

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	15 June 2023
DATE OF PANEL DECISION	7 June 2023
DATE OF PANEL BRIEFING	1 May 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 DETERMINED

PPSSWC-211 – Liverpool – DA-1298/2021 – Gurner Avenue, Austral - Site Remediation, Dam dewatering, Subdivision of Existing Allotment into a Torrens Title Staged Subdivision of 92 Residential Lots and construction of roads and associated Civil Works on proposed lot 102 in lot 184 DP 1237400 Gurner Ave.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Interaction with DA-1295/2021

This development application relies upon the approval of development application DA-1295/2021 for the Austral West development, which includes the subdivision of Lot 184 DP1237400 to create the lot (Lot 102) for this development proposal.

The Panel has agreed to defer the determination of the Austral West development application to give Council and the Applicant (Landcom) more time to resolve a dispute about the recommended conditions of consent.

To avoid this dispute delaying the determination of this development application, Landcom has proposed to alter the subdivision plan for the development to create an additional residue lot for the remainder of Lot 184 DP1237400, and to amend the Austral West development application to only apply to the subdivision of this residue lot.

This would remove the dependency of this development application on the approval of the Austral West development application and allow it to be determined on its merits without further delay.

The Council has no objection to Landcom's proposal.

Development application

With the proposed amendment, the Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons set out in Council's Assessment Report and Supplementary Report.

In particular, the Panel concluded that:

- The development is consistent with the provisions of the relevant environmental planning instruments, including the requirements in Appendix 4 of *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*, and the relevant controls in the *Liverpool City Council Growth Centre Development Control Plan*;
- The impacts of the development are acceptable and can be suitably controlled with the recommended conditions;
- With the remediation required under these conditions, the site will be suitable for the development;
- The proposal will make a substantial contribution to the provision of affordable housing in Western Sydney, consistent with the strategic objectives for the Austral area; and
- The development is in the public interest.

CONDITIONS





The Development Application was approved with the following changes to Council's initial recommended conditions of consent, dated 24 April 2023:

- Revision of the description of the proposed development on the front page of the conditions to read: Residential subdivision to create 78 Torrens title residential lots and 5 residue lots with associated vegetation removal, site remediation, earthworks, construction of new roads and civil works.
- Addition of the following text at the end of condition 11: The Subdivision Plan is also to be amended 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 will enable the development subject to this consent to proceed independently of the Applicant's Austral West DA development.
- Amendment of the note in condition 11 to read: The amended Subdivision Plan will include 78 residential lots and 5 residual lots.
- Deletion of Condition 125 which read: Stage 1 of the subdivision approved in DA-1295/2021 is to be registered prior to, or concurrently with, the issue of a Subdivision Certificate for this DA.
- Renumbering of conditions from Condition 125 onwards.

CONSIDERATION OF COMMUNITY VIEWS

Council exhibited the development application from 27 January 2022 to 25 February 2022 and received 2 submissions.

In making its decision, the Panel considered the issues raised in these submissions and determined that these issues were adequately addressed in Council's Assessment Report, Supplementary Report and recommended conditions of consent.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-211 – Liverpool – DA-1298/2021
2	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.
3	STREET ADDRESS	Gurner Avenue, Austral
4	APPLICANT/OWNER	Applicant: Landcom Owner: The Office of Strategic Lands
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: 21 April 2023 The Applicant's response to the issues raised in the final panel briefing: 5 May 2023 Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2
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"> Panel members: Justin Doyle (Chair), Nicole Gurrán, Julie Savet Ward, Ned Mannoun, Peter Harle

		<ul style="list-style-type: none"> ○ <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 <ul style="list-style-type: none"> ● 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 <ul style="list-style-type: none"> ● 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 <ul style="list-style-type: none"> ● 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 – 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.
10	DRAFT CONDITIONS	Attached to the Council Assessment Report