

MINUTES AND DETERMINATION OF THE LIVERPOOL LOCAL PLANNING PANEL MEETING

Monday 26th August 2019

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

Panel: Michael Mantei (Chair)
Matthew Taylor Expert
Lindsay Fletcher Expert
Carl Hadfield Community Rep

Michael Mantei disclosed a conflict of interest for Item 2 and was not present during discussion or deliberation of this Item.

Matthew Taylor disclosed a conflict of interest for Item 1 and was not present during discussion or deliberation of this Item.

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

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ITEM No:	1
APPLICATION NUMBER:	DA-49/2019
SUBJECT:	Demolition of existing structures and construction of a five storey residential flat building containing 24 units above 2 levels of basement car park and consolidation of two lots into one lot.
LOCATION:	LOT 607 and LOT 608 DP 242697 2 Kalimna Street And 86 Nuwarra Road, Moorebank
OWNER:	Mr Seok Gun Jin and Ms Hae Im Choi
APPLICANT:	Kennedy Associates Architects
AUTHOR:	Kevin Kim

ISSUES RELATED TO THE APPLICATION

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

The applicant's architect attended the meeting to answer questions from the Panel.

The Panel agrees with the Council officer's assessment of the application and is otherwise satisfied that the design generally complies with the relevant planning controls and the proposed variations from the Apartment Design Guide are justified in the circumstances.

VOTING NUMBERS:

3-Nil (Matthew Taylor declared a conflict of interest on this item and did not participate in determination of this matter)

DETERMINATION OF PANEL:

DA-49/2019 Demolition of existing structures and construction of a five storey residential flat building containing 24 units above 2 levels of basement car park and consolidation of two lots into one lot be approved subject to the conditions outlined in the recommendation in the Council officer's assessment report for the reasons outlined in the Panel minutes above.

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ITEM No:	2
APPLICATION NUMBER:	DA-228/2019
SUBJECT:	The demolition of existing structures and the construction of a multi storey dwelling housing development consisting of 4 by two storey dwellings and 4 lot Strata Title subdivision
LOCATION:	LOT 48, DP 237237 14 Dredge Avenue, Moorebank
OWNER:	Mr Nader Mannoun
APPLICANT:	CAMPBELL HILL GROUP
AUTHOR:	Mark Raikhman (APP Corporation Pty Ltd)

ISSUES RELATED TO THE APPLICATION

The Panel has inspected the site and read the Council officer's assessment report. The Panel received representations from a neighbouring property owner and the applicant's representatives also addressed the Panel and answered questions.

The Panel has included a specific condition to address concerns in relation to the height of rear fence and planting.

The Panel determined to approve the development subject to the amendment of condition 2 of the recommended conditions of consent as follows:

2) Amended Plans

- a) The landscape plan prepared by: Eco Design Solutions dated: 26/06/2019 submitted with DA-228/2019 is not approved as part of this determination. Prior to the issue of a construction certificate, a comprehensive landscape plan prepared by a qualified landscape architect is to be prepared.

The landscape plans must:

- (i) Provide a 1.8m high solid fence with a 300mm high lattice panel on top (total height 2.1m) together with tree planting along the rear boundary to provide adequate screening to development to the north. Plantings to achieve a height of 6-8m at maturity comprises species such as: Tristania Lucious and Ornamental Pear Pyrus Chanticleer.

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Retain points (ii)-(vii)

(viii) Provide details of front fencing and treatments associated with the proposed waste bin storage enclosure for units 2 and 3 and to be integrated with the landscape treatment.

(ix) Three new street trees are to be located along the frontage of the site. Species are to match existing street trees. Size of street tree at installation is to be 75Lt pot size.

Remove "This shall be done to the satisfaction of the PCA" and replace with "The above detail shall be done to the satisfaction of Council and approved by Council's Manager of Development Assessment prior to the issue of a construction certificate".

The Panel notes that the proposal generally complies with the planning controls and concurs with the assessment and conclusions contained in the Council officer's assessment report.

VOTING NUMBERS:

3-Nil (Michael Mantei declared a conflict of interest on this item and did not participate in determination of this matter)

DETERMINATION OF PANEL:

DA-228/2019 The demolition of existing structures and the construction of a multi storey dwelling housing development consisting of 4 by two storey dwellings and 4 lot Strata Title subdivision be approved subject to the conditions outlined in the recommendation in the Council officer's assessment report and as amended by the Panel above.

