

JOINT REGIONAL PLANNING PANEL SYDNEY WEST REGION

JRPP No	2012SYW113
DA Number	2239/2012/DA-DE
Local Government Area	Campbelltown City Council
Proposed Development	Proposed Waste Transfer Facility
Capital Investment Value	\$10,000
JRPP Referral Criteria	<p>Designated Development pursuant to Environmental Planning and Assessment Regulation 2000 – Schedule 3 Part 1 Subclause 32.</p> <p>Development proposes handling of substances classified under <i>Australian Dangerous Goods Code</i>.</p> <p>Development is located within 500 metres of a residential zone.</p>
Street Address	12 Shaw Road, Ingleburn
Applicant	Environmental Treatment Solutions Pty Ltd (ETS)
Number of Submissions	Nil
Recommendation	Approval with Conditions
Report by	Rad Blagojevic – Senior Development Planner

Attachments

1. Recommended conditions of consent
2. General Terms of Approval – NSW EPA
3. Locality plan
4. Site plan
5. Floor plans

Purpose

The purpose of this report is to assist the Sydney West Joint Regional Planning Panel in its determination of the subject development application pursuant to the *Environmental Planning and Assessment Act 1979*.

Development Description	Use of premises as a waste transfer station
Property Description	Lot 9 DP 774110 12 Shaw Road, Ingleburn
JRPP Application No.	2012SYW113
Council Application No.	2239/2012/DA-DE
Applicant	Environmental Treatment Solutions Pty Ltd (ETS)
Owner	Russell Family Holdings Pty Ltd
Statutory Provisions	Environmental Protection and Biodiversity Act 1999 Greater Regional Environmental Plan No.2 – Georges River Catchment (deemed SEPP) State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy no.33 – Hazardous and Offensive Development Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009
Date Received at Council	13 November 2012

1. History

A briefing on the subject application was presented to the Sydney West Joint Regional Planning Panel (JRPP) on 28 March 2013 at the Department of Planning's offices in Parramatta. Matters discussed at the briefing included the proposal's intensification at the existing site, its relationship with surrounding development, additional information requested by Council to further explain and justify the proposal, lack of submissions received objecting to the development and compliance with local planning controls.

The applicant (ETS) is proposing to extend their current waste transfer facility for storage of packaged waste that is capable of storing a wide range of hazardous, restricted, solid and

liquid class waste streams to also encompass dangerous goods which has previously been restricted on the license held by ETS.

2. Introduction

Council has received a development application from Environmental Treatment Solutions Pty Ltd (ETS) to increase the types of materials that can be stored at the site to enable the applicant to obtain a dangerous goods license as part of the operations that are proposed to be undertaken on the site.

ETS has an established waste station located at the site, as well as a licensed hazardous waste treatment facility in Blayney, NSW.

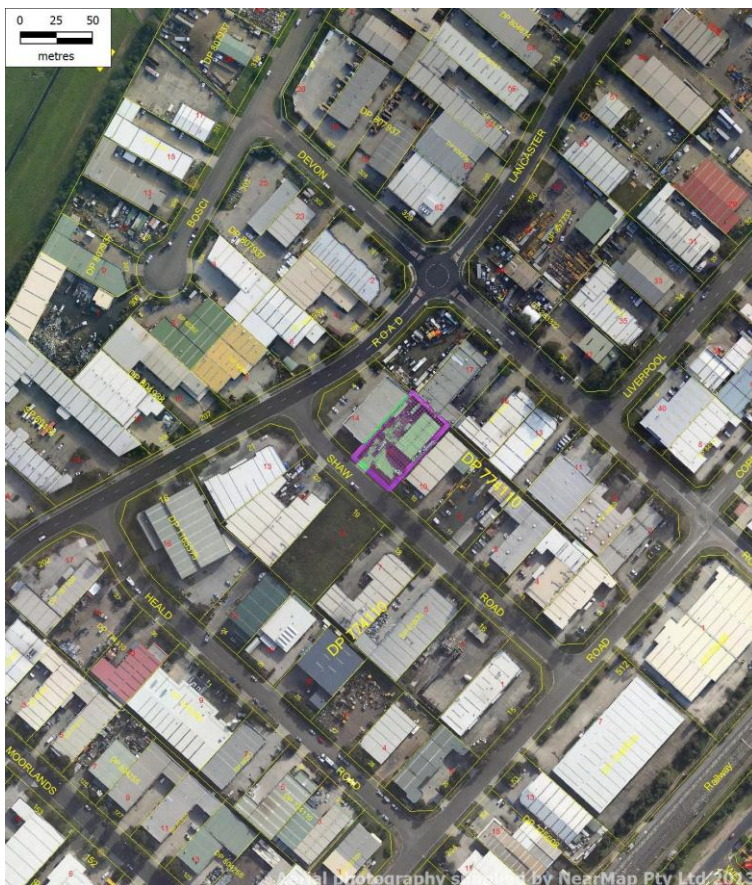
3. The Site

The subject site is located on the northern side of Shaw Road between the intersections of Stennett Road and Broadhurst Road. The land has an area of 2001 square metres and is rectangular in shape having a street frontage of 33.1 metres and a depth of 60.1 metres.

The land contains a fully bunded warehouse building with attached office that has a total floor area of 546 square metres.

The subject land is located within an industrial precinct in Ingleburn. Adjoining and nearby land uses include storage facilities, warehousing, mechanical repairs and manufacturing.

The subject site is zoned 4(a) General Industry Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002.



Industrial context

4. The Proposal

The proposed development seeks development consent for:

- Installation of two 5 tonne Class 3 Dangerous Goods Storage Cabinets that are self bunded;
- To permit the storage of up to 1000 tonnes per annum of dangerous goods classed waste;
- Transfer of materials for recycling, reuse or recovery;

The proposed development is considered an 'integrated development' as the use of the land requires an Environment Protection License under the *Protection of the Environmental Operations Act 1997*.

5. Assessment

The development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

Section 79C(1)(a) requires the JRPP to consider environmental planning instruments and development control plans that apply to the site.

5.1 Environmental Protection and Biodiversity Conservation Act 1999

The Commonwealth's Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) commenced on 16 July 2000 and is administered by the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (formerly Department of Environment, Water, Heritage and the Arts). The primary objective of the legislation is to:

"provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance"

It is considered that the proposed development will not impact on matters of national environmental significance and as such the proposal has not been referred to the Commonwealth Minister for the Environment, Heritage and Water under the EPBC Act 1999.

5.2 Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act 1997 (POEO Act 1997) has been considered in the assessment of the development proposal.

The objectives of the POEO Act 1997 include (but is not limited to):

- (a) *to protect, restore and enhance the quality of the environment in New South Wales, having regard to the need to maintain ecologically sustainable development,*
- (b) *to provide increased opportunities for public involvement and participation in environment protection,*

- (c) *to ensure that the community has access to relevant and meaningful information about pollution,*
- (d) *to reduce risks to human health and prevent the degradation of the environment by the use of mechanisms that promote the following:*
 - (i) *pollution prevention and cleaner production,*
 - (ii) *the reduction to harmless levels of the discharge of substances likely to cause harm to the environment,*
 - (iia) *the elimination of harmful wastes,*
 - (iii) *the reduction in the use of materials and the re-use, recovery or recycling of materials,*
 - (iv) *the making of progressive environmental improvements, including the reduction of pollution at source,*
 - (v) *the monitoring and reporting of environmental quality on a regular basis*

Pursuant to Schedule 1 Part 1 Clause 42 Waste Storage applies to the development. The clause states:

42 Waste storage

- (1) This clause applies to waste storage, meaning the receiving from off site and storing (including storage for transfer) of waste.
- (2) However, this clause does not apply to any of the following:
 - (a) the storage of stormwater,
 - (b) the storage of up to 60 tonnes at any time of grease trap waste, waste lead acid batteries or waste oil collected for recovery (but not when accompanied by any other kind of waste),
 - (c) the storage of sewage within a sewage treatment system,
 - (d) the storage and transfer of liquid waste that is generated and treated on site prior to sewer discharge, or lawful discharge to waters.
- (3) The activity to which this clause applies is declared to be a scheduled activity if:
 - (a) more than 5 tonnes of hazardous waste, restricted solid waste, liquid waste, clinical or related waste or asbestos waste is stored on the premises at any time, or
 - (b) more than 50 tonnes of waste tyres or 5,000 waste tyres is stored on the premises at any time, or

- (c) more than 2,500 tonnes or 2,500 cubic metres, whichever is the lesser, of waste (other than waste referred to in paragraph (a) or (b)) is stored on the premises at any time, or
- (d) more than 30,000 tonnes of waste (other than waste referred to in paragraph (a) or (b)) is received per year from off site.

(4) For the purposes of this clause, 1 litre of waste is taken to weigh 1 kilogram.

The applicant requires an amendment to their existing license for the proposed activity as it is sought to store more than 1000 tonnes per annum of dangerous goods classed waste. ETS currently has an Environmental Protection Licence for the premises, however will require an amended license given the proposed waste streams and volumes proposed under this application.

5.3 Greater Regional Environmental Plan No. 2 - Georges River Catchment (deemed SEPP)

Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment applies to the land. The Plan aims to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, state, regional and local significance of the catchment.

Part 3 Clause 22 of the Regional Plan provides a list of matters for consideration having regard to waste management facilities or works. These matters include:

- A system is to be required to manage leachate surface controls on the land on which the waste management facility or works is or are proposed.
- A site management plan is to be required for the land on which the waste management facility or works is or are proposed.
- The likelihood of groundwater contamination.
- The adequacy of the proposed leachate management system and surface water controls.
- The long-term stability of the final landform and the adequacy of the site management plan.
- Where the proposed development involves extraction of material, whether an adverse impact on the Georges River or its tributaries will result.

The proposed development has been assessed in accordance with the Regional Plan, and is considered to satisfy all the relevant requirements of the Regional Plan.

The subject land is not flood liable and hence the development is not prohibited on the site.

5.4 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 applies to the land. The proposed development is permissible on the land subject to clause 121 of the SEPP having regard to '*waste or resource management facilities*'.

Schedule 3 of the SEPP identifies development that are deemed to be traffic generating and required to be referred to the Roads and Maritime Services (RMS) for comment. *'Landfills, recycling facilities, waste transfer stations'* of any size or capacity is identified as being development to which SEPP (Infrastructure) 2007 applies. It is be noted that Schedule 3 specifies that this applies to new development or the extension of existing facilities.

Clause 104 of SEPP (Infrastructure) 2007 states:

104 Traffic-generating development

- (1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:
 - (a) new premises of the relevant size or capacity, or
 - (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.
- (2) In this clause, relevant size or capacity means:
 - (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or
 - (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection — the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.
- (3) Before determining a development application for development to which this clause applies, the consent authority must:
 - (a) give written notice of the application to the RTA within 7 days after the application is made, and
 - (b) take into consideration:
 - (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and
 - (ii) the accessibility of the site concerned, including:
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
 - (iii) any potential traffic safety, road congestion or parking implications of the development.

- (4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.

In accordance with these provisions, the application was referred to RMS for comment. RMS wrote to Council raising no objection to the proposed development. However, RMS did provide comments for Council to consider during the assessment of the development application. These points raised include:

- A Construction Traffic Management Plan (TMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of the Construction Certificate;
- The number of car parking spaces should be provided to Council's satisfaction;
- The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage;
- The swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS;
- The developer shall be responsible for all public utility adjustment/relocation works necessitated by the above work and as required by various public utility authorities and/or their agents;
- All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

It is considered that the above points raised by the RMS are not unreasonable given the circumstances of the development proposal. Appropriate conditions of consent could be included should the consent authority deem it appropriate to do so.

