

SWPP Ref. No.:	2016SWT002
DA No.:	DA16/1202
PROPOSED DEVELOPMENT:	Occupation of Unit 4 as a Waste Management Facility-Oily Water Treatment Plant - Lot 4 SP 63491,4 / 15 Lee Holm Road, ST MARYS NSW 2760
APPLICANT:	Brandster Services Pty Limited
REPORT BY:	Jane Hetherington, Environmental Planner, Penrith City Council

Assessment Report

Executive Summary

Council is in receipt of a Development Application from Brandster Services to use Unit 4 as a Waste Management Facility at 15 Lee Holm Road, St Marys. The applicant currently operates from Units 5 -7. Unit 5 is used as a workshop and office, Unit 7 for oil water treatment and Unit 6 for sewage waste treatment. The proposal seeks to expand existing operations into Unit 4 for oil water treatment.

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

The application is Integrated Development (under Section 91 of the Environmental Planning & Assessment Act 1979). Accordingly, the application was referred to the NSW 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.

The application was referred to the NSW Roads and Maritime Service for consideration, and comments have been received dated 23 March 2017 raising no objection to the proposal.

The application has been notified to adjoining properties and exhibited between 2 December 2016 and 31 January 2017. The application was also advertised on 1 December 2016 and 6 January 2017. No submissions were received in response.

Key issues identified for the proposed development:

Flooding

The subject site is affected by local and mainstream flooding. The proposed use of the site is within an existing industrial unit which is below the mainstream flood level (22.7m AHD). As a consequence, all tankage bunding proposed is at a minimum of 22.94m AHD, which is 240mm above the flood level. The development is also contained within an existing building and the applicant has advised that during a flood event the roller doors will be kept closed to minimise any wave action.

Odour

The application is supported by an Odour Assessment (OA) which included odour sampling to "determine odour concentration levels and subsequent odour emission rates from the existing operations". Based on the information collected, and an assessment of the proposed development, the OA estimates, through the use of odour modelling, the expected odour emission rates. The OA considers the existing and proposed operations including (but not limited to) the existing and proposed stacks, their dimensions and heights and the existing surrounds. The OA has been undertaken in accordance with the "Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales" and the "Technical Framework – Assessment and Management of Odour from Stationary Sources in NSW". The OA concludes that "predicted peak ground level odour concentrations from the facility is well within the odour assessment criteria" and that "cumulative odour impacts would be considered to be unlikely" given the distance to nearest sensitive receivers and the fact that nearby facilities do not have odour issues.

Whilst the dispersion modelling undertaken as part of the OA shows "compliance with the assessment criteria", the OA also includes a number of recommendations in regards to the operation of the facility. These recommendations are provided to ensure the minimisation of any odourous emissions. The GTA's issued by the EPA are based upon the OA and other supporting documentation submitted for the application.

Noise

The EPA's Industrial Noise Policy, specifies the acceptable and maximum recommended LAeq for industrial development, as 70dB(A) and 75dB(A) respectively. To confirm that the development could operate within these levels, the application was accompanied by an Acoustic Assessment, prepared by Koikas Acoustics P/L. As part of this assessment, attended noise surveys were undertaken by Koikas Acoustics on Friday 21 May 2013. Given there has been no changes to site operations since the commissions of this report the readings are considered to still be relevant and reflective of current site conditions. These surveys calculated the sound power levels of the various aspects of the development including truck movements, engine idling and the constant and continuous operation of units 5-7. This data was input into a software noise model called CadnaA to determine the potential noise impact assessment. The calculated maximum noise level from the operation of the waste disposal process to the surrounding premises was found to be 68dB(A). As such, it was found that the noise levels generated by the operation of the waste management facility will comply with the nominated noise criteria of the Environmental Protection Authority's Industrial Noise Policy (INP).

An assessment under Section 23G, Section 79C and Section 91 of the EP&A Act 1979 (as amended) has been undertaken and the application is recommended for approval.

Site & Surrounds

Properties of the site

The subject site is located within the Dunheved/ St Marys Industrial Estate, approximately 120 metres south of Christie Street and 800 metres west of Forester Road. The site itself is 4258m² with vehicle access via a two-way access handle from the western side of Lee Holm Road.

There are 7 units within the complex which have been strata subdivided and the subject unit (Unit 4) features an internal floor area of 448m² and has 5 allocated parking spaces within the complex.

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

History

Units 5-7 on the subject premises are currently occupied by Brandster Services. The company is involved in the collection and treatment of a limited range of liquid waste in the Sydney region and transporting the remnants to various NSW EPA Licensed Waste Depots for disposal and/or recycling. The company has been operating from the site for over thirty years.

Unit 5 is currently used for administration, equipment storage and equipment repair and Unit 6 is currently used for sewage treatment. Both Units will remain unaltered by the subject proposal. Unit 7 is currently used for oily water processing, which is proposed to be expanded by installing additional tanks into Unit4.

Proposal

The proposed development involves:

- Use of existing industrial unit (Unit 4) to expand the waste recycling facility currently operating from Units 5, 6 and 7 of the same complex;
- Additional seven (7) x 60,000L tanks interconnected;
- Additional carbon scrubber and stack connected to the additional tanks;
- Pipe work and pumps to interconnect the tanks in Unit 4 to Unit 7;
- Bunding wall with a height of 1m above the existing floor level; and
- One (1) additional staff member.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

- **Section 23G - Sydney West Planning Panel (SWPP)**

Under Section 23G of the *Environmental Planning and Assessment Act 1979*, a regional panel is taken to be the Council whose functions are conferred on a regional panel.

Under Clause 8(c) of Schedule 4A of the *Environmental Planning and Assessment Act 1979*, a regional panel has the function of determining applications for development for the purpose of a 'waste or resource management facility' which meets the requirements for designated development under Clause 32 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

The application meets the above criteria and as such the Sydney West Planning Panel is the determining authority.

- **Section 79C - Evaluation**

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

- **Section 91- Integrated development**

The application is classified as Integrated Development under Section 91 of the *Environmental Planning and Assessment Act 1979*, requiring general terms of approval from the Environmental Protection Authority (EPA) based on the types and volumes of materials being processed on the site.

The development involves the receipt and stores of up to 700,000 litres of liquid waste per day. As such the development is identified as a scheduled activity exceeding the thresholds detailed in Clause 41 & 42 of Schedule 3 of the *Protection of the Environment Operations Act 1977*.

The Environmental Protection Authority has provided general terms of approval (see separate attachment). This matter is discussed in more detail under Likely Impacts. It is recommended in accordance with Section 91A that these conditions are imposed on the consent.

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 Traffic Generating Development

Clause 104 states that landfill, recycling or waste transfer stations of any size or capacity with access to any road is traffic generating development requiring referral to the Roads and Maritime Service (RMS).

The subject application was accompanied by a Traffic Impact Statement prepared by Thompson Stanbury Associates. Council's Senior Traffic Officer and the RMS have reviewed the proposed development and have raised no objections subject to the imposition of conditions relating to parking and manoeuvrability across the site. The proposal is small in scale with no adverse impacts to the functioning of the local road network.

The development is considered to be satisfactory for the purposes of Clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007*.

Division 23 Waste or Resource Management Facilities

Division 23 of *State Environmental Planning Policy (Infrastructure) 2007* provides controls relating to 'waste or resource management facilities'. The proposed development is suitably defined as a 'waste or resource management facility'.

Clause 121 provides for the development of 'waste or resource management facility' to be carried out by person with consent on land in a prescribed zone. In this case, an IN1 General Industry zone is considered a prescribed zone and the proposed waste or resource management facility is permissible with consent.

There are no other provisions within this policy or clause relevant to the subject application.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

The development proposal has been assessed and subject to recommended condition 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.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies
Clause 7.2 Flood planning	Complies - See discussion

Clause 2.3 Permissibility

The subject site is zoned IN1 General Industry under *Penrith Local Environmental Plan 2010*. The proposed development is defined as a 'waste management facility' and is a prohibited land use in the zone.

Notwithstanding, the development relies on the provisions within *State Environmental Planning Policy (Infrastructure) 2007* for permissibility. The SEPP prevails to the extent of any inconsistencies with the LEP and therefore the development is a permissible land use in the zone.

Clause 7.2 Flood planning

Flood Planning considerations apply to the subject site due to its affectation by local and mainstream flooding during a 1 in 100 year flood event. The proposed use of the site is within an existing industrial unit which is below the mainstream flood level (22.7m AHD). All tankage bunding is at a minimum of 22.94m AHD, which is 240mm above the flood level and inside an existing building.

Section 79C(1)(a)(iii) The provisions of any development control plan**Development Control Plan 2014**

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	N/A
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
D4.1. Key Precincts	Complies
D4.2. Building Height	N/A
D4.3. Building Setbacks and Landscape	N/A
D4.4. Building Design	N/A
D4.5. Storage of Materials and Chemicals	Complies
D4.6. Accessing and Servicing the Site	Complies
D4.7. Fencing	N/A
D4.8 Lighting	N/A

Section 79C(1)(a)(iv) The provisions of the regulations

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 that '*sort, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials and that are located on a floodplain*'. As a result the proposal is deemed to be 'Designated Development', and an EIS has been prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs).

The Department of Planning was advised of the lodgment of the application. Subject to Council's satisfaction that the EIS suitably responds to their requirements and no submissions being received during the exhibition period relating to the proposal, no further consultation was required.

Section 79C(1)(b) The likely impacts of the development

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

Noise

The EPA's Industrial Noise Policy, specifies the acceptable and maximum recommended LAeq for industrial development, as 70dB(A) and 75dB(A) respectively. To confirm that the development could operate within these levels, the application was accompanied by an Acoustic Assessment, prepared by Koikas Acoustics P/L. As part of this assessment, attended noise surveys were undertaken by Koikas Acoustics on Friday 21 May 2013. These surveys calculated the sound power levels of the various aspects of the development including truck movements, engine idling and the constant and continuous operation of units 5-7. This data was input into a software noise model called CadnaA to determine the potential noise impact assessment. The calculated maximum noise level from the operation of the waste disposal process to the surrounding premises was found to be 68dB(A). As such, it was found that the noise levels generated by the operation of the waste management facility will comply with the nominated noise criteria of the Environmental Protection Authority's Industrial Noise Policy (INP).

The General Terms of Approval issued by the EPA includes a specific condition relating to odour requiring that "activities occurring at the premises must be carried out in a manner that will comply with section 129 of the Protection Of the Environment Operations Act 1997". The GTA's also require the activities to be undertaken in accordance with the Acoustic Assessment Report (and other information included as part of the Development Application and assessed by the EPA).

Odour

The application is supported by an Odour Assessment (Report No. OCT 14182.2) prepared by Airlabs Environmental Pty Ltd and dated 27 February 2015.

The odour assessment (OA) undertaken included odour sampling to "determine odour concentration levels and subsequent odour emission rates from the existing operations". Based on the information collected, and an assessment of the proposed development, the OA estimates, through the use of odour modelling, the expected odour emission rates. The OA considers the existing and proposed operations including (but not limited to) the existing and proposed stacks, their dimensions and heights and the existing surrounds. The OA has been undertaken in accordance with the "Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales" and the "Technical Framework – Assessment and Management of Odour from Stationary Sources in NSW". The OA concludes that "predicted peak ground level odour concentrations from the facility is well within the odour assessment criteria" and that "cumulative odour impacts would be considered to be unlikely" given the distance to nearest sensitive receivers and the fact that nearby facilities do not have odour issues.

Whilst the dispersion modelling undertaken as part of the OA shows "compliance with the assessment

criteria", the OA also includes a number of recommendations in regards to the operation of the facility. These recommendations are provided to ensure the minimisation of any odourous emissions and include:

- The facility is to be negatively vented during operational hours;
- An odour neutraliser system is to be installed at the facility;
- The air extraction system and the odour scrubbing systems are to be periodically checked and maintained; and
- The design exit velocity of 15m/s is to be achieved on all exhaust stacks during operational hours.

The General Terms of Approval issued by the EPA includes a specific condition relating to odour requiring that "activities occurring at the premises must be carried out in a manner that will comply with section 129 of the Protection Of the Environment Operations Act 1997". The GTA's also require the activities to be undertaken in accordance with the Odour Assessment Report (and other information included as part of the Development Application and assessed by the EPA).

Soil and water contamination

The proposed tanks will be located within Unit 4 which is fully enclosed with a sealed floor. The tanks will be contained within a concrete bunded area which is 240mm above the flood level and provides for the capacity of the largest tank plus 10%.

Unit 5 is used as a workshop and office, Unit 7 for oil water treatment and Unit 6 for sewage waste treatment. Units 6 and 7 have tanks for waste treatment, with the largest tank being 40,000 litres, while Unit 5 has no tanks. The units have a combined floor storage capacity behind 150mm bunding of 57,300L, which accommodates for the largest tanks within these units.

Given the above, the proposal is not considered to result in any significant risk of soil or water contamination.

Traffic, Access and Parking

Penrith Development Control Plan 2014 (Penrith DCP 2014) specifies that car parking for industries be provided a rate of 1 space per 75m² gross floor area or 1 space per 2 employees, whichever is greater. Under the Strata Plan, Unit 4 has 5 allocated parking spaces and a floor area of 442m². The application has also outlined that one additional employee will be required due to the use of Unit 4. Given the rate outlined in Penrith DCP 2014, 6 parking spaces are required to be provided for the proposed use. While Unit 4 has only been allocated 5 spaces under the strata scheme, No. 13 Lee Holm Road is owned by an associated company and is utilised for parking of trucks and employee vehicles and can accommodate up to 60 parking spaces.

The application was also accompanied by a Traffic Impact Statement prepared by Thompson Stanbury Associates. This report provides the following conclusion:

- The existing on-site parking provisions are adequate to accommodate for existing and projected demand given the likely number of employees on-site at any one time;
- The existing site and premises access arrangements and internal circulation proposed provide for safe and efficient vehicular and pedestrian movements during peak times;
- The surrounding road operates with a reasonable level of service during peak periods; and
- The surrounding road network is capable of accommodating the vehicular traffic generated by the proposal.

As a result of suitable on site parking and overflow potential on the adjacent site the proposal is considered to satisfy the intent of the development standard.

