

MINUTES AND DETERMINATION OF THE LIVERPOOL LOCAL PLANNING PANEL MEETING

Monday, 28th April 2025

Held online via
MS Teams

Panel:

Terry Sheahan	(Chair)
Michael Brewer	(Expert)
Jan Murrell	(Expert)
Ellie Robertson	(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-586/2024

- Joe Bell (Applicant)

Item 2 – DA-583/2024

- Josh Handley (Applicant)
- John Handley (Applicant)
- Damien Blanch (Applicant)
- Mark Keenan (Applicant)
- Asher Richardson (Applicant)

Item 3 – DA-550/2024

- Charbel Kazzi (Objector)
- Zainab Hamka (Objector)
- Khalid Awad (Objector)

Item 4 – DA-439/2024

- George Doukas (Objector)
- Marie Nicole Kathleen Taranto (Objector)
- Peter Ristevski (Objector)
- Charlotte Brabant (Applicant)
- Andrew Pigott (Applicant)
- Dora Choi (Applicant)

Note: Site inspections were carried out at all sites.

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ITEM No:	1
APPLICATION NUMBER:	DA-586/2024
SUBJECT:	Demolition of the existing fire damaged dwelling and any remaining structures or debris on the site
LOCATION:	1720 Camden Valley Way, Leppington NSW 2179
OWNER:	NSW Department of Planning, Industry & Environment
APPLICANT:	Planning Ministerial Corporation
AUTHOR:	Ben Paterson

DETERMINATION OF PANEL:

Development Application DA-586/2024 seeking approval for Demolition of the existing fire damaged dwelling and any remaining structures or debris on the site is **approved** subject to conditions of the consent as recommended in the Assessment Report with the following amendments which have now been agreed to by the Council:

1. Delete Condition 4
2. Amend Condition 16 to remove the words 'not identified for removal on approved plans of the proposed development'
3. Amend Condition 23 to:
Before work commences, a waste management plan for the development must be prepared and provided to the certifier or Council (where a certifier is not required). The plan must be prepared in accordance with:
 1. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and
 2. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and
 3. include the following information -
 - a. the contact details of the person removing waste;
 - b. an estimate of the type and quantity of waste;
 - c. whether waste is expected to be reused, recycled or sent to landfill;
 - d. the address of the disposal location for waste.
 4. The approved waste management plan prepared by The Department of Planning, Housing and Infrastructure dated 14th Nov 2024.

A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.

4. Delete Condition 24

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5. Amend Condition 25 to:

The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act and is in force on the date of this consent, and must obtain a certificate to that effect from the Department of Planning, Housing and Infrastructure (DPHI) before the commencement of works in relation to any part of the development to which this consent relates.

6. Amend Condition 26 to:

Environmental Management Plan (EMP)

Before demolition work commences, an Environmental Management Plan (EMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The EMP must address all environmental aspects of the development's demolition phases, and include (where relevant), but not be limited to, the following:

1. Asbestos Management Plan;
2. Project Contact Information;
3. Site Security Details;
4. Timing and Sequencing Information;
5. Site Soil and Water Management Plan;
6. Noise and Vibration Control Plan; Dust Control Plan;
7. Air Monitoring;
8. Odour Control Plan;
9. Health and Safety Plan;
10. Waste Management Plan;
11. Incident management Contingency; and
12. Unexpected Finds Protocol.

The EMP must be kept on site for the duration of the works and must be made available to Council Officers upon request

7. Delete Condition 38

8. Amend Condition 60 to remove the words 'by a suitably qualified engineer'

9. Insert new conditions under 'Completion of Demolition work'

- **Asbestos Clearance Certificate**

On completion of the asbestos remedial works an Occupational hygienist shall provide documentation in the form of an asbestos clearance certificate to the Principal Certifying Authority.

Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally.

- **Certification of Hazardous Building Materials Survey Recommendations**

On completion of demolition work, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the hazardous building materials survey recommendations have been carried out in accordance with the Hazardous Building Materials Survey Report; v1.0; prepared by SLR; dated August 2022

Condition reason: To ensure demolition has been carried out in accordance with the approved recommendations.

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10. Amend Condition 68 by removing the sentence 'A suitably qualified environmental consultant must be engaged to supervise all aspects of site remediation and validation works in accordance with the approved Remediation Action Plan' and replacing it with 'A suitably licensed Asbestos removal contractor must be engaged to carry out the asbestos remediation works.'

Renumber all conditions accordingly.

REASONS FOR DECISION:

The Panel endorses the Council Officers' report subject to the amending the proposed conditions for the purposes of clarity.

