

DATE OF DEFERRAL	29 November 2024
DATE OF BRIEFING	14 November 2024
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto
APOLOGIES	None
DECLARATIONS OF INTEREST	None

MATTER DETERMINED

PPSSWC-300 – Liverpool – DA-1245/2022 at Buchan Avenue, Edmondson Park

Construction of a multi-dwelling housing development including 178 townhouses and associated landscaping across 3 sites (as described in Schedule 1).

REASONS FOR DEFERRAL

Development contributions

The Panel refers to the Deferral Record of 28 October, in which the Panel noted that the only outstanding issue with this application was the issue of appropriate provisioning for local infrastructure/contributions.

Specifically, the Panel stated:

While the Panel in this case must have a final VPA offer that has been made so that it can assess whether the final wording of that offer adequately addresses the funding of public amenities, public services, traffic and transport infrastructure relating to land, and other matters described in s 7.4(2), the Panel is otherwise satisfied that approval of the DA is in the public interest and that the clause 4.6 height variation request is supportable.

In response to the outstanding issue of a VPA offer, the Panel notes that instead of being provided with a formal offer to enter into a VPA, the Panel has been provided with legal advice and planning advice to the effect that the *Liverpool Contributions Plan 2008 – Edmondson Park* applies and a condition of consent can be imposed requiring payment of local contributions in accordance with this plan.

The issue that the Panel has with this advice is that it does not address the requirement in condition 1.8 of the approved Edmondson Park South Concept Plan (MP 10_0118), which requires.

The subsequent subdivision application within each council area must include an offer to enter into a voluntary planning agreement for payment of local infrastructure contributions, with the details of the contributions, and the nature of any land dedications or works in kind to be negotiated with the relevant council.

The Panel notes this condition was imposed on development in the approved concept plan area with the full knowledge that there was already an adopted contributions plan in place for the area. It does not allow for development consent to be lawfully granted without “an offer to enter into a voluntary planning agreement” which addresses the specified matters.

Accordingly, unless this condition is amended, an offer to enter into a planning agreement is required. Subject to the Panel receiving a suitable offer to enter into a planning agreement, the Panel will determine the application favourably for the reasons set out below.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Western Parkland City SEPP, that has demonstrated that:

- a) compliance with cl. 4.3 and 18 of Appendix 1 (Edmondson Park) of SEPP (Precincts – Western Parkland City) 2021 (development standard) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (development standard) of the LEP and the objectives for development in the RE General Residential zone; and
- c) the concurrence of the Secretary has been assumed (Planning Circular PS 18-003).

The Panel notes that while a number of the units protrude into the height limit of 12m by a maximum of 1.37m, this is largely the result of rooftop terraces and roof features. The Panel is satisfied that strict compliance with the height standard, for the reasons set out in the clause 4.6 variation request and as summarised on pages 46 and 47 of the Council's Assessment Report is unnecessary in the circumstances.

Development application

Subject to the satisfactory resolution of the development contributions for the development (see above), the Panel:

- agreed the development application should be approved pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*;
- determined to defer its determination of the development application to allow the Applicant to make an offer to enter into a voluntary planning agreement with Council for payment of local infrastructure contributions for the development.

The decision was unanimous.

Actions

To resolve the outstanding development contributions for the development, the Panel proposes the following steps:

1. By 6 December 2024, the Applicant is to:
 - a. provide a written offer to Council to enter into a voluntary planning agreement for the payment of local infrastructure contributions for the development in accordance with condition 1.8 of the approved Edmondson Park South Concept Plan; and
 - b. justify why this offer is suitable for the development having regard to the requirements in the existing Liverpool Contributions Plan 2008 – Edmondson Park and any additional matters identified in the approval of the concept plan as modified.
2. By 13 December 2024, Council is to:
 - a. provide the Panel and the Applicant with a written response on the suitability of the offer;
 - b. if there is agreement on the offer, submit revised conditions to the panel incorporating a condition requiring the Applicant to enter into a voluntary planning agreement with Council in terms of the offer; and
 - c. if there any disagreements with the offer, outline the nature of these disagreements.

The Panel is eager to see this matter determined as soon as practicable, and may determine the development application (including the offer concerning the voluntary planning agreement) on the basis of the material provided in accordance with the above.

PANEL MEMBERS



Justin Doyle (Chair),



Louise Camenzuli



David Kitto

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-300 – Liverpool – DA-1245/2022
2	PROPOSED DEVELOPMENT	Construction of a multi-dwelling housing development including 178 townhouses and associated landscaping across 3 sites
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 (Transport and Infrastructure) 2021. State Environmental Planning Policy (Precincts – Western Parklands City) 2021. State Environmental Planning Policy (Biodiversity and Conservation) 2021. State Environmental Planning Policy (Resilience and Hazards) 2021. State Environmental Planning Policy (Planning Systems) 2021. Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Edmondson Park South Development Control Plan 2012 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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 dated 10 October 2024 and Addendum Report dated 6 November 2024 Clause 4.3 Height of Buildings – State Environmental Planning Policy (Precincts – Western Parkland City) 2021. Written submissions during public exhibition: One (1) Total number of unique submissions received by way of objection: One (1)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick-Off 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>: Amanda Merchant, William Attard, Michael Oliveira, Nabil Alaeddine <u>Applicant</u>: Richard Boulos, Joe Strati, Patrick Elias, Stephen Gouge, Christian Rojas, Rory Brady, Ramin Jahromi <u>Planning Panels Secretariat</u>: Kate McKinnon, Sharon Edwards Final briefing to discuss council's recommendation: 14 October 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto <u>Council staff</u>: Amanda Merchant, Nabil Alaeddine

		<ul style="list-style-type: none">○ <u>Applicant representatives:</u> UPG
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and Addendum Report and as amended