

COUNCIL 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
OWNER	Pedlove Pty Ltd and Ficorp 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: Tables of Compliance Attachment C: Unstamped Plans for Determination Attachment D: Concurrence Approvals
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Pending
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	1 December 2025
PLAN VERSION	As specified in the NOD
PREPARED BY	Emily Lawson
DATE OF REPORT	27 November 2025

1. EXECUTIVE SUMMARY

1.1. The Proposal

The Application seeks Development Consent under Section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the Concept Approval and Torrens Title subdivision with associated works, including the general arrangement of roads, identification of land for public open space, environmental corridors, stormwater infrastructure over two (2) primary stages. Stage 1 consists of sub-stages 1 to 7, which include subdivision works for the delivery of 362 residential lots, including internal roads, dedication of embellishment works to the environmental corridor, and stormwater infrastructure. Stage 2 consists of concept development for stages 8 to 9, which will require additional consent for subdivision and earthworks under a future development application.

The subject site is known as Lot 1 DP 875804 along Heathcote Road and Lot 2 DP 817692 along Pleasure Point Road, in Pleasure Point. The site is zoned R2 Low Density Residential, C3 Environmental Management, and RE1 Public Recreation pursuant to the Liverpool Local Environmental Plan 2008 (LLEP).

As part of the assessment of this development, the applicant has submitted a Letter of Offer to Council outlining the delivery of community benefits, including the dedication of public open space, embellishment of environmental corridors, and provision of recreational facilities.

To formalise these commitments, a Voluntary Planning Agreement (VPA) is required to be entered into between the developer and Council. The VPA will secure the delivery of the proposed works and contributions, ensuring they are legally binding and enforceable under the Environmental Planning and Assessment Act 1979.

The need for a VPA has been consistently raised during discussions on this application, as it provides the statutory mechanism to guarantee that the identified community benefits, such as open space, riparian corridor revegetation, and recreational infrastructure, are delivered in accordance with Council's requirements and the broader planning framework. As agreed by both parties, the VPA has been included as a condition of consent based on the letter of offer received by Council.

The application was advertised between 30 October 2024 and 27 November 2024 and received 32 unique submissions to the proposal. This will be discussed within Section 4.3 of this report. The submissions dealt with the following:

Traffic and Access

- Submissions have been made in objection to the proposed additional access to Pleasure Point Road.
- Impacts to the intersection of Pleasure Point Road and Heathcote Road.
- Congestion and increased traffic.
- Driveway Access to homes on Pleasure Point Road.

Infrastructure

- Submissions have been made in terms of pedestrian footpaths and cycle ways.

Biodiversity

- Submissions have been made in terms of Koalas, Riparian Corridor and Flora/Fauna Habitat
- Coastal Wetlands

The application is referred to the Sydney Southwest City Planning Panel (the Panel) as the development is considered *regionally significant*, pursuant to Clause 2 of Schedule 6 Regionally significant development of State Environmental Planning Policy (Planning Systems) 2021.

The key issues associated with the proposal include:

1. *Riparian Corridor* - The site fronts the Georges River with an internal watercourse that traverses the site and drains towards the riverbank.
2. *Flooding* - The Georges River traverses the northern boundary of the site, is subject to flooding. The residentially zoned land is not located within a high flood risk precinct. However, parts of the residential land in Lot 2 are mapped as being impacted in the 1 %AEP and Probable Maximum Flood (PMF), being Low, medium, and High Flood risk. The Concept approval seeks consent for Stage 8 and Stage 9, in which the design of the allotments intends to have the rear boundaries located within the low flood risk area, and will be subject to separate development consent. This has been reviewed by Council's Flood Engineers, who have found this acceptable in terms of flood management. Any future Development Application will need to comply with the associated Environmental Planning Instruments and Council's Development Control Plan.

3. *Contamination* - The site has been utilised as residential accommodation and the storage of landscape supply materials, plant, and machinery equipment. The applicant initially proposed Cap and Containment across the site, which was not supported by Council's Environmental Health. The applicant has since updated and amended the position to remediate the site, which is supported by the Council's Environmental Health Section.
4. *Biodiversity* - The site is mapped as containing coastal wetlands along the river frontage and adjacent creek line, in which potential biodiversity values have been identified. This land is not proposed to be disturbed by the development.

Whilst the mapped biodiversity values areas are intended to be avoided, the disturbance of vegetation in the residential area of the site will exceed the low clearing threshold of 2,500m.

A Biodiversity Assessment Report has been submitted with the application and supported by Council Biodiversity Officers along with the Department of Primary Industries and Regional Development (Department of Fisheries), who have granted General Terms of Approval (GTA).

However, relating to the Koala habitat assessment, the Council's Environment Management officer has requested that further information be provided to assess the impact of the proposed development on core koala habitat in accordance with Chapter 4 of the Biodiversity & Conservation SEPP. The discussion included in the BDAR is heavily reliant upon fencing, currently excluding the species. An assessment of impacts on the quality and area of core koala habitat that is not reliant upon the fencing should be provided. Mitigation measures should also be further addressed, recognising that there are likely to be more koalas utilising the site once the fence is removed and revegetation work progresses.

5. *Bushfire Hazard*- The site contains vegetation category 3 land in which concurrence is required by the Rural Fire Service pursuant to 100b of the *Rural Fires Act*. The application was referred to RFS, who supported the application through the granting of GTAs.

A briefing was held with the Panel on 17 February 2025 and 23 June 2025, where key issues were discussed, in particular relating to Contamination, Flooding, and Engineering. The applicant attended the meeting with the Regional Panel and sought to resolve the issues with Council throughout the entirety of the Assessment process.

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), the proposed development can be supported, and it is recommended for Approval subject to the amended Koala habitat assessment under the BDAR as the BDAR is a heavily reliant on fencing. Mitigation measures need to be further addressed in the event that Koalas begin to utilise the site once restoration occurs, as is likely the case.

2. THE SITE AND LOCALITY

2.1. The Site

The land is known as at Lot 1 DP817692, Heathcote Road, and Lot 2 DP 875804, Pleasure Point Road, Pleasure Point. The Holsworthy Station and East Hills Station are in close proximity to the site, with Holsworthy being 2.3km West and East Hills being 3.5km away and is accessed via the pedestrian bridge over the Georges River.

The site is an irregular parcel of land comprising a combined lot size of approximately 39ha, with four (4) existing residential dwellings located across Lot 2 fronting the Georges River. Existing vegetation is located along the Georges River foreshore which is intended to be preserved. The site is relatively cleared across the two allotments, with a scattering of trees remaining across Lot 1.

The site is situated between Heathcote Road to the south and the Georges River to the North. Heathcote Road is a classified Road that carries a significant amount of traffic due to its connectivity between Holsworthy and the Sutherland Shire Local Government Area.

It remains to be one of the last greenfield sites within Pleasure Point, which enables the delivery of additional and much-needed residential land key for this area.

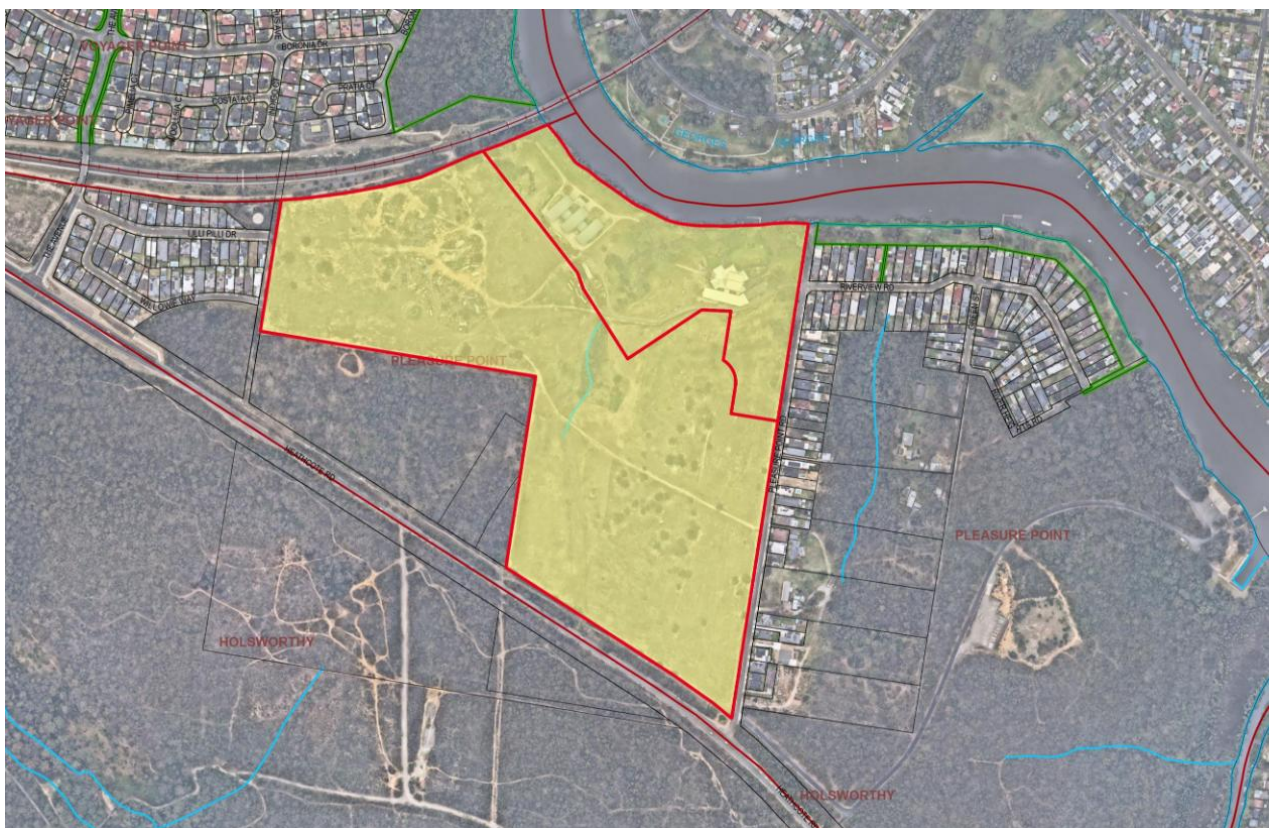


Figure 1: Subject Site (outlined in red)

A Riparian corridor traverses the site from the river front to Heathcote Road. The site is zoned R2 Low Density Residential, C3 Environmental Management, and RE1 Public Recreation pursuant to Liverpool Local Environmental Plan 2008 (LLEP).

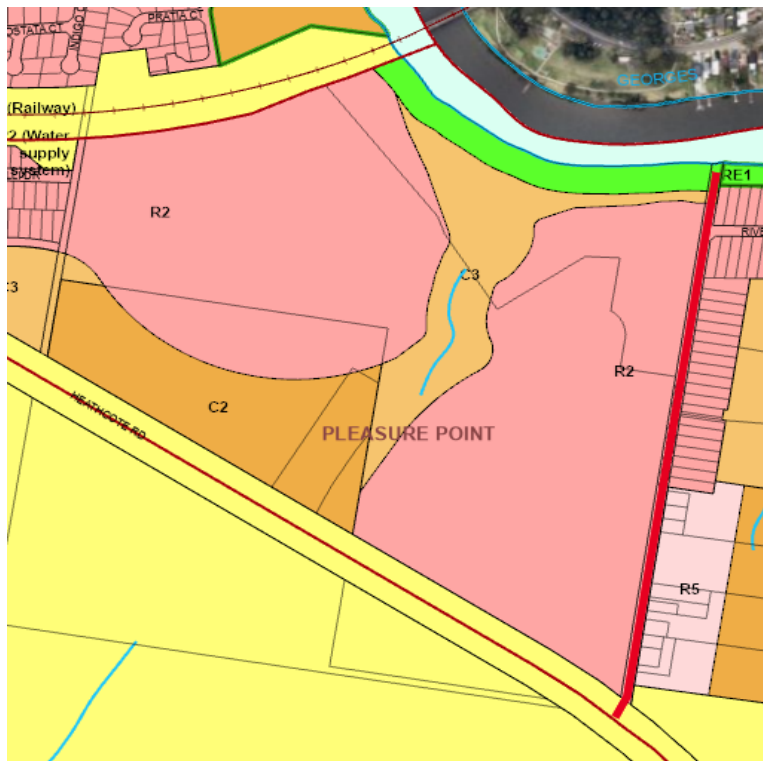


Figure 2: Zoning Map extract

The site is prescribed a Minimum Lot Size of 400sqm, 600sqm, and 40HA:

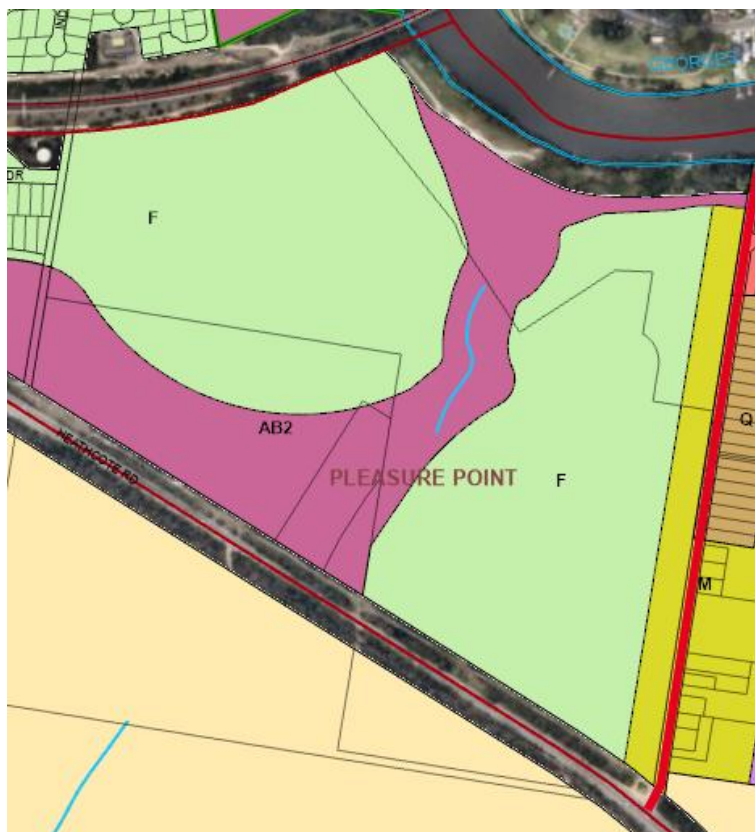


Figure 3: Lot Size Map

	D 300
	F 400
	G 450
	M 600
	Q 700
	U 1000
	V 2000
	W 4000
	Y 10000
	Z 2ha
	AB1 10ha
	AB2 40ha
	AD 120ha



Figure 4: Environmentally Significant Land

3. THE PROPOSAL AND BACKGROUND

3.1. 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.

