

APPENDIX E RECOMMENDED INSTRUMENT OF APPROVAL

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, the Planning Assessment Commission modifies the Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Member of the Commission

Member of the Commission

Sydney

2017

SCHEDULE 1

Concept & Project Approval: granted by Planning Assessment Commission on 18 August 2011

In respect of: Concept Plan and Project Approval MP 10_0118 for land located at Edmondson Park South (Liverpool and Campbelltown local government areas)

For the following: Concept Plan for a development on approximately 413 hectares comprising:

- residential development of 3,530 dwellings;
- development of the Edmondson Park Town Centre including 35,000 – 45,000 sqm of retail business and commercial floor space, along with associated uses, including a single 'landmark development' of up to 30 metres in height within 300 metres of the proposed station;
- protection of approximately 150 hectares of conservation lands within regional parklands;
- adaptive reuse of three heritage listed 'Riley Newsum' pre-fabricated cottages within the open space network, and retention of the Ingleburn Military Precinct and Mont St Quentin Oval;
- a temporary sales and information office and temporary signage associated with the sale of land;
- site remediation works;
- demolition of a number of existing buildings across the site; and
- associated infrastructure.

Project Approval for:

- remediation works in accordance with a remediation action plan relating to lots 1, 2, part lot 7 and part lot 8 DP 1127652;
- remediation of unexpected contamination in accordance with the protocols set out in the concept plan;
- construction and use of a temporary sales office; and
- temporary signage associated with the sale of the land;

Modification: MP 10_0118 MOD 4: the modification changes the Concept Plan in relation to the Town Centre as follows:

- introduce a maximum gross floor area limit of 145,025m² for the Town Centre Core
- increase the maximum building height in the Town Centre Core from 30m to 67.4m
- increase the approximate number of dwellings in the Town Centre from 912 to 1,884
- introduce car parking rates and change the road network
- introduce new design guidelines and a public domain plan.

SCHEDULE 2

The Approval is modified as follows:

- (a) The description of the development approved by the Concept Approval in Schedule 1, Part A – Project is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **bold struck out** words / numbers as follows:

PART A – PROJECT

Proponent:	<i>Landcom</i>																		
Application made to:	<i>Minister for Planning</i>																		
Major Project Number:	<i>MP10_0118</i>																		
On land comprising:	<table border="0"> <tr> <td><i>Lot A DP 188121</i></td> <td><i>Lot 4 DP 1127652</i></td> <td><i>Lot 65 DP 654507</i></td> </tr> <tr> <td><i>Lot 8 DP 1127652</i></td> <td><i>Lot 5 DP 1127652</i></td> <td><i>Lot 2 DP 1144667</i></td> </tr> <tr> <td><i>Lot 1 DP 1127652</i></td> <td><i>Lot 2 DP 831152</i></td> <td><i>Lot 1 DP 831150</i></td> </tr> <tr> <td><i>Lot 7 DP 1127652</i></td> <td><i>Lot 1 DP 831152</i></td> <td><i>Lot 1 DP 831149</i></td> </tr> <tr> <td><i>Lot 2 DP 1127652</i></td> <td><i>Lot 3 DP 831152</i></td> <td><i>Lot 1 DP 831148</i></td> </tr> <tr> <td><i>Lot 3 DP 1127652</i></td> <td><i>Lot 1 DP 801456</i></td> <td><i>Lot 3 DP 246213</i></td> </tr> </table>	<i>Lot A DP 188121</i>	<i>Lot 4 DP 1127652</i>	<i>Lot 65 DP 654507</i>	<i>Lot 8 DP 1127652</i>	<i>Lot 5 DP 1127652</i>	<i>Lot 2 DP 1144667</i>	<i>Lot 1 DP 1127652</i>	<i>Lot 2 DP 831152</i>	<i>Lot 1 DP 831150</i>	<i>Lot 7 DP 1127652</i>	<i>Lot 1 DP 831152</i>	<i>Lot 1 DP 831149</i>	<i>Lot 2 DP 1127652</i>	<i>Lot 3 DP 831152</i>	<i>Lot 1 DP 831148</i>	<i>Lot 3 DP 1127652</i>	<i>Lot 1 DP 801456</i>	<i>Lot 3 DP 246213</i>
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Local Government Area:	<i>Liverpool City Council and Campbelltown City Council</i>																		
Approval in summary for:	<p><i>Concept Plan for a development on approximately 413 hectares comprising:</i></p> <ul style="list-style-type: none"> • <i>residential development of 3,530 4,502 dwellings;</i> • <i>development of the Edmondson Park town centre including 35,000-45,000 sqm of retail, business and commercial floor space, along with associated uses, including a single 'landmark development' of up to 30 metres in height within 300 metres of the proposed station;</i> • <i>protection of approximately 150 hectares of conservation lands within regional parklands;</i> • <i>adaptive relocation of three heritage listed 'Riley Newsom' pre-fabricated cottages, within the open space network, and retention of the Ingleburn Military Precinct and Mont St Quentin Oval;</i> • <i>upgrade of Campbelltown Road with a maximum road width of 38.8 metres, and construction of three signalised intersections with Campbelltown Road;</i> • <i>a temporary sales and information office and temporary signage associated with the sale of land;</i> • <i>site remediation works;</i> • <i>demolition of a number of existing buildings across the site; and</i> • <i>associated infrastructure.</i> 																		
Capital Investment Value:	<i>\$273 million</i>																		
Type of development:	<i>Concept Plan approval under Part 3A of the Act</i>																		

