

SUPPLEMENTARY COUNCIL ASSESSMENT REPORT

SYDNEY WESTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSWC-419 – DA-216/2024
PROPOSAL	Concept Development Application for the demolition of all existing structures, amalgamation of lots and boundary adjustment, and the construction of two commercial towers of 17 and 28 storeys above a 4 storey podium with 2.5 levels of basement car parking and a pedestrian through-site link connecting George Street and Macquarie Mall
ADDRESS	Lot 2 DP 591959 – 132 Macquarie Street, Liverpool Lot 2 DP 90210 – 127 George Street, Liverpool Lot 1 DP 657061 – 131 George Street, Liverpool Lot 1B DP 401936 – 146 Macquarie Street, Liverpool Lot 1 DP 620512 – 152 Macquarie Street, Liverpool
APPLICANT	Mr. G De Chalain
OWNER	Copping and Vartuli Pty Ltd; FBDM Pty Ltd; Sydrom Pty Limited; Deemhire Pty Limited; Liverpool City Council
DA LODGEMENT DATE	07/05/2024
APPLICATION TYPE	Concept DA
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> Clause 3, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i>
CIV	\$168,253,812.60 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Liverpool Local Environmental Plan 2008

TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS	One (1) submission. Issues: • Overshadowing of solar panels • Interruption to property access and parking during construction and at completion • Interruption to business trading during construction
DOCUMENTS SUBMITTED FOR CONSIDERATION	Architectural Plans
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	Nil
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	N/A
SCHEDULED MEETING DATE	As required by the Regional Panel
PLAN VERSION	20.8.2025, Issue D
PREPARED BY	Darren Laybutt, GAT & Associates
DATE OF REPORT	2 April 2026

1. EXECUTIVE SUMMARY

The Sydney Western City Planning Panel considered the assessment report for DA-216/2024 on 2 February 2026. On 9 February 2026, the Panel resolved to defer the determination of the application, with the minutes stating:

“The Panel was satisfied following the discussion with the representatives from the Council and the Applicant at the briefing that those matters could be resolved to potentially allow for an approval if further information was supplied by the Applicant.”

The Applicant submitted additional architectural plans on 16 February 2026.

The amendments and/or additional plans relate to resolving a conflict in the podium height fronting Macquarie Mall, and example imagery of the proposal in the streetscape from several vantage points.

Following a review of the additional information, it is recommended that the application be approved subject to a number of conditions outlined in Attachment 1 of this report.

The structure of this supplementary report will follow the draft reasons for refusal from the original assessment report.

2. ASSESSMENT OF DRAFT REASONS FOR REFUSAL

The draft reasons for refusal in Attachment 1 of the original assessment report are quoted below with the applicant's response and assessment under each reason.

- 1. The proposed development does not comply with Clause 5.10 Heritage Conservation pursuant to Liverpool Local Environmental Plan 2008. The application is not supported by a visual impact assessment to consider potential impacts to significant views to, from and in conjunction with the adjacent State heritage item of St Lukes Anglican Church (SHR 00086), nor is the application supported by plans indicating a sympathetic material schedule, colour palette and signage strategy demonstrating consideration of the setting and views of St Lukes Anglican Church.***

The application is also not supported by a preliminary Historical Archaeological Report to determine the potential for historical archaeology. Therefore, the development proposal is not appropriate, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

The submitted architectural plans included a series of artist impression images from various vantage points. The most relevant image submitted that relates to St Luke's Anglican Church is shown below, with a secondary image of Macquarie Mall perspective providing some further context.

ST. LUKE'S CHURCH



Source: Drawing No. A907 – NDZ Architects

ELIZABETH STREET



Source: Drawing No. A906 – NDZ Architects

Clause 7.5A of the Liverpool Local Environmental Plan 2008 (LEP) requires the submitted development control plan (and thus, this concept DA via Section 4.23 of the Environmental Planning and Assessment Act 1979) to include provision for how a proposed development is to address a number of matters, including matters for consideration under Clause 7.5 Design Excellence under Clause 7.5A(4)(e). Amongst those matters is how the development will address heritage issues.

The first (and main) relevant outstanding heritage issue was the submission of the Visual Impact Assessment, primarily as no analysis had been undertaken and that any aspect of the concept application assessment that may require refinement in the building envelope is better served as assessed during the concept stage, as any modification in the approved concept envelope requires a Section 4.55 Modification application. In this framework, the supplied imagery suggests that an acceptable visual impact is likely achievable, noting the positive attributes illustrated such as the setback of the towers from Macquarie Mall (and thus, the Church), the taller tower set even further from the Church, and the alignment of the podium with the Part 4 Liverpool City Centre controls in the Liverpool Development Control Plan 2008 (DCP).

