



COUNCIL ASSESSMENT REPORT – DEVELOPMENT APPLICATION

SYDNEY WESTERN CITY PLANNING PANEL

SWCPP No	PPSSWC-278
DA Number	DA-855/2022
Local Government Area	Liverpool City Council
Proposed Development	<p>Construction of 2 residential flat buildings, each containing a podium and 2 towers, comprising 40 terrace houses within the podiums and 266 apartment style units within the towers configured as follows</p> <ul style="list-style-type: none"> - 37 x 1 bedroom dwellings; - 154 x 2 bedroom dwellings; - 65 x 3 bedroom dwellings; and - 9 x 4 bed dwellings - 1 x 5 bedroom - 1 x retail unit <p>Car parking for 398 vehicles, including 27 accessible spaces and 1 loading dock with turntable across 1 x basement level per podium and sleeve parking within each podium itself.</p> <ul style="list-style-type: none"> - Allowance for 20 motorcycle spaces and 266 bicycle parking spaces. <p>Landscaping and public domain improvements to the Site, podiums, and interface with Maxwells Creek Riparian Corridor.</p> <ul style="list-style-type: none"> - Provision of utilities and services. <p>The application is identified as Nominated Integrated Development under the Water Management Act 2000, requiring approval from DPI Water</p>
Street Address	LOT 3 FAULKNER WAY, EDMONDSON PARK NSW 2174
Owner	Landcom

Date of DA Lodgement	8 August 2022
Applicant	UPG Edmondson Parkland Pty Ltd
Number of Submissions	Two
Cost of Works (exc GST)	\$95,161,530
Regional Development Criteria pursuant to Clause 2 of Schedule 6 of the SEPP (Planning Systems) 2021	Development that has an estimated development cost of more than \$30 million.
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • <i>List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)</i> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021;</i> • <i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development 2002;</i> • <i>State Environmental Planning Policy (Planning Systems) 2021;</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021;</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021;</i> • <i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Appendix 1, Edmondson Park South Site.</i> • <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: Section 4.15(1)(a)(ii)</i> <ul style="list-style-type: none"> • <i>N/A</i> • <i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i> <ul style="list-style-type: none"> • <i>Landcom Town Centre North Design Guidelines – prepared by Willow Tree Planning October 2024 (MOD 5).</i> <p>It is noted that the Edmondson Park South Development Control Plan (2012) and Liverpool Development Control Plan 2008 do not apply to land subject of these Design Guidelines.</p> • <i>List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: Section 4.15(1)(a)(iiia). However, contributions will be charged as per section 1.8 in the Minister Approval, dated 14 February 2025.</i>

	<ul style="list-style-type: none"> List any relevant regulations: 4.15(1)(a)(iv) Environmental Planning & Assessment Regulation 2021
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> 1) Recommended Conditions of Consent – 148055.2025 2) Tables of Compliance Assessment – 148054.2025 3) Architectural Plans – 094714.2025 4) Landscape Plans – 203274.2024 5) Landscape Report – 203273.2024 6) Survey Plan – 203277.2024 7) Clause 4.6 Height of Building Request - 126550.2025 8) Statement of Environmental Effects – 262627.2022 9) Design Verification Statement – 262603.2022 10) Pre-DA DEP Minutes 12 May 2022 – 262625.2022 11) DEP Minutes 9 March 2023 – 101130.2023 12) DEP Minutes 11 April 2024 – 139721.2024 13) Access Report – 262571.2022 14) Acoustic Report – 262572.2022 15) BASIX Certificate – 262599.2022 16) Bushfire Report – 262601.2022 17) Flood Planning Certificate – 262612.2022 18) Pedestrian Wind Assessment – 262613.2022 19) Statement of Commitments – 262626.2022 20) Traffic Report – 262640.2022 21) Environmental Site Investigation – 262642.2022 22) Operational Waste Management Plan – 203276.2024 23) Social Impact Assessment – 203278.2024
Recommendation	Deferred Commencement Approval subject to conditions
Report by	Nabil Alaeddine

Summary of Section 4.15 matters Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? <i>*Note: Variations to Development Standards under the appropriate SEPP are made under Clause 28 of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021*</i>	Yes
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.11)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Yes
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes, pending response

1 EXECUTIVE SUMMARY

1.1 Reasons for the report

Pursuant to Part 2.4, Clause 2.20 of the State Environmental Planning Policy (Planning Systems) 2021, the Sydney Western City Planning Panel is the determining body as the development is specified in Schedule 6 by reference to a minimum estimated development cost. The development has an estimated development cost of more than \$30 million pursuant to Clause 2 of Schedule 6 of the SEPP (Planning Systems) 2021.

1.2 The Proposal

Proposed construction of:

- Two residential flat buildings, each containing a podium and 2 towers, comprising 266 dwellings in total including:
 - 37 x 1 bedroom dwellings;
 - 154 x 2 bedroom dwellings;
 - 65 x 3 bedroom dwellings;
 - 9 x 4 bed dwellings;
 - 1 x 5 bedroom; and
 - 1 x retail unit.
- Car parking for 398 vehicles, including 27 accessible spaces and 1 loading dock with turntable across 1 x basement level per podium and sleeve parking within each podium itself.
- Allowance for 20 motorcycle spaces and 266 bicycle parking spaces.
- Landscaping and public domain improvements to the site, podiums, and interface with Maxwells Creek Riparian Corridor.
- Provision of utilities and services.

1.3 The site

The site is located at Site 5, within Precinct 9, of the Landcom Town Centre North of the Edmondson Park South Concept Plan. The site is located within a sub-precinct that is known as the 'Maxwells Creek Precinct' under the Concept Plan.

The subject development site is located on a lot created by the parent subdivision approved under DA-386/2021 in which two lots (part Lot 101 DP1275550 and Lot 3 DP1257105) were subdivided into eight lots. Lot eight of the parent subdivision forms part of the subject application.

The subject site is identified as Lot 8 in DP1275478 and has a total area of 1.209ha (12,090m²).

1.4 The issues

It is considered that the key issues associated with the development application are:

1. The Masterplan and Developer Contributions

Modification 5 (MP10_0118 MOD 5), recently approved by the Minister of the Department of Planning, Housing and Infrastructure (DPHI), seeks a range of amendments to the Concept Plan which relate to the Edmondson Park Town Centre north and affect the subject site.

Mod 5 has been in the works for some time. At lodgement of this application, the developer advised that promises were made by Landcom, from which the land was purchased, that Mod 5 be resolved with Liverpool City Council. Unfortunately, this was not the case, and additional significant time was added to the assessment of the application. The new landowner, Urban Property Group (UPG), proceeded with lodging the application. Notwithstanding, the Minister approved Mod on 14 February 2025, but imposed a 12-month timeframe for Landcom and Liverpool City Council to finalise the planning agreement for payment of contributions.

This application has been assessed in line with Mod 5 and the Minister's approval date 14 February 2025 (Attached as Attachment 2).

2. Access to TfNSW Land

- The site is located directly north of the Cumberland Line heavy rail corridor. TfNSW (Sydney Trains) has requested that the existing Access Gate, located in the south-eastern corner of the site, shall not be blocked at any stage, and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities be made available. Relevant conditions of consent have been imposed requiring the incorporation of a Local Road, in accordance with the Concept Plan, be introduced in lieu of a service road along the eastern boundary to accommodate egress to the Access Gate.
- While the Design Excellence Panel (DEP) has provided its support for the application it is noted that several of the additional recommendations remain partially unresolved. Conditions of consent have been imposed requiring the applicant to address the issues of privacy and safety to ground floor and podium level apartments, landscaping to the eastern Maxwell Creek area and the dispersion of deep soil area.

3. 4.6 Variation to the Height of Buildings (HOB).

- Appendix 1 Clause 18 of the SEPP prescribes a 15-metre height control applying to the site. MP10_0118 "Mod 5" was approved on 14 February 2025, in which an increased maximum building height of 28-metres is permitted. Notwithstanding, the proposed development application exceeds the maximum height. These breaches are generally limited to the lift overrun and articulating roof or parapet features.

Appendix 1 Clause 28 requires that the applicant demonstrate that compliance with this development standard is unreasonable or unnecessary in the circumstance, and

there are sufficient environmental planning grounds to justify to contravention of the development standard.

- The land directly east of the site forms part of the Maxwell Creek riparian corridor and is identified as Bushfire Prone Land. The Department of Planning and Environment-Water and NSW Rural Fire Services have provided General Terms of Approval.
- The land west of the site is the site of a proposed future Primary School (SSD-10224), the Department of Education (Schools Infrastructure NSW) has raised a number of recommendations that have largely been addressed.

These issues are considered through the application assessment process, and the proposed development in its current form is generally considered to be wholly consistent with the controls, and the future desired character of the site.

1.5 Exhibition of the proposal

The development application was advertised from 11 October to 14 November 2022 in accordance with the Liverpool Community Participation Plan 2019. Two submissions were received for the proposal. Discussion pertaining to the concerns raised in the submission are provided further in this report.

1.6 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act (EP&A Act) 1979. Based on the assessment of the application it is recommended that the application be approved, subject to the recommended conditions of consent.

2 SITE DESCRIPTION AND LOCALITY

2.1 The site

The site is referred to as Edmondson Park Town Centre North (Precinct 9), within the Landcom Town Centre North of the Edmondson Park South Concept Plan (see Figure 2). The subject lot is 12,090m² in area.

The site is zoned R1 General Residential under State Environmental Planning Policy (Precincts—Western Parkland City) 2021.

The site is bordered by Buchan Avenue to the north, a local road to the west referred to as Faulkner Way (East Road DA-1073/2021), a proposed local road to the east, a proposed service road to the south, and a rail corridor to the south. The land west of the site is the site of a proposed future Primary School (SSD-10224), while land directly east of the site forms part of the Maxwell Creek riparian corridor.

The land proposed for development is currently cleared. Previously approved development applications (DA-504/2021 & DA-472/2018) have facilitated for earthworks and the removal of trees and vegetation. No buildings are located on the subject site.



Figure 1: Aerial view of subject site

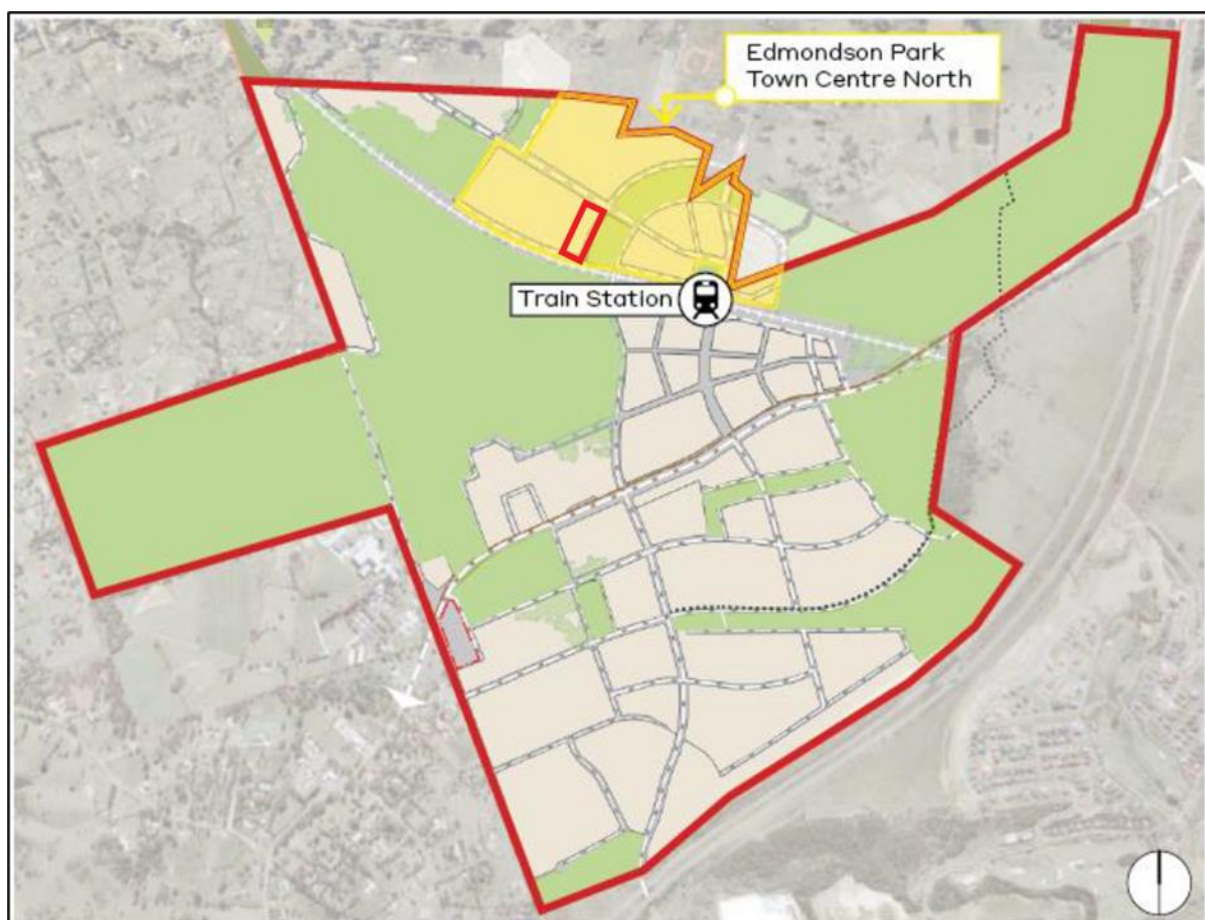


Figure 2: Precinct 9 / Site 5 of Edmondson Park South

2.2 The locality

The site is located in the Edmondson Park South Precinct within 100m of the Edmondson Park Town Centre and 300m from the Edmondson Park Train Station. The surrounding area is undergoing development as part of the South West Growth Area, with the surrounding areas zoned for residential, mixed-use open space, and regional park uses.

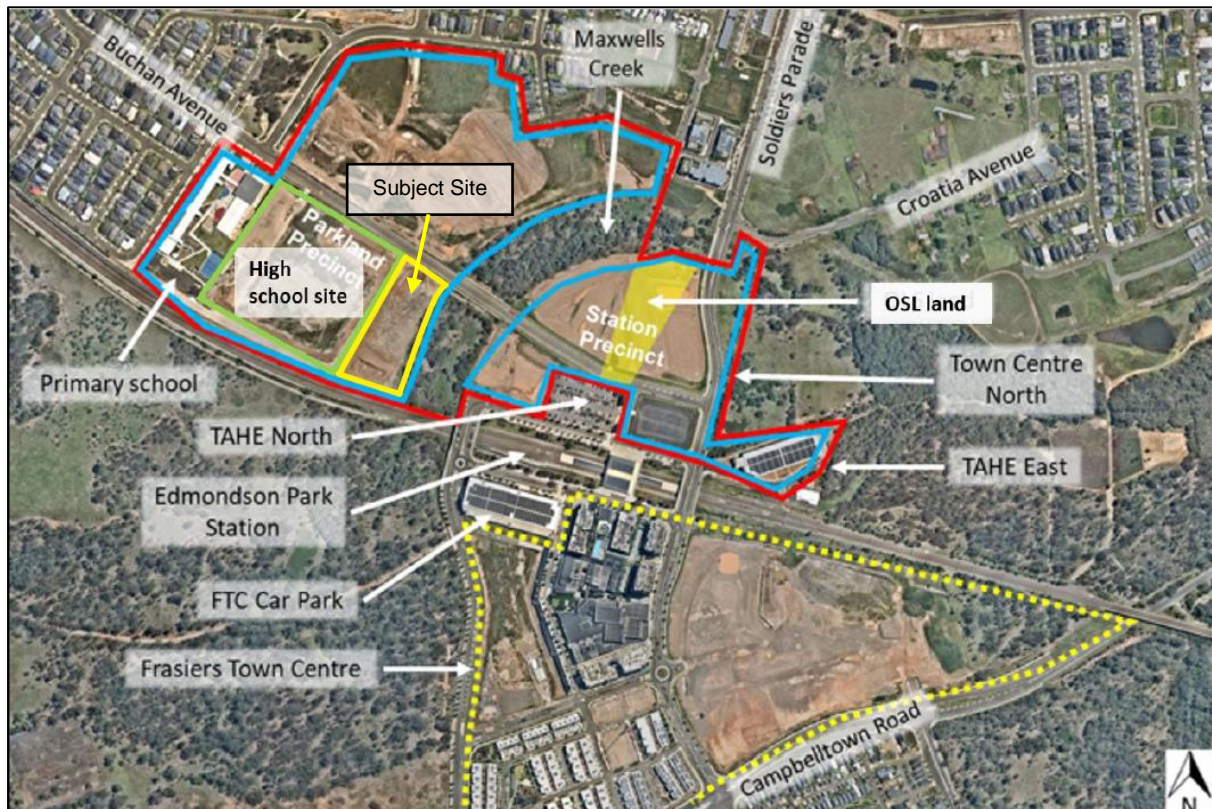


Figure 3: Subject site (outlined in yellow) within the surrounding context.

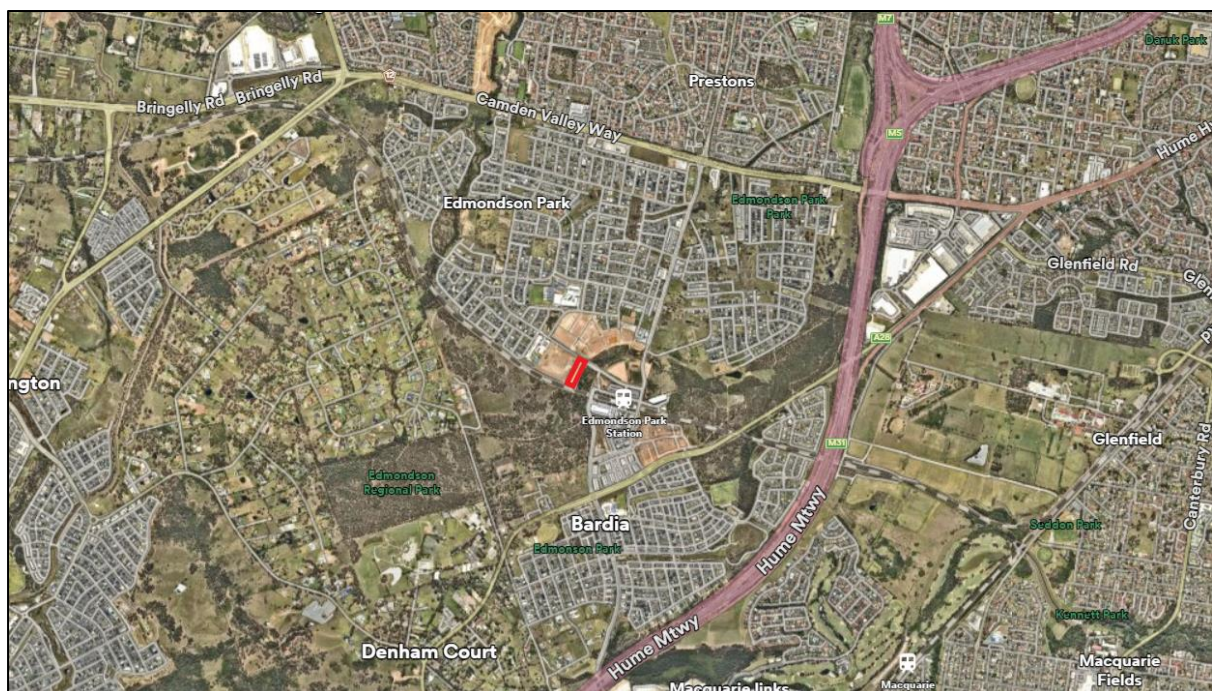


Figure 4: Subject site (outlined in red) within the surrounding context.

The suburb of Edmondson Park is bound by Camden Valley Way to the north (approximately 2km north of the subject site), which is an arterial roadway running east-west as shown in Figure 4. To the west it is bound by the border line with the suburb of Denham Court, which is approximately 1km from the subject site. It is bound by Campbelltown Road to the south which adjoins the subject site and is bound by M5 Motorway to the east, which is approximately 1.5km from the subject site.

Edmondson Park is located outside of the South West Growth Centre, as per the State Environmental Planning Policy (Precincts—Western Parkland City) 2021. The suburb is approximately 40km southwest of the Sydney CBD and is located approximately 9km southwest of Liverpool city centre, as seen in the following figure.

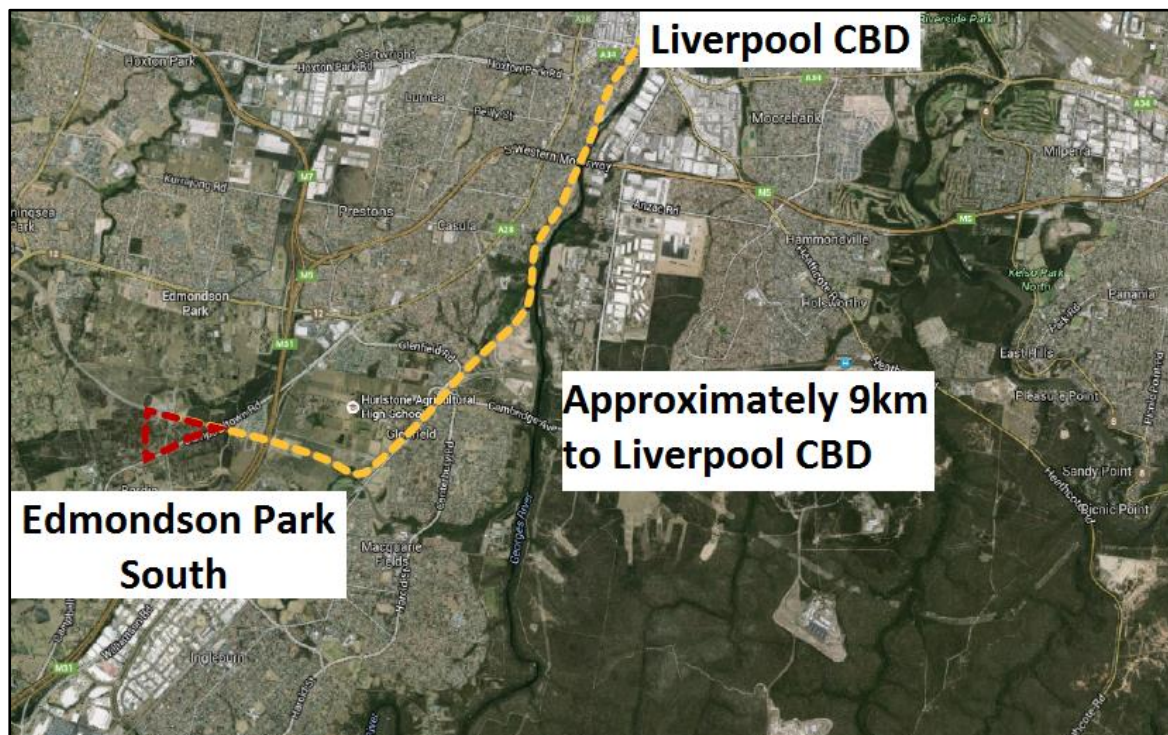


Figure 5: Edmondson Park South (outlined in red dashed line) with road route to Liverpool CBD in yellow dashed line.

2.3 Site affectations

The site has the following affectations:

- The site is within 40m of a waterway and has been referred to DPE - Water.
- The site is identified as Bushfire prone land and has been referred to RFS.
- The development includes excavation within 25m of a Sydney Train asset and has been referred to TfNSW.

3 BACKGROUND

3.1 Site Background and History

- The site is subject to the Edmondson Park South Concept Plan approval.

- Modification 5 to the Concept Plan was determined on 14 February 2025.
- Vegetation clearing approved under DA-472/2018.
- Torrens title subdivision approved under DA-386/2021.
- Bulk earthworks approved under DA-504/2021.
- Surrounding roads and civil works approved under DA-1073/2021.

3.2 Design Excellence Panel (DEP) Briefing

Two briefings have been held with the Design Excellence Panel for the subject application. A summary of the comments from the two briefing sessions are found in the tables below.

DEP Recommendation 9 March 2023	DEP Recommendation 11 April 2024	Current Proposal / Council Comment
4.1 Context		
<i>a) The Panel believe that the APZ setback should be provided as a public street, and that its width and geometry should be a direct continuation of the existing crescent street north of Buchan Ave. Furthermore it is the belief of The Panel that the crescent street should connect with the planned public street at the southern end of the site along the railway that in-turn connects to the approved street provided by the school.</i>	<i>a) The Panel supports the removal of the gates to the APZ zone and service road, turning this area into a publicly accessible street. The continuation of the service road along the rail corridor and connecting to Faulkner Way adjacent to the school is supported.</i>	<p>Acceptable Following consultation with TfNSW (Sydney Trains) and in accordance with the Concept Plan a local road is proposed in lieu of a service road along the eastern boundary.</p> <p>This local road ensures access is maintained to the Sydney Trains Access Gate, while accommodating a publicly accessible street for residents.</p> <p>The local road continues as a service road along the southern boundary, connecting to Faulkner Way.</p> <p>The eastern service road that continues along the southern rail corridor, connecting to Faulkner Way, has been conditioned to be redesigned as a local road in conjunction with the masterplan and forms part of the deferred conditions of consent.</p>
<i>b) The Panel notes that the proposed development is in close proximity to the rail corridor (i.e., along the southern boundary). The Panel recommends that the applicant reconsider the interface with the rail corridor and demonstrate compliance /</i>	<i>b) The Panel commends the increased setback along the railway corridor and continuation of the service road to Faulkner Way. The high-quality public domain and pedestrian footpath is positive, however improved landscaping, trees and deep soil provision is needed to achieve</i>	<p>Acceptable The setback to the rail corridor has been increased to 7.747m at ground and 10m at upper levels (in lieu of 5.5m). However this is not sufficient as it does not align with the local road,</p>

<p><i>design excellence along the southern frontage. The applicant should consider a wider setback with public access along the rail corridor that connects to the road along the school boundary. The Panel would encourage the applicant to consider an alternative approach for building height along the southern boundary that enables a better interface</i></p>	<p><i>design excellence as detailed in the following point.</i></p> <p><i>The next iteration should demonstrate the resolution of the two-storey podium treatment to the east with the southern façade along the rail corridor. The Panel notes that an alternative approach to the building height was requested at the previous meeting.</i></p>	<p>required under the master plan. As noted previously, deferred commencement conditions have been imposed requiring amendments to the proposal to align with the masterplan.</p> <p>The increased setback has allowed additional deep soil to a 1m soil depth. An amended Landscape report demonstrates the introduction of a paved shared zone 4.4m wide diverse planting palette with screening plants and canopy trees to soften the interface to the railway corridor. Brick edges to planters provide texture and fine grain material changes, while threshold paving changes signify entry into shared zones. The paving differs from that of the APZ road corridor.</p> <p>A condition of consent would be imposed ensuring that publicly accessible pedestrian connection between Faulkner Way through to the Maxwell Creek Corridor is achieved.</p> <p>The podium level is suitably differentiated from the tower levels above through changes in materiality, particularly that of the three-pane windows, however the updated elevation of the eastern façade is required and has been conditioned.</p>
<p><i>c) The Panel notes that the public domain interface along the railway line would be a critical aspect for this development. The Panel recommends the applicant to provide a public access along the rail corridor and seek concurrence from TfNSW in terms of setback requirements. Prepare details regarding the quality of public</i></p>	<p><i>c) The applicant has provided public access along the rail corridor and high-quality public domain design in response to the previous DEP recommendation, however there is minimal deep soil within the site boundary resulting in little opportunity for substantial vegetation growth. Large trees and generous landscaping will complement the built form,</i></p>	<p>Acceptable</p> <p>The increased setback has allowed additional deep soil to a 1m soil depth without requiring the reduction in basement area. As demonstrated in the provided Landscape report diverse planting palette with screening plants and canopy trees to soften the interface to the railway</p>

domain being proposed along the southern boundary.	improve bulk and scale and the transition to the railway corridor interface. The Panel recommends the basement footprint be adjusted to incorporate larger volumes of deep soil, landscaping and several large 'street-tree' type trees introduced. This may result in the loss of several car spaces however adds significant amenity, sustainability and value to the long-term success of the development.	<p>corridor has been introduced. Canopy trees are also proposed in large planters adjacent to the private terraces.</p> <p>The site meets ADG part 3E requirements. 1321m² or 10.9% deep soil is proposed on the site. Additional smaller pockets of deep soil of depth up to 1m are provided throughout the site, totalling a further 1800m².</p> <p>It is noted that the provided deep soil calculations rely on podium level planting. A condition of consent would be imposed requiring podium communal spaces to provide sufficient soil depth to support the landscaping being indicated. A minimum soil depth of 1.2m must be provided for podium planting to compensate for the loss of true deep soil area. Given the limited Deep soil area on-site, on-structure planting with a minimum soil depth of 1.2m will be acceptable, as it supports the successful growth of large trees (12m+).</p>
d) The Panel requires the applicant to ensure that all terraces and ground floor units have legibility and should address the street particularly from the green space/ preferred street along APZ. The Panel requires the applicant to prepare a detailed signage and wayfinding strategy with consideration given to the location for mailboxes and deliveries.	<p>d) It is noted the wayfinding, signage and mailboxes strategy are to be provided in the DA package.</p> <p>NB: The access to the APZ from the townhouses should be further illustrated to demonstrate that the proposed stairs are workable, particularly Buildings D & C.</p>	<p>Complies with condition A wayfinding and signage strategy will form part of the conditions of consent</p> <p>Additional sections demonstrating that the proposed stairs are workable would form a condition of consent if approved.</p>
	e) Further to point c) above, the quantum of deep soil throughout the entire site is inadequate, particularly along the boundary edges. The development is relying on the	<p>Acceptable As noted in point c) above, deep soil to the southern boundary has been improved, and the addition of smaller pockets of deep</p>

	<p><i>street trees outside the site only for substantial landscaping and tree canopy in the frontages which is unacceptable for the character of Edmondson Park. The Panel strongly recommends the applicant seek opportunities along each interface to increase deep soil volume, incorporate large trees, facilitate foliage to be able to grow to substantial volumes and trees to mature heights. For example, introducing regularly spaced and informally placed street trees within the site boundary along Faulkner Avenue and Buchan St would significantly improve the street elevation, and assist in reducing the urban heat island effect.</i></p>	<p>soil of depth up to 1m are provided throughout the site, totalling a further 1800m².</p> <p>This will form part of the condition of consent requiring an updated landscape plan with appropriate soil depth on the podium and amended land use and public domain plans to align with the requested amendments to the road layout.</p>
4.2. Built Form + Scale		
<p><i>a) The Panel appreciates the high quality of documentation provided and commends the calibre of the developer and architects. The Panel recommends if additional architects within the existing team could review, for example the materiality, in order to reduce homogeneity and increase diversity within the towers.</i></p>	<p><i>a) The Panel appreciates the comprehensive presentation and quality material clearly conveying the scheme's development and how the previous DEP comments have been addressed. The design has progressed positively, with more refinement and design resolution. The façade approach has significantly improved, incorporating greater variety and diversity while maintaining key design concepts. The new perspectives presented at the meeting improve the understanding of the "form diversity" diagrams provided in the submission to the Panel prior to the DEP meeting. The presentation package needs to be updated with these perspectives.</i></p>	<p>Complies</p> <p>Amended perspectives provided as part of the Architectural Set, Revision 2, dated 07/06/2024.</p>
<p><i>b) The Panel raises concern regarding the re-entrant corners for Building B and Building C. Consider improving the corner layout for Building C and redesign the re-entrant corner for Building B. The proposed splay windows for Building B are negatively impacting the amenity of the bedrooms. Consider adjusting the articulation for Building B along the lightwell and review</i></p>	<p><i>b) The Panel is supportive of the improvements to the unit layouts to address the re-entrant corners. The proposed solution to the re-entrant windows of Building B would be more acceptable if the void were wider, which could be achieved by changing the two-bed unit to a one-bed unit. The revised scheme drawings for typical floors issued to the DEP on 10/04/2024, do not show the amendment correctly on the</i></p>	<p>Acceptable</p> <p>The void of the bedroom re-entrant window to Unit B210 has been widened. The re-entrant window to the study has been replaced with a wall-based window.</p>

<i>the width of windows being provided for these units.</i>	<i>level 2 plan. All plans need to be updated.</i>	
<i>c) The Panel notes that several study spaces do not have windows. It is recommended that these study spaces are repositioned to provide external windows for an improved amenity / compliance with ADG. For other study spaces that are positioned too deep within the plan that cannot be repositioned with an external window, the Panel recommends that any enclosing walls and/or doors be removed and fixed joinery be added to remove conflict with the ADG habitable room controls.</i>	<i>c) The improvements to the studies including fixed joinery and removal of doors and wall nibs where appropriate is supported. The Panel notes no studies have been repositioned to gain external windows. The applicant is encouraged to investigate opportunities to reposition some of the studies to improve amenity and ADG compliance.</i>	Acceptable Study rooms have been repositioned where practicable, in order to utilise external windows.
<i>d) Detailed interface sections need to be prepared to demonstrate privacy for the bedrooms facing the street (especially along Buchan Ave).</i>	<i>d) The Panel appreciates several quality interface sections for the various different conditions throughout the development were provided; however privacy, safety and amenity concerns are evident such as eyelines from each side of the interfaces at similar level. Interface Solutions Scenario B, C, D, E are not acceptable and demonstrate a lack of privacy. The detailed interface section of Buchan Avenue provided illustrates a 1m level change, improving privacy for the bedrooms facing the street. The applicant is recommended to incorporate measures to improve defensibility and privacy, while still maintaining an appropriate level of sociability, through solid elements, balustrade design, layered vegetation and planter boxes. The applicant should similarly review all interface sections and depending on location apply suitable treatments to achieve an appropriate balance of privacy, defensibility and sociability. In areas with matching eyelines, the floor levels of the townhouses should be interrogated, to seek a more appropriate level change to address eyeline levels.</i>	Complies with condition Amended interface sections have been provided. While the terraces are typically elevated by at least 1m in accordance with figure 4L.4 of the ADG, no further amendment to Scenario B has been proposed with the eye level of passers by almost level with the occupants of the unit. Pursuant to 3C-1 of the ADG changes in level between private terraces and the street level must be designed to improve visual privacy. Pursuant to 3F-2 common areas and paths should be suitably separated from habitable room windows. While it is noted that planter boxes, vegetation, and level changes mitigate these concerns, additional privacy measures, including partially solid upstands, solid or visually opaque balustrade design, and additional planters to ground floor and podium level courtyards would be conditioned if consent were granted.
<i>e) The Panel recommends that the applicant reconsiders the design of the ground floor</i>	<i>e) The Panel supports the incorporation of the small corner retail shop. It is noted the</i>	Complies with condition Where possible the windows of ground floor

<i>bedrooms to improve its privacy / amenity, noting the noise concerns along Buchan Ave. The Panel notes that a provision of small corner shops along the interface with the school would be well suited to this space.</i>	<i>ground floor apartments have not been redesigned to avoid bedrooms on Buchan Avenue, however some of the amenity issues can be addressed in response to item d) above. The removal and relocation of some windows to the bedrooms on Buchan Avenue is an improvement to address noise concerns.</i>	units have been relocated so as to not face the Buchan Avenue, allowing natural sunlight while avoiding privacy issues. As identified in Interface Scenario C, the floor level of units facing Buchan Avenue (NP04, NP03, and NP02) are set 870mm above the street level. Solid upstands, solid or visually opaque balustrade design and additional planters would be conditioned to all impacted ground floor terraces to improve privacy.
<i>e) The Panel recommends that the proposed fence between the site and Maxwells Creek be removed, noting that a public space / access road has already been removed and pedestrians (particularly school students) would likely use this link to walk to school.</i>	<i>e) The applicant noted the fence between the development and Maxwell Creek is to remain until the creek is revitalised, and the removal of the fence is subject to Council approval. The Panel reiterates the opportunity this development presents to interact and enjoy the adjacent creek corridor and bushland, and strongly encourages the removal of the fence is pursued in the future.</i>	Noted
4.3 Density		
<i>a) The proposed density can be supported to successful incorporation of the comments raised as part of these minutes</i>	<i>NIL</i>	Noted
4.4 Sustainability		
<i>a) The Panel requires the applicant to consider WSUD initiatives as part of the proposal. Demonstrate the utilisation of water that will be accumulated on site and stored within the water tanks along the service road.</i>	<i>a) The Panel note WSUD initiatives and water tanks to be demonstrated as part of the DA submission.</i>	Complies with condition The submitted Landscape report notes that Stormwater will be collected on-site and stored within water tanks along the eastern road, to be utilised for irrigation purposes of landscape areas and reducing potable water consumption. A condition of consent would be imposed if consent were granted requiring these WSUD initiatives and water tanks to be demonstrated on plan as part of the landscape space. The increase to a 10m southern setback allows for

		<p>an avenue of native trees that will contribute to the urban greening strategy and overall canopy cover across the site. Planting will comprise of indigenous and non-indigenous species with low water demands and specifically chosen to minimise irrigation water requirements.</p> <p>This is reflective of the provided stormwater drainage plan provided.</p>
<p><i>b) The Panel recommends the applicant to consider additional sustainability initiatives (e.g., Photovoltaic (PV) panels, ceiling fans for habitable areas, double glazing for windows facing the street / rail corridor, etc.)</i></p>	<p><i>b) The provision of PV solar panels is supported. Additional sustainability initiatives such as ceiling fans and double glazing for windows as mentioned in the previous minutes still apply and are to be demonstrated in the DA submission.</i></p>	<p>Complies with condition Additional PV Solar panels are proposed.</p> <p>Additional sustainability initiative such as ceiling fans and double glazing to windows forms a condition of consent.</p>
4.5. Landscape		
<p><i>a) The Panel requires the applicant to provide an accessible toilet for the communal areas at podium level.</i></p>	<p><i>a) The introduction of the accessible amenities in the podium communal areas is The Panel requires the applicant to provide an accessible toilet for the communal areas at podium level.supported. The Panel notes that the community spaces on the podium do not appear to have adequate soil depth and spread shown in the sections, to support the proposed landscape. More detailed clarification is required.</i></p>	<p>Complies with condition An accessible WC has been incorporated within the northern and southern building Level 2 podium communal areas.</p> <p>Conditions have been imposed to demonstrate adequate soil depths to all for planting on the podium level.</p>
<p><i>b) The APZ zone needs to be designed and represented in context of the riparian corridor. Provide more uses as part of the Communal Open Space (COS) within the riparian zone. Consider embellishment to the adjoining riparian corridor as part of this DA set. Provide details of the interface with Maxwells creek including detailed sections of batter treatments, canopy trees and other built elements in this public realm. Consider removing the fence and/or provide gated access to Maxwell's creek. Consider more uses in this space such as interactive exercise</i></p>	<p><i>b) The Panel appreciates the drawings updated to illustrate greater surrounding context, public domain and interface with Maxwell Creek. The Communal Open Space landscape redesign demonstrates improvements and greater variety of types and quality of space proposed. The Panel acknowledges this is an APZ therefore subject to stringent bushfire requirements. However, the area is a substantial deep soil zone, at a critical and high value interface to the Maxwell Creek bushland, and the amount of vegetation and trees proposed is inadequate for the context. The applicant is encouraged to seek</i></p>	<p>Complies with condition As per the attached NSW Rural Fire Service recommendations land within the APZ, inner and outer protection zone (eastern interface with Maxwells Creek) must be managed in accordance with the requirements of Appendix 4 of <i>Planning for Bush Fire Protection 2019</i>. These requirements set out a range of constraints that will guide landscape design including but not limited to; maximum tree canopy cover, canopy separation, shrub and grass limitations.</p>

<p><i>equipment and a continuous pedestrian pathway / shared pathway that links the greater linear open space network in the precinct.</i></p>	<p><i>innovative solutions for a bushfire context to enable incorporation of more landscaping and substantial trees able to reach significant mature height.</i></p> <p><i>There are appropriate guidelines for APZs in the delivery of landscaped areas. These include non-continuous tree canopies and no planting under the tree canopies. Reference is to be made to the design of the adjacent Maxwell Creek bushland so that there is an integration of design ethos between the subject site and Maxwell Creek. This will then facilitate and inform the landscape design on the site, with a focus on the Maxwell Creek frontage.</i></p>	<p>A condition of consent would be imposed requiring an amended landscape design incorporating large street-tree plantings (mature height of 12m or greater) throughout the site, within the public frontages of Faulkner Avenue, Buchan Street, and the future APZ local street (within the property boundary) while taking into consideration PFBFP 2019 requirements.</p>
<p><i>c) It is the opinion of the Panel that the APZ / riparian zone should be accessible to the general public and not privatised through fencing and gates.</i></p>	<p><i>c) The Panel acknowledges this recommendation has been addressed.</i></p>	<p>Noted The fence between the development and Maxwell Creek must be removed when the creek is revitalised, subject to Council timing/approval.</p>
<p><i>d) The Panel recommend this zone be redesigned as an important human and ecological asset.</i></p>	<p><i>d) The Panel recommends greater landscaping and trees be incorporated as described in further detail in recommendation b) above.</i></p>	<p>Complies with condition Refer to item 4.5(b) above.</p>
	<p><i>e) The central accessway between Buildings B and C needs to be more clearly expressed as public space with CPTED guidelines incorporated.</i></p>	<p>Complies with condition The central accessway garden walk is clearly expressed via a paved garden walkway out to Faulkner Way with break out zones for seating.</p> <p>A condition of consent has been imposed requiring the garden walk to be publicly accessible through link open 24/7 with CPTED principles applied.</p> <p>CPTED principles are to be incorporated into the building prior to CC to ensure resident safety along the Garden Walk. A condition of consent would require the applicant must submit detailed documentation</p>

		demonstrating how CPTED principles are integrated throughout the development, including for the APZ, shared zones, and surrounding street frontages including adequate information on lighting strategies included throughout the site.
4.6. Amenity		
<i>a) The Panel notes that the applicant has prepared a solar analysis diagram, however, the Panel requires the applicant to prepare detailed sun-eye diagrams (at multiple intervals, and at a minimum 1-hour intervals between 09:00 – 15:00 for the Winter Solstice) to demonstrate compliance with solar requirements as per SEPP 65 ADG.</i>	<i>a) The Panel appreciates the applicant providing sun-eye diagrams demonstrating solar access compliance and will leave the detailed assessment of compliance to Council's Assessment Officer.</i>	Complies Amended solar access diagrams (A-DA-80-20) have been provided indicating that a total of 181 (70%) of units achieve a minimum of 2 hours of direct solar access in accordance with the ADG.
<i>b) The Panel questioned the public realm for the southern and northern building, on the podium level landscapes, and whether these are communal spaces. The Panel recommends that adding additional amenities be provided for the northern and southern building podium level communal spaces, to extend their use.</i>	<i>b) The Panel acknowledges additional amenities have been introduced to the podium communal spaces. Detailed sections are required, illustrating the resolution of the privacy interface issues of the podium communal spaces with the podium level apartments.</i>	Complies with condition Detailed sections illustrating the podium level interface with the podium level units have not been provided. Notwithstanding, plans illustrate a degree of privacy is provided through solid balustrades and separation via raised planter boxes. A condition of consent would have been imposed requiring detailed sections illustrating suitable privacy measures between podium level apartments and communal space.
<i>c) The Panel raises concerns regarding poor lighting/ventilation along the garden walk. The Panel requires the applicant to prepare additional cross sections to demonstrate the amenity for these spaces and recommends improving the overall wayfinding to alleviate some of these concerns.</i>	<i>c) The Panel notes the importance of the garden walk in bringing light and amenity into the development, good building separation and is supportive of the proposed lighting shown. The interface sections however illustrate similar eyelines, privacy and security issues.</i> <i>The applicant should review the design along the private and public domain interfaces, and provide updated sections demonstrating appropriate</i>	Complies with Condition Additional interface sections along the garden walkway have not been provided. As noted in item 4.2(d) above; while it is noted planter boxes, vegetation and level changes mitigate these concerns additional privacy measures such as partially solid balustrades to balconies at lower levels would be conditioned.

	<p><i>translucency, solidarity, landscape layering and levels to achieve a more appropriate sense of defensibility and security while also maintaining passive surveillance and social interaction.</i></p> <p><i>The Panel raise concerns of cross viewing issues between apartments directly facing each other. It is noted these are ADG compliant, however the applicant should investigate solutions to mitigate privacy issues, such as offsetting windows and privacy screens. The applicant is commended for increasing the building separation to 18m throughout the development since the original submission. The Panel notes that the separation between Building A and B is 12m. The ADG requires a separation of 18m for habitable room to habitable room separation. The applicant should investigate solutions to mitigate privacy issues, such as further offsetting windows, privacy screens, and or other devices, whilst still maintaining good amenity to the rooms affected.</i></p>	<p>Pursuant to the ADG Part 3F, 18m separation is required between Building A and B. The proposed separation distance between Building A and B is 12m.</p> <p>The separation between units A405 and B403 has been suitably addressed via the angled orientation of windows to B403 ensuring that views into neighbouring habitable rooms cannot occur.</p> <p>The separation between units A405 and B402 is considered suitable. The living room window of A405 has the potential to overlook the bedroom of B402, and a condition of consent requiring privacy screening in the form of translucent glass to A305, A405, A505, A605, and A705 would mitigate concerns. In this regard, a redesign of the apartments has been requested in the deferred commencement conditions, with these matters to be incorporated.</p>
	<p><i>The townhouses have a compromised entry and arrival experience. The entries from the street will be through a sliding door likely to be considered a back entry, whereas the front door to the townhouses is more likely from the car park side from a sometimes long closed corridor, without daylight. The Panel recommends the applicant improve the entry experience and amenity, and</i></p>	<p>Acceptable No further amendments have been made to the internal (front) entry corridors.</p> <p>Notwithstanding, it is appreciated that little in the way of providing daylight to the internal corridors can be achieved without significant redesign which may</p>

	<i>investigate methods to introduce daylight to the corridors. Building B needs more corridor daylighting near the lift area.</i>	compromise amenity elsewhere. It is considered that in accordance with object 3C-1 of the ADG transition between private and public domain is achieved without compromising safety and security.
4.7. Safety		
<i>a) The Panel requires the applicant to consider CPTED principles throughout the design of the precinct. Demonstrate all the safety and security provisions being considered as part of the development.</i>	<p><i>a) The Panel acknowledges the lighting proposed through the garden walk however recommends the applicant provide more supporting information on how CPTED principles have been addressed throughout the entire development, in order to address this recommendation.</i></p> <p><i>The methods of illumination of the public realm need to demonstrate the relevant CPTED principles, the proposed treatment of the walkway does not adequately illustrate how safety is achieved. The treatment of the APZ, Buchan Avenue, Faulkner Way, the southern railway corridor shared zone and the Link Street to the east, all require different treatments. Lighting is one aspect of the CPTED principles, others include incidental supervision, overlooking of the public realm by residences, vision of the destination prior to entering a public space etc. This item has not been adequately addressed to date.</i></p>	<p>Complies with condition No further information has been provided regarding CPTED principles.</p> <p>It is noted that as part of the original application the Statement of Environmental Effects makes several CPTED suggestions surrounding lighting, CCTV and access control. These form part of the condition of consent.</p>
4.8. Housing Diversity + Social Interaction		
<i>a) The Panel notes that the plans include 3- bedroom, 4-bedroom and 5-bedroom apartments and supports the diversity of housing options.</i>	<i>NIL</i>	Noted
4.9 Aesthetics		
<i>a) The Panel notes that the applicant is proposing face bricks for the podium façade. The Panel requires the applicant to ensure that the proposed materiality / aesthetics (i.e., brick façade for podium) is delivered as part of the project.</i>	<i>a) The previous recommendation still applies and the applicant is to ensure the updated façade approach, diversity and materiality presented is captured in the DA submission and retained.</i>	Complies with condition Conditions of consent are imposed requiring the development to be constructed in accordance with the approved materials, finishes and colours which includes face brick to the podium façade.
<i>b) The Panel requires the applicant to indicate the location</i>	<i>b) The provision of AC condenser units on the balconies is a poor</i>	Complies with condition

<i>for AC Condensers and ensure that they are screened.</i>	<i>outcome for this development and sets a poor standard for the Edmondson Park area. Locations on balconies are visually obtrusive, compromises ventilation to the apartments and comfort on the balconies. The applicant is encouraged to seek a more efficient, sustainable, innovative and attractive solution to the location of AC condenser units.</i>	AC condenser units remain located on balconies. Notwithstanding, it is appreciated that little alternative is available. A condition of consent would be imposed requiring additional screening measures.
	<i>c) The Northern car park entry opening is significantly over scaled and dominates the elevation. The Panel encourages the applicant to improve façade resolution and mitigate the visual impact of the entry. In addition, the entries to the apartment lobbies by contrast, appear insignificant in the elevations so far. The apartment lobby entries should have more presence on the streetscape than currently demonstrated.</i>	Complies with condition The northern (west-facing) car park entry opening remains significantly large at approximately 12.5m. It is noted that a wider opening is necessary to accommodate the wide tapered median strip (1.1-1.79m). A condition would be imposed identifying articulation to be provided to the apartment lobby entries to have more presence.
	<i>d) The Panel commends the design team for exemplar integration of services and loading in the development strategically avoiding prime frontages.</i>	Noted
5.0 Outcome		
<i>The proposal is not supported by the DEP and must return to the panel, with all feedback incorporated or addressed.</i>	<i>The project is supported. Respond to recommendations made by the panel, then the plans are to be reviewed/approved by Council.</i>	Supported As demonstrated above the remaining recommendations raised by the Design Excellence Panel are capable of being addressed.

3.3 Consistency with the Concept Plan

3.3.1 Background Concept Plan History

Edmondson Park South was approved as part of the concept plan MP10_0118 in August 2011. Various modifications to the concept plan have been approved since 2011.

Modification 5 (MP10_0118 MOD 5), was approved 14 February 2025. The amendments included increased residential yields and heights in the Town Centre North, a reduction of the school site area, modification to the road network and hierarchy, reduction in bushfire asset protection zones (APZ's) in select locations and the introduction of amended design guidelines.

3.3.2 Consistency with Approved Concept Plan: Road Works

The proposal is generally consistent with the approved Concept Plan under MP10_0118. The approved plan notates a Local Major road to the south of the site and Local Minor (Indicative only) to the east of the site.

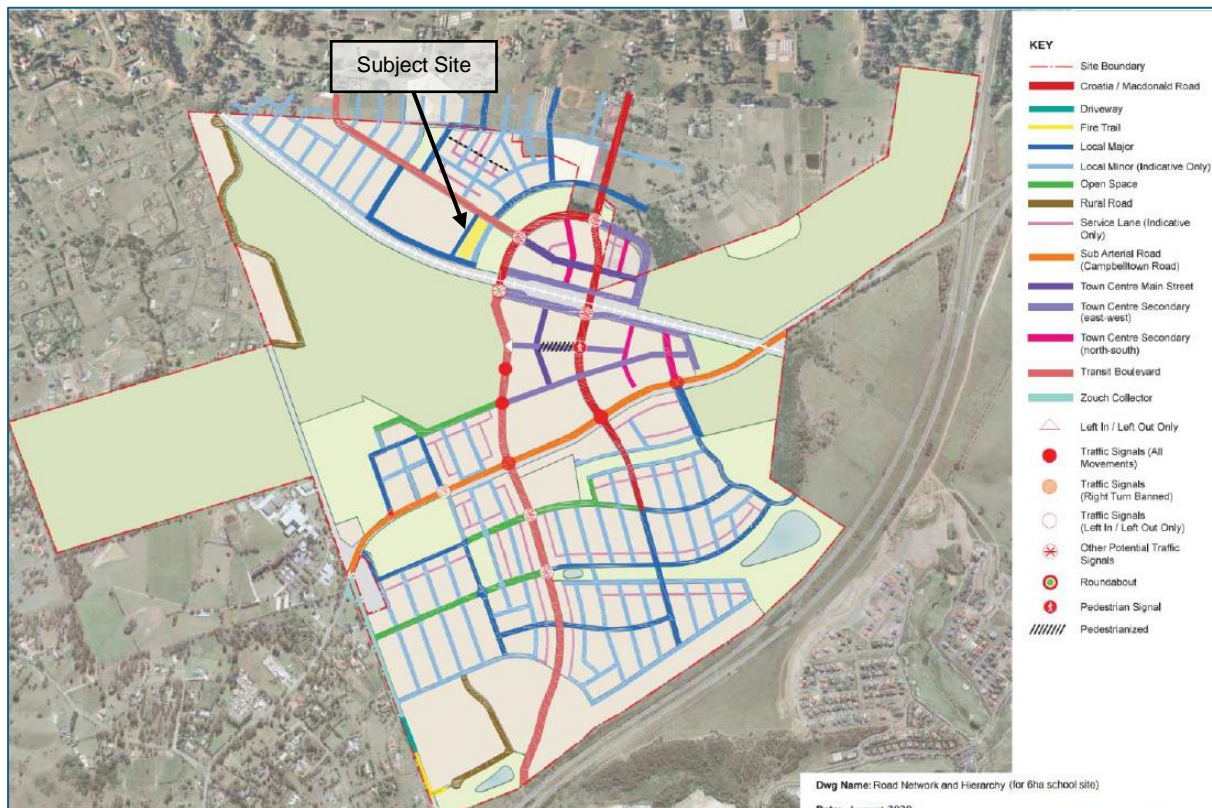


Figure 6: Road hierarchy map under the approved Concept Plan (site highlighted in yellow)

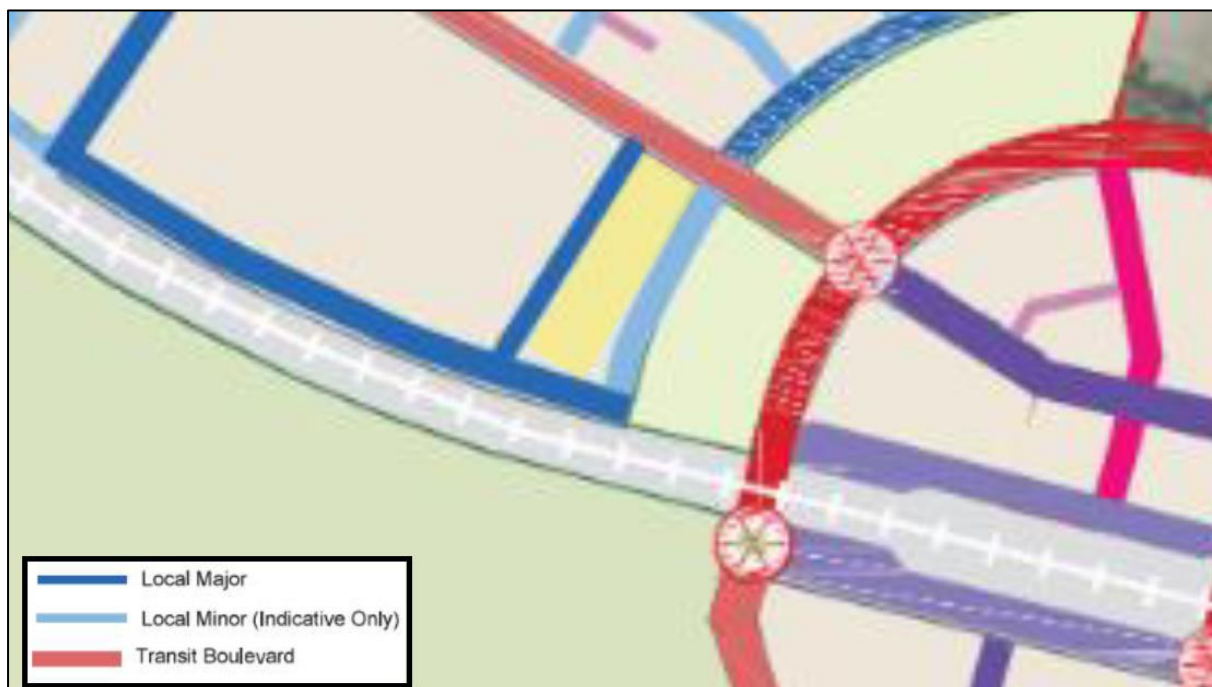


Figure 7: Road hierarchy map under the approved Concept Plan (site highlighted in yellow)

As part of the subject application, the eastern and southern access roads are proposed to be modified to increase landscaping, deep soil, and overall residential and visual amenity, whilst still providing for necessary vehicle access, as needed.

In accordance with the concept plan, a local road is proposed along the eastern boundary adjoining the Maxwells Creek Riparian corridor off Buchan Avenue.

The application proposes that a restricted service vehicle access will be made available along the southern boundary of the site, shown as a service road adjoining the rail corridor and providing a through link to Faulkner Way. However, this has not been supported by Sydney Trains, and they raised concerns relating to access to the Railway Line, which can only occur from this location.

Following consultation with Sydney Trains and the applicant, it has been agreed that the best way to deal with the matter is for deferred commencement conditions to be imposed for an amended road layout that proposes a sufficiently designed local road as per Council's requirements and that aligns with Modification 5 road layout. The proposed road is intended to be a local road that joins Buchan Avenue and the newly named Horrie Road. The egress point will only be accessible to service, maintenance, and emergency vehicles.

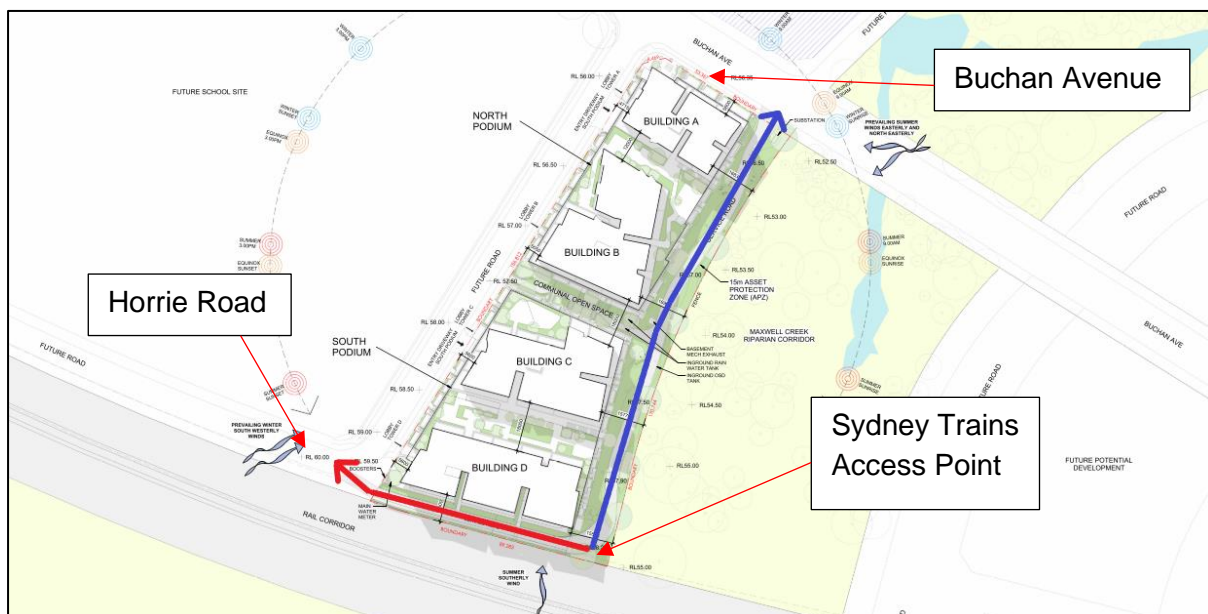


Figure 8: Proposed Local Road (Blue) and proposed Service Road (red).

The development is proposed to be supported with deferred commencement consent requiring a revised road design and public domain plans that include a compliant local road.

3.3.3 Consistency with Approved Concept Plan: Density

The relevant planning controls under the Precincts SEPP do not specify a floor space ratio (FSR) for the site.

The original Concept Approval allowed for an indicative 440 dwellings in the Town Centre North site. The density of development within the Landcom Town Centre North site, along with other areas of the Edmondson Park South Concept Plan, has been increased as part of Concept Plan (MOD 5) to reflect the revised spatial layout and resulting in an increase to 3,030 dwellings. Approximately 797 of these dwellings would be in the subject Maxwells

Creek Precinct.

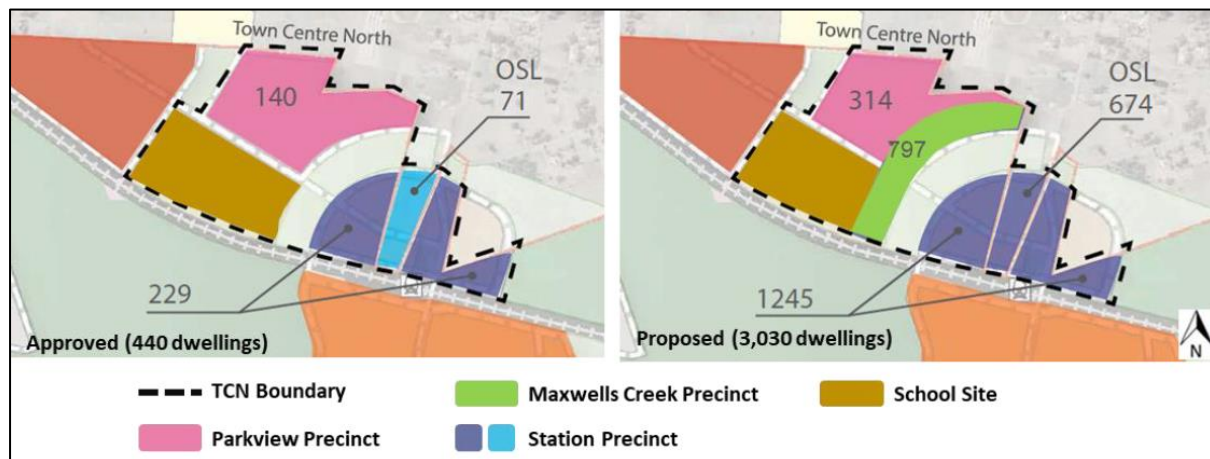


Figure 9: Mod 5: Allocation of dwelling yield.

Since the site forms only a portion of the Maxwells Creek Precinct, the assessment of density and compliance is applied proportionally, considering the building envelopes and typologies identified in the SEPP Height Map, Urban Design Report, and Design Guidelines. Within the context of the precinct, the site's scale, and applicable height controls, the proposal aligns with the anticipated dwelling density.

4 DETAILS OF THE PROPOSAL

The development application seeks approval for the construction of 2 residential flat buildings, each containing a podium and 2 towers, comprising 37 terrace houses within the podiums and 266 apartment style units within the towers configured as follows

- 37 x 1 bedroom dwellings;
- 154 x 2 bedroom dwellings;
- 65 x 3 bedroom dwellings;
- 9 x 4 bed dwellings;
- 1 x 5 bedroom; and
- 1 x retail unit.

Landscaping:

- Landscaping and public domain improvements to the Site, podiums, and interface with Maxwells Creek Riparian Corridor.

Car Parking:

- Car parking for 393 vehicles, including 27 accessible spaces and 1 loading dock with turntable across 1 x basement level per podium and sleeve parking within each podium itself.

Utilities & Services:

- Services such as water and sewer, electricity, telecommunications and gas were designed and approved for RP1 under DA-386/2021. Accordingly, the subject proposal will involve connection to those services.
- The location of substations.

Road Network:

- Construction to Council Standards:
- Eastern Local Road
- Southern Service Road
- Western roadworks completed as approved under DA-1073/2021.

Site Preparation:

- Vegetation clearing has been completed as approved under DA-472/2018.
- Bulk earthworks approved under DA-504/2021.
- Excavation for the proposed basement levels is sought as part of this application and will occur at the outset of the project.

4.1 Built Form and Typology

The proposal consists of two podiums with four towers (two towers to each podium) containing a total of 258 residential units. This includes 221 apartment-style units, and 37 terrace houses within the podiums.



Figure 10: View from the North.



Figure 11: View from the West.

Set back above the podium are 4 x separate tower elements, which are articulated and orientated to provide amenity to occupants, whilst creating spaces on the site for solar access to penetrate to communal open spaces on the podium and adjacent Maxwells Creek Riparian Corridor.

The proposed development comprises residential units in the residential flat building above common podiums in accordance with the zoning of the land and the Concept Plan, as modified by Mod 5. The proposed dwelling numbers and mix are provided below

Apartment Type	Units Proposed	Mix
1 Bed	37	13.9%
2 Bed	154	57.9%
3 Bed	65	24.4%
4 Bed	9	3.4%
5 Bed	1	0.4%
Total	266	100%
Livable Units	54	21%
Adaptable Units	26	10%

As set out in Commitment 71 of the Concept Plan, Edmondson Park Town Centre North will deliver 20% of all dwellings across the Landcom Town Centre North as Liveable Housing Guideline's silver level universal design features, providing housing which allows versatile designs to meet the changing needs of occupants over time and allow the opportunity to age-in place. The typologies and unit mix provided in the proposal allow for the changing needs of occupants to be catered for.

4.2 Materials and Façade Design

The proposed development responds to its context and seamlessly integrates with its surroundings. The podium stands as the most prominent element, embodying and consistency yet also avoiding monotony.

Podium Terraces

The podium terraces feature intricate brickwork, with varying colours following the rondo pattern to create a distinct identity and prevent visual repetition. Off-form concrete elements further enhance the design, providing balance to the extensive brickwork. Additionally, dark metal palisade balustrades introduce an extra layer of texture to the facade.

Apartment Buildings

The apartment buildings are set back 2 metres from the podium terraces, ensuring the podium remains the dominant architectural feature. The material palette for the apartments includes off-form concrete for the expressed slabs, textured fibre cement cladding, and concrete breezeblocks incorporated into various balconies. The pop-up roof elements are also proposed to be off-form concrete.



Figure 12: Proposed elevation.

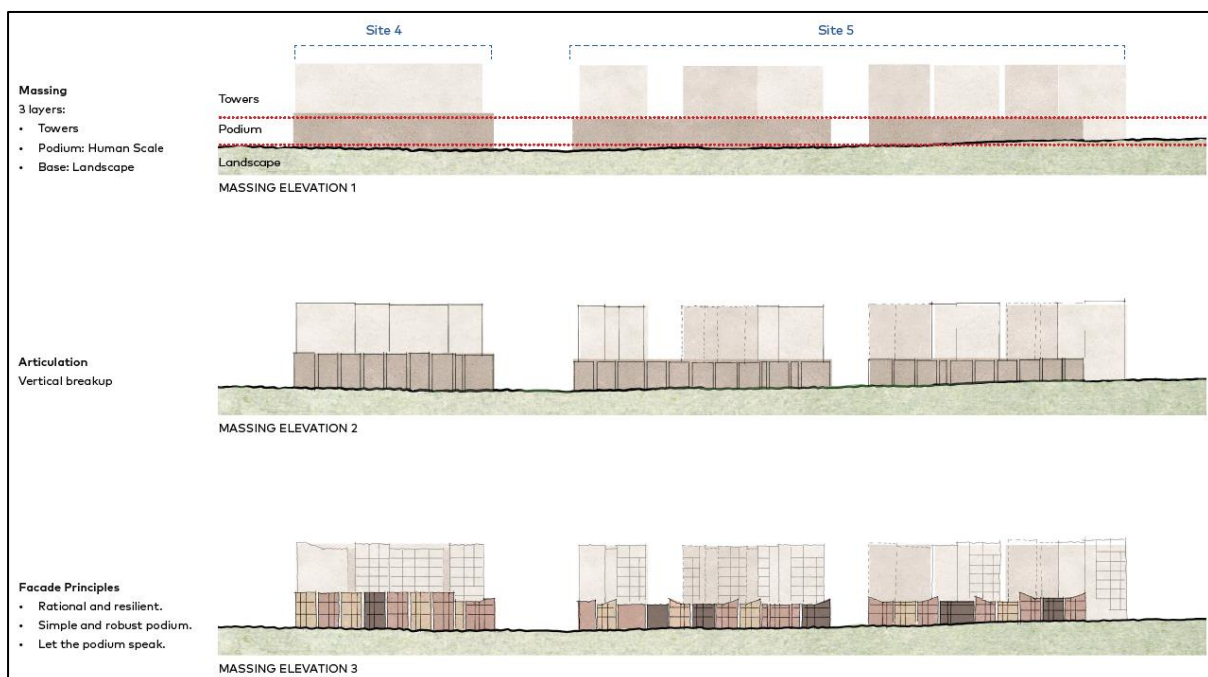


Figure 13: Initial DA massing principles.

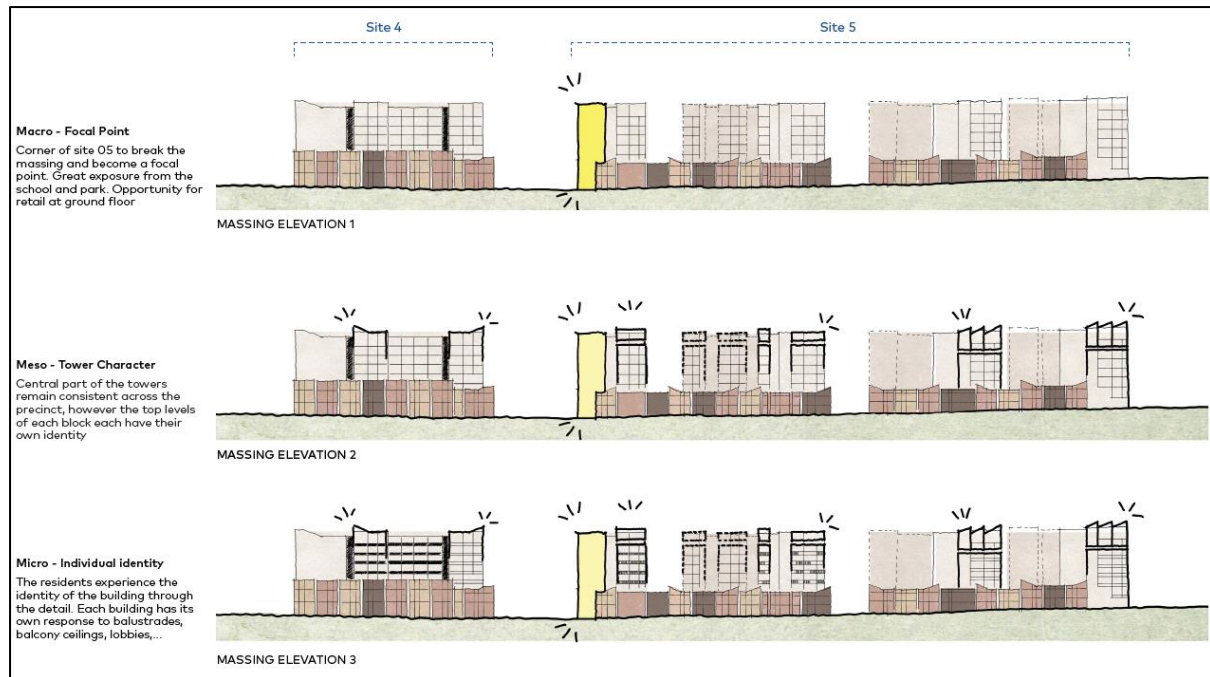


Figure 14: Proposed massing principles.

4.3 Landscape

At ground level, the landscape design responds to the remnant Cumberland Plain woodland to the south and east of the development. A mix of canopy trees and understorey planting extends the bushland character into the site, creating inviting green spaces where residents can relax and engage with the natural surroundings.

Garden terraces aim to integrate with this bushland forecourt, serving a dual function: acting as both an asset protection zone for the adjacent woodland corridor and a safe vehicular access route in case of bushfire, while also providing a communal space for residents to reconnect with nature.

On Level 2, communal open spaces provide a sanctuary and retreat for residents. Spacious gathering areas, positioned along the eastern and western edges of the podium, offer opportunities to connect with family and friends while taking advantage of expansive views over Edmondson Park. Interwoven with these larger gathering areas are intimate garden nooks and built-in seating, designed for quieter activities and smaller gatherings. The planting is carefully curated to reflect local native ecology, reinforcing a strong connection to the natural landscape.



Figure 15: Proposed Landscape plan.



Figure 16: Landscape plan typologies.

The site meets ADG part 3E requirements, 1321m², or 10.9% deep soil is proposed to the site. As demonstrated in Figure 17 below additional smaller pockets of deep soil of depth up to 1m are provided throughout the site, totalling a further 1800m². Canopy trees are also proposed in large planters adjacent to the private terraces.

It is noted that the provided deep soil calculations rely on podium level planting. A condition of consent would be imposed requiring podium communal spaces to provide sufficient soil depth to support the landscaping being indicated. A minimum soil depth of 1.2m must be provided for podium planting to compensate for the loss of true deep soil area. Given the limited Deep soil area on-site, on-structure planting with a minimum soil depth of 1.2m will be acceptable, as it supports the successful growth of large trees (12m+).



Figure 17: Soil depths.

4.4 Waste Management

An Operational Waste Management Plan (OWMP) has been prepared by Elephants Foot. Each dwelling will include an indoor waste and recycling cupboard (or other suitable storage space) for the temporary storage of at least one day's worth of garbage and recycling. Additionally, food waste receptacles are to be provided in kitchen areas for the disposal of organic waste.

Dual chute systems, consisting of one waste chute and one recycling chute, will be installed with access on each residential level of every core. General waste and recyclables will be directed into 1100L MGBs within the chute discharge rooms located in the basement. The building manager is responsible for transporting bins from their designated locations to the Waste Storage Room and returning them after collection. Additionally, the building manager oversees the transfer of bulky waste items to the Northern Podium for collection.

Council will be responsible for collecting residential waste, recycling, and FOGO waste in line with their collection schedule. To service the bins, the collection vehicle will enter the site's basement via Faulkner Way and park on the vehicle turntable. Collection staff will exit the vehicle, use a code to access the Waste Holding Room via a PIN pad, and service the bins. Once the bins are serviced, the collection vehicle will rotate on the turntable and exit the site in a forward direction.

4.5 Nominated Integrated Development

The proposed development is identified as Nominated Integrated Development requiring an approval from the Department of Planning & Environment - Water for part of the development requiring a Controlled Activity approval under the Water Management Act 2000. The Department of Planning & Environment - Water issued General Terms of Approval dated 12 September 2023.

4 STATUTORY CONSIDERATIONS

4.6 Relevant matters for consideration

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

Environmental Planning Instruments (EPI's)

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development 2002;*
- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
- *State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Appendix 1, Edmondson Park South Site.*

Other Plans and Policies

- Concept Plan Approval (MP10_0118) – approved by the Planning Assessment Commission on 18 August 2011;
- Section 75W Modification of Concept Approval MP 10_0118 MOD 5 (MOD 5) – approved 14 February 2025.

Design Guidelines

- Landcom Town Centre North Design Guidelines – prepared by Willow Tree Planning October 2020 (MOD 5)

It is noted that the Edmondson Park South Development Control Plan (2012) and Liverpool Development Control Plan 2008 **do not apply** to land subject of these Design Guidelines.

Other Matters

- *Liverpool Community Participation Plan 2019*
- *Liverpool Contributions Plan 2008 – Edmondson Park applies to the site pursuant to Section 7.11 of the EPA & Act.*
- *A Special Infrastructure Contribution is also required under the Western Sydney Growth Areas Special Infrastructure Contributions Area, noting that the new Housing and Productivity Contribution will not apply to the Growth Areas until 2026.*

5 ASSESSMENT

5.1 Section 4.15(1)(a)(1) – Any Environmental Planning Instrument

(a) State Environmental Planning Policy (Biodiversity and Conservation) 2021

(i) Chapter 2 – Vegetation in non-rural areas

Not applicable, as the site is vacant and devoid of any vegetation.

(ii) Chapter 6 – Water Catchments

The subject land is located within the Georges River Catchment and as such State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 6 Water Catchments, applies to the application. The Biodiversity and Conservation SEPP aims to protect the environment of the Georges River Catchment by ensuring that water quality impacts are considered.

In accordance with the SEPP, when a consent authority determines a development application, the provisions in Part 6.2 - Development in Regulated Catchments are to be considered and consent must not be granted unless the consent authority is satisfied that the matters have been addressed. Accordingly, a table summarising the matters for consideration in determining development applications (Part 6.2) and compliance with such is provided below.

Part 6.2 – Development in Regulated Catchments	
Division 2 – Controls on development generally	Comment
6.6 – Water quality and quantity	Complies The development would not result in any unreasonable impacts to water quality or quantity, and has been deemed satisfactory by Council's Land Development Engineering section.
6.7 – Aquatic ecology	Complies The development would not result in any adverse impacts on aquatic ecology.
6.8 – Flooding	Complies The site is not affected by flooding.
6.9 – Recreation and public access	Complies The development is unlikely to impact on public access to and around foreshores.
6.10 – Total catchment management	Complies The proposal satisfactorily manages stormwater and as such it is considered that it would not have an adverse impact on the total catchment.
Division 3 – Controls on development in specific areas	Comment
6.11 – Land within 100m of natural waterbody	Complies The Department of Planning and Environment—Water has advised that a controlled activity application should be made to the department. General Terms of Approvals have been provided. Clearing of vegetation on the site was previously approved under DA-472/2081.
6.12 – Riverine scenic areas	Not applicable
6.13 – Hawkesbury-Nepean conservation area sub-catchments	Not applicable
6.14 – Temporary use of land in Sydney Harbour Catchment	Not applicable
Division 4 – Controls on development for specific purposes	Comment
6.15 – Aquaculture	Not applicable
6.16 – Artificial waterbodies	Not applicable

6.17 – Heavy and hazardous industries	Not applicable
6.18 – Marinas	Not applicable
6.19 – Moorings	Not applicable
6.20 – On-site domestic sewerage systems	Not applicable
6.21 – Stormwater management	Complies Council's Land Development Engineers and Floodplain Engineers have reviewed the subject application and have provided conditions of consent aimed to improve the quality of expected stormwater discharge from the site and for the stormwater facilities over the site.
6.22 – Waste or resource management facilities	Not applicable
6.23 – Demolition on certain land	Not applicable

Based on the above assessment, the proposal satisfies the requirements of Chapter 6 and is considered to comply with the SEPP (Biodiversity and Conservation) 2021.

(b) State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development 2002

The *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development* was repealed by *State Environmental Planning Policy Amendment (Housing) 2023* (664), sec 3 with effect from 14 December 2023. Pursuant to Schedule 7A Saving and transitional provisions of SEPP (Housing) 2021:

2 General savings provision

- (1) *This Policy does not apply to the following matters—*
- (a) *a development application made, but not yet determined, on or before the commencement date,*
- (2) *The provisions of a repealed instrument, as in force immediately before the repeal of the repealed instrument, continue to apply to a matter referred to in subsection (1).*

The subject development application was lodged on 8 August 2022 prior to the repealed instrument, therefore, SEPP No 65 continues to apply.

The development is classified as “*a residential flat building*”, involves the erection of a new building, is at least 3 or more storeys and contains at least 4 or more dwellings and as such this policy applies to the subject application.

The requirements of SEPP 65 are as follows:

Clause	Requirement	Comment
6A – Development control plans cannot be inconsistent with Apartment Design Guide	(1) This clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following— (a) visual privacy, (b) solar and daylight access,	Noted Compliance with the Apartment Design Guide is discussed below.

	(c) common circulation and spaces, (d) apartment size and layout, (e) ceiling heights, (f) private open space and balconies, (g) natural ventilation, (h) storage.	
28 – Determination of development applications	(1) After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development.	Complies The application has been referred to the Liverpool Design Excellence Panel, who were supportive of the proposal subject to additional recommendations.
	(2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration)— (a) the advice (if any) obtained from the design review panel, and (b) the design quality of the development when evaluated in accordance with the design quality principles, and (c) the Apartment Design Guide.	Considered (a) As detailed above, the LDEP were supportive of the proposal and their advice has been considered in the assessment of the application. (b) The development has been evaluated in accordance with the design quality principles in Schedule 1. (c) The Apartment Design Guide has been considered in the assessment of the application.
30 - Standards that cannot be used as grounds to refuse development consent or modification of development consent	(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters—	(a) As per discussion of the application against the ADG attached and below, the proposal does not comply with parking requirements. (b) As per discussion of the application against the ADG attached, the proposal complies with internal area requirements.

	<p>(a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</p> <p>(b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,</p> <p>(c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</p>	<p>(c) As per discussion of the application against the ADG attached, the proposal complies with ceiling height requirements.</p>
	<p>(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to—</p> <p>(a) the design quality principles, and</p> <p>(b) the objectives specified in the Apartment Design Guide for the relevant design criteria.</p>	<p>Considered</p> <p>(a) The development has been evaluated in accordance with the design quality principles in Schedule 1</p> <p>(b) The Apartment Design Guide has been considered in the assessment of the application</p>
Schedule 1 Design quality principles	<p><u>Principle 1</u>: Context and neighbourhood character</p> <p><u>Principle 2</u>: Built form and scale</p> <p><u>Principle 3</u>: Density</p> <p><u>Principle 4</u>: Sustainability</p> <p><u>Principle 5</u>: Landscape</p> <p><u>Principle 6</u>: Amenity</p> <p><u>Principle 7</u>: Safety</p> <p><u>Principle 8</u>: Housing diversity and social interaction</p> <p><u>Principle 9</u>: Aesthetics</p>	Noted

Apartment Design Guide

In accordance with Clause 28(2)(c) and 30(2)(b) of the SEPP No 65, the application has been assessed against the Apartment Design Guide (ADG). A full assessment of the

development against the requirements of the ADG is provided in Attachment B; non-compliances and variations are detailed below.

3F Visual Privacy

18m separation distance is required for habitable rooms between Block A & B (Levels 4 to 7). As noted by the DEP 12m is provided and the applicant should investigate solutions to mitigate privacy issues, such as further offsetting windows, privacy screens, and/or other devices, whilst still maintaining good amenity to the rooms affected.

The separation between units A405 and B403 has been suitably addressed via the angled orientation of windows to B403 ensuring that viewing into neighbouring habitable rooms is prevented.

The 12m separation between units A405 and B402 is considered suitable. While the living room window of A405 has the potential to overlook the bedroom of B402 a condition of consent requiring privacy screening in the form of translucent glazing to the living room of A305, A405, A505, A605 and A705 would mitigate concerns.

The proposed separation distances within the subject site does not result in additional adverse amenity impacts to any other apartments.

3J Bicycle and Car Parking

The proposal does not meet the required total parking spaces prescribed under the Landcom Town Centre North Design Guidelines 2024 for Residential Flat Buildings, being 384 spaces. The development proposes 383 car parking spaces. The parking is deficient by one (1) parking space which is consistent with Edmondson Park Landcom Town Centre Design Guidelines (EP Design Guidelines) which seeks to restrain car usage.

Bicycle parking is not illustrated on plans. The provided Traffic Assessment Report notes that it is expected that 266 bicycle spaces (and 20 motorcycle) shall be provided via dedicated bicycle parking areas, storage cages and/or inside dwellings as to meet the requirements as part of the post DA or pre-Construction Certificate (CC) stage and would form a condition of consent.

4L Ground Floor Apartments

Ground floor apartments offer the potential for at-grade landscaped private open spaces and direct access from the street. They also provide opportunities for the apartment building and its landscape to respond to the human scale of the streetscape. However, this can be a balancing act between ensuring privacy and safety is maintained without obstructing the ability for casual surveillance. As per figure 4L.4 of the ADG it is recommended private terraces be elevated above the street level by 1-1.5m.

It is also noted that pursuant to 3C Public Domain Interface changes in level between private terraces above the street level should provide surveillance and improve visual privacy for ground level dwellings. Figure 3C.1 demonstrated a preferred maximum of 1m level difference.

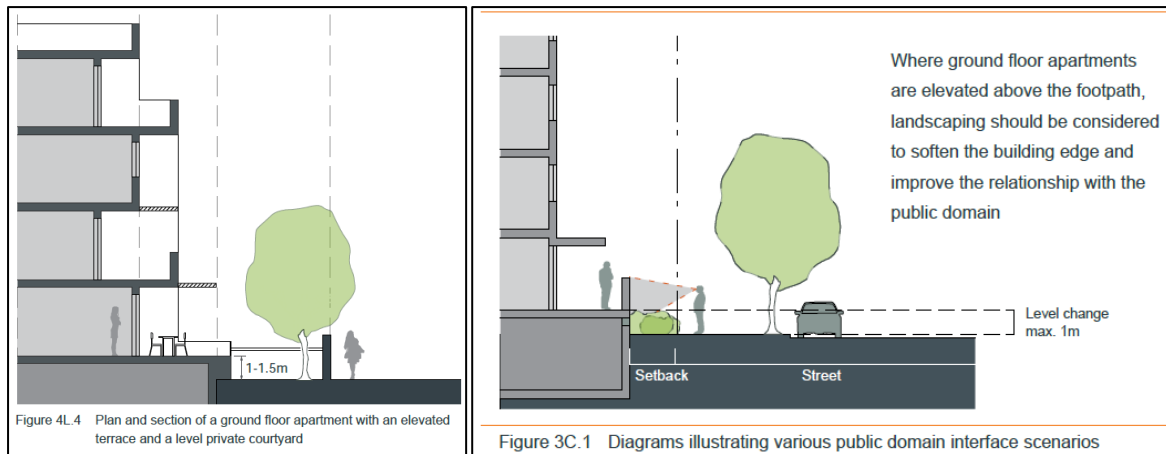


Figure 18: ADG figures 4L.4 and 3C.1.

As noted by the DEP the street interface along the eastern Serviceway is only raised by 0.38m (Figure 19 below) in some areas and poses direct privacy concerns as the sight level of passersby is near that of the residents. Furthermore, other than fencing and planter beds it appears little in the way of privacy is afforded to ground floor terraces facing the internal Garden Walkway.

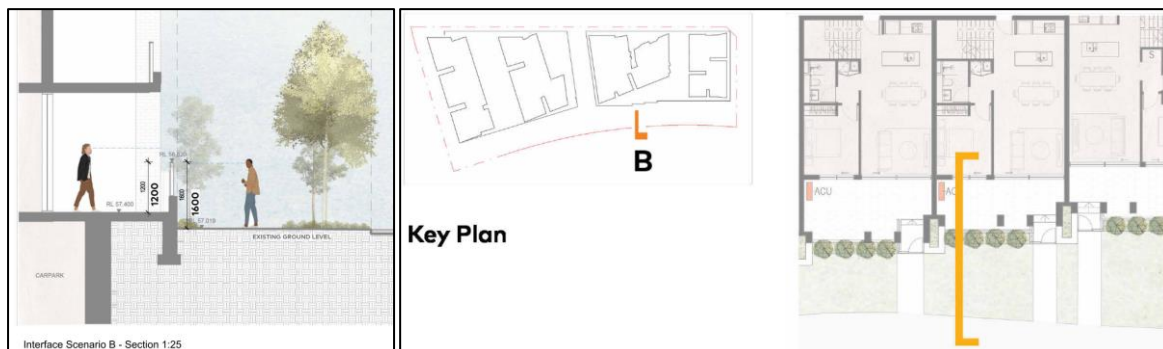


Figure 19: Proposed Street Interface Scenario B along the eastern Serviceway.

To mitigate privacy concerns the private terraces have been located in front of living areas rather than bedrooms and increased landscaping provides an extra visual buffer. To further enhance privacy a condition of consent has been imposed requiring solid upstands, solid or visually opaque balustrade design and additional planters to ground floor and podium level courtyards.

(c) State Environmental Planning Policy (Planning Systems) 2021

(i) Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 2 of Schedule 6 of the Planning Systems SEPP as the proposal is development with an estimated development cost of more than \$30 million. Accordingly, the Sydney Western City Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

(d) State Environmental Planning Policy (Resilience and Hazards) 2021

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, specifically Chapter 4 – Remediation of Land, as the proposal.

The objectives of SEPP (Resilience and Hazards) 2021 are:

- to provide for a state wide planning approach to the remediation of contaminated land.
- to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Pursuant to the above SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

This DA is supported by an Environmental Site Assessment (ESI). The ESI was reviewed by Councils Environmental Health officer who raised no objection subject to conditions of consent. It is considered that the ESI adequately demonstrates that the site is and/or can readily be made suitable to accommodate the proposed development.

Pursuant to Clause 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4 Remediation of Land, Council is also required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining a development application.

Clause 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	Identified contamination are not considered to present an unacceptable risk with response to the proposed use.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	Councils Environmental Health officer reviewed the application and raised no objection subject to conditions of consent. Remediation works is not required.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4 Remediation of Land. Therefore, it is considered that the subject site is suitable for the proposed development subject to conditions.

(e) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP Index (BASIX) 2004 was repealed on 1 October 2022 and was replaced by State

Environmental Planning Policy (Sustainable Buildings) 2022. Despite this, the proposed development is not required to be assessed against SEPP (Sustainable Buildings) 2022 as 'Savings and transitional provisions' apply, which state:

4.2 Savings and transitional provisions

(1) *This policy does not apply to the following –*

(a) *a development application submitted on the NSW planning portal but not finally determined before 1 October 2023,*

Given that the application was lodged on 8 August 2022, the above savings provision applies and therefore the subject application is exempt from the provisions of SEPP (Sustainable Buildings) 2022. Notwithstanding, a BASIX certificate has been provided that demonstrated the proposed development will satisfy the relevant requirement for water, thermal and energy efficiency, and as such the proposal satisfies the requirements of SEPP Index (BASIX) 2004 and the *EP&A Regulation 2021*.

(f) State Environmental Planning Policy (Transport and Infrastructure) 2021

(i) Clause 2.98 Development adjacent to rail corridors

The subject application fronts the Cumberland Line heavy rail corridor to the south, and as such the provisions of Clause 2.98 of the SEPP apply to the development. Clause 2.98(2) provides the following:

- The site is located directly north of the Cumberland Line heavy rail corridor. TfNSW (Sydney Trains) has requested that the existing Access Gate, located in the south-eastern corner of the site, shall not be blocked at any stage, and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities be made available. Relevant conditions of consent have been imposed requiring the incorporation of a Local Road, in accordance with the Concept Plan, to be introduced in lieu of a service road along the eastern boundary to accommodate egress to the Access Gate and is to be addressed via deferred commencement.

Clause	Comment
(2) Before determining a development application for development to which this section applies, the consent authority must—	
(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and	Noted
(b) take into consideration— (i) any response to the notice that is received within 21 days after the notice is given, and (ii) any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.	Considered TfNSW (Sydney Trains) advised that the existing Access Gate, located in the south-eastern corner of the site, shall not be blocked at any stage and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities be made available. Relevant conditions of consent have been imposed requiring the incorporation of a Local Road be introduced, in lieu of a service road, along the eastern boundary to accommodate egress to the Access Gate.

(ii) Clause 2.99 – Excavation in, above, below or adjacent to rail corridors

The subject application involves the penetration of ground to a depth of at least 2m below ground level on land within a rail corridor, and as such the provisions of Clause 2.99 of the SEPP apply to the development. Clause 2.99 provides the following:

Clause	Comment
(2) Before determining a development application for development to which this section applies, the consent authority must—	
(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and	Noted
(b) take into consideration— (i) any response to the notice that is received within 21 days after the notice is given, and (ii) any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.	Considered As previously noted, TfNSW (Sydney Trains) advised that the existing Access Gate, located in the south-eastern corner of the site, shall not be blocked at any stage and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities be made available. Relevant conditions of consent have been imposed requiring the incorporation of a Local Road be introduced, in lieu of a service road, along the eastern boundary to accommodate egress to the Access Gate.
(3) Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor to which the development application relates.	Considered Subsection 5 is not applicable; therefore, concurrence of the rail authority is required and has been received from Sydney Trains.

(iii) Clause 2.100 – Impact of rail noise or vibration on non-rail development

The subject application involves residential development on land in or adjacent to a rail corridor and is likely to be adversely affected by rail noise or vibration, and as such the provisions of Clause 2.100 of the SEPP apply to the development. Clause 2.100 provides the following:

Clause	Comment
(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.	N/A
(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—	

(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,	Complies A noise and Vibration Impact Assessment has been submitted. It is the finding of the noise and vibration impact assessment that the proposed development is compliant with the relevant noise and vibration criteria controls for this type of development, with the recommended design consideration provided in this report.
(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.	Complies A noise and Vibration Impact Assessment has been submitted. It is the finding of the noise and vibration impact assessment that the proposed development is compliant with the relevant noise and vibration criteria controls for this type of development, with the recommended design consideration provided in this report.

(g) State Environmental Planning Policy (Precincts – Western Parkland City) 2021

The site is within the Edmondson Park South precinct and is subject to the provisions within Chapter 2 – State Significant Precincts, Appendix 1 – Edmondson Park South Site of SEPP (Precincts – Western Parkland City) 2021.

(i) Zoning

The site is zoned R1 General Residential under State Environmental Planning Policy (Precincts—Western Parkland City) 2021.

An extract of the zoning map is found in the figure below.

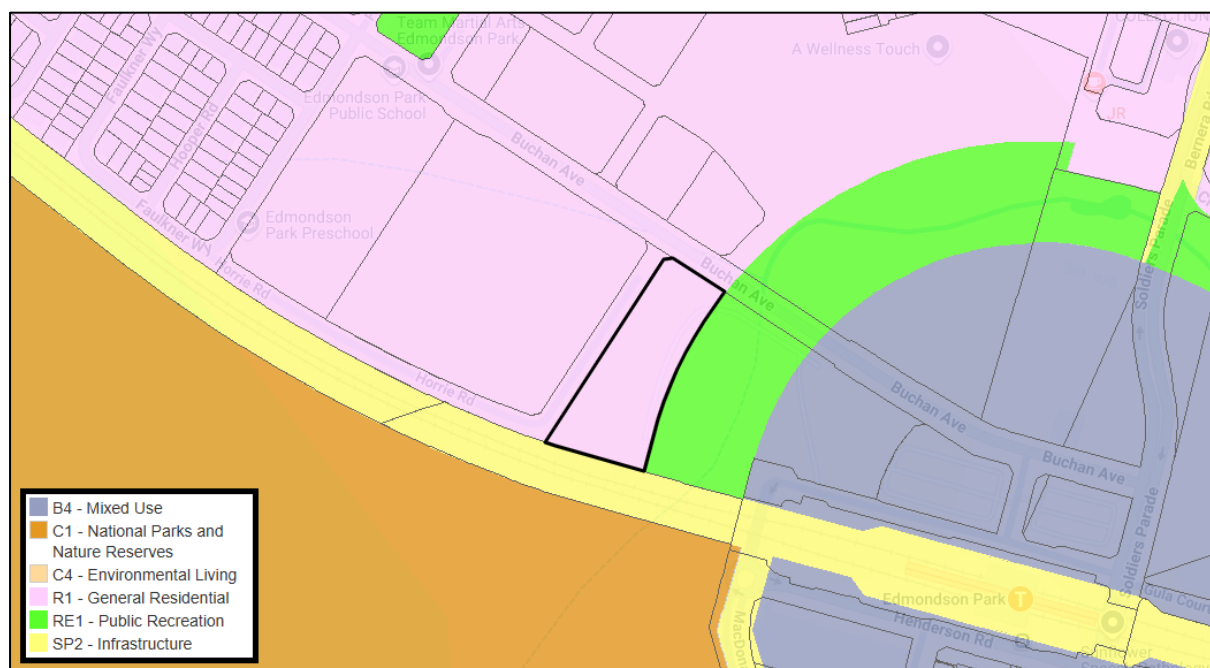


Figure 20 – Extract of zoning map

(ii) Permissibility

Under the Western Parkland City SEPP (Appendix 1, Part 1, Clause 2, subclause (2), words and expressions applicable to Edmondson Park South have the same meaning as prescribed in the standard instrument. Accordingly, the proposed development is best described as 'Residential Flat Building' which is permitted with consent. 'Residential Flat Building' is defined as follows:

“residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

Note—

Residential flat buildings are a type of residential accommodation—see the definition of that term in this Dictionary.”

Accordingly, the proposed development is permissible with consent under the Western Parkland City SEPP.

(iii) Objectives of the zone

Objectives of the R1 General Residential Zone are:

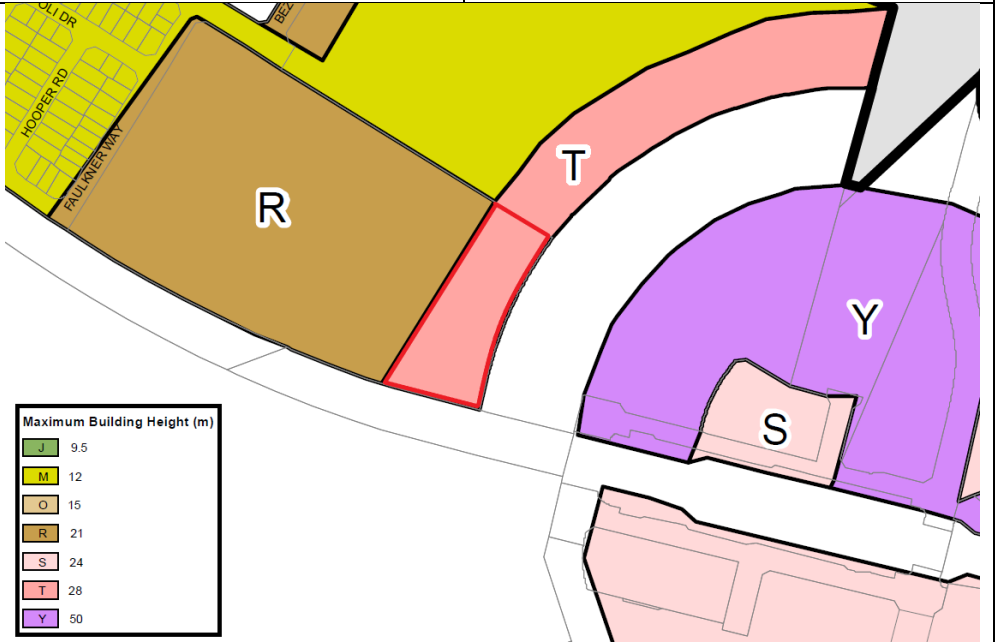
- a) *to provide for the housing needs of the community,*
- b) *to provide for a variety of housing types and densities,*
- c) *to enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development involves the creation of residential flat buildings, that will facilitate a mixture of dwelling typologies and sizes at the site. The proposed will also allow the integration of high density housing within walking distance to public transport, a future town centre, school and regional park land. Accordingly, the proposed development is considered to be consistent with the objectives of the R1 zone.

(iv) Principal Development Standards

The SEPP (Precincts – Western Parkland City) 2021 - Appendix 1 – Edmondson Park South Site contains a number of provisions which are relevant to the proposal. Assessment of the application against the relative provisions is provided below.