Flooding

The subject site is affected by local and mainstream flooding. The proposed use of the site is within an existing industrial unit which is below the mainstream flood level (22.7m AHD). As a consequence, all tankage bunding proposed is at a minimum of 22.94m AHD, which is 240mm above the flood level. The development is also contained within an existing building and the applicant has advised that during a flood event the roller doors will be kept closed to minimise any wave action.

Section 79C(1)(c)The suitability of the site for the development

The application has demonstrated that the proposed development is suitable for the site. There are no significant natural or built environment constraints that would hinder the proposed development and appropriate measures can be employed to mitigate potential impacts.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents and advertised in the local paper. Council notified eighteen (18) residences in the area and the exhibition period was between 2 December 2016 and 31 January 2017. Council has received no submissions in response.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions

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 2014. The proposed development is consistent with the zone of the land which applies.

The proposal will increase the efficiency of oil recovery and provide clean water suitable for recycling. As such, the proposal is considered to be of public interest.

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 has been assessed against the relevant heads of consideration contained in Section 23G, Section 79C and Section 91 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.

Recommendation

1. The Development Application 16/1202 for Occupation of Unit 4 as a Waste Management Facility at Lot 4 SP 63491, 4/15 Lee Holm Road, ST MARYS NSW 2760 be approved subject to the conditions contained in Appendix A and the General Terms of Approval issued by the Environmental Protection Authority.

CONDITIONS

Standard Conditions

1 **A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)**

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

2 **A001**

The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Drawing No.	Prepared By	Dated
Location Plan	Page 74 of 87	Pacific Environmental	October 2016
Site Plan	Page 69 of 87	Pacific Environmental	October 2016
Floor Plan	Page 70 of 87	Pacific Environmental	October 2016

3 **A026 - Advertising sign (not for residential)**

A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan-Advertising Signs.

4 **A029 - HOURS OF OPERATION AND DELIVERY TIMES**

The approved operating hours are from 6am to 6pm Mondays to Saturdays. Delivery and service vehicles associated with the development are also limited to these times.

5 **A032 - Goods in buildings**

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

6 **E01A - BCA compliance for Class 2-9**

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

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

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

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

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

(a) deal with each essential fire safety measure in the building premises, and

(b) be given:

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

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

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

8 [K214 - Flooding – Floor levels](#)

Prior to the issue of a Occupation Certificate, a registered surveyor is to confirm that the tankage bunding is at a minimum of 22.94m AHD.

Special Conditions

9 [D Special BLANK](#)

A copy of the Environment Protection Licence issued by the NSW Environment Protection Authority under the *Protection of the Environment Operations Act 1997* shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate. A copy of this document shall also be submitted to Penrith City Council before the commencement of the development if Council is not the Principal Certifying Authority.

Activities on the premises must be carried out in accordance with the Environment Protection Licence issued by the Environment Protection Authority.

Should this licence be revoked, suspended or surrendered, an application is to be submitted to Council for consideration of matters contained in the licence.

10 [K Special \(BLANK\)](#)

All car spaces are to be re-linemarked and dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials etc

11 [K Special \(BLANK\)](#)

All vehicles are to enter/exit the site in a forward direction.

General Terms of Approval - Issued



Notice No: 1548916

Penrith City Council
PO Box 60
PENRITH NSW 2751

Attention: Jane Hetherington



Notice Number 1548916
File Number SF16/55577
Date 06-Feb-2017

**Re: Addition to Existing Waste Facility, Brandster Services Pty Ltd.
Lot 4 SP63491, 15 Lee Holm Road, St Mary, DA16/1202**

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

I refer to the development application and accompanying information provided for the proposed addition to the existing waste facility Brandster Services Pty Ltd, Unit 4, 15 Lee Holm Road, St Marys, received by the Environment Protection Authority (EPA) on 28 November 2016 and the additional information received by the EPA on 20 January 2017.

The EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to EPA to obtain this licence.

The general terms of approval for this proposal are provided at attachment A. If Penrith City Council grants development consent for the proposal, these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its general terms need to be modified in light of the changes.

General Terms of Approval - Issued



Notice No: 1548916

If you have any questions, or wish to discuss this matter further please contact Mr Jeevan Jacob on (02) 9995 5902.

Yours sincerely

A handwritten signature in brown ink, appearing to read 'Mark Carey'.

.....
Mark Carey

Acting Head Hazardous Materials

Hazardous Materials, Chemicals & Radiation

(by Delegation)

General Terms of Approval - Issued



Notice No: 1548916

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA16/1202 submitted to Penrith City Council;
- any environmental impact statement 'Environmental Impact Statement to Accompany a Development Application for an Expansion to an Existing Waste Recycling Facility Waste Storage and Treatment Depot at Unit 4, 15 Lee Holm Road St Marys NSW for Brandster Services Pty Ltd' prepared by Pacific Environmental Australia P/L, PO Box 4045, Illawong, NSW 2234 dated October 2016 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including copy of the Development Application, Odour, Acoustic, Traffic and Parking reports, site plans.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L3. Noise limits

L3.1 Noise from the premises must not exceed an LA10 (15 minute) noise emission criterion of 35 dB(A) at any time; except as expressly provided by a licence issued under the *Protection of the Environment operations Act 1997*.

L3.2 Noise from the premises is to be measured at the nearest sensitive receptor not associated with the premises to determine compliance with this condition.

General Terms of Approval - Issued



Notice No: 1548916

Definition

LA10(15 minute) is the sound pressure level that is exceeded for 10% of the time when measured over a 15 minute period.

Operating conditions

O1. Odour

Activities occurring at the premises must be carried out in a manner that will comply with section 129 of the Protection of the Environment operations Act 1997.

O2. Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O3. Stormwater control

O3.1 Activities occurring at the premises which have potential to have waste or chemical spillage, including driveways, must be controlled and stormwater must be diverted through appropriate pollution control measures or devices prior to discharge to the stormwater system.

Monitoring and recording conditions

Note: Conditions should be used where applicable (ie where the general terms of approval have indicated limits). If it is proposed to include monitoring conditions in the general terms of approval, condition M1 will need to be included as a general term.

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

in a legible form, or in a form that can readily be reduced to a legible form;

kept for at least 4 years after the monitoring or event to which they relate took place; and

produced in a legible form to any authorised officer of the EPA who asks to see them.

General Terms of Approval - Issued



Notice No: 1548916

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

the time(s) at which the sample was collected;

the point at which the sample was taken; and

the name of the person who collected the sample.

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

General Terms of Approval - Issued



Notice No: 1548916

Attachment – Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

This licence applies to all activities carried on at the premises.

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

General Terms of Approval - Issued



Notice No: 1548916

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence - the date from which notice revoking the licence operates.

General Terms of Approval - Issued



Notice No: 1548916

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

General Terms of Approval - Issued



Notice No: 1548916

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.



23 March 2017

Our Reference: SYD16/00259/02 (A16656313)
Council Ref: DA16/1202

The General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751

Attention: Jane Hetherington

Dear Mr Stoneham,

**PROPOSED EXPANSION OF EXISTING WASTE RECYCLING FACILITY
UNIT 4/15 LEE HOLM ROAD, ST MARYS**

Reference is made to Council's email dated 20 February 2017, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime has reviewed the submitted documentation and raises no objection to the application. However, the proponent should be advised that the subject property is located within a possible future area of investigation north of the Great Western Highway for Werrington Arterial Stage 2 proposal. The proposal provides a potential link between the current Werrington Arterial Stage 1 and the defined Castlereagh Freeway corridor to the north. The subject site may be within the preferred corridor and therefore affected by this proposal. This proposal would be subject to future investigations which, at that time, would include appropriate community consultation.

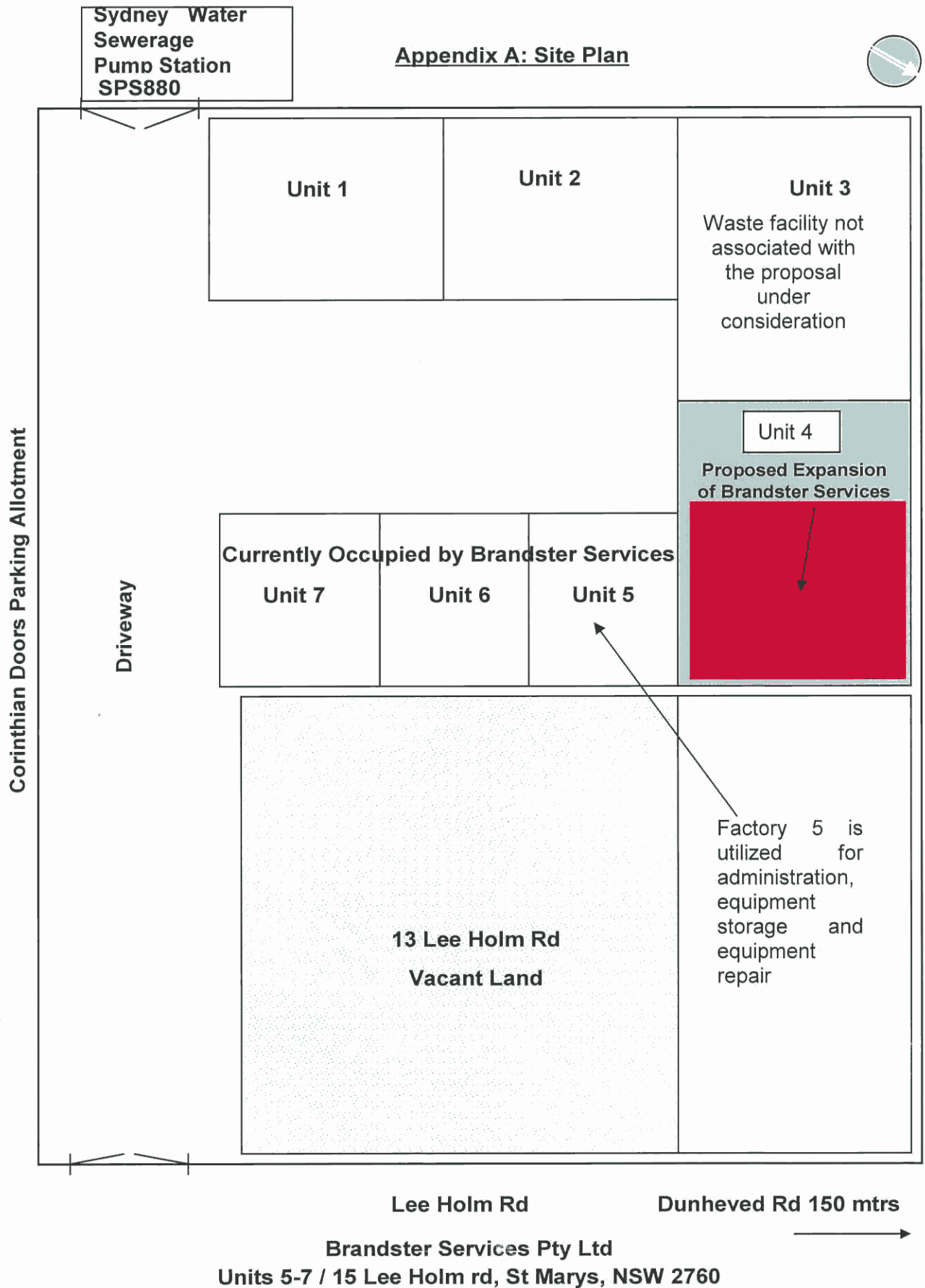
Any inquiries in relation to this application can be directed to Zhaleh Alamouti on 8849 2331 or by email at development.sydney@rms.nsw.gov.au

