

DATE OF DETERMINATION	13 February 2017
PANEL MEMBERS	Sheridan Dudley (Chair), Bruce McDonald, Nicole Gurran, Wendy Waller and Tony Hadchiti
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Francis Greenway Centre, 170 George Street, Liverpool on Monday 13 February 2017 opened at 11.35 am and closed at 1.30 pm.

MATTER DETERMINED

2016SYW035 – Liverpool City Council, DA84/2016, Construction of a mixed use development comprising of a residential flat building containing 134 units and one neighbourhood shop including demolition of existing building and landscaping works, 21 Atkinson Street, Liverpool (Lot 101 DP 7774040).

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 a deferred commencement as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution. The decision was unanimous.

REASONS FOR THE DECISION

1. The proposed development will add to the supply and choice of housing within the Sydney Southwest District and the City of Liverpool in a location with ready access to the services and amenities available from Liverpool City Centre and metropolitan transport services available from Liverpool Rail Station.
2. The proposed development meets the objectives of the zone and is consistent with the desired future character of the locality.
3. The Panel has considered the applicant's request to vary the development standards contained in Clause 4.3 (Height of Buildings) and Clause 7.4 (Building separation in Liverpool City Centre) Liverpool 2008 LEP and considers that compliance with the standards is unreasonable and unnecessary in the circumstances of this case as the proposed variations will not generate unacceptable impacts on adjoining or nearby allotments due to the unique location of the site which adjoins the railway line and is separated by two roads. For these reasons, the variations remains consistent with the objectives of the standards. The development is considered compatible with the anticipated scale of development in this sector of Liverpool City Centre and to satisfactorily accommodate the Floor Space bonus secured under Clause 4.4 (2B) of the LEP.

4. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 – Remediation of Land, SEPP (Infrastructure) 2007 and SEPP Design Quality of Residential Apartment Development and its associated Apartment Design Code. The Panel notes a number of departures from the Apartment Design Guide and considers these are acceptable in consideration of the site's particular characteristics.
5. The proposal adequately satisfies the applicable provisions and objectives of Liverpool LEP 2008 and Liverpool DCP 2008.
6. The proposed development is considered to be of appropriate scale and form adequately consistent with the planned character of the locality in which it is placed.
7. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including local flood patterns, the amenity of adjacent and nearby residential premises, the integrity of the nearby heritage items, the operation of the adjacent Sydney Rail transport line and the operation of the local road network.
8. In consideration of the above conclusions, the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest subject to conditions.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with amendments to the following Conditions:

Add two additional deferred commencement conditions:

1. Amended plans to be submitted to Council incorporating modifications to the balconies of the following apartments: B407, B507, B607, B707. These modifications are to provide for an increase in the width of the apartment balconies facing south in accordance with the ADG balcony width requirement. Reason: to enhance amenity.
2. The wall facing the railway line must incorporate an appropriate visual treatment to the satisfaction of Council's Manager Development Assessment. Reason: To provide enhanced visual presentation to the public domain.

Condition 17 – remove word basement wherever it appears

Condition 26 – at the end of condition 26 add the following... "in accordance with the Liverpool CBD Streetscape and Paving Guidelines".

Condition 58 – Heading should read Demolition Inspections to avoid confusion with Condition 54

Condition 103 – remove basement from the heading and also delete underground in first line of the condition.

Note:

Council representatives on the Panel, Cr Hadchiti and Mayor Waller raised concerns about the potential for cumulative traffic impacts to arise in this precinct due to the scale of development

anticipated in this precinct and the need for this to be considered in future strategic planning for the precinct.

PANEL MEMBERS	
 Sheridan Dudley (Chair)	 Bruce McDonald
 Nicole Gurran	 Toni Hadchiti
 Wendy Waller	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW035 – Liverpool City Council, DA84/2016
2	PROPOSED DEVELOPMENT	Construction of a mixed use development comprising of a residential flat building containing 134 units and one neighbourhood shop including demolition of existing building and landscaping works
3	STREET ADDRESS	21 Atkinson Street, Liverpool (Lot 101 DP 7774040)
4	APPLICANT/OWNER	Applicant: Synergy Development Group Pty Ltd Owner: Newtown Properties Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development with a CIV over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	Environmental planning instruments: • 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 (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 Draft environmental planning instruments: Nil Development control plans: • Liverpool Development Control Plan 2008 • Part 1 – General Controls for all Development • Part 4 - Development in the Liverpool City Centre Planning agreements: • No planning agreement relates to the site or proposed development Regulations: • Environmental Planning and Assessment Act Regulation 2000 The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The subject site is not within any coastal zone management plan. The suitability of the site for the development. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>. The public interest, including the principles of ecologically sustainable development.

7	MATERIAL CONSIDERED BY THE PANEL	Council Assessment Report with recommended conditions with supporting documents. Written submissions during public exhibition: nil Verbal submissions at the panel meeting: • Object – Nil • On behalf of the applicant – Frank Mosca, David Haskew, Amen Zoabi and Ahmad Refaieh
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	13 February 2017 – Site Inspection 13 February 2017 – Final Briefing Meeting 13 February 2017 – Public Meeting
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report