

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

25th February 2019

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

Panel: Michael Mantei (Chair)
Fiona Gainsford Expert
Michael Harrison Expert
Stephen Dobell-Brown Community Rep

Ms Gainsford declared a conflict of interest in relation to item 3. No other conflicts were declared by any other panel members in relation to any other items on the agenda.

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ITEM No:	1
APPLICATION NUMBER:	RZ-8/2018
SUBJECT:	Rezone and amend development standards for several land parcels within the Austral and Leppington North Precincts.
LOCATION:	Austral and Leppington North Precincts
APPLICANT:	Liverpool City Council
AUTHOR:	Ian Stendara – Executive Planner

ISSUES RELATED TO THE APPLICATION

The Panel has read the Council officer's report. The Panel received one (1) objection to the proposal.

The Panel notes that the objection relates to a property at 105-110 Gurner Avenue Austral. The owner of that property is concerned about potential changes to the indicative layout plan (ILP) forming part of the development control plan for this precinct.

The Panel is satisfied that the planning proposal, which deals with changes to the zoning map under the Growth Centres SEPP, does not directly impact on the owner's land. There is no proposed change to the current zoning of the owner's land.

The Panel is aware that Council is considering an amendment to the ILP which may impact on the owner's land. The Panel does not have any statutory role in the ILP amendment process. Council has not requested advice from the Panel on the potential ILP amendment. The Panel is satisfied that the planning proposal will not prejudice the ILP as it applies to the owner's land.

However, the Panel recommends Council's strategic planner invites the owner of 105-110 Gurner Avenue to provide comment on the potential ILP amendment as it affects their land prior to the formal public notification of the ILP amendment.

The Panel agrees with the reasons for proceeding with the planning proposal as outlined in the Council officer's report.

VOTING NUMBERS:

4-Nil

ADVICE OF PANEL:

The Panel supports the planning proposal as outlined in the Council officer's report proceeding to gateway determination.

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ITEM No:	2
APPLICATION NUMBER:	RZ-9/2018
SUBJECT:	Planning proposal to amend Schedule 1 of the Liverpool Local Environmental Plan 2008 to allow multi dwelling housing as a land use permitted with consent on 123 Epsom Road, Chipping Norton (Lot 3 DP 602936)
LOCATION:	Lot 3 DP 602936 123 Epsom Road, Chipping Norton
OWNER:	Mr M T Brooks
APPLICANT:	Liverpool City Council
AUTHOR:	David Smith

ISSUES RELATED TO THE APPLICATION

The Panel has inspected the site and read the Council officer's report. The Panel received one representation from the owner.

The Panel is concerned that a decision to change the permitted uses on this site in isolation is premature in light of the upcoming review of the LEP2008, a component of which will be informed by the Local Housing Strategy (LHS). The Panel has been informed by Council officers that the strategy will be finalised imminently.

The Panel suggests that Council should be mindful to not pre-empt or prejudice the outcome of the strategy in relation to this site. Until the strategy is finalised, the Panel is not confident in recommending that the planning proposal has strategic merit.

VOTING NUMBERS:

4-Nil

ADVICE OF PANEL:

The Panel recommends Council defer a decision on the planning proposal until such time as the LHS has been adopted by Council.

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ITEM No:	3
APPLICATION NUMBER:	DA-264/2018
SUBJECT:	<p>Construction and operation of a Concrete Batching Plant (CPB). The proposal includes:</p> <ul style="list-style-type: none"> • Removal of vegetation, demolition of hardstand areas and removal of existing underground petroleum storage tank; • Retention of existing factory building for use as office, out of service truck parking and truck washing; • Earthworks to prepare the land for the development; • Construction of site infrastructure including a drainage system vehicle access, internal driveways and heavy vehicle parking areas; • Construction of the proposed CBP; • Construction of supporting facilities including a driver's amenity building. <p>The proposed development is submitted as Designated Development under the Environmental Planning and Assessment Regulation 2000 and is Nominated Integrated Development, as it requires approval from NSW Environmental Protection Authority pursuant to Protection of the Environment Operations Act 1997.</p>
LOCATION:	<p>Lot 8 DP 241916 4 Ash Road, Prestons NSW 2170</p>
OWNER:	Renita Developments P/L
APPLICANT:	Renita Developments P/L
AUTHOR:	Boris Santana – Senior Development Planner

ISSUES RELATED TO THE APPLICATION

The panel has inspected the site and read the Council officer's report. The Panel received a representation from the applicant's planning consultant and architect.

