

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

Monday, 24th June 2024

Held online via
MS Teams

Panel:

Donna Rygate- Chairperson

Jan Murrell- Expert

Annette Ruhotas- 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 – DA-629/2023

1. Peter Regattiei- Objector
2. Michael Stephen- Objector
3. Wendy McGirr- Objector
4. Jade Hawkins- Objector
5. Julie Horder- Planner
6. Oasika Faiz- Traffic Expert from TTPP
7. Alok Sabne- ArtMade Architects

Item 2 – DA-640/2023

1. George Mourad- on behalf of applicant

Item 3 – DA-562/2023

Nil

Item 4- RD-27/2024

1. Ali Zeineddine- Applicant

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ITEM No:	1
APPLICATION NUMBER:	629/2023
SUBJECT:	Demolition of existing structures and construction of a 120-place childcare center with basement parking.
LOCATION:	No. 123 Epsom Road, Chipping Norton
OWNER:	Mr M T Brooks and Mrs C M Brooks
APPLICANT:	Artmade Architectural Pty Ltd
AUTHOR:	Ben Paterson

ISSUES RELATED TO THE APPLICATION

The Panel decided to defer the matter for the applicant to address the issues raised in Council's report and in the Panel's discussion (see below).

The applicant is to provide the additional information and amended documentation to the Council within two months of 24th June 2024. Council is to then to submit a further assessment report for the Panel's determination in a timely manner.

The Panel notes that Council has excluded the planter boxes and trunks of the proposed trees from the calculation of the children's outdoor play area, while the applicant has included them. Council advised the Panel that any variation to the standard needs to be approved by the Department of Education. A Section 4.6 request to vary the landscape area may also be required.

While the applicant has submitted additional information on the traffic issues raised, the Panel notes that further information is required from Transport for NSW. Deferring the application will provide the applicant the opportunity to address all the matters raised by Council.

The Panel notes concerns related to safety, particularly the potential for accidental vehicular entry into the site. The applicant is to submit amended plans for the boundary fences adjacent to Governor Macquarie Drive and Epsom Road. The fences are to be engineered to resist the impact of vehicles in accordance with relevant Australian Standards. The design may also incorporate other safety barrier systems in addition to the boundary fences.

VOTING NUMBERS:

Unanimous

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DETERMINATION OF PANEL:

The matter is deferred for the applicant to address the issues raised in Council's report and in the Panel's discussion. The applicant is to provide the additional information and amended documentation to the Council within two months of 24th June 2024. Council is to then to submit a further assessment report for the Panel's determination in a timely manner.

ITEM No:	2
APPLICATION NUMBER:	DA-640/2023
SUBJECT:	Demolition of existing structures, tree removal, and construction of a multi-dwelling development consisting of four multi-dwelling units with strata subdivision
LOCATION:	No. 84 Lucas Avenue, Moorebank
OWNER:	Simon and Marian Fajlion
APPLICANT:	Mourad Demian Partnership Pty Limited
AUTHOR:	Lawrence Fowle / Patch Planning

ISSUES RELATED TO THE APPLICATION

The Panel noted that all relevant issues were addressed satisfactorily in the assessment report.

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, the Environmental Planning Instruments, including applicable State Environmental Planning Policies, LLEP 2008, LDCP 2008, and relevant codes and policies of Council. The proposed development is unlikely to result in significant adverse impacts upon neighbouring properties and the locality.

VOTING NUMBERS:

Unanimous

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DETERMINATION OF PANEL:

The Panel endorses the independent consultant's report and recommended conditions.

Development application DA-640/2023 seeking consent for the demolition of existing structures, tree removal and construction of a multi-dwelling development consisting of four multi-dwelling units with Strata subdivision, on a site legally known as Lot 9 DP 236405 and formally known as No. 84 Lucas Avenue, Moorebank is approved subject to conditions of consent.

ITEM No:	3
APPLICATION NUMBER:	DA-562/2023
SUBJECT:	Demolition of the existing structures and construction of a four-storey residential flat building with 31 dwellings (one x studio, 10 x 1-bedroom, 18 x 2-bedroom and two x 3-bedroom dwellings) and two basement levels. The development includes nine dwellings that would be used affordable housing for a period of at least 15 years, and managed by a registered community housing provider, in accordance with Part 2, Division 1 'In-fill affordable housing' of State Environmental Planning Policy (SEPP) (Housing) 2021.
LOCATION:	11, 13 & 15 Woolnough Place Cartwright
OWNER:	Obaid Investments Pty Ltd
APPLICANT:	Tone Wheeler
AUTHOR:	Edwar Eshow

ISSUES RELATED TO THE APPLICATION

The Panel noted that all relevant issues were addressed satisfactorily in the assessment report.

