



13 July 2023

Liverpool City Council
Locked Bag 7064
Liverpool BC, NSW 1871

Attn: Luke Oste ostel@liverpool.nsw.gov.au

Dear Luke,

RZ-3/2022: Letter of Offer to Enter Voluntary Planning Agreement at 93-145 Hoxton Park Road, 51 Maryvale Avenue and 260 Memorial Avenue, Liverpool NSW.

1. Introduction

This letter has been prepared by Mecone on behalf of ABA Estate (the proponent) as an offer to enter into a voluntary planning agreement (VPA) for the development of the site at 93-145 Hoxton Park Road, 51 Maryvale Avenue and 260 Memorial Avenue, Liverpool NSW.

This letter accompanies a planning proposal (RZ-3/2022 (as amended)) for the site, that was submitted by Mecone to Liverpool City Council in July 2022. The planning proposal seeks amendments to the *Liverpool Local Environmental Plan 2008*, pertaining to the maximum height of building and Floor Space Ratio (FSR) controls.

This letter has been amended to incorporate comments contained within a Request for Information (RFI) letter from Council, dated 8 February 2023.

2. Planning Proposal Summary

The planning proposal (RZ-3/2022) seeks to amend *Liverpool Local Environmental Plan 2008* as follows:

- Amend the *Height of Buildings Map HOB_010* from 15 metres to 20.5 metres
- Amend the *Floor Space Ratio Map FSR_010* from 1:1 to 1.5:1

This planning proposal excludes the two properties located on Dale Avenue, however these two allotments form part of the broader development site and will not contain any buildings.

The planning proposal, subject to subsequent development consent will facilitate the following development outcome:

- A shop top housing development, comprising residential apartments and ground floor neighbourhood shops,



- An anticipated built form of 6 x six-storey buildings with maximum building heights of 20.5 metres,
- An approximate development yield of 300 residential apartments,
- Associated parking, landscaping, residential amenities and through-site pedestrian connections, and
- The opportunity to deliver affordable rental housing

3. Requirements of the *Environmental Planning and Assessment Act 1979*

The mandatory elements of the VPA under Section 7.4 of the EP&A Act are outlined in the table below.

TABLE 1 – DETAILS OF VOLUNTARY PLANNING AGREEMENT

EP&A ACT CLAUSE	DESCRIPTION
7.4(3)(a) a description of the land to which the agreement applies,	<p>The land to which this agreement applies is 95-145 Hoxton Park Road, 51 Maryvale Avenue, 20 and 48 Dale Avenue Liverpool NSW. The land is legally identified as:</p> <ul style="list-style-type: none"> • Lots 53-80 DP 1154816 • Lots 126 and 140 DP 25952 <p>The land to which this agreement applies is identified in Figure 1 below.</p>
7.4(3)(b) a description of – (i) the change to the environmental planning instrument to which the agreement applies, or (ii) the development to which the agreement applies,	<p>The proposed changes to the <i>Liverpool Local Environmental Plan 2008</i> include an increase to the permissible building height (from 15m to 20.5m) and increase to the permissible floor space ratio (from 1:1 to 1.5:1). These changes apply only to 95-145 Hoxton Park Road, 51 Maryvale Avenue and 260 Memorial Avenue.</p> <p>The development to which the agreement applies includes the development for shop top housing purposes at 95-145 Hoxton Park Road, 51 Maryvale Avenue, 20 and 48 Dale Avenue Liverpool NSW, as identified in Figure 1. The agreement will exclude 260 Memorial Avenue, as whilst it is part of the Planning Proposal it is not intended to be part of this agreement.</p>
7.4(3)(c) the nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made,	<ul style="list-style-type: none"> • The creation of two through-site pedestrian links, provided generally in accordance with the plan provided at Figure 2 below. The through-site pedestrian links will be secured via a pedestrian access easement. The ongoing maintenance of such easements are not to be the responsibility to Council. • 5% of residential accommodation provided on site to be affordable housing. Such affordable housing will: <ul style="list-style-type: none"> ○ Comprise of one-, two- and three-bedroom apartments (located across all levels of the proposed buildings and predominantly



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- oriented towards the north and east of the site),
 - Have at least one (1) allocated car space per affordable apartment and
 - Be dedicated to a registered community housing provider, which will manage the affordable dwellings in perpetuity.
 - An existing bus stop in front of the site on Hoxton Park Road is to be upgraded to meet Council and relevant disability standards for accessible public transport.
 - An existing shared pedestrian/bicycle pathway within Hoxton Park Road (i.e. between Memorial Avenue and Maryvale Avenue) is to be upgraded with improved signage and line-marking. The works to upgrade the existing shared path are to form part of the VPA.

These provisions will be provided as part of the development of the subject site. It is anticipated that any future development consent issued will include these requirements as conditions of development consent, to be appropriately satisfied prior to occupation certificate.

7.4(3)(d) in the case of development, whether the agreement excludes (wholly or in part) or does not exclude the application of section 7.11, 7.12 or 7.24 to the development,

The VPA will not exclude the applicability of 7.11 and 7.12 contributions.

7.4(3)(e) if the agreement does not exclude the application of section 7.11 to the development, whether benefits under the agreement are or are not to be taken into consideration in determining a development contribution under section 7.11,

Not applicable

7.4(3)(f) a mechanism for the resolution of disputes under the agreement,

The VPA will have a mechanism to resolve disputes between parties which will be articulated in the VPA document, including mediation or other dispute resolution options.

7.4(3)(g) the enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer.

The VPA will provide for

- Registration of the VPA on title with agreed mechanism for staged release of the VPA,
- Bank guarantee or similar as security prior to works with a mechanism and identified process for release in accordance with a staging process and satisfactory completion of such works.



FIGURE 1: LAND TO WHICH THIS AGREEMENT APPLIES (SOURCE: MECONE)

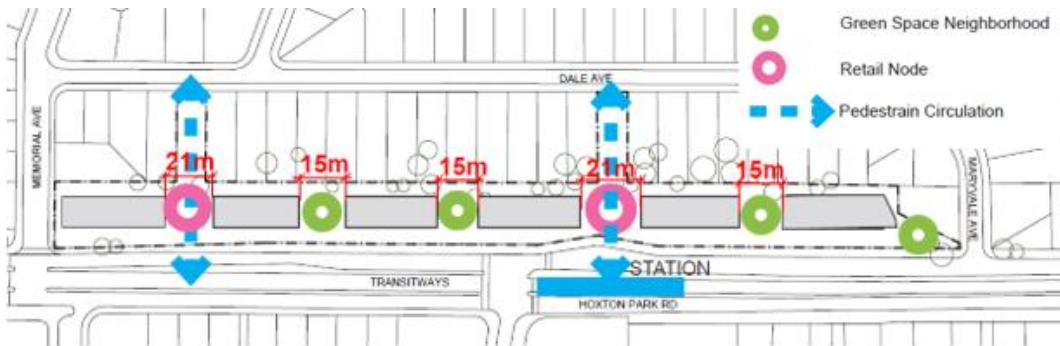


FIGURE 2: IDENTIFICATION OF THROUGH-SITE PEDESTRIAN LINK LOCATIONS (SOURCE: TONY OWEN PARTNERS)

4. Conclusion

We look forward to the opportunity to discuss this offer further with Council in due course. Please feel free to contact me on 0419 741 114 or via email at acoburn@mecone.com.au if you wish to discuss this letter in more detail.

Yours sincerely,

Adam Coburn
NSW State Director