

KRV INVESTMENTS PTY LTD
137 GILBA RD
GIRRAWEE NSW 2145

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

(In accordance with the provisions under Section 4.16 of the EP&A Act 1979)

Pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, Council has refused Development Application DA-267/2022, described as follows:

APPLICANT:	KRV INVESTMENTS PTY LTD
LAND:	225 CROATIA AVENUE, EDMONDSON PARK NSW 2174
	LOT 20 DP 1228502
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.
DETERMINATION:	Delegated Authority, Sydney Western City Planning Panel at its meeting of 24 July 2023
DATE OF DETERMINATION:	Pending Meeting
ATTACHMENTS:	Reasons for Refusal

REASONS FOR REFUSAL

1. The proposed development is considered inconsistent with the objectives of the Local in-fill affordable housing as per Chapter 2 - Affordable Housing, of the State Environmental Planning Policy (Housing) 2021, Division 1, Clause 16 - Development to which Division applies, Clause 17 Floor Space Ratio, Clause 18 – Non-discretionary development standards-the Act 4.15, and Clause 19 Design requirements, pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the development
2. The proposed development is considered inconsistent with the objectives of Clause 4.3(1) – Height of buildings, Part 4 as per the Liverpool Local Environmental Policy 2008 (LLEP 2008), pursuant Sections 4.15(1)(a)(i), 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c).
3. Insufficient information has been submitted with the proposed development in order to satisfy the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4 – Remediation of land, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

4. The proposed development is considered inconsistent with the objectives of the State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development), pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
5. The proposed development is considered inconsistent with the objectives of Clause 4.6 – Exceptions to development standards, Part 4 as per the Liverpool Local Environmental Policy 2008 (LLEP 2008) pursuant Sections 4.15(1)(a)(i), 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) as insufficient information has been provided which demonstrates in particular 4.6(1)(b) and 4.6(4), pursuant Sections 4.15(1)(a)(i), 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c).
6. Insufficient information has been submitted to allow Council to carry out a full and proper assessment of the application. In this regard, an inadequate response has been received to Council's requests for additional information pursuant to Section 4.15(1)(a)(iv), 4.15(1)(b), 4.15(1)(c) and 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
7. The proposed development is considered inconsistent with the objectives of the R1 General Residential as per Liverpool Local Environmental Policy 2008 (LLEP 2008), as insufficient information has been provided which demonstrates in particular *to provide for a variety of housing types and densities, to ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities and to facilitate development of social and community infrastructure to meet the needs of future residents* pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
8. The proposed development is considered inconsistent with the objectives of the R3 General Residential as per Liverpool Local Environmental Policy 2008 (LLEP 2008), as insufficient information has been provided which demonstrates in particular *to provide a variety of housing types within a medium density residential environment, To provide for a suitable visual transition between high density residential areas and lower density areas and To ensure that a high level of residential amenity is achieved and maintained* pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
9. Insufficient information has been submitted with the proposed development in order to satisfy the provisions of State Environmental Planning Policy – Biodiversity and Conservation 2021, Chapter 11 – Georges River and its tributaries, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
10. Insufficient information has been provided to demonstrate that the proposed development would not have an adverse impact on the built environment and natural environment and would not have adverse social impacts, pursuant to Sections 4.15(1)(a)(iv), 4.15(1)(b) and 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
11. Insufficient information has been provided to demonstrate that the site would be suitable for the proposed development, pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.



12. The proposed development is not considered to be acceptable having regard to the concerns raised from internal referrals within Council and external no General Terms of Approval issued by the NSW Rural Fire Service, pursuant to the provisions of Clause 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
13. The proposed development is not considered to be acceptable having regard to the concerns raised from community submissions, pursuant to the provisions of Clause 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
14. It is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development is therefore not in the public interest, pursuant to provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

ADVISORY NOTES

- a) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).

An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.

- a) Section 8.7 and 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.

If you have any further enquiries, please contact Nabil Alaeddine on the abovementioned contact details.

Yours faithfully

Michael Oliveiro
Coordinator
DEVELOPMENT ASSESSMENT



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