

# SYDNEY SOUTH WEST PLANNING PANEL

## SUPPLEMENTARY REPORT

<b>Panel Reference</b>	2015SYW138
<b>DA Number</b>	DA-631/2015
<b>Local Government Area</b>	Liverpool City Council
<b>Proposed Development</b>	Demolition of existing buildings, tree removal and the construction of two 9-storey residential flat buildings containing 116 residential apartments over two levels of basement parking with associated landscaping and ancillary site works.
<b>Street Address</b>	8-12 Copeland Street Liverpool, 7-9 Castlereagh Street and Lot 1 Copeland Street, Liverpool (Part Lot B DP 433791, Lot D DP 374032, Lot C DP 374032, Lot B DP 374032, Lot A DP 374032 and Lot 1 in DP 1226910)
<b>Applicant</b>	Mosca Pserras Architects Pty Ltd
<b>Owner</b>	Castlereagh Street Development Pty Ltd
<b>Date of DA Lodgement</b>	9 July 2015
<b>Number of Submissions</b>	One
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	The development has a CIV of \$29,845,000
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• <i>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</i> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development.</li> <li>• State Environmental Planning Policy No.55 – Remediation of Land.</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (Infrastructure) 2007.</li> <li>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.</li> <li>• Liverpool Local Environmental Plan 2008.</li> </ul> </li> <li>• <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</i> <ul style="list-style-type: none"> <li>• LLEP 2008 Amendment No 52.</li> </ul> </li> <li>• <i>List any relevant development control plan: s79C(1)(a)(iii)</i> <ul style="list-style-type: none"> <li>• Liverpool Development Control Plan 2008. <ul style="list-style-type: none"> <li>- Part 1 – General Controls for all Development.</li> <li>- Part 4 – Development in the Liverpool City Centre.</li> </ul> </li> </ul> </li> <li>• <i>List any relevant planning agreement that has been entered into under section 93F, or any draft planning</i></li> </ul>

	<p><i>agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</i></p> <ul style="list-style-type: none"> <li>• No planning agreement relates to the site or proposed development.</li> <li>• <i>List any coastal zone management plan: s79C(1)(a)(v)</i></li> <li>• The subject site is not within any coastal zone management plan.</li> <li>• List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</li> <li>• Consideration of the provisions of the Building Code of Australia.</li> </ul>
<b>List all documents submitted with this report for the panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Property Valuation Report</li> <li>2. Expression of Interest Letter</li> <li>3. Response Letter from Land Owner of 6 Copeland Street, Liverpool</li> <li>4. Concept Design for Adjoining Southern Site</li> <li>5. Design Excellence Panel Minutes and Architectural Plans for Adjoining Southern Site</li> <li>6. Conditions of Consent</li> </ol>
<b>Recommendation</b>	Approval, subject to conditions
<b>Report Prepared by</b>	Rodger Roppolo – Senior Development Planner
<b>Report date</b>	26 June 2017

## **1. EXECUTIVE SUMMARY**

On 10 April 2017 the Sydney South West Planning Panel (SSWPP) considered a report in relation to the subject application (DA-631/2015) for the demolition of existing buildings, tree removal and the construction of two 9-storey residential flat buildings containing 116 residential apartments over two levels of basement parking with associated landscaping and ancillary site works. The Panel resolved to defer determination of the application.

Additional information has been received by Council and this report deals with the additional information provided by the applicant.

## **2. HISTORY/BACKGROUND**

The application was considered by the SSWPP at its meeting on 10 April 2017. The application was deferred to allow the applicant and Council to address the following items:

*(i) The submission of evidence needs to be submitted to Council demonstrating that a reasonable attempt has been made to amalgamate the subject site with 6 Copeland Street, Liverpool, in accordance with the planning principles associated with isolated sites established by the NSW Land and Environment Court.*

*This includes:*

- (a) Details of any negotiations between the owners of the properties including the supply of a property valuation to these property owners; and*
- (b) These details shall include offers to the owner of 6 Copeland Street.*

*(ii) Demonstrate that the proposed development does not impede on the ability of 14-16 Copeland Street and 11-13 Castlereagh Street to develop due to the zero setback along the southern boundary.*

*(iii) Council to provide clarification on the status of the Council owned land fronting the Copeland Street frontage of the site, and an assessment of the setback non-compliance if relevant.*

## **3. ASSESSMENT**

The applicant has submitted additional information in response to the above items raised by the SSWPP at the determination meeting. This is discussed in detail below:

### **(i) Site Amalgamation**

Concerns were raised by the SSWPP regarding the site isolation of 6 Copeland Street Liverpool and that no reasonable attempt had been made by the applicant to amalgamate the sites.

In relation to item (i) above, the applicant undertook a Property Valuation Report (refer to attachment 1) which valued the property of 6 Copeland Street at \$750,000 to \$800,000. An Expression of Interest (refer to attachment 2) to purchase the property was subsequently made to the owner, for a price of \$832,000. This represents a 4% to 11% increase on the indicative market value of the property.

