

DATE OF DETERMINATION	19 April 2024
DATE OF PANEL DECISION	19 April 2024
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 9 April 2024.

MATTER DETERMINED

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).

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 briefings and the matters listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the Application for the reasons outlined in the Council Assessment Report dated 9 November 2023 and Supplementary Assessment Report dated 12 April 2024.

In determining to approve the Application, the Panel is satisfied that the key issues have been assessed and the likely impacts are acceptable or can be adequately mitigated through the imposition of conditions. These include:

- Hazards and risks
- Soil and water impacts
- Biodiversity
- Traffic and safety
- Noise, vibration and air quality
- Construction, operation and rehabilitation

The Panel notes the Assessment Report and Supplementary Assessment Report were independently peer reviewed and that all recommended conditions arising from the peer reviews have been incorporated in the Conditions of Consent.

The Panel further notes the requirements of the Environment Protection Authority's General Terms of Approval have also been incorporated in the Conditions of Consent.

The Panel notes the strategic and operational importance of the proposed development in providing an essential service to the community of Liverpool Plains into the future. The Panel finds the proposed development is in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Amend A1 table to include the Preliminary Site Investigation, Project No. 12534581, Revision 0, Prepared by GHD, date 12/04/2024
- Amend A2 table to include the Preliminary Site Investigation, Project No. 12534581, Revision 0, Prepared by GHD, date 12/03/2024
- Amend Condition A8 by deleting 'any officer of Council' and inserting 'the relevant Council officer'
- Delete Condition B3 Final Landfill Environmental Management Plan, and renumber the remaining conditions accordingly
- Amend now Condition B3 Construction Environmental Management Plan (formerly B4) by deleting the word 'Council' in the first and second sentence and inserting 'the relevant Council officer' and inserting the new part (i) which reads as follows:
 - (i) Preparation of an unexpected finds protocol to manage any potential impacts associated with the disturbance of potentially contaminated soils (if encountered) during works of the project
- Amend now Condition B4 Access Report (formerly B5) by deleting the word 'Council' and inserting 'the relevant Council officer'
- Amend now Condition B5 Draft Fire Safety Schedule (formerly B6) by deleting the word 'Council' and inserting 'the relevant Council officer'
- Amend now Condition B10 Internal Access and Car Parking (formerly B11) by deleting the words 'Council approval' and inserting 'approval by the relevant Council officer' in the last paragraph
- Amend Condition D5 by deleting the words 'except as'
- Amend Condition E2 Prior to commencement of Operation – by deleting the word 'Council' in the first sentence and inserting 'the relevant Council officer' and including the following at the end of the condition:

This document is to be reviewed and updated by the relevant Council officer prior to the commencement of operation, every 5 years from commencement of operation and prior to the commencement of each landfill cell.
- Amend Condition E5 by inserting the words after 'updated' 'and approved by the relevant Council officer'
- Amend Condition E9 by deleting the words in the second sentence 'location and type are to be the satisfaction of the Principal Certifier' and inserting 'installed landscaping is to be approved by the Principal Certifier prior to occupation'
- Amend Condition F3 Decommission Management Plan by deleting the word 'Council' and inserting 'the relevant Council officer' and deleting the word 'or' and inserting 'and in accordance with the' in the first sentence.
- Amend Condition F8 by deleting in the second paragraph 'EPA' and inserting 'Environmental Protection Authority'
- Amend Condition H1 to read as follows:

H1 Site Restoration

At the end of the Waste Management Facility's life all infrastructure, buildings and equipment, other than that which may be necessary to continue post operational monitoring, must be removed. the land must be returned to its pre-existing condition, as far as is practicable, (prior to use as a Waste Management Facility) and all infrastructure removed.

This rehabilitation must occur as detailed in a Decommission Management Plan approved by the relevant Council officer.

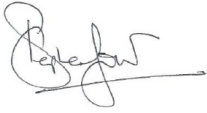
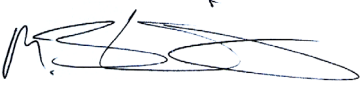
Reason: To ensure the land is appropriately rehabilitated.
- Insert the following
Part J: DEFINITIONS
Relevant Council officer means an officer having relevant expertise and no contractual or applicant role for this development.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submission made during the public exhibition. The Panel notes the issues of concern included:

- Council's Waste Management Strategy
- Project location
- Cost of the project

The Panel considers that concerns raised by the community have been adequately addressed in the Supplementary Assessment Report.

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 - Written submissions during public exhibition: One (1) - Total number of unique submissions received by way of objection: One (1)
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 Review) ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Ellis ● 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 Review) ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Ellis ● Final briefing to discuss Council's recommendation: 16 April 2024 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright ○ <u>Council assessment staff</u>: Elizabeth Cumming, Nathan Bartlett and Ben Kirk ○ <u>Independent Consultant Planner</u>: Kerry Gordon (Peer Review) ○ <u>Department staff</u>: Carolyn Hunt
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report