

SECTION 4.55 (2) MODIFICATION

	DA2015/177/3
DA & Property:	40-42 Madeline Street Strathfield South- LOT 24 DP 1200563
Proposal:	S4.55 (2) Modification Application to temporarily change hours of operation and enable the processing of additional throughput at the site from 99,900 to 120,000 tonnes per annum.
Applicant:	Polytrade Operations Pty Ltd C/- Maya Deacock
Owner:	LC Investment (Australia) Pty Ltd
Date of lodgement:	13 June 2023
Notification period:	11 August – 8 September 2023
Submissions received:	Eight (8)
Assessment officer:	J Gillies
Estimated cost of works (original):	\$16,850,000.00
Modification cost of works:	\$0
Zoning:	E4 -General Industrial - SLEP 2012
Heritage:	No
Flood affected:	Yes
Is a Clause 4.6 Variation Proposed:	No
Delegation:	Designated Development – Regional Panel
RECOMMENDATION OF OFFICER:	Approval



Figure 1 – Locality Plan (subject site in yellow)

EXECUTIVE SUMMARY

Proposal

Approval is being sought for the modification of DA 2015/177/2 to permit a temporary change to the hours of operation and increase the Materials Recycling Facility (MRF) throughput from 99,900 to 120,000 tonnes per annum at an approved waste management facility.

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 including Council.

Environmental Planning Instruments

The site is zoned E4 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 (a sub group of waste management facility) however the use is made permissible under Division 23 of the Transport and Infrastructure SEPP.

It is noted that the proposed modification is not State Significant Development, despite exceeding the thresholds for a materials recycling facility in State Environmental Planning Policy (Planning Systems) 2021. However, the proposal is Designated Development and Integrated Development.

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 and the requirements for Designated Development under section 106 of the Environmental Planning & Assessment Regulations 2021. A total of 8 unique submissions were received.

Issues

- Sunday Operation and associated noise impacts,
- Existing noise impacts,
- Dust and odour impacts,
- Whether the proposed modifications are substantially the same development.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, the proposed Section 4.55(2) modification of 2015.177.3 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 temporary changes in hours of operation, throughput and truck movements at an approved materials recycling facility. The temporary change has been proposed for a period up to 30 June 2027.

Specifically, the proposal involves:

- Temporarily increasing the MRF throughput by 50,100 tonnes from the approved 69,900 tonnes per annum (tpa) to 120,000 tpa. There is no change to the paper and cupboard throughput (approved at 30,000tpa), bringing the total throughput to 150,000tpa.
- To facilitate the increased throughput, permitting operation on Sundays and extending operating hours further into the afternoon/evening Monday-Saturday.
- Permit an additional 20 trucks to enter the site per day to transport commingled recyclable material.
- Permit an additional 3 trucks for offtake of finished product or residual waste from site per day.
- Permit an increase of storage volumes of finished product from 4,200 tonnes at any one time to 8,000 tonnes at any one time (no changes to location or size of existing storage areas).
- Permit an additional ten employees.
- No physical works are proposed.

The Applicant initially proposed a two-year period of temporary operation, ending 1 October 2025. However, additional information submitted by the Applicant during assessment includes a new finish date for the temporary changes, being a four-year period ending 30 June 2027. This date reflects the owners estimated timeframe for rebuilding of their Hume Facility which was destroyed by a fire.

The Applicant has proposed sub-conditions (5a, 7a, etc) to establish the temporary allowances within the existing notice of determination.

Table 1 provides excerpts from existing conditions of consent and shows how the proposal would impact on these conditions.

Table 1: Changes to Conditions of Consent

Condition	Proposed modified condition
<u>Condition 5 – permitted hours of operation (MRF)</u> Monday-Saturday: <ul style="list-style-type: none"> • Receipt: 5am-3pm • Processing: 5am-10pm • Dispatch: 5am-6pm • Cleaning/Maintenance: 10pm-5am Sunday:	<u>Condition 5a – permitted hours of operation (MRF)</u> Monday-Saturday: <ul style="list-style-type: none"> • Receipt of MRF: 5am-6pm • Processing: 5am-10pm • Dispatch: 5am-6pm • Cleaning/Maintenance: 10pm-5am Sunday:

<ul style="list-style-type: none"> • Closed 	<ul style="list-style-type: none"> • Receipt/Processing/Dispatch:8am-6pm
<u>Condition 5 – Truck movements (MRF)</u> <ul style="list-style-type: none"> • Receipt: 45 vehicles per day • Dispatch: 9 vehicles per day 	<u>Condition 5a – Truck movements (MRF)</u> <ul style="list-style-type: none"> • Receipt: 65 vehicles per day • Dispatch: 12 vehicles per day
<u>Condition 7 – Throughput</u> <p>Permitted throughput 99,900 tpa (69,900 MRF and 30,000 paper and cardboard)</p>	<u>Condition 7a – Throughput</u> <p>Permitted throughput 150,000 tpa (120,000 MRF and 30,000 paper and cardboard)</p>
<u>Condition 8 – Storage</u> <p>A maximum of 4,200 tonnes of sorted waste is permitted to be stored on site at any one (1) time.</p>	<u>Condition 8a – Storage</u> <p>A maximum of 8,000 tonnes of sorted waste is permitted to be stored on site at any one (1) time.</p>
<u>Condition 30 – Processing finish time</u> <p>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.</p>	<u>Condition 30a – Processing finish time</u> <p>All material delivery to the MRF on the site shall be completed by 6:00pm Monday to Saturday and Sunday. No material is to be processed or received on Sunday.</p>
<u>Condition 36 – Delivery and dispatch finishing time</u> <p>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.</p>	<u>Condition 36a – Delivery and dispatch finishing time</u> <p>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 5a. At no time is waste to be accepted during cleaning hours or on Sundays.</p>

The Applicant has also included in their SEE and Noise Impact Assessment an additional noise control as part of noise modelling that would therefore need to be included as a condition of consent. The noise control details are as follows:

Dust Extraction Fans (adjacent to Building 1 and S1) – Install an exhaust silencer with a minimum IL performance of 8 dB i.e. reduce the overall Sound Power Level of each fan to 97 dB LwA.

The Site and Locality

Locality

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 into the Cooks River, and a number of parks and reserves are located between the site and adjoining residential areas to the south and south east. There is also an unformed portion of Chisolm Street located east of the site (owned by Council).

