

**SYDNEY WESTERN CITY PLANNING PANEL
SUPPLEMENTARY COUNCIL ASSESSMENT REPORT
Superlot subdivision / subdivision Austral West**

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 (Austral West) 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 (Austral West) 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 (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. • <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> <ul style="list-style-type: none"> • 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> <ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> • Not applicable.
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> A. Council Traffic and Transport re-referral B. Consideration of Council Conditions by Landcom / Council C. Conditions of consent D. Advice from Traffic Consultant
Clause 4.6 requests	No

Recommendation	Approval (Deferred Commencement)
Report by	Anna Johnston
Report date	24 April 2023

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 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?	N/A
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 Have draft conditions been provided to the applicant for comment? Landcom (the applicant) have agreed to all conditions except Conditions 154 and 155 as discussed in this report.	Yes

1. SUPPLEMENTARY CONSIDERATION

1.1 Introduction

DA-1295_2021 was considered for determination by the Sydney Western City Planning Panel on 12 December 2022.

Subsequently, additional information was provided to the Planning Panel on 16 December 2022 for consideration prior to their determination, which included amendments to address issues raised by the Local Planning Panel and to consider conditions issued by Council following the Panel meeting in relation to flooding and stormwater and engineering.

The amendments presented to the Panel on 16 December 2022 are summarised below.

Issues	Changes
Deferred commencement requested by Panel	<p>Deferred commencement included in Part 1 of the recommended approval requiring:</p> <ul style="list-style-type: none">• A Remediation Action Plan. <p>Deferred commencement was not included for flooding and stormwater as Council issued its conditions in this regard which have been included and largely supported with the exception of one minor change discussed below.</p>
<p>Drainage works outside the Landcom owned land.</p> <p>Amendment requested by Panel to exclude any works outside the site from the approval.</p>	<p>Condition requiring the civil engineering plans to be amended prior to subdivision works certificate to demonstrate that all works will be carried out within the boundaries of the Lot 184 DP 1237400 (Condition 12)</p> <p>Condition requiring details to be provided prior to a subdivision works certificate to demonstrate how suitable provision will be made for any necessary drainage works within the future Lapwing Street alignment (Condition 27)</p>
Engineering conditions requested by Council	Added generally as requested by Council.
Flooding and stormwater conditions requested by Council	<p>Added as requested by Council with the exception of one minor change to the following requested condition:</p> <p><i>There shall be no loss of flood storage by the proposed development. Interim flood compensatory excavation shall be undertaken to confirm that there is no net loss of flood storage volume below the 1% AEP flood. The interim flood compensatory excavation shall be maintained at the site until the adjoining sites are developed, and Basin 27 is constructed.</i></p> <p>This condition has been amended to require the temporary flood compensatory excavation to be maintained until such time as Basin 25 is constructed (Condition 34). It is unreasonable for it to be required to be maintained until adjoining land is development, noting that the extent of this is not defined.</p>

Issues	Changes
Traffic and transport conditions	<p>Conditions agreed to by Landcom were included, however a number of conditions were not supported by Landcom.</p> <p>It is noted that Council has since issued amended Traffic and Transport conditions which are considered in this report.</p>
Waste conditions	<p>Conditions agreed to by Landcom were included, however a number of conditions were not supported by Landcom.</p> <p>It is noted that Council has since issued amended Traffic and Transport conditions which are considered in this report. It is understood all Council's concerns about waste removal area addressed through the amended traffic and transport conditions.</p>

On 21 December 2022 the Planning Panel decided to defer the development application on the basis that the Panel could not be satisfied that the conditions were sufficiently resolved, and particularly that Landcom had been accorded sufficient opportunity to consider and respond to the Council's draft.

The Panel requested that the matter be referred back to the Panel for final electronic determination at the earliest practical opportunity.

Since the Panel's deferral Council issued new traffic and transport conditions on 15 March 2023 (Attachment A). It is understood that these conditions replace the previous traffic and transport conditions and waste removal conditions and Council advises that this concludes all outstanding matters for DA-1295_2021.

These conditions have been considered by Landcom and a final set of conditions have been agreed with Council subject to variations as discussed within this report and detailed at Attachment B.

The conditions of approval are provided at Attachment C.

1.2 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.

The Sydney Western City Planning Panel has requested a supplementary report prior to finalising its determination as discussed above.

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.

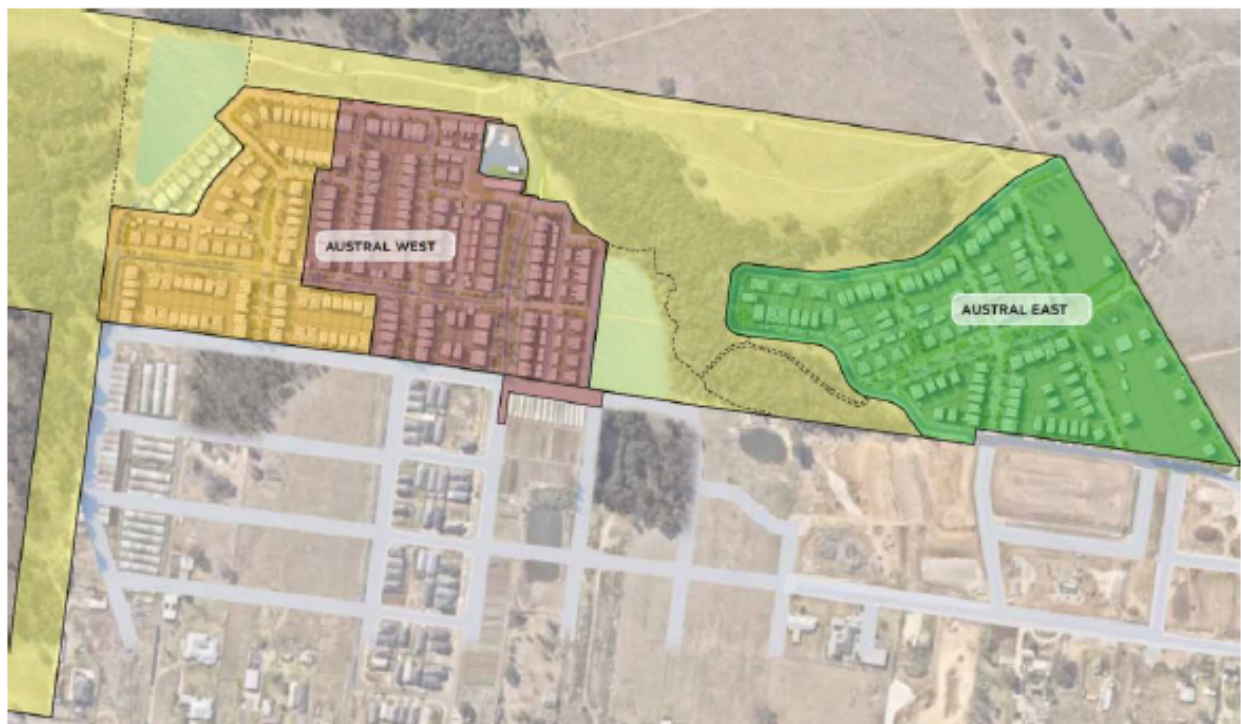


Figure 1: Site plan showing Austral East and Austral West

1.3 Consideration of Council's Traffic and Transport Conditions

Since the Panel's deferral Council issued new traffic and transport conditions on 15 March 2023 (Attachment A). It is understood that these conditions replace the previous traffic and transport conditions and waste removal conditions and Council advises that this concludes all outstanding matters for DA-1295_2021.

These conditions have been considered by Landcom and a final set of conditions have been agreed with Council subject to variations as discussed below and detailed at Attachment B.

Intersection treatments

The traffic and transport referral has requested the following condition of approval prior to the issue of a Subdivision Works Certificate:

Intersection treatments – the applicant is to provide intersection treatments as indicated below:

- *Roundabout or other appropriate treatment at the intersection of Road 01 and Road 13 and Road 02 and Road 16*
- *Appropriate sign controls at other four-way intersections within the development site.*
- *Speed hump at every 100m spacing.*

Landcom supports and can deliver the requested roundabout at the intersection of Roads 01 and 13, but not at Road 02 and 16.

In subsequent correspondence, Council has agreed that a roundabout at Road 02 and 16 is not required but has requested that adequate provision of landscaping should be provided to enable the implementation of a roundabout at a later stage, if/when required. Council notes this may require the applicant to undertake the design of a roundabout, to indicate the impact on adjoining land parcels.

Landcom does not agree to the requirement for provision for a roundabout in the future. Landcom's traffic and transport consultant has provided the following information in this regard (Attachment D):

- *This intersection (Road 02 / Road 16) was not identified in the Addendum Post-Exhibition Traffic Report (AECOM) that it needs to be upgraded to a roundabout or traffic signals.*
- *This intersection was not identified in the Liverpool Contributions Plan 2014 Austral and Leppington North Precincts that it needs to be upgraded to a roundabout or traffic signals.*
- *This intersection is at the junction of a local street and a shared street hence with relatively low volumes of local traffic, hence would not trigger the need for a roundabout or traffic signals.*
- *Since Road 16 and Road 06 are local streets and not meant to carry through traffic and operate as collector streets, the amount of traffic that would be expected to be turning into and out of Road 06 and Road 16 onto Road 02 is limited to those generated by the dwellings on Road 06 and Road 16. Hence the other reason that a roundabout is not warranted to manage the turning traffic at this intersection.*
- *Road 16 also does not extend further south of Lapwing Street hence does not draw any additional traffic from the rest of the precinct and therefore is expected to have very low traffic volume.*
- *Hence it would just be configured as a conventional give-way intersection, with give-way signs and linemarking on the northern and southern approaches of Road 06 and Road 16 respectively, as shown in sketch below.*

Landcom's proposed intersection configuration of the intersection of Road 02 and 16 is shown at Figure 2 below.

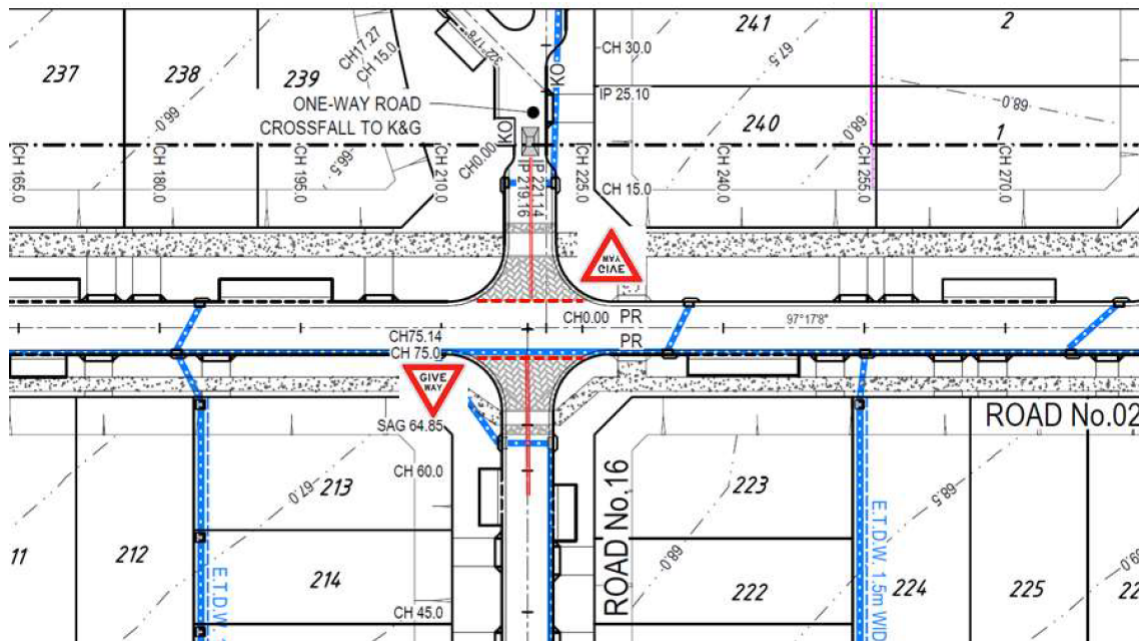


Figure 2: Intersection configuration Road 02 and 16

The proposed treatment of intersection of Road 02 and 16 is considered appropriate based on the traffic advice provided by Landcom.

The requested condition has been updated to remove the requirement to provide a roundabout at the intersection of Road 02 and 16 (Condition 59).

On Street Car Parking

The traffic and transport referral has requested a condition requiring the applicant to demonstrate that the detailed design of the road network provides adequate on-street parking.

Landcom does not support this condition on the basis that 'adequate' is not defined and there is no DCP control which would define this.

Council subsequently advised the following:

Adequate refers to compliant in regards to AS2890 parking lengths. It also refers to placement of spaces to maximise parking opportunities without impacting sight visibility or access arrangements. Essentially the condition relates to providing as much parking provision as possible within the proposed road reserves, including within the currently proposed verges.

Landcom has provided an excerpt of the Civil Plans which show locations and number of parking spaces totalling 79 (see Figure 3).

The condition recommended by Council does not quantify the required car parking spaces and a standard does not exist for the required amount of on street parking. As such the proposed condition doesn't provide the certainty required for a legal condition. It is recommended that this condition not be included in the approval, and that car parking is approved as per the civil plans.

Accordingly, the condition is not recommended to be required.

TOTAL 79 On Street Carparking Spaces

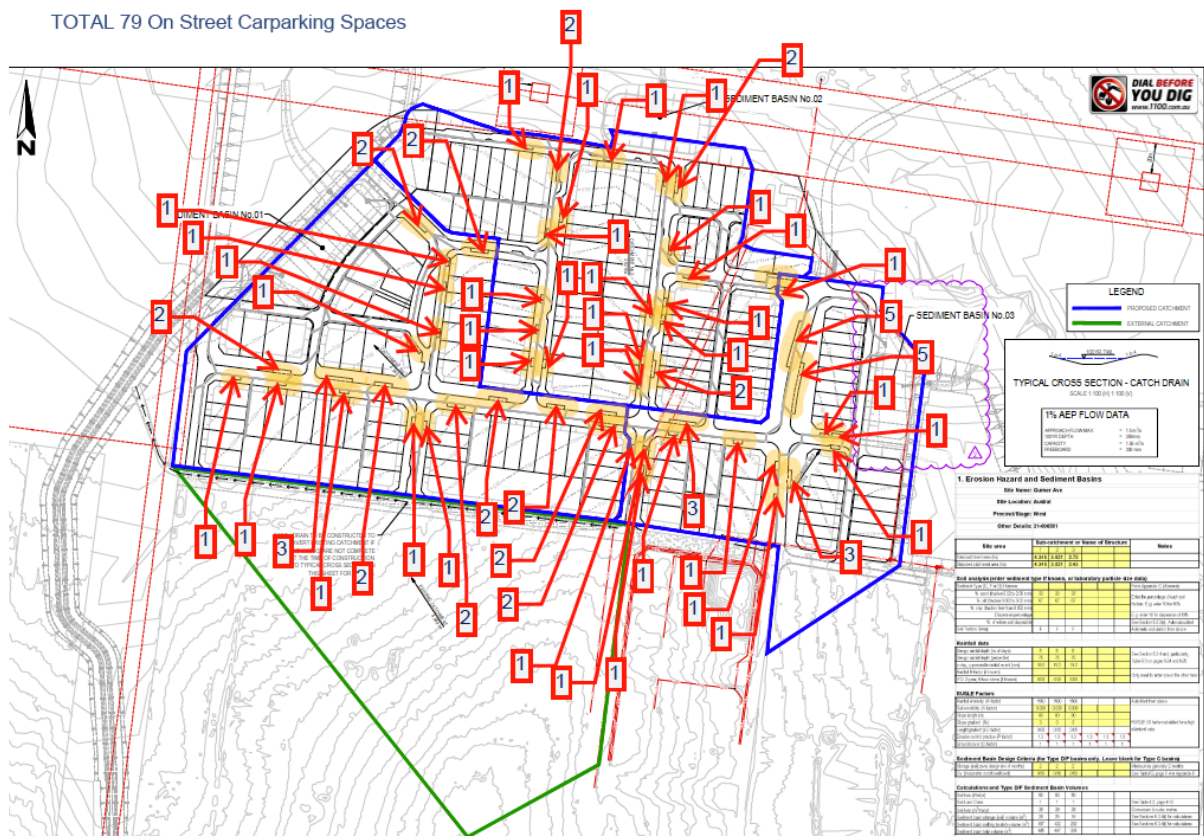


Figure 3: On-street car space locations

Gurner Avenue / Edmondson Avenue intersection

The traffic and transport referral notes that the intersection of Gurner Avenue and Edmondson Avenue which provides the connection to the external road network needs upgrading to safely accommodate the traffic to be generated by the proposed Landcom development as well as the Crownlands development (see Figure 4).

