

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

**Monday, 19<sup>th</sup> May 2025**

**Electronic Determination**

**Panel:**

Terry Sheahan	(Chair)
Michael Brewer	(Expert)
Jan Murrell	(Expert)
Ellie Robertson	(Community Representative)

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

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**LIVERPOOL CITY COUNCIL**

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**21<sup>st</sup> May 2025**

<b>ITEM No:</b>	1
<b>APPLICATION NUMBER:</b>	DA-439/2024
<b>SUBJECT:</b>	Proposed change of use to a depot for part of the site and minor additional works.
<b>LOCATION:</b>	77 Governor Macquarie Drive, Chipping Norton
<b>OWNER:</b>	Evolution MIT Services Pty Ltd
<b>APPLICANT:</b>	Charlotte Brabant
<b>AUTHOR:</b>	Joseph Abukhader

**DETERMINATION OF PANEL:**

The Panel notes the applicant's review of the minutes and their response to the proposed resolution. Having considered the applicant's feedback, the Panel has finalised the resolution as follows.

Development Application DA-439/2024 seeking approval for proposed change of use to a depot for part of the site and minor additional works has been granted **deferred commencement consent**, subject to conditions of the consent determined by the Panel and the operational conditions recommended by the Council Officer with the following amendments:

1. Insert the following wording under title **Relevant Matters**:

This consent does not operate and may not be acted on until the consent authority is satisfied of the following matter(s):

Condition 'Traffic and Transport' requiring a Road Safety Audit must be undertaken:

**Road Safety Audit: An independent Road Safety Audit to be undertaken by an accredited Road Safety Auditor with a minimum level 3 accreditation. The Audit shall consider, but not be limited to, the following:**

- a. Impact of the right turn movement from Governor Macquarie Drive into the site.**
- b. Impact of the right turn movement from the site onto Governor Macquarie Drive.**
- c. The Audit shall cover the peak commuter periods (7am to 10am; 3pm to 6.00pm, weekdays and must NOT include a Monday/Friday and Public Holidays).**

On the above condition being complied with to the Council's satisfaction, and with

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written advice to the applicant, the consent will then become operational subject to the conditions.

**Note: The items raised within Part 1, above, are to be addressed within Six (6) months of the date shown on Council’s determination notice. The consent shall become operative once Council has notified the applicant in writing that the evidence submitted in response to the “Deferred Commencement” condition is acceptable.**

Evidence of the above relevant matter(s) must be produced to the consent authority, within six (6) months of the date of the determination, otherwise the consent will lapse.

Under section 76(4) of the EP&A Regulation, the consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

The conditions of development consent below apply from the date that this consent operates.

Note: Section 76(3) of the EP&A Regulation enables a consent authority to specify the period within which the applicant must produce evidence to the consent authority sufficient enough to enable it to be satisfied as to the relevant matter(s) that it requires before a deferred commencement consent can operate. Where a period is specified under section 76(3), a deferred commencement consent will lapse if the applicant has not produced sufficient evidence for the consent authority to be satisfied of the relevant matters on the expiration of the specified period. Where the applicant produces evidence of the relevant matters in accordance with section 76(4) of the EP&A Regulation, the consent authority must notify the applicant whether or not it is satisfied as to the relevant matter(s). If the consent authority has not notified the applicant within 28 days after receiving the applicant’s evidence, the consent authority is taken to have notified the applicant that it is not satisfied about the relevant matter(s) on the date on which that period expires, for the purposes of section 8.7 of the EP&A Act (see sections 76(4), (5) and (6) of the EP&A Regulation).

2. Amend Condition 1 to:

**(A002) Approved plans and supporting documentation**

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

**Approved plans**

<b>Plan number</b>	<b>Revision number</b>	<b>Plan title</b>	<b>Drawn by</b>	<b>Date of plan</b>
22310259 DA010	K	Proposed Site Plan	Concept Architects	September 2024
000	D	Landscape Plan	Site Image	undated
101	D	Landscape Plan	Site Image	undated
HDA01/A	A	Hydraulic Services Site Plan and Legend	Inline Hydraulic Services	29/08/2024

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**Approved documents**

<b>Document title</b>	<b>Version number</b>	<b>Prepared by</b>	<b>Date of document</b>
Waste Management Plan	1	MRA Consultancy	23/07/2024
Light Spill Assessment	A	Clever Engineering	03/06/2024
Acoustic Report	5	Renzo Tonin & Associates	10/01/2025

In the event of any inconsistency between the approved plans and documents, the approved **Plans** prevail. This includes any amendments required by the deferred commencement. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails. This includes any amendments required by the deferred commencement.