The development includes the following:

Concept Approval for Two Concept Stages, which include the following:

- Stage 1:
 - o Provision of seven (7) stages for the delivery of 362 residential lots,
 - o Earthworks and Subdivision works, including roads and stormwater infrastructure,
 - o C3 zoned land vegetation restoration and embellishment, and
 - o Landscaping and services.
- Stage 2:
 - o Concept approval for the Provision of stages 8 and 9 for the delivery of 100 lots,

- Environmental corridors and public open spaces fronting the Georges River and the remaining C3 land not delivered within Stage 1 works.
- Demolition of existing residential structures.
- Landscaping.

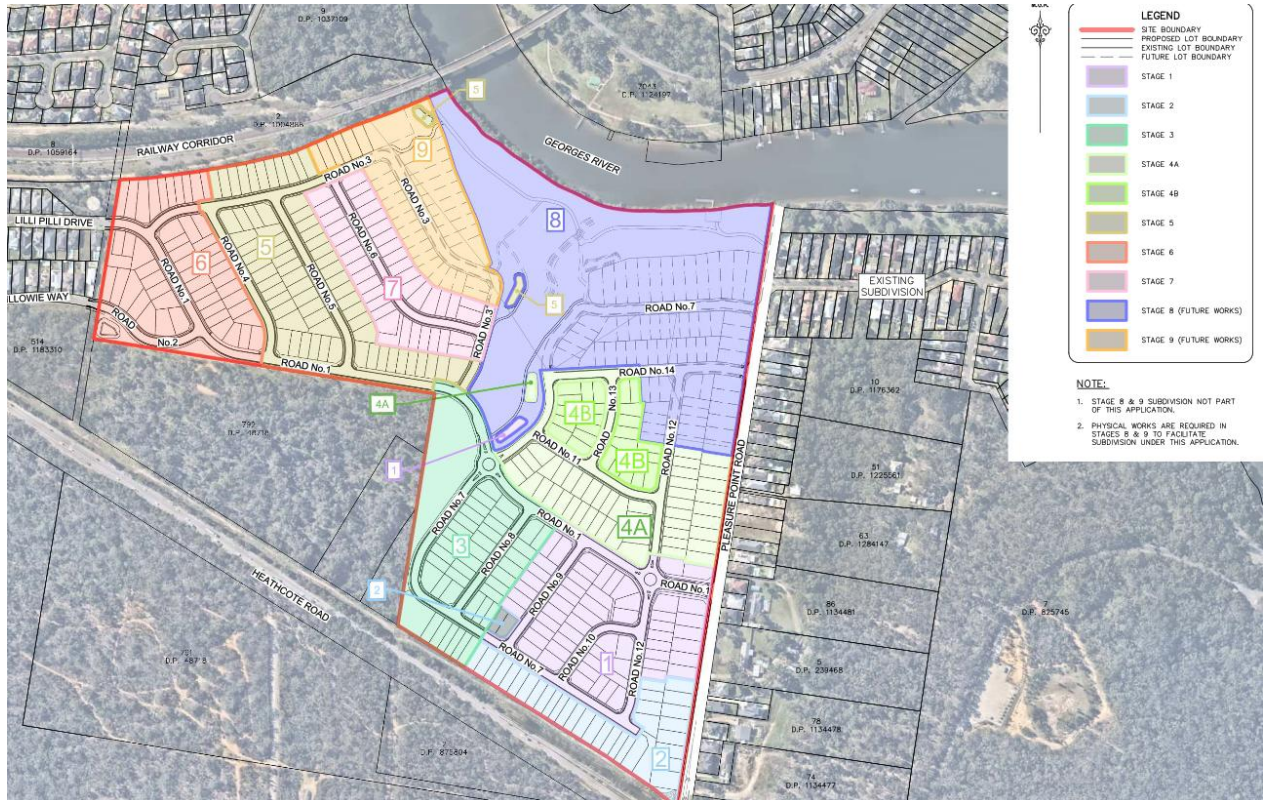


Figure 5: Proposed Subdivision Stages

Stage 1 Works include the following:

- Stage 1
 - Delivery of 59 residential lots,
 - Site delivery preparation works, including:
 - Remediation of land
 - Bulk earthworks
 - Stormwater infrastructure, including delivery of Basin 1
 - Upgrade works for Pleasure Point Road and Heathcote Road
 - Intersection works, including a roundabout for access into Stage 1
 - Landscaping and public domain treatments
- Stage 2
 - Delivery of 35 residential lots
 - Construction of acoustic fencing along Heathcote Road
 - Landscaping and street embellishments
- Stage 3
 - Delivery of 40 residential lots
 - Construction and extension of the internal collector road and construction of a roundabout

- Stormwater Infrastructure
- Delivery and embellishments of Recreational Open space
- Landscaping and street embellishments
- Stage 4
 - Part A includes the delivery of 47 residential lots
 - Part B includes the delivery of 25 residential lots
 - Construction and delivery of local roads
 - Stormwater infrastructure
 - Landscaping and street embellishments
- Stage 5
 - Delivery of 66 residential lots
 - Construction and extension of the collector road
 - Delivery of internal local roads
 - Construction and installation of an acoustic fence along the northern boundary of the railway corridor
 - Construction and delivery of two (2) basins.
 - Landscaping and street embellishments
- Stage 6
 - Delivery of 50 residential lots
 - Construction and delivery of the internal road network
 - Landscaping and street embellishments
- Stage 7
 - Delivery of 40 residential lots
 - Construction and delivery of the internal road network
 - Landscaping and street embellishments

Works to be included within the seven (7) stages also include the delivery of the pedestrian access point under the heavy railway line and Sydney Trains land, which is to be delivered by consultation with Transport for NSW – Sydney Trains, as required by TfNSW. Details accompany the notice of determination and TfNSW concurrence.

PLEASURE POINT ENTRY STATEMENT : HEATHCOTE ROAD (WEST)

ARTIST'S IMPRESSION 01



Figure 6: Proposed Entrance into Pleasure Point

PLEASURE POINT ENTRY ROAD

ARTIST'S IMPRESSION 01



Figure 7: Proposed entrance into the estate



Figure 8: Proposed Street Masterplan

3.2. 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 3March 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

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 below.

4.1.1. Section 4.22 Concept Development Applications

The proposed development is submitted pursuant to Section 4.22 Concept Development Applications under the EP& A Act. Section 4.22 outlines the following:

4.22 Concept development applications (cf previous s 83B)

(1) For the purposes of this Act, a concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.

(2) In the case of a staged development, the application may set out detailed proposals for the first stage of development.

(3) A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.

(4) If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless—

- (a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*
- (b) the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*

The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.

(5) The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.

The application has been assessed in relation to the above request for the application to be treated as a concept application as per Section 4.22 (3) of the EP&A Act.

4.1.2. Integrated Development

The proposed development is considered integrated development pursuant to Section 4.46 and 4.47 of the EP&A Act.

(a) Fisheries Management Act 1994

The proposal development is considered Integrated Development pursuant to the provisions under Part 7 Protection of Aquatic Habitats and Part 7a Threatened Species Conservation, noting the proposed works near the Georges River.

The application was referred to the Department of Primary Industries and Regional Development (Department of Fisheries), who assessed the Concept Application and Stage 1 works, which consist of subdivision into seven (7) Stages and found the application supportable subject to the imposition of conditions of consent.

(b) Water Management Act 2000

The proposal development is considered integrated Development pursuant to the provisions under Part 3 Approvals, being a Controlled Activity Approval, noting the works near the Georges River.

The application was referred to the Department of Planning and Environment – Water to assess the proposal, and found the development was suitable subject to the imposition of conditions of consent. Any future works that may impact the Georges River are required to have consultation with DPE-Water and Council.

(c) Rural Fires Act 1997

The subject site is identified as bushfire-prone land, and the proposed development constitutes integrated development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act). As such, in accordance with Section 100B of the Rural Fires Act 1997, the development application was required to be referred to the NSW Rural Fire Service (RFS) for General Terms of Approval (GTA).

The application was referred to the RFS; in which RFS assessed the application and issued associated GTAs in support of the development.

(d) National Parks and Wildlife Act 1974

The applicant submitted an Aboriginal Cultural Heritage Assessment Report, which was assessed by Council's Heritage Officer, who in turn recommended referral to Heritage NSW pursuant to Clause Part 6 of the *National Parks and Wildlife Act 1974*.

Heritage NSW requested Additional Information in which the applicant responded. Upon review of the additional information, Heritage NSW found the proposal to be suitable in terms of satisfying the provisions under the NPW Act, and therefore GTA was issued by Heritage NSW in relation to the proposal.

4.2. Biodiversity and Conservation Act 2016

The site is subject to the provisions of the Biodiversity Conservation Act 2016 (BC Act), which requires that proposals likely to impact threatened species or ecological communities be assessed and appropriate measures implemented, particularly where land is not biodiversity certified or exceeds the statutory clearing threshold.

The site contains recognised Biodiversity Values, including a Coastal Wetland adjoining the Georges River. No works are proposed within this sensitive area under the current application, nor within the future Stages 8 and 9, which are to be subject to approval under the Concept Development Application and will require future development consent for construction and subdivision works. These later stages will incorporate the dedication of land within the Riparian Corridor, secured through a Voluntary Planning Agreement (VPA).

Although the site is largely vacant, the delivery of residential lots requires the removal of trees, resulting in clearing above the prescribed threshold. To address this, a Biodiversity Development Assessment Report (BDAR) has been prepared, identifying threshold triggers and providing a detailed assessment of the potential impacts.

The application was referred to Council's Biodiversity Officer, who supported the proposal, noting that it includes the revegetation of the Riparian Corridor and the dedication of land to Council, thereby enhancing ecological connectivity and protecting the Georges River foreshore.

Koala Habitat Protection 2021

In accordance with Chapter 4 of the Biodiversity Conservation Act 2016 (BC Act), consideration has been given to the presence and protection of koala habitat within the site. The Act requires that development proposals likely to impact areas of core koala habitat be assessed to ensure that impacts are avoided, minimised, and appropriately managed.

The applicant has addressed this matter through the preparation of a Biodiversity Development Assessment Report (BDAR) and an Ecological and Riparian Assessment Report, which collectively evaluate the site's biodiversity values and potential habitat features. These reports confirm that while the site contains areas of ecological significance, including riparian corridors and vegetation communities, the proposed subdivision layout and associated works have been designed to avoid direct impacts on potential koala habitat.

Mitigation measures are incorporated into the proposal, including the dedication and revegetation of the Riparian Corridor and the long-term management of land adjoining the Georges River foreshore. These measures are consistent with the objectives of Chapter 4, ensuring that ecological connectivity is maintained and that habitat values are enhanced rather than diminished.

The application was referred to the Council's Environmental Management Officer, who reviewed the BDAR and, in principle, supported the ecological assessments. However, it was noted that the discussion included in the BDAR is heavily reliant upon fencing, currently excluding the species. An assessment of impacts on the quality and area of core koala habitat that is not reliant upon the fencing should be provided. Mitigation measures should also be further addressed, recognising that there are likely to be more koalas utilising the site once the fence is removed and revegetation work progresses.

Based on the VMP Council's Environmental Management Officer supported the proposal supported in principal, noting that the inclusion of revegetation works and land dedication provides a positive biodiversity outcome; however, to ensure statutory requirements are addressed, and a more robust assessment of potential impacts on the quality and extent of core koala habitat, independent of the fencing, should be provided to align with the statutory requirements for koala habitat protection under the BC Act.

4.3. 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 considered below.

4.3.1. 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	Y

	Section 3.23 - Centre-based childcare facility—matters for consideration by consent authorities	
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 inconsistent with a number of SEPPs, LEP, and DCP, and therefore is supported.

Consideration of the relevant SEPPs is outlined below.

4.3.2. State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

(i) Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 2 of Schedule 6 of the Planning Systems SEPP as the proposal is development with an estimated development cost of more than \$30 million. Accordingly, the Sydney Western City Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

4.3.3. State Environmental Planning Policy No. (Resilience and Hazards) 2021

(i) Chapter 2 Coastal Management

The site is mapped as containing a Coastal Wetland on the banks of the Georges River. No works are proposed within the identified area under the Stage 1 works approval; however, Concept Designs have been submitted for approval in terms of Stage 8 and Stage 9, in which the application intends to deliver upgraded works along the river front, which is intended to be delivered under the VPA and through these concept stages of the development which will require a future development application. It has been identified that the development in these future stages would not impact or impede the associated vegetation within the wetland. The proposal was referred to the Department of Fisheries, which supported the proposal in the form of General Terms of Approvals.

(ii) Chapter 4 Remediation of Land

Clause 4.6 Contamination and remediation to be considered in determining development application

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, specifically Chapter 4 – Remediation of Land, as the proposal involves the development of land to accommodate a change of use.

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

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

Clause 4.6(1) prescribes the contamination, and remediation matters that must be considered by Council before determining the development application. Specifically, Council must consider:

- whether the land is contaminated; and
- if the land is contaminated, the Council must be satisfied that the land is suitable in its contaminated state (or will be suitable after remediation); and
- if the land requires remediation to be made suitable, Council is satisfied that the land will be remediated before it is used.

Pursuant to Clause 4.6(1) the following shall be addressed:

Table 3: Assessment Against Clause 4.6

Clause 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	A Preliminary Site Investigation Report (PSI), a Detailed Site Investigation Report (DSI), and a Remedial Action Plan (RAP) were submitted with the application, and ground contaminants were identified on a portion of the site. Council considered the proposed methods of removal as specified in the RAP, which required the contents to be removed from the site. The application was referred to the Council's Environmental Health officer, who has supported the proposal subject to conditions of consent.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The DSI and RAP indicate that the site requires remediation and therefore can be made suitable for the proposed residential use and development of land for public use. In this regard, this will satisfy the requirements of making the land suitable for residential purposes.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The site requires remediation, which is supported by appropriate conditions of consent.

Based on the above assessment the application has satisfied to address the SEPP, and the consent authority is satisfied the site is suitable for the proposed use.

4.3.4. State Environmental Planning Policy (Biodiversity and Conservation) 2021

- (i) Chapter 2 – Vegetation in non-rural areas

The proposal involves the removal of existing trees, shrubs, and other vegetation across the two subject parcels of land to facilitate subdivision works. To address these impacts, the applicant has submitted a Biodiversity Development Assessment Report (BDAR), a Vegetation Management Plan, and a Stream and Riparian Management Plan, which collectively outline the removal, replacement, and long-term management of vegetation within the site.

Council has reviewed the submitted documentation and is satisfied that the proposed development will deliver appropriate revegetation outcomes. In particular, the subdivision layout incorporates the establishment of new plantings within the proposed Public Parks and the Riparian Corridor, ensuring ecological connectivity and enhancement of biodiversity values. These measures have been supported by Council's Landscaping and Biodiversity Officers, who note that the proposal achieves a balance between facilitating residential development and maintaining environmental integrity.

