

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

29 August 2022

Held online via
MS Teams

Panel: Stephen Alchin (Chair)
Grant Christmas
Matthew Taylor
Daryl Hawker

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-790/2013/C
SUBJECT:	Modification to Development Consent DA-790/2013 under Section 4.55 of the Environmental Planning and Assessment Act 1979, to amend DA Condition 95 to permit the use of Excavated Natural Material (ENM) instead of Virgin Excavated Natural Material (VENM)
LOCATION:	41 GREENDALE ROAD, BRINGELLY
OWNER:	MR A SADIK
APPLICANT:	MR C HUA
AUTHOR:	Greg Mottram

ISSUES RELATED TO THE APPLICATION

The Panel notes that the application seeks to modify a condition of consent. The Environmental Planning and Assessment Act does not permit a Council or a Panel to defer the commencement of such a modification application. As such the Panel needs to either approve or refuse the application. The Panel noted that:

- There has been inaction by the applicant to clean up the site, but there has been some change in the composition of the Board of the Company that controls the site and as result a new focus and genuine effort to resolve all issues.
- Residents have longstanding and genuine concerns about the dumping, and deep frustration at the apparent lack of action by compliance authorities to address their concerns.
- The EPA is understood to have requested this modification in order that it can progress action with the clean-up notice. However, the Panel has not seen or heard evidence to corroborate the claims made by the applicant.
- The applicant and its advisor said that the applicant's intention is to complete all of the clean-up by the end of November 2022.

The Panel wants to assist in resolving what has obviously become a difficult situation. Although there are legitimate and understandable concerns about illegal dumping and delays in cleaning up the site, the Panel believes that granting approval to the modification would support effective and timely resolution of this matter.

Given the significant issues involved and the uncertainty of the state of the clean-up of the site, the Panel is unable to determine the modification application without evidence from the EPA confirming the state of compliance efforts and confirming the

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statement that the modification of the condition is required to progress and finalise the clean-up of the site.

VOTING NUMBERS:

4-0

DETERMINATION OF PANEL:

Defer a decision pending receipt of further evidence from the EPA.

ITEM No:	2
APPLICATION NUMBER:	DA-532/2020/A
SUBJECT:	Modification to Development Consent DA-532/202 under Section 4.55 of the Environmental Planning and Assessment Act 1979, Amendments to wording of conditions 22A, 65, 124, and 143.
LOCATION:	653, 659 & 661 Hume Highway & 6-8 & 10-12 Wattle Road, Casula
OWNER:	Storcross Pty Ltd
APPLICANT:	Storcross Pty Ltd
AUTHOR:	Jasmin Klaime

ISSUES RELATED TO THE APPLICATION

The Panel noted that the applicant was accepting of the Council's proposed terms for the modification of conditions 22A, 65 and 124. The Panel also noted that the applicant was still seeking longer hours for weekend operation during the proposed trial period.

The Panel noted that Council has received further advice on acoustic matters, and believes that during the trial period it would be prudent to confine the hours of self-service operation to 6:00am to 9:00am Monday to Friday, 6:00am to 9:00am Saturday, 9:00am to 9:00pm on Sunday.

The Panel agrees with the applicant and Council Officer's assessment that no trucks should be allowed to operate between 6:00pm to 7:00am.

VOTING NUMBERS:

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4-0

DETERMINATION OF PANEL:

Approved in line with Council's report and recommendation.

ITEM No:	3
APPLICATION NUMBER:	DA-606/2021
SUBJECT:	Demolition of the existing dwelling and associated structures, construction of a new multi dwelling housing development comprising of 6 x two storey dwellings with associated car parking and landscape works.
LOCATION:	25 Box Road, Casula
OWNER:	Box Road Holdings Pty Ltd.
APPLICANT:	K Ahmed
AUTHOR:	Jasmin Klaime

ISSUES RELATED TO THE APPLICATION

The Panel noted that the proposed development conforms with most development controls. However, the Panel believes that a refinement of the overall design should be pursued to provide better amenity in the driveway and carpark area within the development.

