

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

Tuesday the 26th of April 2022

Held online via
MS Teams

Panel: Stephen Alchin - Chair
Lindsay Fletcher - Expert
Matthew Taylor - Expert
Stephen Dobell-Brown - Community Representative

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

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ITEM No:	1
APPLICATION NUMBER:	DA-241/2021
SUBJECT:	Torrens title subdivision of a lot with an existing attached dual occupancy to create a semi-detached dwelling.
LOCATION:	1 Strzlecki Drive, Horningsea Park Lot 2080 DP 881727
OWNER:	Mr H F Padilla Mr H B Padilla Ms M A Padilla Mr E A Obreque
APPLICANT:	Mr H F Padilla
AUTHOR:	Maddison Spiteri

ISSUES RELATED TO THE APPLICATION

- The Panel has viewed the Application, reviewed the Assessment report, and had the benefit of a briefing from Council staff.
- The Panel also had the benefit of an address by the Owner, and responses to a series of questions posed by the members of the Panel to the Applicant/Owner and the Applicant's representative.
- The Panel noted that there were no submissions in relation to this application.
- The following issues associated with the application were raised and considered by Panel members:
 - o The absence of planting including street planting in the front of the property and generally in the area;
 - o The presence of a shed over the proposed drainage easement, and the ability to demolish all or part of the shed to ensure clear access to the easement;
 - o The fire standards relevant to the dividing wall proposed between the two lots;
 - o The desirability of ensuring that there is a reciprocal right of support on the brick dividing wall between the proposed two lots and easements for maintenance of the dwellings;
 - o The Panel notes that any approval does not authorise construction or use of the existing carport, and notes that Council officers will investigate whether the carport at the front of the proposed Lot 2 is compliant;
 - o The distance between the proposed development and Horningsea House, a local heritage item, is sufficient to ensure no adverse impact;
 - o The Panel notes the minor non-compliance of the balustrade height; and
 - o The Panel notes the report in relation to compliance with the National Construction Code and, in particular, the adequacy of the fire separation between the two dwellings.

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VOTING NUMBERS:

4-Nil in favour

DETERMINATION OF PANEL:

- The Panel has reviewed the Applicant's Clause 4.6 submission, and agreed to variation of the development standard of Clause 4.4 of the Liverpool LEP, as the proposed development complies with the objectives of that standard and the zone objectives, and has determined that compliance with the numeric standard is unnecessary.
- The Panel granted development consent to the proposed development, subject to the conditions recommended in the assessment report, with the insertion of additional conditions and amendment of the recommended conditions as follows:

Additional conditions

- o Two (2) street trees are to be planted in front of the lot and must be of medium size (35 litre pot size), similar to a *Tristania Lusciuous*.
- o The subdivision certificate and supporting Section 88B instrument are to include provisions for easements for maintenance of and replacement of the existing dwellings on the site, and the creation of reciprocal rights of support along the dividing wall between the two dwellings.

Amendment of recommended conditions

- o Condition 4 to read as follows:

Prior to works commencing a Demolition Plan shall be submitted to and approved by the Team Leader Development Assessment of Liverpool City Council demonstrating the removal of any part of the existing shed located within the proposed easement to drain water.

- o Condition 11 to read as follows:

Adequate refuse disposal methods and builders' storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than the subject property.

- o Condition 12 to read as follows:

A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work and removed at the completion of work. The sign must state:

- (a) The name, address and telephone number of the principal certifying authority for the work;
- (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- (c) That unauthorised entry to the premises is prohibited.

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ITEM No:	2
APPLICATION NUMBER:	DA-113/2020/B
SUBJECT:	Modification to DA-113/2020 under Section 4.55(2) of the Environmental Planning and Assessment Act 1979. The modification seeks the removal and addition of windows, alterations to the façade, the re-arrangement of the internal layout for Unit 1 kitchen and provision of solar panels.
LOCATION:	9 Kalimna Street, Moorebank Lot 627 DP 242697
OWNER:	Mr W Manoun
APPLICANT:	Mr S Darwich
AUTHOR:	Mairead Hawes – The Planning Hub - Consultant Town Planner

ISSUES RELATED TO THE APPLICATION

- The Panel has viewed the Application, reviewed the Assessment report, and had the benefit of a briefing from Council staff.
- The panel noted that the Owner and Applicant were invited to attend the panel meeting, however, were not present to address the Panel or to answer questions from the Panel.
- The Panel noted that there were no submissions in relation to this application.
- The following issues associated with the application were raised and considered by panel members:
 - o The Panel notes that the trees shown to be retained have been removed (as confirmed by Council) and that replacement tree planting is to be pursued by Council as a compliance matter.
 - o The fact that the modifications sought by the proposed development have already occurred, and that it appears the development is occupied.
 - o The visual impact of the proposed modifications on the street façade.
 - o The height of the modified windows proposed for the side elevations, and the fact that the windows are in bedrooms, is sufficient to avoid any material overlooking into adjacent properties.

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VOTING NUMBERS:

3-1 in favour of approval.

Stephen Alchin	In favour
Matthew Taylor	In favour
Stephen Dobell-Brown	In favour
Lindsay Fletcher	Against

Mr Fletcher is of the opinion that the reduced glazing of the façade at the first-floor level on the southern elevation adversely impacts on the streetscape appearance of the development. He does not support that component of the proposed modifications and would have supported deferral of the application in order to seek amended drawings that retain the originally approved façade treatment.

DETERMINATION OF PANEL:

- The Panel granted development consent to the proposed development modification, subject to the conditions recommended in the assessment report.