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ITEM No:	3
APPLICATION NUMBER:	DA-498/2018
SUBJECT:	Demolition of existing structures and the construction of a two storey child care facility (60 children) with 30 car parking spaces within two basement levels.
LOCATION:	Lot 1312 DP 867081 5 Whiteley Close, Casula
OWNER:	Ms Lila Hau Yak Chan
APPLICANT:	GEN One Group Pty Ltd
AUTHOR:	Peter Oriehov

ISSUES RELATED TO THE APPLICATION

The Panel has inspected the site and read the Council officer's assessment report. The Panel received representations from a number of local residents in support of the Council officer's recommendation to refuse the application. The applicant's representative attended the meeting to answer questions from the Panel.

The Panel agrees with the Council officer's assessment of the application and recommendation for refusal. The application fails to address fundamental planning issues as outlined in the Council officer's report.

While the applicant could attempt to address these fundamental planning issues, the applicant may be better served by considering other more suitable sites for a childcare centre of this magnitude.

It appears to the Panel, contrary to the Council officer's assessment, that the building height may in fact comply with the maximum building height in Clause 4.3 of LLEP 2008. Therefore, reason 1(d) should not be included in the reasons for refusal.

It also appears to the Panel that the floor space ratio may exceed the maximum ratio permitted by clause 4.4 of LLEP 2008 as the floor space of car parking additional to Council's requirements has not been included in gross floor area (resulting in an FSR of 0.52:1). Therefore, an additional reason for refusal will be that the proposal exceeds the maximum floor space ratio in clause 4.4 of LLEP 2008, and no request for variation of the standard has been submitted.

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VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-498/2018 Demolition of existing structures and the construction of a two storey child care facility (60 children) with 30 car parking spaces within two basement levels be refused subject to the conditions outlined in the recommendation in the Council officer's assessment report except for:

- a) Deletion of proposed reason 1(d)
- b) Insertion of a new reason 1(d) as follows:

The proposed development does not comply with clause 4.4 floor space ratio of the LLEP 2008 and no request for variation of the standard has been submitted.

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ITEM No:	4
APPLICATION NUMBER:	DA-612/2018
SUBJECT:	Demolition of existing structures and construction of a two storey boarding house with eleven (11) boarding rooms and basement parking pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.
LOCATION:	23 Templeton Crescent, Moorebank
OWNER:	Templecon Pty Ltd
APPLICANT:	Cornerstone Design
AUTHOR:	Robert Micallef

ISSUES RELATED TO THE APPLICATION

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

The Panel received representation from a number of local residents and the applicant's town planning consultant and architect.

The local residents expressed concerns about the likely impacts of the boarding house on traffic, neighbourhood amenity and social character of the area.

The Panel has considered whether the proposed development is consistent with the local character as required by clause 30A of the Affordable Rental Housing SEPP. The Panel defines character as meaning building design and form, not demographic characteristics. The purpose of the ARH SEPP is to enable diversity in housing types such that a different demographic to occupants of a single detached dwelling is likely to occur. The Panel agrees with the Council officer's assessment of local character under clause 30A of the ARH SEPP.

The Panel has also considered the potential social impacts arising from the different demographic that is likely to occupy this development, if approved. The Panel notes the controls on the behaviour of occupants set out in the plan of management, and that such behaviour is to be managed by an onsite manager and reinforced through occupancy agreements, a complaints mechanism and the conditions of this consent. Implementation of the plan of management will ensure that the social impacts of the development are likely to be properly controlled.

The proposed development provides the minimum number of parking spaces for cars, motorcycles and bicycles required by the ARH SEPP. The Panel does not have the power to refuse the development application on the basis of inadequate parking.

The Panel is mindful that the proposed development generally satisfies all relevant planning controls. It would be difficult for Council to successfully defend refusal of the application.

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The Panel considers that proposed condition 4 of the draft condition should be deleted as hours of use of the communal area is adequately covered by the plan of management, in which the hours are more stringent.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-612/2018 Demolition of existing structures and construction of a two storey boarding house with eleven (11) boarding rooms and basement parking pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009 be approved subject to the conditions outlined in the recommendation in the Council officer's assessment report, subject to the deletion of condition 4, for the reasons outlined in the Panel minutes above.