

**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 11 superlots for future development (superlots 101 to 111).</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. Email from Council accepting conditions B. Email from Landcom accepting conditions C. Emails with Council regarding Council's traffic and development engineer referrals D. Conditions of consent.
Clause 4.6 requests	No

Recommendation	Approval (Deferred Commencement)
Report by	Anna Johnston
Report date	19 July 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	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	
Have draft conditions been provided to the applicant for comment?	Yes
Landcom (the applicant) has agreed to all conditions.	

1. SUPPLEMENTARY CONSIDERATION

1.1 Overview

DA-1295/2021 was considered for determination by the Sydney Western City Planning Panel on 12 December 2022 and subsequently on 1 May 2023.

At the meeting on the 1 May 2023, agreement was unable to be reached between Council and Landcom on two recommended conditions (Condition 154 and 155) requiring Landcom to construct the 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.

This matter has been further considered and an agreement has been reached between Landcom and Council whereby Landcom would provide an easement to preserve the northern extension road alignment and provide a Letter of Undertaking for \$2,680,000 with Council for a 10-year term to facilitate the cost to construct the extension of the northern collector road to the boundary of Lot 10 in DP 771080 if development to the north proceeds.

This is discussed in further detail in Section 1.4 below and included in the amended Conditions of Consent at Attachment D.

The proposed conditions are acceptable to Council's Traffic Unit as detailed in the emails at Attachment C.

Council have also requested other minor changes to conditions which are supported by Landcom, and reflected in the amended Conditions of Consent at Attachment D.

Further, since this time, the Panel has approved DA-1298/2021 relating to Austral East. The Austral East approval included an amendment to the Austral East subdivision plan to create an additional residue lot to contain the remainder of the land the is subject to the Austral West DA (DA-1295/2021). This was to enable the approval of Austral East to proceed independently of the Austral West.

Stage 1 of the Austral West DA currently includes a superlot subdivision to create a separate parcel for Austral East. This is no longer required since it will be created through the Austral East DA. Accordingly, a condition has been included in the Austral East approval to require the modification of the Stage 1 plan of subdivision prior to a subdivision certificate.

All recommended Conditions of Approval at Attachment D have now been agreed to by Landcom as the Crown, and by Council.

1.2 The proposal

The application seeks consent for staged residential subdivision over 3 stages for 123 residential lots and 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.

1.3 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.

