LIVERPOOL CITY COUNCIL

Minutes

MINUTES OF EXTRAORDINARY DESIGN EXCELLENCE PANEL MEETING

Thursday, 27th February, 2025

DEP PANEL MEMBERS PRESENT:

Shaun Carter	Chairperson	Carter Williamson Architects
Michael Mandl	Panel Member	Mandl Consults Pty Ltd
Matthew Taylor	Panel Member	Taylor Brammer Architects

APPLICANT REPRESENTATIVES:

Ziad Chanine	Director	CD Architects
Rudy Jasin	Design Director	CD Architects
Peter Yip	Project Coordinator	CD Architects
Liljana Ermilova	Associate Director	CD Architects
James Curry	Town Planner	GAT & Associates
Nick Metcalf	Landscape Architect	Site Image
Allie Cornish	Heritage Advisor	Urbis

OBSERVERS:

Ashwin Lata	Admin. Officer	Liverpool City Council
Melissa Riley	Convenor	Liverpool City Council
Emily Lawson	Senior Planner	Liverpool City Council
Bikash Pokharel	Development Assessment Planner	Liverpool City Council
Thomas Wheeler	Heritage Officer	Liverpool City Council
Dr Agata Calabrese	Senior Heritage Officer	Liverpool City Council
Supriya Singh	Heritage Officer	Liverpool City Council

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ITEM DETAILS:

Application Reference Number: DA-565/2024

Property Address: 2 Charles Street & 134 Terminus Street, Liverpool NSW 2170

Council's Planning Officer: Emily Lawson

Applicant: Chanine Design Pty Ltd

Proposal: Concept Development Application for the Construction of a 34 Storey Mixed Use Building, Comprising of Ground Floor Commercial/Information & Educational Facility, a Child Care Centre, 118 Hotel Suites, 190 Residential Apartments, and Four (4) Levels of Basement Parking.

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 2 Charles Street & 134 Terminus 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 Panel emphasises the great design opportunity the subject site presents, with many unique characteristics including the significant Heritage building, Georges River views, unusual geometry and urban streetscape. It is uniquely positioned on the fringe of Liverpool's transforming City Centre, between mid to low rise housing and opportune sites with potential for significant uplift and unknown mixed uses. The Panel recognises developments have a feasibility aspect and aiming to maximise density is a realistic design factor. However, this needs to go hand in hand with the urban design analysis that is paramount to inform any new development of this significance. The Panel has great concerns that the current planning and built form presents as purely an outcome of maximised density and is not a supported design excellence approach.

All the complex issues require deep analysis on how they work, interact and come together, and through this process there is great opportunity to create a unique development and design exemplar for the Liverpool CBD and community. The Panel has elaborated on the urban design research and analysis required throughout these Minutes, to guide and support the design team in developing a design strategy for this site.

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

4.1. Context, Country and Heritage

4.1.1 The midrise typology initially presents as the contextually appropriate approach to this site. The 33-storey tower proposed, and when illustrated adjacent to several other future potential scenarios of towers of the same height highlights significant design and amenity concerns to the Panel. A lot more design investigation, analysis and testing is required to shape and inform an appropriate built form, height and overall density for this site, as outlined in these Minutes.

4.1.2 Involving First Nations people in the design process and Connecting with Country in new developments is increasingly becoming a strong consideration in NSW planning. Liverpool has a large Aboriginal community, and a development of this size and location presents a unique opportunity to work with the community and incorporate Country-centric approaches into the design. The Panel recommends the project team refer to the Connecting with Country Framework and incorporate into the project, starting with a Walk on Country with Traditional Custodians, which can bring great inspiration to inform the analysis and design approach to this site.

4.1.3 The Panel notes the development is applying the FSR and Height bonuses as part of Liverpool LEP Part 7.5A, however highlights this clause states it applies to land that has

two or more street frontages. The Panel questions how this site can be considered to have two street frontages, when the main frontage is Terminus Street, Charles Street is just a continuation of this same frontage and a separate lot, and the rear Serviceway is not a street, noting the land has minimum frontage along it.

4.1.4 The Panel recommends streetscape investigation and analysis is undertaken and provided at the next DEP, demonstrating how this has informed a contextually appropriate streetscape for this site. For example the surrounding street wall heights, upper level emphasis, setbacks, materiality, Council's DCP diagrams for the Mid-rise/Mid-block, future known developments such as 402 Macquarie Street, and investigation of other future potential developments. While the area is going through a transition, it is important that the proposal finds a balance of sitting within the existing context, while also designed to respond to the anticipated desired future character.

