

MINUTES AND DETERMINATION OF THE LIVERPOOL LOCAL PLANNING PANEL MEETING

Monday 27th October 2025

Held online via
MS Teams

Panel:

John Cole	(Chair)
Vanessa Holtham	(Expert)
Annette Ruhotas	(Expert)
Anthony Krilich	(Community Representative)

There were no conflicts of interest declared by any panel members in relation to any items on the agenda.

Registered speakers:

Item 1 – DA-262/2025

- George Nehme (Applicant)

Item 2 – DA-219/2025

- Yatrik Patel (Applicant)
- Mark Boutros (On behalf of Applicant)

Item 3 – DA-1263/2022/B

- Andrew Wilson (Applicant)
- Justin Hudson (On behalf of Applicant)

Item 4 – DA-449/2018/A

- Bhavna Sharma (Applicant)
- Mohammad Quader (Brother of Owner)

Note: Site Inspections were carried out at all sites

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ITEM No:	1
APPLICATION NUMBER:	DA-262/2025
SUBJECT:	Strata subdivision of four multi-dwelling terrace houses
LOCATION:	11 Bangalla Avenue, Chipping Norton NSW
OWNER:	Mr W K Manoun
APPLICANT:	G Nehme
AUTHOR:	Andrew Wilson – The APP Group

DETERMINATION OF PANEL:

Development Application DA-262/2025 seeking approval for Strata subdivision of four multi-dwelling terrace houses is **approved** subject to conditions of the consent as recommended in the Assessment Report with the following amendment:

1. Replace the words 'Principal Certifying Authority' with the approved wording in the dictionary 'Principal certifier' across all conditions.

REASONS FOR DECISION:

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

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4-0

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ITEM No:	2
APPLICATION NUMBER:	DA-219/2025
SUBJECT:	Demolition of existing structures, Torrens title subdivision of the site into two lots. Construction of a dwelling house and secondary dwelling on the resulting front lot and construction of a dwelling house on the resulting battle-axe lot and associated work
LOCATION:	28 Carnation Avenue, Casula
OWNER:	WMK Assets Pty Ltd
APPLICANT:	Aakar Architects Pty Ltd
AUTHOR:	Adiona Manyere

DETERMINATION OF PANEL:

Development Application DA-219/2025 seeking approval for the Demolition of existing structures, Torrens title subdivision of the site into two lots. Construction of a dwelling house and secondary dwelling on the resulting front lot and construction of a dwelling house on the resulting battle-axe lot and associated work is **refused** for the following reasons:

1. The Panel does not support the Clause 4.6 of the LEP variation for the floor space variation which is at 34% for Lot 1, in particular noting the footprint spatial layout arrangements of the three separate dwellings and the hard surface access there too along with the proposal to remove and/or significantly adversely impact upon four large canopy trees, two on the subject site and two on the adjoining neighbour.
2. The proposed development contravenes Clause 4.4 Floor Space Ratio under the Liverpool Local Environmental Plan 2008 and the application of the control is not unreasonable and unnecessary in the circumstances of the case. Further, there are no sufficient environmental planning grounds, pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 to support variation.
3. The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008, including:
 - a. Part 1 – General Controls for all Development
 - i. Section 2 – Tree Preservation
 - ii. Section 3 – Landscaping and incorporation of existing trees
 - b. Part 3.2 – Dwelling Houses on Lots greater than 400sqm on the R2, R3 and R4 Zone
 - i. Section 4 – Landscaped Area and Private Open Space
 - ii. Section 10 – Secondary Dwellings (Granny flats)
 - c. Part 3.3 - Dwelling Houses on Hatchet Shaped Lots in the R2, R3 and R4 Zones
 - i. Section 3 – Density and Setbacks

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ii. Section 4 – Landscaped Area and Private Open Space

pursuant to Sections 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

4. The proposed development does not adequately demonstrate that the proposal would not have an adverse impact on the built environment and natural environment, pursuant to Sections 4.15(1)(a)(iv), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

5. The proposal does not adequately demonstrate that the site would be suitable for the proposed development, pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

6. Due to the above reasons, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest, pursuant to provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

Note: During the meeting, the Applicant submitted to the Panel a copy of the owner's consent from 30 Carnation Avenue, Casula, permitting the removal of two trees situated along the shared northern boundary with 28 Carnation Avenue, Casula.

