

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	16 December 2022
<b>DATE OF PANEL DECISION</b>	15 December 2022
<b>DATE OF PANEL MEETING</b>	15 December 2022
<b>PANEL MEMBERS</b>	Jan Murrell (Chair), Brian Kirk, Graham Brown
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 8 December 2022.

#### MATTER DETERMINED

**PPSSEC-206 – Strathfield LGA – DA2015.177.2 at 40-42 Madeline Street, Strathfield South** – Modification Application for alterations and additions to an approved materials recycling facility.

#### 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.

#### Application for modification of consent

The Panel determined to approve the modification application pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

The Panel determined to approve the modification application for the reasons outlined in the Council Officer's Assessment Report.

- The Panel is satisfied that this modification is substantially the same for which development consent was granted and that the application has been notified. Furthermore, the submissions received have been considered in the determination and where appropriate conditions of consent are imposed. The Panel has also considered the reasons for the original approval in granting consent.
- The Panel notes the facility will be upgraded and is to comply with relevant environmental standards to meet the requirements of the EPA.

#### CONDITIONS

The Modification Application is approved subject to the conditions in the Council Officer's Assessment Report with the following changes to the conditions of consent.


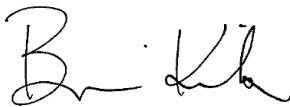

- Amend condition 30 by deleting the last sentence (for clarity only).
- Amend condition 56(a) as follows:
  - Prior to the issue of the construction certificate, a dimensioned plan of the eastern extension to Building 1 is to be submitted to Strathfield Council's Planning Team for endorsement. The extension is not to exceed a height of 9.6m, measured from existing ground level, or protrude beyond the envelope of Building 1.

- All other extensions in the approved plans are to have a height of no greater than 6.7m as measured from existing ground level.
- Amend condition 70 to include the words “as attached” (EPA GTA’s).

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included additional noise, and compliance with conditions of consent.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues the EPA is now satisfied with the amended conditions of consent as recommended in the Council Officer’s Assessment Report.

PANEL MEMBERS	
 Jan Murrell (Chair)	 Brian Kirk
 Graham Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-206 – Strathfield LGA – DA2015.177.2
2	PROPOSED DEVELOPMENT	S4.55(2) Modification Application for alterations and additions to an approved materials recycling facility.
3	STREET ADDRESS	40-42 MADELINE STREET STRATHFIELD SOUTH 2136
4	APPLICANT/OWNER	Mr James Cosgrove
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
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 (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ Strathfield Local Environmental Plan (SLEP) 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Strathfield Consolidated Development Control Plan 2005 (SCDCP 2005)</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></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	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council Assessment Report: 8 December 2022</li> <li>• Written submissions during public exhibition: 3</li> <li>• Total number of unique submissions received by way of objection: 3</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• E Determination –deferred to allow the Applicant to submit further information: 18 August 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jan Murrell (Chair), Chris Wilson, Graham Brown</li> </ul> </li> <li>• Further Council/Applicant Briefing: 3 November 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jan Murrell (Chair), Brian Kirk, Graham Brown</li> <li>○ <u>Council assessment staff</u>: Joseph Gillies</li> <li>○ <u>Applicant representatives</u>: James Cosgrove</li> </ul> </li> <li>• Further Council/Applicant Briefing: 9 November 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jan Murrell (Chair), Brian Kirk, Graham Brown</li> <li>○ <u>Council assessment staff</u>: Joseph Gillies</li> <li>○ <u>Applicant representatives</u>: James Cosgrove</li> </ul> </li> <li>• Final briefing to discuss Council’s recommendation and E Determination: 15 December 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Jan Murrell (Chair), Brian Kirk, Graham Brown</li> <li>○ <u>Council assessment staff</u>: Joe Gillies, Kandace Lindeberg and Melissa Mallos</li> <li>○ <u>Applicant representatives</u>: James Cosgrove and Vinod Gopalan</li> </ul> </li> </ul>

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report