

Our Ref: M220565

2 April 2024

General Manager
Liverpool Council
Locked Bag 7064,
LIVERPOOL NSW 1871

Attention; Darren Laybutt (GAT & Associates)

Dear Darren,

**RESPONSE TO THE COUNCIL REQUEST FOR ADDITIONAL INFORMATION
260 Eighth Avenue, Austral (DA-381/2023)**

We act as town planning consultants to the applicants of the above property and prepared the original Statement of Environmental Effects. We have been instructed to respond to the issues raised by Council in their Request for Additional Information Letter (RFI) dated 7 November 2023. We thank Council for providing us with the opportunity to both collaborate and address the outstanding concerns. The majority of the issues are addressed in the revised Architectural Plans (Revision C) prepared by *Clarke Hopkins Clarke* and supporting consultant documentation, which includes the following:

- Urban Design Report prepared by *Clarke Hopkins Clarke*;
- Amended Landscape Plan prepared by *Ground Ink*;
- Amended Civil Documentation prepared by *Henry & Hymas Consulting Engineers*;
- Amended Traffic Report prepared by *CBRK*;
- Remediation Action Plan prepared by *Geo-Logix*; and
- Retail Analysis prepared by *Location IQ*.

The proposal has been amended following collaboration and discussion with Council. Two online meetings have been held between the Applicant's Project Team and Council on 7 December 2023 and 5 February 2024 to discuss the various issues and proposed resolutions. During the meeting held on 5 February 2024, an in-principle agreement was reached with Council regarding the potential layout and design of the development, particularly as it relates to the location and design of the through-site link and public piazza (**Figure 1**). There has also been email and phone correspondence between the Applicant and Council to discuss the issues and potential changes to the development. Of particular relevance is the email received from Council, dated 14 February 2024, which included an additional sketch plan (**Figure 2**) deviating from the general arrangement as agreed on the 5 February 2024.



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Figure 1 Sketch plan from meeting dated 5 February 2024

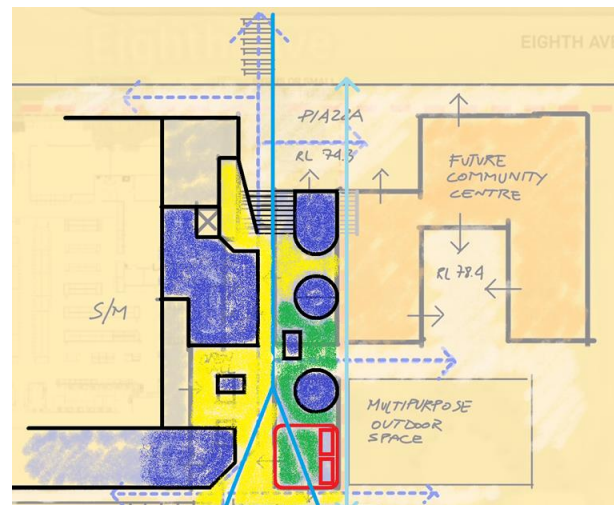


Figure 2 Council sketch plan from email dated 14 February 2024

As demonstrated in the submitted architectural plans, the proposal has sought to provide a balance between the sketch plans emanating from both the online meeting and Council email. Whilst the development does not strictly apply the design elements of the Council email, the design intent of this sketch has been incorporated where practicable. Of most relevance, the amended proposal provides the following:

- Generous public piazza of 19.35m in width and 11.95m in depth;
- Consistent, 7m to 19m wide through-site link with clear and legible sight lines from Eighth Avenue towards Auger Street;
- Tapered façade to the speciality tenancy fronting the public piazza to encourage pedestrian circulation via the staircase;
- Modified staircase with width of 7.25m to the public piazza which tapers to 4.5m as connected to the through-site link;
- New 8.7m break (with public seating) between the speciality tenancies located along the eastern (side) boundary as shared with the neighbouring property to enhance connectivity and improve flexibility in future design;
- Curved tenancy edges to promote fluidity of circulation via the through-site link;
- Activation through-out and to multiple sides of the through-site link;
- Increased points of connection to neighbouring property at multiple levels, including the public piazza, central break and rear southern façade, improving the flexibility for redevelopment for the neighbouring property in response to the steeply sloping topography; and
- Amendment to layout of first floor tenancy to improve overall architectural design;
- Additional public seating provided within public piazza and through-site link;
- Increased provision of canopy trees within at-grade carpark to mitigate heat island effect; and
- Provision of Indigenous art at the corner of Eighth Avenue and Warrawal Avenue.

The abovementioned changes have balanced the suggestions made by Council whilst maintaining the delivery of a feasible development. This is achieved through the provision of a generously sized public piazza and transparent through-site link with appropriate connectivity to the neighbouring property. The design allows for ultimately flexibility for future development to the east, with three connection points between the centre and neighbouring property. It is prudent to note that a number of elements contained within the sketch plan issued in Council's email cannot be delivered due to adverse feasibility impacts, as follows:

- The circular tenancies create significant limitations to functionality, ability to lease and constructability. To satisfy the intent of Council, the amended proposal provides a considerable break between speciality tenancies with curved facades to encourage pedestrian circulation.
- The provision of multiple, smaller separated tenancies results in a significant increase in construction cost and inefficiency in design. The provision of two larger tenancies along the eastern boundary, which can be subdivided, will provide for a high level of articulation and activation as desired.
- The delivery of a food truck parking space is not appropriate for the typology of development or relationship to built form. To manage this space upon operation of the centre is not feasible, and can result in adverse safety, health and cleanliness impacts.

Overall, the amended proposal represents a significant improvement over that originally proposed. The development achieves a balance between creating a high-quality centre in the short to medium term, whilst ensuring the neighbouring property will not be prejudiced and will be capable of redevelopment in the long term.

