

## COUNCIL ASSESSMENT REPORT

### SYDNEY WESTERN CITY PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	[PPSSWC-484] – [DA 250.1/2024]	
<b>PROPOSAL</b>	Use of an existing industrial premises for the purposes of a resource transfer station, involving the collection, sorting and transfer of a maximum of six-hundred and six (606) tonnes of scrap metal per annum.	
<b>ADDRESS</b>	Lots 45 and 46, DP 1625, No. 31 The Promenade, Yennora	
<b>APPLICANT</b>	Mr Andrew Hajjar	
<b>OWNER</b>	Prime Bam Pty Ltd	
<b>DA LODGEMENT DATE</b>	20 September 2024	
<b>APPLICATION TYPE</b>	Development Application for Designated Development	
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Clause (7)(1)(c), Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : waste management facilities or works that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 45.	
<b>CIV</b>	Nil	
<b>CLAUSE 4.6 REQUESTS</b>	Not applicable	
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• Fairfield Local Environmental Plan 2013</li> </ul>	
<b>TOTAL &amp; UNIQUE ISSUES SUBMISSIONS</b>	<b>KEY IN SUBMISSIONS</b>	No submissions received.
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<b>FOR</b>	<ul style="list-style-type: none"> <li>• Architectural Plans</li> <li>• BCA Design Compliance Report</li> <li>• Environmental Impact Statement</li> <li>• Plan of Management</li> <li>• Waste Management Plan</li> <li>• Response to Council's Request for Information</li> <li>• Traffic Report</li> </ul>

	<ul style="list-style-type: none"> <li>• Preliminary Hazard Analysis (PHA) and Environmental Risk Assessment</li> <li>• Flood Impact and Risk Management Report</li> <li>• Fire and Incident Management Report</li> <li>• Odour Impact Assessment</li> <li>• Noise Impact Statement</li> </ul>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>	Not applicable
<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>	YES
<b>SCHEDULED MEETING DATE</b>	To be confirmed.
<b>PLAN VERSION</b>	22 July 2025
<b>PREPARED BY</b>	Mason Shute
<b>DATE OF REPORT</b>	7 August 2025

## EXECUTIVE SUMMARY

The development application (DA 250.1/2024) seeks consent for the use of an existing industrial premises for the purposes of a resource transfer station, involving the collection, sorting and transfer of a maximum of 606 tonnes of scrap metal per annum ('the proposal').

The subject site is known as No. 31 The Promenade, Yennora ('the site') and comprises of two (2) rectangular shaped allotments with a north-facing street frontage of 20.115m. The site is located within the established Yennora Industrial Estate and consists of a single-storey brick warehouse. The premises has been operating as a scrap metal recycling facility for several years without development consent. The application now proposes to authorise the use. During this time, the premises has not always operated in a satisfactory manner, with issues identified in relation to the storage of a shipping container within the front setback, and damage incurred to the road reserve area. Notwithstanding this, the details submitted in support of the application has demonstrated that the site would be capable of operating in a manner that would minimise and/or mitigate any potential environmental impacts. In this regard, any approval given with respect to the use will need to ensure that strict conditions are imposed and complied with at all times, to ensure that the site operates without unacceptable impacts to the surrounding locality.

The site is located in the E4 – General Industrial Zone, pursuant to Clause 2.2 of the *Fairfield Local Environmental Plan 2013* ('LEP 2013'). The application is for the purposes of a waste or resource transfer station, which is permitted with consent and considered to have regard to the objectives of the zone.

The principal planning controls relevant to the proposal include the *State Environmental Planning Policy (Resilience and Hazards) 2021* ('Resilience and Hazards SEPP'), the *Fairfield Local Environmental Plan 2013* and the *Fairfield City Wide Development Control Plan 2024* ('DCP').

There were no concurrence requirements from agencies for the proposal and the application is not Integrated Development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). A referral to Transport for New South Wales (TfNSW) pursuant to *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport and Infrastructure SEPP') was sent and no objections were raised.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied including:

- Section 3.12 of the Resilience and Hazards SEPP for consideration of whether the development is potentially hazardous or offensive;
- Section 4.6 of the Resilience and Hazards SEPP for consideration of whether the site is contaminated.

The application was notified in accordance with Council's Community Participation Plan 2024 from 27 September 2024 until 25 October 2024. No submissions were received.

The application is referred to the Sydney Western City Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause (7)(c) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development for the purposes 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.

A briefing was held with the Panel on 16 December 2024 where key issues were discussed, including flood affectation and acoustic impacts. However, it was identified that these key issues can be appropriately managed onsite. A further briefing was held with the Panel on 2 June 2025 where key issues were discussed, including car parking, vehicle manoeuvring and BCA compliance. The key issues associated with the proposal included:

1. *Car Parking* – During the assessment of the application, a number of issues relating to the number and layout of car parking spaces were identified. In accordance with the Fairfield City Wide Development Control Plan 2024 (FCW DCP 2024), there is no applicable car parking rate for waste or resource transfer stations. However, there is a requirement for resource recovery facilities, which is considered to be the most comparable and similar with respect to how the uses operate.

The car parking requirements for resource recovery facilities are to be determined based off a survey from a similar facility. As part of the application, reference was made to the site at No. 110 Fairfield Street, Fairfield East as a similar facility. A review of Council's Records has identified that Development Application No. 158.1/2020 approved a scrap metal recycling facility on 18 February 2021. A maximum of four (4) employees and eleven (11) car parking spaces were approved with no customers to access the site.

In comparison, the application proposes a maximum of three (3) employees and ten (10) car parking spaces. Although customers are to access the site to drop off their waste, it is considered that sufficient arrangements have been made. A total of six (6) visitor spaces for unloading purposes are proposed within the building, enabling customers to drop off their waste. With only fifty (50) expected deliveries to occur to the site per week, it is considered unlikely that the use will generate any unreasonable traffic impacts. Furthermore, the application does not propose to increase the gross leasable floor area onsite, simply retaining the existing building footprint.

2. *Vehicle Manoeuvrability* – The width of the driveway and the ability for vehicles to adequately manoeuvre onsite was an issue identified by Council. In response, amended swept path diagrams were submitted to Council, demonstrating that a 6.025m long small rigid vehicle can satisfactorily enter and exit the site in a forward direction. Council's Traffic Section and Engineering Assessment Branches raised no concerns, subject to conditions of consent.
3. *BCA Compliance* – Issues were identified in relation to compliance with the Building Code of Australia (BCA). In response, a BCA Report was submitted, demonstrating that the site can be made suitable for the proposed development. The application was referred to Council's Building Control Branch who raised no concerns, subject to conditions of consent.

The additional information submitted to Council is considered to address the outstanding issues raised. It is considered that the application has demonstrated that the business is capable of operating without any unreasonable environmental impacts, subject to strict compliance with conditions of consent. Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA 250.1/2024 is recommended for approval subject to the reasons contained at **Attachment A** of this report.

## **1. THE SITE AND LOCALITY**

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### **1.1 The Site**

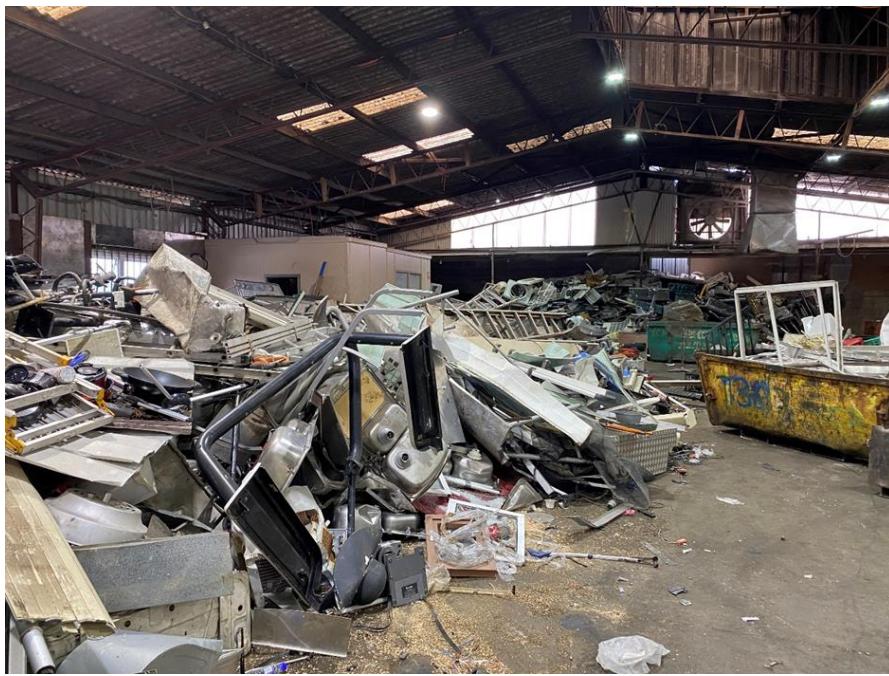
- The site consists of two (2) rectangular allotments, with a total street frontage of 20.115m to the north, an eastern depth of 44.66m, a western depth of 45.49m and a southern width of 20.07m.
- The site consists of a single-storey brick warehouse building with a concreted setback. The site contains two (2) vehicular crossings along The Promenade. A large metal roller door provides vehicular access to the building.
- The site is relatively flat.
- The site has been operating as a metal recycling facility for a number of years.



**Figure 1:** Site Aerial Image.



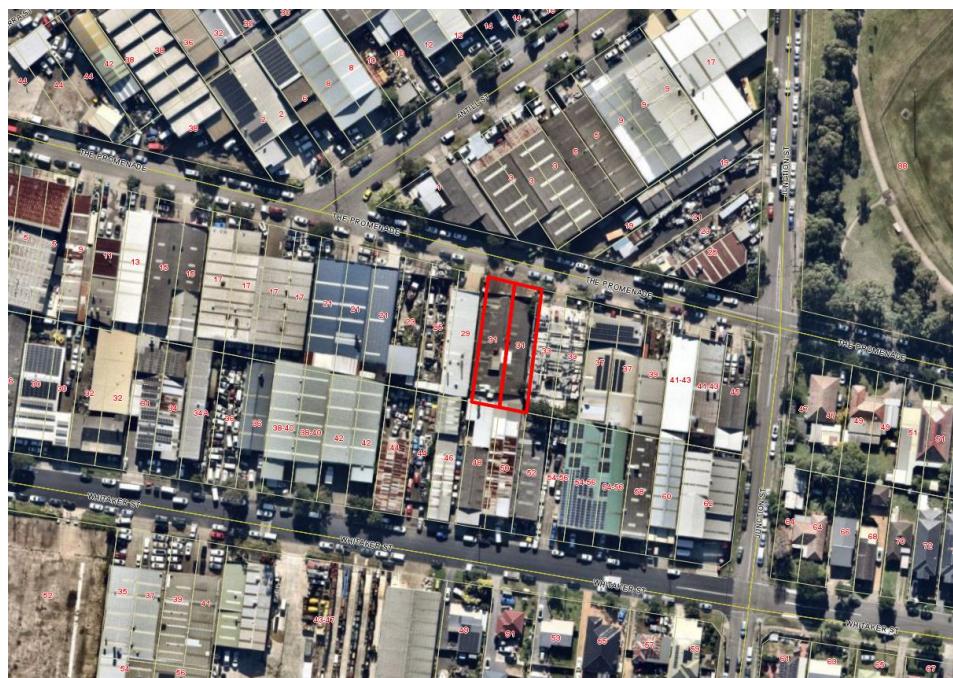
**Figure 2:** Frontage of Site.



**Figure 3:** Storage of Waste Inside Building.

## 1.2 The Locality

- The site is located within the Yennora Industrial Estate and is surrounded by a variety of mixed industrial businesses, including several vehicle smash repairers, a pet crematorium and a kitchen manufacturer.
- The site is located approximately 64 metres north from the closest residential receivers along Whitaker Street.
- The site is located approximately 650m east from Yennora Railway Station.
- The site is located approximately 100m west from Springfield Park.



**Figure 4:** Site Locality Plan.

## 2. THE PROPOSAL AND BACKGROUND

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### 2.1 The Proposal

- Use of an existing industrial premises for the purposes of a resource transfer station, involving the collection, sorting and transfer of scrap metal.
- The following types of material are to be received onsite as follows;

Type of material	Processing or storage	Location on site for storage	Bins on site or stacked	Volume per annum Tonnes	Maximum Daily Volume Tonnes	Maximum Weekly Volume Tonnes	% of Total Waste Types
Ferrous steel	Storage	Refer to plans	Bins	260	0.865	5.19	43%
Copper	Storage	Refer to plans	Bins	42	0.14	0.84	7%
Brass	Storage	Refer to plans	Bins	5	0.005	0.1	<1%
Aluminium	Storage	Refer to plans	Bins	154	0.5	3	25%
Zinc	Storage	Refer to plans	Bins	5	0.016	0.1	<1%
Stainless steel	Storage	Refer to plans	Bins	61	0.2	1.2	10%
Zinc	Storage	Refer to plans	Bins	5	0.001	0.1	<1%
Nikel	Storage	Refer to plans	Bins	5	0.001	0.1	<1%
Gold / Silver	Storage	Refer to plans	Bins	0.5	0.001	0.01	<1%
E Waste	Storage	Refer to plans	Bins	25	0.012	0.5	<1%
Plastic/PVC	Storage	Refer to plans	Bins	1	0.002	0.02	<1%
Tyres	Storage	Refer to plans	Stacked	15	0.005	0.3	<1%
Alloy	Storage	Refer to plans	Bins	25	0.012	0.5	14%
Glass	Storage	Refer to plans	Bins	0.5	0.001	0.01	<1%
<b>Total</b>				606	2	12	100%

**Figure 5:** Waste Material Accepted.

- A summary of the operations are as follows;
  - a) Customers enter the premises (no vehicle larger than a small-rigid vehicle) and park within one of the designated car parking spaces. No appointments are required to be made. Approximately fifty (50) deliveries to the site are to occur per week. A site traffic controller will supervise the delivery of material by members of the public.
  - b) Small quantities of scrap metal are unloaded from the customer's vehicle and weighed using a small weigh bin (measuring 1.5m x 1.5m).
  - c) Material is then sorted to one of the five (5) storage zones.
  - d) Material is then collected by a vehicle no larger than a 6.025m small rigid vehicle and delivered to larger recycling facilities to be further processed. 1-3 outgoing deliveries will occur per week. Two (2) small forklifts will be used to facilitate loading and unloading activities.
- The following additional material will be stored onsite at any given time.
  - Fine wood chips (1m<sup>3</sup>) to clean up accidental spills.
  - Tyres (1m<sup>3</sup>) from tyre rims brought by customers.
  - Plastics and wires from larger products brought by customers.
  - Gas bottles (3-4) as replacements for empty forklift gas bottles.
  - The above material will be appropriately disposed of by a private waste contractor.
- No more than twelve (12) tonnes of material will be received per week.
- No more than six-hundred and six (606) tonnes of material will be received per annum.

- No more than twenty (20) tonnes of material will be stored onsite at any given time.
- The proposed hours of operation are as follows:
  - Monday to Friday: 7:00am – 5:00pm
  - Saturday to Sunday: 7:00am – 2:00pm
- A maximum of three (3) employees will be onsite at any given time.
- A total of ten (10) car parking spaces are proposed onsite, inclusive of six (6) customer spaces and two (2) staff spaces inside the building and one (1) customer and one (1) staff space in the front setback. It is considered that the staff car parking space located internally in the building within a stacked arrangement be removed, and the visitor car parking space within the front setback be changed to a staff only space. Amendments in red to the architectural plans shall be made to this effect.
- An unloading bay measuring 3.5m W x 6.4m L is proposed internally to the building for loading and unloading activities.
- The application proposes the planting of nine (9) ‘Lily pilli’ *Syzygium australe* within the front 1.5m setback.
- Minor internal works are proposed to ensure the building complies with the BCA.

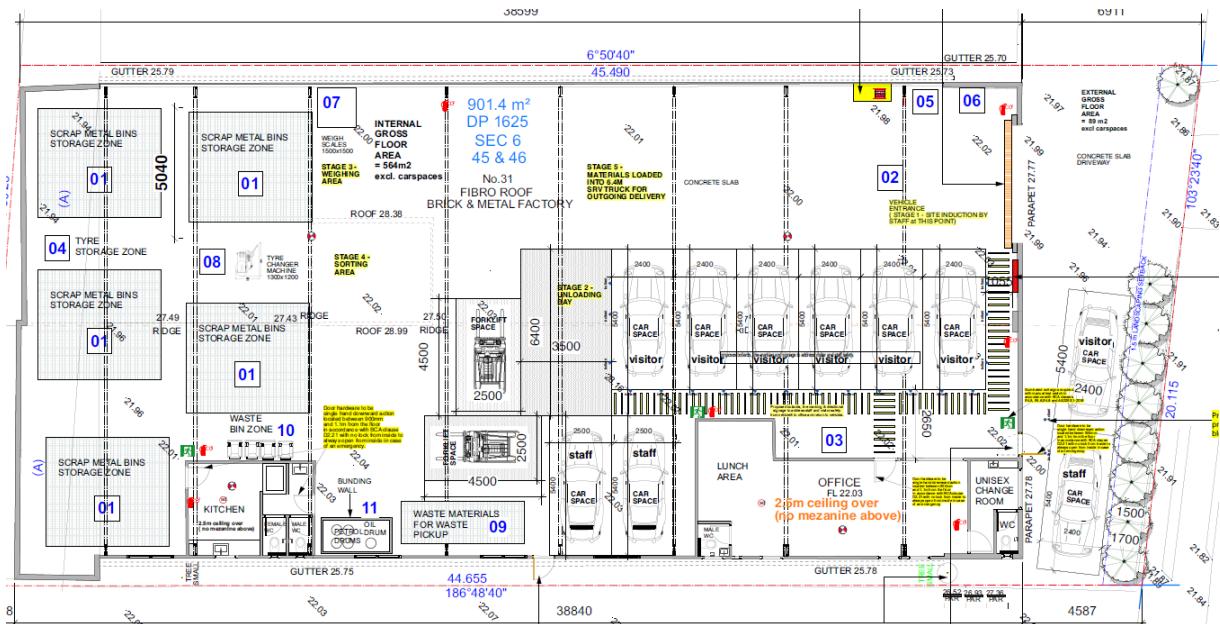


Figure 6: Proposed Floor Plan.

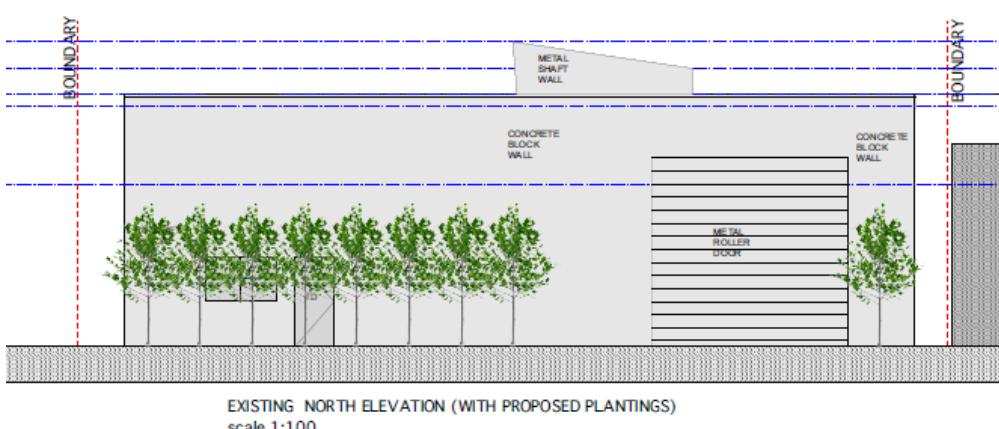


Figure 7: Street Elevation.

## 2.2 Background

The development application was lodged on **20 September 2024**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

**Table 1: Chronology of the DA**

Date	Event
<b>20 September 2024</b>	DA lodged
<b>27 September 2024</b>	Exhibition of the application
<b>27 September 2024</b>	DA referred to external agencies
<b>16 December 2024</b>	Request for Information from Council to applicant
<b>16 December 2024</b>	Panel briefing
<b>10 February 2025</b>	Amended plans lodged. Additional information and clarification was submitted in relation to BCA, operational management and traffic management.
<b>23 April 2025</b>	Letter was sent from Council to applicant, identifying outstanding issues in relation to BCA compliance and traffic management.
<b>2 June 2025</b>	Panel briefing
<b>2 June 2025</b>	Amended information was submitted by the applicant, including a BCA report and additional traffic details.

## 2.3 Site History

- On 6 December 1999, Development Consent No. 2569/99 approved the manufacture of marble and granite products.

## **3. STATUTORY CONSIDERATIONS**

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When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

(a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*  
(i) *any environmental planning instrument, and*

- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any 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, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates, the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (b) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

These matters are further considered below.

It is noted that the proposal is considered to be (which are considered further in this report):

- Designated Development (s4.10)

### 3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

#### (a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Fairfield Local Environmental Plan 2013*;

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

**Table 2: Summary of Applicable Environmental Planning Instruments**

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development <ul style="list-style-type: none"> <li>• Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 7(1)(a)(c) of Schedule 6 as it comprises designated development for</li> </ul>	Y

	the purposes of a waste management facilities that meet the requirements for designated development.	
SEPP (Resilience & Hazards)	<p>Chapter 3: Hazardous and offensive development</p> <ul style="list-style-type: none"> <li>Section 3.12 – Matters for consideration by consent authorities has been considered in the Preliminary Hazard and Risk Analysis Report and the proposal is satisfactory subject to conditions.</li> <li>Section 4.6 - Contamination and remediation to be considered in determining development applications has been considered and the proposal is satisfactory subject to conditions.</li> </ul>	Y
Proposed Instruments	No compliance issues identified.	Y
LEP	<ul style="list-style-type: none"> <li>Clause 2.3 – Permissibility and zone objectives</li> <li>Clause 5.21 – Flood planning</li> <li>Clause 5.22 – Special flood considerations</li> <li>Clause 6.9 – Essential services</li> </ul>	Y
DCP	<ul style="list-style-type: none"> <li>Chapter 9 – Industrial Development</li> <li>Chapter 12 – Car Parking, Vehicle and Access Management</li> <li>Chapter 11 – Flood Risk Management</li> </ul>	Y

Consideration of the relevant SEPPs is outlined below.

*State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')*

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 7(1)(c) of Schedule 6 of the Planning Systems SEPP as the proposal is development for a waste management facility that meets the requirements for designated development. Accordingly, the Sydney Western City Planning Panel (SWCPP) is the consent authority for the application. The proposal is consistent with this Policy.

*State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 3: Hazardous and Offensive Development and Chapter 4: Remediation of Land

The provisions of Chapter 3 and 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021 ('the Resilience and Hazards SEPP')* have been considered in the assessment of the development application. Section 3.12 of Resilience and Hazards SEPP requires consent authorities to consider whether the development is potentially hazardous or offensive development, whilst Section 4.6 requires consent authorities to consider whether the land is suitable for the development. A Preliminary Hazard Analysis (PHA) was submitted as part of the application, determining that the premises can operate with an acceptable level of risk, subject to the implementation of mitigation measures. The application was referred to Council's Public Health and Environment Branch who raised no concerns to the proposal, subject to conditions of consent.

*Fairfield Local Environmental Plan 2013*

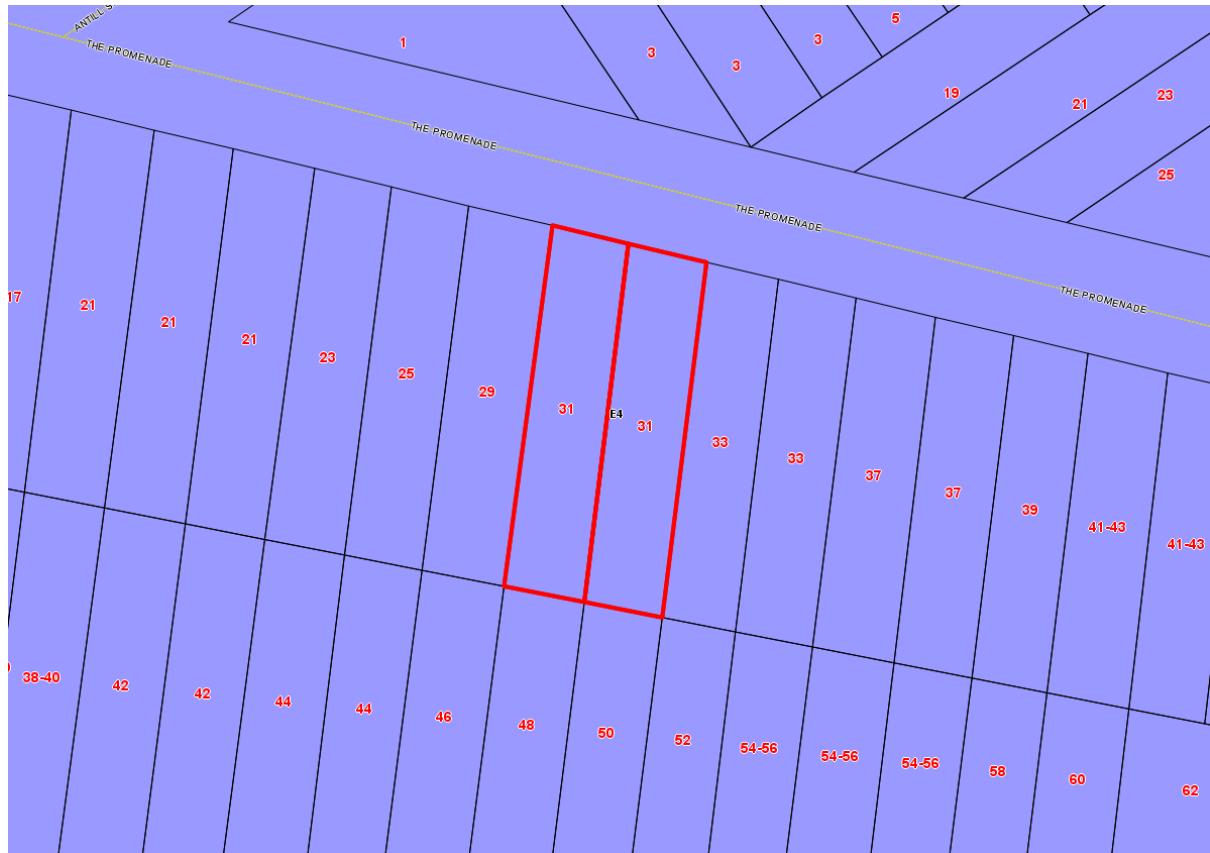
The relevant local environmental plan applying to the site is the *Fairfield Local Environmental Plan 2013* ('the LEP'). The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to ensure that appropriate housing opportunities are provided for all existing and future residents and that those housing opportunities accommodate different lifestyles, incomes and cultures,
- (b) to ensure that the economic, employment and educational needs of the existing and future community are appropriately planned for,
- (c) to ensure that the recreational and social needs of the existing and future community are appropriately planned for,
- (d) to ensure that development is properly integrated with, or assists in improving, Fairfield's public services, infrastructure and amenities,
- (e) to ensure the proper management of productive agricultural land and prevent the fragmentation of agricultural holdings,
- (f) to conserve the environmental heritage of Fairfield,
- (g) to protect and manage areas of remnant bushland, natural watercourses and threatened species.

The proposal is consistent with these aims as the proposal provides economic and employment opportunities.

#### *Zoning and Permissibility (Part 2)*

The site is located within the E4 – General Industrial Zone, pursuant to Clause 2.2 of the LEP.



**Figure 8: Land Zoning Map.**

According to the definitions contained in the Dictionary, the proposal satisfies the definition of waste or resource transfer station which is a permissible use with consent in the Land Use Table in Clause 2.3.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *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 these zone objectives for the following reasons:

- The application is for the purposes of an industrial development.
- The application has demonstrated that the operations of the site will be contained within the site and is unlikely to generate any unreasonable environmental impacts.
- The application promotes employment opportunities.

#### *General Controls and Development Standards (Part 2, 4, 5 and 6)*

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

**Table 3: Consideration of the LEP Controls**

Control	Requirement	Proposal	Comply
5.21 – Flood planning	<p>(3) <i>In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</i></p> <p>(a) <i>the impact of the development on projected changes to flood behaviour as a result of climate change,</i></p> <p>(b) <i>the intended design and scale of buildings resulting from the development,</i></p> <p>(c) <i>whether the development</i></p>	<p>The site is affected by low-medium risk overland flooding. The application proposes to use the existing building for the purposes of an industrial activity. The application was referred to Council's Engineering Assessment Branch who raised no concerns, subject to conditions of consent.</p>	Yes

	<p><i>incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</i></p> <p><i>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</i></p>		
5.22 - Special flood considerations	<p><i>(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—</i></p> <p><i>(a) will affect the safe occupation and efficient evacuation of people in the event of a flood, and</i></p> <p><i>(b) incorporates appropriate measures to manage risk to life in the event of a flood, and</i></p> <p><i>(c) will adversely affect the environment in the event of a flood.</i></p>	<p>The site is affected by low-medium risk overland flooding. The application proposes to use the existing building for the purposes of an industrial activity. The application was referred to Council's Engineering Assessment Branch who raised no concerns, subject to conditions of consent.</p>	Yes
6.9 – Essential services	<p><i>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</i></p>	<p>The provision of essential services will form part of the conditions of consent.</p>	To be conditioned.

	<p><i>adequate arrangements have been made to make them available when required—</i></p> <p>(a) <i>the supply of water,</i></p> <p>(b) <i>the supply of electricity,</i></p> <p>(c) <i>the disposal and management of sewage,</i></p> <p>(d) <i>stormwater drainage or on-site conservation,</i></p> <p>(e) <i>suitable vehicular access.</i></p>		
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The proposal is considered to be generally consistent with the LEP.

**(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

The application was not considered against any proposed instruments.

**(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

- *Fairfield City Wide Development Control Plan 2024* ('the DCP')

**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 application is proposed over two (2) existing allotments. A condition of consent will be imposed, requiring the consolidation of such allotments into one title.	To be conditioned.

<b>Clause 9.1.1.2 – Lot Frontage</b>	<p>b) The minimum frontage to all other roads is to be 30 metres.</p> <p>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.</p>	<p>The Promenade frontage: = 20.115m</p> <p>No changes are sought to the existing building onsite. A condition of consent will be imposed, restricting the largest vehicle to a 6.025m long small rigid vehicle. The applicant has submitted swept path diagrams, demonstrating that vehicles of this size can satisfactorily manoeuvre onsite.</p>	No – see below  Considered acceptable
<b>Clause 9.1.2 – Building Setbacks</b>	<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><b>Yennora Precinct:</b> Larra St, Whitaker St, Railway Pde, Antill St, The Promenade 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>The application is located within the Yennora Precinct along The Promenade.</p> <p>Required setback: = 5 metres of which 1.5 metres is to be used for landscaping only. The remainder of the setback may be used for car parking purposes.</p> <p>Proposed setback: = The site has a setback varying from 6.911m to 4.587m. No changes are sought to the existing building setback under the application. The application proposes 1.5m of landscaping in the form of planting nine (9) Lily Pilli "<i>Syzygium australe</i>". Two (2) car parking spaces within a stacked arrangement are proposed beyond the 1.5m landscaped area.</p>	Considered acceptable
<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</p>	Refer to assessment against Chapter 12.	Refer to assessment

	clause to assist in the overall development proposal.		
<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> <p>b) Loading requirements for selected activities are detailed below:</p> <p><b>Large warehouse developments (greater than 3000m<sup>2</sup>)</b></p> <p>No. of loading facilities required:</p> <p>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 loading bays:</p> <p>3.5m x 19m (semi trailer) (Where B-Doubles are proposed, additional clearance may be required).</p>	<p>The application proposes one (1) loading bay inside the building. In addition, six (6) visitor spaces are located inside, enabling customers to park their vehicles and undertake unloading activities.</p>	Considered acceptable

<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 with 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 pedestrian pathways inside the building.	Yes
	b) As far as possible, pedestrian access through car parks should be kept separate from vehicle access ways.		
<b>Clause 9.4.1 – Landscaping</b>	a) The use of decorative paving treatments such as paving bricks adds interest to large areas of hard paving.	Given the size of the site, no large areas of hard paving are proposed.	Considered acceptable
	b) Open car parking areas should be landscaped to reduce the impact of hard paving. Established tall trees with wise spreading foliage provide desirable shade reducing the effects of heat.	The application proposes the planting of 3m tall plants within the front setback of the development, adjacent to the two (2) car parking spaces. Given the size of the site, this arrangement is considered acceptable	Considered acceptable
<b>Clause 9.4.4 – Hours of Operation</b>	a) Where industrial properties are within 500m of residential properties, industrial operating hours will generally be restricted within the range of: a. Monday to Friday: 7:00 AM – 6:00 PM b. Saturday: 7:00 AM – 12:00 PM noon c. Sunday: no operations.	The site is located approximately 64 metres north from the closest residential receivers along Whitaker Street.  The proposed hours of operation are as follows:  Monday to Friday: 7:00am – 5:00pm Saturday: 7:00am – 2:00pm Sunday: No operation	Considered acceptable – refer to assessment of key planning issues.
	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.	The application proposes to operate an additional two (2) hours	

		later in the afternoon on Saturdays. An Acoustic Report was submitted as part of the application, demonstrating that the application would comply with the assumed worst-case operational scenarios. The application was referred to Council's Public Health and Environment Branch who raised no concerns, subject to conditions of consent.	
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### **Fairfield City Wide Development Control Plan 2024: Chapter 12 – Car Parking, Vehicle and Access Management**

The subject Development Application has been 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
Clause	Use / Activity	Minimum Number of Car Spaces Required		
12.1.1 – Car Parking Rates	Resource Recovery Facility	To be determine by a car parking survey of a comparable facility	<p>Although the application is not specifically for the purposes of a resource recovery facility, it is considered to be the most similar in the case of the proposal.</p> <p>As part of the application, reference was made to the site at No. 110 Fairfield Street, Fairfield East as a similar facility. A review of Council's Records has identified that Development Application No. 158.1/2020 approved a scrap metal recycling facility on 18 February 2021. A maximum of four (4) employees and eleven (11) car parking spaces were approved with no customers to access the site.</p> <p>In comparison, the application proposes a maximum of three (3) employees and nine (9) car parking spaces. Although customers are to access the site to drop off their waste, it is</p>	Considered acceptable

		considered that sufficient arrangements have been made.	
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The following contributions plan is relevant pursuant to Section 7.18 of the EP&A Act and has been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs that are required to be considered):

- *Local Infrastructure Contribution Plan 2023 (Section 7.11 & 7.12) (2023-2041)*

This Contributions Plan has been considered.

