

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-349
DA Number	DA 219.1/2023 (PAN-350662)
LGA	Fairfield City Council
Proposed Development	<p>Proposed use and fitout of Unit 3 within an existing industrial complex, for the purpose of a Waste Management Facility and a Resource Recovery Facility processing up to 4,800 tonnes per annum of organic waste utilising Black Soldier Fly.</p> <p>The development is Designated Development under Schedule 3 of the Environmental Planning and Assessment Regulation 2021 and is Integrated Development under Schedule 1 of the Protection of the Environment Operations Act 1997.</p>
Street Address	<p>Lot 11, DP 747795</p> <p>No. 132 Newton Road, Wetherill Park</p>
Applicant / Owner	<p>Applicant: Goterra</p> <p>Owner: Arrow Evolution Sire 4 Pty Ltd</p>
Date of DA lodgement	17 July 2023
Total number of Submissions	Total number of submissions: One (1)
Number of Unique Objections	Number of unique objections: One (1)
Recommendation	Approval
Regional Development Criteria (Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021)	<p>7 Particular designated development</p> <p>(1) Development for the purposes of—</p> <p>(c) waste management facilities or works that meet the requirements for designated development under the <i>Environmental Planning and Assessment Regulation 2021</i>, Schedule 3, section 45.</p>
List of all relevant s4.15(1)(a) matters	<p>Relevant Environmental Planning Instruments</p> <ul style="list-style-type: none"> Fairfield Local Environmental Plan 2013 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 <p>Proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority</p> <p>Not applicable</p> <p>Relevant development control plan</p> <ul style="list-style-type: none"> Fairfield City Wide Development Control Plan 2013 <p>Relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 relevant regulations e.g. Regs 92, 93, 94, 94A, 288</p> <p>Not applicable</p> <p>Coastal zone management plan</p>

	Not applicable
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> Noise Impact Assessment, prepared by Environmental Monitoring Services Pty Ltd, Report No. EMS23 0622, dated 15.06.2023. Goterra Response to EPA, prepared by Michael Brewer, undated. Transport for New South Wales (TfNSW) Response, dated 28.08.2023. Packed Tower Plans, prepared by Fowlerex Technologies Pty Ltd, Drawing Nos. 11136-001, Sheet Nos. 1 – 2, Issue .05, dated 01.05.2023. Odour Response Letter, prepared by Environodour Australia Pty Ltd, dated 26.09.2023. Air Quality Impact Assessment Report, prepared by Environodour Australia Pty Ltd, dated 11.04.2023. Odour Control Plans, prepared by Goterra, Sheet Nos. 1 – 9, dated 03.04.2023. Roof Plan, prepared by Goterra, dated 25.01.2023. Building Code of Australia Compliance Assessment, prepared by BCA Vision, Issue 1, dated 15.06.2023. Swept Path Plans, prepared by Auswide Consulting, Drawing Nos. 132NRV01. Cleanaway Truck FEL and REL Route Maps, undated. Cost Estimate Report, prepared by Saakshi Sharma, dated 30.05.2023. Section and Elevation Plans, prepared by Goterra, dated 25.01.2023. Environmental Impact Statement, prepared by Goterra, dated July 2023. Flood Risk Management Report, prepared by Neilly Davies & Partners Pty Ltd, Revision A, dated 23.06.2023. Truck Tipping Layout, prepared by Goterra, dated 23.03.2023. Layout for Movement Onsite, prepared by Goterra, dated 23.03.2023. Bunding Layout, prepared by Goterra, Sheet 2 of 6, dated 23.03.2023. Site Zones, prepared by Goterra, dated 25.01.2023. Positioning Layout Plans, prepared by Goterra, Sheet Nos. 1 – 6, dated 23.03.2023. Mezzanine Plan, prepared by Goterra, dated 25.01.2023. SEPP 33 Assessment, prepared by Mendham Consultants, Issue 1, Revision 0, dated 19.12.2023. Waste Assessment Form, dated 19.12.2023. Food Waste Disposal Services Agreement, prepared by Goterra. Goterra Response to Fairfield City Council, undated. SESL Response to EPA Request for Additional Information on Frass, dated 25.09.2023 s Planning Secretary's Environmental Assessment Requirements (SEAR) 1765, dated 21.03.2023. Fire Evacuation Plan, prepared by Goterra, Sheet 1 of 1, dated 08.02.2023. Survey Plans, prepared by RealServe. 12.5m HRV Vehicle Type Accessing Unit 3, prepared by Auswide, Sheet No. 132NRV01, dated 24.10.2023. 12.5m HRV Vehicle Type Accessing Unit 3, prepared by Auswide, Sheet No. 132NRV02, dated 24.10.2023. NSW Environment Protection Authority General Terms of Approval, Notice No. 1633765, dated 03.11.2023. Response to Submissions Report, prepared by Jackson Environment and Planning, dated 27.02.2024. Traffic Engineering Report, prepared by Traffix, dated 26.02.2024. Parking Plan, prepared by Auswide, Drawing No. 132NRV01, dated 26.02.2024. Unit 3, 132 Newton Road – Waste Reival Layout, prepared by Goterra, Revision No. 1, dated 26.02.2024. Swept Path Diagrams, prepared by Traffix, TX.01 – TX.05, dated 26.02.2024.
Clause 4.6 requests	Not applicable
Summary of key submissions	<ul style="list-style-type: none"> Potential increase in odour and flies onsite generated by the development.
Report prepared by	Mason Shute – Development Planner

Report date	18 March 2024
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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

Yes

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TO: Sydney Western City Planning Panel

REPORT: SWCPP Report

FILE No: DA No. 219.1/2023
PAN-350662
PPSSWC-349

SUBJECT:

Property:	Lot 11, DP 747795 No. 132 Newton Road, Wetherill Park
Application lodged	17 July 2023
Applicant	Goterra
Owner	Arrow Evolution Sire 4 Pty Ltd
Application No.	DA 219.1/2023
NSW Planning Portal Application No.	PAN-350662
Planning Panel Reference No.	PPSSWC-349
Proposed Development	<p>Proposed use and fitout of Unit 3 within an existing industrial complex for the purpose of a Waste Management and Resource Recovery Facility, processing up to 4,800 tonnes per annum of organic food waste utilising Black Soldier Fly.</p> <p>The development is Designated Development under Schedule 3 of the Environmental Planning and Assessment Regulation 2021 and is Integrated Development under Schedule 1 of the Protection of the Environment Operations Act 1997.</p>
Cost of Works	\$993,830.00
Zoning	E4 – General Industrial, pursuant to the Fairfield Local Environmental Plan 2013 (FLEP 2013).
Primary Planning Issues	<ul style="list-style-type: none"> • Potential odour impacts generated by the use of the site. • Increased attraction of vermin to the site. • Measurement and calculation waste. • Traffic impacts.

Assessing Officer: Mason Shute – Development Planner

Date of Report: 18th of March 2024

ATTACHMENTS

ATTACHMENT A – Architectural Plans

ATTACHMENT B – Fairfield City Wide Development Control Plan 2013 Compliance Table

ATTACHMENT C – Environmental Impact Statement

ATTACHMENT D – Environmental Management Plan

ATTACHMENT E – Noise Impact Assessment

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ATTACHMENT F – Air Quality Impact Assessment Report
ATTACHMENT G – Odour Response Letter
ATTACHMENT H – BCA Compliance Assessment
ATTACHMENT I – Flood Risk Management Report
ATTACHMENT J – SEPP 33 Assessment
ATTACHMENT K – Business Management Plan
ATTACHMENT L – Environment Protection Authority (EPA) General Terms of Approval
ATTACHMENT M – Transport for New South Wales (TfNSW) Agency Advice
ATTACHMENT N – Response to Submissions Report
ATTACHMENT O – SESL Response to EPA Comments
ATTACHMENT P – Goterra Response to Fairfield City Council
ATTACHMENT Q – Draft Conditions of Consent

SUMMARY

1. *Development Application No. 219.1/2023 (PAN-350662) was lodged on the 17th of July 2023 for the use and fitout of Unit 3 within an existing industrial complex, for the purpose of a Waste Management and Resource Recovery Facility, processing up to 4,800 tonnes per annum of organic food waste utilising Black Soldier Fly.*
2. *The development is Designated Development under Schedule 3 of the Environmental Planning and Assessment Regulation 2021. The application is referred to the Panel for determination as the development is for the purpose of a waste management facilities or works that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 45.*
3. *The development is Integrated Development under Clause 4.46 of the Environmental Planning and Assessment Act 1979 and Schedule 1 of the Protection of the Environment Operations Act 1997. Pursuant to Clause 12 – Composting, the development involves composting through the method of digestion and receives more than 200 tonnes per year of putrescible organics. The application was referred to the Environment Protection Authority (EPA) who have provided General Terms of Approval (GTAs).*
4. *The subject site is zoned E4 – General Industrial, pursuant to the Fairfield Local Environmental Plan (FLEP 2013). The proposal is permitted with consent and is considered to have regard to the objectives of the zone.*
5. *The application was assessed against the applicable controls within State Environmental Planning Policy (Transport and Infrastructure) 2021 and State Environmental Planning Policy (Resilience and Hazards) 2021. The application was found to be satisfactory against the applicable legislation.*
6. *The application was publicly notified in writing to occupants and owners of the adjoining properties as well as occupants within the adjoining industrial units within the site, and was publicly notified on Council's website for a period of twenty-eight (28) days between the 27th July 2023 to 28th August 2023. One (1) submission was received.*
7. *The application was referred to Council's Public Health and Environment, Engineering Assessment, Building Control, Subdivision and Traffic Section Branches. As amended, no concerns were raised, subject to conditions of consent. The application was externally referred to the Environment Protection Authority (EPA), Transport for New South Wales (TfNSW), Department of Planning and Environment (DPE), Jemena Gas, TransGrid and the Rural Fire Service. As amended, no concerns were raised, subject to conditions of consent.*

8. *The subject Development Application is considered to meet the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). Based on the assessment of the application, it is recommended that the application be approved, in accordance with **Attachment Q** of this report.*

1. EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 219.1/2023 (PAN-350662), proposing the use and fitout of Unit 3 within an existing industrial complex, for the purpose of a Waste Management and Resource Recovery Facility, processing up to 4,800 tonnes per annum of organic food waste utilising Black Soldier Fly at No. 132 Newton Road, Wetherill Park.

The development is Designated Development under Schedule 3 of the Environmental Planning and Assessment Regulation 2021 and is Integrated Development under Schedule 1 of the Protection of the Environment Operations Act 1997.

The application proposes a waste management and resource recovery facility, in which the larvae of black soldier fly (*Hermetia illucens*), will be used to divert 4,800 tonnes of organic food waste per annum from Woolworths and Cleanaway to produce frass (insect fertiliser) and animal protein (dried BSF). Whilst it is noted that a maximum of 6,000 tonnes of waste will be received and processed onsite per annum, this also includes the packaging and contaminants associated with the organic food. In this regard and for the purposes of this report, the assessment will primarily refer to the overall amount of organic food waste processed onsite, which is proposed at 4,800 tonnes per annum. The facility proposes a unique modular facility based on shipping containers to process food organic waste and grow soldier fly larvae, located inside the industrial unit. The larvae that are produced as a result of this process are then used to feed to chickens, fish, pigs and other non-ruminants requiring animal protein in their diet. Frass which is also produced in the process and is the high-nutrient excreta of the soldier fly larvae, will be used as a fertiliser.

In summary, the proposal seeks the following:

- The facility will produce approximately 960 tonnes of frass and approximately 384 tonnes of protein per annum;
- Product will be exported to feed mills, farmers and composters;
- Approximately 1800 tonnes of waste will be produced per annum for landfill disposal;
- The proposed hours of operation are as follows:
 - General production/processing activities:
 - Monday to Sunday: Twenty-four (24) hour operation.
 - Staffed hours of operation:
 - Monday to Friday: 8:00am – 10:00pm
 - Saturday: 2:00pm – 8:00pm
 - Sunday: 5:00am – 12:00pm
 - Loading/unloading activities:
 - Monday to Friday: 11:00am – 10:00pm
 - Saturday: 2:00pm – 8:00pm
 - Sunday: 5:00am – 12:00pm
- A maximum of six staff members will be onsite at any given time.

To support the resource recovery facility, the application seeks fitout works to the existing building, including the installation of nine (9) MIBs, six (6) processing tanks, a microwave, hoppers and conveyors and bunding works. The application also seeks to install one (1) weighbridge, measuring 9.6m in length, and associated ramping to connect to the weighbridge at the front of the

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unit. The weighbridge will be used to accurately measure and document all incoming and outgoing waste received onsite.

The application is referred to the Sydney Western City Planning Panel (SWCPP) for consideration, pursuant to Clause 7(1)(c) of Schedule 6 Regionally Significant Development of the State Environmental Planning Policy (Planning Systems) 2021, as the development is for the purpose of 'waste management facilities or works' that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, Section 45. Accordingly, the matter is required to be determined by the Sydney Western City Planning Panel (SWCPP).

Pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979, the development is defined as Integrated Development. 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.

A preliminary briefing to the Regional Panel was held on the 14th of August 2023. The Panel agreed that the proposal is a creative means to reduce the environmental cost of processing organic commercial waste. It was also identified that the key issues for consideration were the potential odour and hygiene impacts on nearby and adjoining properties including adjoining industrial units within the premises, parking provision and vehicle manoeuvring, and environmental management measures proposed to manage and mitigate any potential impacts that may arise from the proposed use.

During the assessment of the application, several issues were identified, including potential odour impacts, air quality, traffic management and the accurate weighing and documentation of all incoming and outgoing waste.

The Environment Protection Authority (EPA) initially requested further information be submitted with respect to potential pollution that may be caused by the development and practical measures to prevent, control, abate, mitigate, and protect the environment from pollution. Furthermore, the EPA required the Applicant to demonstrate that the proposed odour monitoring measures were representative of the proposal, consideration of worst-case emissions had been undertaken and documented, details on proposed use of stacks and how they had been accounted for, and additional information in relation to the end market for the protein and frass produced.

Concern was also raised with respect to the lack of information submitted as part of the application, particularly the issue of whether the use was defined as being potentially hazardous and offensive development, measures to accurately weigh incoming/outgoing waste and/or finished products, wastewater issues, air quality, noise, site-based and operational practices, whether compliance with the Australian Standards was achieved, lack of loading management details, and inaccurate swept path diagrams.

In response, the Applicant submitted a range of technical reports and amended documentation, including an Acoustic Report, Traffic Report, Odour Report, Waste Management Plan and a Preliminary and Hazardous Assessment Report to address the issues raised. These technical documents have been assessed and now clearly identify and demonstrate the processes involved in the manufacturing of frass and protein onsite and how the development will unlikely cause any adverse or unacceptable environmental impacts to the surrounding locality. The Applicant also submitted amended Architectural Plans and Vehicle Swept Path Diagrams, demonstrating compliance with the required Australian Standards.

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To address the issue of how waste received onsite will be accurately weighed and documented, the Applicant now proposes to install a 9.6m long weighbridge at the front of the unit within the designated loading area. This will ensure all incoming and outgoing waste trucks to the site can be weighed, to understand the exact weight of product received and produced onsite. Accordingly, all matters raised by Council during the assessment of the application have now been suitably addressed by the applicant.

The application was referred to Council's Building Control, Engineering Assessment, Subdivision Branch, Public Health and Environment Branch, and Traffic Branch. Based on the submission of further information, no concerns were raised to the application subject to conditions of consent.

The application was externally referred to the Department of Planning, Industry and Environment, Jemena Gas, Rural Fire Service, Transgrid and Transport for New South Wales. No concerns were raised, subject to conditions of consent.

The application was referred to the NSW Environment Protection Authority (EPA). The subject Development Application was referred to the Environment Protection Authority (EPA) pursuant to Schedule 1 of the Protection of the Environment Operations Act 1997 and Chapter 3 of the State Environmental Planning Policy (Resilience and Hazards) 2021. As amended, the EPA raised no further concerns, subject to General Terms of Approval.

In accordance with the Environmental Planning and Assessment Regulation 2021, the application was notified for a period of twenty-eight (28) days in accordance with the Regulations. One (1) submission was received during the notification period, concerning the potential odour and increased presence of vermin onsite. Council attempted to contact the objector via telephone, however with no success. Notwithstanding this, the concerns raised by the objector have been taken into consideration with respect to the assessment of the application and have been addressed through the submission of several environmental reports, including an Environmental Impact Statement, Odour Report and Waste Management Plan, which have demonstrated that the proposal is unlikely to generate any adverse environmental impacts. Council's Public Health and Environment Branch and the Environment Protection Authority (EPA) have assessed the application and raise no concerns, subject to conditions of consent. Thus, it is considered that the objectors concerns can be addressed through appropriate 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, the Fairfield Local Environmental Plan 2013 and the Fairfield City Wide Development Control Plan 2013.

In accordance with the NSW Waste and Sustainable Materials Strategy 2041, targets have been established to halve the amount of organic food waste sent to landfill by 2030 and significantly increase the use of recycled content by government and industry. The application will help contribute towards these targets by diverting organics from landfill and by recycling waste nutrients into protein and frass for use by the primary industry.

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 and strictly adhered to at all times. 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 Q** of this report.

2. SUBJECT SITE AND SURROUNDING AREA

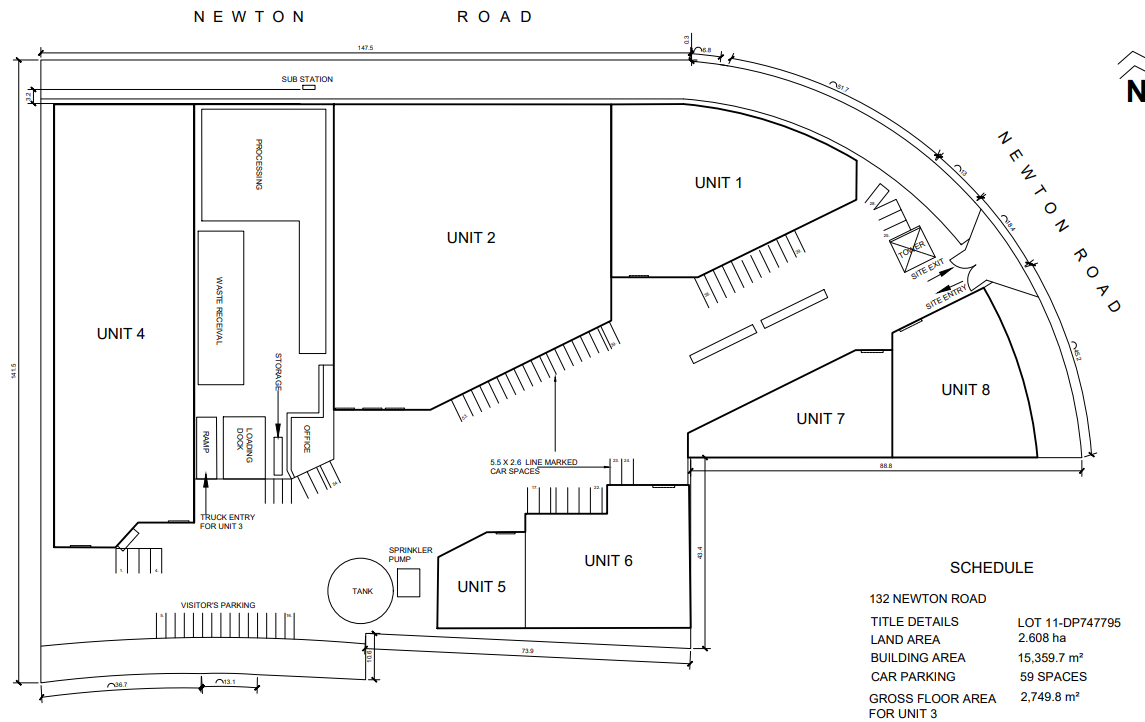
The subject Development Application is proposed at Lot 11, DP 747795, also known as Unit No. 3 / 132 Newton Road, Wetherill Park. The subject unit has a gross floor area of approximately 2749.8m², whilst the site has an overall area of 26,090.1m², with a north-eastern street frontage to Newton Road. A stormwater canal runs from east to west along the southern portion of the site and the site is affected by overland flooding; that being land within the low to high-risk precinct. However, the subject unit is located within the low-risk precinct. A Gas Pipeline runs along Newton Road and along the periphery of the site.



Figure 1: Site Aerial View.

The site is occupied by a variety of mixed industrial businesses, including a tyre and wheel distribution store, furniture manufacturer, a truck repair workshop and a transportation warehouse. The subject unit is located within an existing mixed industrial complex, occupied by seven (7) other tenancies. Car parking spaces are provided within the middle of the site on a shared basis between the adjoining tenancies.

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SITE PLAN

Figure 2: Site Plan.

The site is located approximately 400 metres north of Victoria Street, 1.35 km from the nearest residential receivers and 3.2km west from the M7 Motorway.

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Figure 3: Context Plan.



Figure 4: Frontage of Unit (Author 2023).

3. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The subject Development Application seeks consent for the proposed use and fitout of Unit 3 within an existing industrial unit complex, for the purpose of a Waste Management and Resource Recovery Facility, processing up to 4,800 tonnes per annum of organic food waste utilising Black Soldier Fly at No. 132 Newton Road, Wetherill Park. More specifically, details of the proposal are as follows:

- The waste management and resource recovery facility will be operated by Goterra, in which a unique modular facility based on shipping containers located inside the industrial unit is proposed to process food organic waste and grow soldier larvae. Goterra will produce two (2) products onsite:
 - **Frass**, which is the excreta of the soldier fly larvae, and is used for the purpose of commercial fertilisers. Approximately 960 tonnes will be produced per year.
 - **Soldier fly larvae**, a concentrated form of protein which is fed to omnivorous and insectivorous animals including pigs, fish and chickens in the livestock industry. Approximately 384 tonnes will be produced per year.
- A summary of the processes used in the manufacturing cycle is explained as follows:

1. Waste Receival

- HRV rear end tipper trucks, no larger than 12.5m, will be used to deliver organic food waste to the site via Cleanaway Waste Management Services. Vehicles will enter the site in a forward direction towards the unit. Prior to delivering waste, vehicles will enter the weighbridge, located within the loading area, in a backwards direction. After being weighed, vehicles will exit the weighbridge in a forward direction, and then enter the loading ramp for the delivery of food waste in a backwards direction. All food waste will be unloaded into the designated food waste receival bunker. The waste receival area will be bunded to a height of 100mm and will consist of a sealed concrete stone hardstand area. The truck will then exit the ramp in a forward direction and reverse onto the weighbridge to determine the nett weight of the truck. The same process will apply for loading activities.
- All deliveries will occur outside of peak operating hours.
- Trucks will be present for no longer than fifteen (15) minutes in this area.
- The product is immediately transferred onto the conveyor using excavators, which will then be transferred to the sorting and screening process within four (4) hours of receival.

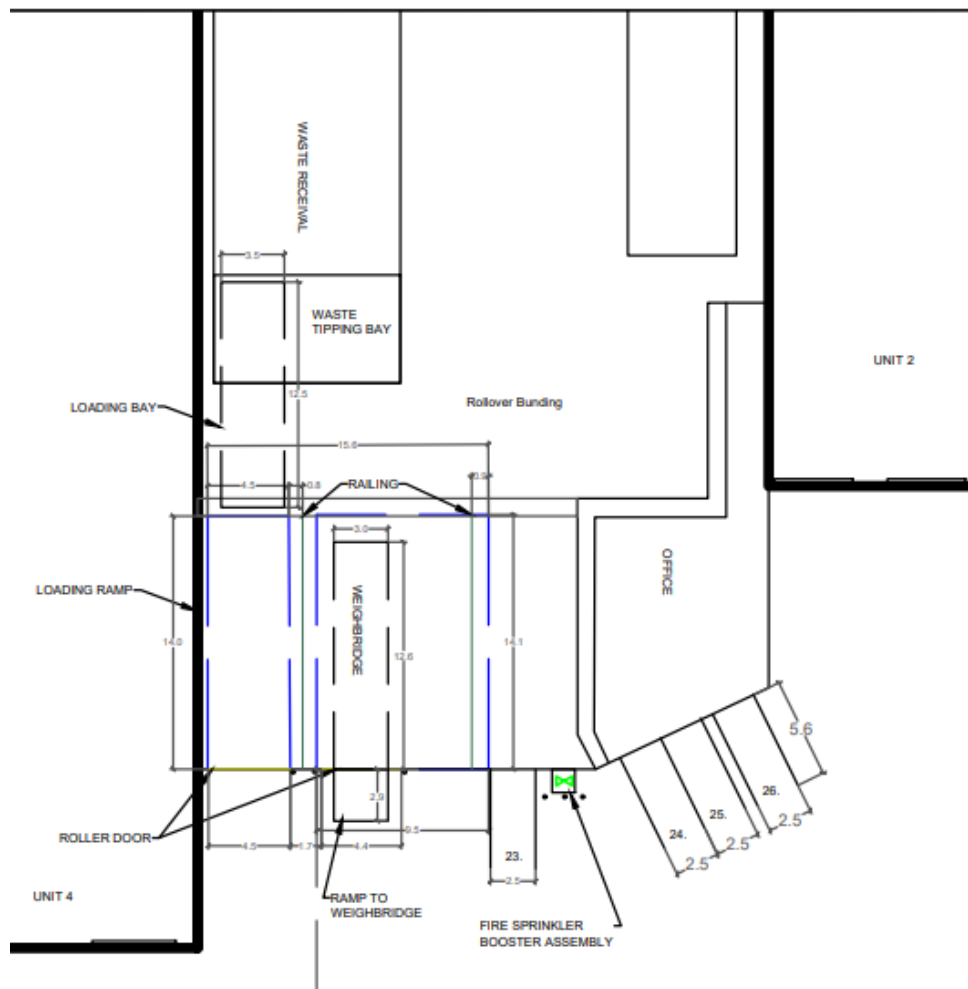


Figure 5: Weighbridge and Waste Tipping Bay.

2. Sorting / Separation

- Contaminants and excess plastics will be removed by hand and placed into recycling bins/sent to landfill.
- The product will be moved to the packaging machine, which separates all organics from non-organics within an enclosed system.
- Organics will be transferred to a hopper where it is mechanically moved to the particle sizing and pumping process.
- Packaging that is discharged will be moved to a compactor which will then be transferred via skips to landfill.

3. Maceration

- Organics will be moved through a conveyor into a mechanical macerator. This will ensure particle sizing correction applicable for the pumping process.
- Organics will be pumped into six (6) storage tanks.

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4. Feeding Process

- After undergoing natural fermentation, the organics will be moved via a pump from the storage tanks.
- The organics undergo inline moisture testing to ensure it is suitable for food waste conversion.
- The organics will be transferred to the Modular Infrastructure Biological Services (MIBS) where solidier fly larvae are added.

5. Organics Food Waste Conversion

- Nine (9) MIBS, being constructed of 20ft shipping containers, will be used to control an environment for food waste conversion.
- A complete food cycle will take ten (10) days to occur.
- Larvae excretion (frass) will be removed from the tray system and old larvae will be replaced with young larvae via a closed conveyor and vibratory sifter.
- Frass will be bagged via 1000kg bulk bags for distribution.

6. Process Plant

- After the sifting process, larvae will be placed into pallet bins and tipped using a forklift into a hopper/conveyor system.
- Larvae will then be transferred into a hot wash to ensure larvae are euthanised.
- After further washing, larvae are transferred through a microwave drying process.
- Larvae is then placed into packages of 10kg and 1000kg sizes.

