

DATE OF DETERMINATION	06 October 2016
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Bruce McDonald, Paul Mitchell, Eddie Jackson and Raj Autar
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Francis Greenway Centre, 170 George Street, Liverpool on Thursday 06 October 2016, opened at 12:25 pm.

MATTER DETERMINED

2016SYW047 - Liverpool City Council, DA-180/2016, Consolidation of five existing lots, demolition of existing structures and construction of a 13 storey (Tower A) and 10 storey (Tower B) residential flat building comprising a total of two hundred and twenty one (221) units. The development provides a unit mix of 33 x 1 bedroom apartments, 152 x 2 bedroom apartments and 36 x 3 bedroom apartments, above three levels of basement parking with two hundred and sixty five (265) spaces and associated driveway and landscaping, 17-25 Bigge 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 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 ready access to the services and amenities available from Liverpool Central Business District and metropolitan transport services available from Liverpool Rail Station.
2. The Panel has considered the applicant's request to vary the development standards contained in clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) Liverpool LEP 2008 and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the variation in the proposal as modified by condition of consent will not generate any greater impacts on adjoining or nearby allotments than a complying development, remains consistent with the objectives of the standards and will result in development that addresses the currently limited supply of 1 and 3 bedroom residential units in the Liverpool Town Centre locality.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP Design Quality of Residential Apartment Development and its associated Apartment Design Code and SEPP 55 – Remediation of Land. In that regard the Panel will impose a condition requiring a Remedial Action Plan to be prepared to the satisfaction of Council's Manager, Environmental Health, which Plan shall include more detailed sampling that complies with the density given in the NSW EPA's Contaminated Sites Sampling Design Guidelines (1995). The applicant shall also undertake a waste classification assessment for the off- site disposal of material excavated for the development and shall submit the assessment to Council for review and approval by the Manager, Environmental Health.

4. The proposal adequately satisfies the applicable provisions and objectives of Liverpool LEP 2008 and Liverpool DCP 2008 noting that the housing mix provisions of the DCP are now adequately met.
5. The proposed development as amended by the deletion of Level 7 is considered to be of appropriate scale and form adequately consistent with the planned character of the locality in which it is placed.
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 adjacent and nearby residential premises, the operation of the local road system or the significance of the nearby heritage item.
7. In consideration of conclusions 1-6 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 with deferred commencement condition being deleted and the substitution of new Condition 58A.

New condition 1A - **Amended Plans** to read as follows:





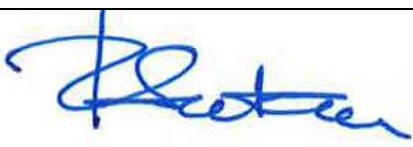
Amended plans reflecting the decision of the Panel to delete level 7 (storey 8) of Building A shall be submitted to and approved by Manager, Development Assessment, Liverpool City Council prior to issue of construction certificate.

New condition 58A – **Contamination** to read as follows:

A Remedial Action Plan shall be prepared which includes more detailed sampling that complies with the density given in the NSW EPA's Contaminated Sites Sampling Design Guidelines (1995).

Reason: to comply with provisions of SEPP 55 – Remediation of Land

Note: as a result of the requirement to delete Floor 7 of building A the section 94 A contribution will need to be revised.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Bruce McDonald
 Paul Mitchell	 Eddie Jackson
 Raj Autar	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW047 - Liverpool City Council, DA-180/2016
2	PROPOSED DEVELOPMENT	Consolidation of five existing lots, demolition of existing structures and construction of a 13 storey (Tower A) and 10 storey (Tower B) residential flat building comprising a total of two hundred and twenty one (221) units. The development provides a unit mix of 33 x 1 bedroom apartments, 152 x 2 bedroom apartments and 36 x 3 bedroom apartments, above three levels of basement parking with two hundred and sixty five (265) spaces and associated driveway and landscaping
3	STREET ADDRESS	17-25 Bigge Street, Liverpool
4	APPLICANT/OWNER	Applicant – CV McNally Owner – Bigge Investments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development with a 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 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 <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 development.</p>
7	MATERIAL CONSIDERED BY THE PANEL	<p>Council Assessment Report: 22 September 2016</p> <p>Written submissions during public exhibition: A petition containing 33</p>

		<p>signatures</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> • Object – Nikola Sikic • On behalf of the applicant – Jim Fanning, David Thompson and Ben Pomroy
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<p>11 May 2016 – Briefing Meeting</p> <p>06 October 2016 – Site Inspection</p> <p>06 October 2016 – Final Briefing Meeting</p>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report