

# SYDNEY WESTERN CITY PLANNING PANEL

## COUNCIL ASSESSMENT REPORT

<b>SWCPP No</b>	PPSSWC-322
<b>DA Number</b>	DA-83/2023
<b>Local Government Area</b>	Liverpool City Council
<b>Proposed Development</b>	<p>Proposed subdivision of Lots 2, 3 and 5 DP1272931 into one-hundred and fifty-eight (158) residential lots, eight (8) super lots for future medium density subdivision, two (2) lots for open space, two (2) drainage lots, one (1) residue lot for C1 zoned land and associated open space works, road works, drainage, stormwater infrastructure, services and remediation.</p> <p>The proposed development is identified as Nominated Integrated Development requiring an approval from the Department of Planning &amp; Environment - Water under the Water Management Act 2000.</p> <p>The proposed development is identified as Integrated Development requiring an approval from the NSW Rural Fire Service under the Rural Fires Act 1997.</p>
<b>Street Address</b>	Lot 5 Campbelltown Road and Lots 2 & 3 Zouch Road, Edmondson Park Lot 2 DP 1272931, Lot 3 DP 1272931 & Lot 5 DP 1272931
<b>Owner</b>	Landcom
<b>Date of DA Lodgement</b>	21 February 2023
<b>Applicant</b>	Landcom
<b>Number of Submissions</b>	Two
<b>Cost of Works</b>	\$16,087,962
<b>Regional Development Criteria pursuant to Clause 2 of Schedule 7 of the SEPP (State and Regional Development) 2011.</b>	Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has an estimated development cost of more than \$5 million.
<b>List of All Relevant s4.15(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• <i>List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)</i> <ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021;</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021;</i></li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021; and</i></li> <li>• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021;</i></li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: Section 4.15(1)(a)(ii)</i> <ul style="list-style-type: none"> <li>• N/A</li> </ul> </li> <li>• <i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i> <ul style="list-style-type: none"> <li>• <i>Edmondson Park South Development Control Plan 2012.</i></li> </ul> </li> <li>• <i>List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: Section 4.15(1)(a)(iiia)</i> <ul style="list-style-type: none"> <li>• <i>No planning agreement relates to the site or currently to the proposed development. Landcom have advised that a VPA will be made for the pocket park associated with the development. Additionally, Condition 1.8 of the Part 3A Concept Plan Approval requires for subsequent subdivision applications to include an offer to enter into a VPA for payment of local infrastructure contributions and for negotiations with Council to occur over land dedications and works in kind arrangements. Currently no offer has been received for the development of the subject site. A condition will apply to ensure that the development application is consistent with the Part 3A approval.</i></li> </ul> </li> <li>• <i>List any relevant regulations: 4.15(1)(a)(iv)</i> <ul style="list-style-type: none"> <li>• <i>Environmental Planning &amp; Assessment Regulation 2021</i></li> </ul> </li> </ul>
<p><b>List all documents submitted with this report for the panel's consideration</b></p>	<ol style="list-style-type: none"> <li>1) Recommended Conditions of Consent</li> <li>2) Statement of Environmental Effects</li> <li>3) Subdivision Plans</li> <li>4) Building Envelope Plans</li> <li>5) Landscape Plans</li> <li>6) Precinct Masterplan</li> <li>7) Layout Plan</li> <li>8) Park Concept Schematic Design</li> <li>9) Civil Drawings</li> <li>10) Infrastructure Report</li> <li>11) Stormwater Report</li> <li>12) Open Space Advice</li> <li>13) Concept Plan consistency response</li> <li>14) Legal advice regarding consistency with Concept plan</li> <li>15) Applicant Response to RFI</li> <li>16) Survey Plan</li> <li>17) Traffic Reports</li> <li>18) Traffic Response to RFI</li> <li>19) Infrastructure Delivery Plan</li> </ol>

	20) Public Open Space Offset Plan 21) Waste Management Plan 22) Public Open Space Comparison Plan 23) Arborist Report 24) Acoustic Report 25) AHIP Permit Documents 26) Heritage impact Statement 27) Biodiversity Assessment Documents 28) Flora and Fauna Report 29) Bushfire Report 30) Cost Estimate 31) Detailed Site Investigation and Addendum 32) Remediation Action Plan 33) Interim Audit Advice Letter 34) Geotechnical Report 35) Urban Design Report 36) SWCPP Kick Off Briefing Minutes 15 May 2023 37) SWCPP Briefing Minutes 24 July 2023 38) SWCPP Update Briefing Minutes 22 April 2024 39) Site visit file note 26 May 2024
<b>Recommendation</b>	Approval subject to conditions
<b>Report by</b>	Robert Micallef
<b>SWCPP Meeting Date</b>	15 July 2024

<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>N/A</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</b>

## 1 EXECUTIVE SUMMARY

### 1.1 Reasons for the report

Pursuant to Part 2.4, Clause 2.20 of the State Environmental Planning Policy (Planning Systems) 2021, the Sydney Western City Planning Panel is the determining body as the development is being carried out by or on behalf of the Crown (within the meaning of Division

4.6 of the Act) that has an estimated development cost of more than \$5 million, pursuant to Clause 4 of Schedule 6 of the SEPP (Planning Systems) 2021.

## **1.2 The proposal**

Proposed subdivision of Lots 2, 3 and 5 DP1272931 into one-hundred and fifty-eight (158) residential lots, eight (8) super lots for future medium density subdivision, two (2) lots for open space, two (2) drainage lots, one (1) residue lot for C1 zoned land and associated open space works, road works, drainage, stormwater infrastructure, services and remediation.

## **1.3 The site**

The subject site is identified as Lot 5 Campbelltown Road and Lots 2 & 3 Zouch Road, Edmondson Park and legally described as Lot 2 DP 1272931, Lot 3 DP 1272931 & Lot 5 DP 1272931. An aerial photograph of the subject site is provided below (Figure 1).

## **1.4 The issues**

It is considered that the key issues with the development application revolve around the requirement for a road to traverse through the RE1 Public Recreation land and subsequent consistency with the Part 3A Concept Plan approval. This is a result of Transport for NSW (Roads and Maritime Services) not allowing for any through road connections into Campbelltown Road as part of the development of this precinct. This also raised concerns with the future delivery of a suitable park once the land is acquired by Council. These issues are considered to be addressed through the application assessment process and the proposed development is able to be considered as generally consistent with the concept plan which applies to the site.

## **1.5 Exhibition of the proposal**

The development application was advertised from 5 April to 3 May 2023 in accordance with the Liverpool City Council Community Engagement Strategy 2022. Two submissions have been received for the proposal. Discussion pertaining to the concerns raised in the submission are provided further in this report.

## **1.6 Conclusion**

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

# **2 SITE DESCRIPTION AND LOCALITY**

## **2.1 The site**

The site comprises approximately 20ha of land across three lots within the Edmondson Park South Precinct being Lot 2, 3 and 5 DP1272931. The site is referred to as Precinct 3 / Area 4 of the Edmondson Park South Precinct Part 3A Concept Plan (see Figure 2).

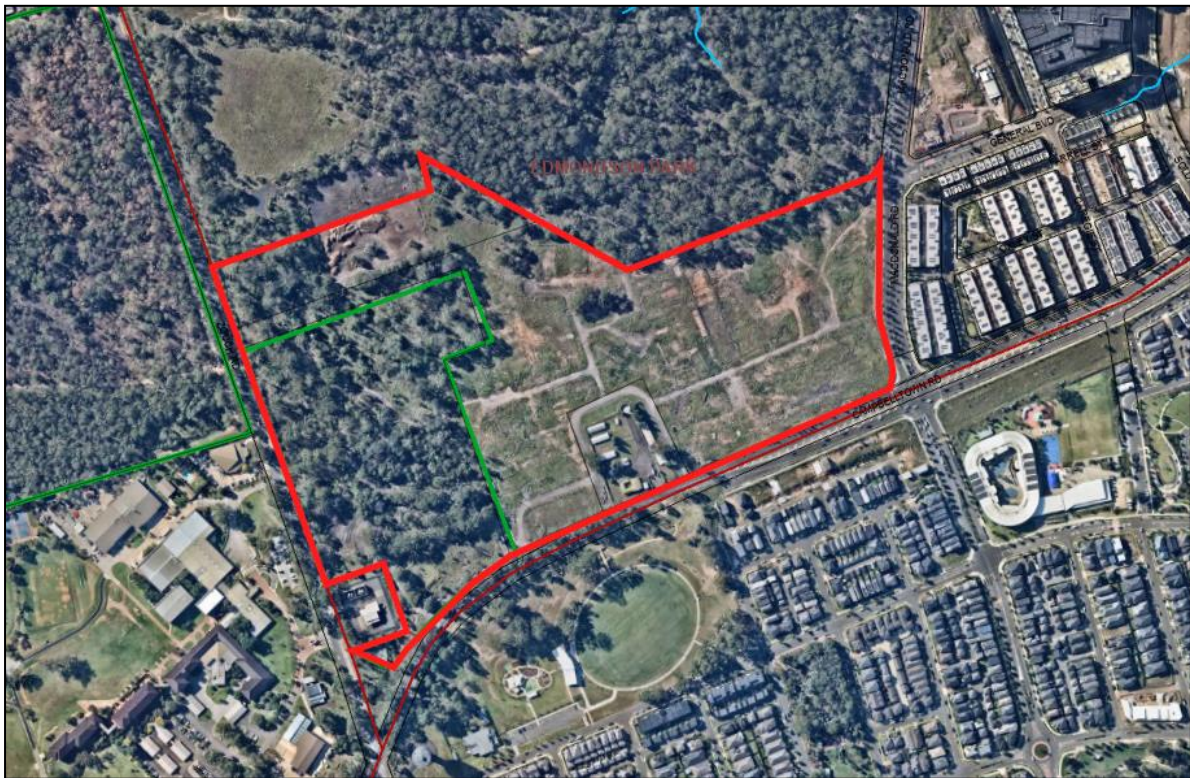
The site is zoned R1 General Residential, RE1 Public Recreation, C1 National Parks and Nature Reserves & SP2 Infrastructure (Substation) & (Classified Road) under State Environmental Planning Policy (Precincts—Western Parkland City) 2021.

The site is bordered by MacDonald Road to the east, Campbelltown Road to the south, Zouch Road to the west and the National Parks reservation land to the north. The existing Bardia Barracks heritage precinct also adjoins the south of the site.

The land proposed for development has scattered vegetation, however the areas zoned R1 and parts of the RE2 zoned land located to the east of the R1 zone are certified land for the purposes of the Biodiversity Conservation Act 2016. Previously approved development applications have facilitated for the removal of trees in the R1 zoned land. No buildings are located on the subject site.

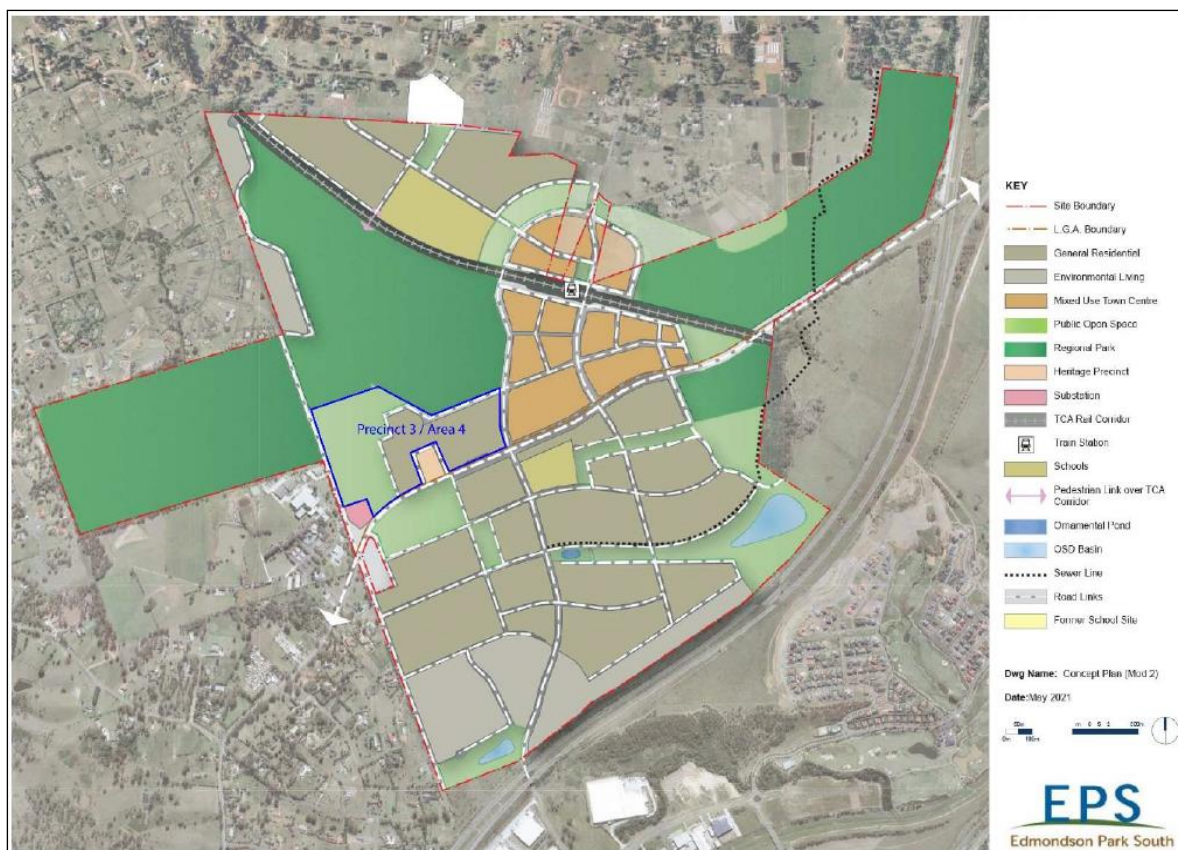
The works are predominantly within Lot 5, in the areas zoned R1, with some road works extending into Lot 3 which is zoned RE1, and tree removal / drainage works extending into Lot 2 which is zoned RE1.

