

ST MARYS RESOURCE RECOVERY FACILITY

Appendix J: Statement of Development Standard Exception

28 JULY 2017

Incorporating



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BINGO RECYCLING PTY LTD ST MARYS RESOURCE RECOVERY FACILITY

Appendix J: Statement of Development Standard Exception

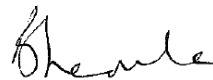
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Report No 1

Date 27/06/2017

This report has been prepared for Bingo Recycling Pty Ltd in accordance with the terms and conditions of appointment for St Mary's Resource Recovery Environmental Impact Statement dated January 2017 Arcadis Australia Pacific Pty Limited (ABN 76 104 485 289) cannot accept any responsibility for any use of or reliance on the contents of this report by any third party.

REVISIONS

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A	24/03/2017	Draft Statement of Development Standard Exception	ZQ	CH
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1 INTRODUCTION

1.1 Proposal Overview

St Mary's Recycling Pty Ltd, a subsidiary of Bingo Industries Limited (Bingo Industries), operates an existing Resource Recovery Facility (RRF) at 25 Dunheved Circuit, St Marys. The RRF operates under development consent (DA01/1034), which was issued by Penrith City Council (Council) in June 2001, development consent (DA15/1042), which was issued by Council in June 2016, and an Environmental Protection Licence (EPL) from the New South Wales (NSW) Environmental Protection Authority (EPA), EPL No. 20621.

Bingo Recycling Pty Ltd (the Applicant), also a subsidiary of Bingo Industries, is seeking approval to extend the existing RRF onto the neighbouring property; 21 Dunheved Circuit (the Proposal). The proposed RRF would extend across 21 Dunheved Circuit and 25 Dunheved Circuit (the Proposal site) in order to optimise operations and facilitate a throughput of 350,000 tonnes per annum (tpa) of general solid waste (non-putrescible).

The EIS is seeking approval, under Part 4, Division 4.1 of the Environmental Planning and Assessment Act 1979 (EP&A Act), for the construction and operation of the Proposal. The key components of the Proposal would include:

- Demolition of all structures, except for electrical substations, at 21 Dunheved Circuit
- Demolition of a section of the eastern wall of the approved processing shed at 25 Dunheved Circuit to provide access between the existing processing shed and the proposed extension to the processing shed
- Extension of the processing shed and external hardstand onto 21 Dunheved Circuit
- Relocation of existing, and provision of additional, on-site car parking spaces
- Extension of the existing site office on 25 Dunheved Circuit
- Widening the existing driveway access to 25 Dunheved Circuit to separate vehicle access and egress
- Provision of a second vehicle egress point along Dunheved Circuit
- Installation of a new 20 m long in-ground weighbridge at the vehicle egress point
- Installation of two in-ground wheel wash bays at the exit weighbridges
- Relocation of four stormwater detention (OSD) tanks and installation of a new rainwater reuse tank
- Relocation of the 30,000 L self-bunded fuel tank
- Extension of a dust suppression and sprinkler system
- Installation of a designated chemical and Liquefied Petroleum Gas (LPG) storage area
- Installation of landscaping
- Upgrade of two intersections comprising minor widening at the intersections of Dunheved Circuit loop to Dunheved Circuit (both the northern and southern legs)

The key operational components of the Proposal would include:

- Increasing operational (including processing and waste delivery and collection) hours to 24 hours per day, Monday to Saturday (no works on Sundays or public holidays would be undertaken)

- Processing of up to 350,000 tpa of non-putrescible waste
- Waste storage of up to 20,000 tonnes of non-putrescible waste at any given time

Waste streams to be received, and processed waste streams, include a range of non-putrescible waste types. Appendix A provides a list types that would be processed.

The key components of the Proposal are shown in Figure 1-1.

1.2 Background to the Proposal

Number 25 Dunheved Circuit has operated as a RRF since 2001. Initially the structures consisted of a temporary above-ground weighbridge, small modular cabin and a workshop/storage shed at the rear of the site. The approval allowed for the processing of waste, however waste materials were not permitted to be stored outside buildings (unless within waste bins). Waste was sorted into light and heavy fractions. The light fraction was sent for further recycling at other facilities, with a portion ending up in landfill. The heavy stream was sent to other Bingo recycling facilities for processing and resource recovery.

On 20 June 2016, development consent (DA15/1042) was acquired for the redevelopment of 25 Dunheved Circuit, to construct and operate an enclosed RRF which would substantially improve the resource recovery rate and the environmental performance of the site.

Construction of the RRF at 25 Dunheved Circuit commenced in November 2016 and was completed in April 2017. The RRF at 25 Dunheved Circuit (the existing RRF) has been operational since this time.