Yours sincerely

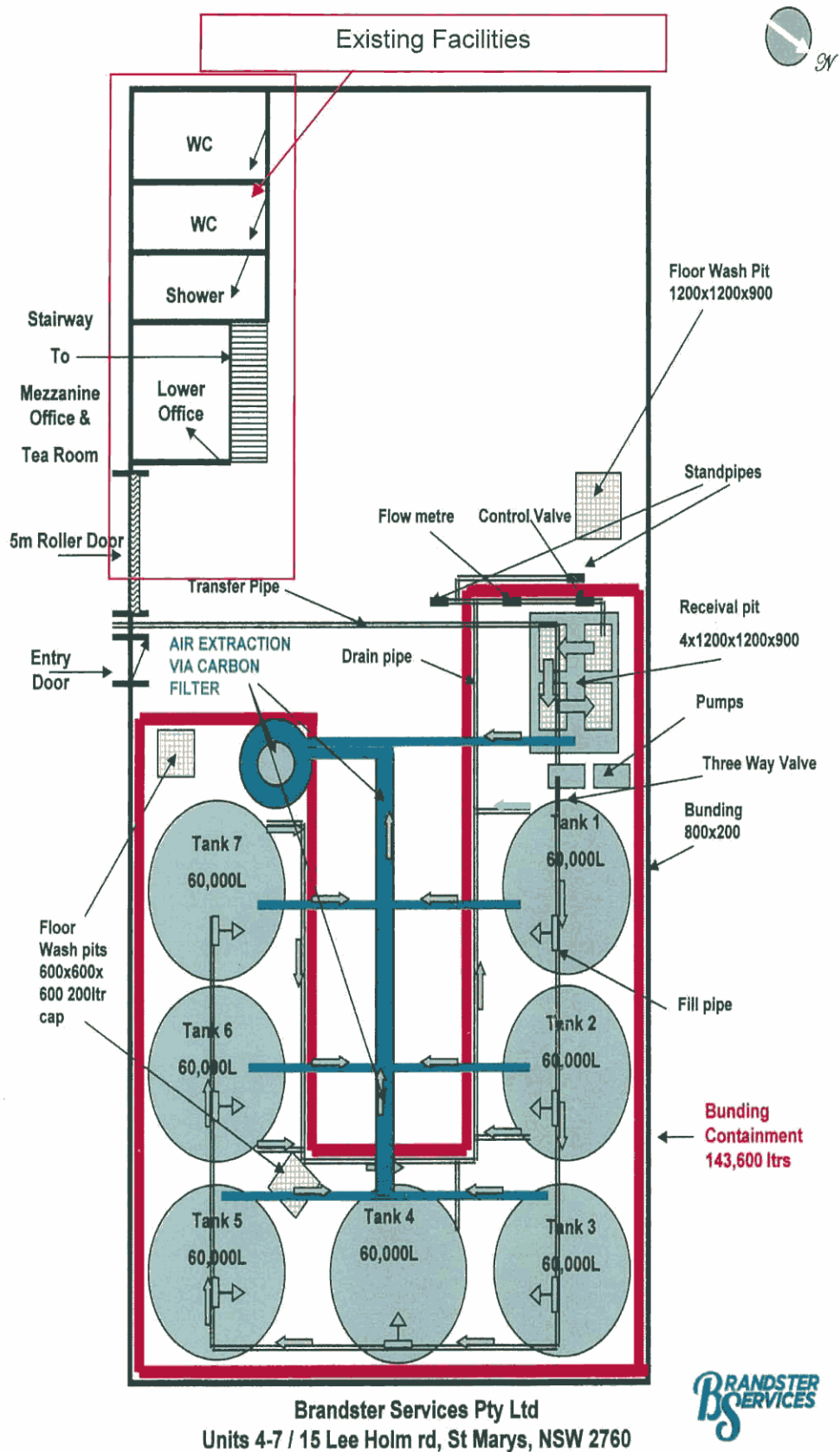
A handwritten signature in black ink that reads 'RCumming'.

Rachel Cumming
Senior Land Use Assessment Coordinator
Network Sydney West Precinct

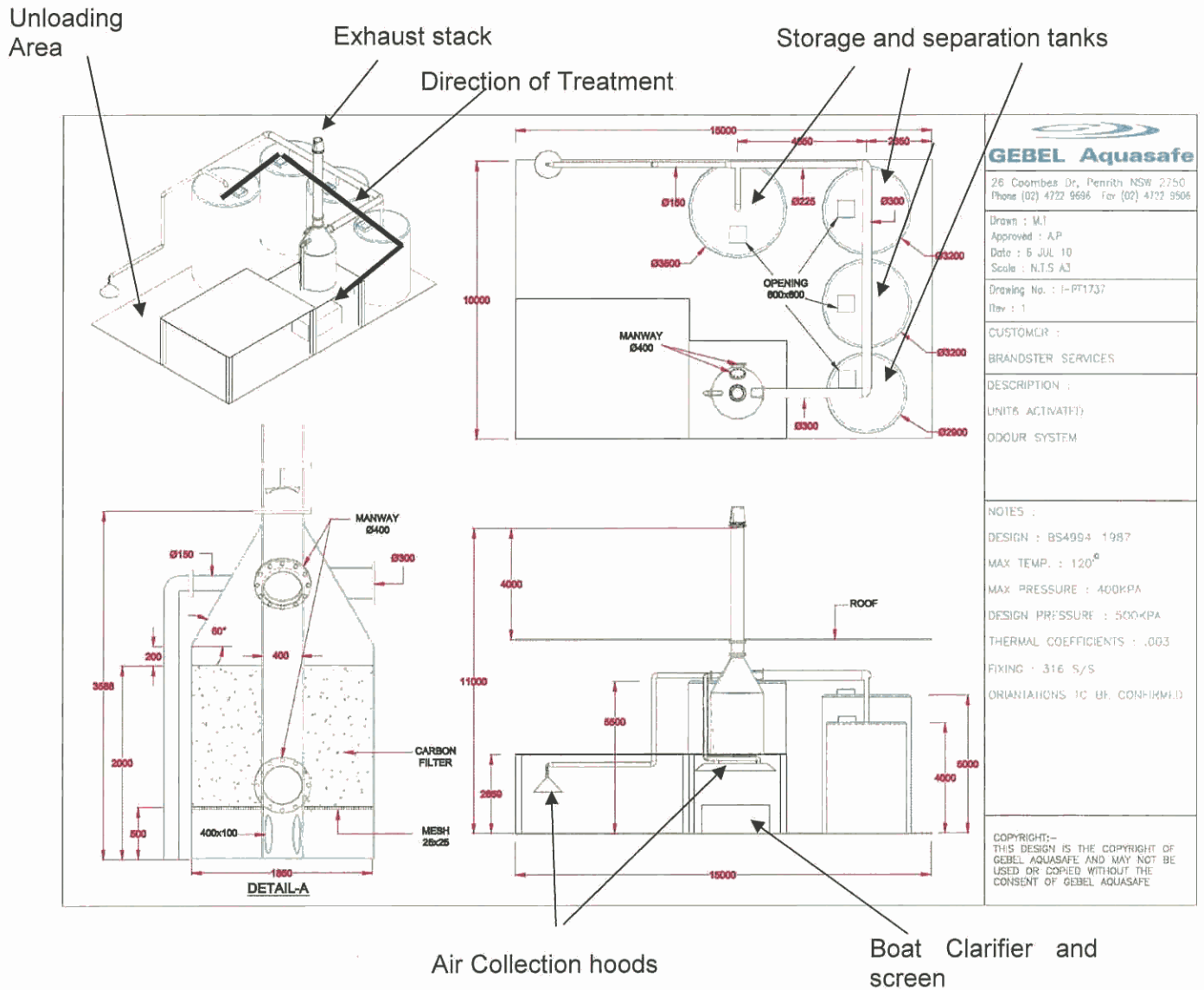
ADDITION TO WASTE RECYCLING DEPOT – 15 LEE HOLM ROAD ST MARYS,
NSW – STATEMENT OF ENVIRONMENTAL EFFECTS – BRANDSTER SERVICES



APPENDIX B – PROPOSED ADDITIONAL LAYOUT

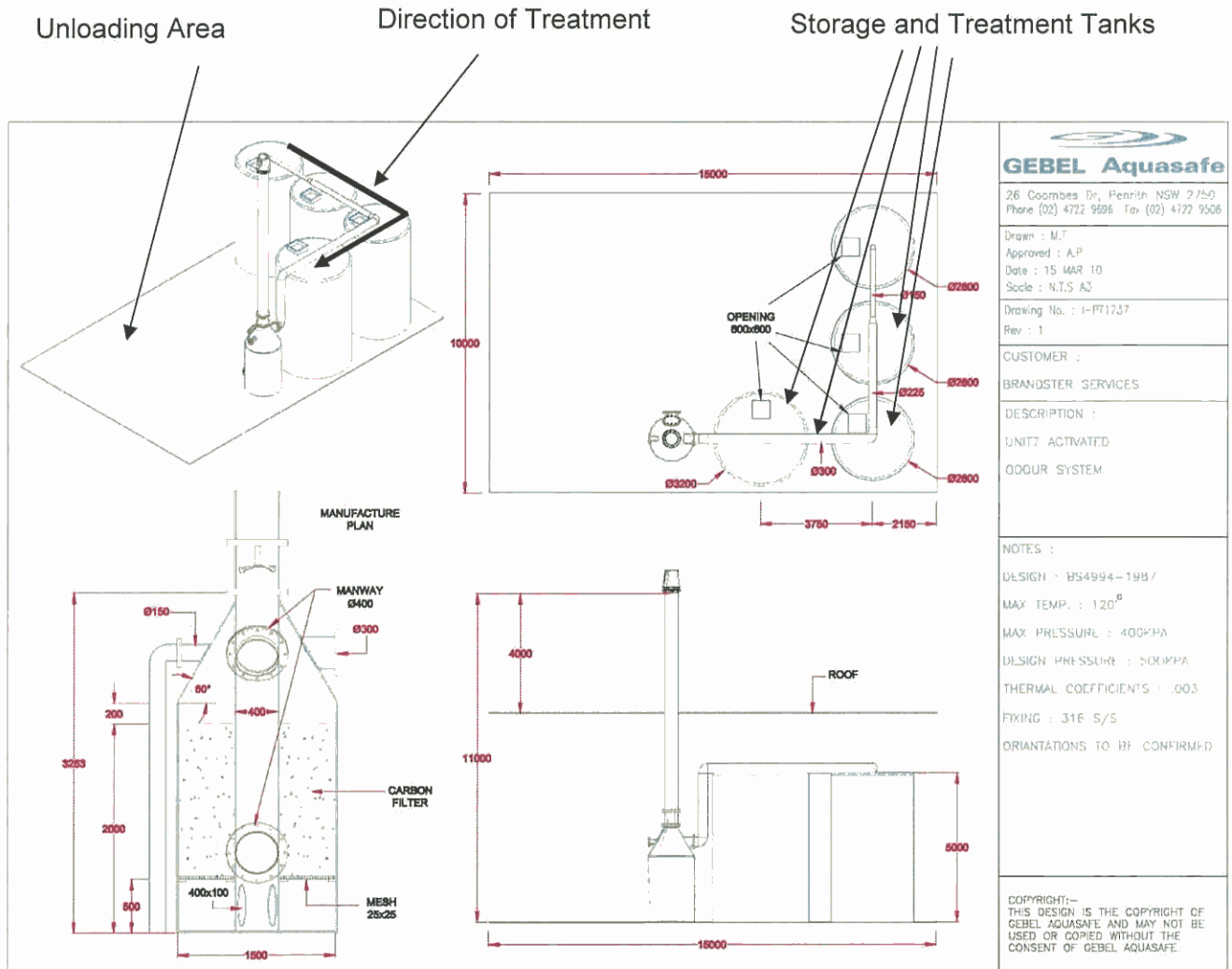


APPENDIX C – EXISTING TANKAGE & ODOUR CONTROL UNITS



Odour Control Unit Factory Six - Sewage Waste Treatment Plant

**ADDITION TO WASTE RECYCLING DEPOT – 15 LEE HOLM ROAD ST MARYS,
NSW – STATEMENT OF ENVIRONMENTAL EFFECTS – BRANDSTER SERVICES**



Odour Control Unit Factory Seven – Oily Water Waste Treatment Plant