### 3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- **Context and setting** – The proposal is generally consistent with the context of the site, in that the existing facility is similar in appearance to surrounding industrial developments. The site is located within the established Yennora Industrial Estate.
- **Access and traffic** – A Traffic and Parking Assessment was submitted as part of the application, demonstrating the proposed vehicular crossings, car parking spaces and loading docks can satisfactorily accommodate the proposed use.
- **Public Domain** – It is noted that Council's nature strip has been removed and is presently an open dirt and ungrassed area. The nature strip will need to be reinstated, and a condition will be imposed requiring the applicant to undertake these works within 120 days from the date of the consent at their cost. The condition will also require any redundant layback to be removed, and kerb and gutter reinstated by the applicant across the frontage of the site. This is considered necessary to ensure that what is presently a poor public domain situation can provide some improvement to the streetscape area, and ensure that no vehicles can drive over the reinstated nature strip to or from the subject premises.
- **Utilities** – The provision of standard utilities are to form part of the conditions of consent.
- **Heritage** – The site is not known to contain any heritage items.
- **Water/air/soils impacts** – An air quality report was submitted as part of the application. It has been demonstrated that the proposal is unlikely to generate any unreasonable environmental impacts.
- **Flora and fauna impacts** – The application proposes the planting of 9x 3m tall trees within the front setback of the premises. The application is considered to have minimal impacts on the local flora and fauna.

- **Natural environment** – An environmental impact statement was submitted as part of the application, demonstrating that the proposed use of the premises is unlikely to result in any unreasonable environmental impacts on the natural environment.
- **Noise and vibration** – An acoustic report was submitted as part of the application, demonstrating that the proposal is unlikely to cause any unreasonable noise impacts during the operation of the premises.
- **Natural hazards** – The site is affected by low-medium risk overland flooding. A flood risk management report was submitted as part of the application, demonstrating how the premises can manage flooding. The application was referred to Council's Engineering Assessment Branch who raised no concerns, subject to conditions of consent.
- **Safety, security and crime prevention** – The site consists of a window and large roller door providing visual surveillance to the street. It is considered that the use of the existing industrial building is unlikely to promote any anti-social or criminal behaviour.
- **Social impact** – The application is considered unlikely to cause any unreasonable social impacts on the surrounding locality.
- **Economic impact** – The application proposes to contribute to the local job market, by supporting local employment and promoting the recycling of waste material.
- **Site design and internal design** – The premises has been designed to mitigate potential environmental impacts.
- **Construction** – A number of conditions have been included to address any building works.
- **Cumulative impacts** – The application is considered to satisfactorily address the relevant planning legislation.

Accordingly, it is considered that the proposal is unlikely to result in any significant adverse impacts in the locality as outlined above.

### 3.3 Section 4.15(1)(c) - Suitability of the site

It is considered that the proposed development is capable of being suitable for the site subject to strict compliance with conditions of consent.

### 3.4 Section 4.15(1)(d) - Public Submissions

No public submissions were received.

### 3.5 Section 4.15(1)(e) - Public interest

The application is considered within the public interest, considering no objections were received during public notification, and the proposal will generate employment opportunities.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to an agency for referral as required by the EP&A Act 1979 and outlined below in Table 5. There are no outstanding issues arising from the referral requirements.

**Table 4: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Referral/Consultation Agencies</b>			
Transport for NSW	Section 2.122 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.	No concerns	Y

### 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

**Table 5: Consideration of Council Referrals**

Officer	Comments	Resolved
Engineering Assessment	As amended, no concerns were raised, subject to conditions of consent.	Y
Traffic Section	As amended, no concerns were raised, subject to conditions of consent.	Y
Building Control	As amended, no concerns were raised, subject to conditions of consent.	Y
Public Health and Environment	As amended, no concerns were raised, subject to conditions of consent.	Y

### 4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 27 September 2024 until 25 October 2024. The notification included the following:

- Notification letters sent to adjoining and adjacent properties; and
- Notification on Council's website.

Council did not receive any submissions for the application.

## 5. KEY ISSUES

An assessment of the application has identified the following key issues which are discussed in detail below.

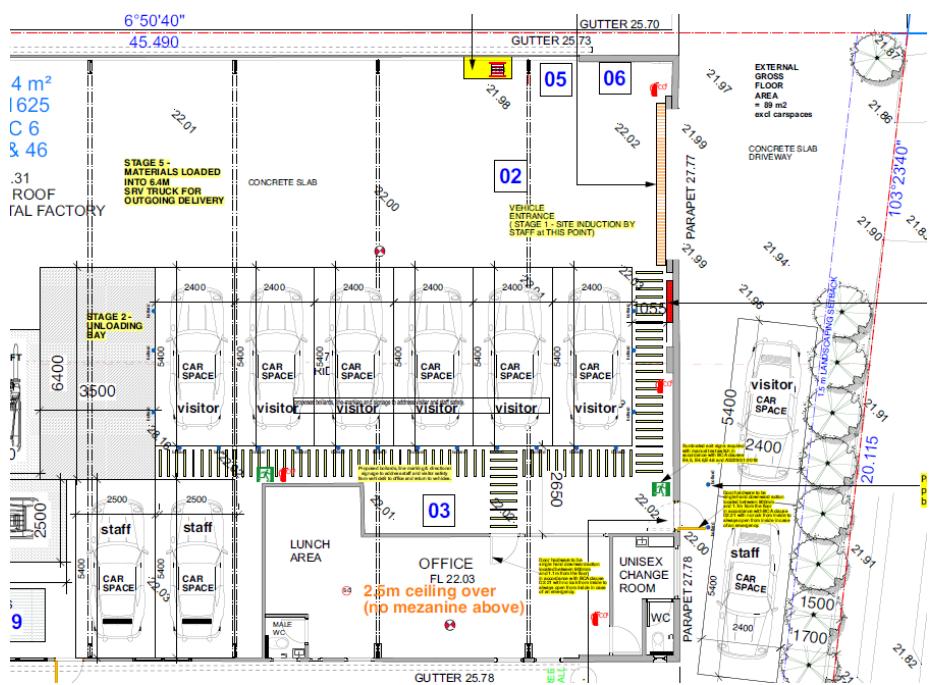
## 5.1 Car Parking

During the assessment of the application, a number of issues relating to the number and layout of car parking spaces were identified. In accordance with the Fairfield City Wide Development Control Plan 2024 (FCW DCP 2024), there is no applicable car parking rate for waste or resource transfer stations. However, there is a requirement for resource recovery facilities, which is considered to be the most comparable and similar with respect to how the uses operate.

