



**COUNCIL ASSESSMENT REPORT – DEVELOPMENT  
APPLICATION**  
SYDNEY WESTERN CITY PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSWC-297   DA-1090/2022
<b>PROPOSAL</b>	<p>Construction of an 8 storey residential flat building comprising of 131 apartments consisting of 2 towers above a 2-storey podium and 30 x 3 storey townhouses over a joined basement being lots 6 and 7 part of proposed plan of subdivision of Lot 101 DP 1275550.</p> <p>The proposal is identified as Nominated Integrated Development requiring approval from the Department of Planning and Environment - Water under the Water Management Act 2000.</p>
<b>ADDRESS</b>	<p>Lot 101 in DP 1275550</p> <p>Buchan Avenue Edmondson Park 2174</p>
<b>DA LODGEMENT DATE</b>	28 October 2022
<b>APPLICANT</b>	UPG Edmondson Park
<b>OWNER</b>	Landcom
<b>APPLICATION TYPE</b>	Development Application
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Clause 2, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : General development over \$30 million
<b>CIV</b>	\$56,581,455
<b>CLAUSE 4.6 REQUESTS</b>	4.6 variation to the HOB – The proposed variation is 23.5% or a maximum height of 25.85m of the RFBs. The proposed Multi-dwelling buildings do comply with the 12m height limit.
<b>KEY SEPP/LEP/s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>▪ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>▪ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>▪ <i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021</i> (<b>Western Parkland City SEPP</b>)</li> <li>▪ State Environmental Planning Policy (Sustainability Buildings) 2022 (<b>BASIX</b>)</li> <li>▪ State Environmental Planning Policy (Housing) 2021 (Housing SEPP)</li> <li>▪ The Apartment Design Guide (<b>ADG</b>)</li> </ul>

	<ul style="list-style-type: none"> <li>Modification 5, Landcom's Edmondson Park South Masterplan (<b>Mod 5</b>).</li> </ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS ISSUES SUBMISSIONS</b>	One (2) Submissions received regarding: <ul style="list-style-type: none"> <li>Traffic and parking</li> <li>Noise</li> <li>Negative impact on property value</li> <li>Privacy</li> </ul>
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ol style="list-style-type: none"> <li>Draft Conditions of Consent - 147967.2025</li> <li>Assessment Tables - 147941.2025</li> <li>Minister's Approval - 147950.2025</li> <li>4.6 Height of Building variation - 440079.2022</li> <li>Architectural Plans – 142038.2024</li> <li>Landscape Plans - 146673.2024</li> <li>Stormwater Management Report - 142044.2024</li> <li>Statement of Environmental Effects - 371389.2022</li> <li>Design Guidelines - 371381.2022</li> <li>Design Verification Statement - 371373.2022</li> <li>BASIX certificates - 371369.2022</li> <li>Statement of Commitments with Modification 5 - 371379.2022</li> </ol>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)</b>	Yes – As per conditions
<b>RECOMMENDATION</b>	Approval, subject to conditions of consent
<b>DRAFT CONDITIONS TO APPLICANT</b>	Pending
<b>SCHEDULED MEETING DATE</b>	7 April 2025
<b>PLAN VERSION</b>	As per submission
<b>PREPARED BY</b>	Nabil Alaeddine Jason Marshall
<b>DATE OF REPORT</b>	4 April 2025

<b>Summary of Section 4.15 matters</b> Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> 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>	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b> 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>	<b>Yes</b>

<b>Special Infrastructure Contributions</b> 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>	<b>Yes</b>
<b>Conditions</b> 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>	<b>Yes, response pending</b>

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## **1 EXECUTIVE SUMMARY**

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### **1.1. Reasons for the report**

The Sydney Western City Planning Panel (SWCPP) is the determining authority as the development has a Capital Investment Value over \$30 million, pursuant to Clause 2 of Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021.

### **1.2. The proposal**

Council has received a development application DA-1090/2022.

The proposal principally includes the construction of:

- An 8-storey residential flat building comprising 131 apartments, consisting of 2 towers above a 2-storey podium.
- 30 x 3-storey townhouses.
- A joined basement.
- Landscaping, including a north-south through link and a podium garden.
- Stormwater works.

The proposal is identified as Nominated Integrated Development requiring approval from the Department of Planning and Environment - Water under the Water Management Act 2000.

### **1.3. The site**

The site is identified as Lot 101 in DP 1275550. and is described as Lot 101 Buchan Avenue Edmondson Park. It has street frontages of 105.55m to Buchan Avenue, 67.24m to a future road west of the site, 88.9m to a future road north of the site, and 37.075 to a future road east of the site.

The site is irregular in shape with a total area of 8,219m<sup>2</sup>. It is currently vacant and cleared of vegetation.

### **1.4. The issues**

The key issues associated with the proposal relate to the following:

#### **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. 4.6 Variation to the Height of Buildings (HOB).**

The Residential Flat Building Component of the proposed development has a maximum building height of 28.003m under Clause 18. The required HOB for the precinct is 28m. The extent of the proposed variation equates to minor in nature of this existing height limit.

A 4.6 variation request has been provided and assesses the proposed variation and adequately justifies the proposed variation. The variation is only for the RFB portion of the development. The height variation is primary for parapet walls which can be attributed to architectural features. They will not contribute to significant additional impacts or privacy impacts to neighbouring buildings. The 4.6 request is attached as Annexure C.

The application is recommended for approval, subject to the conditions of consent as imposed.

## **1.5. Exhibition of the proposal**

The proposal was notified in accordance with the Liverpool Community Engagement Strategy 2022 between 11 January 2023 and 8 February 2023. One submission was received regarding traffic, noise, parking, and privacy. These are considered in the submissions section below.

## **1.6. Conclusion**

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

# **2 THE SITE AND LOCALITY**

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## **2.1. The Site**

The site is identified as Lot 101 in DP 1275550. and is described as Lot 101 Buchan Avenue Edmondson Park. It has street frontages of 105.55m to Buchan Avenue, 67.24m to a future road west of the site, 88.9m to a future road north of the site, and 37.075 to a future road east of the site. An aerial photograph of the subject site is provided below.

The site is irregular in shape with a total area of 8,219m<sup>2</sup>. It is currently vacant and cleared of vegetation.

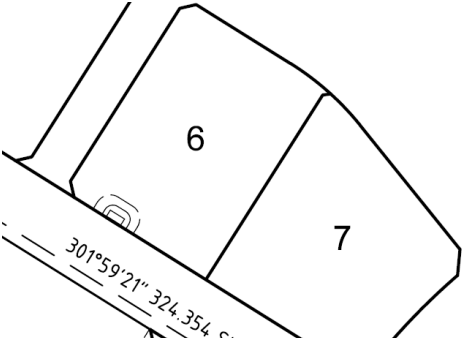
The site slopes from north-west to south-east, with a high point in the north west corner at 59.06 AHD, dropping down to around 53 AHD in the south-east corner.

Since lodgement, Lot 101 in DP 1275550 has been subdivided into lots 6 & 7 in DP1275478, approved in DA-386/2021.



**Figure 1:** Nearmaps aerial of the site

## 2.2. Site Constraints

<p><b>Are there any constraints or affection on the site:</b></p> <ul style="list-style-type: none"> <li>- Bushfire</li> <li>- Flooding</li> <li>- Heritage Items</li> <li>- Aboriginal heritage</li> <li>- Environmentally Significant Land</li> <li>- Threatened Species/ Flora/ Habitat/ Critical Communities</li> <li>- Acid Sulphate Soils</li> <li>- Aircraft Noise</li> <li>- Flight Paths</li> <li>- Railway Noise</li> <li>- Road Noise/ Classified Road</li> <li>- Significant Vegetation</li> <li>- Contamination</li> <li>- Salinity</li> </ul>	<ul style="list-style-type: none"> <li>- Bushfire Vegetation Buffer and Vegetation Category 3.</li> <li>- Moderate - High Salinity Potential.</li> </ul>
<p><b>Are there any restrictions on title?</b></p> <p>Attach 88B instrument to the report</p>	<p>The site is affected by Padmount Substation Easement fronting Buchan Road on the south west of the site.</p>  <p><b>Figure 2:</b> Deposited Plan Extract</p>

### 2.3. The Locality

The site is located within the Parkland Precinct in the suburb of Edmondson Park. This residential area is sandwiched between low-density detached housing subject to the LLEP to the north and increasing density towards the train station in the south enabled by the Western Parklands SEPP.

The immediate area is land in transition, characterised by large blocks of cleared and vacant land undergoing subdivision works. An area for public recreation is reserved immediately to the east.

The surrounding uses in the locality are show in figure 3.



**Figure 3:** Nearmaps aerial of the Locality

## 3 THE PROPOSAL AND BACKGROUND

### 3.1. Site History

Approval History	
<b>DA-386/2021</b> Lodged 22/4/2021 Approved 15/9/2022	Subdivision of Existing Allotment into a 8 large lot Torrens Title Subdivision and two resultants residue lots of Lot 2 DP 1264963 and Lot 3 DP 1257105 and minor servicing works on southern side Bezentin Ridge/Mcfarlane Road. The proposed development is identified as Nominated Integrated Development requiring an approval from the Natural Resources Access Regulator under the Water Management Act 2000. The proposed development is identified as Integrated Development requiring an approval from the NSW Rural Fire Service under the Rural Fires Act 1997
<b>DA-1009/2022</b> Rejected 12/10/2022	Construction of a 8 storey residential flat building comprising of 131 x apartments consisting of 2 towers above a 2-storey podium

	and 30 x 3 storey townhouses over a joined basement being lots 6 and 7 part of proposed plan of subdivision of Lot 101//1275550.
<b>DA-1090/2022</b> Lodged 28/10/2022 Subject Application	Construction of an 8 storey residential flat building comprising of 131 apartments consisting of 2 towers above a 2-storey podium and 30 x 3 storey townhouses over a joined basement being lots 6 and 7 part of proposed plan of subdivision of Lot 101 DP 1275550. The proposal is identified as Nominated Integrated Development requiring approval from the Department of Planning and Environment - Water under the Water Management Act 2000
<b>SWC-45/2022</b> Approved 31/10/2022	Subdivision approved under DA-386/2021 of parent Lot 101 in DP 1275550 to create lots 6 & 7 in DP1275478 for the subject application.

### 3.2. Application Background

Subject Application History	
28/10/2022	Application Lodged.
20/2/2023	SWCPP Kick-Off Briefing.
9/3/2023	Design Excellence Panel Meeting.
8/6/2023	Request for Additional Information Issued
14/3/2024	Second Design Excellence Panel Meeting.
2/5/2024	Revised Package Submitted by Applicant
14/02/2025	Modification 5 (MP10_0118 MOD 5) is approved by Department of Planning and Environment (DPE), including a range of amendments to the Concept Plan which relate to the Edmondson Park Town Centre north and affect the subject site.

