

28 April 2022

7220070

Mr Matthew Stewart
The General Manager
City of Canterbury-Bankstown Council
PO Box 8
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Email: council@cbc.city.nsw.gov.au

Dear Sir,

Development Application – Change in Hours of Operation – 82 Yerrick Road, Lakemba NSW 2145

1.0 Introduction

This Statement of Environmental Effects has been prepared by Ethos Urban on behalf of TOMRA Collection Pty Ltd (TOMRA) in relation to the trading hours of the approved TOMRA Container Recycling Facility at 82 Yerrick Road, Lakemba, NSW 2145 (Lot 4, DP 6727).

As per Determination No. 5460-1991, development approval was granted on 14 June 1991 for a Warehouse.

An additional Building Application (BA-557/1991) was approved 22 August 1991 for a Factory.

A Complying Development Certificate (CD-1099/2021) was issued by a Private Certifier for “Internal alterations and fit out to existing commercial tenancy” at 82 Yerrick Road, Lakemba NSW 2145 (Lot 4, DP 6727) as a Container Recycling Facility (Internal Alteration to Existing Commercial Premises - Container Recycling Facility) on 4 November 2021.

Schedule 8 of the Complying Development Codes (Conditions applying to complying development certificates under the Industrial and Business Alterations Code, the Industrial and Business Buildings Code and the Container Recycling Facilities Code), Part 4 Operational Requirements, outlines obligations for hours of operation.

21 Hours of operation

- (1) If there are existing conditions on a development consent applying to hours of operation, the development must not be operated outside the hours specified in those conditions.*

Based on the development approval history, the development consent for the warehouse in 1991 (No. 5460-1991) included conditions relating to hours of operation.

Specifically, the hours of operation were limited to:

- Monday to Friday: 7:30am and 5:30pm
- Saturday: 7:30am – 1:00pm
- Sunday and Public Holidays: Closed

Therefore, the operation of a TOMRA Container Recycling Facility would default to the above hours of operation, established under Development Application No. 5460-1991.

The proposal seeks approval for an extension of trading hours to allow for operation of the approved TOMRA Container Recycling Facility as follows:

- Monday to Saturday 7.00am to 7.00pm
- Sundays and Public Holidays – 9.00am to 6.00pm

The approved TOMRA Container Recycling Facility at 82 Yerrick Road, Lakemba operates as a Reverse Vending Centre which will provide a front-of-house area that is open to the general public during set hours of operation to deposit containers for refunding under the NSW Return and Earn litter reduction initiative introduced by the NSW State Government on 1 December 2017.

The Return and Earn container deposit scheme offers a 10c refund to consumers for depositing eligible drink containers at return points across NSW (including 82 Yerrick Road, Lakemba).

This letter should be read in conjunction with the following appendices:

- **Appendix A** – Complying Development Certificate (CDC-1099/2021) for the use of 82 Yerrick Road, Lakemba as a Container Recycling Facility.
- **Appendix B** – Noise Impact Assessment prepared by Reef Acoustics.
- **Appendix C** – Plan of Management prepared by TOMRA.
- **Appendix D** – Site Plan

An assessment of the application is provided in the sections below.

The proposed development does not present any significant environmental impacts and the proposed hours of operation are considered to be appropriate without resulting in adverse amenity impact.

The proposal seeks approval for hours of operation in keeping with similar business within the locality and will not result in any environmental impact. No physical works are proposed as part of this application.

2.0 Site Location and Context

The site is identified as 82 Yerrick Road, Lakemba and is legally described as Lot 4, DP 6727. The site comprises an area of approximately 700m².

The site is located within an industrial area and is surrounded by light industrial / warehouse / bulky retail uses to the north, east, south and west. Residential development is located further to the northwest (northern side of Punchbowl Road), and further south on Yerrick Road.

Figure 1 provides a photo of the tenancy, sourced from desktop research and **Figure 2** provides an aerial photograph of the site. **Figure 3** provides an extract of the site and floor layout.

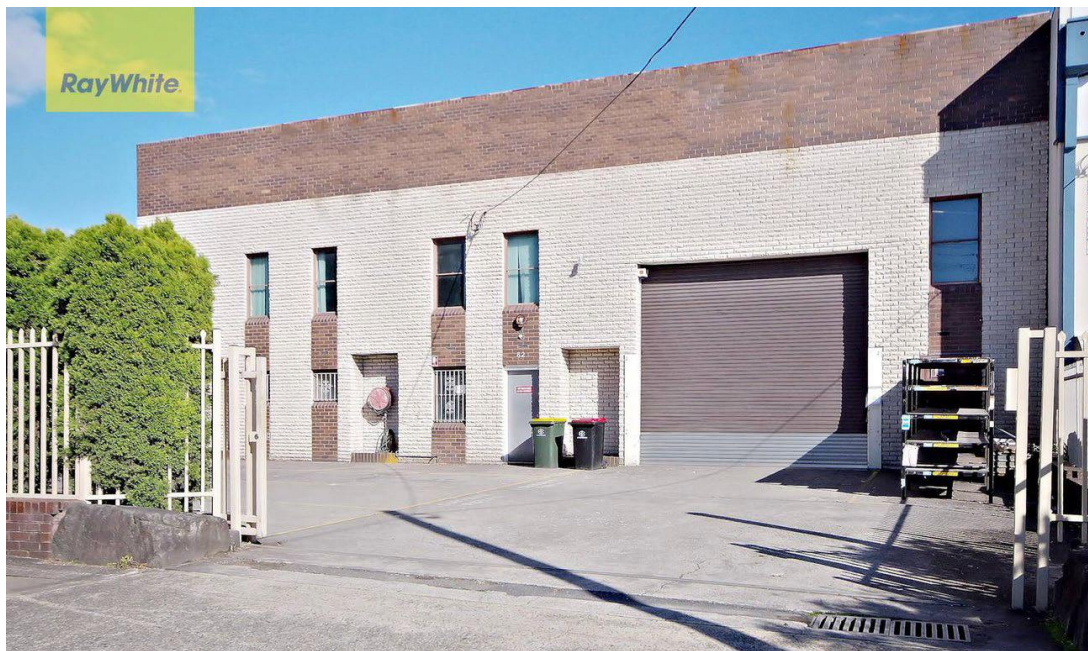


Figure 1 - Street View of Site

Source: Ray White, 2021

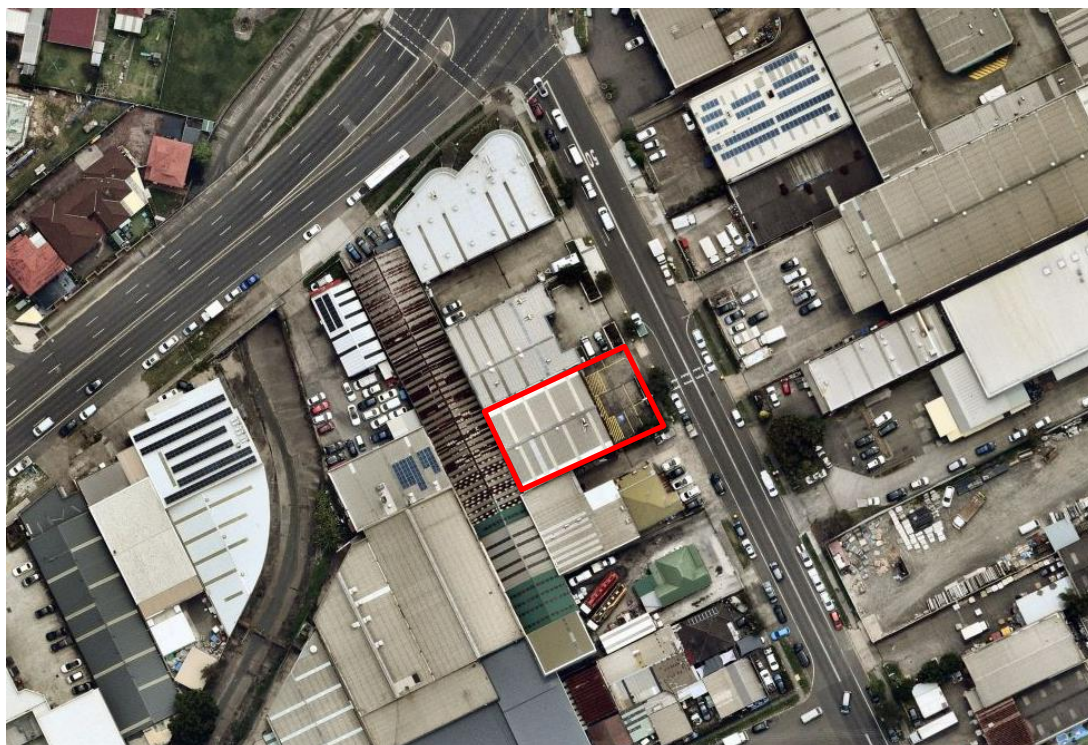


Figure 2 - Site Aerial

Source: Nearmap, 2022

