

**MINUTES OF DESIGN EXCELLENCE PANEL MEETING  
Thursday the 14<sup>th</sup> of December 2023**

**DEP PANEL MEMBERS PRESENT:**

Kim Crestani	Chairperson	Order Architects Pty Ltd
David Moir	Panel Member	Moir Landscape Architecture
Vishal Lakhia	Panel Member	Vishal Lakhia Architect

**APPLICANT REPRESENTATIVES:**

John Bouchahine	Director	HCM Group
Vince Bilotta	Architect	Zhinar Architects
Ian Conry	Architect	Zhinar Architects
Jeffry Anwar	Architect	Zhinar Architects
Krystal Narbey	Planner	GAT & Associates

**OBSERVERS:**

Amanda Merchant	Panel Support Officer	Liverpool City Council
Di Wu	Convenor	Liverpool City Council
Shaun Yong	Senior Planner	Liverpool City Council
Nabil Alaeddine	A/Coordinator Development Assessment	Liverpool City Council

**ITEM DETAILS:**

**Item Number:** 1

**Application Reference Number:** DA-520/2023

**Property Address:** 7 - 9 Castlereagh Street, 6 – 12 Copeland Street, Liverpool NSW 2170

**Council's Planning Officer:** Shaun Yong

**Applicant:** Castlereagh Street Development Pty Ltd

**Proposal:** Demolition of all existing structures, tree removal and construction of a 11 storey Residential Flat Building with two (2) levels of basement parking and a change of use of the ground floor to a Centre Based Childcare Facility for 90 children with lot consolidation and associated civil and landscaping works.

**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-520/2023 - 7 - 9 Castlereagh Street, 6 – 12 Copeland 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:**

### **General Notes:**

The Panel assumes that this Development Application (DA) can be considered as an amended DA. Consequently, the design outcomes can align with the approved DA in term of site setbacks and building separations. The final planning pathway will be determined by the Council.

<b>Previous DEP Recommendations</b> (DEP Meeting held on 10 November 2022 for PL-75/2022)	<b>Latest DEP Recommendations</b> (DEP Meeting held on 14 December 2023)
<b>4.1. Context</b> <b>4.1.1</b> The Panel acknowledges that a portion of the subject site has an approved development consent for a construction of two 9-storey RFB's. The revised proposal now includes the adjoining site (i.e., 6 Copeland Street) as part of the development. The Panel emphasises the importance of the site and requires the applicant to work with the adjoining owners (i.e., towards the north) to	<b>4.1. Context</b> <b>4.1.1</b> The Panel appreciates that detailed urban design and context analysis has been prepared by the applicant and provides in-principle support to the overall urban design outcome. <b>4.1.2</b> The applicant noted in the response letter that a large extent of the open space along the north is now utilised by the proposed childcare as outdoor play areas. Additionally, the open space

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<p>develop a master plan for the larger site. The master plan for the precinct should include all adjoining sites that are yet to be developed (as future proposals) and existing development around the subject site. Prepare a detailed urban design and contextual study to support the proposed outcome.</p> <p>4.1.2 The Panel notes that a large open space is indicated on the northern portion of the adjoining site. Consider / establish the potential and feasibility of this open space as part of the master plan for the precinct.</p> <p>4.1.3 The Panel notes that the proposal includes a piece of land (i.e., on the south-eastern corner) that is yet to be acquired. The Panel requires the applicant to resolve all acquisition prior to progressing with detailed design.</p> <p>4.1.4 The Panel notes that the site is a located at a prominent corner along Copeland Street and will be visible from a distance while approaching Liverpool CBD along the Cumberland Highway. The Panel requires the applicant to address the gateway character for the site and demonstrate various treatments / measures being considered as part of this response. A series of views from the South and the North would help this study.</p> <p>4.1.5 The Panel notes that there are multiple non-compliances to be addressed (e.g., setbacks, amenity, cross-vent, etc.). The Panel recommends the applicant to reconsider the proposal and resolve all non-compliances in the first instance (i.e., with ADG and DCP). The Panel requires the applicant to achieve full compliance with the requirements as per the SEPP 65 Apartment Design Guide (ADG).</p> <p>4.1.6 The Panel notes that the streetscape outcome / urban design response along Castlereagh Street is not adequate. The proposed ground floor apartment is compressed between the driveway,</p>	<p>enhances the amenity for residents within the adjacent towers in form of improved separations and outlook.</p> <p>4.1.3 The triangular lot to the southwest of the site along Copeland Street is excluded from the subject site, as it is marked for RMS resumption on the architectural plans.</p> <p>4.1.4 The Panel supports the proposal and view from the surrounding context.</p> <p>4.1.5 The Panel provides in-principle support to this scheme drawn upon the approved DA. Therefore, the nil setback to the southern boundary is considered acceptable. The revised scheme demonstrates consistency with the solar access and natural cross ventilation requirements in accordance with the ADG Parts 4A and 4B.</p> <p>4.1.6 The Panel supports the revised scheme and recommends a well-designed wayfinding/signage strategy is incorporated.</p> <p>4.1.7 The proposal includes a 3.5m height acoustic wall along Copeland Street. The Panel recommends integrating canopy trees within the deep soil area to create an additional landscaping buffer along the western boundary, while retaining the proposed street trees. This measure aims to further enhance the amenity for the proposed childcare facility.</p> <p>4.1.8 The Panel restates that the applicant should confirm the relevant acoustic treatments and strata rules to ensure that the relationship between child care use and residential is well-considered in terms of potential noise impacts.</p> <p>4.1.9 The side setback and building separation for Tower A to the northern boundary does not comply with the minimum ADG requirement for Level 4 and above. The separation distance should be measured from the proposed balconies to ensure consistency with Part 3F <i>Visual privacy</i> of the ADG. The Panel would support this non-</p>

