

Officer: S Pocock

Date of Assessment: 15/06/2020

Application Details

Application No.	8/2019/117/1 JRPP Ref:
Property Address	39 Enterprise Crescent MCDOUGALLS HILL
Lot and DP	Lot: 17 DP: 1062083
Parcel No.	22700
Description of development	Waste or Resource Transfer Station
Applicant	Eco Logic Developments Pty Ltd
Date lodged	27/06/2019
Owners Consent	Yes – Provided
Capital Investment Value	\$7,181,000.00
Zoning	B5 Business Development

Detailed Description of the Development

Development Application No. 8.2019.117.1 seeks approval for Waste or Resource Transfer Station.

The development proposes a Waste or Resource Transfer Station that will handle and sort 95,000 tonnes of domestic, commercial and light industrial waste. It is classed as 'Regionally Significant Development' pursuant to Clause 7(c) of the State Environmental Planning Policy (State and Regional Development) 2011. The application will therefore be determined by a Joint Regional Planning Panel.

The proposed Facility will recover up to 95,000 tonnes per year of building, construction, household clean-up and commercial waste materials from households and businesses across the region. The proposed facility aims to achieve a 74% recycling rate, leaving a residual waste stream of up to 23,700 tonnes per annum.

Site Constraints

There are no constraints over the site that would impact upon the proposed development.

Site History

The subject site is vacant.

The following applications have been lodged over the subject land:

- DA145/2006.1 – OFFICE INDUSTRIAL; Refused by Staff on 22nd February, 2008
- DA75/2018.1 – Light Industry; Approved on 7th June, 2018

88B Instrument and Deposited Plan

There are no matters identified on the 88B instrument or deposited plan that would impact upon the proposed development.

Site Inspection

A site inspection was undertaken on 21/10/2019.

The subject site is identified as Lot 17, DP 1062083, 39 Enterprise Crescent, McDougalls Hill. The lot is rectangular in shape, with a slightly angled eastern rear boundary. The lot has a primary street frontage of 51.1m and vehicular access from the western boundary onto Enterprise Crescent. The lot has a depth of 96.1m along the northern side boundary and 99.42m along the southern side boundary. The lot is predominantly cleared of vegetation with the exception of two mature trees along the southern boundary.

The lot contains gentle ridged elevation changes, sloping generally from the southern boundary downwards towards the northern boundary. The lot is not subject to bushfire, flooding or acid sulfate soils.

The two existing trees on site are to be removed prior to construction works, as recommended by an Arborist. The surrounding locality consists of a mixture of residential dwellings and light industry warehouses.



Figure 1 – Aerial Shot of 39 Enterprise Crescent, McDougalls Hill (Geocortex, 2015)

Environmental Planning and Assessment Act 1979

Classification of development	Yes	No
Is the development proposal <u>Local</u> Development?	☐	☒
Is notification necessary?	☐	☒
Have all adjoining and affected owners been notified (two week period)?	☐	☒
Is the development proposal <u>Advertised</u> Development?	☒	☐
Have adjoining and affected properties been notified?	☒	☐
Has an advertisement been placed in local newspaper?	☒	☐
Is the development proposal <u>Nominated Integrated</u> Development or captured under <u>Threatened Species</u> Act?	☒	☐
Has the development been advertised for 30 days	☒	☐
Is the development proposal of <u>Regional Significance</u> ? 'Regionally Significant Development' pursuant to Clause 7(c) of the State Environmental Planning Policy (State and Regional Development) 2011.	☒	☐
Is the development proposal <u>State Significant</u> Development?	☐	☒

Designated Development	Yes	No
Is the development proposal <u>Designated</u> Development? Clause 32(1)(b)(iii) of Schedule 3 of Environmental Planning and Assessment Regulation 2000, reproduced below. (iii) that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material.	☒	☐
Is the proposal for alterations or additions to development (whether existing or approved) that fits the definition of designated development?	☐	☒
Has an Environmental Impact Statement been submitted?	☒	☐
Has the application been notified for a period of 30 days?	☒	☐
Have adjoining and affected properties been notified?	☒	☐
Has a notice been displayed on site?	☒	☐
Have copies of plans been placed at Council, Department and Consent Authorities Office (i.e. if JRPP).	☒	☐
Has an advertisement been placed in local newspaper on at least two occasions?	☒	☐

Integrated Development

Protection of the Environment Operations Act 1997 (Sections 43(a), 47 & 55 / 43(b), 48 & 55 / 43(d), 55 & 122)

The NSW Environmental Protection Authority (EPA) has provided the following advice;

"EPA has reviewed the information provided and has determined that it is able to issue an environment protection licence under Part 3 of the Protection of the Environment Operations Act 1997 (the POEO Act) for the proposal, subject to conditions. The applicant will need to make a separate application to EPA to obtain this licence.

If Singleton Council grants development consent for this proposal the EPA recommends the following conditions should be incorporated into the consent:

- **Activity: Resource Recovery, Waste Storage**

- * Waste type permitted to be accepted for recovery or storage: General solid waste, special waste, liquid waste, hazardous waste, with limits. (See proposed waste table)

- *Note: Waste received at the premises that meets the chemical and other material requirements of "The excavated natural material order 2014" is classified as general solid waste and can no longer be taken to be, described as, or supplied as "excavated natural material".*

- *Note: Waste received at the premises that is described as virgin excavated natural material is classified as general solid waste and can no longer be taken to be, described as, or supplied as virgin excavated natural material. Maximum amount of waste permitted to be received at the premises per year: 95,000 tonnes*

- **Hours of operation:**

- All construction work at the premises must only be conducted between Monday to Friday 7am to 6pm, Saturday 8am to 1pm; excluding public holidays.*

Activities at the premises, other than access or construction work, may only be carried on between Monday- Friday 7am to 6pm, Saturday 8am to 4pm, Sunday 10am to 3pm; excluding public holidays.

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

Conditions for environment protection licence

I also draw your attention to Attachment B and Attachment C, which should not be included in the consent, but are conditions intended for the environment protection licence for this proposal.

Attachment B includes licence conditions specific to this proposal CNR 849 and Attachment C includes mandatory conditions for all environment protection licences.

The applicant should be aware that as they wish to operate a waste facility, a waste levy liability, requirement to install a weighbridge, and additional responsibilities may be applicable to the premises in accordance with the Protection of the Environment (Operations) Waste Regulation 2014. The licensee will be required to operate the proposed facility in accordance with the EPA's Standards for managing construction waste in NSW" 2018.

Before the EPA issues an environment protection licence, the EPA will assess whether the proposed licensee is a "fit and proper person" under the POEO Act.

