



APPLICATION ASSESSMENT REPORT

APPLICATION No: D2011-57
PROPERTY DESCRIPTION: Lot: 80 DP: 1117848 No 11 Richardson Road Dubbo
DEVELOPMENT DESCRIPTION: Liquid Trade Waste Treatment Facility
ASSESSING OFFICER: Senior Planner 1-Phab Vetsavong
DATE: 22 November 2011

☐ LOCAL DEVELOPMENT
☒ DESIGNATED

☐ INTEGRATED DEVELOPMENT
☐ OTHER ()

Have all referral comments been received? YES
Does the application rely on any compliance certificates? Licence from OEH
Have all concurrences/comments from public authorities been received? YES

DEVELOPMENT DETAIL

The Development Application seeks approval for a *Liquid Trade Waste Treatment Facility* and additions and alterations to an existing building.

An Environmental Impact Statement (EIS) dated 15 February 2011 prepared by Tim Fitzroy and Associates was submitted with the Development Application. The EIS provided the following details relating to the proposed *Liquid Trade Waste Treatment Facility*:

- The Applicant wishes to process liquid trade waste onsite to maximise efficiencies, whilst at the same time minimising the environmental impacts of the operation on the neighbouring residence.

The proposed development will allow the bulk of grease trap and oily waste that is currently disposed of to landfill and depots in other centres to be treated to a suitable level for acceptance into Council's sewerage system. The proposed development will treat grease trap and mineral oily waste through two separate processes.

The grease trap and oily waste treatment processes will utilise the proposed addition to the existing shed to receive waste in order to minimise odours. To better manage odours all greasy waste will be received from vehicles within a sealed section of the shed. Odours from the receival dock will be captured and treated prior to extraction to the environment.

- Scheduled vehicular movements for liquid trade waste to the facility will include an average of twenty discharges per day of greasy waste and ten discharges per week of oily waste.
- The hours of operation are 6:00 am to 6:00pm, 7 days a week.
- The proposed development will collect greasy waste from commercial food premises and oily waste from mechanical repair operations and wash bays.

- Up to 2 megalitres of greasy waste and 2 megalitres of oily waste will be treated by the proposed development through two separate processes (refer to schematics) and product waste will be disposed either to Council's sewer system or landfill.
- Oil that is separated from the processing of the oily waste is collected and will be stored on site in a 60,000 litre bunded and roofed compound, to be later transferred off site.
- Sams' Liquid Waste and Hire currently have twelve (12) staff at the existing operations and there will be an additional two (2) employees.

SITE CHARACTERISTICS

The allotment is located on the northern corner of the Mitchell Highway and Richardson Road (see Appendix 1). The allotment has an area of 9,005m² with a frontage to the Mitchell Highway of approximately 83 metres and to Richardson Road of 144 metres.

Slope:

There is a fall of 1 metre from Richardson road frontage towards the northern boundary.

Vegetation: (Whether any trees on site should be preserved or is there any native vegetation on the site)

There is some onsite vegetation along the southern and northern boundary but not substantial enough to provide a landscape setting when viewed by oncoming traffic travelling along the Mitchell Highway. The applicant will be required to provide extensive landscaping along the boundaries of the land.

Access: (Vehicular and pedestrian)

There are two existing accesses along the Richardson Road frontage.

Drainage:

The existing development has access to existing Council stormwater services.

Services: (Sewer, water, electricity)

The land is currently serviced by an effluent pump out system and Council proposed to connect the area to a pressure sewer system in future.

Water and electricity are available to the site.

Adjoining uses: (Identify and describe locality)

North:	Vacant land but has development consent for a road transport and trailer interchange.
East:	Vacant land but has development consent for a warehouse (wool storage shed). There is a Bed and Breakfast establishment located 200 metres towards the north east, which is known as Blizzardfield.
South:	Existing industrial development.
West:	Across the Mitchell Highway is vacant land zoned industrial.

Existing development: (On the subject site)

The site is currently being used by Sams' Liquid Waste and Hire, which consist of the following:

- Hire and transport of portable amenities, greasy, oily and toilet waste over NSW and QLD.
- Collection of waste engine oil for recycling.
- Pumps out grease arrestors/grease traps from commercial kitchens, septic tank waste and oily water from wash bays for disposal at either approved land fill sites or licence facilities.
- Sams' Liquid Waste and Hire currently have twelve (12) staff at the existing operations.

Issues relating to associated files:

NA

Other: (eg contamination, fill placement, unauthorised activities, history)

The Environment and Health Services Supervisor's report dated 11 August 2011 stated the following:

*"An inspection of the site currently used for commercial purposes did not reveal any indications of any contaminating activities of note.
No further contamination investigations are considered necessary as the sensitivity of the proposed new landuse will not be more sensitive and the proposed potentially contaminating activities will be carried out under cover on bunded slabs. The standard condition is recommended in case any contaminated material is discovered on this existing commercial site during construction works."*

Responsible Officers comments

A standard condition has been imposed on the development consent as recommended above.

KEY ISSUES

From the site inspection and overview of the application, what planning issues are fundamental to Council's consideration of the proposal?

The EIS highlighted key issues such as odour and noise and provided the following:

"Odour

No identified (residential) receptors were predicted to experience odour above 0.2 OU/m³, indicating that odour impacts at surrounding residential properties are predicted to be lower than the most stringent DECCW odour assessment criteria (5.0 OU/m³); "

Noise

The operation of the Liquid Trade Waste Treatment Facility will generate noise from the following activities:

- *Air compressor*
- *Air blower*
- *Filter press pump*
- *Dissolved air flotation unit*
- *Flocculation tank pumps*
- *Vehicle unloading of waste*
- *General vehicle movements*

- *Forklift operation”*

The nearest affected residence is located 200 metres towards the north east, which is known as Blizzardfield. The above issues relating to odour and noise have been discussed elsewhere in this report.

PLANNING ASSESSMENT

Matters for consideration under S79C of the EPA Act 1979 (as Amended)

1. LEGISLATIVE REQUIREMENTS 79C(1)(a)

Dubbo Local Environmental Plan (DLEP) 2011 was gazetted on 11 November 2011. The Development Application was lodged prior to gazettal and as per Clause 1.8A Savings provision relating to development applications, the application is required to be determined as if DLEP 2011 had not commenced. That is, the application shall be considered under the provisions of Dubbo Local Environmental Plan 1998 – Urban Areas.

- (a) What is the zoning of the land under the Dubbo Local Environmental Plan 1998 – Urban Areas.

The subject land is zoned 4(b) General Industrial Zone pursuant to Dubbo Local Environmental Plan 1998 – Urban Areas.

- (b) What land use definition best defines the development proposal and is it permissible within the zone?

Land zoned 4(b) General Industrial Zone pursuant to Dubbo Local Environmental Plan 1998 – Urban Areas permits the following uses pursuant to clause 55(4) and clause 55 (5):

(4) Development only with development consent

Development for the purpose of the following may be carried out on land within Zone 4 (b) only with development consent:

artificial waterbodies; bulk fuel stores; car parks; child care centres; communications facilities; convenience service stations; corner stores; correctional centres; depots; drainage; dwelling houses (where ancillary to another lawful use of the land and situated on the same land as that lawful use); freight transport terminals; funeral establishments, home industries; industries; light industries; machinery dealerships; materials recycling depots; motor and recreational vehicle dealerships; on-site waste disposal; plant nurseries; recreation areas; recreation facilities; roads; sawmills; service stations; stock and sale yards; transfer stations; transport depots; treated waste application; utility undertakings; vehicle body repair workshops; vehicle repair stations; veterinary hospitals; warehouses or distribution centres.

(5) Publicised development only with development consent

Development for the purpose of the following may be carried out on land within Zone 4 (b) only with development consent and only after advertising in accordance with clause 20 (2):

aerodromes; brothels; companion animal facilities; cultural centres; restricted premises; rural industries.

Responsible Officers comments

The proposal is considered to be consistent with the LEP definition of *industry*, which is permissible in the zone with Council consent.

***industry** means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or any articles, but (in Part 3) does not include any other use elsewhere defined in this Part.*

Responsible Officers comments

The proposed development was not considered to qualify as a *waste disposal facility* or *on-site disposal* since the subject site is not the final destination for the disposal of the liquid waste (greasy and oily waste liquids) that will be treated at the proposed facility. A common example of a waste disposal facility would be Dubbo City's landfill site along Peak Hill Road.

***waste disposal facility** means a place set aside for the disposal of domestic and commercial waste and includes a place at which landfill is deposited but (in Part 3) does not include any other place or use separately defined in this Part.*

***on-site waste disposal** means the breaking down of human or animal wastes via natural means on land and then disposal on the same land either through spraying, in trenches or by other means.*

- (c) Does the development proposal conform to the objectives of the zone?

The objectives of Zone 4 (b) are as follows:

- (a) *to facilitate industrial uses that do not meet the definition of light industry but do not require the stringent environmental controls applied in the Special Industrial Zone,*
- (b) *to ensure that industrial development is undertaken in an environmentally sustainable manner,*
- (c) *to locate land uses appropriately to ensure that they do not adversely impact on the built or the natural environment and are compatible with uses of adjoining land,*
- (d) *to allow development which is reasonably ancillary to an established industrial use of the land on which the development is to be carried out,*
- (e) *to enable the development of land for certain non-industrial purposes as specified in subclauses (4) and (5) where they will not compromise the present or future industrial development of land within the zone and will not detrimentally affect the role of any business zone.*

Responsible Officers comments

The proposed development is consistent with the objectives as follows due to the following reasons:

- The development is not of a light industrial nature.
- It will be undertaken in an environmentally sustainable manner in regards to noise and odour impacts. The design of the proposed extensions to the building and the unloading of waste from trucks along with other measures will minimise impact on the bed and breakfast establishment (Blizzardfield) in Richardson Road and other developments in the locality.

- The development will be on land that is within an industrial area which has access to the Mitchell Highway via Richardson Road for easy vehicle access to established heavy vehicle transport routes.
 - The proposed development will also provided a more efficient management and operation of the existing Sam's Liquid Waste and Hire.
 - The existing site will benefit with additional onsite landscaping, in particular providing additional significant landscaping along the Mitchell Highway frontage to improve the visual amenity when viewed by passing traffic. The additional landscaping along the Mitchell Highway frontage will also benefit Dubbo City since the Mitchell Highway is an approach route into Dubbo City and the site would also be visible to persons who are travelling to and from the Dubbo City Airport.
- (d) Do any environmental planning instruments (SEPP, REP or LEP) apply to the land to which the Development Application relates? S79C(1)(a)(i)? (Development along transport corridors, development near Dubbo Airport).

Designated Development -Environmental Planning and Assessment Regulation 2000

Clause 4 of the Environmental Planning and Assessment Regulation 2000 states designated development as:

- (1) Development described in Part 1 of Schedule 3 is declared to be designated development for the purposes of the Act unless it is declared not to be designated development by a provision of Part 2 or 3 of that Schedule.*

Waste management facility is defined in Schedule 3 of the Environmental Planning and Assessment Regulation 2000 as follows:

32 Waste management facilities or works

- (1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and:*
- (a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste:*
- (i) that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or*
 - (ii) that comprises more than 100,000 tonnes of "clean fill" (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or*
 - (iii) that comprises more than 1,000 tonnes per year of sludge or effluent, or*
 - (iv) that comprises more than 200 tonnes per year of other waste material, or*
- (b) that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and:*
- (i) that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or*

- (ii) *that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or*
- (iii) *that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material, or*
- (c) *that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or*
- (d) *that are located:*
 - (i) *in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or*
 - (ii) *in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or*
 - (iii) *within a drinking water catchment, or*
 - (iv) *within a catchment of an estuary where the entrance to the sea is intermittently open, or*
 - (v) *on a floodplain, or*
 - (vi) *within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.*

Waste is defined in Schedule 3 of the Environmental Planning and Assessment Regulation 2000 as follows:

waste includes any matter or thing whether solid, gaseous or liquid or a combination of any solids, gases or liquids that is discarded or is refuse from processes or uses (such as domestic, medical, industrial, mining, agricultural or commercial processes or uses). A substance is not precluded from being waste for the purposes of this Schedule merely because it can be reprocessed, re-used or recycled or because it is sold or intended for sale.

Responsible officer's comments

The proposed development is a liquid trade waste treatment facility that will process up to 2 megalitres of greasy waste and 2 megalitres of oily waste per year. The proposed development exceeds the volume specified in subclauses 1(a)(iii) and 1(a)(iv) above and is deemed to be Designated development pursuant to the Schedule 3 of the Environmental Planning and Assessment Regulation 2000.

Furthermore, the subject site is located 213 metres of a dwelling that is not associated with the development (ie the subject land), which departs from the 250 metres specified subclauses 1(d)(vi) above and is deemed to be Designated development pursuant to the Schedule 3 of the Environmental Planning and Assessment Regulation 2000.

The Applicant provided an Environmental Impact Statement (EIS) prepared in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000.

NSW Office of Environment and Heritage

The development was referred to the NSW Office of Environment and Heritage (OEH) for assessment. The OEH granted General Terms of Approval (GTA's) dated 11 October 2011.

The GTA's dated 11 October 2011 have been imposed as conditions of development consent.

SEPP (Infrastructure) 2007

The proposed development will utilise driveway accesses along Richardson Road that is located within 90 metres of the Mitchell Highway and the Development Application was referred to the Roads and Traffic Authority (RTA) for assessment.

