

## SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at Francis Greenway Centre, 170 George Street, Liverpool

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, John Griffin, Cllr Sabrina Mamone and  
Cllr Peter Ristevski

Apologies: None    Declarations of Interest: None

### Determination and Statement of Reasons

**JRPP Reference – 2015SYW083, LGA – Liverpool City Council, Reference - DA266/2015, Address - 25 Martin Road, Badgerys Creek,** Construction and operation of a resource recovery facility and associated ancillary structures. The application is Designated Development under the Environmental Planning and Assessment Regulation 2000 and Integrated Development under the Environmental Planning Assessment Act 1979 requiring the activity to be licensed by the Environment Protection Authority, Liverpool City Council is the consent authority and the Sydney West Joint Regional Planning Panel has the function of determining the application.

**Date of determination:** 3 August 2016

**Decision:**

The panel unanimously determined to defer the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979* and requires the applicant to provide to the Council within 28 days a hazardous materials protocol to the satisfaction of the Council and Environmental Planning Authority and then a further report be submitted by Council to JRPP.

Further the Panel requires confirmation that there would be no unacceptable amenity impacts upon local residential properties in the vicinity from vibration.

**Panel consideration:**

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

**Panel members:**



**Mary-Lynne Taylor (Chair)**



**Bruce McDonald**



**John Griffin**



**Sabrina Mamone**



**Peter Ristevski**

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SCHEDULE 1	
1	<b>JRPP Reference – 2015SYW083, LGA – Liverpool City Council, Reference: DA266/2015</b>
2	<b>Proposed development:</b> Construction and operation of a resource recovery facility and associated ancillary structures. The application is Designated Development under the Environmental Planning and Assessment Regulation 2000 and Integrated Development under the Environmental Planning Assessment Act 1979 requiring the activity to be licensed by the Environment Protection Authority, Liverpool City Council is the consent authority and the Sydney West Joint Regional Planning Panel has the function of determining the application.
3	<b>Street address:</b> 25 Martin Road, Badgerys Creek
4	<b>Applicant/Owner:</b> Precise Planning
5	<b>Type of Regional development:</b> Clause 8 Particular designated development Waste management facilities or works, which meet the requirements for designated development under Clause 32 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000.
6	<b>Relevant mandatory considerations:</b> <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No.55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (Deemed SEPP)</li> <li>○ State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</li> <li>○ State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)</li> <li>○ State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>○ Contaminated Land Management Act 1997</li> <li>○ Native Vegetation Act 2003</li> <li>○ Threatened Species Conservation Act 1995</li> <li>○ Protection of the Environment Operations Act</li> <li>○ Commonwealth Environment Protection and Biodiversity Act 1999</li> <li>○ Liverpool Local Environmental Plan 2008</li> </ul> </li> <li>• Draft environmental planning instruments: No draft Environmental Planning Instruments apply to the site.</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Liverpool Development Control Plan 2008</li> <li>○ Part 1 – General Controls for all Development</li> <li>○ Part 5 – Rural and E3 Zones.</li> </ul> </li> <li>• Planning agreements: No planning agreement relates to the site or proposed development.</li> <li>• Regulations: <ul style="list-style-type: none"> <li>○ Environmental Planning and Assessment Regulation 2000</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and EPA Regulation.</li> <li>• The public interest, including the principles of ecologically sustainable development.</li> </ul>
7	<b>Material considered by the panel:</b> Council Assessment Report Dated: 20 July 2016 Written submissions during public exhibition: 3 Verbal submissions at the panel meeting: <b>Against</b> - Teresa Albanese, John Vukovic Support- Nil On behalf of the applicant- Jeff Bulfin – Town Planner on behalf of the applicant.
8	<b>Meetings and site inspections by the panel:</b> 3 August 2016 – Site Inspection and Final Briefing Meeting.

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9	<b>Council recommendation:</b> Approval
10	<b>Draft conditions:</b> Attached to Council assessment report