

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

SWCPP No	PPSSWC-429
DA Number	DA-311/2024
Local Government Area	Liverpool City Council
Proposed Development	Excavation and construction of a commercial development involving the provision of an anchor supermarket, commercial and retail tenancies, public piazza and through-site links, with at-grade and basement parking, associated landscaping and public domain works.
Street Address	Lot 121 DP 1220414 495 Fourth Avenue, Austral
Owner	Perpetual Corporate Trust Ltd
Date of DA Lodgement	16 July 2024
Applicant	Fabcot Pty Ltd
Number of Submissions	One
Cost of Works (CIV)	\$56,869,528
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"> List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i) <ul style="list-style-type: none"> State Environmental Planning Policy (Precincts – Western Parkland City) 2021; 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 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) <ul style="list-style-type: none"> N/A List any relevant development control plan: Section 4.15(1)(a)(iii) <ul style="list-style-type: none"> Liverpool Growth Centres Precincts Development Control Plan 2021 & associated Schedules List any relevant planning agreement that has been entered into under section 7.4, or any draft planning

	<p><i>agreement that a developer has offered to enter into under section 7.4: Section 4.15(1)(a)(iia)</i></p> <ul style="list-style-type: none"> <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	<ul style="list-style-type: none"> Refer to Attachments in Section 9 of this report.
Recommendation	Approval subject to conditions
Report by	Robert Micallef
SWCPP Meeting Date	14 April 2025

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

Excavation and construction of a commercial development involving the provision of an anchor supermarket, commercial and retail tenancies, public piazza and through-site links, with at-grade and basement parking, associated landscaping and public domain works.

1.3 The site

The subject site is identified as 495 Fourth Avenue, Austral, and legally described as Lot 121 DP 1220414. An aerial photograph of the subject site is provided below (Figure 1).

1.4 The issues

It is noted that there may be an issue with bushfire APZ areas in which the proposed development would require an area of land on the adjoining site to the east to be maintained. This would require owners consent as part of this development from the adjoining neighbour to ensure that the bushfire protection measures can be sustained in the proposal. The applicant have advised they are in constant negotiations with the adjoining owner regarding this land required to be maintained. This is a potential sticking point for the development as they would require some form of agreement with the adjoining site in order to fulfil their bushfire protection measures. Advice is sought from the Panel as to moving forward with this application if this is the only remaining issue. The requirement for owners consent/ an agreement to be obtained is not something that could be conditioned and would be needed upfront. Unless there is any other measure the Panel can think of, this may delay the determination of the application.

It is considered that the other key issues with the development application revolved around the activation of the public domain and the through site link, the connection of the site with the future park to the south and the response of the proposal being consistent with the envisioned masterplan for the Gurner 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 in accordance with the Liverpool City Council Community Engagement Strategy and Community Participation Plan 2022 between 23 July and 8 August 2024. One submission has been received for the subject proposal, which raised concerns in relation to:

- Shared pedestrian through site link equality
- Fair distribution of leasable floor space
- Traffic and parking concerns including access to Gurner Avenue
- No consent given for easements over property

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 and locality

The site is known as 495 Fourth Avenue, Austral and is legally defined as Lot 121 DP 1220414. The site is rectangular and on a corner lot with a 91.545m frontage width to Gurner Avenue along the north and a western boundary of 109.715m to Fourth Avenue. The overall site area is 1.192ha.

The site slopes approximately 6m down towards Gurner Avenue along the eastern side and approximately 8m down towards Gurner Avenue along the western side. The site is currently vacant grassed field with no vegetation on site and a tree in the street verge adjacent to the north-eastern corner. The site along with the eastern neighbouring lot (90 Gurner Avenue) forms the entirety of the intended Gurner Avenue Neighbourhood Centre.

The immediately adjoining land to the east contains a rural residential dwelling and associated outbuildings. Land to the north is occupied by Al Faisal College, which is a major school in the area, undergoing significant expected future growth. Land to the west has an approved DA for medium density housing and subdivision. Land to the south currently has existing dwelling houses and associated outbuildings. Part of the block to the south is zoned for RE1 Public Recreation purposes, directly adjacent to the southern boundary of the subject site.

The site is in a local catchment of a tributary of Kemps Creek which itself is a tributary of the Hawkesbury River. The site is therefore within the Nepean-Hawkesbury catchment. Fourth Avenue is a major north-south collector road through the locality and the site is located 580m north of Fifteenth Avenue, the major east-west arterial road through the Austral Precinct, connecting Liverpool to the Aerotropolis.

Figure 1 demonstrates an aerial view of the site and Figure 2 demonstrates the locality and surrounds.

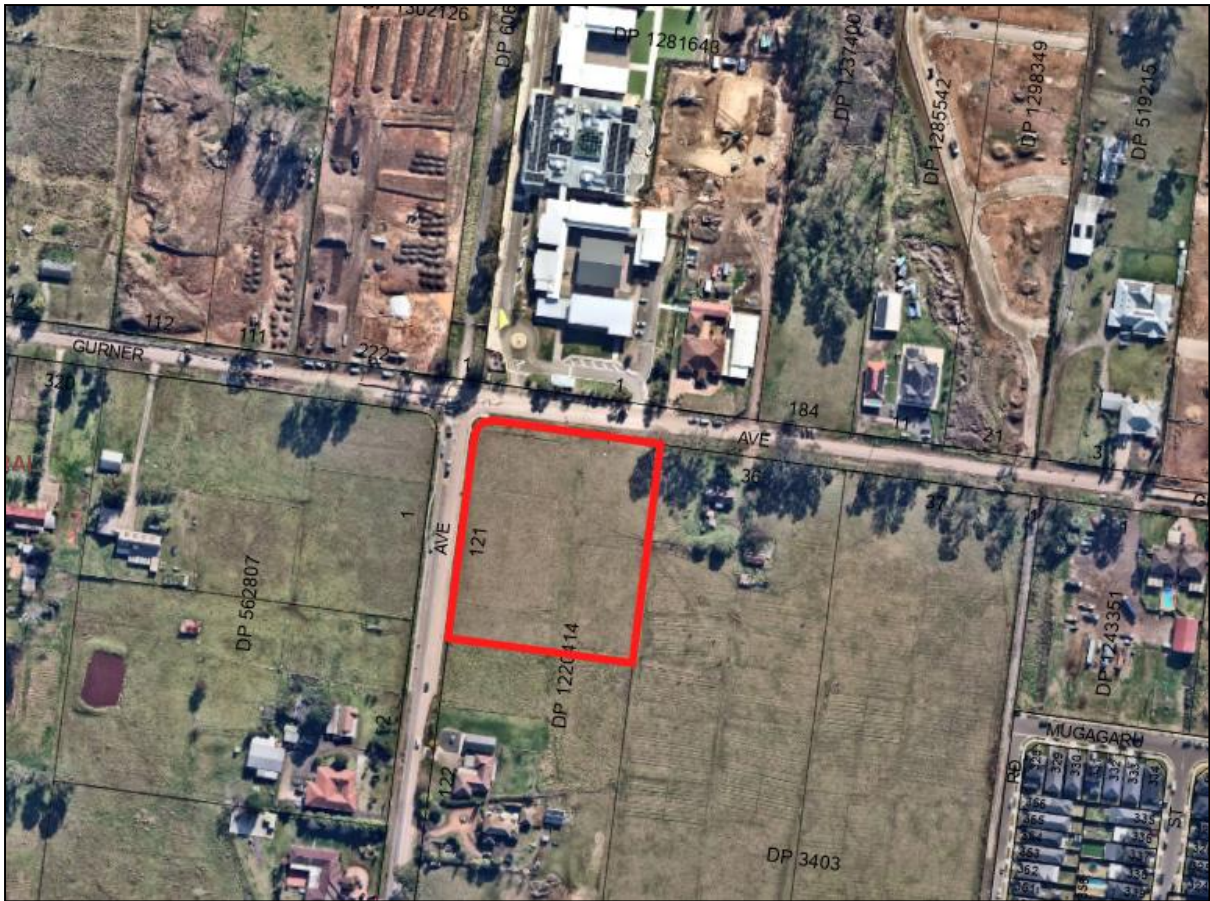


Figure 1: Aerial view of subject site

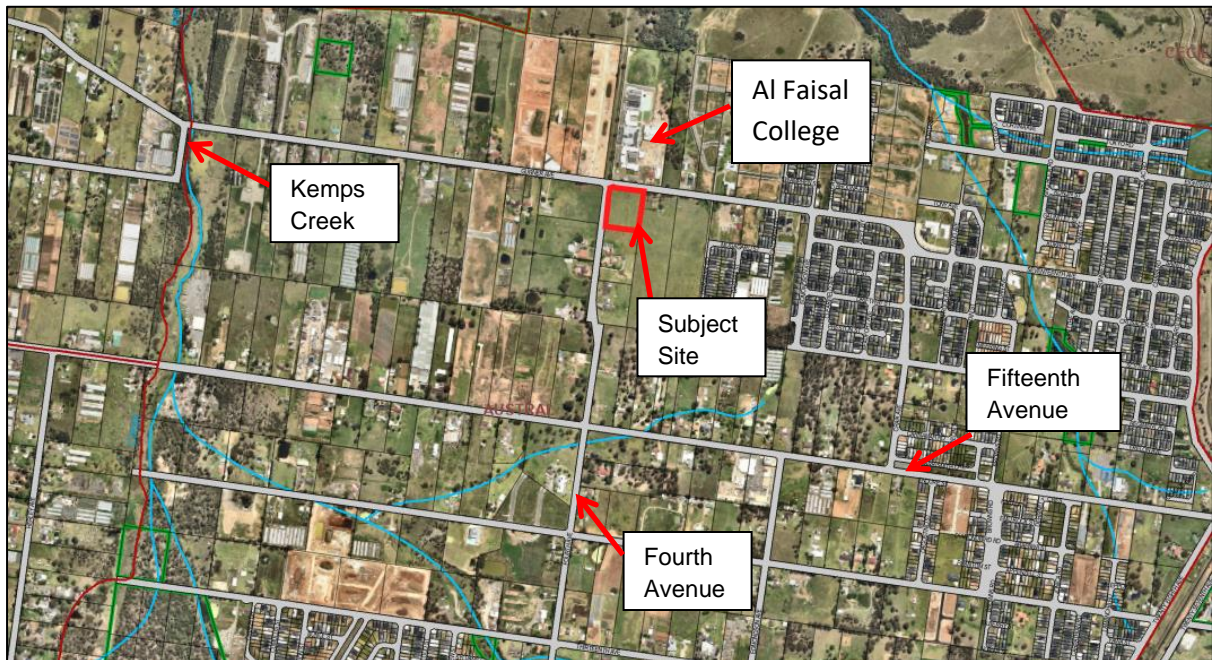


Figure 2: Site location and surrounding land use

2.2 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 • Future Community Facility on eastern site • School across road to north • Overland Flows
Are there any restrictions on title?	Yes Terms of Restriction on the Use of Land No further development of the lots burdened is to take place unless it is approved by a development consent. Such approval is likely to require, but not be restricted to, construction of road and drainage works, the provision of lot fill, and payment of section 94 contributions and Special Infrastructure Contributions. The proposal is not contrary to the restriction and these elements are being provided as part of the development and will be part of any development consent (i.e. payment of contributions).

3 BACKGROUND

3.1 SWCPP Briefing

A briefing was held with the SWCPP for the subject application on 21 October 2024. A summary of the comments from the briefing session is found in the tables below.

21 October 2024 Briefing Minutes

Comment from Panel	Response
Activation of street frontages and corner expression activation	
<p><i>The Applicant presented a preliminary concept for an activated corner of Fourth Avenue and Gurner Avenue including windows, use of varied material's public art and planting.</i></p> <p><i>The Panel was encouraging of that solution but noted that with the availability of deep soil in that location might encourage the tree not being up against the building but instead planted centrally to offer shade to the seating shown in the sketch.</i></p>	<p>The proposed corner treatment is amended and provides for varying elements of activation from the built form with windows to active use rooms with the Woolworths staff room, to a landscaped seating area. It is noted that the seat in this area blends in with the corner and the tree has been located to enable shading of the seating area.</p>
Connection with the public park to south	
<p><i>The Applicant's presentation referred to a proposal to locate along the new road adjacent to the park an island of deep soil planting in which a future coffee cart might be located.</i></p>	<p>Additional thought has been put into the interface along the southern boundary and the proposed development provides for a narrow landscape strip. With amendments to the carpark through conditions of consent, this strip will be able to be widened, also meeting the Australian Standards for the</p>

<p><i>There is a 3 metre difference in levels from the road edge and the location of that coffee-cart area and the adjacent parking. The future park would be across the road. Accordingly, the Panel was pessimistic of the viability of the cart.</i></p> <p><i>The Panel questioned why a minor reconfiguration of the centre could not allow for more deep soil planting in that location rather than just a ribbon of border planting, or even (possibly by building over the parking below) a site for a more active use.</i></p>	<p>parking and as such, create a better transition between the at-grade parking and the street level where the park is while giving trees a better opportunity for growth in a wider landscape strip.</p>
<p>North-south site link and relationship the neighbourhood centre to east</p>	
<p><i>The Applicant indicated that it would adopt a 4-metre wide north-south through site link as planned in the DCP in place of the 1-metre-wide link presently shown in the plans. That will allow for a better relationship with the adjoining site planned for a neighbourhood centre, and connection to the public square on Gurner Avenue.</i></p> <p><i>The Applicant discussed how the present design anticipated basement parking to a similar grade on the adjoining site. The Panel suggested that the proposed tenancies adjacent to the link be designed to be adaptable to orient at least partly towards the through site link when the adjoining site is developed.</i></p>	<p>The application has been amended to provide for a 4m wide pedestrian through site link for the development along the eastern boundary, which will be able to be replicated by the eastern neighbour through their development. The retail developments along the link are better activated with windows as well as opportunities for outdoor seating/dining which can be subject to future development consent for those uses. This will allow for a more cohesive interface to a future development to the east and assist in creating a development that responds to the future scenario which is envisioned for the neighbourhood centre.</p>
<p>East West site link to connect School</p>	
<p><i>The Applicant said a through link would be included to connect the School to the east, once the adjacent site to the east is developed.</i></p>	<p>Noted. With the provision of a future 8m wide north-south link, an east west link that links the school to the east to the neighbourhood centre can be an element which is made when the eastern site develops. The subject development as proposed would not prejudice a future connection.</p>
<p>Carpark tree planting</p>	
<p><i>Carpark tree planting should be incorporated into the design to address heat island effects and the appearance of the development from the South.</i></p>	<p>Improvements have been made to the carpark tree planting from the original iteration of plans, however, further conditions will be applied to enable additional landscaping and tree canopy cover within the carpark area.</p>
<p>TfNSW Comments</p>	
<p><i>TfNSW had suggested that a left in and left out arrangement would be needed on Fourth Avenue because of the driveway arrangements for Al-Faisal College and its drop off zone.</i></p>	<p>The driveway from Gurner Avenue will be conditioned to be left-in left-out as per the TfNSW comments and a traffic facility (i.e. a median) is to be constructed to enforce right-turn bans.</p>

Vehicular entries	
<i>The Panel noted the prominence of 3 vehicular entry points. The Applicant said it had better sleaved its loading dock to address that concern.</i>	The three access points are still part of the application however have been treated better in terms of pedestrian paths and local area traffic details.
Equitable access	
<i>The need for equitable access was discussed, noting the stairs shown on the north south link and the Gurner Avenue entrance.</i>	Access to the through site link and around the centre would be through a lift up from the lobby, which will be conditioned to be open at all hours. Accessible access can also be achieved through the travellers. Also in rare circumstances, a longer route through the local street network through Gurner Avenue and Fourth Avenue can be made.

