

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at Liverpool City Council on 13 April 2016 at 3.30pm

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Lindsay Fletcher,
Cr Peter Harle, Cr Sabrina Mamone

Apologies: Cr Peter Ristevki Declarations of Interest: None

Determination and Statement of Reasons

2015SYW089 – Liverpool – DA333/2015 [200 Governor Macquarie Drive Warwick Farm] as described in Schedule 1.

Date of determination: 13 April 2016

Decision:

The panel determined to approve the development application as described in Schedule 1 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.

The Panel adjourned to formulate a decision.

Reasons for the panel decision:

This matter was previously heard at a public determination meeting on 10 March 2016. At this meeting, the Panel unanimously agreed to defer consideration of the development applicant for a period of four weeks. The matter was deferred to enable the applicant to respond to the material presented and the council to prepare a revised assessment report.

The Panel by majority (Mary-Lynne Taylor, Bruce McDonald & Lindsay Fletcher for; Cr Peter Harle & Cr Sabrina Mamone against) determined to approve the proposal, subject to the conditions in the Assessment Report and as amended, for the following reasons:

1. The proposed development will provide additional commercial activity and employment within the South West Metropolitan Sub region and the City of Liverpool in location specifically selected and zoned for that purpose.
2. The proposed development subject to the conditions imposed and the terms of the Voluntary Planning Agreement applying to the subject site adequately satisfies the relevant State Legislation and State Environmental Planning Instruments including the Water Management Act 2000, SEPP 55 – Remediation of Land, Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment and SEPP (Infrastructure) 2007.
3. Subject to the conditions imposed and the terms of the Voluntary Planning Agreement applying to the subject site the proposal adequately satisfies the provisions and objectives of Liverpool LEP 2008 and Liverpool DCP 2008.
4. The proposed development will have no unacceptable impacts on the built or natural environments including the amenity of nearby residential premises, significance of the nearby heritage items including Warwick Farm Racecourse, native flora or fauna or the operation of the surrounding road network. In this regard the Panel notes that the site preparation earthworks have been approved and implemented under the terms of an earlier consent given over the subject land. Further it particularly notes the terms of the Voluntary Planning Agreement with Council requiring substantial road improvements to be installed and substantial ecological measures to be implemented on adjoining lands.
5. In consideration of conclusions 1-4 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

Cr Peter Harle would not approve the application at the present time as he believes that there will be an adverse impact on traffic flow in the area as a result of this application.

Cr Sabrina Mamone would not approve the application at the present time as she believes that the warehouse will affect the residential amenity of the neighbourhood with a 24 hour use because of unacceptable noise and believes it is viable for the business to operate with restricted operating hours.

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Conditions: The proposal was approved, subject to the conditions in the Assessment report, and as amended below:

Replace Condition 5 with:

The works listed in Items 1 and 3 - 5B of Part 1 to Schedule 3, of the Voluntary Planning Agreement executed by Australian Turf Club Limited and Liverpool City Council (Document No. 65 35 4369 JRT) or any subsequent amendments to the abovementioned Voluntary Planning Agreement, must be completed prior to the issue of any Occupation Certificate.

Condition 133 amended to read:

Subject to compliance with Condition 134, the property may be used for the purpose approved for 24 hours a day, 7 days a week.

Conditions 134 amended to read:

The proposed use of the premises and/or equipment installed must have operational noise levels in accordance with the NSW Environmental Protection Authority (EPA) Industrial Noise Policy (INP) and the NSW Road Noise Policy (RNP).






Within six month of the commencement of operations, the Applicant shall:

- a) Engage an appropriately qualified acoustic consultant to undertake noise monitoring to demonstrate that the development is complying with the operation noise levels set by condition 134 (Verification Report) and
- b) Submit a copy of the monitoring results to Council.

In the event that the Verification Report does not demonstrate that the development complies with the noise levels set by conditions 134:

- a) The Applicant shall implement measures to ensure compliance with the noise levels set by conditions 134; and
- b) The development shall be restricted in its hours of operation to 6am – 10pm 7 days per week until such time as a further report is prepared by the acoustic consultant, demonstrating that the development complies with the noise levels set by Condition 134, is submitted to Council's Senior Development Planner.

Panel members:

 Mary-Lynne Taylor (Chair)	 Bruce McDonald	 Lindsay Fletcher
 Cr Sabrina Mamone	 Cr Peter Harle	

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SCHEDULE 1

1	JRPP Reference – LGA – Council Reference: 2015SYW089 – Liverpool – DA333/2015
2	Proposed development: Construction and use of 4 Warehouse Facilities associated internal access roads and car parking
3	Street address: 200 Governor Macquarie Drive Warwick Farm
4	Applicant: Stockland Development Pty Ltd Owner: The Trust Company Pty Ltd
5	Type of Regional development: Capital Investment Value >\$20 million
6	Relevant mandatory considerations: <ul style="list-style-type: none"> • Contaminated Land Management Act 1997 • Water Management Act 2000 • State Environmental Planning Policy No.55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment • Liverpool Development Control Plan 2008 • Planning Agreement Inglis, Coopers Paddock, Warwick Farm ; Ref, 65 35 4369 JRT • 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, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council Assessment Report Dated 1 April 2016 Written submissions during public exhibition: 11 Verbal submissions at the panel meeting: Against- Mr John Anderson, Mr Paul Van Den Bos; On behalf of the applicant- Felicity Rourke (Partner and Head of Office, Norton Rose Fulbright), Mr Ben White (Director, Acoustic Logic Consultancy), Tim Rogers (Director, Colston Budd Hunt & Kafes),
8	Meetings and site inspections by the panel: 10 March 2016 - Site inspection, Final Briefing Meeting, Determination Meeting (matter deferred) 13 March 2016 – Briefing Meeting, Determination Meeting
9	Council recommendation: Approval
10	Draft conditions: As per Council Assessment Report