

## SWCPP No. 2017SSW048

**Proposal:** Demolition of existing structures and construction of an industrial building, including the construction of two (2) weighbridges and associated car parking and landscaping, to be used for the purpose of a resource recovery facility processing up to 25 000 tonnes of construction and demolition waste per year, to be operated on a 24-hour basis, seven days a week.

**Location:** Lot 1 DP 777596 No. 177 Newton Road, Wetherill Park

**Applicant:** Habib Family Group Pty Ltd

**Cost of Works:** \$3, 552, 000

**File No:** DA 382.1/2017

**Author:** Hayley Tasdarian, Senior Development Planner  
Fairfield City Council

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### RECOMMENDATION

That the demolition of existing structures and construction of an industrial building, construction of two (2) weighbridges with associated car parking including landscaping for the purpose of a resource recovery facility processing up to 25 000 tonnes of construction and demolition waste per year, to be operated 24hours seven days a week be approved, subject to conditions as outlined in Attachment G of this report.

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### SUPPORTING DOCUMENTS

<b>AT-A</b>	Site and Architectural Plans	Pages 17
<b>AT-B</b>	Environmental Impact Statement	Pages 66
<b>AT-C</b>	Traffic and Parking Assessment Report	Pages 20
<b>AT-D</b>	Addendum to Traffic and Parking Assessment Report	Pages 3
<b>AT-E</b>	NSW Environment Protection Authority - General terms of Approval	Pages 9
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### EXECUTIVE SUMMARY

Council is in receipt of Development No. 382.1/2017 which seeks approval for the demolition of an existing warehouse building and construction of an industrial building, including the construction of two (2) weighbridges and associated car parking and landscaping, to be used for the purpose of a resource recovery facility processing up to 25 000 tonnes of construction and demolition waste per year, to be operated on a 24-hour basis, seven days a week.

The development is defined as Designated Development under Schedule 3 of the Environmental Planning and Assessment Act, 1979 - Regulations.

The application is referred to the Sydney Western City Planning Panel for consideration pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 as waste management facilities that are defined as designated development under clause 32 of Schedule 3 of the EP&A Regulations 2000 are to be determined by the Sydney Western City Planning Panel (SWCPP).

The development is defined as Integrated Development under the provisions of Section 4.46 (formerly Section 91) of the Environmental Planning and Assessment Act, 1979. Accordingly, the development also requires the approval of NSW Environment Protection Authority (EPA) under Sections 43(a), 47 and 55 of the Protection of the Environment Operations Act 1997. General Terms of Approval have been issued by the EPA.

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.

The proposed facility will recover a number of resource materials from waste, including soil, glass, masonry, tiles and bricks, which will be separated, crushed and screened and sorted into stockpiles to be sent off site for further processing and re-use. Some of the material will include general (non-putrescible) waste which will be sent to a waste disposal facility as well as recyclable waste which will be sent off site for further processing at recycling facilities.

The subject development is proposed to operate 24 hours a day, 7 days a week and a maximum of 24 staff members will be on site at any one time.

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 assessment of the application raised concern that the subject site could not accommodate the largest vehicle proposed to service the proposed development. The submitted traffic and Parking assessment Report indicated that three types of trucks would be used to service the site including 11 metre rigid trucks, 17 metre and 19 metre dog-trailers. Council's Traffic Engineer assessed the submitted swept path diagrams and advised that the width of the existing driveways was insufficient to accommodate the left turn exit manoeuvre for the 19 metre dog-trailer from the site. The submitted diagrams demonstrated that the swept path for a 19 metre dog-trailer would require the vehicle to mount the kerb of the driveway and obstruct the adjoining on-street car parking space located to the east of the driveway.

In response, the applicant submitted an addendum to the Traffic and Parking assessment Report stating that 19 metre trucks are no longer proposed to service the site. Council's Traffic Engineer has assessed the amended application and has raised no concern in relation to on-site manoeuvring for the 11 metre and 17 metre service vehicles. A condition has been included within the draft conditions of consent restricting the largest vehicle to service the site to a maximum length of 17 metres.

In addition, concern was raised in relation to site access and the ability of the existing driveways to accommodate and withstand the loads of the proposed service vehicles. Given that the subject site is a battle-axe allotment there are two access handles which

form part of the subject property that provide vehicular access to the site. A right of way currently exists over both of these access handles as well as the driveway located along the southern property boundary that benefits the southern adjoining properties (No. 179 and 181 Newton Road) that permits one-way traffic flow through the site. All entries are made via the western most access handle and all exits are made via the eastern most access handle.

A Site inspection by Council's Development Engineer revealed that parts of the existing driveways are currently damaged and not adequately sealed. A number of potholes were observed that are required to be remediated. Notwithstanding this, Council's Development Engineer has advised that the existing driveways are sufficient and are of a standard that can accommodate the proposed service vehicles and loads. Accordingly, a condition will be imposed that requiring the owner of the subject property to repair any damage located within the right of way areas to ensure that driveways are adequately sealed. Further, Council's Development Engineer raised no concerns in relation to potential conflicts between the subject use and the southern adjoining properties utilising the driveway given that sufficient aisle width is available for vehicles to pass each other if required.

Having regard to the above, it is considered that the subject site is suitable to accommodate the proposed development and is therefore considered acceptable in these circumstances.

The proposal does not breach any development standards in Fairfield LEP 2013.

A total of sixteen (16) car parking spaces are provided on site. In accordance with Chapter 12 – Car Parking, Vehicle and Access Management, a Parking survey is required to be submitted for waste facilities to determine the number of parking spaces required to accommodate the development. A Traffic and Parking Study was submitted which indicates that the parking demand of the proposed development is generated only by staff members travelling to the site. Given that there will be a maximum of 12 employees; the report concludes that the car spaces provided on site are sufficient to accommodate the proposed development, based on the number of staff members to be on site at any one time.

An Air Quality Impact Assessment Report was submitted in support of the application and reviewed by Council's Environmental Management Section who raised no concerns in relation to potential air pollution generated by the proposed resource recovery facility. Council's Environmental Health Officer advised that the proposed sorting and crushing procedures will be contained within the confines of the subject building and dust suppression measures have been implemented to minimise the emission of air pollution, including dust from the site.

A Stage 1 Environmental Site Assessment (ESA) has been prepared and accompanies the development application. The ESA concludes that the site is suitable for the intended land use and that land contamination is not a significant issue. The ESA makes certain recommendations with respect to demolition and subsequent development. These recommendations can be covered as conditions of development consent.

The visual impact of the proposed building on the surrounding locality, including Prospect Reservoir is not considered to be significant given the height and scale of

surrounding industrial development. It is considered that the proposal is acceptable in the context of its setting and that the colour scheme used for the facade of the building is sympathetic to the surrounding development and will not adversely impact Prospect Reservoir given that it is located 400 metres from the subject site. In addition to this, the application has been referred to Sydney Water who has raised no concern in relation to the visual and air quality impacts of the development on the reservoir.

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, in the local paper and a notice was also displayed at the site. Three (3) submissions were received during the notification period.

Each of the objectors raised concern in relation to potential air pollution, including the emission of dust and fumes as a result of the operation of the resource recovery facility. The objectors were advised that the applicant has submitted a number of Environmental Reports including a detailed Air Quality Impact Assessment and a Dust Management Plan that addressed how the potential air quality impacts of the development will be minimised and that Council's Environmental Management Section has assessed all of the environmental reports submitted with the application. Concern was also raised for the condition of the driveways within the right of way areas and the potential conflict between the proposed servicing vehicles and those trucks associated with the adjoining uses located to the south of the subject site. The objectors were advised that a draft condition is recommended to be included within the development consent which requires the property owner to repair any areas within the right of way that are not currently sealed (including all potholes). Further, the objectors have been advised that Council's Traffic Engineer has assessed the amended application and has raised no concern in relation to the traffic generation and number of vehicles required to service the site.

Based on the information received, only two of the objectors concerns have now been addressed and resolved. The third objector has advised that their concerns remain outstanding despite the information provided by the applicant and the outcome of Council's assessment. While the concerns are considered relevant to the proposed development, it is considered that the recommended draft conditions of consent together with the recommendations of the Air quality Impact Assessment Report and Dust Management Plan and conditions would satisfactorily address these concerns.

The application was referred to Council's Building Control Branch, Traffic Section, Environmental Management Branch, Development Engineering Branch and Tree Preservation Officer for assessment. No concerns were raised to the proposal subject to conditions of consent.

Further, the application was also referred to the Environmental Protection Authority (EPA), Roads and Maritime Services (RMS), Department of Primary Industries (Water) , Sydney Water, Transgrid and the Department of Planning and Environment (DoPE) for approval in accordance with the EP&A Regulation 2000. No objection was raised and General Terms of Approval were issued by the EPA.

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. The objectors concerns are acknowledged however it is considered that there are no issues that would warrant refusal of the application. Where appropriate, the objectors concerns can be addressed through conditions of consent As such, it is recommended that the application be approved, subject to conditions as outlined in Attachment G of this report.

## **DEVELOPMENT HISTORY**

On 21 December 1998, Council granted development consent pursuant to Building Application No. 39367/1998 for the use of the subject site for the purpose of a transport and distribution centre for general freight. This use is still in operation at the subject site on a 24-hour basis, 7 days a week and is serviced by heavy rigid and articulated vehicles including B-Doubles trucks.

## **SITE DESCRIPTION AND LOCALITY**

The subject site is located on the northern side of Newton Road, within the northern portion of the Wetherill Park Industrial Precinct. The subject site is an irregular shaped battle-axe allotment, with a lot width of 84 metres, depth of 98 metres and a total site area of approximately 9,888 square metres. The site has a slight fall towards the eastern property boundary.

Vehicular access is provided via two separate entry and exit access handles, located on Newton Road adjoining the eastern and western property boundaries. A right of way currently exists over the access handles benefitting the southern adjoining sites being No. 179 and 181 Newton Road.

An existing 30 metre wide Transgrid easement is located within the rear portion of the site, and a 2 metre wide easement for drainage is located along the eastern property boundary.

A large single-storey warehouse building with adjoining awning also exists on the subject site currently being used for the purpose of a transport and distribution centre and is proposed to be demolished.

The site does not contain any significant vegetation.

The surrounding development predominantly consists of single and two (2) storey industrial developments of similar or larger size to the proposed building. The properties immediately adjoining the site to the south are currently being used for storage and distribution purposes.

Adjoining the site to the north is the Western Sydney Parklands located within which is the prospect reservoir. The subject site is located approximately 400 metres from the reservoir.

Residential and commercial areas are located approximately 900 metres from the subject site to the south.

**Figure 1 – Site Plan**



**PROPOSAL**

The development application is seeking approval for Demolition of existing structures and construction of an industrial building, including the construction of two (2) weighbridges and associated car parking and landscaping, to be used for the purpose of a resource recovery facility processing up to 25 000 tonnes of construction and demolition waste per year, to be operated on a 24-hour basis, seven days a week

Specific details of the proposed development are as follows:

**Proposed building works:**

- The development application proposes the construction of a purpose-built building with a gross floor area of approximately 4708 square metres.
- An accessible bathroom will be constructed within the existing amenities area along the southern elevation of the proposed building. An office and reception/lobby area is also proposed on the ground floor and a mezzanine office

with a total floor area of 263.42m<sup>2</sup> is proposed within the south-east corner of the subject building.

- An associated car parking area comprising 16 car spaces and landscaping is proposed along the southern building elevation.

**Site operation:**

- A maximum of thirty-five (35) deliveries to the site will occur in a daily basis.
- The facility is proposed to process a maximum of 25, 000 tonnes of construction and demolition waste facility.
- The subject site is proposed to operate on a 24-hour basis, 7 days a week.
- A maximum of twelve (12) employees are proposed to be on site at any one time and a total of sixteen (16) car spaces are proposed within the front building setback.

**Processes and waste to be received:**

- The proposed resource recovery facility will receive and process construction and demolition waste from a range of sites within the Sydney metropolitan area. The proposed facility will recover a number of resource materials from the waste, including soil, glass, masonry, tiles and bricks. Once these materials have been crushed and screened they will be transported off site for further processing and re-use.
- The waste material will be delivered to the site and unloaded into dumping bays within the proposed building. The materials will then be sorted and separated by an excavator machine and moved into different stockpiles.
- A front end loader will transfer the separated piles into the designated storage bays according to the material type.
- In the event that the separated material requires further processing, the material will be moved to the front of its designated storage bay to be crushed and screened. A mobile crusher and screening machine will be used to carry out this process.
- Any general waste processed by the facility will be transferred off site to a waste disposal facility and any recyclable material will be sent to a recycling facility for processing. The recyclable materials to be processed on site include metals, timber and plastics.
- A wash bay is proposed within the north-east corner of the subject building for trucks to be washed down before leaving the premises to minimise the emission of dust. A gross pollution trap, which will remove gross pollutants, suspended sediments, nutrients, heavy metals and hydrocarbons from water runoff within the wash bay.

- A refueling station including a 4500L above ground fuel tank is proposed within the north-west corner of the site for service vehicles. A diesel spill kit will be provided on site for emergency spill response.

#### **Site Servicing:**

- The product is delivered to the site by the operator's fleet of vehicles, including medium and heavy rigid and dog trailer trucks. The largest vehicle to service the site will have a maximum length of 17 metres. All loading activities associated with the proposed resource recovery facility will occur internally. The subject building has a large floor area which will allow for service vehicles to load and unload materials wholly within the proposed building.
- Trucks will enter the subject site via the northernmost access driveway and proceed to the proposed weighbridge located within the south-west corner of the site to be weighed prior to unloading/loading. The trucks will then proceed into the subject building to unload/load the materials and then move onto the weighbridge within the south-east corner of the site before exiting the site.
- A one-way access driveway is also proposed along the perimeter of the subject building to allow for emergency vehicles and other service vehicles to enter and exit and manoeuvre through the site in a forward direction.

#### **Building adaptation:**

- An adaptation Plan has been submitted with the development application which provides an alternate building envelope, with a reduced gross floor area of approximately 3691.9m<sup>2</sup> which also decreases the demand for car parking on site. The adaptation plan demonstrates how the subject building and associated parking spaces are to be modified in order to accommodate future industrial uses of the site, in the event that the proposed resource recovery facility ceases to operate. The proposed adaptation plan shows that an additional 41 car spaces can be constructed on site to provide a total of 57 spaces on site in order to accommodate the reduced floor area in accordance with Council's current parking rate of 1 space per 70m<sup>2</sup> for industrial activities.

This is considered appropriate given that the proposed car parking facilities would be insufficient to accommodate any potential future use of the subject site that would generally occur within IN1 General Industrial zone. Accordingly, a condition of consent is recommended which would require the building to be adapted as per the adaptation plan. This would be subject to car parking being provided in accordance with Council's parking rate for industrial uses.

### **STATUTORY REQUIREMENTS APPLICABLE TO THE SITE**

#### **1. Environmental Planning and Assessment Regulation 2000 – Schedule 3 “Designated Development”**

The development application proposes a resource recovery facility to process up to 25,000 tonnes of construction and demolition waste on an annual basis. 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:

### **32 Waste management facilities or works**

(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 subject site is located in an area of sodic soils as indicated within the submitted Stage 1 Environmental Site Assessment (ESA). 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 7 of State Environmental Planning Policy (State and Regional Development) 2011 waste management facilities that are defined as designated

development under clause 32 of Schedule 3 of the Regulations, are to be determined by the Sydney Western City Planning Panel.

