

DATE OF DETERMINATION	23 May 2025
DATE OF PANEL DECISION	23 May 2025
DATE OF PANEL BRIEFING	24 March 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-297 – Liverpool – DA-1090/2022 – Buchan Avenue, Edmondson Park - 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.

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 Residential Flat Building Component of the proposed development has a maximum building height of 28.003m under Clause 18, which exceeds the maximum height of building control for the precinct (following the approval of MOD 5 to the Concept Plan Approval) by 0.003m. The extent of the proposed variation is therefore minor in the context of the building and is primarily for parapet walls which can be attributed to architectural features, which will not contribute to significant additional impacts or privacy impacts to neighbouring buildings.

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 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 and approve the application for the reasons outlined in the final council assessment report which are summarised below:

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.

The Panel also refers to the Briefing Records of 4 December 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 of 4 April 2025.

CONDITIONS

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

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):

131 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 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 \$1,780,968.00 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 as provided for by Condition 1.8B (a) or (b) of the 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 notes that issues of concern included:

- Traffic and parking
- Noise
- Negative impact on property value
- Privacy

The panel considers that concerns raised by the community have been adequately addressed in the council assessment report.

PANEL MEMBERS	
Justin Doyle (Chair) 	Louise Camenzuli 

David Kitto 	Peter Harle 
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SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-297 – Liverpool – DA-1090/2022
2	PROPOSED DEVELOPMENT	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
3	STREET ADDRESS	Buchan Avenue, Edmondson Park
4	APPLICANT/OWNER	Applicant: UPG Edmondson Parkland Pty Ltd Owner: Landcom
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 (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 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 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Modification 5 Landcom’s Edmondson Park South Masterplan Edmondson Park South Development Control Plan 2012 (Edmondson Park DCP) Planning agreements: The VPA attached to Modification 5 Landcom’s Edmondson Park South Masterplan Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 4 April 2025 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: 20 February 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Peter Harle, Ned Mannoun ○ <u>Council assessment staff</u>: Nabil Alaeddine ○ <u>Applicant representatives</u>: Richard Boulos, Joe Strati, Patrick Elias, Stephen Gouge, Christian Rojas, Rory Brady, Ramin Jahromi • Briefing: 4 December 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Karress Rhodes, Ned Mannoun ○ <u>Council assessment staff</u>: Nabil Alaeddine, Michael Oliviero ○ <u>Applicant representatives</u>: Richard Boulos • Final briefing to discuss council's recommendation: 24 March 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Peter Harle, Ned Mannoun ○ <u>Council assessment staff</u>: Nabil Alaeddine ○ <u>Applicant representatives</u>: Richard Boulos, Joe Strati, Patrick Elias, Stephen Gouge, Christian Rojas, Rory Brady, Ramin Jahromi
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report