

DATE OF DEFERRAL	24 November 2023
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 3 November 2023.

MATTER DEFERRED

PPSNTH-201 – Liverpool Plains – 10.2023.6.1 at 258 Merriwa Road Willow Tree – Proposed expansion of existing landfill with an initial throughput of 4,000 t/yr increasing up to 9,000 t/yr of landfill (as described in Schedule 1).

REASONS FOR DEFERRAL

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

The Panel resolved to defer determination of the matter until the following information has been provided to address the concerns of the Panel and the Peer Reviewer.

The Panel agrees that the proposal is needed and that the site is suitable for the development. The Panel does not need further information in that regard other than to meet the regulatory requirements of an Environmental Impact Statement (EIS). The Panel is concerned that key issues and elements of the proposal are addressed at too conceptual a level to demonstrate operational environmental impacts can be adequately addressed. In this regard, the Panel notes the Application is not made under section 4.22 of the EP&A Act (concept development applications) whereby detailed assessment could be undertaken to support subsequent development applications.

The information required by the Panel comprises:

- An updated or supplementary EIS clearly responding to each of the SEARs. The Panel does not accept that matters required to be addressed by the SEARs can be deferred to conditions of consent.
- Evidence of consultation with key agencies in the preparation of the SEARs and in the subsequent preparation of the Environmental Impact Statement. That is, correspondence from those key agencies.
- A draft operational management plan with sufficient detail to demonstrate the safe operation of the facility vis-a-vis the proposed layout of the facility. The Panel is of the view that, should the proposal be approved, conditions can be appropriately drafted to mitigate the need for modifications to the development approval and thus enable sufficient flexibility in the future.
- A risk analysis to inform the development of the draft operational management plan including such matters as landfill fire and bushfire, and emergency management.

The decision to defer the matter was unanimous.

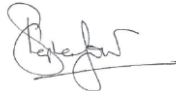
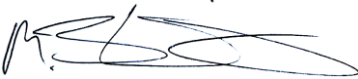
ACTIONS

To allow for the progression of the Development Application to determination, the Panel directed that:

1. The Applicant shall complete/provide the following information and upload all documentation to the Planning Portal within 2 months from the date of this deferral record:
 - a. An updated or supplementary EIS clearly responding to each of the SEARs.
 - b. Evidence of consultation with key agencies in the preparation of the SEARs and in the subsequent preparation of the Environmental Impact Statement. That is, correspondence from those key agencies.
 - c. A draft operational management plan with sufficient detail to demonstrate the safe operation of the facility vis-a-vis the proposed layout of the facility.
 - d. A risk analysis to inform the development of the draft operational management plan including such matters as landfill fire and bushfire, and emergency management.
2. Council is requested to assess the information provided and provide a supplementary assessment report to the Peer Reviewer, with the report uploaded to the portal within 6 weeks of the upload of the Applicant's required information to the Planning Portal (allowing for any further community consultation, if deemed necessary by Council). If Council's assessment concludes that approval is recommended, an updated set of draft conditions is also required.
3. When the Peer Reviewer's report is received, the Panel will determine the application by way of electronic determination.

If the outstanding information is not provided within 3 months, the Panel may move to determine the DA based on the information currently at hand. Should this occur, the Council is requested to confirm their recommendation, with any recommendation for partial approval to be outlined in a supplementary assessment report accompanied by an updated set of draft conditions.

When this information is received the Panel will determine the matter electronically.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Michael Wright	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-201 – Liverpool Plains – 10.2023.6.1
2	PROPOSED DEVELOPMENT	Extension of Existing Waste Management Facility
3	STREET ADDRESS	Lot 213, DP 1173230, 258 Merriwa Road, Willow Tree
4	APPLICANT OWNER	Shaun Lawer Liverpool Plains Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million Designated Development - Waste Facility
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Primary Production) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Resources and Energy) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - Liverpool Plains Local Environmental Plan 2011 - Draft environmental planning instruments: Nil - Development control plans: - Liverpool Plains Development Control Plan 2012 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - 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	- Council Assessment Report: 6 October 2023 - Peer review received: 9 November 2023 - Addendum to the Final Assessment report received: 13 November 2023 - Draft Conditions of Consent - Environmental Impact Statement - Aboriginal Due Diligence Assessment - Concept Design (Survey Plan, Site Plan, Staging Plans etc.) - Landfill Extension Masterplan - Noise and Vibration Assessment - Water Impact Assessment - Air Quality Assessment - Environmental Noise and Vibration Assessment - Traffic Assessment - Odour and Dust Assessment - Biodiversity Assessment Report - Written submissions during public exhibition: Nil - Total number of unique submissions received by way of objection: Nil

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing: 25 May 2023 ○ <u>Panel members</u>: Dianne Leeson and Michael Wright ○ <u>Council assessment staff</u>: Elizabeth Cumming, Nathan Bartlett, David Kitson, and Nathan Skelly ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Foley • Site inspection: 18 July 2023 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright ○ <u>Council assessment staff</u>: Elizabeth Cumming, Nathan Bartlett, Nathan Skelly • Applicant Briefing: 14 November 2023 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright ○ <u>Applicant representatives</u>: Shaun Lawer and Nathan Skelly ○ <u>Council assessment staff</u>: Elizabeth Cumming, Nathan Bartlett and David Kitson ○ <u>Independent Consultant Planner</u>: Kerry Gordon (Peer Reviewer) ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Ellis • Final briefing to discuss council's recommendation: 14 November 2023 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright ○ <u>Council assessment staff</u>: Elizabeth Cumming, Nathan Bartlett and David Kitson ○ <u>Independent Consultant Planner</u>: Kerry Gordon (Peer Reviewer) ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report