

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

SWCPP No	PPSSWC-342
DA Number	DA-381/2023
Local Government Area	Liverpool City Council
Proposed Development	Demolition of existing structures, excavation and construction of a commercial development involving the provision of an anchor supermarket, commercial and retail tenancies, public piazza and through-site link, with at-grade parking, signage (business identification signage), with associated landscaping, civil and public domain works.
Street Address	330-350 Eighth Avenue, Austral Lot 940 DP 1265677
Owner	Fabcot Pty Ltd
Date of DA Lodgement	30 June 2023
Applicant	Fabcot Pty Ltd
Number of Submissions	One
Cost of Works (CIV)	\$31,876,772
Regional Development Criteria pursuant to Schedule 6 of the SEPP (Planning Systems) 2021	2 – General development over \$30 million Development that has an estimated development cost of more than \$30 million.
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • <i>List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)</i> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021;</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021;</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021;</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021;</i> • <i>State Environmental Planning Policy (Industry and Employment) 2021</i> • <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: Section 4.15(1)(a)(ii)</i> <ul style="list-style-type: none"> • <i>N/A</i> • <i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i> <ul style="list-style-type: none"> • <i>Liverpool Growth Centres Precincts Development Control Plan 2021 & associated Schedules</i>

	<ul style="list-style-type: none"> • <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: Section 4.15(1)(a)(iia)</i> • <i>No planning agreement relates to the site or currently to the proposed development.</i> • <i>List any relevant regulations: 4.15(1)(a)(iv)</i> • <i>Environmental Planning & Assessment Regulation 2021</i>
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> 1) Recommended Conditions of Consent 2) Statement of Environmental Effects 3) Architectural Plans 4) Landscape Plans 5) Urban Design Analysis 6) Urban Design Review 7) Civil Engineering Plans 8) Survey Plans 9) Services Report 10) Civil Engineering Report 11) Applicant Response to RFI April 2024 12) Traffic Report 13) Traffic Response Report to RFI 14) Construction and Demolition Waste Management Plan 15) Operational Waste Management Plan 16) Arborist Report 17) Acoustic Report 18) Aboriginal Cultural Heritage Due Diligence Assessment 19) Social Impact Assessment 20) Odour Assessment 21) Bushfire Report 22) Amended Bushfire Information 23) Economic Impact Assessment 24) QS Report 25) Detailed Site Investigation Report 26) Remediation Action Plan 27) CPTED Report 28) ESD Report 29) Geotechnical Report 30) Access Report 31) BCA Report 32) Access Ramp Letter 33) Liverpool DEP Minutes 12 October 2023 34) SWCPP Kick Off Briefing Minutes 17 July 2023 35) SWCPP Briefing Minutes 20 November 2023
Recommendation	Approval subject to conditions
Report by	Robert Micallef
SWCPP Meeting Date	26 August 2024

Summary of Section 4.15 matters Have all recommendations in relation to relevant Section 4.15 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. Clause 7 of SEPP 55 - Remediation of Land, 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? <i>*Note: Variations to Development Standards under the appropriate SEPP are made under Clause 4.6 of Appendix 4 of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021*</i>	N/A
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.11)? <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? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

1 EXECUTIVE SUMMARY

1.1 Reasons for the report

Pursuant to Part 2.4, Clause 2.19 of the State Environmental Planning Policy (Planning Systems) 2021, the Sydney Western City Planning Panel is the determining body as the development being carried out has an estimated development cost of more than \$30 million, pursuant to Clause 2 of Schedule 6 of the SEPP (Planning Systems) 2021.

1.2 The proposal

Demolition of existing structures, excavation and construction of a commercial development involving the provision of an anchor supermarket, commercial and retail tenancies, public piazza and through-site link, with at-grade parking, signage (business identification signage), with associated landscaping, civil and public domain works.

1.3 The site

The subject site is identified as 330-350 Eighth Avenue, Austral, and legally described as Lot 940 DP 1265677. An aerial photograph of the subject site is provided below (Figure 1).

1.4 The issues

It is considered that the key issues with the development application revolved around the activation of the public domain, the meshing of the built form with the future community facility on the site next door, development in close proximity to the Endeavour Energy transmission line easement on the adjoining site and the response of the proposal being consistent with the envisioned masterplan for the Eighth Avenue Neighbourhood Centre. These issues are considered to be addressed through the application assessment process and the proposed development is able to be considered as generally consistent with the development controls which apply to the site.

1.5 Exhibition of the proposal

The development application was notified between 14 August and 28 August 2023 in accordance with the Liverpool City Council Community Engagement Strategy 2022. One submission has been received in support of the proposal.

1.6 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act (EP&A Act) 1979. Based on the assessment of the application it is recommended that the application be approved, subject to the recommended conditions of consent.

2 SITE DESCRIPTION AND LOCALITY

2.1 The site

The site is known as 330-350 Eighth Avenue, Austral and is legally defined as Lot 940 DP 1265677. The site is rectangular with a 120.545m frontage width to Eighth Avenue. The eastern side boundary measures 150.86m, the western side boundary to the future Warrawal Avenue measures 150.875m and the southern boundary to Auger Street is 120.28m. The overall site area is 18,170m² / 1.817ha by survey. The site slopes 3m in the area of the proposed built form and approximately 4m across the whole site, falling to the north. The low point is on the Eighth Avenue frontage.

The site adjoins an Endeavour Energy transmission easement located west of the site which is 30.48m in width. The site along with the eastern neighbouring lot (240 Eighth Avenue) forms the entirety of the intended Eighth Avenue Neighbourhood Centre.

The site currently contains dwellings and outbuildings consistent with rural residential typology. There are limited trees present, which are sought to be removed. The site and the adjoining eastern property are zoned B1 Neighbourhood Centre.

The immediately adjoining land to the east contains a rural residential dwelling, and the land to the north, south, and west is vacant. The northern and southern neighbouring properties have been subdivided and roads constructed in accordance with the Indicative Layout Plan. Dwellings as part of the Growth Centre are present to the southwest across the easement and further to the east. Refer to Figure 1.



Figure 1: Aerial view of subject site

2.2 The locality

The site and the immediate locality in the south-western district of Austral is in the majority currently semi-rural in nature. The immediate locality has an array of zonings being R3 – Medium Density Residential, R2 – Low Density Residential, B1 – Neighbourhood Centre, RE1 – Public Recreation & SP2 – Infrastructure (Educational Establishment) under SEPP (Precincts—Western Parkland City) 2021. There have been a number of approved and/or constructed subdivisions in the immediate locality to the north, east, south-east and south-west of the site. The site is in the local catchment of Bonds Creek to the north-east of the site, which is a tributary of Kemps Creek which itself is a tributary of the Hawkesbury River. The site is therefore within the Nepean-Hawkesbury catchment. At its nearest point the site is located 530m west of Fourth Avenue which is the nearest north-south collector road through the locality. The locality of the site is seen in Figure 2 below.



Figure 2: Site location and surrounding land use

2.3 Site affectations

The site has the following affectations:

Potential Site Constraints: <ul style="list-style-type: none"> • Bushfire • Flooding • Heritage Items • Aboriginal heritage • Environmentally Significant Land • Threatened Species/ Flora/ Habitat/ Critical Communities • Acid Sulphate Soils • Aircraft Noise • Flight Paths • Railway Noise • Road Noise/ Classified Road • Significant Vegetation • Contamination 	Site Constraints: <ul style="list-style-type: none"> • Bushfire • Contamination • Endeavour Energy Transmission Easement adjoining site • Future Community Facility on eastern site
Are there any restrictions on title?	Nil

3 BACKGROUND

3.1 SWCPP Briefing

A number of briefings and a site visit were carried out with the SWCPP for the subject application. A kick off briefing was held on 17 July 2023 and a subsequent briefing on 20 November 2023, with a site visit with some members of the Panel on 20 May 2024. A summary of the comments from the briefing session and the site visit is found in the tables below.

24 July 2023 Briefing Minutes

Comment from Panel	Response
Consistency with the Masterplan	
<p><i>The DCP Masterplan for the Eighth Avenue Neighbourhood Centre envisaged a “town square” to be located on the boundary between the DA site and the site to the East to create a publicly activated north south through site link, noting a community facility was anticipated on the adjoining site. The DA shortens the town square, and the consequence of the through site access being internalised into an arcade will be a blank wall on the remainder of that boundary until that site is developed rather than a site link that can be expanded beyond the Eighth Avenue frontage with the development of the adjoining site.</i></p> <p><i>The justification for the change in design approach is said to be the uncertainty of any development proposal for the neighbouring site. The Panel would be interested to know how Council or the Department has advanced its planning as to how that community facility shown in Urban Design Analysis is to be delivered, as it seems unlikely to be realised without public investment. If there is planning for the community facility then it should be taken into account in the planning for this site.</i></p> <p><i>Assessment of whether such a significant departure from the Masterplan should be allowed should focus on the apparent objective of the layout included in the DCP Masterplan in creating an activated public space. Defining the uses around the public square so that they are compatible with a public square might assist noting that activation of the carpark might draw such uses to the rear leaving passive retail around the square.</i></p>	<p>The proposed development is deemed to be satisfactory in terms of the master planning for the Eighth Avenue Neighbourhood Centre. The site to the east is to have a future community centre to be acquired by Council. Council's Property, Contributions and Community Planning Sections were consulted on this matter and if there is a plan in place for this facility so as not to prejudice this. However, it has been confirmed that no plan has been made for the envisioned community facility and that the future facility would consider the existing constraints and built form from the proposed development once this land would be at a stage of being developed.</p> <p>The through site link within the development site is acceptable and will be conditioned to ensure public access is maintained and can connect to the site to the east. This has been done by breaking up the solid wall and built form along the eastern boundary and allowing for a future passageway between the two centres. The future community facility and adjoining development would be able to respond to the existing site conditions and propose a scheme which marries up with the subject-built form.</p> <p>The application was referred to Council's Urban Design and Strategic Planning Sections who have supported the amended design which incorporates increased activation to the public domain in the piazza and through the centre as a whole in the ultimate scenario.</p>
Carparking	
<p><i>Council's Design Review Panel has questioned whether at grade carparking was appropriate. The Panel said that if an at grade car park was to be approved it would need to be embellished with landscaping of sufficient quality to mitigate the visual and ecological</i></p>	<p>The applicant has provided more landscaping and canopy cover within the carpark as well as shade structures. The level of landscaping has been increased since the site visit by the SWCPP in May, providing additional trees within this area. As</p>

<i>impacts of that approach. The Panel noted that the surrounding area was likely to change overtime to become much denser, and the design for the proposal might anticipate how the carpark could be adapted as the area evolves and the shopping centre changes.</i>	such, the carpark design is considered acceptable.
<i>The Panel accepts that active uses around the carpark will have the advantage of increasing passive surveillance to assist with safety and security especially out of hours.</i>	There will be some shopfronts facing the carpark, which can provide passive surveillance.
Retail floor area	
<i>Council reports that the proposal would take up 74.6% of the retail cap for the Eighth Avenue Neighbourhood Centre but comprises 60% of the relevant site area. A reduction in retail floor area might assist in allowing some of the other issues on the site to be resolved such as by expanding the activated public space. Exceedance of the floor area above that proportional for the site would need to be justified in those terms.</i>	A slight reduction in space has occurred and provides a more integrated public domain and walkway which links into future development on the site to the east. Further, the applicant has submitted an economic analysis in support of the proposed provision of retail and commercial space. Please refer to discussion in the DCP Section of this report regarding this matter.
<i>Assistance from the Council as to its planning for the Neighbourhood Centre would help such as a reporting on the underlying planning which lead to the retail cap, whether it remains appropriate and whether allowance for retail opportunities on other sites need to be planned for.</i>	Advice was sought from Council's Strategic Planning Section and Urban Design Section regarding the neighbourhood centre. Further the applicant provided an economic analysis. See discussion in the DCP section of the report regarding the retail cap. The application is considered acceptable in terms of the amount of space provided.
Infrastructure	
<i>The ILP envisaged a road to be constructed along the western boundary. The proposal is to construct only half of that road and the design of the loading dock is entirely exposed in that direction. Design attention along that boundary is required as no activation is proposed. The issues with Endeavour Energy's transmission easement will also need to be resolved.</i>	<p>In line with standard practice, Warrawal Avenue along the western boundary is to be constructed as half road, which is what the applicant is obliged to do. It is noted that the rest of the road is subject to a contributions plan item and will be constructed by Council in the future. The application was referred to Council's Traffic Section and Transport for NSW and support has been provided for the proposal subject to conditions of consent. The site is located adjacent to an Endeavor Energy (EE) electricity easement; however the easement does not go over the site.</p> <p>The proposed development, including the associated half-road construction of Warrawal Avenue, is not located in an area within the easement. The road construction also continues on the road alignments from the constructed developments to the north</p>

	and the south of the site. EE has made a submission in regard to electricity easements, and they are not entirely supportive of the proposal. However, due to the existing precedent in the area as well as the fact that the remainder of the road construction is within the contributions plan and is likely to be carried out by Council in the future, the road construction is deemed to be acceptable subject to conditions.
<i>The planning issues associated with this site are complex and important for the success of the Eighth Avenue Neighbourhood Centre, The Panel encouraged Council to engage an urban designer with experience in retail development of this typology to workshop a quality outcome.</i>	The application was referred to the Liverpool Design Excellence Panel who provided comment on the proposal. Subsequent information was reviewed by Council's Urban Design team and the proposal is satisfactory in providing a high-quality outcome.
<i>Communication with the neighbours would also likely assist. The Council planner should attempt to speak to the adjoining owners and encourage the applicant to do so also.</i>	Through the DA process, the applicant has removed the requirement for works over the adjoining sites and therefore adjoining owner's consent is not required. Further, Council's Traffic Section have supported the application and the arrangement for Warrawal Avenue for the interim period.

20 May 2024 – Site Visit Concerns

Comment from Panel	Response
<i>Provision of a ramp alongside piazza due to height difference and addressing accessibility concerns.</i>	<p>The applicant has advised that due to the height difference of 4.07m between the Lower Ground Piazza and Upper Ground Mall a BCA compliant ramp cannot be provided. This is referenced in the Building Code & Accessibility Consultant letter. To address the Panels concerns, an additional lift has been incorporated to allow for alternate accessible access in the unlikely event of an operational issue with one lift. It is also noted that in the rare case both lifts would be out of order, the footpaths along Eighth Avenue and Warrawal Avenue would be able to facilitate accessible access to the centre.</p> <p>Council is supportive of the provision of two lifts in the centre and acknowledge that access can still be provided in rare scenarios.</p>
<i>Amended civil plans to be provided.</i>	Amended civil plans have been provided and are considered acceptable subject to conditions.
<i>Addendum to the SIA to be provided.</i>	An addendum to the SIA was provided and no objection is raised from Council's Community Planning Section.
<i>Additional trees to be incorporated into the parking area.</i>	An amended landscaping pattern in the parking area was provided providing additional tree coverage and removal of shade sails from one parking aisle which has been relocated to extend from the lattice over the pedestrian walkway/ through site link.

4 DETAILS OF THE PROPOSAL

The Applicant seeks the demolition of existing structures, excavation and construction of a commercial development involving the provision of an anchor supermarket, commercial and retail tenancies, public piazza and through-site link, with at-grade parking, pylon signage (business identification signage), with associated landscaping, civil and public domain works.