1.3 Background to the Development Standard Exception

The Applicant is seeking approval for the extension of an existing processing shed located on the Proposal site. The proposed extension to the processing shed is to be located within the eastern section of the Proposal site and would be situated approximately 20 metres from the main entrance (Figure 1-1).

This statement has been prepared to facilitate an exception to a development standard for the Proposal. This statement of development standard exception accompanies a State Significant Development Application for approval of the Proposal under Part 4 Division 4.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The report seeks an exception to clause 4.3 'height of buildings' included within the *Penrith Local Environmental Plan 2010* (PLEP 2010). This variation has been prepared in accordance with clause 4.6 of the PLEP 2010 which facilitates for exceptions to development standards under special circumstances.

This report has been prepared by Arcadis on behalf of the Applicant. It should be read in conjunction with the Environmental Impact Statement (EIS) and Concept Design Plans prepared for the Proposal.

1.4 Proposal justification

The Applicant is seeking a variation to the development standard to facilitate for the ongoing viable use of the Proposal site as a Resource Recovery Facility (RRF).

A detailed justification for the Proposal, including the proposed built form, is provided in Section 3 of the EIS. In summary, there is an inherent need for new resource recovery facilities on account of the following factors:

- Rates of C&D waste has grown substantially
- Landfill capacity is limited and there are currently no new sites under construction

- The NSW Government has established ambitious targets of 80 per cent recovery rates for resource recovery facilities thus increasing the demand for new resource recovery facilities
- The EPA proposed minimum recycling standards for C&D recycling facilities thus reducing the volume of C&D waste that can be transported to Queensland.

Table 1-1 provides a summary of the justification for the Proposal.

Overall, the Proposal, including the proposed built form, is considered consistent with the ongoing objectives for the provision of waste services on the Proposal site and is consistent with the strategic planning policy. In addition, the Proposal and the proposed built form were considered the most suitable of the proposed alternatives, and would assist in the efficient and effective delivery of waste management services to the local and surrounding communities.

Table 1-1 Justification for the Proposal

Justification	Summary
Strategic purpose	In summary, the need and strategic justification for the Proposal is to: • Maximise the usability and efficiency of on-site waste management activities • Minimise the costs of operations associated with the waste levy required under Section 88 of the <i>Protection of the Environment Operations Act 1997</i> • Improve the service of waste provided to meet the requirements of the current and projected Penrith City population • Promote improved environmental management and limit impacts on the surrounding natural environment
Strategic Planning	The ongoing use of the Proposal site for the purpose of resource recovery is influenced by, and consistent with the following state and local planning policy: • NSW Governments 2014: A Plan for Growing Sydney • National Waste Policy: Less Waste, More Resources • NSW Waste Avoidance and Resource Recovery Strategy 2014-2021 • Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017
Alternative proposed	A number of alternatives were considered relating to both design and location of the Proposal including: • Other resource recovery locations • Not proceeding with the Proposal (Do nothing option) • Alternative for the site layout and design Ultimately, the Proposal site was considered most suitable for the Proposal and the design proposed is considered optimal for meeting the needs of the resource recovery facility.