Specifically, in order to reduce the effect of large areas of paving, the landscape area to the northern boundary adjacent to the car parking spaces numbered P2-U4 and P2-U5 be increased to provide an appropriate amenity to this boundary area. This landscape area should be filled with screening shrubs and small trees to a height of 4 to 5 metres. Similarly, to the southern boundary, this treatment should also occur. The Panel is mindful of urban tree canopy targets and that the applicant should strive to increase tree canopy area where possible.

VOTING NUMBERS:

4-0

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DETERMINATION OF PANEL:

Approval of the development in accordance with the recommendation in the Council Officer's report, subject to the inclusion of the following condition:

- Prior to release of a construction certificate, the applicant shall submit revised architectural and landscape plans to provide for additional landscape area and planting near the carparking spaces along the northern and southern boundaries, and vehicle-turning diagrams confirming the ability of vehicles to depart the covered parking spaces in a forward direction to the satisfaction of the Manager, Development Assessment.

ITEM No:	4
APPLICATION NUMBER:	DA-446/2021
SUBJECT:	Demolition of existing structures, alterations and additions to the existing centre based child care facility to accommodate 90 children, and lot consolidation.
LOCATION:	13 and 17 Rugby Crescent, Chipping Norton
OWNER:	MR E BIYIK and MRS S BIYIK ESB HOLDINGS PTY LTD
APPLICANT:	Mr E Biyik
AUTHOR:	Melanie Smith

ISSUES RELATED TO THE APPLICATION

The Panel noted that the proposed development complies with all development controls. However, the Panel also noted a number of objections were raised by neighbours, specifically in relation to: overlooking and loss of privacy; the ability to provide sufficient depth of soil above the underground carpark to enable planting of the proposed tree at the rear of the property; and a range of management issues including noise, adjustment in number of children or various ages, and operation on Saturdays. The Panel also noted that management of construction, while continuing to operate the existing childcare centres, will present challenges.

In relation to overlooking and the loss of privacy, the Panel concluded that there would not be a significant risk of privacy loss, given the use of highlight windows on the Western facade and the limited use of the terrace by the 0-2 years age group.

The Panel noted that further detail of the proposed landscaping to the rear is required, in particular for the landscaped area above the underground carpark.

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The Panel agrees that a range of operational issues will need to be fully addressed in the operational management plan. The Panel was mindful of concerns from some residents of additional noise associated with the larger number of children using the centre, and concerns that measures for recording complaints need to be effective.

The application did not provide any details in respect to the management of construction impacts on the operation of the existing centre. The Panel considers that as a minimum a management plan dealing with the interim operation of the centre during construction is required to be approved as part of any consent that is to be granted.

The Panel agrees that, given changing patterns of work, there is a growing need for childcare on weekends, and that this need is not presently well served. That said, introducing weekend operations into an established residential area needs to be carefully planned, operated and monitored.

VOTING NUMBERS:

4-0

DETERMINATION OF PANEL:

Approval of the development in line with the recommendation in the Council Officer's report, subject to inclusion of the following conditions:

Detailed plans of the landscaping (scale 1:20, 1:50), showing soil depths above the underground carpark and detail of the landscape to the rear boundary, are to be provided to the certifying authority for approval prior to issue of a construction certificate.

A management plan detailing how the centre will operate during the period of construction, including any control measures required for the well-being of children at the centre, is to be provided to the certifying authority for approval prior to issue of a construction certificate.

Addition of item G to condition 150 as follows "provide a receipt of the complaint to the complainant."

The use of amplified music is not permitted. Windows of the child care centre are to be closed during any activities involving musical instruments, playing of CDs, singing and the like. It is recommended that during such activities that the windows be kept closed whenever possible.

During Construction

A minimum of two trees shall be planted within the grassed verge of the Council footpath strip. Trees shall be healthy, well-formed and fully established (not pot

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bound) in 75 litre pots. Trees shall be positioned 900mm from the kerb and spaced at 10 metre centres. Trees shall not be planted within 2000mm from a driveway, 1000mm from underground services or 6000mm from an intersecting side street. Trees shall be staked, tied and mulched to Council's satisfaction. Appropriate species for this location are Native Frangipani (*Hymenosporum flavium*) or similar. It is the contractor's responsibility to establish the location of underground services before digging.