

**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:

Ziad Chanine	Managing Director	Chahine Design Pty Ltd
Rudy Jasin	Design Director	Chahine Design Pty Ltd
James Mesiti	Developer	Mesiti Holdings
Andrew Minto	Planner	Minto Planning

OBSERVERS:

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

ITEM DETAILS:

Item Number: 3

Application Reference Number: DA-489/2023

Property Address: 62 & 62A Copeland St Liverpool NSW 2170

Council's Planning Officer: Shaun Yong

Applicant: Chanine Design Pty Ltd

Proposal: The proposal seeks consent for the demolition of all existing structures, tree removal and construction of a new twelve (12) storey residential flat building consisting of forty-three (43) residential units and two (2) levels of basement car parking. The application is for affordable housing under the State Environmental Planning Policy (Housing) 2021.

Specifically, the proposal involves:

- Demolition of existing two (2) storey residential flat building located at 62A Copeland Street
- Removal of 16 trees
- Erection of a 37.415m high twelve (12) storey residential flat building consisting of forty-three (43) residential units, where the unit mix will be comprised of twenty-nine (29) two (2) bedroom units and fourteen (14) one (1) bedroom unit.
- 25 units will be used for the purposes of affordable housing pursuant to the State Environmental Planning Policy (Housing) 2021.
- 2 Levels of basement car parking.
- Basement Level 1 will provide for 23 car parking, 3 motorcycle parking spaces, storage, hydrant, sprinkler room, lift and stairs & plant room
- Basement Level 2 will provide 25 car spaces, 1 car wash bay, 27 bicycle spaces, plant room x 2 storage, lifts and stairs.
- Vehicular Access is via Moore Street

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-489/2023 62 & 62A Copeland St 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:

Previous DEP Recommendations (DEP Meeting held on 12 August 2021 for PL – 49/2021)	Latest DEP Recommendations (DEP Meeting held on 9 November 2023)
<p>4.1. Context</p> <p>4.1.1 Panel notes that the site is highly constrained in size and recommends the applicant to reconsider the design proposal as the subject site is under 1000m² area and will lead to multiple issues in terms of its compliance with the minimum requirements. Panel recommends the applicant to further pursue the discussions for site amalgamation with the adjoining neighbours towards the south.</p> <p>4.1.2 Panel notes that the subject site is a key gateway site for the city centre and the applicant needs to carefully design the building elevations towards Moore Street and Copeland Street to address the desired gateway character. This is noted in the Liverpool City Centre Public Domain Master Plan, the guideline is as follows:</p> <p><i>These gateways are located at the intersections of east-west streets & the Hume Highway. These are key motorist pedestrian and cyclist entrances to the city centre and are entry points for people moving between the city centre and the future Woodward Place, Brickmakers creek corridor, residential neighbourhoods, and for people travelling via the future trackless trams. Proposed treatments include trees, feature walls, public art and distinctive vegetation.</i></p> <p><i>Panel requires the applicant to explore / demonstrate various ways to address the gateway character of the site in terms of a high level of urban design approach and conduct a precedent study to understand the best practice across Sydney and other regions A broader contextual design appreciation that includes built form and scale contributing existing and proposed vegetation is vital to this approach.</i></p>	<p>4.1. Context</p> <p>4.1.1 Addressed. The Panel acknowledges that the site amalgamation has successfully addressed numerous significant issues raised in the previous iteration. The expanded site area has strengthened the gateway identity to Liverpool CBD. Considering the site's location, the Panel emphasises the critical importance of the proposal in achieving design excellence and setting a positive precedent in the vicinity.</p> <p>4.1.2 The current design of the proposal presents a poor relationship with its adjacent sites, primarily due to non-compliance with ADG and LEP building separation controls. Furthermore, improvements in the public domain are needed, and it is recommended that the applicant align its design with the Liverpool City Centre Public Domain Master Plan.</p> <p>4.1.3 Improved. While the garbage room arrangement has been improved, the garbage room has not been relocated to the basement and has direct access to the lobby. This arrangement is not satisfactory. It is still a preference that the garbage room be relocated to the basement and with that a revised basement plan. The access from the tower fire stair is also problematic, running through the lift foyer. There are probably too many ground floor apartments, and they are probably too big. The apartments should be reduced in number and bed room number, to provide the necessary space for the resolution of these and other issues.</p> <p>4.1.4 The basement arrangement remains problematic with the lack of deep soil to the periphery of the site to the side and rear. The panel notes the importance of deep soil locations adjacent to the basement. The panel believes the</p>