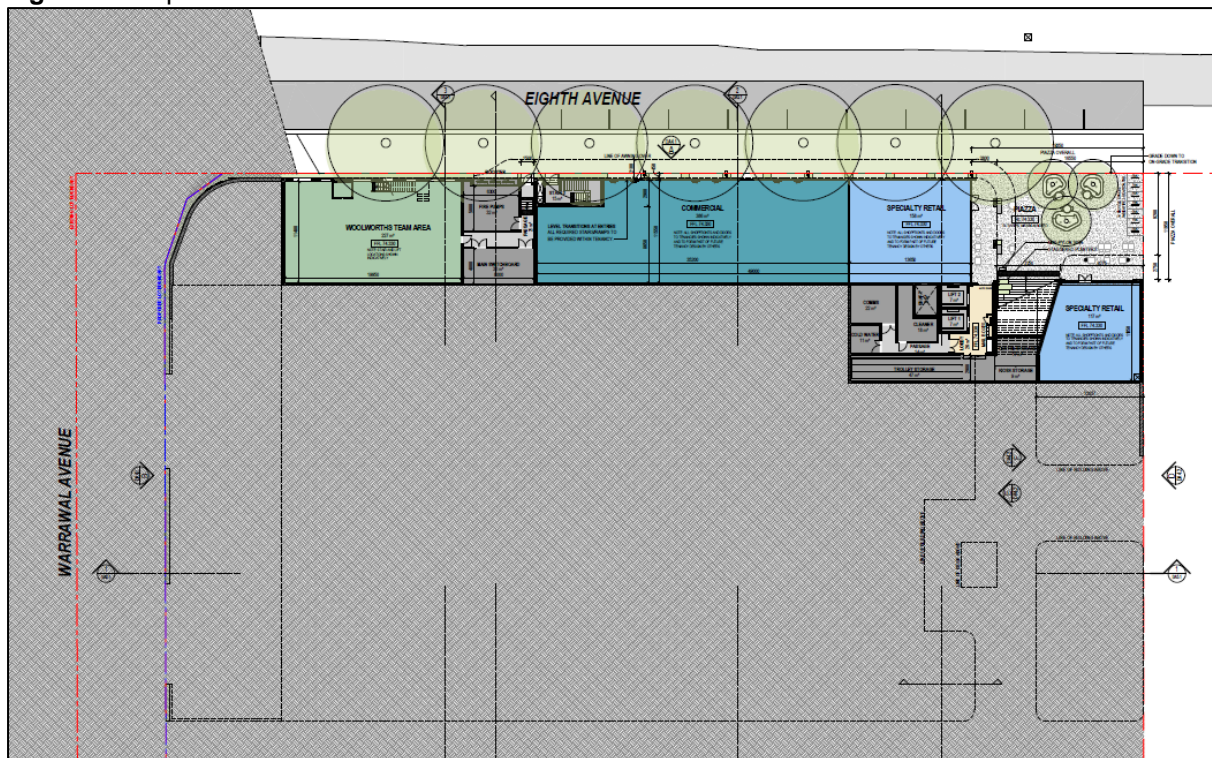
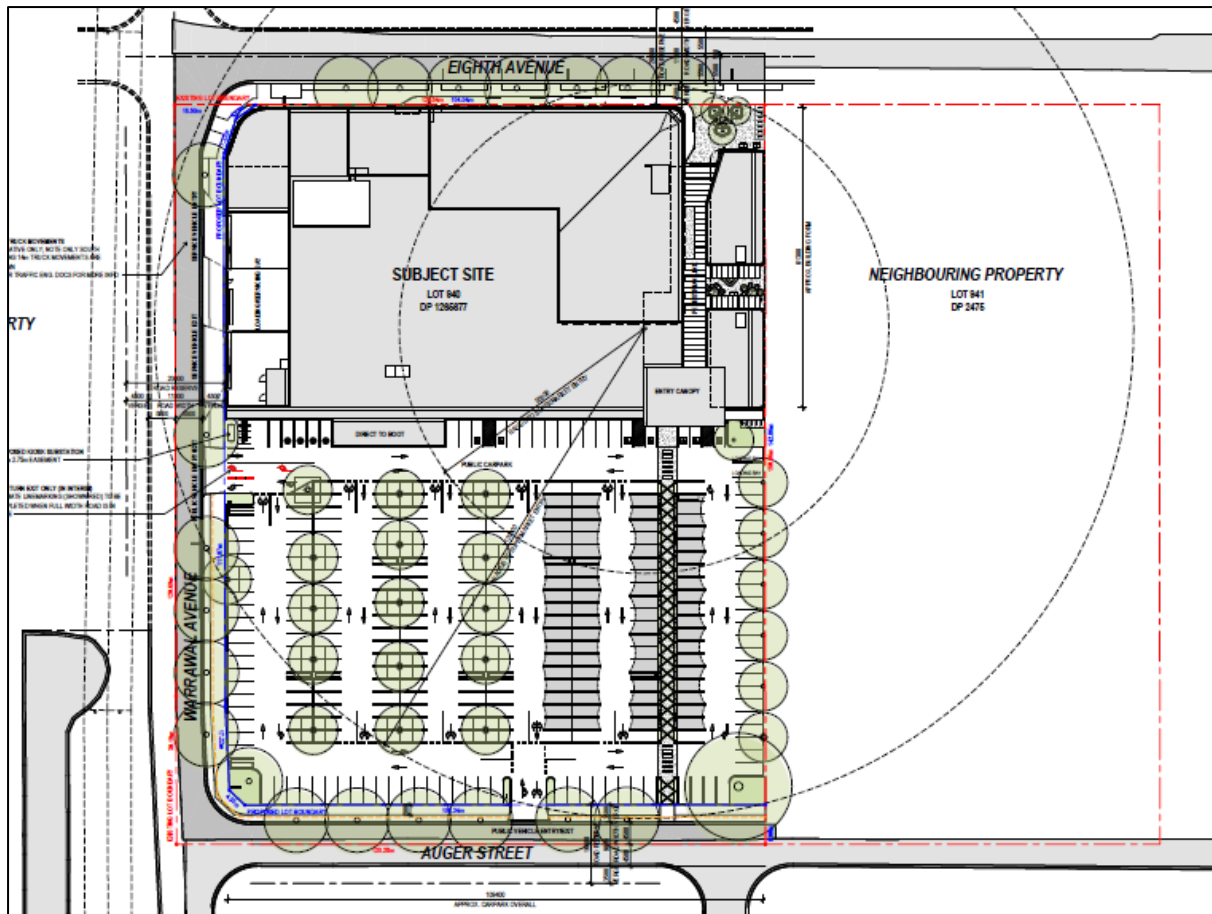
Specifically, the proposal seeks:

- The operation of Woolworths and BWS, including associated business identification signage.
- Two (2) commercial premises, six (6) specialty retail tenancies and one (1) kiosk subject to future fit-out development consents.
- Signage boxes for future tenancies.
- Hours of operation for all tenancies/uses are sought as 6am to 12am on all 7 days.
- The loading dock is proposed to operate 7am to 10pm, 7 days.
- A car park of 303 parking spaces accessed from the west and south street frontages, including four (4) EV spaces, seven (7) accessible spaces, six (6) direct to boot spaces and two (2) loading spaces.

A summary of the other aspects of the proposal is:

- The built form is located on the northern half of the site with the at-grade car park on the southern.
- The built form is over three levels.
 - The lower ground level includes the public piazza, two retail tenancy spaces, one commercial tenancy space, a Woolworths staff room and associated plant and servicing rooms.
 - The ground level is the main level with the Woolworths, BWS, four retail tenancy spaces, one kiosk space and associated amenities such as toilets.
 - The top floor includes a large commercial tenancy, centre management space and plant areas.
- The loading dock and shared waste room are located on the western frontage, accessed from the proposed half-width Warrawal Avenue.
- The proposal involves a through-site link indicated in the desired future layout for the Eighth Avenue Neighbourhood Centre and the public piazza in the northeastern corner of the site. The link connects from Eighth Avenue, through the neighbourhood centre, the car park and out to Auger Street, where it is able to connect into the existing road footpath network (inclusive of the half road being constructed for Auger Street as part of this application).
- The proposal involves the construction of the half roads on the northern, western and southern frontages.

Note: The Development Application was originally lodged with the intention of a Works in Kind Agreement with Council for the road construction of Warrawal Avenue up to Little Street in the south. This would have also incorporated works over Council owned land (Lot 664 Nemean Road, Austral, Lot 664 DP 1260834). These works are no longer proposed as part of this application and there are also no works, including batters, over this land. As such, the proposal now only involves works over land owned by the Applicant and no Council owned land forms part of works for which consent is sought.



