

SYDNEY WESTERN CITY PLANNING PANEL COUNCIL ASSESSMENT REPORT

SSWPP No	PPSSWC-210
DA Number	DA-1295/2021
Local Government Area	Liverpool City Council
Proposed Development	<p>Superlot and residential subdivision over 3 stages – including site remediation, dam dewatering, vegetation clearing, subdivision of existing allotment into a torrens title staged subdivision of 123 residential lots and 22 residue lots and construction of roads and associated civil works.</p> <p>Stage 1: Subdivision of one existing allotment (Lot 184 DP1237400) to create 9 superlots for future development (superlots 101 to 109).</p> <p>Stage 2: Subdivision of proposed superlot 101 created under Stage 1 to create 60 torrens title residential lots (Lots 1 to 36, 39 to 42, 44, 45, 47 and 52 to 68) and 11 residue lots (Lots 37, 38, 43, 46, 48 to 51, 69 and 70).</p> <p>Stage 3: Subdivision of proposed superlot 70 created under Stage 2 to create 63 Torrens title residential lots (Lots 201 to 217, 219 to 230 and 232 to 265) and 4 residue lots (Lots 218, 231, 266 and 267).</p>
Street Address	<p>Lot 184 DP1237400</p> <p>Gurner Avenue, Austral NSW 2179.</p>
Owner	Landcom
Date of DA Lodgment	3 November 2021
Applicant	Landcom
Number of Submissions	Three
Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)	<p>Clause 4 of Schedule 6 - Development carried out by or on behalf of the crown with a Capital Investment Value (CIV) of over \$5 million.</p> <p>The CIV of this application as outlined in a detailed cost report by a registered Quantity Surveyor is \$13,480,000 (excluding GST).</p>
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • <i>List all of the relevant environmental planning instruments: s4.15(1)(a)(i)</i> <ul style="list-style-type: none"> • State Environmental Planning Policy (Precincts – Western Parkland City) 2021 – Appendix 4 Liverpool Growth Centres Precinct Plan • State Environmental Planning Policy

	<p>(Resilience and Hazards) 2021, Chapter 4 – Remediation of Land.</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Environment) 2021, Chapter 6 – Water Catchments. <ul style="list-style-type: none"> • <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: s4.15 (1)(a)(ii)</i> • No draft Environmental Planning Instruments apply to the site. • <i>List any relevant development control plan: s4.15 (1)(a)(iii)</i> <ul style="list-style-type: none"> - Liverpool Growth Centres Precinct DCP <ul style="list-style-type: none"> • Part 2: Precinct Planning Outcomes • Part 3: Neighbourhood and Subdivision Design • Part 4: Development in the residential zones • Schedule 1: Austral and Leppington Precincts • <i>List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15 (1)(a)(iiia)</i> • No planning agreement relates to the site or proposed development. • List any relevant regulations: s4.15(1)(a)(iv) eg. Regs 61, 62, 63, 64, 65. • Not applicable.
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List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> 1. Conditions of consent 2. Subdivision Plans 3. Civil Plans 4. Building Envelope Plans 5. Landscape Masterplan 6. Aboriginal Cultural Heritage Assessment Report 7. Biodiversity and Riparian Land Assessment 8. Bushfire Assessment and additional bushfire advice 9. Preliminary Site Investigation (Contamination) 10. Detailed Site Investigation (Contamination) 11. Additional Contamination Advice 12. Traffic and Access Study and additional traffic advice 13. Urban Design Report 14. Waste Management Plan 15. Odour Advice 16. Net developable area plan 17. Subdivision zoning overlay 18. Statement of Environmental Effect 19. Preliminary Geotechnical Assessment 20. Stormwater Concept Plan and Flood Study.
Clause 4.6 requests	No
Recommendation	Approval
Report by	Anna Johnston
Report date	7 December 2022

Summary of s4.15 matters	
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Chapter 4 of SEPP (Resilience and Hazards) 2021, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards	N/A
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S7.11EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Yes

Conditions	
<p>Have draft conditions been provided to the applicant for comment?</p> <p><i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i></p>	Yes

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

The Sydney Western City Planning Panel is the determining authority as the Capital Investment Value of the development is over \$5 million, and Landcom is a Crown applicant pursuant to Clause 4, Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021.

1.1 The proposal

The application seeks consent for staged residential subdivision over 3 stages for 123 residential lots and 22 residue lots. The DA includes the removal of select vegetation, bulk earthworks and associated civil works including the construction of temporary on-site detention basins, stormwater drainage, new roads and installation of services.

A separate subdivision application is being progressed for residential subdivision of Austral East (DA-1298/2021) comprising superlot 102 which is proposed to be created under Stage 1 of this DA-1295/2021.

1.2 The site

The subject site is identified Lot 184 DP1237400, Gurner Avenue, Austral, and forms part of the Austral Precinct of the South West Growth Area and adjoins the Western Sydney Parklands.

The site comprises approximately 49ha of land within an irregular shaped parcel located on the northern side of Gurner Avenue with a narrow strip (battle-axe handle) fronting Gurner Avenue. The site generally comprises open fields with areas of remnant bushland along creek margins.

The site is zoned R2 Low Density Residential, R3 Medium Density Residential (along part of the access handle), SP2 Infrastructure (Local Drainage), RE1 Public Recreation, C2 Environmental Conservation, C4 Environmental Living, and RU6 Transition under the State Environmental Planning Policy (Precincts – Western Parkland City) 2021.

1.3 The issues

With the provision of additional information, the proposed development has presented a design that is compliant with the relevant development standards and applicable planning controls.

Key issues, including those raised in external referrals and in Council's Request for Information (RFI) dated 9 November 2022 are outlined and addressed below.

Road cross sections

Council's recently RFI requested that the road cross sections be amended to reflect the Growth Centres DCP 2021, and notes the potential for alternative cross sections to set a precedent for future developments.

Landcom has advised that its proposed road cross sections are in response to the new street

engineering standards devised by the Western Sydney Planning Partnership that Council is part of which have been endorsed by Council. Landcom considers they would deliver a number of benefits including:

- shared road use with an emphasis on pedestrian and cyclist mobility,
- high quality public domain outcomes,
- increased urban tree canopy,
- Water Sensitive Urban Design, and
- urban cooling outcomes through reduced pavements and increased planting.

The road cross sections include local roads which are designed as shareways with pedestrian / cycle / vehicle shared zones. Shareways require approval of Transport for NSW (TfNSW) to limit speeds to 10km/h. A condition of consent is proposed requiring TfNSW approval to be granted prior to a subdivision works certificate.

TfNSW raised no objection in relation to the proposal and notes that the approval of the shareway can be resolved following the approval of the DA. TfNSW notes that Urban Design Report principles are generally consistent with TfNSW requirements for shareways, but that the civil drawings do not currently meet TfNSW Technical Direction TTD 2016/001 which applies to shareways. It is considered that this can be addressed through the detailed design and a proposed condition of consent is included to this effect.

It is understood that relevant Council officers have no further comments on the road cross sections.

The road cross sections are considered adequate on the basis that they are generally consistent with Western Sydney Street Design Guidelines prepared by the Western Sydney Planning Partnership and that no objection has been raised by TfNSW.

Contamination

The applicant has provided a Preliminary Site Investigation and Remediation Action Plan. Council's recent RFI has requested a Remediation Action Plan (RAP) be submitted prior to approval.

At the last SSWPP meeting the applicant agreed to issue council with a letter which indicates the contamination consultant's opinion regarding the potential contamination of the land and the lands suitability (or otherwise) for its future residential use and that a RAP will be prepared prior to commencement of any works. It should also set out whether the requirements of the SEPP and EPA Guidelines have been met.

Advice was provided by Douglas Partners on 24 November 2022 which stated that site has a low potential for contamination, with the exception of five Areas of Environmental Concern (AEC) which incorporate limited areas of the site. It recommends further targeted investigation and/or remediation and validation of AEC based on the findings of the targeted investigation.

Douglas Partners has advised that the site is typical from a contaminated land perspective of peri urban development sites within the LGA and that the site can be made suitable for the subject use through the preparation and implementation of a remediation action plan (RAP).

A condition has been included to require preparation and approval by Council of an RAP prior to a subdivision works certificate.

Flooding

Council's RFI sought further assessment of flood impacts on adjoining properties to the south to reduce any increase to the permissible level (10mm) and requested that flood maps to include the development site boundary.

This is addressed in the updated Flooding and Stormwater Management Plan which confirms that the flood extents on the adjacent southern properties has not been increased as result of the proposed development and that flood water surface levels on these adjacent properties have been retained to within 10mm of the current existing level or improved.

It is understood that the Council flood engineers were reviewing the updated Flooding and Stormwater Management Plan however no response has been received to date.

Notwithstanding this matter appears to have been satisfactorily addressed.

Stormwater

Council's RFI requested an updated Stormwater Concept Plan and Flood Study to address the following:

- Provision to capture fully developed upstream catchment flow from the southern side of the development site (ie, southern side of DCP road / Lapwing Street) and convey to the nominated point of discharge. The design shall also demonstrate that site stormwater and stormwater from external catchment can be conveyed to the corresponding regional basin in the ultimate development scenario. The design shall demonstrate that the site stormwater is discharged to the point of discharge by gravity.
- The stormwater design shall incorporate water sensitive urban design principles. The design shall be carried out using MUSIC modelling and the performance shall be verified using council's MUSIC link.
- Inclusion of interim streetscape silt trap devices at "Proposed Raingarden Locations" as per the Liverpool Growth Centre Precincts Development Control Plan, June 2021.

An Updated Flooding and Stormwater Management Plan has been prepared to address the above. The Civil Plans have also been updated including to show the interim silt trip devices at proposed raingarden locations. Landcom has advised that the WSUD has already been include in the MUSIC model which has been verified by Council.

It is understood that the Council flood engineers are reviewing the updated Flooding and Stormwater Management Plan however no response has been received to date.

Notwithstanding this matter appears to have been satisfactorily addressed subject to any additional conditions recommended by the Council flood engineers.

Landowners consent for drainage works

Council's RFI highlighted that the development is proposing to divert upstream catchment flow along the future DCP road to the south (Lapwing Street) and requested that the applicant provide written consent from the property owner of all affected properties to carry out necessary work at their land to divert / capture flows from upstream catchments.

Landcom has advised that Crownland Developments Pty Ltd will settle on the land has provided in

principle support for the proposed works.

A condition of consent is proposed requiring the land owner's consent to be provided to Council prior to a Subdivision Works Certificate.

Odour

Council's RFI raised concerns that the site may be impacted by odour as a result of the sewage pumping station, which is located within the proposed development site. Council has sought an air quality assessment to identify the impacts odour may have on the development.

Landcom has referenced the Review of Environmental Factors prepared by Sydney Water for the pumping station (WWPS1190) which highlights that residential development of the area was a consideration of the approval as per the below extract:

It is likely that residences would be built in close proximity to the WWPS1190 given nearby residential zoning. The WWPS1190 would be designed to comply with EPL No. 372 to minimise offensive odours. Odour risk would largely be managed by chemical dosing at the WWPS1190.

Sydney Water have not raised any objections to the proposal.

It is understood that Council is still seeking an air quality assessment, although this appears redundant given that odour impacts have already been considered as part of Sydney Water's assessment.

Traffic impacts

Council's RFI requested further analysis of the capacity of the surrounding external road network and key intersections to accommodate the traffic generation from the proposed subdivision and others in the surrounding area including the proposed expansion of the Al Faisal School (from 600 students now to 1200 under current DA and to around 6000 in the future).

Council also raised concern about traffic congestion at Fifteenth Avenue and the lack of Government funding commitment to upgrades to provide three lanes in each direction which were identified in the Austral & Leppington North Precincts Traffic Assessment prepared on behalf of DPE.

Landcom has referenced the traffic modelling provided to Council previously in June 2022 which evaluated the intersection performance for the Edmondson Avenue / Fifteenth Avenue interaction which had been requested by TfNSW. The traffic modelling included traffic increases as a result of the network background growth, the progressive development of Austral and Leppington North Precinct and the proposed expansion of the AlFaisal College to accommodate 5,500 students. The modelling confirmed that the proposal would have marginal impact on the intersection. It notes that whilst the intersection would fail by 2036 that the school traffic would have much greater impact on the intersection representing 13% of the traffic increase (+722 vehicles) compared to the residential subdivision (+210 vehicles).

Landcom also notes that any upgrade of Fifteenth Avenue to three lanes in each direction would be funded via the SIC.

This matter is considered to have been satisfactorily addressed.

1.4 Exhibition of the proposal

The development application was advertised between 27 January 2022 to 25 February 2022, in accordance with the Liverpool Community Participation Plan (LDCCP 2008). Three submissions were received in response to the exhibition which are addressed in Section 6.

1.5 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act (EP&AA) 1979. Based on the assessment of the application it is recommended that the application be approved, with conditions.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The development site is located within the suburb of Austral and is approximately 12km west of the Liverpool CBD and approximately 6.5km north of Leppington train station, as indicated in the figure below.

