

COUNCIL ADDENDUM ASSESSMENT REPORT
SYDNEY WESTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSWC-491 - DA-441/2024
PROPOSAL	Concept Development Application and approval for Torrens Title subdivision with associated works for the general arrangement of roads, identification of land for public open space, environmental corridors, and stormwater infrastructure over two primary Stages for a total of 462 lots. Stage 1 includes subdivision works consisting of sub-stages 1 to 7, delivering 362 residential lots with associated internal roads, stormwater infrastructure, and embellishment works to the environmental corridor. Stage 2 will comprise concept approval for Stages 8 to 9, completing the development with a total of 462 residential lots.
ADDRESS	Lot 1 Heathcote Road, Pleasure Point
APPLICANT	Hodge Developments Pty Ltd
DA LODGEMENT DATE	11 October 2024
APPLICATION TYPE (DA, Concept DA, CROWN DA, INTEGRATED, DESIGNATED)	Concept Development Application and Stage 1 Subdivision and earthworks
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021: CIV over \$30 million
CIV	\$36,300,699.00 (including GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2021 Biodiversity and Conservation Act 2016 Fisheries Management Act 1994 Water Management Act 2000 Rural Fires Act 1997 National Parks and Wildlife Act 1974 State Environmental Planning Policy (Planning Systems) 2021. State Environmental Planning Policy (Transport and Infrastructure) 2021. State Environmental Planning Policy (Biodiversity and Conservation) 2021.

	State Environmental Planning Policy (Resilience and Hazards) 2021. Liverpool Local Environmental Plan 2008
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	32 Unique Submissions
DOCUMENTS SUBMITTED FOR CONSIDERATION	Attachment A: Draft Conditions of Consent Attachment B: Unstamped Plans for Determination Attachment C: Concurrence Approvals Attachment D: Koala Assessment Letter Rev02 Attachment E: Vegetation Management Plan Attachment F: Original SWCPP Council Assessment Report
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval, subject to conditions of consent
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	23 February 2026
PLAN VERSION	As specified in the NOD
PREPARED BY	Nabil Alaeddine
DATE OF REPORT	23 February 2026

1. EXECUTIVE SUMMARY

1.1. The Proposal

The purpose of this report is to supplement the original Council assessment report issued to the Sydney Western Planning Panel (SWCPP) for the 1 December 2025 public meeting. The original Council assessment report was generally supportive of the DA in relation to all development assessment issues excepting only the issue of the impact of the development on the population of koalas which are known to extend from Heathcote National Park into Pleasure Point.

This supplementary report documents events and the actions of Council officers and the applicant and analyses the applicant's most recent response to the additional information requested. Assessment of the proposal is contained within the Council's original assessment report, see **Attachment F**.

On 8 December 2025, the SWCPP considered the subject application (Application No. 441/2024) and deferred the matter, noting three main items to be addressed:

- *Chapter 4 'Koala habitat protection 2021' of State Environmental Planning Policy (Biodiversity and Conservation) 2021 contains provisions aimed to encourage the conservation and management of areas of natural vegetation that provide habitat for Koalas to support a permanent free-living population over their present range and*

reverse the current trend of Koala population decline. The chapter applies to each Local Government Area listed under Schedule 1 of the SEPP. Liverpool LGA is listed under Schedule 2 of the SEPP such that the SEPP applies to all land within the LGA. As such, Chapter 4 of the SEPP applies to the development.

At the public meeting the Panel was informed that the Council was unable to confirm that the mandatory assessment requirements for a consent authority considering a development application relating to land including core koala habitat had been completed.

- The Panel was also informed that the State Government was considering a project that may affect the migration of native fauna in the vicinity of the site. The Panel sought information in that regard and was referred to the 'Koala Protection on Heathcote Road around Deadmans Creek' of the Department of Transport involving the installation of Koala fencing and associated structures and the installation of a koala grid.*
- One matter was raised by the Panel members in their deliberations. The subdivision plan includes a river front vegetated corridor that is generally 50 metres wide. There is one section of that corridor only that is significantly less towards the rail bridge underpass, such that the boundary will be close to the river front footpath, as depicted in the details below. The Panel asked whether that narrowing was appropriate or necessary.*

As per the above meeting minutes the Panel agreed to defer the determination of the matter anticipating Council will provide an addendum assessment report responding to the matters above. On 17 December 2025, the applicant provided a Koala Assessment Letter (KAL), prepared by Anderson Environment & Planning (AEP) in response to the deferral items outlined above. This response was not deemed satisfactory by Council who issued a request for additional information letter, and a further meeting was held with the applicant on 28 January 2026. Following this, an amended KAL was provided by the applicant. The application has since been referred to Council's Environmental Management officer who raised no objection, subject to additional conditions of consent.

Following consideration of the matters under Section 4.15 (1) of the EP&A Act, the provisions of the applicable State Environmental Planning Policies, in particular to 4.15 (1)(a)(b)(c)(d) and (e), Council has concluded that the proposed development can be supported, and it is recommended for Approval subject to conditions of consent.

2. BACKGROUND

2.1. The Proposal

The application seeks Concept Development Approval and Subdivision works approval for the arrangement of roads, identification of land for public open space, environmental corridors, stormwater infrastructure over two (2) primary stages. Stage 1 includes subdivision and earthworks inclusive stages one (1) to seven (7) for a total of 362 lots and including subdivision works for the delivery of 362 residential lots, including internal roads, dedication of embellishment works to the environmental corridor and stormwater infrastructure. Stage two (2) is for concept development approval, consisting of stages 8 to 9, for a total of 462 lots.

