

DATE OF DETERMINATION	27 November 2017
PANEL MEMBERS	Bruce McDonald (Acting Chair), Nicole Gurran, Stuart McDonald, Tony Hadchiti and Mazhar Hadid
APOLOGY	None
DECLARATIONS OF INTEREST	None

Public meeting held at Francis Greenway Centre on Monday 27 November 2017 opened at 11.15am and closed at 11.40pm.

MATTER DETERMINED

Panel Ref – 2017SSW021 - LGA – Liverpool, DA-993/2016, Address – 129 & 131 Memorial Avenue, 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 including affordable housing available within the Sydney Western City 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 services available from Liverpool Rail Station.
2. The Panel has considered the Applicant's request to vary the development standard contained in Clause 4.3(2) of Liverpool LEP 2008 relating to maximum building height 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 and remain consistent with the objectives of the standard and the objectives of the Liverpool LEP R4 zone.
3. The proposed development subject to the conditions imposed adequately satisfies the relevant State and Regional Environmental Planning Policies including SEPP (Affordable Rental Housing 2009), SEPP 55 - Remediation of Land, SEPP (Infrastructure) 2007 and SEPP 65 – Design Quality Residential Apartment Development and its associated Apartment Design Guide. It is noted the reduction in developable site area as a result of planned future road widening and increased permissible FSR as an outcome of including affordable housing in the development has resulted in non-compliance with ADG standards relating to building separation and building depth. However it is considered the design employed adequately addresses any potential impacts of these non-compliances.

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 which while not now reflective of the predominantly low density residential character of the locality in which it is placed is consistent with development planned under the current high density residential zoning.
6. 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 or 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:

- Condition 2 is modified to read as follows –
The concrete slab on Level 4 of the proposed development, as indicated in red on the approved plans, shall be replaced with a non-trafficable roof. The details of the roof shall be submitted to and approved by Council's Development Assessment Manager prior to the issue of a Construction Certificate.
- Condition 84 (a) is modified to read as follows –
A minimum of fifty (50)% of the gross floor area of the development, in this case Units G03, G04, G05, 102, 103, 104, 105, 106, 202, 203, 204, 205, 206, 302, 303, 305, 306 & 402 will be used for the purposes of affordable housing as defined in State Environmental Planning Policy (Affordable Rental Housing) 2009;

Note: The allocation of units may be varied if required by the social housing provider subject to a minimum of 50% of the gross floor area of the development being used for the purpose of affordable housing pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

- Condition 108 (First paragraph) is modified to read as follows –
A minimum 50% of the gross floor area of the development is to be used for the purposes of affordable housing for 10 years from the date of issue of the OC. In addition, all accommodation that is used for affordable housing shall be managed by a registered community housing provider.

PANEL MEMBERS	
 Bruce McDonald (Acting Chair)	 Stuart McDonald

	
Nicole Gurran	Tony Hadchiti
	
Mazhar Hadid	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSW021 - LGA – Liverpool, DA-993/2016
2	PROPOSED DEVELOPMENT	Demolition of existing buildings and the construction of a five storey residential flat building containing thirty residential units with basement car parking and ancillary site works.
3	STREET ADDRESS	129 & 131 Memorial Avenue, Liverpool
4	APPLICANT/OWNER	Ms I Kathia
5	TYPE OF REGIONAL DEVELOPMENT	The proposal is for an affordable housing development that has a capital investment value 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 (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 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 Buildings in the R4 Zone. Planning agreements: Nil <i>Environmental Planning and Assessment Regulation 2000</i>: Nil

		<ul style="list-style-type: none"> • 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, storm water drainage plans, survey plan, clause 4.6 variation, design excellence panel comments, statement of environmental effects, SEPP 65 design verification statement, acoustic report, waste management plan, BASIX certificate, evidence of amalgamation, redevelopment of 127 Memorial Avenue and bus schedule. • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Ms I Kathia, Holly Duan and Darren Lee ○ On behalf of Council – George Nehme, Boris Santana and Lina Kakish
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing Meeting – 14 September 2017 • Site Inspection – 14 September 2017 • Final Briefing Meeting – 27 November 2017 from 10.30 am to 11.10am • Public Meeting – 27 November 2017 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Bruce McDonald (Acting Chair), Nicole Gurran, Stuart McDonald, Tony Hadchiti and Mazhar Hadid ○ <u>Council assessment staff</u>: George Nehme, Boris Santana and Lina Kakish
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Submitted with report