

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY NORTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Thursday 13 July 2017
<b>PANEL MEMBERS</b>	Deborah Dearing (Chair), Julie Savet Ward, Sue Francis, Mick Smart, David White
<b>APOLOGIES</b>	John Roseth
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Christie Conference Centre 100 Walker Street North Sydney on 13 July 2017, opened at 10:40 AM and closed at 11:15 AM.

#### MATTER DETERMINED

2014SYW168 – Hornsby – DA1380/14 at 97 and 113 Old Telegraph Road Maroota (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel considered the objections raised in submissions, including issues relating to traffic generation and access, history of burial of demolition materials on site, amenities for workers on site, and potential impact on ground water. The Panel noted that the proposed Conditions address these matters.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was Unanimous.

#### REASONS FOR THE DECISION

Reasons for the decision of the Panel were:

- The proposed development constitutes a viable extractive operation designed to supply sandstone material to Sydney and overseas markets.
- The extraction areas are to be progressively rehabilitated in stages and includes a dam for water storage and management and rehabilitated bushland.
- The environmental impacts will be sufficiently managed.

#### CONDITIONS

The development application was approved subject to the conditions in the Council's further Assessment Report dated 13 July 2017 with the following amendments.






- Condition 7, Obligation to Minimise Harm to the Environment, to be deleted.
- Condition 8, Environmental Management Plan, to be amended as follows:

***Condition 8A, Environmental Management Plan***

*An Environmental Management Plan must be prepared for construction and operation for the proposed development, to be submitted to Council for approval prior to commencement of works.*

*This information is to detail the management of environmental pollution risks for the proposed activities in accordance with the POEO Act 1997 and is to include, but not be limited to:*

- *Water Quality*
  - *Air Quality*
  - *Noise*
  - *Vegetation Management*
  - *Ground Water*
  - *Waste Management*
- A new Condition 8B, Reporting on Environmental Management Plan to be added, as follows:  
***Condition 8B. Reporting on Environmental Management Plan***  
*To monitor the performance of the EMP a report must be submitted to Council annually on the performance of environmental management of the risks identified in the EMP, including but not limited to:*
    - *Water Quality*
    - *Air Quality*
    - *Noise Monitoring*
    - *Vegetation Management*
    - *Ground Water*
    - *Waste Management*
  - Clause 16, Erosion and Sediment Control to be amended to read:  
*Erosion and sediment control measures must be established prior to any site works and maintained throughout the construction period in accordance with the manual 'Soils and Construction 2004 (Bluebook)', the approved plans and supporting documentation, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.*
  - Clause 29 to be reinserted and amended to read:  
***Clause 29. Bushland Protection During Construction***  
*To ensure the protection of bushland in the Eastern portion of the site during construction, the applicant must install a 1.2 metre high chain wire fencing 4 metres from the bushland.*

PANEL MEMBERS	
 Deborah Dearing (Chair)	 Sue Francis
 Julie Savet Ward	 Mick Smart
 David White	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2014SYW168 – Hornsby – DA1380/14
2	PROPOSED DEVELOPMENT	Sandstone Extractive Industry
3	STREET ADDRESS	97 and 113 Old Telegraph Road Maroota
4	APPLICANT/OWNER	PF Formation Mr John Alexander Graham and Mrs Amanda Graham Mr TMP Porteli and Mrs CC Porteli
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy No.33 – Hazardous and Offensive Development</li> <li>State Environmental Planning Policy No.44 – Koala Habitat Protection</li> <li>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</li> <li>Sydney Regional Environmental Plan No.9 – Extractive Industry (No.2 – 1997) (Deemed SEPP)</li> <li>Hornsby Local Environmental Plan 2013</li> <li>Hornsby Shire Council Section 94 Development Contributions Plan 2012-2021</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Hornsby Development Control Plan 2013</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 29 June 2017</li> <li>Council supplementary report: 11 June 2017</li> <li>Written submissions during public exhibition: four</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>On behalf of the applicant – Josh Graham (Managing Director, PF Formation) and Bruce Adcock (Director, Environmental Planning Pty Ltd)</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Final briefing meeting to discuss council's recommendation, 13 July 2017 at 09:30 AM. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Deborah Dearing (Chair), Julie Savet Ward, Sue Francis, Mick Smart, David White</li> <li><u>Council assessment staff</u>: Debra Clydsdale, Cassandra Williams, Caroline Maeshian, Rodney Pickles</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report