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<p>accessway for childcare and loading zone for garbage trucks, which is not ideal. The Panel recommends the applicant to resolve the interface along Castlereagh Street to achieve a better design response along this frontage.</p> <p>4.1.7 The Panel is concerned with the childcare facility location along Copeland Street (as it will be subject to significant noise / air pollution). The Panel requires the applicant to demonstrate measures that will be incorporated to ameliorate the impacts of traffic noise / air pollution (especially for the outdoor play areas).</p> <p>4.1.8 The Panel notes that the apartment units above the Childcare Facility will be subjected to noise from the facility. Demonstrate the proposed treatments that will be used to ameliorate the impacts.</p> <p>4.1.9 The Panel notes that the proposed setback along the northern boundary (i.e., 3m) is does not comply with the minimum requirements of the ADG. The Panel requires the applicant to ensure full compliance with the ADG and provide the required 6m / 9m setbacks along the northern boundary.</p> <p>4.1.10 The Panel encourages the applicant to adequately address both street frontages and strive for design excellence for this site. Refer to the design of Bourke St Apartment by McGregor Westlake in Woolloomooloo (for its response to the two contrasting street typologies).</p> <p>4.1.11 The Panel requires the applicant to respond to the aspect of 'Country' as part of the development. Demonstrate the overall response to 'Country' as part of the revised documentation. (reference material/ information &amp; engagement can be gained by First Nations knowledge holders/ consultants &amp; from the Government Architect of NSW).</p>	<p>compliance if the applicant incorporates privacy screening devices in the areas of non-compliance, to maximise privacy of the residents.</p> <p>4.1.10 The Panel supports the revised scheme.</p> <p>4.1.11 No 'Connection to Country' has been incorporated. The Panel would support the inclusion of a strategy for incorporation. Connection to Country should be considered particularly in the selection of planting species where landscape areas provide protection and forage for native bird, reptile and insect species. Considering the scale and prominence of the acoustic wall on Copeland Street the opportunity exists to engage with local traditional owners to incorporate elements that are reflective of Country, whether they be artwork or articulation.</p> <p>4.1.12 The Panel discussed about the absence of a through-site link, which was suggested during the Pre-DA stage. The applicant mentioned that due to potential safety concerns and the absence of a desired destination line across the site, there is no need to provide a through-site link. The Panel supports the applicant's proposition.</p>

