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Proposal: Use of the existing premises for the purpose of a Resource Recovery Facility for the processing and sorting of construction and demolition waste including the construction of one (1) weighbridge and two (2) demountable buildings

Premises: Lot: 1 DP: 830767, 115-119 Cowpasture Road WETHERILL PARK

Applicant: MRA Consulting Group

Zoning: **Fairfield LEP 2013:** IN1 General Industrial

Cost of Works: \$1,600,000

File: DA 428.1/2018

Author: Natalie Kastoun – Development Planner

Date: 28 November 2019

RECOMMENDATION

It is recommended that the proposed Use of the existing premises for the purpose of a Resource Recovery Facility for the processing and sorting of up to 20 000 tonnes per annum of construction and demolition waste including the construction of one (1) weighbridge be approved, subject to conditions as outlined in Attachment J of this report.

SUPPORTING DOCUMENTS

<u>AT-A</u>	Architectural Plans	Pages 2
<u>AT-B</u>	Environmental Impact Statement	Pages 115
<u>AT-C</u>	Traffic Statement & Traffic Engineering Assessment	Pages 9 & 15
<u>AT-D</u>	Traffic Management and Loading Management Plan	Pages 14
<u>AT-E</u>	Air Quality Impact Assessment & Air Quality Response	Pages 44 & 4
<u>AT-F</u>	Management of Occupational Dust Report	Pages 7
<u>AT-G</u>	Acoustic Report & Additional Response re. Noise Impact	Pages 27 & 1
<u>AT-H</u>	NSW Environment Protection Authority - General terms of Approval	Pages 7
<u>AT-I</u>	Submissions	Pages 3
<u>AT-J</u>	Draft Conditions of Consent	Pages 10

EXECUTIVE SUMMARY

Council is in receipt of Development No. 428.1/2018 which seeks approval for the use of the existing premises for the purpose of a Resource Recovery Facility for the processing and sorting of up to 20,000 tonnes per annum of construction and demolition waste including the construction of one (1) weighbridge and two (2) demountable buildings.

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 4 of the EP&A Regulations 2000 are to be determined by the Sydney Western City Planning Panel (SWCPP).

The proposal seeks two (2) demountable buildings within the existing car park. These temporary structures are for office and staff amenities. The structures are also located over car parking spaces and detract from the public domain. Council is also in receipt of a further development application at the subject site, which seeks to provide a new office structure at the subject site, which will be used by the staff of the proposal. Accordingly, it is recommended that these structures are not incorporated into the approval and shall be removed.

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. The 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 and is defined as a “resource recovery facility”. The proposal is permissible within the zone, subject to consent.

The proposed facility is currently operating at the subject site and the purpose of this application is to authorise its use. The operations on the site include the collection of dry, inert, construction and demolition materials, sourced primarily from construction sites and the redistribution of this material to other facilities for final disposal. The operation includes sorting of incoming construction and demolition waste by type in order to remove recyclable material from the waste stream. These sorted materials are then transported to recycling facilities for further processing while residuals would be disposed of at a licensed landfill and provide needed infrastructure for processing of surplus construction industry materials. The proposal does not seek to process asbestos or hazardous materials.

The subject development is proposed to operate 6.00am to 6.00pm Monday to Friday and 6.00am to 4.00pm on Saturdays. A maximum of 24 staff members comprising of ten (10) truck drivers, five (5) yard staff and nine (9) office and administration staff 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 suitable for the proposal with particular consideration for the residential dwellings located within two hundred and fifty (250) metres of the subject site.

An initial assessment of the application raised concern that the subject site could not accommodate the proposed development in terms of car parking and traffic generation. In response to this, the applicant has amended the application and included a Traffic and Parking Report in support of the application. The report indicates that two (2) types of trucks would be used to service the site including heavy rigid trucks at 10m in length (skip bin trucks) and 19 metre articulated vehicles used for removal of larger quantities of waste

materials. 16 skip bin trucks would use the site on a daily basis, 3 Heavy rigid vehicles on a daily basis and 1 articulated vehicle would use the site per week. A Traffic management and Loading Management Plan was submitted that demonstrates how the site would operate to ensure that the trucks entering and exiting the site would not impact the locality. Council's Traffic Engineer has reviewed the amended proposal and revised Traffic and parking reports and deemed it to be satisfactory.

Furthermore, with regard to the car parking requirement for a resource recovery facility, in accordance with Chapter 12 of the Fairfield City Wide Development Control Plan (DCP) 2013, the parking demand must be demonstrated in a car parking survey to a comparable facility. A survey has been submitted and reviewed and it is concluded that there is sufficient car parking spaces onsite. In addition, the sixty-three (63) car parking spaces proposed at the subject site complies with Council's car parking rate for Industrial uses. Accordingly, it is considered that there is sufficient car parking spaces for the proposal.

An Air Quality Impact Assessment Report prepared by Todoroski Air Sciences 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. This report used the Bureau of Meteorology (BoM) weather station at Horsley Park. Council's Environmental Health Officer advised that the proposed sorting 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 Management of Occupational Dust Report prepared by Pickford and Rhyder Consulting Pty Ltd accompanies the development application and was reviewed by Council's Environmental Management Branch. Council's relevant technical officers reviewed the information and raised no concerns subject to conditions of development consent.

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 on two (2) separate occasions. The development application was notified from the 5 October 2018 to the 5 November 2018 with four (4) submissions received, two (2) of these submissions being unique. These submissions raised concern with regard to odour, dust, traffic concerns, access of vehicles to the subject site. The development application was notified for a second time from 15 November 2018 to 15 December 2018, one (1) submission was received in relation to clarification regarding the operations of the site.

In response to the concerns for the potential for air pollution, including the emission of dust and fumes as a result of the operation of the resource recovery facility, a number of Environmental Reports including a detailed Air Quality Impact Assessment and a Dust Management Plan have been submitted. The reports are considered to address how the potential air quality impacts of the development will be minimised. The EPA and Council's Environmental Management Section has assessed all of the environmental reports submitted with the application and raised no concern. In response to the traffic concerns the applicant has provided further information regarding the traffic generation of the proposal which has been reviewed by Council's Traffic Engineer, who raised no concern. Accordingly, it is considered that the concerns raised are addressed within the documentation or can be appropriately conditioned and therefore the submissions received do not warrant the refusal of the application.

The application was referred to Council's Building Control Branch, Traffic Section, Environmental Management Branch, Development Engineering Branch, Heritage Officer, Place Manager 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), Endeavour Energy, 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 objector's concerns are acknowledged however it is considered that there are no issues that would warrant refusal of the application. Where appropriate, the objector's 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 J of this report.

DEVELOPMENT HISTORY

A search of Council's history records has identified the following:

- On 29 September 1995, Council approved the construction of a factory, offices under Development Consent No. 469/95. Relevant conditions as part of this consent include:
 - Condition No. 6 required Sixty (60) off-street car parking spaces in accordance with Council's Off-Street Car Parking Code.
 - As part of Condition No. 6 the factory building was restricted to heavy rigid vehicles.
- On 3 November 1995, Council approved modifications to Development Consent No. 469/95 for the following:
 - Amendments were made in order that the subject site could accommodate semi-trailers (articulated vehicles) on site.
 - Deletion of car spaces 47 and 55 (to allow for semi-trailers), and therefore reduced the car park a total of fifty-eight (58) car parking spaces.
- On 5 January 1996, Council approved the use of building for warehousing of bathroom and building supplies (toilet systems and handrails etc.). Relevant conditions are as follows:
 - Hours of operation shall be within the following range 7.00am to 6.00pm
 - All works and storage shall be wholly within the building.
- Council has also received Development Application No. 631.1/2018, which seeks to alter and extend the factory building by construction of an ancillary three (3)

storey office component to the factory building at the subject site. The purpose of this application is to provide office and staff amenities for the staff of the proposed resource recovery facility. The application also increases the amount of car parking onsite to a total of sixty-three (63) car parking spaces. The application is presently under assessment at the preparation of this report.

SITE DESCRIPTION AND LOCALITY

The site is located at No. 115-119 Cowpasture Road and is formally known as Lot 1, DP 830767. The subject site is located on the eastern side of Cowpasture Road, located along the western periphery of the Wetherill Park Industrial Precinct. The subject site is slightly irregular with a lot width of 68.105 metres, depth of 107.83 metres and a total site area of approximately 7650m². The site has a slight fall towards the south-western corner of the subject site towards the street.

Vehicular access is provided via an existing vehicle crossing on the northern boundary, on Cowpasture Road.

A large single-storey warehouse building with adjoining awning also exists on the subject site currently being used by two (2) separate uses. The first use is the proposed resource recovery facility which has been operating without consent and the second use is a warehouse facility.

The site does not contain any significant vegetation.



Figure 1: Aerial of subject site and surrounding land uses

The subject site is zoned IN1 General Industrial pursuant to the Fairfield Local Environmental Plan 2013. Located immediately west of the site is the Western Sydney Parkland. The site immediately adjoining the north and south of the site is IN1 General Industrial, with similar industrial land uses. The subject site is located approximately one

hundred and thirty metres (130m) south west to a dwelling located within the Western Sydney Parklands (Please see Figure 2).

Figure 2 – Zoning Map as per the Fairfield Local Environmental Plan 2013

The application is for the use of the existing premises for the purpose of a Resource Recovery Facility for the processing and sorting of construction and demolition waste including the construction of one (1) weighbridge and two (2) demountable buildings. Details of the proposal are as follows:

- The application seeks consent for the use of an existing factory building for the purposes of a resource recovery facility. The facility will occupy the western tenancy on the site which is approximately 1409m².
- The resource recovery facility includes the receiving of dry, inert construction and demolition waste and these anticipated materials would be sorted and where possible the waste is recovered including concrete, wood, metals, glass, plasterboard, masonry, soils rubble, fibres, non-putrescible organics and plastics. The process is broken up into two phases: Phase 1: Manual Sorting and Phase 2: Mechanical Sorting. The facility is proposed to process a maximum of 20, 000 tonnes of construction and demolition waste facility.
- The unloading of skip bins from trucks would be performed using forklifts, placing loads on the floor of the shed. Thereafter, excavators and loaders would be used

to handle all waste, moving, sorting and loading as required. Trucks leaving to deliver skin bins commence between 6.00am and 7.00am. Trucks then return to construction sites during the day to collect the loaded skip bins and transport them to the subject site. The tonnage capacity of the skip bin trucks varies from 1 tonne to 10 tonne capacity, with the average being approximately 4 tonnes.

- Deliveries of construction and demolition waste or machinery operation would occur after 7.00am. Approximately sixteen (16) incoming and out coming skip bin truck movements would occur per day which corresponds to one (1) truck entering and leaving the site every 45 minutes as per the Traffic Report prepared by EB Traffic Solutions
- The hours of operation are from:
 - i. Monday to Friday: 6.00am to 6.00pm
 - ii. Saturday: 6.00am to 4.00pm
 - iii. Sunday: Closed
- A wheel wash bay is proposed within the loading area for trucks to be washed down before leaving the premises to minimise the emission of dust.

Car park and Works

- The facility will utilise the existing car park on the site. Under Development Application No. 631.1/2018, a total of sixty – one car parking spaces are required.
- A weighbridge is required to record waste movements and to comply with the requirements of Clause 36 of the Protection of the Environmental Operations (Waste) Regulation 2014. Initially the applicant sought an exemption of this , however, the EPA reviewed this information along with Council's Environmental Management Branch who were not in support of this. On this basis, a weighbridge has now been provided on the site. The weighbridge is flush with the carpark level and therefore does not restrict manoeuvring or the car spaces on the site.
- The application proposes two (2) demountable offices used for the purpose of an office for the manager and staff amenities. These spaces obstruct four (4) approved car parking spaces on site.

