JRPP No.	**2015SYW006**
DA No.	**DA14/1596**
Proposed Development	**Alterations and Additions to an Approved Waste Management Facility Including the Processing of Mercury Waste**
Applicant:	**Cityscape Planning & Projects**
Owner:	**Alan Luscombe, Carol Luscombe, Ian J Luscombe and Kim E Luscombe**
Property Description	**Lot 1552 DP 773154**
Property Address	**No. 22 - 24 Christie Street St Marys**
Date Received	**23 December 2014**
Report by	**Donna Clarke, Consultant Planner (Penrith City Council)**
Category of Development	**Designated/Integrated**
Recommendation	**Approval**

Executive Summary

Council is in receipt of a development application seeking consent for alterations and additions to an existing approved Waste Transfer Station at 22-24 Christie St, 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 planning instrument. 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.

The proposed materials to be processed within the new addition contain mercury and as such trigger the requirements for Designated Development (under Schedule 3 of the Environmental Planning & Assessment Regulation 2000) and therefore in accordance with Schedule 4A of the Environmental Planning & Assessment Act 1979 (the EP&A Act 1979), is to be determined by the Sydney West Joint Regional Planning Panel.

The application is “Integrated Development” under Section 91 of the Environmental Planning & Assessment Act 1979. Accordingly, the application was referred to the Office of Environment & Heritage (Environmental Protection Authority) and General Terms of Approval have been provided, which require an Environmental Protection License (EPL) to be issued for the use of the site, under the Protection of Environmental Operations Act 1997.

In accordance with the Penrith Development Control Plan (DCP) 2010 the development application was notified to the surrounding neighbours and publicly exhibited (advertised) between 12 January 2015 to 11 February 2015. No submissions were received.

The works are also identified as "Traffic Generating Development" under SEPP (Infrastructure) 2007 and the application was referred to Roads and Maritime Services for comment.

Consideration of odour and noise emissions is a key consideration in the assessment of the proposal. These key issues have been assessed and found to be satisfactory.

An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval subject to recommended conditions.

Background

In 2014, Council granted consent to DA14/0616 for use of the site as a waste transfer station that sorts and packages metals prior to subsequent distribution off-site. Any waste is received by the weighbridge, collected and sorted, then shearing or cutting of the product and bailing occurs. Storage of the product occurs both within and externally to the building and is held until sold or transferred. There is no industrial waste, and the daily delivery and dispatch of metal waste is 3000 tonnes per annum. These operations will continue on site.
The proponent did not attend a pre-lodgement meeting specifically for this development to extend the operations.

The Proposed Development

This application seeks consent for alterations and additions to the existing industrial building on the site and the expansion of an existing waste transfer station.

This application proposes an increase in the amount of materials being processed, as well as their nature which will now contain mercury. This change triggers the requirements of "Designated Development" under the EP & A Act 1979, as mercury is a dangerous good.

The proposal involves the following key elements:

Building Works

- Extension to the rear of the existing building (30m x 16.58m) to accommodate products which contain mercury.
- Awning along western elevation of existing and proposed building.
- New facade panels.
- Removal of two shrubs to accommodate the new building.
- Total of 13 car parking spaces, including 6 new staff spaces.
- Increase in width of driveway at front of the site to improve manoeuvring.

Nature of Use

It is proposed to operate, from the new building, a ‘waste transfer station’ that sorts, processes and recycles the following, all of which contain mercury:

- Lighting Waste - 400 tonnes / year
- Carbon Fillers and other mercury waste - 50 tonnes / year
- Fixer Developer, photographic waste liquids - 3000 Litres / year
- Amalgam Wastes - 25 tonnes / year

Currently, for non mercury items, any waste is received by the weighbridge, collected and sorted, then shearing or cutting of the product and bailing occurs. Storage of the product occurs both within and externally to the building and is held until sold or transferred. This is consistent with DA14/0616.

For mercury items, once sorted, mercury waste is diverted into the new processing facility which is proposed within the new building. Once streamed, these wastes are processed through crushing, separating and distilling to recover glass, metal and mercury for recycling and resale back to the relevant industries.

