

In reply please quote: 16/04398 – A1868355
Your Ref: SSD 15_7256

Contact: Edward Saulig on 9725 0229

4 May 2016

Emma Barnet
Major Project Assessments
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: emma.barnet@planning.nsw.gov.au

Dear Ms Barnet

**SSD 15_7256 - SUBMISSION - PROPOSED WASTE AND RESOURCE
MANAGEMENT FACILITY AT 35-37 FRANK STREET, WETHERILL PARK**

Submission summary

Council raises no objection to the proposal subject to issues being addressed as identified in this submission and the inclusion of conditions as recommended in the proposal's determination.

Overview

Council has received notification from the NSW Department of Planning and Environment of a proposed Waste and Resource Management Facility (State Significant DA) at 35-37 Frank Street (site area 2.1 ha) in the Wetherill Park Industrial Area. The project has a Capital Investment value (CIV) of approximately \$30.8 million (making the DP&E the relevant consent authority) and involves:

- Demolition of existing structures and buildings associated with a scrap metal facility previously operating on the site since the early 1980s.
- Earthworks and construction of new office/processing buildings, storage, vehicular parking and weighbridge areas for the purpose of a waste and resource management facility.
- Capability to convert up to 250,000 tonnes of raw material per annum into approximately 150,000 tonnes of processed engineering fuel (an alternative fuel used for industrial purposes including cement manufacturing) and over

75,000 tonnes of reusable commodities such as metal, wood, concrete, bricks, rubble and soil.

- Creation of 40 permanent employee positions.

The Environmental Impact Statement (EIS) prepared for the proposal indicates benefits stemming from the proposal include:

- Diversion of waste from landfill through recycling of 90% of material to be delivered on the site.
- Conversion of fossil fuel by replacing it with sustainable 'green fuel'.
- Achieving carbon emission reduction in the cement manufacturing process.
- Cost savings for industry through replacement of fossil fuel with 'green fuel'.
- Employment generation both during construction and once the facility is operating.

Issues for Fairfield City

A. Land Use, Proposed Development and Local Impact

Under Fairfield LEP 2013, the land use category is Zone IN1 - General Industrial and the proposed use is permissible with development consent.

Under Fairfield City Wide DCP 2013, the proposal is generally consistent with the provisions of Chapter 9 – Industrial Development. The proposed built form, site layout and design features of the development are compatible with the character of existing industrial development in the surrounding area.

The site is located centrally in the Wetherill Park Industrial, approximately 700-800m from the nearest residential properties to the east and south in Smithfield and Wetherill Park. In this regard the potential for the operations on the site to directly impact on the amenity of the residential areas of the City is considered negligible.

B. Traffic and Parking

The proposal has been reviewed by Council's Traffic and Transport Branch, noting, in part:

- On weekdays at full capacity the site will generate up to 400 truck movements a day; the facility will also receive material from the general public delivered by car/trailer.
- Principle truck movements to the site are proposed to be via the existing road network servicing the Wetherill Park Industrial Area including the main arterial roads of Elizabeth Drive, Victoria Street and The Horsley Drive.

- Traffic generated by the proposal has limited potential to impact on the residential road network of the City.

Council raises no objection to the proposal subject to the following being satisfactorily addressed prior to determination:

- a) That the proposal shall be referred to the Roads and Maritime Services for comment.
- b) That the existing vehicular crossings in Frank Street shall be retained. All trucks shall enter and exit using the western vehicular crossing, to be widened to 13.5 metres and separated by a raised concrete median 1 metre wide in order to accommodate B-Double and articulated vehicles.
- c) That the existing crossing on the eastern side of the site shall be used by staff and visitor vehicles and shall be a combined driveway.
- d) That demand for car parking shall be determined by a car parking survey of a comparable facility in order to provide on-site parking.
- e) That manoeuvring on site, particularly in the vicinity of car parking space No.2 shall be re-evaluated to ensure compliance.
- f) That the applicant shall liaise with Council's Subdivision Branch in regard to replacing the drainage pit grate located within the western vehicular crossing.
- g) That the car parking areas shall be designed in accordance with AS 2890.1:2004.
- h) That a Traffic Management Plan shall be submitted for the demolition/construction activities, detailing vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures.
- i) That an Incident Management Strategy shall be submitted for crashes involving toxic and flammable loads transported on arterial and local roads.

C. Environmental Protection

The proposal has been reviewed by Council's Environmental Management Branch including an assessment of safeguards included in the proposal with relevant industry standards for this form of development.

The proposal involves the establishment of a Waste and Resource Management Facility to process waste material to produce *Processed Engineering Fuel* (PEF) and other reusable commodities including aggregates, metal, timber and soil. The source material is comprised of dry mixed light loads which usually contain a mix of timber,

metals, plastics, cardboard and paper. The material stream may also include small amounts of concrete, bricks and rubble.

The proposal is listed as a scheduled activity under the NSW Protection of the Environment and Operations Act (POEO Act) and will require licensing from the NSW Environment Protection Authority. The proposed facility would operate in accordance with an Environment Protection Licence.

In the review of the EIS, the PEF is derived from commercial/industrial waste streams and provides an alternative fuel source to industries to replace fossil fuels (eg. coal). The benefits of recycling combustible waste into PEF include:

- a) Diversion of waste from landfill
- b) Conservation of natural fossil fuel by replacing it with sustainable green fuel
- c) Achieving carbon emission reduction in the cement manufacturing process
- d) Cost saving for industry through replacement of fossil fuel with PEF

The majority of materials (90%) are predicted to be recycled with 10% waste being disposed of to landfill.

The EIS (Part 15.2) contains a Draft Statement of Commitments (SoC) which details the management and mitigation measures proposed for the Waste and Resource Management Facility. One aspect of the SoC is the development of an Environmental Management Plan (EMP) for the construction and operation stages of the development. Sub sections of the EMP shall consist of:

- a) Induction and training
- b) Erosion and Sediment Control Plan
- c) Air Quality Management Plan
- d) Waste Management Plan
- e) Stormwater Management Plan
- f) Traffic Management Plan
- g) Complaints Register
- h) Hazard Reduction Plan

In addition to the above, environmental monitoring and reporting during construction and operational stages is proposed. Reporting shall include compliance reports, remedial actions taken in response to incidents, auditing and monitoring (air quality, acoustic and water quality).

In view of above, provided the recommendations made within the EIS are implemented, the proposed development should not result in a significant impact on the environment or surrounding community.

Although air quality assessment criteria are predicted to be complied with at residential sensitive receptor locations, other sensitive receptors such as workers within neighbouring industrial areas have not been identified as potentially affected.

Council recommends that the Air Quality Assessment be amended to include other sensitive receptors including locations where people work. Should air quality assessment criteria be exceeded, appropriate mitigation measures shall be recommended.

Subsequent to the above amendment, Council raises no objection to the proposal subject to the following conditions:

Erosion and Sedimentation Control - Prior to the commencement of any construction works on site, controls in accordance with Chapter 3.11 of the Fairfield City Wide DCP 2013 shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

The documented erosion and sediment control plan shall be available on-site for inspection by Council Officers and all contractors undertaking works on the site.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

During Construction or Demolition - During the construction or demolition period, the applicant must ensure that:

- a) There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction or demolition;
- b) All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c) Any building work is to be carried out within the following hours.
 - 1. Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones. No work may be carried out on Sundays or public holidays.

Except that,

Building works in a IN1 zone may be carried out within the following hours:

2. Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 5:00pm. No work may be carried out on Sundays or public holidays.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement

Maintenance of Construction Site - During the construction and any dormant period, the applicant must ensure that the construction and/or development site is adequately maintained, as not to be prejudicial to the surrounding neighbourhood. In the event that the construction/development site remains dormant for a period in excess of three (3) months, permanent security fencing, hoarding or scaffolding, as defined in the relevant Australian Standard and incorporating visual shielding shall be provided and maintained to the satisfaction of Council until the completion of the development or as applicable.

Signage alerting to the presence of danger and prohibiting unauthorised entry to the site and any other signage, as required by a Development Consent, shall be displayed in a prominent position.

Note: On the spot penalties up to \$600 will be issued and/or legal action in the form of Notices/Orders for non-compliance with this requirement will be instigated.

Wheel Wash Facility - All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council roads. In order to achieve this, a wheel wash facility shall be constructed prior to any truck movements occurring. A plan and operational guidelines for the wheel wash facility shall be submitted for approval prior to the commencement of the removal of fill material from the site. Any direction of Council with regard to cleansing trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

Monitoring of State of Roadways - The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

Unreasonable Noise and Vibration - The industry, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of

the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

Lighting - Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

Public Address System - No public address system or sound amplifying equipment shall be installed so as to permit the emission of offensive noise, as defined by the Protection of the Environment Operations Act 1997, onto any private premises or public place.

Bund Wall - A bund wall shall be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area shall provide a volume equal to 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

Storage of Flammable and Combustible Liquids - Flammable and combustible liquids shall be stored in accordance with AS 1940-2004 – The Storage and Handling of Flammable and Combustible Liquids.

Storage of Dangerous Goods - Should any 'dangerous goods' proposed to be stored on the premises exceed the manifest quantity as prescribed by WorkCover, a Notification of Dangerous Goods on Premises (form FDG01 or FDG02) is required to be submitted to WorkCover for assessment.

