

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-12
DA Number	DA 300.1/2019
LGA	Fairfield City Council
Proposed Development	Use of the subject premises for the purpose of a waste transfer station for used motor vehicles and resource recovery facility of recovered vehicle body parts and associated signage
Street Address	Lot: 10 DP: 1090834 No.74-76 Seville Street Fairfield East
Applicant/Owner	Applicant: Vidhya Ramesh (Hamptons Property Services) Owner: Hassani Investments Pty Ltd and Hussain Group Investments Pty Ltd
Date of DA lodgement	31 July 2019
Total number of Submissions	Four (4)
Number of Unique Objections	
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	The development is a type of waste management facility that is designated development pursuant to Clause 32 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> Fairfield LEP 2013 State Environmental Planning Policy No 55—Remediation of Land
List all documents submitted with this report for the Panel's consideration	Attachment A - Architectural Plans Attachment B - Environmental Impact Statement Attachment C - Additional Information Letters Attachment D - Traffic and Parking Assessment Report Attachment E - Additional Traffic Information Letters Attachment F - Plan of Management Attachment G - Water Management Assessment Report Attachment H - Waste Management Plan Attachment I - Noise & Vibration Assessment Report Attachment J – Fuel System Operation Plan Attachment K - Fire Engineering Advice Letter Attachment L - Sydney Water Trade Waste Agreement Attachment M - Preliminary Site Investigation Attachment N- Draft Conditions of Consent
Clause 4.6 requests	N/A
Summary of key submissions	<ul style="list-style-type: none"> acoustic amenity impacts air quality impacts odour amenity impacts the potential for the discharge of pollutants into Burns Creek affecting ecosystems and fauna within car debris being stored on the street
Report prepared by	Geraldine Pham (Development Planner)
Report date	21 September 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

No

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TO: Sydney Western City Planning Panel – via electronic meeting

REPORT: SWCPP Report

SUBJECT: Lot: 10 DP: 1090834 No.74-76 Seville Street Fairfield East

FILE No: DA 300.1/2019

Application lodged	31 July 2019
Applicant	Vidhya Ramesh (Hamptons Property Services)
Owner	Hassani Investments Pty Ltd and Hussain Group Investments Pty Ltd
Application No.	DA 300.1/2019
Description of Land	Lot: 10 DP: 1090834 No.74-76 Seville Street Fairfield East
Proposed Development	Use of the subject premises for the purpose of a waste transfer station for used motor vehicles and resource recovery facility of recovered vehicle body parts and associated signage
Cost of Works	\$5000
Site Area	12, 678m ² (approximately)
Zoning	IN1 General Industrial under the Fairfield LEP 2013.
Heritage	No
Issues	External Works and Storage, Acoustic Impacts, Management of Contaminants, Site Access, Manoeuvring, Loading/Unloading

Assessing Officer: Geraldine Pham (Development Planner)

ATTACHMENTS

Attachment A - Architectural Plans
 Attachment B - Environmental Impact Statement
 Attachment C - Additional Information Letters
 Attachment D - Traffic and Parking Assessment Report
 Attachment E - Additional Traffic Information Letters
 Attachment F - Plan of Management
 Attachment G - Water Management Assessment Report
 Attachment H - Waste Management Plan
 Attachment I - Noise & Vibration Assessment Report
 Attachment J – Fuel System Operation Plan
 Attachment K - Fire Engineering Advice Letter
 Attachment L - Sydney Water Trade Waste Agreement
 Attachment M - Preliminary Site Investigation
 Attachment N- Draft Conditions of Consent

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SUMMARY

1. *Development Application No. 300.1/2019 was received on 31 July 2019 for use of the existing industrial premises for the purpose of a waste transfer station for used motor vehicles and resource recovery facility of recovered vehicle body parts and associated signage.*
2. *The application was publicly notified to occupants and owners of the adjoining properties and in the local newspaper for a period of 30 days between 22nd August and 21st September 2019. Four (4) submissions were received.*
3. *There are no variations to any development standards or planning controls.*
4. *The application is recommended for approval subject to the conditions as provided in the attached schedule. The application is referred to the Panel as the development is a type of waste management facility that is designated development pursuant to Clause 32 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000.*

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 300.1/2019 which seeks approval for the use of the existing industrial premises for the purpose of a waste transfer station for used motor vehicles and resource recovery facility of recovered vehicle body parts and associated signage. The proposal seeks to store and process a maximum of 100 cars. The maximum handling capacity of the facility will be 19,250 tonnes of waste (metal, rubber, plastic, glass etc. from the vehicles) per year. The site is currently in operation and the subject proposal seeks to authorize the use. The proposal is for the use of the site and does not involve any building works.

The application is referred to the Sydney Western City Planning Panel for determination, as the development is a type of waste management facility that is designated development pursuant to Clause 32 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000. This type of development is listed as a regionally significant development under Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.

The subject site is zoned IN1 General Industrial pursuant to the Fairfield Local Environmental Plan (LEP) 2013 and the proposed development is characterised as both a 'waste or resource transfer station' and 'resource recovery facility', both of which are permitted with consent in the IN1 zone.

The proposed development involves the delivery of used motor vehicles to the site by flatbed trucks or tow trucks. The vehicles will be unloaded within the designated loading bay and then transported into Warehouse 2 via forklifts where the vehicles will be dismantled to recover the engines and gear boxes. Once the dismantling and recovering is complete, the recovered gear boxes and engines will be loaded into a shipping container stored within Warehouse 2. Once the shipping container is full and ready for collection, it will be loaded onto a semi trailer (17m length) and transferred off site to overseas wholesale businesses for reuse. The wrecked vehicles including residual car waste are stored in Warehouse 1 for collection and will be loaded onto flatbed trucks and transferred off site to a vehicle recycling facility. Any waste materials and substances such as oils and liquids will be collected by a waste contractor for disposal or recycling.

The subject development proposes to operate Monday to Friday 7:00am to 5:00pm and Saturday 7:00am to 12:00pm and is consistent with the hours of operation stipulated under Clause 9.4.4 (Hours of Operation) of the Fairfield Citywide Development Control Plan (DCP 2013) for industrial properties that are within 500 metres of residential properties. A maximum of twenty-five (25)

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employees are proposed to be on site at any one time (20 operational staff and 5 administrative staff) and a total of forty-four (44) at-grade car spaces are located onsite.

Whilst the proposal is permitted within the zone, Council must assess whether or not the site is considered to be suitable for the proposal, in accordance with Clause 4.15 of the EPA Act 1979.

An initial assessment of the application raised concern in relation to traffic impacts and environmental impacts including noise and potential water contamination from the operation involving external works and storage.

Council briefed the Panel on the proposed development and issues identified from the assessment of the application at the meeting held on 24 February 2020. The Panel agreed with the issues identified in the assessment of the application and as such further information was requested from the applicant to demonstrate that the traffic impacts, acoustic impacts, public access, amenity, safety and environmental issues from the activities proposed and use of the underground storage system (USS) can be managed appropriately on site and can comply with the applicable policies.

The applicant has amended the proposal to internalise the operations including the storage of the recovered resources and wrecked vehicles wholly within the buildings at all times. The proposal does however; propose to conduct unloading activities within the open loading dock situated in the centre of the site. Notwithstanding, the delivery of vehicles to the site will be staggered to reduce the acoustic impacts as recommended in the Acoustic Report. Given that the site will operate within the restricted hours as set out in the DCP 2013 and will stagger the deliveries, it is considered that the noise generated is unlikely to cause unacceptable impacts to the surrounding locality.