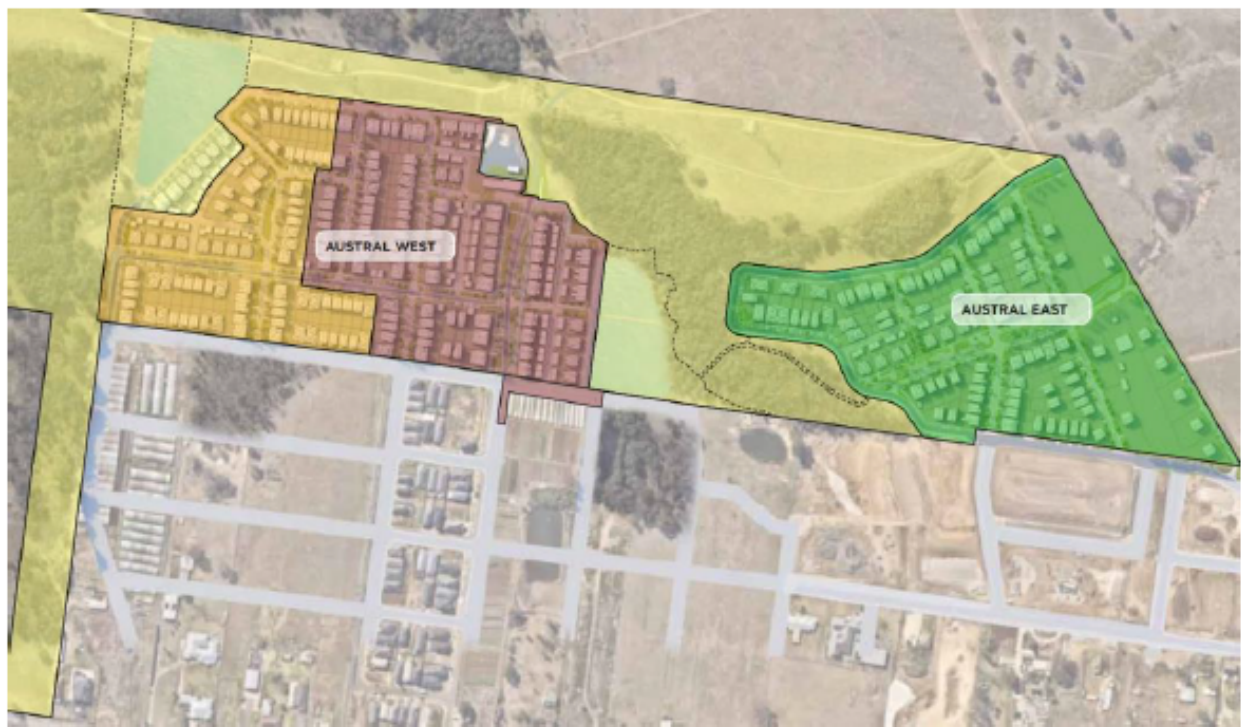


Figure 1: Site plan showing Austral East and Austral West

1.4 Construction of northern extension of Edmondson Avenue

At the meeting on the 1 May 2023, agreement was unable to be reached on the following recommended conditions (Condition 154 and 155) relating to a construction of 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 2):

- 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.