Wheel Wash Facility - All trucks leaving the site, having had access to unpaved or contaminated areas, shall depart via a wheel wash facility in order to prevent mud, dust or debris from being deposited on Council roads. In order to achieve this, a wheel wash facility shall be constructed prior to any truck movements occurring. A plan and operational guidelines for the wheel wash facility shall be submitted for approval prior to the commencement of the removal of fill material from the site. Any direction of Council with regard to cleansing trucks or the clean up of road pavements adjoining the site shall be complied with immediately.

Monitoring of State of Roadways - The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

Unreasonable Noise and Vibration - The industry, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried

out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

Lighting - Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

Public Address System - No public address system or sound amplifying equipment shall be installed so as to permit the emission of offensive noise, as defined by the Protection of the Environment Operations Act 1997, onto any private premises or public place.

Bund Wall - A bund wall shall be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area shall provide a volume equal to 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

Drain Stencilling - All stormwater drains/pits on the site shall be provided and maintained with the message; "This pit drains to the Georges River". Lettering shall be 100mm high block bold yellow painted lettering. Paints used shall be of road line marking standard.

Environmental Reports Certification - Within three (3) months from the date of construction of the Waste and Resource Management Facility, written certification from a suitably qualified person(s) shall be submitted to NSW Environment Protection Authority and Fairfield City Council, stating that all works/methods/procedures/control measures/recommendations approved in the following reports have been completed:

- a) Environmental Impact Statement, prepared by Nexus Environmental Planning Pty Ltd, dated 8 March 2016.
- b) Noise Impact Assessment (Report no. 15278-N Version A, prepared by Wilkinson Murray Pty Ltd, dated 28 January 2016) as contained within the Environmental Impact Statement, prepared by Nexus Environmental Planning Pty Ltd, dated 8 March 2016.

Compliance monitoring - An acoustic report is to be prepared and submitted to the Appropriate Regulatory Authority, for its assessment and approval within three (3) months of occupation/completion of the development. The report shall include but is not limited to the following information:

- a) Noise measurements taken at the nearing noise sensitive locations as indicated in the Noise Impact Assessment, Report no. 15278-N Version A, prepared by Wilkinson Murray Pty Ltd, dated 28 January 2016.

- b) Verification that noise levels at the nearest potentially affected receiver/s comply with all relevant assessment criteria detailed in the abovementioned report;
- c) All complaints received from local residents in relation to the operation of the premises/development.
- d) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.

Following written approval from the Appropriate Regulatory Authority, any recommendations provided under point d) above shall be implemented fully.

Waste classification - Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and NSW Environmental Protection Authority (formerly known as Department of Environment and Climate Change) "Waste Classification Guidelines Part 1: Classifying Waste". The classification of the material is essential to determine where the waste may be legally taken.

Importation of fill material - Any fill imported into the site must meet the criteria of "Virgin Excavated Natural Material" as defined in EPA Environmental Guidelines – Assessment Classification and Management of Liquid and Non-Liquid Wastes 1999.

'Chain of Custody' documentation shall be kept for the transport of the validated fill material from the source site. A record of 'Chain of Custody' shall be submitted to Council within seven (7) days of the fill material being moved to or from the subject site.

Environmental Management Plan - An Environmental Management Plan shall be prepared for the approved facility. The Plan shall be carried out by a suitably qualified environment consultant and shall address means by which the commitment in the EIS, subsequent assessment reports, approval or licence conditions will be fully implemented. The EMP shall also provide a framework for managing and mitigating environmental impacts for the life of the proposal and make provisions for auditing the effectiveness of the proposed environmental protection measures and procedures.

Land Contamination - Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to the Appropriate Regulatory Authority and Consent Authority immediately after discovery.

Environment Protection Authority (EPA) - The Environment Protection Authority General Terms of Approval shall be complied with at all times.

NB: The EPA General Terms of Approval DO NOT constitute a license under the Protection of the Environment Operations (POEO) Act 1997. The applicant is required to obtain a license from the EPA for the approved development pursuant to the POEO Act 1997, prior to the commencement of any construction works, or any works or processes associated with the proposed development.

D. Section 94A Contributions

The imposition of a Section 94A levy, in accordance with the Fairfield City Council Indirect Development Contributions Plan 2011, on this proposal is considered appropriate having regard to the long term responsibility Council has to manage the local road network. The amount payable will be 1% of the final estimated Capital Investment Value (CIV).

In this regard, Council imposes the following condition where a Section 94A contribution is payable.

Section 94A Levy Development Contributions

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 94A Levy Contributions shall be submitted to the Certifying Authority.

The Section 94A Levy as determined at the date of this consent is \$(*).

