

## COUNCIL ASSESSMENT REPORT

SYDNEY NORTH PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSNH-459 - DA/14/2024
<b>PROPOSAL</b>	Change of use from a depot to a waste transfer or resource facility - Hornsby Community Recycling Facility
<b>ADDRESS</b>	Lot 1 DP 513555, No. 4 Chilvers Avenue Thornleigh
<b>APPLICANT</b>	Hornsby Shire Council
<b>OWNER</b>	Hornsby Shire Council
<b>DA LODGEMENT DATE</b>	2 February 2024
<b>APPLICATION TYPE</b>	Designated Development
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Clause 7, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : waste management facilities or works that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 45
<b>CIV</b>	\$0 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	N/A
<b>KEY SEPP/LEP</b>	State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Hornsby Local Environmental Plan 2013
<b>TOTAL &amp; UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS</b>	One (1) submission with key issues relating to traffic impacts and potential toxic substances
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	Environmental Impact Statement (prepared by DFP) Applicant's Letter dated 16 May 2024 (prepared by DFP) Architectural Drawings (prepared by 4d Architecture & Design) Stormwater/Civil Engineering (prepared by Martens) Fire Engineering Report (prepared by ARUP) Acoustic and Vibration Report (prepared by Acoustic Logic) Traffic and Parking Impact Assessment (prepared by Stanbury Traffic) Air Quality Assessment (prepared by SLR Consulting) Waste Management Plan (prepared by MRA Consulting)

	BCA & Accessibility Letter (prepared by BM&G) Preliminary Hazard Assessment (prepared by SLR Consulting) Detailed Site Investigation (prepared by EI Australia) Dangerous Goods Management Plan (prepared by SLR Consulting)
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)</b>	N/A
<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>	Yes
<b>SCHEDULED MEETING DATE</b>	10 July 2024
<b>PLAN VERSION</b>	10 October 2024
<b>PREPARED BY</b>	Donna Clarke - Landmark Planning Pty Ltd
<b>COI DECLARATION</b>	No conflict of interest declared
<b>DATE OF REPORT</b>	3 June 2024

## **EXECUTIVE SUMMARY**

The development application (DA/14/2024) seeks consent for the use of part of the site as a Waste or Resource Transfer Station at the existing Hornsby Community Recycling Centre (CRC).

The site is identified as Lot 1 DP 513555, 4 Chilvers Road, Thornleigh (alternate 31 Sefton Road). The site has frontage and vehicular access to both Chilvers Road and Sefton Road, is “L shaped” with a total area of 3,701m<sup>2</sup> and contains two separate buildings, one facing each street and is enclosed by black palisade fencing for security. The site is located within an industrial area of Thornleigh and adjoins industrial and commercial uses to the east, south and west, including Council’s Works Depot. Opposite the site on the northern side of Sefton Road is a residential area.

The subject land is zoned E4 General Industrial under Hornsby Local Environmental Plan 2013. The proposal is for a ‘*Waste or Resource Transfer Station*’, being a type of ‘*Waste or Resource Management Facility*’ which is permissible within the zone.

The application is categorised as ‘Designated Development’ as it is waste management facilities or works which are specifically identified under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 45, and includes an Environmental Impact Statement (EIS) prepared in accordance with the Secretary’s Environmental Assessment Requirements (SEARS) dated 9 March 2023.

The application has been lodged due to the current approval for the use being for a ‘Waste Depot’ and the need to be expanded to be a ‘Waste or Resource Transfer Station’ relating to the transfer components of the CRC. No external changes are proposed to the existing site including building, car parking or landscaping.

The principle planning controls relevant to the proposal include State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, Hornsby Local Environmental Plan 2013 and Hornsby Development Control Plan 2013. The proposal is consistent with various provisions of the planning controls including permissibility, hazardous materials, land contamination, traffic generation and built form.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979. A referral to the Environment Protection Authority, Transport for NSW and Department of Planning, Housing and Infrastructure were sent and raised no objections.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied including:

- Chapter 3 of SEPP (Resilience and Hazards) 2021 for consideration of whether the proposed development is 'hazardous' or 'potentially hazardous' development;
- Chapter 4 of SEPP (Resilience and Hazards) 2021 for consideration of whether the land is contaminated;
- Section 2.122 of SEPP (Transport and Infrastructure) 2021 for consideration of 'traffic-generating development'.

The application was placed on public exhibition from 29 February 2024 to 28 March 2024, with one (1) submission being received. This submission raised issues relating to traffic impacts and potential toxic substances. These issues are considered further in this report.

The application is referred to the Sydney North Planning Panel as the development is 'regionally significant development', pursuant to Section 2.19(1) and Clause 7(1)(c) of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 as the proposal is development for waste management facilities or works that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 45.

The key issues associated with the proposal include:

1. *Hazardous or Offensive Development* - The application included an appropriate preliminary hazardous assessment which confirms that the proposed development is not 'hazardous' or 'potentially hazardous' development. A Dangerous Goods Management Plan has been prepared which addresses the handling of substances classified in the Dangerous Goods Code.
2. *Traffic and Car Parking* - The existing vehicular entry and exit points will remain unaltered, as will the existing on-site parking. The use of a traffic management plan during busy times will continue.
3. *Licensing* - The facility does not require an Environment Protection Licence under the Protection of the Environment Operations Act 1997 Schedule 1 as the processing capacity is under the threshold for general waste.
4. *Physical Works* - No building works are proposed by this application, with no changes to existing building setbacks, vehicular entry/exit, parking or landscaping.

Additional information was submitted with respect to the issues raised in the submission.

As the proposal involves the Council owned land, an independent assessment of the application has been undertaken.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979, DA/14/2024 is recommended for approval subject to the conditions of consent contained at **Attachment A** of this report.

## 1 THE SITE AND LOCALITY

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### 1.1 The Site

The site is identified as Lot 1 DP 513555, 4 Chilvers Road, Thornleigh (alternate 31 Sefton Road). The site has frontage and vehicular access to both Chilvers Road and Sefton Road and is “L shaped” with a total area of 3,701m<sup>2</sup>.

The site slopes from the eastern boundary of Sefton Rd down in a westerly direction and rises again towards the western boundary.

