

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	2 April 2024
DATE OF PANEL DECISION	27 March 2024
DATE OF PANEL MEETING	25 March 2024
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Kevin Lam
APOLOGIES	Hugo Morvillo
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 26 March 2024.

MATTER DETERMINED

PPSSWC-349 – Fairfield – DA 219.1/2023 – 132 Newton Road, Wetherill Park - Use of Unit 3 in the existing industrial building, for the purpose of a Resource Recovery Facility processing up to 4,800 tonnes per annum of organic waste utilising Black Soldier Fly. The development is Designated Development under Schedule 3 of the Environmental Planning & Assessment Regulation 2021.

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.

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.

The primary concerns associated with the application, which seeks to reduce the amount of organic food waste sent to landfill in accordance with the targets of the NSW Waste and Sustainable Materials Strategy 2041, were environmental. Concerns were also raised with how to quantify the waste as it comes onto the site. In this regard, the Applicant has now included a weighbridge as part of the proposed development.

Following review of the Environmental Impact Statement, Odour Report and Waste Management Plan, the Panel is satisfied that the proposal is unlikely to generate any adverse environmental impacts. Council's Public Health and Environment Branch and the Environment Protection Authority (EPA) have assessed the application and raise no concerns, subject to the imposition of the proposed conditions of consent.

The Panel notes that it queried the security arrangements for the facility and was satisfied on the further advice of Council that the facility was sufficiently secure.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendment to condition 20 as requested by the Applicant and agreed to by Council.

Condition 20: Maximum Waste Storage and Equipment within the Premises

Waste/product and equipment stored within the industrial unit shall be limited to the following;

- No more than fifteen (15) tonnes of frass shall be stored onsite at any given time.
- No more than seven (7) tonnes of protein shall be stored onsite at any given time.
- No more than three-hundred and forty (340) larvae trays are to be used in ~~the~~ each Modular Infrastructure Biological Services container in production and no more than nine (9) Modular Infrastructure Biological Services containers stored onsite at any given time.





Reason: To ensure compliance with development application.

The Panel also requires an amendment to condition 20 to require that, if not already endorsed by the EPA, the Plan of Management referred to in condition 15 be referred to the EPA for 14 days for comment prior to the making of the Plan of Management.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that a primary issue of concern was the potential increase in odour and flies onsite generated by the development.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Louise Camenzuli
 David Kitto	 Kevin Lam

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-349 – Fairfield – DA 219.1/2023
2	PROPOSED DEVELOPMENT	Use of Unit 3 in the existing industrial building, for the purpose of a Resource Recovery Facility processing up to 4,800 tonnes per annum of organic waste utilising Black Soldier Fly. The development is Designated Development under Schedule 3 of the Environmental Planning & Assessment Regulation 2021.
3	STREET ADDRESS	132 Newton Road, Wetherill Park
4	APPLICANT/OWNER	Applicant: Goterra Pty Ltd Owner: Arrow Evolution SIRE 4 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 Fairfield Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Fairfield City Wide Development Control Plan 2013 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil 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: 18 March 2024 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	<ul style="list-style-type: none"> Kick Off Briefing: 14 August 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Kevin Lam, Hugo Morvillo <u>Council assessment staff</u>: Mason Shute, Liam Hawke <u>Applicant representatives</u>: Michael Brewer Final briefing to discuss council's recommendation: 25 March 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Kevin Lam, Hugo Morvillo <u>Council assessment staff</u>: Mason Shute, Liam Hawke <u>Applicant representatives</u>: Michael Brewer
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

