

RECORD OF DEFERRAL

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DEFERRAL	Tuesday, 10 December 2019
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Bruce McDonald and Peter Harle
APOLOGIES	Wendy Waller, Nathan Hagerty and Ali Karnib
DECLARATIONS OF INTEREST	None

Public meeting held at Liverpool Library, Gold Room, 170 George Street, Liverpool on 10 December 2019, opened at 12:50pm and closed at 2:13pm.

MATTER DEFERRED

2019WCI001 – Liverpool City Council – DA-926/2018 at Lot A DP 33536, Lot B DP 33536, Lot 1 DP 34300, Lot 5 DP 36148, Lot 6 DP 36148, Lot D DP 382865, Lot E DP 382865, Lot 12 DP 710597, Lot 13 DP 710597, Lot 14 DP 710597, Cnr Lot 1 DP 729652, Lot 2 DP 729652, Cnr Lot 20 DP 807472, Lot 21 DP 807472, Lot 1 DP 554550, Cnr Lot 21 DP 613438, Cnr Lot 22 DP 613438, Lot 433 DP 822256, Lot 435 DP 822222, Part Lot 1 DP 136327, Lot 11 DP 1068213, Lot 1 DP 958735, Lot 12 DP 1068213, Lot 13 DP 1068213, Lot 14 DP 1068213, Lot 20 DP 871292, Lot 100 DP 1033517, Lot 101 DP 1033517, Lot 100 DP 620292, Lot 423 DP 720737 Westfield Shopping Centre, 25 George Street, Bathurst Street, Northumberland Street, 17 Secant Street, Lot 12 – 14 Northumberland Street, Lot 20 Secant Street, Lot 100 Bathurst Street, 57 Elizabeth Drive, Part Lot 1 Secant Street, Liverpool NSW 2170 – Construction of a commercial tower and a new entertainment and leisure precinct (ELP) at the existing Westfield Shopping Centre. (as described in Schedule 1).

REASONS FOR DEFERRAL

The panel agreed to defer the determination of the matter until:

- (a) the referral under 7.17A Hospital helicopter airspace to the chief executive of the local health district, and consideration of any response, has been completed in accordance with that clause;
- (b) the Applicant can supply an amendment to the design of the uppermost floor of the building designated for plant as the Applicant indicated at the meeting that the proposed approximate 5 metre height of that level and its horizontal area had been fixed without a final plant engineering design and could likely be reduced.
- (c) The Council and the Applicant can endeavour to resolve an agreed set of conditions.

However, following consideration of the staff assessment report and the discussion at the public meeting, the Panel was able to be satisfied that subject to satisfactory resolution of those matters, the development application ought to be approved generally for the reasons set out in the staff assessment report, and having regard to the following matters:

1. The proposed development will add commercial floorspace and entertainment and recreation uses to the established Westfield shopping centre which is located with Liverpool City Centre. The development will reinforce the role of Liverpool City Centre within the Western City District by providing additional employment opportunity and amenities at a location well related to the established City Centre and with convenient access to the metropolitan transport services available from Liverpool rail station.
2. Following consideration of the written request from the applicant, made under cl 4.6 (3) of Liverpool LEP 2008 (LEP), the panel is satisfied the request has demonstrated that:

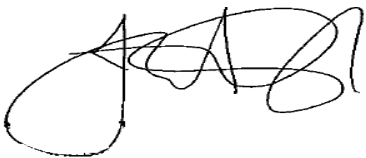



- a) compliance with the development standards in cl 4.3 Height of Buildings and clause 7.3 Car parking in Liverpool city centre is unreasonable or unnecessary in the circumstances; and
 - b) there are sufficient environmental planning grounds to justify contravening the development standard as proposed in the DA
3. Accordingly, the panel is satisfied that:
- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
 - b) the development is in the public interest because it is consistent with the objectives of those two development standards and the objectives for development in the B3 Commercial Core zone; and
 - c) the concurrence of the Secretary can be assumed.
4. The proposed development subject to the conditions imposed adequately satisfies the relevant State Environmental Planning SEPP 55 (Remediation of Land), SEPP (Infrastructure) 2007 and Greater Metropolitan Regional Environmental Plan No2- Georges River Catchment.
5. The proposal development, subject to the conditions imposed adequately satisfies the requirements and provisions of Liverpool LEP 2008. The Panel considers the proposed development exhibits design excellence and Cl. 7.5 -Design Excellence of the LEP is satisfied. In that regard the Panel notes that a design excellence statement has been provided by 2 registered architects, Council's Design Excellence Panel has advised the building is well resolved externally and appears to be of a high quality façade design and Councils assessment concludes the design is innovative and beneficial for the Liverpool City Centre.
6. The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including pedestrian permeability within or legibility of the Hoddle grid street pattern, the operation of the of the local road system including parking capacity, the significance of heritage items in the locality or the amenity of St. Lukes Anglican Church due to overshadowing.
7. The proposed development adequately satisfies the provisions of Liverpool DCP 2008.
8. The proposed development is considered to be of a scale and form consistent with the existing and planned development of Liverpool CBD.
9. In consideration of conclusions 1-8 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

When the information relating to the deferred matters has been received, the panel will determine the matter electronically.

The decision to defer the matter was unanimous.

CONSIDERATION OF COMMUNITY VIEWS

There were no unresolved objections to the proposal.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Bruce McDonald	 Peter Harle

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019WCI001 – Liverpool City Council – DA-926/2018
2	PROPOSED DEVELOPMENT	Construction of a commercial tower and a new entertainment and leisure precinct (ELP) at the existing Westfield Shopping Centre. Liverpool City Council Is The Consent Authority And The Sydney Western City Planning Panel Has The Function Of Determining The Application.
3	STREET ADDRESS	Lot A DP 33536, Lot B DP 33536, Lot 1 DP 34300, Lot 5 DP 36148, Lot 6 DP 36148, Lot D DP 382865, Lot E DP 382865, Lot 12 DP 710597, Lot 13 DP 710597, Lot 14 DP 710597, Cnr Lot 1 DP 729652, Lot 2 DP 729652, Cnr Lot 20 DP 807472, Lot 21 DP 807472, Lot 1 DP 554550, Cnr Lot 21 DP 613438, Cnr Lot 22 DP 613438, Lot 433 DP 822256, Lot 435 DP 822222, Part Lot 1 DP 136327, Lot 11 DP 1068213, Lot 1 DP 958735, Lot 12 DP 1068213, Lot 13 DP 1068213, Lot 14 DP 1068213, Lot 20 DP 871292, Lot 100 DP 1033517, Lot 101 DP 1033517, Lot 100 DP 620292, Lot 423 DP 720737 Westfield Shopping Centre, 25 George Street, Bathurst Street, Northumberland Street, 17 Secant Street, Lot 12 – 14 Northumberland Street, Lot 20 Secant Street, Lot 100 Bathurst Street, 57 Elizabeth Drive, Part Lot 1 Secant Street, Liverpool NSW 2170
4	APPLICANT/OWNER	Applicant: Scentre Group Design & Construction Pty Ltd Owner: P T Limited & Kent Street Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No.55 – Remediation of Land Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River (No 2 -1997) (Deemed SEPP) Liverpool Local Environmental Plan 2008 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Liverpool Development Control Plan 2008 Planning agreements: Nil

		<ul style="list-style-type: none"> • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 25 November 2019 • List any clause 4.6 variation requests here: <ul style="list-style-type: none"> ○ Clause 4.6 Variation Request – Maximum building height ○ Clause 4.6 Variation Request – Car Parking • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Boris Santana and George Nehme ○ On behalf of the applicant – David Hoy, Rod Pindar, Jamie Gordon, Chris Terkalas, Tim Rogers and Simon Gunasekera
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Monday, 11 March 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran ○ <u>Council assessment staff</u>: Lina Kakish & Boris Santana • Site inspection: Monday, 11 March 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran ○ <u>Council assessment staff</u>: Lina Kakish & Boris Santana • Final briefing to discuss council's recommendation, Tuesday, 10 December 2019, 11:00am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran and Peter Harle ○ <u>Council assessment staff</u>: Boris Santana and George Nehme
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report