The site contains two separate buildings, one facing each street and is enclosed by black palisade fencing for security. Vehicular access is available from both sites; however, the Sefton Road entry is the only entrance for users of the facility and line markings and signage direct vehicles into the site from this entrance.

Overhead electricity lines and concrete pathways are in existence along both frontages of the site.

The site provides a total of fourteen (14) car parking spaces comprising four (4) visitor spaces and ten (10) staff parking spaces.

The site is not identified as bushfire prone land, nor flood prone, nor is it a heritage item and is not located within a heritage conservation area. The site is burdened by an existing 1.8m wide drainage easement through the eastern side of the site.



Figure 1: Aerial Photograph of the site (in red) as of 25 March 2024

## 1.2 The Locality

The site is located within an industrial area of Thornleigh and adjoins industrial and commercial uses to the east, south and west, including Council's Works Depot. Opposite the site on the northern side of Sefton Road is a residential area, which has solid fences, landscaping and mature trees facing the site to screen the industrial area. The land on the corner of Chilvers Road and Sefton Road, which the subject site wraps around, is vacant.

## 2 THE PROPOSAL AND BACKGROUND

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### 2.1 The Proposal

The application is categorised as '*Designated Development*' and includes an Environmental Impact Statement (EIS) prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARS) dated 9 March 2023.

The approved uses under DA/1535/2015 as a Waste Depot and Administrative use will continue to operate in Building B and the Administrative use only will continue to operate in Building A.

The application proposes the remainder of Building A (approx. 1,080m<sup>2</sup> floor area) will accommodate the Waste or Resource Transfer Station. There is no work required to accommodate the use.

The existing use of the site as a CRC will continue for the same purpose, with the need for the application as a result of the transfer components of the CRC being beyond the current consent.

The Waste or Resource Transfer Station will process 2,500 tonnes per annum of waste and types of material proposed to be recycled at the facility include:

- |                                      |   |
|--------------------------------------|---|
| • Blister Packs                      | • Mobile phones                           |
| • Car and motorcycle batteries       | • Motor oils                              |
| • Clothing and accessories           | • Other Oils                              |
| • Electronic Waste                   | • Paint                                   |
| • Fire extinguishers                 | • Polystyrene                             |
| • Flattened cardboard                | • Printer Cartridges                      |
| • Fluorescent light globes and tubes | • Smoke Detectors                         |
| • Gas bottles                        | • Soft plastic bags and plastic packaging |
| • Hard Plastics                      | • Spray cans                              |
| • Household batteries                | • X-rays.                                 |

No external changes are proposed to the existing site including building, car parking or landscaping to accommodate the proposed use.

Residents visiting the facility do so via private vehicle (pedestrian walk in not permitted) and dispose of the waste into the allocated bins and receptacles. Once the bins and receptacles are full, they are moved via forklift by the staff of the facility to the rear of the site and transported off site for disposal via non-articulated heavy vehicles and 19m long heavy rigid vehicles.

The whole CRC site operates as one including the existing waste depot, proposed Waste or Resource Transfer Station and administration and has a total of 40 staff members, comprising of administration/office staff (24 staff), waste and cleansing operations staff (13 staff) and recycling management staff (2-3 staff). The EIS indicates that there will be no increase in staff proposed.



The hours of operation of the facility for staff will be:

- Monday to Friday: 6am - 6pm
- Saturday: 7am - 4:30pm
- Sunday and Public Holidays: Closed

The facility will be open to the public during the following hours:

- Tuesday to Friday: 8:30am - 4:00pm
- Saturday: 8:30am - 12:00pm
- Monday, Sunday, and Public Holidays: Closed

**Table 1: Development Data**

Control	Proposal
Site area	3,701m <sup>2</sup>
GFA	No change from 2,223m <sup>2</sup>
FSR	No change from 0.6:1
Clause 4.6 Requests	No
Max Height	No change from 9.16m
Landscaped area	No change
Car Parking spaces	No change from 14 car spaces
Setbacks	No change
Amount of Waste Processed	2,500 tonnes per annum

## 2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the application on 9 August 2023 where various issues were discussed. The key issues have been addressed by the proposal within the Environmental Impact Statement and accompanying technical reports, including assessment against the relevant planning controls and assessment of impacts required including acoustic, air quality, waste, traffic and parking, land contamination and operational plan of management.

The development application was lodged on 2 February 2024. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

**Table 2: Chronology of the DA**

Date	Event
2 February 2024	DA lodged
8 February 2024	DA referral accepted by Environmental Protection Authority (EPA)
22 February 2024	DA referral accepted by Transport for NSW
29 February 2024	Exhibition of the application

12 March 2024	Response from Transport for NSW received
13 March 2024	Response from EPA received
28 March 2024	Close of exhibition of the application
2 April 2024	DA referral accepted by Department of Planning and Environment (DPE) (following end of notification)
8 April 2024	Response from DPE received
11 April 2024	Request for Information from Council to Applicant
16 May 2024	Response letter submitted by the Applicant

### 2.3 Site History

On 22 February 2016, DA/1535/2015 for the use of the Site as a Waste Depot and associated administrative offices in the two buildings (Building A and Building B) was approved by Council. A Modification to this consent was granted approval on 27 June 2016.

On 15 October 2018, DA/432/2018 for advertising signage associated with the Community Recycling Centre was approved by Council. A Modification to this consent was granted approval on 6 December 2018.

## 3 STATUTORY CONSIDERATIONS

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When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
  - (i) *any environmental planning instrument, and*
  - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*
  - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be:

- Designated Development (s4.10).

The application is categorised as '*designated development*' and includes an Environmental Impact Statement (EIS), prepared by DFP Planning, dated 8 January 2024 which was prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARS) dated 9 March 2023.

Section 4.10 of the EP&A Act states that development may be '*designated development*' if declared so by an environmental planning instrument or the regulations.

The Proposal is declared as '*designated development*' (under Schedule 3 of the Environmental Planning & Assessment Regulation 2001) as it is a waste management facilities or works which are specifically identified as being regionally significant development and therefore in accordance with Schedule 4A of the Environmental Planning & Assessment Act 1979 (the EP&A Act 1979), is to be determined by the Sydney North Planning Panel and includes an EIS prepared in accordance with the SEARS.

