

| | |
|---------------------------------|---|
| DATE OF DETERMINATION | 17 April 2019 |
| PANEL MEMBERS | Justin Doyle (Chair), Bruce McDonald, Peter Brennan and Peter Harle |
| APOLOGIES | Wendy Waller and Nicole Gurran |
| DECLARATIONS OF INTEREST | Nil |

Public meeting held at Liverpool City Council on 17 April 2019, opened at 2.17pm and closed at 5:05pm.

MATTER DETERMINED

Panel Ref – 2017SSW001 – LGA – Liverpool – DA1248/2016 at 101 Nuwarra Road, Moorebank (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 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 provide additional housing supply and choice within the City of Liverpool and the and the Sydney Western City District in a location with ready access to the amenities and services provided by Moorebank local centre. The proposal will also provide capacity for additional retail and commercial services and associated employment within Moorebank Centre.
2. The Panel has considered the Applicant's request to vary the development standards specified in Cl.4.3(2) relating to maximum building height and Cl.4.4(2) relating to Floor Space Ratio contained within Liverpool LEP 2008. The Panel considers that compliance with the standards is unreasonable and unnecessary in the circumstances of this case as that variations respond to the dual zoning of the site and it's sloping characteristic. It is particularly noted that the sum of the floor space proposed does not exceed the sum permitted when combining the allowable measures of the two zones applying to the site. Further the additional height will not generate unacceptable impacts on nearby premises, and is of minor perception in the planned context of the locality. The variations are considered to remain consistent with the objectives of the standards and the objectives of the R4 High Density zone and B2 Local Centre zone.

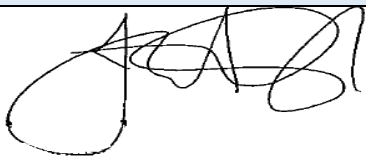

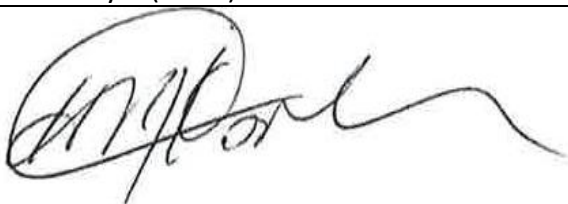

3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 -Remediation of Land, SEPP 65 Design Quality of Residential Apartment Development and its associated Apartment Design Guide and Greater Metropolitan Regional Environmental Plan No2- Georges River Catchment
4. The proposal adequately satisfies the applicable objectives and provisions of Liverpool Local Environmental Plan 2008 and Liverpool DCP 2008. While Commercial Premises are not a permitted use within the R4 High Density zone, such use is in this instance allowed under CI 5.3 of the LEP as those uses are within 25m of the B2 Local Centre zone boundary.
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 buildings or school grounds buildings due to loss of privacy, on street parking, traffic congestion or the capacity of the local road system.
6. The proposed development is considered to be of acceptable form and scale consistent with the planned character of the locality of high density development within a commercial, precinct. Further the Panel notes that the proposed building design has been reviewed by the Councils Design Excellence Panel and found to exhibit design excellence.
7. In consideration of conclusions 1-6 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.

CONSIDERATION OF COMMUNITY VIEWS

There were no public submissions.

| PANEL MEMBERS | |
|---|--|
|  <p>Justin Doyle (Chair)</p> |  <p>Bruce McDonald</p> |
|  <p>Peter Harle</p> |  <p>Peter Brennan</p> |

| SCHEDULE 1 | | |
|------------|-----------------------------------|---|
| 1 | PANEL REF – LGA – DA NO. | Panel Ref – 2017SSW001 – LGA – Liverpool – DA1248/2016 |
| 2 | PROPOSED DEVELOPMENT | Demolition of existing buildings, construction of a mixed use development consisting of 2 residential apartment buildings above ground floor commercial space with basement parking and strata subdivision. |
| 3 | STREET ADDRESS | Lot 101 DP 601256, Lot 1 DP 230908, 101 Nuwarra Road, Moorebank |
| 4 | APPLICANT/OWNER | OAR2 Pty Ltd |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Affordable housing development has a CIV of over \$5million |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development) and Apartment Design Guide ○ 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 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Regs 92, 93, 94, 94A, 288 • 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 | <ul style="list-style-type: none"> • Council assessment report: 3 April 2019 • List any clause 4.6 variation requests - The applicant has submitted |

| | | |
|----|--|---|
| | | <p>a clause 4.6 variation to justify the non-compliance.</p> <ul style="list-style-type: none"> • Written submissions during public exhibition: 4 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Boris Santana ○ On behalf of the applicant – Anthony Nolan |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Site inspection and Briefing: 31 July 2017 • Site inspection and Briefing: 4 February 2019 • Final briefing to discuss council's recommendation, 17 April 2019, 1.00pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Peter Brennan and Peter Harle ○ <u>Council assessment staff</u>: Boris Santana |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |