

DATE OF DETERMINATION	11 June 2026
DATE OF PANEL DECISION	10 June 2026
DATE OF DEFERRAL	8 December 2025
DATE OF PANEL MEETING	1 December 2025
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Stuart Mangleson, Anthony Krilich
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held videoconference on 1 December 2025, opened at 1:30pm and closed at 2:35pm.

A Council addendum report circulated on 12 March 2026.

MATTER DETERMINED

PPSSWC-491 – Liverpool – DA-441/2024 – Heathcote Road, Pleasure Point (DA) – Concept development application for a residential housing project including associated civil works broken into 2 stages (broken into 9 substages) proposing:

- (a) the general arrangement of roads, identification of land for public open space, environmental corridors, and stormwater infrastructure on both Lot 1 DP 875804 and Lot 2 DP 817692, and
- (b) Stage 1 works comprising a residential subdivision of 380 lots broken into 7 sub-stages, including construction of internal roads and dedication and embellishment of the environmental corridor on part of Lot 1 DP 875804, and stormwater infrastructure for this stage on Lot 2 DP817692.

Stage 1 works will also include (with the required approvals under the Roads Act 1993) the upgrade of Pleasure Point Road and its intersection with Heathcote Road and construction of new pedestrian and cycle connections within and adjoining the development.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

PANEL CONSIDERATION AND DECISION

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

Development application

Following the public meeting convened on 1 December 2025 the Panel deferred final determination of the development application for the reasons noted in the published resolution of 8 December 2025. The Panel then noted that the 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.

The Panel has completed its investigation of that issue (including liaison with TfNSW which has been conducting work in the area aimed at protecting koalas and facilitating their movement corridors), and has conferred further with both Council and the Applicant in relation to the VPA, the conditions of consent, and issues of staging, vegetation management and setbacks.

With the benefit of that further review and additional information supplied by the Applicant, the Panel is now unanimously of the opinion that the DA ought to be approved pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*, having regard to all matters arising under s 4.15.

REASONS FOR THE DECISION

S 4.15 Assessment

The Panel determined that the DA should be approved generally for the reasons outlined in Council's assessment report dated 21 November 2025 read together with the addendum to that assessment report dated 12 March 2026; but as supplemented (or qualified) by the discussion below.

In particular, the Panel concluded that:

- a) The integrated approval authorities have given their general terms of approval for the development under the *Fisheries Management Act 1994*, *Water Management Act 2000*, *Rural Fires Act 1997* and *National Parks and Wildlife Act 1974*, which have been incorporated into the conditions of consent
- b) The development is consistent with the provisions of the relevant environmental planning instruments, including *State Environmental Planning Policy (Resilience and Hazards) 2021*, *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, *State Environmental Planning Policy (Transport and Infrastructure) 2021* and the *Liverpool Local Environmental Plan 2008*
- c) The development complies with the relevant provisions of the *Liverpool Development Control Plan 2008*, with the Panel accepting it is sufficient for the detailed flood mitigation strategy for Stage 2 of the development to be provided in subsequent DAs for the development of this part of the site
- d) Although it is contaminated, based on the contents of Detailed Site Investigation and Remediation Action Plan Ref. CH1530-D250045, the Panel is convinced that the site can be remediated and made suitable for the development; and the conditions of consent require this to be done prior to construction. Proposed condition 22 anticipates further contamination reporting and a likely Remedial Action Plan to be the subject of a later development application.
- e) The development subject to appropriate conditions of consent will not have any unacceptable impacts on the classified road network or the public rail network
- f) The development will bestow a public benefit with positive ecological outcomes for affected flora and fauna with the Applicant's proposal first to upgrade the riparian corridor through the centre of the site, and second to deliver a 50 metre wide area of public domain along the Georges River. Notably the original DA proposal included a narrower strip of dedicated land along the foreshore, but that strip is proposed to be widened through amendments to some of the residential lots in Stages 8 and 9 of the development. The design of the waterfront embellishment is to be planned to connect with pedestrian connectivity under the rail line towards Voyager Point. As such the proposed development adequately addresses the relevant matters raised in clause 7.6 of Liverpool LEP having regard to the objectives of that clause.
- g) The development will make a significant contribution to housing delivery in the region and enhance the public domain along the Georges River, consistent with the strategic planning objectives for the area.
- h) The Panel is satisfied that the impacts of the proposed development on the areas of "Highly Suitable Koala Habitat" identified by the Applicant's project ecologist as being contained within the site and the anticipated effects of the development on the surrounding koala population will be acceptable. The Panel has reached that conclusion taking into account the Koala Assessment Report for the development and other reporting, taking into account the 5 key principles listed within the 'Koala SEPP 2021 Factsheet – Development Applications' published by the Department. As such the proposal adequately satisfies the matters raised by *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (BC SEPP) including *Chapter 4 'Koala habitat protection 2021'*.
- i) The relevant infrastructure contributions are proposed to be paid.

- j) The remaining impacts of the development are acceptable and can be suitably controlled by the conditions of consent.
- k) For those reasons and having regard to the discussion of the ecological impacts and benefits of the development below, the development is in the public interest.

Assessment of impacts on koalas under State Environmental Planning Policy (Biodiversity and Conservation) 2021

An issue which was given particular attention in the assessment of the DA is the potential impacts on ecology within the DA site and paths of movement of koalas through the surrounding area, noting that Chapter 4 of the BC SEPP applies to the land which includes provisions directed to koala habitat protection.

Section 4.9 of the BC SEPP will therefore apply as there is no approved Comprehensive Koala Plan of Management applying to the land and the site exceeds 1 hectare in area. As a result, the Panel when determining the DA in the place of Liverpool Council must assess “*whether the development is likely to have any impact on koalas or koala habitat*”.

Having regard to the discussion below, the Panel is not satisfied that the proposed development will “*have low or no impact on koalas or koala habitat*”. That is because the DA material acknowledges that albeit in a degraded condition, there are areas on the subject site containing trees belonging to the koala use tree species listed in Schedule 3 of the BC SEPP for the relevant koala management area and vegetation, which therefore meet the description of core koala habitat (See clause 4.9(5)). Accordingly, the Panel “*must, in deciding whether to grant consent to the development application, take into account a ‘koala assessment report’ for the development*” (Clause 4.9(4)).

It is reported that approx. 6.12ha of disturbed native vegetation occurs within the Study Area, of which 4ha is impacted by the proposal. The land contains feed trees that are used by koalas, and koalas have been detected within 1km of the subject land (less than the 2.5km threshold used in the BC SEPP), including those sadly showing up through vehicle strikes along Heathcote Road where fencing work is presently being conducted by TfNSW as part of the Heathcote Road upgrade. The Applicant’s material confirms its acceptance that the site meets the definition of ‘Highly Suitable Koala Habitat’ for the purposes of Section 4.2 of the BC SEPP 2021. The most abundant species identified by the Applicant’s ecologist on site as relevant to koala habitat is *Eucalyptus sclerophylla*, but the Applicant’s ecologist reports there were also other canopy species listed under the Central Coast koala management area include *Corymbia gummifera*, *E. crebra*, *E. punctata*, *E. piperita*, *E. resinifera*, *E. baueriana*, *E. moluccana*, *Casuarina glauca*, *Angophora bakeri* and *A. floribunda*.

River-flat Eucalypt Forest on Coastal Floodplains present on the site is a State and federally listed threatened ecological community. A number of threatened fauna are identified in the BDAR as being present or likely to be present on the site. The Panel is satisfied that the BDAR properly accounts for impacts on the vegetation types associated with those species.

In support of the DA, the Applicant has provided material to supplement the BDAR and flora and fauna assessment considered in the Council’s reporting to the public meeting. The supplementary material was included with a letter dated 6 February 2026 responding to Council’s Request for Information (RFI) dated 22 January 2026 and issues raised in a subsequent meeting with Council officers held on 28 January 2026, including “Koala Assessment Letter - Rev02” dated 4 February 2026.

Contained within that material is a section headed ‘koala assessment report’ intended to supply the assessment required by the BC SEPP. It advises that no koalas have been identified on site which is not unexpected given that the site is now surrounded by fencing topped with barbed wire preventing koalas accessing the ‘Highly Suitable Koala Habitat’ identified by the Applicant’s ecologist.

The letter containing the Koala Assessment Report as most recently amended also advises that:

“... the site provides marginal foraging habitat and limited ecological connectivity owing to its existing fragmented nature. ... Vegetation of greater quality and connectivity occurs outside of the site and it is not likely that Koala would preferentially utilise the site to any significant degree in its current state. Core Koala habitat identified within the site exists in predominately degraded to

moderate condition with a small area of good condition vegetation at the central northern portion of the site.

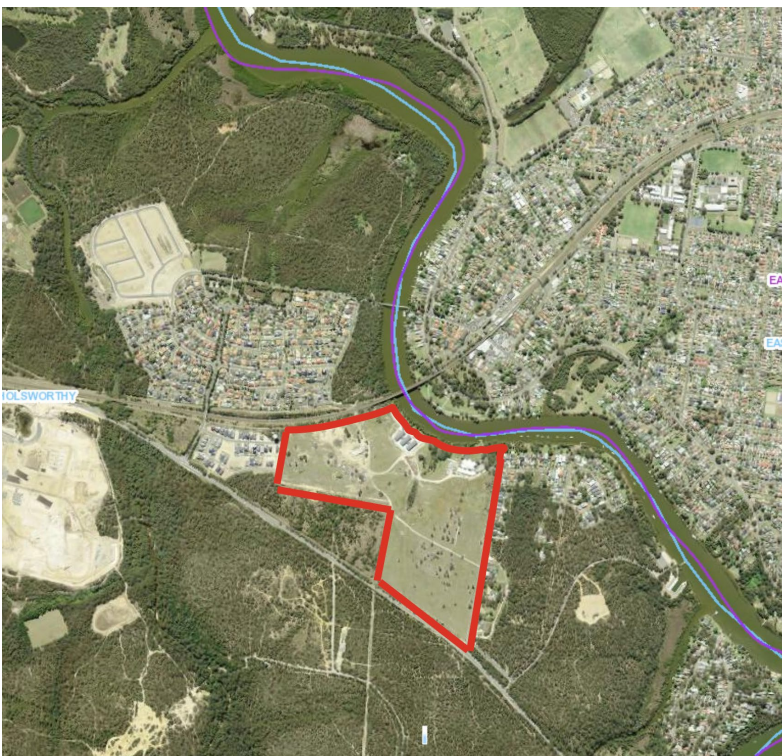
Development of the site and enhancement of retained vegetation through implementation of a VMP is considered to benefit Koala by providing potential access to previously restricted lands via the removal of fencing and increasing the potential foraging resource in the longer term.”

Despite the technical categorisation of the site as ‘Highly Suitable Koala Habitat’, the Panel accepts that advice.

A “Koala Assessment Report” prepared by the Applicant’s ecologist includes and is accompanied by material which together describe the measures to be included in the DA works to avoid impacts on the koala population arising from the development.

Based on that material and the matters discussed below, the Panel is ultimately satisfied that with the imposition of suitable conditions and adherence to the proposed vegetation management plan, the ecological impact of the proposal on the nearby koala population will be sufficiently managed.

A matter particularly taken into account by the Panel was the potential of the site to affect the movements of koalas around the northern extent of the major expanse of bushland extending from the Royal National Park to the south up to the Georges River. The location of the site marked on the aerial photograph below shows the areas of bushland first to the south and east of the site, but also to the northern side of the train line including the Voyager Point Wetland. The Panel understands that in the interests of maximising the available habitat for the relevant koala population it is desirable that to the extent possible there be methods of migration between those two areas. The Panel also understands there has been a historical movement of koalas north to the river front where there remain some significant foraging trees. When considering that situation, the Panel notes that the subject site has been cleared of substantial connected areas of vegetation for many years and is currently fenced. The Panel is also informed that passage under the rail bridge adjacent to the River is currently fenced in a way that would prevent koalas moving along the Georges River frontage.



It was reported to the Panel at its briefings and at the public meeting that there were current works being carried out by TfNSW to address both the incidence of koala strikes along Heathcote Road and also through the installation of koala underpasses.

The Panel has investigated those works and has been informed by TfNSW that they include koala exclusion fencing installed to the west of the site along Heathcote Road. In addition to that fencing infrastructure to facilitate koala connectivity under Heathcote Road at Williams Creek has been funded as part of the

recently completed Heathcote Road Upgrade discussed by the [Heathcote Road Review of Environmental Factors](#). The approximate extent of the fencing is shown by the red line over the image below and the connectivity works are marked with yellow arrows. This work is to the immediate north-west of the DA site.



Koala exclusion fencing is also being installed north and south of Deadman's Creek Bridge further south-east along Heathcote road near the entry to Sandy Point (see [Koala Protection on Heathcote Road around Deadmans Creek / Transport for NSW](#)). Those works to the south east were intended to assist with the movement of koalas into the bushland to the east of the site.

It was important to the Panel that approval of this DA did not interrupt or undermine the koala movements facilitated by those works.

