

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

**Monday, 29 April 2024**

To be held at  
**Liverpool Civic Centre, Council Chambers  
Level 1, 50 Scott St  
LIVERPOOL**

Panel: Stephen Alchin (Chair)  
Jan Murrell (Expert)  
Annette Ruhotas (Expert)  
Jeremy Thomas (Community Rep)

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

**Speakers:**

**Item 2 – DA-735/2022**

- Todd Neal - Objector

**Item 3 – DA-77/2023**

- Roberto Bianco – Town planner on behalf of applicant
- George Mourad – Project architect on behalf of applicant
- Nader Zaki – Project engineer on behalf of applicant

**Item 5 – DA-377/2023**

- Momcilo Romic – Applicant
- Daniela Lukic – Centre manager on behalf of applicant

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| <b>ITEM No:</b>            | 1  |
| <b>APPLICATION NUMBER:</b> | DA-1018/2013/A   |
| <b>SUBJECT:</b>            | Modification of Development Consent No. DA-1018/2013 to amend the approved operating hours of the community recycling centre to between 7am to 5pm, Monday to Sunday |
| <b>LOCATION:</b>           | Nos. 99-101 Rose Street Liverpool NSW 2170   |
| <b>OWNER:</b>              | Liverpool City Council   |
| <b>APPLICANT:</b>          | Liverpool City Council   |
| <b>AUTHOR:</b>             | GAT and Associates   |

#### ISSUES RELATED TO THE APPLICATION

The Panel inspected the site. The major issues were the potential for the disturbance of nearby residents on Sundays, especially in the mornings and the risk of localised traffic issues during busy periods.

#### VOTING NUMBERS:

4-0

#### DETERMINATION OF PANEL:

The Panel resolved to approve the development application subject to the inclusion of the recommended conditions and as amended by the Panel as follows:

#### Condition 52

Hours of operation of the waste management facility:

- a) The hours of operation associated with the waste management facility are limited to:
  - i. Monday to Saturday: 7am until 5pm.
  - ii. Sunday and public holidays: 9am until 3pm.
- b) Deliveries, waste collection, and activities which involve the use of forklifts are limited to:
  - i. Monday to Saturday: 8am until 5pm.
  - ii. Sunday and public holidays: 9am until 3pm.
- c) For a trial period of not more than 12 months from the issue of this consent in relation to the extended operating hours approved under DA-1018/2013/A, the hours of operation on Sundays and public holidays must not exceed:
  - i. Hours of operation - Sunday and public holidays - 7am to 5pm.

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- ii. Deliveries, waste collection, and forklift activities – 8am to 5pm.

Note: A continuation of the trial hours will require a further application under the Environmental Planning and Assessment Act 1979. It is recommended that this application be lodged with Council at least 3 months prior to the expiration of the trial period. For the sake of clarity, if the application is not determined within 12 months, or is refused, the hours of operation on Sundays and public holidays shall be limited to those set out in sub paragraph a)ii and b)ii above.

**Condition 53**

When greater than one car is queuing outside the community recycling centre, an attendant is to be available at all times to manage queuing of vehicles on public roads, and driveways of nearby residential properties.

**New condition:**

Any reporting, monitoring, and auditing that occurs as per the Environmental Operations Plan required under Condition 49 is to be provided, and made available to Council twice yearly, and on request.

Amended wording of conditions 49, 50 and 51 of the draft conditions of consent:

**Condition 49 is to be inserted under Part E. Prior to issue of occupation certificate to read:**

49. Prior to commencement of the extended operating hours approved under DA/1018/2013/A, the Environmental Operations Plan prepared by Mike Ritchie & Associates dated 19/07/2013 is to be amended to include the following information and submitted to the Council:

- Direction signage and line marking to define paths of travel. Traffic safety barriers to be maintained to prevent vehicles from entering other parts of the depot site.
- Direct all vehicles to queue within the CRC/depot and not on Rose Street.
- Ensure all vehicles must enter and exit in a forward direction.
- Set an appropriate speed limit within the site to ensure safety issues and conflicts between vehicles and pedestrians is mitigated.
- Line marking to be maintained. Ensure all trafficable areas are clear of any obstacles.
- Installation of traffic calming measures including small speed bumps.
- In the event of significant congestion, employees will be deployed to direct traffic.
- Changes to the following sections of the Plan:
  - Section 1.1 – Section 1.1 must be updated to include all types of waste accepted by the facility (i.e. cardboard, fire extinguishers, ink cartridges, smoke detectors, electronic waste, paint, and x-rays have not been included in section 1.1. of the approved EOP);
  - Section 2.1.1 – The average number of vehicles must be updated in accordance with the Traffic Management Plan/forecasted vehicle numbers;

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- Section 2.1.2 – The hours and days of operation must be updated;
  - Section 2.3.2 – Should be updated to include best practice guidelines and incorporate conditions 39 and 40 bunding requirements;
  - Section 2.4.1 - The average number of vehicles must be updated in accordance with the Traffic Management Plan/forecasted vehicle numbers; and
  - Any changes which have taken place since the EOP was approved.

