

DATE OF DETERMINATION	27 May 2025
DATE OF PANEL DECISION	27 May 2025
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Peter Harle
APOLOGIES	Ned Mannoun
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 5 May 2025.

MATTER DETERMINED

PPSSWC-278 – Liverpool – DA855/2022 - Lot 3 Faulkner Way, Edmondson Park - 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: 37 x 1 bedroom dwellings, 154 x 2 bedroom dwellings, 65 x 3 bedroom dwellings, 9 x 4 bed dwellings, 1 x 5 bedroom dwellings 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; parking for 20 motorcycles and 266 bicycles; landscaping and public domain improvements to the site, podiums, and interface with the Maxwells Creek riparian corridor; and provision of utilities and services.

The application is identified as Nominated Integrated Development under the Water Management Act 2000, requiring approval from DPI Water.

PANEL CONSIDERATION AND DECISION

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

Application to vary a development standard:

Following consideration of a written request from the applicant, made under Appendix 1 Part 2 cl 28 of State Environmental Planning Policy (Precincts -Western Parkland City) 2021, that has demonstrated that:

- compliance with cl. 18 Height of Buildings is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under Appendix 1 Part 2 cl 28 of State Environmental Planning Policy (Precincts -Western Parkland City) 2021; and
- the development is in the public interest because it is consistent with the objectives of Appendix 1 Part 2 cl 18 of State Environmental Planning Policy (Precincts -Western Parkland City) 2021 and the objectives for development in the R1 General Residential zone; and
- the concurrence of the Secretary has been assumed/provided.

In particular, the Panel notes that the maximum height of building control is 28m and that the proposed variation to this control ranges between 28.1-28.4m or 0.36% - 1.43%. The extent of the proposed variation is therefore minor in the context of the building and is primarily for parapet walls.

The Panel is satisfied that the proposal is consistent with the objectives for the R1 General Residential Zone, and will not compromise the achievement of an appropriate transition in built form and land use intensity, nor give rise to any adverse environmental impacts.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determines unanimously that pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979, Development Application DA-855/2022 be approved subject to the conditions of consent as recommended by the Council assessment staff in the determination report, including a minor amendment to deferred commencement condition 1 which provides that the development consent is not to operate until certain matters are resolved concerning a revised road layout through the site.

The Panel notes that the determination of this DA has been delayed pending determination of Mod 5 to the Concept Plan Approval, which has now been approved. Determination of this modification application was necessary to address the contributions arrangements associated with this application.

The panel determined to uphold the Clause 4.6 variation to building height; approve the application for the reasons outlined in the Council assessment report and having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

The Panel notes in particular the advice of Council assessment staff as to the following matters:

- 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.

The Panel also refers to the Briefing Records of 6 March 2023 and 24 March 2025 and notes that the outstanding issues as listed by the Panel in the 24 March 2025 Record (relating to Mod 5, the height variation, proposed access arrangements and various design matters) have all been addressed to the Panel's satisfaction as set out in the final Council assessment report.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report, excepting only:

Deferred Commencement Condition 1 and Condition 7

The Panel is concerned to ensure that in the resolution of the road design required by the deferred commencement condition the Applicant, Council and Sydney Trains are not constrained from adopting any design features which would reduce the impact of the access requirements for NSW Trains on the approved development and the public domain. In that regard, the Concept Plan approval appears to require only a local road to the south of the approved buildings., with a narrower road to the east to allow for substantial landscaping embellishment of the public domain. While the Panel's preference is to retain the treatment

described in the Concept Plan, the Panel accepts that this is an appropriate issue to be resolved through assessment under the proposed deferred commencement condition, and need not delay determination of the DA

For that reason, the Panel requires the following words to be added to the end of each of deferred commencement 1 and condition 7:

“Nothing in this condition shall be read to constrain the design of the required path of travel between Buchan Avenue and the rail corridor, if a design which is satisfactory to Transport for NSW can be resolved which does not require the road to the south of the proposed development to be widened to full local road width.”

