Department of Planning, Housing and Infrastructure

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Waste Management Facility, Botany

State Significant Development Assessment Report (SSD-62855708)

May 2026

Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Preface

This report details the Department of Planning, Housing and Infrastructure's (the Department) assessment of the State significant development (SSD) application for the Waste Management Facility, Botany (the development).

The Department's assessment considers all documents submitted by The Trustee for Coombes Family Trust No. 16 (the Applicant), including the Environmental Impact Statement (EIS), Submissions Report and Additional Information, submissions received from the public and Bayside Council, advice from government authorities, and all legislation and planning instruments relevant to the site and the development.

The report includes:

- a description of the development and the surrounding environment
- an assessment of the development against government policy and statutory requirements, including mandatory considerations
- an explanation of why the development is SSD and who the consent authority is
- consideration of matters raised by the community and other stakeholders
- an assessment of the likely environmental, social and economic impacts of the development and recommendations for managing any impacts during construction and operation
- an evaluation which weighs up the likely impacts and benefits of the development, having regard to the proposed mitigation measures, community views and government advice, and provides a view on whether the impacts are, on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether development consent for the development should be granted and any conditions that should be imposed.

Executive Summary

Introduction

The Trustee for Coombes Family Trust No. 16 (the Applicant) seeks development consent for the construction and operation of a waste transfer station at 2–4 Hale Street, Botany within the Bayside local government area. The development comprises a waste transfer station designed to receive, sort and temporarily store non-putrescible construction and demolition (C&D) waste prior to transport to advanced resource recovery facilities for recycling. The proposal has an estimated development cost of approximately $15.6 million and would generate up to 12 construction jobs and 11 ongoing operational jobs.

The proposed facility is intended to address the strategic need for waste management infrastructure in southern Sydney, supporting improved waste recovery outcomes and diversion from diminishing landfill capacity. The development would operate as part of the broader KLF Group waste network, capturing waste generated in the Sydney CBD and southern Sydney and facilitating redistribution for recycling and resource recovery.

Site Context

The site comprises approximately 7,439 square metres (m^2) of IN1 – General Industrial zoned land located approximately eight kilometres south of the Sydney CBD and immediately east of Sydney Airport. The land has a long history of industrial use and is surrounded predominantly by industrial land uses and Sydney Water stormwater infrastructure, including the Southern and Western Suburbs Ocean Outfall System and Mill Stream. An isolated residential flat building at 3 Luland Street exists within the industrial zone based on existing use rights. The closest residential areas are located approximately 70 metres (m) to the north-east on McFall Street and Erith Street, Botany and Botany Public School is located approximately 400 m north-east of the site.

The site is well connected to the regional road network via Hale Street, Foreshore Road and General Holmes Drive (M1), and is located within an established industrial precinct.

Current Proposal

The development comprises construction and operation of a waste transfer facility with a capacity to process up to 300,000 tonnes per annum of non-putrescible C&D waste. The proposal includes a single-storey warehouse with enclosed waste handling areas, two weighbridges, internal vehicle circulation areas, an ancillary office, staff amenities, parking, landscaping and associated stormwater infrastructure. Waste would be visually inspected, sorted and temporarily stored on site before being transported to off-site recycling and recovery facilities.

The facility would operate 24 hours per day, 7 days per week, with all waste handling activities occurring within the enclosed building to minimise amenity impacts.

Statutory Context

The development is classified as State significant development (SSD) under Part 4 of the *Environmental Planning and Assessment Act 1979* as it involves a waste management facility handling more than 100,000 tonnes of waste per year. The Minister for Planning and Public Spaces is the consent authority.

The Executive Director, Energy, Resources and Industry Assessments may determine the application under the Minister's delegation dated 9 March 2022.

Engagement

The Department exhibited the development application and accompanying Environmental Impact Statement (EIS) for the development from 7 August 2024 to 3 September 2024. During the exhibition period, the Department received 29 public submissions (28 objections and one comment), a submission from Bayside Council and advice from 14 government authorities and State-owned corporations, and two utility providers. Key issues raised in public submissions related to traffic, noise, air quality, human health and contamination.

Issues raised by government stakeholders included robustness of the traffic assessment, queuing analysis and noise assessment, flood impacts and safe evacuation, airport safeguarding, Aboriginal cultural heritage, remediation and management of contamination risks, stormwater management and landscaping.

The Applicant provided a comprehensive Submissions Report and further supplementary information on three occasions to address matters raised by the community, government stakeholders and the Department. The Department undertook extensive consultation with relevant authorities, including Council, the Environment Protection Authority (EPA), Department of Climate Change, Energy, the Environment and Water (DCCEEW) and the NSW State Emergency Service (SES), facilitated several meetings with the Applicant, and required multiple revisions to technical assessments where necessary, to resolve residual issues.

Assessment

The Department has assessed the development against all relevant matters under section 4.15 of the EP&A Act and identified the key issues as traffic, flooding, noise and airport safeguarding. These issues were addressed through detailed technical assessment and the imposition of stringent conditions of consent.

Traffic

Traffic impacts, particularly potential queuing and congestion on Hale Street, were the primary concern raised by the community, Council and NSW Ports during the assessment. In response, the Applicant provided an amended Traffic Impact Assessment, refined queuing analysis and a draft Operational Traffic Management Plan (OTMP). Independent review by the Department's Chief Engineer confirmed the assessment methodology was reasonable and demonstrated that peak arrival

rates would be within the site's internal processing capacity and would not result in additional congestion on the surrounding road network.

Operational traffic will be managed through strict compliance with an OTMP, separated access for heavy and light vehicles, two weighbridges, internal queuing and stacking areas and controlled vehicle movements. Conditions require the OTMP to be finalised and implemented prior to operation, prohibit vehicle queuing on public roads, and mandate monitoring, reporting and independent audits. With these controls in place, the Department is satisfied traffic impacts can be managed to ensure Hale Street continues to operate safely and efficiently.

Flooding

The site is subject to significant flooding constraints, and concerns were raised by Council, CPHR, the NSW SES and the Department regarding flood risk and emergency management. The Applicant amended the Flood Impact Assessment and Flood Emergency Management Plan to address these concerns, including filling the site to the flood planning level, reinstating overland flow paths through the provision of a box culvert, and incorporating shelter-in-place arrangements above the probable maximum flood level.

The Department is satisfied the amended flood assessments demonstrate the development will not worsen flooding impacts on surrounding land and that people on site can be safely evacuated or, if necessary, shelter-in-place during extreme flood events. Conditions of consent require implementation of flood mitigation works, construction from flood-compatible materials and preparation and ongoing implementation of a Flood Emergency Response Plan to ensure risks are appropriately managed for the life of the development.

Noise

Noise impacts were a key concern raised by the community and the EPA, particularly in relation to 24-hour operations and the nearby residential building at 3 Luland Street, which exists under existing use rights within the industrial zone. The Noise and Vibration Impact Assessment was revised multiple times and assessed construction noise, operational noise and potential sleep disturbance effects. While conservative modelling identified potential exceedances under worst-case scenarios, the Department is satisfied that, in the industrial context and having regard to existing ambient noise sources, impacts can be acceptably managed at this isolated residence.

Operational noise will be controlled through the enclosed design of the facility, acoustic treatment of the warehouse, limits on heavy vehicle movements, and management of vehicle behaviour and routing. Conditions require compliance with operational noise limits at all surrounding residential areas, preparation and implementation of an Operational Noise Management Plan, operational noise verification and ongoing monitoring, reporting and independent audits. With these measures in place, the Department is satisfied operational noise impacts will not result in unacceptable amenity impacts.

Airport Safeguarding

Given the site's proximity to Sydney Airport, potential impacts on the protected airspace, aircraft safety and navigation systems were carefully assessed against the National Airport Safeguarding Framework in consultation with the airport authorities. The Applicant prepared an Aviation Impact Assessment in consultation with Airservices Australia, CASA and Sydney Airport, which confirmed the development would remain below the obstacle limitation surface and identified appropriate design and operational mitigation measures to minimise risks, including façade treatment and lighting controls. The Applicant made design refinements to the façade treatment and height of the warehouse building to reduce the risk of impacts to aircraft instrument landing systems.

Conditions require notification of aviation authorities, control of construction activities, a post-construction flight inspection to verify impacts on navigation systems, wildlife hazard management and foreign object debris controls. Subject to these conditions, the Department considers the development will not adversely affect the safety or efficiency of airport operations.

Other Issues

Other matters considered in the Department's assessment include contamination, Aboriginal cultural heritage, water management, fire safety and hazardous materials. The Department is satisfied the Applicant has assessed the potential for impacts and has proposed a suite of appropriate management and mitigation measures to minimise residual impacts. Conditions require ongoing compliance report and independent auditing to ensure compliance with the Applicant's mitigation measures and the recommended conditions of consent.

Environmental risks associated with site remediation and fire safety will be strictly controlled through the appointment of a Site Auditor to oversee remediation activities, and the preparation and implementation of a Fire Safety Study, Emergency Plan and Emergency Services Information Package to prevent on-site and off-site safety risks.

Conclusion

The Department's assessment concludes that the environmental impacts of the development can be appropriately mitigated and managed to achieve an acceptable level of environmental performance, subject to the recommended conditions of consent. The proposal would deliver important strategic benefits by providing essential waste infrastructure, supporting the circular economy and contributing to improved resource recovery outcomes in southern Sydney.

On balance, and having regard to the site context, community views, technical assessments and proposed mitigation measures, the Department considers the development is in the public interest and recommends that development consent be granted, subject to conditions.

Contents

1 Introduction

1.1 Development Background

The Trustee for Coombes Family Trust No. 16 (the Applicant) is seeking development consent for the construction and operation of a waste transfer station at 2-4 Hale Street Botany in the Bayside local government area (LGA) (the development) (see **Figure 1**).

A detailed description of the development is provided in **Section 2**.

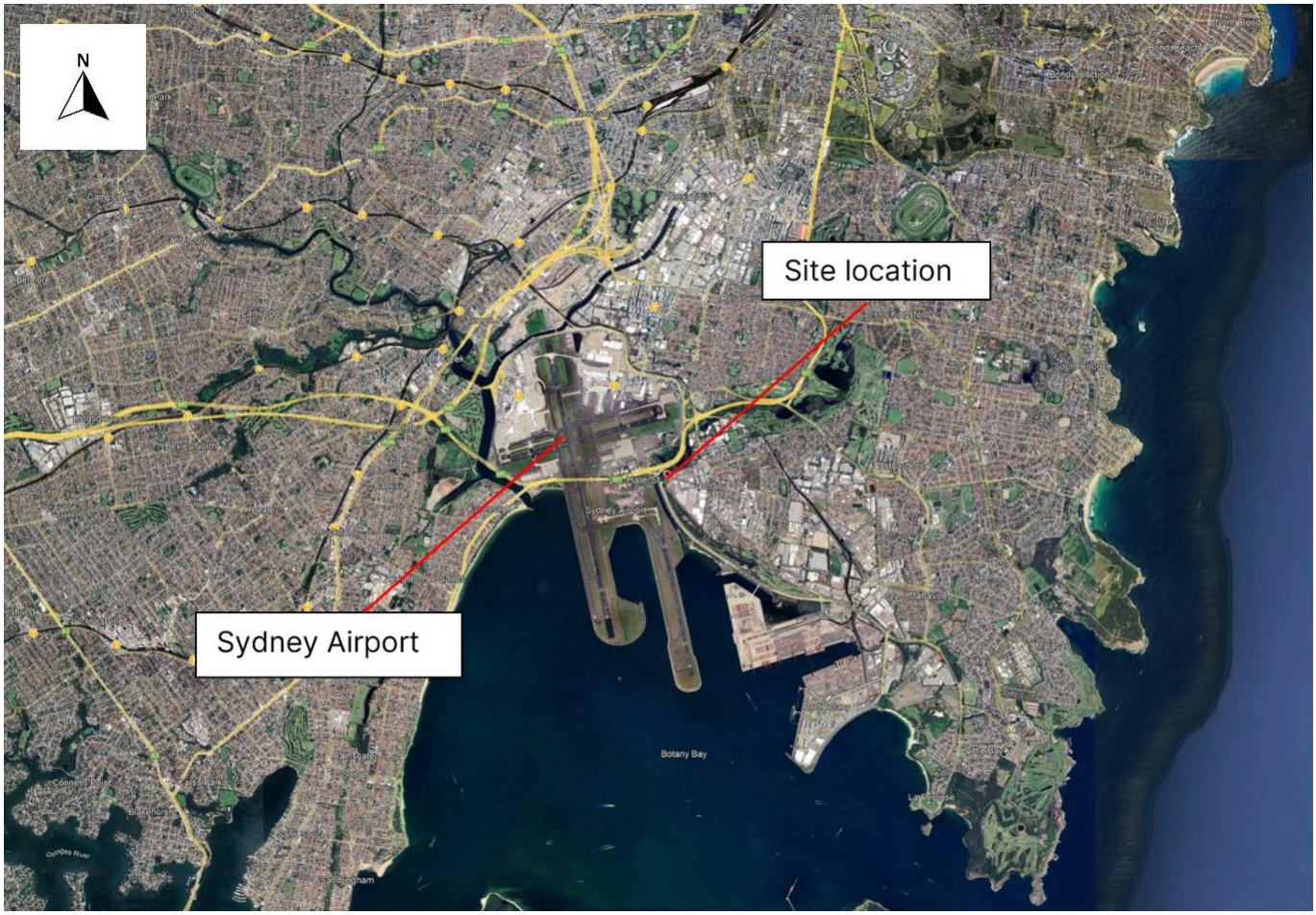

Figure 1 | Regional Context

The Applicant is a privately owned organisation which develops, owns and manages a diversified portfolio of office, retail, entertainment and land assets. The Applicant has partnered with KLF Group to deliver and operate the development. KLF currently has operating waste sites in Asquith and Camelia, with an advanced resource recovery facility currently under construction in Luddenham. The proposed development would work in conjunction with the Luddenham resource recovery facility within the KLF Group, acting as a waste transfer station, undertaking receipt and basic sorting before transport to the other KLF facilities where more advanced sorting and recycling would be undertaken. KLF's existing sites currently service northern Sydney and Western Sydney, the proposed expansion of sites into Botany would allow for the capture of waste in the growing Central Business District (CBD) and southern Sydney areas.

The development is in an industrial area and has been identified by the Applicant as an appropriate location for the purposes of the development as it will create new employment opportunities and deliver a facility that supports the efficient management of non-putrescible construction and demolition (C&D) waste.

1.2 Site Description

The site comprises 7,439 metres squared (m^2) of IN1 – General Industrial zoned land and is legally described as Lot 1 DP 562374. It is located approximately eight kilometres (km) south of the Sydney CBD and is adjacent to Sydney Airport (see **Figure 2**).

Figure 2 | Airport proximity

The site has been used for industrial and commercial purposes since 1955. The site is currently leased to multiple tenants and accommodates a mix of light-industrial and commercial uses, including mechanical and smash-repair workshops, metal fabrication and powder-coating operations, a timber workshop, food storage and sales, and storage units.

There are two disused underground storage tanks (USTs) which have been identified on site which have been left in situ.

The site is currently accessed via Hale Street along the southern border of the site, with links to Botany Road and to Foreshore Road which connects to General Holmes Drive (M1) (**Figure 3**).

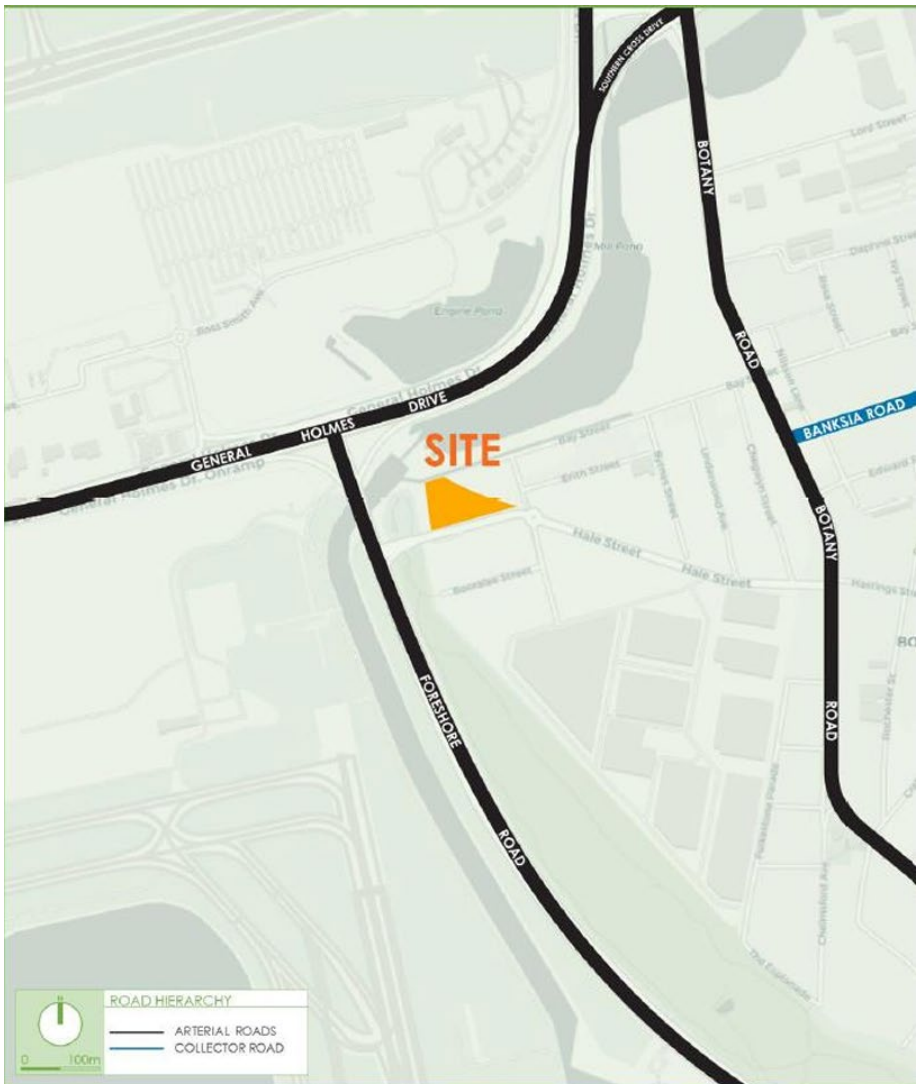

Figure 3 | Road network

1.3 Surrounding Land Uses

The site is surrounded by existing industrial land uses, with land zoned IN1 located to the west and south of the site, IN2 – Light industrial located to the east and SP2 – Infrastructure Sewage located to the north. To the northeast and west of the site is SP2 – Infrastructure Airport and RE1 – Public recreation is located to the south.

An existing residential flat building is located at 3 Luland Street, Botany, within the IN1 land zoning approved as a caretaker's residence under existing use rights.

As can be seen in **Figure 4** and **Figure 5**, other surrounding land uses include:

- low density residential properties to the northeast of the site
- the Mill Stream and associated Sydney Water infrastructure to the north of the site
- Sir Joseph Banks Park to the West of the site
- a high-pressure gas main located to the southeast of the site
- Botany Public school.

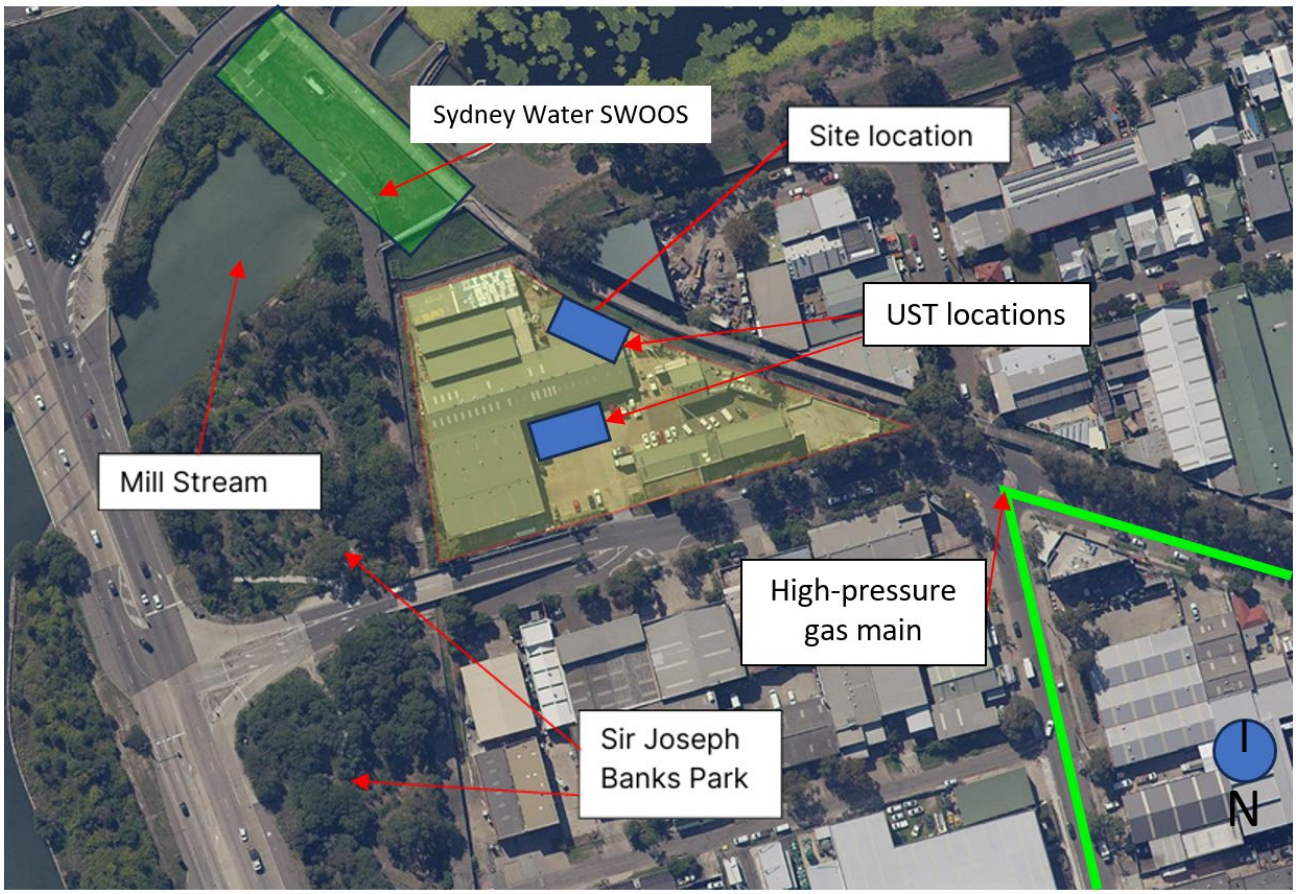

Figure 4 | Surrounding Land Uses

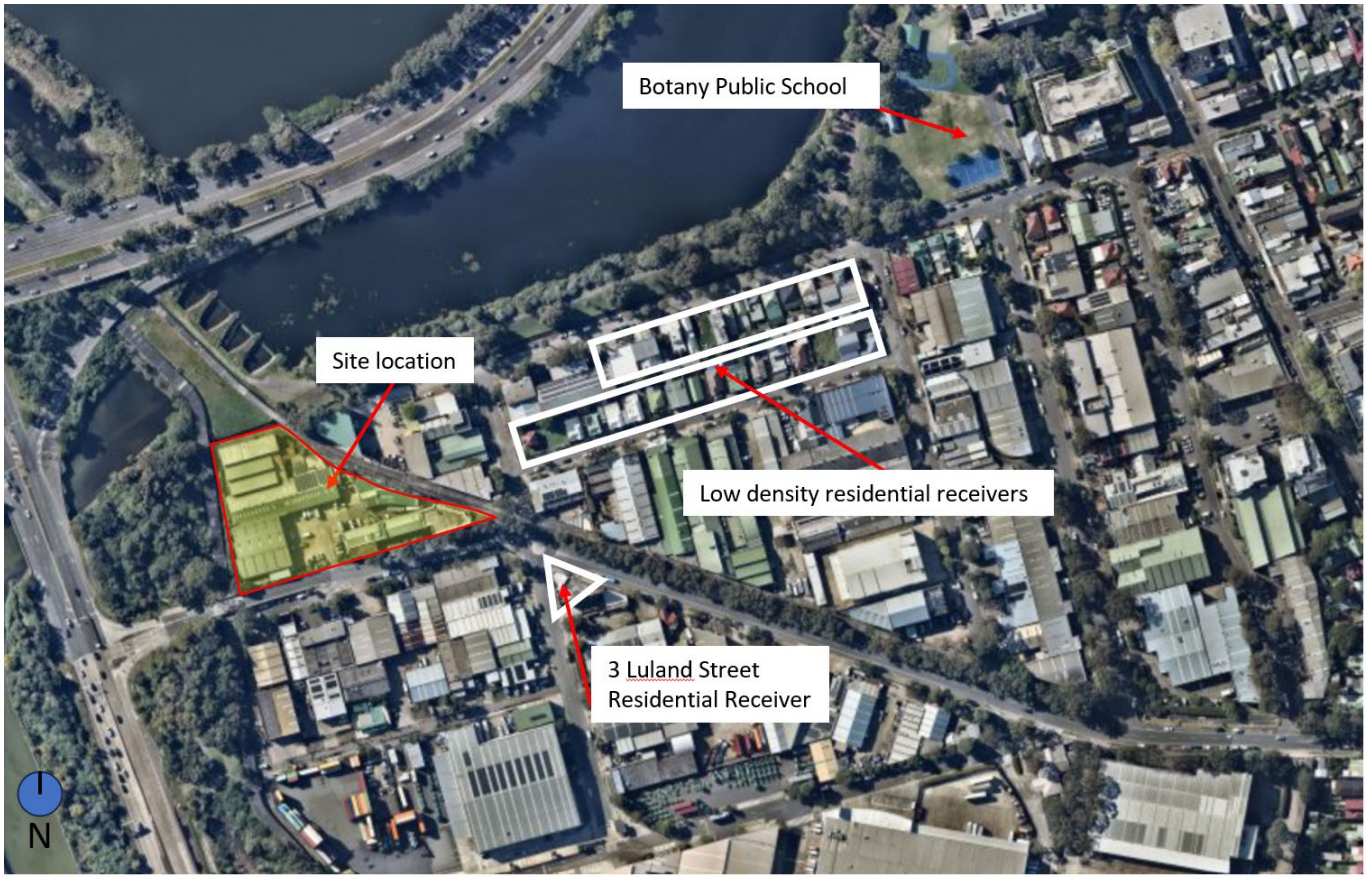

Figure 5 | Surrounding Receivers

2 Development

2.1 Description of the Development

The major aspects of the development are summarised in **Table 1** and shown in **Figure 6** to **Figure 8**, and described in full in the Environmental Impact Statement (EIS) and Submissions Report included in **Appendix B.**

Table 1 | Main Aspects of the Development

Aspect	Description
Development Summary	**Construction and operation of a waste transfer station with the capacity to accept up to 300,000 tonnes per annum (tpa) of C&D general solid waste (non-putrescible), including associated landscaping and ancillary car parking, weighbridge and office spaces**
Operations	Activities involve receipt, basic sorting and stockpiling of non-putrescible C&D with a maximum on-site storage of 5,052 tonnes Inspection of inbound waste to ensure compliance with approved waste types. Collected waste to be dispatched to other KLF advance resource recovery facilities
Site area	7,439.3 m^2
Gross Floor Area (GFA)	Total GFA of 3,882 m^2, comprising 3,559 m^2 warehouse area, 15 m^2 of gatehouse area, 48 m^2 of pump room area and 260 m^2 office area
Building Height	The building has a maximum height of 17 m at the ridgeline, with the height at the western wall being 14.64 m AHD to avoid interfering with the Sydney Airport protected airspace surfaces
Demolition	Demolition of existing structures and hardstand
Vegetation clearing	The site includes 1,247 m^2 of landscaped area (16.8% of the site) Removal of nine existing trees (nine native *Casuarina spp.)* offset by planting 27 trees
Construction timeline	Construction (including remediation works) is anticipated to take 12 months to complete

Aspect	Description
Traffic	Up to 175 heavy vehicles (HV) per day, comprised of: • 143 inbound trucks, including 135 heavy rigid vehicles (up to 12.5 m) and 8 articulated vehicles (AVs) (up to 26 m B-doubles) delivering waste • 32 outbound trucks, including 14 truck and dog (up to 19.6 m) and 18 articulated vehicles (up to 26 m B-doubles) collecting waste Up to 13 HVs (x3 AVs and x10 HRVs) in the morning (AM) and afternoon (PM) peak periods Up to 66 light vehicles are predicted to be generated by staff over three shifts across a 24-hour period
Parking	15 car spaces and comprising of 11 staff carparking spaces and 4 visitor spaces. 10 bicycle spaces and 1 motorcycle space
Access	Access is provided via two separate driveways on Hale Street for heavy and light vehicles
Landscaping	1,247 m^2 of landscaped area (16.8 % of the site)
Hours of operation	24 hours, 7 days
Signage	Five business identification and wayfinding signs comprised of: • two 2.5 m x 6.5 m business identification signs wall-mounted on the building facades facing Hale Steet and the north of the site • one 4 m x 1.35 m business identification pylon sign located near the Hale Street truck entry/exit • two 2 m x 0.675 m pylon signs located on the truck entry and light vehicle entry on Hale Street
Estimated Development Cost	$15,575,000
Employment	12 full-time construction jobs and 11 operational jobs

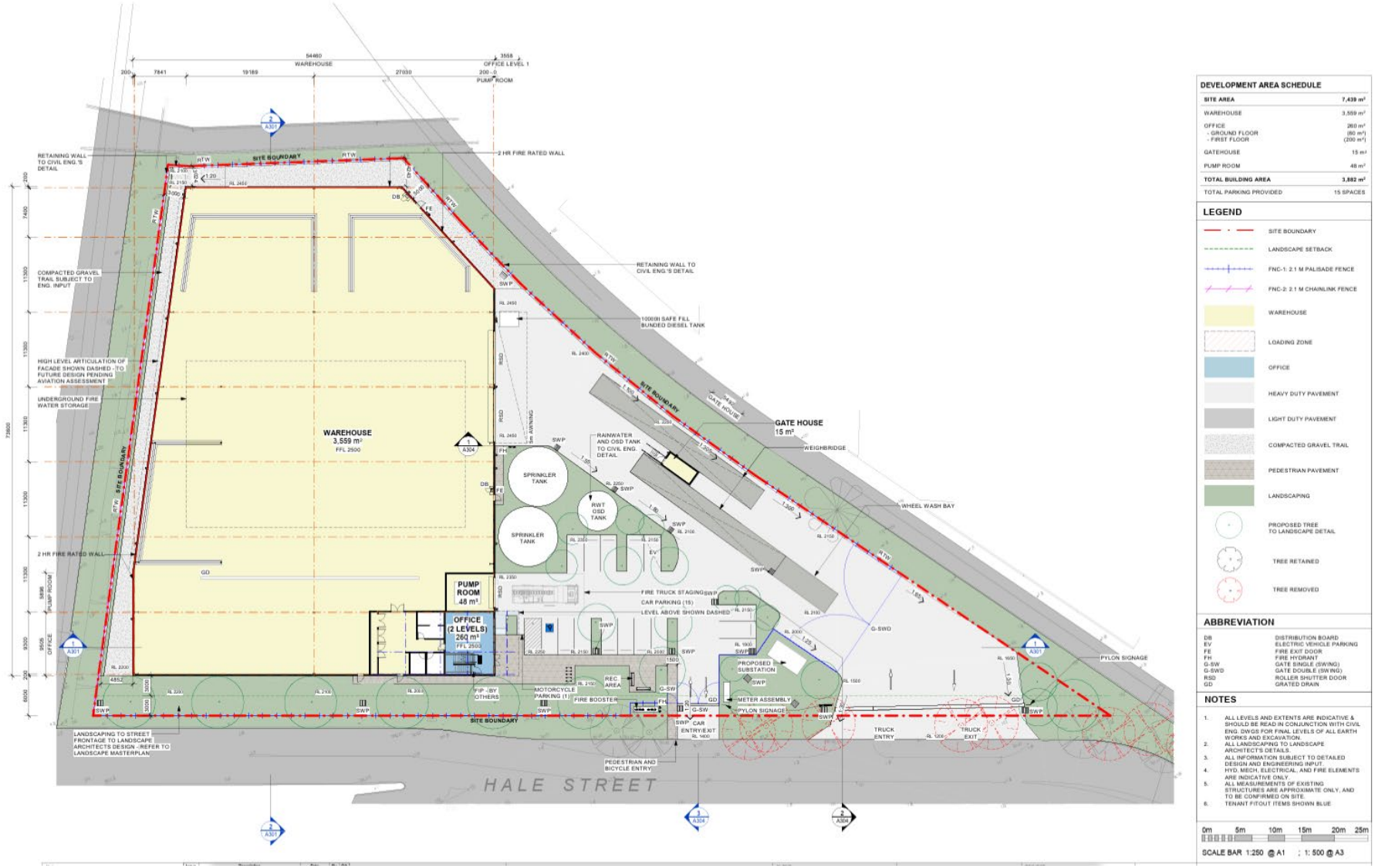

Figure 6 | Site Layout

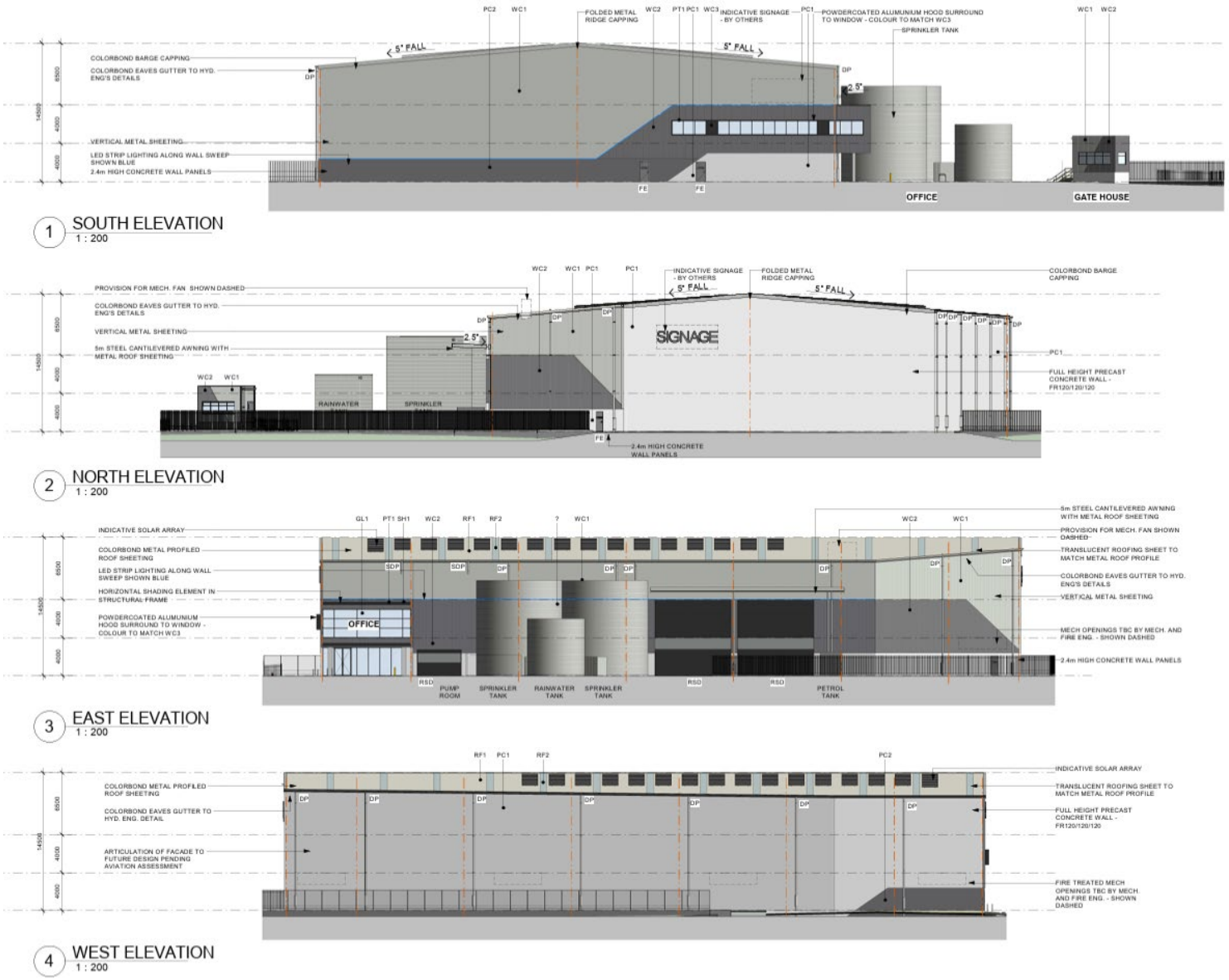

Figure 7 | Site Elevations

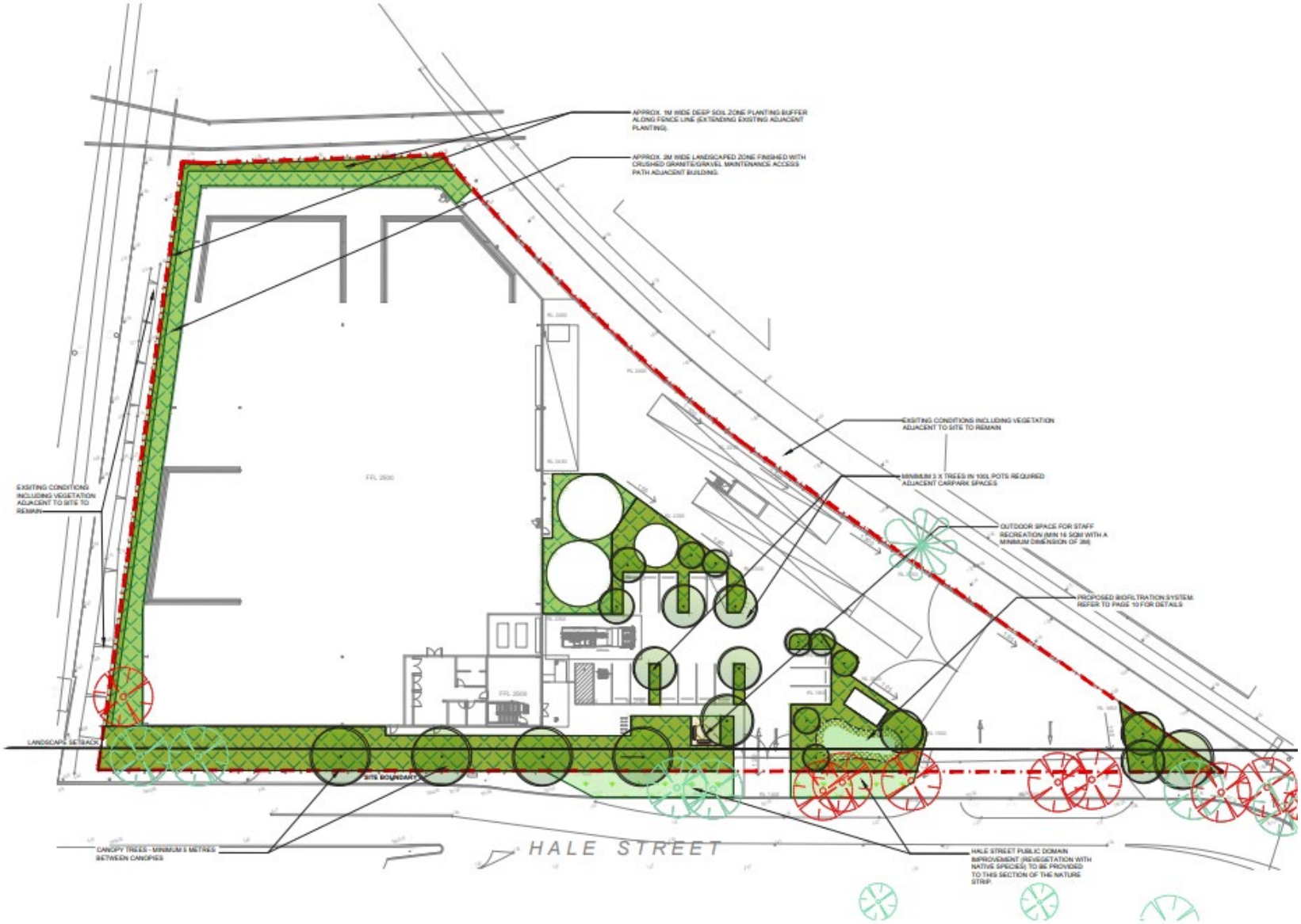

Figure 8 | Landscape Plan

2.2 Physical Layout and Access

The development comprises of a single-storey warehouse with ancillary office space and amenities. Located adjacent to the warehouse is the staff and visitor carpark (15 car parking spaces comprising of 11 staff car parking spaces and four visitor spaces), rainwater tanks and sprinkler system tank pump room. One accessible space will be provided in accordance with the Building Code of Australia (BCA) as well as 10 bicycle spaces and one motorcycle space (see **Figure 9**). The existing substation will be removed, and a new substation will be installed at the south-eastern corner of the site.

As the site is flood affected, the warehouse finished floor level is to be built up to 2.5 m AHD to be compliant with the flood planning level for the site. The office is raised to above the PMF level of 4.25 m AHD, with a finished floor level of 6.5 m AHD, as this will provide a last resort for occupants to shelter-in-place in the event evacuation is not possible. The development will be constructed from flood compatible materials.

The warehouse incorporates a high bay section (with a maximum ridgeline height of 17m) to accommodate the entry of heavy vehicles for the loading and unloading of C&D waste. The site includes room for trucks to queue along the north-eastern boundary and two weighbridges with an associated gate house. A 13,000 L above ground self-bunded diesel tank is also to be located outside the warehouse on the north-eastern site boundary.

The northern and western warehouse walls will be constructed using precast concrete panels to minimise interference with aircraft instrument landing systems.

The warehouse is serviced by hardstand areas along the northern, eastern and southern boundaries, configured for heavy vehicle manoeuvring and loading operations. Two new crossovers will be installed on the southern boundary to Hale Street to separate light and heavy vehicles.