The proposal successfully responds to the issues raised by Council as identified in **Table 1** below.

Table 1 Summary of Council Issues and Responses	
Council Comment	Response
Planning	
<u>Design Excellence Panel (DEP)</u>	
1. The applicant is to adopt the measures and rectify the issues raised by the DEP during the meeting held on 12 October 2023. A letter responding to each of the comments raised is also to be incorporated in the reply to this request for information which will assist in the assessment process of how the amendments address the comments.	The proposal has been amended following receipt of the DEP comments and collaboration with Council. Provided below is a response to each comment as raised by the DEP.
<u>4.1 Better Fit</u>	
<ul style="list-style-type: none"> • The Panel express their disappointment that the proposed development appears to be primarily self-interested, lacking consideration for the masterplan and therefore the neighbouring site, its local context, and a broader community. This is not supported by the Panel. • The proposed development is notably lacking an overarching vision and a city-making strategy that would align it with the context and future character of the site. It does not appear to take into consideration its relationship with the surrounding context, such as the public streets, the growing residential population, the emerging medium-density residential development, landscape or Country considerations, future open spaces, schools, and neighbouring community use. • The Panel highlights that Woolworths serving as a piece of social infrastructure, plays a crucial role in city-making, especially in responding to the context of being situated within a local town centre setting. 	<p>The proposal has been amended to respond to the desired future character of the locality, including the neighbouring allotment, surrounding land uses and streetscape network. This is achieved through the revised through-site link, public piazza and relationship of the built form to the public domain.</p> <p>As outlined earlier in this response, the proposal is designed to provide multiple connections to the surrounding locality from various connection points to the streetscape. Whilst it is noted that primary access is provided from Eighth Avenue, secondary access is provided also from Warrawal Avenue and Auger Street. This allows for an immediate and wider relationship to the context. Site plans and analysis are prepared by CHC.</p> <p>Per the above, the proposal is considered to respond to the local centre setting. It is prudent to note that a high level of activation cannot be provided to all frontages and the entirety of the site, as this would result in a development which would be out of context with the character of the locality and pedestrianised environment. That is, the proposal provides for activation and commercial floor</p>

Table 1 Summary of Council Issues and Responses

	<p>area which is commensurate to the local centre setting and in key areas of pedestrian movement.</p>
<p>•The Panel strongly recommends that the applicant conducts an in-depth exploration of the connection to country, by engaging with First Nations communities, walk-in-Country with an Elder and acknowledging the local indigenous narrative. Subsequently, the revised scheme should be adjusted to align with these insights and harmonize with the overall landscape design.</p>	<p>The Applicant proposes to engage an Indigenous artist and will undertake the necessary consultation with elders. The artwork is to be applied to the nominated façade, being part of the northern façade where it addresses Eighth Avenue. It is request that this is imposed as a condition of consent.</p> <p>It is also noted that the landscaped design has considered indigenous and native planning. The following is noted by <i>Ground Ink</i>:</p> <p><i>‘The landscape proposal contains plant species endemic to the area, which naturally grow within Cumberland Shale Plains Woodland. Key species selected from the Cumberland Shale Plains Woodland include: Eucalyptus crebra. Dianella species, Dichelachne micrantha, Lomandra species, Wahlenbergia communis, Dichondra repens, Scaevola species and Hardenbergia violacea. Other planting endemic to NSW has been selected to be used throughout the proposal; key species include Syzygium leuhmannii, Corymbia maculata, Cupaniopsis anacardioides, Grevillea species, Callistemon species, Imperata cylindrica, Poa species, Pennisetum species, Ficinia nodosa, Plectranthus species, and Myoporum parvifolium.’</i></p>
<p><u>4.2 Better Performance</u></p>	
<p>• The Panel does not support the applicant's assertion that at-grade parking is a preferred choice for customers. They have expressed concerns regarding the extensive at-grade car parking (the appears like a 1980's response, not a 2023 response), particularly because it does not appear to be responsive to the context of Liverpool, which experiences significant urban heat island effects.</p>	<p>The Applicant has considerable experience in the delivery of supermarket facilities and has a thorough understanding of their consumer needs. With this being said, whilst the amended proposal retains the provision of at-grade parking, a significant increase in mature canopy coverage is proposed, which equates to 34.9% of the at-grade parking area when excluding the travel aisles, as required by the DCP. This landscaped approach, which also includes arbour landscaped elements and shade sails, will assist with managing the urban heat island effect.</p>
<p>• The Panel further expresses the concern regarding the at-grade parking design. In accordance with the LGCP DCP, it is expected that 50% of the car park, excluding travel aisles, should be shaded by trees. However, the proposed development only incorporates 8 trees, leaving a substantial amount of hard surface within the car park. This not only fails to comply with the DCP but also contradicts the urban cooling principles promoted for this project. If the project persists with on-grade carparking, the design team should strive for more than 20 trees, with an environmental and climate vision to exceed DCP</p>	<p>The amended proposal provides for a canopy coverage of 34.9% to the at-grade parking area excluding travel aisles, and therefore falls short of the DCP. The development as amended will provide for 20 trees within the at-grade parking area and will align with the comments made by the Panel. These trees will also reach a mature height of 5m to 35m.</p> <p>Whilst falling short of the DCP requirement, the proposed canopy coverage is considered to be sufficient to provide shading. This is provided in accordance with the shade sails and vegetated arbour which will also provide for shading to the at-grade parking area. The combination of elements is considered to provide a suitable</p>

