

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 22 April 2024, 1:00pm to 2:00pm
LOCATION	MS teams

BRIEFING MATTER(S)

PPSSWC-322 – Liverpool – DA-83/2023 – Zouch Road, Edmondson Park - Torrens title subdivision of the site to create 250 residential allotments, 5 lots for open space and drainage purposes and 1 lot for National Parks and Nature Reserves. Delivery of a local pocket park, construction of associated roadways, drainage and stormwater infrastructure and associated service.

The development is identified as Integrated Development, requiring General Terms of Approval from the NSW Rural Fire Services under the Rural Fires Act 1997. The development is identified as Nominated Integrated Development under the Water Management Act 2000, requiring General Terms of Approval from Department of Planning, Housing and Infrastructure (Water).

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), David Kitto, Brian Kirk, Karress Rhodes, Ned Mannoun
APOLOGIES	NIL
DECLARATIONS OF INTEREST	Louise Camenzuli declared a Conflict of Interest, as the firm she is employed at represents the Applicant for a different site in an unrelated matter.

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Nabil Alaeddine, Amanda Merchant
APPLICANT	Michael Rodger, Jared Marsh, Kerry Simone
RSDA	Renah Givney, Tim Mahoney, Kim Holt

KEY ISSUES DISCUSSED – 22 APRIL 2024

The Panel met with Council and discussed the issues listed in the Council's most recent Briefing Report. The Applicant was invited but did attend.

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;

- consistency with the approved concept plan; and

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- the quantity and quality of future public open space within the development.

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.

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.

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 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.

The Panel Secretariat is to schedule a further Assessment Briefing in approximately four weeks. The purpose of this further briefing is for the Council and the Applicant to inform the Panel of progress. If necessary, the Panel will also use this further briefing to facilitate the resolution of any outstanding issues. Council is to provide an updated Briefing Report, clearly identifying and unresolved issues, and the Applicant is to confirm all attendees to the Panel Secretariat one week prior. At this Briefing, it is the intention of the Panel to schedule a date to determine this application.

TENTATIVE DETERMINATION DATE – TBD

PREVIOUS KEY ISSUES DISCUSSED – 3 July 2023

The Applicant made a presentation on the proposed development.

Council and the Panel then identified several issues that require further consideration before the DA can be determined. These issues included:

- Consistency with the Edmondson Park South Concept Plan: The site is subject to an approved Part 3A concept plan, which was approved by the Minister for Planning on 18 August 2011 and is currently the subject of two modification applications (Mod 5 & Mod 12). Under Clause 3B(2)(e) of Schedule 2 the Environmental Planning and Assessment (Savings, Transitional & Other Provisions) Regulation 2017, the Panel cannot

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determine the DA unless it is satisfied that the development is generally consistent with the terms of the concept plan approval. The DA does not currently contain any assessment of the consistency of the development with the terms of the concept plan approval; not does it indicate whether the development relies upon the proposed modifications to the approved concept plan.

- **Status of Associated DAs:** The DA relies on the determination of two associated DAs (DA 740/2022 & DA 768/2022) for vegetation clearing on site, which were lodged with Council in July 2022. Council was unable to provide the Panel with advice on why the DAs have not been determined yet or whether there are any significant issues preventing the determination of the DAs.
- **Implications of Proposed Upgrade Campbelltown Road:** Transport for NSW (TNSW) does not support the development in its current form because it would adversely affect its plans to upgrade Campbelltown Road to six lanes. It also requested further information on the likely traffic impacts of the development.
- **Pocket Park & VPA:** The development includes the creation of a new pocket park and the dedication of this park to Council via a VPA. Council asked the Applicant to clarify the proposed maintenance arrangements for the pocket park, and questioned whether a VPA is the best mechanism for dedicating the park to Council.
- **External Referrals:** Council has not received advice from DPE Water or Sydney Water yet.
- **RFI:** Council is likely to seek additional information on a range of matters, including the proposed location of roads in the RE1 zone, the revisions to the conceptual road network for the subdivision which rely on major new intersections off Zouch Road and MacDonald Road instead of Campbelltown Road, and the vegetation clearing required for the new drainage basin.

KEY ISSUES DISCUSSED - 24 July 2023

- **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.
- **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.
- **Pocket Park & 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.
- **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 & 12) to have no bearing on the assessment of the development application. The Applicant will provide a detailed assessment of these matters in its response to Council's RFI.
- **Status of Associated DAs:** Council and the Applicant advised these DAs are close to determination.
- **RFI:** The Applicant will submit its response to Council's RFI – which includes proposed amendments to the development application - within the next 2 weeks.

NEXT STEPS

- Council is to progress the determination of the two associated DAs as soon as possible in consultation with the Applicant.
- The PDU is to help the Applicant to obtain a copy of the digital plans of the preliminary design of the Campbelltown Road upgrade from TNSW.
- Council and the Applicant are to confirm whether the development application requires the concurrence of TNSW.
- The Applicant is to respond to the RFI and make an offer to Council for a VPA for the development within the next 3 weeks.
- Within 3 weeks of receiving this information, Council and the Applicant are to meet and discuss the resolution of key outstanding issues, in particular the road works in the RE1 zone, the arrangements for the dedication and

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long-term maintenance of the pocket park, the terms of the VPA offer and the consistency of the development with the approved Edmondson Park South Concept Plan.

- The Panel is to meet with Council and the Applicant in 8 weeks from the date of this briefing to check on the progress of the assessment of the DA and to set a date for the determination of the DA.

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