

STRATHFIELD COUNCIL
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S4.55(1A) Application to modify a Condition of Development Consent DA2020/250 December 2021

AUSSIE SKIPS RECYCLING PTY LTD
CHISHOLM ST, BELFIELD NSW 2136 – LOT 1 DP556743

This s4.55(1A) application seeks to modify the Strathfield Council Development Consent DA250/2020, granted by the Strathfield Local Planning Panel (SLPP), at its meeting of 6 May 2021.

Recent Planning History

6 May 2021: SLPP approval for an acoustic enclosure and weighbridges/office

15 Jul 2021: a s4.55 modification was lodged by Aussie Skips for Conditions 1,4,5,12&13

23 Sep 2021: a deferral and RFI request was received from Council

8 Oct 2021: a revised response was submitted by Aussie Skips

18 Oct 2021: a second deferral and RFI request was received from Council

21 Oct 2021: a revised response was submitted by Aussie Skips

2 Dec 2021: Council's assessment report of the s4.55 recommended refusal to this application. Within the Council assessment report there was a recommendation that a new modification application be submitted based on addressing noise mitigation (2 Dec SLPP page 373).

This Modification Application

Aussie Skips has now considered the latest assessment report by Council (Report No.41 to SLPP, 2 December) and the recommended refusal by the SLPP. Recent comments in the assessment report, by Council and its external experts, include new and specific wording which Aussie Skips is prepared to adopt. Aussie Skips now submits a second s.4.55(1A) application.

Specifically, this second s4.55 application now seeks to:

- Modify Condition **No.5** where Council/SLPP has imposed, through that condition, design changes and operational constraints.

Aussie Skips believes the wording modifications proposed in this application preserve the original intent by Council, and their experts, when imposing Consent Condition No.5 while ensuring the operational constraints the current wording would impose is substantially avoided. This application ensures the proposed design changes, either required by Council or proposed by Aussie Skips, will be operationally and functionally achievable.

Supplementary information has been included in this application by way of explanation for the proposed changes to Condition No.5 (extended shed to the East, entrance elevations and wheel wash dimensions). An Amended Noise Impact Assessment Report is also attached. This is required by Condition 12 of the Consent and is also included as evidence to support the proposed wording modifications and design changes proposed for Condition No.5 (validating the design changes made by Council/SLPP in the original Development Consent).

The modifications to Condition No.5 is discussed below with original and proposed alternate wordings and rationale comments:

Condition No.5 Required Design Changes

Current Wording

Wheel wash bay : A wheel wash bay must be included for trucks entering and exiting the site with a minimum size of 6m in length

Modified Wording

Wheel wash bay : A wheel wash must be included for all trucks exiting the shed with a minimum wheel washing travel length of 6m.

Rationale for proposed changes

Wheel washes are always utilised when vehicles leave any site. This is so the vehicles do not track waste/mud/dirt etc back onto the street. It is not practical or necessary that they wash the wheels as vehicles enter the site as they are arriving from the public road.

The inside of the shed is to be serviced by a dust suppression misting system so the appropriate location for a wheel wash is for all trucks exiting as is the case for all waste facilities, quarries, and construction sites. The proposed wording above, now exactly reflects the wording proposed by Council's Air Quality Expert in Council's email of 21 September 2021. This wording is acceptable to Aussie Skips. The dimensions of the wheel wash have now been added to the attached modified plan (Ground Floor Plan Drawing CC 2.01 B) as requested in Council's deferral letter of 18 October 2021.

Condition No.5 Required Design Changes

Current Wording

Entrance to the building The opening to the building is to be reduced to the minimum required size for the largest proposed truck entering and exiting the building. This opening is to accommodate only one truck at a time, and should include flexible flaps to the sides and top of the opening so that damage is not caused to any truck should it brush up against the opening.

Modified Wording

Entrance to the building Each of the two openings to the building are to be reduced to the minimum required size (6m high and 6m wide each) for the largest proposed trucks, either entering or exiting the building (refer to attached "Elevations" Drawing CC 3.01 B and "Ground Floor Plan CC 2.01 B – dated 21/12/2021. Each opening is to accommodate the passage of only one truck movement at a time and must include at least 1m long flexible flaps to the top of the opening. The flexible flaps must be maintained in order to keep the opening size minimised.

