

LIVERPOOL CITY COUNCIL

DESIGN REVIEW PANEL ASSESSMENT REPORT

DA No.	1010/2014
DA Title and Location	Lot 1 DP 247485: 20 Shepherd Street Liverpool plus embellishment of Council lands: Lot 13 DP 247485 and Lot 15 DP 1129945
Applicant	Coronation Property Group
DA Planner	Nabila Samadie
Date lodged with Council	17 November 2014
Applicant's designer confirmed as SEPP 65 compliant	Yes
Date of Design Review Panel review	6 February 2015
Pre-DA or DA consideration	DA
Panel members in attendance	Brett Newbold (chair) Jennifer Bautovich Jon Johannsen
Council representatives in attendance	Lina Kakish, Manager Development Assessment Nabila Samadie, Senior Development Planner
Declaration of conflict of interest	nil

Introduction

The subject site is zoned *R4 High Density Residential*, is located within the *Liverpool City Centre*, and comprises an item of local heritage significance. Principal development standards include a maximum building height of 24m and a maximum FSR of 2.5:1.

Prior to the meeting, Panel members reviewed DA documents and visited the subject site.

The Panel meeting was attended by the applicant's representative and key members of the project design team.

Summary

The Panel recognises that the proposal incorporates a number of not-insignificant departures from state and local controls which have a direct bearing upon urban design quality.

In the absence of comprehensive background explanation which should have included a documented urban design study, the Panel considers that the current application is premature, and that a satisfactory development application for the subject site would have been expedited by pre-DA discussion of non-compliances.

Notwithstanding the highly-detailed nature of the current development proposal, the Panel has concluded that satisfactory design quality has not been achieved in relation to the following:

- Primarily, in terms of significant principles which are specified by *SEPP No 65* with regard to context, scale, built form, landscaping and amenity;
- Secondly, in relation to statutory considerations that are specified by the *Liverpool LEP 2008 (LLEP)* in relation to design excellence and maximum building height.

The Panel's critical concerns relate to the following considerations which arise from *SEPP No 65* and the *LLEP*:

- Building forms that achieve an "appropriate transition" in terms of scale, and with regard to both existing and future buildings;
- Configuration of buildings to ensure that public areas within the proposed development would receive "satisfactory sunlight";
- Location and arrangement of apartments, buildings and open spaces in order to optimise amenity for residents and visitors;
- Development application documents which do not provide comprehensive or compelling justifications for the proposed departures from state and local controls.

Due to the extent of these concerns, the Panel recommends extensive reconfiguration of the current development proposal with guidance by a comprehensive urban design analysis of the site and its immediate surroundings.

In order to expedite progress of an amended development application, urban design analysis together with options in relation to built form, open spaces within the development and residential amenity should be discussed with the Panel before commencing final amendments of the current DA.

The development proposal

The subject site has an area of approximately 9,870m² which has frontages to two streets and the Georges River. It comprises a single allotment which has accommodated a succession of industrial activities since the mid-Nineteenth Century.

The site adjoins a variety of industrial and commercial uses to the south and west which are located upon properties that are zoned *R4 High Density Residential*, and where buildings up to 24m high may be erected. To the north across Atkinson Street, the same zoning and maximum heights apply to an established 'estate' of apartment buildings which predominantly comprise three storeys above ground level parking.

The proposed development retains and restores portions of the former mill building which date from the Nineteenth and early-Twentieth Centuries, in order to accommodate retail and / or community-type uses that are not yet identified.

Two residential buildings of nine and sixteen storeys are proposed next to the river frontage and Atkinson Street, separated from the former mill building by a series of publicly-accessible open spaces. Containing 102 and 143 dwellings (respectively), the proposed apartment buildings are sited outside the design flood level above two basement levels that would accommodate 313 cars and building services.

Open spaces within the development incorporate extensive landscaping, and rely extensively upon planters that would be constructed above the basements. The development proposal provides for embellishment of river foreshores that are located next to the site as well as along frontages that extend northwards from Atkinson Street towards the central portion of *Light Horse Park*. Works within these foreshores are proposed in lieu of section 94 contributions (ie they are not elements of a VPA).

