

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 8 August 2022, 3:10pm – 4:00pm
LOCATION	Teleconference

BRIEFING MATTER(S)

PPSSWC-232 – Liverpool City Council – DA-611/2018/A – 146 NEWBRIDGE ROAD MOOREBANK 2170 – Modification to Development Consent DA-611/2018 under Section 4.55 (2) of the Environmental Planning and Assessment Act 1979, to the following deferred commencement conditions (DCCs) are deleted, and where required, replaced with general conditions:

DCC1. amendment to the VPA

DCC2. signalisation of the intersection of Brickmaker's Drive and new Link Road;

DCC3(a), 3(b), 3(c), 3(g) and 3(k) and DCC4 in relation to environmental management/contamination; and

DCC6. protocols for opening the marina basin to the Georges River

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Nicole Gurran, Angus Gordon and Nathan Hagerty
APOLOGIES	Ned Mannoun
DECLARATIONS OF INTEREST	Peter Harle Karress Rhodes: I was at the Council meeting and voted when the matter was raised through a Councillor Notice of Motion in the last term of Council

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Kevin Kim, William Attard, Peter Oriehov
APPLICANT REPRESENTATIVE	Ernest Dupere and Phil Tower
TfNSW	David Rohloff
DPE	Stuart Withington and Alexander Richard

KEY ISSUES DISCUSSED

The Panel raised queries in relation to the resolution of deferred commencement conditions 1, 2, 3 and 6, and was advised:

With regards to DCC 1

Council has reached agreement with the Applicant in relation to the VPA, such that no amendment to the VPA would now be necessary before the development consent could become operative, particularly

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because the Council was now agreeable to accept the dedication of the waterfront in line with the original VPA agreement, and there would no longer be any need for the bridge. Any changes to the VPA could therefore be addressed as a separate matter.

With regards to DCC 2

The Panel was advised that TfNSW was now agreeable to the consent becoming operative and had supplied its GTA's.

It was however observed that point 6 of Council's requirements referred to the "consent authority" approving an environmental study, and the participants in the meeting agreed that should be substituted with an appropriate Council officer.

In regard to DCC 3

Reference is made in Council's reporting in relation to DCC3 to Appendix C - the Applicant's response letter. This letter requests Council's confirmation that it accepts the Applicants requested amendments in relation to site remediation.

Council's only comment in its reporting was that it raised "no further concerns". However at the briefing it was confirmed that the Council in fact approved of the site remediation approach of the Applicant, and again with suitable adjustment of the Conditions to shift some of the 'deferred commencement' requirements to be operative requirements, the consent could become operative.

With regards to DCC 6

The Panel noted that it had not received a copy of the final basin opening protocols referred to in Council's report (Appendix D). Council has subsequently circulated a copy of the updated protocols (contained in a letter from EMM dated 21 July 2022). The Panel has formed the opinion that again this issue has now been addressed.

To move the application towards determination it was agreed:

- (a) The Applicant would supply a set of conditions it now proposes marked up against the conditions as imposed by the consent, so as to clearly identify the modification it is now proposing.
- (b) The Council is to advise whether it agrees with the conditions so modified.
- (c) The Panel will proceed to an electronic determination.