

DATE OF DETERMINATION	6 August 2018
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, Cr Peter Harle and Cr Wendy Waller
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Electronic meeting held between 26 July 2018 to 6 August 2018.

MATTER DETERMINED

2018SSW003 – Liverpool – DA1110/2017, Address – 71-75 Cabramatta Avenue, Miller
(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 4.55 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:

1. The proposed development will provide additional affordable housing within the Liverpool local government area and the Sydney Western City District in a location well placed to service the essential service employment demands of the southern elements of that District.
2. The Panel has considered the Applicants request to vary the development standard contained in Cl. 4.3 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 that variation responds to the accommodation of the additional floor space entitlement secured under SEPP (Affordable Rental Housing) 2009 and the recommendation of Councils Design excellence Panel to provide increased floor to floor heights, will not generate unacceptable impacts on nearby premises, is of minor perception in the planned context and remains consistent with the objectives of the standard.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP (Affordable Rental Housing) 2009, SEPP 55 -Remediation of Land, SEPP 65 Design Quality of Residential Apartment Development and its associated

4. The proposal adequately satisfies the applicable objectives and provisions of Liverpool LEP 2008 and Liverpool DCP 2008.
5. The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby buildings.
6. While the proposed development will be situated in a residential context now comprising detached dwellings, the proposed development is considered to be of acceptable form and scale consistent with the planned residential apartment context and character of the locality within which the site is placed.
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 recommended in the council assessment report with the following amendments and a new condition relating to colour of the roof.

New Condition 1(a) (iii) to read as follows –

The colour of the roof shall be a light colour.

Reason: To minimise the impact of urban heat island effect.

Condition 1(a) amended to read as follows:

- (i) *The depth of the Level 4 terraces to Units 4.02, 4.04 are to align with the depth of the balconies above on Level 5;*
- (ii) *Fixed privacy screening shall be provided between Level 4 and the underside of the eave at Level 5 to at least two-thirds of the width of the northern elevation of the balcony associated with Units 4.02, 4.03, 4.04, 5.02, 5.03 and 5.04*

Deletion of Condition 20, which read as follows:

Detailed plans showing access driveways and car parking including swept path analysis, line markings and sign posting in accordance with the LDCP and AS2890, shall be submitted to and approved by council's Traffic and Transport Section

Deletion of Condition 21, which read as follows:

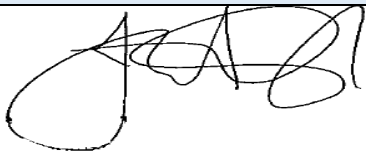




Prior to issue of a CC, detailed design plans are to be submitted to and approved by Council's Traffic and Transport Section, detailing the provision of a raised median island within the driveway in order to restrict traffic movements to left in and left out only.

Deletion of Condition 100, which read as follows:

The development is to be used for the purposes of affordable housing for 10 years from the date of issue of the OC and shall be managed by a registered not-for-profit community housing provider.

Note: Affordable Housing is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument. A household is taken to be a very low income household, low income household or moderate income household if the household:

- (i) Has a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or*
- (ii) Is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.*

PANEL MEMBERS	
	
Justin Doyle	Nicole Gurran
	
Bruce McDonald	Peter Harle
	
Wendy Waller	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SSW003 – Liverpool – DA1110/2017
2	PROPOSED DEVELOPMENT	<p>The application proposes the construction of a 6 storey residential flat building containing a total of 39 units, including the demolition of existing buildings and lot consolidation.</p> <p>The application is lodged pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.</p>
3	STREET ADDRESS	71-75 Cabramatta Avenue, Miller
4	APPLICANT/OWNER	<p>Applicant – GAT and Associates</p> <p>Owners – St George Community Housing Provider</p>

5	TYPE OF REGIONAL DEVELOPMENT	Affordable Rental Housing with a Capital investment value > \$5million
6	RELEVANT MANDATORY CONSIDERATIONS	<ol 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 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 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 Part 1 – General Controls for all Development Part 3.7 – Residential Flat Development in the R4 Zone Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: 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: Consideration of the provisions of the Building Code of Australia. 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 – 2 June 2018 with revised conditions submitted 3 August 2018. Written submissions during public exhibition: Nil
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<p>Briefing meeting – 16 April 2018</p> <p>Site inspection – 6 August 2018</p> <p>Electronic meeting – 26 July 2018 to 6 August 2018</p>
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached with the report
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