

31 July 2020

Mr. Anthony Witherdin
Key Sites Assessments
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150

Attention: Ms Emily Dickson

RE: Correspondence dated 29 April 2020 from File Planning and Development Services P/L about 164 and 170 Croatia Avenue, Edmondson Park on behalf of Super Star Holding Group P/L

Dear Anthony,

We write in response to correspondence from File Planning & Development Services P/L (File Planning) on behalf of Super Star Holding Group P/L (Super Star) dated 29 April 2020, to the Department of Planning, Industry and Environment (DPIE), in relation to Landcom's application (MP10_0118 MOD 5) to modify the Edmondson Park South Concept Plan (Concept Plan) and the *State Environmental Planning Policy (State Significant Precincts) 2005* (Precincts SEPP).

Landcom as the NSW Government's land and property development organisation has a mandate to deliver more diverse, sustainable and affordable communities. We take a lead role in improving the supply, diversity and affordability of new housing in Sydney and NSW. Landcom developments align with our mandate to deliver a liveable, walkable and affordable community, providing a high level of amenity and supporting infrastructure. Our proposed development responds to changes in market preferences and will provide a range of housing types at different price points to allow a greater number of people with different incomes to purchase a home in Edmondson Park.

With our mandate in mind, Landcom commenced the process to modify the Concept Plan and Precincts SEPP in July 2017 and has spent considerable time and resources to develop a carefully considered application and engage with the community, DPIE, Liverpool City Council, Government Architect NSW and State Government Agencies on the proposed modifications. We have taken feedback on board throughout the application process and further refined our application and submitted our Response to Submissions with a supporting package of plans and technical studies to DPIE.

Our application has been publically exhibited in November – December 2018 and Landcom held a community consultation session in August 2018. As an adjoining landowner, Super Star was notified of these opportunities to make a submission on our proposal.

Landcom's application to modify the Concept Plan and Precincts SEPP has progressed significantly, to a point where the application has been refined, feedback has been responded to in detail and the final Response to Submissions has been submitted to DPIE in order for them to assess and determine the application. To now entertain Super Star's request to include their land in our proposal and accommodate changes at their request and for their convenience would

significantly delay Landcom's application and would be a considerable cost for Landcom to further modify plans and technical studies.

In light of the above, we have considered the matters raised by File Planning in this correspondence and provide our feedback to DPIE. However, we request that given the impacts incorporating these changes would have on our application, the multitude of opportunities Super Star has had to engage with Landcom and provide this feedback since 2017 and that this correspondence was received outside of a consultation or exhibition period, we request DPIE does not treat this as a formal submission to Landcom's application.

1. Development Control Plan / Design Guidelines

"[...] the approval includes a requirement that a Development Control Plan be prepared for the entire Edmondson Park Town Centre. [...] including the lots outside the Concept Plan area. [...] On this basis we request [Super Star's] site be included in Landcom's proposed modification to the Concept Plan, and be included in their proposed design guidelines.

Clause 1.1 of Part B of the Concept Plan Instrument of Approval includes the following excerpt, which was subsequently modified by the bold and underlined text as part of MOD 4 to the Concept Plan relating to the Frasers Town Centre (MP10_0118 MOD 4).

- (d) **Schedule 2 Part B – Modifications to the Concept Plan Approval 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.

We assert that the Concept Plan does not apply to land outside of the Concept Plan Site Boundary. At the time of preparing the Concept Plan in 2010-2011, some land outside of the Concept Plan Site Boundary was included in the Precincts SEPP showing suitable land use zones which would support the development of the Edmondson Park Town Centre. The Concept Plan does not require land outside of the Concept Plan Site Boundary be included in any Development Control Plan (DCP) on the basis that the Concept Plan defines the Town Centre as an area as demarcated within the Site Boundary (Error! Reference source not found.).

Importantly, Landcom has an Agreement with Office of Strategic Lands to develop its land, it is not reasonable that Landcom should prepare a DCP over land of which it has no control and no ability to enforce a DCP. Landcom cannot be made responsible for the planning outcomes on sites belonging to other landowners and it is up to these landowners to engage consultants to prepare their own controls by negotiating with the appropriate determining authority. This approach is consistent with that undertaken by Frasers for its town centre development.