2.2. Background

The development application was lodged on **11 October 2024**. A chronology of the development application since lodgement is outlined below, including the Panel's involvement (briefings, deferrals, etc) with the application:

Table 1: Chronology of the DA

Date	Event
11 October 2024	DA lodged
30 October 2024	Exhibition of the application until 27 November 2024
5 December 2024	Meeting held with the Applicant pertaining to preliminary issues
18 December 2024	Additional Information Requested: - Planning - Heritage - Environmental Health - Flooding - Engineering - Traffic - Strategic Planning - Contributions
3 February 2025	Meeting held with the Applicant pertaining to RFI and a discussion with internal officers. An extension to submit the RFI response was granted until 3 March to respond to the RFI.
17 February 2025	Panel briefing
5 May 2025	Additional Information submitted by the applicant: - Updated Engineering Plans - Updated Biodiversity Assessment Report - Updated Vegetation Management Plan - Updated Landscape Plan - Updated Remedial Action Plan - Updated Heritage Report - Amended Flooding Plan - Updated Traffic Impact Report
13 June 2025	Updated Engineering Plans submitted by the Applicant
23 June 2025	Panel Briefing
4 September 2025	Updated and final Aboriginal Cultural Heritage Assessment Report
15 September 2025	Draft Conditions of Consent Issued to Applicant
10 October 2025	Amended Conditions issued to Applicant
28 October 2025	Amended Conditions issued to Applicant
12 November 2025	Final Conditions issued to Applicant

1 December 2025	SWCPP Public meeting held.
8 December 2025	The Panel agreed to defer the determination of the matter.
17 December 2025	The applicant provided a Koala Assessment Letter, prepared by Anderson Environment & Planning (AEP) in response to the deferral items.
22 January 2026	Additional Information Requested: - Development to avoid direct impacts on the core koala habitat - Development to include monitoring, adaptive management, and reporting component - Koala Protection and post-development management condition - 50m waterfront vegetated corridor to be retained
28 January 2026	A meeting was held with the applicant to discuss the Request for Additional Information Letter
2 February 2026	SWCPP briefing held.
8 February 2026	The applicant provided an amended Koala Assessment Letter. The application was reviewed by the Council's Biodiversity officer, who raised no objection, subject to amended conditions of consent.

3. RESPONSE TO DEFERRAL ITEMS

3.1. Applicant Response to item 1

SWCPP Minutes:

Chapter 4 'Koala habitat protection 2021' of State Environmental Planning Policy (Biodiversity and Conservation) 2021 contains provisions aimed to encourage the conservation and management of areas of natural vegetation that provide habitat for Koalas to support a permanent free-living population over their present range and reverse the current trend of Koala population decline.

At the public meeting the Panel was informed that the Council was unable to confirm that the mandatory assessment requirements for a consent authority considering a development application relating to land including core koala habitat had been completed.

Applicant Response:

Chapter 4 Koala habitat protection 2021 of the BC SEPP (2021) applies to all zones within the City of Liverpool Local Government Area (LGA). The site, exceeding 1ha, falls within this jurisdiction and does not have an approved Koala Plan of Management. As such, the provisions of Section 4.9 Development assessment process – no approved koala plan of management for land of the BC SEPP (2021) apply.

Clause	Applicant Response	Council Comment
(1) This section applies to land to which this Chapter applies if the land— (a) has an area of at least 1 hectare (including	The total area of the site is over 1ha and does not have a koala plan of management.	Applies (a) The site has an area of 39 hectares. (b) The site does not have an approved koala plan of

adjoining land within the same ownership), and (b) does not have an approved koala plan of management applying to the land.		management applying to the land.
(2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.	Clauses apply to City of Liverpool Council. Further discussion is provided below.	As detailed within this report, Council has assessed whether the development is likely to have any impact on koalas or koala habitat.
(3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.		As detailed below, Council is satisfied that the development is likely to have low impact on koalas and koala habitat.
(4) If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.		A koala assessment report was requested, and upon review Council is satisfied that the development is not likely to have a high level of impact on koalas or koala habitat.
(5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council— (a) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application— (i) does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, or	5(a)(i) – Koala use trees applicable to the Central Coast management area was identified within the Study Area. Exclusion does not apply.	(a)(i) Koala use tree species listed in Schedule 3 identified on site.

(ii) is not core koala habitat, or	5(a)(ii) – Further assessment is required to determine whether the site comprises core koala habitat. Assessment detailed below.	(a)(ii) As detailed in the following tables, the site meets at least one qualification to be defined as core koala habitat.
(b) information the council is satisfied demonstrates that the land subject of the development application— (i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or (ii) includes only horticultural or agricultural plantations.	5(b)(i) – Trees with a DBH of >10cm were identified within the Study Area. Exclusion does not apply. 5(b)(ii) – The site includes native vegetation which does not comprise a horticultural or agricultural plantation. Exclusion does not apply.	(b)(i) Trees with a diameter more than 10cm identified on site. (b)(ii) The site does not include horticultural or agricultural plantations.

In order to assess whether the site comprises core koala habitat in accordance 4.9 (5)(ii) a Koala Assessment has been undertaken.

Core koala habitat is defined within Section 4.2 of the BC SEPP 2021 as:

- a) *an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat, or*
- b) *an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas have been recorded as being present in the previous 18 years.*

Both definitions of core Koala habitat consider whether the site is an area of land that has been assessed as 'Highly Suitable Koala Habitat'. This assessment has been undertaken below.

Definition of 'Highly Suitable Koala Habitat'	Applicant Response	Council Comment
<i>'where 15% or greater of the total number of trees within any Plant Community Type (PCT) are the regionally relevant species of those listed in Schedule 3 of the SEPP.</i>	Regardless of the density of trees on site, each PCT identified within the site contains >15% abundance of tree species listed under the Central Coast Koala management area, under Schedule 3 of the SEPP. The most abundant species identified on site was <i>Eucalyptus sclerophylla</i> . Other	More than 15% of the trees within the site are of the species identified within Schedule 3.

	canopy species identified within the site and listed under the Central Coast koala management area include <i>Corymbia gummifera</i> , <i>E. crebra</i> , <i>E. punctata</i> , <i>E. piperita</i> , <i>E. resinifera</i> , <i>E. baueriana</i> , <i>E. moluccana</i> , <i>Casuarina glauca</i> , <i>Angophora bakeri</i> and <i>A. floribunda</i> .	
Conclusion	The site meets the definition and as such is considered to comprise 'Highly Suitable Koala Habitat'.	

Given the site qualifies as Highly Suitable Koala Habitat, determining whether habitat meets the definition of core Koala habitat depends on recorded Koala presence. This requires evidence of Koalas either at the time of assessment or within the past 18 years.