Proposed exterior architecture incorporates starkly modern forms and materials which include a number of 'abstracted' design responses to the former mill building and walk-up apartments to the immediate north. The majority of apartments have a single aspect.

Comments

i Considerations for design excellence

In relation to the subject development application, the Panel notes that standards for urban design quality are determined primarily by the *LLEP* and *SEPP No 65* together with the associated *Residential Flat Design Code (RFDC)*, which are supported by detailed numeric controls in Part 4 of the *Liverpool DCP 2008 (LDCP)*.

The Panel recognises that, according to the *LLEP*, the subject site is located within the *Liverpool City Centre* but is not identified as a *Key Site*. As a consequence, design excellence provisions in clause 7.5 of the *LLEP* are a mandatory consideration. Also, urban design considerations arise in relation to clause 7.4 which specifies minimum separations between walls of neighbouring buildings.

ii Desired character generally

With regard to the character of development which is desired for the subject site, the Panel observes that principal development standards in the *LLEP* combined with numeric controls in the *LDCP* appear to promote building forms which are lower but, in visual terms, more-compact than the development which is proposed.

However, the Panel acknowledges that achievement of this desired character may be affected by portions of the former mill building which have heritage value and which occupy approximately 25% of the subject site.

By contrast to the low-rise development which was reviewed by the Panel in 2012, the current development strategy seeks to preserve Nineteenth and early-Twentieth Century portions of the former mill building and to locate new works as backdrop elements to that preserved building. The Panel acknowledges that the current strategy inevitably encourages non-compliances in order to achieve the maximum permitted FSR: primarily in terms of height, but also in relation to setbacks and building separations. Critical considerations for the Panel's review have been provided by the proposed non-compliances in relation to height, building separation and setbacks.

iii Built form and aesthetics

The Panel notes the following features of proposed Building A which faces Atkinson Street:

- Maximum building height of approximately 53m or 29m above the *LLEP* maximum;
- Sixteen residential storeys;
- Street front elevation with a width of 77m for the podium and 42m for the tower;
- A uniform street setback of 6m.

Building B which faces the riverfront has the following features:

- Maximum building height of approximately 34m or 10m above the *LLEP* maximum;
- Nine residential storeys;
- River front elevation with a width of 68m;
- A uniform setback from the river boundary of 6m (behind the foreshore reserve which has a width of 9m).

Facing the river, proposed buildings would appear to extend for a distance of almost 105m, with minimal visual relief provided by 'residual' open spaces that are proposed above basements where landscaping would be accommodated by planters.

During the Panel meeting, the project's town planners explained that a 'masterplan' for foreshore properties is being prepared by the applicant with the aim of providing a rationale for proposed building heights. However, the Panel was not persuaded that such a masterplan would provide assistance for the following reasons:

- To provide a credible foundation for design, a masterplan must precede the detailed architectural design rather than the converse;
- The masterplan area includes lands which are not subject to the applicant's ownership or control;
- An applicant-initiated masterplan has no formal status, and cannot set aside statutory considerations which currently apply and which define maximum building heights;
- A masterplan cannot ignore the scale of existing neighbouring development to the north which is reflected by heights of 4 storeys (approximately 15m to the ridge), by deep soil setbacks of approximately 10m to 12m from Atkinson Street which accommodate mature trees, and by widths of street facades which are between 8m and 15m.

Having regard for dimensions and siting of existing buildings, Panel members expressed the unanimous opinion that the scale of proposed building forms would be dramatically

inconsistent with existing residential neighbours to the north, as well as with the desired character of future development across the surrounding zone *R4* where a maximum building height of 24m applies.

The Panel notes that the excessive scale of proposed building forms cannot be screened by landscaping because of limits that are imposed by 6m setbacks above ground which are further compromised by basements that extend very close to Atkinson Street and which are located beneath open spaces that separate proposed buildings A and B.

Finally, the Panel observes that scale impacts of proposed building forms would be accentuated by overhanging upper storeys of building A in particular, as well as by the 'Brutalist' architectural idiom which has been selected for the current proposal in general.

In conclusion, the Panel considers that the proposed development is contrary to design quality principles for context, scale and built form which are specified by *SEPP No 65*.

Consequently, the Panel recommends the investigation of alternative building forms as a central element within a comprehensive urban design study:

- i. Subject to consideration of potential heritage impacts: commencing with options for reduction of the mill building, and considering the potential for construction of apartment buildings partly-above portions of the former mill building;
- ii. Incorporating building heights which are lower at the site's northern frontage which faces the walk-up apartment precinct, and which potentially may be taller at the site's southern edge facing future redevelopment sites where 24m buildings are permitted;
- iii. Also with significantly-reduced lengths for facades facing Atkinson Street or the river;
- iv. Alternatively, facades that face Atkinson Street or the river may be longer if external walls and basements incorporate an irregular alignment, for example:
 - Primarily, deep indentations in the line of exterior walls and basements in order to accommodate clusters of medium-to-larger trees;
 - Secondly, by steps in rooflines or the silhouettes of upper storeys which complement the desired landscaped indentations.
- v. Finally, analysis should highlight directions for articulation and architectural detailing which have demonstrated their capability to moderate scale impacts of tall facades.

iv Open spaces

The Panel considers that proposed open spaces within the subject site and along the site's boundaries are critical considerations for design quality, and that configurations of such spaces have direct bearing upon building forms.

Panel members note that a significant proportion of open spaces would be located above the proposed basement, and that levels which are specified by the plans do not indicate soil depths which would be proportionate to the height and density of trees which are proposed in central courtyards as well as along Atkinson Street.

Having identified numerous shortcomings in relation to open spaces, the Panel has formed the opinion that proposed open spaces represent an arbitrary response to alignments of site boundaries and to building forms which have been designed to achieve the maximum permissible FSR.

Serious concerns are raised in relation to the size and location of open spaces which would experience or contribute to inferior amenity within the proposed development:

- The primary open space at the centre of the site would be overshadowed extensively for between three and four months of the year;
- The waterfront walk would be overshadowed from 10am to 3pm during midwinter;
- The central open space and the primary active frontage of the restored mill building would be surrounded by vertical walls with between nine and sixteen storeys;
- Separation of 8m to 9m between buildings A and B would not moderate acoustic or visual impacts (particularly in the context of proposed buildings which would have between nine and sixteen storeys), and would act to funnel cold south-westerly winds which typically occur in autumn and spring;
- Proposed basements which are setback 1.5m from Atkinson Street and which occupy a significant portion of central and separating courtyards would severely limit the opportunity for landscaping that might have mitigated visual and wind impacts of the proposed nine and sixteen storey buildings.

The Panel recommends that the comprehensive urban design study should investigate alternative configurations and dimensions for open spaces that would deliver highest levels of public and private amenity. Where tree-plantings are proposed above basements or buildings, the urban design study should be supplemented by advice from a qualified arborist.

v *Pedestrian activity*

Panel members agree that the restored mill building has significant potential as a focal point for social activity, both within the proposed development and also following future redevelopment within the wider precinct.

However, the effectiveness of the restored building will depend upon uses or activities that have not yet been identified, but that may have different outcomes for example in terms of pedestrian vs vehicle access, and requirements for privatised vs publicly-accessible space.

The Panel recommends that the comprehensive urban design study should identify the nature of requirements and impacts that would be associated with a variety of potential uses for the mill building which include retail, cafes, commercial and community activities. Detailed architectural and landscape design should provide sufficient flexibility to accommodate these varied requirements and impacts.

vi *Residential amenity*

The Panel notes that configuration of proposed apartment buildings departs from accepted design quality practices which are listed by the *RFDC*, and includes significant errors in the calculation of apartments which would receive sunlight:

- Each level contains an excessive number of dwellings per core: up to 14 dwellings in each podium level in building A, and up to 12 dwellings per level in building B, would be accessed from extremely long corridors that would not encourage positive social interaction between residents;
- The majority of apartments are single aspect dwellings;
- Excessive proximity between opposing dwellings in buildings A and B: as little as 7m between opposing balconies, and separation distances that affect the mutual amenity of up to seven dwellings per level (or approximately 50 dwellings in total);

- Solar access projections and calculations are incorrect: illustrations depict three hours sunlight to single-aspect dwellings with a south-easterly aspect that would receive no winter sunlight whatsoever.

The Panel recommends alternative configurations for open spaces and buildings should be guided by urban design analysis that incorporates essential criteria for residential amenity.