It is to be noted that no construction certificate is required should development consent be issued as no works are proposed. Car parking and vehicle manoeuvring would have been considered for the development of the building.

5.5 State Environmental Planning Policy No.33 - Hazardous and Offensive Development

State Environmental Planning Policy No.33 – Hazardous and Offensive Development (SEPP 33) applies to potentially hazardous or offensive development.

The proposed development would not be considered potentially hazardous as the levels of dangerous goods involved in all activities on site would be less than the threshold limits outlined in *Applying SEPP 33 Hazardous and Offensive Development Guidelines* published by the Department of Urban Affairs and Planning.

The transportation and vehicle movements would not exceed the transportation screening thresholds as defined in Table 2 of *Applying SEPP 33 Hazardous and Offensive Development Guidelines*.

Given that the development would not exceed the limits as defined in the guidelines, the proposal is not considered to be potentially hazardous.

5.6 Campbelltown (Urban Area) Local Environmental Plan 2002

The site is zoned 4(a) General Industry Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002). “*Storage establishments*” and “*warehouse*” are permissible with Council’s consent in the 4(a) zone.

Storage Establishments are defined in the CLEP 2002 as:

“a building or place used principally for the storage of goods, materials or products and includes facilities for the loading and unloading of vehicles carrying those goods, materials or products, but (in Part 2) does not include a road transport terminal.”

Warehouse is defined in the CLEP 2002 as:

“a building or place used for the storing, handling and subsequent distribution of goods, materials or merchandise, but (in Part 2) does not include a shop or other building or place elsewhere specifically defined in this Schedule.”

The objectives of the 4(a) General Industry Zone include:

- (a) to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown, and
- (b) to allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown, and
- (c) to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development, and
- (d) to protect the viability of the commercial centres in the City of Campbelltown by limiting commercial activities to those associated with permitted industrial, storage and allied development, and
- (e) to ensure development will not be carried out unless the consent authority is satisfied that the processes to be carried on, the transportation to be involved, or the plant, machinery or materials to be used, do not interfere unreasonably with the amenity of the area.

Except as otherwise provided by this plan, consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

It is considered that the proposed development is consistent with the zone objectives above and subsequently consent can be granted by the consent authority.

5.7 Campbelltown (Sustainable City) Development Control Plan 2009

The application has been assessed having regard to Council’s Sustainable City Development Control Plan 2009 (Part 6 Industrial Development). The aim of the

policy is to clearly set out Council's requirements for industrial development. The objectives include:

- *Ensure that industrial development is both functional and attractive in the context of its local environment through appropriate design;*
- *Reduce the visual impact of industrial development on the streetscape and surrounding areas;*
- *Ensure that sufficient areas are available for landscaping, access, car parking and manoeuvring of heavy vehicles on site;*
- *Ensure that building materials are high quality and durable; and*
- *Ensure that fencing and walls for security purposes have positive impacts on the streetscape and from other public domain areas.*

It is considered that the proposed development is consistent with the objectives of Part 6 of the SCDCP.

The application has been assessed against the provisions of *Part 6.8 Environmental Management* of SCDCP. The objective of Part 6.8 is:

- *To ensure that appropriate environmental management measures are implemented to prevent air, stormwater and noise pollution.*

An assessment of the proposal against Part 6.8 has been carried out and is detailed below.

