

**MINUTES OF DESIGN EXCELLENCE PANEL MEETING
Thursday the 9th of November 2023****DEP PANEL MEMBERS PRESENT:**

Matthew Taylor (chair)	Chairperson	Taylor Brammer L. Architects
Michael Mandl	Panel Member	Mandl Consults
Sam Crawford	Panel Member	Sam Crawford Architects

APPLICANT REPRESENTATIVES:

Benjy Levy	Development Manager	Lateral Estate Pty Ltd
Nick Andriotakis	Principal	Lateral Estate Pty Ltd
Peter Peng	Design Manager	Lateral Estate Pty Ltd
Frank Mosca	Director	Mosca Pserras Architects
Desiree Bosnjak	Senior Project Designer	Mosca Pserras Architects
Ross Shepherd	Landscape Architect	Site Image

OBSERVERS:

Amanda Merchant	Panel Support Officer	Liverpool City Council
Di Wu	Convenor	Liverpool City Council
Nabil Alaeddine	Principal Planner	Liverpool City Council
Joshua Walters	A/Senior Urban Designer	Liverpool City Council

ITEM DETAILS:

Item Number: 2

Application Reference Number: DA-471/2023

Property Address: 31 & 33 Shepherd Street, Liverpool NSW 2170

Council's Planning Officer: Nabil Alaeddine

Applicant: Lateral Estate Pty Ltd

Proposal: Demolition of all structures, tree removal and construction of two (2) residential flat buildings containing 341 residential apartments and 66 co-living dwellings (affordable housing) over basement carparking consisting of 410 parking spaces, 50 Bicycle parking spaces, 22 Motorcycle parking spaces and 20 at-grade parking spaces.

The development includes construction and dedication of a new public road, bulk earthworks, the provision of ancillary services, drainage and landscape works, publicly accessible through site link and open space, and Torrens Title subdivision in to three (3) allotments.

The proposal is Nominated Integrated Development, pursuant to the Environmental Planning and Assessment Act 1979, requiring a controlled activity approval from the Department of Planning & Environment – Water under Section 91 of the Water Management Act 2000.

The proposal is Integrated Development, pursuant to the Environmental Planning and Assessment Act 1979, requiring general terms of approval from Water NSW under Section 90 of the Water Management Act 2000.

The proposal is identified as Integrated Development requiring approval from NSW Rural Fire Services under the Rural Fires Act 1997.

The proposal is a Regionally Significant Development under Schedule 6 of the State Environmental Policy (Planning Systems) 2021.

Meeting Venue: Microsoft Teams Meeting

1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

The Chairperson introduced the Panel and Council staff to the Applicant Representatives. Attendees signed the Attendance Registration Sheet.

The Liverpool Design Excellence Panel's (the Panel), comments are to assist Liverpool City Council in its consideration of the Development Application.

The absence of a comment under any of the principles does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other principles will generate a desirable change.

All nine design principles must be considered and discussed. Recommendations are to be made for each of the nine principles, unless they do not apply to the project. If repetition of recommendations occur, these may be grouped together but must be acknowledged.

2.0 DECLARATIONS OF INTEREST

NIL.

3.0 PRESENTATION

The applicant presented their proposal for DA-471/2023 – 31 & 33 Shepherd Street, Liverpool NSW 2170.

4.0 DEP PANEL RECOMMENDATIONS

The nine design principles were considered by the panel in discussion of the Development Application. These are 1] **Context**, 2] **Built Form + Scale**, 3] **Density**, 4] **Sustainability**, 5] **Landscape**, 6] **Amenity**, 7] **Safety**, 8] **Housing Diversity + Social Interaction**, 9] **Aesthetics**.

The Design Excellence Panel makes the following recommendations in relation to the project:

4.1. Context

- The Panel seeks clarification from the applicant regarding the proposed through site link connecting to the foreshore area and whether it is closed during the night, given its indication as a gated and fenced condition. The applicant confirms that it will be closed at nighttime for safety reasons. The Panel emphasises that this contradicts the intention

of the public through site link outlined in the Sheperd Street Precinct Masterplan. The gated condition may lead to the possibility of privatisation. More clarity is required in the ground floor public domain to provide ready and easy access by the public using CPTED guidelines and accepted wayfinding outcomes. The Panel recommends that the access to the foreshore park shall be ungated in alignment with the other access pathways. Good CPTED provisions shall be developed and demonstrated in the next submission. The provision of large-scale cross sections which demonstrate the design of the public realm and its interface with apartments shall be provided.

