

SECTION 4.55 (2) MODIFICATION

	DA2015/177/2
DA & Property:	40-42 Madeline Street Strathfield South- LOT 24 DP 1200563
Proposal:	S4.55 (2) Modification Application for alterations and additions to an approved materials recycling facility.
Applicant:	J Cosgrove
Owner:	LC Investment (Australia) Pty Ltd
Date of lodgement:	19 November 2021
Notification period:	24 November – 14 December 2021
Submissions received:	3
Assessment officer:	J Gillies
Estimated cost of works (original):	\$16,850,000.00
Modification cost of works:	\$665,000.00
Zoning:	IN1-General Industrial - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
RECOMMENDATION OF OFFICER:	Approval



Figure 1 – Locality Plan (subject site in yellow)

EXECUTIVE SUMMARY

Proposal

Approval is being sought for the modification of DA 2015/177 to permit alterations and additions to an approved materials recycling facility. The Sydney East Planning Panel (then the JRPP) approved DA 2015/177 in October 2016 permitting use of the site as a waste management facility with an annual capacity of 30,000 tonnes of paper and cardboard and 69,900 tonnes of mixed metals, glass and mixed plastic.

Site and Locality

The site is identified as 40-42 Madeline Street, Strathfield South and has a legal description of Lot: 24 DP: 1200563. The site is an irregular shaped parcel of land with a total area of 18,971m² and is located on the eastern side of Madeline Street. The site is bound by other industrial uses to the north and south and to the east adjoins a grassy reserve with various owners.

Environmental Planning Instruments

The site is zoned IN1 General Industrial pursuant to the Strathfield Local Environmental Plan (SLEP), 2012. The zoning provisions of the SLEP prohibit the use of the site as a waste transfer station however the use is made permissible under Division 23 of the Transport and Infrastructure SEPP. The proposed modification is consistent with the requirements of the Transport and Infrastructure SEPP.

Development Control Plan

The proposed development as amended is generally consistent with the relevant requirements under Part D and Part H of Strathfield Consolidated Development Control Plan 2005.

Notification

The application was notified in accordance with Council's Community Participation Plan from 24/11/21 – 14/12/22, where 3 submissions were received raising the following concerns;

- The current operation does not abide by the conditions imposed under the original / current consent.
- Moving the Materials Recovery Facility (MRF) processing to Building 2 will exacerbate noise impacts for residents situated in dwellings south east of the site (on Chisholm St and Excelsior Ave).

Issues

- Acoustic modelling and proposed amendments to Condition 76,
- External (outside of enclosed warehouses) storage of baled and sorted waste.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2015/177/2 is recommended for Approval, subject to the amended conditions of consent.

REPORT IN FULL

Proposal

Approval is being sought for the modification of DA 2015/177 to permit alterations and additions to an approved materials recycling facility. The Application does not seek approval for changes to the approved processing capacity at the site, the submitted Statement of Environmental Effects (SEE) referring to increased operational efficiency as the objective of the proposed modifications.

The proposed modifications are as follows:

Condition to be amended	Modifications (as proposed by Applicant)	Council comments
Condition 1 – Plans	<p>Applicant's statement:</p> <p><i>The approved site plan and elevations would be updated to reflect the following physical changes across the site:</i></p> <ul style="list-style-type: none"> • <i>Revision to the site parking layout (with no change to the total number of parking bays),</i> • <i>Relocation of substation to the front of the site,</i> • <i>Change the use of two existing external storage bunkers approved for glass storage, for the storage of baled paper and cardboard, and baled steel, aluminium and plastics,</i> • <i>Construction of an extension to Building 1 at the rear (eastern end),</i> • <i>Construction of an attached awning for storage of spare equipment at the rear of Building 2 (eastern end),</i> • <i>Construction of a new glass storage bunkers enclosure on the northern side of Building 1,</i> • <i>Reconfiguration of site uses across existing buildings, including:</i> <ul style="list-style-type: none"> ○ <i>Building 1 – Materials Recovery Facility output consolidation and glass beneficiation plant,</i> ○ <i>Building 2 – Main Materials Recovery Facility processing line,</i> ○ <i>Building 3 – Paper and Cardboard Recovery.</i> 	<p>Council agrees with the description of the proposed changes and need for an amendment to Condition 1 to reflect the new site layout as per the submitted Site Plan and Elevations.</p>

	<i>Installation of additional noise attenuation structures to reduce the potential impact of noise on the surrounding environment.</i>	
<p>Condition 38 (Material Storage)</p> <p>Baled and sorted waste is not to be stored externally to the building at any time. The site and immediately adjoining road reserve shall be cleaned daily to remove any loose litter or material.</p>	<p>Applicant's statement:</p> <p><i>The existing development consent 2015/177 stamped plans captured storage of glass in enclosed external bunkers situated to the south of Building 1 and adjacent to Building 3. The proposal seeks the addition of enclosed glass storage bunkers at the northern site of Building 1 for the purpose of storing recovered glass material.</i></p> <p><i>The previously approved glass storage bunkers are proposed to be adapted for the purpose of storing sorted and baled metal, plastic and fibre bales. All proposed and approved storage enclosures outside of buildings would be enclosed on three sides, have a corrugated metal roof and a roller door on the single unwallled side to allow access for loading of material.</i></p> <p><i>To permit the above without compromising the management of material and to prevent escape of loose litter, the following change to Condition 38 is proposed:</i></p> <p><i>Baled and sorted waste is not to be stored outside of buildings or designated storage enclosures at any time. Storage enclosures are to be roofed, walled on three sides, with a single roller door for access. The site and immediately adjoining road reserve shall be cleaned daily to remove any loose litter or material.</i></p>	<p>Council agrees with the proposed wording for Condition 38.</p> <p>In addition, this condition should be included under 'Operational Conditions', as Condition 38 relates to requirements prior to CC. This is discussed in further detail later in this report.</p>
<p>Condition 45 (use of Building 3)</p> <p>Building 3 shall only be used for the storage of sorted, baled materials and is not to be used for sorting of materials at any time.</p>	<p>Applicant's statement:</p> <p><i>The proposed modification seeks to move the existing Paper Cardboard Recycling (PCR) into Building 3. The PCR is a simple process involving the baling of source separated paper and cardboard, the output of which will then continue to be stored within Building 3 and adjacent storage enclosures.</i></p> <p><i>The following change to Condition 45 is suggested:</i></p> <p><i>Building 3 shall be used for the storage, sorting and baling of paper and cardboard materials only.</i></p> <p><i>Building 3 is not to be used for the</i></p>	<p>Council agrees with the proposed wording for Condition 45.</p>

	sorting of mixed recyclables at any time.	
<p>Condition 76 – Noise Limits</p> <p>Noise generated at the premises must not exceed the noise limits under the condition.</p>	<p>Applicant's statement:</p> <p><i>The proposed modification seeks the relocation of various approved uses across buildings. As such, the noise profile of the site had potential to change and so a new noise impact assessment was completed for the site.</i></p> <p><i>A new Noise & Vibration Impact Assessment (NVIA) was completed by WAVES Consulting based on recent background noise monitoring and the latest EPA Noise Policy for Industry (effective from November 2017).</i></p> <p><i>The NVIA provides new project noise trigger levels for inclusion under Condition 76.</i></p>	<p>Council agrees that Condition 76 requires amendment.</p> <p>The EPA's General Terms of Approval (GTAs) on the NVIA will be taken into consideration in amending the condition.</p> <p>In addition, amendments will be required to condition 9 (acoustic auditing), condition 13 (acoustic treatments), condition 70 (listing of GTA references) and conditions 77-82 (EPA GTA assumptions). The specifics of each amended condition are addressed later in this report.</p>

