

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSWC-390
<b>DA Number</b>	DA 3.1/2024
<b>LGA</b>	Fairfield City Council
<b>Proposed Development</b>	Fitout and use of an existing industrial premises for the purpose of a Waste or Resource Transfer Station, involving the receiving, consolidating and onforwarding of 30,000 tonnes of tyres and 520 tonnes of wire annually. The development is Designated under Schedule 3, Part 2, Clause 45 of the Environmental Planning & Assessment Regulation 2021 and is Nominated Integrated Development requiring approval and a license from the NSW Environment Protection Authority under the Protection of the Environment Operations Act 1997.
<b>Street Address</b>	68 Victoria Street, Smithfield
<b>Applicant/Owner</b>	Applicant: Tyrex Australia Pty Ltd  Owner: Mr E E G Foley & Mrs T M Jenkins-Foley
<b>Date of DA lodgement</b>	11 January 2024
<b>Total number of Submissions</b> <b>Number of Unique Objections</b>	<ul style="list-style-type: none"> <li>• Two (2)</li> <li>• Two (2)</li> </ul>
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	<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 Environmental Planning and Assessment Regulation 2021, Schedule 3, section 45.</p>
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulation 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Fairfield Local Environmental Plan 2013</li> <li>• Fairfield City Wide Development Control Plan 2024</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Architectural Plans</li> <li>• Fairfield City Wide Development Control Plan 2024 Compliance Table</li> <li>• Environmental Impact Statement</li> <li>• Waste Management Plan</li> <li>• Traffic Impact Assessment</li> <li>• Surface Water Assessment</li> <li>• State Environmental Planning Policy – Resilience &amp; Hazards Report</li> <li>• Response to Council's RFI</li> <li>• Response to EPA Request for Additional Information 2</li> <li>• Plan of Management</li> <li>• Noise and Vibration Assessment</li> <li>• Fire and Incident Management Report</li> <li>• Air Quality Impact Assessment</li> <li>• Operational Environmental Management Plan</li> <li>• BCA Statement</li> <li>• Response to EPA Request for Additional Information</li> <li>• Environment Protection Authority (EPA) General Terms of Approval</li> </ul>

	<ul style="list-style-type: none"> <li>• Transport for New South Wales (TfNSW) Concurrence</li> <li>• Draft Conditions of Consent</li> </ul>
<b>Clause 4.6 requests</b>	Not applicable
<b>Summary of key submissions</b>	Management of waste, potential odour impacts, acoustic impacts, number of truck movements and increased fire risk.
<b>Report prepared by</b>	Mason Shute – Development Planner
<b>Report date</b>	22 October 2024

#### Summary of s4.15 matters

Yes

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

#### 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*

No

#### 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

## SYDNEY WESTERN CITY PLANNING PANEL

**TO:** Sydney Western City Planning Panel (SWCPP)

**REPORT:** SWCPP Report

**FILE No:** DA No. 3.1/2024  
PAN-396598  
PPSSWC-390

**SUBJECT:**

<b>Property:</b>	Lot Nos. 9 - 10, DP 239868 No. 68 Victoria Street, Smithfield
<b>Application lodged</b>	11.01.2024
<b>Applicant</b>	Tyrex Australia Pty Ltd
<b>Owner</b>	Mr E E G Foley & Mrs T M Jenkins-Foley
<b>Application No.</b>	DA 3.1/2024
<b>NSW Planning Portal Application No.</b>	PAN-396598
<b>Planning Panel Reference No.</b>	PPSSWC-390
<b>Proposed Development</b>	Fitout and use of an existing industrial premises for the purpose of a Waste or Resource Transfer Station, involving the receiving, consolidating and onforwarding of 30,000 tonnes of tyres and 520 tonnes of wire annually. The development is Designated under Schedule 3, Part 2, Clause 45 of the Environmental Planning & Assessment Regulation 2021 and is Nominated Integrated Development requiring approval and a license from the NSW Environment Protection Authority under the Protection of the Environment Operations Act 1997.
<b>Cost of Works</b>	\$145,200.00
<b>Zoning</b>	E4 – General Industrial, pursuant to the Fairfield Local Environmental Plan 2013 (FLEP 2013).
<b>Primary Planning Issues</b>	<ul style="list-style-type: none"> <li>• Fire safety</li> <li>• Acoustic impacts</li> <li>• Odour impacts</li> <li>• Storage of waste</li> <li>• Traffic impacts</li> <li>• Visual impacts</li> </ul>

**Assessing Officer:** Mason Shute – Development Planner

**Date of Report:** 22.10.2024

## **ATTACHMENTS**

**ATTACHMENT A – Architectural Plans**  
**ATTACHMENT B – Environmental Impact Statement**  
**ATTACHMENT C – Waste Management Plan**  
**ATTACHMENT D – Traffic Impact Assessment**  
**ATTACHMENT E – Surface Water Assessment**  
**ATTACHMENT F – State Environmental Planning Policy – Resilience & Hazards Report**  
**ATTACHMENT G – Response to Council’s RFI**  
**ATTACHMENT H – Response to EPA Request for Additional Information 2**  
**ATTACHMENT I – Plan of Management**  
**ATTACHMENT J – Noise and Vibration Assessment**  
**ATTACHMENT K – Fire and Incident Management Report**  
**ATTACHMENT L – Air Quality Impact Assessment**  
**ATTACHMENT M – Operational Environmental Management Plan**  
**ATTACHMENT N – BCA Statement**  
**ATTACHMENT O – Response to EPA Request for Additional Information**  
**ATTACHMENT P – Environment Protection Authority (EPA) General Terms of Approval**  
**ATTACHMENT Q – Transport for New South Wales (TfNSW) Concurrence**  
**ATTACHMENT R – Draft Conditions of Consent**

## **SUMMARY**

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1. *Development Application No. 3.1/2024 (PAN-396598) was lodged on 11 January 2024, proposing the fitout and use of an existing industrial premises for the purpose of a Waste or Resource Transfer Station, involving the receiving, consolidating and onforwarding of 30,000 tonnes of tyres and 520 tonnes of wire annually.*
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 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 Nominated 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 34 – Resource Recovery, the development involves having on site at any time more than 5 tonnes of waste tyres and involves the processing of more than 5,000 tonnes of waste tyres per year. 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 the 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.*

## SYDNEY WESTERN CITY PLANNING PANEL

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6. *The application was assessed against the applicable controls within Chapter 9 – Industrial Development and Chapter 12 – Car Parking, Vehicle and Access Management of the Fairfield City Wide Development Control Plan 2024. The application was found to be satisfactory against the applicable controls.*
7. *The application was publicly notified in writing to occupants and owners of the adjoining properties and was publicly notified on Council's website for a period of twenty-eight (28) days between 24 January 2024 and 20 February 2024. Two (2) submissions were received. Concerns were raised regarding acoustic, traffic, fire safety, waste and odour impacts. As amended, and subject to conditions of consent, it is considered that the concerns have been satisfactorily addressed.*
8. *The application was referred to Council's Public Health and Environment, Engineering Assessment, Building Control, Tree Preservation, Traffic Section and Strategic Planning 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, Housing and Infrastructure (DPHI), Jemena Gas, SafeWork NSW and Fire and Rescue NSW. As amended, no concerns were raised, subject to conditions of consent.*
9. *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 R** of this report.*

## 1. EXECUTIVE SUMMARY

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Council is in receipt of Development Application No. 3.1/2024 (PAN-396598), proposing the fitout and use of an existing industrial premises for the purpose of a Waste or Resource Transfer Station, involving the receiving, consolidating and onforwarding of 30,000 tonnes of tyres and 520 tonnes of wire annually at No. 68 Victoria Street, Smithfield.

The development is Designated under Schedule 3, Part 2, Clause 45 of the Environmental Planning and Assessment Regulation 2021 and is Nominated Integrated Development requiring approval and a license from the NSW Environment Protection Authority under the Protection of the Environment Operations Act 1997.

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 Nominated Integrated Development. Accordingly, the development also requires the approval of the 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.

## **SYDNEY WESTERN CITY PLANNING PANEL**

A preliminary briefing to the Regional Panel was held on 8 April 2024. The Panel noted that there were initial concerns with the proposed use of two (2) driveways, however, these concerns were addressed through the submission of additional information. The Panel queried as to whether the site will be sealed. The application seeks to seal and concrete Lot 9, DP 239868. A condition of consent will be imposed requiring this to be completed prior to the issue of an Occupation Certificate. The Panel queried whether the external storage of materials is essential to the proposed operations. The applicant has not stated that this is essential to the proposed operations. However, the applicant has submitted technical documentation to justify the proposed externalisation of bagged steel wiring. The Panel queried what processing at night will involve. The applicant has stated that site cleaning, preparation and maintenance will occur from 12:00am – 6:00am. No deliveries to the premises are to occur outside of Monday to Friday, 6:00am – 6:00pm.

During the assessment of the application, several environmental issues were raised with regards to the sealing of the site, external storage of goods, potentially hazardous/offensive development, loading and unloading activities, operational management, traffic matters, landscaping, fencing and inadequate detail in the architectural plans. The key issues are discussed in further detail within the assessment of key planning issues. Amended technical documentation was submitted to Council, including an Environmental Impact Statement, Traffic Impact Statement, Noise and Vibration Assessment and Air Quality Report. As amended, the applicant has proposed to concrete and seal Lot 9, reduce the amount of waste stored outdoors, remove the storage of shipping containers and reconfigure the loading/unloading bay. As amended, no further concerns were raised, subject to conditions of consent.

The application was referred to the Environment Protection Authority (EPA) who initially raised concerns regarding dust mitigation measures, stormwater management, sealing and bunding of site, measurement and documentation of waste, waste disposal, quantities of waste, and end use of waste. Amended information was submitted in response to the matters raised by the EPA, including an amended Environmental Impact Statement, Waste Management Plan, Stormwater Management Assessment, Pollution Incident Response Plan, Plan of Management and Architectural Plans. In response to the amended information, the EPA still raised concerns regarding the proposed amount of waste tyres to be stored onsite at any given time and compliance with the Fire Safety Guideline produced by Fire and Rescue NSW. To ensure the development would comply with the above guideline, a reduction in the maximum amount of waste tyres was required. The EPA required the removal of the storage of a 66-tonne pile of crumbed rubber located against an internal wall of the building and the reduction in the size of a shred pile from 25 tonnes to 12.5 tonnes. This resulted in a maximum of 87.5 tonnes of rubber tyres stored onsite at any given time. The EPA contacted the applicant who raised no concerns with a reduction in the amount of waste stored onsite. Given this, the EPA raised no further concerns, subject to General Terms of Approval.

The application was referred to Council's Public Health and Environment, Engineering Assessment, Building Control, Tree Preservation, Traffic Section and Strategic Planning 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, Housing and Infrastructure (DPHI), Jemena Gas, SafeWork NSW and Fire and Rescue NSW. As amended, no concerns were raised, subject to conditions of consent.

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. Two (2) submissions were received. Concerns were raised regarding the management of waste, potential odour impacts, acoustic impacts, number of truck movements, reduced electricity supply during operation and increased fire risk. Council contacted both of the objectors via telephone. One (1) of the objectors raised no further concerns, subject to the prohibition of burning waste tyres onsite. A condition of consent will be imposed to this effect. It is considered that the objectors concerns have



## SYDNEY WESTERN CITY PLANNING PANEL

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been satisfactorily addressed. The other objector still raised issues with the application. Notwithstanding this, it is considered that sufficient documentation has been submitted that adequately addresses the issues raised. Several technical documents were submitted in support of the application, including an Environmental Impact Statement, Air Quality Report, Plan of Management, Pollution Incident Response Plan, Waste Management Plan, Acoustic Report and Traffic Impact Assessment, detailing the operational procedures of the premises and how potential impacts will be minimised. The applicant has stated that the processing of waste will not involve thermal treatment and will be contained indoors within the existing industrial building. It is considered that the applicant has demonstrated that the premises can operate in an environmentally satisfactory manner in terms of waste management and odour impacts, subject to conditions of consent. In terms of acoustic impacts, the Acoustic Report included noise level monitoring and predicted noise levels. It was concluded that the premises can comply with the operational acoustic criteria. Furthermore, all waste processing activities are to occur internally to the building. In terms of traffic impacts, a Traffic Impact Assessment was submitted as part of the application, demonstrating that the proposed vehicular movements can be contained onsite without adverse impacts to the local road network. The application was referred to Transport for New South Wales (TfNSW) who raised no concerns to the proposal, subject to conditions of consent. In terms of fire impacts, the Fire and Incident Management Plan included an assessment of the proposal against the Fire and Rescue NSW guidelines, mitigation and management measures, including the installation of a fire safety system, maximum storage requirements and segregation between piles of waste. 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 2024.

The application will help facilitate the future waste transfer needs of Greater Sydney, by recovering materials from waste products by processing and transferring material to facilities that can reuse the product for future uses. The application is considered to have regard to the Waste Avoidance and Resource Recovery Act 2001 and the Waste Avoidance and Resource Recovery Strategy 2014-21.

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 concerns raised by the objectors 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 R** of this report.

## 2. SUBJECT SITE AND SURROUNDING AREA

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The subject Development Application is located at No. 68 Victoria Street, Smithfield and is formally referred to as Lot Nos. 9 and 10, DP 239868. Lot 10 (eastern lot) currently consists of a large industrial warehouse building with a mezzanine floor, landscaping, and car parking. Lot 9 (western lot) is currently open/unsealed, containing landscaping within the front setback. The site is located approximately 52m south from Prospect Creek, and is consequently affected by low-risk overland flooding and low-medium risk mainstream flooding. The site slopes slightly towards the rear of the site. A Jemena gas pipeline runs east-west along Victoria Street.

## SYDNEY WESTERN CITY PLANNING PANEL

The site is located within the industrial precinct of Smithfield, with a frontage to Victoria Street (NSW Classified Road) of 40.46m and a lot depth of 100.58m. Surrounding land-uses include a tool store, an electrical supply store, a pet supply store, a car repair shop and a wholesale grocer. The site is located approximately 475m west of the Cumberland Highway and approximately 248m north from the nearest residential receivers along The Horsley Drive.



