

DATE OF DETERMINATION	29 September 2016
PANEL MEMBERS	Mary-Lynne Taylor (Chair), Bruce McDonald, Stuart McDonald and Eddie Jackson
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Francis Greenway Centre, 170 George Street, Liverpool on Thursday 29 September 2016, opened at 12:40 pm.

MATTER DETERMINED

2015SYW155 - Liverpool City Council, DA-781/2015, Georges Cove Marina, Construction and Operation of Georges Cove Marina, 146 Newbridge Road, Moorebank.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the matters observed at site inspection listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80/96 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

REASONS FOR THE DECISION

1. The proposed development will provide a social and recreational facility within the City of Liverpool and the broader locality the exploits the attraction of the Georges River and will add to the regional stature of the City.
2. Subject to the conditions imposed and the provisions of the Voluntary Planning Agreement concluded with Council, the proposal will deliver restoration, enhancement and dedication of significant accessible riverside lands for public recreation use.
3. The proposed development will result in the rehabilitation and rejuvenation of a site adjacent to the Georges River degraded as result of its exploitation for extractive industry, in a manner that will deliver significantly preferable environmental, economic and social outcomes than would be secured under the prevailing restoration requirements.
4. The proposed development, subject to the conditions imposed adequately satisfies the relevant State legislation and State Environmental Planning Policies including the Water Management Act 2000, Fisheries Management Act 1994, Protection of the Environment Operations Act 1997, SEPP No. 19 – Bushland in Urban Areas, SEPP No. 33 – Hazardous and Offensive Development, SEPP No. 55 – Remediation of Land, SEPP (Infrastructure) 2007, SREP No. 2 Georges River Catchment (Deemed SEPP).

With regard to SEPP 55 Remediation of Land the Panel considers that the investigation undertaken, the Remedial Action Plan prepared and required to be implemented under the terms of consent and other conditions addressing site remediation that the site will be made suitable for the proposed use.

5. The proposed development subject to the conditions imposed adequately satisfies the objectives and provisions of Liverpool LEP 2008 and Liverpool DCP 2008.

6. The design of the proposed facilities and the conditions imposed on the proposed development will result in there being no unacceptable impacts on the built or natural environments including:
 - Water quality, flow patterns or flood impacts of the Georges River
 - The amenity of nearby and future residential premises
 - The performance of the local road network
7. The design of the proposed development and conditions imposed including a requirement to install an evacuation management plan, is considered to adequately address damage to the buildings and facilities to be constructed and risk to persons using the facility arising as a consequence of flood events.
8. In consideration of conclusions 1-7 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with amendments to Condition 72, Condition 111 and a new condition 111A to read as follows –

Condition 72 to read as follows –

Street lighting is to be provided for all new and existing streets within the proposed development to Liverpool City Council's standards.





The developer shall submit a Public Lighting Design Brief to Council for approval for the provision of street lighting on all new public roads dedicated to Council. A street lighting design plan must be prepared by an accredited service provider for approval prior to construction. All street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

Condition 111 to read as follows:

Prior to occupation or use of the site, or the issue of any Occupation Certificate, the bridge crossing to Brickmakers Drive, the link road from Brickmakers Drive to the marina carpark (known as the Marina access road), the upgrade to the Brickmakers Drive/Link Road intersection and the roundabout at the Marina access road/proposed north-south access road must be completed and legally available and fully accessible to the public. All works relating to bridge access must be to the satisfaction of the Council and in accordance with Council's design and construction specifications.

New Condition 111A to read as follows:

Prior to the occupation or use of the site or the issue of any occupation certificate, the applicant shall dedicate to the Council for public road, all lands owned by a under control of the applicant identified in Condition 111.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Bruce McDonald
 Stuart McDonald	 Eddie Jackson

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2015SYW155 – Liverpool City Council, DA781/2015
2	PROPOSED DEVELOPMENT	Georges Cove Marina, Construction and Operation of Georges Cove Marina
3	STREET ADDRESS	Lot 7 DP 1065574, 146 Newbridge Road, Moorebank.
4	APPLICANT/OWNER	Benedict Industries Pty Ltd Tanlane
5	TYPE OF REGIONAL DEVELOPMENT	General development with a CIV over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ul style="list-style-type: none"> • Liverpool Local Environmental Plan 2008 • State Environmental Planning Policy No 19 – Bushland in Urban Areas • State Environmental Planning Policy No 33 – Hazardous and Offensive Development • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy No 71 – Coastal Protection • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment <p>Draft environmental planning instruments: Nil</p> <p>Development control plans:</p> <ul style="list-style-type: none"> • Liverpool Development Control Plan 2008 • Part 1 – General Controls for all Development • Part 2.10 – Development in Moorebank East <p>Planning agreements:</p> <ul style="list-style-type: none"> • Voluntary Planning Agreement executed between Liverpool City Council and Tanlane Pty Ltd on 11 June 2008 <p>Regulations:</p> <ul style="list-style-type: none"> • Environmental Planning and Assessment Act Regulation 2000 <p>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</p> <ul style="list-style-type: none"> • Georges River Coastal Zone Management Plan. <p>The suitability of the site for the development.</p> <p>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>The public interest, including the principles of ecologically sustainable development.</p>
7	MATERIAL CONSIDERED BY THE PANEL	<p>Council Assessment Report: September 2016</p> <p>Written submissions during public exhibition: eight</p> <p>Verbal submissions at the panel meeting:</p>

		<ul style="list-style-type: none"> • Support – Fiona Macnaught • Object – Brent Lawson – Moorebank Recyclers Pty Ltd, Raymond Tigani • On behalf of the applicant – Ernest Dupere, Philip Towler, Luke Walker, Minter Ellison and Mark Tooker
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	13 April 2016 – Briefing Meeting 29 September 2016 – Site Inspection 29 September 2016 – Final Briefing Meeting
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report