

RECORD OF DEFERRAL

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DEFERRAL	20 August 2024
DATE OF PANEL DECISION	20 August 2024
DATE OF PANEL MEETING	12 August 2024
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Lousie Camenzuli and Karress Rhodes
APOLOGIES	Ned Mannoun

Papers circulated electronically on 9 August 2024.

MATTER DEFERRED**PPSSWC-361 – Liverpool – DA471-2023 at 31 Sheppard Street, Liverpool**

Demolition of structures above and below ground, Tree removal, subdivision into 3 lots, construction and dedication of new public road, bulk earthworks, provision of ancillary services, drainage and landscape works, publicly accessible through site link and open space, construction of 2 residential flat buildings containing 341 residential apartments and 66 co-living dwellings over basement carparking (as described in Schedule 1).

REASONS FOR DEFERRAL

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the meetings listed at item 8 in Schedule 1.

Despite the recommendation for refusal in the Council report for the reasons set out in that report, the Panel was informed by the Council that:

- (a) revised development plans have been received and readvertised that have resolved essentially all matters;
- (b) aside from the issue of flooding and evacuation and matters arising from Council's detailed assessment of the amended material, generally all conditions of consent had been agreed;
- (c) Council had not yet completed its assessment of and reported on the amended material;
- (d) the deemed refusal merits proceedings remain on foot and are set down for a two day hearing on 26 and 27 August; and
- (e) an adjournment of those listed dates is likely to allow Council to complete its response to the amended material.

In those circumstances, in order to ensure the most efficient determination of the DA, and in anticipation that the final outstanding matters relating to flooding and evacuation and any residual matters can be resolved by agreement between the Council and the Applicant, the Panel determined to defer the application rather than refuse it pending the outcome of the listed hearing dates.

The Panel agreed to defer its determination of the matter until 9 September 2024.

The Panel requests an update of the status of the appeal and the DA prior to that date.

The decision to defer the matter was unanimous.

PANEL MEMBERS

A handwritten signature in black ink, appearing to read 'Justin Doyle'.

Justin Doyle (Chair)

A handwritten signature in black ink, appearing to read 'David Kitto'.

David Kitto

A handwritten signature in blue ink, appearing to read 'Lousie Camenzuli'.

Lousie Camenzuli

A handwritten signature in black ink, appearing to read 'Karress Rhodes'.

Karress Rhodes

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-361 – Liverpool – DA471-2023
2	PROPOSED DEVELOPMENT	Demolition of structures above and below ground, Tree removal, subdivision into 3 lots, construction and dedication of new public road, bulk earthworks, provision of ancillary services, drainage and landscape works, publicly accessible through site link and open space, construction of 2 residential flat buildings containing 341 residential apartments and 66 co-living dwellings over basement carparking.
3	STREET ADDRESS	31 Sheppard Street, Liverpool
4	APPLICANT/OWNER	Applicant: Lateral Estate Pty Ltd Owner: NA Brightfields Pty Ltd and BTS Greenfields Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) (BASIX SEPP) 2004 State Environmental Planning Policy No.65 (Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG), in force under SEPP 65 and applicable at the time of lodgement of the DA Liverpool Local Environmental Plan 2008 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Liverpool Local Development Control Plan 2008: <ul style="list-style-type: none"> Part 1 - General Controls for all Development Part 3.7 – Residential Flat Buildings Part 4 – Development in Liverpool City Centre Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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"> Council Assessment Report: 30 July 2024 List any clause 4.6 variation requests here Written submissions during public exhibition: Four (4) Total number of unique submissions received by way of objection: Four (4)

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 9 October 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Ned Mannoun, Karress Rhodes <u>Council assessment staff</u>: Nabil Alaeddine, Amanda Merchant <u>Applicant</u>: Benjy Levy, Desiree Bosnjak, Frank Mosca, Peter Peng, Nick Andriotakis, Scott Barwick Final briefing to discuss council's recommendation: 12 August 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Karress Rhodes <u>Council assessment staff</u>: Nabil Alaeddine, Amanda Merchant <u>Applicant representatives</u>: Benjy Levy
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Nil