



26th March 2019

General Manager,
Liverpool Council,
Locked Bag 7064,
Liverpool BC NSW 1871

RE: DA559/2018, 41-43 Forbes Street, Liverpool Description – Shop top housing, Construction of a 9-storey shop-top housing development comprising of 4 ground floor commercial suites, 45 residential units (including 10 affordable housing units), two levels of basement parking and associated landscaping works

This letter is written in response to the comments received following the Sydney Western City Planning Panel Meeting on 4 February 2019 in regard to the above-mentioned proposed development at 41-43 Forbes Street, Liverpool (DA559/2018).

This letter is accompanied by a model prepared by Fox Johnston, which addresses the key issues discussed at the Sydney Western City Planning Panel Meeting on 4 February 2019.

Below are the key issues discussed at the Sydney Western City Planning Panel Meeting on 4 February 2019 in regard to the proposed development and a response to each of these issues.

- *The Panel debated the conflict between the existing height context established by the Ingham Centre and the adjoining 4 storey residential buildings on the one hand, and the 35 metre height limit set by the LEP map. That conflict will need to be addressed in the assessment report.*

Response: The accompanying model provides indicative building envelopes for the property adjoining the subject site to the north, which is also zoned R4 High Density Residential. This demonstrates that the northern adjoining site can be developed in accordance with the LEP Building Height limit of 35m. The model also demonstrates that the subject site and adjoining sites can be developed up to a height of 35m whilst complying with the relevant ADG separation distances, thereby ensuring that any adverse amenity impacts will be minimised.

The proposal will therefore be consistent with the future desired character of the area.

It is noted that the southern adjoining site is zoned Special Uses, as shown on the zoning map below:

