

DATE OF DETERMINATION	26 June 2017
PANEL MEMBERS	Sheridan Dudley (Chair), Nicole Gurran, Lindsay Fletcher, Wendy Waller and Tony Hadchiti
APOLOGY	Bruce McDonald
DECLARATIONS OF INTEREST	None

Public meeting held at Francis Greenway Centre on Monday 27 June 2017 opened at 12.35 pm and closed at 2.25 pm.

MATTER DETERMINED

Panel Ref – 2017SSW018 - LGA – Liverpool, DA-865/2016, Address – 249-251 Hoxton Park Road and 9-11 Edgeworth Place, Cartwright (Lot 10 DP 1155995, Lot 502 and Lot 503 DP 236840) (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

- (a) uphold the applicant's request to vary Clause 4.3 Height of Buildings pursuant to Clause 4.6 Liverpool LEP 2008 for the reasons set out below; and
- (b) approve the development application as described in Schedule 1 subject to the recommended conditions of consent as amended below 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 affordable housing within the metropolitan South West District and the Liverpool local government area in a location with acceptable access to services and amenities.
2. The Panel has considered the Applicant's request to vary the development standards contained in Clause 4.3 (Height of Buildings) Liverpool LEP 2008 and considers that:
 - i. the applicant's submission adequately addresses the matters required under cl.4.6;
 - ii. the development remains consistent with the objectives of the standard and the objectives of the zone;
 - iii. there are sufficient environmental planning grounds to justify the variation including particularly enhancing the amenity for residents of the existing building through provision of roof top and additional ground level communal open space ; and

- iv. compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation is acceptable from a streetscape perspective, will not generate unacceptable impacts on adjoining or nearby properties and will not result in development inconsistent in form and scale with that existing and planned for the locality. The variation will also assist to facilitate the provision of affordable housing by assisting to accommodate the bonus Floor Space Ratio provisions of the Affordable Housing SEPP.

For the above reasons, the Panel is satisfied that variation from the LEP development standard is in the public interest.

3. The proposed development adequately satisfies the relevant State and Regional Environmental Planning Policies including SEPP (Affordable Rental Housing) 2009, SEPP 55 - Remediation of Land, SEPP (Infrastructure) 2007, SEPP (BASIX) 2004, Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment and SEPP 65- Design Quality Residential Apartment Development and its associated Apartment Design Guide.
4. The proposal adequately satisfies the applicable provisions and objectives of Liverpool LEP 2008 and Liverpool DCP 2008.
5. The proposed development is considered to be of appropriate scale and form, adequately consistent with the planned character of the locality in which it is placed. In that regard, the Panel notes and accepts the support given to the proposal by the Council's Design Excellence Panel.
6. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the local ecology, the amenity of adjacent and nearby residential premises and the operation of the local road system.
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 subject to the following amendments:

Add new conditions:

Cladding Materials

- The proposed cladding is to comply with the National Construction Code (NCC) and Relevant Australian Standards. A fire safety report prepared by a C10 fire engineer, must be submitted to the PCA, demonstrating all cladding materials used for the building complies with the NCC and relevant Australian Standards. The fire safety report is to include evidence of suitability of all proposed cladding as per clause A2.2 of the NCC.

Communal Open Space

- Submission of amended landscape and architectural plans detailing amended treatment to the communal open space and/or the east facing windows of the ground floor apartment of the existing Residential Flat Building in order to protect and maintain the security and privacy of the residents of the ground floor apartment.

Delete conditions 19, 31, 83(a), 117.

Amend condition 106 in the following manner:

Subject to the approval of Roads and Maritime Services, the bollards within the raised speed hump directly in front of 11 Edgeworth Place shall be removed in order to improve vehicular access to the proposed development, at no cost to Council.

Amend condition 108 in the following manner:

Change 10 years to 20 years






Amend condition 109 to read "all occupants of both residential flat buildings shall have access to the roof top communal open space area"

Amend condition 110 to read:

"19 car parking spaces for residents of both buildings (including 6 accessible spaces) are to be provided"

Note

The Council representatives are aware that the number of on-site car parking spaces complies with the Affordable Rental Housing SEPP, and that in those circumstances the number of car parking spaces cannot be used as a reason for refusal. However, the Council representatives are concerned that the parking rates in the SEPP are not particularly well designed for affordable housing developments in this area.

PANEL MEMBERS	
 Sheridan Dudley (Chair)	 Lindsay Fletcher
 Nicole Gurran	 Tony Hadchiti
 Wendy Waller	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSW018 – Liverpool - DA865/2016
2	PROPOSED DEVELOPMENT	Construction of a 6-storey residential flat building containing 31 units, demolition of existing buildings and lot consolidation. The application is lodged pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

3	STREET ADDRESS	249-251 Hoxton Park Road and 9-11 Edgeworth Place, Cartwright (Lot 10 DP 1155995, Lot 502 and Lot 503 DP 236840)
4	APPLICANT/OWNER	St George Community Housing Provider
5	TYPE OF REGIONAL DEVELOPMENT	The development contains affordable housing with a capital investment value of \$9.8million.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> • State Environmental Planning Policy (Affordable Rental Housing) 2009 • 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: <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 3.7 – Residential Flat Development in the R4 Zone • 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 and relevant documents submitted as part of the DA. • Written submissions during public exhibition: Nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – <ul style="list-style-type: none"> ○ On behalf of the applicant – George Bakopoulos, Allison Mahlberg, Gerard Turrisi and Nicholas Byrne ○ On behalf of Council – David Smith, Rodger Roppolo

8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site Inspection – 26 June 2017 • Final Briefing Meeting - 26 June 2017 • Public Meeting - 26 June 2017 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sheridan Dudley (Chair), Nicole Gurran, Lindsay Fletcher, Wendy Waller and Tony Hadchiti ○ <u>Council assessment staff</u>: David Smith, Rodger Roppolo
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Submitted with report