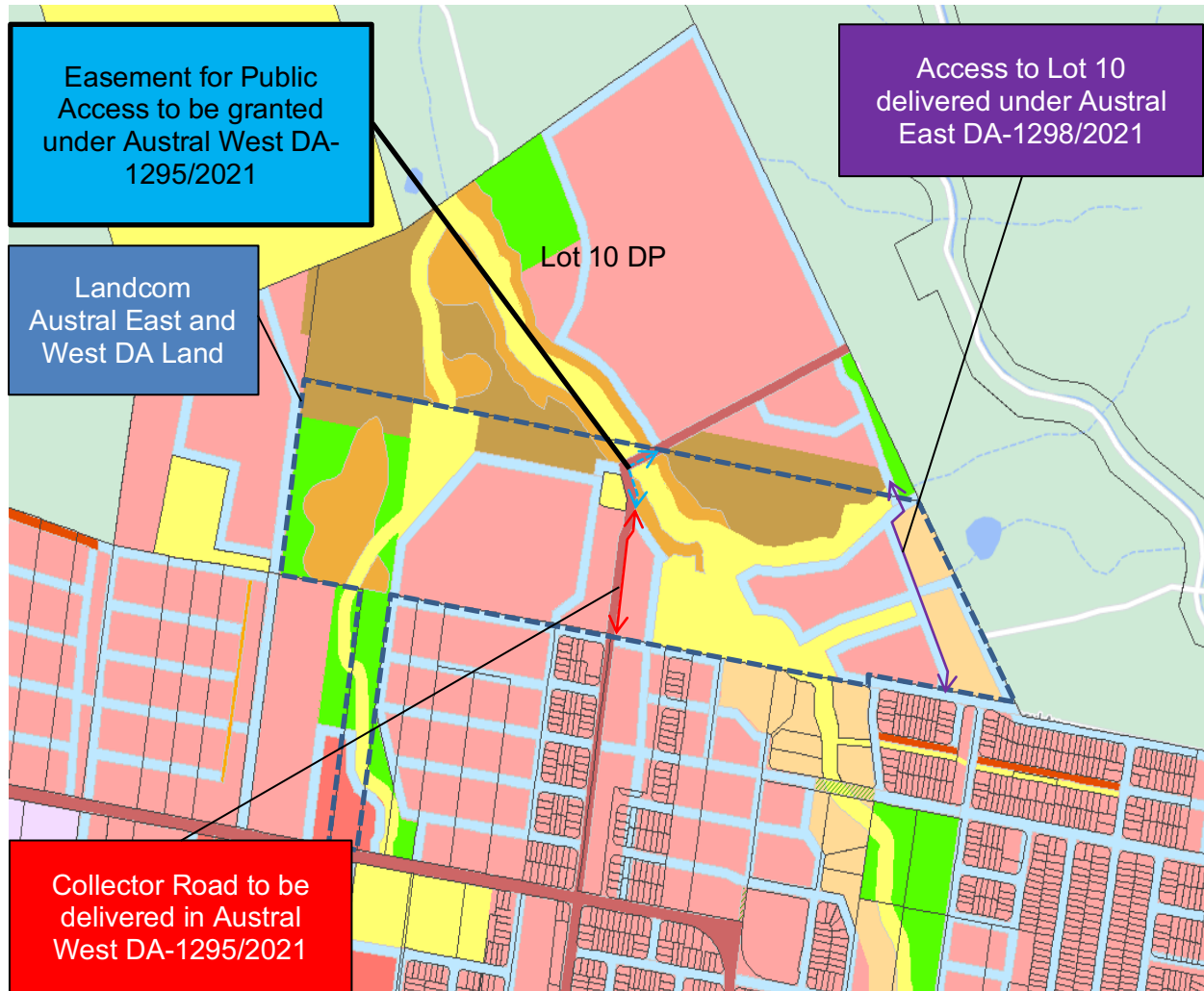


Figure 2: Northern extension to Edmondson Avenue

This matter has been further considered and an agreement has been reached between Landcom and Council on the following conditions. These conditions are acceptable to Council's Traffic Unit as detailed in the email at Attachment C (Condition 156 and 157).

- Prior to the issue of the Subdivision Certificate for Stage 2, the Applicant must register an easement with Land Registry Services NSW to preserve the collector street corridor access to the northern extension of Edmondson Avenue to the boundary of Lot 10 in DP 771080. The terms of the easement must:
 - a) provide an easement for public access with a width of at least 20 metres;
 - b) benefit Lot 10 in DP 771080;
 - c) burden part of Lot 184 in DP 1237400 generally in accordance with the northern extension of Edmondson Avenue to the boundary of Lot 10 in DP 771080 that aligns with the collector street corridor shown on the Indicative Layout Plan at Schedule 1 of the DCP dated 18 June 2021; and
 - d) nominate Council as the relevant authority who may vary or release the easement.

- Prior to the issue of the Subdivision Certificate for Stage 2, the Applicant must provide a Letter of Undertaking for \$2,680,000 to Council for a 10-year term. The intention is to facilitate the cost to construct the extension of the northern collector road to the boundary of Lot 10 in DP 771080 if development to the north proceeds. The Letter of Undertaking would be called upon if the development to the north is approved and required prior the subdivision certificate for Stage 2. The cost would be based on linear metre rates for a new collector road within the Contributions Plan and costed as shown below:
 - a) Length of collector road 130m including span of culvert crossings
 - b) Draft CP (IPART review) base \$/linear metre rate of \$4,304 (inclusive of design and projects on cost 25% allowance), indexed to current PPI is \$4,955
 - c) Draft CP (IPART review) base culvert crossing (Tenth Avenue equivalent) \$1,768,000 (inclusive of design and projects on cost 25% allowance), indexed to current PPI is \$2,035,000
 - d) Value of works:
 - Road construction \$645,000
 - Culvert Crossing \$2,035,000
 - TOTAL OFFER \$2,680,000**

1.1 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.

All recommended Conditions of Approval at Attachment D have now been agreed to by Landcom as the Crown, and by Council.