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| JRPP No: | 2011SYW013 |
| Proposal: | Concrete Batching Plant associated with a precast existing concrete panel Manufacturing Facility. |
| Location: | 79 DP 27515, No. 33 – 41 Cowpasture Road, Wetherill Park |
| Owner: | Austral Precast Pty Ltd |
| Proponent: | Austral Precast Pty Ltd |
| Capital Investment Value: | \$3,675,226.00 |
| File No: | DA 1323.1/2010 |
| Submissions: | 0 |
| Recommendation: | Approved subject to Conditions |
| Author: | Liam Hawke, Development Planner, Fairfield City Council |

Assessment Report and Recommendation

RECOMMENDATION

1. That the application proposing a concrete batching plant associated with an existing precast concrete panel manufacturing facility, be approved subject to conditions as outlined in Attachment E of this report.

SUPPORTING DOCUMENTS

| | | |
|-------------|--|-------------|
| AT-A | Architectural Plans | 3 page(s) |
| AT-B | Environmental Impact Statement | 281 page(s) |
| AT-C | Addendum to Environmental Impact Statement | 40 page(s) |
| AT-D | General Terms of Approval from EPA | 9 page(s) |
| AT-E | Draft Conditions of Consent | 13 page(s) |

EXECUTIVE SUMMARY

This development application proposes the construction of a concrete batching plant to be used in conjunction with an existing precast concrete panel manufacturing facility. The proposal will be located along the front facade of the factory units and will be fully enclosed with an overall height of 14 to 16.5 metres. The purpose of the proposal is to batch concrete at the site and used as part of the manufacturing of precast panels for the construction industry. Currently the operation requires a large amount of ready-mixed concrete trucks to access the site. Allowing the proponent to batch concrete at

the site will result in an increase in efficiency of the operation of their business as well as monitor quality control of the concrete products.

Given that the activity proposes to produce in excess of 30,000 tonnes per annum per year of concrete or concrete products, the proposed development is classified as Integrated Development, requiring approval from the Office of Environment and Heritage (OEH), and Designated Development, requiring approval from the Department of Planning and Infrastructure. As such, an Environmental Impact Statement (EIS) was prepared in support of the proposal.

The subject site is located on the eastern side of Cowpasture Road and is zoned 4(a) General Industrial. The proposed development is permissible subject to Council consent. In addition, the proposed development would meet the objectives of the zone and is considered to comply with the Fairfield City-Wide DCP 2006.

In accordance with the Environmental Planning and Assessment Regulation 2000, the application was notified for a period of thirty (30) days in writing to surrounding properties, and in the local paper. No submissions were received during the notification period.

The application was referred to Council's Building Control Branch, Open Space Branch, Environmental Management Branch and Development Engineering Branch for comments and/or conditions. No objection was raised to the proposal subject to conditions of consent. The application was also referred to the Office of Environment and Heritage and the Department of Planning and Infrastructure for approval in accordance with the EP&A Regulation 2000. No objection was raised and General Terms of Approval were issued.

The application is referred to the Sydney West Joint Regional Planning Panel for consideration pursuant to Clause 13B(1)(e) of State Environmental Planning Policy (Major Development) 2005, as the development is classified as designated development.

This report summarises the key issues associated with the development application and provides an assessment of the relevant matters of consideration in accordance with the Environmental Planning and Assessment Act 1979, the Fairfield Local Environmental Plan 1994 and the Fairfield City-Wide Development Control Plan 2006.

Based on an assessment of the application, the proposed development is considered to be suitable for the subject site, provided the recommendations made within the submitted EIS and attached reports are implemented. As such, it is recommended that the application be approved.

SITE DESCRIPTION AND LOCALITY

The subject site is located at the northern end of Cowpasture Road, approximately 160m north of Newton Road within the Wetherill Park Industrial Estate.

The subject site is known as Lot 79 DP 27515, Nos. 33 – 41 Cowpasture Road, Wetherill Park. The site is a trapezoidal shape with a frontage to Cowpasture Road of 80.770m and a depth of approximately 265.175m. The subject site has a site area of approximately 2.142 hectares.