No works are proposed within the C1 zone, and this land would be established as a separate land parcel for dedication to National Parks and Wildlife Services.



**Figure 1:** Aerial view of subject site





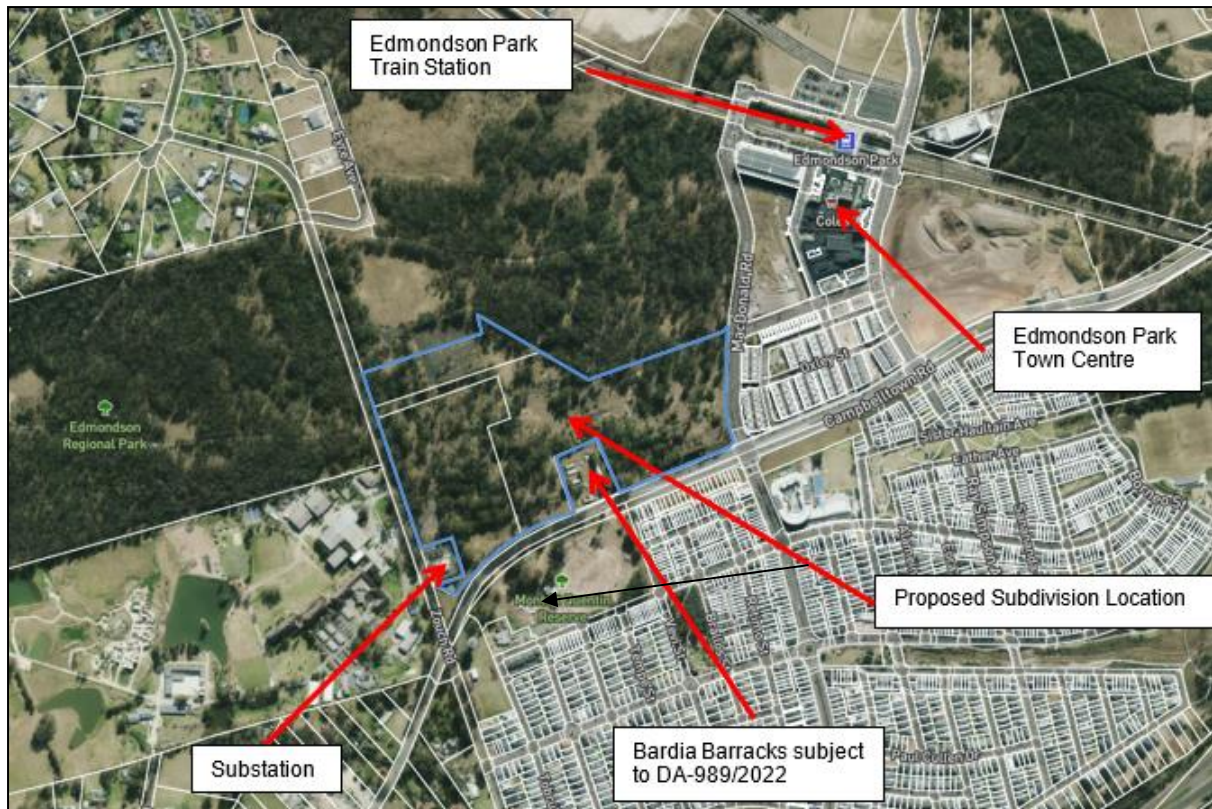
**Figure 2:** Precinct 3 / Area 4 of Edmondson Park South

## 2.2 The locality

The site is located in the Edmondson Park South Precinct within 200m of the Edmondson Park Town Centre and 400m from the Edmondson Park Train Station. The surrounding area is undergoing development as part of the South West Growth Area with the surrounding areas zoned for residential, mixed use and open space, and regional park uses.

To the north and north west of the site is the Edmondson Regional Park. To the east is a large parcel of land comprising low rise buildings used by the Australasia Branch Office of Jehovah's Witnesses organisation. To the west of the site are recently completed three storey residential building and to the south are recently completed two storey dwellings. The Mont St Quentin Reserve is located to the south of Campbelltown Road opposite the site and is identified as future playing fields. The opposite side of Campbelltown Road is also land which falls under the jurisdiction of Campbelltown City Council.

The Bardia Barracks Heritage Precinct directly adjoins the site along the southern side. This area is subject to DA-989/2022 which seeks approval for adaptive re-use and restoration of the heritage precinct for community uses which is currently under assessment. A substation is located directly adjacent to the south west corner of the site. The locality of the site is seen in Figure 4 below.



**Figure 3:** Site location and surrounding land use

## 2.3 Site affectations

The site has the following affectations:

- The site is within 40m of a waterway and has been referred to DPE - Water.
- The site is identified as Bushfire prone land and has been referred to RFS.
- The site is contaminated requiring remediation.
- The areas zoned R1 and parts of the RE1 zoned land located to the west of the R1 zone are certified land for the purposes of the Biodiversity Conservation Act 2016.
- The site is impacted affected by road noise predominantly from Campbelltown Road and Macdonald Road.

## 3 BACKGROUND

### 3.1 Site Background and History

- The site is subject to the Edmondson Park Part 3A Concept Plan approval.
- Modification 5 to the Concept Plan which is yet to be determined is relevant to the DA, however the proposed development does not appear to rely on the approval of these modifications. Mod 5 would seek approval for studio dwellings permissible on separate titles within Precinct 3.
- Two separate DAs sought approval for removal of certified vegetation within Lot 5 over the R1 zoned land in the Precinct, which comprises the majority of the works area (DA-740/2022 and DA-768/2022). These applications were determined on 22 August 2023 and 31 August 2023 respectively.

### 3.2 SWCPP Briefing

A number of briefings and a site visit were carried out with the SWCPP for the subject application. A kick off briefing was held on 15 May 2023 and two subsequent briefings on 24 July 2023 and 22 April 2024, with a site visit with some members of the Panel on 20 May 2024. A summary of the comments from the two briefing sessions are found in the tables below.

#### 24 July 2023 Briefing Minutes

Comment from Panel	Response
<b><i>Proposed Upgrade of Campbelltown Road: The Applicant met with TNSW on 1 June 2023 to discuss the proposed upgrade. TNSW indicated that it had prepared a preliminary design for the upgrade in 2014 but currently has no funding for the detailed design or delivery of the upgrade. The Applicant was given a PDF copy of the preliminary design for the upgrade but is unable to use this to accurately determine the impact of the upgrade on the development due to cadastral changes since 2014. Consequently, the Applicant is now seeking a digital copy of the preliminary design from TNSW in conjunction with the PDU.</i></b>	Landcom consulted with TfNSW and TfNSW also gave comments regarding the proposal, and it is deemed to be acceptable subject to conditions.
<b><i>Road Works in the RE1 Zone: The Panel noted the Applicant is seeking approval for road access off Zouch Road instead of off Campbelltown Road as was envisaged in the strategic planning for the site, and that this necessitates roadworks in the RE1 zone that are not currently supported by Council. The Applicant will provide detailed reasons why the roadworks should be approved in its response to Council's RFI and is keen to meet with Council to discuss the proposed roadworks in more detail and ensure they do not adversely affect Council's plans for the open space in the RE1 zone.</i></b>	Please see discussion below regarding the consistency with the Concept Plan regarding the roads through RE1 land and how Council and the Applicant worked towards a solution with this item.
<b><i>Pocket Park &amp; VPA: The Applicant proposes to make an offer to Council shortly for a VPA for the development. This offer will cover the public roads, pocket park and drainage basins for the development but not the matters that are the subject of the existing contributions plan for the site.</i></b>	Landcom advised that a VPA offer was to be made for the pocket park and other elements, however this still has not been at the time of writing of this report. Conditions of consent will apply for this and to ensure consistency with the Part 3A approval.
<b><i>Consistency with Edmondson Park South Concept Plan: The Applicant considers the development to be generally consistent with the relevant requirements of the approved concept plan and the current requests to modify the concept plan (Mods 5, 10 &amp; 12) to have no bearing on the assessment of the development application. The Applicant will</i></b>	Please see discussion below regarding the consistency with the Concept Plan and how the development is deemed to be generally consistent with this plan.



<b><i>provide a detailed assessment of these matters in its response to Council's RFI.</i></b>	
<b><i>Status of Associated DAs: Council and the Applicant advised these DAs are close to determination.</i></b>	The applications for land clearing were approved on 22 August 2023 and 31 August 2023.
<b><i>RFI: The Applicant will submit its response to Council's RFI – which includes proposed amendments to the development application - within the next 2 weeks.</i></b>	The applicant responded to the first RFI on 1 November 2023.

## **22 April 2024 Briefing Minutes**

<b>Comment from Panel</b>	<b>Response</b>
<p><b><i>The Panel is of the view that most of the issues listed by Council can be resolved either by design amendments or conditions of consent. The most pressing question of roads within the RE1 zone; which are not supported by Council; the Panel considers must be satisfactorily answered prior to granting development consent. The Panel notes that this question also raises important associated questions to do with;</i></b></p> <ul style="list-style-type: none"> <li><b><i>• consistency with the approved concept plan; and</i></b></li> <li><b><i>• the quantity and quality of future public open space within the development.</i></b></li> </ul> <p><b><i>The Panel considers that consideration of the quantity and quality of future public open space must also take into account further matters involving the proposed Pocket Park and VPA offer and obligations.</i></b></p>	<p>Council and Landcom had discussions and workshops about the public open space and the road traversing this area. The applicant provided amended information and a concept for the park, which is deemed to be acceptable. In terms of a VPA, this has not yet been provided at the time of report writing, however, a comparison study has been made for the offset of the road through the open space and the pocket park being proposed. Conditions of consent will be imposed regarding having the applicant ensure consistency with the Part 3A approval which includes requirements for a VPA for subdivision applications. See further discussion in consistency with the concept plan in the discussion below.</p>
<p><b><i>The Panel is cognisant that TfNSW will not give permission for vehicular access off Campbelltown Road, and for reasons such as; bushfire protection, evacuation purposes, and catering for future housing density on the site; relying on vehicular access from only MacDonald Road would represent a poor planning outcome. A second vehicular access point can only be from Zouch Road, and there appears to be no alternative for a road to cross the RE1 zone; however, design and road positioning options have not been explored.</i></b></p>	<p>As no alternative option is possible for the development, Council and Landcom have found a middle ground regarding the road. A design option to have the road in another location in the RE1 land was explored however the current option is deemed to be the better outcome. See discussion below on this matter, which was also raised at the site visit held on 20 May 2024, where the Panel advised of the option to explore an alternate route for the road along the northern boundary of the Endeavour Energy substation.</p>
<p><b><i>The Panel is firmly of the view that Council and the Applicant can achieve an agreed position in relation to this key issue and the associated issues, and the Panel desires that this application progress forward without any further undue delay. To that end the Panel feels it is necessary to stipulate a timetable with the</i></b></p>	<p>As mentioned above, Council and Landcom held a number of meetings to workshop ideas for the park and to ensure that the road through the RE1 land would not detrimentally impact on the delivery of a functional and high</p>

<p><b><i>aim of achieving an agreed and positive outcome between Council and the Applicant. Council informed the Panel that meetings are held with the Applicant on a fortnightly basis to discuss various projects within the LGA. The next meeting is scheduled for Tuesday 23 April 2024, and the Panel recommends that at that meeting Council arrange with the Applicant a separate time to meet and discuss the matters listed above, in detail, with the aim of resolving any differences of opinion. To facilitate discussion, the Panel recommends that Council formulate its preferred position and convey that to the Applicant prior to that separate meeting.</i></b></p>	<p>quality public open space in the precinct.</p>
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### **3.3 Consistency with the Concept Plan**

#### **3.3.1 Background Concept Plan History**

Edmondson Park South was approved as part of the concept plan MP10\_0118 in August 2011. Various modifications to the concept plan have been approved since 2011.

