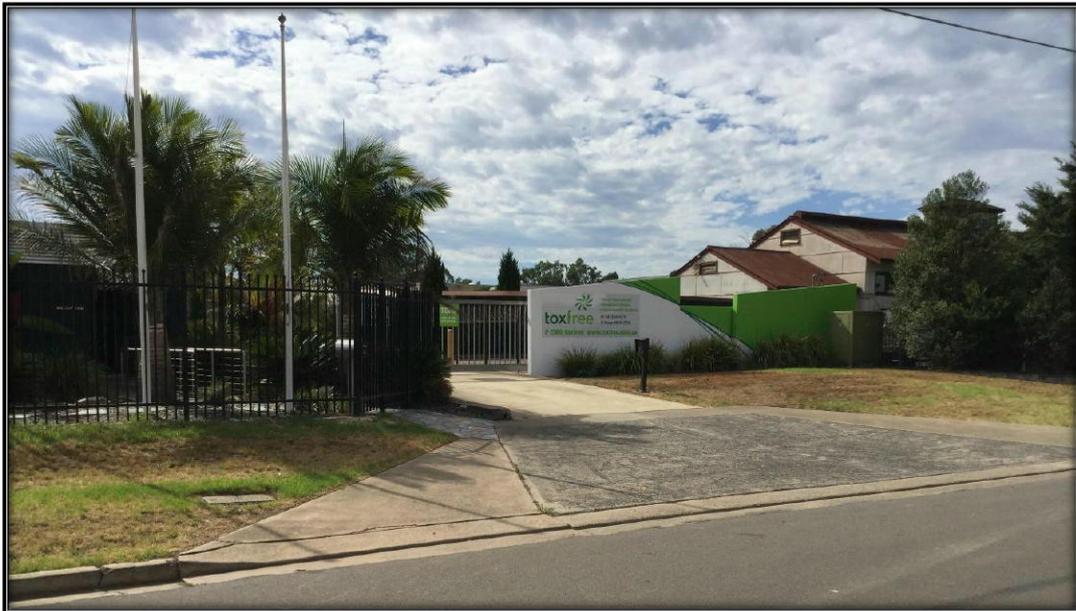


Statement of Environmental Effects
For
Alterations and Additions
to
Existing Waste Facility
at
42-46 (Lot 300 DP1143213) Charles
Street St Marys



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1.0 INTRODUCTION

1.1 EXECUTIVE SUMMARY AND BACKGROUND

This Statement of Environmental Effects (SEE) has been prepared in support of a development application for proposed alterations and additions to an approved waste facility at 42 – 46 Charles Street, St Marys.

The current operation of the waste facility is operating under development consent number 13/0471 which was granted consent by the Joint Regional Planning Panel due to the development application being for designated development in accordance with Schedule 3 of the Environmental Planning and Assessment Regulations.

The proposed alterations involve the enclosure and roofing of the existing yard to prevent migration of dust and sediment off site from the existing activity in that area

The applicant has met with senior Council staff to discuss the proposal and advice was forthcoming from staff that should the proposed alterations and additions satisfy the provisions of Clause 35 and 36 of Schedule 3 of the Environmental Planning and Assessment Regulation, the proposal does not warrant the preparation of an Environmental Impact Statement and can be dealt with as an assessment of a Statement of Environmental Effects with associated reports and architectural documentation.

As discussed with Council, the provisions of Schedule 3 of the Regulations will be the criteria under which the proposal is assessed and whether or not the proposed alterations and additions are designated development.

The principal Clause of Schedule 3 states that *development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent Authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.*

The proposed alterations and additions have been assessed against the provisions of Clause 35 and 36 of Part 2 of Schedule 3 of the Environmental Planning and Assessment Regulations and this assessment, primarily due to the fact that there will be no increase in waste throughput or likely traffic generation, will not require the preparation of an Environmental Impact Statement.

The consent granted by Penrith City Council following the assessment of the Joint Regional Planning Panel involved the entirety of the subject site.

The approved development is located on a site that encompasses 1.5 hectares which, as Council is aware, was granted consent for the current operations on the subject site in 2014.

The approved development involves the sorting, processing, treatment, curing and temporary storage of approximately 77,400 tonnes per annum of contaminated soils, restricted soils, greases, oil filters, drill muds, stormwater and canal dredging materials. The processing capacity of acid sulphate soils is 22,000 tonnes per annum whilst the approved development enables 99,400 tonnes of various waste streams to be treated per annum.

The proposed alterations and additions to the approved waste facility on the subject site do not result in any increased throughput of waste material, nor does the proposal seek to enlarge the facility nor increase traffic flow to and from the subject site.

The subject works encompass a structure that will enable processing of waste to occur in a manner that avoids potential run-off and prevents the migration of dust from the storage and processing work to be carried out within the proposed structure.

In summary, the proposed structure can be classified as a shed to mitigate any adverse environmental impacts as a consequence of dust or waste material migrating off site.

