

JRPP No:	2013SYW076
DA No:	DA13/0843
Proposed Development:	Use of existing Industrial Unit as a Waste Transfer Station, ancillary truck parking and the erection of 1 x Business Identification Sign
Applicant:	PGH Environmental Planning
Property Description:	Lot 3 SP63491
Property Address:	3/15 Lee Holm Drive ST MARYS
Date Received:	12 August 2013
Report By:	Hannah Van De Werff, Environmental Planner (Penrith City Council)
Category of Development:	Designated Development
Recommendation:	Approval

## Assessment Report

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### Executive Summary

Council is in receipt of a development application from PGH Environmental Planning on behalf of 'Anyfil Skip Bins Pty Ltd' for the use of an existing Industrial Unit as a Waste Transfer Station at 3/15 Lee Holm Drive, St Marys.

Under Penrith Local Environmental Plan (LEP) 2010, the subject site is zoned IN1 – General Industrial. The LEP defines the proposed use as a waste or resource management facility and since it does not explicitly permit the use of this site for the purpose of waste or resource management, it is a prohibited land use under the provisions of the local plan. It is however separately defined under Clause 121 of State Environmental Planning Policy (SEPP) (Infrastructure) 2007.

SEPP (Infrastructure) 2007 permits the use of IN1 – General Industrial zoned land for the purpose of waste or resource management. The SEPP prevails to the extent of any inconsistencies with the LEP and therefore the development is a permissible land use in the zone.

The site is affected by mainstream flooding from South Creek and therefore based on the proposed use (Waste Management Facilities or Works), the proposal is Designated development pursuant to Schedule 3 of the Environmental Planning and Assessment Act 1979. As such the Sydney West Joint Regional Planning Panel is the determining authority.

Key issues identified for the proposed development and site include:

- The site is flood affected and therefore flood planning considerations apply to the development;

- Consideration of the receipt, sorting, temporary storage and transfer of waste and associated environmental impacts;
- The use of the site as a Waste Transfer Station is currently operating without development consent and has therefore been subject to compliance action by Council.
- The application has been notified to adjoining properties and exhibited between 26 August 2013 and 25 September 2013 and no submissions were received.
- An assessment under Section 23G and Section 79C of the EP&A Act 1979 (as amended) has been undertaken and the application is recommended for approval, subject to recommended conditions.

### Site and Surrounds

The site is located within the St Mary's industrial area, approximately 80 metres south of Christie Street and 800 metres west of Forrester Road. The site itself is 4258m<sup>2</sup> with vehicle access via a two-way access handle from the western side of Lee Holm Drive.

There are 7 units within the complex which have been strata subdivided and the subject unit features an internal floor area of 444m<sup>2</sup> and has 5 allocated parking spaces within the complex.

The surrounding area is characterised by a range of small to large scale industrial developments.



### The proposed Development

The proposed development involves:

- The use of the site to sort 9,360m<sup>3</sup> per annum of construction waste received in 3m<sup>3</sup> – 9m<sup>3</sup> skip bins. Waste materials being sorted and transferred include metal, gyprock,

concrete, glass and timber which are then transferred to recycling facilities. The remaining waste is disposed at a licensed facility (landfill);

- Use of the existing industrial unit to accommodate the temporary parking of 2 x 5 tonne and 1 x 9 tonne trucks (for loading and unloading of skip bins) and permanent parking of those trucks during the event;
- The employment of 5 fulltime staff;
- Operating hours from 6am - 6pm Monday – Saturday and 9am – 1pm on Sundays;
- The assembly of pre-cut skip bins and repair of skip bins (by welding and hand painting) and;
- The erection of one business identification sign on the external façade of the existing unit.

## **Planning Assessment**

The development has been assessed in accordance with the matters for consideration under Section 23G and 79C of the Environmental Planning and Assessment Act 1979 as follows:

### **1. Section 23G - Joint Regional Planning Panels**

Under Section 23G of the Environmental Planning and Assessment Act 1979, the functions of Council are conferred to a regional panel if stipulated under an environmental planning instrument.

In this case, Section 8(c) of Schedule 4A of the Environmental Planning & Assessment Act 1979 delegates the function of 'consent authority' for Designated Development Applications (including waste management facilities or works) to a regional panel.

As a result the Development Application has been referred to the Joint Regional Planning Panel for determination.

### **2. Section 77A – Designated Development**

Under Clause 4 of the EP&A Act 1979, development listed in Part 1 of Schedule 3 of the Regulation is Designated Development unless it is declared not to be by a provision in Part 2 of that Schedule.

The proposed development falls within the category of Waste Management Facilities or Works under Schedule 3 of the Regulation which includes a facility or works that 'sort, consolidate or temporarily store waste at transfer station or material recycling facilitates to transfer to another site for final disposal, permanent storage, processing, recycling, use or reuse and handle substances classified in the Dangerous Goods Code'.

The goods and materials received, sorted and transferred at the subject premises are not classified in the Dangerous Goods Code and the capacity and processes involved with the use do not trigger any Section of Clause 32. However the site is located in a floodplain and therefore pursuant to Subclause (1)(d) is deemed to be 'Designated Development'.

Accordingly, an EIS has been prepared under Director General Requirements (DGR's) which is included in Appendix B.

