

DATE OF DETERMINATION	20 October 2025
DATE OF PANEL DECISION	20 October 2025
DATE OF PANEL BRIEFING	13 October 2025
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Louise Camenzuli, Stuart Mangleson, Anthony Krilich
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 16 October 2025.

MATTER DETERMINED

PPSSWC-557 – Liverpool – DA-240/2025 at 234 Edmondson Avenue, Austral – Construction of a child care facility at 234 Edmondson Avenue, Austral. The development is to accommodate a three storey building accommodating a total of 140 child care places with parking for 36 vehicles within a basement level.

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 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 which have been summarised below:

Following consideration of the matters under Section 4.15 (1) of the EP&A Act and an assessment of the relevant planning controls, issues raised in submissions and the key issues identified in the Council's Assessment Report, it is considered that the application cannot be supported in its current form. Further, the Panel notes that the Applicant has commenced a deemed refusal appeal and the Statement of Facts and Contentions filed in the proceedings provides further particulars leading to the refusal.

In determining the application, the Panel notes that a number of the reasons for refusal arise as a consequence of insufficient information, which may be capable of resolution on provision of additional information as set out in the Council's RFI dated 1 August 2025.

At the Panel meeting on Monday, 13 October 2025, which the Applicant did not attend, the Council drew to the Panel's attention that:

(a) the RFS referral fee has not been paid;

In this regard, the Council shared the following screen shot from the planning portal:



Dear Neda

Due to non-payment of the fee, your request for NSW Government agency consideration of an application DA-240/2025 at 234 EDMONDSON AVENUE AUSTRAL 2179 has not progressed. Council can refuse to process an application as per Part 15, Division 1 Clause 256 of the Environmental Planning and Assessment Regulation, if fees are not paid.

The request, reference number CNR-82637, was submitted through the [NSW Planning Portal](#) NSW Planning Portal.

Please log into the [Planning Portal](#) to check the fee estimate and make payment. The application cannot be considered by the relevant agency until the fee is paid in full.

Council advises that the non-payment of the fee has been raised with the Applicant in correspondence without success.

and

(b) no explanation has been provided by the Applicant as to why the preferable, previously approved, vehicular access to the site along the northern boundary, is sought to be varied. Council advises that the proposed location will conflict with the adjacent pedestrian crossing and says that again the issue has been raised with the Applicant with no sufficient response.

There are also numerous other design, traffic and parking related issues, along with further information in relation to the environmental condition of the land, that need to be addressed, as set out in detail in Council's Assessment Report.

The Applicant did not attend the determination briefing without explanation despite being invited. There seems no utility therefore in adjourning determination of the above matters for resolution.

For these reasons, along with the Applicant's outstanding response to the Council's RFI, deferral of the determination of the application is not considered warranted.

The Panel understands that following the commencement of deemed refusal appeal proceedings, a section 34 conference has been set down for December, and hopes that affords the opportunity for resolution of the merit issues outstanding with the DA as outlined in the assessment report.

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) 	David Kitto 
Louise Camenzuli 	Stuart Mangleson 
Anthony Krilich 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-557 – Liverpool – DA-240/2025
2	PROPOSED DEVELOPMENT	Construction of a child care facility at 234 Edmondson Avenue, Austral. The development is to accommodate a three storey building accommodating a total of 140 child care places with parking for 36 vehicles within a basement level.
3	STREET ADDRESS	234 Edmondson Avenue, Austral
4	APPLICANT/OWNER	Applicant: Baini Design Pty Ltd Owner: P R Holdings (NSW) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private Infrastructure and Community Facilities >\$5M
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Precincts – Western City Parkland) 2021 - Liverpool Local Environmental Plan 2008 - Draft environmental planning instruments: Nil - Development control plans: - Liverpool Growth Centre Precincts Development Control Plan 2021 - 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	- Council Assessment Report: 2 September 2025 - Written submissions during public exhibition: Zero (0) - Total number of unique submissions received by way of objection: Zero (0)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Final briefing to discuss council's recommendation: 13th October 2025 <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Stuart Mangleson, Anthony Krilich <u>Council assessment staff</u>: Nabil Alaeddine, Emily Lawson, Amanda Merchant <u>Applicant representatives</u>: Neda Shamsi
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the Council Assessment Report