

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	3 July 2026
DATE OF PANEL DECISION	3 July 2026
DATE OF PANEL BRIEFING	15 June 2026
PANEL MEMBERS	David Kitto (Acting Chair), Louise Camenzuli, Richard Ammoun
APOLOGIES	Justin Doyle
DECLARATIONS OF INTEREST	Mayor Ned Mannion has been involved in discussions with the Applicant on the development of the community centre. Given this is related to the determination of the DA, and the risk of these discussions being seen as either an actual or perceived conflict of interest, he has been excluded from making the final decision on the DA.

Papers circulated electronically on 29 May 2026.

MATTER DETERMINED

PPSSWC-560 – Liverpool – DA-225/2025 – 83 Tenth Avenue, Austral - Demolition of all existing structures, selective retention and removal of existing trees, earthworks, site remediation, construction of a neighbourhood shopping centre comprising of a full line supermarket, liquor store, 15 retail units (cold shell fit-out), 2 kiosks, food and beverage tenancy, car wash service, at-grade parking, loading facilities, landscaping, associated facilities.

PANEL CONSIDERATION AND DECISION

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

Concept approval

In its assessment report, Council indicated that during the Class 1 appeal process it was agreed to integrate the development of the future community centre with the development of the shopping centre, and that the development application (DA) had consequently been amended to seek concept approval for the development of the community centre as Stage 2 of the development with the detailed development of the community centre to be the subject of a separate DA.

However, this is not the case.

While the Applicant has started discussions with Council about potentially integrating the development of the community centre with the development of the shopping centre, it has not amended the DA and is not seeking concept approval for the development of the community centre.

It is only seeking approval for the shopping centre.

If agreement can be reached with Council on the development of the community centre, then this will be the subject of a separate DA.

Council has confirmed this.

Development application

The Panel determined to approve the DA 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 DA for the reasons outlined in Council's assessment report and this report.

Overall, the completion of the shopping centre will add an important amenity to Austral as a fast-developing new residential area in the South West Growth Area, and is consistent with the strategic objectives of State Environmental Planning Policy (Precincts: Western Parklands City) 2021, including the objectives of the B1 Neighbourhood Centre under the SEPP.

Notably, the DA ultimately presented to the Panel for determination has evolved through the Class 1 appeal process. Important aspects of the evolution of the proposal during that process include substantial changes to the parking and vehicle manoeuvring areas and the way in which they integrate with the shopping centre and the planning for the community centre on the site.

Key issues resolved in that regard are:

- Better integration of the proposal and the planned streetscape associated with Council's Edmondson Avenue Upgrade
- Improvements to pedestrian permeability including through incorporation of a pedestrian walkway along the northern common boundary into the design to enable a direct and safe pedestrian connection into the site from the northern frontage and to facilitate future access to the adjoining property to the north at 265 Edmondson Avenue
- Better resolution of the traffic associated with the proposed development through significant changes to the carpark and loading dock arrangements, as well as the introduction of a roundabout at the intersection of Tenth Avenue, the future eastern local road, and the future south-eastern local road, with positive consequences for the pick-up and drop off zone for the school located to the south opposite the site. A staged approach is planned to the access arrangements at the site including that after the Edmondson Avenue Upgrade is completed, access at that point will transition to a left-in/left-out arrangement and be restricted to heavy and loading vehicle access only for improved safety, and upgraded access to the east
- Tree planting to provide shading and visual relief to the carpark
- Better height transitions through the site through additional landscaping, stepped retaining walls, and the new pedestrian access point to Buljbasich Street
- Presentation to the public domain including the corner of Edmonson Avenue and Tenth Avenue. In that regard, design improvements have been incorporated into the scheme involving footpath widths, paving materials, and verge landscaping.

CONDITIONS

Following the final briefing, the Applicant provided its suggested changes to Council's recommended conditions on 2 June 2026.

Council then prepared a memorandum for the Panel, dated 24 June 2026, setting out the:

- Agreed changes to the recommended conditions
- Conditions still in contention.

On 30 June 2026, the Panel received a further memorandum from the Applicant's traffic expert, Rhys Hazell from the Ason Group, providing advice on the disputed traffic conditions.

The Panel Secretariat then arranged a short meeting with the Applicant and Council on 1 July 2026 at which the:

- Applicant agreed to accept Council's planners recommended conditions on all of the disputed conditions in column 4 of the table in Council's memorandum to the Panel
- Council and the Applicant agreed that the first sub-clause in the recommended condition on the Payment of Development Contributions in Council's memorandum to the Panel should be changed to read: "Before the issue of any occupation certificate,".

After considering the detailed arguments of Council's transport planners and engineers and the Applicant's traffic expert, the Panel decided that the interim traffic arrangements on Tenth Avenue and Edmondson Avenue are acceptable until the Edmondson Road Upgrade Works in the vicinity of the site are completed.

In this regard, the Panel noted:

- The proposed interim Tenth Avenue access driveway will be safer than the current access driveway to the existing retail centre on the site
- Detailed SIDRA modelling shows that the interim Tenth Avenue access driveway will operate at a level of service A/B and the interim Edmondson Avenue access driveway at a level of service C during all peak periods
- Both access driveways will comply with the sightline requirements in the relevant Australian Standard (AS 2890.1:2014)
- That Council, as the relevant roads authority for Tenth Avenue under the Roads Act 1993, can restrict access from the interim Tenth Avenue at any time if the actual performance of the driveway causes any safety concerns.

The DA was approved subject to:

- The conditions in Council's assessment report
- The agreed amendments to these conditions outlined in the table in Council's memorandum to the Panel dated 24 June 2026
- The Council's planners recommendations on the disputed conditions in column 4 of the table in Council's memorandum to the Panel
- The first sub-clause in the recommended condition on the Payment of Development Contributions in Council's memorandum to the Panel being changed to "Before the issue of any occupation certificate"
- The numbering and cross-referencing of the conditions being updated to reflect the above changes.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition. The Panel notes that issues of concern included:

- Traffic and access requirements to the site
- Pedestrian Access.

The Panel considers that these concerns have been adequately addressed in Council's assessment report, this report and the conditions.

PANEL MEMBERS	
David Kitto (Acting Chair) 	Louise Camenzuli 
Richard Ammoun 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-560 – Liverpool – DA-225/2025
2	PROPOSED DEVELOPMENT	Demolition of all existing structures, selective retention and removal of existing trees, earthworks, site remediation, construction of a neighbourhood shopping centre comprising of a full line supermarket, liquor store, 15 retail units (cold shell fit-out), 2 kiosks, food and beverage tenancy, car wash service, at-grade parking, loading facilities, landscaping, associated facilities, and business identification signage with Concept approval for a Community Centre and Commercial building over 2 Stages.
3	STREET ADDRESS	83 Tenth Avenue, Austral
4	APPLICANT/OWNER	Applicant/Owner: Coles Group Property Developments Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy Precincts – Western Parklands 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) - State Environmental Planning Policy (Planning Systems) - Liverpool Local Environmental Plan 2008 - Draft environmental planning instruments: Nil - Development control plans: - Liverpool Development Control Plan 2008 - Growth Centres Development Control Plan - Planning agreements: Yes - 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	- Council assessment report: 27 May 2026 - List any council memo or supplementary report received: Select Date - Written submissions during public exhibition: 17 - Total number of unique submissions received by way of objection: 5
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: 2 March 2026 <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Ned Mannoun, Richard Ammoun <u>Council assessment staff</u>: Nabil Alaeddine <u>Applicant representatives</u>: Howard Hathorn - Briefing: 16 March 2026 <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Ned Mannoun, Richard Ammoun <u>Council assessment staff</u>: Nabil Alaeddine

		○ <u>Applicant representatives</u>: Howard Hathorn, Jacob Barsoum, Simon Ip, Rhys Hazell, Daniel Terry, Rob Frew, David Puleo, Andrew Boustred • Briefing: 11 May 2026 ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Ned Mannoun, Richard Ammoun ○ <u>Council assessment staff</u>: Nabil Alaeddine ○ <u>Applicant representatives</u>: Howard Hathorn, Jacob Barsoum, Simon Ip, Rhys Hazell, Daniel Terry, Rob Frew, David Puleo, Andrew Boustred • Final briefing to discuss council's recommendation: 15 June 2026 ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Ned Mannoun, Richard Ammoun ○ <u>Council assessment staff</u>: Nabil Alaeddine, Tamim Omar ○ <u>Applicant representatives</u>: Howard Hathorn, Jacob Barsoum, Simon Ip, Rhys Hazell, Daniel Terry, Rob Frew, David Puleo, Andrew Boustred
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report