



Statement of Environmental Effects Temporary Sheds Sydney Recycling Parks

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We declare that:

The report contains all available information that is relevant to the assessment of the Site and proposed development, activity or infrastructure to which the report relates, and the information contained in the report is neither false nor misleading.

Report version	Authors	Date	Reviewer	Approved for issue	Date
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Executive Summary

Sydney Recycling Park is located at 16-23 Clifton Avenue, Kemps Creek (Lot 230 DP 1134016) (the Site) and is approved as a non-putrescible General Solid Waste landfill for disposal and processing of principally building and demolition waste materials, including general solid waste (CT1) and soils from construction sites.

The Site is also approved for recycling in accordance with Penrith Council's philosophy concerning waste minimisation and includes a recycling facility as part of the rehabilitation of the former Kemps Creek Quarry. The Site includes a landfill, leachate pond, waste processing equipment and stockpiles of materials, a weigh bridge, on-site offices and amenities and car parking.

Sydney Recycling Park proposes to construct two temporary sheds: one 2,100m² and one 2,520m² floor area temporary shed structure. Both would be used to enclose recycling activities associated with the approved recycling and landfill facility uses. The proposed temporary sheds will be located next to the existing shed that was previously approved in 2017 under DA 17/396 by Penrith City Council. The new sheds will allow further enclosure of waste processing and recycling operations to reduce environmental impacts and protect the amenity of neighbouring properties.

The facility is licensed under the *Protection of the Environment Operations Act* 1997 and has an EPL in place (EPL 12901) that allows the Site to function as a recycling facility. The EPL provides for rigorous groundwater, dust and discharge monitoring, and limits the amount waste the facility may accept and process.

This Statement of Environmental Effects (SEE) has been prepared to support an application for the erection of two temporary sheds and associated access paving and drainage works only (the Proposal). The Proposal is considered ancillary to, and would not change or intensify, currently approved uses. The Proposal is considered a local development to be assessed by Penrith City Council under Part 4 of the *Environmental Planning and Assessment Act* 1979.

The addition of the sheds as proposed would not significantly increase the environmental impact of the total development at the site. The sheds design is of similar shape and size to the existing shed and would be established consistent with the existing approved shed and the surrounding agricultural and industrial development. Additional stormwater capture and treatment from the new sheds and additional access around the new sheds is included in the planned design and construction.

The Site is zoned RU4 Primary Production Small Lots. Whilst 'waste or resource management facilities' are prohibited development under the *Penrith Local Environmental Plan* 2010 in RU4 zoning, the Site is identified under Schedule 1, Clause 7 of the Penrith LEP for additional permitted uses including extractive industry and waste disposal facilities. Therefore, the current uses of the Site are permissible with consent.

The proposed sheds have a maximum height of approximately 11.4 metres and extend together approximately 120 metres in length and 42 metres in width.

The proposed sheds are temporary structures that will be removed when the current use of the subject Site concludes. The Proposal will in no way change the Site's current operations and will not alter the existing access arrangements from Clifton Avenue, nor will it generate any additional traffic movements or the need for more on-site car parking spaces.

The current operating hours for the landfill will remain the same under the Proposal.



A detailed SEE has been prepared as required by Penrith Council to consider the potential impacts of the proposal on the surrounding environment including soil, contamination, bushfire, visual amenities, and stormwater management. The SEE includes mitigation measures to ensure that any potential for impacts are minimised as far as practicable.

The Proposal will not result in on-site impacts or off-site impacts to sensitive receptors. The Proposal includes retention of the existing bunds and provides for additional landscape planting to maintain and enhance the visual and noise barriers to the Site. The Proposal encloses existing activities on-site associated with the landfill and resource recovery facility and assist to maintain the amenities of the surrounding area.

The Proposal is therefore considered appropriate for the Site and is recommended for approval.



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1. Introduction

1.1. Project Overview

Sydney Recycling Park is located at 16-23 Clifton Avenue, Kemps Creek (the Site) and is approved as a non-putrescible General Solid Waste landfill for disposal and processing of principally building and demolition waste materials, including general solid waste (CT1) and soils from construction sites.

The Site is also approved for recycling in accordance with Penrith Council's philosophy concerning waste minimisation and includes a recycling facility as part of the rehabilitation of the former Kemps Creek Quarry. The Site includes a landfill, leachate pond, waste processing equipment and stockpiles of materials, a weigh bridge, on-site offices and amenities, and car parking.

The general locality of the Site is shown in Figure 1.1. The Site is surrounded by a mixture of rural land use, rural residential properties and several industries (Figure 1.2). The Site is zoned RU4 Primary Production Small Lots (Figure 1.3) and a recent aerial photo of the Site (April 2022) is provided in Figure 1.4.

Sydney Recycling Park proposes to construct two temporary sheds: one 2,100m² and one 2,520m² floor area temporary shed structure. Both would be used to enclose recycling activities associated with the approved recycling and landfill facility uses. The proposed temporary sheds will be located next to the existing shed that was previously approved in 2017 under DA 17/396 by Penrith City Council. The new sheds will allow further enclosure of waste processing and recycling operations to reduce environmental impacts and protect the amenity of neighbouring properties.

The Proposal is for the erection of temporary sheds only. The Proposal is considered ancillary to, and would not change or intensify, currently approved uses.

The addition of the sheds as proposed is not expected to significantly increase the environmental impact of the total development at the site. The sheds design is of similar shape and size to the existing shed and would be established consistent with the existing approved shed and the surrounding agricultural and industrial development. Additional stormwater capture and treatment from the new sheds and additional access around the new sheds is included in the planned design and construction.

The Proposal is considered a local development to be assessed by Penrith City Council under Part 4 of the *Environmental Planning and Assessment Act* 1979. This SEE addresses all the requirements of Penrith City Council in the pre-DA meeting held on 28 September 2021 and the notes issued by Council on 25 November 2021 (See Table 1.4).

1.2. Applicant Details

Sydney Recycling Park Pty Ltd (ABN 12 123 289 930) is the project proponent. The company is wholly owned by Mr Dean Wanless. Sydney Recycling Park is located at 16-23 Clifton Avenue in Kemps Creek (Lot 230 DP 1134016) and is an EPA licensed landfill and resource recovery facility that supports the management, recycling and disposal of non-putrescible waste comprised mainly construction waste from building projects across Sydney.

Mr Wanless is a well-respected member of the recycling industry providing skip bin and recycling services for households, businesses and the building industry in NSW and Victoria. Mr Wanless has in-excess of 30 years in the waste and recycling industry in Australia, and has successfully operated resource recovery centres, landfills, transfer stations and collection businesses in compliance with all laws and supporting the Victorian and NSW communities to sustainably manage and recycle waste materials.



Figure 1.1. General locality of the Site. Approximate Lot boundaries are shown in red.











Sydney Recycling Park – Temporary Sheds – SEE | 13 Figure 1.3 Land use zoning RU4 Primary Production Small Lots under the Penrith LEP 2010. Approximate lot boundaries in RED.





Figure 1.4. Site Location (shown in Blue) at 16-23 Clifton Avenue Kemps Creek NSW (Lot 230, DP1134016). Lot boundaries in RED.





1.3. Approvals Background

1.3.1. Development Consent History

The Site was previously approved under DA53/67 to be used as a clay and shale quarry, known as Kemps Creek Quarry. The Site was used as a quarry up until the late 1980s.

In around 1990, development consent (DA413/89) was granted to operate a non-putrescible General Sold Waste landfill.

The Site is now an approved non-putrescible General Solid Waste landfill for disposal and processing of principally building and demolition waste materials, including soils from construction sites (DA 413/89).

The northern portion of the Site has been subject to filling in accordance with the levels and landforms required under the approval for the rehabilitation of the Kemps Creek Quarry. This part of the Site is now used for waste separation activities in accordance with the 1998 approval for the modification of Development Consent No. 413/89 relating to the Quarry's rehabilitation. This 1998 approval granted consent for the modification of various conditions in Development Consent No. 413/89 to allow resource recovery to take place on the Site, including recycling.

The southern portion of the Site accommodates a landfill and leachate evaporation pond. The middle of the subject Site consists of the entry, internal roadways, weighbridge (approved under DA970266), car parking and two on-site offices.

In the centre of the Site is an existing 5,000m² shed to enclose some on-site activities and waste processing equipment associated with the existing uses at the Site. The shed was approved in 2017 under DA17/396 by Penrith City Council.

A summary of the approvals for the Site is provided inTable 1.1.

Date Approved	Development Application No.	Description of approved activity or development
13/04/1968	DA53/67	Extractive industry (clay pit)
27/07/1990	DA413/89	Continued extraction and progressive rehabilitation of Kemps Creek Quarry, as specified in the Statement of Environmental Effects prepared on behalf of the applicant by R W Corkery Pty Ltd and submitted to Council on 5 October 1989 as part of the development application on Council's file No. D16350/09065 DA1 except where amended or altered by Council's Consent No. 413/89 or as directed otherwise by Council from time to time.
29/07/1997	DA970266	Weighbridge in accordance with plans submitted to Council on 15 July 1997.
01/05/1998	DA413/89 Modification	Permit resource recovery and recycling, including crushing of recyclable demolition material on the site.
11/06/2008	DA 08/0323	Boundary adjustment.
06/03/2018	DA 17/0396	Construction of a temporary shed to enclose some waste processing equipment and site activities associated with the existing landfill facility.



1.3.1. Life of the Operations are Unfixed

The 1990 development consent (DA413/89) was granted by Penrith Council to operate the Site as a non-putrescible General Solid Waste landfill. The operational life of DA413/89 was not fixed in the development consent or incorporated Statement of Environmental Effects (SEE) for the development consent.

The SEE provides under a heading "Life of the Project Site" that:

"The life of the Project Site as a location for clay / shale extraction and industrial / building waste backfilling will be dependent on the respective rates of these operations carried out concurrently" (reference pg. 7).

The effect of this statement was to seek consent for the operation to continue as long as airspace remained to backfill voids. Furthermore, there is no condition under DA413/89 which prescribes a timeframe for the completion of landfilling and rehabilitation works for the site.

1.3.2. Use of the Site as a Recycling Facility is Permitted

DA413/89 was modified on 1 May 1998 to permit resource recovery and recycling. Condition 71 was specifically amended as follows:

i. Existing Condition No 71 be deleted and replaced with the following new Condition No 71:

"Waste materials which are recyclable, where practicable, are to be stored away from the working face, crushed as required, and removed on a regular (at least monthly) basis. In accordance with the Council's philosophy concerning waste minimisation, re-use of waste materials is permissible where safe and practical."

Therefore DA413/89 (as modified) allows the continued extraction and progressive rehabilitation of the Kemps Creek Quarry, which is not specifically time limited under the consent. This provides a mechanism for lawful recycling on the site, and naturally extends the timespan for the completion of the rehabilitation works.

1.3.3. Current EPL Allowed Uses

The current Environment Protection Licence (EPL) for the site (EPL 12901) allows the site to function as a recycling facility (see Appendix J). The EPL provides for rigorous groundwater and discharge water monitoring and dust monitoring, and for cubic metre limits of various types of waste.

Table 1.2 summarises the approved scheduled activities on the site.

Scheduled Activity	Fee Based Activity	Scale
Extractive activities	Land-based extractive activity	> 30000 - 50000 T annual capacity to
		extract, process or store
Waste processing (non-thermal	Non-thermal treatment of general waste	Any annual processing
treatment)		capacity
Waste disposal (application to	Waste disposal by application to land	Any capacity
land)		
Waste storage	Waste storage - other types of waste	Any other types of waste
		stored

Table 1.2. EPL 12901 Scheduled Activities



1.4. Project Approval Pathway

The Proposal is considered a local development to be assessed by Penrith City Council under Part 4 of the *Environmental Planning and Assessment Act* 1979.

There is no change to the approved use of the facility and the Proposal is for the erection of temporary sheds only. The Proposal is considered ancillary to and would not change or intensify currently approved uses.

In addition, the Proposal would not significantly increase the environmental impact of the total development, and thus is not considered designated development.

A summary of approval matters is provided in Table 1.3.

Table 1.3. Summary of approval matters.

Matter	Project Summary
Power to grant consent	Local development to be assessed and determined by Penrith City Council.
Permissibility	Whilst 'waste or resource management facilities' are prohibited development under the Penrith LEP in RU4 zoning, the Site is identified under Schedule 1, Clause 7 of the Penrith LEP for additional permitted uses including extractive industry and waste disposal facilities. Therefore, the current uses of the Site are permissible.
Other approvals	The Proposal does not require additional approvals. The site operates under a current (EPL 12901) under the <i>Protection of the Environment Operations Act 1997</i> .
Preconditions and mandatory matters for consideration	Clause 48(2) of the <i>Environmental Planning and Assessment Regulation</i> 2021 provides those factors that must be considered by Council in making the determination whether the Proposal does not significantly increase the environmental impacts of the existing or approved development. These factors along with information regarding the Proposal, are provided in Table 4.1 (Section 4.2.2).

1.5. Approvals Subject to Separate Assessment

No additional approvals subject to a separate assessment would be required for the Proposal.

No controlled activity approval is required under the *Water Management Act* 2000 as no works are proposed within 40m of a watercourse.

1.6. Penrith Council Pre-Lodgement Requirements

This SEE addresses all the requirements of Penrith City Council in the pre-DA meeting on 28 September 2021 and the notes issued by Council on 25 November 2021. See Table 1.4.



Table 1.4. Penrith Council pre-lodgement requirements (Council ref: PL21/0065).

Matter	Council requirements	Where addressed in this SEE
Development Type:	Integrated Development The development is identified as a Schedule Activity requiring an Environment Protection Licence (EPL) and referral to the NSW Environment Protection Agency under the Protection of the Environment Operations Act 1997. A Controlled Activity Approval will be required under the Water Management Act 2000 from Department Primary Industries - Water to carry out a Controlled Activity if works are proposed within 40 m of a mapped watercourse. Designated Development Refer to comments below.	Noted. The site is under existing EPL 12901, no variation is required, see Section 1.3.3. Controlled activity approval not required, see Section 1.5.
Planning	 Relevant EPIs, Policies and Guidelines Sydney Regional Environmental Plan No. 20 – Hawkesbury/Nepean River (No. 2 - 1997) State Environmental Planning Policy. No 55 – Remediation of Land State Environmental Planning Policy No 33 – Hazardous and Offensive Development State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 Penrith Local Environmental Plan 2010 Penrith Development Control Plan 2014 Penrith City Council Cooling the City Strategy Stormwater Drainage Specification for Building Developments Policy Water Sensitive Urban Design Policy and Technical Guidelines Draft SEPP Remediation of Land Draft SEPP Environment 	Section 4 Planning and Legislative Requirements. Section 8 Surface and Groundwater. Appendix I Stormwater Civil Plans.
	 Zoning, Permissibility The site is zoned RU4 Primary Productions Small Lots under Penrith Local Environmental Plan (PLEP) 2010. Under Additional Permitted Uses, Clause 2.5 and Schedule 1 of PLEP 2010, development for the purpose of extractive industry and waste disposal facility is permitted with consent. The site currently has consent to operate a landfill facility. 	All current site uses including resource recovery and recycling are permitted under previous consents and LEP zoning. Section 1.3 and Section 4.4.
	 Use It is understood that the proposal is for the structure/s alone, any use of the site will fall within the provisions of the existing consents in place for the land. Reliance upon any consents for the resource recovery use shall be detailed in the application. The application shall demonstrate that use is compliant with the existing 	See approvals history in Section 1.3. All current site uses including resource recovery and recycling are permitted under previous consents and



	Where ad	dressed i	n this SEE
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Matter	Council requirements	Where addressed in this SEE
	 conditions of consent and the existing licences issued by the Environment Protection Authority (EPA). The current licence should be provided with the application. The application shall address whether the sorting, processing and diversion of waste away from the site is permissible under the terms of the existing development consent and EPA licence. Any development application must address Part 2 of Schedule 5 of the Environmental Planning and Assessment Regulation 2000 as alterations or additions to an existing use must be considered against the factors to be taken into consideration, regardless of whether or not the existing development was approved as being Designated 	LEP zoning. See Section 1.3, Section 1.3.2 and Section 1.3.3. See EPL 12901 in Appendix J. The Proposal is not considered designated development. See Section 4.2.2.
	 Development. Additionally, commentary will be required regarding the life span of the facility and whether this development is to result in an increase. It should be noted that one of the reasons of refusal for the modification application refused on 25 August 2014 related to the impacts associated with the increased life span of the development. You are advised to lodge a GIPA application to retrieve this refusal consent for reference. Detailed information relating to the operation of the site must be submitted, including, but not limited to: Extent of quarrying still being undertaken. Volume of waste being received by the site (daily, monthly and yearly). Volume of non-putrescible waste actually being disposed of at the site and the percentage of dispersal to other processing facilities. Types of waste received by the site and the destination of the waste materials diverted from the site. Likely life span of the site. It should be noted that the use of non-putrescible waste to fill the quarry was based on the aim to eventually reach an acceptably remediated site and final land form. Number of truck movements and routes. Hours of operation. Proposed fencing or external lighting. Through the pre-lodgement discussion, it was understood that the intention is to enclose recycling activities, rather than enclose any operations regarding the landfill facility. The containment is proposed to better control dust and noise and has been developed in consultation with, and requested by, the neighbours. It was understood 	The operational life of the facility is not fixed. See Section 1.3.1. There is no change to the approved use of the facility and the Proposal is for the erection of temporary sheds only. The Proposal is considered ancillary to and would not change or intensify currently approved uses. No changes to waste volumes, operational hours, traffic volumes, access to the site, or fencing is required or proposed. Any external lighting shall be in accordance with AS 4282. See Section 3. Noted.



Council requirements

that the landfill has limited capacity and the resource recovery component has extended the life of the operations as 80% of the operations are disposed off-site. However, the use of this site as a receiver of waste was on the basis that it formed an end user scenario whereby it was a means to an end of achieving an acceptably remediated site and final land form.

- Based upon this discussion, Council advises that it is not considered likely that the All current site uses including resource recovery and provisions of the existing consent and licences will enable a 'Sydney Recycling Park' of the scale envisioned by the concept plan. With two sheds, there is a greater cumulative impact than there was with one, relative to past approvals. While acoustic impacts may 1.3.3. There is no change to the approved use of the be better managed within a shed, the scale of those acoustic impacts are unlikely to have been considered by the original consent. Further, as indicated below, the likely visual impacts and required earthworks are not considered substantially the same as what was anticipated under existing consents.
- The likely separating, sorting, processing and transfer of waste on the site would see the land use go beyond that of the approved extractive industry and into a separate waste disposal facility land use. The application is for an intensification or alteration of the existing waste disposal occurring on site.
- Therefore, the application will fall under the waste disposal facility definition and trigger requirements for Integrated and Designated Development as well as require determination by the Sydney Western City Planning Panel.
- The development application shall be lodged under the additional permitted use provisions of the Penrith Local Environmental Plan (LEP) 2010 for the waste disposal facility.
- The application will constitute Designated Development under Clause 32(1)(a)(vi) of Schedule 3 of the Environmental Planning and Assessment Regulation 2000. Waste disposal facilities which are Designated Development must be determined by the Sydney Western City Planning Panel (SWCPP).
- An Environmental Impact Statement (EIS) must meet the minimum form and content • requirements in Schedule 2 of the Environmental Planning and Assessment Regulation 2000 and be in accordance with any Secretary's Environmental Assessment Requirements (SEARs) obtained from the Department of Planning.

recycling are permitted under previous consents and LEP zoning. See Section 1.3, Section 1.3.2 and Section facility and the Proposal is for the erection of temporary sheds only. The Proposal is considered ancillary to and would not change or intensify currently approved uses. See Section 3.

All current site uses including resource recovery and recycling are permitted under previous consents and LEP zoning. See Section 1.3, Section 1.3.2 and Section 1.3.3.

The Proposal is considered a local development to be assessed by Penrith City Council. See Section 1.4 and Section 4.

Clause 48 of Schedule 3, Part 3 of the EP&A Regulation provides why the Proposal is not Designated Development. See Section 4.2.2.

Table 4.1 provides Clause 48(2) factors for Council's consideration.

Therefore, this is local development and SEARs are not required for this SEE.



Matter	Council requirements	Where addressed in this SEE
Visual Impacts upon Scenic Values and Rural Character	 A portion of the subject site is identified as "land with scenic and landscape values" on the Scenic and Landscape Values Map. As such, Clause 7.5 of the LEP is applicable which specifies that development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the development, to minimise the visual impacts of the development from major roads and other public places. Concerns are raised with the proposed location given the proximity to the property boundary, the elevated level and resultant visual impacts relative to the rural character and scenic values of the area. The question was raised during the meeting by Council whether the existing shed could be extended further north, to ensure an appropriate setback to the eastern boundary and the neighbouring properties. It was understood the proposed location was nominated to internalise processes that are currently in operation close to the eastern boundary and thereby provide a buffer to the remaining outdoor operations. The shed's location is of concern regarding the implications, if any, on the existing landscape bunds. The shed location shall shift westward to retain the existing bunds, while also ensuring adequate landscaping can be provided around the new shed. The height, bulk and scale shall be proportional to the surrounding landscape and constructed of non-reflective materials. At present, the scale is disproportionate given the proposed siting which is elevated and exposed given the fall from the shed location towards the street, coupled with its size and limited landscape opportunities due to existing parking/structures. Other measures to reduce the shed's visual prominence should also be used such as recessive colours, colour banding (i.e. darker colours for the lower portion of the facade with lighter tones for the upper por	Noted. Scenic quality and landscape has been assessed in thi SEE. See Section 10. A Visual Impact Assessment (Appendix F) an Landscape Plans (Appendix G) are provided with thi SEE. Additional native planting of the existing landscap bunds is proposed. Retention and enhancement of the existing bunds is proposed. See Section 10. Retention and enhancement of the existing bunds is proposed, along with appropriate materials selectio for the sheds. The sheds are located together toward the centre of the lot. See Section 10. See Appendix A Site Plans. See Appendix G Landscape Plans.



Sydney Recycling Park – Temporary Sheds – SEE | 22 Where addressed in this SEE

Matter	Council requirements	Where addressed in this SEE
Earthworks	An existing landscaped bund wall is located around the site and existing on-site	Retention and enhancement of the existing bunds is
	 buildings and landfill area in a southern and eastern direction. The existing bund wall acts to minimise noise impacts on adjoining residential properties as well as to minimise the visual impacts of the site. The location of the proposed shed shall not alter or reduce the existing bund and this may warrant reconfiguration/relocation of the shed. Any built form should be located, oriented and designed to minimise excavation, cut and fill in accordance with the requirements of the Land Management section of the DCP. This would further assist in integrating the development into the landscape as is 	proposed, along with appropriate materials selection for the sheds. The sheds are located together toward the centre of the lot. See Section 10. See Appendix A Site Plans. See Appendix F Visual Impact Assessment. See Appendix G Landscape Plans. See Appendix D Geotechnical Investigation and Appendix D Device Site Investigation and
Miscollanoous	required by Section D1 of the DCP and Clause 7.5 of the LEP.	Consultation lotters and a fact sheet discussing the
Matters	 As discussed during the meeting, the applicant is encouraged to consult NSW EPA during this early design stage, and prior to lodgment of any DA, to ensure that relevant issues are identified and addressed in the development application. Given that the existing operation is a Scheduled Activity and licensed by the NSW EPA under the POEO Act 1997, the development is 'Integrated' and the development application will be referred to the NSW EPA. The EPA may raise specific issues or requirements to be addressed in the application. 	Proposal was issued to properties within 200m of the site, and to the EPA. See Section 6 and Appendix B.
	 The Rural Fire Service (RFS) should be contacted prior to any lodgement to understand the likely implications of RFS requirements for an APZ and for the storage of combustible waste materials. As the site is bushfire prone, a response to Planning for Bushfire Protection 2019 would be required which details how compliance with the RFS requirements may alter or impact the design of the development or proposed operations. The response is to provide detail regarding impacts on trees and other vegetation and is to include input from the relevant consultants. 	A Bushfire Assessment was prepared for the Proposal and several mitigation measures proposed. See Section 11 and Appendix H Bushfire Assessment Report.
	 Early consultation with adjoining landowners is recommended. Under the Infrastructure SEPP, Clause 104 states that landfill, recycling or waste transfer stations of any size or capacity with access to any road is traffic generating development requiring referral to the Roads and Maritime Service (RMS). All plans shall reflect the current state of the site. Material submitted for review does not clarify the extent of activities and operations at the site and does not allow an understanding of the impacts, if any, upon the existing vegetation. 	 See Section 6 and Appendix B Consultation Materials. No additional traffic generation or waste receival is proposed. See Section 13. The Proposal is described in this SEE and plans are provided in Appendix A. See Appendix A for all site plans and elevations including heights proposed.



Where ac	dressed	in this SE

Matter	Council requirements	Where addressed in this SEE
	 Detailed dimensioned plans, elevations and relevant sections are to be provided at an appropriate scale of the office, process building, any amenities and storage containers that are to be retained and/or proposed. Proposed gates, fences, heights and materials are to be shown on plans. All hardstand areas and any earthworks proposed are to be shown on the plans including all current levels and sections that show any proposed battering/interface treatment. A landscape plan shall be prepared by a suitably qualified professional. Proposed external lighting shall be in accordance with AS 4282. The impacts of noise, dust and vibration on animals in the immediate vicinity is to be considered in a flora/fauna report. 	Plans provided in Appendix A show hardstand accompanying the proposed shed, and Appendix I includes stormwater plans. See Appendix G Landscape Plan. No specialist biodiversity report was deemed necessary as the site is already cleared and developed. See Section 15.
Draft EPIs, Development Controls Plan and Contribution Plans	 The Western Sydney Aerotropolis Development Control Plan 2019 (Phase 1) states that all applicable Council local environmental plan and development control plan provisions continue to apply to all land within the Kemps Creek precinct until this area is rezoned. Under the DCP, the subject site is not located within an initial precinct as identified in the Aerotropolis SEPP. Therefore, despite the draft aerotropolis plans for the future, consideration of any proposal must have regard to the current context of the site and broader locality and ensure that any proposal is responsive and integrated into this existing context, as outlined within the relevant LEP and DCP controls discussed above. 	See Section 4.6. See Section 4.
Environmental Mana	gement	
General	 Comprehensively detail the activities and processes that are proposed to occur within and in association with the shed, including details of the plant and equipment to be used and materials to be processed and/or stored within the shed. Information detailing each of the activities undertaken should be provided, including the various processes from when and how the material arrives on site until it leaves the site, or is disposed of on site. Justify the proposed shed, providing relevant background information about where the processes currently occur on site, issues associated with those processes as they are currently undertaken and the benefits of the proposed shed. Include a Site Plan showing current site layout and operations along with a Site Plan showing the proposed location of processes and operations (including types of materials, location, handling, storage, processing, plant and equipment, vehicular access and parking). 	There is no change to the approved use of the facility and the Proposal is for the erection of temporary sheds only. Waste sorting activities will occur inside the sheds. See Section 3 Project Description. See Section 3 Project Description and Appendix A Site Plans. No additions or changes to plant, equipment, access or access to the site are proposed.



Sydney Recycling Park – Temporary Sheds – SEE | 24 Where addressed in this SEE

Matter	Council requirements	Where addressed in this SEE
	 Demonstrate that the construction and use of the proposed shed will comply with existing approvals including consents, the Environment Protection Licence (EPL) 12902 and environmental management plans for the site. The application should be supported by copies of relevant supporting information including the EPL, associated Environmental Management Plans, Rehabilitation Plan and Long-Term Environmenta Management Plans for the site. Demonstrate that the use of the shed will not result in exceedances of current and approved processing, storage and operational limits as detailed in the EPL and demonstrate that the proposed shed will not result in any non-compliance or deviation from current approvals, including in terms of the rehabilitation plan and rehabilitation time frame for the site. Consider potential environmental impacts and detail the mitigation measures to be applied to minimise and prevent harm to human health and the environment during both the construction and operational phases. This will include but is not necessarily limited to impacts associated with noise, air quality, dust, surface water/leachate management, and erosion and sediment control 	All current site uses including resource recovery and recycling are permitted under previous consents and LEP zoning. See Section 1.3, Section 1.3.2 and Section 1.3.3. The site is under existing EPL 12901, no variation is required. See Section 1.3.3. This SEE.
SEPP 55 Remediation c Land	 The application is to address all relevant requirements under State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55). Council cannot consent to any development unless these requirements have been satisfied. The application is to demonstrate that the land is suitable for the proposed purpose. The application is to demonstrate consideration of, and response to, the existing contamination and capping layer and detail how the shed (design, construction and operation) will not impact or compromise the structural integrity of the capping layer Whilst detailed building specifications may not be finalised at DA stage, the application is to demonstrate that the building may be constructed without damaging or impacting the structure of the capping layer whilst detailed building specifications may not be finalised at DA stage, the application is to demonstrate that the building may be constructed without damaging or impacting the structure of the structure of	 SEPP 55 is addressed in Section 9 and Appendix E Preliminary Site Investigation. A Geotechnical report is also included in Appendix D and summarised in Section 9.
	the capping layer and is to provide an overview of the design and management controls to be applied to ensure integrity of the capping layer is maintained.	
Noise	The application is required to include a Noise Impact Assessment (NIA). The NIA is to be completed by a suitably qualified acoustic consultant and is to demonstrate that the proposed development will not have any impact on nearby sensitive receivers. Should mitigation measures be necessary, recommendations should be included in the NIA to this effect and should be shown on the application of the NIA is to take interest.	A NIA was not deemed necessary as no additional activities are proposed over those already approved in the existing consents.
	 The Noise Policy for Industry in terms of assessing the noise impacts associated with noise generating activities (including, but not limited to, use of plant and equipment 	therefore improving noise amenities in the locality.



Matter	Council requirements	Where addressed in this SEE
	 vehicle movements, loading/unloading activities, sorting activities and car parking). The assessment is to consider the 'worst-case' and cumulative impacts associated with the shed and overall operation of the site. The potential impact from road traffic noise resulting from vehicles entering and exiting site, demonstrating compliance with NSW Road Noise Policy. Assessing Vibration: A Technical Guideline (NSW DEC 2006). 	No additional operational traffic will be generated. See Section 12.
	 The Interim Construction Noise Guideline in assessing the impacts associated with the construction phases of the development. Noise limits imposed by the Environment Protection Licence (EPL 12901). 	
Air Quality	The application is to assess all potential air quality impacts (dust, odour, gases) and detail mitigation measures including dust control and extraction methods. The application is to provide details as to how the operation of the shed will comply with the EPL and the NSW EPA Environmental Guidelines: Solid Waste Landfills 2016, including in relation to Section 5.4 of the Guidelines (monitoring of gas in enclosed spaces). A Potential Hazardous Gas Monitoring Plan prepared by Pacific Environmental and dated 28	No additional activities are proposed over those already approved in the existing consents. The proposed sheds will further enclose activities therefore improving noise amenities in the locality. A Geotechnical Investigation (Appendix D) and
	also need to address this aspect of the development and the NSW EPA Assessment and management of hazardous ground gases Contaminated Land Guidelines 2020.	the Proposal can be undertaken safely with proposed mitigation measures. See Section 9.
SEPP 33 – Hazardous and Offensive Development	As identified in the PEA prepared by Jackson Environment and Planning, the application will need to address SEPP 33.	The Proposal is for the erection of two temporary sheds only. Therefore the Proposal is not considered potentially hazardous or offensive industry. The temporary sheds would enclose some existing operations and equipment at the Site. A Preliminary Hazard Analysis was not deemed required for this SEE.
Wastewater Management	The submitted plans show the shed to not include any sanitary facilities. The application is to confirm that the shed will not produce any wastewater/hydraulic load and will not require any alterations to any existing on-site sewage management facilities. Confirmation of existing sewer connection is required in the application.	No additional wastewater facilities are proposed.



Sydney Recycling Park – Temporary Sheds – SEE | 26 Where addressed in this SEE

Matter	Council requirements	Where addressed in this SEE
Traffic:	 The proposal will need to be accompanied with a Traffic Assessment Report prepared by a suitably qualified person and including, but not limited to, the following: Demonstrate access for the largest vehicles proposed to enter the site with swept path analyses. Demonstrate traffic generation for the site, specifically in the context of previous approved daily heavy vehicle numbers. Assess traffic generation with regards to possible need for intersection upgrades in accordance with Austroads Guidelines. Demonstrated compliance with AS 2890 with regard to any car parking and layout. Access driveway in compliance with AS 2890.2 for driveway design requirements. 	There is no change to the approved use of the facility and the Proposal is for the erection of temporary sheds only. The Proposal is considered ancillary to and would not change or intensify currently approved uses. No changes to waste volumes, operational hours, traffic volumes, access to the site, or fencing is required or proposed. Therefore a Traffic Assessment Report was not deemed necessary from this SEE.
Building:	 The building is to comply with the requirements of the Building Code of Australia (BCA). The proposed building will be a large, isolated building and will need to comply with Clause C2.3 of the BCA. A "Performance Solution" under the BCA may be formulated. If this is the case it would be appreciated if this advice is provided with the submission of any development application. 	Refer to architectural plans prepared in accordance with BCA requirements in Appendix A.
Waste:	For waste management operational and infrastructure requirements, please refer to Council's 'Industrial, commercial and mixed-use waste management guideline' document: <u>https://www.penrithcity.nsw.gov.au/Building-and-Development/Development-</u> <u>Applications/Forms/</u>	Noted. Refer to Section 7 of the SEE.
Documentation to be submitted with Development Application	 Survey Drawing Environmental Impact Statement SEARS Elevation and Section Plans Traffic and Parking Assessment Report Schedule of External Materials and Finishes Signage Details (if proposed) Acoustic Report / Statement BCA Compliance Statement Wastewater report (if required) Site and Floor Plan Stormwater Concept Plan 	This SEE and Appendices, as considered relevant and appropriate to the Proposal.