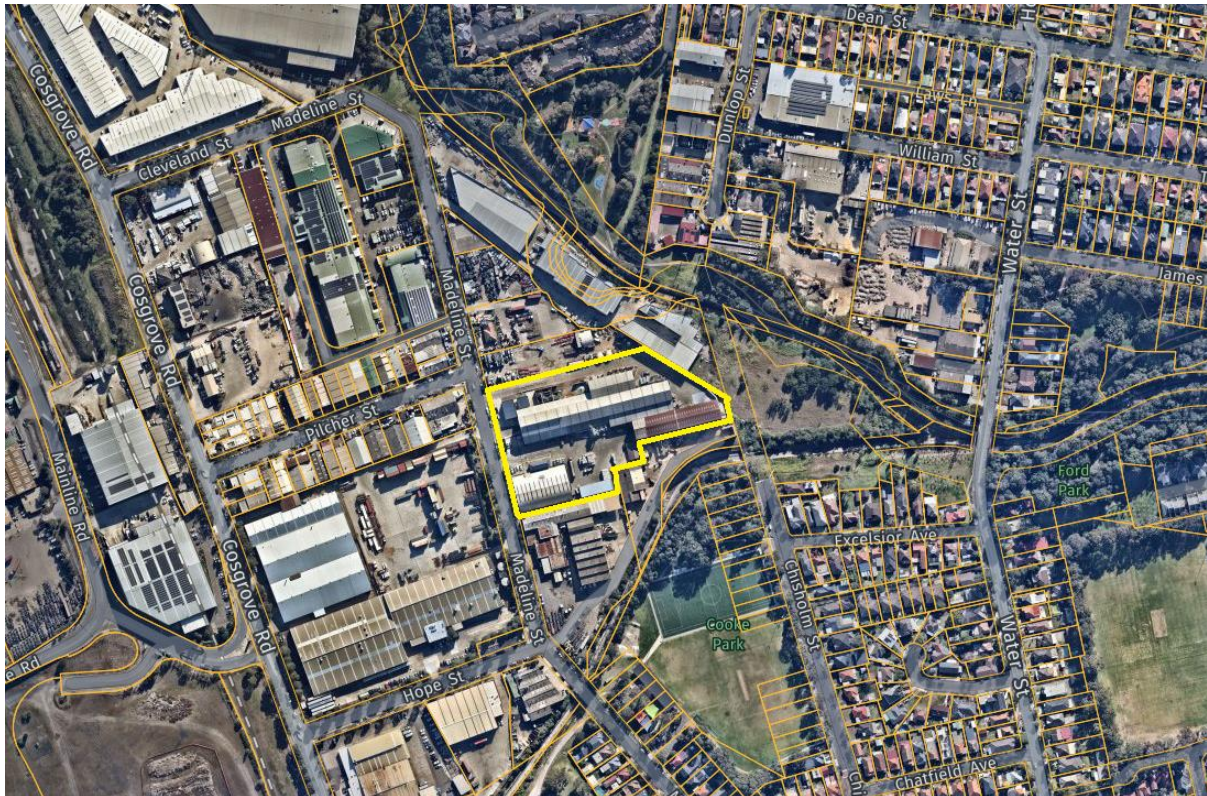


Figure 2 – Locality Image

The Site

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 site comprises three principal buildings, with a number of smaller ancillary structures including weigh bridges, offices, dust processing machinery, 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 and Madeline Street 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.



Figure 3 – Aerial Image of the Site

Operation

The site is currently operating as a waste transfer station. The site is permitted to process a total of 99,900 tonnes of materials annually (tpa) of which 69,900 tpa is domestic commingled recycling (processed as MRF) and 30,000 tpa is source separated paper and cardboard

Source separated paper and cardboard is received only on the southern side of the site via the southern driveway and weighbridge and is unloaded within Building 3. This material is compacted into bales and stored within Building 3 prior to loading and offtake.

The MRF operation occurs across Buildings 1 and 2, with Building 1 housing the large Glass Beneficiation Plant machinery. The various MRF operations are as follows:

- Separate paper and cardboard, glass, plastic, ferrous and non-ferrous metal, and contamination
- Beneficiate glass into cullet and glass fines
- Extract dust at key equipment and material flow points
- Produce bales of paper and cardboard, plastic, and aluminium
- Separate glass for further processing in the beneficiation plant
- Recover oversized metals for further recycling
- Reject contaminant waste (including oversize) for disposal to landfill

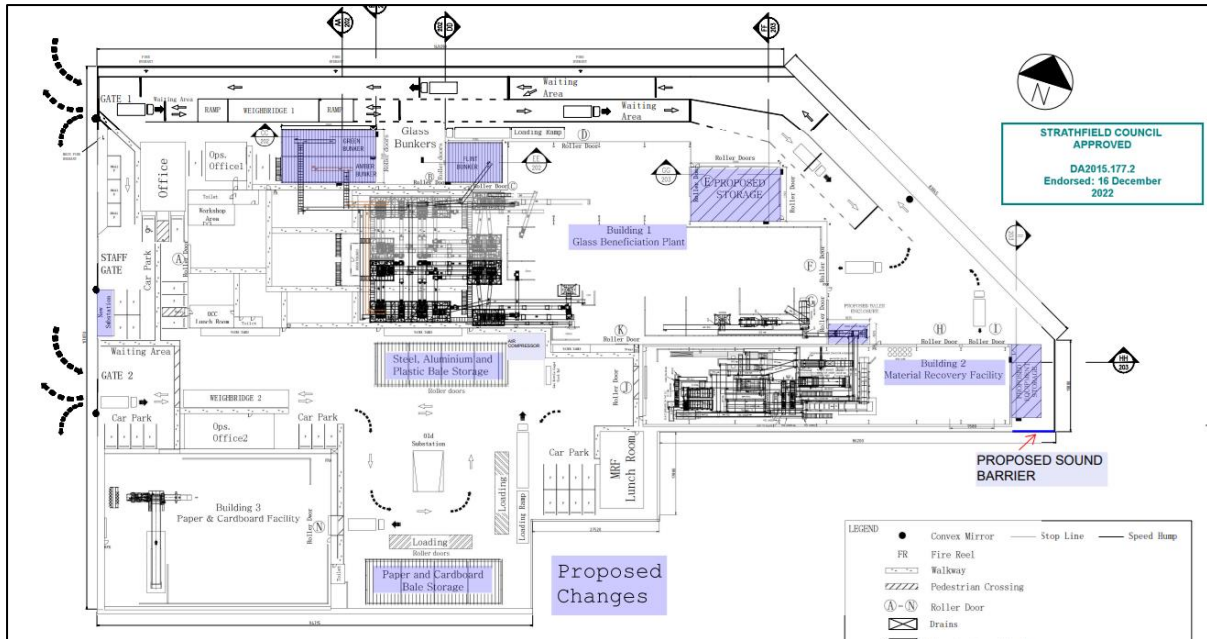


Figure 4 – Approved site layout (DA2015.177.2)

Figures 5-10 below provide additional site context.



Figure 5 – Building 3 and paper and cardboard storage



Figure 6 – The southern façade of Building 1 and air compressor



Figure 7 – The southern façade of Building 1 and entry into Building 2



Figure 8 – Glass bunkers on the northern side of Building 1



Figure 9 – Eastern end (rear) of the site and Building 2 opening. The left of the photo shows the western edge of an adjoining building built to boundary which ties into the lower noise wall running along the boundary.



Figure 11 – Western edge of an adjoining building built to boundary which ties into the lower noise wall running along the boundary.



Figure 12 – Northern entry point with weighbridge in distance

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.

30 September 2021

Council's compliance team issued a development control order (DCO) following receipt of complaints from the community in relation to compliance with the conditions of consent under DA2015.177. These included the following (summarised):

- The need to comply with noise limits,
- To ensure that all machinery owned by Polytrade (i.e. not including receipt trucks) are equipped with broadband reversing alarms as per the approved NIA,
- To ensure roller doors are closed as per Condition 5,
- To ensure off-street parking is complied with,
- To ensure a 24hour hotline is available to the community.

14 October 2021

Polytrade Recycling responded to the DCO as follows (summarised):

- Polytrade intends to achieve all compliance requirements and will discuss with Council potential modifications to the consent to address unachievable requirements,
- The consent (under Condition 76) includes incorrect noise limits that cannot be complied with.
- The installation of a 4m noise barrier has been completed as per conditions of consent.
- The requirement to have roller doors closed after receipt finishes is problematic due to ad hoc movement across the site for processing. Notwithstanding, machinery such as fork lifts moving in and out of roller doors are considered quiet.
- The broadband reversing alarms are planned to be installed on the mobile plant and commissioned by 15 October 2021.
- Offstreet parking is provided in accordance with the consent.
- The site office contact number will temporarily serve the purpose of a 24 hours hotline until a permanent solution is implemented.

16 December 2022	A Section 4.55(2) modification was approved (DA2015.177.2) permitting alterations and additions at the site, primarily to rationalise the site layout. No additional throughput was permitted or changes to hours of operation. The noise limits were amended as per advice received from NSW EPA. It is noted that the amended noise limits reflect the issues flagged by Polytrade in their DCO response.
25 January 2023	Re.Group (the operator at the site) contacted Council outlining a fire at their Hume Facility resulting in the need for re-direction of numerous ACT and regional NSW Councils' recycling to other facilities, including the subject site at Enfield. This measure was established as an emergency measure by Re.Group. A number of meetings were held between Council and Re.Group to discuss this proposition and relevant Planning pathways. It is understood Re.Group also met with the Department of Planning and EPA to discuss alternative pathways for an increase in throughput at the subject site.
March 2023	Council was engaged by the Department of Planning to comment on a SEARs request lodged by Polytrade (Re.Group). The prospective SSD which has now been issued with SEARs would increase the glass beneficiation by 100,000 tpa, bringing the total throughput from the approved 99,900 tpa to 200,000 tpa. The additional glass would be processed through the existing MRF infrastructure. No physical works were proposed in the scoping report, or changes to hours of operation.
13 June 2023	The subject modification application was lodged.
19 June 2023	Exhibition of the application for 14 days to 3 July 2023.
9 August 2023	The Application was referred to the NSW EPA.
11 August 2023	The Application was re-notified as designated development for a period of 28 days.
22 August 2023	Council issued a request for further information (RFI) to the Applicant.
15 September 2023	The Applicant submitted additional information in response to the RFI.
19 September 2023	Council's Planner undertook a site visit.
5 October 2023	The Sydney Eastern City Planning Panel briefing was held.
9 October 2023	Council requested additional information including a Plan of Management for Sunday operations and comment on noise

logging and monitoring undertaken as per requirements of the consent under DA2015.177.2.

