

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	11 September 2024
DATE OF PANEL DECISION	11 September 2024
DATE OF PANEL MEETING	26 August 2024
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Helen Lochhead, Ellie Robertson,
APOLOGIES	None
DECLARATIONS OF INTEREST	<ul style="list-style-type: none"> Karess Rhodes and Ned Mannoun declared a conflict of interest on this matter as Liverpool City Council owns part of the development site. Louise Camenzuli declared a conflict of interest as her firm represents Fabcot/Woolworths for an unrelated matter.

Papers circulated electronically on 22 August 2024.

MATTER DETERMINED

PPSSWC-342– Liverpool – DA-381/2023 at 330-350 Eighth Avenue and Little Street (Lot 664 DP 1260834), Austral

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.

PANEL CONSIDERATION AND DECISION

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

Design along Eighth Avenue

The panel acknowledged that Woolworths had made several changes during the assessment process to improve the design of the proposal. Nevertheless, the panel was still critical of the design along Eighth Avenue and particularly the treatment of the north-western corner of the proposal at the intersection of Eighth Avenue/Warrawal Avenue.

Following the final briefing, Woolworths submitted revised plans for the proposal to address the panel's outstanding concerns. The revised plans include extending the commercial development on the upper floor for the full length of Eighth Avenue to wrap around the north-western corner, and activating the corner with signage, a mural with Aboriginal art and landscaping.

The panel is satisfied with the revised plans and Council has amended the recommended conditions of approval to incorporate the revised plans.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in Council's assessment report and reflected in the amended plans for the proposal.

In particular, the panel concluded that:


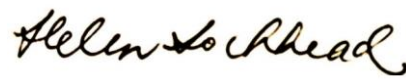


- the development is consistent with the masterplan for the neighbourhood centre, and has been designed to enable the commercial development on the adjoining site to be fully integrated with the development on site to form an attractive neighbourhood centre;
- the development is consistent with the provisions of the relevant environmental planning instruments, including the requirements in *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* and the relevant controls in the *Liverpool City Council Growth Centre Development Control Plan 2021*;
- all relevant public agencies support the proposal subject to conditions;
- the impacts of the development are acceptable and can be suitably controlled with the recommended conditions;
- with the remediation required under these conditions, the site will be suitable for the development;
- the proposal will provide high quality retail development for the rapidly growing Austral precinct, consistent with the strategic objectives for the area; and
- the development is in the public interest.

CONDITIONS

The development application was approved subject to Council's supplementary draft conditions.

CONSIDERATION OF COMMUNITY VIEWS

Council exhibited the development application from 14 August to 28 August 2023 and received one submission supporting the proposal.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Helen Lochhead
 David Kitto	 Ellie Robertson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-342– Liverpool – DA-381/2023
2	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.
3	STREET ADDRESS	330-350 Eighth Avenue, Austral (Lot 940 DP 1265677) Little Street, Austral (Lot 664 DP 1260834)
4	APPLICANT/OWNER	Applicant/Owner: Fabcot Pty Ltd Owner: Liverpool City Council (Lot 664 DP 1260834)
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Precincts- Western Parkland City) 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Liverpool Growth Centre Precincts DCP 2021 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 22 August 2024 Written submissions during public exhibition: 1 submission in support Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick-Off Briefing: 17 July 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Brian Kirk <u>Council assessment staff</u>: Nabil Alaeddine, Amanda Merchant <u>Applicant</u>: Nikita Mahapatra, Tony Pratt, Jeff Mead, Jonathan Joseph, Jordan Curran, Aram Lello, Jacob Le Lievre. Assessment Briefing: 20 November 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Helen Lochhead, Ellie Robertson, Daryl Hawker <u>Council assessment staff</u>: Nabil Alaeddine, Amanda Merchant <u>Applicant</u>: Nikita Mahapatra, Aram Lello, Jacob Le Lievre, Jordan Curran, Jeff Mead, Jonathan Joseph, Gabriel Sicari, Robert Loughman, Tony Pratt

		<ul style="list-style-type: none">• Final Briefing: 26 August 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Helen Lochhead, Ellie Robertson, Jeremy Thomas○ <u>Council assessment staff</u>: Nabil Alaeddine, Amanda Merchant○ <u>Applicant</u>: Jessica Thomas, Nikita Mahapatra, Jonathan Joseph and Aram Lello
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Supplementary draft conditions, uploaded to the Portal 29 August 2024