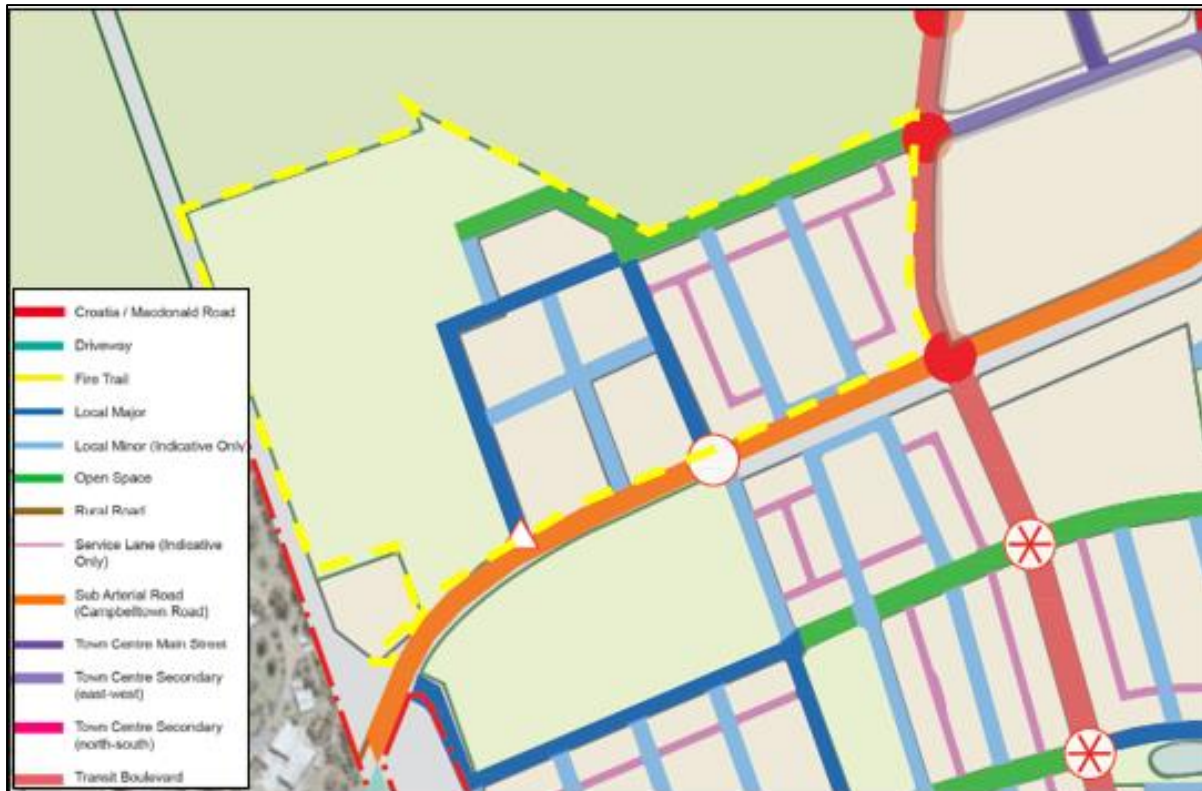
Modification 5 (MP10\_0118 MOD 5), currently being assessed by Department of Planning and Environment (DPE), is seeking a range of amendments to the concept plan. The proposed amendments include increasing residential yields and heights in the Town Centre North, a reduction of the school site area, modification to the road network and hierarchy, reduction in bushfire asset protection zones (APZ's) in select locations and introduction of design guidelines.

Modification 5 to the Concept Plan which is yet to be determined is relevant to the DA, however the proposed development does not appear to rely on the approval of these modifications. Mod 5 would seek approval for studio dwellings permissible on separate titles within Precinct 3, however this would not have any impact on the proposed subdivision at this stage.

#### **3.3.2 Consistency with Approved Concept Plan and Road Works**

The proposal is for a land subdivision and servicing of the lots as well as construction of roads. The proposal is generally consistent with the approved concept plan under MP10\_0118 and associated modifications subject to the below discussion points.

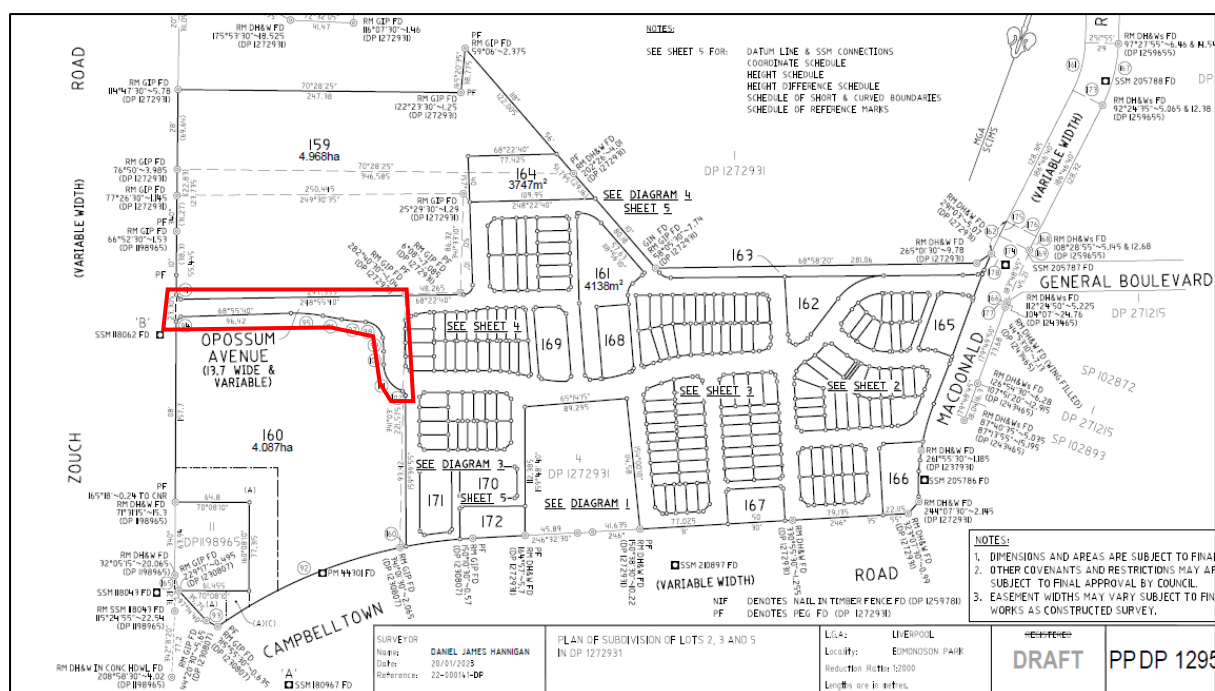
The proposal is consistent with the endorsed concept plan regarding most items apart from the matter concerning the location of roads, particularly local roads and the road traversing the RE1 zoned land, within the concept plan area. The proposed road network and hierarchy map, which is in the approved concept plan, is shown in figure 4 below.



**Figure 4:** Road hierarchy map under the approved concept plan (site extent dashed yellow)

The location of most of the roadways within the proposed site are not in the same alignment as the approved concept plan. However, the alignment of the proposed roads under this development application can be deemed to be generally consistent with the concept plan as approved, considering the roads whose alignment are being varied or removed are not major roads and can be considered as local roads within the concept plan.

Further, as opposed to the approved concept plan and associated modifications, direct access from the local roads to/ from Campbelltown Road is now restricted in accordance with the comments provided from Transport for NSW. Therefore, if development was made in strict compliance with the concept plan, the site precinct would only consist of one road in and out of the development. As such, the application proposes an east-west connecting road to Zouch Road which traverses through the RE1 land. This road assists in mitigating traffic and access concerns as well as providing a suitable means of access and egress to meet bushfire requirements, considering the site is bushfire prone land. The location of the road in question which traverses the RE1 zoned land is shown in figure 5 below.



**Figure 5:** Location of roadway through RE1 land highlighted in red

Council had been of the opinion that the proposed development was not consistent with the concept plan considering that:

- The approved concept plan indicates that there are to be multiple through connections to Campbelltown Road.
- No roads in the RE1 zoned land had been considered at any time during the Part 3A concept plan and associated impacts were not considered on future public open space in the area.
- Edmondson Park has a shortfall of public open space and the retention of as much space as possible would be vital for future residents and the Edmondson Park community. The reduction in land to be acquired by Council for the purposes of public open space would not be supported and this is also not reflected in the relevant EPI.
- The applicant should try to argue with Transport for NSW that the concept plan and associated modifications allowed for at least a left in/ left out arrangement to Campbelltown Road and this should be sought for under this modification.
- The applicant is to amend the concept plan with the Department of Planning and Environment to include the revised road layout and ensure that the impacts on the RE1 land are taken into account through the concept planning process.

At a briefing with the SWCPP on 22 April 2024, the Panel disagreed with Council considering the circumstances of the case and were of the view that as there was no other option for the precinct, and Council and the Applicant were to work together to find a solution for the road to go through the RE1 zoned land and address any associated issues such as providing an area of public open space which is of a high quality and provides the relevant services for a park.

Following on from the briefing, Council and Landcom facilitated meetings in which a concept plan for the parkland could be incorporated into the request for information package, which addresses the requirements for a park and also to ensure that a quality open space area can be provided with the inclusion of the roadways within the RE1 land. The applicant workshopped with Council's Community Planning and Property Sections



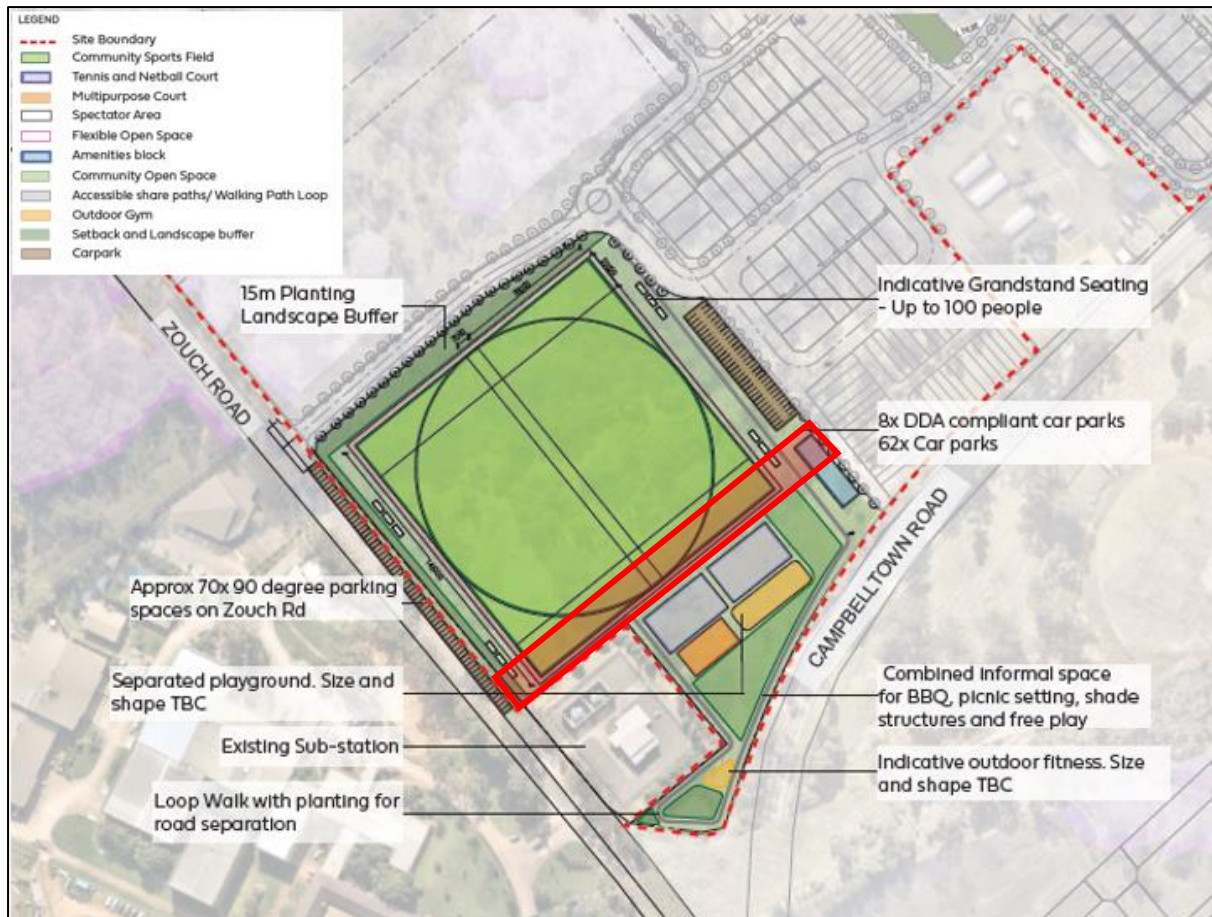
some concepts which allowed for the needs of the community within this open space area with the inclusion of the roadways in this land, offset by a pocket park in the centre of Precinct 3. The road design was also amended at this stage to be of a width that meets the requirements of the NSW Rural Fire Service but also maximises the amount of usable community open space in the area.