20 October 2023

The Applicant submitted additional information in response to the request from 9 October. It is noted that no evidence of noise logging specific to the requirements of Condition 9 of the NOD were provided. However, the Applicant did provide noise logging required by the Environment Protection License (EPL) including a noise survey taken on 20 October 2023 which is discussed in further detail further down in this report.

Referrals - External

Transport for NSW

In accordance with the requirements of Section 2.122 Traffic-generating development under Division 17 Roads and Traffic of the SEPP, the proposed modification was referred to Transport for NSW, noting Schedule 3 requires concurrence for any change to capacity of a waste management facility.

The following comments were received:

TfNSW has reviewed the submitted application and raises no objection as the proposed modification is unlikely to have a significant impact on the classified road network.

Noting the above, the provisions of the SEPP have been satisfied.

Environment Protection Authority (EPA)

The approved development under DA2015/177 is subject to an operating EPL which was required following assessment of the parent application as designated development. Accordingly, the subject modification was referred to the Environment Protection Authority (EPA).

The EPA provided a letter dated 11 September 2023 outlining that they did not object to the proposed modifications. This referral follows extensive discussions between Polytrade's acoustic consultant and the EPA during assessment of the previous modification (DA2015.177.2) to revisit noise limits imposed under the parent application. These noise limits were revised and are reflected in the modified consent under Condition 76. It is noted the noise limit issue was originally flagged by Polytrade after Council issued a DCO in September 2021.

Following this, Council's Planner requested additional comments on the EPA's interpretation of the Applicant's Project Noise Trigger Level (PNTL), which differ to the noise limits (in terms of location and dB(A)) included in the General Terms of Approval issued under DA2015.177.2. The EPA provided the following comments in response:

The EPA technical team reviewed the predicted noise impacts in the noise impact assessment (NIA) against both the presented project noise trigger levels (PNTLs) and the noise limits in Environment Protection License 20576 (the EPL). The EPA notes that while the NIA has only compared the predicted noise level against the derived PNTLs, these predicted levels also comply with the noise limits presented in the EPL.

The EPA technical team notes that the review of the NIA has been undertaken in reference to compliance with the NPfl. Potential community sensitivities around operation on Sundays and attitudes towards the general amenity of the surrounding area should be considered by the planning authority when determining approval.

For additional context, the EPA's Noise Limits cover numerous streets grouped into three areas with a noise limit applying to each area. The EPA have also provided noise auditing locations that represent these three general areas (which are included under Condition 76 of the NOD). To illustrate a comparison of the EPA's targets vs the Applicants PNTLs and predicted noise levels, the noise auditing location addresses are shown below with the EPA's relevant general area noise limit. These are cross referenced with the Applicant's PNTLs and predicted noise levels for those specific sites. However, the Applicant has prepared PNTLs and predicted noise levels for all addresses in the EPA's three general areas.

Table 2: Noise Limits vs Predictions

Receiver	EPA Noise Limit				PNTL				Predicted Noise Level			
	Day	Eve	Night	Night LAF max	Day	Eve	Night	Night LAF max	Day	Eve	Night	Night LAF max
10 Williams St	46	46	43	52	48	46	43	53	46	43	43	51
17 Excelsior Ave	45	42	42	52	53	48	43	54	45	42	42	50
110 Madeline St	49	41	41	52	53	48	43	54	49	41	41	47

- (Red Star - 10 Williams St) Residential receivers on Dean Street, William Street, James Street, The Causeway and Water Street.
- (Green Star - 17 Excelsior Ave) Residential receivers on Excelsior Avenue, Chisolm Avenue, Sunlea Road and Water Street.
- (Blue Star - 110 Madeline St) Residential receivers on Madeline Street and Birrawa Avenue.

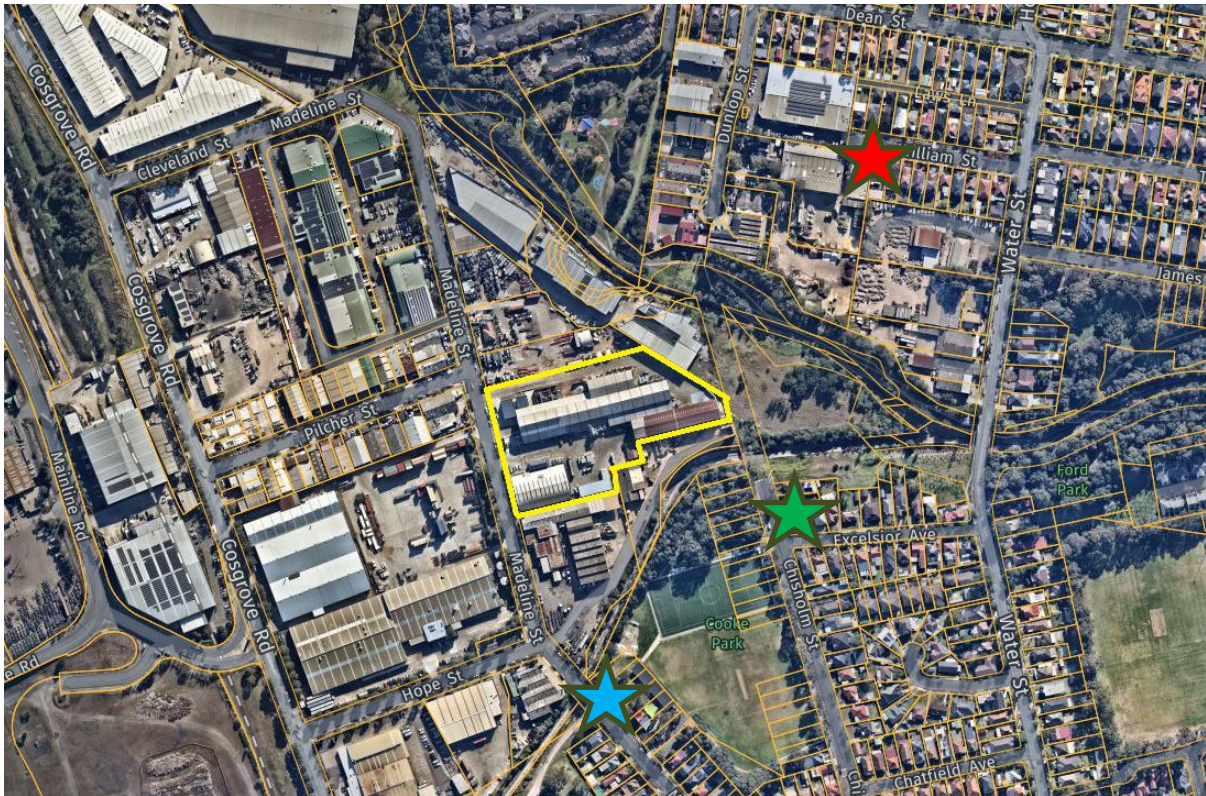


Figure 13 – Monitoring locations for residential receivers near the site

Referrals – Internal

Noise / Acoustics

Council engaged a private consultant to undertake a review of the Noise Impact Assessment submitted by the Applicant, as well as additional information including noise surveys taken on 20 October 2023. Their comments on the proposal are provided below:

Initial review on submitted Noise Impact Assessment

The following comments were provided by the consultant in relation to the NIA submitted with the Application:

In summary, the report has presented a comprehensive assessment of the proposed changes to site and has addressed the applicable noise criteria that apply to the industrial site. Based on the information that was provided to Acoustic Directions in the report, we agree with WC's determination that the noise from site is compliant with the NSW Noise Policy for Industry and Road Noise Policy at potentially-affected receivers. Acoustic Directions also agrees that based on WC report, there will unlikely be any issues with vibration levels generated from site given the large distances separating site from the nearest receivers.

