

**MINUTES OF THE SYDNEY WEST  
JOINT REGIONAL PLANNING PANEL MEETING  
HELD AT FRANCIS GREENWAY CENTRE  
170 GEORGE STREET, LIVERPOOL  
ON THURSDAY, 14 FEBRUARY 2013 at 12.00 PM**

Present:

Mary-Lynne Taylor – Chair  
Paul Mitchell – Panel Member  
Bruce McDonald – Panel Member  
Councillor Mazhar Hadid – Panel Member  
Councillor Peter Harle – Panel Member

Council staff in attendance:

Natalie Stewart – Manager, Statutory Planning, City Planning  
Peter Flynn – Senior Development Planner  
Steven Chong – Team Leader, Statutory Planning  
Lina Kakish – Senior Development Planner  
Maya Elnazer – Senior Development Planner

Apologies: Nil

1. The meeting commenced at 12.15 pm

**2. Declarations of Interest –**

**Item 1 –**

Mr P Mitchell – declared that he knew the Architectural firm professionally.

**Item 2 –**

Councillor P Harle – declared that family members live in the area but not close to the site.

**3. Business Item -**

**Item 1 - 2012SYW096** - Liverpool - DA-410/2010/A - S96(2) Modification to Development Consent DA-410/2010, 65 -75 Yarrowa Street (and Illaroo Street) Prestons (Lots 4 & 5 DP 24315)

**Item 2 - 2011SYW098** - Liverpool - DA-1321/2011 - Demolition of existing structures and construction of a home improvement centre with associated servicing infrastructure, car parking, and landscaping, Lot 1, Hume Highway Warwick Farm

#### **4. Public Submissions**

##### **Item 1 – 2012SYW096**

###### **Addressing the Panel against the item**

- Marella Harris on behalf of Hoxton Park Resident Action Group

###### **Addressing the Panel on behalf of the applicant**

- Chris Hosking – Architect on behalf of the applicant

##### **Item 2 – 2011SYW098**

###### **Addressing the Panel against the item**

- Mauro Poletti
- Marella Harris on behalf of herself and Domogoj Frankic

###### **Addressing the Panel on behalf of the applicant**

- Brad McAndrew – representative of the land owner and applicant – Hydrox Nominees Pty Ltd

#### **5. Panel Decision**

**Item 1 - 2012SYW096** - Liverpool - DA-410/2010/A - S96(2) Modification to Development Consent DA-410/2010, 65 -75 Yarrowa Street (and Illaroo Street) Prestons (Lots 4 & 5 DP 24315)

This S96 application has been partly recommended in Council planning report for refusal and partly for approval. The Panel unanimously approves Part C of this application for the reasons given in the Council Report.

The Panel grants a deferral as requested by the applicant of Parts A, B & D (whilst noting that Part A is not permissible with the zoning) for the following reasons:

The response to the referral of this matter to the EPA came too late for the applicant to address the issues. The Panel was concerned that as the adjoining residents, and, it seemed, the Council, were aware of breaches of conditions of consent on this site that a deferral would allow two additional actions to occur: the opportunity for the Council and the applicant to assess the response of the EPA, and for the Council to respond to the Panel's request for further information about possible breaches of existing conditions of consent on site.

The Panel recommends to the Council that it initiates (in conjunction with the EPA if possible) investigation into the claims of non-compliance by the current operation with the requirements of relevant agencies and regulations relating to dust and noise omissions, and any breach of conditions of consent.

The Panel will deal with this matter again upon receipt of Council's response to the matter of non-compliance and the applicant's response to the EPA referral. The Panel will endeavour to bring this matter back before it in March 2013.

##### **Voting 5-0**

**Item 2 - 2011SYW098** - Liverpool - DA-1321/2011 - Demolition of existing structures and construction of a home improvement centre with associated servicing infrastructure, car parking, and landscaping, Lot 1, Hume Highway Warwick Farm

The Panel by a majority of 3:2 (Councillors Hadid and Harle dissenting) approves the application subject to the following amendments:

1. Removal of the loading dock on Munday Street:

Reason – the removal of the loading dock is to improve the amenity of the residential properties from noise impacts of trucks entering, leaving and using the loading dock, removing the need for an acoustic screen without sufficient landscaping buffer and improving the street gate appearance with additional landscaping. The removal of the trucks from this location will improve road safety and will remove the need for the trucks to undertake awkward and unnecessary movements in a local street which is already receiving industrial traffic (It was noted by the panel that the applicant's representative agreed the loading dock was not essential for the operation and could be removed).

2. An amendment to the landscaping plan is to be provided which shows retention and enhancement of existing vegetation on the Munday Street perimeter (wherever possible) between the position of the proposed building and the Munday Street/ Governor Macquarie Rd boundary, and the landscaping shall be embellished and maintained for the purpose of the screening the building throughout the operation of this consent.

Reason – to ensure that some existing established landscaping will remain on the site to provide screening and softening of the built form to assist the transition between the subject site and the residentially zoned area.

3. The hours of operation are amended as follows:

- |                     |                     |
|---------------------|---------------------|
| a) Monday to Friday | 6.00 am to 8.00 pm. |
| b) Saturday         | 7.00 am to 7.00 pm. |
| c) Sunday           | 8.00 to 6.00 pm.    |

Reason – to alleviate the impact of customers, operation of the facility and noise on the residentially zoned area and the area generally.

Councillor Hadid would not approve the application because of the impact of traffic on Munday Street and its residences.

Councillor Harle agrees with Councillor Hadid and believes also that the present traffic situation should have being improved prior to the determination of this application.

**Conditions –**

The approved conditions are attached to the minutes.

**VOTING -3:2**

**In favour –** Mary-Lynne Taylor, Paul Mitchell and Bruce McDonald  
**Against –** Cr Mazhar Hadid and Cr Peter Harle

**6. Meeting closed at 2.47 pm**

Endorsed by

A handwritten signature in black ink, appearing to read 'Mary-Lynne Taylor'.

Mary-Lynne Taylor  
Chair  
Sydney West Region  
Joint Regional Planning Panel  
Date: 19 February 2013