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<p>4.1.3 The Panel notes that the location of fire stair and garbage room take up 50% of the street frontage along Moore Street. Panel recommends the applicant to relocate garbage room in the basement levels and provide more apartment at ground floor for an activated street frontage along Moore Street.</p> <p>4.1.4 Panel notes that the design of the basement is very constricted and recommends the applicant to engage traffic consultants in the early stage of re-design to iron the issues related to driveway entrances, compliant vehicular circulation and profile of the basement ramp.</p>	<p>basement car parking should be redesigned to provide deep soil planting on the eastern and southern boundaries to assist in the development of a satisfactory interface between the proposed apartment building and the existing and or future apartment buildings to the east and south. A third basement should be provided with sufficient space for adequate turning and deep soil planting on the boundaries.</p>
<p>4.2. Built Form + Scale</p> <p>4.2.1 The Panel does not support the zero-lot setback on the southern side and notes that it would adversely impact on the existing adjoining apartment building units outlook and daylight and it will have implications on the future development potential of the neighbouring lot (i.e., overshadowing, access to light, air, and outlook for the future development on the adjoining site). Panel recommends the applicant to consider removing the units located on the southern side (i.e., Units 2, 5, 8, 11 and 14) to incorporate adequate site setback along the southern boundary.</p> <p>4.2.2 Panel notes that it would be supportive of an additional height to the building to address the gateway character subject to the development meeting other LEP / DCP and SEPP 65 ADG requirements. Panel recommends the applicant to consider stacking up the southern units on the upper levels of the building.</p> <p>4.2.3 In relation to a lesser set back to Copeland Street, this may be supported if it can be shown that adequate deep soil can be provided elsewhere and that the design reflects the issues of demonstrating an understanding of</p>	<p>4.2. Built Form + Scale</p> <p>4.2.1 The extensive discussion about building separations and compliance with relevant ADG and LEP requirements underscores the crucial need for a mostly compliant scheme. The emphasis is on ensuring the desired amenity for both the site and its immediate surroundings.</p> <p>A major concern arises regarding the side setback to the south and northwest boundary, which fails to comply with either ADG or LLEP 2008 Clause 7.4. While the applicant has incorporated highlight windows facing the common boundaries, it is noted that these windows may not fully address visual privacy concerns. Additionally, rooms with highlight windows are still considered habitable spaces when applying ADG separation/visual privacy controls.</p> <p>The most critical issue lies in the fact that the proposed non-compliant side setback to south will have a significant impact on the neighbouring site, affecting both existing and future developments. The Panel does not</p>

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<p><i>broader context, noise and solar heat gain noted elsewhere. There are several recently constructed RFB's in the Bayside Local Government Area which deal with this issue in an appropriate manner.</i></p>	<p>support this non-compliance, emphasising its adverse implications for the neighbouring properties. A revisit of the site planning is required by the Panel.</p> <p>4.2.2 The proposed increase in height is acceptable to the Panel.</p> <p>4.2.3 The Panel acknowledges the inclusion of deep soil zones within the street setback areas along Copeland Street and Moore Street, appreciating the positive aspect of this design consideration which also assists in the treatment of the gateway aspect of the site and relates to existing setbacks.</p> <p>4.2.4 The Panel highlights the equal importance of both rooftop COS and ground-level COS, emphasising the need for these spaces to accommodate a variety of uses.</p> <p>To provide a better ground level COS, an opportunity is identified, increasing the building setback to the east boundary. This adjustment can help maximize compliance with relevant mandatory requirements while simultaneously improving visual interest and privacy for both the site and its neighbouring property. The panel notes the existing apartment building to the East of 62 A, has a landscape open space adjoining and has numerous rooms opening on to that space over several levels. This space and the rooms utilising the space will benefit from a more generous setback and landscaped treatment on the 62 Copeland eastern boundary.</p> <p>4.2.5 Furthermore, the Panel emphasises the COS ideally should be situated in areas designated for deep soil zones and suggests exploring the possibility of optimizing the basement layout to make it more compact, thereby reducing the basement footprint and creating more space for deep soil.</p>