3.2 Site and DA History

- Previous DA on site (DA-829/2022) for excavation and construction of a mixed use development involving the provision of commercial premises, a supermarket and residential apartments above three levels of basement parking with associated landscaping. This DA was appealed but subsequently withdrawn on 2 August 2023.
- The subject development application was lodged on 16 July 2024.
- The application was notified between 23 July and 8 August 2024. One submission has been received for the subject proposal.
- Design Excellence Panel Meeting held on 12 September 2024.
- Additional information request issued on 1 October 2024.
- A briefing with the SWCPP was held on 21 October 2024.
- The applicant responded to the request for information on 12 November 2024.

4 DETAILS OF THE PROPOSAL

The Applicant seeks consent for excavation and construction of a commercial development involving the provision of an anchor supermarket, commercial and retail tenancies, public piazza and through-site links, with at-grade and basement parking, associated landscaping and public domain works.

Specifically, the proposal seeks:

- The operation of a Woolworths and BWS, including associated business identification signage.
- Commercial premises, retail premises and kiosks, subject to future fit-out DAs.
- Hours of operation for all tenancies/uses are sought as 6am to 12am (likely erroneously stated as 12pm in the Statement of Environmental Effects) on all 7 days. (Although to be amended through conditions of consent).
- The loading dock is proposed to operate 6am to 10pm, 7 days (Although to be amended through conditions of consent).

- An at-grade and basement car park of 341 parking spaces accessed from the western and northern street frontages, including four (4) EV spaces and six (6) direct to boot spaces.
- Loading area accessed off the western side to Fourth Avenue.

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 side and parking in a basement/ semi-basement.
- The built form is over three levels.
- The lower ground level includes the public piazza, three retail spaces, a commercial space, Woolworths direct to boot area, 253 parking spaces in a basement/ semi-basement and a Woolworths staff room.
- The upper ground level is the main level with the through site link, Woolworths, BWS, six retail spaces, two kiosks, waste and loading areas, centre amenities and 88 at grade parking spaces.
- The top floor includes a large commercial space and on roof plant areas.
- The loading dock and shared waste room are located on the western frontage, accessed from Fourth Avenue.
- The proposal involves a through-site link indicated in the desired future layout for the Gurner Avenue Neighbourhood Centre and the public piazza in the northeastern corner of the site. The link connects from Gurner Avenue and through the car park to the future park in the south.
- The proposal would require the half-road upgrades fronting the site to Fourth Avenue and Gurner Avenue.

The general building arrangement across the site is provided in the figures below:

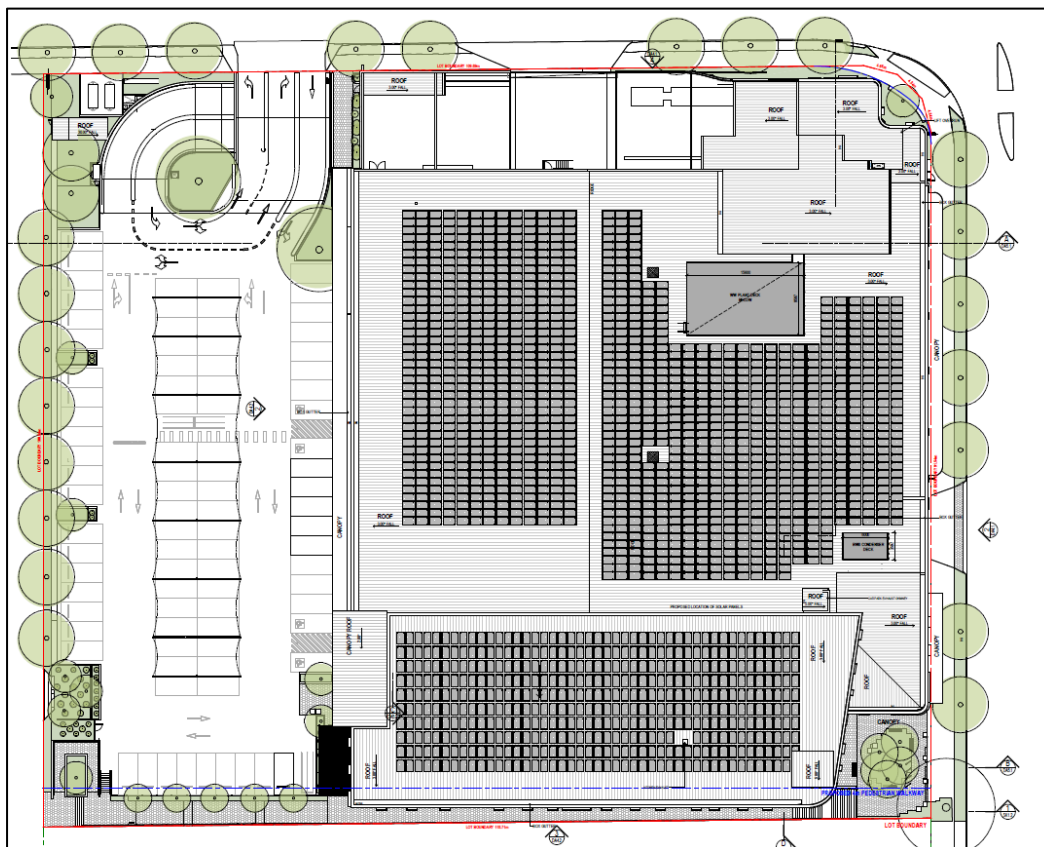
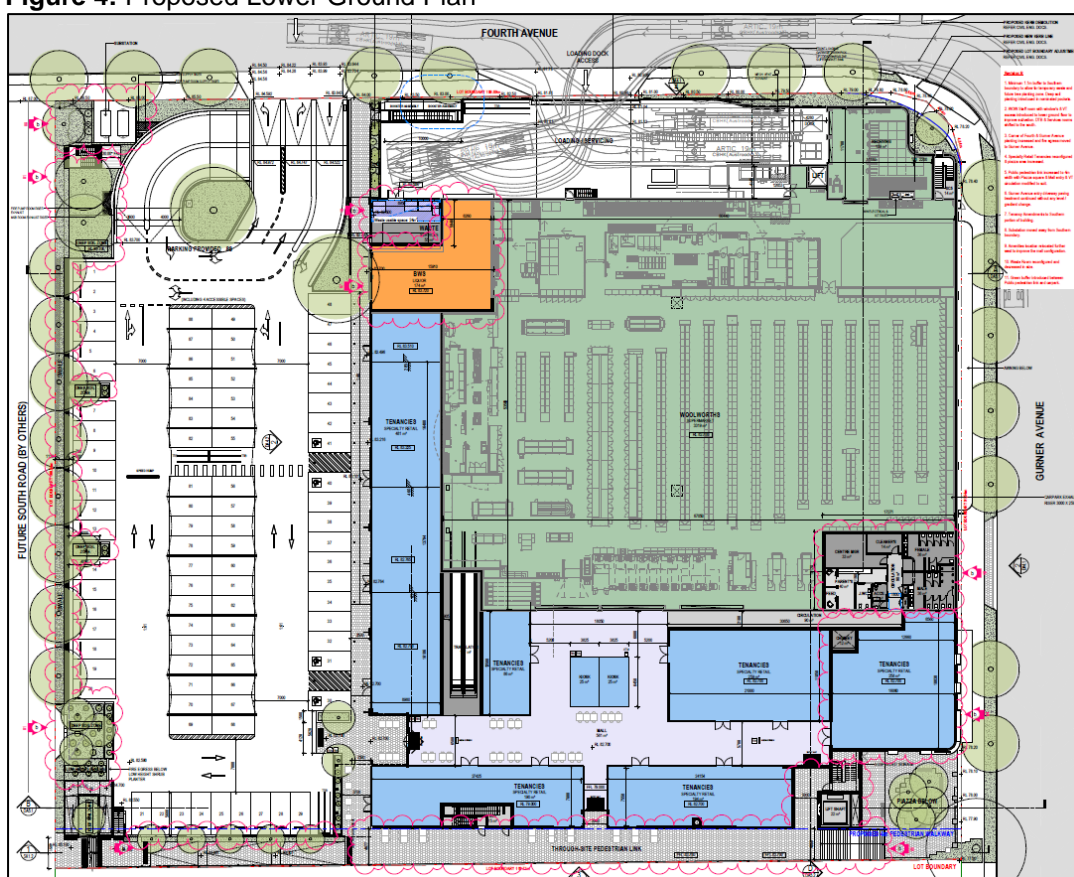
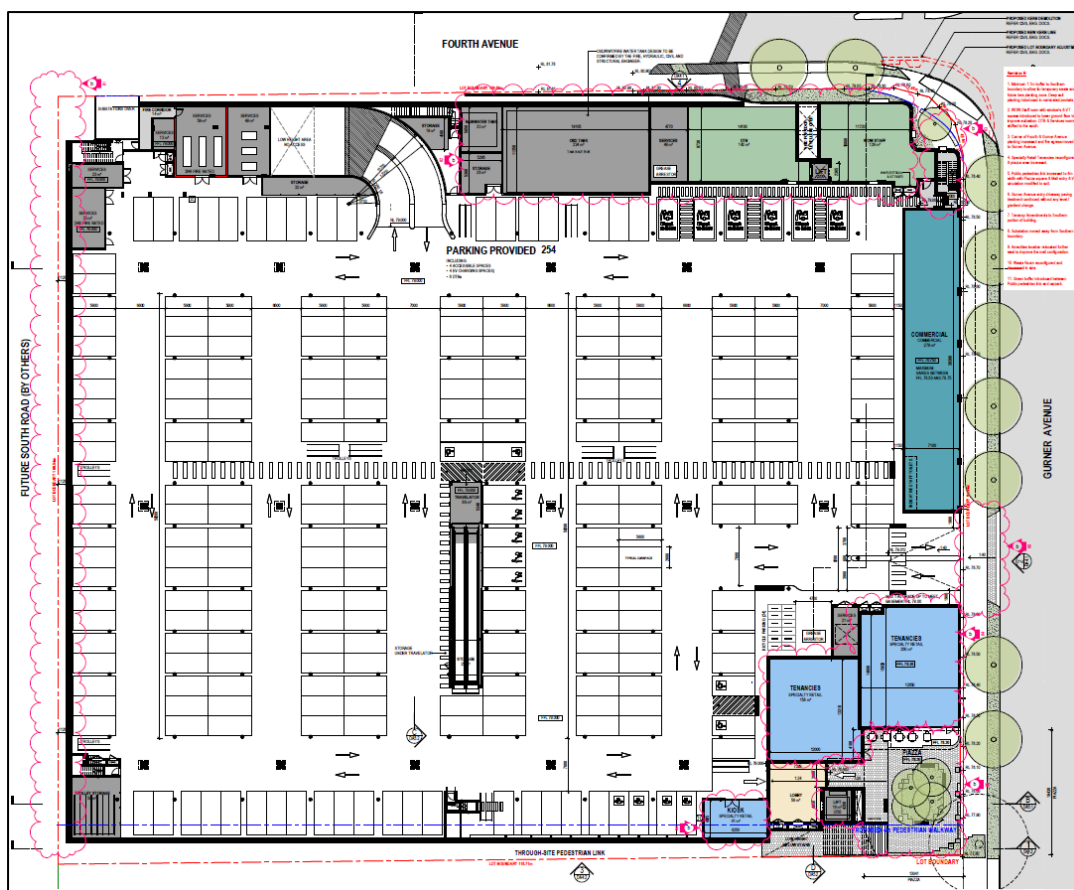


Figure 3: Roof Plan



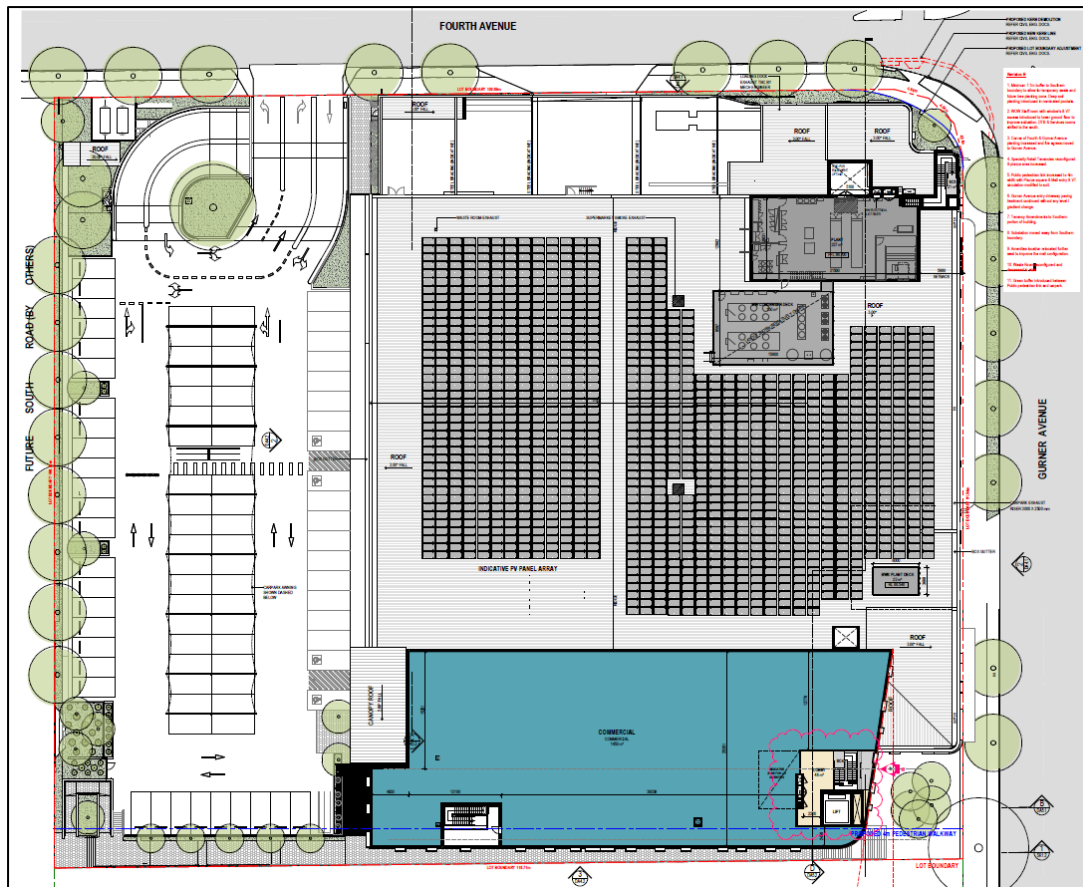


Figure 6: Proposed Level 1 Plan



Figure 7: Proposed Elevations

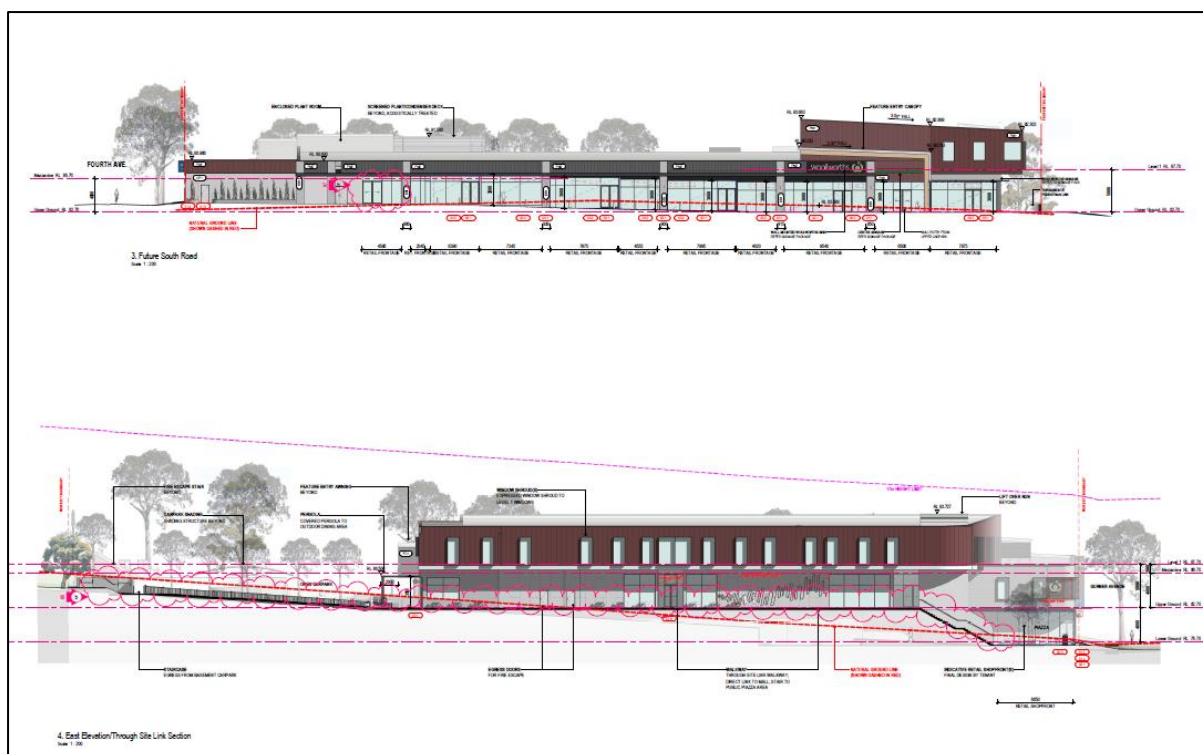


Figure 8: Proposed Elevations

5 STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

Environmental Planning Instruments (EPI's)

- *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; and*
- *State Environmental Planning Policy (Precincts – Western Parkland City) 2021.*

Development Control Plans

- *Liverpool Growth Centres Precincts Development Control Plan 2021.*

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 application is supported with a document titled “Re: Review of Contamination Status 495 Fourth Ave Austral NSW 2179” (Ref: P202313 495 Fourth Ave Austral) prepared by Peter Moore of PEM Environmental dated 20th October 2023. This is a review of the PSI titled “Preliminary Site Investigation Report 495 Fourth Avenue Austral NSW 2179 (Ref: NE996) prepared by Geotesta Pty Ltd dated 20th October 2023. Geotesta was originally engaged by The Bathla Group in October 2021 to conduct a Preliminary Site Investigation (PSI) (“Preliminary Site Investigation (PSI) Report for 495 Fourth Avenue, Austral NSW 2179, Report# NE996, Rev (3), 1 September 2022.” 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 applicant submitted a review of the contamination status of the site through a review of the PSI which was submitted with a prior DA. The assessments were undertaken to establish whether the land was suitable for low density residential development from a contamination perspective. Both assessments were signed off as suitable for low residential development. Information has also been provided by way of updated aerial photographs in Rev 4 (September 2023) that the

