

# Explanatory Note

(Clause 42)

*Environmental Planning and Assessment Regulation 2021*

(Section 205)

Prepared in accordance with Clause 205 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulations).

The purpose of this Explanatory Note is to provide a plain English summary to support the public notification, in accordance with section 7.5 of the *Environmental Planning and Assessment Act 1979* (the Act), of a draft Voluntary Planning Agreement (VPA) under section 7.4 of the Act.

## 1. Subject Site:

The Draft Planning Agreement (Draft VPA-45) applies to portions of the Edmondson Park Town Centre South (known as Precincts 3, 5, and 9. Precinct 9) (comprising land both currently and previously owned by Landcom).

The applicable lots to which this Draft VPA-45 applies are as follows:

### Precinct 3

- Lot 2 DP 1272931
- Lot 3 DP 1272931
- Lot 5 DP 1272931

### Precinct 5

Lot 705 in DP1215666

### Precinct 9

- Lot 103 DP 1275550
- Lot 104 DP 1275550
- Lot 303 DP 1259974
- Lot 40 DP 1286151
- Lot 41 DP 1286151
- Lot 42 DP 1286151
- Lot 43 DP 1286151
- Lot 44 DP 1286151
- Lot 45 DP 1286151
- Lot 46 DP 1286151
- Lot 1 DP 1275478
- Lot 2 DP 1275478
- Lot 3 DP 1275478
- Lot 4 DP 1275478
- Lot 5 DP 1275478
- Lot 6 DP 1275478
- Lot 7 DP 1275478
- Lot 8 DP 1275478
- Lot 302 DP 1259974
- Lot 411 DP 1318801
- Lot 413 DP1318801
- Lot 412 DP1318801

## **2. Parties to the Planning Agreement:**

Liverpool City Council (the Council)  
ABN: 84 181 182 471  
Ground Floor, 50 Scott Street, Liverpool NSW 2170

**AND**

LANDCOM (Developer)  
Level 14, 60 Station Street Parramatta NSW 2150

**AND**

Minister for Planning and Public Spaces (Minister)  
ABN 37 755 709 681  
4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

## **3. Background Context**

In 2011, the Planning Assessment Commission approved the Edmondson Park South Concept Plan (MP10\_0118) (Concept Plan). The Concept Plan applied to the entirety of the Edmondson Park Precinct. This facilitated, subject to the grant of development consents, redevelopment of the former Ingleburn Army base and nearby land, including:

- a) Residential development of 3,530 dwellings (where 440 dwellings are located within Edmondson Park South Landcom owned land, with the remainder located within Fraser owned land, and Edmondson Park North)
- b) Between 35,000m<sup>2</sup> and 45,000m<sup>2</sup> of retail, business and commercial gross floor area
- c) Protection of 150 hectares of conservation land in regional parks
- d) Upgrades to Campbelltown Road, including three new signalised intersections.

Since approval, multiple modifications to the Concept Plan have been made. Modification 5 (MOD 5) applies specifically to the Landcom owned portion of the Edmondson Park Town Centre precinct (known as Precinct 9), which is the subject of the Draft VPA-45. MOD 5 increased the scale and dwelling density of development with the following changes:

- a) Introduction of a gross floor area limit
- b) Reduction the allocated area for a school site from 8 hectares to 6 hectares
- c) Allow residential use on the 2 hectares of land previously allocated for school land
- d) Increase the maximum building height (ranging from 12m to 50m) to a maximum of 67m
- e) Increase in the anticipated number of dwellings in the precinct from 440 to 3030 dwellings (an increase of 2590 dwellings).

The Developer made an offer to enter into this Draft VPA-45 to provide material public benefits that will ensure that increased demand for roads, parks and community facilities caused by the development of the Edmondson Park South precinct are met.

As MOD 5 allows for more homes and a higher density, Council and the Developer negotiated this Draft VPA-45 to ensure the demand for roads, parks, community facilities caused by the increase in dwellings is addressed. The negotiations also ensure that the public receives benefits from the Draft VPA-45 which are in line with the greater Edmondson Park development.

#### **4. Objectives, nature and effect of the Planning Agreement (Clause 205(1)(a))**

##### **4.1. Objectives**

The objectives of the Draft VPA-45 are to:

- Ensure the increase in density of development from MOD 5 is supported by the right infrastructure, community facilities and open space
- Secure public benefits that proportionately account for the increase in number of dwellings and building heights
- Provide certainty for Council and the community around the timing of delivery of infrastructure works in the Edmondson Park Town Centre.

##### **4.2. Nature of the Planning Agreement**

The Draft VPA-45 is a planning agreement between the Council, Landcom, and the Minister under Section 7.4 of the Act.

The Draft VPA-45 provides for the Developer to deliver land, works and monetary contributions with a total value estimated at \$153,464,497.00.

The Draft VPA-45 replaces the usual development contributions under Section 7.11 and Section 7.12 of the EP&A Act and supports staged delivery of the town centre.

##### **4.3. Effect of the Planning Agreement**

The Draft VPA-45 will:

- Secure the delivery of infrastructure, land and monetary contributions through a legally binding mechanism
- Replace the need for the payable contributions that would otherwise be required under S7.11 or S7.12
- Set out obligations for the staged delivery of infrastructure, parks and community facilities in the Edmondson Park Town Centre North Precinct
- Provide a legally enforceable mechanism to secure public benefits in line with the increase scale and density of development

#### **4.4. Public Benefit of the Planning Agreement**

The Draft VPA-45 provides public benefits consistent with section 7.4(2) of the EP&A Act, including:

- New transport infrastructure including local roads, intersections and bus stops
- Funding towards a new community facility
- New open space land for drainage
- New parks
- Improved streetscape

#### **5. Assessment of the Merits (Clause 205(1)(b) of the EP&A Regulations)**

The Draft VPA-45 is considered to deliver a public benefit that is consistent with the objectives of the EP&A Regulations. It secures open space, transport improvements and funding towards community facilities that go beyond the Contributions Plan. This reduces reliance on Council funding by requiring the Developer to deliver key items directly.

Some works and monetary contributions are tied to specific development staging, which means that delivery of some items may not be immediate but ensures infrastructure is available in line with demand. Council will be responsible for delivering the multi-purpose community centre building using developer funding, which provides flexibility for the design to cater to local needs. Ongoing monitoring and administration will be required, but this ensures the Developer meets the obligations and the agreed outcomes are achieved.

#### **6. Consistency with relevant practice notes**

The Draft VPA has been prepared generally in accordance with the NSW Department of Planning Housing and Infrastructure's Planning Agreements Practice Note's requirements for transparency, fairness and public benefit.

#### **7. Capital Works Program**

The Draft VPA-45 is consistent with Council's planning priorities and will support the Capital Works Program.

#### **8. Statutory and Administrative Matters**

This Explanatory Note will be exhibited with the Draft VPA-45 as required by the *Environmental Planning and Assessment Act 1979* and its Regulation.

This Explanatory Note is not to be used to assist in construing the Draft VPA-45.

The Council had regard to relevant practice notes issued by the NSW Planning Secretary under Clause 203(6) of the EP&A Regulation in preparing the Draft VPA-45.