

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/0589
Proposed development:	Fit Out and Change of Use to a Waste Transfer Facility and Associated Signage
Property address:	137 Coreen Avenue, PENRITH NSW 2750
Property description:	Lot 301 DP 860777
Date received:	14 June 2018
Assessing officer	Gannon Cuneo
Zoning:	IN1 General Industrial - LEP 2010
Class of building:	N/A
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for fit out and change of use to a waste transfer facility and associated signage at 137 Coreen Avenue, Penrith. The subject site is zoned IN1 General Industrial under *Penrith Local Environmental Plan 2010* (LEP). The proposal is defined as a waste or resource transfer station and is a prohibited land use under the LEP. The proposed development relies on the provisions of *State Environmental Planning Policy (Infrastructure) 2007* for permissibility.

The application was notified to nearby and adjoining properties and advertised in the local newspaper between 21 June and 5 July 2018. No submissions were received in response.

An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to recommended conditions.

Site & Surrounds

The subject site is located on the northern side of Coreen Avenue at the intersection of Coreen Avenue and Coombes Drive. The site is located within an established industrial area with surrounding land uses consisting of vehicle repair stations, industrial retail outlets and warehouses.

The site is occupied by a number of existing buildings used as industrial retail outlets and warehouses. The existing building to which the subject application is located was approved under DA985025.

Proposal

The proposed development involves the use of an existing industrial building as a waste and resource transfer facility. The site will be used as a large scale 'return and earn' facility where customers are able to drop off bulk containers of bottles and cans for a refund. The development is facilitated by St Vincent De Paul Society as part of the initiative from the NSW Government.

The applicant has advised that once the development reaches full capacity, it is anticipated that the site will receive 200,000 containers per week. With an average weight of 18 grams, the proposal is expected to receive 3.6 tonnes of waste per week which totals approximately 187 tonnes of waste per year. As such, the proposal does not trigger the consent requirements for designated or integrated development.

The proposal also involves internal fit out of the building to ensure compliance with the Building Code of Australia.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 91- Integrated development

The development has been assessed in accordance with the matters for consideration under Section 4.15 and Section 4.46 of the *Environmental Planning and Assessment Act 1979* (the Act). Having regard to those matters, the proposal is required to consider the triggers for integrated development as outlined under Clause 4.46(1) of the Act, as it involves the processing of waste.

Schedule 1 of the *Protection of the Environment Operations Act 1997* outlines the triggers for waste processing activities. The proposal includes processing of 187 tonnes of waste per annum, which is significantly less than the criteria for non-thermal treatment of general waste. Therefore, the proposed development is not considered integrated development. The proposal has considered the triggers for integrated development and suitably demonstrated compliance with the requirements of Clause 4.46 of the Act.

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

State Environmental Planning Policy (Infrastructure) 2007

Division 23 of the SEPP provides controls relating to 'waste or resource management facilities'. The proposed development is suitably defined as a 'waste or resource transfer station'.

Under the provision of Clause 121(2)(a) development for the purpose of a waste or resource transfer station, may be carried out by a person with consent on land in a prescribed zone. In this case, the IN1 General Industry zone is identified as a prescribed zone and the proposed waste or resource transfer station is permissible with consent.

Given the above, the proposal is considered satisfactory in regards to the requirements under the Infrastructure SEPP.

State Environmental Planning Policy No 64—Advertising and Signage

An assessment has been undertaken of the application against relevant criteria within State Environmental Planning Policy No 64—Advertising and Signage:

The proposed signage is consistent with the aims and objectives of SEPP 64. An assessment under Schedule 1 has been undertaken below:

Criteria	Compliance – Yes/No
1. Character of the Area	
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	Yes
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	Yes
2. Special Areas	
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	Colours and size are sympathetic to the surrounding area.
3. Views and Vistas	
<i>Does the proposal obscure or compromise important views?</i>	No
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	No
<i>Does the proposal respect the viewing rights of other advertisers?</i>	Yes
4. Streetscape, setting or landscape	
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	Yes
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	Yes
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	Yes
<i>Does the proposal screen unsightliness?</i>	Yes
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	No
<i>Does the proposal require ongoing vegetation management?</i>	No
5. Site and building	

<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	Yes
<i>Does the proposal respect important features of the site or building, or both?</i>	Yes
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	Yes
6. Associated devices and logos with advertisements and advertising structures	
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	N/A
7. Illumination	
<i>Would illumination result in unacceptable glare?</i>	No illumination proposed.
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	No
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	No - conditions of consent to be imposed.
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	N/A
<i>Is the illumination subject to a curfew?</i>	N/A
8. Safety	
<i>Would the proposal reduce the safety for any public road?</i>	No
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	No
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	No

The application is considered satisfactory subject to recommended conditions of consent.

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) and the application is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion

Clause 2.3 Permissibility

The proposed development is defined as a waste or resource transfer station. The proposal is not identified as a permissible use in the IN1 zone under *Penrith Local Environmental Plan 2010* and relies on *State Environmental Planning Policy (Infrastructure) 2007* for permissibility.

Clause 2.3 Zone objectives

The objectives of the IN1 zone are:

- *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 utilises existing infrastructure to provide employment opportunities and an appropriate industrial use on the site. The proposed development is in keeping with the objectives of the general industrial zone and is supported in this instance.

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

There are no draft Environmental Planning Instruments that apply to 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
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
D4.1. Key Precincts	Complies - see Appendix - Development Control Plan Compliance
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 - see Appendix - Development Control Plan Compliance
D4.8 Lighting	Complies - see Appendix - Development Control Plan Compliance

Section 79C(1)(a)(iiia) 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

The proposed development complies with the requirements of the Regulations.

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

Context and Setting

In assessing the likely impacts of the development regarding the context and setting of the proposal, it is considered that :

- the proposed development will not result in any unsightly views or block any significant views; and
- the proposal is consistent in design with existing industrial developments in the locality as the existing building will remain as is from the exterior; and
- the proposed signage is of a scale that is suitable for the development on the subject site.

Therefore, the proposal is supportable in this instance as it is sympathetic to the existing and future industrial character of the locality and will have minimal impact on the character of the established industrial area.

Access, Transport and Traffic

The implications on access, transport and traffic arising from the development are minimal as:

- The proposed vehicular access and carparking remain and are in accordance with AS2890;
- The proposed works do not necessitate any additional parking;
- The development is unlikely to result in an increase in traffic movements; and
- The site is accessible from nearby collector roads.

The proposal provides 5 parking spaces - 2 visitor and 3 employee spaces. The proposed traffic arrangements involve entering the site from Coreen Avenue, customers unloading waste from their vehicles within the building and leaving the site without requiring any additional parking.

Noise and Odour

The proposed development will not produce any concerns relating to noise and odour. Containers to be deposited at the waste facility are required to be cleaned prior to disposal which will reduce any opportunity for odour.

The development will operate within the building to reduce any potential acoustic impacts on the adjoining properties. The proposed hours of operation are suitable for the development and is not anticipated to produce any adverse acoustic impacts.

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

The site is suitable for the proposed development for the following reasons:

- The proposal is to provide a suitable use of an existing industrial building;
- The proposal is a permissible land use in the IN1 General Industrial zone under the provisions of *State Environmental Planning Policy (Infrastructure) 2007*;
- The proposal is consistent with the objectives of the zone;
- Adequate on-site parking has been provided for the development; and
- The proposal would have minimal impact on the amenity of the surrounding developments.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of *Penrith Development Control Plan 2014*, the proposed development was notified to nearby and adjoining properties between 21 June and 5 July 2018. No submissions were received in response to the exhibition period.

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
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions

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

The proposed development is consistent with the objectives of the *Environmental Planning and Assessment Act 1979* in so far as it promotes the co-ordinated, orderly and economic use and development of the land. As a result Council may be satisfied that the development subject to conditions is in the interest of the public.

Conclusion

The proposed development is appropriately located within IN1 General Industrial zone and is consistent with the aims and objectives of *Penrith Local Environmental Plan 2010* and *Penrith Development Control Plan 2014*.

Furthermore, the development performs adequately in terms of its relationship to the surrounding built and natural environment, particularly in relation to likely impacts upon surrounding properties. Consequently, the proposal is supported from an environmental planning perspective.

Recommendation

1. That DA18/0589 for the fitout and use of an existing industrial building as a waste transfer facility and associated signage at 137 Coreen Avenue, Penrith be approved subject to the attached conditions.

CONDITIONS

General

1 A001

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

Title	Reference	Issue	Author	Date
Construction, Site & Waste Management Plan	18243/001	A	Ark Express	05/06/18
Elevations	18243/201	B	Ark Express	05/06/18
Sections	18243/202	A	Ark Express	02/05/18
Proposed Ground Floor Plan	18243/103	B	Ark Express	05/06/18
Sections and WC	18243/104	B	Ark Express	05/06/18
Signage	18243/501	B	Ark Express	05/06/18

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

3 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 or approved by this consent, is to be submitted to Penrith City Council, complying with the requirements of *Penrith Development Control Plan 2014* and *State Environmental Planning Policy No. 64 - Advertising and Signage*.

4 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The operating hours are from 8.00am to 3.30pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Delivery and service vehicles generated by the development are limited to the approved operating hours.

5 A046 - Obtain Construction Certificate before commencement of works

A **Construction Certificate** shall be obtained prior to commencement of any building works.

6 A Special (BLANK)

No signage is to be illuminated.

7 A Special (BLANK)

A minimum of 1 x staff member is to supervise operations at all times.

8 A Special (BLANK)

The development is shall not receive more than 200 tonnes of waste per annum. In the event that the site will receive more than the approved amount of waste, a development application shall be lodged and approved by Council to increase the operating capacity.

Environmental Matters

9 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.

10 D010 – Appropriate disposal of excavated or other waste

All 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.

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.

11 D014 - Plant and equipment noise

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.

12 D Special ODOUR

In the event that Council receives complaints regarding odours from the premises, an Odour Assessment and Odour Management Plan is to be submitted to Council which outlines mitigation measures to manage any odours resulting from the use of the premises. The Odour Assessment and Odour Management Plan is to be prepared by a suitably qualified and experienced professional.

BCA Issues

13 E002 - BCA ISSUES TO BE ADDRESSED

In accordance with the requirements of Clause 94 of the *Environmental Planning and Assessment Regulation 2000*, the following works are to be completed to ensure the fire safety of the occupants;

- All exit doors are to be fitted with latching devices that comply with Clause D2.21 of the Building Code of Australia (BCA); and
- Handrails and balustrades are to comply with Part D2 of the BCA.

14 E006 - Disabled access and facilities

Access for persons with disabilities is to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility".

15 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.
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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.

16 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

17 [H01F - Stamped plans and erection of site notice 2](#)

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 on completion of earthworks or construction works and when a Compliance Certificate has been issued by the Principal Certifying Authority certifying that the development has complied fully with the development consent and, where required, been constructed in accordance with the Construction Certificate.

18 [HSpecial - Mud/Dust/Soil](#)

Mud, dust and soil from vehicular movements to and from the site must not be deposited on the road.

Engineering

19 [K101 - Works at no cost to Council](#)

All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

20 [K201 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

21 [K511 - Directional signage](#)

Prior to the issue of any Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

Certification

22 [Q006 - Occupation Certificate \(Class 2 - 9\)](#)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building / tenancy and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

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

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

Prior to the commencement of any earthworks or 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.

24 **Q9 - Flood Risk Advice**

You are advised that Penrith City Council's current adopted flood level for this location is RL 25.4m AHD. Council's adopted Flood Planning Level is RL 25.9m AHD (Flood Planning level = adopted flood level + 0.5m freeboard). The existing floor levels of the development vary from RL 25.64m to RL 25.94m AHD (approximately 0.24m - 0.54m above the standard flood level). Use of this development should reflect the flood risk.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C10 Transport, Access and Parking

The proposed development does not seek to amend any transport, access or parking arrangements.

D4 Industrial Development

4.1 Key Precincts

The subject site is located within Precinct 5. The relevant development controls relating to the precinct have been applied during the assessment of the application.

4.2 Building Height

The proposal includes use of an existing building which is below the maximum height of buildings permitted under Clause 4.3 of the LEP which is 12 metres. In addition, the existing building has a ridge line which is below that of existing buildings on the site and a 24 metre concrete batching plant directly to the north of the subject site.

4.2 Building Setback and Landscape

The proposal is for the use of an existing building and no changes are proposed to the setbacks or landscape.

4.4 Building Design

The proposal is for the use of an existing building and includes installation of a number of signs to the exterior of the building. No changes are proposed to the external colours or finishes of the building.

4.5 Storage of Materials and Chemicals

The proposal does not include the storage of any materials or chemicals. Conditions will be imposed to ensure compliance with this section is achieved.

4.6 Accessing and Serving the site

The existing site arrangement allows vehicles to enter and exit the site in a forward direction. The proposal does not include any amendments to existing access and parking arrangements.

4.7 Fencing

The proposal does not include any amendments to existing fencing on the site.

4.8 Lighting

The proposal does not contain details of the proposed lighting for the development. Existing lighting for the site will be utilised for the on going use of the site.

Having considered the configuration of the site and the location of the proposed structure, it is considered that the proposal would have minimal impact on the functioning and character of the established industrial area. In addition, the proposal has demonstrated the objectives of the DCP have been achieved through providing a land use that is compatible with the existing character of the industrial area. Based on the above, the proposal has demonstrated compliance with the requirements of Chapter D4 of the DCP.