

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

Monday 25th May 2020

Held Via Teleconference
'Microsoft Teams'

Panel: Michael Mantei (Chair)
Grant Christmas Expert
Matthew Taylor 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.

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| ITEM No: | 1 |
| APPLICATION NUMBER: | DA-615/2018 |
| SUBJECT: | Demolition of existing structures and construction of a two-storey child-care centre with basement parking for 35 children. |
| LOCATION: | Lot 8040, DP 825138 2 Oatlands Court Wattle Grove |
| OWNER: | Amgad S T Henein |
| APPLICANT: | Amgad S T Henein |
| AUTHOR: | Peter Nelson |

ISSUES RELATED TO THE APPLICATION

The Panel members have familiarised themselves with the development site and considered the Council officer's report and written submissions. The Panel has been provided with the plans and reports submitted with the development application and copies of written objections.

The Panel received representations at the Panel meeting from a number of local residents objecting to the proposed development. The Panel also received a representation from the applicant's town planning consultant.

For the reasons outlined below the Panel has determined to defer consideration of the development application.

Administrative Matters

As a preliminary matter, the Panel notes that several objectors advised that they were not initially notified in writing by Council of the application, and also that the architectural plans available for public inspection were partially redacted. This is an administrative matter for Council policy and procedure, and is beyond the control of the Panel. The Panel is satisfied that the land owners most affected by the proposed development have been given adequate opportunity to make their objections known to the Panel.

There is a further administrative matter that is within the Panel's control. The Panel considers that it does not have the power to grant consent to the application in its present form having regard to clause 22 of the *State Environmental Planning Policy (Education establishments and childcare facilities) 2017* ("the SEPP"). Clause 22 of the SEPP states that in circumstances where a proposed childcare centre does not comply with the outdoor space requirements of the Regulations, which is the case with this application, the Council must not grant development consent to the application

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except with the concurrence of the Authority responsible for the licencing of childcare centres. That concurrence has not been sought in this case because the Council officers propose to impose a condition on the development consent requiring a reduction in the number of childcare spaces. The Panel considers that it is not legally possible to impose a condition on a development consent in circumstances where there is no power to issue the consent.

Before the Panel determines this development application, the applicant should be required to advise Council whether the application will be amended to reduce the number of childcare spaces to a compliant level. If the applicant does not amend the application, Council will need to refer the application to the relevant Authority for its concurrence, and that concurrence to be received, before the application can be determined.

Consideration of Potential Impacts

Many objectors are concerned about the adequacy of onsite carparking and impacts on traffic and pedestrian safety in Oatlands Court and at the intersection of Oatlands Court and Conroy Road. After careful consideration, the Panel is satisfied that the proposed development provides adequate onsite carparking in compliance with the relevant planning controls and impacts on traffic and pedestrian safety are acceptable, subject to further consideration of the particular matters outlined below.

The Panel considers that further assessment is required of the way in which entry to the basement car park is managed. An amended operational plan of management is required that demonstrates how parents will enter the basement carpark without disrupting the flow of traffic in Oatlands Court. The Panel considers that measures are necessary to avoid vehicles queuing in Oatlands Court waiting to enter the basement if the basement carpark is full. The Panel suggests the Council officers consider whether a signalling system at the entrance of the carpark and spaces for the temporary queueing of vehicles on the driveway are feasible. These are matters that should be the subject of further investigation by the applicant's traffic engineer and assessment by the Council's traffic engineer.

The Panel is concerned about the currency of the acoustic assessment outlined in the Council officer's report. The Panel is informed that an addendum acoustic report was submitted by the applicant after the Council officer's report was prepared and which has not been addressed in the report. The Panel requires an up to date assessment by Council officers of all acoustic reports submitted with the application. A further addendum report will also be required if the applicant decides to reduce the number of childcare spaces.

The Panel is satisfied that the location of the childcare centre being at the entrance to Oatlands Court is acceptable despite the restriction on childcare centres in a cul de sac in Council's Development Control Plan. Whether the site is an appropriate location is to be assessed under the Department of Planning Childcare Planning Guideline, which takes precedence over the Development Control Plan (see clause 26(1)(d) of the SEPP). An assessment against the Guideline has been undertaken by the Council officers, and the Panel agrees with the outcome of that assessment. The Panel is

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satisfied that the site, being located on the corner of Oatlands Court and Conroy Road is an acceptable location given the limited potential for traffic movements in a southerly direction along the remainder of Oatlands Court.

In terms of compatibility of the proposed building with the character of the locality, the Panel considers that the R3 Medium Density Zoning of the land under Liverpool Local Environmental Plan 2008 contemplates purpose built childcare centres as an element of the character of this locality. The Panel is otherwise satisfied that the height and design of this proposed childcare centre are not inconsistent with the character of the locality.

The existing landscape on the subject site includes a line of Golden Cane palms to the eastern boundary and a number of trees and shrubs to the northern boundary. The proposal requires a detailed landscape plan so that the Panel may properly assess the impact of the proposal. The plan must include plant numbers, sizes, ground preparation and the like and is to be prepared by a qualified landscape architect. The plan must include landscape treatment to the eastern boundary of the site in particular. The Panel understands that a selection of small trees may be compatible with the child play area and that a permeable play surface can be located around the stem of the small tree so as to provide both unencumbered play space and landscape amenity.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

1. DA-615/2018 Demolition of existing structures and construction of a two-storey child-care centre with basement parking for 38 children be deferred pending the applicant addressing the following matters as outlined in the Panel minutes:
 - a) Election as to the number of childcare spaces proposed in the application
 - b) Amended operational plan of management
 - c) Amended acoustic report if number of childcare spaces is reduced
 - d) A detailed landscape plan
2. Following submission of this information, the Panel will consider an amended assessment report prepared by Council officers and the development application will be determined by the Panel by electronic means.

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| ITEM No: | 2 |
| APPLICATION NUMBER: | DA-913/2019 |
| SUBJECT: | Alterations to the front foyer of Liverpool Library |
| LOCATION: | Lots 3 & 4 DP 1005917 Liverpool Library & Car Parking Station, 166-170 George Street Liverpool |
| OWNER: | Liverpool City Council |
| APPLICANT: | Liverpool City Council |
| AUTHOR: | Patrick Curmi |

ISSUES RELATED TO THE APPLICATION

The Panel members have familiarised themselves with the development site and considered the Council officer's report and documents accompanying the application.

No representations for or against the proposal were received at the Panel meeting.

The Panel agrees with the Council officer's assessment of the application and has determined to grant consent for the reasons outlined in the Council officer's report.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-913/2019 Alterations to the front foyer of Liverpool Library be approved subject to the conditions outlined in the Council officer's report.

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| ITEM No: | 3 |
| APPLICATION NUMBER: | DA-93/2020 |
| SUBJECT: | Construction of a spectator stand and associated works |
| LOCATION: | Lot 3, DP 816815 91 Junction Road, Moorebank |
| OWNER: | Liverpool City Council |
| APPLICANT: | Moorebank Liverpool District Hockey Club |
| AUTHOR: | Elissa Martino |

ISSUES RELATED TO THE APPLICATION

The Panel members have familiarised themselves with the development site and considered the Council officer's report and documents accompanying the application.

No representations for or against the proposal were received at the Panel meeting.

The Panel agrees with the Council officer's assessment of the application and has determined to grant consent for the reasons outlined in the Council officer's report.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-93/2020 Construction of a spectator stand and associated works be approved subject to the conditions outlined in the Council officer's report.