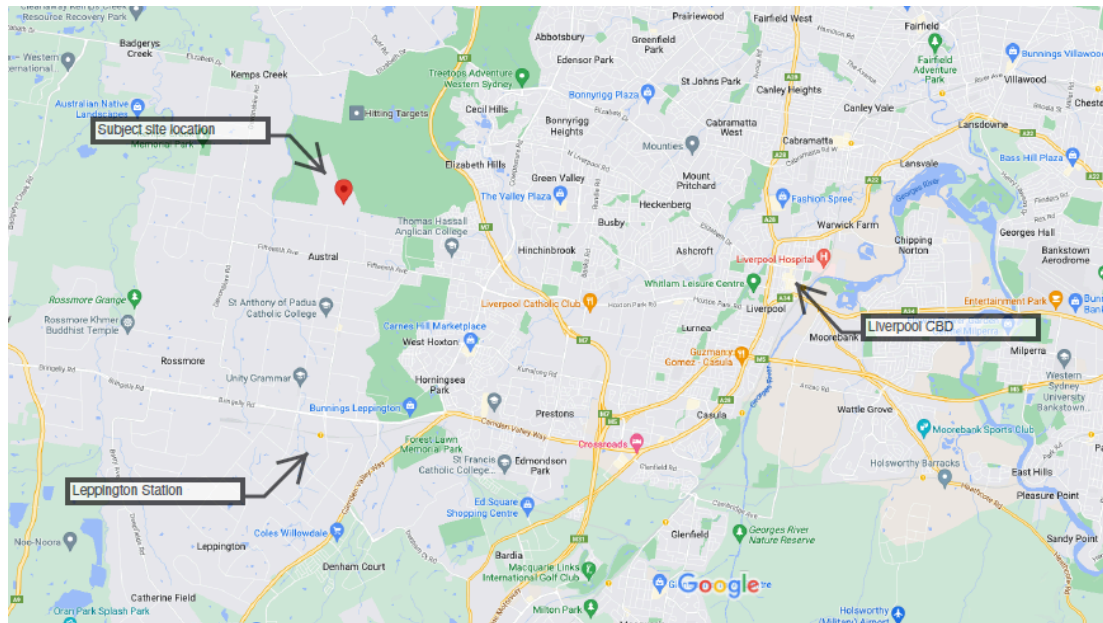


Figure 1: Locality Map

The site comprises approximately 49ha of land within an irregular shaped parcel located on the northern side of Gurner Avenue with a narrow strip (battle-axe handle) fronting Gurner Avenue.

The site sits between two ridge lines, defined by the creek lines that drain south to north. The site generally comprises open fields with areas of remnant bushland existing along creek margins while the remaining land is low-lying grasses, shrubs, weeds and small areas of native regrowth.

The site is affected by a number of services including the Eastern Gas Pipeline along the eastern boundary and high voltage transmission lines along the northern boundary. A Sydney Water pumping station is also located on a separate parcel of land which sits within the site boundaries.



Figure 2: Aerial Photo

2.2 The locality

Currently the surrounding locality is predominately semi-rural land which is intended for future residential development as part of the South West Growth Area.

The land to the south sits between the site and Gurner Avenue and is zoned for low density residential development with the areas yet to be developed comprising a mix of rural and semi-rural uses. A K-12 school Al-Faisal College is also located within this area to the south of the site.

The Western Sydney Parklands adjoins the site to the eastern and western boundaries. The land to the west comprises bushland within the Kemps Creek Nature Reserve which also forms part of the wider Western Sydney Parklands. To the north west is the Kemps Creek 500kV substation.

To the north of the site is land zoned for low density residential development separated by a band of rural transition zoned land generally following the alignment of the high voltage transmission lines owned and managed by TransGrid. The land to the north is still largely rural land with remnant bushland.



Figure 3: Existing surrounding locality



Figure 4: Intended uses under growth centres Indicative Layout Plan

2.3 Zoning

The site comprises the following zones under the State Environmental Planning Policy (Precincts – Western Parkland City) 2021:

- R2 Low Density Residential
- R3 Medium Density Residential (along part of the access handle)
- SP2 Infrastructure (Local Drainage)
- RE1 Public Recreation
- C2 Environmental Conservation
- C4 Environmental Living
- RU6 Transition.

The area proposed for residential subdivision is zoned R2 Low Density Residential.

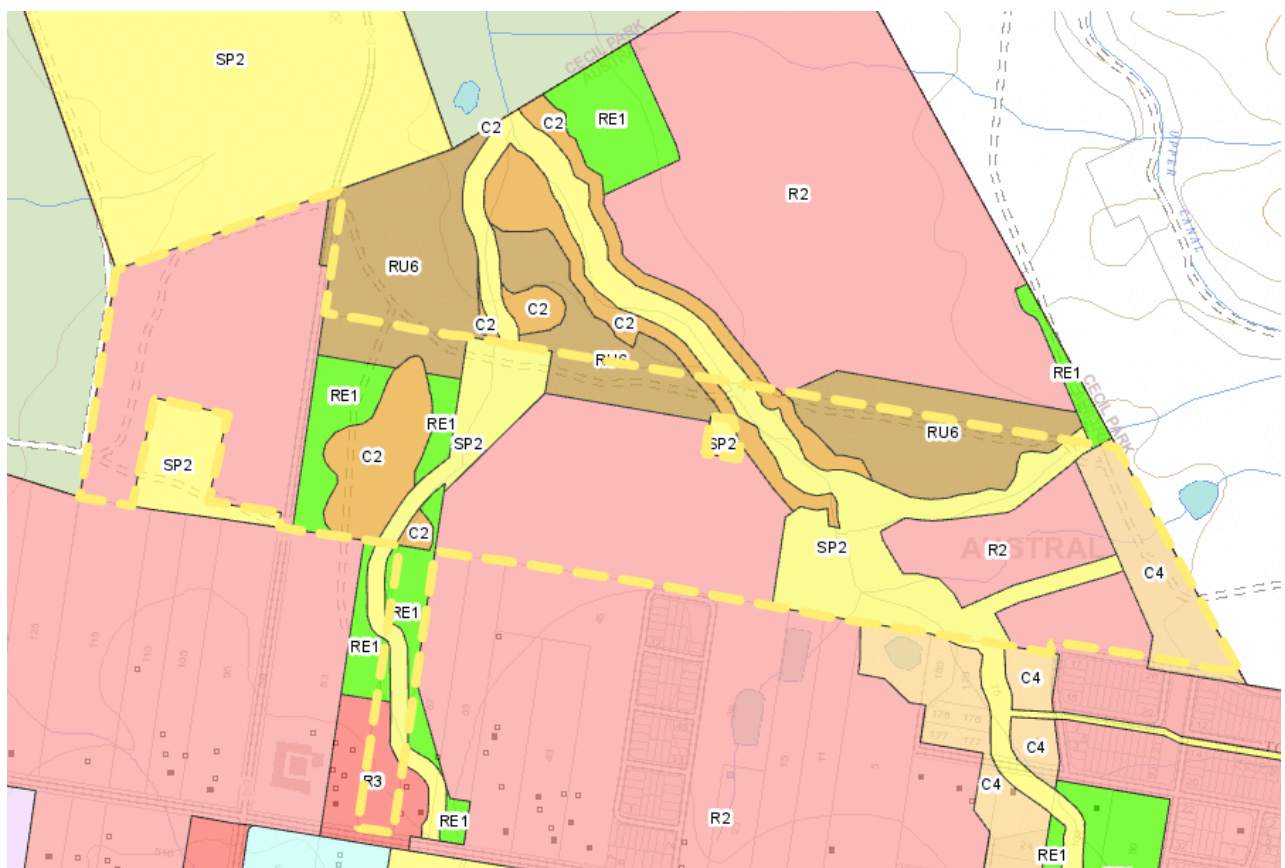


Figure 5: Zoning Map

2.4 Site affectations

• Bushfire

The site and surrounds comprise bushfire prone land as shown in the figure below. The site was submitted with a Bushfire Protection Assessment prepared by Ecological Australia dated 27 October 2021.

The application was referred to the Rural Fire Service (RFS) as integrated development. The RFS has raised no objection to the proposal, subject their General Terms of Approval as set out in its advice letter

dated 7 October 2022.



Figure 6: Bushfire Prone Land

- **Riparian land**

A number of tributaries of Kemps Creek traverse the site, including first, second and third order streams which are largely contained within the land zoned E2 Environmental Conservation and SP2 Infrastructure (Local Drainage).

A first order stream to the east of the site is zoned R2 Low Density Residential and therefore is not proposed to be retained.

Department of Planning and Environment—Water and Department of Primary Industries – Fisheries have not raised any issues with the proposal subject to their General Terms of Approval as set out their letters dated 28 October 2022 and 6 May 2022 respectively.

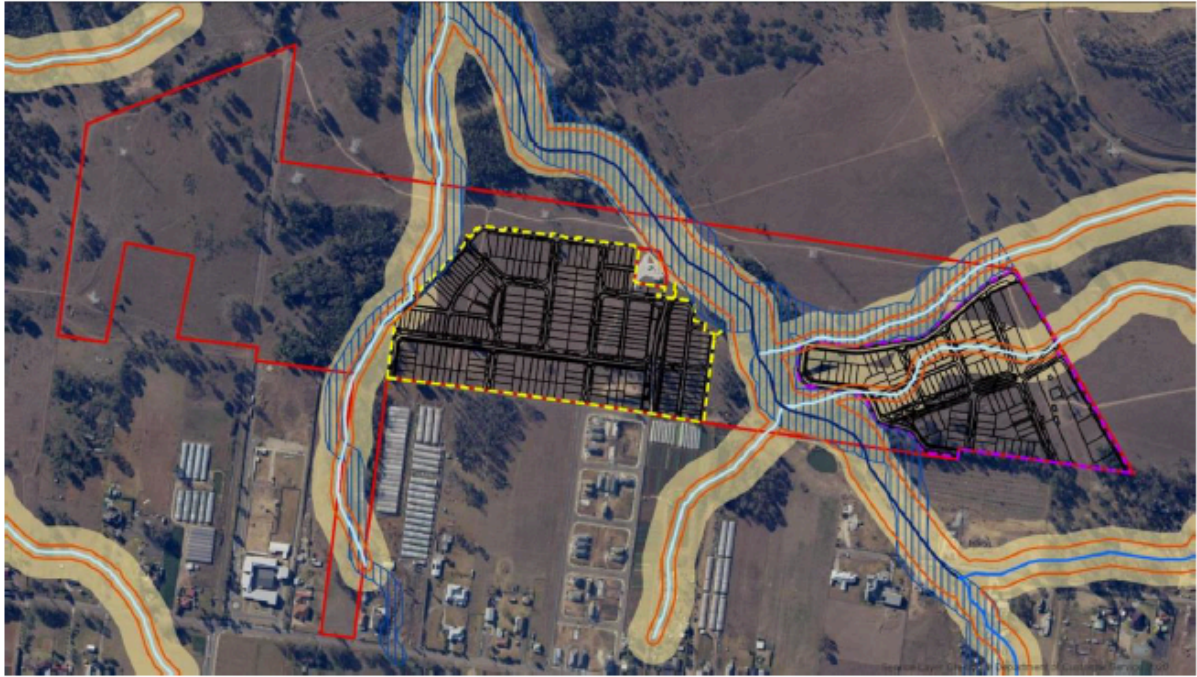


Figure 67 Riparian corridors

- **Flooding**

The land along the riparian corridors within the site are subject to flood hazard. Flood hazard has been addressed through an updated Flooding and Stormwater Management Plan including through provision of temporary flood storage until the regional basin (Basin 27) is delivered which will ultimately provide flood storage.

It is understood that the Council flood engineers were reviewing the updated Flooding and Stormwater Management Plan however no response has been received to date. Notwithstanding this matter appears to have been satisfactorily addressed.

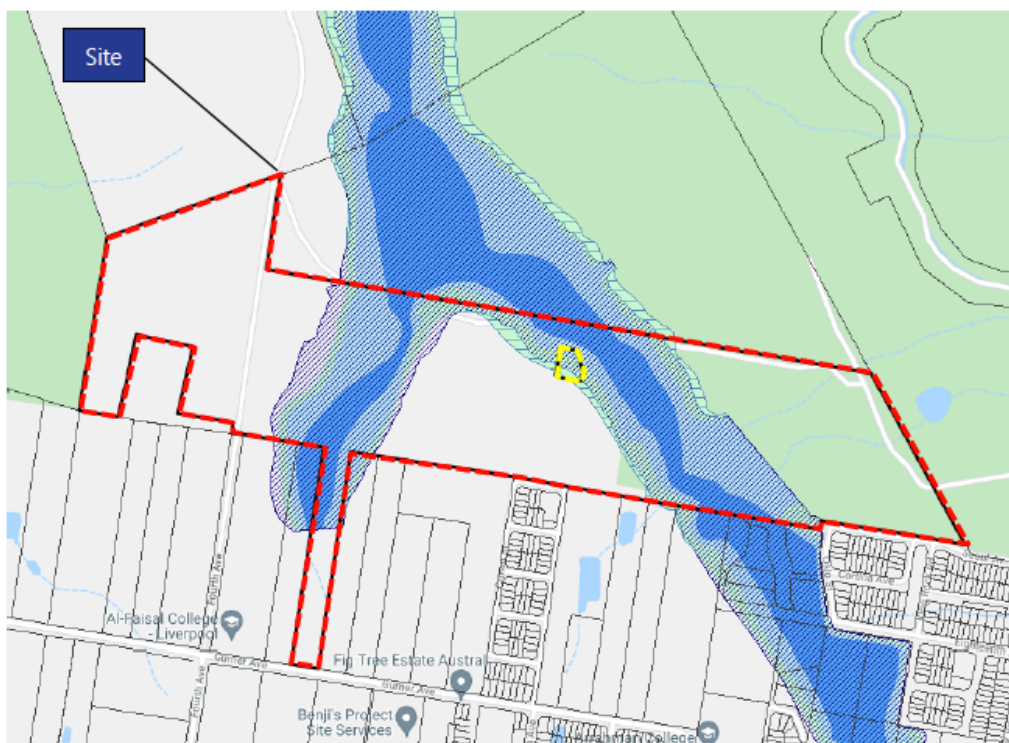


Figure 8: Flood Affection

- Electricity easement**

The site comprises an easement along the northern boundary of the Site approximately 60 metres wide (partly extending onto the adjoining lands) within which are high voltage transmission lines on large steel stanchions.

TransGrid have advised that they do not support the proposed development for the reasons outlined below. However, it is considered that the matters raised are appropriately addressed, including through the conditions recommended by TransGrid. The TransGrid advice will form part of the approval.

