



OA2025/0006

5/6/2025

Department of Planning, Housing and Infrastructure
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

Dear Sir/Madam,

Subject: SSD-72229458.
Application No: OA2025/0006.
Property: 5 Kiora Crescent Yennora.
Proposal: Proposed Waste Transfer and Resource Recovery Facility.

Reference is made to the Department of Planning, Housing and Infrastructure referral received on Monday 12 May 2025 inviting Council's comments for the proposed development.

Council has reviewed the submitted information and the following response is provided.

1 - Planning comments

The development application seeks approval to use the newly constructed buildings on site as facilities for liquid waste processing, de packaging / product destruction and transfer of chemical and clinical waste. The new facility will also have capacity to accept chemical and clinical waste.

The total amount of waste treated is placed at 220,000 tonnes per annum as identified within the table below.

Waste	Volume in tonnes	Location
Cooking oil. Sewage residue. Contaminated water. Industrial waste.	180,000	Building 1

Chemical and clinical waste.	20,000	Building 2
Rejected commercial waste.	20,000	Building 3.

The proposal will result in at least 150 truck movements per day.

The proposed use is expected to operate 24 hours daily.

The development is identified as being State Significant Development (SSD) under Schedule 1 of State Environmental Planning Policy (Planning Systems) 2021 (Clause 23) as a waste and resource management facility for the purpose of:

- Resource recovery that handles more than 100,000 tonnes per year of waste, and Hazardous waste facilities that handle more than 1,000 tonnes per year of dangerous goods.
- Any other liquid waste depot that handles more than 10,000 tonnes per year of liquid food and more than 1,000 tonnes per year of other aqueous or non-aqueous liquid industrial waste.

The proposed use of the site (First use) is identified as being a resource recovery facility. A resource recovery is defined as:

“A building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration”.

Note. Resource recovery facilities are a type of waste or resource management facility.”

The development application includes the processing of a limited amount of sewage residue and or septic waste being a volume of up to 40,000 tonnes per annum. The Department should ensure that the processing of any sewage fall within the definition of an ancillary component to the overall development proposed rather than being a separate land use or a “sewage treatment plant”.

A sewage treatment plant is separately defined by the Cumberland Local Environmental Plan 2021 and permitted with consent within the zone. Any such development operating as a separate entity raises additional planning requirements including the possibility of such a use being “designated development”.

The Land Use Table for E4 General industrial zoning outlines development which is categorised as:

- 2 - Permitted without consent.
- 3 - Permitted with Consent and
- 4 - Prohibited.

Development for the purpose of a 'Resource Recovery Facility' is not identified as being "Permitted with consent" or "Prohibited" within the E4 "General Industrial" zone. In accordance with the Land Use Table, the development is permissible with consent under the term "Any other development not specified in item 2 or 4" of the Cumberland Local Environmental Plan 2021.

Additionally, Chapter 2 of State Environmental Planning Policy (Transport and Infrastructure) 2021 facilitates the delivery of infrastructure across the state.

Division 23 of Clause 2.152 of the State Policy permits development for the purpose of a waste resource management facility (Includes resource recovery facility) on land in a prescribed zone. The E4 General Industrial zone is a prescribed zone for the purpose of the State Policy and the development is also permitted with consent under the stated provisions.

Clause 2.7 of the State Policy is also relevant in relation to establishing permissibility of the development which is reproduced below:

2.7 Relationship to other environmental planning instruments

Note.

This section is subject to section 3.28(4) of the Act.

(1) Except as provided by subsection (2), if there is an inconsistency between this Chapter and any other environmental planning instrument, whether made before or after the commencement of this Chapter, this Chapter prevails to the extent of the inconsistency.

This is relevant for Clause 6.22 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 which is reproduced below:

6.22 Waste or resource management facilities

(1) Development for the purposes of waste or resource management facilities is prohibited on flood liable land in the Georges River Catchment.

(2) Development consent must not be granted to development for the purposes of waste or resource management facilities on land in a regulated catchment unless the consent authority is satisfied of the following—

- (a) an adequate site management plan has been prepared in relation to the development,*
- (b) the development includes adequate leachate surface controls,*
- (c) the final landform of the development on the site will be stable in the long term.*

In relation to Cause 6.22(1), Clause 2.7 of State Environmental Planning Policy (Transport and Infrastructure) 2021 overrides Clause 6.22(1) of State Environmental Planning Policy (Biodiversity and Conservation) 2021. The above is relevant because the land is prone to flooding. However, the Department should ensure that Clause 6.22 2(a), (b) and (c) is still satisfied.

Generally, the permissibility of the use is established under SEPP (Transport and Infrastructure) 2021.

Other planning matters

It is identified 49 car parking spaces were approved on site under Modification Consent 2024/0063 (Condition 39) issued Monday 15 July 2024.

It is identified that this application reinstates two car parking spaces resulting in 51 spaces across the site. No objection is raised to the change sought given that 51 spaces were approved under the original consent.

Certain conditions attached to Development Consent 2019/457/1 are still relevant to the use of the site (Schedule B) such as 38.

Section 7.12 Contributions

A Section 7.12 Contribution will be applicable to the development application. It is recommended that the following condition be placed onto any consent that may be issued.

a) Section 7.12 Contributions to Council

Prior to the issue of a construction certificate for any part of the development, a payment levy of 1% of the proposed cost of carrying out the development (adjusted on a quarterly basis from the date of this consent), to account for movements in the Australian Bureau of Statistics Consumer Price Index Building Construction (NSW) must be paid to Council under Section 7.12 of

the Environmental Planning and Assessment Act 1979 and in accordance with the Cumberland Local Infrastructure Contributions Plan 2020.

(Reason: To ensure compliance with Cumberland Local Infrastructure Contributions Plan).

2 - Environmental Health comments

There are no concerns identified on the grounds that the documentation provides adequate coverage of the development and the means to mitigate the internal and external issues.

3 - Engineering and traffic comments

There are two comments as follows:

- The Unit 2 floor level does not match with the flood report approved as part of the development consent DA2029/457/1. This will need attention.
- A parking study using similar type of developments should be considered to ascertain the correct parking demands created by the development.

4 - Waste comments

The following comments are provided:

- Currently no waste management plan is provided that details how waste will be managed during the Construction phase. Additionally, the waste management plan should outline how ongoing generated waste during the operational phase will still comply with Councils DCP in a practical and safe manner. The proponent should be encouraged to develop such a plan.
- Based on the information provided within the site plan, there is sufficient space for waste storage and access for heavy rigid vehicles to undertake the collection of commercially generated wastes from the site.

5 - Landscape comments and conditions for any consent to be issued

The landscape is to be implemented and maintained in accordance with the approved landscape plan. It is apparent during the site inspection that the landscape plan has not been implemented and a few plants have failed. A maintenance schedule is to be supplied for use by the operator.

The following conditions are recommended for any consent to be issued

a) Landscape Maintenance Strategy

To ensure the survival of landscaping following works, a landscape maintenance strategy is to be provided for the owner/occupier to administer for perpetuity following any installation of landscape works. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival.)

b) Landscape Maintenance - General

All open space areas are to be regularly maintained in a neat and tidy state. Lawn areas are to be kept mown and gardens weeded and mulched with any dead plants replaced. Property owners must maintain trees in a safe growing condition.

(Reason: Safety and landscape amenity)

Should you have any further enquiries please do not hesitate to contact Harley Pearman on 8757 9956 in relation to this matter.

Yours faithfully,



Haroula Michael
Executive Planner