

Sydney Western City Planning Panel Supplementary Assessment Report

SWCPP No	PPSSWC-322
DA Number	DA-83/2023
Local Government Area	Liverpool City Council
Proposed Development	<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 & 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>
Street Address	<p>Lot 5 Campbelltown Road and Lots 2 & 3 Zouch Road, Edmondson Park</p> <p>Lot 2 DP 1272931, Lot 3 DP 1272931 & Lot 5 DP 1272931</p>
Owner	Landcom
Date of DA Lodgement	21 February 2023
Applicant	Landcom
Number of Submissions	Two
Cost of Works	\$16,087,962
Regional Development Criteria pursuant to Schedule 6 of the SEPP (Planning Systems) 2021	<p>4 – Crown development over \$5 million</p> <p>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.</p>
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • <i>List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)</i> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021;</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021;</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021; and</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021;</i> • <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"> • <i>N/A</i> • <i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i>

	<ul style="list-style-type: none"> • <i>Edmondson Park South Development Control Plan 2012.</i> • <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)(iia)</i> • <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> • <i>List any relevant regulations: 4.15(1)(a)(iv)</i> • <i>Environmental Planning & Assessment Regulation 2021</i>
List all documents submitted with this report for the panel's consideration	1) Amended Recommended Conditions of Consent
Recommendation	Approval subject to conditions
Report by	Robert Micallef
SWCPP Meeting Date	2 September 2024

1 EXECUTIVE SUMMARY

1.1 Reasons for the report

Pursuant to Part 2.4, Clause 2.19 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.

This supplementary report is in response to the ongoing discussions on the draft conditions of consent for the DA between Council and the applicant, Landcom. The application was deferred by the SWCPP at its meeting dated 15 July 2024

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

The key issues raised in the supplementary report include a discussion on the main items of contention still outstanding, being the road upgrades to Zouch Road and a contribution to the intersection of Macdonald Road and General Boulevard.

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 site to the south.

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 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.

