

DATE OF DETERMINATION	16 April 2018
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Nicole Gurran, Stuart McDonald and Cllr Mazhar Hadid
APOLOGY	Councilor Tony Hadchiti
DECLARATIONS OF INTEREST	None

Public meeting held at Casula Powerhouse, on Monday 16 April 2018 opened at 12:35pm and closed at 12:45pm.

MATTER DETERMINED

Panel Ref – 2016SYW218 - LGA – Liverpool, DA-962/2016, Address – 9-15 Northumberland Street, Liverpool (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 meeting 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 decision was unanimous.

REASONS FOR THE DECISION

The Panel unanimously approved the application for the following reasons:

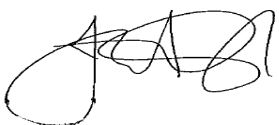


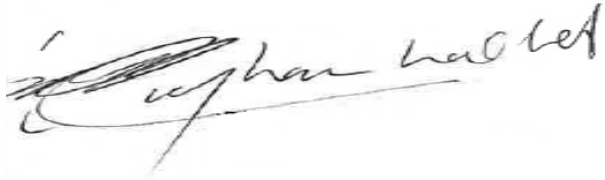
1. The proposed development will add further supply and choice of housing within the Sydney Western City District and the Liverpool local government area in a location with ready access to the amenities, services and metropolitan transport facilities available within Liverpool Central Business District.
2. The Panel has considered the Applicants request to vary the development standard contained in Cl. 7.4-(Building Separation in Liverpool City) of Liverpool LEP 2008 relating to the separation distance from neighbouring buildings. The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as that variation will not generate unacceptable impacts on adjoining premises, will contribute to improved appearance of the adjoining building when viewed from the street and remains consistent with the objectives of the standard. It is important that the variation is sought in circumstances where the adjoining building was approved under a different planning regime to present a blank wall to the subject site with a zero setback.
3. 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 (ADG), SEPP 55-Remediation of Land , SEPP

(Infrastructure) 2007 and Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment . The Panel notes that the while the proposal does not comply with the building separation provisions of the ADG , it considers this acceptable in this case given the onsite location of earlier approved buildings on adjacent allotments and the measures taken in the design to address privacy.

4. The proposal adequately satisfies the applicable provisions and objectives of Liverpool LEP 2008 Liverpool DCP 2007.
5. The Panel the Panel considers that the requirement of CI 7.5 -Design Excellence in Liverpool City Centre- has been satisfied and that the proposal exhibits design excellence. In this regard the Panel is guided by the considerations of Councils Design Excellence Panel. Notably, the reporting of the Design Excellence Panel's deliberation left uncertain whether the Panel sought to have a further presentation of an amended design. Council's reporting officer, who was present at the relevant meeting of the Design Excellence Panel, confirmed that the Panel had clearly indicated that no further presentation was sought.
6. Positive changes adopted from the recommendations of the Design Excellence Panel included:
 - (a) To reduce the overall height of the proposal from 14 to 12 storeys;
 - (b) To relocate units from the previously proposed top two levels to the east to better take advantage of the aspect towards the park;
 - (c) Reduction of the proportion of the elevations comprising exposed render were reduced.
7. The Panel considers that appropriate measures have been taken to satisfy the principles established by the NSW Land and Environment Court in regard to potentially isolated sites.
8. The proposed development is considered to be of an appropriate scale and form consistent with the planned character of the element of the Liverpool CBD in which it is located.
9. The proposed development, subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the significance of the nearby heritage items, the local ecology, the amenity of nearby residential premises or the operation of the local road system.
10. In consideration of conclusions 1- 9 above it is considered 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 subject to the following amendments.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Bruce McDonald
 Nicole Gurran	 Mazhar Hadid

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW218 - LGA – Liverpool, DA-962/2016
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a 12-storey residential fat building above 2 levels of basement car park comprising 106 residential apartments and 126 car spaces.
3	STREET ADDRESS	9-15 Northumberland Street, Liverpool
4	APPLICANT/OWNER	Northumberland Ventures Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value of over \$20million.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy N. 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 ○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment ○ Liverpool Local Environmental Plan 2008 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Liverpool Development Control Plan 2008 <ul style="list-style-type: none"> - Part 1 – General Controls for all Development - Part 4 -Development in the Liverpool City Centre. • Planning agreements: Nil • <i>Environmental Planning and Assessment Regulation 2000</i>: 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	<ul style="list-style-type: none"> • Council assessment report, recommended conditions, architectural plans, landscape plans, survey plan, design excellence panel comments, statement of environmental effects and clause 4.6 variation and site isolation documentation. • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Nil ○ On behalf of Council – George Nehme
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site Inspection and Briefing Meeting – 22 May 2017 • Site Inspection – 16 April 2018 • Final Briefing Meeting – 16 April 2018 from 12.00 pm to 12:30pm
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Submitted with report