## **2. Section 91 of the Environmental Planning and Assessment Act – Integrated Development**

In accordance with Section 4.46 (formerly Section 91) of the Environmental Planning and Assessment Act 1979, the proposed development is defined as Integrated Development and requires approval from the Environment 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 'waste processing (non-thermal treatment)' which involves processing of more than 6000 tonnes of waste per year.

Subsequently, in accordance with the EP&A Act 1979 and the POEO Act 1997, the proposed development requires approval from the EPA. On 29 June 2017, the 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 conditions of development consent.

## **3. 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 development is a resource recovery facility and on this basis, is defined as 'Traffic Generating Development' Pursuant to Clause 104 of the SEPP.

The applicant has submitted a Traffic and Parking Assessment Report in support of the application that includes a survey of the proposed vehicle movements. The report concludes that traffic generated by the development is considered to be minimal and therefore not result in any adverse impact on Newton Road and the surrounding road network. 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.

## **4. 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.

An Environmental Risk Assessment (ERA) was submitted with the application given that the site proposes to sort and process waste. The submitted ERA has demonstrated that

the proposed site operations do not pose risks or threat to air quality or water quality. It is noted within the ERA that a Preliminary Hazard Analysis would not be required to be carried out and that the development is not potentially hazardous or offensive development.

Further, Council's Environmental Management Section 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'.

### **5. State Environmental Planning Policy No. 55 (Remediation of Land)**

SEPP 55 requires Council to consider whether land is contaminated and if it requires remediation prior to granting consent to any development. The consent authority must be satisfied that any necessary remediation has occurred before the use of the land is permitted.

A Stage 1 Environmental Site Assessment (ESA) and a Soils and Water Assessment has been prepared and accompanies the development application.

The ESA concludes that the site is suitable for the intended land use and building works, given that the site has had extensive hardstand in place and that no contamination has been detected in the soil assessment.

The ESA makes certain recommendations with respect to demolition and subsequent development. These recommendations can be covered as conditions of development consent. The submitted report confirms that the land is suitable for the proposed development and that land contamination is not an issue at the site.

### **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. Fairfield Local Environmental Plan (LEP) 2013

The subject site is zoned IN1 General Industrial under Fairfield LEP 2013 and the subject development would be characterised as a waste transfer station. Waste transfer stations are defined by Fairfield LEP 2013 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 consent.

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, would be consistent with the above objectives of the IN1 General Industrial zone.

Clause 4.3 and 4.4 of Fairfield LEP 2013 regulate building height and floor space ratio, respectively. There are no development standards in the LEP restricting the development in terms of building height and floor space ratio.

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

## 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, and Chapter 12 Car Parking, Vehicle and Access Management. The table below provides a brief assessment summary against the relevant controls within the DCP.

### 8(a). Chapter 9 – Industrial Development

Criteria	Standard Required	Proposed	Complies
9.1. Lot Frontage	30 metres required	Combined lot frontage of 12 metres of entry and exit driveway.  Total width of internal lot is 84 metres.	Yes

<b>9.1. Lot size</b>	The Torrens Title subdivision of any allotment within the Wetherill Park or Bonnyrigg precincts must be no less than 930m <sup>2</sup> .	No subdivision is proposed	N/A
<b>9.1.2 Setbacks</b>	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 subject site does not have frontage to a road. The subject building is set back a minimum of 10 metres from the southern property boundary.	N/A
<b>9.2.3 Loading facilities</b>	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: a. on-site without interfering with the efficient operation of the premises (including its car park); or b. gain access to an on-street loading zone at the front or side of their premises.	There are two internal designated loading bays proposed along the southern elevation of the building. Review of the submitted plans has revealed that this loading area is sufficient in size to accommodate the largest vehicle to service the site.  The proposed loading areas will be provided internally and will not cause any obstructions to the manoeuvring areas within the subject property.	Yes
<b>9.2.4 On-site manoeuvring</b>	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 proposal has been designed so that all truck (dog-trailers and heavy rigid vehicles) movements will enter and exit the site in a forward direction.  Council's Traffic Engineer has assessed the application and has confirmed that sufficient manoeuvring area is provided on site for trucks to enter and exit in a forward direction.	Yes

		<p>All trucks shall enter via the entry access handle manoeuvre through the subject building and then exit via the exit access handle in a forward direction.</p> <p>Further, there is sufficient manoeuvring area along the perimeter of the subject building to allow for all emergency vehicles (including heavy rigid vehicles) to enter and exit the site in a forward direction without having to enter the building.</p>	
<b>9.2.6 Pedestrian Movement</b>	<p>Pedestrian access through car parking areas should be clearly marked, and where possible emphasised by the use of raised and textured surfaces.</p>	<p>Can be covered as a condition of development consent.</p>	<p>Yes</p>
<b>9.3 Advertising Signs</b>	<p>Approval is required for advertising signs.</p> <p>Clause 9.3.1(a) and 9.3.1(b) are relevant:</p> <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</p>	<p>No advertising signage is proposed.</p>	<p>N/A</p>

	permitted to exceed an area of 30 square metres.		
<b>9.4.2 Fencing</b>	<p>a) For fencing along the front boundary or a boundary facing a classified (arterial) road, the requirements are:</p> <ul style="list-style-type: none"> <li>i) a maximum height of 2.4 metres on the boundary line</li> <li>ii) solid construction up to 600 mm above natural ground level</li> <li>iii) be constructed in an open style, such as powder-coated wrought iron pickets and be of dark colour</li> <li>iv) for security fencing, only palisade fencing made from metal is permitted.</li> </ul> <p>b) Fencing requirements along the side or rear boundaries are:</p> <ul style="list-style-type: none"> <li>i) maximum height is 2.4 metres on the boundary line</li> <li>ii). constructed in an open style such as powder-coated wrought iron pickets or chain wire.</li> </ul>	The site is already fenced in manner to comply with the DCP requirements.	Yes and can be covered as a condition of consent.
<b>9.4.3 Building materials</b>	<p>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>Building materials and schedule of colours has been detailed on the submitted building elevations and is considered acceptable.</p> <p>No glazing is proposed.</p>	Yes
<b>9.4.4 Hours of operation</b>	Where industrial properties are within 500 metres of residential properties, industrial operating	The closest residential property is located more than 930 metres from the subject land.	Yes

	<p>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 with no operations on Sunday.</p>	<p>The existing and proposed operating hours are 24 hours per day seven days a week.</p> <p>The submitted Acoustic Report concludes that the proposed development complies with the noise levels of the Industrial Noise Policy. Council's Environmental Management Officer has assessed the application and has raised no concern in relation to noise impacts of the development.</p> <p>Given that the site is located within the existing Wetherill Park Industrial Precinct and is not in close proximity to residential development the proposed operating hours are considered acceptable in these circumstances.</p>	
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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.

**8(b). Chapter 12 - Car Parking, Vehicle and Access Management**

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

<b>Criteria</b>	<b>Development Control</b>	<b>Proposed</b>	<b>Compliance</b>
<p><b>Chapter 12 Car parking, Vehicle and Access Management</b></p>	<p>To be determined by a car parking survey of a comparable facility</p>	<p>The applicant has provided a Traffic and Parking Impact Assessment Report.</p>	<p>Considered Satisfactory (see below)</p>



<b>Resource Recovery Facility</b>			
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A total of sixteen (16) car parking spaces are proposed on site. The applicant has submitted a Traffic and Parking Assessment Report in support of the application in order to demonstrate that the existing facility has sufficient parking to accommodate for the proposal. The report includes a survey of the existing staff and parking demand and concludes that the car parking spaces provided will be occupied by employees only and there would be no visitors from the general public. On this basis, it is argued within the report that the parking demand of the development would be generated by the maximum number of employees to be on site at any time. A total of twelve (12) employees will be on site at any one time.

The report indicates that the purpose of the subject development is to provide a purpose built facility that provides specialised waste and recovery sorting processes and will not generate any demand above what is expected for the number of employees to be on site.

Based on the proposed staffing levels the report concludes that the facility requires a maximum of twelve (12) spaces and therefore the sixteen (16) carspaces are considered adequate.

The Report has been reviewed by Council's Traffic Engineer who has raised no concern in relation to the number of proposed car spaces provided on site and confirmed that the applicant has adequately demonstrated that sufficient car parking facilities will be provided to accommodate the development.

Having regard to the above, it is considered that the subject development is consistent with the objectives of Chapter 12 of the DCP 2013 given that the number of car spaces provided on site will meet the parking demand of the proposed development. The proposed number of car parking spaces is therefore considered acceptable in these circumstances.

**INTERNAL REFERRALS**

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

<b>Building Control Branch</b>	No concern has been raised and conditions have been provided to comply with the BCA.
<b>Development Engineering</b>	No concern has been raised, subject to conditions.
<b>Environmental Management Branch (EMB)</b>	EMB is satisfied with the information submitted and raises no concern to the proposal, subject to conditions of Consent.
<b>Traffic Section</b>	Traffic Section has reviewed the parking assessment and turning circles and raise no concern 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 Environment*

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 Environment. The Application was notified in accordance with Environmental Planning and Assessment Regulation 2000. During the notification process no submissions were received.

Based on the information submitted, 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 waste 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 to modify the existing licence.

### *Transgrid*

The development application has been referred to Transgrid given that the rear of the site is partly located within an existing Transgrid easement for above ground power lines. Given that the subject proposal does not propose to alter the existing fencing at the rear of the site and that the subject building does not encroach into the easement, Transgrid has raised no concern in relation to the proposed development.

### *Department of Primary Industries – Water*

The development application has been assessed by the NSW Department of Primary Industries – Water and has raised no concern in relation to air quality or visual impact on the existing prospect reservoir located 400 metres north of the subject site.

### *Sydney Water*

The development application has been assessed by Sydney Water and has raised no concern in relation to air quality or visual impact on the existing prospect reservoir

located 400 metres north of the subject site. Further, no concern has been raised in relation to water pollution as a result of the proposed development.

## **PUBLIC NOTIFICATION**

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, in the local paper and a notice was also displayed at the site. Three (3) submissions were received during the notification period.

Each of the objectors raised concern in relation to the potential air pollution, including the emission of dust and fumes as a result of the operation of the resource recovery facility. The objectors were advised that the applicant has submitted a number of Environmental Reports including a detailed Air Quality Impact Assessment and a Dust Management Plan that addressed how the potential air quality impacts of the development will be minimised and that Council's Environmental Management Section has assessed all of the environmental report submitted with the application. Concern was also raised for the condition of the driveways within the right of way areas and the potential conflict between the proposed servicing vehicles and those trucks associated with the adjoining uses located to the south of the subject site. The objectors were advised that a condition will be included within the development consent which requires the property owner to repair any areas within the right of way that are not currently sealed (including all potholes). Further, the objectors have been advised that Council's Traffic Engineer has assessed the amended application and has raised no concern in relation to the traffic generation and number of vehicles required to service the site.

Based on the information received, only two of the objector's concerns have now been addressed and resolved. The third objector has advised that their concerns remain outstanding despite the information provided by the applicant and the outcome of Council's assessment. While the concerns are considered relevant to the proposed development, it is considered that the recommended draft conditions of consent together with the recommendations of the Air Quality Impact Assessment Report and Dust Management Plan and conditions would satisfactorily address these concerns.

## **SECTION 4.15 CONSIDERATIONS (formerly Section 79C)**

The proposed development has been assessed and considered having regard to the matters for consideration under Section 4.15 (formerly 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 4.15(1) (formerly 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*

This report has demonstrated that the proposed development is permissible within the General Industrial IN1 zone pursuant to the provisions of the Fairfield Local Environmental Plan 2013 (FLEP).

Consideration of the development under the provisions of SEPP 55 – Remediation of Land has been found to be satisfactory.

(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 is currently no draft environmental planning instrument of relevance that affects this site.

(iii) *any development control plan*

The proposed development complies with the provisions of Fairfield City Wide Development Control Plan 2013 - Chapter 9 – Industrial Development.

It is considered that the proposed car parking facilities are sufficient to accommodate the proposed use and therefore the subject development is consistent with the objectives of the car parking controls stipulated within Chapter 12 –Car parking, Vehicle access and Management.

(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*

Not applicable.

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

The proposed development is identified as a 'waste management facility' defined under Part 32 of Schedule 3 of the EP&A Regulations 2000. Given that the subject application is seeking approval to process up to 25, 000 tonnes of construction and demolition waste on land that has been identified as containing sodic soil, the proposed development is defined as Designated Development.

Pursuant to Clause 78A(8) of the EP&A Act, 1979, a development application for the purpose of Designated Development is to be accompanied by an Environmental Impact Statement (EIS). The development application has been submitted with an EIS in accordance with the Secretary's Environmental Assessment Requirements (SEARs).

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

Not applicable.

- (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*

### **Water Pollution**

A Water Impact Assessment Report was submitted in support of the application which identifies three main sources of pollutants including oil and fuel spills from vehicles, leaks from sewer pipes and potential stormwater pollution generated by the use of the wash bay. An Environmental Management Plan (EMP) which outlines the processes and procedures to be put in place to minimise the risk of pollutants contaminating the stormwater, actions to be taken if a pollution incident occurs, notification procedures, an inventory of pollutants and staff training requirements.

The development also proposes to install bunding within the factory building, around the proposed wash bay and proposed refueling station outside the building in the north-west corner of the site. Further a gross pollution trap will be provided as part of the wash bay, which will remove gross pollutants, suspended sediments, nutrients, heavy metals and hydrocarbons from water runoff wash water. The submitted EMP indicates that the wash bay will operate on a closed loop system which will recycle and reuse the water used to wash down the service vehicles before exiting the subject site. The stormwater pits within the site will also be fitted with filters and gross pollutant traps to remove all pollutants from stormwater runoff before being discharged into the existing storm water system. These will be inspected and maintained regularly as stated within the submitted EMP.

The risk of stormwater contamination during demolition, excavation and construction will be minimised by removing chemicals/fuels off-site until works are completed, stopping work during rain periods, promptly removing demolition waste and by implementing the Sediment Control and Soil Erosion Plan.

Council's Environmental Management Section has assessed the submitted application and has raised no concern in relation to potential water pollution of the proposed development on site.

### **Noise Pollution**

An Acoustic Report has been submitted concluding that the noise generated by the proposed development is of minimal impact within the context of the site, given that it is located within the existing Wetherill Park Industrial Precinct. Council's Environmental Management Officer has assessed the submitted report and has raised no concerns in relation to the potential acoustic impacts of the proposal given the location of the site and that the

closest residential property is located 930 metres away from the site. Council's Environmental Management Officer has also advised that the noise generated by the proposed development complies with the maximum noise limit of NSW Industrial Noise Policy.

Having regard to the above, the subject development is unlikely to result in any unreasonable noise impacts on the surrounding locality. Further, the Noise Impact Assessment has been assessed by Council's Environmental Management Officer who has raised no concern in relation to the potential noise impacts of the proposed development.

## **Air Pollution**

### Air Quality Impacts and control measures on site

A Level 1 Air quality Assessment has been submitted in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW and outlines the potential air based emissions of the operation of the proposed development.

The Assessment Report indicates that the potential air based emissions will be of minimal impact given that the plant machinery and associated processes are enclosed within the factory building.

Further, the report outlines the following management measures to be implemented to reduce impacts to air quality during the construction and operations phase of the proposal:

- Crushing machinery located wholly within the subject building;
- All waste and resource materials and products to be stored within the factory building, no external storage;
- All service vehicles to be washed down from any dirt/dust within the building before exiting the site;
- Use wet cleaning methods and mechanical road sweepers to prevent the build-up of dust on site surfaces within the subject building;
- Install mist sprayers and the entry and exit of the subject building;
- No odorous waste is to be accepted by the facility;
- All loads are to be covered when entering and exiting the site.

Council's Environmental Management Officer has assessed the development application and has advised that the discharge of dust and air based emissions comply with the relevant EPA requirements in relation to air pollutants. In addition to this the Environmental Management Officer has confirmed that the applicant has adequately demonstrated that the air based emissions of the proposed development is unlikely to adversely impact air quality or human health given the context of the site and that it is not located in close proximity to residential development.

### Air Quality impacts on Prospect Reservoir

In addition to the above the applicant has addressed the potential air quality impacts on Prospect Reservoir located 400 metres north of the subject site.

The submitted documentation states that the cumulative impacts of the air pollutants at Prospect Reservoir for an annual averaging period are well below the specified criteria within the “Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales”. On this basis, the submitted documentation concludes that the operation of the site would have an exceptionally minor impact on the existing air quality environment with regards to dust emissions, and that it is unlikely result in any adverse air quality for the reservoir given that the site is located 400 metres from the water course. It should also be noted that the development application has been referred to NSW Department of Primary Industries – Water and Sydney Water who raised no concerns in relation to air quality impacts of the proposed development.

### Ventilation

Given that the proposed operations will occur internally, the EIS addresses ventilation and states that the proposed building will be provided with natural ventilation in accordance with the Building Code of Australia and does not require the provision of mechanical ventilation. It is indicated within the EIS that the subject use is expected to generate a maximum of 35 vehicle trips per day, with peak traffic activity of 7 vehicles per hour anticipated to occur at 1pm. On this basis the EIS argues that the volume of traffic generated by the proposed facility is low and would therefore not warrant the requirement of mechanical ventilation pursuant to Australian Standard 1668-2005.

Council’s Coordinator of Building Control has reviewed the submitted application and raises no concern in relation to the ventilation of the building. Further, Council’s Environmental Management Officer has reviewed the EIS and has raised no concern in relation the proposed method of ventilation.

### Emergency procedures for incoming contaminated waste and asbestos

Should non-acceptable materials be found through the inspection process, the vehicle will either be turned away or that portion of the load not accepted. When these materials are found during sorting, they will be segregated and stored in a covered bin in the building, prior to removal from site for disposal as appropriate to the nature of the material.

Any materials that appear to be asbestos containing material will be bagged appropriately and placed in a 240 L wheelie bin cleared labelled “Asbestos.” The bin will be kept within the building. These materials will be removed from site by a contractor licensed to transport these materials as soon as there sufficient material to make up a small load.

### **Traffic Impact**

An initial assessment of the application raised concern that the subject site could not accommodate the largest vehicle proposed to service the proposed development. The submitted traffic and Parking Assessment Report indicated that three types of trucks would be used to service the site including 11 metre rigid trucks, 17 metre and 19 metre dog-trailers. Council’s Traffic Engineer assessed the submitted swept path diagrams and advised that the width of

the existing driveways was insufficient to accommodate the left turn exit manoeuvre for the 19 metre dog-trailer from the site. The submitted diagrams demonstrated that the swept path for a 19 metre dog-trailer would require the vehicle to mount the kerb of the driveway and obstruct the adjoining on-street car parking space located to the east of the driveway.

In response, the applicant submitted an addendum to the Traffic and Parking Assessment Report stating that 19 metre trucks are no longer proposed to service the site and the largest pick-up vehicle to be used on site would have a maximum length of 17 metres. Council's Traffic Engineer has assessed the revised documentation and has raised no concern in relation to on-site manoeuvring for the 11 metre and 17 metre service vehicles. A condition has been included within the draft conditions of consent restricting the largest vehicle to service the site to a maximum length of 17 metres.

Further, the Plan of Management includes management practices and procedures in order to mitigate and minimise potential traffic impacts, which includes the following measures:

- Restricting the largest vehicle to service the site to have a maximum length of 17 metres;
- Limiting the maximum handling capacity of the site to 25, 000 tonnes per year;
- Scheduling a maximum number of 35 deliveries to occur on a daily basis.

Council's Traffic Engineer has assessed the amended application and has raised no concern in relation to the traffic generation and number of vehicles required to service the site. Further, Council's Traffic Engineer has advised that there is sufficient manoeuvring area on site to accommodate the largest vehicle to service the site.

In addition to this, Council's Development Engineer has carried out a site inspection and reviewed the submitted site and raises no concern in relation to the use of the existing driveway areas by the operator of the subject site and those of the southern adjoining properties. Despite there being only one-way traffic permitted through the site for all vehicles, Council's Development Engineer has confirmed that the aisle width of all driveways would allow for two-way access in the event that two vehicles (trucks) are required to pass each other.

Notwithstanding this, a site inspection revealed that there are a number of potholes within the driveways. On this basis, the existing manoeuvring areas within the access handles and right of ways on site are not adequately sealed and therefore require remediation. Accordingly, a condition of consent is recommended which requires the subject property owner to repair any area within the driveways that are damaged and to ensure that these areas are adequately sealed at all times. Council's Development Engineer has also confirmed that the existing driveways are of standard that can withstand and accommodate the proposed loads of the service vehicles.



Having regard to the above, it is considered that the subject site is suitable to accommodate the proposed development and the existing driveways and right of way areas are sufficient to accommodate the operation of the subject site as well as the southern adjoining properties. The proposed development is therefore considered acceptable in these circumstances.

In terms of traffic generation and on-site manoeuvring, Council's Traffic Engineers have reviewed the documentation submitted with the application and concluded that the traffic generated by the development will not create a significant impact on Newton Road and the surrounding road network.

### **Visual Impact**

Initial assessment of the development application raised initial concern in relation to the visual impact of the proposed building on Prospect Reservoir which is located within the Western Sydney Parklands to the north of the subject site.

In response, the applicant has submitted an addendum to the EIS which states that the height of the proposed building will be lower than that of the warehouse building that is currently located on the subject site. The height of proposed building is approximately 500mm lower than the existing building on site. Further, the submitted documentation notes that the Prospect Reservoir is located approximately 400 metres from the subject site and the proposed building set back from the northern property ranges from 9.35 metres to 15 metres. It is also argued within the EIS that the buildings in the immediate vicinity of the site located on Newton Road have a zero boundary setback to the Western Sydney Parklands.

Notwithstanding this, the applicant has advised that the southern portion of the Prospect Reservoir is not open to the public. It is argued that the existing Nature Reserve and picnic area is located on the northern shores of the watercourse and therefore the portion of the reservoir that is visible from the site is not considered a sensitive interface. On this basis, the submitted documentation concludes that it is unlikely that the proposed development will result in any adverse visual impacts on the existing watercourse given the context of the site.

It should also be noted that the proposed building will have a maximum height of 10 metres above natural ground and will therefore be of a similar or lesser height than those adjoining the site that also share their northern boundaries with the Western Sydney Parklands.

Having regard to the above, it is considered that the applicant has satisfactorily demonstrated that the proposed building will not be of significant visual impact within its context. That is, the building is located 400 metres from the Prospect reservoir and forms part of a viewpoint (from the reservoir) that also includes other industrial developments with a larger bulk and scale than that of the proposed. The proposal is therefore considered acceptable in these circumstances.

## **Amenity**

It is considered that the proposal is unlikely to result in any adverse impact upon the amenity of the locality. There are no residential properties in the immediate locality and on this basis the seven day, 24 hour a day, operational characteristics of the proposal are unlikely to affect residential amenity. The proposal is not considered to adversely impact air quality based on the proposed air pollution mitigation measures and waste materials will be collected by an accredited waste service provider and recycled off-site.

## **Social and Economic Impacts**

The proposed development will increase the efficiency of the existing operations on the site and add to the importance of Wetherill Park as one of the main employment areas in the Greater Sydney Region.

The proposal will have a positive economic impact in the locality and the region.

The proposal has negligible social impacts.

### *(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*

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, in the local paper and a notice was also displayed at the site. Three (3) submissions were received during the notification period.

Each of the objectors raised concern in relation to the potential air pollution, including the emission of dust and fumes as a result of the operation of the resource recovery facility. Concern was also raised for the condition of the driveways within the right of way areas and the potential conflict between the proposed servicing vehicles and those trucks associated with the adjoining uses located to the south of the subject site.

Based on the supporting documentation received in response to the issues raised, only two of the objector's concerns have been addressed and resolved. The third objector has advised that their concerns remain outstanding despite the information provided by the applicant and the outcome of Council's assessment. While the concerns are considered relevant to the proposed development, it is considered that the recommended draft conditions of consent together with the recommendations of the Air Quality Impact Assessment Report and Dust Management Plan and conditions would satisfactorily address these concerns.

*(e) the public interest*

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

## **SECTION 94A DEVELOPMENT CONTRIBUTIONS**

The proposed development has an estimated construction cost of \$3, 552, 000. In accordance with Fairfield City Councils adopted S94A contribution plan this requires payment of a development contribution of \$35,520. A condition of development consent has been imposed which specifies this amount is payable.

## **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 s4.15 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 concerns are raised to the proposal subject to conditions of consent. The application was also referred to the Environmental Protection Authority, Roads and Maritime Services, Transgrid, Sydney Water, Department of Primary Industries - Water and the Department of Planning and Environment for approval in accordance with the EP&A Regulation 2000. No objection was raised and General Terms of Approval were issued by the EPA.

Accordingly, it is recommended that the application be approved, subject to conditions outlined in Attachment G of this report.

## **RECOMMENDATION**

1. That the demolition of existing structures and construction of an industrial building, including the construction of two (2) weighbridges and associated car parking and landscaping, to be used for the purpose of a resource recovery facility processing up to 25 000 tonnes of construction and demolition waste per year, to be operated on a 24-hour basis, seven days a week be approved in Attachment G of this report.