Request for Secretary's Environmental Assessment Requirements

Waste or Resource Management Facility
40 Charles Street
ST MARYS NSW 2760

Prepared by KDC Pty Ltd | February 2018

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Request for Secretary's Environmental Assessment Requirements

Final

Report Job No. 17220 | Prepared by KDC Pty Ltd for De-Construct and Recycle Pty Ltd | February 2018

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Contents

Figures

Tables

Appendices

1 Introduction

1.1 Purpose

KDC Pty Ltd (KDC) has been commissioned by De-Construct and Recycle Pty Ltd (DCR) to prepare an environmental impact statement (EIS) and associated State Significant Development Application (SSDA) for the proposed establishment of a waste and resource management facility on a site located at 40 Charles Street, St Marys (the site).

The waste or resource management facility is classified as State Significant Development (SSD) and therefore subject to the Secretary's Environmental Assessment Requirements (SEARs).

1.2 State Significant Development Triggers

With an anticipated yearly handling rate of 200,000 tonnes per annum the proposed waste or resource management facility exceeds the 100,000 tonnes per annum threshold prescribed under Schedule 1 Part 23 (3).

The development also proposes to receive a range of waste oil and waste types containing oils which includes both solids and liquids. The quantity will exceed 1,000 tonnes per annum which triggers Schedule 1 Part 23 (6)(b).

As such the development is deemed to be State Significant Development under the State and Regional Development SEPP 2011.

1.3 Site Background

The site was previously operated as an oil storage and transfer facility by Australian Waste Oil Refineries Pty Ltd pursuant to development consent DA08/0255 approved on 29 July 2008.

The construction of factory units on the site pursuant to development consent DA08/1313 which was granted on 7 April 2009, took place in the following year.

Further development of the site occurred with a 3 lot Torrens title subdivision, demolition of the existing factory units and the subsequent construction of 6 x factory units being granted development consent on 31 January 2012 (being DA10/0160).

Since these development consents were granted the site has been transferred into the ownership of the current owner VF Properties Pty Ltd and all activities previously being undertaken on the site have ceased.

The site has recently undergone a Torrens title lot consolidation which was registered on the 23 October 2017. The site, which previously consisted of two lots and was legally referred to as Lot 42 DP31908 and Lot 432 DP 838105, and is now Lot 100 DP1235633.

A development application for the demolition of buildings and the remediation of the site has been lodged to Penrith City Council on the 19th of December 2017. The development application is currently under assessment as DA18/0045.

1.4 Operator Background

De-Construct and Recycle Pty Ltd (was established in November 2016 with an aim to provide waste solutions to commercial clientele and to support operations and projects being undertaken by its parent company DECC Pty Ltd (DECC).

DECC is a privately owned and operated company founded in 2007 and having a combined 75 years of senior management experience in commercial and industrial demolition, environmental and civil contracting within the construction industry.

Providing demolition, environmental, civil and earthworks, remediation and hazmat removal, and project management and consulting services DECC has been involved in a range of major projects including:

- Hazardous materials removal and complete demolition of two high rise buildings (Law Courts, Brisbane);
- Hazardous materials removal and complete demolition of a 10,000m^2 Asbestos Clad warehouse (Sebel Tenancy);
- Demolition and onsite remediation of asbestos contaminated site at CSR Metford
- Demolition of the former 4 storey concrete framed and conventionally reinforced Canberra House Annex Building
- Demolition of two large LPG tanks in Port Botany

DECC has worked with a large number of high profile companies and government agencies including:

- NSW Roads and Martime Services
- City of Sydney Council
- Parramatta City Council
- Wollongong City Council
- Thiess
- Lendlease
- ORICA
- Urban Growth NSW
- Shell Australia
- Caltex Australia
- Westfield
- Stockland
- Sydney Ports
- The University of Sydney
- Australian Government Sydney Harbour Federation Trust
- Australian Government Department of Defence

1.5 Consultation

Relevant Government Authorities and Council have been contacted prior to the lodgement of this request for SEARs. The following organisations have been consulted:

- Penrith City Council (Council);
- NSW Environment Protection Authority (EPA); and
- NSW Office of Environment and Heritage (OEH).