By internalising the operations of the development, the potential environmental impacts with respect to spillage of contaminants is minimised. Furthermore, regular sampling of discharge water quality and cleaning/maintenance of the premises is required to ensure that the development complies with the Australian and New Zealand Environment and Conservation Council water quality guidelines and operates in an environmentally satisfactory manner. This can be covered through conditions of consent.

The internal storage of the recovered resources and vehicles provides additional unobstructed hardstand area for vehicle access and manoeuvring. The largest vehicle used to service the site is a 17m semi-trailer for the collection of the shipping container. The premises is provided with a separate vehicle crossing for truck access and exit. The submitted swept path diagrams indicate that there is sufficient area within the premises for the semi-trailer to enter the site through the truck ingress driveway, access the loading bay, manoeuvre within the site and exit from the easternmost exit driveway. Council's Traffic Engineers have assessed the application and raised no concerns, subject to conditions of consent.

Given the nature of the operations of the site, the application was accompanied with an Air Quality Assessment Report, an Acoustic Report, a Fuel System Operation Plan, a Water Management Assessment and a Waste Management Plan. Council's Environmental Management Branch has assessed the application and concurs with the consultants recommendations within each report. Conditions of consent will therefore be imposed requiring the operation of the premises to comply with the recommendations.

The development involves public access onto the site and this is restricted to the car park areas and administration Building No. 1 only. Customers can bring their cars on site and park in the car park for assessment, to obtain an estimate for sale from the operator and drop the vehicle off on site for sale. This will be conducted on an appointment basis only and no access will be provided to the working areas of the premises. There is a total of forty-four (44) at-grade car spaces on site. A Traffic

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and Parking Study was submitted which indicates that the parking demand of the proposed development is generated by staff and customers travelling to the site. Given that there will be a maximum of 25 employees and customers can only visit by appointment; the report concludes that the car spaces provided on site are sufficient to accommodate the proposed development. Furthermore, during inspections of the site, it was observed that the majority of the car parking spaces were vacant during the operation of the premises.

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

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. The objectors raised concern for acoustic amenity impacts, air quality impacts and odour amenity impacts, the potential for the discharge of pollutants into Burns Creek affecting ecosystems and fauna within and car debris being stored on the street.

In response to the objectors concerns, the applicant amended the application to internalise the storage of the recovered resources and wrecked vehicles to reduce the air and odour amenity impacts and reduce the potential for contaminants and liquid wastes to discharge off site and into the natural watercourse. The applicant has also submitted amended supporting documentation in the form of a waste management plan, water management plan, acoustic report and fuel system operation plan to demonstrate how the development can operate in accordance with the applicable environmental guidelines. In relation to the acoustic impacts, the applicant has reduced the operating hours and will stagger the deliveries in accordance with the recommendations in the acoustic report. The site is currently operating and has been inspected by Council Officers. It was observed that car parts and debris were not stored on the street and all activities and machinery were contained within the confines of the site.

The individual objectors were contacted via telephone to discuss the concerns that were raised. In relation to the telephone discussions, three (3) of the four (4) objectors accepted Council's response and raised no further concerns. The fourth objector was not able to be contacted over the phone.

The application was referred to Council's Building Control Branch, Traffic Section, Environmental Management Branch, Development Engineering Branch, 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), Transport for NSW (TfNSW), Natural Resources Access Regulator (NRAR), Office of Environment and Heritage, Fire and Rescue NSW and the Department of Planning and Environment (DoPE) for assessment in accordance with the Secretary's Environmental Assessment Requirements (SEARs) and the EP&A Regulation 2000. No concerns were raised to the proposal.

The applicant indicated on the development application form that the development is Integrated Development and requires GTAs from the EPA and NRAR. The EPA advised that an Environment Protection Licence is not required for the proposal and therefore GTAs are not required. The NRAR advised that general terms of approval and / or a controlled activity approval is not required, and no further assessment is necessary. Accordingly, the development is not Integrated Development.

Contamination of the land and the suitability of the land for its intended use was considered in the assessment in accordance with the provisions of State Environmental Planning Policy No 55—Remediation of Land (SEPP 55). A desktop analysis revealed that there was a potential for ground disturbance on site from the previous activities on the site. The applicant submitted a PSI, which

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concludes that the site is suitable for the proposed development subject to the installation and sampling of groundwater monitoring wells and maintenance of the existing hardstand across the site. These requirements will form conditions of consent.

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, Environmental Planning and Assessment Regulation 2000, 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 supporting documentation are implemented and conditions of consent complied with. The objectors concerns are acknowledged however, it is considered that there are no issues that would warrant refusal of the application. Where appropriate, the objectors concerns can be addressed through conditions of consent. As such, it is recommended that the application be approved, subject to conditions as outlined in Attachment 1 of this report.

SUBJECT SITE AND SURROUNDING AREA

The subject land comprises an irregular shaped lot with an area of approximately 12,678m² and is located No.74-76 Seville Street Fairfield East.

Currently existing on the site are 5 buildings (4 warehouses and a 2-storey administration building), a parcel dock to the east, a fuel pump in the centre and forty- four (44) at grade car parking spaces.

The site is illustrated in Figure 1 below:



Figure 1 – Aerial Image of subject site



Figure 2 – Site Locality Plan

The subject site is located along the periphery of the Fairfield East industrial precinct and adjoins industrial developments to the north, east and west and a natural waterbody (Burns Creek) to the south).

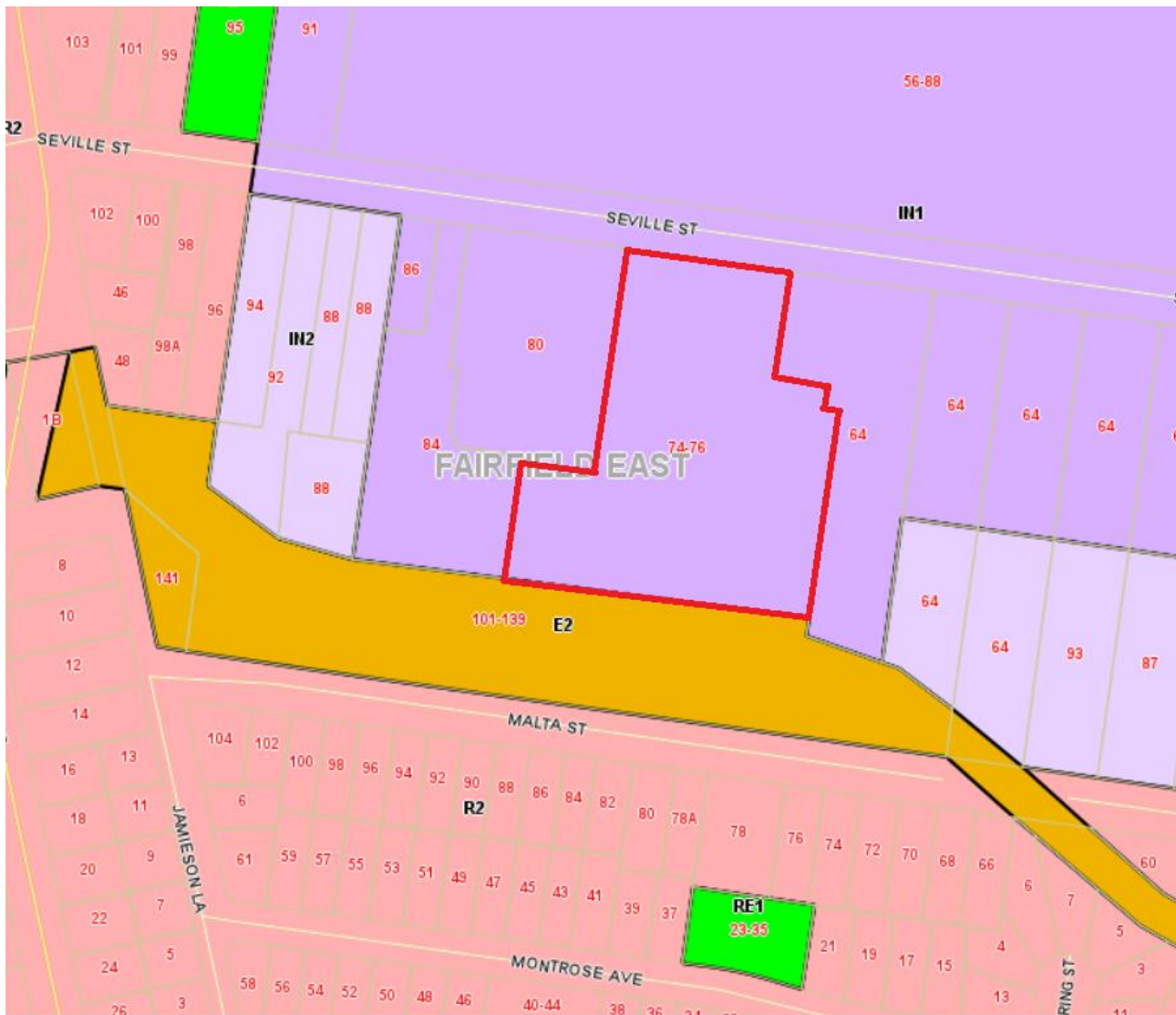


Figure 3 – Land Zoning Map

The subject site is zoned IN1 General Industrial and adjoins industrial developments zoned IN2 Light Industrial to the east and west. The waterbody (Burns Creek) to the rear of the site is zoned E2 Environmental Conservation. The closest sensitive receivers (residential properties) are located approximately 67m south along Malta Street and are zoned R2 Low Density Residential.

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DESCRIPTION OF THE PROPOSED DEVELOPMENT

The subject application seeks approval for the use of the existing industrial premises for the purpose of a waste transfer station for used motor vehicles and resource recovery facility of recovered vehicle body parts (including gearboxes and engines) and associated signage.

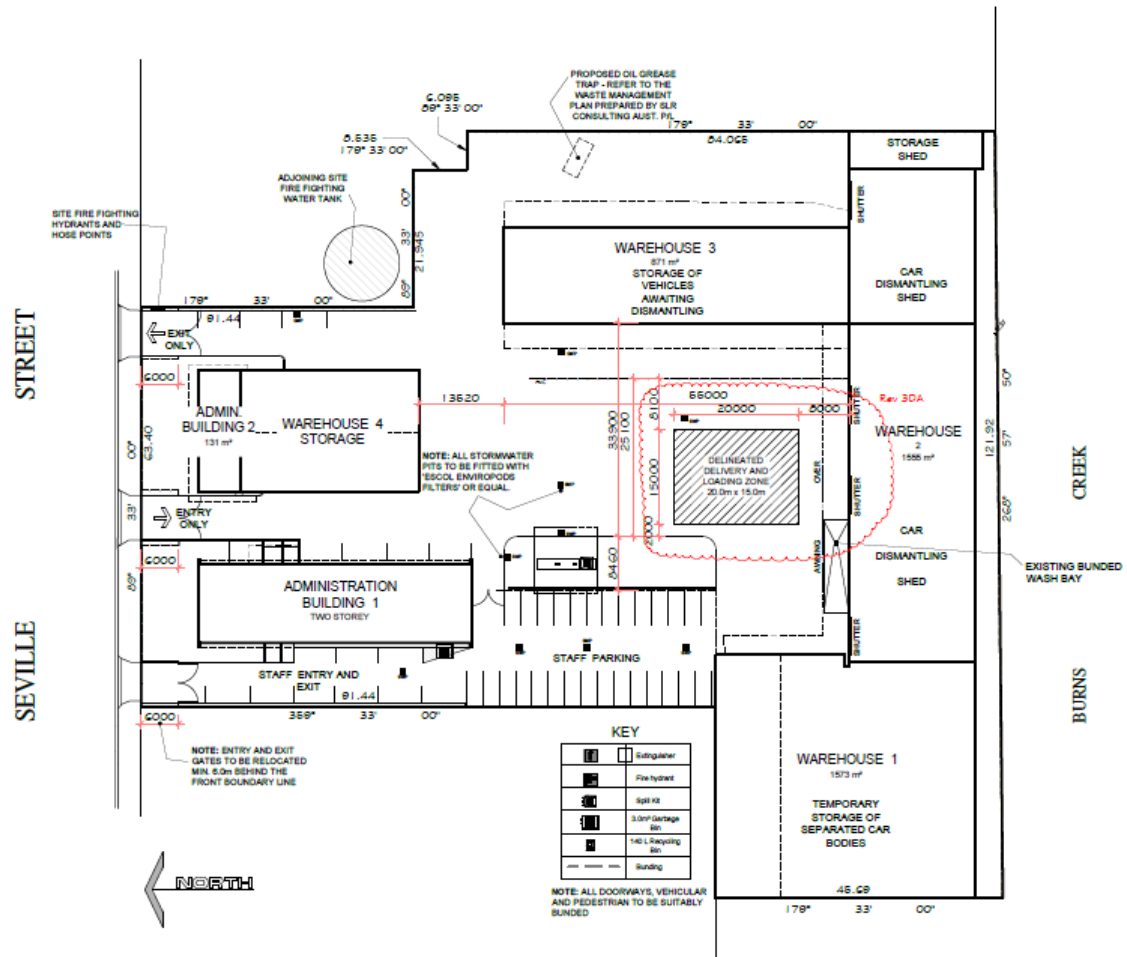
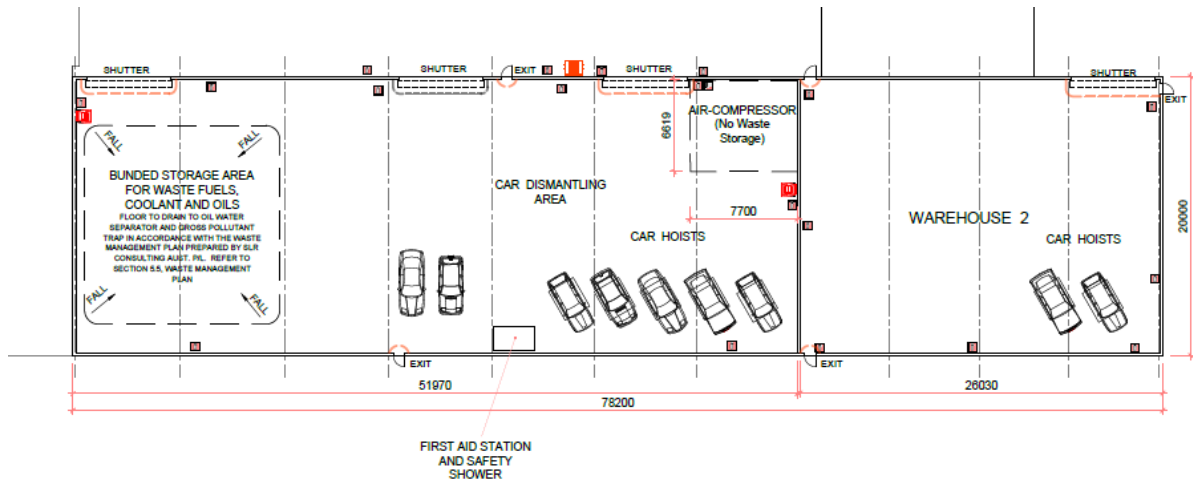


