

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Environmental Planning and Assessment Act, 1979 (Section 4.18)

Cleanaway
100 Walker Street
NORTH SYDNEY NSW 2060

Determination Number:
SPP-20-00005

Property Description: Lot 20 DP 1174987 1A Raffles Glade EASTERN CREEK

Development: Designated and Integrated Development to increase the processing capacity of existing waste recovery facility for solid waste consisting of plastic, aluminium, liquid paperboard, steel and glass beverage containers from 30,000 to 40,000 tonnes per year

Determination: *Under Section 4.16 of the Act Council advises that the Development Application has been determined by:*

- GRANTING OF CONSENT SUBJECT TO CONDITIONS ATTACHED ON THE FOLLOWING PAGES

BY SYDNEY CENTRAL CITY PLANNING PANEL

Right of Appeal

Section 8.7 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 8.7 does not apply to State significant development or development that has been subject to a Commission of Inquiry.

Review of Determination

Section 8.3 of the Act provides that an applicant may request the Council to review the determination. Section 8.3 does not apply to complying development, designated development, integrated development, or a determination made by Council under Division 8.2 of the act in respect of Crown applications.

Note: This Consent is generally valid for a period of 5 years effective from the date of this Notice, unless specified otherwise by Sections 4.20 and 4.53 of the Act, or by conditions of this Consent.

Kerry Robinson
CHIEF EXECUTIVE OFFICER

Per 

Date 5 March 2021

1 ADVISORY NOTES

1.1 Terminology

- 1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.

1.2 Services

- 1.2.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) A recognised energy provider
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be submitted to Sydney Water Tap In, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. The plans are to be appropriately stamped and all amended plans will require re-stamping. For further information go to: www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 1300 082 746 for assistance.

Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.2.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

- 1.2.3 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works

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which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number: 1800 810 443.

- 1.2.4 The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

2 GENERAL

2.1 Scope of Consent

- 2.1.1 This consent relates to the following drawing/details submitted to Council with the development application, subject to compliance with any other conditions of this consent:

Plan reference	Revision issue	Dated
Plan prepared by Real Serve		
Sheet 1 of 1 Site Plan	-	31.07.2017
Sheet 1 of 1 Unit 2	-	31.07.2017

- 2.1.2 This consent approves the ongoing operation of this approved resource recovery facility. The processing capacity is limited to a maximum of 40,000 tonnes per year for solid waste.

- 2.1.3 The development shall comply with conditions listed in DA-11-886, CDC-18-000012 and DA-18-01927. Unless modified by this consent.

2.2 NSW Environment Protection Authority Requirements

- 2.2.1 The development is to satisfy the General Terms of Approval provided at Attachment A and issued by the NSW Environment Protection Authority, Notice Number 1600429 and dated 29 September 2020, as follows:

Attachment A - Administrative conditions

2.2.1.1 Waste

No more than 40,000 tonnes of waste material is to be received for processing in a 12 month period.

2.2.2 Further Conditions Required by EPA Not Included in Attachment A

2.2.2.1 Fire Management

Waste material stored within the building should be managed in accordance with Fire and Rescue NSW fire safety in waste facilities guidelines.

The EPA recommends that the proponent investigate fire-proofing measurements to protect the buildings internal supporting columns to maintain the structural integrity of these columns, should a fire event occur.

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2.2.2.2 Stormwater pollution

The EPA recommends that a shut off valve or similar device be retro-fitted within the onsite stormwater management system to prevent water pollution leaving the site.

2.2.2.3 Air

The proponent must develop and implement an air quality management plan. The plan should identify all potential sources of odour and dust at the premises and include:

- a. All mitigation measures recommended by SLR under Section 8.1 of the Air Quality Assessment report (SLR Ref No: 610.19154-R01-v1.0).
- b. Preventative maintenance procedures to ensure all control equipment is operating in a proper and efficient manner.
- c. Key performance indicator(s) for emission controls and management measures.
- d. Proactive and reactive response mechanisms.
- e. Responsibilities for demonstrating and reporting achievement of key performance indicator(s).
- f. Record keeping requirements and procedures.
- g. Compliance reporting requirements and procedures.
- h. A process for performance review of the plan to promote continuous improvement.

2.3 NSW Rural Fire Service Requirements

2.3.1 Asset Protection Zones

2.3.1.1 The entire property shall be managed in perpetuity as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA, the following requirements apply:

- (i) Tree canopy cover be less than 15% at maturity;
- (ii) Trees at maturity are not touching or overhang the building;
- (iii) Lower limbs are removed up to a height of 2m above the ground;
- (iv) Tree canopies are separated by 2 to 5m;
- (v) Preference is given to smooth-barked and evergreen trees;
- (vi) Large discontinuities or gaps in vegetation are provided to slow down or break the progress of fire towards buildings;
- (vii) Shrubs are not located under trees;

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- (viii) Shrubs do not form more than 10% ground cover;
- (ix) Clumps of shrubs are separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- (x) Grass to be kept mown (as a guide grass should be kept to no more than 100mm in height);
- (xi) Leaves and vegetation debris are removed; and
- (xii) NSW Rural Fire Service's document Standards for asset protection zones.

3 PRIOR TO OPERATION COMMENCING

3.1 Service Authorities

3.1.1 The following documentary evidence shall be obtained and forwarded to the Principal Certifying Authority prior to the release of any Occupation Certificate:

- (a) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Applications must be made through an authorised Water Servicing Coordinator. Please refer to the "Building Plumbing and Developing" Section of the website www.sydneywater.com.au, then follow the "Developing Your Land" link or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the occupation of the development/release of the plan of subdivision, whichever occurs first.

3.2 Environment Protection Authority Requirements

3.2.1 The development is to satisfy the General Terms of Approval issued by the NSW Environment Protection Authority, Notice Number 1600429 and dated 29 September 2020 in accordance with condition 2.2.1.1 of this consent.

4 OPERATIONAL

4.1 Use of Premises

4.1.1 The facility is permitted to operate as waste or resource management facilities as defined under Clause 121(1) of Division 23 under the State Environmental Planning Policy (Infrastructure) 2007 as follows:

'A Resource Recovery Facility means building or place used for the recovery of resources from waste including works or activities such as separating and sorting,

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processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration'.

4.1.2 Deliveries to and from the site should occur predominantly between 7am-9pm, Monday to Friday to minimise noise and vibration impacts on surrounding properties.

4.1.3 The facility is to operate with a maximum of 40 office staff and 20 operational staff. And there shall be no more than 32 staff on any given shift.

4.1.4 The development shall not be used or converted for use for any purpose other than that stated in the Development Consents applying to the site.

4.1.5 The hours of operation shall be in accordance with that approved under DA-18-01927.

4.2 **Management of the Site**

4.2.1 The applicant is to prepare and adhere to the mitigation and management measures as detailed in the Environmental Impact Statement submitted with the Development Application:

4.3 **Parking**

4.3.1 The development is to retain the 61 existing on-site car parking spaces located on the site as approved under DA-11-886 and CDC-18-00012.

4.4 **Commercial Vehicle Movements**

4.4.1 Commercial vehicle movements are to be limited to 496 per day, 21 vehicle per hour in accordance with the Transport Impact Statement dated 20 December 2019.

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

4.5.1 During operation, should the quantities of LPG increase, a formal screening/assessment process will be followed as per the Department's guidelines, 'Hazardous and Offensive Development Application Guidelines – applying SEPP 33 – January 2011' and address the requirements of State Environmental Planning Policy No. 33 – Hazardous and Offensive Development.

4.6 **Environmental Health Matters**

4.6.1 The recommendations made in the *Air Quality Assessment* (Ref.: 61019154-R01), prepared by SLR Consulting Australia Pty Ltd, dated May 2020 shall be implemented.

4.6.2 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's

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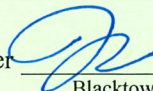
Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.

- 4.6.3 Any activity carried out in accordance with this approval shall not give rise to offensive odour, offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 4.6.4 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 4.6.5 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 4.7 **Other issues**
- 4.7.1 Burning of materials is not permitted on this site at any time.
- 4.7.2 All waste water from the operational areas shall either be stored and recycled on-site or instead disposed of into the Sydney Water Corporation sewerage system under an updated Sydney Water Corporation Trade Waste approval.
- 4.7.3 No industrial grade chemicals shall be stored on the premises. Only 216 kg of LPG for operational purposes shall be stored on site at any time.
- 4.7.4 The volume of 'Storage of Waste Materials' held on site at any given time shall not exceed the volume approved by the EPA and subject to the ongoing rigorous reporting procedures of the EPA.

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