

DATE OF DETERMINATION	26 November 2024
DATE OF PANEL DECISION	26 November 2024
DATE OF PANEL BRIEFING	11 November 2024
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Lousie Camenzuli
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 8 November 2024.

MATTER DETERMINED

PPSSWC-397 – Liverpool – DA-72/2024 at 52 Scott Street, Liverpool

The Amending Concept Application seeks to modify the approved Concept Development Application (DA-585/2019) for Liverpool Civic Place to change the use in the Phase B building envelope to allow Residential Flat Buildings and Shop Top Housing development and to allow minor changes to the approved Phase B building envelope (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 listed at item 8 in Schedule 1.

The Panel noted that the Applicant is concurrently seeking approval from the Minister for Planning and Public Spaces for a State significant development (SSD) application for a build-to rent scheme within the Phase B building envelope proposed by this amending concept plan DA. The SSD application was exhibited between 19 July and 15 August 2024 and is now under assessment.

Residential uses at ground level

Under the *Liverpool Local Environmental Plan 2008*, the proposal is in the MU1 Mixed Use zone.

The objectives of this zone include:

- To ensure that new development provides diverse active street frontages to attract pedestrian traffic and to contribute to vibrant diverse and functional streets and public spaces;
- To encourage business, retail, community and other non-residential uses on the ground floor of buildings;
- To allow for residential and other accommodation in Liverpool city centre, while maintaining active retail, business or other non-residential uses at street level (emphasis added).

Ensuring these objectives are achieved is critical to the success of the development of the Liverpool Civic Centre.

The proposal introduces residential uses to Phase B of the approved concept development application, which could compromise the quality of the public domain at ground level if this development is not carefully managed. This was raised as a major concern by Council's Design Excellence Panel in its review of the development application.

While the Panel is satisfied that this is a matter that can be dealt with on its merits during the assessment of any development application for residential development within the Phase B building envelope, it is concerned that there are no conditions in Council's recommended conditions reinforcing the importance of the objectives of the zone and encouraging the development of non-residential uses at street level to create active street frontages that attract pedestrian traffic.

Consequently, Condition 6 of Council's recommended conditions should be amended to read as follows:

6. The Public Domain and Landscape Plan is to:

- a) Identify any landscape constraints, including (but not limited to) setbacks, existing street trees, landscape features, screening / buffer requirements
- b) Include public domain design guidelines that are to be implemented across the subject site
- c) Identify the location of public domain areas within the site, providing detail on their role, character and extent
- d) Set aspirations and principles for each public domain area in order to achieve Design Excellence in accordance with Clause 7.5 of Liverpool Local Environmental Plan 2008
- e) Identify the location of trees, planters, water sensitive urban design treatments, deep soil and direct sunlight to public domain areas
- f) Detail design principles for roof terraces, including (but not limited to) how planting, deep soil, access and shade would be implemented
- g) Identify any intended design elements such as green roofs and walls, water sensitive landscape design treatments and sustainability targets
- h) Demonstrate consistency with the relevant landscape provisions of the Liverpool Development Control Plan 2008 and Liverpool City Centre Public Domain Master Plan.
- i) Demonstrate how the public domain areas will relate to proposed future built form within site, including consideration of pedestrian movements to and between buildings within the site.

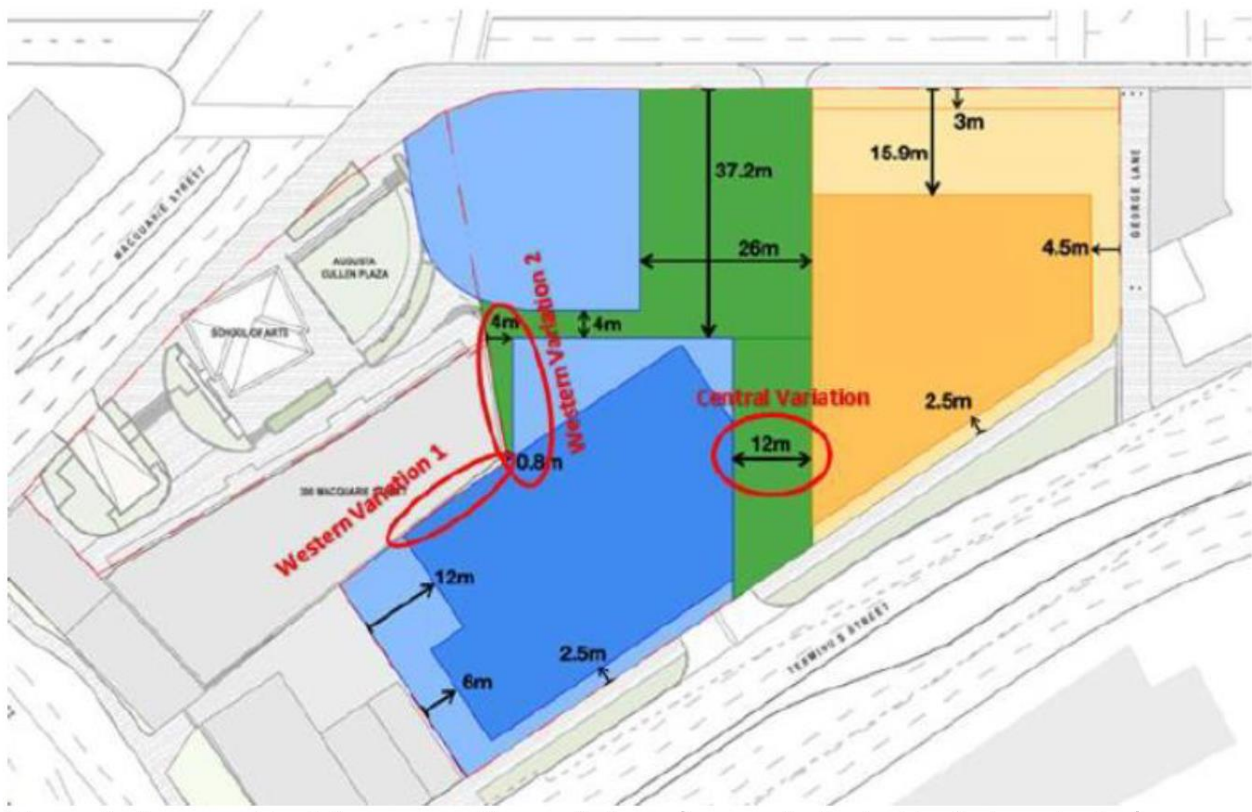
The architectural plans described in Condition 2 are to be updated to be consistent with the Public Domain and Landscape Plan, and to avoid or minimise residential development at street level (including ancillary infrastructure), as necessary to comply with the objectives of the MU1 Mixed Use zone which include ensuring that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.

This will ensure that this matter is carefully considered by the Public Domain Design Panel when it reviews the Public Domain Plan required under Condition 5 of Council's recommended conditions, and in any subsequent DA.

Building separation

After considering a Clause 4.6 request, the Panel agreed to variances to the relevant building separation requirements in Clause 7.4 of the *Liverpool Local Environmental Plan 2008* when it determined the original concept plan development application for this site.

The approved building separation variances remain unchanged under this amending concept development application as the minor changes proposed to the building envelope do not affect the relevant variances (see figure below).



Nevertheless, the Panel notes that the original approval of the building separation variances was granted on the basis that the building would be developed for non-residential uses.

With the proposed introduction of residential issues, these variances may no longer be appropriate and may warrant adjustments to satisfactorily achieve the suggested building separation requirements in the *Apartment Design Guide* to ensure any apartments developed within the Phase B building envelope meet basic amenity standards.