2.0 THE SUBJECT SITE AND LOCALITY

Location of proposed enclosure

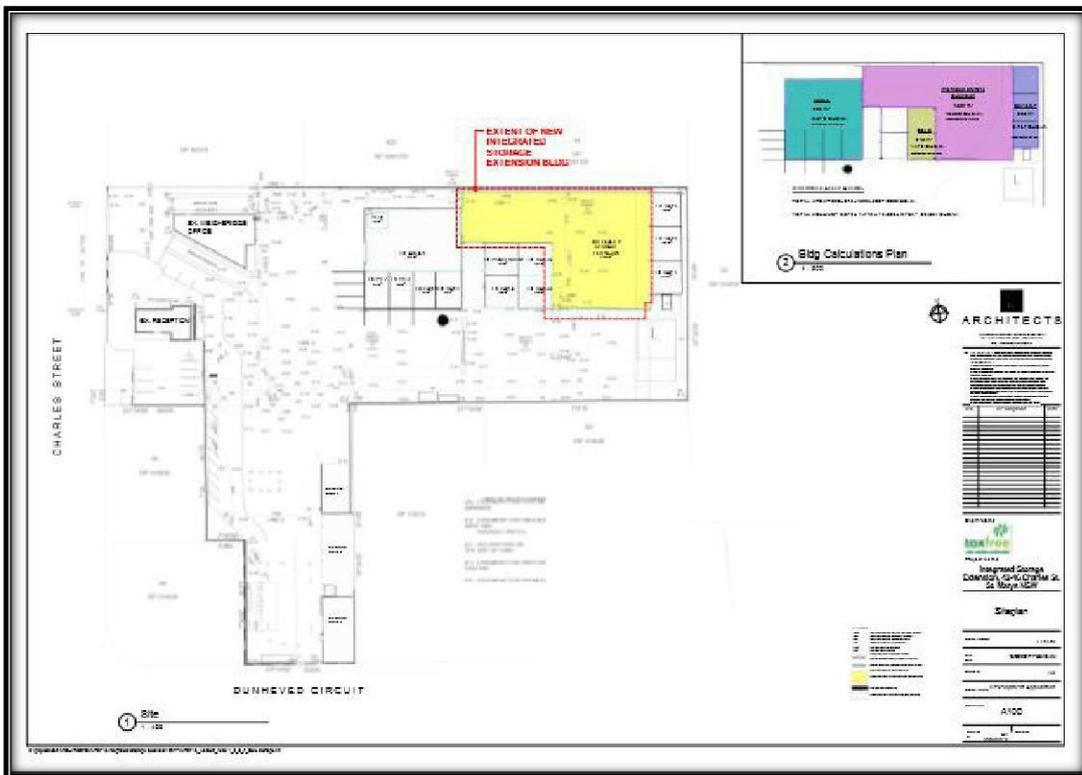
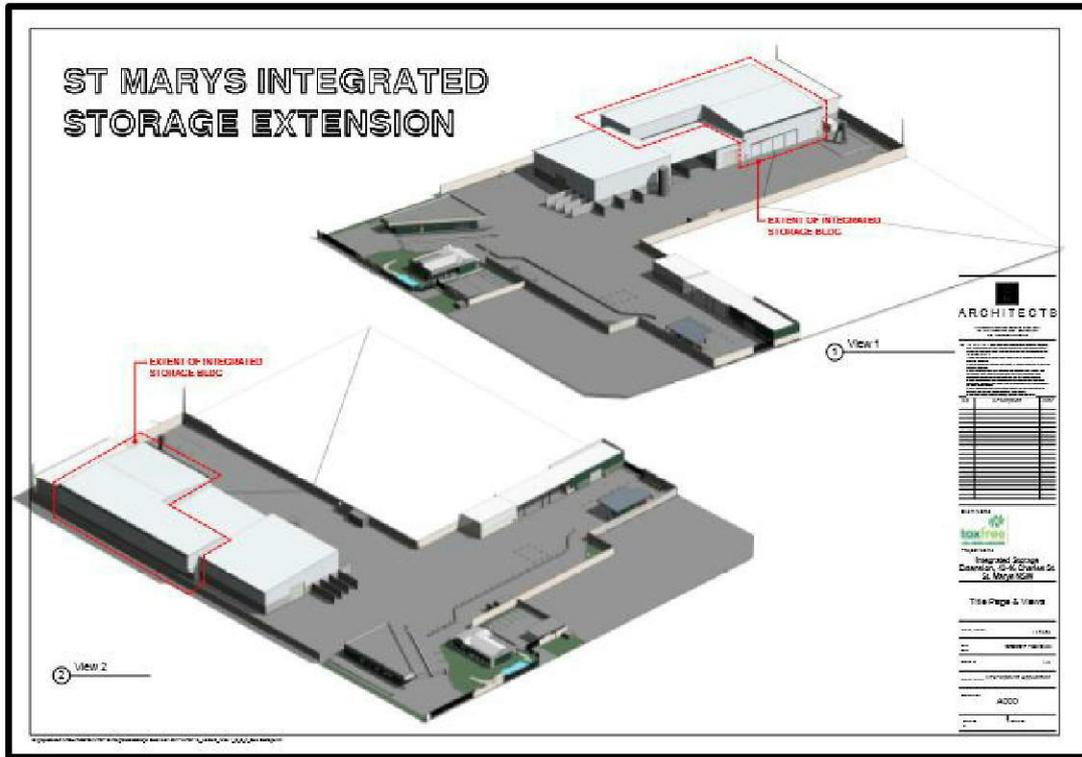


The subject site is currently operating under Development Consent 13/0471 and licences issued by the EPA as a Waste Facility.

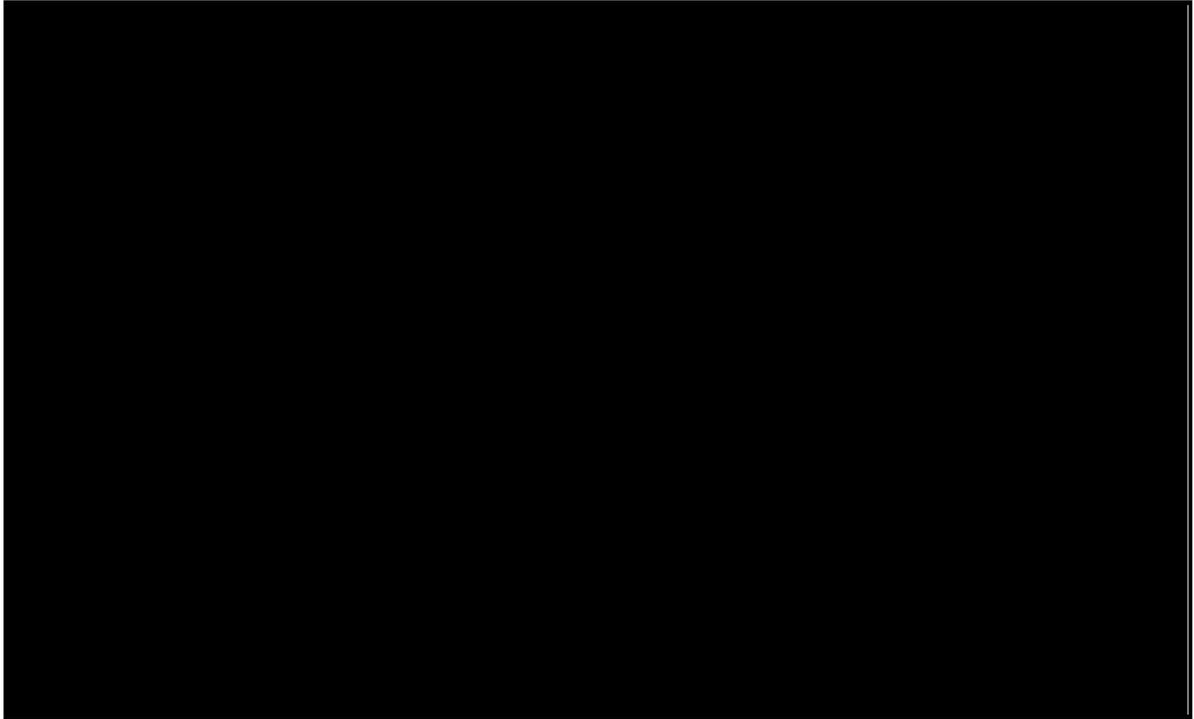


Site entry and weighbridge showing location of proposed enclosure at rear of the site.

3.0 PROPOSED ALTERATION AND ADDITIONS



Architectural Plans of Proposal



Site entry and weighbridge showing location of proposed enclosure at rear of the site.

1) Construction of an integrated shed between existing operational areas

The proposed additional enclosure provides improved containment of potential dust and odour risks during soil handling and immobilisation activities. No increase in approved annual volume is requested and treatment will be by existing processes on site.

4.0 REASONS FOR PROPOSED ALTERATIONS AND ADDITIONS

The subject works encompass a structure that will enable processing of waste to occur in a manner that avoids potential run-off and prevents the migration of dust from the storage and processing work to be carried out within the proposed structure.

5.0 PLANNING CONTEXT

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS – SCHEDULE 3, PART 2

The relevant components of the EP and A Regulations are contained within the following Clauses of Schedule 3, Part 2 in determining whether the proposed modifications are designated development.

35 Is there a significant increase in the environmental impacts of the total development?

Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.

COMMENT

There will be no significant increase in environmental impacts from the proposed enclosure apart from the visual impact (which will be minimal due to the site configuration) when compared to the approved development.

36 Factors to be taken into consideration

In forming its opinion as to whether or not development is designated development, a consent authority is to consider:

(a) the impact of the existing development having regard to factors including:

- (i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and*
- (ii) rehabilitation or restoration of any disturbed land, and*
- (iii) the number and nature of all past changes and their cumulative effects, and*

(b) the likely impact of the proposed alterations or additions having regard to factors including:

- (i) the scale, character or nature of the proposal in relation to the development, and*
- (ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and*
- (iii) the degree to which the potential environmental impacts can be predicted with adequate certainty, and*

(iv) the capacity of the receiving environment to accommodate changes in environmental impacts, and

(c) any proposals:

- (i) to mitigate the environmental impacts and manage any residual risk, and*

(ii) to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.

COMMENT

- The current environmental management performance is bound by the provisions of the parent development consent and licences issued by relevant authorities, in particular, the Environment Protection Authority and Sydney Water.
- The proposal does not require the rehabilitation or restoration of any disturbed land as a consequence of the alterations and additions.
- The cumulative impact of past changes to the development consent and the operations thereunder have been to reduce the capacity of the subject site and to invoke strong management plans to ensure performance of the site is in compliance with the relevant consents and licences thereunder.
- The proposed alterations and additions in terms of the scale, character and nature of the approved proposal are, by any measure, minor as the proposed integrated storage building will encompass approximately 5% of the subject site and will not result in any discernible change to the scale or character of the subject site when viewed from either Charles Street or Dunheved Circuit.
- The alterations and additions proposed will enable the existing approved activities on this part of the subject site to result in an improved environmental performance in terms of air, noise and water quality as well as the scenic character by virtue of the fact that the enclosure will prevent the migration of dust and sediment from the proposed storage and processing area and as such will improve the environmental performance of the site.
- In terms of certainty, the enclosure of the storage and processing area will improve the certainty of protection of the environment by virtue of the fact that the enclosure will significantly reduce the risk of adverse impacts from storm and wind events by virtue of the fact that the material likely to migrate off site will now be enclosed.
- The capacity of the receiving environment to accommodate the change will not alter as the proposed modifications will result in potentially less risk to the receiving environment.
- In terms of managing any residual risk, the enclosure of the storage and processing area enables environmental impacts to be contained within the perimeter of these works which will significantly reduce potential for any residual risk.
- The proposed enclosure will facilitate compliance with the relevant air, noise and water quality standards and codes of practice for this type of facility as laid down by the relevant Authorities, in particular Penrith City Council and the Environment Protection Authority.

PENRITH LOCAL ENVIRONMENTAL PLAN 2010

Zone IN1 General Industrial

1 Objectives of zone

- To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.*
- To encourage employment opportunities along motorway corridors, including the M7 and M4.*
- To minimise any adverse effect of industry on other land uses.*
- To facilitate road network links to the M7 and M4 Motorways.*
- To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.*
- To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.*

2 Permitted without consent

Nil.

3 Permitted with consent

Depots; Food and drink premises; Freight transport facilities; Industrial retail outlets; Industries (other than offensive or hazardous industries); Neighbourhood shops; Roads; Service stations; Transport depots; Truck depots; Warehouse or distribution centres.

4 Prohibited

Any development not specified in item 2 or 3

Comment

The proposal is defined as an Industry under the PLEP and will remain a permissible use.

21 Height of buildings

The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:

- (a) building heights will not adversely impact on the amenity of adjacent residential areas, and*
- (b) site topography has been taken into consideration.*

Comment

The height of the proposed building on the subject site is 11.5 metres. This height is consistent and lower (in many cases) than building heights in the locality.

The building height as proposed will not adversely impact upon residential areas as there are no adjacent residential areas likely to be affected by overshadowing, view loss and the like.

25 Public utility infrastructure

(1) The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

(2) In this clause, public utility infrastructure includes infrastructure for any of the following:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the supply of natural gas,*
- (d) the disposal and management of sewage.*

(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

Comment

The subject site is well served by existing public utility infrastructure and is considered sufficient with all services already available.

These services will be augmented and extended where required as part of the proposed construction works.

31 Design principles

In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not:

- (a) the development is of a high quality design, and*
- (b) a variety of materials and external finishes for the external facades are incorporated, and*
- (c) high quality landscaping is provided, and*
- (d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.*

Comment

The proposed building on the site has been carefully positioned to ensure that the building will not be visibly dominant in the locality.

32 Preservation of trees or vegetation

(1) *The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.*

(2) *This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made under Division 6 of Part 3 of the Act.*

Note. Any such development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) *A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:*

(a) *development consent, or*

(b) *a permit granted by the Director-General as the relevant planning authority for the purposes of Division 6 of Part 3 of the Act.*

(4) *This clause does not apply to a tree or other vegetation that the relevant council or the Director-General (as the relevant planning authority for the purposes of Division 6 of Part 3 of the Act) is satisfied:*

(a) *is dying or dead and is not required as the habitat of native fauna, or*

(b) *is a risk to human life or property.*

(5) *This clause does not apply to or in respect of:*

(a) *the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or*

(b) *the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or*

(a) *trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or*

(b) *action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying Act 2002, or*

(c) *plants declared to be noxious weeds under the Noxious Weeds Act 1993.*

Comment

The location of the proposed works does not contain any significant vegetation.

4.3 State Environmental Planning Policy No 33 – Hazard and Offensive Development

The provisions of the above State Environmental Planning Policy apply to the subject site and any Development Application to Council must address the applicability of the above SEPP. The proposal does not invoke the relevant provisions of the SEPP.

