

<b>DATE OF DETERMINATION</b>	10 April 2017
<b>PANEL MEMBERS</b>	Sheridan Dudley (Chair), Bruce McDonald, Nicole Gurran, Karess Rhodes and Tony Hadchiti
<b>APOLOGY</b>	Wendy Waller
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Francis Greenway Centre, 170 George Street, Liverpool on Monday 10 April 2017 opened at 2.40 pm and closed at 4.55 pm.

#### **MATTER DETERMINED**

2017SSW019 – DA1113/2015 – Liverpool City Council – Construction of a five-storey residential flat building containing 30 units above a basement car park. The proposal is lodged pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009. Lot 103 DP 594256 and Lot 9 DP 26897 – 46-50 Hoxton Park Road, Liverpool

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the matters observed at site inspection 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 Panel adjourned during the meeting to deliberate on the matter and formulate a resolution. The decision was unanimous.

#### **REASONS FOR THE DECISION**

1. The proposed development will add to the supply and choice of housing including affordable housing within the Sydney South West District and the Liverpool local government area in a location with access to the essential service employment demands of Liverpool CBD, the services and amenities offered within the CBD and the metropolitan transport services including rail services available from Liverpool rail station.
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 the compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation is minor, will not generate unacceptable impacts on adjoining or nearby allotments, remains consistent with the objectives of the standard and will not result in development inconsistent in form and scale with that in 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.
3. The proposed development subject to the conditions imposed adequately satisfies the relevant State Environmental Planning Policies including SEPP (Affordable Rental Housing 2009), SEPP 55 Remediation of Land and SEPP 65-DesignQuality Residential Apartment

Development and its associated Apartment Design Guide. In regard to the Apartment Design Guidelines, the Panel notes that there are a number of departures from its provisions. However, the Panel is prepared to accept those departures in this instance given that the proposal has been reviewed by Council's Independent Design Excellence Panel and assessed as being of acceptable design.

4. The proposal adequately satisfies the applicable provisions and objectives of Liverpool LEP 2008 and Liverpool DCP 2008. In that regard it is noted that while the proposed development exhibits departures from development standards relating to building height and building separation and setbacks these departures are considered acceptable and will facilitate accommodation of the Affordable Housing SEPP bonuses.
5. The departures from the standards will not add any additional overshadowing impacts to adjoining properties and privacy concerns are addressed through design conditions
6. The proposed development is considered to be of appropriate scale and form adequately consistent with the emerging and anticipated future character of the locality in which it is placed.
7. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the amenity of adjoining and nearby residential premises.
8. In consideration of conclusions 1-7 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 and the following additional conditions:

### **i. Relocation of Garbage bay to the Basement**

The Bin Holding Room on the Ground Floor of the development shall be relocated to the basement level and the Storage Room within the basement be relocated to the ground floor area now proposed as the Bin Holding Room. Amended plans reflecting this requirement shall be submitted to and approved by Liverpool Council's Manager of Development Assessment prior to the issue of any Construction Certificate.

### **ii. Restrictions on Title**

Prior to the issue of an Occupation Certificate, the following restriction as to user must be registered on the title of the property:


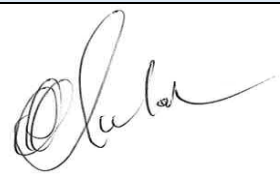



*The hanging of washing, including any clothing, towels, bedding or other article of a similar type on any balcony is not to be visible from any street*

The restriction as to user may not be extinguished or altered except with the consent of Liverpool City Council

### **iii. Surrender of Consent**

In accordance with Section 80A(5) of the Environmental Planning and Assessment Act 1979, Development Consent DA-232/2015 is to be surrendered prior to the issue of any Construction Certificate.

The surrender of the abovementioned development consent takes effect when Council receives the required information prescribed by Clause 97 of the Environmental Planning and Assessment Regulation 2000 and a completed form titled “Modification or Surrender of a Consent Form”.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSW019 – DA1113/2015 – Liverpool City Council
2	PROPOSED DEVELOPMENT	Construction of a five-storey residential flat building containing 30 units above a basement car park. The proposal is lodged pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.
3	STREET ADDRESS	Lot 103 DP 594256 and Lot 9 DP 26897 – 46-50 Hoxton Park Road, Liverpool
4	APPLICANT/OWNER	Applicant: Hoxten Pty Ltd Owner: Forlife Development Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	The proposal includes Affordable Housing (50% of gross floor area) and has a capital investment value of over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Affordable Rental Housing) 2009</li> <li>State Environmental Planning Policy No 65 – Design Quality of</li> </ul>

		<p>Residential Apartment Development</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</li> <li>• Liverpool Local Environmental Plan 2008</li> </ul> <p>Draft environmental planning instruments: Nil</p> <p>Development control plans:</p> <ul style="list-style-type: none"> <li>• Liverpool Development Control Plan 2008</li> <li>• Part 1 – General Controls for all Development</li> <li>• Part 3.7 – Residential Flat Buildings in the R4 zone</li> </ul> <p>Planning agreements:</p> <ul style="list-style-type: none"> <li>• No planning agreement relates to the site or proposed development</li> </ul> <p>Regulations:</p> <ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act Regulation 2000</li> </ul> <p>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</p> <ul style="list-style-type: none"> <li>• The subject site is not within any coastal zone management plan.</li> </ul> <p>The suitability of the site for the development.</p> <p>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>The public interest, including the principles of ecologically sustainable development.</p>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<p>Council Assessment Report with recommended conditions with supporting documents.</p> <p>Written submissions during public exhibition: one</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> <li>• Object – Zoran Kukuji</li> <li>• On behalf of the Applicant – Nil</li> <li>• On behalf of the Council – Ivan Kokotovic</li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<p>10 April 2017 – Site Inspection</p> <p>10 April 2017 – Final Briefing Meeting</p> <p>10 April 2017 – Public Meeting</p>
9	<b>COUNCIL RECOMMENDATION</b>	<b>Approval</b>
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report