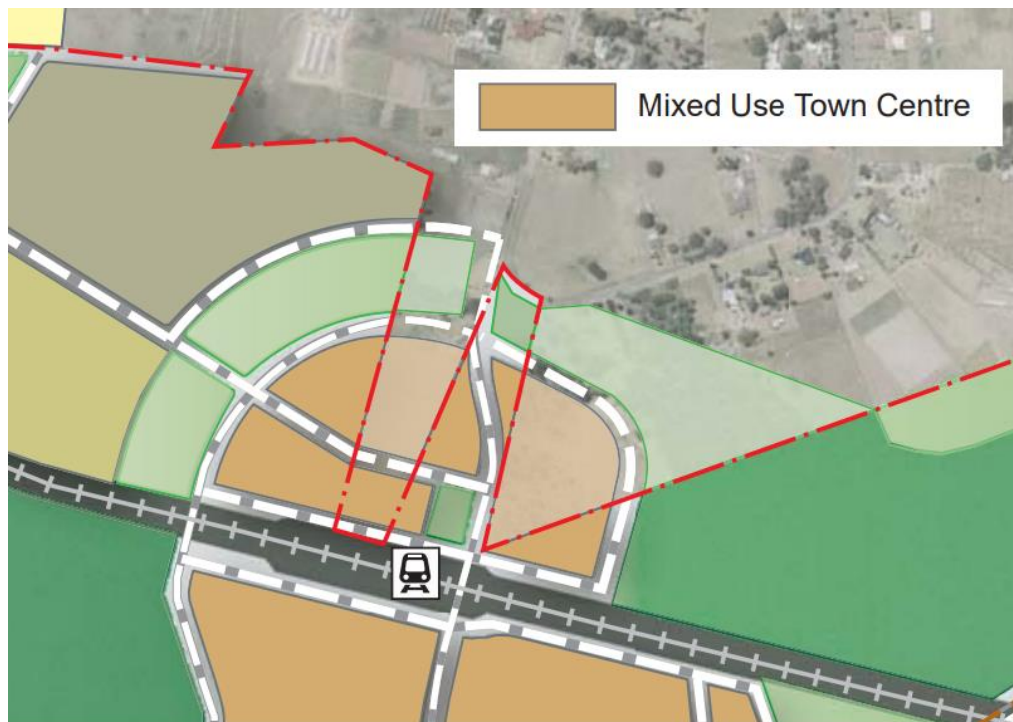


Figure 1: Magnification of the Concept Plan¹, demonstrating the Site Boundary and areas designated as "Town Centre". Note this excludes lands owned by Super Star.

As part of Landcom's application to modify the Concept Plan and Precincts SEPP, we are seeking an exemption to the requirement for a DCP to be prepared where suitable Design Guidelines are prepared.

Subsequently, Landcom and our consultant team has spent considerable time preparing Design Guidelines for Landcom's Town Centre North. The Design Guidelines are centred on a project vision and objectives of the Station Precinct, Maxwells Creek Precinct and Parkland Precinct, each of which have their own unique development characteristics. The Design Guidelines are supported by a suite of ancillary technical studies including an Urban Design Report, View Impact Assessment, Public Domain and Landscape Plan and a Transport Management and Accessibility Plan.

For consistency and to ensure a cohesive and integrated design outcome is achieved in the Edmondson Park Town Centre, Landcom's Design Guidelines have been prepared with regard to the Design Guidelines for the Frasers Town Centre.

In addition to the community consultation and the public exhibition process previously mentioned in this letter, Landcom has engaged since 2017 with the DPIE, Liverpool City Council and the Government Architect NSW's State Design Review Panel on the Design Guidelines and incorporated their feedback in the Design Guidelines.

Accordingly, Landcom does not agree there is a requirement to incorporate Super Star's late

¹ Concept Plan – Environmental Assessment Report - Appendix B: Concept Plan Drawings - Part 1

request in our application to modify the Concept Plan and Precincts SEPP and to be included in our Design Guidelines.

2. Height of Buildings

“Landcom’s proposal seeks to increase the maximum height of buildings within the Town Centre to 50m, whilst retaining the FSR of 2:1. Based on the Explanation of Intended Effect for the SEPP Amendment [shows] this height increase is not proposed to be applied to [Super Star’s] Site. However [...] the Concept Plan Environmental Assessment identifies a height of 50m for [Super Star’s] Site. It is appropriate that a consistent height control be applied across the entire northern portion of the Town Centre, including [Super Star’s] site.”

When Landcom responded to the Secretary’s Environmental Assessment Requirements in August 2018, the adjoining Super Star site was erroneously included in the proposed modification to the Height of Buildings Map of the Precincts SEPP, to increase the heights of buildings on the Super Star site. Landcom subsequently submitted a modified Height of Buildings SEPP Map to DPIE which excluded the adjoining Super Star site, but the Environmental Assessment Report was not revised. The revised Height of Building Map, excluding the Super Star site, was the plan which was placed on public exhibition in November – December 2018.

Landcom has subsequently lodged the final Response to Submissions and supporting package of plans and technical studies to DPIE. The Height of Buildings Map below forms part of the Response to Submissions documentation. Consistent with the revised Height of Building Map placed on public exhibition in 2018, the Height of Buildings Map does not include any modifications to the 24m height limit permitted on the adjoining Super Star site.