	condition of the land is similar to that found during the previous investigations undertaken in 2021 and 2022 and reported above.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	Council's Environmental Health Section reviewed the contamination reporting and were satisfied with the findings of the PSI and review of the PSI. Council's EH Section concur with the findings and deem that the site is suitable for the proposed commercial development, subject to an unexpected finds protocol when civil works occur due to the presence of extensive vegetation during previous investigations.
(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.	As above, remediation is not required and an unexpected finds protocol will be required during the civil works and suitable conditions of consent will be imposed.

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,	The application was referred to TfNSW/ NSW Roads and Maritime for comment and TfNSW have provided advisory comments for Council's consideration in relation to the accessway to Gurner Avenue and pedestrian safety in the vicinity of the school and the retail development. These elements have been considered as part of the

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.	proposed development and are considered to be acceptable by Council's Traffic Section subject to conditions in regard to access and traffic arrangements.
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(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 in terms of mainstream and overland flooding. 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 precinct basin 25 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:

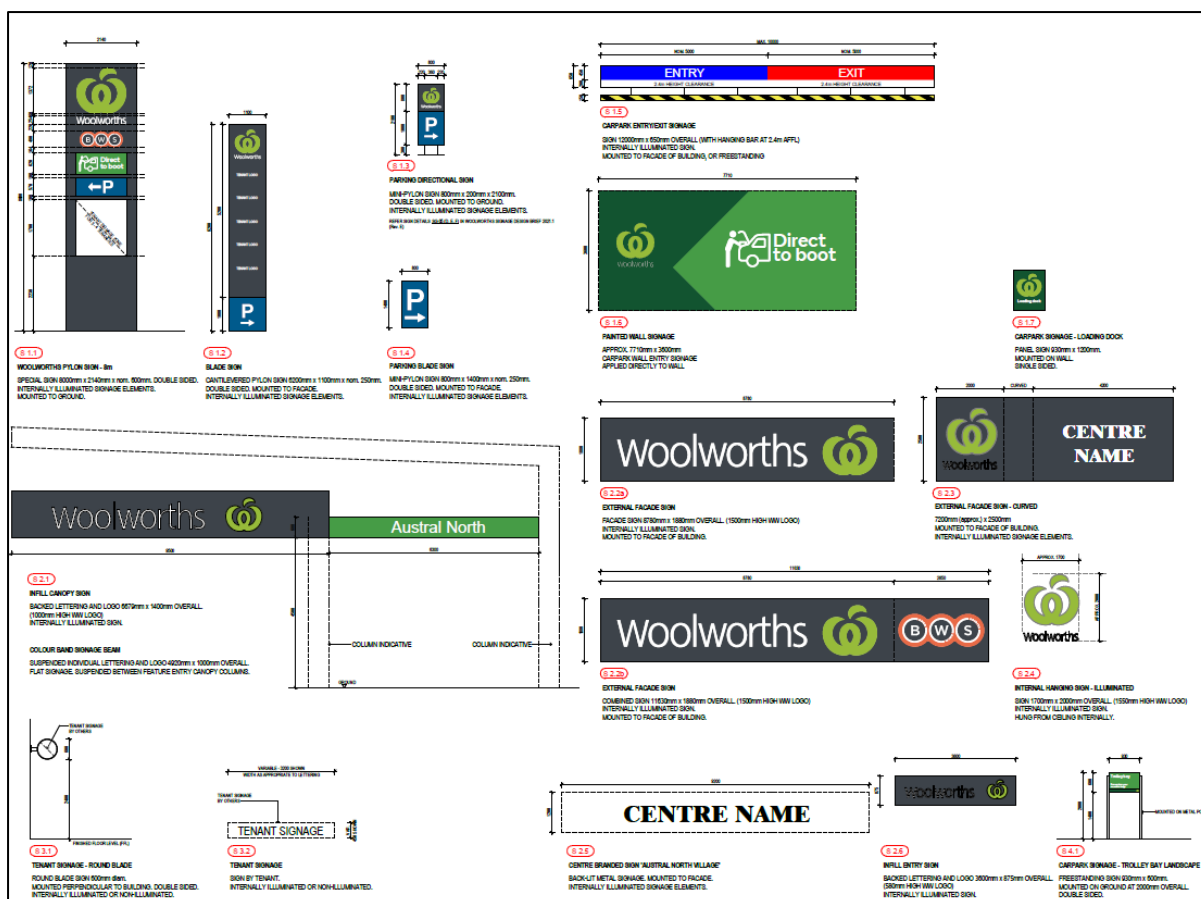


Figure 9: Proposed signage details

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	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? 	or for pedestrians or cyclists 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.

