

DATE OF DETERMINATION	Monday, 29 June 2020
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Peter Harle and Wendy Waller
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Teleconference Call on 29 June 2020, opened at 11:05am and closed at 11:31am.

MATTER DETERMINED

2016SYW169 – Liverpool City Council – DA-767/2016 at 64 Bathurst Street and 203-209 Northumberland Street Liverpool (Part Lot 10, DP 816556)– Construction of a twenty-one (21) storey mixed-use development. (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposed development will allow for the orderly development of the site with the proposed substantial mixed-use development within the Liverpool City Centre consistent with the Town Centre development strategy.
2. When the development is complete, it will provide additional commercial and retail capacity within the 4 storey podium levels including a ground floor restaurant to activate the street front as well as 66 new residential units.
3. Overall the mix of uses will contribute to the diversity and progress of Liverpool town centre to reinforce the role of Liverpool Town Centre as a civic hub. It will add to available employment as well as increasing housing supply and choice within the City of Liverpool and the Western City District.
4. On that basis, the Panel accepts and agrees with the advice provided in the staff report that:
 - (a) The proposed development is permissible by virtue of the operation of clause 5.3 of the LEP. Clause 5.3 essentially enables the permissible uses within the adjoining B4 Mixed Use zone to be conducted on land that is within 25 metres of the zone boundary including the site the subject of the development application.
 - (b) The proposed development meets the objectives of both zones and is a desirable development in the context of and within the meaning of clause 5.3 of the LEP for the reasons set out in the assessment report.
5. Significant issues raised during the assessment process concerning the design of the building, its response to the ADG controls, as well as its impacts on and relationship to future development on land to the South and South East have been managed during the assessment process and are sufficiently

addressed in the staff assessment report. The assessment report states that future buildings on the adjoining sites to the south and south east will still receive more than 3 hours of solar access. The new building is also not expected to unduly interrupt summer breezes.

6. The Panel has also taken note of the outcome of referral of the DA to the Council's Design Excellence Panel, and particularly the positive response to the proposed nil boundary setback and blank wall presenting to the southern boundary. That approach to the design for the site in that regard will allow for the efficient use of the subject site and will allow for reasonable development outcomes for the adjoining site to the immediate south, particularly if a new building for that site adopts a zero setback to its northern boundary.
7. It was sufficiently established that the adjoining property to the South was not interested in amalgamation to allow for development of a larger site, by inclusion in the material assessed a letter to that effect from the relevant owner.
8. The proposal has been assessed to comply with the current development standards that apply to the site namely a 100m height limit and an FSR of 8:1.
9. Development in accordance with the proposed concept subject to appropriate conditions can adequately satisfy the relevant State Environmental Planning Policies including SEPP 65 – Design Quality of Residential Apartment Development, SEPP 55 – Remediation of Land, SEPP (Infrastructure) 2007 and Greater Metropolitan Regional Environmental Plan No. 2 Georges River Catchment, and will be consistent with the provisions of the draft SEPP's.
10. The proposal has been assessed to make adequate provision for parking for the residential and commercial aspects of the building and will not generate unsatisfactory traffic impacts.
11. Taking all of these matters into account, and the discussion of the community submissions below, approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report

CONSIDERATION OF COMMUNITY VIEWS

The determination scheduled for the meeting of 25 May 2020 was deferred to allow for renotification of the DA at the Panel's direction given the long period since the initial notification in 2016, and amendments to the plans since that time.

In coming to its decision, the panel considered written submissions made during public exhibition on both occasions and heard Mr David Cassaniti's address to the panel on behalf of a number of land owners, including the property to the immediate south and commercial properties to the south east.

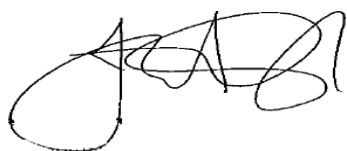
The panel notes that issues of concern included:

- Traffic and parking concerns
- Built form/Scale
- Overshadowing
- Privacy
- Aesthetics
- Devaluation
- Inconsistency with SEPP 65 (Design Principles and Building)
- Separation requirements of the ADG allowing for the likely future development of the adjacent site.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

The panel notes that in addressing these issues the Panel was particularly mindful of the response of the Design Excellence Panel, and the assessment report in relation to issues of building separation and available solar access for future buildings on the land to the south and south east.

PANEL MEMBERS



Justin Doyle (Chair)



Nicole Gurran



Louise Camenzuli



Peter Harle



Wendy Waller

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW169 – Liverpool City Council – DA-767/2016
2	PROPOSED DEVELOPMENT	Construction of a twenty-one (21) storey mixed-use development with five (5) levels of basement for parking, storage and plant. Four (4) retail tenancies on the ground floor facing Bathurst Street, four (4) storey podium comprising two (2) commercial tenancies with a courtyard, a mezzanine and communal open space for residents and a seventeen (17) storey tower with 66 residential units.
3	STREET ADDRESS	64 Bathurst Street and 203-209 Northumberland Street Liverpool (Part Lot 10, DP 816556)
4	APPLICANT/OWNER	Applicant: Stirling 203 Northumberland Owner: Scenic NSW Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$20M (DA lodged before 1 March 2019)
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 (State and Regional Development) 2011 - Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment - Liverpool Local Environmental Plan 2008 - Draft environmental planning instruments: Draft Liverpool Local Environmental Plan No.52 - Development control plans: - Liverpool Development Control Plan 2008 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Consideration of the provisions of the Building Code Australia (BCA)/National Construction Code (NCC) - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Applicant response to submissions received: 16 June 2020 - Supplementary assessment report: 11 May 2020 - Verbal submissions at the public meeting 29 June 2020: - David Cassaniti - Council assessment officer – George Nehme - On behalf of the applicant – Vasiliko Cardassis and Paul Saunders

		• Council assessment report: 11 May 2020 • Written submissions during public exhibition: 11 • Verbal submissions at the public meeting 25 May 2020: ○ On behalf of the applicant – Vasiliki Cardassis and Paul Saunders
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Site visit inspection: ○ Panel member: Justin Doyle attended the site and locality on Sunday, 12 April 2020. Further inspections were limited due to the Covid 19 restrictions. • Final briefing to discuss council's recommendation, Monday, 29 June 2020, 10:10am. Attendees: ○ Panel members: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Peter Harle and Wendy Waller ○ Council assessment staff: George Nehme and Boris Santana • Briefing: Thursday, 1 December 2016 ○ <u>Panel members</u>: Sheridan Dudley (Chair), Bruce McDonald, Tony Hadchiti and Peter Harle ○ <u>Council assessment staff</u>: Tony Ristevski, David Smith, Nelson Mu, Toni Averay and Nabila Samadie • Final briefing to discuss council's recommendation, Monday, 25 May 2020, 1:10pm. Attendees: ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Peter Harle and Wendy Waller ○ <u>Council assessment staff</u>: George Nehme
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report