## 4 THE PROPOSAL

### 4.1. Proposed Development

The proposal principally includes:

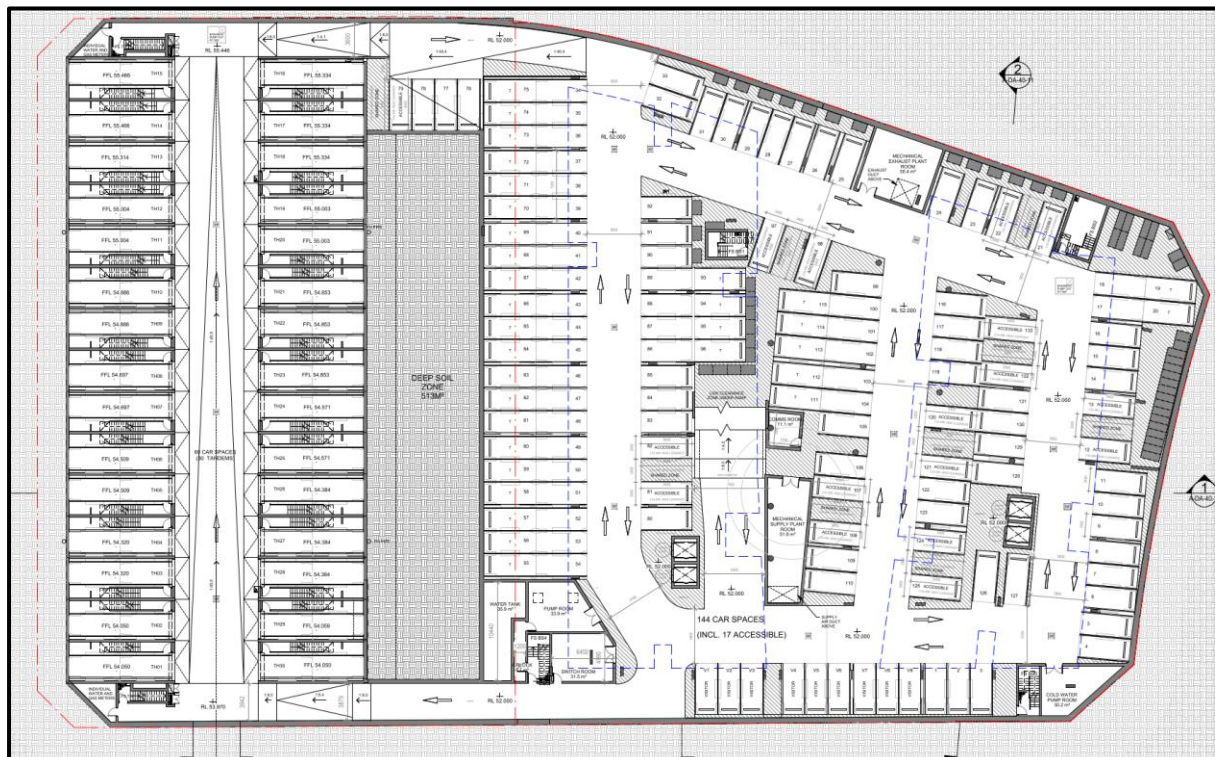
- An 8-storey residential flat building comprising of 131 apartments consisting of 2 towers above a 2-storey podium on the eastern side of the site. The podium is mostly enclosed by 3 storey terrace units.
- 30 x 3 storey townhouses/terraces in two rows in a block on the western side of the site.
- A basement joins the two sets of buildings and continues over the ground and first floors of the podium, providing waste services, storage, and 168 car spaces for residents (including 17 accessible) and 13 visitor spaces.
- Landscaping including a north-south through link and a podium garden, as well as barrier treatments between the ground floor and the public domain.
- Stormwater works.

Table 1: Development Summary

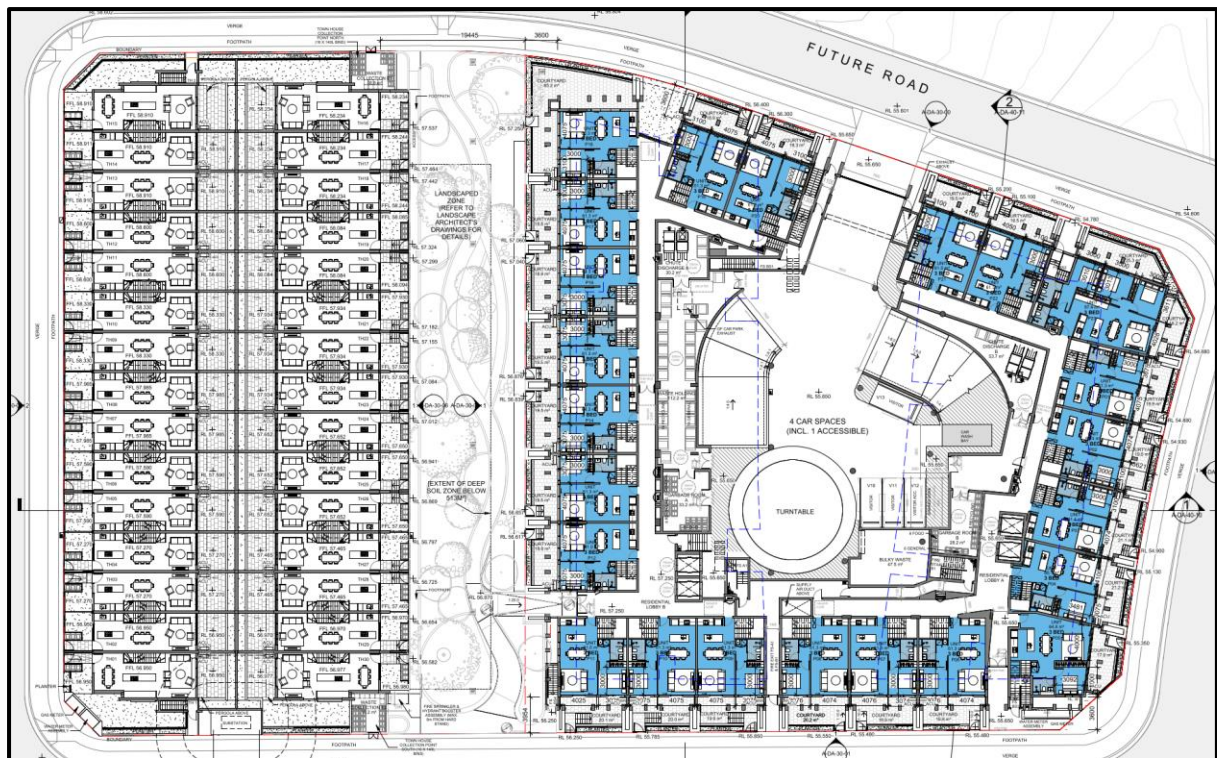
Gross Floor Area	
Town Houses	3,962.05 sqm

Apartments	13,570.41 sqm
<b>Total GFA</b>	<b>17,532.46 sqm</b>
Apartment GF & Podium Access/Services	2,302.22 sqm
<b>Apartment Mix</b>	
1 Bedroom	34 (36.6%)
2 Bedroom	53 (40.5%)
3 Bedroom	30 (22.9%)
<b>Parking</b>	
Resident	168 (17 accessible)
Visitor	13
<b>Solar Access</b>	
Minimum 2 hours	96 (73%)
No sun	8 (6%)
<b>Ventilation</b>	
Natural Cross Ventilation	82 (62%)
<b>Universal Design</b>	
Silver	16 (12.2%)
Adaptable	17 (13%)

The proposal is shown in figures 4 - 16 below:



**Figure 4: Basement Parking**



**Figure 5:** Ground Floor including Public Open Space through link



**Figure 6:** First Floor



**Figure 7:** Second Floor including podium Communal Open Space



**Figure 8:** Third Floor including rooftop terraces for the western block



Figure 9: Fourth Floor/Roof

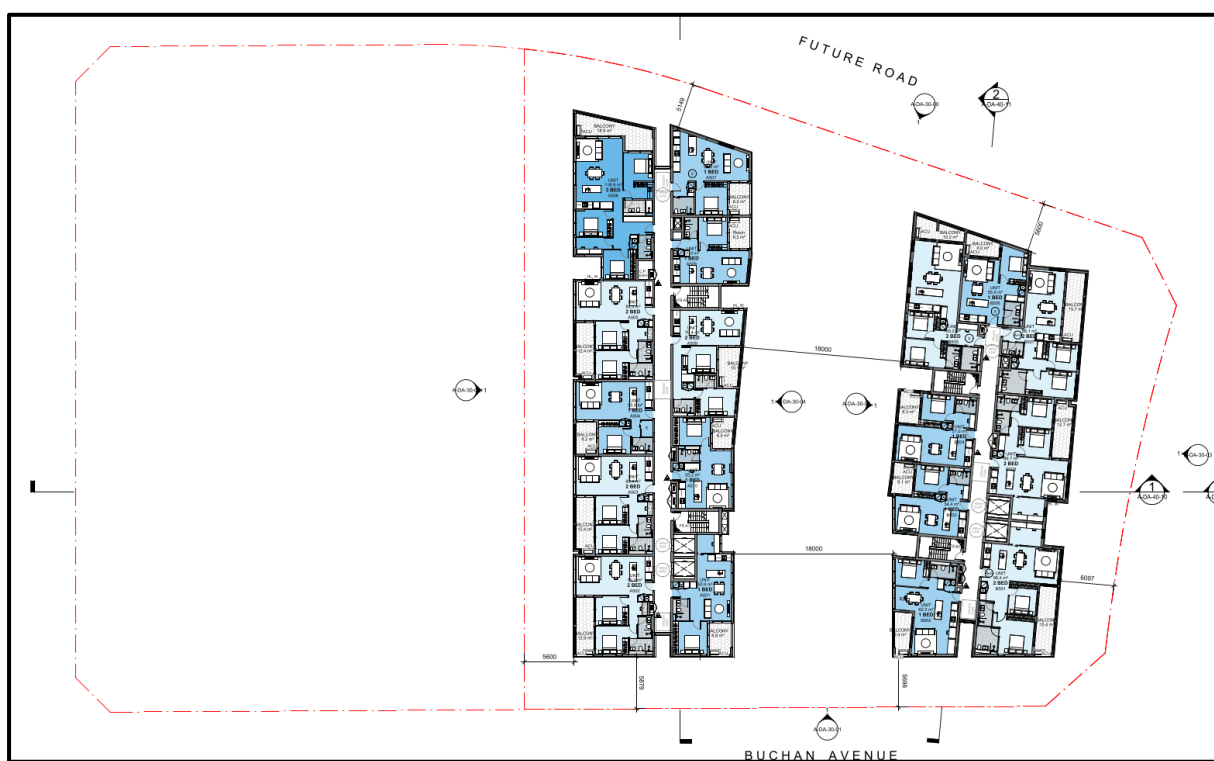


Figure 10: Floors 5-7

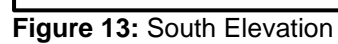
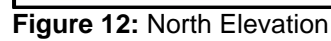
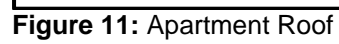




Figure 14: West Elevation (Tower A)



Figure 15: East Elevation (Tower B)



**Figure 16:** East & West Elevations (Western Townhouse/Terrace Block)

## 4.2. Design Excellence Panel Briefing

The proposal was presented to the Design Excellence Panel (DEP) on 9/3/2023 and again 14/3/2024. The panel supported the application subject to recommendations that Council is confident the applicant has addressed through amended plans or will address as a condition of consent. Minutes from both DEP meetings are attached (Attachment 7).

## 5 STATUTORY CONSIDERATIONS

### Section 4.15(1) of the EP&A Act

The following planning instruments have been considered in the planning assessment of the subject application:

#### Environmental Planning Instruments (EPI's)

- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021; and*
- *State Environmental Planning Policy (Precincts – Western Parkland City) 2021.*
- *State Environmental Planning Policy (Sustainability Buildings) 2022 (BASIX)*
- *State Environmental Planning Policy (Housing) 2021 (Housing SEPP), Chapter 4 – Design of Residential Apartment Development*

- State Environmental Planning Policy (Planning Systems) 2021

#### Development Control Plans

- *Modification 5 Landcom's Edmondson Park South Masterplan*
- *Edmondson Park South Development Control Plan 2012 (Edmondson Park DCP)*

#### Other Matters

- *Liverpool City Council Community Engagement Strategy 2022*
- *The VPA attached to Modification 5 Landcom's Edmondson Park South Masterplan*
- *A Special Infrastructure Contribution is also required under the Western Sydney Growth Areas Special Infrastructure Contributions Area, noting that the new Housing and Productivity will not apply to the Growth Areas until 2026.*
- *The Apartment Design Guide (ADG)*

#### **5.1.1. Section 4.15(1)(a)(i) – Any Environmental Planning Instrument**

##### **(a) State Environmental Planning Policy (Resilience and Hazards) 2021**

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. The proposed modifications give rise to the following considerations:

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.

The application was accompanied by a report prepared by JBS&G Aus P/L – Ms M Delandro (cenvp) that took from the Stage 2 Detailed Site Investigation previously completed on site. The site was subject to an earthworks and subdivision DA (DA-1073/2021) and previous investigations on site.

It is noted that a site audit report was prepared by Graeme Nyland (9808) which was commissioned by landcom to assess the suitability of the greater site area for residential development. A collection of reports dating from 2000-2013 were reviewed as part of the SAR.

The audit report presented site contamination characterisation data in soil from the broader RZNRA site, including the current investigation site and surrounds.

The audit report deemed the site suitable for residential development and other less sensitive uses subject to the application of a site environmental management plan in specific areas of the audit site including the riparian zone.

For the zone of the proposed development soil samples were taken in 2013 and formed part of the site audit report.

Previous construction was undertaken over the proposed development zone in around 2017/2018 which formed part of the greater subdivision works.

The most recent sampling plan, procedure, and sampling densities were appropriate for the investigation area.

Additional testing of the stockpiles was undertaken in 2021 which covered the remaining soils left over from subdivision works. Resultant sampling indicated that although heavy metals were present all were below the adopted threshold criteria. This mirrors all other potential contaminants.

It has therefore been concluded that there are no contaminants present which may present an unacceptable risk to the proposed residential developments.

General recommendations have been made with respect to the findings which will form part of a non-standard condition.

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, Council is also required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application (Clause 4.6).

<b>Clause 4.6 - Contamination and remediation to be considered in determining development application</b>	<b>Comment</b>
(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	The land has contaminated soils as reports submitted by the applicant identify.
(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	As noted above.
(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.	Conditions of any consent shall require the remediation of the land as per recommendations in the submitted contamination assessment and RAP.

Despite the proposed modifications, the proposal continues to satisfy the relevant objectives and provisions within the Resilience and Hazards SEPP 2021, subject to the imposition of conditions of consent.

#### **(b) State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The subject land is located within the Hawksbury-Nepean River Catchment and as such the State Environmental Planning Policy (Biodiversity and Conservation) 2021 SEPP applies, Chapter 6 in particular. This Chapter generally aims to protect the environment of the Hawksbury-Nepean River system by ensuring that impacts of future land uses are considered in a state, regional, and local context.

The modification proposal was referred to Council's Land Development Engineers who reviewed the stormwater management and drainage plans. They raised no objections, subject to conditions. Accordingly, the proposal complies with the provisions within the Biodiversity and Conservation SEPP 2021.

**(c) State Environmental Planning Policy (Housing) 2021. Chapter – 4, *Design of Residential Apartment Development***

The proposal has been evaluated against the provisions of Chapter 4, of SEPP Housing which aims to improve the design quality of residential apartment development. The SEPP does not contain numerical standards but requires Council to consider the development against 9 key design quality principles, and against the guidelines of the associated Apartment Design Guidelines (ADG).

The application was referred to the Design Excellence Panel on two occasions, 9 March 2023 and 14 March 2024. The DEP revised the proposal against the 9 key principals and the ADG. The DEP supported the proposal at its meeting on 14 March 2024 with minor conditions to be implemented to improve deep soil, public art, and design features.

The ADG table is attached to the report as Attachment 1.

The table demonstrates that the proposed development remains generally consistent with the requirements of Housing SEPP. Accordingly, conditions of consent have been imposed to update landscaping and minor updates to architectural plans, noting storage allocation, public art, and an updated waste management report specifying the adequacy of the waste rooms to ensure the waste rooms have adequate head height and ramp access for large waste vehicles as well secure measures for waste rooms.