**Figure 1:** Site Aerial Image.

### 3. DESCRIPTION OF THE PROPOSED DEVELOPMENT

Fitout and use of an existing industrial premises for the purpose of a Waste or Resource Transfer Station, involving the receiving, consolidating and onforwarding of 30,000 tonnes of tyres and 520 tonnes of wire annually. More specifically, the subject Development Application proposes the following;

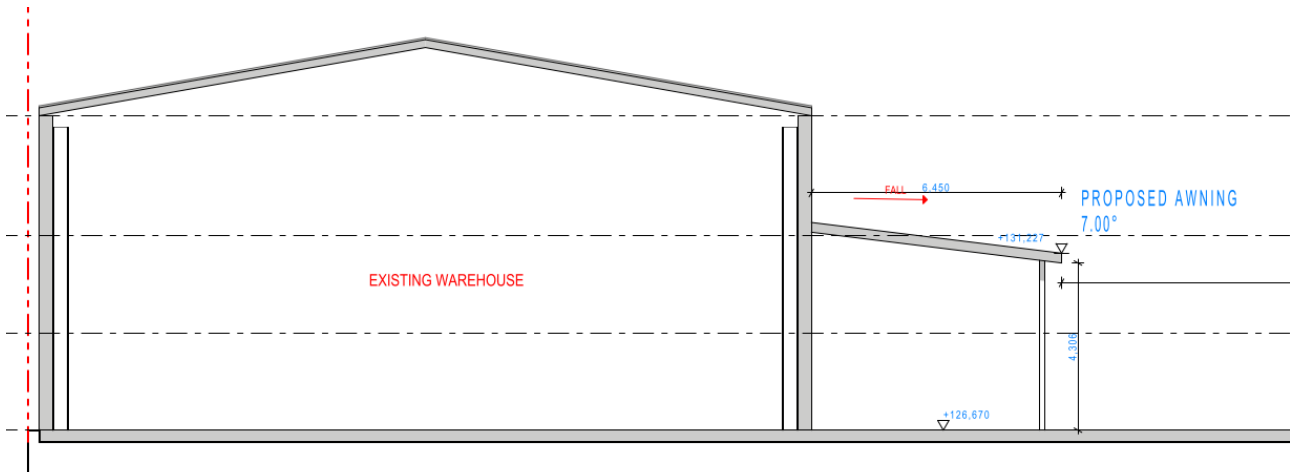
#### Fitout Works

- Construction of a side entry roller door to the existing industrial building to provide vehicular access between the two allotments.
- Construction of a 2.5m tall sliding gate towards the centre of Lot No. 9.
- Construction of an awning located on Lot No. 9.
  - The awning will measure 6.450m in depth, 24m in width and 4.56m in height.
  - The awning will be used to store bagged steel wiring from the tyres.
- Construction of a weighbridge cabin.
  - The cabin will measure 2.5m in height and will be located near the existing weighbridge.

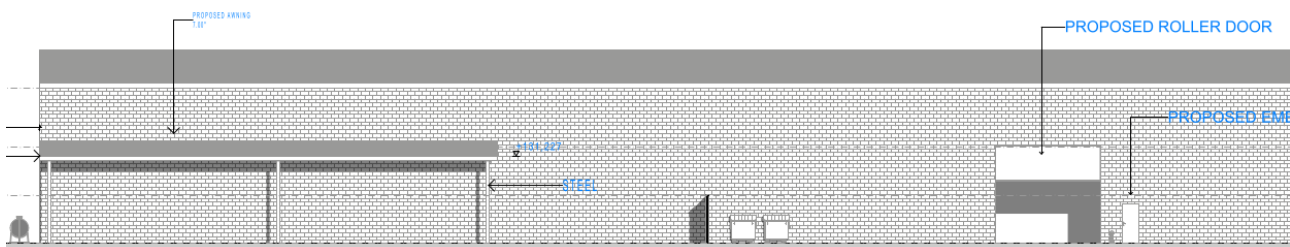


## SYDNEY WESTERN CITY PLANNING PANEL

- Construction of two (2) water tanks within the front setback of Lot 9, each with a capacity of 368,000L, measuring 2.5m in height.
- Construction of an underground water tank towards the rear of Lot 9.



**Figure 2:** Proposed Section Diagram.



**Figure 3:** Proposed Western Elevation.

### Use Works

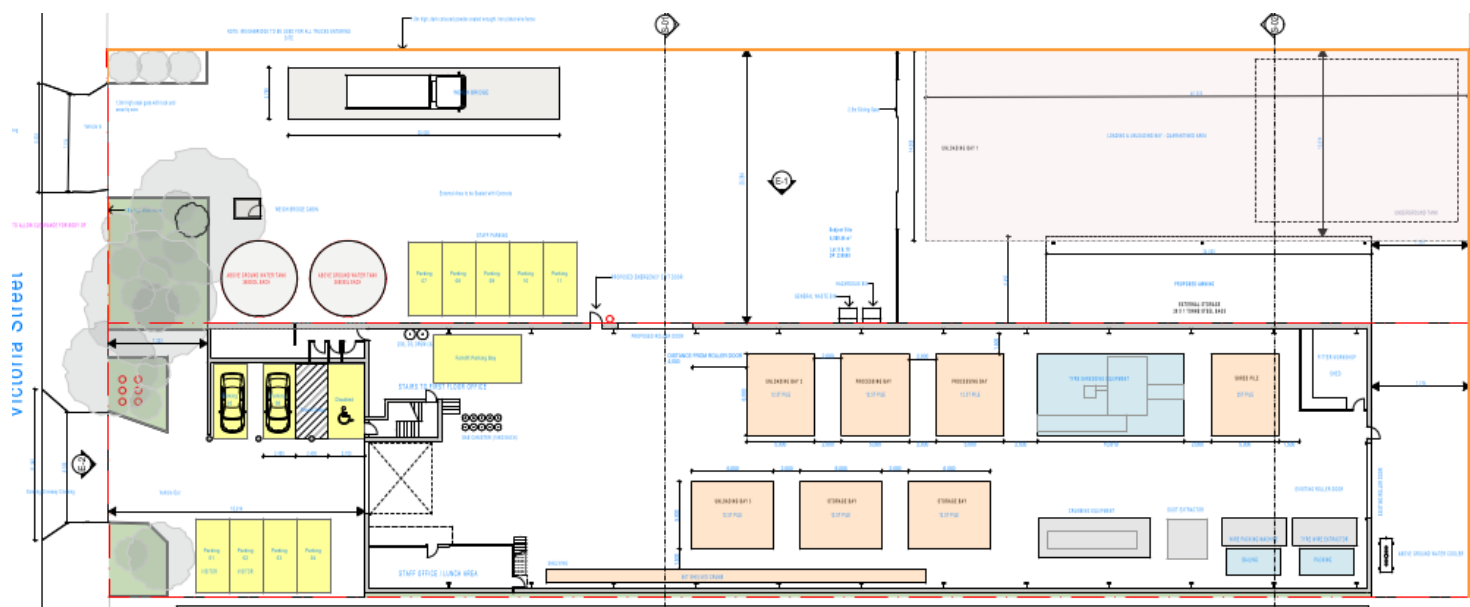
- Use of the premises for the purposes of a 'waste or resource transfer station'. The premises will recycle and process waste tyres (rubber), including the steel wiring associated with tyres. Rubber will be sold locally and exported overseas. The final product will be used for local road construction, tile adhesives, parks and playing fields. The thin wire will be collected using magnets during processing and taken to steel mills for further processing.

A summary of the proposed operations is as follows:

1. Vehicles will enter the site via Lot 9 and will be visually checked and weighed via the weighbridge.
2. The vehicle will enter the loading/unloading bay towards the rear of the site where waste tyres are unloaded and transported to inside the building for processing. The material is placed into defined stockpiles based on the type of tyre.
3. Tyres will be processed/shredded and the thin wire will be separated from the rubber.
4. Once tyres are processed, the rubber will be placed into bags inside the building and the steel wiring will be placed into bags and placed outside of the premises underneath the awning.
5. Trucks will then enter the premises via Lot 9, be weighed via the weighbridge, load the waste material and exit the site via Lot 10.

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- To support the proposed operations, the application seeks consent for the use of tyre shredding and crumbing equipment and a bailer.
- Use of a weighbridge located towards the front of Lot 9. The weighbridge will measure 20m in length and 3.79m in width.
- The proposed hours of operation are as follows:
  - Monday to Sunday: Twenty-four (24) hours per day.
  - The premises will operate via three (3) shifts as follows:
    - Shift 1: 6:00am – 3:00pm
    - Shift 2: 3:00pm – 12:00am
    - Shift 3: 12:00am – 6:00am
- There will be no more than eight (8) staff onsite at any given time.
- It is estimated that there will be no more than two (2) visitors per day.
- There will be approximately five (5) to six (6) deliveries to the site per day. No vehicle larger than 13.9m will service the site.
- Store no more than one-hundred and six-six (166) tonnes of rubber material and twenty (20) tonnes of steel wiring onsite at any given time.
  - 20x 1 tonne steel bags will be stored outdoors underneath the awning structure.
  - Seventy-five (75) tonnes of whole rubber tyres will be stored indoors.
  - Sixty-six (66) tonnes of processed tyres will be stored in bulk bags in shelving indoors.
  - Twenty-five (25) tonnes of tyre shred will be stored indoors.
- Twelve (12) car parking spaces are proposed onsite, inclusive of two (2) visitor spaces and one (1) accessible space.
- No liquid, hazardous, restricted solid waste or general solid waste (putrescible), as defined in the Protection of the Environment Operations Act 1997 (NSW) or the EPA's Waste Classification Guidelines Part 1: Classifying Waste (2014), will be accepted at the facility.



**Figure 4: Proposed Ground Floor Plan.**

#### **4. HISTORY AND BACKGROUND**

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On 24 February 2023, Development Application No. 304.1/2022, proposing the change of use of premises for a tyre recycling facility was withdrawn. The application was withdrawn as the development constituted Designated Development and required the submission of Secretary Environmental Assessment Requirements (SEARs) and an Environmental Impact Statement.

On 19 August 2020, Development Application No. 37.1/2019, proposing the construction of an industrial building and associated office and carpark on Lot 9 and the proposed use of the existing industrial premises on Lot 10 for the purpose of steel fabrication was approved. The development was never pursued.

On 13 December 2010, Development Application No. 1109.1/2010, proposing the use of existing factory building and adjoining vacant land (Lots 9 and 10, DP 239868) for the purpose of storing damaged and undamaged motor vehicles was approved.

#### **5. SYDNEY WESTERN CITY PLANNING PANEL PRELIMINARY BRIEFING NOTES**

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On 8 April 2024, 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.

1. *Panel noted that TfNSW has raised any issues in relation to the proposed two driveways, but was informed that further correspondence and provision of information had resolved the issue.*

**Response:** The application was referred to Transport for New South Wales (TfNSW) during the assessment of the application. TfNSW raised no concerns, subject to conditions of consent.

2. *The Panel queried whether the Applicant intends to seal the site.*

**Response:** The application seeks to seal and concrete Lot 9, DP 239868. A condition of consent will be imposed requiring this to be completed prior to the issue of an Occupation Certificate.

3. *The Panel queried whether the external storage of materials is essential to the proposed operations.*

**Response:** The applicant has not stated that this is essential to the proposed operations. However, the applicant has submitted technical documentation to justify the proposed externalisation of bagged steel wiring.

4. *The Panel queried what processing at night will involve.*

**Response:** The applicant has stated that site cleaning, preparation and maintenance will occur from 12:00am – 6:00am. No deliveries to the premises are to occur outside of Monday to Friday, 6:00am – 6:00pm.

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5. *The panel targets determination of RSDAs within 250 days. The chair recommends that the applicant expedite their efforts to facilitate amendments or additional information required by Council to allow them to complete their assessment. The panel may determine development in the form it is presented at or prior to 250 days.*

**Response:** Noted.

## 6. INTERNAL REFERRALS

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### 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. No concerns were raised, 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 regarding the swept paths of vehicles manoeuvring onsite. An amended Traffic Report was submitted to Council, detailing the intended truck movements. As amended, no concerns were raised, subject to conditions of consent.

### Tree Preservation Officer

The subject Development Application was referred to Council's Tree Preservation Officer for assessment. No concerns were raised, subject to conditions of consent.

### Strategic Planning Branch

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

## 7. EXTERNAL REFERRALS

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### 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. The EPA initially requested the submission of additional information including dust mitigation measures, stormwater management, sealing and bunding of site, measurement and documentation of waste, waste disposal, quantities of waste, and end use of waste. Amended information was submitted in response to the matters raised by the EPA. The EPA raised no further concerns, subject to the issuing of General Terms of Approval.

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.

Fire and Rescue NSW

In accordance with the Secretary's Environmental Assessment Requirements (SEAR), the application was referred to Fire and Rescue NSW. No comments were received by Fire and Rescue NSW.

SafeWork NSW

In accordance with the Secretary's Environmental Assessment Requirements (SEAR), the application was referred to SafeWork NSW. No comments were received by SafeWork NSW.

Department of Planning, Housing and Infrastructure

The subject Development Application was referred to the Department of Planning, Housing and Infrastructure (DPHI), pursuant to s60 (Submissions about designated development to be given to Planning Secretary) of the Environmental Planning and Assessment Regulation 2021. Two (2) submissions were received during the public notification period and was forwarded to the Department of Planning, Housing and Infrastructure (DPHI) for their information and response. No concerns were raised.

## 8. PUBLIC NOTIFICATION

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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, on Council's website and a notice was displayed at the site in accordance with the requirements of the Regulations. Two (2) submissions were received.

Submission No. 1 was concerned with the management of waste and potential odour impacts.

**Response:** Council contacted the objector via telephone. The objector raised no further concerns, subject to the prohibition of burning waste tyres onsite. A condition of consent will be imposed to this effect. It is considered that the objectors concerns have been satisfactorily addressed.

Submission No. 2 was concerned with potential acoustic impacts, number of truck movements, reduced electricity supply during operation and increased fire risk.

**Response:** Council contacted the objector via telephone. The objector still raised issues with the application. Notwithstanding this, it is considered that sufficient documentation has been submitted to adequately address the issues raised. Several technical documents were submitted in support of the application, including an Environmental Impact Statement, Traffic Impact Assessment and a Fire



## **SYDNEY WESTERN CITY PLANNING PANEL**

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and Incident Management Plan, detailing the operational procedures of the premises and how potential impacts will be minimised.

In terms of acoustic impacts, the Acoustic Report included noise level monitoring and predicted noise levels. It was concluded that the premises can comply with the operational acoustic criteria. Furthermore, all waste processing activities are to occur internally to the building. The Environment Protection Authority (EPA) have supported the application, as amended, subject to General Terms of Approval.

In terms of traffic impacts, a Traffic Impact Assessment was submitted as part of the application, demonstrating that the proposed vehicular movements can be contained onsite without adequate impacts to the local road network. The application was referred to Transport for New South Wales (TfNSW) who raised no concerns to the proposal, subject to conditions of consent.

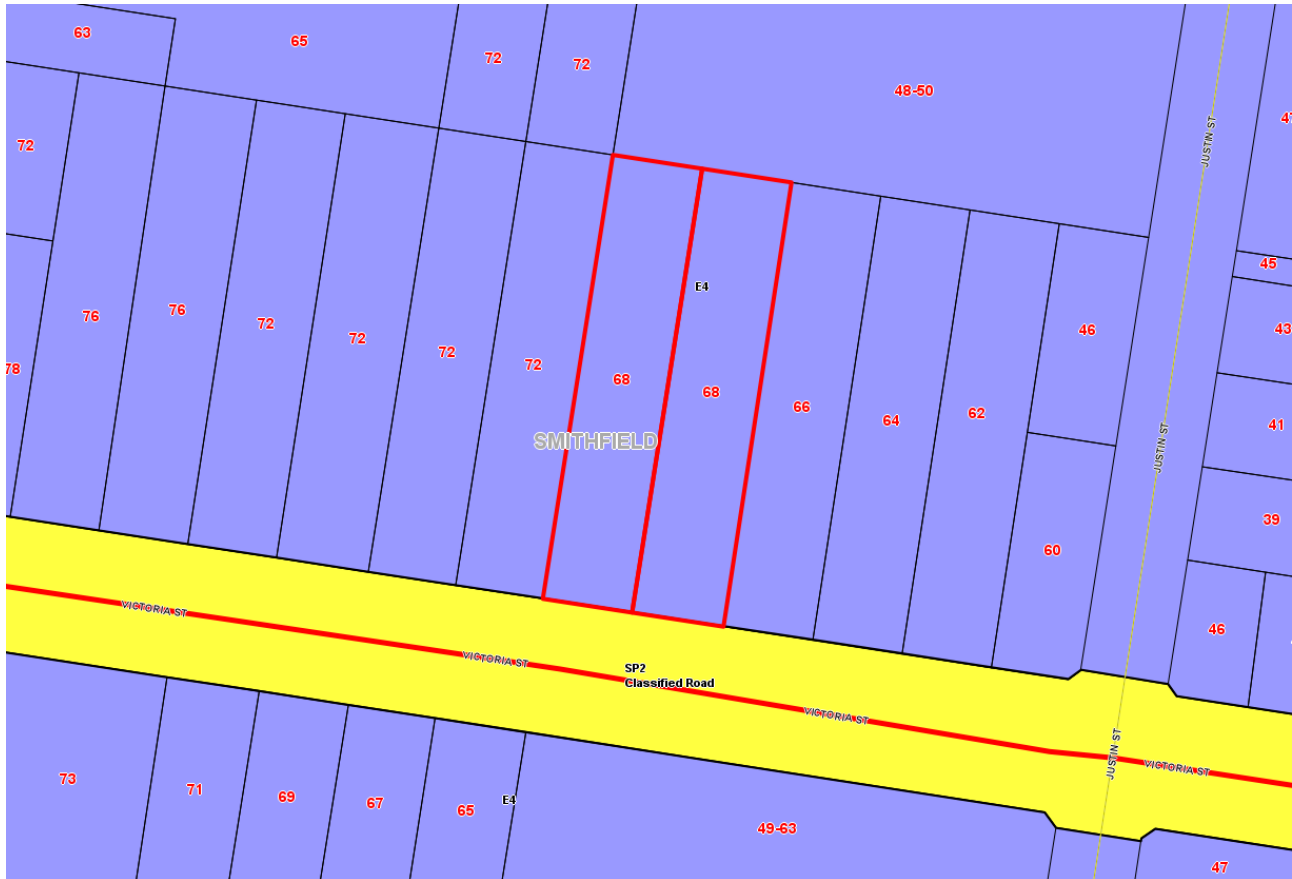
In terms of fire impacts, the Fire and Incident Management Plan included an assessment of the proposal against the Fire and Rescue NSW guidelines, mitigation and management measures, including the installation of a fire safety system, maximum storage requirements and segregation between piles of waste.

Although the objector still raised concerns with the application, based on the above information, it is considered that the objector's concerns can be adequately addressed.

## 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 5:** Land Zoning Map.

The proposed development is for the purposes of a waste or resource transfer station. A ‘waste or resource transfer station’ is defined in the Fairfield Local Environmental Plan 2013 (FLEP 2013) as follows:

**“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.

**Note—**

Waste or resource transfer stations 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,

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(d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c)”.

A “waste or resource transfer station” 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
<b>Clause 5.21 – Flood Planning</b>	(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, and (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 (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction	The site is located approximately 52m south from Prospect Creek, and is consequently affected by low-risk overland flooding and low-medium risk mainstream flooding. A Flood Impact Assessment was submitted as part of the application. The application was referred to 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).	Yes

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	in the stability of river banks or watercourses.		
<b>Clause 6.2 – Earthworks</b>	<p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	The application proposes the installation of an underground water tank, weighbridge cabin, awning structure and above ground water tanks. The proposed works are considered minor in terms of earthworks required and are considered unlikely to cause any adverse environmental impacts, subject to conditions of consent.	Yes
<b>Clause 6.9 – Essential Services</b>	<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>	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.	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
<b>Schedule 3</b> <b>Designated Development</b>  <b>Part 2 Designated Development</b>	<b>45 Waste management facilities or works</b>  (4) Development for the purposes of a waste management facility or works is designated development if the facility or works are located— (a) in or within 100 metres of a natural waterbody, wetland, coastal dune field or 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 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	The subject Development Application is for the purpose of a waste or resource transfer station and a waste management facility and is located approximately 52m south from Prospect Creek (natural waterbody), on a floodplain and is approximately 248m north from the nearest residential receivers along The Horsley Drive. Given this, the application is Designated Development.	Yes



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	<p>pollution, including odour, smoke, fumes or dust.</p> <p><b>waste management facility or works</b> 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								
<b>Schedule 1</b> <b>Scheduled Activities</b>  <b>Part 1 Premises-based Activities</b>	<b>34 Resource recovery</b>  (1) This clause applies to the following activities— <b>recovery of waste tyres</b> , meaning the receiving of waste tyres from off site and their processing, otherwise than for the recovery of energy.  <table><tr><th>Table</th><th></th></tr><tr><th>Column 1</th><th>Column 2</th></tr><tr><th>Activity</th><th>Criteria</th></tr><tr><td>recovery of waste tyres</td><td>involves having on site at any time (other than in or on a vehicle used to transport the tyres to or from the premises) more than 5 tonnes of waste tyres or 500 waste tyres, or involves processing</td></tr></table>	Table		Column 1	Column 2	Activity	Criteria	recovery of waste tyres	involves having on site at any time (other than in or on a vehicle used to transport the tyres to or from the premises) more than 5 tonnes of waste tyres or 500 waste tyres, or involves processing	As amended, a maximum of 87.5 tonnes of rubber material will be stored onsite at any given time. A maximum of 30,000 tonnes of rubber material will be processed per year. Given the above, the application is Integrated Development.	Yes
Table											
Column 1	Column 2										
Activity	Criteria										
recovery of waste tyres	involves having on site at any time (other than in or on a vehicle used to transport the tyres to or from the premises) more than 5 tonnes of waste tyres or 500 waste tyres, or involves processing										

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		more than 5,000 tonnes of waste tyres per year		
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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 Designated Development requirements, thus, is required to be determined by the Sydney Western City Planning Panel (SWCPP).

Clause	Prescribed	Assessment	Compliance
<b>Schedule 6</b> <b>Regionally significant development</b>	(1) Development for the purposes of—  (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.	The subject Development Application is for the purposes of a waste management facility that meets the requirements for Designated Development.	Yes
<b>7 Particular designated development</b>			

### 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						
<b>Subdivision 2</b> <b>Development in or adjacent to road corridors and road reservations</b>  <b>2.122 Traffic-generating development</b>	(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 fitout and use of a new waste or resource management facility. TfNSW raised no concerns to the proposal, subject to conditions of consent.	Yes						
	<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</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
	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							

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	Waste or resource management facilities	Any size or capacity	alignment of connecting road) Any size or capacity		
<b>2.119 Development with Frontage to Classified Road</b>	<p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</p> <p>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</p> <p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</p> <p>(i) the design of the vehicular access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p> <p>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p> <p>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>			<p>The application has a frontage to Victoria Street which is a Classified State Road.</p> <p>The application seeks to utilise the existing driveway on Lot No. 9 as left-in only and the existing driveway on Lot No. 10 as left-out only. A condition of consent will be imposed, requiring the consolidation of the allotments, prior to the issue of an Occupation Certificate.</p> <p>A Traffic Impact Assessment was submitted as part of the application, detailing the number of expected traffic movements and swept paths.</p> <p>The application was referred to Transport for New South Wales (TfNSW) who raised no concerns to the proposal, subject to conditions of consent.</p>	Yes

### 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
<b>Part 3 Potentially hazardous or potentially offensive development</b>	A person who proposes to make a development application to carry out development for the purposes of a potentially	A Screening Assessment was submitted as part of the subject application which concluded that the proposal will not constitute potentially	Yes

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<b>3.11 Preparation of preliminary hazard analysis</b>	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.	hazardous or offensive development. The application was referred to Council's Public Health and Environment Branch who raised no concerns with the proposal, subject to conditions of consent.	
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### Fairfield City Wide Development Control Plan 2024: 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 2024. The subject Development Application was found to be satisfactory against the relevant provisions.

Control	Prescribed	Comment	Compliance
<b>Clause 9.1.1.1 – Consolidation of Allotments</b>	a) Where new development is proposed on two or more existing allotments, a condition of approval will require the consolidation of such allotments into one title and registration with the Land Titles Office before occupation of the building.	The subject Development Application is located over two (2) existing allotments. A condition of consent will be imposed, requiring the consolidation of such allotments into one title and registration with the Land Titles Office before occupation of the building.	Yes
<b>Clause 9.1.1.2 – Lot Frontage</b>	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.	Victoria Street frontage: = 40.46m  The subject Development Application seeks to consolidate two (2) existing allotments to create a larger street frontage.	Considered acceptable
	c) Development of narrower lots will be subject to conditions on a development consent that will limit the size of trucks, which can use the site.	Conditions of consent relating to the largest size of vehicles accessible to the site will be included.	Yes
<b>Clause 9.1.2 – Building Setbacks</b>	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:  <b>Yennora Precinct:</b> Larra St, Whitaker St, Railway Pde,	No changes are sought to the existing building setback.  Required setback: = 10m with 5m of landscaping  Existing building setback: = 7.323m  Landscaping setback:	Considered acceptable

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	<p>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><b>Yennora Precinct:</b> Northern side of Orchardleigh St:</p> <p>5m of which 1.5m is to be used for landscaping only.</p> <p><b>East Fairfield Precinct:</b> 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><b>Wetherill Park Precinct:</b> 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><b>Wetherill Park Precinct</b></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>	= 7.323m	
<b>Clause 9.2.2.1 – Car Parks (General)</b>	<p>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.</p>	Refer to assessment against Chapter 12.	Refer to assessment



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<b>Clause 9.2.2.2 – Car Parking Requirements</b>	a) For general design information on car parking requirements, access and vehicle arrangements, refer to Chapter 12 of this DCP.		
<b>Clause 9.2.3 – Loading Facilities</b>	<p>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:</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>	A dedicated loading/unloading bay is located towards the rear of Lot No. 9. The applicant has demonstrated that all loading/unloading activities can occur satisfactorily without interfering with the efficient operation of the premises (including the car park).	Considered acceptable
	<p>b) Loading requirements for selected activities are detailed below:</p> <p><b>Other industry (including wholesaling) and small warehouse developments less than 3000m<sup>2</sup></b> No. of loading facilities required: 1 space per 700m<sup>2</sup> GLA. Size of loading bays: Development up to:</p> <ul style="list-style-type: none"> <li>150m<sup>2</sup> GLA – medium rigid vehicle (3.5m x 8.8m)</li> <li>150m<sup>2</sup> – 700m<sup>2</sup> GLA – heavy rigid (3.5m x 12.5m)</li> <li>700m<sup>2</sup> – 3000m<sup>2</sup> – semi trailer (3.5m x 19m<sup>2</sup>)</li> </ul> <p><b>Large warehouse developments (greater than 3000m<sup>2</sup>)</b> No. of loading facilities required: Loading facilities for large warehouse developments will be assessed on merit and are to be justified on the basis of size, number and frequency of goods vehicles likely to visit the premises.</p>	<p>Size of premises: = 1589.45m<sup>2</sup> GLA</p> <p>Number of loading bays required: = <math>1589.45 \div 700</math> = 2.27 = 2</p> <p>Number of loading bays provided: = 1</p> <p>Size of vehicle required: = Semi-trailer</p> <p>The application proposes a loading/unloading bay, measuring 14m W x 40m L towards the rear of Lot 9. The applicant has satisfactorily demonstrated that a semi-trailer can adequately manoeuvre onsite, measuring 13.9m in length.</p>	Considered acceptable

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	<p>Size of loading bays: 3.5m x 19m (semi trailer) (Where B-Doubles are proposed, additional clearance may be required).</p> <p><b>Bulky goods premises</b> No. of loading facilities required: A minimum of 1 dock for every 4000m<sup>2</sup> GLA of bulky goods floor space or part thereof; plus 1 additional dock for every additional 4000m<sup>2</sup> 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>		
<b>Clause 9.2.4 – Onsite Manoeuvring</b>	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.	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.	Yes
<b>Clause 9.2.6 – Pedestrian Movements</b>	a) Pedestrian access through car parking areas should be clearly marked, and where possible emphasised by the use of raised and textured surfaces.	The application proposes five (5) new car parking spaces located towards the front of Lot No. 9.	Considered acceptable

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	<p>b) As far as possible, pedestrian access through car parks should be kept separate from vehicle access ways.</p>	<p>The car parking spaces are setback from the proposed vehicular movement paths onsite.</p> <p>To ensure that pedestrian safety is achieved onsite, the applicant has proposed the following solutions:</p> <ol style="list-style-type: none"> <li>1) Provide a half dome convex safety mirror within the building to enhance the sight lines of any pedestrians and on-coming vehicles.</li> <li>2) Provide a 5 km/h / shared zone sign at the vehicle entry point to the building to raise the awareness of the drivers.</li> </ol> <p>The proposal is considered to not adversely affect pedestrian safety onsite.</p>	
<b>Clause 9.4.4 – Hours of Operation</b>	<p>a) Where industrial properties are within 500m of residential properties, industrial operating hours will generally be restricted within the range of:</p> <ol style="list-style-type: none"> <li>a. Monday to Friday: 7:00 AM – 6:00 PM</li> <li>b. Saturday: 7:00 AM – 12:00 PM noon</li> <li>c. Sunday: no operations.</li> </ol> <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 approximately 248m north from the nearest residential receivers along The Horsley Drive.</p> <p>Proposed hours of operation: = Monday to Sunday – 24 Hours</p> <p>An Acoustic Report was submitted as part of the Development Application, detailing the expected noise levelling and strategies to mitigate noise impacts. The application was referred to Council's Public Health and Environment Branch who raised no concerns, subject to conditions of consent.</p>	<p>Considered acceptable – refer to assessment of key planning issues</p>
<b>Clause 9.5.1 – Stormwater Disposal</b>	<p>a) Relevant controls, performance criteria and where the policy applies can be found in Chapter 3 of the Stormwater Management Policy – September 2017.</p>	<p>The subject Development Application was referred to Council's Engineering Assessment Branch, who raised no concerns to the proposed stormwater</p>	<p>Yes</p>