Appendix J: Statement of Development Standard Exception

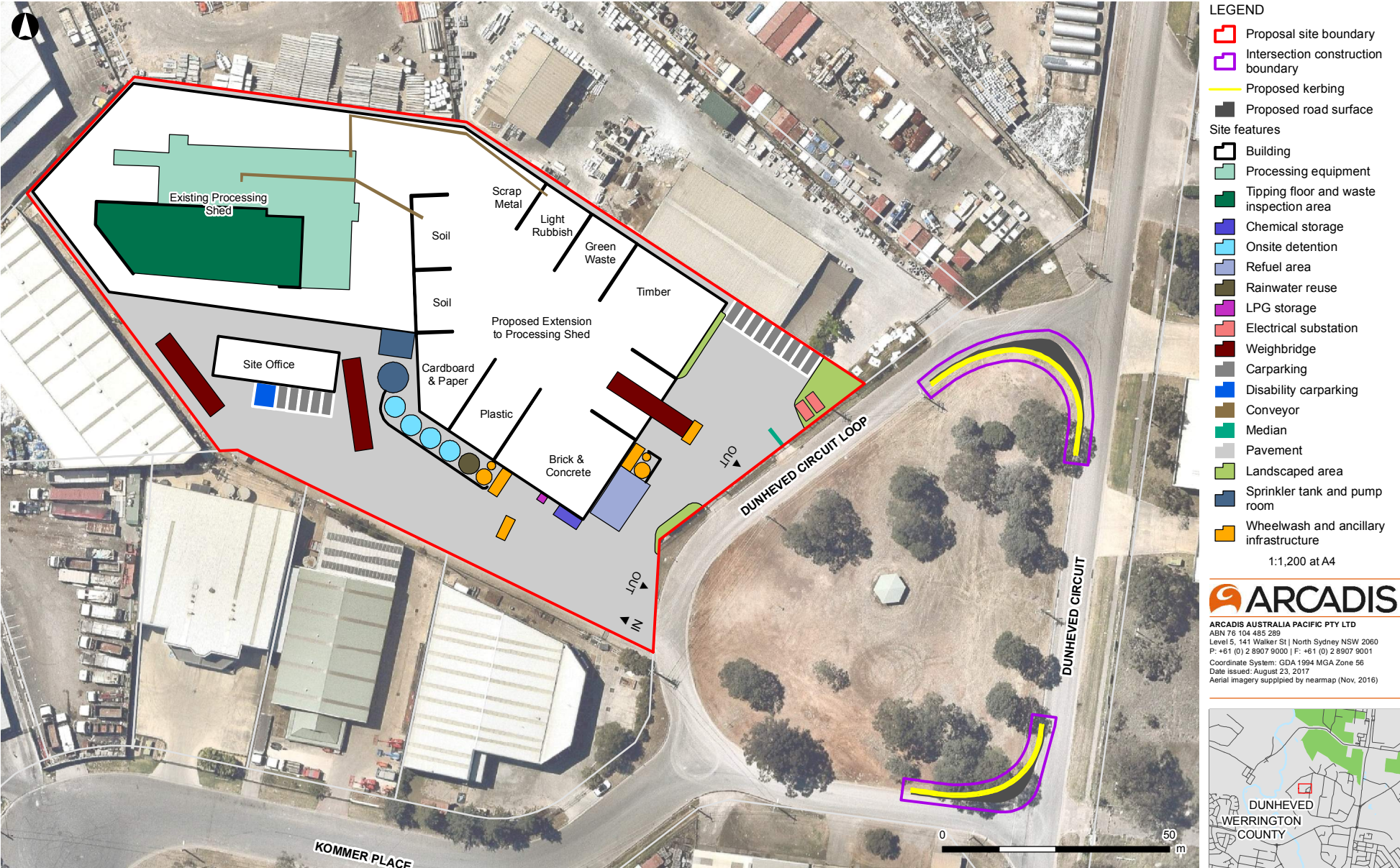


Figure 1-1: The Proposal site layout

2 DEVELOPMENT STANDARD TO BE VARIED

The development standard for which variation is sought is clause 4.3, 'height of buildings' within the PLEP 2010. Clause 4.3 of the PLEP 2010 provides standards for the height of buildings with the Penrith City Council Local Government Area (LGA). Clause 4.3 states:

(1) The objectives of this clause are as follows:

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,

(c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,

(d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The Dictionary included within the PLEP 2010 defines building height as:

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The Height of Buildings Maps, clause 4.3 of the PLEP 2010 identifies the Proposal site as being on land with permitted maximum building height of 12 metres (Figure 2-1).

With the exception of Clause 4.3, the Proposal complies with the remainder of the PLEP 2010, as presented in Section 5.4.1 of the EIS.

The Proposal site does not include any land covered by the 'protection of scenic character and landscape values' clause (clause 7.5), there are also no heritage items listed in the LEP within or adjacent to the Proposal site.

The 'design excellence' clause (clause 8.4) only applies to land within the Penrith City Centre and therefore does not apply to the Proposal site.

Appendix J: Statement of Development Standard Exception



LEGEND

- Proposal site boundary
- Watercourse
- Maximum Building Height [Blacktown LEP 2015 & Penrith LEP 2010]
- 8.5m
- 10m
- 12m
- 15m

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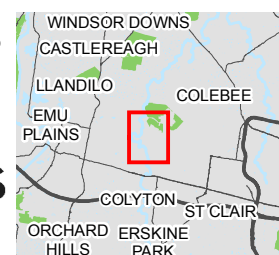


Figure 2-1: Maximum Building Heights

3 PROPOSED VARIATION

Figure 1-1 indicates the location of the proposed processing shed on the Proposal site. The PLEP 2010 Height of Building zoning map shown in Figure 2-1 indicates that the maximum permissible building height on the Proposal site is 12 m. The proposed extension to the processing shed would have a maximum height of 16.94 m thus being, at the maximum point, 4.94 m above the maximum permissible building height on the Proposal site.

The proposed extension to the processing shed would have a maximum wall height of 12 m to the eaves. The Proposal site has a gentle slope, falling in an east to west direction toward the rear of the site. The maximum height of 16.94 m, therefore, occurs toward the rear of the proposed extension to the processing shed, away from the street front. The building side closest to the street front has a maximum height of 16 m, 4 m above the PLEP 2010 allowable height limit. A setback distance ranging between 18-30 m (along the wall length) is achieved from the street front, and a range of landscaping and screening vegetation is proposed to shield views from the street front.

3.1 Need and justification for proposed variation

The proposed extension to the processing shed has been designed to meet the operational needs of the Proposal. Primarily the extension to the processing shed would be utilised for the loading of heavy vehicles, including truck-and –dogs and b-doubles. The building must therefore have sufficient clearance height to allow room for a b-double truck to be safely loaded via an excavator.

In addition, conveyors are proposed at roof height to transfer processed waste from the processing equipment to the outputs storage area (refer Figure 1-1). The conveyors would need to be placed at a height that would not interfere with loading operations in order to safely accommodate the loading of waste collection vehicles and to facilitate efficient operation of the Proposal. The proposed height would allow plant, machinery and vehicles to operate safely simultaneously within the enclosed shed. Further, a sprinkler and misting system would be installed at roof height to minimise dust generation and provide fire suppression.

The extension to the processing shed is proposed to be fully enclosed in order to enhance environmental performance and minimise potential air quality and noise impacts (refer Section 3.2). Further the enclosed extension to the processing shed would maximise safety for onsite personnel and waste vehicle operators.

3.2 Alternatives considered

During the development of the Proposal it was identified that the extension to the processing shed would exceed the PLEP 2010 height limit for the Proposal site. Consequently an alternative was considered where instead of an enclosed waste storage area an open waste storage area would be provided instead.

If enclosed, the proposed extension to the processing shed would need to be designed to meet the operational needs of the Proposal as described above. In order to safely accommodate the operational requirements of the Proposal, a maximum roof height of 16.94 m would be required. Having an open roof design, rather than enclosing the outputs storage area would, conversely, allow the Proposal to comply with the PLEP 2010 height limits. However an open roof design is not considered to provide the best environmental outcomes, or to present the most efficient design for the operation of the RRF, for the following reasons:

- Enclosing the extension to the processing shed provides a key dust mitigation measure. The Air Quality Impact Assessment been conducted for the Proposal (provided in Appendix N of the EIS) noted that the enclosure of the shed would

provide wind shielding and enhanced watering opportunities, providing a dust control efficiency factors of 65 per cent for PM₁₀ and 40 per cent for PM_{2.5}.

- The enclosed extension to the processing shed provides the ability to use a conveyor system to transfer some processed waste outputs directly to the outputs storage area. Notably this would include the transfer of soil via conveyor. Transferring soil via conveyor would minimise direct handling reducing dust generation, improving operational efficiency and minimising any safety or hazard risks to personnel.
- Enclosing the area where waste collection vehicles would be loaded would provide noise attenuation. The Noise and Vibration Impact Assessment (Appendix K of the EIS) conducted for the Proposal found that with the RRF shed fully enclosed there would be no operational exceedance of noise criteria at any residential receivers. Enclosing the extension to the processing shed was found to lower the noise outputs associated with the Proposal by 15 dBA.

For the above reasons enclosing the extension to the processing shed is considered to have a positive environmental outcome compared to an open facility design. The height of built form of the extension to the processing shed would be necessary in order to achieve these environmental outcomes. The exceedance of the PLEP 2010 height limits is therefore considered necessary to maximise operational efficiency and minimise environmental outcomes. The preferred option is therefore proposed to be to enclose the proposed extension to the processing shed.

3.3 Design development

During the development of the design for the Proposal a number of design refinements were made in order to minimise the height exceedance associated with the Proposal. The initial concept design for the Proposal included a building height, suitable for the proposed operations, of 18.5 m. It was identified however that the operational and environmental outcomes targeted by the Proposal could be achieved with a building height of 16.94 m. Refinements were made to minimise the building height to the greatest extent possible without jeopardising safety or the ability of the Proposal site to operate.

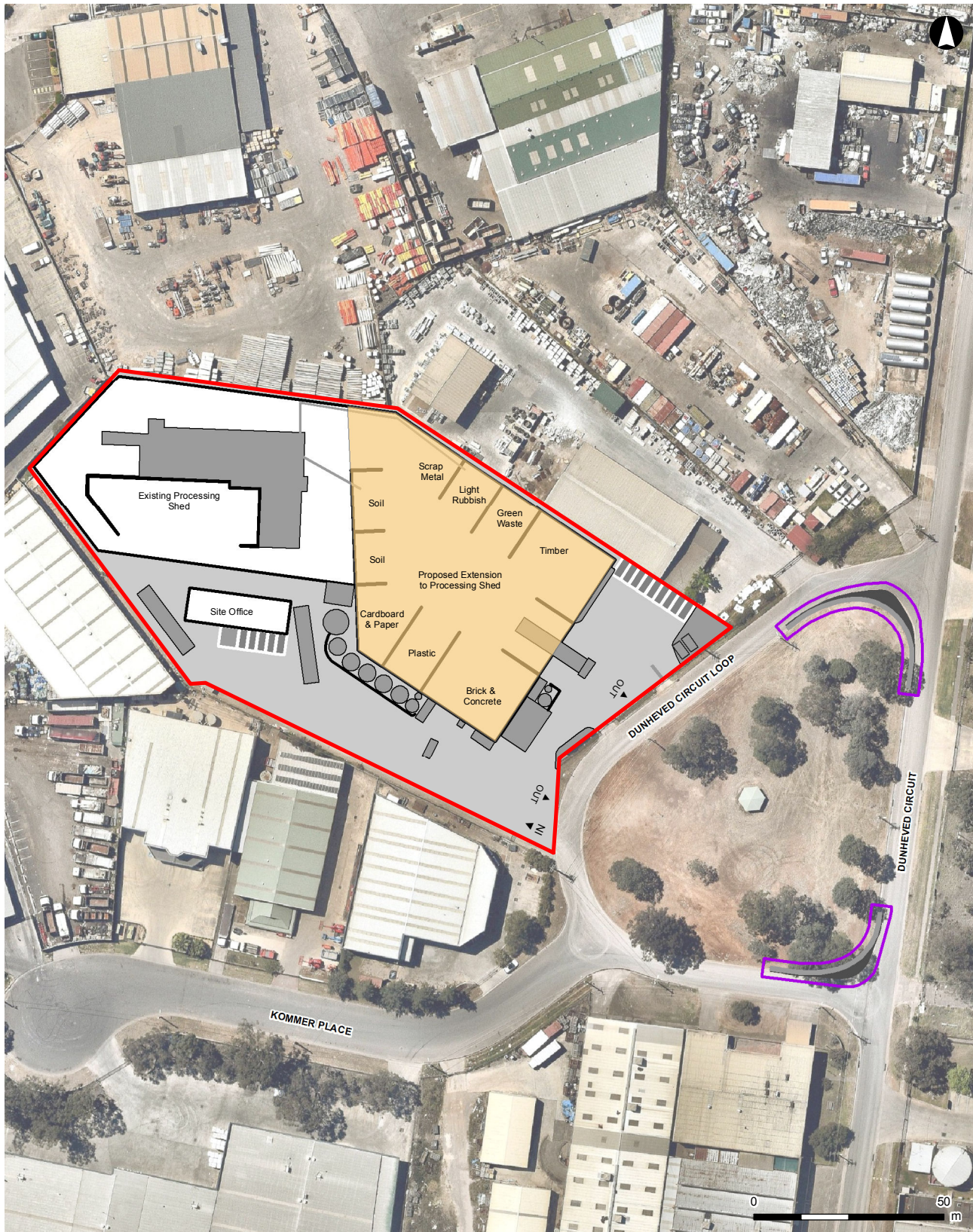
Further refinements to the building height were made following consultation with Penrith City Council (Council). Council requested that any variation to the building height above the PLEP 2010 height limit should consider if a compliant external wall length (12 m) can be provided noting the roof breach. In response to this request further design refinements were made and the external wall height was reduced to 12 m.

During consultation undertaken with Council, it was identified that in order to justify the proposed height exceedance the Proposal would need to address improvements to the external materials and finishes of the structure (especially from the streetscape) and landscaping works within the front setbacks. As a result of this feedback, a detailed urban design and landscape plan was prepared for the Proposal. The Landscape plan is presented in Appendix G of the EIS and described in Section 4.2.6 of the EIS.

In response to concerns raised by Council, the design was amended to include three landscaped areas to shield the view of the proposed extension to the processing shed from the Dunheved Circuit streetview. Plantings would include native trees with a mature height of eight metres, to provide substantial shielding from the streetscape, as well as a range of shrubs and other native plantings.

In addition, screen fencing was added to shield the view from the street toward the wheel wash ancillary infrastructure. Further, four onsite detention tanks that were at one stage proposed to be additional onsite detention, were removed from the design in response to Council feedback that these would have a potential visual impact from the streetscape. The need for onsite detention was determined in consultation with Council.

Appendix J: Statement of Development Standard Exception



LEGEND

- ▬ Proposal site boundary
- ▬ Intersection construction boundary
- ▬ Proposal components with height greater than 12m
- Site feature
- Pavement

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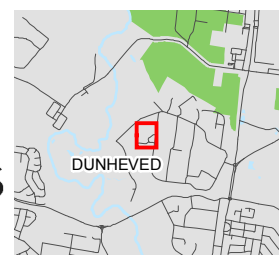


Figure 3-1: Height exceedance plan

4 CLAUSE 4.6 ASSESSMENT

This statement of development standard exception has been prepared in accordance with the requirements of clause 4.6 of the PLEP 2010. Clause 4.6 (3) of the PLEP 2010 states that *“development consent must not be granted for a development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

In addition to this, clause 4.6 (4) of the PLEP 2010 states that the development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that:

- “(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained.*

Further, clause 4.6 (5) provides guidance to the Secretary when deciding to grant concurrence for the variation of the development standard, including:

- “(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.”*

An assessment of the variation in consideration of the requirements of clause 4.6 of the PLEP 2010 is provided below Table 4-1.

Table 4-1 Clause 4.6 of the PLEP 2010

Clause	Where addressed
4.6 (3)(a) <i>that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case</i>	Section 4.1
4.6 (3)(b) <i>that there are sufficient environmental planning grounds to justify contravening the development standard</i>	Section 4.2
4.6 (4)(a)(ii) <i>the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out</i>	Section 4.3
4.6 (5)(a) <i>whether contravention of the development standard raises any matter of significance for State or regional environmental planning</i>	Section 4.4

Clause	Where addressed
4.6 (5)(b) <i>the public benefit of maintaining the development standard</i>	Section 4.5

4.1 Is the Development Standard unreasonable or unnecessary?

This section provides an assessment of how the proposed extension to the processing shed would satisfy clause 4.6 (3)(a) of the PLEP 2010.

The development standard requires a maximum building height of 12 m, which in consideration of the location of the Proposal site, the strategic nature of the proposed development, is considered unreasonable and unnecessary in relation to the Proposal.

This variation to the development standard is considered to be reasonable in consideration of the development surrounding the Proposal site. The Proposal is immediately surrounded by industry with the Orange Hire and United Forklift and Access Solutions office and depot located to the immediate north, the Gulf Western Oil offices and warehouse located to the immediate west and the St Marys Sewage Treatment Plant to the north-east. The Dunheved Golf Course is located further west, residential area with the suburb of Ropes Crossing further north-east, future employment lands to the north of the Proposal Site identified under the *State Regional Environmental Plan No 30 – St Marys* (SREP 30) and the future residential area of the St Marys Australian Defence industries site – Central precinct, as defined under SREP 30 to the north-west of the site.

The proposed extension to the processing shed limit has been designed to suit the operation requirements of the Proposal (refer to Section 3 above). The extra building height is required to ensure that operators of St Marys RRF can appropriately accommodate waste handling vehicles and equipment, thereby ensuring the efficient and effective operation of the Proposal.

Further, the proposed processing shed is a critical part of the Proposal. Without it, the Proposal would have worse environmental outcomes (refer Section 3.2), reduced operational efficiency and reduced safety.

In summary, under the circumstances, the development standard, for the proposed extension to the processing shed, is considered unreasonable and unnecessary and has the potential to detrimentally impact on the environment, nearby sensitive receivers and the operational efficiency of the Proposal.

4.2 Is there sufficient environmental planning grounds to justify the variation to the development standard?

This section provides an assessment of how the extension to the proposed processing shed would satisfy clause 4.6 (3)(b) of the PLEP 2010.

The Proposal, once operational, would improve the environmental performance and condition of the Proposal site. The Proposal includes a number of initiatives to improve the existing environmental conditions on the Proposal site and facilitate for a more sustainable provision of waste management services (refer to the EIS prepared for the Proposal).

The EIS prepared for the Proposal provides specific comment on the impacts of the Proposal, in particular the proposed processing shed height, from both an environmental and planning perspective. In summary, the variation to the development

standard i.e. building height non-compliance, is considered justified in consideration of the following:

- The extension to the processing shed would be barely visible from the surrounding area due to distance and existing buildings and therefore would not result in an adverse visual impact from surrounding properties. The viewpoint within the industrial streetscape is largely industrial in nature, and the Proposal would be consistent with the surrounding built form scale and character (refer Figure 4-2). The visual impact analysis for this viewpoint is provided below (for additional information refer Appendix P of the EIS)
- The extension to the proposed processing shed when operational would not result in any adverse impacts on the acoustic amenity of the residential sensitive receivers having regard to the *NSW Industrial Noise Policy* as identified in the Noise Impact Assessment (Appendix K of the EIS)
- The extension to the proposed processing shed due to its location and siting would not result in any adverse impacts on surrounding development having regard to key planning controls relating to residential amenity (i.e. visual privacy, air quality impacts and acoustic amenity) as it is located 1.3 km from Ropes Crossing and 800 m from the future residential area of the St Marys Australian Defence Industries (ADI) site – Central precinct, as defined under SREP 30.

The proposed variation from the development standard is therefore considered to be sufficient and justified on environmental planning grounds and therefore complies with clause 4.6 (3)(b) of the PLEP 2010.