Figure 9 | Offices and Car Park Layout

2.3 Process Description

2.3.1 Waste Delivery and Processing

As trucks first enter the site, waste loads will be visually inspected to identify any contaminants and the type of waste in the load.

Once satisfied with the visual inspection of the material the vehicle will be directed to the weighbridge where relevant information will be recorded in accordance with EPA requirements. The weighbridge has a camera to aid with inspecting the load and to record the presence of non-conformances.

Once the truck is permitted entry to the site it will be directed to the waste transfer building where the waste is tipped and spread before being inspected to determine the acceptability of the waste and to identify any contaminants or prohibited materials. Rejected loads are reloaded into the vehicle and logged on a register before being directed out of the facility. When loads are unable to be immediately reloaded, a non-conformance skip bin is proposed to be located adjacent to the bins and tipping area inside the south-western area of the warehouse.

Accepted loads are stockpiled for sorting using an excavator within the tip zone. Following pre-sorting the waste is sorted into four categories:

- plant feed – heavy waste
- light mixed waste
- clean concrete and brick
- metal.

Front end loaders are used to push waste which is too small for the excavator. The materials are stockpiled and stored in a dedicated bay.

2.3.2 Waste Dispatch

Once ready for dispatch, plant feed – heavy waste and light waste is sent to other KLF advanced resource recovery facilities. Clean concrete, brick and metal is dispatched to recycling partners:

- brick and concrete are sent to Concrete Recyclers (Camelia or Minto)
- metal is sent to Sell & Parker in Banksmeadow.

All trucks collecting waste are weighed as they enter the site. Once weighed and details are recorded in accordance with EPA requirements, the vehicle is directed to the relevant loading area to be loaded before being directed back to the outgoing weighbridge prior to exiting the site.

A flow chart of the waste collection and distribution process is shown in **Figure 10**.

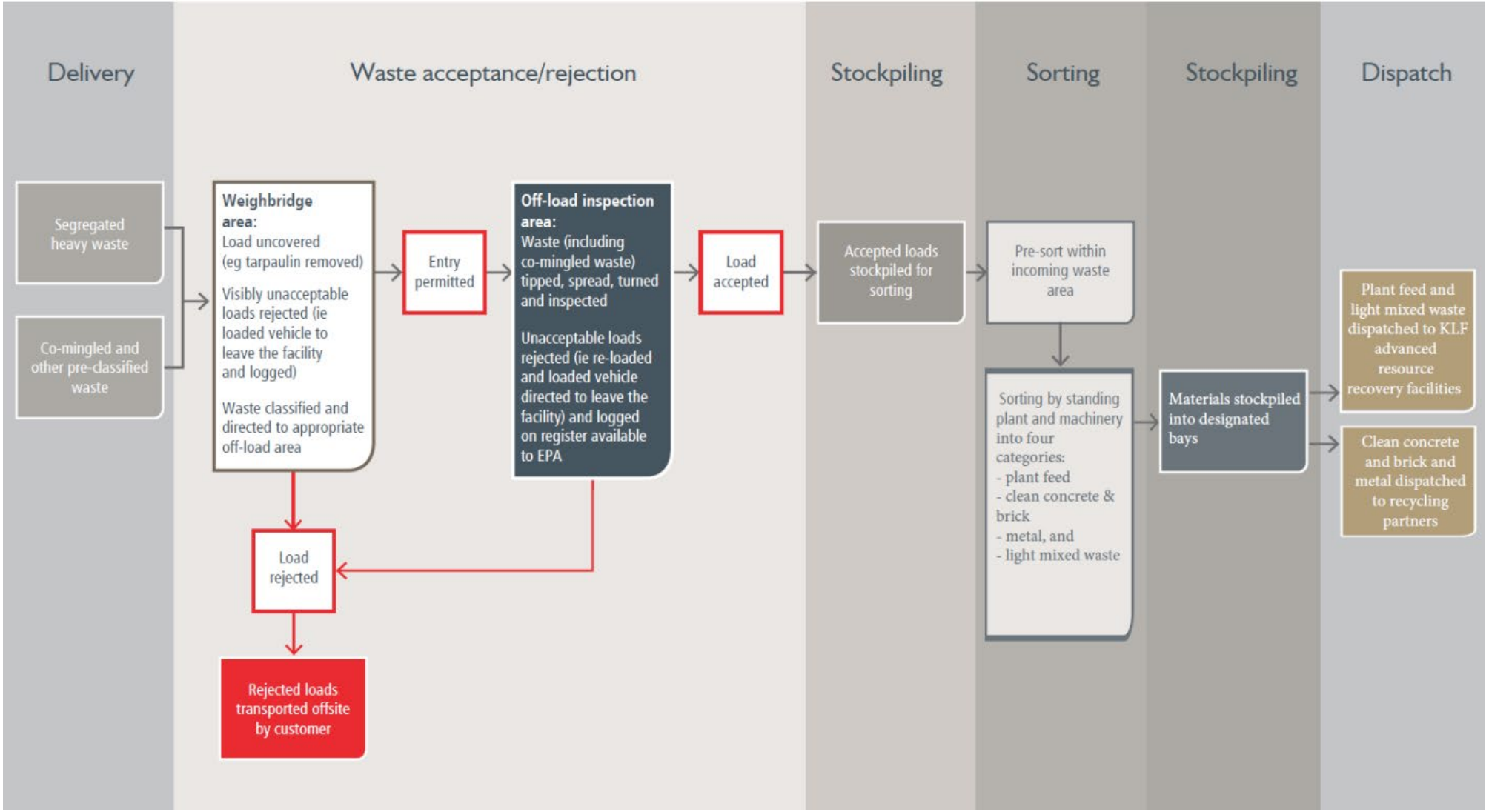

Figure 10 | Process flowchart

2.4 Applicant's Justification for the Development

The Applicant seeks to deliver a purpose-built waste transfer station in Botany to play an important role in capturing and sorting non-putrescible C&D waste in the southern Sydney region. The proposal responds to the strategic need for non-putrescible waste management infrastructure, as identified in the NSW Waste and Circular Infrastructure Plan. C&D waste represents the largest residual waste stream and is disposed to non-putrescible landfill. With non-putrescible landfill capacity in Sydney is forecast to expire in 2027-28, the Applicant aims to increase the rate of recycling and resource recovery of this waste stream to increase diversion from the limited landfill airspace.

3 Strategic Context

3.1 Key Strategic Issues

The consistency of the development with key relevant strategies, plans and policies relevant to the assessment of the development are outlined in in **Table 2** below.

Table 2 | Summary of Key Government Strategies, Plans and Policies

Strategy, Plan or Policy	Comments
Greater Sydney Region Plan	The development would align with the following Objectives of the Greater Sydney Region Plan: • Objective 35 – More waste is re-used and recycled to support the development of a circular economy - the development will support the reduction in waste being transferred to landfills by facilitating its sorting and recycling.
Eastern City District Plan	The development would align with the following Planning Priorities of the Eastern City District Plan: • Planning Priority E12 – Retaining and managing industrial and urban land services – The development will utilise existing industrial land for essential waste management infrastructure, supporting the retention of employment land for urban services. • Planning Priority E19 – Reducing carbon emissions and managing energy, water and waste efficiently – the development will support the reduction in waste being transferred to landfills.
NSW Waste and Sustainable Materials Strategy 2041	The NSW Waste Avoidance and Sustainable Materials Strategy 2041 adopts targets from the National Waste Policy Plan, including: • an 80% average recovery rate from all waste streams • significantly increase in the use of recycled content by government and industry The proposal would contribute to NSW meeting the 80% target for recycling by providing infrastructure to allow C&D waste to be recycled and diverted from landfill.
NSW Circular Economy Policy Statement 2019	The EPA prepared the Circular Economy Policy Statement in 2019 sets out principles for transitioning NSW towards a circular economy. The development is consistent with these principles as it contributes to maintaining the value of products and materials, sustainably managing resources and creating new circular economy jobs.

Strategy, Plan or Policy	Comments
Bayside Council Local Strategic Planning Statement	The Bayside Local Strategic Planning Statement 2020 – A land-use vision to 2036 forms the basis from strategic planning in the LGA. The development is consistent with the planning priorities of retaining and managing industrial service lands. The LSPS also cites waste as a key planning priority for Council, with the project supporting Bayside Council's Waste Avoidance and Resource Recovery (WARR) Strategy.
Bayside Waste Avoidance and Resource Recovery Strategy 2030	The Bayside WARR has five Key Strategic Actions being: Action 1: Avoiding and reducing waste. Action 2: Recovering resources. Action 3: A healthy region. Action 4: Reducing illegal dumping. Action 5: Litter prevention The proposed development supports the actions of the WARR by recovering C&D waste in the Bayside area and increasing recycling and reducing the amount of waste sent to landfill.
NSW Water Strategy	The NSW Water Strategy is the overarching guideline for maintaining resilience of the state's water services and resources over coming decades while the population is growing and the climate is changing. The development specifically addresses the strategy's intent to expand rainfall independent water sources and adopt recycling by collecting rainwater onsite and reusing it.
Waste and Circular Infrastructure Plan (2025)	The Waste and Circular Infrastructure Plan is a decision-making guide to support the investment in critical waste infrastructure. The development supports the strategy by responding to the need for more non-putrescible waste recycling facilities. With the landfills in Sydney expected to close within the next 5-7 years, the demand for non-putrescible waste recycling facilities is increasing. The development also supports the strategic need to invest in waste infrastructure in Sydney, and by providing an alternative solution for the management of C&D waste through recycling.

4 Statutory Context

4.1 Permissibility and Assessment Pathway

Details of the permissibility of the development and the assessment pathway under which consent is sought are provided in **Table 3** below.

Table 3 | Permissibility and Assessment pathway

Consideration	Description
Permissibility	**Permissible with consent** • Waste or resource management facilities are permissible with consent in the IN1 zone of State Environmental Planning Policy (Transport and Infrastructure) 2021
Assessment Pathway	**State significant development** • The development is State significant development pursuant to section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves the construction and operation of a waste transfer station that handles more than 100,000 tonnes per year of waste. As such, the proposal meets the criteria in Clause 23 of Schedule 1 in State Environmental Planning Policy (Planning Systems) 2021
Consent Authority	**Minister for Planning and Public Spaces (Minister)** The Minister is the consent authority under section 4.5(a) of the EP&A Act.
Decision Maker	**Executive Director** On 9 March 2022, the Minister delegated the functions to determine SSD applications to the Executive Director, Energy, Resources and Industry Assessments where: • the relevant local council has not made an objection • there are less than 50 unique public submissions in the nature of objections • a political disclosure statement has not been made by the Applicant. In total, the Department received 29 submissions from members of the community and one submission from Bayside Council. Of the 29 public submissions, 28 objected to the development. Bayside Council did not object to the development. Accordingly, the application can be determined by the Executive Director, Energy, Resources and Industry Assessments, under delegation.

4.2 Other Approvals and Authorisations

Should development consent by granted, other approvals may be required in order to carry out the development. Section 4.42 of the EP&A Act lists a number of approvals that cannot be refused if required to carry out the development and must be approved in a manner that is consistent with any SSD consent granted under the EP&A Act.

The development will require the following licences/approvals:

- an environment protection licence issued by the NSW Environment Protection Authority under section 42 of the *Protection of the Environment Operations Act 1997*
- consent under the *Roads Act 1993* issued by Council.

The Department has consulted with and considered the advice of the EPA and Council in its assessment of the development (see **Section 5** and **Section 6**) and has included their recommended conditions in the conditions of consent (see **Appendix F**).

4.3 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application (DA). The Department's consideration of these matters is shown in **Appendix D**.

4.4 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the DA and any accompanying information of an SSD application are required to be publicly exhibited for at least 28 days. The application was on public exhibition from 7 August 2024 until 3 September 2024. Details of the exhibition process and notifications are provided in **Section 5.**

4.5 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act (section 1.3), including the principles of ecologically sustainable development (ESD). The Department has fully considered these matters in **Appendix D**.

The Department is satisfied that the development is consistent with the objects of the EP&A Act and the principles of ESD.

4.6 Biodiversity Development Assessment Report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the development is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

A BDAR waiver request was submitted to the Department on 22 September 2023. The Environment Agency Head and the Principal Planner, Industry Assessments, as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. A BDAR waiver was granted on 1 December 2023.

4.7 Matters of National Environmental Significance

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), assessment and approval are required from the Australian Government if a development is likely to impact on a Matter of National Environmental Significance (MNES), as it is considered to be a 'controlled action'.

The EIS for the development included a preliminary assessment of the MNES in relation to the development and concluded the development would not impact on any of these matters and is therefore not a 'controlled action'. As such, the Applicant determined a referral to the Australian Government Department of Climate Change, Energy, the Environment and Water (DCCEEW) was not required.

5 Engagement

As required by the Planning Secretary's Environmental Assessment Requirements (SEARs), the Applicant undertook consultation with relevant local and State authorities as well as the community and affected landowners prior to lodgement of the EIS. The Department undertook further consultation with these stakeholders during the exhibition of the EIS and throughout the assessment of the application. These consultation activities are described in detail in the following sections.

5.1 Consultation by the Applicant

The Applicant undertook a range of consultation activities throughout preparation of the EIS including:

- direct consultation with adjacent landowners, community stakeholders, including surrounding businesses
- direct consultation with government stakeholders and utility providers through meetings
- consultation with Registered Aboriginal Parties (RAPs).

5.2 Consultation by the Department

5.2.1 **Public Exhibition of the EIS**

After accepting the DA and EIS, the Department:

- publicly exhibited the DA and EIS from 7 August 2024 until 3 September 2024 on the NSW planning portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition
- notified and invited comment from relevant government agencies and Council.

5.3 Submissions and Advice

During the public exhibition period, the Department received 29 submissions from the public (three businesses, 26 individuals), a submission from Council and advice from 14 government authorities and State-owned corporations, and two utility providers. Of the 29 public submissions received, 28 public submissions objected to the proposal and one public submission provided comments only. One business objecting to the proposal included a petition signed by 21 individuals.

A summary of the submissions and government advice is provided below. A link to the full copy of the submissions and advice is provided in **Appendix C.**

5.3.1 Government Authority Advice

A summary of the State and Federal government authority advice is provided in **Table 4.**

Table 4 | Summary of Government Authority Advice

Agency	Advice summary
Airservices Australia	Advised it supports the proposed mitigation measures of the Aviation Impact Assessment for impacts of the development on the Instrument Landing System (ILS).
Civil Aviation Safety Authority (CASA)	Advised it did not object to the proposal and noted requirements for the operation of cranes that infringe an Obstacle Limitation Surface requiring a controlled activity approval from the Federal Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA).
NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Conservation Programs and Heritage Regulation (CPHR)	Advised that the current site design does not adequately address the flood constraints of the site, and that the Applicant should take a proactive approach to flood risk management and develop contingency plans to ensure resilience against future climate impacts. Adequate storage for waste products should be provided to ensure waste products are kept away from floodwaters. Recommended that the facility should have emergency response plans in place that include procedures for evacuation, alternative waste management strategies during floods and arrangements for staff to access the facility.
DCCEEW – Water Group	Requested additional information including details of construction water demands and sources to meet that demand, the maximum annual volume of water take during construction and remediation, and an assessment of any impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and Framework (20212) if the take of ground water is found to be greater than 3 ML per year.
EPA	Requested additional information regarding noise and vibration, including: • providing the exact locations of RC1 and LT1 • noise impact evaluation of residents north of the proposed development • information on the placement of monitoring instruments and information demonstrating compliance with the NPfI's locational guidelines • construction noise requirements and mitigation measures. The EPA also recommended consent conditions to manage environmental impacts during construction and operation.
Fire and Rescue NSW	Recommended conditions requiring a Fire Safety Study (FSS), an appropriate Emergency Plan and an Emergency Services Information Package (ESIP).

Agency	Advice summary
Heritage Council of NSW	Advised the site is not listed on the State Heritage register and that the site does not contain any known historical archaeological relics.
Heritage NSW	Advised it supports the proposed mitigation measures and recommendations of the Aboriginal Cultural Heritage Assessment Report (ACHAR), however requested additional information to confirm '2-4 Hale Street PAD 01' has been registered on the Aboriginal Heritage Information Management System. Recommends that the Archaeological Research Design and Excavation Methodology (with detailed plans showing the proposed excavation locations) be provided as a component of the ACHAR.
State Emergency Service (SES)	Recommended: • references to "the 1% AEP event" and other modelled storm events are removed from the emergency management plan and replaced with clear actionable triggers • removing reliance on modelled rates of rise to determine when to initiate emergency response • pursuing site design and stormwater management that reduces the impact of flooding. • considering the impact of climate change on the flood risk.
Transport for NSW (TfNSW)	Advised it had no requirements for the proposed development as it is unlikely to have a significant impact on the classified road network.
Water NSW	Advised that as the project is not located near any WaterNSW land, assets or infrastructure.

5.3.2 State Owned Corporation Advice

Sydney Water did not object to the development and advised that under Section 73 of the *Sydney Water Act 1994* a compliance certificate and building plan approval must be obtained by the Applicant from Sydney Water. Sydney Water also advised the Applicant to submit a trade wastewater application if intending to generate trade wastewater.

5.3.3 Utility Provider Advice

Jemena did not object to the development and advised the Applicant to follow appropriate Before Your Dig Australia (BYDA) processes.

Ausgrid did not object to the development and advised the Applicant to follow Safe Work Australia's excavation code of practice. Ausgrid also advised the Applicant to follow the relevant BCA and Australian Standards for substation ventilation construction and design, and that all existing Ausgrid easements and leases must be maintained at all times to ensure 24-hour access. Ausgrid also

recommended the existing substation on the site should remain in situ until a replacement is commissioned, if necessary.

5.3.4 Feedback

Feedback was received from NSW Ports after the exhibition period. NSW Ports raised concerns around the generation of adverse traffic impacts and advised they support the issues raised by Council.

5.3.5 Key Issues – Council

Bayside Council provided comments on the development. Council also requested additional information regarding traffic, parking and access, stormwater management, floodplain management, land contamination and landscaping.

5.3.6 Key Issues - Public Submissions

The key issues raised by the public relate to traffic congestion and noise impacts from the operation of the facility, air quality, human health, groundwater contamination and biodiversity impacts from the transportation of waste through the surrounding area to site. The proportion of submissions that raised key issues within the objecting submissions is provided within Table 5 and Figure 11.

Table 5 | Key issues Raised in Submissions on the EIS

Issue	Number of Submissions	% of Submissions
Traffic Impacts	19	68%
Health	19	68%
Noise	9	32%
Air Quality	9	32%
Groundwater contamination	7	25%
Odour	6	21%
Site Contamination	4	14%
Biodiversity	2	7%
Flooding	2	7%
Loss of Parking	2	7%

Issue	Number of Submissions	% of Submissions
Insufficient Consultation	2	7%

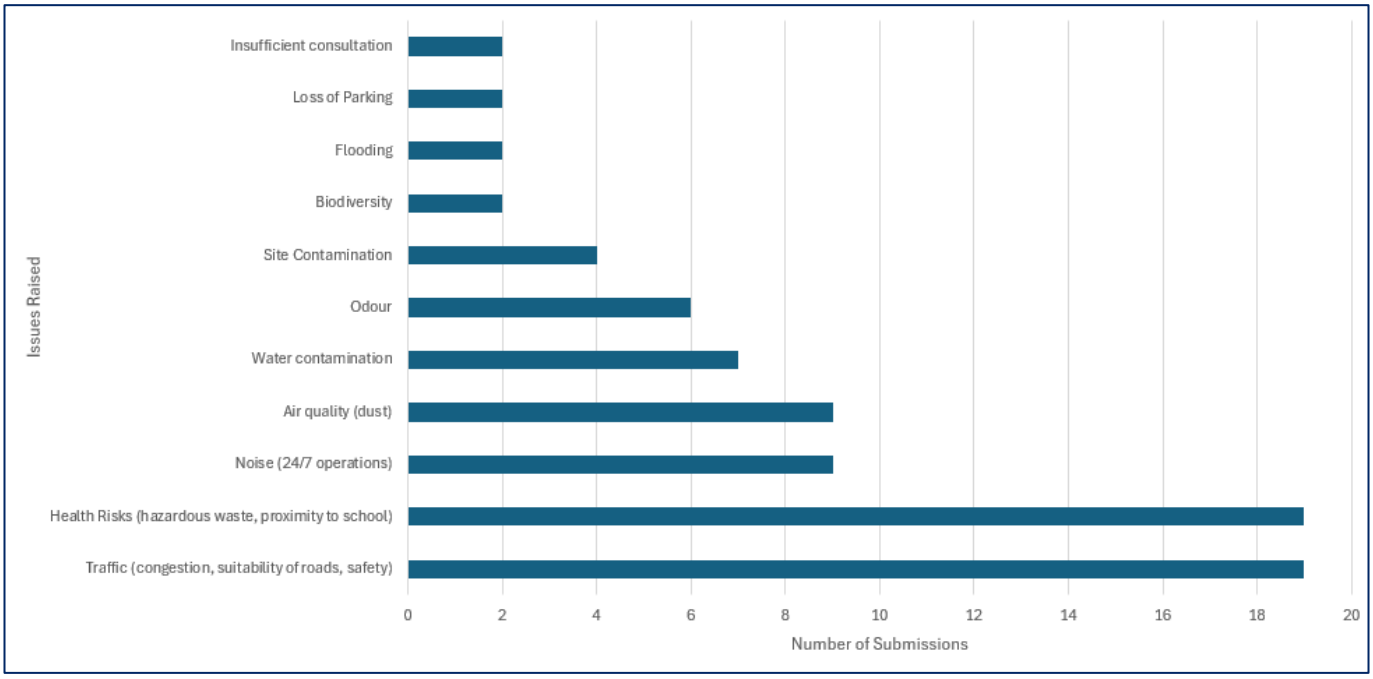

Figure 11 | Key Issues Raised in Public Submissions

A summary of the Department's consideration of community views is provided in **Appendix C**.