The site is currently occupied by a large industrial factory building that has been divided into three separate units. Please note a 30.48m Transmission Line Easement runs through the site.

To the north of the site is Prospect Reservoir and what appears to be a water treatment plant. Immediately to the west of the site is Cowpasture Road, over the road is what appears to be vacant land. An investigation on the adjoining sites reveals that the area west of the subject site falls within the State Environmental Planning Policy (Western Sydney Parklands) 2009. To the immediate east and south of the site are single and two-storey industrial development characteristic of the Wetherill Park industrial area.

The nearest residential dwelling is located approximately 304m south west of the subject site.

The site does not contain any significant vegetation.



Locality Diagram (Source: © Open Space Enlighten)

BACKGROUND

In accordance with the Environmental Planning and Assessment Regulation 2000, the former Department of Planning, now the Department of Planning and Infrastructure issued the proponent the Director General's requirements for the required Environmental Impact Statement.

The Application includes an Environmental Impact Statement that addresses the requirements (refer to Attachment B).

The proponent submitted details regarding preliminary discussions with various government bodies in regards to the proposed location of the concrete batching plant. Two (2) locations were identified, which were along the frontage of the site and within the car parking area in front of Unit 2.

During preliminary discussions with Council regarding the location of the proposed concrete batching plant, it was indicated that the concrete batching plant fronting Cowpasture Road may not be suitable and locating the plant within the site was preferred.

A 30.48m wide transmission line traverses the site, hence the proponent sought preliminary advice from Transgrid. Transgrid indicated that the transmission line would be required to be widened in the future and they would not support the location of the concrete batching plant within the proposed expansion. In this regard, as no alternative could be provided onsite without encroaching into the transmission line easement the concrete batching plant was proposed to be located along the frontage of the site, however the proposal was amended to provide a fully enclosed structure over the plant to better integrate with the building.

DEVELOPMENT HISTORY

- DA No. 504/2001 granted consent to the erection of four (4) factory units and use of Unit No. 2 for the Manufacture of Precast Panels on 19th July 2001. Please note the following conditions of Consent:
 - Condition No. 35 required the provision of 142 car parking spaces and four (4) disabled car parking spaces;
 - Condition No. 49 required Unit 2 to operate from 7:00am to 5:30pm Monday to Saturday and no work on Sundays.

A site inspection has revealed that Unit No. 4 has not been constructed.

- DA No. 1412/2002 granted consent to the use of factory Unit No. 3 for warehousing and distribution of Wholesale Garden Products on 25th September 2002.
- DA No. 1232/2005 granted consent to alterations and additions to an approved factory development and the use of Unit No. 1 for the purpose of manufacturing precast concrete products in conjunction with Unit No. 2 on 29th June 2006. Please note the following conditions of the Consent:
 - Condition No. 38 required the provision of 176 car parking spaces and four (4) disabled car parking spaces;
 - Condition No. 40 required Unit 2 to operate from 7:00am to 5:30pm Monday to Saturday and no work on Sundays; and
 - Condition No. 44 required the proposal to comply with all conditions stipulated in Development Consent No. 504/2001 at all times.

Please note the proposal included an addition of office space to the existing factory units in the same location as the proposed concrete batching plant. The additional office space has not been built.

- MA No. 160/2007 (Unit 1) granted consent to amend DA No. 1232/2005 for the purpose of the erection of new loading facilities including a new ramp and awning; the erection of a control room, trial mix room, laboratory, lunch room and mezzanine storage level, and the relocation of toilet facilities on 18th December 2007.
- MA No. 1232.2/2005 (Unit 1) granted consent to amend DA No. 1232/2005 to modify the roof structure to accommodate an open roof terrace and entertainment/barbeque area for work related functions and extending the lift and stairs to the roof terrace on 18th February 2009.

PROPOSAL

The application proposes the installation and operation of a concrete batching plant at the subject premises. The proposal will operate in association with the existing uses of Unit 1 and 2 which are currently used to manufacture precast concrete panel products. The Applicant has indicated that the purpose of the application is to allow the tenant to produce ready mix concrete at the site to be used for their existing concrete precast business rather than purchasing the concrete from a third party.

Specific details of the proposed development are as follows:

- The erection of silos for the storage of sand, aggregate, cement and flyash as well as two mixing silos along the front elevation of the existing building. The proposed silos are completely enclosed within a structure;
- The creation of a new driveway off Cowpasture Road;

- The excavation of the ground to install an underground hopper system to allow trucks entering the site to deliver materials into the proposed underground system which via conveyor belts and lifts transport the delivered materials into the silos;
- The installation of a switchroom, waste storage bin area, water treatment plant and two (2) 10,000L rainwater tanks;
- Provision of landscaping along the frontage of the site and sealing the remainder of the site with concrete/bitumen.
- The proposal would result in an additional fourteen (14) employees at the site from the current 54 workers to 68 workers;
- The proposed concrete batching plant is estimated to produce 60,000m³ or 150,000 tonnes per annum of ready-mix concrete. This will result in an increase in output of precast concrete products by 60,000 m³ or 150,000 tonnes per annum.
- The use of the site will operate for 24 hours seven (7) days a week, with trucks accessing the site from 7:00am to 6:00pm.
- The application does not propose any new additional advertising signage.
- The proposal will result in the following operation processes at the site:
 - receipt of raw materials (i.e. sand, aggregate and flyash);
 - storage of raw materials in silos;
 - weighing of raw materials;
 - delivery of raw materials to mixing line;
 - production of ready-mix concrete in the mixing line;
 - concrete to be transferred to Unit 1, where the ready-mixed concrete is poured directly into moulds for casting;
 - cast item is then leveled and then allowed to be dried and cured;
 - once set the cast product is stored within Unit 2; and
 - stored products are delivered offsite.

As outlined in the above process, the proposed concrete batching plant will eliminate the need for ready mix trucks to access the site as they will be able to provide their own ready-mix concrete for their products.

- The proposal will alter the existing trucks accessing the site. The proposal will remove ready-mix concrete trucks accessing the site and replace it with trucks delivering raw materials. In this regard, as submitted by the Applicant the proposal will reduce the incoming vehicles by three (3) heavy vehicles during peak hour and increase the outgoing heavy vehicles by one (1) vehicle during delivery. Hence a net

reduction of one (1) heavy vehicle movement per hour will result from the proposed development.

STATUTORY REQUIREMENTS APPLICABLE TO THE SITE

1. Fairfield Local Environmental Plan 1994

The subject site is zoned General Industrial 4(a) as stipulated within the Fairfield Local Environmental Plan 1994.

The proposal is for the construction of a concrete batching plant associated with an existing precast concrete panel manufacturing facility. In this regard, the proposed development at the site is characterised as 'Industry', which is defined as follows:

***"Industry** means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or articles for commercial purposes, but (except in this Dictionary) does not include anything elsewhere defined in this plan."*

Industry is not listed as prohibited in this zone.

The objectives of the zone are as follows:

*"(a) to encourage the establishment of a broad range of industrial and allied uses which will generate employment and contribute to the economic development of the City of Fairfield,
(b) to allow community uses to serve the needs of the local industrial work force, and
(c) to allow retail development only:
(i) where associated with, and ancillary to, industrial purposes on the same land,
(ii) where it primarily serves the daily convenience needs of the local industrial work force, or
(iii) for motor orientated activities (that is, the use of a building or place associated with, and ancillary to, industrial purposes on the same land for the sale by retail of motor vehicle components or goods but not the use of a building or place elsewhere defined in this plan),
and only if the proposed development will not detrimentally affect the viability of any nearby business centre."*

The proposed development would meet the above stated objectives within the zone. In this regard, it is considered that the proposal is consistent with the above objectives, and furthermore, is unlikely to have any adverse impact upon the immediate locality.

There are no other relevant clauses to the Application in Fairfield LEP 1994.

