

DATE OF DETERMINATION	14 September 2017
PANEL MEMBERS	Sheridan Dudley (Chair), Nicole Gurran, Bruce McDonald, Karress Rhodes and Tony Hadchiti
APOLOGY	Wendy Waller
DECLARATIONS OF INTEREST	None

Public meeting held at Casula Powerhouse on Thursday 14 September 2017 opened at 12.30 pm and closed at 2.20 pm.

MATTER DETERMINED

Panel Ref – 2016SYW231 - LGA – Liverpool, DA-1008/2016, Address – 1-5 Bathurst 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

1. The proposed development will add to the supply and choice of housing within the Sydney Southwest District and the Liverpool local government area in a location with ready access to the services and amenities available within Liverpool City Centre and the metropolitan rail services provided at Liverpool Rail Station.
2. The Panel has considered the Applicant's request to vary the development standards contained in Clause 7.4 Building Separation in the Liverpool City Centre and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variations will not generate unacceptable impacts on nearby premises, remain consistent with the objectives of the standards and will not result in development inconsistent in form and scale with that prevailing in this locality.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 – Remediation of Land, SEPP 65 – Design Quality of Residential Apartment Development and its associated Apartment Design Guide. It is noted that the proposal is not fully compliant with the minimum separation specified in the Apartment design Guide. However this is considered acceptable in the circumstances relating to this site and as the departure does not generate significant loss of amenity.
4. The proposal adequately satisfies the applicable provisions and objectives of Liverpool LEP 2008, including Clause 7.5 relating to Design Excellence and the applicable 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 adjacent residential premises or nearby heritage.
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.

PANEL MEMBERS	
	
Sheridan Dudley (Chair)	Bruce McDonald
	
Nicole Gurran	Tony Hadchiti
	
Karress Rhodes	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2016SYW231 - LGA – Liverpool, DA-1008/2016
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a 9 storey residential flat building above 2 levels of basement carpark comprising 94 residential apartments and 116 car spaces.
3	STREET ADDRESS	1-5 Bathurst Street, Liverpool
4	APPLICANT/OWNER	Synergy Development P/L
5	TYPE OF REGIONAL DEVELOPMENT	Proposed development has a capital investment value of over \$20million.
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - 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 • State Environmental Planning Policy (Infrastructure) 2007 • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Liverpool Local Environmental Plan 2008 • Draft environmental planning instruments: Nil • Development control plans: • Liverpool Development Control Plan 2008 - 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	• Council assessment report, recommended conditions and relevant documents submitted as part of the DA. • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Charlie Zappia, Josh Own and Amen Zoabi ○ On behalf of Council – George Nehme
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing Meeting – 13 April 2017 • Site Inspection – 13 April 2017 • Final Briefing Meeting – 14 September 2017 from 11.00 am to 11.25 am • Public Meeting – 14 September 2017 Attendees: ○ <u>Panel members</u>: Sheridan Dudley (Chair), Nicole Gurran, Bruce McDonald, Karress Rhodes and Tony Hadchiti ○ <u>Council assessment staff</u>: George Nehme
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Submitted with report

