

**DETERMINATION AND STATEMENT OF REASONS**  
**SYDNEY SOUTH WEST PLANNING PANEL**

<b>DATE OF DETERMINATION</b>	24 November 2016
<b>PANEL MEMBERS</b>	Sheridan Dudley (Chair), Bruce McDonald, John Griffin, Cllr Karess Rhodes and Cllr Tony Hadchiti
<b>APOLOGIES</b>	Cllr Wendy Waller
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Francis Greenway Centre, 170 George Street, Liverpool on Thursday 24 November 2016, opened at 2:35 pm.

**MATTER DETERMINED**


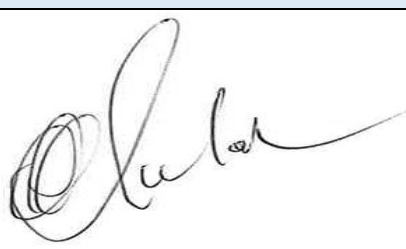


2015SYW083 – Liverpool City Council, DA266/2015, Construction and operation of a resource recovery facility and associated ancillary structures, Lot 1 DP611519, 25 Martin Road, Badgerys Creek.


**PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the matters observed at site inspection listed at item 8 in Schedule 1.

The unanimous decision of the panel is to defer determination of this application to allow the applicant to consider an amended proposal reflecting the EPA's preference for all activities at the Premises to be enclosed in a suitable building to assist the management of any environmental impacts including but not limited to noise, dust and water issues.

The Panel requires a response from the applicant within 28 days from date of this meeting.

<b>PANEL MEMBERS</b>	
 Sheridan Dudley (Chair)	 Bruce McDonald
 John Griffin	 Tony Hadchiti

 Karess Rhodes	
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SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2015SYW083 – Liverpool City Council, DA266/2015
2	PROPOSED DEVELOPMENT	Construction and operation of a resource recovery facility and associated ancillary structures
3	STREET ADDRESS	Lot 1 DP611519, 25 Martin Road, Badgerys Creek.
4	APPLICANT/OWNER	Precise Planning
5	TYPE OF REGIONAL DEVELOPMENT	Designated development
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <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> <p>Draft environmental planning instruments: Nil</p> <p>Development control plans:</p> <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> <p>No planning agreement relates to the site or proposed development.</p> <p>Regulations:</p>

		<ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act Regulation 2000</li> </ul> <p>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</p> <p>List any coastal zone management plan:</p> <ul style="list-style-type: none"> <li>The subject site is not within any coastal zone management plan.</li> </ul> <p>The suitability of the site for the development.</p> <p>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>The public interest, including the principles of ecologically sustainable development.</p>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<p>Council Supplementary Report with draft conditions</p> <p>Letter from Wilkinson Murray (Vibration assessment)</p> <p>Hazardous Materials Protocol</p> <p>NSW EPA response to Vibration Assessment Report from the applicant</p> <p>Written submissions: Three</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> <li>Object – Antonella Cutajar</li> <li>Object – Gabriella Mercieca</li> <li>Object – Patrick Albanese</li> <li>Object – Harold Green</li> <li>Object – Roger Moss</li> <li>Object – Dana Vukovic</li> <li>Object – Deborah Green</li> <li>Object – Brigitte Green</li> <li>On behalf of the applicant – Jeff Bulfin, Jeff Fulton, John Wassermann, Lindsay Lane</li> <li>On behalf of Liverpool City Council – Peter Oriehov – Environmental Health Officer</li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<p>03 August 2016 – Site Inspection</p> <p>03 August 2016 – Final Briefing Meeting and Public Meeting</p> <p>24 November 2015 – Final Briefing Meeting</p>
9	<b>COUNCIL RECOMMENDATION</b>	<b>Approve</b>
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report