

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at Liverpool City Council on 13 April 2016 at 5.20 pm

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Lindsay Fletcher,
Cr Peter Harle, Cr Sabrina Mamone

Apologies: Cr Peter Ristevki Declarations of Interest: None

Determination and Statement of Reasons

2015SYW038 – Liverpool – DA62/2015 [90 Cartwright Avenue Miller] as described in Schedule 1.

Date of determination: 13 April 2016

Decision:

The panel determined to defer 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 defer this application to obtain and consider legal advice. In particular the Panel seeks legal advice regards to:

- The conflicting advice from the Applicant' solicitor, Council's solicitor and the solicitor for the neighbouring site (Green Valley Hotel);
- Advice on all aspects of the application that relate to the use of site and the building work proposed for the land over which a covenant provides that the land be used for car parking shared with the hotel.

Conditions: Not applicable

Panel members:

 Mary-Lynne Taylor (Chair)	 Bruce McDonald	 Lindsay Fletcher
 Cr Sabrina Mamone	 Cr Peter Harle	

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SCHEDULE 1

1	JRPP Reference – LGA – Council Reference: 2015SYW038 – Liverpool – DA62/2015
2	Proposed development: Demolition of existing car parking and removal of trees within carpark; relocation of Telstra communications tower; construction of ground floor retail car parking and residential shop top housing (26 x 1 bedroom, 107 x 2 bedrooms and 12 x 3 bedrooms); two floors of basement residential car parking; associated works.
3	Street address: 90 Cartwright Avenue Miller
4	Applicant/Owner: Mel Hazzouri, Mintus Pty Ltd
5	Type of Regional development:
6	Relevant mandatory considerations: • State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development • State Environmental Planning Policy No.55 – Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment • Liverpool Local Environmental Plan 2008 • 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 Environmental Planning Assessment Act 1979 or EPA Regulation. • The public interest, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council Assessment Report Dated 30 March 2016 Written submissions during public exhibition: 2 Verbal submissions at the panel meeting: Support- XX; Against - Michael Harris; On behalf of the applicant – Anthony El-Hazouri, David Byrnes, Robert Del Pizzo
8	Meetings and site inspections by the panel: Site Inspection, Briefing Meeting & Determination Meeting 13 April 2016
9	Council recommendation: Approval
10	Draft conditions: As per Assessment Report