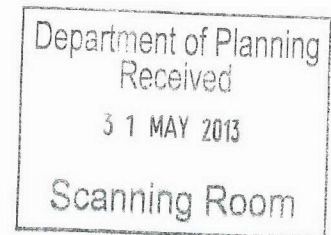


Joint Regional Planning Panel
GPO Box 3415
SYDNEY NSW 2001



23 May 2013

SUBJECT: DEVELOPMENT APPLICATION REFERRAL

PROPERTY: 25 Government Road, Bargo (Lot 252 DP: 257510), Unmade Crown Road (Anthony Road) between Government Road and Great Southern Road, North Bargo Railway Overbridge (opposite Wellers Road intersection) and associated road intersections.

PROPOSED DEVELOPMENT: Erection & Operation of a Waste/Resource Transfer Station, Resource Recovery Facility, Truck Depot, Ancillary Facilities, Off-Site Road Works, Transfer of Crown Road to Council.

Dear Sir/Madam,

As you are aware Council has previously referred the above application for your organisation's consideration and/or concurrence.

It is confirmed that the application has now been determined by Council.

For your information, please find attached a copy of Council's Notice of Determination under Section 81 of the Environmental Planning & Assessment Act, 1979 in respect to this application.

Should you wish to clarify or discuss any aspect of the determination please contact Council's Development Services Section Monday to Friday between the hours 8.00am - 4.00pm on phone (02) 4677 1175 or Fax (02) 4677 1831 or email council@wollondilly.nsw.gov.au. Please quote File No. 010.2012.00000336.001

Yours faithfully,

Administration Officer
Development Services Section

COUNCIL COPY

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
DESIGNATED/INTEGRATED DEVELOPMENT APPLICATION
010.2012.00000336.001**

Environmental Planning and Assessment Act, 1979

TO:

Ironlaw Pty Ltd
c/- Precise Planning
PO Box 426
NORTHBRIDGE NSW 1560

Being the applicant(s) for Development Application 010.2012.00000336.001 relating to:

Lot: 252 DP: 257510, 25 Government Road & Unmade Crown Road (Anthony Road) BARGO.

PROPOSED DEVELOPMENT:

WASTE OR RESOURCE TRANSFER STATION, RESOURCE RECOVERY FACILITY, TRUCK DEPOT, ANCILLARY FACILITIES, OFF-SITE ROADWORKS AND OTHER MATTERS AS DETAILED IN THE ENVIRONMENTAL IMPACT STATEMENT

DETERMINATION DATE: 17 May 2013

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by **refusal** to issue consent. The reasons for refusal are listed on the attached page(s).

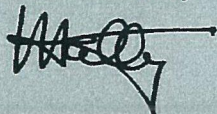
(1) Should you feel aggrieved by Council's decision in this matter, or object to the conditions imposed, you are entitled to:

(a) lodge, in accordance with Section 97(1) of the Act, an appeal with the Land and Environment Court of NSW within six (6) months of the date appearing above. Forms for such are obtainable from the Local Court at your request.

(2) This application has not been considered by the Planning Assessment Commission.

Should you require further information regarding the above matter, please contact Michael Kelly, Team Leader - Development Assessment on phone (02) 46771100 or Fax (02) 4677 1831 in Council's Development Services Section Please quote File No. 10.2012.336.1.

