Report to Sydney West Joint Regional Planning Panel

JRPP No:	**Item 2011SYW095**
DA No:	**JRPP-11-1642**
Local Government Area:	**Blacktown**
Proposed Development:	**Clinical and Quarantine Waste Management Facility**
Development Type:	**'Designated' and 'Integrated' Development**
Lodgement Date:	**3 August 2011**
Land/Address:	**Lot 14, DP 786328, H/N 9 Kenoma Place, Arndell Park**
Land Zoning:	**4(a) – General Industrial Zone pursuant to Blacktown Local Environmental Plan 1988**
Value Of Development:	**$10,000**
Applicant:	**Stimson Consultant Services (SCS) Pty Ltd**
Report Author:	**Rebecca Gordon, Town Planner**
Instructing Officers:	**Judith Portelli, Manager Development Services & Administration and Glennys James, Director City Strategy & Development**
Date Submitted to JRPP:	

ASSESSMENT REPORT

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1. Executive Summary

1.1 Blacktown City Council is in receipt of a Development Application (DA) from Stimson Consultant Services (SCS) Pty Ltd to install an automated waste treatment system within the confines of the existing industrial premises at Lot 14, DP 786328, 9 Kenoma Place, Arndell Park for the handling and processing of clinical and quarantine waste.

1.2 The proposed “waste management facility” constitutes “Designated Development” under Part 1, Clause 32(1)(b)(i) in Schedule 3 of the Environmental Planning and Assessment (EP&A) Regulation 2000 given that it seeks to handle waste that is classified in the *Australian Dangerous Goods Code* and/or is medical, cytotoxic or quarantine waste. The proposed development is also classified as “Integrated Development” under Section 91 of the EP&A Act 1979 given that an Environment Protection Licence (EPL) is required from the NSW Office of Environment & Heritage (OEH) under the Protection of the Environment Operations (POEO) Act 1997.

1.3 As part of the submission requirements for "Designated Development" the applicant was required to prepare an Environmental Impact Statement (EIS) addressing specific terms identified by the Director-General of the Department of Planning and Infrastructure (DPI). The matters addressed in the EIS are discussed in the body of this report.

1.4 The automated waste treatment system comprises of a machine that works on a similar principle to a waste compactor. Clinical and quarantine waste is collected from clients in specially marked waste collection bins containing heavy duty bin liner bags. Given that the waste is collected firstly in smaller, lined bins, the waste is essentially “double bagged” by the time of collection. The bins are regularly collected and transported back to the industrial premises by truck or van. At the time of collection, the clients are provided with clean, empty bins and bags.

1.5 The bagged material once collected is weighed, then transferred into the sterilising, shredding and compacting machine by tipping the sulo bins into the hopper. The double sealed bags are never opened or man handled. The material is shredded and then sterilised using steam sterilisation technology. The process is fully self-contained within the proposed machine. The processed sterilised by-product is then directly deposited from the machine into a bin. Using a bin lift, the bin containing the inert, treated material is then tipped into a bulk collection bin. Current testing shows that the shredding and compacting process reduces the volume of the material at a rate of 5:1. That is, the volume collected in 5 sulo bins is reduced to the volume of 1 sulo bin. Once the bulk collection bin reaches capacity, a truck collects the bulk bin and transports the sterile inert compacted material to landfill. It is anticipated that the bulk bin will be collected every second day. At the time of collection an empty bulk bin will also be delivered to the site. The business will employ 2 operators for the machine and 2 administrative staff. The proposed hours of operation are 7.00am till 7.00pm, Monday to Saturday.

1.6 The applicant has provided 6 car parking spaces on site to cater for the 4 staff members and any visitors. There will be one in/out truck movement every 2 days associated with the collection of the bulk bin to landfill. An additional 3 trucks and 2 vans are proposed to transport the collected specially marked bins to the subject premises. It is anticipated that each of these 5 vehicles will make 1-2 deliveries to the site each day. All drivers will be sub-contracted and, as such, all vehicles will be cleaned, maintained and stored off site.

1.7 To better understand the operation, the applicant advises that 23 full bins equate to 0.5 tonnes of waste. Given that the processing capacity of the machine for each cycle is approximately 2 sulo bins and that a full cycle takes approximately 15 minutes, it has been calculated that the proposed waste treatment machine could treat 8 bins per hour (or 96 bins during the 12 hour workday). As the proponent is seeking to operate 6 days a week, this would be equivalent to 576 full sulo bins or 12.5 tonnes of clinical/quarantine waste each week. The maximum clinical and quarantine waste that could be treated each year would therefore be 650 tonnes.

1.8 The applicant has indicated that approval is sought for the handling and treatment of 900 tonnes or less of clinical or quarantine waste per year. The calculations indicate, however, that the machine would not have the capacity to treat this higher volume of waste. While it is recognised that each specially marked bin may not be filled to capacity, it is considered appropriate that limitations be placed on the number of bins arriving at the site each day in order to ensure that the maximum volume of 650 tonnes is never exceeded. As such, it is recommended that any approval granted limit the maximum number of bins to be processed each day to a maximum of 96 bins. This is considered necessary to ensure that all waste within the bins is processed on the same day that it is delivered to the premises and that no untreated waste is stored overnight at the site.

1.9 The site is located within an existing industrial area in Arndell Park. The subject site is zoned 4(a) General Industrial pursuant to Blacktown Local Environmental Plan (BLEP) 1988. The proposed development complies with the provisions of Blacktown Development Control Plan (DCP) 2006 – Parts A & E with the exception of car parking where there is a shortfall of 3 spaces from the 9 required. However, as there will be 4 spaces provided for the 4 staff members and 2 visitor spaces, 6 spaces is considered satisfactory in this instance. The proposal has also been assessed against the objectives and provisions within State Environmental Planning Policy (SEPP) No. 33 – Hazardous and Offensive Development. In this regard the proposal satisfactorily addresses the matters listed under Clause 13 of the SEPP, including compliance with the relevant circulars and guidelines produced by the Department of Planning and Infrastructure, consultation with public authorities, consideration of feasible alternatives and consideration of any likely future surrounding land use. The assessment under SEPP 33 has concluded that the proposal is neither hazardous nor offensive development. The proposed “waste management facility” is therefore a permissible land use under Council’s 4(a) Industrial zoning with development consent.

1.10 The proposed development has also been assessed against the relevant matters for consideration pursuant to Section 79C of the EP&A Act 1979, including environmental impacts, the suitability of the subject site and issues raised by the public. The assessment has found the development to be satisfactory.

1.11 As part of the assessment process, the DA was referred to various internal sections of Council for consideration and comment. Council’s Development Engineers, Building Surveyors, Traffic Engineers and Environmental Health Unit (EHU) have raised no objection to the proposed development subject to appropriate conditions being imposed on any consent. At an on-site inspection, however, it was noted that a 48sq.m demountable office had been illegally located within the confines of the industrial premises. Council’s Town Planners have raised no objection to the retention of the office provided it does not impact on the operations of the business, including truck manoeuvring. Council’s Building Surveyors also raised no objection provided the office is upgraded to meet BCA requirements.

1.12 The DA was also referred to the Department of Planning and Infrastructure (DPI). The DPI raised no objection to the proposal subject to the implementation of appropriate conditions. The DPI also confirmed that referral to Fire and Rescue NSW was unnecessary for this Application provided the premises meets all BCA requirements. WorkCover NSW was also contacted who advised that no authorisation or permits were required provided appropriate measures were adopted to mitigate the risk of contamination.

1.13 Given that this "Integrated Development" proposal must have the concurrent approval of the NSW Office of Environment and Heritage (OEH), the DA plans and EIS were also referred to OEH for their assessment and General Terms of Approval (GTA). The OEH have advised that no objections are raised to the proposal, but have advised that should approval for the proposal be successfully obtained an Environment Protection Licence (EPL) for the premises is required before the operations can be commenced.

1.14 The development proposal and accompanying EIS was notified to adjoining and surrounding property owners and occupiers, and advertised in the local newspapers for more than 30 days from 4 October 2011 to 4 November 2011 in accordance with the requirements under Clause 79 of the EP&A Regulation. In accordance with Council's Policy, the application was also notified by way of a notification sign erected on the subject site. As a result of this process 2 individual submissions were received by Council.

1.15 The objections raised are mainly in relation to odour, noise, traffic movements and the potential spillage of materials. It is considered that the grounds for objection are insufficient to warrant refusal of the Application. These concerns have been addressed within the EIS submitted as part of the Application. While the objections raise important issues, it is considered that appropriate conditions can be imposed to address any valid concerns.

1.16 "Designated Development" for the purpose of a "waste management facility" constitutes 'Regional Development' pursuant to Clause 13B(1)(e) of State Environmental Planning Policy (Major Development) 2005. As such, while Council is responsible for the assessment of the DA, determination of the Application is the statutory responsibility of the Sydney West Joint Regional Planning Panel (JRPP). The Application is therefore referred to the Joint Regional Planning Panel for determination.

1.17 The Application is considered satisfactory and is recommended for approval subject to the imposition of suitable conditions. Draft conditions are provided at **Attachment 1**.

2. Site Description and Location

2.1 The subject site is located within an existing industrial area in Arndell Park at Lot 14, DP 786328, H/N 9 Kenoma Place, Arndell Park. The site is surrounded by other industrial activities, such as bulky goods storage, motor vehicle repairs, forklift hire and general storage operations. The subject site is zoned 4(a) General Industrial pursuant to Blacktown Local Environmental Plan (BLEP) 1988.

2.2 In area, the site measures 1,492sq.m, having a road frontage of 25.5m to the cul-de-sac head of Kenoma Place and a depth of 38m. The site enjoys vehicular access to the surrounding well serviced local road network, with access to the regional road network of the Great Western Highway, M4 and M7 via Doonside Road and Eastern Road.