- The Panel highlights the proposed development, comprising more than 400 units and catering to more than 800 residents, is considered a 'vertical town'. Therefore, the on-site amenity is considered significant by the Panel. The applicant is required to improve the overall residential amenity including solar access, visual privacy, ground floor COS and POS, interaction to Mill Park, foreshore activation and accessibility, etc.
- The current scheme has shown limited consideration for the adjacent Mill Park, a regional park. Therefore, enhanced interface and activation along the south boundary are highly recommended, with the possibility of replacing the loading dock with a community room.
- Furthermore, the design considerations for the foreshore area are limited. The landscape design within this space should be geared towards accommodating recreational purposes rather than functioning solely as a fire escape and access ramp. There is a need to enhance permeability and connectivity in this area.
- The Panel recommends that the applicant address the visual and acoustic impact of the railway, incorporating suitable design considerations.

4.2. Built Form + Scale

- The proposed building separations, including the distances between the proposed building components, the subdivided site boundary, and the common boundary shared with the newly constructed development in the neighbouring site, are of major concern. These inadequate separations create numerous issues, including concerns related to visual privacy, apartment ventilation, solar access, and visual bulk. It is recommended that the urban built form, scale and bulk is to be reconsidered to provide a more positive inclusion in the conceptualisation of this important side adjacent to the river park.
- The Panel emphasises the crucial difference between building separation and visual privacy numerical controls specified in the ADG. Concerns are raised about the applicant's substantial non-compliance with both requirements, specifically regarding the building separations between Buildings A and B. The ADG requires a minimum of 18m for levels 5 to 8 and 24m for level 9 and above, but the proposed development deviates significantly from these requirements. This departure jeopardizes the on-site amenity and results in a substantial bulky appearance. It is recommended that the urban built form, scale and bulk is to be reconsidered. The towers and B should be reduced in the East West direction to reduce the bulk of the towers and to increase the building separation.
- Couple with this increased width between Towers A and B should be the consideration of and demonstration of increased solar access to the foreshore park, and the Parks opposite on the southern shore of the river
- Regarding the site's side setback and building separation from the development at 32 Shepherd Street, the Panel acknowledges the applicant has treated this interface as a habitable-to-non-habitable condition and provided a set of detailed diagrams to

demonstrate compliance with ADG. However, the Panel notes that levels 9 and above do not meet the ADG separation requirement. Conformance with the ADG is required for both building separation and distance of building to boundary.

- It has come to the Panel's attention that the 4.6 variation does not adequately consider that ADG separations are generally greater than the LEP Clause 7.4 requirements. It is observed that the proposed development does not comply with the LEP in this regard. The proposal is to comply with the LEP and the ADG.
- Furthermore, there are uncertainties about the subdivision process and the coordination of the staged development with the common boundary. The applicant is required to provide additional clarification on these matters and provide a detailed development staging plan.
- It is recommended that the applicant reduce the building widths along the east-west axis to mitigate the perceived bulk of the structures along the river.
- It is understood the applicant has their FSR target proposed on the site, the Panel expresses their in-principle support to a variation in building height if the resultant built forms are well-resolved and compliant.
- The Panel seeks clarification from the applicant regarding the possibility of relocating the loading dock of Building B to the lower ground level. The current 11m wide driveway is seen as disruptive to the public domain and streetscape. Exploring the option of refining the ground plane to create active frontages along Shepherd Street and Mill Park is encouraged for a more favourable outcome.
- The Panel expresses concern with the 2.9m side setback to the south boundary facing Mill Park. This setback fails to provide an active frontage to Mill Park and also limits future use. According to the ADG, when there is a boundary between a change in zone from apartment buildings to a lower density area, it is preferred to increase the building setback from the boundary by another 3m. A greater setback and activation along the south boundary is highly recommended. There should be sufficient space to provide a pleasant, landscaped transition from the ground floor of the apartments down to the Mill Park ground plane.
- The Panel supports the massing strategy concentrating the built form on one side to open up public space at the forecourt. However, the proposed built form lacks variety, articulation, and contrast to visually break down the massing. Further design development and studies of the built form to enhance the presentation and relationship with the adjacent building and with Mill Park is required. The corbelled brick work treatment of the podium levels appear to be heavy. A 'lighter' treatment is preferred, more in keeping with the brick work treatment of the new development to the East. The redesigned podium levels should still support a low-rise scale. The forecourt should be better developed with a variety of places that the residents can utilise, in the sunshine afforded by the Northern aspect.
- Ground floor apartments should have their own private space arranged to address the public open space of the northern courtyard providing incidental supervision and activation. They should have their own access to this space. The ground floor

