

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

Monday 28th September 2020

Held via Microsoft Teams

Panel: Michael Mantei (Chair)
Grant Christmas Expert
Jason Perica Expert
Daryl Hawker 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-677/2019
SUBJECT:	Demolition of existing structures & the construction of a multi dwelling housing development consisting of 11 two storey dwellings above basement car park.
LOCATION:	Lot 119 and Lot 120, DP 261527 14-16 Buckingham Crescent, Chipping Norton
OWNER:	Mrs C Karam & CCM Group Pty Ltd
APPLICANT:	CCM Group P/L
AUTHOR:	Patrick Curmi

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 received a briefing from Council officers and heard representations from a number of local residents, as well as the applicant's planning consultant and architect.

A number of local residents objected to the R3 medium density residential zoning of the land, which took place in 2008. Objectors also strongly considered that the proposed development was not consistent with the character of this part of Chipping Norton.

The Panel is aware that Council has resolved to review other areas within the Liverpool Local Government area that were zoned for higher density residential in 2008. The Panel was advised that at present there is no proposal to review the zoning of this area of R3 zone in Chipping Norton. The Panel must accept that the zoning is appropriate until such time as a proposal to change the zoning is placed on public exhibition.

The Panel acknowledges that the proposed development is not consistent with the **existing** character of the area. The Panel agrees that the built form of the proposed development is a type of development permitted in the R3 zone, which is different to the existing low density character of the area. However the character is slowly changing, and the proposed development is consistent with the future character of the area given the R3 zoning.

The Panel is also satisfied that the proposal complies with the key design controls for medium density residential development in Liverpool LEP 2008 and DCP 2008, and that the proposed variation to side boundary setback for unit 4 is justified. The Panel is satisfied that potential impacts of the proposed development on immediately adjoining neighbours is acceptable in an R3 zone.

The Panel has carefully considered the potential overshadowing impacts of the development on the properties at numbers 1 and 2 Rudham Place. The Panel is satisfied that overshadowing impacts on those properties has been reasonably minimised, having due regard to the overshadowing controls in the Liverpool DCP 2008, the proposed 4 metre

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setback and 2 storey height of the building facing the southern boundary.

The Panel has also given consideration to potential traffic impacts. The Panel notes the Council traffic engineers assessment that there is capacity in the local road network to accommodate the proposed development. If traffic generally is an issue for this precinct, it is properly addressed on a locality wide basis, taking into account the potential impacts of increased density throughout the precinct generally. The Panel recommends that Council consider this issue in its future traffic management and strategic plans for the area.

The Panel is otherwise satisfied that the issues raised by objectors have been properly considered by the Council officers, and addressed by conditions of consent where appropriate.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-677/2019 Demolition of existing structures and the construction of a multi dwelling housing development consisting of 11 two storey dwellings above basement car park be approved subject to the draft conditions contained in the Council officer's report.

ITEM No:	2
APPLICATION NUMBER:	DA-952/2019
SUBJECT:	Demolition of existing structures and the construction of an 11-storey residential flat building comprising 70 units (17 x 1-bedroom, 47 x 2-bedroom and 6 x 3-bedroom), with two levels of basement carparking, rooftop communal open space, and associated landscaping and site works.
LOCATION:	LOT 6 & 7 DP 758620 4 & 6 Drummond Street, Warwick Farm
OWNER:	Mrs M F Paine
APPLICANT:	ZHINAR ARCHITECTS PTY LTD
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 received a briefing from Council officers and heard from a representative of the owners corporation for the strata plan building at number 2 Drummond Street Warwick Farm,

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which adjoins the development site to the north. The Panel also heard representations from the applicant's planning consultants.

It appears that the owners corporation at 2 Drummond Street did not receive written notification of the development application when the application was publicly notified by Council in February-March 2020. The owners corporation has only recently become aware of the application, and on becoming aware, has made a written submission to the Council. That written submission has been provided to, and considered by the Panel.