A letter was received (refer to attachment 3) from the adjoining land owner rejecting the expression of interest to purchase the property. Additionally, the owner made his intentions clear within the letter that he had no intention of selling the property *now or within the future*.

The adjoining owners decision not to accept the valuation and pursue site amalgamation is further reinforced through the lodgement of a development application (application no. DA-1226/2016) for a 9-storey residential flat building on the subject site.

Given the above, it has been demonstrated that a reasonable attempt has been made to purchase the property in order to amalgamate the sites.

## (ii) Development of Adjoining Site to the South

The proposed development provides a nil setback to the southern boundary. Concerns were raised by the SSWPP that a nil setback will impede on the ability of the southern lots (14-16 Copeland Street and 11-13 Castlereagh Street) to redevelop.

In response to this issue, the applicant provided a concept plan demonstrating how the provision of a nil setback results in a better outcome for the southern site, rather than strict compliance with the ADG setbacks. This is demonstrated in the below figure:

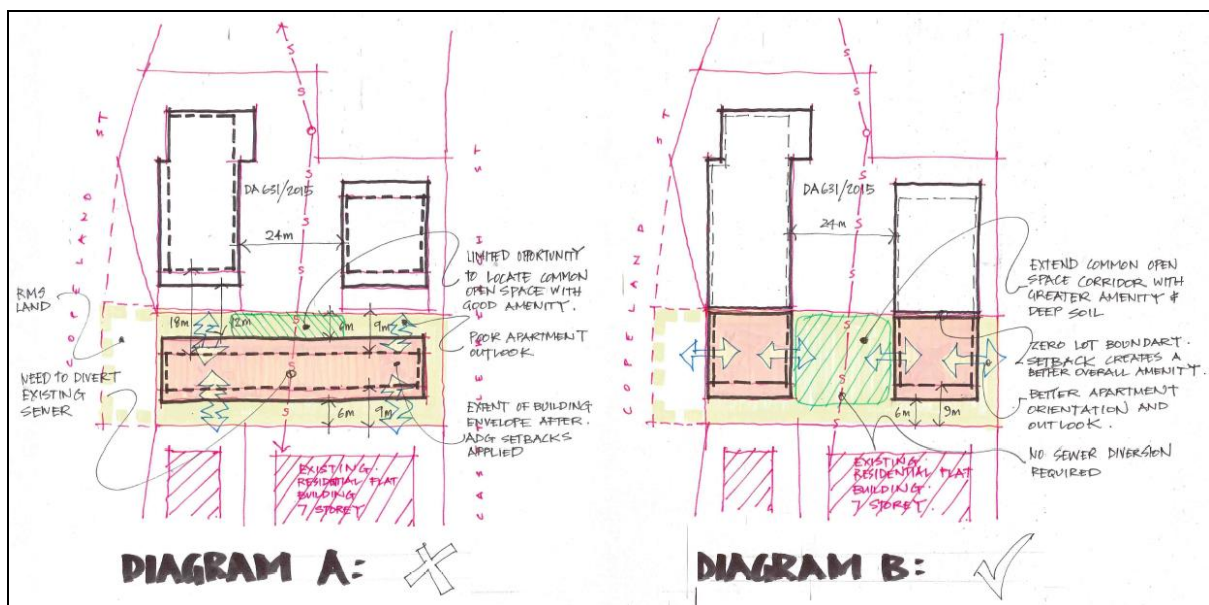


Diagram A shows the proposed development and potential future development to the south designed in accordance with the ADG setbacks. Compliance with the ADG setback results in floor plates for the southern building of approximately 14 metres wide (for the first 4 storeys) and approximately 7 metres wide (above 4 storeys). This outcome results in poor apartment outlook and orientation. Additionally, limited opportunity also exists for the location of ground floor communal open space with good amenity and deep soil zones. The sewer which runs through the centre of the site would also need to be diverted.

Diagram B shows the proposed development and potential future development to the south with a nil setback. The provision of a nil setback allows the building envelopes to continue in a north-south direction. This arrangement allows for the communal open space established to the north to continue through the centre of the site and provides greater opportunity for deep soil zones within this area. It also allows the existing sewer to remain untouched.

Therefore, by adopting the principles proposed in Diagram B, the redevelopment of the southern site will not be impeded by a nil setback. Additionally, the principles of Diagram B result in better urban design outcome not only for the southern site, but for the overall precinct block.



It is noted that the adjoining land owner has already commenced drafting a design based on the concept plan shown in Diagram B. A pre-lodgement (application No. PL-15/2017) meeting was held with the Design Excellence Panel (DEP) on the 13 April 2017. The DEP were supportive of the overall design, subject to some changes. A copy of the minutes are attached together with the architectural plans in attachment 5.