Further, after a site visit by members of the regional Panel, it was requested of the applicant to explore the option of having the east west road traverse through the southern side of the RE1 land to the north of the Endeavour Energy substation to avoid fragmenting the public recreation area. The applicant has provided the following response on this matter:

*An alternate connection was considered along the northern edge of the sub-station land located at the southern end of Zouch Road. This alignment was determined to be a poorer outcome from an urban design and community perspective as it severed the open space area and would limit the facilities able to be delivered, did not provide a clear connection and legibility for road users through the precinct and located the intersection with Zouch Road close to Campbelltown Road intersection. As such, the proposed alignment along the northern edge of the open space area was retained.*

It is also to be noted that the location of the road in the current alignment splits the RE1 land between the areas of biodiversity certified and non-biodiversity certified land, in which the latter would unlikely be further developed into parkland as further biodiversity assessment would be needed for development of this area. Further, on comparison of where the road would splinter the RE1 land, a road along the alignment of the substation would split up the park creating a poorer outcome than the current location of the road. This road also connects straight into the east-west road network as opposed to traversing through more residential land to navigate back up to the roundabout onto Road 1. As such, Council is also of the opinion that the road is in the most suitable location.

A concept of the parkland is found in figure 6 below, with an indicative location of the Panel's recommendation for where a road could be investigated.



**Figure 6:** Indicative concept for the park and location of road where SWCPP asked to investigate (shown in red box)

The following points is a summary of how the proposed subdivision is able to be deemed consistent with the approved concept plan:

- The roads which are changing location as part of this development application, within the precinct, are considered as local roads under the DCP and Concept Plan.
- The DCP allows for variations to the residential street network. As such, the proposed road network is considered to meet the objectives of Part 3.1 of the DCP as it:
  - Provides a safe and efficient circulation of pedestrians, bicycles and motor traffic and still maintains connectivity to the town centre, schools, parks, and the Edmondson Park railway station.
  - Provides on street parking.
  - Provides good connectivity and does not utilise cul-de-sacs.
- The proposed subdivision is adopting the current site conditions including the restrictions on Campbelltown Road imposed by Transport for NSW.
- The roads which are being changed as part of the DA are mostly within land which is zoned as R1 – General Residential land and future development could still achieve consistency with the zone, considering road impacts have been assessed within this zoned area as part of the concept plan approvals.
- Due to the circumstances and having no other option for a second road to access/ egress from the site, the road through the RE1 – Public Recreation zoned land needs to be considered. Given that the applicant has demonstrated that a quality parkland is able to be delivered, the inclusion of a road through the public recreation

land is therefore deemed to be acceptable due to the circumstances and constraints surrounding this development.

- As a result, the road network is deemed to be generally consistent with the approved concept plan and able to meet the principles and intent of the concept plan.

#### **4 DETAILS OF THE PROPOSAL**

The development application seeks approval for residential subdivision of the site to create:

- 158 residential allotments ranging from 200sqm to 536sqm.
- 8 superlots for future medium density subdivision
- 2 lots for open space
- 2 lots for drainage purposes
- 1 residue lot comprising land zoned E1 National Parks and Nature Reserves.

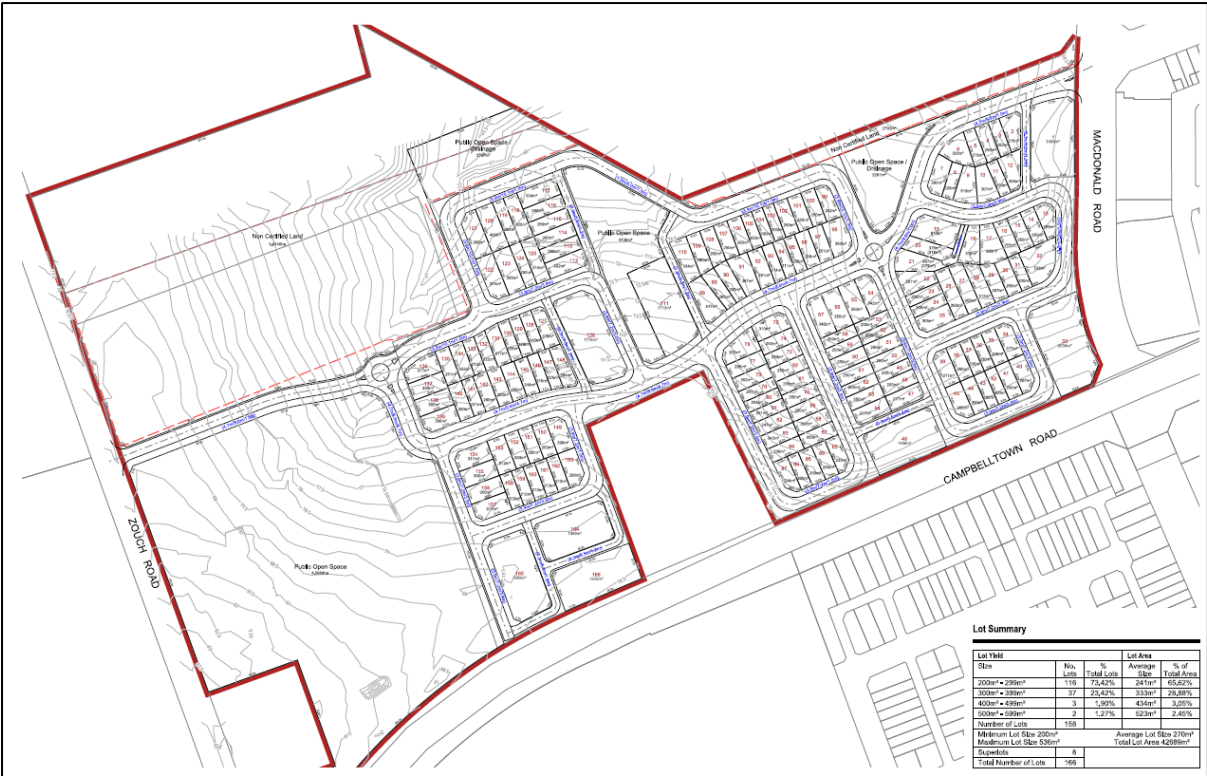
In summary, the proposed development seeks approval for the following works associated with the residential subdivision:

- Removal of existing hard stand surfaces and infrastructure and remediation of Lot 5 in accordance with the proposed Remediation Action Plan.
- Construction of intersections with MacDonald Road in the east and Zouch Road in the west to provide vehicle access to the site.
- Construction of internal roadways to service the development including Major Local Streets, Local Streets and Laneways.
- Landscaping of the proposed central pocket park and associated heritage pedestrian link.
- Vegetation Removal within roadway areas in RE1 zoned land.
- Streetscape landscaping works.
- Construction and landscaping and two drainage water quality basins.
- Earthworks and construction of low scale retaining walls associated with the delivery of the residential subdivision.
- Installation of all required services and infrastructure.

Approval is also sought for removal of vegetation to construct a drainage basin within land zoned RE1 at the north of the site. Impacts are confined to 0.01 ha of low condition PCT 3320 (which aligns with Cumberland Plain Woodland) and 0.1 ha of cleared/exotic vegetation. This vegetation removal is supported by a Biodiversity Assessment. This has been reviewed by Council's Natural Environment - Flora and Fauna Section and is considered satisfactory.

The proposed development is identified as Nominated Integrated Development requiring an approval from the Department of Planning & Environment - Water 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.





**Figure 7:** Proposed Plan of Subdivision Layout



**Figure 8:** Proposed Master Plan





**Figure 9:** Proposed clearing of non-certified land

## 5 STATUTORY CONSIDERATIONS

### 5.1 Relevant matters for consideration

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this 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.*

#### Development Control Plans

- *Edmondson Park South Development Control Plan 2012.*

#### Other Matters

- *Edmondson Park South Part 3A Concept Plan approval.*
- *Liverpool City Council Community Engagement Strategy 2022*

- *Liverpool Contributions Plan 2008 – Edmondson Park applies to the site pursuant to Section 7.11 of the EPA & Act.*
- *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.*

## 6 ASSESSMENT

### 6.1 Section 4.15(1)(a)(1) – Any Environmental Planning Instrument

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

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, specifically Chapter 4 – Remediation of Land, as the proposal.

The objectives of SEPP (Resilience and Hazards) 2021 are:

- to provide for a state wide planning approach to the remediation of contaminated land.
- to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

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.

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 submitted contamination assessments for the land indicated that the site was contaminated and required remediation.

The reports were submitted to Council for review and are supported by Council's Environmental Health Officer who has commented that there are no issues with the proposed development based on the reports and the proposal has been considered to be satisfactory pursuant to conditions of consent ensuring that the remediation strategies be followed and for any unexpected finds of contaminated material be removed during the undertaking of works.

Pursuant to Clause 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4 Remediation of Land, Council is also required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining a development application.

Clause 4.6 - Contamination and remediation to be considered in determining development application	Comment
(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	A preliminary site investigation, detailed site investigation and remediation action plan identify that it is believed that the land is contaminated and requires remediation to be made suitable for the proposed land use as concurred by Council's Environmental Health Officer.

(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	Based upon available information, Council's Environmental Health Section believes that the land is contaminated and will be suitable after remediation in accordance with the Remediation Action Plan titled "Landcom Edmondson Park, Precinct 3, Lot 3, Remedial Action Plan Campbelltown Road, Edmondson Park, NSW" (Ref: 63325/149,764 Rev: 0) reviewed by Christine Loise For JBS&G Dated 16th February 2023.
(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.	Council's Environmental Health Section believes that the land will be remediated in accordance with the Remediation Action Plan titled "Landcom Edmondson Park, Precinct 3, Lot 3, Remedial Action Plan Campbelltown Road, Edmondson Park, NSW" (Ref: 63325/149,764 Rev: 0) reviewed by Christine Loise For JBS&G Dated 16th February 2023 to be made suitable for the proposed use, subject to recommended conditions.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4 Remediation of Land. Therefore, it is considered that the subject site is suitable for the proposed development subject to conditions.

#### **(b) State Environmental Planning Policy (Transport and Infrastructure) 2021**

Campbelltown Road is a classified road. The provisions of the SEPP (Transport and Infrastructure) 2021 are to be considered in respect of Clause 2.119 – Development with frontage to a classified road. Also, as the development involves future residential accommodation, Clause 2.120 - Impact of road noise or vibration on non-road development is also to be considered.

<b>Considerations</b>	<b>Comments</b>
<b>2.119 Development with frontage to classified road</b>	
1. Objectives 2. Development consent must not be granted unless: (a) Where practicable, vehicular access to the land is provided by a road other than the classified road, (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of: (i) the design of the vehicle access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land.	A referral was made to Transport for NSW - Roads and Maritime under the provisions of this Clause as the site is along Campbelltown Road. The site however does not propose any direct access to this road, as per the TfNSW requirements. TfNSW have provided comments and recommended conditions to be implemented with any consent.
<b>Clause 2.120 - Impact of road noise or vibration on non-road development</b>	
(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration— (a) residential accommodation, (b) a place of public worship, (c) a hospital,	The application is supported with a document titled "Ed Park Precinct 3, Acoustic Assessment" (Ref: TM996-01F02 Acoustic Assessment (r2)) prepared by S.Khan and reviewed by H.Pearce dated 17th January 2023.  Potential noise impacts have been identified and assessed for the proposed residential subdivision at Edmondson Park South Precinct 3. Road traffic noise

<p>(d) an educational establishment or centre-based child care facility.</p> <p>(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p> <p>(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</p> <p>(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,</p> <p>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</p> <p>(3A) Subsection (3) does not apply to a building to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 7 applies.</p> <p>(4) In this section, freeway, tollway and transitway have the same meanings as they have in the Roads Act 1993.</p>	<p>from Campbelltown Road and Macdonald Road has been considered. Based on the noise modelling and indicative building envelopes, future dwellings will require facade treatment to control road traffic noise ingress in accordance with the Department of Planning “Development in Rail Corridors and Busy Roads – Interim Guideline”. The recommended treatments have been specified in Appendices B &amp; C and can be achieved using standard building materials and techniques.</p> <p>The DA has been reviewed by Council’s Environmental Health Section. As no residential dwelling construction has been proposed at this stage, it is recommended that the subdivided lots be restricted with an 88B instrument regarding acoustic attenuation findings of the acoustic report.</p>
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### (c) State Environmental Planning Policy (Biodiversity and Conservation) 2021

*Note: Chapters 7 – 12 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 were repealed on 21 November 2022 relating to the former catchment areas.*

The subject land is located within the Georges River Catchment and as such State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 6 Water Catchments, applies to the application. The Biodiversity and Conservation SEPP aims to protect the environment of the Georges River Catchment by ensuring that water quality impacts are considered.