The EIS suitably responds to the DGR's and no submissions have been received during the exhibition period.

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:

### **3. Section 79C(1)(a)(i) – Any Environmental Planning Instrument** ***State Environmental Planning Policy (Infrastructure) 2007***

Part 3 of the SEPP (Infrastructure) 2007 sets out prevailing development controls for certain types of development which are considered to be significant to the State in terms of a developments' ability to deliver a facility or service forming critical infrastructure to the region.

The proposed development can be suitably defined as a Waste or Resource Management Facility which under the instrument, means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.

Division 23 sets out prescribed zones for Waste or Resource Management Facilities which includes IN1 – General Industrial. Accordingly, having regard to the definition as discussed above, Council can be satisfied that the proposed development is a permissible land use in the zone.

#### **Schedule 3 – Traffic Generating Development**

Schedule 3 of the SEPP identifies circumstances where development applications should be referred to the Roads and Maritime Service for consideration. Development for the purpose of landfill, recycling facilities or waste transfer stations of any size or capacity is listed in Schedule 3 and therefore the application was referred to the Roads and Maritime Service for consideration. The RMS advised that since the development will have minimal impact to the state road network and has minimal traffic generation due to its limited use, no objection is raised.

### ***Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (REP 20)***

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (REP 20) integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The REP is supported by an Action Plan, which includes actions necessary to improve existing conditions.

The development proposal has been assessed and subject to recommended conditions of development consent, found to be in accordance with the general planning considerations set out in Clause 5 of the REP and the relevant specific planning policies and related recommended strategies set out in Clause 6.

## ***Penrith Local Environmental Plan 2010***

### ***Clause 2.3 Permissibility***

Under Penrith Local Environmental Plan (LEP) 2010, the subject site is zoned IN1 – General Industrial. The LEP defines the proposed use as a waste or resource management facility and since it does not explicitly permit the use of this site for the purpose of waste or resource management, it is a prohibited land use under the provisions of the local plan. However it is separately defined under Clause 121 of State Environmental Planning Policy (SEPP) (Infrastructure) 2007. SEPP (Infrastructure) 2007 permits the use of IN1 – General Industrial zoned land for the purpose of waste or resource management. The SEPP prevails to the extent of any inconsistencies with the LEP and therefore the development is a permissible land use in the zone.

### ***LEP and Zone Objectives***

The proposed development satisfies the aims and objectives of both the LEP and the zone itself, particularly in relation to:

- The promotion of sustainable development that is consistent with the Council's vision for Penrith,
- The encouragement of development to be designed in a way that assists in reducing and adapting to the likely impacts of climate change,
- The encouragement of employment opportunities,
- The minimisation of adverse effect of industry on other land uses and,
- Supporting and protecting industrial land for industrial uses and the promotion of development that makes efficient use of industrial land.

### ***Clause 6.3 Flood Planning***

Flood planning considerations apply to the subject site due to its affectation by local and mainstream flooding during a 1 in 100 year flood event. The proposed use of the site is within an existing industrial unit which is below the mainstream flood level (22.7m AHD).

A Soil and Water Management Plan (prepared by Barker Ryan Stewart) has been submitted to address the proposed use and its appropriateness on the subject site, having regard to the flood affectations. The report demonstrates that subject to recommendations in regard to operational management requirements and a flood evacuation plan being prepared for the occupancy, the proposed use of the site meets the objectives of the clause.

Based on the findings of the report and Councils assessment of the application, the following attributes demonstrate consistency with the objectives of the Clause 6.3:

- The use is non-habitable in nature;
- The use not include the storage of hazardous or pollutant materials which would compromise the quality of waterways;

- The number of staff proposed onsite are minimal and therefore safe and efficient evacuation would be possible;
- the facility will not adversely affect flood regime of the immediate or broader area;
- The facility will not give rise to erosion, bank instability or vegetation loss;
- The use would involve minimal use of electrical equipment and therefore conditions regulating the use and associated flood risk are unlikely to compromise the daily function of the proposed use and;
- In a flood event, the loss to property and economic impact would be negligible to the community.

It is therefore recommended that the following conditions be applied to the consent:

- Only clean unpolluted water is to be discharged into the stormwater drainage system. All waste is to be removed from the floor of the facility and placed into bins for storage prior to the waste transfer activities ceasing each day.
- The site is not to accept any hazardous, putrescibles, green, liquid or asbestos waste.
- Prior to the issue of an Occupation Certificate, the certifying authority shall ensure that the proposed development is compatible with the recommendations of the Soil and Water Report prepared by barker Ryan Stewart, reference no 20120250, dated October 2013. In particular, a Flood Evacuation Plan shall be provided to the PCA, in accordance with the recommendations of the report.
- All electrical services associated with the proposed building works shall be adequately flood proofed in accordance with Penrith City councils Development Control Plan relating to flood liable land. Flood sensitive equipment (including electrical motors and switches) shall also be located above RL 23.2m AHD (standard flood level + 0.5m).

#### *Clause 6.6 Servicing*

The use of the site is consistent with the objective of this clause, Council can be satisfied the development complies with Subclause (2) as far as:

- Being connected to an existing reticulated water supply;
- Features existing infrastructure and facilities for sewage management;
- Does not require the need for public amenities or public services

#### **4. Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instruments**

There are no draft environmental planning instruments.

