

COUNCIL ASSESSMENT REPORT

Panel Reference	2019WCI035
DA Number	DA19/0319
LGA	Penrith
Proposed Development	Waste Management Facility, Bulk Earthworks including Vegetation Clearing, Demolition of Existing Structures, Dam De-Watering and Decommissioning, Importation, Placement and Compaction of Soil, Heritage Salvage Works and Stormwater Works
Street Address	1669- 1723 Elizabeth Drive Badgerys Creek
Applicant	Mirvac Projects Pty Ltd
Owner	Clifton Avenue Holdings Pty Ltd
Date of DA lodgement	13 May 2019
Number of Submissions	3
Recommendation	Refusal
Regional Development Criteria (Schedule 4A of the EP&A Act)	In accordance with Section 2.12 and 2.15 of the Environmental Planning and Assessment Act 1979, the Sydney Western City Planning Panel (SWCPP) is the determining authority as the proposal for use of the site as a waste or resource management facility is identified as designated development under the provisions of the Environmental Planning and Assessment Regulations 2000.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Penrith Local Environmental Plan 2010 (Amendment 4) • Penrith Development Control Plan 2014 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River • Stage 1 Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan (LUIIP). • State Environmental Planning Policy (Western Sydney Employment Area) 2009
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> - Environmental Impact Statement (Appendix 1) - Landscape Character and Visual Impact Assessment (Appendix 2) - Department of Infrastructure, Transport, Cities and Regional Development Response (Appendix 3) - EPA Response (Appendix 4) - Plans (Appendix 5) - SEARS (Appendix 6) - Aerotropolis Activation Memorandum to NSW Department of Planning and Environment (Industry Assessments) (Appendix 7) - OEH letter to NSW Department of Planning and Environment (Industry Assessments) (Appendix 8) - Stage 1 Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan (LUIIP) (Appendix 9) - RMS Response (Appendix 10) - Liverpool City Council Submission (Appendix 11)
Report prepared by	Ian Dencker
Report date	8 July 2019

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

Yes – where appropriate

Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Not Applicable