

<b>DATE OF DETERMINATION</b>	26 September 2019
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor (Acting Chair), Stuart McDonald, Peter Brennan, Moninder Singh and Chris Quilkey
<b>APOLOGIES</b>	Kathie Collins
<b>DECLARATIONS OF INTEREST</b>	Mr Paul Mitchell advised that he has a conflict on this matter.

Public meeting held at Blacktown City Council on Thursday, 26 September 2019, opened 12.33pm and closed at 2.25pm.

#### **MATTER DETERMINED**

2018CCI018 – Blacktown – DA18-01855 AT 48 Edward Street, Riverstone (Lots 14, 15 and 16, Section 17, DP744) (Lot 2 DP 251863) (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

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

The Panel determined to approve the development application pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

1. The proposed development will contribute a facility providing a resource recovery and recycling service and associated employment opportunities within the Sydney Central City District on land zoned IN1 General Industrial and is a permitted use in the zone.
2. The Panel is satisfied that the assessment of the applications against the relevant planning framework including the Environmental Planning and Assessment Act 1979, 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, Sydney Regional Environmental Plan No 20 - Hawkesbury- Nepean River, Blacktown Local Environmental Plan 2015 and Blacktown Development Control Plan 2015 has concluded that the proposal is satisfactory on its merits and that any identified issues of concern can be dealt with by conditions of development consent.
3. The Panel was satisfied that the concerns raised about the possible effects the proposed plant may have on the surrounding environment, such as traffic, safety, amenity, noise levels and air quality, have been properly considered and assessed by Council and the EPA and these matters can be addressed by conditions of consent.

4. The NSW Environment Protection Authority has issued General Terms of Approval for the proposal to be an EPA licensed premises once it commences operation. The owners/operators will be under strict obligation to adhere to all the conditions in this licence or risk losing it and not being able to operate.
5. The EPA has included a requirement for limited operating hours, that will mean the facility can only operate 7 am to 6 pm Monday to Friday and 8 am and 2 pm on Saturdays and no activities on Sundays or public holidays, instead of operating 24 hours a day, 7 days a week, 365 days a year including Sundays and public holidays as proposed by the applicant. This restriction in operating hours should significantly reduce the impact the facility will have on the surrounding area.
6. The Panel considers the proposed development is a suitable use of the site within the general industrial zone and approval of the proposal is in the public interest.

## **CONDITIONS**

The development application was approved subject to conditions in the council assessment report with the following amendments –

Condition 2.1.3 is amended to read as follows -

- 2.1.3 Necessary plan changes - The roller doors are to be changed to fast closing and opening automated doors and shown on the Building Construction Certificate Plans.

### **12.13 Roller doors**

Condition 12.13.1 is amended to read as follows -

- 12.13.1 The fast closing and opening automated doors are to be installed

### **12.14 Complaints Signage**

Condition 12.14.1 is amended to read as follows -

- 12.14.1 A sign is to be installed at both frontages of the site providing details of the contact name and phone numbers including mobile numbers of the operator to enable the public to report any complaints

### **12.15 Plan of Management**

Condition 12.15.1 is amended to read as follows -

- 12.15.1 A Plan of Management is to be provided to Council for approval that includes:
- a pre-booking system for trucks wanting to deliver material to the premises to ensure these deliveries are managed on a daily basis and to prevent any trucks queuing on the street.
  - Only 1 truck and dog or 2 rigid trucks are allowed on site at any time
  - A pre-booking requirement for client delivery trucks from demolition projects
  - Trucks planning to collect processed materials or deliver concrete for crushing from project sites are to call/radio ahead to check availability of this facility to receive them.
  - All client trucks must be informed by the business operator that they attend the site that they must approach and enter the site via the Brisbane Street frontage only.
  - A maximum of 25 truck movements to the site (being 25 ingress and 25 egress movements) are permitted per day.
  - The use and operation of the fast closing and opening automated doors for trucks entering and leaving the site and the cessation operation of the crushing machine when the doors are open.

Condition 13.8.2 is amended to read as follows -

13.8.2 The crushing facility has to stop processing/crushing when a truck enters or leaves the premises

Condition 13.8.3 is amended to read as follows -

13.8.3 The crushing facility is only allowed to operate when the doors are closed.

### 13.10 Crushing machine

Condition 13.10.1 is amended to read as follows -






13.10.1 The crushing facility is to be in "sleep mode" or idle when the truck enters or leaves the facility.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from those wishing to address the Panel as listed at item 7 in Schedule 1. The Panel notes that issues of concern included:

- Increased traffic and truck movements;
- Increased noise;
- Negative air quality impacts;
- Parking problems;
- Pedestrian safety;
- Negative impact on land values around the site;
- Negative health impacts;
- Amenity loss;
- Facility being unsuitable for the area.

The Panel considers the concerns raised by the community have been generally adequately addressed in the assessment report and that while no further new issues requiring assessment were raised during the public meeting, the Panel determined to amend and add to the conditions of approval.

PANEL MEMBERS	
 Mary-Lynne Taylor (Acting Chair)	 Stuart McDonald
 Peter Brennan	 Moninder Singh
 Chris Quilkey	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018CCI018 – Blacktown – DA18-01855
2	PROPOSED DEVELOPMENT	Designated and integrated development for construction and operation of a concrete and sandstone crushing facility inside a new building.
3	STREET ADDRESS	48 Edward Street, Riverstone (Lots 14, 15 and 16, Section 17, DP744)
4	APPLICANT/OWNER	Applicant – Ivan Schvets on behalf of Walan Civil Owner – Oxley Property Holdings Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development for the purpose of a Waste management facility.
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. 55 – Remediation of Land</li> <li>Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean River</li> <li>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</li> <li>State Environmental Planning Policy (Infrastructure) (SEPP) 2007</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>Blacktown Local Environmental Plan (BLEP) 2015</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Blacktown Development Control Plan 2015</li> <li>Central City District Plan 2018</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	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 12 September 2019</li> <li>• Written submissions during public exhibition: 3</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support - Nil</li> <li>○ In objection –</li> <li>○ John Loughlin and on behalf of Oliver Loughlin and Robert Mowbray</li> <li>○ Kyle Loughlin</li> <li>○ Phil Nevin</li> <li>○ Council assessment officer – Judith Portelli and Jared Spies</li> <li>○ On behalf of the applicant – Carlo Di Giulio, Daniel Matthews, Simon Jones and Gary Graham.</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site Inspection: 26 September 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Stuart McDonald, Peter Brennan, Moninder Singh and Chris Quilkey</li> <li>○ <u>Council assessment staff</u>: Jared Spies</li> </ul> </li> <li>• Final briefing to discuss council's recommendation, 26 September 2019, time 11.45pm.</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Mary-Lynne Taylor (Acting Chair), Stuart McDonald, Peter Brennan, Moninder Singh and Chris Quilkey</li> <li>○ <u>Council assessment staff</u>: Judith Portelli and Jared Spies.</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Submitted with council assessment report