

DATE OF DETERMINATION	Monday, 10 February 2020
PANEL MEMBERS	Nicole Gurran (Acting Chair), Susan Budd, Noni Ruker and Peter Harle
APOLOGIES	Wendy Waller, Nathan Hagerty, Ali Karnib, Louise Camenzuli and Justin Doyle
DECLARATIONS OF INTEREST	None

Public meeting held at Liverpool Library, Gold Room, 170 George Street, Liverpool on 10 February 2020, opened at 1:50pm and closed at 4:14pm.

MATTER DETERMINED

2018SSW018 – Liverpool City Council – DA-209/2018 at 53 Dwyer Road, Bringelly – Place of worship – Buddhist Temple (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 meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Liverpool Local Environmental Plan 2008 (LEP), that has demonstrated that:

- compliance with cl.4.3 height of buildings is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 (Height of Buildings) of the LEP and the objectives for development in the R 5 Zone zone; and
- the concurrence of the Secretary has been assumed.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The proposed development will provide a Place of Public Workshop and associated community centre, bringing a new cultural facility to meet the needs of residents in the Liverpool LGA and surrounding areas of the Western City District.
- The Panel has considered the Applicant's request under Clause 4.6 of the Liverpool LEP 2008 to vary the development standard contained in Cl. 4.3 – height of buildings. The Panel considers compliance with the standard is unreasonable and unnecessary in the circumstances of this case as

the design of the building remains consistent with the objectives of the R5 Zone and the standard, with the main shrine set back and down such that the roof line rises approximately 2 meters above the natural ground level when viewed from the front of the property. The increased height reflects the high ceiling height consistent with the Burmese Buddhist architectural style and roof features, and allows light to penetrate the main prayer space. The proposed variation does not lead to adverse amenity or impacts to the surrounding area, and does not affect the solar access, privacy or views of neighbouring properties.

- The proposed development subject to the conditions imposed adequately satisfies the relevant State Legislation and State Environmental Planning Policies including SEPP 55 (Remediation of Land), Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River (No 2 – 1997) (Deemed SEPP).
- The proposal adequately satisfies the requirements and provisions of the Liverpool LEP 2008 and Liverpool Development Control Plan 2008.
- The proposed development will not unacceptably impact on the natural or built environment having regards landscaping and the visual impact of the building within its surrounding rural context; sewer and wastewater management; adequacy of parking and parking management; and acoustic impacts.
- In consideration of the 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.

- Condition 29A:
Prior to the issue of a Construction Certificate, a revised landscaping plan prepared and certified by a qualified landscape architect and designed in accordance with Liverpool Council's Landscape Policy shall be submitted to and approved by the Manager Development Assessment of Liverpool City Council prior to the issue of a Construction Certificate. The plan shall include elements previously shown, together with the addition of a number of trees to provide adequate shade to the car parking areas.

CONSIDERATION OF COMMUNITY VIEWS

There were no public submissions in relation to this proposal, and no members of the public addressed the Panel at the public meeting.

PANEL MEMBERS	
 Nicole Gurran (Acting Chair)	 Susan Budd
 Noni Ruker	 Peter Harle

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SSW018 – Liverpool City Council – DA209/2018
2	PROPOSED DEVELOPMENT	Place of public worship with associated amenity buildings, landscaping and car parking; alterations and additions to existing dwelling including retention of awning to rear of dwelling; temporary retention of two portable buildings; and demolition of existing sheds.
3	STREET ADDRESS	53 Dwyer Road, Bringelly
4	APPLICANT/OWNER	Applicant: VT Architects Owner: SasanadhajaBuddhist Associations Inc.
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No.55 – Remediation of Land Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (No 2 – 1997) (Deemed SEPP) Liverpool Local Environmental Plan 2008 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Liverpool Development Control Plan 2008 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 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: 20 January 2020 Clause 4.6 Variation to Height: 20 January 2020 Written submissions during public exhibition: Nil Verbal submissions at the public meeting: <ul style="list-style-type: none"> In support – Nil In objection – Nil Council assessment officer – Adam Flynn On behalf of the applicant – Vinh Trang
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: Monday, 3 September 2018 <ul style="list-style-type: none"> <u>Panel members</u>: Bruce McDonald (Acting Chair), Nicole Gurran, Peter Harle and Nathan Hagarty <u>Council assessment staff</u>: George Nehme and Adam Flynn Site inspection: Monday, 3 September 2018 <ul style="list-style-type: none"> <u>Panel members</u>: Bruce McDonald (Acting Chair), Nicole Gurran, Peter Harle and Nathan Hagarty <u>Council assessment staff</u>: George Nehme and Adam Flynn

		<ul style="list-style-type: none"> • Site Inspection: Monday, 10 February 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Susan Budd and Noni Ruker ○ <u>Council assessment staff</u>: Adam Flynn • Final briefing to discuss council's recommendation, Monday, 10 February 2020, 1:30pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Nicole Gurran (Acting Chair), Susan Budd, Noni Ruker and Peter Harle ○ <u>Council assessment staff</u>: Adam Flynn
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report