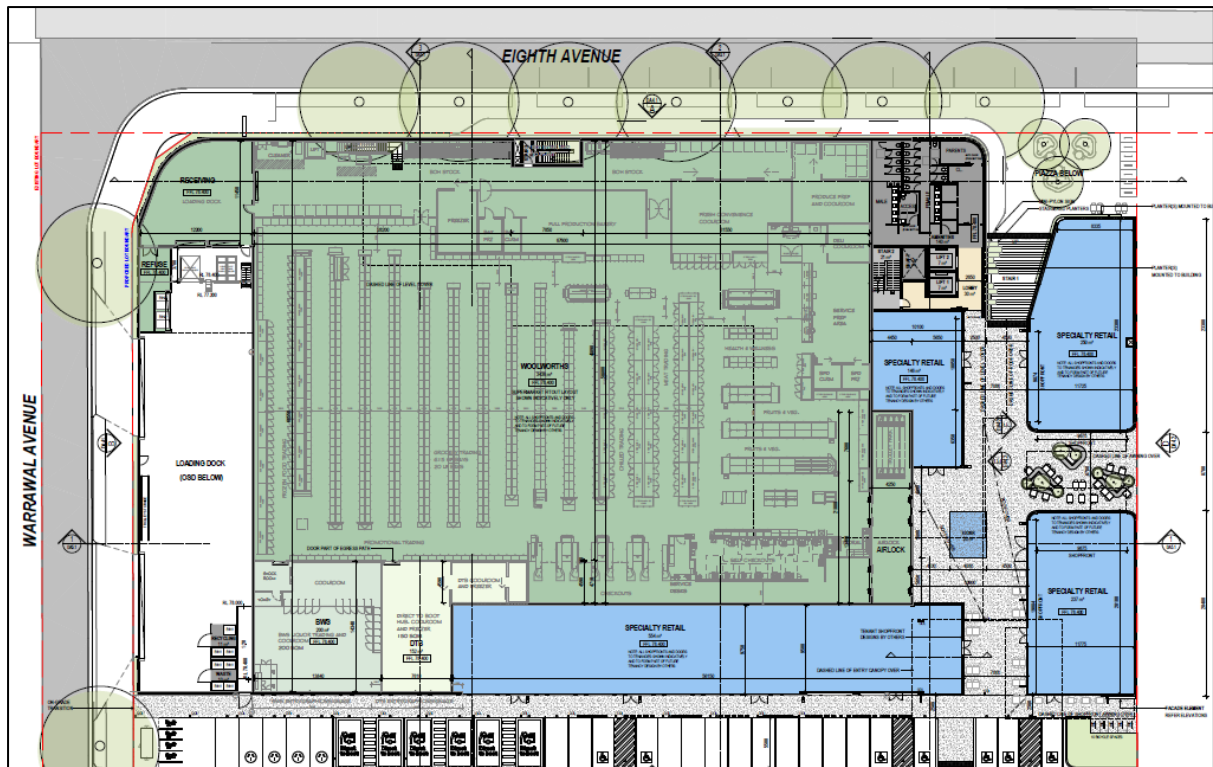


Figure 5: Proposed Upper Ground Plan

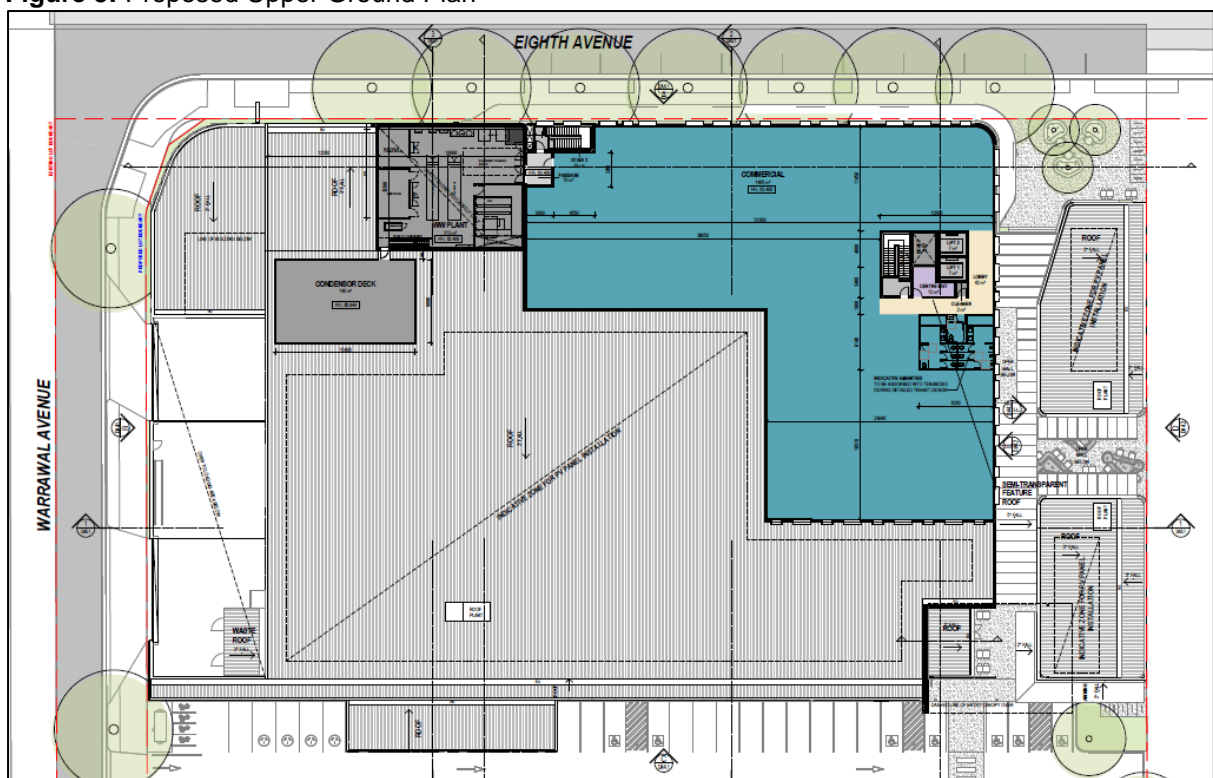


Figure 6: Proposed Level 1 Plan

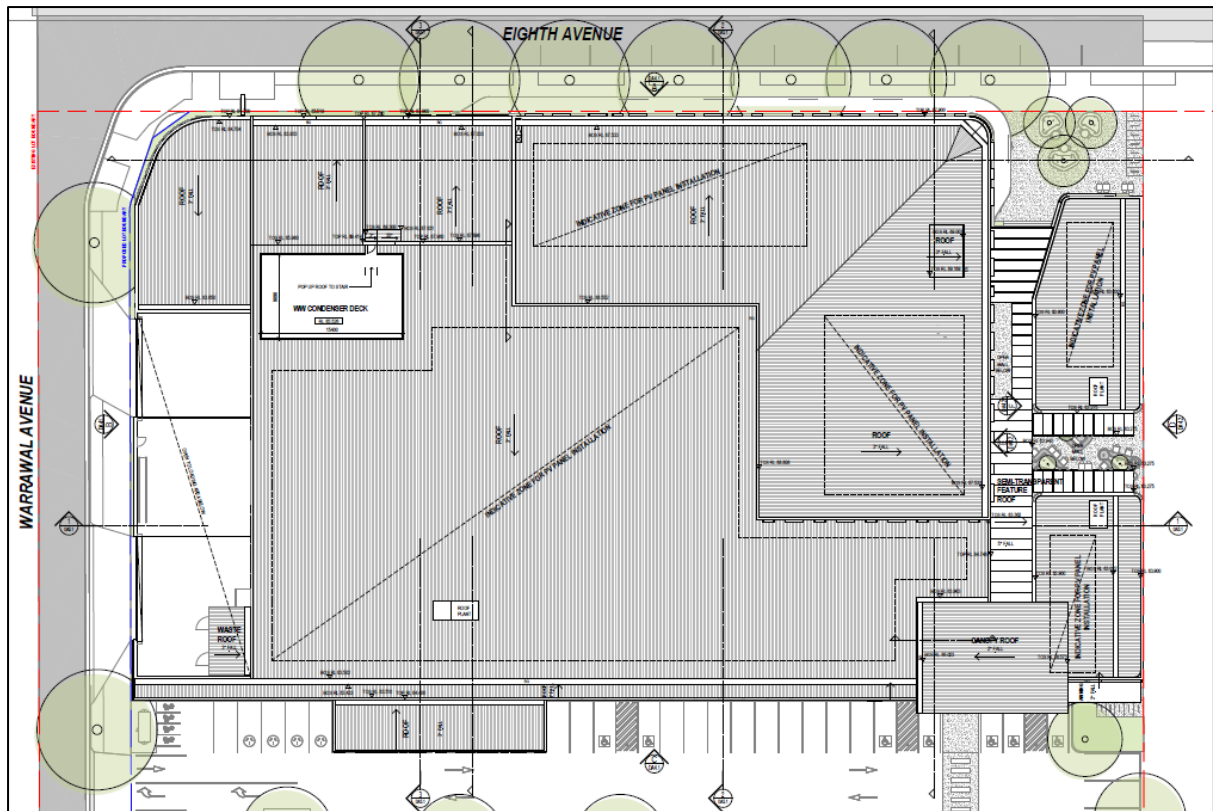


Figure 7: Proposed Roof Plan

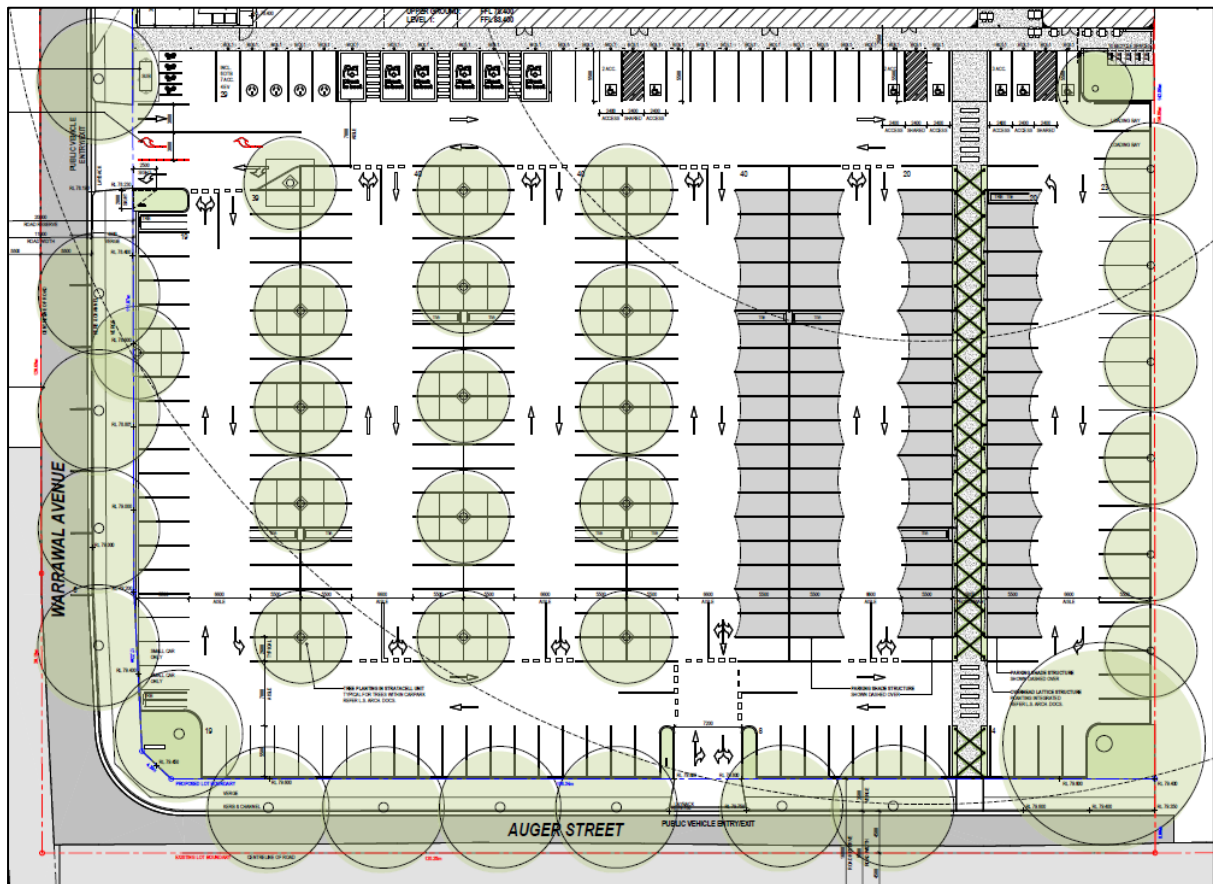


Figure 8: Proposed Carpark Plan

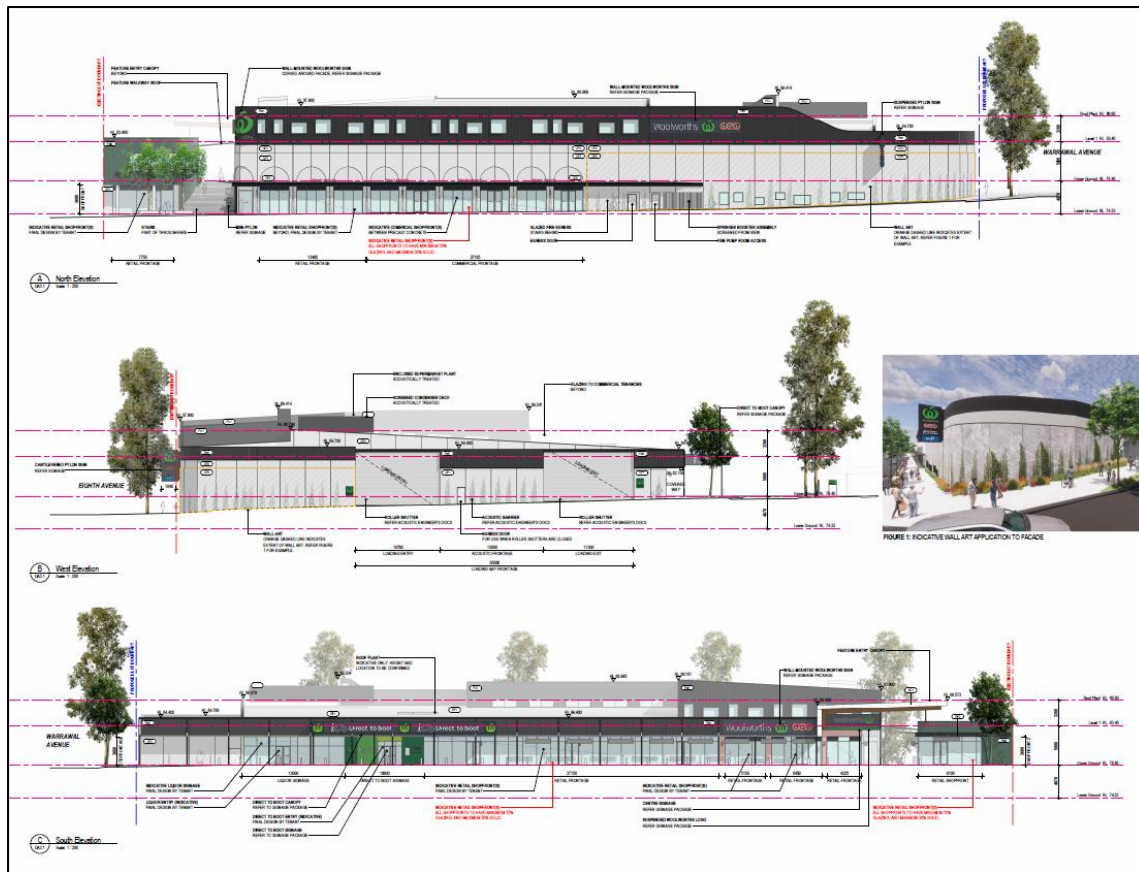


Figure 9: Proposed Elevations

Other Matters

- *Liverpool City Council Community Engagement Strategy 2022.*
- *Liverpool City Council Section 7.11 – Austral and Leppington North Contributions Plan 2021 applies to the site pursuant to Section 7.11 of the EPA & Act.*
- *A Special Infrastructure Contribution is also required under the Western Sydney Growth Areas Special Infrastructure Contributions Area, noting that the new Housing and Productivity will not apply to the Growth Areas until 2026.*

6 ASSESSMENT

6.1 Section 4.15(1)(a)(1) – Any Environmental Planning Instrument

(a) State Environmental Planning Policy (Resilience and Hazards) 2021

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, specifically Chapter 4 – Remediation of Land, as the proposal.

The objectives of SEPP (Resilience and Hazards) 2021 are:

- to provide for a state wide planning approach to the remediation of contaminated land.
- to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Pursuant to the above SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

The applicant submitted a Phase 2 detailed site investigation and remediation action plan to Council for review. The reports were prepared or reviewed by an accredited consultant, that has the necessary qualifications under the Environment Institute of Australia and New Zealand- Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)); or Soil Science Australia- Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, Council is also required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application (Clause 4.6).

Clause 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The land has contaminated soils as reports submitted by the applicant identify.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation)	The RAP was submitted as part of this application. The land is considered suitable for its proposed use, subject to remediation works carried out in accordance with the contamination assessment and RAP, and subject to

for the purpose for which the development is proposed to be carried out, and	conditions of consent, as recommended by Council's Environmental Health Section.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Conditions of any consent shall require the remediation of the land as per recommendations in the submitted contamination assessment and RAP.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4 Remediation of Land. Therefore, it is considered that the subject site is suitable for the proposed development subject to conditions.

(b) State Environmental Planning Policy (Transport and Infrastructure) 2021

The subject site is considered to be traffic generating development as it meets requirements within Schedule 3 of the SEPP.

Considerations	Comments
2.122 Traffic-generating development	
(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves— (a) new premises of the relevant size or capacity, or (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.	The subject site includes access to a road and under the provisions of Column 2, the development: <ul style="list-style-type: none"> • has a car park with 200 or more parking spaces; and • GFA of shops exceed 2000sqm The proposed development is traffic-generating development requiring referral to TfNSW.
(3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has— (a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and (b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.	The application is not being carried out by a public authority or person acting on behalf of a public authority.
(4) Before determining a development application for development to which this section applies, the consent authority must— (a) give written notice of the application to TfNSW within 7 days after the application is made, and (b) take into consideration— (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and (ii) the accessibility of the site concerned, including— (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and (iii) any potential traffic safety, road congestion or parking implications of the development.	The application was referred to TfNSW/ NSW Roads and Maritime for comment and TfNSW have advised that the application is unlikely to have a detrimental impact on the surrounding classified road network. As such, the proposal is considered to be satisfactory.

(c) State Environmental Planning Policy (Biodiversity and Conservation) 2021

Note: Chapters 7 – 12 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 were repealed on 21 November 2022 relating to the former catchment areas.

The subject land is located within the Hawkesbury Nepean Catchment and as such State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 6 Water Catchments, applies to the application. The Biodiversity and Conservation SEPP aims to protect the environment of the Hawkesbury Nepean Catchment by ensuring that water quality impacts are considered.

In accordance with the SEPP, when a consent authority determines a development application, the provisions in Part 6.2 - Development in Regulated Catchments are to be considered and consent must not be granted unless the consent authority is satisfied that the matters have been addressed. Accordingly, a table summarising the matters for consideration in determining development applications (Part 6.2) and compliance with such is provided below.

Part 6.2 – Development in Regulated Catchments	
Division 2 – Controls on development generally	Comment
6.6 – Water quality and quantity	Complies with conditions Council's Land Development Engineers and Floodplain Engineers have reviewed the subject application and have provided conditions of consent aimed to improve the quality of expected stormwater discharge and associated stormwater quantities from the site.
6.7 – Aquatic ecology	Complies The proposed development is unlikely to impact on aquatic ecology of the catchment.
6.8 – Flooding	Complies with conditions The subject site is not identified as flood prone land. Council's floodplain engineers have provided conditions of consent relating to stormwater management.
6.9 – Recreation and public access	Complies The development is unlikely to impact on public access to and around foreshores.
6.10 – Total catchment management	Complies Environmental planning consideration through the provisions of Liverpool LEP and the SEPP, has considered the impact of this land within the catchment. Council's Land Development Engineers and Floodplain Engineers have provided conditions of consent aimed to improve the quality of expected stormwater discharge from the site
Division 3 – Controls on development in specific areas	Comment
6.11 – Land within 100m of natural waterbody	Complies The site is not located within 100m of a natural waterbody.
6.12 – Riverine scenic areas	Not applicable
6.13 – Hawkesbury-Nepean conservation area sub-catchments	Complies with conditions The proposed development is within the Bonds Creek sub-catchment and Council's Land Development and Floodplain Engineers have reviewed the application and are satisfied with the proposal and associated impacts, subject to conditions.
6.14 – Temporary use of land in Sydney Harbour Catchment	Not applicable

Division 4 – Controls on development for specific purposes	Comment
6.15 – Aquaculture	Not applicable
6.16 – Artificial waterbodies	Not applicable
6.17 – Heavy and hazardous industries	Not applicable
6.18 – Marinas	Not applicable
6.19 – Moorings	Not applicable
6.20 – On-site domestic sewerage systems	Not applicable
6.21 – Stormwater management	Complies with conditions Council's Land Development Engineers and Floodplain Engineers have reviewed the subject application and have provided conditions of consent aimed to improve the quality of expected stormwater discharge from the site and for the stormwater facilities over the site.
6.22 – Waste or resource management facilities	Not applicable
6.23 – Demolition on certain land	Not applicable

It is considered that the proposal satisfies the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021 subject to conditions relating to the stormwater management and sediment and erosion controls.

(d) State Environmental Planning Policy (Industry and Employment) 2021

Signage is proposed as part of this development application. As such, an assessment of the signage provisions within State Environmental Planning Policy (Industry and Employment) 2021 (formerly State Environmental Planning Policy No 64—Advertising and Signage), specifically Chapter 3 – Advertising and Signage, is to be carried out.