Waste management facilities or works is defined as:

***"45 Waste management facilities or works***

(1) *Development for the purposes of a waste management facility or works is designated development if—*

- (a) *the facility or works dispose of solid or liquid waste by landfilling, thermal treatment, storing, placing or other means, and*
- (b) *the waste —*
  - (i) *includes a substance classified in the ADG Code or medical, cytotoxic or quarantine waste, or*
  - (ii) *comprises more than 100,000 tonnes of clean fill in a way that, in the consent authority's opinion, is likely to cause significant impacts on drainage or flooding, or*

***Example—***

*Clean fill includes soil, sand, gravel, bricks or other excavated or hard material.*

- (iii) *comprises more than 1,000 tonnes per year of effluent or sludge, or*
  - (iv) *comprises more than 200 tonnes per year of other waste material.*
- (2) *Development for the purposes of a waste management facility or works is designated development if—*
- (a) *the facility or works sorts, consolidates or temporarily stores waste at a transfer station or material recycling facility for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse, and*
  - (b) *the facility or works—*
    - (i) *handle substances classified in the ADG Code or medical, cytotoxic or quarantine waste, or*
    - (ii) *have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or*



- (iii) *have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material.*
- (3) *Development for the purposes of a waste management facility or works that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials is designated development.*
- (4) *Development for the purposes of a waste management facility or works is designated development if the facility or works are located—*
  - (a) *in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area of State significance, or*
  - (b) *in an area of high watertable, highly permeable soils, acid sulfate, sodic or saline soils, or*
  - (c) *in a drinking water catchment, or*
  - (d) *in a catchment of an estuary where the entrance to the sea is intermittently open, or*
  - (e) *on a floodplain, or*
  - (f) *within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the consent authority's opinion, considering topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood because of noise, visual impacts, vermin, traffic or air pollution, including odour, smoke, fumes or dust.*
- (4A) *Despite subsection (4)(f), development for the purposes of waste or resource transfer stations carried out by or on behalf of a public authority is not designated development if the development is carried out—*
  - (a) *within 500m of a residential zone or 250m of a dwelling not associated with the development, and*
  - (b) *under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Part 5A.*
- (5) *This section does not apply to—*
  - (a) *development comprising or involving the use of effluent or sludge if—*
    - (i) *the dominant purpose is not waste disposal, and*
    - (ii) *the development is carried out in a location other than a location specified in subsection (4), or*
  - (b) *an artificial waterbody located on relevant irrigation land, or*
  - (c) *development comprising or involving waste management facilities or works specifically referred to elsewhere in this Schedule.*
- (6) *In this section—*

**waste management facility or works** *means a facility or works that—*

  - (a) *stores, treats, purifies or disposes of waste, or*
  - (b) *sorts, processes, recycles, recovers, uses or reuses material from waste.”*

The proposed development falls within the category of ‘waste management facilities or works’ under Schedule 3 of the Regulation due to activities which sort, consolidate or temporarily store waste at transfer station or material recycling facilities to transfer to another site for final disposal, permanent storage, processing, recycling, use or reuse and handles substances classified in the Dangerous Goods Code. As a result, the proposal is deemed to be Designated Development, and an EIS has been prepared in accordance with the SEARs.

The EIS indicates:

*“As is the nature of a CRC, from time to time, residents seek to deposit pesticides, acids, and other substances, which would be substances listed in the Australian Dangerous Goods (ADG) Code. These items are known as ‘by-catch’ and are generally screened out and refused for acceptance by the facility with residents advised to dispose of them through the EPA Annual Chemical Clean-out. Even so, very small amounts can slip through the screening processes and if discovered they are stored on-site for a short period in a lockable storage container before secure collection and disposal off-site. As the ADG Code does not specify any minimum quantity of such materials, the handling or temporary storage of materials listed in the ADG Code triggers the Designated Development provisions under Schedule 3 Part 2 Section 45(2)(b)(i) of the EP&A Regulation”.*

The Department of Planning, Housing and Infrastructure was advised of the lodgement of the application. Subject to the Council's satisfaction that the EIS suitably responds to their requirements and no submissions being received during the exhibition period relating to the proposal, no further consultation was required. One (1) submission was received, and a copy provided to Department of Planning, Housing and Infrastructure and a response was received via letter dated 8 April 2024 raising no objection to the proposal and indicated that the Department reviewed the submission and “notes that there are no issues of State or regional significance that apply to the proposal”.

It is considered that the EIS adequately responds to the SEARs and Council's requirements.

### **3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations**

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

### **3.2 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Hornsby Local Environmental Plan 2013*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

**Table 3: Summary of Applicable Environmental Planning Instruments**

<b>EPI</b>	<b>Matters for Consideration</b>	<b>Comply (Y/N)</b>
SEPP (Biodiversity & Conservation)	Chapter 2: Vegetation in non-rural areas Chapter 6: Water catchments	Y
SEPP (Planning Systems)	Chapter 2: State and Regional Development <ul style="list-style-type: none"> <li>Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 7, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021: waste management facilities or works that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 45.</li> </ul>	Y
SEPP (Resilience & Hazards)	Chapter 3: Hazardous and Offensive Development <ul style="list-style-type: none"> <li>Section 3.12 - The preliminary hazardous assessment confirms that the proposed development is not 'hazardous' or 'potentially hazardous' development. A Dangerous Goods Management Plan has been prepared.</li> </ul> Chapter 4: Remediation of Land <ul style="list-style-type: none"> <li>Section 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.</li> </ul>	Y
SEPP (Transport and Infrastructure)	Chapter 2: Infrastructure <ul style="list-style-type: none"> <li>Section 2.122 - Traffic-generating development being a waste or resource management facility of any size has been considered and the proposal is satisfactory.</li> </ul>	Y
Proposed Instruments	No compliance issues identified.	Y
HLEP	<ul style="list-style-type: none"> <li>Clause 2.3 - Permissibility and zone objectives - A 'Waste or Resource Transfer Station' is permissible within the zone and consistent with zone objectives.</li> </ul>	Y
HDCCP	Part 5 - Industrial	Y

Consideration of the relevant SEPPs is outlined below.