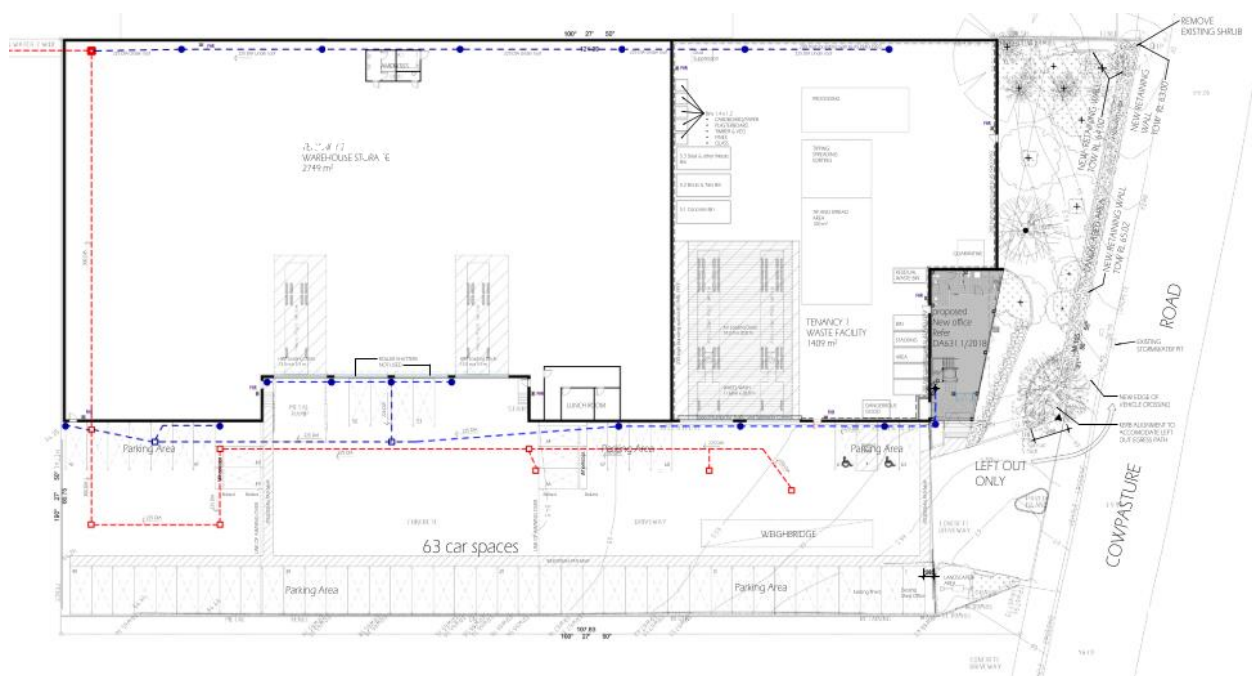


Figure 3: Floor Plan

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 20,000 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 within two-hundred and fifty (250) metres of an

existing dwelling not associated with the development. In accordance with the Environmental Planning and Assessment Regulation 2000, an EIS was prepared and submitted in support of the application. The Application, together with the EIS, was placed on public exhibition for a period of thirty (30) days in accordance with the Regulation.

2. Section 4.46 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 14 May 2019, 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 Management and Loading Management Plan prepared by MRA Consulting dated 18 September 2019 and an Addendum to the Traffic Impact Assessment prepared by B Traffic Solutions dated 21 March 2019 in support of the application. The documentation includes a survey of the proposed vehicle movements and concludes that the traffic generated by the development will not result in any adverse impact on Cowpasture Road and the surrounding road network.

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 Impact Statement (EIS) was submitted with the application given that the site proposes to sort and process waste. The submitted EIS has demonstrated that the proposed site operations do not pose risks or threat to air quality or water quality. It is noted within the EIS 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. Draft State Environmental Planning Policy 55 – Remediation of Land

The Draft Remediation of Land Environmental Planning Policy seeks to repeal and replace SEPP No. 55 (Remediation of Land) in relation to the management and remediation of contaminated land. The draft SEPP was exhibited between January and April 2018. New provisions will be added which will:

- Require all remediation work carried out without the need for development consent to be reviewed and certified by qualified contamination land consultant;
- Categorise remediation work based on scale, risk and complexity of the work; and
- Require environmental management plans relating to post remediation, maintenance and management of on-site remediation measures to be provided to Council.

The subject site has been operating as an industrial premises since the 1990's. The submitted application indicates that the proposed works will be contained within the existing developed area of the site and therefore it can be concluded that the site is suitable for the intended land use and building works.

The submitted application has been assessed by Council's Senior Environmental Management Officer against the provisions of SEPP No. 55 and it is considered that the land is suitable for the proposed works. Further, the proposal is considered satisfactory with respect to the provisions of Draft SEPP Remediation of Land.

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 resource recovery facility. A resource recovery facility is 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 for the subject site.

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	Development Control	Proposed	Compliance
9.1.1.2 Lot frontage	b) The minimum frontage to all other roads is to be 30m	The frontage to Cowpasture Road is 68.105m.	YES
9.1.2 Building Setbacks	a) The minimum setback for all industrial development within the Wetherill Park Precinct on Cowpasture Road is 20 metres of which 10 metres is to be used for landscaping only. The remainder of the setback may be used	A 10 metre building setback is provided along Cowpasture Road frontage, which appears to be all landscaped with the exclusion of the driveway. This is existing and is therefore considered acceptable.	YES
9.2.2.2 Car parking requirements	For general design information on car parking requirements, access and vehicle arrangements, refer to Chapter 12 of this DCP.	See below for car parking assessment in accordance with Chapter 12.	YES
9.2.3 Loading Facilities	<p>a) Large warehouse developments (greater than 3000m²)</p> <p>b) Development with a gross leasable area between 150m² to 700m² requires a loading bay that can facilitate up a Heavy Rigid Vehicle</p>	<p>The building is existing.</p> <p>Based on the provisions of the DCP 2013, the GLA calculations are as follows:</p> <p>Total building: 4251.90m² (based on the approved plans)</p> <p>This would be based on merit.</p> <p>Tenancy 1 (Resource Recovery Facility): 1425.993</p> <p>$1425.993 \div 700 = 2.03$ (round down to 2 loading areas).</p> <p>This is achieved therefore is compliant.</p>	Yes
9.2.4 On-site manoeuvring	Adequate on-site manoeuvring is to be provided to enable a large rigid truck to enter and leave the site in a forward direction. Where this is not possible	The subject application was referred to Council's Traffic Engineering who requested that the applicant provide swept path assessments for the largest servicing vehicle entering and exiting the	Yes

	because of insufficient lot width then Council will restrict future use of buildings to those uses which do not require servicing by large rigid or articulated vehicles.	site via Cowpasture Road. These swept paths were reviewed and is considered acceptable.	
9.2.5 Vehicular Access	Vehicle access and driveways from Classified State and Regional Roads (identified within Schedule 1 of Chapter 12), will only be permitted: via a slip lane where it is beneficial to the business and has the approval of the RMS or where there is no alternative access opportunity.	The subject application has been referred to Council's Traffic Engineering Branch. The application is not located on a Classified State and Regional Road, identified within Schedule 1 of Chapter 12 of the Fairfield City Wide DCP 2013. Vehicular access is considered satisfactory.	Yes
9.2.6 Pedestrian Movement	<p>a) Pedestrian access through car parking areas should be clearly marked, and where possible emphasised by the use of raised and textured surfaces.</p> <p>b) As far as possible, pedestrian access through car parks should be kept separate from vehicle access ways.</p>	Pedestrian paths provided. Considered acceptable based on Council's Traffic Engineering Assessment.	Yes
9.3 Advertising Signage	<p>a) Total advertising area of up to 0.5 square metres for every metre of lineal street frontage is permitted. On corner allotments, the largest street frontage only can be used to calculate the advertising area allowed. This means that for a property with a frontage of 30 metres the total maximum advertising area for signs of any permitted kind will be 15 square metres of total advertising area.</p> <p>No single sign may be permitted to exceed an area of 30 square metres.</p>	Signage is not form part of this application.	N/A

9.4.3 Building Materials	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	There are no changes to the building footprint and no construction activities are proposed as part of this application	N/A
9.9 Industrial/Residential Interface	9.9.1 General Design Requirements a) Side and rear boundary setbacks to adjoining residential development will be determined taking into account the potential impacts of the proposed development on the privacy and amenity of existing residential development.	Existing building.	N/A
9.9.2 Bulk and Scale	a) The height, bulk, scale and appearance of new development is to be compatible with adjoining residential development. b) New buildings or additions to existing buildings shall not unnecessarily overshadow adjoining residential development including private open space. In this regard, Council may require the submission of shadow diagrams where it considers the proposed development may create the potential for overshadowing. c) Buildings should be constructed of high quality, durable, UV stabilised /	Existing building and therefore not applicable	N/A

	resistant building materials. Materials utilised shall ensure any reflective materials do not impact on adjoining residential properties.		
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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:

