

**MINUTES OF DEP MEETING  
Thursday 17<sup>th</sup> May 2018**

**DEP PANEL MEMBERS PRESENT:**

Lee Hillam	Chairperson
Anthony Burke	Panel Member
Alf Lester	Panel Member

**OTHER ATTENDEES:**

Paul Saunders	Saunders Global - 0419 364 000
Eric Leong	Saunders Global - 0433 266 041
Ray Moriana	Bradfield - 0412 904 129
Joseph D-Agostino	Scenic (NSW) P/L - 0418 294 018
Vas Andrews	Elton Consulting - 0425 524 811

**OBSERVERS:**

Nelson Mu	Convener
-----------	----------

**APOLOGIES:**

George Nehme  
(Planner)

**AGENDA:**

**Property Address:** 64 Bathurst Street and 203-209 Northumberland Street,  
Liverpool

**Application Number:** DA-767/2016

**Item Number:** 1

**1. WELCOME, ATTENDANCE, APOLOGIES AND OPENING**

The Liverpool Design Excellence Panel (the Panel), comments are to assist Liverpool City Council in its consideration of the development application.

The absence of a comment under any of the principles does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other principles will generate a desirable change.

The 9 design quality principles will be grouped together where relevant, to avoid the unnecessary repetition of comments.

## **2. DECLARATIONS OF INTEREST**

Nil

## **3. CONFIRMATION OF PREVIOUS MINUTES**

Yes

## **4. PRESENTATION**

The applicant presented their proposal for the construction of a 21-storey mixed-use development comprising:

- 4-storey podium inclusive of 3 levels of commercial/retail tenancies and communal open spaces on Level 4
- Tower (Levels 5-21) comprising 72 residential apartments (10x 1 bedroom & 62 x 2 bedroom)

The applicant's design team briefed the Panel and outlined details of the amended proposal, including the following:

- The scheme has been amended in response to the Panel's previous minutes.
- A new architect has been engaged for the project.
- The podium has been lowered from 5 to 4 storeys.
- Zero lot line is proposed to the southern boundary and the setback to the northern boundary has been increased.

## **5. DEP PANEL COMMENTS**

The 9 design principles were considered by the panel in discussion of the development application. These are 1] **Context**, 2] **Built Form + Scale**, 3] **Density**, 4] **Sustainability**, 5] **Landscape**, 6] **Amenity**, 7] **Safety**, 8] **Housing Diversity +Social Interaction**, and 9] **Aesthetics**.

**The Design Excellence Panel makes the following comments in relation to the project:**

- The Panel thanks the proponent for bringing the scheme back to the Panel for its consideration. The presentation helped the Panel to better understand the evolution of the scheme.
- The Panel appreciates that the scheme has responded to some of the Panel's previous issues including the provision of greater setback to the northern boundary above the podium level and that the laneway has been relocated to the northern boundary of the site.
- The presentation and rendering presented at the meeting illustrate a significant improvement from the previous scheme.
- The proposed 12m setback from the northern boundary above the podium level is supported by the Panel as it complies with the ADG building separation requirements.