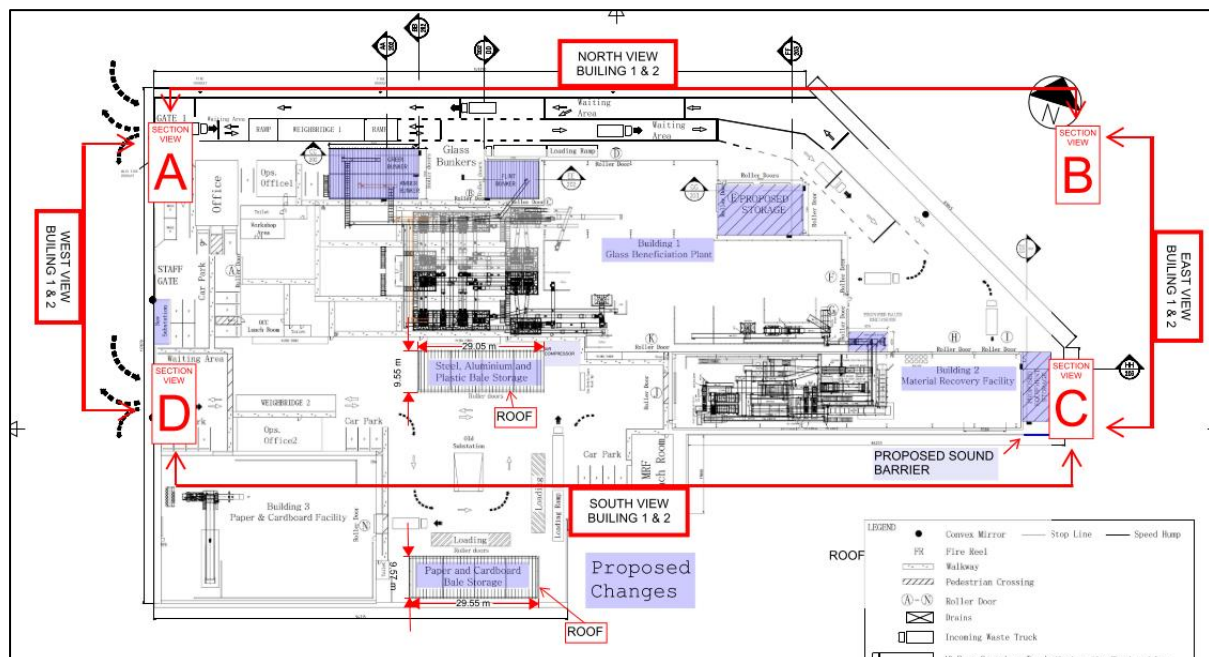


Figure 2 – Proposed Site Plan

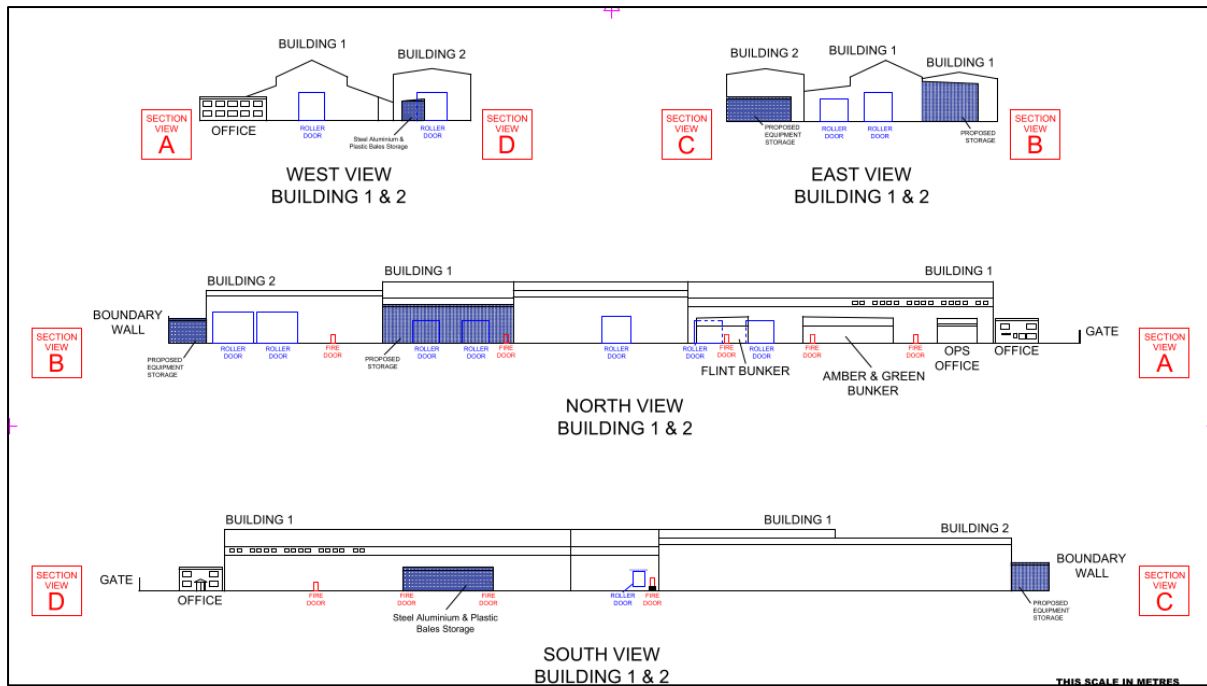


Figure 3 – Proposed Elevations

The Site and Locality

The site is identified as 40-42 Madeline Street, Strathfield South and has a legal description of Lot: 24 DP: 1200563. The site is an irregular shaped parcel of land with a total area of 18,971m² and is located on the eastern side of Madeline Street. The site is bound by other industrial uses to the north and south and to the east adjoins a grassy reserve with various owners.

The subject site is located at the south-eastern tip of a large industrial precinct spanning the suburbs of Greenacre and Strathfield South, which extends from Liverpool Road in the north and runs either side of the Enfield Intermodal and rail line. This places the site near to the adjoining land use of the industrial area, which is low density residential development in the suburb of Belfield. Cox's Creek, which feeds the Cooks River, and a number of parks and reserves are located between the site and adjoining residential areas. There is also an unformed portion of Chisolm Street (owned by Council).

The site currently comprises three principal buildings, with a number of smaller ancillary structures including weigh bridges, offices, a power substation and material storage areas. The Main building (Building 1) is a brick building with timber and corrugated iron extensions. Building 1 has extensions on the northern side where offices are located.

Building 2 is located in the south-eastern corner of the site and sides onto Building 1 and is constructed of corrugated iron sheets. Building 3 is located in the south western corner of the site, with a similar construction to Building 2. An office is attached to Building 3 which adjoins one of the weigh bridges.

The site is orientated towards Madeline Street and has three entry points. The northern and southern entry gate lead to weigh bridges, with the middle entry gate leading to a staff parking area. Staff parking is located at the front of the site and along the southern edge of Building 1.

Operation

The site is currently operating as a waste transfer station, with DA2015/177 permitting the processing of 99,900 tonnes of materials annually (tpa). Of the 99,900 tpa of material processed at the site, up to 69,900 tpa is processed by the MRF.

Of the 99,900 tpa capacity, the site is approved to accept up to 30,000 tpa of source separated paper and cardboard material for processing by the Paper Cardboard Recycling (PCR) facility.

Figure 3 below shows the approved site layout. As noted in the image, the following uses exist across the site:

- MRF within building 1,
- PCF within Building 2,
- No approved uses within Building 3,
- External storage bunkers,
- Weigh bridges,
- Ancillary offices,
- 29 parking spaces, and
- On-site substation.

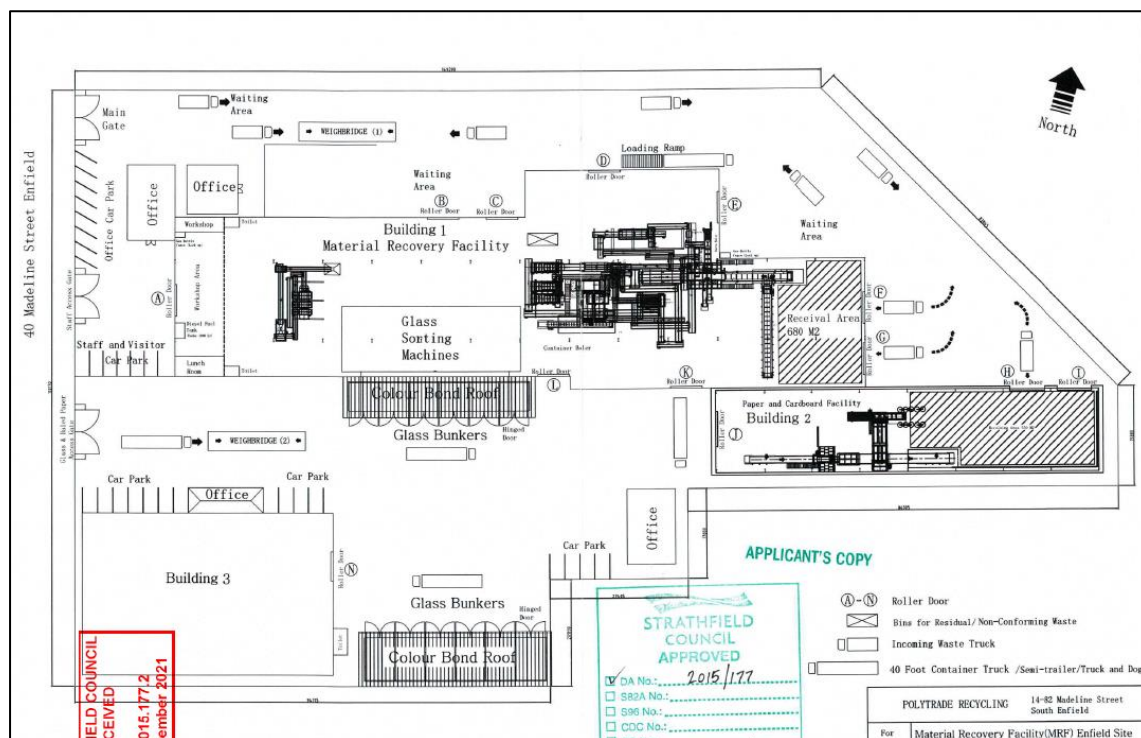


Figure 4 – Approved site layout (DA2015/177)

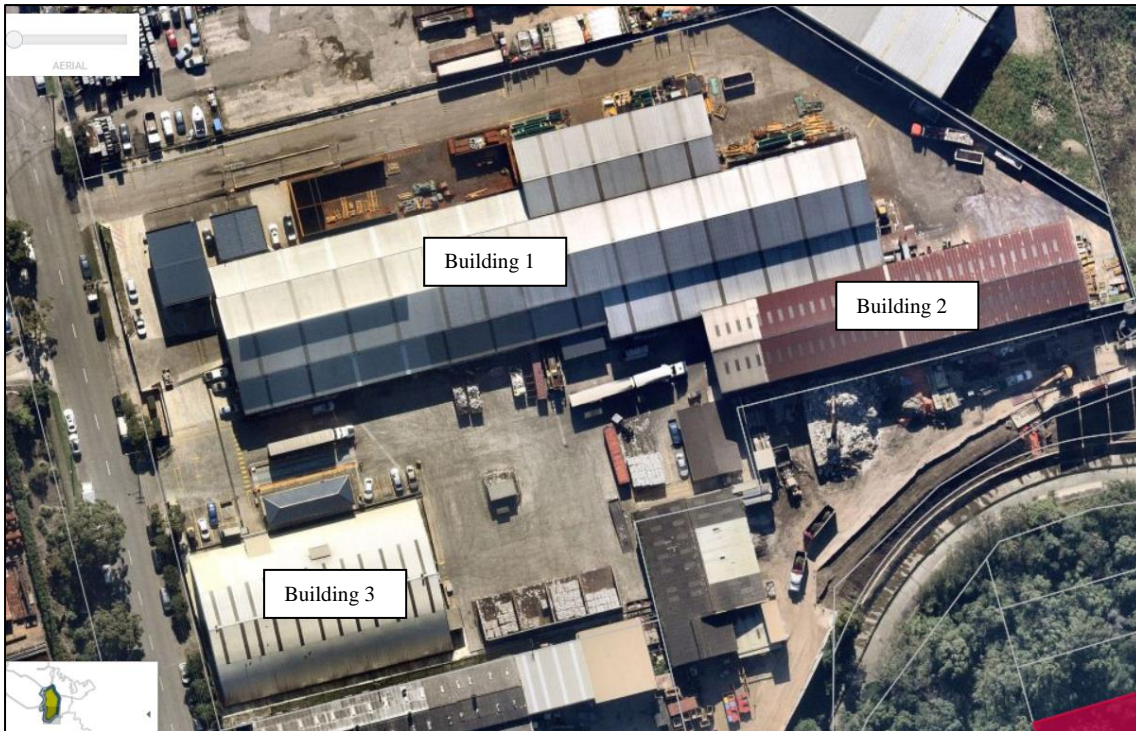


Figure 5 – Aerial close up of the site.



Figure 6 – Northern entry/driveway to the site from Madeline Street



Figure 7 – Southern entry/driveway to the site from Madeline Street



Figure 8 – Middle entry/driveway to the site from Madeline Street



Figure 9 – Looking towards Madeline Street across the weighbridge near the northern boundary with Building 1 on the left side of the photo



Figure 10 – The northern elevation of Building 1 with sorting machinery inside



Figure 11 – North eastern boundary of the site showing the acoustic wall and rear of Building 2



Figure 12 – Rear of Building 1 where it adjoins Building two on the northern side



Figure 13 – Rear of Building 2. The photo is taken looking south at the boundary with Aussie Skips being another industrial use which adjoins Cox's Creek, with Cooke Park and the streets of Belfield located to the south of this



Figure 14 – The front of Building 2 where it adjoins Building 1 on the southern side



Figure 15 – The existing substation, with baled paper and cupboard on the left and the rear of Building 3 in the background



Figure 16 – The weighbridge leading to the southern entry from Madeline Street with office structure adjoining Building 3 on the left of the photo

Background

16 April 1993	Strathfield Council issued consent for operation of a paper and cardboard recycling facility (DA93/01) and subsequently the EPA issued license no. 20576.
26 October 2016	The Sydney East Joint Regional Planning Panel approved DA2015/177, permitting use of the site as a waste management facility with an annual processing capacity of 30,000 tonnes of paper and cardboard and 69,900 tonnes of mixed metals, glass and mixed plastic. Subsequently, the EPA issue EPL number 20576.
19 November 2021	The subject modification application was lodged with Council.
24 November 2021	The subject application was neighbour notified for a period of 14 days in accordance with Council's Community Participation Plan (CPP). Three (3) submissions were received during and immediately following this period.
8 December 2021	Council's Planning Officer and Environmental Health Officer undertake a site inspection guided by members of the Polytrade (current operators) team.