Council subsequently advised that it agrees that the works would be constructed by Council as part of the S7.11 contributions plan and raises no objection to a works in kind agreement, and requested the following condition in this regard:

The roundabout at the intersection of Gurner Avenue and Edmondson Avenue, identified in the S7.11 Contributions Plan, is preferred to be delivered by Landcom prior to issue of the SWC.

Council will contribute a maximum of \$242,935.00 (The current budget allocated in the S7.11 Scheme) so that landcom can undertake the works on Council's Behalf. The developer will be required to enter into a 'Works in Kind' agreement with Council's S.7.11 Contributions Team prior to the works proceeding.

All Detailed Design Drawings and Signage and Line marking plans will need to be amended to reflect the inclusion of the RAB and must be approved by the relevant sections in Council, prior to works commencing.

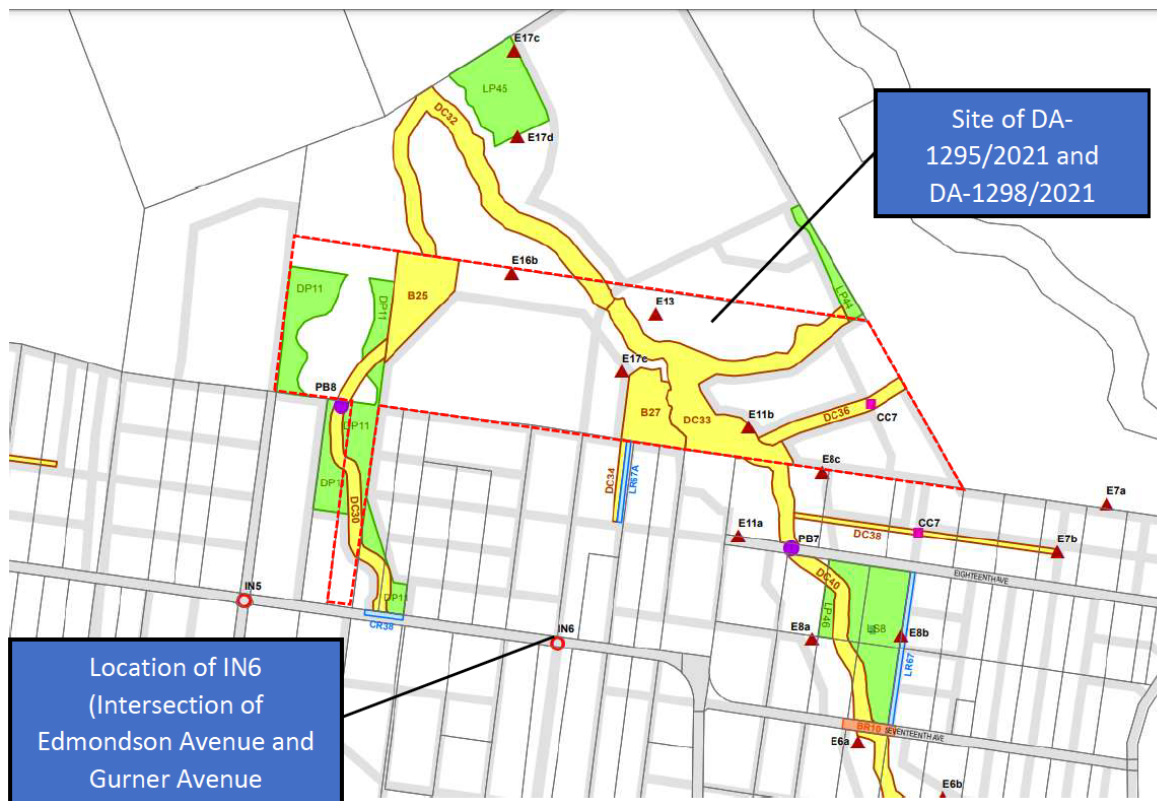


Figure 4: Location of Edmondson Avenue / Gurner Avenue intersection

Landcom has sought clarification of the condition to make it clear that Landcom retains discretion as to whether it enters into a works in kind agreement to deliver the intersection upgrade. Landcom notes that Council may require additional road acquisition by Council that Landcom will be not be party to, nor can the development be held up for this. Landcom further notes that the roundabout does not form part of the works in the DA and would need separate approval.