Figure 4 – Proposed Site Plan and Uses

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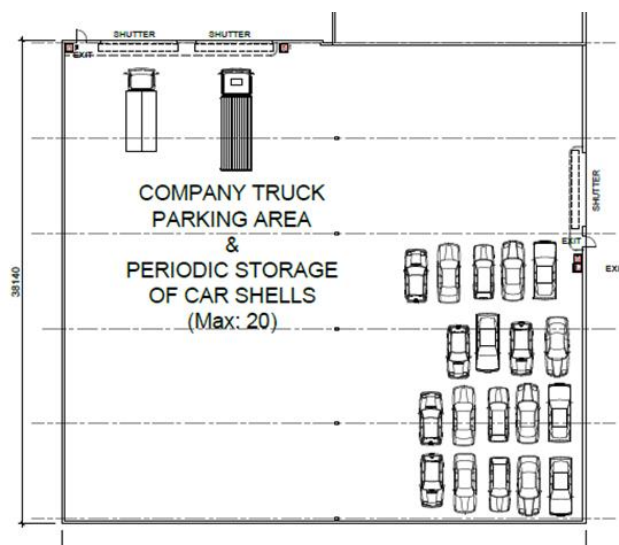
The development involves the following:

- Used motor vehicles are delivered to the site by tow trucks or flatbed trucks.
- Customers can also bring their vehicles on site for sale and drop off by appointment. Public access onto the site is restricted to the car park areas and administration Building No. 1 only.
- The operator will co-ordinate the deliveries so that they are staggered, to reduce acoustic and traffic impacts.
- Vehicles are unloaded within the open loading dock and then transported into Warehouse 2 via forklifts where the vehicles will be dismantled to recover the engines and gear boxes.



Warehouse 2

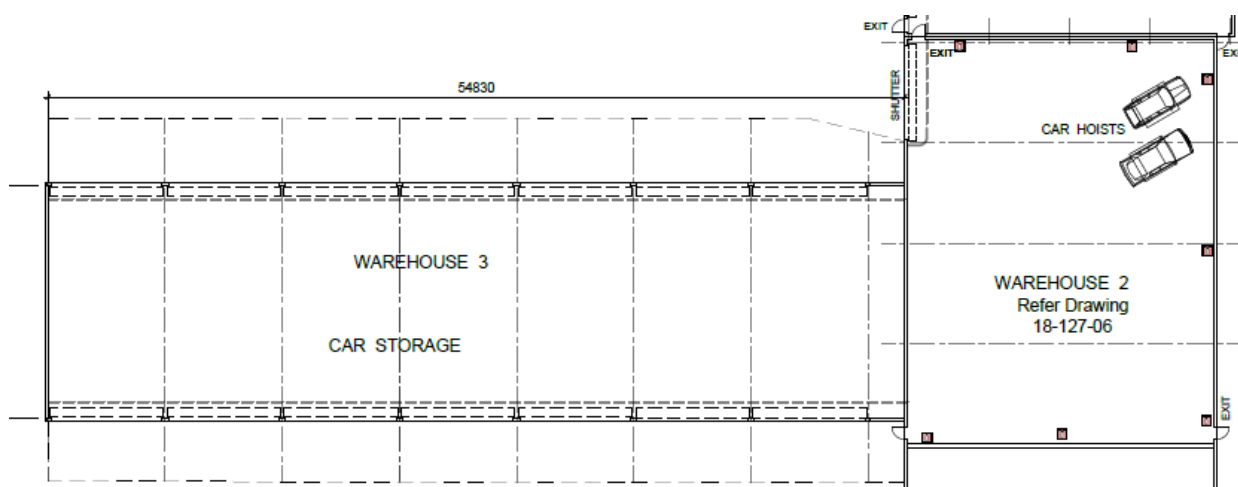
- Once dismantling and recovery is complete, the vehicle will be stored in Warehouse 1 and the recovered parts will be stored in a shipping container located in Warehouse 2.



Warehouse 1

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- It is anticipated that a maximum of 100 vehicles will be stored on site at any one time. Vehicles awaiting dismantling will be stored in Warehouse 3.
- The maximum handling capacity of the facility will be 19,250 tonnes of waste (metal, rubber, plastic, glass etc. from the vehicles) per year.



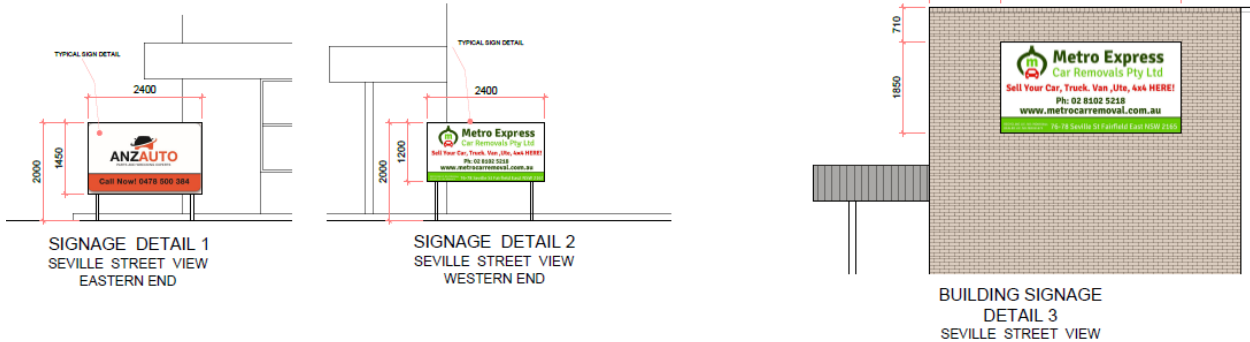
Warehouse 3

- Once the shipping container is full, the container will be loaded onto a semi-trailer (17m length) and transported off site for sale to wholesale business where they will be shipped overseas for reuse.
- Wrecked vehicles including residual car waste are loaded onto flatbed trucks and transported off site to a vehicle recycling facility.
- Waste materials and substances such as liquids and oils will be collected by a waste contractor for disposal or recycling. The banded waste storage area is located in Warehouse 2.
- The table below extracted from the Waste Management Plan outlines the frequencies of deliveries from the premises:

Waste Stream	Proposed Management Method	Collection Frequency
Tyres	Transported off-site to a licenced recycling facility	Once daily
Engines	Transported overseas for reuse	Twice daily
Engine oils	Drained and stored in a 1 m ³ container	As required
Engine coolant	Drained and stored in a 1 m ³ container	As required
Gearboxes	Transported overseas for reuse	Once daily
Car shells	Transported off-site to a licenced recycling facility: Metal Force Recycling located 110 Fairfield Street, Fairfield East 2165	10 collections daily
Radiator fluid	Drained and stored in a 1 m ³ container	As required
Residual car waste	Attached to the car shells and collected with them	10 collections daily

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- The proposed business identification signs include: One (1) flush wall Sign on Admin Building (6.66m²), two (2) freestanding fence signs located behind the front fence and within the landscaped area (4.8m² each)



Proposed Signage

- There are three (3) vehicle crossings along the sites frontage. The westernmost crossing is for staff and customer vehicles, the centre crossing is for truck ingress and the easternmost crossing is for truck egress.



