

<b>DATE OF DETERMINATION</b>	5 November 2018
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Bruce McDonald, Peter Brennan and Cr Peter Harle
<b>APOLOGIES</b>	Nicole Gurran, Cr Wendy Waller (who attended the briefing only)
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held at Liverpool City Council Library on 5 November 2018, opened at 4.00pm and closed at 6:50 pm.

### **MATTER DETERMINED**

PANEL REF – 2018SSW009 - LGA – Liverpool – DA108/2018 AT 88-92 Elizabeth Drive, Liverpool (Lot 1 in DP 26047, Lot B in DP 391258 & Lot 3 in DP 657111) (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 and metropolitan transport services available within Liverpool Central Business District. The subject site is also well placed to accommodate those engaged in essential service employment within Liverpool CBD.
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 responds to the accommodation of the additional floor space entitlement secured under SEPP (Affordable Rental Housing) 2009, and to locating the ground floor of the building at a height that responds to the flood management requirements of the site. The additional height also facilitates provision of additional communal open space at rooftop level. Further the additional height will not generate unacceptable impacts on nearby premises, is acceptable in the planned context of the locality and remains consistent with the objectives of the standard and the zone.
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.
6. 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 satisfy the design principles of SEPP 65.
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.

NB: Mayor Waller who could not attend the meeting communicated her view that notwithstanding compliance of the parking rates with the SEPP, she remained concerned that the development will result in queuing along Elizabeth Drive, as well as an increase in on-street parking that will result in adverse impacts and safety implications. On that issue the remainder of the Panel noted the RMS concurrence to the access arrangements.

#### **CONDITIONS**

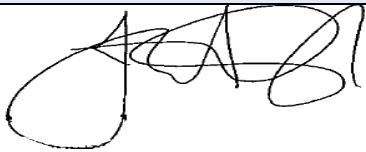

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

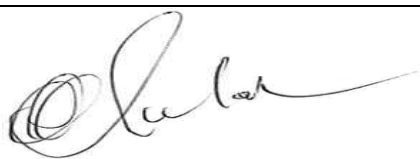
Condition 1 is to be amended to add Sheet 17\_043 DA-A-903 to the table of approved plans.

Condition 35 is to be deleted.

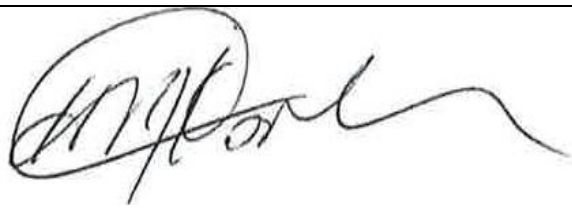
Condition 1 is to be amended by adding 1(f) to provide for a designated and appropriately designed carwash bay include with a tap, drainage to sewer and bunding.

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

PANEL MEMBERS	
 Justin Doyle (Chair)	 Peter Brennan



Bruce McDonald



Peter Harle

### SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PANEL REF – 2018SSW009 - LGA – Liverpool – DA108/2018
2	PROPOSED DEVELOPMENT	<p>Demolition of existing structures, construction of a five storey residential flat building comprising of 14 x 1 bedroom units and 35 x 2 bedroom units and basement car parking.</p> <p>The application is lodged pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.</p>
3	STREET ADDRESS	88-92 Elizabeth Drive, Liverpool (Lot 1 in DP 26047, Lot B in DP 391258 & Lot 3 in DP 657111)
4	APPLICANT/OWNER	<p>Applicant – SGCH Sustainability Ltd</p> <p>Owner - SGCH Sustainability Ltd</p>
5	TYPE OF REGIONAL DEVELOPMENT	Affordable Housing Development with a CIV over \$5million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"><li>• Environmental planning instruments:<ul style="list-style-type: none"><li>○ State Environmental Planning Policy (Affordable Rental Housing) 2009</li><li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li><li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li><li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li><li>○ State Environmental Planning Policy (Infrastructure) 2007</li><li>○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</li><li>○ Liverpool Local Environmental Plan 2008</li></ul></li><li>• Draft environmental planning instruments: Nil</li><li>• Development control plans:<ul style="list-style-type: none"><li>○ Liverpool Development Control Plan 2008.</li><li>○ Part 1 – General Controls for all Development</li><li>○ Part 3.7 – Residential Flat Buildings in the R4 Zone</li></ul></li><li>• Planning agreements: Nil</li><li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li></ul>

		<ul style="list-style-type: none"> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• 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</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: November 2018</li> <li>• Written submissions during public exhibition: 0</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Nil</li> <li>○ On behalf of the applicant – Gerard Turrisi, George Bakopolous and Peter Smith</li> </ul> </li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site Inspection – 5 November 2017</li> <li>• Final briefing meeting to discuss council's recommendation, 5 November 2018, 3.30pm to 4.00pm.</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Peter Brennan, Cr Peter Harle and Cr Wendy Waller</li> <li>○ <u>Council assessment staff</u>: Lina Kakish, George Nehme, and Boris Santana</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report