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<b>Clause 9.5.2 – On Site Detention</b>	a) Relevant controls, performance criteria and where the policy applies can be found in Chapter 4 of the Stormwater Management Policy – September 2017.	arrangements onsite, subject to conditions of consent.	
<b>Clause 9.5.3 – Water Conservation</b>	a) Relevant controls, performance criteria and where the policy applies can be found in Chapter 5 of the Stormwater Management Policy – September 2017.		
<b>Clause 9.5.4 – Water Quality Improvement</b>	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.		
<b>Clause 9.6.1 – Storage Premises</b>	<p>a) Temporary and permanent storage premises will in all cases require:</p> <ul style="list-style-type: none"> <li>i. Gutter and footpath crossing to be constructed.</li> <li>ii. Suitable site sealing.</li> <li>iii. Runoff and silt trap controls.</li> <li>iv. Landscaping; and</li> <li>v. Truck and car parking facilities.</li> </ul> <p>b) Permanent storage premises are to be screened with decoratively constructed screen walls, using brick or other approved material, having a maximum height of 2.5 metres.</p> <p>c) The use of unscreened open storage premises is not permitted. A temporary storage premises (one used for less than 5 years) may be screened using colour bond fencing of a height equivalent to the height of material stored. A maximum screen/storage height will be applied.</p>	The application is not exclusively for the purposes of a storage premises. Notwithstanding this, the application seeks to store a maximum of 20 x 1-tonne steel bags outdoors underneath a proposed awning structure. To help screen the storage area, the applicant has proposed the construction of a 2.5m tall sliding gate towards the front of Lot No. 9. The site will be adequately sealed and constructed to facilitate the operation of the premises.	Considered acceptable – refer to assessment of key planning issues.
<b>Clause 9.6.6.2 – Site Servicing</b>	a) Utility availability – Appropriate conditions will be inserted in any development consents granted requiring	To be conditioned.	To be conditioned

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	certification on the availability of suitable telecommunications, electricity, water and sewer 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 2024: 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 2024. The subject Development Application was found to be satisfactory against the relevant provisions.

Control	Prescribed		Comment	Compliance
<b>Clause 12.1.1 – Car Parking Rates</b>	<b>Use / Activity</b>	<b>Minimum Number of Car Spaces Required</b>	Although the subject Development Application is not exclusively for the purposes of a resource recovery facility, it is considered to be the most similar in terms of operation and car parking demand.  A Traffic Impact Assessment was submitted as part of the application, which included data	Considered acceptable
	Resource Recovery Facility	To be determined by a car parking survey of a comparable facility		



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		<p>from three (3) similar sites. It was concluded that the average car parking rate was conducted at 1.13 car parking spaces per staff member.</p> <p>The application proposes a maximum of eight (8) staff onsite at any given time and approximately no more than two (2) visitors per day. The application proposes twelve (12) car parking spaces, inclusive of two (2) visitor spaces and one (1) accessible space. This would equate to a rate of 1.3 car parking spaces per employee which is more than the average car parking rate within the study. Given this, the proposed number of car parking spaces are considered satisfactory in this circumstance in facilitating the operations of the premises.</p>	
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## TOWN PLANNING ASSESSMENT

In addition to the relevant provisions and requirements as 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 2024, the key planning consideration with the application are identified below.

### Quantity of Waste

The development is Nominated 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 34 – Resource Recovery, the development involves having on site at any time more than 5 tonnes of waste tyres and involves the processing of more than 5,000 tonnes of waste tyres per year. Accordingly, the application was referred to the Environment Protection Authority (EPA) who initially raised concerns regarding dust mitigation measures, stormwater management, sealing and bunding of site, measurement and documentation of waste, waste disposal, quantities of waste, and end use of waste. Amended information was submitted in response to the matters raised by the EPA, including an amended Environmental Impact Statement, Waste Management Plan, Stormwater Management Assessment, Pollution Incident Response Plan, Plan of Management and Architectural Plans.

In response to the amended information, the EPA still raised concerns regarding the proposed amount of waste tyres to be stored onsite at any given time and compliance with the Fire Safety Guideline produced by Fire and Rescue NSW. To ensure the development would comply with the above guideline, a reduction in the maximum amount of waste tyres was required. The EPA required the removal of the storage of a 66-tonne pile of crumbed rubber located against an internal wall of the building and the reduction in the size of a shred pile from 25 tonnes to 12.5 tonnes. This resulted in a maximum of 87.5 tonnes of rubber tyres stored onsite at any given time. The EPA contacted the

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applicant who raised no concerns with a reduction in the amount of waste stored onsite. Given this, the EPA raised no further concerns, subject to General Terms of Approval.

### **Odour / Air Quality Impacts**

Odour was identified as a potential issue during the assessment of the application as a result of processing rubber tyres. An Air Quality Report was submitted as part of the application, detailing the operational procedures of the premises and how potential impacts will be minimised. The applicant has stated that the processing of waste will not involve thermal treatment and will be contained indoors within the existing industrial building. Furthermore, the Environment Protection Authority (EPA) have supported the application, as amended, subject to General Terms of Approval. It is considered that the applicant has demonstrated that the premises can operate in an environmentally satisfactory manner in terms of waste management and odour impacts, subject to conditions of consent.

### **Fire Safety**

The processing of tyres was identified as a potential fire safety risk, with the requirement for appropriate management strategies to prevent the risk of fire. A Fire and Incident Management Plan was submitted as part of the application, including an assessment of the proposal against the Fire and Rescue NSW guidelines, mitigation and management measures, including the installation of a fire safety system, maximum storage requirements and segregation between piles of waste. The applicant has stated that the processing of waste will not involve thermal treatment and will be contained indoors within the existing industrial building. The application was referred to Fire and Rescue NSW who did not provide any comments. Notwithstanding this, the application was referred to the Environment Protection Authority (EPA) who have supported the application, as amended, subject to General Terms of Approval. It is considered that the applicant has demonstrated that the premises can operate in an environmentally satisfactory manner in terms of fire impacts, subject to conditions of consent.

### **Externalisation of Uses**

Concern was initially raised regarding the proposed externalisation of the storage of waste tyres. Clause 9.6.1 – Storage Premises of the Fairfield City Wide Development Control Plan 2024 requires appropriate screening of storage areas. Concern was raised as the application initially proposed to store 3x 12.5 tonne bags of crumbed rubber and 1x 50 tonne bags of crumbed rubber on a shelf, potentially resulting in unsightliness and causing adverse environmental impacts through odour, noise and fire safety risk. These concerns were raised with the applicant who submitted amended technical documentation, including an Environmental Impact Statement and a Fire and Incident Management. Furthermore, the applicant replaced the storage of waste tyres with the storage of 20 x 1-tonne bags of steel instead. Although consent is still sought for the externalisation of waste products, it is considered acceptable in this circumstance for the following reasons. Firstly, Clause 9.1.2 – Building Setbacks of the Fairfield City Wide Development Control Plan 2024, requires the development to provide 5m of landscaping within the front setback of the development. The application proposes to retain an existing 7.323m setback of dense landscaping located along Lot No. 9, which provides a natural visual buffer between the operations onsite and the public domain. Furthermore, the applicant has proposed the installation of a 2.5m tall sliding gate located towards the middle of Lot No. 9 to semi-enclose the storage area from the rest of the site and public domain. The following figure provides a visual representation of the site when viewed from Victoria Street.



**Figure 6:** Street Elevation (Applicant 2024).

Given the extent of landscaping onsite, setback from the public domain and technical documentation submitted that demonstrates that any environmental risks can be satisfactorily managed, it is considered that the proposed externalisation of bagged steel can be supported in this circumstance.

