

DATE OF DEFERRAL	26 August 2024
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Lousie Camenzuli and Karress Rhodes
APOLOGIES	Ned Mannoun
DECLARATIONS OF INTEREST	Nil

Panel briefing held by videoconference on 12 August 2024.
Papers circulated electronically on 9 August 2024.

MATTER DEFERRED

PPSSWC-376 – Liverpool – DA-1183/2016/C at 68-82 Stewart Avenue, Hammondville

Modification to Development Consent DA-1183/2016 under Section 4.55 (2) of the Environmental Planning and Assessment Act 1979, including modifications to buildings and associated open space in Stages 3 and 4 of the approved development (as described in Schedule 1).

REASONS FOR DEFERRAL

The Panel considered: the matters listed at item 6, the material listed at item 7, the material presented at meetings and briefings, and the matters listed at item 8 in Schedule 1.

At the meeting, the panel accepted Council’s reasons why the development as modified is substantially the same as the development for which consent was originally granted and agreed that the proposed modification has merit.

However, the Applicant requested several changes to the conditions proposed by Council for the modified development consent. These changes relate to the:

- staging of the development
- imposition of additional development contributions
- provision of street lighting
- hazardous material survey.

Following the meeting, Council and the Applicant have agreed to most of these changes. The only outstanding issue is the provision of street lighting.

In summary, the Council wants the Applicant to upgrade or install new street lighting “along all new and existing streets within the proposed development” and the Applicant believes this is unreasonable.

At this stage, the Panel does not have enough information to adjudicate on the remaining matters. Consequently, the Panel has agreed to defer the determination of the application to allow the Council and the Applicant to make further submissions on the matter.

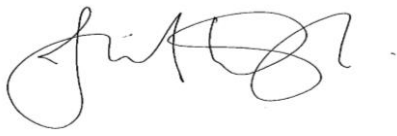



The decision to defer was unanimous.

ACTIONS

To enable the Panel to determine the application on the papers as soon as possible:

1. By 6 September 2024, Council is requested to:
 - identify on a plan all the street lighting upgrades/installations required
 - justify why the upgrades/installations are required and considered to be reasonable
 - give a copy of the material to the Applicant for review

2. By 10 September 2024, the Applicant is to provide a written response to Council on the material
3. By 11 September 2024, Council is to give the Panel a copy of the material it provided to the Applicant, the Applicant's response to the material, and any additional material it wants the Panel to consider on the matter.

PANEL MEMBERS	
 Justin Doyle (Chair)	 David Kitto
 Lousie Camenzuli	 Karress Rhodes

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-376 – Liverpool – DA-1183/2016/C
2	PROPOSED DEVELOPMENT	Modification to Development Consent DA-1183/2016 under Section 4.55 (2) of the Environmental Planning and Assessment Act 1979, including modifications to buildings and associated open space in Stages 3 and 4 of the approved development.
3	STREET ADDRESS	68-82 Stewart Avenue, Hammondville
4	APPLICANT/OWNER	Applicant: HammondCare Owner: HammondCare
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Housing) 2021 ○ Liverpool Local Environmental Plan 2008 Liverpool • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Development Control Plan 2008 o Part 1 General Controls for All Development • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 1 July 2024 • Applicant response: 12 August 2024 • Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 29 April 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Karress Rhodes, Ned Mannoun ○ <u>Council assessment staff</u>: Nabil Alaeddine, Amanda Merchant ○ <u>Applicant</u>: Robert Allen, Katie Formston, Chris Forrester, Aaron Hogan, Don Wang • Final briefing to discuss council’s recommendation: 12 August 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Karress Rhodes ○ <u>Council assessment staff</u>: Nabil Alaeddine, Amanda Merchant ○ <u>Applicant representatives</u>: Robert Allen, Katie Formston, Aaron Hogan, Karen Armstrong, Simon Thorne, Dianna Plassan, Matthew MacIntyre

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report