Sydney Recycling Park – Temporary Sheds – SEE | 27

Matter	Council requirements	Where addressed in this SEE
	 Waste Management Plan WSUD Strategy Landscape Plan Contamination Assessment (in SEE) Access Statement Operational Plan of Management Overland Flow Study Air Quality Assessment Elora (Fauna Assessment) 	
Sydney Water Services	For all development proposals within Mulgoa, Wallacia and Londonderry, it is recommended that Sydney Water is contacted to ascertain servicing availability. Please contact Sydney Water's Growth Planning and Development Team on 8849 4649 or email urbangrowth@sydneywater.com.au for this information.	No additional Sydney Water services are required or proposed.
Key Land Based Considerations	Bushfire Prone Land will likely require lodgement of a Bushfire Assessment Report. Flood Affected Land will require floor levels to Australian Height Datum (AHD). Impacts to native vegetation (including grassland) will require an assessment under the NSW Biodiversity Offset Scheme and may require a Biodiversity Assessment Report or a Test of Significance.	A Bushfire Assessment Report is provided in Appendix H. No native vegetation will be impacted by the Proposal as the site is historically cleared.



2. Strategic Context

2.1. Project Justification

2.1.1. Greater Sydney Region Plan

The *Greater Sydney Region Plan, A Metropolis of Three Cities* is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The Greater Sydney Region Plan, A Metropolis of Three Cities has the following objectives:

- Sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters;
- Informs district and local plans and the assessment of planning proposals;
- assists infrastructure agencies to plan and deliver for growth and change and to align their infrastructure plans to place-based outcomes; and
- Informs the private sector and the wider community of the growth management and infrastructure investment intentions of government.

The *Greater Sydney Region Plan* applies to the Greater Sydney Region, and sets the planning framework for the districts which make up the region.

The demand for industrial and urban services land across Greater Sydney is driven by these different locational needs and infrastructure requirements. Urban services identified in the plan include the provision of waste and recycling services dispersed across Greater Sydney on varied sized lots, close to surrounding residential and commercial centres they directly serve, and relying on proximity to markets.

The Proposal is in line with, and would assist in implementation of, the *Greater Sydney Region Plan*.

2.1.2. NSW Waste and Sustainable Materials Strategy 2041

This strategy updates NSW's previous strategy: the Waste Avoidance and Resource Recovery Strategy 2014–2021.

The NSW Waste and Sustainable Materials Strategy 2041: Stage 1 – 2021-2027 outlines the actions NSW will take over the next six years – the first phase of the strategy – to deliver on a set of long-term objectives. The strategy is supported by \$356 million in funding to help deliver priority programs and policy reforms, including:

- Phasing out problematic single-use plastic items;
- Financial incentives for manufacturers and producers to design out problematic plastics;
- Having government agencies preference recycled content and invest in research and pilots for recycling innovation;
- Introducing tighter environmental controls for energy from waste in NSW, with further consideration of planning and infrastructure needs underway;
- Mandating the source separation of food and garden organics for households and selected businesses; and
- Incentivising biogas generation from waste materials.

Specific targets focus on the environmental benefits and economic opportunities in how we manage our waste, and includes the following:

- Reduce total waste generated by 10% per person by 2030;
- Have an 80% average recovery rate from all waste streams by 2030;
- Significantly increase the use of recycled content by governments and industry;
- Phase out problematic and unnecessary plastics by 2025;



- Halve the amount of organic waste sent to landfill by 2030;
- Reduce litter by 60% by 2030 and plastics litter by 30% by 2025; and
- Triple the plastics recycling rate by 2030.

To complement this strategy, NSW also released the following documents:

- NSW Plastics Action Plan, which sets out how we will phase out problematic plastics, tackle litter from plastic items like cigarette butts, and support innovation and research; and
- NSW Waste and Sustainable Materials Strategy: A guide to future infrastructure needs, which sets out the investment pathway required for NSW to meet future demand for residual waste management and recycling.

The Proposal will assist NSW in reaching an 80% recovery rate by 2030 by providing processing and recycling services for Construction and Demolition (C&D) waste.

2.1.3. NSW EPA Strategic Plan 2021-24

The NSW State Government has committed to ambitious targets for recycling across the State. The published *NSW EPA Strategic Plan 2021-24* is intended to complement the NSW Premier's priority for quality local environments and the NSW Government Net Zero Plan. It connects with other supporting plans for a better environment including the Clean Air Strategy, the Waste and Sustainable Materials Strategy, draft NSW Water Strategy and the EPA's Regulatory Strategy.

This plan replaces the previous NSW EPA Strategic Plan 2017-2021 and is meant to be a broad plan covering five areas of focus for the next three years. This includes taking action to reduce the harmful impact of waste and drive behaviours that create a circular economy. The outcomes proposed for the 'waste' focus area are as follows:

- The harmful impacts of waste are reduced and waste minimised;
- Community and industry actively contribute to a circular economy; and
- Resilient systems and robust markets are available to keep waste materials circulating and to de-carbonise the NSW economy.

In accordance with the NSW Waste and Sustainable Materials Strategy 2041 priorities, the NSW EPA has focused on investing in recycling infrastructure, behaviour change, developing markets for recycled materials and building capacity for regional planning. The Proposal will assist in achieving the aims of the EPA Strategic Plan.

2.1.4. NSW Waste and Sustainable Materials Strategy: A guide to Future Infrastructure Needs

The NSW Waste and Sustainable Materials Strategy: A guide to future infrastructure needs is a supplement to the NSW Waste and Sustainable Materials Strategy 2041. The guide outlines the emerging needs in NSW's waste and circular economy infrastructure network. The needs have been grouped by material types with a focus on materials commonly found in municipal solid waste (MSW) and commercial and industrial (C&I) waste streams. Significant gaps exist in our system for the reprocessing of some of these materials that have historically been exported for processing.

The guide sets out how the NSW Government will support the development of new infrastructure through facilitating infrastructure, e.g., through planning activities; investing in high priority projects; strategically planning for infrastructure with local communities; and aligning policy and regulation with the Strategy. The three key areas of focus, based on extensive analysis of material flows, current and planned capacity, and proposed policy changes, are residual waste, organics and plastics.



Construction and demolition (C&D) waste, which is the largest single waste stream, has not been included in the initial version of the guide. The relatively high commerciality of construction and demolition waste processing, driven by the waste levy and the value of the outputs, has led to high recycling rates and strong investment in the sector. Whilst the Proposal primarily processes C&D waste, some C&I waste is also processed through the facility.

2.2. Key Features of the Site and Surrounds

In the southern portion of the Site is the current landfill area and leachate evaporation pond. The middle of the subject site consists of the entry, internal roadways, car parking and two on-site offices. Surrounding the existing waste management operations, netting with sprinklers attached at the top is fitted to minimise the potential dust impacts on neighbouring properties generated by the development. A large soil bund with landscaping along with a strip of scattered trees along Clifton Avenue is also located along the Site's eastern boundary and provides visual and noise relief from nearby properties across the road.

2.2.1. Adjoining Premises and Sensitive Receivers

The subject site is located in the largely rural and rural-residential area of Kemps Creek. The property immediately north of the site is vacant and beyond that is a mosque (Muhammadi Welfare Association of Australia). Further north, at 90-145 Clifton Avenue, Kemps Creek there is an approved site to operate equipment and machinery to enable log cutting and stockpiling of firewood and mulch products resulting from tree services.

Hi-Quality Group operate on the property immediately west of the Site at 1503 Elizabeth Drive, Kemps Creek. This land is used for the extraction of clay and shale.

To the south and west of the Site, is a mixture of rural/rural-residential properties including some with small-scale agricultural industries. Further south, on the opposite side of Elizabeth Drive, is a large dense bushland area. A service station and café, as well as some commercial businesses are located to the south-east of the site, near the corner of Clifton Avenue and Elizabeth Drive.

Neighbouring premises are shown in Figure 1.2.

Table 6.1 provides information on the nearest sensitive receptors to the Site (within 200m). The main residential zones nearest to the facility are Cecil Hills 6km to the east and Luddenham 8km to the west.

2.2.2. Important Natural or Built Features

Badgerys Creek west of Kemps Creek has been identified as the site for Western Sydney Airport. The new airport will connect Western Sydney to the world and assist in meeting Sydney's long-term aviation needs.

In support of the proposed Western Sydney Airport the Federal and State Governments have started construction of new and upgraded roads under the \$3.6 billion Western Sydney Infrastructure Plan. This Infrastructure Plan includes the construction of the M12 Motorway north of the Proposal site. The M12 Motorway will provide direct access to the planned airport at Badgerys Creek and connect to the M2, MS and M7 Motorways. The preferred corridor route runs east-west for 16km between the M7 and The Northern Road.

Given the strategic context of the Site and surrounding area it is anticipated that this area will experience significant development in the coming years as Sydney's population continues to grow.



2.2.3. Identified Risks or Hazards

No hazards or key risks are identified at the site in relevant planning instruments, such as flooding, bushfire prone land, contaminated land, steep slopes and potential landslips, mine subsidence prone land, coastal hazards and climate change.

The Bushfire Assessment concluded that the Prone Land Map does not accurately record the actual extent of Bushfire Prone Vegetation, which is non-existent within 150m of the Proposal.

2.2.4. Cumulative Impacts

No cumulative impacts are likely to be generated with other relevant future projects in the area with regards to the Proposal.

2.2.5. Planning Agreements

There are no identified agreements with other parties to mitigate or offset the impacts of the project in relation to the properties, such as:

- Voluntary planning agreements;
- Negotiated agreements with landowners, including any terms of these agreements that are relevant to the assessment of the impacts of the project (see the Department's Voluntary Land Acquisition and Mitigation Policy); or
- Any benefit-sharing schemes.



3. Project Description

3.1. Overview of the Proposed Development

The proposed development includes the construction of two temporary sheds: one 2,100m² and one 2,520m² floor area temporary shed structure. Both would be used to enclose recycling activities associated with the approved recycling and landfill facility uses. The two proposed sheds will be located next to an existing shed that was previously approved in 2017 under DA 17/396.

The proposed sheds have a maximum height of approximately 11.4 m and extend together approximately 120 m in length and 42 m in width, including a section of hardstand access in between equal to 10 m. Architectural drawings showing the proposed site plan, internal layout, elevations and section are shown in Figure 3.1,



Figure 3.2, and Figure 3.3, respectively. High resolution plans are provided in Appendix A.

The proposed sheds are temporary structures that will be removed when the current use of the subject Site concludes. The proposed development will in no way change the subject Site's current operations. The Proposal will not alter the existing access arrangements to the Site nor will it generate any additional traffic movements or the need for more on-site car parking spaces.

Access to the smaller proposed shed will be via two roller shutter doors and smaller exit doors on the west facing facade of the structure. Access to the larger proposed shed will be via multiple roller shutter doors and smaller exit doors on the west, north, west, and east facing facades of the structure. Both are shown on the architectural drawings in Appendix A and Figure 3.1 to Figure 3.5.

The Proposal also includes the extension of the existing access road around the perimeter of the sheds to provide suitable access to the shed and to ensure compliance with the relevant standards.

The current operating hours for the landfill will remain the same under the Proposal.



Figure 3.1 Site concept layout plan. See Appendix A for higher resolution plan.





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Figure 3.2. Internal layout of warehouse building for the proposal. See Appendix A for higher resolution plan.





Figure 3.3. Elevation of warehouse building for the proposal. See Appendix A for higher resolution plan.




Figure 3.4. Section of warehouse building for the proposal. See Appendix A for higher resolution plan.











3.2. Easements, Licences or Covenants

No easements, licences or covenants are affected by the Proposal.

3.3. Operational Hours

The existing use of the Site has the following approved (under EPL 12901) operating hours:

- Monday to Friday 7am to 6pm; and
- Saturday 8am to 1pm.

These operational hours will remain unchanged under the Proposal.

3.4. Operational Plant and Equipment

The Proposal does not seek approval for alteration of or addition to currently approved operations. The proposed temporary shed will enclose existing operations and waste processing equipment at the Site.

No additional plant and equipment other than that already approved under previous DA's are proposed.



4. Planning and Legislative Requirements

The following section provides the local planning and legislative framework for the proposed development. The purpose of this section is to outline the approval process and identify the applicable local planning controls that relate to the proposed development.

4.1. Commonwealth Legislation

The Commonwealth *Environment Protection and Biodiversity Conservation Act* 1999 (EPBC Act) came into force from 16 July 2000. The EPBC Act requires actions which are likely to have a significant impact on matters of National Environmental Significance, or which have a significant impact on Commonwealth land, to be referred to the Commonwealth Minister for the Environment for approval.

The nine matters of National Environmental Significance protected under the EPBC Act are:

- World heritage properties;
- National heritage places;
- Wetlands of international importance (listed under the Ramsar Convention) ;
- Listed threatened species and ecological communities;
- Migratory species protected under international agreements;
- Commonwealth marine areas;
- The Great Barrier Reef Marine Park;
- Nuclear actions (including uranium mines); and
- A water resource, in relation to coal seam gas development and large coal mining development.

No National Environmental Significance matters would be impacted by the Proposal.

4.2. NSW State Legislative Requirements

4.2.1. Environmental Planning and Assessment Act 1979

Section 5 of the *Environmental Planning and Assessment Act* 1979 (EP&A Act) and the accompanying Regulation provide the framework for environmental planning in NSW. It includes provisions to ensure that proposals which have the potential to impact the environment are subject to detailed assessment and to provide opportunity for public involvement.

The proposed development is consistent with the overall objectives of the *Environmental Planning and Assessment Act* 1979 and is considered capable of fulfilling the statutory requirements. This Statement of Environmental Effects has determined that the Proposal will not result in any significant negative impacts that cannot be adequately mitigated or managed.

The Proposal is considered a local development to be assessed by Penrith City Council under Part 4 of the *Environmental Planning and Assessment Act* 1979.

4.2.2. Environmental Planning and Assessment Regulation 2021

While the EP&A Act provides the overarching framework for the planning system in NSW, the *Environmental Planning and Assessment Regulation* 2021 (the EP&A Regulation) supports the day-to-day requirements of this system. It supplements the broader provisions of the Act and covers matters such as local environmental plans and development control plans, which are used by councils to manage growth and development using land use zoning, development standards and other planning mechanisms. It also contains key operational provisions relating to the development



assessment and consent process, requirements associated with development contributions, and fees for planning services.

No Changes or Intensification of the Approved Use of the Site

There is no change to the approved use of the facility and the Proposal is for the erection of temporary sheds only. There is no change or intensification to the currently approved use of the facility arising from the erection of the sheds. This includes no changes or intensifications to:

- Waste and recycling activities;
- Landfill disposal activities;
- Traffic movements or car parks; and
- Operating hours.

An application to erect a building or structure is "the erection of a building", and not an application in respect of a "use" and therefore cannot modify a use.

Proposal is Not Considered Designated Development

Clause 7(1) of the EP&A Regulation states that "development" described in Part 2 of Schedule 3 is declared to be designated development unless it is not designated development under Part 3 of Schedule 3.

Part 3 of Schedule 3 in the EP&A Regulation considers circumstances where and when development is not designated development. Clause 48 specifies if proposed alterations or additions to an existing or approved development do not significantly increase the environmental impact of the total development, then the development is not designated development for the purposes of Section 4.10 of the EP&A Act.

The Proposal would erect two temporary sheds to enclose existing recycling associated with the approved uses of the site. As such the Proposal is ancillary to the existing approved uses as a recycling and landfill facility and therefore permissible subject to Council consent.

Clause 48(2) provides those factors that must be considered by Council in making the determination whether the Proposal does not significantly increase the environmental impacts of the existing or approved development. These factors along with information regarding the Proposal, are provided in Table 4.1.



Table 4.1. Clause 48 Factors for Consideration.

No.	Clause 48 Requirements	Sydney Recycling Park Approach	Where assessed in this SEE
(a)	the impact of the existing development, including	the following—	
	(i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice,	Sydney Recycling Park has worked with the NSW EPA and Penrith Council in all aspects of complying with the current development approval and EPL 12901. By enclosing existing activities, the Proposal will assist in minimising the potential for dust and noise generation.	Section 6
	(ii) rehabilitation or restoration of any disturbed land, and	The rate of filling is commensurate with the amount of waste that cannot be recovered and/or recycled. Rehabilitation and restoration of the old quarry is continuing and will be ongoing until the landfilling is complete.	Section 1.3.1
	(iii) the number and nature of all past changes and their cumulative effects.	There is no change to the approved use of the facility and the Proposal is for the erection of two temporary sheds only. The Proposal is considered ancillary to would not change or intensify currently approved uses.	Section 1.3
(b)	the likely impact of the proposed alterations or ad	ditions, including the following—	
	(i) the scale, character or nature of the proposal in relation to the development,	The sheds will be of similar shape and size to the existing shed and established consistent with the existing approved shed and the surrounding industrial character of the development.	Section 3
	(ii) the existing vegetation, air, noise and water	The Proposal would not increase the environmental impact of the total	Section 2.2
	quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality,	development at the Site. The Site is historically cleared of vegetation. Additional stormwater capture and treatment will be included in the design and construction. Additional operations will be enclosed thereby increase amenities in the local area by reducing potential noise and dust.	Sections 8 through 16
	(iii) the degree to which the potential	There is no change to the approved use of the facility and the Proposal	This SEE
	environmental impacts can be predicted with adequate certainty, and	is for the erection of temporary sheds only. The Proposal is considered ancillary to would not change or intensify currently approved uses. This SEE assesses potential impacts from the Proposal and provides reasonable certainty that no significant impacts would occur due to the	Appendix C



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No.	Clause 48 Requirements	Sydney Recycling Park Approach	Where assessed in this SEE
	(iv) the capacity of the receiving environment to accommodate changes in environmental impacts, and	Proposal. There are existing environmental management controls used on the Site to prevent and minimise potential impacts (Appendix C). The Site is an existing landfill and resource recovery facility. The Proposal is for the erection of two temporary sheds only and would not change or intensify currently approved uses. This SEE has assessed that the potential impacts from the Proposal would be managed and mitigated to insignificant levels. By enclosing existing activities, the Proposal will assist in minimising the potential for dust and noise generation.	This SEE, in particular: Sections 8 through 16
(c)	Proposals to mitigate the environmental impacts and manage any residual risk,	Specialist assessments for contamination, stormwater, bushfire and visual impacts have been prepared to ensure potential environmental impacts are managed through operational and/or other mitigation measures. There are existing environmental management controls used on the Site to prevent and minimise potential impacts (Appendix C).	This SEE Appendix C
(d)	Proposals to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.	The Proposal is designed, and will be constructed and managed, in accordance with relevant legislation, policy and guidelines. There are existing environmental management controls used on the Site to prevent and minimise potential impacts (Appendix C).	Section 3 Appendix A Appendix C



4.2.3. Protection of the Environment Operations Act 1997

The *Protection of the Environment Operation Act* 1997 (POEO Act) prohibits any person from causing pollution of waters, or air and provides penalties for air, water and noise pollution offences. Section 48 of the Act requires a person to obtain an Environment Protection Licence from the NSW Environment Protection Authority before carrying out any of the premise-based activities described in Schedule 1 of the Act.

The Site is subject to an Environment Protection Licence (EPL) issued under the *Protection of the Environment Operations (POEO) Act 1997*: EPL No. 12901 issued to Recycling Parks Pty Ltd.

The proposed development operates under EPL 12901 allowing extractive activities, waste processing (non-thermal treatment), waste disposal (application to land) and waste storage.

No variation to the existing EPL is required.

4.2.4. Protection of the Environment Operations (Waste) Regulation 2014

During 2013-14 the EPA carried out an extensive review and consultation process on NSW's waste regulatory framework. The result was the *Protection of the Environment Operations (Waste) Regulation* 2014 (the Waste Regulation).

The Waste Regulation improves the EPA's ability to protect human health and the environment and paves the way for a modern and fair waste industry in NSW. The EPA rolled out the new rules stipulated under the Waste Regulation in stages over 2014-2017.

These changes include amended thresholds for environment protection licences and reforms to the waste levy system.

The Waste Regulation is supported by the Waste levy guidelines. These guidelines specify how to measure waste to calculate waste levy liability, the deductions waste operators can claim, and the EPA's requirements for records, surveys and reports. All licensed processing, disposal, recycling and storage facilities within the metropolitan levy area or regional levy area are subject to the levy system.

Furthermore, scheduled waste facilities in a levy-payable area must ensure that there is a weighbridge installed at the facility.

An existing weighbridge is installed and currently operating at the Site.

4.3. Environmental Planning Instruments and Policies

4.3.1. State Environmental Planning Policy (Transport and Infrastructure) 2021

The aim of the *State Environmental Planning Policy (Transport and Infrastructure)* 2021 (Infrastructure SEPP) is to facilitate the effective delivery of infrastructure across NSW by improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and by providing greater flexibility in the location of infrastructure and service facilities.

Other key aims of the Infrastructure SEPP are to allow for the efficient development, redevelopment or disposal of surplus government owned land, and identify the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development). The Infrastructure SEPP also seeks to help proponents identify matters to be



considered in the assessment of development adjacent to particular types of infrastructure development and providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.

Clause 2.121 of the Infrastructure SEPP specifies proposed development of particular size and capacity whereby a DA is required to be submitted to the Roads and Maritime Services (Roads and Maritime) for comment. The proposed development seeks to enclose existing operations on the Site and will not intensify the current use of the subject Site nor will it generate any additional traffic. Therefore, the proposed development is not considered to trigger Clause 2.121 of the Infrastructure SEPP.

4.3.2. State Environmental Planning Policy (Western Sydney Aerotropolis) 2020

The aims of this Policy are as to:

- a) To facilitate development in the Western Sydney Aerotropolis in accordance with the objectives and principles of the Western Sydney Aerotropolis Plan;
- b) To promote sustainable, orderly and transformational development in the Western Sydney Aerotropolis;
- c) To ensure development is compatible with the long-term growth and development of the Western Sydney Airport (including in relation to the operation of the Airport 24 hours a day) and other critical transport infrastructure;
- d) To promote employment and world-class innovation and provide for residential development in suitable locations;
- e) To recognise the physical and cultural connection of the local Aboriginal community to the land and to incorporate local Aboriginal knowledge, culture and tradition into development;
- f) To preserve land for future infrastructure development;
- g) To protect, maintain and enhance, and to minimise the impact of development on, trees and vegetation, soil quality and the health of waterways and to contribute to the conservation of biodiversity; and
- h) To recognise and protect the ecological and cultural value of Wianamatta–South Creek.

The proposed development is located in the Kemps Creek precinct boundaries of the SEPP Western Sydney Aerotropolis) 2020. The land is located within ANEF between 20 and 25 (see Figure 4.1) and within the Obstacle Limitation Surface (OLS) between 140m and 170m. The land use is not considered noise sensitive, and no buildings are proposed to exceed the OLS (see Section 4.6.5).

4.3.3. State Environmental Planning Policy (Resilience and Hazards) 2021

Hazardous and Offensive Development

State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP 33) outlines the requirements for a Preliminary Hazard Analysis screening test, required to be undertaken for hazardous and potentially hazardous industries.

A potentially hazardous industry is defined within SEPP 33 as a development for the purpose of any industry which, if the development were to operate without employing any measures to reduce or minimise its impact, would pose a significant risk to human health, life or property, or to the biophysical environment.

Part 3 of SEPP 33 applies to:

(a) development for the purposes of a potentially hazardous industry, and



- (b) development for the purposes of a potentially offensive industry, and
- (c) development notified, for the purposes of this Part, by the Director in the Gazette as being a potentially hazardous or potentially offensive development.

The Proposal is for the erection of two temporary sheds only. The Proposal is considered ancillary to, and would not change or intensify, currently approved uses. Therefore the Proposal is not considered potentially hazardous or offensive industry. The temporary sheds would enclose some existing operations and equipment at the Site.

Therefore a Preliminary Hazard Analysis is not required for this SEE and development application.

Contamination

Under *State Environmental Planning Policy (Resilience and Hazards) 2021* (Hazards SEPP) applicants for consent must carry out a preliminary site investigation for any development consent sought on land previously used for activities that may cause contamination.

Specifically, Clause 4.6 of Hazards SEPP requires the approval authority to have regard to certain matters before granting approval. These matters include:

- Whether the land is contaminated;
- Whether the land is, or would be, suitable for the purpose for which development is to be carried out; and
- If remediation is required for the land to be suitable for the proposed purpose, whether the land will be remediated before the land is used for that purpose.

Hazards SEPP also imposes obligations to carry out any remediation work in accordance with relevant guidelines, developed under the *Contaminated Lands Management Act* 1995 and to notify the relevant council of certain matters in relation to any remediation work.

The proposal seeks to modify the current site layout and install additional temporary sheds with some ground disturbance expected.

A Preliminary Site Investigation (PSI) has been prepared for the Site. The full report is found in Appendix E, and a summary of the findings are found in Section 9.

4.3.4. State Environmental Planning Policy (Industry and Employment) 2021

The relevant aim of *State Environmental Planning Policy (Industry and Employment)* 2021 (Industry SEPP) is to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of a high-quality finish and design. This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

Part 3.2 of the Industry SEPP details the requirements that a consent authority must be satisfied with prior to granting development consent:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3.1 (1)
 (a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

Part 3.7 of the Industry SEPP details advertisements to which this Part applies and states:



This Part applies to all signage to which this Policy applies, other than the following:

- (a) business identification signs,
- (b) building identification signs,
- (c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,
- (d) signage on vehicles

The Industry SEPP does not apply to the proposed development, as the proposal does not include signage.

4.4. Penrith Local Environmental Plan 2010

The following section provides the local planning and legislative framework for the proposed development. The purpose of this section is to outline the approval process and identify the applicable local planning controls that relate to the Penrith Local Environmental Plan 2010 (Penrith LEP).

4.4.1. Zone Objectives

The objectives of zone RU4 Primary Production Small Lots are:

- To enable sustainable primary industry and other compatible land uses;
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature;
- To minimise conflict between land uses within this zone and land uses within adjoining zones;
- To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land;
- To preserve and improve natural resources through appropriate land management practices;
- To maintain the rural landscape character of the land; and
- To ensure that development does not unreasonably increase the demand for public services or facilities.

4.4.2. Land Use Permissibility

This development is proposed on land zoned as RU4 Primary Production Small Lots under the *Penrith Local Environmental Plan* 2010. The facility can be defined as a 'Waste or resource management facility', which is described under the definitions of the *Penrith Local Environmental Plan* 2010 as:

"Waste or resource management facility means any of the following-

- a) A resource recovery facility,
- b) A waste disposal facility,
- c) A waste or resource transfer station,
- d) A building or place that is a combination of any of the things referred to in paragraphs (a)-(c)"

In the RU4 Primary Production Small Lots land use zone, 'waste or resource management facilities' are prohibited development under the *Penrith Local Environmental Plan 2010*.

However, in Schedule 1, Clause 7 of the Penrith LEP the following is set forth:

7 Use of certain land at 16–23 Clifton Avenue, Kemps Creek

(1) This clause applies to land at 16–23 Clifton Avenue, Kemps Creek, being Lot 230, DP 1134016 that is identified as "6" on the Additional Permitted Uses Map.



(2) Development for the purposes of extractive industry and waste disposal facilities is permitted with development consent.

Therefore, the existing use of the Site is consistent with the additional permitted uses outlined in Schedule 1. The use of the Site involves the rehabilitation of the former Kemps Creek Quarry via landfill to a landform and levels approved under the original consent and noting that part of this process involves resource recovery. The Proposal will enclose existing activities and waste processing equipment associated with the resource recovery aspect of the approved use of the Site as a landfill, and thus is permissible with the consent of Council as part of a permissible and approved use.

4.4.3. Clause 7.5 Protection of scenic character and landscape values

The Penrith LEP 2010 includes Clause 7.5 that provides for the protection of scenic and landscape values as follows:

7.5 Protection of scenic character and landscape values

(1) The objectives of this clause are as follows-

(a) to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places,

(b) to ensure development in these areas is located and designed to minimise its visual impact.

(2) This clause applies to land identified as "Land with scenic and landscape values" on the Scenic and Landscape Values Map.

(3) Development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the development, to minimise the visual impact of the development from major roads and other public places.

As shown in Figure 10.3 in Section 10 of this SEE, the southern half of the lot is mapped as Scenic Protection Land under the Penrith LEP. A Visual Impact Assessment (VIA) and Landscape Concept Plan has been prepared for the Proposal and included in Appendix F. The results of the VIA are provided in Section 10.

The two sheds will be constructed using materials and finishes that minimise their visual impact on surrounding development. Rather than one long shed, the Proposal is split into two smaller sheds and stepped to break up the visual appearance. The scale, bulk and design form of the proposed development is consistent with surrounding agricultural and industrial style development in the locality. Additional landscape planting is proposed along the existing earthen bunds.

As shown in the VIA, the Proposal will minimise the visual impact of the development and is not expected to result in significant visual amenity impacts to surrounding neighbours and businesses.

4.5. Penrith Development Control Plan 2014

The purpose of the *Penrith Development Control Plan* 2014 (Penrith DCP) is to regulate effective and orderly development in the City of Penrith by providing objectives, zones, and development standards. The land is zoned RU4 Primary Production Small Lots and the relevant section of the Penrith DCP based on the use of the land for the proposed development is considered D1 Rural Land Uses, along with the standard city wide controls set forth in Part C.

The objectives of D1 Rural Land Uses are:



- a) To reinforce Penrith's urban growth limits and promote a compact City by identifying and promoting the intrinsic rural values, character and functions of the City's rural lands;
- b) To sustain healthy and diverse rural lands in Penrith by conserving their biodiversity, maintaining the integrity of their ecosystems, maintaining their natural capital, and promoting the social well being of rural communities;
- c) To promote agriculture and other rural land uses that are sustainable in the longer term, through the use of appropriate resource and environmental management policies, plans, guidelines and practices;
- d) To promote a sustainable economic environment that fosters economically viable rural development, employment, transport and future investment opportunities;
- e) To increase the awareness of ecologically sustainable rural land use practices amongst landholders, land users and the community generally, and promote responsible stewardship of Penrith's rural lands;
- f) To consider the impacts of development on sustainable agriculture and ensure development will not unreasonably increase agricultural land values or incrementally reduce the size of agricultural holdings;
- g) To consider the potential for conflicts between various land uses, including rural living allotments, small holding subdivision, tourism, extensive and intensive agriculture and mining;
- h) To consider land capability, including soils, erosion potential, slope, and hazards (contamination, salinity, bushfire and flooding);
- i) To consider water resources, including impacts on water catchments, adequacy of water supply, access to water entitlements, and location of effluent disposal;
- j) To maintain and improve the water quality of watercourses within the City; and
- k) To minimise the impacts of development on biodiversity, including threatened species, habitat, natural ecosystems and wildlife corridors.

Consideration of all relevant aspects of the Penrith DCP has be carried out in preparing this Statement of Environmental Effects for the proposed development. Sections and provisions of the DCP relevant to the proposal are summarised in Table 4.2.

DCP Section	Provision	Status
C1	Site Planning and Design Principles	Complies. The Proposal will enclose waste processing equipment and provide visual screening of onsite activities using additional native vegetation planting on the existing landscape bunds. The proposed sheds are temporary structures and therefore will not result in adverse impacts on the scenic and landscape values of land in the vicinity. They will be removed when the landform approved under the 1990 consent is finalised. Architectural and Site Plan provided in Appendix A. Visual Impact Assessment and landscape plans (including site analysis) completed for the Proposal are attached in Appendix F and Appendix G.
C2	Vegetation Management	Complies. The Site has been historically cleared. Landscaped soil bunds surround the southern and eastern portions of the Proposal. Landscape plans provided in Appendix F and Appendix G. Bushfire Assessment provided in Appendix H.
C3	Water Management	Complies. The Proposal includes rainwater tanks to capture roof runoff from the proposed sheds, and conveyance and detention for runoff from additional paving. Civil stormwater plans for the Proposal are provided in Appendix I.

Table 4.2. Relevant provisions of the Penrith Development Control Plan 2014.