Penrith City Council

Penrith City Council's Development Assessment Coordinator Gavin Cherry provided input on the proposal on 5/01/2018. The correspondence highlighted the following considerations:

- Capacity of the local road network to accommodate increased vehicle movements, turning circles and suitable arrangements on site for circulation;
- Provision of suitable landscaping including presentation to street and interface / side boundaries;
- Presentation of the built form in terms of design, colours and finishes, signage etc;
- Provision of suitable onsite parking for staff and visitors (if applicable);
- Suitable environmental management measures (odour, acoustic, SEPP 33, SEPP 55 requirements etc);
- Engagement with RMS as traffic generating development under Schedule 3 of SEPP (Infrastructure) 2007;
- Locations of easements of title restrictions to be addressed in the design (where applicable); and
- Stormwater drainage and water sensitive urban design measures.

The above-mentioned elements will be fully considered and will be incorporated into designs or procedures as the project proceeds.

At this time no correspondence from either OEH or EPA have been received. It is hoped their valuable input on the proposal will be received during the SEARs process

1.6 Site Description and Locality

As stated in Section 1.2 the site is legally described as Lot 100 DP1235633, and is generally referred to as 40 Charles Street, St Marys NSW 2760. The total area of the site is approximately 9,300m^2. The site is located within an IN1 General Industrial zone under the Penrith Local Environmental Plan 2010 (LEP 2010).

All structures and stored items on the site are to be removed as part of a current development application DA18/0045 which is under assessment by Penrith City Council.

The site is located within the Dunheved/ St Marys (North of Christie Street) Precinct (noted as Precinct 1) as defined within the Penrith Development Control Plan. As a result, the site is surrounded by industrial operations. A number of waste management facilities are located within St Marys including Bingo Recycling, Toxfree, Super Metal Recycling to the north west; and Sims Metal Management, Tyrecycle, and Remondis to the south. Worth Recycling adjoins the site to the south along Charles Street. The Dunheved Golf Club lies to the west beyond the industrial precinct. See Figure 1 for Locality Plan.

Figure 1 - Locality Plan

Figure 2 - Site Plan

Access to the site can be gained via a driveway from Charles Street as illustrated by Figure 3.

Figure 3 – View of the site entrance from Charles Street, St Marys

2 Project Description

2.1 Elements of the Proposed Development

The proposed development involves the establishment of a waste and resource management facility with an ancillary truck depot. The proposed waste and resource management facility will include elements of both resource recovery and resource transfer station operations. Once established, the operation is proposed to operate 24 hours 7 days a week.

2.2 Construction

The construction works proposed include:

- a weighbridge, hardstand area, stormwater system, stockpile bunds, and on-site road infrastructure;
- processing warehouse, site office, amenities, and workshop;
- installation of liquid storage;
- Installation of plant;
- Vehicle servicing area; and
- car parking and landscaping works.

2.3 Waste

As the waste and resource management facility includes elements of resource recovery and waste transfer, some wastes will undergo limited processing which may include screening, sorting, compacting, and temporary storage while others will be subject to full resource recovery processes. The operation will accept and process up to 200,000 tonnes per year with no more than 25,000 tonnes stored on site at any given time.

