

COUNCIL ADDENDUM ASSESSMENT REPORT

SYDNEY WESTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSWC-128 / DA-822/2020
PROPOSAL	Mixed use development incorporating a 32-storey tower with 3 levels of basement parking, retail / commercial and child care floorspace and serviced apartments and associated signage
ADDRESS	Lot 6, DP 628996 / 167 Northumberland Street, Liverpool
APPLICANT / OWNER	Karimbla Constructions Services Pty Ltd / Sebano Pty Ltd
DA LODGEMENT DATE	2 October 2020
APPLICATION TYPE	Mixed Use Development
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 7 of SEPP (State and Regional Development) 2011: General development over \$30 million
CIV	\$60,285,551.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Clause 7.3 of the Liverpool LEP 2008: Car parking in the Liverpool city centre
KEY SEPP/LEP	Liverpool LEP 2008
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Three (3) submissions
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ol style="list-style-type: none"> 1. Amended Draft Conditions of Consent 2. Amended Architectural Plans and Sun Eye View Diagrams
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	Not Applicable
RECOMMENDATION	Approval, subject to conditions
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	Electronic determination
PLAN VERSION	27 August 2021 / Revisions A, D & E
PREPARED BY	William Attard
DATE OF REPORT	1 September 2021

1. EXECUTIVE SUMMARY

Council is in receipt of development application DA-822/2020 seeking approval for construction of a *mixed use development incorporating a 32-storey tower with 3 levels of basement parking, retail / commercial and child care floor space and serviced apartments and associated signage* at 167 Northumberland Street, Liverpool.

The development application was reported to the Sydney Western City Planning Panel (**SWCPP**) on 9 August 2021 and a public meeting was held by teleconference. Following consideration of the application, the SWCPP deferred determination of the development application, seeking additional information as follows:

- (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 (noting the Panel Briefing Record of 14 April 2020, Condition 8 imposed by the Panel on DA-82/2020 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 Street for:*
 - (i) *A compliant 14m high street wall podium at the laneway with 6m setback; and*
 - (ii) *Assuming the built form as proposed and justified in response to (a).*

Following submission of amended architectural plans and sun eye view diagrams from the Applicant, which are provided at **Attachment 2** to this report, Council is satisfied that the matters raised by the SWCPP in the Record of Deferral dated 9 August 2021 have been adequately addressed. Based on the above, it is recommended that the application be approved subject to the amended draft conditions of consent attached to this report at **Attachment 1**.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

Development consent is sought under this development application, to align with the concept plan approved under development application DA-82/2020. The proposed built form being considered under the subject application is as follows:

- (a) A 32-storey mixed use development with a maximum RL of 127.700. The 32-storey building incorporates a four-storey podium, which includes the following:
 - A variety of retail / business premises split between the Ground Level and Level 3.
 - An indoor recreation facility, predominately consisting of a swimming pool, spa, and sauna on Level 2.
 - A child care centre to operate from 7am to 6pm Monday to Friday, to cater for 79 children on Level 3.
 - The combined floor area of the uses above equates to 3,130sqm.
 - On the fourth level of the podium, there are six serviced apartments, including (1 x studio, 3 x 1 bedroom and 2 x 2 bedroom apartments).

- (b) Above the podium is a 28-storey tower incorporating serviced apartments and associated plant rooms and services. The tower incorporates 157 serviced apartments including (27 x studio, 76 x 1 bedroom, 44 x 2 bedroom and 10 x 3 bedroom apartments). The total floor area of the serviced apartment element of the development equates to 12,520sqm.
- (c) The mixed use development is proposed over a 3 level basement that will cater for the following:
- 94 x car spaces.
 - 6 x motorcycle spaces.
 - 40 x bicycle bays.

The basement also caters for a section on Level 1 of the basement to enable a future driveway access to the adjoining southern side for parking purposes.