apartments should be raised for privacy purposes, above the landscaped open space by at least 1m as per the ADG recommendations. This can apply equally to the southern foreshore park.

- The Panel suggests the applicant explore opportunities to set back the basement building footprint from the boundary, along Shepherd Street, allowing for a deep soil zone suitable for larger tree planting.
- The proposed drop-off zone is deemed out of character and is considered inappropriate by the Panel. It is recommended that a layby treatment be considered as a suitable replacement.

4.3. Density

- The Panel clarifies with the applicant regarding the Clause 4.6 variation request for additional floor space. The applicant acknowledges that the calculation varies due to the variable FSR controls on the site. In an overall site calculation scenario, an additional 3.21% variation in floor space is sought, and approximately 54% at the worst case in a site-by-site scenario. The Panel emphasises that the reason for seeking FSR clarification is attributed to the proposed massing, creating a larger building wall perception in multiple locations rather than two distinct built forms. This may be the result of extensive larger floor plates and limited building separations. The amalgamated site should provide a density of uses derived from the application of the FSR from each of the individual sites comprising the total site. Additional FSR to this figure is not recommended, because of the demonstrated difficulty in providing the area in an acceptable form.

4.4. Sustainability

- It is required to improve solar access for those units that currently receive no direct sunlight and to provide daylighting to the common circulation corridors.
- The applicant is required to confirm the NCC star rating, considering the extensive glazing proposed in the development.
- Although the principle of Sustainability was not particularly discussed at this meeting, the applicant is required to consider recommendations provided in the previous DEP for item PL-108/2021.

4.5. Landscape

Foreshore Area

- The Panel queries the overshadowing impacts on the foreshore planting and seeks clarification from the applicant regarding the potential use of this area in wintertime. The applicant acknowledges the limited uses during the colder months but emphasises that, in the context of Western Sydney, people appreciate both winter gardens and summer gardens. Further design development is required so that there are a range of spaces and environments that provide satisfactory recreational options for residents, their guests and the public. The applicant is to improve the solar access to the foreshore park through an increased separation between the Towers and B and the existing eastern building.

- As discussed in 4.1 above, the landscape treatment in the foreshore area appears inadequate. Additional landscape design considerations are necessary to transform it into a desired recreational destination.
- Furthermore, the only access to the foreshore area is currently through the gated through site link in the centre of the proposed development. It is imperative to reassess the accessibility and permeability of the foreshore area and beyond, including establishing a connection to the regional park - Mill Park and the development (s) to the East.

Forecourt Area & COS

- The Panel acknowledges the substantial landscape space proposed in the forecourt area, that provides potential significant public benefit. However, the use of this forecourt area is unclear - specifically, whether it is intended for use as communal open space (COS) for the proposed development or if it is open to the public. The applicant has confirmed that this area is publicly accessible. An open space strategy is highly recommended by the Panel, outlining the different uses between private and public, and the relationship to the surrounding open space network and to demonstrate a clear hierarchy of external spaces for a range of recreational needs.
- Furthermore, the Panel emphasises that if the forecourt area serves as a shared space between the public and future residents, there is an opportunity to designate it as COS. This, coupled with ground floor unit courtyards, could contribute to creating established and defined spaces, enhancing the identity and amenity for future residents.
- The Panel further reiterates the importance of providing on-site facilities and amenities considering the scale of the proposed development. While the applicant mentions collaboration with Council to renovate Mill Park to the south of the site and implementing recommendations there, the Panel insists on additional design considerations to cater to a variety of uses and activities within the development itself.
- It is noted that with the scale of the development that a wind study is critical to assessing the overall use and enjoyment of the place, particularly with the existing multi storey buildings adjacent and the exposure to southerly winds across the river.

