

Explanatory Note – Draft Voluntary Planning Agreement (VPA-45)

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 applies to Landcom owned portions of the Edmondson Park Town Centre South (known as Precincts 3, 5, and 9. Precinct 9).

The applicable lots to this Planning Agreement are as follows:

Precinct 3

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

Precinct 5

- Lot 705 DP 1215666

Precinct 9

- Lot 103 DP 1275550
- Lot 104 DP 1275550
- Lot 303 DP 1259974
- Lot 40 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 412 DP 1318801
- Lot 413 DP 1318801

2. Parties to the Agreement:

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

AND

LANDCOM
Level 14, 60 Station Street Parramatta NSW 2150

AND

Minister for Planning and Public Spaces, representing the Department of Planning, Housing and Infrastructure (DPHI) (the consent authority)

3. Background Context

In 2011, the Planning Assessment Commission approved the Edmondson Park South Concept Plan (MP10_0118). 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:

- 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)
- Between 35,000m² and 45,000m² of retail, business and commercial gross floor area
- Protection of 150 hectares of conservation land in regional parks
- 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:

- Introduction of a gross floor area limit
- Reduction the allocated area for a school site from 8 hectares to 6 hectares;
- Allow residential use on the 2 hectares of land previously allocated for school land;
- Increase the maximum building height (ranging from 12m to 50m) to a maximum of 67m;
- 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 VPA 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 Landcom negotiated this VPA 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 VPA 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 planning agreement 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 VPA is a planning agreement between the Council, Landcom, and NSW DPHI under Section 7.4 of the Act.

The VPA provides for Landcom to deliver land, works and monetary contributions with a total value estimated at \$153,464,497.00

The agreement replaces the usual development contributions under Section 7.11 and Section 7.12 and supports staged delivery of the town centre.

4.3. Effect of the Planning Agreement

The draft VPA 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 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 is considered to deliver a public benefit that is consistent with the objectives of the Regulations. It secures open space, transport improvements and funding towards community facilities that go beyond the Contribution 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 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 planning agreement 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.

The Council had regard to relevant practice notes issued by the NSW Planning Secretary under Clause 203(6) of the Regulation in preparing the draft VPA.