In accordance with the SEPP, when a consent authority determines a development application, the provisions in Part 6.2 - Development in Regulated Catchments are to be considered and consent must not be granted unless the consent authority is satisfied that the matters have been addressed. Accordingly, a table summarising the matters for consideration in determining development applications (Part 6.2) and compliance with such is provided below.

<b>Part 6.2 – Development in Regulated Catchments</b>	
<b>Division 2 – Controls on development generally</b>	<b>Comment</b>
6.6 – Water quality and quantity	<p><b>Complies</b></p> <p>Council’s Land Development Engineers and Floodplain Engineers have reviewed the subject application and have provided conditions of consent aimed to improve the quality of expected stormwater discharge and associated stormwater quantities from the site.</p>
6.7 – Aquatic ecology	<p><b>Complies</b></p> <p>The Department of Planning and Environment—Water has raised no objections to the proposal and has advised that a controlled activity is not required as the proposed works are not located waterfront land. Clearing of vegetation on the site was previously approved for the R1 land under DA-740/2022 &amp; DA-768/2022. Some clearing of vegetation is required in the RE1 land now that there are works proposed in this area and this would only be applicable to the parts of the RE1 land in which</p>



	roadways are required to be constructed.
6.8 – Flooding	<b>Complies</b> The subject site is not identified as flood prone land. Council's floodplain engineers have provided conditions of consent relating to stormwater management.
6.9 – Recreation and public access	<b>Complies</b> The development is unlikely to impact on public access to and around foreshores. However, the proposed development does include the provision of roads within the land zoned for public recreation purposes. Based on the requirement for access and egress for the precinct as well as TfNSW not allowing any additional intersections to Campbelltown Road, the applicant was advised to demonstrate that the proposed roads would not impact on the future delivery of a high quality public open space. A concept for a park was workshopped between Council and the applicant throughout the assessment process and is deemed to be able to deliver facilities which could meet the future requirements for this parkland. Although provided for this application, these concept plans for the park design would not be included with any consent and are indicative of what could be provided in the future once the land is acquired by Council.
6.10 – Total catchment management	<b>Complies</b> Environmental planning consideration through the provisions of Liverpool LEP and the SEPP, has considered the impact of this land within the catchment. Council's Land Development Engineers and Floodplain Engineers have provided conditions of consent aimed to improve the quality of expected stormwater discharge from the site
<b>Division 3 – Controls on development in specific areas</b>	<b>Comment</b>
6.11 – Land within 100m of natural waterbody	<b>Complies</b> The site is mapped as having a waterway through the land based on the online hydroline mapping system.  A referral was sent to DPE-Water, who have advised that a Controlled Activity Approval was not required for the proposed development. The mapped drainage line within proximity to the proposed works is not considered to be waterfront land as it does not exhibit bed, banks and/or fluvial geomorphic features.
6.12 – Riverine scenic areas	<b>Not applicable</b>
6.13 – Hawkesbury-Nepean conservation area sub-catchments	<b>Not applicable</b>
6.14 – Temporary use of land in Sydney Harbour Catchment	<b>Not applicable</b>
<b>Division 4 – Controls on development for specific purposes</b>	<b>Comment</b>
6.15 – Aquaculture	<b>Not applicable</b>
6.16 – Artificial waterbodies	<b>Not applicable</b>
6.17 – Heavy and hazardous industries	<b>Not applicable</b>
6.18 – Marinas	<b>Not applicable</b>
6.19 – Moorings	<b>Not applicable</b>
6.20 – On-site domestic sewerage systems	<b>Not applicable</b>
6.21 – Stormwater management	<b>Complies</b> Council's Land Development Engineers and Floodplain Engineers have reviewed the subject application and have provided conditions of consent aimed to improve the quality of expected stormwater discharge from the site and for the stormwater facilities over the site.

6.22 – Waste or resource management facilities	<b>Not applicable</b>
6.23 – Demolition on certain land	<b>Not applicable</b>

It is considered that the proposal satisfies the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021. Further assessment of built form and construction and dedication of open space and roads would be undertaken as part of future detailed DA's.

**(d) State Environmental Planning Policy (Precincts – Western Parkland City) 2021**

The site is within the Edmondson Park South precinct and is subject to the provisions within Chapter 2 – State Significant Precincts, Appendix 1 – Edmondson Park South Site of SEPP (Precincts – Western Parkland City) 2021.

**(i) Zoning**

The site is zoned R1 General Residential, RE1 Public Recreation, C1 National Parks and Nature Reserves & SP2 Infrastructure (Substation) & (Classified Road) under State Environmental Planning Policy (Precincts—Western Parkland City) 2021.

The extent of the works applies to the R1 General Residential and RE1 Public Recreation areas of the site. No work is occurring within the C1 National Parks and Nature Reserves & SP2 Infrastructure (Substation) & (Classified Road) zones, however, a residue allotment for the C1 land is being created as part of this subdivision.

An extract of the zoning map is found in the figure below.



**Figure 10 – Extract of zoning map**

## **(ii) Permissibility**

Under the Western Parkland City SEPP (Appendix 1, Clause 16) subdivision is permissible with consent within Edmondson Park South.

The residential subdivision is located within the R1 General Residential zone, where residential uses are permissible including dwelling houses, attached dwellings, semi-detached dwellings and multi-dwelling housing (not proposed as part of this DA).

Roads and drainage works are also proposed within the RE1 Public Recreation zone. Roads are permissible with consent within the RE1 zone and under the Western Parkland City SEPP, Appendix 1. Under the *State Environmental Planning Policy (Transport and Infrastructure) 2021* development for the purpose of a stormwater management system may be carried out by any person with consent on any land.

Accordingly, the proposed development is permissible with consent under the Western Parkland City SEPP.

## **(iii) Objectives of the zone**

Objectives of the R1 General Residential Zone are:

- a) to provide for the housing needs of the community,*
- b) to provide for a variety of housing types and densities,*
- c) to enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed subdivision will achieve the objectives of the R1 zone in that it will contribute to the provision of housing to meet the needs of the community within an area designated for future residential development growth. As such the proposed development is consistent with the objectives of the zone.

The objectives of the RE1 Public Recreation zone are:

- a) to enable land to be used for public open space or recreational purposes,*
- b) to provide a range of recreational settings and activities and compatible land uses,*
- c) to protect and enhance the natural environment for recreational purposes,*
- d) to provide a sufficient and equitable distribution of public open space to meet the needs of residents.*

Although it is ideal to provide the maximum amount of public open space in this area, the proposed development requires a road to be provided within the RE1 land. Based on the requirement for access and egress for the precinct as well as TfNSW not allowing any additional intersections to Campbelltown Road, the applicant was advised to demonstrate that the proposed roads would not impact on the future delivery of a high quality public open space. A concept for a park was workshopped between Council and the applicant throughout the assessment process and is deemed to be able to deliver facilities which could meet the future requirements for this parkland. Although provided for this application, these concept plans for the park design would not be included with any consent and are indicative of what could be provided in the future once the land is acquired by Council. Further, a smaller park is to be provided within the development site which would balance out the land being used for the roads in the RE1 portion of the site. The development is considered to be consistent with the objectives of the RE1 zone and would enable public open space to be delivered in the precinct,

which can provide for recreation activities and assist in meeting the need for public recreation space in the precinct.

#### (iv) Principal Development Standards

The SEPP (Precincts – Western Parkland City) 2021 contains a number of provisions which are relevant to the proposal. Assessment of the application against the relative provisions is provided below.

Clause	Provision	Comment
Clause 10 – Zone	Zone Objectives and Land Use Table	<b>Complies</b> The proposal is permissible with development consent and is consistent with the objectives of the zone.
Clause 16 – Subdivision	Land within the Edmondson Park South site may be subdivided, but only with development consent.	<b>Complies</b> Subdivision is permissible under this clause of the SEPP
Clause 17 – Minimum subdivision lot size	The minimum identified Lot Size for the site is 125sqm.	<b>Complies</b> The proposed minimum lot size is 200sqm.
Clause 18 – Height of buildings	The height of a building on any land within the Edmondson Park South site is not to exceed the maximum height shown for the land on the Height of Buildings Map.  Site affected by a 12m and 15m height limit.	<b>Not applicable</b> The development seeks does not seek approval for any built form and therefore complies with the maximum height of buildings.
Clause 19 – Floor space ratio	No FSR control is defined for the subject site.	<b>Not applicable</b>
Clause 20 – Calculation of floor space ratio and site area	Sets out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios.	<b>Not applicable</b>
Clause 23 – Demolition requires consent	The demolition of a building or work may be carried out only with consent.	<b>Not Applicable</b> Demolition not proposed.
Clause 26 – Flood Planning	To minimise the flood risk to life and property associated with the use of land. To allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change. To avoid significant adverse impacts on flood behaviour and the environment.	<b>Complies with conditions</b> The site does not include any land identified as flood prone land. The proposal was assessed by Council's Floodplain Engineering Section who are satisfied with the proposal subject to conditions of consent
Clause 28 - Exceptions to development standards—other development	Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument	<b>Not Applicable</b>
Clause 31 – Preservation	Approvals required for tree removal.	<b>Complies</b>

of Trees		<p>Tree removal within lot 5 has already been approved as part of separate DAs, within R1 zoned land.</p> <p>However, approval is sought for clearing within the RE1 zone to construct a drainage basin within Lot 2 and Lot 5 and within Lot 3 to construct roads.</p> <p>The removal of vegetation to construct a drainage basin in the north of the site results in impacts which are confined to 0.01ha of low condition PCT 3320 (which aligns with Cumberland Plain Woodland) and 0.1 ha of cleared/exotic vegetation. This vegetation removal is supported by a Biodiversity Assessment.</p> <p>The Natural Environment referral stated that the construction of the basin is to be conducted on non-biocertified land. The impacted areas are predominantly weed infested and have extremely low biodiversity values. Therefore, no further assessment for biodiversity related matters is required.</p> <p>The removal of vegetation to construct roads within Lot 3 is entirely within certified land and therefore no further assessment of the ecological impacts is required.</p>
Clause 32 – Native Vegetation areas	Requires the protection and management of native vegetation areas.	<p><b>Complies</b></p> <p>The Native Vegetation Areas are identified within the C1 zone within the subject site, as well as the northern extent of the RE1 zone. However, the application does not propose any development which would result in clearing of Native Vegetation Areas.</p>
Clause 33 – Heritage Conservation	Consent required to demolish heritage buildings or works.	<p><b>Complies with conditions</b></p> <p>The site is located adjacent to the Bardia Barracks heritage precinct which is identified as a local heritage item.</p> <p>The proposed development has been considered by Council's Heritage Officer and no objections or concerns have been raised, subject to conditions.</p>
Clause 34 – Public Utility Infrastructure	Development consent must not be granted for development unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required	<p><b>Complies with conditions</b></p> <p>A detailed infrastructure and servicing report has been provided with this application which demonstrates that all essential services can be provided.</p> <p>Sydney Water supports the application in principle but highlights the need for developer delivered upgrades outside the precinct and changes to existing water supply system boundaries.</p>



		<p>Sydney Water is in the process of updating the supply strategy for this area which will optimise the broader water supply trunk system requirements. The strategy update is expected to be completed by the first quarter of 2024.</p> <p>Standard conditions of consent for subdivision will apply to ensure the site is connected to water, reticulated sewer and electricity.</p>
Clause 36 – Development Control Plan	Development consent must not be granted for development on land within the Edmondson Park South site unless a development control plan has been prepared for the land.	<p><b>Complies</b></p> <p>The Edmondson Park South DCP applies to the site and satisfies this requirement.</p>
Clause 37 – Relevant Acquisition Authority	The objective of clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired.	<p><b>Considered Acceptable</b></p> <p>The land identified as Local Open Space (RE1) is identified for acquisition by Council.</p> <p>The land identified as National Parks and Nature Reserves (C1) is identified for acquisition by the Minister administering the National Parks and Wildlife Act 1974.</p>

## 6.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

No draft Environmental Planning Instruments applies to the site.