The car parking requirements for resource recovery facilities are to be determined based off a survey from a similar facility. As part of the application, reference was made to the site at No. 110 Fairfield Street, Fairfield East as a similar facility. A review of Council's Records has identified that Development Application No. 158.1/2020 approved a scrap metal recycling facility on 18 February 2021. A maximum of four (4) employees and eleven (11) car parking spaces were approved with no customers to access the site.

In comparison, the application proposes a maximum of three (3) employees and nine (9) car parking spaces. Although customers are to access the site to drop off their waste, it is considered that sufficient arrangements have been made. A total of six (6) visitor spaces are proposed within the building, enabling customers to drop off their waste. With only fifty (50) expected deliveries to occur to the site per week, it is considered unlikely that the use will generate any unreasonable traffic impacts. Furthermore, the application does not propose to increase the gross leasable floor area onsite, simply retaining the existing building footprint.

An issue was also identified in relation to the use of stacked car parking. The application proposes two (2) staff car parking spaces inside the building to be within a stacked arrangement. This arrangement is considered unsuitable, with staff relying on other spaces to be vacant in order to access their car parking space.



**Figure 9: Stacked Car Parking.**

A condition of consent will be imposed, requiring the staff car parking space located behind the visitor space to be deleted. This will enable vehicles to satisfactorily manoeuvre onsite.

## **5.2 Vehicle Manoeuvrability**

The width of the driveway and the ability for vehicles to adequately manoeuvre onsite was an issue identified by Council. In response, amended swept path diagrams were submitted to Council, demonstrating that a 6.025m long small rigid vehicle can satisfactorily enter and exit the site in a forward direction. Council's Traffic Section and Engineering Assessment Branches raised no concerns, subject to conditions of consent.

## **5.3 Compliance with the Building Code of Australia (BCA)**

During the assessment of the application, issues were identified in relation to compliance with the BCA, including fire separation, travel distances, access and egress, essential services and sanitary facilities. No BCA report was submitted as part of the application. In response, the Applicant submitted a BCA Report, prepared by MBC Group, which identified the necessary fire safety upgrading and performance measures required to ensure compliance with the BCA. The application was referred to Council's Building Control Branch who raised no concerns to the proposal, subject to conditions of consent.

## **5.4 Hours of Operation**

The application proposes the following hours of operation:

Monday to Friday: 7:00am – 5:00pm  
Saturday: 7:00am – 2:00pm  
Sunday: No operation

Clause 9.4.4(a) and (d) of the FCW DCP 2024 reads as follows.

- a) *Where industrial properties are within 500m of residential properties, industrial operating hours will generally be restricted within the range of:*
  - a. *Monday to Friday: 7:00 AM – 6:00 PM*
  - b. *Saturday: 7:00 AM – 12:00 PM noon*
  - c. *Sunday: no operations.*
- 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.*

The site is located approximately 64 metres north from the closest residential receivers along Whitaker Street. The application proposes to operate an additional two (2) hours later in the afternoon on Saturdays. Although the application does not strictly comply with this control, the proposed hours of operation are considered acceptable as an Acoustic Report was submitted as part of the application, demonstrating that the application can comply with the assumed worst-case operational scenarios. The application was referred to Council's Public Health and Environment Branch who raised no concerns, subject to conditions of consent.

## **6. CONCLUSION**

This development application has been considered in accordance with the requirements of the EP&A Act 1979 and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, and the key issues identified in this report, it is considered that the application can be supported.

During the assessment of the application, a number of key issues were identified, including car parking and traffic impacts, compliance with the BCA and general operational requirements. Amended information was submitted to Council to address these issues. As amended, it is considered that the development satisfactorily addresses Clause 4.15 of the Environmental Planning and Assessment Act 1979 and is suitable for the site.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at Attachment A.

## **7. RECOMMENDATION**

That Development Application DA No. 250.1/2024 which proposes the use of an existing industrial premises for the purposes of a resource transfer station, involving the collection, sorting and transfer of a maximum of 606 tonnes of scrap metal per annum at No. 31 The Promenade, Yennora, be approved pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

**ATTACHMENT A – ARCHITECTURAL PLANS**

**ATTACHMENT B – TRAFFIC RESPONSE LETTER**

**ATTACHMENT C – BCA REPORT**

**ATTACHMENT D – PLAN OF MANAGEMENT**

**ATTACHMENT E – TRANSPORT FOR NEW SOUTH WALES REFERRAL**

**ATTACHMENT F – WASTE MANAGEMENT PLAN**

**ATTACHMENT G – VISUAL IMPACT ASSESSMENT**

**ATTACHMENT H – TRAFFIC REPORT**

**ATTACHMENT I – PRELIMINARY HAZARD AND RISK ASSESSMENT**

**ATTACHMENT J – FLOOD RISK MANAGEMENT REPORT**

**ATTACHMENT K – FIRE AND INCIDENT MANAGEMENT REPORT**

**ATTACHMENT L – ENVIRONMENTAL IMPACT STATEMENT**

**ATTACHMENT M – AIR QUALITY AND ODOUR IMPACT REPORT**

**ATTACHMENT N – ACOUSTIC REPORT**