2.3.1 Proposed Waste

The range of waste types to be accepted on the site will include:

- Drilling mud;
- Soils;
- Non-Destructive Digging waste;
- Construction and demolition waste;
- General Solid Waste (Non-Putrescible);
- AMCOR Botany Mill Solids;
- Wood waste;
- Urea;
- Natural Organic Fibrous Materials;
- Food waste;
- Boiler fly ash;
- Organic Non-odorous DAF Sludges;
- Spent Filter Sand Medium;
- Spent Biofilter Medium;
- Mulched Vegetation;
- Ferrous Metal;
- Non-ferrous Metal;
- Plastics;
- Paper;
- Paper pulp;
- Granulated Blast Furnace Slag;
- Fly Ash;
- Hydrocarbon impacted soils;
- Arsenic Impacted Soils;
- Asphalt / Bitumen;
- Concrete;
- Lead acid Batteries;
- Tyres;
- Waste Fuel;
- Waste Oil;
- PCB Oil;
- Capacitors containing PCB Oil;
- Waste Lime;
- Bentonite;
- Alum sludge;
- Spent Acids;
- Waste Filters & Oily rags;
- Solvents;
- Asbestos;
- Grease Trap Waste;
- Organics;
- Composted Forest Products; and
- Septic waste.

Some putrescible and hazardous waste that are inappropriate for recovery processing on site will be taken to the waste transfer operation on site. Resource recovery will be limited to solid and inert, non-putrescible, general solid wastes such as (but not limited to) construction and demolition waste, sands, soils, or wood waste.

2.3.2 Breakdown of Waste

Based on similar existing operations Table 1 provides the expected proportion of waste to be processed at the facility.

Table 1 – Breakdown of Waste Received by Waste Type

Waste Type	Percentage
Soils and Sands	30%
Concrete	30%
Liquid Wastes	20%
Other waste types	20%

It must be noted that these values will change based on various factors including but not limited to market demand, offerings by other operators and the economics of these different waste streams.

2.3.3 Resource Recovery Operations

The resource recovery facility is limited to solid and inert non-putrescible waste materials only.

All processing of materials will occur within the processing sheds as shown on the Concept Plan contained in Appendix A. These sheds will house processing facilities, mechanical plant, and their operational facilities including recovered material bays. External stockpiling of material is proposed on the site but will be limited to selected materials that can be appropriately managed.

Processing of waste such as concrete, wood, and road base will be processed by either crushing or shredding.

The crushing process begins with mobile plant breaking down large blocks into suitably sized segments appropriate for the crushing machinery. Once crushed, material is screened into their respective sizes and moved into their respective material bays. Screened recovered material is moved to a stockpile bay. The processing sheds are enclosed allowing for the effective management of environmental impacts.

Wood waste and other appropriate waste types will be processed by shredding with the aim of producing various products which may include mulch, animal bedding, playground softfall, or bioenergy. These waste types will be put through a further shredding process which involves a pre-shredder to break large pieces into small pieces followed by processing by a shredder breaking timber down into finer, softer material. Screening can be applied to separate the processed mulch to provide various grades for specific uses.

A process is proposed for the treatment of waste oils on the site. These waste oils will be accepted at a designated truck drop location connected to a waste oil holding tank. The waste oil is then passed through a sump separator process which separates water from the mixture. The recovered water and dewatered waste oil moves their respective holding tanks.

Recovered water will undergo a treatment process to ensure it is of a suitable standard for re-use or discharge.

2.3.4 Waste Transfer Operations

Waste material which is not subject to the resource recovery operations will be processed at the waste transfer operation. This component of the operation will involve the receipt, screening, sorting, compacting, temporary storage and distribution of all applicable waste.

2.3.5 Waste Generation and Trade Waste

Due to the nature of the operation, very little waste will be generated by the proposal. The majority of the waste being generated will be associated with the ancillary truck depot due to servicing of vehicles. See Table 2 for further details.

Table 2 – Waste generated by the proposal

Waste	Process / Activity	Likely Classification	Estimate Annual Quantity	Management/ Mitigation
Sediment and Grit	Cleaning and Maintenance	General Solid Waste (Non-Putrescible)	Minor Quantities	Where it is not possible to reintroduce the waste, it will be sent to a licenced waste facility.
Waste Water	General Operations/ Cleaning	Liquid waste (Trade Waste)	Unknown	Discharge under Trade Waste Agreement only when required.
Oils and Lubricants	Maintenance	Hazardous waste	Minor Quantities	This waste needs to be tracked and would be stored on site in enclosed containers within a bunded area and sent to a licensed oil recycler on an as needs basis.
General Office Waste	Office	General Solid Waste (Putrescible)	Minor Quantities	Stored in waste bins on site and removed on an as needs basis using a licensed waste contractor.