4.4 State Environmental Planning Policy No 55—Remediation of Land

(1) *The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.*

(2) *In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:*

(a) *by specifying when consent is required, and when it is not required, for a remediation work, and*

(b) *by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*

(c) *by requiring that a remediation work meet certain standards and notification requirements.*

Comment

The issue of site contamination was addressed in the parent consent for the Waste Facility on the subject site.

4.5 Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)

3 Aim of this plan

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Comment

The proposed alterations and additions to the subject site will be in keeping with the objectives of the Hawkesbury-Nepean River REP by ensuring that there will be no additional impact over that contemplated by the planning controls for the site.

4.6 Penrith Development Control Plan 2014

D4 Industrial Development

A. Background

This section provides controls and objectives for all industrial land in the City of Penrith.

This section provides specific controls for industrial development in addition to the general controls elsewhere in this DCP

B. General Objectives

- a) To promote industrial development which can operate in a functional, safe and environmentally friendly manner;*
- b) To minimise conflict between industrial land uses and adjacent sensitive land uses;*
- c) To ensure that development of land to which this section applies will not significantly affect the function, efficiency and safety of all classified roads and other major roads;*
- d) To promote development of a visually attractive form, design and scale, where urban elements, streetscape and built forms are integrated with the existing environment;*
- e) To retain existing vegetation and promote the integration of significant landscaped areas into the site design to minimise the impacts of built form and hardstand areas;*
- f) To manage traffic impacts and access issues for larger vehicles and loading facilities;*
- g) To address visual impacts and safety requirements of large external storage areas; and*
- h) To promote employment generation that has considered access to public transport and supporting services for improved amenity.*

COMMENT

The proposed alterations and additions will be consistent with the above Objectives, where relevant.

4.2 Building Height

A. Background

Industrial development should achieve a scale and height in keeping with the existing and desired future character of the area.

Development may not be permitted up to the maximum height specified on the Height of Buildings Map, if it will have an adverse impact on views to or from areas of visual importance or on heritage significance. This section provides guidance to applicants regarding building heights for industrial development.

B. Objectives

- a) *To encourage building forms that respond to the topography of the site and the relative position of the site to other allotments within, and to, the street; and*
- b) *To ensure a scale of building which complements the existing environment in which the site is located addressing visibility from key public spaces and the scale and context of the existing and desired streetscape*

COMMENT

The height of the proposed structure, at 11.5 metres is consistent with the relevant height controls.

4.3 Building Setbacks and Landscape

A. Objectives

- a) *To enhance the visual quality of industrial development through appropriate setbacks, building and landscape design, particularly when viewed from public areas;*
- b) *To ensure new development retains existing trees or significant stands of vegetation in the overall site layout;*
- c) *To provide functional areas of planting that enhance the presentation of a building;*
- d) *To screen undesirable views and minimise the visual impact of hard surface areas; and*
- e) *To create industrial precincts with their own intrinsic and unique landscape characteristics, which enhance the existing and/or natural landscape and character of an area.*

B. Controls

1) Setbacks

- a) *Setbacks for industrial development are to be in accordance with the standards specified in Table D4.1. These setback areas are to be landscaped, but may incorporate an off-street parking area if it can be demonstrated that the location of the car parking area:*
 - i) *Is within a setback which is at least 13m wide and set behind a landscaped area which is at least 4m wide;*
 - ii) *Promotes the function and operation of the development;*
 - iii) *Enhances the overall design of the development by implementing design elements, including landscaping, that will screen the parking area and is complementary to the development; and*
 - iv) *Does not detract from the streetscape values of the locality.*

Table D4.1: Building Setbacks for Industrial Development

Location	Minimum Building Setback
Lots fronting: <ul style="list-style-type: none"> • Castlereagh Road • Mulgoa Road 	20 metres
Lots fronting: <ul style="list-style-type: none"> • Andrews Road • Old Bathurst Road 	15 metres
Lots adjacent to: <ul style="list-style-type: none"> • Nepean River (Precinct 7 - Emu Plains) • Western Railway (Precincts 7 and 8 – Emu Plains) 	10 metres
Lots within the vicinity of “Craithes” (within Precinct 4 - North Penrith, west of Castlereagh Road)	See Figures D4.10 and D4.11
Lots adjoining “Combewood” (within Precinct 5 – North Penrith, east of Castlereagh Road)	See Figure D4.12
All other locations	9 metres
Secondary road frontages	5 metres

COMMENT

The setback to the prime street frontage, namely Charles St, will remain unchanged whilst the setback to the northern boundary will be consistent with the setbacks of the existing buildings along this boundary.

2) Visual Impact of Buildings and Hardstand Areas

- a) *The landscape design within setbacks should consider the scale of the building and where appropriate, select and locate plants to help reduce the bulk and scale of the building.*
- b) *The visual impact of large expanses of wall should be reduced in scale by architectural treatment as well as by dense grove planting or other landscape design solutions.*
- c) *Where an industrial development contains large expanses of hardstand or paved areas, the applicant must demonstrate how the development application reduces the 'heat effect' and visual impact of these large expanses.*

3) Vegetation and Landscape

- a) *The siting and layout of a development should preserve all on-site trees, significant strands of vegetation, and remnant or native bushland in accordance with the requirements of the Vegetation Management and Landscape Design sections of this DCP. Where this is not practical, the development application must justify the loss of vegetation and outline what measures are to be taken to replace it.*
- b) *Development of land on the site of a heritage item or within the vicinity of a heritage item should occur in a manner that will not result in damage or destruction of vegetation associated with that item.*
- c) *Applicants should refer to the Landscape Design section of this DCP regarding the implementation and maintenance of landscaping for the site.*
- d) *Smaller scale and less visually prominent planting should be provided to add variety and interest in the appearance of the site.*
- e) *Landscape materials should cause minimal detrimental visual impact, and the use of subtle coloured materials and block or brick paving is encouraged.*
- f) *Paving and structures shall complement the architectural style of existing buildings.*
- g) *Outdoor staff break areas should be provided and integrated into landscape areas. These areas should be provided with shade and reasonable amenity.*
- h) *Shade trees should be provided in outdoor staff break areas and along pedestrian paths and walkways.*
- i) *Plant species should be carefully selected to meet service authority requirements in easement locations.*

COMMENT

The existing landscaping to the Charles St frontage is unchanged. There will be no

loss of landscaped area as a consequence of the proposed structure.

Objectives

- a) *To encourage a high standard of architectural design, utilising quality materials and finishes appropriate for the locality;*
- b) *To ensure that development is undertaken in a sustainable manner, demonstrating this through the application of the Building Sustainability Index (BASIX), Green Star and/or Australian Buildings Greenhouse Ratings (now part of the National Australian Built Environment Rating System (NABERS) certification systems, where appropriate;*
- c) *To ensure that new development can integrate into the existing urban fabric to contribute to the creation of a visually cohesive urban environment;*
- d) *To encourage innovation in building design and the use of materials; and*
- e) *To encourage articulated and varied frontages to minimise perceived bulk and scale.*

A. Controls

- 1) *Non-residential developments including mixed use developments, with a construction cost of \$1 million or more are to demonstrate a commitment to achieving no less than 4 stars under Green Star or 4.5 stars under the Australian Building Greenhouse Rating system (now part of the National Australian Built Environment Rating System (NABERS)).*
 - a) *NABERS can be used to rate commercial offices, shopping centres and hotels.*
 - b) *Green Star can be used for projects from apartment buildings to schools, university buildings, hospitals, offices, shopping centres and industrial facilities.*
- 2) *All developments shall be designed to present a high standard of urban form incorporating innovative and attractive architectural design of all elevations and roof form; and appropriately reflect the important gateway entry roles of these precincts and the visually important access routes to the City.*
- 3) *Prominent elevations, such as those with a frontage to the street or public reserves or those that are visible from public areas, must present a building form of significant architectural and design merit. The construction of large, blank wall surfaces is not permitted.*
- 4) *Large elevations should be articulated by structural variations and/or a blend of external finishes including brick, masonry, pre-coloured metal cladding, appropriately finished 'tilt- slab' concrete or a combination of these materials (see Figure D4.13).*
- 5) *Large unrelieved expanses of wall or building mass will not be supported by Council. They should be broken up by the use of suitable building articulation, fenestration or alternative architectural enhancements.*
- 6) *Particular care should be taken in regard to:*

- a) *Designing roof elements; and*
 - b) *Locating plant and mechanical equipment including exhausts, so as screen them from a public place.*
- 7) *Architectural features, consistent with the overall design of the building, may be used to:*
- a) *Highlight entrances to buildings; and*
 - b) *Accentuate pedestrian areas and provide improved climatic amenity, particularly for buildings that will experience high volumes of pedestrian movements, using techniques such as verandahs and awnings (see Figure D4.13).*
- 8) *The development must incorporate a variety of external finishes in terms of both colour and type of material used. The external finishes (walls, roof, awnings etc.) of the development are to be:*
- a) *Made from durable high quality, low maintenance, non reflective materials;*
 - b) *Compatible with the overall design and form of the development;*
 - c) *Selected for all built forms to ensure the entire development presents a homogeneous form;*
 - d) *Considered in association with proposed plantings and landscape treatment;*
 - e) *Considered for their ability to provide visual relief in large wall surfaces and elevations; and*
 - f) *Selected to ensure the development complements the surrounding environment while reducing the temptation to vandalism and graffiti.*
- 9) *Courtyard and screen walls should be in the same material as the building facades.*
- 10) *Development within Precincts 4, 7, 8 and 9 identified as having high scenic or visual quality (see Section 4.2 of this Section under 'Controls') shall use primarily natural and earthy tones for external finishes.*
- 11) *Development applications for new buildings or additions to existing buildings are to be accompanied by a Schedule of External Finishes and Colours, demonstrating compliance with the above requirements.*
- 12) *Any office and administration component is to be located to the main frontage of the building and be designed as an integral part of the overall building, rather than a 'tack on' addition.*
- 13) *The main office administration component is to have a designated entry point that is highly visible and directly accessible from visitor parking and the main street frontage.*
- 14) *The entry, design and layout of the main office or administration component is to consider the principles of Universal Design and incorporate, if possible:*
- a) *A level or graded path from the car park area to the entrance;*
 - b) *A level entry (no steps);*
 - c) *An accessible toilet;*

