



25 January 2022

Your Ref: DA-750/2021
Planning Portal: CNR-26637
Our Ref: 2021/0059-5

The General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Attention: Ms Lilyan Abosh

Dear Lilyan,

Re: No 104 Fifteenth Avenue, WEST HOXTON – Development Application DA-750/2021 – Construction of a service station and convenience store, food and drink premises, child-care centre, signage and Torrens title subdivision

Reference is made to the letter from Transport for NSW (TfNSW), which was forwarded to us for consideration in light of the abovementioned development application (DA-750/2021). The letter from TfNSW states in part that:

“Whilst TfNSW notes that Fifteenth Avenue is not a State Road or Classified Road, Fifteenth Avenue will likely become a major arterial road, which will carry a high volume of traffic and restriction of access off the road. Therefore, it is recommended that vehicular access to the subject site is via alternative local roads such as Second Avenue to the satisfaction of Council”.

The letter contained a plan showing the additional future road widening to be undertaken for both Fifteenth and Second Avenues (refer to plan below at **Figure 1**), noting that part of the site is zoned SP2 – Infrastructure (Classified Road), with the remainder zoned R2 Low Density Residential, but subject to Schedule 1 – Additional Permitted Uses – Clause 9 which permits the abovementioned uses under the provisions of Liverpool Local Environmental Plan (LLEP) 2008.

Development Application 750/2021 allowed for the road widening that would occur to the Fifteenth Avenue frontage, but no provision was made for the additional road widening that is now proposed by TfNSW. Our initial due diligence did not indicate that such road widening would occur. Note that Clause 5.1 of LLEP 2008 applies to that part of the land required for road widening purposes that currently shown on the relevant Land Reservation Acquisition Map – LRA-008.



Figure 1 – Area required for additional Road Widening

Key Site Shape:

As a result of this letter, Council requested that a Planning Proposal be lodged to amend the “Key Sites” Map, shown on **Figure 2** below. At the same time, we prepared an amended layout to address the road widening that TfNSW required.

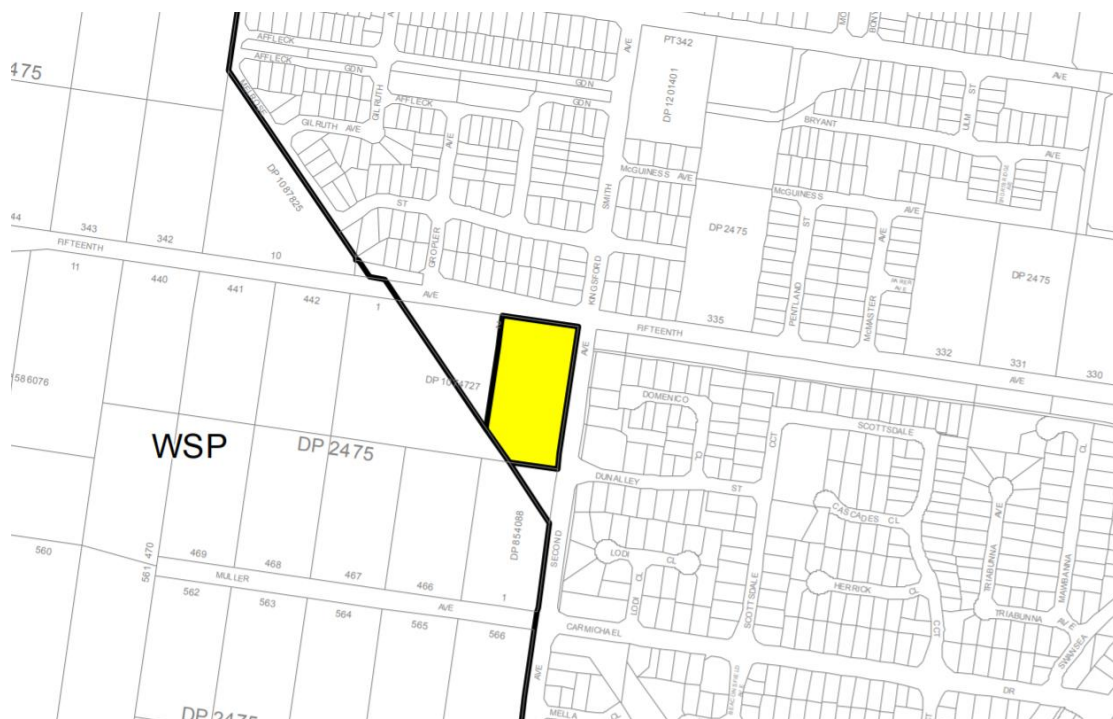


Figure 2 – Key Sites Map – Local Environmental Plan 2008 – KYS-008

We submitted the Planning Proposal Request to Council in October 2021 and prepared an amended “Key Sites” Map to essentially address the road widening that would occur, as per the letter from TfNSW.

Council raised concerns with the shape of the amended map and also raised concerns that the map would not provide legal access to Fifteenth Avenue (refer to email dated 10 January 2022) and suggested changes be made to the map at a meeting on 20 January 2022.

As a result, we have amended the map, which is attached to this letter. The map shows the existing area of the “Key Sites’ Map and that proposed by the amended map (**Appendix A**). The amended map retains essentially the same area as the current map and is regular in size and shape, compared to that submitted with the Planning Proposal Request.

The shape accommodates the proposed permitted uses under the R2 Low Density Zone, being the child-care centre and the service station and food and drink premises permitted by Schedule 1 – Clause 9. Such a plan is attached to this correspondence, as **Appendix B**. The amended Map shows that the area is taken to the property frontages of both Fifteenth and Second Avenues to ensure that vehicle access to both roads is not denied and retains legal vehicle access to such roads, which is essential to the viability of the proposed development.

Traffic and Access:

In respect of traffic and access issues, McLaren Traffic Consulting has provided the following comments in **RED** in response to the matters raised:

- a) Details of estimated total daily and peak hour trips generated by the proposal, including vehicles, public transport, pedestrian and bicycle trips and associated impacts on the existing and future transport network.

Response

Peak hour trips are outlined within the traffic report (Section 4.1). The RTA Guide to Traffic Generating Developments 2002 does not outline daily vehicle trips for service stations, fast food restaurants or child-care centres. We have also checked the analysis reports that underline the RTA Guide and they also have no daily vehicle trip rates.

Public Transport is outlined in Section 2.4 of the report and is limited so we would not expect much uptake on public transport, especially considering the type of uses proposed. There is also no way to estimate pedestrian and bicycle trips accurately.

There is likely to be some locally bicycle and pedestrian trips made to and from the site from nearby domestic dwellings, but we would not be able to quantify them. Considering the surrounding area is low density residential developments, we would expect bicycle and pedestrian volumes to be low.

- b) Cumulative traffic impacts of the maximum development yield of the subject planning proposal and other planned developments within the surrounding area on the existing and future local and regional transport network.

Response

We will need more information to address this. We need to know what other planned developments there are that the Council wants us to include in the assessment and also what intersections they want assessed. We will need Council to provide us with the traffic generation of each development, including the turning movement diagrams for relevant intersections.

Having regard to the above and the amended "Key Sites" Map, we request that Council progress the amended Planning Proposal through the relevant planning pathways in order to obtain a Gateway Determination and have the land rezoned by amending such Map.

It should be noted that the Planning Proposal has been lodged on behalf DalCo NSW Pty Ltd as a direct result of the letter from TfNSW. As it stands, the current zoning of the land does not take into account any of the additional road widening that is required by TfNSW and the current development application DA 750/2021 is permissible with development consent.

As such, the Planning Proposal has been lodged in good faith to facilitate the requirements of TfNSW for additional road widening along both frontages of the subject site.

We trust that the above is of assistance and should you require any further details please contact the undersigned.

Sincerely yours,



MICHAEL J BROWN
DIRECTOR
MICHAEL BROWN PLANNING STRATEGIES PTY LTD

APPENDIX “A” – EXISTING & PROPOSED KEY SITES MAP

APPENDIX “B” - PROPOSED DEVELOPMENT LAYOUT