2.3 The existing industrial premises has a floor area of approximately 570sq.m and includes 2 offices and a conference room, two small kitchens and staff amenities. In the front building elevation, there are two roller shutter door openings, which will allow for direct loading and unloading access to the internal ground floor area. A site plan and floor layout plan are provided at **Attachment 2** to this report.

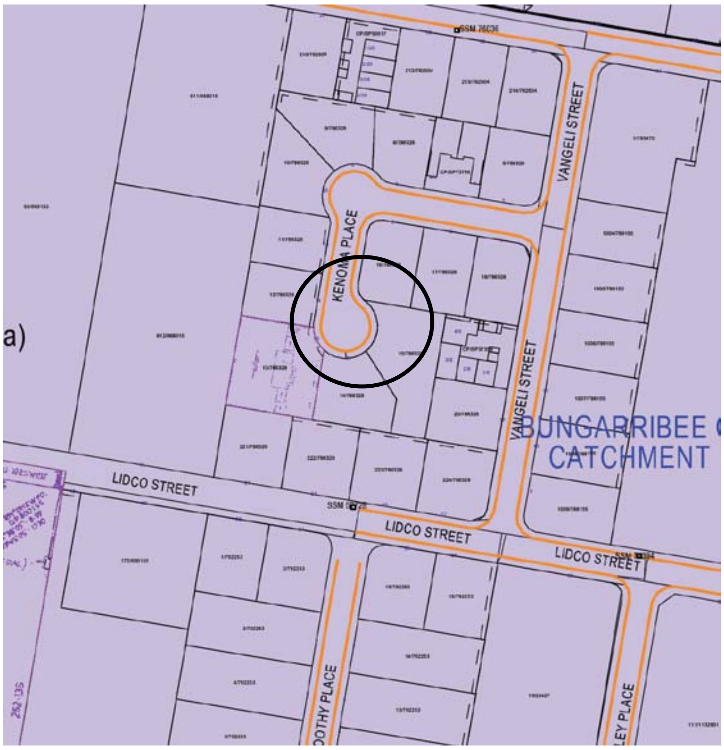

Figure 1. Zoning Plan (Source: Blacktown City Council Local Environmental Plan 1988)

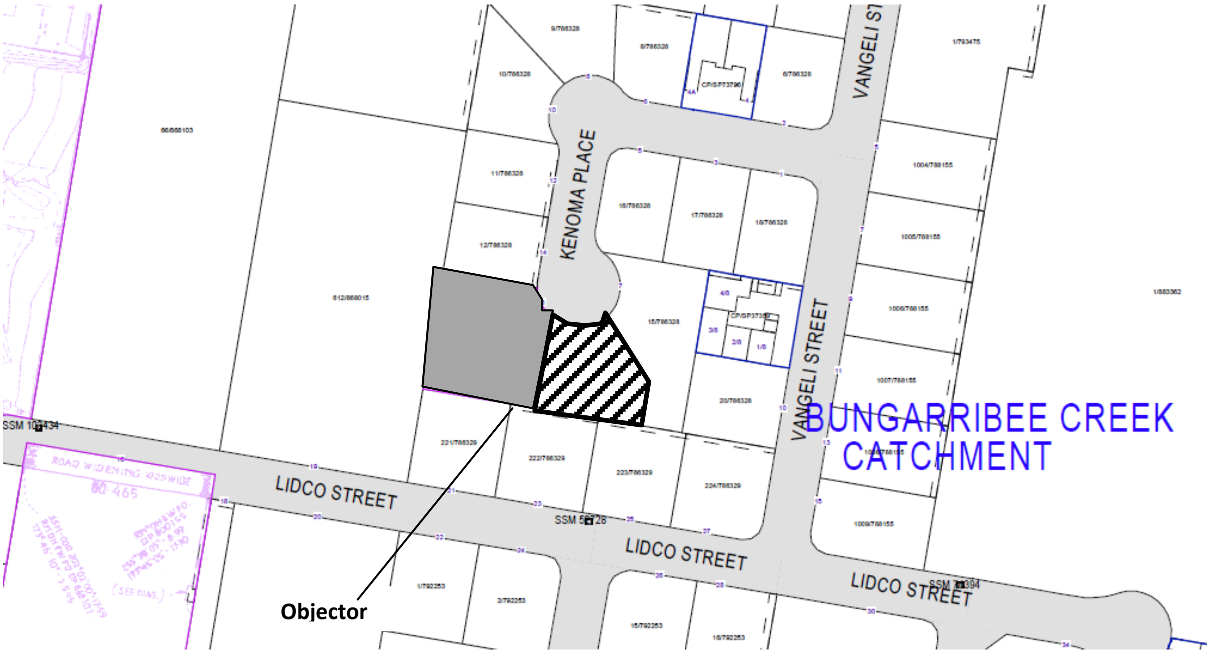

Figure 2. Location Plan and Location of Objectors

Figure 3. Aerial Photo (Source: Blacktown City Council, 2010)

3. History of the Site

3.1 The site is owned by C & S Liney Property Nominees Pty Ltd and presently contains a vacant industrial premises. The site has previously been used for other general industrial purposes.

3.2 DA-96-80 was approved by Council on 25 March 1996 for the construction of a factory/warehouse for manufacturing water pumps and associated offices. The approved premises still currently exists on the site but is vacant.

4. The Proposal

4.1 Blacktown City Council is in receipt of a Development Application (DA) from Stimson Consultant Services (SCS) Pty Ltd on behalf of the owner C & S Liney Property Nominees Pty Ltd for the installation of an automated waste treatment system for clinical and quarantine waste within the confines of the existing vacant industrial premises at 9 Kenoma Place, Arndell Park.

4.2 The proposed "waste management facility" constitutes "Designated Development" under Clause 32(1)(b)(i) in Schedule 3 of the Environmental Planning and Assessment Regulation 2000 given that it seeks to handle waste that is classified in the *Australian Dangerous Goods Code* and/or is medical, cytotoxic or quarantine waste. As part of the submission requirements, the applicant was therefore required to prepare an Environmental Impact Statement (EIS) addressing specific matters identified by the Director-General of the DPI.

4.3 The proposed activity is also classified as “Integrated Development” under Section 91(1) of the EP&A Act 1979 given that an Environment Protection Licence (EPL) is required from the NSW Office of Environment and Heritage (OEH) under the Protection of the Environment Operations (POEO) Act 1997. As part of the assessment process, the DA plans and EIS were therefore referred to the OEH for their assessment and advice as to General Terms of Approval (GTAs). The OEH has advised that they have no objection to the proposed activity and have issued their advice as to their GTAs which will be attached to any consent granted. A copy can be found at **Attachment 1** to this report.

4.4 The primary operation of the site is as a Waste Management Facility for the treatment of clinical and quarantine waste. The proposed machinery and operation will be wholly contained within the existing industrial premises. The waste is collected in specially marked bins containing specially provided heavy duty bin liner bags, from various places of business of a medical or quarantine nature. The customers are in turn provided with empty clean bins lined with the heavy duty bags. Given that the waste is collected firstly in smaller, lined bins, the waste is essentially "double bagged" by the time of collection.

4.5 To better understand the operation and volume, the applicant advises that 23 full bins equate to 0.5 tonnes of waste. Given that the processing capacity of the machine for each cycle is approximately 2 sulo bins and that a full cycle takes approximately 15 minutes, it has been calculated that the proposed waste treatment machine could treat 8 bins per hour (or 96 bins during the 12 hour workday). As the proponent is seeking to operate 6 days a week, this would be equivalent to 576 full sulo bins or 12.5 tonnes of clinical/quarantine waste each week. The maximum clinical and quarantine waste that could be treated each year would therefore be 650 tonnes.

4.6 The applicant has indicated that approval is sought for the handling and treatment of 900 tonnes or less of clinical or quarantine waste per year. The calculations indicate, however, that the machine would not have the capacity to treat this higher volume of waste. While it is recognised that each specially marked bin may not be filled to capacity, it is considered appropriate that limitations be placed on the number of bins arriving at the site each day in order to ensure that the maximum volume of 650 tonnes is never exceeded. As such, it is recommended that any approval granted limit the maximum number of bins to be processed each day to a maximum of 96 bins. This is considered necessary to ensure that all waste within the bins is processed on the same day that it is delivered to the premises and that no untreated waste is stored overnight at the site. These matters can be **conditioned** in any consent granted. Appropriate **conditions** would also be required to limit the volume of waste held on the site at any one time, and the maximum volume being treated each year.

4.7 Once weighed, the specially marked bin is lifted allowing the double bagged waste to enter the machine. As indicated above, the machine can process at least 2 bins at a time. Once in the machine, the load is shredded into pieces of less than 1sq.cm. The shredded material then enters the sterilisation chamber where it is sterilised.

4.8 The sterilising process heats up the waste to a temperature of between 135^{o}C and 140^{o}C, which is above the regulated standard of 134^{o}C. The treatment also has an EPA standard of "5 to 6 Log Kill". 5 to 6 Log Kill is the highest (Nonbacterial) standard achievable. This is the same standard used to sterilise hospital theatre equipment, and is the accepted level of sterilisation for this type of standard autoclave machine. The plant design has been certified by WorkCover to meet the Occupational Health and Safety Act 2000 and the Occupational Health and Safety Regulation 2001.

4.9 The proposed automated waste treatment system will sterilise the pathogens to a level that is consistent also with international standards. During the cycle time of approximately 15 minutes, the amount of water vapour vented will only be a maximum of half a litre. This is considered minor in a premises which has a ground floor area of approximately 500sq.m and a roof height of 6m. This will result in no atmospheric change in the premises and therefore does not necessitate any external ventilation stacks or devices. The process has been scientifically proven and has also been endorsed by NSW Health as shown in their letter at **Attachment 3** to this report. The OEH has advised, however, that the proposed clinical waste treatment process will need to be approved in writing by the Director-General of the Department of Health before the EPL can be issued. This will be **conditioned** in any consent granted.

4.10 In relation to the main ground floor area, approximately 450sq.m of this area will be used to house the new machinery and associated bin storage areas. The remaining portion of the ground floor area is occupied by a 48sq.m illegal demountable office. The applicant has requested that, as part of the Application, the portable office be retained. Council's Town Planning Section raises no objection provided the office does not impact on the operations of the business, including truck manoeuvring. Council's Building Services Section has also raised no objection provided the office is upgraded to meet BCA requirements. This will be **conditioned** in any consent granted. The existing first floor offices will also be retained and will be used by the 2 administrative staff members.

4.11 The facility is proposed to operate Monday to Saturday from 7am to 7pm. There will be 4 employees on the site, comprising 2 machine operators and 2 administrative staff. The hours of operation will be **conditioned** in any consent granted.

4.12 The applicant has provided 6 car parking spaces on site to cater for staff and visitors. There will be one in/out truck movement every 2 days associated with the collection of the bulk bin to landfill. An additional 3 trucks and 2 vans are proposed to transport the specially marked bins and bagged waste to the subject premises. All drivers will be sub-contracted and, as such, all vehicles will be cleaned, maintained and stored off site. This will be **conditioned** in any consent granted.

4.13 The Waste Treatment Process will entail an automated waste treatment system to be installed within the confines of the existing factory building. The following steps describe the process that applies to the proposed operation:

i. Waste is collected from various places of business of a medical or quarantine nature. At these premises waste is collected in a specially marked bin (SMB) that is provided by the proponent. The SMB is lined with a heavy duty liner that is sealable. As the waste is collected firstly in smaller, lined bins, the waste is essentially 'double-bagged' by the time of collection. The SMB is picked up by truck or van, with the operator providing a replacement bin with liner bag for the client.

ii. The truck or van then travels to the subject site carrying a number of loaded SMBs. The truck/van enters the site then reverses into the collection area.

iii. The SMBs are weighed and then lined up to prepare for the sterilising and shredding machine. The waste material is processed the same day on which it is delivered to the site.

iv. The SMBs are wheeled to the automated waste treatment machine and are then lifted allowing the bagged waste to enter the machine. Once at capacity the machine is started and the bags enter the machine. The load (including the bag) is shredded into small pieces (<1sq.cm) before it enters the sterilisation chamber.

v. The load is sterilised through a steam process. The time and temperature relationship within each load is controlled and monitored to ensure sterilisation has taken place throughout the load under the correct conditions to ensure complete sterilisation.

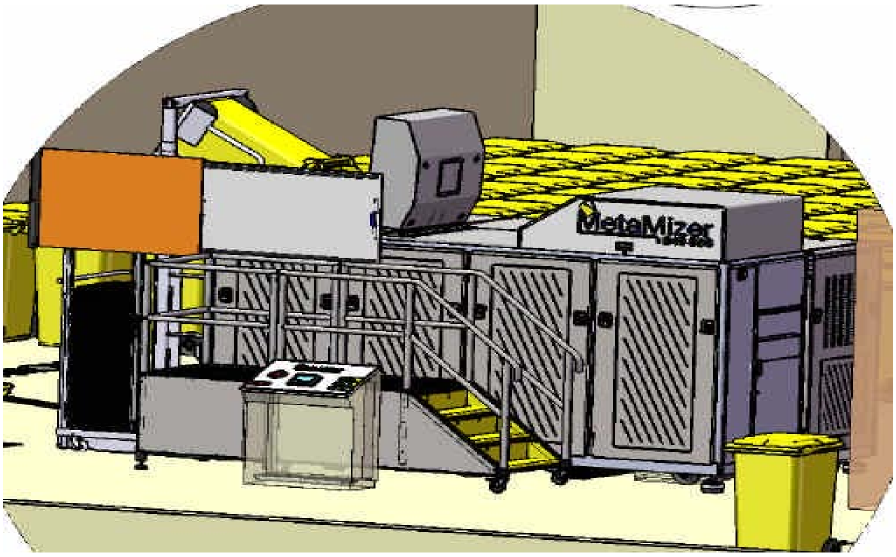

Figure 4: Model of the Automated Waste System (Source: Stimson Consultant Services, 2011)

vi. Temperature and pressure sensors control the steam inlet valve and also the electronic steam trap to control the time and temperature of each cycle. The effectiveness of the process is enhanced with a pre-vacuum stage to remove air and post-vacuum stage to remove vapour and odour from the steriliser and treated waste. The pressure sensor acts as an accurate automatic safety device that prevents opening of the door under pressure. It also provides valuable information to support the time/temperature record and diagnostics.

vii. Steam is introduced and replaces air in the chamber by the downward displacement or where a vacuum system is a feature, by mechanical air removal prior to the introduction of steam. The time, temperature and pressure parameters are monitored on the computer and also electronically archived on compact discs as official records. Current testing shows that the shredding results in the volume of material being reduced at a rate of 5:1. That is, the volume collected in 5 SMBs is reduced to a volume of 1 SMB for delivery to the landfill site.

viii. The sterilised, inert shredded by product is deposited by conveyor belt from the machine into a large 'wheelie' bin, and then, using a bin lift, is tipped into a bulk collection bin. Once the bulk collection bin is at capacity, a truck will collect the bulk bin for disposal to landfill. The bulk bin is a sealed enclosed bin that is mechanically 'pulled' onto the back of a truck. It is noted that the waste material at this stage is sterile and inert. It is anticipated that the bulk bin would be collected and replaced with a new bulk bin every 2 days. There is ample area in front of the unit for the necessary manoeuvring to facilitate this process.

ix. For maintenance purposes only, the SMBs are washed with a domestic grade detergent in the proposed bin wash station which will be bunded and connected to the Sydney Water sewer system. The Applicant will be required to obtain a Sydney Water Corporation (SWC) trade waste approval to permit the discharge of wash-down from the bins. This matter will addressed by a suitable **condition** of consent. The clean bins are then stored on site until they are delivered to clients' premises by another driver.

4.14 A copy of the Development Application plans are provided at **Attachment 2** to this report.

4.15 In accordance with Section 78A of the EP&A Act 1979, the proposed "Designated Development" is accompanied by an Environmental Impact Statement (EIS) prepared by Stimson Consultant Services dated August 2011 and an addendum to the EIS dated 8 September 2011. The EIS includes the following documentation:

- Existing Site and Buildings Plans, dated 27.7.98.
- Process Diagrams and Perspectives, prepared by Medivac Technology Pty Ltd, dated 31.5.2011.
- Automated Waste Machine Requirements prepared by Medivac Technology Pty Ltd, dated 9.2.2011.
- NSW Health Letter of Approval, dated 27.11.2008.
- Microbiological Testing Report, prepared by AMS Laboratories Pty Ltd, dated 26.5.2009.
- Cannon Testing Results, November 2004.

4.16 The findings of the EIS are examined in detail under Section 6 of this Report. Relevant extracts from the EIS in regard to the above are included at **Attachment 3** to this report.

5. Planning Controls

5.1 The planning controls that relate to the proposed development are as follows:

5.1.1 State Environmental Planning Policy (SEPP) (Major Development) 2005

SEPP (Major Development) 2005 identifies development classified as "Regional Development" requiring referral to a Joint Regional Planning Panel (JRPP) for determination on the basis of the criteria listed within Clause 13B. As part of the NSW Government's commitment to reform the NSW planning system, from 1 October 2011 Regional Panels will now only determine a DA for "Designated Development" that is for: an "extractive industry", a "marina" or a "waste management facility". Given that the proposed development is classified as "Designated Development" and is also for the purposes of a "waste management facility", the proposed development constitutes "Regional Development" in accordance with Clause 13B(1)(e) of the SEPP. As such, while Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney West Joint Regional Planning Panel and not by Council.

5.1.2 State Environmental Planning Policy (SEPP) No. 33 – Hazardous and Offensive Development

(a) State Environmental Planning Policy No. 33 (SEPP 33) – *Hazardous and Offensive Development* was gazetted on 13 March 1992 and applies to the assessment of Development Applications for potentially hazardous industry or potentially offensive industry. A "*potentially hazardous industry*" is defined as:

"*a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing* *or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:*

i. to human health, life or property, or

ii. to the biophysical environment,

and includes a hazardous industry and a hazardous storage establishment."

A "potentially offensive industry" is defined as "a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment."