### **3.2.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The application has been assessed against the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021 and deemed to be acceptable. No works or vegetation removal is proposed. As such, the proposal would have minimal potential to impact on the water catchments.

### **3.2.2 State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')**

#### Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 7 of Schedule 6 of the Planning Systems SEPP as the proposal is development for waste management facilities or works that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 45. Accordingly, the Sydney North Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

### **3.2.3 State Environmental Planning Policy (Resilience and Hazards) 2021**

#### Chapter 3: Hazardous and Offensive Development

The provisions of Chapter 3 of State Environmental Planning Policy (Resilience and Hazards) 2021 ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider the impacts of the potentially hazardous or potentially offensive development and whether any public authority should be consulted.

Risk screening has been undertaken for the proposed development and a Preliminary Hazard Assessment, prepared by SLR Consulting Australia, dated 16 October 2023 has been submitted confirming that the proposed development is not 'hazardous' or 'potentially hazardous' development.

The CRC acts as a resource recovery centre with the waste received sorted, separated then temporarily stored on site prior to the weekly pickup by the NSW EPA appointed and managed contractor, Cleanaway Toxfree. Accordingly, stock onsite normally does not build up on site beyond the weekly totals.

The CRC accepts residential waste that cannot go into household garbage bins or kerbside collections. Outside the categories of acceptable wastes, a small proportion of the wastes consist of items that would normally not be accepted. These items are found mixed in amongst the waste lots dropped off at the CRC. These items are referred to as "by-catch" and consist of a wide variety of substances and items. Some of which need special handling and storage prior to being picked up by Cleanaway.

The application was accompanied by a Dangerous Goods Management Plan, prepared by SLR, dated 16 October 2023. The SEPP screenings for storage of dangerous goods indicate that the development would not be classified as a hazardous or offensive industry. The storage volumes are below the SEPP Screening Thresholds and therefore unlikely to be considered potentially hazardous.

The Preliminary Hazard Analysis has found that the main potential hazards associated with the Hornsby CRC were the chemicals and items found in the by-catch.

The residual risks associated with these hazards once controls are implemented were rated as Tolerable (i.e. the risk is acceptably low).

The Preliminary Hazard Analysis concludes that the proposed development of the Hornsby Community Recycling Centre is a suitable development for the area, with suitable engineering controls, operational controls and management controls in place.

The application as referred to the Environment Protection Authority, who raised no issues with the proposal.

Council's Environmental Protection Officer raises no objection to the proposal in terms of Hazardous and Offensive Development, subject to recommended conditions of consent.

Accordingly, the provisions of Chapter 3 of SEPP (Resilience and Hazards) 2021 are satisfied.

#### Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The application was accompanied by a Detailed Site Investigation, prepared by EI Australia, dated 11 October 2023.

The site is currently operating as a CRC and there is no change of use from the existing industrial purposes. As such, no further investigations with respect to land contamination are deemed necessary.

Council's Environmental Protection Officer raises no objection to the proposal in terms of contamination.

Accordingly, the provisions of Chapter 4 of SEPP (Resilience and Hazards) 2021 are satisfied.

#### **3.2.4 State Environmental Planning Policy (Transport and Infrastructure) 2021**

Section 2.122 relates to '*traffic-generating development*' being development with a relevant size or capacity as defined by Schedule 3 of the SEPP. The proposed development is for a waste or resource management facility. Development for waste or resource management facility of any size or capacity is classified as traffic generating development requiring referral to TfNSW.

Section 2.152 relates to waste or resource management facilities. The Site is located in the E4 Zone which is a prescribed zone.

The application was referred to Transport for NSW and a response was received via letter dated 12 March 2024 raising no objection to the proposal and indicates that any proposed traffic control signal (TCS) works (new or modifications to existing) would require TfNSW approval under Section 87 of the Roads Act 1993. No works are proposed to the signals as part of this application.

The proposal satisfies the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021.

#### **3.2.5 Hornsby Local Environmental Plan 2013**

The relevant local environmental plan applying to the site is the Hornsby Local Environmental Plan 2013 ('the LEP'). The aims of the LEP include:

- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) *to facilitate development that creates—*
  - (i) *progressive town centres, thriving rural areas and abundant recreation spaces connected by efficient infrastructure and transport systems, and*
  - (ii) *a well-planned area with managed growth to provide for the needs of future generations and people enriched by diversity of cultures, the beauty of the environment and a strong economy,*
- (b) *to guide the orderly and sustainable development of Hornsby, balancing its economic, environmental and social needs,*

- (c) to permit a mix of housing types that provide for the future housing needs of the community near employment centres, transport nodes and services,
- (d) to permit business and industrial development that meets the needs of the community near housing, transport and services, and is consistent with and reinforces the role of centres within the subregional commercial centres hierarchy,
- (e) to maintain and protect rural activities, resource lands, rural landscapes and biodiversity values of rural areas,
- (f) to provide a range of quality passive and active recreational areas and facilities that meet the leisure needs of both the local and regional community,
- (g) to facilitate the equitable provision of community services and cultural opportunities to promote the well being of the population of Hornsby,
- (h) to protect and enhance the scenic and biodiversity values of environmentally sensitive land, including bushland, river settlements, river catchments, wetlands and waterways,
- (i) to protect and enhance the heritage of Hornsby, including places of historic, aesthetic, architectural, natural, cultural and Aboriginal significance,
- (j) to minimise risk to the community in areas subject to environmental hazards, including flooding and bush fires.

The proposal is consistent with these aims as the proposal assists with sustainability by recycling of materials and meets the needs of the community within an industrial area, protecting the local environment.

### 3.2.5.1 Zoning and Permissibility (Part 2)

The site is located within the E4 General Industrial zone pursuant to Clause 2.2 of the LEP.

