

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

31st October 2022

Held online via
MS Teams

Panel:

**Michael Mantei
Marjorie Ferguson
Stuart McDonald
Aaron Colley**

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-1305/2021
SUBJECT:	DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A FOUR-STOREY RESIDENTIAL FLAT BUILDING COMPRISING 16 FLATS, WITH ONE LEVEL OF BASEMENT CAR PARKING, AND ASSOCIATED LANDSCAPING.
LOCATION:	2 WILGA CLOSE, CASULA NSW 2170 3 WILGA CLOSE, CASULA NSW 2170
OWNER:	MR C ANDREOU, MRS A ANDREOU
APPLICANT:	CASULA NSW DEVELOPMENTS PTY LTD
AUTHOR:	ROBERT MICALLEF

ISSUES RELATED TO THE APPLICATION

The Panel has read the Council officers' report and accompanying documents. Panel members have familiarised themselves with the site of the proposed development. The Panel received representations at the meeting from a number of adjoining owners objecting the proposed development.

Common issues raised by the objectors were impacts of the development on the amenity of the surrounding low density dwellings, including overlooking and overshadowing and impact on the existing low density character of the area. Additional issues considered by the Panel included:

- proposed variation to the minimum lot width in cl 7.14 and maximum building height in clause 4.3 of Liverpool LEP 2008; and
- encroachment by parts of the building on the side boundary setback toward the Wilga Street elevation.

The Panel accepts that the proposed development is obviously different to the existing residential form of development. However, the existing residential development does not reflect the form of development that is permitted by the R4 high density zoning of the land. The character of the area will slowly transition to a higher density form of housing over time. This application is the first in the transition.

The Panel must have regard to the purpose of the R4 zone and associated development controls. To that extent the Panel agrees with Council officers' conclusion that the scale and form of the development is in keeping with the size and shape of the subject site and compatible with the likely future character of the locality.

The Panel notes that the proposal complies with the design standards (setbacks, overshadowing) that are aimed at protecting the amenity. The encroachment of the side boundary setbacks at the Wilga Street elevation and the minor exceedance in building height do not contribute to overlooking or overshadowing impacts. The Panel notes that the Liverpool Design Excellence Panel has reviewed the design on two occasions and the current design

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incorporates the recommendations of that Panel.

The Panel considers that the proposed variation to the building height and width controls in LLEP 2008 are acceptable in the circumstances. The Panel considers the written request from the applicant adequately demonstrates that:

(a) compliance with the minimum height and width development standards in clauses 4.3 and 7.14 of LLEP 2008 is unreasonable or unnecessary in the circumstances of the case, and

(b) there are sufficient environmental planning grounds to justify contravening the standards.

The Panel is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the minimum width and height development standard and the objectives for development within the R4 zone.

VOTING NUMBERS:

4 – 0

DETERMINATION OF PANEL:

That development consent is granted to development application DA-1305/2021 for the demolition of existing structures and construction of a four-storey residential flat building comprising 16 flats, with one level of basement car parking, and associated landscaping subject to the draft conditions contained in the Council officers report.

ITEM No:	2
APPLICATION NUMBER:	DA-1240/2021
SUBJECT:	FITOUT AND USE OF AN EXISTING STRUCTURE AS A KIOSK WITH ASSOCIATED SIGNAGE
LOCATION:	BIGGE PARK, 124 BIGGE STREET, LIVERPOOL NSW 2170
OWNER:	THE STATE OF NEW SOUTH WALES
APPLICANT:	KARIMA GROUP
AUTHOR:	GLEN HANCHARD

ISSUES RELATED TO THE APPLICATION

The Panel has read the Council officers' report and accompanying documents. Panel members have familiarised themselves with the site of the proposed development.

The Panel requires further information about the plan of management adopted under the *Local Government Act 1993* for Bigge Park before determining the development application. The

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Local Government Act 1993 is a relevant matter for consideration in the assessment and determination of the application.

The Panel requires advice from Council officers as to whether the proposed use is authorised by the plan of management. Subject to consideration of the further information, the Panel is otherwise satisfied that the proposed development has merit.

VOTING NUMBERS:

4 - 0

DETERMINATION OF PANEL:

That:

- a) determination of development application DA-1240/2021 for the fitout and use of an existing structure as a kiosk with associated signage be deferred.
- b) Council officers submit a revised assessment report to the Panel addressing whether the proposed development is authorised by the plan of management applying to the land.
- c) the application be determined by electronic means once the revised assessment report is submitted.

ITEM No:	3
APPLICATION NUMBER:	DA-52/2022
SUBJECT:	CONSTRUCTION OF A 2 STOREY SEMI-DETACHED DWELLING AND TORRENS TITLE SUBDIVISION
LOCATION:	LOT 1 NARRAMI ROAD, AUSTRAL NSW 2179
OWNER:	MR M R AFZAL
APPLICANT:	MR M R AFZAL
AUTHOR:	THE PLANNING HUB – CONSULTANT TOWN PLANNER

ISSUES RELATED TO THE APPLICATION

The Panel has read the Council officers' report and accompanying documents. Panel members have familiarised themselves with the site of the proposed development.

The Panel is satisfied that the development application has been properly and adequately assessed and agrees with the assessing planner's conclusion about the impacts of the development and suitability of the subject site for the development.

The Panel notes the proposal does not comply with the 9m minimum width control in Liverpool Growth Centres Precincts Development Control Plan. The Panel accepts that a variation is

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appropriate in the circumstances.

VOTING NUMBERS:

4 – 0

DETERMINATION OF PANEL:

That development consent be granted to development application DA-52/2022 for the construction of a two x 2 storey semi-detached dwellings and torrens title subdivision subject to the conditions contained in the Council officers assessment report.

