

Report to Sydney West Joint Regional Planning Panel

JRPP No.	2015SYW161
DA No:	JRPP-15-1516
Proposed Development:	A resource recovery facility to recycle slurry
Development Type:	'Designated development' for waste facility
Lodgement Date:	8 July 2015 (owner's consent received 13 August 2015)
Land/Address:	Lot 7 Section 5 DP 744 and Lot 2 DP 1039595, 144-146 Riverstone Parade, Riverstone
Land Zoning:	IN1 General Industrial
Capital Investment Value of Approved Development:	\$937,580
Applicant:	Slurry Recyclers Pty Ltd
Landowner:	Liddell Investments Pty Ltd and Liddell Super Pty Ltd
Report Author:	Rebecca Gordon, Senior Town Planner
Instructing Officers:	Judith Portelli, Manager Development Assessment Glennys James, Director Design and Development
Date Submitted to JRPP:	21 October 2016
Date Considered by JRPP:	17 November 2016

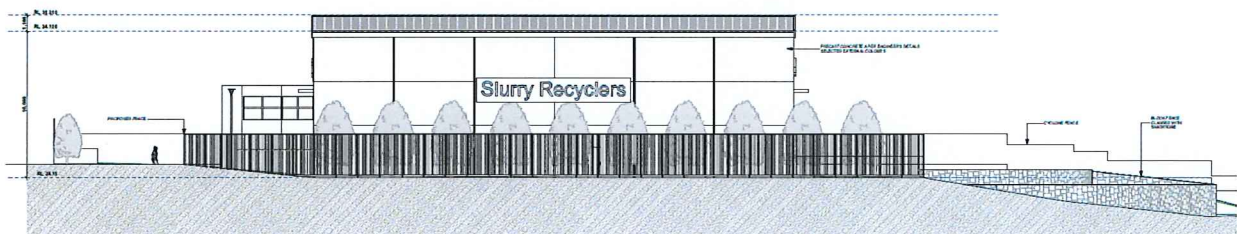


Figure 1 Welling Street elevation



Figure 2 Riverstone Parade elevation

ASSESSMENT REPORT

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Attachment 1	–	Draft conditions of consent
Attachment 2	–	Development application plans
Attachment 3	–	Secretary's Environmental Assessment Requirements 867
Attachment 4	–	Section 79C consideration
Attachment 5	–	Environmental Protection Authority's General Terms of Approval
Attachment 6	–	Sydney Train's conditions
Attachment 7	–	Assessment of compliance with State Environmental Planning Policy 64 – Advertising and Signage
Attachment 8	–	Assessment of compliance with Blacktown Local Environmental Plan 2015
Attachment 9	–	Assessment of compliance with Blacktown City Council Development Control Plan

1. Summary

- 1.1 A development application (DA) has been received from Slurry Recyclers Pty Ltd for the construction and operation of a 24 hour/7 days a week, waste management facility for resource recovery at 144-146 Riverstone Parade, Riverstone. The facility will process and recycle approximately 300 tonnes of drill and non-destructive digging mud (slurry) per day. The recovered material, including gravel, sand and sludge cakes, will be wholesaled to landscape suppliers and brickwork companies. No materials will be sold to the general public.
- 1.2 The slurry will be collected from various sites across the region and delivered to the facility by truck. Following treatment of the slurry, the recovered materials will be transported by truck to the wholesalers and brickworks. Trucks will also transport any excess water from the site for disposal into Sydney Water's system. A licence from the Environment Protection Authority (EPA) is required for this activity.
- 1.3 The DA is referred to the Joint Regional Planning Panel (JRPP) as the waste facility is classified as 'designated development' under Schedule 3, Clause 32 of the Environmental Planning and Assessment (EP&A) Regulation 2000, given that more than 1,000 tonnes of sludge will be processed each year and that the facility is proposed approximately 130 m from low density residential development. Council officers have undertaken the assessment of the application and submit this report to the Sydney West JRPP as it is the consent authority.
- 1.4 As designated development, the DA includes an Environmental Impact Statement (EIS), addressing the Department of Planning and Environment (DoPE) Secretary's Environmental Assessment Requirements (SEAR) 867 which were issued in November 2014. The key issues identified by SEAR 867 are strategic context, soil and water, air quality, noise and vibration, traffic and transport, waste management, visual impact and heritage.
- 1.5 The proposed development is also classified as 'integrated development' under Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act). It requires a separate application for an environment protection licence from the Environment Protection Authority (EPA) under section 48 of the POEO Act. The EPA was consulted during the preparation of the EIS for the proposed development and during the assessment process, and has raised no objections to the development.
- 1.6 As required by SEAR 867, during the preparation of the EIS, consultation was undertaken with relevant local, State and Commonwealth authorities. Issues raised by these authorities are addressed in the EIS, including specialist consultant reports concerning air quality, noise, traffic, waste management, stormwater management, heritage impact and aboriginal heritage.
- 1.7 The development site is located within the established Riverstone industrial area. Surrounding development includes a variety of industrial uses that are consistent with the IN1 General Industrial zone under Blacktown Local Environmental Plan (BLEP) 2015.
- 1.8 The DA was initially lodged on 8 July 2015. However, owner's consent and the required application fee were not received until 13 August 2015. BLEP 2015 and the Blacktown Development Control Plan (BDGP) 2015 were in operation by that time. Consequently, assessment of the DA has been undertaken against the provisions of those plans.
- 1.9 This is a small scale development that complies with the numerical requirements of the planning instruments. There are no criteria in BLEP 2015 for maximum building height or maximum permissible floor space ratio for this development. However, clause 7.8 applies because the site is located within 250 m of a residential zone. This clause can only be satisfied if the noise impacts associated with truck deliveries are addressed. This can be achieved with the construction of a 3 m high masonry wall along the eastern

and southern boundaries of the site and by imposing limited operational hours of 7.00 am to 7.00 pm, Monday to Friday. Together these measures will ensure that the sleep disturbance criteria can be achieved and that unreasonable noise impacts are eliminated. These measures should be included as conditions of consent.

- 1.10 The development complies with BDCP 2015, with a possible non-compliance with our car parking provision. As the facility is not a standard industrial activity, there is not a category for car parking generation within which it readily sits. The DCP specifies a minimum car parking rate for light, general and heavy industries, warehouses and distribution centres only. For activities not specifically listed, the DCP states that car parking requirements are to be determined on the merits of the application. The 5 car parking spaces proposed are considered adequate for the 2 full-time on-site staff and any visitors to the site. A line-marked truck stopping area has been provided opposite the office, adjacent to the eastern boundary. This area will allow drivers to park their vehicles in the event they need to access the office or on-site amenities, without obstructing other truck movements around the site. There will, however, be no overnight truck parking on site.
- 1.11 The proposed development was notified to nearby property owners and occupiers between 17 February and 18 March 2016. The application was also advertised in a metropolitan and a local newspaper, and a sign was erected on site. Two submissions were received as a result of this process. One submission was from the owner of the industrial property immediately to the east and the other from a resident within the residential neighbourhood to the south. Both submissions raised concerns in relation to traffic, parking and noise. These issues are considered to be adequately addressed through the design of the development and with the imposition of the consent conditions recommended in this report, including limiting the operational hours to 7.00 am to 7.00 pm, Monday to Friday and constructing of a 3 m high masonry wall along the eastern and southern boundaries of the site. The concerns raised are not considered sufficient to warrant refusal of the DA.
- 1.12 The proposal has been assessed against relevant clauses within the applicable environmental planning instruments. The development is considered to satisfy all relevant clauses. A detailed assessment is undertaken in Section 6 of this report.
- 1.13 The development is considered satisfactory with regard to relevant matters such as siting and design, access, parking, waste management and stormwater drainage. The proposed development has addressed the SEAR 867 and has been assessed against the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, including the suitability of the site and the public interest. Generally the proposal is considered satisfactory, however, it is recommended that specific conditions be imposed to ensure that no contaminated material is received on site and that traffic and noise impacts are not unreasonable.
- 1.14 To ensure that only suitable material is brought onto the site, conditions will be imposed to ensure that all slurry is validated as non-contaminated at the source. Unless appropriate evidence can be provided to this effect, the material cannot be accepted on site. Appropriate records will need to be kept by the business operators and will need to be available for the EPA's and Council officer's review in the event of a legitimate complaint. It is also recommended that all on-site operations be limited to the hours of 7.00 am to 7.00 pm, Monday to Friday. This will eliminate potential adverse noise impacts for residents immediately to the south. To ensure all operations cease by the nominated 7.00 pm finishing time, all deliveries to the site will need to stop 1 hour earlier, so that there is sufficient time available for the unloading and processing activities.
- 1.15 It is recommended that the proposed development be approved subject to the conditions documented at **Attachment 1**.

