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| DATE OF DETERMINATION | 12 February 2021 |
| PANEL MEMBERS | Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Jack Boyd, Peter Scaysbrook |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | None |

Papers circulated electronically on 10 December 2020 and 29 January 2021.

MATTER DETERMINED

PPSSSH-30 – SUTHERLAND SHIRE – DA20/0278

14309 HEATHCOTE ROAD MENAI 2234

Additional use of Sandy Point Quarry to receive, stockpile and blend up to 100,000 TPA of recycled products, VENM sands or virgin quarried products with extracted products from 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.

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report and addendum report that followed further negotiations with the applicant.

CONDITIONS

The development application was approved subject to the conditions in the council addendum report and the addendum report with the following amendments to address dust mitigation and weed infestation.

- Condition 17.A ii to include ‘...*fully weeded and fully vegetated* within 5 years..’
- Condition 17 B i to include ‘...*removal of weeds and evidence of native vegetation*...’
- Condition 17 C (vi) to include ‘...maintained including weeding as an ongoing requirement...’

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Health impacts from dust
- Noise impacts of operations
- Traffic safety, inadequacy of Heathcote Road intersection.
- Impacts on surrounding bushland from weed infestation and waste water

The panel considers that concerns raised by the community have been adequately addressed in the Council assessment report and addendum report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS



Helen Lochhead (Chair)



Stuart McDonald



Heather Warton



Jack Boyd



Peter Scaysbrook

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSSSH-30 – SUTHERLAND SHIRE – DA20/0278 |
| 2 | PROPOSED DEVELOPMENT | Additional use of Sandy Point Quarry to receive, stockpile and blend up to 100,000 tonnes per annum of recycled products, VENM sands or virgin quarried products with extracted products from quarry |
| 3 | STREET ADDRESS | 14309 Heathcote Road, Menai |
| 4 | APPLICANT/OWNER | Benedict Industries Pty Ltd |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Designated Development - Extractive Industry |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) State Environmental Planning Policy (State & Regional Development) 2011 (SEPP SRD) State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Sutherland Shire Development Control Plan 2015 (SSDCP 2015) 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: 10 November 2020 Council addendum report: 28 January 2021 Written submissions during public exhibition: 39 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Mary-Anne Bryant, Neil Maddock (on behalf of Sandy Point Residents Association) Council assessment officer - Slavco Bujaroski, Carolyn Howell, Carine Elias, Ingo Koernicke, Thomas Walters On behalf of the applicant – Ernest Dupere, Ewan McKenzie |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Briefing: 14 October 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Jack Boyd <u>Council assessment staff</u>: Mark Adamson, Slavco Bujaroski, Carolyn Howell Site inspection (drive by only) via Heathcoat Road: |

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| | | <ul style="list-style-type: none"> ○ Heather Warton – 4 January 2021 ○ Stuart McDonald – 1 February 2021 ● Briefing to discuss council's recommendation: 16 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Jack Boyd, Peter Scaysbrook ○ <u>Council assessment staff</u>: Slavco Bujaroski, Carolyn Howell, Carine Elias, Ingo Koernicke, Thomas Walters ○ <u>Transport for NSW</u>: Brendan Pegg ● Public Determination: 16 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Jack Boyd, Peter Scaysbrook ○ <u>Council assessment staff</u>: Slavco Bujaroski, Carolyn Howell, Carine Elias, Ingo Koernicke, Thomas Walters ○ <u>Transport for NSW</u>: Brendan Pegg ○ <u>Proponent</u>: Ewan McKenzie, Ernest Dupere |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |