

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 17 August 2020, 10:30am and 11:00am
LOCATION	Teleconference Call

BRIEFING MATTER(S)

PPSSWC-80 – Penrith City Council – DA20/0262 – 344 Park Road, Wallacia – Resource Recovery Facility for Processing a Maximum of 95,000 Tonnes Per Year of Construction & Demolition (C&D) & Commercial & Industrial (C&I) Waste including Conversion of Existing Dwelling to Office, Internal Driveways, Car & Truck Parking Areas & Associated Infrastructure

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Nicole Gurrán, Louise Camenzuli and Ross Fowler
APOLOGIES	Glenn McCarthy
DECLARATIONS OF INTEREST	None

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Kathryn Saunders, Robert Craig and Gavin Cherry
OTHER	Melissa Felipe – Panel Secretariat

KEY ISSUES DISCUSSED

1. Council staff report that the existing unregulated use of the site is operating without consent which may be the subject of compliance action. However, the unlawfulness of past use is not relevant to the determination of this application except to the extent that examination of the past use assists in consideration of the environmental impacts of the present proposal arising for consideration under s.7.15. (See discussion in *Jonah Pty Limited v Pittwater Council* (2006) 144 LGERA 408).
2. The Resource Recovery and Waste Transfer Facility proposing up to 95,000 tonnes per year of construction, demolition, commercial and industrial waste with 24hour, 7 day a week operational hours would likely give rise to significant environmental, traffic and amenity impacts. The compatibility of those impacts with the present and anticipated use and character of the area requires careful assessment.
3. The development area is proposed to be limited to approximately 5ha of the 20ha site and is located on an area of land which has been previously disturbed. It may be relevant as to whether any clearing of the site has been unlawful.
4. The Biodiversity Conservation Act 2016 applies because vegetation on the site is identified as Cumberland Plain Woodland, and the provisions of that Act relevant to the clearing of vegetation identified as Cumberland Plain Woodland will require evaluation. A BDAR has been supplied and the sufficiency of offsets will need to be considered subject to that Act.

5. The application is designated development, but not State Significant Development (as it comes close to but does not exceed the annual 100T threshold).
6. The subject site is zoned RU1 Primary Production under Penrith Local Environmental Plan 2020. Development for the purposes of a Waste or Resource Management Facility is prohibited development in the RU1 Primary Production zone, however, is permissible in the zoning under State Environmental Planning Policy (Infrastructure) 2007, with consent. The objectives and provisions of that SEPP will be important in determining whether the use is appropriate.
7. The site is surrounded by rural land uses including productive farms and rural residential dwellings being approximately 1km to the west of Luddenham village and is 3.4km east of Wallacia village in the Metropolitan Rural Area. At the same time, while the site is not on land within the Aerotropolis area, it is adjacent to the Aerotropolis Agribusiness zone. Compatibility with both the existing and planned character of the area requires assessment.
8. The land to the immediate south of the site is identified as being part of lands impacted by the future Outer Sydney Orbital (OSO). Timing for the OSO is not yet known.
9. Further information needs to be provided in support of the DA from the Applicant regarding the associated uses, including, the leachate pond/dam, on site detention basins, gross pollutant traps, 3 x bio-retention areas and a 1,040sqm Effluent Management Area for onsite sewer management.
10. The RFS requires that all combustible waste be stored indoors and that their provided inner protection areas be maintained.
11. The EPA has raised some initial concerns regarding air quality, given the proximity of the site to surrounding existing low-density residential development and has requested further information in relation to a number of matters.
12. The Council is awaiting finalisation of the referral advice from the EPA, NRAR, TfNSW and the Western Sydney Planning Partnership, but some initial concerns have been raised.
13. The public exhibition period for the proposal commenced on 1 June 2020 and concluded on 1 July 2020. Council has received a large number of submissions and petitions in response indicating significant community concern.
14. The Panel looks forward to an updated briefing to assist its determination following a review of the submissions and receipt of the referral advice. In particular, site suitability appears to be the central issue at this early stage.
15. The proposed use does not comply with PCC's long-term land use vision as expressed in the recently adopted Local Strategic Planning Statement.

TENTATIVE PANEL MEETING DATE: N/A