The resulting mercury containing powder is turned into a sludge which is then distilled.
The plant equipment used for the processing of mercury waste is located within a fully sealed environment under a fume vacuum at all times to ensure no fumes are emitted. Oxygen, Nitrogen and compressed air are all added to the process during the distillation process. All fumes from the process are passed through a carbon air filtration treatment prior to being released into the atmosphere.

The process converts mercury containing waste from a potential pollutant to a re-usable solid and safe state on site. All remaining residue is chemically analysed and disposed of as required by the Waste Classification Guidelines.

There is no change proposed to the approved daily delivery and dispatch of metal waste, which is 3000 tonnes per annum.

The existing approved operations have 7 employees and this expansion requires 2 additional employees.

The hours of operation of the waste transfer station will be as follows:

- Monday to Friday 7am-5:30pm
- Saturday 7am - 1pm

Site and Surrounds

The site is located on the southern side of Christie Street, St Marys. The site is a regular shaped allotment with vehicular access to Christie Street via a separate entry and exit.

The site is approximately 5000m² in size and currently contains an existing industrial building. The site is generally hardstand with a small landscaped area at the front of the site.
Christie Street is a part of a major collector/sub-arterial road with one lane each way separated by double barrier centre lines. The sign posted speed limit is 60km/hr. The parking lane is marked out on both sides of the road.

The broader locality is industrial in nature with a variety of land uses, including a number of factories and warehouse facilities and a number of storage yards with materials stored externally.

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. <u>Section 23G - Joint Regional Planning Panels</u>

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. <u>Section 77A – Designated Development</u>

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 due to activities which include '*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*.'

As a result the proposal is deemed to be 'Designated Development', and an EIS has been prepared under Director General Requirements (DGR's) which are included in Appendix B.
Informal consultation with the NSW Department of Planning was undertaken to invite the department to provide referral advice to Council, on the EIS. However, subject to Council's satisfaction that the EIS suitably responds to the DGR's and no submissions being received during the exhibition period, no further consultation was required.

The EIS has suitably addressed all matters outlined in the DGR's.

Part 1, Schedule 3 of the Environmental Planning and Assessment Regulations 2000 outlines the following designated triggers for a waste management facility:-

"32 Waste management facilities or works
(1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and:
(a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste:

(i) that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or
(ii) that comprises more than 100,000 tonnes of "clean fill" (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or
(iii) that comprises more than 1,000 tonnes per year of sludge or effluent, or
(iv) that comprises more than 200 tonnes per year of other waste material, or

(b) that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and:

(i) that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or
(ii) that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or
(iii) that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material, or

(c) that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or

(d) that are located:

(i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or
(ii) in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or
(iii) within a drinking water catchment, or
(iv) within a catchment of an estuary where the entrance to the sea is intermittently open, or
(v) on a floodplain, or
(vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

(2) This clause does not apply to:
(a) development comprising or involving any use of sludge or effluent if:
(i) the dominant purpose is not waste disposal, and
(ii) the development is carried out in a location other than one listed in subclause (1) (d), above, or
(b) development comprising or involving waste management facilities or works specifically referred to elsewhere in this Schedule, or
(c) development for which State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas requires consent."

The proposal includes products which contain mercury, which is a substance classified in the Australian Dangerous Goods Code. Therefore, the proposal is "Designated Development" and an EIS was prepared with the application.

The applicant submitted an assessment is to determine whether the site addresses the sodic soil trigger (<8 % ESP) as specified within Schedule 3, Clause 32 of the EPA Regulations 2000. The results provide evidence that the soils onsite can be considered non-sodic and are below the EPA 2000 trigger of 8%, being 1.5% and 2.1%.

3. Section 91 – Integrated Development

The proposed development has been lodged as "Integrated Development" under the EP&A Act as it requires an Environmental Protection License (EPL) under the Protection of Environmental Operations Act 1997, based on the types and volumes of materials being processed on the site. As such, General Terms of Approval have been sought and issued by the Office of Environment & Heritage (Environmental Protection Authority) dated 15 April 2015 (Refer to Appendix C).