Applicant Response:

As per the 'Koala SEPP 2021 Factsheet – Development Applications', historical records are to be assessed within a 2.5km search radius from the external boundary of the site for the Central Coast Koala Management Area. Additionally, NSW BioNet Atlas records with a locational accuracy exceeding 1,000m are to be excluded from consideration.

Qualification of 'Core koala habitat'	Applicant Response	Council Comment
<i>'koalas are recorded as being present at the time of assessment'</i>	The following surveys were undertaken to assess current/recent presence: • Camera trap surveys were undertaken between 19/03/2024 and 15/04/2024; • 3x Spot Assessment Technique (SATs) were undertaken within the site; - o two (2) on 26/07/2024; - o one (1) on (02/09/2024); and • Nocturnal surveys were undertaken on 18/03/2024 & 19/03/2024. No koalas, scats or markings were identified within the Study Area. The site does not meet this qualification of Core Koala Habitat.	Council has no evidence to refute the findings of the submitted surveys and accepts the conclusion reached regarding the qualification of Core Koala Habitat.
<i>'koalas have been recorded as being present in the previous 18 years'</i>	One record of koala from 1997 exists adjacent to the fence line in Pleasure Point Road, however this record is more than 18 years old. An additional	As noted above, Council has no evidence to refute the findings of the submitted surveys. Given that historical records have

	84 koala records exist within 2.5km of the Study area, and there is a known population adjacent to Heathcote Rd. The site does meet this qualification of Core Koala Habitat.	identified koala population within a 2.5km search radius of the site, the site does meet this qualification of Core Koala Habitat.
Conclusion	<u>The site does meet at least one qualification to be defined as core koala habitat</u> because koalas have been identified outside the site (within 2.5km) as per the definition.	

Assessment of the site against the prescribed definition of core Koala habitat concludes that the site does meet the definition and therefore comprises core Koala habitat.

As the site qualifies as core Koala habitat, an assessment of the site and development proposal has been undertaken against the 5 key principles listed within the 'Koala SEPP 2021 Factsheet – Development Applications'. This aims to also satisfy Chapter 4, Section 4.9, Clauses 2, 3 and 4 of the BC SEPP whereby the Council may grant consent to a development application following assessment of development impact on Koalas or Koala habitat.

Applicant Response:

The proposal comprises the clearance of approximately 4ha of native vegetation to facilitate the proposed development. The assessment of the site and proposed development in relation to the 5 Key principles is undertaken below:

Criteria	Applicant Response	Council Comment
Principle 1. Understand Koala habitat values <i>1. The site is established as containing core koala habitat if a site area survey undertaken by a suitably qualified and experienced person has identified the presence of core koala habitat.</i>	The Study Area has been assessed as comprising core Koala habitat, as assessed above.	As established above, the site does contain core koala habitat.
<i>2. Further analysis is undertaken in order to understand the broader values of the core koala habitat, including information about the koala population using the habitat and any</i>	Consecutive surveys found no evidence of a Koala population within the site or the use of the site by the species. The site has undergone extensive clearing and disturbance, resulting in a large expanse (>30ha) of cleared exotic pasture with predominantly scattered canopy and weed incursion in areas.	Council accepts the applicant's analysis, noting that surveys did not identify koala occupancy and that the site's disturbed condition, limited extent of remnant habitat, and poor connectivity substantially

<i>specific ecological functions the habitat might serve.</i>	Whilst patches of remnant native vegetation considered as core Koala habitat occur, these exist largely in a degraded to moderate condition (approx. 5.42ha), with one (1) patch assessed as good condition (approx. 0.63ha). Whilst this vegetation provides some foraging opportunities and potential habitat, higher-quality vegetation with greater connectivity is available to the east, south and south-west, where koala records exist within contiguous tracts of native vegetation. Compared to these areas, the site offers only marginal ecological function for Koalas due to its low density of foraging habitat and scattered canopy, which limit its suitability for Koala use. Additionally, the ecological function of the site for Koala is further reduced owing to its containment within tall chain link fencing topped with barbed wire, restricting access to these resources, as evidenced by the lack of recent records within the Study Area, and the absence of koalas or associated field signs during targeted surveys. It is noted that the fencing of the rail corridor in the north west of the site is required as operational infrastructure maintained by TfNSW and will remain a major obstacle to koalas entering the site from Voyager Point bushland. The other constraints to Koala entering the site aside from existing fencing in Heathcote Road is the urban subdivision east on Pleasure Point Road. The lack of connectivity to broader areas containing Koala will not be changed as a result of the proposal. The fencing adjoining TfNSW infrastructure and Heathcote Road will be replaced with 3m acoustic fencing and the existing fences of the Crown land will be retained and maintained. This will not improve connectivity in these areas. To the east the residential subdivision along Pleasure Point Road separates the site from Koala habitat further east with only a small vegetated strip along Pleasure	limit its ecological function for koalas. It is further noted that, TfNSW (Sydney Trains) have indicated that the existing rail chain wire fence is to be retained along the rail corridor to the north, preventing connectivity. On this basis, no broader koala population values or specific ecological functions are considered to be present.
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	Point Reserve providing a viable access point for Koala.	
Principle 2. Avoid intensifying land use in koala habitat areas through appropriate landscape planning and site selection	The proposed development is located on land that is predominantly cleared and has an overall low density of trees providing a marginal foraging resource and limited habitat connectivity. Whilst the development does not entirely exclude core Koala habitat, the quality of the impacted habitat is low, due to its poor, degraded or moderate condition, with its low quality and functionality further exemplified by the absence of a residing local population and no indications of current koala activity within the site. When considering the accessible, undisturbed and protected habitat in the wider landscape, the extent of removal (~4.09ha) of low quality, poorly functioning and disconnected habitat does not comprise a significant impact core Koala habitat. The site represents a highly fragmented landscape owing to extensive historic clearance, such that further removal of approx. 4.09ha of largely scattered canopy will not result in a significant increase to the existing habitat fragmentation. Within the context of the surrounding landscape, the Subject Land represents appropriate site selection for development owing to the limited koala habitat values represented on site.	
<i>3. Site selection for development takes into account koala habitat values.</i>	Current movement corridors for Koala within the site are extremely restricted due the presence of tall chain-link fence, topped with barbed wire, surrounding the site. The development comprises extensive landscaping and street tree planting as well as a dedicated vegetation management plan.	Council agrees that the site selection appropriately reflects koala habitat values, noting the predominance of cleared and degraded land, low habitat quality, absence of koala records, and limited landscape connectivity, as further supported in Figure 1 below. As that applicant notes, “improved connectivity will be via the cleared Georges River Foreshore parkland at the north-eastern boundary of the site where the existing metal chain-link fence will be removed”, however, it will not provide a movement corridor along the foreshore owing to the interface with Transport for New South Wales (TFNSW) land at the north-west.
Principle 3. Encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas	The proposed landscaping and vegetation management presents potential movement corridors:	
<i>4. Development avoids the direct loss of core koala habitat within the site area and avoids fragmentation</i>	East-West movement along the foreshore of the Georges River; however this potential movement corridor is limited by the presence of TfNSW fencing associated with the railway corridor which bounds the	The proposed development generally avoids the direct loss of core koala habitat. Council accepts that while some low-quality core koala habitat is impacted, the

