

MINUTES AND DETERMINATION OF THE LIVERPOOL LOCAL PLANNING PANEL MEETING

Monday 31st March 2025

Held online via
MS Teams

Panel:

John Cole	(Chair)
Brian Kirk	(Expert)
Megan Jones	(Expert)
Stuart Mangleson	(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-866/2022/A

- Mahesh Rajan

Item 2 – DA-344/2024

- Shane Gray
- Isaac Camilleri

Item 3 – DA-481/2024

- Roberto Bianco (Applicant)

Item 4 – DA- 177/2024

- Peter Graham (Applicant)

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 1

31st March 2025

ITEM No:	1
APPLICATION NUMBER:	DA-866/2022/A
SUBJECT:	Modification to Development Consent DA-866/2022 under Section 4.55(2) of the Environmental Planning and Assessment Act 1979, to retain and use existing unauthorised alterations to the dwelling and the construction of proposed additional alteration to the dwelling house: 1. Unauthorised demolition of existing windows. 2. Unauthorised alteration of the existing main entrance door. 3. Unauthorised addition of new windows. 4. Unauthorised modification of existing external colours. 5. Proposed alteration of existing alfresco. 6. Proposed extension of the existing kitchen.
LOCATION:	50 Rosewood Avenue, Prestons
OWNER:	Anjila Nadan and Shiu Nadan
APPLICANT:	Mr Mahesh Rajan
AUTHOR:	Azmal Hussain

DETERMINATION OF PANEL:

Development Application DA-866/2022/A be **refused** for the following reasons:

1. The development application seeks retrospective development consent for works erected without prior consent.
Note: The correct process is to seek a Building Information Certificate for such works and the Panel notes the plans and documentation to support such an application must be very specific as to what is already constructed and what is proposed to be constructed. For the constructed works, engineering certification is essential. For the works proposed to be constructed these can be the subject of a development application.
2. The plans do not adequately distinguish between the proposed and existing unauthorised works.

The above reasons of refusal are to replace all the draft reasons of refusal attached to the agenda.

REASONS FOR DECISION:

The Panel carried out a site visit. The Panel is of the view that an application for an extension of the kitchen into the area of the alfresco ground floor space would result in a development

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 2

31st March 2025

which is substantially the same as that existing for the purposes of Section 4.55 of the EP&A Act.

The Panel is of the view that the connection from the dwelling into the private open space is adequate in terms of DCP requirement for a direct link between living room and private open space.

The Panel is of the view that the precedential value of the infill of the alfresco area to facilitate the extension of the kitchen is limited in the circumstances where this area is already enclosed by 2 walls of the house under the upstairs bedroom and the approved external support walls are already in place and noted that the approved plans showed an outdoor kitchen in the alfresco space.

VOTING NUMBERS:

4-0

ITEM No:	2
APPLICATION NUMBER:	DA-344/2024
SUBJECT:	Construction of a Footpath and Boardwalk to be used for public recreation
LOCATION:	Lot 304 Newbridge Road, Moorebank 85 Brickmakers Drive, Moorebank New Brighton Golf Course and Club, Moorebank Wurrungwuri Reserve and 85 Brickmakers Drive, Moorebank
OWNER:	Liverpool City Council New Brighton Golf Club Ltd
APPLICANT:	New Brighton Golf Club LTD
AUTHOR:	Joe Bell – Patch Planning

DETERMINATION OF PANEL:

Development Application DA-344/2024 is **deferred** for the following reasons:

1. To provide the applicant with the opportunity to submit the required documentation in response to Council's RFI letter dated 23rd December 2024 by the end of May 2025. This included but is not limited to the Remedial Action Plan for stage 3 dealing with contamination, the updated BDAR, Aboriginal Heritage Investigation, the potential safety issue along green/fairway 1.
2. The applicant also responded to questions concerning the VPA. The applicant stated a willingness to provide a letter of offer to accommodate potential variations (if necessary) could be provided to Council to facilitate any negotiated changes.
3. These negotiated changes may include the cost for maintenance provided by the club which they believe would be more than competitive utilising their own staff and

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 3

31st March 2025

equipment. The club/original developer stated they would not take ownership of the pathway.

4. The applicant's representative indicated a willingness to provide an update to Council on a weekly basis.

After submission of the required information within the period specified in 1. above and following consideration by Council's Officers, the application is to be referred to this Panel for electronic determination.