This change is considered to align with Council's position and the condition has been amended to clarify that Landcom may enter into a works in kind agreement (Condition 59).

This matter is considered to be satisfactorily addressed.

Edmondson Avenue configuration

Edmondson Avenue which provides the main access to the site is currently constructed a half carriageway with the remaining half to be constructed on the adjacent 29 Gurner Avenue as part of future development on land outside Landcom's ownership.

The traffic and transport referral notes that the existing half road of Edmondson Avenue will not be able to accommodate two-way traffic movements safely when vehicles are parked on the road. On this basis Council requests a condition requiring Landcom to prepare a no-parking scheme along both sides of the half road Edmondson Avenue between Lapwing and Swamphen Street. As part of this process the applicant is to undertake community consultation and have the matter approved by the Liverpool Local Traffic Committee.

Council has subsequently confirmed that regardless of outcome of the consultation, the parking management strategy will need to be implemented, in accordance with any approvals issued by the Liverpool Traffic Committee.

Landcom has further highlighted that the existing parking along Edmondson Avenue currently compromises compliance with Bushfire Safety Authority that applies to this section of Edmondson Avenue as *Planning for Bushfire Protection 2019* requires two way access roads.

Accordingly, Landcom has sought amendments to the condition clarify that it will notify adjacent residents of the changes to the parking arrangements on this section of Edmondson Avenue.

This change is reflected in the condition of approval (Condition 59) as detailed below and it is considered this matter has been satisfactorily addressed.

Landcom is to notify residents in the subdivision approved by DA-1164/2015 of the changes to the parking arrangements on the section of Edmondson Avenue between Gurner Avenue and Lot 184 in DP 1237400 in that 'No Parking' will be permitted until such time as the western side of Edmondson Avenue is completed to ensure compliance with the approved access and Bushfire Hazard Safety Authority.

The notification is to be carried out for a period of 14 days and Landcom is to prepare a report detailing any comments received during this time. The report is to accompany the submission of signage and line marking details to the Local Traffic Committee for confirmation the notification has been completed.

Construction of northern extension of Edmondson Avenue

The traffic and transport referral requests a condition requiring the development to include the construction of the northern road (northern extension of Edmondson Avenue through the Landcom site) leading into Lot 10 Gurner Avenue, Austral up to the property boundary as shown in the Indicative Layout Plan (see Figure 5).

Landcom do not accept the condition and considers there is no nexus to the development to deliver this length of road as it serves no purpose to the proposed subdivision.

Landcom agrees to a requirement to register an easement for public access that will allow the developer to the north to complete the road as and when is required. Office of Strategic Lands can also agree to provide Council with an MOU that states they have no objection either to transfer the area of the easement to the adjoining landowner (if required) or alternatively provide owners consent for the construction of the road over this part of the land and its future dedication.

To provide for orderly development of the precinct, and ensure that identified road reservations within the Indicative Layout Plan are delivered by the relevant landowner, it is recommended Landcom be required construct the northern extension of Edmondson Avenue to the property boundary as shown in the indicative layout plan.

The extension of this road does not form part of this development application and would need to separately approved.

The following conditions have been included in the recommended approval to require this section of road to be delivered alongside the development subject of this application (Condition 154 and 155).

- Prior to issue of the Subdivision Certificate for Stage 2 approval is to be obtained for construction of the extension of Road No. 1 (Edmondson Avenue) to provide collector road access to the adjoining property boundary.
- Prior to issue of the Subdivision Certificate for Stage 3 construction of the extension of Road No. 1 (Edmondson Avenue) to provide collector road access to the adjoining property boundary is to be completed.