Yours faithfully



**Michael Kelly
TEAM LEADER DEVELOPMENT ASSESSMENT
DEVELOPMENT SERVICES**

REASONS FOR REFUSAL**DEVELOPMENT APPLICATION NO. 010.2012.00000336.001**

1. The NSW Environment Protection Authority, as an approval body, has advised Council that it will not issue an Environment Protection Licence in respect to the proposed development. Pursuant to Section 91A(4) of the *Environmental Planning and Assessment Act, 1979* Council must refuse consent to the proposed development.
2. The application is not in the public interest. (Section 79C(1)(e) *Environmental Planning and Assessment Act, 1979*).
3. The proposed development does not satisfy the objectives of the RU1 Primary Production zone of *Wollondilly Local Environmental Plan 2011* under clause 2.3(2). (Section 79C(1)(a)(i) *Environmental Planning and Assessment Act, 1979*).
4. The proposed development fails to satisfy the objectives of Wollondilly Development Control Plan 2011 (Section 79C(1)(a)(iii) *Environmental Planning and Assessment Act, 1979*) in regard to:
 - (1) Objectives (a), (b), (c) (e) (f) and (l) in Clause 2.2 of the General Objectives of the Wollondilly Development Control Plan 2011 ("WDCP 2011") – Volume 2.
 - (2) Objectives (d) (e) and (l) of the General objectives for Infrastructure Uses of the WDCP 2011– Volume 5.
 - (3) Objective (b) of Clause 2.3.3 of the WDCP 2011 – Volume 5.
 - (4) Objective (a), (b), (c) and (d) of Clause 2.3.5 of the WDCP 2011 – Volume 5.
 - (5) Objectives (a) and (b) of Clause 2.3.12 of the WDCP 2011 – Volume 5.
 - (6) Objective (g) of Clause 3.8 of the WDCP 2011 – Volume 5.
 - (7) The locational, storage and noise/odour controls in Clause 3.8 of the WDCP 2011 – Volume 5.
 - (8) A Waste Management Plan has not been prepared in accordance with Part 5 of Clause 3.8 of the WDCP 2011 – Volume 5.
 - (9) The noise/odour/litter controls in Clause 3.8 of the WDCP 2011 – Volume 5.
5. The proposed development is incompatible with the rural character of the surrounding area and is likely to result in rural land use conflict, which is contrary to the objective in the fourth dot point of the RU1 – Primary Production zone under *Wollondilly Local Environmental Plan 2011* (Section 79C(1)(c) *Environmental Planning and Assessment Act, 1979*).

6. The proposed development will have an unreasonable impact on the local road network, particularly as a result of increased traffic generation. (Section 79C(1)(b) *Environmental Planning and Assessment Act, 1979*).
7. The proposed development will have an unreasonable impact on the local road network, particularly in relation to road safety conditions along local streets and intersections, including the Wellers Road Bridge. (Section 79C(1)(b) *Environmental Planning and Assessment Act, 1979*).
8. The proposed development will have an unacceptable impact on the environmental capacity of the local street system due to the increase in traffic generation. (Section 79C(1)(b) *Environmental Planning and Assessment Act, 1979*).
9. The proposed development will have an unacceptable impact on the structural adequacy of the overbridges and road pavement along the vehicular access routes. (Section 79C(1)(b) *Environmental Planning and Assessment Act, 1979*).
10. The proposed development is inconsistent with the existing and future character of the area and is likely to impact on the future growth of Bargo as depicted in Council's adopted Growth Management Strategy. (Section 79C(1)(b) *Environmental Planning and Assessment Act, 1979*).
11. The proposed development is inconsistent with *State Environmental Planning Policy 33 – Hazardous and Offensive Development*. (Section 79C(1)(b) *Environmental Planning and Assessment Act, 1979*).
12. The proposed development will have an unacceptable impact on the heritage values of the Wellers Road Bridge, which is listed as a heritage item pursuant to Schedule 5 of *Wollondilly Local Environmental Plan 2011*. (Section 79C(1)(b) *Environmental Planning and Assessment Act, 1979*).
13. Insufficient information has been provided to demonstrate that the proposed development, in particular the construction of the Crown Road, will not have an adverse impact upon potential archaeological deposits within this area (Section 79C(1)(b) *Environmental Planning and Assessment Act, 1979*).
14. The proposed development will have an unacceptable acoustic impact on existing residential properties along the proposed vehicular access routes and future residential properties proposed in the Growth Management Strategy. (Section 79C(1)(b) *Environmental Planning and Assessment Act, 1979*).
15. The proposed development will have an unacceptable odour impact on residents of Bargo. (Section 79C(1)(b) *Environmental Planning and Assessment Act, 1979*).
16. Council has been unable to reach the requisite opinion required prior to the granting of development consent under Clause 7(1) of *State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)* (Section 79C(1)(a)(i) *Environmental Planning and Assessment Act, 1979*). In particular:
 - (1) No preliminary assessment of land contamination has been provided for the Crown road in accordance with Clause 7(2) of SEPP 55.

