

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

Monday 30th August 2021

Held Online Via MS Teams

Panel: Michael Mantei - Chair
Mary-Lynne Taylor - 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.

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ITEM No:	1
APPLICATION NUMBER:	DA-532/2020
SUBJECT:	The construction of a part two-storey and part three-storey self storage facility with consolidation of all existing lots into one lot and associated civil works, landscaping and signage.
LOCATION:	LOT 1 DP 784736, LOT 3 DP 784736, LOT 2 DP 784736, LOT 9 Sec E DP 2373, LOT 8 Sec E DP 2373, LOT 10 Sec E DP 2373, LOT 11 Sec E DP 2373, DP 2373 Sec E Pt Lot 4, LOT 1 DP 784738, LOT 2 DP 784738, LOT 3 DP 784738 653, 659 & 661 Hume Highway & 6-8 & 10-12 Wattle Road, Casula
OWNER:	Storcross Pty Ltd
APPLICANT:	Storcross Pty Ltd
AUTHOR:	Robert Micallef

ISSUES RELATED TO THE APPLICATION

The Panel has been provided with the Council officer's assessment report, supporting documents accompanying the development application and copies of written objections. The Panel members have familiarised themselves (in person or by electronic means) with the development site and its context.

The Panel received representations opposing the application from two residents, one of whom spoke on behalf of a number of objectors. The Panel also heard from a representative of the applicant.

The Panel is satisfied that in the circumstances of this case that:

- a. the applicant's written request to vary the floor space ratio ("FSR") standard in clause 4.4 of Liverpool LEP 2008 has adequately addressed the matters required to be demonstrated by clause 4.6(3) of LEP 2008; and
- b. the proposed development will be in the public interest because it is consistent with the objectives of the FSR control in clause 4.4 of LEP 2008 and the objectives for development within the B6 zone.

The primary circumstance justifying the FSR exceedance is the nature of the use, being a self-storage business. The nature of this particular use enables additional gross floor area ("GFA") to be accommodated within a mezzanine level in the proposed building, while maintaining an overall height that is less than the maximum height for buildings on the land. The additional GFA does not contribute to the size and bulk of the building or create unacceptable impacts on the locality. While not determinative, the Panel is also aware that the additional GFA contributes to the economic viability of the proposed business.

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Inherent in the Panel's acceptance of the variation to the maximum FSR control is the Panel's decision to impose a condition on the consent requiring the mezzanine level to be removed from the building if the building ceases to be used for self-storage. The terms of this condition are set out in the Panel resolution below.

On balance, the Panel considers that the potential impacts of the proposed development are acceptable and can be adequately managed by the imposition of conditions of development consent. There is some uncertainty about the impact of the hours of operation before 9 am and after 6 pm on nearby residents. The Panel has decided to approve the hours of operation as proposed, with the hours between 6 am and 9 am and 6 pm and 9 pm Monday to Friday to being subject to a two year trial period during which time the impacts of the extended hours can be monitored. At the conclusion of the trial period the applicant will be required to make an application to modify the development consent to make the trial period permanent.

The Panel has given careful consideration to the objectors' concerns about traffic impacts and road conditions in Wattle Road and Ayshford Street. The Panel notes that the likely increase in vehicle movements generated by the proposed development is modest compared to other permitted uses in the B6 zone. However, it is apparent that the pavement and kerb and gutter in Wattle Road and Ayshford Street adjacent to the site are substandard and require upgrading as a consequence of the proposed development. The proponent will be required to reconstruct half width of a new road, including kerb and gutter, in Wattle Road Street and Ayshford Street adjacent to the development site. As Ayshford Street ends in a cul-de-sac, the cul-de-sac head must be fully constructed to properly manage the manoeuvring of vehicles generated by the development that may use this part of Ayshford Street.

The Panel is satisfied, on the basis of modelling provided by the proponent, that the proposed development will not have an unacceptable adverse impact on adjoining residences due to loss of natural sunlight or noise generation.

