

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

Monday 31st August 2020

Held Via
Microsoft Teams

Panel: Michael Mantei (Chair)
Mary Lynn Taylor Expert
Marjorie Ferguson 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-933/2018
SUBJECT:	New additional indoor and outdoor seating for use with an existing restaurant (Food and Drink Premises).
LOCATION:	Lot 300 DP 124755, Lot 201 DP 1224084 Shop 3, 296-306 Macquarie Street, Liverpool
OWNER:	Vicliz Pty. Ltd (Shop 3) Liverpool City Council (Outdoor Seating component)
APPLICANT:	Max Luciano
AUTHOR:	Nabil Alaeddine

ISSUES RELATED TO THE APPLICATION

The Panel has been provided with the Council officer's report and documents accompanying the development application. The Panel has familiarised itself with the development site and its context.

The Panel agrees with the Council officer's assessment of the application, except that the Panel does not consider it necessary to impose a trial period condition, given that a full and proper assessment of likely impact has been carried out prior to determination. The Panel also notes the proposed condition prohibiting trading on public holidays. The Panel considers that the potential impacts of the additional seats on public holidays can be managed and are acceptable.

The Panel has also taken into account a previous Panel's refusal of a development application for a nearby outdoor dining area made by the operator of Shops 1 and 2 in the same complex (DA-934/2018). The Panel notes that the previous development application involved night time dining and physical enclosure of the outdoor dining area, and is therefore distinguishable from the current application.

The Panel has made a minor addition to proposed condition 4 to specify that the maximum number of seats in the approved outdoor dining area is to be determined in accordance with the Council's outdoor dining policy.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-933/2018 for additional indoor and outdoor seating for use with an existing restaurant (Food and Drink Premises) be approved subject to the draft conditions contained in the Council

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officer's report with the following minor amendments:

- (a) proposed condition two (2) is deleted;
- (b) the following sentence is to be inserted at the end of condition four (4):
"The number of seats is to be determined in accordance with the Council's outdoor dining policy";
- (c) condition twelve (12) is amended to approve trading on public holidays between the hours of 7:00am - 6:30pm.

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ITEM No:	2
APPLICATION NUMBER:	DA-113/2020
SUBJECT:	Demolition of existing structures and construction of a multi dwelling development consisting of four (4) dwellings and strata subdivision.
LOCATION:	Lot 627 DP 242697 9 Kalimna Street, Moorebank
OWNER:	Mr W Manoun
APPLICANT:	Campbell Hill Group
AUTHOR:	External Town Planner

ISSUES RELATED TO THE APPLICATION

The Panel has been provided with Council's external planner's assessment report, copies of all written submissions and documents accompanying the development application. The Panel has familiarised itself with the development site and its context.

A representative of the applicant attended the meeting and answered questions from the Panel.

The Panel agrees with Council's external planner's assessment of the application. The Panel notes a non-compliance with the side boundary setbacks under Council's DCP. The Panel agrees with the planner's assessment that the non-compliance is justified given the nature of the internal floor area adjacent to the side elevation windows and the absence of any significant potential impact arising from the variation.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-113/2020 for demolition of existing structures and construction of a multi dwelling development consisting of four (4) dwellings and strata subdivision be approved subject to the conditions recommended in the assessment report.

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ITEM No:	3
APPLICATION NUMBER:	DA-572/2019
SUBJECT:	Demolition of existing structures and construction of a mixed-use development comprising a four-storey residential flat building with 8 units and a two-storey 65-place childcare centre over two levels of basement carparking for 32 car spaces.
LOCATION:	Lot 38 and Lot 39 DP 228324 22-24 Thompson Avenue, Moorebank
OWNER:	Sidney Investments Pty Ltd
APPLICANT:	H Ibrahim
AUTHOR:	Kevin Kim

ISSUES RELATED TO THE APPLICATION

The Panel has been provided with the Council officer's assessment report, copies of all written submissions and all documents accompanying the development application. The Panel has familiarised itself with the development site and its context.

The Panel received a briefing from Council officers and heard representations from a number of local residents as well as the applicant's planning and traffic consultants.

The Panel is conscious that the proposed development is different from the established residential character of the local area. However, the Panel is also conscious that the R4 zoning of the eastern side of Thompson Avenue (which includes the development site) does not reflect the established character of the area and that change is inevitable if the objectives of the R4 zone are to be realised.

The proposed development is permissible with development consent in the R4 zone. The design of the proposed building, except for height, complies with all relevant development standards contained in Liverpool LEP2008, all relevant State Environmental Planning Policies, particularly the Education Establishments and Child Care Facilities SEPP, SEPP 65 and the apartment design guide, as well as those aspects of the Liverpool DCP that apply to the proposed development.

The Panel agrees with the Council officer's assessment of the applicant's request under clause 4.6 of LEP2008 to vary the maximum height of buildings standard in clause 4.3 of LEP2008. In particular the Panel is satisfied that:

- (a) the applicant's written request has adequately addressed the matters to be demonstrated by clause 4.6(3); and

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- (b) the proposed development will be in the public interest because it is consistent with the objectives for the height of building standard and the objectives for development within the R4 zone.

The Panel has considered the suitability of the site for the proposed development having regard to the local road network. The Panel is satisfied that based on the Council officer's assessment report and advice received by the Panel from Council's traffic engineer, the impacts of the additional traffic movements are acceptable and that a sufficient number of on-site parking spaces have been provided.

The Panel notes that proposed condition 32 requires the applicant to submit a traffic management plan to the Liverpool City Council Traffic Committee for approval. The Panel expects that this plan will limit on street parking along the frontage of the development site (as required by condition 31). This will assist in the safe movement of vehicles into and out of the development site. The Panel also notes that the design of the driveway allows for stacked queueing of three (3) vehicles on site at the entrance of the basement carpark. This will also assist in the safe movement of vehicles into and out of the development site.

The Panel is satisfied that the prohibition in Council's DCP on childcare centres being located on a bend in a road does not legally apply to this application, by reason of the Childcare SEPP and the Child Care Planning Guidelines. The Child Care Guidelines permit childcare centres on narrow roads if "safe access is provided to and from the site and to and from the wider locality in times of emergency" (Objective C35). The Panel is satisfied that this objective is met by the proposed development.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-572/2019 for demolition of existing structures and construction of a mixed-use development comprising a four-storey residential flat building with 8 units and a two-storey 65-place childcare centre over two levels of basement carparking for 32 car spaces be approved subject to the conditions recommended in the assessment report.