

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

Electronic Determination 20th May 2019

Panel: Julie Walsh - Chair
Marjorie Ferguson - Expert
Jason Perica - Expert
Stephen Dobell-Brown - Community Rep

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

LIVERPOOL CITY COUNCIL

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20th May 2019

ITEM No:	1
APPLICATION NUMBER:	DA-314/2017
SUBJECT:	Demolition of existing structures, retention of existing medical centre, construction of a 5-storey residential flat building comprising of 18 apartments (2 x 1 bedroom dwellings, 14 x 2 bedroom dwellings and 2 x 3 bedroom dwellings) and subdivision of the site into two lots.
LOCATION:	2 – 4 Travers Street, Moorebank Lot 1160 DP 1113292
OWNER:	Traverso Pty Ltd
APPLICANT:	Traverso Pty Ltd
AUTHOR:	Boris Santana – Principal Planner

ISSUES RELATED TO THE APPLICATION

On 27 August 2018 the Local Planning Panel (“the Panel”) deferred the determination of the development application pending the submission of additional information addressing the following issues:

1. *To enable Council to obtain legal advice on whether owner’s consent for the works proposed or required within the right of carriageway is required;*
2. *To enable Council to obtain advice on whether construction access can be obtained partly or wholly via Nuwarra Road; and*
3. *The detailed landscape plan contemplated in condition 7 be provided prior to determination, such landscape plan to consider additional planting to the eastern boundary.*

A supplementary report has been prepared by Council officers and this has been considered by the Panel. The report notes that the applicant submitted a revised landscaping plan which is considered acceptable and further that Council’s traffic engineering branch do not support construction access off Nuwarra Road.

In terms of the right of carriageway issue, the Panel notes the legal advice cited in the report together with the further independent external legal advice arranged and provided by Council as requested by the Panel.

Given that works are proposed and required within the adjoining land over which the site has the benefit of a right of carriageway, but owner’s consent to the lodgment of the development application has not been provided by the owner of that land, the Panel is of the view there is no power to approve the development application.

Accordingly, the Panel has determined to defer the determination of the development application for a further (last) 56 days to enable the applicant to obtain and submit such written owner’s consent, failing which the application will be refused.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

1. Determination of development application DA – 314/2017 for Demolition of existing structures, retention of existing medical centre, construction of a 5-storey residential flat building comprising of 18 apartments (2 x 1 bedroom dwellings, 14 x 2 bedroom dwellings and 2 x 3 bedroom dwellings) and subdivision of the site into two lots at 2 – 4 Travers Street, Moorebank be deferred for a period of 56 days to enable the applicant to submit owner's consent pursuant to clause 49 of the Environmental Planning and Assessment Regulations 2000 in respect of the land (lots 1161 and 1162 DP 1113292) the subject of the right of carriageway for which works are proposed or required.
2. In the event that such owner's consent is not submitted to Council within the 56 day period, the development shall be refused as in the absence of such owner's consent there is no power to approve the application.