- d) *Easy access doors and corridors; and*
- e) *Accessible placement of switches, power points and window controls.*
- 15) *Where the nature of the industrial development will attract clients/visitors to the site, consideration should be given to incorporating the above accessibility features into that part of the building likely to be used by clients/visitors.*
- 16) *All loading areas should be located towards the rear of allotments. Where possible, loading areas should be screened from the view of main road frontages through physical and/or vegetation screening (see Figures D4.7 and D4.9). Figure D4.13 (a): Illustration of Possible Techniques to Articulate Large Buildings (Elevation)*

COMMENT

The alterations and additions will be barely visible for either Charles St or Dunheved Circuit however, all external finishes will be consistent with the existing buildings and will not be visually intrusive when viewed from nearby public spaces.

4.4 Storage of Materials and Chemicals

A. Objectives

- a) *To ensure that external storage of goods does not detract from the visual amenity of industrial areas, streetscapes or adjoining residential areas;*
- b) *To ensure that the storage and use of chemicals that are potentially hazardous to humans occurs in a safe and responsible manner and minimises the risk of accidental injury or loss of life; and*
- c) *To ensure that the storage and use of potentially polluting substances occurs in an environmentally responsible manner, and will not have any detrimental impact on the environmental quality of the surrounding area.*

B. Controls

- 1) *External storage of goods must be avoided, wherever possible. Where the nature of the activity or the materials means that internal storage is impractical, all external storage areas must be located behind the front building setback. In addition, when assessing development applications involving external storage of goods, Council will take into consideration:*
 - a) *The proposed height and on-site arrangement of stored goods;*
 - b) *The visual impact of the storage area and how this is proposed to be minimized (orientation, screening with landscaping and/or solid fencing, etc.);*
 - c) *Access arrangements; and*
 - d) *Safety issues.*

- 2) *For sites with multiple frontages, either to roads or to the main western railway line, the location and orientation of external storage areas shall minimise visual impact from all potential view points (see Figures D4.9 and D4.14).*
- 3) *Rain water tanks are not to be visually intrusive from the main street frontage or other public areas (see Figures D4.9 and D4.14).*
- 4) *If the development involves the storage of chemicals on the site, a Chemical Use and Storage Report may be required (see Appendix F3 'Submission Requirements' for further details). A chemical use and storage report will not be required when:*
 - a) *The use of chemicals is for routine cleaning and the chemicals to be used are of household or hospital grade;*
 - b) *The total quantity of chemicals to be routinely used or stored on the site does not exceed 100 litres;*
 - c) *The chemicals to be used or stored are not of sufficient acidity, alkalinity or strength to cause significant harm on skin contact, or to the environment if a spill were to occur; and*
 - d) *The application outlines the methods proposed to be used to minimise the potential for spills.*

COMMENT

No changes are proposed to the quantity or location of material storage apart from the fact that the proposed integrated storage building will allow a greater degree of control over materials stored within the structure.

4.5 Accessing and Servicing the Site

A. Objectives

- a) *To ensure the safe and efficient movement into and out of an industrial development without adversely affecting the existing and future service and safety levels of the road;*
- b) *To ensure industrial development provides sufficient parking on-site to accommodate all parking demands generated by the development while ensuring safe and efficient movement of vehicles within the site;*
- c) *To encourage the development of a parking layout that enhances the function and appearance of the industrial development; and*
- d) *To ensure that cyclist and pedestrian needs are adequately and safely accommodated in all industrial areas.*

B. Controls

- 1) *New industrial developments with direct access onto Castlereagh Road, the Great Western Highway or Parker Street will need to provide a deceleration lane in accordance with the Roads and Traffic Authority Guidelines.*
- 2) *Development on newly created allotments that front Castlereagh Road,*

the Great Western Highway, Parker Street or a classified road shall ensure that:

- a) *The allotment of land was created in accordance with a subdivision approved pursuant to this DCP; and*
 - b) *Access to the allotment is in accordance with the access arrangements approved with the subdivision.*
- 3) *Industrial development shall, where appropriate, be designed to:*
- a) *Allow all vehicles to enter and leave the site in a forward direction;*
 - b) *Accommodate heavy vehicle parking and manoeuvring areas;*
 - c) *Avoid conflict with staff, customer and visitor vehicular and cycle movements; and*
 - d) *Ensure satisfactory and safe operation with the adjacent road system.*
- 4) *In determining access and servicing requirements, Council will take the following into consideration:*
- a) *The location, type and scale of the proposed development;*
 - b) *The compatibility of the location and design of the car park with adjoining properties;*
 - c) *Traffic Authority Guidelines and comments of the Local or Regional Traffic Committee(s); and*
 - d) *The potential for the development to generate heavy vehicle movements.*
- 5) *Full details of the volume, frequency and type of vehicle movements shall be submitted with the development application.*
- 6) *In general, turning circles will be required to be provided to accommodate the largest type of truck which could reasonably be expected to service the site. All developments must be designed and operated so that a standard truck may complete a 3-point or semi-circular turn on the site without interfering with parked vehicles, buildings, landscaping or outdoor storage and work areas. Large scale developments shall be designed to accommodate semi-trailers. In the case of the conversion of an existing development, should it appear that a truck turning circle may prove difficult, a practical demonstration may be required.*
- 7) *Council will assess the suitability of manoeuvring areas provided for large vehicles by reference to the Standard Vehicle Turning Templates which appear in Figures A.5a (small rigid truck), A.7a (large rigid truck) and A.9a (large articulated truck) of the Roads and Maritime Services publication "Policies Guidelines and Procedures for Traffic Generating Developments".*
- 8) *Adequate space is to be provided within the site for the loading, unloading and fuelling (if applicable) of vehicles. These areas shall be screened from the road.*
- 9) *Car parks, aisles and manoeuvring areas shall be designed with function and safety in mind, and have minimum dimensions conforming with the Australian Standards 2890 Parking Facilities. The relevant parts of this standard are AS2890.1 Off-street parking, AS2890.2 Commercial vehicle*

facilities and AS2890.3 Bicycle parking facilities. In addition, the following elements should also be considered:

Where the nature of the industrial development will attract clients/visitors to the site, the following elements shall be included in the car park design:

- a) The internal (vehicular) circulation network is to be free of disruption to circulating traffic and ensure pedestrian safety;*
- b) The car park should, where possible, be designed with wheel stop kerbs only, rather than a barrier kerb between parking areas and pedestrian pathways;*
- c) The movement of pedestrians throughout the car park is clearly delineated by all users of the car park and minimises conflict with vehicles;*
- d) Where parking spaces are to be provided for people with disabilities, these spaces are to be:
 - i) Suitably located near entrances to the building, lifts and access ramps (if required);*
 - ii) Provided in accordance with AS1428.1 Design for Access and Mobility; and*
 - iii) Supplemented by the installation of appropriate tactile pavement treatments where required;**

Major developments such as multi unit industrial developments and other significant industrial developments shall make adequate provision for bicycle parking.

COMMENT

No changes are proposed to site access.

6.0 SECTION 79C ASSESSMENT

Environmental Planning Instruments

The existing development is a permissible development under the provisions of the PLEP 2010.

Development Control Plans

The development is bound by the provisions of the Penrith DCP. The proposed development is generally in keeping with the outcomes and controls of this plan.

Section 79C Merit Assessment.

Assessment of the Section 96(1A) Application requires consideration under the provisions of Section 79C of the Environmental Planning and Assessment Act in terms of the merits of the proposal.

Broadly speaking, Section 79C considerations can be categorized as — likely impacts on the natural environment, built environment, social and economic environment, and site suitability.

Impact on the Natural Environment.

The proposed modifications will not adversely impact upon flora and fauna, soil or water quality, air quality or the conservation of natural resources.

Impact on the Built Environment.

- **Scenic qualities** – The proposed alterations and additions are consistent with the current and future character of the locality as expressed within the relevant planning controls.
- **Compatibility with adjacent land uses** – The proposed alterations and additions will not alter the compatibility with the adjacent land uses.
- **Bulk and scale** – The bulk and scale of the proposed alterations and additions will be in keeping with that of surrounding properties.
- **Overshadowing** – The proposed alterations and additions will not unreasonably impact upon the solar access to nearby sites.
- **Views and vistas** – There are no unreasonable impacts upon views and vistas across or around the subject site.
- **Site design** – The proposed alterations and additions have been designed to meet the subject site requirements. Vehicle access, building layout and landscaping will remain unchanged.
- **Public domain** – The proposed alterations and additions have been designed to ensure minimal impact on the public domain.
- **Amenity Impacts** – I consider that there are no unreasonable amenity impacts from the proposed alterations and additions.

Impact on the Social and Economic Environment.

The proposed alterations and additions will not result in any adverse, social or economic impacts.

Suitability of the Site.

The subject site, by virtue of its topography, size and locality is suitable for the proposed alterations and additions.

The Public Interest

The proposed alterations and additions will not unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

7.0 CONCLUSION

The proposed alterations and additions to the existing approved waste facility satisfactorily address the provisions of Clause 35 and Clause 36 of Part 2 of Schedule 3 of the Environmental Planning and Assessment Regulations.

The above Clauses enable the consent authority (Penrith City Council) to assess whether or not the proposed modification constitutes designated development.

As can be seen from the authors responses to Clauses 35 and 36, it is very clear that the proposal does not trigger the provisions of designated development and, due to its capacity to result in an approved environmental outcome for the subject site, I believe that the proposal is worthy of consent and does not constitute designated development.

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14th February 2017