

MINUTES AND DETERMINATION OF THE LIVERPOOL LOCAL PLANNING PANEL MEETING

Monday 14 September 2026

Held online via
MS Teams

Panel:

John Cole	(Chair)
Jan Murrell	(Expert)
Brian Kirk	(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-116/2026

- Chachia Aman
- Sayem Kazi
- Abdul Hadi Moussa
- Zaid Hamdan El Madi
- Javed Imtiyaz Ali

Item 2 – DA-514/2025

- Peter S Graham

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 1

14 September 2026

ITEM No:	1
APPLICATION NUMBER:	DA-116/2026
SUBJECT:	Conversion of units 5 & 6 to a Place of Public Worship
LOCATION:	Lot 5 SP 44766, Lot 6 SP 4476 5/12-14 Hume Highway Warwick Farm NSW 2170
APPLICANT:	F Moussa

DETERMINATION OF PANEL:

Development Application DA-116/2026 seeking approval for the Conversion of units 5 & 6 to a Place of Public Worship is refused for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Clause 2.3 of Liverpool Local Environmental Plan 2008, as the proposal would be inconsistent with the objectives of the zone as it would impact the ability of the other uses within the building to serve the needs of people who live in, work in or visit the area.
2. 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 regard to the following controls:
 1. Part 1 - General Controls for all Development
 1. Section 22 - Energy Conservation, as insufficient information has been provided to establish whether the development complies with the energy efficiency provisions of the NCC/BCA;
 2. Section 29 - Safety and Security, as insufficient information has been provided to establish whether the development complies with the Disability Discrimination Act 1992;
 2. Part 4 - Development in Liverpool City Centre
 1. Section 4.5.2 Noise, as the applicant has not addressed noise impacts from the Hume Highway on the development.
3. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the Environmental Planning and Assessment Regulation 2021, as insufficient and conflicting information has been provided to the consent authority.
4. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to demonstrate the proposal would not result in unacceptable impacts on the built environment, and unacceptable social and economic impacts, due to the lack of information relating to compliance with the NCC (BCA), accessibility requirements and noise management;

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION
PAGE 2

14 September 2026

5. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the development as proposed is not considered to be suitable for the subject site, due to several noncompliances with the applicable planning controls and insufficient information provided to demonstrate whether it could comply with other requirements; especially NCC (BCA) requirements;
6. The material provided with the application did not provide satisfactory car parking, legal availability and long-term provision, as well as on-site management given the proposed maximum number of patrons that may be on-site at any time.;
7. The proposed change of use will result in a different building classification which will require significant alterations and additions/upgrades to the premises and no analysis or investigation is included with this application. There is no proper analysis of proper rights and ownership to facilitate these (unspecified) works. This may also involve questions of owners' consent for the development application, noting potential common property issues;
8. The plans do not reflect the current construction of the building nor adequately document the required changes. It is also noted that Plan A104 proposes a stockpile and other storage in areas burdened by rights of carriageway that are required for car parking use;
9. Details of waste management are scant to non-existent;
10. Clause 2.119 of State Environmental Planning Policy (Transport and Infrastructure) 2021 relating to development with a frontage to a classified road requires that consent must not be granted if certain matters are not satisfied. In particular, the matters specified in subclauses 2 (a), (b)(i) and (iii), and (c) have not been addressed in this application;
11. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and considering the above issues, the proposed development is not considered to be in the public interest;

REASONS FOR DECISION:

The Panel endorses the Council Officer's Assessment Report and is satisfied with the recommended reasons for refusal, subject to amendments. The Panel notes the advice by the representatives of ABCON, that additional information was provided on the NSW Planning Portal on 18 August 2026. This material was considered by the Panel, noting that it was provided after the planner's assessment report was completed. Nonetheless, by way of comment, the additional information provided dealt with a number of matters raised in the assessment report, and by the panel, but inconclusively. For example, the hours of operation were specified to be between 4.30am to 10.30pm daily with a maximum capacity of 100 people at any one time. The panel notes that the removal of unit 6 as part of the additional information results in a floor space of the main prayer room of approximately 50sq.m.

The number of conflicts and uncertainties between the various documents and plans were added to by the Building Report that concluded:

The assessment has identified a number of areas where the proposed development does not presently demonstrate full DtS compliance. These matters principally relate to:

- *fire-resisting construction and protection of openings adjacent to side boundaries;*
- *separation between the Class 9b and Class 4 occupancies;*
- *exit door widths, stair geometry, exit discharge and barrier compliance;*

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 3

14 September 2026

- *emergency lighting, exit signage and fire safety services;*
- *smoke detection requirements applicable to the Class 4 part of the building;*
- *commercial kitchen exhaust ventilation;*
- *documentation of waterproofing, fire stopping, acoustic performance and condensation management; and*
- *provision of supporting certification for mechanical, hydraulic, fire safety and structural components.*

The change of use proposed requires an assessment of the precondition under State Environmental Planning Policy (Resilience and Hazards) 2021 under clause 4.6 that consent cannot be granted unless proper consideration is given to whether the land is contaminated. The information provided has not achieved such satisfaction.

VOTING NUMBERS:

4-0

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 4

14 September 2026

ITEM No:	2
APPLICATION NUMBER:	DA-514/2025
SUBJECT:	Residential Subdivision of Two Lots into 26 Lots including creation of Residue allotments over 4 stages with demolition of existing structures, tree removal, remediation works, Road Construction, Stormwater Drainage & Services construction and general earthworks.
LOCATION:	Lot B DP 413204 & LOT 370 DP 2475 441 Fifteenth Avenue Austral NSW 2179
APPLICANT:	PS Graham & Associates Pty Limited

DETERMINATION OF PANEL:

- i. The applicant has made a written request pursuant to cl. 4.6 of the Liverpool Local Environmental Plan 2008, seeking a 86% contravention of the minimum residential development density standard under S.41.AB of Appendix 4 of State Environmental Planning Policy (Precincts – Western Parkland City) 2021.

The Panel is satisfied that the written request to vary the minimum dwelling density standard under clause 4.1AB pursuant to clause 4.6 of SEPP (Precincts—Western Parkland City) 2021 has demonstrated that compliance with the standard would be unreasonable or unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify the non-compliance.
- ii. Development Application DA-514/2025 seeking approval for the Residential Subdivision of Two Lots into 26 Lots including creation of Residue allotments over 4 stages with demolition of existing structures, tree removal, remediation works, Road Construction, Stormwater Drainage & Services construction and general earthworks is approved subject to conditions of the consent as recommended in the Assessment Report with the following amendments by the panel:
 - a. Condition A015 – removed Transport for NSW as a GTA and inserted new condition A950 for conditions recommended by TfNSW;
 - b. Condition F086 – add reference to Stage 3 after Lot 300;
 - c. Condition D265 – add the following text: Documentary evidence shall be obtained detailing the name and qualification of the ecologist engaged for the pre-removal habitat review, their findings and during the habitat removal processes. This documentation is to be provided with the Subdivision Certificate application;
 - d. Condition D663 – add reference to RAP.

REASONS FOR DECISION:

LIVERPOOL CITY COUNCIL

LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 5

14 September 2026

The Panel endorses the Council Officers' Assessment Report and is satisfied with the recommended conditions of consent, subject to amendments.

VOTING NUMBERS:

4-0