

DATE OF DETERMINATION	09 January 2018
PANEL MEMBERS	Bruce McDonald (Chair), Nicole Gurran, Stuart McDonald and Ross Fowler
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Electronic meeting held between 20 December 2017 and 9 January 2018.

#### MATTER DETERMINED

2017SWT009 – Penrith – DA17/0564 at 39-45 Vallance Street St Marys (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was Unanimous.




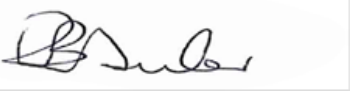
#### REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The proposed development will provide specialist waste management and resource recovery facilities to the Sydney Western City District
- The proposed development adequately satisfies the relevant State Legislation and State Environmental Planning Policies including the Protection of Environmental Operations Act 1997, SEPP (Infrastructure) 2007. SEPP55 Remediation of Land and SREP No 20 Hawkesbury Nepean River.
- The proposal adequately satisfies the applicable provisions of Penrith LEP 2010 and Penrith DCP 2012. In this regard the Panel notes that the provisions of SEPP (Infrastructure) 2007 prevail over those of the Penrith LEP to permit the proposed use on the subject land.
- The proposed development, subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the quality of local water system, the operation of the local road system or the amenity of residential premises in the locality due to noise or odour emissions.
- Based on those conclusions the Panel considers the proposed development is a suitable use of the site and approval is in the public interest.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report

PANEL MEMBERS	
 Bruce McDonald (Chair)	 Nicole Gurran
 Stuart McDonald	 Ross Fowler

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWT009 – Penrith – DA17/0564
2	PROPOSED DEVELOPMENT	Stage 2 Works to an Approved Resource Recovery Facility for an increase in Production Capacity to 20,000 tonnes per Annum
3	STREET ADDRESS	39-45 Vallance Street St Marys
4	APPLICANT/OWNER	Awesome Rubber Pty Ltd (Applicant), Jishu Ren (Owner)
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River</li> <li>Penrith Local Environmental Plan 2010</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Penrith Development Control Plan 2014</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</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> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 19 December 2017</li> <li>Written submissions during public exhibition: Nil</li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection and briefing meeting 25 October 2017</li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report