Landcom does not agree to Super Star’s request to be included in our application to modify the Concept Plan and Precincts SEPP for the purposes of increasing building heights on their land.

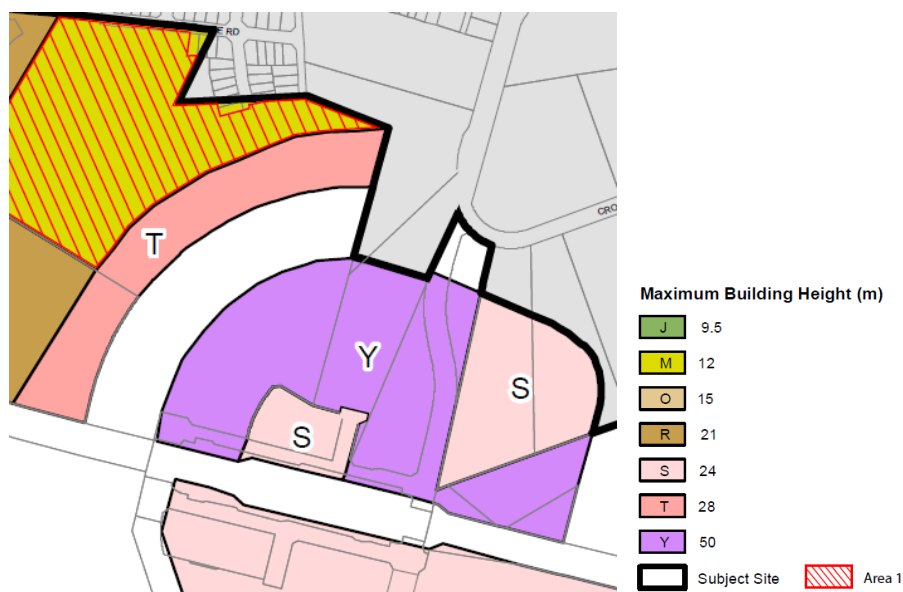


Figure 2: Height of Buildings Precinct SEPP Map submitted to DPIE as part of the Response to Submissions, July 2020

3. Road Network

"It is also noted that the Landcom proposal seeks to amend the road layout approved under the Concept Plan, by re-aligning the eastern extent of the main east-west Town Centre road onto [Super Star's] Site to run alongside Landcom land. This change would significantly reduce the developable land associated with [the] Site. Accordingly, this amendment is not supported, and should not form part of any future approval"

The Road Network and Hierarchy Concept Plan approved as part of the Concept Plan sets the road network layout for future development. Landcom is not proposing to change the road network or hierarchy outside of our site boundary. The images below demonstrate the approved Road Network Hierarchy Concept Plan as it relates to the adjoining Super Star site, both approved as part of MOD 4 to the Concept Plan and as proposed by Landcom in MOD 5 to the Concept Plan.

While the masterplan prepared by Roberts Day shows a slight change to the road layout, this document does not form part of the list of approved documents as part of Landcom's modification to the Concept Plan and Precincts SEPP. Any future road construction will be in accordance with the Road Network Hierarchy Concept Plan and is subject to consultation with Superstar on a coordinated design arrangement and approval by the determining authority.

A revised Transport Management and Accessibility Plan forms part of the final Response to Submissions package of supporting studies lodged with DPIE. There is no change to the main east-west Town Centre road (known as Buchan Avenue) or any other roads outside of our site boundary as part of Landcom's application.



Figure 3: Road Network Hierarchy Concept Plan approved as part of MOD 4 to the Concept Plan



Figure 3: Proposed Road Network Hierarchy Concept Plan, submitted to DPIE with Landcom's Response to Submissions

We have considered the matters raised by File Planning in their letter dated 29 April 2020 and provide our response to DPIE. Super Star as adjoining land owner has been notified of Landcom's application a number of times and had ample opportunity to provide feedback since Landcom commenced our application to modify the Concept Plan and Precincts SEPP in 2017.

Since 2017, Landcom has engaged with all stakeholders including DPIE on a number of occasions about our application. Our final Response to Submissions has been submitted to DPIE in order for the application to now be assessed and determined.

Landcom does not agree to include the adjoining Super Star landholdings in our application. To do this so late in the process is an inequitable request which would significantly delay Landcom's application and would be a considerable cost for Landcom to further modify plans and technical studies.

We would be happy to provide any additional information to DPIE as required and we welcome the opportunity to discuss with you should you require in more detail. Please do not hesitate to contact me on 0428 868 012 or email gbetts@landcom.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Greg Betts', with a stylized flourish at the end.

Greg Betts
Development Director
Landcom