**(d) Landcom Edmondson Park South Concept Masterplan – MP10\_0118 – Development Guidelines**

The LEP does not apply to the application and is replaced by the Landcom Edmondson Park South Concept Masterplan, which stipulates specific controls relating to the subject land. The controls are noted in the master plan and are detailed in the table below.

Table 2: Landcom Edmondson Park South Masterplan Table

CONTROL	REQUIRED	PROPOSED	COMPLIANCE
Location and Precinct	<ul style="list-style-type: none"> <li>Station Precincts</li> <li>Parkland Precinct</li> <li>Maxwell Creek Precinct</li> </ul>	The RFB portion of the development is in the Maxwell's Creek precinct and the Townhouses portion is in the parkland precinct	Y
Gross Floor Area	<ul style="list-style-type: none"> <li>Station Precinct – Max total of 140,389sqm.</li> <li>Max 2.03:1 split across 4 quadrants.</li> <li>Quadrant 1: 31,669sqm</li> <li>Quadrant 2: 50,896sqm</li> <li>Quadrant 3: 47,870sqm</li> <li>Quadrant 4: 10,017sqm.</li> <li>10% variation acceptable but not to exceed 140,389 sqm across the 4 quadrants.</li> <li>No GFA or FSR for Concept Plan</li> <li>2:1 for Station precinct under WPC SEPP.</li> </ul>	The development is proposed in the Maxwell Creek and Parkland Precinct. No FSR is imposed on the site.	Y

	<ul style="list-style-type: none"> <li>No FSR for Parkland and Maxwell Creek Precincts.</li> </ul>		
Dwelling Yield	<ul style="list-style-type: none"> <li>Station Precinct – 1,919 dwellings</li> <li>Maxwells creek Precinct: 797 dwellings</li> <li>Parkland Precinct – 314 dwellings</li> <li>Concept total – 7,092 dwellings</li> </ul>	131 Apartments 30 Townhouses	
<b>Height of Building</b>	<ul style="list-style-type: none"> <li>Station precinct – 50m (with one 67m (RL126.65).</li> <li>Maxwells Creek precinct – 28m</li> <li>Parkland Precinct <ul style="list-style-type: none"> <li>Residential = 12m &amp; 15m</li> <li>School Site / Residential 21m</li> </ul> </li> </ul>	The proposal is not the landmark building. 28m height limit proposed; however, a minor height variation is proposed as further assessed in the 4.6 discussion in the body of the report.	<b>Variation supported</b>
<b>Precinct 3</b>	No Allowance for Studio dwellings	None proposed	<b>N/A</b>
<b>Setbacks</b>	<ul style="list-style-type: none"> <li>Major Road/Collector Road = 0-3m</li> <li>Articulation Zone = 3m</li> </ul> <p><i>(Permissible Articulation - Awnings, shopfronts, colonnades. Verandah, front step, upper balcony.)</i></p>	Part of the proposal is fronting Buchan Avenue. 3.6m front setback is proposed.	<b>Y</b>
	<ul style="list-style-type: none"> <li>Local Road on Map = 3m (5.5m Front garages)</li> <li>Articulation Zone = 1.5m</li> </ul> <p><i>(Permissible Articulation Elements - Verandah, front step, upper balcony).</i></p>	<p><u>RFB</u> Front setback to Northern Future Road proposed – Local Road. 3.6m setback proposed with minor extrusion of up to 1.4m into the Articulation zone for the blade dividing walls between dwellings.</p> <p><u>Townhouses</u></p> <ul style="list-style-type: none"> <li>Side setback to the North of 3.5m to the future road to the north.</li> <li>Front setback to the west of 3.0m with 1.0m extrusion into the articulation zone of the Blades wall between dwellings.</li> </ul>	<b>Y</b>
	<ul style="list-style-type: none"> <li>Local Road (Major Connecting) = 4m (5.5m front Garage)</li> <li>Articulation Zone = 1.5m</li> </ul> <p><i>X (Permissible Articulation Elements - Verandah, front step, upper balcony).</i></p>	N/A	N/A

	<ul style="list-style-type: none"> <li>Local Road (Precinct Connecting) = 3.6m</li> <li>Articulation Zone = 3m (Including 0.6 ground cover zone adjoining boundary)</li> </ul> <p>(Permissible Articulation Elements - Verandah, front step, upper balcony).</p>	Front setback to Eastern Ring Road proposed – Local Collector Road. 3.6m setback proposed with minor extrusion of up to 1.4m into the Articulation zone for the blade dividing walls between dwellings. Includes ground cover of 0.6m	Y
	<ul style="list-style-type: none"> <li>Laneway Connecting = 1m.</li> </ul>	N/A	N/A
<b>Fencing</b>	<ul style="list-style-type: none"> <li>1.2m for Street Frontage</li> <li>1.8m Max to laneway (50% Transparent)</li> </ul>	<ul style="list-style-type: none"> <li>North Elevation – 2m high fence proposed to frontage for RFBs – Not supported. Side fencing of up to 1.8m is supported for the Townhouse.</li> <li>South Elevation – up to 2.5m high fences proposed to RFBs – Not supported. Up to 1.8m side fences to Townhouses is supported.</li> <li>West Elevation and East – Up to 1.8m high fence proposed to RFBs - Not supported.</li> </ul>	To be addressed by the Conditions of consent
<b>Landscaped Area</b>	<ul style="list-style-type: none"> <li>As per ADG</li> </ul>	Refer to ADG table in attachment 1	
<b>Private Open Space</b>	<ul style="list-style-type: none"> <li>As per ADG</li> </ul>	Refer to ADG table in attachment 1	
<b>Communal Open Space</b>	<ul style="list-style-type: none"> <li>25% - On ground and above ground (rooftop areas are included)</li> </ul>	1802 sqm or 33%	Y
<b>Parking</b>	<b>Residential Flat Building/Mixed Use Apartment Building/ Walk-Up Apartment/ Terrace Housing/ Integrated Residential Flat Building and Strata Terrace/ Cottage Dwelling/ Attached Dwelling/ Semi-Detached Dwelling/ Studio Dwelling.</b>		
	<ul style="list-style-type: none"> <li>Studio &amp; One Bedroom dwellings x 1 space per dwelling</li> </ul>	39 Units = 39 spaces	Y
	<ul style="list-style-type: none"> <li>Two-bedroom x 1.2 spaces per dwelling</li> </ul>	68 Units = 82 spaces	Y
	<ul style="list-style-type: none"> <li>Three bedrooms or more x 2 spaces per dwelling</li> </ul>	24 Units = 13 Spaces	Y
	<ul style="list-style-type: none"> <li>Visitor x one space per 10 dwellings</li> </ul>	Total units / 10 = 13 spaces	Y
	Other land Uses		
	<ul style="list-style-type: none"> <li>Low density /Detached Dwellings x two spaces per dwelling</li> </ul>	30 dwellings x 2 spaces = 60 spaces proposed	Y

	<ul style="list-style-type: none"> <li>Retail x 4.1 spaces per 100sqm of GLFA</li> </ul>	N/A	N/A
	<b>Residential Flat Buildings, Mixed Use Apartment Buildings, Walk-Up Apartments</b>		
	<ul style="list-style-type: none"> <li>Bicycle x Min. 1 space per dwelling.</li> </ul>	131 bike parking for the RFBs and townhouse provided adequate space for bike storage in the basement and dwelling, if required.	Y
	<ul style="list-style-type: none"> <li>Motorcycle x 1 space per 20 car spaces.</li> </ul>	7 spaces proposed for RFBs. Supported.	Y
	<ul style="list-style-type: none"> <li>Service Vehicles x 1 space per 40 units (up to 4 spaces per building.</li> </ul>	N/A	N/A
	<b>Retail</b>		
	<ul style="list-style-type: none"> <li>Bicycle (Staff) x 1 space per 10 staff or 1 space per 200sqm GFA (whichever is greater</li> </ul>	N/A	N/A
	<ul style="list-style-type: none"> <li>Bicycle (visitor) x 2 plus 1 space per 100sqm GFA</li> </ul>	N/A	N/A
	<ul style="list-style-type: none"> <li>Motorcycle x 1 space per 20 car spaces</li> </ul>	N/A	N/A
	<ul style="list-style-type: none"> <li>Service Vehicles (As per the needs of development)</li> </ul>	N/A	N/A

### 5.1.2. Section 4.15(1)(a)(ii) – Any Draft Environmental Planning Instruments

No applicable draft EPIs.

### 5.1.3. Section 4.15(1)(a)(iii) – Any Development Control Plan

The proposed development is in an area that is part of the Modification 5 Landcom Masterplan and the controls are specified in Mod 5 Masterplan, which are detailed in Table 2 above.

### 5.1.4. Section 4.15(1)(a)(iiia) - Planning Agreements

A draft voluntary planning agreement (VPA) under MOD 5 of the concept plan which would apply to the subject site, is still not finalised. Approval is sought pending final agreement to the VPA.

The contributions are to be determined as per the Modification of the Ministers approval date 14 February 2025 Minutes attached, which specifies the following:

*This condition outlines the local contribution requirements for the Landcom Town Centre North precinct*

- 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.*

#### 5.1.5. 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 NCC. Accordingly, appropriate conditions of consent will be imposed.

#### 5.1.6. Section 4.15(1)(b) – The Likely Impacts of the Development

Head of Consideration	Comment
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 a development that is consistent with the Modification 5 Masterplan and the desired future character of the locality. Where matters may impact the amenity or functionality of the surrounding uses, conditions of consent can be applied to ensure these are mitigated.
Natural Environment	Impacts on the natural environment have been assessed as part of the development application and the required Precinct Planning outcomes. As a result, it is unlikely that the development in isolation will cause a detrimental impact to any endangered and non-endangered species of flora and fauna, and stormwater and erosion will be adequately managed. The proposal also incorporates landscaping, which will benefit the natural environment, and incorporates sustainability measures, which are to be conditioned as part of the proposal.
Social	<p>The proposed development will not have a detrimental social impact in the locality, considering the location within a precinct that has been established for increased density. Standard conditions have been imposed to ensure appropriate noise suppression measures and traffic management are in place to minimise any detrimental social impact on the surrounding development. Furthermore, the development will provide a variety of residential dwellings to the market to meet the needs of the public.</p> <p>The improved layout, additional services, and additional communal space is an improvement upon the approved development and considered to be a positive social impact.</p>

Economic	The proposal is likely to generate similar economic impacts through construction investment and employment during construction.
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#### 5.1.7. Section 4.15(1)(c) - Suitability of the site

The site is considered suitable for the proposal as it is generally compliant with the relevant Environmental Planning Instruments as detailed in the report above.