VOTING NUMBERS:

4-0

ITEM No:	2
APPLICATION NUMBER:	DA-583/2024
SUBJECT:	Proposed new Tower Crane and extension of operating hours.
LOCATION:	28 Riverside Road, Chipping Norton
OWNER:	Cosmo Cranes Investments Pty Ltd
APPLICANT:	Willowtree Planning (NSW) Pty Ltd
AUTHOR:	Irada Ahmed

DETERMINATION OF PANEL:

Development Application DA-583/2024 seeking approval for proposed new Tower Crane and extension of operating hours is **approved** subject to conditions of the consent as recommended in the Assessment Report.

REASONS FOR DECISION:

The Panel endorses the Council Officers' recommendations to ensure adequate environmental safeguards.

VOTING NUMBERS:

4-0

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ITEM No:	3
APPLICATION NUMBER:	DA-550/2024
SUBJECT:	Demolition of the site's existing structures followed by the construction of a new co-living housing development. The proposed new co-living housing building is to comprise of six (6) levels and provides for ground floor carparking. The proposal will provide for a total of forty-five (45) co-living rooms (excluding communal areas and other ancillary features) comprising of 42 single rooms and 3 double rooms
LOCATION:	25 Simone Crescent, Casula
OWNER:	Ventureland Capital Trust
APPLICANT:	Mr Huimin Cui on behalf of The Trustee for Ventureland Capital Trust
AUTHOR:	Tamim Omar

DETERMINATION OF PANEL:

Development Application DA-550/2024 seeking approval for demolition of the site's existing structures followed by the construction of a new co-living housing development is **refused**.

REASONS FOR DECISION:

The Panel endorses the Council Officers' report and notes the issues raised but considers that cumulatively the application is an overdevelopment of the site.

VOTING NUMBERS:

4-0

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ITEM No:	4
APPLICATION NUMBER:	DA-439/2024
SUBJECT:	Proposed change of use to a depot for part of the site and minor additional works.
LOCATION:	77 Governor Macquarie Drive, Chipping Norton
OWNER:	Evolution MIT Services Pty Ltd
APPLICANT:	Charlotte Brabant
AUTHOR:	Joseph Abukhader

DETERMINATION OF PANEL:

The Panel notes the strong objections of the applicant to the method of disposition of this application as proposed in the Council Officers' report and has decided on an alternative method of disposition involving a **deferred commencement consent** and other new conditions. In fairness to the applicant the Council is asked to submit to the applicant the following proposed resolution, for response within 7 days and the Panel will reconvene for an electronic determination.

"Development Application DA-439/2024 seeking approval for proposed change of use to a depot for part of the site and minor additional works has been granted **deferred commencement consent**, subject to conditions of the consent determined by the Panel and the operational conditions recommended by the Council Officer with the following amendments:

1. Insert the following wording under title **Relevant Matters**:

This consent does not operate and may not be acted on until the consent authority is satisfied of the following matter(s):

Condition 'Traffic and Transport' requiring a Road Safety Audit must be undertaken:

Road Safety Audit: An independent Road Safety Audit to be undertaken by an accredited Road Safety Auditor with a minimum level 3 accreditation. The Audit shall consider, but not be limited to, the following:

- a. Impact of the right turn movement from Governor Macquarie Drive into the site.
- b. Impact of the right turn movement from the site onto Governor Macquarie Drive.
- c. The Audit shall cover the peak commuter periods (7am to 10am; 3pm to 6.00pm, weekdays and must NOT include a Monday/Friday and Public Holidays).

On the above condition being complied with to the Council's satisfaction, and with

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written advice to the applicant, the consent will then become operational subject to the conditions.

Evidence of the above relevant matter(s) must be produced to the consent authority, within six (6) months of the date of the determination, otherwise the consent will lapse.

Under section 76(4) of the EP&A Regulation, the consent authority will notify you in writing if the matters above have been satisfied and the date from which this consent operates.

The conditions of development consent below apply from the date that this consent operates.

Note: Section 76(3) of the EP&A Regulation enables a consent authority to specify the period within which the applicant must produce evidence to the consent authority sufficient enough to enable it to be satisfied as to the relevant matter(s) that it requires before a deferred commencement consent can operate. Where a period is specified under section 76(3), a deferred commencement consent will lapse if the applicant has not produced sufficient evidence for the consent authority to be satisfied of the relevant matters on the expiration of the specified period. Where the applicant produces evidence of the relevant matters in accordance with section 76(4) of the EP&A Regulation, the consent authority must notify the applicant whether or not it is satisfied as to the relevant matter(s). If the consent authority has not notified the applicant within 28 days after receiving the applicant's evidence, the consent authority is taken to have notified the applicant that it is not satisfied about the relevant matter(s) on the date on which that period expires, for the purposes of section 8.7 of the EP&A Act (see sections 76(4), (5) and (6) of the EP&A Regulation).

2. Amend Condition 1 to:

(A002) Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans

Plan number	Revision number	Plan title	Drawn by	Date of plan
22310259 DA010	K	Proposed Site Plan	Concept Architects	September 2024
000	D	Landscape Plan	Site Image	undated
101	D	Landscape Plan	Site Image	undated
HDA01/A	A	Hydraulic Services Site Plan and Legend	Inline Hydraulic Services	29/08/2024

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Approved documents

Document title	Version number	Prepared by	Date of document
Waste Management Plan	1	MRA Consultancy	23/07/2024
Light Spill Assessment	A	Clever Engineering	03/06/2024
Acoustic Report	5	Renzo Tonin & Associates	10/01/2025

In the event of any inconsistency between the approved plans and documents, the approved **Plans** prevail. This includes any amendments required by the deferred commencement. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails. This includes any amendments required by the deferred commencement.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

3. Delete Condition 3
4. Delete Condition 22
5. Delete Condition 26
6. Delete Condition 90
7. Delete Condition 104
8. Delete Condition 105
9. Amend Condition 107 to:

(G340) Complaints register

The operator must keep a legible record of all complaints received in an up-to date Complaints Register. The Complaints Register must record, but not necessarily be limited to:

- (a) the date and time, where relevant, of the complaint;
- (b) the means by which the complaint was made (telephone, mail or email);
- (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.
- (f) allocate an individual "complaint number" to each complaint received.

A notice clearly visible from the street shall be provided at all times containing the contact details for the site manager including a mobile phone number.

The Complaints Register must be made available for inspection when requested by Liverpool City Council.

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The industry must be operated in accordance with the approved Conditions and Complaints Handling Procedure at all times.

10. Delete Condition 119

11. Amend Condition 121 to:

(G004) Operational Plan of Management

The approved Operational Plan of Management for the site must be complied with at all times. A copy of the Plan of Management must be kept on-site at all times and be provided to Council officers on request.

12. Insert the following new Non-Standard Conditions under '**Change of use Before Issue of a Construction Certificate**'

- **Non-Standard Condition - Traffic and Transport**
Updated Civil Design Drawings: The civil design drawings are to be updated to reflect any agreed treatments to address the Audit findings. The treatments shall be agreed to by Council prior to inclusion in the civil package
Reason: To ensure adequate all-weather trafficable surfaces for safe vehicle manoeuvring.
- **Non-Standard Condition - Traffic and Transport**
Signage and Line Marking Plan: The applicant shall engage a suitably qualified traffic engineer to prepare a signage and line marking plan addressing all traffic facilities in the public domain. The signage and line marking plan shall be submitted to Council and approved by the Liverpool Local Traffic Committee, prior to the issue of any S138 approval.
Reason: To provide safe and adequate manoeuvring for vehicles.

13. Insert the following new Non-Standard Conditions under '**Before Issue of an Occupation Certificate**'

- **Non-Standard Condition - Dust**
Prior to the issue of an occupation certificate a dewatering system must be implemented around the primary driveway and site to prevent any further dust for as long as the site is not completely sealed. The applicant is to bear all costs required.
Reason: To mitigate potential adverse amenity impacts.
- **Non- Standard Condition – Landscaping**
Additional landscaping is to be provided to the earthen mound located on the western side of Governor Macquarie Drive opposite the driveway. The additional landscaping is to provide canopy trees as a vegetative filter and shall be for the width of the driveway. Full details shall be provided to Council's Landscape Officer for approval. The applicant is to bear all costs required.
Reason: To mitigate potential adverse amenity impacts.

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- **Non-Standard Condition - Plan of Management**
A Plan of Management must be prepared, submitted and approved by Manager of Development Assessment prior to the issue of an occupation certificate. The applicant is to bear all costs required.
Reason: To mitigate potential adverse amenity impacts.
- **Non-Standard Condition - Traffic and Transport**
Public Domain Works: The applicant shall, at no cost to council, implement all treatments identified in the approved civil design package, prior to the issue of any Occupation Certificate. The applicant is to bear all costs required.
Reason: To mitigate potential adverse amenity impacts.

Renumber all conditions accordingly.”

REASONS FOR DECISION:

The Panel generally endorses the Council Officers’ report, noting a number of corrections required to emphasise that the application is for approval of a depot and not a transport depot or truck depot as defined in the LEP, but recommends conditions requiring action prior to the commencement of the consent.

The conditions recommended have been amended and the Panel has had regard to the Applicant’s submission dated 24th April 2025.

The Panel has imposed additional conditions to ensure the operation of the premises mitigates adverse environmental impacts given the zone interface.

VOTING NUMBERS:

4-0