Criteria	Development Control	Proposed	Compliance
Chapter 12 Car parking, Vehicle and Access Management Resource Recovery Facility	Resource Recovery To be determined by a car parking survey of a comparable facility	The applicant has provided a Traffic and Parking Impact Assessment Report as well as a survey of a comparable facility which is deemed satisfactory.	Yes – See below

The proposal relies upon the existing car park on the site, which provides a total of sixty-one car spaces as required under Development Council No. 631.1/2018. The applicant is required to provide a car parking survey of a comparable facility as per the requirements of Chapter 12 of the Fairfield City Wide DCP 2013. Parking surveys have been undertaken at a resource collection facility located at Bingo Resource Recovery Centre at No. 29 Laverick Avenue, Tomago, Newcastle on Thursday 14 February 2019 between 6.30am and 4.30pm and on Saturday 16 February 2019 between 8.00 and 2.00pm. All staff were observed to park on-street with no staff parked on site. The results also confirmed there were a total of sixty-seven (67) trucks which entered and exited the site on the weekday. Of these, fifty-five (55) trucks were delivering building materials and thirteen (13) trucks were arriving to pick up sorted material. There were a total of fourteen (14) trucks which entered the site and exited the site on the Saturday and the peak parking demands corresponded to eight (8) trucks at one (1) time on the Thursday and three (3) trucks on the Saturday.

Staff

Whilst the Bingo facility has three office and three yard staff, the 11 trucks (and therefore 11 drivers) pick up their trucks from an alternative location and hence their parking demands are not associated with this site.

Visitors

There were a total of two cars which arrived at the site throughout the day, or a peak visitor parking demand of one space at any one time.

Trucks

There were 67 trucks which arrived at the site over the course of the day, which included a mixture of trucks delivering building materials as well as trucks arriving to pick up sorted material for delivery to other locations.

The peak parking demand recorded during the survey was 8 truck spaces. Of these, four trucks were parked within the warehouse and four trucks were propped along the access way and rear of the warehouse.

The total anticipated peak parking demand therefore for 24 staff and one visitor space is a total of 25 spaces. In addition, the staff and visitor parking demands associated with the formwork storage and furniture tenancies correspond to two staff and two visitor spaces.

The total peak parking demand therefore anticipated to be generated by the development site, including existing tenants is twenty-seven (27) spaces which can be comfortably accommodated within the on-site parking supply of sixty-three (63) spaces.

This analysis is conservative as it draws a comparison with a site which processes 25,000 tonnes per annum, which is 20 % in excess of that forecast to be processed in Phase 2 of the proposed development.

In accordance with the Traffic and Parking Addendum, it was recommended that five (5) staff spaces are signposted as a layover parking area for the small to medium trucks in the event that they arrive simultaneously.

Traffic Management Plan

The traffic management associated with the development site will include the provision of:

- A truck parking layover area for trucks waiting to access the warehouses;
- A 1.2 m wide painted pedestrian pathway marked along the pavement abutting the edge of the northernmost parking bays and installation of a painted pedestrian crossing facility at the eastern edge of the proposed weighbridge facility;
- Bollards installed adjacent to the visitor bays to provide protection to vehicles parked immediately adjacent to the warehouses;
- The westernmost parking space adjacent to the Pronto bins office be designated as a disabled parking bay and the vacant area adjacent to this bay line marked as a shared space with a centrally located bollard offset 800 m from the access way; and

- The use of spotter to temporarily hold any vehicles or pedestrians circulating within the site until the articulated vehicle has safely reversed into the warehouse or exited from the warehouse.

The spotter, who could be a staff member associated with the proposed development, is to be trained in Traffic Management Control.

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 there will be sufficient car parking 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:

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

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 a total of four (4)

submissions were received, two (2) being unique submissions. These submissions raised concerns with dust emissions, noise and traffic.

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.

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.

Endeavour Energy

The development application has been referred to Endeavour Energy given that subject site is located within close proximity to a substation. Endeavour Energy raise no objection subject to conditions of consent.

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. Four (4) submissions were received during the notification period with two (2) of these submissions being classified as unique.