#### **5. Section 79C(1)(a)(iii) – Any Development Control Plan**

##### ***Penrith DCP 2010***

Discussion of the relevant chapters of the DCP which relate to the proposed development is contained herein.

### C3 – Water Management

Clause	Not Applicable	Complies	Does not Comply	Comments
3.1 The Water Cycle/Water Conservation		✓		N/A
3.2 Catchment Management and Water Quality		✓		The proposed use does not pose any potential for degradation to water quality or contamination downstream to the river system as a result of stormwater run-off and surface pollution. The proposed use does not include the provision of liquid waste materials, untreated sewage, nutrient run-off and conditions of development consent are recommended to prevent potential contamination from occurring (i.e. washing of vehicles and bins, acceptance of liquid wastes etc.).
3.3 Watercourses, Wetlands and Riparian Corridors		✓		
3.4 Groundwater		✓		
3.5 Flood Liable Lands		✓		The subject site is located in a floodplain. An assessment under Clause 6.3 of the LEP has demonstrated that the proposed use is suitable on the subject site (subject to mitigation measures and evacuation management procedures to be established), and does not pose adverse impact in regard to flooding.
3.6 Stormwater Management and Drainage		✓		
3.7 Water Retention Basins/Dams	✓			
3.8 Rainwater/Storage Tanks	✓			
3.9 Water Sensitive Urban Design	✓			

#### *C4 Land Management*

<b>Clause</b>	<b>Not Applicable</b>	<b>Complies</b>	<b>Does not Comply</b>	<b>Comments</b>
4.1 Site Stability, Excavation and Filling	✓			
4.2 Landfill	✓			
4.3 Erosion and Sedimentation	✓			
4.4 Contaminated Lands				
4.4.1 Preventing Contamination		✓		The use of the industrial unit does not give rise to potential contamination issues given the material proposed for sorting are solid waste materials (such as gyprock, timber and general construction wastes which are not hazardous. No liquid waste is proposed and conditions of consent are recommended to ensure this requirement is complied with.
4.4.2 Triggers for Contamination Investigation	✓			
4.4.3 Stages of Contamination Investigation	✓			
4.4.4 Site Audit	✓			
4.4.5 Remediation Procedures	✓			
4.4.6 Clean Up Notices	✓			
4.4.7 Council Records and Community Information	✓			
4.5 Salinity	✓			

#### *C5 Waste Management*

The aims and objectives of the Waste Management Chapter of Penrith DCP 2010 are to ensure the appropriate disposal, recycle and reuse of waste in accordance with guiding principles of Ecologically Sustainable Development and relevant guidelines and policies.

A detailed performance based Waste Management Plan has been provided in support of the application. The plan has regard to various quantities and types of waste sources and satisfactorily addresses appropriate management measures which aim to reduce waste generation from the site and dispose of waste in accordance with categorisation and regulated procedures. It is however noted that the majority of waste received will be transferred to recycling facilities and therefore is consistent with the objectives of the DCP.



Clause	Not Applicable	Complies	Does not Comply	Comments
5.1 Waste Management Plans		✓		Waste Management Plan provided.
5.2 General Controls				
5.2.1 Controls – Site Management	✓			
5.2.2 Controls - Site Selection of Building Materials	✓			
5.2.3 Controls – Designing for Waste Minimisation	✓			
5.2.4 Controls – Siting & Design of Waste Facilities	✓			
5.2.5 Management of Waste Facilities		✓		
5.3 Development Specific Controls				
5.3.1 Residential Development Controls	✓			
5.3.2 Mixed Use Development Controls	✓			
5.3.3 Non-Residential Development Controls	✓			
5.4 Hazardous Waste Management	✓			There are no hazardous waste materials proposed as part of the use however contingency plans are in place should the site receive asbestos material to ensure the material is identified, handled and disposed of in accordance with relevant WorkCover Authority and EPA requirements.
5.5 On-Site Sewage Management	✓			

### C9 Advertising and Signage

Clause	Not Applicable	Complies	Does not Comply	Comments
9.1. General Requirements for Signs		✓		The proposed Business Identification Sign is 1.8m wide and 1.5 in height. The location of the signage on the external wall of the unit does not provide exposure to the street and faces the internal parking area only. The sign is consistent with the existing external finishes of the building and is compatible to the scale of the development and use.
9.2 Signs in the Vicinity of Heritage Items	✓			
9.3 Residential, Rural and Environmental Zones (E3 Environmental Management and E4 Environmental Living)	✓			
9.4 Commercial, Mixed Use and Industrial Zones		✓		The proposed sign complies with the DCP.
9.5 Open Space Zones (Public and Private Recreation)	✓			It is not illuminated and is a single identification sign for the subject unit.
9.6 Special Event Advertising	✓			

### C10 Transport, Access and Parking

Clause	Not Applicable	Complies	Does not Comply	Comments
10.1 Transport and Land Use	✓			The proposed transfer station will not be accessible by the public.
10.2 Traffic Management and Safety		✓		A Traffic Assessment Report (TAR) has been prepared and submitted with the application and has been referred to the RMS in accordance with Schedule 3 of SEPP (Infrastructure) 2007 (Traffic Generating Development to be referred to the RTA).
10.3 Key Transport Corridors		✓		
10.4 Roads		✓		
10.5 Parking, Access and Driveways				

Clause	Not Applicable	Complies	Does not Comply	Comments
10.5.1 Parking 11		✓		<p>The TAR considers the proposed use of the site as a waste transfer station to accommodate 2 x 5 tonne and 1 x 9 tonne truck (in regard to manoeuvrability to park the vehicles inside the unit and the amount of vehicle movements based on the tonnage capacity), the employment of 5 fulltime staff (at most) and the operating hours (6am – 6pm Monday-Saturday and 9am-1pm Sundays). It also has regard to the 5 allocated spaces within the complex for the subject unit.</p> <p>The TAR concludes:</p> <p>Existing onsite parking provisions satisfy the existing and projected demands based on maximum number of employees;</p> <p>The vehicle manoeuvrability complies with relevant Australian Standards (template turning circles provided);</p> <p>The proposed 8 peak hour vehicle trips to and from the site during peak periods can be accommodated for by the surrounding road network and the use would have negligible impact to the parking and traffic situation in the vicinity of the site.</p> <p>It is noted the assessment of the proposal against the numerical requirements for carparking (having regard to floor area) revealed the development is deficient by 1 space however the merits of the proposed use found the 5 allocated spaces for 5 employees plus the internal space available for parking of</p>
10.5.2 Access and Driveways		✓		
10.6 Pedestrian Connections	✓			

Clause	Not Applicable	Complies	Does not Comply	Comments
				three trucks is satisfactory.
10.7 Bicycle Facilities	✓			

*C12 Noise & Vibration*

Clause	Not Applicable	Complies	Does not Comply	Comments
12.1 Road Traffic Noise		✓		<p>The application has been supported by a Noise Impact Assessment Report which considers both operation and road traffic noise and its impact on private receptors (residential). It concludes the estimated noise levels for the operation complies with the relevant criteria in the Industrial Noise Policy. However, the skip bin travel along Forrester Road does not comply with the sleep disturbance criteria. Given the road traffic noise already exceeds the sleep disturbance criteria in this location, the impact is negligible. Furthermore, the operating hours proposed are from 6am-6pm Monday – Saturday and 9am – 1pm Sundays.</p> <p>In accordance with the recommendations of the report. It is recommended that a condition of consent be applied to require post commissioning validation noise measurements to be undertaken with 45 days of the consent, in accordance with the recommendations of the Noise Impact Assessment Report, prepared by Benbow Environmental dated April 2013.</p>
12.2 Rail Traffic Noise and Vibration		✓		
12.3 Aircraft Noise		✓		
12.4 Industrial and Commercial Development		✓		
12.5 Rural Development	✓			

12.6 Open Air Entertainment	✓			
12.7 Vibration and Blasting	✓			The proposed operations do not give rise to potential vibration impacts.

### *C13 Infrastructure and Services*

Clause	Not Applicable	Complies	Does not Comply	Comments
13.1. Location of Easements for Infrastructure		✓		All easements and infrastructure for the site are existing. The proposed development is unlikely to create an additional demand on infrastructure and service.  The development was referred to Sydney Water for consideration in accordance with the Sydney Water Act (1994) and no objections were raised to the development.
13.2. Utilities and Service Provision		✓		
13.3. On Site Sewage Management	✓			
13.4. Engineering Works and Construction Standards	✓			
13.5. Parent Friendly Amenities	✓			

## **6. Section 79C(1)(a)(iv) – The Regulations**

The proposal development is satisfactory with respect to the Environmental Planning and Assessment Regulations (2000).

## **7. Section 79C(1)(b) – The Likely Impacts of the Development**

Likely impacts of the proposed development as identified throughout the assessment process include:

### *Noise*

The Noise Impact Assessment Report considers operation and road traffic noise on private receptors (residential). It concludes that the estimated noise level for the operation of the business complies with the relevant Industrial Noise Policy. However, the skip bin travel along Forrester Road does not comply with the sleep disturbance criteria. Given the road traffic noise already exceeds the sleep disturbance criteria in this location; the resulting additional impact is negligible. Furthermore, the operating hours are from 6am-6pm Monday – Saturday and 9am – 1pm Sundays.

It is recommended a condition of consent be imposed to require post commissioning validation noise measurements to be undertaken with 45 days of the consent, in accordance with the recommendations of the Noise Impact Assessment Report, prepared by Benbow Environmental dated April 2013.

### *Air Quality*

An Air Impact Assessment report considers the overall impact to the air quality as a result of the site operations (sorting and handling waste material) and the stockpiling of materials. The report concludes that both activities would satisfy the NSW EPA criteria for particulate matter on all private receptors (residential, industrial and commercial).

Further consideration of the air quality to the staff and users has also been given. The applicant has provided detail of operational practices where staff are required to use Personal Protective Equipment (PPE) to ensure their health and safety is not compromised during peak operations where dust emission may be inhaled.

It is recommended conditions of development consent be imposed to require:

- All material and goods association with the use shall be contained within the building at all times.
- Air quality impacts from the premises shall not exceed the relevant criteria detail in 'Report for Air Impact' prepared by Benbow Environmental dated July 2013. The provisions of the Environment Operations Act 1997 apply to development, in terms of regulation air pollution.
- Operation of the site shall be undertaken in accordance with the policies and regulations imposed by Workcover NSW. Including the use of Personal Protective Equipment and the appropriate management and disposal of Asbestos Material when it is received.

### *Traffic*

A Traffic Impact Assessment has been prepared having regard to the likely traffic generation, access and safety considerations associated with the use of the subject unit as a Waste Transfer Station. The report concludes:

- The existing on-site parking provisions are adequate to accompany the existed and projected demand given the likely number of employees on-site
- The existing access and internal circulation space provides safe and efficient vehicular and pedestrian movement during peak times
- The surrounding roads operate with a reasonable level of servicing during peak periods
- The proposed use is projected to generate a max of 8 peak hour vehicle trips to and from the site and
- The surrounding road network is capable of accommodate the vehicular traffic generated by the proposal

- Therefore the development does not pose adverse impact on traffic management grounds.

#### *Health, safety and compatibility issues*

The proposed development, subject to recommended conditions and if implemented in accordance with the Operational Management Plan, safeguards the health and safety of the occupants.

#### *Social Impact*

The proposed use is minor in nature and is unlikely to have adverse environmental impact, therefore is a land use which is consistent with the objectives of the zone and therefore is unlikely to threaten the local community's desired future character of the area.

### **8. Section 79C(1)(c) – The Suitability of the Site for the Development**

The strategic location of the subject site and the proposed scale of its' use is consistent with the planning instruments which apply. Appropriate measures can be employed to mitigate potential impacts and therefore it can be demonstrate the site is conducive to the proposed use as a Waste Transfer Station.

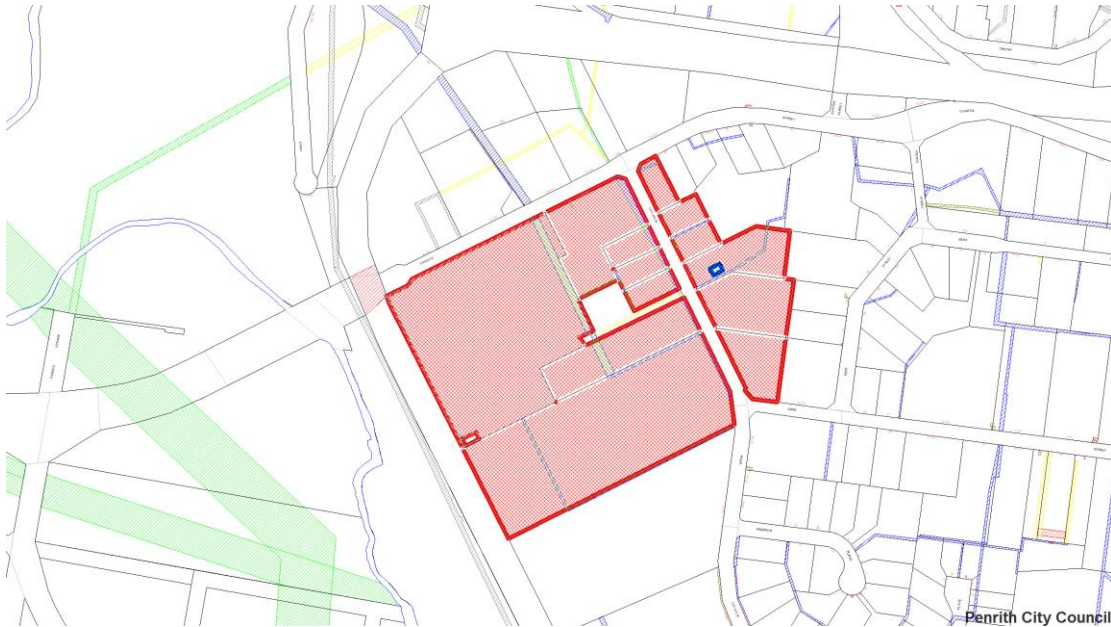
### **9. Section 79C(1)(d) – Any Submissions made in relation to the Development**

<b><i>Referral Body</i></b>	<b><i>Comments Received</i></b>
<i>Roads and Maritime Services (Traffic Generating Development under ISEPP)</i>	No objection.
<i>Sydney Water</i>	No objection.
<i>Building Surveyor</i>	No objection, subject to conditions of consent.
<i>Development Engineer</i>	No objection.
<i>Traffic Engineers</i>	No objection, subject to conditions of consent.
<i>Environmental Health</i>	No objection, subject to conditions of consent.

Council has briefed the Joint Regional Panel for Sydney West Region on the application on the 21 November 2013 and is seeking an electronic determination.

### **Community Consultation**

In accordance with Council's DCP, the proposed development was notified to adjoining and nearing property owners and occupants as indicated on the following neighbour notification map:



The application was notified and placed on public exhibition from 26 August 2013 to 25 September 2013. No submissions were received.

### **10. Section 79C(1)(e) – The Public Interest**

The proposed development provides for environmentally sustainable development outcomes through the provision of a use which facilitates the receipt, sorting and recycling of waste materials. Additionally, the development was publicly notified and advertised and no submissions were received.

Therefore based on the developments consistency with the planning instruments which apply, the objectives of the Act and the above considerations, the development is within the interest of the public and local community.

### **Section 94 Contributions**

There is no Section 94 Contributions Plan applicable to the subject development.

### **Conclusion**

The proposed development is in accordance with the relevant provisions of the environmental planning instruments and DCP pertaining to the land. Subject to the recommended conditions, the proposed development is unlikely to have adverse impact on the surrounding environment. The proposed development represents a significant contribution to our waste recycling functions in the St Marys Industrial area and has commendable environmental sustainability initiatives.



The proposed development has been assessed against the relevant heads of consideration contained in Section 77A and Section 79C of the Environmental Planning and Assessment Act 1979 and Regulations 2000 and has been found to be satisfactory. The likely impacts have been considered and found to be satisfactory and the site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of support.

## Appendix A

### Recommended conditions of development consent

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#### General

##### A001

1. The development must be implemented substantially in accordance with the following plans:

Document Title	Document No	Author	Date
Environmental Impact Statement	EIS 12-0414	PGH Environmental Planning	22 July 2013
Traffic Assessment Report	12-108	Thompson Stanbury Associates	April 2013
Air Quality Assessment Report	131008_Rep_Final	Benbow Environmental	24 July 2013
Noise Impact Assessment	131013_Rep_Rev3	Benbow Environmental	17 April 2013
Soil and Water Management Report	20120250	Barker Ryan Stewart	October 2013
Waste Management Plan	-	PGH Environmental Planning	27 September 2013
Proposed Business Identification Sign Plan and Sign Location Detail as identified in Plate 9, page 18 of 68 of EIS (Ref EIS12-0414)	-	-	-
Operational Management Plan	OMP 12-0414	PGH Environmental Planning	29 September 2013
Addendum Information provided by Applicant	PGH:12-0414	PGH Environmental Planning	14 October 2013
Site Layout Plan	PGH-12-0414-DA01 (Issue A)	PGH Environmental Planning	20/02/13

and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

2. [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

The development shall not be used or occupied until an Occupation Certificate has been issued.

3. [A020 - Use of building](#)

The unit shall not be used under any circumstances for any habitable residential activity.

4. [A029 - HOURS OF OPERATION AND DELIVERY TIMES](#)

The operating hours are from 6am to 6pm Mondays to Saturdays, and 9am to 1pm Sundays.

Delivery and service vehicles associated with the development are also limited to these times.

5. [A032 - Goods in buildings](#)

All materials and goods associated with the use shall be contained within the building at all times.

Unloading and loading of waste from vehicles is to occur within the building.

6. [A039 - Graffiti](#)

The external finish of the approved sign and building is to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

7. [Special](#)

Air quality impacts from the premises shall not exceed the relevant criteria detailed in 'Report for Air Impact Assessment: Anyfil Skip Bins Pty Ltd - 3/15 Lee Holm Road, St Marys NSW' prepared by Benbow Environmental dated July2013 (Ref. 131008\_Rep\_Final). The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating air pollution.

8. [Special](#)

No spray painting is to occur as a part of the development.

9. [Special](#)

All vehicles and skip bins associated with the use are to be washed off site. Only dry cleaning methods are to be used at the Waste Transfer Station.

10. [B004 - Dust](#)

Dust suppression techniques are to be employed during operations to reduce any potential nuisances to surrounding properties.

11. B005 – Mud/Soil

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

***Environmental Matters***

12. [D010 – Appropriate disposal of excavated or other waste](#)

All wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan. Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

13. [D024 - Pre-treatment](#)

Prior to the issue of a Construction Certificate, details of any pre-treatment facilities as required by Sydney Water and, if required a Section 73 Certificate issued by Sydney Water for the said development, are to be submitted to the Certifying Authority.

14. [D026 - Liquid wastes](#)

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewerage to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

15. [D027 - SW lines not to be Touched](#)

The stormwater drainage system shall not be altered or new lines directed into the system without the prior approval of Penrith City Council.

16. [D029 - Manufacture use](#)

All repairs and assembly of skip bins associated with the use shall be conducted within the confines of the building at all times.

17. [D131 - Approved noise level 2](#)

Noise levels from the premises shall not exceed the relevant noise criteria detailed in 'Noise Impact Assessment: Anyfil Skip Bins - 3/15 Lee Holm Road, St Marys NSW' prepared by Benbow

Environmental dated April 2013 (Ref. 131013\_Rep\_Rev3). The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

18. **Special**

All waste is to be removed from the floor of the facility and placed into bins for storage prior to the waste transfer activities ceasing each day.

19. **Special**

Activities on the site are to be carried out in accordance with the 'Soil and Water Management Report' prepared by Barker Ryan Stewart Pty Ltd dated October 2013 (Ref. 2012250).

20. **Special**

Activities on the site are to be carried out in accordance with the 'Operations Management Plan' prepared by PGH Environmental Planning dated 29 September 2013.

21. **Special**

Post-commissioning validation noise measurements are to be undertaken within 45 days of consent, in accordance with the recommendations of the 'Noise Impact Assessment: Anyfil Skip Bins - 3/15 Lee Holm Road, St Marys NSW' prepared by Benbow Environmental dated April 2013 (Ref. 131013\_Rep\_Rev3). These noise measurements are to be undertaken with consideration of the requirements of the NSW Industrial Noise Policy, the established criteria included in the above Assessment and are to be representative of peak use of the Waste Transfer Station.