(ii) Chapter 4 – Koala habitat protection 2021

As noted in the preceding biodiversity assessment, the site contains recognised ecological values, including riparian corridors and coastal wetlands adjoining the Georges River. In addition to these values, Chapter 4 of the Biodiversity Conservation Act 2016 emphasises the conservation and management of natural areas and the protection of habitat for koalas.

Liverpool City Council does not currently have an adopted Koala Management Plan, and therefore, the provisions of Part 4.3 (Koala Plans of Management) do not apply in this instance. Nevertheless, Council's Biodiversity Officer has reviewed the applicant's Biodiversity Development Assessment Report (BDAR), Ecological Assessment Report, and Vegetation Management Plan (VMP), which address the riparian corridor and surrounding flora and fauna. Furthermore, the proposed development includes significant vegetation restoration, which will increase koala habitat, as it currently does not exist due to the site being largely cleared of large vegetation. The vegetation restoration and management will ensure specific endemic species are restored within the riparian corridor.

In this regard, the Koala habitat assessment discussion included in the BDAR is heavily reliant upon fencing, currently excluding the species. An assessment of impacts on the quality and area of core koala habitat that is not reliant upon the fencing should be provided. Mitigation measures should also be further addressed, recognising that there are likely to be more koalas utilising the site once the fence is removed and revegetation work progresses to align with Chapter 4 of the Biodiversity & Conservation SEPP.

Consistent with the earlier findings under the BC Act and Chapter 2 of the SEPP (Biodiversity and Conservation) 2021, Council's officer determined the proposal to be suitable, noting that the revegetation of the riparian corridor and dedication of land to Council will enhance ecological connectivity and provide long-term biodiversity outcomes, with additional matters to address the koala habitat related to the proposed fencing to ensure for the protection of koalas.

(iii) Chapter 6 – Water Catchments

The subject land is located within the Georges River Catchment, and as such, Chapter 6 applies within the Biodiversity SEPP. The Biodiversity SEPP aims to protect the environment of the

Georges River system by ensuring the impacts of future land uses and development in general are considered in a regional context. The relevant parts of the SEPP are:

Table 4: Assessment Against Chapter 6 Provisions

Chapter 6	
Part 6.1 Preliminary	
Provisions	Comment
6.1 Land to which this chapter applies	
This Chapter applies to land in the following catchments— (d) the Hawkesbury-Nepean Catchment	The subject site is identified as being within the Georges River Catchment.
Part 6.2 Development in regulated catchments	
6.6 Water quality and quantity	
(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following— (a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway, (b) whether the development will have an adverse impact on water flow in a natural waterbody, (c) whether the development will increase the amount of stormwater run-off from a site, (d) whether the development will incorporate on-site stormwater retention, infiltration or reuse, (e) the impact of the development on the level and quality of the water table, (f) the cumulative environmental impact of the development on the regulated catchment, (g) whether the development makes adequate provision to protect the quality and quantity of ground water.	In response to a request for additional information, the applicant submitted further analysis to demonstrate compliance with requirements relating to water quality and quantity. This supplementary assessment was referred to the Council's Engineer for review. Following the evaluation, Council's Engineer confirmed that the information provided is satisfactory, noting that the proposed measures will maintain water quality, enhance on-site water catchment performance, and mitigate potential adverse environmental impacts. The Engineer further advised that the proposed design appropriately manages stormwater flows and site run-off, ensuring that impacts on water quality and hydrological balance are minimised throughout the development process. It is noted that Stages 8 and 9, identified under the Concept Approval, will be subject to separate assessment and determination under future development applications.
6.7 Aquatic ecology	
(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following— (a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation, (b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require— a controlled activity approval under the <i>Water Management Act 2000</i> , or (ii) a permit under the <i>Fisheries Management Act 1994</i> , (c) whether the development will minimise or avoid— (i) the erosion of land abutting a natural waterbody, or (ii) the sedimentation of a natural waterbody,	Subject to conditions of consent the impact on terrestrial, aquatic, or migratory animals or vegetation will be minimised. The development has been referred to the Department of Fisheries and Department of Planning and Environment – Water, who have supported the development and provided appropriate General Terms of Approval (GTA's) under the Concept Development. Erosion and Sediment Controls have been considered and are suitably addressed by the applicant.

(d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area, (e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology, (f) if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.	Development is not identified as being in proximity to wetlands or a littoral rainforest area. The potential impacts of the development on the Georges River Catchment have been assessed and are considered acceptable given the site's locality and proposed management measures. The application was referred to the Department of Planning and Environment – Water, which has granted its GTA subject to conditions of approval. The development has demonstrated that the quality of water entering the adjoining natural waterbody will be maintained at a level as close as practicable to neutral or beneficial, with impacts on water quality appropriately minimised through the implementation of stormwater management and environmental protection measures.
6.8 Flooding (1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems. (2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not— (a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or (b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.	The subject property is flood-affected, in which the lots impacted by Flooding are subject to the Concept approval, with Stage 8 and Stage 9 to be separate applications to be submitted in the future to Council for assessment and determination.
6.9 Recreation and public access	The development is not considered to impact public access to recreational land. Stage 8 and Stage 9 will allow for the delivery of the riparian corridor in which will be dedicated to the Council for public access to the foreshore, and the delivery of the open space area for the community.
6.10 Total catchment management	The development is not anticipated to impact on total catchment management.

The submitted documentation has been assessed and confirms that the proposed development meets the stormwater management and water quality design requirements of Liverpool City

Council. The application has been reviewed by Council's Land Development Engineering and Flooding teams, both of whom have indicated their support for the proposal.

In this regard, it is considered that the development satisfies the relevant provisions of the State Environmental Planning Policy (Biodiversity and Conservation) 2021. The consent authority can be assured that the potential impacts on water quality, water quantity, and aquatic ecology have been appropriately addressed and are reasonable within the framework of the SEPP.

4.3.5. State Environmental Planning Policy (Transport and Infrastructure) 2021

(i) Clause 2.119 – Development with frontage to classified road

The subject application fronts Heathcote Road, which is a classified road, and as such, the provisions of Clause 2.119 of the SEPP apply to the development. Clause 2.119(2) provides the following:

Table 5: Assessment Against Clause 2.119

Clause	Comment
(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—	
(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and	Complies Vehicular access to the land is provided from Pleasure Point Road, with no access permitted from Heathcote Road.
(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and	Complies The proposed development would not impact the safety, efficiency, and ongoing operation of the classified road.
(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	See discussion of Clause 2.120 below.

(ii) Clause 2.120 – Impact of road noise or vibration on non-road development

The subject application includes development for the purposes of residential accommodation adjacent to the road corridor for a road with an annual average daily traffic volume of more than 20,000 vehicles and is likely to be adversely affected by road noise or vibration, and as such, the provisions of Clause 2.120 apply to the subject development.

Clause 2.120(3) provides requirements for the maximum noise level in a bedroom or other space within residential accommodation. An acoustic report has been provided which addresses noise

impacts from the classified road on the development, and conditions of consent will be imposed requiring construction to adhere to the requirements of the report.

(iii) Clause 2.122 – Traffic-generating development

The application involves a total of 362 residential lots within the first 7 stages and a total of 462 lots, inclusive of the concept stages 8 and 9; as such, Clause 2.122 of the SEPP applies to the application. The applicable provisions under this clause are Subsection 4(b) (i)-(iii), which are discussed below.

(4) Before determining a development application for development to which this section applies, the consent authority must—

(b) take into consideration—

- (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and*

The application has been referred to Transport for NSW (TfNSW), and they have advised that they are supportive, subject to the imposition of conditions.

(ii) the accessibility of the site concerned, including—

- (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
- (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*

The site is accessible, being located close to Heathcote Road and Holsworthy Train Station. The development includes the provision of a bus network through the site, connecting to Voyager Point to the Northwest. The proposed use would principally generate individual car trips, with some small- to medium-sized trucks providing occasional services.

(iii) any potential traffic safety, road congestion or parking implications of the development.

The proposed development was referred to Council's Traffic Engineers and TfNSW, who support the proposed development, subject to the imposition of conditions of consent.

4.3.6. Liverpool Local Environmental Plan 2008

The relevant local environmental plan applying to the site is the *Liverpool Local Environmental Plan 2008* ('the LEP'). The aims of the LEP include the following:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Liverpool,*
- (b) to foster economic, environmental and social well-being so that Liverpool continues to develop as a sustainable and prosperous place to live, work, study and visit,*

- (c) to provide community and recreation facilities, maintain suitable amenity and offer a variety of quality lifestyle opportunities to a diverse population,
- (d) to strengthen the regional position of the Liverpool city centre as the service and employment centre for Sydney's southwest region,
- (e) to concentrate intensive land uses and trip-generating activities in locations most accessible to public transport and centres,
- (f) to promote the efficient and equitable provision of public services, infrastructure and amenities,
- (g) to conserve, protect and enhance the environmental and cultural heritage of Liverpool,
- (h) to protect, connect, maintain and enhance the natural environment in Liverpool, and promote ecologically sustainable development which takes into account the environmental constraints of the land,
- (i) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires, by managing development in sensitive areas,
- (j) to promote a high standard of urban design that responds appropriately to the desired future character of areas,
- (k) to improve public access along waterways and vegetated corridors while ensuring the natural environmental values of riparian and bushland corridors and the habitat they provide are protected and enhanced,
- (l) to improve public transport accessibility, and facilitate the increased use of public transport, cycling and pedestrian activity,
- (m) to enhance the amenity and positive characteristics of established residential areas,
- (n) to ensure the agricultural production potential of rural land and prevent its fragmentation,
- (o) to encourage development opportunities for business and industry to deliver local and regional employment growth.

The proposal is consistent with these aims as the proposal:

- Provides housing, employment and recreation to meet the needs of existing and future residents of Liverpool;
- Provides intensive land uses and trip-generating activities in locations most accessible to public transport and centres;
- Promotes a high standard of urban design that responds appropriately to the desired future character of the area;
- Constitutes a development opportunity for business and industry to deliver local and regional employment growth.
- To improve access along waterways and vegetated corridors
- To provide much-needed housing stock and public recreational land

The site is zoned R2 Low Density Residential, C3 Environmental Management, and RE1 Public Recreation pursuant to the Liverpool Local Environment Plan 2008.

The Liverpool Local Environment Plan 2008 Land Use Table for the application zones is replicated below:

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.
- To provide a suitable low scale residential character commensurate with a low dwelling density.
- To ensure that a high level of residential amenity is achieved and maintained.

2 Permitted without consent

Home-based childcare; Home occupations

3 Permitted with consent

*Attached dwellings; Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dwelling houses**; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Oyster aquaculture; Places of public worship; Pond-based aquaculture; **Recreation areas**; Respite day care centres; **Roads**; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture*

4 Prohibited

Any development not specified in item 2 or 3

C3 Environmental Management

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To enable the recreational enjoyment or scientific study of the natural environment.

2 Permitted without consent

Environmental protection works; Home-based childcare; Home occupations

3 Permitted with consent

*Building identification signs; Cellar door premises; Dwelling houses; Environmental facilities; Flood mitigation works; Home businesses; Home industries; Information and education facilities; Kiosks; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; **Roads**; Roadside stalls; Tank-based aquaculture*

4 Prohibited

Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Senior's housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide sufficient and equitable distribution of public open space to meet the needs of residents.
- To ensure the suitable preservation and maintenance of environmentally significant or environmentally sensitive land.

2 Permitted without consent

Environmental protection works, home occupations

3 Permitted with consent

*Aquaculture; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; **Marinas; Mooring pens; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Water recreation structures***

4 Prohibited

Any development not specified in item 2 or 3

Comment:

The proposed development will deliver additional residential land within Pleasure Point, transforming a vacant greenfield site into a new, master-planned suburb. The subdivision layout incorporates the provision of public parks, open space, and recreational facilities, supporting the creation of a vibrant and well-serviced community.

The proposal is consistent with the objectives of the applicable zoning controls and aligns with the overarching aims of the Liverpool Local Environmental Plan (LEP), which seeks to facilitate a diverse range of housing opportunities and complementary recreation services to meet the needs of Liverpool's growing population.

Compliance with the relevant provisions of the Liverpool LEP 2008 is outlined in Table 6 below.

Table 6: Compliance with Liverpool LEP 2008

Control	Requirement	Proposal	Comply
Minimum Subdivision Lot (CI 4.1)	400sqm, 600sqm and 40HA.	The proposal development has included a variety of lot sizes that comply with the minimum requirements of 400sqm and 600sqm. The existing C3 Land does not comply with the required 40ha lot size; however, it is intended to be dedicated to Council in the terms of open space under the VPA and form part of the consent.	Complies

Relevant Acquisition Authority (CI 5.1)	To identify the applicable acquisition authority for certain lands.	Part of the site is identified for acquisition and will be required to be dedicated to the Council as per the letter of offer to enter into a VPA under consent.	Complies
Development on land intended to be acquired for public purposes. (CI 5.1a)	To limit development on certain land intended to be acquired for public purposes.	The land identified on the Land Reservation Map is RE1- Local Open Space, is set to be acquired by the Council.	Complies
Heritage Conservation (CI 5.10)	To identify object of a heritage or Aboriginal nature.	An ACHAR has been prepared and submitted to Council. The ACHAR was referred to Heritage NSW, who subsequently provided GTA and associated conditions of consent.	Complies
Subdivision of, or dwelling on land in certain rural, residential or conservation zones (CI 5.16)	To minimise the potential of land use conflict between existing and propose development on land including C3.	Built form is not proposed under the application. Development Applications will be required to be submitted for dwelling houses.	Complies
Flood Planning (CI.5.21)	To allow development on land which is compatible with flood function and behaviour and to minimise risks.	The site is identified as containing flood-prone land. Council's Flood Engineers are satisfied that Stages 1-7 are suitable in terms of flood affectation. Stages 8 and 9, approved under the Concept Approval, will be required to submit separate development applications and address flood constraints.	Complies
Special Flood Considerations (CI.5.22)	To enable the safe occupation and evacuation of people and ensure development is compatible.	Council's Flood Engineers have supported Stages 1-7 with appropriate conditions of consent. Additional Staging will require separate approval.	Complies
Public Utility Infrastructure (CI 6.5)	To ensure adequate services is available in terms of electricity, water, and wastewater	Sydney Water and Endeavour Energy have provided their concurrence in support of the proposal. Appropriate conditions of consent will be imposed to ensure the development can meet the servicing requirements.	Complies
Acid Sulfate Soils (CI 7.7)	The objective of this clause is to ensure that development does not disturb, expose, or drain acid sulfate soils and cause environmental damage.	The site is located within an area mapped as Class 5 Acid Sulfate Soils (ASS) and is in proximity to land identified as Class 1–4 under the Acid Sulphate Soils Planning Maps. In accordance with Council's requirements, a Geotechnical Report has been submitted to assess the potential presence and impacts of ASS within the development footprint.	Complies

		The report confirms that while the broader locality contains mapped ASS land, the proposed development will not result in disturbance or adverse impacts to areas identified as containing acid sulfate soils. On this basis, the proposal is considered to appropriately address the relevant planning provisions relating to ASS, ensuring that the subdivision works can proceed without risk to soil or water quality.	
Earthworks (CI 7.31)	Council to consider matters such as cut and fill, general excavation, and drainage for the site.	The proposed development includes earthworks to establish suitably level allotments, with cut and fill operations required across portions of the subdivision. These matters have been addressed in the applicant's documentation and reviewed by Council's Engineering Section, who are satisfied with the proposed approach. Appropriate conditions of consent will be imposed to ensure compliance and effective management of earthworks during construction.	Complies

4.4. 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.