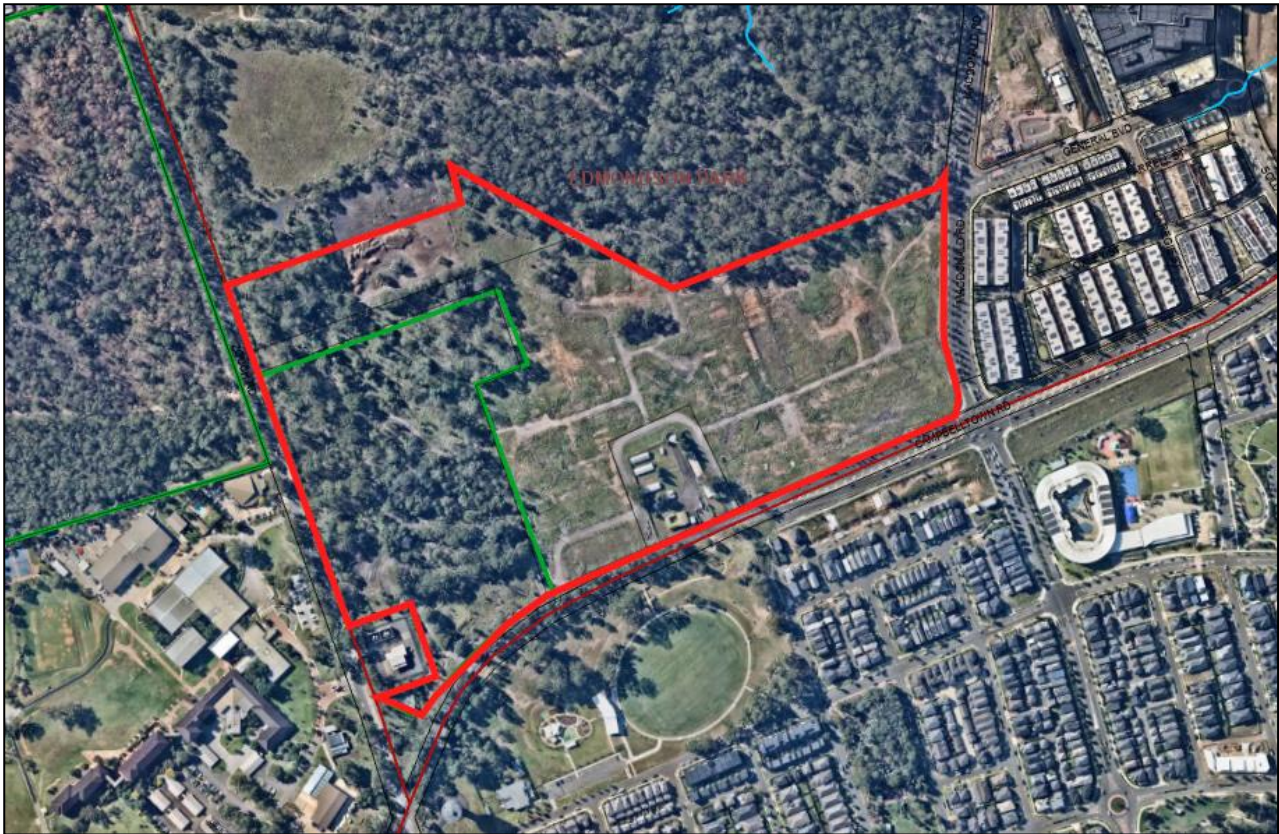


Figure 1: Aerial view of subject site

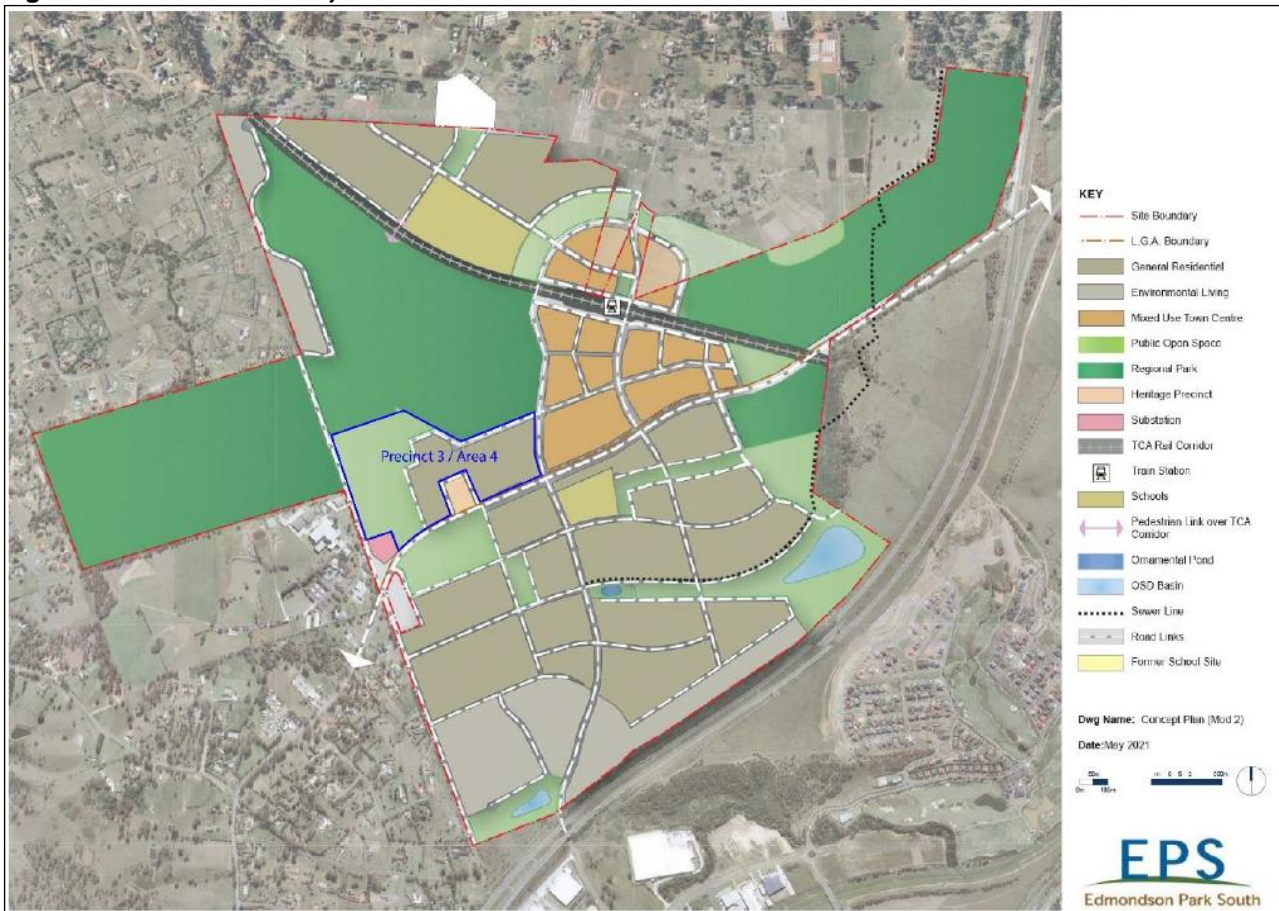


Figure 2: Precinct 3 / Area 4 of Edmondson Park South

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 buildings 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.

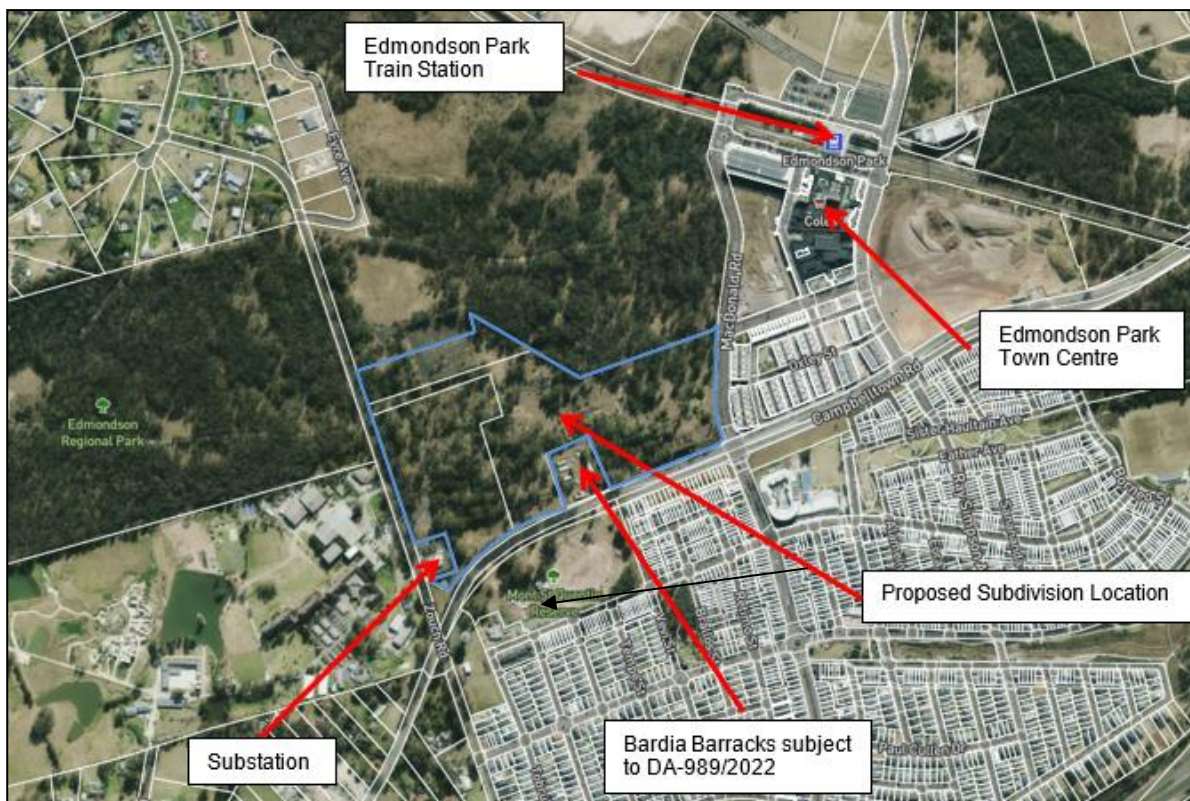


Figure 3: Site location and surrounding land use

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 DISCUSSION OF OUTSTANDING ISSUES

The table below provides a summary of the outstanding matters in the conditions of relating to the response provided by Landcom to the SWCPP for the most recent set of conditions submitted to the Panel and the applicant on 14 August 2024.