The Panel is advised by TfNSW that fencing carried out for security purposes such as under the rail bridge need not be a barrier to koala movements. This is a still from a video provided by TfNSW of a koala using the koala passages in Defence security fencing opposite Deadman's creek. It seems to the Panel therefore that passage of koalas under the Bridge at the River could potentially be facilitated whether or not the security fencing is removed.



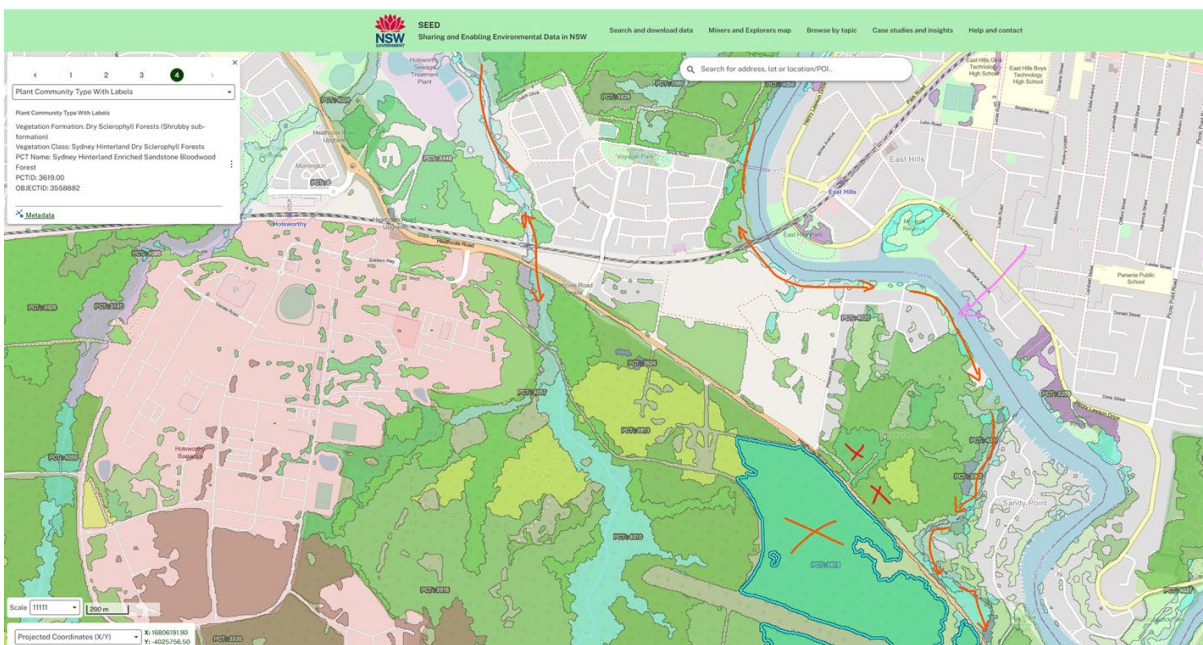
The Applicant's position contained in the material supplied in February by the Applicant's ecologist is shown in this image below.



Plate 1: Koala Connectivity

The Panel questioned whether the paths of koala connectivity shown in that image were realistic. For example, the path shown along Pleasure Point would require a koala to move 782 metres down a residential street with housing on both sides. Even with street planting, that does not seem to be a long term migration pathway with any chance of persisting. It was for that reason that the Panel conducted its own inquiries through TfNSW.

An assessment of likely paths of koala connectivity depicted with red arrows in the sketch overlay below was provided by TfNSW, noting that assessment is informed by an evaluation of the vegetation types as mapped.



That assessment predicts movement of koalas to the River north from the Deadman's Creek crossing of Heathcote Road. It is generally consistent with the advice of the Council that *"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"*. There is some limited potential for movement along the Riverfront, potentially to be improved and further planted over time.

An additional corridor along the south side of Heathcote Road is directed to a crossing of the road and the railway facilitated by the TfNSW underpass works at Williams Creek to the west.

The Panel understands that north south movements closer to the site are unlikely because the dry sclerophyll forest on both sides of Heathcote Road at that location (marked with red 'X's) is unlikely to attract koalas.

In that way some potential connectivity to and along the River will remain. The Panel observes that the proposal includes a substantial setback from the River which is consistent with a potential for movements of koala and other fauna (with narrower sections of the setback widened by the Applicant at the Panel's request since the public meeting). The riparian corridor is also proposed to be upgraded so as to encourage that area as habitat and encouraging of fauna movement.

The Panel would be pleased to see TfNSW consider whether measures are available to allow any koalas that do make it along the River to move under the rail bridge at the River, but that can be considered separately from this DA.

