

DETERMINATION AND STATEMENT OF REASONS
SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Monday, 25 May 2020
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran and Noni Ruker
APOLOGIES	None
DECLARATIONS OF INTEREST	Louise Camenzuli: A partner at Corrs Chambers Westgarth has advised the site owner or affiliated entity of the site owner. Peter Harle: Council lodged Development Application Nathan Hagerty: Council lodged Development Application Wendy Waller: Council lodged Development Application Ali Karnib: Council lodged Development Application

Public meeting held via Teleconference Call on 25 May 2020, opened at 10:26am and closed at 10:54am.

MATTER DETERMINED

PPSSWC-67 – Liverpool City Council – DA-906/2019 at 40-46, 48, 52 and 64 Scott Street, Liverpool NSW 2170 Known as 52 Scott Street, Liverpool ('Liverpool Civic Place') – Early works DA (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

Approval of the

1. Approval of the preparatory and early works for the Liverpool Civic Place redevelopment allows for an important first step to be taken towards this key project in the rejuvenation of the core of the City of Liverpool at the heart of the Town Centre development strategy. As a key component of the establishment of Liverpool CBD as a vibrant source of employment and civic life, completion of the Liverpool Civic Place will assist in the progress of the Western City District generally.
2. While the final urban design of the Civic Place is still being resolved, this early works approval allows for the site to be cleared, any necessary remediation to take place, and excavation for the anticipated basement carpark to begin. In that way the ordered staged development of the site can progress consistently with the objectives of the B4 mixed use zone and the provisions of the Liverpool LEP as a whole.
3. The assessment of compliance with relevant planning instruments has been undertaken to the extent considered necessary and appropriate for this first stage in the project. Further assessment of each stage of the site's development will occur as the urban design for the site continues.
4. On that basis, the proposed development subject to the conditions imposed adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 Remediation of Land, State

Environmental Planning Policy (Infrastructure) 2007, and Greater Metropolitan Regional Environmental Plan No.2- Georges River Catchment.

5. The terms of the approval allow for consideration of any items of archaeological significance to past Aboriginal occupation of the land or its use following European settlement. The potential impacts on nearby heritage items has been sufficiently considered.
6. The removal of 7 trees from the site is acknowledged but the developing concept plan includes significant new planting. Measures are required by the conditions to protect the remaining trees.
7. The preliminary Waste Management Plan has been considered by Council assessment staff and found to be acceptable. The finalisation of that Plan and the Construction Management Plan subject to the conditions should ensure the orderly progress of the construction works, with all construction vehicles to be accommodated within the site.
8. The impact on surrounding roads including classified roads has been examined with conditions developed adopting the response to referral of the DA to Transport NSW including restrictions on access from Terminus Street as a classified road.
9. The relevant requirements of Liverpool DCP 2008 and Part 4 – Development in Liverpool City Centre in particular as assessed in the staff report are met. Conditions are imposed in that regard and to ensure compliance with AS 2601 concerning the ‘Demolition of Structures’. Conditions are imposed to limit the impacts of the work on adjoining residences and businesses particularly relating to potential acoustic impacts. The Construction Noise and Vibration Management Plan prepared for the DA concludes that the predicted noise levels generated from the demolition activities on the site will generally not exceed the relevant noise criteria set out in the relevant standards and guidelines. Conditions are included to ensure that the strategies anticipated in that report are implemented.
10. Taking into account those matters and the discussion in the staff assessment report the proposed development is in the public interest and warrants approval.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report but with amendment to add:

Prior to the commencement of works, the approved Construction Management Plan is to be updated to the satisfaction of Council to address the management of layover of trucks in the Liverpool area awaiting accommodation on site to ensure that they do not cause adverse impacts, the use of on the street parking spaces and loading zone in Macquarie Street by contractor’s vehicles, preservation of visibility and access to adjacent businesses, and the incorporation of suitable artworks or graphics on site hoardings facing Scott Street.

WaterNSW (NRAR) General Terms of Approval

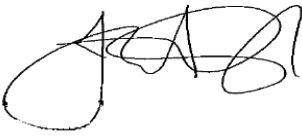
3. All General Terms of Approval (GTAs) dated 5 May 2020 and issued by the WaterNSW shall be complied with prior to, during, and at the completion of works, unless alternative arrangements to the terms of the GTAs have been agreed with WaterNSW and written evidence of this has been submitted to the certifier prior to the issue of the relevant construction certificate. A copy of the GTAs are attached to this decision notice. Note: the GTAs do not constitute approval under the Water Management Act 2000.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. No member of the public registered to address the panel. The panel notes that issues of concern included:

- Retention of on-street car parking and loading zone along Macquarie Street
- Noise, access and visibility impacts to restaurants located at 300 Macquarie Street, Liverpool

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and the conditions.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurrán
 Noni Ruker	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-67 – Liverpool City Council – DA-906/2019
2	PROPOSED DEVELOPMENT	Early works DA for: • Demolition of all existing structures on land at 52 Scott Street, 40-46 Scott Street and 64 Scott Street; • Bulk earthworks to a maximum depth of RL 10.35, including shoring using piles, on land at 52 Scott Street, 40-46 Scott Street, 48 Scott Street and 64 Scott Street; and • Removal of seven (7) trees including six (6) trees on an adjacent site at 306-310 Macquarie Street. Note: no demolition or excavation works are proposed on 306-310 Macquarie Street.
3	STREET ADDRESS	40-46, 48, 52 and 64 Scott Street, Liverpool NSW 2170 Known as 52 Scott Street, Liverpool ('Liverpool Civic Place')
4	APPLICANT/OWNER	Applicant: Build Development Group Landowner: Liverpool City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy No.55 – Remediation of Land ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ 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>: Environmental Planning and Assessment Regulation 2000 • 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	• Council assessment report: 14 May 2020 • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: ○ On behalf of the applicant – Andrew Duggan and Barry Teeling
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Final briefing to discuss council's recommendation, Monday, 25 May 2020, 9:30am. Attendees: ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán and Noni Ruker ○ <u>Council assessment staff</u>: Boris Santana and George Nehme

		○ <u>Consultant</u>: Katrina Burley and Geoff Kwok from Architectus
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report