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<p><b>4.2. Built Form + Scale</b></p> <p>4.2.1 <i>The Panel raises concerns regarding the vehicular access and drop-off for the childcare facility. The location of the childcare parking / drop-off at Basement 2 is not supported and the current arrangement is quite convoluted.</i></p> <p>4.2.2 <i>The panel requires the applicant to consider the impact of the Child Care Centre on traffic to and from the site and to demonstrate that queuing along Castlereagh St and within the development will not occur at pick up and drop off times.</i></p> <p>4.2.3 <i>The Panel notes that there are deep slots proposed to provide cross-vent / natural light to the corridors and adjoining units. The Panel requires the applicant to demonstrate that these will provide adequate cross ventilation and light, as they do not comply with the requirements of the ADG (i.e., a 2:1 width to depth ratio).</i></p> <p>4.2.4 <i>The Panel notes that the southern adjoining lot has an approved DA with zero set back on the north, and the current proposal is working in-line with this approved DA. The Panel requires the applicant to provide a setback between the two developments.</i></p> <p>4.2.5 <i>The panel requires the setback along Copeland St to be maintained and not contravened, particularly along the north west corner.</i></p> <p>4.2.6 <i>The panel requires the applicant to ensure adequate amenity for the southern apartments abutting the adjoining site. Demonstrate the level of solar amenity / cross-vent being achieved for these apartments.</i></p> <p>4.2.7 <i>The Panel notes that the current proposal will result in a long street wall building along the Hume Highway which will reduce the amenity for the Eastern apartments. The Panel requires the applicant to review the proposed built form typology and ensure adequate amenity for all the units. Consider</i></p>	<p><b>4.2. Built Form + Scale</b></p> <p>4.2.1 The Panel understands that the proposed childcare drop-off and car parking spaces have been relocated to the Basement 1 and supports the vehicular access and drop-off strategy.</p> <p>4.2.2 The Panel supports this arrangement subject to further traffic engineering review.</p> <p>4.2.3 The Panel supports this due to the configuration of the previous approval.</p> <p>4.2.4 The proposal is built to the southern boundary as per the previous approved DA. The Panel supports this built form strategy.</p> <p>4.2.5 Improved. The proposed development mostly set back from the 8m street setback line.</p> <p>4.2.6 The Panel supports the proposed changes.</p> <p>4.2.7 The Panel supports the proposed changes.</p> <p>4.2.8 The Panel supports the proposed changes.</p>



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<p>splitting the built form into two buildings and or reducing the buildings' length to achieve a better design outcome.</p> <p>4.2.8 The Panel requires the applicant to refine / resolve the architectural treatments being proposed along Copeland Street (i.e., respond to the site context, building orientation and climatic conditions within Liverpool).</p>	
<p><b>4.3. Density</b></p> <p>4.3.1 The Panel requires the applicant to resolve all non-compliances for the current proposal included, but not limited to, these minutes.</p>	<p><b>4.3. Density</b></p> <p>4.3.1 The Panel supports the proposal in regard to density.</p>
<p><b>4.4. Sustainability</b></p> <p>4.4.1 The Panel requires the applicant to incorporate all adequate sustainability initiatives and consider ESD principles as part of the development. Demonstrate the initiatives being considered in the next DEP meeting supported by consultant reports and detail drawings specifically highlighting all ESD measures applied.</p>	<p><b>4.4. Sustainability</b></p> <p>4.4.1 The Panel strongly encourages the applicant to incorporate best practices for sustainable measures, such as ceiling fans, photovoltaic system, rainwater tanks, and other sustainability measures for water, energy and waste efficiency.</p>
<p><b>4.5. Landscape</b></p> <p>4.5.1 The Panel notes that the deep soil zone between the eastern and western buildings is located above the sewer main which is not ideal, and also notes that the sewer main needs to be maintained / protected as part of the development. The Panel requires the applicant to demonstrate the measures being proposed to protect the sewer main whilst providing deep soil planting. The Panel requires the applicant to ensure that the proposed tree planting on top of sewer main is not ruled out by regulation / compliance.</p> <p>4.5.2 The Panel notes that a large portion of deep soil is proposed along the western boundary which interfaces with the Childcare facility. The Panel emphasises the importance of dense canopy tree planting in this deep soil areas being critical for the development. The Panel requires the applicant to</p>	<p><b>4.5. Landscape</b></p> <p>4.5.1 DA Documentation is to address the issue of the sewer main indicating the depth of the main in relation to the proposed tree planting and any protection measures required for the main and measures that will ensure the viability of the proposed planting. Ideally large tree plantings should be located away from the sewer main to avoid future impact on the plantings from maintenance.</p> <p>4.5.2 The Panel reiterates the importance of inclusion of additional canopy trees within the deep soil zone along the western boundary, especially in proximity to the proposed childcare facility. This inclusion is recommended to provide much-needed shade to the playroom and improve air quality through a denser landscaping buffer along the busy road. The applicant is</p>