Date of commencement of approval:	<i>This approval commences on the date of the Planning Assessment Commission's approval</i>
Date approval will lapse:	<i>10 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.</i>

(b) Schedule 1, Part B – Definitions – is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words / numbers as follows:

Act, the	<i>Environmental Planning and Assessment Act 1979 (as amended)</i>
APZ	Asset Protection Zone
Certified lands	Land certified for clearing by the Biodiversity Certification Order (2007).
Concept Plan	Plan approved by this instrument, as defined by the environmental assessment and preferred project report.
Conservation Agreement	The Conservation Agreement under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> which was entered into by the former NSW Minister for Planning, the former NSW Minister for Climate Change and the Environment, and the former Federal Minister for Environment, Heritage and the Arts on 20 August 2009.
Council	Liverpool City Council and Campbelltown City Council subject to which Local Government Area the development is located.
Department, the	NSW Department of Planning & Infrastructure
Director-General, the	Director-General of the Department of Planning & Infrastructure (or delegate)
Environmental assessment (EA)	State Significant Site Study and Environmental Assessment – Edmondson Park concept plan and State significant site listing, prepared by JBA Planning, September 2010.
<u>Frasers Town Centre</u>	<u>The land within the Edmondson Park Town Centre, south of the South West Rail Link but excluding the Transport for NSW commuter car park</u>
IMO	Items of Military Origin includes but is not limited to Unexploded Ordinance (UXO), Exploded Ordinance Waste (EOW) and Small Arms Ammunition (SAA)
Minister, the	Minister for Planning & Infrastructure
Non certified lands	Land that are not certified for clearing under the Biodiversity Certification Order (2007)
PMF	Probable Maximum Flood
Proponent	Landcom or any party acting on this approval
Preferred project report (PPR)	Preferred Project Report Edmondson Park South - state significant site listing and concept plan, prepared by JBA Planning November 2010
RFS	NSW Rural Fire Service
RTA	NSW Roads and Traffic Authority
Site	Land to which Concept Plan Application MP10_0118 applies
Regulation, the	<i>The Environmental Planning and Assessment Regulation 2000 (as amended)</i>
Statement of commitments	Final statement of commitments submitted as part of the PPR