Taking all of those matters into account, the Panel has concluded that with the measures proposed in the DA, the offsetting proposed by the BDAR, and measures to be required by the conditions, the ecological impact of the proposal and the potential impacts on threatened and endangered species is expected to be properly managed in accordance with the requirements of the Biodiversity Conservation Act 2016, the BC SEPP and Council's LEP. The Panel is satisfied that strategies are included in the DA and the design of the riparian corridor to ensure impacts on adjoining natural waterbodies are minimised and consistent with the neutral or beneficial effect standard.

That accords with Council's assessment.

CONDITIONS

Further work on the conditions has been completed since the public meeting on 1 December 2025 to address the delivery and dedication of areas for public open space and recreation, which will contribute to an appropriate amenity and outlook for Pleasure Point.

A revised VPA letter of offer (the most recent amendment of which is dated 3 June 2026) has been supplied which is clearer as to the ecological measures relied upon by the project ecologist and Council for their conclusions. These measures will be delivered during the development so as to achieve the objective of providing an increase in overall aquatic and riparian habitat within the site as well as providing surface water connectivity between the existing central hydroline and the Georges River. The Panel relies upon advice from the Council's Principal Panel that (other than the changes made to address the Panel's comments during the assessment) Council was satisfied that the VPA was acceptable.

On that basis the Panel approves the DA, subject to the latest draft of the conditions of consent dated 15 May 2026 being imposed, and understands that the conditions have been reviewed and agreed to by the Applicant excepting:

- (a) The numbering is to be checked (there are presently two conditions numbered 23).
- (b) References to the VPA in the conditions are to be updated to refer to the 3 June 2026 draft (Condition 2 presently refers to the 21 August 2025 draft).
- (c) Condition 10 is to be incorporated into what is now the second condition numbered 23 (for clarity).
- (d) Condition 11 is to be updated to require the physical sewerage connection anticipated by the condition to be available to any lot before a subdivision certificate creating that lot issues (no time for compliance is presently stated).

- (e) Condition 12 is to be updated by adding a requirement that a detailed proposal for the landscaping and public domain works anticipated by the clause and the timing of their delivery is to be approved by Liverpool Council prior to the issue of a subdivision certificate for any part of the development, in line with the VPA letter of offer.
Reason: This requirement is in addition to the requirements of the clause proposed by the Council. It is to be included to ensure this matter is not deferred before any part of the development is sold off.
- (f) Condition 18(1) is to be supplemented at the end by the words – *“Provision for compliance with relevant requirements of this Condition 18(1) are to be included in the documents submitted for a construction certificate or subdivision works certificate for each part of the approved development and any subsequent development consent for individual stages of the development approved in concept.”*
- (g) Condition 161 is to be updated to provide that:
“S 7.11 contributions for the development are to be paid for each respective part of the development in accordance with the applicable contributions plan prior to the issue of a subdivision certificate for that part of the development except only where the executed voluntary planning agreement (VPA) allows for a reduction or waiver of those contributions.”

Reason: There is presently a conflict between proposed Condition 161 which provides for the payment of s 7.11 developer contributions and the VPA letter of offer of 15 May 2026 which proposes that “the VPA will exclude the application of section 7.11 of the Environmental Planning and Assessment Act 1979”.

CONSIDERATION OF COMMUNITY VIEWS

Council exhibited the DA between 30 October and 27 November 2024 and received 32 submissions.

These submissions raised concerns about:

- Traffic and access, mainly associated with the increased traffic on Pleasure Point Road and the proposed upgrade of the Pleasure Point Road/Heathcote Road intersection
- The provision of infrastructure to support the development, including pedestrian footpaths and cycleways along the Georges River foreshore
- Biodiversity, including the potential impacts of the development on the riparian corridor and coast wetlands along the Georges River and on the core koala habitat on site and the local koala population in the vicinity of the site.

At the public meeting on the DA on 1 December 2025, the Panel heard further submissions about the development from two members of the community.

Ms Stephanie Carrick, who was representing the Sydney Basin Koala Group and Total Environment Centre, Indicated that there is an important population of koalas in the vicinity of the site that is at significant risk from existing and future development in the area and from the traffic on Heathcote Road.

Although the site is now largely cleared, she noted that the site is still mapped as key koala habitat and could play a significant role in the conservation of the local koala population, principally by facilitating the movement of koalas along the Georges River riparian corridor between the remnant vegetation to the south west of the site and the remnant vegetation to the north east of the site on the other side of the railway line.

