

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	11 November 2024
DATE OF PANEL DECISION	11 November 2024
DATE OF PANEL BRIEFING	29 October 2024
PANEL MEMBERS	Louise Camenzuli (Chair), Graham Brown, Sue Francis, Kevin Lam, Ninos Khoshaba
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 24 October 2024.

MATTER DETERMINED

PPSSWC-390 - Fairfield - DA 3.1/2024 - 68 Victoria Street, Smithfield

Fit out and use of an existing industrial premises for the purpose of a Waste or Resource Transfer Station, involving the receiving, consolidating and onforwarding of 30,000 tonnes of tyres and 520 tonnes of wire annually (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 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 decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

During the assessment of the application, several environmental issues were raised by Council and objectors with regard to the sealing of the site, external storage of goods, potentially hazardous/offensive development, loading and unloading activities, operational management, traffic matters, landscaping, fencing and inadequate detail in the architectural plans.

Amended technical documentation was submitted to Council, including an Environmental Impact Statement, Traffic Impact Statement, Noise and Vibration Assessment and Air Quality Report. As amended, the applicant has proposed to concrete and seal Lot 9, reduce the amount of waste stored outdoors, remove the storage of shipping containers and reconfigure the loading/unloading bay. As a consequence of these changes, the DA is now suitable for approval, subject to the proposed conditions of consent as amended by the Panel.

At the meeting the applicant's representative indicated that a modification application will likely be required to allow for the storage of some crumbled rubber and tyre parts outside of what is contemplated by the current consent. This is a matter to be separately assessed if and when such a modification application is lodged.

Subject to the variations to the conditions of consent set out below, the Panel was otherwise satisfied that approval of the application is in the public interest for the reasons set out in the Council's Assessment Report, in particular, the development will help facilitate the future waste transfer needs of Greater Sydney by recovering materials from waste products through the processing and transferring of material to facilities that can reuse the product for future uses.

CONDITIONS

The Panel determined to approve the application, adopting the amendments to the conditions incorporated in the version uploaded to the Planning Portal on 8 November 2024.

Specifically, the Panel requested changes to the following conditions:

Condition 24 – to impose limitations on operating hours consistent with the Statement of Environmental Effects and associated documents.

Condition 33 – to amend matters to be addressed during the construction process arising from potential flood inundation.

Condition 36 – to provide Council with flexibility as to the action it might take in the event of a noise complaint.

Condition 38 - to provide Council with flexibility as to the action it might take in the event of an odour complaint.

Additional conditions were also imposed at the request of the Panel to specifically call out as conditions of consent the recommendations made in:





- (a) the Noise and Vibration Assessment prepared by Acoustic Directions, dated 21 November 2023, Version 1.2; and
- (b) the Air Quality Impact Assessment, prepared by Todoroski Air Sciences, dated 6 September 2024, Job No, 23051588.

A condition has also been added requiring the provision of an amended Plan of Management prior to an Occupation Certificate to incorporate a complaints procedure.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that two submissions were received following notification of the application, which raised issues relating to the management of waste, potential odour impacts, acoustic impacts, number of truck movements, reduced electricity supply during operation and increased fire risk.

The Panel is satisfied that the matters raised in both submissions have been appropriately addressed by the proposed conditions of consent.

PANEL MEMBERS	
 Louise Camenzuli (Chair)	 Graham Brown
 Sue Francis	 Kevin Lam



Ninos Khoshaba

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-390 - Fairfield - DA 3.1/2024
2	PROPOSED DEVELOPMENT	Fit out and use of an existing industrial premises for the purpose of a Waste or Resource Transfer Station, involving the receiving, consolidating and onforwarding of 30,000 tonnes of tyres and 520 tonnes of wire annually.
3	STREET ADDRESS	68 Victoria Street, Smithfield
4	APPLICANT/OWNER	Applicant: Tyrex Australia Pty Ltd Owner: Mr E G Foley & Mrs T M Jenkins-Foley
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 (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Fairfield Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Fairfield City Wide Development Control Plan 2024 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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: 22 October 2024 Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 8 April 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Kevin Lam, Hugo Morvillo <u>Council assessment staff</u>: Mason Shute, Liam Hawke, Sunnee Cullen <u>Applicant representatives</u>: Matthew O'Donnell, Zafar Mahmood, Trent De Maria, Paul Delaney, Aleks Todoroski Final briefing to discuss council's recommendation: 29 October 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Louise Camenzuli (Chair), Graham Brown, Sue Francis, Kevin Lam, Ninos Khoshaba <u>Council assessment staff</u>: Mason Shute, Liam Hawke <u>Applicant representatives</u>: Zafar Mahmood <u>Planning Panels team</u>: Renah Givney
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the Council Assessment Report and as amended
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