

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY WESTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	20 September 2022
<b>DATE OF PANEL DECISION</b>	16 September 2022
<b>DATE OF PANEL MEETING</b>	5 September 2022
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran and Peter Harle
<b>APOLOGIES</b>	Mayor Ned Mannoun
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 30 August 2022.

#### MATTER DETERMINED

PPSSWC-130 – Liverpool City Council – DA-33/2021 - 164 CROATIA AVENUE EDMONDSON PARK 2174. Concept development application for a mixed use development as part of the Edmondson Park Town Centre comprising of residential apartments, retail/commercial floor space and supporting roads and infrastructure.

#### 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 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. 28 of SEPP (Precincts – Western Parkland City) 2021 (WPC SEPP) that has demonstrated that:

- a) compliance with cl. 18 (Height of Buildings) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 28 of the WPC SEPP;
- b) the development is in the public interest because it is consistent with the objectives of cl. 28 of the WPC SEPP and the objectives for development in the B4 - Mixed Use zone; and
- c) 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 Panel determined to uphold the cl. 28 of SEPP (Precincts – Western Parkland City) 2021 (WPC SEPP) application to vary the building height; and approve the application for the reasons outlined in the Council Assessment Report.

In particular, the Panel notes that:

- this application is for a concept proposal only that sets out building envelopes for future detailed proposals to be submitted as part of future detailed development applications, and that the approved application will have the status of a Development Control Plan, consistent with clause 36 of the SEPP (Precincts – Western Parkland City) 2021;
- the proposal is consistent with the provisions of the Liverpool Local Environmental Plan 2008; the *Edmondson Park South Development Control Plan 2012* and the *Liverpool Development Control Plan 2008*
- in particular, the proposal is consistent with the objectives of the B4 – Mixed Use zone, in providing a range of compatible uses including commercial and retail tenancies and residential apartments in an accessible location in close proximity to the Edmondson Park train station;
- the proposal has been considered by the Liverpool Design Excellence Panel who support the design of the development as amended in the light of their comments, including the height variation, which they regard acceptable because it provides diversity in the spatial quality of the built form; and is located so as to maintain solar access across the site as well as views to the sky from public areas and communal open space;
- the scale of the proposal is consistent with existing and proposed development controls set out in the Edmondson Park Concept Plan which applies to adjacent land in the Edmondson Park Town Centre;
- the proposal demonstrates that future developments will be able to achieve compliance with the Apartment Design Guidelines including guidelines surrounding solar access, building separation and visual privacy, and building setbacks from the street within the precinct; noting that conditions have been imposed to ensure that future development applications incorporate appropriate designs.

#### CONDITIONS



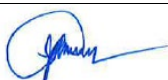
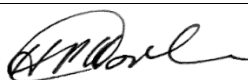
The Development Application was approved subject to the conditions in the Council Assessment Report with amendments to conditions to ensure that future development applications must consider the impacts on the development site from future compliant building envelopes on the adjoining sites to the west/northwest and south-east (new condition 11).

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- The adequacy of drainage and public utility infrastructure.
- McDonald Road alignment and widths.
- The notification process.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues, Council's land development, floodplain and traffic engineers have reviewed and endorsed the proposal, and that that future development applications will be subject to detailed assessment. Further, the Panel notes that the application was referred to Sydney Water and Endeavour Energy who are satisfied with the provision of public utility infrastructure. Finally, in accordance with the Liverpool Community Participation Plan 2019, the application was advertised and then re-advertised in response to the community submission.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Louise Camenzuli	 Peter Harle

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-130 – Liverpool City Council – DA-33/2021
2	PROPOSED DEVELOPMENT	<p>Concept development application for a mixed use development as part of the Edmondson Park Town Centre comprising of residential apartments, retail/commercial floor space and supporting roads and infrastructure</p> <p>The proposed development is identified as Nominated Integrated Development requiring an approval from the Natural Resources Access Regulator under the Water Management Act 2000. The proposed development is identified as Integrated Development requiring an approval from the NSW Office of Environment and Heritage under the National Parks and Wildlife Act 1974. The proposed development is identified as Integrated Development requiring an approval from the NSW Rural Fire Service under the Rural Fires Act 1997.</p>
3	STREET ADDRESS	164 CROATIA AVENUE EDMONDSON PARK 2174
4	APPLICANT/OWNER	<p>Applicant: Anna Johnston – File Planning</p> <p>Owner: Super Star Group Pty Ltd</p>
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Precincts – Western Parkland City) 2021;</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021;</li> <li>State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021;</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021; and</li> <li>Liverpool Local Environmental Plan 2008.</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Edmondson Park South Development Control Plan 2012.</li> <li>Liverpool Development Control Plan 2008.</li> <li>Part 1: General Controls for All Development.</li> <li>Part 2.11: Land Subdivision and Development in Edmondson Park.</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 25 August 2022</li> <li>Application to vary the height standard</li> <li>Written submissions during public exhibition: 2</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: Monday, 8 March 2021 <ul style="list-style-type: none"> <li>Panel members: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Wendy Waller and Peter Harle</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Nabil Alaeddine, Boris Santana and George Nehme</li> <li>• Final briefing to discuss council's recommendation: Monday, 23 May 2022 <ul style="list-style-type: none"> <li>○ Panel members: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran and Peter Harle</li> <li>○ <u>Council assessment staff</u>: Robert Micallef, Michael Oliveiro, Patrick Curmi, Brenton Toms</li> <li>○ <u>Applicant representatives</u>: Nil</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report and updated by new condition 11 as proposed by Council staff.