

<b>DATE OF DETERMINATION</b>	Thursday, 6 <sup>th</sup> February 2020
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Nicole Gurran and Peter Harle
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically between 23 January 2020 and 30 January 2020.

#### **MATTER DETERMINED**

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.

Liverpool City Council Is The Consent Authority And The Sydney Western City Planning Panel Has The Function Of Determining The Application. (as described in Schedule 1)

#### **PANEL CONSIDERATION AND DECISION**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### **Application to vary a development standard**

A written request has been made by the applicant, under cl 4.6 (3) of the *Local Environmental Plan 2008* (LEP), in relation to the following development standards:

- (a) Clause 4.3 Height of Buildings – The standard of 35 metres applying under the LEP is breached by the building which proposes a height of 39.5 metres to the top of the parapet and 44.5 metres to the top of the plant rooms.

*(The Request sets out various matters including the distribution of floor space across the distinctively large site area, with the building significantly under the permissible FSR, lack of overshadowing, and consistency of the form of the building with surrounding development, consistency with the objectives of the height standard, consistency with the desired future character of Liverpool and the recessed position of the plant room).*

- (b) Clause 7.3 Car Parking in Liverpool City Centre – The proposal results in a 60 space shortfall when measured against the parking standard for new or altered building in the Zone B3 Commercial Core.

*(The Request seeks to justify the standard based on a demand study as demonstrating that the proposed parking meets projected demand, co-location of facilities, proximity of public transport, bicycle facilities, and the exceedance of the RMS requirements.)*

For the reasons set out in the 4.6 requests and the Council assessment report, the Panel is satisfied that

- a) compliance with cl.4.3 and 7.4 of the Liverpool LEP is unreasonable or unnecessary in the circumstances for the reasons set out in the report and the Council assessment report;
- b) there are sufficient environmental planning grounds to justify contravening the development standard
- c) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP in relation to the requested variations;
- d) the development is in the public interest because it is consistent with the objectives of the standards set out in clauses 4.3 and 7.4 of the LEP and the objectives for development in the B3 Commercial Core zone; and
- e) the concurrence of the Secretary is assumed.

## REASONS FOR THE DECISION

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* for the reasons set out in the Panel's earlier report following its meeting of 10 December 2019, as well as the SWCPP Council assessment report dated 25 November 2019, read subject to the supplementary report dated 16 January 2020.

The panel was particularly of the view that the requirements of clause 7.17A have now been satisfactorily addressed, in light of the matters set out in the supplementary report.

The panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined above and in the council assessment reports.

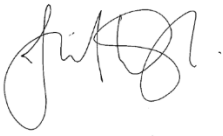


The decision was unanimous.

## CONDITIONS

The development application was approved subject to the conditions accompanying the supplementary council assessment report dated 16 January 2020.

## CONSIDERATION OF COMMUNITY VIEWS

There were no unresolved objections to the proposal.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 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	<ul style="list-style-type: none"> <li>General development over \$30 million</li> </ul>
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy No.55 – Remediation of Land</li> <li>Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River (No 2 -1997) (Deemed SEPP)</li> <li>Liverpool Local Environmental Plan 2008</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Liverpool Development Control Plan 2008</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 25 November 2019</li> <li>Council supplementary report: 16 January 2020</li> <li>List any clause 4.6 variation requests here: <ul style="list-style-type: none"> <li>Clause 4.6 Variation Request – Maximum building height</li> <li>Clause 4.6 Variation Request – Car Parking</li> </ul> </li> <li>Written submissions during public exhibition: 2</li> <li>Verbal submissions at the public meeting:</li> </ul>

		<ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Nil</li> <li>○ Council assessment officer – Boris Santana and George Nehme</li> </ul> <p>On behalf of the applicant – David Hoy, Rod Pindar, Jamie Gordon, Chris Terkalas, Tim Rogers and Simon Gunasekera</p>
<b>8</b>	<b>PAPERS CIRCULATED ELECTRONICALLY</b>	<ul style="list-style-type: none"> <li>• Papers were circulated electronically between Thursday, 23<sup>rd</sup> January 2020 and Thursday, 30<sup>th</sup> January 2020.</li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	<ul style="list-style-type: none"> <li>• Approval</li> </ul>
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report dated 16 January 2020