5.4 Submissions Report

Following the public exhibition period, the Department requested the Applicant to respond to the issues raised in submissions and the advice received from government agencies and utility providers. In addition, the Department requested the Applicant provide additional information to address traffic and road safety impacts, site access requirements and heavy vehicle movements, noise impacts, stormwater management and landscaping.

The Applicant provided a Submissions Report to the Department on 24 April 2025 (see **Appendix B**) which included revised assessments of traffic, flooding, water management, noise and vibration, air quality and social impacts. The Submissions Report also contained a revised Detailed Site Investigation (DSI), Remedial Action Plan (RAP), architectural plans and an Aboriginal cultural heritage test excavation methodology to address the issues raised.

The Department published the Submissions Report on the NSW planning portal and forwarded the Submissions Report to relevant government authorities and Council for comment on 28 April 2025. A summary of the council and government authority responses is provided in **Table 6** below.

Table 6 |Summary of Government Authority Advice

Agency	Advice summary
Bayside Council	Acknowledged refinements made since exhibition but advised that key issues remained unresolved, particularly in relation to operational traffic management and the robustness of the queuing analysis. Council also maintained concerns regarding the flood modelling and advised that additional flood mitigation was required. Council recommended appropriate storage of high-risk materials are required to prevent pollution during major flood events. The stormwater package was considered inadequate for assessment, and revisions to the landscape plan were requested, including confirmation of native species and tree offsets. Given these unresolved matters, Council advised it could not support the development in its current form.
CPHR	Advised that the site is rapidly inundated in the probable maximum flood (PMF) and that the Applicant should consider the operational implications of flood on the site and ensure appropriate evacuation triggers and shelter in place procedures are in place. CPHR also recommended the Applicant outline how flood risk will be managed over the full lifecycle of the facility.
DCCEEW – Water Group	Advised that the Applicant must comply with water take recording and reporting requirements and that the Applicant should ensure works within waterfront land are undertaken in accordance with the *Guidelines for Controlled Activities on Waterfront Land*.
EPA	EPA reiterated concerns with the Submissions Report and NVIA, noting that key issues raised in earlier correspondence remain unresolved, including non-compliant noise monitoring equipment, incorrect derivation of background and amenity noise levels, and substantial predicted exceedances of appropriate project noise trigger levels (PNTLs) for the sensitive receiver at 3 Luland Street. EPA also highlighted discrepancies in the modelling of operational noise — such as omission of internal warehouse breakout noise, insufficient justification of LAmax sound power levels, and unclear treatment of truck dwell times. In addition, EPA recommended all legacy residential uses within the industrial zone are properly identified and assessed.
Heritage NSW	Confirmed that the updated test excavation methodology and supporting documentation adequately addressed previous concerns regarding the assessment of Aboriginal cultural heritage, including confirmation of registration of the PAD on the AHIMS register.
State Emergency Service (SES)	SES reiterated the need for the Flood Emergency Response Plan (FERP) to be updated, including incorporation of clear, actionable triggers so that flood response procedures are directly embedded within the plan. SES also raised concerns regarding the assumed

Agency	Advice summary
	20-minute evacuation timeframe, recommending confirmation that this allowance is sufficient for personnel to reach a flood-free location.
Sydney Water	Noted that the additional information provided by the proponent satisfactorily addressed previous comments.

5.5 Supplementary Information

On 12 May 2025, the Department requested supplementary information to respond to the outstanding issues raised by the government stakeholders. The Applicant subsequently provided supplementary information on 30 September 2025 which was referred to the relevant government stakeholders for comment and was made public on the Department's website. A summary of the responses received is provided in Table 7 below.

Table 7 | Agency advice on supplementary information

Agency	Advice summary
Council	Reiterated concerns regarding operational traffic and queuing impacts. Recommended preparation of an OTMP, monitoring of truck arrival patterns, further modelling of driveway delays, reassessment of all queuing stages, and investigation of a slip lane along the Hale Street frontage to provide additional queue storage
DITRDCA	Advised that although the building height (17 m AHD) remains below Sydney Airport's OLS and does not itself infringe protected airspace, construction activities—particularly crane operations—may constitute a controlled activity requiring approval under the Airports (Protection of Airspace) Regulations 1996.
EPA	Recommended noise limits for sensitive receivers, with the exception of 3 Luland Street, Botany, and advised the Department to determine the most appropriate approach to setting noise limits for this residence. Recommended preparation and implementation of an Operational Noise Management Plan to manage internal warehouse activities, roller door openings, monitoring, complaints handling and community engagement. Additional recommended conditions relate to construction noise management, traffic noise mitigation addressing driver behaviour and routing, and ensuring that all waste handling activities occur wholly within the enclosed building to minimise noise breakout.
CPHR	Acknowledged the additional flooding and engineering information provided and noted that the revised Flood Impact Assessment demonstrates improved flood immunity, reduced exposure of staff, and provision for safe shelter-in-place should evacuation fail.

Agency	Advice summary
	Recommended installation of a culvert to replace the impacted overland flow path to mitigate climate-change-related flood impacts and a site emergency plan with annual review.
SES	Noted the amendments to the Flood Emergency Management Plan in response to NSW SES recommendations and had no further comment.

Due to the ongoing concerns of Council regarding traffic, the Department sought advice from the Department's Chief Engineer, who requested an operational traffic management plan (OTMP) to be prepared prior to a determination being made. The Applicant supplied additional information on 18 December 2025 to address these concerns raised by the Department, including a draft OTMP, which was prepared to the satisfaction of Council and the Chief Engineer.

In response to ongoing concerns raised by the EPA and Department regarding the assessment of noise impacts at 3 Luland Street, the Applicant provided an updated revised NVIA on 13 February 2026.

6 Assessment

The Department has considered the EIS, the issues raised in submissions, the Applicant's Submissions Report, Additional Information and the supplementary concerns raised by government stakeholders in its assessment of the development. The Department considers the key assessment issues are:

- traffic
- flooding
- noise
- airport safeguarding.

A number of other issues have also been considered. These issues are considered relatively minor and are assessed in **Table 9** and **Section 6.4** below.

6.1 Traffic

6.1.1 Operational Traffic Management

Waste deliveries and collection to and from the development are predicted to generate up to 175 heavy vehicles (HV) per day, comprised of 143 inbound trucks delivering waste and 32 outbound trucks collecting waste. The majority (~94%) of inbound trucks are predicted to be heavy rigid vehicles (HRV) (up to 12.5m in length), with the remainder being larger articulated vehicles, including up to 26 m B-doubles. Outbound trucks are expected to be a balanced mix of truck and dog combinations and semi-trailers / B-doubles. A total of 66 light vehicles are predicted to be generated by staff over three shifts across a 24-hour period.

Council, NSW Ports and approximately 68% of community submissions, including numerous local businesses, raised concerns regarding traffic impacts and the potential for the development to increase congestion on Hale Street, and at the intersection with Foreshore Road, particularly during peak periods. The Department agreed with these concerns and also raised several questions regarding the Applicant's Traffic Impact Assessment (TIA), including the approach taken to model intersection performance and to assess the potential for queuing.

Applicant's Assessment

In response to the concerns raised, the Applicant amended the TIA and provided additional information, including a more detailed queuing analysis, additional swept path diagrams, additional SIDRA intersection modelling and a Draft Operational Traffic Management Plan (OTMP).

The Amended TIA and Additional Information concluded the proposed development would generate less traffic (a net reduction of nine vehicles during the critical weekday morning and afternoon peak periods) than the existing developments at the site, and all queuing would be accommodated within the subject site with minimal (if any) impacts to the surrounding road network. The Amended TIA confirmed the entry weighbridge (eastern most weighbridge) provides sufficient queuing space for

two, 26 m B-doubles, which is significantly more than the expected arrival rate for vehicles utilising this weighbridge.

The Applicant confirmed that heavy vehicle movements to and from the site would be restricted to left-in, right-out only from the site to Hale Street. This is because the National Heavy Vehicle Regulator (NHVR) does not permit B-doubles to access the broader road network via Botany Road. All heavy vehicles must travel west along Hale Street to Foreshore Road (see **Figure 12**).

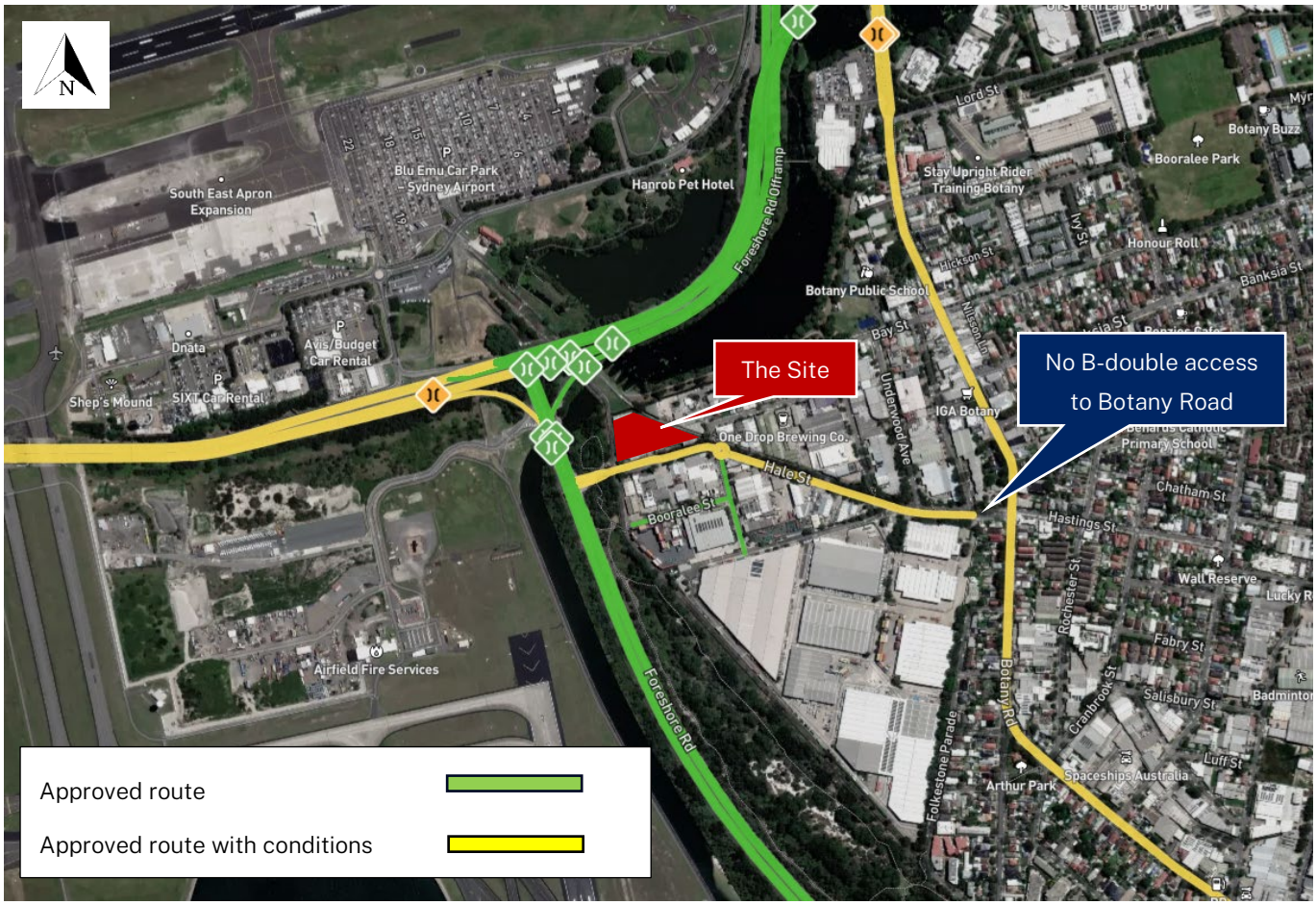

Figure 12 | B-double Access Routes

The Applicant advised that all onsite truck movements will be managed to ensure unacceptable queuing of vehicles does not occur onsite or on the public road network, as outlined in the OTMP. Additionally, the queuing analysis demonstrates that a minimum of seven articulated vehicles can be accommodated onsite at any one time and that based on a conservative analysis, the entire waste delivery process takes less than 10 minutes. That is, the subject development can accommodate up to 42 vehicles per hour, while the predicted peak arrival rate is only 13 vehicles per hour.

Key traffic management measures documented in the OTMP include personnel training and a Driver Code of Conduct, designated heavy vehicle routes and contingency truck routes (in the unlikely event of excess queuing on site), dedicated break down / holding bays, two weighbridges (one inbound, one outbound), physical separation of tipping and loading zones, real-time radio communication, truck scheduling during peak periods, and priority given to inbound trucks at all times. The OTMP also includes several contingency mitigation measures as part of a trigger action response plan (TARP) to

address unexpected events or emergencies, including queuing, road obstruction, a traffic accident, and heavy vehicle breakdown.

Government Authority Advice

Council maintained its concerns regarding the potential for queuing on Hale Street and the Applicant's approach to assessing the risk of queuing on site. However, Council did note that traffic management could be improved if there is traffic management plan in operation to ensure that vehicle arrival patterns are more uniform (i.e. evenly spread), rather than random. Council recommended the Applicant be required to prepare and implement a detailed OTMP. Council also recommended a slip lane be investigated along the frontage of the site to allow room for truck queuing on the public road network while allowing for other vehicles to pass and continue driving eastbound along Hale Street. Council carried out its own analysis of intersection performance and advised it was satisfied the development was unlikely to cause adverse impacts due to development related traffic.

NSW Ports reiterated concerns about potential impacts on the road network, particularly Foreshore Road, and requested that traffic impacts be considered as part of the assessment. NSW Ports acknowledged the Applicant's Additional Information regarding queuing impacts and requested conditions requiring compliance with the Amended TIA, that all vehicles enter and exit the site in a forward direction, and that the development does not result in vehicle queuing on the public road network.

TfNSW advised the proposed development is unlikely to have a significant impact on the classified road network.

Department's Assessment

The Department reviewed the Applicant's Amended TIA and noted Council's ongoing concerns regarding the robustness of the Applicant's intersection modelling and queuing analysis. While Council carried out its own analysis of intersection performance and advised it was satisfied the development was unlikely to cause adverse impacts on the Hale Street / Foreshore Road intersection, the Department remained concerned about the Applicant's methodology. In addition, the Department noted that the Applicant and Council held quite different views regarding the appropriate approach to the queuing assessment. These unresolved issues created uncertainty as to whether the development would cause adverse safety and efficiency impacts on the surrounding network.

To address these matters, the Department sought independent expert advice from the Department's Chief Engineer to assist with its assessment of traffic impacts and to verify if the Applicant's methodology was acceptable. The Department requested the Department's Chief Engineer review the Applicant's Amended TIA and OTMP to confirm if the intersection performance analysis and queuing assessment were robust and if the proposed traffic management measures would minimise the risk of queuing on the public road network. Following a review of the Applicant's documentation and a site visit, the Department's Chief Engineer confirmed the intersection modelling presented was satisfactory, however, implementation of the OTMP was imperative to ensure the assumptions made

in the queuing analysis were adhered to and to ensure the development would not cause queuing on the surrounding public road network.

Both Council and the Chief Engineer reviewed the Applicant's OTMP and confirmed it was satisfactory.

The Department acknowledges that Council recommended the Applicant be required to implement the OTMP to monitor and coordinate the arrival of truck vehicles to the site to ensure that traffic flow is not disrupted on Hale Street and provide a slip lane to act as additional back-up storage on the public road network. The Department agrees that implementation of the OTMP is critical to ensure traffic flows are not disrupted on Hale Street, however, does not consider a slip lane is required as the Applicant has demonstrated and advised that there would be no queuing on the public road network at any time. Therefore, a slip lane is not considered necessary if the OTMP is implemented and compliance with the OTMP is maintained for the life of the development.

While the approach outlined in the OTMP to preventing on-site queuing is considered satisfactory, the scenarios in the TARP are qualitative in nature, and do not provide prescriptive triggers and thresholds for when action must be taken to prevent queuing on site and subsequent queuing on the public road network. The Department considers the OTMP should be updated to include these details to further refine and improve the management of development traffic.

As such, the Department has recommended the OTMP be revised to include further details regarding how the Applicant will monitor and coordinate the arrival and departure of truck vehicles to and from the site to ensure that traffic flow is not disrupted on Hale Street. This includes:

- detailing how inbound heavy vehicles are scheduled, controlled and authorised to approach the site
- plans showing all on-site stacking locations and maximum on-site stacking capacity
- details of the communication and control mechanisms (such as radio contact, booking systems and real-time operational oversight) used to coordinate inbound and outbound vehicle movements
- identification of the thresholds, triggers and decision-making procedures for delaying, rescheduling or diverting inbound vehicles where on-site capacity is constrained.

The Traffic Control Plan in the OTMP must also be revised to include details of all line marking, speed limits and convex mirrors, as appropriate. Conditions require the OTMP to be revised to the satisfaction of the Planning Secretary prior to the commencement of operation of the development.

Standard conditions also require the Applicant to ensure the development does not result in any vehicles queuing on the public road network, as requested by NSW Ports, heavy vehicles associated with the development are not parked on local roads or footpaths in the vicinity of the site, all vehicles are wholly contained on site before being required to stop, all loading and unloading of materials is

carried out on-site; and the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

To ensure ongoing oversight and compliance with the OTMP and the recommended traffic management conditions, the Department has included conditions that require annual compliance reports to be prepared and submitted to the Planning Secretary and independent audits of the development within one year of the commencement of operation of the development and every three years after that. In addition to this, to verify the operational performance of the development, conditions require an Annual Report to be submitted that identifies the standards and performance measures that apply to the development, a summary of complaints received during the past year and an analysis of the monitoring results for the development, including any trends in those results from the previous year. The report must describe what actions were, or are being, taken to ensure compliance. The Department is satisfied these comprehensive reporting and auditing requirements will ensure the Department is made aware of any issues or non-compliances associated with development related traffic movements and will ensure the Applicant addresses these appropriately.

The Department notes that NHVR conditions on Hale Street limit access for 19 m and 26 m B-doubles to and from the site via Hale Street and Foreshore Road to the west. Therefore, heavy vehicles associated with the development will need to be managed to ensure a left-in, right-out only arrangement. The Applicant has committed to ensure this occurs for operational traffic. The driveways from the development to Hale Street are to be designed to the satisfaction of the roads authority (Council), accommodate the turning path of a 26 m B-double and restrict vehicle movements to left-in, right-out only. Approval is required to be obtained from Council under section 138 of the *Roads Act 1993*.

The Department is satisfied that strict compliance with the OTMP and recommended conditions will ensure that traffic impacts as a result of the development will be minimised and do not require any change to the design of Hale Street to accommodate heavy vehicles associated with the development. The Department's assessment concludes traffic generated by the development can be managed to minimise adverse safety and efficiency impacts on the surrounding road network.

6.1.2 **Parking**

The proposed development incorporates two access driveways, one for light vehicles to access the car park and another for heavy vehicles to access and egress from the site. This results in the loss of five on-street parking spaces on the northern side of Hale Street. Council and public submissions raised concerns regarding the loss of on-street parking spaces. Council also raised concerns about the number of on-site parking spaces and recommended additional on-site parking be provided to supplement the loss of on-street parking and to sufficiently cater for employees and visitors.

Applicant's Assessment

In response to the concerns raised, the Applicant amended the site design to include two additional car parking spaces, resulting in a total of 15 car parking spaces on the site (one for each of the 11

employees and four for visitors). This was achieved by pushing the offices into the warehouse building footprint.

The Applicant's Amended TIA reported that the existing development on the site has a shortfall of approximately 17 car spaces, increasing on-street parking demand. By ensuring that all parking needs are met for the development without reliance on Hale Street, the Amended TIA concluded that even with the loss of five on-street parking spaces, the development is expected to result in a net positive parking outcome. As a result, the development will significantly alleviate pressure on existing on-street parking on Hale Street, contributing to a substantial improvement in the availability and management of street parking in the area.

Government Authority Advice

Council did not raise any further concerns regarding on-site or on-street parking.

Department's Assessment

The Amended TIA provides a first principles approach to calculating the number of car parking spaces required for the development, based on operational data from other C&D waste facilities.

