

**SYDNEY WESTERN CITY PLANNING PANEL  
SUPPLEMENTARY COUNCIL ASSESSMENT REPORT  
Subdivision Austral East**

SSWPP No	PPSSWC-211
DA Number	DA-1298/2021
Local Government Area	Liverpool City Council
Proposed Development	Austral East - Residential subdivision of proposed Lot 102 (to be created under DA-1295/2021) to create 92 Torrens Title residential lots with associated vegetation removal, site remediation, earthworks, construction of new roads and civil works.
Street Address	Lot 184 DP1237400 Gurner Avenue, Austral NSW 2179.
Owner	Landcom
Date of DA Lodgement	3 November 2021
Applicant	Landcom
Number of Submissions	Two
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 \$26,960,261 (excluding GST).</p>
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> <li>• <i>List all of the relevant environmental planning instruments: s4.15(1)(a)(i)</i> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Precincts – Western Parkland City) 2021 – Appendix 4 Liverpool Growth Centres Precinct Plan</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4 – Remediation of Land.</li> <li>• State Environmental Planning Policy (Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Environment) 2021, Chapter 6 – Water Catchments.</li> </ul> </li> <li>• <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"> <li>• No draft Environmental Planning Instruments apply to the site.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>List any relevant development control plan: s4.15 (1)(a)(iii) <ul style="list-style-type: none"> <li>Liverpool Growth Centres Precinct DCP <ul style="list-style-type: none"> <li>Part 2: Precinct Planning Outcomes; and</li> <li>Part 3: Neighbourhood and Subdivision Design</li> <li>Part 4: Development in the residential zones</li> <li>Schedule 1: Austral and Leppington Precincts</li> </ul> </li> </ul> </li> <li>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) <ul style="list-style-type: none"> <li>No planning agreement relates to the site or proposed development.</li> </ul> </li> <li>List any relevant regulations: s4.15(1)(a)(iv) eg. Regs 61, 62, 63, 64, 65. <ul style="list-style-type: none"> <li>Not applicable</li> </ul> </li> </ul>
List all documents submitted with this report for the panel's consideration	A. Council Traffic and Transport re-referral B. Consideration of traffic conditions by Landcom / Council C. Conditions of consent
Clause 4.6 requests	No
Recommendation	Approval* (Deferred Commencement)  * This is with the exception of the 10 residential lots within the 50% LEL contour associated with the gas pipeline which are not recommended for approval as part of this development application, meaning that the recommended approval would be for 78 residential lots and four residue lots for future development compared to the 92 residential lots proposed by Landcom.  * The draft conditions of approval are pending confirmation from Council that it supports Landcom's position that a roundabout at the intersection of Road 01 / Road 04 / Oslo Road and Seoul Avenue is not required.
Report by	Anna Johnston
Report date	21 April 2023

<b>Summary of s4.15 matters</b>	
Have all recommendations in relation to relevant s4.15C matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>

<p><b>Legislative clauses requiring consent authority satisfaction.</b></p> <p>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?</p>	<b>Yes</b>
<p><b>Clause 4.6 Exceptions to development standards</b></p> <p>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?</p>	<b>N/A</b>
<p><b>Special Infrastructure Contributions</b></p> <p>Does the DA require Special Infrastructure Contributions conditions (S7.11EF)?</p> <p><i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i></p>	<b>Yes</b>
<p><b>Conditions</b></p> <p>Have draft conditions been provided to the applicant for comment?</p> <p><b>Landcom have agreed to all conditions, as amended by this report and provided at Attachment C.</b></p>	<b>Yes</b>

## 1. SUPPLEMENTARY CONSIDERATION

### 1.1 Introduction

DA-1298\_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 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.

Issue	Changes to recommended approval
Deferred commencement requested by Panel	<p>Deferred commencement included in Part 1 of the recommended approval requiring:</p> <ul style="list-style-type: none"><li>• A Remediation Action Plan.</li></ul> <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>
Engineering conditions requested by Council	<p>Added generally as requested by Council.</p>
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 27 is constructed (Condition 31). It is unreasonable for it to be required to be maintained until adjoining land is developed, noting that the extent of this is not defined. The temporary flood storage is an interim measure which is required only until Basin 27 is completed.</p>
Traffic and transport conditions	<p>Conditions agreed to by Landcom were included, however several 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>

Issue	Changes to recommended approval
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 are addressed through the amended traffic and transport conditions.</p>
<p>Amendments to subdivision to accommodate Gas Pipeline.</p> <p>Amended requested by Panel to clarify number of resulting lots.</p>	<p>Note included under Condition 11 advising that the amended subdivision plan to consolidate lots within the pipeline risk area will include 78 residential lots and 4 residual lots.</p>

On 21 December 2022 the Planning Panel decided to defer it's consideration of the development application on the basis it 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-1298\_2021.

