

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

**Monday the 26th of June 2023**

Held at the  
**'Gold Room, Liverpool Library'**  
170 George Street  
Liverpool

Panel: Michael Mantei (Chair)  
Grant Christmas  
Lindsay Fletcher  
Stephen Dobell- Brown

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

26th June 2023

<b>ITEM No:</b>	1
<b>APPLICATION NUMBER:</b>	DM/211/1990/A
<b>SUBJECT:</b>	Modification to Development Consent No.211/1990 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, seeking to amend condition 16 to extend the hours of operation.
<b>LOCATION:</b>	24 Wendlebury Road, Chipping Norton NSW 2170
<b>OWNER:</b>	Mr N A Finocchiaro
<b>APPLICANT:</b>	Tanis Confectionery Australia Pty Ltd
<b>AUTHOR:</b>	Eunice Pedrosa

#### ISSUES RELATED TO THE APPLICATION

The panel has inspected the site and read the Council Officer's assessment report.

The panel received a letter from Raihani Lawyers dated 26<sup>th</sup> June 2023 requesting deferral of the item on the basis that the meeting invitation identified the meeting as being held by Microsoft Teams instead of in person. As a result, most of the applicant's representatives were not available to attend the meeting in person.

After careful consideration, the panel has decided to defer determination of the application to a future meeting to be held as soon as practicable.

However, the panel heard from three objectors who were present at the meeting and requested to be heard. The panel will consider the submissions made by these objectors prior to determination of the application at the future meeting. This will be a public meeting and the panel will give a further opportunity to all objectors to make representations. The panel also notes that the meeting was audio recorded and the recording will be made publicly available.

The panel supports the Council officer's previous request of the applicant for additional information on the nature and extent of the activities and processes involved in the current use of the site. This information is fundamental for an assessment of the power of the Council to consider a modification application. The applicant should be again requested to provide this information for assessment by Council officers. The information is to be provided within fourteen days of the Council officer's request. The results of the Council officer's assessment should be included in the report to be submitted to the future meeting of the panel.

#### VOTING NUMBERS:

4-0

## LIVERPOOL CITY COUNCIL

### LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 2

26th June 2023

#### DETERMINATION OF PANEL:

That DM/211/1990/A be deferred to a future meeting of the panel (if possible constituted by the same panel members) for the reasons identified in the panel's minutes

<b>ITEM No:</b>	2
<b>APPLICATION NUMBER:</b>	DA-182/2021
<b>SUBJECT:</b>	<p>Torrens Title subdivision into two Super-Lots (Lots 201 &amp; 202) of the current Lot 231 Changsha Road, Edmondson Park including:</p> <ul style="list-style-type: none"><li>• Construction of the southern extension of Arnhem Road to the future intersection of Ardennes Road along the eastern boundary of proposed future Super-Lot 201; and</li><li>• Construction of Ardennes Road along the southern boundary of future Super-Lots 201 and 202.</li></ul> <p>The application is Integrated Development requiring approval from the NSW Rural Fire Service under the Rural Fires Act 1997.</p>
<b>LOCATION:</b>	Lot 231 Changsha Road, Edmondson Park
<b>OWNER:</b>	Inzitari Holdings Pty Ltd
<b>APPLICANT:</b>	R S Canceri Pty Ltd
<b>AUTHOR:</b>	Robert Micallef

#### ISSUES RELATED TO THE APPLICATION

The panel has inspected the site and read the Council Officer's report. A representative of the applicant addressed the panel meeting.

The panel is satisfied for the reasons outlined in the panel's determination that the application properly and adequately addresses the requirements of all relevant environmental planning instruments particularly Liverpool Local Environmental Plan 2008.

The panel agrees with the Council officer's opinion that Clause 7.11 (2) of LEP 2008 is a development standard that must not be contravened unless the requirements of clause 4.6 of LEP 2008 are satisfied. In this case the panel is satisfied that the contravention is acceptable having regard to those requirements.

#### VOTING NUMBERS:

4-0

**DETERMINATION OF PANEL:**

1. The panel is satisfied that the applicant's written request to contravene the minimum dwelling density development standard in Clause 7.11 (2) of LEP 2008 adequately addresses the matters required to be demonstrated by Clause 4.6 (3), namely:

- (a) compliance with the development standard is unreasonable in the circumstances of the case, and
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

The Panel is also satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the minimum dwelling density development standard, and the objectives of the R1 general residential zone. The panel has exercised the concurrence of the Planning Secretary.

2. That DA-182/2021 be approved subject to the conditions of consent contained in attachment 4 in the Council Officer's report, subject to the following minor administrative changes:

Condition 25 – insert the word “basin” after “bio-retention” and delete the word “and” after “remain”.

Condition 90 – insert the words “website” after “Department of Planning and Environment”.

Condition 96 – delete the word “policy's” and insert the word “policies”.

Condition 101 – delete the word “nominate (an occupation certificate/a subdivision certificate)” and insert instead the words “a subdivision certificate”.

Advisory note (d) – delete the word “designed” and insert instead the word “designated”.