

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

**16<sup>th</sup> December 2019**

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

Panel: Michael Mantei (Chair)  
Jason Perica Expert  
Matthew Taylor 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.

## LIVERPOOL CITY COUNCIL

### LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 1

16<sup>th</sup> December 2019

|                            |  |
|----------------------------|--|
| <b>ITEM No:</b>            | <b>1</b>   |
| <b>APPLICATION NUMBER:</b> | <b>DA-24/2017</b>  |
| <b>SUBJECT:</b>            | <b>Stage 1: Subdivision of the site to create 3 superlots (being superlot 1, 2 and 3);</b><br><br><b>Stage 2: Subdivision of superlot 2 into residue lots (for future residential lots, drainage reserves and a public reserve/open space for dedication to Council); site remediation works, bulk earthworks, road, and drainage and infrastructure construction and connect to services and pedestrian bridge.</b> |
| <b>LOCATION:</b>           | <b>Lot 70 DP 1065574</b><br><b>146 NEWBRIDGE ROAD, MOOREBANK</b>   |
| <b>OWNER:</b>              | <b>Tanlane Pty Ltd</b>   |
| <b>APPLICANT:</b>          | <b>Mirvac Homes Pty Ltd</b>  |
| <b>AUTHOR:</b>             | <b>Peter Oriehov</b>   |

#### ISSUES RELATED TO THE APPLICATION

The Panel has inspected the site and read the Council officer's assessment report. The Panel received representations from a representative of Mirvac, the applicant's planning consultant, and the applicant's flood engineer and geotechnical engineer.

The Panel sees merit in the proposed variation to the lot layout identified in the DCP. The Panel also concurs with the proposed means of managing contamination of the site as outlined in the draft conditions of development consent.

However, the Panel is concerned that Council may not have the authority to lawfully determine this application given that proposed lot 16 and various works (retaining walls, drainage and water quality pond) are located on either the RE1 or RE2 zoned portion on the development site. Whether Council can lawfully determine the application will depend on how proposed lot 16 and the proposed works are characterised for the purposes of zoning controls contained in LEP2008.

On one view, proposed lot 16 and the works in the RE1/RE2 zone are characterised as development for residential purposes which is prohibited in the RE1 and RE2 zones. On another view (put by the applicant's representative at the meeting), proposed lot 16 is capable of being used for private open space and the works can be characterised as ancillary to roads and private open space, which are all permitted with consent in the RE1 and RE2 zones.

The Panel considers there is sufficient uncertainty for the Panel to be satisfied that the application can be lawfully determined. The Panel recommends that Council require the applicant to provide legal advice for Council's consideration to explain how those components on the proposed development within the RE1 and RE2 zones are properly characterised and permitted with development consent.

## LIVERPOOL CITY COUNCIL

### LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 2

**16<sup>th</sup> December 2019**

If the Panel is satisfied that the proposed development is permitted with development consent, the Panel remains concerned about the merits of the proposed variation to the minimum lot size in the RE2 zone in respect of proposed lot 16, particularly having regard to the objectives of the zone and development standards.

#### **VOTING NUMBERS:**

4-Nil

#### **DETERMINATION OF PANEL:**

That determination of DA-24/2017 for a stage subdivision being stage 1: subdivision of the site to create 3 superlots (being superlot 1, 2 and 3) and stage 2: subdivision of superlot 2 into residue lots (for future residential lots, drainage reserves and a public reserve/open space for dedication to Council); and associated site remediation works, bulk earthworks, and infrastructure pedestrian bridge be deferred to enable Council to consider legal advice on the permissibility of those components of the proposed development located within the RE1 and RE2 zones. A further report is then to be provided to the Panel for consideration.

|                            |   |
|----------------------------|---|
| <b>ITEM No:</b>            | <b>2</b>  |
| <b>APPLICATION NUMBER:</b> | <b>DA-563/2017</b>  |
| <b>SUBJECT:</b>            | <b>Demolition of two existing dwellings and construction of a 9-storey residential flat building containing 17 residential apartments (4 x 1 bedroom, 7 x 2 bedroom and 6 x 3-bedroom) above a basement car park and associated strata subdivision.</b> |
| <b>LOCATION:</b>           | <b>LOT 71 DP 440211<br/>9-11 MILL ROAD, LIVERPOOL</b>   |
| <b>OWNER:</b>              | <b>MRS R M S AL-ZUHAIRI &amp;<br/>MR M A M AL-ZOHAIRY</b>   |
| <b>APPLICANT:</b>          | <b>GEGE Constructions Pty Ltd</b>   |
| <b>AUTHOR:</b>             | <b>Glenn Ford</b>   |

#### **ISSUES RELATED TO THE APPLICATION**

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

The building designer for the most recent design addressed the Panel, together with one of the owners of the development site.

The Panel understands that the applicant has submitted a schematic design that reduces the height and number of units and redesigns the basement level. The Panel understands that this schematic design was considered by the Design Excellence Panel on 15 August 2019, where the Panel gave a generally positive response and supported the reduction in height and scale on the previous design. The schematic design has not been fully assessed by Council officers.

The Panel agrees with the Council officer's assessment of the previous design and Council's

## LIVERPOOL CITY COUNCIL

### LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 3

**16<sup>th</sup> December 2019**

position on the schematic design, namely that the schematic design should be the subject of a fresh development application given the nature and extent of the changes to the current design.

The Panel notes that under clause 55 of the *Environmental Planning and Assessment Regulation 2000* an applicant may amend a development application prior to determination, with the agreement of the consent authority. In this case the Panel as the consent authority does not agree to allow the amendment. That is not to suggest that the amended design is unacceptable on its merits. An assessment of the merits of the design will need to be undertaken once a full suite of plans are prepared and submitted with a new development application.