In assessing the proposal EPA has also identified a number of environmental issues that Singleton Council may wish to consider in its overall assessment of the application. These issues are discussed in Attachment A and include the following issues:

- 1. Waste types proposed to be accepted*
- 2. Air emissions"*

Roads Act 1993 (Section 138)

Roads and Maritime Services (RMS) have provided the following response;

“Roads and Maritime understands the proposal to be for the construction of a waste and resource transfer station that will be capable of recovering up to 95,000 tonnes per year of building, construction, household clean-up and commercial waste materials from households and businesses in the region. Vehicular access to the site will be via separate entry and exit driveways on Enterprise Crescent, with 122 vehicle movements per day generated by the site.

A Traffic Management Plan (TMP) will be developed directing contract drivers to use this access route via Magpie Street to limit the heavy vehicle traffic using the intersection of Maison Dieu Road and the New England Highway. Whilst inbound trucks can use Maison Dieu Road, outbound trucks will be directed to use Magpie Street to maintain road safety.

Roads and Maritime Response & Requirements

Transport for NSW and Roads and Maritime’s primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

The New England Highway (A15) is a classified State road and Enterprise Crescent is a local road. Council is the roads authority for both roads and all other public roads in the area, in accordance with Section 7 of the Roads Act 1993. Roads and Maritime has reviewed the referred information and raises no objection to the proposed development, provided the following matter(s) are addressed and included in Council’s conditions of development consent:

- A Traffic Management Plan (TMP) is to be developed for the site, and is to include that all outbound heavy vehicles are to use the intersection of Magpie Street and New England Highway instead of the intersection of Maison Dieu Road and New England Highway.*

Advice to Council

Roads and Maritime recommends that the following matters should be considered by Council in determining this development:

- Roads and Maritime has no proposal that requires any part of the property.*
- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.*
- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and the relevant Australian Standards (i.e. AS2890.1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.”*

Engineering

Engineering Referral Response – 29/07/2019

Council's Development engineer has considered matters pertaining to traffic generation and road/intersection capacity, access driveways, on-site parking provision and on-site detention/drainage and determined that the application is considered to be satisfactory in relation to engineering matters subject to conditions being imposed on the notice of determination.

Building

Building Referral Response – 13/09/2019

Council's Building Surveyor has provided the following advice;

"The floor area and volume of the proposal warrants fire sprinklers and other hydraulic services that must meet the requirements of the EP&A Regulations pertaining to submission of the approved designs to the PCA prior to the issue of the Construction Certificate."

All building related matters appear to have been addressed in the submitted documentation but the PCA is responsible for assessment of the technical aspects of the building development.

Standard conditions have been included that address the building related matters."

Traffic Engineering and Road Safety

Traffic Engineering and Road Safety Response – 15/07/2019

Council's Traffic Engineering and Road Safety Officer raised concerns regarding a perceived lack of sufficient queuing capacity within the site frontage due to the ability of the internal tipping/sorting area to accommodate a single vehicle only and potential for bottlenecks to occur within the waste delivery process with consequent queuing of inbound vehicles within the public road.

The applicant has responded and advised that the principal function of the facility is to support recycling of commercial waste collections for skip bin waste with the proposed facility to operate skip bin trucks with very limited access by other commercial skip bin operators. Consequently, the centre can monitor and manage the inward movements of skip bin trucks by way of two way radio communications to ensure queuing of vehicles within the public road is minimised. In addition the applicant has submitted a revised site plan which incorporates additional queuing capacity on the concrete hardstand area within the site frontage.

An appropriate condition has been included in the recommendation requiring the installation of appropriate radio communication within the skip bin trucks utilised by the proposed waste recovery centre.

Water and Sewer

Water and Sewer Response –18/07/2019

Water and Sewer advice that reticulated water and sewer is available and that the development is consistent with the initial loading for 'light industrial' use based on gross floor area and therefore

no additional loading will be placed on the water and sewer network. Accordingly, no Section 64 Developer Contributions are required.

Environmental Compliance

Environmental Compliance Response – 11/07/2019

The application is considered to be satisfactory in relation to trade waste matters subject to conditions being imposed on the notice of determination

SECTION 1.7 CONSIDERATIONS

Having regard for Section 1.7 of the *Environmental Planning and Assessment Act 1979*, and subject to the provisions of Part 7 of the *Biodiversity Conservation Act 2016* consideration must be given to whether development or activity that is “likely to significantly affect threatened species” as defined by section 7.2 of the *Biodiversity Conservation Act 2016*.

Additionally, subject to the Part 7A of the *Fisheries Management Act 1994* consideration must be given to the provisions of Division 12, in particular section 221ZV as to whether the proposal is likely to significantly affect threatened species, population or ecological community.

The application does not propose to remove of any native vegetation and is will not have any impact upon the life cycle of the any species at risk of extinction or threatened/endangered species or their habitat. The proposed development is not considered to be a threatening process.

Section 4.14 – Bushfire Prone Land	Applicable				
	Y	☐	N	☒	

Planning Assessment

In determining a Development Application, the consent authority is to take into consideration the following matters as detailed in Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* as follows:

(a)(i) the provisions of any environmental planning instrument (EPI)

State Environmental Planning Policies

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The aim of this policy is to ensure that appropriate measures and conditions are placed on developments that may be potentially hazardous and offensive in order to reduce or minimise any potential adverse impacts. Clause 13 of this SEPP is relevant to the assessment of this Development Application.

Clause 13 requires that consent not be granted until Council is satisfied that:

- Current Department of Planning guidelines and public authorities have been consulted.
- The applicant, in the case of a potentially hazardous development, has prepared a preliminary hazard analysis for consideration.

- Any future use of the subject land is considered.

Information provided by the Applicant shows that the development does not fall under offensive and hazardous development. The site will not accept toxic or potentially toxic waste products, and the facility is designed to not exceed thresholds for waste storage.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The aim of this policy is to encourage the conservation and management of natural vegetation for koala habitation. Clause 7 of this SEPP is relevant to the assessment of this Development Application.

Clause 7 requires that consent not be granted until Council has considered whether the land is potential koala habitat. A preliminary site assessment determined that the site is not a potential koala habitat, therefore further assessment in regards to this SEPP is not required.

State Environmental Planning Policy No. 55 - Remediation of Land

The aim of the policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7(1) of State Environmental Planning Policy No. 55 – Remediation of Land, is relevant to the assessment of this Development Application.

Clause 7(1) requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The application was supported by a Preliminary Site investigation (PSI) carried out by Clearsafe Environmental Solutions which has established that the site is unlikely to pose a significant contamination risk and is considered suitable for the proposed industrial development.

As there is no historical evidence of the site being previously used for a purpose which would result in the land being contaminated, further testing of the site in respect of contamination is not warranted in this instance.

State Environmental Planning Policy (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State. The development proposes a land use to which this SEPP applies. This type of development is permitted under Clause 121 (2) (b) of the SEPP. Clause 123 of this SEPP is relevant to the assessment of this Development Application.

