

DATE OF DEFERRAL	1 December 2023
DATE OF PANEL BRIEFING	27 November 2023
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Ross Fowler, Carlie Ryan
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 22 November 2023.

MATTER DEFERRED

PPSSWC-326 – Penrith – MOD23/0058 – 1-21 Grady Crescent, Erskine Park - 4.55(2) Modification to an Approved Waste Management Facility (Tyre Recycling) to Increase Processing Capacity from 29,000t to 60,000t per year.

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 agreed to defer the determination of the matter until 11 December. The matter was deferred to allow for the revision of proposed conditions, dealing, in particular, with fire safety matters, by 8 December, as requested by the Council and the applicant.

In considering the recommendation for the approval of the DA, including the supporting reports, such as the Statement of Environmental Effects and the supporting ARUP Risk Assessment, the Panel was concerned to ensure that any potential increase in fire safety risk associated with the additional processing of tyre waste will be appropriately managed on an ongoing basis.

For example, arrangements were already in place for the tyres to be stockpiled in separated areas, with the boundary and permitted height of each permitted stockpile clearly marked. The facility will be licensed by the EPA (whose GTA's will be included in the conditions), and the Panel was informed that an annual audit of the facility's operation will be conducted by the Australian Tyre Recyclers Association (ATRA) (a national association for the sustainable used tyre collection and recycling sector in Australia).

The Panel also carefully considered whether the application was for substantially the same development given the significant increase in the proposed quantum of tyre waste to be processed. As part of its deliberations, the Panel considered legal advice provided by the Applicant in support of its application, including, amongst other things, the qualitative and quantitative impact of the changes on amenity, traffic and hazard risk.

The Panel was provided with a legal advice addressing some of these matters and was satisfied on review that the application is for substantially the same development. The Panel was also satisfied that the application, being for a modification of an existing consent, was not an application for designated development.

ACTIONS




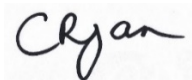

On the basis of the above, the Panel was generally comfortable with the recommendation for approval, but requested that the matter be deferred to allow for:

- (a) Revisions to two draft conditions of consent as requested by the Applicant;
- (b) New and amended conditions of consent, such as draft condition 6, concerning fire safety risk measurement matters, with express conditions picking up the recommendations in the SEE and ARUP Fire Risk Assessment and any other conditions recommended by the Council following further review. The conditions are to ensure that there is a process in place for ongoing monitoring/certification of fire safety risk to ensure consistency with the applicable NSW Fire and Rescue Fire Safety Guidelines, as amended over time.

The decision to defer the matter was unanimous.

The updated draft conditions of consent were requested by the Panel Chair at the Panel meeting to be provided by COB on Friday, 1 December 2023. However, subsequent to the meeting, the Council and the Applicant requested additional time to agree the proposed further consent conditions. Accordingly, the Panel has agreed to an extension of time until 8 December 2023, with a view to determining the matter on 11 December 2023.

If the revised draft conditions are not provided by COB on 8 December 2023 the Panel may move to determine the DA on 11 December 2023 based on the information currently at hand.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-326 – Penrith – MOD23/0058
2	PROPOSED DEVELOPMENT	4.55(2) Modification to an Approved Waste Management Facility (Tyre Recycling) to Increase Processing Capacity from 29,000t to 60,000t per year
3	STREET ADDRESS	1-21 Grady Crescent, Erskine Park
4	APPLICANT/OWNER	Applicant: Tyrecycle Pty Ltd Owner: Fitzpatrick Investments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Precincts—Western Parkland City) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Penrith Development Control Plan 2014 Planning agreements: Nil 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	<ul style="list-style-type: none"> Council assessment report: 21 November 2023 Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 29 May 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Carlie Ryan <u>Council assessment staff</u>: Gavin Cherry <u>Applicant representatives</u>: Luke Farrell, Megan Coles, Ryan Hodgson, Jacob Vickers Final briefing to discuss council's recommendation: 27 November 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Ross Fowler, Carlie Ryan <u>Council assessment staff</u>: Gavin Cherry, Katelyn Davies <u>Applicant representatives</u>: Luke Farrell, Megan Coles, Ryan Hodgson, Matthew Cole, Neville Hattingh
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report