

**MINUTES AND DETERMINATION OF THE
LIVERPOOL LOCAL PLANNING PANEL MEETING**

Monday 22nd February 2021

Held online via Microsoft teams

Panel: David Ryan (Chair)
Grant Christmas Expert
Marjorie Ferguson Expert
Stephen Dobell-Brown Community Rep

There were no conflicts of interest declared by any panel members in relation to any items on the agenda.

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 1

22nd February 2021

ITEM No:	1
APPLICATION NUMBER:	DA-625/2019
SUBJECT:	Torrens Title subdivision to create 2 x new lots with ancillary civil and road works and construction of 2 storey commercial premises, medical centres, recreation facilities and basement car parking over two (2) stages. Stage 1: Torrens Title Subdivision to create two (2) new lots and associated road construction and civil works; and Stage 2: Construction of two (2) storey commercial buildings, including medical centres, recreation facilities (indoor), ancillary office, business and retail premises and at-grade and basement car parking and associated road and landscaping works.
LOCATION:	Lot 266 DP 1200043 2000 Camden Valley Way, Edmondson Park
OWNER:	Mr J Pierobon
APPLICANT:	CVW Investments Pty Ltd
AUTHOR:	Kevin Kim

ISSUES RELATED TO THE APPLICATION

The Panel has been provided with the Council officer's assessment report and supporting documents accompanying the development application. The Panel has familiarised (in person or by electronic means) itself with the development site and its context.

The proposed multiple land uses consisting 'Commercial Premises, Recreation Facilities (Indoor), Roads (extension of Nivelles Road and Mons Lane) and Business and Retail Premises' are permissible within the B6 Enterprise Corridor zone pursuant to Liverpool Local Environmental Plan 2008 ("the LEP"), 'Medical Centres' are permissible within B6 Enterprise Corridor zone pursuant to State Environmental Planning Policy SEPP (Infrastructure) 2007 and 'Road (Birdwood Lane)' is permissible within R1 General Residential zone pursuant to LLEP.

The Panel is satisfied that the proposed development is consistent with the objectives and development standards of the LLEP and is generally compliant with the provisions of the LDCP 2. The proposed medical centres are also consistent with the provisions of the SEPP (Infrastructure) 2007.

The proposed subdivision of the site is consistent with the intended purpose of the Indicative Layout Plan (ILP) prepared for the Edmondson Park Precinct which requires an extension of Nivelles Road in a north-west direction linking Birdwood Lane to the south and Mons Lane to the north.

Submissions were received raising the following concerns: • Noise and air pollution from construction and on-going use of the site to nearby residents. • Existing health service facilities in the vicinity of the subject site and potential economic impacts as a result of concentrating similar land use within the area. • Restricting the types of tenancies to bulky

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 2

22nd February 2021

good and showrooms only and prohibiting medical centres and specialised retailers such as pharmacies.

The Panel acknowledges that there may be competitive impacts on existing commercial premises in the area. However, the Panel considers that the zoning of the land contemplates the proposed range of uses and the proposed uses are consistent with the objectives of the zone. The Panel notes that clause 7.22 of the LLEP is specifically directed towards balancing opportunities for business and retail development in the B6 zone whilst ensuring that centres remain the focus of such activity. The Panel notes that the clause contains specified limits on the amount of retail floor space in buildings within the zone and that the total retail floor space within buildings in this development is significantly lower than the maximum. As such, the Panel concludes that the economic and social impacts of the development have been adequately considered and are acceptable.

Pursuant to the provisions of clause 4.6 of the LLEP, the Panel is satisfied that the written requests in relation to the contravention of the minimum subdivision development standard in clause 4.1 of the LLEP and maximum building height in clause 4.3 have adequately addressed the required matters in clause 4.6 of the LLEP. The Panel agrees that the written requests demonstrate that compliance with the development standards is unreasonable in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standards. Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the minimum subdivision standard and maximum building height standard respectively and the objectives for development within the Enterprise Corridor B6 zone in which the development is proposed to be carried out.

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979. Based on the assessment of the application, it is resolved that the application is approved subject to the imposition of conditions detailed in Council's officers' report and amendments to the conditions below.

Condition 14 be amended to state: "A detailed Landscape Plan prepared by a suitably qualified person is to be submitted to and approved by the Manager Development Assessment of Liverpool City Council prior to the issue of any CC".

Condition 16 be amended to state: "Secure access is to be provided to the basement car park to prevent any unauthorised entry outside working hours. Details are to be provided with the Construction certificate".

Condition 157 and 172 be amended to replace (\$TBA) with: "in accordance with Council's Development Engineering Bonds Policy adopted 14 March 2016".

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-625/2019 Torrens Title subdivision to create 2 x new lots with ancillary civil and road works and construction of 2 storey commercial premises, medical centres, recreation facilities and basement car parking over two (2) stages.

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 3

22nd February 2021

Stage 1: Torrens Title Subdivision to create two (2) new lots and associated road construction and civil works; and

Stage 2: Construction of two (2) storey commercial buildings, including medical centres, recreation facilities (indoor), ancillary office, business and retail premises and at-grade and basement car parking and associated road and landscaping works be approved subject to the conditions amended above and detailed in the Council officer's report.

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 4

22nd February 2021

ITEM No:	2
APPLICATION NUMBER:	DA-313/2018
SUBJECT:	Demolition of existing structures and tree removal, subdivision into 11 Torrents title lots, construction of a Residential Flat Building above a basement carpark on proposed Lot 1, integrated housing on proposed Lot 2 to 7 (all inclusive) and associated external works.
LOCATION:	Lot 2 DP 1199136 185 Fifth Avenue, Austral
OWNER:	Austing Group Pty Ltd
APPLICANT:	SWA Group
AUTHOR:	Boris Santana

ISSUES RELATED TO THE APPLICATION

The Panel has been provided with the Council officer's assessment report and supporting documents accompanying the development application. The Panel has familiarised (in person or by electronic means) itself with the development site and its context.

The Panel agrees that the application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979. The proposed development is unlikely to result in any adverse impact upon neighbouring properties and the locality.

Based on the assessment of the application, it is resolved that the application be approved subject to the imposition of conditions and amendments to the conditions below.

Insert Condition 3(a) to state: "Prior to the issue of any Construction Certificate, a revised waste management plan is to be submitted to and approved by Liverpool City Council's Manager of Development Assessment that references the approved development, the subject of this Development Consent No. DA-313/2018".

Amendment to condition 132 and 154 to replace (\$TBA): with "in accordance with Council's Development Engineering Bonds Policy adopted 14 March 2016."

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-313/2018 Demolition of existing structures and tree removal, subdivision into 11 Torrents title lots, construction of a Residential Flat Building above a basement carpark on proposed Lot 1, integrated housing on proposed Lot 2 to 7 (all inclusive) and associated external works be approved subject to the conditions amended above and detailed in the Council officer's report.