

MINUTES AND DETERMINATION OF THE LIVERPOOL LOCAL PLANNING PANEL MEETING

Monday, 25 March 2024

Held online via
MS Teams

Panel: Stephen Alchin (Chair)
Caroline Pidcock (Expert)
Annette Ruhotas (Expert)
Ellie Robertson (Community Representative)

There were no conflicts of interest declared by any Panel members in relation to any items on the agenda.

Speakers:

Item 1 – DA-120/2023

- Gina Tambasco - Applicant

Item 2 – DA-23/2023

- Troy Loveday – Planner on behalf of applicant
- Dany Chalabi – Architect on behalf of applicant
- Rob Loughman – Landscape architect on behalf of applicant

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ITEM No:	1
APPLICATION NUMBER:	DA-120/2023
SUBJECT:	Demolition of existing structures, partial tree removal and construction of a six-storey residential flat building comprising 21 units with two levels of basement carparking, associated landscaping and civil works. The application is identified as affordable housing under State Environmental Planning Policy (Housing) 2021.
LOCATION:	7-9 Sutton Road, Ashcroft
OWNER:	Mr P Tambasco and Mrs G B Tambasco
APPLICANT:	Mrs G Bernard Tambasco
AUTHOR:	Robert Micallef

ISSUES RELATED TO THE APPLICATION

The Panel considered the Council officer's report and, in particular, the following matters:

- Opportunities to improve sustainability outcomes including cost effectiveness through electrification and increased provision of photovoltaic panels on the roof.
- The arguments for and against retaining tree number T4 in Sutton Road.
- The location of the substation, including the views of the Design Excellence Panel and Endeavour Energy.

VOTING NUMBERS:

4-0

DETERMINATION OF PANEL:

The Panel grants development consent in line with the conditions in the Council officer's report, subject to the inclusion of Condition 9A as follows:

- 9A. Cooking facilities and hot water heating in all units are to be powered by electricity only.

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ITEM No:	2
APPLICATION NUMBER:	DA-23/2023
SUBJECT:	Alterations to the upper level of an approved residential flat building (DA-1305/2021) involving the construction of three additional units above the fourth storey to be provided as affordable rental housing under SEPP (Housing) 2021, minor façade changes, the addition of nine carparking spaces, rearrangement of the basement carpark and a modification to the approved communal open space
LOCATION:	2-3 Wilga Close, Casula
OWNER:	Matthew Zappia (Multipart Property)
APPLICANT:	Multipart Property Pty Ltd
AUTHOR:	Greg Mottram

ISSUES RELATED TO THE APPLICATION

The Panel considered the Council officer's report and, in particular, the following matters:

- The fact that development of a three-storey residential flat building on the site, involving the same building footprint as the current proposal, had been approved at the Liverpool Local Planning Panel meeting of 31st October 2022.
- The need for the development to provide sufficient deep soil planting to comply with section 19(2)(c) – a non-discretionary provision - of *State Environmental Planning Policy (Housing) 2021*.
- Other opportunities to improve the design of the proposed development, including:
 - the inclusion of weather hoods above windows and doors serving the three units on the top floor
 - the use of electric appliances and hot water, rather than those involving the use of gas
 - the installation of ceiling fans in all habitable rooms
 - parking issues, including the location of the accessible parking spaces
 - the location of storage cages in accessible parking spaces
 - the need to install a reasonable number of photovoltaic panels on the roof
 - landscaping design and maintenance, including the privacy and amenity benefits from requiring additional planting of large trees.

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VOTING NUMBERS:

4-0

DETERMINATION OF PANEL:

The Panel grants development consent in line with the conditions in the Council officer's report, subject to the inclusion of the conditions listed below:

- 4. The following amendments to the proposed application must be prepared and provided to the satisfaction of the PCA **prior** to the issuing of a construction certificate:
 - (k) Units 17, 18 and 19 on the top level are to have appropriate weather hoods installed over all doors and windows to provide shelter from rain.
 - (l) Ceiling fans are to be included in all habitable rooms.
 - (m) The two accessible parking spaces and associated share space are to be moved to a location, e.g. further along the western wall of the carpark, that avoids the need for drivers to make multi-point turns to access the spaces.
 - (n) The applicant shall provide details of an alternate location for the storage cages above the two accessible parking spaces in the event that the cages limit the ability for a van or similar vehicle to use the spaces in question.
 - (o) Deletion of the tandem car space proposed for unit 8 (located along the eastern wall of the carpark).
 - (p) The landscaping plan is to be amended to:
 - extend the deep soil planting area in the north-eastern corner of the property so as to include the area above the location of the removed tandem car space, and
 - include planting of a tree with an expected mature height of 15m or more (species to be selected from the existing planting list) in that location.

Environmental Sustainability

- 40.(a) Amended plans shall be provided to the satisfaction of Council's Senior Development Planner that provide the following:
 - (i) The applicant is to submit, for the Council's approval, a plan of the rooftop photovoltaic panels demonstrating that the panels make effective use of the roof space, thereby maximising the system's electrical capacity. This change shall be reflected in the amended BASIX certification.

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- (ii) Cooking facilities and hot water heating in all units are to be powered by electricity only. This change shall be reflected in the amended BASIX certification.

Rooftop Landscaping Maintenance

- 244. The landscaping surrounding units 17, 18 and 19 is to be maintained by the owners of the building until such time as there is a strata subdivision of the building, at which point the landscaping shall be maintained by the Owners Corporation. Arrangements are to be made to Council's satisfaction that periodic access through the units is available for this purpose.