		Campbelltown (Sustainable City) Development Control Plan 2009	
Control	Requirement	Proposed	Complies
Part 6.8.1 Liquid Storage	The storage and handling of flammable and combustible liquids shall be in accordance with Australian Standard 1940 - The Storage and Handling of Flammable and Combustible Liquids and the Environment Protection Authority publication, " <i>Bunding and Spill Management</i> " (as amended).	The storage of materials will be in accordance with the relevant authority's guidelines. The operator is presently stores liquid wastes at other locations.	Yes
	All above ground liquid storage facilities, including waste shall be in a covered bunded area that is constructed of impervious materials.	Existing building is currently appropriately bunded.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2009	
Control	Requirement	Proposed	Complies
	<p>Above ground tanks shall be contained in a bunded area that:</p> <p>is at least 110% of the volume of the tank or the largest tank, where a group of tanks are enclosed; and</p> <p>walls shall be at least 250mm in height.</p>	No tanks proposed with development. Proposal includes storage cabinets that are self bunded.	Yes
	The bunded area of drum storage facilities shall be able to contain 25% of the total volume of all drums and shall have a minimum capacity of at least 400L. Walls shall be at least 250mm in height.	Internal bunded area exists. Storage cabinets proposed are self bunded.	NA
Part 6.8.2 Air Quality	Any development that is likely to or capable of generating levels of air emissions exceeding the requirements of the Protection of the Environment Operations Act 1997 shall demonstrate appropriate measures to mitigate against air pollution.	Proposed development is unlikely to generated air emissions.	Yes
Part 6.8.3 Noise	Any development that is likely to or capable of generating levels of noise exceeding the requirements of the Industrial Noise Policy (published by the Department of Environment and Climate Change) and shall demonstrate appropriate measures to mitigate against noise pollution.	Proposed development is unlikely to generate unacceptable noise emissions.	Yes
Part 6.8.4 Stormwater and Drainage	All activities with the potential to pollute the stormwater system shall be carried out within a covered and bunded area sited, designed and constructed to Council's satisfaction.	The proposed development's potential to generate a potential to pollute the stormwater system is negligible.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2009	
Control	Requirement	Proposed	Complies
	Liquid waste and waste water shall either be: recycled on site; treated and discharged to the sewer in accordance with a trade waste licence issued by Sydney Water; or collected, stored in a covered, bunded area and collected by a Department of Environment and Climate Change licensed contractor; and discharged to a licensed waste management facility.	The stored waste (including liquid waste) will be appropriately stored prior to its disposal to a licensed hazardous waste treatment facility operated by the applicant in Blayney, NSW.	Yes
	Development shall not result in water run-off causing flooding or erosion on adjacent properties.	The proposed development is unlikely to cause flooding and erosion.	Yes
	Stormwater run-off shall be appropriately channelled into a stormwater drain in accordance with SCDCP Volume 2.	The proposed development is unlikely to impact on the existing stormwater system that is considered satisfactory.	Yes

6. The Public Interest

Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979* requires Council to consider the public interest in consenting to a development application.

The public interest is a comprehensive requirement that requires Councils to consider the long term impacts of development and the suitability of the proposal in a larger context. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the desired future outcomes expressed in SEPPs, LEPs and DCPs.

The application is considered to have satisfactorily addressed Council's relevant objectives and controls required for development in this area.

7. Submissions

Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979* requires the JRPP to consider submissions made to the proposal.

The application was notified and publicly exhibited between 14 December 2012 and 23 January 2013. The application was notified directly to nearby and adjoining owners and via public notice in local print media.

Council did not receive any submissions objecting to the proposed development.

8. Conclusion

Council has received an application for the increase in the types of materials that can be stored at Lot 9 DP 774110, 12 Shaw Road, Ingleburn to enable the applicant to obtain a dangerous goods license as part of the operations currently undertaken on the site.

The proposed development includes:

- Installation of two 5 tonne Class 3 Dangerous Goods Storage Cabinets that are self bunded;
- To permit the storage of up to 1000 tonnes per annum of dangerous goods classed waste;
- Transfer of materials for recycling, reuse or recovery;

It is considered that the development is appropriate for the land's zoning, industrial setting and road network and is considered to have an appropriate and acceptable impact on the site and surrounds.

Officer's Recommendation

That development application 2239/2012/DA-DE (JRPP ref. 2012SYW113) for the proposed increase in the types of materials that can be stored at the existing waste transfer facility at 12 Shaw Road, Ingleburn be approved, subject to conditions detailed in Attachment 1.