(c) Schedule 2 Conditions of Concept Approval Part A – Administrative Conditions are amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words / numbers as follows:

- 1.1 The Proponent shall carry out the Concept Plan generally in accordance with the:
 - a) Concept Plan Application MP10_0118;

- b) State Significant Site Study and Environmental Assessment – Edmondson Park concept plan and State significant site listing, prepared by JBA Planning and dated September 2010;
- c) Preferred Project Report - Edmondson Park South state significant site listing and concept plan, prepared by JBA Planning and dated November 2010;
- d) Request to modify major project MP 10_0118 (MOD 1), prepared by Landcom and dated January 2012;
- e) Section 75W Modification of Concept Plan and Project Approval MP 10_0118 (MOD 2), prepared by APP Corporation Pty Ltd and dated May 2016;
- f) Section 75W Modification Application (Mod 3), prepared by JBA Urban Planning Consultants and dated July 2016;
- g) **Environmental Assessment Report – Concept Plan Modification and Major Development SEPP Amendment (Mod 4), prepared by JBA and dated March 2016;**
- h) **Consolidated Response to Submissions (Mod 4), prepared by JBA and dated March 2017; and**
- i) this approval.

1.2 In the event of an inconsistency between:

- a) the modifications of this approval and any document listed from condition 1.1a) to ~~1.1f)~~ **1.1h)** inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
- b) any document listed from condition 1.1a) to ~~1.1f)~~ **1.1h)** inclusive, the most recent document shall prevail to the extent of the inconsistency.

(d) Schedule 2 Part B – Modifications to the Concept are amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~-words / numbers as follows:

1.1 The concept plan is modified to require preparation of a development control plan instead of the proposed development control strategy. The development control plan is to be prepared in consultation with Liverpool and Campbelltown Councils and adopted by the Director-General prior to the lodgement of any application for subdivision of a subsequent stage, or construction of a dwelling. Prior to determination of any application for subdivision or development within the Edmondson Park town centre (**outside the Frasers Town Centre**), the development control plan is to be amended to include built form and development controls for the ~~entire remainder of the~~ Edmondson Park town centre (**outside the Frasers Town Centre**), including controls to achieve active street frontages for buildings within close proximity of the train station.

(e) Schedule 2 Part C – Further Environmental Assessment Requirements are amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~-words / numbers as follows:

1.3 ~~Any future project or development application for the proposed ‘landmark development’ within the town centre of up to 30 metres in height, may be approved in accordance with the exceptions to development standards provision of the relevant environmental planning instrument. Alternatively an amendment to the height of buildings provisions in that instrument is required prior to approval.~~

Any future development application within the Frasers Town Centre must demonstrate it is consistent with the:

- a) **Frasers Town Centre Maximum Height of Buildings Plan;**
- b) **Frasers Town Centre Maximum Gross Floor Area Plan;**
- c) **Frasers Town Centre Public Domain Plan; and**
- d) **Frasers Town Centre Design Guidelines (as amended by FEAR 1.3C).**

1.3A Future development applications within the Frasers Town Centre Core are not to exceed the GFA and building heights specified in the table below:

a)

<u>TCC Quadrant</u>	<u>Gross floor area (m²)</u>	<u>Maximum height (RL)</u>
North West	20,000	99.5
North East	45,000	105.8
South West	56,500	132.9
South East	23,525	96.4
Total	145,025	

- b) Notwithstanding the GFA figures in a) above, GFA in any quadrant may exceed the maximum by up to 10 per cent, provided that the total GFA is not exceeded; and
- c) Notwithstanding the maximum height figures in a) above, only one building may be approved to a height of RL 132.9.

1.3B Any development application for the landmark building (i.e. the building to RL 132.9) or the market hall must demonstrate design excellence through a design excellence strategy. This design excellence must include consideration of the site's character, suitability, layout, setbacks, architectural design, materials and finishes, articulation and detailing, relationship to the public domain, connectivity and street activation.