Streetscape

- Clarification is sought regarding the lack of tree planting adjacent to the railway corridor. The Panel inquires the rationale to allocate space for car parking rather than tree plantings. The applicant justifies this by citing a shortage of public parking in Liverpool and the need to provide public parking in conjunction with the accessible open space. The applicant expresses a willingness to replace some parking spaces with additional tree planting if deemed necessary. The applicant is to investigate opportunities for more tree planting and landscape in this area.
- The panel recommends that the screening treatment for the railway viaduct be continued towards Mill Park and that the proposed 90-degree public car parking be reduced to parallel parking and the remaining space be landscaped with appropriate screen planting and trees. This is to be supplemented by additional deep soil planting on the southern side of Shepherd Street.

- As discussed in 4.2, the Panel recommends the applicant provide more deep soil zones by reducing the basement footprint along Shepherd Street and Mill Park to accommodate more large tree deep soil planting.
- The Panel recommends that the applicant incorporate additional design considerations to enhance the interfaces between the street and the forecourt area. This would contribute to creating a more cohesive and well-integrated streetscape and forecourt within the development.

4.6. Amenity

- The Panel suggests elevating the ground-level units to a minimum height of 1-1.5m above the ground and incorporating private courtyards for these units. This design adjustment aims to effectively soften the interface with the publicly accessible COS and enhance visual privacy for the residents.
- As highlighted in 4.5 above, there is a need for a more comprehensive design approach for the COS. Given the scale of the proposed development and the anticipated number of residents, it is crucial to ensure that the COS offers suitable facilities and amenities catering to residents of all age groups and meeting various needs within close proximity to the building on the site.
- The gated through-site link raises concerns about potential privatisation, which may compromise the envisioned public amenity outlined in the Masterplan. A clear strategy and hierarchy of open space use and amenity is required. See the earlier recommendation.
- The location of co-living communal room should be in close proximity to the co-living units on the same level, mitigating potential conflicts in use with other residents within Building B.
- The internal common circulation corridors for typical floors in both Buildings A and B are poorly lit and lack adequate daylight access.
- The applicant is advised to revisit the internal layout design, ensuring compliance with relevant ADG requirements concerning apartment layout, private open space and balconies, storage, etc.
- There is a significant departure from the maximum allowable number of units without solar access, as required by the ADG.
- The extensive concentration of co-living units (22 units) on level 4 significantly exceeds the maximum number of units typically served by one circulation core (12 units) as per ADG.
- The Panel raises concerns about the cross-ventilation compliance calculation provided by the applicant, noting that plenum ventilation is “generally not suitable for cross-ventilation” ...according to the ADG Paragraph 4B-2 and that to achieve Natural Ventilation and effective cross ventilation the opening areas of the glazing on different sides of the building should be the same ...Figure B.3...standards.
- In general, some of the apartment layouts, particularly in Building B, exhibit poor arrangement, such as the placement of bathrooms across living areas, which may impact functionality and amenity.
- There are some apartment layout concerns such as internal apartment circulation, realistic space for dining areas, depths of some apartments, location of glass lines, poorly proportioned balconies and so on. However, the Panel believes the apartment layouts will most likely adjust in the next iteration.

4.7. Safety

- BCC/NCC report on basement exit strategy. Some travel distances appear to be too long.
- BCC/NCC report on typical floor corridor exits. Some travel distances appear to be too long.

4.8. Housing Diversity + Social Interaction

- As discussed in 4.6, the Panel emphasises the importance of locating the co-living communal room in close proximity to the co-living units to ensure better access, security, and amenity for other residents.

4.9. Aesthetics

- The Panel suggests lightening the heavy brick treatment on the lower levels, taking into consideration the adjacent facade treatment of the newly constructed development at 32 Shepherd Street.
- To enhance the activation of Shepherd Street and improve the streetscape amenity, the Panel recommends reconfiguring the driveway, loading dock, and garbage room as the car parking entry/exit of Building B currently significantly interrupts the public domain.
- As discussed in 4.2, the overall development may require reconfigurations to address amenity issues, especially concerning apartment layouts and building separations.
- Additionally, when revising Building B, it is crucial to provide additional design considerations for the southern façade facing Mill Park. This area is highly visible from a distance and serves as the gateway to the Shepherd Street Precinct.

5.0 OUTCOME

The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:

The proposal is not supported by the DEP and must return to the panel, with all feedback incorporated or addressed.