



**STATEMENT OF ENVIRONMENTAL EFFECTS
RELATING TO A SECTION 4.55(2) APPLICATION TO MODIFY THE CONSENT FOR A NEW
RESOURCE TRANSFER STATION AT 63-65 COSGROVE ROAD STRATHFIELD SOUTH**

**Prepared for
WASTE 360**

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1. INTRODUCTION

This is a Statement of Environmental Effects (SEE) relating to a Section 4.55(2) application to modify the consent for a new resource transfer station at 63-65 Cosgrove Road South Strathfield. The original consent (2017/064) was granted by Sydney Eastern City Planning Panel on 19.09.2017. A modification of this consent was granted on 20.05.2020.

The development has been undertaken in accordance with the consent however the approved hours of operation are limiting the ability to reach the approved capacity. Accordingly 24 hour, 7 days a week use is sought by this modification application.

The SEE contains the following sections:

Section 2 examines the characteristics of the subject property;

Section 3 provides details of the proposed modifications;

Section 4 addresses the relevant requirements of Section 4.55 of the Environmental Planning and Assessment Act, 1979 which relate to modification of development consents;

Section 5 provides a conclusion.

2. THE SITE

The site subject of the development consent is 63-65 Cossgrove Road Strathfield South.

3. PROPOSED MODIFICATIONS

As noted above the proposed modification seeks 24 hour operation, 7 days a week. The relevant conditions of consent are noted below.

Condition 1

EPA General Terms of Approval

L3. Hours of operation

L3.1 Activities at the premises may only be carried out between 7am - 10pm Monday to Sunday.

L3.2 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L3.1 if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L3.3 The hours of operation specified in conditions L3.1 and L3.2 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

It is assumed that this modification will be considered by EPA who will, if in agreement, will modify or otherwise agree to the proposed change of hours.

Condition 64

This condition reads:

64. HOURS OF OPERATION

The hours of operation of the approved 'waste transfer station' must not exceed the following, without the prior approval of Council:

Days	Approved hours of operation
Mon-Friday	7am-10pm
Saturday	7am-10pm
Sunday and public holidays	7am-10pm

This condition does not apply in respect of refrigeration equipment/or machinery used for the preparation of or cooking of baked goods, unless they create a nuisance or were not part of the original consent.

(Reason: Ensure industry operates between approved hours.)

Accordingly it is proposed to amend the above to indicate that 24 hour, 7 days a week operation is permitted. It seems that the paragraph referring to baked goods has been included in error and should also be deleted.

Other conditions may require amendment to refer to the submitted acoustic and traffic reports.

Considerations required under Section 4.55

4. CONSIDERATIONS REQUIRED UNDER SECTION 4.55

Section 4.55(2) of the Environmental Planning and Assessment Act, 1979 states:

- (2) **Other modifications** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—
- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
 - (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
 - (c) it has notified the application in accordance with—
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
 - (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

The proposed modification has the potential of increase impacts, therefore, it is considered that Section 4.55(2) is the most appropriate mechanism for the proposed modifications to the consent.

Subsection (3) of Section 4.55 requires:

“the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.”

4.1 The development to which the consent as modified relates, is substantially the same as the development for which the consent was originally granted.

The proposed modifications do not alter the overall nature of the development for which the development consent was granted. It remains a waste transfer station with the same capacity as that approved. The proposed extension of hours of operation do not change its fundamental use. Therefore it is substantially the same development as that originally approved.

4.2 Concurrence and integrated development

The original DA was designated and integrated development and Council will consult with the relevant authorities accordingly.

4.3 Notification and submissions

Council will notify the proposal as required by its policies and consider any submissions made.

4.4 Consideration of the relevant Section 4.15(1) matters

The two main areas with the potential for impact relation to noise and traffic. These two issues have been dealt with in the submitted Air Quality, Acoustic and Traffic Report, which conclude that the impacts of the proposed extension of hours will not be unreasonable. All of the potential impacts were considered as part of the previous assessment.

5. CONCLUSION

The proposed impacts of the extended hours have been assessment and conclude to be satisfactory.

We are of the view that the proposal is appropriate and reasonable and seek Council support for the proposed amendments to the development consent.