Clause 123 requires that consent not be granted until Council is satisfied that the development adopts best practice landfill design and minimises long term impacts created by waste disposal (Clause 123b). Development proposed by this application is not inconsistent with the planning principles of this SEPP under Clause 123.

State Environmental Planning Policy (State and Regional Development) 2011

The aim of this Policy is to identify development that is of regional and state significance.

Pursuant to clause 20(1) (and clause 7(c) of Schedule 7) of the SEPP the proposed development constitutes regionally significant development and pursuant to section 4.5(b) of the

Environmental Planning & Assessment Act 1979 the consent authority is the Joint Regional Planning panel (JRPP).

Note: Clause 7c) of Schedule 7 states that particular designated development is classed as 'Regionally Significant Development' if it is for the purposes of waste management facilities which intend to handle more than 30,000 tonnes of waste. This is pursuant to Clause 32 b) iii) of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

Singleton Local Environmental Plan 2013

The *Singleton Local Environmental Plan 2013* (SLEP 2013) applies in this instance.

Zoning

The subject site is zoned B5 Business Development under the provisions of SLEP 2013. The proposed development consists of a *waste or resource transfer station* and **is** permissible with consent in the B5 Business Development zone.

Zone Objectives

The objectives of the B5 Business Development zone are as follows:

- *To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*

The proposed development is consistent with the objectives of the zone and will provide an additional light industry use within the LGA, and contribute to the sustainability and recycling efforts of the Singleton community.

Part 7 Additional local provisions

Clause 7.1 Earthworks

Clause 7.1 seeks to ensure that any earthworks do not result in an adverse impact on the environment, neighbouring properties or heritage items. Earthworks are proposed to create a basement car park and general levelling of the site. The extent of earthworks are considered to be reasonable and will not result in any detrimental impact upon the surrounding environment, quality of material to be removed or brought to the site, amenity of adjoining neighbours, the drinking water catchment, environmentally sensitive areas or relics.

Clause 7.10 Essential Services

Suitable arrangements *are able to be made* for water supply, electricity, sewage disposal, stormwater drainage and vehicular access to be connected to the site.

(a)(ii) the provisions of any proposed environmental planning instrument (EPI)

There are no draft EPI's applicable to the subject site or proposed development.

(a)(iii) any development control plan

The Singleton Development Control Plan (DCP) 2014 applies to the land with the following chapters of particular relevance to the proposal:

Part 1: Preliminary

Chapter 1.14 Minimum information for development applications

Suitable information has been submitted with the application in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation, 2000* and Schedule 5 of the DCP.

Part 2: Principal Design

Chapter 2.4 Stormwater drainage system

The objectives of this section aim to ensure that stormwater can be disposed in a suitable manner without causing nuisance to adjoining properties or over load the existing stormwater system. Suitable measures have been proposed to control stormwater leaving the site in accordance with the provisions in accordance with Council Engineering Design Specifications. Stormwater quality meets the requirements of the DCP.

The application is consistent with the provisions of section 2.4.

Chapter 2.9 Maximum building height

The objective of this clause is to ensure building heights are appropriate having regard to the character of the area, whilst minimising potential impacts associated with building height.

The subject land is identified on the map as having a building height of 15m. Development proposed by this application proposes a height of 13.7m, consistent with the requirement of the DCP. The proposed development is consistent with the character of the area, is sympathetic to the aesthetics of the locality, will not result in an overlooking or overshadowing of adjoining properties and will not impact upon any heritage values.

The application is consistent with the provisions of section 2.9.

Chapter 2.10 Building line for land in certain rural, residential, business and industrial zones

The objectives of this section are maintain a consistent streetscape, encourage landscaping within the front setback and minimise road noise by requiring suitable setbacks.

The subject land is zone B5 – Business Development, as such the provisions of this section apply.

In accordance with the DCP, the following building line setback is required:

- 15m for land zoned B5

All walls with a height of 10m or greater are setback at least 3m behind the building line.

The proposed development will maintain a building line setback of 17.6m.

The application is consistent with the provisions of section 2.10.

Chapter 2.16 Environmental outcomes

The objectives of this section aim to avoid impact, maintain biodiversity, minimise land degradation and encourage environmentally responsible design.

The proposed development is suitably located and designed so as to avoid impacts on biodiversity, prevent land degradation and salinity, maintain water quality and minimise clearing.

The application is consistent with the provisions of section 2.16.

Chapter 2.18 Landscaping

The objectives of this section aim to ensure high quality landscaping, improve the appearance of development, ensure landscaping is safe and appropriate and ensure good urban design outcomes.

Development proposed by this application involves the *erection of a building visible from a public road*; as such, the provisions of this section apply.

The site frontage is predominantly hard paved with separate entry/exit driveway crossing occupying a substantial portion of the road reserve fronting the site. However, the proposal is not incompatible with industrial development in the locality.

Landscaping proposed as part of this application is satisfactory; enhancing the streetscape appearance of the development, is an appropriate scale, is appropriate to the development type, is consistent with landscaping in the area and will not cause harm, increase the bush fire risk or restrict sight lines.

The landscape plan indicates three separate 'mass planting' areas (MP1) within the site frontage which are to comprise tree planting with understorey groundcovers. A number of eucalypt tree species are nominated which will have a mature height ranging from 10m to 36m.

An appropriate condition is incorporated within the recommendation to confirm the landscape planting within the site frontage to soften the impact of extensive hard paving and building bulk.

The application is consistent with the provisions of section 2.18.

Chapter 2.21 Earthworks and retaining

The objectives of this section are to avoid excessive cut/fill and to encourage design to suit topography.

Cut/fill proposed as part of this application will not impact upon the structural integrity of any adjoining buildings.

Retaining walls exceeding 600mm are located within 1m of the boundary; however, Councils Development Engineer has confirmed that suitable drainage measures have been incorporated, the design life of the wall is at least 50 years and suitable batters have been provided.

The application is consistent with the provisions of section 2.21.

Chapter 2.22 Rainwater tanks for buildings in certain residential, business and industrial zones

The objective of this section is to manage stormwater and to provide for suitable reuse.

The subject land is zone B5 – Business Development, as such the provisions of this section apply.

In accordance with the DCP, the proposed development has a roof area exceeding 500sqm. Therefore, a 22,500 litre rainwater tank is required. Two (2) below ground rainwater tanks totalling 120,000L are proposed as part of the development, consistent with the requirements of this section. Overflow from the tank will be directed to the stormwater system or where there is no stormwater drainage overflow shall be conveyed clear of the building without causing nuisance to adjoining land.

The application is consistent with the provisions of section 2.22.