Comment	Landcom Response	Consideration
Easement location offset by 8m to the south of the transmission line centres line.	The position of the registered easement has been confirmed in the Survey Plan prepared by a registered surveyor (Project Surveyors) that has been used to establish the masterplan, Subdivision Plan and Civil Works Plans. The proposed development has been designed to align with the registered easement and position of the transmission line	Satisfactorily addressed.
Retaining wall slightly extends into the easement.	Refer to Site Regrading Plan Sheet 1 of 3 (21-000381-201 Revision 4). The retaining wall does not extend within the easement area.	Satisfactorily addressed.
Five small lots (301 to 305) encroach within the easement.	These lots are not proposed in the DA. Proposed residue Lot 38 does not encroach within the easement. Refer to Plan of Proposed Subdivision of Proposed Lot 101 (Being part of existing Lot 184 in DP 1237400). The residue lot position have been amended to not encroach within the easement. The requirements of TransGrid Condition 1 would apply to any future development over residue Lot 38. TransGrid Condition 2 is now redundant as proposed residue Lot 38 is located outside of the easement.	Satisfactorily addressed.
Residue Lot 266 is partially located in the easement.	Noted. The area affected by the easement is to form a future road connection, not dissimilar to the other sections of proposed Road 7 that no objection has been provided to.	Satisfactorily addressed.
A future detention basin is identified across the existing TransGrid access tracks which refers to a separate drawing.	This basin was identified by the Department of Planning, Infrastructure and Environment in consultation with TransGrid and is to be delivered by Council as per their Contributions Plan. This basin will be the subject of future approval by Council and Council will liaise as required with TransGrid (as requested by TransGrid Additional Note 1).	Satisfactorily addressed.

TransGrids current access track along the easement will be obstructed by the proposed basin.	TranGrid have recommended the following condition to address this: Where TransGrid's access has been impacted, an alternate access track shall be proposed by the proponent which provides continuous access along the easement to each structure. These tracks shall be capable to withstand the loads of a 40t maintenance vehicle.	Satisfactorily addressed, subject to condition
Fencing materials are unknown	TranGrid have recommended the following condition to address this: Any fencing (barrier or sediment, temporary or permanent) in the easement must be in accordance with TransGrid Fencing Guidelines.	Satisfactorily addressed, subject to condition
88B Instrument	Landcom supports the following condition: A "Restriction-as-User" (88B Instrument) is required to be placed on the titles of any created lots that may become affected by a transmission line easement.	Satisfactorily addressed, subject to condition

- **Gas Pipeline easement**

An easement containing high pressure gas assets in the form of the Jemena Gas Networks Pipeline License 1 (JGN) and Eastern Gas Pipeline (EGP) are located within the site along the eastern boundary.

This easement is located within the superlot which is proposed to be developed under the separate DA for Austral East. The application has been referred to Jemena who have confirmed they have no objection to the proposed development.

- **Native vegetation**

The subject site includes areas of native vegetation which are largely concentrated along the riparian corridors. The site includes land which is subject of the Growth Centre Biodiversity Certification and for this land there is no requirement for the biodiversity assessment.

The proposal includes 0.08ha of clearing of non-certified land identified as Native Vegetation Retention (NVR) within the Liverpool Growth Centres Precinct under the State Environmental Planning Policy (Precincts – Western Parkland City) 2021.

A Biodiversity and Riparian Land Assessment has been prepared by Ecological Australia to support the application.

The clearing is identified as required for essential infrastructure such as perimeter roads around the riparian corridors to adhere to bushfire risk management requirements. These impacts will be mitigated through the retention, revegetation, and management of native vegetation within the riparian corridors to be detailed and implemented a Vegetation Management Plan (VMP).

The SEPP allows for clearing of NVR where this is minimised and will be compensated. This is discussed further within the assessment against the SEPP in Section 6.

A condition of consent is proposed to require a Vegetation Management Plan to be prepared prior to a Subdivision Works Certificate.

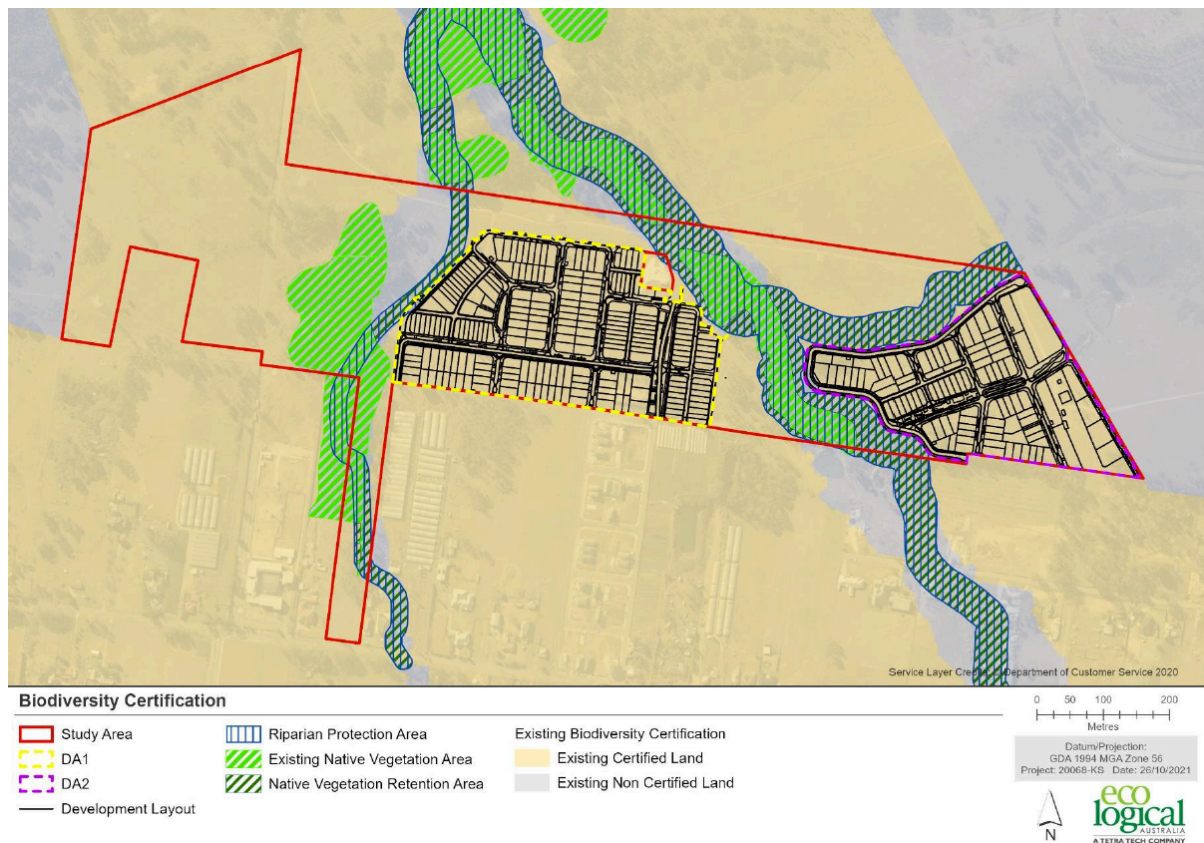


Figure 9: Native vegetation

- **Aboriginal heritage**

An Aboriginal Cultural Heritage Assessment Report has been prepared which identifies archaeological sites within the area proposed to be subdivided as shown in the figure below.

Heritage NSW has raised no objections subject to their General Terms of Approval which includes a requirement to seek a s90 Aboriginal Heritage Impact Permit.

Heritage NSW have also recommended that a note be added to the 88B instrument to recognise the areas where Aboriginal heritage items are not impacted by the works (i.e. residual lots) including as follows:

- Non-impacted portions of the recorded Aboriginal sites should be mapped on title along with the relevant Aboriginal Heritage Information Management System (AHIMS) sites numbers
- A note should be added referring to the presence of Aboriginal heritage cultural items with reference to Heritage NSW and the Aboriginal Heritage Information Management System (AHIMS) and the requirement to obtain an Aboriginal Heritage Impact Permit prior to undertaking any works that will impact recorded Aboriginal objects.

A proposed condition of consent is recommended to this effect.

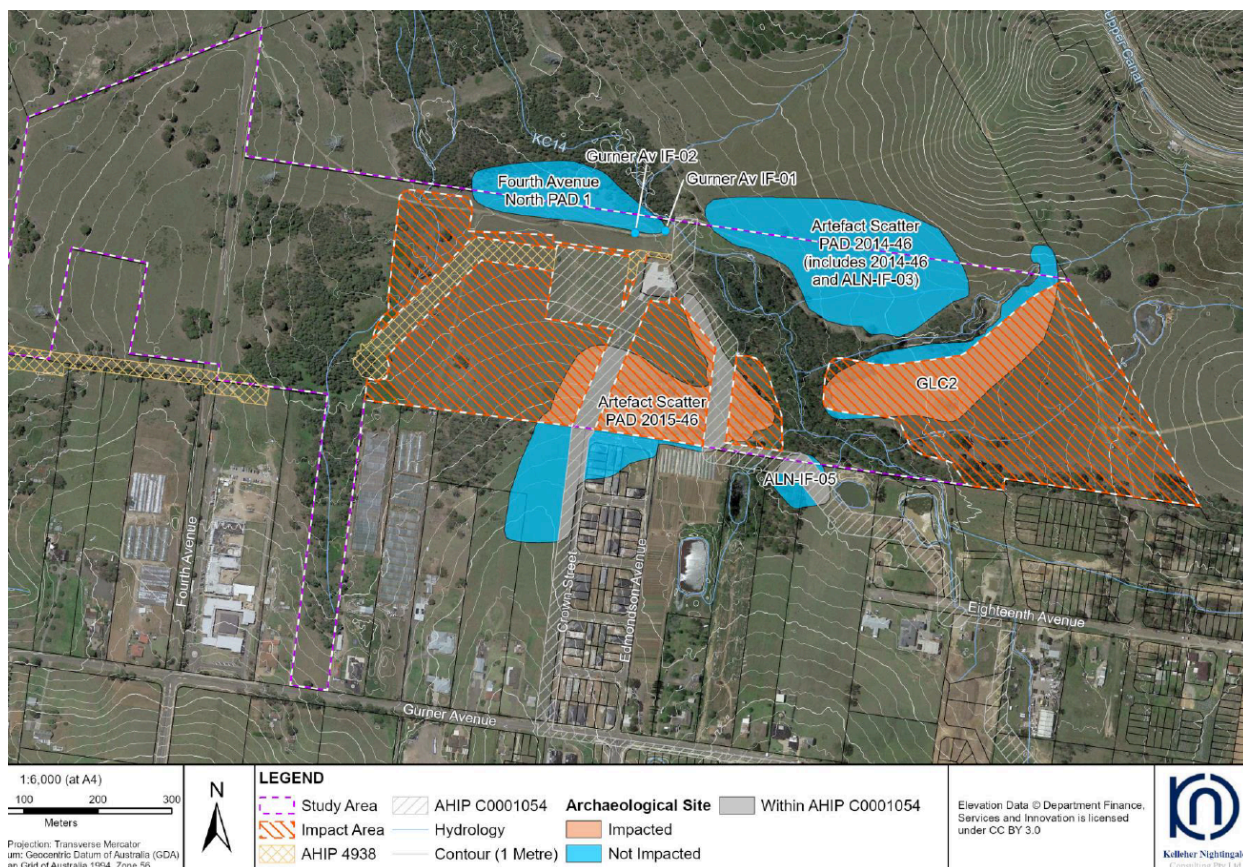


Figure 10: Aboriginal heritage

- Land acquisition**

The site is subject of land zoned SP2 Infrastructure (Local Drainage) and RE1 Public Recreation which is identified for acquisition by Council as shown in the figure below.

This land is identified within residual land parcels which will be either acquired by Council or dedicated as part of a future Planning Agreement.

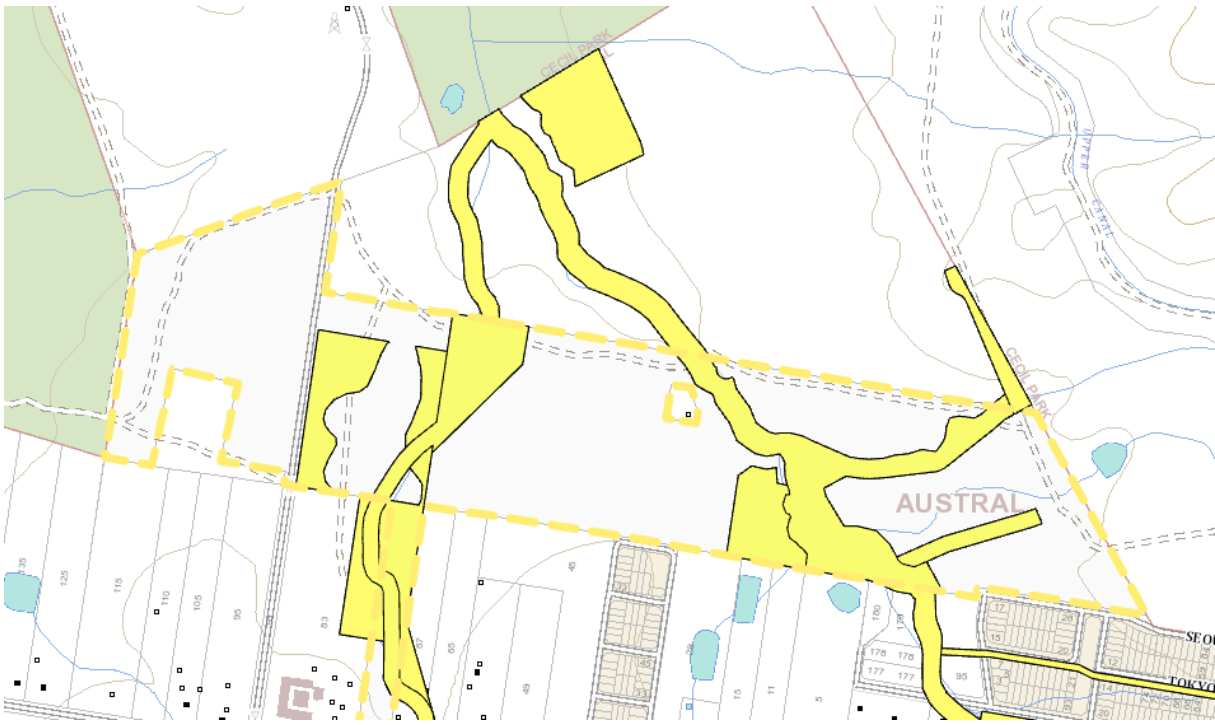


Figure 10: Areas subject of land acquisition provisions

3. BACKGROUND

3.1 Timeline of assessment

- 1) The application was lodged on 3 November 2021
- 2) The application was placed on public exhibition from 27 January 2022 to 25 February 2022
- 3) The application was briefed to the Sydney Western City Planning Panel (SWCPP) on 24 January 2021 for an initial briefing
- 4) The application was briefed to the SWCPP on 16 May 2022
- 5) The application was briefed to the SWCPP on 24 October 2022
- 6) The most recent additional information request was sent by Council on 9 November 2022
- 7) Additional information was provided on 25 November 2022.

3.2 Related applications

DA-1298/2021

A separate subdivision application is being progressed for residential subdivision of Austral East (DA-1298/2021) comprising superlot 102 which is proposed to be created under Stage 1 of this DA-1295/2021.

3.3 WWCPP briefings Planning Panel Briefing

The application was briefed to the Sydney South West Planning Panel on 24 January 2022, 16 May 2022 and 24 October 2022. At the latest briefing the Panel recommended that all action be taken to resolve the outstanding issues so that Council could finalise its assessment in December 2022. Council agreed to issue an RFI letter as soon as possible.

Key issues were noted as:

- Roads and traffic
- Outstanding external referrals
- Design Excellence Panel minutes to be issued to the applicant for information
- Remediation Action Plan: the applicant agreed to issue council with a letter from the consultant which indicates the contamination consultant's opinion regarding the potential contamination of the land and the lands suitability (or otherwise) for its future residential use and that a RAP will be prepared prior to commencement of any works. It should also set out whether the requirements of the SEPP and EPA Guidelines have been met.

A further information request was subsequently issued on 9 November 2022. Outstanding items are discussed in Section 1.3.

4. DETAILS OF THE PROPOSAL

Development consent is sought for:

- Subdivision over three stages for the creation of 123 residential lots and 22 residue lots
- Construction of internal roads to be dedicated to Council as local roads
- Vegetation removal
- Construction of drainage and stormwater management system
- Construction of public utility infrastructure
- Site Remediation works and Bulk Earthworks involving cut and fill
- Landscaping works.

This application seeks a staged consent of works;

- Stage 1: Subdivision of one existing allotment (Lot 184 DP1237400) to create 9 superlots for future development (superlots 101 to 109).
- Stage 2: Subdivision of proposed superlot 101 created under Stage 1 to create 60 torrens title residential lots (Lots 1 to 36, 39 to 42, 44, 45, 47 and 52 to 68 and 11 residue lots (Lots 37, 38, 43, 46, 48 to 51, 69 and 70).
- Stage 3: Subdivision of proposed superlot 70 created under Stage 2 to create 63 Torrens title residential lots (Lots 201 to 217, 219 to 230 and 232 to 265 and 4 residue lots (Lots 218, 231, 266 and 267).

The application relates to superlot subdivision of two development catchments – Austral East and Austral West. Subdivision to create residential torrens title lots relates to Austral West (see figure below).

A separate subdivision application is being progressed for residential subdivision of Austral East (DA-1298/2021) comprising superlot 102 which is proposed to be created under Stage 1 of this DA (DA-1295/2021).

