

DATE OF DETERMINATION	20 December 2024
DATE OF PANEL DECISION	20 December 2024
DATE OF CIRCULATION OF PAPERS	19 December 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).

PANEL CONSIDERATION AND DECISION

Having 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, the Panel determined unanimously to approve the development application and to grant consent to the development it proposes subject to the Conditions as discussed below.

Development contributions

The Panel refers to the Deferral Records of 28 October 2024 and 29 November 2024 (relating to the briefing on 14 October 2024), in which the Panel noted that the only outstanding issue with this application at those times was the issue of appropriate provisioning for local infrastructure/contributions.

Since the date of those reports, the Applicant by its solicitors' letter dated 18 December 2024 has made an offer to enter into a Voluntary Planning Agreement (VPA) which substantially accords with the developer contribution requirements of condition 103 of the draft conditions of consent which accompanied the Council assessment report.

The Panel is satisfied that the offer so made follows negotiations with Council and addresses Condition 1.8 of the Part 3A Concept Plan applying to the site which states:

- 1.8 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 also that while Condition 1.8 of the Part 3A Concept Plan requires an offer to enter into a VPA to have been made, it does not require that VPA to have been accepted by the Council, or that the agreement is to be entered into as at the time of the grant of development consent, or indeed at any time. There may be no utility in the VPA being drawn up and executed subject to the requirements of the legislation when the contributions are required to be paid prior to the occupation certificate issuing at which time the VPA would be redundant. The Panel is content to leave those as matters for the Applicant and the Council to resolve.

The Panel has already documented its satisfaction with the written request from the applicant, made under cl 4.6 (3) of the Western Parkland City SEPP to compliance with the numerical development standards for height applying under cl. 4.3 and 18 of Appendix 1 (Edmondson Park) of SEPP (Precincts – Western Parkland City) 2021, in its deferral report of 29 November 2024. The Panel also remains satisfied that the proposed development is consistent with applicable planning instruments and that the matters raised for consideration under s 4.15 of the EP&A Act, including the matters of concern raised by the community submissions, are sufficiently and positively resolved for the reasons set out in the Council assessment report.

The Panel is therefore satisfied the development is in the public interest.

CONDITIONS

The DA is approved subject to the conditions recommended in the draft Notice of Determination published on the Portal on 7 November 2024, subject to the following changes:

Conditions 14 and 15

Amend to read relevantly:

Wayfinding Plans

“14. A detailed Wayfinding and Signage Strategy is to be provided prior to the issue of the relevant Construction Certificate.”

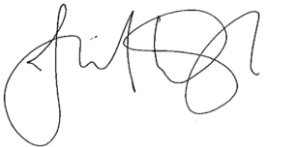


Design Amendments

15. Before the issue of a construction certificate, the certifier must ensure the relevant construction certificate plans and specifications detail the following required amendments to the approved plans and documents ...”

103 Payment of section 7.11 contributions

At the end of the condition add the words:

“The amount to be paid is to be adjusted to take into account any quarterly adjustments as anticipated by Section 2.2 of the contributions plan.”

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 and addendum Written request from the applicant, made under cl 4.6 (3) of the Western Parkland City SEPP to compliance with the numerical development standards for height applying under cl. 4.3 and 18 of Appendix 1 (Edmondson Park) of SEPP (Precincts – Western Parkland City) 2021 Written submissions during public exhibition: One (1) Total number of unique submissions received by way of objection: One (1) Correspondence sent from the Applicant and the Council to the Secretariat
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

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