

JRPP No. 2014SYW008

Proposal: Use of the premises for the purpose of a E – Waste recycling facility (process 5,000 tonnes per annum) including the refurbishment of computers and storage of batteries.

Location: Lot 3 DP 203077, No. 73 Victoria Street, Smithfield

Owner: Bunnings Properties Pty Limited

Proponent: John Burke – MRI (Aust) Pty Limited

Capital Investment Value: \$nil

File No: DA 876.1/2013

Author: Liam Hawke, Senior Development Planner
Fairfield City Council

RECOMMENDATION

That the use of the premises for the purpose of a E – Waste recycling facility (process 5,000 tonnes per annum) including the refurbishment of computers and storage of batteries be approved for a trial period of twelve (12) months, subject to conditions as outlined in Attachment F of this report.

SUPPORTING DOCUMENTS

AT-A	Site and Architectural Plans	Pages 5
AT-B	Environmental Impact Statement and Addendum	Pages 308
AT-C	Environmental Management Plan	Pages 116
AT-D	Parking and Access Arrangement Report	Pages 4
AT-E	General Terms of Approval from EPA	Pages 8
AT-F	Draft Conditions of Consent	Pages 7

EXECUTIVE SUMMARY

Council is in receipt of Development No. 876.1/2013 which seeks approval for the use of the premises for the purpose of a E – Waste recycling facility (process 5,000 tonnes per annum) including the refurbishment of computers and storage of batteries. The purpose of the application is to formalise the existing use that is currently operating at the subject site.

The application is referred to the Sydney West Joint Regional Planning Panel for consideration pursuant to Schedule 4A of Environmental Planning and Assessment Act 1979 as waste management facilities that are defined as designated development

under clause 32 of Schedule 3 of the Regs are to be determined by the Joint Regional Planning Panel (JRPP).

The subject site is within the Zone IN1 General Industrial zone as stipulated within the Fairfield City Council Local Environmental Plan 2013. The proposal is permissible within the zone, subject to consent.

Whilst the proposal is permitted within the zone, Council must assess whether or not the site is considered to be suitable for the proposal. An initial site inspection revealed that the subject site was operating unsatisfactorily given that e-waste material was being stored outside the existing building within the car park area. Council raised concern that the storage of waste products outside of the building was inappropriate as it would have the potential to pollute water ways and obstruct designated onsite car parking spaces. Given this, Council raised concern that the site may not be considered suitable for the proposed development.

In response the applicant has undertaken additional steps in order to address this matter and improve the operation of the premises. The applicant has submitted a comprehensive Environmental Management Plan (EMP) in support of the application. This plan includes management practices, safeguards and measures in order to mitigate and minimise potential environmental impacts, which includes the following processes:

- External storage is limited to the rear of the premises and is contained/managed in order to prevent particles entering the stormwater system;
- Staff training;
- Reporting requirements;
- Complaints and incidents register;
- Emergency response plans; and
- Monitoring and inspection plans.

The external storage that is proposed at the rear of the premises includes Baled Plastic, Empty Cages, 2 x Covered General Waste Bins, 2 x Steel Recycling Bins, Sealed drums of unleaded glass and Cages containing television sets, flats screens and similar products under the rear awning. The external storage can be considered acceptable in this circumstance given the following:

- The storage is at the rear of the premises and therefore would unlikely detract from the streetscape;
- The applicant has demonstrated that car parking spaces within the rear area are not required in order to cater for the proposed facility;
- Turning circles have been submitted that demonstrate that heavy rigid vehicles can enter and exit the site in a forward direction; and
- A comprehensive environmental management plan has been submitted that demonstrates that the operation of the premises would unlikely result in an unreasonable impact on the environment.

Subsequent inspections have been conducted by Council staff to ascertain whether the operation of the premises has improved based on the issues raised previously. These inspections have indicated that the premises were operating in a more satisfactory manner at the time of inspection.

