

DATE OF DETERMINATION	13 March 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 March 2017 opened at 11.10 am and closed at 12.40 pm.

MATTER DETERMINED

2016SYW083 – Liverpool City Council, DA377/2016, Demolition of existing structures, removal of trees and the construction of two residential flat buildings of 9 and 12-storey in height containing 96 units, with 2 basement car parking levels, (52 residential Units in Building A) – 12-storey, and 44 residential Units in Building B – 9-storey). The application is lodged pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009, Lot 48, DP 1083428, No. 24-26 George 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 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 including affordable housing within the South West District of Greater Sydney and the Liverpool local government area in a location with access to the essential service employment demands of Liverpool CBD, the services and amenities offered within the CBD and the metropolitan transport services including rail 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 7.4 (Building separation in Liverpool City Centre) of the Liverpool LEP 2008 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 and remain 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 by the inclusion of affordable rental housing within the development.

3. The proposed development subject to the conditions imposed adequately satisfies the relevant State Environmental Planning Policies including SEPP (Affordable Rental Housing 2009), SEPP 55 Remediation of Land and SEPP 65-Design Quality Residential Apartment Development and its associated Apartment Design Guide. In regard to the Apartment Design Guidelines, the Panel notes that there are a number of departures from its provisions. However, the Panel is prepared to accept those departures in this instance given that the proposal has been reviewed by Council's independent Design Excellence Panel and assessed as being of acceptable design.
4. The proposal adequately satisfies the applicable provisions and objectives of Liverpool LEP 2008 and Liverpool DCP 2008. In that regard it is noted that while the proposed development exhibits departures from development standards relating to building height and building separation these have been assessed by Council's Independent Design Excellence Panel and are considered satisfactory in this case.
5. The proposed development is considered to be of appropriate scale and form and is adequately consistent with the 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 adjoining and nearby residential premises.
7. 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:

Condition 3 amended to read as follows:

The south facing terraces of the ground floor apartments (Units 2 and 3 on the southern side of Building B) where they face the southern boundary shall be reduced to a maximum of 1m so as to provide additional landscaped/common area along the southern boundary of the development. A pedestrian access shall be provided in this area to provide a continuous pedestrian link from Tindall Avenue to the common open space provided between Building A and Building B to link with the proposed path adjacent to the communal open space.






Amended architectural and landscape plans reflecting the required changes shall be submitted to and approved by the Manager Development Assessment of Liverpool City Council prior to the issue of a Construction Certificate.

Add new Condition 113A to read as follows:

The affordable housing units shall consist of 20% of each of the 1-bedroom, 2-bedroom and 3-bedroom units, being 3 x 1-bedroom unit, 15 x 2-bedroom units and 1 x 3-bedroom unit. Should the required affordable housing mix not meet the requirements of the selected Community Housing Provider, alternative arrangements to the satisfaction of the Community Housing Provider are to be submitted to and approved by the Manager Development Assessment of Liverpool City Council. The affordable housing units shall be distributed throughout both Buildings A and B and shall be located such that no more than one affordable unit is located on any one floor of either Building A or B.

Reason:

To achieve an affordable rental housing mix of all unit sizes and an appropriate social outcome.

PANEL MEMBERS	
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SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW083 – Liverpool City Council, DA377/2016
2	PROPOSED DEVELOPMENT	Demolition of existing structures, removal of trees and the construction of two residential flat buildings of 9 and 12-storey in height containing 96 units, with 2 basement car parking levels, (52 residential Units in Building A) – 12-storey, and 44 residential Units in Building B – 9-storey). The application is lodged pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.
3	STREET ADDRESS	Lot 48, DP 1083428, No. 24-26 George Street, Liverpool
4	APPLICANT/OWNER	Applicant: Synergy Development Group Owner: EKD Investments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Development with a CIV over \$20 million. The proposal has a CIV of \$22.8 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 (Affordable Rental Housing) 2009 • 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 - Development in the Liverpool City Centre <p>Planning agreements:</p> <ul style="list-style-type: none"> • No planning agreement relates to the site or proposed development <p>Regulations:</p> <ul style="list-style-type: none"> • Environmental Planning and Assessment Act Regulation 2000 • Consideration of the provisions of the Building Code of Australia <p>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic</p>

		<p>impacts in the locality.</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>Supplementary Council Assessment report, Council Assessment Report with recommended conditions, Architectural plans, Landscape plan, Storm water drainage plan, Survey plan, Clause 4.6 variation written justification to vary height of buildings development standard, Clause 4.6 variation written justification to vary building separation development standard, Statement of environmental effects, SEPP 65 verification statement, Design principles and compliance table, Waste management plan, Traffic report, BASIX certificate, Design excellence panel comments.</p> <p>Written submissions during public exhibition: nil</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> Object – Nil On behalf of the applicant – Charlie Zappia, Josh Own and Amen Zoabi
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<p>01 December 2016 - Site Inspection</p> <p>01 December 2016 – Briefing Meeting</p> <p>13 March 2017 – Final Briefing Meeting</p> <p>13 March 2017 – Public Meeting</p>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report