

<b>DATE OF DETERMINATION</b>	1 December 2023
<b>DATE OF PANEL DECISION</b>	30 November 2023
<b>DATE OF PANEL BRIEFING</b>	27 November 2023
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Carlie Ryan, Ross Fowler
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 10 November 2023.

**MATTER DETERMINED**

PPSSWC-302 – Penrith – DA22/0756 – 16-23 Clifton Avenue, Kemps Creek - Construction of Two (2) Temporary Sheds and Associated Access, Paving and Drainage Works for a Waste Management 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 and the matters listed at item 8 in Schedule 1.

**Removal of sheds**

The development application is for temporary sheds that will be used in conjunction with the approved waste activities on site and then removed when the waste activities cease.

Condition 4 of the recommended conditions of consent require the sheds to be decommissioned within 3 months of the waste processing activities on site.

The panel thought the condition should be strengthened by making it clear the sheds had to be decommissioned and removed from the site, consistent with the proposal in the development application.

**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 development application for the reasons in Council’s assessment report.

In particular, the Panel concluded that:

- The development is permissible with development consent under Clause 2.5 of the *Penrith Local Environmental Plan 2010*;
- The development is not designated development;
- The development is consistent with the provisions of relevant environmental planning instruments, including the relevant requirements in the *State Environmental Planning Policy (Precincts-Western Parkland City) 2021*, *Penrith Local Environmental Plan 2010* and *Penrith Development Control Plan 2010*;

- The site is suitable for the development without requiring remediation;
- The likely impacts of the development are acceptable and can be suitably controlled with the recommended conditions;
- The proposal will reduce the environment impacts (dust, noise, vibration, etc) of the existing approved waste activities on site by enclosing the waste sorting activities;
- The proposal will support the ongoing operations of an important extractive industry and waste facility industry in Western Sydney; and
- The development is in the public interest.

**CONDITIONS**

The development application was approved subject to the conditions in Council’s assessment report with the following amendment to condition 4:

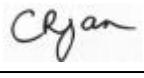
*The sheds are to be decommissioned and removed from the site in accordance with any relevant requirements under an approved rehabilitation plan within three (3) months of the waste processing activities ceasing on-site, and the landform remediated and rehabilitated in accordance with Development Consent No. 413/89 (as modified).*

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the panel considered the matters raised in the written submission made during public exhibition.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report, and notes that:

- The development will reduce the environmental impacts of the approved activities on site, consistent with the long-term strategic planning objectives of the area;
- The development proposal as modified will not result in unacceptable visual impacts; and
- The amended conditions will remove any uncertainty about the temporary nature of the sheds.

PANEL MEMBERS	
Justin Doyle (Chair) 	Louise Camenzuli 
David Kitto 	Carlie Ryan 
Ross Fowler 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-302 – Penrith – DA22/0756
2	PROPOSED DEVELOPMENT	Construction of Two (2) Temporary Sheds and Associated Access, Paving and Drainage Works for a Waste Management Facility.
3	STREET ADDRESS	16-23 Clifton Avenue, Kemps Creek
4	APPLICANT/OWNER	Applicant: Sydney Recycling Park Pty Ltd Owner: Zipbin Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
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 (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Precincts – Western Parkland City) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Resources and Energy) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021.</li> <li>○ Penrith Local Environmental Plan 2010 (Amendment 4)</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 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: 9 November 2023</li> <li>• Written submissions during public exhibition: 1</li> <li>• Total number of unique submissions received by way of objection: 1</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Kick Off Briefing: 3 April 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Louise Camenzuli (Acting Chair), David Kitto</li> <li>○ <u>Council assessment staff</u>: Gavin Cherry</li> <li>○ <u>Applicant representatives</u>: Peter Toole, Mark Jackson, Ross Fox</li> </ul> </li> <li>• Final briefing to discuss council’s recommendation: 27 November 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Ross Fowler, Carlie Ryan</li> <li>○ <u>Council assessment staff</u>: Gavin Cherry, Katelyn Davies</li> <li>○ <u>Applicant representatives</u>: Peter Toole, Mark Jackson, Ross Fox</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report