Clause	Provision	Comment
Clause 9 – Zone	Zone Objectives and Land Use Table	Complies The proposal is permissible with development consent within the R1-General Residential zone and is consistent with the objectives of the zone.
Clause 18 – Height of buildings	The height of a building on any land within the Edmondson Park South site is not to exceed the maximum height shown for the land on the Height of Buildings Map. Pursuant to SEPP (P-WPC) 2021 the site is affected by a 15m height limit.	Satisfactory The maximum building height breaches the 28m height limit. These breaches are generally limited to the lift overrun and articulating roof/parapet features and a 4.6 variation has been submitted and deemed satisfactory

	<p>Pursuant to MOD 5 the site is affected by a 28m height limit.</p> <p>Block A (north): Lift overrun: 84.70 NGL: 54.20 Height: 30.5m</p> <p>N/W corner parapet: 84.50 NGL: 55.60 Height: 28.9m</p> <p>Roof: 83.30 NGL at lowest point: 54.76 Height: 28.54m</p> <p>Block D (south): Lift overrun: 86.90 NGL: 58.00 Height: 28.90m</p> <p>S/W roof corner: 87.00 NGL: 58.8 Height: 28.2m</p> <p>S/E roof corner: 86.20 NGL: 56.00 Height: 30.2m</p>	
		
Clause 19 – Floor space ratio	No FSR control is defined for the subject site.	Not applicable
Clause 23 – Demolition requires consent	The demolition of a building or work may be carried out only with consent.	Not Applicable Demolition not proposed.
Clause 25 – Bush fire hazard reduction	Bush fire hazard reduction work authorised by the <i>Rural Fires Act 1997</i> may be carried out on any land without consent.	Noted The application was referred to NSW RFS who raised no objection, subject to recommended conditions.
Clause 26 – Flood Planning	To minimise the flood risk to life and property associated with the use of land.	Complies with conditions The site does not include any land identified as flood prone land. The

	<p>To allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change.</p> <p>To avoid significant adverse impacts on flood behaviour and the environment.</p>	<p>proposal was assessed by Council's Floodplain Engineering Section who are satisfied with the proposal subject to conditions of consent.</p>
Clause 28 - Exceptions to development standards—other development	<p>Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument</p>	<p>Acceptable</p> <p>A 4.6 Variation request has been provided and deemed satisfactory.</p> <p>A degree of flexibility is sought with regards to Clause 18 Height of Buildings. (Refer to the discussion section below)*</p>
Clause 30 – Architectural roof features	<p>To permit variations to maximum building height standards for roof features of visual interest.</p>	<p>Acceptable</p> <p>A 4.6 Variation request has been provided and deemed satisfactory as the roof features predominantly form the height extrusion.</p>
Clause 31 – Preservation of Trees	<p>Approvals required for tree removal.</p>	<p>Not Applicable</p> <p>Tree removal has already been approved as part of separate DAs, within R1 zoned land.</p> <p>The application was referred to Council's Landscape officer who raised no objection.</p>
Clause 32 – Native Vegetation areas	<p>Requires the protection and management of native vegetation areas.</p>	<p>Not Applicable</p> <p>Tree removal has already been approved as part of separate DAs, within R1 zoned land.</p> <p>The application was referred to Council's Landscape officer who raised no objection.</p>
Clause 33 – Heritage Conservation	<p>Consent required to demolish heritage buildings or works.</p>	<p>Complies with conditions</p> <p>The proposed development has been considered by Council's Heritage Officer and no objections or concerns have been raised, subject to conditions.</p>
Clause 34 – Public Utility Infrastructure	<p>Development consent must not be granted for development unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required</p>	<p>Complies with conditions</p> <p>Confirmation from relevant utility and infrastructure providers that the site is capable of being adequately serviced has been obtained.</p> <p>Standard conditions of consent to ensure the site is connected to water, reticulated sewer and electricity.</p>
Clause 36 – Development Control Plan	<p>Development consent must not be granted for development on land within the Edmondson Park South site unless a development control plan has been prepared for the land.</p>	<p>Complies</p> <p>It is noted that as MOD 5 to the Edmondson Park South Concept Plan Town Centre North Precinct was approved 14 February 2025.</p>

		The Edmondson Park Town Centre North Design Guidelines dated October 2024 apply.
Clause 37 – Relevant Acquisition Authority	The objective of clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired.	<p>Not Applicable</p> <p>The subject land is not identified for acquisition by Council.</p> <p>It is adjacent to land zoned for Local Open Space and Railway corridor acquisition.</p>

5.2 Clause 28 Exceptions to Development Standards

Clause 18 of SEPP (Precincts – Western Parkland City) 2021 - Appendix 1 – Edmondson Park South Site states:

The height of a building on any land within the Edmondson Park South site is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Pursuant to the Edmondson Park South Height of Buildings plan dated November 2020 (MOD 5) the subject site falls within area T with a maximum height allowance of 28m as illustrated in Figure 19 below.

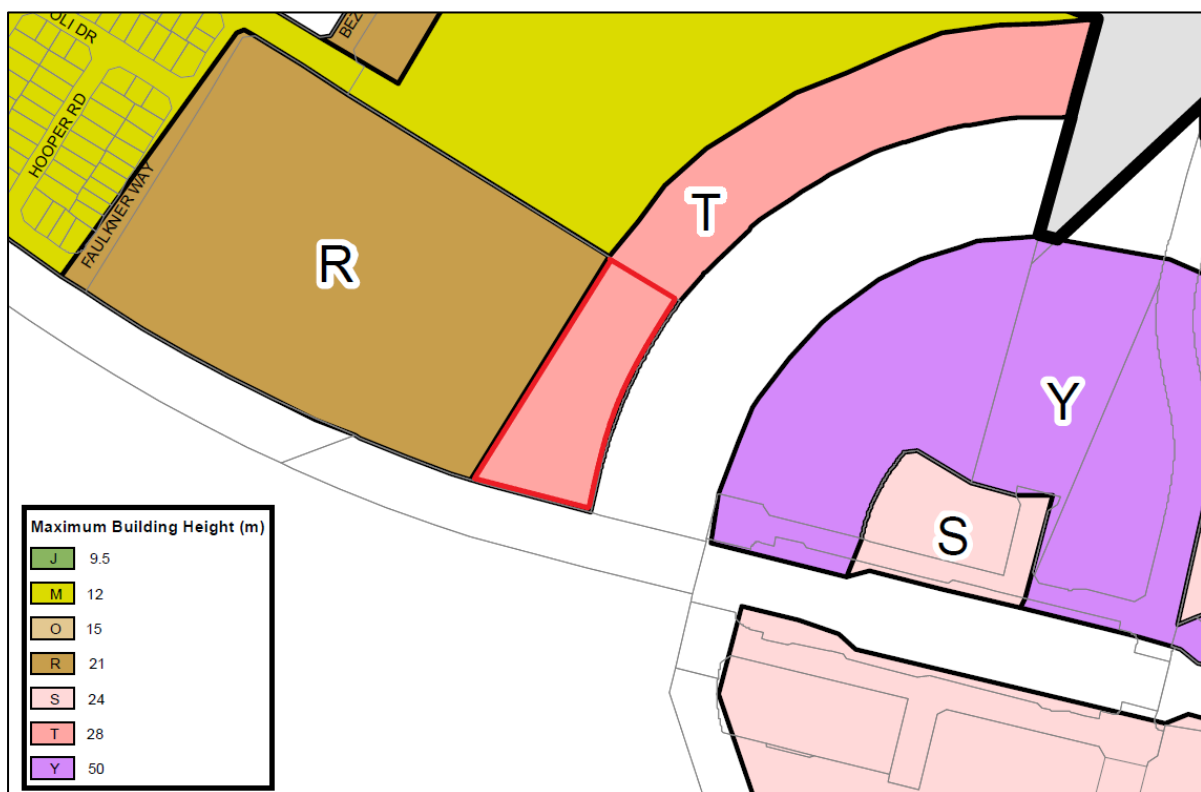


Figure 21 – Extract of Maximum Height map

The application proposes a maximum height of 30.5m, resulting in a numerical exceedance of 2.5m, or an 8.9% variation. Consequently, pursuant to Clause 28 of SEPP (Precincts – Western Parkland City) 2021, the applicant is seeking a variation to the maximum building height provision as prescribed by Clause 18.

Clause 28 Exceptions to development standards – other development

(4) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant for development consent has demonstrated that—*

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

The applicant has provided written contention that compliance with the maximum height development standard is unreasonable and unnecessary; and that they have provided sufficient environmental planning grounds to justify the contravention as assessed below. In support, the applicants written demonstration argues, in part:

5.3 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

No draft Environmental Planning Instruments applies to the site.

5.4 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The Landcom Town Centre North Design Guidelines October 2024 apply to the subject following the approval of the MOD 5. The guidelines are designed to guide the design and built form of development within the town centre and adjoining residential precinct.

Table 11 Residential Flat Building Characteristics		
Element	Characteristics	Proposed
Building Height	Up to 15 Storeys	Complies 8 storeys proposed.
Materiality	A variety of quality materials including brick, concrete, timber and cladding should be used to encourage variety and contribute to the character of the Precincts. It is recommended that the colour and texture of the materials reflect parkland character through selection of natural materials and an earthy colour palette. Materials should be robust and fire-retardant. Roofs should be non-reflective to not detract from the visual landscape amenity of the area.	Complies A variety of materials has been utilised including brick, concrete, timber and cladding. The podium terraces have been detailed with brickwork, the colour of the brickwork changes as per the rondo colour pattern which give the terraces a unique identity and avoids the built form looking repetitive. The terraces have been further articulated with off-from concrete elements to balance the extensive brickwork. Dark metal palisade balustrades are also used to add another layer of texture to the facade. The materials chosen for the apartment buildings include off-from concrete for the expressed slabs, textured fibre cement cladding and

		<p>concrete breezeblocks to various balconies. The pop-up roof elements are also proposed to be off-form concrete.</p> <p>Roofing material is not reflective and does not detract from the visual landscape amenity of the area.</p>
Dwelling size	<p>Dwellings are required to have the following minimum internal floor areas:</p> <ul style="list-style-type: none"> • 1 bed 50 m² • 2 bed 70 m² • 3 bed 90m² <p>For each additional bathroom a further 5 m² and for each additional bedroom a further 12 m² is required</p> <p>Adequate amount of universal access units to be provided (in accordance with the Apartment Design Guidelines)</p>	<p>Complies</p> <p>All apartments comply with the minimum internal areas.</p> <p>20% of the total apartments incorporate the Livable Housing Guidelines silver level universal design features in accordance with the ADG.</p>
Dwelling width	Dwellings are required to have a minimum width of 4m internally to avoid deep narrow layouts	<p>Complies</p> <p>All apartments have a minimum width of 4m.</p>
Bedroom size	<p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p>	<p>Complies</p> <p>All bedrooms have a minimum area of 9m², master bedrooms have a minimum area of 10m².</p> <p>All bedrooms have a minimum dimension of 3m excluding the wardrobe space.</p>
Dwelling entries	Dwelling entries should be clearly identified and legible from the street	<p>Complies</p> <p>Dwelling entries are clearly identifiable from the street.</p>
Ceiling height	To be compliant with building separation requirements as per the ADG.	<p>Acceptable</p> <p>As noted in the SEPP 65 assessment above some minor variation is supported in this instance. The separation within the subject site does not result in additional adverse amenity impacts to any other apartments.</p>
Front Setback	<p>As per Table 5 and Figure 10.</p> <p><u>Required Front Setback</u></p> <p>Northern frontage: 0-3m</p> <p>East/South frontage: 3.6m</p> <p>Western frontage: 4m</p>	<p>Complies</p> <p><u>Provided Front Setback</u></p> <p>Northern frontage: 3.5m</p> <p>Eastern frontage: 15m</p> <p>Southern frontage: 10m</p> <p>Western frontage: 4m</p>

Table 5 Setbacks and Fencing				
Figure Key	Setback	Encroachment/ Articulation zone	Permissible Articulation Elements	Interface
	0-3m	3m	Awnings, shopfronts, colonnades.	Awnings, colonnades, permitted to extend beyond lot boundary into verge.
	0-3m	3m	Verandah, step, balcony.	1.2m courtyard wall (local stone).
	3m (5.5m for front garages)	1.5m	Verandah, step, balcony.	1.2m fence wall.
	4m (5.5m for front garages)	1.5m	Verandah, step, balcony.	1.2m fence/wall or open yard, service lane, garage.
	3.6m	3m*	Verandah, step, balcony.	1.2m masonry courtyard wall and hedge.
	1m	-	-	1.8m maximum fence/wall of the same primary material as the front fence. 50% transparent.




Figure 10: Setbacks

Side setback	To be compliant with building separation requirements as per the ADG.	Complies As noted in Attachment 2 side setbacks comply with the minimum separation distances required under the ADG.
Side setback (corners)	As per Table 5 and Figure 10 of the Guide	Complies Corner units comply with the setbacks outlined within Table 5 and Figure 10.
Rear setback	To be compliant with building separation requirements as per the ADG.	Complies As noted in Attachment 2 rear setbacks comply with the minimum separation distances required under the ADG.
Passive surveillance	<p>Building entries, balconies and windows address the street to provide passive surveillance.</p> <p>Where blank walls are unavoidable, they are designed to face dwelling entries. Refer to DS3.6, DS3.7 and DS3.8 for detailed specifications regarding façade hierarchy relating to activation and surveillance.</p>	Complies Building entries, balconies and windows oriented to the street are provided allowing for passive surveillance opportunities. Blank walls are avoided through appropriate articulation.
Landscaped area	Deep soil planting provisions are made in the common courtyard and generally located to the southern side of the space.	Acceptable While the majority of the deep soil zone is allocated to the eastern APZ, additional smaller pockets (<6m in width) of deep soil of depths up to 1m are provided throughout the site including common courtyard areas.
Fences	Generally, fences should use permeable materials and treatments. Where possible, the front fencing should be the same as the dominant external façade material of the dwellings. Colorbond front fencing is not permitted. Fences should be low to medium height. Refer to Table 4 for character-based frontage/ fence/ interface types	Not Applicable Fencing not proposed. Ground floor terrace apartments are shielded from the public domain via balustrades, railing and landscaping.

Primary private open space	<p>Individual balconies are provided</p> <p>Ground level apartments each have their own private open space that either access directly to the street or to the communal courtyard space.</p>	<p>Complies</p> <p>Individual balconies are provided.</p> <p>Ground level apartments have their own private open space facing the street of internal corridors.</p>																										
Solar access	<p>70% of dwellings receive at least 2 hours of sunlight between 9am and 3pm on 21 June to at least one living room or 50% of the primary private open space.</p>	<p>Complies</p> <p>181 / 258 (70%) of the proposed apartments achieve a minimum of two hours solar access between 9am and 3pm in mid-winter.</p>																										
Maximum car parking	<p>As per Table 2.</p> <p>Car parking is provided as basement car parking.</p> <table><tr><th colspan="2">Table 2 Car Parking Rates</th></tr><tr><th>Use</th><th>Maximum Rate</th></tr><tr><td colspan="2">Residential Flat Building / Mixed Use Apartment Building / Walk-Up Apartment, / Terrace Housing / Integrated Residential Flat Building and Strata Terrace / Manor Home / Cottage Dwelling / Attached Dwelling / Semi-Detached Dwelling / Studio Dwelling</td></tr><tr><td>Studio Dwellings and other one bedroom dwellings</td><td>One space per dwelling.</td></tr><tr><td>Two bedroom dwellings</td><td>1.2 spaces per dwelling.</td></tr><tr><td>Three bedroom dwellings or more</td><td>Two spaces per dwelling.</td></tr><tr><td>Visitor</td><td>One space per 10 dwellings.</td></tr><tr><td colspan="2">Other Land Uses</td></tr><tr><td>Low Density / Detached Dwellings</td><td>Two spaces per dwelling.</td></tr><tr><td>Retail</td><td>4.1 spaces per 100m² of GLFA.</td></tr><tr><td>Educational</td><td>To be confirmed during detailed design.</td></tr><tr><td colspan="2">All other Land Uses Not Identified Above</td></tr><tr><td colspan="2">RMS Guidelines or justified by a Traffic Impact Assessment Report.</td></tr></table>	Table 2 Car Parking Rates		Use	Maximum Rate	Residential Flat Building / Mixed Use Apartment Building / Walk-Up Apartment, / Terrace Housing / Integrated Residential Flat Building and Strata Terrace / Manor Home / Cottage Dwelling / Attached Dwelling / Semi-Detached Dwelling / Studio Dwelling		Studio Dwellings and other one bedroom dwellings	One space per dwelling.	Two bedroom dwellings	1.2 spaces per dwelling.	Three bedroom dwellings or more	Two spaces per dwelling.	Visitor	One space per 10 dwellings.	Other Land Uses		Low Density / Detached Dwellings	Two spaces per dwelling.	Retail	4.1 spaces per 100m ² of GLFA.	Educational	To be confirmed during detailed design.	All other Land Uses Not Identified Above		RMS Guidelines or justified by a Traffic Impact Assessment Report.		<p>Acceptable</p> <p>The development proposes 393 car parking spaces which is consistent with Edmondson Park Landcom Town Centre Design Guidelines (EP Design Guidelines), which seeks to restrain car usage.</p>
Table 2 Car Parking Rates																												
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Bicycle parking	<p>As per Table 2. However, there is no requirement for a space to be provided if adequate space is provided in the storage or parking area.</p>	<p>Complies with condition</p> <p>Dedicated bicycle storage has not been provided, however individual apartments have been provided with storage space within the parking area that may be utilised for bicycle storage.</p> <p>The provided Traffic Assessment notes that it is expected that 266 bicycle spaces shall be provided via dedicated bicycle parking areas, storage cages and/or inside dwellings as to meet the requirements outlined above as part of the post DA or pre-Construction Certificate (CC) stage. A condition of consent is imposed to ensure compliance.</p>																										

5.5 Section 4.15(1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement

Modification 5 included a planning agreement to be imposed on the development in conjunction with Schedule 2 of the Minister's Approval dated 14 February 2025, as follows:

- a) *Within 12 months of the date of this consent or prior to the determination of any development application which would result in the approval of a cumulative total of 755 dwellings within the Landcom Town Centre North precinct (Precinct 9), whichever occurs sooner, the proponent must enter into a planning agreement under section 7.7(3) of the EP&A Act with Liverpool City Council and the Minister for Planning in*

accordance with the commitments contained in the letter of offer titled Edmondson Park Precincts 3, 5 and 9 Planning Agreement – Revised Letter of Offer and dated 10 February 2025 prepared by Landcom.