REASONS FOR DECISION:

The Panel carried out a site visit. During the public meeting the applicant's representative clearly stated to the Panel their intention to respond to the outstanding issues and requested an extension of 8-10 weeks to do so. The applicant is committed to moving forward with the application and working with Council to deliver the important community project. The matter has gone on for some time and the applicant appeared to be eager to bring delivery to an agreeable and prompt conclusion.

VOTING NUMBERS:

4-0

ITEM No:	3
APPLICATION NUMBER:	DA-481/2024
SUBJECT:	Torrens Title Subdivision of the northern block of the site into eleven (11) lots and the southern block of the site into two (2) lots. The proposal is identified as Integrated Development requiring approval from NSW Rural Fire Services under the Rural Fires Act 1997.
LOCATION:	61 Changsha Road, Lot 548 Changsha Road, 157 Ardenne Avenue, Edmondson Park
OWNER:	Gobbo Holdings Pty Ltd
APPLICANT:	Mr R Bianco
AUTHOR:	Robert Micallef

DETERMINATION OF PANEL:

The Panel is satisfied that the applicant's written request to contravene the minimum dwelling density as prescribed in clause 7.11 of LEP 2008 adequately addresses the matters required to be demonstrated by clause 4.6(3) of LEP 2008, namely:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- (b) there are sufficient environmental planning grounds to justify the contravention of the

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 4

31st March 2025

development standard.

Development Application DA-481/2024 is **approved** subject to conditions of the consent as recommended in the Assessment Report with the following amendments:

1. Amend the wording in Condition 105 to:

Restriction as to User over Proposed Lot 813 is to be created under Section 88B of the Conveyancing Act 1919 in the following terms:

No further development of the lot burdened is to take place unless it is approved by a Development Consent. Any development shall provide for a minimum of 7 dwellings on lot 813.

The Restriction as to User may not be extinguished or altered except with the consent of Liverpool City Council. The final wording of the recital of the Restriction as to User is to be to Council's Satisfaction.

2. Amend Condition 106 to remove the word 'Note' in paragraph 3.

3. Amend Condition 107 to:

Prior to the issue of the subdivision certificate a restriction to user and positive covenant relating to the "Temporary On-Site Detention System" shall be registered on proposed Lot 813. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

The temporary onsite detention (OSD) basin facilities within Lot 813 (in the stamped approved plans) shall be maintained by the developer to ensure that its capacity and operation is adequate and in accordance with the approved design until the downstream drainage system is connected to either the district detention basin or to the major trunk drainage system.

Council's approval via written consent shall be obtained for the removal of the temporary OSD basin facilities and for undertaking further developments within Lot 813. The temporary on-site water quality control measures shall be maintained until the downstream regional basin is constructed and operational.

REASONS FOR DECISION:

The Panel carried out a site visit. The Panel accepts that the variation to the density requirements is effectively temporary in nature having regard to the final redevelopment of the area which shall include the major trunk drainage system and the subsequent development of lot 813.

VOTING NUMBERS:

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 5

31st March 2025

ITEM No:	4
APPLICATION NUMBER:	DA-177/2024
SUBJECT:	Residential subdivision of two lots into 52 residential lots and 3 residue lots including demolition of existing dwellings & structures, tree removal, road construction, stormwater drainage, servicing, & earthworks. The proposed development is identified as Integrated Development requiring approval from the NSW Rural Fire Service under the Rural Fires Act 1997.
LOCATION:	365-375 Fifteenth Avenue, Austral NSW 2179
OWNER:	W K Shaw, D F Carroll, L A Carroll
APPLICANT:	Peter Graham on behalf of The Trustee for Mera Fifteenth Property
AUTHOR:	Tamim Omar

DETERMINATION OF PANEL:

The Panel is satisfied that the applicant's written request to contravene the minimum dwelling density as prescribed in clause 4.1B of State Environmental Planning Policy (Precincts—Western Parkland City) 2021, appendix 4 Liverpool Growth Centres Precinct Plan adequately addresses the matters required to be demonstrated by clause 4.6(3) State Environmental Planning Policy (Precincts—Western Parkland City) 2021, appendix 4 Liverpool Growth Centres Precinct Plan, namely:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Development Application DA-177/2024 is **approved** subject to conditions of the consent as recommended in the Assessment Report with the following amendments:

1. Amend the draft conditions of consent with the conditions outlined in Attachment A

ISSUES RELATED TO THE APPLICATION

The Panel carried out a site visit. The Panel accepts that the variation to the density requirements is effectively temporary in nature having regard to the final redevelopment of the area which shall include the major trunk drainage system and the subsequent development of lot 53 and lot 54.

VOTING NUMBERS: