

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA21/0601
Description of development:	Change of Use for a Proposed E-Waste Recycling Facility
Classification of development:	Class 7b

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 191 DP 1135763
Property address:	8 Kommer Place, ST MARYS NSW 2760

DETAILS OF THE APPLICANT

Name & Address:	Ace Recycling 18-20 Stuart Treet SMITHFIELD NSW 2164
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DECISION OF CONSENT AUTHORITY

In accordance with Section 4.18(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	8 December 2021
Date the consent expires	8 December 2026
Date of this decision	1 December 2021

POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	Donna Clarke
Contact telephone number:	(02) 4732 7991

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in attachment 1.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent.

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within twelve months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within twelve months of receiving this Notice of Determination.

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 56 days after the date of this notice.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the stamped approved plans and conditions of consent under DA 11/0362 and DA 16/1240, as amended by this application including the Statement of Environmental Effects prepared by Wild Environment dated August 2021, the application form and any supporting information issued by Penrith City Council and by the following conditions.

Note: The 12,000L diesel tank shown on the stamped approved plans under DA 16/1240 has been removed from the site and is not to be reinstated without separate approval of Council.

- 2 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-Advertising Signs.
- 3 All materials and goods associated with the use shall be contained within the building at all times.
- 4 This consent permits alterations to the existing approved Waste Management Facility on 8 Kommer Place, as follows:
 - Change to the existing approved use for recycling of paper, cardboard and plastic material (DA 11/0362 and DA 16/1240) to recycling of up to 5,900 tonnes per annum of e-waste and plastic recycling.
 - Less than 1,000 tonnes or 1,000 cubic metres of waste would be stored at any one time.
 - E-waste would be accepted from large suppliers (no public acceptance).
 - Recycling activities would largely comprise acceptance and dismantling of whole e-waste units (TVs, computers, stereos etc) into their component parts, being plastics, printed circuit boards, glass, batteries and metal. These would be sorted (eg. metals would be sorted into ferrous and non-ferrous metals) and sent to downstream recyclers for further processing.
 - Conduct value-add plastics recycling by processing the plastics from e-waste into added raw materials using automated equipment.
 - Processing would be carried out within existing buildings, with storage of segregated products stored within existing buildings and under existing external awnings and must be maintained in a neat and orderly manner.
 - Unloading and load-out would be carried out on site.
 - Storage of hazardous goods on site is not permitted.

Environmental Matters

- 5 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

- 6 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.
- 7 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

SIGNATURE

Name:	Donna Clarke
Signature:	

For the Development Services Manager