

28 March 2024

2210646

Ned Mannoun  
Liverpool Mayor  
Liverpool City Council  
2/33 Moore Street,  
Liverpool NSW 2170

Attention to: Nabil Alaeddine (DA Assessment Officer)

Dear Nabil,

**Response to Request for Additional Information relating to DA-1245/2022  
Sites 1-3, Edmondson Park South**

We refer to Liverpool City Council's (Council) Requests for Information (RFI) letter, dated 28 July 2023 requesting additional information and a response to comments raised by the Council and the Design Excellence Panel with relation to the proposed Development Application (DA) submitted for the site (known as Sites 1-3 within the Edmondson Park South release area) which seeks approval for the following:

*Construction of multi-dwelling housing development including 178 townhouses and associated landscaping across each (3) sites:*

- *Site 1: Construction of 43 residential townhouses comprising 11 x 3B's and 32 x 4B's.*
- *Site 2: Construction of 63 residential townhouses comprising 30 x 3B's and 33 x 4B's.*
- *Site 3: Construction of 72 residential townhouses comprising 32 x 3B's and 40 x 4B's.*

This RFI letter has been prepared by Ethos Urban on behalf of Urban Property Group (the Applicant) and should be read in conjunction with the following appended documents:

- **Attachment A** – Updated Survey prepared by Beveridge Williams;
- **Attachment B** – Updated Architectural Plans prepared by Cox;
- **Attachment C** – Amended Clause 4.6 Statement prepared by Ethos Urban;
- **Attachment D** – Social Impact Assessment Form prepared by Ethos Urban;
- **Attachment E** – Community Title Arrangement Plan prepared by Urban Property Group;
- **Attachment F** – Design Excellence Panel Response prepared by Cox;
- **Attachment G** – Increased Tree Canopy and Planting Area to Laneways prepared by Cox and Environmental Partnership;
- **Attachment H** – Stormwater Response prepared by Enscape;
- **Attachment I** – Updated Landscape Plans prepared by Environmental Partnership; and
- **Attachment J** – Updated Public Domain Plans prepared by Environmental Partnership.

This letter provides a response to the matters raised by Council in **Section 1.0**, and includes a summary of actions taken since the receipt of this RFI in **Section 2.0**.

## 1.0 Response to matters raised in Council RFI

In response to the matters raised in the RFI letter issued by Council, **Table 1** below provides a comment addressing each item raised in the RFI.

**Table 1**      *Response to Liverpool City Council RFI Matters*

Matter Raised	EU Comment / Suggested Responsibility
<b>1. Planning Matters</b>	
<p><b>(a) Landcom's Edmondson Park South Masterplan – Concept Modification 5</b></p> <p>The proposed application indicates it is relying on Modification 5 to the Edmondson Park South Masterplan (The Plan) being approved by the NSW Department of Planning and Environment (NSW DPE). The Plan is not approved and currently has no estimated timeframe.</p> <p>As a result, Council is unable to approve the application in its current form. The applicant is advised that there is no certainty that the current Modification 5 will be approved by the NSW DPE, therefore it is recommended that the application be withdrawn until such time as the Modification 5 to the Masterplan is approved.</p>	<p>It is anticipated that Modification 5 to the Edmondson Park South Masterplan will be approved. However, the development in its current form represents a scheme that is generally consistent with the Edmondson Park South Concept Plan in its last approved form.</p>
<p><b>(b) Survey Plan</b></p> <p>The survey plan submitted by Beveridge Williams (Drawing Ref: Detail-001 Rev. A) is inadequate for the Council's assessment. The survey plan indicates a 'proposed subdivision' however the Development Application does not seek consent for any subdivision. The plan is undated and unsigned by a Registered Surveyor.</p> <p>A survey plan of the land must be prepared by a Registered Surveyor, or a suitably qualified Surveyor carried out by attending the land and recording the dimensions of all land boundaries, land size, contours, and spot levels of the land to Australian Height Datum (AHD). The survey plan must also show any easements/restrictions, sewers, other relevant infrastructure (such as drainage pits in the road reserve) and trees. The survey plan must be dated and authored. Once you have a survey of the land, you will need to verify that the RLs (existing and proposed) shown on the architectural plans are correct.</p> <p>The amended survey plan should include the approved civil works undertaken under the subdivision applications DA-502/2021 and DA-386/2021 which proposed bulk earthworks and subdivision of the larger site.</p> <p>It is important this is done accurately, as a variation to the height cannot be verified for numerical accuracy and therefore the level of exceedance cannot be determined.</p>	<p>An updated Survey has been prepared by Beveridge Williams (dated 9 September 2023) and it is appended to this RFI at <b>Attachment A</b>.</p>
<p><b>(c) Architectural Plans</b></p> <p>The architectural plans shall be amended whereby fulfilment of the revised survey plan reveals any inconsistency with the levels as shown in the architectural plans.</p> <p>The section and elevation drawings do not show the correct 'height plane limit' line which should sit continuously as 12m above existing ground level. The plans show the height limit sought under Modification 5 which is not approved.</p> <p>The following matters are to be checked and information provided before re-submitting the additional information:</p>	<p>The Architectural Plans have been updated by Cox and are appended to this RFI at <b>Attachment B</b>. The updated plans have been revised to respond to this item and include the following changes:</p> <ul style="list-style-type: none"> <li>a. RL's included on roof plans at the lowest and highest points.</li> <li>b. Widened public domain links between Buchan Road and Rear Lane 05.</li> <li>c. Inclusion of additional trees and deep soil area.</li> </ul>

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<ul style="list-style-type: none"> <li>i. Roof Plans must show Reduced Levels (RL) on the roof at the lowest and highest points.</li> <li>ii. All plans are to be checked before submitting to Council. This is important as the height of buildings is taken from the existing ground level and not proposed ground level. Please ensure that all buildings are measured with relevance to the natural ground level as existing on the survey plan. This is to be read in conjunction with point (d) <i>Height of Buildings</i> below.</li> </ul>	<p>Importantly, the design of the scheme has been designed in accordance with the most recent approved levels as per DA-386/2021.</p>
<p><b>(d) Height of Building - State Environmental Planning Policy (Precincts - Western Parkland City) 2021</b></p> <p>Appendix 1 Clause 18 of the SEPP prescribes a 12-metre height control applying to the site. The applicant has a concurrent application which, in part, seeks to increase the height of buildings (MPI0_0118 Mod 5 lodged September 2018 'Mod 5'), however that application is not approved and cannot hold determinative weight to this assessment.</p> <p>The development application exceeds 12 metres in height towards the western edge of the site and is therefore non-compliant. Appendix 1 Clause 28 requires that the non-compliance be accompanied by a written request to vary the height of buildings development standard.</p> <p>The application is not accompanied by a request to vary the height and therefore cannot be supported. The applicant is required to provide this document should they wish to proceed. The request shall include a three-dimensional height plane diagram demonstrating non-compliant elements across</p>	<p>An amended Clause 4.6 Statement has been prepared and is submitted at <b>Attachment C</b>.</p>
<p><b>(e) Community Planning</b></p> <p><b>i. Social Impact Comment</b></p> <p>Part 1 Section 27 of the Liverpool Development Control Plan 2008 (LDCP 2008) requires that for applications for a multi-dwelling housing development with more than 20 dwellings the applicant is required to submit a social impact comment.</p> <p><b>ii. Housing Diversity</b></p> <p>Landcom commits to a target of 5-10 per cent Affordable Housing for rent as a proportion of all new housing provided: <i>'There is flexibility as to the way in which the Affordable Housing is provided in terms of whether it is in a separate dedicated building or mixed with other types of housing'</i>.</p> <p>Proposed development should ensure appropriate housing mix is 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>A Social Impact Assessment Form has been prepared and it is appended to this RFI response letter at <b>Attachment D</b>.</p> <p>In accordance with commitment 70 of the Concept Plan, affordable dwellings will be available in the Landcom Town Centre North and Residential Precincts. Landcom is expected to meet this commitment through its delivery of the Landcom Town Centre North core, particularly in the more accessible and higher density residential developments. As part of the deal for the sale of the land, Landcom did not require Urban Property Group to provide a portion of the site to be dedicated as affordable housing, it is expected that the provision of affordable housing will be contained within the town centre where a higher degree of diverse dwelling types will be provided, which are more suited to smaller households.</p>
<p><b>2. Subdivision and Minimum Lot Size - State Environmental Planning Policy (Precincts - Western Parkland City) 2021</b></p>	
<p>The development application seeks consent for the construction of 178 multi-dwelling houses but does not seek consent for any subdivision. It is noted that Clause 1.4 of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> expressly precludes the application of that policy to land which Chapter 7 of the Precincts - Western Parkland City SEPP</p>	<p>A separate subdivision DA has been submitted to Liverpool Council and is known as DA-386/2023. It proposes a superlot arrangement for subdivision with Community Title proposed lots to accommodate the terrace house typologies and public domain allotments.</p>

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<p>applies. Accordingly, subdivisions can only be made via a Development Application to Council.</p> <p>The application does not indicate the type of subdivision proposed. Should Torrens Title subdivision be requested, the following provisions must be addressed.</p> <p>(a) Clause 17 of Appendix 1 of the SEPP prescribes a minimum lot size of 125m<sup>2</sup> to the site. It is calculated that 64.9% of the dwellings (116) are on 'lots' that are below 125m<sup>2</sup>, with some falling 37% below the minimum size.</p> <p>The applicant is required to provide details as to the intended form of future subdivision. Should the proposal seek to include (or rely at a future date) on Torrens or Stratum subdivision, then the application is required to be amended to include a written request to vary the development standard or shall be amended to achieve lot compliance with the 125m<sup>2</sup> minimum. Note that the supply of a written request does not secure the Council's support for the variation sought.</p> <p>In this regard, the proposal should be amended to comply with the minimum lot requirements as indicated in the legislation.</p>	<p>As the arrangement of the site is to operate under a Community Title scheme, the requirement to adhere to a minimum lot size of 125sqm is not applicable. This is validated by Clause 17(5) of Chapter 7 of the Western Parkland City SEPP which states:</p> <p><b>17 Minimum subdivision lot size</b></p> <p>.....</p> <p><i>(5) This section <u>does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.</u></i></p> <p>Therefore, a Clause 4.6 Statement relative to Minimum Lot Size has not been provided. <b>Attachment E</b> is provided as part of this RFI response and demonstrates the Community Title arrangement lot plan as it applies to the development.</p>
<b>3. Design Excellence Panel</b>	
<p>Please refer to the appended Design Excellence Panel (DEP) minutes for design matters which are to be addressed in full, and in conjunction with the other requirements of this letter. The amendments sought by the DEP include (but are not limited to):</p> <p>(a) Consolidation of waste storage and dedication of a collection point.</p> <p>(b) Increased provision of public and private landscaping. This will necessitate a reduction in built-upon area, not just more plantings within the existing green spaces.</p> <p>(c) Reconfigure road network / layout.</p> <p>(d) Futureproof dwellings to include opportunities for the installation of elevators at a later date.</p> <p>(e) Confirmation that the minimum internal dimension of any dwelling is not less than 4 metres in width.</p> <p>(f) Signage and wayfinding strategy.</p> <p>(g) Water Sustainable Urban Design Strategy / initiatives.</p> <p>(h) Enhancement of sustainability credentials, including the provision of photovoltaic cells to every dwelling.</p> <p>(i) Provision of a heat map.</p> <p>(j) Demonstrate that the CPTED Principles have been considered as part of the development.</p> <p>(k) Show location of all air-conditioning units / condensers / equipment for all dwellings with appropriate screening and/or out of site.</p>	<p>A comprehensive response to each of the matters raised by the DEP is provided in <b>Attachment F</b> as prepared by Cox. It was also used as presentation material to address the DEPs comment during the most recent meeting held in February 2024, including response to centralised waste collection suggestion, demonstration of vertical lifting inclusions within some terrace typology types, confirmation of minimum dimension of terrace widths being 4m, demonstration of CPTED principles being addressed, nomination of AC condenser locations and screening treatments and demonstration of how WSUD initiatives have been considered in the design.</p> <p>From the feedback provided by the DEP, the following design changes were made and incorporated into the revised design:</p> <p>a) Increased provision of public landscaping, including additional opportunity for deep soil planting – refer to <b>Attachment G</b> where this is demonstrated.</p> <p>b) Reduction of built upon areas to dwellings fronting Buchan Avenue.</p> <p>c) Widened public domain linkages between Buchan Avenue and Rear Lane 05.</p> <p>d) Additional opportunities for lifting provisions in numerous terrace typology types.</p> <p>Refer to <b>Section 2.0</b> below.</p>
<b>4. Flood Management</b>	
<p>Insufficient information has been provided to assess the proposal in relation to water quality treatment. The following information is required to be provided:</p> <ul style="list-style-type: none"> <li>Temporary water quality treatment measures/bio-retention basins shall be incorporated into the development to treat stormwater flows before discharging into receiving waters and shall achieve Council's stormwater treatment targets. Water quality treatment measures shall be designed using</li> </ul>	<p>Enscape have provided a response to this matter and it is included in <b>Attachment H</b>.</p>

