

DATE OF DETERMINATION	14 May 2025
DATE OF PANEL DECISION	12 May 2025
DATE OF PANEL BRIEFING	14 April 2025
PANEL MEMBERS	Justin Doyle (Chair), Helen Lochhead, David Kitto
APOLOGIES	Ned Mannoun, Peter Ristevski
DECLARATIONS OF INTEREST	Louise Camenzuli declared a conflict of interest as her firm represents Fabcot Pty Ltd in other matters.

Papers circulated electronically on 7 April 2025.

MATTER DETERMINED

PPSSWC-429 - Liverpool - DA-311/2024 - 495 Fourth Avenue, Austral - 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.

PANEL CONSIDERATION AND DECISION

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

Revised conditions

At the final briefing, Council and the Applicant agreed to meet to update the recommended conditions for the development to address outstanding bushfire and design issues, including the provision and use of doors/operable windows along the eastern façade facing the pedestrian through-site link to the future park.

The revised conditions were provided to the Panel by Council on 29 April 2025.

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in Council's assessment report and subject to the revised conditions that were provided to the Panel on 29 April 2025.

In particular, the Panel concluded that:

- The development is consistent with the provisions of the relevant environmental planning instruments, including *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*, *State Environmental Planning Policy (Industry and Employment) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, and *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
- The development complies with the relevant provisions of the *Liverpool Growth Centre Precincts DCP 2021*.
- The site is not contaminated and is suitable for the development.

- The signage complies with the relevant objectives and assessment criteria in *State Environmental Planning Policy (Industry and Employment) 2021*.
- The bushfire risks are low and can be suitably managed until the adjoining site to the east is developed.
- The impacts of the development are acceptable and can be controlled by the recommended conditions.
- The relevant developer and infrastructure contributions will be paid.
- The retail cap on the Gurner Avenue Neighbourhood Centre (10,000 m²) should not be strictly enforced because the growth in the local area is greater than was originally envisaged and there is now significant demand for retail uses in the area: consequently, allowing 7,282m² of retail and commercial uses on this site will not unnecessarily constrain the future development of these uses on the adjoining site to the east that will make up the rest of the neighbourhood centre.
- The amended plans for the development have significantly improved the activation and amenity of the public domain, including the north-south pedestrian link through the site to the future park to the south.
- The recommended conditions require further improvements to be made to the public domain prior to the issue of a construction certificate, including the provision of additional trees in the at-grade car park.
- The development will deliver essential retail uses to support the rapid growth of the Austral area, consistent with the strategic planning objectives for the area.
- The development is in the public interest.

CONDITIONS

The development application was approved subject to the revised conditions that were provided to the Panel on 29 April 2025.

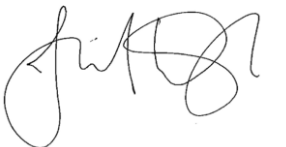


CONSIDERATION OF COMMUNITY VIEWS

Council exhibited the application between 23 July and 8 August 2024 and received 1 submission.

This submission raised concerns about:

- The shared pedestrian through-site link to the future park
- Fair distribution of leasable floor space in the neighbourhood centre
- Traffic and parking impacts, including access to Gurner Avenue
- Lack of consent for proposed easements over the adjoining property.

The Panel is satisfied that these issues have been adequately addressed in the amended plans for the development, Council's assessment report and the revised conditions of consent.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Helen Lochhead
 David Kitto	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-429 - Liverpool - DA-311/2024
2	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.
3	STREET ADDRESS	495 Fourth Avenue, Austral
4	APPLICANT/OWNER	Applicant: Woolworths/Fabco Pty Ltd Owner: Perpetual Corporate Trust Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (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 Environmental Planning & Assessment Regulation 2021 Liverpool Local Environmental Plan 2008 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Liverpool Growth Centres Precincts Development Control Plan 2021 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 7 April 2025 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 21 October 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Helen Lochhead, Ellie Roberston <u>Council assessment staff</u>: Nabil Alaeddine <u>Applicant representatives</u>: Nikita Mahapatra, Jessica Thomas, Wilson Wise, Jonathan Joseph, Aram Lello, Tim Rogers

		<ul style="list-style-type: none">• Final briefing to discuss council’s recommendation: 14 April 2025<ul style="list-style-type: none">○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Helen Lochhead, Ned Mannoun, Peter Ristevski○ <u>Council assessment staff</u>: Robert Micallef, Nabil Alaeddine○ <u>Applicant representatives</u>: Nikita Mahapatra, Jessica Thomas, Wilson Wise, Jonathan Joseph, Aram Lello, Tim Rogers
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report and Council’s email received 29 April 2025