Given the above, subject to the operation of the site being undertaken in accordance with the submitted documentation and the operator continuing to manage the site in a more satisfactory manner, the site may be considered suitable. Notwithstanding this, it is considered appropriate in this circumstance that the proposal be approved for a trial period of twelve (12) months to ensure that the site is operating satisfactorily.

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, Traffic Section, 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 Environmental Protection Authority, Roads and Maritime Services 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.

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 2013 and the Fairfield City-Wide Development Control Plan 2013.

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 for a trial period of twelve (12) months.

SITE DESCRIPTION AND LOCALITY

The subject site is located at the southern side of Victoria Street, between O'Connell Street and Justin Street, as shown in Figure 1.



Figure 1 Site Location

The land is described as Lot 3 in DP 203077, No. 73 Victoria Street, Smithfield. The subject site has a frontage to Victoria Street of 60.35m metres, a frontage to O'Connell Street of 8.32 metres and a depth of 99.72 metres. The site has an overall area of 6197m².

The site consists of a large industrial building with a car parking area and landscaping located along Victoria Street and a secondary parking area accessed off (via an access handle) on O'Connell Street. The industrial building has vehicle access to both Victoria Street and O'Connell Street. The industrial building is currently operating as the proposed use.

The total gross leasable floor area of the existing building is 3564m².

The majority of on-site car parking is contained within the car park area (total of forty (40) spaces) off Victoria Street on the northern side of the Industrial building. However, in accordance with previous Development Approvals an additional car parking area (11

spaces) is provided off O'Connell Street on the south-western side of the building. In total there are 51 parking spaces located on the site.

A substation is located at the front of the site. The proposal does not involve any building works that affect the easement onsite.

The site does not contain any significant vegetation.

The immediate locality is industrial in nature and consists of single and two-storey industrial buildings. Development to the north, west and east of the site consists of industrial buildings. South of the site is a vacant site that is zoned IN1 General Industrial and has been approved for a Bunning's Warehouse. The site is serviced by Victoria Street which is a four (4) lane Arterial Road. A primary school and residential dwellings are located approximately 130m south of the site.

DEVELOPMENT HISTORY

Relevant approvals are outlined below:

- On 11 October 1993, Council granted to Development Consent No. 527/93 for 'New Factory Building'. The new factory comprised of two (2) industrial units. Relevant conditions are as follows:
 - Forty – eight (48) car parking spaces are provided onsite;
 - Landscaping was to be provided;
 - No semi – trailers are to be used in the servicing the operation of this development.
 - Deliveries are required to be made to the Victoria St entrance only.
 - Development consent for the use of the building was required and therefore there was no restriction imposed for the hours of operation.

The approved building had a GLA of 3050m², and the submitted plans indicated that no trucks were allowed to access the site from O'Connell Street.

- On 14 November 1994, Council granted Development Consent No. 705/94 for 'Tyre Retail & Mechanical Repairs' for Unit 1. Relevant conditions are:
 - Hours are 6:00am – 6:00pm Mon to Friday and 6:00am – 1:00pm Saturday;
 - All works and storage shall be contained wholly within the building.
- On 10 April 1995, Council granted Development Consent No. 709/94 for 'Whole sale of Tyres' for Unit 2. Relevant conditions are:
 - Hours are 6:00am – 6:00pm Mon to Friday and 6:00am – 1:00pm Saturday;
 - all works and storage shall be contained wholly within the building.

- On 10 July 1995, Council granted Development Consent No. 90/95 for two (2) double sided pylon signs and five (5) fascia signs.
- On 11 July 2007, Council granted Development Consent No. 575/2007 for 'Installation of five (5) signs comprising two (2) fascia signs, one (1) pole sign and two (2) existing freestanding signs proposed to be located on the two (2) existing freestanding sign panels'.
- On 12 December 2007, Council granted Modification Application No. 262/2007 for amendments to Development Consent No. 463.1/1993 in order to allow the use of the premises for one (1) truck on a twenty four (24) hour basis for the purpose of a holding yard.
- On 5 March 2007, Council granted Development Application No. 141/2007 for 'Additions to existing factory unit building and use of Unit 1 and 2 as a vehicle repair and vehicle body repair workshop'. This consent related to both Unit 1 and 2. Relevant conditions are as follows:
 - Fifty - one (51) car parking spaces are required to be provided onsite;
 - No articulated or heavy rigid vehicles shall be used for servicing the operation of the development.
 - Hours of Operation are Monday to Friday 6:30am – 5:00pm, Saturday 8:00am – noon and Sunday/Public Holiday closed.
 - All works and storage of goods shall be contained wholly within the building.