	north-western boundary of the Subject Site); and North-East South-West movement through the riparian corridor at the centre of the site, between the Georges River and the parcel of Crown Land adjacent to the Subject Site; however, this potential movement corridor is limited by the presence of the existing chain-link fencing on Crown land.	extent of removal is limited and will not materially increase habitat fragmentation given the site's existing disturbed and fragmented condition.
5. <i>Core koala habitat is excluded from the development footprint</i>	Whilst the movement corridors described above are currently limited by factors (i.e. fencing) beyond the influence of the development, the design of the landscaping and vegetation management proposals presents potential future connectivity opportunities, subject to third-party influences.	Higher quality core koala habitat (northern portion of the site), is excluded from the development footprint and will be managed under the approved Vegetation Management Plan (VMP).
Principle 4. Minimise potential direct impacts to koalas through koala sensitive design		
6. <i>Development avoids direct impacts to core koala habitat within the site area.</i>	There will be an increase in permeability for Koalas along the eastern and western boundaries of the site following the removal of chain-link fencing. However, connectivity to intact bushland to the west of the site is limited, noting that the vegetation patch north of Heathcote Road is effectively isolated and severed by Heathcote Road. Some Koala movement may occur from the east via Pleasure Point Road; however, this area comprises residential allotments and occurs on the periphery of a larger vegetation patch. It is noted that a Transport NSW lead project delivering Koala fencing and a Koala underpass along Heathcote Road at Deadmans Creek, is located approximately 0.55km south-east of the Subject Site. It is understood that the proposed Koala fencing will tie-in to existing Department of Defence fencing along Heathcote Road, and may increase Koala activity to the east of the Subject Site. While this may occur, it is considered more likely that Koalas would preferentially follow foraging resources to the north towards the Georges River and remain east of established residential areas.	It is noted that the originally submitted KAL provided minimal consideration to movement corridors (both current, potential, and future). Council requested that the applicant give further consideration to a range of factors (that were discussed at the meeting held 17 December 2025). Several additional recommendations were made with regards to the retention of trees to strengthen connectivity to the northern VMP area and southwest towards the intact bushland. The amended KAL and revised response to Principle 4, and Criteria 6 in particular, is considered satisfactory. Council accepts the applicant's response, noting that existing and future koala movement across the site is constrained by permanent fencing, major roads and TfNSW infrastructure that are

	Regardless, street tree planting is proposed along Pleasure Point Road to provide refuge habitat and facilitate movement in the event that Koalas disperse from the east supporting connectivity towards the Georges River foreshore. Vegetation within the north of the Study Area will be retained and enhanced through the implementation of a Vegetation Management Plan (VMP). The VMP area covers an area of approx. 5.78ha, encompassing native vegetation along the foreshore and through the centre of the site, including the patch of core koala habitat in good condition (i.e. PCT 4059). As per the Vegetation Management Plan (Restore 2025) and Landscape Concept Report (Habit8 2025), revegetation will include reconstruction and regeneration of approx. 4.92ha of core Koala habitat. The proposed planting schedules include five (5) species listed as koala use tree species under Schedule 3 of the BC SEPP (2021). In addition, the proposed landscaping within the proposed playground adjoining Crown land at the west of the Subject Site will be amended (subject to Bushfire considerations) to contain native canopy covers, lower canopy, shrub, grasses, vines and scramblers suitable to koala habitat / local ecological communities to encourage koala movements. It is noted that development cannot deliver connectivity from the proposed playground to Crown land in the south due to the presence of fencing on Crown land. The benefit of encouraging Koala movement through this area is dubious, as the southern vegetated patch is highly isolated from areas of intact vegetation and Koala use of this area could result in vehicle strike risk. Bush regeneration works facilitated by the development proposal will improve Koala habitat values notwithstanding the barriers to access through provision of higher quality Koala habitat with greater habitat connectivity along the foreshore of the Georges River. The reconstruction and regeneration works will provide compensatory core Koala	outside the proponent's control. Within these constraints, Council is satisfied that the proposal appropriately responds by retaining and enhancing higher-value habitat, strengthening the Georges River foreshore corridor, removing chain-link fencing where feasible, and avoiding design measures that would encourage koala movement toward isolated habitat or increased vehicle strike risk. See Figure 1 below for further detail.
<i>7. Where some loss of core koala habitat cannot be avoided (and provided it is consistent with all other criteria), development is designed in a way that retains higher value areas across the site and avoids fragmentation of habitat within the site area and more broadly within the region.</i>		Council accepts that some loss is unavoidable, however, this is limited to low-quality habitat, with high-value areas retained and enhanced under the VMP. The proposal would not result in fragmentation within the site or broader region.
<i>8. Development is undertaken in a way that maintains the potential function of the core koala habitat.</i>		The proposal maintains and improves the potential function of core koala habitat through habitat retention, reconstruction and regeneration under the Vegetation Management Plan, notwithstanding existing external connectivity constraints.