4.1.5 The site and the Heritage building are of high value and are a unique aspect of this development. The absence of both a Conservation Management Plan (CMP) and the initiation of a Connecting with Country process, adds weight to there being a lack of design philosophy that should underpin this project, even at this preliminary time. The Panel urges the project team to undertake a CMP as a priority, to be better informed to set the design strategy, testing and direction. This process will help inform decisions that will enhance outcomes for both this development and its contribution in enhancing the CBD.

4.1.6 The Panel is disappointed there has been no heritage analysis of the existing trees on site, as there is a good chance some of these are original and have an important relationship to the estate. The Panel recommends heritage landscape analysis is undertaken as part of the heritage studies, and to contribute to the urban design analysis for this site.

4.1.7 The Panel emphasises the unique value and perspective each of the consultants bring to the design process particularly for a project of this complex nature, and encourages the Client to continually seek and rely on their advice and collaborate with the different disciplines in the team including landscape, architecture, heritage and planning.

4.2 Ground Floor Plane and Landscape

4.2.1 The hotel and child-care entry lobby are both very difficult to see from the street, highlighting significant CPTED issues present in this development. At nighttime no one can see when hotel or residential residents are coming and going, relying solely on the building's security for safety. The Panel recommends a CPTED analysis that reviews the various uses of the site, the entries, arrival experience and visibility from the street, to seek a more appropriate resolution of the ground floor plane and circulation.

4.2.2 The lifts are located in a prime location in the centre of the site, creating centralised vast blank walls to the public space, disrupting the circulation and sight lines and contributing to the concealment of the entries. The Panel recommends review of the lift locations, and overall circulation through the ground floor plane.

4.2.3 The applicant advised during the presentation the main arrival point for the child care centre is via vehicle in the basement level. A child-care centre relying on arrival by car and through a basement is not an acceptable approach. All entries to uses in buildings particularly child care centres should have the pedestrian access well designed, not relying on families arriving by car especially in a CBD location. In addition, there are many existing and future high density residential apartments in the immediate vicinity and CBD that can walk to the child care centre. The Panel recommends review of the child-care centre arrangement, to ensure adequate pedestrian entry and circulation at grade.

4.2.4 Further to the above, the arrival experience at a child care centre is important in creating a comfortable, calm environment, reducing anxiety, fostering anticipation, while also accommodating the many families arriving at drop off and pick up times. Both the pedestrian entry at ground and entry within the basement should be reviewed to demonstrate a well-considered and generous arrival experience for families. Car drop off is to be analysed and show the experience for the child and carer is pleasant and safe, and outlined in any new submission. Lifts should not be the only means of ascent to the child care centre.

4.2.5 The Panel is concerned with the potential traffic and functional conflicts generated by the major uses. These include vehicular conflicts, pedestrian conflicts at the various lobby entries on the ground floor, and in the basement for the hotel, the child care centre and residential uses. The Panel requests circulation diagrams from a suitably qualified consultant providing detailed analysis to demonstrate how conflicts will be managed.

4.2.6 The Liverpool LGA and particularly the CBD is at great risk of the Urban Heat Island Effect. Urban tree canopy and deep soil play a key role in ameliorating these effects. The amount of deep soil is minimal and not acceptable for a proposal of this scale, location and which aims to achieve design excellence. The space between the heritage building and the basement excavation is insufficient. The Panel is concerned that the Heritage building will be damaged (this needs to be supported with engineering advice). The Panel requires the project team to review the basement and ground floor plane, reduce the basement footprint to enable large areas of deep soil to support a generous tree canopy, in locations which receive adequate solar access, enabling trees to thrive and reach maturity. Tree canopy cover diagrams should be provided. An additional basement is a likely consequence.

4.2.7 There are inconsistencies across the architectural and landscape drawings. Several existing trees that are shown to be retained cannot be retained as they clash with the proposed basement.

4.2.8 The Panel requests coordinated plans at the next DEP. Retention of existing trees is to be prioritised. The Panel emphasises both the potential heritage value of the trees, and the value of retaining and expanding the existing urban tree canopy in the Liverpool CBD.