ITEM No:	3
APPLICATION NUMBER:	DA-48/2022
SUBJECT:	Demolition of existing structures, remediation works, subdivision of one (1) existing lot into twenty (20) residential lots and one (1) residue lot, road construction and associated civil works and landscaping over three stages. The application is identified as Integrated Development pursuant to Section 4.46 of the <i>Rural Fires Act 1997</i> requiring General Terms of Approval from the NSW Rural Fire Service.
LOCATION:	75 Thirteenth Avenue, Austral
OWNER:	Buraq Affordable Homes Pty Ltd
APPLICANT:	The Burton and Field Unit Trust
AUTHOR:	Eunice Pedrosa

ISSUES RELATED TO THE APPLICATION

The Panel considered the Council officer's report and, in particular, the following matters:

- The Panel was concerned that, notwithstanding the area is covered by a previous Biodiversity Certification, having regard to the likelihood of climate change related heatwaves and extreme heat; the fact that very few trees are left in the area; the need to protect urban tree canopy cover; and the amenity of the future development, it is imperative to retain as many trees on the subject property as reasonably possible.
- The Panel noted that the ability to retain some trees was constrained by the granting of previous development consents for land to the west and south of the subject property, which includes the location of roads into which the road forming part of this application would connect.

- To this end, in relation to the subject property, the Panel felt it was reasonably possible to protect trees that are near the boundaries of the proposed lots and, subject to further investigation, trees near the road intersection and footpaths in the proposed subdivision.
- In reaching these views, the Panel noted there is a hierarchy of planning controls relevant to the subject property that identify the need to take action to create high amenity built environment; protect vegetation; and address climate change in the planning of future development of the area. These include:
 - The objects of the *Environmental Planning & Assessment Act 1979*, notably:
 - Object 1.3 (a) “to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources”;
 - Object 1.3(b) “to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment”;
 - Object 1.3(e) “to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities, and their habitats”; and
 - Object 1.3(g) “to promote good design and amenity of the built environment”.
 - The objectives of the *Greater Sydney Region Plan (2018)*, notably:
 - Objective 26: A cool and green parkland city in the South Creek corridor;
 - Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced. The Plan states, “In the Western Parkland City, urban bushland including degraded or remnant vegetation should be considered for incorporation into the planning and design of new neighbourhoods”;
 - Objective 28: Scenic and cultural landscapes are protected;
 - Objective 30: Urban tree canopy cover is increased. The Plan states, “Planning controls need to protect urban tree canopy on privately owned land”; and
 - Objective 38: Heatwaves and extreme heat are managed. Strategy 38.1 states, “Mitigate the urban heat island effect and reduce vulnerability to extreme heat.”

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- The *Western City District Plan (2018)*, which establishes a planning priority (No. W16) of “Protecting and enhancing scenic and cultural landscapes”.
- *A Guide to the South West Growth Area and Updated Structure Plan (2022)*, which states, "Tree canopy: The overall tree canopy cover for the Growth Area is approximately 17%. While this is currently less than the target of 40% for Greater Sydney, the canopy percentage will increase over time as trees become established. The rezoned precincts were largely cleared rural land and many new trees are not yet mature. Increasing efforts to retain existing tree canopy will immediately help establish a sense of place and provide immediate benefits of mature tree cover for rezoned areas."
- The *Liverpool Local Strategic Planning Statement (2020)* refers to goals to “Protect and enhance bushland, rivers and the visual landscape” and “Exercise planning controls to create high quality, inclusive urban environments”.
- Clause 3.4 of the *Liverpool Growth Centre Precincts DCP (2021)* states, “A report which outlines the condition, dimensions and species of existing trees contained within a development site is to be included as part of any development application documents and is to be accompanied by a Tree Retention Management Plan which shows the dimension of any proposed TPZs and outlines any other protection/enhancement methods that are appropriate to encourage the viable retention of trees”.
- The Panel understands experience in other parts of Sydney suggests that new subdivisions where remnant vegetation has been retained are more desirable and attract higher sale prices than those where remnant vegetation has been removed.

VOTING NUMBERS:

4-0

DETERMINATION OF PANEL:

The Panel grants development consent in line with the conditions in the Council officer's report, subject to the inclusion of the following conditions:

- 9A. Trees 4, 9, 32, 33, 34, 51, 52, 53, 54, 55, 59, 60, 61, 63, 82, 83 shown on the Arboricultural Impact Assessment and Tree Protection Plan dated 22 May 2023 prepared by Tree Survey Pty Ltd are to be retained and protected from damage during the subdivision of the property. If further evidence suggests that any of the trees listed above cannot be retained, the applicant shall provide a report to Council and the Council shall seek its own expert advice before determining whether to allow the tree in question to be removed.
- 9B. The applicant shall review the detailed design of engineering works near trees 8, 17, 18, 19, 21, 22, 35, 42, 46, 57, 66, 71 shown on the Arboricultural Impact Assessment and Tree Protection Plant dated 22 May 2023 prepared by Tree Survey Pty Ltd to establish how many of these trees can be retained with reasonable

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alteration to the design of the roadways and other engineering works. The applicant shall submit the results of the review and any associated engineering designs to Council for final determination as to which trees shall be retained and what measures will be required to protect the trees in question.

- 9C. All services required to adequately service the development are to be shown on the engineering drawings submitted for Subdivision Works Certificate approval, including duct configurations, road crossings, water and sewer services, electrical services and the position of light columns. The design of the services plan is to be guided by the site consulting Arborist and the report is to provide measures to support the required tree retention on the site.