The consultant also reviewed the SoundPlan Noise model which informed the NIA and provided the following comments:

(The Applicant's) consultant demonstrated a modelling approach that is conservative (i.e., pessimistic) in its prediction of noise emissions from site. As such, the noise compliance shown at receiver locations in WC's report is likely to reflect actual compliance at receivers surrounding the facility.

Noise Survey (20 October 2023)

Council's consultant also reviewed the Noise Survey submitted by the Applicant taken on 20 October 2023 which provides worst case measured results and an estimated Polytrade (subject site) contribution. It was noted that the worst case result exceeds the PNTLs. The following comments were initially received (edited for clarity):

The survey report notes that noise from Polytrade site was not audible during all periods and across all measured locations. This means that the noise from Polytrade is likely more than 10 dB lower than the measured noise level (e.g., if a location measured 50 dB, then the inaudible noise contribution from Polytrade would be ≤ 40 dB). The difference between most "Worst-case Measured Noise Level" and "Estimated Polytrade Noise Level Contribution" is less than 10 dB so the estimated noise for these location and time combinations are fine. However, the Day LAeq15min at 17 Excelsior and the Night LAFmax at all locations have differences of more than 10 dB between worst-case and estimated so an explanation should be provided of these adjustments.

In summary, it would be clearer if the auditing report:

- 1. qualified what they meant by "worst-case" – e.g., is it a worst-case 15-minute period over the whole measurement period at each location, or is it just the measured noise level representing the noise from all industries?*
- 2. The process they undertook to obtain levels in the column labelled "Estimated Polytrade Noise Level Contribution", particularly when the measured worst-case and estimated levels are more than 10 dB different.*

The Applicant responded to these requests with the following comments:

- 1. 2 x 15-minute measurements totalling 30 minutes were undertaken at each location for each day, evening and nighttime period. The worst-case is the loudest from the two 15-minute measurements for that location / period. The noise levels presented are the ambient noise levels so include all industry, traffic, rail, flora and fauna and other noise sources such as the sport field nearby.*
- 2. Noise from the Polytrade site was not audible during the testing periods. The measured ambient noise was due to all the other noise sources in the environment. The contributions from the Polytrade site were very low and our estimation is that the noise emissions were easily below the noise targets. Its worth noting the NVIA noise modelling took an absolute worst-case for the noise emissions from the site which would be periods when all of the following noise sources were operating simultaneously and at their maximum load: ie delivery trucks, forklifts, front end loaders, compressors, fans and internal machinery at maximum through-put. When the site is operating with these sources running at lower loads or not operating simultaneously the overall noise emissions would be significantly lower than the noise targets.*

Council's consultant's response was as follows:

- 1. Taking the worst of the two 15-minute periods within a 30-minute measurement is acceptable. Note that Condition M4 requires noise to be measured for at least 30 minutes at each assessment location.*
- 2. I infer from Waves Consulting's (WC's) response above that levels presented in column "Estimated Polytrade Noise Level Contribution" are levels predicted by their SoundPLAN acoustic model rather than adjusted levels from noise*

measurements. As such, compliance of criteria was demonstrated not from noise measurements at receiver locations, but through WC's constructed acoustic model. While the apparent inaudibility of Polytrade operations during the noise audit suggests that compliance is achieved for time and locations where the measured noise level is lower than the noise criteria + 10 dB, the noise measurements cannot demonstrate compliance where measured noise levels were more than the noise criteria + 10 dB. Further evidence should be provided by WC to demonstrate compliance based on measured data for situations where the measured level exceeded the criteria by more than 10 dB.

It is noted that the above final comment from Council's consultant raises another information request. Due to timeframes of the assessment and assumptions around the Applicants ability to address the request, the consultants comments have been factored into the determination and recommended amendments to conditions of consent.

Environmental Health

The Application was referred to Council's Environmental Services Team who provided the following comments:

Truck Movements

There are no specific number of truck movements per hour per day specified in the SEE. It is advised that the applicant draft a condition for consent in relation to the number of truck movements per hour per day for the increased number of trucks entering the site.

Council's Planner requested the Applicant provide truck movements per hour per day for inclusion in a condition of consent and the following response was received:

Ultimately, the Site is unable to control when trucks arrive throughout the approved hours for receipt and dispatch. Considering this, providing a limit of trucks per hour could unnecessarily limit site efficiency, as different truck types have different loading or unloading durations. Thus, the recommended condition of consent for maximum hourly truck movements has considered truck deliveries and offtake of the shortest duration of truck activity on site (between four and six minutes) as well as dispatch trucks. Re.Group proposes that a maximum of fifteen (15) trucks could, under peak conditions, operate at the Site in one hour. A recommended condition of consent to this effect has been provided as Condition 5b of Appendix B – Proposed conditions of consent.

Sunday Trade

Sunday Trade is not supported on the basis of maintaining continuity across the surrounding industrial area.

Council's Planner liaised with the Environmental Services Team to understand the current hours of operation for nearby operations considered as heavy industry. The following was noted:

- Aussie Skips (red circle)
0 Chisolm Street, Strathfield South
6am-6pm Monday to Saturday

- Sandhub (green circle)
6-8 Dunlop Street, Strathfield South
7am-4:30pm Monday to Saturday
- Pot it (blue circle)
7-15 Water Street, Strathfield South
8am-3:30pm Monday to Friday, 8am-2pm Saturday

It was also noted that the Enfield Intermodal, located on the western side of Madeline Street operates 24 hours a day 7 days a week.

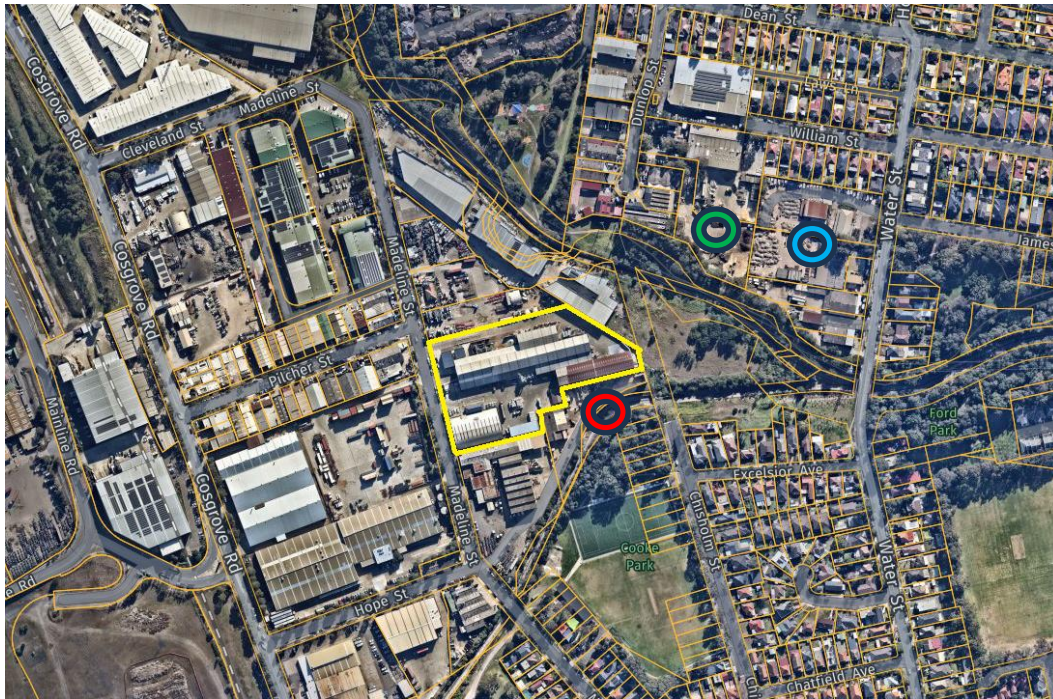


Figure 14 – Nearby heavy industries

The Applicant provided the following response to the above comments on Sunday Operation:

Council's response regarding Sunday operation is noted and Re.Group would like to reiterate the negligible noise and traffic impacts that trading on Sunday would have (as confirmed via noise and traffic modeling). To ensure sufficient operational contingency to have adequate time to process the additional throughput, additional operating hours are required. Two options were considered:

- *Extending operating hours during Monday - Saturday operations; and*
- *Adding a Sunday operational shift.*

The Modification Proposal incorporates processing hours from 5am to 10pm Monday – Saturday. Extending these processing hours any further would require operation during nighttime hours (between 10pm and 5am). Whilst the alternative option of limited daytime-only Sunday operational hours would impose greater operational costs on Re.Group, it is considered a more favourable outcome - all potential environmental, social, and amenity impacts considered - compared with extending operations into the night.