Chapter 2.23 Building appearance

The objectives of this section are to ensure good urban design outcomes, protect the visual amenity of the streetscape, encourage design to build to the site and ensuring development does not detract from the visual amenity of the area.

Development proposed by this application does not detract from the visual amenity of the streetscape, is of a suitable bulk and scale and the building has been integrated into the site having regard to the topography and site features. Blank walls are avoided through the use of windows and/or material variation and appropriate articulation of the wall surface. Building materials and colours are compatible with the character of the area.

The application is consistent with the provisions of section 2.23.

Chapter 2.25 Accessible design

The objective of this section is to ensure suitable arrangements are made for people with a disability.

As the proposed development is accessible to the public, the provisions of this section apply.

The application was referred to Council's Building Surveyor for comment, who has confirmed that development is satisfactory having regard to the requirements of the *Disability Discrimination Act, 1992* and the *Disability (Access to Premises – Building) Standards 2010*.

The application is consistent with the provisions of section 2.25.

Chapter 2.26 Driveway access

The objective of this section is to ensure driveways are suitably located and have an appropriate surface treatment.

Council's Development Engineer has reviewed the application, confirming the proposed driveways are consistent with the requirement of this section.

Chapter 2.27 Minimum number of car parking spaces

Singleton Council Development Control Plan does not provide a parking requirement for a waste recycling facility and therefore a merit based assessment has been undertaken.

Due to the nature of the business it is assumed that the only required parking is for staff members as the general public will not require parking at this facility.

Due to the location of the site and no public transport access, it has been assumed that the waste recycling facility requires 1 space per staff member.

A total of 19 off street car parking spaces are proposed comparison 18 in a basement car park and 1 disabled space adjacent to the office.

This approach is considered reasonable. Customer vehicles accessing the site are able to drive into the facility and park adjacent to the material bays to load / unload, thereby alleviating the requirement for provision of designated parking spaces for customer vehicles.

The application is consistent with the provisions of section 2.27.

Chapter 2.28 Design of car parking areas, loading docks and vehicle manoeuvring areas

The objectives of this section are to ensuring car parking areas, loading docks and manoeuvring areas are suitably designed and to minimise the visual impact of hard stand areas.

Council Officers raised concerns with the Applicant regarding traffic management within the site associated with a lack of sufficient queuing capacity within the site frontage to accommodate both commercial skip bin trucks and non-commercial (i.e household) passenger vehicle and trailer and potential bottlenecks arising in the waste drop-off process resulting in the queuing of vehicles within the public road.

The Applicant's traffic consultant has responded as follows;

- the likelihood of householders accessing the site for the drop off of bulk waste items is likely to be modest as Singleton Council offers a free bulk waste collection service,
- skip bin trucks will be operated by the centre, and very limited access by other commercial skip bin operators is likely to occur. This means the centre can closely monitor and manage skip bin truck movements into and out of the facility,
- as acknowledged by Council the commercial truck movements (into the site) can be managed with communications by two way radio ensuring that vehicle arrivals can be coordinated throughout the day.
- The entry area within the site shall be marked to provide for two parallel entry bays,
- The weighbridge can be flush mounted with the pavement to enable suitable manoeuvring onto it. This would enable four vehicles (regardless of configuration) to be waiting or unloading simultaneously all contained within the site.

Appropriate conditions have been included in the recommendation to address the above matters.

No other concerns/issues have been raised. It is considered that the basement car parking area, loading dock and manoeuvring areas comply with the requirements of the DCP and relevant Australian Standards.

The application is consistent with the provisions of section 2.28.

Chapter 2.29 Waste storage and collection areas

This section aims to ensure that suitable waste storage and collection areas are provided on site in convenient locations, reduce illegal dumping maintain hygiene standards and reduce potential impacts on amenity associated with the collection and storage of waste.

Appropriate provisions have been made for the storage and collection of waste in accordance with the DCP. The collection/storage area if suitably located, is sheltered from the weather, is able to be cleaned and is located in an area which is not visible from the street.

The application is consistent with the provisions of section 2.29.

Chapter 2.32 Outdoor signage

The objectives of this section is to limit outdoor signage, protect the visual amenity of the public domain, minimise clutter and ensure signage is of a high quality.

In this instance, the proposed façade wall mounted signage is not considered to detract from the quality of the public domain, is appropriately located, the information on the sign is appropriate to the audience, will not result in a risk to health or safety and is of an appropriate scale.

Colours, materials and finishes are considered to be appropriate having regard to the building design. Signage will be located within the site boundaries, which will not cause any distraction to passing motorists. All signage proposed as part of this application related to development proposed by this application or an existing development on the land.

The DCP requires that the advertising area of the sign shall not exceed 20m². A total advertising area of 24.4m² is proposed and represents a variation of 22%. The variation is considered satisfactory having regard to the height and scale of the overall building façade.

Subclause 4 states that Council must consider the visual and/or health and safety impacts that signage may impose. The signage is related to the intended use on site, and is appropriately sited within the development. The colour schedule is sympathetic of the industrial surroundings and is of an appropriate size proportion to the proposed development.

The application is consistent with the provisions of section 2.32.

Chapter 2.34 Views and visual impact

The objectives of this section aim to achieve good urban design outcomes, minimise impact on the local amenity and ensure development is appropriate having regard to development in the local area.

Development proposed by this application will not have any significant impact on the visual quality of the locality, landscape or streetscape. Having regard to the matter listed in section 5, the application meets the requirements of section 2.34.

Part 4: Miscellaneous provisions

Chapter 4.1 Operational details

The objective of this section is to ensure that land uses are suitably managed.

Operational details associated with the development include the following:

- Hours of operation: Monday-Friday 7am-6pm, Saturday 8am to 4pm, Sunday 10am to 3pm.
- Employee numbers: Fifteen (15) staff members
- Customer numbers: Refer below regarding traffic movements.
- Waste management: No toxic waste will be handled onsite. If waste products are deemed potentially hazardous or toxic, appropriate measures and disposal pathways have been adopted pursuant to NSW EPA guidelines.
- Traffic: 122 vehicle movements per day (61 in/61 out), onsite car parking for 19 vehicles, including one disabled car park.
- Chemical use/storage:

Information submitted with the application is satisfactory, having regard to the provisions within section 4.1.

Chapter 4.3 Site planning

The objectives of this section are to ensure that development is sited having regard to the characteristics of the land, adjoining development, site constraints and infrastructure.

The subject land is considered suitable to accommodate the proposed development. Development proposed by this application has been suitably sited having regard to constraints over the land, topography, potential impacts on adjoining development, bulk, scale, pedestrian networks, streetscape and skyline.

The application is consistent with the provisions of section 4.3.

(a)(iiiia) - any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There is no draft planning agreement/planning agreement that a developer has offered or enter into under section 7.4 of the Act that relates to the subject land or proposed development.

