

SWCPP Ref. No.:	2017SWT017
DA No.:	DA17/1063
PROPOSED DEVELOPMENT:	Expansion of Existing Tyre Recycling Facility (up to 50,000 tonnes per annum) - Lot 132 DP 31912,81 - 85 Christie Street, ST MARYS NSW 2760
APPLICANT:	Tyrecycle Pty Ltd
REPORT BY:	Gannon Cuneo, Environmental Planner, Penrith City Council

Assessment Report

Executive Summary

Council is in receipt of a development application for expansion of an existing tyre recycling facility at 81-85 Christie Street, St Marys. The proposal seeks development consent for an increase in the facility's waste processing capacity from 25,000 tonnes per annum to 50,000 tonnes per annum and increase storage capacity from 400 tonnes at any one time to 800 tonnes. No increase in employee numbers or changes to hours of operation are proposed.

Under Penrith Local Environmental Plan 2010 (LEP) the subject site is zoned IN1 – General Industrial. The proposal is defined as a 'waste management facility', which is a prohibited land use under the provisions of the LEP. Notwithstanding, the development relies on the provisions under Clause 121 of State Environmental Planning Policy (Infrastructure) 2007 (SEPP) for permissibility. In accordance with Clause 8 of the SEPP, the state policy prevails to the extent of an inconsistency with local provisions. Therefore, the proposal is a permissible land use in the zone.

The proposed development is Designated Development under Schedule 3 of the Environmental Planning and Assessment Regulation 2000. In accordance with Section 2.12 of the Environmental Planning and Assessment Act, 1979, the Sydney Western City Planning Panel (SWCPP) is the determining authority, as the application was lodged prior to the amendment of the Environmental Planning and Assessment Act 1979.

The application is Integrated Development under Section 4.46 of the Environmental Planning & Assessment Act 1979, requiring approval under the Protection of the Environment Operations Act 1997. Accordingly, the application was referred to the NSW Environmental Protection Authority (EPA). The EPA issued General Terms of Approval on 15 January 2018, and advised that an Environmental Protection License (EPL) can be issued for the proposed development under the Protection of Environmental Operations Act 1997.

In accordance with the requirements of Clause 104 of State Environmental Planning Policy (Infrastructure) 2007, the application was also referred to Roads and Maritime Services (RMS) for review. In response, RMS provided comments on 13 April 2018, raising no objection to the proposal subject to recommended conditions.

The application was advertised and notified to nearby and adjoining properties between 17 November and 18 December 2017. Council received no submissions.

Concern as raised during the assessment process regarding traffic, parking, vehicle manoeuvrability, stormwater management and outdoor tyre storage. These concerns have been suitably addressed by the applicant and are detailed in this report.

An assessment of the proposal has been undertaken in accordance with the requirements of Section 4.15 and Section 4.46 of the Environmental Planning and Assessment Act 1979 and the application is recommended for approval, subject to conditions of consent.

Site & Surrounds

The site is located approximately 1km west of the intersection between Christie Street and Forrester Road, and 500m east of the intersection between Christie Street and Werrington Road.

The site has direct frontage to Christie Street, is irregular in shape and is currently occupied by two businesses. Brunnings Garden Products operate from the building at the rear which relies on access through the front section of the site operated by Tyrecycle.

The site provides vehicle access from Christie Street through a separate entrance and exit. The surrounding land uses predominantly consist of industrial businesses.

A pre-logement meeting (PL16/0131) was held on 8 December 2016 regarding the proposed development. Comments were provided on 13 February 2017 and have been addressed through the application.

Approval History:

- Development Application DA02/2876 Use of Factory Unit
- Development Application DA04/0547 Factory Unit
- Development Application DA04/0547.951 Install Fire Wall Between Units
- Minister Application MDA07/0008 Warehouse / Office Building and Tank Farm for used Oil Station Transfer
- Development Application DA07/1197 Use of Industrial Unit for Reprocessing of Rubber and Glass Waste Products

Proposal

The proposed development seeks consent for the following:

- An increase in waste processing capacity from 25,000 tonnes of waste per annum to 50,000 tonnes of waste per annum; and
- An increase in storage capacity from 400 tonnes at any one time to 800 tonnes.

The existing plant, equipment and infrastructure on site has capacity to process 50,000 tonnes of waste tyres per annum without any expansion or upgrades required. The application is submitted with Council to assess the proposed increase in capacity against the Secretary's Environmental Assessment Requirement's (SEAR's) prepared by the Department of Planning and Environment and allow for on going management and reporting in accordance with an Environmental Protection Licence (EPL) which is to be issued by NSW Environment Protection Authority.

Tyrecycle holds a current EPL (No. 13217) for non-thermal treatment and storage of waste tyres. The current license permits processing up to 25,000 tonnes of waste tyres per annum. The application has been referred to EPA who has advised that it is able to issue a license for the increase in processing capacity, thereby granting concurrence to the proposal by way of General Terms of Approval.

A summary of the existing operations and proposed development is provided in the table below.

Operations	Existing	Proposed
Volume of material processed per annum	25,000 tonnes	50,000 tonnes
Waste storage	400 tonnes at any one time	800 tonnes at any one time
Number of full time employees on site	21	21
Hours of operation	Monday to Friday: 6am to 6pm Saturday: 7am to 6pm	Monday to Friday: 6am to 6pm Saturday: 7am to 6pm
Heavy vehicle movements	Delivery: 40 trucks per week Outgoing: 20 trucks per week	Delivery: 130 trucks per week Outgoing: 25 trucks per week

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 33—Hazardous and Offensive Development
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

- **Section 23G – Sydney Western City Planning Panel (SWCPP)**

Under Section 2.4 of the *Environmental Planning and Assessment Act 1979*, a regional panel is taken to be the Council whose functions are conferred to a regional panel.

Under Section 4.8 of the *Environmental Planning and Assessment Act 1979*, a regional panel has the function of determining applications for development for the purpose of a 'waste or resource management facility' which meets the requirements for designed development under Clause 32 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

The application meets the above criteria, and as such the Sydney West City Planning Panel is the determining authority.

- **Section 79C - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration:

- **Section 91- Integrated development**

The proposal is integrated development under Section 4.46 of the *Environmental Planning and Assessment Act 1979*, requiring an approval under the *Protection of the Environment Operations Act 1997*.

Accordingly, the application was referred to EPA on 7 November 2017. In response, the EPA issued General Terms of Approval on 15 January 2018 raising no objection to the proposal, subject to conditions and Council considering outdoor tyre storage in their assessment.

As such, it is recommended in accordance with Section 4.47 that these conditions form part of the consent.

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Infrastructure) 2007

Traffic generating development

Clause 104(1) states that development specified in Schedule 3 is subject to requirements of Clause 104. Given that Column 1 of the Table in Schedule 1 specifies '*Landfill, recycling facilities, waste transfer station, of any size or capacity*', and the proposal is suitably defined as a 'recycling facility' and 'waste transfer station', the requirements of Clause 104 apply.

Clause 104(3) states that before determining a development application for development to which this clause applies, the consent authority must:

- (a) *give written notice of the application to RMS within 7 days after the application is made, and*
- (b) *take into consideration:*
 - (i) *any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and*
 - (ii) *the accessibility of the site concerned, including:*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*

(iii) *any potential traffic safety, road congestion or parking implications of the development.*

In accordance with Clause 104(3), the application was referred to the RMS on 13 March 2018. In response, the RMS provided comments on 13 April 2018, which raised no objections to the proposal. The following recommendations were provided:

- Consideration should be given to the future Werrington Arterial Stage 2 which is in the vicinity of the subject site;
- Consideration should be given to a wider apron at the crossover to cater for truck movements to the site;
- Parking areas should be clear of truck maneuvering areas.

The following response is provided to the above:

- The applicant was advised of the potential north-south connection to Werrington Arterial and made a note of this;
- Condition 21 requires the eastern driveway to be widened to accommodate longer truck movements; and
- Condition 22 requires a delivery vehicle traffic management plan to be submitted to the certifying authority to ensure all parking areas are clear of vehicle manouvring areas.

The comments provided by RMS were referred to Council's Traffic Engineer for consideration and review, who raised no objections to the proposal, subject to conditions.

Given the above response from the RMS, the development is considered to be satisfactory for the purposes of Clause 104 of the Infrastructure SEPP and the comments made by the RMS have been suitably considered and addressed in the assessment.

Waste or Resource Management Facilities

Division 23 of the SEPP provides controls relating to 'waste or resource management facilities'. The proposed development is suitably defined as a 'waste or resource management facility'.

Under the provision of Clause 121(1) development for the purpose of a waste or resource management facilities, may be carried out by a person with consent on land in a prescribed zone. In this case, the IN1 General Industry zone is identified as a prescribed zone and the proposed waste or resource management facility is permissible with consent.

Given the above, the proposal is considered satisfactory in regards to the requirements under the Infrastructure SEPP.

State Environmental Planning Policy No 33—Hazardous and Offensive Development

The proposal is identified as a scheduled activity under the *Protection of the Environment Operations Act 1997 (POEO Act)*, and as such requires an Environmental Protection License prior to operation. The application was referred to the EPA who have provided General Terms of Approval for the proposal and have indicated that an Environmental Protection License can be issued for the development under separation application by the applicant.

Given that an Environmental Protection License (EPL) would be required in order to operate at the proposed capacity and the conditions of the EPL would ensure the development minimises any impact on the locality, the development is satisfactory in regards to *State Environmental Planning Policy No 33—Hazardous and Offensive Development*.

State Environmental Planning Policy No 55—Remediation of Land

An assessment has been undertaken of the application against relevant criteria with *State Environmental Planning Policy No 55—Remediation of Land*. The proposal does not constitute a change of use, and the use of the site as an industrial development is typical in the immediate locality. The site is substantially sealed with no evidence of imported or stockpiled material beyond what is approved for processing.

The application is therefore satisfactory, having regard to the provisions of the *State Environmental Planning Policy No 55—Remediation of Land*.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies

Clause 2.3 Permissibility

The subject site is zoned IN1 General Industry under *Penrith Local Environmental Plan 2010* (LEP). The proposed development is defined as a 'waste management facility', and is a prohibited land use in the zone.

Notwithstanding, the development relies on the provisions under Clause 121 of *State Environmental Planning Policy (Infrastructure) 2007* (SEPP) for permissibility. The SEPP prevails to the extent of any inconsistencies between any other environmental planning instrument (in this case, the LEP), therefore the proposal is a permissible land use in the zone.

Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

There are no draft Environmental Planning Instruments that apply to the proposal.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies
D4.1. Key Precincts	
D4.2. Building Height	Complies - see Appendix - Development Control Plan Compliance
D4.3. Building Setbacks and Landscape	Does not comply - see Appendix - Development Control Plan Compliance
D4.4. Building Design	Complies
D4.5. Storage of Materials and Chemicals	Complies
D4.6. Accessing and Servicing the Site	Complies
D4.7. Fencing	Complies
D4.8 Lighting	N/A

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this application.

Section 79C(1)(a)(iv) The provisions of the regulations

Under Section 4.10 of the *Environmental Planning and Assessment Act 1979*, development listed in Part 1 of Schedule 3 of the Regulations is designated development, unless it is declared not to be by a provision in Part 2 of that Schedule.

The proposed development is identified as 'waste management facilities / works' under Schedule 3 of the Regulation, due to activities that:

- sort, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste; and
- 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
- 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; and
- that are located on a floodplain .

As a result, the proposal is considered designated development and an Environmental Impact Statement has been prepared in accordance with the SEAR's.

Section 79C(1)(b)The likely impacts of the development

Noise

In accordance with the SEAR's, the application was supported by an Air, Noise and Vibration Assessment providing an assessment of the operational impacts generated by the current and proposed developments. The assessment report finds the operations of the capable of increasing its processing capacity to 50,000 tonnes per annum with minimal impact on noise and vibration.

The assessment report found that the main operational noise sources at the site include truck movements, forklift movements, excavator, conveyors and a tyre shredder. Although the proposal involves a significant increase in truck movements to and from the site, it is anticipated that no new noise sources will be added and operating hours will remain the same, therefore it is unlikely that the nearest sensitive receivers will be affected by the proposed development

Air Quality

In accordance with the Secretary's Environmental Assessment Requirements (SEAR's), an air quality assessment was required to be submitted with the application to assess the potential air quality impacts associated with the increase in processing capacity.

The report identifies that dust is considered to be the main air quality indicator for the site, however it is noted that tyre shredding is not an inherently dusty procedure. Dust emission sources including handling of shredded material and truck movements over on-site surfaces which is managed through a weekly maintenance schedule which has been clarified by the applicant. Conditions of consent are recommended to ensure dust emissions are reduced wherever possible through regular maintenance.

