

RECORD OF DEFERRAL
SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DEFERRAL	Monday, 9 August 2021
PANEL MEMBERS	Louise Camenzuli (Acting Chair), Nicole Gurran, Sandra Hutton, Wendy Waller and Peter Harle
APOLOGIES	Justin Doyle
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 9 August 2021, opened at 11.45am and closed at 12:22pm

MATTER DEFERRED

PPSSWC-128 – Liverpool – D-822/2020] at Lot 6 DP 628996 167 Northumberland Street, Liverpool NSW 2170 – Mixed use development (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.

Development application

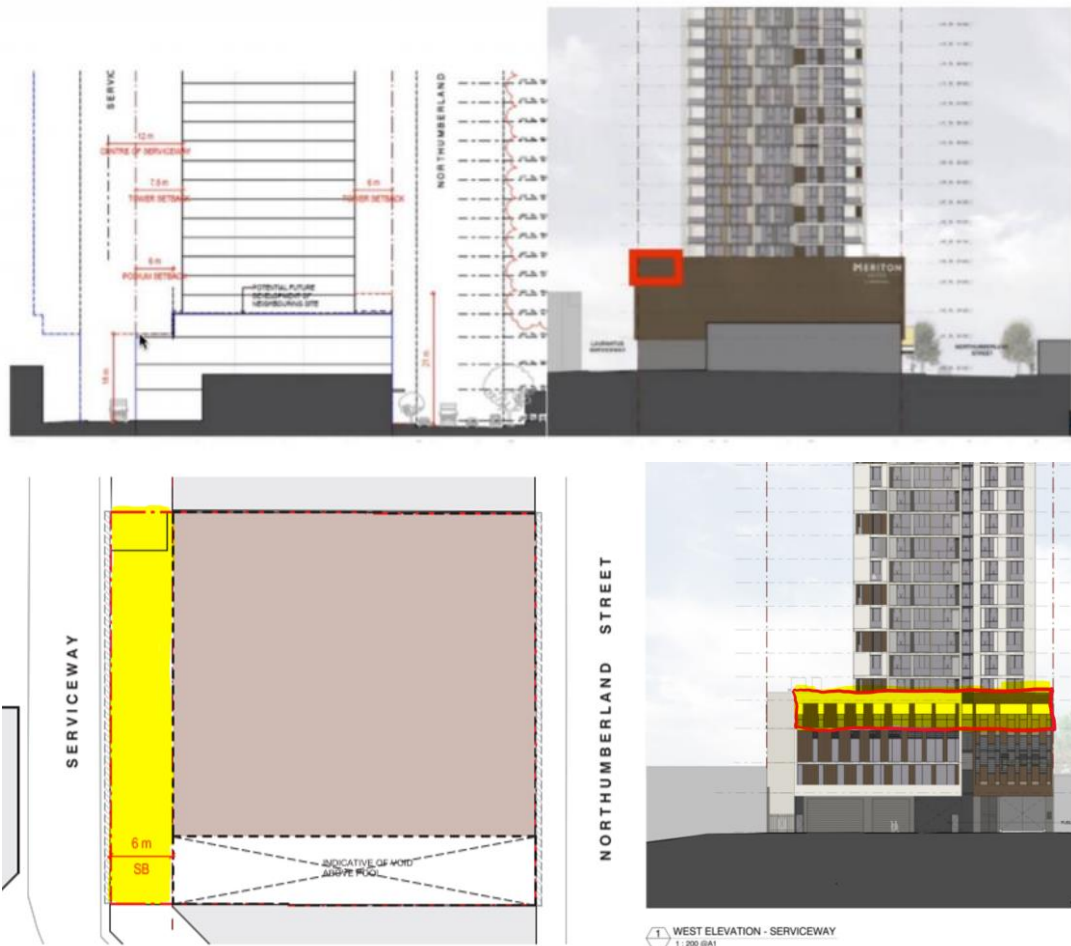
The panel determined to defer determination of the development application.

The decision was unanimous.

REASONS FOR DEFERRAL

The panel determined to defer determination of the development application pending provision of the following further information:

- (a) architectural or other justification for all structures and façade elevation treatments on level 3 of the podium (being the 4th level of the building) that sit forward of the 6m setback on the western boundary facing the laneway, as highlighted in the diagrams below (noting the Panel Briefing Record of 14 April 2020, Condition 8 imposed by the Panel on DA82-2020 and the approved Master Plan Design Report); and



(b) a quantified mid-winter hourly solar access table and analysis, supported by elevation and/or 3D view shadow diagrams showing solar impact and remaining solar access to neighbouring existing residential units facing the laneway at 58 Bathurst St for:

- (ii) a compliant 14m high street wall podium at the laneway with 6m setback; and
- (iii) assuming the built form as proposed and justified in response to (a).

The panel requests that the above further information be provided within 14 days.

Subject to the panel being satisfied about the above matters, the matter may be suitable for electronic determination.

CONSIDERATION OF COMMUNITY VIEWS






The panel has been provided with and has reviewed written submissions made during public exhibition and the panel heard from one objector who raised concerns regarding additional traffic on the service lane creating potential pedestrian safety concerns, potential inadequate parking and overshadowing of the area referred to as the Macquarie St mall (being the pedestrian mall between Elizabeth and Moore Sts) and the building located at 58 Bathurst St.

The panel was satisfied at the meeting that there was not anticipated to be any significant shadowing of the Macquarie Mall caused by the proposed development.

Subject to the panel being satisfied about the matters leading to the deferral of the application, conditions of consent are proposed to address the other matters raised by the objections, including conditions relating to the building setbacks and conditions relating to pedestrian safety and construction management.

The panel notes that the primary issues of concern in the written submissions were:

- Overshadowing
- Privacy Impacts
- Traffic congestion and poor access arrangements
- Inconsistent with character of the area
- Damage to building during construction

PANEL MEMBERS	
 Louise Camenzuli (Acting Chair)	 Nicole Gurran
 Sandra Hutton	 Peter Harle
 Wendy Waller	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-128 – Liverpool – DA-822/2020
2	PROPOSED DEVELOPMENT	Mixed use development incorporating a 32-storey tower with 3 levels of basement parking, retail/commercial, recreation facility (indoor) and child care floorspace and serviced apartments and associated signage.
3	STREET ADDRESS	Lot 6 DP 628996 167 Northumberland Street, Liverpool NSW 2170
4	APPLICANT/OWNER	Karimbla Construction Services 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 No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 64 – Advertising and Signage ○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 ○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment ○ Liverpool Local Environmental Plan 2008 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Liverpool Development Control Plan 2008 ○ Part 1: General Controls for All Development ○ Part 4 – Development in the Liverpool City Centre • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Consideration of the provisions of Building Code of Australia • 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: 28 July 2021 • Clause 4.6 Variation Request Liverpool LEP 2008 Clause 7.3 Car Parking • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Craig Whitehouse ○ Council assessment officer – George Nehme ○ On behalf of the applicant – Walter Gordon, Hannah Gilvear, Frank Ru, Siobhan McInerney, James Turner, Cameron Greatbatch and Shilpa Shetye • Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Monday, 8 February 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Peter Harle and Wendy Waller ○ <u>Council assessment staff</u>: Boris Santana, George Nehme and Lina Kakish

		<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: Monday, 9 August 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Louise Camenzuli (Acting Chair), Nicole Gurran, Sandra Hutton, Peter Harle and Wendy Waller ○ <u>Council assessment staff</u>: George Nehme
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report. These draft conditions were updated by the Council on 9 August 2021 for the Panel's further consideration in its final determination of this matter, following response to the deferral matters.