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

The following Development Control Plan is relevant to this application:

4.5.1. 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. Detailed compliance tables are located in Attachment B. An assessment against the DCP provisions has found the proposed Stage 1 works are acceptable in terms of compliance subject to the imposition of conditions of consent.

4.6. Section 4.15(1)(a) (iiia) – 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.

4.7. 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.

- 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.

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

Comment:

As outlined within the body of this report, 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, which collectively address the statutory requirements under the Biodiversity Conservation Act 2016 and the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

The report details 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, with Council's Biodiversity Officer confirming additional matters are required to be addressed.

- **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.

4.8. 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:

- Context and setting – The proposal is considered to be consistent with the context of the site, in the proposed subdivision patterns complies with applicable statutory, development controls, and standards and are consistent with development on similar sites within the immediate locality and throughout the Liverpool LGA.
- Access and traffic – The proposal would result in an increase in traffic around the development. Additionally, the proposed street network is considered suitable in terms of compliance with the indicative layout plan under the DCP, in which the application provides sufficient pedestrian footpaths and cycle pathways through the stages of development.

Upgrades works are proposed for Pleasure Point Road and the intersection with Heathcote Road which will be delivered throughout the seven (7) stages under the approved Stage 1 works.

- Natural hazards – Whilst the site is identified as being impacted by Bushfire and Flooding, these hazards have been suitably assessed by RFS and Councils Flooding Engineers who have found the impacts negligible subject to the imposition of conditions of consent.
- Social impact – The proposal would have a positive social impact to the community due to the provision of open space and recreational areas identified throughout the Concept Application. The delivery of the riparian corridor and parks is outlined within the VPA currently under negotiation with Council.
- Economic impact – The provision of an additional residential accommodation will provide employment opportunities within the local area, will encourage economic investment in Pleasure Point and would provide economic benefits to the wider community through construction phases.
- 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.

4.9. 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.

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

These submissions are considered in Section 4 of this report.

4.11. 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 development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 7.

Table 7: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Referral/Consultation Agencies			
Rural Fires Service	Concurrence	Supported, subject to the GTA provided.	Y
Heritage NSW	Concurrence	Supported, subject to the GTA provided.	Y
Department of Planning and Environment- Water	Concurrence	Supported, subject to the GTA provided.	Y
Water NSW	Concurrence	Water NSW revised the proposal and concluded that no approval under the Waste Management Act 2000 is required under Water NSW requirements	N/A
Department of Primary Industries and Regional Development	Concurrence	Department of Primary Industries and Regional Development, formerly the Department of Fisheries, supported the development subject to GTA.	Y
Electricity supply authority	Advice	Standard Conditions of consent.	Y
Sydney Water	Advice	Detailed information is required to be submitted to Sydney Water to obtain approval for the necessary water connections. Sydney Water has provided its requirements, which are to be applied as standard conditions to ensure	Y

		compliance with servicing and infrastructure provisions.	
Transport for NSW	Section 2.119, s2.120 and S2.122 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic-generating development in Schedule 3.	Conditions of consent imposed.	Y

5.2. Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 8**.

Table 8: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the submitted stormwater concept plan and considered that there were no objections, subject to conditions.	Y
Traffic	Council's Traffic Engineering Officer reviewed the proposal and considered that there were no objections, subject to conditions.	Y
Flooding	Council's Flooding Officer reviewed the submitted stormwater concept plan and considered that there were no objections, subject to conditions.	Y
Environmental Health	Council's Environmental Health Officer reviewed the submitted documentation and amended information and considered that there were no objections subject to conditions.	Y
Urban Design	Council's Urban Design reviewed the submitted documentation and amended information and considered that there were no objections subject to conditions.	Y
Heritage	Council's Heritage Officer reviewed the submitted documentation and amended information and considered that there were no objections subject to conditions.	Y
Public Art	Council's Public Arts Officer reviewed the submitted documentation considered that there were no objections subject to conditions.	Y

Community Planning	<u>General Open Space and Recreation Provision</u> The provision of well-designed open space and recreation with the inclusion of shared pedestrian and bicycle paths linking the foreshore, education, shops, and transport is required. The proposed park is noted at the southern part of the development; however, no active parks, playgrounds, or activated areas have been shown for the foreshore section of the proposal (northern portion). There is a need to provide recreation for families and other residents in the form of connected open space areas, playgrounds, sports courts, pathways, and passive elements that include the First Nations and multicultural fabric of the area. With an increase of 380 lots and an average of 3.5 residents per lot, it is expected that more than a population of 1330 would be living in the development. <u>Open Space and Recreation Masterplan</u> The proponent is required to prepare and submit an Open Space and Recreation Masterplan for the proposal. This would include the area along the foreshore of the Georges River with proposed open space and recreation, both active and passive. An informed decision about this development cannot be made without the preparation of the Masterplan.	By Conditions The VPA will deliver upon the public open space and recreation land front the Georges River under Stage 8 and Stage 9 in which detail design drawings will be submitted to Council for consultation. Conditions have been imposed pertaining to works within the foreshore from external agencies.
Natural Environment – Flora and Fauna	The application was referred to the Council's Environmental Management Officer, who provided additional matters that need to be addressed, which could form part of the conditions of consent. The condition would form part of an updated Vegetation Management Plan, and BDAR with koala management matters requiring further attention in the VMP. The matters requiring further attention relate to the need for threat mitigation measures to the koala population, habitat, and corridor connectivity to be implemented in the event that koalas are to utilise the site once restoration begins, as anticipated. These matters are to be addressed to allow the proposal to be supported in full.	Not satisfactory Conditions have been imposed pertaining to an updated VMP during Construction, and updated documentation will be required for Additional Development Applications for Stage 8 and Stage 9. The C3 corridor is to be delivered within Stage 8 and Stage 9 under the VPA, in which updated documentation will be submitted to Council for consideration.
Contributions Team	Supported, subject to the Letter of Officer to enter into a VPA for developer contributions and the delivery of community benefits	As per the VPA

Strategic Planning	The Strategic Planning team identified several matters requiring consideration in relation to the Collector Road and the provision of cycleways. Specifically, concerns were raised regarding the proposed 2.1-metre parking bays, which were considered excessively wide, and the challenges associated with providing footpaths along only one side of the road. Nevertheless, the proposal has been designed to deliver an accessible footpath on one side of the Collector Road, together with a cycleway traversing the primary road and extending through the site. This arrangement will facilitate the introduction of a continuous and accessible cycleway that connects seamlessly with the adjoining residential estate. Furthermore, the Council's Traffic team and Engineers have confirmed they are satisfied with the proposed parking arrangements within the street. Finally, it is noted that the Strategic Planning team approved the rezoning of the circa 2014 for an increase in residential properties with the aim of establishing the estate via a Development Application. No stipulation with the rezoning required a Masterplan to be prepared, and therefore the DA is considered sufficient to stabilize the detailed design.	Acceptable. By Conditions Amended Documentation demonstrates the provision of a cycle pathway through the site, as well as associated footpaths along the Collector Road and internal streets.
Landscape Officer	Standard Conditions of consent have been imposed in terms of landscaping requirements.	By Conditions

5.3. Community Consultation

The application was advertised from 30 October 2024 to 27 November 2024 and received 32 unique submissions to the proposal.