4.2.9 Zero deep soil planting as nominated in the design is unacceptable and does not meet any criteria of Design Excellence. The design should aim for the ADG minimum of 7% and strive for a Design Excellence target of 15%. The extent of the basement is to be reviewed to facilitate deep soil planting. Refer to earlier points regarding the existing

trees, the heat island effect and the proximity of the basement excavation to the heritage building.

4.2.10 The public domain landscaping needs a lot more work, including the treatment of the footpath precinct, the entry ways, heritage item curtilage and the truck turning loading area (which is supposed to be part of a through site link system to the lane way). A development such as this, seeking an uplift to 10:1 has to contribute meaningfully to the public domain of the city of Liverpool.

4.3 Density and Built Form

4.3.1 The site has a very significant maximum FSR and height if Clause 7.5A applies. The Panel notes the site is very small with significant complexities and constraints for a 10:1 Floor Space Ratio. In the Panel's opinion, it should not be assumed that a 10:1 FSR can be achieved on this site, particularly at the cost of public domain, safety, design and landscape quality and amenity. Significant urban design analysis is required as described in these Minutes, to establish an appropriate building footprint, built form and density.

4.3.2 The Panel notes that the proposed scheme is at an assumed operational height envelope for Bankstown Airport. The height nominated for this site must be approved by the appropriate authorities prior to an approval of an FSR.

4.3.3 The Panel notes that a lift motor room (LMR) has not been shown on the submitted plans. It is likely that an LMR will be required and the roof of this will exceed the nominated maximum RL.

4.3.4 The overshadowing and overlooking impacts on the adjoining residential land needs to be adequately addressed in any future submission. The tower form, if adopted, should be designed to ameliorate its overshadowing impact.

4.3.5 The Panel recognises that the Design Building & Practitioners Act 2020 applies to the proposal and understands that the proposed floor-to-floor heights need to be increased to 3.2m to achieve the minimum floor-to-ceiling height, while achieving compliance with drainage, waterproofing, acoustic separation, ceiling fans, and insulation requirements arising from the Design & Building Practitioners Act 2020 and the relevant NCC provisions.

4.3.6 The Panel recommends a thorough review of the floor plans. Design Excellence will require, at the very least, compliance with the ADG. Noting the obvious, but not limited to, too many apartments per core, required number of lifts, number of window(s) to the external facade for each level's corridor, potentially inadequate space for wall thicknesses, services, cabinets and structure which all needs to be incorporated, to ensure a realistic building, GFA and envelope.

4.3.7 There are currently only three lifts proposed in the building which is not adequate for a development with this number of apartments, hotel rooms and uses. The Panel recommends detailed review of the lift requirements and capacity, and notes based on other developments of similar scale it is likely four to five lifts are required.

4.3.8 The Panel has significant concerns for the prevalence of non-compliant Apartment Design Guide separation distances, particular for a site of this nature. Complexities include existing neighbouring buildings and unknown future form and uses. The Panel recommends Apartment Design Guide building separations are applied as a minimum, particularly given the amount of density proposed within and around this development.

4.3.9 The proposed tower has an awkward and dominating relationship with the heritage building and its curtilage. A unifying concept is required to integrate the new building, its courtyard and access with the heritage building and its historic setting. Provide precedent study analysis of similar type developments that achieve design excellence to help inform this design response.

4.4 Sustainability

4.4.1 Solar protection for east and west facades is to be developed in any future submission. This is a building of the hot climate of the western suburbs of Sydney – ask yourself, what does a western Sydney building need to do to respond to this climate, and that should inform a suitable design response.

4.4.2 Energy saving systems need to be outlined. Provide consultant advice and how this has been incorporated into the design.

4.4.3 Solar (PV) panels and batteries for supplying house services need to be outlined. Car park exhaust control systems need to be developed – CO monitoring for exhaust fans and movement detector systems for lighting etc.

4.4.4 Cooling and heating systems for the air conditioning of the apartments, hotel, child care and public areas needs to be outlined. The location of plant for all aspects of the building including air conditioning systems, cold water storage, sprinkler and hydrant systems storage needs to be shown as it will affect upper level or basement planning. Balcony based fan coil units for the apartments are not acceptable.