The RTA's correspondence dated 20 April 2011 recommended requirements which have been addressed by the imposition of conditions on the development consent.

SEPP 33-Hazardous and Offensive Development (SEPP 33)

A risk assessment in regard to SEPP 33 was submitted as part of the Development Application, which found that the 60,000L container to store waste oil is considered potentially hazardous. However, the proposed development will provide adequate prevention and management measures to minimise potential risks.

Orana Regional Environmental Plan No 1 – Siding Spring

The Development Application does not require referral to the Siding Springs Observatory under the provisions of the REP as the subject site is more than 100kms from the Observatory.

Clause 10 Development near Dubbo Airport

The finished floor level of the building will be 290.30m AHD. The Obstacle Limitation Surfaces (building height limit) for the site is 317m as per the Council OLS map. The highest proposed building to be erected as part of this development will have a ridge height of 298.30 m AHD, which is lower than the OLS of 317m. The proposed development will not compromise the OLS for the site and is therefore permissible.

- (e) Do any draft environmental planning instruments (SEPP, REP or LEP) apply to the land to which the Development Application relates? S79C(1)(a)(ii)?

As per Clause 1.8A Savings provision relating to development applications, the application is required to be determined as if DLEP 2011 had not commenced.

As such, draft DLEP 2010 exhibited the site as IN3 Heavy Industrial, which permitted *resource recovery facilities*. The proposed development is considered to meet the definition below:

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

- (f) Does the proposed development rely on the 'existing use' provisions of the EPA Act? S107/109 existing use?

NA.

- (g) Does any Development Control Plan apply to the land to which the Development Application relates? S79(1)(a)(iii)?

DCP U4.1 Light and General Industry Zones

Element 1 – Setbacks

Buildings are setback a minimum of 5m from the side and rear boundaries.

Requirement	Setback provided	Comments
Minimum 10 metre from the front boundary.	Setback of more than 50 metres	Consistent
Minimum 20 metre from the front boundary where the allotment fronts a transport corridor.	Setback of more than 50 metres	Consistent
On corner allotments buildings are setback a minimum of 6 metres from the boundary on the return frontage.	Setback of more than 15 metres	Consistent
Buildings are setback a minimum of 5 metres from the side and rear boundaries.	<ul style="list-style-type: none"> • Eastern side boundary-Setback of more than 35 metres. • Northern side boundary-Zero(0) setback. 	Departure.

The proposed development has a departure on the northern boundary as the setback will be zero rather than a minimum of 5 metres.

The location of the proposed addition will be located behind the existing building when viewed from the Mitchell Highway and thus will not compromise the visual amenity. When viewed from Richardson Road, the additions will also not adversely impact the streetscape since it will be at least 20 metres from the front boundary.

The additions will also not adversely impact neighbours in regard to access to sunlight. The additions will not overshadow the northern neighbour and will also be located a considerable distance from the eastern neighbour. Roads are located on the west and south of the subject land.

Element 2 – Building Design

The proposed building additions will have metal roofing and concrete tilt up walls to match the existing building.

Element 3 – Landscaping

The Mitchell Highway is an approach route to Dubbo City Airport and Dubbo City and the visual impact of the Mitchell Highway frontage is a key element. It is fundamental that a

wide landscape zone is provided along the Mitchell Highway frontage to enable plant species with a substantial growth height of at least 3 metres to be planted.

The DCP requires trees that have a mature height of at least 8 metres to be included in the landscape zone along the Mitchell Highway frontage.

The Site Plan (Tim Fitzroy & Associates, drawing A01, Issue F, dated December 2009) shows the use of *Trachycarpus fortune* and *Meleleuca* (paperbark) and under-planting of *Grevillia* shrubs within a landscape area along the Mitchell Highway frontage.

Trachycarpus fortune and *Meleleuca* (paperbark) have a growth height of up to 15 metres and 2 to 30 metres, respectively.

A condition has been imposed to require a detailed landscape plan, which will need to also show trees with a growth height of at least 8 metres within the landscape area. The tree stock must be a height of 1.5 metres at planting stage.

Element 4 – Vehicular access, parking and hard stand areas

Vehicle access:

- There will be three (3) vehicle entry/exit access driveways along Richardson Road. Two (2) of the driveways will be for truck access with the third driveway restricted to only small vehicles.
- Loading/unloading will occur within a sealed, bunded and roofed enclosure.
- Manoeuvring diagrams for a 12.5 metre long truck and 19 metre long semi-trailer were submitted with the Development Application.

The manoeuvring areas within the site for a 12.5 metre long truck and 19 metre long semi-trailer would need to be kept unobstructed, which can be controlled by management of the business.

A condition of development consent will be imposed to ensure that the vehicle manoeuvring areas are unobstructed at all times.

Parking:

A Traffic Impact Study prepared by Barnson dated December 2010 was submitted with the Development Application.

- The existing site currently has eight (8) car parking spaces.
- The proposed development will be serviced by rigid trucks and semi-trailers.
- Sam's Liquid Waste and Hire currently employ twelve (12) staff.
- The proposed development will require two (2) additional employees.
- GFA= 1068m²

According to Council's Policy Code-Standards for Off-Street Parking of Motor Vehicles, the following car parking is required:

Industries = one (1) space per two employees or one space per 90m² of GFA, whichever is the greater.

= [12 (existing employees) + 2 (additional employees)] x 1 space (per two employees)
= (14/2) x 1 space
= 7 spaces

OR

= $1068\text{m}^2 \times 1 \text{ space (per } 90\text{m}^2 \text{ of GFA)}$
= $(1068\text{m}^2 / 90\text{m}^2) \times 1 \text{ space}$
= 11.9 spaces
= 12 spaces

The proposed development requires twelve (12) car parking spaces, which are shown on the development plans. However, the plans do not show the provision of a disabled car parking space. A condition and notation has been imposed on the development consent to ensure that adequate disabled parking is provided on site, which is designed in accordance with the Access Code and AS 1428.1:2009.

The site plan shows parking for ten (10) trucks at the southern corner and parking for seven (7) trucks at the northern corner of the site.

Hardstand areas:

The site is covered with compacted blue metal, which has been adequate to provide a firm ground surface for vehicles that have been operating from the business.

Element 5 – Fencing

A security fence and gates will be provided along the Richardson Road front boundary, which will provide access to the site.

Conditions have been imposed to ensure the following:

- The proposed and existing vehicle access gateway(s) providing access to the site are to restrict vehicle access to approved operating hours and gate access to all vehicles shall be controlled by staff. Signage shall be displayed to advise drivers not to park within the road reserve outside of operating hours.
- The proposed security access gate(s) are to be constructed and erected to open inwards only onto the subject land, not “outwards” onto the footpath reserve area. Additionally, the proposed gate(s) shall be fitted with appropriate locking mechanisms such that the gate(s) cannot at any stage inadvertently swing or open onto the footpath reserve area.

Element 6-Design for Access and Mobility

This element has been discussed earlier in this report.

Element 7 – Waste Management

The Environment and Health Services Supervisor’s report dated 11 August 2011 stated the following:

“Some solid wastes will be produced in excess fill from trenching and wastes generated during demolition and construction works. No contaminated material is likely. No impacts are likely provided wastes are disposed of in an appropriate manner.”

Ongoing treatment activities will also produce a relatively small amount of solid wastes which will need to be classified prior to appropriate disposal. Standard classification and disposal condition recommended.”

Responsible Officers comments

Standard conditions have been imposed on the development consent as recommended above.

Element 10 – Services

Services have been discussed elsewhere in this report.

Element 11 – Residential Uses

There are no residential uses proposed for the development.

DCP G3.1 Access and Mobility

The proposed development includes additions to the existing shed, however, the existing office will not have an internal direct link to the proposed additions. Hence the existing office was deemed as not being an ‘affected part’ and does not require upgrading to the new disabled access standards.

Disabled car parking has been discussed elsewhere in this report.

Council Policy No 3 – Standards for Off-Street Parking of Motor Vehicles

Car parking has been discussed earlier in this report.

(h) Is there any matter prescribed by the regulations that applies to the land to which the Development Application relates? S79C(1)(a)(iv)?

- AS 2601 – 1991: The Demolition of Structures

NA.

- Fire Safety Considerations

Responsible Officers comments

The Building Services Supervisor has imposed conditions on the development consent.

- Upgrading of Existing Buildings

Responsible Officers comments

The Building Services Supervisor has imposed conditions on the development consent.

- Bushfire Protection

NA.

- (i) Does the development require the payment of a contribution pursuant to Section 94 of the EP&A Act or Section 64 LG Act?

Water Contribution

NA.

Sewer Contribution

Up to 2ML of greasy waste and 2 ML of oily waste will be treated by the proposed development through two separate processes (refer to schematics) and product waste will be disposed either to Council's sewer system or landfill. Hence up to 4ML of waste could be disposed of to Council's sewer system.

The calculations are as follows:

Sewer contribution rate = \$4,901.20 (per ET)

Peak daily rate = 5,000 litres (1 ET)

4ML = 4, 000, 000 litres per annum

= 4, 000, 000 litres/365 days

= 10,959 litres (per day)

= [10,959 litres (per day)/5,000 litres (1 ET)] x \$4,901.20

= 2.19 ET x \$4,901.20

= \$10,733.63

A condition has been imposed to request payment of \$10,733.63 (based on 2.19 ET's) for sewer contributions.

Urban Stormwater Contribution

The subject site falls within the catchment 2.10 Airport East Drainage. According to table No.2 of Section 94 Contributions Plan-Urban Stormwater Drainage Headwork's Contributions, stormwater contributions for this catchment do not apply.

Urban Roads Contributions

The Traffic Impact Study prepared by Barnson, dated December 2010 does not actually indicate if there will be any increase in vehicle trips to and from the site as a consequence of the proposed development. The site traffic count that was undertaken by Sam's Liquid Waste staff only provides an account of the existing traffic.

Sams' Liquid Waste and Hire currently uses vehicles to collect waste which is then transported twice, once to the subject site, (then transferred to larger vehicles) and transported a second time off site; to be processed elsewhere out of town (ie Bathurst or Newcastle). The proposed development will enable the waste to be processed on site hence transportation of waste occurs once. Therefore there will be a frequency reduction of vehicle movements from the site. (I confirmed this verbally with Mr Pelham Job on 27 October 2011 at the subject site).

Subsequently, urban roads contribution for the proposed development is not required.

- (j) Is the property(s) heritage listed?

NA.

- (k) Is a Heritage Study or Statement of Heritage Impact Assessment required? (If so, have comments been received by Council's Heritage Advisor?)

NA.

2. LIKELY IMPACTS OF THAT DEVELOPMENT S79C(1)(b)

(i) Flora/fauna habitat

- (a) Is there any native vegetation on the site or adjoining sites? Will the development impact/or require removal of native vegetation?

NA.

- (b) Has the impact under Section 5A of the EP&A Act 1979 been considered to determine whether development is likely to have a significant effect on threatened species, populations or ecological communities, or their habitats?

NA.

3. SUITABILITY OF THE SITE S79C(1)(c)

(i) Context, setting and public domain

- (a) Will the development have an adverse effect on the landscape/scenic quality, views/vistas, access to sunlight in the locality or on adjacent properties?

The proposed development, whilst being an industrial development; will enhance the streetscape by providing a landscape zone along the entire length of the Mitchell Highway frontage, which will be required to be extensively landscaped with plants that have at least a growth height of 8 metres.

- (b) Is the external appearance of the development appropriate having regard to character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of development in the locality?

The proposed additions will use materials that match the existing building.

- (c) Is the size and shape of the land to which the Development Application relates suitable for the siting of any proposed building or works?

The proposed additions will still provide areas within the site so as to enable internal vehicle manoeuvring.

- (d) Will the development proposal have an adverse impact on the existing or likely future amenity of the locality?

No. Measures will be implemented to ensure there are minimal impacts in regard to noise and odour. Noise and odour impacts have been discussed elsewhere in this report.

- (e) Will the development design be sensitive to environmental conditions and site attributes?

Yes.

- (f) Will the development have an adverse effect on the public domain?

The proposed development will improve the public domain in regards to the visual amenity along the Mitchell Highway.

(ii) Landscaping

- (a) Has adequate provision been made for the landscaping of the subject land? (Consider whether any trees or other vegetation on the land should be preserved, re-established, replaced or rehabilitated.)

Landscaping has been discussed earlier in this report.

- (b) Street trees (Street Tree Master Plan)

NA.

(iii) Environmental considerations

- (a) Is the development likely to adversely impact/harm the environment in terms of air quality, water resources and water cycle, acidity, salinity soils management or microclimatic conditions?

In regards to stormwater quality, salinity and air quality the Environment and Health Services Supervisor's report dated 11 August 2011 stated the following:

- *Proposed development on this highly developed site which has been used for various industrial purposes for many years will not further impact on the quality or quantity of infiltration to groundwater. Infiltration may actually be reduced.*

No salinity or groundwater impacts are anticipated as almost all proposed treatment activities will be carried out within the shell of the new and existing building which will be bunded to retain any spills within the building.

- *The proposed treatment activities will be carried out within the new building and is not foreseen to pose any significant threat of contamination to stormwater in the locality as the building will be bunded to retain any spills within the building. A condition formalising need for bunding is recommended.*
- *As requested by OEHL an Odour Impact Assessment, Report No. 30-2472-RI, dated August 2011 has been carried out by SLR Global Environmental Solutions and found that odour impacts at the surrounding residential properties are predicted to be lower than the OEHL odour assessment criteria (5 OU). Air pollution as defined by the POEO Act is therefore unlikely and can be controlled by air filtration if necessary. Standard notation is recommended."*

Responsible Officers comments

Standard conditions have been imposed on the development consent as recommended above.

- (b) Is the development likely to cause soil erosion?

The Environment and Health Services Supervisor's report dated 11 August 2011 stated the following:

"Standard erosion and sediment control measures should be adequate on this previously developed site which will only be exposed for a short time during construction works.

The proposed treatment activities will be carried out within the new building and is not foreseen to pose any significant threat of contamination to stormwater in the locality as the building will be bunded to retain any spills within the building. A condition formalising need for bunding is recommended."

Responsible Officers comments

Conditions have been imposed on the development consent as recommended above.

- (c) Is the development likely to cause noise pollution? If yes, indicate what control works are proposed or should be required.

The Environment and Health Services Supervisor's report dated 11 August 2011 stated the following:

"As requested by OEH a Revised Noise Impact Assessment has been carried out by Tim Fitzroy & Associates dated May 2011 and found that the development as proposed will comply with the noise goals of the Industrial Noise Policy 2000 (INP). The Revised Assessment also addresses intrusive noise and demonstrates that "offensive noise" is unlikely to be created at the nearest receiver. Standard conditions are recommended.

NSW Office of Environment and Heritage provided GTAs dated 11 October 2011 – the GTAs have now been received and include a noise condition which overrides Council's standard condition. This condition has now been deleted and the standard notation included."

Responsible Officers comments

Conditions and notations have been imposed on the development consent as recommended above.

- (d) Does the property(s) have a past use associated with contamination? (Refer to list of potentially contaminating activities or Unhealthy Land Register)

Contamination has been discussed previously in this report.

- (e) Will the development have an effect on conserving or using valuable land resources?

No.

- (f) Is the development likely to generate any adverse cumulative impacts?

No.

(iv) Social/economic

- (a) **Has the development the potential to have any adverse:**

- Social effect?
- Economic effect?

No.

(v) Hazards

- (a) Are there risks to people, property or the biophysical environment from natural or technological hazards? (eg Flooding, bushfire, EMP etc)

NA.

(vi) Access, transport and traffic

- (a) Has adequate provision been made for vehicle entry/exit, loading/unloading, internal manoeuvring and parking of vehicles within the development?

This has been discussed earlier in this report.

- (b) Has the surrounding road system in the locality the capacity to accommodate the traffic generated by the proposed development?

The proposed development will have three (3) driveways along Richardson Road. Richardson Road also provides access for other industrial businesses and a Bed and Breakfast. The three (3) driveways are within 137 metres of the Mitchell Highway giving the proposed development easy access to a road transport network, which has the capacity to accommodate any traffic from the proposed development.

- (c) Has adequate provision been made for access and parking for persons with a disability?

Disabled access and parking has been discussed earlier in this report.

- (d) If the development requires access to public transport services, are services available and adequate?

NA.

(e) Pedestrian access

Pedestrian access is only available once visitors and staff are within the site. The site is a considerable distance from the Dubbo City urban edge and it is unlikely that visitors would walk to the site.

(vii) Utilities and waste considerations

(a) Are utility services available and adequate for the development?

All stormwater and surface water will be excluded from the proposed liquid waste treatment system.

The roof water from both the existing shed and the proposed additions, will be required to be diverted to the Mitchell Highway table drain by means of appropriate drainage pipework.

(b) Does the development provide adequate sewer management facilities and controls (ie trade waste)?

Council's Water Supply and Sewerage Division provided correspondence dated 1 June 2011 advising that the Trade Waste Application that is required to be submitted by the Applicant needs to also include the following details:

- The expected discharge days and time of day;
- Holding tank capacity;
- The maximum operating pressure of the discharge pump;
- The flow rate;
- Daily discharge volume;
- Sewer connection size;
- Location of the connection to Council sewer.

An appropriate notation has been imposed on the development consent to advise the Applicant that the Trade Waste Application is to include, but not limited to, the above details.

A pressure sewerage system is required by the development and the Development Engineer in his report dated 31 May 2011 has imposed an appropriate condition on the development consent.

(viii) Any other requirements

(a) Are there any other requirements which should be considered in determining the application?

No.

4. SUBMISSION 79C(1)(d)

- (a) Has any representation been made to a public authority in relation to the Development Application or to the development of the area?

The Application was referred to the NSW Office of Water and Heritage and has been discussed earlier in this report.

