

DATE OF DEFERRAL	5 June 2023
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Karress Rhodes
APOLOGIES	Ned Mannoun
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 10 May 2023.

MATTER DEFERRED

PPSSWC-251 – Liverpool – DA-257/2022 – 225 Croatia Avenue, Edmondson Park - The Construction of 6 Residential Flat Buildings and the construction 2 Shop top housing developments, containing a total of 219 apartments. Construction of a Centre based Child Care Centre above 2 basements for 93 children.

REASONS FOR DEFERRAL

The Panel noted its preliminary comments on the DA per the Briefing Records dated 24 April and 10 May 2023.

The Panel had also reviewed the Council's Assessment Report, dated 8 May 2023, in anticipation of the determination meeting. That Report recommended refusal of the DA as anticipated by the 10 May Briefing Record.

However, a week before the briefing, and following the preparation of the Council's Assessment Report, an application seeking leave to file amended plans was lodged by the Applicant in the current deemed refusal appeal before the Land and Environment Court.

The Panel is yet to consider the proposed amendments to the DA and is yet to receive a report from the Council's assessment staff with its preliminary review of the amendments, including any assessment of whether the amendments are likely to address the Council's principal issues for concern.





In the circumstances, the Panel resolved to defer the application for 4 weeks to allow Council time to prepare an addendum report addressing the proposed DA amendments. This assumes the Applicant will also be imminently lodging the amendments to the DA and any other supporting information on the Planning Portal for the Council's review.

The Panel expects the revised information as referred to above be submitted to Council via the Portal within 2 weeks from the date of this deferral record. Council is requested to update its assessment within 2 weeks of the receipt of revised information. The addendum report is to outline the changes between the original plans in support of the application as against the amended plans for which leave has been sought to file in the Land and Environment Court deemed refusal proceedings.

The Panel also specifically asked for advice as to whether the application meets the statutory requirements to constitute an affordable housing development within the meaning of Division 5 of the Housing SEPP, so as to attract the floor space ratio bonus allowed for in the instrument.

Finally, the Panel discussed the lift overrun non-compliances and the purported FSR non-compliance. The Panel requires clear advice in the addendum report on how FSR has been calculated and where the differences lie in order for the Panel to form a view about the Applicant's position as against the Council's position.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
<div>Justin Doyle (Chair)</div> <div></div>	<div>David Kitto</div> <div></div>
<div>Louise Camenzuli</div> <div></div>	<div>Karress Rhodes</div> <div></div>

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-251 – Liverpool – DA-257/2022
2	PROPOSED DEVELOPMENT	The Construction of 6 Residential Flat Buildings and the construction 2 Shop top housing developments, containing a total of 219 apartments. Construction of a Centre based Child Care Centre above 2 basements for 93 children.
3	STREET ADDRESS	225 Croatia Avenue, Edmondson Park
4	APPLICANT/OWNER	Applicant: KRV Investments Pty Limited Owner: Ivo Doriguzzi & Louella Madeline Doriguzzi
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 (Housing) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy No 65 - Design Quality for Residential Apartments State Environmental Planning Policy (Transport and Infrastructure) 2021 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 Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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: 24 April 2023 Clause 4.6 Variations- Clause 4.3 – Height of Buildings – 4.6 variation provided but insufficient Clause 4.4 – Floor Space Ratio – No 4.6 variation submitted with the application Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 11 July 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), <u>Council assessment staff</u>: Kevin Kim, Michael Oliveira, Rachel King, William Attard, Peter Oriehov, Rachel King <u>Applicant representatives</u>: Paul Soloman, Vandana Vandana Site inspection: 17 April 2023 – Edmondson Park <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto <u>Council assessment staff</u>: Nabil Alaeddine Final briefing to discuss council's recommendation: 24 April 2023

		<ul style="list-style-type: none">○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Karress Rhodes○ <u>Council assessment staff</u>: Nabil Alaeddine, Amanda Merchant, Michael Oliviero, William Attard
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not Applicable