

MINUTES AND DETERMINATION OF THE LIVERPOOL LOCAL PLANNING PANEL MEETING

Monday, 28th July 2025

Held online via
MS Teams

Panel:

Heather Warton	(Chair)
Jan Murrell	(Expert)
Patrick Hurley	(Expert)
Bronte Rivers	(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-601/2024

- Isabella Bassett-Wilton (Objector)
- Joel Cotter (Applicant)

Item 2 – DA-137/2025

- Abhishek Kashyap (Applicant)
- Boris Santana (on behalf of Applicant)
- Joel West (on behalf of Applicant)
- Sam Willis (on behalf of Applicant)

Note: Site Inspections were carried out at all sites

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ITEM No:	1
APPLICATION NUMBER:	DA-601/2024
SUBJECT:	Demolition of existing structures, Torrens title subdivision of 46 residential lots and 1 residue lot with associated dam-dewatering, earthworks, civil works and landscaping. The proposed development is identified as Integrated Development requiring approval from NSW Rural Fire Service under <i>Rural Fires Act 1997</i>. The proposed is identified as nominated integrated development requiring approval from WaterNSW under the <i>Water Management Act 2000</i>.
LOCATION:	5 Fifth Avenue, Austral 25 Fifth Avenue, Austral 110 Sixth Avenue, Austral 120 Sixth Avenue, Austral
OWNER:	25 Fifth Project Pty Ltd, Hx. Tenth Austral Holding Pty Ltd, H X Tenth Austral Holding Pty Ltd
APPLICANT:	North Western Surveys Pty. Limited
AUTHOR:	Eunice David

DETERMINATION OF PANEL:

- A. With regards to the variation to the minimum density development standard under cl 4.1B(3) Residential Density in Appendix 4 Liverpool Growth Centres Precinct Plan of State Environmental Planning Policy (Precincts - Western Parklands City) 2021 (SEPP WPC), the Panel is satisfied that that the matters under cl 4.6(3) of SEPP WPC have been satisfied.
- B. Development Application DA-601/2024 seeking approval for the demolition of existing structures, Torrens title subdivision into 46 residential lots and 1 residue lot with associated dam-dewatering, earthworks, civil works and landscaping is approved subject to conditions of consent as recommended in the Assessment Report with the following amendments:
1. In Condition 7, change the heading to 'No consent for work on adjoining land' and after the first sentence add:

In this regard, prior to the issue of a Subdivision Works Certificate, an amended Tree Removal Plan, Plan 103 is to be submitted to the Certifier showing that only those trees located wholly within the boundaries of the site are to be removed.
 2. Under the heading 'Subdivision Work Before Issue of a Subdivision Work Certificate' insert the following condition:

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Street Tree Species

Prior to the issue of a subdivision works certificate, the Lot Calculation & Street Tree Plan, prepared by North Western Surveys, project number 20985_DA, Revision B, dated 27/02/2025 must be amended to show *Tristanopsis laurina* (Luscious Water Gum) as the street tree species. The amended Plan must be submitted to the Certifier.

Each tree is to have a minimum pot size of 100lt or if the approved landscape plan specifies larger, the larger pot size is to be adopted. The tree will need to be formatively pruned so that the tree has a straight trunk clear of any branches to minimum height of 1m above soil level.

3. Under the heading 'Land Subdivision Before Issue of a Subdivision Certificate' insert the following condition:

(F090) Street Trees & Tree Planting

Prior to the issue of a Subdivision Certificate, the approved street trees are to be planted or an Outstanding Works Bond for street tree planting shall be lodged with Liverpool City Council.

The Outstanding Works Bond will be refunded once the street trees have been planted to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council.

The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

The trees must be maintained by the applicant until each lot is sold. In the event of a tree dying, it must be replaced by the same species.

4. The Conditions are to be renumbered accordingly.

REASONS FOR DECISION:

The Panel generally agrees with the reasons for approval in the Council Officer's Assessment Report subject to amendments to the conditions of consent to clarify that the only trees to be removed are those within the site and to amend the proposed street trees species to that with a greater canopy.

The Panel considered the written objection and presentation by the objector at the Public Meeting and notes that Condition 48 addresses the issue of fauna protection during tree removal. The Panel considered the representation by the Applicant at the Public Meeting, and notes that a clause 4.6 submission to vary the density development standard is required and was submitted and the variation is approved on the basis that the proposed residual lot will be developed in the future.

VOTING NUMBERS:

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ITEM No:	2
APPLICATION NUMBER:	DA-137/2025
SUBJECT:	Proposed alts & adds to existing spa business and shop top housing (01 dwelling).
LOCATION:	66 Marsh Parade, Casula 2170
OWNER:	Ms J Channoom
APPLICANT:	A & K Engineering Group Pty Ltd
AUTHOR:	Anna Stephenson

DETERMINATION OF PANEL:

Development Application DA-137/2025 seeking approval for part demolition and alterations to the existing building and the addition of first floor and attic floor for use as a day spa including massage and beauty salon on the ground and partly on the first floor; and a dwelling on the first floor is refused.

Reasons for Refusal

Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979:

1. The proposed development does not comply with the requirements of section 2.120 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP T&I) as the consent authority cannot be satisfied that appropriate measures will be taken to ensure compliance with the clause.