Rationale for proposed changes

1. Aussie Skips considers that the shed entrance design, as modified to reflect the literal interpretation of the current condition 5, then the ingress and egress to the shed cannot be operational or functional. The idea that one truck at a time can enter and exit through a narrowed doorway is unworkable. Consideration must be given to the fact that the weighbridge configuration involved two weighbridges, separated by a weighbridge office and it would be impossible to funnel trucks from these weighbridges, with their respective swept path requirements, through a single opening. In essence, a single ingress and egress point which would only allow one truck to enter or leave at a time is unworkable, serves no purpose, and would require numerous vehicles to potentially cross paths creating safety hazards.
To effectively clear the weighbridges, it is suggested by Aussie Skips that there be two smaller doorways rather than one larger door such that trucks can proceed generally straight on and off the weighbridges and not have to turn sharply. The effect of the proposed design is to reduce the physical opening size from its current approved 160m² to 72m² (2 x 36m²) which is a significant reduction and in line with the intent of the Condition. It would create a wall pillar behind the weighbridge office reducing the opening sizes to what the Council's Dust Consultant referred to "as small as possible". Please refer to the attached "Elevations" Drawing CC 3.01 B" to show the proposed arrangement.
2. Aussie Skips intends to provide roller doors to be able to secure the shed building outside operational hours and will also install dust misting around the two proposed doorways to assist in managing dust when the doorways are open. The revised attached Ground Floor Plan CC 2.01 B and Elevations Drawing CC 3.01 B shows the enclosed entrance area details. It indicates "in and out doorways" aligned to the in and out weighbridges. These doorways have been dimensioned to accommodate the largest trucks and their swept paths. Flexible flaps will be used at the top and sides of each doorway.
3. The original acoustic assessment undertaken by EMM, which included the proposed entrance as originally drawn (8m high x 20m wide – total 160m²) already satisfied the acoustic performance requirements. EMM now confirms, in the Amended Noise Impact Assessment Report, that the original noise modelling adopted one opening of 8m high by 20m wide. The proposed modified entrance design, as shown in the "Elevations" Drawing CC 3.01 B and "Ground Floor Plan" CC 2.01 B, now shows two smaller openings measuring 6m high by 6m wide each – total 72M³. This is some 82m² smaller than the original design and is considerably smaller than that modelled in the original noise modelling. The Amended Noise Impact Assessment Report includes remodelled acoustic impacts of the revised design. The amendments are measured at equal or better noise outcomes against the 48dB(a) criteria. This should allay any concerns about any intensification of the facility noise.

It should be noted Condition 12 requires an acoustic performance criterion of 48 dB(a). This must be operationally complied with and the Amended Noise Impact Assessment Report indicates this will be achieved – see Attached Report.
4. Councils external dust consultant made the following observation in the original DA assessment:

"the size of the opening to the south has been noted as a concern so a condition requiring that this opening be as small as possible to accommodate the largest

expected dimensions of vehicles entering the site , with edges to that opening containing a hard, flexible rubber edge in case vehicles brush up against the opening” (p331 SLPP report)

Council proposed the following wording in its 2nd deferral letter on 18 October 2021:

“Each of the two openings to the building are to be reduced to the minimum required size (6m high and 6m wide each) for the largest proposed trucks, either entering or exiting the building (refer to attached “Entrance Plan and Elevation drawing DA 03 B”, <insert date of drawing>). Each opening is to accommodate the passage of only one truck movement at a time and must include at least 1m long flexible flaps to the top of the opening. The flexible flaps must be maintained in order to keep the opening size minimised.”

Councils air quality expert found the Condition No.5 variation acceptable and made some minor amendments in the SLPP assessment report (2 December page 378)

Aussie Skips have utilised Council’s proposed words, as amended by Councils Air Quality expert and modified plan references. EMM has established (in the Amended Noise Impact Assessment Report) that there is no increased noise impact with the proposed and required modifications and in fact the outcomes are equal to or better than the original modelling. This should allay concerns raised by Council’s external noise expert, in their assessment comments in the SLPP report of 2 December 2021, that this had not been proven.