

DATE OF DEFERRAL	8 March 2023
DATE OF PANEL DECISION	8 March 2023
DATE OF PANEL MEETING	6 March 2023
PANEL MEMBERS	Annelise Tuor (Chair), Penny Holloway, Glennis James and Carol Provan
APOLOGIES	Kent Johns
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 21 February 2023.

MATTER DEFERRED

PPSSH-117 – Sutherland Shire – DA22/0632 at 43 Bay Road, Taren Point – Waste and resource management facilities: Operate a Resource Transfer Station (TRF) or a Materials Recycling Facility (MRF) or a combination of both a TRF and MRF with a maximum annual throughput of 60,000 tonnes per annum, allow for 24-hour operations Mondays to Fridays, with operations from 6:00 am to 4:00 pm Saturdays, Sundays and public holidays (as described in Schedule 1).

REASONS FOR DEFERRAL

The Panel agreed to defer the determination of the matter to allow for Council to provide further information on the Applicant's request for 24 hours operation on public holidays and amendments to the following conditions:

- Condition 1 – Delete reference to BASIX
- Condition 2A – insert reference
- Condition 5 – amend to change site manager contact details
- Condition 7 – amend to include "source separated" material
- Condition 8A – delete reference to "soft plastic packaging" as "hazardous waste" but include in 4 tonne limit
- Condition 8B – delete reference to 14 day limit to remove hazardous waste
- Condition 9 – delete reference to "3 sided"
- Condition 20A – amend condition to permit that loading of vehicles may be outside in certain circumstances (not between 10pm and 5am)
- Condition 22A – amend condition to permit 24 hours operation on public holidays

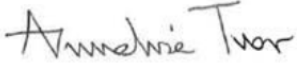

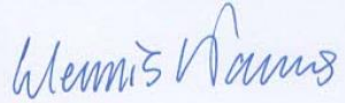

Council is also to provide the following information:

- The impact of 24 hours operation on public holidays, including confirmation of the existing hours of operation on public holidays and that the noise assessment was based on 24 hour operation;
- Confirmation that the requirement in Condition 16 that "the two roller doors located on the south side, close to the eastern wall, are to be shut during night time (i.e. 10.00pm to 5.00am) operation when access to the eastern door is not required" will meet the noise criteria, even if doors are open to enable access;

The Council, in consultation with the applicant, is to provide the requested information, including amended conditions and a supplementary report, within 2 weeks of the date of this record of deferral. The supplementary report should discuss any conditions that have not been agreed by the Applicant and the reasons.

Once the Panel has received all the information it will be uploaded onto the Planning Portal and the matter will be determined electronically.

The decision to defer the matter was unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Annelise Tuor (Chair)	 Penny Holloway
 Glennis James	 Carol Provan

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-117 – Sutherland Shire – DA22/0632
2	PROPOSED DEVELOPMENT	Waste and resource management facilities – Operate a Resource Transfer Station (TRF) or a Materials Recycling Facility (MRF) or a combination of both a TRF and MRF with a maximum annual throughput of 60,000 tonnes per annum, allow for 24-hour operations Mondays to Fridays, with operations from 6:00 am to 4:00 pm Saturdays, Sundays and public holidays.
3	STREET ADDRESS	43 Bay Road, Taren Point
4	APPLICANT/OWNER	Visy Industries Australia Pty Ltd / Maincon Holdings Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 Sutherland Shire Local Environmental Plan 2015 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Sutherland Shire Development Control Plan 2015 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 21 February 2023 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: Tuesday, 6 September 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Kent Johns and Carol Provan <u>Council assessment staff</u>: Beth Morris, Annette Birchall, Vivian Tran and Daniel Lukic <u>Applicant representatives</u>: Jake Luschwitz, Stuart Wilmot <u>Others</u>: Carolyn Hunt, Sharon Edwards (DPE) Final briefing to discuss council's recommendation: 7 December 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Annelise Tuor (Chair), Penny Holloway, Glennys James and Carol Provan <u>Council assessment staff</u>: Beth Morris, Daniel Lukic, Alec Richardson, Vivian Tran, Dianne Copping, Rachel Corry <u>Applicant representatives</u>: Jake Luschwitz, Stuart Wilmot and Luke Krstanovski <u>Other</u>: Sung Pak, Timothy Cook (DPE)

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report