The Department is satisfied the methodology adopted by the Applicant is consistent with the TfNSW *Guide to Transport Impact Assessment*, which recommends the first principles approach to calculating car parking provision in lieu of specific requirements for a development type. Conditions require the Applicant to provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

The Department's assessment concludes the development includes sufficient on-site parking and is unlikely to cause additional pressure on the demand for on-street parking, despite causing the loss of five on-street parking spaces.

6.2 Flooding

The site is within the Botany Bay Foreshore Beach Catchment and is subject to flooding in a 20% annual exceedance probability (AEP) event and greater. Flooding in the catchment occurs during storm events which causes pooling of flood waters in low-lying areas due to insufficient capacity in stormwater drainage infrastructure. Drainage occurs slowly when storm events coincide with high tides or storm surges in Botany Bay, which is where the catchment drains.

CPHR and Council raised concerns regarding the robustness of the Applicant's Flood Impact Assessment (FIA). These authorities and the SES also raised concerns regarding the proposed approach to emergency management and evacuation during a flood event. Only one public submission raised concerns regarding flooding and recommended the Applicant have flood reduction measures in place to reduce the impact of flooding in Hale Street.

The Applicant prepared a Flood Impact Assessment (FIA) to determine the peak flood levels at the site for various flood events up to, and including, the Probable Maximum Flood (PMF), and to assess

the potential impact of the proposed development on flood levels on neighbouring land. In response to the concerns raised by CPHR, Council and the SES, the Applicant amended the FIA and the associated Flood Emergency Management Plan (FEMP) on two occasions.

Applicant's Assessment

The Amended FIA confirmed that the existing site, which varies between 1.8 – 2.0 m AHD, would become totally isolated in larger flood events due to the low-lying nature of the land and the existing restrictions to overland flow caused by the two large above-ground Sydney Water sewer pipelines (known as the Southern and Western Suburbs Ocean Outfall System (SWSOOS)) that run along the western and north-eastern boundary, respectively, to a maximum height of about 4 m AHD. The Amended FIA confirmed the site drains south to Hale Street, then east to a capacity-constrained culvert under the SWSOOS, then north to the Sydney Water trunk stormwater drain, which ultimately drains via two more culverts under both legs of the SWSOOS to Mill Stream (refer **Figure 13**). Flooding occurs due to limited capacity at the three culverts and within the local stormwater drainage system in surrounding streets.

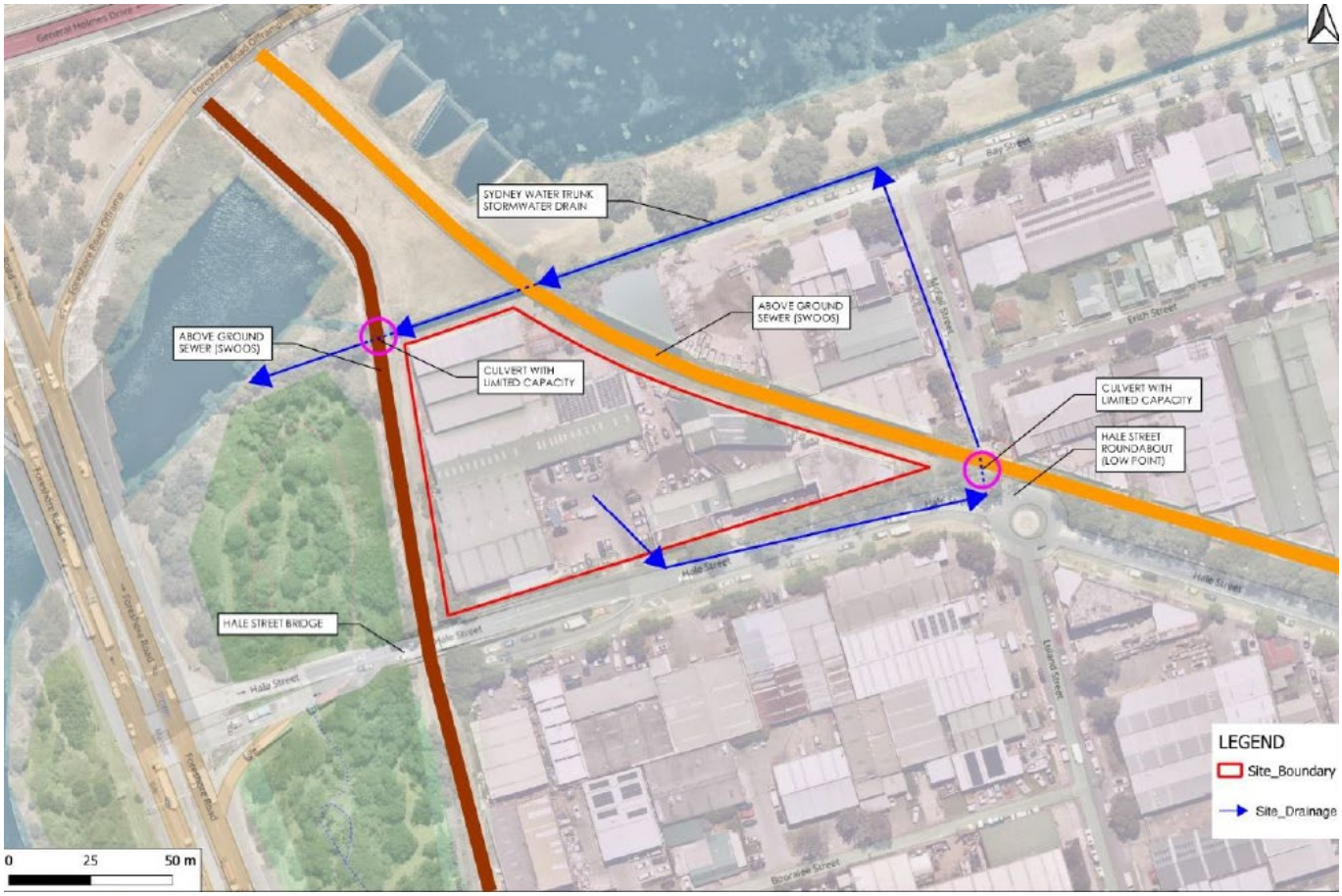

Figure 13 | Site Drainage and Constraints

In a PMF event, the site (including the existing buildings) would flood to depths of up to 2 – 3 m, resulting in a flood hazard category of either H5 – unsafe for vehicles and people, buildings require special engineering design and construction and H6 – unsafe for vehicles and people, all building types considered vulnerable to failure. There is currently no high-level flood refuge for the ~70 employees of existing businesses on the site.

The proposal involves filling the site to the flood planning level of 2.49 m AHD, being the 1% AEP flood level plus 500 millimetres freeboard, and the provision of a high-level 'shelter-in-place' refuge for employees at 6.5 m AHD which is above the PMF level of 4.24 m AHD. The FIA predicted flood depths between 1.5m - 2m across the site in this rare event which may remain for several days. A small area of flood storage is to be maintained in the southeastern corner of the site at the truck entry driveway.

The Amended FIA found that filling the site will have an impact on existing overland flows through the site causing significant affluxes (increase in flooding) in the immediate catchment area. To alleviate this, a culvert has been incorporated into the development design to reinstate the existing overland flows (refer **Figure 14**). This results in the development having little impact on the flood levels surrounding the site for all flood events up to and including the PMF and consideration of climate change (increased rainfall scenarios to the year 2100).

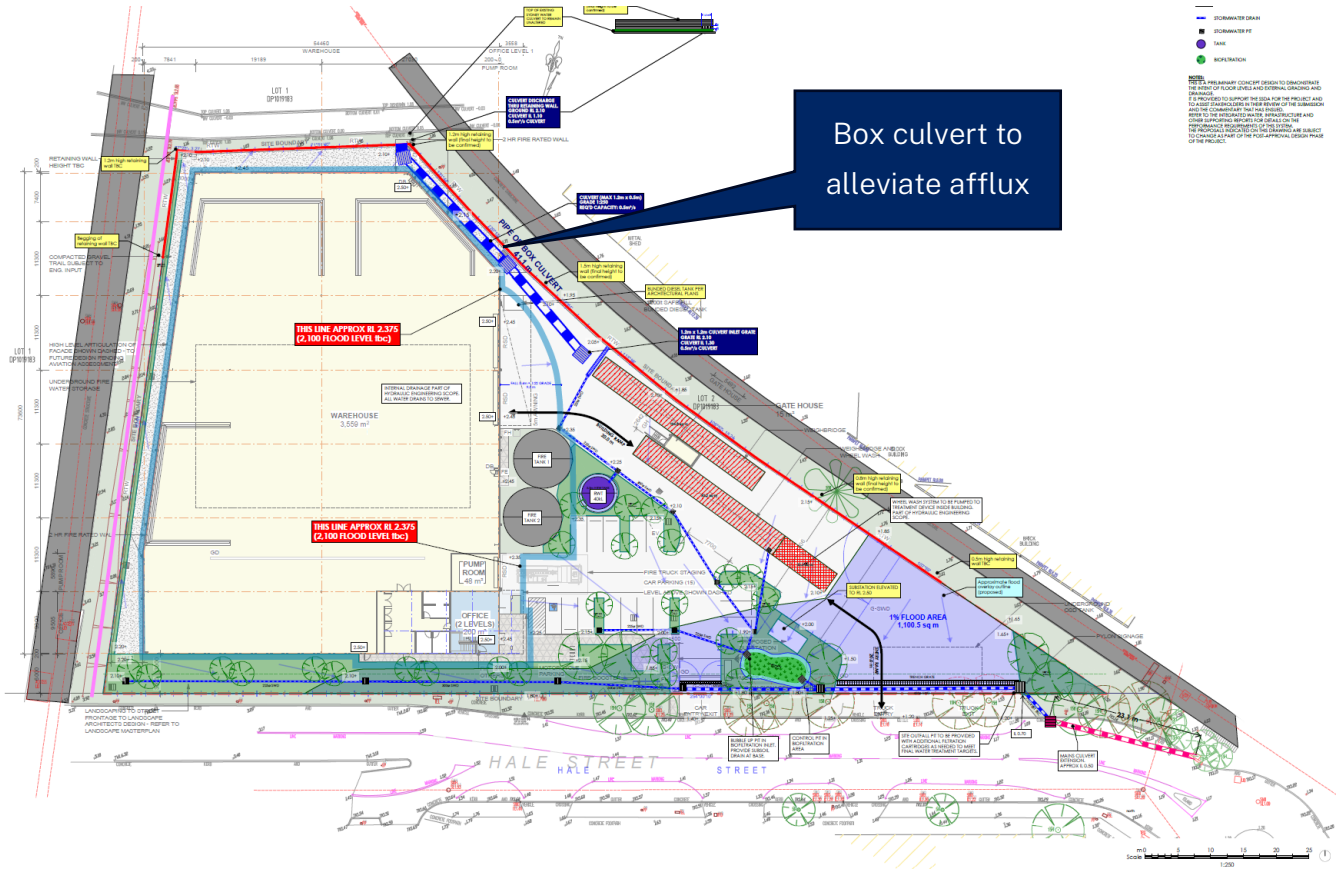

Figure 14 | Location of Box Culvert

To further mitigate flood risk, the Applicant proposes a suite of flood mitigation measures. This includes maintaining existing flood storage within the site (at the truck entry driveway), designing buildings to withstand flood depths and velocities associated with the PMF to maintain integrity of the building, use of flood compatible materials and building components, open chain mesh fencing around the boundary of the site to allow the movement of floodwaters, storing all waste within the building, and ensuring roller doors are closed to prevent waste from being released into flood waters.

The Applicant's assessment concluded the proposed development will not worsen or impact peak flood levels up to and including the 2100 climate change scenario and the building will be protected from flood waters for all events up to and including the 2100 climate change scenario.

The Applicant's Amended FEMP outlines the approach to site evacuation in the event of flooding. Evacuation is recommended as the primary emergency response strategy. The preferred evacuation route from the site is west via Hale Street towards Foreshore Road and then north to the M1. However, as a last resort, the Amended FEMP recommends occupants should shelter-in-place in the upper floor office space until conditions permit evacuation.

Government Authority Advice

CPHR advised the development is considered to provide a greater level of flood immunity than the existing development, has less staff exposed to flood risk, and has the provision for safe shelter in place if evacuation fails. CPHR recommended the provision of the culvert and a site emergency plan be requirements of the consent.

SES advised it does not have statutory authority to endorse or approve flood emergency response plans, however, provided advice on the Applicant's FEMP based on the principles outlined in the Flood Prone Land Policy, the Flood Risk Management Manual 2023 and supporting guidelines. SES reviewed the final amended FEMP and advised it had no further comment.

Department's Assessment

To facilitate the resolution of the initial concerns raised by the government stakeholders, the Department liaised with and arranged several meetings with the Applicant, Council, CPHR and the SES. The Department acknowledges the Applicant has made several amendments to the FIA and FEMP in response to the concerns raised and requests for additional information.

The Department is satisfied the Amended FIA presents a robust assessment and analysis of flood impacts and risks associated with the development, as required by the Flood Risk Management Manual and associated guidelines. The Amended FIA has sufficiently demonstrated the installation of a box culvert along the north-eastern site boundary will alleviate any additional off-site flooding caused by the filling of the site to the flood planning level of 2.49 m AHD for all events up to and including the PMF and the relevant climate change scenario. It is also noted that a small area of flood storage would be maintained in the 1% AEP event in lieu of providing on-site detention (OSD) and is an increase of approximately 22.4 m^3 more flood storage than the existing site conditions. The Applicant has also committed to ensuring the building will be built to withstand all flood events up to and including a PMF event and has provided a detailed FEMP to outline how people can be safely evacuated from the site.

It is clear from the Applicant's Amended FIA that the site is subject to significant flooding and flood warning times are limited due to fast rising floodwaters in the catchment area. The Amended FIA states that in the 1% AEP event, the site will remain isolated for just under 16 hours. However, in a PMF event, the entire site will be inundated up to a depth of 1.5 to 2 m and will remain isolated for several

days.

The Department notes that evacuation off-site is the agreed primary emergency management strategy for flooding in NSW. While the Amended FEMP states that 'evacuation is the primary and preferred emergency response from this site', as a last resort, the Amended FEMP adopts a 'shelter in place' strategy for a large storm event. Having regard to the Department's 'Shelter-in-Place guideline for flash flooding', the Department considers the approach taken in the Amended FEMP is acceptable as evacuation from the site may pose a higher risk than sheltering in place due to the depth and velocity of floodwaters along Hale Street (evacuation by vehicle is unsafe or impossible in flood depths greater than 150 mm and there is no footpath on Hale Street for evacuation on foot).

The Department is satisfied the proposed shelter-in-place location, being the upper-level office of the development, is above the PMF, will be designed to withstand the force of flood and debris of this type of event, and does not rely on electricity for access (i.e. it is accessible by stairs, not a lift). This is consistent with the recommended design requirements of the Department's guideline. It will also provide sufficient space for the maximum number of people expected to be on the site at any one time, being up to 20 people (staff and visitors/drivers), storage of food, water and medical supplies, and includes appropriate amenities.

To mitigate flood impacts as a result of filling the site, conditions require the Applicant to install the box culvert on the site consistent with the design in the civil drawings submitted with the Additional Information. Structures below the 1% AEP plus 500 mm freeboard must be constructed from flood compatible materials and building components, and all floor levels must be no lower than the 1% AEP flood level plus 500 mm freeboard. As the Applicant has also adopted a shelter-in-place strategy for the development that relies on the office as the refuge, the Applicant is also required to design the building to withstand the forces of floodwaters for all flood events up to and including the PMF. This will also ensure structures on the site will not become an environmental or safety hazard during significant flood events, up to and including a PMF event.

As flooding may occur during construction of the development, conditions require the Applicant to prepare and implement a Flood Emergency Response Plan (FERP) for construction. This will ensure construction personnel and the site operator and employees are aware of what to do in a flood event. The FERP is subsequently required to be updated prior to operation, and to be implemented for the duration of operation of the development. The FERP is required to be prepared in consultation with the NSW SES, be consistent with the Amended FEMP prepared by the Applicant and include details of flood emergency responses, predicted flood levels, flood warning times and notification, assembly points, evacuation routes and refuge protocols, and awareness training for employees and contractors.

The Department's assessment concludes the design of the development, including the design of all buildings and structures as required by the conditions of consent, will minimise the risk of off-site environmental and safety concerns. The proposed emergency actions in the Amended FEMP confirm that the site can be safely evacuated in most flood events. However, in the event of a significant flash

flooding event, appropriate 'shelter-in-place' arrangements have been incorporated into the development. The Department's assessment concludes the proposed site flood management procedures and implementation of the final FERP will ensure the safety of people at the site in the event of a significant flood event.

6.3 Noise

Public submissions raised concerns regarding the potential for construction and operational noise impacts at residential areas and local businesses, including road traffic noise. The EPA and Department raised several concerns regarding the assessment methodology adopted for the Noise and Vibration Impact Assessment (NVIA). In particular, questions were raised regarding the approach taken to assess impacts at the residence, RC1, an isolated residential apartment block in the industrial zoned land which relies on existing use rights as a caretaker's unit.

The Department requested the Applicant update the NVIA to respond to the concerns raised by the community regarding noise impacts, and issues raised by the EPA regarding the NVIA. In response, the Applicant amended the NVIA on three occasions. The Amended NVIA predicted noise impacts from external vehicle movements and warehouse activities, noise emissions from mechanical plant, road traffic noise on surrounding local roads and noise and vibration impacts during construction.

Applicant's Assessment

Construction is expected to be carried out in two stages, comprising demolition and civil works followed by construction and landscaping. Noise impacts in the Amended NVIA were modelled assuming a worst-case scenario whereby all equipment would operate simultaneously. Except for RC1, noise levels were predicted to comply with the relevant construction noise management levels (NMLs) established in accordance with the Interim Construction Noise Guideline (ICNG) during both stages of construction. Noise levels were predicted to exceed the NML of 63 dB(A) by up to 3 dB at RC1 during demolition and civil works. Noise impacts would be below the highly noise affected level of 75 dB at all residential receivers.

Several mitigation measures are proposed to be implemented during construction to minimise noise impacts, including consideration of the location of noisy stationary plant such as concrete trucks and generators within the site to maximise their distance from the residential areas to the east, switching off equipment when not in use. Further mitigation measures and a noise monitoring program are to be documented and implemented as part of a construction noise management plan (CNMP). Mitigation measures may include additional screening/barriers, inaudible or broadband reversing and warning alarms, in addition to community notification of noise construction works and complaints handling protocol.

The Amended NVIA predicted operational noise impacts would comply with the Project Noise Trigger Levels (PNTLs) during the day, evening and night periods for six noise catchment areas (RC1 to RC6), around the site. This included an isolated residential apartment block at 3 Luland Street, Botany (RC1), two residential catchment areas approximately 100 m (RC2) and 300 m (RC6) to the east, respectively,

Botany Public School approximately 350 m east (RC3), commercial developments approximately 100 m east (RC4) and the large industrial catchment area immediately east and south of the site (RC5) (refer **Figure 15**).

Maximum operational noise level events were predicted to exceed the sleep disturbance trigger levels by up to 6 dB at RC1 and up to 2 dB at RC2 (refer **Table 8**).