Further, as cleaning and conveyor maintenance are imperative for operations, Re.Group intends to only operate a Sunday shift on an as-needs basis, where additional processing capacity at the Site is required from time to time (for example due to machinery stoppages).

This response from the Applicant was considered final and factored into the recommendation.

Traffic

The Application was referred to Council's Traffic Engineer who provided the following comments:

The additional traffic potential of the proposed temporary operational arrangements at the Enfield MRF Site can be accommodated by the surrounding road network. This extension of operating hours and the additional 23 truck movements in and out of the site per day is not considered to have an adverse impact on the traffic network in the industrial area of Strathfield LGA.

The extension to 4 years from 2 for the temporary period is acceptable based on the fact that the section of Madeleine St that will be affected is purely the industrial section. The residential section is protected by the concrete traffic chicane that does not allow trucks through to the residential area.

Noting the above, Council's Traffic Engineer was comfortable with the proposal and did not recommend any amendments to the existing conditions of consent.

EP&A Regulation 2021 – Designated Development

The site has previously been approved (DA2015/177) to operate as a waste management facility pursuant to Section 45 in Schedule 3 of the EP&A Regulation 2021. Sub-section 2(iii) of Section 45 outlines a waste management facility is designated development if the following thresholds are exceeded:

(iii) have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material.

The existing consent which permits an annual throughput of 99,900 tonnes of materials was approved following assessment as a designated development due to exceedance of the above threshold. Therefore, any modification to the approved development remains designated development and requirements under Section 106 of the Regulations must be complied with. As outlined above, the proposed modification has been publicly notified in accordance with Section 106 of the Regulations.

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 which requires the consent authority to be satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).

On the basis that “substantially” means essentially or materially having the same essence, the proposed modifications retain the operation as a materials recycling facility, with comparable processes in each of the existing buildings approved for MRF/Paper and cardboard recycling and/or storage. The Applicant has addressed this in their SEE, including the following to support the modification being substantially the same:

- The essence of the development – the structures, activities, and equipment – remains a MRF. The proposal is to run the same processes as the current operation, more consistently for slightly extended hours.
- The proportion of increase in tonnage that is being sought under this modification is only a 50% increase of existing permitted capacity (and notably this increase would be temporary in nature). For waste facilities and industrial developments, the Court has typically tolerated increases of up to 30-50% as being substantially the same.
- The ‘substantially the same’ test relates to the impacts of a modification, particularly impacts on neighbours and the general public outside of the property. The modification would result in negligible offsite impacts.
- There are no changes to the site footprint of layout.
- The proposed increases are temporary.

Noting the above, the proposal is not considered to be a radical transformation of the existing development. Further, these points indicate that the Applicant’s consideration of substantially the same is more robust than the simple fact of the use being retained, with comment on physical structures, processes and environmental impacts supporting the outcome being substantially the same.

The comparison between existing and proposed should also involve a qualitative and quantitative appreciation of the developments in their “proper contexts (including the circumstances in which the development consent was granted)” (Moto Projects at [56]).

Quantitatively, the proposal results in a 50% increase to annual tonnage processed at the site. It is noted that the increase would exceed the thresholds for State Significant Development under the Planning Systems SEPP (>100,000tpa is SSD), however a modification is not a development application and therefore these thresholds are irrelevant. The throughput limit in the consent reflects the limit sought at the time and while it may have been a limit that avoided the SSD pathway, this is not considered to be a fundamental feature of the consent, just the planning approval pathway at the time.

Therefore, a key factor is whether the proposed changes to operational processes result in significant increases to environmental impacts resulting from amended hours of operation and truck movements (i.e noise and dust impacts) that are radically different to those approved. As noted elsewhere in the report, the changes will result in noise and dust levels comparable with the existing operation and the Applicant has stated these impacts can be appropriately managed / mitigated. Further, additional truck movements are not considered to have an adverse impact on the traffic network in the industrial area of Strathfield LGA.

It is noted that the 20 October noise survey submitted with the proposed modification indicates that the estimated Polytrade contribution exceeds the PNTLs established for the site. This outcome is reflective of current operations and cannot be used to address whether the increased operating period will result in increased environmental impacts. However, the noise survey results will be considered under likely impacts of the development as required under Section 4.55 (consideration of 4.15).

Qualitatively, the site will maintain its operation as a waste transfer station and continue to process paper and cardboard and MRF, albeit at greater quantities. The existing infrastructure has the capacity to accommodate the increased throughput and environmental impacts are comparable and can be managed and therefore the essential characteristics of the approved use remains under the modification. The Applicant has presented environmental assessments that demonstrate noise, dust and odour and traffic impacts are compliant with relevant policies.

The circumstances in which the original consent was granted is also a consideration so that the modification does not change the consent in a fundamental manner (as per *Moto Projects* at [56]). This involves assessing whether the proposed modifications relate to an essential element of the original consent in accordance with the assessment requirements under Section 4.55(3).

The proposal seeks to amend the following conditions of the consent:

- Hours of operation (conditions 5, 30 and 36)
- Throughput and storage (conditions 7 and 8)
- Truck movements (condition 5)

Hours of operation

The hours of operation were a focus of the original assessment and assessment reports and determination documents from the Sydney Joint Regional Planning Panel (JRPP) indicate that condition 5 (hours of operation) was scrutinised. It is understood that the Applicant had initially proposed 24 hour operation and the JRPP requested follow up acoustic assessments and consideration of more restrictive hours of operation (by the Applicant and Council).

It is also understood from assessment reports that the acoustic assessments pointed to compliant noise levels (with the EPAs policy) for 24 hour operation, but the decision to impose a 3pm limit on receipt of MRF was based on the facilities ability to receive most waste by this time, despite 6pm being established as a more flexible timeframe in assessment documents.

It is therefore assumed that the conditions imposed for hours of operation stem from indications that the business could function within reduced timeframes as well as community sensitivities around noise impacts (from both operation of heavy machinery and queuing of vehicles), rather than clear indicators that breaches to noise limit criteria would occur during the 3pm-6pm period.

The NIA submitted with the parent application considered by the JRPP and the NIA presented with the proposed modification establish a low impact and this is validated in recently received noise auditing.

Considering a 6pm finish time for receipt was contemplated in the original assessment and the reason for the 3pm finish time is vague, as well as NIAs confirming noise impacts as acceptable, the changes to hours of operation are not considered to alter a fundamental feature of the consent. Further, the proposal does not remove the requirement for noise auditing which will be reviewed to address changes in hours of operation and throughput.

It is understood that Sunday operation at the time was not sought by the Applicant beyond a cleaning and maintenance shift as approved. Therefore, the circumstances of Sunday operation not allowing for receipt and processing of material in the consent are a result of business decisions at the time, rather than a decision of Council or the JRPP to provide a day of reprieve or similar.

Throughput/storage

The proposed increase to throughput as a quantitative change has been addressed above.

Truck movements

The existing limit on the number of truck movements for receipt and dispatch are understood to have been imposed to reflect the operational limits associated with throughput, rather than place a limit on truck movements due to concerns around traffic impacts on the local road network or noise associated with queuing. This is reflected in the condition, which does not specify the numbers of trucks per hour or an equivalent measure. Therefore, the change to truck movements is consistent with the proposed change to throughput and is not considered to be a fundamental feature of the consent.

In summary, the modified development will retain the essence of the approved material recycling facility. Existing processes within each building will remain as approved. The increased throughput for the MRF can be accommodated by existing infrastructure and extended hours of operation and increased truck movements are not expected to increase environmental impacts in any significant way.

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.

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:

Potentially 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.

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 offensive impacts at the site, such as noise and dust.

The provisions of the SEPP do not include considerations for modifications and as noted above the SEPP has been considered as part of the parent application.

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.

Accordingly, the provisions under Chapter 4 of the SEPP have been considered in the parent application assessment.

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.

The use of the site in accordance with this definition has been approved under the parent application and the proposed modification does not seek to change the use or add any uses that would fall outside of this definition. The provisions of the SEPP have been satisfied.

