

# Edmondson Park

## Section 4.55 Modification Planning Statement

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## Contents

1	Introduction .....	3
1.1	Edmondson Park South.....	3
1.2	Stakeholder Engagement.....	3
2	Site Information .....	4
3	Existing Development Consent (DA 83/2023) .....	6
4	Proposed Modification.....	7
5	Assessment.....	9
5.1	Section 4.55 (1A) Assessment.....	9
5.2	Section 4.15 Assessment.....	9
6	Conclusion.....	11

## List of Figures

1 - Site Location.....	4
2 - Site Plan.....	5

## 1 Introduction

This Modification Report has been prepared by Landcom (**the Applicant**) to accompany a Section 4.55 application to modify Development Consent DA 83/2023 which relates to subdivision of lots within Precinct 3 of Edmondson Park South.

### 1.1 Edmondson Park South

The Edmondson Park South Concept Plan (MP 10\_0118), initially approved in August 2011 under the former Part 3A of the EP&A Act, provides for a new diverse and sustainable urban community covering an area of 605.4 hectares. Once complete, Edmondson Park South is expected to accommodate a mix of land uses, a diversity of housing, a new town centre incorporating retail, business and commercial floor space with employment opportunities, multi-purpose community and education facilities, a new 150-hectare regional park, several other local parks, and environmental conservation areas.

The Concept Plan has been modified several times to date. Since the Concept Plan's approval, staged development applications have also been determined and constructed, with Edmondson Park South now comprising a growing local centre with shops and supporting community services, residential dwellings and open space and public domain.

The approved Concept Plan establishes certain parameters which form relevant considerations to future development applications and modifications. MP10\_0118 MOD 5 (**Concept Plan Mod 5**) is the most recently approved modification application, which included amendments to the approved Concept Plan comprising increased residential yields and heights in Landcom's Town Centre North, a reduction in the proposed school site area, modifications to the road network and hierarchy, reduction in bushfire asset protection zones (APZ's) in select locations, and introduction of design guidelines and a public domain plan for future development proposals.

The principal planning instrument applying to Edmondson Park South is the State Environmental Planning Policy (Precincts - Western Parkland City) 2021. Detailed built form controls are prescribed in the Edmondson Park South Development Control Plan 2012 (**EPS DCP 2012**).

### 1.2 Stakeholder Engagement

The Applicant has monthly meetings with Liverpool City Council (Council) attended by Council's planning and development contributions teams at which Precinct 3 and the Planning Agreement are standing agenda items. To date, Council officers have not express any concerns with the proposed removal of Condition 12, Condition 132 and Condition 133.

## 2 Site Information

Precinct 3 is located in the Liverpool City Local Government Area. It is situated in the western portion of Edmondson Park South, which is identified in the Western City District Plan as a Local Centre in recognition of its proximity to the Southwest Rail Line and the Edmondson Park Railway Station. Edmondson Park South borders the motorway intersection of the M31, M5 and M7 with Camden Valley Way, providing excellent road access to a large extent of the Greater Sydney Metropolitan Area.

Precinct 3 has an area of 10.3 hectares. It is legally identified as Lots 2, 3 and 5 in DP 1272931 (Figure 1) and is bordered by MacDonald Road to the east, Campbelltown Road to the south, Zouch Road to the west and the National Parks reservation land to the north. A Site Plan is provided at Figure 2.

Edmondson Park South is home to the Darug, Dharawal and Gundungurra Aboriginal language groups. In the early years of settlement, parts of the Cumberland Plain were turned into pastoral holdings. By 2005, the South West Priority Growth Area was established by the NSW Government to plan for urban expansion on Sydney's fringes. Edmondson Park South was the first precinct to be planned and constructed as part of this area, with the suburb rezoned for development in May 2008.

Precinct 3 is presently owned by Landcom.