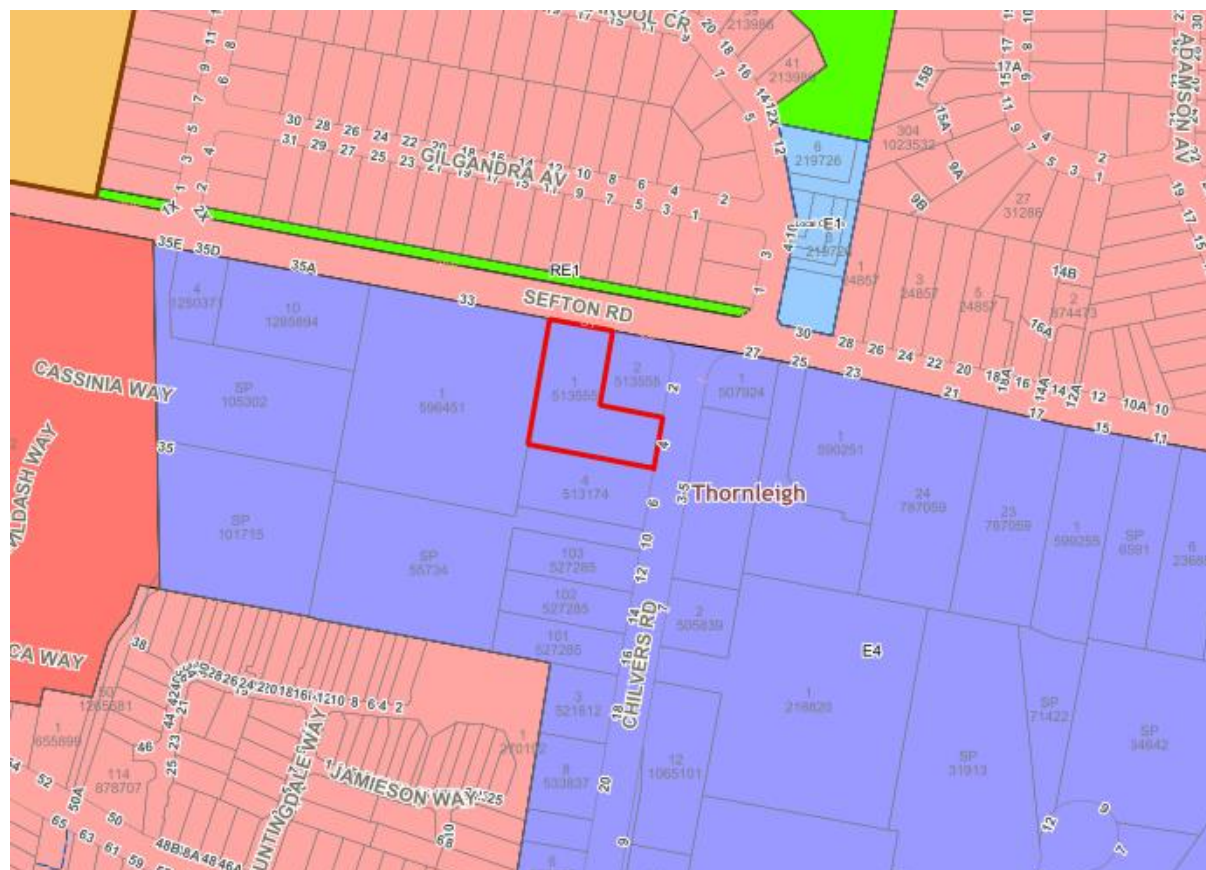


Figure 2: Zoning map for area, as of 4 June 2024



According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of an ‘*Waste or Resource Transfer Station*’, being a type of ‘*Waste or Resource Management Facility*’, which is a permissible use with consent in the Land Use Table under Clause 2.3 and defined under HLEP as:

**“waste or resource management facility** means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)-(c).”

and

**“waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

*Note—*

*Waste or resource transfer stations are a type of waste or resource management facility—see the definition of that term in this Dictionary.”*

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *“To provide a range of industrial, warehouse, logistics and related land uses.*
- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.”*

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The existing use of the site as a CRC will continue for the same purpose, with the need for the application as a result of the transfer components of the CRC being beyond the current consent. CRC provides a positive environmental and social benefit to the community by reducing waste and ensuring hazardous chemicals are disposed of correctly, reducing landfill and conforming to principles of Ecological Sustainable Development.
- There are no view corridors obstructed by the CRC and the visual amenity of the area is maintained, noting that the CRC is located within an industrial estate and no changes are proposed to the buildings. The continued use of the site as a CRC and an increase in amount of waste processed provided for efficient use of the land and is unlikely to result in adverse impacts on the surrounding industrial land or nearby Sefton Road is a residential area to the north.

### **3.2.5.2 General Controls and Development Standards (Part 2, 4, 5 and 6)**

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

**Table 4: Consideration of the LEP Controls**

Control	Requirement	Proposal	Comply
Height of buildings (CI 4.3(2))	10.5m	No change from 9.16m	Yes
FSR (CI 4.4(2))	1:1 (3,701m <sup>2</sup> )	No change from 0.6:1	Yes

No building works are proposed by this application, with no changes to existing building height or floor space.

The proposal is considered to be generally consistent with the LEP.

### **3.3 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are currently no proposed instruments which are subject of public consultation under the EP&A Act and are relevant to the proposal.

### **3.4 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

- *Hornsby Development Control Plan 2013* ('the DCP')

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Hornsby Development Control Plan 2013 (HDCP). The proposed development complies with the prescriptive measures within the HDCP, specifically Part 5 - Industrial. A brief discussion on compliance with relevant performance requirements is provided below.

- *Setbacks* - No building works are proposed by this application, with no changes to existing building setbacks.
- *Landscaping* - No works or vegetation removal is proposed. The site has minimal landscaping, primarily within the two street front setbacks. As such, any existing landscaping will be maintained.
- *Traffic, Vehicle Access & Parking* - No concerns are raised to the proposal on traffic or parking grounds. No changes are proposed to car parking or vehicular access.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Hornsby Shire Council S7.11 Development Contributions Plan 2020-2030*

Hornsby Shire Council Section 7.11 Contributions Plan 2020 - 2030 does not apply in accordance with Section 2.7(2) of the plan, which states:

*"2. In respect of development applications (or modifications thereto) made by or on behalf of the Council for community infrastructure including, but not limited to, libraries, community facilities, child care facilities, recreational areas, recreation facilities, car parks and the like."*

### **3.5 Section 4.15(1)(a)(iia) - Planning agreements under Section 7.4 of the EP&A Act**

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

### **3.6 Section 4.15(1)(a)(iv) - Provisions of Regulations**

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application.