Table 8 | Predicted operational noise levels (L_{Amax} noise emissions)

Receiver Catchment	Predicted Noise Level, L_{AMAX}(External)	Sleep Disturbance Trigger Level, L_{AMAX}
RC1 – Residential	63	57
RC2 – Residential	55	53
RC6 - Residential	<50	56

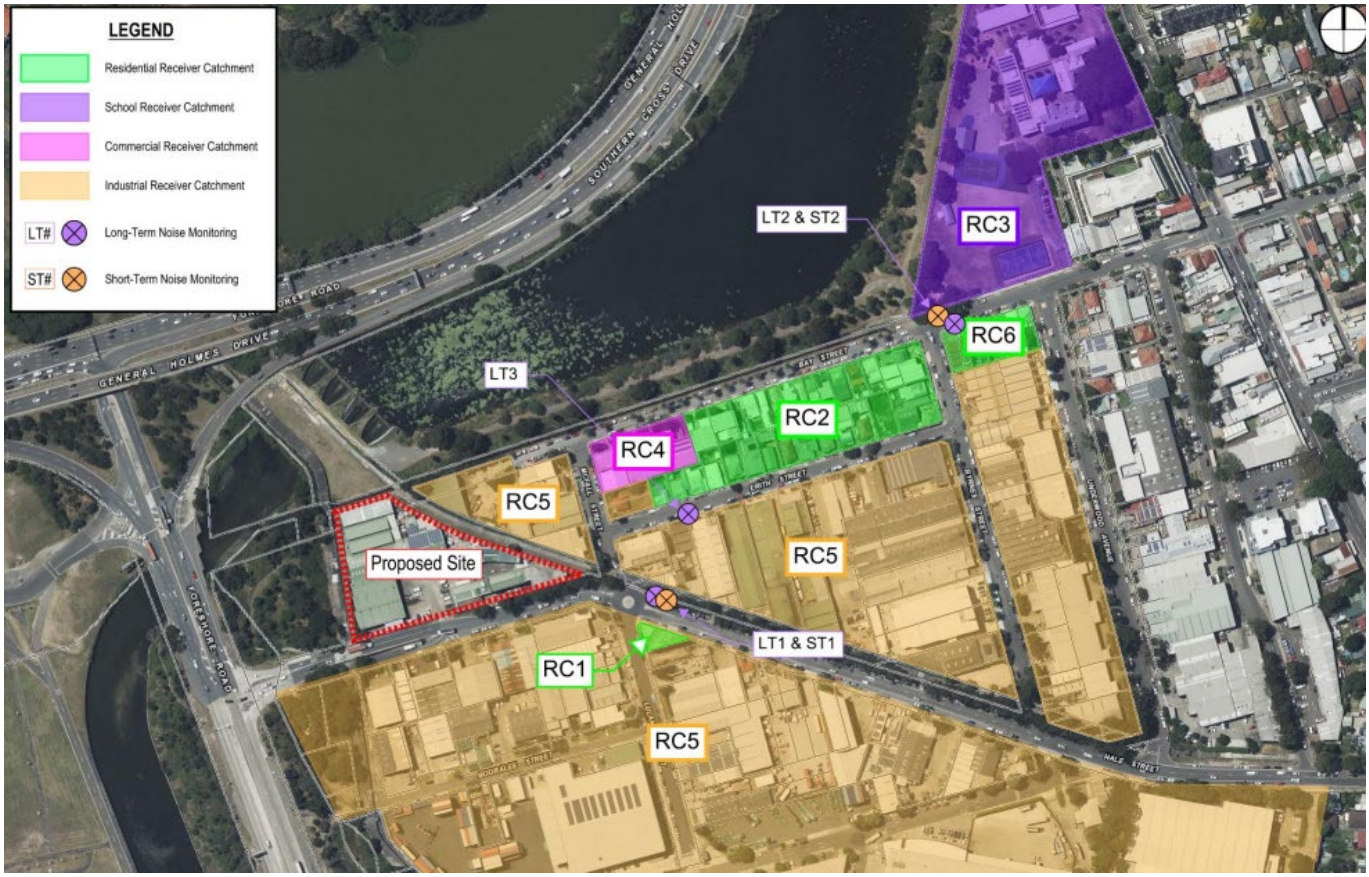

Figure 15 | Noise Catchment Areas and Noise Monitoring Locations

The Applicant noted the predicted noise levels would exceed the sleep disturbance trigger levels at the external façade of residential receivers, however, based on a conservative minimum 10 dB reduction across the façade with windows open, the Amended NVIA predicted L_{AMAX} noise levels would not exceed an internal noise level of 50-55 dB(A), which is unlikely to awaken people from sleep, as stated in the EPA's Road Noise Policy (RNP). Additionally, the RNP states one or two noise events per night with maximum internal noise levels of 65-70 dB(A) are not likely to affect health and wellbeing significantly.

To minimise operational noise impacts, the Applicant has committed to several noise mitigation measures. This includes scheduling of heavy vehicle movements such that peak hour movements are not exceeded (being up to 26 during the day and evening peak hours and four during the night time peak hour), 10 kilometre per hour speed limit signage, signage to prevent trucks from entering or leaving the site from the west, and sound insulation of the external warehouse building façade.

The NVIA stated road traffic noise impacts would be minor as all trucks will enter and leave the site from the west, off Foreshore Road, and will not go beyond the site access driveway toward the residential areas to the east. Furthermore, only four light vehicles in the morning and afternoon peak periods are predicted to leave or enter the site from an easterly direction. On this basis, the NVIA concluded road traffic noise impacts are unlikely to result in an increase of more than the EPA's Road Noise Policy criterion of 2 dB above existing traffic noise levels.

Government Authority Advice

EPA advised the Amended NVIA adequately assessed the potential noise impacts of the development and recommended conditions requiring the noise mitigation measures be implemented, compliance with operational noise limits and compliance monitoring and reporting.

In relation to RC1, EPA advised that DPHI is best placed to determine the nature and sensitivity of the receiver type that should be adopted to assess this property, noting its location within an industrial setting. EPA noted the Applicant's assessment of RC1 assumed ambient noise is fully controlled by industrial noise sources, rather than traffic noise, and therefore the adopted PNTLs were 3 dB and 5 dB higher in the evening and night periods, respectively, than would be expected for this type of use (a caretaker's residence).

Council did not raise any concerns regarding noise impacts during construction of operation of the development.

Department's Assessment

The Department is satisfied the Applicant's Amended NVIA provides a conservative reasonable worst-case assessment of the predicted noise impacts of the development and has been carried out in accordance with the EPA's Noise Policy for Industry (2017) (NPfI). The Applicant has proposed a range of measures to minimise operational noise to achieve compliance with the PNTLs at residential receivers in RC2 and RC6.

Despite requesting the Applicant provide audio files to confirm the noise sources controlling the ambient noise environment for RC1 (as noted by the EPA), this information was not provided on the basis it was not a requirement under the NPfI. Therefore, having regard to the EPA's advice and the background monitoring information provided in the Amended NVIA, the Department is of the view the assumptions made by the Applicant cannot be accepted and lower PNTLs should be adopted for the assessment. As such, predicted levels at RC1 would exceed the PNTLs by up to 4 dB in the evening and up to 7 dB at night.

In accordance with the NPfI, the Applicant demonstrated it had adopted all reasonable and feasible measures at the development to minimise noise impacts. Therefore, the Applicant would ordinarily be required to install at-receiver noise mitigation to reduce noise impacts, such as mechanical ventilation and double-glazed windows. However, as part of the Amended NVIA, the Applicant provided evidence that RC1 already had been constructed and designed to satisfy Australian Standard AS2021-2000 *Aircraft Noise Intrusion – Building Siting and Construction*, due to its proximity to Sydney Airport. This includes the provision of mechanical ventilation, masonry external walls, and concrete roof/ceiling systems with insulated ceilings, and upgraded high performing acoustically rated glazed windows and doors. The Department is therefore satisfied that no further mitigation at the development or additional treatment to RC1 is required to minimise noise impacts.

In relation to sleep disturbance, the Department understands that moderate maximum noise levels are expected at RC1 (63 dB(A) at night) and RC2 (55 dB(A) at night) only during brief periods when trucks, front end loaders and excavators carry out certain activities in the warehouse and when trucks are driving and idling on external hardstand areas. However, these maximum vehicle-related noise events are below the level of existing traffic noise from the surrounding road network at both RC1 (64 dB(A) overnight) and RC2 (58 dB(A) overnight) and are therefore considered acceptable.

To ensure the Applicant operates the development consistent with its assumed worst-case scenario, the Department has recommended noise limits to be set at the Applicant's predicted noise levels.

To ensure ongoing compliance, and in recognition of the community's concerns about potential noise impacts, the Department has required the Applicant to verify noise impacts within six months of the commencement of operation and provide an outline of management actions to address any exceedance of the noise limits, should they occur. The Applicant is also required to prepare and implement an Operational Noise Management Plan (ONMP) which identifies the measures to be implemented to ensure compliance with the operational noise limits and provides details of a program to monitor compliance. This will ensure noise impacts are closely monitored and can be regulated by the Department.

Construction noise impacts will be managed through the preparation and implementation of a CNMP, which will include procedures to ensure the NMLs are achieved, measures to manage high noise generating works (including those developed in consultation with the community) and a complaints management system. As construction noise levels were predicted to be up to 3 dB above the NMLs at RC1 during demolition and civil works, the Department's conditions require all feasible and reasonable noise mitigation measures to be implemented to minimise construction noise impacts during all stages of construction. Works are only to occur during standard daytime construction hours.

The Department is satisfied that subject to the implementation of all reasonable and feasible noise mitigation measures during construction and operation, noise can be managed. It is also noted that construction noise impacts above the NMLs at RC1 will only occur for a limited time period during demolition and construction works. Operational noise impacts will be verified and additional requirements for compliance reporting and independent audits will ensure ongoing oversight on

compliance with the noise limits for the duration of operation. The Department has also recommended the Applicant be required to submit an Annual Report that analyses monitoring data and identifies any trends, identify any non-compliance during the previous year, and describe what actions were, or are being, taken to ensure compliance. This will ensure the Department is kept informed of the environmental performance of the development.

The Department's assessment concludes noise impacts can be managed subject to the implementation of the Applicant's noise mitigation and management measures, the CNMP and ONMP and the Department's recommended conditions of consent.

6.4 Airport Safeguarding

The site is approximately 200 m east of Sydney Airport land, and 340 m north-east of the centreline of the northern end of Runway 16L (which runs in a north-south alignment). There is potential for the buildings and structures to affect the safety and efficiency of Sydney Airport, including intrusions into the protected airspace and interference with aircraft instrument landing and navigation systems.

Department's Assessment

Given the proximity to the protected airspace of Sydney Airport and the movement of aircraft, the Applicant engaged Avlaw, an aviation expert, to carry out a Protected Airspace Review to inform the building design and height, and an Aviation Impact Assessment (AIA) to assess any potential impacts on the safety and efficiency of Sydney Airport. The Applicant's AIA was prepared in consultation with relevant airport authorities, including Sydney Airport, CASA and AirServices Australia and Council, and assessed the development against the National Airports Safeguarding Framework (NASF).

The AIA found the development was located within the 30 Australian Noise Exposure Forecast (ANEF) which is acceptable for the proposed industrial land use. It is also within the windshear assessment zone for Runways 16L and Runway 25 (east-west runway approximately 850 north of the site), however, the AIA found the development is not expected to increase the risk of turbulence issues compared with the existing natural turbulence. The AIA also confirmed the development is within NASF Lighting Zones A and B, which require light fittings to be selected such that the maximum intensity of light sources measured at three degrees above the horizontal is 0 candela (cd) and 50 cd, respectively.

Design of the development considered the airport Obstacle Limitation Surface (OLS) as a hard constraint, with all structures on site remaining beneath the OLS. The Applicant confirmed the use of cranes during construction is to be avoided, where possible, however, if necessary, the Applicant will liaise with the relevant airport authorities regarding any necessary approvals under airport legislation. The Department has noted this requirement in the development consent.

The risk of Foreign Object Debris (FOD) (fragments of loose material that can be detrimental to aircraft structures and engines) to airport and aircraft operations, is proposed to be minimised by implementing a suite of mitigation measures. This includes covering incoming and outgoing loads of

waste, a wheel wash bay for outgoing vehicles, and 1.8 – 2.1 m high fencing around the site (with the exception of the western site boundary which will be protected by the proposed warehouse building).

With respect to Communication, Navigation and Surveillance (CNS) and Instrument Landing Systems (ILS), the Applicant liaised with AirServices and the advice of an aviation specialist to assess any potential impacts and discuss design solutions if mitigation was required. As part of this consultation, AirServices carried out its own modelling to determine if the development would cause any potential ILS signal interference and further deteriorate the ILS signal. This analysis found previous flight data demonstrated there was existing degradation and interference with the signal and the development may cause further reflection of the signal due to the building height, orientation (four degrees off parallel to the runway) and proposed metal façade.

Based on the advice of AirServices, the Applicant reduced the façade height from 16 m to 14 m, changed the façade type/design from metal to concrete and considered the potential for other potential post-construction mitigations, if required, to minimise the potential for signal interference. This includes measures such as adding texture to the concrete finishings or raised architectural elements to the upper façade (e.g. vertical fins, horizontal ledges) so aircraft ILS signals are not reflected, reducing the risk of interference. The Applicant committed to carry out further investigations during the design development phase to incorporate 'impressions' or 'textured finish' to modify the concrete finishings to further mitigate the potential for reflection and consider further architectural mitigation options for the western wall façade design that could be installed post-completion if required.

The AIA noted the risk of wildlife attraction and hazards was low given there would be no putrescible waste received at the development, however, regular monitoring of the site is proposed for an initial period of one year from the commencement of operations. The Applicant has committed to preparing and implementing a Wildlife Management Plan to establish monitoring and reporting protocols.

Government Authority Advice

Given the limitations in the modelling software for predicting impacts of the development on the ILS, AirServices confirmed the only way to determine the extent of the impact would be to carry out a flight inspection following completion of construction of the development. Appropriate mitigation measures could then be implemented, as proposed by the Applicant. AirServices advised it did not have any objection to the development proceeding and the actions / measures proposed in the AIA are considered reasonable to mitigate any post-construction issues previously identified.

Sydney Airport and CASA did not raise any concerns regarding the development and advised the development would be subject to the requirements of national airport legislation and the AIA should minimise risks to aviation safety.

Department's Assessment

The Department notes the Applicant's AIA has been prepared to the satisfaction of the relevant airport authorities and provides a robust assessment of the development against the NASF guidelines.

The Applicant has consulted with and considered the advice of AirServices to ensure the design of the development, including the height and materials and finishes of the proposed warehouse building, will minimise the risk of impacting and further deteriorating the ILS.

It is acknowledged that the modelling carried out by AirServices showed that height or orientation changes to the proposed warehouse building reduced impacts to the ILS. The Department is satisfied that the architectural mitigation measures proposed can achieve a similar effect without reducing building height or re-orienting the building, and can be incorporated during design development and, if necessary, after construction.

As recommended by AirServices, the Department has recommended conditions requiring the Applicant to carry out and report on the findings of a post-construction flight inspection of the development to verify the predicted impacts of the development on the Sydney Airport ILS. The flight inspection and reporting must be carried out by a suitably qualified person in consultation with AirServices and Sydney Airport. The Flight Inspection Report must include the methodology of the flight inspection, evidence of consultation with the airport authorities and details of any additional mitigation measures required to minimise impacts on the ILS. the Applicant must implement any mitigation measures identified in the Report to the satisfaction of the Planning Secretary, prior to the commencement of operation of the development.

While the mitigation measures proposed by the Applicant to reduce FOD risk are supported, the Department considers it appropriate to require additional measures to further mitigate the risk of FOD, given the proximity to the runway and the nature of C&D waste material. Conditions also require the warehouse building to be fitted with fast-acting automatic roller shutter doors and for those doors to default to a closed position during operation. All unloading and loading of waste must occur within the enclosed building.

To ensure the airport authorities are kept up to date on the progress of the development, conditions require the Applicant to notify these authorities of the date of commencement of each phase of the development, including construction, completion of construction, operation and cessation of operations.

Consistent with the AIA recommendations and the Applicant's commitments, conditions also require the preparation and implementation of a Wildlife Hazard Management Plan (WHMP) which addresses the management of both ground-based and airborne wildlife management. The WHMP must include details of staff training regarding wildlife hazard awareness and management, details of mitigation measures to minimise wildlife attraction, trigger thresholds for investigating additional measures to reduce wildlife attraction and protocols for reducing wildlife attraction if trigger thresholds are exceeded.

To minimise distraction and glare for pilots, lighting at the development must be designed in accordance with the requirements of *NASF Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports.*

To provide additional oversight on the implementation of airport safeguarding measures, the Department has also recommended conditions requiring the Applicant to engage an independent auditor to carry out an audit of the development within six months of operation of the development and tri-annually thereafter.

The Department is satisfied the Applicant has carried out a rigorous assessment of airport safeguarding risks and the potential for impacts to the safety and efficiency of Sydney Airport operations and aircraft. Subject to the implementation of the Applicant's proposed management and mitigation measures and the recommended conditions of consent, the Department is satisfied the proposed development is unlikely to have any adverse impacts on Sydney Airport operations.

6.5 Other Issues

The Department's consideration of other issues is summarised in **Table 9** below.

Table 9 | Assessment of other issues

Findings and Conclusions	Recommended Conditions
Contamination	
• Public submissions raised concerns around contamination and the risk of hazardous pollutants impacting surrounding waterways and human health. • As part of the EIS, the Applicant provided a Detailed Site Investigation (DSI), Remedial Action Plan (RAP) and an Interim Audit Advice prepared by an EPA accredited Site Auditor. The DSI confirmed the presence of two underground storage tanks (USTs), multiple intermediate bulk containers (industrial grade container for storing and transporting bulk liquids and chemicals) and storage drums, dangerous goods (such as gas bottles, paints, lubricants, lacquers and oils), and fragments of bonded asbestos on the site. The DSI also reported that most of the site (95%) was covered in concrete hardstand. • The proposed remedial approach documented in the RAP includes removal of the existing USTs, excavation and onsite treatment of petroleum hydrocarbon and trichloroethane (TCE) impacted soils and validation for reuse, and cap and containment of the fill soils impacted by asbestos and metals and ongoing management via a Long Term Environmental Management Plan (LTEMP) (to be prepared following remediation works). • Due to the extensive areas of hardstand and existing buildings on the site, the RAP recommended that soil and groundwater conditions in these areas be further investigated following demolition and removal of hardstand and buildings to confirm the extent of contamination. • The Interim Audit Advice confirmed the suitability of the DSI and the RAP and noted further contamination may be identified which will require remediation, however, concluded the RAP framework was adequate to manage remediation of unexpected contamination. The Site Auditor recommended the consent authority include conditions requiring the completion of a Site Audit Statement prior to occupation of the development, and compliance with the LTEMP during site occupation. • EPA did not raise any concerns regarding the PSI, DSI or RAP and recommended conditions requiring the engagement of a Site Auditor for the duration of construction works to audit contamination investigations, remediation and validation work, and a requirement for a Site Audit Statement and Report to be issued at the completion of the work, certifying the suitability of the land for the intended use. • Based on the advice of the Site Auditor in the Interim Audit Advice, the Department considers the consent authority can be satisfied the site can be made suitable for the development, subject to appointment of a Site Auditor to oversee and audit the remediation documents and works, remediation of	Require the Applicant to: • engage an EPA accredited Site Auditor • undertake the remediation works in accordance with the approved RAP • engage the Site Auditor to review and approve any amendments to the RAP • obtain a Site Audit Statement and Report from the Site Auditor and submit this to the Planning Secretary prior to the commencement of operation of the development • prepare a LTEMP in accordance with the RAP, and have it reviewed and approved by the Site Auditor before issuing the Site Audit Statement and Report • implement the LTEMP and provide evidence the LTEMP is listed on the relevant planning certificate for the land.

Findings and Conclusions	Recommended Conditions
the site in accordance with the RAP, the issuing of a Site Audit Statement by the Site Auditor and implementation of the LTEMP. • Conditions are recommended requiring all of the above to ensure the site is made suitable for the development prior to the commencement of operation of the development. The Department's assessment concludes the site contamination can be appropriately remediated to minimise risks to the environment and human health. The site can be made suitable for the development subject to the implementation of the recommended conditions.	
Aboriginal Cultural Heritage	
• To assess potential impacts on Aboriginal cultural heritage, the Applicant prepared an Aboriginal Cultural Heritage Assessment Report (ACHAR) and carried out consultation in accordance with the relevant NSW guidance. A total of 13 Aboriginal Parties (RAPs) registered their interest in the development. • A site survey was undertaken as part of the ACHAR investigations and found no evidence of Aboriginal objects or sites at the site. However, a review of existing Aboriginal archaeological studies and background information, the predictive model highlighted a potential for the presence of Aboriginal objects in buried sands at the site. As such, a Potential Archaeological Deposit (PAD) was identified comprising buried natural sands within an estuarine environment, named 2-4 Hale PAD 01. • The ACHAR found 2-4 Hale PAD 01 will only be impacted if an existing modern fill layer across the site is removed or disturbed. The depth of fill varies across the site, ranging from 0.2 m to 3.0 m. As the development involves filling the site to the flood planning level, it is unlikely the works would exceed the depth of modern fill. However, remediation of the USTs may result in partial disturbance of the PAD. • The ACHAR concluded that 2-4 Hale PAD 01 is of unknown significance therefore further investigation is required to determine the level of harm. These investigations are not possible until the existing hardstand and structures are demolished and removed and remediation is carried out. • Given the interaction with the proposed remediation works at the site, the ACHAR recommended the Applicant carry out the archaeological investigations under an Aboriginal Cultural Heritage Management Plan (ACHMP). The ACHMP would provide guidance on the methodology for the archaeological test investigations, ongoing consultation with the RAPs and management procedure for any unexpected finds. • Heritage NSW raised no concerns with the ACHAR and advised it supports the proposed mitigation measures and recommendations subject to registering 2-4 Hale PAD 01 on the AHIMS register and the preparation of a detailed Archaeological Research Design and Excavation Methodology prior to determination. This was provided with the Submissions Report and Heritage NSW raised no concerns with the proposed methodology.	Require the Applicant to: • take all reasonable steps to avoid harm, modification or other impact to Aboriginal objects except as authorised by the consent • prepare an ACHMP for the development to the satisfaction of the Planning Secretary • not commence construction or remediation works until the ACHMP is approved • implement an unexpected finds procedure.