Odour

As identified in the accompanying Environmental Impact Statement, whole tyres are the only items received for processing which are shredded into 2 inch and 6 inch pieces before being dispatched from the site in shipping containers. Given the above materials are limited to non-putrescible waste materials (being rubber tyres), the potential for odour emissions generated by the development is of minimal significance.

Vehicle Access / Manoeuvrability

Access to the site is via Christie Street, with vehicles entering the site via the eastern entry point only, and vehicles exiting the site via the western access point only. No changes are proposed to vehicle access to and from the site.

In accordance with the requirements under Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007, the application was referred to the Roads and Maritime Services (RMS) for comment. Comments were received from RMS who raised no objection to the proposed development.

Traffic and Parking

The application was accompanied by a Parking and Traffic Impact Assessment, which demonstrated the traffic generated by the proposed development can be accommodated by the existing road network. The application was referred to Council's Traffic Engineer who is satisfied with the findings of the report, raising no objections to the proposal, subject to conditions.

In addition, the proposal has demonstrated compliance with the parking requirements outlined in Penrith Development Control Plan 2014 with no increase in staff members proposed with the development. Therefore, it is unlikely that the proposed increase in processing capacity will result in any adverse impacts relating to traffic and parking.

Stormwater Management

As part of the assessment of the application, clarification regarding stormwater treatment was requested to ensure the existing stormwater system is capable of accommodating the proposed development. In response, the applicant submitted the stormwater plan approved under DA07/1197 which provided a stormwater quality treatment device to ensure all runoff from hardstand areas on the site is captured by the device and treated prior to disposal to Council's stormwater system. The applicant has clarified that regular maintenance and cleaning of the device occurs to ensure no contaminants or contaminated water enters Council's stormwater system. As such, the proposal has demonstrated a suitable stormwater design is provided for the development in accordance with Council's Stormwater Drainage Specification for Building Developments.

Section 79C(1)(c) The suitability of the site for the development

The application has demonstrated that the proposed development is suitable for the site. There are no significant natural or built environment constraints that would hinder the proposed development and appropriate measures can be employed to mitigate potential impacts.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of Penrith Development Control Plan 2014, the proposed development was advertised and notified to nearby and adjoining properties between 17 November and 18 December 2017. Council received no submissions in response.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections
Environmental - Environmental management	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions

Section 79C(1)(e)The public interest

In considering the scale of the works proposed and given that the application is generally consistent with the objectives and controls under Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, it is considered that the development will not generate significant issues of public interest. In addition, the EPA has issued General Terms of Approval for the proposal, indicating that an EPL can be issued for the development. Therefore, it is unlikely that the development will generate significant issues of public interest.

Conclusion

The proposed development has been assessed in accordance with the relevant provisions of the environmental planning instruments pertaining to the land, being State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy No 33 - Hazardous and Offensive Development, State Environmental Planning Policy No 55 - Remediation of Land and Penrith Local Environmental Plan 2010.

Subject to the recommended conditions, the proposed development is unlikely to have a significant negative impact on the surrounding environment.

The proposed development has been assessed against the relevant requirements under Section 4.46 and Section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant sections of the Environmental Planning and Assessment Regulation 2000, and has been found to be satisfactory. The likely impacts resulting from the increased processing capacity have been considered and found to be negligible. Given the existing use of the site, the application for an increase in processing capacity has also demonstrated that the site is suitable for the proposed development and the proposal is in the public interest. In this instance, the proposal is therefore worthy of support.

Recommendation

1. That DA17/1063 for expansion of a tyre recycling facility to process 50,000 tonnes of waste tyres at 81-85 Christie Street, St Marys, be approved subject to the attached conditions and the general terms of approval provided by NSW Environmental Protection Authority; and
2. That the determination be referred to NSW Environmental Protection Authority for their records; and
3. That the determination be referred to NSW Roads and Maritime for their records.

CONDITIONS

General

- 1 The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Title	Reference	Author	Dated
NSW Stock Management Plan	-	Tyrecycle	-
Plan for Traffic Management	08-02-2018/35 064 (Issue 03)	Matthew Freeburn	07/02/18

Any amendments to the approved NSW Stock Management Plan shall be submitted to and approved by Council prior to its implementation.

- 2 A copy of the General Terms of Approval issued by the Environment Protection Authority (EPA) dated 15 January 2018, pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* shall be submitted to the Principal Certifying Authority, prior to the commencement of the development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Occupation Certificate, if Council is not the Principal Certifying Authority.
- 3 **The additional processing capacity subject of this consent shall not be used or utilised until an Occupation Certificate has been issued.**
- 4 A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan.
- 5 The operating hours are from 6.00 am to 6.00pm Mondays to Fridays and 7.00am to 6.00pm on Saturdays, unless otherwise restricted by the Environment Protection Authority. No activities shall be conducted on Sundays or Public Holidays. Delivery and service vehicles generated by the development are limited to the hours of operation for the development.
- 6 All shredded tyre pieces shall be contained within the outdoor bunker area.

- 7 The development shall be carried out in accordance with the General Terms of Approval issued by the Environmental Protection Authority (Notice Number 1558803, File Number DOC17/5563875, dated 15 January 2018).
- 8 The development shall comply with the *Fire and Rescue NSW* document 'Guideline for bulk storage of rubber tyres' and the stamped approved NSW Stock Management Plan at all times.

Environmental Matters

- 9 Dust suppression techniques are to be employed to reduce any potential nuisances to surrounding properties.
- 10 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 11 Activities on the premises must be carried out in accordance with Environment Protection Licence issued by the Environment Protection Authority. Should this licence be revoked, suspended or surrendered, an application is to be submitted to Council for consideration of matters contained in the licence.

A copy of the Environment Protection Licence issued by the NSW Environment Protection Authority under the *Protection of the Environment Operations Act 1997* shall be submitted to Penrith City Council before the commencement of the development.

BCA Issues

- 12 The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:
 - (a) deal with each essential fire safety measure in the building premises, and
 - (b) be given:
 - within 12 months after the last such statement was given, or
 - if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.
- As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:
 - must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
 - prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

- 13 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions, or
 - (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
 - (c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

Engineering

- 14 **Prior to the issue of an Occupation Certificate**, a Section 138 Roads Act application, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:
- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
 - b) Concrete footpaths and or cycleways
 - c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
 - d) Road occupancy or road closures
 - e) The placement of hoardings, structures, containers, waster skips, signs etc. in the road reserve
 - f) Temporary construction access

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

- Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.
- Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act

- 15 The stormwater management system shall be maintained in accordance with the drainage details submitted (prepared by Kneebone, Beretta & Hall, reference 82381-10, issue E, dated 7.7.08).

- 16 All vehicles are to enter and exit the site in a forward direction.
- 17 **Prior to the issue of an Occupation Certificate**, line marking and signage is to be installed to direct staff, delivery vehicle drivers and visitors to on-site parking and delivery areas, to the satisfaction of the Principal Certifying Authority.
- 18 **Prior to the issue of an Occupation Certificate**, all vehicle parking and manoeuvring must be in accordance with AS 2890.1, AS 2890.2, and AS 2890.6; Council's Development Control Plans and relevant requirements, to the satisfaction of the Principal Certifying Authority.
- 19 All car spaces, truck manoeuvring areas and loading areas are to be sealed / line marked and dedicated for the parking of vehicles only and not be used for storage of trucks, shipping containers, tyre stockpiles, materials, products, waste materials and the like.
- 20 The required sight lines around the driveway entrances and exits are not to be compromised by street trees, landscaping or fencing.
- 21 **Prior to the issue of an Occupation Certificate** the eastern heavy vehicle driveway is to be widened to accommodate a 25 metre long B-Double vehicle turning path to the satisfaction of the Principal Certifying Authority. Turning path clearances shall include:
- Turning right into the site from the westbound through traffic lane in Christie Street and clear of Christie Street parking shoulder;
 - Turning right out of the site to the westbound through traffic lane in Christie Street and clear of Christie Street centre line;
 - Turning left into the site from the eastbound through traffic lane in Christie Street and clear of the Christie Street centre line; and
 - Turning left out of the site to the eastbound through traffic lane in Christie Street and clear of the Christie Street centre line.

Landscaping

- 22 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

23 Existing landscaping is to be retained and maintained at all times.

Certification

24 Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C6 Landscape Design

Dense screening is located across the frontage of the site which provides a suitable presentation to the street and minimises the visual impact of the development. Conditions of consent will require the existing landscaping to be retained and protected to ensure a suitable streetscape presentation is maintained.

