

# Project Refusal

## Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, determine the project referred to in Schedule 1, by refusing to approve the project pursuant to Section 75J(1) of the Environmental Planning and Assessment Act 1979 for the reasons outlined in Schedule 2.



The Hon Tony Kelly MLC  
Minister for Planning

Sydney 27 SEP 2010 2010

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### SCHEDULE 1

**Project Application No.:** 09\_0074  
**Proponent:** Dellara Pty Ltd  
**Land:** Lot 40, DP 738126, Patons Lane, Orchard Hills  
**Project:** Construction and operation of a waste and resource recovery facility, along with continued clay extraction.

## SCHEDULE 2

1. There is no demonstrable need for a proposal of this scale and at this location in terms of landfill capacity given the concentration of landfill capacity in Western Sydney;
2. The planning setting of the proposal in close proximity to residential areas would inevitably introduce land use conflicts which would necessitate ongoing and onerous management. The project at this scale is fundamentally and strategically inconsistent with good land use planning;
3. There is an unacceptable level of risk associated with the project's ability to meet relevant noise criteria throughout the life of the proposal;
4. The proposal is inconsistent with the objectives of key strategic planning instruments in relation to maintaining the scenic qualities and rural landscape character of the area;
5. The proposal will result in unacceptable long term visual impacts; and
6. The proposal is not in the public interest.