

COUNCIL SUPPLEMENTARY ASSESSMENT REPORT

SYDNEY WESTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSWC-522 – DA-28/2025
PROPOSAL	Concept DA for the establishment of a public art strategy for the Ingham Property Master Plan known as IPG Badgerys Creek Road Master Plan (WSA_MP01). SWCPP Liverpool City Council is the consent authority, and the Sydney Western City Planning Panel has the function of determining the application
ADDRESS	475 Badgerys Creek Road, Bradfield Lot 100 DP 1287207
APPLICANT	The Trustee for Ingham Property Unit Trust 4
OWNER	Ingham Property Co 4 Pty Ltd
DA LODGEMENT DATE	28 January 2025
APPLICATION TYPE (DA, Concept DA, CROWN DA, INTEGRATED, DESIGNATED)	Concept DA
REGIONALLY SIGNIFICANT CRITERIA	The Sydney Western City Planning Panel is the determining body as the Capital Investment Value of any future development proposed with the Concept DA is consider community facilities over \$5million, pursuant to Clause 2, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> :
CIV	The Concept DA has a fixed public art budget of \$10 million.
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2021 State Environmental Planning Policy (Precincts – Western Parkland City) 2021.
DOCUMENTS SUBMITTED FOR CONSIDERATION	Attachment A – Supplementary Report from the Applicant
RECOMMENDATION	Approval
PREPARED BY	Emily Lawson
DATE OF REPORT	4 November 2025

1. EXECUTIVE SUMMARY

On 20 October 2025, the SWCPP (“The Panel”) considered the report for DA-28-2025. The Panel deferred the application on the 21 October 2025 and raised the following issues related to the application:

- (a) *Final Locations for the artwork to accord with the Masterplan (with the artwork suitable for the final location and relocation at no cost to the art budget).*
- (b) *Protection of the budget to ensure it is applied as much as possible for creation of art.*
- (c) *Signoff of matters by the Applicants Public Art Panel with any principles to be applied and consideration to be taken into account identified (and with a method for the appointment if necessary, of suitable replacement members of the panel).*
- (d) *Clarity as to the percentage of the total budget allocated to an artwork (presumable to exclude associated site preparation, landscaping and developers’ management costs).*
- (e) *Consideration of design excellence construction issues such as longevity of the artwork, First Nations cultural issues, inclusion of explanatory information, and any impacts on traffic regulation.*
- (f) *Any other essential features of the strategy identified within the Masterplan.*
- (g) *Indexing of the Budget to allow for inflation of building cost.*

The applicant provided a supplementary letter to the Council in response to the panel's deferral.

2. ASSESSMENT OF OUTSTANDING ISSUES

The following comments are provided to each of the matters raised by The Panel:

- (a) *Final Locations for the artwork to accord with the Masterplan (with the artwork suitable for the final location and relocation at no cost to the art budget)*

Council Comment:

Artwork will be delivered through each stage of the approved Masterplan. The Public Art Strategy and Masterplan identify the required areas for artwork to be delivered. Section 10.2 of the Masterplan identified the location, which is shown below; furthermore the applicant reiterates this within the supplementary letter provided to Council on 23 October 2025.

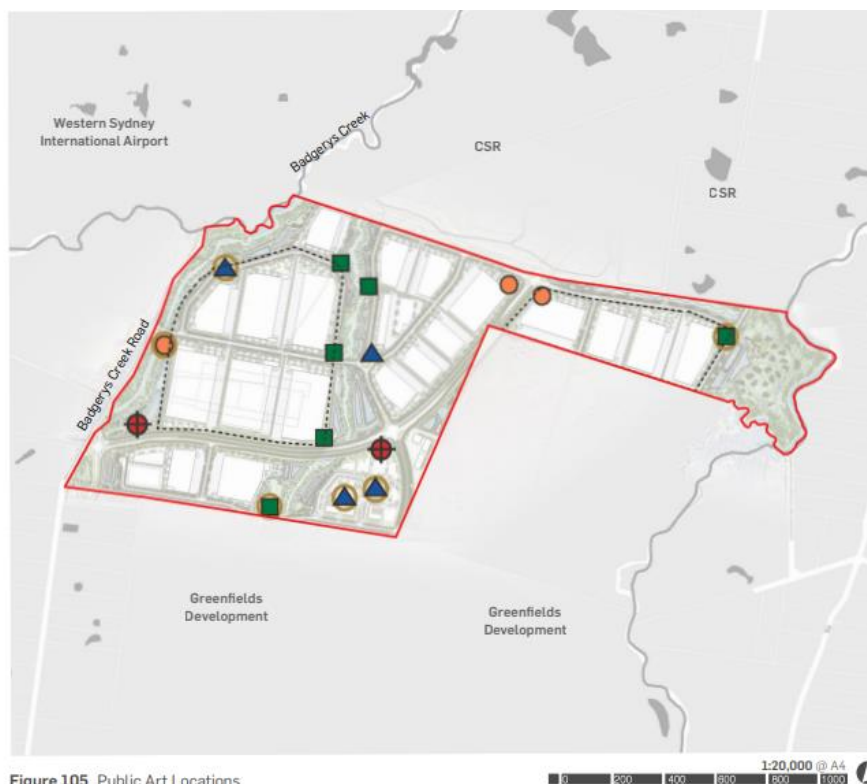


Figure 105 Public Art Locations
Source: Site Image

<https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/s3fs-public/dpe-public/documents/NSW%2BPlanning%2BPortal%2Bexhibitions%2B/IPG+Badgerys+Creek+Road+Master+Plan.pdf>

The applicant has identified no cost to the art budget would occur for relocation purposes.

- (b) *Protection of the budget to ensure it is applied as much as possible for creation of art.*

Council Comment:

There is no enforceable mechanism that can ensure the budget is mainly utilised for the creation of art. Whilst the applicant has provided a breakdown of the intent the budget may be spent on; it may be prudent for the panel to impose conditions relating to indexation as discussed within comments G.

- (c) *Signoff of matters by the Applicants Public Art Panel with any principles to be applied and consideration to be taken into account identified (and with a method for the appointment, if necessary, of suitable replacement members of the panel).*

Council Comment:

The applicant has not identified how the panel members or the replacement of panel members will occur. Should the Panel, choose, a condition of consent may be considered that the Panel is regulated with appropriate Expressions of Interest for panel members advertised to the community, to allow for transparency purposes. It is noted; a Panel member will be from Liverpool City Council.

- (d) *Clarity as to the percentage of the total budget allocated to an artwork (presumable to exclude associated site preparation, landscaping and developers' management costs).*

Council Comment:

As identified within discussion B, the applicant has provided an indicative breakdown within the supplementary letter which illustrates the project budget for:

- Fabrication
- Service connections and footings
- Consultants' fees
- Specialist advice
- Competition concepts

- (e) *Consideration of design excellence construction issues such as longevity of the artwork, First Nations cultural issues, inclusion of explanatory information, and any impacts on traffic regulation.*

Council Comment:

Condition 7 of the consent states artworks are to remain in the ownership of Inghams in perpetuity. Should the Panel require an amendment to this condition, Council would be supportive to ensure the longevity and upkeep of the artwork is maintained across the site is also considered.

- (f) *Any other essential features of the strategy identified within the Masterplan.*

Council Comment:

Proposed built forms would potentially dwarf public art, and therefore, the artwork may not be visible from important nodes and cross points across the site, given that we have not seen the

scale of the Public Art proposed. Additional concerns have been raised that the expanse of bulk façade would impact the public domain, for example, the interface with the Eastern Ring Road would be a dominating feature that could be ameliorated through the provision of public art on building facades or scalable artwork.

We also note the public art is identified to be delivered within the public domain, to complement and embellish a significant portion of the site's open space and landscaping area. Should the Panel consider imposing a condition of consent requiring the built form to deliver public art in accordance with the Precinct Plan and DCP, supporting design excellence, Council would not object to this approach.

(g) *Indexing of the Budget to allow for inflation of building cost.*

Council Comment:

Should the Panel impose a condition of consent for indexation, Council would not object to this.

3. SUMMATION

Having considered the Panel's deferral request and the additional information submitted on 23 October 2025, Council remains of the view that the proposed development should be approved subject to any amendments to conditions of consent the Panel recommends.

4. RECOMMENDATION

That the Panel receives and notes this addendum report.