2.4 Justification

The aim of the proposed development is to provide a waste and resource management service which will provide resource recovery and waste transfer services. Incoming waste will also is expected to arrive from within NSW, mainly from the Sydney Region from various operations, construction sites and projects.

The Sydney Region generates considerable demand for waste management facilities. The NSW Waste Avoidance and Resource Recovery Strategy 2014-21 (NSW WARRS) indicates that 17.1 million tonnes of material entered the NSW waste management system in the 2010 – 11 financial year, up from 16.3 million tonnes two years earlier representing an increase of 5.2%. Waste generation rates continued to outstrip population growth during the same period.

The construction and demolition market in Western Sydney is anticipated to grow based on several major projections and the NSW State Government planning initiatives. This growth leads is likely to lead to an overall increase in waste generation of construction and demolition wastes ranging from bricks, ceramics and concrete to contaminated soils. Further to this, demand has increased with the large number of major infrastructure projects in the Sydney Region including, but not limited to, the M9, M12, the Northern Road upgrade, West Connex and North Connex.

The increase in demand for waste management operations has prompted the NSW State Government to initiate a number of initiatives to encourage and improve the recovery of resources from waste including:

- Plan for Growing Sydney (Department of Planning, 2014);
- Protection of the Environment Operations (Waste) Regulation, 2014; and
- NSW Waste Avoidance and Resource Recovery Strategy 2014 – 2021.

The NSW Waste Avoidance and Resource Recovery Strategy 2014-2021 sets increased recycling targets across the State. Specifically:

- 70% for municipal solid waste;
- 70% for commercial and industrial waste;
- 80% for construction and demolition waste; and
- increasing waste diverted from landfill to 75%.

The proposed waste and resource management facility will contribute to the success of the strategy by recovering resources and providing homogenised waste streams to more appropriate licenced resource recovery facilities which reduces costs, improves recovery yields, and diverts waste from landfill.

2.5 Specialist Studies

A number of specialist studies will need to be undertaken in order to prepare the Environmental Impact Statement (EIS) required to accompany the SSDA.

Lindsay Dynan will prepare the site Stormwater Management Plan including a Soil and Water Management Plan for the proposed development.

Due to the nature of the proposal an Air and Odour Assessment will be prepared by Todoroski Air Sciences. This will necessitate the creation of a dispersion model based on the parameters of the site and the potential emissions from the operations on site.

A Noise Impact Assessment is to be prepared by Muller Acoustic Consulting which will quantify and recommend appropriate management options for noise emanating from the proposed development.

Intersect Traffic will prepare a Traffic Impact Assessment which will estimate the traffic generated by the proposed operation, review the site access along with on-site parking and vehicle circulation, perform a SIDRA assessment of existing traffic conditions, and provide recommendations to mitigate any impacts.

Any further technical studies required as a result of the SEARs will be undertaken to accompany the SSDA package.

3 Relevant Legislation, Strategies, and Planning Controls

The following discussion provides a review of the proposed development against relevant planning requirements. The legislation and planning instruments to be taken into consideration includes:

- *Environment Protection and Biodiversity Conservation Act 1999;*
- *Environmental Planning and Assessment Act, 1979;*
- *Environmental Planning and Assessment Regulation 2000;*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River; and*
- *Penrith Local Environmental Plan 2010*.

3.1 Environment Protection and Biodiversity Conservation Act 1999

The provisions of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) have been considered. An EPBC Protected Matters Search has been undertaken and revealed no Commonwealth environmental matters applicable to the site or the surrounds. Therefore, the EPBC Act is unlikely to apply to the proposed development.