Clause 3.6 of the SEPP states:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—

- (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

The proposed development includes business identification signage and other associated directional and wayfinding signage around the development in the Woolworths theme. Blank signage is also proposed within the site for future tenancies of the retail stores. A signage detail plan was submitted with the application as seen below:

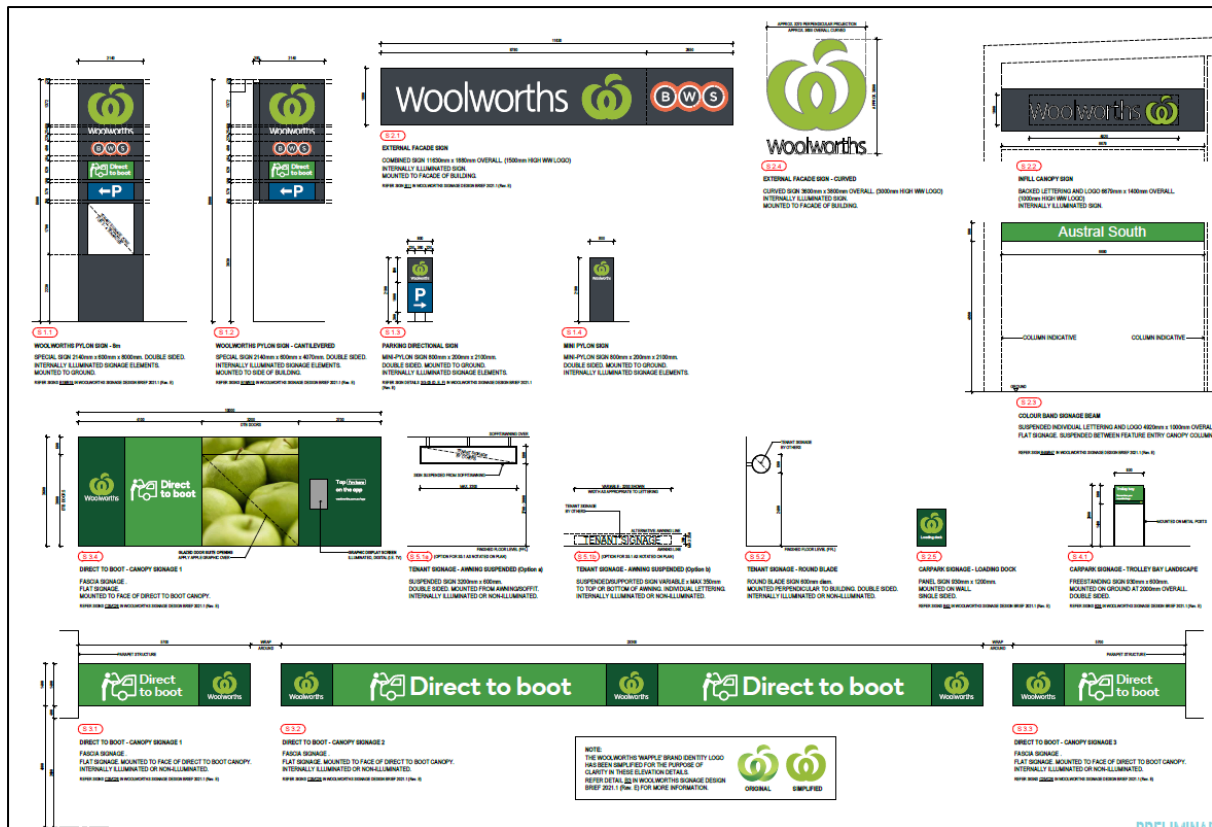


Figure 11: Proposed signage details

The proposed signage has been assessed in accordance with Schedule 5 Assessment criteria in the table below.

Clause	Provision	Proposed	Compliance
Schedule 5 Assessment criteria			
1 Character of the area	<ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	The proposed signage is compatible with the desired future character of the neighbourhood centre and is consistent with the theme and style for this type of development.	Complies
2 Special areas	<ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	The proposed signage is unlikely to detract from any special areas including the future public park located in close proximity to the site.	Complies
3 Views and vistas	<ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	As above. The proposal is unlikely to block any views or vistas and the signage would not dominate any skylines or viewing rights of other advertisers.	Complies

4 Streetscape, setting or landscape	<ul style="list-style-type: none"> • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising? • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management? 	The signage is designed in a manner which is compatible with the streetscape and is appropriate for its setting. The scale and proportions of the signage are complementary of the desired future neighbourhood centre. The signage would be implemented to provide some visual interest and is of a simplistic nature which is not cluttered. The signage is not intended to screen unsightliness and it does not also require ongoing vegetation management.	Complies
5 Site and building	<ul style="list-style-type: none"> • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	The signage complements the proposal and is compatible with the scale and proportion of the centre and the style of development. The signage is in fitting with the character of the zoning and is of a size which is unlikely to compete with the built form. The signage is of an innovative nature in terms of materials and manufacturing techniques to provide a high-quality finish.	Complies
6 Associated devices and logos with advertisements and advertising structures	<ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	The signage will be lighted internally and associated scaffolds or devices are not proposed in association with the signage.	Complies
7 Illumination	<ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	The signage would be illuminated and would be unlikely to cause safety concerns of vehicles or cause unacceptable glare to surrounding uses or roadways. Conditions of consent will apply regarding illumination.	Complies with conditions
8 Safety	<ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? 	The proposed signage would be unlikely to reduce safety on a road or for pedestrians or cyclists	Complies

	<ul style="list-style-type: none"> • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	and would not obstruct sightlines.	
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The proposed signage is consistent with the provisions of SEPP (Industry and Employment) 2021 and is supported subject to pertinent conditions being applied.

(e) State Environmental Planning Policy (Precincts – Western Parkland City) 2021

(i) Zoning

The subject site is zoned B1 Neighbourhood Centre, pursuant to State Environmental Planning Policy Precincts—Western Parkland City) 2021 – Chapter 3 Sydney Region Growth Centres – Appendix 4 Liverpool Growth Centres Precinct Plan. An extract of the zoning map is seen in the figure below.

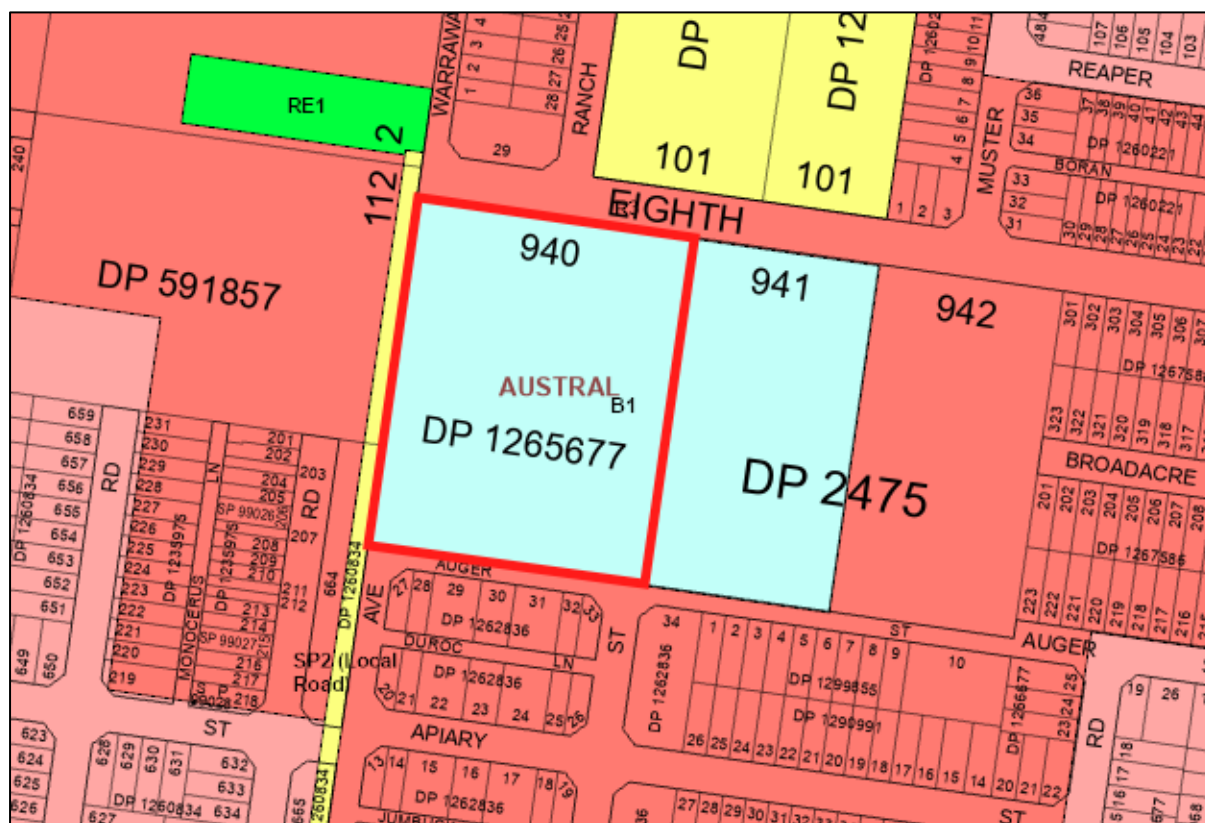


Figure 12 – Extract of zoning map

(ii) Permissibility

The proposed development includes construction of a mixed use commercial building comprising of a neighbourhood supermarket, business premises, office premises and spaces for uses such as shops, other retail premises, medical centres and veterinary hospitals

(subject to future development consent) which are all permissible with consent in the B1 Zone on the site. These key land uses are defined as follows:

- **neighbourhood supermarket** means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

Note—

Neighbourhood supermarkets are a type of shop—see the definition of that term in this Dictionary.

- **shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Note—

Shops are a type of **retail premises**

- **business premises** means a building or place at or on which—
 - (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
 - (b) a service is provided directly to members of the public on a regular basis, and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note—

Business premises are a type of **commercial premises**

- **office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note—

Office premises are a type of **commercial premises**

(iii) Objectives of the zone

The objective of the B1 Neighbourhood Centre zone is:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood

The proposed development generally meets the objectives of the B1 Neighbourhood Centre zone as it includes a mix of uses, including retail and business uses which will be able to serve and support the emerging neighbourhood surrounding the subject site within the South West Growth Centre area.

(iv) Principal Development Standards

The SEPP (Precincts – Western Parkland City) 2021 contains a number of provisions which are relevant to the proposal. Assessment of the application against the relative provisions is provided below.

Clause	Provision	Proposed	Compliance
Appendix 4 Liverpool Growth Centres Precinct Plan			
2.6 Subdivision – consent requirements	Consent is required for subdivision	No subdivision is proposed as part of this application. However, it is noted that with the dedication of the western road as a public road, the lot size will change requiring subsequent boundary adjustment and necessary conditions will apply.	Complies with conditions
4.3 Height of buildings	P1 – 17m	The proposed development has a maximum building height of 13.6m	Complies
4.4 Floor space ratio	Not mapped on Floor Space Ratio Map.	Not applicable to this site.	N/A
5.1 Relevant Acquisition Authority	Land to be acquired as identified on the Land Reservation Acquisition Map	There is no land required for acquisition on the subject site. It is noted that a portion of land to the east of the site is to be acquired for the purposes of a community facility. Council's Property, Contributions and Community Planning Sections were consulted on this matter and if there is a plan in place for this facility so as not to prejudice this. However, it has been confirmed that no plan has been made for the envisioned community facility and that the future facility would consider the existing constraints and built form from the proposed development once this land would be at a stage of being developed.	N/A
5.9 Preservation of trees or vegetation	The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.	The location of works on the site is identified as 'certified' pursuant to the Sydney Region Growth Centres 2006 Biodiversity Certification Order, and the removal of trees in these areas are considered appropriate.	Complies
5.10 Heritage conservation	Conservation of environmental heritage and consent requirements	The subject site does not include any heritage items listed and described in Schedule 5, however may have potential for Aboriginal Cultural Heritage. Council's Heritage Officer has reviewed the proposed development and has no objections, subject to conditions.	Complies subject to conditions.
6.1 Public Utility Infrastructure	The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public	The development site is considered to be adequately serviced by water, sewer and electricity, subject to conditions. Referral comments have been received from Sydney Water,	Complies subject to conditions.

	utility infrastructure (supply of water, electricity and disposal/management of sewage) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required	which advises that water and wastewater servicing is adequate at this time. Council will apply standard conditions regarding the supply of water, wastewater, telecommunications and electricity to be satisfied prior to the issue of an Occupation Certificate, if consent were granted.	
6.2 & 6.3 Development Controls – Native Vegetation Areas and Existing Native Vegetation	These controls relate only to the clearing of native vegetation within a native vegetation retention area.	The location of works are not part of an Environmentally Sensitive area or native vegetation retention area as defined in this plan. Pursuant to the BC Act, the entire site area is biodiversity certified.	Complies

6.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

No draft Environmental Planning Instruments applies to the site.

6.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

(a) Liverpool Growth Centres Precincts Development Control Plan 2021

The application has been considered against relevant controls contained in the Main Body of the Liverpool Growth Centres Precincts Development Control Plan 2021, including:

- Part 2: Precinct Planning Outcomes;
- Part 3: Neighbourhood and Subdivision Design;
- Part 5: Centres Development Controls;

Additionally, this DA has been assessed against relevant controls included in Schedule 1 Austral and Leppington North Precincts of the DCP, including:

- Part 3: Centre Development Controls; and
- Part 4: Site Specific Controls.

The assessment has identified that the proposal generally demonstrates compliance with the relevant DCP requirements. The key controls are discussed in the following tables:

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
2.2 The Indicative Layout Plan	All development applications are to be generally in accordance with the Indicative Layout Plan (ILP)	Complies The proposed development is in accordance with the ILP. The surrounding roads are to be constructed where needed (i.e. half roads) and the through site link goes through the subject site between Eighth Avenue and Auger Street. Although this pedestrian link is not exactly in alignment with the ILP, it is delivered in a manner
	When assessing development applications, Council will consider the extent to which the proposed development is	

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
	<p>consistent with the Indicative Layout Plan.</p> <p>Any proposed variations to the general arrangement of the Indicative Layout Plan must be demonstrated by the applicant, to Council's satisfaction, to be consistent with the Precinct Planning vision in the relevant Precinct Schedule.</p>	which serves its purpose and is acceptable for the proposed neighbourhood centre.
2.3.1 Flooding	This section controls relating to development on flood prone land	Complies with conditions Council's Floodplain Engineers have assessed the proposal and are satisfied from a flooding perspective subject to conditions.
2.3.2 Water Cycle Management	This section contains controls relating to stormwater management.	Complies with conditions Stormwater concept plans were submitted and reviewed by Council's Land Development and Floodplain Engineers. The stormwater network is deemed to be acceptable subject to conditions.
2.3.3 Salinity and Soil Management	This section contains controls relating to salinity and soil management.	Complies with conditions A Geotechnical report was submitted which addresses salinity potential on the site and conditions could apply to any development consent.
2.3.4 Aboriginal and European Heritage	This section contains controls relating to the management of Aboriginal heritage values and to ensure areas identified as European cultural heritage sites or archaeological sites are managed.	Complies with conditions An Aboriginal Cultural Heritage Due Diligence Assessment was submitted. Council's Heritage Officer has reviewed the proposed development and has no objections, subject to conditions.
2.3.5 Native Vegetation and Ecology	This section contains controls relating to the conservation and rehabilitation of native vegetation.	Complies with conditions The proposed development is consistent with the objectives of the SEPP and the native vegetation on-site cannot be retained and rehabilitated as the clearing would be required for essential infrastructure such as roads, drainage and the built form, and the clearing is consistent with the Growth Centres Biodiversity Certification Order. The development also does not propose to impact on land mapped as native vegetation. Pertinent conditions relating to vegetation removal will apply.
2.3.6 Bushfire Hazard Management	This section contains controls relating to development on bushfire prone land.	Complies with conditions The subject site is identified as bushfire prone land. The application was referred to NSW Rural Fire Service for comment, who have provided conditions of consent subject to Section 4.14 of the EP&A Act.
2.3.7 Site Contamination	This section contains controls relating to development on potentially contaminated land.	Complies with conditions Refer to State Environmental Planning Policy (Resilience and Hazards) 2021 section of this report. The application was referred to Council's Environment Health Officers, who are supportive

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
		<p>of the application, subject to conditions.</p> <p>The consent authority is satisfied that the site is suitable or can be made suitable for the proposed development subject to the recommendations included in the submitted RAP.</p>
2.3.8 Development on and adjacent to electricity and gas easements	This section contains controls relating to development on and adjacent to electricity and gas easements.	<p>Complies with conditions</p> <p>The subject site is not located near a gas pipeline. The site is located on a site which is adjacent to an Endeavor Energy (EE) electricity easement.</p> <p>The proposed development, including the associated half road construction of Warrawal Avenue, is not located in an area within the easement. The road construction also continues on the road alignments from the constructed developments to the north and the south of the site. EE has made a submission in regard to electricity easements and they are not entirely supportive of the proposal. However, due to the existing precedent in the area as well as the fact that the remainder of the road construction is within the contributions plan and is likely to be carried out by Council in the future, the road construction is deemed to be acceptable subject to conditions.</p>
2.3.9 Noise	This section contains controls relating to ensuring acoustic privacy is achieved for future residential development.	<p>Complies with conditions</p> <p>The acoustic report submitted with the DA addresses the impacts of the development on sensitive residential noise receivers adjacent the site. The report was reviewed by Council's Environmental Health Section and is considered acceptable subject to conditions.</p>
2.3.10 Odour Assessment and Control	This section relates to land deemed by Council to be affected by an odour source.	<p>Not Applicable</p> <p>The site is not impacted by any existing nearby odour emitting sources. All previous odour sources in the locality have been removed and those sites developed.</p>
2.3.11 Air Quality	This section contains controls relating to preserving air quality in relation to industrial and/or employment development	<p>Complies with conditions</p> <p>The DA proposes retail and commercial uses, which are unlikely to cause air quality issues. Conditions will be applied to ensure that the use of the tenancies do not create unnecessary air pollution issues and emissions.</p>
2.4 Demolition	This section contains controls relating to demolition of buildings	<p>Complies with conditions</p> <p>The proposal includes demolition and is considered satisfactory subject to conditions.</p>
2.5 CPTED	This section contains controls relating to the principles of CPTED.	<p>Complies with conditions</p> <p>A comprehensive CPTED report and a social impact assessment has been submitted with the DA. These elements have been reviewed by Council's Community Planning Section and Urban Design Section, who have raised no objections to the proposal on these grounds. Relevant conditions of consent will apply to the subject application.</p>

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
2.6 Earthworks	This section contains controls relating to earthworks	Complies with conditions This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues to the bulk earthworks, subject to conditions. No existing dams are present on site.

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
3.1.1 Residential Density	All applications for residential subdivision and the construction of residential buildings are to demonstrate that the proposal meets the minimum residential density requirements of the relevant Precinct Plan and contributes to meeting the overall dwelling target in the relevant Precinct.	Not Applicable No residential subdivision occurring as part of this proposal.
	Residential development is to be generally consistent with the residential structure as set out in the Residential Structure Figure in the relevant Precinct Schedule, the typical characteristics of the corresponding Density Band in Table 3-1.	Not Applicable No residential subdivision occurring as part of this proposal.
3.1.2 Block and Lot Layout	Minimum lot size of 250m ² with a Building Envelope Plan (BEP)	Not Applicable No residential subdivision occurring as part of this proposal.
	Minimum lot size of 300m ² without a Building Envelope Plan	Not Applicable No residential subdivision occurring as part of this proposal.
	Minimum frontage width of 9m	Not Applicable No residential subdivision occurring as part of this proposal.
	A range of residential lot types (area, frontage, depth, zero lot and access) must be provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes with distinctive garden suburban, suburban and urban characters across a neighbourhood.	Not Applicable No residential subdivision occurring as part of this proposal.
	In areas with a minimum residential density of ≤20dw/ha no more than 40% of the total residential lots proposed in any one street block may have a frontage of less than 10m wide. Lots subdivided using Subdivision Approval Pathway B1 or B2 (Integrated Housing) for attached or abutting dwellings are exempt from this control.	Not Applicable No residential subdivision occurring as part of this proposal.

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	Lots should be rectangular. Where lots are an irregular shape, they are to be large enough and oriented appropriately to enable dwellings to meet the controls in this DCP.	Not Applicable No residential subdivision occurring as part of this proposal.
	Zero Lot Lines Where a zero lot line is nominated on an allotment on the subdivision plan, the adjoining (burdened) allotment is to include a 900mm easement for single storey zero lot walls and 1200mm for two storey zero lot walls to enable servicing, construction and maintenance of the adjoining dwelling. No overhanging eaves, gutters or services (including rainwater tanks, hot water units, air-conditioning units or the like) of the dwelling on the benefited lot will be permitted within the easement.	Not Applicable No residential subdivision occurring as part of this proposal.
3.1.3 Battle-axe Lots	Provides controls for Battle-axe lots	Not Applicable No residential subdivision occurring as part of this proposal.
3.1.4 Corner Lots	Corner lots, including splays and driveway location, are to be designed in accordance with AS 2890 and Council's Engineering Specifications.	Not Applicable No residential subdivision occurring as part of this proposal.
	Corner lots are to be designed to allow dwellings to positively address both street frontages.	Not Applicable No residential subdivision occurring as part of this proposal.
	Plans of subdivision are to show the location of proposed or existing substations, kiosks, sewer man holes and/or vents affecting corner lots.	Not Applicable No residential subdivision occurring as part of this proposal.
3.1.5 Subdivision in the Environmental Living Zone	Provides controls for subdivision in E2 and E4 zones.	Not Applicable No residential subdivision occurring as part of this proposal.
3.2 Subdivision Approval Process	The land subdivision approval process is to be consistent with the requirements of Table 3-4.	Not Applicable No residential subdivision occurring as part of this proposal.
	Building Envelope Plans (BEPs) to provide appropriate details as listed in the DCP to ensure	Not Applicable No residential subdivision occurring as part of this proposal.
	Public Domain Plan to show elements of the Public Domain including Street Trees, vehicular cross-overs, and indicative building footprints.	Not Applicable No residential subdivision occurring as part of this proposal.
3.3.1 Street Network Layout and Design	This section contains controls relating to street network layout and design, including requirements for street trees.	Complies with conditions The proposed development is in accordance with the ILP. The surrounding roads are to be constructed where needed (i.e. half

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
		roads) and the through site link goes through the subject site between Eighth Avenue and Auger Street. Although this pedestrian link is not exactly in alignment with the ILP, it is delivered in a manner which serves its purpose and is acceptable for the proposed neighbourhood centre. Conditions of consent will apply regarding road construction and specifications.
3.3.2 Street Furniture	Provides controls for street furniture	Complies with conditions Street tree planting is shown with the proposal and is deemed to be satisfactory subject to conditions.
3.3.3 Local Area Traffic Management	A Local Area Traffic Management (LATM) plan shall be submitted with any development which involves the opening of a new road(s), or modifications to existing roads. Design solutions shall conform to Austroads Guide to Traffic Management Part 8 (Local Area Traffic Management).	Complies with conditions The submission of detailed traffic plans is to be conditioned as part of the consent.
3.3.4 Laneways	Provides controls for laneways	Not Applicable No laneways proposed.
3.3.5 Shared Driveways	Provides controls for shared driveways	Not Applicable (none proposed)
3.3.6 Pedestrian and Cycle Network	This section contains controls relating to the implementation of pedestrian and cycle networks.	Complies with conditions Verge construction includes footpath paving and the pedestrian through site link is provided within the development as envisioned within the ILP. The location and presentation of this through site link is deemed to be acceptable, subject to conditions. This through site link is also able to connect to the site to the east, with a wide link between the two eastern buildings. Further, an easement is to be created over the pedestrian through site link for a right of way for pedestrian access, with provision for connectivity into the adjoining site to the east (with future community facility), to enable public pedestrian access through this link.
3.3.7 Temporary Vehicular Access	Provides controls for Temporary Vehicular Access	Not applicable Access is provided to the development without the need for temporary access ways.
3.3.8 Access to arterial roads, sub-arterial roads & transit boulevards	Provides controls for Temporary Vehicular Access and to ensure no permanent access is provided off arterial roads, sub-arterial roads & transit boulevards where possible.	Not applicable This DA does not seek direct access to an arterial road, sub-arterial roads & transit boulevards.
3.4 Construction Environmental Management	This section contains controls relating to the implementation of a construction environmental management plan.	Complies with conditions Conditions of consent can be imposed ensuring the implementation of a construction environmental management plan, prior to issue of a CC.

Section 5 - Centres Development Controls			
Control	Provision	Comment	Compliance
5.2.1 Function and land use mix	The maximum retail floor area within each centre is to be as specified in the relevant Precinct's Schedule and to ensure that the centre functions in accordance with its position in the regional centres hierarchy	The proposal is within the Eighth Avenue Neighbourhood Centre and provides 7,291m2 of gross leasable floorspace which is made up of 5,463m2 of retail space and 1,848m2 of commercial space.	Considered Acceptable – See discussion below in Schedule 1 DCP table
	A range of retail, commercial, entertainment, recreation and community uses is encouraged to serve the needs of the wider community and promote active and vibrant centres.	A range of retail and commercial uses would be provided by the proposal.	Complies
	Mixed use developments containing residential uses on upper floors are located in the centre to take advantage of access to transport and services, and to increase levels of activity within the centre.	The application does not propose a mixed-use development containing residential uses.	Not Applicable
	Employment opportunities are maximised within the centre.	Employment opportunities are maximised through this application.	Complies
	The ground floor of all buildings is occupied by retail, commercial, community, entertainment or other active uses, particularly fronting the main street and all open space.	The application fronts Eighth Avenue and has retail and commercial uses fronting the main street.	Complies
	Fine grained and intensive retail and commercial uses that present an active street frontage are located along the main street.	The application fronts Eighth Avenue and has retail and commercial uses fronting the main street.	Complies
	Building design integrates internal spaces (i.e. the interior of shops and other businesses) and the public domain (i.e. the streets, plazas and parks), and facilitates active use of footpaths by cafes and the like.	The proposed development integrates internal spaces and retail and commercial uses and further fit outs would be proposed through other development consents.	Complies
	The needs of health and aged care providers, facilities for young people, civic and emergency services are met within the centres.	The proposal has made shell spaces which could accommodate facilities which can meet these needs.	Complies
5.2.2 Design layout	1. A main street acts as the focal point for the retail and commercial activity in the centre and is of a width and design that encourages pedestrian activity and a low speed traffic environment.	Eighth Avenue is the main street for the neighbourhood centre and is the focal point. Also, the pedestrian through site link encourages pedestrian movement.	Complies
	2. Large format retail premises (such as supermarkets and discount department stores) have pedestrian access to the main street, and do not present blank walls or inactive facades to the main street.	The supermarket has access off the pedestrian through site link and the street frontages are activated by the associated	Considered Acceptable

Section 5 - Centres Development Controls			
Control	Provision	Comment	Compliance
		commercial/ retail uses along the main frontage.	
	3. The importance of car parking to the viability of retailing is recognised, but does not dictate the location and orientation of retail premises at the expense of an active public domain.	The carpark location is acceptable and is not located on the main frontage.	Complies
	4. The core retail areas and fringes are clearly defined by the mix of land uses and intensity of development that integrates with surrounding residential areas.	The proposed development is compatible with the surrounding land uses.	Complies
	5. Facilities including loading, waste storage, servicing and other infrastructure are to be co-located as much as possible to maximise the efficient use of space while ensuring these facilities do not adversely impact on the amenity of surrounding sensitive land uses.	All delivery and waste related operations will be conducted within the proposed loading dock area and is unlikely to cause detrimental impacts on surrounding residential uses. Conditions of consent will be made regarding hours of use for the loading dock/ deliveries.	Complies with conditions
	6. An interconnected street block network with small block sizes and mid-block connections maximises pedestrian movement and connections to key destinations including parks, plazas and transport nodes.	The proposed development is in accordance with the ILP.	Complies
	7. Noise and amenity considerations inform the layout and location of various uses, particularly residential uses.	An acoustic report has been submitted in support of this application, which was reviewed by Council's Environmental Health Section and is satisfactory subject to conditions.	Complies with conditions
	8. The street network emphasises sight lines to local landscape features, places of key cultural significance, civic buildings and public open space.	The proposed development is in accordance with the envisioned street network and emphasises key matters.	Complies
	9. Opportunities for crime are minimised through appropriate design and maintenance, in accordance with the principles of Crime Prevention Through Environmental Design in clause 2.5.	The design of the centre provides clearly defined spaces with controlled access, passive surveillance and ongoing territorial management consistent with the principles of CPTED. Relevant conditions of consent will apply to the development.	Complies with conditions
5.2.3 Public domain	1. The streetscape creates a high amenity pedestrian environment through solar access, shade and shelter, good natural light,	It is considered that the streetscape would provide a high level of amenity for pedestrians and the	Complies

Section 5 - Centres Development Controls			
Control	Provision	Comment	Compliance
	landscaping and footpath design, and management of vehicular traffic.	environment and the inclusion of trees, art and good design elements enables the proposal to create an attractive streetscape outcome for the neighbourhood centre.	
	2. Parks and plazas are a focal point for people, businesses and community activities and are designed to ensure adaptability and flexibility in use and function over time.	The piazza is a focal point of the development from Eighth Avenue and is considered satisfactory.	Complies
	3. High standards of design and landscaping, based on consistent public domain design standards, promote the character and attractiveness of the centre and create a sense of ownership and pride for businesses and residents.	The application proposes a high design standard for landscaping and is considered acceptable for the centre.	Complies
	4. Activities that activate the streets, the park and plaza draw people to the centre not only to shop, but for entertainment and recreation, such as markets, concerts and outdoor community events.	The proposed development is able to accommodate these types of activities if proposed in the future.	Complies
5.2.4 Built form	A range of building heights are permitted, up to maximum heights to control amenity and overshadowing, to create a varied skyline.	The proposed development is acceptable in height and allows sunlight into the public spaces.	Complies
	2. Building heights transition around the fringes of the centre to integrate the built form with adjacent residential areas.	The proposed development is not of a nature where it imposes on adjoining residential sites.	Complies
	3. Building heights and setbacks are related to street widths and functions to promote a comfortable urban scale of development.	The height of the proposed development is consistent with the street network and is below the height development standard for this site.	Complies
	4. Building separation and orientation considers privacy and amenity, particularly for residents.	The proposed development is of an acceptable scale with appropriate setbacks and privacy provided to nearby residential sites.	Complies
	5. Building heights take into account view lines and solar access to the public domain. Liverpool Growth Centre Precincts Development Control Plan Page 127	The building height is of an acceptable scale, providing solar access and not obstructing views.	Complies
	6. Streets and open spaces are defined by buildings that are generally built to the street edge, have a consistent street wall height and provide a continuous street frontage, particularly along the main street and fronting the town square.	The proposed development provides a continuous street frontage which is activated and is of an acceptable scale.	Complies

Section 5 - Centres Development Controls			
Control	Provision	Comment	Compliance
	7. A high quality built form and energy efficient architectural design promotes a 'sense of place' and contemporary character for the centre.	The proposed application is of a high quality and promotes a 'sense of place'.	Complies
5.2.5 Transport	1. The centre is pedestrian and public transport orientated with walking and cycling taking priority over vehicles, while allowing for vehicle movement and access in a low speed traffic environment.	The proposed development is pedestrian oriented, and conditions will apply regarding future bus routes and bus stops.	Complies with conditions
	2. The main street carries sufficient traffic volumes, and has provision for on-street parking, to support retail and commercial uses that front it.	On-street parking is provided in accordance with the DCP street cross sections and is acceptable.	Complies
	3. Streets are wide enough to ensure pedestrians, cyclists and vehicles can move around the centre, to encourage activity on the street and to enable a clear relationship between development on either side of the road.	The proposed streets are in accordance with the ILP and all road users are able to utilise the site and surrounding road network appropriately.	Complies
	4. Traffic signals and pedestrian crossings facilitate easy movement of pedestrians throughout the centre.	The integration of a footpath and the through site pedestrian link will facilitate an easy movement of pedestrians throughout the centre.	Complies
	5. The street layout allows easy access to and within the centre while allowing for regional traffic to bypass the centre.	The site proposes the construction of the roads/ half roads on their site in accordance with the ILP.	Complies
	6. Where applicable, rail transport is integrated with other transport modes through an efficient interchange.	The proposed development is a distance from Leppington Trains Station.	Not applicable
	7. Vehicle access to parking and loading areas is via secondary streets rather than the main street or other active streets. Separate parking and loading vehicle accesses are preferred.	All vehicle parking will be situated within the site which is access from Warrawal Avenue and Auger Street. The loading area is accessed from Warrawal Avenue.	Complies
5.3.1 Streetscape and architectural design	Active frontage and street address Active street fronts, built to the street boundary, are required on the ground level of all retail and commercial development fronting the main street and where applicable, public open space, as identified in the Desired future layout of the Centre figure in the relevant Precinct's Schedule.	The application proposes active street frontages which meet the desired character of the B1 zone and the centre layout within the Precinct Plan Schedule.	Complies
	All applications for development in centres are to include a masterplan showing: • The location of the proposed development site in the context of the overall centre, and relative to key	The proposed development provides an array of plans which demonstrate how the proposal links with the envisioned neighbourhood centre as per the precinct	Complies

