

DATE OF DETERMINATION	9 April 2018
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Nicole Gurran, Frank Carbone and Ninos Khoshaba
APOLOGY	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Fairfield City Council on Monday 9 April 2018 opened at 2.50pm and closed at 6.00pm.

MATTER DETERMINED

2017SSW048 - LGA – Fairfield– DA382.1/2017, No. 177 Newton Road, Wetherill Park - Lot 1 DP 777596 (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 matters observed at the site inspection 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 decision was unanimous.

REASONS FOR THE DECISION

1. The proposed development will provide specialist wastes management and resource recovery facilities to the South West District adding to those now conducted on the site.
2. The proposed development adequately satisfies the relevant State legislation and State Environmental Planning Policies including the Protection of the Environment Operations Act 1997, SEPP 33 –Hazardous and Offensive Development, SEPP 55 (Remediation of Land) and SEPP (Infrastructure) 2007.
3. The proposal adequately satisfies the applicable provisions and objectives of Fairfield City LEP 2013and Fairfield City- Wide DCP 2013.
4. The proposed development, subject to the conditions imposed which include General Terms of Approval issued by the NSW Environmental Planning Authority, will have no unacceptable adverse impacts on the natural or built environments including;
 - the riparian systems
 - air quality
 - the water quality of or views from Prospect Reservoir.
 - the operation of the local road system

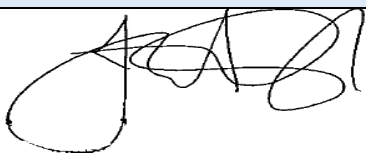




- the amenity of the locality, including residential premises, in due to noise or odour emissions.

5. In consideration of conclusions 1-4 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the conditions recommended in the Council Assessment Report with an additional condition relating to work cover to read as follows –

- (a) Within 3 months of commencement of the operation of the approved development a written invitation is to be made to WorkCover to inspect the operation of the site and provide advice as to any measures necessary to ensure safe operation of the facility having regard to its employees. The invitation to, and outcome of the reporting by, WorkCover shall be provided to Council.
- (b) The operator is to ensure that all WorkCover obligations are fully satisfied at all times.

PANEL MEMBERS	
	
Justin Doyle	Nicole Gurran
	
Bruce McDonald	Frank Carbone
	
Ninos Khoshaba	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSW048 - LGA – Fairfield– DA382.1/2017
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of an industrial building including the construction of two (2) weighbridges and associated car parking and landscaping to be used for the purpose of a resource recovery facility processing up to 25000 tonnes of construction and demolition waste per year, to be operated on a 24-hour basis, seven days a week.
3	STREET ADDRESS	No. 177 Newton Road, Wetherill Park - Lot 1 DP 777596

4	APPLICANT/OWNER	Habib Family Group Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development – waste facility
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 33 Hazardous and Offensive Development • State Environmental Planning Policy No. 55 – Remediation of Land • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Fairfield Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> • Fairfield City Wide Development Control Plan (DCP) 2013 • Section 94 Community Facilities Plan Planning agreements: Nil • <i>Environmental Planning and Assessment Regulation 2000</i>: 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 assessment report with recommended conditions, Site and Architectural plans, Environmental impact statement, Traffic and parking assessment report, Addendum to traffic and parking assessment report, NSW Environment protection authority –general terms of approval and written submissions. • Written submissions during public exhibition: 3 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Brad Delapierre ○ On behalf of the council – Hayley Tasdarian
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site Inspection and Briefing Meeting – 30 October 2017 • Site inspection – 9 April 2018 • Final briefing meeting to discuss Council’s recommendation –9 April 2018.

		<ul style="list-style-type: none"> • Determination meeting – 9 April 2018 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Nicole Gurran, Frank Carbone and Ninos Khoshaba ○ <u>Council assessment staff</u>: Hayley Tasdarian
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Included with Council Assessment Report