DCP	Provision	Status
Section		
C4	Land Management	Complies.
		The Site operates under existing approvals that permit the use of the Site for landfilling and recycling. Minimal excavation is proposed for the proposed sheds foundations and adjacent access pavement. Geotechnical and preliminary site investigation reports for the Site have been prepared (Appendix D and Appendix E). Existing environmental management plans are currently in use for the Site and arouided in Appendix C
C5	Waste Management	Complies.
		No hazard waste will be generated from the Proposal and no additional on- site sewerage is required. Existing environmental management plans and standard operating procedures (SOPs) for operational waste management at the Site are provided in Appendix C. A summary provided in Section 7 of this SEE.
C6	Landscape Design	Complies.
		Existing landscaped soil bunds surround the southern and eastern portions of the Proposal. Additional landscaping with native vegetation of the bunds for visual screening is proposed. Landscape plans provided in Appendix G.
C7	Culture and Heritage	N/A – No heritage occurs on the Site or will be impacted.
C8	Public Domain	N/A – No public domain occurs on the Site or will be affected by the Proposal.
С9	Advertising and Signage	N/A – No additional signage is proposed.
C10	Transport, Access and Parking	Complies. The proposed development does not seek to alter the existing access arrangements for the Site which are currently provided from Clifton Avenue. The Proposal will not generate any additional truck movements nor will it increase the demand for more car parking than that already provided on- site.
C11	Subdivision	N/A – No subdivision proposed.
C12	Noise and Vibration	Complies. The Proposal seeks to enclose existing operations at the Site, which will provide improvements to noise amenity in the surrounding area.
C13	Infrastructure and Services	Complies.
		No easements will be affected by the Proposal. Existing site services are adequate with no additional services required. Access paving and additional stormwater drainage is provided as part of the Proposal around the temporary sheds. Refer to Appendix I – Stormwater and Civil Plans.
D1.1	Rural Character	Complies.
		The Site is the former site of the Kemps Creek Quarry and is now a landfill and recycling facility with other industrial developments nearby and along Clifton Avenue. The Proposal includes vegetative landscape screening to minimise and improve visual amenity and be consistent with the scale and character of surrounding development. The sheds are temporary structures and will be demolished once the approved landforms and levels are achieved.
D1.2	Rural Dwellings and Outbuildings	N/A - No rural dwellings proposed.



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DCP	Provision	Status
Section		
D1.3	Farm buildings	N/A – No farm buildings proposed.
D1.4	Agricultural Development	N/A – No agricultural development proposed.
D1.5	Non-Agricultural Development	Complies. The proposed sheds are temporary structures that will be demolished when the landfill activities are completed. In addition, enclosing of activities will improve the outlook and reduce noise and dust impacts on adjoining properties.
D5.9	Extractive Industries – Scenic Values	 Complies. The Site was in the past a quarry where clay was extracted from site. The current use of the site as landfill and recycling facility seeks to rehabilitate the quarry to the approved final landform. (a) A Landscape Visual Assessment and Landscape Concept Plan is provided in Appendix F and Appendix G, and a summary in Section 10 of this SEE. (b) The Proposal is for temporary sheds to enclose plant and equipment used for waste processing. (c) The Landscape Plan provides for screening of the new (and existing) sheds. (d) Rehabilitation of the historic quarry is ongoing under existing approvals.



4.6. Other Applicable Legislation or Strategies

4.6.1. Penrith City Council Cooling the City Strategy

The aims of this strategy are:

- To maximise community awareness and understanding of the effects of heat and the importance of cooling the Penrith LGA;
- To encourage greater appreciation of green infrastructure and green spaces in the LGA and their cooling benefits;
- To implement the identified actions within the Strategy giving priority to heat vulnerable areas; and
- To identify ways to adapt existing projects and activities that will work towards cooling the Penrith LGA, and identify new projects.

The Site has historically been cleared of vegetation. The Proposal includes a stormwater plan to capture and detain stormwater for the roofs and hardstand proposed, and additional vegetation plantings over the existing landscape bunds. Whilst providing additional visual mitigation, additional vegetation planting will provide some degree of assistance to alleviate heat island effects.

4.6.2. Fire and Rescue NSW – Fire Safety in Waste Facilities guidelines

In August 2019, Fire and Rescue NSW published guidelines that apply to waste and resource recovery operations. These guidelines need to be considered for facilities that are seeking approval for upgrades or changes, and for new facilities. These guidelines were updated in February 2020.

The purpose of the document is to provide guidance on fire safety in waste facilities that receive combustible waste materials, including adequate provision for fire safety, and facilitate safe fire brigade intervention to protect life, property and the environment. The guideline specially outlines the requirement of Fire and Rescue NSW for:

- (a) Considering for safety during all stages of a waste facility, including site selection, planning, design, assessment and operation;
- (b) Fire safety systems to be adequate to the special hazards identified within a waste facility and which also meet the operational needs of fire fighters;
- (c) Safe storage and stockpiling of combustible waste material based on expected combustibility and maximum pile size;
- (d) Workplace fire safety and fire safety planning, including procedures in the event of fire or an emergency incident.

The NSW Fire and Rescue (2020) Fire Safety Guidelines - Fire Safety in Waste Facilities provide guidance on fire safety in waste facilities that receive combustible waste material, including provisions for fire safety and safe fire brigade intervention to protect life, property and the environment.

Section 3 of the guidelines address specific instances where the guidelines do not directly apply to any waste facility, or areas of, that are being used for:

- (a) Landfill (but may apply to a waste facility on the landfill site);
- (b) Composting, including in vessel, green waste and anaerobic digestion;
- (c) Liquid waste treatment;
- (d) Hazardous chemicals or special waste treatment (e.g. waste tyres), or
- (e) Less than 50m³ of combustible waste material.



As less than 50m³ of combustible waste material will be stored inside the proposed temporary shed at any one time the *NSW Fire and Rescue (2020) Fire Safety Guidelines - Fire Safety in Waste Facilities* do not directly apply to the Proposal.

The Site is also mapped as bushfire prone, as such the relevant provision of Planning for Bushfire Protection has been addressed in Section 10.1.1 of this SEE. Access for fire brigade vehicles and firefighters is addressed in the following section.

4.6.3. Fire and Rescue NSW – Access for Fire Brigade Vehicles and Firefighters guidelines

The NSW Fire and Rescue (2020) Fire Safety Guidelines – Access for Fire Brigade Vehicles and Firefighters provide guidance to provide safe, efficient and effective access for fire brigade vehicles to any premises and allow firefighters to rapidly intervene when fire or other emergency incident occurs.

Section 7 of the guidelines specifically address vehicle access requirements including carriageway width.

The Site Plan for the Proposal includes swept paths analysis for the articulated vehicle type dimensions as shown in Table 4.3. A more conservative assessment of specialist fire appliance is provided.

Conditions Proposal Detail		Guideline Requirement	Compliant?
Site Plan vehicle conditions		NSW F&R parameters (specialist f	ire appliance)
Overall Length	19 metres	12.5 metres	Y
Overall Width	2.5 metres	3.0 (including mirrors)	Y
Overall Height	4.301 metres	4.3 metres	Y
Min. underbody clearance	No curbs greater than 200mm high (and 500mm wide if mid- access)	No curbs greater than 200mm high (and 500mm wide if mid- access)	Y
Access conditions			
Carriageway width	9-18 metres	6 metres	Y
Distance between inner and outer turning circle radius	Minimum 7.5 metres	7.5 metres	Y
Turnaround area	Ring road around second shed	Ring road (or other)	Y
Constricted access minimum width	None less than 3.2 metres	3.2 metres	Y

Table 4.3. Primary turning path details for articulated vehicles assessed for the Site (see Appendix A).

Additionally, load bearing requirements for the fire brigade will be provided in the surrounding access pavements around the proposed temporary shed. Water tanks proposed on the west side of the proposed shed will be accessible for fire brigade use per the guidelines.

4.6.4. Building Code of Australia Compliance for Class 2-9 Buildings

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. The sheds are considered Class 8 buildings.

A copy of the latest fire safety schedule and fire safety certificate/statement for the building will be displayed in a prominent position at the Site.

The Proponent will supply Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building will deal with each essential fire safety measure in the building premises.



An annual fire safety statement will also be provided to the Commissioner of New South Wales Fire Brigades, and a copy prominently displayed (together with a copy of the current fire safety schedule) in the building.

4.6.5. Airport Obstacle Limitation Surface

Western Sydney Airport's (WSA) protected airspace is known as the Obstacle Limitation Surface (OLS) and has been declared under the provisions of the federal *Airports Act* 1996 and *Airports (Protection of Airspace) Amendment Regulation* 1996. The declaration of the OLS balances the need to ensure a safe operating environment for aircraft with the community's need for clarity about development surrounding the airport.

The OLS is designed to protect aircraft flying in visual conditions in close proximity to the WSA. The OLS defines a volume of airspace above a set of surfaces that are primarily modelled upon the layout and configuration of the confirmed Stage 1 and proposed long-term runways.

Development that infringes on the airport's protected airspace is called a controlled activity and can include, but is not limited to:

- Permanent structures, such as buildings, intruding into the protected airspace;
- Temporary structures such as cranes intruding into the protected airspace; or
- Any activities causing intrusions into the protected airspace through glare from artificial light; or
- Reflected sunlight, air turbulence from stacks or vents, smoke, dust, steam or other gases or particulate matter.

A developer or builder wishing to carry out a controlled activity within the airport's protected airspace, may need to apply to WSA Co to carry out the activity and to make an application in writing.

OLS height limits of objects is based on an aerodrome elevation of 80.5m (AHD) at the Aerodrome Reference Point (ARP). The OLS elevation at the Site is 152.7m AHD. Ground level at the Site is approximately 63m AHD. Therefore OLS height relative to ground level is approximately 90m. This does not affect the Proposal as the shed is proposed to be approximately 11.5m in height. See Figure 4.1.

4.6.6. Western Sydney Airport Noise

The Site is in the vicinity of the proposed Badgery's Creek airport site and is located within the Australian Noise Exposure Forecast (ANEF) shown on the map in Appendix U of the 1985 draft environmental impact statement for the second Sydney Airport. The land is partially affected by the 20 - 25 ANEF.

In regard to land affected by the ANEF Clause 7.9 of *Penrith Local Environmental Plan* No.2010 states:

"7.9 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport

- 1) The objective of this clause is to ensure that development in the vicinity of the proposed Badgery's Creek airport site:
 - (a) has regard to the use or potential future use of the site as an airport, and
 - (b) does not hinder or have any other adverse impact on the development or operation of an airport on that site.
- 2) This clause applies to development that:
 - (a) is on land that:
 - i. is near the proposed Badgery's Creek airport site, and
 - ii. is in an ANEF contour of 20 or greater, and
 - (b) the consent authority considers is likely to be adversely affected by aircraft noise.
- *3)* Before determining a development application for development to which this clause applies, the consent authority:

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- (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and
- (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021-2000, and
- (c) must be satisfied that the development will meet AS 2021-2000 with respect to interior noise levels for the purposes of:
 - i. if the development will be in an ANEF contour or 20 or greater child care centres, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings or residential accommodation, and
 - *ii. if the development will be in an ANEF contour of 25 or greater commercial premises, hostels or hotel or motel accommodation.*
- 4) In this clause:

ANEF contour means a noise exposure contour shown as an ANEF contour on the map in Appendix U of the draft environmental impact statement for the Second Sydney Airport, copies of which are deposited in the Office of the Council and of the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government.

AS 2021-2000 means AS 2021-2000, Acoustics-Aircraft noise intrusion-Building siting and construction."

There is no proposed change to the approved use of the facility. The Proposal is for the erection of temporary sheds only. There is no change or intensification to the currently approved use of the facility arising from the erection of the shed. Therefore the ANEF contours do not affect the Proposal.



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Figure 4.1. Obstacle Limitation Surface.





Figure 4.2. Airport noise contours.

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5. Project Justification 5.1. Site Suitability

The existing use of the Site has been operating for some time with the development consent for the rehabilitation of the quarry through landfill dating back to 1990. The Site is located less than 6 kilometres east of the planned second Sydney Airport at Badgerys Creek and is part of the proposed Western Sydney Priority Growth Area to provide homes and jobs in support.

The general locality will experience significant change in the future with land in this area will be developed for a wide range of uses.

The existing use of the Site is an essential service for the disposal of waste and benefits a variety of businesses in the local area and region. These services will become more important as development in the locality increases. The Proposal, which involves the construction of two sheds, will enclose existing site activities and waste processing equipment. This will allow the existing use to operate in a more sustainable and minimise potential impacts on existing neighbouring development.

The size of the Site can accommodate the proposed sheds and has existing connections to essential services and infrastructure. Overland flows from the Proposal will be captured in the proposed stormwater system that will tie into existing facilities. The Site is not flood affected.

The Site does not contain any heritage items or form part of a heritage conservation area nor is it located in the vicinity of such items or areas. Any natural trees or vegetation have been removed from the site as part of its previous use as a quarry and the subsequent rehabilitation of the quarry through landfill.

The Proposal is for the addition of temporary sheds that will be removed when the landform approved under the 1990 consent is finalised. The existing landscape bunds will be retained and improved with additional landscape screening using native vegetation and therefore will not result in adverse impacts on the scenic and landscape values of land in the vicinity.

The Proposal will improve the outlook from the public domain and adjoining residences by screening the waste processing equipment.

5.2. Sustainability

The proposed development will be integrated into the existing on-site stormwater management systems. The waste generated from the proposed development will be minimal with the existing use of the subject site as a landfill allowing waste to be disposed of or recycled on the Site where appropriate.

5.2.1. Environmental

The proposed development is of a scale and nature that is compatible with the environmental capabilities of the subject Site as a former quarry and existing landfill Site. The sheds proposed to enclose existing operations on the Site is proportionate to the site area.

As the former site of the Kemps Creek Quarry, natural resources found on the land have already been utilised with the purpose of the existing use of the Site to rehabilitate the quarry. The Proposal will enclose existing operations on the site in two temporary sheds to assist with the ongoing rehabilitation of the Site through the process of landfilling and recycling.



5.2.2. Economic

The Proposal will support ongoing employment opportunities on the Site as well as generate additional employment opportunities at the construction stage. The Site contributes to the diversity of land uses and employment opportunities within the Kemps Creek locality.

5.2.3. Social

The proposed development seeks to minimise conflict between the existing conflict with residential uses in the locality by enclosing some of the existing operations on the Site within two additional temporary sheds to minimise dust and noise impacts and improve views to the Site from neighbouring properties.

The proposed development does not seek to intensify the use of the Site or alter the way in which it operates and therefore will not increase the demand for public services or facilities.



6. Community Consultation

6.1.1. Methodology

The Proposal has included consultation with local neighbours within 200m of the Site. Consultation included providing letters and a fact sheet describing the Proposal to the properties listed in Table 6.1, as shown in Figure 6.1.

The NSW EPA was also contacted to seek feedback regarding the Proposal.

Two weeks were requested for the neighbours and the EPA to provide feedback regarding the Proposal. Consultation materials including the letter and fact sheet are provided in Appendix B.

The letters and fact sheets were mailed out to the community on 08 July 2022.

An email with attached letter and fact sheet was issued to the EPA on 11 July 2022.

Table 6.1. Sensitive receptor details.

Map Reference	Address	Land Use Zone	Land Use Type
А	1491 Elizabeth Drive, Kemps Creek	RU4 - Primary Production Small Lots	Dwelling / business
В	1487-1489 Elizabeth Drive, Kemps Creek	RU4 - Primary Production Small Lots	Dwelling / business
С	1477-1479 Elizabeth Drive, Kemps Creek	RU4 - Primary Production Small Lots	Dwelling / business
D	1469-1473 Elizabeth Drive, Kemps Creek	RU4 - Primary Production Small Lots	Business
E	1465-1467 Elizabeth Drive, Kemps Creek	RU4 - Primary Production Small Lots	Business
F	1455-1463 Elizabeth Drive, Kemps Creek	RU4 - Primary Production Small Lots	Business
G	442-449 Clifton Avenue, Kemps Creek	RU4 - Primary Production Small Lots	Dwelling / business
н	434-441 Clifton Avenue, Kemps Creek	RU4 - Primary Production Small Lots	Dwelling / business
1	422-433 Clifton Avenue, Kemps Creek	RU4 - Primary Production Small Lots	Dwelling / business
1	410 Clifton Avenue, Kemps Creek	RU4 - Primary Production Small Lots	Dwelling / business
К	395-409 Clifton Avenue, Kemps Creek	RU4 - Primary Production Small Lots	Dwelling / business
L	382-393 Clifton Avenue, Kemps Creek	RU4 - Primary Production Small Lots	Dwelling / business
М	81 Clifton Avenue, Kemps Creek	RU2 - Rural Landscape	Business
N	72-80 Clifton Avenue, Kemps Creek	RU2 - Rural Landscape	Dwelling / business
0	1503 Elizabeth Drive, Kemps Creek	RU4 - Primary Production Small Lots	Business
Р	1495 Elizabeth Drive, Kemps Creek	RU4 - Primary Production Small Lots	Business



6.1.2. Consultation Results

One response was received by phone on 11th August 2022 from the resident of 1487 Elizabeth Drive, Kemps Creek. The resident had no comments on the Proposal, though comments were made in relation to soil and erosion control measures on the southern extent of Sydney Recycling Park. This comment has been provided to the Site Manager and is being progressed to resolve this matter.