7. Product Storage

- Frass is stored in bulk bags (400 – 500kg).
- Popped larvae is stored on pallets with packaging size of 10kg per bag and maximum 250kg per pallet.
- Product will be stored onsite for no longer than a week.
- Trucks will utilise the loading dock to deliver the product to deed mills, farmers, and composters alike.

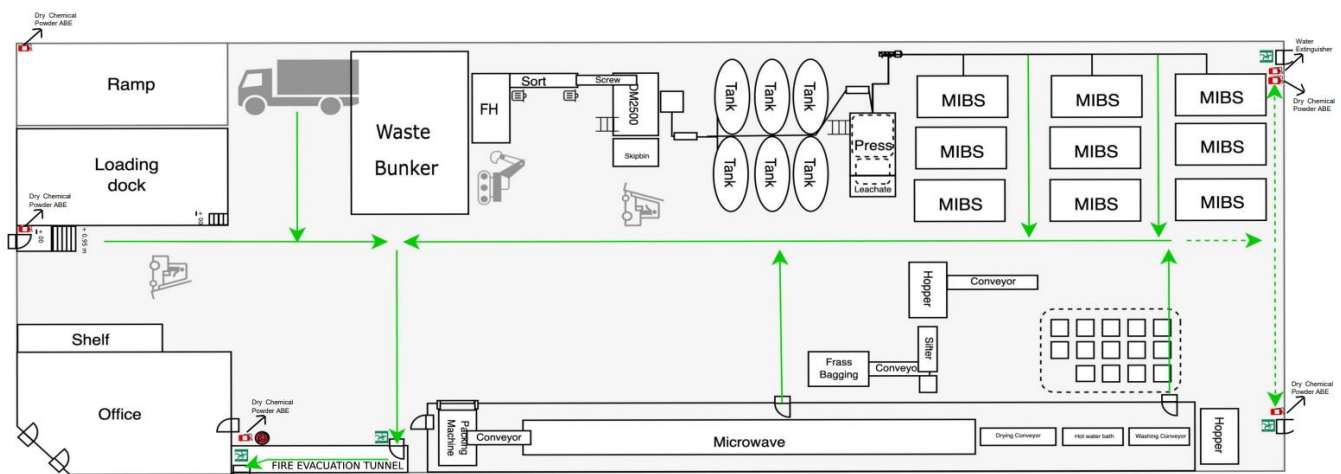


Figure 6: Summarised Floor Plan.

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Further details of the proposal are as follows:

- The application seeks to install a 9.6m long weighbridge at the front of the unit within the existing loading dock. The application also seeks to install, and fitout associated processing equipment, including tanks, MIBs, microwaves, conveyors, and hoppers.
- 6,000 tonnes of waste, inclusive of packaging and contaminants will be received onsite per annum, with a maximum of 50 tonnes received per day. A total of 4,800 tonnes of organic food waste will be received onsite per annum.
- A maximum of 15 tonnes of packaged waste will be processed per day.
- There will be no more than 3,060 larvae trays used at the facility at any given time.
- All organic food waste will be used directly into the conversion process.
- There will be no more than 340 larvae trays used in the production cycle per MIB (9 units in total).
- Between 1200 and 1800 tonnes of waste for landfill disposal will be produced per year.
- The proposed hours of operation are as follows:
 - General production/processing activities:
 - Monday to Sunday: Twenty-four (24) hour operation.
 - Staffed hours of operation:
 - Monday to Friday: 8:00am – 10:00pm
 - Saturday: 2:00pm – 8:00pm
 - Sunday: 5:00am – 12:00pm
 - Loading/unloading activities:
 - Monday to Friday: 11:00am – 10:00pm
 - Saturday: 2:00pm – 8:00pm
 - Sunday: 5:00am – 12:00pm
- An estimated three (3) visitors will access the site per week.
- There will be eight (8) staff employed as part of the business, with no more than six (6) staff members onsite at any given time.
- Loading vehicles are expected to be onsite for no longer than 45 minutes.
- Vehicles no larger than Heavy Rigid Trucks (12.5m long) will access the site.
- The application is expected to generate the demand for 7 car parking spaces onsite. A total of 175 car parking spaces to be used amongst the units have been approved onsite.

4. HISTORY AND BACKGROUND

On the 11th of May 1987, Council approved Development Application No. 152/87 for the construction of factory units and warehouse for furniture storage. Condition No. 3 required the provision of one-hundred and seventy-five (175) off-street car parking spaces.

On the 4th of July 1989, Council approved Building Application No. 1652/89 for factory alterations.

A review of Council's Records was unable to locate any approvals for the use of Unit No. 3, the subject of this application.

5. SYDNEY WESTERN CITY PLANNING PANEL PRELIMINARY BRIEFING NOTES

On 14th of August 2023, a preliminary briefing was held via teleconference between the Sydney Western City Planning Panel, Fairfield City Council and the Applicant regarding the subject Development Application. The following provides a response to each of the comments raised by the Panel.

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1. *The proposal appears to be a creative means to reduce the environmental cost of processing organic commercial waste which should be encouraged.*

Response: Noted.

2. *An inquiry was made as to whether capacity is proposed to increase at a later stage, and whether that should be anticipated in the consent.*

Response: It is understood the Applicant does not seek to increase the capacity of processing organic food waste onsite. In the event the Applicant does seek to increase the capacity in the future, a new application will be required to be submitted to Council for consideration of which any changes to the use will be assessed at that time.

3. *A potential determination date was proposed for early November depending on the outcome of Council's assessment and feedback received from internal and external referral responses.*

Response: Noted.

4. *Another briefing is unlikely to be required stage and an e-determination would likely be appropriate for this application.*

Response: Noted.

6. INTERNAL REFERRALS

Engineering Assessment Branch

The subject Development Application was referred to Council's Engineering Assessment Branch for assessment. No concerns were raised, subject to conditions of consent.

Building Control Branch

The subject Development Application was referred to Council's Building Control Branch for assessment. No concerns were raised, subject to conditions of consent.

Public Health and Environment Branch

The subject Development Application was referred to Council's Public Health and Environment Branch for assessment. Concern was initially raised regarding the lack of information submitted as part of the application, particularly in regard to being potentially hazardous and offensive development, accurate weight and documentation of waste, disposal of wastewater, tonnage of waste receipt, air quality, noise, site-based practices and accuracy of documentation. After multiple correspondences with the Applicant, amended documentation was submitted to Council for assessment. As amended, Council's Public Health and Environment Branch raise no further concerns to the proposal, subject to conditions of consent.

Traffic Section Branch

The subject Development Application was referred to Council's Traffic Section Branch for assessment. Concern was initially raised with respect to insufficient documentation to determine whether compliance with the Australian Standards was achieved in relation to parking and vehicle

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manoeuvrability, lack of loading management details, and inaccurate vehicle swept path diagrams. After correspondence with the Applicant, amended documentation was submitted to Council for assessment. As amended, no further concerns were raised to the proposal, subject to conditions of consent.

Subdivision Branch

The subject Development Application was referred to Council's Subdivision Branch for assessment. No concerns were raised.

7. EXTERNAL REFERRALS

Environment Protection Authority (EPA)

The subject Development Application was referred to the Environment Protection Authority (EPA) pursuant to Schedule 1 of the Protection of the Environment Operations Act 1997 and Chapter 3 of the State Environmental Planning Policy (Resilience and Hazards) 2021. The EPA initially requested further information be submitted with respect to potential pollution that may arise as a consequence of the development and practical measures to prevent, control, abate, mitigate and protect the environment from pollution. Furthermore, the EPA required the Applicant to demonstrate the odour monitoring is representative of the proposal, consideration of worst-case emissions, use of stacks and how they have been accounted for, and additional information in relation to the end market for the protein and frass produced.

The Applicant submitted further information for the EPA's consideration. The EPA raised no further concerns, subject to the issuing of General Terms of Approval.

Department of Planning and Environment (DPE)

The subject Development Application was referred to the Department of Planning and Environment (DPE), pursuant to s60 (Submissions about designated development to be given to Planning Secretary) of the Environmental Planning and Assessment Regulation 2021. One submission was received during the public notification period and was forwarded to the Department of Planning and Environment (DPE) for their information and response. No concerns were raised.

Transport for New South Wales (TfNSW)

The subject Development Application was referred to Transport for New South Wales (TfNSW), pursuant to s2.122 (Traffic-generating development) of the State Environmental Planning Policy (Transport and Infrastructure) 2021. No concerns were raised, subject to conditions of consent.

Jemena Gas

The subject Development Application was referred to Jemena Gas, pursuant to s2.77 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. No concerns were raised.

Rural Fire Service

The subject Development Application was referred to the Rural Fire Service, pursuant to s4.14 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). The application was rejected on the NSW Planning Portal as a Bushfire Report was not submitted as part of the application. Upon further review, it has been identified that the site is not affected by bushfire prone land and therefore does not require referral to the Rural Fire Service.

TransGrid

The subject Development Application was referred to TransGrid, pursuant to s2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. No concerns were raised.

8. PUBLIC NOTIFICATION

In accordance with the Environmental Planning and Assessment Regulation 2021, the application was notified for a period of 28 days in writing to surrounding properties, in the local paper and a notice was displayed at the site in accordance with the requirements of the Regulations. One submission was received during the notification period concerning potential odour and increased presence of vermin onsite. Council attempted to contact the objector via telephone however, no response was received. Notwithstanding this, the concerns raised by the objector are considered to be satisfactorily addressed through the submission of a number of environmental reports, including an Environmental Impact Statement, Odour Report and Waste Management Plan, which have demonstrated that the proposal is unlikely to generate any adverse environmental impacts. Council's Public Health and Environment Branch and the Environment Protection Authority (EPA) have assessed the application and raise no concerns, subject to conditions of consent. Thus, it is considered that the objectors concerns can be addressed through appropriate conditions of consent.

9. STATUTORY REQUIREMENTS

Fairfield Local Environmental Plan 2013 (FLEP 2013)

The subject site is zoned E4 – General Industrial, pursuant to the Fairfield Local Environmental Plan 2013 (FLEP 2013).

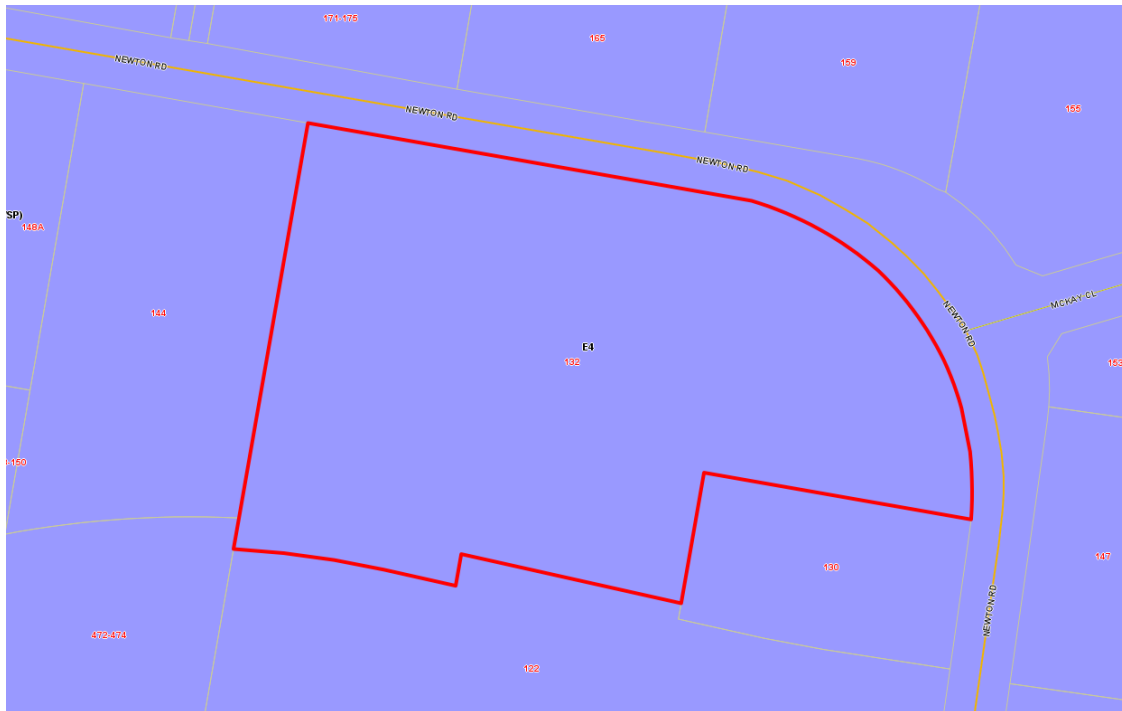


Figure 7: Land Zoning Map.

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The proposed development is defined as a resource recovery facility. A resource recovery facility is defined in the Fairfield Local Environmental Plan 2013 (FLEP 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.

Note—

Resource recovery facilities are a type of **waste or resource management facility**”.

“waste or resource management facility means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c)”.

A “resource recovery facility” and a “waste or resource management facility” are both permitted with consent in the E4 – General Industrial Zone.

The objectives of the E4 – General Industrial Zone are as follows:

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To ensure development is not likely to detrimentally affect the viability of nearby business centres.

The proposal is considered to have regard to the objectives of the E4 – General Industrial Zone.

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

Control	Prescribed	Comment	Compliance
Clause 5.21 – Flood Planning	(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties,	The subject unit is located within the portion of the site affected by overland flooding; that being within the low-risk precinct. The subject Development Application seeks to fitout the existing industrial tenancy. A Flood Risk Management Report was submitted as part of the application, demonstrating compliance with required flood considerations. The application was referred to	Yes

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	<p>and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p>	<p>Council's Engineering Assessment Branch who raised no concerns to the application, subject to conditions of consent. Accordingly, it is considered that the proposal satisfies the provisions contained within Clause 5.21 (2).</p>	
Clause 5.22 – Special Flood Considerations	<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—</p> <p>will affect the safe occupation and efficient evacuation of people in the event of a flood, and</p> <p>incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>will adversely affect the environment in the event of a flood.</p>		
Clause 6.9 – Essential Services	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable vehicular access.</p>	<p>A condition of consent will be imposed, ensuring satisfactory arrangements or amplification of services, if required, are provided prior to the issue of a Construction certificate.</p>	Yes

Environmental Planning and Assessment Regulation 2021

The subject Development Application was assessed against the relevant provisions within the Environmental Planning and Assessment Regulation 2021 and was found to satisfy the provisions in Schedule 3 Designated Development, thus, the proposal is Designated Development. In accordance with the Environmental Planning and Assessment Regulation 2021, an Environmental Impact Statement (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 28 days in accordance with the Regulation.

Clause	Prescribed	Assessment	Compliance
Schedule 3 Designated Development Part 2 Designated Development	16 Composting facilities or works (1) Development for the purposes of a composting facility or works is designated development if the facility or works process more than 5,000 tonnes per year of organics. (2) Development for the purposes of a composting facility or works is designated development if the facility or works are located— (a) in or within 100 metres of— (i) a natural waterbody, or (ii) a wetland, or (iii) a coastal dune field, or (iv) an environmentally sensitive area of State significance, or (b) in an area of high watertable, highly permeable soils, acid sulfate, sodic or saline soils, or (c) in a drinking water catchment, or (d) in a catchment of an estuary where the entrance to the sea is intermittently open, or (e) on a floodplain, or (f) within 500 metres of a residential zone or 250 metres of a dwelling not	The subject Development Application is for the purpose of a resource recovery facility and waste management facility which involves composting works (biodigestion) and is located on a floodplain. Accordingly, the proposal is Designated Development.	Yes

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		<p>associated with the development and, in the consent authority's opinion, considering topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood because of noise, visual impacts, vermin, traffic or air pollution, including odour, smoke, fumes or dust.</p> <p>composting facility or works means a facility or works involving the controlled aerobic or anaerobic biological conversion of organics into humus-like products by— methods such as bioconversion, biodigestion or vermiculture, or reducing the size of organics by shredding, chipping, mulching or grinding.</p>		
<p>Schedule 3</p> <p>Designated Development</p> <p>Part 2 Designated Development</p>	<p>45 Waste management facilities or works</p> <p>(4) Development for the purposes of a waste management facility or works is designated development if the facility or works are located—</p> <p>(a) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area of State significance, or</p> <p>(b) in an area of high watertable, highly permeable soils, acid sulfate, sodic or saline soils, or</p> <p>(c) in a drinking water catchment, or</p> <p>(d) in a catchment of an estuary where the</p>	<p>The subject Development Application is for the purpose of a resource recovery facility and waste management facility and is located on a floodplain. Accordingly, the proposal is Designated Development</p>	Yes	

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	<p>entrance to the sea is intermittently open, or (e) on a floodplain, or (f) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the consent authority's opinion, considering topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood because of noise, visual impacts, vermin, traffic or air pollution, including odour, smoke, fumes or dust.</p> <p>waste management facility or works means a facility or works that— stores, treats, purifies or disposes of waste, or sorts, processes, recycles, recovers, uses or reuses material from waste.</p>		
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Protection of the Environment Operations Act 1997

The subject Development Application is considered to satisfy the requirements under Schedule 1 Scheduled Activities of the Protection of the Environment Operations Act 1997, thus, is a form of Integrated Development, requiring approval from the Environment Protection Authority (EPA).

Clause	Prescribed	Assessment	Compliance
Schedule 1 Scheduled Activities Part 1 Premises-based Activities	12 Composting (1) This clause applies to composting , meaning the aerobic or anaerobic biological conversion of organics into humus-like products— (a) by methods such as bioconversion, biodigestion or vermiculture, or (b) by size reduction of organics by shredding, chipping, mulching or grinding. (2) The activity to which this clause applies is	The subject Development Applicant seeks to use methods of digestion in the process of composting organic food matter and receives from offsite more than 200 tonnes per year of putrescible organics. The application was referred to the Environment Protection Authority (EPA) who raised no concerns to the proposal and have issued General Terms of Approval.	Yes

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	<p>declared to be a scheduled activity if—</p> <p>(a) where it takes place inside the regulated area, or takes place outside the regulated area but receives organics from inside the regulated area (whether or not it also receives organics from outside the regulated area)—</p> <p>(i) it has on site at any time more than 200 tonnes of organics received from off site, or</p> <p>(ii) it receives from off site more than 5,000 tonnes per year of non-putrescible organics or more than 200 tonnes per year of putrescible organics, or</p> <p>(b) where it takes place outside the regulated area and does not receive organics from inside the regulated area—</p> <p>(i) it has on site at any time more than 2,000 tonnes of organics received from off site, or</p> <p>(ii) it receives from off site more than 5,000 tonnes per year of non-putrescible organics or more than 200 tonnes per year of putrescible organics.</p> <p>(3) For the purposes of this clause, 1 cubic metre of organics is taken to weigh 0.5 tonnes.</p>		
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State Environmental Planning Policy (Planning Systems) 2021

Pursuant to the State Environmental Planning Policy (Planning Systems) 2021, the application is a waste management facility which meets the Designed Development requirements, thus, is required to be determined by the Sydney Western City Planning Panel (SWCPP).

Clause	Prescribed	Assessment	Compliance
Schedule Regionally significant 6	(1) Development for the purposes of—	The subject Development Application is for the purposes of a waste	Yes

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development	(c) waste management facilities or works that meet the requirements for designated development under the <u>Environmental Planning and Assessment Regulation 2021</u> , Schedule 3, section 45.	management facility that meets the requirements for designated development.	
7 Particular designated development			

State Environmental Planning Policy (Transport and Infrastructure) 2021

The subject Development Application was assessed against the relevant provisions within the State Environmental Planning Policy (Transport and Infrastructure) 2021. The application is considered satisfactory against the relevant provisions.

Clause	Prescribed	Assessment	Compliance									
Subdivision 2 Development in or adjacent to road corridors and road reservations	(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves— (a) new premises of the relevant size or capacity, or (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.	The subject Development Application was referred to Transport for New South Wales (TfNSW), as the proposal involves the proposed fitout and use of a new waste or resource management facility. TfNSW raised no concerns to the proposal, subject to conditions of consent.	Yes									
2.122 Traffic-generating development	<table><tr><th>Column 1</th><th>Column 2</th><th>Column 3</th></tr><tr><td>Purpose of development</td><td>Size or capacity—site with access to a road (generally)</td><td>Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)</td></tr><tr><td>Waste or resource management facilities</td><td>Any size or capacity</td><td>Any size or capacity</td></tr></table>	Column 1	Column 2	Column 3	Purpose of development	Size or capacity—site with access to a road (generally)	Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)	Waste or resource management facilities	Any size or capacity	Any size or capacity		
Column 1	Column 2	Column 3										
Purpose of development	Size or capacity—site with access to a road (generally)	Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)										
Waste or resource management facilities	Any size or capacity	Any size or capacity										

State Environmental Planning Policy (Resilience and Hazards) 2021

The subject Development Application was assessed against the relevant provisions within the State Environmental Planning Policy (Resilience and Hazards) 2021. The application was considered satisfactory against the relevant provisions.

Clause	Prescribed	Assessment	Compliance
Part 3 Potentially hazardous or potentially offensive development	A person who proposes to make a development application to carry out development for the	A Preliminary Hazardous Analysis Report (PHA) was submitted as part of the application. The PHA	Yes

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3.11 Preparation of preliminary hazard analysis	purposes of a potentially hazardous industry must prepare (or cause to be prepared) a preliminary hazard analysis in accordance with the current circulars or guidelines published by the Department of Planning and submit the analysis with the development application.	demonstrates how the proposal would not constitute hazardous or offensive development. Furthermore, Council's Public Health and Environment Branch raise no concerns to the proposal, subject to conditions of consent.	
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Fairfield City Wide Development Control Plan 2013: Chapter 9 – Industrial Development

The subject Development Application was assessed against the relevant provisions within Chapter 9 – Industrial Development of the Fairfield City Wide Development Control Plan 2013. The subject Development Application was found to be satisfactory against the relevant provisions.

Control	Prescribed	Comment	Compliance
Clause 9.1.1.2 – Lot Frontage	a) The minimum frontage to The Horsley Drive, Victoria Street, Canley Vale Road Extension, Walter Road, Bonnyrigg Avenue, Woodville Road, Hume Highway, Cumberland Highway, Old Wallgrove Road and Wallgrove Road is 60m.	The subject site has a frontage to Newton Road.	Yes
	b) The minimum frontage to all other roads is to be 30m.	Newton Road frontage: = 285m	Yes
Clause 9.1.2 – Building Setbacks	<p>a) The minimum setback for all industrial development is to be 10m of which 5m is to be used for landscaping only, unless described otherwise by the following table:</p> <p>Yennora Precinct: Larra St, Whitaker St, Railway Pde, Antill St, The Prom and Junction St:</p> <p>5m of which 1.5m is to be used for landscaping only. The remainder of the setback may be used for car parking purposes.</p> <p>Yennora Precinct: Northern side of Orchardleigh St:</p> <p>5m of which 1.5m is to be used for landscaping only.</p>	<p>No changes are sought to the existing building setback.</p> <p>Existing building setback: = 10 metres</p> <p>All of the existing building setback is landscaped.</p>	Yes

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	<p>East Fairfield Precinct: Lisbon St, Fairfield St, Seville St, Malta St, Mandarin St and Donald St:</p> <p>5m, all of which is to be used for landscaping.</p> <p>Wetherill Park Precinct: The Horsley Dr, Walter St, Victoria St between Cowpasture Rd and Hassall St, excluding Canley Vale Rd:</p> <p>20m of which 10m is to be used for landscaping only. The remainder of the setback may be used for car parking purposes.</p> <p>Wetherill Park Precinct</p> <p>The minimum setback for all land within Wetherill Park, other than those roads described immediately above is to be 10m, all of which is to be landscaped.</p>		
Clause 9.2.1 – Traffic Generating Development	a) Detailed traffic studies need to be submitted for developments listed in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007.	The subject Development Application was referred to Transport for New South Wales (TfNSW) for assessment, pursuant to s2.122 Traffic-generating development of the State Environmental Planning Policy (Transport and Infrastructure) 2021. No concerns were raised.	Yes
Clause 9.2.2.1 – Car Parks (General)	a) Chapter 12 of this DCP outlines general advice and guidelines for the management of car parking, vehicle and access management. This appendix should be read in conjunction with this sub clause to assist in the overall development proposal.	Refer to assessment against Chapter 12.	Refer to assessment
Clause 9.2.2.2 – Car Parking Requirements	a) For general design information on car parking requirements, access and vehicle arrangements, refer to Chapter 12 of this DCP.		
Clause 9.2.3 –	a) To ensure new development	The subject Development	Considered

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Loading Facilities	<p>does not adversely intrude on pedestrian and vehicle amenity, applicants will need to demonstrate that loading for their activity can either be carried out:</p> <p>a. on-site without interfering with the efficient operation of the premises (including its carpark); or</p> <p>b. gain access to an on-street loading zone at the front or side of their premises.</p>	<p>Application seeks to utilise an existing loading dock facility to conduct loading activities. The loading dock measures 14m in depth and 9.5m in width and is located at the front of the building. A weighbridge measuring 3m in width and 9.6m in length will be installed within the existing loading dock facility to measure all incoming and outgoing waste vehicles. The largest vehicle used for the servicing of the site is a 12.5m long HRV.</p> <p>The proposal also seeks to utilise the existing ramp onsite to conduct unloading activities via a waste receival area. Rear-end tipper trucks will reverse into the waste receival area to conduct unloading of the truck.</p>	<p>acceptable – refer to assessment of key planning issues.</p>
	<p>b) Loading requirements for selected activities are detailed below:</p> <p>Other industry (including wholesaling) and small warehouse developments less than 3000m²</p> <p>No. of loading facilities required: 1 space per 700m² GLA.</p> <p>Size of loading bays:</p> <p>Development up to:</p> <ul style="list-style-type: none"> 150m² GLA – medium rigid vehicle (3.5m x 8.8m) 150m² – 700m² GLA – heavy rigid (3.5m x 12.5m) 700m² – 3000m² – semi trailer (3.5m x 19m²) <p>Large warehouse developments (greater than 3000m²)</p> <p>No. of loading facilities required: Loading facilities for large warehouse developments will be assessed on merit and are to</p>	<p>Size of premises: = 2,749.8m²</p> <p>The Applicant has satisfactorily demonstrated that a maximum 12.5m HRV can service the unit.</p> <p>The subject Development Application is for the purpose of a change of use and proposed fitout of an existing industrial unit. Given the unique operations of the business as a resource recovery facility, it is considered that a semi-trailer is not required in the servicing of the premises in this circumstance. Furthermore, the Applicant has demonstrated that the proposed vehicular movements and deliveries to the premises can be</p>	<p>Considered acceptable – refer to assessment of key planning issues.</p>

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	<p>be justified on the basis of size, number and frequency of goods vehicles likely to visit the premises.</p> <p>Size of loading bays: 3.5m x 19m (semi trailer) (Where B-Doubles are proposed, additional clearance may be required).</p> <p>Bulky goods premises No. of loading facilities required: A minimum of 1 dock for every 4000m² GLA of bulky goods floor space or part thereof; plus 1 additional dock for every additional 4000m² provided onsite. This could involve a complex of two or more units sharing a common dock area or where there is a stand along bulky goods unit on a site, it shall be provided with its own loading dock.</p> <p>Size of loading bays: Internal loading area of 3.7m x 19m, signposted and separated from the remainder of the unit or building by bollards or other approved measures. If an internal loading area cannot be provided, an external loading area of the same dimensions is to be provided adjacent or in close proximity to the roller door entrance.</p>	<p>satisfactorily conducted onsite, without disturbing the operations of adjoining businesses.</p> <p>Notwithstanding, a condition of consent will be imposed restricting truck sizes to a heavy rigid vehicle.</p>	
Clause 9.2.4 – Onsite Manoeuvring	<p>a) Adequate onsite 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 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>	<p>The subject Development Application was referred to Council's Engineering Assessment Branch who raised no concerns to the manoeuvrability onsite, subject to conditions of consent.</p>	Yes
Clause 9.2.6 – Pedestrian Movements	<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</p>	<p>No changes are sought to the existing car parking layout nor pedestrian access movements. Notwithstanding this, it is considered that the car</p>	Considered acceptable

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	access through car parks should be kept separate from vehicle access ways.	parking spaces, and pedestrian access is sufficiently separated.	
Clause 9.4.4 – Hours of Operation	<p>a) Where industrial properties are within 500m of residential properties, industrial operating hours will generally be restricted within the range of:</p> <p>a. Monday to Friday: 7:00 AM – 6:00 PM</p> <p>b. Saturday: 7:00 AM – 12:00 PM noon</p> <p>c. Sunday: no operations.</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>	The subject site is located approximately 1320 metres away from the nearest residential receivers.	Not applicable
Clause 9.5.1 – Stormwater Disposal	a) Relevant controls, performance criteria and where the policy applies can be found in Chapter 3 of the Stormwater Management Policy – September 2017.	The subject Development Application was referred to Council's Engineering Assessment Branch, who raised no concerns to the proposed stormwater arrangements onsite, subject to conditions of consent.	Yes
Clause 9.5.2 – On Site Detention	a) Relevant controls, performance criteria and where the policy applies can be found in Chapter 4 of the Stormwater Management Policy – September 2017.		
Clause 9.5.3 – Water Conservation	a) Relevant controls, performance criteria and where the policy applies can be found in Chapter 5 of the Stormwater Management Policy – September 2017.		
Clause 9.5.4 – Water Quality Improvement	a) These objectives are only applicable to the Wetherill Park Industrial Area Stormwater Management Zone. Relevant controls and performance criteria can be found in Chapter 6 of the Stormwater Management Policy – September 2017.		
Clause 9.6.6.2 – Site Servicing	a) Utility availability – Appropriate conditions will be inserted in any development consents granted requiring certification on the availability of suitable telecommunications, electricity, water and sewer	The subject Development Application was externally referred to TransGrid. No concerns were raised.	Yes

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	services for development.		
	b) Pre DA consultation with Endeavour Energy is helpful in identifying any existing network assets impacted by the proposed development. Applicants are advised to submit load applications to Endeavour Energy as early as possible in the design phase. Upon receiving loading applications, Endeavour Energy can work with applicants and their Accredited Services Provider L3 (network designer) with the preferred method of supply to their developments: for example, the installation of an indoor or pad mounted substation. Space required to be allocated for any proposed indoor and pad mounted substations can be incorporated within final architectural plans submitted to Council as part of the DA approval process.		

Fairfield City Wide Development Control Plan 2013: Chapter 12 – Car Parking, Vehicle and Access Management

The subject Development Application was assessed against the relevant provisions within Chapter 12 – Car Parking, Vehicle and Access Management of the Fairfield City Wide Development Control Plan 2013. The subject Development Application was found to be satisfactory against the relevant provisions.

Control	Prescribed		Comment	Compliance
Clause 12.1.1 – Car Parking Rates	Use / Activity	Minimum Number of Car Spaces Required	A Traffic Parking Assessment was submitted as part of the subject Development Application. As part of the assessment, a survey was conducted on the Goterra Facility in Hume, ACT. It was concluded that one (1) car parking space is required per staff member and an additional car parking space for visitors.	Considered acceptable – refer to assessment of key planning issues.
	Resource Recovery Facility	To be determine by a car parking survey of a comparable facility		

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		<p>Considering there will be no more than six (6) staff members onsite at any given time, and it is expected that there will be no more than three (3) visitors per week (this is equivalent to a daily visitor parking demand over 7 days being 0.43 spaces), a total of seven (7) car parking spaces are required to be provided.</p>	
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TOWN PLANNING ASSESSMENT

In addition to the relevant provisions and requirements previously mentioned and discussed within this report, including those contained within the State Environmental Planning Policies, Fairfield Local Environmental Plan 2013 and Fairfield City Wide Development Control Plan 2013, the key planning consideration with the application are identified below.

Environmental Impacts

Considering the use of the premises proposed; that being a resource recovery facility and the employment of a unique production system used to produce frass and soldier fly larvae, a number of potential environmental impacts have been considered during the assessment of the application.

Air Pollution

Concern was initially raised in relation to potential odour/air quality impacts and the management procedures employed to contain odour onsite. An Air Quality Impact Assessment Report, prepared by Environodour Australia Pty Ltd, dated 11.04.2023 was submitted as part of the application, demonstrating how the proposal would unlikely cause adverse environmental impacts. Further supporting documentation was submitted as part of the application, including response letters to Fairfield City Council and the Environment Protection Authority.

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The Applicant has demonstrated that all processing units, including waste receipt, the process plant and storage room, are all enclosed and satisfactorily ventilated through the use of a wet scrubber and impregnated activated carbon filters. The processing units of waste separation and pumping system are sealed and are then vented to outside the building via a second centrifugal fan scrubber stack. In addition, the Applicant has demonstrated that all other stages are completely enclosed and that gases are not vented to the building or environment. The MIBs used for conversion of the waste have carbon biofilters to capture odours, and an air intake to provide oxygen for larvae and to ensure aerobic decomposition.

The Applicant has considered the worst-case scenario for odour impacts generated onsite and compared it to testing conducted at Goterra's other facility in Hume, ACT.

	Hume, Canberra	Wetherill Park, NSW
Process	Batch manufacture and perform collection manually	Continuous process to the final product.
Waste intake	On a hardstand in an open-door system into the waste receipt area	Receive inside the building, stored inside the shed area.
Waste receipt, Tons/month	160	500
	In an open environment	In an enclosure
Protein, Tons	12	40
	These are stored in the shed	These are processed in an enclosure building
Frass, Tons	40	125
	The frasses are pelletised	Discharged to an offsite composting facility to cure - product will not stand for more than 2 consecutive days
Ventilation	Naturally ventilated through the wheely birds	Mechanically ventilated by two fans at the door opening
Area, m2	15 x 40 = 600	30 x 50=1500
Volume	4800	12000
Ventilation rates, m3/hr	9600	20160
Air exchange rate	2	2
Odour conc.	350	175

Figure 8: Odour Testing Differences.

The comparison has concluded that the proposed site is anticipated to have a smaller odour concentration onsite, considering the use of mechanical ventilation and the enclosure of operating equipment. The application was assessed by Council's Public Health and Environment Branch and Environment Protection Authority who raised no concerns to the proposal, as amended, subject to strict compliance with the conditions of consent.

Pest Control

Concern was initially raised regarding the potential for vermin/pests onsite as a result of the proposal. In response, the Applicant has prepared a pest control plan, and has stipulated that all organic food waste will begin processing immediately and will enter enclosed spaces on the same day. Furthermore, all fly's used in the food conversion process will be contained within the MIBs (shipping containers) onsite and larvae excretion (frass) will be removed from the tray system and old larvae will be replaced with young larvae via a closed conveyor and vibratory sifter. The application was referred to the Environment Protection Authority and Council's Public Health and Environment Branch who raised no concerns to the proposal, as amended, subject to conditions of consent. Given the above, it is considered that the management and equipment used for the operation of the premises is likely to be sufficient to deter vermin/insects to the premises. It is noted that the proposed facility will not be staffed 24 hours a day and therefore concern is raised regarding the management of the facility whilst no staff are on site. Accordingly, it is recommended

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that an additional condition is imposed that requires the submission and approval of a Plan of Management that includes management and mitigation measures which incorporates a complaints register and how to deal with complaints outside of staffed hours. Given that concerns by a surrounding operator has been raised in relation to this issue, it is considered necessary that conditions be imposed that requires continuous monitoring and management of potential vermin/insect to the premises at all times.

Noise Pollution

The subject Development Application seeks to operate twenty-four (24) hours per day, seven (7) days a week. An Acoustic Report was submitted as part of the application, 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 Public Health and Environment Branch have assessed the submitted report and raise 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 more than 500 metres away.

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 Public Health and Environment Branch who have raised no concern in relation to the potential noise impacts of the proposed development.

Water Pollution

All water used in the processing of waste will be collected via a wet vacuum and stored in sealed tanks, before being transported as a by-product to be further valorised in an additional process offsite. No alterations to the drainage onsite are required, and no leachate or water involved in resource recovery will be released into the municipal water system. Council's Public Health and Environment Branch have assessed the submitted application and raise no concern in relation to potential water pollution of the proposed development onsite.

Loading / Unloading Activities and Weigh Bridge

Concern was initially raised regarding the ability to accurately weigh and document all incoming and outgoing waste in accordance with Protection of the Environment Operations Act 1997. This was raised with the Applicant, and as such has amended the application to now include a 9.6m long weighbridge located within the loading area at the front of the industrial unit. The subject Development Application seeks to utilise an existing loading dock facility to conduct loading activities. The loading dock measures 14m in depth and 9.5m in width and is located at the front of the building. A weighbridge measuring 3m in width and 9.6m in length will be installed within the existing loading dock facility to measure/weigh all incoming and outgoing waste vehicles. The largest vehicle used for the servicing of the site is a heavy rigid vehicle (12.5m long) by amending the Application to include the installation of a weighbridge, the concern with the ability to manage the proposed facility has now been satisfactorily addressed.