(b) The aims of the SEPP, amongst other things, are:

- to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and

- to ensure that in considering any Application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

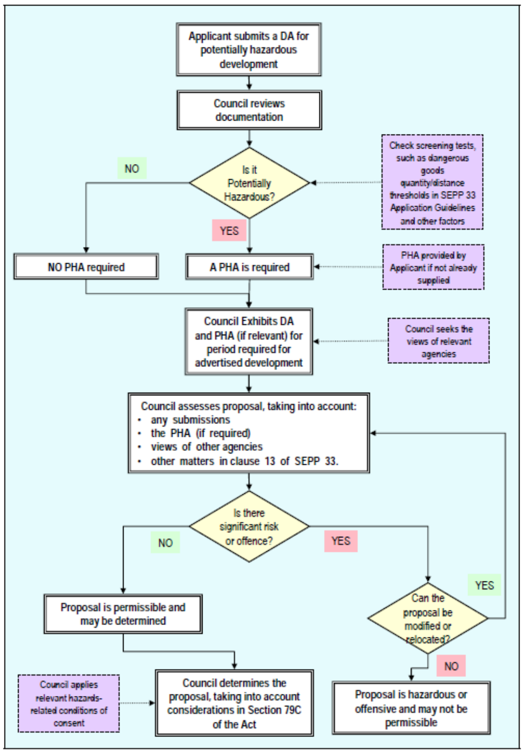

Figure 5. The SEPP 33 Process (Source: Hazardous and Offensive Development Application Guidelines: Applying SEPP 33, Department of Planning)

(c) In determining an Application to carry out development relating to "potentially hazardous" or "potentially offensive" development, Clause 13 "Matters for consideration by consent authorities" of the SEPP applies and states that the consent authority must consider:

i. current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and

ii. whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and

iii. in the case of development for the purpose of a potentially hazardous industry – a Preliminary Hazard Analysis prepared by or on behalf of the applicant, and

iv. any feasible alternatives to the carrying out of the development and the reasons for choosing the site the subject of the Application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the Application), and

v. any likely future use of the land surrounding the development.

In terms of item i. above, the publications regarded as relevant for this Application are the *Hazardous Industry Planning Advisory Paper (HIPAP) series* and the *Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines.* Other guidelines published by the Department of Planning and Infrastructure (DPI) are not considered relevant to this DA.

(d) SEPP 33 applies to any proposal which falls under the policy's definition of "potentially hazardous industry" or "potentially offensive industry". To help determine whether a development proposal fits into either of these definitions, the DPI's guideline document titled *Applying SEPP 33* is to be used. As part of this document, a risk screening procedure has been included to establish whether a development proposal falls within the definition of "potentially hazardous industry". If any of the screening thresholds are exceeded, then the proposed development should be considered potentially hazardous and SEPP 33 will apply. In such cases a Preliminary Hazard Analysis (PHA) should be submitted with the DA. The PHA should be prepared in accordance with *HIPAP No. 6 – Hazard Analysis*.

(e) The first step in the screening procedure is to determine the type and quantity of dangerous goods involved in the proposal and how they are used or stored on site. In this regard the materials should be classified in accordance with the Australian Code for the Transport of Dangerous Goods by Road and Rail (Dangerous Goods Code 2011). Section 2.6.3 of the Code classifies clinical and quarantine waste as Class 6.2 material. To determine whether the proposal is then classified as "potentially hazardous", reference must be made to Table 3 "General Screening Threshold Quantities" of the *Applying SEPP 33* guidelines. Under Table 3 the screening threshold for Class 6.2 material is 0.5 tonnes stored on site at any one time. This equates to 23 full sulo bins of double bagged unprocessed waste. As the unprocessed waste will be processed immediately upon its arrival to the premises and will not be stored on site, this threshold can be met by **conditioning** that the development operates accordingly. Also, as the proposal has no explosive chemicals or substances stored on site, the risk posed is considered minimal and, as such, does not trigger the need for a PHA. **Conditions** will be included as part of any consent granted to ensure that the 0.5 tonne storage threshold is not exceeded. It is therefore concluded that, given that appropriate conditions will be imposed to address this matter, the proposed development is not "potentially hazardous". Dr Derek Mullins – Technical and Policy Advisor in the DPI's Hazard Branch also supports this conclusion (see comments under Section 7 of this report).

(f) Table 2 of *Applying SEPP 33* provides transportation screening thresholds which should also be considered as part of any assessment. If the number of generated traffic movements exceeds the quoted threshold then the development may be "potentially hazardous". In this regard it states that where proposals include materials of Class 6.2, the DPI should be contacted for further advice. The DPI have advised that there are no requirements as such for Class 6.2 materials, and considering there will only be 3 trucks and 2 vans transporting a maximum of 12.5 tonnes per week the potential risk is not significant as the traffic movements will be low. The DPI therefore confirmed that a PHA and Route Evaluation Study in accordance with *HIPAP No. 11 – Route Selection* were not deemed necessary in the circumstances.

(g) In terms of potentially offensive development, the *Applying SEPP 33* guidelines indicate that "potentially offensive development" is essentially any development that requires a pollution control licence from the Office of Environment and Heritage (OEH) or any other public authority. Based on the comments provided from the OEH and DPI, the proposed Medical Waste Management Facility is a "scheduled activity" under the Protection of the Environment Operations (POEO) Act 1997 and must be regulated under an Environment Protection Licence (EPL).

(h) The key consideration in the assessment of the "potentially offensive industry" therefore is whether the consent authority is satisfied that there are adequate safeguards to ensure emissions from the facility can be controlled to a level at which they are not significant. The main factor in making this judgement is whether OEH considers that the licence requirements can be met. If the licence requirements can be met then the proposal is not likely to be classified as "offensive industry". Given that the OEH has issued its GTAs for the proposed development and is willing to issue the required EPL for the proposal, it has been determined that the proposal is not offensive industry.

(i) It should also be noted that the general provisions of the POEO Act in relation to pollution of the environment will also apply throughout the proposed operations on the site. This will include the need to consider general requirements during the proposed operations in relation to environmental issues such as noise, dust, emissions and any runoff which may be discharged from the site. In addition to including the OEH's GTAs for an EPL, general **conditions** to ensure compliance with the POEO Act will also be imposed on any consent granted.

(j) Item ii. of the "Matters for consideration by consent authorities" states that Council should consult with the OEH (for potentially offensive development) and Fire and Rescue NSW. Consultation with other authorities, such as WorkCover NSW, may also be required depending upon the specific circumstances of the proposal.

(k) As discussed above, the OEH was consulted throughout the assessment process and has issued its GTAs in relation to the proposal. During the assessment process discussions were also held with DPI. The DPI confirmed that a referral to Fire and Rescue NSW is not required for this Application provided the premises meets all Building Code of Australia (BCA) requirements. In this respect a **condition** will be imposed ensuring the requirements of the BCA are complied with as required by Council's Building Surveyors.

(l) As part of the assessment process WorkCover NSW was also contacted who advised that no authorisation or permit is required from their Department provided health and safety measures are in place to mitigate the risk of contamination. The applicant will have a statutory obligation to meet Workcover requirements in any case and this will be **conditioned.**

(m) Item iii. above indicates that a Preliminary Hazard Analysis (PHA) should be prepared for "potentially hazardous industry". As the screening thresholds under the *Applying SEPP 33* guidelines will not be exceeded, a PHA is not required. It is worth noting, however, that an Environmental Impact Statement (EIS) accompanies the Application in accordance with sub-section 78A(8) of the EP&A Act 1979, due to the proposal being classified as "Designated Development". The EIS considers in detail the potential impacts of the proposal and concludes that the automated waste treatment system will not emit any odours, is non-flammable, non-toxic, incorporates a steam sterilisation system and grinds by-product after sterilisation. The findings of the EIS supports that the proposed development is not classified as a potentially hazardous or offensive industry.

(n) Item iv. of the "Matters for consideration by consent authorities" indicates that any feasible alternatives (e.g. alternate sites, processes, site layouts or transport routes) should be considered. In regard to feasible alternatives, the applicant states that they considered a number of potential alternative sites in and around Sydney's West close to the existing arterial network. The investigations concluded, however, that sites closer to Sydney would encounter potential land use conflicts with urban development close to already congested road networks. The Arndell Park site was selected because it satisfied all of the operational requirements of the business. As the current zoning, being 4(a) General Industrial pursuant to BLEP 1988, permits this type of use Council considers the proposed location to be satisfactory. Furthermore, given that the preferred alternative will not result in any unreasonable impacts, it is considered that the proposed development is satisfactory.

(o) In terms of item v. above, Council must consider not only the likely future use of the land surrounding the development but also the suitability of the adjoining land zonings. The subject site is located in the industrial estate of Arndell Park. In the foreseeable future the land will remain zoned for industrial purposes and will support a range of warehousing, light and heavy industrial activities. Given that the subject site and the surrounding properties are zoned 4(a) General Industrial, and support development of an industrial nature, it is believed that the proposal is appropriately located.

5.1.3 State Environmental Planning Policy (Infrastructure) 2007

(a) Pursuant to Division 23 (Waste or Resource Management Facilities) of SEPP (Infrastructure) 2007 the proposed activity for a Clinical and Quarantine Waste Management Facility is defined as a "*resource recovery facility",* meaning a facility for the recovery of resources from waste, including such works or activities as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from waste gases and water treatment, but not including re-manufacture of material or goods or disposal of the material by landfill or incineration.

(b) Section 121 of the SEPP states that a "*waste or resource management facility",* meaning a waste or resource transfer station, a resource recovery facility, or a waste disposal facility is permissible in the IN1 – General Industrial Zone or its equivalent being the 4(a) General Industrial Zone. On this basis the proposed development being a Waste Management Facility is permissible within the 4(a) General Industrial Zone with development consent.

5.1.4 Blacktown Local Environmental Plan (BLEP) 1988

The subject site is zoned 4(a) General Industrial pursuant to the provisions of Blacktown Local Environmental Plan (BLEP) 1988. The proposed development, being for a Clinical and Quarantine Waste Management Facility, is permissible under the zoning with development consent.

Clause 9(3) of Blacktown LEP requires the development to be *generally consistent with* one or more of the following objectives of the 4(a) Zone:

(a) to provide areas for accommodating both traditional and modern forms of industrial, warehousing and like development outside areas used or zoned for residential or business purposes and so encourage economic and employment growth in Blacktown;

(b) to encourage the establishment of new industry and other compatible, large-scale activity in appropriate locations;

(c) to accommodate large industrial, warehousing and like developments such as auction rooms, plant and equipment hire establishments, timber yards and the like, but to prohibit offensive or hazardous industries;

(d) to enable development for the purposes of retailing only where it is associated with, and ancillary to, manufacturing purposes on the same land or where it serves the daily convenience needs of the local workforce;

(e) to enable development for the purposes of commercial offices only where it is associated with, and ancillary to, industrial, warehousing or like purposes on the same land or where it serves the daily convenience needs of the local workforce;

(f) to ensure permitted development creates areas which are pleasant to work in and are safe and efficient in terms of transportation and land utilisation;

(g) to enhance and improve the physical environment of the City of Blacktown by minimising disturbances caused by air pollutants, water pollutants, other pollutants and noise pollution; and

(h) to enable development for the purposes of community facilities such as child care facilities either in association with or independent of other permitted development to serve the needs of the workforce of the area.

The proposed development is consistent with one or more of the zone objectives for the 4(a) Zone (in particular objective [a] and [b]). Additionally, as detailed under Section 5.1.2 the proposal <u>is not</u> classified as hazardous or offensive industry and therefore is a permissible use with consent.

5.1.5 Blacktown Development Control Plan (BDCP) 2006

The proposed development is subject to the requirements contained in Blacktown Development Control Plan (BDCP) 2006. In this regard, BDCP 2006 Part A – *General Guidelines* and Part E – *Development in the Industrial Zone* have been used to assess the proposal. The proposal, in terms of its compliance with the DCP, is discussed in detail under Section 11 of this report. In this regard, the proposed development complies with the provisions of the DCP's, expect for a minor variation to the car parking requirements which will not compromise the orderly operation of the activity.

6. Findings from the Environmental Impact Statement (EIS)

6.1 In accordance with Section 78A of the EP&A Act 1979, an Environmental Impact Statement (EIS) has accompanied the proposal. Clauses 71 and 72 of the EP&A Regulation outlines the statutory matters that must be included in the preparation of an EIS. This includes a detailed description of the proposal, an assessment against the provisions of any relevant Environmental Planning Instruments (EPI), and an assessment of the key environmental issues. In response, an EIS was prepared by Stimson Consultant Services dated August 2011. The EIS states that the primary objective of the proposed development is to provide a facility which can treat certain waste within easy reach of the Sydney market. The main components of the EIS include information relating to the proposed development, justification for the proposal, an assessment against key environmental planning instruments and a discussion of the potential impacts relating to the use as a Waste Management Facility. A Microbiological Testing Report and NSW Health approval letter has also been submitted as part of the EIS. These are included at Attachment 3 to this report.

6.2 The EIS identifies the main environmental issues associated with the installation of the automated waste treatment process as being:

- Noise and vibration impacts to the surrounding properties.
- Air quality impacts.
- Traffic impacts on the local road network.
- Potential for hazards and risks associated with the waste management facility.
- Water management.

6.3 Each of the issues above have been addressed in detail within the EIS. The documents outline how the environmental performance of the proposal will be monitored and managed over time, along with identifying the risk associated with the operation. Appropriate controls and management methods are then identified in order to reduce the associated risk.

6.4 The Automated Waste Machine requirements submitted as part of the EIS describes the machinery which comprises the core processing aspect of the operation as an "automated waste management facility" within an existing industrial premises. A plan showing the location of the new machinery within the building is provided at **Attachment 2** to this report.

6.5 The MetaMizer 240 waste conversion device incorporates an autoclave and uses heat as the method for sterilisation. Approximately 40kW of electrical power is converted into heat via an electric boiler. Following this process the clinical and related waste is classified as "special waste" pursuant to the *Protection of the Environment Operations Amendment (Scheduled Activities and Waste) Regulation 2008.* The definition of "clinical and related waste" under the Protection of the Environment Operations Act 1997 means:

i. clinical waste, or

ii. cytotoxic waste, or

iii. pharmaceutical drug or medicine waste, or

iv. sharps waste, or

v. animal tissue, carcasses or other waste from animals used for medical research, but does not include any such waste that has been treated by a method approved in writing by the Director-General of the Department of Health.

6.6 **Clinical waste** means any waste resulting from medical, nursing, dental, pharmaceutical, skin penetration or other related clinical activity, being waste that has the potential to cause injury, infection or offence, and includes waste containing any of the following:

i. human tissue (other than hair, teeth and nails);

ii. bulk body fluids or blood;

iii. visibly blood-stained body fluids, materials or equipment;

iv. laboratory specimens or cultures; and

v. animal tissue, carcasses or other waste from animals used for medical research, but does not include any such waste that has been treated by a method approved in writing by the Director-General of the Department of Health.

6.7 The reference above to human tissue is not to be confused with waste that may include body limbs, organs or the like. The reference to human tissue includes samples and scrapings – for example where a pathology lab takes a sample of human tissue for analysis on a test plate. Body limbs and organs are treated separately as '*anatomical waste'* and are handled differently in hospitals and medical centres through separate storage and handling procedures and will not be dealt with at this operation.

6.8 It should be noted, however, that the OEH has advised that, as part of their GTAs and EPL, clinical waste that may be allowed to be treated at the premises excludes cytotoxic waste, pharmaceutical waste, drug waste or medicine waste.

6.9 The proposal also includes the treatment of '*quarantine waste'*. Quarantine waste is regulated by Federal legislation under the *Quarantine Act 1908*, the *Quarantine Regulations 2000* and the *Quarantine Proclamation 1998*. Quarantine waste is defined in the Regulation as:

i. material used to pack or stabilise cargo;

ii. galley and food waste;

iii. human, animal or plant waste; and

iv. refuse or sweepings from the holds or decks of a vessel or installation.

6.10 However, for operational purposes the following are also managed in the same way as quarantine waste:

i. imported goods which cannot meet import conditions;

ii. goods subject to quarantine which the importer has elected to dispose of; and

iii. byproducts and waste from processing of items subject to quarantine (unless those waste materials are released from quarantine as a result of the processing).

6.11 The areas of risk and management methods associated with the proposal as indicated in the EIS are summarised in the table below. It is recommended that, as a **condition** of any consent granted, the management methods are complied with at all times while the facility is in operation:

AREA OF RISK	CONTROLS / MANAGEMENT METHODS
Sewer Management	• The site is within an existing industrial area and is currently serviced by all major utility services. As no subsurface construction is proposed, no augmentation of these services is anticipated as part of the proposal. It will be **conditioned** that all faults are repaired or replaced. Where repairs or replacement is not possible, the asset owner should be informed of the fault. • The applicant will need to obtain a trade waste consent from Sydney Water for the treated wastewater from the waste management process. This will be **conditioned** accordingly.
Water Management	• Waste water will be produced, albeit at a small scale, from the washing of the waste collection bins. Since the bins are protected from the contents because of the double sealed bags, the washing of the bins is more for presentation purposes than for any necessary cleaning required as a result of carrying the waste. Accordingly, domestic grade detergents are used and are to be disposed of through the normal trade waste arrangements that can be made with Sydney Water. This will be **conditioned** accordingly. • The proposed machine itself does not require any internal cleaning. Information from the designer is provided as follows: *The clinical waste treatment technology uses a unique materials reduction device ("MRD") to produce a granulated product quicker, more silently and finer than conventional shredding technologies. The advantage obtained from the MRD enables steam, a penetrative effect not a thermal ("burning") effect, to sterilise the waste in markedly shorter times than conventional technologies.* *Laboratory "kill" times for viruses and bacterial endospores involve 3-4 minute sterilisation times using this technology as opposed to conventional commercial times of 30-60 minutes. The end result is clinical waste is converted to a general waste stream.* *Sterilisation of bacterial and viral pathogens is achieved by direct steam impingement of the waste, whilst granulation is occurring, with preset parameters ensuring once a minimum temperature of 137°C is achieved it is maintained for a period of 4 minutes.* *These parameters are controlled by a Unitronics programmable logic controller (PLC) with 24-volt battery backup in the event of power failure.* • A **condition** will be imposed requesting a wastewater management plan to be submitted to Council prior to the issue of an Occupation Certificate which details the bunding in place, location of spill kits and mitigation responses to a possible water contamination event.
Waste Management	• All waste that is discharged is sterile and the treatment is complete with no residual waste left in the chamber. It is for this reason that the machine is a self-cleaning device. • A **condition** will be imposed requesting a health and safety management plan to be submitted to Council prior to the issue of an Occupation Certificate which details mitigation procedures in the event of any spillage or a bag being punctured.
Odour Management	• In terms of ventilation the measures taken to adequately dissipate heat energy is successfully achieved with no noticeable effect on the

AREA OF RISK	CONTROLS / MANAGEMENT METHODS
	factory. This is achieved as the machine is fully insulated with 50mm thick thermo wool insulation. The result is minimal heat loss from the machine. • The machine does not require cooling in the sense of its main process module, however, it has an on-board cooling system for controlling the temperatures of its two internal water tanks only. • The electrical controls are located remote to the main module. • The machine's odour management system successfully uses an ozone treatment to eliminate odours from the process. A hood is installed over the inlet of the machine extracting the air through a reaction chamber while treating the air with the appropriate dosage of ozone before eliminating the air. • No external extractors or vents are required to be installed in the premises. • In accordance with the GTAs issued by the OEH, the proponent will, however, be required to install an appropriate air pollution control system to ensure that all air emissions, including gases, vapours and particulates from the process, plant and premises, are maintained at acceptable levels and these emissions are monitored correctly and regularly.
Noise Management	• The site is located within an existing Industrial Area. The proposal would not introduce new noise sources to the local area nor is it expected to reduce the acoustical amenity of the nearby area. It is expected the noise level contribution from the proposal would be considered insignificant when compared to the existing level of traffic and transport noise from the surrounding roads and operations at the Arndell Park industrial site. • To help reduce any potential noise impacts, all significant noise generating activities are conducted within the confines of the industrial building. • The trucks will only deliver raw material to the site or remove materials from the site during designated hours. • It will be **conditioned** as part of any approval that the operation of the machine is only to occur during the designated hours of 7am to 7pm Monday to Saturday. A further **condition** will require that the operation of the equipment does not exceed 5dBA above background noise levels at the property boundary.
Fire Safety Management	• The proposed use is of a small and discreet nature. Accordingly, no special fire fighting responses will be required. In the case of the machine ceasing to work properly or in the event that there was a malfunction, waste would be taken to an alternative waste management facility for treatment. • **Conditions** will be included on any consent granted to ensure standard BCA provisions shall apply to the building in respect to fire protection. This will include the provision of fire extinguishers, signage in areas where plant operations and fire risk activities are present, and the replacement of damaged or out of date fire extinguishers. The existing offices located on the first floor of the building will also need improved lighting and exit signs to comply

AREA OF RISK	CONTROLS / MANAGEMENT METHODS
	with AS 2293.
Traffic Management	• 3 trucks and 2 vans will service the business associated with the collection and delivery of the specially marked bins from clients' premises to the subject site. There will be 4 employees on the site comprising of 2 machine operators and 2 administrative staff. All drivers will be sub-contracted. It will be **conditioned** that work vehicles are to park within designated areas, are to park rear to kerb, and that designated truck loading and unloading areas shall be assigned on site. • The machine will be delivered to the site on the back of a semi-trailer. It will be unloaded and placed in the warehouse using a fork lift. An increased truck movement on the delivery day is unlikely to have an adverse impact as the site is located within an established industrial estate. • The proponent seeks approval to treat up to a maximum of 17 tonnes of waste per week (i.e. 900 tonnes per year). Calculations indicate, however, that the capacity of the equipment would only permit 12.5 tonnes to be processed per week (i.e. 650 tonnes per year). Based on a capacity of 12.5 tonnes per week, there would be 576 bins arriving at the premises each week (i.e. 96 bins a day). 3 trucks and 2 vans will deliver the bins to the premises. It is anticipated that each vehicle would make 1-2 deliveries to the site each day. There will also be one truck movement every two days associated with the collection of the bulk bin for disposal at landfill. All trucks delivering to the site will be unloaded and loaded within the confines of the site. Also, no trucks or vans are to be stored on site. These matters will be **conditioned** accordingly.
Hazardous Chemical Management	• The process is fully self-contained within the proposed machinery. There are no adverse emissions that arise as a result of the proposed process. • Apart from domestic grade detergents, there are no chemicals to be kept on the subject site as part of the development.
Monitoring Management	• Compliance with Sydney Water 21 day trade wastewater sampling regime and targets. • Concise recording/documentation of trade wastewater results. • Communication with all regulating authorities of target value breaches. • Compliance with routine inspections detailed by regulating authorities. • Daily recording of waste water discharged into the sewer. • In the event of machinery malfunction, appropriate health and safety measures are to be in place. These monitoring management measures will be **conditioned** accordingly.

6.12 The EIS concludes that **the proposal is not considered to be classified as either potentially hazardous or offensive industry** provided there are suitable measures in place to control the development. Further, it identifies that there will be no significant impact in relation to the key environmental issues identified provided all the controls and management methods identified within the EIS are implemented and monitored.

6.13 **Appraisal of the EIS by Council**

(a) Based on the assessment of the likely issues and the nominated controls identified within the EIS, it is considered that the operation, subject to the imposition of suitable environmental management conditions, could be managed appropriately by the operator.

(b) The EIS justifies a waste management facility at the subject site given that there is a need to reduce the amount of clinical waste/quarantine waste from the waste stream for reuse. While the current proposal is to deposit the treated inert material to landfill, the applicant is presently investigating ways to also reuse the byproduct in some environmental way to avoid the waste being deposited to landfill in the future.

(c) Approval has been sought to process 17 tonnes of clinical and quarantine waste per week. Based on the capacity of the equipment, however, it has been calculated that the facility is capable of treating 12.5 tonnes of waste per week. The maximum quantity of clinical and quarantine waste to be treated each year is therefore 650 tonnes. A **condition** of consent will be imposed limiting the operation to this capacity only. Before the operations can commence, an Environment Protection Licence (EPL) will also be required from the OEH. Based on any consent granted, the EPL will further ensure the capacity of the facility is limited to 650 tonnes per year. While it is recognised that the bins arriving at the premises will contain varying volumes, it is considered essential that limitations also be placed on the number of bins arriving at the site each day to ensure the maximum volume of 650 tonnes is not exceeded and that all waste arriving at the site is able to be treated on the same day and is not stored at the premises overnight. For this reason it is recommended that any approval granted limit the number of bins arriving at the site each day to 96 bins. This is in addition to the SEPP 33 requirement that only 23 full sulo bins (i.e. 0.5 tonnes) of unprocessed waste be stored on the site at any one time.

(d) There are no proposals for further expansion of the site. Expansion plans are limited by the size and capacity of the site and the machine. In any case, should any increase in capacity be proposed in the future, the operator would first need to demonstrate that the facility could contain all the storage items within the building and demonstrate that the operation can function safely. A PHA may be required to demonstrate this. Council believes that the subject premises will fit the processing equipment, provide adequate storage area for 0.5 tonnes of unprocessed waste in bins, and will adequately contain the bulk bin of processed sterilised byproduct and the clean bins for distribution to customers. Any changes to the proposed processing capacity will require separate development consent. This will be **conditioned** accordingly.

7. External Referrals

7.1 The subject Development Application was referred to the following public agencies as summarised in the table below:

<table>
<tr><th>Agency</th><th>Comments</th></tr>
<tr><td>Office of Environment and Heritage (OE&H)</td><td>
The proposal was referred to the Office of Environment and Heritage (OEH) on 12 August 2011, as an Environment Protection Licence (EPL) for a “scheduled activity” is required under the Protection of the Environment Operations Act 1997.
On 13 September 2011 OEH advised that it had reviewed the information contained within the Application and raised no objection to the proposal. Further to this, OEH issued its General Terms of Approval (GTA).
The GTAs are attached to the proposed Draft Conditions of Consent at Attachment 1. Some of the key requirements contained in the GTAs include:

An EPL for the premises is required before the operations can be commenced. A separate application will need to be made to the OEH for the EPL. It should be noted that the operator already holds an EPL to transport waste in NSW.
The proponent shall install an air pollution control system to ensure that all air emissions including gases, vapours and particulates from the process, plant and premises are maintained at acceptable levels and these emissions are monitored correctly and regularly.
The proponent must ensure that all clinical waste treated at the premises does not include cytotoxic waste, pharmaceutical waste, drug waste or medicine waste.
All processes including segregation, consolidation, bulking, compacting or treatment must be carried out wholly within the building and within a bunded area.
The proponent must ensure that the proposed clinical waste treatment is approved in writing by the Director-General of the Department of Health before an EPL can be issued and the treatment of clinical waste can be commenced.

It should be noted that any EPL issued for the premises will limit the activity to a maximum of 650 tonnes of unprocessed waste per year.
</td></tr>
<tr><td>Department of Planning and Infrastructure – Major Hazards and Contaminated Land Branch</td><td>
Advice was sought from Dr Derek Mullins - Technical and Policy Advisor at the DPI who confirmed the following items:

State Environmental Planning Policy No. 33 - Applying SEPP 33 is only a guideline document.
The Screening Threshold of 0.5 tonnes for clinical waste in Table 3 of the DPI's publication “Applying SEPP 33” is indicative of the amount that can be stored on the premises at any one time, but as all the waste that is transported to the site will be treated on the same day this will not apply.
Clinical waste, albeit classified as a Class 6.2 substance, is not an explosive substance nor does it contain chemicals. Given that the waste is transported and processed in double sealed bags, there is no opportunity for the waste to be exposed to the air/environment.
No Preliminary Hazard Analysis (PHA) is necessary if the potential hazards and amelioration measures are satisfactorily addressed in the Environmental Impact Statement (EIS).
The EIS is to address any potential equipment malfunction and any harmful emissions from the heating/sterilisation process.
Referral to the Fire Brigades is not required provided there are appropriate conditions requiring the premises to be upgraded in accordance with the

</td></tr>
</table>

Agency	Comments
	Building Code of Australia. In this regard the Applicant has had the existing fire systems inspected and will obtain certification. This will be **conditioned** accordingly. 7. WorkCover is a statutory authority and the applicant will be required to meet their requirements. The Applicant has received WorkCover Certification for the plant Design Registration. 8. Temporary storage of sealed bagged waste in sulo bins within the premises awaiting daily processing is acceptable. 9. Only 3 trucks and 2 vans will be used to transport a maximum of 96 sealed double bagged waste per day to the premises for processing. The likely number of vehicles movements is not significant and therefore does not warrant the preparation of a Transport Study in accordance with the Department's Publication "HIPAP No. 11 - Route Selection". 10. The OEH has provided written clearance to the proposal and has provided their General Terms of Approval. No objection is raised to the proposal by DPI subject to the imposition of appropriate **conditions**.

8. Internal Referrals

8.1 The subject Development Application was referred to the following internal sections of Council as summarised in the table below:

Section	Comments
Engineering & Drainage	As the Industrial building is an existing building and the Application is for a change of use only, Council's Development Services Engineers have advised that no On-Site Detention System or Stormwater Management Plan is required for the subject site.
Building	Council's Building Surveyors have reviewed the Development Application and have raised no objection to approval of the Application subject to the imposition of appropriate **conditions** of consent (Enclosure 18A on Council File JRPP-11-1642). The Building Services Section has stated, however, that the illegal demountable office currently within the industrial premises will need to meet the requirements of the BCA if it is to be retained. A suitable **condition** will be imposed on any consent to address this matter. The existing first floor offices will also need improved lighting and exit signs to comply with AS 2293. Suitable **conditions** will be imposed to address this and other fire safety management issues.
Traffic	Council's Traffic Management Section has undertaken an assessment of the proposal and has raised no objections in principle, however, has requested amended plans to show the dimensions of the proposed car parking spaces in accordance with the Australian Standards. This matter will be addressed by way of a **condition.** It should be noted that the applicant has provided 6 car parking spaces on site which adequately caters for all staff and any visitors to the proposed operations.
Environmental Health	The Application was referred to Council's Environmental Health Unit (EHU) for comment with **conditions** provided to control the development. These include but are not limited to: • The bin wash is to be bunded/graded so as to direct water/waste to a collection pit, which then discharges to the Sydney Water sewer system, in accordance with the requirements from Sydney Water.

	• A requirement for a Trade Waste Agreement from Sydney Water. • Compliance at all times by the operator with the Protection of the Environment Operations Act 1997.

9. Public Comment

9.1 Following receipt, the Application and accompanying EIS was notified in accordance with the requirements for "Designated Development" under Section 79 of the EP&A Regulation 2000. Public notification was undertaken to all property owners and occupiers within a 75m radius of the subject site for more than 30 days (i.e. between 4 October 2011 and 4 November 2011) and the Application was concurrently advertised in the local newspapers. In accordance with Council's Policy, the Application was also notified by way of a notification sign erected on the subject site.

9.2 As a result of the public notification period, **2 submissions were received** by Council. The concerns raised have been summarised below, together with Town Planning comments thereon:

(a) Pollution from steam vapours and odours of materials

Town Planning Comment:

- The submitted Microbiological Report on the Clinical Waste Treatment Centre, prepared by Microbiological Testing Programme, dated November 2004 carried out environmental air testing to establish baseline levels of microbial contamination. These levels can then act as a benchmark for comparison with environmental monitoring during routine plant operation. Air samples were taken from designated points in and around the plant, which showed that in all cases the microbial levels found were below the levels felt to require further investigation or remedial action. No pathogenic microorganisms were found in any sample.

- In relation to potential odours from materials, there are no odours emitted beyond the boundaries of the site. The waste is collected in a specially marked bin (SMB) that is provided by the proponent. The SMB is lined with a heavy duty liner that is sealable. Given that the waste in the premises is collected firstly in smaller, lined bins, the waste is essentially 'double-bagged' at the time of collection. No putrescibles or any other wastes emitting objectionable odours are received or generated.

- The sterilisation process releases only water vapour, which will be a maximum of half a litre vented from the equipment considering the cycle time of 12 - 15 minutes in a premises with a floor area of approximately 500sq.m and a roof height of 6m. There will be no atmospheric change in the factory and will not necessitate any external ventilation stacks or the like.

- It should also be noted that the proposed activity is classified as "scheduled" under the POEO Act 1997, and is therefore subject to an Environment Protection Licence (EPL). Matters relating to odour will therefore be monitored by OEH, as they are the regulatory authority for an activity of this size. Unless expressly permitted by an EPL, any activity carried out shall not give rise to offensive odour, offensive noise or pollution of land and/or water as defined by the POEO Act 1997. A **condition** of consent has been included requiring that Council be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened in accordance with Part 5.7 of the POEO Act 1997.

(b) *Increased traffic movement within cul-de-sac location*

Town Planning Comment:

- The existing industrial building was approved in 1998 as per DA-98-3251, and from that time has been used for industrial purposes, the most recent being for cargo flows which offered handling systems and related services for the loading and unloading of goods. No doubt such an operation would have had vehicles to service the operation.
- In relation to truck movements, the applicant states that there is approximately 1 in/out truck movement every 2 days associated with the collection of the bulk bin to landfill. However, 2 x 12 tonne trucks, 1 x 8 tonne truck and 2 small vans will also be used to deliver the bins to the premises for processing. It is anticipated that each of these 5 vehicles will make 1-2 deliveries to the site each day, and all vehicles are capable of satisfactorily manoeuvring on site. This is considered by Council's Traffic Services Section to be satisfactory and can be accommodated within the existing road network. The low number of trips carried out per week will have no adverse impacts on traffic movement within the Industrial Area.
- The applicant has advised that in terms of employee numbers, only 2 operators for the machine and 2 administrative staff are required for the proposed use of the site. This low volume of employees, and in turn vehicles, will not disrupt traffic to the local street system. A **condition** will be included in the consent requiring that all vehicles enter and leave in a forward direction, and park on site at all times.

(c) *Inhibiting pedestrian activity within a retail precinct*

Town Planning Comment:

- The subject site is located within an established industrial precinct. The site is zoned 4(a) General Industrial and therefore does not support general retail activities. The change of use of the existing industrial premises to a waste management facility is compatible with the desired land uses permitted under the zoning. Further, the use is to be contained entirely within private property and therefore does not allow access by the general public.

(d) *Increase in noise pollution*

Town Planning Comment:

- To help reduce any potential noise impacts, all significant noise generating activities will be conducted within the confines of the premises. This is consistent with other existing industrial uses in the area. It is anticipated that minimal noise will be generated from truck movements given the low number of vehicles servicing the business.
- The proposed activity is also classified as "scheduled" under the Protection of the Environment Operations (POEO) Act 1997. Under the POEO Act any activity carried out shall not give rise to offensive odour, offensive noise or pollution of land and/or water. The subject site will operate from 7.00am to 7.00pm Monday

to Saturday. The activity will be subject to an Environment Protection Licence (EPL). Matters relating to the emission of noise will therefore be monitored and carefully controlled by the OEH. As the OEH is the regulatory authority for this activity, OEH would also need to be notified of any changes to the permitted operating hours, so that the existing EPL conditions could be adjusted accordingly. Following any development approval, a copy of the determination will be forwarded to the OEH in accordance with the "Integrated Development" requirements.

- It will be necessary to ensure that the proposal complies with the EPA's Industrial Noise Policy and that the proposed operation does not to exceed 5dBA above background noise level at the property boundary. This will be **conditioned** accordingly in any consent issued.

(e) *Ground contamination*

Town Planning Comment:

- The premises is sealed with concrete and will be suitability bunded to ensure no runoff or spills escape. Notwithstanding this, it should be noted that the likelihood of ground contamination is minimal given that the double sealed bags will be contained in sulo bins and tipped directly into the machine.
- Inert sterilised byproducts from the treatment process pose no risk to human life and are collected in a bulk bin and taken to landfill.

(f) *Liquid waste runoff*

Town Planning Comment:

- All liquid waste runoff from the machine will be directed into the sewer system for removal. The quantities disposed of are limited by the terms of a Trade Waste Agreement specified by Sydney Water. As the Trade Waste Licence will need to be renewed periodically, Sydney Water will undertake their own inspections and monitoring to ensure the activity is operating within the parameters of the licence. Sydney Water will also monitor the total quantity of liquid waste generated through an electronic system which records the volumes discharged into the sewer system to monitor these volumes while the activity operates.
- The continued monitoring of this disposal would be undertaken by Sydney Water to ensure the agreed volumes are not then exceeded.
- The Applicant is also required to bund all areas and provide spill kits in the unlikely event of an incident requiring attention.

(g) *Combustible materials held on site, building standards require a 3 metre buffer zone surrounding the building to allow for adequate fire access and egress*

Town Planning Comment:

- The applicant has confirmed that there are no combustible materials associated with the waste management facility and, as such, a 3 metre buffer zone surrounding the building is not required as part of the activity.

(h) *Landscape plan and maintenance*

Town Planning Comment:

- At the time of the DA being lodged, a portable office was located within the front landscaped setback of the site. On inspection of the site on 16 November 2011, it was noted that the demountable office had been removed from this location. A **condition** of consent will be imposed for the re-embellishment of the landscaped area. An operational **condition** will also be included requiring all landscaped areas to be maintained at all times in a suitable manner.
- While a recent inspection reveals that the landscaping has been upgraded by the new owner of the premises, it is considered that additional landscaping can still be undertaken.

(i) *Area suitability, Kenoma Place supports a large retail/office activity and will discourage clients from visiting existing business re odour and air pollution, increased traffic*

Town Planning Comment:

- The subject site is zoned 4(a) General Industrial and permits the proposed use as a Waste Management Facility. The site has been used for industrial purposes for up to the past 12 years. As the proposal is not classified as hazardous or offensive development, the proposed use is considered suitable within the 4(a) General Industrial zone. Suitable **conditions** of consent are also recommended to address any potential environmental management issues and monitor the use.
- The premises will be licensed with the OEH under the POEO Act, and as such should there be any issues arising from the operation, the OEH can consider complaints and request the operator to rectify the issue. Failure on the part of the operator to rectify and respond to any complaints will jeopardise their license and their license can be revoked by the OEH.

