

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

Friday, 30th August 2024

Panel:

Heather Warton (Chairperson)

Helen Lochhead (Expert)

Brendon Beirne (Expert)

Anthony Krilich (Community Representative)

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

Heather Warton noted that her husband has undertaken work for the Applicant as a consultant in the past, but he has not been involved with the subject application or this site in Austral.

LIVERPOOL CITY COUNCIL

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ITEM No:	1
APPLICATION NUMBER:	DA-470/2022/A
SUBJECT:	Modification to Development Consent DA-470/2022/A under Section 4.56 of the <i>Environmental Planning and Assessment Act 1979</i>, to amend the subdivision layout and remove 1 residential lot resulting in 20 residential lots and 1 residue lot and to remove to construct 12 dwellings that were approved originally. Stage 1 Torrens title subdivision to create 17 residential lots and two residue lots, being proposed Lot 18 for a temporary OSD basin and temporary turning head to be further subdivided into 3 residential lots in Stage 2, and one residue Superlot (proposed Lot 19) that will be subject of a future development consent, site remediation, dam de-watering and demolition, construction of roads, tree removal and associated civil works. Stage 2 Decommissioning and rehabilitation of temporary OSD and temporary turning head and Torrens title subdivision of proposed Lot 18 to create 3 residential lots.
LOCATION:	140 Sixth Avenue, Austral
OWNER:	UPG 245 Pty Ltd
APPLICANT:	UPG 245 Pty Ltd
AUTHOR:	Pradip Adhikari

DETERMINATION OF THE PANEL:

Modification Development Application DA-470/2022/A seeking modification to Development Consent DA-470/2022/ under Section 4.56 of the *Environmental Planning and Assessment Act 1979*, to amend the subdivision layout and remove 1 residential lot resulting in 20 residential lots and 1 residue lot and to remove the proposal to construct 12 dwellings is **approved**, subject to the amendment to conditions as shown in the draft approval document dated 29 August 2024, being the Attachment to the Addendum Report dated 29 August 2024.

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ISSUES RELATED TO THE APPLICATION

As outlined in the Addendum Report dated 22 August 2024, this item was deferred by the Panel at the 29 July 2024 Meeting for additional information to be provided regarding evidence of consultation with the owner of Lot 1077 in DP 24475 (the adjoining land), as the proposed modified subdivision layout amended the size and access to the Residue Lot (now Lot 19), which orderly development would dictate will need to be developed in conjunction with the adjoining land.

Limited additional information was provided by the Applicant in response to the deferral, but based on advice from the Council officers in the Addendum Report dated 22 August 2024 and at the briefing meeting held on 28 August 2024, the Panel is satisfied the adjoining owner is aware of the approved and proposed modification, having participated in a pre-DA meeting with the Council. Further, as explained in the Addendum Report dated 22 August 2024 and as drafted in the Addendum Report dated 29 August 2024, as a safeguard, new Condition 5A will be inserted in the consent to require Lot 19 to be developed only in conjunction with the adjoining land.

The Application was also deferred for the Applicant (and the Council) to advise with regards to the proposed means of compliance with Condition 107, which was required to be amended in light of the modified proposal. The Applicant provided an indicative subdivision plan, which was not supported by the Council (as outlined in the Addendum Report dated 22 August 2024). As discussed at the briefing on 28 August 2024 and as proposed in the Addendum Report dated 29 August 2024, the Panel supports the proposed amendment to Condition 107 as shown in the draft approval document dated 29 August 2024. This condition is now worded so as to require that the future subdivision of the Residue Lot with the adjoining land is to comply with the minimum density under the applicable environmental planning instrument. This is consistent with the original basis for the approval.

Clarification was also sought at the 29 July Meeting with regards to conditions that needed to be deleted considering the change to the proposal to remove the construction of dwellings; and the development contributions. Following the briefing held on 28 August 2024, and considering the Addendum Report dated 29 August 2024, the Panel supports the appropriate amendment and deletion to conditions, as shown in the draft approval notice dated 29 August 2024. The Panel was advised that the 2014 s7.11 contributions plan is applicable, and as amended in Condition 98.

In addition to the above, with regards to the overall merits of the proposal, the Panel supports the reasons for approval contained in the original assessment report dated 29 July 2024. No submissions were made on the Application. The Panel has also considered section 4.56(1A) of the Environmental Planning and Assessment Act 1979.

VOTING NUMBERS: