

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Tuesday, 19 December 2017
PANEL MEMBERS	Maria Atkinson (Chair), John Roseth, Sue Francis and Mike Ryan
APOLOGIES	Vivienne Albin
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre, 3 Spring Street Sydney on 19 December 2017, opened at 12.10pm and closed at 1.10pm.

MATTER DETERMINED

2017SCL033 – Strathfield – DA2017/064 at 63-65 Cosgrove Road, Strathfield South (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 determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

REASONS FOR THE DECISION

The majority of Panel members (Maria Atkinson, John Roseth and Maria Atkinson's additional vote as Chair) accepted the recommendation to approve the application.

The majority of the Panel considers that the proposed development provides a much needed waste transfer station for the processing of metals, plastics, masonry, paper and cardboard, timber and general waste. The site is well located and connected by two arterial roads and is distant from residential use. Moreover, other properties in the industrial area have no time limit on their operation.

Although the majority of the Panel notes the concerns raised regarding noise and vibration impacts on the adjoining neighbouring activities, special conditions by the Environment Protection Authority are included in the Conditions of Consent and the activities require a license by the Environment Protection Authority with a requirement for an Annual Report.

Sue Francis and Mike Ryan did not feel they had sufficient information to reasonably determine the proposal so voted to defer determination of the application to seek clarification of the noise impact of the proposal, specifically:

1. Clarification of the noise impact of an operating trammel and conveyor, with waste material (and any other equipment operating concurrently) on the immediately adjoining neighbours to ensure noise levels to protect the amenity of the adjoining properties. Concern is raised, for example but not exclusively, that the predicated level of 48 dBA in the noise report appears significantly at odds to the equipment noise level quoted in the same report.
2. Subject to the above, consideration of what mitigation methods or opportunities for mitigation can be achieved, such as, alternate construction material of the adjacent northern wall of the building or repositioning of equipment or controlled operational practices should be considered and addressed.
3. On receipt and satisfaction of the above a supplementary report to be prepared and considered by the Panel.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Re-write condition 9 to read as follows:
LANDSCAPING – CANOPY TREES IN FRONT SETBACK (GC)
New development shall provide at least two (2) canopy trees within the front setback adjacent the front boundary (existing trees may be included). Ground covers should be planted in lieu of grass, to compliment the grevilleas. New canopy trees shall be at least three (3) metres high at the time of planting and capable of reaching a mature height of 10m.
Species shall be selected from Council's Recommended Tree List (Available from Council's website or from the Customer Service Centre). Compliance with this condition is to be demonstrated to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.
(Reason: To ensure the landscape character of the locality is maintained.)
- Amend Condition 4 by moving in to the first table 'Development Consent Documents' the following reference documents (currently in table 2 of condition 4):
 - Operational Waste Management
 - Noise and Quality Impact Assessment
 - Waste Management Plans

PANEL MEMBERS	
 Maria Atkinson (Chair)	 John Roseth
 Sue Francis	 Mike Ryan

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SCL033 – Strathfield – DA2017/064 at 63-65 Cosgrove Road, Strathfield
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a waste transfer station processing up to 40,000 tonnes per annum.
3	STREET ADDRESS	63-65 Cosgrove Road, Strathfield South
4	APPLICANT/OWNER	Ingham Planning Pty Ltd c/o- Brett Brown
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy No. 55 -Remediation of Land - State Environmental Planning Policy No. 33 – Hazardous and offensive development - Strathfield Local Environmental Plan 2012 - Draft environmental planning instruments: Nil - Development control plans: - Strathfield Development Control Plan 2005 - Part D – ‘Industrial Development’; - Part H – ‘Waste Management’ ; - Part I – ‘Provision of Off-Street Parking Facilities’; - Part J – ‘Advertising Signs and Structures’; - Part N – ‘Water Sensitive Urban Design (WSUD)’; - Part L – ‘Notification’; and - Strathfield Direct Development Contributions Plan. - 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 - Section 92(b) of the Environmental Planning and Assessment Regulation 2000; and - Schedule 3 of the Environmental Planning and Assessment Regulation 2000 - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council assessment report: 5 December 2017 - Written submissions during public exhibition: 20 - Verbal submissions at the public meeting: - Object – Helen Deegan, Albert Bacci, Sam Harb - On behalf of the applicant – Brett Brown, Mark Mawad
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	- Site inspection and briefing meeting 28 September 2017 - Final briefing meeting to discuss council’s recommendation, Tuesday 19 December 2017 at 11.30 am. Attendees: <u>Panel members</u>: Maria Atkinson (Chair), John Roseth, Sue Francis, and Mike Ryan <u>Council assessment staff</u>: Prity KC, Silvio Falato
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report