

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

Monday 7th December 2020

Held online
'Microsoft Teams'

Panel: Michael Mantei (Chair)
Grant Christmas Expert
Marjorie Ferguson Expert
Daryl Hawker 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

7th December 2020

ITEM No:	1
APPLICATION NUMBER:	DA-698/2019
SUBJECT:	Construction of Serviced Apartments and a Registered Club (Tavern) with 2 Level Basement Parking, at grade car parking and associated road works, drainage and landscaping.
LOCATION:	Lot 97 & 100, DP 1217431 2000 Camden Valley Way, Edmondson Park
OWNER:	Blue Fountain Pty Ltd.
APPLICANT:	Marchase Partners Pty Ltd
AUTHOR:	Nabil Alaeddine

ISSUES RELATED TO THE APPLICATION

The Panel has been provided with the Council officer's assessment report, a summary of the written submissions and documents accompanying the development application. The Panel has familiarised itself with the development site and its context.

The Panel received a briefing from Council officers, heard representations from a number of local residents, Councillor Haggarty, representatives of the owner of the development site immediately to the West of the development site and representatives of the applicant.

The Council officer's report considers a range of potential impacts arising from the proposed development. The objections from local residents also raise a range of potential impacts, which have been considered by the Panel.

There was discussion during the public meeting about a survey of local residents conducted on behalf of the applicant in 2019 prior to lodgement of this development application. Some objectors who attended the meeting cast doubt on the credibility of that survey. The Panel accepts that a survey was conducted. Although the Panel encourages early community consultation, the results of this particular survey have not been material to the Panel's decision.

The Panel is satisfied that potential impacts relating to noise from the proposed premises have been properly assessed and can be adequately mitigated by conditions of consent. The Panel notes that an acoustic report recommends a continuous acoustic fence along the southern edge of the landscape setback of the development. The site plan indicates an opening in this fence for a pedestrian access to Zeppelin Road. The Panel understands this opening is inconsistent with the acoustic report and the site plan will need to be amended to delete the pedestrian access.

The Panel is satisfied that potential social impacts on the premises and in the surrounding neighbourhood have been properly assessed and are capable of being addressed by implementation of the plan of management submitted by the applicant, as amended by the condition recommended by NSW police. The draft condition 2 as contained within the Council

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 2

7th December 2020

officer's report is to be amended to insert the words "as amended by draft condition 211 and submitted to Council for the approval of the Manager of Development Assessment prior to the issue of the construction certificate" to ensure that there is only one consolidated plan of management applying to the premises.

The Panel is concerned that traffic generated by the proposed use will be forced to use Zeppelin Road and Kingsbury Road (East of Peronne Rd) if the proposed development is approved and commences before the extensions of Birdwood Lane, Nivelles Road and Mons Lane (that are located on the development site immediately to the West) are constructed. The Panel understands that the developer of the land to the West is required to construct these roads by the indicative layout plan under the DCP 2008. This future road network is designed to service the B6 zone fronting Camden Valley Way in this locality. However, if the proposed development is approved and commences before the extensions of these roads is completed, traffic will instead be forced to use the local residential road network.

The Panel understands that neither the applicant nor Council has made an assessment of the impact of additional traffic movements on Zeppelin Road and Kingsbury Road (East of Peronne Rd) in the interim period between the commencement of the development of the current DA site and the completion of the development on the B6 zoned land immediately to the West of the development site.

The Panel was assisted at the meeting by representatives of the developer of the land the West, who advised the Panel that a development application for stage 1 of the development had been submitted to Council and was nearing determination. This was confirmed by Council officers. The developer's representatives informed the Panel that construction of stage 1 of the development (which involves construction of the internal road network) would commence as soon as practical after development consent is granted.

Given the certainty of construction of the extensions of Birdwood Lane, Nivelles Rd and Mons Lane, and the unknown impact of additional traffic on Zeppelin Road and Kingsbury Road (East of Peronne Rd) in the intervening period, the Panel has decided to impose a condition on the development consent requiring the construction and opening of Birdwood Lane between Zeppelin Road and Peronne Road, and the extensions of Nivelles Rd and Mons Lane prior to issue of the occupation certificate for the proposed development. The Panel has also decided to amend the draft deferred commencement condition to allow the applicant five years to satisfy the deferred commencement condition, rather than the two recommended by Council officers.

The Panel has considered the applicant's request to amend draft conditions 171, 207, 211(c) (i) and 214. The Panel agrees to amend conditions 171 and 207 as requested, however the remaining two conditions will be imposed by the Panel as they are required in order to mitigate impacts of the development.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-698/2019 for construction of serviced apartments and a pub with 2 levels of basement parking, at grade car parking and associated road works, drainage and landscaping be approved subject to the draft conditions recommended in the Council officer's report, amended as follows:

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 3

7th December 2020

- a. the draft deferred commencement condition be amended allow the applicant five years to satisfy the deferred commencement condition;
- b. draft condition 2 is to be amended to insert the words “as amended by draft condition 211 and submitted to Council for the approval of the Manager of Development Assessment prior to the issue of the construction certificate”
- c. insert a new condition requiring the site plan to be amended to delete the pedestrian access to Zeppelin Road;
- d. insert a new condition requiring the construction and opening of Birdwood Lane between Zeppelin Road and Peronne Road, and the extensions of Nivelles Rd and Mons Lane contained within lot 266 DP 1200043 prior to issue of an occupation certificate for the proposed development;
- e. delete the reference to Liverpool Train Station in draft condition 171;
- f. delete draft condition 207.

