

DATE OF DETERMINATION	9 September 2019
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald and Cr Peter Harle
APOLOGIES	Cr Wendy Waller and Nicole Gurran
DECLARATIONS OF INTEREST	Nil

Public meeting held at Liverpool City Council Library on 9 September 2019, opened at 3.00pm and closed at 5.30pm.

MATTER DETERMINED

2018SSW032 - Liverpool – DA681/2018 AT 30-38 Ironbark Avenue, Casula (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 4.3(2) of Liverpool 2008, the Panel is satisfied that the applicant's written request adequately addresses the matters required to be considered under cl 4.6 (3) and (4) of the LEP and particularly that:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard as that variation responds to securing a high quality design while accommodating the additional floor space entitlement secured under SEPP (Affordable Rental Housing) 2009, and the sloping nature of the site, and having regard to the minor degree of the non-compliance;
- (b) the development is in the public interest because it is consistent with the objectives of clause 4.3 height of building (development standard) of the LEP, the objectives of the zone and the relevant objectives of the Act; and
- (c) the concurrence of the Secretary is assumed (Planning Circular PS 18-003 Varying Development Standards).

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 affordable rental housing supply within the City of Liverpool and the and the Sydney Western City District in a location with ready access to the amenities and services provided within Casula local centre.

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, SEPP (Infrastructure) 2007 and Greater Metropolitan Regional Environmental Plan No2- Georges River Catchment.
3. The proposal adequately satisfies the applicable objectives and provisions of Liverpool Local Environmental Plan 2008 and Liverpool DCP 2008.
4. With the conditions imposed, 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 the utility of the local road system. The Panel notes that the proposal satisfies the parking demand requirements of the State Environmental Planning Policy SEPP (Affordable Rental Housing) 2009.
5. The proposed development will be the first residential flat building situated in a residential context now comprising detached dwellings. Consequently, it contrasts with the current residential character. However, 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 amended to Council's satisfaction in response to the Panel's comments.
6. In consideration of conclusions 1-5 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 2 (a) to read as follows –

The architectural plans shall be amended to incorporate 1.5m high louvred privacy screens fixed so as to prevent views downward into the adjoining property along the western and eastern elevation of all balconies on levels 1, 2, 3 and 4 to adjusted to provide

Condition 2 (b) to read as follows –

The proposed windows on levels 1, 2, 3 & 4 facing the adjoining properties to the east and west to be a combination of a translucent fixed panel at the bottom with an operable awning window above. The bottom panel being at least 1500mm high from the finished floor level with built-in blinds.

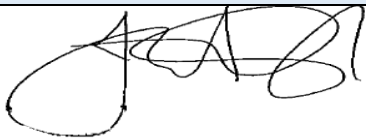
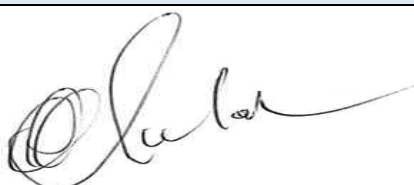

Note: The Panel notes that notification of the public meeting issued on 30 August 2019, including by post to the objectors recorded by Council. The Panel received advice from the Secretariat that such notification complied with the meeting notification procedures having been given more than 7 days before the meeting.

CONSIDERATION OF COMMUNITY VIEWS

- In coming to its decision, the Panel considered written submissions made during public exhibition and heard from those wishing to address the Panel as listed at item 7 in Schedule 1. The Panel notes that issues of concern included:
 - Character and amenity;
 - Safety and welfare;
 - Building height;
 - Traffic and carparking;

- Privacy;
- Infrastructure;
- Landscape area;
- Environmental;
- Flooding;
- Overshadowing;
- Property values;
- Way of life and livelihood.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report with conditions and that no further new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Bruce McDonald
 Peter Harle	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SSW032 - Liverpool – DA681/2018
2	PROPOSED DEVELOPMENT	Demolition of all existing structures, construction of a five storey residential flat building comprising 63 units (15 x 1 bedroom and 48 x 2 bedroom units) with at-grade car parking to be used wholly for the purposes of affordable rental housing under the State Environmental Planning Policy (Affordable Rental Housing) 2009.
3	STREET ADDRESS	30-38 Ironbark Avenue, Casula Lots 19-23 of DP 245413
4	APPLICANT/OWNER	Applicant/Owner – SGCH Sustainability Ltd
5	TYPE OF REGIONAL DEVELOPMENT	The proposal has a capital investment value of over \$5million (Affordable Rental Housing Development)
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

		<p>Residential Apartment Development;</p> <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment ○ Liverpool Local Environmental Plan 2008 <ul style="list-style-type: none"> ● 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 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 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: 30 July 2019 ● Written submissions during public exhibition: 53 ● Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Adam Grant (did not attend) ○ Heres Mee (did not attend) ○ Mrs Luce ○ Mrs Garwall ○ On behalf of Council – Emmanuel Torres, Boris Santana and George Nehme ○ On behalf of the applicant – Gerard Turrisi, George Bakopoulos, Nick Byrne and Dick Van Den Dool.
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Site Inspection and briefing – 3 December 2018 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Bruce McDonald (Acting Chair), Stuart McDonald, Nicole Gurran, Peter Harle and Wendy Waller. ● <u>Council assessment staff</u>: Emmanuel Torres and and George Nehme

		<ul style="list-style-type: none"> • Final briefing meeting to discuss council's recommendation, 9 September 2019, 2.15pm. • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald and Cllr Peter Harle ○ <u>Council assessment staff</u>: Emmanuel Torres, Boris Santana and George Nehme
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report