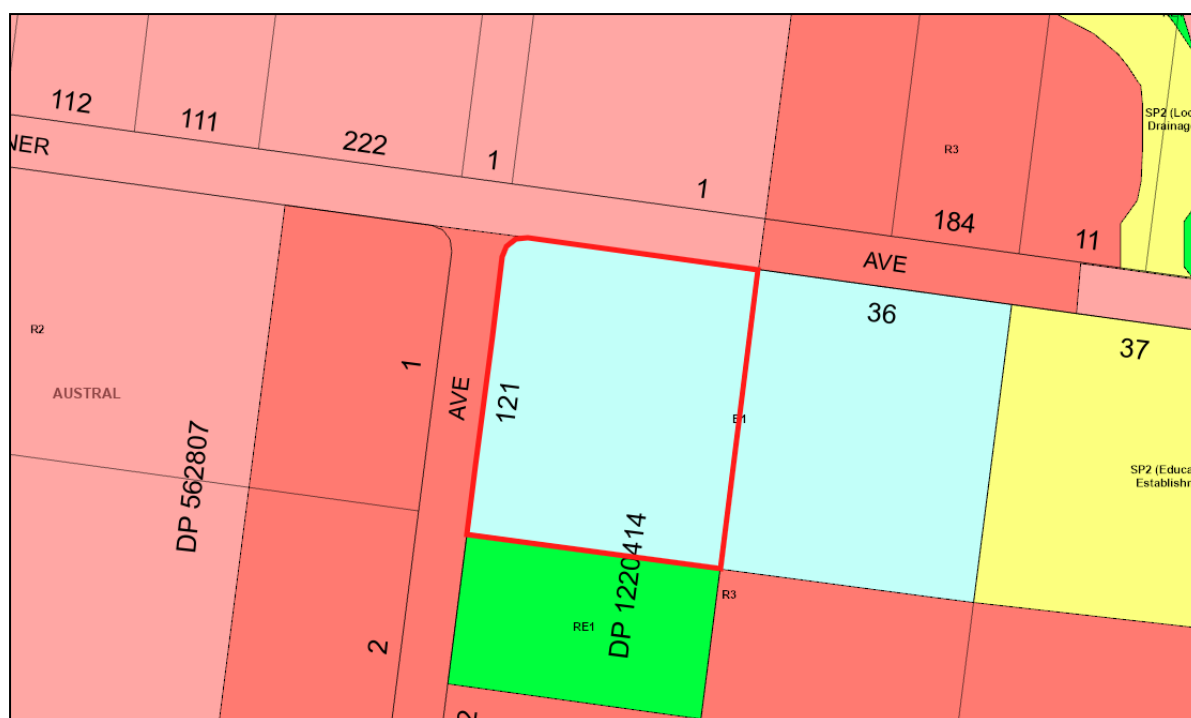


Figure 10 – Extract of zoning map

(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 and the existing surrounding roads are already at their respective widths and as such, the lot size is not amending as part of this proposal.	Complies

4.3 Height of buildings	P1 – 17m	The proposed development has a maximum building height of 14.068m	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	<p>There is no land required for acquisition on the subject site.</p> <p>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 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. Further, the future through site link along the boundary has been made so it is equally spread between the two sites and as such, it is 4m wide on the subject site and would be expected to be replicated on the adjoining eastern site once redeveloped.</p>	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 utility infrastructure (supply of water, electricity and disposal/management of sewage) that is	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, which advises that water servicing should be made available to the site at the end of 2024 and that wastewater servicing is available.	Complies subject to conditions.

	essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required	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 upgraded where required along Gurner Avenue and Fourth Avenue as well as the creation of half of the through site link along the eastern boundary.
	When assessing development applications, Council will consider the extent to which the proposed development is consistent with the Indicative Layout Plan.	
	Any proposed variations to the general arrangement of the Indicative Layout Plan must be demonstrated by the applicant,	

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
	to Council's satisfaction, to be consistent with the Precinct Planning vision in the relevant Precinct Schedule.	
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. The development also does not propose to impact on land mapped as native vegetation. Although the site is mostly vacant, pertinent conditions relating to vegetation removal will be applied.
2.3.6 Bushfire Hazard Management	This section contains controls relating to development on bushfire prone land.	Direction sought from Panel As per the preamble in part 1.4 of this report, direction is sought from the Panel regarding the APZ matter surrounding the proposed development and adjoining owners consent/agreement.
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 of the application, subject to conditions. The consent authority is satisfied that the site is suitable or can be made suitable for the proposed development.
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.	Complies with conditions The subject site is not located near a gas pipeline or electricity easement.

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
2.3.9 Noise	This section contains controls relating to ensuring acoustic privacy is achieved for future residential development.	Complies with conditions The acoustic report submitted with the DA does not fully address the impacts of the development on sensitive residential noise receivers adjacent the site. Considering the close proximity to future residential development, conditions of consent will be imposed regarding operation and noise associated with the loading dock as well as operational hours for the centre and relevant machinery, which have been recommended by Council's Environmental Health Section.
2.3.10 Odour Assessment and Control	This section relates to land deemed by Council to be affected by an odour source.	Not Applicable 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.
2.3.11 Air Quality	This section contains controls relating to preserving air quality in relation to industrial and/or employment development	Complies with conditions 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.
2.4 Demolition	This section contains controls relating to demolition of buildings	Not Applicable No demolition is proposed.
2.5 CPTED	This section contains controls relating to the principles of CPTED.	Complies with conditions 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.
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
3.3.1 Street Network Layout and Design	This section contains controls relating to street network layout and design, including requirements for street trees.	Complies The proposed development is in accordance with the ILP. The surrounding roads are to be upgraded where required along Gurner Avenue and Fourth Avenue as well as the creation of half of the through site link along the eastern boundary. 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.

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
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. Further, Council's Traffic Section have reviewed the application and have recommended conditions which restricts the Gurner Avenue driveway to be left-in left-out and for further investigation prior to CC regarding traffic movements, especially in terms of right turn movements and potential turning/ slip lanes at the Fourth Avenue driveway.
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. This through site link is also able to connect to the site to the east which will be able to replicate the link and provide the other half on their land. Further, an easement is to be created over the pedestrian through site link for a right of way to enable public pedestrian access through this link.
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.	Complies with conditions The submission of detailed traffic plans is to be conditioned as part of the consent. Fourth Avenue is a future major road and may be classified as a sub-arterial road. Further, Council's Traffic Section have reviewed the application and have recommended conditions which restricts the Gurner Avenue driveway to be left-in left-out and for further investigation prior to CC regarding traffic movements, especially in terms of right turn movements and potential turning/ slip lanes at the Fourth Avenue driveway.
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 Gurner Avenue Neighbourhood Centre and provides 7,282m ² of gross leasable floorspace which is made up of 5,554m ² of retail space and 1,728m ² of commercial space.	Considered Acceptable – See discussion below in Schedule 1 DCP table

Section 5 - Centres Development Controls			
Control	Provision	Comment	Compliance
	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 Gurner Avenue and has retail and commercial uses fronting the main street. Along Fourth Avenue, the loading dock is present and rooms associated with the Woolworths supermarket such as staff rooms are oriented to face this frontage and the corner of Fourth and Gurner.	Complies
	Fine grained and intensive retail and commercial uses that present an active street frontage are located along the main street.	The application fronts Gurner 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.	Gurner 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 inner walkway and is directly accessible from the main 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. Considering the close proximity to future residential development, conditions of consent will be imposed regarding operation and noise associated with the loading dock and relevant machinery, which have been recommended by Council's Environmental Health Section.	Complies with conditions
	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.	The acoustic report submitted with the DA does not fully address the impacts of the development on sensitive residential noise receivers adjacent the site. Considering the close proximity to future residential development, conditions of consent will be imposed regarding operation and noise associated with the loading dock as well as operational hours for the centre and relevant machinery, which have been recommended	Complies with conditions

Section 5 - Centres Development Controls			
Control	Provision	Comment	Compliance
		by Council's Environmental Health Section.	
	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, landscaping and footpath design, and management of vehicular traffic.	It is considered that the streetscape would provide a high level of amenity for pedestrians and the environment and the inclusion of trees, art and good design elements enables the proposal to create an attractive streetscape outcome for the neighbourhood centre.	Complies with conditions
	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 Gurner 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. Conditions will apply to ensure additional landscaping is provided especially within the southern at grade carparking area.	Complies with conditions
	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 proposed development is not of a nature where it	Complies

Section 5 - Centres Development Controls			
Control	Provision	Comment	Compliance
	the built form with adjacent residential areas.	imposes on adjoining residential sites.	
	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
	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 where possible 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 roads around the development are existing and will be upgraded as part	Complies with conditions