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<p><i>consider two rows of dense tree planting along the western boundary and minimise the extent of synthetic shade (i.e., through shade structures). The Panel requires the applicant to detail the interface along the western boundary (1:20 sections) and to demonstrate the treatments being proposed along the interface.</i></p> <p>4.5.3 <i>The Panel requires the applicant to resolve / develop a program for the outdoor areas within the childcare facility. Provide detailed landscape plans for the play spaces as part of revised documentation.</i></p> <p>4.5.4 <i>The Panel supports the provision of COS at roof top level. Provide adequate facilities for these roof top spaces (i.e., lift access, seating with shade / pergolas, vegetation within planters, barbeque facilities, accessible toilet, etc.)</i></p> <p>4.5.5 <i>The Panel notes that the landscape proposal indicates considerable planting / vegetation on slab / upper levels of the building. The Panel requires the applicant to provide adequate soil volume / depth for all vegetation being proposed on slab. Demonstrate soil depth / volume being proposed as part of the landscape drawings.</i></p> <p>4.5.6 <i>The Panel requires the applicant to detail the roof terraces' design. Engage an AILA registered Landscape Architect to develop a landscape scheme for the site.</i></p> <p>4.5.7 <i>The Panel requires the applicant to demonstrate the amount of tree canopy cover being proposed as part of the development and encourages the applicant to achieve 40% canopy cover for the site (may include all vegetation being proposed on roof level).</i></p> <p>4.5.8 <i>The Panel recommends the applicant consider water elements as part of the landscape treatment (e.g., water elements, cascades, mist gardens) that</i></p>	<p>required to introduce canopy trees in this location and thoroughly examine the suitability of species to avoid deciduous trees along the west boundary.</p> <p>Additionally, the Panel asks about the possibility of expanding the deep soil zone along Copeland Street by reducing the footprint of the basement car parking, specifically by incorporating more tandem parking. The applicant confirms that the current proposal reflects the maximum achievable deep soil zone.</p> <p>4.5.3 It is acknowledged that a detailed landscape plan has been provided. The Panel raises:</p> <ul style="list-style-type: none"> <li>• The columns are situated in the middle of the outdoor decking area, obstructing movement.</li> <li>• The placement of the outdoor play area next to Copeland Street (Classified Road), with minimal landscaping buffer along the west edge is not supported.</li> <li>• The calculation of outdoor play area should exclude the landscaping area along boundaries in accordance with Child Care Planning Guideline. The DA package is required to demonstrate conformance with the NSW Child Care planning Guidelines.</li> </ul> <p>4.5.4 Addressed.</p> <p>4.5.5 The Panel reiterates the importance of the adequate soil volumes to support canopy trees and proposed landscaping work on the structure. The Panel raises concerns about 600mm to 800mm planter depth in some areas and</p>

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<p><i>can provide a cooling micro-climate during peak summer).</i></p>	<p>recommends increasing to 1M to 1.2M to effectively accommodate larger tree planting. The Panel highly recommends the applicant consult with their engineers early in the process to ensure that the additional weight of soils and vegetation and extent of slab penetrations for drainage are considered in the structural design calculations.</p> <p>4.5.6 Addressed.</p> <p>4.5.7 No calculation of canopy coverage is provided. To be provided as part of Landscape DA Package.</p> <p>4.5.8 No water elements have been incorporated in the landscape plan. The Panel recommends that water be included as a cooling element within the west facing play space. This can be in the form of misters or water play elements.</p>
<p><b>4.6. Amenity</b></p> <p>4.6.1 <i>The Panel notes that the proposal will cast considerable shadows on the existing building along Castlereagh Street. The Panel requires the applicant to demonstrate solar compliance for existing buildings as part of the master plan. Prepare a built-form solar analysis for the site and identify the impacts on the existing adjoining developments.</i></p> <p>4.6.2 <i>The Panel requires the applicant to develop detailed solar / sun-eye and cross-vent diagrams for all units within the development. The Panel advises the applicant that the controls provided within ADG / DCP are minimum provisions; and the design must be able to demonstrate compliant amenity and should aim to achieve a better outcome. The Panel requires the applicant to provide detailed solar analysis and sun-eye diagrams to demonstrate the level of solar compliance for each unit. Provide hourly intervals between 8am</i></p>	<p><b>4.6. Amenity</b></p> <p>4.6.1 Sun-eye diagrams have been provided, illustrating a notable overshadowing impact on the COS on the adjoining development.</p> <p>4.6.2 Shadow diagrams and sun-eye diagrams for winter solstice have been provided. A unit summary and ADG compliance table have also been provided, demonstrating the compliance with ADG requirements.</p> <p>4.6.3 Traffic and Acoustic reports have been provided.</p> <p>4.6.4 The Panel supports the proposed changes.</p> <p>4.6.5 It is appreciated that the applicant has presented a revised plan for Building A during the meeting, incorporating additional lift (with two lifts in total). This is supported by the Panel considering the scale of the development.</p> <p>4.6.6 The Panel recommends further improvement in the legibility, way finding and circulation movement from</p>



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<p>and 4pm for Winter, Summer solstices and the equinox.</p> <p>4.6.3 The Panel notes that traffic noise and air pollution is a significant issue for the site which needs to be addressed. Demonstrate all measures / treatments that will be incorporated as part of design to ameliorate the negative impacts.</p> <p>4.6.4 The amenity for the children and parents at the drop off is poor. This facility needs a safe, well lit, friendly environment, and basement two does not provide the necessary amenity. Considerable work will be needed to solve this issue.</p>	<p>Building B to Building A via Copeland Street.</p> <p>4.6.7 The Panel recommends more generous ground floor lobby areas for both buildings comfortable and intuitive movements, and to allow social interaction amongst the residents.</p> <p>4.6.8 The Panel recommends the applicant should investigate provision of windows within the fire stairs, to allow natural light and ventilation. The Panel understands this will be subject to fire engineering and the relevant NCC requirements.</p>
<p><b>4.7. Safety</b></p> <p>4.7.1 The Panel requires the applicant to apply CPTED principles to address any safety concerns within the development and demonstrate applied principles with specific drawings to highlight them.</p>	<p><b>4.7. Safety</b></p> <p>4.7.1 Refer to previous DEP comment.</p> <p>4.7.2 The Panel notes that the continuous acoustic wall proposed along Copeland Street is likely to block passive street surveillance.</p>
<p><b>4.8. Housing Diversity + Social Interaction</b></p> <p>4.8.1 The Panel supports (in principle) the overall mix being proposed as part of the development.</p>	<p><b>4.8. Housing Diversity + Social Interaction</b></p> <p>4.8.1 The Panel supports (in principle) the incorporation of the childcare facility within the residential development. The concept of integrating a community facility is encouraged. However, additional site planning and segregation (of the childcare) strategy is necessary to mitigate potential conflicts between residents and childcare users.</p>
<p><b>4.9. Aesthetics</b></p> <p>4.9.1 Prepare a detailed materials palette for Panel to consider. The Panel will comment on the aesthetics / materiality in the next DEP presentation.</p> <p>4.9.2 The Panel encourages the applicant to consider elements of public art as part of the overall proposal.</p> <p>4.9.3 Provide a detail 1:20 section of the façade including all materials, change of form and use.</p> <p>4.9.4 Please provide renders of the building from eye height from all public domain</p>	<p><b>4.9. Aesthetics</b></p> <p>4.9.1 The Panel has accepted and noted.</p> <p>4.9.2 Refer to previous DEP comment.</p> <p>4.9.3 Refer to previous DEP comment.</p> <p>4.9.4 Three photomontages have been provided.</p> <p>4.9.5 The Panel recommends further resolution and refinement of the architectural expression considered for the building base or the podium levels for both towers. A stronger expression with more emphasis on the solids (over voids) is recommended. The Panel</p>

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<p><i>areas (streets and laneways) and 4 other vantage points within the site sites (also at eye height).</i></p>	<p>supports the internal configuration and apartment layouts, and the resolution should only be limited to the façade design.</p> <p>4.9.6 The Panel discussed that the southern elevation of both towers will likely remain highly visible for a period until the adjoining site is redeveloped. The southern side elevation should benefit from a well-considered design, composition, and material selection befitting its prominent location and high visibility from the surrounding streets.</p> <p>4.9.7 Future architectural documentation should identify locations of A/C condenser units and other mechanical equipment. These should not be located on balconies (unless thoughtfully screened), front garden areas or anywhere apparent from the public domain.</p> <p>4.9.8 Developed architectural documentation should provide details of the proposed design intent with 1:20 sections indicating materials, balustrade types and fixing, balcony edges, junctions, rainwater drainage including any downpipes and similar details within the proposal.</p>
<p><b>5.0 OUTCOME</b></p> <p><i>The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:</i></p> <p><i>The proposal is not supported by the DEP and must return to the panel, with all feedback incorporated or addressed.</i></p>	<p><b>5.0 OUTCOME</b></p> <p>Refer below.</p>

## **5.0 OUTCOME**

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

**The project is supported. Respond to recommendations made by the panel, then the plans are to be reviewed/approved by Council.**