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<p>MUSIC modelling and water quality treatment performance shall be verified using Councils MUSIC link. Treatment facilities shall remain until the regional water quality basin D5 in the vicinity of site is constructed. It is to be noted that no temporary water quality facilities have been provided as part of the super lot subdivision/land fill and the regional water quality basin D5 has not yet been constructed.</p> <ul style="list-style-type: none"> <li>Adequate sediment control measures and sediment basins shall be provided to control sediment discharges during construction stage to the nearby Maxwells Creek. Considering the size of the development, proposed sediment control measures and basins appear to be inadequate, and the design needs to be revisited.</li> <li>Submit revised stormwater plans incorporating temporary water quality measures/bio-retention basins with details. MUSIC modelling assessment report with a copy of MUSIC model with result file shall be submitted. Revised sediment control plans to be provided.</li> </ul>	
<b>5. Land Development Engineering</b>	
<p>The following matters to be addressed by the applicant:</p> <ul style="list-style-type: none"> <li>Changes in grades on most roads are not desirable. Vertical curves should be used to reduce the change in grades. Templates should be provided over all major changes in grade to ensure compliance with AS.</li> <li>Indicate whether proposed roads and laneways are to be dedicated as public roads or remain as private roads.</li> <li>Stormwater designs indicate proposed new lines within existing development proposed under DA-1070/2021. Plans by IDC must be amended and resubmitted to Council to allow for any changes proposed as part of this development.</li> <li>Please note any proposed pipes within Council roads must have a minimum diameter of 375mm.</li> </ul>	<p>Noted. The current road network configuration has been designed in accordance with the general arrangement layout for the terraces as proposed.</p> <p>The Community Title plan of subdivision is provided at <b>Attachment E</b>. It shows the roadways proposed as private (Rear Lanes 01, 02, 03, 04, 05, 06 and 07, as well as Access Roads 01, 02, 03 and 04) and the roadways proposed as public (Secondary roads 01 and 02).</p> <p>Agreed in principle. The Applicant is accepting of a condition of consent to enforce the revision of DA-1070/2021 civil engineering documentation so that it is in alignment with the development proposed as part of this DA. Wording of such a condition to this effect is provided below:</p> <p><b>Modification Required to Civil Engineering Plan</b></p> <p><i>Before the issue of any construction certificate involving the proposed terrace built forms, the civil engineering plans provided as per DA-1070/2021 are required to be revised to be adjusted to the design as approved by this consent. The plans are to be submitted to Council before the issue of the relevant construction certificate.</i></p> <p><u>Reason:</u> To ensure consistency between the infrastructure works and the proposed building works.</p>

## 2.0 Actions taken since issue of Council RFI

Since the exhibition period concluded and the issue of Councils RFI was received, the Proponent project team have undergone further design development and technical analysis to address the various requests by Council and the DEP. Most notably, the following additional outputs have been prepared:

- Updated Survey Plan prepared by Beveridge Williams.
- Updated Architectural Plans prepared by Cox.
- Updated Landscape Plans prepared by Environmental Partners.
- Updated Public Domain Plans prepared by Environmental Partners.
- Stormwater RFI Response Memo prepared by Enscape.
- Updated Clause 4.6 Statement prepared by Ethos Urban.
- Issue of a Social Impact Assessment Form prepared by Ethos Urban (using Council's template).

As mentioned in **Table 1** above, the proposal has been revised to respond to the requests of Council and the DEP, and include the following design changes:

- **Tree Canopy coverage:** The proposal has been revised to include an additional 511.5m<sup>2</sup> of area to facilitate increased opportunities for soft landscaping and additional tree plantings. This increased provision of public landscaping provides an opportunity for an additional 20 trees to be planted within the public domain and will assist in reducing the affects of urban heat. It will also assist in enhancing the character of the rear laneways to be greener and more walkable.
- **Reduction of built form:** Terrace types M.1.1 and N.1.1 proposed to be orientated towards Buchan Ave have been reduced to account for increased widths of public domain linkages in these locations. Specifically, the amount of private open space, balconies and facades have been reduced in these locations.
- **Widened public domain linkages:** Pedestrian public domain connections between Buchan Avenue and Rear Lane 05 have been widened from 6.75m in width to 8.4m in width, representing a 1.65m increase in allocation of space dedicated to pedestrian permeability. This has allowed for an increased opportunity for an additional 44.2m<sup>2</sup> of deep soil space and allows an additional 6 mature trees to be planted within this area.
- **Additional vertical circulation opportunities:** Specifically, Terrace types K and O have been modified to demonstrate how lift access is able to be provided to these dwellings and enable equitable and accessible access.

### 3.0 Conclusion

The proposed DA seeks consent for 178 new dwellings in the form of 3 bedroom and 4 bedroom attached terraces at the site known as Sites 1-3 within the Edmondson Park South release area.

This letter provides a response to the matters raised by Council and outlines how the requests have been addressed via the issue of updated design documentation to reflect the changes made in response to the matters raised.

We trust that in the information contained this response letter (and associated attachments) adequately closes out the matters raised and addresses all requests appropriately so that Council is able to proceed with their assessment of the DA and recommendation to the Panel. UPG and the Proponent design team are excited to maintain a collaborative working relationship with Council as we work together to achieve the vision of the wider master plan as approved for the Edmondson Park precinct.