

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	16 December 2019
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurrán, Bruce McDonald, Frank Carbone and Ninos Khoshaba
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Fairfield City Council on Monday, 16 December 2019, opened 1.00pm and closed at 2:34pm.

MATTER DETERMINED

2018WCI003 - Fairfield – DA428.1/2018 at 115-119 Cowpasture Road, Wetherill Park, Resource Recovery Facility (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7, the material presented at meetings, and briefings and the matters observed at site inspection listed at item 8 in Schedule 1.

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

The Panel concurs with the reasons offered in the Council assessment report which support approval of the application subject to the recommended conditions, subject to the revisions noted below:

1. The proposal will provide a significant resource recovery facility facilitating the recycling and ordered disposal of construction and demolition waste and will generate additional employment within the Fairfield Local Government Area and the Sydney Western City District.
2. The proposal is defined as Integrated Development and requires approval of the NSW Environmental Protection Authority. The Panel notes General Terms of Approval have been issued by the EPA which are incorporated into the consent conditions.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 -Remediation of Land, SEPP 33 Hazardous and Offensive Development, SEPP (Infrastructure) 2007, and Greater Metropolitan REP No. 2 Georges River Catchment.
4. The proposal adequately satisfies the applicable objectives Fairfield LEP 2013 and Fairfield City-Wide DCP 2013. In particular it is noted that the proposal satisfies Chapter 9 (Industrial Development) and Chapter 12 (Car Parking, Vehicle and Access Management) of the DCP.
5. The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including air pollution due to emissions, loss of amenity due to noise or operation of the local road system. The acoustic report by Koikas Acoustics submitted with the application has modelled the use and its associated traffic movements and assessed it against the Industrial noise policy, against which the proposal has been found to be

compliant. The proposed dust mitigation strategy should also prevent unacceptable air borne material leaving the site.

6. The proposed development is considered to be a use consistent with the industrial area and zoning in which it is situated.
7. In consideration of conclusions 1-6 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 in the Council Assessment Report, but with amendments recorded in an updated draft provided to the Applicant for consideration and comment at the meeting, but with the following amendment to condition 2(c):

(A) Condition 2(c) to read:

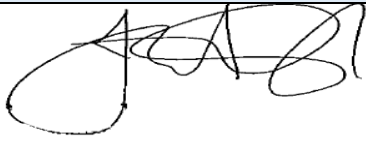




- (i) A maximum of two (2) trucks shall be on site at any one time, except:
 - (a) trucks which may be parked within the building when the site is not in operation; and
 - (b) three car spaces which may be used for the purposes of parking trucks which are not in use.
- (ii) All traffic management on site is to otherwise be in accordance with the Traffic Management and Loading Management Plan prepared by MRA Consulting, dated 18 September 2019.
- (iii) All trucks are to access and egress the site through a right in and left out arrangement only.

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:

- Potential for air pollution, including the emission of dust and fumes;
- Increase traffic flow;
- Potential for noise impacts;
- Potential for potentially harmful materials to be processed on site.

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	
 Justin Doyle (Chair)	 Bruce McDonald
 Nicole Gurran	 Frank Carbone
	

Ninos Khoshaba	
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SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018WCI003 - Fairfield – DA428.1/2018
2	PROPOSED DEVELOPMENT	Use of the existing premises for the purposes of a Resource Recovery Facility for the processing and sorting of construction and demolition waste including the construction of one (1) weighbridge and two (2) demountable buildings.
3	STREET ADDRESS	Lot 1 DP 830767, 115-119 Cowpasture Road, Wetherill Park
4	APPLICANT/OWNER	MRA Consulting Group
5	TYPE OF REGIONAL DEVELOPMENT	Designated development
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 ○ Draft State Environmental Planning Policy 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 Citywide Development Control Plan 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Schedule 3 • 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 • 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: 28 November 2019 • Written submissions during public exhibition: 4 • Verbal submissions made at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Patrick Davern ○ Council assessment officer – Natalie Kastoun, Liam Hawke and

		<p>Sunnee Cullen</p> <ul style="list-style-type: none"> ○ On behalf of the applicant – John Habib and Esther Hughes
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing: 8 November 2018 <ul style="list-style-type: none"> • <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Frank Carbone and Ninos Khoshaba • <u>Council assessment staff</u>: Natalie Kastoun, Liam Hawke and Sunnee Cullen • Final briefing to discuss council's recommendation, 16 December 2019, 11.30am. • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, Frank Carbone and Ninos Khoshaba • <u>Council assessment staff</u>: Natalie Kastoun, Liam Hawke and Sunnee Cullen
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report