

DATE OF DETERMINATION	15 July 2024
DATE OF PANEL DECISION	15 July 2024
DATE OF PANEL MEETING	10 July 2024
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, John Brockhoff, Sue Weatherly, Mark McCrindle
APOLOGIES	Nicole Gurran
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 19 June 2024.

MATTER DETERMINED

PPSSNH-459 – DA/14/2024 – Hornsby

Lot 1 DP 513555, No. 4 Chilvers Avenue, Thornleigh

Change of use from a depot to a waste transfer or resource facility - Hornsby Community 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 listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel's decision was unanimous.

REASONS FOR DECISION

The DA was approved for the reasons below and in the Independent Assessor's comprehensive Assessment Report.

The DA proposes the inclusion of a waste transfer or resource facility in addition to the existing depot in Building A and, as the Applicant and the Owner are Hornsby Shire council, an independent assessment was undertaken.

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 Panel concurs with the Independent Assessor that the proposal is consistent with provisions of the planning controls including permissibility, hazardous materials, land contamination, traffic generation and built form.

The Panel concurs the development has been properly assessed and 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 and approval would be in the community interest.

CONDITIONS


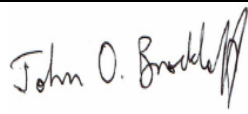
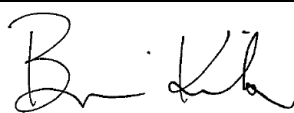


The Panel discussed the conditions extensively with the Applicant and Independent Assessor and to clarify intent, Condition 4. - Use of Premises as well as Condition 6. - Compliance with Plan of Management were amended.

Additionally, new conditions 12. - Emergency Site Contact, 13. - Updated Traffic Management Plan and 14. - 'No Parking' Restrictions/Signage were added.

The development application was approved subject to amended conditions in Council's email of 10th July.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 1 submission in objection. Issues of concern included traffic impacts and potential toxic substances. The Panel considers concerns raised by the community have been adequately addressed in the Independent Assessment Report and in the conditions as amended.

PANEL MEMBERS	
 Peter Debnam (Chair)	 John Brockhoff
 Brian Kirk	 Sue Weatherly
 Mark McCrindle	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-459 – DA/14/2024 – Hornsby
2	PROPOSED DEVELOPMENT	Change of use from a depot to a waste transfer or resource facility - Hornsby Community Recycling Facility
3	STREET ADDRESS	Lot 1 DP 513555, No. 4 Chilvers Avenue, Thornleigh
4	APPLICANT/OWNER	Hornsby Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Designated Development 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
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none">Environmental planning instruments:<ul style="list-style-type: none">State Environmental Planning Policy (Resilience and Hazards) 2021State Environmental Planning Policy (Transport and Infrastructure) 2021Hornsby Local Environmental Plan 2013

		<ul style="list-style-type: none"> • Draft environmental planning instruments: Nil • Development control plans: Hornsby Development Control Plan 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: • Coastal zone management plan: Nil • Other relevant plans: 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 with draft conditions of consent. • Amended conditions in Council's email of 10th July. • 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) • Written submissions during public exhibition: 1 submission
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 10 July 2024 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, John Brockhoff, Sue Weatherly, Mark McCrindle ○ <u>Council assessment staff</u>: Cassandra Williams, Rodney Pickles, Madeleine Bayman, Donna Clarke ○ <u>Applicant</u>: Chris Horsey, Christie Evenhuis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report