

Thomas Wilson  
Department of Planning, Housing and Infrastructure  
Locked Bag 5022  
**Parramatta NSW 2124**

**Sent via portal**

**Re: Request for Council's Advice on SSD-77211717 – Edmondson Park Block 24  
Affordable Housing**

Dear Thomas,

Liverpool City Council was invited to provide comments on the Planning Secretary's Environmental Impact Statement at the above location.

Attachment A of this letter provides detailed comments on the proposal.

Should you require further information or clarification, please feel free to be in contact.

Yours sincerely,



**Tony Hadchiti**  
Planning Delivery

## Attachment A – Detailed comments

### 1. Strategic Planning

#### Consistency with Strategic Documents (EIS)

- Section 2.2 (p33) outlines the consistency of the development proposal with the relevant strategic planning policies.
- It is noted Edmondson Park is not specifically referenced in the Greater Sydney Region Plan, however the Section 2.2.1 (p33-34) of the EIS sufficiently demonstrates consistency with the various objectives of the Plan.
- Section 2.2.2 (p35-36) sufficiently demonstrates consistency with planning priorities W3, W4, W5 and W7 outlined in the District Plan (WCDP 2018) which relate to providing housing supply, choice and affordability with access to jobs, services and public transport.
- Section 2.2.3 (p36.37) sufficiently demonstrates consistency with Planning Priority 1, 3, 6,7 and 9 of the Liverpool Local Strategic Planning Statement (LSPS).
- Section 2.2.5 (p37) sufficiently demonstrates consistency with the Liverpool Local Housing Strategy (2020) in relation to the priorities and actions to deliver suitable and diverse housing in the right locations to meet the needs of the broader Liverpool community.

#### Accordance with Development Standards

##### *Zoning & Permissibility*

Table 8 (p55) of the EIS provides an overview of the statutory requirements applicable to the proposed development. It is noted that development consent is sought under Division 4.7 of the EP&A Act 1979 and Schedule 1, Section 26 of the Planning Systems SEPP 2021. The subject site is zoned B4 Mixed Use under the Western Parkland City SEPP 2021 (WPC SEPP 2021). The proposed development is permissible with consent.

##### *Height of Building (HOB)*

The subject site has a maximum HOB of 24 metres according to the WPC SEPP 2021. Section 18 of Annexure B states that the proposed development is 26.2m and 32.71m for the lift overrun), and notes that this exceeds the maximum HOB. The applicant has provided justification that the approved modified concept plan (MOD 5) has increased the building height to 50 metres, and that this prevails over the 24-metre HOB control prescribed by the WPC SEPP 2021. The applicant also notes that the WPC SEPP will be updated to ensure consistency with MOD 5 and the statutory instrument. This justification is found to be sufficient upon reviewing of the Minister's Approval for the MOD 5 (p6) (055399.2025).

##### *Floor Space Ratio (FSR) & Gross Floor Area (GFA)*

The subject site has a maximum FSR of 2:1 control. Section 18 of Annexure B notes that the proposed development would likely be exceeded and that FSR has not been calculated. It is noted the proposed development includes 4,564sqm of GFA which the applicant also upholds is within the maximum allowable GFA for Quadrant 3 of the Station Precinct (47,807sqm). Strategic Planning requests that the EIS is amended to demonstrate that Quadrant 3 will comply with the Minister's Approval **MP 10\_0118 MOD 5: modifications to the Edmondson Park South Concept Plan Town Centre North Precinct**. In this regard, the EIS must identify all development approved within Quadrant 3 and the extent of approved GFA within this quadrant.

## **Additional Matters**

### *Apartment Mix*

Section 3.4.4 of the EIS indicates the proposed apartment mix as follows and maintains it has been informed by consultation with community housing providers (CHPs).

- 1 bedroom: 27 (47%)
- 2 bedroom: 24 (41%)
- 3 bedroom: 7 (12%)

It is noted that Dwelling Mix controls in the *Liverpool Development Control Plan* (LDCP 2008) apply to R4 zoned land and land in the Liverpool City Centre (Part 4), however it is strongly recommended that the proposed apartment mix is revisited to ensure additional 3-bedroom apartments are included (up to 20%).

