

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

**12<sup>th</sup> December 2022**

Held online via  
MS Teams

Panel:

Michael Mantei (Chair)

Matthew Taylor

Grant Christmas

Ellie Robertson

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

12<sup>th</sup> December 2022

<b>ITEM No:</b>	1
<b>APPLICATION NUMBER:</b>	DA-1240/2021
<b>SUBJECT:</b>	FITOUT AND USE OF AN EXISTING STRUCTURE AS A KIOSK WITH ASSOCIATED SIGNAGE
<b>LOCATION:</b>	BIGGE PARK, 124 BIGGE STREET, LIVERPOOL NSW 2170
<b>OWNER:</b>	THE STATE OF NEW SOUTH WALES – CROWN LAND
<b>APPLICANT:</b>	KARIMA GROUP
<b>AUTHOR:</b>	GLEN HANCHARD

#### ISSUES RELATED TO THE APPLICATION

The Panel has read the Council officers' report and accompanying documents. Panel members have familiarised themselves with the site of the proposed development. A representative of the applicant attended the meeting to answer questions.

The Panel resolved at its meeting on 31 October 2022 to defer consideration of this development application pending advice from Council officers as to whether the proposed use is authorised by the plan of management adopted under the *Local Government Act 1993* for Bigge Park. The *Local Government Act 1993* is a relevant matter for consideration in the assessment and determination of the application.

The Council officers' report addresses the Panel's earlier request for information. The Panel is satisfied that the proposed use is authorised by the plan of management adopted under the *Local Government Act 1993*. The Panel is also satisfied that the proposed use is suitable for the site and the likely impacts of the proposed use are acceptable for the reasons outlined in the Council officers' report.

#### VOTING NUMBERS:

4 – 0

#### DETERMINATION OF PANEL:

That development consent be granted to development application DA-1240/2021 for the fitout and use of an existing structure as a kiosk with associated signage at Bigge Park, 124 Bigge Street, Liverpool NSW subject to the conditions contained in the Council officers' assessment report.

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<b>ITEM No:</b>	2
<b>APPLICATION NUMBER:</b>	DA-695/2022
<b>SUBJECT:</b>	DETAILED DA FOR THE INTERNAL FIT-OUT, OPERATION AND DETAILED LANDSCAPING WORKS ASSOCIATED WITH THE SINGLE STOREY PRESCHOOL COLD SHELL/STRUCTURE APPROVED IN SSSA 10224. THE DEVELOPMENT IS IDENTIFIED AS INTEGRATED DEVELOPMENT, REQUIRING CONCURRENCE UNDER SECTION 100B OF THE <i>RURAL FIRES ACT 1997</i>
<b>LOCATION:</b>	FAULKNER WAY, EDMONDSON PARK NSW 2174
<b>OWNER:</b>	MINISTER FOR EDUCATION AND EARLY CHILDHOOD LEARNING
<b>APPLICANT:</b>	LIVERPOOL CITY COUNCIL
<b>AUTHOR:</b>	KIMBERLEY KAVWENJE, CREATIVE PLANNING SOLUTIONS

#### ISSUES RELATED TO THE APPLICATION

The Panel has read the Council officers' report and accompanying documents. Panel members have familiarised themselves with the site of the proposed development. Representatives of the applicant attended the meeting to answer questions.

The Panel is satisfied that the development application has been properly and adequately assessed and agrees with the assessing planner's conclusion about the impacts of the development and suitability of the subject site for the development. The Panel has specifically taken into consideration applicable provisions of the Child Care Planning Guideline as required by clause 3.23 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

The Panel was provided with a copy of the notice of determination for SSSA 10224. There appears to be potential overlap and inconsistency between the conditions of SSSA 10224 and the conditions recommended by Council officers for this application. SSSA 10224 is not expressed to be a concept approval under section 4.22 of the EP&A Act which prohibits the consent authority from approving subsequent development applications that are inconsistent with the concept approval. In any event, to avoid any administrative difficulties between the two sets of conditions and avoid inconsistency, the Panel proposes to impose a new condition 1A as follows:

*"1A. This development consent prevails to the extent of any inconsistency between this consent and the determination of SSSA 10224."*

Council officers provided the Panel with updated draft conditions of development consent at the meeting correcting an anomaly in plan references in condition 1 and the hours of operation in condition 96. The Panel adopts those updated conditions for the purposes of the determination. The Panel is also minded to impose the following new condition 1B regarding landscaping to minimise ongoing maintenance:

*"1B. The landscape plan is to be amended prior to the issue of the construction certificate so*

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*as to modify the grasses and groundcovers from perennial to non-perennial in nature and character.”*

The applicant’s representative requested a further minor amendment to condition 96 (hours of operation) to allow cleaning and administrative activities out of hours. The Panel agrees with the request and have amended condition 96 by inserting the words underlined below:

*“96. The hours of operation of the premises (except for cleaning and administrative activities) are limited to:*

*• Monday to Friday: 8:30am to 4:30pm 40 weeks per year. The preschool shall not operate during NSW Public School Holidays.”*

#### **VOTING NUMBERS:**

4-0

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

That development consent be granted to development application DA-695/2022 for the internal fit-out, operation and detailed landscaping works associated with the single storey preschool cold shell/structure approved in SSDA 10224 subject to the conditions contained in the Council officers’ assessment report amended by the updated plan references in condition 1, the amendment hours of operation in condition 96, and new conditions 1A and 1B described in the minutes for item 1 above.