The amended Environmental Operations Plan is to be kept on-site at all times and presented to the Council upon request.

**Condition 50 is to be inserted under Part E. Prior to issue of occupation certificate to read:**

50. Prior to commencement of the extended operating hours approved under DA/1018/2013/A, the following measures are to be incorporated into the Community Recycling Centre:

- Traffic safety barriers to be placed adjacent to entry and exit points in order to guide the flow of traffic through the CRC shed and to prevent vehicles from entering other areas within the depot.
- Appropriate Directional signs to be placed to direct motorists on where to drive.
- Maintain safe access for Emergency vehicles at all times.

**Condition 51 is to be inserted under Part E. Prior to issue of occupation certificate to read:**

51. Prior to commencement of the extended operating hours approved under DA/1018/2013/A, a Noise Management Plan prepared under the supervision of a suitably qualified acoustic consultant is to be submitted to the Council for approval. The Noise Management Plan must identify and implement strategies to minimise noise from the Community Recycling Centre and incorporate: approaches for promoting noise awareness by patrons and staff; training procedures; a complaint lodgement procedure to ensure that members of the public and local residents are able to report noise issues; an ongoing review process and a plan for responding to noise complaints. The Noise Management Plan shall clearly specify the responsibilities of site personnel in managing noise and include a detailed list of steps taken to manage potential noise impacts. The Noise Management Plan can be incorporated as a subplan under the amended Environmental Operations Plan required under Condition 49 of this consent.

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| <b>ITEM No:</b>            | 2  |
| <b>APPLICATION NUMBER:</b> | DA-735/2022  |
| <b>SUBJECT:</b>            | The second stage of a staged development at Nos.1400-1480 Elizabeth Drive, comprising the operation and construction of buildings for the purposes of a motel, a pub, with an associated bottle shop and landscaping for the beer garden. The proposal is identified as 'Integrated Development' requiring approval from NSW Rural Fire Services (RFS) under the Rural Fires Act 1997. |
| <b>LOCATION:</b>           | Nos. 1400-1480 Elizabeth Drive, Cecil Park NSW 2178  |
| <b>OWNER:</b>              | Western Sydney Town Centre Pty Ltd   |
| <b>APPLICANT:</b>          | Western Sydney Town Centre Pty Ltd   |
| <b>AUTHOR:</b>             | Robert Micallef  |

#### ISSUES RELATED TO THE APPLICATION

The Panel inspected the site. The Panel was concerned that there was no compelling overall master plan for development in this area to satisfy the objects of the Act, particularly the need to promote orderly and economic use of the land. The proposed development would not be integrated readily with: (a) the acquisition of land for widening of Elizabeth Drive or (b) other development applications for adjoining land (DA-716/2022 and DA-736/2022).

#### VOTING NUMBERS:

4-0

#### DETERMINATION OF PANEL:

The Panel resolved to refuse the development application for the reasons set out in the agenda, subject to the following alterations:

- Inclusion of a new reason for refusal number 1 as follows, "The proposed development fails to promote the orderly and economic use of the land in accordance with section 1.3 (c) of the Environmental Planning and Assessment Act 1979."
- Reversing the order of reasons for refusal for 1 and 2 in the agenda.

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|                            |  |
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| <b>ITEM No:</b>            | 3  |
| <b>APPLICATION NUMBER:</b> | DA-77/2023   |
| <b>SUBJECT:</b>            | Demolition of existing structures and the construction of a multi dwelling housing development comprising 12 attached dwellings with at grade parking. |
| <b>LOCATION:</b>           | 8,10 &12 Mayberry Crescent, Liverpool  |
| <b>OWNER:</b>              | Anderson Avenue Pty Limited  |
| <b>APPLICANT:</b>          | Monument Plan Pty Ltd  |
| <b>AUTHOR:</b>             | Elizabeth James / Mitchell Brown – The APP Group   |

#### ISSUES RELATED TO THE APPLICATION

The Panel inspected the site. The applicant provided additional information to the Panel and argued that the proposed development would fill a gap in the housing market by providing an alternative to units in a residential flat building. The Panel felt there was some merit in this argument. However, the Panel was concerned that a range of important design issues remained unresolved. The principal issues related to:

- Drainage, in particular the presence of drainage assets below the buildings themselves.
- Parking, particularly the number of off-street parking spaces and the location of visitor parking.
- Setback, especially the significant departure of the DCP controls related to habitable rooms along the western boundary.
- The provision of an updated compliant Basix Certificate.