The Heritage NSW referral dated 6 August 2025 recommended the preparation of the Visual Impact Assessment as a condition of consent on the concept application. Heritage NSW was most concerned about the visual impacts arising when viewing the Church from the Northumberland Street entry (west), as the view is largely uninterrupted by modern development. While this view in particular has not been submitted, Heritage NSW was satisfied that this could be conditioned to be addressed as part of the built form development application.

As the above imagery suggests (from the planning perspective) that a suitable balance of contemporary, permissible development and the retention of adequate separation from the Church is possible, the relevant requirement of Clause 7.5A(4)(e) has technically been satisfied, as the concept application has made provision to address heritage issues.

Noting the key view that Heritage NSW raised concern with was not supplied, nor was a perspective along Elizabeth Street with the Church in the background, being a major vantage point relevant to the heritage item, it is recommended that the proposed Heritage NSW condition is embellished to specify that these two perspectives are included, amongst other vantage points. This condition is included in the draft conditions in Attachment A to this supplementary report.

The second part of the reason for refusal is the submission of a material schedule and signage strategy. Heritage NSW similarly recommended this as a condition of consent, and the applicant has requested that this be conditioned. Consequently, it is included as a recommended condition of consent.

The third and final part of the reason for refusal was the absence of a preliminary archaeological assessment. The applicant requested that a condition of consent be imposed or replaced with a condition requiring physical investigation as part of the built form application. Accordingly, a draft condition has been prepared that requires the submission of a preliminary archaeological assessment and, if the preliminary assessment determines the need for a physical investigation, this is to be submitted at lodgement of the built form development application.

Given the above, the additional information and recommended conditions are satisfactory measures to consider this reason for refusal as resolved.

- 2. *The proposed development does not comply with Clause 7.1 Objectives for Development in Liverpool City Centre in which the applicant has not demonstrated the proposal complies with the objectives of the Clause, specifically objective (d) “to improve the quality of public spaces in the city centre”, and therefore is not appropriate, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.***

The Design Excellence Panel (DEP) raised comments regarding the public domain works indicated in the landscape plan, including the through site link. The through site link location was amended, introducing the north-south connection. However, the other feedback was not adopted, nor was the indicative landscape plan updated to illustrate an updated design intent.

The most significant item raised by the DEP was potential wind modulation issues to the through site link, having the potential to be a wind tunnel environment, a relevant matter of consideration for the application under Clause 7.5(3)(f)(vii).

The applicant has not provided further information in this regard. However, a condition of consent can be applied to require a detailed wind assessment of the through site link to be submitted as part of the built form development application, including any recommended mitigation measures.

The above is satisfactory to ensure the concept application makes provision for addressing wind impacts.

- 3. *The proposed development does not comply with Clauses 4.4(2) Floor Space Ratio and 7.5A Additional Provisions Relating to Certain Land at Liverpool City Centre of the Liverpool Local Environmental Plan 2008, as the applicant has not provided sufficient information to demonstrate compliance with the maximum FSR allowed for the areas of the site identified as ‘Area 7’ and ‘Area 8’ on the Floor Space Ratio Map, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.***

The site comprises land in Area 7 (2.5:1 FSR) and Area 8 (up to 10:1) FSR. The original submission included a delineation of Area 7 and Area 8 on the indicative floor plans, which enabled an assessment of the FSR in both Areas. However, this was removed in amended plans. Further, the “Layout Plans” cover page implies an 8m² variation in the Area 8 portion, which cannot be varied even through a Clause 4.6 Variation to the LEP. Consequently, further information was requested during the assessment and was never provided, leading to the reason for refusal.

During the briefing with the Panel, the Panel agreed that a condition of consent can be imposed to require compliance with FSR.

The amended architectural plans have not provided any further information to address the implied non-compliance with FSR. Consequently, a condition is recommended.

One additional aspect of the FSR assessment is that the site areas of Area 7 and Area 8 are not stated in the survey plan. To ensure the FSR is correctly calculated, it is recommended that a condition be imposed to require the survey plan at the time of built form development application to include this information.

As the survey is now well over 5 years old, the survey plan will need to be updated to align with standard Development Application requirements, regardless.

Consequently, a draft condition has been included in Attachment A to require compliance with the FSR and to update the survey with the aforementioned information. Subject to these conditions, this matter is resolved.

4. The proposed development is inconsistent with Clause 7.5 Design Excellence of the Liverpool Local Environmental Plan 2008, as the applicant has not submitted a response to the comments from the Design Excellence Panel and Council’s Urban Design Officer, who do not support the proposal and therefore is not considered suitable pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

The DEP minutes raised a number of challenges and questions on the submitted concept application, ranging from finer grain details of the awning design to the fundamental aspects, such as challenging the (at the time) three tower design, podium height, architectural language and façade design. Similarly, Council’s Urban Design Officer raised a number of questions that may affect the building envelope, including further detailed information regarding the reconfiguration of Hanwell Serviceway including road width, as it may affect setbacks, separation and public domain upgrades, indicative layouts to enable an assessment of commercial tenancy amenity, whether tower can achieve an elegant form, yield calculations to determine the flexibility in the building envelope for façade design and whether additional articulation would be part of the ultimate design, as well as echoing concerns by the DCP.

