

DETERMINATION AND STATEMENT OF REASONS
SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Tuesday 10 December 2019
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Bruce McDonald and Peter Harle
APOLOGIES	Wendy Waller
DECLARATIONS OF INTEREST	None

Public meeting held at Liverpool Library, Gold Room, 170 George Street, Liverpool on 10 December 2019, opened at 12:50pm and closed at 2:13pm.

MATTER DETERMINED

2018SSW015 – Liverpool City Council – DA-265/2018 at 190 Croatia Avenue, Edmondson Park – Demolition of existing structures, strata subdivision into 4 lots, construction of an internal road and construction of 3 residential flat buildings with basement parking. The proposal is identified as Nominated Integrated Development, requiring approval from the NSW DPI Water pursuant to the Water Management Act 2000 (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Liverpool Local Environmental Plan 2008 (LEP), that has demonstrated that:

- compliance with cl. 4.6 is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.6 of the LEP and the objectives for development in the R1 zone; and
- the concurrence of the Secretary has been assumed.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The proposed development will provide additional housing supply and choice within the City of Liverpool and the and the Sydney Western City District in a location with ready access to the amenities and services provided by Edmonson Park Town Centre and the metropolitan transport services provided at Edmonson Park Rail Station.
- SEE ADDENDA FOR CL4.6 RESPONSES.

- The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 -Remediation of Land, SEPP 65 Design Quality of Residential Apartment Development and its associated Apartment Design Guide and Greater Metropolitan Regional Environmental Plan No2- Georges River Catchment.
- The proposal adequately satisfies the applicable objectives and provisions of Liverpool Local Environmental Plan 2008 and Liverpool DCP 2008, including Part 2.11 Land Subdivision in Edmondson Park. The Panel particularly notes the application proposes to dedicate part of the site as public roadway consistently with the DCP Indicative Layout Plan.
- The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the local riparian system, the utility of the local road system. the amenity of the locality in which it is sited or the amenity of nearby buildings due to loss of privacy or parking congestion.
- The proposed development is considered to be of acceptable form and scale consistent with the character of the locality within which the site is placed. In that regard the Panel notes that the proposed building design has been extensively reviewed by the Councils Design Excellence Panel and amended to respond to the design issues raised by the DEP.
- In consideration of conclusions 1-6 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 the following amendments.

- **20. Road design**

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and the following criteria:

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m wide)	ESA
Costello Lane/Temporary Road	7.0m	6.0m	0.5m	-	3×10^5
Part Passendale Road	15.2m	7.2m	4.0m	1.5m on both side	3×10^5
Somme Ave	19.0m	5.5m (1/2 road)	4.0m	1.5m on one side	2×10^6

- **24. Gross, Pollutant Trap (GPT)**

A GPT is to be provided to be discharged into Maxwell Creek. The developer is to maintain the GPT until such time ownership of the asset is transferred to the appropriate regulatory authority.

- **53. Temporary Turning Heads**

Temporary turning heads must be provided at the end of any roads that terminate at this stage of the subdivision or have safe and adequate connection to an existing road. The turning head is to have a minimum radius of 8.5m, or an alternate arrangement approved by Liverpool City Council Manager Development Assessment Officer. Details are to be submitted prior to the release of the Construction Certificate.

- **144. Splay**

Prior to the issue of an Occupation Certificate a 6m splay corner or an alternate splay arrangement approved by Liverpool City Council Manager Development Assessment at the intersection of





Costello Lane/Passendale is to be dedicated as road to Liverpool City Council on a plan of subdivision registered with the Land & Property Information Division of the Land & Property Management Authority. The dedication of road and subsequent registration shall be at no cost to Council

- **177. Shopping Trolleys**

The By-laws of the body corporate is to include a provision that is to notify the relevant commercial property owners for the collection and return of shopping trolleys from the subject site.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Bruce McDonald
 Nicole Gurran	 Peter Harle

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SSW015 – Liverpool City Council – DA-265/2018
2	PROPOSED DEVELOPMENT	<p>Demolition of existing structures, subdivision into 3 lots, construction of an internal roads and construction of 3 residential flat buildings with basement parking.</p> <p>The proposal is identified as Nominated Integrated Development, requiring approval from the NSW DPI Water pursuant to the Water Management Act 2000.</p> <p>Liverpool City Council is the consent authority and the Sydney Western City Planning Panel has the function of determining the application.</p>
3	STREET ADDRESS	190 Croatia Avenue, Edmondson Park
4	APPLICANT/OWNER	Croatia 88 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
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 No. 55 – Remediation of Land State Environmental Planning Policy (Building Sustainability Index) 2004 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Liverpool Local Environmental Plan 2008 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Liverpool Development Control Plan 2008 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 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: 26 November 2019 Clause 4.6 variation request – height Clause 4.6 variation request - FSR Written submissions during public exhibition: 2 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In support – Nil In objection – Nil Council assessment officer – George Nehme On behalf of the applicant – Murry Donaldson and Nazia Pokar
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 4 June 2018 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, Karress Rhodes, Peter Harle <u>Council assessment staff</u>: George Nehme, Rodger Roppolo

		<ul style="list-style-type: none"> Site inspection: 4 June 2018 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, Karress Rhodes, Peter Harle <u>Council assessment staff</u>: George Nehme, Rodger Roppolo Final briefing to discuss council's recommendation, 10 December 2019, 11.30am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, Peter Harle <u>Council assessment staff</u>: Boris Santana and George Nehme
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report