The approved building had a GLA of 3564m².

PROPOSAL

The application proposes the use of the premises for the purpose of an E – Waste recycling facility (process 5,000 tonnes per annum) including the refurbishment of computers and storage of batteries.

Specific details of the proposed development are as follows:

- The following materials will be recycled at the facility:
 - Cathode ray tubes;
 - Plasma and liquid crystal display monitors;
 - Range of telecommunication and electronic equipment; and
 - White goods

This equipment is disassembled, inspected and items separated for reuse or recovery of precious and base metals. Resources recovered include plastics, glass, ferrous and non-ferrous metals, printed circuit boards and wood. These

materials are either reused in Australia or are exported as raw materials overseas.

- Batteries will be sorted and stored at the site which includes Lithium Iron, Lithium Primary, Nickel Metal Hydride, Alkaline, Lead-Acid and Nickel Cadmium Batteries. The proposal only seeks the storage of batteries as they will be shipped to another facility in Victoria/overseas for recycling. Batteries are stored in a designated storage area that complies with the storage of Class 8 and 9 Dangerous Goods codes.
- Recycling and refurbishment of computers which involve the removal of data, testing, upgrading and cleaning for resale.
- Annual tonnage throughput is typically 3,500 to 5,000 tonnes per year. Quantity is typically 500-550 tonnes stored on the site at any one time.
- The proposed Hours of Operation are:

Monday to Friday:	6:00am – 11:00pm
Saturday:	8:00am – 4:00pm
Sunday/Public Holidays:	Closed

The operation of the premises will be undertaken in three (3) shifts which are as follows:

6:00am – 2:30pm:	15 operational staff
8:00am – 4:30pm:	7 operational staff
2:30pm – 11:00pm:	10 operational staff

Plus 8 full time office staff.

In this regard staff levels will vary from a maximum of 18 – 30 throughout the day.

- The application seeks to formalize (retrospectively approve) the existing use at the site and does not propose any building works;
- The proposal includes external storage at the rear of the premises (which will be located on eleven (11) car spaces) for the following:
 - Baled Plastic;
 - Empty Cages;
 - 2 x Covered General Waste Bins;
 - 2 x Steel Recycling Bins;
 - Sealed drums of unleaded glass; and
 - Cages containing television sets, flats screens and similar products under the rear awning.
- The proposal relies on forty (40) car parking spaces at the front of the site.

- The application does not propose any new additional advertising signage.
- The maximum number of trucks servicing the site are as follows:
 - 7 trucks via Victoria Street; and
 - 4 trucks via O'Connell Street.

The majority of trucks are heavy rigid vehicles however, semi – trailers do access the site (only via Victoria Street). All trucks accessing the site are from Victoria Street given that there are load limits along this section of The Horsley Drive. The majority of deliveries will occur between 9:00am – 3:00pm.

STATUTORY REQUIREMENTS APPLICABLE TO THE SITE

1. Fairfield Local Environmental Plan 2013

The subject site is zoned IN1 General Industrial under Fairfield LEP 2013. The purpose of the proposal is the use of the site as an E – Waste recycling facility. Accordingly, the proposal would be defined as a 'resource recovery facility' which is defined as follows:

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

The proposal is permissible within the zone subject to Council consent.

In addition, the proposal seeks to refurbish computers for the purpose of resale onsite. The applicant has indicated that this component of the business is minor (approximately 5%) and is conducted via the office at the front of the building. A showroom is located onsite that has a floor area of 118.65m² (approximately 3.3% of the total floor area). It is considered that this component is subservient to the principle operation at the site (which is for a recycling facility), however, the proposal is within the maximum floor area thresholds for Industrial retail outlets under Clause 5.4(4).