- b) If the planning agreement has not been entered into by the time required by paragraph (a), the proponent must enter into a planning agreement under section 7.7(3) of the EP&A Act with the Minister for Planning in accordance with commitments contained in the letter of offer titled Edmondson Park Precincts 3, 5 and 9 Planning Agreement – Revised Letter of Offer and dated 10 February 2025 prepared by Landcom. The timeframe for a planning agreement with the Minister for Planning must be agreed to by the Planning Secretary.*
- c) Any development application for development involving the construction of dwellings (up to a maximum of 754 dwellings) within the Landcom Town Centre North precinct prior to the execution of a planning agreement in accordance with a) or b) above is liable for contributions under the relevant Contributions Plan.*

The Modification 5 Landcom's Edmondson Park Masterplan (MP 10_0118) includes requirements for Landcom and Liverpool City Council to enter into a planning agreement (PA) in the form of developer contributions, which are payable for any development. The Masterplan was approved by the Minister of Planning and Public Spaces on 14 February 2025 but imposed a 12-month timeframe for the PA to be finalised between Landcom and Liverpool City Council. As such, this time the ministers will intervene and approve the PA, should it not be completed via agreement.

Contributions would apply to the site, and a condition of consent will be drafted for the payment of these in line with the Minister's Approval. Additionally, a Special Infrastructure Contribution levy condition is required for the proposed development.

5.6 Section 4.15(1)(a)(iv) – The Regulations

The Environmental Planning and Assessment Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia and Australian Standards. Accordingly, appropriate conditions of consent will be imposed.

5.7 Section 4.15(1)(a (v) – Repealed

5.8 Section 4.15(1)(b) – The Likely Impacts of the Development

(a) Natural and Built Environment

Built Environment

The proposed development is considered to be of an appropriate scale and unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole, in particular as it will facilitate residential development consistent with the desired future built character of the locality.

Natural Environment

Impacts on the natural environment have been assessed as part of the development application and the required Precinct Planning outcomes, it is unlikely the development in

isolation will cause a detrimental impact to any endangered or non-endangered species of flora and fauna. Appropriate measures have been taken to satisfy bushfire concerns.

(b) Social Impacts and Economic Impacts

The proposed development would result in a positive economic impact in the locality through the capital investment value of the development and is unlikely to generate any identifiable detrimental social impacts.

5.9 Section 4.15(1)(c) – The Suitability of the Site for the Development

The proposed development is in keeping with the zones, associated objectives and controls. The development is considered to be compatible with the anticipated future character within the Edmondson Park south precinct.

The proposal is considered to effectively respond to its surroundings and is generally consistent with the concept plan approval. Accordingly, the site is considered suitable for the proposed development.

5.10 Section 4.15(1)(d) – Any submissions made in relation to the Development

(a) Internal Referrals

The following comments have been received from Council's Internal Departments:

Department	Comment
Engineering 12.11.2022	No objection, subject to conditions of consent.
Environmental Health 12.10.2022	No objection, subject to conditions of consent.
Transport & Traffic 18.3.2025	No objection pursuant to the approval of Mod 5 and subject to conditions of consent. <ul style="list-style-type: none"> <i>The requirement for the applicant to submit certification from a suitably qualified professional (other than the group that prepared the traffic impact assessment report) that the design of the access driveway and car parking arrangement including ramp gradient are compliant with the requirements of AS2890.1 is to be conditioned.</i>
Flooding 26.10.2022, 23.6.2023 & 21.3.2025	No objection, subject to conditions of consent.
Building 14.10.2022	No objection, subject to conditions of consent.
Urban Design	DEP provided support, subject to recommendations from the panel for the Council to review. Urban Design raised a number of design matters and needs that have been discussed through the report and imposed as conditions of consent. to confirm outstanding recommendations.
Landscape 19.10.2022	No objection, subject to conditions of consent.
Waste Management 2.5.2023 & 24.3.2025	No objection, subject to conditions of consent.

Community Planning 21.12.2022	<p>Considered acceptable.</p> <ul style="list-style-type: none"> Housing Diversity. Landcom commits to a target of 5-10 per cent Affordable Housing for rent as a proportion of all new housing provided. 'There is flexibility as to the way in which the Affordable Housing is provided in terms or whether it is in a separate dedicated building or mixed with other types of housing'. <p>Proposed development should ensure appropriate housing mix for accessible by all. Demographic analysis and stakeholder consultation indicates that the future Edmondson Park population will be predominately young families that are culturally diverse, which is consistent with the profile of other new release communities.</p> <p>The consideration for other retail/commercial uses is strongly recommended considering the future highly trafficable area, which includes the current and future school across the road and distance to the Edmondson Park Town Centre.</p>
Contributions 15.12.2022	<p>Deferred. Additional Information required.</p> <p>A letter of offer was received by Council by is not supported, subject to the Modification 5 VPA currently being worked through by Liverpool Council and Landcom. The imposition of consent will be in conjunction with the Minister's Approval dated 14 February 2025.</p>
City Design Heritage 28.4.2023	No objection, subject to conditions of consent.

(b) External Referrals

The following comments have been received from External agencies:

External referrals	Comments
Transport for NSW (Sydney Trains)	Support has been received subject to conditions of consent being addressed and added to the notice of determination.
Endeavour Energy	No objection. Advice and conditions provided.
Sydney Water	No objection. Advice and conditions provided.
Department of Planning & Environment (Water)	No objection. General Terms of Approval (GTA) provided.
NSW Rural Fire Service (RFS)	No objection. Advice and conditions provided.
Department of Education	See submission below.

(c) Community Consultation

The development application was advertised from 11 October to 14 November 2022 in accordance with the Liverpool Community Participation Plan 2019. Two submissions were received for the proposal. The concerns raised in the submission and the response to the submissions are provided below.

Issue	Council Comment
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SUBMISSION 1	
Flooding may be an issue given the location next to Maxwells Creek.	The site does not include any land identified as flood prone land. The proposal was assessed by Council's Floodplain Engineering Section who are satisfied with the proposal subject to conditions of consent.
Proximity to the neighbouring school and its playgrounds will be a privacy issue.	<p>The design of the residential flat building carefully balances the need to protect the privacy of the school while ensuring that residents can enjoy reasonable outlooks from their balconies. The proposed development incorporate design measures such as appropriate setbacks and window placement to mitigate overlooking concerns.</p> <p>Additionally, given that schools are public spaces with an inherently lower expectation of privacy in outdoor areas, the design ensures that any views are directed, internally at adjacent residential flat buildings, or towards open spaces rather than within classrooms or private facilities where practicable.</p> <p>This approach achieves a reasonable balance between maintaining the school's privacy and providing a high level of amenity for future occupants of the residential building.</p>
Edmondson Park is lacking in public facilities such as sports fields and dog parks. People need somewhere to exercise for their health and wellbeing. How is this catered for with the increasing number of apartment buildings.	<p>Council acknowledges the submitters concerns regarding the provision of additional public facilities and parks; however, it is important to clarify that the responsibility for delivering such infrastructure falls under state government agencies during the development of the Edmondson Park South Concept Plan.</p> <p>While Council supports the provision of open space and community facilities, these are typically planned and delivered through broader infrastructure strategies, contributions plans, or state-led initiatives.</p>
SUBMISSION 2 – Department of Education (School Infrastructure NSW)	
Site Context:	
The proposed development appears to provide an appropriate interface to the future road shared with the DoE site. However, it is noted artist impressions provided within the Architectural Plans show the DoE site as parkland with continuous footpaths along the curb. If the site is developed as a high school, long buildings will likely be provided along this street frontage and a kiss and drop may be located along the future road (adjacent to the school).	<p>The design of the residential flat building has carefully considered the future development of the neighbouring vacant site into a high school. The proposal incorporates appropriate setbacks, privacy measures, and building orientation to ensure a functional and compatible interface with the future school.</p> <p>The proposed development's layout ensures that key communal and living areas are positioned to maintain amenity without adversely impacting the future school environment.</p> <p>A detailed traffic assessment has been provided that takes into consideration the proposed 1,500 student combined primary and high school under the original Concept Plan.</p>
Pedestrian Connectivity:	
The most recent modification to the Concept Plan (MP10_0118 Mod 5), provides for a local road along the southern and eastern boundaries of the subject site. It is noted that the application seeks approval to delete the section of future road along the southern boundary and it	<p>Since the time of this submission the eastern local shared service road and pedestrian access has been extended to wrap around the southern portion of the site.</p> <p>However, vehicle access through the southern and eastern boundary of the site will be restricted only to any necessary emergency vehicles (such as the fire brigade or ambulance), and limited maintenance vehicles.</p>

<p>appears that the traffic report does not assess the impact of this. If Council supports the deletion of the road, it is requested Council consult with SINSW, prior to determination.</p>	
<p>Under the Concept Plan and the EPS DCP, the proposed local roads and the school's adjacency to public open space enabled improved connectivity to the town centre and station by allowing students to cut through the public open space.</p> <p>The architectural plans submitted show communal open space running from east to west through the centre of the proposed development and a pathway which follows the site's southern boundary.</p> <p>It is requested confirmation be provided whether either pathway is proposed to be publicly accessible. If not, it is recommended Council consider whether a publicly accessible through site link should be provided as part of this application and the relationship of any links to the adjoining public open space.</p>	<p>The communal Garden Link is proposed to be a publicly accessible through site link from east to west.</p>
<p>Future Road and Public Domain:</p>	
<p>The proposal is to be accessed from two driveways to the future road approved under DA-1073/2021. The future road will service the access requirements of the proposed development as well as the adjoining DoE land. A kiss and drop may be located along the future road.</p> <p>The Transport Assessment submitted has not assessed the proposed access arrangements within the context of the site sharing the future road with a high school with an additional 2000 students and related traffic impacts. It is requested the Transport Assessment be updated in consultation with SINSW to consider the potential high school and opportunities for design coordination with an appropriate public domain response.</p>	<p>The submitted Transport Assessment incorporate precinct-wide modelling in which traffic generation for the broader precinct is included. The proposal remains aligned with its context, and the traffic generated by the development has already been considered in previous traffic modelling used to determine the road infrastructure requirements for the broader Edmondson Park area. Furthermore, it is deemed that the proposed development would not result in any unacceptable impacts on the surrounding road network.</p> <p>Notwithstanding, the proposed development is not required to address the future school to be developed on the neighbouring site in relation to traffic impact or the provision of a future kiss and ride area, as these matters fall within the scope of the school development's assessment and associated traffic management planning. As the school's development is not yet confirmed, it would be premature and unreasonable to require this development to implement upgrades based on an uncertain future project.</p>

Privacy:	
The development will include balconies and windows on the western elevation which will likely have direct views onto the grounds of the potential high school site. Privacy mitigation measures should be considered.	<p>As noted within Submission 1: The design of the residential flat building carefully balances the need to protect the privacy of the school while ensuring that residents can enjoy reasonable outlooks from their balconies. The proposed development incorporate design measures such as appropriate setbacks and window placements to mitigate overlooking concerns.</p> <p>Additionally, given that schools are public spaces with an inherently lower expectation of privacy in outdoor areas, the design ensures that any views are directed towards open spaces rather than within classrooms or private facilities.</p> <p>This approach achieves a reasonable balance between maintaining the school's privacy and providing a high level of amenity for future occupants of the residential building.</p>
Utilities:	
Given the scale of the proposal, it is requested Council and the Applicant confirms utility networks can still accommodate both this development and a high school. If upgrades are required, service infrastructure delivery should be shared and coordinated with SINSW.	<p>Suitable conditions of consent would be imposed to ensure that utility networks can accommodate the subject development. Any necessary upgrades as a result of the future high school development are to be undertaken as part of that development. As the school's development is not yet confirmed, it would be premature and unreasonable to require this development to implement upgrades based on an uncertain future project.</p> <p>Without detailed plans or approval for the school, the specific infrastructure demands, design requirements, and funding responsibilities remain unknown. Upgrading infrastructure now could lead to inefficiencies, unnecessary costs, or even the need for further modifications once the school's development progresses. Therefore, it is more appropriate for any required infrastructure upgrades to be addressed as part of the school's planning and delivery process.</p>
Consultation Post Consent:	
The proposal is not supported by a Construction Management Plan (CMP) and the Transport Assessment and Noise and Vibration Impact Assessment do not include an assessment of construction impacts.	<p>Suitable conditions of consent would be imposed requiring:</p> <ul style="list-style-type: none"> Construction Environmental Management Plan (CEMP). <ul style="list-style-type: none"> The CEMP includes a Noise and Vibration Control Plan. Construction Traffic Management Plan (CTMP)
Due to the scale of the proposal and its proximity to Edmondson Park Public School and the potential high school site, the construction and operational phases of the development could affect the safe and efficient operation of both schools. Should Council grant consent to the application, SINSW requests that any management plans required prior to construction or occupation are developed in consultation with DoE to ensure appropriate mitigation measures are in place.	<p>A range of conditions of consent would be imposed to ensure the safe and efficient operation of the school, including but not limited to:</p> <ul style="list-style-type: none"> A condition of consent would be imposed requiring a Works Zone application. It is noted that Work zones will not be permitted in locations that will compromise pedestrian, cyclist and vehicular access to the neighbouring School and associated drop-off and pick-up spaces. The conditioned CTMP is designed to ensure if any impacts to school bus services is anticipated, these will be addressed and mitigated. A condition of consent would be imposed requiring a Construction Site Management Plan. This plan must detail that truck movements to and from the site area avoided as much as possible during school drop-off and pick-up periods.

	<ul style="list-style-type: none"> • A condition requiring a Traffic Control Plan (TCP) and Construction Traffic Management Plan (CTMP) would be imposed to manage construction vehicle entry. • Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW. • A condition of consent would be imposed requiring the applicant to consult with DoE prior to Construction Certificate.
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5.11 Section 4.15(1)(e) – The Public Interest

The proposed development is consistent with the zoning of the land and would represent a high-quality development for the precinct. In addition to the social and economic benefit of the proposed development, it is considered to be in the public interest.

6 DEVELOPMENT CONTRIBUTIONS

Contributions would apply to the site, and a condition of consent will be drafted for the payment of these, if a VPA is not made in accordance with the Part 3A Concept Plan approval. Additionally, a Special Infrastructure Contribution levy condition will be added for the proposed development.

7 CONCLUSION

Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is considered satisfactory with the following matters noted:

- The proposed development complies with the relevant provisions of the SEPP (Precincts – Western Parkland City) 2021 and the Edmondson Park Town Centre North Design Guidelines 2024.
- The proposal is deemed to be generally consistent with the Edmondson Park South concept plan approval.
- Conditions of consent will be imposed to minimise any potential negative environmental impacts resulting from the development.
- The proposed development is appropriate for the site and approval is in the public interest.
- Conditions will apply regarding Section 7.11 contributions and VPAs.
- A Special Infrastructure Contribution Condition will apply.

THAT pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, Development Application DA-855/2022 be approved as deferred commencement subject to conditions of consent.

8 ATTACHMENTS

- 1) Recommended Conditions of Consent – 148055.2025
- 2) Tables of Compliance Assessment – 148054.2025
- 3) Architectural Plans – 094714.2025
- 4) Landscape Plans – 203274.2024
- 5) Landscape Report – 203273.2024
- 6) Survey Plan – 203277.2024
- 7) Clause 4.6 Height of Building Request - 126550.2025
- 8) Statement of Environmental Effects – 262627.2022
- 9) Design Verification Statement – 262603.2022
- 10) Pre-DA DEP Minutes 12 May 2022 – 262625.2022
- 11) DEP Minutes 9 March 2023 – 101130.2023
- 12) DEP Minutes 11 April 2024 – 139721.2024
- 13) Access Report – 262571.2022
- 14) Acoustic Report – 262572.2022
- 15) BASIX Certificate – 262599.2022
- 16) Bushfire Report – 262601.2022
- 17) Flood Planning Certificate – 262612.2022
- 18) Pedestrian Wind Assessment – 262613.2022
- 19) Statement of Commitments – 262626.2022
- 20) Traffic Report – 262640.2022
- 21) Environmental Site Investigation – 262642.2022
- 22) Operational Waste Management Plan – 203276.2024
- Social Impact Assessment – 203278.2024