2. Environmental Planning and Assessment Regulation 2000 – Schedule 3 “Designated Development”

This development proposes to operate a concrete batching plant in association with an existing concrete precast panels manufacturing facility which will generate 60,000m³ or 150,000 tonnes per annum of precast concrete products. As such, the proposal is classified as Designated Development pursuant to Schedule 3 of the Environmental Planning and Assessment Regulation 2000. In accordance with Schedule 3, the proposed development is defined as follows:

“14 Concrete works

(1) Concrete works that produce pre-mixed concrete or concrete products and:

(a) that have an intended production capacity of more than 150 tonnes per day or 30,000 tonnes per year of concrete or concrete products, or

(b) that are located:

(i) within 100 metres of a natural waterbody or wetland, or

(ii) within 250 metres of a residential zone or dwelling not associated with the development.

(2) This clause does not apply to concrete works located on or adjacent to a construction site exclusively providing material to the development carried out on that site:

(a) for a period of less than 12 months, or

(b) for which the environmental impacts were previously assessed in an environmental impact statement prepared for that development.”

In accordance with the Environmental Planning and Assessment Regulation 2000, an EIS was prepared and submitted in support of the application. The Application, together with the EIS, was placed on public exhibition for a period of thirty (30) days in accordance with the Regulation.

3. Section 91 of the Environmental Planning and Assessment Act – Integrated Development

In accordance with Section 91 of the Environmental Planning and Assessment Act 1979, the proposed development is defined as Integrated Development and requires approval from the Office of Environment and Heritage (OEH) under the Protection of the Environment Operations (POEO) Act 1997.

In accordance with Schedule 1 of the POEO Act, the proposed development is defined as follows:

“13 Concrete works

- (1) This clause applies to concrete works, meaning the production of concrete products, but does not include the production of pre-mixed concrete (concrete batching).*
- (2) The activity to which this clause applies is declared to be a scheduled activity if it has a capacity to produce more than 30,000 tonnes per year of concrete products.”*

Subsequently, in accordance with the EP&A Act 1979 and the POEO Act 1997, the proposed development requires approval from OEH. The application was forwarded to the OEH on 14 January 2011 then formerly the Department of Environment, Climate Change and Water. On 15 March 2011, OEH indicated that they would be able to issue a licence for the proposal subject to a number of conditions and provided Council with their General terms of Approval, which are recommended to form part of the development consent.

4. Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment

The subject development is considered to be consistent with the objectives and the requirements outlined in the above REP. In addition, the specific matters of consideration as outlined in the REP are as follows:

“Specific matters for consideration

- The potential cumulative environmental impact of any industrial uses on water quality within the Catchment.*
- The adequacy of proposed stormwater controls and whether the proposal meets the Council's requirements for stormwater management.*
- Whether proposed erosion control measures meet the criteria set out in Managing Urban Stormwater: Soil and Construction Handbook (1998) prepared by and available from Landcom and the Department of Housing.*
- Likely impact on groundwater and remnant vegetation.*
- The possibility of reusing treated waste water on land and the adequacy of proposed waste water disposal options.*
- Whether adequate provision has been made to incorporate vegetated buffer areas to protect watercourses, foreshores or other environmentally sensitive areas where new development is proposed.*
- The adequacy of planned waste water disposal options.”*

The applicant has submitted an Environmental Impact Statement demonstrating that the proposal will not create an unreasonable environmental impact to the surrounding locality. In addition, the proposal will include a ‘loop’ waste water system and therefore the proposal will minimise waste water discharge. The application is therefore considered to be satisfactory with respect to addressing the objectives and requirements of REP No. 2.

5. State Environmental Planning Policy No. 59 – Central Western Sydney Regional Open Space and Residential (SEPP No. 59)

The proposal has been assessed pursuant to Part 2, Clause 10, matters for consideration as outlined in the SEPP. The proposal is considered to be reasonable however given the nature of the proposal, some of the matters under Part 2 are not considered to be applicable.