Findings and Conclusions	Recommended Conditions
• The Department is satisfied the ACHAR has been prepared in accordance with the relevant NSW Aboriginal cultural heritage guidelines and an appropriate level of consultation has been carried out to inform the findings of the ACHAR. The test excavation methodology for 2-4 Hale Street PAD 01 is to be incorporated into and carried out under an ACHMP to be approved by the Planning Secretary prior to the commencement of construction or any remediation works. • Implementation of the ACHMP will ensure any Aboriginal objects discovered during construction and remediation works are appropriately managed in consultation with the RAPs. • The Department's assessment concludes the development is unlikely to adversely impact any Aboriginal objects, subject to the implementation of the ACHMP and the Department's recommended conditions of consent.	
Air Quality and Odour	
• Construction will generate fugitive dust emissions and the movement of trucks and other vehicles during operation will generate emissions from fuel combustion and fugitive dust. Public submissions raised concerns regarding the potential for dust and other airborne pollutants to cause off-site health risks, particularly for children at Botany Public School. Odour was also raised as a concern. • The EIS included an Air Quality Impact Assessment (AQIA) which assessed potential air pollutant emissions associated with the construction and operation. Due to the potential for cumulative construction dust impacts, the AQIA recommended implementing a selection of site-specific mitigation measures commensurate with the risks identified. The AQIA concluded that, given the size of the site and distance to sensitive receptors, residual construction air quality impacts from the development would be anticipated to be negligible with the implementation of the mitigation measures. • The AQIA found that operational emissions would result in minimal incremental increases for particulate matter ground level concentrations at surrounding sensitive receivers, including Botany Public School. Due to existing high background concentrations particulate matter, the AQIA included a contemporaneous assessment for the most affected receiver (3 Luland Street), which found the development would not result in any additional days exceeding the relevant EPA assessment criteria. • In relation to odour, the EIS confirmed that as the facility would only accept non-putrescible waste that does not contain organic material, the development would not generate any odour. • The EPA did not raise any concerns regarding the AQIA and recommended conditions requiring operations and activities to be carried out in a manner that prevents and/or minimises emission of air pollutants, all processing, stockpiling and trafficable areas to be completely sealed, idling of trucks to be minimised where possible, trucks to be covered at all times, except during	Require the Applicant to: • take all reasonable steps to minimise dust generated at the development • ensure trucks have their loads covered and do not track dirt onto the public road network during construction • ensure trucks exit the site through an operational wheel wash during operation • install, operate and maintain equipment in line with best practice • prepare and implement an AQMP.

Findings and Conclusions	Recommended Conditions
loading and unloading, and all vehicles to exit through an operational wheel wash to ensure no material/sediment is tracked onto the public roadway. • The EPA recommended the Applicant be required to prepare and implement an Air Quality Management Plan (AQMP) which includes identification of key performance indicators, monitoring methods, response mechanisms and contingency measures. The Department has incorporated this into the recommended conditions. • The Department is satisfied the Applicant's AQIA provides an appropriate assessment of the potential air quality impacts associated with the construction and operation of the development. It is noted that background concentrations of the 24-hour average PM_{10} and 24-hour average $PM_{2.5}$ already exceed the relevant NSW EPA criteria, and the development is not predicted to cause an exceedance of the criteria on any additional days as incremental increases as a result of the development are very minor. • To ensure the air quality impacts during construction are minimised, the Department has recommended conditions requiring the Applicant to take all reasonable steps to minimise dust generated during this period. This includes a requirement for the Applicant to ensure exposed surfaces and stockpiles are suppressed by regular watering (or other method), all trucks have their loads covered and do not track dirt onto the public road network, and land stabilisation works are carried out progressively on site to minimise exposed surfaces. • The Department is satisfied the temporary air quality impacts associated with the construction of the development would be acceptable subject to the adoption of all reasonable and feasible measures to minimise dust, and the Applicant's proposed mitigation measures. • As waste management operations are to be carried out within an enclosed building, the risk of dust impacts because of waste handling and storage is very low. All trucks leaving the site will also be required to exit through an operational wheel wash to prevent any material from being tracked onto the public road network. All operational air quality management practices recommended by the EPA have also been included as conditions of consent. • Consistent with the advice of the EPA, and to ensure the Applicant monitors the effectiveness of air emission controls implemented at the development, the Department has recommended conditions requiring the Applicant to prepare an operational AQMP. The AQMP must evaluate performance and include proactive and reactive management strategies. • With respect to odour, conditions limit the type of waste to be received and strictly restrict the receipt of any general solid waste (putrescible), and the Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act). • Subject to the implementation of the recommended conditions and the commitments made by the Applicant, the Department's assessment concludes the development would not result in adverse air quality impacts to surrounding sensitive receivers during construction and operation.	

Findings and Conclusions	Recommended Conditions
Hazard and Risk	
• The volume dangerous goods and chemicals stored at the site and transported to and from the development has the potential to exceed the storage thresholds in the Department's Hazardous and Offensive Development Application Guidelines - Applying SEPP 33 (Applying SEPP 33). Other potential hazards associated with development activities may cause off-site impacts. • The Applicant carried out a preliminary risk screening which found the development was not potentially hazardous based on the DG quantities and transport movements. To ensure appropriate storage and handling of flammable and combustible liquids, corrosive substances and gases in cylinders, the Applicant committed to comply with relevant Australian Standards. • EPA recommended conditions requiring compliance with those Australian Standards, all above ground tanks containing chemicals to be stored within a covered and bunded area, or appropriate spill containment system, and made recommendations for the design of bunded areas. • The Department concurs with the findings of the Applicant's preliminary risk screening and agrees that, based on the quantities of DGs stored and handled at the site reported in the EIS, which are below the threshold quantities in Applying SEPP 33, the development is not potentially hazardous. • To ensure the development remains compliant with this, conditions require the Applicant to ensure that the quantities of DGs stored, handled and transported to and from the site remain below the Applying SEPP 33 thresholds at all times. • Consistent with the advice of the EPA, conditions are also recommended requiring all DGs to be stored and handled strictly in accordance with all relevant Australian Standards and for liquids, the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual.* This will prevent the risk of chemical leaks and spills causing environmental harm. • The Department's assessment concludes the development is not potentially hazardous. Hazardous materials required for the development will be stored and handled appropriately and volumes do not pose an off-site safety risk.	Require the Applicant to: • ensure the quantities of DGs stored and handled at the site and transported to and from the site remain below the threshold quantities listed in Applying SEPP 33 • store and handle all DGs in accordance with Australian Standards and for liquids, in accordance with EPAs guidance • store all chemicals, fuels and oils used on site in appropriately bunded areas.
Fire Safety	
• FRNSW advised that waste facilities present special problems for fighting fire due to the storage and stockpiling of combustible waste materials within an enclosed building. Suitable fire safety infrastructure and access is required for firefighters to extinguish a fire efficiently and safely. A Fire Safety Assessment (FSA) was submitted with the EIS which assessed the proposal against the requirements of FRNSW's *Fire Safety Guideline – Fire Safety in Waste Facilities,* with a particular focus on the combustible waste stockpiles at the facility.	Require the Applicant to: • prepare a FSS to the satisfaction of FRNSW in accordance with HIPAP No.2 and relevant FRNSW guidance

Findings and Conclusions	Recommended Conditions
• The FSA identified a suite of preliminary fire safety requirements to mitigate and manage fire risk, including installation of fire safety measures as required by the National Construction Code (NCC), fire rated construction for the western and northern walls, access for firefighting, fire hydrant system, hose, reels and sprinklers, a building occupant warning system, fire water containment, compliance with combustible waste stockpile requirements, and preparation of an Emergency Services Information Package (ESIP) and Incident Response Management Plan. • The FSA acknowledged the development does not provide full perimeter access on all sides of the building, however noted, in lieu of this, access is provided on the east side of the building, and accessibility is supplemented by a high-hazard sprinkler system to the Australian Standard (AS) (which is expected to limit the intensity and severity of possible fires), provision of a hydrant system to AS requirements, provision of a fire-rated wall along the west, north and north-east boundary to reduce the potential for fire spread, and the siting of key components of firefighting infrastructure in close proximity to one another. • The FSA concluded that the overall development design supports adequate provision for fire safety and facilitates safe intervention by firefighters to protect life, property and the environment. • FRNSW did not raise any concerns regarding the FSA and recommended conditions requiring the Applicant to prepare a Fire Safety Study (FSS) in accordance with the Department's Hazardous Industry Planning Advisory Paper (HIPAP) No.2 to be submitted to FRNSW for review and approval. FRNSW also recommended the preparation and implementation of an Emergency Plan in accordance with HIPAP No.1 and an ESIP prior to occupation of the development. • The Department is satisfied the FSA demonstrates the Applicant's intention to design the development in accordance with the relevant NCC and FRNSW requirements to protect the development, its occupants and firefighters from the risk of fire. It is noted perimeter access restricted and the Department understands that the NCC allows for FRNSW to consider performance based solutions for perimeter access in lieu of strict compliance with perimeter access requirements. Designs must be submitted through the statutory Performance-Based Design Brief (PBDB) consultation process prior to securing a construction certificates. • FRNSW have reviewed the proposed design and FSA and have not raised any concerns regarding the proposed supplementary measures in lieu of perimeter access. • To ensure appropriate fire safety measures are incorporated into the final detailed design of the building to the satisfaction of FRNSW, and firefighters and occupants of the building are aware of actions to take in the event of a fire and where the relevant infrastructure is located, the Department has recommended conditions requiring the preparation of a FSS, ESIP and Emergency Plan, consistent with the recommendations of FRNSW.	• prepare an Emergency Plan in accordance with HIPAP No.1 and an ESIP in accordance with relevant FRNSW guidance • implement the Emergency Plan and ESIP for the duration of the development and keep a copy of the ESIP on-site.

Findings and Conclusions	Recommended Conditions
• A PBDB will also be required to be prepared prior to the issue of a construction certificate. • The Department's assessment concludes the development can be suitably designed and operated to mitigate fire risk, includes appropriate storage arrangements for combustible waste and will ensure the protection and safety of occupants, firefighters and property.	
Groundwater	
• Temporary dewatering activities during construction and remediation works to remove the two USTs have the potential to intercept groundwater in the Botany Sands Groundwater Source, which is reported as being at a depth of 1.2 m. A detailed assessment under the NSW Aquifer Interference Policy is required but was not provided in the EIS. • In response to a request from DCCEEW-Water, the Applicant provided an analysis of potential groundwater take during construction and remediation works in the Submissions Report. The analysis confirmed a water access licence (WAL) would not be required as the volume of water take during temporary dewatering activities would be approximately 829,440 litres, which is less than the three megalitre (ML) threshold for a WAL under the *Water Management Act* 2000 and Water Management (General) Regulation 2025 (WM Regulation). • DCCEEW-Water did not raise any concerns regarding the groundwater analysis and recommended conditions requiring the Applicant to comply with water take recording and reporting requirements with WAL exemption provisions of the WM Regulation. • The Department is satisfied the groundwater analysis demonstrates that the temporary dewatering activities associated with construction and remediation will not require a WAL and are unlikely to cause any adverse off-site impacts to the Botany Sands Groundwater Source. The conditions recommended by DCCEEW-Water have been incorporated into the consent. • To ensure dewatering activities are carried out in accordance with the relevant DCCEEW-Water requirements, conditions require the preparation of a Dewatering Management Plan and Dewatering Completion Report prepared in accordance with the reporting requirements in the Department's *Minimum requirements for building site groundwater investigations and reporting*. • The Department is satisfied that temporary groundwater impacts can be appropriately managed subject to the implementation of the recommended conditions of consent. The Department's assessment concludes that temporary dewatering activities are unlikely to cause adverse off-site groundwater impacts.	Require the Applicant to: • obtain a WAL, unless an exemption applies • comply with water take recording and reporting requirements • prepare and implement a Dewatering Management Plan and prepare a Dewatering Completion Report.
Surface Water Management	
• The development will modify the existing stormwater drainage arrangements at the site such that all stormwater runoff is directed to a new stormwater	Require the Applicant to:

Findings and Conclusions	Recommended Conditions
discharge point at the front of the site on Hale Street. Stormwater must be managed appropriately to ensure off-site discharges do not impact the quality of downstream aquatic environments, including Mill Stream. • The Applicant's Integrated Water Management Report (IWMR) detailed the proposed stormwater drainage and treatment system, which includes a roof water drainage system and rainwater tank to reduce the demand on potable water, a surface drainage and pit and pipe network to manage minor and major flows, flood storage (in lieu of OSD) and a raingarden for biofiltration. • The IWMR was revised on two occasions in response to concerns raised by Council regarding the level of detail provided for the proposed stormwater system. This included revised civil drawings of the stormwater drainage system. MUSIC modelling in the Amended IWMR confirmed treatment of stormwater quality discharges via the treatment system would achieve the relevant pollution reduction targets detailed in Council's Stormwater Management Technical Guidelines. • Council did not raise any further concerns regarding the proposed stormwater design and recommended conditions requiring detailed design plans of the stormwater system to be submitted to the Principal Certifier for approval and for the design to be consistent with the conceptual design in the IWMR and Amended Civil Plans. Council also recommended the stormwater system be certified by an appropriately qualified engineer post-construction to ensure the system is constructed as approved and in accordance with relevant standards. • EPA recommended the Applicant prepare an Operational Water Management Plan prior to the commencement of operation of the development. • The Department is satisfied the proposed stormwater management system as detailed in the Amended IWMR and Amended Civil Plans incorporates appropriate measures to manage and mitigate stormwater flows and quality to achieve the relevant Council standards and minimise the risk of adverse off-site water quality and quantity impacts. • Conditions are recommended requiring the Applicant to finalise the detailed design of the stormwater management system in consultation with Council and in accordance with relevant Australian Standards and be generally in accordance with the conceptual design in the Amended IWMR and Amended Civil Plans. Consistent with the advice of the EPA, an operational WMP must also be prepared that includes a program to monitor surface water flows and quality, incorporate assessment criteria and trigger levels and a protocol for the investigation and mitigation of identified exceedances of the criteria. • The Department's assessment concludes the development has been designed to manage stormwater flows discharged from the development in accordance with relevant standards. Ongoing monitoring implemented through the required WMP will ensure any unexpected exceedances are investigated and can be appropriate mitigated, as required.	• comply with section 120 of the *Protection of the Environment Operations Act 1997* (POEO Act) which prohibits the pollution of waters, except as expressly provided for in an EPL • finalise the detailed design of the stormwater system in consultation with Council and in accordance with relevant technical guidance and AS and generally consistent with the Amended IWMR and Amended Civil Plans • prepare and implement a WMP that includes a program to monitor, set surface water criteria and triggers and a protocol to investigate any exceedances.
Waste Management	

Findings and Conclusions	Recommended Conditions
• Compliance with EPA's reporting and record keeping requirements and implementation of rigorous waste management and monitoring procedures is imperative to ensure the volume and types of wastes received and processed at the development is consistent with the proposed limit of 300,000 tpa and restricted to general solid waste (non-putrescible). • The EIS provided details of the incoming waste procedures, inspections, waste tracking, waste recovery and management, waste storage areas, and waste transport. The Applicant advised the development would comply with all requirements in the NSW EPA's *Managing Construction Waste in NSW,* which sets out the standards a C&D waste transfer station must comply with under environmental legislation. • With respect to non-conforming waste, the Applicant's assessment confirmed all trucks would be visually inspected upon arrival, and any visibly unacceptable loads would be rejected, logged and transported off-site by the customer. Any non-conforming waste identified within the warehouse tipping area would be immediately re-loaded and placed in a non-conformance skip bin within the warehouse. • The Applicant committed to preparing and implementing a Waste Management Plan to describe all waste management procedures for the development. This would include an incoming waste quality plan, to identify and manage non-conforming waste. • The EPA did not raise any concerns regarding the proposed waste management or reporting procedures, but recommended a suite of conditions regarding waste management, receipt, storage and processing. This included limiting the volume and types of wastes permitted to be received at the facility, compliance with the requirements in the EPA's *Managing Construction Waste in NSW,* disposal of non-conforming waste within 72 hours of receipt, and preparation and implementation of an Operational Waste and Material Management Plan (OWMP) that details all waste management processes. • The Department considers the proposed waste management procedures are consistent with the EPA's requirements for waste receipt, handling, tracking and storage. To ensure the proposed waste management procedures are adhered to, the Department has recommended conditions requiring the Applicant to prepare and implement an OWMP that details the types of waste inputs and waste handling procedures, reuse of waste materials, quality control measures for incoming waste streams and waste monitoring procedures. • A waste monitoring program is required to be implemented to monitor the quantity, type and source of waste received and the outputs produced at the development. All waste sampling and classification data is to be retained for the life of the development in accordance with EPA requirements. • The Department's assessment concludes the development proposes a range of appropriate waste management processes and procedures consistent with relevant EPA requirements. Implementation of these measures will ensure offsite environmental and health impacts are unlikely to occur.	Require the Applicant to: • prepare and implement an OWMP and waste monitoring program to the satisfaction of the Planning Secretary • only receive, store and process waste authorised by an EPL • classify all liquid and non-liquid waste wastes in accordance with the EPA's guidelines • dispose of all wastes to a waste management facility or premises lawfully permitted to accept the waste • retain all sampling and waste classification data for the life of the development.

Findings and Conclusions	Recommended Conditions
Visual and Landscaping	
• Council raised several concerns regarding the proposed landscape strategy for the development, including insufficient details of selected species, landscape features and the water sensitive urban design (WSUD) strategy, lack of perimeter landscaping and an outdoor amenity space for employees, inadequate offsets for loss of trees, and insufficient car park landscaping. • To address Council's concerns, the Applicant revised the Landscape Concept Design Report (LCDR) and Arboricultural Impact Assessment and Management Plan (AIAMP) on two occasions. The final revised LCDR incorporated a landscaped buffer along the western and northern landscaped areas, species information for all proposed trees, improvements to the public domain using native species, offset planting at a ratio of 3:1 for the loss of nine trees (in accordance with Council's Development Control Plan), an outdoor space for staff and improved canopy coverage for the car park. • Council did not raise any further concerns with the revised LDCR and AIAMP. No other concerns were raised in submissions regarding landscaping or the visual impacts of the development. • The Department is satisfied the Applicant has addressed the requirements of Council and proposes appropriate landscape treatments and plantings within the site while balancing the risk of wildlife attraction in proximity to Sydney Airport. This includes the selection of appropriate native species documented in a landscape planting strategy and palette and limiting nesting and perching activities. • A suitably sized outdoor area (16 m^2) for employees has been provided in the site design, and WSUD elements (raingarden) have been incorporated into the landscaping to treat stormwater. Additional public domain improvements have also been included in the overall site landscape strategy to improve the quality of the public domain along the frontage of Hale Street. • To ensure the landscape design documented in the LCDR is implemented, the Department has recommended conditions requiring the Applicant to prepare a Landscape Management Plan (LMP) consistent with the planting strategy and palette in the LCDR and to manage the development's landscaping works to the satisfaction of the Planning Secretary. Details of ongoing monitoring and maintenance measures are to be included to ensure the landscaping is maintained for the life of the development. • The Department's assessment concludes the proposed landscaping is appropriate for the nature of the development within an existing industrial area and will be maintained for the life of the development.	Require the Applicant to: • prepare a LMP consistent with the landscape strategy and palette in the final revised LCDR • maintain the landscaping and vegetation on the site in accordance with the approved LMP for the life of the development.
Contributions	
<u>Local Contributions</u> • The site is located within the City of Botany Bay S94A Development Contributions Plan 2016 – Amendment 1 area. The local contribution plan requires the payment of a contribution of 1% of the development cost.	Require the Applicant to: • pay the relevant local and State contributions

Findings and Conclusions	Recommended Conditions
• Council advised that the Applicant would be required to make a development contribution of $155,320.00. • The Department has recommended conditions requiring the payment of the local development contributions. The Applicant has accepted this condition. <u>Housing and Productivity Contribution</u> • The site is subject to the Housing and Productivity Contribution in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024. • The Department has recommended a condition requiring the Applicant to pay a contribution of $62,960.69 prior to the issue of a construction certificate. The Applicant has accepted this condition.	

7 Evaluation

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ESD. The Department has considered the development on its merits, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the development, advice received from the relevant public authorities, including Council, and submissions from the public.

None of the State government authorities, or Council objected to the proposal, however it is acknowledged there were 28 public objections, including local businesses, that raised concerns regarding the potential for traffic, noise, air quality and health impacts. The Department has sought to address issues raised by the community and government stakeholders by liaising with the Applicant and key agencies, including Council, the EPA, DCCEEW-Water, CPHR and the NSW SES. This included facilitating several meetings between the Applicant and these agencies to resolve residual issues. In acknowledgement of the concerns raised by the community and Council in relation to traffic impacts, the Department also sought independent technical advice from the Department's Chief Engineer to assist with the assessment of traffic and to ensure traffic impacts associated with the development can be appropriately managed.

The Department is satisfied the proposal is consistent with the NSW Waste and Sustainable Materials Strategy 2041 and broader circular economy objectives by facilitating the sorting and recovery of non-putrescible C&D waste. Locating the facility within an established industrial precinct, with easy access to the regional road network, enables the efficient transfer of waste while limiting impacts on residential areas.

The site has a history of industrial use, is zoned for industrial purposes, and is surrounded largely by industrial land uses. The Department acknowledges the presence of an isolated residential flat building at 3 Luland Street that exists under existing use rights within the industrial zone and has carefully considered potential amenity impacts on this and other nearby sensitive receivers.

The Department has undertaken a detailed assessment of the environmental impacts of the proposal, with particular focus on the key issues of traffic, flooding, noise and airport safeguarding, as well as other matters including air quality, contamination, water management, heritage, fire safety and hazardous materials.

Traffic impacts were a primary concern raised by Council, NSW Ports and the community, particularly in relation to potential queuing and congestion on Hale Street. Independent review by the Department's Chief Engineer confirmed the traffic assessment was reasonable, and conditions have been imposed to ensure ongoing monitoring, compliance reporting and adaptive management should unexpected impacts arise. The Department is satisfied that, subject to strict compliance with the

OTMP and recommended conditions, traffic generated by the development can be managed to minimise adverse impacts on the surrounding road network.