In a post SWCPP meeting iteration of the draft conditions, it was attempted to have these items agreed to be implemented within the VPA negotiations, however, Landcom do not agree to this.

Issue	Reasoning	Correlation to Draft Conditions	Landcom Response
Zouch Road upgrade works	<ul style="list-style-type: none"> • The development proposes Road 7 through the RE1 land from the R1 land which, results in increased road use of Zouch Road by the proposal's future residents. • This was not envisioned in the Concept Plan, however, is acceptable in the circumstances given the denied access off Campbelltown Road which was agreed with by the Panel. • Typically contributions plans would include roads adjacent to RE1 land which need upgrades as an item. This is not the case here. • In any scenario, if the road upgrade is not part of the contribution plan, the applicant is to carry out certain upgrades to the road. As the proposal is adjacent to and utilising this existing road, it causes an increase in traffic use, resulting in a nexus for the road upgrades. • These works are also not envisioned by Council when the development/ embellishment of the park in the RE1 land occurs. 	<ul style="list-style-type: none"> • The original set of conditions envisioned for an upgrade of Zouch Road from 20m north of the intersection with Zouch Road and Road 7 all the way to Campbelltown Road. This would've involved half road construction along the entire frontage as well as full road construction either side of the intersection. This also involved the undergrounding of services. • The attached set of conditions have been amended to incorporate the minimum requirement of road upgrades which Council require to ensure safety and accessibility in Zouch Road is met at the direct entry and egress at this intersection. This is the full road width upgrade construction 20m either side of the intersection of Road 7 and Zouch Road incorporating undergrounding of services, drainage and associated verge works as well as footpath paving from the south-east portion of this intersection. 	<ul style="list-style-type: none"> • An upgrade of Zouch Road to the north of the intersection is not necessary. Zouch Road to the North of the intersection provides access to a larger lot residential development (with a minimum subdivision size of 4,000sqm- 10,000sqm). With only 2% of traffic from the proposed development expected to use Zouch Road for access, the portion of traffic expected to head north on Zouch Road, would be significantly less than 2%, not warranting an upgrade to the North. • Similarly, there are no pedestrian/cycle activity destinations located nearby and including a footpath as part of the Zouch Road upgrade would not provide a benefit to the residents of the development. Pedestrian and cycle options should be integrated with the future open space that adjoins Zouch Road.
Macdonald Road and General Boulevarde intersection	<ul style="list-style-type: none"> • The increased use of this intersection would result in future upgrades and signals to be implemented. • As this intersection is one of 4 corners, a 25% contribution to the intersection is to be made. • It is also to be known that Macdonald Road is a major north south thoroughfare and vehicles from Landcom's Precinct 9 on the north side of the rail line would also utilise this intersection. • The funding of the signalisation of this intersection is to come from the developers in this area, being Landcom and Frasers. 	<ul style="list-style-type: none"> • Originally, a condition stated that a VPA was to be made for the contributions towards this intersection. • Landcom proposed to have a smaller percentage or a maximum dollar value cap. • This was then changed to be incorporated as part of the current VPA negotiations, which Landcom do not agree to. • The condition has been amended (36e) to incorporate some wording made by David K during the determination meeting and it does not mention a VPA. 	<ul style="list-style-type: none"> • The technical advice calculates the proposed developments contribution as 6%, a 25% contribution is not reasonable.

Spelling errors also raised in the response by Landcom have been corrected and are incorporated in the amended conditions of consent attachment.

4 CONCLUSION

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 amended conditions of consent.

5 ATTACHMENT

- 1) Amended Recommended Conditions of Consent