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	<p>features of the centre including the main street and other public spaces such as parks, squares and plazas.</p> <ul style="list-style-type: none"> • How the proposed development fits into the future layout of the centre as shown on the Desired future layout of the Centre figure in the relevant Precinct's Schedule. Where the proposal varies from the desired future layout, the applicant is to demonstrate consistency with the development principles in cl 5.2. • Proposed vehicle and pedestrian access that is consistent with the Traffic circulation and parking figure in the relevant Precinct's Schedule. Where consistency with the Traffic circulation Page 128 Liverpool Growth Centre Precincts DCP and parking figure is not possible (such as in early stages of the development of the centre prior to construction of key roads) the applicant is to demonstrate consistency with the development principles in clause 5.2. 	<p>plan. The overall layout of the proposed development is generally consistent with the desired future layout of the centre in the DCP. The piazza being delivered is also considered to be acceptable for this centre. The proposed traffic, parking and access is considered acceptable for the centre and the proposal is delivering a centre which meets the requirements of the DCP.</p>	
	3. Residential, commercial and retail uses on the upper floors are to be designed to overlook streets and other public places to provide passive surveillance.	Commercial and retail uses on the upper floors are able to overlook streets providing passive surveillance.	Complies
	4. The ground and first floor of all buildings on active street frontages are to be built to the front property boundary (ie. a zero front setback) to define the street edge. If the first floor contains residential uses, internal spaces may be set back where balconies are built to the property boundary.	The proposed setbacks are up to the boundary and are considered appropriate for the development.	Complies
	5. The primary means of pedestrian access to retail, commercial and upper floor residential uses is to be from the street rather than from the rear or internal areas of the building. Building entries should be prominent, clearly identifiable and accessible.	Clear pedestrian access is provided from the street and also within the pedestrian through site link.	Complies
	6. Vehicle access to basement level parking or parking located behind buildings must not be from active street frontages.	Access to the parking is not from the active frontages along Eighth Avenue and the corner area of Warrawal Avenue.	Complies
	7. All large format retail premises and decked parking areas are to be sleeved with uses that provide an active frontage to the street.	The proposed development provides active frontages and have an array of potential uses to Eighth Avenue.	Complies

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	8. Blank walls visible from the public domain are to be avoided.	All walls are articulated appropriately or have elements encouraging visual interest such as wall art or artwork panels.	Complies
	9. Retail shops are to have a variety of shop frontage widths and articulation.	Smaller retail uses would require further development consent and conditions would apply for these fit out works. The shells for these uses would allow for a variety of widths and articulation.	Complies with conditions
	10. Restaurants, cafes and the like are encouraged to provide openable shop fronts and to make use of footpath areas on active streets.	Food and hospitality services are not proposed a part of this application, however, the proposal would be able to accommodate these in the future.	Complies
	11. On corner sites, active shop fronts are to wrap around the corner and address both street frontages.	Due to the slope of the site, the active frontage is unable to wrap around the corner. This is considered acceptable in this instance and the corner still allows for visual interest and activation with wall art and landscaping design at the intersection.	Considered Acceptable
	12. Developments that have multiple street frontages are to provide entrances to internal/upper floor uses on each street frontage.	Access to the building is from Eight Avenue or through the through site link, which is acceptable in this case as Warrawal Avenue has the loading area and the upper floor will gain access from the main foyer/lobby associated with the public piazza which is the main focal point of the development.	Considered Acceptable
	13. In mixed-use buildings, separate access from the street is required for retail, commercial and residential uses.	The proposal allows for separate access to each individual use.	Complies
	14. Entrances are to be visible from the street and well lit.	The entrances are oriented to Eighth Avenue and in the pedestrian through site link.	Complies
	15. Security shutters and grilles are not encouraged and any proposed security devices are to be transparent or at least 80% open.	Noted. The roller shutters are acceptable.	Considered Acceptable
	16. All buildings on active street frontages are to include awnings above the ground floor for the full length of the street frontage.	Awnings are proposed for the development along the active street frontage.	Complies

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	17. Parking is to be screened by buildings, from the main street and other streets with active frontages, or be below ground.	All parking is located either behind the building from the main street and streets with active street frontages. The rear parking is seen from the public domain and will incorporate canopy tree planting to add visual interest in the area.	Complies
	Building facades and awnings 18. Building facades at street level on active frontage streets are to have a minimum of 80% glazing and be open to the street.	The building is designed to allow for glazing along the active street frontage and is deemed appropriate for the site.	Complies
	19. Translucent or obscured glazing is not permitted on active street frontages.	Noted. Glazing does not appear to be obscure or translucent along the active street frontage. Conditions can apply to ensure this is met.	Complies with conditions
	20. Signage and advertising material are not to obscure glazing.	The proposed signage is unlikely to obscure glazing.	Complies
	21. At night, internal lighting is to fall onto the footpath, or under-awning lighting is to be provided	Lighting is deemed appropriate for the development.	Complies
	22. Solid elements are preferably to be finished with rendered masonry, tiles or face brick. Liverpool Growth Centre Precincts Development Control Plan Page 129	Solid elements are proposed.	Complies
	23. Coordinated colour schemes are required, and colours and materials are to be consistent with adjoining buildings and the general character of the street.	Colour schemes are provided and are considered acceptable with the surrounding zoning.	Complies
	24. Façade articulation is encouraged above the ground floor through the incorporation of balconies, openings and other design elements that modulate the façade, providing rhythm and interest.	The facade design is deemed appropriate and includes elements which break up the façade design, including functional elements such as awnings, material style, colour and shape.	Complies
	25. Articulated corners are to be provided to building facades on active street frontages, as identified in the Desired future layout of the Centre figure in the relevant Precinct's Schedule. Articulated elements may include verandahs, awnings, upper level balconies, use of materials or roof designs that accentuate the corner. Articulation elements are to address both street frontages.	Articulation and design to the corners allows for added visual interest at this point.	Complies
	26. Design of corner buildings on the ground floor is to facilitate free	The design of the corner is deemed to be appropriate	Complies

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	pedestrian movement. Open corners at ground level are encouraged.	for the proposed development.	
	27. Building height, massing, materials and parapet/roof expression should be used to accentuate corner elements. Council may consider proposals on street corners that do not meet relevant height controls where the design of the building accentuates the corner, creates a landmark and is well designed.	Building height, massing, materials and parapet/roof expression are used to accentuate corner elements.	Complies
	28. Any awning over a public footpath will require a Public Road Activity Approval to be issued by the Consent Authority.	Noted. Conditions are to apply for this matter.	Complies with conditions
	29. Awnings should be a minimum height of 2.7m (3.2m desirable) above footpath level and generally consistent in form with adjacent awnings.	Awnings above the footpath would be approximately 4.07m above ground.	Complies
	30. The front fascia of the awning is to be set back a minimum of 500mm from the kerb of the street carriageway, including at street corners.	The awning is setback more than 500mm from the kerb and gutter.	Complies
	31. Awnings are generally to project horizontally from the building façade and be horizontal along the length of the façade. Stepped awnings are appropriate on sloping streets.	The awning projects horizontally and is designed appropriately.	Complies
	32. The design of awnings is to be consistent with adjoining buildings. Awnings that are significantly different in terms of materials, finishes and dimensions will not be permitted.	The awning design is appropriate in terms of materials and compatibility with the development.	Complies
	33. Development applications within the centre that propose works in public streets to be undertaken by the developer are to be consistent with any public domain strategy or similar document that applies to the centre.	The works in public streets are acceptable and the public domain would be enhanced.	Complies
	34. All signage and advertising is to be designed in a co-ordinated manner (refer to clause 5.3.4 for detailed controls).	The signage proposed is appropriate for the development.	Complies
	35. Parks and plazas are to act as a focal point for the centre and community activities and are to be designed to ensure adaptability and flexibility in use and function over time.	The proposed piazza is a focal point for the centre from Eighth Avenue and multiple uses could occur in there for the benefit of the community if needed in the future.	Complies
	36. Plant selection should take into account the following: • species which complement remnant native vegetation, • level of on-going maintenance,	Native vegetation is proposed within the centre. The landscaping design is also acceptable for the proposed development. The	Complies with conditions

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	Liverpool Growth Centre Precincts DCP Page 131 <ul style="list-style-type: none"> • potential impacts on road and footpath pavements, • focus on hardy, drought tolerant, easily maintained species, • scale in relation to the function of the area, • solar access and shade, and • contribution to the character of the local centre. 	application was reviewed by Council's Urban Design and public Domain Section and is deemed acceptable subject to conditions.	
	37. Street tree and open space planting is to provide generous shade for pedestrians in summer and allow for sunlight penetration to street level in winter.	Street trees are provided in the plans and are considered acceptable subject to conditions.	Complies with conditions
	38. All paving materials must conform to relevant standards for durability, non-slip textures, strength and surface treatment to withstand use by light automobiles, service vehicles, pedestrians and bicycles.	Conditions to be imposed to ensure all paving materials conform to relevant standards for durability.	Complies with conditions
	39. Paving materials should also be certified colour stable for a period of at least 20 years to ensure a reasonable match to existing paving when damaged sections are replaced.	As above.	Complies with conditions
	40. All paved areas should be adequately drained and follow 'best practises' in installation, including subsurface preparation and stormwater management.	As above.	Complies with conditions
	41. All paved areas must be properly designed to facilitate use by the elderly and disabled.	Conditions of consent will apply to ensure that access is in accordance with the relevant legislation.	Complies with conditions
5.3.2 Solar access, weather protection and energy efficiency	1. Parks and plazas are to receive sunlight on a minimum of 50% of their site area between 11am and 2pm on June 21st.	The piazza is north facing and receives adequate solar access during the day in mid winter.	Complies
	2. Building envelopes are to allow for north-south streets to receive 2 hours sunlight between 9am3pm on June 21st on a minimum of 50% of the eastern or western footpaths; and	Surrounding streets are able to receive adequate solar access.	Complies
	3. Building envelopes are to allow for east-west streets to receive 2 hours of sunlight between 9am3pm on June 21st on a minimum of 50% of the southern footpaths.	Surrounding streets are able to receive adequate solar access.	Complies
	4. Continuous awnings are required to be provided along the ground floor street frontage on active street frontages in accordance with Figure 5-1 and all buildings fronting public open space or squares.	Awnings are provided for the development in appropriate locations and is considered acceptable.	Complies

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	5. The design of awnings is to comply with the controls in clause 5.3.1, and: • Ensure that the solar access controls in controls 1, 2 and 3 above are achieved. • Ensure that protection from rain and summer sun is provided to a minimum of 75% of footpath areas.	Awnings are provided for the development in appropriate locations and is considered acceptable.	Complies
	6. The design and orientation of buildings is to consider prevailing south-westerly winds in winter, and active frontages are to be located to maximise shielding from strong winds by buildings.	The orientation of the building fronts the north and is able to shield the piazza from south westerly winds.	Complies
	7. Uses that are likely to occupy footpaths should be generally located on the southern or western sides of active streets to take advantage of winter sun and protection from winter winds.	The orientation of the building and uses are in acceptable positions.	Complies
	8. Loading, parking and service areas are preferably to be located on the southern or western sides of buildings, except where the western or southern side of a development site adjoins an active street.	Loading and parking accessibility is on the western side and is not in an area where the street needs to be activated.	Complies
	9. Residential development within centres is to be generally oriented with living areas and balconies facing north.	Residential development is not proposed as part of this application.	Not applicable
	10. Residential development within centres is to be designed to maximise natural cross-ventilation.	Residential development is not proposed as part of this application.	Not applicable
	11. Large expanses of west-facing glazing, or open shop-fronts facing west, are to be avoided unless the glazing or shop-front is shielded from afternoon sun in summer and cold winter winds by other buildings or awnings.	The loading area is on the western side and does not have shop fronts.	Complies
	12. Each retail or commercial tenancy is to be separately metered or sub-metered for electricity, gas and water (hot and cold).	Noted. Conditions can be applied to reflect this.	Complies with conditions
	13. Hot water is to be supplied from solar or heat pump systems. Where these systems cannot deliver sufficient hot water to meet demand (e.g. If the roof area is insufficient), gas water heating is preferred.	Noted.	Noted
	14. Rainwater collected from roof areas is to be used for non-potable uses including toilet flushing, laundries and cleaning.	The ESD Report identifies rainwater capture and reuse on site.	Complies
	15. All new and refurbished Retail, Commercial and Mixed-Use development over the value of \$5	Noted	Noted

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	million, shall achieve a minimum Greenstar rating of 4 stars as per the applicable Green Building Council of Australia "as built" rating tool.		
	<p>16. To achieve ESD objectives for new development referred to in control 15:</p> <ul style="list-style-type: none"> • An accredited Greenstar Professional from Green Building Council of Australia (GBCA) is to be engaged on the project. • A schedule of achievable Greenstar credits prepared and certified by the accredited Greenstar Professional is to be provided at the lodgement of the DA. • Proposed Greenstar measures must be shown on the DA documents. • Certificates from suitably qualified structural, hydraulic and mechanical consultants must be provided certifying the ability to incorporate the Green Star commitments at the lodgement of the DA. 	An ESD Report has been provided with the proposal and will form part of the conditions of consent to implement the measures.	Complies with conditions
	17. External pedestrian circulation areas are encouraged, rather than internal mall-type buildings. Development that includes internal pedestrian circulation areas should be designed to enable natural ventilation and lighting when weather conditions are appropriate. This may include measures such as openable windows, louvres, skylights and openings on the building perimeter to facilitate natural air circulation. Temporary, moveable or adjustable shade structures are encouraged to provide protection to outdoor or semi-indoor pedestrian circulation areas.	The proposed through site link is in accordance with the envisioned design of the centre and allows for circulation through the centre. This allows for light, shade and ventilation of the area to make it an appealing place for pedestrians.	Complies
	18. Retail and commercial tenancies are to be capable of natural ventilation and have access to natural light.	Retail and commercial development have access to ventilation and light.	Complies
	19. External glazing or shade structures to commercial and retail development shall be capable of controlling solar ingress into internal spaces. Where necessary, solar ingress control systems shall be dynamically operable via climate control systems for individual tenancies.	The development provides a suitable design response that encourages solar access and climate control in the building and pedestrian site link.	Complies
	20. Materials used for construction shall have low Volatile Organic Compounds (VOC) emissions content.	Noted.	Noted

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	21. Timber building materials should be sourced from sustainable suppliers such as products certified by the Forestry Stewardship Council (FSC).	Noted.	Noted
	22. For construction of developments with a value more than \$10 million, a Construction Environmental Management Plan is to be submitted prior to the issue of a construction certificate, detailing: <ul style="list-style-type: none"> • Measures to reduce the consumption of materials and resources during construction. • The use of recycled or reclaimed materials in construction. • Construction waste minimisation measures, including opportunities to re-use materials on site. • Measures to minimise the use of water and maximise water re-use during construction. • The embodied energy of the main construction materials, options considered to reduce the embodied energy of materials and (if applicable) the reasons for not choosing materials with the least embodied energy. • Training, monitoring and reporting on the compliance of construction contractors with the requirements of the CEMP. 	The development implements environmental management measures and sustainability components to allow for an efficient building. Conditions of consent will apply to have an environmental management plan produced prior to CC to be submitted to the PCA.	Complies with conditions
5.3.3 Building bulk, scale and design	1. The maximum allowable depth of residential building envelopes is 22m (max 18m glass line to glass line).	Residential buildings are not proposed a part of this application.	Not applicable
	2. Floors above the second floor are to be set back a minimum of 4 metres from the boundary of the property with any public street.	No floors are proposed beyond the second floor.	Not applicable
	3. Larger upper floor setbacks from the street may be required to: <ul style="list-style-type: none"> • achieve adequate solar access at street level; • maintain the privacy of dwellings; • maintain view corridors; or • minimise the bulk of the building. 	Upper floors are setback in an appropriate manner for the proposal.	Complies
	4. Zero side setbacks are required on the ground floor and first floor and the side wall shall contain no windows or other openings (except where the side setback is to a public street, where the façade controls in clause 5.3.1 apply).	Zero side setbacks are acceptable for the proposal.	Complies
	5. Zero side setbacks are permitted for the upper floors providing the side wall contains no windows or other openings (except where the side setback is to a public street, where the façade controls in clause 5.3.1 apply).	As above.	Complies

