

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Tuesday, 15 June 2021
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Susan Budd, Wendy Waller and Peter Harle
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Louise Camenzuli: The firm is now acting for LAHC on a couple of matters.</p> <p>Sandra Hutton: A project manager in our Sydney office last week received a commission from Land and Housing Corporation for some projects in NSW (not Sydney). As a now engaged client of my employer, I believe this creates a perceived conflict of interest</p>

Public meeting held by teleconference on 15 June 2021, opened at 2:05pm and closed at 3:07pm.

MATTER DETERMINED

PPSSWC-117 – Liverpool – DA-790/2020 at 2 Hinkler Avenue, Warwick Farm; 2 McGirr Parade, Warwick Farm; 4 McGirr Parade, Warwick Farm; 11 Mannix Parade, Warwick Farm; and 13 Mannix Parade, Warwick Farm (Lot 8 DP 36641, Lot 9 DP 36641, Cnr Lot 10 DP 36641, Lot 26 DP 36641, Cnr Lot 27 DP 36641) – Consolidation of 5 lots into 2, construction of a 6-storey affordable housing residential flat building (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.

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 Panel determined to approve the application for the reasons outlined in the council assessment report, and as outlined below:

- The proposed development will make an important contribution to the stock of affordable housing in the area and is in the community interest.
- The proposal complies with the height and FSR controls that apply to the site and is generally compliant with applicable requirements of the Liverpool Local Environmental Plan 2008, the Liverpool Development Control Plan 2008, State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (and the Apartment Design Guide) and State Environmental Planning Policy (Affordable Rental Housing) 2009.
- The built form is supported by Council's Design Excellence Panel (DEP) following amendments including a significant reduction in height, an increase in the setback to McGirr Parade, and additional landscaping.
- The proposed development is appropriately located within an accessible area, with good access to public transport,
- The site is within an existing residential area identified for urban renewal which has been rezoned to facilitate high density residential development. The proposed development complies with the

objectives of the R4 - High Density Residential zone, and the scale and built form is consistent with the desired future character of the area envisaged by the Liverpool Local Environmental Plan 2008, and the Liverpool Development Control Plan 2008.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments to conditions disputed by the applicant:

- Deletion of conditions requiring 6m x 6m splay corner at the intersection of McGirr Parade with Hinkler Avenue and Mannix Parade be dedicated as a road to Liverpool City Council.
- Amendment of part of the Roadworks condition requiring removal of the existing bus stop, and construction of a new bus stop, including a shelter.




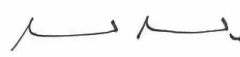

The amendments reflect the status of the application as a Crown development application which precludes the Panel from imposing conditions without the applicant or Minister's approval.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Building height, bulk and scale
- Inconsistent with the surrounding low and medium density residential character
- Traffic impacts
- Insufficient parking within the development causing additional on-street parking, which will increase hazards to pedestrians and traffic
- Surveillance issues associated with basement carparking
- Safety concerns evacuating residents and access for emergency services
- The scale of the proposed affordable housing development when compared with lower density buildings
- Duration of notification period
- Solar access and overshadowing
- Apartment mix
- Lack of internal and communal open space
- Pressure on existing utility services

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and the conditions of consent and that no new issues requiring assessment were raised during the public meeting. The panel considers that many of the concerns raised by the community relate primarily to the bulk and scale of development permitted under the LEP and DCP following rezoning of the land to facilitate high density residential development , and are not pertinent to the merits of the development application the subject of the assessment report.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Susan Budd	 Wendy Waller
 Peter Harle	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-117 – Liverpool – DA-790/2020
2	PROPOSED DEVELOPMENT	Consolidation of 5 lots into 2, construction of a 6-storey affordable housing residential flat building with 43 apartments and 1 level of basement parking, associated tree removal and landscaping to be used wholly for the purposes of affordable rental housing under the State Environmental Planning Policy (Affordable Rental Housing) 2009.
3	STREET ADDRESS	2 Hinkler Avenue, Warwick Farm; 2 McGirr Parade, Warwick Farm; 4 McGirr Parade, Warwick Farm; 11 Mannix Parade, Warwick Farm; and 13 Mannix Parade, Warwick Farm Lot 8 DP 36641, Lot 9 DP 36641, Cnr Lot 10 DP 36641, Lot 26 DP 36641, Cnr Lot 27 DP 36641
4	APPLICANT/OWNER	Applicant: MECONE NSW PTY LTD Owner: New South Wales Land and Housing Corporation
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 No.65 – Design Quality of Residential Apartment Development. State Environmental Planning Policy No.55 – Remediation of Land. State Environmental Planning Policy (Affordable Rental Housing) 2009. 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: Liverpool Development Control Plan 2008 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 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"> Supplementary Council assessment report and additional information provided: 11 June 2021 Council assessment report: 2 June 2021 Written submissions during public exhibition: 2 Verbal submissions at the public meeting:

		<ul style="list-style-type: none"> ○ Caterina Innelli, Clint Rafaud and Kenny Ng ○ Council assessment officer – Patrick Curmi ○ On behalf of the applicant – Lisa Henidei ● Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Briefing: 8 February 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Peter Harle and Wendy Waller ○ <u>Council assessment staff</u>: Patrick Curmi, Boris Santana Lina Kakish and George Nehme ● Final briefing to discuss council's recommendation: Tuesday, 15 June 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Susan Budd, Nicole Gurran, Peter Harle and Wendy Waller ○ <u>Council assessment staff</u>: Patrick Curmi and George Nehme ○ <u>Department staff</u>: Mellissa Felipe and Sung Pak
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report