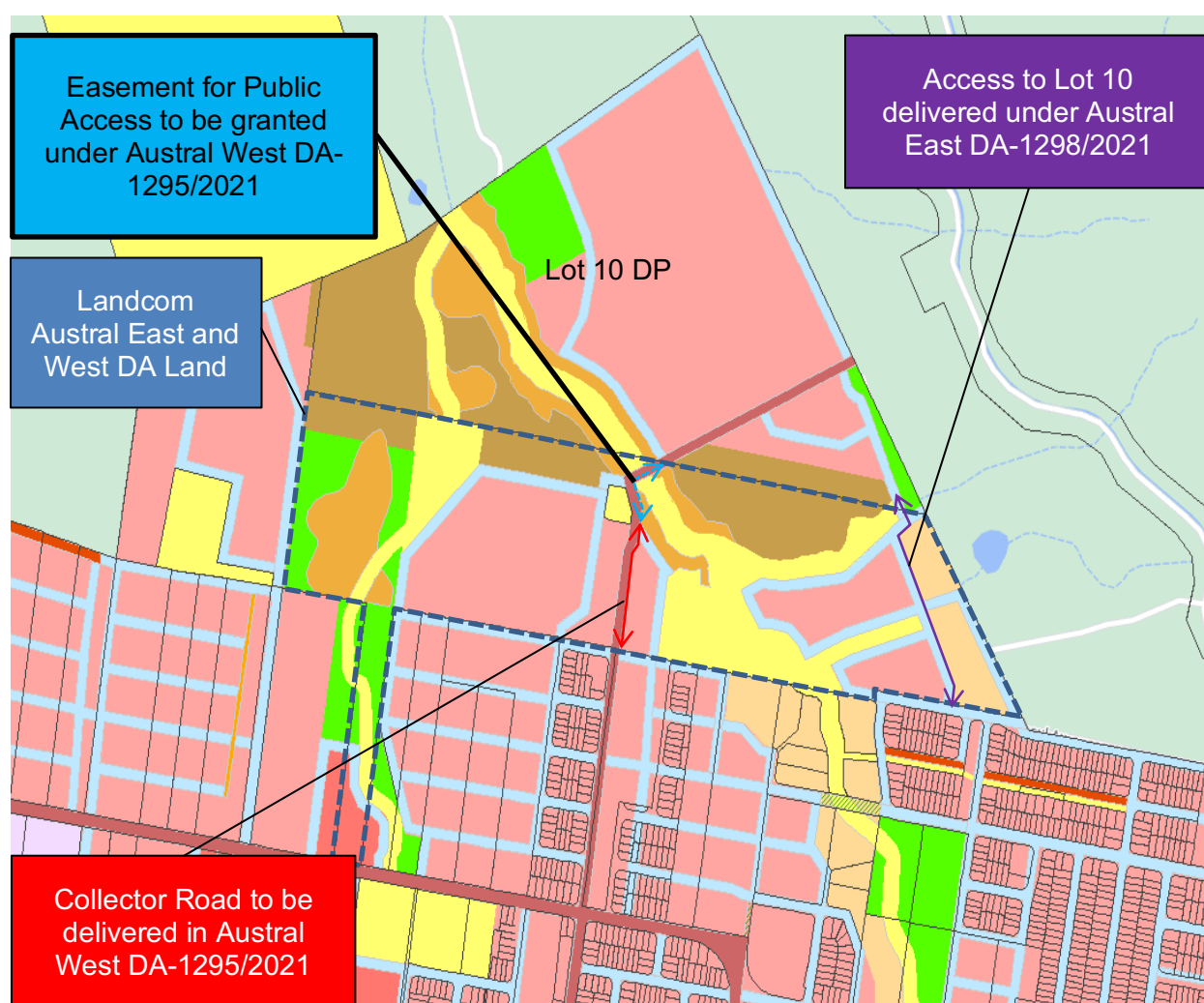


Figure 5: Northern extension to Edmondson Avenue

1.4 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 of the original DA assessment report.
- All Council referrals have been addressed, with exception of the matters detailed and addressed within the supplementary report.

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.

It is noted that Landcom (the applicant) have agreed to all conditions except Conditions 154 and 155 as discussed in this report.