- The previous DEP minutes identified a maximum 8m blank wall to the southern boundary as illustrated by drawings submitted to the DEP at the meeting which showed one length of building on the southern boundary. It was assumed in this meeting that this wall would have no openings. The extent of the building now proposed on the southern boundary substantially exceeds this figure. The notes from previous meetings regarding the amount of building to the boundary must be applied without impinging on the rights of the neighbouring site to build along the boundary, or to result in inadequate light and air to the apartments within the proposal should that occur. Therefore it is likely that the amount of building to be placed on the boundary will be limited to one instance of 8 metres unless apartments can be replanned to achieve a reasonable amenity with a neighbouring (commercial) building in place at the boundary.
- The amended scheme proposes glass curtain walls along the southern boundary and windows to habitable rooms setback 3m from the southern boundary. Habitable rooms setback only 3 metres from the boundary does not comply with the requirements of the ADG in terms of building separation. The scheme would prejudice the residential development potential of the southern adjoining sites if/when they are re-developed in that it forces the southern adjoining sites to provide all the required ADG building separation. The proposal must be amended to comply with ADG separation requirements. The proponent stated that they understand that any glazing on the boundary could be lost by the redevelopment of the neighbouring site and therefore the apartment layouts must not rely on these facades for compliance with the ventilation, solar access or other ADG requirements.
- The applicant presented drawings showing that the southern adjoining sites, if they were re-developed, would only be capable of accommodating smaller buildings as they would be entitled to much lower FSR than the subject site. The Panel does not accept this argument, as the scheme would require the southern adjoining sites to absorb all the required ADG spatial separation between buildings. Neither the Panel nor the proponents can know what future lot amalgamation might be undertaken.
- The relocation of the laneway to the northern boundary of the site is supported in principle by the Panel. However, the laneway has not been designed as an orderly extension of Buttman and Huckstepp lanes. Rather, it has been designed as an outdoor dining area for the development and is only accessible to pedestrians. While it is accepted that the design of the laneway provides direct pedestrian access between Northumberland Street and Bathurst Street via Huckstepp lane, it does not facilitate an orderly development of the northern portion of the block bounded by Northumberland Street, Bathurst Street, Moore Street and Memorial Avenue. As indicated in the Panel's previous minutes, the Panel recommends that the proposed laneway be amended to facilitate an orderly extension of Huckstepp lane and Buttman lane such that should the northern adjoining sites be re-developed in the future, they would be able to utilize Huckstepp lane for access and services.
- The number of 3-bedroom apartments should be increased to a minimum of 10% of the total apartments proposed.

- The communal open space on level 4 should be supported by suitable landscaping design details. The Panel recommends the engagement of landscape architect to design the space as a meaningful and functional space that would contribute to the overall amenity of residents.

### **General**

Note: All SEPP 65 apartment buildings must be designed by an architect and their registration number is to be on all drawings. The architect is to attend the DEP presentations.

### **Quality of construction and Material Selection**

Consideration must be given by the applicant to the quality of materials and finishes. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid staining weathering and failure of applied finishes. Render is discouraged.

### **Floor-to-floor height**

The panel recommends a minimum 3050 to 3100mm floor-to-floor height for the residential component of the development so as to comfortably achieve the minimum 2700mm floor-to-ceiling height as required by the ADG.

### **Sectional Drawings**

Sectional drawings at a scale of 1:20 of wall section through with all materials, brickwork, edging details to be submitted.

## **6. CLOSE**

Not all the issues raised in the previous DEP Minutes have been satisfactorily addressed by the amended proposal which has generated additional matters of concern. The site is highly constrained and not all the issues raised can be resolved by the Panel in terms of providing an orderly development for the site.

In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans should be considered by Council and if it is shown that all matters are addressed to the satisfaction of the Liverpool City Council planners then the project is not required to return to the Design Excellence Panel.

Should the proponents wish to submit an alternative proposal not in accordance with the recommendations of this letter the DEP would ask that the proposal return to the Design Excellence Panel.

**MINUTES OF DEP MEETING  
28<sup>th</sup> September 2017**

**DEP PANEL MEMBERS PRESENT:**

Lee Hillam	Chairperson
Anthony Burke	Panel Member
Geoff Baker	Panel Member

**OTHER ATTENDEES:**

Nelson Mu	Convener
Tony Ristevski	Planner

**APOLOGIES:**

Nil

**OBSERVERS:**

Joseph D-Aghostino – Scenic NSW P/L – 0425-524-811  
Tony Zaccagnini – Scenic NSW P/L  
Vasiliki Andrews – Elton Consulting – 0404-486-576  
Frank Mosca - MPA  
Michael Alavanja – MPA

**AGENDA:**

**Property Address:** 64 Bathurst Street, and 203 - 209 Northumberland Street,  
Liverpool

**Application Number:** DA-767/2016

**Item Number:** 4

**1. WELCOME, ATTENDANCE, APOLOGIES AND OPENING**

The Liverpool Design Excellence Panel (the Panel) comments are to assist Liverpool City Council in its consideration of the development application.

The absence of a comment under any of the principles does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other principles will generate a desirable change.

The 9 design quality principles will be grouped together where relevant, to avoid the unnecessary repetition of comments.

