

MINUTES AND DETERMINATION OF THE LIVERPOOL LOCAL PLANNING PANEL MEETING

25th November 2024

Held online via
MS Teams

Panel:

Terry Sheahan (Chair)
Judith Clark (Expert)
Michael Ryan (Expert)
Suzana Apostolou (Community Representative)

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

Speakers:

Item 1 – RD-38/2024

- Nick Velickovic (Objector)
- Danielle Huet-Joseph (Objector)
- Monique Beaver (Objector)
- Anantha Alavandi (Objector)
- Neil Evans (Objector)
- Cameron Jean (Objector)
- Magy Bestawros (Owner)
- Peter Bestawros (Owner)
- Harby Mansour (Builder)
- Paolo Festa (Architect)

Item 2 – DA-318/2024

- Jessica Robson (Applicant)

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ITEM No:	1
APPLICATION NUMBER:	RD-38/2024
SUBJECT:	Review of Determination for refusal of DA-347/2023 - Demolition of existing structures and construction of a single storey twenty-seven (27) place centre-based childcare, car parking, landscaping, and associated works.
LOCATION:	14 Satelberg Street, Holsworthy
OWNER:	Peter Victor Bestawros Magy Harby Bestawros
APPLICANT:	Paolo Festa
AUTHOR:	Jason Marshall

DETERMINATION OF PANEL:

The Panel resolved to refuse the development application RD-38/2024 for the following reasons:

1. Insufficient information has been submitted to allow Council to carry out a full and proper assessment of the application pursuant to Sections 4.15(1)(a), 4.15(1)(b) & 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
2. The proposal is unsatisfactory with the following provisions of the Child Care Planning Guideline 2021:
 - i. Part 3.2 Local character, streetscape and the public domain interface
 - ii. Part 3.3 Building orientation, envelope and design
 - iii. Part 3.4 Landscaping
 - iv. Part 3.8 Traffic, parking and pedestrian circulation
 - v. Part 4.2 Laundry and hygiene facilities
 - vi. Part 4.3 Toilet and hygiene facilities
3. The proposal is unsatisfactory with the following provisions of the Liverpool Development Control Plan 2008 – Part 1:
 - i. Section 20 – Car parking and access
 - ii. Section 29 – Safety and security.
4. The proposal is unsatisfactory with the following provisions of the of the Liverpool Development Control Plan 2008 – Part 3.8:
 - i. Section 2.3 – Site Planning – site location
 - ii. Section 2.5 – Landscaped area
 - iii. Section 2.8 – Car parking and access – location
5. Due to the above reasons, approval of the application as submitted would be contrary to the public interest pursuant to Section 4.15(1)(e) of the Environmental

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Planning and Assessment Act 1979.

REASONS FOR DECISION:

The Panel noted the residents' continuing concerns about traffic and safety issues.

The Panel noted that childcare centres are a permissible use in the R3 zone and the demand for childcare exists and is likely to increase over time. However, the present proposal does not sufficiently respond to the site, especially in regard to the provision of car parking and the need for adequate landscaping in the street frontage. Additionally, internal design matters and some operational matters require further resolution.

VOTING NUMBERS:

4-0

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ITEM No:	2
APPLICATION NUMBER:	DA-318/2024
SUBJECT:	Change of use of existing building at 111 Newbridge Rd, Chipping Norton from 'Warehousing and wholesaling of furniture and general merchandise' (as approved) to 'Vehicle Sales or Hire Premises'.
LOCATION:	111 Newbridge Road, Chipping Norton 2170
OWNER:	Lot 33, DP 819053
APPLICANT:	Market Direct Group Pty Ltd
AUTHOR:	Anna Stephenson

DETERMINATION OF PANEL:

The Panel is satisfied that the applicant's written request to contravene the maximum floor space area used for hard stand space as prescribed in clause 7.41(4) of LEP 2008 adequately addresses the matters required to be demonstrated by clause 4.6(3) of LEP 2008, namely:

- (a) compliance with the development standard is unreasonable in the circumstances of the case, and
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Development Application DA-318/2024 is approved subject to conditions of the consent as recommended by the Council Officer with the addition of the following conditions:

1. The prohibiting of the use of the front carpark and verge for the display of vehicles.
2. (E951) Housing and Productivity Contribution

Before the issue of the occupation certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$23,059.87
Strategic Biodiversity Component	\$0
Total housing and productivity contribution	\$23,059.87

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).