4. Section 79C(1)(a)(i) – Any Environmental Planning Instrument

Sydney Regional Environmental Plan No 20 – Hawkesbury/Nepean River catchment

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 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.

State Environmental Planning Policy (State and Regional Development) 2011

The aim of this policy is to identify development that is state significant and confer functions on the Joint Regional Planning Panel to determine certain development applications.

Clause 23 of Schedule 1 of the SEPP identifies circumstances where waste and Resource Management Facilities are considered to be classified as state significant based on its processing thresholds, that being facilities which handle more than 100,000 tonnes per year of waste or more than 1,000 Tonne per year of classified Dangerous Goods.

A large portion of the mercury waste processes is in liquid or powdered form, with only 475 tonnes of hard material. Therefore, the maximum of waste per annum will be significantly less than the 1,000 Tonne trigger.

The development will include the use of potentially classified Dangerous Goods however based on the SEPP 33 Review Report provided with the application, the thresholds are significantly below the limitations under this SEPP.

As such, the consent authority can be satisfied that the development is not state or regionally significant development.

State Environmental Planning Policy (Infrastructure) 2007

Part 3 of the SEPP (Infrastructure) 2007 sets out prevailing development controls for certain types of developments 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 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 application was referred to the NSW Roads and Maritime Service for consideration and it was advised that since the development will have minimal impact to the state road network, no objection is raised (Refer to Appendix D).

State Environmental Planning Policy No 55 – Remediation of Land
This policy aims to provide a state-wide approach to remediation of contaminated land. Of particular relevance to the current proposal are the requirements of Clause 7, which provides:

(1) A consent authority must not consent to the carrying out of any development on land unless:
(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The site has operated for industrial purposes for a number of years without change. The proposed development is not for residential purposes and will continue to be for industrial use, and therefore no remediation or further investigation is required for this application. Future change of use of the site may trigger the requirement for remediation.

State Environmental Planning Policy No 33 – Hazardous and Offensive Development

In accordance with State Environmental Planning Policy No.33 (SEPP 33) - Hazardous and Offensive Development, the proposal may be defined as a 'potentially hazardous / offensive industry', 'hazardous / offensive industry' and/or 'hazardous / offensive storage establishment'.
The applicant has provided a SEPP 33 Review and a Preliminary Hazard Analysis (PHA) was prepared for the development.

The report concluded that with the recommended strategies in place the development will be compliant with all relevant risk criteria and no significant risk is posed to people or property arising from the operation of the facility.

The key recommendations of the report are listed below:

- No flammable liquids or explosives are to be located within the vicinity of the waste management facility.
- Spill kits specific to mercury are to be located in a number of areas within the facility.
- Appropriate Bunding and or protective barriers are to be located around any of the machinery and storage locations of the machinery to prevent any potential spills from escaping the site.

- The soil / dust left over following the treatment of the mercury containing sludge is to be chemically tested and disposed of offsite as per relevant waste classification guidelines.
- Vehicles transporting waste to and from the site will be required to have appropriate signage and controls.
- Site drains are to be located away from the proposed location of the processing plant to minimise the possibility of spills escaping from the site.

The proposed design of the new building controls this process by utilising a low pressure vacuum to remove all fumes and processes these fumes through a carbon filter. This occurs within a sealed environment within which the plant equipment is situated.
In conclusion, whilst chemicals a number of the waste material delivered to the site may be classified as Dangerous Goods (DG's), the types and quantities of materials do not exceed the threshold under the SEPP 33 Guidelines.

Moreover, the SEPP 33 Guidelines stipulate that if the EPA is willing to issue a license under its pollution control legislation (Protection of Environmental Operations Act 1997), it is considered the level of offence would not be significant.

GTA's have been received which indicate (subject to compliance with the approval terms) a license would be considered by the EPA. As such, the SEPP 33 assessment criteria have been satisfied for the purpose of this development.

Penrith Local Environmental Plan 2010

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 LEP 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 Zones 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.