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 proposed modification was referred to Transport for NSW, noting Schedule 3 requires concurrence for any change to capacity of a waste management facility.

The following comments were received:

TfNSW has reviewed the submitted application and raises no objection as the proposed modification is unlikely to have a significant impact on the classified road network.

Noting the above, the provisions of the SEPP have been satisfied.

Strathfield Local Environmental Plan

The site is zoned E4 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. Notwithstanding, the proposal is a modification and the matter of permissibility and zoning were addressed under the parent application.

Part 4 – Principal Development Standards

The proposed modification does not incorporate any physical works and therefore the provisions under Part 4 are not relevant.

Part 5 – Miscellaneous Provisions

Flood Planning

The proposed modification does not incorporate any physical works and therefore the provisions under Part 5 are not relevant.

Part 6 – Additional Local Provisions

The proposed modification does not incorporate any physical works and therefore the provisions under Part 6 are not relevant.

- (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.

Table 3 – Assessment against DCP Part D

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 	The NIA submitted with the modification application indicates that with mitigation measures (primarily approved under the previous modification DA2015.177.2), the site can operate without exceeding the

<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>relevant PNTLS. The NIA has been vetted by the NSW EPA and Council's acoustic expert consultant who was satisfied with the modelling behind the NIA and the conservative approach taken.</p> <p>However, this is complicated by the mitigation measures approved under the last modification in December 2022 not yet being implemented and noise surveys received by Council that indicate PNTLS are being exceeded.</p> <p>A detailed review of all these factors is provided below under 'impacts of the development'. Noting the conclusion of this review/assessment, the proposed modification complies with the development control.</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>All matters relating to traffic generation have been reviewed by Council's Traffic Engineer who was satisfied with the proposed temporary changes.</p> <p>It is noted that the proposal does not require changes to entry and exit of vehicles or loading and unloading.</p> <p>No additional parking spaces are required for the Site, as staff changes would relate only to the additional Sunday shift. No more than 24 staff would be at the site at any one time, as per condition 35 of the development consent. No street parking is required for site staff or visitors.</p>
<p>2.14.2 Noise Pollution</p> <ul style="list-style-type: none"> • Buildings designed to minimise transmission of noise. 	<p>Refer above.</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 DA2015/177/2 incorporates conditions of consent that require suitable on-site stormwater management. These conditions would remain relevant under the proposed modification.</p>

PART H – Waste Management (SCDCP 2005)

The NOD for DA2015/177/2 incorporates an approved waste management plan that addresses receipt, processing, storage, outgoings and general maintenance of processing and storage areas. The subject modification is supported by a supplementary waste management plan that addresses the increased throughput for the MRF and extended hours

of operation, which can be added to the approved plans and documents should approval be granted.

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

The existing consent which permits an annual throughput of 99,900 tonnes of materials was granted approval following assessment as a designated development due to exceedance of the above threshold. Therefore, the proposed modification to the approved development remains designated development and requirements under Section 106 of the Regulations must be complied with. As outlined above, the proposed modification has been publicly notified in accordance with Section 106 of the Regulations.

(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

Submitted Noise and Vibration Impact Assessment

As confirmed by Council's acoustic consultant, the Applicant has submitted a comprehensive Noise and Vibration Impact Assessment (NIA) that establishes project noise trigger levels (PNTLs) that comply with criteria and standards within the NSW Noise Policy for Industry (NPfI) and Road Noise Policy. The Applicant has utilised SoundPLAN modelling to predict worst-case operational noise levels for residential areas surrounding the site and these predictions indicate compliance with the NPfI for all residential receivers.

The Applicant has indicated that the approach taken in preparing the model is conservative and the worst-case for the noise emissions from the site which would be periods when all of the following noise sources were operating simultaneously and at their maximum load: delivery trucks, forklifts, front end loaders, compressors, fans and internal machinery at maximum through-put. This approach contributed to satisfying Council's consultant that the modelling undertaken was reasonable and robust.

It is noted that compliance matters raised by Council in the past DCO such as reverse beepers and intermittent opening of doors have been factored into the modelling and assessment (part of the conservative approach).

The NIA includes a number of noise control measures that would be required to achieve the predicted noise levels modelled. The majority of these have been approved under the previous modification application (DA2015.177.2) as referenced in Condition 9 (being those requirements in Table 24 under Section 6.3 of the Noise & Vibration Impact Assessment prepared by Waves Consulting and dated 10 November 2022). These requirements and the new requirement as part of the subject modification are outlined below (new requirement in red bold at bottom of table):

Table 4 – Noise control measures (*works completed or ongoing)

Building 1
* Close all access doors during the evening and night-time.
* Install a noise wall around the air compressors adjacent to the southern wall of Building 1. The noise wall should be 0.5 m above the height of the existing compressor roof

structure and the internal face of the noise wall should be lined with an acoustic material with an NRC of not less than 0.75. See Figure 3 below for indicative location of the noise wall (green line).
* Line the underside of the roof above the air compressors with an acoustic material with an NRC of not less than 0.75.
* During the night-time reduce the duty of the air compressors to 80%.
Install a minimum of 1500 sqm of acoustic material on the inside of the building, to line the walls and the upper part of the walls. The lining should provide an NRC of not less than 0.75.
Review and repair all facade and roof elements. All gaps, cracks and damaged facade elements should be made good.
Building 2
* Close all access doors except for doors H & I during the evening and night-time.
Increase the noise wall to the East of Building 2 to 5.5 m. The internal face of the noise wall should be lined with an acoustic material with an NRC of not less than 0.75. The noise wall should also be extended to wrap around the southern boundary of the site to connect with the corner of Building 2. See Figure 3 in the NIA for indicative location of the noise wall (orange line).
Install a minimum of 1000 sqm of acoustic material on the inside of the building, to line the walls and the upper part of the walls. The lining should provide an NRC of not less than 0.75.
Review and repair all facade and roof elements. All gaps, cracks and damaged facade elements should be made good.
Building 3
* Remove the generator that operates adjacent to Building 3.
Review and repair all facade and roof elements. All gaps, cracks and damaged facade elements should be made good.
* Operate dust extraction fans with an exhaust silencer, so the overall Sound Power Level of each fan is no greater than 97 dB LwA as per Table 4.

Condition 9 of the Notice of Determination for DA2015.177.2 requires the above matters (excluding the final one in red) to be undertaken prior to issue of an occupation certificate. It is noted that the structure of Condition 9 is somewhat ambiguous and does not set up a circumstance where the mitigation measures are required within a certain timeframe. Nevertheless, these mitigation measures were contemplated during the assessment of DA2015.177.2 when noise targets were updated (as agreed to by the EPA) from the parent application as per the amended condition 76 (Noise Limits) and are relied upon again to predict compliance with noise limits.

Accordingly, should approval be granted, further amendments to Condition 9 will be recommended to specifically refer to the mitigation measures and set target dates.

The Applicant has provided a status update of all mitigation measures approved under DA2015.177.2 as listed above. The asterixis indicate works the Applicant has completed or are ongoing. For works that the Applicant has not completed, they have indicated these works are in progress and can be completed before the middle of 2024 (end of Q2). This information can be factored into revised conditions of consent if approval is granted.

Noise Survey

Following the briefing session for the Sydney Eastern City Planning Panel, the Applicant was requested to provide noise audits undertaken as per the existing Condition 9. These were not provided, however the Applicant did submit a series of noise surveys undertaken to satisfy the requirements of the EPL for the operation.

The noise survey results from a noise survey undertaken on 30 October 2023 (following the Panel briefing) are provided in Table 5 below and locations in Figure 15.

Table 5 – 30 October 2023 noise survey results

Receiver	EPA Noise Limit				Worst-case measured level				Estimated Polytrade Contribution			
	Day	Eve	Night	Night LAF max	Day	Eve	Night	Night LAF max	Day	Eve	Night	Night LAF max
10 Williams St	46	46	43	52	49	46	47	62	<46	<46	<43	<50
17 Excelsior Ave	45	42	42	52	57	49	45	74	<45	<42	<42	<52
110 Madeline St	49	41	41	52	52	47	49	67	<45	<41	<41	<50



Figure 15 – Noise measurement locations.