19 January 2022

The EPA provided Council and the Applicant with a referral letter, outlining the amendments to the Noise Limits were not supported due to insufficient information. The submitted noise assessment (dated November 2021) sought to justify a change to the noise limits on the basis that they had been incorrectly applied, and that less conservative project specific noise criteria should apply. However, the EPA outlined this justification was not supported by consideration of the appropriate noise criteria under the EPA's 2017 policy. There was also no consideration of how the modifications to the site layout would impact on noise emissions. Further, the noise monitoring report, in relying on the premise that the noise limits imposed under Condition 76 were wrong, demonstrated non-compliances with the existing noise limits.

18 August 2022

The Application was deferred by the Sydney Eastern Planning Panel, to allow the Applicant to prepare a revised Noise Impact Assessment addressing the EPA's comments.

2 November 2022

The EPA provided preliminary comments to Council and the Applicant following receipt of a revised Noise and Vibration Impact Assessment (NVIA). The comments identified a number of data gaps and questioned certain assumptions, preventing the EPA from providing GTAs.

8 November 2022

The EPA, the Applicant, the Applicant's Acoustic Consultant and Council had a meeting to discuss the EPA's issues.

18 November 2022

The EPA provided revised GTAs following submission of a final NVIA from the Applicant which addressed the EPA's issues.

Referrals - External

Environment Protection Authority (EPA)

The approved development under DA2015/177 is subject to an operating Environment Protection License which was required following assessment of the application as designated development. Accordingly, the subject modification was referred to the Environment Protection Authority (EPA). As noted above, the Application was originally referred to the EPA following lodgement, with the EPA advising Council and the Applicant the proposed changes to the noise limits were not supported due to insufficient information.

Notwithstanding the above, GTAs were issued in January for aspects of the development not relating to noise.

Since this original referral, the EPA have been involved in liaising with the Applicant in relation to preparation of a revised NVIA and have provided supplementary GTAs for noise related matters.

The supplementary GTAs relating to noise are prefaced by the following comments from the EPA:

The additional revised information provided by the applicant has now provided sufficient information for the EPA to now make an adequate assessment of the proposal with respect to noise impacts and has determined that it is able to issue noise related GTAs for this proposal, pursuant to Section 4.46 Environmental Planning & Assessment Act 1979.

The noise related GTAs are included in Attachment A. Additional GTAs issued to the Council on 19 January 2022 (Notice No. 1615791) still apply.

If Strathfield Council grants development consent for this proposal these conditions should be incorporated into attached to the consent. If the development is modified either by the applicant prior to the granting of the consent, or because of conditions imposed by Council, we request that further consultation occur with us about the proposed changes prior to the consent being issued. This will enable us to determine whether our GTA are required to be modified because of any proposed alterations.

Ausgrid

The Application was referred to Ausgrid under clause 45(2) of the State Environmental planning Policy (Infrastructure) 2007.

Ausgrid provided their consent to the proposed modification, subject to the inclusion of specific conditions in an amended consent.

Sydney Water Corporation

The Application was referred to Sydney Water noting the site's proximity to the Cooks River and noting previous correspondence with Sydney Water on the parent Application. Sydney Water offered no objection to the proposed modification.

Referrals – Internal

Environmental Health

Council's Assessment Planner liaised with Council's Senior Compliance Officer in relation to noise matters at the site. Following receipt of the final NVIA and the EPA's GTAs, Council's Planner prepared amended conditions for consideration by Council's Environmental Health Team who provided the following final comments:

Upon reviewing the proposed changes to the condition. I'm satisfied that the revised conditions will be able to mitigate and minimised environment impact on the surrounding neighbours, in particular noise level impacts.

It is also recommended that moving forward, submission of an acoustic report sent to Council for record demonstrating ongoing compliance against EPA noise conditions along each subsequent EPA license renewal. This is to ensure changes in noise environment can be captured and mitigated as required.

EP&A Regulation 2000 – Designated Development

The site has previously been approved (DA2015/177) to operate as a 'Resource Recovery Facility' pursuant to Schedule 3 of the EP&A Regulation 2021, under the designated development planning pathway. Schedule 3, Part 2 of the Regulation indicates that development involving alterations or additions is not designated if there is no significant increase in the overall impact of the development compared to the approved development.

As the approved development under DA 2015/177 is subject to an operating Environment Protection License, the proposal is to be referred to the Environment Protection Authority (EPA), with comments noted above.

The proposed modifications to the physical layout, including location of MRF within Building 2 and PCF in Building 3 are unlikely to result in a significant increase in the overall impact of the development. The Applicant has submitted a NVIA that addresses the operation as proposed under the Modification and establishes updated noise limits that have been informed by the EPA Noise Policy for Industry (2017). The NVIA establishes a number of new acoustic mitigation measures to ensure the noise limits are achieved and these will be imposed via conditions of consent.

In addition to noise impact assessments, the original development was supported by the following information:

- Traffic and Parking Impact Assessment – The modification does not increase the capacity of the site or seek to increase truck movements or parking spaces.
- Air Quality Impact Assessment – The modification will not significantly change the existing operation which has been assessed as suitable in terms of air quality impacts,
- Soil and Water Assessment - The modification will not impact on the assessment of these impacts under DA2015/177.
- Seven Part Test and Threatened Species Impact Assessment - The modification will not impact on the assessment of these impacts under DA2015/177.
- Visual Impact Assessment – The proposed modification incorporates some minor new structures as additions to existing warehouses, however these additions are all well below the roof line of existing structures at the site.
- Waste Management Measures - The modification will not impact on the assessment of these impacts under DA2015/177.

As such, the proposed modification is not a significant increase in the overall impact and is not designated development.

Section 4.55 of the EP&A Act 1979

The Application has been lodged under the provisions of Section 4.55(2) of the EPA Act. The application is not considered to be of minimal environmental impact, however it is considered to be substantially the same development for which consent was originally granted. The Application incorporates a number of alterations and additions to existing buildings, relocation of existing processing infrastructure across the various buildings, rationalising of ancillary structures and parking and proposed amendments to a number of conditions, most notably in relation to noise emission control.

Noting the scope of the proposed changes, the application will not result in a change to the quantity of waste processed at the site and there are no proposed changes to the approved number of trucks entering or existing the site. Accordingly, the proposed 'rationalisation' of the site's operation would not result in significant changes to the management, collection

and transport of waste products at the site and the modified development would be substantially the same development as approved.

In accordance with the provisions of Section 4.55(2), the Application has been notified in accordance with the provisions of Council's CPP and any submissions made will be considered as part of this assessment. In addition, under the provisions of s4.55 (3), the reasons for the granting on the consent that sought to be modified will be taken into consideration during the detailed assessment of the application.

Section 4.15 Assessment – EP&A Act 1979

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

(1) *Matters for consideration – general*

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provision of:***
- (i) *any environmental planning instrument,***

State Environmental Planning Policies

Compliance with the relevant state environmental planning policies is detailed below:

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

The Resilience and Hazards SEPP applies to the proposed development as the development is defined as an offensive industry as per the below definition:

offensive industry means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

Section 3.12 of Part 3 of the SEPP requires a consent authority to consider the following for potentially hazardous or potentially offensive development:

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

feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and
(e) *any likely future use of the land surrounding the development.*

The parent application (DA 2015/177) was supported by a Hazard and Risk Assessment (screening test) in order to determine whether a Preliminary Hazard Analysis (PHA) of the proposal would be required. Council's assessment confirmed a PHA would not be required and conditions of consent would allow for ongoing monitoring of potentially hazardous substances at the site.

As part of the parent application assessment, the applicant prepared a 'Plan for the Management of Non-conforming Waste' detailing storage locations, methods, frequency and method of collection for materials which are unable to be processed by the site and which may enter the site comingled with deliveries of recyclable material. The approved Waste Management Plan considers both hazardous non-conforming waste and residual waste (garbage) and provides management methods supported by Council. The subject modification incorporates a revised WMP that covers these previous matters and addresses in more detail control of loose material and site cleaning processes.

The proposed modification will not result in any significant change to the operation of the site in terms of non-conforming waste or any impact that would trigger the need for a PHA.

Noise Impacts

The parent application also incorporated a detailed assessment of noise impacts, and the following is noted:

- The operation results in noise emissions that required assessment by an acoustic expert. This is primarily due to the location of sensitive receivers in close proximity of the site (residential areas to the south east and east),
- The Applicant provided an acoustic assessment (prepared by SLR Consultants) that established project specific noise criteria (PSNC),
- The EPA provided, in their General Terms of Approval, noise limits that were more conservative than the PSNC provided by SLR.

The outcome of the above acoustic investigation and advice was the inclusion of the following conditions in the NOD for DA2015/177:

- Condition 1 – which includes the reports prepared by SLR as stamped / approved.
- Condition 9 which requires an acoustic auditing program upon commencement of the proposed use (once at 40 days, once at 6 months and once at 10 months). It is noted that evidence of the completed auditing could not be located on Council's data base and the Applicant has not provided it with the Application, however it was not specifically requested during the assessment. It is also noted that this condition references PSNC established by SLR in their approved acoustic assessments.
- Condition 13 which required the construction certificate drawings to include a 4.5m high acoustic barrier along the full extent of the eastern and north-eastern boundaries of the site.
- Condition 76 which establishes the noise limits set by the EPA.
- Conditions 77 – 82 that establish the criteria for measuring compliance with the noise levels established in Condition 76.

The subject modification re-organises the site operation without increasing the throughput. Notwithstanding, new locations for MRF and PCR are proposed and the Applicant has

prepared a revised NVIA that considers the amended site layout and considers recent background noise monitoring and the latest EPA Noise Policy for Industry (2017).

Considering the above, the following changes are required to each of the above conditions.