(a)(iv) any matters prescribed by the regulations

Division 5 of Part 9

Division 5 of Part 9 of the *Environmental Planning & Assessment Regulation 2000* applies to the proposal.

The proposal fulfils the fire safety and structural adequacy requirements of the regulations and is therefore considered appropriate. In accordance with the requirements of the regulation, a condition of consent is included requiring the submission of annual fire safety statement from the applicant.

(b) the likely impacts of the development

Acoustic Impacts

Council Officers raised concern regarding a perceived contradiction between the acoustic impact assessment, which requires “*all facades and openings are closed during noisy activities ie during deliveries the noisy activities must stop to allow the doors to be opened and the delivery vehicle to enter/exit the facility*”, and the building ventilation requirements as outlined within the Environmental Impact Statement (EIS) which suggests the occupational air quality criterion can be achieved through regular opening of the roller doors.

Council also expressed concern regarding the practicality of keeping the roller doors closed during the operation of noisy activities given the frequency throughout the day that the roller doors would need to be shut.

The applicant has responded and satisfactorily addressed the matter of the building ventilation.

In regard to compliance with the requirement of the acoustic report requirement to keep doors shut during noisy activities the applicant is in agreement with Council that the only way compliance with this condition can be completely ensured would be to link the operation of the machinery (on/off) with the roller shutters electronically.

An appropriate condition has been included in the recommendation to address this matter.

The proposed development is not expected to result in any significant impacts on the natural and built environment, or detrimental social or economic impacts in the locality. There are no additional impacts anticipated outside of those already addressed elsewhere in this report. The proposal is consistent with the established development pattern in the area.

A teleconference briefing with the Hunter & Central Coast Regional Planning Panel was held on 13 May 2020 in which the Panel raised a number of concerns in regard to the following matters;

- Hours of operation
- Acoustic impacts
- Traffic management - queuing
- Public access
- Management protocol for unaccepted material
- Operational Management Plan
- Air Quality
- Quality of plans
- Height of retaining walls
- Excavation for basement
- Size of stormwater tanks
- Purpose and access to rear of site
- Compliance with DCP building setbacks and landscaping for B5 zone.

The applicant has provided the following comprehensive response to each of the matters raised within the minutes of the Planning Panel briefing;

1. Hours of operation

In Table 2.3 of the Environmental Impact Statement by Jackson Environment and Planning Pty Ltd, dated 13/06/19, the following operational hours were proposed for the development (page 76):

Operational Activity	Hours
Access	24hrs / 7 days per week (to allow for occasional early / late delivery or truck movements which are unavoidable due to traffic delays etc)
Operational hours (staffed) including: waste deliveries; waste processing and product sales	Mon-Fri: 7am to 6pm Saturday: 8am to 4pm Sunday: 10am to 3pm

Singleton Council in their Request for Information letter dated 13/11/19 highlighted that Council would not support night-time access to the facility (10pm to 7am) without a revised acoustic assessment.

In our letter of response dated 12/12/19, we agreed with Council's recommendation and proposed the following operational hours for the development:

Operational Activity	Hours
Normal operating hours (staffed) including: waste deliveries; waste processing and product sales	Mon-Fri: 7am to 6pm Saturday: 8am to 4pm Sunday: 10am to 3pm
Evening access (for late return of vehicles only)	6pm to 10pm
Nighttime (10pm to 7am)	No operational activities or truck movements

We note that EPA in their General Terms of Approval dated 05/09/10 recommended in Appendix B, Condition L7 the following hours of operation.

Operational Activity	Hours
Normal operating hours (staffed) including: waste deliveries; waste processing and product sales	Mon-Fri: 7am to 6pm Saturday: 8am to 4pm Sunday: 10am to 3pm (excluding public holidays)

The proponent accepts the recommended hours of operation as noted in the EPA's General Terms of Approval, and supports this being reflected as a condition of consent.

2. Acoustic measures: What is required to be closed? How does this work? What is the noise exceedance if the doors are left open? How does it affect the operation?

Singleton Council in their Request for Information letter dated 13/11/19 sought information on how the *“...facades and openings are closed during noise activities. All facades and openings are closed during noisy activities ie during deliveries the noisy activities must stop to allow the doors to be opened and the delivery vehicles to enter/exit the facility.”*

In our letter of response dated 12/12/19, we explained what doors are required to be closed, how this worked and how this affects the operation. For clarity, we repeat the same advice below:

In the architectural plans (Appendix 1a - Office and Ground Floor Plan), three fast acting roller doors will be provided across the site for:

- vehicle entry to the Community Recycling Centre;
- vehicles exiting the Community Recycling Centre; and
- vehicles entering and leaving the Product Storage Area of the warehouse.

The remaining four doors on the ground floor of the warehouse (Roller doors 2, 3, 4 and 5 as per Office and Ground Floor Plan) will provide access for servicing of plant and equipment. These roller doors will remain closed during the day and they are not intended to be regularly opened or closed.

It is noted that the Traffic Impact Assessment by Seca Solution (as per Appendix 8 of the EIS), a total of 46 inbound and 46 outbound traffic movements are expected to occur on a daily basis when the site is operating at maximum capacity (Section 4.1 of the EIS). Vehicle movements during peak hour has been further modelled by Seca Solution dated 12/12/19 (and provided as an attachment to our 12/12/19 submission).

Modelling suggests that peak demand is estimated to be 7-8 vehicles in an hour. Based on the split of light and heavy vehicles for the site, this could see the following in the peak hour at maximum capacity:

- 2 light vehicles potentially with trailers
- 4-5 heavy vehicles delivering recycling
- 1 heavy vehicle collecting recycled product

At maximum capacity, the site's roller doors will operate as follows:

- a) Entry roller door to Community Recycling Centre:
 - Opens/closes 6-7 times per hour
- b) Exit roller door to Community Recycling Centre:
 - Opens/closes 6-7 times per hour
- c) Roller door to Product Storage Area:
 - Opens/closes once per hour.

At maximum capacity, there will be approximately 15 roller door movements per hour. In Section 5.3 (page 22) of the Noise Impact Assessment by Waves Consulting (Appendix 7 of the EIS), the following assumption has been used in the noise modelling:

“All facades and openings are closed during noisy activities i.e. during deliveries the noisy activities must stop to allow the doors to be opened and the delivery vehicles to enter / exit the facility.”

The closure of facades and openings during operations is in line with environmental best practice and an EPA expectation to ensure that unnecessarily noise occurs that could affect sensitive receptors.

For this reason, we have not modelled the performance of the operation with the façade and building openings being open at all times.

