

DATE OF DEFERRAL	23 July 2024
DATE OF PANEL BRIEFING	15 July 2024
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Brian Kirk, Karress Rhodes, Ned Mannoun
APOLOGIES	None
DECLARATIONS OF INTEREST	Louise Camenzuli declared a conflict of interest as she represents the applicant.

Papers circulated electronically on 9 July 2024.

MATTER DEFERRED

PPSSWC-322 – Liverpool – DA-83/2023– Zouch Road, Edmondson Park – Proposed subdivision of Lots 2, 3 and 5 DP1272931 into 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.

REASONS FOR DEFERRAL

The panel considered the matters listed at item 6, the material listed at item 7, the material presented at meetings and briefings, and the matters listed at item 8 in Schedule 1.

At its meeting on 15 July 2024 the Panel was presented with a report from the Council assessment staff which recommended approval of the DA, together with draft conditions of development consent which were issued to Landcom on 7 July 2024, and placed on the portal on 9 July 2024.

The Council reported that Landcom and Liverpool City Council had resolved between them the position and design of the access road off Zouch Road. The need to reconfigure access emerged when Transport for NSW advised that it would not concur to the access road shown in the Concept Plan which proposed two intersections to Campbelltown Road (to the south of Precinct 3), and no road connection to Zouch Road to the west. The positioning of access to Zouch Road had implications for the proposed open space on that side of the development.

While it is reported that the location and general configuration of the Zouch Road access has now been agreed, a written submission by Landcom dated 12 July 2024 to the Panel for its briefing meeting raised two issues about Council's recommended determination:

1. Landcom objected to conditions recommended by Council requiring work to upgrade Zouch Road particularly including undergrounding of aerial electricity and communication cables and improvements to the curb. Landcom emphasised that the residential housing in its proposal was significantly removed from Zouch Road, while Council advised that it considered that the subdivision could be said to front Zouch Road because a significant road access point connected to that frontage.
2. A letter of offer issued on 9th July 2024, after Council's report to the Panel had been prepared, provides for a total of \$12.2m worth of works and land. However, that offer is yet to be assessed by the Council. Landcom in its letter to the Panel contended that the DA should be approved on the basis of the VPA offer whether or not Council is supportive of its terms.

After some discussion of those two (potentially interrelated) issues, it was agreed by all at the briefing that an opportunity should be allowed for Landcom and Council to discuss the matters raised.

The Panel urged the parties to confer with a view to agreeing a set of conditions, noting the Council should reasonably be given some time to consider Landcom's recently advised position.


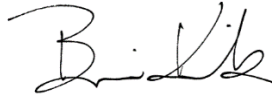

The Panel unanimously agreed to defer its determination to allow an exchange of information between Council and Landcom to occur.

ACTIONS

To allow for the Development Application to progress to determination, the Panel directed that:

1. The Council shall provide their final recommended condition set and advice in response to the Applicant's Voluntary Planning Agreement offer by COB 18 July 2024
2. The Applicant shall provide its response to Council's final recommended condition set and advice in response to the Applicant's Voluntary Planning Agreement offer by COB 23 July 2024
3. When the requested information is provided, the Panel will determine the application by way of electronic determination.

If the outstanding information is not provided by the dates specified, the Panel may move to determine the DA based on the information already at hand.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Brian Kirk
 David Kitto	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-322 – Liverpool – DA-83/2023
2	PROPOSED DEVELOPMENT	Proposed subdivision of Lots 2, 3 and 5 DP1272931 into 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.
3	STREET ADDRESS	Lot 5 Campbelltown Road and Lots 2 & 3 Zouch Road, Edmondson Park Lot 2 DP 1272931, Lot 3 DP 1272931 & Lot 5 DP 1272931
4	APPLICANT/OWNER	Applicant: Landcom Owner: Landcom
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Precincts – Western Parkland City) 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Edmondson Park South Development Control Plan 2012 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 9 July 2024 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick-Off Briefing: 15 May 2023 <ul style="list-style-type: none"> <u>Panel members</u>: David Kitto, Karress Rhodes, Ned Mannoun <u>Council assessment staff</u>: Robert Micallef, Nabil Alaeddine, Amanda Merchant, Michael Oliviero, William Attard <u>Applicant representatives</u>: Jared Marsh, James Arena, Michael Rodger Council/Applicant Briefing: 24 July 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Brian Kirk, Karress Rhodes <u>Council assessment staff</u>: Robert Micallef, Nabil Alaeddine, Amanda Merchant, Michael Oliviero, William Attard

		<ul style="list-style-type: none"> ○ <u>Applicant representatives</u>: Michael Rodger, Jared Marsh, Kerry Simone • Council/Applicant Briefing: 31 July 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Brian Kirk, Karress Rhodes ○ <u>Council assessment staff</u>: Robert Micallef, Nabil Alaeddine, Amanda Merchant, Michael Oliviero, William Attard ○ <u>Applicant representatives</u>: Michael Rodger, Jared Marsh, Kerry Simone • Final briefing to discuss council's recommendation: 15 July 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Brian Kirk, Karress Rhodes, Ned Mannoun ○ <u>Council assessment staff</u>: Robert Micallef, Nabil Alaeddine, Amanda Merchant, Michael Oliviero, William Attard, Anna Johnston, Andrijana Mijoski ○ <u>Applicant representatives</u>: Kerry Simone, Jared Marsh
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report