C10 Transport, Access and Parking

A Parking and Traffic Impact Assessment (TIA), prepared by Greys Consulting, has been submitted with the application which demonstrated traffic generated by the proposed development can be accommodated by the existing road network. The application was referred to Council's Traffic Engineer and Roads and Maritime Services, who raised no objections to the proposal, subject to conditions.

Access to the site will not change with vehicles entering the site via the eastern entry point only, and vehicles exiting the site via the western access point only. A condition has been included which requires the eastern crossover to be widened to accommodate a 19m articulated vehicle.

The applicant has also submitted a swept path plan which has been reviewed Council's Traffic Engineer and are considered satisfactory. The swept path plan demonstrates satisfactory vehicle access, circulation and manoeuvrability, subject to imposition of conditions of consent.

Penrith Development Control Plan 2014 specifies that car parking for industries be provided at a rate of one (1) space per 75m² gross floor area, or one (1) space per two (2) employees, whichever is the greater. The proposal does not involve any increase in floor area or employee numbers and with the application demonstrating compliance with the parking requirements, no additional parking is required with the expansion of the recycling facility.

In considering the above requirements outlined in the DCP, it is considered that the traffic, access, maneuverability and parking provided for the development complies with the requirements in the DCP and is supported in this instance.

C12 Noise and Vibration

In accordance with the Secretary's Environmental Assessment Requirements (SEAR's), the application was supported by an Air, Noise and Vibration Impact Assessment which provides an assessment of the air quality, operational and road traffic noise and vibration impacts generated by the proposal.

The report identifies that the expansion will not result in any adverse impacts on air quality, acoustic privacy and vibration. In addition, the report confirms the proposed expansion complies with the guidelines provided by NSW Environment Protection Authority. Council's Environmental Health Officer has also reviewed the proposal and is satisfied that the proposed expansion will not result in any adverse environmental impacts.

D4 Industrial Development

4.2 Building Height

The existing buildings on the site comply with the maximum height of buildings permitted and there are no additional works proposed under the current application. As such, the proposal complies with the maximum height of buildings permitted.

4.3 Building Setbacks and Landscape

The proposed development does not involve any amendments to the existing building setbacks or landscape areas. It is noted that substantial screen planting is located within the front setback of the site to screen the western building from Christie Street. A number of substantial trees are located within the front setback which will be retained and protected. As such, the setbacks and landscaped area for the site is considered suitable.

4.4 Building Design

No amendments to the building design are proposed with the application for expansion of the facility.

4.5 Storage of Materials and Chemicals

A key concern with the proposal relates to the outdoor storage of whole and processed tyres. The outdoor storage of tyres presents a significant risk in terms of fire safety and vehicle maneuverability. Following recommendation from the EPA, a Stockpile Management Plan has been submitted which demonstrates compliance with the NSW Fire and Rescue Document 'Guideline for bulk storage of rubber tyres'. As a result, a condition will be imposed requiring compliance with the Stockpile Management Plan and NSW Fire and Rescue guidelines at all times.

Concern was also raised for the outdoor location and suitability of the shredded tyres. Shredded pieces of tyre (2 inch and 6 inch pieces) are temporarily stored outdoors before being loaded into a shipping container before dispatch from the site. As a result, the applicant has clarified that the size and weight of pieces makes it nearly impossible to be carried by wind. In addition, the air quality assessment submitted with the application outlines that there is minimal impact on air quality from the temporary outdoor storage of tyre pieces.

The proposal does not involve the storage of hazardous chemicals and this will be ensured through conditions of consent. As imposed by the Environment Protection Authority (EPA) General Terms of Approval, dated 15 January 2018, a condition of consent is recommended to be applied requiring all waste processing and storage to be undertaken in accordance with the approved stockpile management plan.

4.6 Accessing and Servicing the Site

Access to the site is via Christie Street, with the site containing two existing vehicle driveways. Vehicles will continue to enter the site via the eastern entry point only, and vehicles exiting the site via the western access point only.

The accompanying Swept Path Plan demonstrates satisfactory traffic movements to, from and within the site.

4.7 Fencing

The subject application does not alter the existing boundary fencing.

4.8 Lighting

The proposal does not involve changes to the existing lighting on the site.