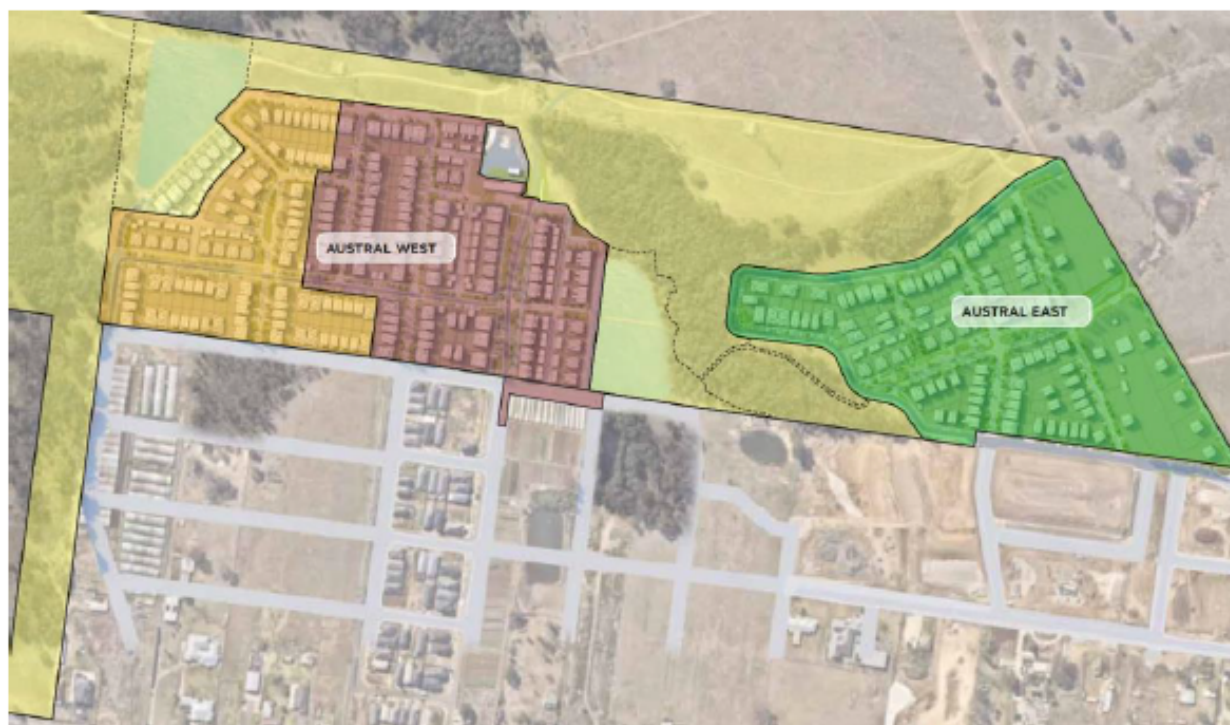


Figure 12: Austral East and Austral West

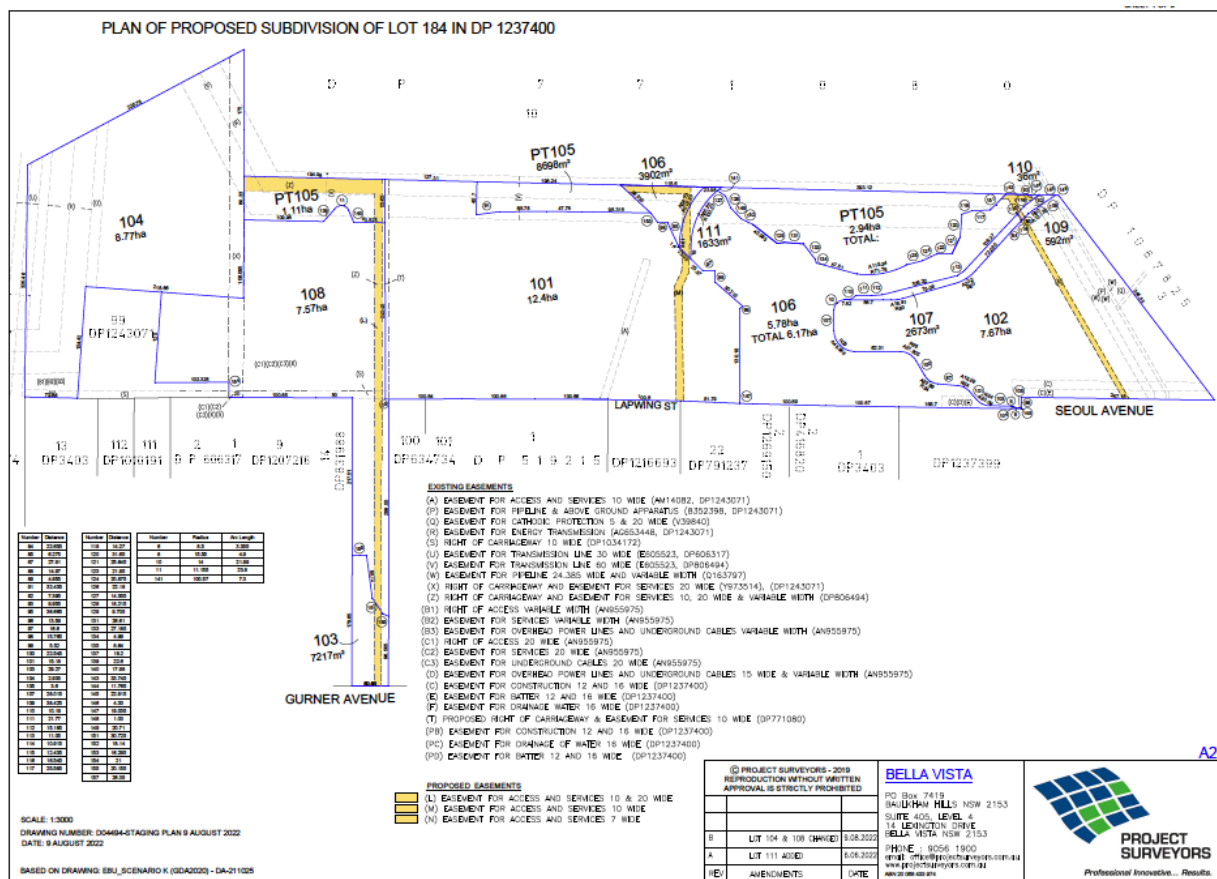


Figure 13: Stage 1 superlot subdivision

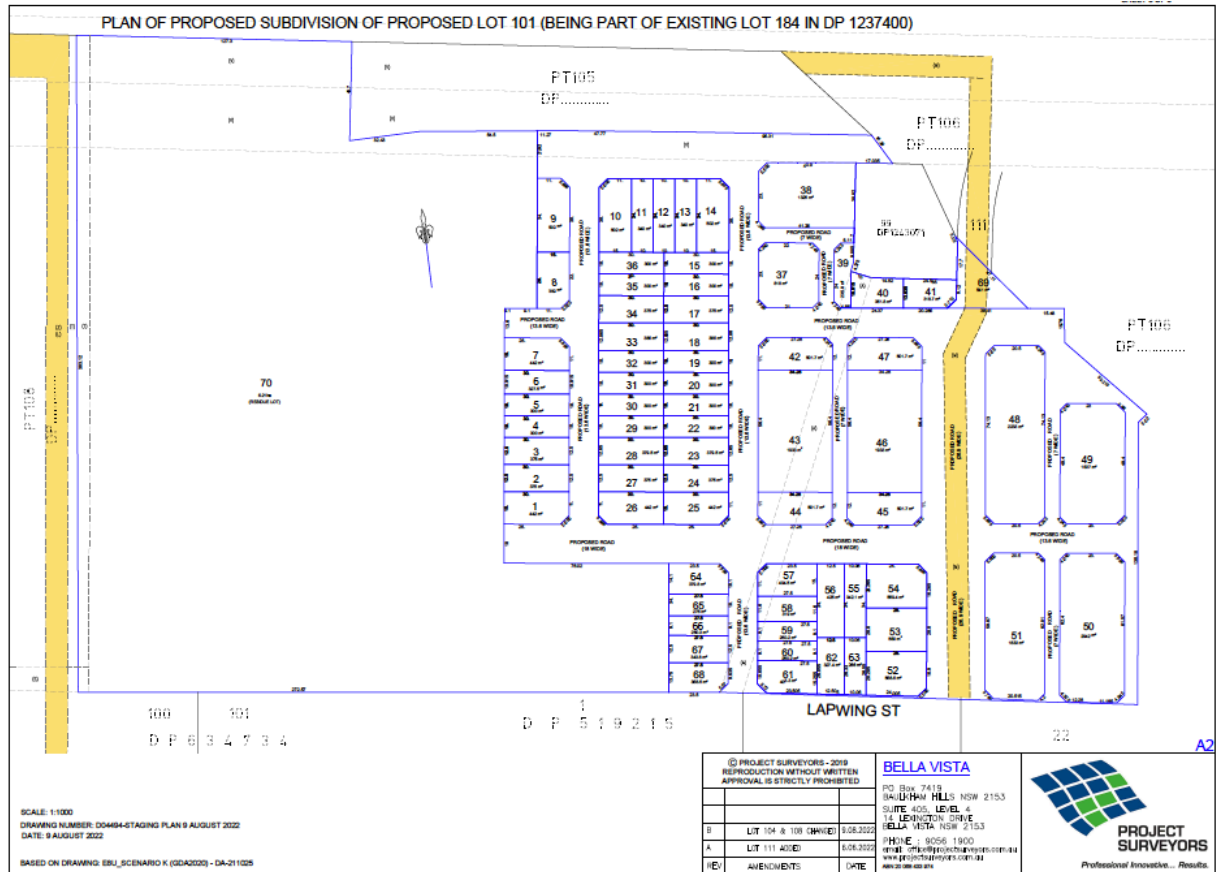


Figure 14: Stage 2 subdivision of Lot 101

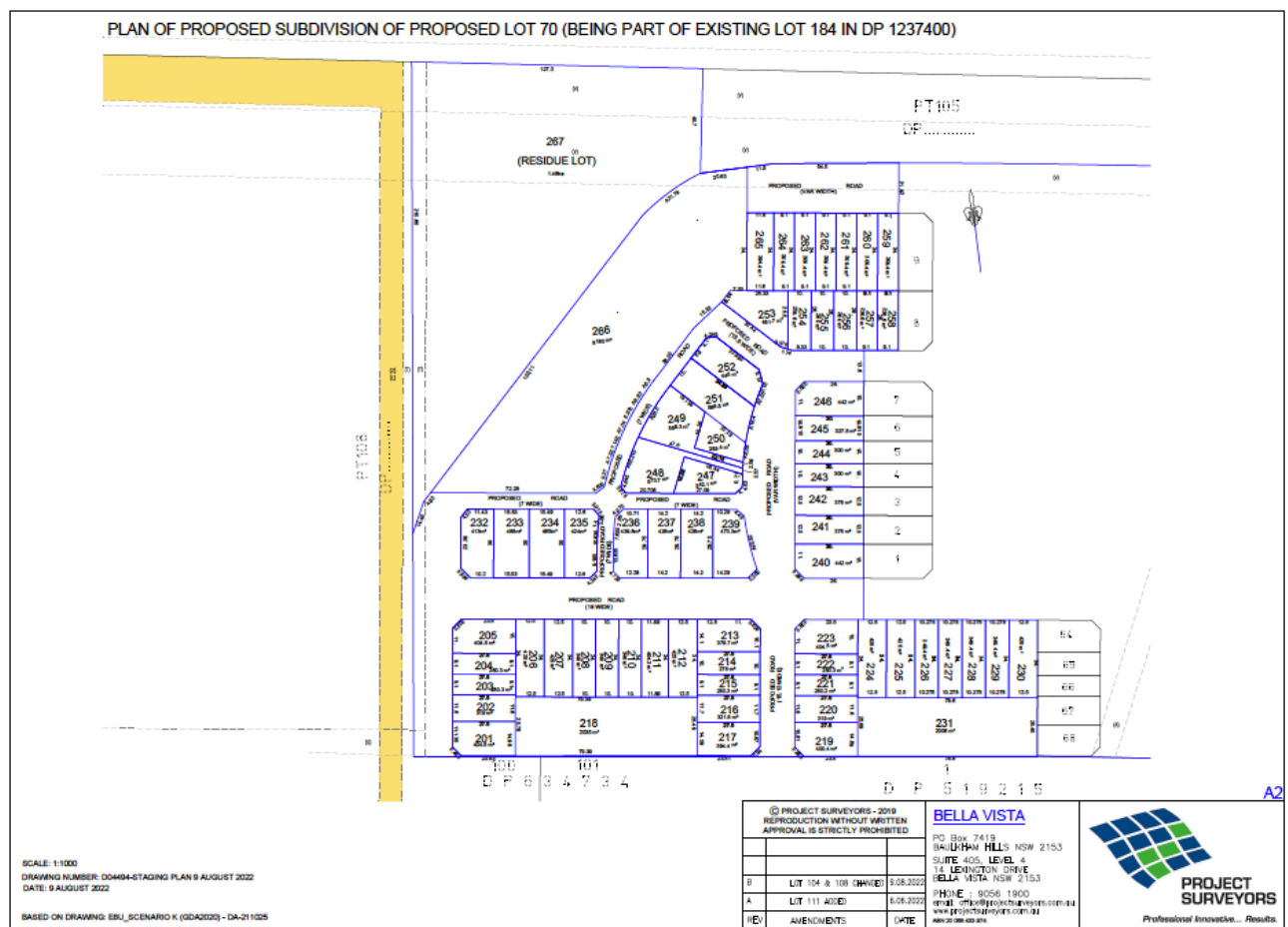


Figure 15: Stage 3 subdivision of Lot 70

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

Environmental Planning Instruments (EPIs)

- State Environmental Planning Policy (Precincts – Western Parkland City) 2021 – Appendix 4 Liverpool Growth Centres Precinct
- State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Environment) 2021, Chapter 6 Water Catchments

Development Control Plans

- Liverpool City Council Growth Centre Precincts Development Control Plan

Contributions Plans

- Liverpool Contributions Plan 2014 - Austral and Leppington North (October 2014) applies to the development site.
- As the development site is located within the Western Sydney Growth Area a Special Infrastructure Contribution (SIC) is applicable.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

6.1 Section 4.15(1)(a)(i) – Any Environmental Planning Instrument

a) State Environmental Planning Policy (Planning Systems) 2021

The Sydney Western City Planning Panel is the determining authority as the Capital Investment Value of the development is over \$5 million, pursuant to Clause 4, Schedule 6 of the SEPP.

b) State Environmental Planning Policy (Precincts - Western Parkland City) 2021

The relevant planning provisions which apply to the site are set out in Appendix 4 of the State Environmental Planning Policy (Precincts - Western Parkland City) 2021 which apply to the Liverpool Growth Centres Precinct.

(i) Permissibility

Subdivision is a permissible form of development pursuant to Clause 2.6 of the SEPP.

(ii) Objectives of the R2 Zone

Objectives of the R2 Low Density Residential Zone are:

- To provide for the housing needs of the community within a low density residential environment
- To enable other land uses that provide facilities or services to meet the day to day needs of residents
- To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

It is considered that the proposed development is consistent with the objectives of the R2 zone. The proposal will facilitate the provision of housing that will meet the needs of a growing community. The proposal is also consistent with the objectives of the other relevant zones.

(iii) Principal Development Standards and provisions

The SEPP contains a number of provisions which are relevant to the proposal. Assessment of the application against the applicable provisions is provided below. The proposal demonstrates compliance with these provisions.

Note: The Liverpool Local Environmental Plan does not apply to this proposal as the land is located within a Growth Centre Precinct and the SEPP prevails over the LEP. It is instead assessed against the SEPP and the Liverpool Growth Centre Precincts DCP 2021.

Clause	Provision	Proposed	Compliant
4.1 Minimum subdivision lot size	<p>Sets out the size of any lot is not to be less than the minimum size shown on the Lot Size Map.</p> <p>The Lot Size Map only prescribes a minimum lot size for the RU6 Transition zone of 20,000sqm and the C4 Environmental Living Zone of 1,000sqm.</p>	Land zoned RU6 Transition and E4 Environmental Living will be excised as part of the proposed superlot subdivision as residual lots.	Yes
4.1AA Subdivision resulting in lots between 225-300sqm	The consent authority must be satisfied that any lot between 225-300sqm will contain a sufficient building envelope to enable the erection of a dwelling house on the lot	Building Envelope Plans have been provided which have been assessed against the DCP.	Yes
4.1AB Minimum lot sizes for residential development in the R2 and R3 zones	Minimum lot size for a dwelling house: 300m2 if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, 20 or 25.	The minimum lot size is 300sqm, except for lots assessed under Section 4.1AA	Yes
4.1B Residential Density	The site is subject to a dwelling density of 15dw/ha which applies to the R2 zoned portion of the site.	Austral West would achieve a Residential Density of 15.9 dwellings per hectare within the R2 zone land, excluding R2 zoned land within the residue lots.	Yes
5.1 Relevant Acquisition Authority	<p>Land to be acquired as identified on the Land Reservation Acquisition Map.</p> <p>This includes land zoned SP2 Infrastructure (Local Drainage) and RE1 Local Recreation which are identified for acquisition by Council.</p>	<p>The site includes land zoned SP2 Infrastructure and RE1 Public Recreation which is identified for acquisition by Council.</p> <p>This land is identified within residual land parcels which will be either be acquired by Council or dedicated as part of a future Planning Agreement.</p>	Yes

Clause	Provision	Proposed	Compliant
5.9 Preservations of trees or vegetation	Provided when consent is required to be granted subject to the provision of this clause to remove trees or vegetation.	The site is largely cleared of vegetation although some clearing is required to facilitate the subdivision. Biodiversity impacts have been further considered in the relevant section below.	Yes
6.1 Public Utility Infrastructure	The consent authority must not grant development consent to development unless it is satisfied that any public utility infrastructure (supply of water, electricity and disposal/management of sewage) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required	Comments have been received Sydney Water, which confirm that capacity is available for servicing subject to minor augmentation. Comments have also been received from Endeavour Energy advising that the existing substation on the site and nearby may have some spare capacity but is unlikely to be sufficient to service the development and that further consideration of the method of electricity supply to the development. The servicing requirements of utility providers form part of the recommended approval.	Yes
6.2 Development controls – native vegetation retention (NVR) areas	Requires development consent for clearing of NVR. Requires the consent authority to be satisfied on a number of matters including: - no reasonable alternative available to the disturbance of the native vegetation, - that as little native vegetation as possible will be disturbed, - that the disturbance of the native vegetation will not increase salinity, - that native vegetation disturbed will be reinstated where possible on completion of construction,	Minor impacts to NVR (0.08 hectares) are proposed to accommodate essential infrastructure such as perimeter roads around the riparian corridors to adhere to bushfire risk management requirements. These impacts will be mitigated through the retention, revegetation, and management of native vegetation within the riparian corridors and through preparation of a VMP, recommended to be required as a condition of consent.	Yes, subject to VMP.

Clause	Provision	Proposed	Compliant
	<ul style="list-style-type: none"> - that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation, - that no more than 0.5 hectare of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land. 		
6.3 Development Controls – Existing Native Vegetation	The consent authority must not grant development consent to development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995)	No impacts to ENV are proposed	Yes

Having regard to the above assessment, the proposal is permitted in the zone and is considered consistent with the objectives of the zone and relevant development standards in the SEPP.

c) State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4 – Remediation of Land

The proposal has been assessed under the relevant provisions of Chapter 4 of the SEPP as the proposal involves a change of use of land with the potential under the Contaminated Land Guidelines to be a site that could be contaminated.

Chapter 4 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Pursuant to Section 4.6(1) of Chapter 4 of the SEPP, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

In satisfying the provisions of Section 4.6(1), Section 4.6(1) and (2) set out the following requirements:

- Before determining an application for consent to carry out development that would involve a change

of use on any potentially contaminated land, the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines, to be prepared by the applicant.

- The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

To support the development application the applicant provided the following reports:

- Preliminary Site Investigation, Douglas Partners, November 2019
- Detailed Site Investigation, Douglas Partners, February 2022
- Further Contamination Advice, Douglas Partners, November 2022.

Pursuant to Clause 4.6 of the SEPP, Council is required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application (Clause 7).

Section 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The advice provided by Douglas Partners states that site has a low potential for contamination, with the exception of five areas of environmental concern (AEC) which incorporate limited areas of the site. It recommends further targeted investigation and/or remediation and validation of AEC based on the findings of the targeted investigation.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	Douglas Partners have advised that the site is typical from a contaminated land perspective of peri urban development sites within the LGA and that the site can be made suitable for the subject use through the preparation and implementation of a remediation action plan (RAP).
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Conditions of any consent are proposed to require a Remediation Action Plan prior to a subdivision works certification and site validation prior to a subdivision certificate for residential subdivision (stage 1 and 2).

Based on the above assessment, the proposal satisfies the relevant objectives and provisions of Chapter 4 of the SEPP. Therefore, it is considered that the subject site can be made suitable for the proposed development, subject to preparation and implementation of a RAP as a condition of consent.

**d) State Environmental Planning Policy (Biodiversity and Environment) 2021, Chapter 6
Water Catchments**

(i) Chapter 6 – Water Catchments

Chapter 6 applies to a number of catchments including the Hawkesbury Nepean Catchment which the site is located within.

Part 6.2 sets out provisions relating to development in the catchment, which are considered and addressed in the table below.

Division 2 – Controls on development generally	Comment
<p>6.6 Water quality and quantity</p> <p>Requires a consent authority to be satisfied that:</p> <ul style="list-style-type: none"> the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and the impact on water flow in a natural waterbody will be minimised. 	<p>A Flooding and Stormwater Management Plan has been prepared which considers water quality and quantity from the site which proposes temporary stormwater management and treatment prior to completion of regional stormwater management infrastructure.</p> <p>This includes water quality modelling to demonstrate compliance with Council's specifications.</p>
<p>6.7 Aquatic ecology</p> <p>Requires the consent authority to be satisfied that:</p> <ul style="list-style-type: none"> impacts on aquatic ecology is minimised The development will not impact on aquatic reserves That relevant controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 are obtained, the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised, the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised. 	<p>Department of Planning and Environment—Water and Department of Primary Industries – Fisheries have not raised any issues with the proposal subject to their General Terms of Approval as set out their letters dated 28 October 2022 and 6 May 2022 respectively.</p> <p>These agencies General Terms of Approval set out relevant approval requirements under the Water Management Act 2000 and the Fisheries Management Act 1994.</p>
<p>6.8 Flooding</p> <p>Requires the consent authority to be satisfied that development will not:</p> <ul style="list-style-type: none"> Result in a release of pollutants that may have an adverse impact on water quality of a natural waterbody have an adverse impact on the natural 	<p>Flood hazard has been addressed through an updated Flooding and Stormwater Management Plan including through provision of temporary flood storage until the regional basin (Basin 27) is delivered which will ultimately provide flood storage.</p>

recession of floodwaters into wetlands and other riverine ecosystems.	
<p>6.9 Recreation and public access</p> <p>Requires the consent authority to be satisfied that</p> <ul style="list-style-type: none"> • The development will maintain or improve public access to natural waterbodies • Public access of the foreshore of a natural waterbody will be safeguarded. 	<p>Riparian corridors to be retained are located within land zone SP2 Local Infrastructure and are proposed to be located within separate lots to facilitate future transfer of land to Council.</p> <p>This will support future public access to the waterways.</p>
<p>6.10 Total catchment management</p> <p>In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.</p>	<p>The precinct planning carried out for the Liverpool Growth Centres Precinct as part of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 has considered the impact of the residentially zoned land within the catchment.</p>
Division 3 – Controls in specific areas	Comment
<p>6.11 Land within 100m of a natural waterbody</p> <p>Requires the consent authority to consider whether land uses proposed for land abutting the natural waterbody are water dependent uses and conflicts between uses are minimised.</p>	Not applicable
6.12 Riverine scenic areas	Not applicable
6.13 Hawkesbury Nepean Conservation Area sub-catchments	Not applicable
6.14 Temporary use of land in Sydney Harbour Catchment	Not applicable.

It is considered that the proposal satisfies the provisions of the State Environmental Planning Policy (Biodiversity and Environment) 2021, Chapter 6 Water Catchments, subject to appropriate sedimentation and erosion controls being implemented during construction.

a) State Environmental Planning Policy (Infrastructure) 2021

(i) Development likely to affect an electricity transmission or distribution network

Section 2.48 of the SEPP sets out referral requirements for development likely to impact on an electricity transmission or distribution network.

The TransGrid referral is discussed in Section 2.4.

(ii) Development likely to affect a pipeline corridor

Section 2.77 sets out referral requirements for development likely to impact on a pipeline corridor licensed under the Pipelines Act 1967, as well as requirements for consent authorities to be satisfied that the potential safety risks or risks to the integrity of the pipeline have been identified and are taken into consideration.

The application has been referred to Jemena who has confirmed they have no objection to the proposed development.

6.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments which apply to the development.

6.3 Section 4.15(1)(a)(iii) – Provisions of any Development Control Plan

The application has been considered against the controls contained in the Liverpool Growth Centre Precincts Development Control Plan (DCP) in particular:

- Part 2: Precinct Planning Outcomes; and
- Part 3: Neighbourhood and Subdivision Design
- Part 4: Development in the residential zones

The assessment has identified that the proposal generally demonstrates compliance with the relevant DCP requirements. The key controls are discussed in the following tables:

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
2.2 The Indicative Layout Plan	All development applications are to be generally in accordance with the Indicative Layout Plan.	Complies The proposed development has indicated a road layout that is generally consistent with the indicative layout plan.
	When assessing development applications, Council will consider the extent to which the proposed development is consistent with the Indicative Layout Plan.	

	Any proposed variations to the general arrangement of the Indicative Layout Plan must be demonstrated by the applicant, to Council's satisfaction, to be consistent with the Precinct Planning vision in the relevant Precinct Schedule.	
2.3.1 Flooding	This section contains controls relating to development on flood prone land	Complies A Flooding and Stormwater Management Plan has been prepared to consider flood impacts and management.
2.3.2 Water cycle management	This section contains controls relating to stormwater management.	Complies A Flooding and Stormwater Management Plan has been prepared which considers water quality and quantity from the site which proposes temporary stormwater management and treatment prior to completion of regional stormwater management infrastructure. This includes water quality modelling to demonstrate compliance with Council's specifications.
2.3.3 Salinity and Soil Management	This section contains controls relating to salinity and soil management.	Complies A Preliminary Geotechnical Assessment has been carried out which identifies that the site is located within an area of know salinity and outlines typically management techniques which would be implemented in the future subdivision works.
2.3.4 Aboriginal and European Heritage	This section contains controls relating to the management of Aboriginal heritage values and to ensure areas identified as European cultural heritage sites or archaeological sites are managed.	Complies The site is not impacted by any European heritage items. An Aboriginal Cultural Heritage Assessment Report has been prepared which identifies archaeological sites within the area proposed to be subdivided. The Heritage NSW General Terms of

		Approval require an Aboriginal Heritage Impact Permit to be obtained.
2.3.5 Native Vegetation and Ecology	This section contains controls relating to the conservation and rehabilitation of native vegetation.	<p>Complies</p> <p>The proposal includes 0.08ha of clearing within the non-certified land which is within land identified as Native Vegetation Retention (NVR) under the State Environmental Planning Policy (Precincts – Western Parkland City) 2021.</p> <p>The clearing is identified as required for essential infrastructure such as perimeter roads around the riparian corridors to adhere to bushfire risk management requirements.</p> <p>The SEPP allows for clearing of NVR where this is minimised and will be compensated. This is discussed further within the assessment against the SEPP in Section 6.</p>
2.3.6 Bushfire Hazard Management	<p>This section contains controls relating to development on bushfire prone land.</p> <p>The section includes a requirement that Establishment and maintenance of the APZ must not require clearing of native vegetation within any Native Vegetation Protection Areas or Existing Native Vegetation Areas shown on the Native Vegetation Protection Map.</p>	<p>Complies</p> <p>The site and surrounds comprise bushfire prone land. The site was submitted with a Bushfire Protection Assessment prepared by Ecological Australia dated 27 October 2021.</p> <p>The application was referred to the Rural Fire Service (RFS) as integrated development. The RFS has raised on objection to the proposal, subject their General Terms of Approval as set out in its advice letter dated 29 September 2022.</p>
2.3.7 Site Contamination	<p>This section contains controls relating to development on potentially contaminated land.</p> <p>Includes a requirement for a Remediation Action Plan prior to approval for where identified as necessary under a Stage 2 Site Investigation.</p>	<p>Complies</p> <p>Contamination advice from Douglas Partners have confirmed that the site is typical from a contaminated land perspective of peri urban development sites within the LGA and that the site can be made suitable for the subject use through the preparation and implementation of a remediation action plan (RAP) which would be required as a proposed condition of consent.</p>

2.3.8 Development on and Adjacent to electricity and gas easements	<p>This section contains controls relating to development on and adjacent to electricity and gas easements.</p> <p>This includes a control requiring subdivision of easements to be minimized and road crossings to be generally in the locations shown in the Indicative Layout Plan.</p>	<p>Complies</p> <p>The site is located adjacent to an electricity easement and gas easement.</p> <p>Relevant referrals have been made which is discussed in Section 2.4.</p>
2.3.9 Noise	This section contains controls relating to ensuring acoustic privacy is achieved for future residential development in areas specified in the potential noise attenuation measures map.	Not applicable
2.3.10 Odour Assessment and Control	This section relates to land deemed by Council to be affected by an odour source.	<p>Complies</p> <p>There is potential for odour impacts associated with the Sydney Water sewage pumping station which adjoins the site. However, odours impacts have formed part of Sydney Waters assessment of the pumping station as discussed in Section 1.3.</p>
2.3.11 Air Quality	This section contains controls relating to preserving air quality in relation to industrial and/or employment development	<p>Not Applicable</p> <p>The DA does not propose industrial or employment development.</p>
2.4 Demolition	This section contains controls relating to demolition of buildings	<p>Complies</p> <p>The proposed includes only minor demolition including an existing shed and driveway.</p>
2.5 CPTED	This section contains controls relating to the principles of CPTED.	<p>Complies</p> <p>The proposed development is unlikely to contravene the principles of CPTED.</p>
2.6 Earthworks	This section contains controls relating to earthworks	<p>Complies</p> <p>Proposed earthworks have been detailed in the proposed Civil Plans. No objections have been raised by Council in this regard.</p>

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
3.1.1 Residential Density	All applications for residential subdivision and the construction of residential buildings are to demonstrate that the proposal meets the minimum residential density requirements of the relevant Precinct Plan and contributes to meeting the overall dwelling target in the relevant Precinct.	<p>Complies</p> <p>The DA complies with the minimum dwelling density control of 15 dw/ha.</p> <p>The DA achieves a residential density of 15.9 dwellings per hectare within the R2 zoned land, excluding residue lots.</p>
	<p>Residential development is to be generally consistent with the residential structure as set out in the Residential Structure Figure in the relevant Precinct Schedule, the typical characteristics of the corresponding Density Band in Table 3-1.</p> <p>The relevant characteristics for net residential density of 15-20dw/ha are:</p> <ul style="list-style-type: none"> • Predominantly a mix of detached dwelling houses, semi-detached dwellings and dual occupancies with some secondary dwellings. • Focused areas of small lot dwelling houses in high amenity locations. • At 20dw/Ha, the occasional manor home on corner lots. • Single and double storey dwellings. • Mainly suburban streetscapes, the occasional urban streetscape (See Figure 3-2). 	<p>Complies</p> <p>The proposal provides a development that is consistent with the characteristics of the dwelling density controls and will provide a mainly suburban outcome, consistent with the intent of the DCP.</p> <p>The proposal consists of a mix of lot types to accommodate detached dwellings, and includes small lot housing and larger lots, with future dwellings generally double storey in height.</p> <p>Small lot housing is focused close to open space and bushland, in areas with good amenity.</p>
	<p>Residential development in the Environmental Living area, on the Residential Structure figure, is to:</p> <ul style="list-style-type: none"> • Consist primarily of single dwellings on larger lots, reflecting the environmental sensitivity and visual character of these parts of the Precincts. 	<p>Complies</p> <p>The Environmental Living land is within a superlot for future subdivision as part of DA-1298/2021. The Environmental Living lots are assessed under that DA.</p>

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	<ul style="list-style-type: none"> • Emphasise high quality housing design to make the most of the environmental characteristics of the surrounding area. • Be designed and located to minimise impacts on flood prone land, and risks to property from flooding. • Avoid impacts on Existing Native Vegetation and other remnant native vegetation. • Consider relationships to adjoining land uses including public open space and drainage infrastructure. • Be designed to respond to constraints from infrastructure corridors such as electricity lines, underground gas pipelines and any Sydney Catchment Authority infrastructure. • Consider views to and from the land and surrounding parts of the Growth Centre. 	
3.1.2 Block and Lot Layout	Street blocks are to be generally a maximum of 250m long and 70m deep. Block lengths in excess of 250m may be considered by Council where pedestrian connectivity, stormwater management and traffic safety objectives are achieved.	Complies Street blocks do not exceed 250m. All blocks are generally less than 70m deep.
	Min lot size for lots located in 15 dwellings/hectare and R2 zone: <ul style="list-style-type: none"> • Minimum lot size of 300sqm for dwelling houses. • Reduces to 250sqm where a building envelope plan (BEP) is provided • Reduces to 225sqm where a BEP has been provided for lots adjacent to RE1 zoned land or land set 	Generally complies All proposed lots generally comply with the minimum lot size requirements. A BEP is provided for lots less than 300sqm. 18 lots are less than 300sqm. One lot is less than 250sqm and greater than 225sqm but located adjacent to land set aside for drainage and accompanied by a BEP.

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	aside for drainage.	Two further proposed lots are less than 250sqm (but greater than 225sqm) which are not located adjacent to RE1 zoned land or drainage land; however, the variation is minor and the lots are capable of accommodating future dwellings, and considered acceptable.
	<p>Minimum frontage width for lots in 15dw/ha:</p> <p>Front Loaded = 9m Rear Loaded = 4.5m</p> <p>(Measured at the building line)</p>	<p>Complies</p> <p>All front-loaded lots have a frontage width greater than 9m, measured at the building line.</p> <p>One rear loaded lot is proposed and achieves the minimum frontage with of 4.5m.</p>
	A range of residential lot types (area, frontage, depth, zero lot and access) must be provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes with distinctive garden suburban, suburban and urban characters across a neighbourhood.	<p>Complies</p> <p>A range of residential lot sizes and widths are provided.</p>
	In areas with a minimum residential density of $\leq 20dw/ha$ no more than 40% of the total residential lots proposed in any one street block may have a frontage of less than 10m wide. Lots subdivided using Subdivision Approval Pathway B1 or B2 (Integrated Housing) for attached or abutting dwellings are exempt from this control.	<p>Generally complies</p> <p>All blocks provide a range of lot frontage widths and blocks do not generally exceed more than 40% of lots less than 10m.</p> <p>One block has a minor exceedance, with 60% of lots in the street block below 10m wide. However, this is considered acceptable, given this is limited to one block and a range of lot sizes and lot frontage widths are provided across the total area.</p>

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	In density bands ≤ 25 dw/ha, total frontage for front accessed lots greater than or equal to 7m and less than 9m should not exceed 20% of any block length due to garage dominance and on street parking impacts.	Complies All front accessed lots generally exceed 9m.
	Lots should be rectangular. Where lots are an irregular shape, they are to be large enough and oriented appropriately to enable dwellings to meet the controls in this DCP.	Complies The lots are predominately rectangular in shape. Irregular shaped lots are limited in number, generally comprise corner lots and are large enough to accommodate future dwellings.
	Where residential development adjoins land zoned RE1 Public Recreation or SP2 Drainage, subdivision is to create lots for the dwelling and main residential entry to front the open space or drainage land.	Complies Proposed lots fronting open space and SP2 zoned land in the north and west of the site have been orientated and designed ensure the main residential entry for future dwellings will address the open space or drainage land.
	In instances where an ILP identifies a public footpath adjacent to one lot boundary and a public laneway as adjacent to an opposite boundary, the dwelling and lot configuration is to orient dwellings to face the public path, with vehicular access being provided via the laneway. A s.88b instrument shall reinforce dwellings to be oriented to the public path/easement.	Complies All lots are configured and orientated toward public streets.
	The orientation and configuration of lots is to be generally consistent with the following subdivision principles: <ul style="list-style-type: none"> • Smallest lots achievable for the given orientations fronting parks and open space with the larger lots in the back streets; • Larger lots on Corners; • North to the front lots are either the widest or deepest lots, or lots suitable for residential development forms with private open space at the front. 	Complies

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	Narrowest lots with north to the rear.	
	Preferred block orientation is established by the road layout on the Indicative Layout Plan in the relevant Precinct Schedule. Optimal lot orientation is east-west, or north-south where the road pattern requires. Exceptions to the preferred lot orientation may be considered where factors such as the layout of existing roads and cadastral boundaries, or topography and drainage lines, prevent achievement of the preferred orientation.	<p>Complies</p> <p>All lots are generally orientated east-west or north-south.</p> <p>Lots located adjacent to SP2 drainage land have been oriented to respond to the curved road layout/ ILP boundary. This is considered acceptable.</p>
	An alternative lot orientation may be considered where other amenities such as views and outlook over open space are available and providing appropriate solar access and overshadowing outcomes can be achieved.	<p>Complies</p> <p>All lots generally aligned east-west and north -south, with one exception as noted above.</p>
	The location of a zero lot line is to be determined primarily by topography and should be on the low side of the lot to minimise water penetration and termite issues. Other factors to consider include dwelling design, adjoining dwellings, landscape features, street trees, vehicle crossovers and the lot orientation as illustrated at Figure 4-8 .	<p>Complies</p> <p>Zero lot allotments have been designed to consider adjoining lots, street tree plantings and driveway locations.</p>
	On all lots where a zero lot line is permitted, the side of the allotment that may have a zero lot alignment must be shown on the approved subdivision plan.	<p>Complies</p> <p>All proposed zero lot allotments are shown on the BEP plan.</p>
	Where a zero lot line is nominated on an allotment on the subdivision plan, the adjoining (burdened) allotment is to include a 900mm easement for single storey zero lot walls and 1200mm for two storey zero lot walls to enable servicing, construction and	<p>Complies</p> <p>This is addressed through a recommended condition of consent.</p> <p>All zero lot allotments provide a minimum 0.9m side setback on the adjoining</p>