Notwithstanding that the proposed attenuation measures may be sufficient to address the requirements of SEPP T&I with regards to road noise from the Hume Highway, insufficient information was provided in the Acoustic Report and the Supplementary Information letter dated 24 July 2025 did not contain verification from the acoustic consultant that this is the case.

2. Consent must not be granted as the consent authority is not satisfied under clause 7.16(4)(b) of Liverpool Local Environmental Plan 2008 (LLEP 2008) that the ground floor of the building will have at least one entrance and at least one other window on the front of the building facing a street.

Treatment Room 1 is not suitably located on the street frontage. This space should accommodate the customer waiting room/lounge with a shop front window with clear glazing.

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Pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the provisions of the Liverpool Development Control Plan 2008, in relation to the following sections:

3. Part 1 - General Controls for all Development, Section 20 - Car Parking and Access, as the proposed development does not meet the parking provision requirements.

The proposal involves almost complete demolition of the existing building and redevelopment. The new building provides for intensification of the day spa use on the site with a significant increase in the facilities provided, and hence the likely number of clients attending the redeveloped premises.

Application of the parking requirements under the DCP results in a shortfall in car parking spaces. The Applicant's reliance on-street parking being sufficient for the business use was not substantiated with any data such as car parking surveys.

The proposed car parking for the new 3 to 4 bedroom dwelling is not adequate as there will operationally not be two car spaces available at any time, the proposed turn table limiting the number of car spaces (effectively one only).

4. Part 6 - Development in Business Zones, Section 12 - Shop Top Housing, Sub-section 12.4 Amenity and Environmental Impact, as the Applicant has not adequately demonstrated that the site is not adversely affected by road noise and that road noise will be appropriately mitigated.
5. Part 6 - Development in Business Zones, Section 4 Setbacks, as the upper levels on the western side adjoin a Residential Zone, the proposed setbacks are non-compliant and large full height windows are proposed which will compromise the privacy and visual amenity of the adjoining dwelling and any future redevelopment of the adjoining site.
6. Part 6 - Development in Business Zones, Section 5 Landscaped Areas and pedestrian areas, as although a new disabled access ramp is proposed, this is located on Council land, and no consent from the Council as the land owner for its inclusion in the application and to its construction and conformation that the levels and gradient are appropriate has been provided.
7. Part 6 - Development in Business Zones, Section 6 Building Form, Streetscape and Layout, as clear glazing with direct view to the street has not been provided, to enable pedestrians to see into the premises and vice versa. The customer reception and lounge area should be located at the street frontage, not further in the building as proposed.

Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979:

8. The proposed large terrace on the western side appears to be landscaped, but has large full height arched French doors opening onto it. There is a lack of detail on the proposed planting structures. To avoid the impacts of the terrace being trafficable, the doors need to be replaced with smaller windows and planter box, with the remainder of the floor being finished in a material consistent with it being a roof; and the pergola deleted.

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9. The floor to ceiling height of the dwelling are minimal (2.450m and 2.4m) and provide poor residential amenity.
10. The attic level dormer form and third storey is not consistent with the character of the local centre or the adjoining development. The solid front façade and louvres enclosing of the balcony on the first floor are uncharacteristic of the adjoining development (and appear to encroach outside the site boundary); an open balcony fronting the street should be provided.
11. The area allocated to staff facilities (kitchen and meals room) is inadequate and is accessible only through the spaces for customer use (cold/hot tub area).
12. Insufficient information has been regarding the nature of the proposed business use. The SEE indicates the use will be for beauty salon and day spa, but does not mention massage services; the hours of operation are not specified; the number of staff, and the number of customers is not identified. The Acoustic Report indicates that the hours of operation are from 10am to 9pm, but a Plan of Management has not been provided, which is required given the location adjoining a Residential Zone and low-density residential uses.
13. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest. The proposal is an over development of the site, and fails to consider the context, the residential interface and the need for adequate car parking for both proposed uses.

REASONS FOR DECISION:

The Panel generally concurs with the conclusion in the Council Officer's Assessment Report that the application warrants refusal due to the lack of car parking. The recommended reason for refusal with regards to lack of information to demonstrate compliance with section 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 has not been included as the Panel is satisfied that the *Detailed Site Investigation Report* prepared by alliance, dated 11 July 2025 addresses this issue. This was submitted in Supplementary Information by planwave on behalf of the Applicant on 24 July 2025.

The Panel considered the written submission from the neighbour objector and the presentation from the Applicant's representative at the Public Meeting. Although the Applicant provided information that assisted to some extent to clarify the nature of the use and the details shown on the drawings, the Panel does not consider that the proposal and the likely impacts are sufficiently explained in the application.

The Panel has added additional reasons for refusal regarding the lack of clarity of the use and lack of information on the drawings regarding the functionality of the layout and the internal and external amenity impacts of the development.

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The Panel is satisfied that variation to the Minimum building street frontage development standard under clause 7.14(2)(b) of LLEP 2008 could be supported, given the subdivision pattern, existing lot width and the location of the site at the edge of a small neighbourhood centre. However, the Clause 4.6 Submission does not address these key constraints but unhelpfully focuses on the proposed third storey as the justification for the variation.

VOTING NUMBERS:

4-0

The public meeting closed at 3.20 pm