6. Fairfield City-Wide Development Control Plan 2006

The below table provides a brief assessment summary against the relevant controls stipulated within Chapter 9 Industrial Development of DCP 2006:

| Criteria | Relevant Development Standard (DCP 2006 – Chapter 9 – Industrial Development) | Proposed | Compliance |
|--|--|---|-------------------------------------|
| 9.2 Setbacks | The minimum setback for all land within Wetherill Park, other than those roads described immediately above is to be 10 metres, all of which is to be landscaped | The proposed concrete batching plant will slightly encroach at one point into the 10m front setback by 1.5m , the non-compliance is considered minor, and the development is still acceptable | Considered satisfactory (see below) |
| 9.3.2 Car parking requirements | a) For general design information on car parking requirements, access and vehicle arrangements refer to Chapter 12 of this DCP | See assessment of Chapter 12 in the table below | Yes |
| 9.3.4 On-site manoeuvring | a) Adequate on-site manoeuvring is to be provided to enable a large rigid truck to enter and leave the site in a forward direction. Where this is not possible because of insufficient lot width then Council will restrict future use of buildings to those uses which do not require servicing by large rigid or articulated vehicles. | The submitted plans demonstrate a heavy rigid vehicle can enter and exit the site in a forward direction from the proposed new driveway. Notwithstanding it is recommended that a condition be imposed on the consent, restricting B-double trucks from accessing the site. | Yes |
| 9.5 Streetscape and amenity 9.5.1 Landscaping | a) The use of decorative paving treatments such as paving bricks adds interest to large areas of hard paving. b) Open car parking areas should be landscaped to reduce the impact of hard paving. Established tall trees with wide spreading foliage provide desirable shade reducing the effects of heat. | The entire frontage will be appropriately landscaped, to reduce the visual intrusiveness of the concrete batching plant | Yes |

| Criteria | Relevant Development Standard (DCP 2006 – Chapter 9 – Industrial Development) | Proposed | Compliance |
|--------------------------|--|---|-------------------------------------|
| 9.5.3 Building materials | a) All development applications for new buildings or extensions or renovations involving the external cladding of existing buildings must be accompanied by details of the building construction and the materials to be used on external facades. This is necessary to ensure that the new buildings are harmonious in form and style with existing and intended development. To minimize discomfort from glare and reflected heat, external glass is not to exceed 20% reflectivity. | The proposed silos will be fully enclosed and therefore the proposed structure will not create an unreasonable visual impact to the streetscape | Yes |
| 9.5.4 Hours of operation | <p>a) Where industrial properties are near residential properties, industrial operating hours will generally be restricted within the range of 7.00am to 6.00pm Monday to Friday and 7.00am to 12.00 noon on Saturdays.</p> <p>c) Proposals to operate outside of either of these hours will be considered upon their merits and may be required to be supported by an Acoustic Engineer's Report.</p> | The application proposes to operate for 24 hours seven (7) days per week. The Applicant has fully enclosed the proposed silos to reduce the potential for offensive noise to adjoining sites. An acoustic assessment has been submitted with the Application that demonstrates that no unreasonable noise impact will occur to the adjoining sites. | Considered satisfactory (see below) |

The above compliance table demonstrates that the proposed development complies with the controls stipulated within Chapter 9 of the DCP for Development Controls for Industrial Development, with the exception of Clause 9.5.4(a) with respect to hours of operation and Clause 9.2 Setbacks with respect to front setback. The proposal does not demonstrate strict compliance with the requirements of DCP 2006, however the non-compliances are considered to be acceptable (see below for further detail).

With reference to the proposed non compliance with the hours of operations, the application proposes a 24 hour a day, 7 day a week operation. The applicant has submitted an acoustic report which is located within the EIS which considered the impact of the proposal on the surrounding locality.

These operating hours are outside the times allowed for industrial development in close proximity to residential properties, which restrict times to between 7.00am to 6.00pm Monday to Friday and 7.00am to 12.00 noon on Saturdays.

It is noted that the nearest residential property is approximately 304m metres away from the industrial building. It is also noted that the acoustic consultant has reported that the activity will comply with the relevant noise guidelines. In addition, truck movements will also be confined to 7:00am to 6:00pm only.

Lastly, Council's Environmental Management Branch and OEH have assessed the noise impacts and raised no objection to the proposed 24 hour operation.