The Panel concurs with the Council officer's recommendation to refuse the application based on the current design, for the reasons outlined in the assessment report.

#### **VOTING NUMBERS:**

4-Nil

#### **DETERMINATION OF PANEL:**

That DA-563/2017 for demolition of two existing dwellings and construction of a 9-storey residential flat building containing 17 residential apartments (4 x 1 bedroom, 7 x 2 bedroom and 6 x 3-bedroom) above a basement car park and associated strata subdivision be refused for the reasons contained in the Council officer's report.

|                            |  |
|----------------------------|--|
| <b>ITEM No:</b>            | <b>3</b>   |
| <b>APPLICATION NUMBER:</b> | <b>DA-666/2018</b>   |
| <b>SUBJECT:</b>            | <b>Construction of a 5-storey mixed-use development comprising 2 ground floor commercial suites, 25 residential units (including 12 affordable housing units), one level of basement parking and associated landscaping works.</b> |
| <b>LOCATION:</b>           | <b>Lots 61 &amp; 62 DP 221267<br/>27-29 Morgan Street, Miller</b>  |
| <b>OWNER:</b>              | <b>A. Shamoon and S. &amp; T. Akaveka</b>  |
| <b>APPLICANT:</b>          | <b>Masters Empire Group</b>  |
| <b>AUTHOR:</b>             | <b>Adam Flynn</b>  |

#### **ISSUES RELATED TO THE APPLICATION**

The Panel has inspected the site and read the Council officer's assessment report. The Panel received representation from the applicant's town planner and a neighbouring land owner objection to the proposal.

## LIVERPOOL CITY COUNCIL

### LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 4

**16<sup>th</sup> December 2019**

The neighbouring land owner requested the Panel direct the developer redesign the proposal to incorporate the neighbour's land, or alternatively refuse the application because if approved it will result in isolation of the neighbour's land.

The Panel has considered the neighbour's request, however the neighbour's justification for isolation relates to land ownership (the other adjoining owner being Housing NSW) rather than the physical characteristics of the other adjoining owner's land. The Panel does not consider the development application should be refused on those grounds.

The Panel notes that the design fully complies with the building envelope controls in the Apartment Design Guide and relevant Council policy.

Jason Perica was of the view that the community housing provider aspect of the proposal should be required to be certain and committed by way of a deferred commencement consent, although noted existing and new conditions of consent regarding the matter. The remainder of the Panel considers that a new condition should be imposed in the terms outlined in the resolution below requiring the applicant to provide Council with details from an authorised social housing provider that an agreement has been reached with the applicant to manage the social housing apartments within the building.

The Panel concurs with the Council assessment of the application and recommendation, for the reasons outlined in the Council officer's assessment report.

#### **VOTING NUMBERS:**

4-Nil

#### **DETERMINATION OF PANEL:**

That DA-666/2018 for construction of a 5-storey mixed-use development comprising 2 ground floor commercial suites, 25 residential units (including 12 affordable housing units), one level of basement parking and associated landscaping works be approved subject to the draft conditions contained in the Council officer's report together with the following additional condition to be inserted as condition 39A:

*The applicant is to provide Council with details from an authorised social housing provider that an agreement has been reached between the applicant and the social housing provider for the social housing provider to manage the social housing apartments within the building.*

## LIVERPOOL CITY COUNCIL

### LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 5

16<sup>th</sup> December 2019

|                     |   |
|---------------------|---|
| ITEM No:            | 4   |
| APPLICATION NUMBER: | DA-611/2019   |
| SUBJECT:            | Construction of a waste storage room at Carnes Hill Community Centre                  |
| LOCATION:           | Lot 100 DP 1204810<br>Carnes Hill Community Precinct, 600 Kurrajong Road, Carnes Hill |
| OWNER:              | Liverpool City Council  |
| APPLICANT:          | Liverpool City Council  |
| AUTHOR:             | Lucas McLagan   |

#### ISSUES RELATED TO THE APPLICATION

The Panel has inspected the site and read the Council officer's assessment report. There were no representations from the applicant and there were no objections.

The Panel agrees with the Council officer's assessment of the development application and concurs with the recommendation for approval for the reasons outlined in the assessment report.

#### VOTING NUMBERS:

4-Nil

#### DETERMINATION OF PANEL:

That DA-611/2019 for construction of a waste storage room at Carnes Hill Community Centre be approved subject to the conditions in the Council officer's report.

|                     |   |
|---------------------|---|
| ITEM No:            | 5   |
| APPLICATION NUMBER: | DA-659/2019                                     |
| SUBJECT:            | The demolition of existing structures           |
| LOCATION:           | Lot 231 DP 635209<br>68 Speed Street, Liverpool |
| OWNER:              | Liverpool City Council                          |
| APPLICANT:          | Liverpool City Council                          |
| AUTHOR:             | Jasmin Klaime                                   |

## **LIVERPOOL CITY COUNCIL**

### **LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 6**

**16<sup>th</sup> December 2019**

#### **ISSUES RELATED TO THE APPLICATION**

The Panel has inspected the site and read the Council officer's assessment report. The Panel has inspected the site and read the Council officer's assessment report.  
There were no representations from the applicant and there were no objections.

The Panel agrees with the Council officer's assessment of the development application and concurs with the recommendation for approval for the reasons outlined in the assessment report.

The Panel notes that the development application does not propose removal of any existing trees on the site. The Panel also notes that the proposed demolition does not involve any subsurface excavation, which is prohibited by proposed condition 12.

#### **VOTING NUMBERS:**

4-Nil

#### **DETERMINATION OF PANEL:**

That DA-659/2019 for the demolition of existing structures be approved subject to the conditions in the Council officer's report.