The traffic and transport conditions have been considered by Landcom and changes to the conditions been agreed with Council, subject to variations as discussed within this report and detailed at Attachment B.

The recommended 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 SEPP (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 residential subdivision of proposed Lot 102 (to be created under DA-1295/2021) to create 92 Torrens Title residential lots with associated vegetation removal, site remediation, earthworks, construction of new roads and civil works.

A separate subdivision application is being progressed which seeks superlot subdivision of Lot 184 DP1237400 (DA-1295/2021) and residential subdivision of Austral West and includes creation of superlot 102 which is the subject of this DA-1298/2021.

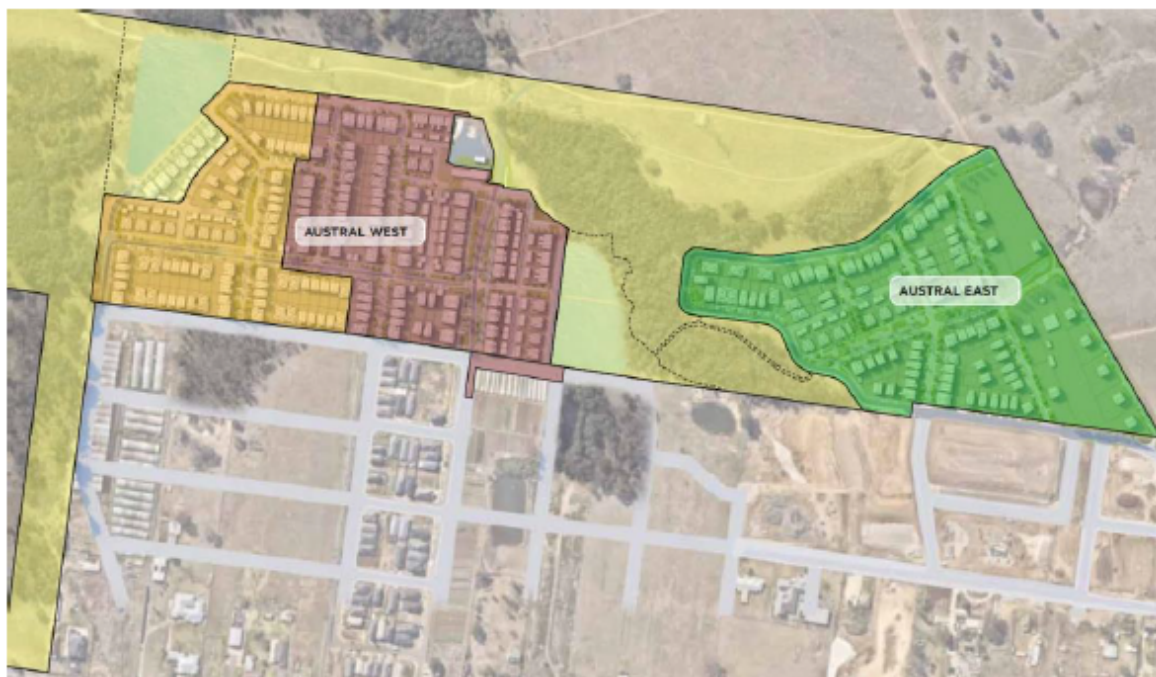
## 1.2 The site

The subject site is located within 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.

Lot 184 DP1237400 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 and generally comprises open fields with areas of remnant bushland existing along creek margins.

This application applies to the residential subdivision of Lot 102 (which is proposed to be created as a superlot under DA-1295/2021). Lot 102 comprises 7.67ha of land comprising the eastern portion of Lot 184 DP1237400.

Proposed Lot 102 is zoned R2 Low Density Residential, SP2 Infrastructure (Local Drainage), and C4 Environmental Living 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-1298\_2021.

The traffic and transport conditions have been considered by Landcom and changes to the conditions been agreed with Council, subject to variations as discussed below and detailed at Attachment B.

#### Intersection treatments

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

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

- *The intersection of Seoul Avenue and Road No. 08 is very close to the intersection of Cortina Avenue and Seoul Avenue. The applicant is to investigate appropriate intersection treatment to ensure safe operation of the intersection.*
- *Roundabout or other appropriate treatment at the four-way intersection of Road 01 / Road 04 / Oslo Road and Seoul Avenue.*
- *Appropriate sign controls at other four-way intersections within the development site.*
- *Speed hump at every 100m spacing.*

Council has also requested that:

*Any proposed treatments through this process shall be submitted to and approved by Council via the Liverpool Traffic Committee, and implemented by Landcom prior to issue of any Subdivision Works Certificate.*

Landcom supports this condition, but notes that Road 01 / Road 04 / Oslo Road and Seoul Avenue are local roads which do not warrant the need for a roundabout.

