



<b>DATE OF DETERMINATION</b>	22 July 2019
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Bruce McDonald, Peter Brennan and Cr Peter Harle
<b>APOLOGIES</b>	Cr Wendy Waller and Nicole Gurran
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held at Liverpool City Council Library on 22 July 2019, opened at 3.00pm and closed at 4.10pm.

**MATTER DETERMINED**

Panel Ref – 2018SSW022 - Liverpool – DA559/2018 AT 41-43 Forbes Street, Liverpool, Lots 4 & 5 DP 37806 (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 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**

1. The proposed development will provide additional housing supply and choice, including affordable rental housing within the City of Liverpool and the Sydney Western City District in a location with ready access to the amenities and services available within Liverpool Central Business District. The subject site is also well placed in regard to the essential service employment requirements of Liverpool CBD.
2. 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 Apartment Design Guide and Greater Metropolitan Regional Environmental Plan No2- Georges River Catchment.
3. With regards to the Apartment Design Guide the Panel notes the development proposes partial noncompliance in relation to building separation with the existing 3 storey building on the adjacent northern site but considers this acceptable given the 3m boundary setback of that building which was constructed prior to the introduction of SEPP 65, and as no unacceptable amenity impacts are generated. It is also noted that it has been demonstrated

that potential non-compliances, in the event that the adjoining northern and western sites were to be redeveloped, can be satisfactorily addressed.

4. The proposal adequately satisfies the applicable objectives and provisions of Liverpool Local Environmental Plan 2008 and Liverpool DCP 2008. The Panel notes that the proposed building design has been reviewed by the Council's Design Excellence Panel. Having regard to the advice of the Design Excellence Panel it is considered the development exhibits design excellence and the provisions of Cl. 7.5 are satisfied.
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 Council's Design Excellence Panel and found to satisfy the design principles of SEPP 65.
7. In consideration of conclusions 1-6 above, and taking into account the advice contained in the Council report including the views of the Design Excellence Panel, the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

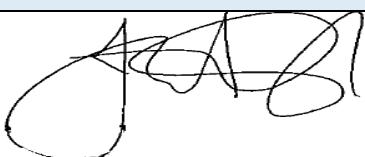
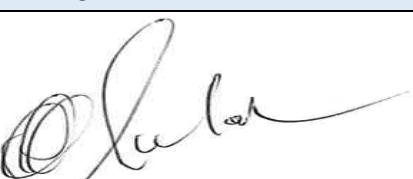
#### **CONDITIONS**

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

- (a) Adoption of condition 116 to conform with the wording of condition 98 in relation to the regulation of the affordable rental housing component of the building.
- (b) Addition of a condition to require a more even distribution of affordable rental units throughout all levels of the building, with each nominated affordable rental unit to be identified to Council's satisfaction prior to the issue of a construction certificate.

#### **CONSIDERATION OF COMMUNITY VIEWS**

There were no community submissions and no person other than representatives of the Applicant presented at the meeting.

<b>PANEL MEMBERS</b>	
	
Justin Doyle (Chair)	 Bruce McDonald



Peter Brennan



Peter Harle

#### SCHEDULE 1

<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	Panel Ref – 2018SSW022 - Liverpool – DA559/2018
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Construction of a 9 storey shop-top housing development comprising of 3 ground floor commercial suites ('neighbourhood shop' with a total of 100sqm), 45 residential units (including 23 affordable housing units), two levels of basement parking and associated landscaping works.
<b>3</b>	<b>STREET ADDRESS</b>	41-43 Forbes Street, Liverpool, Lots 4 & 5 DP 37806
<b>4</b>	<b>APPLICANT/OWNER</b>	Applicant – Fox Johnston Owner – Clempton Holdings Pty Ltd
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	The development is for affordable housing and has a CIV over \$5million
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <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 (Affordable Rental Housing) 2009</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</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: <ul style="list-style-type: none"> <li>Part 1 – General Controls for all development</li> <li>Part 4 – Development in the Liverpool City Centre</li> </ul> </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: 8 July 2019</li> <li>• Written submissions during public exhibition: 1</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 Council – Adam Flynn and George Nehme</li> <li>○ On behalf of the applicant – Anthony Betros and Conrad Johnston</li> </ul> </li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site Inspection and briefing – 4 February 2019</li> <li>• Final briefing meeting to discuss council's recommendation, 22 July 2019, 1.15pm.</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Peter Brennan and Cr Peter Harle</li> <li>○ <u>Council assessment staff</u>: Adam Flynn and George Nehme</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report