10. Section 79C Consideration

10.1 Consideration of the matters prescribed under Section 79C of the Environmental Planning and Assessment Act 1979 (as amended) are summarised below:

Heads of Consideration 79C	Comment	Complies
a. the provisions of: *(i) any environmental planning instruments (EPI)* *(ii) any development control plan* *(iii) the regulations*	The provisions of relevant EPIs relating to the proposed development are summarised under Section 5 of this Report. The proposal is permissible in the 4(a) General Industrial Zone and satisfies the zone objectives outlined under Blacktown Local Environmental Plan 1988. The proposal is also consistent with the requirements of SEPP 33 relating to Hazardous and Offensive Development. Blacktown Development Control Plan 2006 - Parts A & E apply to the site. The proposed development is consistent with each of the requirements of the DCP. A detailed assessment of the Application is provided under Sections 6 and 11 of this Report.	Yes

Heads of Consideration 79C	Comment	Complies
b. *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*	An assessment of key environmental issues relating to the proposed development is provided under Section 6 of this Report. It is considered that the likely impacts of the development, including noise, odour, traffic, waste management and the like have been satisfactorily addressed. A thorough site analysis was undertaken to ensure that the proposed development will have minimal impacts on adjoining properties. Appropriate measures have been taken to address potential environmental impacts to neighbouring properties which will be controlled through the inclusion of appropriate **conditions** of consent. This is considered to alleviate the concerns raised and ensures the appropriate management of the activity with the relevant authorities.	Yes
c. *the suitability of the site for the development*	The subject site is zoned 4(a) General Industrial and permits the proposed use as a Clinical and Quarantine Waste Management Facility. The site has been used for industrial purposes for the past 12 years. As the proposal is not classified as hazardous or offensive development, the proposed use is considered suitable within the 4(a) General Industrial Zone with suitable conditions of consent able to be included to address any potential environmental management issues and monitor the use.	Yes
d. *any submissions made in accordance with this Act or the regulations*	As noted in Section 9 of this Report, 2 submissions objecting to the proposal were received. It is believed that the issues raised do not warrant refusal of the Application and can be addressed via suitable conditions of consent.	Yes
e. *the public interest*	No adverse matters relating to the public interest arise from the proposal. Any potential issues, including noise, odour and fire safety, as a result of the proposed use have been assessed and appropriate conditions included to control the development.	Yes

11. Council Assessment

11.1 Compliance with Blacktown Development Control Plan 2006 – Part A

An assessment of the proposed development against the relevant requirements of Blacktown Development Control Plan (BDCP) 2006 *Part A – Introduction and General Guidelines* is presented below:

i. ***Tree Preservation***

In determining a DA Council is required to consider the effect of that development on the landscape or scenic quality of the locality, and whether any trees or other vegetation on the land should be preserved. In this case the proposal is for the use of an existing building and as such does not impact upon any critical habitats, significant trees or existing vegetation.

ii. ***Items of the Environmental Heritage***

Schedule 2 of BLEP 1988 lists certain buildings or works which are defined as "items of the environmental heritage". There are no heritage items on the site or in proximity of the site.

iii. ***Car Parking and Access***

BDCP 2006 Part A provides car parking requirements for existing premises being remodelled and/or applying for a change of use. In this regard if the use of the building is changed this will be taken into account in assessing the parking required in addition to any increase in floor space on site.

Based on the floor area of the industrial premises and first floor offices, the proposal generates the need for a minimum of 9 spaces pursuant to BDCP 2006 (i.e. 6 spaces for the 450sq.m of industrial floor space and 3 spaces for the 120sq.m of ancillary office space). However, only 6 car parking spaces are available on site. The applicant has advised that no clients will be accessing the site other than the 4 employees working as part of the waste management facility. For this reason it is agreed that 9 car parking spaces are not warranted. It is also noted that the overall floor area of the premises is not being increased and that the Application is predominantly for use of the existing premises only. It is therefore recommended that the minor DCP variation be supported in this instance.

Council's Traffic Management Section has requested scaled plans to show the dimensions of the 6 proposed car parking spaces which satisfies the minimum requirement of the Australian Standards. This will be addressed by way of a suitable **condition** of consent. A further **condition** will also be imposed requiring all car parking spaces to be line marked and sealed with a hardstanding all-weather material at all times. Vehicle access is provided to the site through an existing 6m wide driveway from Kenoma Place at the south-eastern end of the site.

11.2 Compliance with BDCP 2006 *Part E - Development in the Industrial Zones*

The purpose of Blacktown Development Control Plan (BDCP) 2006 *Part E – Development in the Industrial Zones* is to provide detailed guidance for the preparation and assessment of Development Applications for sites zoned for industrial purposes. As the proposal involves the use of an existing industrial premises, the design guidelines contained within the DCP are not relevant. In this regard the design guidelines relate to new physical buildings works and "greenfield" Industrial Estates.

11.3 Acoustic Impacts

The proposal will not introduce new noise sources to the local area, nor is it expected to reduce the acoustical amenity of the nearby area. All significant noise generating activities are conducted within the confines of the industrial premises. It is expected that the noise level contribution from the proposal would be considered insignificant when compared to the existing level of traffic and transport noise from the surrounding roads and operations.

Notwithstanding the above, a **condition** will be included to address any potential future noise impacts which states "*Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the* *emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration*."

A standard condition will also be imposed requiring that the proposed operations do not exceed 5dBA above background noise levels at the property boundaries in accordance with the EPA's Industrial Noise Policy.

11.4 **General Services**

All services, including electricity, water, sewer and phone, are available to the site.

11.5 **Section 94 Contributions**

The subject site falls within Contributions Plan No. 1 – 1980s Release Areas. As the Application is for a change of use only, there is no requirement for Section 94 Contributions to be applied.

12. Concluding Comments

12.1 The proposed development is referred to the Joint Regional Planning Panel (JRPP) for determination pursuant to Clause 13B(1)(e) of State Environmental Planning Policy (Major Development) 2005 as the development is for the purposes of a "waste management facility" and is classified as "Designated Development" under Schedule 3 of the EP&A Regulations. As such, while Council is responsible for the assessment of the DA, determination of the Application is required to be made by the Sydney West JRPP. This report is forwarded to the Panel accordingly.

12.2 As part of the submission requirements for "Designated Development" the applicant was required to prepare an EIS addressing the provisions of any relevant EPIs and an assessment of the key environmental issues. An assessment against the provisions of SEPP 33 has concluded that there will be no significant risk or offence associated with the proposed activity, and that the proposed use is neither hazardous nor offensive development. The EIS also provides reasonable justification for carrying out the development and choosing the subject site for the activity. In addition, suitable management methods have been proposed throughout the EIS to control the potential areas of risk. These management controls will form **conditions** of any consent granted.

12.3 The proposal is also classified as "Integrated Development" under Section 91 of the EP&A Act 1979 given that an Environment Protection Licence is required from the NSW Office of Environment & Heritage (OEH) under the Protection of the Environment Operations (POEO) Act 1997. As part of the assessment process, the DA plans and EIS were referred to OEH for their assessment and GTAs. The OEH has raised no objection to the proposal and has issued their GTAs and licensing requirements, which will be included as **conditions** of any consent granted.

12.4 Given that the processing capacity of the waste treatment machine for each cycle is approximately 2 sulo bins and that a full cycle runs for approximately 15 minutes, it has been calculated that the proposed waste treatment machine could treat 8 bins per hour (or 96 bins during the 12 hour workday). As the proponent is seeking to operate 6 days a week, this would be equivalent to 576 full sulo bins or 12.5 tonnes of clinical/quarantine waste each week. The maximum clinical and quarantine waste that could be treated each year would therefore be 650 tonnes.

12.5 The Applicant has indicated that approval is sought for the handling and treatment of 900 tonnes or less of clinical or quarantine waste per year. The calculations indicate, however, that the machine would not have the capacity to treat this higher volume of waste. While it is recognised that each specially marked bin may not be filled to capacity, it is considered appropriate that limitations be placed on the number of bins arriving at the site each day in order to ensure that this maximum volume of 650 tonnes is never exceeded. As such, it is recommended that any approval granted limit the maximum number of bins to be processed to a maximum of 96 bins per day and 650 tonnes per year. This is considered necessary to ensure that all waste within the bins is processed on the same day that it is delivered to the premises and that no untreated waste is stored overnight at the site. This is in addition to the SEPP 33 requirement that only 23 full sulo bins (i.e. 0.5 tonnes) of unprocessed waste be stored on the site at any one time. These matters can be **conditioned** in any consent granted.

12.6 Council Officers have assessed the proposed development under the relevant heads of consideration listed under Section 79C of the Environmental Planning and Assessment Act 1979. Overall, it is considered that the proposed development is satisfactory and is unlikely to have any significant environmental, social or economic impacts on the locality or the surroundings.

12.7 The site is located within an existing Industrial Area in Arndell Park. The subject site is zoned 4(a) General Industrial pursuant to Blacktown Local Environmental Plan (BLEP) 1988. Given that the assessment under SEPP 33 has concluded that the proposal is neither hazardous nor offensive development, the proposed "waste management facility" is a permissible land use under Council's 4(a) Industrial zoning with development consent.

12.8 As a result of the public notification process, 2 submissions were received. The objections raised are mainly in relation to odour, noise, traffic movements and the potential spillage of materials. These matters have been addressed within the submitted EIS considered as part of the Application. Appropriate **conditions** of consent will also be included to control the development and address any valid objection.

12.9 Overall, the grounds for objection are not considered sufficient to warrant refusal of the Application. As such, it is recommended that the proposed Waste Management Facility be approved subject to appropriate conditions as documented at **Attachment 1** to this report.

13. Recommendation

13.1 The Development Application for the establishment of a Waste Management Facility at 9 Kenoma Place, Arndell Park be approved by the Sydney West Joint Regional Planning Panel subject to the draft conditions held at Attachment 1.

13.2 A copy of the determination be forwarded to the NSW Office of Environment and Heritage in accordance with the "Integrated Development" requirements.

13.3 The applicant and objectors be advised of the Sydney West Joint Regional Planning Panel's decision.

REBECCCA GORDON	JUDITH PORTELLI
TOWN PLANNER	MANAGER DEVELOPMENT SERVICES & ADMINISTRATION

GLENNYS JAMES
DIRECTOR CITY STRATEGY & DEVELOPMENT