#### VOTING NUMBERS:

4-0

#### DETERMINATION OF PANEL:

The Panel resolved to defer a decision on the development application and agreed that the applicant should be afforded the opportunity to submit additional information by 5<sup>th</sup> June 2024:

- Demonstrating the adequacy of the proposed drainage arrangements (particularly in relation to the proposal to run drainage lines under the proposed buildings onsite) and an updated DRAINS model.
- Addressing the other issues noted above.

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On receipt of the above information the Council is to prepare a supplementary assessment report by 21<sup>st</sup> June 2024 for electronic determination before 28th June 2024.

In the event that no further information is submitted by the applicant by 5 June 2024, the Panel will proceed to determine the application on the basis of the information at hand.

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| <b>ITEM No:</b>            | 4   |
| <b>APPLICATION NUMBER:</b> | DA-1291/2010/A  |
| <b>SUBJECT:</b>            | <p><b><u>Approved Development:</u></b></p> <p>Staged Development of a Crematorium Comprising the following:</p> <p><u>Stage 1:</u></p> <p>Construction of Crematorium and two (2) associated ceremonial halls, information centre, memorial gardens (cemetery) incorporating containment of 10,000 ashes in receptables, car parking and access roads, associated landscaping, fencing and signage.</p> <p><u>Stage 2:</u></p> <p>Construction of temple, (place of public worship) including facilities for meditation and dining, ancillary dormitory accommodation, extension of private access road and car parking, associated landscaping, fencing.</p> <p>Note: Proposal is nominated integrated development under the <i>Water Management Act 2000</i> (Department of Environment Climate Change &amp; Water) &amp; Integrated Development under <i>Rural Fires Act 1997</i> (NSW Rural Fire Service).</p> <p><b><u>Modification Development:</u></b></p> <p>Modification to Development Consent DA-1291/2010 under Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i>, to relocate the temple / meditation centre (place of public worship), the memorial gardens and subdivide the site into two lots.</p> |
| <b>LOCATION:</b>           | 992 Greendale Road, Greendale NSW 2745  |
| <b>OWNER:</b>              | Nirmal Taluja   |
| <b>APPLICANT:</b>          | Paul Anderson   |
| <b>AUTHOR:</b>             | Eunice Pedrosa  |

#### ISSUES RELATED TO THE APPLICATION

The Panel was concerned that the applicant failed to submit sufficient information that was critical to determine whether the proposed development was substantially the same as the originally approved development, particularly concerning the location of

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the temple and the potential removal of vegetation for the memorial gardens. In addition, the Panel is concerned that a subdivision of the property is indicated on an architectural plan but not addressed at all in the Statement of Environmental Effects. The Panel is concerned that there are no substantive planning grounds supporting subdivision of the land.

#### VOTING NUMBERS:

4-0

#### DETERMINATION OF PANEL:

The Panel resolved to refuse the development application for the reasons set out in the agenda papers.

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| <b>ITEM No:</b>            | 5  |
| <b>APPLICATION NUMBER:</b> | DA-377/2023  |
| <b>SUBJECT:</b>            | Alterations and additions to an existing dwelling house for the purpose of a centre based childcare use. |
| <b>LOCATION:</b>           | 25 Central Avenue Chipping Norton  |
| <b>OWNER:</b>              | Ilija Trifunovic   |
| <b>APPLICANT:</b>          | Momo Romic   |
| <b>AUTHOR:</b>             | Jason Marshall   |

#### ISSUES RELATED TO THE APPLICATION

The Panel inspected the site. The Panel also heard from the applicant's representative and proposed operator. The key issues for the Panel are:

- The impact on adjoining properties of overshadowing and rainfall run-off associated with the proposed acoustic fencing.
- The proposed landscaping, both in terms of the range of natural features in the rear of the centre and on the street frontage.
- Internal fit out design, including the age-specific toilet requirements.
- The lack of information provided by the applicant in response to requests from Council.

#### VOTING NUMBERS:

4-0

#### DETERMINATION OF PANEL:

The Panel resolved to refuse the development application for the reasons set out in the Council Officer's report, in particular:



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- The lack of information provided by the applicant in response to requests from Council.
- The extent of non-compliance with the *Child Care Planning Guideline 2021*.
- The height of the proposed acoustic fencing.
- The intensity of the use of the site.
- The non-compliance with parking standards.
- The impact of the proposed carparking arrangements on street presentation and soft landscaping.
- The need to provide a Preliminary Site Investigation.