Each of the objectors raised concern in relation to the potential for air pollution, including the emission of dust and fumes as a result of the operation of the resource recovery facility. In response to the concerns, 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. These reports have been reviewed by the EPA and Council's Environmental Management Section who raise no concern to the proposal.

Concern was also raised with regard to increase traffic flow. A Traffic and Parking Assessment, Traffic and Parking Management Plan and Car Parking Survey of a comparable facility was submitted in support of the application. Council's Traffic Engineering Branch has reviewed all the documentation and deemed the facility to be considered satisfactory in terms of traffic, car parking and loading/unloading.

Potential for noise impacts was also raised. An Acoustic Report was submitted which was reviewed by Council's Environmental Management Branch who raised no concerns and deemed the trucks entering and exiting the site between 6.00am and 7.00am acceptable given that it was below the relevant thresholds.

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, Dust Management Plan, Acoustic Report 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 20, 000 tonnes of construction and demolition waste on land that is located within 250m of a residential dwelling, 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

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 130 metres away. 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

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.

Traffic Impact

An initial assessment of the application raised concern that the subject site could not accommodate the proposed development in terms of car parking and traffic generation. In response to this, the applicant has amended the application and included a Traffic and Parking Report in support of the application. The report indicates that two (2) types of trucks would be used to service the site including heavy rigid trucks at 10m in length (skip bin trucks) and 19 metre articulated vehicles used for removal of larger quantities of waste materials. 16 skip bin trucks would use the site on a daily basis, 3 Heavy rigid vehicles on a daily basis and 1 articulated vehicle would use the site per week. A Traffic management and Loading Management Plan was submitted that demonstrates how the site would operate to ensure that the trucks entering and exiting the site would not impact the locality. Council's Traffic Engineer has reviewed the amended proposal and revised Traffic and parking reports and deemed it to be satisfactory.

Furthermore, with regard to the car parking requirement for a resource recovery facility, in accordance with Chapter 12 of the Fairfield City Wide Development Control Plan (DCP) 2013, the parking demand must be demonstrated in a car parking survey to a comparable facility. A survey has been submitted and reviewed and it is concluded that there is sufficient car parking spaces onsite. In addition, the sixty-three (63) car parking spaces proposed at the subject site complies with Council's car parking rate for Industrial uses. Accordingly, it is considered that there is sufficient car parking spaces for the proposal.

Amenity

It is considered that the proposal is unlikely to result in any adverse impact upon the amenity of the locality. 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. Four (4) submissions were received during the notification period, two (2) of these being unique. These were concerns were in reference to traffic, emissions of dust and potential noise. These concerns have been addressed via relevant documentation or conditions of development consent.

(e) the public interest

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

SECTION 7.12 DEVELOPMENT CONTRIBUTIONS

The proposed development has an estimated construction cost of \$1,600,000. In accordance with Fairfield City Councils adopted s7.12 contribution plan this requires payment of a development contribution of \$16,000. A condition of development consent has been imposed which specifies this amount is payable.

REASONS FOR RECOMMENDATION

Having regard to the assessment of the application, the proposed development is considered acceptable and should therefore be approved for the following reasons;

- 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, Place Manager, Tree Preservation Officer, Development Planning 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, Endeavour Energy 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.

- The proposed development has been assessed against the development controls stipulated in Chapter 9 – Industrial Development and Chapter 12 (Car Parking, Vehicle and Access Management) of the Fairfield Citywide Development Control Plan (DCP 2013) and found to be satisfactory.
- 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 on two (2) separate occasions. The development application was notified from the 5 October 2018 to the 5 November 2018 with four (4) submissions received, two (2) of these submissions being unique. These submissions raised concern with regard to odour, dust, traffic concerns, access of vehicles to the subject site. The development application was notified for a second time from 15 November 2018 to 15 December 2018, one (1) submission was received in relation to clarification regarding the operations of the site. These objections have been addressed by technical reports in support of the development application and by way of conditions of development consent.

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

RECOMMENDATION

1. Development No. 428.1/2018 which seeks approval for the Use of the existing premises for the purpose of a Resource Recovery Facility for the processing and sorting of up to 20 000 tonnes per annum of construction and demolition waste including the construction of one (1) weighbridge, be approved in Attachment J of this report.