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	Note: Control 2 above prevails in relation to setbacks to secondary streets in floors above the second floor.		
	6. Where windows, balconies or other openings are to be provided on upper floors, the minimum side setback for upper floors is 6 metres from the side property boundary and the minimum separation distance between habitable rooms or balconies is 12 metres.	Windows, balconies or other openings not provided.	Not applicable
	7. For floors above the fourth floor, the minimum separation distance between buildings is to be 18 metres.	No floors are proposed beyond the level 1.	Not applicable
	8. Roof forms should not result in excessive bulk or overshadowing.	Roof forms do not result in excessive bulk or overshadowing.	Complies
	9. All plant and lift over-runs are to be concealed within roof forms to minimise visual impact.	The plant and lift overruns are deemed acceptable for the proposal and type of development.	Complies
	10. The use of roof areas for private / communal open space and gardens is encouraged. Such spaces should be designed to minimise privacy impacts on neighbours.	Roof area is not proposed for communal uses.	Not applicable
	11. For development in close proximity to a rail corridor, balconies and windows are to be designed so as to prevent objects being thrown onto Railcorp's facilities (refer to the relevant National Construction Code and the Railcorp Electrical Standards).	Site is not within a throwing distance to Railcorp facilities.	Not applicable
	12. Floor to ceiling heights are to be a minimum of: • Ground floor of all buildings (regardless of use): 3.6m • First floor for retail and/or commercial use: 3.3m • All other retail and/or commercial floors: 3.3m • All other residential floors: 2.4m.	The floor to ceiling heights are appropriate for the proposed development.	Complies
5.3.4 Signs	Controls are enforced to ensure that signs and advertising structures are unobtrusive and coordinated in their appearance and design and complement buildings and the streetscape.	The signage proposed with the application is acceptable and complies with SEPP (Industry and Employment) 2021.	Complies
5.3.5 Acoustic and visual privacy	1. Development in the centres must comply with the Office of Environment and Heritage and Council noise attenuation requirements and the controls for visual and acoustic privacy in clause 4.2.9.	The acoustic report submitted with the DA addresses the impacts of the development on sensitive residential noise receivers adjacent the site. The report was reviewed by	Complies with conditions

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		Council's Environmental Health Section and is considered acceptable subject to conditions.	
	2. A combination of the following measures is to be used to mitigate the impacts of rail or road traffic noise within centres: <ul style="list-style-type: none"> • setbacks and service roads; • internal dwelling layouts that are designed to minimise noise in living and sleeping areas; • changes in landform; Liverpool Growth Centre Precincts DCP Pg 137 • higher than standard fencing constructed with a suitably solid mass; and • locating courtyards and principal private open space areas that will comply with the criteria in clause 4.2.9 away from the noise source 	As above.	Complies with conditions
5.3.6 Safety, surveillance and maintenance	1. The principles of Crime Prevention through Environmental Design (CPTED) in Clause 2.5 are applicable to all development within centres.	A comprehensive CPTED report and a social impact assessment has been submitted with the DA. These elements have been reviewed by Council's Community Planning Section and Urban Design Section, who have raised no objections to the proposal on these grounds. Relevant conditions of consent will apply to the subject application.	Complies with conditions
	2. Balconies, terraces and other private open spaces are to be oriented to public open spaces to optimise casual surveillance.	No balconies, terraces or POS is proposed.	Complies with conditions
	3. The design of all buildings, fences and landscape elements shall take sight lines, both horizontal and vertical, into consideration to minimize blind spots and promote a sense of security.	Sight lines have been considered and are satisfactory.	Complies
	4. All streets, alleys, bike paths and pedestrian walkways must be adequately lit at all times.	Conditions to be imposed to ensure that the pedestrian through site link is adequately lit at all times.	Complies with conditions
	5. Lighting is to be installed on all circulation routes and major pedestrian thoroughfares, including under-awning lighting on all awnings.	Conditions to be imposed to ensure that all pedestrian walkways are adequately lit at all times.	Complies with conditions
	6. Large open areas such as parking lots and public open spaces are to be floodlit.	The development would have lighting within the carpark area and conditions	Complies with conditions

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		will apply to ensure it is floodlit.	
	7. Lights should be positioned so that they highlight landmarks and other special building features.	Noted.	Noted
	8. Lighting fixtures must be sturdy, durable, vandal resistant and easily maintained.	Noted.	Noted
	9. Fixtures visible from the public domain should be mounted at a height of at least 2.7 metres, and their appearance should complement the architectural and landscape character of the location.	Noted.	Noted
	10. The installation of lighting should take into account and minimise its impacts on surrounding commercial premises and residential properties.	Conditions will apply to ensure excessive glare and light spill does not impact on surrounding residential or commercial properties.	Complies with conditions
	11. Durable and easily cleaned materials should be selected in all areas exposed to the public, and all masonry surfaces to a height of 3 metres should be protected with an approved anti-graffiti treatment.	Noted.	Noted
	12. Fencing and street plantings should be designed to achieve a balance between screening and security/surveillance.	Fencing and planting is proposed to ensure adequate screening.	Complies
	13. Traffic facilities are to be installed to enhance pedestrian safety.	Footpaths are to be built as well as the pedestrian through site link.	Complies
	14. Safety features such as tactile surfaces and handrails are to be provided in appropriate locations.	Conditions to be imposed to ensure adequate access requirements are met.	Complies with conditions
5.3.7 Site servicing	1. Services and structures such as transformers, waste collection, storage and deposit areas, and loading bays are generally to be located to the rear of the property. Where this cannot be achieved services must be integrated into the overall design of buildings and landscaping of the street front through screening measures.	Waste collection and loading areas and the substation are located behind the main frontage of the site and are off Warrawal Avenue. This is integrated within the built form and wall art and landscaping is provided in this location.	Considered Acceptable
	2. Service areas are not permitted on active street frontages or adjacent to public parks, plazas or squares.	Service areas are not proposed on active street frontages or adjacent to the piazza.	Complies
	3. Service/delivery vehicles should access service and loading areas using secondary streets (refer to the Traffic Circulation and Parking figure in the relevant Precinct's Schedule for preferred access roads and locations).	Access is provided off the secondary street and is satisfactory.	Complies

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	4. The following controls relate to the screening of services: <ul style="list-style-type: none"> • All services, transformers, storage and deposit areas, and wheeled rubbish bins must be effectively screened from view. • Screening walls or plant masses shall be at least 1.8 metres high, and Council may require higher screens where required to achieve appropriate standards of amenity. • All screening shall be designed to allow free and easy access to the facilities, as required to permit maintenance and checking by all relevant parties, including service authorities, Council officials, tenants and property owners. • Screening wall materials and plants shall be selected which have no adverse impacts on the operation of the facilities. 	Waste collection, loading areas and storage are located off Warrawal Avenue and are adequately screened from public view.	Complies
	5. Service access is permitted from rear lanes, side streets and right of ways for the use of parking, loading docks and waste collection areas.	Service areas are located off Warrawal Avenue which is acceptable.	Complies
	6. Adequate space should be provided for the movement, unloading and loading of service vehicles. All service vehicles should enter and exit any loading area in a forward direction.	Adequate spacing is provided for the loading and unloading of service vehicles and vehicles can enter and exit in a forward direction. This will be supported with a condition.	Complies with conditions
	7. Structures shall be painted according to the required standards of the relevant service authority, in colours that limit their visual impact.	All colours and finishes are considered acceptable.	Complies
	8. All air conditioners must be located in areas where any noise and dripping condensation will have minimal impact on the public domain. No roof or wall mounted air conditioners shall be visible from public areas.	Plant is located on the roof of the development and are appropriately screened.	Complies
	9. Television antennas and other telecommunication devices are not to be visible from the street.	These services are not visible from the street.	Complies
5.3.8 Traffic circulation, parking and access	1. The pattern of vehicle movement and access to car parking is to be in accordance with the diagram at the Traffic Circulation and Parking figure in the relevant Precinct's Schedule.	The application has been referred to Councils Traffic Section, who approve of the proposed application subject to conditions.	Complies with conditions
	2. On-site car and bicycle parking is to be provided in accordance with the standards set out in Table 5-1, or standards that apply elsewhere in the Local Government Area, for land uses not listed below. Design of driveways	A conservative calculation of 1 space per 22sqm for retail and 1 space per 40sqm for the commercial elements results in a requirement of 295 parking	Complies with conditions

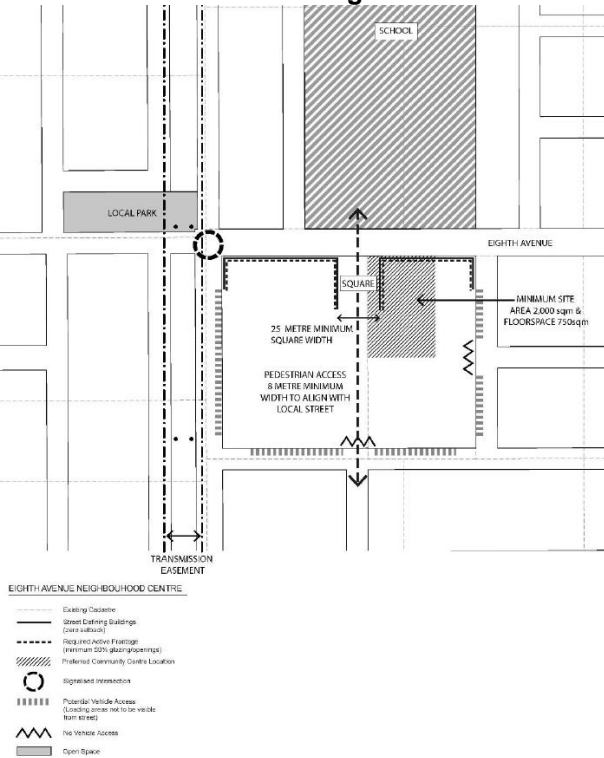
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	and car parks is to be in accordance with Liverpool DCP 2008 unless this DCP specifies otherwise. Car parking requirements in centres: <ul style="list-style-type: none"> • Business premises/office premises: 1 space per 40m²GFA • Retail premises (less than 200m² GFA): 1 space per 30m² GFA • Retail premises (greater than 200m² GFA): 1 space per 22m² GFA • Food and drink premises: 1 space per 30m² GFA 	spaces. The proposal incorporates 303 parking spaces and complies. The application has been referred to Councils Traffic Section, who approve of the proposed application subject to conditions.	
	3. Opportunities for shared parking provision for complementary uses within centres are to be provided. In particular, shared parking provision to cater for rail commuters and retail uses is encouraged. Where retail development is proposed within walking distance (800 metres) of a train station, applicants are to discuss parking arrangements including the potential for shared commuter and retail parking with Railcorp and provide any relevant information as part of the development application.	Site is further than 800 metres from the train station.	Not applicable
	4. In mixed use developments, dedicated onsite parking is to be provided for the residential component of the development in accordance with the controls in clause 4.3.5, except where applicants can demonstrate to Council that a lower rate of car parking can meet the demand generated by the residential component. Applicants should consider whether car parking provided for non-residential components of the development could contribute to meeting demand from the residential component, particularly where peak demand generated by the different land uses occurs at different times of the day.	Residential development is not proposed within the site.	Not applicable
	5. Secondary streets, rear lanes and right of ways are to be used to provide access to parking areas, loading docks and waste collection areas. Lanes will need to accommodate heavy vehicles where access to loading areas and waste collection is required.	Vehicle access is located off Warrawal Avenue and Auger Street which are not the primary street frontages.	Complies
	6. On-street parking is to be provided on all streets to create a buffer between pedestrian and street traffic and promote casual surveillance.	On-street parking is provided in accordance with the DCP street cross sections and is acceptable.	Complies

Section 5 - Centres Development Controls			
Control	Provision	Comment	Compliance
	7. Basement, semi-basement or decked parking is preferred over large expanses of at-grade parking	Parking is provided at grade. This has been deemed to be acceptable by the DEP and Council's Urban Design Section.	Considered Acceptable
	8. At grade or decked parking areas are to be located behind building lines. Notwithstanding this, Council will consider transitional arrangements for parking where an application is supported by a staging plan that indicates compliance with the above desired parking location principles upon ultimate development.	At grade parking is proposed and is located behind the building and away from the primary frontage along Eighth Avenue.	Considered Acceptable
	9. Outdoor parking areas are to be screened and landscaped to minimise their visual dominance within the centre.	Outdoor parking area is adequately landscaped and provide canopy tree coverage.	Complies
	10. At grade car parks must contain shade tree plantings using tree species and spacing of trees to demonstrate that tree canopies are capable of covering 50% of the car space surface area (excluding car park travel lanes). Submitted plans are to illustrate the estimated extent of tree canopies at maturity.	At grade car parks contain shade tree plantings using native tree species. Although the canopy coverage is closer to 40% of the car park, it is an improvement from what was originally proposed. While this is less than the DCP required 50%, the combination of the shade structure and canopy trees results in greater overall coverage for the parking spaces. The application has been referred to Councils Urban Design team and have considered the proposal and coverage acceptable.	Considered Acceptable
	11. Bicycle parking is to be in secure and accessible locations. Bicycle parking for employees is to have weather protection.	Bicycle parking is provided and is in an appropriate location. A condition will apply to ensure that the northern bicycle parking is located on the periphery of the piazza as the indicative location has it in the middle of the piazza in the ultimate scenario.	Complies with conditions
	12. The parking area per vehicle is to be in accordance with AS 2890:1. Provision for service vehicles is to be in accordance with AS2890.2.	Conditions to be imposed to ensure that parking area per vehicle is to be in accordance with the Australian Standards.	Complies with conditions
	13. The main street and streets that have active frontages are to be designed generally in accordance	The active frontage towards Eighth Avenue is acceptable and the verge elements are satisfactory.	Complies

Section 5 - Centres Development Controls			
Control	Provision	Comment	Compliance
	with Figure 5-3, and are to have the following minimum dimensions: • Footpaths (from back of kerb to the boundary of the road reserve) are to be a minimum of 4.5 metres wide. Additional width may be necessary at public transport facilities such as bus stops. • Carriageways are to be a minimum of 6.5m wide with sufficient capacity for kerbside parking/cycle lanes and at least one traffic lane with a minimum width of 3.5 metres.		
	14. The design of the main street and other town centre streets is to effectively transition from the design required within the town centre to the design required in the surrounding urban areas (refer to Figure 3-11 to Figure 3-18 for typical street designs in residential areas)	The proposed development satisfies the provisions of the DCP and the streets are to be constructed accordingly.	Complies
	15. Where the kerb side lane is a dedicated parking lane (i.e.. not used as a traffic lane during peak periods), the kerb and footpath is to extend into the parking lane at signalised intersections and key pedestrian crossing locations.	The road cross sections are in accordance with the DCP and are satisfactory.	Complies
	16. Specific Road cross-sections for certain streets may be contained in the relevant Precinct Schedule and prevail over the controls above where there is any inconsistency.	The road construction is in accordance with the cross sections within the DCP.	Complies