Table 1 Summary of Council Issues and Responses

<p><i>controls. The Panel strongly encourages the applicant to conduct a heat analysis for the car park</i></p>	<p>balance between natural and built shading elements, as to improve usability through-out the year whilst maximising accessibility afforded through an at-grade parking area. If including the proposed street trees in the calculation of canopy coverage, the proposal will achieve a total of 40.63% across the at-grade parking area.</p> <p>The provision of this vegetation, in addition to considerable street trees, arbour landscaped elements and shade sails, will ensure urban heat is appropriately managed.</p>
<p>• <i>The Panel seeks clarification from the applicant regarding the consideration of a basement car parking option, which could make more efficient use of the 6-meter level difference. The applicant confirmed that a basement car parking solution is not their preferred choice.</i></p>	<p>The Applicant seeks to deliver at-grade parking as this is considered most suitable for the arrangement and design of the site. The Applicant has extensive knowledge and experience in terms of consumer needs and preferences. To mitigate any perceived impact created by the at-grade parking area, the amended proposal will include mature vegetation which will equate to 34.9% canopy coverage for the area of parking excluding travel aisles. This is demonstrated in the Landscape Plans prepared by <i>Ground Ink</i>.</p>
<p>• <i>The proposed glazed canopy structure for the through site link at the rear is a concern, especially considering Liverpool's susceptibility to the heat island effect. It is likely it will exacerbate the issue. Notwithstanding this design should be re-evaluated to ensure it aligns with the masterplan design of a shared through-site link, which also considers urban cooling principles.</i></p>	<p>The proposed canopy structure above the at-grade parking area will include vertical vegetation to provide natural shading. The through-site link where it traverses the mall area will be open to the sky. Where roofing is proposed in this area, it will be finished with a typical awning which will provide shading and does not include glazing.</p> <p>To further mitigate any additional impacts, there will be planters incorporated throughout the development, and the paving used will be low heat emitting and environmentally sustainable to further aid in the reduction of the urban heat island effect.</p> <p>Building materials, such as brick and timber, also reduces heat gain throughout the built form. Refer to the ESD Report submitted with the original application.</p>
<p>• <i>The Panel expresses concerns about the practicality and effectiveness of the proposed plantings on the glazed canopy, as they may not adequately provide the desired shade.</i></p>	<p>The proposed structure that covers the through-site link within the carpark is not glazed, but a trellis structure, intended to provide shading upon plant maturity.</p>
<p>• <i>The Panel encourages the applicant to incorporate and document committed ESD principles in the next iteration, such as better utilize the large roof structure for collecting rainwater that can be advantageous for tree irrigation; and provide more details of the proposed PV systems (i.e.: size, storage, use, public benefit etc.).</i></p>	<p>The proposed development is targeting a minimum four star Greenstar rating as originally submitted. The following is noted:</p> <ul style="list-style-type: none">- Water sensitive urban design principles, including rainwater harvesting system which has been documented in the civil and landscaped documentation. Details of the rainwater re-use measure will be development and documented during detailed design stage.

Table 1 Summary of Council Issues and Responses

	<ul style="list-style-type: none">- Indicative location for the PV systems have been provided in the roof plans, with details of the system to be development during detailed design stage.- High efficiency electrical systems.- Large scale on-site renewable energy generation.- Energy efficient heating, ventilation and air conditioning including natural ventilation to open spaces.- Waste minimisation strategies. <p>Refer to ESD Report prepared by <i>Northrop</i>.</p>
<u>4.3 Better for Community</u>	
<p>• <i>The conversation around the proposed internalised through site link and its associated treatment along the eastern boundary was extensively discussed. The applicant explains that, given the uncertainty surrounding the future development of the adjacent site, their intention is to create a 'self-contained' development. This approach ensures that the development will be fully operational and activate the through site link independently, without relying on the adjacent development. However, this 'self-interested' approach is not supported by the Panel. The Panel does not accept there is uncertainty with the masterplan, only the viability of the site if the masterplan is not implemented and the public domain is ignored.</i></p>	<p>The amended proposal provides for a balanced approach between ensuring feasibility of the subject development, whilst not prejudicing the neighbouring property and overall master plan. As outlined, the proposal has been amended to provide multiple east-west connection points between the subject site and neighbouring property, with a relatively minor extent of blank façades. The connection points are also provided at multiple levels, including the public piazza, central break and along the southern façade, as to improve flexibility of redevelopment for the neighbouring property in response to the steep topography.</p> <p>Following the above, it is prudent to note that following the DEP, the Applicant and Council have engaged on multiple accounts to reach the proposed outcome. Three additional options were proposed and discussed with Council, including:</p> <ul style="list-style-type: none">- A proposal that follows the DCP's directions, bringing an 8m wide through-site link along the entire length of the east boundary.- A proposal that aligns the through-site link with the east boundary in the carpark and the piazza, with a third link to neighbouring site added at the top of stairs from piazza. Specialty retail tenancies were proposed along the remainder of east boundary.- A proposal that creates a link to the neighbouring site at the centre of the built form along the boundary. <p>Following discussions with Council, the amended scheme was developed. The most pivotal aspect in these discussions was the connectedness between the two sites in an east-west link from the proposed open mall to neighbouring property, as shown in the amended proposal.</p> <p>As a result, the current proposal achieves an overarching vision for the site where the open mall area serves as a network of awning-covered retail laneways, with a smaller shared squares</p>