Table 4-2 Visual impact assessment for Viewpoint 1: View southwest from Dunheved Road

Sensitivity	Visual modification level	Impact
Neighbourhood visual sensitivity This viewpoint includes the industrial streetscape, defined by large-scale storage, production, distribution, and repair buildings and facilities. The street includes large driveways and loading docks, and accommodates large trucks and machinery	No perceived change The character of the construction activity would be largely absorbed into the surrounding industrial character of the business park. This would result in no perceived change in the amenity of this view. Although the scale of the extension to the processing shed building would be considerably larger than the existing built form, the surrounding built form scale and character would be consistent with the character of the Proposal. Trees and shrubs would also be provided along the Dunheved Circuit façade and adjacent to the streetscape to filter views to the RRF. It is not expected there would be a noticeable reduction in the amenity of this view	Negligible impact



Figure 4-1 - Existing view



Figure 4-2 - Proposed view – artist's impression

4.3 Is the variation to the development standard in the public interest?

This section provides an assessment of how the proposed processing shed would satisfy clause 4.6 (4)(a)(ii) of the PLEP 2010.

The Proposal has been developed to provide a more efficient, effective and sustainable waste management services. As discussed in Section 3.2 of this report and Section 3.3 of the EIS, the Proposal would result in an improved environmental outcome when compared to an open roofed design, and would have other positive impacts on the surrounding residential and business community. These are described in Section 3.2 and include:

- Reduced dust and air quality impacts
- Minimised noise impacts
- Increased resource recovery rates would improve the supply of low cost goods and materials to the community as well as making additional recyclable materials available to the commercial sector.

The Proposal has been designed in consideration of the following, all of which are considered in the public interest:

- **Safety** – the Proposal would incorporate CCTV within the proposed processing shed and on the Proposal site, both of which ensure the safety of employees and customers.
- **Vehicle movement** – vehicle movement on the Proposal site has been rationalised to separate the different sized vehicles that use the Proposal site (i.e. largely separate light and heavy vehicles) to impact the user experience and safety.
- **Resource recovery opportunities** – the Proposal site has been designed to maximise resource recovery providing opportunities and reduce the overall amount of waste taken to landfill.
- **Employment** – the Proposal would result in the generation of additional temporary (during construction) jobs (during operation) on-site
- **Environmental performance** – the Proposal incorporates a number of mitigation measures relating to noise, air quality, traffic and transport, waste management and hazards and risks (Section 17 of the EIS). These mitigation measures will be implemented throughout the construction and operational phases of the Proposal to minimise adverse impacts on the surrounding environment and public amenity.

Overall, the variation to the development standard facilitates the on-going use of the Proposal site as a resource recovery facility providing an improvement of services to the community of Penrith. The Proposal, and the variation to the development standard, is therefore considered in the public interest and complies with clause 4.6 (4)(a)(ii) of the PLEP 2010.

4.3.1 Consistency with objectives of the height of building (clause 4.3) objectives

The objectives for clause 4.3 of the PLEP 2010 are provided in Section 0 of this report. Table 4-3 provides a summary of the consistency of the Proposal, in particular, the non-complying proposed processing shed, with objectives of clause 4.3. In summary, the Proposal, in particular the proposed processing shed which is non-compliant with the maximum permissible building height development standard, is consistent with the objectives of clause 4.3.

Table 4-3 Consistency of the Proposal with clause 4.3 (PLEP 2010) objectives

Objectives	Comment	Consistent?
(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,	Although the proposed processing shed may be visually distinct from a public area, this Proposal has been designed to complement and not detract from the industrial character of the area.	Yes
(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,	<u>Views to existing development:</u> The Proposal site is enclosed by an existing, and expanding, area of industrial development which encloses views to the RRF building. The location of the building would not disrupt views to surrounding parks, streets and lanes. <u>Views to public areas (including parks, streets and lanes):</u> It is not expected that there would be an adverse visual impact on views from the Wianamatta Regional Park, South Creek corridor reserve and Dunheved Golf Courses, to the west. There would, however, be views to the Proposal from adjacent industrial streets and the park at by Dunheved Circuit. These views currently include industrial warehousing buildings and the Proposal would be consistent in character to these existing views. Furthermore, trees and shrub planting would be located on the site boundary adjacent to Dunheved Circuit, and alongside the south-eastern façade of the RFF building, providing some screening of adverse views from the Circuit. The open space on Dunheved Circuit is primarily used by workers from adjacent industrial businesses, it is not expected that the Proposal would result in any alteration to the level of privacy within this park, as it is set back from the development, across Dunheved Circuit and the activation of this frontage would be limited. It is expected that there would be some overshadowing of the Dunheved Circuit park by existing industrial buildings. The Proposal, due to its location to the northeast of the park, results in overshadowing in the morning, , however, there would potentially be some overshadowing when the sun is in the west in the afternoon. It is not expected that this would present a material change to the amenity of this park.	Yes

Objectives	Comment	Consistent?
(c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,	There would be minimal visibility of the Proposal from Dunheved Golf Course, areas of the Wianamatta Regional Park, and the heritage listed former Dunheved House site due to the low-lying landform, and intervening industrial development.	Yes
(d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.	The Proposal has been designed to be consistent with the surrounding industrial form	Yes

4.3.2 Consistency with objectives of the zone (clause 2.1) objectives

The LEP Zoning Map of the PLEP 2010 indicates that the Proposal site is located within the IN1 – General Industrial zone.