2. Location

- 2.1 The site is located within the Riverstone industrial area. This is a long established industrial area to the north of the residential precinct of Riverstone.
- 2.2 Riverstone Parade is a major local road (running adjacent to the Richmond to Blacktown railway line) linking the site to nearby regional roads. The road network provides access to the North West Growth Centre urban precincts that surround the industrial area. These areas are potential sources for the material to be processed by the slurry recycling works.
- 2.3 The site is located at the southern end of the industrial area, approximately 125 m from established low density residential properties, some of which also front Riverstone Parade.
- 2.4 The Riverstone industrial area contains industries and local services traditionally found in older established industrial areas. Adjacent uses include an agricultural warehouse / distribution centre, Veolia garbage and recycling, a plumbing company, laundry supplies and auto related industries.
- 2.5 The site is considered an appropriate location for the proposed development. As development occurs in the North West Growth Centre, more excavation activities will be required, such as trench digging and pipe laying, from which slurry is collected. This slurry will need to be deposited elsewhere.

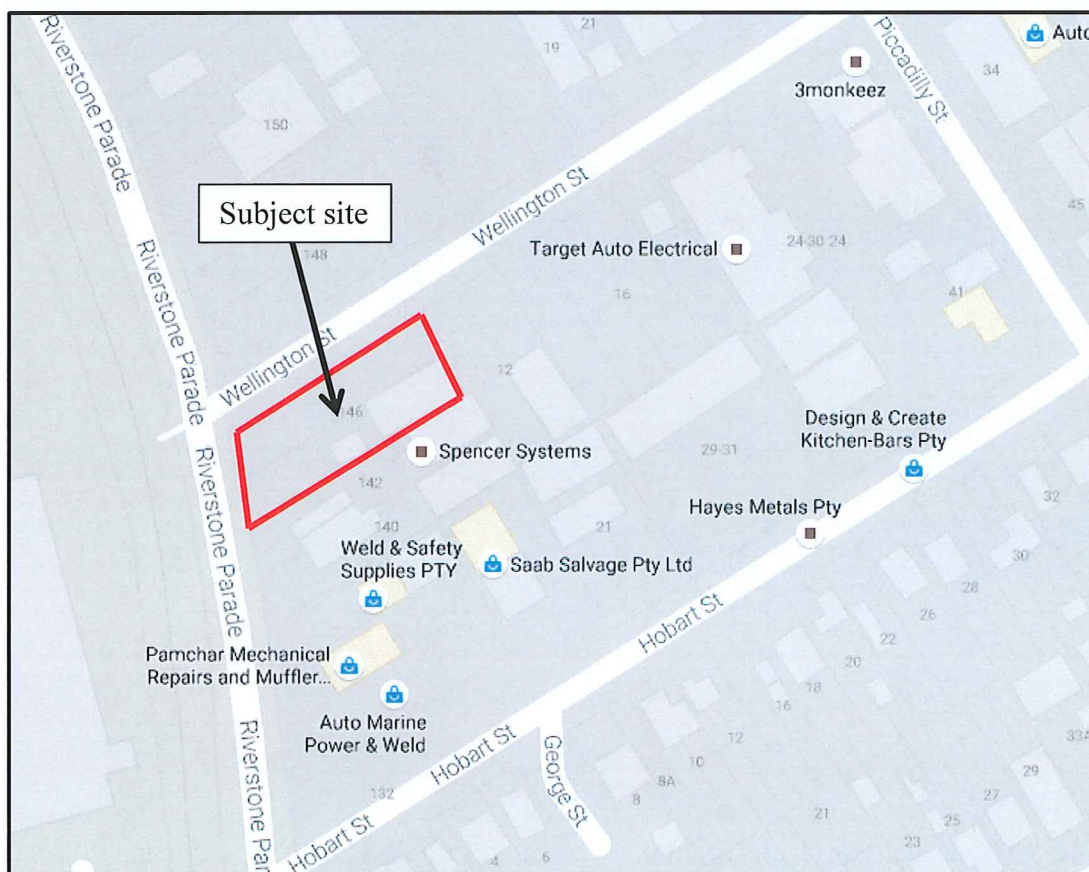


Figure 3 Location map (Google maps 2016)

3. Site description

- 3.1 The subject site is known as Lot 2 DP 1039595 and Lot 7 Section 5 DP 744, 144-146 Riverstone Parade, Riverstone. The site is relatively flat and has a total area of 2,354 sqm. The 2 existing lots will need to be consolidated as part of any development approval.
- 3.2 The site is located at the south-east corner of the intersection of Riverstone Parade with Wellington Street. Primary access to the development will be along Riverstone Parade, passing existing suburban residential properties to the south and future residential suburbs to the north and east.
- 3.3 The site is currently unoccupied and contains an unused building that was previously used for industrial purposes. In 1998 an application was approved for the parking of trucks and earthmoving equipment and the storage of landscape supplies associated with an excavation business.
- 3.4 The site is zoned IN1 General Industrial under BLEP 2015. Under this zone a resource recovery facility is permissible with consent. There are no height or floor space ratio development standards for the site under BLEP 2015.