Egress for trucks



Ingress for trucks



Car park entrance

- The submitted site plan indicates forty-four (44) at grade parking spaces located behind the vehicle crossings on site.
- The largest vehicle that will be used to service the operations of the site is a 17m semi trailer.
- A maximum of twenty-five (25) employees are proposed to be on site at any one time (20 operational staff and 5 administrative staff).
- There will be no retail sales made to the public on site.
- The existing landscaped areas located behind the sites frontage will be maintained.
- There are no building works proposed.

HISTORY

Date	Action
31/7/2019	The Development Application was lodged.
7/8/2019	The Development Application was referred to internal departments and external agencies for review.
22/8/2019 to 21/9/2019	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. The notification generated four (4) submissions objecting to the proposal.
19/12/2019	Council sent a letter to the applicant requesting additional information.
24/2/2020	SWCPP briefing held
3/6/2020	Additional information provided by the Applicant to address the concerns raised by Council and the SWCPP.
7/6/2020	Council sent a letter to the applicant requesting additional information.
19/8/2020	Additional information provided by the Applicant to address the concerns raised by Council

HISTORY OF SITE

The following Development Consents were approved to the subject site:

- On 26 March 2004 Council approved Development Application No. 2467/2003 for a warehouse extension and erection of a covered awning on site. Sixty-four (64) off street parking spaces and one (1) off-street accessible parking space were provided. The approved operating hours were Monday to Friday 5:00am to 12:00pm and Saturday 5:00am to 2:00pm. The development was associated with the existing transport depot.
- On 5 August 1997, Council approved Development Application No. 298/1997 for a transport depot. The approved operating hours were Monday to Friday 5:30am to 1:00am. The approved plans indicates the provision of forty-eight (48) at grade parking spaces on site. A condition was imposed requiring all trucks entering the site to be wholly contained within the building before being required to stop.

INTERNAL REFERRALS

Building Control Branch

The development application was referred to Council's Building Control Branch for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

Environmental Management Section

The development application was referred to Council's Building Control Branch for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

Development Engineer

The development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

Place Manager

The development application was referred to Council's Place Manager who raised no concern.

Traffic Engineer

The development application was referred to Council's Traffic Engineer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

Tree Preservation Officer (TPO)

The development application was referred to Council's Tree Preservation Officer for comment. Given that the proposal involves retaining the existing landscaped areas and does not involve the provision of any additional landscaping, Council's TPO raised no concern.

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EXTERNAL REFERRALS

Transport for NSW (TfNSW)

The development application was referred to RMS on 12 August 2019.

TfNSW responded on 2 September 2019 advising that no comments are required to be provided for Council's consideration for the Application as the proposal does not involve any modification to the existing warehouses or access arrangements.

Department of Planning, Industry and Environment (DoPIE)

The development application was referred to the DoPIE on 12 August 2019. Given that the agency had ample time to provide Council with comments and no comments have been received to date, it is considered that the DoPIE has no concerns to the proposed development.

Natural Resources Access Regulator (NRAR)

The development application was referred to NRAR on 12 August 2019. The NRAR advised that General Terms of Approval and / or a controlled activity approval is not required, and no further assessment is necessary.

NSW Environment Protection Authority (EPA)

The EPA assessed both the original and amended proposal and advised that the proposed activity does not require an Environment Protection Licence for the following reasons:

- The threshold for waste storage is 1000 tonnes at any one time. The proposed activities will be under this threshold.
- The threshold for storage of waste tyres is more than 5 tonnes or 500 tyres at any one time. The proposed activities will be under this threshold.

The EPA was therefore not required to provide Council with GTAs for the proposed facility.

Office of Environment and Heritage (OEH)

The development application was referred to the OEH on 12 August 2019. Given that no response was received, Council sent follow up emails on 23 October 2019 and 22 January 2020. Given that the agency had ample time to provide Council with comments and no comments have been received to date, it is considered that the OEH has no concerns to the proposed development.

Fire and Rescue NSW (FRNSW)

The development application was referred to the FRNSW on 12 August 2019. TfNSW responded on 4 November 2019 and requested an assessment of fire and life safety systems and measures required for the facility to be undertaken in accordance with Volume 1 of the National Construction Code (with consideration be given to Clauses E1.10 and E2.3). The Fire & Rescue NSW also advised that advice and requirements within FRNSW's Fire Safety Guideline – Emergency Vehicle Access shall be addressed.

In response, the applicant submitted a letter from their Fire Consultant advising that the recommendations made by FRNSW will be adopted in the design documentation prepared during the Construction Certificate phase. This letter has been forwarded to the FRNSW.

PLANNING COMMENTS

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

The development application proposes a resource recovery facility to process up to 19,250 tonnes of waste (from vehicles) 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 Schedule 3 of the 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.**

The proposal is for a waste transfer station and resource recovery facility, both of which are types of waste management facilities. The maximum intended handling capacity will be up to 19,250 tonnes per year of waste such as metal, rubber, plastic and glass from the used motor vehicles. These types of wastes are listed under Clause 32 (b) (iii); however, the handling capacity is less than 30,000 tonnes. The site is located 68.2 metres north of residential properties (zoned R2 low density residential) and immediately adjoins Burns Creek to the south.

Based on the above, the development is defined as Designated Development due to the type of land use proposed and the location of the site in proximity to sensitive land uses. The operations of the development has the potential to significantly affect the amenity of the neighbourhood by reason of noise, air pollution (including odour, smoke, fumes or dust) and traffic. Notwithstanding, the applicant has demonstrated in the application and supporting documentation that the amenity impacts can be managed and minimised through a range of site management procedures in relation to noise, dust, waste, traffic and removal of contaminants. The application has been assessed by Council and external government agencies as required by the SEARs and no issues were raised, subject to conditions of consent.

Pursuant to Clause 4.12(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).

Pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 waste management facilities that are defined as designated development under clause 32 of Schedule 3 of the Regulations, are to be determined by the Sydney Western City Planning Panel.

Section 91 of the Environmental Planning and Assessment Act – Integrated Development

The applicant indicated on the application form that the development is Integrated Development and requires GTAs from the NSW Environment Protection Authority (EPA) and Natural Resources Access Regulator (NRAR). Council referred the application to the government agencies for assessment. Both agencies returned with no concerns to the proposal and advised that GTAs were not required. Accordingly, the development is not Integrated Development.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - S 4.15 EVALUATION

The provisions of any Environmental Planning Instruments (EP& A Act s4.15 (1)(a)(i))

Local Environmental Plans

Fairfield LEP 2013

The subject site is zoned IN1 General Industrial pursuant to the Fairfield Local Environmental Plan (LEP) 2013 and the proposed development is characterised as both a 'waste or resource transfer station' and 'resource recovery facility', both of which are permitted with consent in the IN1 zone.

A waste or resource transfer station is defined in the LEP 2013 as:

“waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.”

A resource recovery facility is defined in the LEP 2013 as:

“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

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gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.”

The objectives of the IN1 General Industrial zone are:

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

The proposed development is consistent with the zone objectives.

The relevant matters to be considered under the Fairfield LEP 2013 for the proposed development are summarised below.