## 6.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plans apply to this site:

- *Edmondson Park South Development Control Plan 2012.*


### (a) Edmondson Park South Development Control Plan 2012

The provisions of the Edmondson Park South DCP 2012 apply to this development. The key controls are discussed in the following tables.

Development Control	Provision	Comment
<b>Part 1 Introduction</b>		
<b>Section 1.2 Purpose of the plan</b>	The purpose of the DCP is to support the objectives of Western Parklands City SEPP relating to Edmondson Park South and to facilitate the development of residential, open space, recreation, retail and commercial uses within the site.	<p><b>Complies</b></p> <p>The application supports the objectives of the Western Parkland City SEPP in relation to Edmondson Park.</p>
<b>Section 1.4 Relationship to other plans</b>	Sets out the relevant sections of the Liverpool DCP that apply and sets out that in the event of an inconsistency the Edmondson Park South DCP shall prevail in relation to development in Edmondson Park South.	Noted.


Development Control	Provision	Comment
<b>Part 2 Vision for Edmondson Park</b>		
<b>Section 2.1 Desired outcomes</b>	Figure 2 and Table 1 under this clause of the DCP sets out the broad level development outcomes for Edmondson Park South. It outlines the land uses, urban structure, major transport linkages, open space and riparian corridors, heritage areas, major infrastructure alignments and location of schools.	<b>Considered Acceptable (See discussion earlier in report)</b> The proposed development is generally consistent with the desired outcomes of the Edmondson Park Concept Plan at Figure 2 of the DCP.  Changes are proposed to the road network including to accommodate an access point to Zouch Road, instead of additional accesses to Campbelltown Road which TfNSW do not support.
<b>Section 2.2 Character analysis</b>	The site is located in Character Area 4 and sets out the following qualities or characteristics for these areas: <ul style="list-style-type: none"> <li>• Small, vibrant and intimate precinct adjoining the Regional Park.</li> <li>• Landscaping is formal European with a transition to the indigenous species in the park.</li> <li>• The public streetscape is formal in arrangement and transitional in character, containing large trees in soft verges.</li> </ul>	<b>Complies</b> The proposed development is consistent with the locality characteristics for Character Area 4.
<b>2.3 Residential dwelling target</b>	Sets a minimum dwelling target of 250 dwellings for Area 4 which comprises the subject site.	<b>Complies</b> The proposal delivers 158 residential allotments with a potential dwelling yield of 252 dwellings incorporating future medium density sites, which would be subject to future development consent and the potential for dual occupancy lots > 500sqm.
<b>Part 3 Urban Structure and Public Domain</b>		
<b>3.1 Street network</b>	1. The street network is to be provided generally in accordance with Figure 6 and Table 4 below.	<b>Considered Acceptable (See discussion earlier in report)</b> The street network between the DCP and the approved modifications to the Part 3A concept plan has been amended. Further as TfNSW will not allow for roads to connect directly to Campbelltown Road, a road through the RE1 land is proposed, which is considered acceptable as per the discussion above.
	2. Street design is to be in accordance with the indicative street cross sections at Figures 7 - 16.	<b>Considered Acceptable</b> The street cross sections are generally consistent with the Part 3A Concept Plan approval and the DCP.
	3. All subdivision DAs are to specify the street hierarchy and indicate the various street types and intersection treatments.	<b>Complies</b> The subdivision identifies the street hierarchy and includes details of street types including street cross sections and intersection treatments.  <b>Complies</b>
	4. No vehicular access to residential	<b>Complies</b>


Development Control	Provision	Comment
	properties is permitted directly from Campbelltown <u>Road</u> or Macdonald <u>Road</u> . Access to these lots will be from a service <u>road</u> or laneway.	The proposal does not propose any vehicular access to properties off Campbelltown Road or MacDonald Road.
	5. Cul-de-sacs or mews may be included only in limited and appropriate circumstances where the applicant can demonstrate that street network objectives are satisfied.	<b>Complies</b> No roads are terminating which result in the requirement for cul-de-sacs.
	6. The design of the <u>local street</u> network is to: a) establish a grid-like street network pattern to facilitate walking and cycling and enable direct local vehicle trips, b) create a safe environment for walking and cycling with safe crossing points, c) encourage a low-speed traffic environment, d) optimise solar access opportunities for dwellings, e) take account of topography and view lines, f) provide <u>frontage</u> to and maximise surveillance of open space and riparian corridors, g) facilitate wayfinding and <u>place</u> making opportunities by taking into account streetscape features, adjacent built <u>form</u> controls, artwork and provision for small open spaces and pocket parks, and h) retain existing trees, where appropriate, within the <u>road</u> reserve.	<b>Complies</b> The proposed development meets these requirements and is generally consistent with the concept plan for the precinct.
	7. Footpaths are to be provided consistent with the street sections (Figures 7 - 16) and on both sides of all streets within the Town Centre, urban residential streets and along key pedestrian routes in suburban streets. Elsewhere footpaths are to be provided on at least one side and on both sides where pedestrian or vehicular traffic is high.	<b>Complies with conditions</b> Conditions will apply to ensure the correct standards are met for cross sections and street design as well as traffic facilities in the development.
	8. On street parallel parking is to be provided consistent with the street sections (Figures 7 – 16). Subdivision Development Applications are to demonstrate that lots with frontages less than 10 <u>m</u> have reasonable street parking.	<b>Complies with conditions</b> Conditions will apply to ensure the correct standards are met for cross sections and street design as well as traffic facilities in the development.
	9. On street bicycle facilities are to be provided in accordance with the street sections (Figures 7 – 16).	<b>Complies with conditions</b> Conditions will apply to ensure the correct standards are met for cross sections and street design as well as traffic facilities in the development.
	10. Streets adjacent to <u>conservation</u> areas and other open space / riparian	<b>Complies</b> Road cross sections provided in

Development Control	Provision	Comment
	corridors are to be designed to facilitate pedestrian and cycle movements whilst allowing for incidental surveillance along the <u>bushland</u> / open space fringe. Appropriate night lighting may be required in key locations to improve safety and security. APZ requirements to be accommodated as relevant.	accordance with DCP and Part 3A concept plan approval.
	11. Street layout and design is to consider opportunities for the retention of existing significant trees within the <u>road</u> reserve where possible. Trees may be incorporated with small, informal spaces that provide opportunities for 'greening the street' and passive recreation and meeting points. A Tree Management Plan will be prepared by a suitably qualified person with the relevant tree protection measures to minimise any potential impacts on the trees to be retained.	<b>Complies with conditions</b> Tree removal of most of the site was approved under a separate DAs and carried out. Conditions will apply for tree removal within RE1 land where the roads are to be built.
<b>3.2 Public transport</b>	1. Integrate rail and bus services	<b>Not applicable</b> No bus services are identified as being required within the site.
	2. Provide dedicated cycle routes and facilities, and a highly permeable and safe pedestrian network.	<b>Complies</b> Road cross sections allow for cycle lanes on more major roads.
	3. Provide local bus routes (short, medium and long term) and a bus / rail interchange in accordance with Figure 17 or other routes as determined by Transport for NSW.	<b>Not applicable</b> No bus routes are identified within the subject site under the DCP.
<b>3.3 Pedestrian and cycle network</b>	1. The key pedestrian and cycle network is to be provided in generally in accordance with Figure 18.  See extract below showing shared pedestrian / cycleways (orange).  	<b>Considered Acceptable (See discussion earlier in report)</b> The proposed development is generally consistent with the desired outcomes of the Edmondson Park Concept Plan at Figure 2 of the DCP.  Changes are proposed to the road network including to accommodate an access point to Zouch Road, instead of additional accesses to Campbelltown Road which TfNSW do not support.
	2. Locate pedestrian paths and cycle ways in open spaces close to the streets to take advantage of street lighting to allow casual surveillance by residents and motorists. Where this is not practical, paths must be well lit or visible from the street.	<b>Complies</b> Pedestrian and cycle paths can be incorporated into future public open space and the proposed pocket park, as well as a shared path along the road which traverses through the RE1 land.

Development Control	Provision	Comment
	3. Provide pedestrian pathways with a minimum width of 1.2 <u>m</u> , or greater as indicated in relevant street sections, on both sides of all streets.	<b>Complies</b> All footpaths are 1.2m wide.
	4. Provide shared pedestrian paths and cycle ways to a minimum of 2.5 <u>m</u> wide (refer to Figure 18).	<b>Complies</b> All shared paths 2.5m wide.
	5. Pedestrian and cycle paths are to be provided as part of the open space and recreation areas. Where practical, these should be provided outside the core <u>riparian corridor</u> areas.	<b>Complies</b> Pedestrian and cycle paths can be incorporated into future public open space and the proposed pocket park, as well as a shared path along the road which traverses through the RE1 land.
	6. Ensure designated cycle lanes are clearly identified on streets by line-markings / surface treatment on the street surface and / or by signs beside the street.	<b>Complies with conditions</b> Line marking and signage will form part of conditions of consent.
	7. Design and locate vehicular access to all developments to minimise conflicts with pedestrians and cyclists.	<b>Complies</b> Vehicular access points to lots are located to minimise conflict points.
	8. Ensure pedestrian and cycle facilities in public spaces are safe, well lit, clearly defined, functional and accessible to all users.	<b>Complies with conditions</b> Street lighting requirements can be conditioned.
	9. Clearly and frequently signpost shared pedestrian / cycle ways, as well as cycle lanes on public streets to indicate their shared status.	<b>Complies with conditions</b> Line marking and signage will form part of conditions of consent.
	10. Design pedestrian and cycle ways, as well as pedestrian refuge islands so that they are fully accessible by all users in terms of access points and gradients, in accordance with AS 1428 (Part 1 to 4 Design for access and mobility).	<b>Complies with conditions</b> Conditions will apply to ensure the correct standards are met for cross sections and street design as well as traffic facilities in the development.
	11. Pedestrian footpaths along <u>school</u> frontages are to be a minimum of 2.5 <u>m</u> wide.	<b>Not applicable</b> No schools are located within the precinct.
	12. Provide safe and accessible public bicycle parking facilities in high pedestrian trafficked areas, particularly near schools, regional parks, commuter parking stations and the town centre.	<b>Not applicable</b> The future design of the park would be able to accommodate for bicycle facilities once acquired and embellished by Council.
	13. Pedestrian and cycle crossing facilities on Campbelltown <u>Road</u> are to facilitate safe north-south pedestrian/cyclist access.	<b>Not applicable</b> Not applicable to this proposal.
	14. Pedestrian routes and crossing facilities are to connect the pedestrian network to public transport stops.	<b>Not applicable</b> Not applicable to this proposal.
<b>3.4 Local Open space network</b>	1. The open space network for Edmondson Park South is to be provided in accordance with Figure 19.	<b>Complies</b> The proposal is consistent with providing a residue allotment for future open space in the location of item 5.



Development Control	Provision	Comment
	<p>See extract below. Item 5 is identified as playing fields comprising soccer fields, cricket pitch and associated club room.</p>  <p>LEGEND</p> <ul style="list-style-type: none"> <li>--- DCP Boundary</li> <li>--- LGA Boundary</li> <li>Regional Park</li> <li>Public Open Space (Conservation)</li> <li>Public Open Space</li> </ul>	
	2. Link the open spaces using streets, riparian corridors, pedestrian paths and cycle ways.	<b>Complies</b> Streets connect the open spaces which also include pedestrian and cycleways.
	3. Orient development surrounding open space towards the park to offer casual surveillance.	<b>Complies</b> Lots to the east of the park are oriented to front the park.
	4. Provided perimeter streets to all parks on at least three sides. Where a street frontage is not provided the development must front the park to provide surveillance.	<b>Complies</b> All open space areas are provided with perimeter roadways and the subdivision has been designed to maximise casual surveillance of open space areas.
	5. Incorporate public art in open space areas where appropriate.	<b>Complies with conditions</b> Public art conditions will be applied by Council's Public Art Officer.
<b>3.5 Safety and security</b>	Sets out controls to ensure the landscaping, lighting, street design and public places are designed to maximise public safety.	<b>Complies with conditions</b> Landscaping and street design, as well as street lighting will form conditions of consent
<b>3.6 Heritage conservation and interpretation</b>	<p>1. Development on or in close proximity of the heritage areas shown at Figure 20 is to be consistent with the requirements set out in Table 7 below.</p> <p>See extract below from Table 7 below – the site is located adjacent to Bardia Barracks and an identified heritage artifact.</p> <p>Landscape design for development in close proximity to Bardia Barracks is to respond to the existing heritage values and their relationship to the surrounding area.</p>	<b>Complies with conditions</b> The proposed development has been considered by Heritage Officer and no objections or concerns have been raised.

