

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0896
Proposed development:	Glass Recycling Facility
Property address:	2115 - 2131 Castlereagh Road, PENRITH NSW 2750
Property description:	Lot 2 DP 787827
Date received:	27 September 2017
Assessing officer	Pukar Pradhan
Zoning:	IN1 General Industrial - LEP 2010
Class of building:	Class 8
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the use of an existing building for a glass recycling facility at 2115 - 2131 Castlereagh Road, Penrith. The proposal captured by the definition of "*Waste or Resource Recovery Facility*" under Part 3 Division 23 of the State Environmental Planning Policy (SEPP) (Infrastructure) 2007 which permits this type of developments located **in the prescribed zone**. The subject site is zoned IN1 General Industrial Under Penrith Local Environmental Plan 2010 (LEP 2010 and IN1 General Industrial **is a prescribed zone** under the SEPP (Infrastructure) 2007 and the proposal being defined as "*Waste or Resource Recovery Facility*" is therefore permissible land use with Council consent.

Key issues identified for the proposed development and site include:

- Potential Traffic Impacts
- Potential Environmental Impacts and
- Potential Noise Impacts

The application has been notified to adjoining properties and exhibited between from 13 October to 13 November 2017 and no submissions were received.

The application is integrated development in accordance with Section 7.4 (or formally Section 91) of the EP & A Act and the Protection of the Environment Operations Act 1997 as the General Terms of Approval (GTA) and a License is required to be obtained from the Environmental Protection Authority (EPA). The EPA has examined the application and have raised no objection to the proposal and have issued a GTA dated 26 February 2018 for the proposed development. Their GTA will form part of the conditions of the consent.

The application was also referred RMS as this type of development is required to be referred to the RMS and also that the subject site adjoins with a Classified Road and under Schedule 3 of the SEPP (Infrastructure) 2007. They have raised no objection to the proposal subject to their recommended conditions being imposed.

An assessment under Section 4.15 (or formally 79C) of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to recommended conditions.

Background

Applicant attended a pre-lodgment meeting on 20 June 2017 to discuss the above application and the following advice were given at that time for the applicant to consider in the future development application.

- Environmental Management to be submitted
- Whether the development is an Integrated and /or designated development
- Applicant to contact EPA for their requirements as it will be integrated development
- SEPP 55 to be addressed
- To consider SEPP 33 to see if PHA is required.
- BCA matters to be considered
- Drainage and Flooding to be considered
- Traffic assessment to be submitted

The above matters have been considered in the submission of the development application.

The existing industrial building to be used for the proposed development has a floor area of approximately 2,400m² and was previously used by Crane Enfield Metals Pty Ltd as industrial use.

Site & Surrounds

The site is located on the eastern side of Castlereagh Road is generally rectangular in shape with a frontage of 183m and an average depth of 680m with a total area of 12.06Ha. The site currently contains several factory/warehouse buildings which are generally constructed with concrete floors, and metal clad walls and metal roofing. The proposed development is to be located in one of the warehouse that is located towards the eastern end of the site. The building is dimensioned approximately 35.50m x 65.70m with a total area of 2400sqm and is connected via a high corrugated steel awning to the adjacent western building.

The subject existing warehouse industrial building was previously used by Crane Enfield Metals Pty Ltd. Access to the site is via a small control house that leads to a wide common driveway leading to internal individual warehouse buildings and ancillary offices. The adjoining site to the east and south are still vacant.

A large warehouse building is located to the north of the site and several vehicle sale yards are located opposite the Castlereagh Road to the west of the site. The area is generally industrial and with two storey large industrial buildings. A Sewer treatment plant is located to the southwestern side of the site.

The closest residential dwelling are located at 780m from the site.

Proposal

The proposed development involves the use of one of the existing building (previously used by Crane Enfield Metals) for glass recycling facility and will involve the following:

- Use of existing outbuilding to carry out glass sorting and processing;
- installation of required equipment internally to run the operation;
- The operation will run in seven (7) steps as follows:
 - *Step 1: Glass is received into Facility, delivery either by company owned gantry trucks or sub-contract trucks.*
 - *Step 2: Gross weight confirmed via certified trade approved weigh bridge docket or on board Loadrite scale and enter in filing system.*
 - *Step 3: Prior to processing, the type of glass is confirmed and the glass is transferred to appropriate holding bunkers.*
 - *Step 4: The float glass is fed into dedicated crushing system after which it is transitioned through a vibratory screen sorting system. The sorting system isolates specific grades of glass based on size. Any contamination and unsuitable product is removed during the process.*
 - *Step 5: Double glazed and laminate materials are sorted for gross contaminants prior to feeding through the crusher that separates out the plastic films and other contaminants. Material is then run through a screening and dust extraction process that conveys the glass and plastic into separate streams.*
 - *Step 6: After separation, the glass produced is incorporated into bulk stock destined for delivery to either new bottle or fibreglass insulation manufacture.*
 - *Step 7: The plastic film, which constitutes less than 5% of the overall weight of a windscreen, enters the plant's waste stream and is transferred to an approved landfill after separation.*
- The Facility will operate from 5:00am to 8:00pm, Monday to Friday.
- Deliveries and machinery will operate between 7:00am and 3:30pm.
- A total of 8 employees will operate from the site.
- No alteration to the existing building structure or elevations proposed.

Plans that apply

- Local Environmental Plan 2010 (Stage 1 LEP)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 33—Hazardous and Offensive Development
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.15 (79C) of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

• Section 91- Integrated development

Protection of the Environment Operations Act, 1997 (POEO Act)

The proposed development will process up to 150 tonnes of glass per day or 25,000 tonnes per annum.

The proposed development is defined as a "*recovery of general waste*" under Clause 34 of the POEO Act which states:

(34) recovery of general waste, meaning the receiving of waste (other than hazardous waste, restricted solid waste, liquid waste or special waste) from off site and its processing, otherwise than for the recovery of energy.

(42) Waste Storage, more than 6,000 tonnes of waste material is stored on the premises at any time (other than in or on a vehicle used to transport the tyres to or from the premises).

Section 48 of the POEO Act requires a person to obtain an **Environment Protection License (EPL) from the NSW Environment Protection Authority** before carrying out any of the premise based activities described in Schedule 1 of the Act.

The proposed activity is treated as *recovery of general waste* as it involves over 6,000 tonnes of glass waste being recycled per annum.

As it exceeds the threshold of over 6,000 tonnes of glass waste outlined in Schedule 1 of the POEO Act, the facility hence requires an Environmental Protection Licence from NSW EPA and is **treated as Integrated Development** under Section 4.46 of the EP & A Act 1979 and requires approval from the EPA. Accordingly, the application was referred to the EPA for comments and for their general terms of approvals (GTA).

- They have examined the application and had required the applicant to provide additional information regarding a variety of issues.
- The applicant has since provided additional information which were reviewed by the EPA and in their correspondence letter dated 26 February 2018 advised that they have no objection to the proposal and a separate licence will need to be obtained by the applicant with the EPA for its operation and that EPA is able to issue a license for the proposal.
- The EPA has required the capacity to limit the storage to a maximum of 25,000 tonnes per year and to limit it to not more than 1,000 tonnes at any time on the premises in their GTA.
- The EPA also requires the facility to be operated in a way that is consistent with the Statement of Environmental Effects (SEE) and supporting documents.

The EPA is satisfied with the information provided and **has issued General Terms of Approval (GTA)** and have raised no objection to the proposal.

Environmental Planning and Assessment Regulation 2000 (EP & AR)

Schedule 3 of the EP & AR outlines what type of development would fall within the Designated Development.

Clause 8 of Schedule 3 of the EP & A Regulations 2000 is applicable for this type of development and is as follows:

8 Ceramic and glass industries

Ceramic or glass industries (being industries that manufacture bricks, tiles, pipes, pottery, ceramics, refractories or glass by means of a firing process):

(a) that have an intended production capacity of more than 150 tonnes per day or 30,000 tonnes per year, or

(b) that are located:

(i) within 40 metres of a natural waterbody or wetland, or

(ii) within 250 metres of a residential zone or dwelling not associated with the development.

The proposed development will involve the following:

- *It will process no more than 150 tonnes per day or 25,000 tonnes per year;* - This is less than the limit specified in the clause.
- *The site is located over 190m from waterway and wetland area* - as such is over 40m from a water body;
- *The site is over 250m from a residential zone or dwelling* - The site is located over 780m to residential area or dwelling.
- It does not handle substances classified in the Australian dangerous Goods or medical, cytotoxic or quarantine waste.
- The facility/building is located at ground level of 25.50m AHD and the 1% AEP flood level affecting the site is estimated to be 25.40AHD which is specified in one not located on a flood plain.

The proposed development **is therefore not captured by designated development.**

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Infrastructure) 2007

- The proposed development is captured by the definition of a '*resource recovery facility*' under Section 120 of the State Environmental Planning Policy (Infrastructure) 2007.
- "*Resource recovery facility*" means a facility for the recovery of resources from waste, including such works or activities as separating and sorting, processing or treating the waste, composing, temporary storage, transfer or sale of recovered resources, energy generation from waste gases and water treatment, but not including re-manufacture of material or goods or disposal of the material by landfill or incineration. The proposal falls within the above definition.
- Section 121 of the SEPP (Infrastructure) 2007 defines "*prescribed zones*" as being compatible with waste or resource recovery facilities.
- The subject site is zoned IN1 - General Industrial under Penrith Local Environmental Plan 2010 and as **IN1 General Industrial zone** is nominated zone and **falls within a prescribed zone** under the SEPP, the proposal is hence a permissible land use in the zone with Council consent.