The design excellence strategy must include an independent peer review and be approved by Liverpool City Council prior to the lodgement of the first development application for the landmark building or market hall.

1.3C Prior to the lodgement of the first development application for above-ground or public domain works, the proponent must revise the Frasers Town Centre Design Guidelines as follows:

- a) Amend Section 1.5 to read:
Should development not adopt a design solution, it may propose an alternative design solution. This alternative solution will be assessed against the relevant performance criteria. Should the relevant performance criteria not be satisfied, the applicant is to demonstrate that the proposal considers the vision and principles. When assessing a design solution, the consent authority is to apply a flexible approach that allows consideration of reasonable alternative design solutions.
- b) Amend Section 1.8 to include a map depicting Main Street and the activity streets
- c) Amend Section 4.2, Design Solution DS 2.3 to require the Soliders Parade frontage between Henderson Road and the Greenway will be predominantly sleeved by residential, commercial or retail uses
- d) Amend Section 4.2, Design Solution DS2.3 to require retail or commercial uses with a street address at the corners of Soldiers Parade and the Town Centre Core east-west street and the Greenway and Main Street
- e) Include a provision that the Liverpool Design Excellence Panel will review (in accordance with its normal procedures) all applications within its remit, in addition to all public domain works with a cost of works above \$10 million
- f) Amend design characteristic in Part 3, Table 1 to read:
Diversity of architectural form and expression is encouraged achieved within a framework of visual compatibility between different buildings
- g) Amend design characteristic in Part 3, Table 1 to read:
Community uses are centrally located to maximise accessibility to all dwellings and to provide a strong civic presence in the Town Centre
- h) Move the following provision from Section 4.1, DS 3.1 to Performance Criteria PC3:
Maximum building height and Gross Floor Area for the Town Centre Core complies with the Concept Plan (as modified).

- i) Amend Section 4.1 to provide for setbacks and street alignments. Ground and first floor levels should be constructed to the street alignment, to provide an urban streetscape. Consideration must be given to podium forms for towers. The street wall height and tower must provide for a human scale at street level and allow for street tree planting in accordance with the Public Domain Plan.
- j) Amend Section 4.4, DS 4.8 to read:
Access to car park entries and the loading dock(s) is from Bernera Road, Greenway and Soldiers Parade only. Service vehicle access is preferred from Bernera Road and Soldiers Parade
- k) Amend Part 4, Table 2 so that parking is provided generally in accordance with the specified Town Centre Core Parking Rate
- l) Amend Section 5.2 to include measures to encourage windows to local street frontages. Where blank walls are unavoidable, ensure they face dwelling entries
- m) Amend the solar access requirement in Section 5, Tables 3 and 4 to require that 70 per cent of terraces and townhomes in each of the three residential stages receive at least two hours' solar access to principal living areas or private open space between 9am and 3pm on 21 June
- n) Amend the private open space provision in Section 5, Tables 3 and 4 to require that principal private open space must be accessed directly from living rooms
- o) Amend the dwelling size requirement in Section 5, Table 3 to require an additional 12m² for a fourth bedroom and a minimum dwelling width of four metres.

The revised Design Guidelines must be submitted to and approved by the Secretary prior to lodgement of the first development application for above ground building or public domain works. The revised Design Guidelines must also be provided to Council for information once approved by the Secretary.

