

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at Francis Greenway Centre, Liverpool on Friday 22 August 2014 at 11:20 am

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Lindsay Fletcher, Tony Hadchiti and Mazhar Hadid

Apologies: None Declarations of Interest: None

Determination and Statement of Reasons

2012SYW035 – Liverpool LGA – DA-846/2012 [at 146 Newbridge Road, Moorebank] as described in Schedule 1.

Date of determination: 22 August 2014

Decision:

The panel determined to approve the development application as described in Schedule A pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

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

Reasons for the panel decision:

The proposed development will provide a social and recreational facility within the City of Liverpool and the broad locality that exploit the attraction of the Georges River and which will add to the regional stature of the City.

The proposed development will result in rehabilitation and rejuvenation of a degraded site adjacent to the Georges River, which otherwise would act to diminish the landscape quality of the locality and be unlikely to attract development that would provide similar social or economic benefits.

The proposed design, and the consent conditions applied, will act to minimize negative environmental impacts on the Georges River system.

The design of the proposed facilities and the required flood management and evacuation arrangements are considered to adequately address issues of building protection and protection from risk to life and property during major flood events.

The proposed development, including access arrangements subject to the conditions supplied, will not unreasonably impact on the amenity of existing or future development on traffic conditions in the immediate locality.

In response to the matters raised in the meeting, the panel notes there is already a VPA in place executed and registered on the title to the land and we note the advice and agree that condition 3 is not necessary.

In relation to concerns about access the panel notes that the approval is already given by council with appropriate conditions and refer to condition 105.

In relation to the comments on SEPP 55, the panel notes the advice of council officers that the existing consent for the extractive industries on site requires the site to be remediated, and this information together with the advice of council officers in the report, the panel is satisfied that the requirements of Clause 7 of SEPP 55 are met.

Conditions: The development application was approved subject to the conditions in Attachment 7.2 of the Council Assessment Report as amended at the meeting.

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Remove all sub-headings in the conditions.

Change to Condition 12 – change to ‘subdivision certificate’ in second last line to ‘occupation certificate’ and add ‘s’ to “Money Act 1995”.

Condition 16 to be deleted.

Condition 20 to be deleted

Condition 21 to be deleted.

Condition 22 to be deleted

Condition 23 to be deleted.

Condition 24, 25, 26, 27 and 28 to have the 1% AEP flood reference removed and replaced with “R.L 6.1 AHD.”

Condition 32: change ‘pedestrians or vehicles’ to ‘pedestrians and vehicles’

Condition 33: change to The development shall be consistent with any flood evacuation strategy delivered by Condition 115.

Condition 36 to be deleted

Condition 46 to be deleted

Condition 47 to be deleted

Condition 49 to be deleted

Condition 63 to be deleted

Condition 69 to be deleted

Condition 95 to be deleted

Condition 96: title of Protection of the Environment Act to be written out in full. “There under” to be one full word.

Condition 105: Change reference to “Council’s satisfaction” to “satisfaction of Director of Planning & Growth”

Condition 115: add to the condition two further dot points:

- The nomination of a trigger point for evacuation of all social activities being conducted within the private marina clubhouse and the maritime building including the function centre, the kiosk, tourist recreation and club facilities.
- The nomination of a trigger point requiring cancellation of all scheduled events on site.

Condition 118: Change to “compliance with all requirements should be stipulated in the General Terms of Approval issued for the application as required by Condition 2 are to be addressed and confirmed to the relevant authority”

Condition 119 to be deleted.

Condition 120 add Police Local Area Command.

Condition 133 change ‘premises’ to ‘the private marina clubhouse and Maritime building’. Change 7 days to ‘Monday to Sunday’ and ‘12 am’ to ‘12 midnight’.

Condition 141: change to “there shall be no storage of materials which may cause pollution or be

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

potentially hazardous during any flood below RL 6.1 AHD”

Condition 153 to be changed to ‘A Security and Safety Manager Plan shall be approved by the Director of the Planning and Growth and must be adhered to at all times.’

Condition 154 to be deleted.

Condition 159 to be deleted.

Panel members:

		
Mary-Lynne Taylor (Chair)	Bruce McDonald	Lindsay Fletcher
		
Tony Hadchiti	Mazhar Hadid	

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2012SYW035 – Liverpool LGA – DA-846/2012
2	Proposed development: Marina Development
3	Street address: 146 Newbridge Road, Moorebank
4	Applicant/Owner: Benedict Industries Pty Ltd/ Tanlane Pty Ltd
5	Type of Regional development: Clause 3 and Clause 8 of Schedule 4A of the Environmental Planning and Assessment Act 1979
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP) • State Environmental Planning Policy No.19 – Bushland in Urban Areas • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No.33 – Hazardous and Offensive Development • Liverpool Local Environmental Plan 2008 • Liverpool Development Control Plan 2008 • Part 1 – General Controls for all Development;and • Part 2.10 – Moorebank East (Benedict Sands) • A Voluntary Planning Agreement (VPA) pursuant to Section 93F of the EP&AA 1979 had been executed between Liverpool City Council and Tanlane Pty Ltd dated 11 June 2008. The VPA applies to the subject site and contains a series of contributions/works • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated 8 August 2014 as clarified at the meeting on 22 August 2014. Written submissions during public exhibition: six Verbal submissions at the panel meeting: Against - Neil Kennan; On behalf of the applicant- Luke Walker and David White
8	Meetings and site inspections by the panel: Briefing meeting on 19 July 2012; site inspection on 10 October 2013, briefing meeting on 10 October 2014, public meeting on 10 October 2014; final briefing meeting on 22 August 2014.
9	Council recommendation: approval with conditions
10	Draft conditions: attached as schedule 2