

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at Liverpool City Council on 16 June 2016 at 11.00 am

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

Apologies: Lindsay Fletcher 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: 16 June 2016

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 application, subject to the conditions imposed, for the following reasons:

1. The proposed development will add to the supply and choice of housing within the Southwest Metropolitan Subregion and the Liverpool local government area in a location with access to the services and amenities available within Miller Town Centre and will add to the commercial and retail capacity of the Centre.
2. The proposed development is consistent in scale, design, social objectives and commercial purpose with the draft Masterplan adopted by and being progressively developed by Council to guide future opportunities for the social and commercial development of Miller Town Centre and will contribute significantly to the planned renewal of the Centre in line with the principles of that Masterplan.
3. The Panel has considered the Applicant's request to vary the development standards contained in Clause 4.3 (Height of Buildings) of Liverpool LEP 2008 and considers that compliance with these standards is unreasonable and unnecessary in the circumstances of this case as the variation assists in providing a building that is consistent with the draft masterplan adopted by Council to guide future development of the Centre and does not result in an increase in the total Gross Floor Area otherwise achievable on this site. It is considered the development remains consistent with the objectives of the standards and the applicable B2 Local Centre zoning of the subject site.
4. The proposed development, subject to the conditions imposed, adequately satisfies the relevant State Environmental Planning Policies including SEPP 65 – Design Quality of Residential Flat Development and its associated Residential Flat Design Code, SEPP 55 Remediation of Land, SEPP (Infrastructure) 2007, and Greater Metropolitan REP No.2 Georges River Catchment Area.
5. The proposal adequately satisfies the provisions and objectives of Liverpool LEP 2008 and Liverpool DCP 2008.
6. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby residential premises and the operation of the local road system. In that regard the Panel notes that significant parking additional to that required by the relevant planning provisions is to be provided and that satisfactory alternative parking provisions during the period of construction is to be supplied.
7. It is further noted that the Panel has received legal advice that the Panel is not prevented from determining this application as a consequence of the easement arrangements affecting the subject land.

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

8. In consideration of conclusions 1-7 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

Conditions:

The development application was approved subject to the conditions in the Council Assessment Report

Panel members:



Mary-Lynne Taylor (Chair)



Bruce McDonald



Cr Sabrina Mamone



Cr Peter Harle

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

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: Mintus Pty Ltd Owner: JEA Holdings (Aust) Pty Ltd
5	Type of Regional development:
6	Relevant mandatory considerations: • Environmental planning instruments: ○ 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 • Draft environmental planning instruments: ○ Draft Miller Town Masterplan • Development control plans: ○ Liverpool Development Control Plan 2008 • Planning agreements: None • Regulations: ○ Consideration of the provisions of the Building Code of Australia and National Construction Code (NCC) • 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> and 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 Council Supplementary Report Dated: 6 June 2016 Written Legal Advice provided 20 May 2016 (confidential client privilege) Written submissions during public exhibition: 3 Verbal submissions at the panel meeting: Support- None; Against- None; On behalf of the applicant- Anthony El-Hazouri
8	Meetings and site inspections by the panel: Site Inspection, Briefing Meeting & Determination Meeting 13 April 2016 Site Inspection & Briefing Meeting: 11 May 2016
9	Council recommendation: Approval
10	Draft conditions: As per Assessment Report