An email from the EPA was received on 15 July 2022 with no comments on the Proposal.

6.1.3. Conclusion

The Proposal will enclose existing activities associated waste resource recovery and recycling and provide additional noise attenuation. With the addition of native plantings over the existing landscape bunds, visual prominence of the sheds will be reduced. There is no expected impacts on community amenities from the Proposal. Therefore the Proposal is recommended for approval.



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Figure 6.1. Neighbours within 200m of the Proposal were sent consultation letters including a fact sheet explaining the Proposal (see Appendix B for details).





Environmental Assessment

7. Waste Management

This section assesses waste management including planned demolition and construction for the Proposal and operations of the Site.

7.1. Methodology

This waste management section was compiled using the following steps:

- 1. Estimate waste stream types and amounts based on the site activities during both construction and operational phases;
- 2. Identify management options for each waste stream suitable within the regulatory framework;
- 3. Select most appropriate waste management option for each waste stream, aiming to recover as much waste as possible.

7.2. Existing Environment

Sydney Recycling Park's existing waste operations are managed through a number of waste management standard operating procedures (SOPs) employed for the Site, which are included in Appendix C of this SEE.

A full description of the existing site and regional surrounds are provided in Section 2.2.

7.3. Impact Assessment

7.3.1. Demolition Phase

The development phase of the Proposal does not involve the demolition of any significant built structures. Several existing covered areas and movable containers will be disassembled.

7.3.2. Construction Phase

Construction of the proposed development will generate construction waste. Construction activities include:

Phase 1 General Construction and Drainage Works

Site mobilisation:

- Services search;
- Establishment of environmental management measures including erosion and sediment controls;
- Establish site access, laydown areas; and
- Establishment of stockpile sites.

Grading & civil works:

- Cut and fill earthworks (limited);
- Construction of stormwater drainage; and
- Trench, backfill site services (on-site sewerage, solar).

Temporary shed:





- Concrete pad pour (foundation);
- Delivery of shed components;
- Erection of the structural steel (temporary sheds).

Pavement works:

- Construction of access and paving; and
- Construction of internal truck turning areas.

Landscaping / screening works:

- Delivery of plant materials, soil amendments and mulch; and
- Planting, fertilizing and watering of plants over bunds and other relevant areas.

The waste streams generated on site during the construction phase is summarised in Table 7.1 below.

No trees/shrubs need to be removed during the works as the site is already disturbed and developed. It is projected that any surplus soil from grading works will be nominal and reused on site as necessary for landscaping.

Minor amounts of concrete, timber, metal and plastics will be generated during the construction of the amenities building, storage shed and workshop including the solar and weighbridge installations. These wastes will be segregated to maximise recycling, stored separately in hook lift bins, and will be transported off-site for recycling at a lawful facility.

The overall waste recovery rate during the construction phase is estimated to be more than 99%. Residual waste will be collected in a separate hook lift bin for disposal in the onsite licensed landfill. Other recovered materials will be sent for further processing to EPA licenced facilities in the region.



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Table 7.1. Estimated waste generation during the construction phase.

Waste Type	Waste Identified	Waste Description	Reuse/recycling/ Disposal Method	Suggested Receiving Facility	Tonnes	Recycling rate
General Solid Waste (non-	Soil	Soil removed for grading, drainage, paving and footings	On-site recycling	Sydney Recycling Park	7,200	100%
putrescible)	Construction waste – "heavy"	Asphalt, concrete, bricks from the installation of foundations, retaining walls, services and plant and equipment	On-site recycling	Sydney Recycling Park	5	95%
	Construction waste - metal	Ferrous metal off-cuts, mainly from building/ shed construction	On-site recycling	Sydney Recycling Park	0.3	100%
	Construction waste – "light"	Timber, packaging, glass, plastic, rubber, plasterboard, and ceramics	On-site recycling	Sydney Recycling Park	2	50%
	Grit, sediment, litter and gross pollutants	Collected in, and removed from, stormwater treatment devices and/or stormwater management systems	On-site recycling	Sydney Recycling Park	10	100%
General Solid Waste (putrescible)	Site office waste	Generated from worker's lunches	On-site recycling	Sydney Recycling Park	0.1	0%
TOTAL Amount of waste generated (tonnes)					7,217.40	
TOTAL Amount of waste recycled (tonnes)					7,216.05	
Overall recycling rate					99.98%	





7.3.3. Operational Phase

It should be noted that the DA does not seek approval for alterations or additions to existing operations. The proposed development of a shed will enclose existing operations and waste processing equipment on the Site.

The Site implements an Environmental Management System (EMS) that establishes and maintains an effective system for the management of environmental impacts and is designed to promote excellence in environmental management through a process of continual improvement. The Site uses an approved set of Standard Operating Procedures (SOPs) for waste management. These are provided in Appendix C.

7.4. Mitigation Measures

Recommended bushfire mitigation and management measures to be implemented for the Proposal are included in Table 7.2.

Table 7.2. Construction waste management mitigation measures.

Control Measures and Safeguards	Timing	Responsibility
Waste management and minimisation will form part of the induction program (which includes environmental due diligence training). All Project and site personnel will be trained in the requirements of this document including minimising wastes, recognising which types of materials are recyclable and their obligations to use recycling facilities provided on site.	Prior to construction.	Site Manager
Clearly assign and communicate responsibilities to ensure that those involved in the construction are aware of their responsibilities in relation to the waste management plan	Prior to construction.	Site Manager
Waste management areas will be adequately managed to prevent sediment runoff and dust generation.	Daily during construction	Site Manager
Construction Method Statements (CMS) will include practices to minimise waste generation and to maximise recycling and reuse of materials including oils, greases, lubricants, timber, glass, and metal.	Prior to start of construction and ongoing	Site Manager
Packaging minimisation and reuse initiatives will be implemented as part of the procurement.	Ongoing	Site Manager
Development of an unexpected finds environmental procedure should any contamination be found during construction works.	Prior to starting on site	Site Manager
Spill kit to be present on site in the case of any fuel leaks of plant and equipment during the construction phase of the development	Prior to start of construction	Site Manager
Segregated waste disposal containers for the collection and recycling/disposal of all waste streams generated during the construction will be provided onsite. Waste disposal containers will have clear signage and instructions for use to avoid cross-contamination.	Daily	Site Manager
Waste will be disposed to an appropriate licensed facility.	Daily	Site Manager
All waste being transported off site must be covered. The transportation must be appropriately licensed to carry that material.	Daily	Site Manager



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Control Measures and Safeguards	Timing	Responsibility
Incompatible wastes will not be mixed.	Daily	Site Manager
Storage areas would be located away from the stormwater system.	Daily	Site Manager
Conduct regular litter patrols to ensure litter is effectively controlled on site.	Daily	Site Manager

7.5. Conclusion

The Site operates under an existing Environment Protection Licence (EPL 12901) from the NSW EPA. The current EPL allows extractive activities, waste processing (non-thermal treatment), waste disposal (application to land), and waste storage. The Site implements an existing Environmental Management System (EMS) for operations.

Waste will be appropriately managed during construction of the Proposal using the identified mitigation measures.

The Proposal will continue to have a positive impact on the resource recovery and recycling of waste and is therefore recommended for approval.



8. Surface and Ground Water

8.1.1. Methodology

A stormwater design for the management of runoff from the additional sheds and pavement has been prepared by Triaxial Consulting for the Proposal (see Appendix H).

8.1.2. Existing Environment

The closest waterway to the Site is Kemps Creek located approximately 830 metres east of the Site. Kemps Creek is a tributary of South Creek which flows into the Hawkesbury River. The source of the creek is about 2km northeast of Catherine Field and flows in a northerly direction through the suburbs of Austral (where it joins with its tributary Bonds Creek) and Kemps Creek (where, after approximately 17km, it enters South Creek)¹.

Kemps Creek is in a catchment area subject to a number of pressures which lead to a deterioration in water quality which is manifested by:

- Increased sediment loads derived from the extensive areas used for horticulture and other intensive agriculture. Some sediment is deposited in the channels and gradually decreases conveyance capacity in some places;
- Increased levels of nitrogen and phosphorus which promote weed growth in the creeks and further reduce the conveyance capacity; and
- Transport of exotic weed species which invade the floodplain areas and tend to decrease the conveyance capacity of the floodplain.
- if works are proposed within 40 m of a mapped watercourse.

The Site is not located in a mapped flood planning area.

8.1.3. Impact Assessment

Works are not proposed within 40m of a mapped watercourse, therefore a Controlled Activity Approval is not required under the *Water Management Act* 2000.

The Proposal will be built atop existing fill. Additional measures to collect, capture and treat stormwater runoff from the proposed temporary sheds and surrounding access areas is provided in the stormwater and drainage civil design plans provided by Triaxial included in Appendix H. The civil plans and MUSIC modelling are based on Penrith Council WSUD policy and Manual.

The stormwater design includes collection of roof runoff from the sheds in a series of 8 rainwater tanks. Four tanks are 15,000L capacity each and four tanks are an additional 22,500L capacity each. Two of each capacity tank would be installed for each shed. This equals a total of 150,000L total rainwater tank capacity. Water would be used for landscape watering, onsite waste processing and dust control. Additional oversized stormwater piping and some shallow ponding over a small area is included in the site design to allow for additional onsite detention (OSD) volumes to capture the additional hardstand and to meet Penrith Council requirements.

The stormwater civil design plans also provide for construction erosion and sediment controls (ERSED plan) prepared for the construction of the proposed temporary sheds, and are included in Appendix H.

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¹ Liverpool City Council (2003). Austral Floodplain Risk Management Study & Plan Review and Finalisation.



8.1.4. Mitigation Measures

Recommended stormwater mitigation and management measures to be implemented for the Proposal are included in Table 8.1.

Table 8.1. Stormwater mitigation and management measures.

No.	Measure
SW1	Stormwater infrastructure will be implemented for the additional sheds and paving in compliance with Penrith
	Council requirements.
SW2	An Erosion and Sediment Control Plan will be implemented during construction in line with the Managing Urban
	Stormwater: Soils and construction - Volume 1, 4th edition (Landcom) (the Blue Book).

8.1.5. Conclusion

No impacts to surface water or groundwater are expected and is therefore recommended for approval.



9. Geotechnical and Contamination Assessment

Consulting Earth Scientists Pty Ltd (CES) was commissioned by Sydney Recycling Park Pty Ltd (the Client) to carry out a Geotechnical Investigation (GI) and Preliminary Site Investigation (PSI) for the Proposal. The reports can be found in Appendix D and E, respectively.

9.1.1. Methodology

This PSI report has been prepared in general accordance with the applicable legislation and guidelines including but not limited to the *National Environmental Protection Measures (Assessment of Site Contamination) Measure 1999 – Schedule B2* (NEPC), 2013); and *Contaminated Land Guidelines: Consultants Reporting on Contaminated Land* (NSW EPA, April 2020).

The PSI included the following elements:

- Desktop review including review of historical photographs;
- Site walkover by CES Environmental Engineer on 4th May 2022; and
- Development of a Conceptual Site Model

The GI was undertaken at the Site in parallel to the PSI in order to identify any geotechnical risks and provide engineering recommendations for the Proposal.

As part of the GI, CES advanced three (3) boreholes across the site to depths ranging between 7.0 mbgl and 8.95 mbgl using a track-mounted geotechnical drilling rig over a duration of two days on 5 May and 6 May 2022.

9.1.2. Existing Environment

Based on the review of historic aerial photographs, the Proposal Site likely would have been impacted by the former quarrying and landfilling activities occurring across the central and northern portion of the SRP site and is located above a capped landfill cell, determined to have been temporarily capped around 2005.

The lot appears to have remained an active quarry until around 2005, when quarrying activities ceased and were replaced with landfilling. Resource and recovery processes appear from 2016 with the Site area predominantly acting as a lay down area for miscellaneous equipment and for stockpiling of recovered resource materials.

The inferred subsurface profile as provided from the GI report is provided in Table 9.1.

Unit	Geotechnical Unit	Approximate Depth Unit Range (m)	Material Description
Unit 1	Gravelly CLAY with Sand (Fill)	0.00 - 1.00	Fill inferred to be Capping Layer: Gravelly CLAY with Sand; brown and low plasticity, sub-angular, fine to coarse gravels derived from sandstone and shale with fine to medium sand, trace plastic waste. Firm to very stiff. The inferred capping layer varies in thicknesses, ranging up to a depth of 1.5m in the south and up to a depth 0.6m in the north.
Unit 2	CLAY with Waste (Landfill Waste)	1.00 - 8.95 (maximum depth of investigation)	Landfill Waste: CLAY with variable/ heterogeneous waste materials; dark brown / grey, low plasticity. High wood fibre and tree mulch content with putrescible and hydrocarbon odours. Stiff to very stiff.

Table 9.1. Inferred Subsurface Profile.



9.1.3. Impact Assessment

Key historic potentially contaminating activities occurring at the site are associated to the former quarrying and landfilling activities, therefore the Site could potentially be impacted by landfill vapour and unauthorised hazardous material disposal.

However, the following observations were made during inspections at the Site:

- No Asbestos Containing Materials (ACM) were observed across any of the accessible soil surfaces inspected;
- No signs of distressed vegetation (an indication of potential environmental impacts) were observed in the
 accessible areas; no surface staining indicative of surface spills that could have impacted underlying soil and
 groundwater were observed; and
- No evidence of above-ground or below-ground fuel storage tanks were observed.

In addition, the boreholes did not identify the presence of boulder obstructions or asbestos fragments.

According to GI, the finished floor levels of the proposed developments will sit approximately ≤ 1 m below the current ground surface at the site and will comprise a slab on ground or stiffened raft footing system and load bearing pavements. Any materials excavated from the development footprints are not to be re-used as general fill or engineered fill, and that suitable geotechnical fill material will be required for backfilling to achieve the required subgrade design levels.

In consideration of the heterogeneity of anthropogenic landfill, Contaminants of Potential Concern (COPCs) are highly variable and dependent on the material disposed of at the site.

It was reported by the CES representative supervising the GI drilling works that the portable multi-gas monitoring device attached to the drill rig sounded an alarm indicating that elevated levels of the following gases were being emitted during the drilling works:

- Hydrogen Sulfide alarm at 8.5 mbgl in BH201;
- Methane alarm at 7.0 mbgl in BH02; and
- Methane alarm at 8.95 mbgl in BH03.

The Site was assessed as having a Characteristic Gas Situation (CS) rating of 3 and was classified as posing a 'Moderate risk' (as described in the *Assessment and Management of Hazardous Ground Gases*, NSW EPA 2020, Table 7) This was based on the identified source of ground gas (i.e., old, closed landfill cell), which based on observations made during the geotechnical fieldwork did not contain high volumes of putrescible waste.

Based on the preliminary designs provided by the client and the recommendations presented in GI report, the preferred building construction includes a reinforced concrete or pre-stressed concrete raft foundation, which provides a gas protection value of 1 (Table 9 NSW EPA 2020).

Proposed Shed 2 and Proposed Shed 3 comprise large space frame designs, with a high volume relative to the floor area, no smaller enclosed internal spaces or internal airflow obstructions, with power operated roller shutter doors. Ventilation and air exchange rates within the proposed temporary sheds during operation are likely to exceed the requirements for naturally ventilated carparks designed in accordance with (AS1668-2002). Gas protection values of up to 4 are provided for ventilated carparking (NSW EPA 2020), therefore natural ventilation of the proposed buildings is likely to exceed the required additional gas protection value of 1.

During construction, suitable environmental and work health and safety plans and controls should be implemented to manage the human health and environmental risks from potentially contaminated materials within the landfill. Excavated material should be managed in accordance with the SRP's operational plans for the handling and disposal of waste. And construction management plans should include an unexpected contamination finds protocol.

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9.1.4. Mitigation Measures

Recommended contamination and geotechnical mitigation and management measures to be implemented for the Proposal are included in Table 9.2.

Table 9.2. Contamination and soil mitigation and management measures.

No.	Measure
GT	Any materials excavated from the development footprints are not to be re-used as general fill or engineered fill, and that suitable geotechnical fill material will be required for backfilling to achieve the required subgrade design levels. A suitably qualified geotechnical engineer should be present onsite to assess the suitability of the materials for reuse as fill.
GT2	During construction, suitable environmental and work health and safety plans and controls should be implemented to manage the human health and environmental risks from potentially contaminated materials within the landfill
GT3	Excavated material should be managed in accordance with the SRP's operational plans for the handling and disposal of waste.
GT4	A construction management plan will be developed prior to commencement of construction and will include an unexpected contamination finds protocol.

9.1.5. Conclusion

The Proposal will comprise a slab on ground or stiffened raft footing system and load bearing pavements and consequently the underlying waste fill materials will largely be impeded, and thus the associated risk will be limited to negligible. Similarly, landfill gas risks are likely to be suitably mitigated by the design of the proposed temporary sheds foundations, inherent ventilation of the buildings, and absence of small, enclosed spaces which is expected to provide adequate gas protection.