Table 1 Summary of Council Issues and Responses

	<p>between the subject site and neighbouring property. This has allowed the neighbouring property flexibility in redevelopment.</p>
<p>• <i>Given the through site link is proposed to be fully located within the site, under single ownership, effectively privatising the public benefit and domain, likely leading to night-time closures. This contradicts the original intention of having an open and accessible pedestrian link in the DCP. The DCP envisions the through-site link as a direct connection from the T-intersection on Auger Street, running north to south, and spanning the two allotments with activation on both sides, including the community facility located on the eastern neighbour's property.</i></p>	<p>The amended through-site link is intended to remain open at all hours, therefore ensuring consistency with the DCP. Whilst the through-site link remains within the subject site, the proposal provides three east-west connection points, at key points between the proposed building and neighbouring property. Specifically, this is to the public piazza, centrally within the mall area and to the southern façade of the built form, where the development opposes the at-grade parking area. An additional (or fourth) east-west link is also provided at the southern boundary of the site.</p> <p>In terms of the location of the through-site link, as outlined above, this has resulted following in-depth collaboration with Council. The Urban Design Report prepared by <i>CHC</i> demonstrates the inherent issues with the location of the through-site link along the boundary shared with the neighbouring property per the DCP, including:</p> <ul style="list-style-type: none">- Creation of large thoroughfares which are out of scale with the centre and desired character;- Creation of a fire issue for first 3m of the community centre, where it will require additional setbacks or blank facades with protection measures;- Poor activation in the interim; and- Loss of parking. <p>For these reasons, amongst others, the proposed 7m-19m wide through-site link located entirely within the site is considered to be entirely acceptable.</p> <p>In terms of the pedestrian link within the carpark, this is 4m wide and will allow 5 pedestrians to comfortably pass each other simultaneously. To provide for an 8m link through the carpark will result in an inconsistency with the scale of the development and character of the locality. For reference, the City of Sydney DCP seeks to establish 4m wide laneways in a LGA which experiences a high volume of pedestrian movement. Furthermore, the slightly shifted location reduces pedestrian and vehicular conflict through avoiding a clash between the through-site link and T-intersection with Auger Street.</p>
<p>• <i>The Panel strongly recommends that the applicant collaborate closely with Council's Urban Design team to present a clear vision for the centre and the intended role of the proposed through-site link, that is alignment with the DCP.</i></p>	<p>As outlined in this response, the Applicant and Council have closely engaged and collaborated to result in the proposed scheme. Whilst the proposal does not include all suggestions made by Council, the intent of the collaboration is achieved.</p>
<p>• <i>Additionally, the proposed 0m (nil) setback to the common boundary to the east, resulted in a blank wall</i></p>	<p>The proposal has been modified to improve the interface between the subject site and property to the east. This has reduced the extent of blank façade with the neighbouring property to a</p>

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<i>condition to the future community use. This is not supported by the Panel.</i>	<p>maximum of 43.25m or 28.6% of the entire eastern boundary. In totality, this is minor and has been purposefully segmented to allow for flexibility.</p> <p>The provision of blank facades also allows for flexibility in redevelopment of the neighbouring property. That is, to provide active frontages or setbacks along the entirety of the eastern façade will essentially dictate the arrangement of built form on the neighbouring property. The provision of three clear connection points with part of the built form containing blank facades, is considered to provide an appropriate balance to allowing flexibility of redevelopment. Furthermore, it cannot be expected that each property will provide for circa 100m of activation along the eastern boundary. This is not feasible for the Eighth Avenue Neighbourhood Centre.</p>
<ul style="list-style-type: none"><i>The proposed smaller-sized Piazza, accompanied by just one tree planting and one bike rack, has created a compromised public space. The Panel does not support this approach.</i>	<p>The proposal exceeds the requirement to provide half of the total square width of 25m. Specifically, the public piazza is 19m in width and when shared with the neighbouring property, will exceed this requirement. The public piazza also includes revised landscaping per the amended Landscape Plan prepared by <i>Ground Ink</i>. This includes three canopy trees, seating, planter boxes, vertical planting and bicycle parking.</p> <p>The amended proposal also provides additional links between the subject site and neighbouring property, which create a secondary public seating and activation space.</p>
<ul style="list-style-type: none"><i>The re-design of the project should prioritise active frontages to the street and through-site-link. The design should strive for a stretch target of 70% active shop-front for all streets and through-site link locations.</i>	<p>In accordance with the DCP, only 50% of the active frontages are required to be glazed along Eighth Avenue and part-of Warrawal Avenue (which is a total length of circa 147m), based on the ILP diagram. In this regard, the proposal provides for a total active frontage equating to 59.98m (40.8%) along Eighth Avenue, and the public piazza, excluding the Woolworths team room and does not satisfy the 50% glazing requirement. As detailed throughout this table, the non-activated portions of the façade include public art, openings to alternate uses (such as the teams rooms), landscaping and the first floor commercial tenancy,s to create visual interest and avoid blank facades.</p> <p>Whilst not meeting this requirement, it is imperative to note that the DCP does not indicate that the north-south through-site link must be activated. As such, the active frontages provided to the through-site link equate to total length of 80.9m. This is further enhanced through the active frontages to the southern façade, where the development opposes the at-grade carpark, of 82.1m. In this regard, when including the active frontage to Eighth Avenue, the through-site link and southern façade, a total</p>

