

SYDNEY WESTERN CITY PLANNING PANEL

SUPPLEMENTARY ASSESSMENT REPORT

Panel Reference	2019WCI001
DA Number	DA-926/2018
Local Government Area	Liverpool City Council
Proposed Development	<p>Construction of a commercial tower and a new entertainment and leisure precinct (ELP) at the existing Westfield Shopping Centre.</p> <p>Liverpool City Council Is The Consent Authority And The Sydney Western City Planning Panel Has The Function Of Determining The Application.</p>
Street Address	<p>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</p> <p>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</p>
Applicant	Scentre Group Design & Construction Pty Ltd
Owner	P T Limited & Kent Street Pty Ltd
Date of DA Lodgement	12 December 2018
Number of Submissions	Three (3) submissions
Regional Development Criteria (Schedule 7)	The Sydney Western City Planning Panel is the determining body as the Capital Investment Value of the development is over \$30 million.
List of All Relevant 4.15(1)(a) Matters	<ol style="list-style-type: none"> <i>List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)</i> <ul style="list-style-type: none"> State Environmental Planning Policy (Sydney Region Growth Centres) 2006 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) <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: Section 4.15(1)(a)(ii)</i> <ul style="list-style-type: none"> No draft Environmental Planning Instruments apply to the site. <i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i> <ul style="list-style-type: none"> Liverpool City Council Growth Centre Precincts DCP 2013 <i>List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: Section 4.15(1)(a)(iia)</i> <ul style="list-style-type: none"> No planning agreement relates to the site or proposed development.

	<p>5. List any relevant regulations: 4.15(1)(a)(iv)</p> <ul style="list-style-type: none"> Consideration of the provisions of the Building Code of Australia.
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> 1. Revised Recommended Conditions of Consent 2. Response from the South Western Sydney Local Health District 3. Hospital Helicopter Path Summary 4. Proposed Plant Room Design 5. Revised Architectural Drawings
Recommendation	Approval, subject to conditions
Report Prepared by	Development Assessment
Report date	16 January 2020

<p>Summary of Section 4.15 matters</p> <p>Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?</p>	Yes
<p>Legislative clauses requiring consent authority satisfaction</p> <p>Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i></p>	Yes
<p>Clause 4.6 Exceptions to development standards</p> <p>If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?</p>	Yes
<p>Special Infrastructure Contributions</p> <p>Does the DA require Special Infrastructure Contributions conditions (S7.11)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i></p>	Yes
<p>Conditions</p> <p>Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i></p>	Yes

1. EXECUTIVE SUMMARY

1.1 Reasons for the Supplementary report

This supplementary report has been prepared for determination by the Sydney Western City Planning Panel (SWCPP). This application was previously presented to the SWCPP at the meeting on 10 December 2019.

At the meeting on 10 December 2019, the SWCPP deferred the application for the following reason:

- 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;*

The application was referred to the Chief Executive of the South Western Sydney Local Health District on 10 December 2019. A written response was received on 16 January 2020 (Attachment 2). Attached to the response is a report that identifies the impact of development on the Helicopter Landing Sites (HLS). The report makes the following conclusion and recommendations:

The proposed development at Westfield impacts the current western flight path. A slight realignment of the western flight path further north is feasible and has been considered together with the NSW Ambulance helicopter contractor. This will provide a compliant

flight path assuming no other developments are approved that compromise his realigned western flight path.

Cranes associated with the construction however, will provide a clear obstruction and will need to be appropriately painted (day visibility) and illuminated (night visibility).

It is therefore recommended:

- a. *The western flight path is realigned to the 300 degrees direction,*
- b. *The HLS be remarked to the 300 degrees direction,*
- c. *That the interim approach path lighting be installed in the 300 degrees direction.*
- d. *That SWSLHD seek from City of Liverpool Council the following caveats to the DA approval that the Developer consult with Liverpool Hospital on:*
 - i. *The positioning of the cranes,*
 - ii. *The illumination of the cranes at night, and*
 - iii. *The colour of the cranes (day visibility).*

A condition will be imposed on any consent granted which requires that the above report recommendations have been completed and implemented prior to the issue of any Construction Certificate. Evidence is to be submitted to and approved by Manager Development Assessment of Liverpool City Council that all recommendations have been completed and implemented. Clause 7.17A is considered to be satisfied, subject to conditions.

- 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.*

The applicant has submitted a revised architectural drawings (Attachment 5) that is based on a revised plant room design (Attachment 4). The submitted drawings indicate that the plant room will house multiple air conditioning units, chillers, a water tank and cooling tower. The height of the plant room has been decreased from 5 metres to between 3.5 metres and 4 metres, with the exception of the cooling tower. There has been an overall reduction of 18.4% with the original envelope.

Given the above, it is considered that the height of the plant room at the minimum it needs to be in order to house necessary equipment for the proposed development. Furthermore, the plant room has been designed so as to be visually recessive so as to limit its streetscape impacts. Condition 1 is amended to reflect the revised architectural plans that have been submitted in response to the Panel's comments regarding the plant room.

1.2 Conclusion

In conclusion, the following is noted:

- This supplementary report has adequately addressed the reasons for deferral put forward by the SWCPP from its meeting of 10 December 2019.
- For the reason above, and the reasons outlined in the original SWCPP assessment report attached, the proposed application is considered to be satisfactory, and the subject application is recommended for approval, subject to conditions.

2. ATTACHMENTS

1. Revised Recommended Conditions of Consent
 2. Response from the South Western Sydney Local Health District
 3. Hospital Helicopter Path Summary
 4. Proposed Plant Room Design
 5. Revised Architectural Drawings
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