

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

Monday 30th March 2026

Held online via
MS Teams

Panel:

Terry Sheahan (Chair)
Patrick Hurley (Expert)
Judith Clark (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-435/2025

- Tino Carfi – Owner
- Robert Canceri - Applicant

Item 2 – DA-866/2022/B

- Mahesh Rajan - Applicant

Note: Site inspections were` conducted prior to the meeting.

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ITEM No:	1
APPLICATION NUMBER:	DA-435/2025
SUBJECT:	<p>Demolition of existing structures and staged subdivision of two existing allotments into a Torrens Title Subdivision of 102 residential lots in two (2) stages and construction of roads and associated civil works, including drainage discharge over Council owned land and into a creek.</p> <p>The staging is as follows: Stage 1 - Subdivision into 80 Torrens title lots, being 79 residential lots and one residue lot (Lot 80), creation of roads and drainage, civil works, and demolition of existing dwellings and outbuildings. Stage 2 - Subdivision of residue lot 80 (from Stage 1) into 23 Torrens Title residential lots</p> <p>The proposal is identified as Integrated Development requiring approval from NSW Rural Fire Services under the Rural Fires Act 1997.</p> <p>The application is Nominated Integrated Development requiring approval from the DPE - Water under the Water Management Act 2000.</p>
LOCATION:	4, 6 & 10 Kelly Street, Austral
APPLICANT:	R.S. Canceri Pty Limited
AUTHOR:	Darren Laybutt – GAT & Associates

DETERMINATION OF PANEL:

Development Application DA-435/2025 seeking approval for the demolition of existing structures and staged subdivision of two existing allotments into a Torrens Title Subdivision of 102 residential lots in two (2) stages and construction of roads and associated civil works, including drainage discharge over Council owned land and into a creek is refused as recommended in the Assessment Report. For the following reasons;

1. The Biodiversity Development Assessment Report was submitted with a lapsed accreditation, as it was submitted on the planning portal more than 14 days after the accreditation date, inconsistent with Section 6.15 of the Biodiversity Conservation Act 2016, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
2. Insufficient information has been submitted to adequately assess the biodiversity impacts of the development on the existing native vegetation under Section 7.3 of the Biodiversity Assessment Act 2016, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
3. The proposed development has not provided sufficient information to comply with Section 4.6(2) of State Environmental Planning Policy (Resilience and Hazards) 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, in relation to details of a preliminary assessment.
4. The proposed development has not provided sufficient information to satisfactorily address Chapter 2 Vegetation in non-rural areas of State Environmental Planning Policy (Biodiversity and Conservation) 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, relating to an Arboricultural impact assessment of the

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proposed tree removal and whether other proposed works, such as the drainage works, will necessitate additional tree removal on the site or affecting trees on adjacent sites.

5. The proposed development has not provided sufficient information to satisfactorily address Chapter 6 Water catchments of State Environmental Planning Policy (Biodiversity and Conservation) 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, relating to the proposed drainage design.

6. The proposed development is objected to by Endeavour Energy due to the location of the drainage basin in the transmission easement and therefore is unsatisfactory under Section 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

7. The proposed development has not adequately demonstrated that it will not adversely affect flood behaviour and affect adjoining properties as required under Section 3.26 of State Environmental Planning Policy (Precincts—Western Parkland City) 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

8. The proposed development is not consistent with the objectives of the E2 Environmental Conservation and E4 Environmental Living zones under the State Environmental Planning Policy (Precincts—Western Parkland City) 2021, Appendix 4 Liverpool Growth Centres Precinct Plan, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, having regard to the protection of the ecological values of the land.

9. The proposed development is inconsistent with or has not provided sufficient information to enable a full assessment of Clause 5.9 Preservation of Trees or Vegetation, Clause 6.1 Public Utility Infrastructure and Clause 6.3 Development Controls—Existing Native Vegetation under State Environmental Planning Policy (Precincts—Western Parkland City) 2021, Appendix 4 Liverpool Growth Centres Precinct Plan, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, relating to insufficient tree assessment, demonstration of appropriate stormwater connection and discharge, and that the development does protect existing native vegetation.

10. The proposed development is inconsistent with or has not provided sufficient information to enable a full assessment with the following sections of the Liverpool Growth Centres Precincts Development Control Plan, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979:

- 2.3.1 Flooding
- 2.3.2 Water Cycle Management
- 2.3.5 Native Vegetation and Ecology
- 2.3.7 Site Contamination
- 2.3.8 Development on and Adjacent to Electricity and Gas Easements
- 2.4 Demolition
- 2.6 Earthworks
- 3.1.1 Residential Density
- 3.1.2 Block and Lot Layout
- 3.1.5 Subdivision in the Environmental Living Zone
- 3.3.2 Street Furniture
- 3.3 Local Area Traffic Management
- 3.7 Temporary Vehicular Access

11. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the application has not adequately demonstrated that the proposed development will not

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have a negative impact on the natural and built environments, and a social impact for the reasons below:

a) Natural Environment – the application has not demonstrated that the proposed development would not create a detrimental impact on the existing natural environment, including impacts on native vegetation, and flooding and drainage matters.

b) Built Environment – the application has not demonstrated that the proposed development requires the degree of fill that is proposed, which will reshape the topography incomparable to surrounding development, and will be out of character with the area.

c) Social Impact – the application has not demonstrated that the proposed development will not create negative impacts on surrounding properties and the locality, resulting in a negative social impact.

12. The application has not demonstrated that the site is suitable for the development, pursuant to Section 4.15(c) of the Environmental Planning and Assessment Act 1979.

13. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not considered to be in the public interest, having regard to the above reasons of refusal.

REASONS FOR DECISION:

The Panel endorses the Council's external assessment report.

VOTING NUMBERS:

4/0

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ITEM No:	2
APPLICATION NUMBER:	DA-866/2022/B
SUBJECT:	Modification to Development Consent DA-866/2022. Under Section 4.55 (2) of the Environmental Planning and Assessment Act 1979, to: <ol style="list-style-type: none"> 1. Seek consent for future use of all existing unauthorised building works that deviate from the existing development consent DA-866/2022, and 2. New alterations and additions to the existing dwelling
LOCATION:	50 Rosewood Avenue, Prestons
APPLICANT:	Mr. M. Rajan
AUTHOR:	Adiona Manyere

DETERMINATION OF PANEL:

Development Application DA-866/2022/B seeking approval for the modification to Development Consent DA-866/2022. Under Section 4.55 (2) of the Environmental Planning and Assessment Act 1979, to:

1. Seek consent for future use of all existing unauthorised building works that deviate from the existing development consent DA-866/2022, and
2. New alterations and additions to the existing dwelling

is approved subject to conditions of the consent as recommended in the Assessment Report with the following amendments:

- To ensure that the address in the modification notice of determination specifies the name of the suburb Prestons.
- To omit the following from the draft notice of determination:

Specifically, the proposal seeks to regularise the following unauthorised works:

- The proposal seeks to regularise unauthorised works, including modifications to approved and new windows, alteration of the main entrance door, changes to an existing brick veneer wall and external colours, and alterations to the alfresco area.

and insert in its place *“Seek consent for future use of all existing unauthorised building works that deviate from the existing development consent DA-866/2022”*

REASONS FOR DECISION:

The Panel endorses the Council Officers' Assessment Report and is satisfied with the recommended modified conditions of consent. The panel notes the variation to the floor space ratio development standard under clause 4.4 of the Liverpool Local Environmental Plan 2008.

VOTING NUMBERS: