

MEETING DETAILS

MEETING DATE / TIME	Monday, 2 July 2018 – 1.30pm to 2.30pm Site inspection undertaken on 4 June 2018
LOCATION	Liverpool City Council

BRIEFING MATTER(S)

PANEL REF – 2017SSW041 - LGA – Liverpool – DA471/2017, Address - 32-34 Shepherd Street, Liverpool, Description - Construction of a 17 storey residential flat building comprising of 198 units including demolition of existing buildings.

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Bruce McDonald, Nicole Gurran, Peter Harle and Wendy Waller
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Potential conflicts of interest noted of Justin Doyle (Chair). Councillors Peter Harle and Wendy Waller declared a non-pecuniary Interest because they had previously voted on planning applications concerning the development of the Shepherd Street Precinct, and noting Council's potential interest in the outcome of the DA.

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	George Nehme Rodger Roppolo
OTHER	Suzie Jattan – Panel Secretariat

KEY ISSUES DISCUSSED

1. The formal briefing of the Panel followed upon a preliminary briefing provided by staff on 4 June 2018. The Panel's notes of that discussion are included below for ease of reference. The merit issues identified in that report remain.

2. The land the subject of the DA, and surrounding sites are shown in the photograph below extracted from the staff briefing.



3. One important issue of concern to the Panel is the impact on local traffic of the closure of part of the cul de sac which would be necessary to make up the “subject site” shaded in the photo in pink. Shepherd Street is being developed as a high-density residential and retail area. Trucks entering the street including emergency vehicles currently rely on the cul de sac to turn around.
4. The staff briefing note identifies remaining concerns from the Council’s traffic engineer about the turning of vehicles within the public road at the end of Shepherd Street if the cul de sac is closed which will need to be resolved.
5. As it presently remains a public road, the cul de sac is presently owned by Liverpool council. In order to close the cul de sac to be built upon, it would first have to be transferred (presumably by sale) to the developer. Approval of the DA has the potential to substantially increase the commercial value of the part of the site which would be transferred. Council would seem therefore to have a material financial interest in the progress of the proposed development due to its part ownership of the site, which should be addressed in the assessment. Before approval is granted, some arrangement whereby independent advice on the issues of merit and particularly traffic impact is therefore appropriate before Council can resolve to approve the DA (or support it being approved through the Court appeal).
6. Staff present at the briefing reported that the Council had endorsed its consent as owner of part of the DA site to the making of the development application. However, the Panel understands that the signing of the DA form did not indicate any conclusion to support the proposal, and the s.4.15 assessment of the DA (and Council’s position on transfer of the part of the cul de sac) is yet to be resolved.
7. While decisions concerning the closure and sale of the relevant part of Shepherd Street are not before the Panel, the environmental impacts of converting use of the cul de sac from road to private development, the consequent significant increase in the developable site area of numbers 32 and 34, and significant changes to the local traffic environment in Shepherd Street, do seem relevant to assessment of the DA.

8. The Panel has been briefed with a Statement of Facts and Contentions filed for the Council in the Land and Environment Court Appeal. That statement raises, at least in substance, the merit issues identified by the Panel arising from its preliminary reading of the plans, subject to the observations made above being considered.
9. In order for the Panel to make a final decision about its involvement in the pending Land and Environment Court proceedings and the scheduled s. 34 conference, the Panel would be assisted by communication of a summary of:
 - (a) The views of Council's traffic engineer concerning any impacts of the proposed development on the use of (and available means to turn vehicles within) Shepherd Street once they are further resolved.
 - (b) Progress of Council's assessment of the merits of the proposed building measured against applicable controls, SEPP 65 and the Apartment Design Guide.

Information concerning any proposals for new development which might affect or intensify the use of the cul de sac in Shepperd Street would also be useful in that regard, noting that the cul de sac is the frontage for two undeveloped sites, as well as Powerhouse Road which provides vehicular access (partly by private right of way) to the Casula Powerhouse and the eastern side of Casula station.

Record of issues discussed by the Panel previously on 4 June 2018

The purpose of the briefing was to enable the Panel to consider the degree of its involvement with the pending Land & Environment Court appeal against Council's deemed refusal of the DA

The Panel Chair learned during the site visit that it is possible acted a number of years ago for an entity that may currently owns lots 3 and 4, although that entity is not the applicant and the advice did not concern this site. The Chair will investigate the circumstances of that potential conflict to determine whether he can continue to participate in the deliberations and determination.

The Panel also discussed the potential for a non-pecuniary conflict arising from past decisions taken by the Councillor members of the Panel. Again, that potential conflict will be investigated before any decision is taken by the Panel.

A central issue for the application is a proposal to close the cul de sac in Shepherd Street. Ultimately that involves decisions for which the Panel is not the determining authority. Either way, traffic issues would need to be resolved for this DA to be able to be approved.

A copy of the plans is to be provided to the Panel. The Panel will review those plans in the context of the road closure. Any amendment to the Statement of Facts & Contentions filed on 29 April 2018 and any Statement of Facts & Contentions in Reply should be provided to the Panel.

The Panel sought advice as to the long-term plans for access along Shepherd Street, observing that it seems likely that traffic and access were considered as part of the rezoning. Council staff advised that there was a traffic report completed at that stage which may prove relevant.

Given the Council's interest in the DA site as part owner, there seemed to be a good case for a degree of independent input into the planning and traffic assessment.

The Panel noted the substantial difference between the setbacks proposed in the massing model submitted with the planning proposal, and those in the DA. In particular the former allowed for the cul de sac to be preserved. Plainly a resolution of heavy vehicle turning would need to be considered if the cul-de sac was permitted to be removed and absorbed into the development site.

The layout of the proposed buildings raises acoustic, solar access and visual issues of merit. The configuration of the individual units will need careful consideration against the DCP and ADG. One issue to be considered is the extent to which the 'study nooks' are adaptable as undersized second bedrooms should be considered.