Development Control	Provision	Comment
	 <p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>DCP Boundary</li> <li>LGA Boundary</li> <li>Bardia Barracks (Military Heritage Precinct)</li> <li>Mont St Quentin Oval</li> <li>Memorial Forest</li> <li>Heritage Artefact</li> </ul>	
	<p>6. Prior to the issue of a construction certificate for any works in proximity of to an archaeological artefacts (Figure 20), the relevant recommendations and procedures outlined in the Aboriginal Cultural Heritage Assessment Report prepared by Kelleher Nightingale Consulting Pty Ltd dated November 2010 are to be satisfied.</p>	<p><b>Complies with conditions</b></p> <p>As required under the ACHA Report of the Part 3A Concept, an Aboriginal Heritage Impact Permit (AHIP C0001134) has been issued for the Edmondson Park South project under of the National Parks and Wildlife Act 1974. The AHIP incorporated two sites within which required surface artefact collection and have been completed previously.</p> <p>The proposed development has been considered by Heritage Officer and no objections or concerns have been raised, subject to conditions.</p>
<b>Part 4 Environmental Management</b>		
<b>4.1 Riparian corridors and water cycle management</b>	<p>Requires all development to be consistent with the water cycle strategies outlined in the Edmondson Park South Water Cycle Management Plan, September 2010, prepared by J. Wyndam Prince.</p> <p>Requires habitable floor levels are to be located above the 100 year ARI floor level plus 500mm freeboard and that appropriate flood evacuation can be provided for dwellings located below the probable maximum flood level.</p>	<p><b>Complies</b></p> <p>Council's Land Development Engineers and Floodplain Engineers have reviewed the subject application and have provided conditions of consent aimed to improve the quality of expected stormwater discharge and associated stormwater quantities from the site.</p>
<b>4.2 Bushfire management</b>	Requires compliance with the bushfire management measures outlined in the	<p><b>Complies</b></p> <p>Bushfire safety authority and GTAs</p>

Development Control	Provision	Comment
	Part 3A Concept Plan and Planning for Bushfire Protection.  Requires provision of a 15m APZ to the north of the site to the regional park.	issued by NSW Rural Fire Service.
4.3 Noise and vibration	Requires compliance with NSW Road Noise Policy (DECCW 2011) for development in close proximity to Campbelltown and Macdonald Roads.	<p><b>Complies with conditions</b> The application is supported with a document titled “Ed Park Precinct 3, Acoustic Assessment” (Ref: TM996-01F02 Acoustic Assessment (r2)) prepared by S.Khan and reviewed by H.Pearce dated 17th January 2023.</p> <p>Potential noise impacts have been identified and assessed for the proposed residential subdivision at Edmondson Park South Precinct 3. Road traffic noise from Campbelltown Road and Macdonald Road has been considered. Based on the noise modelling and indicative building envelopes, future dwellings will require facade treatment to control road traffic noise ingress in accordance with the Department of Planning “Development in Rail Corridors and Busy Roads – Interim Guideline”. The recommended treatments have been specified in Appendices B &amp; C and can be achieved using standard building materials and techniques.</p> <p>The DA has been reviewed by Council's Environmental Health Section. As no residential dwelling construction has been proposed at this stage, it is recommended that the subdivided lots be restricted with an 88B instrument regarding acoustic attenuation findings of the acoustic report.</p>
<b>Part 5 Detailed Residential Subdivision Design</b>		
5.2 Subdivision application requirements	Subdivision Design principles and controls	
	Subdivision design is to be consistent with desired Character Areas at Section 3.	<b>Complies</b> Compliance detailed in Section 2.2 of this table.
	Subdivision design is to facilitate achievement of overall dwelling target for Edmondson Park South (Section 2.3). The onus is on the applicant to monitor the dwelling yield per stage.	<b>Complies</b> Compliance detailed in Section 2.3 of this table.
	Subdivision design is to: <ul style="list-style-type: none"> <li>promote a legible and permeable street hierarchy,</li> </ul>	<b>Complies</b> The subdivision design is deemed to comply with these requirements and is in accordance with the DCP and part 3A

Development Control	Provision	Comment
	<ul style="list-style-type: none"> <li>encourage walking and cycling to and from the Town Centre</li> <li>respond to the natural site topography to minimise cut and fill,</li> <li>seek to retain of significant existing trees wherever possible,</li> <li>maximise the number of lots in areas with the greatest amenity, and</li> <li>orientates streets to link to public open spaces.</li> </ul>	Concept approval.
	<p>Subdivision design and lot configuration for lots fronting Campbelltown Road and McDonald Road is to demonstrate:</p> <ul style="list-style-type: none"> <li>suitable orientation to provide street address, activation and surveillance,</li> <li>suitable access arrangements,</li> <li>adequate setback arrangements, and</li> <li>appropriate acoustic amenity.</li> </ul>	<b>Complies</b> No lots are proposed directly fronting Campbelltown or MacDonald Road.
	<p>Street blocks in Small Lot Housing Areas (Figure 25) are to be finer grain than Standard Lot Areas with greater use of laneways and secondary streets. Street block lengths should be around 120m to 180m or less (max. 250m for Standard Lot Areas).</p>	<b>Complies</b> Maximum block length approximately 120m.
	<p>Street block / subdivision design is optimise solar orientation, taking into account other factors such as open space location, views, topography. Optimise the number of east west oriented lots in small lot housing areas</p>	<b>Complies</b> Street blocks are acceptable and take into account existing site conditions and orientation of the road network.
	<p>Optimise the number of lots addressing open space and riparian areas.</p>	<b>Complies</b> Lots opposite open space are oriented to front these areas.
	<p>Avoid, where possible, lots with back faces to open space and / or main roads.</p>	<b>Complies</b> Compliance detailed in Section 2.2 of this table.
	<p>Use laneways to provide rear loaded access to for the majority of small lot housing. Laneways designed as shareways. Design, dimensions and materials promote a slow speed driving environment distinctively different from a street (i.e no footpaths, no pole signage).</p>	<b>Complies</b> Lots are typically front loaded with some laneways incorporated, especially for the large residue lots which would provide for medium density housing products in the future.
	<p>Parking signage only located at entry or exit of laneways.</p>	<b>Complies with conditions</b> Linemarking and signage will form part of conditions of consent.
	<p>Garbage collection is to be via a laneway or secondary streets.</p>	Noted
	<p>Lot configuration is to:</p> <ul style="list-style-type: none"> <li>be generally regular in geometry, and</li> <li>minimise the use of battle-axe lots unless required to lots with access denied frontages (e.g. "4 packs").</li> </ul>	<b>Complies</b> Lot configurations is based upon the road network and battle axe lots are deemed acceptable where proposed.
	<p>Lot depths for mid-block lots are to generally be between 20m and 35m</p>	<b>Complies</b> Lot depths are considered satisfactory.

Development Control	Provision	Comment
	depending on orientation and garage location.	
	Lot depths for Compact Housing on corners and / or facing laneways, secondary streets are typically 15 - 20m.	<b>Complies</b>
	The minimum lot width is: <ul style="list-style-type: none"> <li>• 4.5m for attached dwellings, and</li> <li>• 6m for semi-attached dwellings, and</li> <li>• 8m for dwelling houses.</li> </ul>	<b>Complies</b> Minimum lot width is 8m. Future development on residue lots would likely result in narrower lots for medium density housing types.
	In small lot housing areas, continuous long runs of front loaded, narrow (i.e. less than 10m) lots are to be avoided.	<b>Complies</b> A spread of lot widths are provided within the street blocks in the subdivision design.
	For lots less than 8m in width (as measured at the front building line), vehicular access is to be provided from a rear laneway or secondary street.	<b>Complies</b> All lots are minimum 8m wide and front loaded.
	Planting and walls adjacent to driveways must not block lines of sight for pedestrians, cyclists and vehicles.	Noted
	In small lot housing areas, avoid long, continuous runs of garages fronting laneways (i.e. break up through pairing etc).	<b>Complies</b> Garages are all front loaded.
	Corner lots to be configured to allow dwelling to address both streets	<b>Complies</b> Corner dwellings can be able to be designed to address both streets.
	Subdivision design in small lot housing areas to reinforce urban characteristics	Noted
	Fencing should not detract from the streetscape or adversely impact on residential amenity	<b>Complies</b> Fencing will be subject of future DAs.
	Principal private open space to be located to take advantage of solar access	<b>Complies</b> Principle private open space can be located to take advantage of solar access where possible.
	Subdivision design is to minimise cut and fill generally.	<b>Complies with conditions</b> Cut and fill is deemed to be acceptable and conditions of consent will apply for earthworks.
	Retaining walls to generally be undertaken as part of subdivision works	<b>Complies with conditions</b> Retaining walls are detailed in the Civil Plans and conditions will be applied.
	Minimise impact of services on building envelope.	Noted
	Laneways are to be provided with suitable level of passive surveillance	<b>Complies</b> Use of laneways is generally in areas where the residue lots are which would accommodate for rear loaded access to narrower medium density residential development. This can provide opportunities for future buildings to provide passive surveillance.
	<b>Dwelling design</b>	<b>Not applicable</b>



Development Control	Provision	Comment
	Subdivision of land creating residential lots less than 200m <sup>2</sup> shall include a dwelling design as part of the subdivision development application. The dwelling design is to be included on the S88B instrument attached to the lot.	
	<b>Building Siting and Envelope Plans:</b> Subdivision of land (other than large superlot subdivision) that creates lots less than 300sqm and greater than or equal to 200sqm must be accompanied by a Building Siting and Envelope Plan (BSEP). The BSEP is to illustrate how the design principles and controls have been incorporated into the proposed subdivision (Figure 24)	<b>Complies</b> Building Envelope Plans have been submitted for lots between 200sqm and 300sqm. See assessment below.

The Development application also includes building envelope plans (BEPs) for lots less than 300sqm. These have been assessed against the relevant housing provisions of the DCP for small lots as detailed in the table below. It is noted that as detailed dwelling designs are not required, not all controls are applicable to the BEPs at this stage. It is also noted that the BEPs also demonstrate the full extent of a building envelope on each lot in accordance with the DCP, so as not to prejudice future development of dwellings.

Part 6 Small Lot and Standard Lot Housing Controls		
Development control	Provision	Comment
<b>6.1 Maximum site coverage</b>	Site cover controls: <ul style="list-style-type: none"> <li>200-250sqm: 65%</li> <li>250-300sqm: 60%</li> </ul>	<b>Not applicable</b> Site cover will be assessed as part of the DAs for individual dwellings.
<b>6.2 Maximum floor area</b>	Total floor area <ul style="list-style-type: none"> <li>200-250sqm: 90%</li> <li>250-300sqm: 85%</li> </ul>	<b>Not applicable</b> Total floor area will be assessed as part of the DAs for individual dwellings.
	Total floor area of an outbuilding <ul style="list-style-type: none"> <li>Less than 300sqm: 26sqm</li> </ul>	<b>Not applicable</b> Total floor area of any outbuilding will be assessed as part of the DAs for individual dwellings.
	The maximum floor area for balconies, decks, patios, pergolas, terraces and verandahs attached to a dwelling house with a floor level more than 3m above the existing ground level must not be more than 12sqm.	<b>Not applicable</b> This will be assessed as part of the DAs for individual dwellings.
<b>Maximum building height</b>	Generally 2 storeys + attic.	<b>Complies</b> BEPs show two storeys only.
<b>Building setbacks</b>	Front setback: <ul style="list-style-type: none"> <li>a) 3m in Small Lot Housing Areas, and</li> <li>b) 4.5m elsewhere</li> </ul> Reduced setback of 1-3m applies to shallow lots, park frontage lots, or dwellings fronting secondary streets or laneways.	<b>Complies with conditions</b> Front setbacks are generally consistent with this control, however for these small blocks, the front setback can be amended to be 3m, with a 1m articulation zone.
	Side setback (for semi-detached or zero lot line detached:	<b>Complies with conditions</b> The side setbacks are generally

