

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	Thursday 12 December 2019
PANEL MEMBERS	Paul Mitchell (Chair), Lindsay Fletcher, Susan Budd and Mark Colburt
APOLOGIES	Mary-Lynne Taylor and Chandi Saba
DECLARATIONS OF INTEREST	None

Public meeting held at The Hills Shire Council, Administration Centre, 3 Columbia Court, Norwest, on 12 December 2019, opened at 2.30pm and closed at 5.50pm.

MATTER DETERMINED

2018SWC060 – The Hills – DA2136/2018/JP at 4567 Old Northern Road Maroota for an extractive industry (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.

Development application

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 use is permissible in the Primary Production zone under clause 7(3) of the Mining SEPP and is classified as a regionally significant resource under SREP 9.
2. The proposal is compatible with existing uses in the vicinity of the development site.
3. The Panel believes that primary production will be the preferred future use in the locality and that the proposal will be compatible within this preferred use.
4. The proposal will provide essential and cost competitive construction materials thus contributing to affordable housing and infrastructure.
5. The proposal will have no material adverse noise, dust or visual impacts on neighbouring and nearby properties. Vegetation removal will occur but it will be compensated for by biodiversity offsets. Potential impacts on local roads will be addressed by road upgrading and financial contributions to be used for road maintenance.
6. The Panel has carefully considered the matters raised in the submission and believes they are either addressed in the assessment report or by conditions and are not of sufficient magnitude to warrant refusal of the application.
7. For the reasons given above approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions as modified by the Panel during the adjournment.

Condition 12. Rehabilitation Bond is amended to read as follows:

The proponent shall submit a Rehabilitation Bond in the form of an unconditional bank guarantee to be held by Council as a legal document over the life of the development.

The rehabilitation bond shall be based upon \$10.00 per square metre of extracted area in accordance with the approved extraction and rehabilitation program for the subject development unless otherwise agreed by Council's Manager Environment and Health. This rehabilitation bond is to be lodged with Council prior to any works commencing that relate to this consent. Upon completion of establishment works, the applicant is to submit certification from a suitably qualified bush regenerator or restoration ecologist that all establishment revegetation works have been completed in accordance with the approved Quarry and Rehabilitation Management Plan. Upon receipt of the certification report The Hills Shire Council's Environment Team will inspect the site and upon approval this shall form the Council-certified completion of establishment works date.

The release of the bond will be staged as follows:

1. 50% 12 months after the Council-certified completion of establishment works.
2. 25% 24 months after the Council-certified completion of establishment works.
3. 25% 36 months after the Council-certified completion of establishment works.

The release of the bond is subject to the submission of annual maintenance reports prepared by the bush regeneration contractor and inspection by The Hills Shire Council to certify compliance with the Quarry and Rehabilitation Management Plan.

Condition 24C Environmental Management Plan is amended

identify air quality monitoring locations consistent with the Environmental Protection Authorities General Terms of Approval

Condition 39a(ii) Acoustic Requirements is amended to read as follows -

ii) at least once per year and consistent with Environmental Protection Authorities General Terms of Approval

Condition 39 f is amended to read as follows –

The noise limits do not apply to any land shaping/softening and bund/barrier establishment activities provided they are completed within two months of the commencement of any activities on the premises and carried out in accordance with an Environmental Protection Licence issued by the Environmental Protection Authority.

Condition 40c Air Quality is amended to read as follows -

Air quality monitoring is required in accordance with the approved Environmental Plan of Management.

Condition 42 Life of Consent is amended to read as follows -





Consent for the purpose of extraction of material is limited to a period of twenty (20) years from the commencement of extraction works. Written advice is required to be provided to Council of the commencement date of extraction on the site. In addition, a further two (2) year period after cessation of the extraction period is permitted for completion of the rehabilitation works.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Vegetation clearing and tree removal
- Increased traffic
- Increased noise

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Paul Mitchell (Acting Chair)	 Susan Budd
 Lindsay Fletcher	 Mark Colburt

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SWC060 – The Hills – DA2136/2018/JP
2	PROPOSED DEVELOPMENT	Extractive Industry
3	STREET ADDRESS	LOT 1 DP 590937, NO. 4567 Old Northern Road Maroota
4	APPLICANT/OWNER	Etra Pty Ltd as Trustee for PF Formation Trust
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy State and Regional Development 2011 State Environmental Planning Policy No.55 Remediation of Land State Environmental Planning Policy Mining, Petroleum Production and Extractive Industries 2007 Sydney Regional Environmental Plan No.9 Extractive Industry (No.2 - 1995) (Deemed SEPP) Sydney Regional Environmental Plan No.20 – Hawkesbury Nepean River The Hills Local Environmental Plan 2012 Draft environmental planning instruments: State Environmental Planning Policy Environment Development control plans: <ul style="list-style-type: none"> The Hills Development Control Plan 2012, Part B Section 1 - Rural 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</i>

		<p><i>and Assessment Act 1979 or regulations</i></p> <ul style="list-style-type: none"> • 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: 27 November 2019 • Written submissions during public exhibition: Nil • Verbal submissions at the public meeting 12 December 2019: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Kristine McKenzie and Paul Osborne ○ On behalf of the applicant – Joshua Graham, Bruce Adcock and Andrew Gough
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation, 12 December 2019 at 12.30pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Lindsay Fletcher, Susan Budd and Mark Colburt ○ <u>Council assessment staff</u>: Kristine McKenzie and Paul Osborne
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report