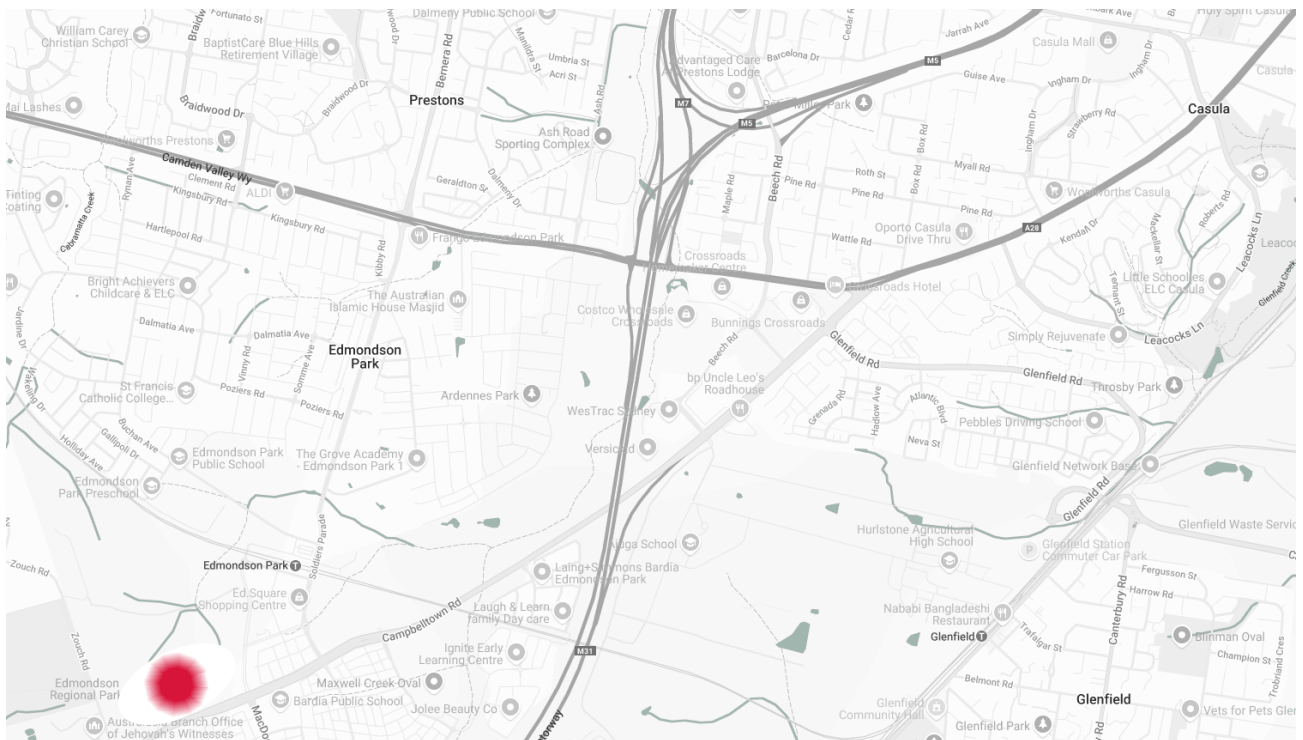


Figure 1: Site Location



Figure 2: Site Plan

### **3 Existing Development Consent (DA 83/2023)**

DA 83/2023 was approved by the Sydney Western City Planning Panel on 25 November 2024.

The approved development comprises subdivision of Lots 2, 3 and 5 of DP1272931 into one-hundred and fifty-eight (158) residential lots, eight (8) super lots for future medium density subdivision, two (2) lots for open space, two (2) drainage lots, one (1) residue lot for C1 zoned land and associated open space works, road works, drainage, stormwater infrastructure, services and remediation.

The consent is subject to conditions which include:

#### **Development Contributions / VPAs prior to issue of a subdivision works certificate**

12. Prior to the issue of a subdivision works certificate, the applicant is to consult with Council regarding development contributions and/ or provide an offer to enter into a Voluntary Planning Agreement regarding the proposed subdivision works as well as the pocket park, in accordance with the Part 3A Concept Plan approval for Landcom, under the provisions of Part C of Schedule 2, Condition 1.8 "Development Contributions" under MP10\_0118, which requires an offer to enter into a Voluntary Planning Agreement.

#### **Development Contributions / VPAs prior to issue of the subdivision certificate**

132. Prior to the issue of the first Subdivision Certificate for the development, the Applicant must enter into a Voluntary Planning Agreement with the Council generally in accordance with the terms of the Applicant's Letter of Offer dated 9 July 2024.

133. The Voluntary Planning Agreement required by Condition 132 is to commit the Applicant to development of the pocket park, including public art, within 12 months of the issuing of the Subdivision Certificate that creates the open space.

Modification DA 83/2023/A was approved on 18 June 2025 to change the application in the following ways

- Increase the minimum lot width from 8m to 9m
- Removing 11 lots across the precinct
- Remove all battle axe lots
- Introduce a rear access laneway connecting Sarbi Circuit to service lots fronting Pedro Crescent and Caesar Boulevard
- Amend landscaping design including street trees across the subdivision
- Amend building envelope plans where required, and
- Amend lot numbering across the site.

Modification DA 83/2023/A did not alter the above-mentioned consent conditions relating to the planning agreement.

## 4 Proposed Modification

The proposed modification to the Precinct 3 development consent seeks to remove Condition 12, Condition 132 and Condition 133 to resolve duplication and inconsistencies between these conditions and condition 1.8B of Concept Plan Mod 5.

Condition 12, Condition 132 and Condition 133 set out requirements relating to the negotiation of a planning agreement and reference the provisions of Part C of Schedule 2, Condition 1.8 “Development Contributions” under MP10\_0118 as well as Landcom’s Letter of Offer dated 9 July 2024.

