

DATE OF DETERMINATION	21 November 2025
DATE OF PANEL DECISION	21 November 2025
DATE OF DEFERRAL	20 October 2025
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Stuart Mangleson, Anthony Krilich
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 10 October 2025 and 6 November 2025.

MATTER DETERMINED

PPSSWC-522 – Liverpool – DA-28/2025 - 475 Badgerys Creek Road, Bradfield - 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).

PANEL CONSIDERATION AND DECISION

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

Development application

By its determination published on 21 November 2025 the Panel set out its reasons for deciding that it supported the public art strategy proposed for the 181 hectare site covered by the Applicant's IPG Badgerys Creek Road Master Plan.

However, the determination also recorded the Panel's view that greater certainty was required for the construction or installation of a particular artwork, including the protocol to be followed to ensure that the overall vision was delivered with appropriate staging, particularly where circumstances arose during the larger master-planned development.

For that reason, the Panel resolved to defer the DA while matters identified by the Panel in that regard were addressed by the Applicant, with the response to be further considered by the Council.

The Applicant has now provided its response to those identified matters by memorandum dated October 2025 and published on the Planning Portal on 6 November 2025, together with the Council's supplementary assessment taking that material into account.

The Panel has concluded as follows concerning respectively each of the issues in relation to which the Panel called for a response:

(a) Final locations for the artwork to accord with the Master Plan (with the artwork suitable for the final location and relocation at no cost to the art budget).

The Applicant has provided at Figure 1 of its October Memorandum a plan of the final locations for the artworks, and a commitment that any artwork which is located in a temporary place during the construction phase of the Master Planned development will be accessible to the viewing audience and will not be at risk of damage by any ongoing construction works, and that the costs of relocation to the ultimate location will not impact the public art budget.

A condition is to be included in the development to reflect that commitment.

On that basis, the Panel is satisfied with that response.

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

The Applicant has supplied an artwork budget, which is shown in figure 2 of its October Memorandum, and submits that the public art budgets recorded have been derived to ensure that the proportion of the budgets dedicated to artwork fabrication and artist remuneration is protected.

The Applicant has committed to indexing the artwork fabrication costs allowed for in the Budget to be indexed every three years in accordance with the total of quarterly changes in the Building construction prices published by the Australian Bureau of Statistics during that 3 year period.

A condition is to be imposed to require a copy of the suitably updated indexed Budget (which after indexation can be expected to exceed \$10 million in line with the Applicant's Commitment) to the Council and the Applicant's Public Art Panel together with information as to the remaining unspent portion of the Budget.

With that condition imposed the Panel is satisfied this issue is addressed.

(c) Signoff of matters by the Applicant's Public Art Panel with any principles to be applied and considerations to be taken into account identified (and a method for the appointment if necessary of suitable replacement members of the Panel).

The Applicant has provided additional information about the constitution of its Public Art Panel, replacement of its members, which is satisfactory. The Conditions will require adherence to those commitments.

(d) Clarity as to the percentage of the total budget allocated to an artwork (presumably to exclude associated site preparation, landscaping and developer's management costs).

The table at Figure 2 of the October Memorandum provides a breakdown as to how the Budget is to be applied. It notes that up to 34% of the Budget will be spent on consultants. That figure might seem high, but this includes funding for the involvement of First Nations artists in concept design and development.

The Panel is of the view that the Applicant's Public Art Panel is best placed to monitor this issue. The Panel has included in the conditions a requirement to include reporting of the breakdown in the Budget to that Panel so it can be monitored as the project moves forward.

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

The Panel has included a condition to ensure that the Applicant's Public Art Panel takes these matters into account including at the time it assesses the installation of the temporary locations for the works.

(f) Any other essential features of the strategy identified in the Masterplan.

Significant additional information has been provided as to how artists will be shortlisted and what will be included in a Request for Proposal (RFP) made by shortlisted artists. The Panel is satisfied it has sufficient information to determine the DA.

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

See (b) above.

Taking those matters into account, and the matters discussed in the Panel's deferral report together with the reasoning in the Council assessment reports, the Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the council assessment reports.

CONDITIONS

The development application was approved subject to the conditions in the council assessment reports with the following amendments.

- Additional condition to read to the effect:

"The final locations of artworks are to be as described in the IPG Badgerys Creek Road Master Plan (WSA_MP01). Artworks are not to be located in a different location even temporarily unless the relocation is approved in writing by the Public Art Panel after it has considered:

- (a) the extent to which the proposed alternative location for the artwork will be accessible to the viewing audience and will not be at risk of damage by any ongoing construction works;
- (b) design construction issues such as longevity of the artwork,
- (c) any First Nations cultural issues,
- (d) whether explanatory information is appropriate, and
- (e) any impacts on traffic regulation

No part of the additional costs associated with relocation of artworks is to be met from the \$10 million budget (indexed) approved by the Master Plan."

- Additional condition to read to the effect:

"A copy of the Budget for the expenditure of the \$10 million approved with the Masterplan is to be provided to the (which after indexation can be expected to exceed \$10 million in line with the Applicant's Commitment) to the Council and the Applicant's Public Art Panel together with information as to the remaining unspent portion of the Budget and a breakdown of the portion of the adjusted actual and proposed expenditure on artwork fabrication, artwork footings and service connections, consultants fees, and specialist advice and consultation and RFP's. No amount is to be deducted from the \$10 million (indexed) approved with the Masterplan except where approved in writing by the Applicant's Public Art Panel."

- Additional condition to read to the effect:






"No artwork is to be installed except with the written approval of the Applicant's Public Art Panel. All replacements to the Applicant's Public Art Panel shall be as approved by the remaining incumbent Panel members."

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- Insufficient amount of art
- Scale of art in relation to the development
- Façade art
- Visual dominance
- Conflict of interest
- Panel diversity
- Panel expertise
- The use of local artists and/or first nations artists
- Whether the budget is proportionate to the proposal
- The suitability of the proposed CDC pathway
- Impact on existing agricultural business.

The Panel considers that concerns raised by the community have been adequately addressed in the council assessment reports.

PANEL MEMBERS	
Justin Doyle (Chair) 	Louise Camenzuli 
David Kitto 	Anthony Krilich 
Stuart Mangleson 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-522 – Liverpool – DA-28/2025
2	PROPOSED DEVELOPMENT	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).
3	STREET ADDRESS	475 Badgerys Creek Road, Bradfield
4	APPLICANT/OWNER	Applicant: The Trustee for Ingham Property Unit Trust 4 Owner: Ingham Property Co 4 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2021 ○ Environmental Planning and Assessment Act 1979 ○ State Environmental Planning Policy (Planning System) 2021 ○ State Environmental Planning Policy (Industry and Employment) 2021 ○ Western Sydney Aerotropolis Plan (WSAP) 2020 ○ State Environmental Planning Policy (Precincts Western Parkland City) 2021 ○ Liverpool Local Environmental Plan 2008 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Liverpool Development Control Plan 2008 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2021</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 • 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: 24 July 2025 • Council supplementary report: 4 November 2025 • Written submissions during public exhibition: 2 • Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 23 June 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle, Louise Camenzuli (Acting Chair), David Kitto, Peter Ristevski ○ <u>Council assessment staff</u>: Nabil Alaeddine ○ <u>Applicant representatives</u>: Michael Parkinson, Natalija Todorovic, Bruce Colman, Ross Shepherd, Matt Ramaley • Deferral: 17 October 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle, Louise Camenzuli, David Kitto, Stuart Mangleson, Bronte Rivers ○ <u>Council assessment staff</u>: Emily Lawson, Nabil Alaeddine ○ <u>Applicant representatives</u>: Michael Parkinson, Bruce Colman, Ben Lowe, Natalija Todorovic

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report