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	<p>maintenance of the adjoining dwelling. No overhanging eaves, gutters or services (including rainwater tanks, hot water units, air-conditioning units or the like) of the dwelling on the benefited lot will be permitted within the easement. Any services and projections permitted under Clause 4.2.4 (6) within the easement to the burdened lot dwelling should not impede the ability for maintenance to be undertaken to the benefitted lot.</p>	<p>property.</p> <p>No two-storey zero lot walls are proposed. All second-storey levels are setback 1.5m from the side boundary.</p>
	<p>The S88B instrument for the subject (benefited) lot and the adjoining (burdened) lot shall include a note identifying the potential for a building to have a zero-lot line. The S88B instrument supporting the easement is to be worded so that Council is removed from any dispute resolution process between adjoining allotments.</p>	<p>Complies</p> <p>A condition of consent requires a S88B instrument to be registered for zero lot allotments.</p>
3.1.3 Battle-axe lots	<p>Subdivision layout should minimize battle-axe lots without public frontage to resolve residual land issues.</p>	<p>Complies</p> <p>Battle-axe lots are minimised and where proposed, have a public frontage to a laneway.</p>
	<p>In density band 15dw/ha, the minimum site area for battle-axe lots without any street or park frontage is 500m² (excluding the shared driveway) and only detached dwelling houses will be permitted.</p>	<p>Complies</p> <p>Proposed battle-axe blocks exceed 500sqm.</p>
	<p>The driveway or shared driveway will include adjacent planting and trees</p>	<p>Complies</p> <p>Building setbacks and principal open space are located adjacent to the shared driveway providing opportunities for planting and landscaping.</p>

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	Driveway design, including dimensions and corner splays, is to be in accordance with Council's Engineering Specifications.	Complies This will be addressed through the detailed design and a condition of consent is proposed requiring subdivision works to be consistent with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
3.1.4 Corner Lots	Corner lots, including splays and driveway location, are to be designed in accordance with AS 2890 and Council's Engineering Specifications.	Complies This will be addressed through the detailed design and a condition of consent is proposed requiring subdivision works to be consistent with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
	Corner lots are to be designed to allow dwellings to positively address both street frontages.	Complies Corner lots have been designed to allow future dwellings to address both street frontages.
	Garages on corner lots are encouraged to be accessed from the secondary street or a rear lane.	Complies Garages on corner lots are generally accessed from secondary streets.
	Plans of subdivision are to show the location of proposed or existing substations, kiosks, sewer man holes and/or vents affecting corner lots.	Able to comply The location of infrastructure will be determined through detailed design.
3.1.5 Subdivision in the Environmental Living zone	Minimum lot frontage: <ul style="list-style-type: none"> • 30m within, or partly within, Flood Prone or Major Creeks Land • 20m in other areas. 	Complies The Environmental Living land is within a superlot for future subdivision as part of DA-1298/2021. The Environmental Living lots are assessed under that DA.

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	<p>Subdivision in the Environmental Living zone is to:</p> <ul style="list-style-type: none"> • Ensure that each lot can accommodate a dwelling that complies with the flood prone land controls • Protect Existing Native Vegetation and other vegetation within the Environmental Protection overlay on the ILP. 	<p>Complies</p> <p>The Environmental Living land is within a superlot for future subdivision as part of DA-1298/2021. The Environmental Living lots are assessed under that DA.</p>
	<p>Subdivision of land in the Environmental Living zone is to ensure that:</p> <ul style="list-style-type: none"> • The layout of residential lots and the likely positioning and orientation of dwellings does not significantly impact on the visual character of the locality. • The orientation of lots and dwellings allows for passive surveillance of public land and infrastructure easements where relevant. • Any areas of remnant native vegetation or significant trees are preserved to the maximum practical extent, including avoiding or minimising subdivision of land that contains Existing Native Vegetation (as shown on the Native Vegetation Protection Areas Map). • Impacts on utilities easements can be avoided during subdivision works and when buildings are constructed on the land. • Access to easements for maintenance and inspections is maintained. 	<p>Complies</p> <p>The Environmental Living land is within a superlot for future subdivision as part of DA-1298/2021. The Environmental Living lots are assessed under that DA.</p>
3.2 Subdivision Approval Process	<p>The land subdivision approval process is to be consistent with the requirements of Table 3-4.</p> <p>Pathway A1: DA for subdivision</p> <p>Lots equal to or greater than 300sqm</p> <p>Pathway A2: DA for subdivision with Building Envelope Plan</p> <p>Lots less than 300sqm and equal to or greater than 225sqm and width of 9m or</p>	<p>Complies</p> <p>The DA pathway is A1 and A2.</p> <p>18 lots are between 225sqm and 300sqm.</p>

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	greater.	
	<p>Subdivision applications that create lots smaller than 300m² and larger than or equal to 225m² must be accompanied by a Building Envelope Plan (BEP), in accordance with the requirements of the DCP.</p> <p>The BEP should be at a legible scale (suggested 1:500) and include the following elements:</p> <ul style="list-style-type: none"> • Lot numbers, north point, scale, drawing title and site labels such as street names • Maximum permissible building envelope (setbacks, storeys, articulation zones) • Preferred principal private open space • Garage size (single or double) and location • Zero lot line boundaries 	<p>Complies</p> <p>A BEP is provided.</p> <p>The BEP meets the required criteria and identifies lot numbers, building envelopes, setbacks, principal open space areas, garages and zero lot boundaries.</p>
	<p>Applications for subdivision using approval pathways A2, B1 and B2 require a Public Domain Plan (PDP) to be submitted as part of the application in accordance with the requirements of the DCP. The purpose of the PDP is to demonstrate how the public domain will be developed as a result of future development on the proposed lots.</p> <p>See requirements under 3.2(4)</p>	<p>Complies</p> <p>A Public Domain Plan is provided in the Urban Design Report and a Landscape Master Plan is also provided which addresses this requirement.</p> <p>The Public Domain Plan and Landscape Plans show how the public domain will be developed as a result of the proposed lots.</p>

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
3.3.1 Street Network Layout and Design	This section contains controls relating to street network layout and design.	Non-compliant. Landcom has proposed road cross sections consistent with the new street engineering standards devised by the Western Sydney Planning Partnership that Council is part of and endorsed by Council. This is discussed in Section 1.3.
3.3.2 Street furniture	This section sets out tree planting requirements. Street trees are required for all streets.	Complies The Landscape Plans include street trees on all streets. At least one street is provided per lot.
3.3.3 Local Area Traffic Management	Includes a requirement for a Local Area Traffic Management Plan for new roads or modifications to existing road and outlines requirements for traffic calming measures.	Complies The proposed development identifies traffic calming measures including thresholds at intersections, speed cushions, narrowing of carriageway, and changes in alignment.
3.3.4 Laneways	This section contains controls relating to laneway design.	Complies The proposed laneways have been designed in accordance with the minimum requirements of the DCP.
3.3.5 Shared driveways	This section contains controls relating to shared driveways.	Complies The proposed shared driveway has a width of less than 5.4m, has a travelling distance of less than 70m from the road, and is capable of accommodating landscaping.
3.3.6 Pedestrian and Cycle Network	This section contains controls relating to the implementation of pedestrian and cycle networks.	Complies The ILP indicates that an off-road cycleway is required along Edmondson Avenue. A 3.5m dedicated off-road cycle way is provided.

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
3.4 Construction Environmental Management	This section contains controls relating to the implementation of a construction environmental management plan.	Complies Conditions of consent will be imposed ensuring the implementation of a construction environmental management plan, prior to issue of a Subdivision Works Certificate.

Part 4 Development in the Residential Zones		
Part 4.2 Dwelling Design Controls		
Summary of key controls for lots with frontage width $\geq 4.5\text{m}$ for rear accessed dwellings		
Development Control	Provision	Comment
Front setback	<ul style="list-style-type: none"> 4.5m to building line 3.5m to building façade fronting open space 3m to articulation zone 2m to articulation zone fronting open space 	Complies Front setback complies.
Side setback	<ul style="list-style-type: none"> Detached boundary: 0.9m Zero lot: 0m to ground and upper level. Lot burdened by a zero lot boundary: 0.9m to ground level and 1.2m to upper level (subject to an easement). 	Complies Adjoining lot subject to future DA and will be burdened with a minimum 1.2m setback and easement.
Maximum length of a zero lot boundary	15m (excludes rear loaded garages).	Complies Maximum length of zero-lot boundary does not exceed 15m.
Rear setback	0.5m for rear loaded garages to laneway	Complies Rear setback complies.
Corner lots secondary street setback	1m	Complies 1m secondary setback provided.
Building Height	2 storeys	Complies Building does not exceed 2 storeys.

Site Coverage	Upper level area to be no more than 40% of lot area	Complies Upper level does not exceed more than 40% of total lot area.
Soft Landscaped Area	Minimum 15% of lot area The first 1m of the lot measured from the street boundary (excluding paths) is to be soft landscaped.	Complies Lot achieves minimum 15% soft landscaping.
Principle Private Open Space (PPOS)	Minimum 16m ² with a minimum dimension of 3m	Complies Principal open space achieves minimum requirements.
Solar Access	At least 3 hours of sunlight between 9am and 3pm at the mid-winter solstice (21 June) to at least 50% of the required PPOS (8m ²) of both the proposed development and the neighbouring properties	Complies Lot is oriented north-south providing excellent solar access to a future dwelling.
Garages and car parking	<ul style="list-style-type: none"> • Rear loaded garage only • Minimum garage width 2.4m (single) and 4.8m (double). • 1-2 bed: 1 car space • 3+ bed: 2 car spaces 	Complies Double garage is a minimum of 4.8m.

Summary of key controls for lots with frontage width ≥7m and <9m for front accessed dwellings		
Development Control	Provision	Comment
Front Setback	<ul style="list-style-type: none"> • 4.5m to building façade line • 3.5m to building façade line fronting open space • 3.0m to articulation zone; • 2.0m to articulation zone fronting open space • 5.5m to garage line and minimum 1m behind the building line 	Complies Front setback complies.
Side setback	<ul style="list-style-type: none"> • Detached boundary: 0.9m • Zero lot: 0m to ground and upper level. • Lot burdened by a zero lot boundary: 0.9m to ground level and 1.2m to upper level (subject to an easement). 	Complies 0.9m setback complies. No zero-lot allotments between 7m and 9m.
Maximum length of a zero lot boundary	15m	Complies N/A no zero-lot allotments between 7m and 9m.
Rear Setbacks	<ul style="list-style-type: none"> • Ground floor = 4m • First Floor = 6m 	Complies Rear setbacks exceed minimum requirements.
Corner lots secondary street setback	1m	Complies N/A - no corner lots between 7m and 9m.
Building Height	2 storeys	Complies Building does not exceed 2 storeys.
Site Coverage	Upper levels are to be no more than 50% of lot area	Complies Upper level does not exceed 50% of the lot area.

Soft Landscaped Area	<p>Minimum 15% of lot area</p> <p>The first 1m of the lot measured from the street boundary (excluding paths) is to be soft landscaped.</p>	<p>Complies</p> <p>Lot achieves minimum 15% soft landscaping.</p>
Principle Private Open Space (PPOS)	<p>Minimum 16m² with a minimum dimension of 3m</p>	<p>Complies</p> <p>20sqm of principal open space provided.</p>
Solar Access	<p>At least 3 hours of sunlight between 9am and 3pm at the mid-winter solstice (21 June) to at least 50% of the required PPOS (8m²) of both the proposed development and the neighbouring properties.</p>	<p>Complies</p> <p>Lot is oriented north-south providing excellent solar access to a future dwelling.</p>
Garages and car parking	<ul style="list-style-type: none"> • Single width only • 1-2 bed: 1 car space • 3+ bed: 2 car spaces • Minimum internal dimension 3mx5.5m • The façade must be less than 40% of the width of the façade. • Driveway locations must be paired to preserve on street parking spaces. 	<p>Complies</p> <p>Single garage provided and less than 40% of façade.</p>

Summary of key controls for lots with frontage width ≥9m and less than 15m for front accessed dwellings		
Development Control	Provision	Comment
Front Setback	<ul style="list-style-type: none"> • 4.5m to building façade line • 3.5m to building façade line fronting open space or drainage land • 3.0m to articulation zone; • 2.0m to articulation zone fronting open space or drainage land • 5.5m to garage line and minimum 1m behind the building line 	<p>Complies</p> <p>All lots achieve the minimum front setback requirements.</p> <p>All garages are setback a minimum of 5.5m, except where located on a secondary setback on corner lots. All garages are setback 1m behind the front building line.</p>

Side setback	<ul style="list-style-type: none"> • Detached boundary: 0.9m • Zero lot to side A: • Ground floor: 0m (side A) / 0.9m (Side B) • Upper level: 1.5m side A / 0.9m Side B. 	<p>Complies</p> <p>All lots include a minimum 0.9m side setback.</p> <p>Zero lots boundaries achieve the minimum requirements.</p>
Maximum length of a zero lot boundary	11m	<p>Complies</p> <p>Zero-lot boundaries do not exceed 11m.</p>
Rear Setbacks	<ul style="list-style-type: none"> • Ground floor = 4m • First Floor = 6m 	<p>Complies</p> <p>Rear setbacks are a minimum of 4m.</p>
Corner lots secondary street setback	2m	<p>Complies</p> <p>Secondary setbacks on corner lots are a minimum of 2m.</p>
Building Height	2 storeys	<p>Complies</p> <p>Buildings do not exceed 2 storeys on the BEP.</p>
Site Coverage	<p>Single storey: 60%</p> <p>Upper level: no more than 25% for Lots $\leq 375\text{sqm}$.</p>	<p>Complies</p> <p>All lots less than 60% site coverage for first storey.</p> <p>Upper-level site coverage is generally 40% for lots less than 375sqm. This is considered acceptable given the low site coverage achieved overall.</p>
Landscaped Area	Minimum 25% of lot area	<p>Complies</p> <p>Lots achieve 25% landscaped area.</p>
Principle Private Open Space (PPOS)	<p>Minimum 20m² with a minimum dimension of 4m</p> <p>50% of the area of the required PPOS (of both the proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June)</p>	<p>Complies</p> <p>Principle open space achieves the minimum requirements. Principal open space on the BEP is 20sqm.</p>

Garages and car parking	Lots >9m and <12.5: <ul style="list-style-type: none"> • Single width only • Rear lane or side street accessed double garages permitted. • Max. carport and garage door width not to exceed 3m (single) or 6m (double) • 1-2 bed: 1 car space • 3+ bed: 2 car spaces 	Complies Lots between 9m and 12.5m have a single garage only, except where located on a secondary street.
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Schedule 1 – Austral and Leppington North Part 4 – Site Specific Controls		
Development Control	Provision	Comment
4.1 Development in the vicinity of gas easements	Sets out controls for development adjacent to gas easements, including within the E4 zone for the easement to be located in backyards or at the side of dwellings and garages / driveways are not to cross the easement.	Complies The site is located adjacent to a gas easement. Relevant referrals have been made which is discussed in Section 2.4.
4.2 Development near or on electricity easements	Sets out controls relating to electricity easements including: <ul style="list-style-type: none"> • RE2 zone: roads to be located adjacent to the easement. • E4 zone: the easement can be located within the rear yard of the lot with subdivision to be minimised. 	The site is located adjacent to an electricity easement. Relevant referrals have been made which is discussed in Section 2.4.
4.3 Development in Environmental Living zone	Includes requirements relevant to subdivision of E4 zoned land including a requirement for a landscaping plan and VMP to demonstrate protection, rehabilitation and restoration of vegetation.	Land zone E4 is located within superlots for future subdivision.
4.5 Land adjacent to the Western Sydney Parklands	Includes controls relevant to subdivision adjacent to Western Sydney Parklands including: <ul style="list-style-type: none"> • Dwellings to face the parkland. • All lots to be separated from the Parkland by a public road. • Dwellings are to be located away from high points, maximise vegetation retention, and be positioned so that dwellings do 	Land adjacent to Western Sydney Parklands is within superlots which will be subject of future subdivision.

