

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

28th October 2019

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

Panel: Michael Mantei (Chair)
Jason Perica Expert
Grant Christmas Expert
Ula-Jane Llewellyn 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-570/2018
SUBJECT:	Torrens title subdivision of two (2) existing lots into four (4) lots over two (2) stages
LOCATION:	LOT 1 DP 1199136 167-175 FIFTH AVENUE, AUSTRAL
OWNER:	Ms K Lin Aussie Win Pty Ltd Homeunit Pty Ltd
APPLICANT:	Urbanco
AUTHOR:	Gorana Dubroja

ISSUES RELATED TO THE APPLICATION

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

A representative of the applicant attended the meeting to answer questions from the Panel.

The Panel considers that clause 4.1B of the Growth Centres SEPP is a development standard that applies to the proposed subdivision. The clause applies to "residential development", which when read in the context of the Growth Centres SEPP includes subdivision to create a lot that is intended to be used for the purposes of residential accommodation. Proposed lots 101 and 102 are intended to be used for future residential accommodation and proposed lots 201 and 202 are intended to be used for the continued use of the existing dwelling houses on each of the smaller resulting lots. The proposed development does not achieve the minimum residential density required by clause 4.1B of the Growth Centres SEPP and a written request to vary that standard is required.

Given the non-compliance with clause 4.1B of the Growth Centres SEPP, the Panel does not have the power to approve the application in the absence of a written request seeking to vary the standard in that clause under clause 4.6 Growth Centres SEPP.

If the applicant decides to lodge a request for review of the Panel's determination or a fresh development application, the proposal should include a written variation request and a lot layout that is either consistent with the Indicative Layout Plan under the Growth Centres DCP, or a layout that provides an equal or better planning, access and servicing outcome.

For the reasons outlined above, and the reasons explained in the Council officer's report, the Panel has determined to refuse the development application, with minor changes to that recommended by Council staff.

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VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-570/2018 Torrens title subdivision of two (2) existing lots into four (4) lots over two (2) stages be refused for the reasons outlined in the Panel minutes above and the following reasons:

1. Pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the Panel has no power to grant consent as the applicant has not provided a written request which seeks to vary the development standard in Clause 4.1B of Liverpool LEP 2008.
2. Pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development does not achieve the minimum residential density target specified in Clause 4.1B – Residential Density of State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The proposed development is also inconsistent with the objectives of Clause 4.1B as it does not ensure that residential development makes efficient use of land and contributes to the availability of new housing and does not ensure that the scale of residential development is compatible with the character of the precinct plan.
3. Pursuant to Section 1.3 of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objects of the Act as it does not promote the orderly development of land.
4. Pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives of the R3 – Medium Density Residential zone within State Environmental Planning Policy (Sydney Region Growth Centres) 2006, as the development does not sufficiently demonstrate how it will provide for the housing needs of the community within a medium density residential environment and how the housing needs of the community will be facilitated through the provision of a variety of housing types.
5. Pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development does not achieve satisfactory compliance with Clauses 5 and 6 of the Sydney Regional Environmental Plan No.20 – Hawkesbury – Nepean River (No 2-1997).
6. Pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development does not demonstrate a satisfactory compliance with Clause 7 of State Environmental Planning Policy No 55 – Remediation of Land.

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7. Pursuant to Section 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development does not achieve satisfactory compliance with Liverpool Development Control Plan 2008, Part 1 – General Controls for all Development, Section 10 – Contaminated Land Risk, Section 14 – Demolition of Existing Development and Section 15 – Onsite Sewerage Disposal.
8. Pursuant to Section 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the controls stipulated within Liverpool Growth Centres Precinct Development Control Plan 2013, Part 2 – Precinct Planning Outcomes, Section 2.2 – The Indicative Layout Plan, Section 2.3.3 – Salinity and Soil Management, Section 2.3.7 – Site Contamination and Section 2.4 – Demolition.
9. Pursuant to Section 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the controls stipulated within Liverpool Growth Centres Precinct Development Control Plan 2013, Part 3 – Neighbourhood and subdivision design, Section 3.1.1 – Residential Density and Section 3.1.2 – Block and Lot Layout.
10. Insufficient information has been submitted to allow Council to carry out a full assessment of the application. In this regard, an inadequate response has been received to Council's request for additional information pursuant to Sections 4.15(1)(a)(iv), 4.15(1)(b) & 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
11. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

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ITEM No:	2
APPLICATION NUMBER:	DA-803/2018
SUBJECT:	Boundary adjustment and stratum subdivision
LOCATION:	LOT 1,2 & 3 DP 1208552 350-360 MACQUARIE STREET, LIVERPOOL
OWNER:	Liverpool City Council
APPLICANT:	Michael Brown Planning Strategies
AUTHOR:	Jasmin Klaime

ISSUES RELATED TO THE APPLICATION

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

A representative of the applicant attended the meeting to answer questions from the Panel.

For the reasons outlined below the Panel has determined the application by granting development consent subject to the conditions outlined in the Council officer's report.

The Panel is satisfied that the applicant has submitted a written request addressing why compliance with the development standard in clause 4.1 of LLEP 2008 is unreasonable or unnecessary in the circumstances and demonstrating that there are sufficient environmental planning grounds to justify the contravention of clause 4.1. The Panel is also satisfied that the proposed variation is consistent with the objectives of clause 4.1 of LLEP 2008 and the objectives of the B4 mixed use zone.

The Panel recognises that proposed Lot 12 is to be created for the purposes of a future public road which will assist traffic movements within the CBD. For that reason, and reasons above, approval of the application is in the public interest.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-803/2018 Boundary adjustment and stratum subdivision be approved subject to the conditions outlined in the Council officer's assessment report, for the reasons outlined in the Panel minutes above.

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ITEM No:	3
APPLICATION NUMBER:	DA-575/2019
SUBJECT:	Temporary Use and Approval for a One-Off Council Event at Greenway Park known as 'Liverpool On a Roll' on the 9 th November 2019.
LOCATION:	Lot 3 DP 1052703 & Lot 813 DP 866199 Greenway Park, 200 Cowpasture Road, West Hoxton
OWNER:	Liverpool City Council
APPLICANT:	Liverpool City Council
AUTHOR:	Zeliha Cansiz

ISSUES RELATED TO THE APPLICATION

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

The Panel is satisfied that the potential impacts of the proposed event have been properly considered by Council officers in their report to the Panel. The Panel has made the following amendments to the draft conditions in the Council officer's report:

Condition 8: the typo "On" is to be corrected to "In".

Condition 22: is to be amended to read as follows "The temporary event, including but not limited to public address systems and sound amplifying equipment, shall not create "offensive noise" as defined under the Protection of the Environment Operations Act 1997".

For the reasons outlined in the Council officer's report the Panel has determined the application by the granting of development consent subject to the draft conditions in the Council officers report as amended by the Panel.

VOTING NUMBERS:

4-Nil

DETERMINATION OF PANEL:

DA-575/2019 Temporary Use and Approval for a One-Off Council Event, including licensed premises, at Greenway Park known as 'Liverpool On a Roll' on the 9th November 2019 be approved to the conditions outlined in the Council officer's assessment report, subject to amendment to Conditions 8 and 22 as outlined above.