In consideration of the above, the temporarily capped landfill cell underlying the Site is unlikely to pose a risk to human health or ecological receptors (both on-site and off-site) during either the construction or operational phases of the proposed developments.

The Proposal is unlikely to have any significant impacts on soil, contamination or human health, and is therefore recommended for approval.


10. Visual Impact Assessment

Moir Landscape Architecture prepared a Visual Impact Assessment (VIA) to provide a qualitative and quantitative assessment of the visibility and potential visual impacts of the Proposal. As part of the VIA process, a landscape site analysis and landscape concept plan have been developed for the Proposal and are included in Appendix G.

10.1.1. Methodology

The VIA provides an overview of the likely impacts and how they may be managed to ensure that the positive character of the immediate area and surrounding visual landscape is not overly eroded or diminished.

Photographic survey work was undertaken for the VIA on 12th April 2022, using key viewpoints identified through a desktop assessment and locations with potential views towards the site (see Figure 10.1). The VIA details the results of the field work, documents the assessment of the landscape character and visual setting, and assesses potential visual impacts associated with the proposal.

The VIA has been prepared in accordance with the Penrith City Council Landscape Character Strategy (2006) and Penrith LEP Scenic and Landscape Values Map (2010), with the most recent DCP/LEP amendments adopted by PCC on 11th February 2013.

Two photomontages of the proposed development within the existing context were selected as key views and as a good indicator of general visibility of the Site.

A photomontage is a visualisation based on the superimposition of an image (ie building, road, landscape addition etc) onto a photograph for the purpose of creating a realistic representation of proposed or potential changes to a view. Photomontages have been utilised in this VIA to assist in the impact assessment of the Proposal.

10.1.2. Existing Environment

The Site is generally cleared of vegetation, however landscaped bunds located adjacent to Clifton Avenue support some larger tree and shrub vegetation close to the lot boundary. Past regrading has formed landscape noise attenuation bunds surrounding the existing industrial shed, focused along the northern portion of the Clifton Avenue boundary. These bunds form a buffer to rural residential lots to the east.

A large part of the local land use is associated with large lot rural residential living, commercial and industrial enterprises. Large tracts of vegetation define the undulating landform of the area and line the local watercourses of Badgerys Creek and Kemps Creek (refer to Figure 10.2).

The Site was formerly used as a quarry and is currently used as a landfill and recycling site. It sits just to the north of several commercial businesses along Elizabeth Drive.

Local places of note include the following; Sydney International Shooting Centre, Sydney Equestrian Centre, Western Sydney Parklands and Calmsley Hill City Farm to the east. Penrith Town centre to the north, the Defense Establishment Orchard Hills and Warrangamba Dam to the west.

The Site's main access point is off Clifton Avenue from Elizabeth Drive to the south of the site. A network of major connector roads link the site to Greater Sydney, the Westlink M7 is located to the east, the Northern Road to the West and the Western Motorway to the North. Most roads are lined fairly densely with tree and shrub growth which frames or contains views to within the road corridors.

The Site itself gradually falls from the northern boundary to the south towards Elizabeth Drive. Land around the Study Area is gently undulating and this undulation is mainly associated with natural features within the landscape. Kemps



Creek is located to the east of the site and South Creek to the west of the site, with the two converging further to the north.



Figure 10.1. Viewpoint assessment locations selected for the VIA. (Source: Moir Landscape Architecture).









10.1.3. Impact Assessment

The VIA report assesses the potential change in appearance of the landscape as a result of Proposal using a combined effect of visual sensitivity and visual magnitude. Various combinations of visual sensitivity and visual magnitude will result in high, moderate and low overall visual impacts.

Visual sensitivity is a measure of how critically a change to the existing landscape is viewed by people from different areas. The assessment is based on the number of people affected, land use, and the distance of the viewer from the proposal.

Visual magnitude refers to the extent of change that will be experienced by receptors. Factors that are considered when assessing the magnitude of change include:

- The proportion of the view / landscape affected;
- Extent of the area over which the change occurs;
- The size and scale of the change;
- The rate and duration of the change; and
- The level of contrast and compatibility.

Where possible, viewpoints have been selected to represent the worst-case scenario. For each viewpoint, the potential visual impact was analysed using a combination of topographic maps and on-site analysis.

The visual sensitivity and visual magnitude of each viewpoint have been assessed which, when combined, result in an overall visual impact for the viewpoint (see Table 10.1).

Of the 18 viewpoints assessed as part of the VIA, the Proposal would be visible from a total of 7 viewpoints. These are discussed in further detail below.

Viewpoint	Visual Sensitivity	Visual Effect	Potential Visual Impact
VP01	Moderate	Nil	Nil
VP02	Moderate	Low	Moderate-Low
VP03	Moderate	Nil	Nil
VP04	Moderate	Nil	Nil
VP05	Moderate	Moderate	Moderate
VP06	Moderate	Moderate	Moderate
VP07	Moderate	Low	Moderate-Low
VP08	Moderate	Low	Moderate-Low
VP09	Low	Nil	Nil
VP10	Moderate	Nil	Nil
VP11	Moderate	Nil	Nil
VP12	Moderate	Negligible	Negligible
VP13	Moderate	Negligible	Negligible
VP14	Moderate	Nil	Nil
VP15	Moderate	Nil	Nil
VP16	Moderate	Nil	Nil
VP17	Moderate	Nil	Nil
VP18	Moderate	Nil	Nil

Table 10.1. Viewpoint Visual Impact Summary.

Viewpoint Analysis

Generally, the viewpoints rated as having a moderate visual impact were taken within a close proximity of the proposal and within a residential area. The visual magnitude (the level of visual contrast) is likely to be NIL for the majority of locations.

The proposal will predominantly be visible along the Clifton Avenue road reserve and from the intersection of Elizabeth Drive and Clifton Avenue. It is worth noting the project would be difficult to discern to motorists traveling at speed along Elizabeth Drive due to both existing built form and vegetation.

VP02

This view is from Clifton Avenue looking south to the Site. The top of the existing site shed is only just visible above the black palisade fence and shrubs within the road reserve. Views from this location are fragmented by tree and shrub vegetation within the road reserve, with existing powerlines features in the visual landscape. From this location views of the proposed development to the south will be restricted mainly as a result of landform and existing vegetation along Clifton Avenue.

The visual sensitivity of this viewpoint has been rated as Moderate due to the land use and the proximity to the Site, and the visual magnitude is rated Low, resulting in a Moderate-Low overall visual impact.

Once mitigation measures proposed are implemented, the Proposal would have a Negligible visual impact from this viewpoint.

VP05

This view is from Clifton Avenue looking north-west to the Site. Views to the site from this location are partially screened by a series of fences and a mature vegetation buffer along the western boundary of the site. Existing powerlines are the features in the visual landscape. From this viewpoint the top portion of the proposed shed would be visible above the fencing and existing vegetation.

The visual sensitivity of this viewpoint has been rated as Moderate due to the land use and the proximity to the Site. The visual magnitude is likely to be Moderate resulting in an overall visual impact of Moderate.

Once mitigation measures proposed are implemented, it is anticipated the Proposal would have a Low visual impact from this viewpoint. Proposed mitigation measures would improve the visual amenity in this location

VP06

This view is from Clifton Avenue looking north towards the site. Views from this viewpoint are open along the Clifton Avenue road-reserve towards the site with a strong avenue of mature tree planting along the western edge. Existing powerlines are the features in the visual landscape. From this location the top portion of the proposed sheds would be visible above the existing landscape bunds and boundary fencing.

The visual sensitivity of this viewpoint has been rated as Moderate due to the land use and the proximity to the Site. The visual magnitude is likely to be Moderate resulting in an overall visual impact as Moderate.

Once mitigation measures proposed are implemented, it is anticipated the Proposal would have a Low visual impact from this viewpoint. Proposed mitigation measures would improve the visual amenity in this location.

VP08

This view is from Elizabeth Drive looking north towards the Site. Views from this location are contained by vegetation within the Clifton Avenue and Elizabeth Drive road-reserves surrounding the Site. Existing powerlines are the features



in the visual landscape. From this location the top portion of the proposed shed would be visible above the existing landscape bunds and between existing canopy trees.

The visual sensitivity of this viewpoint has been rated as Moderate due to the land use and the proximity to the Site. The visual magnitude is likely to be Low resulting in a Moderate-Low overall visual impact.

Once mitigation measures proposed are implemented, it is anticipated the Project would have a Low visual impact from this viewpoint. Proposed mitigation measures would improve the visual amenity in this location.

VP12

This view is from the intersection of Elizabeth Drive and Western Road. Views from this location are contained by mature canopy tree vegetation within the road reserve and lots to the northern side of Elizabeth Drive. Existing powerlines are the features in the visual landscape. From this location views of the proposed development to the west will be fragmented as a result of existing vegetation.

The visual sensitivity of this viewpoint has been rated as Moderate due to the land use and the proximity to the Site. The visual magnitude is likely to be Negligible resulting in an overall visual impact as Negligible.

VP13

This view is from Elizabeth Drive looking north toward the Site. Views from this location are contained by mature canopy trees surrounding the site and commercial buildings located along Elizabeth Drive. Existing powerlines are the features in the visual landscape. From this location the top portion of the proposed shed would be visible between existing canopy trees and commercial infrastructure.

The visual sensitivity of this viewpoint has been rated as Moderate due to the land use and close proximity to the Site. The visual magnitude is likely to be Negligible resulting in a Negligible overall visual impact.

The project would be difficult to discern to motorists traveling at speed along Elizabeth Drive in the context of existing built form in the foreground.

Penrith City Council Landscape Character Strategy

The Site falls within several of the character areas as identified in PCC 'Landscape Character Strategy - Character Statements and Maps' document including the following:

- Iconic Places: Rural backdrops;
- Primary Visual Backdrops; and
- Rural: Government Facilities.

These have been thoroughly addressed in the VIA in Appendix F.

With the recommended mitigation measures, including implementing the landscape plan over the existing soil bunds and providing appropriate colour grading to the sheds, the Proposal could be undertaken whilst maintaining the core landscape character of the area with minimal visual impact on the surrounding visual landscape.

Photomontages

Photomontages have been prepared for Viewpoint VP06 and Viewpoint VP08 to illustrate the Proposal from the north, south and west. Photomontages are provided in Figure 10.3, Figure 10.4, Figure 10.5, and Figure 10.6 below.



Figure 10.3. Photomontage 01: Cropped 60^o of Proposed View (NO mitigation measures).





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Figure 10.5. Photomontage 02: Cropped 60^o of Proposed View (NO mitigation measures)..





Figure 10.6. Photomontage 02: Cropped 60^o of Proposed View (NO mitigation measures)..





10.1.1. Mitigation Measures

Recommended visual and landscape mitigation and management measures to be implemented for the Proposal are included in Table 10.2.

Table 10.2. Visual and landscape mitigation and management measures.

No.	Measure
VL1	Retain and protect existing vegetation where possible during construction.
VL2	Ensure retention of existing vegetation buffers/bunds. Complete landscape maintenance to these areas and revegetate bare areas as required.
VL3	Plant new landscape areas along the eastern edge of the proposed sheds, while maintaining 1.5m wide concrete access path, with screen shrub and canopy tree planting.
VL4	Consideration of construction materials to minimise visual contrast for surrounding residents.

10.1.2. Conclusion

With all visual impact assessments, the objective is not to determine whether the proposal is visible or not visible, it is to determine how the proposal will impact on existing visual amenity, landscape character and scenic quality.

The existing landscape character has a low-moderate level of development. Existing infrastructure including power poles, transmission lines and lighting forms a part of the existing landscape character of the area.

Although the vertical scale of Proposal is large, the scale of surrounding vegetation along the edge of the Site adjacent to Clifton Avenue where there is already an existing vegetated buffer minimises the scale of the Proposal.

When implemented with appropriate environmental management and employment of the recommended mitigation measures, the Proposal can be undertaken whilst maintaining the character of the area with minimal visual impact on the surrounding visual landscape.

The Proposal is therefore recommended for approval.



11. Bushfire Assessment

Australian Bushfire Protection Planners Pty Limited was commissioned to prepare a Bushfire Protection Assessment (BPA) to provide advice on the bushfire protection measures required for the construction of the proposed shed at the Site. The BCA is included in Appendix G of this SEE.

11.1.1. Methodology

The *Environmental Planning and Assessment Act* 1979 requires a Consent Authority, when considering development within a bushfire prone area, to be satisfied that the development conforms with the specifications and requirements of *Planning for Bushfire Protection 2019*.

Planning for Bushfire Protection 2019 provides specific deemed-to-satisfy provisions on the bushfire protection measures necessary for rural and residential subdivisions, the construction of *"Special Fire Protection Purpose Developments"* and the construction of Class 1, 2, 3 and 4 buildings in Bushfire Prone areas.

The BPA (Appendix G) addresses the aims and objectives of *Planning for Bushfire Protection 2019* including undertaking the following:

- Determine the formation of the vegetation within 140 metres of the development site, in accordance with the vegetation classification system contained in Appendix 1 of *Planning for Bushfire Protection 2019*;
- Undertake an assessment to determine the effective slope of the land on and surrounding the development site;
- Determine the Fire Danger Index [FDI] for the site;
- Determine bushfire protection strategies for the Proposal, including the bushfire protection measures required to be implemented in design and construction.

11.1.2. Existing Environment

The Penrith Bushfire Prone Land Map records the site being impacted by the buffer zone to Category 1 Bushfire Prone Vegetation shown to occupy the land to the south of the development site and to the Category 2 Bushfire Prone Vegetation shown to occupy the land to the west and north of the site. See Figure 11.1.

The site inspection confirmed that the Bushfire Prone Land Map does not accurately represent the actual extent of the unmanaged vegetation on the land to the west [within the Hi-Quality Quarry] and on the land to the south of the development site. Furthermore, the proposed building is to be located more than 100 metres from vegetation which could be legally recorded on the Penrith Bushfire Prone Land Map and therefore outside the bushfire protection provisions of the Environmental Planning & Assessment Act 1979 and the *NSW Rural Fires Act* 1997.

However, due to the development site being located within a bushfire prone area, the application for the proposed development is triggered by the Bushfire Prone Land Map and Section 4.14 of the *Environmental Planning and Assessment Act* 1979 applies to the construction of the proposed building.

11.1.3. Impact Assessment

The proposed buildings are located more than 100 metres from vegetation which could support a bushfire and will therefore NOT be subject to direct impact from bushfire. The separation to bushfire prone vegetation on the adjoining land to the northwest satisfies the NSW Rural Fire Service's objective that the building is located beyond the flame length of a fire that may occur in the Category 1 Bushfire Prone Vegetation on the land located to the northwest of the site.



The building and the recycling operations may be subject to ember attack from a fire in the vegetation on the land to the northwest [Lots 1 & 2 in DP 812284].

It is recommended that the building be constructed to comply with Section 3 and Section 5 – BAL 12.5 of A.S. 3959 – 2018 – 'Construction of Buildings in Bushfire Prone Areas'.

The existing vehicular access to the site provides access for heavy vehicles and satisfies the access requirements for fire-fighting appliances similar to NSW Rural Fire Service Category 1 Tankers and Fire & Rescue NSW Appliances.

No additional access provisions are required.

A reticulated water supply is available to the site from a Sydney Water Main in Clifton Avenue. The existing storage dams on site provide additional water supplies with the development proposal also adding four water tanks to the west of the proposed building.

No additional fire-fighting water supplies are required.

The existing fixed assets and proposed building will not be impacted directly by a bushfire event in the local area.

Evacuation of the proposed building due to bushfire will not be required however an Evacuation Plan shall be prepared for the Facility.

The Evacuation Plan shall address the protocols for the timely relocation of staff/visitors in the event that an emergency occurs, both within the site or within the local area. A copy of the Evacuation Plan shall be provided to the Local Emergency Management Committee, Police, Fire & Rescue NSW and the NSW Rural Fire Service.

The Evacuation Plan shall comply with AS 3745 - 2002 "Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces".

The defendable space (Asset Protection Zone) shall be managed in accordance with the prescriptions of an Inner Protection Area (IPA) – refer to Appendix 4 of *Planning for Bushfire Protection* 2019.

11.1.4. Mitigation Measures

Recommended bushfire mitigation and management measures to be implemented for the Proposal are included in Table 11.1.