## **2. City Design and Public Domain (CDPD)**

### **Public Domain Plan**

It is noted that DA-1098/2022 proposed a 1.5m wide footpath along the eastern side of Soldiers Parade (TRIM 357149.2022). However, Condition No. 17 of the DA-1098/2022 (TRIM 157607.2024) requires this to be upgraded to a 2.5m wide shared path. In response, the submitted Architectural Design Report (Annexure J, page 35) indicates a 2.5m wide shared path fronting the proposed development along Soldiers Parade.

The proponent must submit a complete set of Public Domain Plan package for all street frontages to Council's Urban Design team for review and approval by Manager of Development Assessment, regardless of whether the public domain works are to be delivered as part of this development or through other DAs. The intention of this recommendation is to ensure consistency across all relevant DAs and to support a coherent public domain outcome at the precinct scale.

### **A Public Domain Drawings must include but is not limited to the following elements:**

- Proposed street layouts & typical cross sections
- The existing / proposed footpath (width, material etc), across the lot frontage
- All necessary connections for both pedestrians and vehicles (i.e., pavement) between public footpaths & site entries (including material specification and width etc)
- Existing / proposed kerb and gutter embellishment (if required)
- All proposed street tree plantings (minimum 100L pot size)
- Street tree planting details (location, species, spacing, size, and planting details)
- All proposed / retained turf (i.e., verge reinstated to Council specification)
- Proposed driveway layback and crossovers
- All removed driveway layback and crossovers

- Potential treatments for the safe intersection of footpaths & driveways (for pedestrian priority and promoting vehicle calming)
- Location of all existing / proposed utilities and service infrastructure (if any)
- Letter box & street address
- Boundary fencing & layered boundary planting details / sections (if revised)

### **Canopy Cover**

It is acknowledged that the proposed tree canopy cover has been reduced to 15% due to the bushfire requirement.

CDPD has no major concerns regarding this reduction and notes that the proposed 15% canopy cover meet the minimum target outlined in the Council's Tree Management Framework for mixed-use zones.

### **Street Tree Species**

It is noted the proposed street tree species of 'Weeping Lilly Pilly' is different to the species approved under DA-1098/2022 for the eastern side of Soldiers Parade, where 'Urbanite Ash' has been approved for the street trees along the street frontage. Additionally, the 'Urbanite Ash' species have been planted south of the station, contributing to the emerging character of Soldiers Parade.

However, from historical Google Street Views, it is observed that 'Urbanite Ash' has not established well in the area. In contrast, the proposed alternative, 'Weeping Lilly Pilly,' is a native species and is listed as a recommended species in Council's Tree Management Framework.

As such, CDPD has no major concerns with the proposed change to 'Weeping Lilly Pilly' for the street tree species.

CDPD notes that the indicative planting verge of 1.2m shown in the cross-sections of the Architectural Design Report (Annexure J, page 35) is narrower than the verge width illustrated in the Typical Collector Road Section of the Edmondson Park South DCP (Figure 9), and also narrower than the 2m minimum planting width recommended in Council's Tree Management Framework. The proponent must review the street layout design to ensure the verge provides adequate space to support healthy mature tree growth. For planting details, refer to Council's Tree Management Framework as a guidance. At a minimum, a 1.5m wide verge is preferred to support appropriate street tree growth.

## **3. Environmental Health**

To mitigate potential risks to human health and the environment, it is requested that the Department takes the following matters into consideration during their assessment of the proposed development:

## **Contamination**

It is the consent authority's responsibility to ensure that the Applicant provided sufficient information to address Clause 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021* and the Secretary's Environmental Assessment Requirements dated 24<sup>th</sup> October 2024.

