

DATE OF DETERMINATION	14 March 2018
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, Mazhar Hadid and Tony Hadchiti
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Electronic meeting held between 2 March 2018 to 14 March 2018.

MATTER DETERMINED

2017SSW023 – Liverpool – DA82/2017, Address – 26-28 Shepherd Street, Liverpool, Lot 22 and Lot 23 on DP 829055 (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 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

The reasons for the decision of the Panel were:

- The proposed development will add to the supply and choice of housing within the Sydney Western District and the Liverpool local government area in a location with ready access to the amenities, services and metropolitan transport facilities available within Liverpool Central Business District and will contribute to the riverside open space area planned for this locality.
- Having considered the applicant's request to vary the development standard contained in CI7.4 of Liverpool LEP 2008 relating to building separation distances the Panel consider compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the variation will not generate unacceptable impacts and remains consistent with the objectives of the standard.
- The proposed development adequately satisfies the relevant State legislation and State Environmental Planning Policies including the Water Management Act 2000, SEPP65 Design Quality and its associated Residential Apartment Design Guidelines, SEPP55 Remediation of Land, and SEPP (Infrastructure) 2007.
- The proposal adequately satisfies the applicable provisions of Liverpool LEP 2008. In this regard the Panel notes that the proposed building height is permitted pursuant to the provisions of CI, 5.6 --Architectural Roof Features. It is also considered the provisions of CL

7.5 of the LEP requiring the development to exhibit design excellence are satisfied. In that regard the Panel notes the response of the DEP to the review of the proposal it conducted.

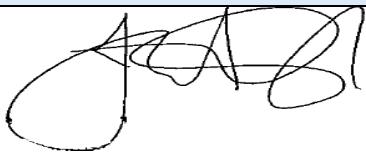


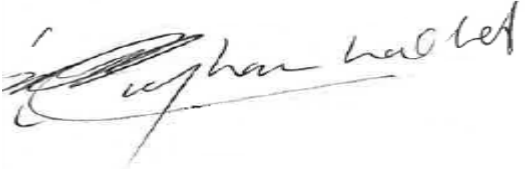

- The proposal adequately satisfies the applicable provisions of Liverpool LEP 2008
- The proposed development to be of an appropriate scale and form consistent with the recently determined planned character for this precinct within the Liverpool CBD which is undergoing rapid transformation from its original industrial role.
- The proposal, subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the local ecology, the Georges River embankments, the local riparian or drainage systems the amenity of nearby residential premises or the operation of the local road system.
- The proposed development is consistent with the recently approved planning proposal in terms of building height and maximum FSR, as well as the massing model as shown in Figure 8, and the Council Assessment Report has concluded that the development “will add an optimum density to the existing residential population in line with the Planning Proposal”.
- The request made under clause 4.6 for variation of the development standard contained in ‘Clause 7.4 Building Separation in Liverpool City Centre’ with respect to:
 - (a) the separation distance of 11.3m proposed between the tower located at 20 Shepherd Street and the proposed tower at 26 Shepherd Street,
 - (b) separation distance of 12.5m proposed between the proposed tower located at 26 Shepherd Street and the proposed tower at 28 Shepherd Street,

Is supported by the Panel; in this case because strict compliance with the standard is unnecessary given the conclusions recorded in the Council Assessment Report that the overall development will meet the objectives of the standard in relation to visual appearance, privacy and solar access. Matters of specific importance in that regard are:

- (i) the superior visual appearance of the development due to its sophisticated architectural design,
 - (ii) generally satisfactory solar access performance taking into account the orientation of the site,
 - (iii) architectural features incorporated to mitigate concerns over privacy,
 - (iv) the positive urban design analysis by Council which measured the development against the massing and footprints contained in the approved planning proposal.
- Having regard of the above conclusions the Panel consider 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 recommended in the council assessment report with amendment condition 24.

PANEL MEMBERS	
	
Justin Doyle	Nicole Gurran
	
Bruce McDonald	Mazhar Hadid
	
Tony Hadchiti	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSW023 – Liverpool – DA82/2017
2	PROPOSED DEVELOPMENT	Construction of a 14 storey residential flat building comprising of 82 apartments at 26 Shepherd Street; Extension to ‘Building C1 South’ by an additional 14 storeys and extension to ‘Building C1 North’ by an additional 12 storeys comprising of an additional 150 units at 28 Shepherd Street; Consolidation of 26 and 28 Shepherd Street.
3	STREET ADDRESS	26-28 Shepherd Street, Liverpool, Lot 22 and Lot 23 on DP 829055
4	APPLICANT/OWNER	Applicant – Coronation (26 Shepherd Street) Pty Ltd Owners: Coronation (28 Shepherd Street) Pty Ltd and Shepherd Property Nominee Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value > \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	1. Environmental planning instruments: <ul style="list-style-type: none"> • State Environmental Planning Policy No. 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 • Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River

		<ul style="list-style-type: none"> • Liverpool Local Environmental Plan 2008 <ol style="list-style-type: none"> 2. Draft environmental planning instruments: Nil 3. Development control plans: <ul style="list-style-type: none"> ○ Liverpool Development Control Plan 2008 ○ Part 1 – General Controls for all Development ○ Part 4 – Development in the Liverpool City Centre 4. Planning agreements: A VPA applies to the Shepherd Street precinct 5. Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 6. Coastal zone management plan: Nil 7. The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality 8. The suitability of the site for the development 9. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations: <p>Consideration of the provisions of the Building Code of Australia.</p> 10. 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 with documents submitted with the report - 22 February 2018 • Written submissions during public exhibition: Nil
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<p>Site inspection – 5 March 2018</p> <p>Electronic meeting – 2 March 2018 to 14 March 2018</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached with the report