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, the EPIs, including applicable SEPPs, LLEP 2008, LDGP 2008 and relevant codes and policies of Council. The assessment has taken into consideration the submitted plans, SEE and all other documentation supporting the application and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to conditions. The proposal is:

- Consistent with the objectives of the R4 - High Density Residential zone of the LLEP 2008.
- Consistent with the objectives of LDGP.
- Consistent with the objectives of the applicable EPIs.

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- Consistent with the objectives of the EP& A Act 1979.

By way of comment, the Panel notes that the applicant's Waste Management Plan dated 13th May 2024 requires the bins be manually handled up and down the driveway and through the foyer of the building for approximately 70m. The applicant may wish to develop an alternative solution which reduces the transfer distance, reduces the manual handling of the bins and reduces the potential safety issue of pedestrian/vehicle collision during use of the driveway for bin transfer.

VOTING NUMBERS:

Unanimous

DETERMINATION OF PANEL:

The Panel endorses Council's report and recommended conditions.

Development Application DA-562/2023 for the demolition of existing structures and construction of a four-story residential flat building with 31 dwellings (one x studio, 10 x 1 bedroom, eight x 2-bedroom and two x 3-bedroom dwellings) and two basement levels is approved subject to conditions. The development includes nine dwellings that would be used affordable housing for a period of at least 15 years, and managed by a registered community housing provider, in accordance with Part 2, Division 1 'In-fill affordable housing' of SEPP (Housing) 2021.

Addendum: 18th December 2024

That the Liverpool Local Planning Panel minutes that were endorsed at its meeting on the 24th June 2024 be amended to insert and amend the following conditions:

1. Condition 1

Change the word Redgym to Redgum

2. Condition 6

Reword Condition 6 to 'All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.

3. Condition 8-14 is to be added

Housing and Productivity Contribution

Condition 8

Before the issue of the first construction certificate the applicant is to make a Housing and Productivity Contribution payment through the NSW Planning Portal.

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Condition 9

The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 10, is required to be made:

Housing and productivity contribution	Amount due: \$295,026.00 (As calculated by the NSW Planning Portal -31 High-density dwellings minus 3 existing lots)
Housing and productivity contribution (base component)	\$10,000 per new high-density dwelling Calculation of HPC units for high-density residential development: 1. The number of new high-density dwellings for a high-density residential development is the number of high-density dwellings on the land that will result from carrying out the development in accordance with the development consent, less the number of existing lots when the development application was made.

Condition 10

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 Contribution) Order 2024*.

Condition 11

The HPC must be paid before the issue of the first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
High-density residential development within the meaning of the HPC Order for which no construction certificate is required.	Before the issue of the first construction certificate.

In the Table, **HPC Order** means the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

Condition 12

The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).

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Condition 13

If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:

- a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
- b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 10 at the time of payment.

Condition 14

Despite conditions 8 to 13, a housing and productivity contribution 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 Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

4. Renumber all other conditions accordingly

Note: The addendum has been approved by Jan Murrell, Annette Ruhotas, and Suzana Apostolou. Please note that approval was not requested from Donna Rygate, who served as the chairperson during the meeting on the 24 June 2024, as she is no longer an appointed chair for the Liverpool Local Planning Panel.

ITEM No:	4
APPLICATION NUMBER:	RD-27/2024
SUBJECT:	Review of Determination Application pursuant to Section 8.2 of the EP&A Act 1979 for the review of Refusal Notice DA-99/2023 for the demolition of existing structures, construction of a multi-dwelling development consisting of four (4) attached townhouses, garages, front brick fence and associated landscaping.
LOCATION:	10 Holland Crescent, Casula
OWNER:	Mr A Tsoutsas, Mrs A Tsoutsas, Mr J Tsoutsas
APPLICANT:	PLANZONE Pty Ltd
AUTHOR:	Anna Stephenson

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ISSUES RELATED TO THE APPLICATION

The Panel notes Council's recommendation to refuse the application and that it is not in a position to do otherwise in any event, in the absence of Clause 4.6 request in relation to minimum floor areas (also that Council did not raise this with the applicant other than with the assessment report submitted to the Panel meeting).

If the applicant wishes to pursue development of the subject site a Pre DA meeting with Council Officers is encouraged.

VOTING NUMBERS:

Unanimous

DETERMINATION OF PANEL:

The application is refused.