Referral to RMS

The site has direct access to Castlereagh Road which is a Classified Road (State Road) and under ownership of RMS. Under Schedule 3 - Traffic Generating development under the SEPP 2007 states that developments for any *Landfill, recycling facilities, waste transfer station and adjoining a classified road requires* to be referred to RMS. The application was referred to RMS for comments. They have reviewed the application and have provided their concurrence dated 3 May 2018 raising no objection to the proposal subject to several recommended conditions. These conditions form part of the recommended conditions.

State Environmental Planning Policy No 33—Hazardous and Offensive Development

SEPP 33 sets out a requirement for development consent for hazardous or offensive development proposed to be carried out and seeks to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account. The SEPP 33 helps to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and to require the advertising of applications to carry out any such development.

Development that is potentially hazardous and/or offensive is permissible under SEPP 33 if the facility is capable of securing an EPL from the NSW Environment Protection Authority. The report after carrying out the necessary analysis has concluded that all operations are all carried out indoors and not considered to be offensive under the SEPP 33 as :

- the proposal will store up to 1,000 tonnes of loose glass at any one time;
- the glass used are not flammable and is not classified as dangerous goods according to the Dangerous Goods Code, and is unlikely to combust if exposed to an ignition source.
- sorting and processing of dry, source separated glass does not pose a risk or threat to air quality (e.g. odour) or water quality (e.g. stormwater contamination);
- only limited amount of diesel will be sorted at the premises for emergency fuelling of trucks on site and stored within the mechanic room which will be bunded;
- the use of diesel will be in accordance with the requirements of AS 1940: 2004 - "*The storage and handling of flammable and combustible liquids*";
- Liquefied petroleum gas (LPG) used as a fuel in forklifts on site is classified as a Class 2.1 flammable gas under the Australian Dangerous Goods Code. Limited volumes of LPG are stored outside of the mechanical workshop for the purposes of fuelling the forklift units; and both storage of diesel and LPG are below the threshold.

The report carried out concludes that all operations are mainly performed indoors and in view of the above, the proposed development **is not considered** to be offensive under SEPP 33.

The above matter has been examined by Council's Environmental Officer have raised no objection to the proposal subject to their recommended conditions.

State Environmental Planning Policy No 55—Remediation of Land

The application was accompanied with a commentary from Ramboll Environ Australia Pty Ltd to assist Council in addressing the requirements of State Environment Planning Policy (SEPP) 55 - Remediation of Land. This was referred to Council's Environmental Management Officer for comments.

They have concluded that the information provided has satisfactorily addressed the requirements of SEPP 55 and confirmed the operation of the proposed glass recycling facility in the former copper tube warehouse building is not expected to present additional risk to the environment or human health through disturbance of potential residual TCE contamination.

In view of the above, it is considered that development proposal satisfies the SEPP requirements.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997). The proposal does not involve any construction works that involves excavation works and the application is satisfactory subject to recommended standard conditions.

Local Environmental Plan 2010 (Stage 1 LEP)

Provision	Compliance
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Clause 1.2 Aims of the plan	Complies
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.5 Additional permitted uses for particular land	N/A
Clause 2.6 Subdivision - consent requirements	N/A
Clause 2.7 Demolition requires development consent	N/A
Clause 2.8 Are the temporary use of land requirements achieved?	N/A
Clause 4.1 - the minimum lot size	Complies
Clause 4.1AA Minimum subdivision lot size for community title schemes	N/A
Clause 4.2 Rural Subdivision	N/A
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	N/A
Clause 4.5 Calculation of floor space ratio and site area	N/A
Clause 4.6 Exceptions to development standards	N/A
Clause 5.1 Relevant acquisition authority	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.11 Bush fire hazard reduction	N/A
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	N/A
Clause 5.13 Eco-tourist facilities	N/A
Clause 5.2 Classification and reclassification of public land	N/A
Clause 5.3 Development near zone boundaries	N/A
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.5 Development within the coastal zone	N/A
Clause 5.6 Architectural roof features	Complies
Clause 5.7 Development below mean high water mark	N/A
Clause 5.8 Conversion of fire alarms	N/A
Clause 5.9 Preservation of trees or vegetation	N/A
Clause 5.9AA Trees or vegetation not prescribed by development control plan	N/A
Clause 6.1 Earthworks	N/A
Clause 6.10 Villages of Mulgoa and Wallacia	N/A
Clause 6.11 Orchard Hills	N/A
Clause 6.12 Twin Creeks	N/A
Clause 6.13 Waterside Corporate	N/A

Clause 6.14 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	N/A
Clause 6.15 Location of sex services premises and restricted premises	N/A
Clause 6.2 Salinity	N/A
Clause 6.3 Flood Planning	N/A
Clause 6.4 Development on natural resources sensitive land	N/A
Clause 6.5 Protection of scenic character and landscape values	N/A
Clause 6.6 Servicing	Complies - See discussion
Clause 6.7 Dwelling houses on certain land in Llandilo and Mulgoa	N/A
Clause 6.8 Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
Clause 6.9 Mulgoa Valley	N/A
Schedule 1 Additional permitted uses	N/A

Clause 1.2 Aims of the plan

The aims of the plan area as follows;

- (a) *to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,*
- (b) *to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,*
- (c) *to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,*
- (d) *to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,*
- (e) *to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,*
- (f) *to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,*
- (g) *to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,*
- (h) *to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.*

The proposed development is considered to foster viable employment and future investment

opportunities that are suitable for the needs of local residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region. It is considered that the proposal is consistent with the aims of the zone.

Clause 2.3 Zone objectives

Objectives of the zone area as follows:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To promote development that makes efficient use of industrial land.*
- *To permit facilities that serve the daily recreation and convenience needs of the people who work in the surrounding industrial area.*

The proposal is considered to provide:

- a wide range of industrial and warehouse land uses,
- encourage employment opportunities,
- minimise any adverse effect of industry on other land uses, and
- promote development that makes efficient use of industrial land.

The proposal is hence consistent with the objectives of the zone.

Clause 2.3 Permissibility

The proposal captured by the definition of "Waste or Resource Recovery Facility" under Part 3 Division 23 of the State Environmental Planning Policy (SEPP) (Infrastructure) 2007 which permits this type of developments located in the prescribed zone. The subject site is zoned IN1 General Industrial Under Local Environmental Plan 2010 (LEP 2010 and IN1 General Industrial is a prescribed zone under the SEPP and hence the proposal is permissible land use with Council consent.

Clause 4.1 Minimum lot size

The subject site is well over the minimum lot size requirements of the DCP.

Clause 4.3 Height of buildings

There is no changes proposed to the building height and will involve mainly internal partitions and layout of equipment to carry out the business..

Clause 5.6 Architectural roof features

There are no changes to the building design or roof features.

Clause 5.9 Preservation of trees or vegetation

There are no trees being removed as a result of the proposal.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies - see Appendix - Development Control Plan Compliance
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	Complies - see Appendix - Development Control Plan Compliance
C8 Public Domain	N/A
C9 Advertising and Signage	Complies - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies
D4.1. Key Precincts	Complies
D4.2. Building Height	Complies - see Appendix - Development Control Plan Compliance
D4.3. Building Setbacks and Landscape	Complies - see Appendix - Development Control Plan Compliance
D4.4. Building Design	Complies - see Appendix - Development Control Plan Compliance
D4.5. Storage of Materials and Chemicals	Complies - see Appendix - Development Control Plan Compliance
D4.6. Accessing and Servicing the Site	Complies - see Appendix - Development Control Plan Compliance
D4.7. Fencing	Complies
D4.8 Lighting	Complies

Section 79C(1)(a)(iia) The provisions of any planning agreement

There are no planning agreements applying to this application.

Section 79C(1)(a)(iv) The provisions of the regulations

Fire safety

In accordance with Section 143 of the Environmental Planning and Assessment Regulation 2000, an assessment of the fire protection and structural capacity of the proposed building is necessary.

The application has been referred to Council's Building Surveyors for assessment and advised that:

- The proposal is to use an existing factory building for glass recycling. Under the BCA this is not a change of use as it will be class 8 as was the previous use.
- The need or otherwise for any fire safety upgrade will be determined by Council's fire safety audit process and subject to compliance with the BCA.

They have raised no objection to the proposal and their recommended conditions form part of the recommendations.

As recommended by the EPA a condition has been imposed to comply with their requirements and the GTA.

Section 79C(1)(b) The likely impacts of the development

Environmental Impacts

The application was supported by an Environmental Management System Report (EMSR) prepared by 5R Solutions dated 25 July 2017 that outlines its operational activities of glass recycling facility. The application was also accompanied with the noise and vibration, air, waste, environment and traffic assessment reports. The application and submitted documents were referred to the EPA for comments and for their concurrence.

The EPA after examining the application have raised no objection the proposal subject limiting the maximum amount of waste glass to be stored on the premises at any one time is limited to 1,000 tonnes and the glass permitted to be processed per year is not to exceed 25,000 tonnes for any annual reporting period. They have also limited the hours of operation to from 5am to 8pm Monday to Friday. Their conditions and GTA will form part of the consent.

Council's Environmental Management officer have examined the application and GTA and is also satisfied that the proposal and its operation/function can operate without significant environmental impact to the existing amenity of the area.

The site will store 2 x 200 litres drums of diesels and 4 x 15kg LPG tanks which will be kept on site for emergency fueling of trucks when if required. The amount of fuel kept to be located in the mechanical room on site and the impact from this have been examined and found not to be hazardous.

They have recommended that where there is likely to be spillage it is recommended that a bunded area be provided and that the storage of flammable and combustible liquids and gas cylinder are to comply with AS 19401.2004 and AS 2080.1 2009 to ensure safety of the area.

They have raised no objection to the application subject to the recommendations in the GTAs and their conditions have been incorporated in the conditions of consent.

All their recommended conditions form part of the recommendation into the development consent.

Noise Impact

The proposal will involve the following works that is likely to pose adverse noise impacts.

- The glass recycling line of mechanical equipment connected via conveyor belts.
- The recycling line is used to breakdown recovered glass into various grades of granulised glass.
- The loading / unloading and glass recycling

It is noted that:

- All plant /equipment will mainly be housed in side the building along the southern most facade of the proposed building with vehicle access through the western facade to access the building.
- All loading / unloading and glass recycling will take place inside the building with all facades fully closed during operation.

• The area in the vicinity and within the site comprises of industrial buildings and the nearest residential

building is located 780m east of the site and 920m to the south-east.

A Noise assessment report prepared by Waves Acoustic Consulting Pty Ltd dated 3 September 2017 was submitted with the application. The main noise and vibration sources from the proposed glass recycling facility include:

- Offsite vehicle movements on the local road network.
- Onsite (external and internal) vehicle movements - mainly delivery trucks.
- Float glass crushing (internal).
- Vibratory sorting (internal).
- Various conveyor belts (internal).
- Stockpiling of glass products (internal).

Applicant has taken noise measures during daytime, evening and night time for several days and noise meters were located in three nearest residential properties in accordance with the time periods stipulated by the EPA NSW Industrial Noise Policy (INP) and the worse scenario case was considered in the noise assessment.

- It is noted that the shredding equipment would operate within the building and unlikely to generate high noise level.
- The operation of few forklifts, trucks and the air compressor is likely to generate noise however, the noise generated from these are not considered be significant to have impacts to any residences located over 700m from the site.
- The hours of operation has been limited to from 5am to 8pm on weekdays only.
- The offset distances (in all directions) between the proposed development and any nearby vibration sensitive receivers is very large (> 800m) and therefore the potential for vibration impacts due to the operation of the development is effectively nil.
- All vibration criteria with respect to cosmetic damage to buildings and human comfort impacts are satisfied as a result.
- This assessment has demonstrated that the predicted noise emissions from the site to the surrounding environment are low.
- The noise generated from additional traffic movements are stated to comply with the NSW Road noise Policy (RNP) criteria.
- The proposed development satisfies the noise criteria of the NSW Industrial Noise Policy (INP) during the day, evening and night-time periods.
- Noise mitigation measures have not been recommended.

The noise assessment concludes that noise impact associated with the operational activities was predicted to comply with the project specific noise levels at all of the nearest residential properties. The assessment also found that, due to the existing traffic noise levels on Castlereagh Road, the proposed development generates negligible additional traffic noise and the NSW Road Noise Policy (RNP) criteria are satisfied.

Air Quality and Odour

Air quality impact assessment have been carried out by Northstar Air Quality Pty Ltd which has calculated emission of **total suspended particulate** (TSP) and Particulate Matters (PM 10) in accordance with Australian specific (National Pollutant Inventory)^a and US EPA emission factors. It is noted that the applicant has stated that the process does not involve any heating features which could produce odour and as such the potential for odour from the process is minimal.

The processing of glass are mainly crushing which is all carried out within the building. The processed glass are moved into container and shipped out via trucks and hence there is unlikely to be significant air pollution from the development process.

Traffic Management and Parking

A Traffic and Parking Assessment report prepared by Vargo Traffic Planning dated 20/07/2017 was submitted with the application. The report that number of truck movements required to operate is nominated to be an average of 2-4 truck movements per hour or 14 per day and a total of 8 staff. The site currently provides for Vehicular access via a large single two way driveway approximately 15m wide that can cater for larger trucks and B - doubles with the site. The site has been used by large vehicles whilst the subject warehouse building was used by Crane Enfield Metals.

The site currently provides for over 190 on site parking spaces along the frontage of the site for the whole site and has several pockets of areas for additional parking spaces. The proposal proposes additional 5 parking spaces on site.

The application was referred to Council's Traffic Engineer and noted the following:

Parking

The off-street car parking requirements applicable, as per Council's DCP, are as follows: Industries, including ancillary office: 1 space 75m² of gross floor area or 1 space per 2 employees, whichever is the greater. Application of these parking rates to the existing industrial building yields an off-street car parking requirement of 32 parking spaces (@1/75sqm) . The proposal is for 5 car parking spaces to be provided in addition to existing car parking (190 spaces) which caters for existing operations/uses onsite.

Access and circulation

It is possible that B-Doubles (likely up to 26m in length) may enter the site from Castlereagh Road and manoeuvre through the internal road/driveway network. However, It is noted that the application states that only 9.20m long vehicles will be used for the business.

Traffic Generation

Application of the RMS Guide to Traffic Generating Development rates yields a traffic generation potential in the range 12 vph to 24 vph during peak periods. The applicant's Traffic and Parking Assessment Report indicates that the proposed glass recycling facility will generate 2 to 4 truck movements per hour (IN and OUT combined), with a maximum of 6 truck movements per hour which is expected to occur around mid-day.

Traffic Engineer has provided the following comments on the above:

- It is anticipated that the extra traffic generated by this development, as outlined in the Statement of Environmental Effects, can be accommodated by the surrounding road network.
- The proposed development does not generate high number of visitors or visitor parking spaces on site due to the nature of the development.
- The number of on site parking provided for the development of 190 spaces and an additional 5 spaces are considered to be sufficient to cater for the 8 staff (@1.2 staff) and for such sufficient for such usage.
- The existing road network is being used by other existing buildings and it was previously used Crane Metal and the existing road network is considered to be sufficient to allow for longer truck of 12.50m and B-double to enter and leave the site in a forward direction.
- The SEE states that there will only be 9.20m long vehicles used for the facility and hence the existing road networks will be sufficient to cater fro the proposed facility.

Council's Traffic Engineer has raised no objection to the proposal subject to limiting the size of trucks to 12.50m only. All recommended conditions form part of the conditions of consent. Vehicular access of normal cars are considered to be satisfactory.

The Castlereagh Road which is a state road and under Schedule 3 of the Roads Act, the application requires comments from the RMS and hence was referred to RMS for comments. The RMS has examined the application and have provided their comments raising no objection to the proposal.:

Waste Management

The proposal involves 25,000 tonnes of recovered glass which will be sorted and recycled in one year. Almost 100% of the glass will be recycled and any residual such as plastics and contaminants sorted in a skip bin within the building and will be disposed to an EPA licensed disposal facility.

The applicant states that there is no chemical wastes generated from this development. The general waste will be collected by contractors and disposed appropriately.

Drainage

The development does not involve any additional building construction or pavement areas and as such the existing drainage system connection is considered to be satisfactory.

Section 79C(1)(c)The suitability of the site for the development

The site is suitable for the following reasons:

- The site is zoned to permit the proposed use
- The use is compatible with surrounding/adjoining land uses
- The site is suitable for the use of existing building.
- The proposed operation is unlikely to have significant adverse impact.

Section 79C(1)(d) Any Submissions

Community Consultation

The application was on exhibition from 13 October 2017 to 13 November 2017. There were no submissions received.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections

Section 79C(1)(e)The public interest

The proposed development will not generate any significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, being SREP 20; LEP 2010 and DCP 2014, the proposal satisfies the aims, objectives and provisions of these policies.

- The site is located within an established industrial area and is suitable for the proposed development.
- The application has been examined by EPA who have raised no objection to the proposal and provided their GTA with their recommendations for several conditions.
- Council's Environmental Officer has examined the application and found that the proposal to be generally acceptable and have raised no objection with a recommendation for the imposition of several conditions to mitigate any potential environmental impacts.
- The proposal is generally acceptable in the area and unlikely to have significant adverse impacts arising from the proposed development.
- The proposal will provide additional employment in Penrith area for the local residents and hence is in the public interest.

Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

1. That DA17/0896 for the conversion of an existing building for a **Glass Recycling Facility at 2115-2131 Castlereagh Road Penrith** be approved subject to the attached conditions (Development Assessment Report Part B).

CONDITIONS

General

1 A001

The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions:

Drawing Title	Drawing Reference	Prepared by	Dated
Site Layout Plan	A-01	5 R Solutions	07/07/2017
Plant Layout	A-01	5 R Solutions	07/07/2017
Warehouse plan and elevations and section	F10250 & F10250	Crane Enfield Metals Pty Ltd	11/12/85

2 A005 - APPROVED BODYS CONSENT (FOR INTEGRATED DAS)

A copy of the General Terms of Approvals, Notice Number 1557817 (EF17/12285) dated 26 February 2018 issued by the Environmental Protection Authority under the NSW Protection of Environment Operations Act 1997 shall be **submitted to the Principal Certifying Authority, before the Construction or the Occupation Certificate can be issued** for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction/Occupation Certificate, if Council is not the Principal Certifying Authority. The following conditions must also be satisfied:

- **Noise**

Data recorded by a Bureau of Meteorology meteorological station approved by the EPA must be used to determine meteorological conditions. Prior to the commencement of operation, the applicant must gain approval from the EPA as to which meteorological station will be used to obtain the meteorological data as required by the conditions in the General Terms of Approval below. The applicant must negotiate with the EPA as to whether Horsley Park or Penrith meteorological station will be used.

- **Waste**

The type of glass waste received at the facility is to be only plate, laminated and double-glazed glass. No putrescible matter or bottle glass is to be accepted or processed. These restrictions will be incorporated into the environment protection licence for the premises.

3 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

The development shall not be used or occupied until an Occupation Certificate has been issued.

4 A026 - Advertising sign (not for residential)

A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan 2014 - Advertising Signs.

5 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The operating hours are limited to from 5am am to 8pm pm Mondays to Fridays. Deliveries and pick up and mechanical works are limited to operate between 7am and 3:30pm, Monday to Friday.

6 A032 - Goods in buildings

All materials and goods associated with the use shall be contained within the building at all times.

7 A Special (BLANK)

The under cover vehicular access located on the western side of the warehouse is to be kept clear at all times.

8 [A Special \(BLANK\)](#)

A copy of the letter reference number SYD18/00436 dated 2 May 2018 with several recommended conditions issued by the Roads and Maritime Services shall be **complied with, before the Construction or the Occupation Certificate can be issued** to the development. The following conditions must also be satisfied:

- All car parking and manoeuvring must be in accordance with AS2890.1 - 2004; AS2890.2 - 2002; AS2890.6 - 2009 and Council's requirements and all vehicles are to enter and exit in a forward direction.
- All vehicles are to enter and exit the site in a forward direction.
- All vehicles are to wholly contained on site before being required to be stop.
- Bicycle parking associated within the subject development should be in accordance with AS 2890.3 (Bicycle Parking Facilities).
- A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- A construction work zone will not be permitted on Castlereagh Road.
- A Road Occupancy Licence shall be obtained from Transport Management Centre for any works that may impact on traffic flows on Castlereagh Road during activities.

9 [A special BLANK](#)

All of the waste generated from the operation shall be managed in accordance with the Waste Management Plan prepared by Jackson Environment and Planning Pty Ltd 2007 submitted with the development application at all times.

Environmental Matters

10 [D009 - Covering of waste storage area](#)

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

11 [D010 – Appropriate disposal of excavated or other waste](#)

All excavated wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan submitted to Council.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

12 [D023 - Bunding](#)

Prior to the issue of an Occupation Certificate, all works and storage areas where spillages are likely to occur shall be bunded. The size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater. All bunded areas shall be graded to a blind sump so as to facilitate emptying and cleaning.

The storage and handling of flammable and combustible liquid and gas cylinders are to comply with AS 1940:2004 and AS 2030.1:2009.

13 [D Special \(BLANK\)](#)

The Pollution Incident Response Management Plan prepared by 5R Solutions dated 25 July 2017 shall be implemented at all times throughout operation of the facility.

14 **D Special (BLANK)**

Prior to commencement of any construction works, mud and soil from vehicular movements to and from the site must not be deposited on the road.

15 **D Special BLANK**

A copy of the Environment Protection Licence issued by the NSW Environment Protection Authority under the Protection of the Environment Operations Act 1997 shall be submitted to the Principal Certifying Authority **before the commencement of the development**. Activities on the premises must be carried out in accordance with Environment Protection Licence No. 1557817, issued by the Environment Protection Authority. Should this licence be revoked, suspended or surrendered, an application for the continued use of the site is to be submitted to Council for consideration of matters contained in the licence.

16 **D Special BLANK**

The type of glass waste received at the facility is to be only plate, laminated and double-glazed glass. No putrescible matter or bottle glass is to be accepted or processed.

17 **D Special BLANK**

Operations, other than the movement of vehicles, are limited to the location of the proposed glass recycling facility as indicated in Figure 2.1 of the statement of environmental effects prepared by Jackson Environment and Planning Pty Ltd.

BCA Issues

18 **E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)**

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- (a) deal with each essential fire safety measure in the building premises, and
- (b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.
-

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

19 **E01A - BCA compliance for Class 2-9**

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

Construction

20 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

21 H041 - Hours of work (other devt)

Works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

Engineering

22 K209 - Stormwater Discharge – Minor Development

Stormwater drainage from the warehouse building shall be discharged to the:

- a) Existing site drainage system.

