

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 18 May 2020, 2:45pm - 3:15pm
LOCATION	Teleconference Call

BRIEFING MATTER(S)

PPSSWC-49 – Penrith City Council – DA19/0826 – 1669-1723 ELIZABETH DRIVE BADGERYS CREEK 2555 – Operation of a Waste Management Facility

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Nicole Gurran, Ross Fowler and Glenn McCarthy
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Louise Camenzuli: One of my Partners at Corrs Chambers Westgarth acts for the proponent or an associated entity of the proponent and I consider that this gives rise to a perceived conflict of interest.

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Sandra Fagan, Ian Dencker and Gavin Cherry
OTHER	None

KEY ISSUES DISCUSSED

- The panel was informed that the proposed ‘waste disposal facility’ is intended to receive a substantial quantity of the spoil from excavation for the West Connex Project at Rozelle – presumably including substantial quantities of crushed sandstone, as well as other similar material. The panel understands that it is intended that the filling of the site accomplished by the receipt of that material is intended to allow for the site to be repurposed when the filling is complete for new permissible uses. Presumably there is some degree of commercial urgency in learning the likely fate of the development application. At the same time, it is important that the environmental impacts are sufficiently considered.
- An incongruence was observed between the edge of the proposed filling and the draft boundary between the Enterprise and Environment & Recreation zones in the within the draft Aerotropolis SEPP mapping. Presumably that will be resolved as assessment of the proposal advances.
- Advice from the Western Sydney Partnership dated 15 May 2020 was received after the briefing meeting. It reported that detailed planning for Badgerys Creek Precinct has begun, but is not expected to be resolved until late 2020. One matter that is confirmed is that Page 16 of the Aerotropolis SEPP

discussion paper acknowledges a waste or resource management facility can be permitted with consent once proposed rezoning occurs. The Panel is asked in the advice to consider:

- a) The Western Sydney Aerotropolis Discussion Paper on the proposed SEPP, including zone objectives, land use tables and proposed maps;
 - b) The draft WSAP, and specifically the draft WSAP Planning Principles; and
 - c) The draft Western Sydney Aerotropolis DCP Phase 1.
- The matters raised for consideration in relation to earthworks by clause 7.1(3) of Penrith LEP would seem to require consideration, as that clause can be read together with the permissive provisions in Division 23 of the ISEPP. In that regard, the facility will be adjacent to South Creek to which the land drains and from which it will be potentially visually prominent. Significant ecological issues will therefore require examination.
 - The Panel also notes that investigation as to the presence of any aboriginal artifacts on the land is yet to take place. The panel would require advice as to whether investigations as to whether aboriginal artifacts are present on the site can be deferred.
 - An NRAR controlled activity approval will be required for the development to proceed, but the briefing report advises that General Terms of Approval have already been obtained.
 - Both Council staff and the Western Sydney Partnership raise a concern about a number of issues which might render the present application premature given that the Draft Aerotropolis SEPP is still under review and its provisions are still being resolved, with the future Aerotropolis zones and precinct planning still to be finally resolved. Additional uncertainty is said to arise from unresolved plans for the widening of Elizabeth Drive, which forms the entire southern boundary of the subject site. The briefing report also includes advice that:

“The proposed development seeks to carry out earthworks to the edge of the riparian corridor, above and at the adopted flood level, with an interface treatment being a 1 in 3 graded batter. The extent of fill along the eastern edge is up to 9 metres in parts, which is considered to be a poor interface treatment that potentially turns its back on the riparian corridor and could negatively pre-empt outcomes for the blue-green corridor envisaged.”
 - The panel raised for possible consideration whether a solution to Council’s concerns about some of these matters might be a staging of the consent process with a more limited filling program considered now to permit the introduction of VENM waste from the Westconnex project, while deferring to later consideration of the final profile of the site (its ultimate height and batter gradient) and critical edge effects to the south (Elizabeth Drive), east (South Creek) and west (the private road). However, a number of factors will require consideration before it could be determined that such staging is appropriate or necessary.
 - An issue raised by the ISEPP is “whether transport links to the landfill are optimised to reduce the environmental and social impacts associated with transporting waste to the landfill”. Given that a large number of heavy truck movements will be involved this matter requires further consideration.

TENTATIVE PANEL MEETING DATE: N/A

Planning Panels Secretariat

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