The objectives of the zone are as follows:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To ensure development is not likely to detrimentally affect the viability of any nearby business centre.*

It is considered that the proposed development as modified would be consistent with the above objectives of the IN1 General Industrial zone.

There are no other relevant clauses to the Application in Fairfield LEP 2013.

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

The development proposes a waste management facility that is an E – Waste recycling facility (process 5,000 tonnes per annum) including the refurbishment of computers and storage of batteries. The applicant has submitted an Environmental Impact Statement that indicates that the proposal is classified as designated development pursuant to Category 32 Waste management facilities or works under Environmental Planning and Assessment Regulation 2000, which is as follows:

(1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and:

(a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste:

(i) that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or

(ii) that comprises more than 100,000 tonnes of “clean fill” (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or

(iii) that comprises more than 1,000 tonnes per year of sludge or effluent, or

(iv) that comprises more than 200 tonnes per year of other waste material, or

(b) that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and:

(i) that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or

(ii) that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or

(iii) that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material, or

(c) that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or

(d) that are located:

(i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or

(ii) in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or

(iii) within a drinking water catchment, or

(iv) within a catchment of an estuary where the entrance to the sea is intermittently open, or

(v) on a floodplain, or

(vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority,

having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

Based on the above, it is considered that the proposal is defined as designated development given that Dangerous Goods are handled onsite (batteries) and the subject site is located within 130m of residential dwellings. 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.

Pursuant to Schedule 4A of Environmental Planning and Assessment Act 1979 waste management facilities that are defined as designated development under clause 32 of Schedule 3 of the Regs, are to be determined by the Joint Regional Planning Panel.

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 Environmental Protection Authority (EPA) under the Protection of the Environment Operations (POEO) Act 1997. In accordance with Schedule 1 of the POEO Act, the proposed development includes the following activity 'resource recovery' which involves having more than 200 kilograms of hazardous waste (batteries).

Subsequently, in accordance with the EP&A Act 1979 and the POEO Act 1997, the proposed development requires approval from EPA. The application was forwarded to the EPA on 20 December 2013. On 29 January 2014, EPA 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. State Environmental Planning Policy (Infrastructure) 2007

The following provisions in the SEPP are applicable:

Subdivision 2 Development in or adjacent to road corridors and road reservations

The proposed facility is located adjacent to Victoria Street and access to the facility is from this arterial road. Pursuant to Clause 101 Council must take into consideration the following:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) the design of the vehicular access to the land, or*

- (ii) the emission of smoke or dust from the development, or*
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

As stated above, the proposed facility seeks access from Victoria Street from an existing crossing. The applicant has submitted a Traffic Report in support of the application that includes a survey of existing vehicle movements. The report concludes that traffic generated by the development is considered to be minimal. In addition, the application was referred to Roads and Maritime Services who raised no objections to the application subject to conditions of consent.

Division 23 Waste or resource management facilities

Pursuant to Clause 121 (1) *‘Development for the purpose of waste or resource management facilities...may be carried out by any person with consent on land in a prescribed zone’*. The IN1 General Industrial zone is defined as a prescribed zone under the SEPP and therefore the proposal is permitted with Development Consent.

5. State Environmental Planning Policy No. 33 Hazardous and Offensive Development

State Environmental Planning Policy (SEPP) No 33: Hazardous and Offensive Development links the permissibility of a development proposal to its safety and environmental performance. Council’s Environmental Management Branch (EMB) has undertaken an assessment pursuant to the criteria under SEPP No. 33 and concludes that the proposal is not defined as ‘potentially hazardous or offensive industry’ and therefore a Preliminary Hazard Analysis is not required.

6. 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. The application is therefore considered to be satisfactory with respect to addressing the objectives and requirements of REP No. 2.

7. 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.

