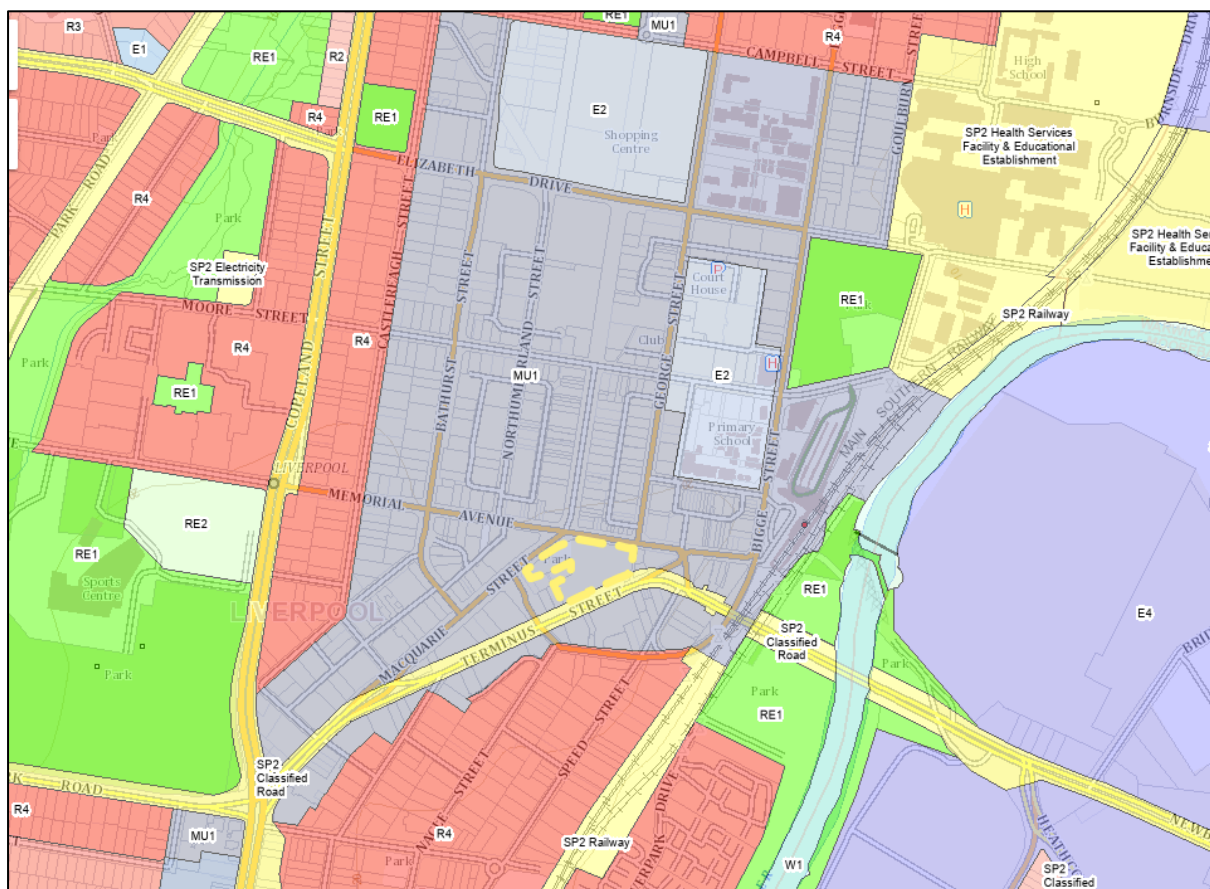


Figure 6: Zoning Context of the Site

(ii) Permissibility

Educational Establishments are not a permissible form of development in MU1 zone under the LLEP. The proposal gains permissibility through the provisions in Section 3.46(1) of the Transport and Infrastructure SEPP.

(iii) Objectives of the zone

The objectives of MU1 Zone are:

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

The proposed change of use does not compromise the envisaged mixed-use functions of the subject building. UoW will mostly occupy the surplus space designated for Council administration, and the childcare centre level which has seen limited interest or uptake from potential operators. While the existing floor space approved for the childcare will be displaced, it is noted that this use can be accommodated on one of the other levels, should the need arise in the future.

Educational establishment is one of the listed uses for the broader precinct, and as such no land use incompatibility with the existing or future uses is anticipated from the educational spaces and ancillary areas associated with university. While the proposed use is not permissible in the zone, it does not present any inconsistency with the zone objectives to have detrimental impacts.

(iv) Principal Development Standards

The LLEP 2008 contains several provisions which are relevant to the proposal. Assessment of the application against the relative provisions is provided below. Where a provision is not explicitly listed, it has been considered and deemed not relevant to this proposal.

LLEP 2008 – Part 4 - Principal Development Standards		
Development Provision	Requirement	Comment
4.3 -Height of building	Height of Buildings Map shows 28m, however the concept approval (DA585/2019) defines a maximum RL of 84.24 for the subject building.	Complies. This proposal does not involve any physical changes to the building. The maximum height of the building will remain unchanged.
4.4 – Floor space ratio	Floor Space Ratio Map indicates a maximum FSR of 3:1. However the site is subject to the provisions under clause 7.5A(2) which increases the FSR limit to 10:1, provided compliance with the concept approval.	No changes to the floor area are proposed under this application. The existing FSR will be retained by the proposal.
4.6 – Exception to development standards	Not applicable	No variation to development standard is sought under this application.

(v) Part 5 - Miscellaneous Provisions

Clause 5.10 of the LLEP outlines the requirements for development consent for developments involving heritage items. The site contains a listed heritage item, the Memorial School of Arts building, and there are several other listed items in its vicinity as provided below:

- I109 – Liverpool Fire Station (70-78 Terminus Street).
- I70 – Light Horse Park.
- I89 – Plan of Town of Liverpool (Early town centre street layout).
- I106 – Inter-war Mediterranean brick dwelling (“Del Rosa”), including interiors.

- I103 – Golden Fleece Hotel.
- I102 – Commercial building (former out-building to former Golden Fleece Hotel and former Eugene’s laundry)

Notwithstanding, this application does not involve any physical works to the building, and therefore no adverse impact will occur on the heritage significance of these items to warrant further consideration.

(vi) Part 7 - Miscellaneous Provisions

Clause 7.3 stipulates car parking requirements for building in MU1 zone in Liverpool city centre for new buildings and alterations to an existing building that would increase the gross floor area. The application under consideration is a conceptual change of use with no changes to the floor area or building alterations proposed at this stage. Car parking requirement under this section is not relevant to the proposal.

Clause 7.4 prescribes building separation requirements for developments in Liverpool City centre. This provision is not relevant to the application as it relates to an existing building.

Clause 7.5 requires building proposals in the Liverpool City Centre to be subject to design excellence considerations. Subject application relates to a building which has been designed and constructed to these requirements. This provision does not apply to the proposed change of use.

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

There are no draft Environmental Planning Instruments which apply to the development.

6.3. Section 4.15(1)(a)(iii) - Any Development Control Plan

(a) Liverpool Development Control Plan (LDCP) 2008

The proposed development is subject to the Liverpool Development Control Plan 2008 (LDCP) 2008. Part 1 of the LDCP 2008 covers general controls relating to all types of development within the Liverpool LGA. As this application deals with a building that has already been constructed, most of the considerations are not relevant to the development. Applicable controls and those that may require clarification are discussed in the following table

LDCP 2008 - Part 1 General Controls for all Development			
Control	Requirement	Proposed	Comment
20. Car parking and access	To ensure appropriate car parking and adequate access for all types of vehicles servicing the	The proposed change of use does not involve any variation to the	As previously noted under clause 7.3 of LLEP, this application does not warrant additional parking

	<p>development.</p> <p>Although the DCP specifies car parking rates for various uses, it refers to clause 7.3 of LLEP for off-street car parking for developments in MU1 zone within Liverpool City Centre.</p>	<p>existing access arrangement. Scott Street will continue to provide access to the basement parking via a shared zone through the public plaza. Additional access is also available via Terminus Street.</p> <p>No additional parking is proposed for the development.</p>	<p>consideration as it does not involve an increase in floor area.</p> <p>The application proposes to use some of Council's parking allocation to meet the staff parking requirements. Details of staff parking and accessible parking will need to be submitted as part of future applications. However, it is considered that the staff parking demand from the development will not exceed the parking demand generated by the child care center and office spaces proposed to be occupied by the university.</p> <p>The TIA submitted with the application states that 50 car spaces from Council's allocation will be used by the university. Further details will be required with the future application.</p> <p>Conditions requiring future applications to demonstrate the car parking allocation for the university, and a Green Travel Plan to encourage sustainable modes of travel will be imposed.</p> <p>It is noted that the submitted plans indicate some works encroaching into the loading zone which may be required as part of future application to accommodate a separate staircase for the university. Although these are not approved as part of this application, a condition requiring sufficient clearances for the loading dock will be imposed.</p>
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22. Energy Conservation	All class 5 to 9 non-residential developments are required to comply with the Building Code of Australia (BCA) energy efficiency provisions.	This proposal does not include any additional energy conservation provisions.	The energy efficiency of the existing building is not compromised by this application as it does not involve any work. However future applications involving works will be required to comply with these requirements at the Construction Certificate stage.
25. Waste Disposal and Re-use Facilities	Appropriate waste management measures are to be implemented for all stages including demolition, construction and operation of the development.	This application does not involve any waste management provisions.	A condition for appropriate waste management measures to be made prior to the commencement of use will be imposed to ensure the requirements in this section are met.
27. Social Impact Assessment	A Social Impact Assessment (SIA) is required for educational establishments.	The SIA submitted in response to Council's request for information which amongst other matters, addresses the impact of displacement of the childcare centre.	The proposed change of use does not result in additional floor areas to intensify the use and draw additional population beyond that anticipated in the concept approval. Introducing a use with operating hours outside the standard business hours will improve the vibrancy of the precinct. No adverse social impacts are anticipated from the proposal. Refer to comments under Section 4.15(1)(b) for details.
29. Safety and Security	Developments are required to address the 'Safer by Design' Crime Prevention Through Environmental Design (CPTED) principles in the design of public and private domain	No additional safety and security measures are proposed in the application as it deals with a conceptual change of use.	The existing building and the public domain have been designed and constructed in accordance with the CPTED principles. No further design considerations apply to the proposed change of use. A Plan of Management outlining hours of operation, details of after-hours on-site security and contact person

			etc. will need to be prepared prior to the commencement of the proposed use.
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Liverpool Development Control Plan 2008 – Part 4 – Development in Liverpool City Centre

The proposed development is subject to Part 6 of the LDCP 2008 which covers controls specifically relating to developments in the business zones. It is noted that the majority of the controls relate to the siting and design of buildings which are not relevant to this proposal. Key controls are discussed in the following table:

Part 4 – Development in Liverpool City Centre	
Controls	Comment
4.2.6 Building Floor Plates	No changes to the floor plates are proposed in the current application. Any future application to facilitate the fit-out for the change of use is expected to comply with this requirement.
4.6.1 Heritage and Conservation Areas	Amongst other requirements, this section requires developments within the curtilage of a listed item to facilitate the conservation and protection of those items. The existing building has been designed and constructed in accordance with the requirements in this section. This application does not involve any external works or activities that impact the heritage significance of the site or the area.
4.3.1 Pedestrian Permeability	No changes are proposed to the existing pedestrian linkages through the site.
4.4.1 Vehicular Access and Manoeuvring Areas	The development will rely on the existing access from Scott Street and Terminus Street. As the traffic generation from the developed is capped by the parking availability on the site, no additional traffic generation is anticipated from the proposal.
4.4.2 On-site parking	Parking facilities for the existing building have been approved with due consideration to the requirements in clause 7.3 of LLEP. The university is expected to utilise some of Council's parking allocation to meet the parking needs of the staff. The development will not cater for student parking which is considered acceptable given the site's proximity to public transport services. Details of staff carparking allocation and a Green Travel Plan to encourage sustainable modes of travel will be required with the future DA involving

	works for the change of use.
4.5.2 Noise	<p>The existing building has been designed and constructed to achieve relevant internal noise criteria to ensure the amenity and comfort of future occupants. Universities are not considered as a use that generates excessive noise to warrant further consideration of noise impacts. From the information originally submitted with the application, it is understood that a gymnasium may be required for specific courses required by the university. The applicant has advised that such requirements will be met through off-campus facilities to eliminate the need for a gymnasium in the building.</p> <p>A condition to prohibit gymnasium as part of any courses offered by the university will be imposed.</p>
4.6.1 Heritage Items and conservation Areas	This application does not involve any physical works to the building, and therefore no adverse impact will occur on the heritage significant items on the site or in its vicinity.
4.6.2 Site Specific DCPs	The subject building forms part of a concept approval which is an alternative to site specific DCP. This assessment has considered the consistency of the proposal with the concept approval, and details are provided later in this report.

6.4. Section 4.15(1)(a)(iia) - Planning Agreements

There are no Planning Agreements which apply to the development.

6.5. Section 4.15(1)(a)(iv) - The Regulations

The following considerations in Section 62 of *Environmental Planning and Assessment Regulations 2021* apply to development applications for change of use which does not involve rebuilding or alteration of the building.

(2) *The consent authority must—*

- (a) *consider whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use, and*
- (b) *not grant consent to the change of building use unless the consent authority is satisfied that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building's proposed use.*

(3) *Subsection (2)(b) does not apply to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under*

the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

This application is accompanied by a BCA Compliance Audit Report prepared by McKenzie Group BCA includes several recommendations to ensure the adequate upgrades are provided for the changes in building classification from BCA Class 5 to Class 9b assembly building. A condition of consent will be imposed to ensure these recommendations are implemented in future application to facilitate the works required for the change of use. Prior to the commencement of use of the educational establishment, a BCA compliance report will be required to ensure all necessary upgrades have been undertaken.

Section 66A sets the requirements for Council-related development applications as below:

- (1) A council-related development application must not be determined by the consent authority unless—*
- (a) the council has adopted a conflict of interest policy, and*
 - (b) the council considers the policy in determining the application.*

The site is owned by Liverpool Council. As such this application has been assessed by an external consultant and determined by the Local Planning Panel in accordance with Liverpool City Council's Council-related Development Policy.

6.6. Section 4.15(1)(b) - The Likely Impacts of the Development

(a) Natural and Built Environment

This change of use application does not involve any physical works to result in any changes to the existing natural and built environment. Future applications relating to the works associated with the change of use are not anticipated to involve any external works. Intensification of site activity, associated traffic generation, and other operational impacts are anticipated to be within the bounds of the existing approval for the mixed-use development on the site.

(b) Social Impacts and Economic Impacts

The concept plan for Liverpool Civic Place includes educational establishments as an approved use within Phase B of the project. However, the current applications for Phase B under assessment do not include any educational facilities. Therefore, this proposal will not lead to an oversupply or excessive concentration of educational uses in the precinct. The proposal will preserve the mixed-use character of the precinct and add to the diversity of land uses as envisaged in the concept approval.

The proposal will not result in additional floor areas that would intensify the use or attract more population than originally anticipated in the concept approval. Instead, it introduces a

use with operating hours outside of standard business hours, contributing to the vibrancy and diversity of the precinct.

The development is expected to operate within the existing car parking allocation, implying no additional traffic generation or parking demand is anticipated. Further details regarding parking spaces and capacities will be provided with future applications associated with the change of use.

The existing building has been designed and constructed to meet relevant internal noise criteria, ensuring the comfort and amenity of future occupants. Universities are not typically high noise generators and can operate effectively within these established criteria. A condition will be imposed to prohibit gymnasiums as part of any courses offered by the university.

UoW will primarily occupy the surplus space originally designated for Council administration, as well as the childcare centre level, which has seen limited interest from potential operators. The detailed analysis of nearby childcare centres submitted with the application demonstrates a sufficient supply of these facilities in the area. The proposed change of use will not undermine the mixed-use functionality of the building.

The site is well-connected to public transport and features a library and an attractive public domain, providing a high-quality learning environment for students. No adverse social impacts are anticipated from the proposed change of use. On the contrary, the development is expected to improve the vibrancy of the precinct and bring additional employment opportunities to the precinct, resulting in positive socio-economic benefits.