**2. DECLARATIONS OF INTEREST**

Nil

### 3. CONFIRMATION OF PREVIOUS MINUTES

Yes

### 4. PRESENTATION

The applicant presented their amended proposal for the construction of a 21-24 storey mixed-use development comprising a 5 storey podium for commercial tenancies and parking facilities with a mix of serviced and residential apartments above.

The amended proposal presented by the applicant consisted of building envelopes showing the amended scheme for the site and potential building envelopes for neighbouring sites. Also included in the documentation were 3-D perspective drawings showing the amended proposal relative to the potential development for neighbouring sites.

The applicant's registered architect advised the Panel that the scheme has been amended incorporating the following amendments:

- Building has been lowered and moved away from the northern boundary in response to DEP's previous minutes,
- The pedestrian walkway has been relocated from the southern to the northern boundary, and
- Building envelopes are also shown for neighbouring properties.

### 5. DEP PANEL COMMENTS

The 9 design principles were considered by the panel in discussion of the development application. These are 1] **Context**, 2] **Built Form+ Scale** 3] **Density** 4] **Sustainability** 5] **Landscape** 6] **Amenity**, 7] **Safety** 8] **Housing Diversity +Social Interaction** 9] **Aesthetics**.

The Design Excellence Panel makes the following comments in relation to the project:

- This is the fourth time that the application has come before the Panel. At the last DEP meeting, significant issues were identified that required re-design of the proposal to ensure that any development for the subject site, despite the unusual circumstances surrounding it, would not prejudice the development potential of any neighbouring sites.
- The Panel notes that the built form of the building has been re-planned and the building has been re-positioned with part of the building at the southern boundary. In doing so, the separation distances to the northern boundary has been increased to between 9 and 12 metres.
- The amended L-shaped built form with 9-12m setbacks from the northern boundary does not comply with the ADG building separation distances. As shown on the building envelope drawings, the northern adjoining sites would require to provide greater separation distances than the proposal in order to achieve the required 24 metres separation between buildings taller than 8 storeys in height, as articulated in the ADG. This is unacceptable and not supported by the Panel.
- The panel supports the required building separation distance of the ADG on the northern boundary which must be complied with. Given the scale and height of the building a minimum of 12 metres spatial separation shall be provided from the northern boundary of the site, to ensure that the proposal does not adversely diminish the development potential of the northern adjoining sites.

- The panel is supportive of having zero setback to the southern boundary as suggested in its previous minutes, and further to the amended proposal presented. The length of those zero setback walls should be restricted to 8 metres at each instance.
- The internal building envelope presented by the applicant for the residential component of the development, consisting of 6 apartments per level, is not an unreasonable floor plate in terms of cross-ventilation and solar access.
- The Panel commends the applicant in relocating the proposed laneway to the northern boundary, as having a laneway on the northern boundary of the site would facilitate an orderly extension of Huckstepp Service way and Butman lane.
- The Panel is satisfied that other issues raised in its previous minutes have been reasonably addressed by the applicant.

- **General**

Note: All SEPP 65 apartment buildings must be designed by an architect and his/her registration number is to be on all drawings. The architect is to attend the DEP presentations.

With proposals that are complex in terms of planning and site context issues the DEP recommends a minimum of two DEP presentations are made, the first being concerned only with massing, setbacks, context and other planning issues. Once approval has been gained from the DEP on these issues further details such as apartment layouts and ADG compliance can be assessed and discussed.

- **Quality of construction and Material Selection**

Consideration must be given by the applicant to the quality of materials and finishes. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid staining weathering and failure of applied finishes. Render is discouraged.

- **Floor-to-floor height**

The panel recommends a minimum 3050 to 3100mm floor-to-floor height so as to comfortably achieve the minimum 2700mm floor-to-ceiling height as required by the ADG.

## 6. CLOSE

The proposal is acceptable subject to the incorporation of the above advice given from the panel and will not need to be seen by the panel again.

In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans should be considered by Council.