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	<p>combined active frontage of 211m is achieved and considerably exceeds the requirement of the DCP.</p> <p>As outlined previously, to provide active street frontages to the entirety of Eighth Avenue and part-of Warrawal Avenue is not feasible for the scale of the development, or character of the streetscapes. In this regard, the amended proposal provides a balanced approach to providing active frontages to Eighth Avenue, the through-site link and to the southern façade, where pedestrian circulation is greatest. Also of note is the steep topography of the site, which also limits the provision of active frontages. In this regard, any tenancies located within the north-western corner of the site will be below ground by approximately 2.3 m.</p>
<u>4.4 Better for People</u>	
<p>• <i>The Panel clarifies with the applicant regarding the main pedestrian access, as the current design emphasizes the entry from the car park at the rear with a prominent architectural structure and minimizing the entrance from the street level along Eighth Avenue. Ensure a minimum of equal access from the street as a priority.</i></p>	<p>The feature canopy at the rear is included as an element consistent with Woolworths style, in which their customers are familiar with, and is suited to shoppers arriving by vehicle. This element seeks to direct movement to the through-site link and will not compete with the frontage of Eighth Avenue.</p> <p>Following the above, the architectural design to Eighth Avenue features arched forms in dialogue with the public piazza. This creates a pedestrianised form which does not place any emphasis on one tenant and contributes to a more people focused public realm.</p> <p>The difference in language to the front and rear of the site establishes an appropriate relationship to the public domain and future development to the east.</p>
<p>• <i>Additionally, it is noted that the proposed loading dock dominates the frontage along Warrawal Avenue, and there is a shortage of loading bays, resulting in non-compliance with DCP. The Panel recommends the applicant reconfigure the loading bay to east-west orientation to minimise the extent of loading dock visible to the street and minimise impacts to pedestrian movement. This will significantly help with your active frontage targets.</i></p>	<p>The loading dock has been carefully designed in terms of location and arrangement. Relocation and rearrangement of the loading dock in an east-west orientation would result in negative impacts, such as:</p> <ul style="list-style-type: none"> • The rear of the supermarket will face Eighth Avenue or the carpark, resulting in a reduction of active frontages; • The east-west loading dock will result in significant impacts to the internal design of the development; • Heavy rigid vehicles would require a turning radius of 90° to enter and exit the site, which is undesirable; • The east-west orientation would greatly impact internal turning circles as required by the Australian Standards; and • The east-west loading dock will impact the safety of the general public due to the abovementioned vehicular constraints. <p>Furthermore, the land opposite the subject site to the west has an 18m wide easement for transmission lines. As such, the allotment</p>

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	<p>of land to the west will remain undeveloped and the provision of active retail and commercial tenancies along the Warrawal Avenue frontage is considered inferior. In this regard, the provision of the loading dock in the proposed arrangement and location is considered suitable where there will be significant separation to nearby residents, and no benefit from providing activation.</p> <p>To also limit this impact, appropriate design and landscaped screens are incorporated into the loading dock as to minimise impact.</p>
<ul style="list-style-type: none">• <i>Active frontage plays a crucial role in enhancing the quality of people's everyday life, providing better passive surveillance. However, the current design does not adequately incorporate active frontage elements along Warrawal Avenue, due to the configuration of the loading bay. It is recommended that the applicant consider reorienting Woolworths to face Eighth Avenue and Warrawal Avenue to improve street activation.</i>	<p>As outlined above, Warrawal Avenue opposes an 18m wide easement. This, in addition to the width roadway and setbacks of any future development to the west, establishes considerable separation distances which reduces the viability of active frontages along this streetscape.</p> <p>Furthermore, the DCP only envisages part of Warrawal Avenue to include active street frontages, with the remainder anticipated to provide access for loading and vehicles. Whilst it is acknowledged that the proposal does not satisfy this, the development provides for a high level of activation to Eighth Avenue, the through-site link and southern façade where the development opposes the carpark. This suitably offsets the reduction of active frontages along Warrawal Avenue and is an appropriate response to the conditions of the site and surrounding locality.</p>
<ul style="list-style-type: none">• <i>It is recommended that the applicant consider how the revised internal layout would increase the active street frontage and enhance the site connectivity to surrounding amenities, including future open spaces and schools.</i>	<p>As above, the alternative internal layout is considered to result in an inferior design outcome.</p>
4.5 Better Working	
<ul style="list-style-type: none">• <i>The Panel clarifies with the applicant regarding the potential uses for the proposed commercial spaces. The applicant expresses that there is a demand for a variety of uses, including medical centre, gym, co-working space, etc. These shops are intended to help activating the centre during the day. The Panel supports this idea, but encourages the applicant to conduct further test fits to make sure the shop type and size is appropriate, and explores the possibility of relocating these commercial uses along Warrawal Avenue facing the future park.</i>	<p>It is not uncommon that the fit out and use of tenancies will form part of a separate applications. The Applicant can confirm that there is a demand for a variety of uses.</p>
4.6 Better Value	
<ul style="list-style-type: none">• <i>It is recommended that the applicant explore ways to optimize the site's potential for future community activities and amenities.</i>	<p>The piazza and open mall have been designed to accommodate future seasonal events. This can range from markets, community stalls, live music and performances.</p>

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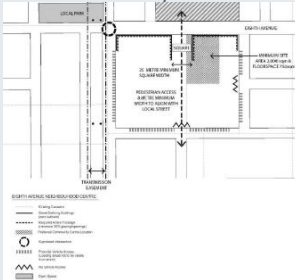
	<p>Additional open space has also been provided in front of the supermarket, which extends to the east-west connection point and can be integrated with the neighbouring property upon redevelopment.</p>
<ul style="list-style-type: none">• <i>A better design with more activated streetscapes and public domain provides better commercial outcomes, which in turn provides better value for the proponent.</i>	<p>As described, the activation has been focused around Eighth Avenue, the public piazza, through-site link and to the southern façade (where it addresses the at-grade carpark) and is a response to the site characteristics.</p> <p>The proposal does not provide for activation at the corner of Eighth and Warrawal Avenue, or along part-of the Warrawal Avenue frontage (as identified by the DCP). As described, to the west of the site is an 18m wide transmission easement which limits the opportunity for pedestrians and opposing developments to engage with the streetscape. Whilst it is appreciated that activated streetscapes provide for better commercial outcomes, it is a superior response to activate parts of the site where there will be interaction from surrounding properties, the public domain and general public. The limited pedestrian movement and circulation along Warrawal Avenue will result in unviable tenancies and will in-turn result in inactivated or vacant shop fronts, which is an inferior outcome.</p> <p>It is also noted that the topography of the site limits the provision of at-grade tenancies along Warrawal Avenue. That is, part of the tenancies would be located below natural ground which also limits their viability.</p>
<u>4.7 Better Look and Feel</u>	
<ul style="list-style-type: none">• <i>The Panel raises a question whether a rooftop garden has been considered for the commercial uses. The applicant confirms that a rooftop garden has not been considered for this iteration.</i>	<p>This is not considered appropriate for the proposed commercial development. The roof top will include appropriate services necessary for the building to function.</p>
<ul style="list-style-type: none">• <i>It is noted that proposed street trees along Warrawal Avenue and Eighth Avenue are generally of small size. The Panel highly recommends conducting a canopy analysis to inform and guide the tree planting design.</i>	<p>Tree species have been amended and include taller mature heights (15m-23m) and larger mature canopies (16m). Refer to amended Landscape Plan.</p>
<ul style="list-style-type: none">• <i>In addition, the proposed screening planting in front of the loading dock raises concerns because of its smaller size, that may undermine its effectiveness in serving the intended screening purpose.</i>	<p>The proposed planting is vigorous and dense, as well as robust and low maintenance. The screening has been designed to aid the growth of the vine, ultimately providing adequate screening.</p>
<ul style="list-style-type: none">• <i>The Panel encourages the client and design team to embrace the challenges of climate change, the Liverpool LGA and the site-specific response of Country with this design. It is a wonderful opportunity for a sector leading design response that embraces contemporary issues and</i>	<p>The amended proposal has incorporated numerous sustainability and landscaped measures to respond to the challenges of climate change.</p>

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<i>the community it seeks to serve for the useful life of this building.</i>	In terms of response to Country, the proposal will include a public artwork which is to be developed in accordance with Indigenous elders. This has been achieved at the recently opened Woolworths Leppington, which includes a 70m façade designed by the Dalmarri Group. The proposal will seek to similarly engage with Indigenous elders for the public art proposed on the Eighth Avenue façade.
5.0 Outcome	
<i>The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows: The proposal is not supported by the DEP and must return to the panel, with all feedback incorporated or addressed.</i>	The proposal has been significantly improved as detailed throughout this response and the supporting documentation.
Economic Analysis	
<p><i>The applicant is to submit an Economic Analysis/Study for the demand for commercial/retail uses in the locality, which takes into account:</i></p> <ul style="list-style-type: none"><i>• surrounding commercial/retail uses, including in other LGAs, in the current scenario and the future scenario for when land zoned for this purpose would be developed,</i><i>• considerations of the envisioned demand from residential zoned land at the time the SEPP and DCP was made, and</i><i>• considerations of the actual scenario which has included an uplift in residential density in the locality.</i>	<p>An Economic Impact Statement has been prepared by Location /Q and is submitted within this application. The Economic Impact Statement provides an in-depth analysis of the following:</p> <ul style="list-style-type: none">- Relationship of the proposed development to the surrounding locality;- Supply and demand of future commercial uses;- Impact to the existing retailers;- Impacts to retail hierarchy; and- Community benefits. <p>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>
Hours of Operation	
<i>The Statement of Environmental Effects (SEE) refers to all uses operating until 12pm. It is assumed this is intended to be 12am. The applicant is to clarify the intended hours of operation.</i>	All uses are to operate until 12am, including the anchor supermarket.
<i>The SEE states the loading dock will operate until the assumed intended 12am but is not assessed for operation after 10pm in the submitted acoustic report. The acoustic assessment is to be amended or confirmation is to be provided that the loading dock will only operate until 10pm.</i>	The proposed loading dock is to operate until 10pm and is consistent with the Acoustic Report.
<i>Council will not support hours of operation up until 12am on retail and/or commercial uses that are not specifically defined and acoustically assessed in view of the future residential surrounds. Should extended trading hours be sought for uses within the tenancies, these will be subject to future applications for uses and fit-out.</i>	All uses are to operate until 12am, per the Acoustic Report. As demonstrated in the Acoustic Report, the proposed centre trading until 12am will have no adverse aural impacts to the surrounding properties subject to recommendations. Importantly, the majority of acoustic impacts emanate from the loading dock and parking area, which has been deemed to have minimal adverse impact as set out in the Acoustic Report.

Pedestrian Walkway

Schedule 1 (section 3.1.4) of the Liverpool Growth Centre Precinct DCP requires a vertical pedestrian plaza/square.



The proposed plans for Woolworths are inconsistent with the above diagram. It is recommended that the specialty shops in the eastern portion of the site are removed to ensure that active frontages can be provided directly from the adjacent site at 310-320 Eighth Avenue.

The proposal provides for a through-site link ranging from 7m to 19m wide. Whilst not in the exact location of the ILP, the proposed through-site link satisfies the intent of the DCP which is to encourage pedestrian movement throughout the site. The iterative design process and collaboration with Council has been documented in this Response and supporting information.

Truck Movements

There are concerns about truck movements. Trucks will utilise Warrawal Avenue when entering and exiting the site, however Warrawal Avenue will predominantly be a half road and does not connect to Bringelly Road in the South yet. The uncompleted road will not accommodate two-way traffic movements and will lead to reliance on the existing residential street network.

It is proposed that trucks will exit the loading dock and head south along Warrawal Avenue, before heading east along Seventh Avenue and heading up north along Fourth Avenue to get onto Eighth Avenue, or down south along Fourth Avenue to get onto Bringelly Road. Such an arrangement will impact on the amenity of dwellings in the vicinity and lead to degradation of the local road network (e.g., potholes requiring extra maintenance). It is therefore strongly recommended that the full width of Warrawal Avenue and the associated roundabout at the Warrawal Avenue/Eighth Avenue intersection are provided to ensure that impacts on the local road network are minimised.