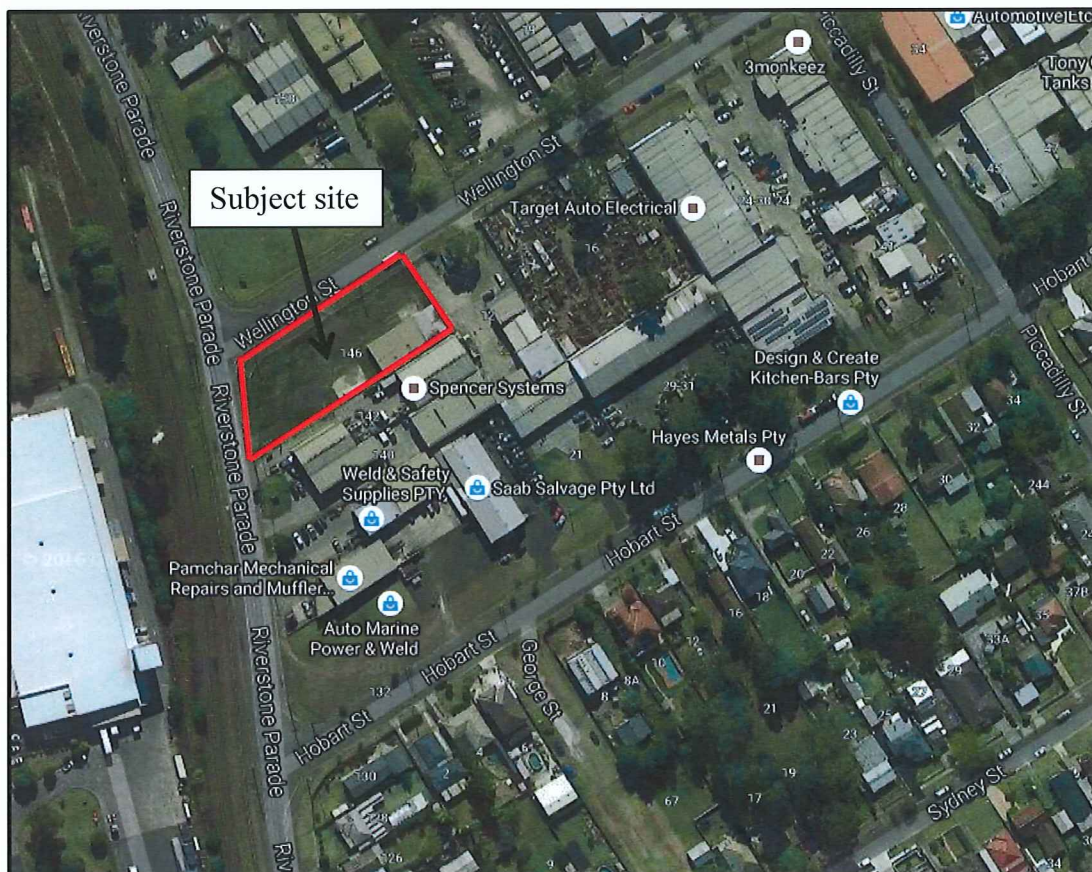


Figure 4 Aerial photo (Google maps 2016)

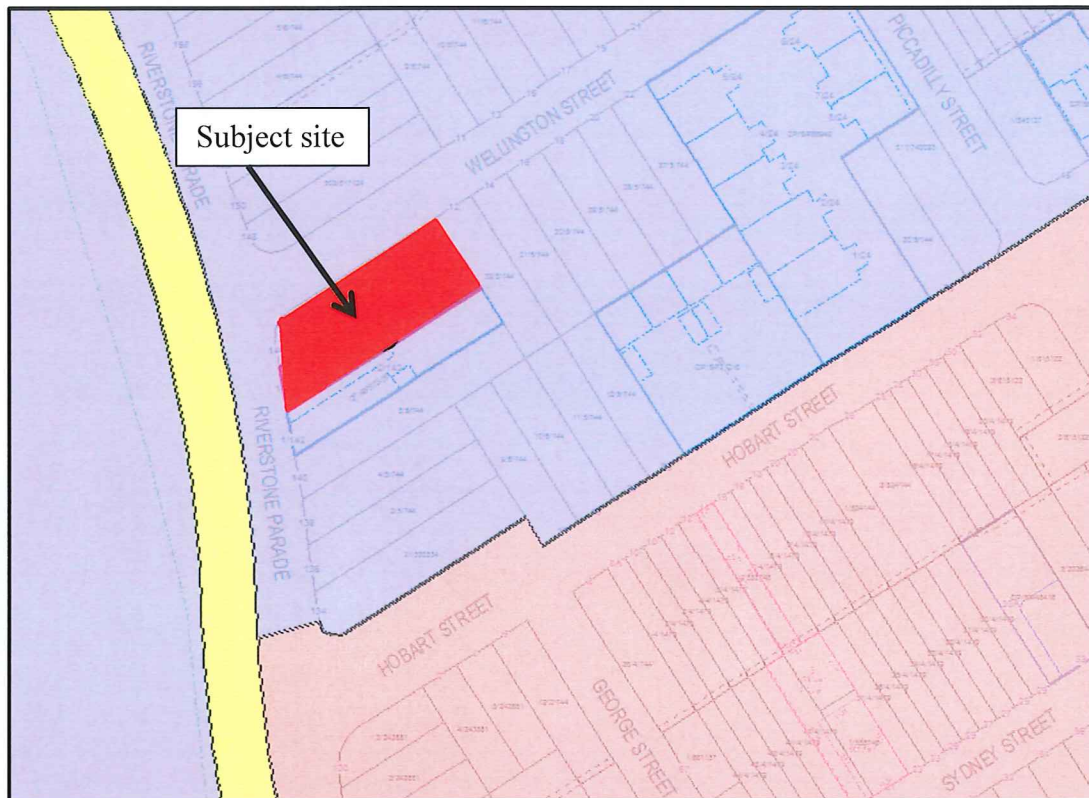


Figure 5 Zoning extract (BCC, BLEP 2015)

4. Background

- 4.1 The proposal constitutes 'designated development'. The formal process for evaluating the potential impacts of the development, therefore, began on 18 November 2014 when the Secretary of the Department of Planning & Environment (DoPE) issued Environmental Assessment Requirements (SEAR 867). These detailed requirements necessitated that extensive studies be undertaken to address a variety of environmental issues. As the results of these studies were obtained by the applicant, the design of the proposal was amended to reduce potential adverse consequences. Following completion of the draft Environmental Impact Statement (EIS), it was distributed to several regulatory bodies in June 2015. The final version of the EIS was certified on 25 June 2015.
- 4.2 Documents relating to this DA were initially submitted to Blacktown City Council on 8 July 2015. A request for owner's consent and payment of fees was sent to the applicant on 3 August 2015. The additional material to complete the application was received by Council on 13 August 2015.
- 4.3 The assessment of the DA highlighted several shortcomings. Council officers wrote to the applicant on 22 September 2015 outlining 19 issues that needed to be addressed. A revised proposal was submitted on 30 November 2015. While the revised EIS included new architectural plans, some of the supporting reports were not revised. Further additional material, concerning car parking, was submitted on 8 January 2015.
- 4.4 Following receipt of the amended plans and additional information, the DA was placed on public exhibition for a period of 31 days from 17 February 2016. The 2 submissions received by Council were forwarded to the applicant and regulatory agencies for response. The applicant submitted a written response to the objections raised on 5 April 2016. However, no additional information was received which warranted re-notification of the application.

5. The proposal

5.1 The DA seeks approval for the construction and operation of a new slurry recycling plant. A separate application will be required for the demolition of existing structures on the site. The purpose of the operation is to recycle drill and non-destructive digging mud (slurry) into the following re-usable products:

- Clean water (pH adjusted and turbidity free)
- Sand and gravel
- Dehydrated clay fines in the form of dry compressed cakes (i.e. sludge cakes).

5.2 The slurry recycling process consists of the following activities:

a. Delivery:

Trucks will enter the facility via Wellington Street and proceed to the weighbridge to record their laden weight. They will then proceed to the unloading bay where a “sight and smell” acceptance test will be undertaken before the material is unloaded. The truck is then washed down before returning to the weighbridge to record its empty weight. The super sucker trucks will then refill with recycled water from the refill station before exiting the facility via Riverstone Parade. These trucks take the water out on development sites to create more slurry. The super sucker on the truck sucks up the drill and digging mud which is blended inside the truck to make the slurry.

Additional trucks will also enter the site to load up the recycled sand, gravel and sludge cake materials for transport to landscape supply businesses and brickworks. It is estimated that approximately 25 to 30 trucks will enter the facility each weekday (Monday to Friday).

The slurry will be delivered to the site in super sucker trucks (volume 2 - 20 tonnes). The slurry will be sourced from directional drilling and non-destructive excavation. The applicant indicated that the “sight and smell” acceptance test will be undertaken for each incoming load, to ensure that no contaminated or hazardous material enters the site. Council officers, however, consider this method of screening unacceptable and believe it will not prevent contaminated material from entering the facility. To ensure that only suitable material is brought onto the site, conditions will be imposed requiring that all slurry be validated as non-contaminated at the source of collection. Unless appropriate written evidence can be provided to this effect from a suitably qualified environmental consultant, the incoming material cannot be accepted at this operation. This process is no different to exporting fill material from one site to another. A “sight and smell” acceptance test will still need to be undertaken before the material is unloaded.

The EPA has also indicated that prior to an environment protection licence (EPL) being issued for the facility, they will require clarification around the material to be processed, including the source material and the type of slurry proposed to be accepted. The EPA has indicated, as part of their General Terms of Approval (GTA), that all material will need to comply with the *Treated Drilling Mud Order 2014*. The operator will need to implement a sampling program to comply with this order. The EPA will also be imposing stringent controls as part of any licence issued, to ensure that the material being processed is suitable and free of contaminants.