## **Acoustic Requirements**

Appropriate conditions shall be imposed in any future consent requiring the acoustic consultant's recommendations to be incorporated into the design, construction and operation of the proposed development. It is requested that conditions of consent require applications for the Construction Certificate and Occupation Certificate to be supported by certification by a suitably qualified acoustic consultant confirming adherence with the approved acoustic report and verifying that the development is capable of meeting the design criteria. Furthermore, any future approval shall require mechanical plant to be selected in consultation with a suitably qualified acoustic consultant prior to the issue of a Construction Certificate.

Potential construction noise and vibration management shall be addressed by a condition of consent requiring a Construction Noise and Vibration Management Plan prepared under the supervision of a suitably qualified acoustic consultant to be submitted to the certifier prior to issue of a Construction Certificate. The Construction Noise and Vibration Management Plan may be incorporated into the Construction Environmental Management Plan for the development.

Note: The 'suitably qualified acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm. The report's cover or title page must confirm the consultant's membership with the Australian Acoustical Society or employment by an Association of Australasian Acoustical Consultants (AAAC) member firm.

## **Regulated Systems**

If proposed, regulated systems such as cooling water systems must be installed at the premises in accordance with the *Public Health Act 2010*, *Public Health Regulation 2022* and AS 3666.

## **Sewage Management**

The proposed development shall be connected to the reticulated sewerage system.

## **4. Flooding**

Based on the submitted documentation, the proposed development is considered satisfactory, subject to compliance with stormwater management requirements. Accordingly, Council requests that the following condition be included in the development consent for this application.

Prior to Issue of Construction Certificate:

Interim on-site water quality treatment facilities must be implemented to ensure that stormwater runoff from the site complies with Council's water quality standards, as outlined in the civil engineering report prepared by Xavier Knight Pty Ltd (Reference: Project Number 240601, Civil Engineering SSDA Report – Lot 303 Croatia Avenue, Edmondson Park, Issue D, dated 2 April 2025). These facilities must be designed using MUSIC modelling software, with performance verified through Council's MUSIC Link tool. The interim water quality treatment measures must remain in place until the construction of Raingardens D13 is completed.

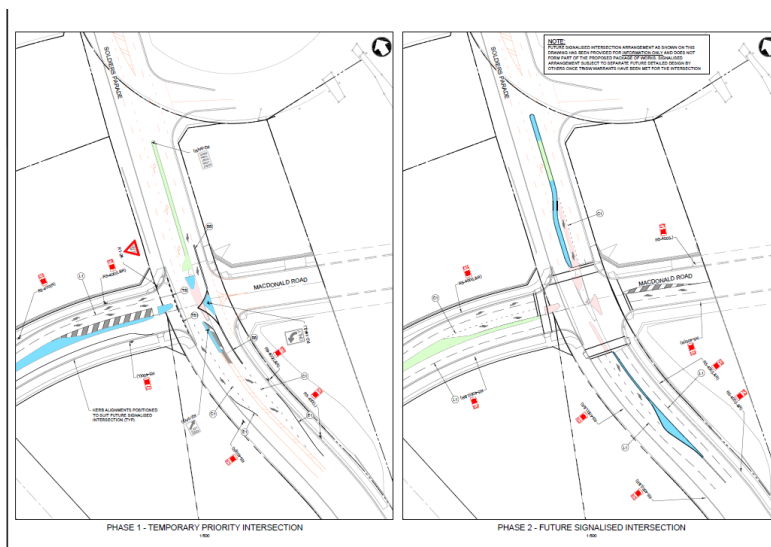
## 5. Traffic

### Road network

The subject site has road frontages along both Soldiers Parade and Macdonald Road. No vehicle access is proposed off Soldiers Parade. A left in and left out vehicular access is proposed on MacDonald Road.

The section of Macdonald Road along the frontage of the subject site is under construction by Landcom. It is noted that the submitted Transport Impact Assessment doesn't assess impacts of the subject development at the intersection of Soldiers Parade and Macdonald Road.

As part of the REF and design package for Maxwells Creek Corridor and Adjoining Land Roads and Drainage, Edmondson Park. Interim and ultimate intersection upgrades of Soldiers Parade and Macdonald Road will be constructed by Landcom as below.



