

DATE OF DETERMINATION	3 August 2023
DATE OF PANEL DECISION	1 August 2023
DATE OF PANEL BRIEFING	24 July 2023
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Karress Rhodes
APOLOGIES	Ned Mannoun
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 18 July 2023.

MATTER DETERMINED

PPSSWC-251 – Liverpool – DA-267/2022 – 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.

PANEL CONSIDERATION AND DECISION

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

Development application

The Panel determined to refuse 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 refuse the application for the reasons outlined in the Council Assessment Report.





In particular, the Panel concluded that:

- The development and the insufficient information provided to support it, are inconsistent with the relevant objectives and requirements of several environmental planning instruments, including:
 - State Environmental Planning Policy (Housing) 2021
 - State Environmental Planning Policy (Biodiversity and Conservation) 2021
 - State Environmental Planning Policy (Resilience and Hazards) 2021
 - State Environmental Planning Policy (Transport & Infrastructure) 2021
 - Liverpool Local Environmental Plan 2008
- Of particular concern, the DA proposal does not adequately respond to State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the associated Apartment Design Guide in several respects including solar access, ventilation, privacy (acoustic and visual) and general internal amenity. It has been assessed by Council assessment staff to fail the design quality principles of SEPP 65 insofar as they apply to context and neighbourhood character, built form, scale, density, sustainability, deep soil and landscaping, amenity, and safety.

- Insufficient information has been provided to enable a proper evaluation of key mandatory requirements, including the relevant integrated development requirements as well as the economic, social and environmental impacts of the development.
- The proposal does not sufficiently address mitigation of bushfire risk.
- Having regard to the matters raised above the development lacks planning merit and is not in the public interest.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the matters raised in the submission objecting to the development application and noted that these issues were similar to the Panel's concerns and reasons for refusing the development application.

PANEL MEMBERS	
Justin Doyle (Chair) 	David Kitto 
Louise Camenzuli 	Karress Rhodes 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-251 – Liverpool – DA-267/2022
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 No. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport & 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: 17 July 2023 Clause 4.6 Variations- Clause 4.3 – Height of Buildings – Clause 4.4 – Floor Space Ratio 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

		<ul style="list-style-type: none"> • Briefing: 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 • Briefing Deferral: 22 May 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 • Final briefing to discuss council's recommendation: 24 July 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 ○ <u>Applicant representatives</u>: The applicant declined the invitation to attend the briefing.
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A