The position maintained by the applicant is that the above is more relevant and appropriate to be assessed and resolved at the detailed built form development application. The absence of this information simply increases the likelihood of a refusal at the built form development application stage if the above issues are not satisfactorily addressed or possible to do so within the confines of the approved building envelope.

Conditions are recommended to require certain information to be submitted with the development application to ensure the concerns can be addressed. These include an urban design report with precedent imagery informing the tower façade and through site link design.

While concern is raised that the number of items to be addressed as part of the detailed built form application complicates the assessment and raises the likelihood of needing a Section

4.55 application in the event any adjustment to the concept development application building envelope, the technical requirements of Clause 7.5A are met through conditions of consent.

5. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development has not adequately demonstrated the likely impacts of the development, and otherwise, based on the information submitted, is likely to have an adverse impact in terms of the following:

a) Natural Environment - the applicant has not demonstrated that the proposed development would not create a detrimental impact on the existing natural environment, primarily to the existing State heritage item of St Lukes Anglican Church (SHR 00086).

This matter directly relates to the first reason for refusal. Refer to that discussion.

b) Built Environment - the proposed development is undesirable within the Liverpool Local Government Area, as it would likely result in significant sustainable performance issues due to the extent of glazing across the façades of the building.

Clause 7.5(f)(vii)-(viii) requires consideration of environmental impacts such as sustainable design and the achievement of principles of ecologically sustainable development.

The applicant presented tower designs entirely of glass, a premise challenged by the Design Excellence Panel as unsuitable for a contemporary Western Sydney development highly susceptible to summer heat. As no response was provided to the challenge of this premise, it is arguable that the application has not satisfied Clause 7.5A in making provision for how the above matters will be addressed.

The discussions during the briefing and revised mood board did not provide further clarification. It is noted that the Panel's deferral noted "...the Applicant was invited to respond to the concerns raised and advise how it is anticipated to resolve them at DA stage. Suggestions from Council included a commitment to natural ventilation through operable features and trickle vents."

The amended architectural plans did not address this item, nor was any written component provided.

However, as a resolution to the façade design is something that can be addressed without modifying the building envelope and dealt with a detailed built form application, a condition of consent is recommended that requires the applicant to engage a façade engineer (as requested by the DEP) and submit a report endorsing the detailed façade design, particularly from an environmental and sustainable development perspective.

The above condition will enable the resolution of this reason for refusal.

c) Social Impact - the proposal lacks an aesthetic that contributes positively to the social fabric of the locality as is required by development within the zone, and the potential impacts on the public domain cannot be properly assessed due to insufficient information.

This matter directly relates to the materials and finishes, façade design and public domain and through site link matters discussed above.

These are resolved by condition.

6. ***Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not considered to be in the public interest, having regard to the above reasons of refusal, and that undermining the zone objectives and surrounding character and context in such a way would risk allowing an undesirable precedent considering the perceived impacts to the surrounding sites for development currently within the locality, and in the future.***

As the other matters are deemed satisfactory subject to conditions of consent, the development can be determined as in the public interest.

3. CONCLUSION

The additional information and requests for additional conditions of consent have been assessed and determined to be sufficient to satisfy the requirements of a concept development application pursuant to Clause 7.5A of the LEP and Section 4.23 of the Environmental Planning and Assessment Act 1979.

Some concern remains that matters potentially affecting the building envelope have not been exhausted as part of the applicant's submission, which opens the door to potential significant complexity at the built form application stage. However, the applicant has maintained their acceptance of this position, and any envelope that deviates from the concept approval will require a Section 4.55 modification application.

In terms of the planning framework, the application has made provision for how it intends to approach the matters of consideration under Clause 7.5A of the LEP. Consequently, the concept development application is recommended for approval, subject to conditions of consent in Attachment A, to be satisfied for the built form development application.

4. RECOMMENDATION

That the Development Application DA-216/2024 for a concept development application for the demolition of all existing structures, amalgamation of lots and boundary adjustment, and the construction of two commercial towers of 17 and 28 storeys above a 4 storey podium with 2.5 levels of basement car parking and a pedestrian through-site link connecting George Street and Macquarie Mall at 132-1562 Macquarie Street and 127-131 George Street, Liverpool, be **APPROVED** pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979* subject to the conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Notice of Determination
- Attachment B: Architectural Plans