

DATE OF DEFERRAL	14 June 2023
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Nicole Gurran, Karress Rhodes
APOLOGIES	Ned Mannoun
DECLARATIONS OF INTEREST	Louise Camenzuli declared a conflict as the company she works for represents the applicant on a different site unrelated to this matter.

Papers circulated electronically on 26 April 2023.

MATTER DEFERRED

PPSSWC-210 – Liverpool – DA-1295/2021 – Gurner Avenue, Austral - Site Remediation, Dam dewatering, 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.

REASONS FOR DEFERRAL

Objection to Conditions 154 & 155

At the final briefing, the Applicant (Landcom) objected to the imposition of conditions 154 and 155 in Council's recommended conditions of consent and provided legal advice to support its objection.

The conditions require Landcom to extend the Edmondson Park collector road further north beyond its own development on the site to provide collector road access to the boundary of Lot 10 DP771080, as envisaged in the Indicative Layout Plan (ILP) for the area.

Specifically,

- Condition 154 requires Landcom to obtain approval for the extension of the collector road prior to the issue of a subdivision certificate for Stage 2 of the development; and
- Condition 155 requires Landcom to complete the construction of the approved extension of the collector road prior to the issue of a subdivision certificate for Stage 3 of the development.

The main reasons for Landcom's objection were:

- There is no nexus between the development on site and the proposed extension of the Edmondson Park collector road to the boundary of Lot 10 DP771080. The extension is solely for the benefit of the owner of the adjoining lot and should consequently be paid for and constructed by the owner of that lot, not by Landcom.
- There are several constraints to the design of the road extension (flooding, the height of the existing transmission lines in the electricity easement, and biodiversity). These constraints could complicate the approval process for the road extension and may result in substantial delays to the issuing of subdivision certificates for stages 2 and 3 of the development. They may also substantially increase the cost of the development.
- Landcom is already proposing to provide road access to Lot 10 DP771080 - which currently has no road access - in the current development application for the proposed subdivision of the adjoining site (Austral East).
- The owner of Lot 10 DP771080 was notified of the development application and has not made a submission objecting to the development.
- The recommended conditions do not fairly and reasonably relate to the development the subject of the development application, and consequently it would be unreasonable (and potentially unlawful) for the Panel to impose the conditions.

As an alternative to the recommended conditions, Landcom indicated that it would be willing to accept conditions requiring:

- the creation of an easement for the relevant collector road extension along the alignment in the ILP prior to the issue of a subdivision certificate for Stage 2 of the development; and
- the dedication of the collector road extension to Council once it had been constructed by the owner of Lot 10 DP771080.





After discussing both options with Council and Landcom, as well as being satisfied that there are unlikely to be any other suitable alternatives available for providing collector access to Lot 10 DP 771080, the Panel agreed to defer the determination of the matter to give Council and Landcom more time to investigate the merits of Landcom's alternative approach.

Deferral for Further Investigations

The Panel expects Council and Landcom to complete these investigations within 2 weeks of receiving this deferral record. It also expects Council to submit an addendum assessment report to the Panel summarising the findings of these investigations and any recommended changes to the conditions of consent within 4 weeks of receiving this deferral record.

If Landcom no longer objects to the recommended conditions of consent, the panel will determine the matter electronically. Otherwise, the panel will arrange another briefing with Council and Landcom on the matter.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
Justin Doyle (Chair) 	David Kitto 
Nicole Gurran 	Karress Rhodes 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-210 – Liverpool – DA-1295/2021
2	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). 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>
3	STREET ADDRESS	Gurner Avenue, Austral
4	APPLICANT/OWNER	<p>Applicant: Landcom</p> <p>Owner: The Office of Strategic Lands</p>
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <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. Draft environmental planning instruments: Nil Development control plans: <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 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development

7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 7 December 2022 • List any council memo or supplementary report received: 24 April 2023 • The Applicant's response to the issues raised in the final panel briefing: 5 May 2023 • Written submissions during public exhibition: 3 • Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 16 May 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Julie Savet Ward, Ned Mannoun, Peter Harle ○ <u>Council assessment staff</u>: Kelly Coyne, Brenton Toms, Patrick Bastawrous, Marif Hossain ○ <u>Applicant representatives</u>: Andy Yung, Steve Boukatos, Tim Colless, Phil Clifford, Pat Coleman, Joe Rowling, Matt, Greg Moore, Maddison Spiteri • Briefing: 24 October 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Julie Savet Ward, Peter Harle ○ <u>Council assessment staff</u>: Melanie Smith, Amanda Merchant ○ <u>Applicant representatives</u>: Steve Boukatos, John Drivas, Tim Colless, Phil Clifford, Matt Cooper, Zac Wilson • Panel Deferral: 21 December 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Julie Savet Ward, Peter Harle ○ <u>Council assessment staff</u>: Nabil Alaeddine, Anna Johnston ○ <u>Applicant representatives</u>: Steve Boukatos, Pat Coleman • Final briefing to discuss council's recommendation: 1 May 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, David Kitto, Karress Rhodes ○ <u>Council assessment staff</u>: Nabil Alaeddine, Amanda Merchant, Michael Oliviero, Anna Johnston ○ <u>Planning Delivery Unit</u>: Chris Dwyer ○ <u>Applicant representatives</u>: Steve Boukatos, Margot Chappell, John Drivas, Matt Cooper
9	COUNCIL RECOMMENDATION	Approval – Deferred Commencement
10	DRAFT CONDITIONS	Attached to the Council Assessment Report