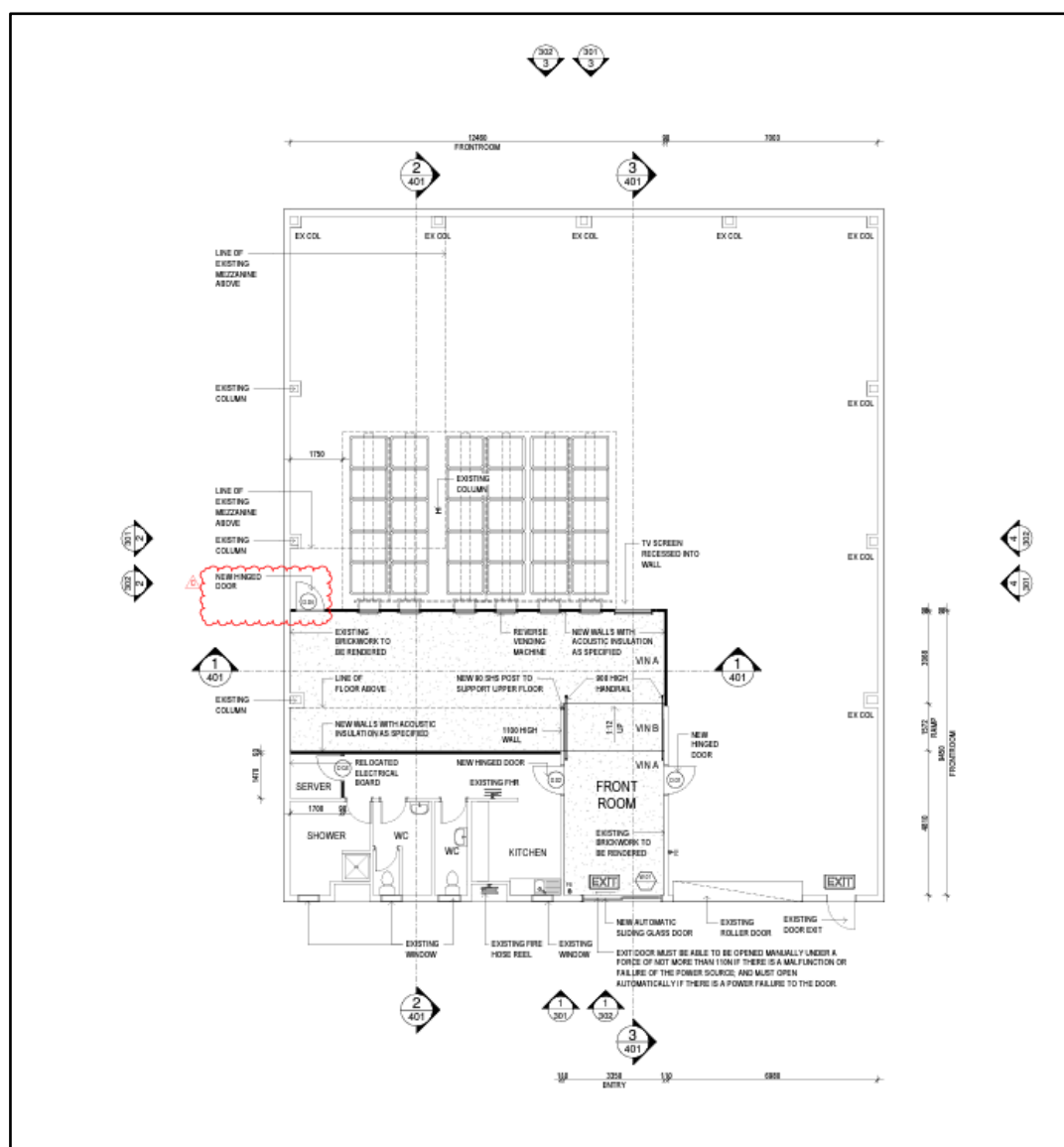


Figure 3 – Approved Ground Floor Plan

Source: Idea Architecture, 2022

The site is improved with a single storey industrial building with a gross floor area (GFA) of approximately 616m².