Section 5 - Centres Development Controls			
Control	Provision	Comment	Compliance
		of this development where required.	
	6. Where applicable, rail transport is integrated with other transport modes through an efficient interchange.	The proposed development is a distance from Leppington Train 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 accessed from Fourth Avenue or Gurner Avenue. The loading area is accessed from Fourth 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: <ul style="list-style-type: none"> The location of the proposed development site in the context of the overall centre, and relative to key features of the centre including the main street and other public spaces such as parks, squares and plazas. 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. 	The proposed development is provides an array of plans which demonstrate how the proposal links with the envisioned neighbourhood centre as per the precinct 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, subject to conditions and the proposal is delivering a centre which generally meets the requirements of the DCP.	Complies with conditions
	3. Residential, commercial and retail uses on the upper floors are to be designed to overlook streets and	Commercial and retail uses on the upper floors are able to overlook streets providing passive surveillance.	Complies

Section 5 - Centres Development Controls			
Control	Provision	Comment	Compliance
	other public places to provide passive surveillance.		
	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.	Vehicle access is located off Fourth Avenue which is the secondary street, however a driveway is also provided off Gurner Avenue, which is a main street. The design of the development has been reviewed by Council's Traffic Section and Urban Design Section and the driveway at Gurner Avenue has been worked on through the proposed development and better integrates with the development and public domain. As such, the driveway off Gurner Avenue is considered to be acceptable.	Considered Acceptable
	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 Gurner Avenue.	Complies
	8. Blank walls visible from the public domain are to be avoided.	All walls are articulated appropriately or have elements encouraging visual interest.	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	Food and hospitality services are not proposed	Complies

Section 5 - Centres Development Controls			
Control	Provision	Comment	Compliance
	shop fronts and to make use of footpath areas on active streets.	as part of this application, however, the proposal would be able to accommodate these in the future.	
	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, and the orientation of the development, the active frontage is unable to wrap around the corner. The proposal includes a Woolworths staff room on the corner which provides for passive surveillance to the street and the corner. Further, a small landscaped and activated corner with seating has been proposed in this area. This is considered acceptable in this instance and the corner still allows for visual interest and activation with landscaping design and potential art 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 Gurner Avenue, the rear carpark or the through site link, which is acceptable in this case as Fourth 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 Gurner 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
	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 within a semi-basement or at grade and is screened with some form of	Complies with conditions

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		landscaping. Further amendments will be requested in conditions of consent for the landscaping along the southern boundary as well as within the at-grade carpark itself.	
	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 pedestrian movement. Open corners at ground level are encouraged.	The design of the corner is deemed to be appropriate for the proposed development.	Complies

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	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, windows, landscaping 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 at least 3.5m 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 Gurner 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, Liverpool Growth Centre Precincts DCP Page 131	Native vegetation is proposed within the centre. The landscaping design is also acceptable for the proposed development. The application was reviewed by Council's Urban Design and	Complies with conditions

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	<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. 	public Domain Section and is deemed acceptable subject to conditions. Further landscaping amendments are to be requested within the southern area of the site.	
	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
	5. The design of awnings is to comply with the controls in clause 5.3.1, and:	Awnings are provided for the development in	Complies

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	<ul style="list-style-type: none"> • 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. 	appropriate locations and is considered acceptable.	
	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 million, shall achieve a minimum Greenstar rating of 4 stars as per the	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

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	applicable Green Building Council of Australia "as built" rating tool.	The sustainability measures adopted are considered to be satisfactory for the proposed development.	
	<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. The sustainability measures adopted are considered to be satisfactory for the proposed development.	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 does not fully address the impacts of the development on sensitive residential noise receivers adjacent the site. Considering the close	Complies with conditions

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		proximity to future residential development, conditions of consent will be imposed regarding operation and noise associated with the loading dock as well as operational hours for the centre and relevant machinery, which have been recommended by Council's Environmental Health Section.	
	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

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	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 will apply to ensure it is floodlit.	Complies with conditions
	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
5.3.7 Site servicing	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
	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 Fourth Avenue. This is integrated within the built form 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

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	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
	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 Fourth 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 Fourth 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,	1. The pattern of vehicle movement and access to car parking is to be in accordance with the diagram at the	The application has been referred to Councils Traffic Section, who approve of the	Complies with conditions

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parking and access	Traffic Circulation and Parking figure in the relevant Precinct's Schedule.	proposed application subject to conditions.	
	<p>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 and car parks is to be in accordance with Liverpool DCP 2008 unless this DCP specifies otherwise.</p> <p>Car parking requirements in centres:</p> <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 	<p>A conservative calculation of 1 space per 22sqm for retail and 1 space per 40sqm for the commercial elements results in a requirement of 297 parking spaces. The proposal incorporates 341 parking spaces and complies.</p> <p>Due to the surplus of parking spaces, the loss of a number of spaces to implement additional landscaping within the at-grade carpark will not impact on compliance with the parking requirements for this application.</p> <p>The application has been referred to Councils Traffic Section, who approve of the proposed application subject to conditions.</p>	Complies with 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	Residential development is not proposed within the site.	Not applicable

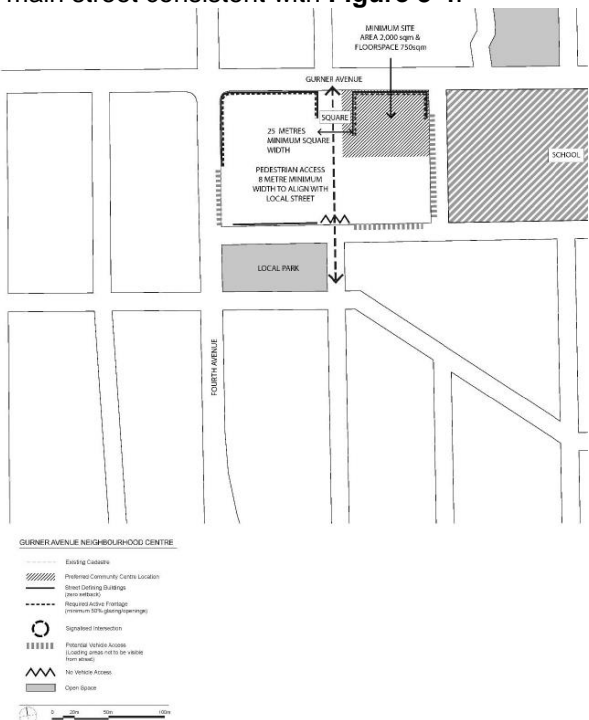
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	different land uses occurs at different times of the day.		
	5. Secondary streets, rear lanes and right of ways are to be used to provide access to parking areas, loading docks and waste collection areas. Lanes will need to accommodate heavy vehicles where access to loading areas and waste collection is required.	Vehicle access is located off Fourth Avenue which is the secondary street, however a driveway is also provided off Gurner Avenue, which is a main street. The design of the development has been reviewed by Council's Traffic Section and Urban Design Section and the driveway at Gurner Avenue has been worked on through the proposed development and better integrates with the development and public domain. As such, the driveway off Gurner Avenue is considered to be acceptable.	Considered Acceptable
	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
	7. Basement, semi-basement or decked parking is preferred over large expanses of at-grade parking	Parking is provided mostly within a semi-basement and also 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 Gurner 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 landscaped and provides some canopy tree coverage. Conditions will be applied to ensure additional canopy trees are planted in this area.	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. The tree canopy coverage is closer to 27% of the car parking spaces only and is much less when considering the aisles and parking area as a whole. However, although it	Considered Acceptable subject to conditions

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		is an improvement from what was originally proposed, 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 that further canopy be implemented into the carpark, especially considering that there is a surplus of parking spaces in the development. This can be done by way of conditions to enable additional trees in place of car spaces	
	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 and conditions will apply to ensure that bicycle parking is delivered.	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 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.	The active frontage towards Gurner Avenue is acceptable and the verge elements are satisfactory.	Complies
	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 road cross sections are in accordance with the DCP and are satisfactory.	Complies