8. Fairfield City-Wide Development Control Plan 2013

The proposal has been assessed against the controls stipulated within the Fairfield City Wide DCP, 2013: Chapter 9 – Industrial Development, the table below provides a brief assessment summary against the relevant controls within this section of the DCP.

Criteria	Standard Required	Proposed	Complies
Site Dimensions	a) The minimum frontage to, The Horsley Drive, Victoria Street, Canley Vale Road extension, Walters Road and Bonnyrigg Avenue, Woodville Rd, Victoria Street, Hume Highway and Cumberland Highway is 60 metres. b) The minimum frontage to all other roads is to be 30 metres.	The subject land has a 60.35m frontage to Newton Road.	Yes
Setback	Victoria Street - 20 metres of which 10 metres is to be used for landscaping only. The remainder of the setback may be used for car parking purposes. O'Connell Street - The minimum building setback on corner allotments is to be	The proposal does not seek any building works and only for the use of the existing building. In this regard, the proposal is therefore considered satisfactory.	Yes

	5 metres to the secondary frontage. This entire setback is to be landscaped.		
Car Parking	For general design information on car parking requirements, access and vehicle arrangements, refer to Chapter 12 of this DCP.	Please see assessment below	Yes
Loading Facilities	A minimum of 1 dock for every 4,000sq.m GLA of bulky goods floor space or part thereof; plus 1 additional dock for every additional 4,000sq.m (or part thereof) provided on site. This could involve a complex of two or more units sharing a common dock area or where there is a stand alone bulky goods unit on a site, it shall be provided with its own loading dock.	The building will utilise existing loading bays	Yes
On – site manoeuvring	Adequate on-site manoeuvring is to be provided to enable a large rigid truck to enter and leave the site in a forward direction.	The applicant has submitted truck turning circles that demonstrate that a vehicle can enter and exit in a forward direction. A condition shall be imposed that restricts vehicles accessing the site via O'Connell Street to a maximum of a heavy rigid vehicle.	Yes
Vehicle Access	Vehicle access and driveways to properties should be at least 30 metres or as far as possible from an intersection with an Arterial Road, Zone 5(b), or Sub Arterial Road, Zone 5(c).	Existing access on classified road – referred to RMS who raised no objection	Yes
Pedestrian Movement	Pedestrian access through car parking areas should be clearly marked, and where possible emphasised by the use of raised and textured surfaces.	Pedestrians pathways in car park are provided	Yes

Splay Corner Setbacks and Road Widening	All corner lots at the intersections of public roads will be required to maintain a setback to the corner of the public road to improve site distances at intersections. In this splay corner setback no buildings, fences or other structures will be permitted. Landscaping will be restricted to lawn or low growing shrubs and other plant species. Splay corner setbacks will generally be required to be 6 metres x 6 metres	Not a corner site	Not applicable
Advertising Signage	<p>a) Total advertising area of up to 0.5 square metres for every metre of lineal street frontage is permitted. On corner allotments, the largest street frontage only can be used to calculate the advertising area allowed. This means that for a property with a frontage of 30 metres the total maximum advertising area for signs of any permitted kind will be 15 square metres of total advertising area.</p> <p>b) No single sign may be permitted to exceed an area of 30 square metres.</p> <p>c) Only one free standing commercial sign that identifies the name of the occupants and/or products manufactured on the site will be allowed. These signs must be contained wholly within the site.</p> <p>e) Freestanding commercial signs in Wetherill Park must be setback a minimum distance of one third of the building line setback. For example, if the building line is 20 metres from the road,</p>	<p>Pylon sign is existing and no signage is proposed.</p> <p>Notwithstanding, it is considered that the existing signage is in a poor condition. A condition shall be imposed that requires the signage to be upgraded or removed.</p>	Yes

