

## SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at Liverpool City Council Chambers on 8 October 2015 at 11:25 am

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Stuart McDonald, Tony Hadchiti

Apologies: Cr Gus Balloot

Declarations of Interest: None

### Determination and Statement of Reasons

**2014SYW163 – Liverpool – DA-1010/2014 [20 Shepherd Street Liverpool] as described in Schedule 1.**

**Date of determination:** 8 October 2015.

#### **Decision:**

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

#### **Panel consideration:**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### **Reasons for the panel decision:**

The Panel unanimously agreed to approve the development application for the following reasons:

1. The proposed development will add to the supply and choice of housing within the Metropolitan Southwest Subregion and the City of Liverpool in a location near to the metropolitan transport facilities, amenities and services provided by Liverpool CBD.
2. The proposed development, subject to the revised conditions, adequately satisfies the relevant State legislation and State Environmental Planning Policies including the Water Management Act 1997, SEPP 65 Design Quality of Residential Flat Development, SEPP 55 Remediation of Land, SEPP (Infrastructure) 2007, and Greater Metropolitan Region Plan No. 2 – Georges River Catchment.

In regard to SEPP 65 the Panel notes a number of departures from the associated Residential Flat Design Code but considers these are acceptable as they largely result from an architectural response to optimising opportunities presented by the heritage aspects of the site and its riverside location and will not have an unacceptable impact on adjoining or on site residential amenity.

3. The proposal adequately satisfies the provisions and objectives of Liverpool LEP 2008. Here too the Panel notes a number of departures from the controls which are considered acceptable in this case.

The Panel has considered the Applicant's request to vary the development standard contained in clause 4.6 (non-compliance with clause 4.3 maximum building height) and clause 7.4 building separation and considers that in the circumstances with this particular site and this application, which is retaining in full, and proposing to adaptively use of a substantial heritage building, that compliance with the standards is unreasonable and unnecessary as the variation will not result in a building that will be inconsistent with the scale of buildings approved in and planned for the locality, the development remains consistent with the underlying intent of the standards and the objectives of the LLEP and will provide a public benefit by its retention and adaptive reuse of the heritage building on site.

In relation to clause 4.4 of LLEP, Floor Space Ratio, the Panel considered the applicant's proposal to reduce the gross floor area to ensure compliance with the FSR development standard by way of a condition of consent to delete one floor of the proposed Building A. In response to the applicant's proposal the Panel agreed that a condition should be imposed that the development must be amended to comply with the FSR standard (and the design should be amended).

4. The Site development treatment and the landscape treatment adopted for the proposal will effectively integrate the proposed development into the planned character of the high density residential / urban centre precinct in which it is located. Further, the proposed development will respect the heritage of the site on which it is sited and integrate effectively with the Georges River foreshore.
5. The proposed development will have no significant adverse impacts on the natural or built environments including impacts on the amenity of adjoining or nearby residential premises, the onsite heritage building, the presentation and utility of the river foreshore of the operation of local road network.

## SYDNEY WEST JOINT REGIONAL PLANNING PANEL

6. In consideration of conclusions 1 – 5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal, subject to the conditions imposed, is in the public interest.

### Conditions:

The Panel agreed to approve the application subject to the conditions outlined in the Council Assessment report and as amended:

#### Prior to issue of Construction Certificate:

##### Amended plans

47A. Amended plans which deletes the entire sixteenth floor from Building A are to be submitted to the satisfaction of Liverpool Council's Manager Development Assessment.

##### Heritage conservation

47B. Prior to the issue of any construction certificate for substantial works associated with the construction of the residential apartments (with the exception of a Construction Certificate for early works including excavation and all necessary underground works), a development application is required to be lodged and approved by Council seeking the use and associated fit-out of the heritage building to ensure appropriate conservation and adaptive reuse of the heritage item.

47C. Prior to the issue of any construction certificate for substantial works associated with the construction of the residential apartments (with the exception of a Construction Certificate for early works including excavation and all necessary underground works), the works required under the approved Schedule of Conservation Works and Heritage Specifications prepared by City Plan Heritage Pty Ltd, dated 3 August 2025, shall be completed to the satisfaction of Liverpool Council's Manager Development Assessment.

##### Public Access

47D. Any future application lodged on the subject site seeking strata/stratum subdivision of the approved development shall address Council's requirement to maintain public access from the site to the river foreshore and public land including maintenance and future ownership.

##### Surrender of Consent



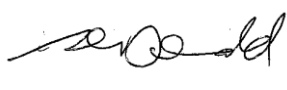

47E. In accordance with Section 80A(5) of the Environmental Planning and Assessment Act 1979, Development Consent **862/2012** is to be surrendered prior to the issue of any Construction Certificate. The surrender of the abovementioned Development Consent takes effect when Council receives the required information prescribed by Clause 97 of the Environmental Planning and Assessment Regulation 2000 and a completed form titled "Modification or Surrender of a Consent Form". The form titled "Modification or Surrender of a Consent Form" is available at <http://www.liverpool.nsw.gov.au>

#### Prior to issue of Occupation Certificate:

##### Heritage conservation

146A. The approved use of the heritage building is required to be activated prior to the issue of any Occupation Certificate for the residential component of the development. This shall be demonstrated by the submission of a signed and effective lease agreement associated with the use of the heritage building, which is required to be submitted to Council prior to the issue of any Occupation Certificate.

### Panel members:

 <b>Mary-Lynne Taylor (Chair)</b>	 <b>Bruce McDonald</b>	 <b>Stuart McDonald</b>
 <b>Tony Hadchiti</b>		

# SYDNEY WEST JOINT REGIONAL PLANNING PANEL

## SCHEDULE 1

1	<b>JRPP Reference – LGA – Council Reference:</b> 2014SYW163 – Liverpool – DA-1010/2014
2	<b>Proposed development:</b> Partial demolition of the existing heritage building known as the 'former Challenge Wollen Mills'; removal of existing car park; tree removal; site remediation; the construction of two residential flat buildings ranging from 5 to 16 storeys and containing a total of 250 residential apartments (5 X studios, 69 X 1 bedroom, 160 X 2 bedrooms and 16 X 3 bedrooms, inclusive of 25 adaptable units), two levels of basement parking; landscaping and associated site works.
3	<b>Street address:</b> 20 Shepherd Street, Liverpool
4	<b>Applicant:</b> Coronation Property <b>Owner:</b> Shepherd Street Developments Pty Ltd
5	<b>Type of Regional development:</b> Capital Investment Value is over \$20 million
6	<b>Relevant mandatory considerations:</b> <ul style="list-style-type: none"> <li>• Contaminated Land Management Act 1997.</li> <li>• Water Management Act 2000.</li> <li>• State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development.</li> <li>• State Environmental Planning Policy No.55 – Remediation of Land.</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011.</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</li> <li>• State Environmental Planning Policy (Infrastructure) 2007.</li> <li>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.</li> <li>• Liverpool Local Environmental Plan 2008.</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 (EPA) or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council Assessment Report Dated 28 September 2015 Written submissions during public exhibition: 1 Submissions Verbal submissions at the panel meeting on behalf of the applicant: <ul style="list-style-type: none"> <li>• Jonathon Canavan (Coronation Property), Dominic Alvaro (Architect) Woods Bagot, Kerime Danis (Heritage – City Plan), Kate Bartlett (Planner – Mecone)</li> </ul>
8	<b>Meetings and site inspections by the panel:</b> Site Inspection, Final Briefing & Determination Meeting – 8 October 2015
9	<b>Council recommendation:</b> Approval