	habitat of a higher quality and with greater habitat connectivity, therefore improving the potential function of core Koala habitat within the site. There will be some improved connectivity via the Georges River Foreshore parkland at the north-eastern boundary of the site, where the existing metal chain-link fence will be removed along Pleasure Point Road. In reality, whilst the site contains core Koala habitat, it is not accessible due to existing and maintained boundary fencing and other connectivity constraints that will not change substantively when the site is developed. There will be an increase in access to approx. 4.92ha of core Koala habitat to be managed under a VMP which is an overall positive impact on the availability of core Koala habitat to the surrounding population. Connectivity along the western and southern boundaries of the site will remain limited by the replacement of the existing fence and installation of 3m acoustic fencing (not permeable to Koala movement) along the boundaries of the railway corridor and Heathcote Road. This is a preferable outcome for Koalas in the context of the development as this will reduce potential development interface with roads and private properties – instead facilitating connectivity along the foreshore away from these features. Whilst development of the site will provide limited access to core Koala habitat within the bounds of the site, it will not provide a movement corridor along the foreshore owing to the interface with Transport for New South Wales (TFNSW) land at the north-west which must remain fenced as per TFNSW requirements. As such, whilst this development does not in itself provide a connectivity corridor for Koala, owing to adjacent land-use which is outside the control of the proponent, neither does it impose an impediment.	
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Principle 5. Implement best practice measures for the management of identified risks to koalas.	Large areas of the Subject Land will remain fenced to limit the interface between Koala and the residential dwellings and transport infrastructure. This measure will reduce the likelihood of indirect impacts to Koala as a result of the development proposal by reducing the interface between wildlife and operational activities within the site. Roads, residences and land clearing are already present within the Study Area and wider landscape; therefore, indirect impacts such as vehicle strikes, noise and / or light disturbance are not expected to be exacerbated by the development. In addition, further mitigation measures are recommended to mitigate impacts to Koala which may access the foreshore in the future, these include: • Koala warning signage; • Vehicle speed limits and speed control measures; • Pet management measures and signage.	
<i>9. All relevant indirect impacts to koalas and koala habitat associated with the development are identified.</i>		Council agrees that the applicant has identified relevant indirect impacts, including vehicle strike risk, disturbance and human/wildlife interaction.
<i>10. Development uses best practice management measures to address the potential impacts considered likely to pose an increased risk to koalas or their habitat.</i>		The proposed mitigation measures, including fencing, traffic controls, signage and pet management, represent best-practice responses and are suitable to manage potential indirect impacts to koalas and koala habitat. Additional traffic, pest, and signage management conditions would be implemented to support this response.
Additional Principles		
Principle 6. Use compensatory measures only where they can be shown to better promote the aim of the SEPP	Impacts to core Koala habitat have been avoided where practicable, minimised and managed as evidenced above. A VMP has been produced for retained native vegetation within the Study Area. The VMP will facilitate enhancement and protection of the core Koala habitat within the Study Area through natural regeneration and planting, in particular along and adjacent to the Georges River where there is the greatest constraint-free opportunity to access the site once the fencing along Pleasure Point Road is removed. This will immediately result in improved ecological connectivity for the species at the north-east of the site (albeit where the development adjoins Pleasure Point Road and the narrow Pleasure Point Reserve) and over time, increase the available foraging resource	
<i>11. Compensatory measures are only used once it has been demonstrated that options to avoid, minimise and manage impacts to core koala habitat have been exhausted.</i>		Council accepts that impacts to core koala habitat have been suitably avoided and minimised where practicable. As previously noted, Council accepts that while some low-quality core koala habitat is impacted, the extent of removal is limited and will not have a significant impact given the site's existing disturbed

	through planting of listed Koala feed trees.	and fragmented condition. Notwithstanding, a VMP has been provided as a compensatory measure.
<i>12. Where there is any direct loss of habitat or compromise in the potential function of a koala habitat area (and provided it is consistent with all other criteria outlined here), suitable compensatory measures are provided.</i>		The proposed Vegetation Management Plan provides appropriate compensatory measures through the retention, enhancement and regeneration of core koala habitat, including increased foraging resources and improved connectivity along the Georges River.
Principle 7. Use adaptive management strategies to monitor, evaluate and deliver appropriate planning outcomes for koalas	Koalas were not found to be using the Subject Site; however, it is noted that there is a locally occurring population within proximity and movement into the Subject Site may occur, post development. The proposed development will result in an overall increase in available habitat for Koala, in the unlikely event they enter the site. It is proposed that monitoring of Koala presence within and adjacent to the Subject Site, is carried out in line with the monitoring Schedule of the proposed VMP. The VMP should also contain consideration of adaptive management measures which could be implemented under certain conditions should Koalas be identified during monitoring visits or through updated wildlife records. Following development, new residents should be provided a flyer outlining the koala habitat, along with do's and don'ts to support the koala population and their movement.	
<i>13. The development application includes a monitoring, adaptive management and reporting component against the key outcomes.</i>		It is noted that the originally submitted KAL proposed no monitoring, adaptive management, or report. Council requested that the applicant reconsider this given the following: - the KAL states that it is considered unlikely that koala would enter the site post-development. Due to the apparent frequency of recordings of koalas in the locality and proposed changes to the site, this statement is not considered justified. Changes to adjacent land, such as the installation of wildlife fencing along Heathcote Road may also influence the likelihood of koalas entering the site. - The changes to the site and surrounding land

		leads to uncertainty of future movement patterns for Koalas. Therefore there should be monitored and adaptive management in place. ○ Monitoring and control of pest species should be considered ○ Following development, new residents be provided a flyer outlining the koala habitat, along with do's and don'ts to support the koala population and their movement. The amended KAL and revised response to Principle 7 is considered satisfactory. Council accepts that koala monitoring, adaptive management triggers and reporting will be appropriately addressed through the Vegetation Management Plan, supported by resident education initiatives (such as Flyers) that can be conditioned.
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Figure 1: Koala Connectivity (Source: KAL prepared by AEP)

Connectivity:

Koala access to the site will remain limited, primarily along the 50 m foreshore section in the north-east or via existing residential areas, with major barriers from adjoining infrastructure and fenced Crown land preventing meaningful connectivity. While the development does not create a through-corridor, landscaping, street tree planting, and the Vegetation Management Plan provide refuges and limited movement opportunities, and future connectivity enhancements may be realised via the Georges River corridor under Council management. Overall, the proposal does not impede koala movement and includes measures to mitigate potential risks should koalas enter the site

3.2. Applicant Response to item 2

SWCPP Minutes:

The Panel was also informed that the State Government was considering a project that may affect the migration of native fauna in the vicinity of the site. The Panel sought information in that regard and was referred to the 'Koala Protection on Heathcote Road around Deadmans Creek' of the Department of Transport involving the installation of Koala fencing and associated structures and the installation of a koala grid.