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are relevant to the proposal. Council's Building Surveyor has recommended a condition of consent regarding fire safety including submission of an annual 'Fire Safety Certificate' to each essential service installed in the building.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

### **3.7 Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

#### **3.7.1 Context and Setting**

The proposal is considered to be generally consistent with the context of the site, in that the existing buildings and overall appearance of the site remains unchanged by this application and is appropriate for the industrial location. Opposite the site on the northern side of Sefton Road is a residential area, which has solid fences, landscaping and mature trees facing the site to screen the industrial area and the subject site.

#### **3.7.2 Access and Traffic**

Council's Traffic Engineer has reviewed the proposal, including the Traffic & Parking Impact Assessment, prepared by Stanbury Traffic Planning, dated 17 October 2023, and indicated that no concerns are raised to the proposal on traffic or parking grounds.

The subject site has been operating as a Community Recycling Centre (CRC) since 2017 and no change to staffing numbers is proposed. Vehicular access is via separate entry and exit driveways from Sefton Road for the CRC. In addition, there is a two-way access driveway connecting to Chilvers Road on the south-eastern corner of the site. There are no proposed changes to existing site access.

A total of fourteen (14) line-marked car parking spaces exist on site comprising 4 visitor and 10 staff parking spaces, including two disabled parking spaces and will be maintained by this application. Parking is not considered an issue with the proposed development.

The site currently utilises a traffic management plan during busy times in January / February to manage the post-Christmas peak in community members dropping off material. The site generates approximately 42 inbound and 42 outbound trips in the peak hour between 11:00am and 12:00pm. During the road network AM peak hour the site generates 16 customer vehicular trips and during the road network peak it generates 2 customer vehicle trips.

The typical size vehicles servicing the site varies but will be up to a heavy rigid vehicle (HRV) being 20m long. Three parallel parking bays are provided for the simultaneous unloading of materials by the community with the capacity for 16 queuing spaces on the approach to the unloading area.

Additional information was sought from the applicant with respect to traffic issues identified within the submission and extracts below indicated:

- It will be the responsibility of the site staff to manage the queues on-site during peak times to minimise the impact on the adjoining road network. Section 7.2 of the traffic report prepared in support of the proposed development included a number of recommendations to increase the drop off capacity and reduce the risk of vehicles queuing back during peak times.
- An updated Traffic Management Plan (TMP) has been developed and provided to Council with improved layout, signage and staff arrangements. The revised TMP has been approved by Council's Traffic Branch.
- The data used to model the CRC traffic impact was taken from Council's Westleigh Park Traffic Impact and Access Study (Bitzios, Aug 2023) which considered the existing and envisaged future (2026 and 2036 planning horizons) operations of the site at the time.
- The Westleigh Park Traffic Impact Assessment concluded that the cumulative additional traffic that will be generated in the area including the envisaged CRC development at the time will not result in significant exceedance of the usual amenity-based threshold for local streets.
- The study particularly noted the following:
  - Traffic volumes on local roads will generally still be below 3,000 vpd which is the desirable environmental capacity of local roads.
  - Operation of the intersection of Chilvers Road with Sefton Road will still be satisfactory by the year 2032 which is the future year planning horizon of Westleigh park.
  - The current proposal to provide traffic signals at this site is a prior or earlier commitment by Hornsby Council to facilitate pedestrian accessibility and amenity at the intersection.
  - Signalisation of the intersection of Chilvers Road with Sefton Road is not triggered by the Westleigh Park development.
- Delivery of committed projects including the traffic signals at the intersection of Chilvers Road with Sefton Road is subject to funding in line with Council's capital operations program.
- The existing Traffic Guidance Scheme which is used to manage traffic during peak times is detailed in the Traffic & Parking Impact Assessment prepared by Stanbury Traffic. The Traffic Guidance Scheme indicates that there is a sign 30m prior to the roundabout which is not in the vicinity of the SES driveway. It is recommended that no U-turn signs are provided at the SES driveway as it may lead to driver confusion and the approved Traffic Guidance Scheme be followed. The Traffic Guidance Scheme may require updating in the future to respond to local traffic conditions and it is recommended that this be done in consultation with Council's traffic engineering team.
- Walk ins are not permitted under our agreement with the NSW EPA and Council officers have determined the risk profile of mixing drive through vehicles, with pedestrian traffic is not acceptable.

On this basis, traffic generation is not considered as an issue for the proposed development.

### **3.7.3 Public Domain**

The public domain remains unaltered in that the existing buildings and overall appearance of the site remains unchanged by this application. The existing pedestrian pathways in existence along both frontages of the site remain.

#### **3.7.4 Utilities**

The site accommodates the existing CRC and therefore is serviced by all essential services and utilities.

#### **3.7.5 Heritage**

The subject site or nearby sites are not identified as being a heritage item, nor located within a heritage conservation area.

#### **3.7.6 Land Contamination**

The site has been reviewed in terms of contamination and deemed suitable for the proposed use.

#### **3.7.7 Water impacts**

The submitted Stormwater Management and Maintenance Plan, prepared by Martens, dated 10 October 2023 considers and recommends minor upgrades and management measures to prevent potential contaminants entering the stormwater system, including replacing existing grates, providing spill kits, regular maintenance and implementation of management and procedures. An appropriate condition of consent has been recommended to ensure these upgrades and maintenance occurs within the site.

#### **3.7.8 Flora and Fauna Impacts**

No vegetation removal is proposed. The site does not contain trees.

#### **3.7.9 Noise and Vibration**

The application was accompanied by a Noise and Vibration Impact Assessment, prepared by Acoustic Logic, dated 18 October 2023. Noise monitoring was undertaken at representative locations including various residential locations and commercial and industrial locations surrounding the Site in Chilvers Road and Sefton Road. Noise monitoring was undertaken at representative locations including various residential locations and commercial and industrial locations surrounding the Site in Chilvers Road and Sefton Road.

Noise modelling is presented to assess the potential impacts associated with the proposed development. The noise modelling indicated that operational noise will be the main noise source as there is no construction proposed.

Control measures have been recommended to minimise the potential for adverse impacts and ensure compliance with noise criteria established for the Site. These include operational controls including operating hours, maintenance of equipment and machinery etc.

