

SYDNEY WESTERN CITY PLANNING PANEL SUPPLEMENTARY REPORT

Panel Reference	2016SYW134
DA Number	DA-616/2016
LGA	Liverpool City Council
Proposed Development	Proposed Educational Establishment (School) Over 4 Stages Providing For 800 Kindergarten To Year 12 Students And 35 Staff, Involving the Demolition Of Existing Dwellings And Structures, Removal Of Trees, Bulk Earthworks, Construction Of Roads And School Building Structures
Street Address	95-105 Seventeenth Avenue, Austral Nsw 2179 Lot 10 DP 1227683
Applicant / Owner	Al Mabarrat Benevolent Society Ltd
Date of DA Lodgement	7 July 2016
Number of Submissions	Four (4)
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Sydney Western City Planning Panel is the determining authority as the proposal is for the development and operation of an Educational Establishment with a Capital Investment Value of over \$5 million.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • <i>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</i> <ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007; • State Environmental Planning Policy (Sydney Region Growth Centre) 2006; • State Environmental Planning Policy No.55 – Remediation of Land; • Sydney Regional Environmental Plan No. 20- Hawkesbury Nepean River (No 2 – 1997) • <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</i> <ul style="list-style-type: none"> • No draft Environmental Planning Instruments apply to the site. • <i>List any relevant development control plan: s79C(1)(a)(iii)</i> <ul style="list-style-type: none"> • Liverpool Growth Centre Precincts Development Control Plan 2014

	<ul style="list-style-type: none"> • Liverpool Development Control Plan 2008 (LDCP 2008). <ul style="list-style-type: none"> - Part 1 – General Controls for all Development. • <i>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</i> • No planning agreement relates to the site or proposed development.
	<ul style="list-style-type: none"> • <i>List any coastal zone management plan: s79C(1)(a)(v)</i> • The subject site is not within any coastal zone management plan. • List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 • Consideration of the provisions of the Building Code of Australia.
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	Yes
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Revised Recommended Conditions of consent 2. Superseded Recommended Conditions of consent 3. Architectural plans 4. Landscape plan 5. Arborist Report 6. Noise Management Plan and Supplementary Report 7. Plan of Management 8. Statement of Environmental Effects and Addendum 9. Social Impact Statement 10. Traffic Report and Addendum
Report prepared by	Ivan Kokotovic – Senior Development Planner
Report date	4 December 2017

1. EXECUTIVE SUMMARY

On 11 December 2017 the Sydney West City Planning Panel (SWCPP) will consider an assessment report relating to the construction and operation of an educational establishment at 95-105 Seventeenth Avenue, Austral. The recommended conditions of consent submitted to the SWCPP for the meeting, require the applicant to design and construct a roundabout within the road reserve adjacent to the front corner of the school. The applicant has raised concerns with the recommended condition as outlined below.

2. HISTORY/BACKGROUND

Original Assessment

Council's Traffic and Transport Department has assessed that a roundabout is required to be provided by the applicant at the corner of Seventeenth and Craik Avenues. The condition of consent attempts to ensure the safe control of traffic movements and the minimisation of traffic congestion at that intersection, once the school is operational.

Consideration is given to the future increase in residential density in the locality consistent with the SEPP Growth Centres 2006, and the additional peak traffic generated by the school at full capacity. This position also takes into consideration the approved residential subdivision (DA-80/2016) at 50 Craik Avenue, which results in the intersection being developed from a T-way to a 4-way intersection.

Applicant Request

Due to the timing of the report to achieve the 11 December SWCPP meeting, the applicant was unable to review the recommended conditions of consent in full.

Upon reviewing the draft conditions of consent, the applicant raised no major concern with the conditions except for condition 29a. Although understanding optimum outcome for the intersection, the applicant requested condition 29a be re-considered for the following reasons:

- There is no s94 contribution for the construction of the roundabout, and as such the applicant cannot apply for works-in-kind.
- Council has not requested entering into a VPA.
- Requesting full construction from one owner of a roundabout located on three properties is not equitable.

Subsequent Council Assessment

In considering the concerns raised by the applicant, the circumstances of the proposal, and based on advice from Council's Legal Department, an amendment to recommended Condition 29a is warranted. It is considered reasonable that condition 29a will not require the design and construction of the roundabout by the applicant, instead asking for the road pavement and reserve to be designed and constructed to accommodate a future roundabout to be installed by Council. Additional infrastructure not included in the current s94 Contributions Plan, will need to be identified by Council at a strategic level and applied across the locality, to avoid such circumstances in the future.

3. AMENDED AND ADDED CONDITIONS OF CONSENT

Design Amendments – Traffic Section (Condition 29a)

Original Condition

29. *The following design amendments and details are required to be shown on amended plans and submitted to and approved by Council's Traffic Section prior to the issue of any Construction Certificate:*

- (a) *A roundabout is required to be constructed by the beneficiary of this development consent, to control traffic movements and minimise congestions at the intersection of Craik Avenue and Seventeenth Avenue. The amended plans and details showing the roundabout are required to be designed in accordance with Austroads Guidelines.*

Amended Condition

29. *The following design amendments and details are required to be shown on amended plans and submitted to and approved by Council's Traffic Section prior to the issue of any Construction Certificate:*

- (a) *The construction of the road at the intersection of Seventeenth and Craik Avenues shall be designed in accordance with Austroads Guidelines to accommodate a roundabout.*

4. CONCLUSION

In conclusion, the following is noted:

- The conditions of consent have been updated to factor in the amendment requested by the applicant.
- The application is still considered satisfactory and is recommended for approval.

5. ATTACHMENTS

1. Revised Recommended Conditions of Consent