The proposal also seeks to utilise the existing ramp onsite to conduct unloading activities via a waste receival area. Rear-end tipper trucks will reverse into the waste receival area to conduct unloading of the truck. The Applicant has satisfactorily demonstrated that a heavy rigid vehicle (12.5m long) can service the unit.

Given the unique operations of the business as a resource recovery facility, the applicant has advised that the use does not require servicing semi-trailers. Furthermore, the Applicant has demonstrated that the proposed vehicular movements and deliveries to the premises can be

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satisfactorily conducted onsite, without conflicting with the operations of adjoining industrial activities within the site. Given the above, the application is considered acceptable in accordance with the requirements as set out in Clause 9.2.3 – Loading Facilities of the Fairfield City Wide Development Control Plan 2013.

Traffic Impact

Concern was initially raised in relation to vehicle manoeuvrability onsite and compliance with the Australian Standards. In response, the Applicant submitted a Traffic Management Plan and amended Architectural Plans and Vehicle Swept Path Diagrams, demonstrating compliance with the Australian Standards. The Applicant has indicated that there will be no more than 2 vehicles onsite at any given time for servicing requirements and that no vehicle larger than a 12.5m Heavy Rigid Vehicle will access the industrial unit. The Applicant has submitted a loading/unloading schedule, stipulating that deliveries to and from the premises will occur outside of peak hours and that the operation is unlikely to generate any adverse impacts to the existing traffic network onsite. Council's Traffic Section and Engineering Assessment Branches have considered the amended proposal satisfactory, subject to conditions of consent.

Regarding the demand for car parking spaces, Chapter 12 – Car Parking, Vehicle and Access Management of the Fairfield City Wide Development Control Plan 2013 (FCW DCP 2013), stipulates that the requirements for resource recovery facilities are to be determined by a car parking survey of a comparable facility. A survey has been submitted and reviewed and it is concluded that there are sufficient car parking spaces onsite. The survey has assessed Goterra's other facility in Hume, ACT. It was concluded that one car parking space is required per staff member and an additional car parking space for visitors. Considering there will be no more than 6 staff members onsite at any given time, and it is expected that there will be no more than 3 visitors per week (this is equivalent to a daily visitor parking demand over 7 days being 0.43 spaces), a total of 7 car parking spaces are required to be provided.

A review of Council's Records has identified that on 11th of May 1987, Council approved Development Application No. 152/87 for the construction of factory units and warehouse for furniture storage. Condition No. 3 required the provision of 175 off-street car parking spaces. With a gross floor area of approximately 2,749.8m², when considering normal general industrial developments, in accordance with Council's Development Control Plan at the time of assessment, a total of thirty-nine (39) car parking spaces would be required to be provided onsite (1 car parking space per 70m² GLA). Therefore, it is considered that the 7 car parking spaces required to service the expected parking demand generated by the development, can be sufficiently provided for onsite. Furthermore, the application was assessed by Council's Traffic Section Branch who raised no concerns to the proposal, as amended, subject to conditions of consent.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – SECTION 4.15 EVALUATION

The proposed development has been assessed and considered having regard to the matters for consideration pursuant to Section 4.15 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 regarding Section 4.15(1).

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

An assessment of the proposal against the following Environmental Planning Instruments identified as being of relevance to the proposal has been undertaken:

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- Fairfield Local Environmental Plan 2013 (FLEP 2013): Zone E4 – General Industrial
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environment Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Planning Systems) 2021

The subject Development Application has been considered against the abovementioned instruments and found to be satisfactory.

The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved) (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))

The proposed development complies with the provisions of the Fairfield City Wide Development Control Plan 2013 - Chapter 9 – Industrial Development and Chapter 12 – Car Parking, Vehicle Access and Management.

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)(iia))

Not applicable.

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 45 of Schedule 3 of the Environmental Planning and Assessment Regulation 2021. Given that the facility is located on a floodplain, the proposed development is defined as Designated Development.

Furthermore, the proposed development involves 'composting facilities or works' defined under clause 16 of Schedule 3 of the Environmental Planning and Assessment Regulation 2021. Given that the facility is located on a floodplain, the proposed development is defined as Designated Development.

Pursuant to Clause 4.10 of the Environmental Planning and Assessment Act 1979 (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))

Social Impacts

The subject Development Application is likely to have positive social impacts, by increasing the use of recycled material and reducing the amount of organic matter sent to landfill.

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Environmental Impacts

As demonstrated above, a number of potential negative environmental impacts have been taken into consideration in relation to the proposal, including odour, vermin, noise and air quality impacts. However, as amended, the Applicant has demonstrated that any potential impacts can be contained within the unit and are unlikely to occur. Furthermore, the overall intent of the application is to reduce the amount of waste sent to landfill through the use of regenerative practices. Therefore, it is considered that the development is unlikely to cause any adverse environmental impacts.

Economic Impacts

The subject Development Application is considered to generate positive economic impacts upon the locality, through the direct employment of staffing members and the increased output of renewable food products.

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

The site is considered suitable for the proposed development.

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

In accordance with the Environmental Planning and Assessment Regulation 2021, the application was notified for a period of 28 days in writing to surrounding properties, in the local paper and a notice was also displayed at the site in accordance with the Regulations. One submission was received during the notification period. Concern was raised regarding the potential odour and increased presence of vermin onsite. Council attempted to contact the objector via telephone however, without success. Notwithstanding this, the concerns raised by the objector are considered to be satisfactorily addressed through the submission of a number of environmental reports, including an Environmental Impact Statement, Odour Report and Waste Management Plan, which have demonstrated that the proposal is unlikely to generate any adverse environmental impacts. Council's Public Health and Environment Branch and the Environment Protection Authority (EPA) have carefully assessed the application and raise no concerns, subject to conditions of consent. Thus, it is considered that the objectors concerns can be addressed through compliance with conditions of consent.

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

Having regard to the assessment the proposed development, the development is considered to be within the public interest.

8. SECTION 7.12 DEVELOPMENT CONTRIBUTIONS

In accordance with the Fairfield City Council's Indirect (Section 7.12) Development Contribution Plan 2011, developments with a proposed cost of more than \$200,000 are required to pay a percentage of 1% of costs of work. Considering the cost of works for the application are \$993,830.00, the Applicant is required to pay \$9,938.30 in development contributions. The payment of development contributions before the issue of a Construction Certificate will form part of the conditions of consent.

10. RECOMMENDATION

It is recommended that Development Application No. 219.1/2023, proposing the use and fitout of Unit 3 within an existing industrial complex, for the purpose of a Waste Management and Resource Recovery Facility, processing up to 4,800 tonnes per annum of organic food waste utilising Black Soldier Fly at No. 132 Newton Road, Wetherill Park be approved, in accordance with **Attachment R** of this report for the following reasons:

1. The subject site is zoned E4 – General Industrial, pursuant to the Fairfield Local Environmental Plan (FLEP 2013). The proposal is permitted with consent and is considered to have regard to the objectives of the zone.
2. The application was assessed against the applicable controls within the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the State Environmental Planning Policy (Resilience and Hazards) 2021. The application was found to be satisfactory against the applicable legislation.
3. The subject Development Application was assessed against the relevant provisions within Chapter 9 – Industrial Development and Chapter 12 – Car Parking, Vehicle and Access Management of the Fairfield City Wide Development Control Plan 2013. The application is considered acceptable against the relevant provisions and found to be satisfactory.
4. As amended, the proposed development satisfactorily addresses the key planning considerations raised, inclusive of odour impacts, air quality, vermin and traffic management, through the submission of technical reports and amended documentation. It is considered that the proposed development is unlikely to generate any adverse environmental impacts.
5. The application was publicly notified to occupants and owners of the adjoining properties and on Council's website for a period of 28 days between the 27th of July 2023 and 28th of August 2023. One (1) submission was received during the notification period, concerning the potential odour and increased presence of vermin onsite. Council attempted to contact the objector via telephone, however with no success. Notwithstanding this, the concerns raised by the objector have been taken into consideration with respect to the assessment of the application and have been addressed through the submission of a number of environmental reports, including an Environmental Impact Statement, Odour Report and Waste Management Plan, which have demonstrated that the proposal is unlikely to generate any adverse environmental impacts. Council's Public Health and Environment Branch and the Environment Protection Authority (EPA) have assessed the application and raise no concerns, subject to conditions of consent. Thus, it is considered that the objectors concerns can be addressed through appropriate conditions of consent.
6. The application was referred to Council's Public Health and Environment, Engineering Assessment, Building Control, Subdivision and Traffic Section Branches. As amended, no concerns were raised, subject to conditions of consent. The application was externally referred to the Environment Protection Authority (EPA), Transport for New South Wales (TfNSW), Department of Planning and Environment (DPE), Jemena Gas, TransGrid and the Rural Fire Service. As amended, no concerns were raised, subject to conditions of consent.

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7. The subject Development Application is considered within the public interest, as the proposal seeks to reduce the amount of organic food waste sent to landfill, in accordance with the targets of the NSW Waste and Sustainable Materials Strategy 2041.