	<p>then the sign must be setback at least 6.6 metres.</p> <p>f) For information about the type of signs permitted within the Fairfield City and the design specifications for those refer to Appendix "C" of this DCP.</p>		
Streetscape & Amenity	<p>Landscaping Open car parking areas should be landscaped to reduce the impact of hard paving. Established tall trees with wise spreading foliage provide desirable shade reducing the effects of heat.</p> <p>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.</p> <p>Hours of operation 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</p>	<p>Landscape setbacks are existing – there is scope to replant these strips as they have deteriorated significantly. A condition shall therefore be imposed that requires the revegetation of the existing landscape area.</p> <p>Building is existing</p> <p>Hours of operation 6:00am – 11:00pm Monday and Friday, Saturday 8:00am – 4:00pm and no work on Sunday. Noise assessment</p>	<p>Yes</p> <p>Yes</p> <p>Considered Satisfactory (see below)</p>

	and 7.00am to 12.00 noon on Saturdays.	submitted in EIS.	
--	---	-------------------	--

The above compliance table demonstrates that the application is considered satisfactory with the controls stipulated within Fairfield City Wide DCP, 2013: Chapter 9 – Industrial Development. An assessment of the application is provided below.

Hours of Operation

The proposed Hours of Operation are:

Monday to Friday: 6:00am – 11:00pm
Saturday: 8:00am – 4:00pm
Sunday/Public Holidays: Closed

The applicant has submitted an acoustic report which is located within the EIS which considered the impact of the proposal on the surrounding locality.

A primary school and residential dwellings are located approximately 130m south of the site. Council's Environmental Management Branch has assessed the noise impacts and raised no objection to the proposed hours of operation.

In addition to the above, the submitted Traffic Report indicates that the majority of delivery vehicles accessing the site occurs between 9:00am – 3:00pm and is conducted via Victoria Street (given the load restrictions on The Horsley Drive). Given this, it is considered unlikely that traffic noise generated from the proposal will impact the residential amenity south of the site. Notwithstanding, it is considered appropriate that a condition be imposed that restricts delivery vehicles in day light hours only.

The below table provides a brief assessment summary against the relevant controls stipulated within Chapter 12 Carparking of DCP 2013:

Criteria	Development Control	Proposed	Compliance
Chapter 12 Carparking, Vehicle and Access Management			
Resource Recovery Facility	To be determined by a car parking survey of a comparable facility	The applicant has provided a survey of the existing facility.	Considered Satisfactory (see below)

The proposal seeks to use the existing forty (40) car parking spaces located at the front of the site. The applicant has submitted a parking assessment report in support of the application in order to demonstrate that the existing facility has sufficient parking available for the proposal. The report includes a survey of the existing staff and parking demand. The survey concludes that 64% of day staff drives to work and there would be no more than five (5) visitors onsite at any one time. Based on the proposed staffing

levels the report concludes that the facility requires a maximum of 37 spaces (for both staff and expected visitor numbers) and therefore the forty (40) spaces are considered adequate. The application was referred to Council's Traffic Section who raised no objection to the proposed parking spaces provided onsite. In this regard, it is considered that the proposed number of parking spaces onsite is sufficient to cater for the proposal. Furthermore, it is important to note that the proposal does not seek to erect any permanent structures over the existing car parking spaces at the rear of the premises. In this regard, if the use ceases, then the existing premises can accommodate still 51 spaces as required under Development Consent No. 141/2007.

INTERNAL REFERRALS

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

Building Control Branch	No objection has been raised.
Development Engineering	No objection has been raised.
Environmental Management Branch (EMB)	EMB is satisfied with the information submitted and holds no objections to the proposal, subject to conditions of Consent.
Traffic Section	Traffic Section has reviewed the parking assessment and turning circles and raise no objection to the proposal, subject to 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.

Roads and Maritime Service (RMS)

The application is required to be referred to Roads and Maritime Services pursuant to State Environmental Planning Policy (Infrastructure) 2007 as recycling facilities are defined as Traffic Generating Development (Schedule 3 of the SEPP). RMS raised no objections subject to conditions of Consent.

Environmental Protection Authority (EPA)

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 EPA under the Protection of the Environment Operations (POEO) Act 1997.

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

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 6th February to Saturday 8th March 2014. 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 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 IN1 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*

Based on the information submitted it appears that the premises can be managed within the constraints of the site. Accordingly, it is considered that the site is suitable for the proposed development.

