

<b>DATE OF DETERMINATION</b>	27 July 2017
<b>PANEL MEMBERS</b>	Sheridan Dudley (Chair), Bruce McDonald, Nicole Gurran and Tony Hadchiti
<b>APOLOGIES</b>	Wendy Waller
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Liverpool City Council on 27 July 2017, opened at 11:37 AM and closed at 1:50 PM.

#### **MATTER DETERMINED**

2016SYW105 – Liverpool City – DA-496/2016 AT 7-13 Norfolk Street Liverpool (Lot 34 DP 777411, Lots 1 & 2 DP 7541) (AS DESCRIBED IN SCHEDULE 1)

#### **PANEL CONSIDERATION AND DECISION**

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.

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**

The reasons for the decision of the Panel were:

1. The proposed development will add to the supply and choice of housing within the Sydney South West District and the Liverpool local government area and to the commercial capacity of Liverpool City Centre consistent with the planned development of the City Centre. Further a building of the significance and scale proposed will reinforce the designated role of Liverpool as a Strategic Centre.
2. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 65 – Design Quality of Residential Apartment Development and its associated Apartment Design Guide, SEPP 55 – Remediation of Land and SEPP (Infrastructure) 2007.
3. The proposal adequately satisfies the applicable objectives and provisions of Liverpool LEP 2008 including the provisions of Clause 7.5 relating to building design excellence. In that regard the Panel accepts the conclusion of the Council assessment that the proposed building exhibits design excellence. Further the proposal is consistent with Draft LEP Amendment 52 – Liverpool City Centre.
4. The proposal adequately satisfies the applicable objectives and provisions of Liverpool DCP 2008.
5. 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 or the operation of the local road system.
6. In consideration of conclusions 1-5 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

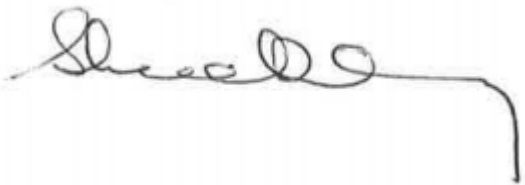



The development application was approved subject to the conditions in the Council Assessment Report with the following additions:

**1. Addition of condition 1 (e) to read:**

Appropriate privacy screening is to be provided to the northern facing windows of the commercial/retail tenancies G.02 and 101. Amended plans demonstrating the screening is to be submitted to and approved by Liverpool Council's Manager of Development Assessment prior to the issue of a construction certificate.

**2. Addition of condition 1 (f) to read:**

A suitably designed acoustic boundary fence is to be constructed along the entire length of the northern boundary at the full cost of the developer. The fence is to be certified by a suitably qualified acoustic consultant, demonstrating compliance with the relevant requirements of the NSW Industrial Noise Policy and any other relevant EPA guidelines. Plans and documentation to this effect are to be submitted to and approved by Liverpool Council's Manager of Development Assessment prior to the issue of a construction certificate.

PANEL MEMBERS	
	
Sheridan Dudley (Chair)	Bruce McDonald
	
Nicole Gurrán	Tony Hadchiti

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW105 – Liverpool City – DA-496/2016
2	PROPOSED DEVELOPMENT	Construction of a 25 storey mixed use residential and commercial building with four basement levels of car parking and demolition of existing structures.
3	STREET ADDRESS	7-13 Norfolk Street Liverpool (Lot 34 DP 777411, Lots 1 & 2 DP 7541)
4	APPLICANT/OWNER	Applicant: Mosca Pserras Architects Pty Ltd Owner: Eagle Developments Australia Pty Ltd J A P Cardile Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development.</li> <li>State Environmental Planning Policy No.55 – Remediation of Land.</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (Infrastructure) 2007.</li> <li>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.</li> <li>Liverpool Local Environmental Plan 2008.</li> </ul> </li> <li>Draft environmental planning instruments: Draft LLEP 2008 – Amendment 52</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Liverpool Development Control Plan 2008.</li> <li>Part 1 – General Controls for all Development.</li> <li>Part 4 – Development in the Liverpool City Centre.</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil [or enter the clauses if relevant]</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 10 July 2017</li> <li>Written submissions during public exhibition: 1</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Support – Nil</li> <li>Object – Nil</li> <li>On behalf of the applicant – Nil</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing meeting on 24 November 2016.</li> <li>Site inspection on 27 July 2017.</li> <li>Final briefing meeting to discuss council's recommendation, 27 July 2017, 10:42 AM. Attendees: <ul style="list-style-type: none"> <li>Panel members: Sheridan Dudley (Chair), Bruce McDonald, Nicole Gurran and Tony Hadchiti</li> <li>Council assessment staff: David Smith, George Nehme</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report