Applicant Response:

It is noted that a Transport NSW lead project delivering Koala fencing and a Koala underpass along Heathcote Road at Deadmans Creek, is located approximately 0.55km south-east of the Subject Site. It is understood that the proposed Koala fencing will tie-in to existing Department of Defence fencing along Heathcote Road, and may increase Koala activity to the east of the Subject Site. While this may occur, it is considered more likely that Koalas would preferentially follow foraging resources to the north towards the Georges River and remain east of established residential areas.

Council Comment:

The abovementioned '*Koala Protection on Heathcote Road around Deadmans Creek*' appears to be in reference to a current Development Application DA-305/2025. The application forms part of an infrastructure initiative being delivered by Transport for NSW involving the installation of shorter lengths of fauna fence along the road reserve of Heathcote Road (north-west of the bridge) and utilising existing Defence fence (some of which may need to be modified), improving the conditions of the Deadmans Creek bridge underpass and installing a koala grid on St George Crescent.

Notwithstanding this, it is considered unlikely that koalas would move westward through established residential areas. Instead, movement is expected to be guided by available habitat and food resources, with a greater propensity for dispersal northwards toward the Georges River corridor while remaining east of urban development

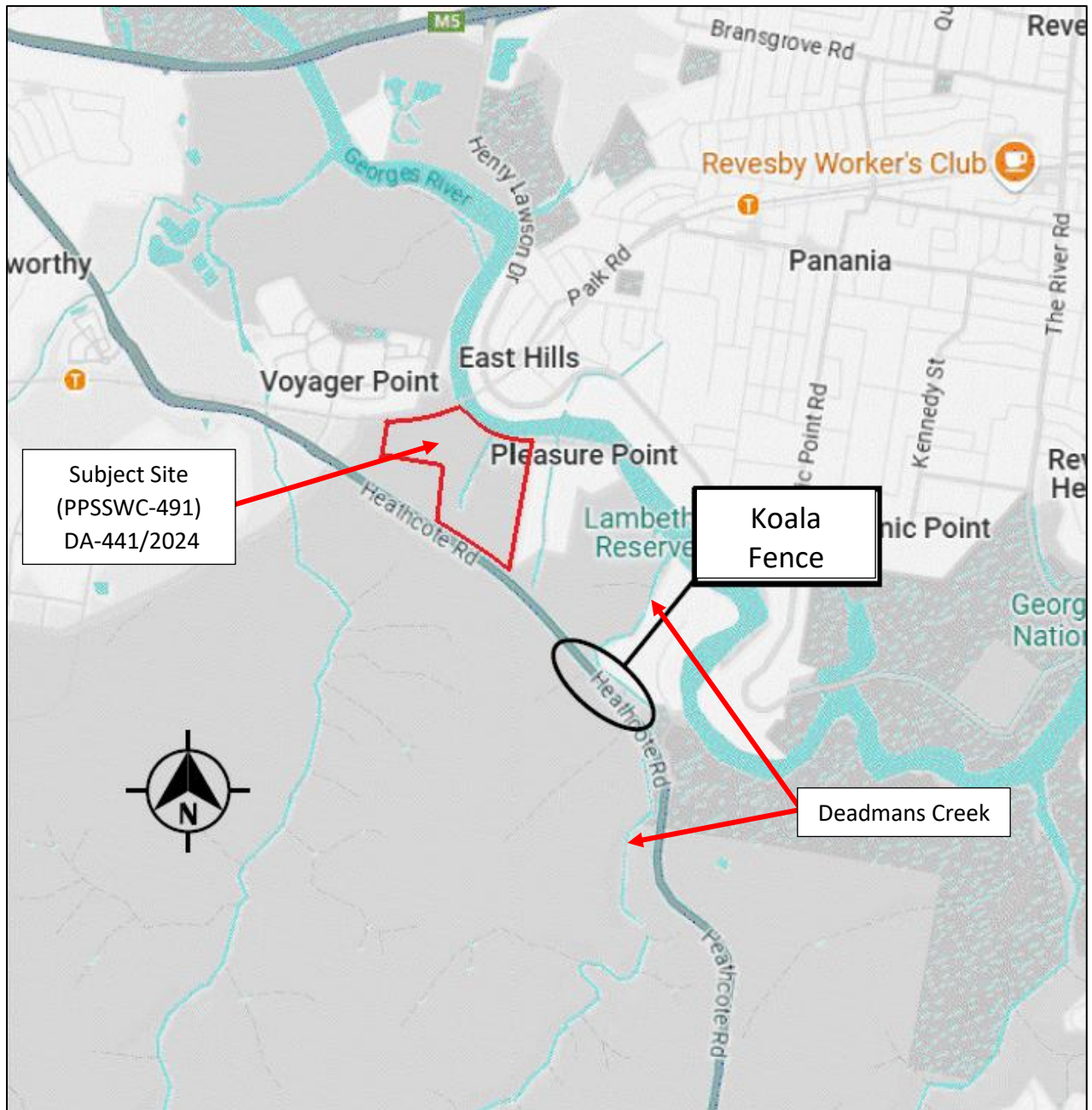


Figure 2: Location of proposed TfNSW Koala Fencing (Source: Extract of Site Plan - DA-305/2025)

3.3. Applicant Response to item 3

SWCPP Minutes:

One matter was raised by the Panel members in their deliberations. The subdivision plan includes a river front vegetated corridor that is generally 50 metres wide. There is one section of that corridor only that is significantly less towards the rail bridge underpass, such that the boundary will be close to the river front footpath, as depicted in the details below. The Panel asked whether that narrowing was appropriate or necessary.