The issues raised in these submissions are considered in the Table below.

Table 9: Community Submissions

Issue	Council Comments
Traffic and Access Submissions have been made in objection to the proposed additional access to Pleasure Point Road.	The proposed development has addressed both existing and potential new access arrangements to the subdivision via Pleasure Point Road. The subdivision design incorporates a network of local roads supported by an internal collector road, providing future residents with dual access options—either to Pleasure Point Road or to Lilli Pilli Drive to the north. This access strategy has been reviewed by Council's Traffic Engineers, who have determined the proposed road layout and

• Impacts to the intersection of Pleasure Point Road and Heathcote Road. • Congestion and increase traffic. • Driveway Access to homes on Pleasure Point Road.	connections to be suitable and consistent with Council's traffic and safety requirements. The developer, in consultation with Transport for NSW (TfNSW), has agreed to undertake upgrade works at the intersection of Pleasure Point Road and Heathcote Road. These works are intended to accommodate the additional traffic generated by the estate, ensuring that impacts on existing traffic conditions remain minimal. The upgrades have also been designed with a focus on traffic safety, improving arrangements for vehicles entering and exiting Pleasure Point Road. In addition, the subdivision incorporates a network of internal local roads and an access connection via Lilli Pilli Drive, which will assist in distributing traffic flows and minimising future congestion on both Pleasure Point Road and The Avenue. Proposed dwellings fronting Pleasure Point Road will be supported by the Pleasure Point Road upgrade, scheduled for delivery as part of Stage 1 works, ensuring appropriate servicing and safe access for new residents.
Infrastructure • Submissions have been made in terms of pedestrian footpaths and cycle ways	The subdivisions will provide pedestrian footpaths on one side of each street, which is further imposed by appropriate conditions of consent. The development also facilitates the delivery of a cycle way from Pleasure Point Road intersection to Lilli Pilli Drive.
Biodiversity • Submissions have been made in terms of Koalas, Riparian Corridor and Flora/Fauna Habitat • Coastal Wetlands	The development application was accompanied by a Biodiversity Development Assessment Report (BDAR), Ecological Assessment Report, and Vegetation Management Plan, which collectively assessed the potential impacts of the proposal on the site's flora and fauna. Council's Biodiversity Officer has reviewed the submitted documentation and supports the proposal in principle, subject to additional information being provided to assess the impact of the proposed development on core koala habitat in accordance with Chapter 4 of the Biodiversity & Conservation SEPP. Whilst this has been addressed by the applicant, the main information required is that the BDAR is heavily reliant upon fencing, currently excluding the species. An assessment of impacts on the quality and area of core koala habitat that is not reliant upon the fencing should be provided. Mitigation measures should also be further addressed, recognising that there are likely to be more koalas utilising the site once the fence is removed and revegetation work progresses. In addition, the applicant proposes to revegetate the riparian corridor traversing the site and dedicate this land to the Council under a Voluntary Planning Agreement (VPA). The proposal was referred to external agencies, including the Department of Planning and Environment – Water and the Department of Regional Infrastructure and Planning (Fisheries), both of which

	expressed support. Their assessment confirmed that the development avoids disturbance to the identified coastal wetlands located along the riverbank foreshore, while also delivering areas of active and passive open space to enhance recreational opportunities and ecological outcomes.
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6. KEY ISSUES

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

1. *Riparian Corridor* - The site fronts the Georges River with an internal watercourse that traverse the site and drains towards the riverbank.
2. *Flooding* - The Georges River traverses the northern boundary of the site, is subject to flooding. The residentially zoned land is not located within a high flood risk precinct. However, parts of the residential land in Lot 2 are mapped as being impacted in the 1 %AEP and Probable Maximum Flood (PMF), being Low, medium, and High Flood risk. The Concept approval seeks consent for Stage 8 and Stage 9, in which the design of the allotments intends to have the rear boundaries located within the low flood risk area, and will be subject to separate development consent. This has been reviewed by Council's Flood Engineers, who have found this acceptable in terms of flood management. Any future Development Application will need to comply with the associated Environmental Planning Instruments and Council's Development Control Plan.
3. *Contamination* - The site has been utilised as residential accommodation and the storage of landscape supply materials, plant, and machinery equipment. The applicant initially proposed Cap and Containment across the site, which was not supported by the Council's Environmental Health. The applicant has since updated and amended the position to remediate the site, which is supported by Council's Environmental Health Section.
4. *Biodiversity* – The site is mapped as containing coastal wetlands along the river frontage and adjacent creek line, where potential biodiversity values have been identified. Importantly, these areas are not proposed to be disturbed by any component of the development.

While the mapped biodiversity value areas are intended to be avoided, vegetation clearing within the residential portion of the site will exceed the low clearing threshold of 2,500m². In recognition of this, the applicant has submitted a Biodiversity Development Assessment Report (BDAR) as part of the application.

The BDAR has been reviewed and supported by Council's Biodiversity Officers, as well as the Department of Primary Industries and Regional Development (Fisheries). The Department has issued General Terms of Approval (GTA), confirming that the proposal is acceptable subject to compliance with the specified conditions.

However, as noted throughout the report, in relation to the Koala habitat assessment, the Council's Environment Management officer has requested that further information be provided to assess the impact of the proposed development on core koala habitat in

accordance with Chapter 4 of the Biodiversity & Conservation SEPP. The discussion included in the BDAR is heavily reliant upon fencing, currently excluding the species. An assessment of impacts on the quality and area of core koala habitat that is not reliant upon the fencing should be provided. Mitigation measures should also be further addressed, recognising that there are likely to be more koalas utilising the site once the fence is removed and revegetation work progresses.

5. *Bushfire Hazard*- The site contains vegetation category 3 land in which concurrence is required by the Rural Fire Service pursuant to 100b of the *Rural Fires Act*. The application was referred to RFS, which supported the application through the granting of GTAs.

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. 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/refused 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**.

Approval would be recommended in the event Koala habitat assessment is revised under the BDAR, as the BDAR is heavily reliant on fencing. Mitigation measures need to be further addressed in the event that Koalas begin to utilise the site once restoration occurs, as is likely the case.

The following attachments are provided:

- Attachment A - Draft Conditions of Consent
- Attachment B - Tables of Compliance
- Attachment C - Unstamped Plans for Determination
- Attachment D - Concurrence Approvals

- Attachment E - Subdivision Plan -
- Attachment F- Civil Engineering Plans for Concept DA
- Attachment G - Civil Plans for Proposed Stages 1-7 -
- Attachment H - Bushfire Report -
- Attachment I - ACHA -
- Attachment J - Remedial Action Plan -
- Attachment K - Landscape Plan -
- Attachment M - Landscape Plan Parks -
- Attachment N - Vegetation Management Plan -
- Attachment O - Biodiversity Development Assessment Report-
- Attachment P - Acoustic Report -
- Attachment Q - Ecological Assessment -
- Attachment R - Stream and Riparian management
- Attachment S - Urban Design Report