To ensure that mechanical plant is not operating during opening and closing of roller doors, we have agreed in our letter dated 13/11/19 that this may be best achieved by having the roller doors potentially linked electronically with the plant. This may also be managed in a practical manner by running the processing plant in off-peak times when the number of traffic movements are low to minimise the stop/start load on the plant and equipment. This strategy will ensure there will be no noise exceedance when the doors open for incoming and outgoing vehicles.

We do not envisage that this strategy will affect the performance of the plant as it will be electronically controlled.

The proponent will need to prepare an Operational Environmental Management Plan (OEMP) as part of the EPA licence application for the development, following development approval. The proponent agrees to document this process in the OEMP.

3. How was queuing to be avoided? How did the public use the facility? How did this impact upon queuing? Response that “this is unlikely” is not a satisfactory resolution of the matter

Please refer to the addendum to the Traffic Impact Assessment prepared by Seca Solution dated 12/12/19 that was provided as Attachment 1 to our submission dated 12/12/19. This outlines how queueing will be avoided, how the public will use the facility and potential impacts on queueing.

In this submission we highlight that the principal function of the site is to support recycling of commercial waste collections for skip bin waste, though a secondary purpose is to provide a convenient and best practice centre for householders to drop off bulky loads of waste on the weekend for recycling.

We further note that whilst commercial truck movements can be managed with communications by two way radio ensuring that vehicle arrivals can be coordinated throughout the day, the proponent cannot fully control the time of day that householders will arrive at the centre.

In the updated operational analysis for the site provided in our submission dated 12/12/19, we predict that the site will receive 5-6 trucks arriving per hour with 2 utes and or trailers, with 1 of these trucks (relating to outbound product) able to be accommodated within the facility at the same time as a disposal vehicle. Therefore, the capacity of the site (9-13 vehicles per hour) is adequate to accommodate the peak demands at the disposal access (6-7 vehicles per hour) without the need for queued vehicles to impact the local roads.

We highlight in this submission that in the unlikely event of a significant delay on site or should multiple vehicles (more than four) all arrive simultaneously, further consideration has been given to the impact of this on the safe operation of the adjoining road network. Should four vehicles already be on site and a light vehicle arrives, eg builder with a ute full of rubble, an overflow waiting bay has been provided across the site building frontage but within the site. In this way this vehicle can be directed to enter the site and hold there until a vehicle exits the site. The vehicle can then manoeuvre into one of the entry bays and enter as required. This overflow bay is designed to cater for occasional deliveries to the office on site and so is expected to be empty the majority of the time. No loading or unloading of recycled product shall occur in this space.

Whilst our additional evidence and modelling suggests there is a low probability of queuing occurring during peak demand, the proponent agrees with council's recommendation to initially prohibit access by householders with small vehicles and trailers to the facility.

However, the proponent would like to seek council's consideration of a consent condition that will allow access by householders with small vehicles and trailers after 12 months of operation of the facility, subject to provision of a traffic report over a minimum two week period under normal operating conditions that demonstrates that the facility can safely accommodate these types of vehicles with trailers without queuing on a public road.

4. Management of material received – how is material not able to be received dealt with?

In section 3.2.6 of the Waste Management Plan (Appendix 5 of the EIS), we outline how waste materials that are not able to be accepted at the site will be dealt with. This section highlights the waste inspection, acceptance and non-conforming waste procedures the proponent will implement in accordance with best practice published by the NSW EPA in their *Standards for managing construction waste in NSW*.¹

An overview of waste inspection, acceptance and non-conforming waste handling procedures is provided below. Note that non-conforming waste will be determined at two inspection points:

- Inspection point 1: At the verified weighbridge on entry into the facility, trained personnel must:
 - a) Inspect the entire top of each load from an elevated inspection point or by using a video camera connected to a monitor and determine whether or not the load contains any asbestos waste and any other unpermitted waste;

¹ NSW EPA (2018), Standards for managing construction waste in NSW, internet: <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/wasteregulation/18p1270-standards-for-managing-construction-waste-in-nsw.pdf>

- b) Where the load is identified as containing, or is reasonably suspected to contain, any asbestos waste, reject the entire load of waste by directing the driver to immediately leave the facility and record the information required by Standard 1.4 into the C&D waste facility's rejected loads register; and
 - c) Where the load is not rejected, record the details as required by clause 27 of the Waste Regulation and direct the driver and the load of waste to proceed directly to inspection point 2.
- At inspection point 2 – tip and spread inspection area, trained personnel must:
 - a) Direct the driver of the vehicle to tip the entire load on the tip and spread inspection area;
 - b) Spread the entire load and inspect the visible surface area for any asbestos waste and any other unpermitted waste;
 - c) Manually turn, or direct a plant operator to turn, the entire load and inspect the entire load for any asbestos waste and any other unpermitted waste on or beneath the visible surface;
 - d) Where any asbestos waste is identified, reject the entire load of waste;
 - e) Where any other unpermitted waste is identified under this Standard 1.2, remove that waste from the load or reject the entire load of waste.
 - f) Where a load is rejected under this Standard, ensure that the entire load is immediately reloaded onto the vehicle in which it arrived or onto another vehicle and ensure that the vehicle with the rejected load leaves the C&D waste facility on the same business day and then immediately record the information required by the Standard into the C&D facility's rejected loads register; and
 - g) Ensure that all waste that may lawfully be received at the C&D waste facility proceeds to be sorted and stored in accordance with Standards 2, 3 and 4.

These procedures will be defined within an Operational Environmental Management Plan which will be prepared post-approval. This is an essential element of the EPA licence application for the premises. We also note that the proponent will work with its customers to raise awareness through communications and education on what type of materials can be recycled and deposited at the premises, and how to ensure that wastes not able to be accepted are not inadvertently disposed at the facility.

The facility will also be supported through signage within the facility. Furthermore, operational staff will supervising the unloaded of wastes and will help further mitigate against any non-conforming wastes being deposited at the facility.

5. Need for an operational management plan

The proponent agrees to a consent condition which will require the preparation of an Operational Management Plan prior to commencement of operation of the development.

6. The air quality issue and, in particular the basis of the report on 2015 data – how does this relation to internal air quality within the building and the extent to which emissions will contribute to the existing external air quality. The air quality report does make

mention of the roller doors being open to expell diesel fumes etc but this is contrary to the acoustic report which says all the roller doors should be closed when machinery is operating. As you are aware there is a recommended condition requiring the roller doors to be electronically linked to operational machinery to ensure the machines shut off when the roller doors are open.

Please refer to Attachment 1, containing advice from our Air Quality consultant (Northstar Air Quality Pty Ltd). Please note that this advice also addresses comments made on the air quality impact assessment by the NSW EPA.

The advice from Northstar indicates that meteorological data within the Singleton area in 2015 was chosen as the “baseline year” for the air quality modelling as it provides a good representation of the longer-term meteorological conditions. In relation to baseline air quality, the NSW EPA’s *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (Approved Methods) document states that “data is typically obtained from a monitoring site as close as possible to the proposed location where the sources of air pollution resemble the existing sources at the proposal site.”

