

DATE OF DETERMINATION	5 November 2018
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Peter Brennan and Cr Peter Harle
APOLOGIES	Nicole Gurran and Wendy Waller
DECLARATIONS OF INTEREST	Nil

Public meeting held at Liverpool City Council Library on 5 November 2018, opened at 4.00pm and closed at 6.50pm.

MATTER DETERMINED

PANEL REF – 2018SSW008 - LGA – Liverpool – DA109/2018 AT 87, 89 and 91 Nuwarra Road, Moorebank (Lot 100 DP 1238023) (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 the meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the application as described in Schedule 1 subject to the recommended conditions pursuant to section 4.55 of the Environmental Planning and Assessment Act 1979.

REASONS FOR THE DECISION

1. The proposed development will provide additional affordable rental housing supply within the City of Liverpool and the Sydney Western City District in a location with ready access to the amenities and services provided by Moorebank local centre.
2. The Panel has considered the Applicants request to vary the development standard contained in Cl. 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 that variation accommodates the additional floor space entitlement secured under SEPP (Affordable Rental Housing) 2009 without significant adverse impacts. The additional height is attributable in part to permitting ordered on site stormwater management without extensive site excavation. Further the additional height will not generate unacceptable impacts on nearby premises, is of minor perception in the planned context of the locality and remains consistent with the objectives of the standard and the zoning.
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 Local Environmental Plan 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 due to loss of privacy or parking congestion or the utility of the local road system. The Panel took into account recent nearby development and the development potential of adjoining sites.
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. Further the Panel notes that the proposed building design has been reviewed by the Councils Design Excellence Panel and found to be satisfactory when assessed against the design principles of SEPP 65 provided that its recommendations were adopted (which the Council staff report is the case).
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 with the following amendments to be made before a notice of determination issues:

Parking

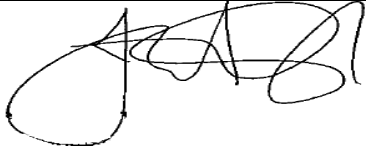



Condition 2 is to be amended to provide for a designated and appropriately designed carwash bay include with a tap, drainage to sewer and bunding.

Condition 21 is to be amended by adding the words “and is of sufficient capacity” after the first sentence in the second paragraph.

A condition is to be added to require 300mm of lattice above the northern fence.

A new condition is to be added to the effect that all access to and egress from the proposed development is to be limited to a left in/ left out arrangement with evidence of Council’s satisfaction concerning the associated driveway design including any necessary signage and alterations to road infrastructure to be supplied to the Principal Certifying Authority prior to the issue of a construction certificate for erection of the approved building.

The decision was unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Justin Doyle	 Peter Brennan
 Bruce McDonald	 Peter Harle

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PANEL REF – 2018SSW008 - LGA – Liverpool – DA109/2018
2	PROPOSED DEVELOPMENT	Demolition of existing buildings, consolidation of lots and construction of a 6-storey residential flat building comprising 9 x 1 bedroom units and 33 x 2 bedroom units with at-grade car parking. The development is lodged pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009 and is to be managed by a social housing provider.
3	STREET ADDRESS	87, 89 and 91 Nuwarra Road, Moorebank (Lot 100 DP 1238023)
4	APPLICANT/OWNER	Applicant – GAT and associates Owner - St George Community Housing Limited
5	TYPE OF REGIONAL DEVELOPMENT	Affordable Housing Development with a CIV 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 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.

		<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 ● 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 Buildings 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: November 2018 ● Written submissions during public exhibition: 6 ● Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Doris Mordocco, Robert Lysaght and Margaret McMahon ○ On behalf of the applicant – Gerard Turrisi, George Bakopolous and Peter Smith
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Site Inspection – 5 November 2017 ● Final briefing meeting to discuss council’s recommendation, 5 November 2018, 2.30pm to 3.00pm. ● Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Peter Brennan and Cr Peter Harle ○ <u>Council assessment staff</u>: Lina Kakish, George Nehme, and Boris Santana
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report