

DATE OF DETERMINATION	6 August 2018
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Nicole Gurrán, Cr Peter Harle and Cr Wendy Waller
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Liverpool City Council Library on 6 August 2018, opened at 2.15pm and closed at 2.55pm.

MATTER DETERMINED

PANEL REF – 2017SSW058 - LGA – Liverpool – DA779/2017 AT Lot 100 Campbelltown Road, Edmondson Park (Lot 100 DP 1238023) (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

Having considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1, the Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*, subject to the conditions recommended by the staff report with the amendment discussed below.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

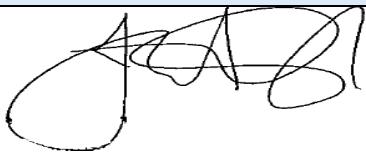




1. The proposed development will add to the supply and choice of housing within the Liverpool local government area and the Sydney Western City District by implementing Stage 1 of the planned Fraser Town Centre which is a sector within the Edmondson Park South Concept approved by the Planning Assessment Commission in 2015.
2. The proposal adequately conforms with Modification 4 (MP10_01180) of the Edmondson Park Concept Approval. Modification 4 specifically addresses the Fraser Town Centre element of the Edmondson Park South Concept Plan and was approved by the Planning Assessment Commission on 12 October 2017. In particular the Panel notes that the proposal adequately satisfies the associated Edmondson Park Town Centre Design Guidelines October 2017 and Edmondson Park Frasers Town Centre Public Domain Plan.
3. The proposed development adequately satisfies the relevant State Legislation and State Environmental Planning Policies including the Rural Fires Act 1997, SEPP (State Significant Precincts) Schedule 3 Part 31 Edmondson Park South Site, SEPP 55 (Remediation of Land), SEPP (Infrastructure) 2007 and Greater Metropolitan Regional Environmental Plan No2- Georges River Catchment

4. The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments. In this regard the Panel notes that heritage buildings previously located within the Edmondson Park precinct have been removed under separate approval, vegetation previously contained on the site has been removed under separate approval and the local road system is to be upgraded as part of the broader Edmondson Park development program.
5. The proposed development is considered to be of acceptable form and scale providing housing forms and densities consistent with that planned for this element of Edmondson Park South Precinct and appropriate to the sites proximity to the Edmondson Park Rail Station. The Panel also notes the proposed development has been thoroughly reviewed and endorsed by Council's Design Excellence Panel.
6. The Panel discussed a potential ambiguity in the control for "Dwelling width" in the design guidelines which provides "Dwellings have a minimum width of 4m." Council staff suggested that the interpretation of those words should recall the standard in the Apartment Design Guidelines which has been often applied to measure the internal space to the interior of the walls. The Applicant contended that for a stratum subdivision at least the dimension should be measured from boundary to boundary. Both the Council staff and the Applicant reported an accommodation reached between them to resolve any debate over the guideline such that four dwellings proposed in this DA with internal widths of 3.7 metres are to be approved in return for a commitment from the Applicant for the remainder of the Edmondson Park precincts to provide 4 metre internal widths for living and dining areas. Without intending to bind the Panel to any future position on this subject or to set any wider precedent, the Panel sees merit in applying that compromise. For clarity, the commitment of the Applicant is as recorded in the written undertaking contained in its letter to Council's Manager Development Assessment dated 25 June 2018.
7. The Panel saw no issue arising from the Applicant's request to be permitted to pay its section 94 contributions by bank guarantee, to be held at least pending the resolution of discussions regarding a VPA for the Edmondson Park Town Centre. The VPA may provide for return of that bank guarantee.
8. In consideration of conclusions 1-7 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with an amendment to Condition 7 to add after "The total contribution is \$2,205,957" the following:

"(The contribution may be made by payment of money or bank guarantee.)"

PANEL MEMBERS	
	
Justin Doyle	Nicole Gurran
	
Bruce McDonald	Peter Harle
	
Wendy Waller	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PANEL REF – 2017SSW058 - LGA – Liverpool – DA779/2017
2	PROPOSED DEVELOPMENT	Construction of 104 dwellings with associated car parking and landscape works, the creation of two pocket parks, a local park, Mews No. 3 and community title subdivision of the site.
3	STREET ADDRESS	Lot 100 Campbelltown Road, Edmondson Park (Lot 100 DP 1238023
4	APPLICANT/OWNER	Applicant – Australand Residential Edmondson Park Pty Ltd Owner - Australand Residential Edmondson Park Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Development with a CIV over \$30million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State Significant Precincts) 2005, Schedule 3, Part 31 Edmondson Park South Site (SEPP 2005) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment State Environmental Planning Policy (BASIX) 2004

		<ul style="list-style-type: none"> • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Edmondson Park Fraser Town Centre Design Guidelines • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations: Consideration of the provisions of the Buildings Code of Australia • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 18 July 2018 • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Michael Rowe, Mathew Kuhn, Warwick Dowler, Alister Eden and Georgia Darling
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing Meeting – 13 November 2017 • Site Inspection – 6 August 2018 • Final briefing meeting to discuss council's recommendation, 6 August 2018, 1.45pm to 2.13pm. • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Nicole Gurran, Cr Peter Harle and Cr Wendy Waller ○ <u>Council assessment staff</u>: George Nehme and Michael Oliveiro
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report