

DATE OF DETERMINATION	17 January 2017
PANEL MEMBERS	Nicole Gurran (Acting Chair), Lindsay Fletcher, John Griffin and Cllr Peter Harle
APOLOGIES	Cllr Tony Hadchiti and Cllr Wendy Waller
DECLARATIONS OF INTEREST	None

Public meeting held at Liverpool City Council, Blue Gum Room, Level 5, 33 Moore Street, Liverpool on Tuesday 17 January 2017, opened at 1.30 pm.

MATTER DETERMINED

2015SYW129 - Liverpool City Council, DA-612/2015 - Two residential flat buildings comprising one x seven storey building and one x six storey building with a total of 140 units, underground car parking, demolition of structures and site works, 28 Shepherd Street, Liverpool.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the matters observed at site inspection listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80/96 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

REASONS FOR THE DECISION

1. The proposal is consistent with the desired future character of the area and the objectives of the R4 Zone.
2. The proposal responds to the site context, satisfying the design principles of SEPP 65 and the requirements of the Residential Apartment Design Guide.
3. The Panel considers that the proposal has incorporated a number of changes responding to the concerns of the Design Excellence Panel.
4. The proposal satisfies the requirements of the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.
5. The Panel notes that the building setback to Shepard St is smaller than required by the Liverpool DCP 2008. The Panel accepts that the future urban character of the area and the specific constraints of the site justify the inconsistency with the setback requirements of LDCP 2008 in this instance.
6. The Panel also notes that the proposal exceeds the maximum site coverage of 50% as required by the LDCP2008. However, in this instance the Panel accepts the smaller site coverage is offset by the quality of the overall common space provided, including the significant landscaping in the central courtyard area.

7. The Panel notes that the site is flood affected but accepts the advice of Council staff that vehicle and pedestrian access to the site and the street will remain in the event of a Probable Maximum Flood.

8. The Proposal has been referred to several external authorities which have provided their approval, subject to conditions.

CONDITIONS

The development application was approved subject to the conditions in the Council Supplementary Report with the following additional conditions:




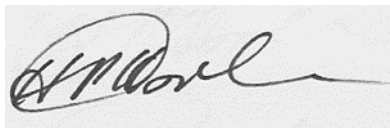
1. Condition No. 125(e)

A public access easement shall be created over the subject site located between the Eastern building and the foreshore building line to the satisfaction of Council. The required easement shall be created and registered with Land and Property Information and submitted to Liverpool City Council prior to the issue of an Occupation Certificate.

2. ADVISORY (G)

(m) Please note that condition No. 125(e) may only be varied, modified or extinguished by Liverpool City Council, if the foreshadowed VPA incorporating the public access to and along the river foreshore via a boardwalk/other infrastructure proceeds.

3. Condition to be included prior to the issue of a CC, the applicant is to submit to the satisfaction of Council's Manager Development Assessment, details of measures proposed to ensure reasonable privacy to the ground level of apartments fronting Shepherd Street.

PANEL MEMBERS	
 Nicole Gurran (Acting Chair)	 Lindsay Fletcher
 John Griffin	 Peter Harle

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2015SYW129 - Liverpool City Council, DA-612/2015
2	PROPOSED DEVELOPMENT	Two residential flat buildings comprising one x seven storey building and one x six storey building with a total of 140 units, underground car parking, demolition of structures and site works
3	STREET ADDRESS	28 Shepherd Street, Liverpool
4	APPLICANT/OWNER	Applicant – Coronation (28 Shepherd St) Pty Ltd Owner – Calistan Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Liverpool Local Environmental Plan 2008 <p>Draft environmental planning instruments: Nil</p> <p>Development control plans:</p> <ul style="list-style-type: none"> • Liverpool Development Control Plan 2008 • Part 1 – General Controls for all Development • Part 4 – Liverpool City Centre <p>No planning agreement relates to the site or proposed development.</p> <p>Regulations:</p> <ul style="list-style-type: none"> • Environmental Planning and Assessment Act Regulation 2000 <p>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</p> <p>List any coastal zone management plan:</p> <ul style="list-style-type: none"> • The subject site is not within any coastal zone management plan. <p>The suitability of the site for the development.</p> <p>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>The public interest, including the principles of ecologically sustainable</p>

		development.
7	MATERIAL CONSIDERED BY THE PANEL	<p>Council Report with recommended conditions of consent</p> <p>Amended plans of the proposal</p> <p>Design excellence panel minutes and changes by applicant</p> <p>Heritage impact assessment</p> <p>Aboriginal cultural heritage due diligence assessment</p> <p>Applicant response to DPI water issues</p> <p>Revised riparian assessment</p> <p>DPI water comments and GTA</p> <p>Sydney water comments</p> <p>Revised design verification statement</p> <p>Remedial action plan</p> <p>Revised apartment design guide compliance table</p> <p>Revised DCP compliance table</p> <p>Revised BASIX report</p> <p>Amended statement of environmental effects</p> <p>Social impact assessment</p> <p>Acoustic report</p> <p>Written submissions: Nil</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> • Object – Nil • On behalf of the applicant – Adam Coburn, Aras Labutis, Chris Yoo, Domenic Alvaro, Dianelle Eioss and Addision Boykin • On behalf of Liverpool City Council – David Smith and Nelson Mu
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<p>17 January 2017 – Site Inspection</p> <p>17 January 2017 – Final Briefing Meeting and Public Meeting</p>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the Council assessment report