

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY WESTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	20 April 2023
<b>DATE OF PANEL DECISION</b>	11 April 2023
<b>DATE OF PANEL MEETING</b>	3 April 2023
<b>PANEL MEMBERS</b>	Louise Camenzuli (Acting Chair), David Kitto, Peter Harle, Ned Mannoun
<b>APOLOGIES</b>	Justin Doyle
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 28 March 2023.

#### MATTER DETERMINED

**PPSSWC-228 – Liverpool – DA-1486/2021** - 53 Heathcote Road, Moorebank - Change of use involving the development of a mud and slurry waste recycling and resource recovery facility.

#### PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings listed at item 8 in Schedule 1.

At the final briefing, the Panel raised two matters for further discussion.

#### Developer contributions

The Panel queried whether any developer contributions were required to be paid to Council. Council advised the development had a low capital cost (\$100,000), was reusing an existing facility in an established industrial area and would not increase the demand for infrastructure or services. Consequently, it did not consider any developer contributions to be warranted.

#### Solar panels

The Panel noted the sustainability of the development could be improved if solar panels were added to the roof given the existing shed on site has extensive roof space and the new waste facility will use extensive electricity to process the mud and slurry imported to the site. The Panel requested that Council revise the draft conditions of consent to require the applicant to prepare a strategy to the satisfaction of Council to achieve a higher level of sustainability for the development, including but not limited to the installation of solar panels prior to the issue of any construction certificate. Council subsequently advised the Panel that it has consulted with the applicant on the proposed new condition and that the applicant has no objection to its inclusion in the conditions of consent for the development.

#### 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 because:

- The development complies with the relevant environmental planning instruments, including the *Liverpool Local Environmental Plan 2008* and *Liverpool Development Control Plan 2008*;





- The Environment Protection Authority has advised it is prepared to grant an environmental protection licence to the development and granted its general terms of approval for this licence;
- The impacts of the development can be suitably mitigated or managed subject to conditions; and
- The development has merit and is in the public interest as it will provide essential waste recycling and resource recovery facilities for the Sydney region, consistent with the NSW government's *Waste Avoidance Resource Recovery Strategy*.

## CONDITIONS

The Development Application was approved subject to the conditions provided to the Panel on 5 April 2023.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
Louise Camenzuli (Acting Chair) 	David Kitto 
Peter Harle 	Ned Mannoun 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-228 – Liverpool – DA-1486/2021
2	PROPOSED DEVELOPMENT	Change of use of the site and to a resource recovery facility to receive and process up to 40,000 tonnes per annum of muds and slurries. The application is identified as Designated Development as specified in Schedule 3 of the Environmental Planning and Assessment Regulation 2021. The application is identified as Nominated Integrated Development requiring approval from the NSW Environmental Protection Agency under the Protection of the Environmental Operations Act 1997.
3	STREET ADDRESS	53 Heathcote Road, Moorebank
4	APPLICANT/OWNER	Applicant: MRA Consulting Owner: Flat Glass Holdings Pty Ltd
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 (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ Liverpool Local Environmental Plan 2008</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Liverpool Development Control Plan 2008 <ul style="list-style-type: none"> <li>- Part 1 – General Controls for All Development</li> <li>- Part 7 – Development in Industrial Areas</li> </ul> </li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></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: 16 March 2023</li> <li>• Written submissions during public exhibition: 0</li> <li>• Total number of unique submissions received by way of objection: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 20 June 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Louise Camenzuli, Peter Harle and Ned Mannoun</li> <li>○ <u>Council assessment staff</u>: Emmanuel Torres, Michael Oliverio, Patrick Curmi</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Applicant representatives</u>: Esther Hughes, Shane Holt, Peter King and Neil Castello</li> <li>• Final briefing to discuss council's recommendation: 3 April 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Peter Harle and Ned Mannoun</li> <li>○ <u>Council assessment staff</u>: Emmanuel Torres, Michael Oliverio, Patrick Curmi</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report