

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 13 November 2023, 1:30pm to 2:30pm
LOCATION	MS teams

BRIEFING MATTER(S)

PPSSWC-304 – Liverpool – DA-1262/2022 – 402 Macquarie Street, Liverpool - Concept Development Application for the construction of a 31 storey mixed-use development consisting of the establishment of the building envelope, gross floor area, maximum building height, design excellence, public domain works, vehicular access and car parking provision, stormwater management and concept landscape design.

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Louise Camenzuli, Karress Rhodes, Ned Mannoun
APOLOGIES	David Kitto
DECLARATIONS OF INTEREST	NIL

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Nabil Alaeddine, Shaun Yong
APPLICANT	Kalinda Li
PLANNING PANELS SECRETARIAT	Sharon Edwards, Kate McKinnon, Tim Mahoney
PDU	Felicity No

KEY ISSUES DISCUSSED

- Council advised the remaining issue is site contamination. Council has requested further information which has not been provided by the applicant to date.
- Council is still seeking a detailed site investigation and a remediation action plan to be provided by the applicant.
- The Panel chair suggested that the final resolution of contamination issues through a detailed site investigation (DSI) might (depending on the findings contained in the PSI) ultimately be resolved by a deferred commencement consent. However, before consent can be granted, a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines is necessary.
- The preliminary site investigation (PSI – Also referred to as a Phase 1 investigation) is a statutory requirement for a lawful development consent. The report should conclude that the land will be suitable after remediation for the purpose for which the development is proposed to be carried out

(See clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 (NSW) and Preston CJ in *Moorebank Recyclers Pty Ltd v Benedict Industries Pty Ltd* [2015] NSWLEC 40).

- The complexities of proceeding through a deferred commencement consent and the matters a consent authority must be satisfied with to grant consent were discussed.
- A final briefing date was agreed for 12th of December 2023. If the issue of contamination is unresolved, presence of a contamination expert for the Applicant and the officer considering contamination for the Council should be present. It would greatly assist if those persons had spoken before the meeting.
- Council is to upload the assessment report and recommendation by 5th December 2023. Even if the contamination issue remains outstanding, the other planning considerations can usefully be resolved.