The zone objectives allow for a range of warehouse and industrial uses, encourage employment opportunities and minimise any adverse effect of industry on other land uses. The proposal satisfies these objectives by providing an industrial process which also requires an area for warehousing and storage and is not envisaged to create adverse environmental issues such as pollution of waterways, odour or acoustic impacts for adjoining properties or the greater area.

Development Standards

This application proposes alterations to the existing industrial building from built in terms of footprint or built form to provide a rear extension. The building is increased in size from 438.39m² to 969.17m², which equates to an FSR of 0.19:1. There is no floor space restriction for the site under the LEP.

There will be no change to the height of the existing building and the proposed extension to the rear is consistent in terms of roof form and height, with a maximum height of 7.37m. The LEP allows a maximum height of 12m. The development remains well below the maximum height control.

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

Penrith Development Control Plan 2010

C3 Water Management

Key considerations under the Water Management DCP requirements relate to catchment management and ensuring water quality through appropriate prevention measures.
During the assessment of the proposal, the applicant provided additional information regarding stormwater disposal and Water Sensitive Urban Design measures.

The development includes mitigation measures, such as the provision of bunding and spill containment systems, which are satisfactorily, respond to the DCP requirements and can be mandated under the Environmental Protection License issued by the regulatory authority.
On-site Detention is proposed for the site and the proposed development will comply with Council's WSUD Policy requirements with the use of Rocla Enviss Sentinel pits and a CDS GPT unit.

Conditions of development consent are recommended to require Section 73 Certification from Sydney Water.

C5 Waste Management

The aims and objectives of the Waste Management DCP 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.

Appropriate waste management measures which aim to reduce waste generation from the site and dispose of waste in accordance with categorisation and regulated procedures are proposed.

An Operational Environmental Management Plan to address appropriate mitigation measures in regard to Air Quality, Waste Management, Spill Management, Traffic Management, Stormwater Management and Noise Management is required by conditions of consent.

C10 Transport, Access and Parking

The existing vehicular access and parking at the front of the site is being maintained, and the width of the driveway and turning area increased to provide improved manoeuvring area.

The DCP requires car parking at the following rate:

USE	DCP REQUIREMENT	REQUIRED	PROPOSED
Industrial	1 per 75m² of gross floor area or 1 per 2 employees, whichever is the greater	Based on 969.17m², 12.9 spaces required (rounded up to 13). Based on 9 employees, 4.5 spaces required.	Complies – 13 proposed

The table above demonstrates that the proposal requires 13 car parking spaces, based on floor space which is greater than employee numbers. A total of 13 car parking spaces are provided on site, with 6 new car parking spaces proposed by this application.

Christie Street is a part of a major collector/sub-arterial road with one lane each way separated by double barrier centre lines. The sign posted speed limit is 60km/hr. The parking lane is marked out on both sides of the road. The increase in the number of daily truck movements as a result of the proposal will be from 40 to 43.

The application is identified in Schedule 3 of the SEPP (Infrastructure) and therefore the submitted EIS and Traffic and Transport Impact Assessment Report was referred to the RMS who raised no objection to the development. The RMS advised the traffic impact of the proposed development on the State road networks is minimal.

Additionally, Councils Traffic Officers have considered the application, having regard to the local road network and its capacity, parking, circulation and access. No objection is raised to the development.

C12 Noise and Vibration
The proposed use is not offensive and Council's Environment & Health Officer has reviewed the proposal and accompanying Acoustic Report is satisfied that the noise levels are acceptable.

In regard to the machinery proposed to be used within the factory building, the acoustic assessment concludes that "*the activities within the proposed industrial unit do not exceed designated sound levels*". The assessment has been undertaken in compliance with relevant noise assessment criteria, including the Industrial Noise Policy. Whilst acoustic mitigation measures are not required for the indoor development activities, the acoustic assessment states that the building is proposed to be constructed of concrete tilt panels with sound absorbing material applied to the underside of the metal roofing and these building materials will provide further acoustic mitigation. The development is located within an established industrial area and no residential development is located within the vicinity of the property.