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The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

REASONS FOR DECISION:

The proposed change of use involves no changes to the built form of the site, and is not an offensive or polluting industry, and as such it is considered that the development would not have any impacts on the natural or built environments and is generally consistent with the existing and desired development type in the locality.

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ITEM No:	3
APPLICATION NUMBER:	DA-310/2024
SUBJECT:	<p>The proposal is for the demolition of the existing dwellings on the subject site, and construction of a five storey in-fill affordable residential flat building (RFB) development with at-grade car parking. The proposal has been designed across two buildings and contains a total of 44 x two-bedroom units, including 14 x affordable rental units. Associated stormwater drainage works are also proposed along Pearce Street and through a public reserve which is owned by Council.</p> <p>The proposed development is identified as Nominated Integrated Development pursuant to the Water Management Act 2000 requiring approval from the Department of Planning, Industry and Environment – Water</p>
LOCATION:	15-21 Pearce Street, Liverpool 99-101 Rose Street, Liverpool
OWNER:	Amersfoort Investment Group Pty Ltd Liverpool City Council
APPLICANT:	Mackenzie Architects International Pty Ltd
AUTHOR:	GAT & Associates (External Planning Consultant)

DETERMINATION OF PANEL:

Development Application DA-310/2024 is refused on the basis of the reasons advanced in attachment 5 of the Council Officer's assessment report.

REASONS FOR DECISION:

The Panel agrees with the reasons for refusal advanced in the Council Officer's assessment report.

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ITEM 4 – ADDITIONAL ITEM - UPDATE TO LIVERPOOL LOCAL PLANNING PANEL MEETING PROCEDURES

Councils Officers advised the Panel that the current procedure document omits the following elements and have recommended an amendment to the Liverpool Local Planning Panel Meeting Procedures:

- Procedures addressing Planning Proposals
- Guidelines for Class 1 appeals

DETERMINATION OF PANEL:

That the Liverpool Local Planning Panel Meeting Procedure Policy adopted at its meeting on 31 October 2022 be amended to insert the following procedures:

Planning Proposals

23. Planning proposals will be heard in a closed session either at the beginning or end of the monthly scheduled meeting date.
24. If the planning proposal is privately initiated, the proponent will be invited to answer any questions in relation to the proposal the panel may have.
25. The Panel will aim to provide the advisory minutes to Council officers within 5 business days following the Panel meeting.

Class 1 Appeals

36. In accordance with Section 2.20(8) of the *Environmental Planning and Assessment Act 1979*, the Panel has assigned certain functions to the Council's Chief Executive Officer, Director Planning and Compliance, and Manager Development Assessment under Section 8.15(4) of the EPA Act concerning Appeals. The following guidelines are to be adhered to:
 - i. As required by Section 8.15(4) of the *Environmental Planning and Assessment Act 1979*, Council must notify the Panel Chair and Alternate Chairs electronically within 7 days of an Appeal concerning the Panel's determination or any deemed refusal of a Local Planning Panel development application.
 - ii. In any case of an Appeal relating to a determination or decision of the Panel that is contrary to a Council Officer's development assessment report, either the Chief Executive Officer, Director Planning and Compliance, or Manager Development Assessment will discuss the Appeal's handling with the Chair of the relevant Panel within 5 business days of receiving notice of the Appeal.
 - iii. For all Appeals related to a Panel's determination or decision, either the Chief Executive Officer, Director Planning and Compliance, or Manager Development Assessment will keep the Panel Chair that made the determination or decision informed about significant developments and the Appeal's outcome.
 - iv. If an Appeal is lodged regarding a deemed refusal of a Local Planning Panel development application, if practicable, it will be brought before the Panel at the earliest possible meeting for a decision. If consultation with the Chair (or nominee) is

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not feasible prior to the filing of a Statement of Facts and Contentions, either the Chief Executive Officer, Director Planning and Compliance, or Manager Development Assessment may finalise the document without prior consultation.

- v. The Council will send a quarterly memo to all Panel members updating them on the status of Appeals relating to Panel determinations and deemed refusals of Local Planning Panel development applications. If a Section 34 agreement has been reached, the memo will provide sufficient reasons explaining how the Panel's decision was addressed in the agreement.

VOTING NUMBERS:

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