Existing Condition	Proposed Change / New Condition
<p>Condition 1 – Plans</p> <p>The following plans and documents will be removed:</p> <ul style="list-style-type: none"> • Site Plan (10 July 2016) • Sections and Elevations <p>Note – The existing SLR Noise report is to remain to ensure implementation of existing noise mitigation measures in the consent.</p>	<p>The following plans and documents will be added:</p> <ul style="list-style-type: none"> • Site Plan and extension elevations and section (2 November 2021) • Waves NVIA (10 November 2022) • WMP (18 November 2022)
<p>Condition 9 – Acoustic Auditing</p> <p>The site operator shall undertake an acoustic auditing program upon commencement of the proposed use. The program shall be as follows:</p> <p>a) Council shall be advised in writing (14) days in advance of the commencement date of the use;</p> <p>b) The acoustic auditing program shall comprise:</p> <ul style="list-style-type: none"> • Stage 1: an initial acoustic audit shall be carried out within a period of 40 days from the date of commencement of operations; • Stage 2: an acoustic audit shall be carried out within six (6) months from the date of commencement of operations; and • Stage 3: a final acoustic audit shall be carried out within ten (10) months from the date of commencement of operations. <p>c) Each audit report shall be undertaken by an independent Acoustic Consultant (at the applicant's cost) in order to verify compliance (or otherwise), with the acoustic criteria set out in the Acoustic Report prepared by SLR Consulting Australia Pty Ltd (referred to in Condition 1 above). The acoustic audit reports shall be undertaken by a suitably certified, independent third party acoustic</p>	<p>It is noted that Condition 9 requires auditing to be undertaken in accordance with the SLR criteria (PSNC) established in the approved acoustic assessments and that Condition 9 does not directly reference the noise limits established by the EPA. This reflects some inconsistencies in the conditions applied with regard to acoustic attenuation and monitoring of the approved use. To amend this inconsistency and incorporate auditing reflective of the latest NVIA, Condition 9 is proposed to read as follows:</p> <p>a) Council shall be advised in writing 2 days after issue of the Occupation Certificate that the recommended mitigation measures in Table 24 under Section 6.3 of the Noise & Vibration Impact Assessment prepared by Waves Consulting and dated 10 November 2022 have been implemented. The PCA shall advise Council's Coordinator, Compliance & Regulatory Services in writing and a letter from a qualified Acoustic consultant must be included in the advice to Council.</p> <p>b) An acoustic auditing program shall comprise:</p> <ul style="list-style-type: none"> • Stage 1: an initial acoustic audit shall be carried out within a period of 40 days from the date of commencement of operations; • Stage 2: an acoustic audit shall be carried out within six (6) months from the date of commencement of operations; and • Stage 3: a final acoustic audit shall be carried out within ten (10) months from the date of commencement of operations. • Stage 4 (ongoing): an acoustic report submitted to Council following each renewal of the applicable EPL

<p>consultant and be submitted to Strathfield Municipal Council for consideration; and</p> <p>d) Should the acoustic audit reports identify that the noise generated by the site operations do not comply with the project specific criteria nominated in the Acoustic Report prepared by SLR Consulting Australia Pty Ltd measures shall be immediately put in place to ameliorate those non-compliances, including reduced operating hours as necessary to the written satisfaction of Council.</p>	<p>demonstrating compliance with the noise targets under this consent.</p> <p>c) Each audit report shall be undertaken by an independent Acoustic Consultant (at the applicant's cost) in order to verify compliance (or otherwise), with the acoustic criteria set out in the Noise & Vibration Impact Assessment prepared by Waves Consulting and dated 10 November 2022 (and referred to in Condition 1 above); and</p> <p>d) Should the acoustic audit reports identify that the noise generated by the site operations do not comply with the project specific criteria nominated in the Noise & Vibration Impact Assessment prepared by Waves Consulting and dated 10 November 2022, measures shall be immediately put in place to ameliorate those non-compliances, including reduced operating hours as necessary to the written satisfaction of Council.</p>
<p>Condition 13 – Acoustic Attenuation Barrier Prior to the issue of a Construction Certificate, amended plans shall be prepared and submitted to the Principal Certifying Authority showing a 4.5m high acoustic barrier constructed along the full extent of the eastern and north-eastern boundaries of the site. The acoustic wall shall be coloured grey and shall comprise an Acoustimax modular wall system with 6mm skins constructed and in installed in accordance with the Design and Construction Solution prepared by Modular Wall Systems dated 16 September 2016 and as follows:</p> <p>a) Where there are inconsistent ground levels along the boundaries, the barriers must utilise the highest elevation points along the residential boundary (i.e. must be constructed on higher ground);</p> <p>b) The acoustic barriers/screens must contain no gaps along the surface area of the screen and be close fitting (i.e. within 30mm) to the ground to prevent the</p>	<p>The first paragraph is recommended to be amended to include the following:</p> <p>Prior to the issue of a Construction Certificate, amended plans shall be prepared and submitted to the Principal Certifying Authority showing all physical works required in Table 24 under Section 6.3 of the Noise & Vibration Impact Assessment prepared by Waves Consulting and dated 10 November 2022, as well as a 4.5m high acoustic barrier constructed along the full extent of the eastern and north eastern boundaries of the site. The acoustic wall shall be coloured grey and shall comprise an Acoustimax modular wall system with 6mm skins constructed and in installed in accordance with the Design and Construction Solution prepared by Modular Wall Systems dated 16 September 2016 and as follows.</p> <p>Remaining parts of condition 13 unchanged.</p>

<p>transmission of noise below the barrier;</p> <p>c) The acoustic barrier(s) must provide a minimum surface density of 15kg/m² and contain no gaps along the surface of the barrier(s). All gaps are to be adequately sealed using a flexible mastic sealant;</p> <p>d) Design of the barrier supports of the acoustic barrier(s) must be verified by a suitably qualified contractor to ensure sufficient structural and wind loading support is provided.</p> <p>e) All mobile equipment present on the site is to be fitted with low frequency noise emitting reversing alarms prior to the issue of an Occupation Certificate.</p>	
<p>Condition 70 – EPA General Terms of Approval Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:</p> <p>a) the development application 2015/177 submitted to Strathfield Council on 29 December 2015;</p> <p>b) Environmental Impact Statement - 14-82 Madeline Street, Strathfield South: Upgrade of site to include new Materials Recycling Facility - Recyclecare Services Pty Ltd, 14 December 2015 relating to the development;</p> <p>c) all additional documents supplied to the EPA in relation to the development, including Development Application No.2011/193, Soil and Water Assessment Report No 610.14992-R4, Noise Impact Assessment Report No 610.14992-R1, Air Quality Impact Assessment Report No 610.14992-R3, Redwave design drawings A6516-00 (09/07/2015); and</p>	<p>Condition 70 relates to the EPA's GTAs. It is noted that the condition does not currently include a reference to the documents issued by the EPA, but rather the documents that informed the GTAs.</p> <p>Accordingly, Condition 70 will be amended to read as follows:</p> <p>Condition 70 – EPA General Terms of Approval</p> <p>The development shall be carried out in accordance with the requirements of the General Terms of Approval (GTA) outlined below.</p> <p>NSW EPA – Notice Number 1615791 – 19/12/22 NSW EPA – DOC22/1017841 – 18/11/22</p> <p>Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:</p> <p>(a) As is. (b) As is (c) Point (c) will be amended to include reference to the Noise & Vibration Impact Assessment prepared by Waves Consulting and dated 10 November 2022. (d) As is.</p>

d) Polytrade responses to concerns submitted to Strathfield Council on 28 March 2016, including Polytrade_Response to Submissions_DS240316 and Polytrade_EPA response 280316.	
Condition 76 – 82 Noise Limits and other EPA noise management requirements	<p>Conditions 76-82 will be deleted and replaced with the contents of the EPA GTAs from 18/11/22.</p> <p>Refer EPA's GTAs.</p>

The proposed modification has demonstrated that the impacts of noise can be suitably mitigated to achieve compliance with new noise limits established for the site in accordance with the EPA Noise Policy for Industry (2017). With the above amendments to conditions of consent, the objectives of the SEPP are considered satisfied.

Chapter 4 – Remediation of Land

Chapter 4 of the SEPP covers the planning approach for the remediation of contaminated land.

Assessment of the parent Application has considered the likelihood of the site being contaminated, noting that the former site comprised existing hardstand areas and Council's records did not identify the site as containing known contaminants. It was determined that a Phase 1 investigation of the site would not be required.

The proposed modifications will not result in any significant changes to the approved outcome and the conclusions in the assessment of the parent application area maintained.

The objectives outlined within SEPP are considered to be satisfied.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Division 23 of the SEPP relates to waste or resource management facilities.

The subject site is zoned IN1 – General Industrial which is classified as a prescribed zone under Section 2.152 of Division 23 of the SEPP. The SEPP prevails over the zoning provisions of the Strathfield LEP 2012 to permit the use of the site as a waste transfer station.

The SEPP defines a 'waste transfer station' as follows (standard instrument LEP definition):

a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

As the proposed use of the site is consistent with this definition and is located within a prescribed zone, the proposal is permissible with consent.

Traffic Generating Development

In accordance with the requirements of Section 2.122 Traffic-generating development under Division 17 Roads and Traffic of the SEPP, the parent application was referred to the NSW RMS.

The proposed modification will not result in increased parking spaces or truck movements as no changes are proposed to the capacity of the site's throughput of waste. Accordingly, the existing GTAs remain relevant and the proposed modification was not re-referred to the RMS as traffic generating development.

Strathfield Local Environmental Plan

The site is zoned IN1 General Industrial pursuant to the Strathfield Local Environmental Plan (SLEP), 2012. The zoning provisions of the SLEP prohibit the use of the site as a waste transfer station, however the use is made permissible under Division 23 of the Transport and Infrastructure SEPP.

Part 4 – Principal Development Standards

The proposed modification incorporates a number of small extensions and ancillary structures that will increase the gross floor area across the site. Notwithstanding, the site will remain compliant with the 1:1 FSR standard pertaining to the site under Section 4.4 of SLEP 2012.

In relation to compliance with Section 4.3 Height of Buildings, the new structures proposed have the following heights:

- Green and amber bunkers (northern side of Building 1) – 5.9m to underside of ceiling, 6m to roof line.
- Flint Bunker (northern side of Building 1) – 5.9m to underside of ceiling, 6m to roof line.
- Storage at the rear of building 1 – 6.6m to the underside of the ceiling and 6.9m to the roof line.
- Open storage at the rear of Building 2 – 6.4m to the underside of the ceiling and 6.7m to the roof line.

The new structures are all below the 12m height of building limit applying to the site. A condition of consent will require no structure proposed under this modification to be higher than 6.7m from existing ground level.

Part 5 – Miscellaneous Provisions

Flood Planning

The subject site has been identified as being at or below the flood planning level. The application as modified has been reviewed by Council's Engineer who has advised that subject to suitable conditions, the development is considered compatible with the flood hazard of the land, will not result in significant adverse effects on flood behaviour or environment and is not likely to result in unsustainable social and economic loss. The proposed development is considered to satisfy the objectives of this clause.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 and Class 4 Acid Sulfate Soils. As the original development did not involve any significant excavation works, an Acid Sulfate Soils Management Plan was not required in accordance with SLEP 2012.

The proposed modification does not incorporate any significant excavation works for the new structures. Accordingly, an Acid Sulfate Soils Management Plan is not required.

Earthworks

The proposed modifications do not include any significant excavation works. Any excavation for footings or levelling of the site is considered to be minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Essential Services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

(ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*

There are no draft planning instruments that are applicable to this site.

(iii) *any development control plan,*

The proposed development, as modified is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

PART D – Industrial Development (SCDCP 2005)

Part D of Strathfield Consolidated Development Control Plan applies to the proposal and relevant sections are considered below.

Control	Comment
2.2 Contamination Consideration as to whether the site is potentially contaminated.	Refer to SEPP discussion above. Proposed modification is compliant with the development control.
2.4 Development Adjoining Residential Zones <ul style="list-style-type: none"> Noise to be insulated or minimised. Plant and equipment operating in 'night 	With regard to potential nuisances associated with traffic, hours of operation, lighting and parking, these have been considered in the assessment of DA2015/177 and the proposed modification

<p>time' hours to be subject to acoustic report.</p> <ul style="list-style-type: none"> • Shall not cause nuisance to residents by way of hours of operation, traffic, parking, headlight glare, security lighting and the like. 	<p>will not result in changes that would trigger re-assessment.</p> <p>With regard to noise, the proposed modifications to Condition 76 are supported by an NVIA that demonstrates the development as modified, with the implementation of mitigation measures, can satisfy project noise trigger levels (PNTL) and sleep disturbance targets at all nearby residential receivers during all time periods.</p>
<p>2.9 Parking Access and Manoeuvring</p> <ul style="list-style-type: none"> • Parking Rate controls • Loading areas at rear • Access to be via non-residential streets and to comply with relevant AS • Vehicles to enter and exit in forward direction • Entry and exit points and parking to allow for safe pedestrian access 	<p>The proposal incorporates some changes to the internal off-street parking arrangement, with the total number of parking spaces remaining the same at 29. It is noted that the proposal required a total of 35 parking spaces, however this was assessed as acceptable considering the type of industrial use and Council's Industrial land parking rates.</p> <p>In terms of pedestrian safety, it is noted that parking areas are generally adjacent to offices and lunch rooms, which is ideal.</p> <p>All matters relating to traffic generation would be unchanged by the proposed modification as the proposal maintains the approved waste throughput and retains two weighbridges which were required to address potential truck queuing issues.</p>
<p>2.14.2 Noise Pollution</p> <ul style="list-style-type: none"> • Buildings designed to minimise transmission of noise. 	<p>The NVIA submitted with the Application incorporates mitigation measures required to ensure noise targets are achieved. These mitigation measures include retrofitting the existing building and conditions of consent will require implementation of these measures prior to issue of an occupation certificate.</p>
<p>2.14.3 Water Pollution</p> <ul style="list-style-type: none"> • Type/Volume and Storage of Chemicals to be provided with DA. • Only clean water discharged into stormwater system • Internal floors graded/drained 	<p>The NOD for DA2015/177 incorporates conditions of consent that require suitable on-site stormwater management. These conditions would remain relevant under the proposed changes to the site layout and operation.</p>

PART H – Waste Management (SCDCP 2005)

The Applicant has submitted a waste management for the construction of the proposed alterations and additions that meets the requirements of Part H in terms of construction.

During the assessment, a revised Waste Management Plan (WMP) was requested to address proposed changes to Condition 38, that would permit external storage of baled and sorted waste. It is understood that this condition was imposed to reduce the potential for loose materials leaving the premises. The need for a WMP is relevant to the following controls under Part H:

- 1.6(c) To minimise the overall environmental impacts of waste and to provide advice to the community on how to prepare Waste Management Plans, detailing actions to minimise waste generation and disposal.
- 3.9.3(c) - Evidence of compliance or ability to meet compliance with specific industrial waste laws/protocols that apply due to the nature of activity undertaken or the type of waste produced (refer Clause 2.6 above)

It was noted during Council's site inspection, that external structures are currently being used for storage of baled and sorted waste and that although the plans indicate these structures are rooved, they are not (refer to Figure 15). This was raised with Council's compliance team and is considered separate to this Application.

Notwithstanding, the Applicant has submitted a WMP that meets the requirements of Part H and provides a detailed description of the operation, including commentary on the processing stage of temporary storage of baled materials in external 'enclosed' bunkers. This reflects the Applicant's proposed amendment to Condition 38 to permit external storage of baled waste. Noting the current form of these bunkers and that Condition 38 is a prior to CC condition, a new condition under 'Operating Condition's' is proposed to incorporate the same requirements as follows:

Condition 100 - Material Storage

Baled and sorted waste is not to be stored outside of buildings or designated storage enclosures at any time. Storage enclosures are to be roofed, walled on three sides, with a single roller door for access. The site and immediately adjoining road reserve shall be cleaned daily to remove any loose litter or material.

Condition 1 will also be amended to include the WMP submitted with the modification.

(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,

As outlined above, the site has previously been approved (DA2015/177) to operate as a 'Resource Recovery Facility' pursuant to Schedule 3 of the EP&A Regulation, under the designated development planning pathway. Schedule 3, Part 2 of the Regulation indicates that development involving alterations or additions is not designated if there is no significant increase in the overall impact of the development compared to the approved development.

The proposed modifications will not result in a significant increase in the overall impact of the development and is not designated.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Noise Impacts

As noted above in this report, the original noise monitoring report inadequately addressed the proposed changes under the modification and exposed potential non-compliances with the existing noise limits applicable to the site.

The Applicant has since prepared a NVIA that establishes background noise levels for noise catchment areas and considers unattended noise monitoring results against the latest EPA Noise Policy for Industry (2017).

The NVIA establishes that noise generated from the site would exceed the project noise trigger levels and therefore recommends a number of mitigation measures to bring the operation into compliance.

Amendments to a number of conditions of consent (Conditions 1, 9, 13, 70, and 76-82) are proposed to ensure these mitigation measures are provided and establish a monitoring program to validate that the NVIA is accurate in its assumptions.

Waste Management Impacts

As outlined above under the assessment against Part H of SCDCP 2005, the Applicant has not provided sufficient information to justify the changes to Condition 38 which prohibits the external storage of baled and sorted waste.

It is also noted that during Council's site inspection, a number of uncovered external structures are currently being used for storage of baled and sorted waste.

It is understood that condition 38 was imposed to reduce the potential for loose materials leaving the premises. To address this, the Applicant has submitted a WMP that provides a detailed description of the operation, including commentary on the processing stage of temporary storage of baled materials in external 'enclosed' bunkers. This reflects the Applicant's proposed amendment to Condition 38 to permit external storage of baled waste and re-wording of the condition to insert that these areas must be enclosed on three sides (including a roof).

As outlined above, in addition to Condition 38, a new condition under 'Operating Condition's' is proposed to incorporate the same requirements.

(c) the suitability of the site for the development,

It is considered that the proposed development, as modified, is of a scale and design that is suitable for the site having regard to its size and shape, its topography and vegetation.

The NIVIA submitted by the Applicant considers the potential noise impacts on the surrounding environment and concludes that mitigation measures will allow for noise criteria to be met.

In terms of the suitability of the site in relation to traffic, access and other environmental factors, these are unchanged by the proposal and have been considered as appropriate and compliant under the parent application.

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

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of 14 days where adjoining property

owners were notified in writing of the proposal and invited to comment. Three (3) submissions were received raising the following concerns:

1. **The site is currently emitting uncomfortable noise emissions at early hours of the morning and during public holidays and the proposed Application will worsen the existing situation.**

Comment: The submission is primarily a compliance matter and Council's Compliance and Regulatory Manager has been consulted during the assessment.

Noting the submission comment regarding the worsening of the existing situation due to the proposed modifications, the submitted NVIA considers the potential noise impacts on the surrounding environment and concludes that mitigation measures will allow for noise criteria to be met. Amendments to a number of conditions of consent (Conditions 1, 9, 13, 70, and 76-82) are proposed to ensure these mitigation measures are implemented and establish a monitoring program to validate that the NVIA is accurate in its assumptions.

2. **The site has not undertaken operation in accordance with the consent and the use of MRF in the rear shed will worsen the noise impacts. 24 hour operation should not be permitted and paper and cardboard storage should be distanced to reduce fire hazard.**

Comment: Refer above comments.

The existing consent and EPL license addresses fire hazard management.

3. **The site has breached the conditions of consent imposed by the JRPP, with roller doors open day and night (Condition 5). Because of the longer hours of operations and the noisier nature of the processing it is unacceptable that the MRF be allowed to relocate to building 2 as this is significantly closer to residents, being only approximately 50m from the closest homes. There is nothing to prevent this noise travelling to the closest homes and beyond. The noise heard from Polytrade when Aussie Skips is not operating with the existing building usage is already unacceptable, but to allow this noise and a 4.30 am start with the dumping of garbage trucks full of heavy recyclable waste, is unacceptable.**

Comment: The objection outlines that roller doors are not permitted to be open during day time hours, which is generally reflected in the below condition:

Condition 37 - All operations/activities shall be carried out wholly within the building. The roller doors shall remain closed at all times when delivery and dispatch is not occurring.

It is understood that Council's manager of Compliance and Regulatory Services has approached the operator regarding doors being open after dispatch (10pm to 5am). This compliance matter is separate to the subject modification and is understood to have been resolved.

In the context of the proposed modification, the Applicant has prepared a NVIA that considers the operation at all hours, recent noise monitoring and current background noise to establish mitigation measures that allow for compliance with noise criteria for residential land adjoining industrial premises'. As outlined above, amendments to a number of conditions of consent (Conditions 1, 9, 13, 70, and 76-82) are proposed to ensure these

mitigation measures are applied and establish a monitoring program to validate that the NVIA is accurate in its assumptions.

(e) *the public interest.*

The Application will allow for improvements to the site operation, which provides a waste management service. The application includes documents that demonstrate environmental impacts can be appropriately managed and accordingly, the application is considered to be in the public interest.

Local Infrastructure Contributions

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan as follows:

Based on the Cost of Works of \$665,000.00 for the proposed works under the subject modification and in accordance with Council's s7.12 Indirect Contributions Plan, a contribution of 1% of the cost of works is applicable. In this regard, the contribution is as follows;

Local Amenity Improvement Levy	\$6,650.00
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Conclusion/Recommendation

The application for modification has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, the provisions of the SLEP 2012 and SCDP 2005.

Pursuant to Section 4.55(2) of the Environmental Planning & Assessment Act 1979 and following detailed assessment of the proposed modifications to Development Consent No. 2015/177/2 for alterations and additions to an approved materials recycling facility, approval is recommended, subject to the following:

1. The proposed modifications does not result in the change to the description of the approved development and is to be maintained.
2. The land to be developed as described in the Notice of Determination be amended to be 40-42 Madeline Street, Strathfield South – Lot 24 DP 1200563.
3. The original conditions of consent of Development Consent No. 2015/177 as approved except were amended as below.
4. As part of this Section 4.55(2) application, the following conditions are to be modified, added or deleted:

- Condition 1 – Plans
- Condition 9 – Amended
- Condition 13 – Amended
- Condition 19(a) - Added
- Condition 38 – Amended
- Condition 45 – Amended
- Condition 56(a) - Added
- Condition 70 – Amended
- Condition 76–82 – Amended
- Condition 100 (a) – Added

Signed:

JG

Date: 07/12/2022

**J Gillies
Senior Planner**

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position;
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are applicable to this development and have been levied accordingly;

Report and recommendations have been peer reviewed and concurred with.

Signed:

Date: 07/12/2022

**Gary Choice
Planner**

Under Section 4.16(1)(b) of the Environmental Planning and Assessment (EP&A Act, 1979, this consent is APPROVED, subject to the modified conditions of consent as detailed below;

PART A - PRESCRIBED CONDITIONS

BASIX Commitments

- A The applicant shall comply with the prescribed conditions of development consent under clause 97A of the Environmental Planning and Assessment Regulation 2000.

National Construction Code and Home Building Act 1989

- B The applicant shall comply with the prescribed conditions of development consent under clauses 98, 98A and 98B of the Environmental Planning and Assessment Regulation 2000.

Long Service Levy

- C Payment of the Long Service Levy as required by section 109F(1) of the Environmental Planning & Assessment Act 1979 for all building work over \$25,000. (Note: The cost of the building work must be rounded to the nearest \$100.)
- D The Long Service Levy shall be paid at Council's Customer Service Centre or evidence of direct payment to the Long Service Payments Corporation shall be provided to Council **prior to the issue of a Construction Certificate.**

Shoring and Adequacy of Adjoining Property

- E Pursuant to Clause 98E and Clause 136H of the Environmental Planning and Assessment Regulation 2000, if a development (subject of a Development Consent or Complying Development Certificate) involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- ☐ protect and support the adjoining premises from possible damage from the excavation
 - ☐ where necessary, underpin the adjoining premises to prevent any such damage.

If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

PART B – OTHER CONDITIONS

Plans

1. The development shall be completed in accordance with the approved plans and documents listed below, prior to the building being used or occupied, and subject to any amendments "in red" and any variation as required by conditions of this consent:

~~Site Plan Dwg No. 110616-1 prepared by 3Third Angle Projection dated 10 July 2016~~

Site Plan – ENFIELD_GA_DWG201 - DA Modification – Rev 1 – 2 November 2021

Sections – ENFIELD_GA_DWG202 - DA Modification – Rev 1 – 2 November 2021

Sections – ENFIELD_GA_DWG203 - DA Modification – Rev 1 – 2 November 2021

Air Quality Impact Assessment prepared by SLR Report Number 610.14992-R3

Noise Impact Assessment prepared by SLR Report Number 610.14992-R1

SLR Noise Response_260516SL_Review v2 dated 8 June 2016

SLR Addendum Report dated 14 September 2016

Noise and Vibration Impact Assessment – Waves Consulting – Doc No. 60.00903.02 RPT1R2.DOCX – 10 November 2022

Glass Recycling Plan Drawings 200 – 209 (inclusive) Project No. A6516-00 prepared by Redwave Glass Recycling received by Council 29 December 2015

Glass Bunkers Section and Elevation prepared by Redwave Glass Recycling received by Council 29 December 2015

Soil and Water Assessment prepared by SLR Report Number 610.14992-R4

Environmental Impact Statement prepared by MRA Consulting Group received by Council 29 December 2015

Addendum to Environmental Impact Statement prepared by MRA Consulting Group dated 14 September 2016

Plan of Management of Non-Conforming Waste prepared by MRA Consulting Group dated 8 July 2016

Modification Waste Management Strategy – MRA Consulting – 18 November 2022

Traffic Plan of Management prepared by MRA Consulting Group dated 11 July 2016

MODIFIED: DA2015.177.2 15 December 2022

2. A Construction Certificate must be obtained either from Council or a privately accredited person before commencement of any construction associated with this consent.
3. The Principal Certifying Authority must be appointed prior to work commencing to supervise the work and authorise occupation/use of the building when completed.
4. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and any approved Traffic Management Plan are to be retained on site at all times.

Special Conditions

5. The permitted hours of operation for the use of the site shall be as follows:

	Type of activity	Hours permitted	Days permitted
(a)	Paper and Cardboard Recycling (PCR) Facility		
	Receipt of incoming material	6am to 10pm	Daily, Monday to Saturday

	Processing of material Dispatch of material		Note: Maximum of (33) incoming vehicles per day and maximum of five (5) collection (dispatch) vehicles per day. Roller doors to be closed from 6pm and only opened when required for deliveries.
	CLOSED	10pm to 6am	Daily and closed all day Sunday.
(b)	Materials Recycling Facility (MRF)		
	Receipt of incoming material	5am to 3pm Note: first delivery permitted from 4:30am however processing machinery only permitted to be turned on at 5am.	Daily, Monday to Saturday Note: Maximum of (45) incoming vehicles per day Roller doors to be closed from 3pm.
	Processing of material	5am to 10pm	Daily, Monday to Saturday
	Dispatch of sorted material	5am to 6pm	Daily, Monday to Saturday Note: Maximum of nine (9) collection vehicles per day
	Cleaning and conveyor maintenance	10pm to 5am	Daily, Monday to Saturday and 10pm Saturday until 5am Sunday. Refer to note below.
	CLOSED	5am Sunday to 4:30am Monday	

Note: Cleaning and maintenance is to be restricted as follows:

- (i) All doors must be closed
- (ii) Processing machinery only to be switched on intermittently to enable cleaning to occur
- (iii) Maintenance restricted to repair/replacement of conveyor belts only.

6. The site is permitted to operate a waste transfer station capable of separating the following non-putrescible waste:

- (a) Paper and cardboard;
- (b) Mixed metals (steel/tin/aluminium);
- (c) Glass; and
- (d) Mixed plastics.

7. A maximum of 99,900 tonnes of waste per annum is permitted to be processed by the subject site, comprising 69,900 tonnes of mixed use recyclable materials and 30,000 tonnes of paper and cardboard.
8. A maximum of 4,200 tonnes of sorted waste is permitted to be stored on site at any one (1) time.
9. The site operator shall undertake an acoustic auditing program upon commencement of the proposed use. The program shall be as follows:
 - (a) **Council shall be advised in writing 2 days after issue of the Occupation Certificate that the recommended mitigation measures in Table 24 under Section 6.3 of the Noise & Vibration Impact Assessment prepared by Waves Consulting and dated 10 November 2022 have been implemented. The PCA shall advise Council's Coordinator, Compliance & Regulatory Services in writing and a letter from a qualified Acoustic consultant must be included in the advice to Council.**
 - (b) The acoustic auditing program shall comprise:
 - (i) Stage 1: an initial acoustic audit shall be carried out within a period of 40 days from the date of commencement of operations;
 - (ii) Stage 2: an acoustic audit shall be carried out within six (6) months from the date of commencement of operations; and
 - (iii) Stage 3: a final acoustic audit shall be carried out within ten (10) months from the date of commencement of operations.
 - (c) Each audit report shall be undertaken by an independent Acoustic Consultant (at the applicant's cost) in order to verify compliance (or otherwise), with the acoustic criteria set out in the Acoustic Report prepared by SLR Consulting Australia Pty Ltd (referred to in Condition 1 above). The acoustic audit reports shall be undertaken by a suitably certified, independent third party acoustic consultant and be submitted to Strathfield Municipal Council for consideration; and
 - (d) **Should the acoustic audit reports identify that the noise generated by the site operations do not comply with the project specific criteria nominated in the Noise & Vibration Impact Assessment prepared by Waves Consulting and dated 10 November 2022 measures shall be immediately put in place to ameliorate those non-compliances, including reduced operating hours as necessary to the written satisfaction of Council**

MODIFIED:

DA2015.177.2

15 December 2022

10. (a) Prior to the issue of a Construction Certificate, amended plans and detail of the de-odorising and water spray system, including drainage details, shall be submitted to the Principal Certifying Authority. The measures shall be installed in accordance with the recommendations of an Independent Air Quality specialist and shall be installed within the Materials Recycling Facility and Paper Cardboard Recovery Facility and shall be maintained in working order indefinitely.
- (b) The site operator shall undertake an odour audit upon commencement of the proposed use. The auditing program shall comprise:
 - (i) Stage 1: an initial odour audit shall be carried out within a period of 40 days from the date of commencement of operations;
 - (ii) Stage 2: an odour audit shall be carried out within six (6) months from the date of commencement of operations; and

- (iii) Stage 3: a final odour audit shall be carried out within ten (10) months from the date of commencement of operations.
 - (c) Each audit report shall be undertaken by an independent Environmental Consultant (at the applicant's cost) in order to verify compliance (or otherwise), with the acoustic criteria set out in the Acoustic Report prepared by SLR Consulting Australia Pty Ltd (referred to in Condition 1 above). The acoustic audit reports shall be undertaken by a suitably certified, independent third party acoustic consultant and be submitted to Strathfield Municipal Council for consideration; and
 - (d) Should the acoustic audit reports identify issues with odour generated by the site operations, measures shall be immediately put in place to ameliorate odour to the written satisfaction of Council.
11. **Prior to the issue of a Construction Certificate**, amended plans shall be prepared and submitted to the Principal Certifying Authority providing a designated outdoor lunch area with fixed seating and shade/pergola (maximum height 3.5m).
12. Full compliance shall be demonstrated with all relevant licensing conditions provided by the Environment Protection Authority at all times.
13. **Prior to the issue of a Construction Certificate**, amended plans shall be prepared and submitted to the Principal Certifying Authority showing **all physical works required in Table 24 under Section 6.3 of the Noise & Vibration Impact Assessment prepared by Waves Consulting and dated 10 November 2022, as well as** a 4.5m high acoustic barrier constructed along the full extent of the eastern and north-eastern boundaries of the site. The acoustic wall shall be coloured grey and shall comprise an Acoustimax modular wall system with 6mm skins constructed and installed in accordance with the Design and Construction Solution prepared by Modular Wall Systems dated 16 September 2016 and as follows:
- (a) Where there are inconsistent ground levels along the boundaries, the barriers must utilise the highest elevation points along the residential boundary (i.e. must be constructed on higher ground);
 - (b) The acoustic barriers/screens must contain no gaps along the surface area of the screen and be close fitting (i.e. within 30mm) to the ground to prevent the transmission of noise below the barrier;
 - (c) The acoustic barrier(s) must provide a minimum surface density of 15kg/m² and contain no gaps along the surface of the barrier(s). All gaps are to be adequately sealed using a flexible mastic sealant;
 - (d) Design of the barrier supports of the acoustic barrier(s) must be verified by a suitably qualified contractor to ensure sufficient structural and wind loading support is provided. General
 - (e) All mobile equipment present on the site is to be fitted with low frequency noise emitting reversing alarms **prior to the issue of an Occupation Certificate**.

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14. Within the first (30) days of operation of the facility, the site operator shall establish a Consultative Committee with members representing residents, site management and Council. The consultative committee shall meet regularly as required.

General

15. The building and glass bunkers shall not be occupied or used until the development has been completed in accordance with the conditions of this consent, construction has been completed in accordance with the Construction Certificate and an Occupation Certificate (including an Interim Occupation Certificate=) has been issued by the Principal Certifying Authority.
16. **Prior to the issue of a Construction Certificate**, photographs documenting any existing damage to the kerb and gutter and footpaths adjacent to the property shall be submitted to the consent authority. In the absence of this documentation, the applicant is liable for all damage that occurs to Councils' assets.
17. All exhaust and other emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.
18. The applicant or any contractors carrying out works in public or Council controlled lands shall have public liability insurance cover to the value of \$10million and shall provide proof of such cover to Council prior to carrying out works.

Financial Matters

19. In accordance with the provisions of Section 94A(1) of the Environmental Planning and Assessment Act 1979 and the Strathfield Indirect Development Contributions Plan 2010-2030, a contribution in the form of cash, cheque or credit card (financial transaction fee applies) shall be paid to Council for the following purposes:

Local Amenity Improvement Levy	\$168,500.00
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The total amount of the contribution is valid as at the date of determination and is subject to quarterly indexation. The amount of the contribution under this condition shall be indexed in accordance with clause 4.12 of the Strathfield Indirect Development Contributions Plan 2010-2030.

The required contribution shall be paid **prior to the issue of a Construction Certificate**.

19(a) Section 7.12 Contributions

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.strathfield.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

Strathfield Section 94A Indirect Development Contributions Plan 2017:

<i>Local Amenity Improvement Levy</i>	<i>\$6,650.00</i>
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General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Development Contributions

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

A Section 7.12 contribution has been levied on the subject development pursuant to the Strathfield Section 94A Indirect Development Contributions Plan.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

Timing of Payment

The contribution must be paid and receipted by Council:

- ☐ *prior to the consent being acted upon.*

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Parking/Traffic Matters

20. A total of (29) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans.

These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.
21. All employees shall park their vehicles on site at all times.
22. All vehicles associated with the approved use shall be parked within the parking spaces on the site and not on adjacent footpath, access driveways or landscaped areas.
23. All vehicles entering and leaving the site shall be driven in a forward direction only and shall be completely contained within the site prior to stopping.
24. On-site circulation areas within the site shall be kept clear at all times and shall not be used for vehicular queueing, staff parking or materials storage.
25. The individual driveways shall be clearly marked with pavement arrows and signposting: Car Entry/Exit only, Truck Entry/Exit only, etc. as required.
26. A 'STOP' sign shall be installed at the exit point of all driveways to control and regulate exiting vehicles.

27. All driveways shall be separated from landscaped areas by a minimum 150mm high by 150mm wide concrete kerb or similar.
28. The off-street car parking spaces together with access driveways shall be freely available at all times to employees and customers.
29. Vehicles accessing the site are not to utilise the portion of Madeline Street south of the existing chicane **at any time.**
30. All material delivery to the MRF on the site shall be completed by 3:00pm Monday to Saturday. No material is to be processed or received on Sunday. All material delivery to the MRF on the site shall be completed by 3:00pm, Monday to Saturday.
31. A maximum of one (1) material collection vehicle (semi-trailer, curtain side or truck and dog) is permitted on each side of the site (i.e. north of the MRF and south of the MRF) at any one (1) time.
32. Materials received at the premise are permitted to be delivered by garbage trucks, utes, vans and tabletop trucks. All materials received are to be via contract only. Material delivery to the site by members of the public is not permitted at any time.
33. Vehicles delivering to the site and collecting sorted waste are not permitted to queue on the public roadway at any time.

Site Operation

34. A maximum of (24) employees shall be present within the site at any one time comprising three (3) office staff and (21) personnel working within the Materials Recovery Facility (MRF) and the Paper and Cardboard Recovery (PCR) facility.
35. Two (2) x weighbridges capable of weighing articulated vehicles shall be installed and maintained in working order within the site at all times. These weighbridges are to only be utilised in conjunction with the approved operations and are not to be made available to the public or other businesses at any time.
36. The delivery and despatch of goods, material and the like to and from the premises shall only take place between the hours permitted under condition 5. At no time is waste to be accepted during cleaning hours or on Sundays.
37. All operations/activities shall be carried out wholly within the building. The roller doors shall remain closed at all times when delivery and dispatch is not occurring.
38. ~~Baled and sorted waste is not to be stored externally to the building at any time. The site and immediately adjoining road reserve shall be cleaned daily to remove any loose litter or material.~~

Baled and sorted waste is not to be stored outside of buildings or designated storage enclosures at any time. Storage enclosures are to be roofed, walled on three sides, with a single roller door for access. The site and immediately adjoining road reserve shall be cleaned daily to remove any loose litter or material.

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39. Any proposed lighting of the site shall be designed, located or shielded to ensure the amenity of the surrounding area is not adversely affected by light overspill and details shall be submitted and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
40. All areas where oil petroleum and the like may be deposited shall be sealed and drained to an oil arrestor of sufficient size to separate these deposits from collected water prior to discharge.
41. Waste oil shall be stored in a covered and suitably bounded area pending regular removal to a waste oil recycler.
42. A maximum 1,000 litres of diesel fuel is permitted to be stored within the site at any time. The diesel fuel shall be stored within a self-bunded diesel tank compliant with *AS1940:2004 The storage and handling of flammable and combustible liquids* such that it is not considered to be potentially hazardous.
43. A maximum of 20 x 20kg cylinders of LPG gas (0.4 tonnes) is permitted to be stored within the site at any time. The LPG gas cylinders shall be stored within a separate storage cage within the warehouse.
44. A maximum of 2 x 30 litre drums of hydraulic oil are to be stored within a suitably bunded area to minimise risk.
45. ~~Building 3 shall only be used for the storage of sorted, baled materials and is not to be used for sorting of materials at any time.~~

Building 3 shall be used for the storage, sorting and baling of paper and cardboard materials only. Building 3 is not to be used for the sorting of mixed recyclables at any time.

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46. The discharge of surface water from the site (including that from within the building) shall be in accordance with the requirements of Council and Sydney Water. Details shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of a Construction Certificate.**
47. A “24 hour Hotline” service shall be established at full cost to the applicant to allow any persons affected by site-related activities to make enquiries about such activities or register a complaint. This service shall allow affected persons to make contact via telephone and email. The service shall be operational at all times and a logbook of complaints shall be kept and be available for review by Council upon request.
48. The display of signage, other than signage which is approved by this consent or signage which is exempt development, is strictly prohibited.
49. Bunding or other pollution control devices shall be installed and maintained to ensure there will be no water borne pollutants discharging or likely to be discharged into any natural water course, stormwater or sewerage drainage system.
50. Leachate from the Materials Recovery Facility (MRF) and the Paper and Cardboard Recovery (PCR) facility shall be captured by a ‘fluid only outlet’ and discharged, through a trade waste agreement, to the sewer. Leachate is not be discharged from the site into the stormwater system at any time.

51. Appropriate measures shall be put in place to minimise vermin, pests and birdlife accessing the site.
52. A CCTV security system shall be installed within the property to discourage the dumping of illegal waste. Appropriate signage discouraging illegal dumping and noting the CCTV camera is to be affixed to the property to ensure it is clearly visible from the public domain.

Construction Matters

53. The proposed development shall comply with the Building Code of Australia and details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate**.
54. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.
55. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Building Matters

56. Identification numbers are to be clearly displayed at the front of the premises and be easily visible from the street.
- 56(a). **No structures approved under DA2015.177.2 are to have a height greater than 6.7m as measured from existing ground level.**

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Fire Safety Measures

57. Upon completion of works a final fire safety certificate is to be issued from a properly qualified person in respect of each essential fire safety measure installed within the building and specified in the fire safety schedule. The final fire safety certificate shall be provided **prior to the issue of an Occupation Certificate**.
58. Each 12 months after the installation of essential fire or other safety measures, the owner of a building must submit an Annual Fire Safety Statement for the building to Council. In addition a copy of the statement must be given to the NSW Fire Commissioner and a copy displayed prominently in the building.

Air Quality

59. Any non-conforming waste accepted onto the premise shall be managed strictly in accordance with the endorsed Plan of Management prepared by MRA Consulting dated 8 July 2016.
60. All residual waste accepted into the Materials Recovery Facility (MRF) and the Paper and Cardboard Recovery (PCR) facility shall be removed from the site within 24 hours of receipt.

61. Full compliance shall be given to the recommendations contained in the endorsed acoustic consultant's report.
62. Any noise generated on the premises from the use at any time shall not exceed the criteria contained in Condition No. 76.
63. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the premises. Such measures are to be installed at no cost to Council and may require further development consent from Council.
64. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises. Such measures are to be installed at no cost to Council and may require further development consent from Council.

Police

65. A panic or duress alarm shall be located at the location. This would include either a duress alarm at the front counter of the reception area or in the manager's office.
66. An internal alarm system shall be included at the office area at the location. An alarm with motion detectors, red switches and siren are designed to act as a deterrent and are very effective.
67. Warning signs should be strategically posted around the perimeter of the property, particularly near entry points to warn intruders of security measures.
68. Security fences should be installed around the perimeter of the waste management site to clearly define the property boundaries and restrict access. Gates should be secured with quality locks that comply with the Australian Standards, Lock sets, AS: 4145 to restrict access. Fences and gates should be maintained in good condition and should be checked regularly to assist with the protection of the property.
69. A security guard/caretaker shall monitor the premises when the site is closed.

EPA General Terms of Approval

70. **The development shall be carried out in accordance with the requirements of the General Terms of Approval (GTA) outlined below:**

- **NSW EPA – Notice Number 1615791 – 19/12/22, and**
- **NSW EPA – DOC22/1017841 – 18/11/22.**

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

- (a) the development application 2015/177 submitted to Strathfield Council on 29 December 2015;

- (b) *Environmental Impact Statement - 14-82 Madeline Street, Strathfield South: Upgrade of site to include new Materials Recycling Facility - Recyclecare Services Pty Ltd, 14 December 2015* relating to the development;
- (c) all additional documents supplied to the EPA in relation to the development, including the **Noise & Vibration Impact Assessment prepared by Waves Consulting and dated 10 November 2022**, Development Application No.2011/193, Soil and Water Assessment Report No 610.14992-R4, Noise Impact Assessment Report No 610.14992-R1, Air Quality Impact Assessment Report No 610.14992-R3, Redwave design drawings A6516-00 (09/07/2015); and
- (d) Polytrade responses to concerns submitted to Strathfield Council on 28 March 2016, including *Polytrade_Response to Submissions_DS240316* and *Polytrade_EPA response 280316*.

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71. 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.

Pollution of waters

72. Except as may be expressly provided by a licence issued 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.

Waste

73. 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 an Environment Protection Licence issued by the EPA under the *Protection of the Environment Operations Act 1997*.
74. 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*.
75. The amount of waste permitted to be received at the premises per year must not exceed 30,000 tonnes of paper and cardboard; and 69,900 tonnes of mixed metals, glass and mixed plastics.

Noise limits

76. Noise generated at the premises must not exceed the noise limits in the Table below.

Location	Noise Limits dB(A)			
	Day LAeq (15 minute)	Evening LAeq (15 minute)	Night LAeq (15 minute)	Night LA1 (1 minute)

17 Excelsior Avenue	45	42	42	58
150 Dean Street	41	40	40	54
79 Madeline Street	40	37	37	52

Location of monitoring/discharge points and areas

The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring for the emission of noise from the premises.

EPA Identification no.	Type of monitoring point	Location description
1	Noise monitoring	10 Williams Street, Strathfield South
2	Noise monitoring	17 Excelsior Avenue, Belfield
3	Noise monitoring	110 Madeleine Street, Belfield

Noise limits conditions

Noise generated at the premises must not exceed the noise limits in the table below:

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AF} max
Residential receivers on Dean Street, William Street, James Street, The Causeway, and Water Street in Strathfield South	46	46	43	52
Residential receivers on Excelsior Avenue, Chisolm Avenue, Sunlea Road, and Water Street in Belfield	45	42	42	52
Residential receivers on Madeleine Street and Birrawa Avenue in Belfield	49	41	41	52
Any other residential receiver	40	35	35	52

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77. For the purpose of condition 76;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.
- Evening is defined as the period 6pm to 10pm.
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.

78. The noise limits set out in condition 76 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

- (a) For those meteorological conditions not referred to in condition L3.3(a), the noise limits that apply are the noise limits in condition L3.1 plus 5dB.

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79. For the purposes of condition 78:

- ~~(a) Data recorded by a meteorological station installed on site must be used to determine meteorological~~
~~(b) conditions; and~~
~~(c) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method~~
~~(d) referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.~~

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at CANTERBURY RACECOURSE AWS (Station ID: 066194).**
b) Stability category shall be determined using the following method from Fact Sheet D of the Noise Policy for Industry (NSW EPA, 2017):
i. Use of sigma-theta data (section D1.4).

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80. To determine compliance:

- ~~(a) with the Leq(15 minute) noise limits in condition 76, the noise measurement equipment must be located:~~
~~(i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or~~
~~(ii) within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable~~
~~(iii) within approximately 50 metres of the boundary of a National Park or a Nature Reserve.~~

- ~~(b) with the LA1(1 minute) noise limits in condition 76, the noise measurement equipment must be located within 1 metre of a dwelling façade.~~
- ~~(c) with the noise limits in condition 76, the noise measurement equipment must be located:~~
- ~~(i) at the most affected point at a location where there is no dwelling at the location; or~~
 - ~~(ii) at the most affected point within an area at a location prescribed by conditions 80(a) or 80(b).~~

To assess compliance

- a) with the LAeq (15 minutes) or the LMax noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:**
- i. approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,**
 - ii. in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,**
 - iii. in an area within 50 metres of the boundary of a National Park or Nature Reserve,**
 - iv. at any other location identified in condition L3.1**
- b) with the LAeq (15 minutes) or the LMax noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:**
- i. at the reasonably most affected point at a location where there is no residence at the location; or,**
 - ii. at the reasonably most affected point within an area at a location prescribed by condition L3.5 (a).**

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81. ~~A non-compliance of condition 76 will still occur where noise generated from the premises in excess of the appropriate limit is measured:~~

- ~~(a) at a location other than an area prescribed by conditions 80(a) and 80(b); and/or~~
- ~~(b) at a point other than the most affected point at a location.~~

A non-compliance of conditions L3.1 and L3.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L3.5 (a) or L3.5 (b).

NOTE to L3.5 and L3.6: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

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82. ~~For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.~~

For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the Noise Policy for Industry (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

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Additions to Definition of Terms of the licence

83. NSW Industrial Noise Policy - the document entitled "New South Wales Industrial Noise Policy published by the Environment Protection Authority in January 2000."
84. Noise means 'sound pressure levels' for the purposes of conditions 76 to 82.

Potentially offensive odour

85. No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

Operating conditions

Odour

86. Any waste received that is received at the premises that is determined to be unsuitable for processing due to the presence of putrescible material must be removed from the premises within 48 hours of receipt.

Dust

87. Activities must be carried out in a manner that minimises the generation of dust.
88. The premises must be maintained in a condition which prevents the emission of dust from the premises.
89. Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission of air pollutants from the premises.
90. The licensee must ensure that no material, including sediment or oil, is tracked from the premises.
91. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Processes and management

92. Any waste for processing or storage at the premises must be assessed and classified in accordance with the *EPA Waste Classification Guidelines* as in force from time to time.
93. Each type of waste stored on site for recovery/recycling must be stockpiled separately.
94. There must be no burning or incineration of waste at the premises.
95. Clean stormwater must be diverted around 'dirty' areas of the site.
96. All waste processing and storage must be inside the buildings.

Emergency Response

97. The licensee must prepare, maintain and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises.

NOTE: The licensee must develop their PIRMP in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations Act 1997 (the POEO Act) and the POEO Regulations.

Reporting conditions

98. 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.

Special Conditions

99. By 6 months from the commencement of operations approved by the development consent, the proponent must submit a dust and odour audit report to the EPA's Senior Manager Waste Operations. The dust and odour audit report must address the following:
 - (a) A summary of any dust and/or odour complaints received and actions taken to reduce odour emissions where complaints are verified;
 - (b) Benchmark the design and management practices at the facility against industry best practice for minimising dust and/or odour emissions. This should include, but not be limited to, fast close roller doors
 - (c) Using the results of (a) and (b), if it is identified that the facility requires additional dust and/or odour mitigation measures the report must include:
 - (i) Proposed mitigation works and/or management practices to ensure that dust and/or odour is minimised as far as is practicable; and
 - (ii) A timetable for the implementation of these works.

Operating conditions

Activities must be carried out in a competent manner

100. Licensed activities must be carried out in a competent manner. This includes the processing, handling, movement and storage of materials and substances used to carry out the activity and the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

100(a) Material Storage

Baled and sorted waste is not to be stored outside of buildings or designated storage enclosures at any time. Storage enclosures are to be roofed, walled on three sides, with a single roller door for access. The site and immediately adjoining road reserve shall be cleaned daily to remove any loose litter or material.

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Maintenance of plant and equipment

101. 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

102. 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:

- (a) the date and time of the complaint;
 - (b) the method by which the complaint was made;
 - (c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - (d) the nature of the complaint;
 - (e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - (f) if no action was taken by the licensee, the reasons why no action was taken.
103. The record of a complaint must be kept for at least 4 years after the complaint was made.
104. The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

105. 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

106. The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
- (a) a Statement of Compliance,
 - (b) a Monitoring and Complaints Summary,
 - (c) a Statement of Compliance - Licence Conditions,
 - (d) a Statement of Compliance - Load based Fee,
 - (e) a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
 - (f) a Statement of Compliance - Requirement to Publish Pollution Monitoring Data,
 - (g) a Statement of Compliance - Environmental Management Systems and Practices; and
 - (h) a Statement of Compliance - Environmental Improvement Works.
107. At 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. An Annual Return must be prepared in respect of each reporting period, 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.
108. 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.
109. 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.

110. 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').
111. 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.
112. Within the Annual Return, the Statements 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.

Written report

113. 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, 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.
 - (c) 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.
 - (d) The request may require a report which includes any or all of the following information:
 - (i) the cause, time and duration of the event;
 - (ii) the type, volume and concentration of every pollutant discharged as a result of the event;
 - (iii) 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
 - (iv) 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;
 - (v) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - (vi) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
 - (vii) any other relevant matters.
114. 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.

Notification of environmental harm

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

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

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

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

117. A copy of the EPA 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.

ADVISORY NOTES

- i. If an Underground Storage Tank or Underground Petroleum Storage System is decommissioned, a validation report for the storage site must be provided to Council no later than 60 days after the system is decommissioned, or if remediation of the site is required, no later than 60 days after the remediation is completed. Any validation report must be prepared in accordance with DECC guidelines.

Note: These requirements do not apply to any decommissioning of a storage system that took place before 1 June 2008. The maximum penalty for non-compliance is 100 penalty units (for an individual) or 200 penalty units (for a corporation).

- ii. Council encourages the reuse and recycling of waste materials during demolition and construction. In this regard, separation and recycling should be undertaken as follows:

- Masonry products (bricks, concrete, concrete tile roofs) should be sent for crushing/recycling;
- Timber waste to be separated and sent for recycling;
- Metals to be separated and sent for recycling;
- Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- Mixed waste (plastic wrapping, cardboard etc.) to be sent to a licensed recycling or disposal facility.

The above can be achieved by constructing a minimum of five (5) trade waste compounds on the site. Each waste compound should be adequately sized to enclose the waste and all waste should be adequately secured and contained within the designated areas and not be permitted to leave the site. Personal waste should not litter the site. Copies of any weighbridge receipts should be kept for presentation to the Principal Certifying Authority.

- iii. All existing trees on the site and all street trees are covered by Council's Tree Preservation Order and shall not be removed, lopped or pruned unless there is

express permission stipulated in a condition of this consent or there is written approval from the Council.

- iv. Prior to occupation of any multi-unit development the applicant should arrange for the supply and delivery of a suitable number of mobile garbage receptacles and recycling receptacles.

The waste receptacle must be to the approval of Strathfield Municipal Council to ensure that receptacles are compatible with Council's waste collection vehicles and meet the requirements of any conditions of consent. Council does not supply waste storage bins free of charge and payment will need to be made to Council prior to delivery of the required bins. A waste service availability charge will apply to the development site from the date of issue of the occupation certificate. The charge is for the collection of domestic waste from all residential dwelling units and is payable by the owner of the development site.

- v. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- vi. Information regarding the location of underground services may be obtained from Dial Before You Dig (Telephone 1100 or www.dialbeforeyoudig.com.au). Inquirers should provide DBYD with the street/road name and number, side of street/road and the nearest cross street/road.
- vii. A Construction Certificate shall be obtained in accordance with Section 81A (2)(a) of the Act, prior to the commencement of any work on site. Council can provide this service for you and you may contact Council's Development Assessment Unit on 9748 9999 for further information.
- viii. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.
- ix. The use of Council's footway in accordance with this consent shall not occur until an agreement with Council is entered into for the use of the footway and the applicable fees paid.
- x. Section 82A of the Act allows the applicant/owner to request Council to review the determination of the application. Any such request must be made within six (6) months of this Notice of Determination being issued and be accompanied by the required fee.

An application under this Section of Act cannot be made for:

- (a) a determination in respect of designated development, or
- (b) a determination in respect of integrated development, or
- (c) a determination made by the council under section 116E in respect of an application by the Crown.

- xi. If you are dissatisfied with this decision, Section 97 of the Act gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this Notice of Determination.
- xii. Section 125 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order shall be guilty of an offence.
- xiii. Section 126 of the Act provides that a person guilty of an offence against this Act may be liable to penalties. Penalty infringement notices (on-the-spot fines) can also be issued for breaches of the conditions of development consent.
- xiv. The contributions required under Section 94 of the Act are set out in the Section 94 Contributions Plan which can be viewed at Council's Customer Service Centre, 65 Homebush Road, Strathfield during normal business hours.
- xv. Approved Insurers for Residential Building work under the Home Building Act 1989 are listed on the Department of Fair Trading's website:

www.fairtrading.nsw.gov.au
Other contact details for the Department are:
Phone: 9895 0111
E-Mail: enquiry@fairtrading.nsw.gov.au
- xvi. Applicants are advised to ensure all gutters are designed and installed in accordance with the National Construction Code and the relevant Australian Standards.
- xvii. In accordance with Clause 162A of the Environmental Planning and Assessment Regulation 2000, critical stage inspections are to be carried out by the Principal Certifying Authority (PCA) or by another authority if the PCA so agrees. Failure to undertake these inspections can prevent the issue of an Occupation Certificate and may result in penalties.
- xviii. Where Council is appointed as the Principal Certifying Authority (PCA), a Certificate of Adequacy prepared by a suitably qualified and experienced Structural Engineer, shall be provided with the Construction Certificate application stating that the existing structure is suitable to support the additional loads proposed to be placed upon it and that it complies with the Structural Provisions of the National Construction Code (NCC).
- xix. For the purposes of improved resident safety, it is recommended that the windows of dwellings be fitted with appropriate devices capable of being locked into a fixed position with such openings generally being a maximum of 100mm wide provided that compliance with the NCC in terms of lighting and ventilation is still achieved.
- cc: LC Investment (Australia) Pty Ltd
202-204 Northbourne Road
Campbellfield VIC 3061

