

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

Monday 29 July 2019

Held at the
'Gold Room, Liverpool Library'
170 George Street
LIVERPOOL

Panel: Michael Mantei (Chair)
Jason Perica Expert
Grant Christmas 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-118/2017
SUBJECT:	Demolition Of Existing Structures And The Construction Of A 4-Storey Residential Flat Building Containing 14 Residential Apartments Over 1 Level Of Basement Car Parking, And Associated Landscaping And Consolidation Of Two Lots Into One Lot
LOCATION:	Lot 668 DP 236792, Lot 669 DP 236792 311- 313 Hoxton Park Road, Cartwright
OWNER:	MR R KUMAR and MRS S KUMAR
APPLICANT:	BAINI DESIGN
AUTHOR:	Kevin Kim

ISSUES RELATED TO THE APPLICATION

The panel has inspected the site and read the Council officer's assessment report.

There were no objectors in attendance at the meeting. The applicants attended and answered questions from panel members. The panel has determined the application by the granting of development consent, for the reasons outlined in the Council officer's report and subject to the conditions contained in the Council officer's report, together with the following additional condition (to be inserted as condition 2(d)):

"2(d) An amended landscape plan shall be prepared indicating the planting of two additional trees (Water Gum) within the deep soil zones in the front setback of the building one each in the south west and south east corners of the proposed landscaped area."

Additionally the panel has made some minor administrative changes to conditions 101, 102, 104, 110, 152 and the Advisory Notes, as discussed at the panel meeting.

VOTING NUMBERS:

4-0

DETERMINATION OF PANEL:

That the development application DA-118/2017 for Demolition Of Existing Structures And The Construction Of A 4-Storey Residential Flat Building Containing 14 Residential Apartments Over 1 Level Of Basement Car Parking, And Associated Landscaping And Consolidation Of

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Two Lots Into One Lot is approved subject to the conditions contained in the Council officer's report, amended by the panel as described in the minutes.

ITEM No:	2
APPLICATION NUMBER:	DA-532/2017
SUBJECT:	Demolition of existing structures and construction of a 5-storey residential flat building containing 23 apartments (4 x 1-bedroom, 17 x 2-bedroom & 2 x 3-bedroom) over 1 level of basement car parking and associated landscaping and consolidation of three lots into one lot.
LOCATION:	Lots 387, 388, 389 DP 237249 11-15 Woolnough Place, Cartwright
OWNER:	Melmismak First Properties Pty Ltd
APPLICANT:	Melmismak First Properties Pty Ltd
AUTHOR:	Peter Oriehov

ISSUES RELATED TO THE APPLICATION

The panel has inspected the site and read the council officer's assessment report. There were no objectors and four representatives of the applicant in attendance at the meeting.

The majority of the panel (by casting vote of the chairperson) resolved to refuse the application. The majority considers that the proposed variation to maximum building height, coupled with a variation to maximum floor space ratio is not justified having regard to the matters contained in clause 4.6 of Liverpool LEP 2008.

While an increase in the amenity afforded to future occupants from dwellings that are larger than the minimum floor area required by the Apartment Design Guide is positive, the size and design of dwellings does not justify an increase in floor space ratio, having regard to the underlying objectives of the FSR control in Liverpool LEP 2008. The underlying objective of the FSR control is to manage building size and bulk, which is not achieved by increased amenity.

The 15 metre maximum height control is designed to accommodate a 3.1 metre floor to floor dimension and lift overrun. The 15 metre height control contemplates a 4 storey building with lift overrun. The variation is not insignificant. The majority considers that the proposed variation to the maximum height control is not justified having regard to the matters contained in clause 4.6 of Liverpool LEP 2008.

The majority consider it important that new development located in an area undergoing significant change, as the locality of this site is, should aim to comply with all planning

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controls.

Panel member Jason Perica had a dissenting view and was favourably disposed to approve the application as:

- The setbacks met, or were easily able to meet, the requirements of SEPP65 (Design Quality of Residential Apartment Development);
- The height was consistent with a nearby development and generally consistent with the height to be expected from the development standard;
- Sufficient environmental planning grounds were provided with the clause 4.6 contravention request (although not all reasons were concurred with);
- The proposal was considered consistent with the objectives of the height and FSR standards and the zoning, and thereby in the public interest in terms of clause 4.6; and
- He shared the view of the DEP in that the design and form was appropriate for the site and displayed suitable design excellence.

Panel member Stephen Dobell-Brown also had a dissenting view in that he believed the application could be deferred and the applicant invited to submit amended plans to:

- a) Provide an additional car space;
- b) Revise the western upper setback to comply with the Apartment Design Guide minimum setback; and
- c) Reduce the height and FSR non-compliance.

VOTING NUMBERS:

- 2 (refused by casting vote of the Chairperson)
- 1 (approval of application as submitted)
- 1 (deferral subject to redesign)

DETERMINATION OF PANEL:

That DA 532/2017 for demolition of existing structures and construction of a 5-storey residential flat building containing 23 apartments (4 x 1-bedroom, 17 x 2-bedroom & 2 x 3-bedroom) over 1 level of basement car parking and associated landscaping and consolidation of three lots into one lot be refused for the following reasons:

1. The proposed development is inconsistent with clause 1.3(c) of the Environmental Planning and Assessment Act 1979, in that the proposal does not promote the orderly and economic use and development of land;
2. The development application be refused as the proposed building separation distances are inadequate and do not comply with the SEPP 65 – Design Quality

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- of Residential Apartment Development – Design Quality Principles, in particular the bulk, scale & density and that the design of the proposed development does not achieve an appropriate design outcome pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979;
3. The proposed development is inconsistent with the Clause 30(2)(b) of the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development – in that the design of the proposed development is not considered to give appropriate regard to the objectives specified in the Apartment Design Guide (ADG), particularly Sections 2F (Building Separation) pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
 4. The development application be refused as the proposed development does not comply with the development standard for maximum building height in Clause 4.3 of LLEP 2008 and maximum floor space ratio in clause 4.4 of LLEP 2008. The proposed variations are not justified having regard to the matters in clause 4.6(3) and (4) of LLEP 2008.
 5. The development application be refused as the floor space ratio of the proposed development is excessive and does not comply with the development standard for, as it does not provide an appropriate correlation between the size of a site and the extent of any development on that site pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
 6. The development application be refused as development is not consistent with Section 20 – Parking and Access of the LDGP 2008 in that the development provides a shortfall of one car parking space pursuant to Section 4.15(1)(a)(i) and (b) of the Environmental Planning and Assessment Act 1979.
 7. It is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar non-compliant development in the locality and therefore the subject site is not considered suitable for the proposed development, pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
 8. It is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development is therefore not in the public interest, pursuant to provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.