4.4.5 Low maintenance façade systems should be developed as part of the building façade system and aesthetics.

4.5 Aesthetics

4.5.1 The building design, as detailed above and elsewhere in this report is incomplete. The elevations do not seem to match up with proposed plans for the apartments. The basic modulation of the street wall depicted in nearby developments is not adequately understood and reinterpreted in this building design. The aesthetics of this building can be further assessed when a better informed and reasoned design comes before the DEP.

4.5.2 There does not seem to be a recognition in the expression of the building, of the varying uses, Retail, Commercial, Child Care, Hotel, and Residential uses. This should be successfully demonstrated in any future submission.

4.6 Amenity and uses

4.6.1 The Panel has identified numerous apartments with constrained room dimensions that will be very difficult to furnish. It is recommended that apartment layouts are revised to ensure adequate space for furniture settings and circulation. Detailed individual apartments need to be shown in greater detail, fully furnished to demonstrate consideration of good apartment design and use.

4.6.2 Ensure the minimum area size for hotel rooms are provided. Advice from a specialist hotel consultant is recommended.

4.6.3 The current arrangement has several CPTED issues, particularly in the public domain between the development and the heritage building. The Panel requires a review of the ground floor plane, and more design resolution on how to improve the integration of the heritage building and uses with the open space and the built form. Hidden entries and blank walls are all contributing to poor passive surveillance and lack of incidental supervision in these areas.

4.6.4 The Panel appreciates that some solar testing and future scenario work was undertaken and presented however much more contextual analysis is required for a project of this nature and scale. The Applicant explained a significant amount of solar analysis was undertaken however this was not provided in the submission. The Panel recommends detailed solar impact analysis is undertaken, provided at the next DEP, and used as a tool to inform an appropriate built form for this site. Existing and future scenarios should be included, for all the adjoining neighbours. The Panel is particularly concerned for the nearby sites that that will not be able to undergo the same uplift. Solar access, visual & acoustic amenity statistics for the development are to be provided for all of the scenarios, including the impact on the proposed residential towers if the adjoining sites to the north develop as indicated in the current studies.

4.6.5 The Panel has several significant concerns towards the appropriateness of the integration of the child care centre, particularly when the development is utilising this use to achieve the LEP bonus FSR and height. The next submission should demonstrate to the Panel that a well design child care centre with good amenity and arrival experience can be achieved and integrated within this complex mixed-use building. Good solar access to the child care centre should be demonstrated as being available should the adjoining buildings develop as depicted in the studies. Alternatively, if these requirements are not able to be met, the site is not a suitable location for a child care centre, and it should be deleted from the proposal.

4.6.6 The Panel encourages the project team to collaborate with Council's Heritage, Urban Design, Public Art and Planning Officers who have clear understanding of the context, and desired outcome for the Liverpool CBD. This development needs to be highly driven by amenity between itself and surrounding developments, therefore Solar Impact Analysis diagrams shall accompany these discussions to establish the right approach to this site. Solar analysis diagrams should be sun-eye diagrams at hourly intervals, from 9am to 3pm, for June 22, September 22, and December 22 to fully understand the solar impact.

4.6.7 The apartment corridors have no windows therefore no natural light and ventilation. This is a poor amenity outcome for the apartment residents and is not supported. The Panel requires the floorplates to be reconfigured to enable open-ended corridors with windows, solar access and natural ventilation. Consider small floorplates to enable the design to more easily comply. Try a maximum floor plate of 700m^2 GFA to help solve ADG compliance and better achieve Design Excellence.

4.6.8 The Panel queries the quality and appropriateness of the Communal Open Space on level 10. It is completely covered by the floors above and is an undercroft, receiving minimal solar access and light. Review of the Communal Open Space locations and solar access is recommended.

4.6.9 The Panel queries the amenity of the Level 34 Communal Open Space. Roof terraces above 10 storeys need wind protection – at Level 34 it is likely the COS needs a whole storey of wind break to make these spaces habitable. It is likely to be very exposed to wind and needs a complete analysis in regard to its useability, and safety.

4.6.10 The Panel queries whether the residential floors comply with cross ventilation requirements of the ADG. A smaller floor plate will naturally place more dual-orientation apartments at corners for greater natural cross ventilation. The target should be a minimum of 4 naturally cross-ventilated apartments per floor. The design should not just rely on the ADG requirement that provides 100% cross ventilation compliance above 10 stories.

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.