Given the importance of the area for koalas, she said there should be a strategic koala plan of management to co-ordinate the conservation actions of developers and public authorities, including Transport NSW, to ensure the long term conservation of koala. However, to date she said there is no such plan.

In the absence of such a plan, the Panel should be guided by the NSW Chief Scientist’s recommendations on protecting koala populations, including habitat protection, corridor connectivity and threat mitigation. In particular, she highlighted the recommendations saying that koala corridors should be between 390-420 metres wide, or at least 250 metres wide.

Ms Carrick noted that the proposed corridor along the Georges River on site would only be 50 metres wide, which is well below the recommended width, and should be widened.

She also noted that the Applicant had not submitted a Koala Management Plan with the DA, and so it was uncertain what measures would be implemented to protect and enhance the existing habitat on the site and to minimise the threats of the development on koalas. She said the Applicant should be required to prepare such plan prior to the determination of the DA so it was clear to the community exactly what conservation actions will be carried out during the development.

Ms Carrick was also critical of the proposed staging of the development and pointed out that most of the conservation works along the Georges River are only scheduled to occur in Stages 8 and 9 towards the end of the development.

At a minimum, she said these works should be brought forward to enhance the riparian corridor as soon as possible.

The other community submission was from Mr Alex Sanchez. He raised concerns about the 3Ts (traffic, transport and timing). He said further work should be carried out to improve the design of the development and ensure the relevant infrastructure is provided in a timely way, including the proposed upgrade of Pleasure Point Road.

The Panel considers that the concerns raised by the community have been adequately addressed in this report (and particularly the further investigation of the issue of koala movements) as well as Council's assessment report and addendum to the assessment report.

PANEL MEMBERS	
Justin Doyle (Chair) 	Louise Camenzuli 
David Kitto 	Stuart Mangleson 
Anthony Krilich 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-491 – Liverpool – DA-441/2024
2	PROPOSED DEVELOPMENT	Concept development application for a residential housing project including associated civil works broken into 9 substages proposing: (a) the general arrangement of roads, identification of land for public open space, environmental corridors, and stormwater infrastructure on both Lot 1 DP 875804 and Lot 2 DP 817692, and (b) Stage 1 works comprising a residential subdivision of 380 lots broken into 7 sub-stages, including construction of internal roads and dedication and embellishment of the environmental corridor on part of Lot 1 DP 875804, and stormwater infrastructure for this stage on Lot 2 DP817692. Stage 1 works will also include (with the required approvals under the Roads Act 1993) the upgrade of Pleasure Point Road and its intersection with Heathcote Road and construction of new pedestrian and cycle connections within and adjoining the development.
3	STREET ADDRESS	Heathcote Road, Pleasure Point
4	APPLICANT/OWNER	Applicant: Sera Developments/Hodge Developments Pty Ltd Owner: Pedlove Pty Ltd/Ficorp Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ 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 • Draft environmental planning instruments: Nil • Development control plans: ○ Liverpool Development Control Plan 2008 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development

7	MATERIAL CONSIDERED BY THE PANEL	• Council assessment report: 20 November 2025 • Council addendum report received: 28 November 2025 • Written submissions during public exhibition: 32 • Additional material referred to in this report • Verbal submissions at the public meeting: ○ Stephanie Carrick, Alex Sanchez ○ Council assessment officer – Nabil Alaeddine, Emily Lawson ○ On behalf of the applicant – Daniel Seraglio, Peter Lawrence, Ben Jones, Don Hodge, Ben Miles • Total number of unique submissions received by way of objection: 32 • VPA letter of offer dated 3 June 2026 • Communications exchanged with TfNSW as outlined in this report
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing: 17 February 2025 ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Ned Mannoun, Peter Harle ○ <u>Council assessment staff</u>: Nabil Alaeddine ○ <u>Applicant representatives</u>: Daniel Seraglio, Peter Lawrence • Briefing: 23 June 2025 ○ <u>Panel members</u>: David Kitto (Chair), Louise Camenzuli, Ned Mannoun, Peter Ristevski ○ <u>Council assessment staff</u>: Nabil Alaeddine ○ <u>Applicant representatives</u>: Daniel Seraglio, Peter Lawrence • Final briefing to discuss council's recommendation: 1 December 2025 ○ <u>Panel members</u>: Justin Doyle (Chair), Natasha Harras, David Kitto, Stuart Mangleson, Anthony Krilich ○ <u>Council assessment staff</u>: Emily Lawson, Nabil Alaeddine
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report