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.1 Minimum subdivision lot size	N/A	The proposed development does not seek the creation of new lots.
4.3 Height of Buildings	N/A	No maximum building height is prescribed for the land.
4.4 Floor Space Ratio	N/A	No maximum FSR is prescribed for the land.
4.6 Exceptions to development standards	N/A	The proposed development does not require consideration of any exceedance of a development standard.
5.10 Heritage Conservation	N/A	The subject site is not heritage listed and is not within a heritage buffer.
6.1 Acid Sulphate Soils	N/A	The land is not mapped as being affected by acid sulphate soils.
6.2 Earthworks	N/A	The proposed development does not involve earthworks.
6.3 Flood Planning	Yes	The entire site is located within a Low Flood Risk precinct as a result of overland and mainstream flooding. As no external structures are proposed, there will be no expected flood affectation onto adjoining properties. Furthermore, the application was supported with a flood risk management report that has been assessed by the development engineers who raised no concerns.
6.5 Terrestrial Biodiversity	N/A	The subject land is not mapped as containing terrestrial biodiversity.
6.6 Riparian Land and Watercourse	Yes	The subject site adjoins Burns Creek to the rear. The proposed activities will be

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	<p>undertaken within the existing buildings located within the centre and front of the site and is therefore unlikely to cause an impact to the adjoining creek. Furthermore, the development will implement water pollution management measures including bunding around the storage area for liquid wastes, installation of a gross pollutant trap and enviropods to capture any contaminants within the runoff as well spill management procedures to minimise the risks for water contamination.</p> <p>The application was referred to the NRAR who advised that GTAS are not required as the development does not extend onto land that is waterfront land, or encompasses works that are defined as controlled activities.</p> <p>Accordingly, the development is unlikely to affect the riparian land and watercourse.</p>
6.9 Essential Services	<p>Yes</p> <p>All necessary essential services are provided to the land.</p>

State and Environmental Planning Policies

State Environmental Planning Policy No 55—Remediation of Land

In accordance with Clause 7 of SEPP 55, Council as the consent authority cannot consent to the development of the land unless it has considered whether the land is contaminated, and if the land is contaminated, it must be satisfied that the land is suitable in its contaminated state (or would be suitable after remediation) for the proposed development.

A desktop analysis and review of history files concerning the site revealed that there were developments and redevelopments that occurred on the site between 1997-1998. Accordingly, there is the potential that ground disturbance may have been undertaken to facilitate the development/redevelopments.

The applicant submitted a Preliminary Site Investigation Report (PSI) prepared by SLR dated August 2020 in support of the application. The PSI provides results from a soil investigation, which included the collection of three soil samples across the site and analysis of contaminants of potential concern at a National Association of Testing Authorities (NATA) accredited laboratory. The soil sampling results did not exceed the adopted investigation criteria and thus is unlikely to cause health risks to the visitors and users of the site.

The environmental consultant also visited the site to inspect the current site conditions, potential on-site contamination sources, adjacent land use activities and potentially sensitive receptors. Based on this inspection, neither a potential for unacceptable contamination nor potential sources of contamination were identified. However, the presence of an on-site underground petroleum storage

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systems comprising three (3) underground storage tanks is considered a potential area of environmental concern. Given that the existing fuel pump will be used as part of the development, the applicant submitted a Fuel System Operation Plan prepared by SLR, dated May 2020 which outlines the operational and maintenance procedures for the fuel system to ensure compliance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 (PDF 311KB) (UPSS Regulation). This includes the installation of groundwater monitoring wells to detect any leakage, maintaining the existing hardstand across the site and equipment integrity testing being carried out on the UPSS every two years to assess its containment integrity. Compliance with these procedures can form conditions of consent.

Based on the information gathered during the desktop analysis, the observations made during the site visits, the results of the soil investigation, and review of environmental aspects of the site (including topography, hydrology, geology, hydrogeology and lithology), the environmental consultant concludes the following:

- The potential with the proposed development for significant, widespread contamination to be present at the site is considered to be low; and
- The site is suitable for the proposed development subject to the installation and sampling of groundwater monitoring wells as per the Fuel System Operation Plan and maintenance of the existing hardstand across the site.

Council's Environmental Management Section (EMS) assessed the application, raised no concerns, and are satisfied that the land is suitable for the purpose of the proposed development. Accordingly, the provisions of SEPP 55 have been acknowledged in the assessment of the application.

The provisions of any draft Environmental Planning Instruments (EP& A Act s4.15 (1)(a)(ii))

Not Applicable.

The provisions of any Development Control Plans (EP& A Act s4.15 (1)(a)(iii))

An assessment of the development application against the relevant objectives and development controls of the DCP 2013 is provided below. The assessment revealed that the proposal is satisfactory.

Any planning agreement that has been entered into under part 7.4, or any draft planning agreement that a developer has offered to enter into under part 7.4, (EP& A Act s4.15(1)(a)(iiia))

There is no planning agreement or draft planning agreement associated with the subject Development Application.

The provisions of the Regulations (EP& A Act s4.15 (1)(a)(iv))

The proposed development is identified as a 'waste management facility' defined under Clause 32 of Schedule 3 of the EP&A Regulations 2000. Given that waste management facility will sort, and temporarily store waste on site for transfer to another site for final disposal, reprocessing, recycling, use or reuse and is located within 100 metres of a natural waterbody (Burns Creek) and within 250 metres of a dwelling not associated with the development (residential properties located south along Malta Street) 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, the development is defined as Designated Development.

Pursuant to Clause 4.12(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).

The Likely Environmental, Social or Economic Impacts (EP& A Act s4.15 (1)(b))

Water Pollution

A Water Management Assessment report prepared by SLR, dated May 2020 was submitted in support of the application which identifies automotive fluids (hydrocarbons, oils, greases, brake fluids), cleaning agents, runoff containing sediments and pollutants from road surfaces as the main sources of water pollution generated from the development within the subject site.

A Waste Management Plan (EMP) which outlines the processes and procedures to be implemented to minimise the risk of pollutants contaminating the stormwater system, actions to be taken if a pollution incident occurs, waste avoidance, re-use and recycling procedures, monitoring and reporting procedures, an inventory of pollutants and staff training requirements.

The development will implement spill management procedure as well as installing bunding within Warehouse No. 2 for the storage area for waste fuels, coolants and oils. A Gross Pollutant trap is proposed at the rear of Warehouse No. 3 to capture runoff from the hardstands area prior to discharge from the site and remove hydrocarbons and sediments. EnviroPod filters will be installed inside the stormwater pits within the hardstand area; these filters comprise hydrocarbon absorbing membranes to mitigate hydrocarbon runoffs from hardstand areas during rainfall. Regular cleaning and maintenance of the water quality controls will be required to ensure they operate efficiently. These procedures include:

- Clean and maintain oil/water separators (grease traps) by a suitably qualified contractor – at least 6 monthly;
- Replace or clean EnviroPod filters – 12 monthly; and
- Cleaning of hardstand vehicle storage areas – 12 monthly.

The completion of the above procedures will form conditions of consent.

Council's Environmental Management Section has assessed the Water Management Assessment Report and Waste Management Plan and raised no concerns.

Noise Pollution

A Noise & Vibration Assessment report prepared by SLR, dated May 2020 was submitted in support of the application which identifies wrecking activities and loading activities as the main noise sources. The nearest sensitive receivers that are likely to be impacted from the noise from the development include residential properties located 220m west of Seville Street and residential properties located 100m south of the site, along Malta Street.

In order for the operation of the development to comply with the requirements of the Noise Policy for Industry, the Acoustic Consultant recommended the following:

- Any tonal reversing alarms to be used by forklifts and flatbeds should be replaced with broadband (quacker) alarms, as they are more likely to blend in with the background noise.

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- Deliveries should be staggered and spread evenly over the operating hours for example the number of deliveries within any 15-minute period should be limited to a maximum of four.
- The operator shall advise the owners of any trucks with defective mufflers or other faults that cause them to be loud, to address the situation as soon as practicable.

Council's Environmental Management Section concurs with the recommendations provided by the Acoustic consultant and such recommendations will form conditions of consent.

Air Pollution

An Air Quality Impact Statement report prepared by SLR, dated April 2020 was submitted in support of the application which identified the following potential sources of air emissions associated with the operation of the development:

1. Products of fuel combustion (including particulates) from onsite vehicle movements;
2. Particulate emissions from onsite vehicle movements;
3. Odour and Volatile Organic Compound (VOC) emissions from the evaporation of volatile chemicals (including engine oils, fuel, coolant fluid, etc.); and
4. Refrigerant vapour emissions from air conditioning units.

In order to minimise the emission of air pollutants, the Air Quality Consultant has recommended a number of mitigation measures, which shall be implemented in order to control any residual impacts from on-site activities and for the development to comply with the Environmental Protection Authority Guidelines. These measures include:

- Limiting engine operating times to a minimum. Vehicle engines shall be turned off if the vehicle is going to be stopped for more than 60 seconds;
- Light hosing/sweeping of hardstand areas to suppress dust in dry and windy conditions;
- Undertaking routine maintenance of all forklifts and trucks;
- Minimising storage of volatile chemicals on-site;
- Cleaning up spills immediately, and disposing of waste in accordance with relevant state and federal requirements;
- Investigating any complaint as soon as possible so that effective appraisal of the complaint can be carried out by subjective assessment; and
- Conducting staff awareness training to increase staff awareness of potential air quality and odour impacts.

Council's Environmental Management Section concurs with the recommendations provided by the Air Quality consultant and such recommendations will form conditions of consent.

Traffic Impact

The application was accompanied by a Traffic and Parking Assessment Report and addendum prepared by Varga Traffic Planning. The traffic assessment found that the traffic expected to be generated by the proposed development will not result in any unacceptable impacts in terms of road network capacity, nor will any road upgrades/improvements/widening be required. A loading management plan was submitted demonstrating how vehicle movements can be co-ordinated to prevent conflicts between trucks and vehicles using the site and vehicle queuing and impacting the through traffic. Furthermore, the submitted Acoustic Report recommends that deliveries should be staggered and spread evenly over the operating hours for e.g. the number of deliveries within any 15-minute period should be limited to a maximum of four. This arrangement prevents traffic congestion on site whilst keeping noise emissions to a minimum.

Given that there will be no demolition and no construction of buildings, there will be no construction vehicle activity and disruptions to the local network.

In relation to car park demand, the proposal does not seek to increase the existing gross floor area on site. There is a total of forty-four (44) at-grade car spaces on site. The development involves customer access onto the site to obtain a quote for the sale of their vehicles or for vehicle drop off. Notwithstanding, it is anticipated that the majority of vehicles will be delivered to the site via company trucks and there will be no more than 3 customers visiting the site per day. The development will employ a maximum of 25 full time staff. Therefore, there will be 19 available spaces for visitors given the scenario of a single vehicle occupancy rate for staff. On this basis, it is considered that the existing car park facility is adequate for the development.

Amenity

It is considered that the proposal is unlikely to result in any adverse impact upon the amenity of the locality. The applicant has amended the proposal to reduce the operating hours so that they are in line with the hours stipulated under Clause 9.4.4 (Hours of operation) of the DCP 2013, for industrial properties that are within 500 metres of residential properties. The applicant has also amended the operational procedures to internalise the operations of the development including the storage of the wrecked vehicles and received resources wholly within the buildings. These amendments rectify the issues identified from the assessment of the original proposal and result in a development that is less likely to cause adverse environmental impacts.

Social and Economic Impacts

The proposal seeks to utilise an existing industrial property and add to the importance of Fairfield East 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.

The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The site is considered suitable for the proposed development. There are no known constraints which would render the site unsuitable for the proposed development.

Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

Advertised (newspaper) ☒

Mail ☒

Notice erected on site ☒

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.

The objectors raised concern for acoustic amenity impacts, air quality impacts and odour amenity impacts, the potential for the discharge of pollutants into Burns Creek affecting ecosystems and fauna within and car debris being stored on the street.

In response to the objectors concerns, the applicant amended the application to internalise the storage of the recovered resources and wrecked vehicles to reduce the air and odour amenity

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impacts and reduce the potential for contaminants and liquid wastes to discharge off site and into the natural watercourse. The applicant has also submitted amended supporting documentation in the form of a waste management plan, water management plan, acoustic report and fuel system operation plan to demonstrate how the development can operate in accordance with the applicable environmental guidelines. In relation to the acoustic impacts, the applicant has reduced the operating hours and will stagger deliveries in accordance with the recommendations in the acoustic report. The site is currently operating and has been inspected by Council Officers. It was observed that car parts and debris were not stored on the street and all activities and machinery were contained within the confines of the site. Conditions can be imposed to ensure that the operation of the development is conducted in accordance with the above management plans at all times.

The individual objectors were contacted via telephone to discuss the concerns that were raised. In relation to the telephone discussions, three (3) of the four (4) objectors accepted Council's response and raised no further concerns. The fourth objector was not able to be contacted over the phone.

The public interest (EP& A Act s4.15(1)(e))

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

Fairfield Citywide Development Control Plan 2013

The proposal has been assessed against the relevant controls stipulated within the Fairfield City Wide Development Control Plan (DCP) 2013. Based on the assessment of the proposed development it is considered to comply with the relevant controls.

Chapter 9 – Industrial Development

Criteria	Development Control	Proposed	Complies
9.1.2 Building Setbacks	East Fairfield Precinct - Lisbon, Fairfield, Seville, Malta, Mandarin, Scott and Donald Streets 5 metres, all of which is to be used for landscaping.	The development maintains the 9m landscaped setback off Seville street, in front of the 2 administration buildings.	Yes
9.2.3 Loading Facilities	a) To ensure new development does not adversely intrude on pedestrian and vehicle amenity, applicants will need to demonstrate that loading for their activity can either be carried out: a. on-site without interfering with the efficient operation of	A designated loading/unloading bay (20m length x 15m width) is provided within the hardstand area in front of Warehouse No. 2. The loading bay will be used by flat bed and tow trucks	Yes

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	<p>the premises (including its car park); or</p> <p>b. gain access to an on-street loading zone at the front or side of their premises.</p> <p>Large warehouse developments (greater than 3,000 sq.m)</p> <p>Loading facilities for large warehouse developments will be assessed on merit and are to be justified on basis of size, number and frequency of goods vehicles likely to visit premises</p>	<p>(MRVs with a length of 8.8m) for the delivery of used motor vehicles to the site for dismantling. On average the facility will receive approximately 20 deliveries per day.</p> <p>The loading bay will also be used by 17m semi-trailers to collect the shipping container comprising the recovered gear boxes and engines located in Warehouse No. 2. On average there will be 3 semi-trailer movements per week.</p> <p>A Traffic and Parking Assessment Report was submitted with the application indicating the swept path for the largest vehicle accessing the loading bay and exiting the premises.</p> <p>Council's Traffic Engineers have assessed the proposal and raised no concerns, subject to conditions of consent.</p>		
9.2.4 On-site manoeuvring	<p>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 because of</p>	<p>The vast majority of truck movements will consist of 8.8m MRV trucks and 12.5m HRV trucks. As noted above, there will also be on average, 3 semi-trailer movements per week, relating to</p>	Yes	

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	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.	<p>the transfer of shipping containers. The semi-trailer will be approximately 17m in length.</p> <p>The applicant submitted a Traffic and Car Parking report indicating swept path diagrams for the largest vehicle.</p> <p>Council's Traffic Engineers assessed the application and raised no concerns, subject to conditions of consent.</p>	
9.2.5 Vehicular Access	<p>Objectives</p> <p>a) To manage access arrangement according to the road functions, degree of traffic</p> <p>b) To ensure safe access arrangement are provided that do not interfere with traffic flow and improve pedestrian amenity:</p>	<p>There are three (3) vehicle crossings along the sites frontage. The westernmost crossing is for staff and customer vehicles, the centre crossing is for truck ingress and the easternmost crossing is for truck egress.</p> <p>These crossings will be maintained.</p>	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</p>	<p>The development involves public access onto the site and this is restricted to the car park areas and administration building No. 1 only.</p> <p>The customer/staff entry and exit driveway is located away from the truck entry and exit driveways and</p>	Yes

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	access ways	provides direct access to the staff car park and admin building from the Seville Street frontage. This arrangement separates pedestrian movement from heavy vehicle movements on site.	
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.</p> <p>b) No single sign may be permitted to exceed an area of 30 square metres.</p> <p>c) Only one free standing commercial sign that identifies the name of the occupants and/or products manufactured on the site will be allowed. These signs must be contained wholly within the site</p>	<p>Street Frontage = 63.4m</p> <p>50% of 63.4 = 31.7 = 31.7m² of advertising permitted.</p> <p>Proposed =</p> <p>Flush wall Sign on Admin Building 3.6 x 1.85 = 6.66m²</p> <p>Freestanding Business Identification Signs located behind Fence:</p> <p><u>Sign 1</u></p> <p>2.4m width x 2m height = 4.8m²</p> <p><u>Sign 2</u></p> <p>2.4m width x 2m height = 4.8m²</p> <p>16.26m² total advertising area.</p>	Yes
9.4.1 Landscaping	a) The use of decorative paving treatments such as paving bricks adds interest to large areas of hard paving.	The landscaped areas including the trees within the front setback area will be maintained.	Yes

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	b) Open car parking areas should be landscaped to reduce the impact of hard paving. Established tall trees with wise spreading foliage provide desirable shade reducing the effects of heat.		
9.4.4 Hours of operation	<p>a) Where industrial properties are within 500 metres of residential properties, industrial operating hours will generally be restricted within the range of 7.00am to 6.00pm Monday to Friday and 7.00am to 12.00 noon on Saturdays with no operations on Sunday</p> <p>d) Proposals to operate outside of either of these hours will be considered upon their merits and may be required to be supported by an Acoustic Engineer's Report.</p>	<p>The site is located 68.2 metres north of the closest residential properties located along Malta Street.</p> <p>The operational hours will be 7:00am to 5:00pm, Monday to Friday and 7:00am to 12:00pm on Saturdays. The premises will not operate on Sundays or public holidays.</p>	Yes
9.5.1 Stormwater Disposal	<p><u>Objectives</u></p> <p>a) To direct stormwater runoff to Council's drainage system without adversely impacting on adjoining or downstream properties.</p>	<p>The proposal does not include any external works and therefore all stormwater drainage generated by the development will be directed to the existing system. The proposal also makes provisions for stormwater treatment via Enviropod Filters installed inside the pits of the hardstand catchment areas</p>	Yes

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		and an oil separator trap. Council's Development Engineers and Environmental Management Officers have assessed the proposal and raised no concerns, subject to conditions of consent.	
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Chapter 12 – Car Parking, Vehicle and Access Management

Criteria	Development Control	Proposed	Complies
12.1 Car Parking	Junk Yard/Wrecking yards 1 space per 70m ² storage/wrecking area (both indoor and outdoor) including ancillary sales/office.	Admin Building 1 = 1126m ² Warehouse 1,2,3, car dismantling shed and storage shed = 4116m ² Warehouse 4 not proposed to be used Total area = 5242m ² $5242/70 = 74.8 = 75$ = 75 parking spaces required. 44 parking spaces are provided on site for staff and visitors.	Considered acceptable The proposed development seeks to utilise the car parking credit provisions within Clause 12.1.2 of the DCP 2013. Given that the proposal does not seek to increase the floor area on site and not use the existing Warehouse No.4, it is considered that the development is unlikely to generate a higher parking demand than the previous industrial use on site. Furthermore, there will be a maximum of 25 staff present on the site. Therefore, there will be 19 available spaces for visitors given the scenario of a single vehicle

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			<p>occupancy rate for staff.</p> <p>Customers can arrange to visit the site to sell or drop their vehicles off by appointment only. This arrangement enables the operator to co-ordinate the visits and prevent an overdemand for parking on site.</p> <p>During inspections of the site, it was observed that the majority of the car parking spaces were vacant during the operation of the premises.</p> <p>With regard to the above, it is considered that the existing car park facility on site can accommodate the parking demand generated by the use.</p>	
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CONCLUSION

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Fairfield Local Environmental Plan 2013, State Environmental Planning Policy No 55 and Fairfield Citywide Development Control Plan 2013 and is considered to be satisfactory for approval, subject to conditions.

The proposed development is appropriately located within the IN1 General Industrial zone under the relevant provisions of Fairfield LEP 2013. The proposal is consistent with all statutory and non-statutory controls applying to the development.

The applicant has satisfactorily demonstrated in the submitted documentation that the site is suitable to accommodate the proposed use and the development can be carried out in an orderly manner with minimal impacts to the surrounding locality. The development is considered to perform

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adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, and the development is recommended for approval subject to conditions.

RECOMMENDATION

That Development Application No. 300.1/2019 for Use of the subject premises for the purpose of a waste transfer station for used motor vehicles and resource recovery facility of recovered vehicle body parts and associated signage on land at Lot 10 DP 1090834 No.74-76 Seville Street Fairfield East be approved subject to the conditions set out at Attachment 1.

REASONS FOR DECISION

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

1. The subject site is zoned IN1 General Industrial zone under the LEP 2013 and the development is permissible subject to development consent.
2. The development application has been assessed against the relevant requirements of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Fairfield Local Environmental Plan 2013, State Environmental Planning Policy No 55 and Fairfield Citywide Development Control Plan 2013 and is considered to be satisfactory.
3. Comments were sought from Council's Building Control Branch, Traffic Section, Environmental Management Branch, Development Engineering Branch, Place Manager and Tree Preservation Officer for assessment. No concerns were raised to the proposal subject to conditions of consent.
4. The application was referred to external government agencies as per the requirements of the Secretary's Environmental Assessment Requirements (SEARs). No concerns were raised to the proposal.
5. 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. The applicant has amended the proposal and submitted additional information to appropriately respond to the objectors concerns. The issues raised in the submissions received have been taken into consideration as part of the assessment of the application and does not raise issues of such magnitude that would warrant the refusal of this development proposal.