- (b) Have any submissions been received from the public with regard to the proposal? (If yes, specify).

The Development Application was advertised until 2 April 2011. One submission from the Bed and Breakfast 'Blizzardfield' was received and the main issues raised are discussed as follows:

- *The proposed development will require strict monitoring and maintenance to ensure odour does not become a problem. Who is going to monitor this?*

The proposed development is the responsibility of the Applicant to satisfy operating requirements in regard to odour control and the processing of the waste and any relevant conditions of development consent.

Any future concerns will be investigated accordingly by Council in the first instance and will be referred to other relevant authorities if required.

- *Who will have the power to say stop immediately until there is no more odour?*

Council will investigate concerns regarding odour as they arise and will take action befitting the situation.

- *Is Council prepared to act immediately?*

If odour issues occur in future and Council is made aware of such occurrences, Council will investigate and take any necessary action based on the merits of the concern.

- *What is our recall to Council or Government department if the potentially worst happens and this treatment works continues with vile odours?*

Air emission levels are to be in accordance with the Environment Operations Act 1997 and any offensive odours would be investigated in the first instance by Council and if necessary to the NSW Environment Protection Authority (EPA).

- *The site looks like a dump yard and lacks landscaping.*

The subject site has existing vegetation along part of the southern boundary facing Richardson Road and the northern boundary. The subject site is located at least 100 metres from the neighbouring 'Blizzardfield' bed and breakfast and associated dwelling. The 'Blizzardfield' land also has existing vegetation located along its western boundary which would obstruct views from 'Blizzardfield' towards the proposed development.

The development plans show a landscape zone will be provided along the Mitchell Highway frontage, which will provide a screen and assist the aesthetic amenity of the highway. An appropriate condition has been imposed on the development consent.

5. PUBLIC INTEREST S79C(1)(e)

- (a) Do any policy statements from the Federal or State Government have relevance to the proposed development or the site?

The Development Application was referred to the NSW Office of Environment and Heritage, which has been discussed earlier in this report.

- (b) Are there any other credible research findings applicable to the case that need to be considered?

NA.

- (c) Will the health and safety of the public be affected by the proposed application? If so, how?

No.

Building Assessment – report dated 15 March 2011 and 16 May 2011

The Building Services Supervisor raised in his report of 15 March 2011 the discharge of stormwater, which has been discussed earlier in this report and addressed by the imposition of conditions. There are no other issues to be further investigated prior to the granting of the development consent.

Responsible officer's comments

The Building Services Supervisor's report of 16 May 2011 recommended the impositions of conditions and notations which have been imposed on the development consent.

Engineering Assessment – report dated 24 February 2011 and updated by report dated 31 May 2011.

The Development Engineer did not raise any issues to be further investigated prior to the granting of the development consent.

Responsible officer's comments

The Development Engineer's report of 31 May 2011 recommended the impositions of conditions and notations which have been imposed on the development consent.

Environment and Health Assessment – report dated 11 August 2011

The Environment and Health Services Supervisor advised (by email on 18 October 2011) that the noise condition in the General Terms of Approval (GTA) from the Office of Environment and Heritage correspondence overrides his condition for noise.

The Environment and Health Services Supervisor did not raise any issues to be further investigated prior to the granting of the development consent.

Responsible officer's comments

The Environment and Health Services Supervisor has amended his conditions and notations according to the above change and recommended conditions and notations have been imposed on the development consent.

CONCLUSION:

(How suitable is the site for the development? How have the key issues been addressed etc?)

The existing business currently collects liquid waste by using small trucks and the liquid waste is taken to the subject site where it is transferred into larger trucks to then be transported out of Dubbo for processing.

The proposed liquid trade waste treatment facility will process the liquid waste on site which will remove the need to transport the liquid waste out of Dubbo for processing.

The number of vehicles from the site will be significantly reduced and the vehicles leaving the subject site would be those sent out to collect the liquid waste and to dispose of the bio-solids to landfill sites after the liquid waste has been processed.

The proposed development is considered to be compatible with the industrial nature of the area and has been designed so that the processing of the liquid waste is contained in covered enclosed building with measures that will reduce impacts such as odour and noise.

RECOMMENDATION:

Having considered the matters raised and discussed in the assessment of the application it is recommended that the application be:

☐

Approved unconditionally

☐

Deferred commencement approval

☒

Approved subject to the following conditions:

☐

Refused for the following reasons:

(Refer to Schedule of Conditions/Reasons for Refusal attached)

Officer: Phab Vetsavong

Date: 31 October 2011

Appendix 1 – Site & Zoning Plan