The proposed development and Applicant have no control over the widening of Warrawal Avenue. That is, the land is owned by a separate proprietor. The Applicant has attempted to make contact with the neighbouring proprietor, however has not eventuated to anything.

As such and until the time in which access can be provided for trucks in both directions via Warrawal Avenue, the supermarket will be serviced by smaller 14.4m heavy rigid vehicles, as opposed to the 19m heavy rigid vehicles. Importantly, the smaller trucks can be accommodated by the current road network.

Loading Bays

The submitted Traffic Impact Assessment recommends that an additional two loading bays (6 metres long by 3 metres wide) are provided in the northeast corner of the car park. These bays will cater for vans and couriers servicing the specialty shops and commercial area. The submitted plans do not show where the additional loading

The amended Architectural Plans provide two small loading bays in the car park which will cater for vans and couriers serving speciality tenancies and commercial areas.

These have also been considered in the Traffic Report.

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bays would be. Amended plans and documentation must demonstrate that parking provision is not impeded by any additional loading bays.

Public Transport

The subject site is identified as a local centre in the Austral Indicative Layout Plan (ILP). However, the submitted plans and documentation do not provide any insight into how the site will be serviced by public transport. Confirmation is required to ascertain the extent of any future bus services so that the proposal does not become a car-oriented development.

As noted in the Traffic Report, the site currently has limited access to existing public transport services. The DCP and associated Contribution Plan do not indicate any future bus routes in the area. The provision of additional bus services is a matter for Council and TfNSW to resolve.

It should be noted that the location of the centre, in relation to the surrounding uses, will encourage active transport such as walking and cycling.

Traffic Calming – School Site

The subject site is to the south of a future school site. The submitted plans and documentation do not explain access arrangements between the two sites. The submitted TIA needs to account for how pedestrian and traffic movements will be accommodated within the vicinity of the school site. Traffic calming measures will need to be considered.

The provision of traffic calming measures is to be considered within the Development Application for the future school. As such, no further consideration is required for the subject application.

Accessibility

The site sits between Auger Street and Eighth Avenue, with pedestrian access being provided between the two street frontages. Stairs and a lift are provided from Eighth Avenue. However, the lift appears to be within the building and there doesn't appear to be any other lift or ramp for those who are physically impaired. There are concerns that the lift would be inaccessible after hours and that a single lift is insufficient to cater for the centre.

Although the submitted accessibility report indicates that "further design details and/or information is required to confirm compliance at Construction Certificate stage", the scale and breadth of the site is likely to require an additional lift or ramp with 24/7 access to ensure that adequate access is provided for those who enter or traverse through the site.

Whilst the through-site link will be open at all times, the lift is to be closed after hours due to safety and operational concerns. It is considered that the surrounding roadways can be utilised for accessible movement and it is unlikely that the through-site link will be used after hours given the character of the locality and extent of pedestrian movements.

Should Council wish to manage the lift, this can be arranged as the Applicant raises concerns regarding the operation and safety of the 24-hour lift operation.

Public Domain

The proposal provides a 1.5m metre footpath around the site however, it is recommended that the proposal is provided with a 2.5m wide footpath as this is optimal for two-way movements.

The proposal provides a 2.5m wide footpath along Eighth Avenue and Warrawal Avenue. It is noted that the footpath narrows at the corner of Warrawal and Eighth Avenue to incorporate the streetscape raingarden.

Along Auger Street, the proposal is generally in accordance with the Council requirement, however does not strictly satisfy the 2.5m

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	<p>width. If required by Council this can be provided as a condition of consent, however it is noted that there will be a reduction in planting width and the proposed arrangement considered to be a superior outcome given the nature of Auger Street as a local road.</p>
<p><u>Retail Cap</u></p> <p><i>Schedule 1 (Section 3.1.1 - Hierarchy and function of local and neighbourhood centre) stipulates that the Eighth Avenue Neighbourhood Centre is to contain a mix of retail and local commercial land uses, with a maximum gross leasable floorspace of 10,000m². The proposed Wololworths and specialty shops will have a gross leasable floorspace of 7460m².</i></p> <p><i>The 10,000m² limit applies to the entirety of the Neighbourhood Centre, therefore the adjacent site at 310-320 Eighth Avenue would only be limited to a maximum gross leasable floorspace of 2540m². Consent from the owners of 310-320 Eighth Avenue is required to confirm their acceptance</i></p>	<p>The control is a maximum in which we comply. Furthermore and as outlined in the Economic Impact Statement prepared by <i>Location IQ</i>, the retail cap is arbitrary and outdated, given Council-endorsed population projections are far greater than when the 10,000m² retail cap was prescribed in the DCP. In this regard, the development should be led by market demand and community needs, rather than rigid planning controls, which are evidently outdated per the Economic Impact Statement. Despite this, appropriate justification includes:</p> <ul style="list-style-type: none"> - The subject site has an area 18,170m², whilst the neighbouring B1 zoned land to the east, a site area of approximately 12,100m². In total, the Eighth Avenue Neighbourhood Centre has an area of 30,270m². In this regard, the subject site's area equates to 60% of the overall B1 zoned land and therefore, a greater amount of commercial gross leasable floorspace can be accommodated on the site. - The proposal includes a full-line anchor supermarket, including liquor store and direct-to-boot service, which accounts for a total gross leasable floor area of 4,016m². This occupies a significant portion (40.1%) of the maximum commercial floor space permitted within the Eighth Avenue Neighbourhood Centre. The supermarket is necessary for the surrounding retail and commercial tenancies on the subject site (and future neighbouring property) to thrive. That is, anchor supermarkets play a vital role in supporting local centres and surrounding businesses, as they attract users to the area, encourage increased pedestrian traffic and maximise activation. - Whilst the supermarket accounts for 40.1% of the gross leasable area, the remainder of the specialty retail and commercial uses will only account for 33.4%. This ensures that whilst the proposal will technically exceed the gross leasable floorspace cap for the site, it will not result in an oversaturation of retail and commercial tenancies in the locality. - Furthermore, the provision of a supermarket is most suited for the subject site as opposed to the neighbouring property, due to the larger site area, generous dimensions and multiple frontages. The neighbouring property is also required to provide a community facility which is to be dedicated to Council and contain an active frontage to the public domain. This required community facility will also