### **Acoustic Impacts**

The subject Development Application seeks to operate twenty-four (24) hours per day, seven (7) days a week. Pursuant to Clause 9.4.4 – Hours of Operation of the Fairfield City Wide Development Control Plan 2024, properties located within 500m of residential receivers will generally be restricted to the following hours of operation:

Monday to Friday: 7:00am – 6:00pm

Saturday: 7:00am – 12:00pm

Sunday: No operation

The site is located approximately 248m north from the nearest residential receivers along The Horsley Drive.

Although the application does not comply with this control, Clause 9.4.4(d) stipulates that proposals seeking to operate outside of these hours will be considered upon their merits and may be required to be supported by an Acoustic Engineer's Report. An Acoustic Report was submitted as part of the Development Application, detailing the expected noise levelling and strategies to mitigate noise impacts. The Acoustic Report also included a number of recommendations as follows;

- a. *Machinery should remain in their existing locations. However, if relocation of equipment is required, equipment should only be moved towards the centre of the factory.*
- b. *Workers within the facility should undertake their work using the quietest reasonable processes and method.*
- c. *All roller doors to the factory should be shut when processing tyres.*
- d. *Delivery trucks shall drive into the factory prior to offloading and loading goods from the vehicle.*

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- e. Trucks shall turn off their engines while unloading (i.e. do not leave trucks idling).
- f. Forklifts shall not be used in outdoor areas, such as behind 68 Victoria St and at 70 Victoria St between 10 pm and 8:00 am each day.
- g. The exhaust fans installed in the roof of 68 Victoria St shall be equivalent in noise output to those installed in the existing premise at 66 Victoria St.
- h. All external noise-generating machines/equipment (including chillers) shall be located at least four metres from the nearest boundary and shall be shielded from direct line-of-sight to the closest two boundaries. This can be achieved by constructing an open-topped enclosure that surrounds the external equipment. The height of the enclosure should be at least 500 mm above the highest machine and lined with 100 mm thick insulation such as Megasorber P100. Once the location of the equipment is confirmed, we can provide additional advice as needed for each item of major plant such as the chillers.
- i. Maximum of 6 trucks per day as per APEX Engineer's traffic report.
- j. Time-spacing of no more than one truck delivery per 15-minute period approximately.
- k. As soon as the truck arrives the access door between 68 and 70 Victoria St shall be opened.
- l. Trucks shall not idle in 70 Victoria St for more than the time taken to open the access door.
- m. Trucks in 70 Victoria St must not idle.
- n. Truck deliveries will only be allowed outside the hours of 12:00 am to 6:00 am (Shift 3).
- o. The truck access door between the 68 and 70 Victoria St shall remain closed except to allow truck to pass through when required.

The proposed recommendations are considered satisfactory in terms of the management of any potential acoustic impacts. A condition of consent will be imposed, requiring compliance with the submitted Acoustic Report. Given the site is appropriately screened from residential land uses and all processing activities are to occur internally to the existing building, it is considered that the proposed hours of operation can be supported in this circumstance. Furthermore, the application was referred to Council's Public Health and Environment Branch who raised no concerns, 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:

- 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 was assessed against the applicable provisions within the Fairfield City Wide Development Control Plan 2024, Chapter 9 – Industrial Development and Chapter 12 – Car Parking, Vehicle Access and Management and was considered acceptable.

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))

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 within 100m of a natural body, is on a floodplain and is located within 500m of a residential zone, 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 recycling waste material to be used for new purposes that would have normally been sent to landfill.

**Environmental Impacts**

As demonstrated above, a number of potential negative environmental impacts have been taken into consideration in relation to the proposal, including odour, fire risk and noise impacts. However, as amended, the applicant has demonstrated that any potential impacts can be contained within the site 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 renewal 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 decreased output of waste sent to landfill.

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 twenty-eight (28) days in accordance with the Regulations. Two (2) submissions were received. Concerns were raised regarding the management of waste, potential odour impacts, acoustic impacts, number of truck movements, reduced electricity supply during operation and increased fire risk. Council contacted both of the objectors via telephone. One (1) of the objectors raised no further concerns, subject to the prohibition of burning waste tyres onsite. A condition of consent will be imposed to this effect. It is considered that the objectors concerns have been satisfactorily addressed. The other objector still raised issues with the application. Notwithstanding this, it is considered that sufficient documentation has been submitted to help address the issues raised. Several technical documents were submitted in support of the application, including an Environmental Impact Statement, Air Quality Report, Plan of Management, Pollution Incident Response Plan, Waste Management Plan, Acoustic Report and Traffic Impact Assessment, detailing the operational procedures of the premises and how potential impacts will be minimised. The applicant has stated that the processing of waste will not involve thermal treatment and will be contained indoors within the existing industrial building. It is considered that the applicant has demonstrated that the premises can operate in an environmentally satisfactory manner in terms of waste management and odour impacts, subject to conditions of consent. In terms of acoustic impacts, the Acoustic Report included noise level monitoring and predicted noise levels. It was concluded that the premises can comply with the operational acoustic criteria. Furthermore, all waste processing activities are to occur internally to the building. In terms of traffic impacts, a Traffic Impact Assessment was submitted as part of the application, demonstrating that the proposed vehicular movements can be contained onsite without disturbing the local road network. The application was referred to Transport for New South Wales (TfNSW) who raised no concerns to the proposal, subject to conditions of consent. In terms of fire impacts, the Fire and Incident Management Plan included an assessment of the proposal against the Fire and Rescue NSW guidelines, mitigation and management measures, including the installation of a fire safety system, maximum storage requirements and segregation between piles of waste. Thus, it is considered that the objectors concerns can be addressed through appropriate 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 in the public interest.

### **10. DEVELOPMENT CONTRIBUTIONS**

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In accordance with the Fairfield City Council's Indirect (Section 7.12) Development Contribution Plan 2011, developments with a proposed cost between \$100,001 to \$200,000 are required to pay a percentage of 0.5% of costs of work. Considering the cost of works for the application are \$145,200.00, the applicant is required to pay \$726.00 in development contributions. The payment of development contributions before the issue of a Construction Certificate will form part of the conditions of consent.

Pursuant to the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023, the application does not require the payment of any contributions as no new GFA is proposed.

### **11. RECOMMENDATION**

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It is recommended that Development Application No. 3.1/2024, proposing the fitout and use of an existing industrial premises for the purpose of a Waste or Resource Transfer Station, involving the receiving, consolidating and onforwarding of 30,000 tonnes of tyres and 520 tonnes of wire annually



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at No. 68 Victoria Street, Smithfield 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 2024. 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, traffic management, quantity of waste, acoustic impacts, visual impacts and fire safety 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 in writing to occupants and owners of the adjoining properties and was publicly notified on Council's website for a period of twenty-eight (28) days between 24 January 2024 and 20 February 2024. Two (2) submissions were received. Concerns were raised regarding acoustic, traffic, fire safety, waste and odour impacts. As amended, and subject to conditions of consent, it is considered that the concerns have been satisfactorily addressed.
6. The application was referred to Council's Public Health and Environment, Engineering Assessment, Building Control, Tree Preservation, Traffic Section and Strategic Planning 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, Housing and Infrastructure (DPHI), Jemena Gas, SafeWork NSW and Fire and Rescue NSW. As amended, no concerns were raised, subject to conditions of consent.
7. The subject Development Application is considered within the public interest, as the proposal seeks to reduce the amount of waste sent to landfill and is considered to have regard to the Waste Avoidance and Resource Recovery Act 2001 and the Waste Avoidance and Resource Recovery Strategy 2014-21.