Condition 136

To allow for future resolution of the planning agreement presently under negotiation between Landcom, Council and the Minister for Planning in relation to the provision of infrastructure for Edmondson Park South, Condition 136 is to be amended to read (marked up against Council’s draft):

136 Payment of developer contributions

- a) Before the issue of the occupation certificate for any building work, the applicant must pay a total contribution in association with the new condition 1.8B of Schedule 2 Part C Edmondson Park South Concept Plan (MP 06 0118) added by item (k) of the Minister's Modification Approval, dated 14 February 2025.
- b) Specifically (unless a planning agreement is entered into under section 7.7(3) of the EP&A Act with the Minister for Planning as provided for by Condition 1.8B(a) or (b) of the approved Edmondson Park South Concept Plan prior to the contributions being paid)a total of \$2,619,772.00 as calculated at the date of this consent is to be paid to Council under section 7.11 of the EP&A Act in accordance with the City of Liverpool's Edmondson Park s7.11 Contributions Plan 2008 such that:

The applicant must pay the following contributions to council for:

The cost (and consequently the levy amount) must be indexed between the date of DA determination and the date of payment in accordance with the following formula:

$$\text{Indexed development cost (\$)} = (\$Co \times \text{Current PPI}) / \text{Base PPI}$$

Where:

\$Co	is the original development cost estimate assessed at the time of the issue of the development consent
Current PPI	is the Producer Price Index (Building Construction New South Wales) ABS Catalogue No. 6427.30 as published by the Australian Bureau of Statistics at the quarter immediately prior to the date of payment
Base PPI	is the Consumer Price Index (Building Construction New South Wales) ABS Catalogue No. 6427.30 as published by the Australian Bureau of Statistics at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution

Payment of section 7.11 contributions must be made directly to Liverpool City Council.

Contact Liverpool City Council for the current amount payable (contributions are indexed quarterly) on the day of payment.

Contributions can be paid on any date after the issue of this notice of determination, prior to the mandatory timing.

A copy of the development contributions plan is available on the Council's website.

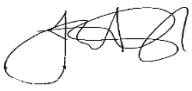



- c) If prior to payment of the contributions, a planning agreement has been entered into under section 7.7(3) of the EP&A Act with the Minister for Planning as provided for by Condition 1.8B (a) or (b) of the approved Edmondson Park South Concept Plan which provides for different developer contributions for the development the subject of this DA, then the contributions are to be paid in accordance with that planning agreement rather than under b) of this condition.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Amenity
- No open space
- Concern over the potential for flooding.
- Concern that the site was originally planned for a school.

The panel considers that concerns raised by the community have been adequately addressed in the Council assessment report noting a neighbouring school is still proposed.

PANEL MEMBERS	
Justin Doyle (Chair) 	Louise Camenzuli 
David Kitto 	Peter Harle 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-278 – Liverpool – DA855/2022
2	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>
3	STREET ADDRESS	Lot 3 Faulkner Way, Edmondson Park
4	APPLICANT/OWNER	<p>Applicant: UPG Edmondson Parkland Pty Ltd</p> <p>Owner: Landcom</p>
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (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 ○ Liverpool Local Environmental Plan 2008 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Landcom Town Centre North Design Guidelines – prepared by Willow Tree Planning October 2024 (MOD 5) • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil • Coastal zone management plan: Nil

		<ul style="list-style-type: none"> • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 2 May 2025 • Clause 4.6 request: Height of Building • Written submissions during public exhibition: 2 • Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 6 March 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: David Kitto (Chair) ○ <u>Council assessment staff</u>: Nabil Alaeddine ○ <u>Applicant representatives</u>: Richard Boulos, Stephen Gouge, Joe Strati, Patrick Elias, Cristian Rojas, Felipe Miranda, Ramin Jahromi • Final briefing to discuss council's recommendation: 24 March 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Peter Harle, Ned Mannoun ○ <u>Council assessment staff</u>: Nabil Alaeddine ○ <u>Applicant representatives</u>: Richard Boulos, Stephen Gouge, Joe Strati, Patrick Elias, Cristian Rojas, Felipe Miranda, Ramin Jahromi
9	COUNCIL RECOMMENDATION	Deferred Commencement Approval subject to conditions
10	DRAFT CONDITIONS	Attached to the council assessment report