The site is subject to significant flood risk, however, the Department is satisfied the amended FIA and FEMP demonstrate the development will not have cause any adverse off-site impacts and staff and visitors can be safely evacuated in a flood event. Filling the site to the flood planning level, reinstating overland flow paths via a box culvert, and providing a high-level shelter-in-place refuge will improve flood resilience compared with existing site conditions. Conditions requiring the implementation of flood mitigation works and emergency planning are critical to ensuring the safety of people and preventing environmental harm during major flood events.

Noise impacts, particularly at the residential building at 3 Luland Street, were carefully considered. While the noise assessment identified potential exceedances of conservative PNTLs under worst-case scenarios, the Department considers the impacts acceptable in the industrial context of the site, noting the existing high ambient noise environment influenced by road traffic and aircraft operations and the construction standard of the building. Strict operational noise limits at residential receivers and Botany Public School, and monitoring and management requirements have been imposed to ensure residual noise impacts are minimised during operation.

In relation to airport safeguarding, the Department is satisfied the development can proceed without unacceptable impacts on the safety or efficiency of Sydney Airport operations, subject to compliance with the recommended aviation-related conditions. These include a post-construction flight inspection, FOD management, lighting controls and wildlife hazard management.

Other environmental issues, including air quality, land contamination, surface and groundwater management, Aboriginal cultural heritage, fire safety and hazardous materials, have been assessed and can be managed, subject to the implementation of mitigation measures, and conditions requiring the strict implementation of management actions. A Site Auditor will be appointed to ensure oversight of the remediation activities required to make the site suitable for the development.

Strict compliance with conditions and implementation of the Applicant's proposed site management procedures and mitigation measures consistent with the NSW EPA's *Standards for managing construction waste in NSW* will ensure the site can be operated in accordance with best practice.

The Department acknowledges the level of concern raised by the community, particularly in relation to traffic, noise, air quality and potential health impacts. The Department has carefully considered these concerns and required the Applicant to provide additional information and amendments to the technical impact assessment reports to thoroughly address the issues raised. The Department has carried out a rigorous assessment of the Applicant's reports and is satisfied the development can be operated without causing adverse impacts to the safety or efficiency of the surrounding road network and is unlikely to cause unacceptable noise or air quality impacts.

The Department is satisfied that community concerns have been appropriately considered and addressed through the Department's assessment, design refinements, operational controls and conditions of consent. Importantly, the recommended conditions include monitoring, compliance reporting and independent auditing requirements to provide ongoing oversight of the development once operational. This will ensure strict compliance with traffic management measures, air quality mitigation measures and management measures, and operational noise limits at residential receivers and Botany Public School.

Having regard to all relevant matters, the Department considers the proposal would deliver important benefits, including the provision of essential waste management infrastructure, improved resource recovery outcomes, employment generation and capital investment within the Bayside local government area. The development is consistent with the relevant strategic documents, including the Waste and Circular Infrastructure Plan and the Waste and Sustainable Materials Strategy, and makes efficient use of existing industrial land for an appropriate land use.

On balance, the Department considers the development is in the public interest and should be approved, subject to the recommended conditions.

8 Recommendation

For the purpose of section 4.38 of the EP&A Act, it is recommended that the **Executive Director, Energy, Resources and Industry Assessments**, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of Waste Management Facility, Botany (SSD-62855708), subject to the conditions in the attached development consent
- **signs** the attached development consent (**Appendix F**).

Recommended by:

29 May 2026

Sally Munk
Principal Planner
Industry Assessments

Recommended by:

29 May 2026

Joanna Bakopanos
A/Director
Industry Assessments

9 Determination

The recommendation is **adopted** by:

29 May 2026

Chris Ritchie
Executive Director
Energy, Resources and Industry Assessments

Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
Additional Information	Correspondence by the Applicant in response to the Department's request for information, including the documents titled 'Response to RFI' prepared by Element dated 30 September 2025, 'Request for Additional Information – Traffic Response' prepared by Element dated 18 December 2025 and 'Request for Additional Information – Noise Response' prepared by Element dated 13 February 2026
Applicant	The Trustee for Coombes Family Trust No.16, or any person carrying out any development to which this consent applies
BDAR	Biodiversity Development Assessment Report
Council	Bayside Council
CPHR	Conservation Programs, Heritage and Regulation Group of the NSW Department of Climate Change, Energy, the Environment and Water
DA	Development Application
DCCEEW – Water	Water Group of the NSW Department of Climate Change, Energy, the Environment and Water
Demolition	The deconstruction and removal of buildings, sheds, hardstand and other structures on the site
Department	Department of Planning, Housing and Infrastructure (DPHI)
Development	The development described in the EIS and Submissions Report, including the works and activities comprising demolition of existing structures and hardstand and the construction and operation of a waste transfer station
EDC	Estimated Development Cost
EIS	Environmental Impact Statement titled 'Coombes Property Group & KLF Group - Waste Management Facility, Botany Environmental Impact Statement', prepared

Abbreviation	Definition
	by EME Advisory dated 15 July 2024, submitted with the application for consent for the development
EPA	NSW Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
Foreign Object Debris	Fragments of loose material (such as sand, stone, paper, wood, metal, fragments of pavement) that are detrimental to aircraft structures or engines and may impair the operation of aircraft if they strike or are ingested into an aircraft engine
FRNSW	Fire and Rescue NSW
Heritage NSW	Heritage NSW, within the NSW Department of Climate Change, Energy, the Environment and Water
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
NCC	National Construction Code
DCCEEW	NSW Government Department of Climate Change, Energy, the Environment and Water
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
Planning Secretary	Secretary of the Department
SEARs	Planning Secretary's Environmental Assessment Requirements

Abbreviation	Definition
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
SEPP	State Environmental Planning Policy
SSD	State Significant Development
TfNSW	Transport for NSW

Appendices

Appendix A – List of Referenced Documents

The Department has relied upon the following key documents during its assessment of the development:

Environmental Impact Statement

- 'Coombes Property Group & KLF Group - Waste Management Facility, Botany Environmental Impact Statement', prepared by EME Advisory dated 15 July 2024

Submissions

- All submissions received from relevant public authorities and the general public

Submissions Report

- 'Waste Management Facility, Botany Submissions Report', prepared by Element and dated 23 April 2025

Additional Information

- Correspondence by the Applicant in response to the Department's requests for information, including the documents titled 'Response to RFI' prepared by Element dated 30 September 2025, 'Request for Additional Information – Traffic Response' prepared by Element dated 18 December 2025 and 'Request for Additional Information – Noise Response' prepared by Element dated 13 February 2026

Statutory Documents

- Relevant considerations under section 4.15 of the EP&A Act (see **Appendix E**)
- Relevant environmental planning instruments, policies and guidelines (see **Appendix E**)

All documents relied upon by the Department during its assessment of the application may be viewed at:

https://www.planningportal.nsw.gov.au/major-projects/projects/waste-management-facility-botany

Appendix B – Submissions and Government Authority Advice

All submissions and government authority advice can be found here:

https://www.planningportal.nsw.gov.au/major-projects/projects/waste-management-facility-botany

Appendix C – Community Views for Draft Notice of Decision

Table 10 | Key issues and how they have been considered

Issue	Consideration
Traffic *Exacerbation of existing capacity constraints in the surrounding road network leading to further congestion and delays* *Robustness of the Applicant's traffic assessment and discrepancies in the traffic queuing analysis*	In response to issues raised, the Applicant has provided an amended TIA, including a refined queuing analysis, SIDRA modelling and a draft OTMP. This material demonstrates that, during critical weekday peak periods, the development would generate fewer vehicles than the existing uses on the site and that predicted peak arrival rates would be well within the site's internal processing capacity. Independent review by the Department's Chief Engineer confirmed that the traffic modelling and assessment methodology were reasonable, subject to strict operational controls. Operational traffic can be managed to ensure all heavy vehicles are wholly accommodated within the site and do not queue on the public road network. The development incorporates separated access for heavy and light vehicles, two weighbridges, designated internal stacking areas and internal circulation designed to accommodate the largest anticipated vehicle types, including 26-metre B-doubles. The OTMP sets out procedures for scheduling, dispatch and communication with drivers, priority management of inbound vehicles, and real-time monitoring of site conditions to ensure vehicle arrivals are evenly distributed and internal queuing capacity is not exceeded, particularly during peak periods. The Department considers the OTMP is critical to managing operational traffic impacts and ensuring Hale Street continues to operate safely and efficiently. Conditions of consent require the OTMP to be finalised and implemented prior to the commencement of operation and to include clear operational controls, on-site queuing diagrams, maximum stacking capacities, designated vehicle routes and contingency measures to manage unexpected events such as breakdowns, incidents or surges in arrivals. The OTMP must also include trigger thresholds and defined response actions to prevent the risk of vehicles queuing back onto Hale Street. To ensure ongoing compliance and accountability, conditions also require that operational traffic does not result in vehicle queuing on public roads, that heavy vehicles are not parked on surrounding local streets, and that all loading, unloading and waiting occurs entirely within the site. Additional conditions mandate monitoring and reporting on traffic performance,

Issue	Consideration
	preparation of annual compliance reports, and periodic independent audits of operational traffic management. Subject to implementation of the conditions, the Department is satisfied that the development will not cause additional congestion or delays on Hale Street or the surrounding road network.
Air Quality and Health Risks *Current air quality and pollution dust in the area is already relatively poor from aircraft and truck fuel* *Local businesses and school may be impacted by dust and hazardous emissions* *Concerns regarding the health and safety of residents and school children*	The Applicant's AQIA considered construction and operational emissions, including dust and vehicle exhausts, and concluded that with standard mitigation measures, construction impacts would be temporary, localised and within relevant NSW EPA criteria. Construction air quality impacts are expected to arise primarily from demolition, earthworks and vehicle movements. These impacts will be managed through the implementation of standard best practice controls, including dust suppression, progressive stabilisation of disturbed areas, covering of loads and controls on vehicle movements. With these measures in place, construction related air quality impacts are predicted to be short term and minor. During operation, potential air emissions will be minimised through the enclosed design of the facility and controls on waste handling and traffic movements. All waste receipt, sorting and storage will occur within the enclosed building, hardstand areas will be sealed, truck loads covered, vehicle idling minimised and an operational wheel wash used to prevent tracking of material onto public roads. The assessment confirms that operational emissions will result in minimal incremental increases above existing background levels. Furthermore, the assessment demonstrated the development would not result in additional exceedances of air quality standards at surrounding sensitive receivers. On this basis, the Department is satisfied that air quality impacts are acceptable and manageable. To ensure air quality impacts are effectively managed, the Department has recommended conditions requiring the Applicant to take all reasonable steps to minimise dust and air pollutant emissions during construction and operation. Conditions require preparation and implementation of an Air Quality Management Plan, including monitoring, performance criteria, trigger levels, response measures and contingency actions. Subject to the implementation of these conditions, the Department is satisfied that air quality impacts will be appropriately managed and will not adversely affect surrounding receivers.

Issue	Consideration
Noise *Noise impacts during night-time periods because of 24/7 operations* *Existing road traffic noise will be exacerbated* *Constant background noise from waste operations*	The Applicant's NVIA was revised several times to address concerns raised by the EPA and the Department. While conservative modelling identified potential exceedances under worst-case scenarios, the Department is satisfied that, having regard to the industrial context and existing ambient noise environment which is dominated by road traffic noise, operational noise impacts can be acceptably managed. Operational noise will mainly arise from vehicle movements, waste handling activities and mechanical plant. All waste receipt, sorting and storage activities will occur wholly within the enclosed warehouse, significantly limiting noise breakout. Vehicle movements will be controlled through internal circulation arrangements, speed limits, managed arrival rates and restrictions on routing, reducing noise at surrounding sensitive receivers. Predicted maximum noise events are intermittent and generally comparable to existing road traffic noise levels in the area. In considering impacts at 3 Luland Street, the Department had regard to the existing exposure to elevated ambient noise and the construction standard of the building and is satisfied that operational noise impacts are acceptable without the need for additional at-receiver mitigation. To ensure noise impacts are appropriately managed, the Department has recommended conditions requiring compliance with operational noise limits, preparation and implementation of an Operational Noise Management Plan, and post-commencement noise verification and monitoring. Conditions also require complaints handling, ongoing monitoring, reporting and independent audits. With these conditions in place, the Department is satisfied that operational noise impacts will be effectively managed and is unlikely to result in adverse amenity impacts.
Contamination *Ground contamination is a real concern and residents should be notified about the remedial process* *Proximity to waterbodies and the risk of contamination* *How will contamination be controlled*	The Applicant provided a Detailed Site Investigation, Remedial Action Plan (RAP) and Interim Audit Advice prepared by an EPA-accredited Site Auditor. Investigations identified contamination associated with historical industrial use, including underground storage tanks (USTs), hydrocarbon-impacted soils, asbestos-impacted fill and other hazardous materials. The Site Auditor confirmed that, although further contamination may be identified during works, the proposed remediation framework is appropriate to manage both known and unexpected contamination. On this basis, the Department is satisfied the site can be made suitable for the proposed development.

Issue	Consideration
	The site will be remediated in accordance with the approved RAP, which includes removal of USTs, excavation and treatment of contaminated soils, validation testing and appropriate containment measures where required. Due to extensive existing hardstand and buildings, further investigation will occur following demolition to confirm the extent of contamination and remediation requirements. Remediation works will be overseen by an EPA-accredited Site Auditor to ensure consistency with regulatory standards and protection of human health and the environment. A Long-Term Environmental Management Plan (LTEMP) will be prepared to manage any residual contamination and maintain the suitability of the site for its approved use over time. To ensure appropriate remediation and avoid adverse environmental impacts, conditions of consent require engagement of an EPA-accredited Site Auditor, implementation of the approved RAP, validation of remediation outcomes and submission of a Site Audit Statement prior to commencement of operation. Conditions also require preparation and implementation of the LTEMP and compliance with all auditor recommendations. Subject to the implementation of these conditions, the Department is satisfied contamination can be effectively managed and the site can be made suitable for the development.

Appendix D – Statutory Considerations

Table 11 | Mandatory Matters for Consideration

Matter for Consideration	Department's Assessment
Environmental planning instruments, proposed instruments and development control plans	The Department's consideration of the relevant EPIs (including draft instruments subject to public consultation under the EP&A Act) is provided in **Appendix E.**
Planning agreements	There is no planning agreement associated with the application
EP&A Regulation	The Department has assessed the development in accordance with all relevant matters prescribed by the EP&A Regulation, the findings of which are contained in this report.
Likely impacts	The Department has considered the likely impacts of the development in detail in **Section 6** of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
Suitability of the site	The site is suitable for the development as: • it is readily accessible from the broader regional road network • it has access to utility services • the development is permissible with consent
Public submissions	All matters raised in submissions have been summarised in **Section 5** of this report and given due consideration as part of the assessment of the development in **Section 6** of this report.
Public interest	The development would generate up to 12 jobs during construction, 11 jobs during operation and direct $15,575,000 in capital investment in the Bayside local government area. The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers to the development is in the public interest.

Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in **Table 12** below.

Table 12 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	• The development would promote social and economic welfare and a better environment by diverting reusable wastes away from landfill. • Permitting the acceptance, storage and transfer of C&D waste would assist in meeting the growing demands of the community for waste and recycling processing.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	• The Department's assessment has considered all social, economic and environmental considerations, including ESD. • The Department's detailed consideration of the issue is in **Section 6**
(c) to promote the orderly and economic use and development of land,	• The development is permissible use which would promote orderly and economic development of land and would provide employment for 12 operational employees. • The Department's consideration of this issue is in **Section 6** of this report.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	• Whilst no BDAR was submitted for this project, the Department's assessment in **Section 6** demonstrates that with the implementation of the recommend conditions of consent, the impacts of the development can be mitigated and/or managed to ensure the environment is protected.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	• The Applicant provided an ACHAR which concluded a ACHMP must be prepared in consultation with registered Aboriginal Stakeholders. • Potential Aboriginal Cultural Heritage impacts during construction of the development are

Object	Consideration
	assessed in Section 6. The Department is satisfied the Applicant assessed the potential impacts in accordance with relevant NSW government guidance and potential impacts to any items of Aboriginal cultural significance will be appropriately managed and protected by implementation of the ACHMP.
(g) to promote good design and amenity of the built environment,	• The Department considers the development would provide good design and amenity of the built environment suitable for an industrial development.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	• The Department has recommended a number of conditions of consent to ensure the construction and maintenance of the development is undertaken in accordance with the relevant legislation, guidelines, policies and Australian Standards. This is expanded on in **Section 6.**
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	• The Department has assessed the development in consultation with, and given due consideration to, the technical expertise and comments provided by other government agencies. This is consistent with the object of sharing the responsibility for environmental planning between the different levels of government in the State.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	• The application was exhibited in accordance with Schedule 1 clause 9 of the EP&A Act to provide public involvement and participation in the environmental planning and assessment of this application.

EP&A Regulation

Part 4, Division 1 of the EP&A Regulation requires the consent authority to consider additional matters for certain developments as part of the matters for consideration under section 4.15 of the EP&A Act.

As the development involves demolition, conditions require the Applicant to carry out all demolition in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001),* in accordance with Part 4, Division 1, section 61(1)..

There are other no additional matters in Division 1 of the EP&A Regulation that the consent authority must consider.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPIs were considered as part of the Department's assessment:

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The Planning Systems SEPP identifies certain classes of development as SSD. The proposal is SSD pursuant to section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development for the purpose of a waste management facility that handles more than 100,000 tonnes per year of waste which meeting the criteria in Clause 23 of Schedule 1 in the Planning Systems SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)

Chapter 2 of the T&I SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for consultation with relevant public authorities about certain types of development during the assessment process.

The development is defined as a traffic generating development under Section 3 of the SEPP.

The Department consulted with TfNSW as part of its assessment of the application. TfNSW's comments are detailed in **Section 5**. TfNSW advised that the development is unlikely to have a significant impact on the classified road network.

The Department is satisfied that the operational traffic movements to and from the site can be managed efficiently, subject to the proposed conditions of consent.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

Chapter 3 of the Resilience and Hazards SEPP aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impact on off-site receptors. The development would not require the storage of quantities of dangerous goods in excess of the triggers established in the Department's Applying (the former) SEPP 33 guidelines (January 2011) and therefore a Preliminary Hazard Analysis (PHA) was not required.

Chapter 4 of the Resilience and Hazards SEPP aims to provide a State-wide approach to the remediation of contaminated land.

The Applicant carried out a Detailed Site Investigation (DSI) as part of the EIS. The DSI recommended creating a Remedial Action Plan (RAP) to address the site contamination and refine the extent of required remediation. The DSI also recommended that the existing Underground Storage Tank (UST) infrastructure be decommissioned. A RAP was submitted with the EIS together with Interim Audit Advice from an EPA Accredited Site Auditor that confirmed the suitability of the RAP.

The Department is satisfied that the site will be appropriately remediated subject to the Applicant preparing a Long Term Environmental Management Plan and by ensuring site remediation works will be overseen by an EPA Accredited Site Auditor and works being undertaken by suitably qualified and experienced consultants in accordance with the approved RAP. The Department is satisfied the site can be made suitable for the development. The Department's consideration of contamination is set out in **Section 6.5.**

State Environmental Planning Policy (Industry and Employment) 2021 (I&E SEPP)

Chapter 3 of the I&E SEPP aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of a high-quality design and finish, in accordance with Schedule 5.

The development will include an identification sign integrated with the façade, a business identification pylon sign and two directional pylon signs.

The Department is satisfied that the proposed signage will be appropriately incorporated into the architectural design of the development, would not detract from the surrounding locality and would provide suitable wayfinding and direction within the site. The Department is satisfied that the development will be consistent with the aims and objectives of the Industry and Employment SEPP.

Table 13 | Consideration of Industry and Employment SEPP – Schedule 5 Assessment Criteria

Objective	Consideration
1 Character of the area	The development is in the Botany industrial area and the signage will be of similar scale, quality and design to existing industrial facilities in the area.
2 Special areas	The signage is not expected to be viewed from any surrounding special areas.
3 Views and vistas	The Department does not consider the proposal to obscure or dominate views or vistas.
4 Streetscape, setting or landscape	The Applicant undertook a visual impact assessment for the EIS and found the development has been designed in a way to integrate into its surroundings, acknowledging the blend of land use zones. Give

Objective	Consideration
	the size of the signage comparative the built form of the site, it is considered the size and form of the signage is appropriate for the site and will not detract from the streetscape or industrial setting.
5 Site and building	The scale, proportion and form of the main façade sign is less than 5% of the total building façade area proposed. As such is it considered compatible and proportional to the warehouse building.
6 Associated devices and logos with advertisements and advertising structures	There are no safety devices, platforms or logos proposed wit the signage
7 Illumination	The illumination from the proposed signs is to be designed and located in such a way as to not have a detrimental off-site impact. The lighting is to be provided in accordance with the Australian Standard – Control of Obtrusive Effects of Outdoor Lighting.
8 Safety	The scale of the signs will not reduce the visibility of the road network or obscure sightlines from areas. As such, it is not expected that the signage will cause a safety risk.

Appendix E – Recommended Instrument of Consent

The instrument can be found here.