

Proposal: Fit out and use of an existing industrial building as a mattress deconstruction facility and the formation of additional car parking spaces.

Location: No. 29 Chifley Street, Smithfield – Lot 11 DP 805091

Owner: Mr. N A Finocchiaro

Applicant: TIC Pty. Ltd.

Capital Investment Value: NA

File No: DA 266.1/2017

Author: Robert Walker, Senior Development Planner, Fairfield City Council

RECOMMENDATION

1. That Development Application No. 266.1/2017, for the fit out and use of an existing industrial building as a mattress deconstruction facility and the formation of additional car parking spaces, at No. 29 Chifley Street, Smithfield, be approved, subject to the draft conditions contained within Attachment K.
2. That the person who made the submission be notified of the determination, pursuant to Clause 81 (1) (b) and Clause 81 (3) of the Environmental Planning and Assessment Act 1979.

SUPPORTING DOCUMENTS

AT-A Architectural Plans
AT-B Environmental Impact Statement
AT-C Flood Management Plan
AT-D Waste Management Plan
AT-E Fire Risk Management and Contamination Strategy
AT-F Air Quality Impact Assessment
AT-G Acoustic Assessment Report
AT-H Company Fact Sheet
AT-I Legal Advice provided on behalf of the applicant
AT-J Submission
AT-K Draft Conditions of Consent

EXECUTIVE SUMMARY

Council is in receipt of Development No. 266.1/2017 (SWCPP Reference No. 2017SYW047), which seeks Development Consent for the fit out and use of an existing industrial building as a mattress deconstruction facility and the formation of additional car parking spaces, at 29 Chifley Street, Smithfield.

The application is referred to the Sydney Western City Planning Panel for determination, as pursuant to Clause 8 of Schedule 4A of the Environmental Planning and Assessment Act 1979, waste management facilities or works that are located on a floodplain, are defined as Designated Development under Clause 32 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000, are to be determined by a Regional Panel.

The Sydney South West Planning Panel were briefed on the application on 11 September 2017 and subsequently amendments have been made to the proposal in terms of the proposed hours of operation and the provision of car parking, while additional information has been provided in relation to other activities / uses on the allotment and dust management practises.

The proposed facility involves the deconstruction of up to 4,200 tonnes of mattresses per year. It is anticipated that the operation will recover approximately 3,000 tonnes per year of steel and foam for recycling, and recover approximately 1,200 tonnes per year of textile material which is to be used as a fuel source.

The subject site is zoned 'IN1 – General Industrial' under the provisions of the Fairfield Local Environmental Plan 2013. The proposed development is permissible within the zone and considered to meet the objectives of zone.

The application was notified and advertised in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and the requirements of the Fairfield Citywide Development Control Plan 2013. One (1) submission was received. The issues raised within the submission has been considered and does not warrant refusal of the Application.

The application was referred to Council's Building Control Branch, Development Engineer, Coordinator Environmental Management and Traffic Engineer, along with the Department of Planning and Environment and the Roads and Maritime Services, for comment. The proposal was deemed acceptable, subject to conditions which have been included within the recommendation.

A merit assessment of the application indicates that the proposal is considered to be suitable for the subject site, provided the recommendations made within the accompanying documentation are implemented and the recommended conditions are satisfied.

SITE DESCRIPTION AND LOCALITY

The application relates to the use of a portion of the property known as No. 29 Chifley Street Smithfield, being a single allotment (Lot 11 DP 805091). The site is generally rectangular in shape and is approximately 1.34ha in area, with a frontage of approximately 95.8m to Chifley Street.

In its existing state, the allotment comprises of an industrial / warehouse type building located in the north-eastern corner and a two (2) storey office building in the south-western corner, with a car parking area in between. Access to the site is from Chifley Street, via a driveway in the central section of the frontage and via a Right of Way

(benefiting the subject site over adjoining land) corresponding with the eastern lot boundary.

The application relates to the use of the existing industrial / warehouse type building, and the adjacent land for access and car parking purposes.

The site is situated within the Smithfield Industrial Precinct, within the 'IN1 – General Industrial' zone. The entire allotment is affected by 'low risk mainstream flooding' and accordingly is 'located on a floodplain'. The north of the site is immediately adjoined by a similar industrial / warehouse type building, to the east is a logistics facility, to the south located on the opposite side of Chifley Street are warehousing and industrial facilities, and to the west the site also adjoins warehousing, industrial and a heavy vehicle repair station.

DEVELOPMENT / SITE HISTORY

Council records indicate that the following applications / approvals have been made / issued, in relation to the site, which are of relevance to the subject application.

- On 10 May 1968, Council issued Interim Development Consent, for the establishment of a furniture manufacturing factory, with associated office and amenity buildings.
- On 18 July 1968, Council approved, the erection of factory, office and showroom buildings.
- On 30 January 1973, Council approved a Development Application, for a factory building containing two (2) factory units.
- On 31 May 1990, Council approved a Development Application No. 257/90, for the storage and warehousing, of detergents and sanitary products.
- On 23 July 1991, Council approved a Development Application No. 856/90, for the manufacture and storage, of cleaning and sanitising products.
- On 12 August 2003, Council approved a Development Application No. 890/2003, for alterations and additions to existing industrial premises.

Council records indicate, that up until recently the existing industrial / warehouse type building (being the building to which the application relates) was used and occupied in conjunction with the office building in the south-western corner of the allotment, in relation to a detergent / sanitary / cleaning product type operation.

PROPOSAL

The application summarises that the proposal specifically involves the following:

- Internal fit out of the existing industrial building.

- Formation of 10 additional car parking spaces, with the provision of a total of 26 spaces for the proposed use.
- Use: Resource recovery facility. Deconstruction of mattresses – 4,200 tonnes per year. The facility will avoid approximately 105,000m³ of landfill each year, by recovering approximately 3,000 tonnes per year of steel and foam for recycling and recovering approximately 1,200 tonnes per year of textile material to be used as a fuel source at a locally based energy company. The accompanying Waste Management Plan estimates that there will be 3 tonnes per year of material (predominately of dust) to landfill.
- A maximum of 10 staff on site at any time.
- Hours of Operation: Mondays to Fridays, 7am to 5pm.
- Vehicle movements: 10 trucks will be used to carry collected mattresses and deliver them to the site. It is anticipated that the trucks will arrive on site between 1pm and 4pm.

STATUTORY REQUIREMENTS APPLICABLE TO THE APPLICATION

The applicant has submitted an Environmental Impact Statement that indicates that the proposal is classified as Designated Development pursuant to Clause 32 (waste management facilities or works) of Schedule 3 of the Environmental Planning and Assessment Regulation 2000, which states 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 the proposal relates to a waste management facility / works that recover material from waste, upon a site that is located on a floodplain. Furthermore in this regard, pursuant to Clause 8 of Schedule 4A of the Environmental Planning and Assessment Act 1979, waste management facilities or works, that are defined as Designated Development under Clause 32 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000, are to be determined by a Regional Panel (the Sydney Western City Planning Panel).

The application has been assessed in accordance with the heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following, has been identified for consideration.

1. State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The proposal does not constitute a ‘potentially hazardous industry’, a ‘potentially offensive industry’, a ‘hazardous industry’, a ‘hazardous storage establishment’, an ‘offensive industry’ or an ‘offensive storage establishment’. Accordingly, no further consideration needs to be given under the provisions of State Environmental Planning Policy No. 33.

2. State Environmental Planning Policy No. 55 – Remediation of Land

Pursuant to Clause 7 of State Environmental Planning Policy No. 55, a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Given the site will continue to be used for resource recovery type purposes, existing site conditions are considered to be suitable and no further investigation is required.

3. State Environmental Planning Policy (Infrastructure) 2007

The subject site is zoned 'IN1 – General Industrial' under the provisions of the Fairfield Local Environmental Plan 2013. Pursuant to Clause 120 of State Environmental Planning Policy (Infrastructure) 2007, the 'IN1 – General Industrial' zone is a 'prescribed zone'.

The proposed development is defined as a 'resource recovery facility', being a 'waste or resource management facility'. Pursuant to Clause 121 of State Environmental Planning Policy (Infrastructure) 2007, development for the purposes of a 'waste or resource management facility', *may be carried out by any person with consent on land in a prescribed zone.*

Consequently the proposal satisfies the provisions of Division 23 of Part 3 of State Environmental Planning Policy (Infrastructure) 2007.

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

The proposal does not conflict with any of the provisions of the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, and is therefore considered acceptable in this regard.

5. Fairfield Local Environmental Plan 2013

The subject site is zoned 'IN1 – General Industrial' under the provisions of the Fairfield Local Environmental Plan 2013. The proposed development is defined as a 'resource recovery facility', which is a permissible use within the 'IN1 – General Industrial' zone.

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.*

The proposed development is considered to meet the objectives of the 'IN1 – General Industrial' zone.

Consequently the proposal satisfies the provisions of Part 2 of the Fairfield Local Environmental Plan 2013.

The following compliance table, details the assessment of the proposal in accordance with the relevant requirements of the Fairfield Local Environmental Plan 2013.

Clause	Control	Requirement	Proposed	Compliance
4.3 (2)	Height of Buildings	The Height of Buildings Map does not apply to the site.		NA
4.4 (2)	Floor Space	The Floor Space Ratio Map does not apply to the site.		NA

	Ratio			
5.9 (3)	Preservation of Trees or Vegetation	Development Consent is required to ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation.	The proposal does not impact upon any trees.	NA
6.5 (3)	Terrestrial Biodiversity	Before determining a development application for development on land to which this clause applies, the consent authority must consider: (a) whether the development is likely to have: (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and (iv) any adverse impact on the habitat elements providing connectivity on the land, and (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		NA
6.5 (4)	Terrestrial Biodiversity	Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that: (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.		NA
6.6 (3)	Riparian Land and Watercourses	Before determining a development application for development on land to which this clause applies, the consent authority must consider: (a) whether or not the development is likely to have any adverse impact on the following: (i) the water quality and flows within the watercourse, (ii) aquatic and riparian species, habitats and ecosystems of the watercourse, (iii) the stability of the bed and banks of the watercourse, (iv) the free passage of fish and other aquatic organisms within or along the watercourse, (v) any future rehabilitation of the watercourse and riparian areas, and (b) whether or not the development is likely to increase water extraction from the watercourse, and (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		NA
6.6 (4)	Riparian Land and Watercourses	Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that: (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.		NA
6.9	Essential Services	Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them	All relevant services are available to the site.	Yes

		available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.		
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6. Fairfield Citywide Development Control Plan 2013

The following compliance table, details the assessment of the proposal, in accordance with the relevant requirement contained within Chapter 9 and Chapter 12 of the Fairfield Citywide Development Control Plan 2013.

Section	Control	Requirement	Proposed	Compliance
9.2.2 (a) & 12.1.1 (a)	Car Parking Rates	The minimum number of car parking spaces required for a 'Resource Recovery Facility', is to be determined by a car parking survey of a comparable facility.	10 additional car parking spaces are proposed, with access provided to 16 other spaces. This equates to access to a total of 26 spaces for the facility.	As previously outlined, the proposal involves a maximum of 10 staff on site at any time. Accordingly, the provision of 26 car parking spaces is considered to be ample. Furthermore, a condition has been included within the recommendation, limiting staff on site to 10 at any time.
9.2.3 (a)	Loading Facilities	To ensure new development does not adversely intrude on pedestrian and vehicle amenity, applicants will need to demonstrate that loading for their activity can either be carried out, on-site without interfering with the efficient operation of the premises (including its car park) or gain access to an on-street loading zone at the front or side of their premises.	The application has been accompanied by swept paths detailing that delivery vehicles will be able to leave and re-enter the street in a forward direction, without interfering with the efficient operation of the site or surrounding properties.	Yes. Furthermore, a condition has been included within the recommendation, requiring all vehicles to enter and exit the site in a forward direction.
9.3	Advertising Signage		The application does not involve any signage.	NA
9.4.4 (a)	Hours of Operation	Where industrial properties are within 500m of residential properties, industrial operating hours will generally be restricted within the range of 7am to 6pm Monday to Friday and 7am to 12 noon on Saturdays, with no operations on Sundays.	Mondays to Fridays between 7am and 5pm.	Yes

INTERNAL REFERRALS

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

Section / Officer	Comments
Building Control Branch	No concern was raised, subject to the inclusion of conditions which have been included within the recommendation.

Development Engineer	No concern was raised, subject to the inclusion of conditions which have been included within the recommendation.
Coordinator Environmental Management	No concern was raised, subject to the inclusion of conditions which have been included within the recommendation.
Traffic Engineer	Subsequent amendments have been made to the proposal, following concern being raised to the car parking arrangements, which are considered to be satisfactory in this regard. Accordingly, conditions have been included within the recommendation.

EXTERNAL REFERRALS

During the assessment process, comments were sought from external bodies, as detailed below:

Section / Officer	Comments
Roads and Maritime Services	No concerns were raised.

PUBLIC NOTIFICATION

The application was notified to adjoining / adjacent property owners and occupiers, a notice was displayed on the site and advertised (i.e. a notice published in a local newspaper), in accordance with the 'Public Participation – Designated Development' provisions of Section 79 of the Environmental Planning and Assessment Act 1979, and the requirements of Appendix B of the Fairfield Citywide Development Control Plan 2013 (from 7 June 2017 until 8 July 2017). One (1) submission was received. Following is a summary of the concerns raised and comments provided in response.

- Potential parking along / within the adjoining Right of Way

As previously outlined, the site benefits from a Right of Way over adjoining land. Given that the proposed operations involve a maximum of 10 staff on site at any time and that the proposal provides 26 car parking spaces, it is considered unlikely that users of the facility would be likely to have the need or desire to park within the adjoining Right of Way. Furthermore in this regard, it is noted that the terms of the Right of Way do not provide for users of the subject site to park within the Right of Way. Notwithstanding this, a condition has been included within the recommendation, advising that users of the premises are not to park within the adjoining Right of Way.

- Potential noise pollution

The application is supported by an Acoustic Report which concludes that the proposed operations can be undertaken with no adverse acoustic impacts on surrounding premises. Accordingly, given this and the location of the premises within an established industrial area, it is considered that the proposal is satisfactory in this regard. Moreover, conditions have been included within the recommendation, in relation to adhering to the

recommendations made within the Acoustic Report and satisfying the provisions of the Protection of the Environment Operations Act 1997.

- Potential air pollution

The application is supported by a Waste Management Plan which outlines that:

- The facility is to utilise a sophisticated extraction system to capture dust being generated in the dismantling process and to reduce the risk of worker exposure to dust and particulate matter.
- Extraction hoods are located in the key operational areas including in the dissection unit and shredding area with curtains, skirting and aprons employed where needed to ensure no spillage or escape of material.
- Enclosed ducting moves any material through the facility to the baghouse from where the material is deposited into a wheelie bin that is curtained to ensure no material escapes.

Accordingly, given this and the location of the premises within an established industrial area, it is considered that the proposal is satisfactory in this regard. Moreover, conditions have been included within the recommendation, in relation to adhering to the Waste Management Plan and satisfying the provisions of the Protection of the Environment Operations Act 1997.

It is noted, that pursuant to Clause 80 (9) of the Environmental Planning and Assessment Act 1979, the submission was forwarded to the Department of Planning and Environment. In response to this, the Department of Planning and Environment advised, that the submission was reviewed and that the issues raised within were not of any State or regional significance. Accordingly, the application can be progressed to determination.

SECTION 79C CONSIDERATIONS

In determining a Development Application consideration must be given to the matters referred to within Section 79C (1) of the Environmental Planning and Assessment Act 1979, being:

(a) (i) the provisions of any environmental planning instrument.

As outlined earlier, consideration has been given to the following Environmental Planning Instruments, which were identified as being of relevance to the proposal:

- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Fairfield Local Environmental Plan 2013.

(a) (ii) the provisions of 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.

There are no Draft Environmental Planning Instruments of relevance which apply to the site.

(a) (iii) the provisions of any development control plan.

As outlined earlier, consideration has been given to the Fairfield Citywide Development Control Plan 2013.

(a) (iiia) the provisions of 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.

There are no Planning Agreements or Draft Planning Agreements which apply to the site.

(a) (iv) the provisions of the regulations.

As outlined earlier, consideration has been given to the applicable provisions of the Environmental Planning and Assessment Regulation 2000, including:

- Division 5 of Part 6 (Public Participation – Designated Development)
- Schedule 3 (Designated Development)

(a) (v) the provisions of any coastal zone management plan.

Not applicable

(b) the likely impacts of that 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 an unreasonable environmental impact.

(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

Submissions made to the development by way of objection have been considered and do not raise issues of such magnitude as would warrant the refusal of the Application.

(e) the public interest

Having regard to the overall assessment, the proposed development is considered to be in the public interest and warrants approval.

TOWN PLANNING ASSESSMENT

In addition to the relevant aforementioned provisions and requirements, including those contained within the Fairfield Local Environmental Plan 2013 and the Fairfield Citywide Development Control Plan 2013, the other key planning considerations with the application relate to noise, waste and dust management, car parking, transport, access and traffic, social and economic impacts and other activities / uses on the allotment. The following provides a detailed discussion in relation to these matters.

Noise

The application is supported by an Acoustic Report which concludes that the proposed operations can be undertaken with no adverse acoustic impacts on surrounding premises. Moreover, conditions have been included within the recommendation, in relation to adhering to the recommendations made within the Acoustic Report and satisfying the provisions of the Protection of the Environment Operations Act 1997.

Waste management, including dust management

As previously outlined, the proposed operations involve the deconstruction of approximately 4,200 tonnes of mattresses per year. The application is supported by a Waste Management Plan which details that the facility will avoid approximately 105,000m³ of landfill each year, by recovering approximately 3,000 tonnes per year of steel and foam for recycling and recovering approximately 1,200 tonnes per year of textile material to be used as a fuel source at a locally based energy company. The Waste Management Plan estimates that there will be approximately 3 tonnes per year of material (predominately of dust) which will need to be disposed of to landfill.

The Waste Management Plan outlines that:

- The facility is to utilise a sophisticated extraction system to capture dust being generated in the dismantling process and to reduce the risk of worker exposure to dust and particulate matter.
- Extraction hoods are located in the key operational areas including in the dissection unit and shredding area with curtains, skirting and aprons employed where needed to ensure no spillage or escape of material.
- Enclosed ducting moves any material through the facility to the baghouse from where the material is deposited into a wheelie bin that is curtained to ensure no material escapes.

Given this, it is considered that the proposal provides for an overall environmental benefit, particularly from a waste management perspective. Moreover, conditions have been included within the recommendation, in relation to adhering to the Waste Management Plan and satisfying the provisions of the Protection of the Environment Operations Act 1997.

Subsequent to a request to the applicant for the provision of additional information,

further information was provided (i.e. in an amended Waste Management Plan) in relation to dust management practises and Safe Work Procedures. Moreover, a condition has been included within the recommendation, in relation to the adherence of all WorkCover obligations.

Car parking

The proposal involves the formation of 10 additional car parking spaces and provision of access to a total of 26 spaces for the facility. Moreover, a review of the proposed car parking layout indicates that the proposed parking layout can satisfy Australian Standard 2890. Given this and that proposed operations involve a maximum of 10 staff on site at any one time, it is considered that the proposal is satisfactory in this regard. Furthermore, a condition has been included within the recommendation, requiring the car parking layout satisfying Australian Standard 2890 and for unimpeded access to be provided to all spaces.

Transport, access and traffic

The application details that the proposed operations are likely to generate 10 truck deliveries each day. The application outlines, that the trucks will carry collected mattresses and deliver them to the site for processing, and that it is anticipated that they will arrive on site between 1pm and 4pm.

In relation to the collection of recovered resources (i.e. the steel, foam and textile material), the application details that the proposed operations are likely to generate three (3) hook bin type truck collections each day.

As previously outlined, access to the site is from Chifley Street, via a driveway in the central section of the frontage and via a Right of Way (benefiting the subject site over adjoining land) corresponding with the eastern lot boundary. Heavy vehicle access is to be via the Right of Way and the application has been accompanied by swept paths which indicate that heavy rigid vehicles (12.5m truck length) are able to satisfactory manoeuvre / access both loading bay areas.

Given the likely heavy vehicle movements, the access areas provided, the likely traffic movements associated with a maximum of 10 staff on site at any time and the attributes of the surrounding roads, it is considered that the proposal is satisfactory from a transport, access and traffic generation perspective. Furthermore, conditions have been included within the recommendation, in relation to maximum truck types, and that all vehicles are to leave and re-enter the street in a forward direction.

Built form

The proposal does not involve any external building works.

Social and economic impacts

The recycling and subsequent reuse of up to 4,200 tonnes per year of recovered resources, consisting of steel, foam and textile material, provides social and economic benefits. The facility will employ staff both directly (i.e. in the deconstruction and sorting process) and indirectly (i.e. the transportation element).

Other activities / uses on the allotment

As previously outlined, the allotment contains an industrial / warehouse type building in the north-eastern corner and a two (2) storey office building in the south-western corner. Council records indicate, that up until recently the existing industrial / warehouse type building (being the building to which the application relates) was used and occupied in conjunction with the office building in the south-western corner, in relation to a detergent / sanitary / cleaning product type operation. In recent years the industrial / warehouse type building was vacated by the detergent / sanitary / cleaning product type operation, however they have continued to use and occupy the office building.

While the application only relates to a portion of the allotment (not including the office building in the south-western corner), during the assessment of the subject application concern was raised with the aforementioned arrangement and the consequences of the proposal upon the ability for the office building to be used / occupied appropriately.

In response to the concern being raised, Legal Advice was provided on behalf of the applicant. The Legal Advice outlined that, the use of the office building is not relevant to the subject application and there are other means to prevent an unlawful use.

The applicant's Legal Advice has been reviewed on behalf of Council by a Solicitor, who recommended, that in order to make it clear that any approval of the subject Development Application does not apply to or authorise any use of the office building, that a condition be imposed upon any approval, specifying that such does not authorise or permit the use of the office building for any purpose. Accordingly, such a condition has been included within the recommendation.

Furthermore, it is noted that in order to ensure that the office building is used / occupied appropriately (having regard to the 'IN1 – General Industrial' zoning and prevailing Development Consent), that further investigation / action will need to be undertaken by Council's Fire and Building Regulation Branch, if the subject application is approved.

DEVELOPER CONTRIBUTIONS

Developer Contributions are not applicable pursuant to the provisions of the Fairfield City Council Direct (Section 94) Development Contributions Plan 2011, nor the Fairfield City Council Indirect (Section 94A) Development Contributions Plan 2011.

CONCLUSION

Having regard to the assessment of the application, the proposed development can be summarised as follows:

1. The subject site is zoned 'IN1 – General Industrial' under the provisions of the Fairfield Local Environmental Plan 2013. The proposed development is defined as a 'resource recovery facility' which is permissible within the zone.

2. The proposed development is considered to meet the objectives of the 'IN1 – General Industrial' zone.
3. The proposed development satisfactory address key planning considerations, such is in relation to, noise, waste and dust management, car parking, transport, access and traffic, social and economic impacts and other activities / uses on the allotment.
4. The assessment has concluded that there would be no significant adverse or unreasonable impacts associated with the development on the locality.
5. The issues raised within the submission received have been considered as part of the assessment and despite the concerns raised, it is considered that these issues do not warrant refusal of the Application.

Based on an assessment of the Application, notwithstanding the objection received, the Application is considered to be acceptable, and accordingly it is recommended that the Application be approved, subject to the conditions contained within Attachment K to this report.

RECOMMENDATION

1. That Development Application No. 266.1/2017, for the fit out and use of an existing industrial building as a mattress deconstruction facility and the formation of additional car parking spaces, at No. 29 Chifley Street, Smithfield, be approved, subject to the draft conditions contained within Attachment K.
2. That the person who made the submission be notified of the determination, pursuant to Clause 81 (1) (b) and Clause 81 (3) of the Environmental Planning and Assessment Act 1979.