Confirmation has been sought from Council that it supports Landcom's position that a roundabout at the intersection of Road 01 / Road 04 / Oslo Road and Seoul Avenue is not required, as this is unclear in Council's latest advice.

The following condition (Condition 56) is recommended to be required to be delivered prior to a subdivision works certificate (pending confirmation from Council as highlighted above):

*The applicant is to review intersection treatments as indicated below and where necessary include these treatments in the detailed design plans:*

- *The intersection of Seoul Avenue and Road No.08 in relation to proximity to and potential interaction with Cortina Avenue and Seoul Avenue. The applicant is to investigate appropriate intersection treatment to ensure safe operation of the intersection.*
- *Appropriate treatment at the four-way intersection of Road 01 / Road 04 / Oslo*

*Road and Seoul Avenue. In this regard, it is noted that a roundabout is not warranted at the intersection of local roads.*

- *Appropriate sign controls at other four-way intersections within the development site.*
- *Speed hump at every 100m spacing.*

The proposed condition is considered to appropriately address the matter.

### **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 as provided an excerpt of the Civil Plans which show locations and number of parking spaces totalling 52 (see Figure 2).

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.



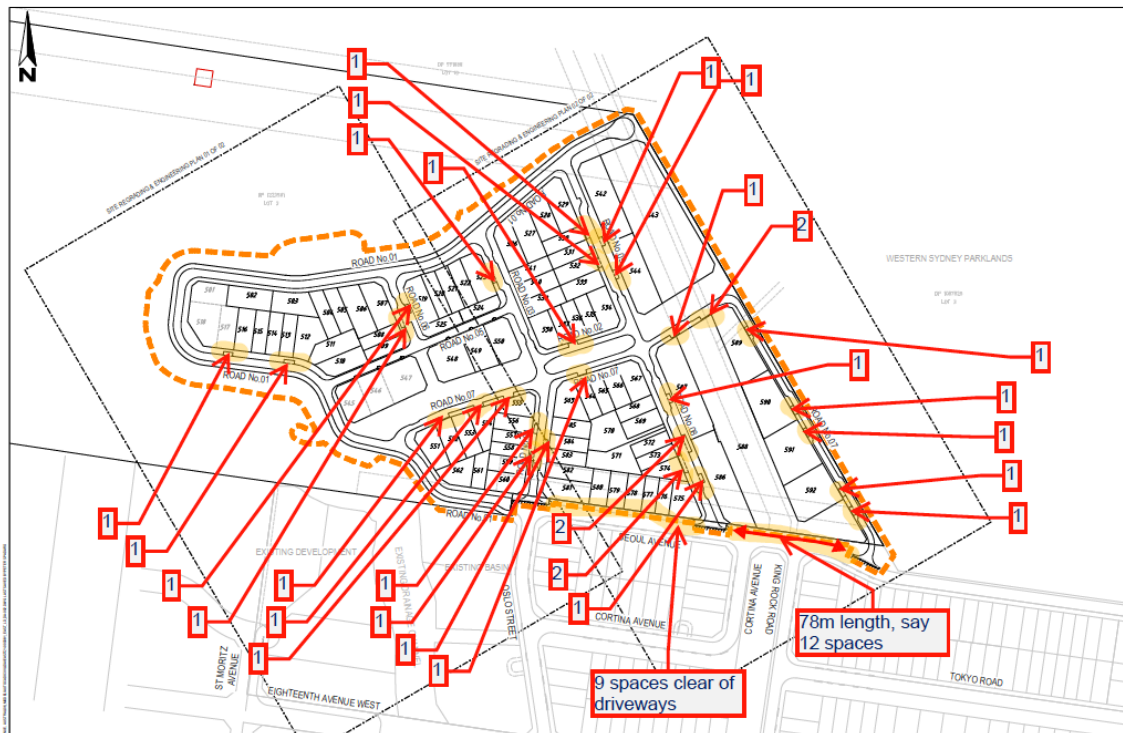


Figure 2: On street car parking space locations

#### 1.4 Conclusion

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration in 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 other external authorities with no objections raised, subject to imposition of conditions.
- This is with the exception of Jemena which have objected to the construction of dwellings in proximity of its gas pipelines within an easement on the site. This is proposed to be addressed through a condition lots within the 50% LEL contour associated with the gas pipeline are not approved as part of this development application.
- 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 Jemena submission received, the subject application is recommended for approval. This is with the exception of the 10 residential lots within the 50% LEL contour associated with the gas pipeline which are not recommended for approval as part of this development application, meaning that the recommended approval would be for 78 residential lots and four residue lots for future development compared to the 92 residential lots proposed by Landcom.

Landcom have agreed to all conditions, as amended by this report and provided at Attachment C.

The draft conditions of approval are pending confirmation from Council that it supports Landcom's position that a roundabout at the intersection of Road 01 / Road 04 / Oslo Road and Seoul Avenue is not required.