The additional road traffic noise generated by the proposed development has been found to be acceptable.

Council's Environmental Protection Officer raises no objection to the proposal in terms of noise impacts.

#### **3.7.10 Air Quality**

An Air Quality Assessment, prepared by SLR Consulting Australia, dated 17 October 2023 was undertaken for the proposed development including the assessment of the potential impacts associated with the proposed operations in terms of products of combustion related to vehicle movements and odours/VOCs due to materials received at the site. The report concludes that the potential impact significance for local receptors is of neutral significance.

Council's Environmental Protection Officer raises no objection to the proposal in terms of air quality.

### **3.7.11 Waste & Hazards**

The application was accompanied by a Waste Management Plan, prepared by MRA Consulting Group, dated 17 October 2023. The waste management arrangements in place and as proposed is acceptable with respect to the CRC.

The CRC acts as a resource recovery centre with the waste received sorted, separated then temporarily stored on site prior to the weekly pickup by the NSW EPA appointed and managed contractor, Cleanaway Toxfree. Accordingly, stock onsite normally do not build up on site beyond the weekly totals. The potential for hazards is discussed in detail under Section 2.3.1 above relating to State Environmental Planning Policy (Resilience and Hazards) 2021 and is considered to be satisfactory.

The EIS includes a risk assessment in order to characterise the environmental risks associated with the proposed CRC operations and identify any necessary mitigation measures. The no areas of medium to high risks have been identified, with the CRC being a low risk operation. The Operational Environmental Management Plan, prepared by DFP Planning, dated 8 January 2024, includes appropriate mitigation measures to minimise risks.

### **3.7.12 Natural Hazards**

The site is not affected by any natural hazards such as flooding or bushfire.

### **3.7.13 Safety, Security and Crime Prevention**

The site is currently enclosed by black palisade fencing for security and access to the site is via vehicle only, with no pedestrian access to the waste area which would have potential for conflict and an unsafe environment. No security concerns would arise as a result of this proposal.

### **3.7.14 Social Impact**

The proposal is expected to have a positive social impact due to the continued availability of a well-supported community facility.

### **3.7.15 Economic Impact**

The proposal would have a positive impact on the local economy by providing a facility for residents which reduces costs for the community associated with landfill and illegal dumping, as well as continued employment for the staff of the facility.

### **3.7.16 Site Design and Internal Design**

The existing CRC is set out appropriately on the site to mitigate potential impacts and remains unchanged.

### **3.7.17 Operational**

The applicant has prepared an Operational Environmental Management Plan, prepared by DFP Planning, dated 8 January 2024, to address appropriate mitigation measures in regard to Air Quality, Waste Management, Spill Management, Traffic Management, Stormwater Management and Noise Management.

The indicated hours of operation are suitable given the location within an industrial estate and distance to nearby residences of approximately 25m to the north of the subject site and separated by a busy road and existing vegetated screening. The information submitted with the application and its location within an industrial area and screening from nearby residential premises means that the proposed hours of operation are considered reasonable.

The facility does not require an Environment Protection Licence (EPL) under the Protection of the Environment Operations Act 1997 Schedule 1 as the processing capacity is under the 12,000 tonne



threshold for general waste. Due to an increase in demand for recycling, it is proposed to increase the capacity to 2,500 tonnes per annum. The operational management procedures for the CRC are currently in place and subject to on-going compliance with the operational management procedures, the proposal is considered unlikely to result in adverse environmental impacts relating to waste management.

### 3.7.18 Cumulative Impacts

The proposal is unlikely to result in any adverse cumulative impact.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

### 3.8 Section 4.15(1)(c) - Suitability of the site

Section 4.15(1)(c) of the Act requires Council to consider *“the suitability of the site for the development”*.

The site is considered to be capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site and the environmental impacts minimised and is considered acceptable.

### 3.9 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 5 of this report.

### 3.10 Section 4.15(1)(e) - Public interest

Section 4.15(1)(e) of the Act requires Council to consider *“the public interest”*.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council's and relevant agencies' criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

## 4 REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

**Table 5: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements (s4.13 of EP&amp;A Act)</b>			
N/A			
<b>Referral/Consultation Agencies</b>			

Environment Protection Authority	Scheduled Activity under Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> .	<p>NSW EPA advised of no concerns with the proposal and stated:</p> <p><i>"The information provided indicates that the proposal does not constitute a Scheduled Activity under Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act) and therefore will not require an Environment Protection Licence under the POEO Act.</i></p> <p><i>However, Section 6(2)(c) of the POEO Act states: "A local authority is the appropriate regulatory authority (ARA) for non-scheduled activities in its area, except in relation to ... (c) activities carried on by the State or a public authority, whether at premises occupied by the State or a public authority or otherwise ...". Hornsby Shire Council, a public authority, is the applicant, therefore, the EPA would be the ARA for the site activities due to Council being a public authority.</i></p> <p><i>The EPA recommends the conditions in Attachment A be included (where applicable) in any consent issued for this development."</i></p> <p>Appropriate conditions of consent have been recommended in this regard.</p>	Y
Transport for NSW	<p>Section 2.121 - <i>SEPP (Transport and Infrastructure)</i></p> <p>Development that is deemed to be traffic generating development in Schedule 3.</p>	<p>TfNSW has reviewed the submitted documents and raises no objection to the application and offers an advisory comment for Council's consideration in the determination of the application regarding approval of any proposed traffic control signal works.</p> <p>No works are proposed to the signals as part of this application and as such no conditions of consent have been recommended.</p>	Y
Department of Planning, Housing and Infrastructure	Section 4.16(9) of the <i>Environmental Planning and Assessment Act 1979</i>	The Department of Planning, Housing and Infrastructure was advised of the lodgement of the application. Subject to the Council's satisfaction that the EIS suitably responds to their	Y