Pedestrian access to the site is available via Yerrick Road.

3.0 Background

As per Determination No. 5460-1991, development approval was granted on 14 June 1991 for a Warehouse.

An additional Building Application (BA-557/1991) was approved 22 August 1991 for a Factory.

As such, a Complying Development Certificate (CD-1099/2021) was issued by a Private Certifier for “Internal alterations and fit out to existing commercial tenancy” at 82 Yerrick Road, Lakemba NSW 2145 (Lot 4, DP 6727) as

a Container Recycling Facility (Internal Alteration to Existing Commercial Premises - Container Recycling Facility) on 4 November 2021.

An Occupation Certificate (GDL210457) was issued by Group DLA on 1 February 2022 in accordance with the required components. The certificate certifies that:

- A current Complying Development Certificate (CD-1099/2021 at **Appendix A**) has been issued with respect to the plans and specifications for the building.
- The completed building (or part of the building) is suitable for occupation or use in accordance with its classification under the Building Code of Australia.
- A Fire Safety Certificate has been issued for the building (or part of the building).

Schedule 8 of the Complying Development Codes (Conditions applying to complying development certificates under the Industrial and Business Alterations Code, the Industrial and Business Buildings Code and the Container Recycling Facilities Code), Part 4 Operational Requirements, outlines obligations for hours of operation.

21 Hours of operation

- (2) If there are existing conditions on a development consent applying to hours of operation, the development must not be operated outside the hours specified in those conditions.*

Based on the development approval history, the development consent for the warehouse in 1991 (No. 5460-1991) included conditions relating to hours of operation. Specifically, the hours of operation were limited to:

- Monday to Friday: 7:30am and 5:30pm
- Saturday: 7:30am – 1:00pm
- Sunday and Public Holidays: Closed

Therefore, the operation of a TOMRA Container Recycling Facility would default to the above hours of operation, established under Development Application No. 5460-1991.

4.0 Proposal

This application seeks the following hours of operation:

- Monday to Saturday: 7:00am to 7:00pm.
- Sunday and Public Holidays: 8:00am to 6:00pm.

5.0 Environmental Assessment

Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), in determining a development application the consent authority must take into account a range of matters relevant to the development including the provisions of environmental planning instruments; impacts of the built and natural environment, the social and economic impacts of the development; the suitability of the site; and whether the public interest would be served by the development.

The assessment includes only those matters under Section 4.15(1) that are relevant to the proposal. The planning issues associated with the proposed development are assessed below.

5.1 Canterbury Local Environmental Plan

The primary environmental planning instrument governing the use of the site is the *Canterbury Local Environmental Plan 2015* (CLEP 2012). The site is zoned IN2 Light Industrial zone under the provisions of the CLEP 2012.

The objectives of the IN2 Light Industrial zone include:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*

The approved use is consistent with the objectives of the IN2 Zone and the proposed extension to trading hours will ensure that the approved operation will continue to:

- Support the function of the commercial premises use that encourages employment opportunities and provides a facility to meet the day to day needs of workers in the area.
- Not impact the viability of existing industrial land uses in the surrounding area; and
- Avoid impacts on the amenity of adjoining land uses.

5.2 Canterbury Development Control Plan 2012

As this application relates to the proposed extension of trading hours of an approved use (Container Recycling Facility) within an approved commercial premise at 82 Yerrick Road, Lakemba, the provisions of the Canterbury Development Control Plan 2012 (CDCP 2012) have limited application in the assessment of the proposal.

A Noise Impact Assessment has been prepared by Reef Acoustics (**Appendix B**) and has assessed the impacts associated with the proposed operation of the TOMRA Container Recycling Facility on Sundays and Public Holidays, as well as extended hours on Mondays to Saturdays.

The assessment establishes noise emission criteria, assesses the noise emission from the TOMRA Container Recycling Facility and provides any mitigation measures necessary to achieve compliance.

The assessment has considered the most sensitive receiver, identified as a residential receiver at 74 Yerrick Road, Lakemba, shown in Figure 5. The directly adjacent sites are an industrial stonemason, and an industrial/commercial furniture wholesaler. The industrial spaces have loud impulsive noises throughout the day, so will not be negatively affected by infrequent noise events associated with the TOMRA facility.