- (2) The preliminary assessment of land contamination provided in respect of LOT 252 DP 257510 indicates that it was used for agricultural purposes during a period when Persistent Organic Pesticides (POPs) were in common use. No detailed assessment has been provided in respect of this potentially contaminating use (as identified in Table 1 of the Managing Land Contamination, Planning Guidelines SEPP 55 – Remediation of Land) as required under Clause 7(3) of SEPP 55
17. The proposed development, particularly the proposed road works, will have an adverse environmental impact on the *Pomaderris brunnea* species (Section 79C(1)(b) *Environmental Planning and Assessment Act, 1979*).
 18. The Environmental Impact Statement was prepared with insufficient consultation with relevant local, State and Commonwealth government authorities, service providers, community groups and surrounding landowners and occupiers that are likely to be impacted by the proposal and, as such, does not comply with the Director General's Requirements as issued on 8 January 2013.
 19. The Environmental Impact Statement has not clearly specified whether any medical or quarantine wastes, asbestos bearing material and toxic and hazardous wastes are to be received and outline proposals for safe handling of these substances to avoid risk to public health.
 20. The Environmental Impact Statement does not adequately address the Director General's Requirements as issued on 8 January 2013 in respect to fire and incident management.
 21. The Environmental Impact Statement does not adequately address the Director General's Requirements as issued on 8 January 2013 in respect to alternatives to the proposed means/strategy of waste management in particular it fails to review the performance of the proposed waste management method having regard to overseas experience and technologies as well as local landfill and waste minimising strategies.
 22. The proposed development does not satisfy the requirements of *Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River* (a deemed State Environmental Planning Policy) in regard to Clause 6 Specific planning policies and recommended strategies, sub-clauses (3) Water Quality and (4) Water Quantity (Section 79C(1)(a)(i) *Environmental Planning and Assessment Act, 1979*).

Should you require further information regarding the above matter, please contact Mr M Kelly, Team Leader – Development Assessment on phone (02) 46771100 or Fax (02) 4677 1831 in Council's Development Services Section Monday to Friday between the hours 8.00am - 4.00pm. Please quote File No. 10.2012.336.1

General Terms of Approval - Refused



Notice No:1513997

The General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

COPY

Attention: Mr Michael Kelly

Notice Number 1513997
Our Reference DOC13/20332
Date 08-May-2013

**Erection and Operation of a Waste/Resource Transfer Station, Resource Recovery Facility,
Truck Depot, Ancillary Facilities, Off-Site Road Works, Transfer of Crown Road to Council
25 Government Road, Bargo**

Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the above proposal received by the Environment Protection Authority (EPA) on 6 March 2013.

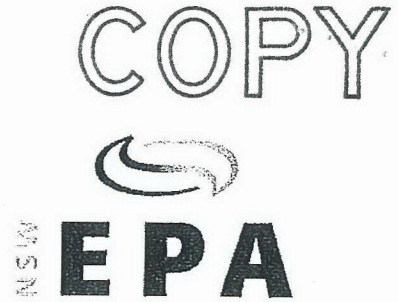
The EPA has reviewed the information provided and has determined that it will be unable to issue an environment protection licence for the proposal as currently presented.

The EPA has concerns with the manner in which odour from waste handling was assessed, with the following issues preventing us from auditing the assessment to have confidence that the proposal will not cause off site impacts:

1. Odour emissions from putrescible waste handling have not been estimated conservatively;
2. Materials management has not been adequately articulated;
3. Emission controls and emission rates can not be confirmed.

The EPA notes that no information is provided as to how the proponent proposes to prevent the contamination of the site's stormwater ponds, or how leachate will be collected and disposed, nor what management measures will be put in place to prevent the stockpiling of putrescible wastes. These have the potential to result in odour impacts higher than those predicted in the assessment.

General Terms of Approval - Refused



Notice No:1513997

The EPA would be prepared, however, to review its determination should the applicant satisfactorily address these concerns.

If the applicant wishes to submit additional information addressing these concerns, the following should be included in their submission:

- a. Emissions data from direct sampling or representative data from a verifiable source, including supporting information demonstrating its suitability to modelling emissions from this proposal;
- b. Detailed information about putrescible waste stockpiling. Although it is proposed that wastes will be stockpiled for the shortest period possible, a modelling scenario that includes a waste stockpile should be conducted. This scenario should model all site activities plus emissions from a stockpile to represent potential for impacts from short term storage; and
- c. Detailed information about the management of leachate from waste handling to avoid/mitigate offsite impacts. This includes but is not limited to, the leachate collection system and frequency of offsite removal, and revision of the modelling as required.

If you have any questions or wish to discuss this matter further, please contact Nick Feneley on 4224 4144.

Yours sincerely

.....
Stephen Beaman

Director Waste and Resource Recovery

Environment Protection Authority

(by Delegation)