Overall the Panel agrees with the Council officer's assessment of the application and is supportive of the recommendation for approval for the reasons outlined in the Council officer's report. The applicant's planning consultant handed a document to the panel at the meeting that requested a number of changes to the draft conditions. The Panel's response is set out below:

Condition 12. The Panel agrees to the applicant's proposed amendment, except that the words "the operation of" in the applicant's proposed condition be deleted and the words "issue of an occupation certificate for" be inserted and the new condition be located in section E in the consent.

Condition 19. The Panel does not agree to the applicant's proposed amendment.

Condition 21. The Panel does not agree to the applicant's proposed amendment.

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Condition 23. The Panel does not agree to the applicant's proposed amendment.

Condition 26. The Panel does not agree to the applicant's proposed amendment.

Condition 121. The Panel agrees to the applicant's proposed amendment.

VOTING NUMBERS:

3-Nil (Ms Gainsford declaring a conflict of interest and not voting on this matter)

DETERMINATION OF PANEL:

DA-264/2018 Construction and operation of a Concrete Batching Plant (CPB) be approved subject to the conditions outlined in the recommendation in the council officer's assessment report, as amended by the Panel as outlined above.

ITEM No:	4
APPLICATION NUMBER:	DA-719/2018
SUBJECT:	Removal of all Vegetation from the Site and Earthworks to accommodate future Industrial Development (as proposed and under assessment under DA-796/2018)
LOCATION:	Lot 1 DP 1045029 Part Lot 2 DP 1045029 5 Yarrowa Street, Prestons
OWNER:	Mr F Nasser, Mr G Nasser, Mr M Nasser
APPLICANT:	JVMC PTY LTD
AUTHOR:	Ivan Kokotovic – Senior Development Planner

ISSUES RELATED TO THE APPLICATION

The Panel has inspected the site and read the Council officer's report. The Panel received a representation from the applicant.

The history of this application and its relationship to another development application (DA-796/2018) for construction and use of industrial units on the same site was explained to the Panel by Council officers. The Panel understands that DA-796/2018 as original lodged included the earthworks that are now the subject of DA-719/2019. The Panel understands that DA-796/2018 is yet to be determined.

The Panel is concerned that there is insufficient information supporting the application for the Panel to be satisfied the impacts of the development have been properly considered and are acceptable. The Panel needs to be satisfied that the impacts are acceptable prior to determination of the application. The Panel cannot consider the assessment that may have been undertaken in respect of DA-796/2018 in determining whether the impacts of this application are acceptable.

The Panel is particularly concerned about the adequacy of the application in respect of the following potential traffic impacts:

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- Impact on existing traffic in Yarrowa Street having regard to the high level of heavy vehicle traffic movements in that Street
- The high number of heavy vehicle movements into and out of the site
- Limited width of Yarrowa Street and constraints imposed by on street car parking
- Proximity of the proposed point of access to the roundabout at the intersection of the on ramp to the M7 and Yarrowa Street

The Panel is concerned about the impact of vegetation removal at the CNR of Yarrowa Street and the on ramp to the M7. Additional information in the form of an arborist report which assess the impact of remediation and site filling on these trees is required. The Panel notes the applicant's offer to explore amendments to the filling plan to retain these trees within an appropriate landscape setback, if remediation permits.

The Panel is concerned about potential vibration impacts on the adjoining substation. An assessment by an appropriate qualified vibration specialist should be submitted with the application and comments received by Council from the operator of the substation prior to determination.

The applicant should clarify by way of a site plan which area of the site is to be filled and which area of the site is to be raised concrete slab.

The applicant should provide to Council for assessment an updated environmental impact statement that fully addresses clause 7 of schedule 2 of the Environmental Planning and Assessment Regulation 2000.

The Panel agrees with the Council officer's opinion that the proposed ancillary display suite and signage is prohibited at this point in time as no industrial development consent exists on the site. The application should be amended to remove these aspects of the proposal.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

Determination of DA-719/2018 Removal of all Vegetation from the Site and Earthworks to accommodate future Industrial Development (as proposed and under assessment under DA-796/2018) be deferred pending submission of additional information by the applicant and further assessment of that application by Council. The Panel will determine the application electronically once a further assessment report is finalised.