Having regard to the above, the proposed 24 hour operation is therefore considered acceptable and unlikely to adversely impact upon nearby residents, subject to the recommendations made within the acoustic assessment of the EIS being implemented.

With reference to the proposed non compliance with the front setback, a small portion of the proposed mixing silos will encroach into the 10m front setback by approximately 1.5m. The encroachment is considered minor and the bulk and scale of the proposed development will be adequately screened with landscaping, so as to reduce its visual intrusiveness. Accordingly, it is considered that the above non-compliance is acceptable in the circumstances.

The below table provides a brief assessment summary against the relevant controls stipulated within Chapter 12 Carparking of DCP 2006:

| Criteria | Development Control | Proposed | Compliance |
|--|--|---|-----------------|
| Chapter 12 Carparking, Vehicle and Access Management | | | |
| Industry | 1 space per 70m ² gross leasable area including ancillary office. | Approved gross floor area equals 11,053.4m ² and therefore 162 spaces are required. The Applicant has provided 163 spaces. | Yes (see below) |

The application does not propose an increase in the existing number of car parking spaces at the site.

The current approved gross leasable area within the site is 10,834m². The proposed concrete batching plant will increase the floor area by approximately 219.4m². This will result in a gross leasable floor area at the site of 11,053.4m². As such, the required car parking is as follows:

| | |
|---|------------|
| 11,053.4m ² @ 1 space per space per 70m ² = | 158 spaces |
| Plus 1 space per unit = | 162 spaces |
| Proposed = | 163 spaces |

The existing car parking spaces at the site is considered to be sufficient for the proposal.

INTERNAL REFERRALS

During the assessment process, comments were sought from a number of sections within Council, as detailed below:

| | |
|--|--|
| Building Control Branch | No Objection, subject to standard conditions |
| Development Engineering | No Objection, subject to standard conditions |
| Open Space Branch | No Objection, subject to standard conditions |
| Environmental Management Branch | No Objection, subject to standard conditions |

EXTERNAL REFERRALS

During the assessment process, comments were sought from a number of external bodies who were considered to have an interest in the proposed development. Detailed below are the comments received from those external bodies.

Department of Planning and Infrastructure

Pursuant to section 81 of the Environmental Planning and Assessment Regulation 2000, Council is required to forward all submissions to the Department of Planning and Infrastructure. The Application was notified in accordance with Environmental Planning and Assessment Regulation 2000. During the notification process no submissions were received.

The Department advised that in the absence of any submissions, the Department is satisfied that the proposal is of local significance and therefore does not raise any objection to the proposal.

NSW Rural Fire Service

The site is identified as being bush fire prone. In accordance with section 79BA of the Environmental Planning and Assessment Act 1979 the application was referred to NSW Rural Fire Service for assessment with regards to the guide for Planning for Bushfire Protection 2001.

NSW Rural Fire Service advised that they raise no objections to the proposal subject to compliance with the submitted plans. A condition will be imposed on the consent requiring compliance with the approved plans.

Transgrid

The site is affected by a Transmission Line Easement with a width of 30.48m. Transgrid advise that they have been in consultation with the landowners, in regards to the acquisition of a restrictive covenant which extends an additional 15m on each side of the transmission line.

The proposed concrete batching plant is outside the area of the proposed restrictive covenant. Hence, Transgrid raise no objection to the proposal subject to conditions of consent.

Sydney Water

Pursuant to section 77 of the Environmental Planning and Assessment Regulation 2000, Council referred the application to Sydney Water. Sydney Water advised that the existing water infrastructure could cope with the proposal and therefore raise no objection to the application. Notwithstanding Sydney Water advised that a Section 73 Compliance Certificate under the Sydney Water Act would be required to address any upgrading requirements and/or permits. In this regard, a condition requiring the lodgment of a Section 73 Compliance Certificate, under the Sydney Water Act, must be provided prior to the issue of a Construction Certificate.

Office of Environment and Heritage (within the Department of Premier and Cabinet)

As mentioned above, in accordance with Section 91 of the Environmental Planning and Assessment Act, the proposed development is defined as Integrated Development and requires approval from the Office of Environment and Heritage (OEH) under the Protection of the Environment Operations (POEO) Act 1997.