Table 4-4 provides a summary of the consistency of the Proposal, in particular the non-complying proposed processing shed, with the objectives of clause 2.1 of the PLEP 2010. In summary, the Proposal, in particular the proposed processing shed which is non-compliant with the maximum permissible building height development standard, is consistent with the objectives of clause 2.1 and therefore clause 4.6(4)(a)(ii) of the PLEP 2010.

Table 4-4 Consistency of the Proposal with clause 2.1 (PLEP 2010) objectives

Objective	Comment	Consistent?
To provide a wide range of industrial and warehouse land uses.	The Proposal would continue the use of the Proposal site as the only resource recovery facility of this scale in the surrounding area.	Yes
To encourage employment opportunities.	The Proposal would provide 5-30 jobs during construction and ensure the continuation of employment at the St Marys RRF during both construction and operation phase of the Proposal.	Yes
To minimise any adverse effect of industry on other land uses.	The design of the Proposal has been developed to minimise the effect of the St Marys RRF on land uses within this zone and adjoin zones (refer Section 3.3).	Yes
To support and protect industrial land for industrial uses.	The Proposal would continue and improve the use of the facility for resource recovery purposes.	Yes
To promote development that makes efficient use of industrial land.	The variation from the building height development standard would facilitate a more efficient and sustainable use of the St Marys RRF site.	Yes

Objective	Comment	Consistent?
To permit facilities that serve the daily recreation and convenience needs of the people who work in the surrounding industrial area.	The Proposal would not impact on workers in the surrounding area.	Yes

4.4 Does the variation to the development standard raise any matters of significance for state or regional environmental planning?

This section provides an assessment of how the proposed processing shed would satisfy clause 4.6 (5)(a) of the PLEP 2010.

The Proposal, in particular the variation of the maximum permissible building height, would not raise any matters of significance for State or regional planning legislation and policy, namely:

- **Policy-** the Proposal would implement the key objectives of State and regional policy for land use and waste management, further improving the provision of waste services within NSW
- **Legislation-** the Proposal is consistent with all relevant State Environmental Planning Policies (SEPPs), and would provide an improved environmental outcome for the Proposal site that would contribute to the provision of environmental values within NSW.

Sections 3 and 5 of the EIS provide further detail on the Proposal's consistency and compliance with State and regional planning legislation and policy. In summary, the variation to the development standard included within the Proposal would implement and support State policy and legislation and therefore not raise any matters of significance for State or regional environmental planning. As a result, the Proposal is considered compliant with clause 4.6(5)(a) of the PLEP 2010 and is considered suitable for the concurrence of the Secretary.

4.5 What is the public benefit of maintaining the development standard?

This section provides an assessment of how the proposed extension to the processing shed would satisfy clause 4.6 (5)(b) of the PLEP 2010.

As discussed in Section 5.3 of this report; the Proposal, in its intended form, includes a number of benefits to the public interest. Should this variation to the development standard not be permitted, the Proposal would either not be able to proceed or would require design alterations comprising an open roofed facility, and therefore these public benefits would not be realised.

As the Proposal, is not anticipated to result in adverse impacts on the public, the benefit of maintaining the development standard would result in a detrimental, rather than a beneficial impact on the Penrith community. As a result, the Proposal is considered to be in compliance with Clause 4.6(5)(b) of the PLEP 2010 and is considered suitable for the concurrence of the Secretary.

4.6 Is there any other matters required to be taken into consideration for this variation?

The EIS prepared for the Proposal provides further detail on any other matters that the Secretary may consider necessary to concur with the proposed variations to the development standard. Overall, the Proposal, once operational, will ensure the continued consideration of the local community and environment throughout construction and operation.

5 CONCLUSION

The Proposal includes the construction and operation of a Resource Recovery Facility at the existing St Marys Resource Recovery Facility Site. The Proposal seeks a variation to the maximum permissible building height development standard (clause 4.3 of the PLEP 2010) in accordance with clause 4.6 'exceptions to development standards' of the PLEP 2010. This report has been prepared to support the SSD application prepared for the Proposal under Part 4 Division 4.1 (State Significant Development) of the EP&A Act.

This report illustrates that the Proposal, although including a variation from the building height development standard, provides a positive outcome in the form of increased rate of resource recovery which would be realised through the ongoing use of the Proposal site.

In consideration of the benefits provided within this Proposal and the absence of adverse impacts as a result of the variation from the development standard, the requirements of clause 4.6 are considered to be satisfied and it is recommended that this exception be approved.