**Condition reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

3. Delete Condition 3

4. Amend Condition 9 to:

The proponent must submit a Section 138 Roads Act application, approved by Liverpool City Council (being the Roads Authority under the Roads Act) for the following road where:

- The proposed access driveway; and
- Public domain works along the road reservation of Governor Macquarie Drive

5. Amend Condition 19 to:

The Certifying Authority shall ensure and certify that:

1. Off street access and parking complies with AS2890.1,
2. Vehicular access and internal manoeuvring have been designed for the largest regular service vehicle expected to access the development site in accordance with AS2890.2.
3. Sight distance at the street frontage has been provided in accordance with AS 2890.1,
4. All vehicles can enter and exit the site in a forward direction

6. Delete Condition 22

7. Amend Condition 25 to:

**(B953) Non-Standard Condition Traffic and Transport**

Depending on the outcome of the Road Safety Audit, the Detailed design plan for the access driveway including swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 is to be submitted to Council Traffic and Transport Section for approval. Additionally, an amended operational plan of management shall nominate that the largest vehicle size that will access and leave the site and signage to reflect this shall be posted on the access gate.

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8. Delete Condition 26
9. Delete Condition 90
10. Delete Condition 104
11. Delete Condition 105
12. Amend Condition 107 to:

**(G340) Complaints register**

The operator must 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:

- (a) the date and time, where relevant, of the complaint;
- (b) the means by which the complaint was made (telephone, mail or email);
- (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) 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.
- (f) allocate an individual "complaint number" to each complaint received.

A notice clearly visible from the street shall be provided at all times containing the contact details for the site manager including a mobile phone number.

The Complaints Register must be made available for inspection when requested by Liverpool City Council.

The industry must be operated in accordance with the approved Conditions and Complaints Handling Procedure at all times.

13. Delete Condition 119
14. Amend Condition 121 to:

**(G004) Operational Plan of Management**

The approved Operational Plan of Management for the site must be complied with at all times. A copy of the Plan of Management must be kept on-site at all times and be provided to Council officers on request.

15. Insert the following new Non-Standard Conditions under '**Change of use Before Issue of a Construction Certificate**'

- **Non-Standard Condition - Traffic and Transport**

**Updated Civil Design Drawings:** The civil design drawings are to be updated to reflect any agreed treatments to address the Audit findings. The treatments shall be agreed to by Council prior to inclusion in the civil package

**Reason:** To ensure adequate all-weather trafficable surfaces for safe vehicle manoeuvring.

- **Non-Standard Condition - Traffic and Transport**

**Signage and Line Marking Plan:** The applicant shall engage a suitably qualified traffic

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engineer to prepare a signage and line marking plan addressing all traffic facilities in the public domain. The signage and line marking plan shall be submitted to Council and approved by the Liverpool Local Traffic Committee, prior to the issue of any S138 approval.

**Reason:** To provide safe and adequate manoeuvring for vehicles.

16. Insert the following new Non-Standard Conditions under '**Before Issue of an Occupation Certificate**'

- **Non-Standard Condition - Dust**

Prior to the issue of an occupation certificate a dewatering system must be implemented around the primary driveway and site to prevent any further dust for as long as the site is not completely sealed. The applicant is to bear all costs required.

**Reason:** To mitigate potential adverse amenity impacts.

- **Non-Standard Condition – Landscaping**

Additional landscaping is to be provided to the earthen mound located on the western side of Governor Macquarie Drive opposite the driveway. The additional landscaping is to provide canopy trees as a vegetative filter and shall be for the width of the driveway. Full details shall be provided to Council's Landscape Officer for approval. The applicant is to bear all costs required.

**Reason:** To mitigate potential adverse amenity impacts.

- **Non-Standard Condition - Plan of Management**

A Plan of Management must be prepared, submitted and approved by Manager of Development Assessment prior to the issue of an occupation certificate. The applicant is to bear all costs required.

**Reason:** To mitigate potential adverse amenity impacts.

- **Non-Standard Condition - Traffic and Transport**

**Public Domain Works:** The applicant shall, at no cost to the council, implement all treatments identified in the approved civil design package prior to the issue of any Occupation Certificate, or timing agreed to in consultation with Liverpool City Council. The applicant is to bear all costs required.

**Reason:** To mitigate potential adverse amenity impacts.

Renumber all conditions accordingly.

<b>REASONS FOR DECISION:</b>
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The Panel generally endorses the Council Officers' report, noting a number of corrections required to emphasise that the application is for approval of a depot and not a transport depot or truck depot as defined in the LEP, but recommends conditions requiring action prior to the commencement of the consent.

The conditions recommended have been amended and the Panel has had regard to the Applicant's response dated 13<sup>th</sup> May 2025.

The Panel has imposed additional conditions to ensure the operation of the premises mitigates adverse environmental impacts given the zone interface.

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**VOTING NUMBERS:**

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