The acoustic assessment details the proposed construction of an outdoor baler area. Due to the predicted noise level of the baler in operation (90 dBA), it is proposed that concrete walls be constructed to surround the baler and a roof provided (this detail is supported by the site plans submitted with the DA) in order to provide acoustic mitigation. The acoustic assessment concludes that the recommended walling and roofing will be "*more than adequate*" to ensure the baler complies with relevant noise criteria and that "*the proposed development is predicted to comply with the noise goal providing the construction of the baler area is built to the required ... details and... Section 7 (of the acoustic assessment report) is adhered to*".

The General Terms of Approval issued by NSW EPA for this development stipulates that "*All activities conducted on the premises must be in accordance with NSW EPA Industrial Noise policy*" and also restricts the hours of operation to those indicated within the application.

In conclusion, no objection is raised to the proposed development with regard to noise emissions and potential impact. The acoustic assessment undertaken is considered satisfactory and the proposed baler area is capable of being constructed to meet relevant noise criteria. The assessment holds due regard to the noise impact resulting from construction and vibration noise, traffic noise arising from traffic generated by the proposed development and the impact from the actual use of the facility through all periods of the day, evening and night.

In accordance with the DGR's issued for the proposed Designated Development, the application is accompanied by a detailed Noise Assessment, to consider any impacts on

private receptors due to construction, operation and traffic noise associated with the intensified use of the site as a Waste Facility.

Section C13 Infrastructure and Services
Adequate support services and utilities are available to service the industrial building.

D4 Industrial Development
DCP Objectives
The proposed development outcomes are consistent with the objectives of the Industrial Development DCP as far as:

- *The promotion of industrial development which can operate in a functional, safe and environmentally friendly manner;*
- *Minimisation of conflict between land uses with appropriate mitigation measures;*
- *Ensuring the development does not affect the function, efficiency and safety of all classified roads and other major roads;*
- *Management of traffic and access for larger vehicles and loading facilities and;*
- *The promotion of employment generation.*

Section 4.1 Key Precincts
Penrith City Council's Industrial Lands DCP features general development controls for industrial uses as well as additional controls for sites located in specific precincts.
The subject site is located within Precinct 1 of the St Marys/Dunheved Industrial area. The only special consideration for this precinct under the DCP is the provisions to consider a variation to front setback requirements for developments located in the precinct based on the merits of parking, lot width, landscaped area and the like.
The development proposed will not vary the existing built form located within the front setback, nor will any of the proposed structures encroach the front building line.

Section 4.5 – Storage of Materials and Chemicals
The DCP encourages all goods and materials associated with the use of a site to be stored internally to minimise both visual and environmental impact.

The subject site contains car parking and driveway with low scale landscaping forward of the building. A fence exists in line with the building to screen the operations on the site.
The proposed alterations and additions behind the existing building will not compromise the site's presentation to the street and will ensure the appropriate storage of goods and materials associated with the use of the site. The proposed processing of the mercury waste will occur within the new building and materials are generally stored internally or within the external bunded storage areas. These areas are located behind the fence and are unlikely to be highly visible from the street interface. Furthermore, the development will require an Environmental Protection License and under the relevant provisions, should the covering of the bunded areas be necessitated, it can be managed in consultation with the Environmental Protection Authority.

No conditions of consent are proposed to require the covering of bunded areas due to the integrated nature of the consent. Local conditions may restrict EPA licensing requirements and therefore no conditions requiring the covering of waste storage areas are recommended as it can be managed under the licensing requirements.

Section 4.6 – Accessing and servicing the site
The existing access arrangements from Christie St will be maintained. As the additional processing on the site only generates 3 additional truck movements daily and the use is not intensive in terms of vehicle and truck movements, no objection was raised from the RMS or Council's Traffic Engineer. The driveway will be increased marginally in size to improve manoeuvring. This arrangement satisfies the objectives of Section 4.6 of the DCP as it ensures the safe and efficient movement of vehicles to and within the site and encourages the development of a layout that enhances the function of the site.

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

Built and Natural Environment

- The application was accompanied by an Air Quality Assessment which considered the impact in regard to odour emission from the site. There is not expected to be any significant odour generated from the processing facility outside of the "encapsulated" processing plant equipment. There is not expected to be any offsite odour impact from the proposed development.

- Particulate matter is expected to be fully contained within the waste processing plant equipment and as such the offsite impact is expected to be insignificant. Dust suppression activities will be carried out as required when vehicle activity or weather conditions require it.

- Maintaining compliance all control mechanisms within the design of the proposal on an ongoing basis is recommended within the Report.

- Subject to appropriate mitigation measures (as outlined in the EIS) and compliance with relevant licensing requirements under the Environmental Protection Authority (as the regulatory body), the development does not pose any significant impact on the environment. Moreover, the processes associated with the treatment and processing of contaminated materials poses a broader benefit to the environment as it encourages the reuse, recycle and safe disposal of contaminated materials.

- The proposed development will involve limited construction activity and the majority of the infrastructure already exists on the site.

- The development will not alter the visual appearance of the site from the public/private interface and therefore poses no impact to the public domain.

- The development is consistent with the character of the area, being an industrial land use in a well established industrial area which is appropriately connected to the broader Sydney metropolitan network.

- Council's Traffic Officers and RMS have considered the proposal in regard to access, traffic and logistical transportation impacts on existing road infrastructure and no objection has been raised to the development, subject to conditions of development consent and appropriate operational management measures.

Social and Economic

- The interaction between the development and the community is mostly positive as the proposal has demonstrated to be managed in a way to mitigate potential impacts on the amenity of the local area and the broader community.
- The development provides social, economic and sustainable development opportunities to the Penrith region.

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 has been demonstrate the site is conducive to the proposed waste recycling facility.

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

(i) Referrals Agencies

The application was referred to the following key stakeholders and their comments have formed part of the assessment:

Referral Body	***Comments Received***
NSW Office of Environment & Heritage - Environmental Protection Authority (POEO Act 19979)	No objection, General Terms of Approval provided.
Department of Planning	Director General Requirements issued.
Roads and Maritime Services (Traffic Generating Development under SEPP)	No objection.
Building Surveyor	No objection, subject to conditions of consent.
Development Engineer	No objection, subject to conditions of consent.
Traffic Engineers	No objection, subject to conditions of consent.
Environmental Health	No objection, subject to conditions of consent.
Waterways	No objection, subject to conditions of consent.

Council has met with the Joint Regional Panel for Sydney West Region on the 19 March 2015 for the purpose of presenting and briefing the panel on the development application.

Council has informally consulted with the NSW Department of Planning & Infrastructure and no objection is raised to the issuing of development consent.

(ii) Community Consultation

In accordance with Council's Notification DCP, the proposed development was notified to a total of 17 adjoining property owners/occupiers and placed on public exhibition from 12 January 2015 to 11 February 2015. No submissions were received.

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

The proposed development demonstrates consistency with the aims and objectives of Penrith LEP 2010, the zone itself and Penrith Development Control Plan 2010.

The proposed development is consistent with the zone of the land which applies.

No community objections have been raised during the assessment process and the development acclaims the following attributes which contribute positively to the Penrith community and Western Sydney Region.

- The generation of additional employment opportunities;
- Immobilises contaminated materials prior to being disposed to landfill thus conforming to principles of Ecological Sustainable Development (ESD);
- Facilitates the expansion of mercury waste immobilisation facilities in NSW to increase the capacity for commercial and industrial waste treatment and improvement to the management of hazardous waste;
- Facilitates improved environmental controls over the management of process water, surface water and site drainage.

Therefore based on the above factors, it is considered the proposed development would be in the broader public interest.

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 a significant negative 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 91, 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.

Recommendations

That:

1. That DA14/1596 for Industrial Development - Alterations and Additions to an Approved Waste Management Facility Including the Processing of Mercury Waste (Designated Development) at 22-24 Christie St, St Marys, be approved subject to the conditions contained in Appendix A and the General Terms of Approval issued by the Environmental Protection Authority (contained in Appendix E).

2. A copy of the decision is forwarded to external authorities for their record.

Appendix A – Proposed conditions of Development Consent

Appendix B – Director General's Requirements

Appendix C – Environmental Protection Authority General Terms of Approval

Appendix D - Roads Maritime Service referral advice

Appendix E – Site Plan