

DETERMINATION AND STATEMENT OF REASONS

SYDNEY NORTH PLANNING PANEL

DATE OF DETERMINATION	Tuesday 11 February 2020
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk, Sue Francis, David White, Ross Walker (OAM)
APOLOGIES	Julie Savet Ward
DECLARATIONS OF INTEREST	None

Public meeting held at Hornsby Shire Council, 296 Peats Ferry Road Hornsby, on 11 February 2020, opened at 12.15pm and closed at 12.35pm.

MATTER DETERMINED

PPSSNH-48 – Hornsby – DA578/2009/D at 4713 Old Northern Road Maroota for modifications to an approved extractive quarry (as described in Schedule 1)

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.

Modification application

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

The decision was unanimous.

REASONS FOR THE DECISION

- The modification 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 EPA Act.
- Council received one submission during the public notification period. The matters raised have been addressed in the body of the report and conditions of consent.

CONDITIONS

The modification application was approved subject to the amended conditions in the council assessment report and supplementary report dated 5 February 2020, with the following amendments.

- Condition 10 to read as follows:
Truck Movements
A maximum of 35 truck loads of material are permitted to be removed from the site each day averaged over 1 month.
- Condition 24A is to be deleted as the Applicant and Council agreed the condition was unenforceable.


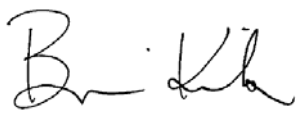



The Panel notes that the applicant requested an amendment to conditions 4 and 13, however these were already amended in the supplementary report dated 5 February 2020.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered a written submission made during public exhibition and the Panel was read a further submission from that objector who was not able to attend the meeting. The Panel notes that issues of concern included:

- Truck movements and tonnages; and
- Noise and dust control.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and by the applicant's and Council's responses during the meeting and the conditions of consent, as amended.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Brian Kirk
 Sue Francis	 Ross Walker (OAM)
 David White	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-48 – Hornsby – DA578/2009/D
2	PROPOSED DEVELOPMENT	Section 4.55(2) application to amend condition No. 13 to increase the annual volume of material to be extracted from 195,000 tonnes per annum to 250,000 tonnes per annum.
3	STREET ADDRESS	Nos. 4713 and 4751 Old Northern Road Maroota
4	APPLICANT/OWNER	PF Formation - Mr M E Attard and Mrs P P Attard and Mrs Olivia Michelle Graham
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No. 33 - Hazardous and Offensive Development State Environmental Planning Policy No. 44 - Koala Habitat Protection State Environmental Planning Policy No. 55 - Remediation of Land State Environmental Planning Policy (Mining, Petroleum, Production and Extractive Industries) 2007 Sydney Regional Environmental Plan No. 9 - Extractive Industry (No. 2 - 1995) Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean (No. 2 - 1997) Hornsby Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Hornsby Development Control Plan 2013 Hornsby Shire Council Section 94 Development Contributions Plan 2014-2024 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 30 January 2020 Late Submission: 7 February 2020 Written submissions during public exhibition: 1 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Council assessment officer – Rodney Pickles On behalf of the applicant – Joshua Graham, Bruce Adcock
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation, 11 February 2020, 11.30am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis, David White, Ross Walker <u>Council assessment staff</u>: Cassandra Williams
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report