Section 5 - Centres Development Controls			
Control	Provision	Comment	Compliance
	the kerb and footpath is to extend into the parking lane at signalised intersections and key pedestrian crossing locations.		
	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 .	Considered Acceptable – See Discussion below The proposal is within the Gurner Avenue Neighbourhood Centre and provides 7,282m ² of gross leaseable floorspace which is made up of 5,554m ² of retail space and 1,728m ² of commercial space.
<p><u>Discussion on maximum gross leaseable area</u></p> <p>The proposed development provides a combined gross leaseable area (LFA) of both retail and commercial uses of 7,282m², which would be in excess of an equal spread of gross LFA between the two sites which form the Gurner Avenue Neighbourhood Centre (GANC). The GANC occurs over two allotments, which have a combined area of approximately 2.38 hectares, of which the proposed site makes up half of the land area and as such, an equal distribution of LFA would be 50/50 between the two allotments. On this basis, the site would exceed the commercial and retail combined area by 2,282m², leaving approximately 27.2% 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 42.5% instead of 50% 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 closer to the 50% share for the centre, being 5,554m². The remaining 1,728m² 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 supplied an economic analysis to provide an in-depth analysis of the proposed centre and supermarket potential in the area to demonstrate 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 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>	

Schedule 1 Austral & Leppington North Precincts	
<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 GANC 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 5000m², 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>	
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 leasable floorspace of 10,000m ² .	Not Applicable The site is not part of the Eighth Avenue Neighbourhood Centre.
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 10,000m ² .	Not Applicable The site is not part of the Austral Neighbourhood Centre.
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 Gurner Avenue Neighbourhood Centre.
3.1.3 Gurner Avenue Neighbourhood Centre	Comment
1. The main street in the Gurner Avenue Neighbourhood Centre is Gurner Avenue.	Noted Gurner Avenue is to be the focal street in the

Schedule 1 Austral & Leppington North Precincts	
	centre.
<p>2. Active Street Frontages are to be provided to the main street consistent with Figure 3-4.</p> 	<p>Complies Active street frontages are provided along the Gurner Avenue frontage, the corner of Gurner Avenue and Fourth Avenue and within the public square.</p>
<p>3. On street parking is to be provided on Gurner Avenue except where turning lanes or bus bays prevent parking.</p>	<p>Complies The proposal allows for on street parking where possible on Gurner Avenue.</p>
<p>4. Vehicular access to car parks and loading bays is to be primarily via perimeter streets including Fourth Avenue, and streets to the south and east of the centre.</p>	<p>Considered Acceptable Vehicular access to the loading area is from the west of the centre off Fourth Avenue and access to the carpark is from Fourth Avenue and Gurner Avenue, which is considered to be acceptable.</p>
<p>5. Loading bays are to be located behind buildings fronting Fourth Avenue and Gurner Avenue.</p>	<p>Complies The loading bay is accessed from Fourth Avenue and is behind the building frontage which fronts Gurner Avenue.</p>
<p>6. Loading areas that are adjacent to residential zoned land are to include visual and acoustic screening to protect the amenity of residents.</p>	<p>Considered Acceptable with conditions The loading area is opposite residential zoned land. Further, the loading bays are covered by roller doors as well as acoustic screening which is also visually treated with the provision of landscaping and potential art in this area. The acoustic report submitted with the DA does not fully address the impacts of the development on sensitive residential noise receivers adjacent the site. Considering the close proximity to future residential development, conditions of consent will be imposed regarding operation and noise associated with the loading dock as well as operational hours for the centre and relevant machinery, which have been recommended by Council's Environmental Health Section.</p>
<p>7. Loading areas are to be located to not be visible from parks and sporting fields.</p>	<p>Complies The loading area would not be visible from the nearby future park.</p>

Schedule 1 Austral & Leppington North Precincts	
8. Development in the centre is to relate to the park located to the south of the centre.	<p>Considered Acceptable with conditions</p> <p>The interface with the park has been improved through the life of the proposal. A landscaped area around the public through site link as well as a thicker landscaped strip is provided in the site to interface better with the park across the street. Further, conditions of consent will be imposed to widen the landscaped deep soil area along the southern boundary to ensure deep rooted trees are able to be comfortably accommodated in this area to assist in this transition across the street and to add screening to the at-grade parking area.</p>

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 proposal.

6.6 Section 4.15(1)(a) (v) – Repealed

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

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.

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:

Internal referrals	Comments
Traffic	Supported subject to conditions.
Strategic Planning	Supported.
Property	Consideration of adjoining site and through site link to be made as well as interface with park and retaining wall maintenance.
Flooding	Supported subject to conditions.
Fire Safety	Supported subject to conditions.
Environmental Health	Supported subject to conditions.
Land Development Engineering	Supported subject to conditions.
City Economy	No objection.
Community Planner	Supported subject to conditions.
City Design Heritage	Supported subject to conditions.
Building	Supported subject to conditions.
Contributions	Contributions calculated and enforced as conditions.
Public Art	Supported subject to conditions.
City Design and Public Domain and Design Excellence Panel	Supported subject to conditions.. Design Excellence Panel held in September 2024, 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.

(b) External Referrals

The following comments have been received from External agencies:

External referrals	Comments
Transport for NSW	Comments for consideration provided.
NSW Rural Fire Services	Referral under Clause 4.14 of Act and only commentary requested. Request for information issued regarding adjoining owners consent/ agreement for APZ. As per the preamble in part 1.4 of this report, direction is sought from the Panel regarding the APZ matter surrounding the proposed development and adjoining owners consent/ agreement.
Endeavour Energy	Supported subject to conditions.
Sydney Water	Supported subject to conditions.

NSW Police	No objection and recommendations provided.
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(c) Community Consultation

The development application was notified in accordance with the Liverpool City Council Community Engagement Strategy and Community Participation Plan 2022 between 23 July and 8 August 2024. One submission has been received for the subject proposal, which raised concerns as follows:

Concern	Council Comment
Shared pedestrian through site link equality	The application has been revised to incorporate a 4m wide pedestrian through site link on the subject site and as such is in line with a equal share of the 8m path with the adjoining site. As such, the adjoining site would replicate a 4m path with accessible access to enable the delivery of the 8m wide path equally between the two sites.
Fair distribution of leasable floor space	It is noted that the development site exceeds their equal allocation of the leasable floor space across the precinct, in accordance with the discussion in the Schedule 1 part of the DCP Section of this report. The exceedance in the cap of LFA for the GANC is deemed to be acceptable. 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 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. If the adjoining site does exceed 5000m ² , it should be proportionate to the site and to the exceedance proposed in the current DA.
Traffic and parking concerns including access to Gurner Avenue	The driveway from Gurner Avenue will be conditioned to be left-in left-out as per the TfNSW comments and a traffic facility (i.e. a median) is to be constructed to enforce right-turn bans. Further investigation is also to be made regarding the traffic movements along Fourth Avenue, which will be conditioned prior to a CC to provide this information.
No consent given for easements over property	As per the preamble in part 1.4 of this report, direction is sought from the Panel regarding the APZ matter surrounding the proposed development and adjoining owners consent/ agreement.

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-311/2024 be approved subject to conditions of consent.

9 ATTACHMENTS

- Plans

PLAN	TRIM NUMBER
Collated Architectural Plans	119639.2025
Landscape Plans	378707.2024
Survey Plan	231860.2024
Civil Plans and Documents	389022.2024
	389023.2024

- Documents

DOCUMENT	TRIM NUMBER
Recommended Draft Conditions of Consent	119662.2025
Statement of Environmental Effects	231859.2024
Responses to RFI	389024.2024
	378761.2024
ESD Report	231852.2024
CPTED Report	231843.2024
Traffic Reporting	231861.2024
	378709.2024
Waste Management Plan	378708.2024
Aboriginal Cultural Heritage Due Diligence Assessment	231834.2024
Civil Engineering Report	231832.2024
Access Report	231836.2024
Acoustic Reports	231837.2024
	378710.2024
Odour Assessment	231849.2024
BCA Report	231825.2024
Preliminary Site Investigation	231840.2024
QS Report	231841.2024
	231842.2024

Lodgement Form	231844.2024
Geotechnical Report	231845.2024
Essential Services Report	231851.2024
Social Impact Assessment	231858.2024
Supermarket Potential Report	231850.2024
Bushfire Report	328136.2024
SWCPP Briefing Minutes (21 October 2024)	351408.2024
DEP Minutes (12 September 2024)	320504.2024