Figure 4 Monitoring Locations (Source: Reef Acoustics, 2022)

The proposed operation of the TOMRA Container Recycling Facility on extended Monday to Saturday hours, and Sundays and Public Holidays between 8.00am and 6.00pm will not otherwise cause nuisance to residents nor will it result in unreasonable noise generation.

As outlined within the Noise Impact Assessment, external noise emission criteria have been established from the Noise Policy for Industry (2017). The policy sets out the procedure to determine the project noise trigger levels relevant to a particular industrial development.

Reef Acoustics has conducted the Noise Impact Assessment of the TOMRA Container Recycling Facility with respect to the proposed extension of operational days from Monday to Saturday and including Sundays and Public Holidays. They concluded that the operation can meet the established criteria and there is no reason to refuse the amendment to operation days. No additional noise mitigation measures are identified as being required to support the operation of the TOMRA Container Recycling Facility on Saturdays until 7pm, Sundays and Public Holidays between 8.00am and 6.00pm.

5.3 Traffic, Access and Car Parking

The proposal is limited to a change in hours of operation to allow for the approved TOMRA Container Recycling Facility to operate on Monday to Saturday from 7:00am to 7:00pm, and Sundays and Public Holidays between 8.00am and 6:00pm.

The proposed development does not change the site's existing car parking, access or manoeuvring arrangements. Customer access and car parking is provided via Yerrick Road as previously demonstrated in **Figure 2**.

Six (6) dedicated on-site car parking spaces are provided at the site's frontage to meet the demand for customers. Street parking is also available for additional demand.

Given there is minimal change proposed to hours of operation between Monday and Friday, with the proposal seeking a marginal increase to the approved hours of operation Saturdays, along with operation on Sundays and Public Holidays, the proposal is not considered to result in unreasonable impact to neighbouring properties as a result of additional vehicle movements.

Based on analysis of the existing TOMRA Container Recycling Facilities at 26 Enterprise Avenue, Padstow and 26 Clapham Road, Regents Park, located within the Canterbury-Bankstown Local Government Area, peak period of customers accessing the site is between 10am and 2pm and significantly reduces towards 5pm.

As peak period of the TOMRA Container Recycling Facility is outside of sensitive hours and customer vehicle access is restricted to Yerrick Avenue, the proposed additional hours of operation are considered appropriate and will not result unreasonable impact on sensitive receivers (with the nearest residential dwellings located more than 200 metres to the south of the site).

5.4 Economic and Social Impacts

The proposed development will have no adverse environmental, social or economic impacts in the locality. Furthermore, the proposal is consistent with the objectives of the IN2 Light Industrial zone and is compatible with the approved Container Recycling Facility within the approved commercial premises.

The proposal to extend the operating hours will not result in any adverse social impacts. The existing use is well managed in accordance with TOMRA highest standards. As such, it is not anticipated that the proposed extended trading hours will give rise to any unforeseen impacts.

5.5 Site Suitability

The proposed extension to trading hours will support the approved TOMRA Container Recycling Facility within the commercial premises on the site and is consistent with the nature of the site and surroundings.

5.6 Public Notification

In accordance with CDCP 2012 the development application will require notification for a 14-day period.

5.7 Public Interest

The development, with extended trading hours on Monday to Saturday, and proposed trading on Sundays and Public Holidays, remains in the public interest since:

- It will continue to provide a use consistent with the nature and character of the locality.
- It will not have unacceptable impacts on the amenity of the surrounding area.
- Not impact the viability of existing industrial land uses in the surrounding area.
- Support the function of an approved industrial land use that services the employment and resident needs of the local area.

Granting approval to the proposed development will have no adverse impact on the public interest. The proposal will support the approved land use within the existing commercial premises

6.0 Conclusion

This Statement of Environmental Effects has demonstrated that the approved use of the site at 82 Yerrick Road, Lakemba the purpose of a TOMRA Container Recycling Facility can operate between 7:00am and 7:00pm on Mondays to Saturdays, and 9:00am and 6:00pm Sundays and Public Holidays without resulting in an unreasonable environmental impact to nearby sensitive land uses and is consistent with Council's policies.

In the absence of any adverse environmental impact, I see no reason why the application cannot be recommended for approval.

Based on the above, the proposal can be supported by the Canterbury Bankstown City Council.

Yours sincerely,



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