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	<p>reduce the opportunity and capacity to provide commercial uses on the neighbouring site, which is reasonably offset by the proposed development.</p> <ul style="list-style-type: none">- The retail and commercial tenancies can include medical centres, gyms and the like, which do not constitute commercial floor area per the standard definition. This will reduce the overall provision of retail and commercial floor area per the retail cap. For example, the first-floor commercial tenancy has the capacity to be leased as a gym or medical centre, which would reduce the calculation of commercial leasable area by 1,858m².
Environmental Health	
<p><i>The Stage 2- Detailed Site Investigation prepared by Geo-Logix, referenced as 2301008Rpt01FinalV01_21Apr23, dated April 2023, has concluded that a remedial Action Plan is required for the remediation of the contaminants that were identified on the property. The Remedial Action Plan must be submitted upfront as part of the DA process.</i></p> <p><i>A Remedial Action Plan (RAP) shall be prepared by a suitably qualified and experienced Contaminated Land Consultant in accordance with applicable guidelines made or approved by the NSW EPA under the Contaminated Land Management Act 1997. In these circumstances, the Remedial Action Plan shall be referred to Liverpool City Council for review.</i></p>	<p>Refer to Remediation Action Plan prepared by Geo-Logix submitted within this application. It is demonstrated that the site can be made suitable for the proposed development.</p>
Transport for NSW	
<p><i>TfNSW has reviewed the submitted information and requests the following to enable a proper assessment:</i></p> <ul style="list-style-type: none">• <i>It is requested that the applicant submit SIDRA files, for review including the future case scenario. This information will be used to verify that the modelling has been undertaken in accordance with standard TfNSW practices and guidelines.</i>• <i>Turning paths for the largest vehicle at the intersection of Bringelly Road/Fourth Avenue (as a proposed access/departure route) are requested for further assessment.</i>• <i>With reference to section 3.19 of the Traffic Report, the applicant states Bringelly Road and New West Route will be used by 19m semi-trailers to access/depart from the development site once the fourth leg is available. This will need to be reviewed once the design of Bringelly Road/New West Route becomes available. Otherwise, the applicant will need to use suitable alternative routes for 19m semi-trailers or limited-sized vehicles.</i>	<p>The following documentation has been provided:</p> <p>SIDRA files have been provided.</p> <p>Swept paths have been provided.</p> <p>As above.</p>

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<ul style="list-style-type: none">Road name labels on figure 2 and figure 3 in the traffic report should be amended to utilise correct identifications (i.e. Rickard Road should be Dickson Road).	Noted.
Endeavour Energy	
Endeavour Energy has objected to the development application in its current form and recommends the matters be solved prior to development consent. The referral has been uploaded to the portal with this letter and form points to be addressed as part of this request for information.	<p>The application no longer seeks consent for the Works-in-Kind and as such, this is no longer an issue.</p> <p>It is noted that the substation will be resolved with Endeavour Energy and is requested to be imposed as a condition of consent.</p>
Other Matters	
The ESD Report submitted with the application states that rainwater harvesting could be designed and installed to offset the usage for washdown, toilet flushing and other facets of production. Further to the DEP's comments regarding ESD measures, the applicant is to confirm whether rainwater harvesting is sought for implementation and associated measures shall be reflected in the proposed plans, including the architectural, landscaping and stormwater plans.	Rainwater harvesting system has been documented in the amended civil and landscape documentation. Details of the rainwater re-use measure will be developed and documented during detailed construction and design stage.
Further to the DEP advice, Control 9 in Part 5.3.8 of the Growth Centres DCP requires "Outdoor parking areas are to be screened and landscaped to minimise their visual dominance within the centre." There is limited perimeter landscaping to screen the at-grade car park particularly where it will be most beneficial, being opposite the future residential. The application is to be amended to provide suitable landscaping to mitigate the visual dominance of any continued proposal for at-grade car parking.	<p>The amended proposal has increased perimeter landscaping where possible. The Landscape Plans demonstrate that the proposal will provide for a mixture of mature canopy vegetation within the at-grade parking area, and additional street tree vegetation, to screen the parking area from the public domain.</p> <p>As outlined, the proposal will provide 20 mature trees within the car parking area results in a canopy coverage of 34.9% for the parking area excluding travel aisles.</p>
The SEE refers to public artwork that is sought near the corner of Eighth Avenue and Warrawal Avenue. Further information is required on the indicative size and placement of this artwork to ensure a positive outcome and that it does not conflict with the signage proposed near this corner.	The amended Architectural Plans outlined the location of the proposed public art. As discussed, this can be imposed as a condition of consent.

Conclusion

We consider that the additional details and justifications submitted with this response addresses the concerns raised by Council. For the reasons discussed in the Statement of Environmental Effects prepared by Planning Ingenuity, the proposed modifications are considered to be satisfactory against the relevant planning controls and/or their objectives, will not have an adverse impact on the amenity of adjoining properties, is in the public interest and worthy of Council's support.

If you have any questions please do not hesitate to contact the undersigned on 9531 2555.



Yours faithfully,

Planning Ingenuity Pty Ltd

Jeff Mead

MANAGING DIRECTOR