Schedule 1 – Austral and Leppington North Part 4 – Site Specific Controls		
Development Control	Provision	Comment
	not exceed the height of the canopy of mature vegetation.	

6.4 Section 4.15(1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement

No planning agreement relates to the site or proposed development.

6.5 Liverpool Contributions Plan

Section 7.11 (prev 94) Contributions will be imposed in accordance with the Liverpool Contributions Plan 2014 Austral and Leppington North. A Special Infrastructure Contribution condition is also required.

6.6 Section 4.15(1)(a)(iv) – The Regulations

The Environmental Planning and Assessment Regulation 2021 requires the consent authority to consider the provisions of the NCC and the Safety standards for demolition (AS 2601 – 2001). Accordingly, appropriate conditions of consent will be imposed.

6.7 Section 4.15(1)(b) – The Likely Impacts of the Development

(a) Natural and Built Environment

Built Environment

The proposed development is considered to have an overall positive impact on the surrounding built environment. The proposal has been designed in accordance with the relevant development standards for the Liverpool Growth Centres Precincts in the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 and has been designed generally in accordance with the relevant controls stipulated in the Liverpool Growth Centres Development Control Plan.

Natural Environment

It is considered that the proposed development will have an overall positive impact on the natural environment.

Native vegetation within the site will be largely retained within riparian corridors. The proposal

includes 0.08ha of clearing within the non-certified land which is within land identified as Native Vegetation Retention (NVR) under the State Environmental Planning Policy (Precincts – Western Parkland City) 2021.

The clearing is identified as required for essential infrastructure such as perimeter roads around the riparian corridors to adhere to bushfire risk management requirements. These impacts will be mitigated through the retention, revegetation, and management of native vegetation within the riparian corridors and through preparation and implementation of a Vegetation Management Plan (VMP).

The proposal will retain key riparian corridors identified within SP2 Infrastructure (Local Drainage) land to be identified as separate parcels of land for future transfer to Council either through acquisition or dedication via a Planning Agreement. The proposal includes temporary stormwater basins to manage stormwater flows prior to completion of regional stormwater management infrastructure. Water quality modelling has been prepared to demonstrate compliance with Council's specifications.

(a) Social Impacts and Economic Impacts

The proposal is considered to have an overall positive social impact. The proposed development is providing a range of housing to meet the growing population of Sydney. The proposal has provided for a range of dwelling types and lot sizes to cater for a range of markets. The proposal will also provide for a positive economic impact by enabling the provision of jobs during construction.

6.8 Section 4.15(1)(c) – The Suitability of the Site for the Development

The land includes areas zoned for low density residential and environmental living. The proposed development is in keeping with the zones objectives and is compatible with the anticipated future character of the area, particularly when having regard to the intended future uses stipulated for the Liverpool Growth Centres Precincts under the State Environmental Planning Policy (Precincts – Western Parkland City) 2021.

The proposal effectively responds to its surroundings. The proposal has been accompanied by a range of expert reports that demonstrate the site is suitable for the proposed development subject to the implementations of the recommendations set out in the respective reports. Having regard to the above it is considered the site is suitable for the proposed development.

6.9 Section 4.15(1)(d) – Any submissions made in relation to the Development

(b) External referrals

The application has been referred to the following external authorities for comment:

Agency	Response
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NSW Heritage	No objections, subject to GTA.
Rural Fire Services	No objections, subject to GTA
Primary Industries – Fisheries	No objections, subject to GTA
Department of Planning and Environment—Water	No objections, subject to GTA
Jemena	No objections
Endeavor Energy	No objections, subject to conditions
Sydney Water	No objection, subject to conditions
TransGrid	Objection. However all issues have been resolved as discussed in Section 1.3.
Transport for NSW	No objections, subject to conditions.

(a) Community Consultation

The development application was advertised between 27 January 2022 to 25 February 2022, in accordance with the Liverpool Community Participation Plan

Three submissions were received in response to the exhibition. One submission was prepared by the landowner of the adjacent land at 29 Gurner Avenue, Austral, and an additional submission was prepared by UniPlan Australia on behalf of this landowner. The issues raised are considered in the table below.

Issue	Consideration
The DA includes subdivision works including earthworks and roadworks which encroach on the adjacent land at 29 Gurner Avenue.	<p>The extent of earthworks has been refined to no longer encroach into adjoining land at 29 Gurner Avenue. Barrier fencing will be erected along the boundary.</p> <p>The Civil Plans show road return works at the end of the laneway extending onto 29 Gurner Avenue in the location of future Lapwing Street. Landcom has advised this can be relocated onto its landholdings. A condition of consent has been included requiring landowner's consent to provide provided for any offsite works within the Lapwing Street road alignment prior to a Subdivision Works Certificate.</p>
Proposed residue lots do not have dedicated road frontage for future access and maintenance and access will be required from adjoining properties.	For proposed residue lots which have no access a condition of consent is proposed to require a temporary easement for access, 2.5m wide, over an adjoining proposed residential lot to provide access until such time as adjoining properties to the south are developed and Lapwing Street completed.
The Edmondson Avenue extension, identified as a collector road, should be fully funded by Council from developer contributions or Government grant and land costs offset	The developer of 35 Gurner Avenue has already constructed the western half of this section of Gurner Avenue with the remaining half to be delivered by future development of 29 Gurner

agreed with Landcom and the owner of 29 Gurner Avenue.	<p>Avenue.</p> <p>Landcom is funding the construction of the extension of Edmondson Avenue as part of this DA.</p>
The proposal includes a laneway servicing proposed superlots 50 and 51 which abuts the future local road (Lapwing Street) which will be located on 29 Gurner Avenue. This midblock connection is inconsistent with the indicative layout plan and proposes civil engineering works on No 29.	<p>The Indicative Layout Plan does not outline all local roads within the site subject of this DA. The DCP allows for construction of additional local roads and laneways.</p> <p>Civil engineering works have been rectified to be fully within the development site and as discussed above road works would be conditioned to be fully within the development site.</p>
The design of Edmondson Avenue will generate the need for a larger intersection with greater impact on 29 Gurner Avenue.	<p>The alignment of Edmondson Avenue into the site has been positioned so that the conventional 20m collector road cross section can be completed by the developed of 29 Gurner Avenue in the future.</p> <p>This has been achieved through maintaining the same road centreline position at the boundary, consistent with the western side of Edmondson Avenue that has been completed under DA-1161/2016.</p>
Landcom should fund construction of Lapwing Street and construct this road within its landholding.	Construction of local roads identified in the indicative layout plan is the responsibility of individual developers. Part of Lapwing Street has already been developed by the adjacent landowner and this alignment will continue with development of other parcels to the south of Landcom's landholdings.
Concerns about changes to land contours and potential impacts on adjoining land at 29 Gurner Avenue.	This has been addressed through the flooding and stormwater assessment.
Construction impacts including dust and traffic which will impact on existing market garden operations to the south at 29 Gurner Avenue, and need for sedimentation controls and dust suppression.	This will be addressed through preparation and implementation of a construction management plan.
Need to fully fence the development to restrict access to the market gardens at 29 Gurner Avenue.	A condition of consent is proposed requiring the construction site to be fenced during the course of the construction.
<p>The proposal includes a road layout inconsistent with the indicative layout plan including a skewed collector roads and additional laneways.</p> <p>The street design has been adapted from the Western Sydney Street Design Guidelines rather than the DCP, which is not supported and is driven from a necessity to achieve the most absolute residential density.</p>	<p>The alignment of Edmondson Avenue into the land has been positioned so that the conventional 20m collector road cross section can be completed by the developed of 29 Gurner Avenue in the future.</p> <p>Additional laneways are proposed to provide rear lane access in accordance with the DCP.</p> <p>The proposed alternative road cross sections seek to increase tree planting, canopy cover and open space. The overall road reserve widths generally</p>

	align with the DCP.
The proposed subdivision would only have access via the half constructed Edmondson Avenue, with the remaining half to be constructed on 29 Guner Avenue. The 5.5m width access road would result in unacceptable traffic impacts.	<p>This is addressed in the traffic study which states that:</p> <p><i>On-street parking is not restricted for the 5.5 m wide road, so drivers need to give way to pass each other if there is a parked car (the remaining width would be less than 3.5 m). SIDRA modelling was carried out to evaluate the queue length. It is confirmed that the maximum queue length would occur when northbound traffic gives way to the southbound traffic in the PM peak hour. However, the modelled queue is acceptable, supporting this temporarily narrower street layout.</i></p> <p>Additional access points from Gurner Avenue will be delivered as surrounding sites are developed, and the remaining half of Edmondson Avenue as part of future development of 29 Gurner Avenue.</p>
<p>Concern was raised about the traffic impacts of the proposal noting existing congestion and issues with the traffic study including:</p> <ul style="list-style-type: none"> • Lack of consideration of multiple car ownership • Inaccuracy of the trip generation. 	<p>The assessment of traffic impacts has been prepared in accordance with Transport for NSW's Guide to Traffic Generating Development Technical Direction 2013/04a (latest version) and is considered fit for Development Assessment purposes.</p> <p>The technical guideline considers typical dwelling types and household formations in greenfield, low density residential environments.</p>
Damage to existing local roads to the south of the development as a result of construction traffic.	This will be addressed through standard conditions of consent relating to traffic management and maintenance and repair of impacts to the local road network through the construction process.
Development of 422 homes is excessive and would result in too many apartments, villas, units and townhouses and should be reduced.	The development application is for 123 residential lots, in addition to 78 residential lots at Austral East. The lot sizes and dwelling density is consistent with the planning controls and will deliver a range of low density dwelling types. No apartments or units are proposed.
Understanding that there were no plans to build past Kingfisher Estate (35 Gurner Avenue)	The areas to the north, including Landcom's landholdings, were rezoned for residential purposes through the growth centres precinct process.
Concerns about building right up to Western Sydney Parklands and need for a buffer zone.	The proposed development includes superlots adjacent to Western Sydney Parklands, which will be subject of future DAs.
Need for tree planting to occur after completion of the development to ensure tree survival.	<p>This approach is typically adopted by Liverpool City Council.</p> <p>The proposed approval includes standard conditions requiring an Outstanding Works Bond</p>

	<p>for the construction of street tree plantings to be lodged with Council. It also sets out the Outstanding Works bond will be refunded once the street trees have been planted to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council.</p> <p>This will ensure trees are appropriately maintained to Council's satisfaction.</p>
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6.7 Section 4.15(1)(e) – The Public Interest

The proposed development is consistent with the zoning of the land and would represent a high-quality development for Austral, by delivering planned housing supply in the South West Growth Area.

In addition to the social and economic benefit of the proposed development, it is considered to be in the public interest.

7 CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The proposal is consistent with the objectives of the R2 – Low Density Residential zone that is applicable to parts of the site proposed for residential subdivision for the Liverpool Growth Centres Precinct in the State Environmental Planning Policy (Precincts – Western Parkland City) 2021
- The proposal provides an appropriate response to the site's context. The scale and built form is consistent with the desired future character of the area that is envisaged under for the Liverpool Growth Centres Precinct in the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 and Liverpool Growth Centres Precinct DCP.
- The application was referred to a number of external authorities with no objections raised, subject to imposition of conditions.
- This is with the exception of TransGrid who has objected to the proposal however all issues have been resolved as discussed in Section 1.3.

It is for these reasons that the proposed development is considered to be satisfactory and notwithstanding the submission received, the subject application is recommended for approval.

8 ATTACHMENTS

1. Conditions of consent
2. Subdivision Plans
3. Civil Plans
4. Building Envelope Plans
5. Landscape Masterplan
6. Aboriginal Cultural Heritage Assessment Report
7. Biodiversity and Riparian Land Assessment
8. Bushfire Assessment and additional bushfire advice
9. Preliminary Site Investigation (Contamination)
10. Detailed Site Investigation (Contamination)
11. Additional Contamination Advice
12. Traffic and Access Study and additional traffic advice
13. Urban Design Report
14. Waste Management Plan
15. Odour Advice
16. Net developable area plan
17. Subdivision zoning overlay
18. Statement of Environmental Effect
19. Preliminary Geotechnical Assessment
20. Stormwater Concept Plan and Flood Study.