#### 5.1.8. 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	COMMENTS
Land Development Engineering	Supported, subject to amended/additional conditions.
Flood Engineering	Supported, subject to amended/additional conditions.
Building & Compliance	No changes to building conditions.
Traffic & Transport	Supported, subject to amended/additional conditions.
Community Planning	No objection.
Waste Management	Supported, subject to amended/additional conditions.
Environmental Health	Supported, subject to amended/additional conditions.
City Design & Public Domain	Supported, subject to amended/additional conditions.
Heritage	No objection.

##### (b) External Referrals

The proposed modifications required referrals to the following external agencies:

DEPARTMENT	COMMENTS
NSW Rural Fire Service	At lodgement the proposal was identified as Integrated Development under Section 100B of the Rural Fires Act 1997 and referred to NSW RFS.  In response to an RFS request for addition information dated 4 January 2024, the applicant provided an amended bushfire report dated 19 April 2024, stating that the stages in the subject modification are not on bushfire prone land, and as such the proposal does not fall under 100B.  The RFS reviewed the amended report and reissued General Terms of Approval under 100B.
NSW Department of Planning and Environmental – Water (Natural Water Regulator)	At lodgement the proposal was identified as Integrated Development under Section 91 of the Water Management Act 2000 and referred to DPE-Water.  DPE _Water issued General Terms of Approval under sections 89,90,91 on 27 June 2023.
Sydney Water	Supported, subject to conditions.
Endeavour Energy	Advice provided for approved development remains applicable.
TfNSW - Sydney Trains	Sydney Trains supported the proposal in its concurrence received 2 March 2023, subject to conditions.

### (c) Community Consultation

The proposal was notified and advertised in accordance with the Liverpool Community Engagement Strategy 2022 between 11 January 2023 and 8 February 2023. Two submissions were received regarding traffic, noise, parking, negative property value impact, and privacy. These are considered below.

Issue	Consideration
Traffic and Parking	<p>The applicant submitted a Traffic Impact Assessment (TIA) that discussed anticipated traffic volumes and concluded that the local roads would be able to manage the anticipated traffic. Accordingly, the proposal for parking on-site complies with the minimum requirements. The council's Traffic and Transport Engineer reviewed the TIA and is satisfied with the proposal.</p> <p>Furthermore, the Modification 5 masterplan proposes new roads in the precinct to address the increased density approved in Mod 5.</p>
Noise	<p>An acoustic and noise assessment was provided with details on the construction and ongoing noise management procedures to be met and incorporated into the development. Conditions have been imposed accordingly to ensure compliance with the noise assessment report. The Council Environmental Health Officer revised the acoustic and noise report and was satisfied with the proposal subject to conditions.</p>
Negative impact on property value	<p>There is no evidence that specifies that the proposed increased density in the precinct will result in reduced value in nearby property values. The strategic planning in the immediate area and the precinct planned for higher densities around the town centre percent, therefore when property valuations are undertaken, higher density should be factored into property prices as the strategic planning was undertaken in 2005.</p>
Privacy	<p>The development is proposed in an area that is planned for higher density and the development does apply measures such as privacy screens and compliance setbacks and building separation.</p>

#### 5.1.9. Section 4.15(1)(e) - 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

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 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.

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## **7 KEY ISSUES**

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### **(a) Modification 5 Approval**

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).

### **(b) 4.6 Variation to the Height of Buildings (HOB).**

The Residential Flat Building Component of the proposed development has a maximum building height of 28.003m under Clause 18. The required HOB for the precinct is 28m. The extent of the proposed variation equates to minor in nature of this existing height limit.

A 4.6 variation request has been provided and assesses the proposed variation and adequately justifies the proposed variation. The variation is only for the RFB portion of the development. The height variation is primary for parapet walls which can be attributed to architectural features. They will not contribute to significant additional impacts or privacy impacts to neighbouring buildings. The 4.6 request is attached as Annexure C.

### **(c) Contributions either by VPA or as existing – to be determined by the Panel**

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.

In this regard, the VPA is required to be finalised to enable the developed contributions to be paid in accordance with the above matters. At present, conditions have been imposed accordingly for the contributions to be paid, in association with the PA.

## **8 CONCLUSION**

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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 generally complies with the objectives of Modification 5, Landcom's Edmondson Park Masterplan (MP 10\_0118) (Mod 5).
- Conditions of consent will be imposed to minimise any potential negative environmental impacts resulting from the development and to address any perceived non-compliances raised under Mod 5.
- The proposed development is appropriate for the site and approval is in the public interest.
- Conditions will apply regarding the payment of developer contributions as per the Minister's Approval dated 14 February 2025.
- A Special Infrastructure Contribution Condition has been imposed.

THAT pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, Development Application DA-1090/2022 be approved subject to conditions of consent.

## **9 RECOMMENDATION**

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It is recommended DA-1090/2022 seeking consent for construction of an 8 storey residential flat building comprising of 131 apartments consisting of 2 towers above a 2-storey podium and 30 x 3 storey townhouses over a joined basement being lots 6 and 7 part of proposed plan of subdivision of Lot 101 DP 1275550, be APPROVED subject to conditions of consent.

## **10 ATTACHMENTS**

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1. Draft Conditions of Consent - 147967.2025
2. Assessment Tables - 147941.2025
3. Minister's Approval - 147950.2025
4. 4.6 Height of Building variation - 440079.2022
5. Architectural Plans – 142038.2024
6. Landscape Plans - 146673.2024
7. Stormwater Management Report - 142044.2024
8. Statement of Environmental Effects - 371389.2022
9. Design Guidelines - 371381.2022
10. Design Verification Statement - 371373.2022
11. BASIX certificates - 371369.2022
12. Statement of Commitments with Modification 5 - 371379.2022