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

23 K Special (BLANK)

All car parking and manoeuvring must be in accordance with AS2890.1; AS2890.2; AS2890.6 and Council's requirements and all vehicles are to enter and exit in a forward direction.

24 K Special (BLANK)

All car parking spaces are to be sealed, line-marked and dedicated for the parking of vehicles only and not to be used for storage of materials/waste materials/etc.

25 K Special (BLANK)

Should future operation of the glass recycling facility require staff numbers to increase beyond the proposed 8 staff members, then additional car parking spaces must be accommodated onsite at that time to cater for the increase.

26 **K Special (BLANK)**

A Pedestrian Safety Risk Management Plan, addressing potential for conflict between circulating heavy vehicle traffic and pedestrians onsite, must be prepared and all recommendations of the plan complied with **prior to the issue of Occupation Certificate.**

27 **K Special (BLANK)**

Appropriate signage is to be displayed to reinforce designated vehicle circulation and parking arrangements.

28 **K Special (BLANK)**

Any requirements of the road authority, being Roads and Maritime Services for Castlereagh Road, are to be complied with in full by the applicant/developer.

Landscaping

29 **L009 - Tree Preservation Order (subdivision)**

No trees are to be removed from within the subdivision without the prior consent of Penrith City Council. Any trees to be removed as part of the engineering work are to be shown on engineering plans submitted for Council's consideration and subsequent approval.

30 **L012 - Existing landscaping (for existing development)**

Existing landscaping is to be retained and maintained at all times.

Certification

31 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

32 **Q05F - Occupation Certificate for Class10**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation and/or commencement of the use

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

The development generally is consistent with the DCP requirements.

PENRITH DCP 2014	Industrial Development
C1 - Site Planning & Design Principles	Comments
<i>1.1. Site Planning</i>	Satisfactory, as it involves the use of the existing buildings and minor interior adjustments for the proposed use.
<i>1.2. Design Principles</i>	Mainly internal reconfigurations of the buildings and external painting. No Changes to the building height.No changes to the built form proposed in the development. Satisfactory.
<i>1.2.2. Built Form - Energy Efficiency & Conservation</i>	.Appropriate measures to be used to minimize energy consumptions in it's operation.
C2 - Vegetation Management	
<i>2.1 Preservation of Trees and Vegetation</i>	The site has good landscaping vegetation and no \ trees have been proposed to be removed.
C3 – Water Management	
<i>3.6. Stormwater Management and Drainage</i>	No additional roof or concrete area increase proposed and all roof and car park area are collected and discharged to existing system
C4 Land Management	
<i>4.3 Erosion and Sedimentation</i>	NO earthworks proposed for the development and standard Condition will be applied to ensure if any minor earth works area carried out..
C5 Waste Management	
<i>5.2.1. Controls - Site Management</i>	Appropriate condition has been recommended to manage waste from the development. Bins storage will mainly be office wastes and condition has been recommended for them to be located in appropriate areas not visible from the street.

C6 Land Management	
<i>C6 Landscape Design</i>	Existing vegetation and no removal involved

<i>6.2 Protection of the Environment</i>	The application has been examined by Council's Environmental Officer and the EPA. Appropriate conditions and GTA has been issued by EPA to minimise any potential environmental impact.
C7 Culture and Heritage	No adverse impact envisaged from the proposal.
C8 Public Domain	No changes tot he existing situation.
C9 Advertising and Signage	A condition will be imposed to submit details of the signage if it not an exempt.
C10 Transport, Access & Parking	The existing road network can withstand the additional traffic generated by the proposal. Suitable access and sufficient parking is provided on site. No objection raised by Council's Traffic Engineers.
C11 Subdivision	N/A
C12 Noise and Vibration	Appropriate conditions will be imposed to control noise emission and to comply with the Industrial Noise requirements.
C13 Infrastructure and Services	The site is adequately serviced.

D4 Industrial Development

The proposal is generally consistent with the principles of the DCP.

PENRITH DCP 2014		
D 4 – Industrial Development		
	Item	Yes/ No / Comments
4.1	Key Precinct	The site is located in Precinct 5. The design responds to the constraints of the site. There is no significant vegetation and the existing building is suitable for the proposed use.
4.2	Building height	The existing building are not going to be raised higher and such will remain the same height.
4.3	Building Setbacks and Landscaping	No changes to the building setbacks.
4.4	Building Design	No changes proposed for the exterior only some internal reconfigurations proposed.
4.5	Storage of Materials and Chemicals	A Waste Management Plan accompanied the application and details how waste generated will be disposed of
4.6	Access and Servicing	The Castlereagh road and the existing road network can withstand the additional traffic generated by the proposal. Suitable access and parking is provided
4.7	Fencing	No new fences required.
4.8	Lighting	No details provided but has nominated to provide appropriate external lighting. This is satisfactory.