Figure 3: River fronted vegetation corridor (Source: SWCPP deferral minutes)

Applicant Response:

Whilst noting the corridor is widened significantly immediately to the north of this squeeze point, the applicant is willing to reduce the lots widths to achieve this notional 50m corridor width. Should Council continue to pursue the recommendation relating to the 50m corridor width, this could be achieved by imposing a condition of consent within the concept DA.

Council Comment:

At the meeting held 17 December 2025, the applicant agreed to a condition of consent requiring the riverfront vegetated corridor to maintain a minimum width of 50m, requiring the layout of Lots 180 to 189, to be amended accordingly.

4. STATUTORY CONSIDERATIONS

4.1. Environmental Planning and Assessment Act 1979

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters that are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any 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, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
that apply to the land to which the development application relates,
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered within the Council's original assessment report, see **Attachment F**.

4.2. Environmental Planning Instruments, proposed instrument, development control plan, planning agreement, and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements, and the matters for consideration under the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) are within the Council's original assessment report, see **Attachment F**.

4.2.1. Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *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 (Transport and Infrastructure) 2021*
- *Liverpool Local Environmental Plan 2008*

A summary of the key matters for consideration arising from these State Environmental Planning Policies is outlined in **Table 2** and considered in more detail below.

Table 2: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration (Brief summary)	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2- Vegetation in Non-rural Areas Chapter 4: Koala Habitat Protection 2021 Chapter 6: Water catchments	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development • Clause 2.19(1) declares the proposal regionally significant development pursuant to Clause 2 of Schedule 6.	Y
SEPP (Resilience & Hazards)	Chapter 2: Coastal Management Chapter 4: Remediation of Land • Section 4.6 - Contamination and remediation have been considered and the proposal is not satisfactory.	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure • Clause 2.119(2) Impact of road noise or vibration on non-road development • Clause 2.120 • Clause 2.122(4) - Traffic-generating development Chapter 3: Educational Establishments • Section 3.23 - Centre-based childcare facility—matters for consideration by consent authorities	Y
LEP	• Clause 2.3 – Permissibility and zone objectives • Clause 5.10 – Heritage Conservation • Clause 7.4 • Clause 7.5 Design Excellence in Liverpool City Centre • Clause 7.5A	Y
DCP	Liverpool Development Control Plan	Y

The proposed development is considered to be consistent with a number of SEPPs, LEP, and DCP, and therefore is supported.

4.3. Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the EP&A Act and are relevant to the proposal.

4.4. Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

4.4.1. Liverpool Development Control Plan 2008 ('the DCP')

Part 1 – General Controls for all Development and Part 2.13 Land Subdivision in Pleasure Point – are applicable to the development. An assessment against the DCP provisions can be found within the Council’s original assessment report, see **Attachment F**.

4.5. Section 4.15(1)(a) (iia) – Planning agreements under Section 7.4 of the EP&A Act

A Letter of Offer has been submitted and is currently before Council, outlining the delivery of public open space and recreational areas as part of the development. This arrangement addresses the provision of community benefits in the form of contributions generated through the proposal, ensuring that the subdivision supports both residential growth and the enhancement of local amenity.

4.6. Section 4.15(1)(a)(iv) - Provisions of Regulations

In accordance with Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, the consent authority must consider the provisions of any applicable regulations when determining a development application. The relevant instrument is the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021), which establishes procedural and compliance requirements for development assessment and approval.

The EP&A Regulation 2021 sets out matters including:

- Application requirement: ensuring development applications are accompanied by the necessary plans, reports, and technical documentation.

Comment:

The application was provided with appropriate plans specifying the subdivision layout and proposed earthworks associated with the development. The amended Koala Assessment Letter satisfies Council’s concerns surrounding State Environmental Planning Policy (Biodiversity & Conservation) 2021, Chapter 4: Koala Habitat Protection 2021

- Notification and consultation procedures: prescribing how applications are to be publicly notified and exhibited.

Comment:

The application was publicly exhibited in accordance with the Liverpool City Council Community Participation Plan 2021. A number of submissions were received during the exhibition period and have been duly considered as part of the assessment process. Further details of the consultation outcomes are provided in the Community Consultation section of this report and within the Council’s original assessment report, see **Attachment F**.

- Assessment standards: requiring consideration of environmental impacts, building standards, and consistency with planning instruments.

Comment:

As outlined within the body of Council’s original assessment report (**Attachment F**), the relevant environmental provisions have been thoroughly considered in the assessment of the application. The applicant has submitted supporting documentation, including the

Biodiversity Development Assessment Report (BDAR), Vegetation Management Plan (VMP), and Riparian and Stream Management Plan.

As part of the response to the panels deferred matters an amended Koala Assessment Letter has been submitted, which collectively address the statutory requirements under the Biodiversity Conservation Act 2016 and the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

The above mentioned reports detail how the proposal responds to these provisions, including:

- **Biodiversity values:** assessment of vegetation removal, habitat protection, and mitigation measures.
- **Water quality and riparian management:** strategies to ensure impacts on adjoining natural waterbodies are minimised and consistent with the neutral or beneficial effect standard.
- **Koala habitat considerations:** evaluation under Chapter 4 of the BC Act.
- **Community and open space outcomes:** alignment with Liverpool LEP objectives to provide housing supported by parks and recreation facilities.

Through this documentation, the proposal demonstrates compliance with the relevant legislative and policy framework. Council officers have reviewed the submitted material and are satisfied that the development appropriately addresses environmental provisions, with conditions of consent to be imposed where necessary to ensure ongoing compliance.

- Conditions of consent: enabling the imposition of conditions to secure compliance with statutory obligations and mitigate impacts.

Comment:

Conditions have been drafted and considered for the specific development.

- Certification and construction requirements: regulating construction certificates, occupation certificates, and ongoing compliance monitoring.

Comment:

Conditions have been imposed that must be adhered to by the developer prior to, during, and following subdivision works. These requirements ensure that the development is undertaken in accordance with the Council's standards, the relevant policy, and required legislated framework to ensure that compliance is maintained throughout all stages of the project.