REASONS FOR DECISION:

The Panel believes that compliance with the FSR and the adjustment to the building sites footprints with a careful and responsive design to accommodate two dwellings and a secondary dwelling (likely an attached) with preservation of significant trees would be a better outcome. The current proposal is, however, seen as overdevelopment and non-site responsive design.

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ITEM No:	3
APPLICATION NUMBER:	DA-1263/2022/B
SUBJECT:	Modification to development consent DA-1263/2022 under section 4.55 of the Environmental Planning and Assessment Act 1979. Development consent DA-1263/2022 was granted by the Liverpool Local Planning Panel on 13 October 2023 for the installation and operation of new mattress shredding mobile equipment. The proposed modification seeks to increase the processing capacity/output of the approved mattress shredder to a maximum of less than 5,000 tonnes per year (equating to an average 550 mattresses per day) in line with a previously approved extension of operating hours approved under DA-1263/2022/A, and to regularise the consent.
LOCATION:	99 Rose Street, Liverpool
OWNER:	Liverpool City Council
APPLICANT:	The APP Group c/o Liverpool City Council
AUTHOR:	Lawrence Fowle, Patch Planning (Independent Consultant)

DETERMINATION OF PANEL:

The section 4.55 application is approved subject to the following amendments to the conditions.

1. Condition 47A is amended to state the following:
The processing capacity/output for the use of the site for resource recovery shall be limited to less than 5,000 tonnes per year.
2. Condition 47B is deleted
3. Condition 47C is deleted

Renumber all conditions accordingly.

REASONS FOR DECISION:

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

The recommended amendment to Condition 1 in attachment 1 – Modified Conditions of Consent and set out in red on page 195 of the published agenda, is not imposed.

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ITEM No:	4
APPLICATION NUMBER:	DA-449/2018/A
SUBJECT:	Modification Application 4.55 (2) Dwelling 1 (Unit-1) - Modification changes as per bubble marked red in the plan i.e. Changes on Windows, Piers, Render, Alfresco, Swimming pool etc. Dwelling - 2 (Unit - 2) As per approval, the dwelling was approved as a double-storey dwelling with a secondary dwelling. The proposed dwelling is now seeking approval for a double-storey dwelling with a basement.
LOCATION:	22 Coach Drive, Voyager Point, NSW 2172
OWNER:	Ms A Sultana and Mr M N Kader
APPLICANT:	Mrs B Sharma
AUTHOR:	Emily Lawson

DETERMINATION OF PANEL:

Development Application DA-449/2018/A seeking approval for Modifications to Unit 1 and Unit 2 as outlined in the Council officer's assessment report is **refused** for the following reason:

The amount of change proposed to the approved development does not, in both a qualitative and quantitative respects, satisfy the jurisdictional or preconditional requirement of Section 4.55 of the Environmental Planning and Assessment Act 1979 that the proposal must be substantially the same as the original approval/consent.

ISSUES RELATED TO THE APPLICATION

The Panel endorses the Council Officers' Assessment Report and is satisfied with the reasons of refusal.

The report sets out in detail the large number of changes proposed to the dwellings both in relation to internal arrangements and external presentation. Though Section 4.55 allows some change to a proposal, this application is overly ambitious in relation to the amount of change proposed by the applicant, along with the dwellings' qualitative effect, particularly external presentation. The Panel also notes that the original approval was for three dwellings whereas the application has decreased the number of dwellings to two.

Having regard to the reason for refusal above the Panel has not moved to analysing a number of the other non-compliances which are clearly set out in the table to the assessment report and the areas specified where further information needed to be provided. The Panel also notes the reasons for refusal set out in Attachment 4 - Refusal Notice of Determination.

Clause 7.12 of Liverpool Local Environmental Plan 2008 relates to restricted lot yield on the

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development density map. The Panel have had regard to this only in the sense that the existing development consent is lawful until it is declared to be unlawful or null and void. Accordingly, a Section 4.55 application would be available to amend the current approval however, the current application seeking to amend the consent, is too ambitious and a development application would need to be carefully considered afresh.

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