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| DATE OF DEFERRAL | 29 August 2022 |
| PANEL MEMBERS | Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Peter Harle and Ned Mannoun |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | None |

Papers circulated electronically on 19 August 2022.

MATTER DEFERRED

PPSSWC-223 – Liverpool City Council – DA-1408/2021 at 148 GEORGE Street, Liverpool 2170 – Demolition of existing structures and construction of a thirty-four (34) storey mixed use development.

REASONS FOR DEFERRAL

The Panel agreed to defer the determination of the matter.

The Panel briefing was attended by representatives of the Applicant and NSW Police which neighbour the site, and the late submission from the NSW Police was tabled.

Matters considered by the Panel included:

1. Overlooking into operational areas of the Police and Court

Potential compromise of the operations of the Police station and Courthouse, particularly in relation to the management and control of persons in custody. It was noted that Court protocols prohibit persons in custody being transported being photographed, with consequences for overlooking into the areas where persons in custody may be out of vehicles. While many vehicles could drive undercover, a larger vehicle parks at the end of the Police drive. There is also a courtyard area further south.

It was observed that the area where vehicles are likely to be parked is adjacent to Lot 2 DP 1261270 which is already approved for a tower development, and it must have been anticipated that a multi storey building would be built on the present DA site.

It was agreed that discussions about the screening along the common boundary with the Police lot and measures to be included in the construction management plan should be discussed between the Police, Council and the Applicant.

2. Loss of Police parking

It was noted that no change to on street parking arrangements is proposed, and future arrangements will be a matter for the Council traffic committee on which the Police are presumably represented.

3. USDs on the Police land

The Panel asked if it could be checked that the contamination assessment supporting the DA took into account the decommissioned fuel tanks under the Police drive, with any amendment required to the RAP for the site to be conditioned to address those tanks.

3. Vibration and the Court

The potential for impact of construction noise on Court recording equipment was noted. However, noting that the adjoining site was already approved for construction, the Panel observed that there were limits on the restrictions that could be reasonably imposed. This issue should also be discussed with the Police and Court representatives, with hopefully an agreed position on any steps that can reasonably be conditioned to be required to be recorded in the construction management plan.

4. Encroachment onto Police land

It was agreed that use of the Police land could not to be permitted without its permission, and addition to the conditions documenting a prohibition against rock anchors without consent is appropriate.

5. Impact of the construction on air traffic

It was noted that the Federal approval was still outstanding, but that it did not need to hold up development consent, as the grant of development consent did not remove the need for Commonwealth approval. The Panel anticipated that the building would be regulated in a similar way to the building recently approved for the adjoining site.

6. Shadow impacts

Although not discussed, the Panel notes the Police challenge to the statement in the SEE to the effect:

“To the south, the Liverpool Police Station and other civic buildings along George Street are impacted by overshadowing between 10:00 and 12:00 midday. However, the majority of this shadow is soon passed and these uses are not affected by 1:00pm onwards, receiving solar access throughout the afternoon.”

That statement seems to be plainly incorrect, as the proposed development would in fact overshadow the Police building throughout the afternoon. However, the shadows upon a commercial building to the immediate south of a site planned for a residential tower by Council’s zoning and controls would inevitably be substantial, and the likely degree of shadow may be unavoidable.

7. Public Art

One further matter noted by the Panel was the Applicant’s response to the public art condition. The Panel would like to see greater certainty as to what is proposed, to ensure that the art to be included in the development represented a sufficient investment in the context of the proposed development. If detail is to be delayed beyond the grant, then a precise means by which the final artworks would be resolved, and a minimum investment should be identified in the condition.

Apart from those matters, the Panel was accepting of the advice and discussion contained in the Council’s assessment report and supplementary Memorandum addressing the Police concerns dated 28 August 2022.

The Applicant noted that it had concerns about the conditions which it would like further time to respond to.






The way forward agreed by those present at the meeting was:

- (a) For the Applicant and the Council to meet as soon as practicable and at least by the beginning of next week to discuss the issues of concern to the police and how they could be resolved. Mayor Mannoun (a Panel member) would facilitate those discussions as necessary.
- (b) By Friday 2 September 2022, the Applicant would respond to the conditions with any requested changes.

- (c) By Friday 11 September 2022, the Council, and as necessary the Applicant and Police, would communicate their position in relation to the matters identified by the Police and above, and the final conditions. If possible that would be best communicated in a table which juxtaposed the position of each party.

A further briefing of the Panel is not anticipated to be required and the Panel will only need an addendum assessment report from Council addressing the matters arising since the briefing on Monday 29 August 2022 for a determination to be conducted by a circulation of papers.

The decision to defer the matter was unanimous.

| PANEL MEMBERS | |
|---|---|
|  Justin Doyle (Chair) |  Nicole Gurran |
|  Louise Camenzuli |  Peter Harle |
|  Ned Mannoun | |