Appropriate records will also need to be kept by the business operators and will need to be available for the EPA's and Council officer's review in the event of a legitimate complaint.

The site provides a simple one way traffic 'loop', with access to the site being from Wellington Street. Acceptable loads of slurry will travel through the site in a clockwise direction via the weighbridge, then unload slurry at the deposit bridge, pass over the weighbridge again and then exit the site via Riverstone Parade.

b. Process:

The applicant estimates that approximately 300 tonnes of slurry will be deposited at the plant for processing each day. The deposited slurry will be collected, pumped and can be stored in an underground slurry holding pit for up to 12 weeks. The holding pit is large enough to contain the anticipated quantity of incoming material, being 62 sqm in area, 6 m deep and with a capacity of 384 m³.

The slurry is then mixed with water so that the larger particles can be separated from the finer particles. The larger particles, being sand and gravel, are then collected and stockpiled in holding bays within the building.

The remaining waste water is sent to a waste water tank. In this tank, flocculent chemicals are added to the waste water to separate the water and fine particles. Flocculants are regularly used in water treatment processes to improve the filterability of small particles, as they can help remove microscopic particles which would be difficult or impossible to remove by filtration alone.

The mixture of water and slurry particles is then transferred to a settling tank. After settling, the clarified water is sent to a water tank for use on-site for non-potable purposes. The remaining particles, now in the form of a dense sludge, are sent to a sludge tank. Further non-harmful chemicals are then added to the sludge, before it is filtered to form sludge cakes. The sludge cakes will be stored in 2 clearly labelled designated 'stockpile bays' on site. The recycled material (sand, gravel and sludge cakes) will be sold wholesale to landscape suppliers and brickworks to make bricks. No materials will be sold to the general public.

If any of the holding pits / bays reach capacity, then no further incoming material will be accepted by the business operators. The environment protection licence required from the EPA will also impose strict conditions in relation to the maximum quantity of material permitted to be processed, being 300 tonnes per day. The proposed layout of the plant and the slurry recycling process is illustrated in Figure 6 below.

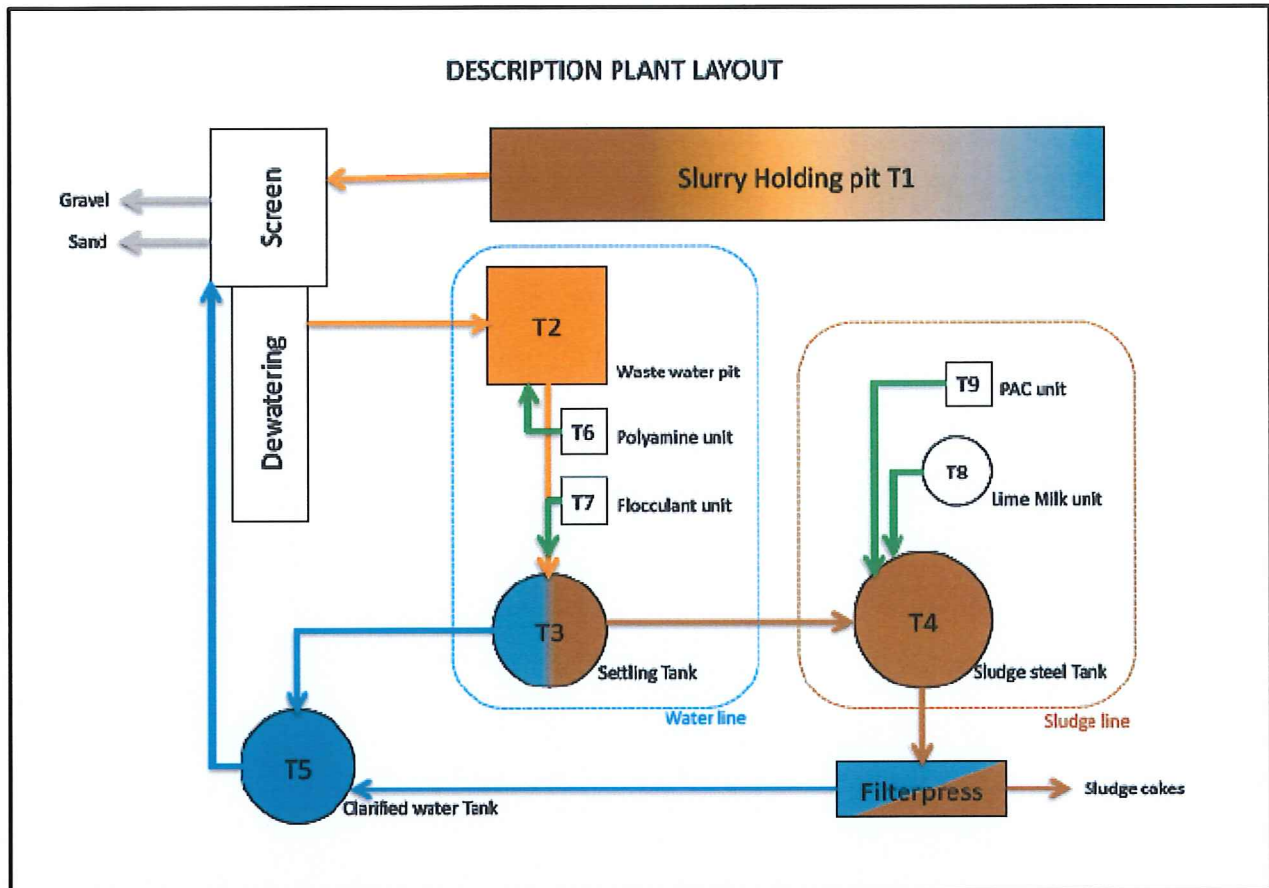


Figure 6 Proposed plant layout (Source: Slurry Recyclers)

- 5.3 The applicant will also need to obtain a trade waste agreement prior to operation, to ensure that any excess water from the recycling process (beyond the plant's operational needs) can be transported from the site and deposited into Sydney Water's system. The licence for this activity is to be obtained directly from Sydney Water. This matter will be addressed as a condition of consent.
- 5.4 As indicated above, various non-harmful chemicals are used in the recycling process. It is proposed that the following chemicals will be used and stored on site:
- Polyamine (CO502): 1 m³ volume
 - PAC @ 23%: 1 m³ volume
 - Anionic polyelectrolyte (Dryfloc 970): 500 kg (being 20 x 25 kg bags)
 - Calcium hydroxide (lime powder): 5 tonnes (being 200 x 25 kg bags)

The quantity and type of chemicals do not exceed the thresholds under State Environmental Planning Policy (SEPP) No 33 – Hazardous and Offensive Development, and therefore do not trigger the need for a preliminary hazard analysis (PHA). Given that only non-harmful chemicals will be used in the recycling processes, they are not required to be stored in a dangerous goods store. Appropriate conditions, however, will be imposed to ensure that the non-harmful chemicals are stored appropriately on site.

- 5.5 The plant recycling operations will be housed within a 11.1 m high building, with a site coverage of 843 sqm. The building will be constructed of precast concrete panels with metal roller doors. The main elements of the proposal include:
- The 2 storey office and amenities building.

- The weighbridge located along the site's southern boundary. The weighbridge is used to weigh super sucker trucks entering and exiting the site, to determine the volume of slurry delivered to the site. The weighbridge will also be used to determine the volume of excess water leaving the site in trucks. The volume of slurry will need to comply with the requirements of the EPA licence.
- The recycling area, including the deposit bridge, holding pits, and several different tanks of various sizes for the holding of water, slurry and chemicals. The deposit bridge is located along the northern boundary of the site and is used to deposit slurry into the underground slurry holding pits.
- The raw and processed materials storage and loading areas, including capacity to store 200 tonnes of recycled sand, 100 tonnes of recycled gravel and 400 tonnes of sludge cakes at any one time within the building. Conditions will be imposed to ensure that no materials are stockpiled outside the building or within the truck manoeuvring areas or parking spaces.
- Parking for 5 cars (including 1 accessible parking space) and 1 dedicated truck stopping area located adjacent to the eastern boundary. This truck bay will allow drivers to park their vehicles in the event they need to access the office or the on-site amenities, without obstructing other truck movements around the site. There will be no overnight truck parking permitted on site.
- A truck water refill bay adjacent to the site's exit. This water refill bay is used by super sucker trucks to refill with water to take out to site and create more slurry after having already deposited slurry on the subject site in holding pits.
- A minimum 3 m landscaped setback, consisting of trees, shrubs and groundcovers along the Wellington Street and Riverstone Parade frontages. A vegetated bioretention/water retention pit will also be provided at the Riverstone Parade frontage.
- 1.8 m high black powdercoated fencing along the 2 street frontages (northern and western boundaries) and automatic gates at the site's entry and exit. It was originally proposed that a 5 m high acoustic wall would be constructed along the southern and eastern boundaries. As part of the assessment process, further details, including the purpose of a 5 m high wall, were requested as it was considered that a 5 m high wall was excessive. Revised plans were submitted which removed the 5 m wall, as the wall was not considered necessary for acoustic mitigation. Council officer's assessment of the DA indicates, however, that noise impacts associated with the truck deliveries could be excessive. It is therefore recommended that a 3 m high masonry wall be constructed along the eastern and southern boundaries of the site to address potential noise impacts. This will protect residents on the southern side of Hobart Street from noise. See Figure 7 for location details. This will be addressed as a condition of consent. Details of the acoustic wall will also be required for Council's town planning section's separate approval, prior to the release of any Construction Certificate. Any part of the walls visible from a public place will need to be decorative in nature. Plain concrete walls will not be acceptable.
- Business identification signage comprising a single wall mounted sign on each building elevation.

The proposed development plans are at **Attachment 2**.

- 5.6 The plant will employ 2 full-time on-site staff, including an operator and a supervisor. The staff are responsible for checking the 25-30 incoming trucks and operating the plant. A sales representative is also employed by the business, but will not be permanently

located on site. The plant will also employ up to 6 truck drivers. The trucks, however, are privately owned and will not be parked in the area or on site overnight.

- 5.7 The applicant has requested that the plant operate on a 24 hour, 7 days a week basis. To eliminate potential adverse noise impacts for residents immediately to the south, however, it is our recommendation that all on-site operations be limited to the hours of 7.00 am to 7.00 pm, Monday to Friday. Only when the facility is operational, and the performance of the operation can be gauged and the noise impacts accurately measured, could a separate DA be considered for additional operating hours.

6. Planning controls

- 6.1 The planning controls that relate to the proposed development are as follows:

(a) Environmental Planning and Assessment Act 1979 (EPA Act)

(i) Section 77A of the EPA Act - Designated development

Designated development is development that is declared to be designated development by an environmental planning instrument or the regulations. Under Schedule 3, Part 1, Clause 32 (1) of the **Environmental Planning and Assessment Regulation 2000**, designated development includes:

32 (1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, recycle, recover or reuse material from waste and:

(a) *that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste:.....*

(iii) *that comprises more than 1,000 tonnes per year of sludge or effluent material, or....*

(d) *that are located:....*

(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.*

The proposal constitutes designated development given that it will process approximately 300 tonnes of slurry per day, and is located approximately 130 m from land zoned R2 Low Density Residential under BLEP 2015 and dwellings not associated with the development.

As designated development, the DA includes an Environmental Impact Statement (EIS) addressing the Department of Planning and Environment SEAR 867, which was issued in November 2014. A copy of SEAR 867 is at **Attachment 3**. The specific key issues identified by the SEAR are strategic context, soil and water, air quality, noise and vibration, traffic and transport, waste management, visual impact and heritage. SEAR 867 also required consultation with various authorities during the preparation of the EIS, which was undertaken.

Issues of concern arising from the review of the EIS, relating to noise, traffic and quality of the imported material, are discussed below.

(ii) *Section 79C of the EPA Act - Evaluation*

In determining a development application, a consent authority is to take into consideration the relevant matters listed under Section 79C of the EPA Act. For an assessment against the Section 79C 'Heads of Consideration' refer to Section 11 and **Attachment 4**.

(iii) *Section 91 of the EPA Act - Integrated development*

The proposed development involves a 'scheduled activity', therefore triggering the need for an environmental licence under Section 48 of the *Protection of the Environment Operations Act 1997* (POEO Act). The proposal is therefore integrated development.

(b) State Environmental Planning Policy (State and Regional Development) 2011

(i) *Schedule 4A of the EPA Act - Development for which regional panels may be authorised to exercise consent authority functions of councils*

SEPP (State and Regional Development) 2011 applies to development of a class or description included in Schedule 4A to the EPA Act. Under Schedule 4A, Clause 8 (c) of the EPA Act, the Joint Regional Planning Panel (JRPP) is the consent authority for all waste management facilities or works which meet the requirements for designated development under Clause 32 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*. While Council officers are responsible for the assessment of the DA, determination of the proposed waste management facility is to be made by the Sydney West JRPP.

(c) Protection of the Environment Operations Act 1997 (POEO Act)

(i) *Section 48 of the POEO Act - Integrated development*

An environmental protection licence is required for the proposed development as it is an activity listed under Schedule 1 of the POEO Act, which includes resource recovery, waste processing (non-thermal treatment) and waste storage.

A separate application for an environment protection licence, from the Environment Protection Authority (EPA) under section 48 of the POEO Act, is required. The proposed development is therefore classified as integrated development. The EPA was consulted during the preparation of the EIS for the proposed development. The application was also referred by Council officers to the EPA during the assessment process. As a result, the EPA issued their 'General Terms of Approval'. These are at **Attachment 5** and will be included as part of any consent.

(d) State Environmental Planning Policy (Infrastructure) 2007

(i) *Clause 85 – Development immediately adjacent to rail corridors*

Clause 85 of SEPP (Infrastructure) 2007 applies to the proposed development as it is development immediately adjacent to a rail corridor and involves the placing of a metal finish on a structure.

(ii) *Clause 86 – Excavation in, above or adjacent to rail*

Clause 86 of the SEPP also applies to the proposed development as it is located within 25 m of the rail corridor and involves excavation to a depth of at least 2 m.

(iii) *Consent authorities requirements*

Before determining a development application for development to which Clauses 85 and 86 apply, the consent authority must give written notice of the application to the rail authority for the rail corridor, and take into consideration any response received within 21 days.

The DA was referred to Sydney Trains for its concurrence. In response Sydney Trains advised that it had no objections to approval of the proposed development, subject to the standard conditions at **Attachment 6**. These conditions will be included in the consent.

(iv) *Clause 104 - Traffic generating development*

Under Clause 104(2)(a) of SEPP (Infrastructure) 2007, recycling facilities are classified under Schedule 3 as traffic generating development.

(iii) *Consent authorities requirements*

Before determining a development application for development to which Clause 104 applies, the consent authority must give written notice of the application to the Roads and Maritime Service (RMS), and take into consideration any response received within 21 days, the accessibility of the site and any potential traffic safety, road congestion or parking implications of the development.

The consent authority must also give the RMS a copy of the determination of the application within 7 days after the determination is made.

The DA was referred to the RMS and the Sydney Regional Development Advisory Committee (SRDAC). The RMS raised no objection to the DA and provided no comments or recommended conditions in relation to the proposal. The development site is a corner site. The proposed separate entry and exit driveways and potential traffic generation will not cause any traffic hazards or traffic safety issues. Suitable parking arrangements have been provided on site.

(e) State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)

(i) *Clause 13 - Matters for consideration by consent authorities*

Clause 13 of SEPP 33 requires a consent authority to take into consideration:

- (a) *current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and*
- (b) *whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and*
- (c) *in the case of development for the purpose of a potentially hazardous industry – a preliminary hazard analysis prepared by or on behalf of the applicant, and*
- (d) *any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and*
- (e) *any likely future use of the land surrounding the development.*

The proposal is identified as being 'potentially offensive industry' given that it requires a licence from the Environment Protection Authority (EPA). The level of offence, however, is not considered significant given that the EPA has indicated that a licence can be obtained for the activity and it has issued its General Terms of Approval (GTA). The proposal is therefore not considered to be 'offensive industry'.

Given that chemicals are used in the process, the applicant was requested to provide additional information to determine whether the proposed activity was 'potentially hazardous industry'. The application has been assessed against the NSW Planning document 'Applying SEPP 33', to establish if it also triggers the need for a preliminary hazard analysis (PHA). The quantity and type of chemicals do not exceed the thresholds under the SEPP and do not trigger the need for a PHA. As no hazardous or contaminated materials will be handled on site and no PHA is required, the slurry recycling plant is not considered to be a 'potentially hazardous industry'.

Given that only non-harmful chemicals will be used in the recycling process, they are not required to be stored in a dangerous goods store. Appropriate conditions, however, will be imposed on the consent to ensure that the non-harmful chemicals are safely stored on site.

The subject site is zoned for industrial purposes and is surrounded by other industrial activities, and is considered suitable for the proposed use as a waste management facility.

(f) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

- (i) *Clause 7 - Contamination and remediation to be considered in determining development application*

SEPP 55 aims to "provide a State wide planning approach to the remediation of contaminated land". Clause 7 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to granting of a development consent.

The likelihood of encountering contaminated soils on the subject site is considered to be extremely low given:

- The site is located in an established industrial area
- The site has previously been used for industrial purposes.

On this basis, the site is considered suitable for the industrial use. As part of any consent, however, standard conditions will be imposed to address any contaminated material unearthed during construction.

(g) State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

- (i) *Clause 13 - Matters for consideration*

Clause 13 states that a consent authority must not grant development consent to an application to display an advertising structure unless the consent authority is satisfied that the signage is consistent with the objectives of SEPP 64 and that the proposed signage satisfies the assessment criteria specified in Schedule 1.

The proposed signage is consistent with the definition of a 'building identification sign' outlined under SEPP 64. In this regard, building identification sign means a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.

The proposed signs are compatible with the desired amenity and visual character of the area, are suitably located and are consistent with the design of the building. The objectives of the SEPP are therefore considered to be satisfied. The signage also satisfies the assessment criteria specified in Schedule 1. **Attachment 7** outlines the proposal's compliance with SEPP 64.

(h) Blacktown Local Environmental Plan (BLEP) 2015

- (i) The DA was lodged 8 July 2015, however owner's consent was not received until 13 August 2015. BLEP 2015 became operational on 7 July 2015 and the provisions of BLEP 2015 apply to the evaluation of this application.

The site is zoned IN1 General Industrial under BLEP 2015. A resource recovery facility is permissible in the IN1 zone with consent. There are no height or floor space ratio limits for the site under BLEP 2015.

- (ii) *Clause 7.8 Development of certain land in Zone IN1*

Under Clause 7.8, Council is required to consider a number of matters relating to the impact of the proposal on the existing residential zone that is within 250 m of the site.

Attachment 8 outlines the proposal's compliance with BLEP 2015 and where conditions of consent will be required. The original plans proposed a 5 m high wall along a portion of the southern boundary, however we considered this to be excessive and the applicant responded by simply deleting the solid fence altogether and replacing this with a mesh fence. To satisfy the requirements of Clause 7.8, we still recommend that a 3 m high masonry wall be constructed along the eastern and southern boundaries of the site to protect the residential neighbours from noise or visual impacts. It is also recommended that all on-site operations be limited to between 7.00 am and 7.00 pm, Monday to Friday only. To ensure all operations cease by the nominated 7.00 pm finishing time, all deliveries to the site will need to stop 1 hour earlier so that there is sufficient time available for the unloading and processing activities to be completed. These measures will be included as conditions of consent and are recommended to ensure that there are no unreasonable noise impacts on the surrounding residents.

(i) Blacktown Development Control Plan 2015 (BDCP)

BDCP 2015 came into operation on 29 July 2015. The DA was validated on 13 August 2015 when owners' consent was received. Consequently, the provisions of BDCP 2015 apply to the consideration of this application. Part E of the DCP, 'Development in the Industrial Areas' provides specific controls and guidelines for industrial development. **Attachment 9** outlines the proposal's compliance with BDCP and where conditions of consent will be required. The development complies with the provisions of the DCP with the exception of car parking, which is discussed in further detail below.

(j) Section 94 Contributions Plan No 20 - Riverstone and Alex Avenue Precincts

Under Section 94 Contributions Plan No 20 Riverstone and Alex Avenue, a development contribution for traffic and transport management facilities is to be levied. This will be addressed as a condition of consent.

- 6.2 Council's assessing officers consider the development to satisfy relevant clauses within applicable environmental planning instruments.

7. External referrals

- 7.1 As part of the assessment process the DA was referred to various external authorities, including those consulted by the applicant during the preparation of the EIS. The external authorities' comments are summarised in the table below:

Authority	Comments
Roads and Maritime Services (RMS)	No comments or recommended conditions of consent were provided by the RMS.
Sydney Trains	Sydney Trains has raised no objection to the DA subject to standard pre-construction conditions to address stray electric currents, and crane and other aerial operations. A copy of Sydney Trains' correspondence and recommended conditions of consent are at Attachment 6 .
Environmental Protection Authority	The EPA raised no objection to the DA subject to a separate application being submitted to the EPA for an environment protection licence in accordance with the <i>Protection of the Environment Operations Act 1997</i>. The licence application will need to be submitted and approved prior to any activities commencing on site. The EPA's General Terms of Approval (GTA) for the licence are at Attachment 5 and will be included as conditions of any consent granted. As required by Clause 69 of the EP&A Regulation 2000, a copy of the public submissions received in response to the notification of the application were also forwarded to the EPA for consideration. After considering the objections, the EPA advised that no change was required to their original GTA.
SafeWork NSW	No objections were raised by SafeWork NSW provided the development complies with the requirements of relevant environment protection legislation. Any demolition and construction work and waste handling must also be undertaken in compliance with relevant Work Health and Safety (WHS) legislation, with a suitable WHS management plan and procedures in place. Advisory conditions will be imposed on the consent to address these matters.
Department of Primary Industries (DPI)	DPI has raised no objection to the DA subject to a condition relating to the discharge of excess waste water. This matter will be addressed as a condition of consent.
Fire and Rescue NSW	No response was received from Fire and Rescue NSW. However, standard conditions will be imposed on the consent to address the storage of any chemicals.
Sydney Water Corporation	No response was received from Sydney Water. However, a condition requiring that a trade waste approval, and that a Section 73 certificate is to be obtained for servicing of the site for this use prior to the issue of an Occupation Certificate, will be imposed on the consent.
Department of Planning and Environment - Major Hazards Branch	No response was received from the Department of Planning and Environment (DoPE). Standard conditions, however, will be imposed on the consent to address the storage and use of any chemicals.

Authority	Comments
Office of Environment and Heritage (OEH)	No response was received from OEH. Standard conditions, however, will be imposed on the consent should any European relics or Aboriginal archaeological material be uncovered during construction activities.

8. Internal referrals

8.1 The DA was referred to internal sections of Council for comment as summarised in the table below:

Section	Comments
Engineering	No objection subject to standard conditions.
Building	No objection subject to standard conditions.
Traffic Management Section (TMS)	No objection and no conditions are required.
Waste Services	No objection and no conditions.
Environmental Health Unit (EHU)	After extended negotiations, the applicant submitted additional information that was sufficient for the EHU to assess. As part of the consent, conditions are required to address identified issues relating to noise, air pollution and the storage and disposal of waste. The incoming material must also comply with the Treated Drilling Mud Order 2014. The draft consent at Attachment 1 includes various conditions to address these matters.
Heritage (European and Aboriginal)	The site is mapped as being within an area of potential Aboriginal archaeology. A due diligence report has been carried out by a heritage consultant. The report concludes that the archaeological potential is low given that the site is highly disturbed and has been used for previous industrial activities. Standard conditions are recommended, however, should any European relics or Aboriginal archaeological material be uncovered during construction activities.

9. Key issues

9.1 An assessment of the key issues relating to the proposed development is provided below.

(a) Noise

Clause 7.8A of BLEP 2015 recognises that industrial development has the potential to adversely impact on established residential areas. For this proposal, Clause 7.8 requires that consideration be given to noise impacts, including noise at night. The consent authority must consider whether noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised. In particular, it must be considered whether the development will cause a nuisance to residents by way of hours of operation or traffic movements.

This issue was raised in a submission from a nearby resident. In response, the applicant refers to the noise impact assessment undertaken by qualified acoustic consultants, Wilkinson Murray. A large number of residential properties are located within 250 m of the site. The closest is located approximately 130 m away. The applicant's acoustic study included noise monitoring during a 10 day period in

October 2014. The noise monitoring was undertaken at a residential property close to the site, but over 120 m from Riverstone Parade. As such, the study is considered to be limited.

While the study provides a useful guide for noise from the facility, it did not monitor or model potential noise impacts from vehicles on Riverstone Parade. The monitoring identified a significant difference (27%) between ambient noise levels during the day and night, with the rating background level (RBL) reducing from 41 dBA down to 30 dBA. The monitoring showed that the ambient noise level was even lower between 11.00 pm and 6.00 am.

Under the NSW Industrial Noise Policy, the night time intrusiveness criterion for this type of development is 35 dBA (i.e. RBL of 30 dBA + 5 dBA), the amenity criterion is 40 dBA and the sleep disturbance criterion is 45 dBA (i.e. RBL 30 dBA + 15 dBA). Computer modeling, to assess the potential noise impact, considered operations relating to 1 truck movement in a 15 minute period up to 5 times a night. It appears that the modeling was undertaken on the basis that an acoustic masonry wall was situated on the southern and eastern boundaries. Only the sleep disturbance criterion is included in the study, because it is the most stringent. The development, however, does not satisfy this criterion. The modelling has predicted a noise level of 47 dBA which is an exceedance of the background level by 17dBA.

The acoustic study argues that determinative weight should not be given to the sleep disturbance measure as it is 'conservative'. The study seeks to apply noise criteria relevant to road noise because, it is claimed, the noise is being generated by vehicles. The monitoring station, however, was not located within the vicinity of Riverstone Parade, which is considered the appropriate position to measure traffic noise. The only reasonable conclusion that can be drawn from the noise assessment is that there is the potential for nearby residents to be woken for a period of 15- 20 minutes up to 5 times each night. The relevant test required by BLEP 2015 is whether there is potential for a nuisance from noise. On the basis of the noise assessment it is concluded that a nuisance will arise and it is therefore recommended that a condition be imposed on the consent limiting deliveries and operations to between 7am and 7pm, Monday to Friday.

As the noise assessment focused on nighttime noise, there is no relevant information in relation to evening operations. Certainly a higher level of 'nuisance' should be accepted in the evening than at night. However, the level of nuisance would certainly be reduced if an acoustic masonry wall was provided along the eastern and southern boundaries of the site as modelled in the acoustic assessment. As a condition of consent it is recommended that a 3 m high wall be provided and that the hours of operation be limited to 7.00 am to 7.00 pm, Monday to Friday. The noise attenuation measures, together with the limited operating hours, will help to avoid noise and associated complaints being lodged later. Conditions to address these matters are included in the draft conditions at **Attachment 1**.

(b) Quality of material received for recycling

A critical issue for the operation of this facility is the quality of incoming material being received for recycling. The facility is not designed or intended to treat hazardous or contaminated material.

The application initially proposed that the slurry material would be tested by 'sight and smell' only. On several occasions the applicant was informed by Council officers that this procedure was inadequate. The applicant therefore indicated that a detailed visual inspection of each load would be undertaken for appearance, discolouration and the presence of foreign material. However, even with this

additional measure the proposed evaluation procedure was considered inadequate.

To ensure that only suitable material is brought onto the site, conditions will be imposed to ensure that all slurry is validated as non-contaminated at the source of collection. Unless appropriate written evidence can be provided to this effect from a suitably qualified environmental consultant, the incoming material should not be accepted onto this site. Appropriate records will need to be kept by the business operators in relation to the origins of the material and its assessed quality. These records will need to be available for the EPA's and Council officer's review in the event of any legitimate complaint.

In addition to validating the source material at the excavation site, it is also recommended that conditions be imposed requiring that further testing be undertaken after the material has been processed. Before the recycled material can be on-sold, the material will need to be tested to ensure compliance with the Treated Mud Order 2014. This will ensure that there is also no contaminated material leaving the facility.

(c) Provision of car parking

The proposal does not comply with requirements of the Blacktown DCP 2015 in relation to the number of on-site car parking spaces required for 'industrial development'. The DCP states that light, general and heavy industries, warehouses and distribution centres are to be provided with 1 car space per 75 sqm gross floor area (GFA), plus 1 car space for every 40 sqm of ancillary office space. Based on the size of this facility, a minimum of 8 on-site car spaces are required.

The facility is not considered to be a standard industrial activity. For activities not specifically listed, the DCP states that car parking requirements are to be determined on the merits of the application.

Large sections of the proposed facility are devoted to storage bins and manoeuvring space around the bins. The site also needs to accommodate more trucks than cars. The development proposes 5 car parking spaces, which is considered adequate for the 2 full-time on-site staff and any visitors to the site. In addition to the 5 car parking spaces, there is also capacity for several trucks to park on site. In the future, if the site is to be used for another industrial purpose, areas now required for truck parking can be converted to car parking. On this basis, the provision of 5 car spaces is considered adequate for this operation.

10. Public comment

- 10.1 The DA was notified to adjoining and nearby property owners and occupants for a period of 30 days from 17 February to 18 March 2016. An advertisement was placed in the local newspaper and a notification sign was erected on the site. In accordance with the requirements for designated development, a copy of the DA was also sent to the DoPE for exhibition purposes.
- 10.2 In response to the public notification, 2 individual submissions were received. One is from the adjoining property in Wellington Street and one from a nearby residential property. The location of the objectors' properties is identified on Figure 7 below.

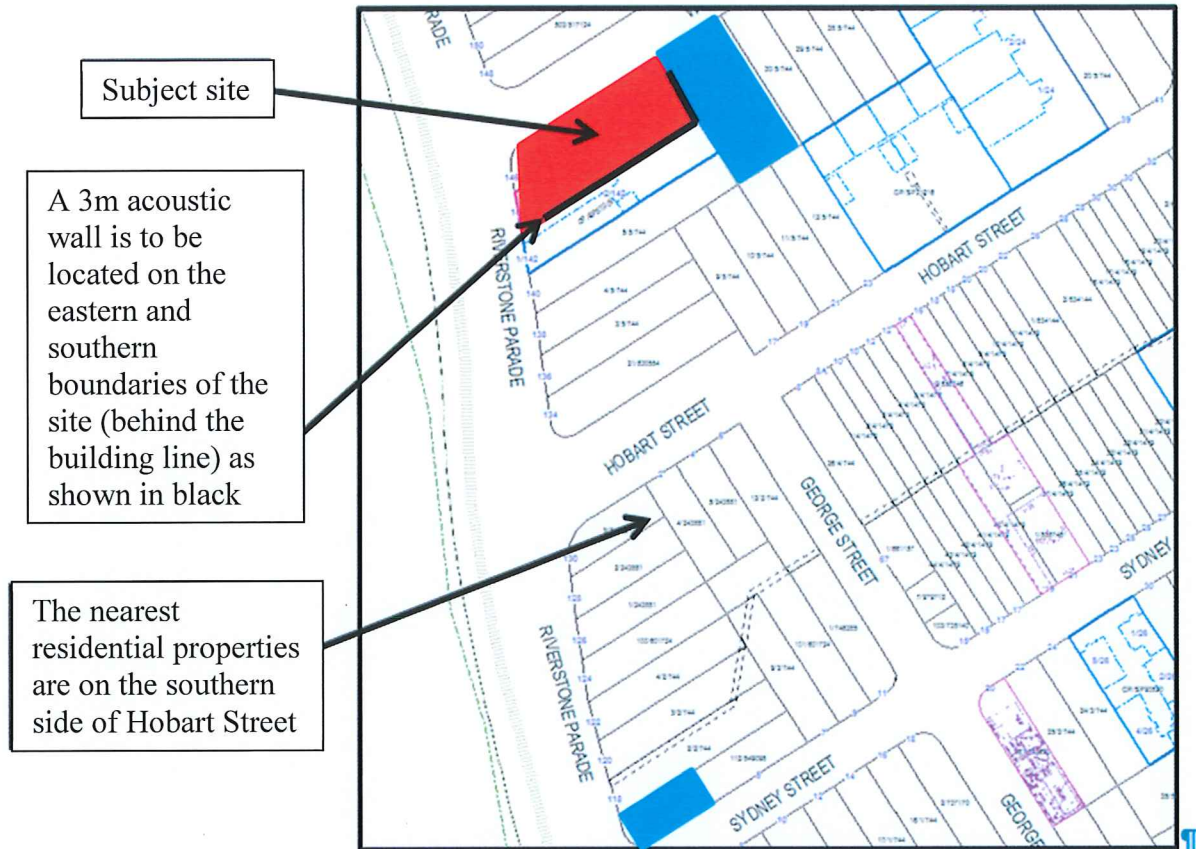


Figure 7 Location of objectors

10.3 Below is a summary of the concerns raised and our response:

(a) Truck noise and congestion

Concern:

The additional trucks will create noise and vibration of homes. The roads are not capable of handling the current traffic load. A new business, requiring large heavy trucks, is not appropriately located one block away from residential homes. There is no proposed soundproofing of building structures to isolate the machinery or the truck parking.

There is already too much congestion on Riverstone roads, with trucks using residential streets to avoid the railway crossing.

Time constraints should be applied. Activity should be limited to the hours of 9.00 am to 5.00 pm. There will be no policing of weekend activity and more weekend activity is not needed.

Town planning comment:

- We consider this concern to be a valid one. The concerns of the resident regarding noise, and particularly noise at night, are also supported by the findings in the applicant's own acoustic report. This issue has been discussed in detail above and conditions are recommended. This includes limiting the deliveries and on-site operations to between 7.00 am and 7.00 pm, Monday to Friday. It is also recommended that a 3 m high masonry wall be constructed along the eastern and southern boundaries of the site.

- It should be expected, however, that there will be increased levels of traffic during the day with a resultant increase in congestion. These changes have already been anticipated as part of the planning for the Riverstone area.
- This is the use of a 'brownfield' site, having been used previously by a landscape supply business that used large trucks and equipment. The truck movements and daytime noise should therefore be the same as previous activities.

(b) Smell and dust**Concern:**

Smell or offensive airborne byproducts from the activity could affect residential properties that are already overwhelmed with dust from the nearby Roadmaster site.

Town planning comment:

- While the received waste may be slurry (i.e. wet), it is inevitable that dried slurry on hard surfaces will produce dust. To address this concern, standard conditions have been recommended to manage dust (e.g. wet down surfaces on the site), so that a nuisance is not caused for residents. Trucks entering and leaving the premises must also be covered at all times, except during loading and unloading operations.
- In relation to potential odours and other environmental impacts, the premises will be an Environment Protection Authority (EPA) licensed premises. Any complaints will therefore be investigated by the EPA and, if warranted, the EPA can impose further restrictions. In extreme circumstances, the EPA can revoke the operator's licence.
- The EPA, however, has assessed Todoroski Air Sciences' evaluation of potential air quality impacts from the proposed development. The EPA notes that no contaminated or odorous material will be expected on site and will ensure that appropriate measures are in place to ensure this, as part of the licence agreement. The EPA agrees that, if operated appropriately, the proposed facility is unlikely to cause significant air impacts.

(c) Truck movements and parking**Concern:**

The neighbour adjacent to the proposed site entrance has expressed concerns regarding the number of truck movements in and out of the property. With the amount of slurry proposed, the objector estimates that there will be approximately 35-40 truck loads per day and has questioned where the trucks will park whilst waiting to enter the property and unload waste.

The submission states that Wellington Street is already congested with bin trucks and other trucks that unload trailers. These trucks currently restrict parking, block driveways and cause blind spots. The objector has requested a guarantee that driveways will not be blocked and that there will be no obstruction of vision when leaving their property.

Town planning comment:

- The site was previously used as a landscape supplies business. Truck movements to and from the site would have been part of the normal operations of the site. However, any parking of trucks in Wellington Street should be avoided by staggering the arrival of delivery vehicles.
- Sufficient capacity is available within the site for trucks to stand as they wait to move from one section of the facility to the next. However, the concerns of the objector will be realised if several trucks arrive at the facility within a few minutes of each other. Depending on the size of the trucks, only 2-3 vehicles can queue on site before the weighbridge point. If more than 2-3 vehicles arrived at the same time, a choke point could be created at the entrance to the site.
- As the facility operates some of the trucks that collect slurry, it is reasonable for the operator to schedule deliveries so that arrivals are at least 30 minutes apart. An operational condition is included in the draft conditions at **Attachment 1** to address this matter.

10.4 It is considered that the objections raised can be addressed with appropriate conditions of consent and are not sufficient grounds to refuse the DA.

11. Section 79C consideration

11.1 Consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979 is summarised in **Attachment 4**.

11.2 It is considered that, subject to the proposed conditions of consent, the likely impacts of the development can be satisfactorily addressed. Further, the site is considered suitable for the proposed development and is considered to be in the public interest.

12. Concluding comments

12.1 The proposal is consistent with the objectives of Blacktown Local Environmental Plan 2015 and the IN1 General Industrial zone, and is permissible in the zone with consent as a resource recovery facility.

12.2 The proposed slurry recycling plant is classified as 'designated development' and therefore is required to include an EIS which has considered the matters raised in the DoPE Secretary's Environmental Assessment Requirements (SEAR) 867. During the preparation of the EIS, consultation was undertaken with various authorities so that relevant issues, including air quality, noise, traffic, waste management and stormwater management, could be satisfactorily addressed.

12.3 The development also addresses the requirements of Blacktown Development Control Plan 2015, and is considered satisfactory with regard to relevant matters such as built form, access, setbacks, noise, waste management, stormwater drainage and the like, subject to the imposition of suitable conditions of consent to satisfactorily control the development. Resource recovery facilities are not specifically listed in Council's DCP. Therefore, the car parking requirement is to be determined on the merits of the application. The 5 car parking spaces proposed are considered adequate for the 2 full-time on-site staff and visitors to the site.

12.4 To ensure there are no unreasonable impacts associated with the development, in terms of noise or truck deliveries, it is recommended that a 3 m high masonry wall be constructed along the eastern and southern boundaries of the site and that the operational hours be limited to 7.00 am to 7.00 pm, Monday to Friday. These measures will be included as conditions of consent.

13. Recommendation

- 13.1 The Development Application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at **Attachment 1**.
- 13.2 The objectors be advised of the Panel's decision.



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