The submitted application has been assessed against these provisions, and it is considered that the proposal complies with the requirements of the EP&A Regulation 2021. Where necessary, conditions of consent will be imposed to ensure ongoing compliance with the Regulation and to safeguard environmental, amenity, and procedural outcomes.

4.7. Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- The proposed residential subdivision is likely to result in environmental impacts, including the clearing of low-quality remnant vegetation and potential disturbance to riparian and core koala habitat. Positive outcomes include the retention and enhancement of key vegetation through the Vegetation Management Plan, creation of public open space and recreational areas, and provision of future new housing that supports local economic activity and community infrastructure.
- Cumulative impacts – The proposal is consistent with the planning controls and therefore would not result in an adverse cumulative impact.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts within the locality, as outlined above. Where environmental works are required, specific requirements and conditions of consent will be imposed and must be adhered to by the developer. These measures will ensure that any potential negative environmental impacts are appropriately minimised throughout the construction and subdivision works.

4.8. Section 4.15(1)(c) - Suitability of the site

The proposed Concept Development Application and Stage 1 works consider the site's constraints in its entirety, whilst also delivering residential allotments which have been appropriately planned for the consideration of the community. The delivery of 462 Residential lots over nine (9) Stages enables the community access to land which has been underutilised for a number of years. The development further includes the delivery and dedication of areas for public open space and recreation, which contribute to an appropriate amenity and outlook for Pleasure Point.

As such, Council can support the proposed development and considers it suitable for residential development.

4.9. Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 4 of the Council original assessment report.

4.10. Section 4.15(1)(e) - Public interest

The proposed development is considered to be consistent with the applicable planning controls, furthermore, is it consistent with the requirements under the applicable SEPP's and provisions under the EP&A Act in terms of a Concept Application and Stage 1 works.

Therefore, it is considered in the public interest.

5. REFERRALS AND SUBMISSIONS

5.1. Agency Referrals and Concurrence

The deferral matters raised by the SWCPP did not trigger a re-referral for comment/concurrence/referral as required by the EP&A Act. The original external agency advice can be found within the Council's original assessment report, see **Attachment F**.

5.2. Council Officer Referrals

The deferral matters raised by the SWCPP have triggered the below internal re-referrals to Council officers outlined **Table 3**. The original advice provided by Council's internal officers can be found within the Council's original assessment report, see **Attachment F**.

Table 3: Consideration of Council Referrals

Officer	Comments	Resolved
Natural Environment – Flora and Fauna	The application was referred to the Council's Environmental Management (Biodiversity) Officer, who raised no objection to the application subject to conditions of consent. Noting: I have reviewed the following additional documents to determine if they address previously raised issues: ○ Response to Request for Information (GLN Planning Pty Ltd, dated 6 February 2026, saved as 035421.2026), and ○ Koala Assessment Letter [KAL] (Anderson Environment & Planning, dated 4 February, saved as 035422.2026) It is considered that the revised KAL adequately addresses previously raised issues. No further assessment of biodiversity matters is considered warranted. The recommended conditions include in the KAL should be applied as conditions of any consent issued.	Y

5.3. Community Consultation

The application was advertised from 30 October 2024 to 27 November 2024 and received 32 unique submissions to the proposal. Matters relating to the addendum report are outlined below. All other issues raised in these submissions are considered within the Council's original assessment report, see **Attachment F**.

Table 4: Community Submissions

Issue	Council Comments
Biodiversity Submissions have been made in terms of Koalas, Riparian Corridor and Flora/Fauna Habitat	The proposal, as amended, is now consistent with SEPP (Biodiversity and Conservation) Chapter 4 Koala Habitat Protection, with impacts to core koala habitat avoided or minimised, higher-quality habitat retained, and extensive revegetation and habitat enhancement provided through the Vegetation Management Plan. Koala movement, foraging, and habitat function are supported within the site, ensuring that koalas are protected and the proposal meets all relevant SEPP requirements

6. KEY ISSUES

The following key issues are relevant to the addendum assessment of this application, having considered the relevant planning controls and the proposal in detail:

1. *Koala Habitat Protection* - Koala protection has been a key consideration, with impacts avoided or minimised through retention of higher quality habitat, revegetation, and the implementation of a Vegetation Management Plan. Proposed landscaping, foreshore enhancement, and habitat connectivity measures further support the potential function of core koala habitat within the site.
2. *Koala Movement Corridors* - Koala movement corridors have been considered in the site design, with retention of remnant vegetation and revegetation along the Georges River foreshore providing potential east-west connectivity. Street tree planting along Pleasure Point Road and enhancements within the Vegetation Management Plan further support limited north-east and south-west movements where feasible. Connectivity to surrounding bushland is constrained by existing fencing, roads, and infrastructure, and the design appropriately avoids directing koalas toward high-risk areas.

7. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report and the original assessment report (**Attachment F**). Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

8. RECOMMENDATION

That Development Application DA-441/2024, seeking Concept Approval and Stage 1 Subdivision Works at Lot 1 Heathcote Road, Pleasure Point, be **approved** pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979, subject to the draft conditions of consent attached to this report at Attachment A.

The application seeks concept approval for subdivision works, including the general arrangement of roads, identification of land for public open space, establishment of environmental corridors, and provision of stormwater infrastructure. The proposal is structured over two primary stages, delivering a total of 462 residential lots.

- **Stage 1** (Stages 1–7): Subdivision works to deliver **362 residential lots**, together with associated internal roads, stormwater infrastructure, and embellishment works to the environmental corridor.
- **Stage 2** (Stages 8–9): Concept approval for the balance of the subdivision, completing the development with a total of **462 residential lots**.

The following attachments are provided:

- Attachment A: Draft Conditions of Consent – 074766.2026
- Attachment B: Unstamped Plans for Determination – 018776.2026
- Attachment C: Concurrence Approvals – 018775.2026
- Attachment D: Koala Assessment Letter Rev02 – 035422.2026
- Attachment E: Vegetation Management Plan – 018778.2026
- Attachment F: Original SWCPP Council Assessment Report – 403974.2025