- (d) *any submissions made*

No submissions were received during the notification process.

(e) the public interest

Given the environmental benefits of recycling it is considered that the proposed development is in the public interest.

TOWN PLANNING ASSESSMENT

The subject site is within the Zone IN1 General Industrial zone as stipulated within the Fairfield City Council Local Environmental Plan 2013. The proposal is permissible within the zone, subject to consent.

Whilst the proposal is permitted within the zone, Council must assess whether or not the site is considered to be suitable for the proposal. An initial site inspection revealed that the subject site was operating unsatisfactorily given that e-waste material was being stored outside the existing building within the car park area. Council raised concern that the storage of waste products outside of the building was inappropriate as it would have the potential to pollute water ways and obstruct designated onsite car parking spaces. Given this, Council raised concern that the site may not be considered suitable for the proposed development.

In response the applicant has undertaken additional steps in order to address this matter and improve the operation of the premises. The applicant has submitted a comprehensive Environmental Management Plan (EMP) in support of the application. This plan includes management practices, safeguards and measures in order to mitigate and minimise potential environmental impacts, which includes the following processes:

- External storage is limited to the rear of the premises and is contained/managed in order to prevent particles entering the stormwater system;
- Staff training;
- Reporting requirements;
- Complaints and incidents register;
- Emergency response plans; and
- Monitoring and inspection plans.

The external storage that is proposed at the rear of the premises includes Baled Plastic, Empty Cages, 2 x Covered General Waste Bins, 2 x Steel Recycling Bins, Sealed drums of unleaded glass and Cages containing television sets, flats screens and similar products under the rear awning. The external storage can be considered acceptable in this circumstance given the following:

- The storage is at the rear of the premises and therefore would unlikely detract from the streetscape;
- The applicant has demonstrated that car parking spaces within the rear area are not required in order to cater for the proposed facility;
- Turning circles have been submitted that demonstrate that heavy rigid vehicles can enter and exit the site in a forward direction; and
- A comprehensive environmental management plan has been submitted that demonstrates that the operation of the premises would unlikely result in an unreasonable impact on the environment.

Subsequent inspections have been conducted by Council staff to ascertain whether the operation of the premises has improved based on the issues raised previously. These inspections have indicated that the premises were operating in a more satisfactory manner at the time of inspection.

Given the above, subject to the operation of the site being undertaken in accordance with the submitted documentation and the operator continuing to manage the site in a more satisfactory manner, the site may be considered suitable. Notwithstanding this, it is considered appropriate in this circumstance that the proposal be approved for a trial period of twelve (12) months to ensure that the site is operating satisfactorily.

Furthermore, based on the submitted documentation it is considered that the proposed hours of operation will unlikely impact the amenity of the residential dwellings south of the site.

Overall, the proposed development is considered to be satisfactory and is recommended to be approved for a trial period of twelve (12) months, subject to conditions.

SECTION 94 AND SECTION 94A

It is considered that there are no Section 94 Contributions are required to be paid as part of this development. In addition, the s.94A Levy also does not apply as the cost of works is less than \$100,000.

CONCLUSION

The subject site is within the Zone IN1 General Industrial zone as stipulated within the Fairfield City Council Local Environmental Plan 2013. The proposal is permissible within the zone, subject to consent.

This assessment of the application has considered all relevant requirements of s79C of the Act and finds that there would be no significant adverse or unreasonable impacts associated with the development on the locality.

The application was referred to Council's Building Control Branch, Traffic Section, 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 Environmental Protection Authority, Roads and Maritime Services 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.

Accordingly, it is recommended that the application be approved for a trial period of twelve months, subject to conditions outlined in Attachment F of this report.

RECOMMENDATION

1. That the use of the premises for the purpose of a E – Waste recycling facility (process 5,000 tonnes per annum) including the refurbishment of computers and storage of batteries be approved for a trial period of twelve (12) months, subject to conditions as outlined in Attachment F of this report.