Condition 1.8B of Concept Plan Mod 5 sets out the local contribution requirements for the Landcom Town Centre North precinct, including a requirement for Landcom to enter into a planning agreement in accordance with the terms of Landcom’s Letter of Offer dated 9 July 2024.

While the Precinct 3 development consent conditions and Condition 1.8B of Concept Plan Mod 5 both refer to Landcom’s Letter of Offer dated 9 July 2024, they are inconsistent with respect to the timing for entering into the planning agreement. Condition 1.8B of Concept Plan Mod 5 also specifies a process to be followed in the event that a planning agreement between Landcom, Council and the Minister for Planning within 12 months of the date of determination. Further, it establishes provisions for payment of monetary contributions prior to the execution of a planning agreement.

On this basis, it is proposed to amend Precinct 3 development consent as follows:

### **Development Contributions / VPAs prior to issue of a subdivision works certificate**

~~12. Prior to the issue of a subdivision works certificate, the applicant is to consult with Council regarding development contributions and/ or provide an offer to enter into a Voluntary Planning Agreement regarding the proposed subdivision works as well as the pocket park, in accordance with the Part 3A Concept Plan approval for Landcom, under the provisions of Part C of Schedule 2, Condition 1.8 “Development Contributions” under MP10\_0118, which requires an offer to enter into a Voluntary Planning Agreement.~~

Condition 12 was discharged on 1 August 2025 following the receipt of the subdivision works certificate. Furthermore, Council accepted Landcom’s letter of offer to enter into a planning agreement.

### **Development Contributions / VPAs prior to issue of the subdivision certificate**

~~132. Prior to the issue of the first Subdivision Certificate for the development, the Applicant must enter into a Voluntary Planning Agreement with the Council generally in accordance with the terms of the Applicant’s Letter of Offer dated 9 July 2024.~~

~~133. The Voluntary Planning Agreement required by Condition 132 is to commit the Applicant to development of the pocket park, including public art, within 12 months of the issuing of the Subdivision Certificate that creates the open space.~~

## 5 Assessment

### 5.1 Section 4.55 (1A) Assessment

Section 4.55 establishes the power to ‘modify’ a consent. Section 4.55(1A) of the EP&A Act provides that a consent authority may modify the consent if:

- (a) It is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) It has notified the application in accordance with –*
  - (i) The regulations, if the regulations so require, or*
  - (ii) A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Having regard to the above and the reasons outlined below, the proposed modifications are considered to constitute a Section 4.55(1A) modification as:

- the approved uses remain unchanged and therefore the development’s impacts will be consistent with those already assessed, deemed acceptable and approved.; and
- the development is substantially the same development as the development for which DA 83/2023 consent was granted and as modified by DA 83/2023/A.

The application will be notified in accordance with the EP&A Regulation 2021 and the Liverpool Development Control Plan 2008. The assessment of the application will also take into consideration any submissions received by Council.

### 5.2 Section 4.15 Assessment

This section reviews the planning considerations under Section 4.15 of the EP&A Act relevant to the proposed modification including planning instruments and controls, environmental impacts, social and economic effects, site suitability and the public interest. It demonstrates the proposed modification has minimal environmental impact.

The Modification Application does not alter the approved development’s consistency with the applicable provisions of relevant environmental planning instruments as the approved uses remain unchanged.

The Modification Application would remove duplication between the consent and condition 1.8B of Concept Plan Mod 5. It would also remove inconsistencies in timing and process for negotiation of planning agreement and payment of development contributions between the consent and condition 1.8B of Concept Plan Mod 5. No changes are proposed that would result in an inconsistency with the approved, and subsequently modified, Concept Plan for Edmondson Park South.

Condition 1.8B of Concept Plan Mod 5 requires the Applicant to enter into a planning agreement consistent with Landcom 's Applicant's Letter of Offer dated 9 July 2024. As detailed in the Letter of Offer, the planning agreement will secure environmental works, open space, recreational facilities, traffic management infrastructure and stormwater management infrastructure that will provide social and environmental benefits and mitigate environmental impacts attributed to DA 83/2023.

The Modification Application does not alter the approved development's consistency with the provisions of any application Development Control Plan. EPS DCP 2012 applies to Precinct 3 and was comprehensively addressed during the assessment of DA 83/2023. That assessment demonstrates full compliance with the provisions of the EPS DCP 2012.

## **6 Conclusion**

The proposed modification to DA 83/20203 seeks to remove Condition 12, Condition 132 and Condition 133 to resolve duplication and inconsistencies between these conditions and condition 1.8B of **Concept Plan Mod 5**.

The proposed modification is of minimal environmental impact and remains substantially the same development for which DA 83/20203 was granted and subsequently modified. On this basis, it is considered the consent authority may modify the consent in accordance with section 4.55(1A) of the EP&A Act.