		<p>requirements and no submissions being received during the exhibition period relating to the proposal, no further consultation was required.</p> <p>One (1) submission was received, and a copy provided to Department of Planning, Housing and Infrastructure and a response was received via letter dated 8 April 2024 raising no objection to the proposal and indicated:</p> <p><i>"I understand submissions received during the period of public exhibition for the above proposal were recently uploaded to the NSW Planning Portal. Thank you for providing these submissions to the Department of Planning, Housing and Infrastructure (the Department) in accordance with section 4.16(9) of the Environmental Planning and Assessment Act 1979. The Department has reviewed the submissions and notes that there are no issues of State or regional significance that apply to the proposal."</i></p>	
<b>Integrated Development (S 4.46 of the EP&amp;A Act)</b>			
N/A			

#### 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

**Table 6: Consideration of Council Referrals**

Officer	Comments	Resolved
Traffic	Council's Traffic Engineering Officer reviewed the proposal and raised no concerns in relation to traffic generation and car parking.	Yes (conditions)
Building	Councils' Building Certifications Officer raises no objection to the application subject to conditions of approval.	Yes (conditions)
Environmental Protection	Council's Environmental Protection Officer reviewed the submitted application including air quality assessment, noise impact assessment, waste management plan, hazard assessment, detailed site investigation and operational plan of management and considered that there were no objections subject to conditions.	Yes (conditions)

The outstanding issues raised by Council officers are considered in the Key Issues section of this

report.

#### 4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Engagement Plan from 29 February 2024 until 28 March 2024. The notification included the following:

- A sign placed on the site;
- Notification letters sent to adjoining and adjacent properties (approximately 90 notification letters sent); and
- Notification on Council's website.

The Council received a total of one (1) unique submission, comprising an objection to the proposal. The issues raised in these submissions are considered in **Table 7**.

**Table 7: Community Submissions**

Issue	No of submissions	Council Comments
<p>The submission raised concerns as follows with respect to traffic:</p> <ul style="list-style-type: none"><li>• Traffic impacts, whilst the applicant has engaged traffic control to manage traffic during peak use times this is not a sustainable arrangement which taken with increase in demand and the possible use of Sefton Road as an access route to Westleigh Park will compound existing challenges. The main impact in my experience is that when the CRC queue tails back into Sefton Road it causes a blockage to all traffic wishing to access Sefton Road from the Chilvers Road intersection, the impact reflects back on Sefton Road towards Normanhurst. It is essential that a traffic circulation solution can be devised to address this matter, including making two lanes between Chilvers and the CRC entry along Sefton Road. I would expect that NSW SES would have a view on this matter.</li><li>• To the extent that a traffic management contractor needs to be continued to be engaged they</li></ul>	1	<p>Comment was sought from the applicant with regard to these comments and is discussed in Section 3.7.2 of this report.</p> <p>The existing CRC operations are managed by a traffic management plan during busy times and Council's Traffic Engineer's is satisfied in the way in which it operates and does not require further changes.</p> <p>The submission indicates that SES would likely have a view on the traffic and queuing. The property in which the SES is located was notified as part of the consultation of this application and no comment was received.</p> <p>It is noted that walk-ins are not permitted and is not encouraged.</p> <p>On the basis of the additional information and Council's Traffic Engineer's review of the proposal, the issues raised within the submission have been satisfactory addressed and do not warrant additional changes.</p>

<p>need to ensure that signage is clear and effective, for instance to join the CRC Queue may require a U-turn at the roundabout at Koorringal Avenue so don't place a U-turn sign outside SES operations building as some drivers unfamiliar with the roundabout see it as an instruction to turn at that point. A more thoughtful approach by the traffic management team attending the traffic is essential.</p> <ul style="list-style-type: none"> <li>• An entry for walk in drop off of recycling waste material should be considered, maybe by including space for bins on the boundary fence on Sefton Road, this would prospectively reduce the use of fossil fuels which occurs when cars need to join a queue to enter the facility, it would also be more convenient for residents in the immediate vicinity, noted that this would need to be managed in a way that avoids waste spilling into the street.</li> </ul>		
<p>The submission raised concerns as follows with respect to:</p> <ul style="list-style-type: none"> <li>• Impacts on the nearby child care or kindergartens; or</li> <li>• Potential impacts (eg air quality including arising from a fire in any of the stored waste) of the waste transfer and resource facility on those facilities, noting that some electric lamps will be collected at the facility the need to consider the impact of Lithium Battery fires.</li> </ul>	1	<p>Comment was sought from the applicant with regard to these concerns and it was confirmed that fluorescent light tubes and globes are accepted at the CRC, but not processed, being stored temporarily only, until they are collected by service providers who process materials off site at other facilities.</p> <p>Lithium battery fires have been identified as a high risk to the facility and have been suitably considered and managed. The Operational Environmental Management Plan, prepared by DFP Planning, dated 8 January 2024, includes appropriate mitigation measures and procedures to minimise risks to all surrounding land uses.</p>

## 5 KEY ISSUES

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The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

### 5.1 Hazardous or Offensive Development

The application included an appropriate preliminary hazardous assessment which confirms that the proposed development is not 'hazardous' or 'potentially hazardous' development. A Dangerous Goods Management Plan has been prepared which addresses the handling of substances classified in the Dangerous Goods Code.

Resolution: The issue has been managed through recommended conditions of consent.

### 5.2 Traffic

The existing vehicular entry and exit points will remain unaltered, as will the existing on-site parking. The use of a traffic management plan during busy times will continue.

Resolution: The issue has been managed through recommended conditions of consent.

## 6 CONCLUSION

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This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The development generally meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the EP&A Act.

Council received one (1) submission during the public notification period relating to traffic impacts and potential toxic substances.

Having regard to the circumstances of the case, approval of the application is recommended. The reasons for this decision are:

- The proposed development generally complies with the requirements of the relevant environmental planning instruments, including State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport & Infrastructure) 2021, Hornsby Local Environmental Plan 2013 and Hornsby Development Control Plan 2013.
- The proposed development does not create unreasonable environmental impacts to the adjoining or nearby developments with regard to visual impacts, traffic, parking or amenity.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

## 7 RECOMMENDATION

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That the Development Application DA/14/2024 for the use of part of site as a Waste or Resource Transfer Station at the existing Hornsby Community Recycling Centre at Lot 1 DP 513555, No. 4 Chilvers Road, Thornleigh (alternate 31 Sefton Road) be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:



- Attachment A: Recommended conditions of consent
- Attachment B: Architectural Drawings
- Attachment C: Operational Plan of Management