

DATE OF DETERMINATION	Friday, 11 March 2022
DATE OF PANEL DECISION	Friday, 11 March 2022
DATE OF PANEL MEETING	Wednesday, 16 February 2022
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran and Louise Camenzuli
APOLOGIES	Glenn McCarthy, Ross Fowler and Jeni Pollard
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 2 March 2022.

MATTER DETERMINED

PPSSWC-80– Penrith – DA20/0262 at 344 Park Road, Wallacia NSW 2745 – Resource Recovery Facility (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections 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, and following further information provided after the Panel meeting on 23 December 2021, including the further Memorandum from Council dated 2 March 2022.

The Panel determined to defer the determination of the matter on 23 December 2021 after hearing from a number of objectors to the proposal. The panel resolved that an inspection of the site and the surrounding locality was required prior to final determination and this inspection took place on 16 February 2022.

Arising from objector submissions and the Panel's consideration of the proposal, the Panel sought advice from Council on the following matters:

- (a) The potential and practicality of enclosing all significant noise producing activities;
- (b) The impact of additional truck movements proposed for Park Road by the facilities; and
- (c) Any issues of concern arising in relation to the implementation and enforcement of management plans relied upon to mitigate potential unacceptable impacts.

In response to the above concerns:

- (a) The applicant submitted updated plans which provide for a covered loading area for the aggregate bunkers. The design now sites all loading and unloading operations inside the building. Recommended conditions relating to these matters have been updated to reflect the revised plans and documents. The Panel is satisfied that these changes address the amenity concerns raised during the Panel meeting on 15 December 2021. The associated increase in the footprint of the

building to accommodate all activities within the building will not have any additional biodiversity impacts and the reduction in the APZ does not affect the construction requirements for the building, as confirmed with the Rural Fire Service. Changes to stormwater run-off have also been satisfactorily addressed, with changes to the stormwater plans addressed by modified condition 54. Updated noise impact, air quality and a traffic and parking impact assessment have also been submitted and the Panel is satisfied that there will be no additional adverse impacts, subject to compliance with the proposed conditions of consent.

- (b) The Council's engineer has confirmed that the proposal has been assessed by Council and Transport for NSW on the basis of the applicable 80km/hr speed limit for Park Road. Additional supporting information was provided in this regard.
- (c) Finally, the Panel accepts that a maximum of 55 truck deliveries to the site on weekdays and not more than 25 truck deliveries to the site on Saturdays, is not expected to unreasonably affect the surrounding area. The Panel reached this conclusion in view of the fact that Park Road is a classified State Road that currently carries heavy vehicle traffic, servicing existing rural industries and the nearby Aerotropolis precincts. The proposed number of traffic movements (limited on a per hour basis by condition 5) is also not considered to be contrary to the likely future character of the area given its proximity to the Aerotropolis Agricultural Precinct and future M9 orbital.
- (d) The Council has confirmed that the EIS satisfactorily addresses the implementation and management of environmental and operational procedures and the Panel is satisfied that the EIS has been updated following the recent proposal amendments. In particular, the proposal for a truck booking system will facilitate the appropriate management of truck movements to and from the site. Condition 6 has also been updated to address the scheduling of trucks to manage the timing of truck deliveries and vehicle queues for the weighbridge inside the site.

Following the site inspection and on receipt of the further information provided by the Applicant and the Council, the Panel determined that approval of the proposal was in the public interest, subject to the imposition of the proposed conditions of consent.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, as amended and set out in the Council's Memorandum dated 2 March 2022. The headings for the conditions will need attention from the Council staff before the Notice of Determination is issued.


CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included:

- Negative impacts on local character, the environment, public health, existing amenity and traffic impacts
- Impact on existing agriculture and future agribusiness in the locality

The Panel considers that concerns raised by the community have now been adequately addressed for the reasons set out above.

PANEL MEMBERS

A handwritten signature in black ink, appearing to be 'Justin Doyle', with a large loop at the end.

Justin Doyle (Chair)

A handwritten signature in blue ink, appearing to be 'Louise Camenzuli', with a large loop at the end.

Louise Camenzuli

A handwritten signature in black ink, appearing to be 'Nicole Gurrán', with a long horizontal line extending to the right.

Nicole Gurrán

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-80 – Penrith City Council - DA20/0262
2	PROPOSED DEVELOPMENT	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.
3	STREET ADDRESS	344 Park Road, WALLACIA NSW 2745
4	APPLICANT/OWNER	E A Barikhan
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"> ○ Environmental Planning and Assessment Act 1979 ○ Environmental Planning and Assessment Regulation 2000 ○ Biodiversity Conservation Act 2016 ○ Protection of the Environment Operations Act 1997 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 55 - Remediation of Land ○ Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River ○ Draft State Environmental Planning Policy (Western Sydney Corridors) ○ Penrith Local Environmental Plan 2010 • 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 2000</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 memorandum: 2 March 2022 • Council assessment report: 7 December 2021 • Council memorandum: 15 December 2021 • Written submissions during public exhibition: 1008 + 3 petitions • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Godwin Gauci, Graeme McIntosh, Frank Muscat, Mike McPherson, Lisa Chamberlin and Jane McLuckie ○ Council assessment officer – Robert Craig, Mitchell Nobbs and Joshua Hall ○ On behalf of the applicant – Carlo Ranieri

		<ul style="list-style-type: none"> • Total number of unique submissions received by way of objection: 83
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Monday, 17 August 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli and Ross Fowler ○ <u>Council assessment staff</u>: Kathryn Saunders, Robert Craig and Gavin Cherry • Final briefing to discuss council's recommendation: Wednesday, 15 December 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran and Louise Camenzuli ○ <u>Council assessment staff</u>: Lauren can Etten, Robert Craig, Michelle Plant, Mitchell Nobbs and Joshua Hall
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report