

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Tuesday, 6 July 2021
PANEL MEMBERS	Nicole Gurran (Acting Chair), Sue Francis and Noni Ruker
APOLOGIES	Justin Doyle & Sandra Hutton
DECLARATIONS OF INTEREST	<p>Louise Camenzuli: One of my Partners at Corrs Chambers Westgarth has advised the site owner or an affiliated entity of the site owner. As a Partner of the firm, I consider that this fact, while the relevant file is unrelated to the proposal being assessed, may result in a reasonably perceived conflict of interest.</p> <p>Wendy Waller: This DA is for a Council development and I am declaring a conflict of interest in this matter.</p> <p>Peter Harle: Liverpool City Council is the owner of the building I declare a significant interest</p> <p>Nathan Hagarty: I am a Councillor at Liverpool City Council. Liverpool City Council is the owner and will be the major occupant of this development. As such, I have a Conflict of Interest.</p> <p>Karen Rhodes: As the property is owned by Liverpool Council, I do have to declare an non pecuniary interest</p>

Public meeting held by teleconference on 28 June 2021, opened at 9:31am and closed at 9:41am.

MATTER DETERMINED

PPSSWC-137 – Liverpool – DA-585/2019/A at 40-46, 48, 52 and 64 Scott Street, 306-310 Macquarie Street, Liverpool NSW 2170 Known as 52 Scott Street, Liverpool ('Liverpool Civic Place') – Modification to Development Consent DA-585/2019 (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 4.55 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.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

There were no public submissions made in relation to this application.

PANEL MEMBERS



Nicole Gurrán (Acting Chair)



Sue Francis



Noni Ruker

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-114 – Liverpool – DA-836/2020
2	PROPOSED DEVELOPMENT	<p>Modification to Development Consent DA-585/2019 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979. The application seeks to modify the approved consent as follows:</p> <ul style="list-style-type: none"> • to increase the depth of the approved basement concept envelope from RL 8.00 to RL 4.00 for the component of the envelope associated with the Phase A basement and part of the Phase B/C basement of the Liverpool Civic Place development; • rectification of a drafting error in the approved Concept Consent condition 3, to make clear that a boarding house use is approved within the Phase B/C envelope, in accordance with the stamped approved building envelope drawings; • deletion of condition 10, with associated changes to plans in Condition 1 to reference plans that were submitted in satisfaction of Condition 10; • modification of the wording of condition 23 to remove the requirement for SIDRA analysis using traffic generation rates in the TfNSW guide as part of traffic impact assessments submitted with the Stage 2 Detailed DAs; • deletion of condition 7 requiring a Local Area Traffic Management Plan to be provided to Council prior to the determination of a Stage 2 Detailed DA, and • deletion of condition 27 relating to the requirement submit a Travel Plan with any future Stage 2 Detailed DA.
3	STREET ADDRESS	40-46, 48, 52 and 64 Scott Street, 306-310 Macquarie Street, Liverpool NSW 2170 Known as 52 Scott Street, Liverpool ('Liverpool Civic Place')
4	APPLICANT/OWNER	<p>Applicant: Ethos Urban</p> <p>Landowner: Liverpool City Council</p>
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. 55 – Remediation of Land (SEPP55) ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment ○ Liverpool Local Environmental Plan 2008 (LLEP2008) • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft State Environmental Planning Policy (Remediation of Land) ○ Draft State Environmental Planning Policy (Environment) • Development control plans: <ul style="list-style-type: none"> ○ Liverpool Development Control Plan 2008 (LDCP2008) ○ Part 1 – Controls to all development ○ Part 4 – Development in Liverpool City Centre • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil

		<ul style="list-style-type: none"> • 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 memo and updated draft conditions received: 25 June 2021 • Council assessment report: 16 June 2021 Clause 4.6 Variation request to development standard – building separation Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Andrew Duggan
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Tuesday, 15 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran and Sandra Hutton ○ <u>Council assessment staff</u>: George Nehme, Boris Santana and Lina Kakish ○ <u>Council consultant representatives</u>: Jane Fielding and Boris Santana - Architectus • Final briefing to discuss council's recommendation: Monday, 28 June 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Nicole Gurran (Acting Chair), Sue Francis and Noni Ruker ○ <u>Council assessment staff</u>: George Nehme, Ariz Ashraf, Charles Wiafe and Salih Suleiman ○ <u>Council consultant representatives</u>: Jane Fielding and Boris Santana - Architectus
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report