The Panel has decided to impose the following conditions on the development consent in addition to those recommended by the Council officers to mitigate other potential impacts:

- a. Lighting is to be installed with timer and motion sensor systems and is to be restricted to the extent of the after hours access hours of operation of the self storage premises, with a manual override in cases of emergency. Details are to be shown on the construction certificate plans.
- b. The self-storage premises, including any of the individual self-storage units, are not to be used for any other use, except for the storage of goods or materials (but not for hazardous or offensive goods or materials).
- c. Prior to the issue of an occupation certificate, the operational plan of management is to be amended to ensure that the proponent is responsible for the management of any waste or discarded goods or materials from the self storage premises that from time to time may be dumped along the kerbsides immediately outside the subject development along Hume Highway, Wattle Road and Ayshford Street.

VOTING NUMBERS:

In favour 4-0

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DETERMINATION OF PANEL:

DA-532/2020 The construction of a part two-storey and part three-storey self storage facility with consolidation of all existing lots into one lot and associated civil works, landscaping and signage be approved subject to the conditions in the Council officer's report and the following conditions:

1A. The self-storage premises, including any of the individual self-storage units, are not to be used for any other use, except for the storage of goods or materials (but not for hazardous or offensive goods or materials).

1B The removable lightweight storage racking system making up the first floor of the proposed self-storage premises, approved under DA-532/2020, is only to remain within the proposed building as long as the use is for the purpose of a self-storage facility. Any change of use on the site will require a Development Application to be lodged with Liverpool City Council, which is likely to require the removal of the lightweight storage racking system which makes up the first floor of the premises.

22A The proponent must construct half of the width of a new road, including kerb and gutter, in Wattle Road Street and Ayshford Street for the full frontage of the development site adjacent to those roads. The road construction in Ayshford Street is also to include design and construction of the full width of the cul de sac head.

36A. Lighting is to be installed with timer and motion sensor systems and is to be restricted to the extent of the after hours access hours of operation of the self storage premises, with a manual override in cases of emergency. Details are to be shown on the construction certificate plans.

139A . Prior to the issue of an occupation certificate, the operational plan of management is to be amended to ensure that the proponent is responsible for the management of any waste or discarded goods or materials from the self storage premises that from time to time may be dumped along the kerbsides immediately outside the subject development along Hume Highway, Wattle Road and Ayshford Street.

143. The permanent hours of operation of the premises are to be as follows:

- *Monday to Friday – 9am to 6pm*
- *Saturday – 9am to 5pm*
- *Sunday – 9am to 3pm*

Existing customers may access the premises via security pin code entry between the hours of 6 am to 9 am and 6 pm to 9 pm Monday to Friday on a trial basis for a trial period of 2 years commencing on the date of issue of the occupation certificate. A modification application is to be lodged prior to the end of the trial period to extend the trial period hours.

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ITEM No:	2
APPLICATION NUMBER:	DA-215/2021
SUBJECT:	Demolition of existing structures, remediation, Torrens Title subdivision to create twelve (12) residential lots, associated road construction and civil works over two (2) stages. The application is identified as Integrated Development pursuant to the Rural Fires Act 1997 requiring General Terms of Approval from the NSW Rural Fire Service.
LOCATION:	Lot 2, DP 512264 22 Eighteenth Avenue, Austral
OWNER:	SIMPLIFYDE GROUP PTY LTD
APPLICANT:	Mairead Hawes – The Planning Hub - Consultant Town Planner
AUTHOR:	

ISSUES RELATED TO THE APPLICATION

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

A representative of the applicant attended the meeting and answered questions from Panel members.

The Panel notes that the assessment report and draft conditions for this DA have been prepared by an external planning consultant due to the applicant being a currently elected member of Liverpool City Council.

The Panel notes that the proposed development satisfies all applicable development standards and design controls, except for the minimum lot width contained in the Liverpool Growth centres DCP. The DCP requires a minimum width of 9.0 m, but the proposal is for all lots to be 8.94 m wide. The variation is considered acceptable for the reasons outlined in the external planning consultant's report.

The Panel is satisfied that all relevant matters have been considered in the assessment of this application. One minor issue is raised by the Panel, namely the relevance of proposed draft condition 139. The panel considers this condition is irrelevant to the proposed development and will be deleted from the final conditions of consent. The draft conditions of consent are otherwise accepted by the Panel.

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VOTING NUMBERS:

In favour 4-0

DETERMINATION OF PANEL:

DA-215/2021 for demolition of existing structures, remediation, Torrens Title subdivision to create twelve (12) residential lots, associated road construction and civil works over two (2) stages is approved subject to the conditions contained in the Council officer's report, except for condition 139.