Table 11.1. B	ushfire mitigation	and management	measures.
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No.	Measure
BF1	The proposed buildings shall be constructed to comply with section 3 and Section 5 [BAL 12.5] specifications as defined by A.S. 3959 – 2018 – Construction of Buildings in Bushfire Prone Areas.
BF2	 An Evacuation Plan shall be prepared for the proposed buildings. The Evacuation Plan shall address the protocols for the timely relocation of staff/visitors in the event that an emergency occurs, both within the site or within the local area. A copy of the Evacuation Plan shall be provided to the Local Emergency Management Committee, Police, Fire & Rescue NSW and the NSW Rural Fire Service. The Evacuation Plan shall comply with AS 3745 - 2002 "Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces".
BF3	The defendable space (Asset Protection Zone) shall be managed in accordance with the prescriptions of an Inner Protection Area (IPA)

11.1.5. Conclusion

The Proposal is unlikely to have any material impact on bushfire hazards and is recommended for approval.



Figure 11.1. Bushfire prone land. Site shown in RED.





12. Noise and Vibration

12.1.1. Methodology

Part of the existing operation and waste processing would be carried out, under the Proposal, in enclosed temporary sheds and therefore would not impact adversely on the acoustic privacy of nearby sensitive receivers. Therefore a specialist assessment of noise and vibration was not prepared or deemed required.

12.1.2. Existing Environment

The northern portion of the Site is used for outdoor waste separation activities. The Proposal would not alter existing site operations, including operating hours and the number truck movements to and from the Site. Therefore, the Proposal is unlikely to result in any new noise impacts on neighbouring properties.

An existing landscaped bund wall is located around the Site including around the existing and proposed temporary sheds and the landfill area. These bunds provide additional acoustic obstacles in both the southern and eastern directions, acting to minimise noise impacts on nearby residential properties. Additional landscaping proposed for visual mitigation would also be likely to provide some degree of further acoustic attenuation.

12.1.3. Impact Assessment

The Proposal would enclose existing operations and waste processing equipment and thus not impact adversely on acoustic privacy nor generate any additional noise impacts. Rather, the Proposal would reduce noise levels by enclosing certain activities and waste processing equipment.

12.1.4. Mitigation Measures

An existing Environmental Management Plan (EMP) for the current approved use and operations of the Site as a landfill and resource recovery facility is included at Appendix C. No additional mitigation measures are required or recommended.

12.1.5. Conclusion

The Proposal is unlikely to have any impact on noise and vibration and is recommended for approval.



13. Traffic and Access

13.1.1. Methodology

There are no proposed changes to vehicle movements, amount of waste received and processed or operational hours. Therefore, a specialist assessment of traffic and site access was not prepared or deemed required.

13.1.2. Existing Environment

The Site is located north of the Clifton Road and Elizabeth Drive intersection. Elizabeth Drive connects The Northern Road at its eastern end, and the M7 Motorway at its eastern end. Between the Elizabeth Drive and Mamre Road. Elizabeth Drive has an undivided carriageway with one lane in each direction and a speed limit of 80km/h. Elizabeth drive carries around 26,000 vehicles per day.

The Site is located in an area of high traffic generation. The largest traffic generators in the immediate vicinity of the Site the neighbouring quarry and wholesale nursery.

13.1.3. Impact Assessment

The Proposal would not increase truck movements to and from the Site.

The Proposal does not seek to alter the way in which the existing use operates. The Proposal would enclose existing activities on-site associated with the landfill and resource recovery facility to minimise environmental impacts. Operations for the existing use of the Site have already been considered in the assessment and determination of the existing uses.

Traffic generation associated with the existing use of the Site would have been considered in the assessment and determination of the previous approvals, noting that the proposed development will not result in any increased traffic generation. The Proposal is not a development of a size or capacity that would trigger the need for the DA to be referred to the RMS under Clause 2.121 of the Infrastructure SEPP.

Roller Safety shutter doors will ensure that vehicles using the sheds are capable of entering and exiting the proposed development in a forward direction to maximise pedestrian safety, as well as the safety of other drivers and vehicles using the Site.

13.1.4. Mitigation Measures

An existing Environmental Management Plan (EMP) for the current approved use and operations of the Site as a landfill and resource recovery facility is included at Appendix C. No additional mitigation measures are required or recommended.

13.1.5. Conclusion

The Proposal is unlikely to have any impact on traffic and is recommended for approval.



14. Air Quality

14.1.1. Methodology

There are no proposed changes to plant or equipment, vehicle movements, amount of waste received and processed or operational hours. Therefore, a specialist assessment of air quality was not prepared or deemed required.

14.1.2. Existing Environment

The northern portion of the Site is currently used for outdoor waste separation activities. Under the Proposal, these activities would be carried out in an enclosed facility.

14.1.3. Impact Assessment

Air emissions would be alleviated by the enclosure of the waste sorting activities, and therefore will not impact adversely on the acoustic privacy of nearby sensitive receivers.

The Proposal would not adversely impact on air quality in that it would not generate additional dust impacts. The Proposal will likely reduce levels of dust by enclosing existing operations in the proposed temporary sheds.

The Proposal is considered to have potentially beneficial impacts on the air quality amenities of the surrounding landholders and land users.

14.1.4. Mitigation Measures

An existing Environmental Management Plan (EMP) and Dust Management and Monitoring Standard Operating Procedure (SOP) for the current approved use and operations of the Site as a landfill and resource recovery facility is included at Appendix C. No additional mitigation measures are required or recommended.

14.1.5. Conclusion

The Proposal is unlikely to have any negative impact on air quality amenities and is recommended for approval.



15. Biodiversity

15.1.1. Methodology

There are no proposed changes to plant or equipment, vehicle movements, amount of waste received and processed or operational hours. Given the Site has been cleared of any existing trees or vegetation a specialist assessment of biodiversity was not prepared or deemed required.

15.1.2. Existing Environment

There are some small areas of vegetation on the southern perimeter of the Site, and planted vegetation along the bunds surrounding the existing and proposed temporary sheds. The subject site does not contain any wetlands.

The existing vegetation is not likely to hold any flora or fauna of significance or nature conservation value given the modified nature of the landscape, the loss of understorey and the historic removal of large trees with hollows that could support animal life.

15.1.3. Impact Assessment

Given the history of the site as a quarry and its existing use as a landfill and resource recovery facility, the Site has been cleared of any existing trees or vegetation (see Figure 1.4). Subsequently, there are no critical habits or protected species located on the Site. The Proposal is therefore unlikely to result in any adverse impacts on flora and fauna.

The purpose of the Proposal is to minimise its potential to impact on the environment.

As shown in Figure 15.1, some areas just at the southern perimeter of the Site are shown mapped as holding biodiversity values. None of these areas will be disturbed. The Proposal is located at minimum 200m away from any areas with mapped or existing biodiversity values.

15.1.4. Mitigation Measures

An existing Environmental Management Plan (EMP) for the current approved use and operations of the Site as a landfill and resource recovery facility is included at Appendix C. No additional mitigation measures are required or recommended.

15.1.5. Conclusion

The Proposal is unlikely to have any impact on biodiversity values and is recommended for approval.



Figure 15.1. Biodiversity values mapping near to the Proposal.





16. Heritage

16.1.1. Methodology

Given the history of the Site as a quarry and its existing use as a landfill and resource recovery facility, the Site has been cleared of any existing trees or vegetation. Therefore a specialist assessment of heritage was not prepared or deemed required.

16.1.2. Existing Environment

A search of the Office of the Environment and Heritage's Aboriginal Heritage Information Management System (AHIMS) on 21 July 2021 does not show any aboriginal objects recorded on the Site or within 50m the Site.

The subject Site is not identified as a heritage item or conservation area under the *Penrith Local Environment Plan* (LEP) 2010, nor is it located in the vicinity of any heritage items or conversation areas. The nearest mapped built heritage item to the Site is approximately 1.75 kilometres to the northwest (associated with the Fleurs Radio Telescope property) and is unlikely to be adversely impacted by the Proposal.

16.1.3. Impact Assessment

This Site is highly disturbed and the proposed development is unlikely to adversely impact Aboriginal Heritage or European heritage.

16.1.4. Mitigation Measures

No additional mitigation measures are required or recommended.

16.1.5. Conclusion

The Proposal is unlikely to have any material impact on heritage values and is recommended for approval.



17. Summary of Mitigation Measures

A range of mitigation measures to prevent or minimise environmental impacts from the Proposal have been detailed in this SEE. This section compiles those considered necessary to minimise impacts and maximise positive outcomes on the physical, social and economic environments of the local area and the wider region.

The recommended mitigation measures and strategies will be implemented and managed, so the development complies with statutory obligations under EPA licenses and approvals. These measures are summarised in Table 17.1.



Table 17.1 Summary of mitigation measures to be implemented to minimise impacts to the environment and human health from the proposed development.

lssue	Mitigation Strategy
Construction waste management	Waste management and minimisation will form part of the induction program (which includes environmental due diligence training). All Project and site personnel will be trained in the requirements of this document including minimising wastes, recognising which types of materials are recyclable and their obligations to use recycling facilities provided on site.
	Clearly assign and communicate responsibilities to ensure that those involved in the construction are aware of their responsibilities in relation to the waste management plan
	Waste management areas will be adequately managed to prevent sediment runoff and dust generation.
	Construction Method Statements (CMS) will include practices to minimise waste generation and to maximise recycling and reuse of materials including oils, greases, lubricants, timber, glass, and metal.
	Packaging minimisation and reuse initiatives will be implemented as part of the procurement.
	Development of an unexpected finds environmental procedure should any contamination be found during construction works.
	Spill kit to be present on site in the case of any fuel leaks of plant and equipment during the construction phase of the development
	Segregated waste disposal containers for the collection and recycling/disposal of all waste streams generated during the construction will be provided onsite. Waste disposal containers will have clear signage and instructions for use to avoid cross-contamination.
	Waste will be disposed to an appropriate licensed facility.
	All waste being transported off site must be covered. The transportation must be appropriately licensed to carry that material.
	Incompatible wastes will not be mixed.
	Storage areas would be located away from the stormwater system.
	Conduct regular litter patrols to ensure litter is effectively controlled on site.
	Waste management and minimisation will form part of the induction program (which includes environmental due diligence training). All Project and site personnel will be trained in the requirements of this document including minimising wastes, recognising which types of materials are recyclable and their obligations to use recycling facilities provided on site.
	Clearly assign and communicate responsibilities to ensure that those involved in the construction are aware of their responsibilities in relation to the waste management plan
Stormwater	Stormwater infrastructure will be implemented for the additional sheds and paving in compliance with Penrith Council requirements.



lssue	Mitigation Strategy
	An Erosion and Sediment Control Plan will be implemented during construction in line with the Managing Urban Stormwater: Soils and construction - Volume 1, 4th edition (Landcom) (the Blue Book).
Bushfire	The proposed buildings shall be constructed to comply with section 3 and Section 5 [BAL 12.5] specifications as defined by A.S. 3959 – 2018 – Construction of Buildings in Bushfire Prone Areas.
	 An Evacuation Plan shall be prepared for the proposed building. The Evacuation Plan shall address the protocols for the timely relocation of staff/visitors in the event that an emergency occurs, both within the site or within the local area. A copy of the Evacuation Plan shall be provided to the Local Emergency Management Committee, Police, Fire & Rescue NSW and the NSW Rural
	 Fire Service. The Evacuation Plan shall comply with AS 3745 - 2002 "Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces".
	The defendable space (Asset Protection Zone) shall be managed in accordance with the prescriptions of an Inner Protection Area (IPA)
Contamination and Geotechnical	Any materials excavated from the development footprints are not to be re-used as general fill or engineered fill, and that suitable geotechnical fill material will be required for backfilling to achieve the required subgrade design levels. A suitably qualified geotechnical engineer should be present onsite to assess the suitability of the materials for reuse as fill.
	During construction, suitable environmental and work health and safety plans and controls should be implemented to manage the human health and environmental risks from potentially contaminated materials within the landfill
	Excavated material should be managed in accordance with the SRP's operational plans for the handling and disposal of waste.
	A construction management plan will be developed prior to commencement of construction and will include an unexpected contamination finds protocol.
Visual and Landscape	Retain and protect existing vegetation where possible during construction.
	Ensure retention of existing vegetation buffers/bunds. Complete landscape maintenance to these areas and revegetate bare areas as required.
	Plant new landscape areas along the eastern edge of the proposed sheds, while maintaining 1.5m wide concrete access path, with screen shrub and canopy tree planting.
	Consideration of construction materials to minimise visual contrast for surrounding residents.



18. Capital Investment Value

A Capital Improvement Value (CIV) Estimate was prepared by Muller Partnership for the Proposal. The total estimated project costs (including GST) is estimated to be \$6,496,581. A summary is provided in Table 18.1 below. The full CIV estimate is contained in Appendix K.

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Ref	Description	\$/ Excl. GST
1.0	Demolition & Site Preparation	\$92,740
2.0	Building Works - Warehouse	\$3,079,956
3.0	External Works	\$1,799,600
4.0	External Services	\$240,000
5.0	Preliminaries, Overheads & Margin (12%)	\$412,450
6.0	TOTAL CONSTRUCTION COST [EXCL. GST]	\$5,624,746
7.0	Identified Risk Items	EXCL
8.0	Escalation	EXCL
9.0	Design Contingency	EXCL
10.0	Construction Contingency	EXCL
11.0	Professional Fees	\$281,237
12.0	Authority Fees & Contributions	EXCL
13.0	Client Costs	EXCL
14.0	GST	\$590,598
15.0	TOTAL PROJECT COST [EXCL. GST]	\$6,496,581



19. Conclusion

Sydney Recycling Park is located at 16-23 Clifton Avenue, Kemps Creek (Lot 230 DP 1134016) (the Site) and is approved as a non-putrescible General Solid Waste landfill for disposal and processing of principally building and demolition waste materials, including general solid waste (CT1) and soils from construction sites.

The Site is also approved for recycling in accordance with Penrith Council's philosophy concerning waste minimisation and includes a recycling facility as part of the rehabilitation of the former Kemps Creek Quarry. The Site includes a landfill, leachate pond, waste processing equipment and stockpiles of materials, a weigh bridge, on-site offices and amenities, and car parking.

Sydney Recycling Park proposes to construct two temporary sheds: one 2,100m² and one 2,520m² floor area temporary shed structure. Both would be used to enclose recycling activities associated with the approved recycling and landfill facility uses. The proposed temporary sheds will be located next to the existing shed that was previously approved in 2017 under DA 17/396. The new sheds will allow further enclosure of waste processing and recycling operations to reduce environmental impacts and protect the amenity of neighbouring properties.

The facility is licensed under the *Protection of the Environment Operations Act* 1997 and has an EPL in place (EPL 12901) that allows the Site to function as a recycling facility. The EPL provides for rigorous groundwater, dust and discharge monitoring, and limits the amount waste the facility may accept and process.

This Statement of Environmental Effects (SEE) has been prepared to support an application for the erection of two temporary sheds and associated access paving and drainage works only (the Proposal). The Proposal is considered ancillary to, and would not change or intensify, currently approved uses. The Proposal is considered a local development to be assessed by Penrith City Council under Part 4 of the *Environmental Planning and Assessment Act* 1979.

The addition of the sheds as proposed is not expected to significantly increase the environmental impact of the total development at the site. The sheds design is of similar shape and size to the existing shed and would be established consistent with the existing approved shed and the surrounding agricultural and industrial development. Additional stormwater capture and treatment from the new sheds and additional access around the new sheds is included in the planned design and construction.

The Site is identified under Schedule 1, Clause 7 of the Penrith LEP for additional permitted uses including extractive industry and waste disposal facilities. Therefore, the current uses of the Site are permissible.

The proposed sheds are temporary structures that will be removed when the current use of the subject Site concludes. The Proposal will in no way change the Site's current operations and will not alter the existing access arrangements from Clifton Avenue, nor will it generate any additional traffic movements or the need for more on-site car parking spaces. The current operating hours for the landfill will remain the same under the Proposal.

A detailed SEE has been undertaken as required by Penrith Council to consider the potential impacts of the proposal on the surrounding environment including soil, contamination, bushfire, visual amenities, and stormwater management. The SEE includes mitigation measures to ensure that any potential for impacts are minimised as far as practicable.

The Proposal will not result in on-site impacts or off-site impacts to sensitive receptors. The Proposal includes retention of the existing bunds and provides for additional landscape planting to maintain and enhance the visual and noise barriers to the Site. The Proposal would enclose existing activities on-site associated with the landfill and resource recovery facility and assist to maintain the amenities of the surrounding area.

The Proposal is therefore considered appropriate for the Site and is recommended for approval.



Appendix A - Site survey, site layout and architectural plans



Appendix B – Community Consultation Information



Appendix C – Waste Management Standard Operating Procedures (SOPs)



Appendix D – Geotechnical Investigation



Appendix E – Preliminary Site Investigation



Appendix F – Visual Impact Assessment



Appendix G – Landscape Concept Plans



Appendix H – Bushfire Assessment



Appendix I – Stormwater Civil Plans



Appendix J – Current EPL



Appendix K – CIV