As outlined above, Council's Acoustic Consultant was required to make some assumptions regarding the "Estimated Polytrade Noise Level Contribution", concluding that the levels were predicted by their SoundPLAN acoustic model rather than adjusted levels from noise measurements which is the expected methodology for demonstrating compliance. Therefore, the noise survey available to Council indicates that noise levels are not currently being achieved.

However, this noise survey has been undertaken to satisfy annual requirements of the EPL and is a matter for the NSW EPA.

It is also noted that the noise survey was submitted to address requests for noise audits required under Condition 9 of the consent for DA2015.177.2. It is therefore assumed that the noise audits required by Condition 9 have not been undertaken. This is a compliance matter for Council that can be pursued separately to this assessment.

However, in the context of the proposed modifications, the noise survey results and ambiguities surrounding the estimated Polytrade contribution reinforce the need for refinements to existing conditions of consent to ensure that mitigation measures (as proposed under this modification and approved under the last modification) are implemented and that noise auditing is undertaken.

Should approval be granted, conditions of consent will afford the Applicant the opportunity to clarify their assumptions and adjustments referred to by Council's consultant (through the auditing program) and implementation of mitigation measures should, according to the modelling presented by the Applicant, reduce noise levels to an acceptable level.

Noise Impacts Summary

In summary, submitted noise surveys indicate that the site may be exceeding noise limits at present. However, these breaches relate to existing site conditions and hours of operation which Council can pursue as a compliance matter. Modelling submitted by the Applicant presents a compelling assessment of how noise limits for the site can be complied with following implementation of mitigation measures for both the existing hours of operation and extended hours and Sunday operation.

The extended hours of operation do not represent a radical change in how the site operates within the context of EPA's Noise Policy for Industry. Day time (Monday to Saturday) is considered as being between 7am and 6pm, with night time being 6pm to 10pm in the NPfI. The (temporary) modified hours of operation extend MRF receipt to 6pm, being within the day time period and noise modelling indicates compliance can be achieved throughout the day time periods. The existing consent permits processing after 6pm which has previously been the source of complaints and mitigation measures implemented as a product of this modification will assist in reducing the overall noise impacts across all hours of operation.

The EPA's Noise Policy for Industry does not establish any unique noise limits for Sundays, and considering modelling outcomes discussed above, the notion of continuity across the industrial area is not supported by an established policy or development standard or control.

Conditions of consent will require a renewed acoustic impact auditing program and require implementation of mitigation measures to ensure noise limits are complied with.

Dust and Odour Impacts

The Applicant has submitted an air quality impact assessment with the subject modification to address potential impacts from dust and odour resulting from increased throughput. The submitted report makes reference to two odour audits undertaken to satisfy condition 10b of the consent (DA2015.177.2). It is noted that these audits are not shown on Council's records as being received. They may have been prepared for the EPA, as Condition 99 requires a dust and odour audit to be submitted to the EPA.

Similarly to the noise matters discussed above, this may be considered by Council as a compliance matter but for the purposes of this assessment, the information (being the outcomes of the audits as discussed in the submitted air quality impact assessment) has been considered to inform an assessment of environmental impacts resulting from the modified operation and any necessary changes to recommend conditions of consent.

Odour

The Applicants Odour assessment (by consultant Sound IN) factors in odour audits conducted by SLR Consulting on 13 December 2021 and 2 November 2022 and a site visit by Sound IN on 28 March 2023 where observations were made relating to dust and odour impacts associated with the Site including an odour survey.

Noting these audits and observations, Sound IN made the following conclusions:

Odour emissions from the Site do not tend to scale with the material throughput volumes/tonnages. Rather, all other things being equal, odour emissions are more related to the amount of odorous material being stored on the Site at any particular point in time. A significant and sustained increase in stored materials is not required to achieve the increased material throughput associated with the Proposal. Rather, the volumes/tonnages of material moving through the site will increase and will occur over an extended period of time (i.e. expanded operating hours). Therefore, the Proposal is not anticipated to significantly increase odour emissions from the Site.

Dust

Following their site visit, Sound IN made the following conclusions in relation to dust impacts:

Dust emissions from the Site would approximately scale with the total material throughput. Therefore, without adequate controls, the Proposal has the potential to increase off-site dust impacts.

It is noted that two dust extractors, each with baghouse filters, are in the process of being installed in the GBP and MRF, with installation to be completed by the end of July 2023. Dust removal efficiencies of baghouse filters are typically well in excess of 95%. Therefore, the dust extractors will more than make up for any increase in dust emissions from within the GBP and/or MRF.

In addition to the dust extractors, the following control measures are employed on the Site:

- A modified fork-lift truck that sweeps up wind-blown litter and other particles is used across the Site. This is a dry system and no water is used during this process.*

- *Paved roadways, hard stand areas and driveways are kept clean by the use of the on-site sweeper, as required, to prevent dust from vehicle movements.*
- *A general vehicle speed limit of 5 km/h is maintained across the Site.*
- *All vehicles are checked for mud and soil on tyres prior to leaving the Site and where mud or soil is detected on the entrance road (i.e. "track out"), staff are deployed to sweep the road.*
- *All on-Site fixed and mobile diesel powered plant is maintained in accordance with the manufacturer's specifications.*

The above measures are considered adequate to effectively mitigate dust emissions from the site, for both current operations and under the Proposal.

During Council's site visit, the two dust extractors were observed and the extractor on the south side of Building 1 can be viewed in Figures 6 and 7.

Changes to conditions

Noting the above assessment by Sound IN, it is recommended that Condition 10 be revised so that previous air quality audits are submitted to Council's Environmental Health Team as well as the air quality impact assessment submitted with the subject modification and discussed above. Condition 10 will also include revisions to the auditing regime to require an additional audit 6 months following commencement of the modified hours of operation.

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

It is considered that the proposed development, as modified, is an appropriate use of existing infrastructure and the site is capable of accommodating the increased throughput. The site is in close proximity of residential receivers however environmental impacts associated with the increased throughput, truck movements and extended hours of operation are not expected to increase and conditions of consent will allow for these impacts to be monitored.

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.

The increased truck movements have been considered in the context of the local road network and industrial setting and are considered acceptable, in part on the basis of the changes being temporary.

(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. Eight (8) submissions were received raising the following concerns:

1. **The site is currently operating outside of usual business hours, including on Sundays during the permitted machinery maintenance periods.**

Comment: This concern is a compliance matter that can be raised with Council's compliance team. Notwithstanding, revisions to conditions of consent will require new noise auditing to confirm noise limits are being complied with.

2. **The local area already suffers from considerable noise pollution from Port Enfield, Aussie Skips and Sandhub. Sunday is currently the only day where the sounds of truck movements, machinery and the like do not echo through the neighbourhood.**

Comment: The matter of noise impacts and Sunday operation has been considered in the assessment against likely impacts of the development.

3. **The increased hours of operation and throughput will result in increases to traffic creating safety concerns, including on Sundays at local sports fields located in Cooke Park (south of the site). Increased truck movements will add to existing impacts to the quality of local roads (i.e. potholes).**

Comment: Traffic impacts have been considered by Council's Traffic Engineer who raised no concerns with the proposed temporary changes to truck movements and impacts on the surrounding local road network.

4. **The temporary change of hours will be exploited by neighbouring sites to achieve extended hours of operation.**

Comment: Any future Applications for extended hours of operation will need to be supported by assessments and studies that demonstrate compliance can be achieved with relevant policy (such as the EPA's Noise Policy for Industry), development standards in the relevant EPI's and development controls.

5. **The proposed modification triggers designated development and has not been accompanied by an Environmental Impact Statement.**

Comment: The proposal modifies a development that is already designated development. However, the EP&A Act and Regulations do not require submission of an EIS with a modification application.

6. **The proposed modification will increase rubbish which is already problematic.**

Comment: The approved development includes waste management processes that can be referred to by Council's compliance staff should this be raised outside of the subject modification. The proposed modification does not result in a radical change in the operation and management of the site and existing litter management processes are capable of addressing increased throughput and operating periods.

7. **During assessment of the parent application, the local community petitioned the JRPP to impose conditions of consent that limited hours of operation and prohibited Sunday operation. To reverse these conditions is unacceptable.**

Comment: Consideration of whether the proposed changes to hours of operation are substantially the same development as what was approved has been included in this assessment. The changes to hours of operation primarily involve an extension from 3pm to 6pm for receipt of material and Sunday operation (including receipt) which in the context of noise modelling undertaken by the Applicant is an acceptable change.

