

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY WESTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	3 September 2024
<b>DATE OF PANEL DECISION</b>	30 August 2024
<b>DATE OF PANEL MEETING</b>	19 August 2024
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), David Kitto, Brian Kirk, Karress Rhodes, Ned Mannoun (attended but did not endorse decision)
<b>APOLOGIES</b>	Louise Camenzuli
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 16 August 2024.

#### MATTER DETERMINED

**PPSSWC-370 - Liverpool - DA-520/2023 at 7 Castlereagh Street, Liverpool** – Demolition of all existing structures, tree removal and construction of a Residential Flat Building with two (2) levels of basement parking and a change of use of the ground floor to a Centre Based Childcare Facility for 90 children with lot consolidation and associated civil and landscaping works.

#### PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

#### Application to vary a development standard

Following consideration of written requests from the applicant, made under cl 4.6 (3) of the Liverpool Local Environmental Plan 2008 (LEP), that has demonstrated that:

- compliance with cl. 4.3 height of buildings and cl. 7.4 building separation is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 height of buildings and cl. 7.4 building separation of the LEP and the objectives for development in the R4 High Density Residential zone; and
- the concurrence of the Secretary has been assumed.

#### 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 uphold the Clause 4.6 requests to contravene the development standards for building height and building separation; and approve the application for the reasons outlined in the council assessment report.

The panel concurs with the Council's assessment that the principal planning controls relevant to the proposal including State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development, the Liverpool Local Environmental Plan 2008 and the Liverpool Development Control Plan; have been satisfactorily met by the proposed development.

The application was considered by Council's the Design Excellence Panel, which supports the proposal subject to the implementation of appropriate design recommendations.

#### CONDITIONS

The development application was approved subject to the conditions in the council assessment report, including the recommended deferred commencement conditions relating to:


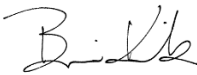


- waste handling solutions; and
- provision of public art.

The panel determined to amend the recommended conditions by deleting the requirement for an additional lift shaft and imposed a new condition requiring appropriate screening for fire hydrant and sprinkler booster valves and other external service facilities.

Council provided a revised complete set of conditions to the panel on 23 August 2024.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered the one written submission made during public exhibition, which raised concern that the development will adversely impact flooding within the locality. The panel considers that this concern has been adequately addressed in the assessment report.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Brian Kirk
 David Kitto	 Karress Rhodes

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-370 – Liverpool – DA-520/2023
2	PROPOSED DEVELOPMENT	Demolition of all existing structures, tree removal and construction of a Residential Flat Building with two (2) levels of basement parking and a change of use of the ground floor to a Centre Based Childcare Facility for 90 children with lot consolidation and associated civil and landscaping works.
3	STREET ADDRESS	7 Castlereagh Street Liverpool, 6, 8, 10 and 12 Copeland Street Liverpool
4	APPLICANT/OWNER	Castlereagh Street Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Liverpool Local Environmental Plan 2008.</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Liverpool Development Control Plan 2008</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 12 August 2024</li> <li>Clause 4.3 Height of Buildings under Liverpool Local Environmental Plan 2008</li> <li>Clause 7.4 Building Separation in the Liverpool City Centre</li> <li>Written submissions during public exhibition: 1</li> <li>Total number of unique submissions received by way of objection: 1</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 30 October 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Karress Rhodes, Ned Mannoun</li> <li><u>Council assessment staff</u>: Amanda Merchant, Nabil Alaeddine, Michael Oliviero</li> <li><u>Applicant representatives</u>: Chow Wang, John Bouchahine, Jacki Goerges, Vince Zener, Jeffry Anwar, Ian Conry, Krystal Narbey</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 19 August 2024</li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Panel members:</u> Justin Doyle (Chair), David Kitto, Brian Kirk, Karress Rhodes, Ned Mannoun</li><li>○ <u>Council assessment staff:</u> Amanda Merchant, Nabil Alaeddine, Michael Oliviero</li><li>○ <u>Applicant representatives:</u> Chao Wang</li></ul>
9	COUNCIL RECOMMENDATION	Deferral
10	DRAFT CONDITIONS	As revised and dated 23 August 2024