---

**MINUTES OF DEP MEETING  
20<sup>th</sup> of July 2017**

**DEP PANEL MEMBERS PRESENT:**

Geoff Baker	Chairperson
Anthony Burke	Panel Member
Roger Hedstrom	Panel Member

**OTHER ATTENDEES:**

Nelson Mu	Convener
Tony Ristevski	Planner

**APOLOGIES:**

Nil

**OBSERVERS:**

Joseph D-Aghostino – Scenic NSW P/L – 9602-1888  
Ray Marjana – Bradfield – 9602-1888  
Vas Andrews – Elton  
Frank Mosca

**AGENDA:**

<b>Property Address:</b>	64 Bathurst Street, and 203 - 209 Northumberland Street,  Liverpool
<b>Application Number:</b>	DA-767/2016
<b>Item Number:</b>	4

**1. WELCOME, ATTENDANCE, APOLOGIES AND OPENING**

The Liverpool Design Excellence Panel (the Panel) comments are to assist Liverpool City Council in its consideration of the development application.

The absence of a comment under any of the principles does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other principles will generate a desirable change.

The 9 design quality principles will be grouped together where relevant, to avoid the unnecessary repetition of comments.

**2. DECLARATIONS OF INTEREST**

Nil



### 3. CONFIRMATION OF PREVIOUS MINUTES

Yes

### 4. PRESENTATION

The applicant presented their proposal:

Construction of a 26-storey mixed-use development comprises of:

- Three (3) commercial/retail tenancies on the ground floor: two facing Bathurst Street (including eight bicycle spaces) and one facing Huckstepp Serviceway;
- Café and outdoor dining on the ground floor of the rear of the existing commercial building at 203-209 Northumberland Street (8-storeys in height) facing facing Huckstepp Serviceway;
- Parking facilities for residential units on three (3) basement levels (75 car spaces including 10 accessible and 56 bicycle spaces);
- Five (5) storey podium with: Five commercial tenancies and parking facilities for the service apartments, commercial/retail, visitors, residential and motorcycles over levels 2-4 (76 car spaces, 3 delivery/car wash bays and 7 motorcycle spaces);
- Serviced apartments (3), communal open space, gym and community room on level 5; and
- Tower (levels 6 - 26) above with mix of serviced apartments (27) and residential units (74 units) and communal open space on level 24.

### 5. DEP PANEL COMMENTS

The 9 design principles were considered by the panel in discussion of the development application. These are 1] **Context**, 2] **Built Form+ Scale** 3] **Density** 4] **Sustainability** 5] **Landscape** 6] **Amenity**, 7] **Safety** 8] **Housing Diversity +Social Interaction** 9] **Aesthetics**.

The Design Excellence Panel makes the following comments in relation to the project:

- The Panel notes that its previous minutes in relation to the proposal has not been satisfactory addressed by the amended scheme.
- The proposed built form of the development does not comply with the requirements of the Apartment Design Guide particularly in respect to building separation.
- The Panel is concerned that the non-compliance with the building separation distance articulated in the ADG will result in the following:
- The proposal will diminish the opportunity of adjoining sites to be similarly re-developed. The proposal, in its current form, would require adjoining sites to provide greater building separation from their sites so as to achieve the required building separation of the ADG.
- The scale of the proposal is considered to be out of context with the surrounding sites. The contextual massing of the development needs to be re-considered.
- The distribution of the floor area from the adjoining 8-storey building to the proposed building is creating a mass and scale of building that the site may not be able to accommodate without impacting on adjoining sites' future development potential in accordance with Council's LEP.

- The Panel is not satisfied that the built form of the development is the most suitable for the site. Consideration should be given to alternative built form including the incorporation of adjoining sites to achieve sufficient width so that the required building separation is provided as per the ADG.
- Consideration to be given the access arrange of the development with a view to widen Butman Lane such that should be northern adjoining sites be re-developed in the future, satisfactory vehicular access will be provided from Huckstepp Lane.
- **General**

Note: All SEPP 65 apartment buildings must be designed by an architect and their registration number is to be on all drawings. The architect is to attend the DEP presentations.

- **Quality of construction and Material Selection**

Consideration must be given by the applicant to the quality of materials and finishes. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid staining weathering and failure of applied finishes. Render is discouraged

- **Floor-to-floor height**

The panel recommends a minimum 3050 to 3100mm floor-to-floor height so as to comfortably achieve the minimum 2700mm floor-to-ceiling height as required by the ADG.