8. **The site has a history of breaching conditions of consent including storage of material in unenclosed structures and use of reverse beepers on plant equipment.**

Comment: Council has previously undertaken compliance investigations into these matters and can continue to do so should similar complaints be received via the correct channels within Council. It is noted that the previous modification (DA2015.177.2) considered the need for external storage of materials to be inside of roofed structures. It was noted during the site visit these structures have been constructed as per the approved plans under DA2015.177.2.

9. **When surrounding sites are not operating, the noise from Polytrade can be heard clearly, indicating that Sunday operation would generate noise impacts.**

Comment: An assessment of noise modelling and the submitted noise survey has been undertaken above. Breaches to noise limits (as indicated in the submitted noise survey) may be pursued by Council's compliance team should complaints be received. However, noise modelling indicates that with mitigation measures the Polytrade contribution to noise impacts will comply with the Noise Policy for Industry. Conditions of consent will require noise auditing to verify this.

10. **The site generates dust clouds that are visible outside of the property. It is requested that Council look into the dust generation and that noting this, additional throughput and therefore additional dust should not be permitted.**

Comment: The Applicant has submitted an air quality impact assessment that addresses in detail dust generation at the site. Conditions of consent will require additional air quality audits to ensure dust impacts are being minimised following granting of the modified consent.

(e) the public interest.

The modification application will allow for an existing recycling facility to utilise existing infrastructure to process various recyclables from across the state, providing a critical urban 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).

The proposed modification does not incorporate any works or change the approved use and therefore does not trigger the payment of contributions.

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 to temporarily change hours of operation and enable the processing of additional throughput at the site from 99,900 to 120,000 tonnes per annum, 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 conditions of consent of Development Consent No. 2015/177/2 as approved except where amended as below.
3. As part of this Section 4.55(2) application, the following conditions are to be modified, added or deleted:
 - Amend Condition 1
 - Add Condition 5(a)
 - Add Condition 7(a)
 - Add Condition 8(a)
 - Amend Condition 9
 - Amend Condition 10
 - Add Condition 30(a)
 - Add Condition 36(a)

Signed:

JG

Date: 08/11/2023

**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 not applicable to this development;

Report and recommendations have been peer reviewed and concurred with.

Lg

Signed:

Louise Gibson

Date: 08/11/2023

Executive 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 – 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

Noise & Vibration Impact Assessment – Waves Consulting – Doc No. 60.00965.01 RPT1R4.DOCX, dated 15 September 2023

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

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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 Processing of material Dispatch of material	6am to 10pm	Daily, Monday to Saturday 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	
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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.

5(a) The following hours of operation are permitted at the site until 30 June 2027. On 1 July 2027, the hours of operation must comply with Condition 5.

	Type of activity	Hours and days permitted	Other requirements
(a)	Paper and Cardboard Recycling (PCR) Facility		
	Receipt of incoming material Processing of material Dispatch of material	Monday to Saturday 6am to 10pm	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 and Sundays	
(b)	Materials Recycling Facility (MRF)		
	Receipt of incoming material	Monday – Saturday 5am to 6pm Note: first delivery permitted from 4:30am however processing machinery only permitted to be turned on at 5am. Sunday 8am-6pm	Maximum of (65) incoming vehicles per day Roller doors to be closed from 6pm.
	Processing of material	Monday – Saturday 5am to 10pm Sunday 8am-6pm	Nil
	Dispatch of sorted material	Monday – Saturday 5am to 6pm	Maximum of nine (12) collection vehicles per day

		Sunday 8am-6pm	
	Cleaning and conveyor maintenance	Monday to Saturday 10pm to 5am 10pm Saturday until 5am Sunday.	Nil

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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.

7(a) An annual throughput for the MRF of 120,000 tonnes is permitted at the site until 30 June 2027. On 1 July 2027, the hours of operation must comply with Condition 7.

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8. A maximum of 4,200 tonnes of sorted waste is permitted to be stored on site at any one (1) time.
- 8(a) A maximum of 8,000 tonnes of sorted waste is permitted to be stored on site at any one (1) time until 30 June 2027. On 1 July 2027, the hours of operation must comply with Condition 8.**

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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.~~
- The noise control measures listed in Table 28 in the Noise and Vibration Impact Assessment prepared by Waves Consulting dated 15 September 2023 (Document No. 60.00965.01 RPT1R4.DOCX) are to be completed within 7 months of the modified consent being made and no later than 30 June 2024. Evidence that all measures have been implemented are to be**

provided to Council's Director of Planning and Environment and the PCA. The Applicant must include a letter from a qualified acoustic consultant confirming that the required works are satisfactory with regard to Table 28 of the Noise and Vibration Impact Assessment.

~~(b) The acoustic auditing program shall comprise:~~

An acoustic auditing program shall be undertaken from the date the modified consent is issued (insert date). The auditing program is to be undertaken as follows:

- ~~(i) Stage 1: an initial acoustic audit shall be carried out within a period of 40 days from the date of commencement of operations~~ **the modified consent is issued (insert date) The intent of this stage is to clarify assumptions in the Noise Survey undertaken by Waves Consulting dated 20 October 2023 (Document No. 60.00965.01 LTR1R1.DOCX):**
- ~~(ii) Stage 2: an acoustic audit shall be carried out within seven (7) months from the date of commencement of operations~~ **the modified consent is issued (insert date); and**
- ~~(iii) Stage 3: a final acoustic audit shall be carried out within ten (10) months from date of commencement of operations~~ **the modified consent is issued (insert date).**
- ~~(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) project noise limits established in~~ **noise limits in the Noise and Vibration Impact Assessment prepared by Waves Consulting dated 15 September 2023.** 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~~ **Noise and Vibration Impact Assessment prepared by Waves Consulting dated 15 September 2023** measures shall be immediately put in place to ameliorate those non-compliances, including reduced operating hours as necessary to the written satisfaction of Council.

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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. **Evidence these measures have been implemented is to be submitted to the Director of Planning and Environment at Strathfield Council within 7 months of the modified consent being issued.**
- (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.
- (iv) **Stage 4: In the absence of the audits in Condition 10(b)(i) and 10(b)(ii) having been submitted to Council, the audits referred to in the Sound IN letter dated 22 May 2022 which took place on 13 December 2021 and 22 November 2022 are to be submitted to the Director of Planning and Environment at Strathfield Council. This must be done within 1 month following the date of the modified consent (insert date).**
- (v) **Stage 5: A air quality audit considering dust and odour is to be undertaken within 7 months following the date of the modified consent (insert date). The audit is to be submitted to the Director of Planning and Environment at Strathfield Council.**
- (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~~ **qualified consultant** and be submitted to Strathfield Municipal Council for consideration; and
- (d) Should the ~~acoustic~~ audit reports identify issues with odour **and dust** generated by the site operations, measures shall be immediately put in place to ameliorate odour **and dust** to the written satisfaction of Council.

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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.**
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:

Local Amenity Improvement Levy	\$6,650.00
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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.

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.

30(a) For the period up to 30 June 2027 all material delivery to the MRF on the site shall be completed by 6:00pm Monday to Saturday and Sunday. On 1 July 2027, the hours of operation must comply with Condition 30.

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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.

36(a) For the period up to 30 June 2027 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 5a. On 1 July 2027, the hours of operation must comply with Condition 36.

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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 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.
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 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.
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). Prior to the issue of the construction certificate, a dimensioned plan of the eastern extension to Building 1 is to be submitted to Strathfield Council's Planning Team for endorsement. The extension is not to exceed a height of 9.6m, measured from existing ground level, or protrude beyond the envelope of Building 1.

All other extensions in the approved plans are to have a height of no greater than 6.7m as measured from existing ground level.

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) as attached and 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*.
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. 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
	LAeq (15 minute)	LAeq (15 minute)	LAeq (15 minute)	LAFmax
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

77. For the purpose of condition 76;

- (a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.
- (b) Evening is defined as the period 6pm to 10pm.
- (c) 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.

79. For the purposes of condition 78:

- 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).

80. To determine compliance:

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).
81. 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).
82. 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.

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.

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.

- 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