3.2 Environmental Planning and Assessment Act, 1979

The *Environmental Planning and Assessment Act, 1979 (EP&A Act),* specifies under Section 77A, the following:

> *Designated development is development that is declared to be designated development by an environmental planning instrument or the regulations.*

The discussion in Section 3.2 details how even though the proposal is considered to be a form of designated development it will be treated as SSD.

The proposal is also classified as regional development under Schedule 4a Section 8 of the Environmental Planning and Assessment Act, 1979 (EP& A Act) however this is not relevant as the proposal is considered to be SSD.

8 Particular designated development

Development for the purposes of:

(a) extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000, or

(b) marinas or other related land and water shoreline facilities, which meet the requirements for designated development under clause 23 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000, or

(c) waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000.

3.2.1 Integrated Development

Integrated development is defined under Section 91 of the *EP&A Act*. It includes development proposals that require development consent and one or more specific approvals under the following Acts:

- *Fisheries Management Act, 1994;*
- *Heritage Act, 1977;*
- *Mine Subsidence Compensation Act, 1961;*
- *National Parks and Wildlife Act, 1974;*
- *Protection of the Environment Operations Act, 1997;*

- *Roads Act, 1993;*
- *Rural Fires Act, 1997; and*
- *Water Management Act, 2000.*

Where one of these approvals or permits is required the development application must be submitted to the relevant approval body, for the purposes of obtaining the General Terms of Approval (GTA) from that approval body which may include any conditions to be imposed on any development consent issued by the consent authority. The proposal triggers integrated development under the POEO Act.

3.2.2 Protection of the Environment Operations Act, 1997

The POEO Act provides an integrated system of licensing for polluting industries. Schedule 1 of the POEO Act identifies types of development that require an environment protection license.

The following are included in Schedule 1 and are applicable to the proposed development:

- **34 Resource recovery**
- **42 Waste storage**

Comment:

The applicant is required under sections 48 of the POEO 1997 Act to obtain an environment protection license for the operations as the proposed operation will recover resources and store waste.

3.2.3 Environmental Planning and Assessment Regulation 2000

Part 1 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000 (Regulation),* lists a number of developments declared to be designated development for the purpose of Section 77A of the EP&A Act.

Waste management facilities or works is the most appropriate definition for the proposed waste or resource management facility. The applicable section of Schedule 3 is provided below:

32 Waste management facilities or works

(1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and:

(a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste:

(i) that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or

(ii) that comprises more than 100,000 tonnes of "clean fill" (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or

(iii) that comprises more than 1,000 tonnes per year of sludge or effluent, or

(iv) that comprises more than 200 tonnes per year of other waste material, or

(b) that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and:

(i) that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or

(ii) that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or

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

(c) that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or

(d) that are located:

(i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or

(ii) in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or

(iii) within a drinking water catchment, or

(iv) within a catchment of an estuary where the entrance to the sea is intermittently open, or

(v) on a floodplain, or

(vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

(2) This clause does not apply to:

(a) development comprising or involving any use of sludge or effluent if:

(i) the dominant purpose is not waste disposal, and

(ii) the development is carried out in a location other than one listed in subclause (1) (d), above, or

(b) development comprising or involving waste management facilities or works specifically referred to elsewhere in this Schedule, or

(c) *development for which State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas requires consent.*

Comment:

The waste or resource management facility is proposed to exceed 30,000tpa which triggers Clause 32(1)(b)(iii) and is therefore considered to be designated development. However, given that the proposed development also triggers SSD it will be treated as SSD and lodged with the Department of Planning and Environment rather than with Penrith City Council.

3.3 State Environmental Planning Policies

A number of State Environmental Planning Policies (SEPPs) may be triggered by the proposed development. Relevant SEPPs have been considered in the following sub-sections.

3.3.1 State Environmental Planning Policy (State and Regional Development) 2011

Waste and Resource Management Facilities are included in the State and Regional Development SEPP 2011 under Schedule 1 Part 23.

23 Waste and resource management facilities

(1) Development for the purpose of regional putrescible landfills or an extension to a regional putrescible landfill that:

(a) has a capacity to receive more than 75,000 tonnes per year of putrescible waste, or

(b) has a capacity to receive more than 650,000 tonnes of putrescible waste over the life of the site, or

(c) is located in an environmentally sensitive area of State significance.

(2) Development for the purpose of waste or resource transfer stations in metropolitan areas of the Sydney region that handle more than 100,000 tonnes per year of waste.

(3) Development for the purpose of resource recovery or recycling facilities that handle more than 100,000 tonnes per year of waste.

(4) Development for the purpose of waste incineration that handles more than 1,000 tonnes per year of waste.

(5) Development for the purpose of hazardous waste facilities that transfer, store or dispose of solid or liquid waste classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste that handles more than 1,000 tonnes per year of waste.

(6) Development for the purpose of any other liquid waste depot that treats, stores or disposes of industrial liquid waste and:

(a) handles more than 10,000 tonnes per year of liquid food or grease trap waste, or
(b) handles more than 1,000 tonnes per year of other aqueous or non-aqueous liquid industrial waste.

Comment:

With an anticipated yearly handling rate of 200,000 tonnes per annum the proposed waste or resource management facility is covered by Schedule 1 Part 23 (3).

The development also proposes to receive a range of waste oil and waste types containing oils which includes both solids and liquids. The quantity will exceed 1,000 tonnes per annum which triggers Schedule 1 Part 23 (6)(b).

As such the development is deemed to be State Significant Development under the State and Regional Development SEPP 2011.

3.3.2 State Environmental Planning Policy (Infrastructure) 2007

Waste and Resource Management Facilities are included in the Infrastructure SEPP 2007 under Part 3 Division 23. Clause 121 provides provisions regarding permissibility in certain land zonings.

121 Development permitted with consent

(1) Development for the purpose of waste or resource management facilities, other than development referred to in subclause (2), may be carried out by any person with consent on land in a prescribed zone.
(2) Development for the purposes of a waste or resource transfer station may be carried out by any person with consent on:
(a) land in a prescribed zone, or
(b) land in any of the following land use zones or equivalent land use zones:
(i) B5 Business Development,
(ii) B6 Enterprise Corridor,
(iii) IN2 Light Industrial,
(iv) IN4 Working Waterfront, or
(c) land on which development for any of the following purposes is permitted with consent under any environmental planning instrument:
(i) industry,
(ii) business premises or retail premises,
(iii) freight transport facilities.
(3) Development for the purpose of the recycling of construction and demolition material, or the disposal of virgin excavated natural material (as defined by the Protection of the Environment Operations Act 1997) or clean fill, may be carried out by any person with consent on land on which development for the purpose of industries, extractive industries or mining may be carried out with consent under any environmental planning instrument.

A prescribed zone is defined under Clause 120 Definitions of the Infrastructure SEPP as the following:

prescribed zone *means any of the following land use zones or a land use zone that is equivalent to any of those zones:*

(a) RU1 Primary Production,
(b) RU2 Rural Landscape,
(c) IN1 General Industrial,
(d) IN3 Heavy Industrial,
(e) SP1 Special Activities,

(f) SP2 Infrastructure.

The provisions for waste or resource management facilities under the Infrastructure SEPP allows for the use of the site as a waste or resource management facility. The sites IN1 General Industrial zoning is listed as a prescribed zone providing permissibility under Subclause (1).

Schedule 3 – Traffic generating development to be referred to RMS

Under Schedule 3 of the Infrastructure SEPP 2007 any applications for landfill operation, recycling facilities, and waste or resource transfer stations must be referred to the NSW Roads and Maritime Services (RMS) no matter what size or capacity. As such, this development will be required to be referred to the RMS.

3.4 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

The site is located within the Hawkesbury-Nepean River SREP 20 area and is therefore subject to the provisions and development controls outlined in Section 3.5.