The contribution amount payable may be adjusted at the date of payment. Any unpaid contributions will be adjusted on a quarterly basis to account for movements in the Australian Bureau of Statistics, Producer Price Index – Building Construction (New South Wales).

E. Building Control and Compliance

Council's Building Control Branch have reviewed the proposal and conducted a partial BCA review. Council raises no objection to the proposal subject to the following conditions.

Waste Management Plan - Prior to the issue of a Construction Certificate, a Waste Management Plan shall be submitted to and approved by the Principal Certifying Authority. The Waste Management Plan shall be prepared in accordance with the requirements of the Fairfield City Council Waste Not

DCP. The Waste Management Plan shall address the type of materials expected from demolition/construction; estimated volumes or tonnes of materials; proposed reuse or recycling methods; the contractors to be used; and the recycling outlet and/or landfill site.

Erosion and Sediment Control Plan - Prior to the issue of a Construction Certificate, an Erosion and Sediment Control Plan shall be submitted to and approved by the Principal Certifying Authority. The Erosion and Sediment Control Plan shall be prepared in accordance with the requirements of the Fairfield City Council's Erosion and Sediment Control Policy. The Erosion and Sediment Control Plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported, carried or discharged across and outside the boundaries of the site of the development or building activity.

Sydney Water Consent - The plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water asset and if any requirements need to be met. The plans will be appropriately stamped. All amended plans will require restamping.

Please refer to the web site www.sydneywater.com.au for:

- Quick check agents details – see Building and Developing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and developing then Building and renovating

or telephone 13 20 92

Construction Certificate Required - Prior to the commencement of any building and construction works, a Construction Certificate is required to be issued by a Certifying Authority. Enquiries regarding the issue of a Construction Certificate can be made to Council's Customer Service Centre on 9725 0222.

Appointment of a Principal Certifying Authority - Prior to the commencement of any construction works, the person having benefit of a Development Consent, or Complying Development Certificate must:

- a. appoint a Principal Certifying Authority; and
- b. notify Council of the appointment.

Notify Council of Intention to Commence Works - The applicant must notify Council, in writing of the intention to commence works at least two (2) days prior to the commencement of any construction works on site.

Kerb and Gutter Status Form - Prior to the commencement of any construction works on site, the applicant shall return the attached footpath/kerb and gutter form to Council detailing the existence of, and the

condition of, any foot paving, and/or kerb and gutter provided adjoining the site for checking against Council's records. Damage to footpaths, kerbs, stormwater systems and general streetscape will require restoration at the developer's expense.

Toilet Facility - Prior to the commencement of any construction works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility or to an alternative sewage management facility (chemical closet) approved by Fairfield City Council.

Required Signage - For building, subdivision or demolition work that will affect the external walls of the building, signage shall be installed in a prominent position detailing:

- The name, address and telephone number of the principal certifying authority for the work; and
- The name of the principal contractor (if any) of the building work and a telephone number on which that person may be contacted outside working hours; and
- Stating that unauthorised entry to the work site is prohibited.

This sign shall be maintained while the building, subdivision or demolition work is being carried out and must be removed when the work has been completed.

Interim / Final Occupation Certificate Required - Prior to the commencement of any use and/or occupation of the subject development (whole or part), either an Interim Occupation Certificate or Final Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate or Complying Development Certificate.

Interim Fire Safety Certificate - Prior to the issue of a final/interim Occupation Certificate, a final/interim fire safety certificate shall be submitted to and approved by the Principal Certifying Authority.

Note: An Annual Fire Safety Statement for the building premises dealing with essential fire safety measures shall be submitted to Council in accordance with the requirements of Clauses 177 and 181 of the Environmental Planning and Assessment Regulation 2000.

Building in Saline Environments - The whole of the Fairfield Local Government Area is potentially saline affected, and as such appropriate

design features and building materials need to be incorporated into the construction of buildings, to minimise the risk of salt damage.

Prior to the issue of an Occupation Certificate, documentary evidence shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

Compliance with the Building Code of Australia - All building work must be carried out in accordance with the provisions of the Building Code of Australia. Compliance with the performance requirements can only be achieved by:

- a. complying with the deemed-to-satisfy provisions; or
- b. formulating an alternative solution which:
 - i. complies with the performance requirements; or
 - ii. is shown to be at least equivalent to the deemed-to-satisfy provisions; or
- c. a combination of (a) and (b).

Administration Fee for the Lodgement of Certificates - Where a Principal Certifying Authority has been appointed other than Council, an administration fee is charged by Council for the lodgement of Construction Certificates, Interim Occupation Certificates, Occupation Certificates and Complying Development Certificates.

Thank you for the opportunity to comment.

For more information, please call 9725 0229.

Yours faithfully,



Edward Saulig
STRATEGIC LAND USE PLANNER