A report on these measurements demonstrating compliance with the established criteria is to be provided to Council for approval within 60 days of consent. Should any non-compliance be found, then the report is to recommend mitigation measures that can be implemented to ensure compliance with the noise criteria. These recommendations are to then be implemented within 30 days of approval from Council.

## **BCA Issues**

22. **E002 - BCA ISSUES TO BE ADDRESSED**

In accordance with the requirements of Clause 94 of the Environmental Planning and Assessment Regulation 2000, the following works shall be completed to upgrade the fire safety at the premises;

- (a) All required exits are to be fitted with latching devices complying with Clause D2.21 of the BCA.
- (b) The staircase shall be provided with balustrade complying with Clause D2.16 of the BCA.
- (c) Emergency and exit lighting is to be provided in accordance with Part E4 of the BCA.

23. **E006 - Disabled access and facilities**

Access for persons with disabilities is to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility".

#### 24. [E009 - Annual fire safety-essential fire safety \(Class 2-9 buildings\)](#)

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- (a) deal with each essential fire safety measure in the building premises, and
- (b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

#### 25. [E01A - BCA compliance for Class 2-9](#)

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

- (c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

### **Health Matters**

#### 26. [Special](#)

The site is not to accept any hazardous, putrescibles, green, liquid or asbestos waste.

27. [Special](#)

A maximum of 9360m<sup>3</sup> of waste material is to be sorted on site per annum. A maximum of 60m<sup>3</sup> of waste materials is to be stored on site at any one time.

28. [Special](#)

All unexpected waste is to be managed in accordance with the Unexpected Waste Findings Protocol included in the 'Operations Management Plan' prepared by PGH Environmental Planning dated 29 September 2013. All unexpected waste is to be removed from the site within 24 hours of identification.

## ***Engineering***

29. [K219 - Overland Flow Report Recommendations](#)

Prior to the issue of an Occupation Certificate, the Certifying Authority shall ensure that the proposed development is compatible with the recommendations of the Soil and Water Report prepared by Barker Ryan Stewart, reference number 2012-250, revision 1, dated 08/05/2013.

30. [K403 Flooding - Flood Proofing](#)

All electrical services associated with the proposed building works shall be adequately flood proofed in accordance with Penrith City Council's Development Control Plan relating to flood liable land. Flood sensitive equipment (including electric motors and switches) shall also be located above RL 23.2m AHD (standard flood level + 0.5m).

31. [K701 Flood Risk Advice](#)

You are advised that Council's adopted flood level for this location is RL 22.7m AHD. Council records indicate that the approximate finished floor level at the premise is at RL 22.14m AHD (approximately 1.06m below the standard flood level). Use of this building should reflect the flood risk.

## ***Certification***

32. [Q006 - Occupation Certificate \(Class 2 - 9\)](#)

An Occupation Certificate is to be obtained from Penrith City Council no more than 3 months after the date of this consent. The Occupation Certificate shall not be issued if any conditions of this consent (but not the conditions relating to the operation of the development, are outstanding) or the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

## Appendix B

### Copy of Director General Requirements for proposed Waste Transfer Station



**Planning &  
Infrastructure**



**Mining & Industry Projects**

Contact: Emma Barnet

Phone: 9228 6550

Fax: 9228 6466

Email: [emma.barnet@planning.nsw.gov.au](mailto:emma.barnet@planning.nsw.gov.au)

Mr Patrick Hurley  
PGH Environmental Planning  
PO Box 714  
SPRINGWOOD NSW 2777

Dear Mr Hurley

**Waste Transfer Station, St Marys (DGR 652)  
Director-General's Requirements**

I refer to your application regarding the above development.

I have attached a copy of the Director-General's requirements (DGRs) for the Environmental Impact Statement (EIS).

In your form A, you indicated that your proposal would not require any integrated agency approvals. If any integrated approvals are identified before the Development Application (DA) is lodged, you must undertake your own consultation with the relevant agencies, and address their requirements in the EIS.

When you lodge your DA for the proposal, you must provide:

- Three (two hard and one electronic) copies of the EIS to the Department;
- A suitable number of copies of the EIS to each integrated approval authority (you should consult each agency to determine the number of copies required); and
- A cheque for \$250 to each integrated approval authority, to offset costs involved in the review of the DA and EIS.

If your proposal contains any actions that could have a significant impact on matters of National Environmental Significance, then it will require an additional approval under the *Commonwealth Environment Protection Biodiversity Conservation Act 1999 (EPBC Act)*. This approval is in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Department of the Environment, Water, Heritage and the Arts in Canberra (6274 1111 or [www.environment.gov.au](http://www.environment.gov.au)).

If you have any enquiries about these requirements, please contact Emma Barnet on 9228 6550.

Yours sincerely

  
Chris Ritchie 9/8/12  
**Manager— Industry  
Mining & Industry Projects**  
as delegate for the Director-General



**Clause 73 of the *Environmental Planning and Assessment Regulation 2000***

2015-16-2016-17  
JRPP (SYDNEY WEST REGION) BUSINESS PAPER





### ATTACHMENT No. 1 – ADVICE ON THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR WASTE MANAGEMENT

The purpose of this paper is to outline various issues relevant to the preparation and consideration of an EIS for a waste management facility. It is intended to assist the preparation of the EIS. However, it is the applicant's responsibility to identify and address as fully as possible the matters relevant to the specific development proposal in complying with the requirements for EIS preparation (see Attachment No 1).

The matters nominated in this paper are not intended as a comprehensive identification of all issues, which may arise in respect of a waste management facility. Some of the issues nominated may not be relevant to a specific proposal. On the other hand, there may be other issues, not included, that are appropriate for consideration in the EIS.

Information provided should be clear, succinct and objective and where appropriate be supported by maps, plans, diagrams or other descriptive detail. The purpose of the EIS is to enable members of the public, the consent authority (usually the Council) and the Department of Planning to properly understand the environmental consequences of the proposed development.

The particular matters outlined in the following should be included in the EIS.

#### 1. Background Information

Sufficient background information should be provided and include:

- objectives of proposal;
- relationship with any regional waste management strategies;
- location of the operations and indication of existing and proposed adjacent developments;
- broad nature and extent of operations proposed;
- land tenure, boundaries, site details in relation to environmental planning instrument zonings and any other land use constraints.

#### 2. Detailed description of proposal

This description should not only describe the proposal at the site but also describe all associated operations such as handling and transport of materials, disposal of wastes and residues, and safety, pollution and environmental controls incorporated into the proposal.

Particular matters to be covered include:

- construction programme and practices;
- plans of operations, reception, segregation and control of incoming waste;
- nature of waste stream including chemical and physical properties, sources and volumes;
- quantities of waste stored and storage arrangements and safeguards of materials, particularly in regard to the storage and disposal of flammable, toxic or hazardous chemicals;
- nature, volume and disposal methods of waste produced by the management facility including fly ash, sludge and the like;
- resources recovery;
- air, odour, noise and vibration emission levels;
- site drainage and contamination controls particularly in regard to leachates, washdown and stormwater run off and contaminated fire water in the event of an emergency;
- plant capacity and major components, types of machinery and equipment to be used;
- stack height and characteristics including dispersion zone requirements;
- expected life of the plant;
- number of persons to be employed;
- hours of operation;
- access arrangements - truck routes and number of truck movements;
- daily operational plan;
- security, fire fighting and counter disaster provisions;
- proposals for landscaping.

#### 3. Alternatives

The EIS should canvass alternatives to the proposed means/strategy of waste management, the proposed site and the proposed methods to undertake the operation.

In particular the EIS should:

- assess strategies which may enable resource recovery, or recycling as an alternative to this proposal or to reduce the scale of this proposal especially in regard to glass, ferrous metal, aluminium, paper, certain plastics and organic material suitable for composting;
- outline the criteria used in selecting the proposed site and justification of that selection, (particularly in terms of safety and pollution issues), including consideration of feasible alternative locations to the proposal and reasons for their rejection as well as the consequences of not undertaking the activity as proposed;
- review the existing performance of the proposed waste management method having regard to overseas experience and technologies as well as local landfill and waste minimising strategies.

#### **4. Description of the environment**

This description shall provide details of the environment in the vicinity of the development site and also of aspects of the environment likely to be affected by any facets of the proposal. In this regard, physical, natural, social, archaeological and economic aspects of the environment should be described to the extent necessary for assessment of the environmental impact of the proposed development. Particular attention should focus on existing air quality, ambient noise levels, climatic conditions, amenity and utility provision.

#### **5. Analysis of impacts**

The assessment of environmental impact and measures to be taken to reduce the impact should have particular respect to:

- air emission controls, dispersion analysis which indicates ground level emission concentrations under likely atmospheric and weather conditions;
- water pollution controls, surface and groundwater;
- health implications for nearby residents, pedestrians, workers, school children and the like;
- likely noise and odour disturbance caused by the operations, including transport operations, on nearby residences;
- other impacts of trucking movements;
- potential for soil contamination;
- litter and dust control and any nuisance likely to be caused;
- treatment and disposal of residues and leachates;
- litter controls and site maintenance;
- landscaping measures and effects on the visual environment;
- monitoring (especially for emissions and leachates) and site management requirements.

The EIS should clearly specify 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.

In the event that toxic or hazardous substances are to be disposed of, treated or created, either temporarily or permanently, through the process of incineration or waste handling, the EIS should include a preliminary hazard analysis.

#### **6. Authorities contacted**

In preparing the EIS, it is suggested that authorities, such as those listed below, should be consulted and their comments taken into account in the EIS.

- The Department of Environment and Climate Change (formerly Environment Protection Authority) in regard to air, water and noise impacts and relevant pollution control legislation requirements;
- The Heritage Office (now part of the Department of Planning) if the proposal is likely to affect any place or building having heritage significance for the State;
- the Department of Environment and Climate Change (formerly National Parks and Wildlife Service) if Aboriginal places or relics are likely to be affected;
- Department of Primary Industries should be contacted if prime agricultural land may be affected by the proposal.
- NSW Fisheries if areas of significant fish habitat will be affected.



Department of Water and Energy or The Department of Environment and Climate Change if the proposal may have implications for soil erosion, or will disturb acid sulphate soils, or on water bodies subject to the legislative responsibilities of these agencies.

It is the responsibility of the person preparing the EIS to determine those Departments relevant to the proposed development.

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