6.7. Section 4.15(1)(c) - The Suitability of the Site for the Development

UoW is seeking to operate in a precinct where educational establishments are identified as an approved use. The site is strategically located close to transport hubs, shopping centre, hospitals to support the development. The learning spaces and ancillary spaces for the university are capable of co-existing with the Council offices and other envisaged uses without causing any land use conflicts.

The existing library building and the public domain will provide a conducive learning environment for the university while enhancing the diversity and vibrancy of the civic precinct. The site is considered suitable for the use, and no inconsistency is noted with the objectives of MU1 zone.

6.8. Section 4.15(1)(d) - Any submissions made in accordance with the Act or the Regulations

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Building	<p>The BCA Compliance Report prepared by McKenzie Group was reviewed and a condition for an Occupation Certificate (OC) to be obtained prior to the occupation of the premises has been recommended. As part of this requirement, copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with the Council via the Planning Portal. A condition for a construction certificate is not required as this proposal does not involve any works.</p>
Environmental Health	<p>The amended plans have removed the proposed gymnasium space and as such an acoustic assessment is no longer required for the development. A condition to prohibit gymnasium has been imposed to ensure this is followed through in the future application for fit-out. As internal fit-out works are to be considered under a separate Development Application, the following conditions relating to the use of the premises were recommended.</p> <ul style="list-style-type: none"> • prohibition of gymnasium • requirement for OC • requirement for a Mechanical Ventilation Certificate of Completion and Performance in accordance with Australian Standard AS 1668 Parts 1 and 2. • all material and goods to be contained within the building at all times • control of offensive emissions from the use of the premises and operation of machinery • operational noise control from plant and equipment • operational waste management • hours of operation • restriction of services and deliveries by heavy vehicles during weekdays between 9am-5pm • management of complaints • control of external lighting • prohibition of amplified sound at the premises • control of any liquid discharge into the stormwater drainage system • control of food preparation and sale without approval
Community Planning (Social Planning)	<p>Concerns were initially raised regarding the displacement of the childcare centre by the university. In response, the applicant submitted a Social Impact Assessment and a detailed analysis to demonstrate numerous childcare providers with advertised vacancies within 2km and 5km of the subject site to demonstrate sufficient alternatives to</p>

	<p>mitigate the negative impacts from the removal of the child care facility.</p> <p>Council’s Social Planner was satisfied with the response and no further concerns or requirements were raised. However, a recommendation to consider an alternate location for childcare centre to recover the loss from the current proposal has been made. In this regard, it is noted the lack of uptake for the childcare centre in the current approval reflects a low demand for the service at this stage. Therefore, it is not considered necessary to identify an immediate replacement location as part of this approval. A childcare centre can be accommodated on one of the other levels, should the need arise in the future.</p>
<p>Traffic and Transport</p>	<p>The traffic generation and parking demand from the development is expected to be accommodated within the approved access and parking arrangements.</p> <p>The Traffic Impact Assessment submitted with the application indicates 50 spaces from Council’s car parking allocation will be used to cater for staff parking on campus. No student parking will be permitted on campus. Since no additional parking is proposed, the trip generation from the development will remain unchanged. No unacceptable impact is anticipated from the proposal.</p> <p>The TIA indicates that loading dock has been constructed to accommodate vehicles up to a Medium Rigid Vehicle (MRV) for general deliveries. It provides two MRV spaces and two Small Rigid Vehicle (SRV) spaces which is considered sufficient to accommodate both components of the proposed development. However, the loading dock swept path diagram in the submitted architectural plan does not show sufficient clearance for the vehicle path due to the indicative location of the stairs for the change of use. The applicant will be required to address this and provide a revised drawing showing the vehicle swept path for the loading dock that complies with the required clearances. Note: These requirements from the Council’s Traffic Engineer will be imposed as a condition for consideration in the future DA as this proposal does not involve any changes to the existing layout.</p> <p>The following conditions were recommended by Council’s Traffic Engineer:</p> <p><u>Car parking allocation</u> 50 car parking spaces are to be allocated for the use by the</p>

