

DATE OF DETERMINATION	15 December 2023
DATE OF PANEL DECISION	14 December 2023
DATE OF PANEL BRIEFING	13 December 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 DETERMINED

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.

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.

Modification application

The panel determined to approve the modification application pursuant to section 4.55 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, replicated as follows:

‘The modified proposal has been assessed against the relevant environmental planning instruments and in this regard, the proposal is considered to satisfy the aims, objectives and provisions of these policies. The proposed modification is not considered likely to create any significant impacts on the natural, social or economic environments and in this regard, the application is considered to be in the public interest and recommended for approval.’

The panel also determined to approve the application in view of the matters addressed in council’s supplementary assessment report, which addresses matters raised by the Panel in its Record of Deferral dated 1 December 2023.

At the Panel meeting on 27 November 2023, the Panel requested that further consideration be given to the adequacy of the existing and proposed fire safety measures due to the potential increase in fire risk resulting from the proposed modification to increase processing capacity.

The Panel has been briefed with a supplementary assessment report dated 8 December 2023 and additional information provided by the Applicant addressing these matters.





The Council and the Applicant have agreed the revisions to the conditions and Council has now prepared, at the Panel's request, revised conditions relating to fire safety. In particular, condition 6 has been revised to insert more specific fire safety obligations and a new condition 40 has been inserted requiring an updated Fire Risk Assessment. Proposed condition 3 was also deleted on the basis that the condition has already been complied with; proposed condition 4 was amended to address tyre storage matters; and a minor amendment was made to proposed condition 8 on the basis that the application is not for designated development.

CONDITIONS

The modification application was approved subject to the conditions in the council assessment report and the council's supplementary assessment report.

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	
Justin Doyle (Chair) 	Louise Camenzuli 
David Kitto 	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 Council Supplementary report: 8 December 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 <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