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 4

7th December 2020

ITEM No:	2
APPLICATION NUMBER:	DA-693/2019
SUBJECT:	Construction of a nine-storey residential flat building comprising of 36 units (12 x 1-bedroom units, 20 x 2-bedroom units and 4 x 3-bedroom units) and a three-level basement car park.
LOCATION:	Corner Lot 2 DP 214924 23 George Street, Liverpool
OWNER:	Mrs M Prpic
APPLICANT:	Benson McCormack Architecture Pty Ltd
AUTHOR:	Kevin Kim

ISSUES RELATED TO THE APPLICATION

The Panel has been provided with the Council officer's assessment report, copies of all written submissions and all documents accompanying the development application. The Panel has familiarised itself with the development site and its context.

The Panel received a briefing from Council officers and heard a representation from the applicant's planning consultant.

The Panel is satisfied that the proposed development complies with all relevant requirements of SEPP65, the apartment design guide, LLEP2008 and Liverpool DCP.

The Panel has decided to grant development consent to the application.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-693/2019 for construction of a nine-storey residential flat building comprising of 36 units (12 x 1-bedroom units, 20 x 2-bedroom units and 4 x 3-bedroom units) and a three-level basement car park be approved subject to the conditions outlined in the Council officer's assessment report.

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 5

7th December 2020

ITEM No:	3
APPLICATION NUMBER:	DA-538/2019
SUBJECT:	The construction of a 4-storey shop-top housing development with at-grade and basement parking comprising 2 retail units and 12 residential units, and the construction of a bathroom and kitchen showroom with at-grade and basement parking.
LOCATION:	Lot B and Lot C, DP 373211 619-621 Hume Highway, Casula
OWNER:	619 Hume Highway Pty Ltd
APPLICANT:	Dreamscapes Architects
AUTHOR:	Patrick Curmi

ISSUES RELATED TO THE APPLICATION

The Panel has been provided with the Council officer's assessment report, copies of all written submissions and all documents accompanying the development application. The Panel has familiarised itself with the development site and its context.

The Panel received a briefing from Council officers and heard representations from the applicant's planning consultant. The Panel received a briefing from Council officers.

The Panel notes there are a number of design issues that remain outstanding. Although these issues when viewed in isolation may appear minor, overall, the Panel is of the view that the application should be refused to allow the applicant time to properly consider those issues and prepare amended plans.

While the Panel understands the applicant's frustration, these design issues might have been resolved earlier had amended plans been submitted in a timely manner after the Design Excellence Panel minutes were conveyed to the applicant in February 2020.

The Panel agrees with and endorses the Council officer's assessment of the application and reasons for refusal.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-538/2019 the construction of a 4-storey shop-top housing development with at-grade and basement parking comprising 2 retail units and 12 residential units, and the construction of a bathroom and kitchen showroom with at-grade and basement parking be refused for the reasons contained in the Council officer's assessment report.

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 6

7th December 2020

ITEM No:	4
APPLICATION NUMBER:	DA-778/2020
SUBJECT:	Construction of a double storey house and attached single garage
LOCATION:	Lot 18, Sec I DP 2314 44 York Street, Casula
OWNER:	Mr Jasmin Smajlagic
APPLICANT:	Croft Land Pty Ltd
AUTHOR:	Zahra Hamed

ISSUES RELATED TO THE APPLICATION

The Panel members have familiarised themselves with the site and read the Council officers' assessment report and documents accompanying the application.

There were no objectors or representatives of the landowner attending the meeting. The Panel received a briefing from Council officers.

The Panel notes that this application has come before the Panel on account of the applicant being a Council officer.

The Panel is satisfied that the potential impacts of the proposed dwelling and the suitability of the site for the development have been properly considered by Council officers. For the reasons outlined in the Council officer's assessment report the panel has decided to grant consent to the application.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-778/2020 for construction of a double storey house and attached single garage be approved subject to the conditions outlined in the Council officer's report.

7th December 2020

**ITEM 5 – REQUEST FOR DELEGATION OF CONSENT AUTHORITY FUNCTIONS TO THE
MANAGER DEVELOPMENT ASSESSMENT FOR TEMPORARY EVENTS**

The Panel received and considered a report from Council Coordinator Development Assessment requesting the Panel delegate its consent authority functions in relation to development where Council is the applicant or landowner, and the application proposes a temporary event to the positions of Manager Development Assessment, Coordinator Development Assessment or Team Leader Development Assessment.

Section 2.20(8) of the *Environmental Planning and Assessment Act 1979* enables a local planning panel to delegate any function of the Panel (other than the power of delegation) to the general manager or other staff of the council.

The Panel has considered the Council officer's request and agrees to delegate its consent authority functions for temporary community and civic events where Council is the land owner or applicant. However, the Panel has decided to impose a qualification on the exercise of the delegation, that is the delegation may not be exercise if Council has received 10 or more unique objection to the proposal or if the Council officers or elected representatives otherwise decline to exercise the function.

VOTING NUMBERS:

4 – Nil

DETERMINATION OF PANEL:

1. Subject to resolution 2, the Liverpool Local Planning Panel pursuant to section 2.20(8) of the Environmental Planning and Assessment Act 1979 delegates its function to determine development applications for temporary events community and civic events where Council is the land owner or applicant to the positions of Manager Development Assessment, Coordinator Development Assessment and Team Leader Development Assessment.
2. The delegation in resolution 1 may not be exercise if Council has received 10 or more unique objection to the proposal, or if the Council officers or elected representatives otherwise decline to exercise the function.