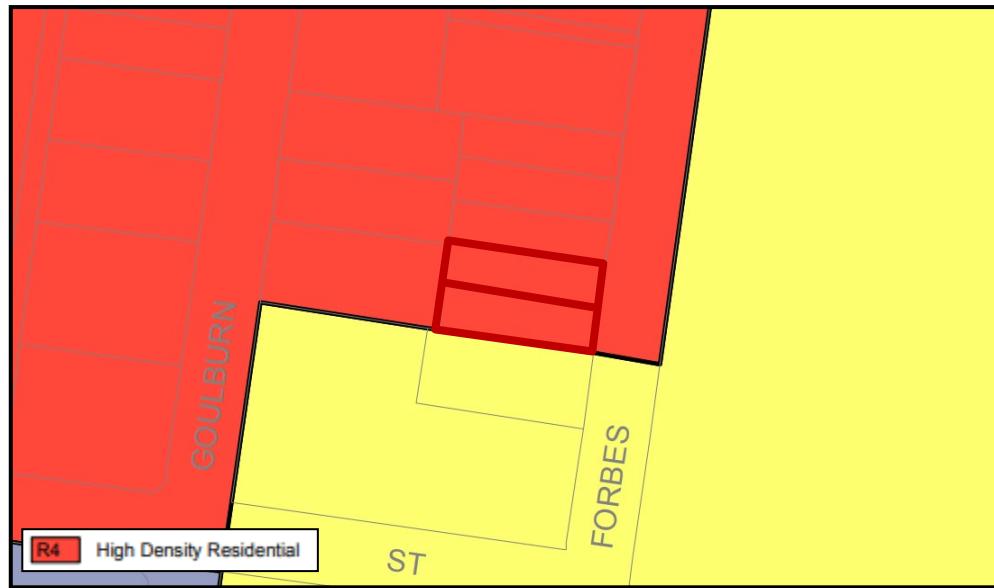


Figure 1: Zoning Map

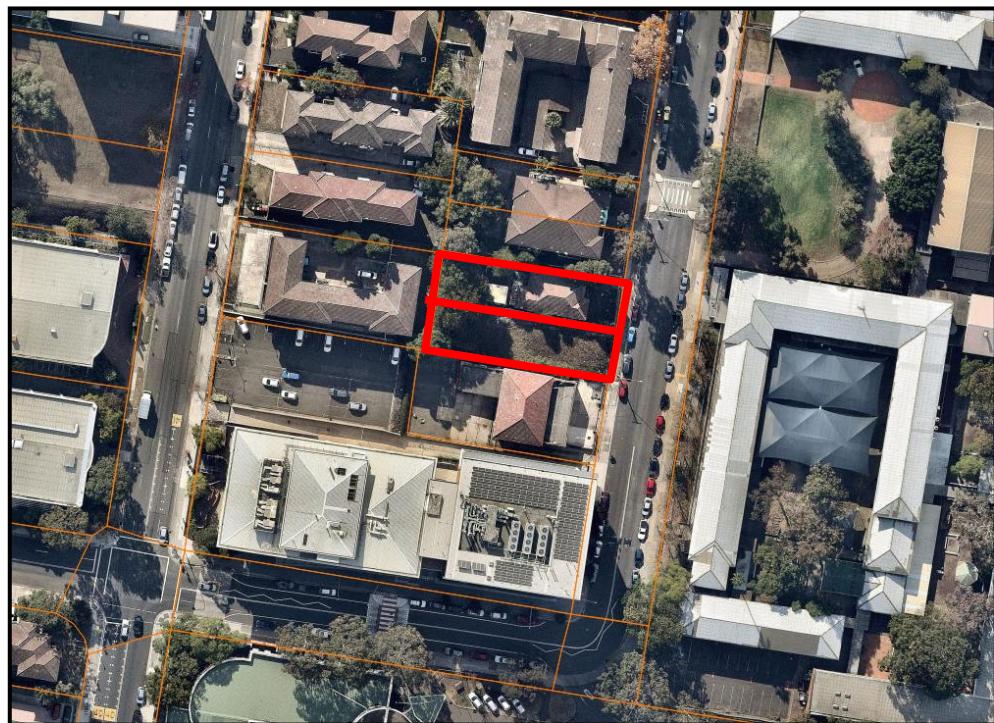


Figure 2: Aerial Photo showing the subject site, ambulance building to the south (zoned Special Uses) and the strata-titled residential flat building to the north

It is reiterated that the proposed development will have a maximum height of 30.3m, which is 4.7m below the 35m building height control applicable to the site and that the recessed nature of the upper two levels ensures that the built form is provided in a sensitive manner.

The proposed height does not generate any adverse shadow, privacy or view impacts.

- *There seemed to be a contradiction between arguing that the building next door will not be developed such that upper storey setbacks were not needed, while building a 9-storey building next door which does not respond to the 4-storey building next door being preserved.*

Response: As mentioned above, the accompanying model provides an indicative building envelope for the property adjoining the subject site to the north. This demonstrates that the northern adjoining site can be developed in accordance with the LEP Building Height limit of 35m.

- *The Panel was of the view that as the building next door was approximately 40 – 45 years old, and around 5 storeys short of the permissible height limit, it is at least conceivable that in coming decades there will be an impetus for that adjoining building to be rebuilt. The Panel observed that the design orientation of the balconies over the adjoining site, coupled with the less than compliant setbacks would significantly constrain future development options on that land. The developer should consider whether this issue should be addressed in the design relationship of the building with the adjoining building.*

Response: As mentioned above, the accompanying model provides an indicative building envelope for the property adjoining the subject site to the north. The model demonstrates that the subject site and adjoining site to the north can be developed up to a height of 35m whilst maintaining a sufficient level of amenity. It is acknowledged that the built form above 4-storeys will not comply with the 9m separation distance requirement in the ADG. This is considered to be an unreasonable and impractical requirement on a narrow allotment. Given that the site is 25.6m wide, the built form above 4-storeys would be 7.6m wide which is considered undesirable for an apartment building. As both sites can orientate their main living areas to the north, neither site will be adversely impacted by the variation to the 9m separation distance.

The proposal has been amended to provide additional privacy treatment to the balconies that overlook the adjoining site to the south to ensure that the future development of the adjoining site to the south is not constrained.

The accompanying model includes shadow diagrams which demonstrate that if the neighbouring property to the south were developed up to a height of 35m that sunlight to 70% of the proposed units on the subject site will be maintained between 9am and 3pm.

If the neighbouring property to the south were developed, it could be designed to ensure that solar access is maximised, having regard to the east-west orientation of the site.

There are numerous examples within the vicinity of the subject site where Council has permitted 35m without requiring strict compliance with the ADG separation distances. These sites include:

29-31 Goulburn Street, Liverpool – 9 Storey Residential Flat Building (DA-112/2015)



17-25 Bigge Street, Liverpool – 12-Storey Residential Flat Building (DA-180/2016)



Figure 3: Approved 12-storey development at 17-25 Bigge Street, Liverpool

2 Lachlan Street, Liverpool – 12-Storey Residential Flat Building



Figure 4: Interface between 2 Lachlan (L) Street and 4-6 Lachlan Street (R)

- *The Panel questioned whether a rationalization of the parking design might free up some additional area for open space and planting at ground level.*

Response: The proposal has been amended to remove the tandem parking spaces and large balconies at the rear of Level 1. This will allow for an additional 95 sqm of open space at ground level.

- *Overlooking and privacy issues towards the rear will need to be considered.*

Response: The proposal has been amended to provide additional privacy treatment to the rear façade including fixed louvres and removal of large balconies on Level 1 to alleviate overlooking and privacy impacts to the adjoining properties to the rear. The removal of balconies to the rear bedrooms and reduction in size of the balconies off the living rooms of the rear units allows the proposal to achieve a 6m separation distance at the rear.

It is considered that the above responses suitably address the Panel's concerns and that the proposal is worthy of support and approval.

If you require any additional information, or clarification of any of the above points, please do not hesitate to contact the undersigned on (02) 9310 4979 or via email at anthony@abcplan.com.au.

Yours sincerely,



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