As such, Council requests the following information to be submitted for assessment:

- Timing of delivering these upgrades is to be confirmed by the proponent. The subject development site cannot be occupied until the section of MacDonald Road is complete and open to the public.
- Design of the proposed pedestrian refuge on Solider Parade should be submitted to Council's LTC for endorsement. The design for the subject intersection as part of the REF doesn't contain a pedestrian refuge.

- The proposed signalised intersection of Soldiers Parade/MacDonald Road is to be approved by TfNSW. The endorsed signalised intersection layout is to be overlayed on the site plan to ensure that no building structure or landscaping work will be located with the ultimate intersection footprint.
- Due to the close proximity of the proposed driveway off MacDonald Road to the intersection of Soldiers Parade and MacDonald Road, a central median island is recommended at this section of MacDonald Road and approved as part of the ultimate signal intersection layout.

## **Parking Provision**

Council raises concerns about a shortfall of car parking provision within the subject site. The on-site car parking provision (17 car parking spaces) doesn't comply with HSEPP 2021 and Council's DCP. The proposed 17 car parking spaces include 2 carshare spaces and 6 accessible parking spaces. The parking provision is not sufficient to cater for parking demands of a total of 58 affordable dwellings. The minimum of car parking requirements specified in HSEPP 2021 are based on high public transport usage assumptions. Hence, a minimum of 30 car parking spaces is required by Council in accordance with the HSEPP 2021.

In addition, electric vehicle charging infrastructure should be provided in accordance with Council's DCP and the latest building code.

Should the on-site parking provision be less than the minimum requirements, the proponent is to consider leasing public car parking spaces within the surrounding area or preparing an on-site parking management plan to ensure that the subject development will not cause parking issues on local streets. The on-site parking management plan should be submitted to Council for approval.

## **Site access and parking design**

It is noted that a left in/left out only driveway access is proposed along MacDonald Road. Turning path analysis for the largest vehicle entering and exiting the subject site should be submitted to Council for review.

Clarification is required whether the largest vehicle is for car only as there is no provision for commercial vehicles such as waste vehicle or removalist vehicle entering or exiting the site.

Details of the proposed accesses arrangement and the site layout including compliance with the requirements of the relevant Australian Standards (ie: turn paths, sight distance requirements, aisle widths, etc) and the DDA Compliance Requirements. The proposed car park design plan must be approved and certified by a qualified transport practitioner. It is noted that the internal car park design cannot accommodate two-way vehicle movements. The revised car park design plan is to be submitted which demonstrates that the minimum aisle width is provided for two-way traffic movements as per AS standards.

The section of MacDonald Road under construction is not connecting to other surrounding road network apart from Soldiers Parade. Temporary turning area will be required for the eastern end of MacDonald Road with additional no through road signage being provided at the intersection with Soldiers Parade.

## Green Travel Plan

A detailed green travel plan is to be prepared and submitted to Council for review prior to the OC being released.

### 6. Engineering

No objection to the proposed application. Please add the following conditions to the development consent subject to your assessment.

#### General

1. All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.
2. All conditions relating to **DA-1098/2022** shall be completed and satisfied.

#### Prior to the issue of a Construction Certificate

3. Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:
  - a. Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
  - b. Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
  - c. Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council's specifications.

Note: Approvals may also be required from the Transport for NSW (TfNSW) for classified roads.

4. All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

5. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for the provision of drainage connection in MacDonald Road.



6. Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

Note: Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

7. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Xavier Knight Consulting Engineers, as per table below:

<b>Company</b>	<b>Job No./Drawing No.</b>	<b>Title</b>	<b>Revision /Issue</b>	<b>Date</b>
Xavier Knight Consulting Engineers	240601/C200	Civil Works Plan – Lower Ground Floor	B	27.02.2025
Xavier Knight Consulting Engineers	240601/C201	Civil Works Plan – Upper Ground Floor	B	27.02.2025
Xavier Knight Consulting Engineers	240601/C400	Stormwater On-Site Detention Tank Plan & Details – Sheet1	B	27.02.2025
Xavier Knight Consulting Engineers	240601/C200	Water Quality Catchment Plan & Details	B	27.02.2025

- a) The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.
- b) Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.
- c) Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

8. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

The Construction Certificate must be supported by:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/schedule for the stormwater pre-treatment system

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.

9. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.
10. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Bernera Road and MacDonald Road is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 50m either side of the development.

#### **Prior to Commencement of Works**

11. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

12. Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council.

## **Requirements during Construction**

13. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
14. Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Land Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges and is to be paid prior to the inspection.
15. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.  
The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority

## **Prior to the issue of an Occupation Certificate**

16. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council
17. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:
  - a) On-site detention system/s
  - b) Stormwater pre-treatment system/s
  - a. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
  - b. Have met the design intent regarding any construction variations to the approved design.
  - c. Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.
18. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:
  - a) On-site detention system/s
  - b) Stormwater pre-treatment system/s

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.
19. Prior to the issue of an Occupation Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

Any rectification works within Bernera Road and MacDonald Road will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

20. A maintenance bond in the form of a bank Guarantee or cash bond (\$TBA), shall be lodged with Council prior to the issue of an Occupation Certificate. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 12 months from the date of Council acceptance of final works.

### **Advisory**

- a) Before any excavation work starts, contractors and others should phone "Dial Before You Dig" service to access plans/information for underground pipes and cables. [www.1100.com.au](http://www.1100.com.au)
- b) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- c) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

### **7. Waste Management**

In general, the proposed approach taken with regard to access for waste and recycling trucks, the provision of waste loading bays on site, the sharing of a waste loading bay by Buildings B and C and the provision of entirely separate waste storage rooms are supported

Based on meetings held with the proponent, the truck access has been designed to cater to a slightly shortened version of the 12.5 metre Heavy Rigid Vehicle, being 10.5 metres in length - that is acceptable to Council and closely reflects that rear-load HRVs are the vehicles which will be undertaking the waste and recycling services. There are swept path turning diagrams that are currently shown on Pg. 16 of the current plans, which demonstrate that the reverse turns into the waste loading bays are possible within the proposed road layout. That will require the full width of the proposed section of Hutton Road to be constructed. The fact that the waste loading bays are open and have no building or other infrastructure above them is a great detail, and prevents any conflicts in that regard.

Due to buildings B and C will be sharing a waste loading bay, the back part of this bay, where the full waste bins will be placed immediately prior to emptying, will need to be enlarged. This is to ensure that there will be enough space for the truck itself, the waste bins to be emptied, and enough free space for the waste operative to empty and cycle the bins at the rear of the truck.

Consideration must be given to the fact that, owing to the fact that FOGO has now been made mandatory by the NSW Government as of March this year, the buildings will need to be designed to handle three separate and distinct streams of waste. On this note, it is suggested that food waste and residual waste, being the two waste streams that will have organic (putrescible) matter in them, be the two waste streams that go straight down the chute and into the basement, away

from the residential levels. That would leave only the co-mingled recycling to be collected in a 240L yellow-lid wheely bin in a cupboard next to the waste chutes. As long as residents are doing their recycling correctly, this will mean that the contents of that bin will be almost entirely cardboard and paper, plastics, glass bottles and jars, steel and aluminium aerosols, cans and foil etc., with minimal smell. Council can confirm that collection of food waste from MUDs will form

There will need to be bulky waste storage rooms provided to take furniture, white goods, mattresses and any other personal items from the building occupants which have been deemed no longer useful or wanted. These dedicated bulky household waste rooms should be available to the residents of each strata, each storeroom to have double leaf doors to facilitate the storage of larger items, and at least 2 metres clear head height.

Assuming that each building is to be its own strata, each strata must have its own full kit of the waste equipment and machinery needed. For example, if 240L wheely bins need to be decanted into larger bulk bins for emptying to the waste truck, then a bin-tipper will be required by each individual strata

As part of the consent conditions, an indemnity will need to be put in place to cover Council's contractor, and Council's own employees when on site.

Please give thought to the possibility of cameras to monitor waste access points and/or bin rooms. Please also give thought to the kind of by-laws regarding waste that will be required to govern resident behaviour and ensure that there is both strong guidance in place as to the correct practices and processes to adopt, and disincentives for damaging or misusing the building infrastructure, or dumping materials within the common areas or on Council land.