The OEH has advised that the department can issue a licence for the proposal subject to conditions. In addition, the proponent has applied for a licence.

It must be noted that the OEH also advised that *“in assessing the proposal the EPA have also identified a number of environmental issues that Fairfield City Council may wish to consider in its overall assessment of the application”*. The application was referred to Council’s Environmental Management Branch who reviewed the application. Concern was raised in relation to adequate bunding to prevent spills entering into the stormwater system and potential noise impact on the nearest industrial building (receptor). Further details were therefore submitted by the Applicant that demonstrated compliance with the Industrial Noise Policy and the proposal would be adequately bunded and roofed. In this regard it is considered that the identified environmental issues were considered and no objections are raised subject to conditions of consent.

PUBLIC NOTIFICATION

In accordance with the Environmental Planning and Assessment Regulation 2000, the application was placed on public exhibition for thirty (30) days from Thursday 20th January to Monday 21st February 2011. The application was notified via written notification to the surrounding and affected owners and occupiers and an advertisement was placed within the local paper and at the site for a period of thirty (30) days. In addition the Application was forwarded to the Department of Planning and Infrastructure for inspection.

No submissions were received as a result of the proposed development.

SECTION 94 CONTRIBUTIONS

The submitted Cost Report prepared by a Quantity Surveyor indicates that the cost of works for the proposed development is \$3,675,226. Pursuant to clause 94A of the Environmental Planning and Assessment Act 1979 a levy can be imposed with a maximum percentage of 1%. In this regard, a condition will be imposed on the consent that requires the payment of the levy for \$36,752.25.

Section 79C Considerations

The proposed development has been assessed and considered having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment (EP&A) Act 1979 and no issues have arisen that would warrant the application being refused on planning grounds. The following is a brief assessment of the proposal with regard to Section 79C.

(1) **Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) Any environmental planning instrument

The proposed development is permissible within the 4(a) General Industrial zone and is considered to be consistent with the objectives of that zone.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft environmental planning instruments that relate to the site.

(iii) any development control plan

The proposed development has demonstrated general compliance with the requirements of Fairfield City Wide Development Control Plan 2006.

- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

There are no planning agreements that relate to the site.

- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

The application was notified in accordance with the Regulations.

- (v) any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)),*

There are no coastal management plans that relate to this site.

- (b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

It is considered that the proposal is unlikely to result in any adverse impact upon the amenity of the locality.

- (c) the suitability of the site for the development*

The site is considered suitable for the proposed development. There are no known constraints which would render the site unsuitable for the proposed development.

- (d) any submissions made*

No submissions were received during the notification process.

- (e) the public interest*

It is considered that the proposed development is in the public interest.

TOWN PLANNING ASSESSMENT

The proposed development is permissible within the 4(a) General Industrial Zone subject to consent, and is considered to be an acceptable form of development.

Whilst there are a few non-compliances with the Fairfield City Wide DCP 2006, these non-compliances are considered minor and on merit the proposed concrete batching plant is considered to be satisfactory and worthy

of support. From an assessment of the application, it would appear that there are no significant issues that would preclude Council staff from recommending approval.

From a visual point of view, the architect has designed the concrete batching plant completely enclosed to address the streetscape. The current front façade is a large blank side elevation of the existing factory building at the site. As such, the proposal will not create an unreasonable visual impact to the streetscape and in turn will create additional interest to the existing front façade. In addition the proposed silos will be fully enclosed with a structure that has an overall height of 14 to 16.5 metres which is below the height of the existing factory building.

Whilst the proposal will operate on a 24 hour operation seven (7) days per week, it is considered satisfactory as the proposal demonstrates compliance with the Industrial Noise Policy.

Overall, the proposed development is considered to be satisfactory and is recommended to be approved subject to conditions.

RECOMMENDATION

1. That the application proposing a concrete batching plant associated with an existing precast concrete panel manufacturing facility, be approved subject to conditions as outlined in Attachment E of this report.