

SSD 8375 – Submission, 26 November 2019

Absence of Genuine Community Consultation

I am the Managing Director of Sell and Parker, the neighbour to the applicant's site

This submission relates to the SEARs requirement for effective and genuine community consultation which I believe has not been complied with. In summary:

- There was insufficient, if any, community notification of the consultation day
- Applicant has ignored our warning of inadequate notification
- Sell and Parker is recorded as the only party to physically attend the consultation. In fact, we didn't appreciate that the consultation related to SSD until we walked into the room. We were simply making an enquiry as to what the sign on the footpath was advertising.
- According to the EIS, the only other comments were received via phone from an anonymous person located in Forge Street, and the comments were irrelevant to the application being considered.

No community notification

The Sell and Parker group:

- Own 7 properties in Tattersall Road
- Sell and Parker businesses occupies 4 of these properties and the other 3 are tenanted.

According to the EIS, Sell and Parker as an occupier should have received 4 notifications of the upcoming community consultation. Sell and Parker didn't receive any flyers.

We only became aware of the consultation day when I saw a small sign on the footpath on Tuesday 7 August 2018, advertising "Community Consultation Tues 12 – 2pm". A photo I took of the sign is below



When I saw the sign, I asked the relevant people on our sites if they had been notified about any consultation. Nobody knew anything, so we sent a representative to see what the consultation was about. Our representative highlighted to the Barker Ryan Stewart representative that Sell and Parker didn't receive any notice. The response to our concern was an email received on 8 August from Barker Ryan Stewart attaching a copy of the "letterbox drop that went out a few weeks ago".

At the time of the "consultation", Sell and Parker was the only member of the community to attend the consultation, and complained that we were not notified. This should have raised alarms that something was wrong with the notification process.

On the same day of the "consultation" and the following day, we approached each of our tenants (Enviro Civil, Norwest Pattern Makers, Bethel Car Care and Llandilo Automotive Repairs) to see if they had been notified. Not one of the four had received a flyer and each was not aware consultation had taken place. We concurrently approached two additional businesses that neighbour Pick and Payless (Power Plastics and Artisan) and neither had received notification and each was not aware consultation had taken place. In summary, on 7 and 8 August 2017 we made enquiries across a total of 9 separate occupancies in Tattersall Road, and not one received the "letterbox drop".

The current pathway avoided a critical iteration of consultation from the community. The community should have had opportunity to provide input as to what the EIS assessed and the community should also have opportunity to comment to the assessors on the final and complete EIS via the standard SSD exhibition process. In the circumstances, the EIS has failed the requirement for "effective and genuine community consultation" as laid out in the SEARs and highlighted in Mr Ritchie's covering letter to the SEARs dated 21/7/17.

Proposed Resolution

- Assessment of the application must be paused to allow proper community consultation to take place.
- Community concerns need to be considered and incorporated into a revised EIS.
- The revised EIS should then be exhibited, to give all stakeholders proper input into the assessment

Yours Sincerely

Luke Parker
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0419 224 795

Attachment: SEARs covering letter dated 21/7/17



**Planning &
Environment**

Contact: Sheelagh Laguna
Phone: (02) 9274 6574
Email: sheelagh.laguna@planning.nsw.gov.au

Mr Garry Rush
Autorecyclers Pty Ltd
57-69 Tattersall Road
Kings Park NSW 2148

Dear Mr Rush

**State Significant Development – Secretary's Environmental Assessment Requirements
Pick n Payless Metal Recovery and Recycling Facility – 57-69 Tattersall Road, Kings Park (SSD
8375)**

Please find attached the Secretary's Environmental Assessment Requirements (SEARs) for the proposed metal recovery and recycling facility at 57-69 Tattersall Road, Kings Park in the Blacktown local government area (LGA).

The SEARs have been prepared in consultation with the relevant government agencies (see **Attachment 2**), and are based on the information you have provided to date. Please note that the Secretary may alter the SEARs at any time. You must consult further with the Secretary if you do not lodge a development application and Environmental Impact Statement (EIS) for the development within two years of the date of issue of these SEARs.

The Department notes that the site currently operates under a separate consent. The Department prefers operations like the Pick n Payless Metal Recovery and Recycling Facility to operate under a single, modern planning approval. Consequently, the Department encourages you to develop the project with this preference in mind, and to consider surrendering all the existing planning approvals for the facility if the project is approved.

I wish to emphasise the importance of effective and genuine community consultation and the need for the proposal to proactively respond to the community's concerns. Accordingly, you must undertake a comprehensive, detailed and genuine community consultation and engagement process during the preparation of the EIS. This process must ensure that the community is informed of the development and engaged with issues of concern to them. Sufficient information must be provided to the community to enable a good understanding of the development and any potential impacts.

Your development may require separate approval under the provisions of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). If an EPBC Act approval is required, please advise the Department accordingly, as the Commonwealth assessment process may be integrated into the NSW assessment process, and supplementary SEARs may need to be issued.

Please contact the Department at least two weeks before you intend to lodge the EIS and any associated documentation for the development. This will enable the Department to determine the:

- applicable fee (under Division 1AA, Part 15 of the *Environmental Planning and Assessment Regulation 2000*); and
- consultation and public exhibition arrangements, including copies and format requirements of the EIS.

If you have any enquiries about these SEARs, please contact Sheelagh Laguna on the above details.

Yours sincerely

Chris Ritchie

Director

Industry Assessments

as delegate of the Secretary

21/7/17

Department of Planning & Environment

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