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	<p>4.2.6 The Panel questions the necessity of the four-storey street wall at the northwest corner. Further refinements are recommended to simplify the built form.</p> <p>4.2.7 The proposed 3.1m ground floor height is not supported, especially with the Levels 1-6 encroaching on the required 4.5m street setback along Moore Street. This configuration would significantly diminish the human-scale of the pedestrian amenity. It is suggested that the applicant increases the ground floor height to at least 3.7m for greater flexibility and a better interface with the street. The privacy of the apartments would benefit if the ground floor were to be raised higher than the street level. The ADG recommends up to 1m. with planter walls and planting assisting the screening of the ground floor rooms. Detailed sections along the Copeland and Moore Street frontages are required to demonstrate the satisfactory treatment of the public realm and apartment interface .</p>
<p>4.3. Density</p> <p>4.3.1 Owing to the constrained nature of the site in terms of its lot size, Panel understands that it is unlikely that the redevelopment would be able to achieve the permissible building height and FSR. The Panel recommends that the applicant develops a design solution appropriate to the location and context within the applicable FSR and height constraints.</p>	<p>4.3. Density</p> <p>4.3.1 It is noted that the proposed FSR, including the AHB, has led to a capped built form, compromising site setbacks in multiple locations. As a result, residential amenity for both the site and adjacent sites are significantly compromised. The Panel recommends that the applicant develops a design solution appropriate to the location and context within the applicable FSR and height constraints.</p>
<p>4.4. Sustainability</p> <p>4.4.1 The Panel asked the applicant to explain what consideration was given to the implications of solar heat gain on the north and western façades of the</p>	<p>4.4. Sustainability</p> <p>4.4.1 The Panel does not believe this Item has been sufficiently explored and clarified. Please see below.</p>

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<p>building. Panel recommends the applicant to consider appropriate façade treatments (i.e., sun shading devices, screening for glazing, etc.) on the north/western elevations to alleviate the impacts of solar gain on the glazing during peak summer months.</p> <p>4.4.2 Panel requires the applicant to consider adequate sustainability measures as part of detailed design and select appropriate materials that respond to the climate of western Sydney.</p>	<p>4.4.2 The Panel notes that there are opportunities for sustainability measures to be incorporated into the proposal. The panel believes that the deep soil planting along Copeland and Moore Street is helpful, however more is required on the Eastern and Southern boundaries to assist in mitigating against the heat island effect, and privacy concerns. The environmental strategy relating to the western and northern elevations is not sufficiently explained in the presentation, and the panel can observe large areas of relatively exposed glazing on the north and particularly the western elevations. Suitable Western sun shading systems are required, and demonstration of summer sun solar control is required.</p> <p>4.4.3 The Panel inquiries about the NCC star rating, considering the extensive glazing proposed.</p> <p>4.4.4 The overshadowing impact on the neighbouring property to the south is a major concern. The Panel seeks clarification from the applicant regarding the use of the north-facing units, particularly if they are living rooms. The applicant acknowledges the uncertainty of the use of these units. The Panel recommends the applicant confirm the existing uses and conduct a detailed solar testing to assess the extent of overshadowing.</p> <p>4.4.5 There appears to be errors in the shadow diagram for 9am and 12 pm on 21st December. It is required the applicant provide updated shadow diagrams accordingly. In addition, because of the zoning of the neighbouring land, the panel believes the applicant must consider the likely future use of this site, anticipate the nature of the planning of a future development and its reliance on the northerly aspect.</p>
<p>4.5. Landscape</p>	<p>4.5. Landscape</p>

Previous DEP Recommendations (DEP Meeting held on 12 August 2021 for PL – 49/2021)	Latest DEP Recommendations (DEP Meeting held on 9 November 2023)
<p>4.5.1 <i>The panel requires the applicant to engage a registered landscape architect to develop the landscape scheme for the project so that as a minimum that significant/large shade trees are provided in the deep soil zone and that the treatment is consistent with the gateway site (see above under 4.1 Context)</i></p> <p>4.5.2 <i>As a gateway site, the landscape treatment is vital to the proposal's contribution to the overall urban form and character as envisaged in the Liverpool City Centre Public Domain Master Plan.</i></p> <p>4.5.3 <i>The Panel notes that the proposed Communal Open Space (COS) is not adequate for the site and has many privacy / amenity issues. Panel recommends the applicant to roof level. The treatment of the COS is critical to the use and enjoyment of the proposal and provide an adequate and pleasant amenity for the residents and their guests.</i></p>	<p>4.5.1 The panel notes the engagement of a registered landscape architect and there are significant trees located to the Moore and Copeland Street frontages. Whilst a landscape plan has been prepared and species nominated. It is unclear how the proposal fits into a broader Gateway context. The panel requires this item to be thoroughly examined and communicated.</p> <p>4.5.2 As above, the landscape proposal may satisfy the gateway site character required along Moore and Copeland Streets. The panel requires this item to be thoroughly examined and communicated including planting types in nearby sites, street tree species proposed adjoining and nearby.</p> <p>4.5.3 As discussed in 4.2.4, the Panel seeks clarification from the applicant regarding the proposed COS strategy. The primary COS is located on the rooftop, while a linear COS is provided at the rear of the site. The applicant explains that the intention is to offer alternatives for residents, and it also responds to the Western Sydney climate by providing a cooler space at ground level in summertime. The panel acknowledges the move of the Communal Open Space to the roof top; however it believes that a ground floor Communal Open Space should be provided with complementary functionality and a different amenity to the roof top COS. The current ground floor COS has inadequate amenity and solar access. Its landscaping capability is compromised by minimum basement setbacks and close proximity of the southern wing of the development.</p> <p>While it is understood the ground COS may have limited solar access, the Panel suggests "squaring up" and enlarging this space, allowing for a more generous COS. The applicant expresses willingness to accommodate a larger COS at this location.</p>

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	<p>4.5.4 The Panel acknowledges the proposed street setbacks to Copeland Street and Moore Street, incorporating the deep soil zone and tree planting. It is recommended the applicant take the same approach to the south and east boundary, recessing the basement building footprint to accommodate more deep soil zones.</p> <p>4.5.5 The long fire egress pathways to the south and east require some refinements. The Panel suggests the applicant explore opportunities to provide soft landscaping treatment instead.</p>
<p>4.6. Amenity</p> <p>4.6.1 <i>The Panel notes that the development will be subjected to traffic noise and solar gain along Copeland Street and requires the applicant to consider appropriate measures to address the same.</i></p> <p>4.6.2 <i>Panel requires the applicant to provide detailed diagrams to demonstrate compliance for solar access and ventilation for each unit as part of the future DA submission.</i></p>	<p>4.6. Amenity</p> <p>4.6.1 Specific treatments to reduce solar gain and acoustic insulation must be provided. The panel notes that Moore Street may have a light rail line and that Copeland Street has significant noise levels. The panel notes that this site is part of a significant high temperature above ambient zone (refer to the Masterplan). The next submission is to address how these influences will be managed. Whilst 3d sun eye diagrams/views have been provided, specific apartment floor by floor determination for natural ventilation and solar access have not. These are to be part of the next submission.</p> <p>4.6.2 As discussed in 4.2.1 and 4.4.4, the Panel expresses concern about the overshadowing impact of the proposed development on the existing property and future development at 64 Copeland Street. Solar access to units facing the proposed development is expected to be significantly impacted. Sun eye diagrams are to be supplied and detailed floor plans provided of 64 Copeland Street to assess the impact of the proposal on this property.</p> <p>4.6.3 The Panel raises concern about the significant number of highlight windows, deeming it a compromise to the amenity</p>

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	<p>provided for the residents, such as units A801 and A901. Setbacks are to be increased to comply with ADG distance to boundaries and to habitable rooms and privacy measures are to be incorporated. It is not acceptable to rely completely on high level windows for light and ventilation, and privacy issues still occur with high level windows.</p> <p>4.6.4 The Panel notes internal layout issues that require further resolution, such as double opening doors from the foyer to the bin room, creating a compromised amenity and arrival experience. Concerns are raised about the layout of some units such as Unit 602 and 601. with waste space through long corridors, such as unit A602. The Panel encourages the provision of more three-bedroom units to address these concerns.</p>
<p>4.7. Safety</p> <p>4.7.1 <i>The Panel requires the applicant to provide active frontages along Moore Street & Copeland Street (i.e., provide apartment units opening onto the street frontages) to ensure passive surveillance and consider CPTED principles as part of detailed design.</i></p>	<p>4.7. Safety</p> <p>4.7.1 The Panel acknowledges the provision of street access to ground level units. It is recommended to relocate the direct access for AG04 to Moore Street, avoiding circulation conflicts with the fire egress while enhancing passive surveillance on Moore Street. Alternatively, or in addition, the panel encourages a more discrete fire exit from the basement which is less disruptive to the streetscape.</p> <p>4.7.2 The Panel expresses concerns about the proposed use of FC panels on the façade, noting that it is not certified for use over 35m. The applicant is to obtain certification for high rise use from the manufacturer.</p>
<p>4.8. Housing Diversity + Social Interaction</p> <p>4.8.1 <i>No discussion.</i></p>	<p>4.8. Housing Diversity + Social Interaction</p> <p>4.8.1 The absence of three-bedroom units in the dwelling mix is a significant concern. The Panel recommends that the applicant revisits the dwelling mix to</p>

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	comply with the requirements outlined in the DCP.
4.9. Aesthetics 4.9.1 The Panel questions the materiality of the building and requires the applicant to provide further details for the proposed change in elevation/materiality for the upper most level of the building. Panel requires the applicant to develop a detailed schedule of material & finishes; and recommends the applicant to consider appropriate materials for the building elevations.	4.9. Aesthetics 4.9.1 As mentioned in 4.7.2, the use of FC panel wall cladding is not certified for heights over 35m. This raises concerns about the potential impact on the façade design and necessitates a re-evaluation.
5.0 OUTCOME <i>The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:</i> <i>The proposal is not supported by the DEP and must return to the panel, with all feedback incorporated or addressed.</i>	5.0 OUTCOME Refer to below.

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.