## 6. CLOSE

**DELETE WHICH STATEMENT IS NOT APPLICABLE\*\*\*\*\***

The proposal is not acceptable and must be referred to the Design Excellence Panel Again.

**OR DELETE**

The proposal is acceptable subject to the incorporation of the above advice given from the panel and will not need to be seen by the panel again.

In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans should be considered by Council.

---

**LIVERPOOL DESIGN EXCELLENCE PANEL**

**Property:** 203-209 Northumberland Street Liverpool

**Application Number:** DA-767/2016

**Panel Members Present:** Lee Hillam, Geoff Baker, Russell Olsson, Jon Johannssen

**Assessing Officer/Unallocated:** Marcus Jennejohn

**Officers in Attendance:** Marcus Jennejohn, Nelson Mu

**Applicants Name and / or Representatives:** Mosca Pserras Architects Pty Ltd

**Date of Meeting:** Thursday 20 October 2016

**Item Number:** 4

**Pre DA** ☐

**Post Lodgement** ☒

**Chair:** Russell Olsson

**Apologies:** Nil

**Convenor:** Jan McCredie

---

**GENERAL INFORMATION**

The Liverpool Design Excellence Panel (the Panel), comments are to assist Liverpool City Council in its consideration of the development application.

The absence of a comment under any of the principles does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other principles will generate a desirable change.

The 9 design quality principles will be grouped together where relevant, to avoid the unnecessary repetition of comments.

**PROPOSAL**

Construction of a mixed use development comprising of ground floor and four levels of commercial tenancies, with a tower above to include twenty serviced apartments and ninety-six residential units with associated basement parking. ***Note: Liverpool City Council is the consent authority and the Sydney West Joint Regional Planning Panel has the function of the determining authority***

**PANEL COMMENTS**

The 9 design principles were considered by the panel in discussion of the development application. These are 1] **Context**, 2] **Built Form+ Scale** 3] **Density** 4] **Sustainability** 5] **Landscape** 6] **Amenity**, 7] **Safety** 8] **Housing Diversity** +**Social Interaction** 9] **Aesthetics**.

The Design Excellence Panel makes the following comments in relation to the project:

### **Planning Issues**

The architect outlined the proposal. The proponent contends that the development is permitted as an extension of one zone by 25m into another zone. The applicant has met with Toni Averay, Lina Kakish and Bruce Macnee and believes that the proposal is permitted. Legal advice has been pr ???

The site is one lot on the DP but physically it is two sites as it is divided by a public street. One site faces Northumberland Street and the other Bathurst Street. The floor space for the proposal on Northumberland Street is calculated on the basis of the whole site including the public street that separates the two sites. The floor space in the existing building is then subtracted on the basis that the site facing Bathurst Street will not be developed.

The architect said that the proposal has been:

- Redesigned to be able to meet the planning objectives of Amendment 52.
- Changed the uses to provide more commercial
- 'Forced' by the 25m rule to locate parallel to Northumberland and so have inadequate setbacks to the north and south boundaries.
- Provides a public benefit by introducing a covered laneway to the laneway

The proposal will go to the JRPP.

### **The panel made the following comments:**

- The proposal cannot be supported.
- There is a major non-compliance with the ADG in particular the side set-backs
- There is no justification for the height.
- They do not accept that:
  - the adjoining sites to the north and south is supported cannot be developed and that therefore encroachment into the set-backs on those adjacent sites
  - the residue site facing Bathurst Street will not be re-developed
- That the comments from the previous panel meeting are still applicable and they are attached.

### **General**

Note: All SEPP 65 apartment buildings must be designed by an architect and their registration number is to be on all drawings. The architect is to attend the DEP presentations.

#### **Quality of construction and Material Selection**

Consideration must be given by the applicant to the quality of materials and finishes. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid staining weathering and failure of applied finishes. Render is discouraged

**DELETE WHICH STATEMENT IS NOT APPLICABLE\*\*\*\*\***

**This application does not need to be reviewed by the Panel again.**

**OR DELETE**

**In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans should be referred back to the Panel for comment.**

---