Schedule 1 Austral & Leppington North Precincts	
Part 3 – Centre Development Controls	
3.1 Centres within the Austral and Leppington North Precincts	
3.1.1 Hierarchy and function of local and neighbourhood centres	Comment
1. The location of centres is to be as shown on Figure 3-1.	Noted The site is mapped as a neighbourhood centre.
2. The Austral Local Centre is to contain a mix of retail and local commercial land uses, to a maximum gross leaseable floorspace of 30,000m ² .	Not Applicable The site is not part of the Austral Local Centre.
3. The Gurner Avenue Neighbourhood Centre is to contain a mix of retail and local commercial land uses, to service a population in the order of 10,000 people, and to a maximum gross leaseable floorspace of 10,000m ² .	Not Applicable The site is not part of the Gurner Avenue Neighbourhood Centre.
4. The Eighth Avenue Neighbourhood Centre is to contain a mix of retail and local commercial land uses, to service a population in the order of 10,000 people, and to a maximum gross leaseable floorspace of 10,000m ² .	Considered Acceptable – See Discussion below The proposal is within the Eighth Avenue Neighbourhood Centre and provides 7,291m ² of gross leaseable floorspace which is made up of 5,463m ² of retail space and 1,848m ² of commercial space. Refer to discussion below.
Discussion on maximum gross leaseable area	
The proposed development provides a combined gross leaseable area (LFA) of both retail and commercial	

Schedule 1 Austral & Leppington North Precincts	
<p>uses of 7,291m², which would be in excess of an equal spread of gross LFA between the two sites which form the Eighth Avenue Neighbourhood Centre (EANC). The EANC occurs over two allotments, which have a combined area of approximately 3 hectares, of which the proposed site makes up 60% of the land area and as such, an equal distribution of LFA would be 60/40 between the two allotments. On this basis, the site would exceed the commercial and retail combined area by 1,291m², leaving 27.1% left on the adjoining site to develop. Given that 750m² is to be for the purposes of a community facility, the adjoining site would only be able to provide 32.5% instead of 40% of the split for LFA.</p> <p>Based on the reading of the control, this factors in both commercial and retail space. Where a cap is typically strictly enforced, the cap would only apply specifically to the LFA of retail uses, for example Clause 6.4 Maximum gross floor area for retail premises in Zone B1 in East Leppington Precinct of the Precincts SEPP and various clauses and additional permitted uses within the Liverpool LEP 2008. By taking this approach, the retail space of the proposed development would be below the 60% share for the centre, being 5,463m². The remaining 1,848m² is made up of commercial space, which would likely be for office and business premises or other compatible business uses which do not fall under the retail umbrella, such as veterinary clinics, medical centres and the like.</p> <p>Notwithstanding, the applicant was asked to supply an economic impact assessment to provide an in-depth analysis of the proposed centre and how the exceedance of the cap for this centre is deemed acceptable through the proposed application and inevitably with the development of the remaining portion of the centre on the adjoining property. The economic analysis addresses key matters in justifying the size of this centre, including the relationship of the proposed centre to centres in the surrounding locality; supply and demand for future commercial uses; the changing population demand compared to what was envisioned; the impacts on existing retailers and the existing retail hierarchy; and community benefits of the centre. The Economic Impact Assessment has demonstrated that the proposed development, inclusive of the full-line supermarket and specialist tenancies, will support the demand in the locality and will have no adverse impacts to the existing or future network of commercial uses in the immediate and wider locality.</p> <p>Furthermore, it is to be noted that at the time the Precincts SEPP and the Liverpool Growth Areas DCP were made, the envisioned population of the area was much less than the current present day scenario. With the approval of subdivisions in the area and also government directions to deliver more housing, the densities in the Austral and Leppington North Precinct are in excess of what was originally envisioned for, with a majority of subdivisions in lower density band of 15 dwellings per hectare (dw/ha) band, delivering a density of between 20-25 dw/ha which is below that of the R3 zone of 25 dwellings per hectare which is the transition into a medium density style of development. It is also to be acknowledged that developments within the 25dw/ha band, which directly surround the site, are delivering densities between 25-40 dw/ha. The LFA cap would have been made based on a conservative calculation of the minimum density bands being met, however the uplift in the residential density of the area beyond the minimum requirement has rapidly increased the amount of new residents in the locality and the demand for infrastructure and services is unable to keep up. With an abundance of land still undeveloped, the demand for services and neighbourhood facilities will increase beyond what was initially envisioned and accounted for in the precinct planning of the locality.</p> <p>As such, the exceedance in the cap of LFA for the EANC is deemed to be acceptable and the application is to be supported. The LFA cap is not considered to be entirely relevant to the locality conditions currently and the increase of retail space will provide added public benefit to the future residents. This would also not prejudice the adjoining site delivering their equal share of the LFA in the centre and sufficiently justifies that there is a demand in the locality, however if the adjoining site does exceed 4000m², it should be proportionate to the site and to the exceedance proposed in the current DA. Further, conditions can also be applied to ensure that the areas labelled in the plans as commercial space are only used for purposes which are not considered as retail premises, such as office or business premises or other related uses which are compatible with the centre including but not limited to medical centres and veterinary hospitals. Further development consent, either by way of DA or CDC where applicable is also required for the use and fit out of the other retail and commercial spaces in the development.</p>	
5. The Austral Neighbourhood Centre is to expand on the existing retail and community uses to cater for a population in the order of 10,000 people and to a maximum gross leaseable floorspace of	<p>Not Applicable</p> <p>The site is not part of the Austral Neighbourhood Centre.</p>

Schedule 1 Austral & Leppington North Precincts	
10,000m ² .	
6. All local and Neighbourhood Centres are to contain a mix of large floorplate and specialty retail uses.	Complies The proposed development contains a mix of large floorplate and specialty retail uses as well as commercial uses.
7. Leppington Major Centre is to be the focus of higher order retail, commercial, entertainment, civic and cultural activities in the South West Growth Centre, and will be supported by the Local and Neighbourhood Centres.	Not Applicable The site is not part of the Leppington Major Centre.
8. Neighbourhood shops, located outside the defined centres, are encouraged where they serve a particular market need and can be integrated with surrounding land uses. Out of centre retailing is not encouraged where it is inconsistent with the Indicative Layout Plan or where it would jeopardise the function and viability of the Local and Neighbourhood Centres or the Leppington Major Centre.	Noted The proposal is within the Eighth Avenue Neighbourhood Centre.
3.1.4 Eighth Avenue Neighbourhood Centre	Comment
1. The main street in the Eighth Avenue Neighbourhood Centre is Eighth Avenue.	Noted Eighth Avenue is to be the focal street in the centre.
2. Active Street Frontages are to be provided to the main street consistent with Figure 3-5 .	Complies Active street frontages are provided along the Eighth Avenue frontage, the corner of Eighth Avenue and Warrawal Avenue and within the public square.
 <p>EIGHTH AVENUE NEIGHBOURHOOD CENTRE</p> <ul style="list-style-type: none"> Existing Footpath Green Building Buildings (area subject) Required Active Frontage (minimum 50m along frontage) Preferred Community Centre Location Significant Intersection Potential Vehicle Access (loading area not to be visible from street) No Vehicle Access Open Space 	
3. On street parking is to be provided on Eighth Avenue except where turning lanes or bus bays prevent parking.	Complies The proposal allows for on street parking where possible on Eighth Avenue.
4. Vehicular access to car parks and loading bays is to be primarily via perimeter streets to the west and south of the centre.	Complies Vehicular access to the loading area is from the west of the centre and access to the carpark is from the west and south.
5. Loading bays are to be located behind buildings fronting Eighth Avenue.	Complies The loading bay is accessed from Warrawal

Schedule 1 Austral & Leppington North Precincts	
	Avenue and is behind the building frontage which fronts Eighth Avenue.
6. Loading areas that are adjacent to residential zoned land are to include visual and acoustic screening to protect the amenity of residents.	Considered Acceptable The loading area is opposite residential zoned land but is separated by the roadways and the electricity easement. Further, the loading bays are covered by roller doors as well as acoustic screening which is also visually treated with the provision of wall art and landscaping in this area.
7. Loading areas are to be located to not be visible from parks and sporting fields.	Complies The loading area would not be visible from the nearby future park.
Part 4 – Site Specific Development Controls	
4.2 Development near or on electricity easements	Comment
1. Within land zoned R2 Low Density Residential or R3 Medium Density Residential, public roads are to be located adjacent to electricity easements.	N/A The proposal is not on land zoned R2 or R3.
2. The road verge may encroach into the easement, however, the carriageway should be located outside the easement except where roads cross the easement.	Complies The proposed development does not involve any works within the easement and the proposal follows the alignment of Warrawal Avenue consistent with what has already been built to the north and south of the site.
3. The layout of residential development adjacent to electricity easements is to be consistent with Figure 4-2 and Figure 4-3 , as applicable to the proposed development.	N/A The proposal is not for residential development.
4. Council may consider accepting dedication of land within easements where the subdivision is in accordance with the Indicative Layout Plan.	N/A Dedication of land under the easement would not be required for the subject proposal.
5. Controls relating to development in the E4 zone	N/A The site is not within the E4 zone.
6. All proposed activities within electricity easements require approval from the relevant electricity infrastructure agency (TransGrid or Endeavour Energy). Applicants should consult with these agencies and obtain the relevant approvals prior to submitting a development application to Council. Evidence of approval is to be submitted with the development application.	N/A No activities are proposed within the easement as part of the proposal.
7. Any proposed ground level changes and or road crossing within the easement may require the transmission line to be reconstructed or modified to provide the required clearance. All costs associated with any reconstruction or modifications are the responsibility of the applicant.	N/A No works are proposed within the easement as part of the proposal.
8. Where land is zoned for industrial purposes and is affected by an easement, the design of the proposed development should seek to maximise use of the easement land for purposes such as parking or storage, where those uses are consistent the requirements of Endeavour Energy.	N/A The land is not zoned for industrial purposes.

Based on the above control tables, the proposal is considered to be generally in compliance with the key controls outlined in the Liverpool Growth Centre Precincts Development Control Plan 2021 and the application is supportable.

6.4 Section 4.15(1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement

No planning agreement relates to the site or to the proposed development.

6.5 Section 4.15(1)(a)(iv) – The Regulations

The Environmental Planning and Assessment Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia and Australian Standards. Accordingly, appropriate conditions of consent will be imposed for the demolition of existing structures and construction of the proposal.

6.6 Section 4.15(1)(a (v) – Repealed

6.7 Section 4.15(1)(b) – The Likely Impacts of the Development

(a) Built and Natural Environment

Built Environment

The proposed development is considered to be of an appropriate scale and unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole, in particular as it will facilitate commercial and retail development consistent with the desired future built character of the locality and will provide benefits to the public. Where matters may impact on the amenity or functionality of the centre or surrounding uses, conditions of consent can be applied to ensure these are mitigated.

Natural Environment

Impacts on the natural environment have been assessed as part of the development application and the required Precinct Planning outcomes. As a result, it is unlikely the development in isolation will cause a detrimental impact to any endangered and non-endangered species of flora and fauna and stormwater and erosion will be adequately managed. The proposal also incorporates landscaping which will benefit the natural environment and incorporates sustainability measures which are to be conditioned as part of the proposal.

(b) Economic and Social Impacts

Economic Impacts

The proposed subdivision would result in a positive economic impact in the locality through the capital investment value of the development, creation of jobs and the ability to inject money in the local economy.

Social Impacts

The proposal is unlikely to generate any identifiable detrimental social impacts and the benefits to the public which arise from the centre will be a positive social contribution and would allow for interactions and a sense of community to be created.

6.8 Section 4.15(1)(c) – The Suitability of the Site for the Development

The proposed development is in keeping with the zones, associated objectives and controls.

The development is considered to be compatible with the anticipated future character within the Austral and Leppington North precinct. Accordingly, the site is considered suitable for the proposed development.

6.9 Section 4.15(1)(d) – Any submissions made in relation to the Development

(a) Internal Referrals

The following comments have been received from Council's Internal Departments:

Department	Comment
Traffic Engineer	Conditions of consent provided.
Land Development Engineering	Conditions of consent provided.
Strategic Planning	Comments provided
City Design and Public Domain and Design Excellence Panel	Design Excellence Panel held in October 2023, with comments provided which were looked at by Council's in house Urban Design Section. Comments provided on the amended design with conditions to be made. Conditions to also apply regarding public art.
Environmental Health	Supported, subject to conditions
Flooding	No issues raised subject to conditions.
Heritage	No objection, subject to conditions.
Landscape	No objection, subject to standard conditions.
Community	No objection, subject to conditions for the management of the centre.
Property Services	Comments provided regarding adjoining site for acquisition and the pedestrian through site link, including easement to ensure public access and connectivity within the centre.
City Economy	Application supported.
Building	Conditions of consent provided.
Fire Safety	No objection.

(b) External Referrals

The following comments have been received from External agencies:

External referrals	Comments
Transport for NSW	No objections
RFS	Bushfire advice provided
Endeavour Energy	EE has made a submission in regard to electricity easements and they are not entirely supportive of the proposal. See comments earlier in the report regarding the easement. Conditions to be applied.
Sydney Water	Advice provided
NSW Police	Comments provided

(c) Community Consultation

The development application was notified between 14 August and 28 August 2023 in accordance with the Liverpool City Council Community Engagement Strategy 2022. One submission has been received in support of the proposal.

6.10 Section 4.15(1)(e) – The Public Interest

The proposed development is consistent with the zoning of the land and would represent a high-quality development for the precinct. In addition to the social and economic benefit of the proposed development, it is considered to be in the public interest.

7 DEVELOPMENT CONTRIBUTIONS

Section 7.11 Contributions will be imposed in accordance with the Liverpool City Council Section 7.11 – Austral and Leppington North Contributions Plan 2021. A Special Infrastructure Contribution condition is also required as the SIC Levy applies to the site. As the SIC is in place in this location, a Housing and Productivity Contribution is not required for the proposed development. The Section 7.11 contribution calculations have been confirmed as correct by Council's Contributions Accountant.

8 CONCLUSION

Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is considered satisfactory with the following matters noted:

- The proposed development complies with the relevant provisions of the SEPP (Precincts—Western Parkland City) 2021 and Liverpool Growth Centre Precincts DCP 2021.
- Conditions of consent will be imposed to minimise any potential negative environmental impacts resulting from the development.
- The proposed development is appropriate for the site and approval is in the public interest.
- Developer contributions have been applied to the development in accordance with the Liverpool City Council Section 7.11 – Austral and Leppington North Contributions Plan 2021.
- A Special Infrastructure Contribution Condition has been imposed.

THAT pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, Development Application DA-381/2023 be approved subject to conditions of consent.

9 ATTACHMENTS

- 1) Recommended Conditions of Consent
- 2) Statement of Environmental Effects
- 3) Architectural Plans
- 4) Landscape Plans
- 5) Urban Design Analysis
- 6) Urban Design Review
- 7) Civil Engineering Plans
- 8) Survey Plans
- 9) Services Report
- 10) Civil Engineering Report
- 11) Applicant Response to RFI April 2024
- 12) Traffic Report
- 13) Traffic Response Report to RFI
- 14) Construction and Demolition Waste Management Plan
- 15) Operational Waste Management Plan
- 16) Arborist Report
- 17) Acoustic Report
- 18) Aboriginal Cultural Heritage Due Diligence Assessment
- 19) Social Impact Assessment
- 20) Odour Assessment
- 21) Bushfire Report
- 22) Amended Bushfire Information

- 23) Economic Impact Assessment
- 24) QS Report
- 25) Detailed Site Investigation Report
- 26) Remediation Action Plan
- 27) CPTED Report
- 28) ESD Report
- 29) Geotechnical Report
- 30) Access Report
- 31) BCA Report
- 32) Access Ramp Letter
- 33) Liverpool DEP Minutes 12 October 2023
- 34) SWCPP Kick Off Briefing Minutes 17 July 2023
- 35) SWCPP Briefing Minutes 20 November 2023