A detailed waste management plan must be prepared as part of the submission requirements.

## **8. Natural Environment**

### **Biodiversity Values**

The subject lot is mapped as Biodiversity Certification Land and is located south of Macdonald Road.

The northern portion, which is not a part of the subject lot, but is adjacent to the proposed development, is mapped as Non-Biodiversity Certification Land. This area contains the Maxwell Creek corridor and the Critically Endangered Ecological Community Cumberland Plain Woodland.

### **Biodiversity Conservation Act 2016**

Within the Biodiversity Certified Land, the requirement for a site-by-site assessment of biodiversity impacts under state legislation is not applicable to the SSD, in accordance with Section 8.4 of the Biodiversity Conservation Act 2016.

## **9. Landscape**

In reference to the Notice of Determination for DA-1098/2022, it was recommended that all street trees to be planted must be a minimum size of 100 litres. This requirement will still apply to the new development.

It was noted that the trees listed in the planting schedule are specified as being in 45-litre pots. It is recommended that these be changed to 75-litre pots to help offset the loss of green space in the area.

Tree Protection Zones must be implemented in accordance with the Arboricultural Impact Assessment provided. A project arborist must also be engaged to ensure that tree protection measures are properly installed and to oversee any major works involving surrounding trees.

Any trees surrounding the project site that are not marked for removal must have adequate tree protection measures in place.

## **10. Public Art**

Council notes that a public art strategy identifies opportunities but does not identify a vision and clear plan of delivery. Council recommends this is addressed to ensure that public art across the site aligns with the strategy and is implemented during construction.

Council notes the complex aesthetic and design articulations associated with contemporary Darug artists and artworks and has concerns related to identifying a singular Darug design vernacular.

### **Artwork Zones and Identity**

Council notes that the current proposal for the main entry feature wall reads more as an architectural detail than a public artwork. Consideration should be given to avoid generalisations regarding contemporary Darug artists aesthetic articulations.

Council notes that Darug Country identifies Father Sky and Mother Earth as themes for the main entry paving. In integrating these figures into the paving Council has concerns related to cultural appropriateness. Council notes that if sky Country themes are to be explored, then it may be more appropriate to represent these on elevated areas such as the main entry feature wall, arbor or other areas where the artwork is viewed from below. In addition, council notes an intention to incorporate sacred artwork and symbols into paving, may not be appropriate and Council requests written confirmation from local community and Traditional Knowledge Holders that this is sanctioned.

In line with the Government Architects Connecting with Country Framework and Create NSW Aboriginal Arts & Culture Protocols Council strongly advocates and promotes the engagement of local Aboriginal community and that the community direct the process. Council identifies that local artists are engaged to actively participate in public art deliverables to support these intentions and outcomes. It is critical that local artists, Elders and Traditional Knowledge Holders be afforded cultural authority and agency and as such be provided active opportunities to co-design and develop public art. To ensure culturally safe and appropriate public art meaningful engagement with local community is essential.

Council recognises that in line with Connecting with Country guidelines and requirements clarity should be provided on which local artists, Elders and Traditional Knowledge holders have been engaged in consultation regarding the public art strategy. Clarity on what approvals have been secured from Elders or Traditional Knowledge Holders residing in the Liverpool LGA should also be provided.

