

**MINUTES AND DETERMINATION OF THE  
LIVERPOOL LOCAL PLANNING PANEL MEETING**

**Tuesday 17<sup>th</sup> January 2023**

**Electronic Determination**

Panel: Donna Rygate (Chair)  
Julie Walsh  
Matthew Taylor  
Ellie Robertson

There were no conflicts of interest declared by any panel members in relation to any items on the agenda, with previous declarations still standing.

## LIVERPOOL CITY COUNCIL

### LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION PAGE 1

17 January 2023

<b>ITEM No:</b>	1
<b>APPLICATION NUMBER:</b>	DA-789/2020
<b>SUBJECT:</b>	Construction and operation of a concrete batching plant. The development is Designated Development pursuant to Schedule 3 of the Environmental Planning and Assessment Regulation 2000. The proposal is Integrated Development and requires approval from the NSW Rural Fire Services.
<b>LOCATION:</b>	320-400 Badgerys Creek Road, Badgerys Creek
<b>OWNER:</b>	Mr A Abdul-Rahman Miss M A Elford
<b>APPLICANT:</b>	Holcim (Australia) Pty Ltd
<b>AUTHOR:</b>	Nabil Alaeddine

#### ISSUES RELATED TO THE APPLICATION

The application had been considered by the Panel in its meeting on 26 September 2022. The Panel deferred determination of the application at that time to provide Council and the applicant with an opportunity to address outstanding issues (information provision, Sydney Water connection, zoning/permmissibility, noise).

The Panel was subsequently provided with additional material, including a supplementary assessment report from Council and correspondence from the applicant.

In the Panel's electronic (Teams) meeting on 17 January 2023 Council officers advised the Panel that:

- No outstanding issues remain in relation to the provision of information necessary to conduct a thorough assessment of proposal.
- They no longer have any concerns in relation to connection to the Sydney Water network.
- They accept that the objectives of the RU1 zone of the Liverpool Local Environment Plan 2008 should be given limited weight.
- The applicant has not suggested any physical noise attenuation measures to address the identified noise issues.

#### VOTING NUMBERS:

4 – 0

**LIVERPOOL CITY COUNCIL**

**LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION  
PAGE 2**

**17 January 2023**

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**DETERMINATION OF PANEL:**

Refused for the following reasons:

The proposed development would have unsatisfactory noise impacts on the adjacent property at 300 Badgerys Creek Rd (Number 300) which incorporates a residential use. The applicant's proposed conditions, relying on the agreement of the current owners and residents of Number 300 to accept the exceedance of relevant noise criteria so that the application may be approved, is not a lawful means of addressing noise impacts and approval would create an undesirable precedent