2.2 Background

The development application was lodged on **2 October 2020**. A chronology of the development application since lodgement is outlined below:

Table 1: Chronology of the Development Application

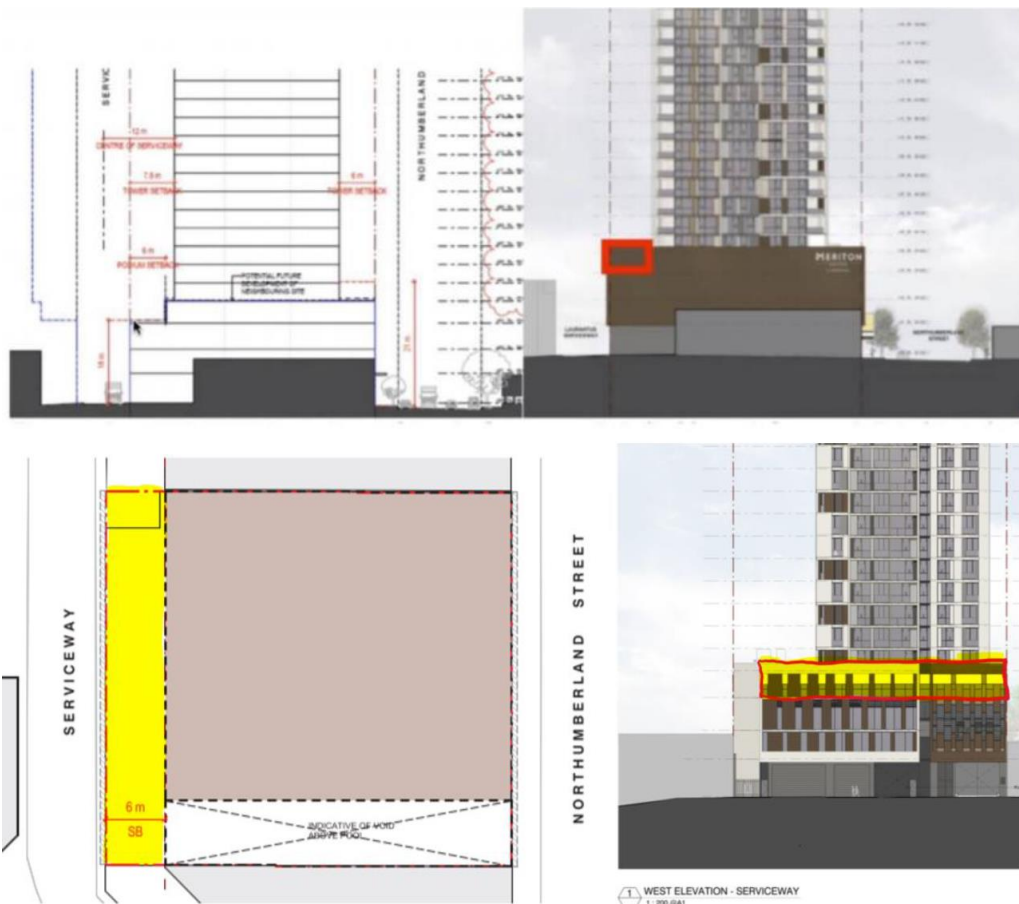
Date	Event
2 October 2020	Development application lodged
7 December 2020 to 11 January 2021	Exhibition of the application. Three (3) submissions received in response
7 December 2020	Development application referred to internal departments / external agencies
15 January 2021	Request for Information from Council to Applicant
8 February 2021	SWCPP briefing
25 May 2021	Amended plans lodged in response to Council's Request for Information
9 August 2021	Matter Reported to the SWCPP for determination.

3. MATTERS RAISED BY THE SWCPP IN RECORD OF DEFERRAL

The following matters were raised by the SWCPP in the Record of Deferral dated 9 August 2021, and the responses are provided below respectively:

3.1 Structures and Façade Elevation Treatments Level 3 of the Podium

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 DA-82/2020 and the approved Master Plan Design Report); and



Council Comment

Amended architectural plans have been submitted by the Applicant, prepared by PTW Architects, Revisions D and E, dated 27 August 2021 and are provided at **Attachment 2** to this report. The amendments are limited to Level 03 of the podium, and seek to remove all structures within the 6m setback in question as measured from the western property boundary, with the exception of balustrading associated with outdoor play area of the child care centre.