#### Appendix B Response

“...the proposed landscape, architecture and public art strategy together seek to provide a multi-layered design response to the developed understanding and a proposal which holistically connects to Country”	Council has reservations about how and where local community, Elders and TKH have been engaged.
“The Government Architects, Connecting with Country Framework, identifies that Project teams need to ensure they are collaborating with people from the Aboriginal community with recognised links to the Country where they are working.”	<p>The Government Architects, Connecting with Country Framework identifies, <i>Better fit contextual, <b>local</b> and of its place.</i></p> <p><i>Meaningful relationships with <b>local</b> Aboriginal communities are essential to designing with Country and creating places of cultural safety.</i></p> <p>Council would assert that Connecting with Country requires local community engagement and participation. It is essential that Aboriginal people at the local level must play a part in the process of self-definition of their communities. It is crucial that Aboriginal people themselves identify and define their community.</p>
	In initial advice Council recommended to facilitate identified design outcomes, collaborations are undertaken between Local First Nations artists and the various designs teams to develop public art. This has not been addressed in response or incorporated into the public art strategy.
integrate public art and cultural references into the development. These elements will enrich the connection to Country and celebrate the site’s cultural significance.	In initial advice Council recommended that the public art narrates endemic stories to connect the site to its past, current and future residents and greater communities. Whilst there is identification of the site’s cultural significance there are issues Council has noted above.
	In initial advice Council recommended ‘Council recommends draft public art plan, this would provide clarity, direction and

	clarity this has not been achieved in the current Public Art strategy.
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## **11. Contributions**

We have reviewed the information provided in the Environmental Impact Assessment, including the applicant's request to waive local infrastructure contributions on the basis that the development is for a public purpose and delivers clear social benefit.

We note the applicant's position that the Liverpool Contributions Plan 2008 – Edmondson Park (Contribution Plan) does not specifically address affordable or social housing exemptions, and that the proposal aligns with the intent of the Department of Planning, Housing and Infrastructure's draft Section 7.11 Contributions Practice Note (December 2023). Council is also broadly supportive of efforts to deliver affordable housing and recognises the importance of developments that provide long-term social outcomes.

However, after careful consideration, we do not support an exemption from Local Contributions in this instance.

The applicable Contribution Plan currently in force does not include an exemption for affordable housing, and therefore contributions are required to be levied in accordance with the adopted Plan. While the draft Practice Note outlines potential scenarios where certain developments may be excluded, it remains a non-statutory document and does not override the legal application of an adopted Contributions Plan.

In addition, any future planning agreement that may deliver public infrastructure across the precinct has not yet been finalised or formally considered in relation to this particular development. It is noted that the Voluntary Planning Agreement (VPA) between the applicant and Council is still under negotiation and has not been executed. Importantly, the scope of the VPA does not include affordable housing contributions, as the applicant has specifically requested these be excluded. Therefore, the VPA, once formalised, will not provide any offsets or exemptions in respect of local infrastructure contributions for this development.

### **Required Conditions**

A condition imposing the requirement of payment of contributions in accordance with the Contributions Plan, with monetary contributions to be paid prior to the issue of any Occupation Certificate, consistent with Council's resolution of 27 March 2024.

The total contribution payable to Council under this condition is **\$673,036.00** as calculated at the date of this referral, in accordance with Liverpool Contributions Plan 2008 (Edmondson Park).



<b><u>Facilities</u></b>	<b><u>Amount (\$)</u></b>
Community Facilities - Land	\$23,931
Community Facilities - Works	\$23,508
Open Space and Recreation - Land	\$289,196
Open Space and Recreation - Works	\$58,008
Transport and Access - Land	\$186,150
Transport and Access - Works	\$60,036
Drainage - Land	\$8,185
Drainage - Works	\$19,218
Technical Study Fees Recoverable	\$1,127
Professional Fees	\$3,677
<b>TOTAL</b>	<b>\$673,036</b>

**The total amount payable may be adjusted at the time the payment is made, in accordance with the CPI provisions of the Liverpool Contributions Plan 2008 (Edmondson Park).**

A copy of the Development Contributions Plan is available for inspection at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au).

In addition, it is noted that the works identified under the Contributions Plan, being Item LP7 (Local Park) and Item RC37 (Road Corridor), are to be delivered under a Works in Kind Agreement(WIKA), subject to Council's assessment and approval of detailed design and cost estimates.

Council acknowledges the applicant's broader commitment to infrastructure delivery within the precinct and looks forward to continuing to work collaboratively through the planning agreement process to achieve positive outcomes for the community. However, at this stage, a condition requiring payment of contributions under the Contributions Plan is considered appropriate and necessary to ensure the provision of local infrastructure to support future residents.