Part 6 Small Lot and Standard Lot Housing Controls		
Development control	Provision	Comment
	<ul style="list-style-type: none"> <li>Zero lot boundary: 0m</li> <li>Side boundary to neighbouring zero lot building: <ul style="list-style-type: none"> <li>0.9M (ground level)</li> <li>1.5m (upper level)</li> </ul> </li> <li>Detached boundary: 0.9m</li> </ul> <p>In Small Lot Housing Areas, the zero setback may extend over 2 storeys. There is no limit on the length of single storey wall built to a zero-lot boundary. However dwelling bulk must take into account impact on solar access to neighbouring properties (Section 1.6) and setbacks (Figure 30).</p>	compliant on the BEPs, however, they will be required to be amended to ensure that the first floor side setback facing the neighbouring zero lot line on the detached side is to be 1.5m setback.
	<p>Rear setbacks</p> <ul style="list-style-type: none"> <li>Front loaded garage: <ul style="list-style-type: none"> <li>4m (single storey)</li> <li>6m (second storey).</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>All proposed lots meet the rear setback requirements.</p>
	<p>Corner lots:</p> <ul style="list-style-type: none"> <li>Reduced front setback of 1-3m on compact corner lots</li> <li>1m minimum setback from a secondary street and front splay boundary.</li> </ul>	<p><b>Complies with conditions</b></p> <p>The application will be conditioned to ensure that the BEPs are amended to ensure consistency with Figure 27 for corner lots on small lots.</p>
<b>6.5 Articulation zones and building design</b>	<p>Front boundary:</p> <ul style="list-style-type: none"> <li>An articulation zone may extend 2m beyond the front building line.</li> </ul>	<p><b>Complies with conditions</b></p> <p>Front setbacks are generally consistent with this control, however for these small blocks, the front setback can be amended to be 3m, with a 1m articulation zone.</p>
	<p>Corner lots: For corner lots articulation elements must be setback 1m from the side and front splay boundaries.</p>	<p><b>Complies with conditions</b></p> <p>The application will be conditioned to ensure that the BEPs are amended to ensure consistency with Figure 27 for corner lots on small lots.</p>
<b>6.6 Residential amenity, solar access and privacy</b>	<p>In Small Lot Housing Areas, properties, including adjoining properties, should receive a minimum of 2 hours of sunlight between 9am and 3pm on 21 June to at least a) One living room or the like; or 50% of the principal private open space.</p>	<p><b>Not applicable</b></p> <p>This will be assessed as part of the DAs for individual dwellings.</p>
<b>6.7 Landscaped area</b>	<p>Lots 200sqm-300sqm:</p> <ul style="list-style-type: none"> <li>10%</li> </ul>	<p><b>Not applicable</b></p> <p>This will be assessed as part of the DAs for individual dwellings.</p>
<b>6.8 Private open space</b>	<p>Lots &lt;300sqm</p> <ul style="list-style-type: none"> <li>16sqm with a minimum dimension of 3m</li> </ul>	<p><b>Complies</b></p> <p>Private open space shown on BEPs are generally compliant with this control.</p>
<b>6.9 Car parking and vehicular access</b>	<p>Car parking</p> <ul style="list-style-type: none"> <li>Maximum 2x car parking spaces with at least one behind the building line</li> </ul>	<p><b>Complies with conditions</b></p> <p>BEPs show garage locations and is able to comply. The garage for Lot 13 is to be amended to be a single garage or relocated to the secondary street frontage. Corner</p>

Part 6 Small Lot and Standard Lot Housing Controls		
Development control	Provision	Comment
		lot garages are to be amended as per the above comment for corner lots.
	Garage width <ul style="list-style-type: none"> <li>A single front access garage is only permitted on lots 8m wide or greater and a double front access garage is only permitted on lots 12.0m wide or greater.</li> </ul>	As above
	Garage setback <ul style="list-style-type: none"> <li>5.5m from the street boundary and at least 1m behind the building line of the dwelling</li> <li>Corner lots: detached rear garage may be setback 0.5m from a side boundary.</li> </ul>	<b>Complies with conditions</b> Garages are setback 5.5m from the street and 1m behind the building line. For corner lots, the rear garages are to be amended as per the above comments.

#### 6.4 Section 4.15(1)(a)(iia) - Any Planning Agreement or any Draft Planning Agreement

No planning agreement relates to the site currently, however, Landcom have advised that a VPA will be made for the pocket park associated with the development. Additionally, Condition 1.8 of the Part 3A Concept Plan Approval requires for subsequent subdivision applications to include an offer to enter into a VPA for payment of local infrastructure contributions and for negotiations with Council to occur over land dedications and works in kind arrangements. Currently no offer has been received for the development of the subject site. A condition will apply to ensure that the development application is consistent with the Part 3A approval.

#### 6.5 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 Building Code of Australia and Australian Standards. Accordingly, appropriate conditions of consent will be imposed.

#### 6.6 Section 4.15(1)(a) (v) – Repealed

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

##### (a) Natural and Built Environment

##### ***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 residential development consistent with the desired future built character of the locality.

##### ***Natural Environment***

Impacts on the natural environment have been assessed as part of the development application and the required Precinct Planning outcomes, it is unlikely the development in isolation will cause a detrimental impact to any endangered and non-endangered species of flora and fauna.

## **(b) Social Impacts and Economic Impacts**

The proposed subdivision would result in a positive economic impact in the locality through the capital investment value of the development and is unlikely to generate any identifiable detrimental social impacts.

### **6.8 Section 4.15(1)(c) – The Suitability of the Site for the Development**

The proposed development is in keeping with the zones, associated objectives and controls. The development is considered to be compatible with the anticipated future character within the Edmondson Park south precinct.

The proposal is considered to effectively respond to its surroundings and is generally consistent with the Part 3A concept plan approval. Accordingly, the site is considered suitable for the proposed development.

### **6.9 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:

<b>Department</b>	<b>Comment</b>
<b>Traffic Engineer</b>	Conditions of consent provided
<b>Land Development Engineering</b>	Conditions of consent provided
<b>Strategic planning</b>	Comments provided
<b>Urban Design and Public Domain</b>	Comments provided. Conditions to be made. Conditions to also apply regarding public art.
<b>Environmental Health</b>	Supported subject to conditions
<b>Flooding</b>	No issues raised subject to conditions.
<b>Heritage</b>	No objection, subject to standard conditions.
<b>Flora and Fauna</b>	No objection subject to conditions. <ul style="list-style-type: none"><li>• The construction of the basin is to be conducted on non-biocertified land. The impacted areas are predominantly weed infested and have extremely low biodiversity values. Therefore, no further assessment for biodiversity related matters is required.</li><li>• All other works are on certified land.</li></ul>
<b>Waste</b>	Considered Acceptable based on the planning controls stipulated for Edmondson Park.
<b>Landscape</b>	No objection, subject to standard conditions.
<b>Community</b>	RE1 zoned land to be strictly for public recreation and road in RE1 land to be restricted with movements.
<b>Property Services</b>	Reviewed regarding RE1 land and future acquisition.
<b>Contributions team</b>	Comments provided noting that: <ul style="list-style-type: none"><li>• The Concept Plan approval conditions requires an offer to enter into a VPA for payment of local contributions with details of contributions, land dedications and works in kind to be negotiated with Council. Although the subject site may not be directly included in land subject to proposed Mod 5 (further clarification required as above), as this is land considered within the concept plan, Council considers that this land should be incorporated into the VPA negotiations which are currently ongoing.</li></ul>

## (b) External Referrals

The following comments have been received from External agencies:

External referrals	Comments
Transport for NSW	Comments provided and recommended conditions to be implemented with any consent.
RFS	Bushfire safety authority and GTAs issued.
Department of Planning & Environment (Water)	Referral confirms that a controlled activity approval is not required, and no further assessment is needed by DPE (Water).
Endeavour Energy	No objection raised. Standard conditions outlined.
Sydney Water	Sydney Water supports the application in principle but highlights the need for developer delivered upgrades outside the precinct and changes to existing water supply system boundaries. Sydney Water is in the process of updating the supply strategy for this area which will optimise the broader water supply trunk system requirements. The strategy update is expected to be completed by the first quarter of 2024.

## (c) Community Consultation

The development application was advertised from 5 April to 3 May 2023 in accordance with the Liverpool City Council Community Engagement Strategy 2022. Two submissions have been received for the proposal, although one submission came 9 months after the exhibition period. The concerns raised in the submissions and the response to the submissions are provided below.

Issue	Comment
New road to Zouch Road and through site used as alternative route causing traffic impacts within Denham Court and their associated rural roads causing safety concerns	Through site roads are required for the development for bushfire and access/egress matters and the site is restricted from having any road connections to Campbelltown Road. The choices made by vehicle users are unable to be controlled outside of the traffic modelling and road users will need to abide by the road rules when operating a vehicle. Currently, vehicles are able to turn into Zouch Road from Campbelltown Road and traverse through Denham Court's streets to Camden Valley Way.
Traffic noise and air quality and reduced quality of life on the community	It is not anticipated that excessive vehicle noise or emissions would result from the proposed development which would detrimentally impact on the local community. The land is earmarked for residential development and the proposal is anticipated to cause positive social impacts by providing a renewed sense of community and housing within Sydney.
Negative impacts on environmental land	The proposed development would be conducted within land which is biodiversity certified and conditions of consent have been applied to ensure that any further removal of trees in addition to those cleared through 2 previous DAs, is conducted to ensure impacts are mitigated on fauna.
Crash analysis in traffic report absent	The traffic report has been reviewed by Transport for NSW and Council's traffic engineers and the development is deemed to be acceptable on traffic grounds subject to conditions.
No reference to Campbelltown Road REF and use of alternative route through site for right turns	The proposed development has accounted for the proposed upgrades to Campbelltown Road which was reviewed by Transport for NSW. The proposal was deemed to be acceptable from their perspective subject to conditions. The application was also reviewed by Council's Traffic Section who are satisfied with the development subject to conditions.
On street parking, especially for commuters and	The proposed road cross sections can provide for on-street parking provisions. The application has been reviewed by



<b>implementing parking restrictions</b>	Council's Land Development and Traffic Engineers and is considered acceptable subject to conditions. Additionally, as Road 7 through the RE1 land is the minimum width required as per the RFS guidelines, no stopping signage is to be placed alongside both kerbsides to ensure people do not park on this road.
<b>Intersection of MacDonald Road, General Boulevarde and Road 1</b>	The application was also reviewed by Council's Traffic Section who are satisfied with the development subject to conditions. This intersection is anticipated to be upgraded in the future and signalisation would need to go through Transport NSW.
<b>Concerns with road widths and traffic safety devices</b>	The proposed road widths are in accordance with the DCP and the Part 3A Concept Plan approval. The application has been reviewed by Council's Land Development and Traffic Engineers and is considered acceptable subject to conditions, which include detailed design plans for the roads, which may incorporate traffic calming devices and stopping restrictions.
<b>Road vehicle sizes for access, including heavy vehicles due to restricted right turns in future</b>	The application and anticipated vehicle sizes have been reviewed by Council's Land Development and Traffic Engineers and is considered acceptable subject to conditions. The submitter's site may need to re-route vehicles if not able to traverse the proposed residential development.

## **6.10 Section 4.15(1)(e) – The 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.

## **7 DEVELOPMENT CONTRIBUTIONS**

Section 7.11 contributions would apply to the site and a condition of consent will be drafted for the payment of these, if a VPA is not made in accordance with the Part 3A Concept Plan approval. Additionally, a Special Infrastructure Contribution levy condition will be added for the proposed development.

## **8 CONCLUSION**

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 Edmondson Park South DCP 2012.
- The proposal is deemed to be generally consistent with the Part 3A concept plan approval.
- Conditions of consent will be imposed to minimise any potential negative environmental impacts resulting from the development.
- The proposed development is appropriate for the site and approval is in the public interest.
- Conditions will apply regarding Section 7.11 contributions and VPAs.
- 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-83/2023 be approved subject to conditions of consent.

## **9 ATTACHMENTS**

- 1) Recommended Conditions of Consent
- 2) Statement of Environmental Effects
- 3) Subdivision Plans
- 4) Building Envelope Plans
- 5) Landscape Plans
- 6) Precinct Masterplan
- 7) Layout Plan
- 8) Park Concept Schematic Design
- 9) Civil Drawings
- 10) Infrastructure Report
- 11) Stormwater Report
- 12) Open Space Advice
- 13) Concept Plan consistency response
- 14) Legal advice regarding consistency with Concept plan
- 15) Applicant Response to RFI
- 16) Survey Plan
- 17) Traffic Reports
- 18) Traffic Response to RFI
- 19) Infrastructure Delivery Plan
- 20) Public Open Space Offset Plan
- 21) Waste Management Plan
- 22) Public Open Space Comparison Plan
- 23) Arborist Report
- 24) Acoustic Report
- 25) AHIP Permit Documents
- 26) Heritage impact Statement
- 27) Biodiversity Assessment Documents
- 28) Flora and Fauna Report
- 29) Bushfire Report
- 30) Cost Estimate
- 31) Detailed Site Investigation and Addendum
- 32) Remediation Action Plan
- 33) Interim Audit Advice Letter
- 34) Geotechnical Report
- 35) Urban Design Report
- 36) SWCPP Kick Off Briefing Minutes 15 May 2023
- 37) SWCPP Briefing Minutes 24 July 2023
- 38) SWCPP Update Briefing Minutes 22 April 2024
- 39) Site visit file note 26 May 2024