The choice of baseline aims to provide ‘representative’ conditions which is importantly not the same as ‘worst case’, or even ‘most recent’. Baseline air quality changes from year to year and can be influenced by changes in climatic conditions (changing the incidence of bushfires or dust storms, for example). It can also be influenced by increasing activity rates, or number of operations in an area.

In relation to the comment:

The air quality report does make mention of the roller doors being open to expell diesel fumes etc but this is contrary to the acoustic report which says all the roller doors should be closed when machinery is operating. As you are aware there is a recommended condition requiring the roller doors to be electronically linked to operational machinery to ensure the machines shut off when the roller doors are open.

Northstar notes: “In our Air Quality Impact Assessment, we have assumed that operations will be conducted within a fully enclosed warehouse, with roller doors closed, except when they are temporarily opened and closed with incoming and outgoing vehicles. Our assessment has not assumed that doors are open at all times.

Our assessment as per page 3 of our study clearly states "...A small residual ventilation rate (equivalent to less than 0.2 air changes of the building volume each hour) would be required to ensure that the occupational air quality criterion for carbon monoxide would be met. This is likely to be easily achieved through the regular opening of roller doors at the site and it is concluded that no further active ventilation measures would be required."

7. Quality of plans – need for RL’s and sections. What is the height of the retaining wall on all boundaries?

- Detailed RL’s will be provided for the detailed design plans at Construction Certificate stage.

- The height of the retaining wall through preliminary design investigations suggests it will be approximately 1.5m along the southern boundary of the site (refer to Plan 109 in Appendix 1 provided with the EIS).
- The height of the retaining wall along the eastern and northern side of the site will be determined as part of the detailed design stage for the Construction Certificate.

8. Clarify the size of the basement – how much excavation will be required?

In Section 3.1.1 of the Waste Management Plan submitted with the EIS (Appendix 5), we have estimated the approximately 6,820m³ of soil (excavated natural noise material) will be generated from basement excavation works, including excavation works to construct the footings for the hardstand across the site.

Prior to excavation works occurring, in-situ soil sampling will be done to confirm compliance of the soil with the NSW EPA's *Excavated Natural Material Resource Recovery Order 2014*². This will involve the sampling of soil in accordance with Table 2 of the Order. Prior classification of the soil will enable an assessment of the suitability of the soil for direct re-use and recycling in construction projects nearby. The plan notes that it is expected that 100% of this soil will be recycled locally.

9. Clarify the size of the tanks at the rear

It is noted that the fire sprinkler tanks at the rear of the building will have a combined capacity of 968,000L (or ~322,666L each). This is noted in the Fire Services Plan (Plan F1.03) in Appendix 15 of the EIS. The plan notes that the tanks will be 12.45m in height and each tank will have a diameter of 6m.

10. Clarify the purposes and access to the rear of the site

The rear of the site is for allocation of firewater storage tanks required for the fire suppression system for the development. Two roller doors are provided, though these will be closed at all times. The roller doors will only be used for providing occasional access for service and maintenance of plant and equipment located in the Processing Area.

Access will be provided via the vehicular hardstand along the northern boundary of the site.

Landscaping is provided along the rear boundary in accordance with Section 2.18 of the *Singleton Development Control Plan 2014*.

11. Clarify whether there are any DCP setbacks or landscape requirements for the B5 Zone

Under Section 2.10(3) of the *Singleton Development Control Plan 2014*, the minimum front setback from the boundary in B5 business development zones is 15m. The proposed setback of the building from the front boundary line is 17.6m (see Plan 101 in Appendix 1 of the EIS). The proposed development complies with this requirement.

Side and rear setbacks are not defined for buildings in B5 business development zones.

² NSW EPA (2014). Excavated Natural Material Resource Recovery Order 2014. Internet publication <https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/resource-recovery-framework/current-orders-and-exemption>

We note that under the *Singleton Development Control Plan 2014*, landscaping provisions are outline under Section 2.18. The landscaped areas proposed under this development have been modelled on the previous approval for the construction of a light industrial building for this property under DA8.2018.75.1.

We note that the following DCP requirements have been considered as part of the Landscape Concept design:

- (3) Development consent should not be granted to development on land unless the consent authority is satisfied that the site design incorporates suitable landscaping.
- (4) In considering whether landscaping of development is suitable, the consent authority must have regard to the following matters:
 - (a) whether the landscaping makes a positive contribution to the streetscape appearance,
 - (b) whether the extent of landscaping is proportionate to the scale of the development,
 - (c) whether the landscaping is appropriate for the development type,
 - (d) whether the development is readily visible from the any street, public place or neighbouring buildings,
 - (e) whether the landscaping is compatible with the special qualities and characteristics of the locality,
 - (f) whether the landscaping design is safe in terms of tree maintenance, human health, security, bushfire risk and sightlines for motorists, and
 - (g) whether compliance with the following standards has been achieved:
 - (i) comprehensive plantings, incorporating trees with a mature height of at least 3m should be provided around buildings and carparking areas,
 - (ii) long stretches of outdoor parking bays are to be broken up with planting beds comprising a mix of trees and groundcovers. Not more than 10 outdoor parking spaces in a row will be permitted without separation by planting beds with minimum dimensions of 2m x 5m. Such planting beds are to comprise evergreen trees with a minimum established height of 7m that provide for maximum shade coverage and low maintenance,
 - (iii) tree species selected for shade are to have high spreading branches, nonintrusive root systems and low risk of falling branches,
 - (iv) densely planted garden beds should attribute for at least 15% of the open space area of developments in business, residential and industrial zones,
 - (v) trees and plantings are to be placed within planting beds wherever practicable to separate the trees and plantings from disturbance by grass mowing, pedestrian movement and vehicle movement,
 - (vi) garden beds are to be located where they can be easily accessed for maintenance and where they will improve the overall appearance of the site and development,

(vii) the majority of the garden beds for development should be provided between the building line and the front boundary so that they contribute to the appearance of the streetscape.

(viii) plantings and garden beds are to be located where they will not be adversely impacted by, or impact upon, vehicle or pedestrian movement.

The Landscape Concept Design prepared by Moir Landscape Architecture (Appendix 1d of the EIS) has focused on providing landscaping that is compatible and appropriate for the type of development, being a warehouse building in a B5 zoned business development precinct.

The provision of at least 5m of landscaping is provided in dedicated garden beds at the front of the development, to improve visual amenity and to soften the built form of the development on the property. These garden beds will be planted using mass plantings of native *Dianella caerulea* (Blue flax Lily) and *Lomandra longifolia* (Breeze – Lomandra).

These same mass plantings will be provided in the landscaped area along the southern boundary, together with tree plants to soften the interface with the industrial property to the south (*Corymbia maculate*, *Eucalyptus eximia*, *Eucalyptus fibrosa*, *Eucalyptus moluccana* and *Eucalyptus punctate*).

Additional mass plantings will be provided along the western boundary of the property, using natives *Dianella caerulea* (Blue flax Lily) and the native tree species (*Corymbia maculate*, *Eucalyptus eximia*, *Eucalyptus fibrosa*, *Eucalyptus moluccana* and *Eucalyptus punctate*).

Council Officer's response to the applicant's comments is as follows;

1. Hours of operation

Condition 30 of the Draft Recommended Conditions stipulates the hours of operation which reflect the hours included in the EPA's General Terms of Approval.

2. Acoustic measures

Details provided by the Applicant in regard to the frequency of the opening of roller doors for the ingress/egress of vehicles and acoustic measure

3. Vehicle queuing and public access/use of the facility

The Applicant's suggestion to restrict access to the facility to householder's vehicles with trailers for the initial 12 months of operation is considered reasonable to allow for monitoring and review of the ingress and egress of vehicles.

The following draft condition (Condition 33) has been included in the Draft Recommended Conditions to address this matter.

33. Restricted Access to Household (Non-Commercial) Vehicles with Trailers

The facility is to prohibit access to the facility for household vehicles with trailers during the first 12 months of operation of the facility with the condition to be reviewed upon submission to Council of a traffic report carried out over a minimum two week period under normal operating conditions that demonstrates that the facility can safely accommodate these types of vehicles with trailers without queuing on a public road.

Draft Condition 32, which requires submission of an Operational Environmental Management Plan (OEMP), also requires the OEMP to address traffic management associated with the inward receipt of vehicles to the facility.

The Applicant is also agreeable to the following additional conditions being included in the Draft Conditions;

34. Traffic Management & Monitoring Plan

The applicant shall prepare a traffic management and monitoring plan to ensure queuing does not occur on Enterprise Crescent prior to the issue of the Construction Certificate. No queuing of vehicles waiting to enter the development shall occur on Enterprise Crescent at any time.

35. Traffic Survey & Report

The applicant shall conduct a traffic management survey and report annually for council to confirm traffic levels are in accordance with the predictions in the EIS.

4. Waste resource management strategy for 'unacceptable' material

The measures outlined in regard to the inspection and receipting of waste material and procedures for dealing with 'unacceptable' waste are considered reasonable and are included as a matter to be addressed within the OEMP (Draft Condition 32).

5. Operational Management Plan

Draft Condition 32, which details the requirement for preparation an Operational Environmental Management Plan (OEMP) prior to issue of the Occupation Certificate has been amended to include detailing specific procedures/protocols for handling 'non-conforming' waste.

6. Air quality

The Applicant's Air Quality Consultants explanation in regard to the use of 'baseline' meteorological is acknowledged and considered appropriate.

The Applicant is agreeable to the following additional condition which has been included in the Draft Conditions;

36. Post Development Air Quality Assessment

The applicant shall conduct an air quality assessment of the development after the first 12 months of operations to confirm air quality in the surrounding area is in accordance

with the predictions in the EIS. This report shall be provided to council for review within 3 months after the first year of operations.

7. Additional information on architectural plans

The indicative 1.5m height of the retaining wall along the southern boundary is considered acceptable and will not have a significant impact on the amenity of the adjacent allotment which is also zoned B5 Business Development and, with the exception of an industrial shed situated in excess of some 30 metres from the common boundary, is vacant.

8. Basement excavation

The extent of excavation necessary to create the basement car parking is noted and considered acceptable.

9. Use and size of stormwater tanks

The use and size of the stormwater tanks is noted and considered appropriate and not anticipated to unreasonable impact on the visual amenity of the streetscape or adjacent and neighbouring development as their overall height is generally consistent with the height of the proposed building effectively screening them from view from the public street. In addition the location of the tanks share a common rear boundary with adjoining B5 Business Development zoned land.

10. Rear access to site

The necessity for access to the rear of the building for service vehicles is noted and considered satisfactory.

11. Compliance with DCP setbacks including landscaping

As noted within the Applicant's response the proposed front building line setback of 17.6m is compliant with Singleton Development Control Plan (DCP) 2014 which nominates a minimum front setback requirement of 15 metres. The DCP does not contain any minimum side or rear boundary setback provisions for development within the B5 zone.

Clause 2.18 of DCP 2014 which addresses landscaping does not nominate a minimum numerical requirement in regard to the provision of landscape planting but rather seeks to achieve a number of objectives related to the quality and aesthetics of the development and impact on the streetscape.

The proposed provision of landscaping is considered acceptable having regard to the location of the site, the extent of landscaping within the locality and previous approved development for the site.

(c) the suitability of the site for the development

The site is considered suitable for the type, scale and nature development and is not overly constrained. The development can be integrated into the locality without any significant adverse impacts. The site is therefore considered suitable for the proposed development.

(d) any submissions made in accordance with this Act or the regulations

Public Submissions

The development application and accompanying information were placed on public exhibition for a period of 30 days from **24/07/2019** to **23/08/2019**. As a result of the notification process one submission was received in support of the proposal.

Submissions from public authorities

The following public authorities have provided general terms of approval (Integrated Development) and/or conditions (concurrence or referral):

- NSW EPA – have provided general terms of approval dated 5/09/2019, and/or
- RMS – has provided comments in relation to the proposed development dated 2/09/2019. RMS raises no objection to the proposed development as previously discussed within the report.

(e) the public interest

The proposed development is in the public interest.

SECTION 4.17 CONSIDERATIONS

Having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979*, there are no additional matters required to be satisfied.

SECTION 7.11 - CONTRIBUTIONS

Are contributions required for the provision, extension or augmentation of public amenities and public services?	Yes	No
Are Section 7.11 Contributions payable on the proposed development?	☐	☒
Is a VPA relevant?	☐	☒

SECTION 4.65 – EXISTING USE RIGHTS

The proposed development is not prohibited under the SLEP 2013.

Council Policies / Council Resolutions

There are no Council Policies and/or Council resolutions relevant to the assessment of the application.

Development Assessment Guidelines

There are no guidelines published by the NSW Department of Planning and Environment that are relevant to the proposed development.

Land & Environment Court Planning Principles

There are no planning principles required to be considered in the assessment of the development application.

Recommendation

Pursuant to section 4.5(b) of the Environmental Planning and Assessment Act 1979 the consent authority for the development is the Joint Regional Planning panel (JRPP) as the development constitutes Regionally Significant Development.

An assessment of the application has been carried out in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. The proposed development is considered satisfactory in terms of the matters for consideration under the Act. Accordingly, the development application is recommended for approval subject to the attached conditions of consent.