

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

**26 September 2022**

Held online via  
**MS Teams**

Panel: Donna Rygate (Chair)  
Julie Walsh  
Mary-Lynne Taylor  
Ellie Robertson

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

## LIVERPOOL CITY COUNCIL

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<b>ITEM No:</b>	1
<b>APPLICATION NUMBER:</b>	DA-789/2020
<b>SUBJECT:</b>	CONSTRUCTION AND OPERATION OF A CONCRETE BATCHING PLANT. THE DEVELOPMENT IS DESIGNATED DEVELOPMENT PURSUANT TO SCHEDULE 3 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000. THE PROPOSAL IS INTEGRATED DEVELOPMENT AND REQUIRES APPROVAL FROM THE NSW RFS
<b>LOCATION:</b>	LOT 1 DP 1188956 320-400 BADGERYS CREEK ROAD, BADGERYS CREEK
<b>OWNER:</b>	MR A ABDUL-RAHMAN MISS M A ELFORD
<b>APPLICANT:</b>	HOLCIM (AUSTRALIA) PTY LTD
<b>AUTHOR:</b>	MELANIE SMITH

#### ISSUES RELATED TO THE APPLICATION

The applicant and Council have differing views in relation to the request and/or provision or otherwise of information necessary to conduct a thorough assessment of the proposal.

Clarity is required in relation to the ability to impose conditions to address the noise impacts of the proposal on an adjoining residential receptor. Further legal advice should be obtained by Council.

The Panel notes the length of time this application has been with Council, and the importance of a use such as this in a rapidly developing area.

Clarification is required in relation to connection to the Sydney Water network, as Council believes lack of connection prohibits approval of this application, and the applicant advises that connection is imminent.

The Panel notes that the objectives of the RU1 zone of the Liverpool Local Environment Plan 2008 should be given limited weight.

#### VOTING NUMBERS:

Unanimous

#### DETERMINATION OF PANEL:

In view of the issues outlined above, the Panel deferred the determination of the application to provide Council and the applicant with an opportunity to address outstanding issues.

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The matter should be reported back to the Panel within two months of the date of today's meeting for electronic determination.

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<b>ITEM No:</b>	2
<b>APPLICATION NUMBER:</b>	DA-303/2022
<b>SUBJECT:</b>	PUBLIC ART MEMORIAL IN THE FORM OF A FREE-STANDING SCULPTURE.
<b>LOCATION:</b>	1 POWERHOUSE ROAD, CASULA
<b>OWNER:</b>	LIVERPOOL CITY COUNCIL
<b>APPLICANT:</b>	LIVERPOOL CITY COUNCIL
<b>AUTHOR:</b>	MAIREAD HAWES – THE PLANNING HUB - CONSULTANT TOWN PLANNER

#### ISSUES RELATED TO THE APPLICATION

The application has been assessed having regard to the provisions of relevant Environmental Planning Instruments, including the applicable State Environmental Planning Policies, Liverpool Local Environmental Plan 2008, Liverpool Development Control Plan 2008, and the relevant codes and policies of Council.

The proposed development will have no adverse impact upon neighbouring properties and the locality.

This application will enhance the significance of the heritage item.

#### VOTING NUMBERS:

Unanimous

#### DETERMINATION OF PANEL:

Approved subject to the conditions in the assessment report.

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

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<b>ITEM No:</b>	3
<b>APPLICATION NUMBER:</b>	DA-1167/2021
<b>SUBJECT:</b>	CONVERSION AND USE OF THE REMAINS OF AN EXISTING HERITAGE ITEM AS A RECREATION AREA KNOWN AS PHILLIMONA GARDENS
<b>LOCATION:</b>	2 LACHLAN STREET, LIVERPOOL
<b>OWNER:</b>	THE OWNERS - STRATA PLAN NO 97072
<b>APPLICANT:</b>	T WHEELER C/O LIVERPOOL CITY COUNCIL
<b>AUTHOR:</b>	PETER ORIEHOV

#### ISSUES RELATED TO THE APPLICATION

The Panel notes Council's advice during the public meeting that Council is the owner of the Strata Lot on which the development is to take place.

The application has been assessed having regard to the provisions of relevant Environmental Planning Instruments, including the applicable State Environmental Planning Policies, Liverpool Local Environmental Plan 2008, Liverpool Development Control Plan 2008, and the relevant codes and policies of Council.

The proposed development will have no adverse impact upon neighbouring properties and the locality.

This proposal involving use of a partially demolished heritage dwelling should provide for an excellent public recreation area.

#### VOTING NUMBERS:

Unanimous

#### DETERMINATION OF PANEL:

Approved subject to the conditions in the assessment report.

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<b>ITEM No:</b>	4
<b>APPLICATION NUMBER:</b>	DA-609/2021
<b>SUBJECT:</b>	DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF A NEW SERVICE STATION, CONVENIENCE STORE AND CARWASH FACILITY AND INCLUDES SIGNAGE.
<b>LOCATION:</b>	694 HUME HIGHWAY, CASULA 696 HUME HIGHWAY, CASULA
<b>OWNER:</b>	GOBBI HOLDINGS PTY LTD
<b>APPLICANT:</b>	CASULA DEVELOPMENTS ENTERPRISES PTY LTD
<b>AUTHOR:</b>	PETER ORIEHOV

#### ISSUES RELATED TO THE APPLICATION

The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008 – Part 6 – Development in Business Zones, Section 2 – Subdivision, frontage and allotment sizes in that it does not provide sufficient frontage for the site and may unreasonably impact on the development potential of an adjacent site.

Insufficient information has been submitted to Council to satisfy concerns about isolation of the neighbouring site to the east.

The Panel notes Council's verbal advice that information submitted by the applicant after the business paper was published addresses Council's concerns relating to active use as required by Clause 7.22 of Liverpool Local Environment Plan 2008.

Issues were raised about the importance of accessible toilets for patrons and staff.

#### VOTING NUMBERS:

Unanimous

#### DETERMINATION OF PANEL:

Refused for the following reasons:

1. The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008 – Part 6 – Development in Business Zones, Section 2 – Subdivision, frontage and allotment sizes in that it does not provide sufficient frontage for the site and may unreasonably impact on the development potential of an adjacent site.

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2. Insufficient information has been submitted to Council to satisfy concerns about isolation of the neighbouring site to the east.