The Panel is satisfied that this is a matter that can be dealt with on its merits during the assessment of any development application for residential development within the Phase B building envelope, and has imposed the following condition to ensure this occurs:

Condition 10A Any future development application that involves development for the purpose of a residential flat building must consider the building separation requirements in the Apartment Design Guide and whether any variations to the approved building envelope are warranted to ensure the apartments have a high level of amenity.

Conditions

On 21 November 2024, Council provided the Panel with amended conditions for the development, which have been accepted by the Applicant.

Those agreed conditions are to be imposed but incorporating the amendments described above.

Development application

The Panel determined to approve the concept development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined above and in Council's assessment report.

In particular, the Panel concluded that:

- The development either complies with or is consistent with the provisions of the relevant environmental planning instruments, including the requirements in the *Liverpool Local Environmental Plan 2008*;
- Under the conditions of the approved concept development application, the site can be made suitable for the proposal;
- The impacts of the development are acceptable and can be suitably controlled by conditions;
- The recommended conditions should be amended to:
 - reinforce the importance of encouraging non-residential uses at the street level, consistent with the objectives of the zoning;
 - require future development applications for residential development within the Phase B building envelope to consider whether any variations to the approved building envelope are warranted to facilitate compliance with the building separation requirements in the *Apartment Design Guide*;
- The development will complement the development of the Edmondson Park town centre by providing additional housing within walking distance of the railway station and regional open space for the growing population, consistent with the strategic planning objectives for the area; and
- The development is in the public interest.

CONDITIONS

The development application was approved subject to Council's recommended conditions, dated 21 November 2024, with the inclusion of Condition 10A and the addition to Condition 6 outlined above.

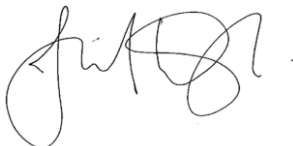


CONSIDERATION OF COMMUNITY VIEWS

Council exhibited the development application from 14 February to 15 March 2024 and received 2 submissions, both objecting to the DA.

These submissions raised concerns about the:

- Lack of detail on the proposed design of the building within the proposed building envelope, given the prominent position of the building within the Liverpool Civic Centre;
- Parking impacts of the development.

In coming to its decision, the panel considered these concerns and is satisfied that they have been adequately addressed in Council's assessment report and recommended conditions, and will be subject to further detailed assessment in any subsequent development application for Phase B.

PANEL MEMBERS	
 Justin Doyle (Chair)	 David Kitto
 Louise Camenzuli	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-397 – Liverpool – DA-72/2024
2	PROPOSED DEVELOPMENT	The Amending Concept Application seeks to modify the approved Concept Development Application (DA-585/2019) by change of use to allow for Residential Flat Buildings and Shop Top Housing in the Phase B building envelope and to modify and extend the approved Building Envelope of Phase B building for Liverpool Civic Place.
3	STREET ADDRESS	52 Scott Street, Liverpool Lot 1 DP 1293937
4	APPLICANT/OWNER	Applicant: Daniel Brabant Owner: Liverpool City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Design Quality of Residential Apartment Development) State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Sustainable Buildings) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Liverpool Local Environmental Plan 2008 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Liverpool Development Control Plan 2008 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 8 November 2024 Recommended conditions of consent: 21 November 2024 Written submissions during public exhibition: 2 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 6 May 2024: <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Daryl Hawker, Ellie Robertson <u>Council assessment staff</u>: Nabil Alaeddine, Patch Planning (Council's planning consultant) Final briefing to discuss council's recommendation: 11 November 2024: <ul style="list-style-type: none"> Justin Doyle (Chair), David Kitto, Louise Camenzuli

		<ul style="list-style-type: none">○ <u>Council assessment staff:</u> Nabil Alaeddine, Joe Bell (Council’s planning consultant from Patch Planning), Greg Mottram○ <u>Applicant representatives:</u> Costa Dimitriadis, Schandel Fortu, Daniel Brabant, Nicholas Bandounas, Nicole Wilson
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	<ul style="list-style-type: none">• Recommended conditions of consent: 21 November 2024