The Panel has been advised by Council officers that notification letters were sent by pre-paid post to all adjoining owners and occupiers, including the owners and occupiers of the units at 2 Drummond Street Warwick Farm. While it is unfortunate that some of the letters were not received, the Panel is satisfied that Council has met its legal obligation to publicly notify the proposed development.

The Panel has nonetheless considered the objections raised by the owners corporation at 2 Drummond Street and is satisfied that those issues have been properly considered by the Council officers, and the Panel. In particular, the Panel is satisfied that the property at 2 Drummond Street can be redeveloped in accordance with current development standards without amalgamation with the development site.

The Panel agrees with the Council officer's assessment of the applicant's written request under clause 4.6 of LEP 2008 to contravene the height of building development standard in clause 4.3 of LEP 2008. The Panel is satisfied the request adequately demonstrates that:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.
- (c) the proposed development will be in the public interest because it is consistent with the objectives of the standard in clause 4.3 of LEP 2008, and the objectives for development within the R4 zone under LEP 2008.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-952/2019 Demolition of existing structures and the construction of an 11-storey residential flat building comprising 70 units (17 x 1-bedroom, 47 x 2-bedroom and 6 x 3-bedroom), with two levels of basement carparking, rooftop communal open space, and associated landscaping and site works be approved subject to the draft conditions contained in the Council officer's report.

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ITEM No:	3
APPLICATION NUMBER:	DA-30/2020
SUBJECT:	Construction of a warehouse with attached office building, with associated loading facilities and car parking. The Proposal is identified as Designated Development as specified in Clause 10 of State Environmental Planning Policy (Coastal Management) 2018
LOCATION:	Lot 100 DP 1249662 5 Yarrowa Street, Prestons
OWNER:	Loftex Prestons Pty Ltd
APPLICANT:	Loftex Prestons Pty Ltd
AUTHOR:	Robert Micallef

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 received a briefing from Council officers and heard representations from the applicant and the applicant's planning consultant.

It is clear to the Panel that the scope of the approved development includes bulk earth works and road works in Yarrowa Street, as well as construction of a warehouse. The Panel's determination will reflect these added elements.

The Panel was also advised by the applicant's representatives that the proposed development is intended to entirely supersede the previous development consent DA-719/2018, for removal of vegetation and bulk earthworks, approved by the Local Planning Panel on 20 May 2019. The Panel intends to impose a condition on the development consent for this development requiring surrender of DA-719/2018.

The applicant has requested minor amendments to draft conditions 28(a) and (i) as appearing in the Council officer's report, to reflect the current engineering plans. The Panel agrees to those proposed amendments, which are detailed in the determination below.

Additionally, the most recent bulk earth works plans (dated 5th June 2020 issue D) will also be referred to in condition 1 of the consent.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

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DA-30/2020 for bulk earth works, road works in Yarrowa Street, construction of a warehouse with attached office building, associated loading facilities and car parking be approved subject to the draft conditions contained in the Council officer's report, as amended by the following:

- a) the description of the approved development on page 1 of the notice of determination is to include bulk earthworks and road works within Yarrowa Street.
- b) the following plan references are to be inserted in condition 1 where appropriate:

Bulk Earthworks Plans prepared by At&I; Project No. 18-561, dated 5 June 2020 including the following:

DAC101 Issue D Cover Sheet, Drawing List and Locality Plan
DAC102 Issue D General Notes and Legends
DAC120 Issue D Bulk Earthworks Cut/Fill Plan
DAC130 Issue D Sedimentation and Erosion Control Plan
DAC131 Issue D Sedimentation and Erosion Control Details

- c) A condition is to be imposed under section 4.17(5) of the EP&A Act requiring surrender of DA-719/2018 prior to issue of the construction certificate.
- d) Condition 28 (a) and (i) be amended to refer to the approved plans in condition 1 and to delete reference to an elevated concrete slab and associated piers.