	<p>University of Wollongong for staff use out of the total 189 car parking allocated to Council. No provision is made for students to use the car park as indicated in the Traffic Impact Assessment (TIA) report submitted with the DA.</p> <p><u>Green travel Plan</u> The University is to be requested to develop a green travel plan prior to occupation to encourage students and staff to use sustainable modes of travel including public transport use, walking and cycling.</p>
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(b) External Referrals

The following comments have been received from external Agencies:

AGENCY	COMMENTS
TfNSW	TfNSW has reviewed the DA and advised that the traffic generation from the development is unlikely to have a detrimental impact on the surrounding classified road network

(c) Community Consultation

The application was notified in accordance with Council's Community Engagement Strategy from 25 October 2024 to 27 November 2024, and no submissions were received.

6.9. Section 4.15(1)(e) - The Public Interest

The development is considered to be in the public interest as it is in accordance with the concept approval and the Council's adopted planning instruments which have been subject to public review and consultation.

6.10. Section 4.24 – Status of concept development applications and consents

Section 4.24(2) of the Act requires the determination of any development application for a site subject to a concept approval to be consistent with the consent granted for the concept development, as stated below:

2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.

The proposed development is generally consistent with the conditions of consent for DA-585/2019, as detailed below:

- Land use compatibility - The proposed development under DA-585/2019 includes educational establishment as one of the approved uses in the precinct, although it was nominated in Phase B of the precinct. It is understood that the current proposal for Phase B does not include an educational establishment

although it is an approved use in the precinct. The proposal can be considered as a relocation of the approved use into Phase A which does not present any inconsistency with the concept approval.

Further, the construction and design requirements in the concept approval has been fulfilled through the implementation of Phase under DA-836/2020 consistent with the concept approval, and the buildings are currently in operation. An amendment to the concept approval is not triggered by this application as it is essentially a change of use to a building that has already been constructed in accordance with the concept approval, if the proposed use and operations are consistent with the concept development.

- Approved plans – The building envelopes, footprints and all other aspects of the approved plans are not affected by the proposed change of use.
- Traffic and access – No changes to the approved traffic and access arrangements are anticipated from the proposed change of use. Parking needs of the development will be met through the existing parking allocation for Council.
- Public domain and landscaping – This application does not involve any physical works to cause any changes to the public domain and landscaping layout in the concept approval.
- Stormwater management – Existing stormwater management systems and other services will remain unaffected by the proposal.
- Social Impact Assessment – The Social Impact Assessment submitted with the application does not identify any detrimental impact from the change of use.
- Heritage considerations – No physical works are proposed to impact the heritage intent under the concept approval.
- Urban design considerations – The existing urban design elements will remain unaffected by the proposal.
- Acoustic report – The use is proposed within a building which has been constructed to relevant acoustic standards. No further requirements apply to this proposal.
- Contamination – This application deals with a developed site and therefore no further considerations apply.

7. DEVELOPMENT CONTRIBUTIONS

This application does not involve any cost of works to trigger development contributions.

8. CONCLUSION

Assessment of the proposed change of use has been undertaken in accordance with the requirements in Section 4.15 of the Act and relevant environmental planning instruments including applicable State policies, LLEP, LDCP, relevant codes and policies of Council, and the concept approval.

The proposal is considered to be consistent with all the relevant statutory and non-statutory instruments and is capable of operating with an acceptable level of impact, subject to conditions of consent.

A detailed DA for fit-out and any other works involved for the change of use will be required to facilitate the relocation of the UoW to the subject building. Suitable conditions to trigger separate development approval and other requirements to facilitate the operation of the university have been included in the consent.

9. RECOMMENDATION

The Liverpool Local Planning Panel, as the consent authority, grants consent to DA-452/2024 for the proposed change of use to educational establishment, subject to the conditions as outlined within Attachment 2

ATTACHMENTS

1. Architectural Plans (Under separate cover)
2. Draft Conditions (Place holder) (Under separate cover)
3. Social Impact Comment (Under separate cover)
4. Traffic Impact Assessment (Under separate cover)
5. Plan of Management (Under separate cover)
6. BCA Compliance Report (Under separate cover)