

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 11 May 2026, 11:00am to 12:00pm
LOCATION	Ms teams

BRIEFING MATTER(S)

PPSSWC-560 – Liverpool – DA-225/2025 – 83 Tenth Avenue, Austral - Demolition of all existing buildings and structures on the site, selective tree removal and retention of other trees on site, earthworks and site remediation works. Construction of a single-storey neighbourhood shopping centre comprising a full-line supermarket, a liquor store, approximately 15 specialty shops, two kiosks, a food and beverage tenancy, loading dock facilities a car wash service, at-grade car parking for 301 vehicles, 12 motorcycle space and 24 bicycle spaces, landscaping, a signage strategy, and ancillary facilities.

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Ned Mannoun, Richard Ammoun
APOLOGIES	NIL
DECLARATIONS OF INTEREST	NIL

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Nabil Alaeddine
APPLICANT	Howard Hathorn, Jacob Barsoum, Simon Ip, Rhys Hazell, Daniel Terry, Rob Frew, David Puleo, Andrew Boustred
RSD	Sharon Edwards, Riki Mey

KEY ISSUES DISCUSSED

- The Panel received updated material including the Friday evening before the briefing. That material included updated architectural plans, civil plans, public domain plans, landscape plans, plan of management, and a letter from the Applicant's planners to the Council which the Panel takes to be intended to supplement and qualify the Statement of Environmental Effects.
- That material was produced as a response to what was described as progress made at a privileged s.34 Conference in the Court appeal running simultaneously with the DA aimed at narrowing the issues raised by Council with the DA proposal.
- The Panel was informed by both the Applicant and the Council staff that substantial progress had been made toward agreement as to delivery of a suitable community facility

on the portion of the site earmarked for that purpose. The Applicant's submission stated in that regard:

"An offer to enter into a voluntary planning agreement has been submitted to Council for consideration. The offer proposes a contribution towards delivery of the proposed community facility on the site, or landscaping or public domain works in connection with the development. These benefits may take the form of a monetary contribution at a value of \$1,206,000, or works in kind equivalent to the contribution value, along with a value equivalent to 50% of the estimated design and construction cost of the public plaza (260 sqm). It is expected that this offer will facilitate and potentially expedite the delivery of the facility."

- The Panel was informed that the Applicant had committed to construction and delivery of the southern section of Collucio Street as part of the DA proposal to provide an additional means of access to and egress from the carpark (a proposed local road approved under development consent D-1312/2021 for a two-lot subdivision with associated civil works), The Panel notes that if the DA is to include development consent for that road, owners consent from the relevant land owner may need to be considered. The intention is to remove the need for light vehicle entry and exit via the Edmondson Avenue driveway.
- There was discussion of a proposed roundabout at the four-way intersection of Tenth Avenue / Biffin Street / Collucio Street. The reference scheme drawings include that roundabout but the applicant has not resolved a commitment to fund it. The briefing was informed that the Applicant may be willing to fund construction if the cost could be offset against other contributions. Council stressed that the roundabout was necessary both for safety and to facilitate the left in/left out arrangement proposed in the driveway connection of the carpark directly to Tenth Avenue.
- The Panel raised a suggestion that if there was to be any delay in delivery of the proposed community facility and associated building work, there may be a possibility to located some open space facility such as a playground equipment open to use by Coles customers and local residents which might address the open space short fall in Austral while the suburb is in a development phase.
- All present at the meeting informed the Panel that the DA was largely resolved in its present form, but that the Council needed time to resolve the assessment of the material recently submitted.
- The following timetable was proposed for the next steps:
 - (a) By Monday 18 May 2026 - Council prepare a draft assessment report and conditions by email to the Secretariat and the Applicant.
 - (b) By Wednesday 20 May 2026 - The Applicant to provide feedback on the conditions including tracked changes of any conditions in dispute.
 - (c) By Monday 25 May 2026 - The Council will provide its final determination report and recommendation.

ISSUES DISCUSSED AT PREVIOUS BRIEFING

The Panel was informed by Council that it had revisited its strategy for Community facilities and was now less likely to abandon its plans for the site although it had not developed or current project. The Mayor advised that it had no funding to construct a facility.

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The options canvassed by the Chair were:

- (a) Leave the site dormant landscaping owned and controlled by Coles.*
- (b) Dedicate the land to be used as passive open space in the medium term.*
- (c) A ground floor commercial use to fund a community oriented use (such as a hall for community or club use or dance/martial arts classes)*
- (d) New funding for a community facility constructed by the Council.*

The Chair noted that the carpark access was unlikely to be resolved without high level discussions within the Council. Council's Principal Planner committed to the Council to facilitate the necessary communication.

It was observed that the present plan relied upon access onto "Future Street" which Council advised was included in development plans for the adjoining site in accordance with the ILP, but was still in private ownership. Council did not know when that site would in fact see development commenced. The plans for the school across Tenth Avenue were also progressing and would need to be considered.

The issue of retaining walls was discussed, with Coles saying amended design had been explored and that the updated material would be provided to Council.

The Applicant foreshadowed that the Class 1 appeal may be discontinued if there was sufficient progress with the discussions with Council.

The Chair scheduled a potential meeting date of 30 March 2026, while advising that that briefing would be postponed if progress was being made in discussions between the Applicant and the Respondent.

ISSUES DISCUSSED AT PREVIOUS BRIEFING

At its previous briefing of 2 March 2026, the Panel noted the issues raised in the Design Excellence Committee's report on the DA and other merit matters including:

- a) Potential impacts from the "pad tenancies" presented only in concept design including particularly potential acoustic impacts from the carwash on residential properties.*
- b) The height difference between the pad level for the proposal and the adjoining residences.*
- c) Retaining walls averaging 2 to 2.5m at certain points long the future road to the north and east of the development site.*

The principal concerns identified were however the access and particularly the suitability of Edmondson Avenue for the main traffic entrance. Council's engineer's preference is for retail traffic to come from Tenth Avenue and there to be a left in and left out arrangement for Edmondson Avenue. Notably Edmondson Avenue is a classified road, but TfNSW have not raised any issue.

The main subject for discussion at the conference was the Council's proposal for the "Community Facility" marked on the site plans. The area of the proposed facility is identified for acquisition in the Austral and Leppington North Contributions Plan 2021 as Item CF3. Despite this, the Council advised that its plans for

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community facilities in the growth areas were presently being rationalised due to a shortage of funding. It was suggested acquisition of this site may not proceed.

The Panel Chair advised that this new situation should be explored by both the applicant and the Council both for its potential to allow for a resolution of the contentious matters, and also how the development could potentially better use the area if it is not to be acquired. One example discussed was allowing for driveway access to Tenth Avenue (although the Applicant foreshadowed that might raise new issues with the school across the road).

It was on that basis that the Panel, the Council and the Applicant agreed that the Council and the Applicant ought both to consider separately and then discuss together how the “community facility” could be best treated in the development. The Panel would be pleased if there was some community dividend from the area.