

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

Monday 29th April 2019

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

Panel: Julie Walsh -Chairperson
Matthew Taylor- Expert
Lindsay Fletcher- Expert
Stephen Dobell-Brown - Community Representative

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

29th April 2019

ITEM No:	1
APPLICATION NUMBER:	DA-934/2018
SUBJECT:	New additional indoor and outdoor seating, new awning and a new coolroom for use with an existing restaurant (Food and Drink Premises)
LOCATION:	LOT 200 DP 1224084 300 MACQUARIE STREET, LIVERPOOL
OWNER:	VICLIZ PTY LTD
APPLICANT:	THE SPOT HOSPITALITY GROUP
AUTHOR:	Adam Flynn– Team Leader Development Assessment

ISSUES RELATED TO THE APPLICATION

The Panel has inspected the site and read the Council officer's report and the applicant addressed the Panel.

The Panel has concerns about the proposed outdoor area and new external awning
In particular:

- 1) The ability of the outdoor area to satisfy the provisions of the Smoke Free Environment Act 2000 and regulation.
- 2) The likely emission of odours from the outdoor area.
- 3) The heat load effect and sense of enclosure of the design of the proposed external awning.

The Panel has determined not to approve the proposed outdoor area and external awning and suggests that investigation be undertaken by the applicant to design a more environmentally sustainable solution to the proposed outdoor space.

The Panel is satisfied with other aspects of the application including the increase in number of patrons and increase in hours for the internal space subject to some modifications to the conditions.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-934/2018 for new additional indoor and outdoor seating, new awning and a new coolroom for use with an existing restaurant (Food and Drink Premises) be approved in part subject to

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 2

29th April 2019

the following amendments to the conditions contained in the Council officer's assessment report.

- Deletion of the following plans in condition 1:
 - Elevations
 - Awning details and perspective
- Addition of the following conditions
 - **1A Deletion of Awning and Outdoor Area:**
 - a) The outdoor seating for 28 patrons and external awning is not approved and if to be pursued by the applicant is to be the subject of a separate development application.
 - b) The maximum number of patrons approved is 152. The patrons shall be contained internally at all times.
 - **68A External windows:**
 - After 10pm the external bi-fold windows must be closed and remain closed until the commencement of operating hours the following day.
 - **79A Total number of patrons:**
 - The total number of patrons on the premises at any one time shall not exceed 152. The patrons should be contained internally at all times.'
 - **90A Complaints register:**
 - a) The operator shall keep a legible record of all complaints received in an up-to date Complaints Register. The Complaints Register must record, but not necessarily be limited to:
 - i. the date and time, where relevant, of the complaint;
 - ii. the means by which the complaint was made (telephone, mail or email);
 - iii. any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - iv. the nature of the complaint;
 - v. any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.
 - vi. allocate an individual "complaint number" to each complaint received.
 - b) The Complaints Register must be made available for inspection when requested by Liverpool City Council.

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 3

29th April 2019

- **72A Audio system:**

- The level of noise (including music) produced by the audio system inside the restaurant shall not produce a sound pressure level greater than 65 dBA at 3 metres from the speakers (equivalent to a sound power level 82 dBA)

- Deletion of the following conditions:

- 11-12
- 15-29
- 31
- 35-47
- 51
- 56
- 70
- 77
- 79
- 81

- Modification of the following conditions as follows:

- 48 delete the 2nd paragraph.
- 59 insert the following at the end "Where there is a conflict between the plan of management and any specific conditions of this consent the specific conditions of this consent shall prevail".
- 73 substitute "Shall comply with" for "are alerted to" in the first line.

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 4

29th April 2019

ITEM No:	2
APPLICATION NUMBER:	DA-930/2016
SUBJECT:	Demolition of existing structures and construction of a 5 storey boarding house containing 25 boarding rooms above 2 levels of basement car parking
LOCATION:	DP 217227 Pt Lot 19 37 COPELAND STREET LIVERPOOL
OWNER:	MR M M HUSSEIN, MRS J LABUZIN, MRS A A CHAND
APPLICANT:	SALEH CONSTRUCTIONS NO 1
AUTHOR:	Michael Oliveiro – Team Leader Development Assessment

ISSUES RELATED TO THE APPLICATION

The Panel has inspected the site and read the Council officer's report.

The Panel generally agrees with the Council officer's assessment that it is appropriate to approve the Development Application subject to changing recommended conditions 2 and 19 to deferred commencement conditions and imposition of an additional deferred commencement condition relating to the sustainability and long term maintenance of the proposed painted Hebel external walls.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

The Panel is satisfied that the variation to the development standard relating to minimum building street frontage in clause 7.14 of Liverpool Local Environment Plan 2008 should be upheld as the applicant's clause 4.6 objection has adequately addressed the matters required to be demonstrated in clause 4.6(3) and the development will be in the public interest because it is consistent with the objectives of the development standard and the R4 zone.

DA-930/2016 Demolition of existing structures and construction of a 5 storey boarding house containing 25 boarding rooms above 2 levels of basement car parking be approved subject to the recommended conditions in the council officer's assessment report with the following amendments:

- 1) Conditions 2 and 19 to be deferred commencement conditions rather than operational conditions
- 2) An additional deferred commencement condition as follows:

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 5

29th April 2019

- The applicant to provide additional details in relation to the sustainability and long term maintenance of the proposed external walls to the satisfaction of Council.
- 3) Amendment of condition 115 by the addition of the following words:
- Where there is a conflict between the plan of management and any specific conditions of consent the specific conditions of consent shall prevail.
- 4) Amendment of condition 116 as follows:
- Deletion of the word “noise” in the heading
 - Substitute the word “operator” for “applicant” in 116(a)(v)
 - Substitute the word “premises” for “industry” in 116(c)
- 5) Additional condition 120A as follows:
- A professional landscaper will maintain landscaped areas at least once every 2 months in the winter months and at least once every 2 weeks in the other months.