- 1.6 Any future application for the Edmondson Park town centre **outside the Frasers Town Centre and any future application for road infrastructure within the Frasers Town Centre** must be supported by a detailed traffic and transport study, including a micro-simulation model. This should identify appropriate bus priority measures along the proposed Main Street, and ensure integration with the transport interchange, through consultation with Department of Transport.
- 1.6A Any future application for road infrastructure within the Frasers Town Centre must be prepared in consultation with Transport for NSW and RMS. The proponent must consider any comments received during consultation. This requirement operates in addition to any consultation, concurrence or approval requirements under any other environmental planning instruments or legislation.
- 1.6B The proponent must provide land dedication to RMS in accordance with the Plan of RMS Road Acquisition dated 27 June 2017 for the purposes of road widening along Campbelltown Road prior to determination of any development application for building works adjacent to Campbelltown Road. Land dedication for Campbelltown Road is to meet RMS requirements for road widening works.
- 1.7A Car and bicycle parking within the Edmondson Park Town Centre must be provided in accordance with the Frasers Town Centre Design Guidelines (as amended by FEAR 1.3C).
- 1.8A A Voluntary Planning Agreement in accordance with the public benefit offer dated 8 August 2017 between Frasers Property Australia Pty Ltd (or its nominated entity) and Liverpool City Council shall be prepared, publicly

exhibited, executed and registered on the title of the land with the Office of Land and Property Information.

The Voluntary Planning Agreement, as executed, must be registered on the title of the land prior to the determination of the first development application for residential or commercial floor space within the Frasers Town Centre, or as otherwise agreed with Liverpool City Council.

A copy of the executed Voluntary Planning Agreement shall be submitted to the Secretary.

- 1.14 Any future applications **seeking approval for construction of buildings** are to be accompanied by a Heritage Interpretation Strategy for the former Ingleburn Army Camp, Ingleburn villages and Indigenous cultural heritage, prepared by a suitably qualified heritage conservation practitioner in accordance with the NSW Heritage Office guidelines Interpreting Heritage Places and Items (2005) and Heritage Interpretation Policy (2005). The Heritage Interpretation Strategy is to be prepared in consultation with the Office of Environment and Heritage, the relevant council(s) and should include a detailed history of the Site.

~~The Heritage Interpretation Strategy is to address the relocation and sensitive adaptive reuse of selected prefabricated cottages in accordance with the approved concept plan.~~

- 1.15 Any future applications **outside the Frasers Town Centre** are to be accompanied by a Statement of Heritage Impact prepared by a suitably qualified heritage conservation practitioner in accordance with the NSW Heritage Office guideline Statements of Heritage Impact (2002) which assesses potential impacts of proposed works on heritage items and their settings.
- 1.20 Any future applications **outside the Frasers Town Centre** are to demonstrate compliance with the flood management measures outlined in the Part 3A Concept Plan, Water Cycle Management Plan prepared by J. Wyndham Prince, September 2010. Compliance with Campbelltown and Liverpool City Council requirements (as relevant to flooding) should also be demonstrated.
- 1.21 Any future applications are to provide details on the proposed water sensitive urban design infrastructure, to the satisfaction of the consent authority. **Future applications within the Frasers Town Centre must provide water sensitive urban design in accordance with the Water Cycle Management Plan Addendum Report prepared by J. Wyndham Prince, March 2016. Any increased water flow through the rail corridor may require the approval of Transport for NSW.**
- 1.24 Any future applications for construction of buildings and associated structures (that are not defined as exempt or complying development) within the Site shall:
- include an assessment of construction impacts, including noise, traffic, soil and erosion (including acid sulphate soils where relevant), waste, and dust, and identify the mitigation and management measures that would be implemented to address these impacts;
 - demonstrate compliance with the Water Sensitive Urban Design principles established in the concept plan;
 - where applicable, demonstrate compliance with the commitments and management procedures detailed in the Vegetation Management Plan, including the strategy for retention of trees on site;
 - demonstrate that habitable floor levels are located above the 100 year ARI flood level plus 500mm freeboard, and that appropriate flood evacuation can be provided for dwellings located below the probable maximum flood level;
 - demonstrate compliance with the *Planning for Bushfire Protection 2006*; and

- f) demonstrate that ESD measures have been incorporated into the design of the buildings to reduce water and energy consumption in accordance with *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*; **and**
- g) **demonstrate existing or planned utilities are sufficient to service the proposed development.**

End of Modification