ITEM No:	4
APPLICATION NUMBER:	DA-1379/2021
SUBJECT:	DECOMMISSION AND REMOVAL OF THE EXISTING NETWORK INFRASTRUCTURE AND THE INSTALLATION OF A 30M HIGH TELSTRA TELECOMMUNICATIONS FACILITY AND SUPPORTING ANCILLARY EQUIPMENT
LOCATION:	560 HUME HIGHWAY, CASULA NSW 2170
OWNER:	BE ORIGINAL PTY LTD
APPLICANT:	TELSTRA CORPORATION LTD
AUTHOR:	JASMIN KLAIME

ISSUES RELATED TO THE APPLICATION

The Panel has read the Council officers' report and accompanying documents. Panel members have familiarised themselves with the site of the proposed development.

The Panel considers that the proposed variation to the building height control in clause 4.3 of LLEP 2008 is acceptable in the circumstances. The Panel considers the written request from the applicant adequately demonstrates that:

(a) compliance with the building height development standard is unreasonable or unnecessary in the circumstances of the case, and

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(b) there are sufficient environmental planning grounds to justify contravening the standards.

The Panel is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the building height development standard and the objectives for development within the B6 zone.

VOTING NUMBERS:

4 – 0

DETERMINATION OF PANEL:

That development consent is granted to development application DA-1379/2021 for the decommission and removal of the existing network infrastructure and the installation of a 30m high telstra telecommunications facility and supporting ancillary equipment subject to the conditions contained in the Council officers report.

ITEM No:	5
APPLICATION NUMBER:	DA-14/2021
SUBJECT:	(RE-ADVERTISED) DEMOLITION OF ALL EXISTING STRUCTURES AND IMPROVEMENTS. PROPOSED CONSTRUCTION OF A NEW SERVICE STATION DEVELOPMENT INCLUDING SALES & FAST-FOOD BUILDING, SEPARATE RESTAURANT FACILITY, FUEL DISPENSING CANOPY, 9M HIGH PYLON SIGN, UNDERGROUND TANKS, SIGNAGE, ALTERATION OF EXISTING DRIVEWAY CROSSOVERS & ASSOCIATED SITE WORKS AND TRADING TIME OF 24/7
LOCATION:	226 NEWBRIDGE ROAD, MOOREBANK NSW 2170 228 NEWBRIDGE ROAD, MOOREBANK NSW 2170
OWNER:	T SIMONETTA & CO PTY LTD
APPLICANT:	MR C RIDGEWELL
AUTHOR:	GREG MOTTRAM

ISSUES RELATED TO THE APPLICATION

The Panel has read the Council officers' report and accompanying documents. Panel members have familiarised themselves with the site of the proposed development. The applicant's representatives attending the panel meeting were available to answer questions.

The Panel considered the matters addressed in the Council officers' report including the proposed variation to the minimum street frontage, the minimum rear boundary setback, and objections raised by the neighbouring owners.

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The Panel is satisfied that the likely impacts of the proposed development and the suitability of the site for the proposal have been proposed assessed by Council officers and the development is acceptable subject to imposition of the conditions contained in the Council officers report. The Panel considers the variation to minimum lot width and rear setback are acceptable in the circumstances.

The Panel agrees with the Council officers' recommended trial period for the extended operation hours of the businesses in the development.

A late written submission by way of objection was tabled at the Panel meeting. The Panel has considered the submission and no further information is required from Council or the applicant in respect of the issues raised in the submission.

VOTING NUMBERS:

4 – 0

DETERMINATION OF PANEL:

That development consent is granted to development application DA-14/2021 for the (re-advertised) demolition of all existing structures and improvements, proposed construction of a new service station development including sales & fast-food building, separate restaurant facility, fuel dispensing canopy, 9m high pylon sign, underground tanks, signage, alteration of existing driveway crossovers & associated site works and trading time of 24/7 subject to the conditions contained in the Council officers report.

ITEM 6 - ADDITION ITEM, LOCAL PLANNING PANEL OPERATIONAL PROCEDURES POLICY

The Liverpool Local Planning Panel (LPP) adopted the Liverpool Local Planning Panel Meeting Procedure at its meeting on 30 April 2018.

The Panel is advised that Council has received feedback from the community recently requesting clarification of the Liverpool LPP procedures, specifically relating to timeframes for information being made available prior to a meeting. The current procedure document does not contemplate this, and it is considered appropriate to provide these timeframes for transparency.

Council officers have recommended an amendment to the Procedures Policy by inserting an additional section as follows:

Meeting Invitations and Agenda

1. *Fourteen (14) days prior to the meeting date, invitation letters are to be sent to submitters, applicants and site owners notifying them of the upcoming meeting and provide these parties the opportunity to register to speak at the public meeting. Invitation letters are sent via email or post.*

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- 2. Seven (7) days prior to the meeting date, the Liverpool LPP Meeting Agenda will be published on Liverpool City Council's website.*

The Panel is advised that the new procedures reflect Council's current process and are consistent with the prior Liverpool (Independent Hearing and Assessment Panel) IHAP procedure and timing provided by the Department of Planning and Environment for Regionally Significant Development Applications.

VOTING NUMBERS:

4 – 0

DETERMINATION OF PANEL:

That the Liverpool Local Planning Panel Meeting Procedure Policy adopted at its meeting on 30 April 2018 be amended to insert the following procedure:

Meeting Invitations and Agenda

- 1. Fourteen (14) days prior to the meeting date, invitation letters are to be sent to submitters, applicants and site owners notifying them of the upcoming meeting and provide these parties the opportunity to register to speak at the public meeting. Invitation letters are sent via email or post.*
- 2. Seven (7) days prior to the meeting date, the Liverpool LPP Meeting Agenda will be published on Liverpool City Council's website.*