Condition 8 of development consent DA-82/2020 related to 167 Northumberland Street, Liverpool, reads as follows:

8. *Any future development application is to maintain a minimum 6m setback from the western boundary to the nearest building wall on level 3 of the podium (being the 4th level of the building), consistent with the Master Plan Design Report (page 25, 28, 29, 45-48). Any future development application is to justify any walls, barriers, architectural elements, treatment and use of the level 3 podium edge forward of the 6m setback.*

The following justification of Condition 8 was provided by the SWCPP in the Determination and Statement of Reasons, dated 9 August 2021:

The purpose of this condition is to preserve, to the greatest extent possible, the amenity of the Residential Flat Building to the immediate west of the site, located at 58 Bathurst Street, Liverpool. For the avoidance of doubt, level 3 is identified as the 4th level on the plans. It also addresses inconsistency between the Master Plan Design Report and the Concept Plans, of which the Design Report is

preferred, taking into consideration Control 6 and Figure 4.7 of Section 4.2.5 of Part 4 Liverpool City Centre in Liverpool DCP 2008. The condition provides flexibility to allow any future development application to justify any building elements that are proposed forward of the 6m setback associated with use of the setback for outdoor childcare purposes.

The following justification is provided in response to the proposed building elements forward of the 6m setback in question, as measured from the western property boundary:

- Consistent with Condition 8 within development consent DA-82/2020 associated with the concept application, building elements proposed forward of the 6m setback in question are limited to elements associated with the use of the setback for outdoor childcare purposes. The proposed balustrading is maintained to a height of 1.8m as measured from the respective finished floor level, and the following design is noted:
 - **West Elevation:** Setback 1.5m from the western boundary and glazed.
 - **North Elevation:** Designed to be solid masonry construction.
 - **South Elevation:** Designed to be solid masonry construction.
- The proposed balustrading is setback 1.5m from the western property boundary and lower floors of the development, and therefore provides a recessive design element which limits the perceived bulk and scale of the development as viewed from Laurantus Service Way (**the laneway**).
- Visual privacy of adjoining properties will be maintained through the imposition of a condition, requiring the section of the balustrading that is glazed to be opaque. The condition is imposed as new Condition 4A within the amended draft conditions of consent provided at **Attachment 1** to this report.
- As identified under Section 3.2 of this report, the proposed balustrading will not have any additional overshadowing impact to the residential units of 58 Bathurst Street, Liverpool.

Noting the above, the matter raised by the SWCPP is considered to have been adequately addressed through the amended plans submitted.

3.2 Mid-Winter Hourly Solar Access Table and Analysis

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 Street for:

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

Council Comment

Sun eye view diagrams have been submitted by the Applicant, prepared by PTW Architects, Revision A, dated 27 August 2021 and are provided at **Attachment 2** to this report. The diagrams provide a comparison study between:

- A compliant 14m high street wall podium at the laneway with a 6m setback as measured from the western boundary, as approved under DA-82/2020; and

- The proposed development sought under the subject application DA-822/2020.

A review of the sun eye view diagrams reveals the proposed development overshadows 58 Bathurst Street, Liverpool, between the hours of 9am and 10am, based on the orientation of north and the location of the sites to one another. To this end, the comparison study identifies no additional overshadowing impact to the residential units of 58 Bathurst Street, Liverpool, facing the laneway.

Noting the above, the matter raised by the SWCPP is considered to have been adequately addressed through the sun eye diagrams submitted.

4. CONCLUSION

This development application has been considered in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (**the Act**) and the Environmental Planning and Assessment Regulations 2000 (**the Regulations**). It is considered that the matters raised by the SWCPP in the Record of Deferral dated 9 August 2021 have been adequately addressed by the Applicant's submission of amended architectural plans and sun eye view diagrams.

5. RECOMMENDATION

- (i) That the Clause 4.6 variation request to vary Clause 7.3 – Car Parking in Liverpool City Centre pursuant to the Liverpool LEP 2008, be supported.
- (ii) That the development application DA-822/2020 for construction of a *mixed use development incorporating a 32-storey tower with 3 levels of basement parking, retail / commercial and child care floor space and serviced apartments and associated signage* at 167 Northumberland Street, Liverpool be **approved** pursuant to Section 4.16(1) of the *Environmental Planning and Assessment Act 1979*, subject to the draft conditions of consent attached to this report at **Attachment 1**.
- (iii) That persons who have lodged a submission in respect to the application be notified of the determination of the application.

6. ATTACHMENTS

The following attachments are provided:

Attachment 1: Amended Draft Conditions of Consent

Attachment 2: Amended Architectural Plans and Sun Eye View Diagrams