

DATE OF DETERMINATION	Friday, 12 June 2020
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran and Louise Camenzuli
APOLOGIES	Wendy Waller and Peter Harle
DECLARATIONS OF INTEREST	None

Papers circulated electronically between 2 June 2020 and 9 June 2020.

MATTER DETERMINED

PPSSWC-42 – Liverpool City Council – DA-263/2018/A at 55 Martin Road, Badgerys Creek Lot 4 DP 611519 – Modification to Development Consent DA-263/2018 (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

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

Development application

The panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. After taking into account the reasons originally given by the consent authority for the grant of the consent that is sought to be modified, the Panel has considered and adopts the reasons given for the recommendation of approval by the Council staff assessment report for the current modification application. That assessment report has been found to provide a satisfactory summary of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. After reviewing that report, and adopting the reasons the report outlines, the Panel:
 - (a) is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted, and
 - (b) notes that the Council has on behalf of the Panel consulted with the relevant public authorities as required by s.4.55(2)(b) of the EP&A Act, who raise no objections to the modification, and has notified the application in accordance with Council's DCP. The one submission received has been considered and the Panel sees that it has been satisfactorily resolved; and
 - (c) is satisfied that the proposal adequately addresses the relevant matters raised by the regulations, the applicable planning instruments and draft instruments as well as Liverpool DCP 2008 with which the modified proposal has been found to comply.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS



Justin Doyle (Chair)



Nicole Gurrán



Louise Camenzuli

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-42 – Liverpool City Council – DA-263/2018/A
2	PROPOSED DEVELOPMENT	<p>Modification to Development Consent DA-263/2018 under Section 4.55(2) of the Environmental Planning and Assessment Act 1979. The modification seeks alterations to the site layout, including an enlarged slab, altered internal vehicle movements, and noise barriers; an increase in building height and footprint and the addition of an awning; the replacement of the existing dwelling with a purpose built single storey office building; the relocation of the car park and the provision of an additional vehicle access; changes to the drainage and easements across the site.</p> <p>The proposal is identified as Designated Development as specified in Schedule 3 of the Environmental Planning and Assessment Regulation 2000 and is identified as Nominated Integrated Development, requiring a license from NSW Environmental Protection Authority pursuant to Protection of the Environment Operations Act 1997.</p>
3	STREET ADDRESS	55 Martin Road, Badgerys Creek Lot 4 DP 611519
4	APPLICANT/OWNER	<p>Applicant: Claron Consulting</p> <p>Owner: Antoun's Construction</p>
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 33 – Hazardous and Offensive Development ○ State Environmental Planning Policy No. 55 – Remediation of land ○ Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River (No 2 – 1997) (Deemed SEPP) ○ State Environmental Planning Policy (Sydney Region Growth Centres) 2006 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Commonwealth Environment Protection and Biodiversity Act 1999 ○ Threatened Species Conservation Act 1995 ○ Contaminated Land Management Act 1997 ○ Protection of the Environment Operations Act 1997 ○ Native Vegetation Act 2003 ○ Biodiversity Conservation Act 2016 ○ Liverpool Local Environmental Plan 2008 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ The Remediation of Land SEPP ○ Draft SEPP (Environment) • Development control plans: Liverpool Development Control Plan 2008 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • 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

		<ul style="list-style-type: none"> 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: 29 May 2020 Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Briefing: Monday, 23 March 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Wendy Waller and Nathan Hagerty <u>Council assessment staff</u>: Adam Flynn and Boris Santana Papers were circulated electronically between Tuesday, 2 June 2020 and Tuesday, 9 June 2020
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report