### (iii) Land Fronting Copeland Street

The portion of land fronting the Copeland Street frontage (as shaded in yellow below) is legally identified as Lot 1 in DP 1226910 and is known as Lot 1 Copeland Street, Liverpool.

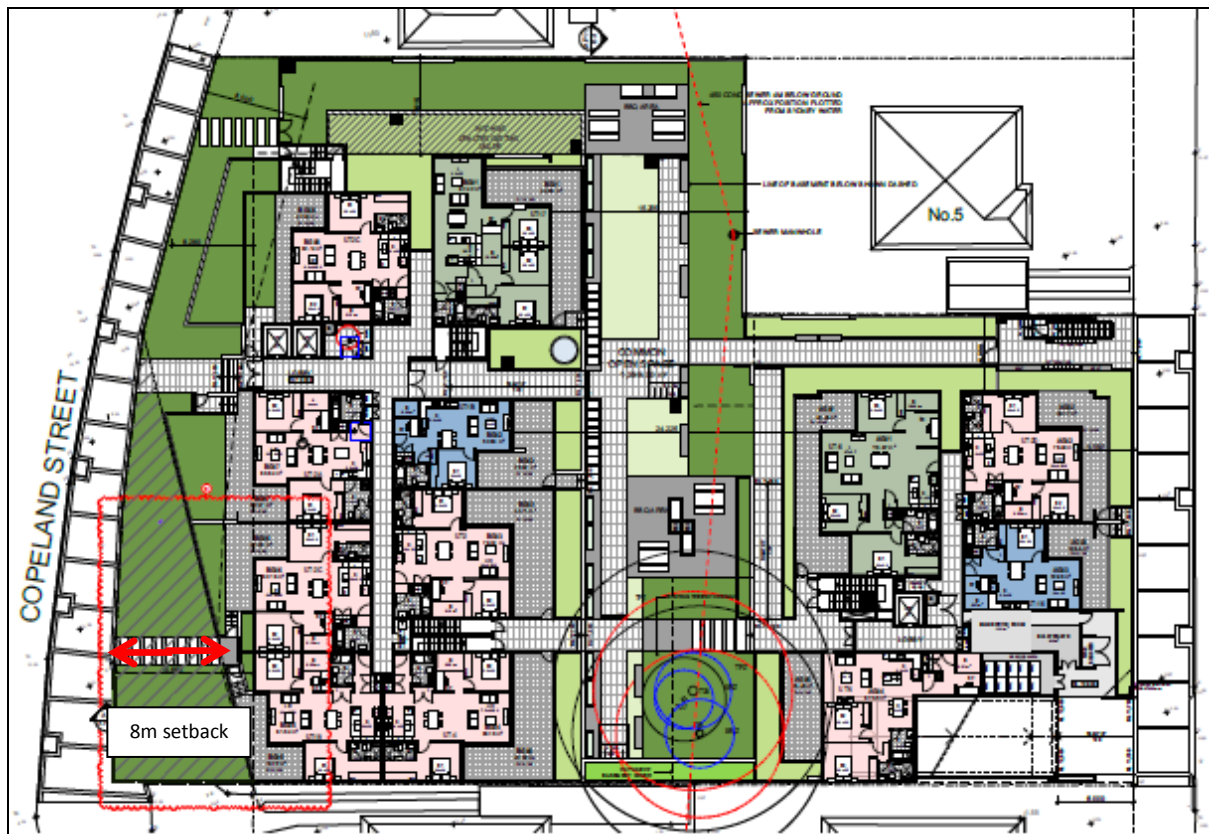


This site is triangular in shape with an area of 244m<sup>2</sup> and was previously land associated with the Copeland Street road reserve, which provided vehicular access from Copeland Street to the existing dwellings.

The site is owned by Council and is operational land. Council has provided owners consent to include this site into the development application.

As per the LDCP 2008, an 8 metre setback is required from the building to Copeland Street. As demonstrated in the diagram below, with the inclusion of Lot 1 DP 1226910 (as shown hatched in the diagram) into the application, a minimum setback of 8 metres is provided from Copeland Street to the building, thus achieving compliance with the LDCP 2008.

A condition of consent has also been provided to ensure that all lots are amalgamated into one lot.



#### 4. CONCLUSION

The applicant has provided additional information to address the items raised by SSWPP's in their deferral of the application. In view of the assessment of the application, it is recommended that this report be received and noted by the Panel and that the application be approved subject to the recommended conditions of consent that accompanied the planning officer's report for the 10 April 2017 SSWPP determination meeting.

#### 5. ATTACHMENTS

1. Property Valuation Report
2. Expression of Interest Letter
3. Response Letter from Land Owner of 6 Copeland Street, Liverpool
4. Concept Design for Adjoining Southern Site
5. Design Excellence Panel Minutes and Architectural Plans for Adjoining Southern Site
6. Conditions of Consent