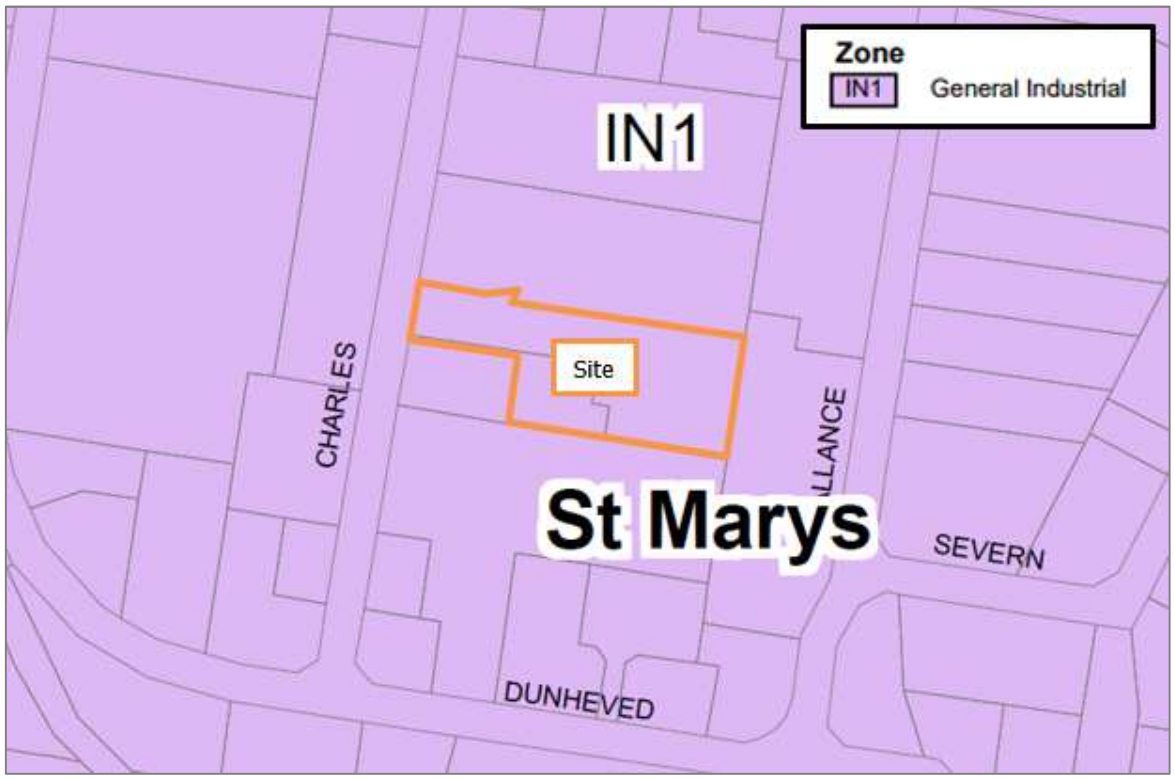
SREP 20 aims to protect the environment of the Hawkesbury-Nepean River System by ensuring that the impacts of future land uses are considered in a regional context. The site is not located within an area classified as having significance, however the St Marys Industrial precinct is located immediately adjacent to an area of Regional Significance. The site is located approximately 700m from the boundary of the area of Regional Significance.

All considerations under Clause 5 of the SREP including consistency with the action plan and planning strategy, consideration of feasible alternatives, and environmental impacts will be addressed as part of the future application.

3.5 Penrith Local Environmental Plan 2010

Under the LEP 2010 the site is zoned IN1 General Industrial. See Figure 4 for LEP 2010 land zoning map extract.

Figure 4 - Penrith Local Environmental Plan 2010 (LZN_018)



Zone IN1 General Industrial

1 Objectives of zone

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To promote development that makes efficient use of industrial land.*
- *To permit facilities that serve the daily recreation and convenience needs of the people who work in the surrounding industrial area.*

2 Permitted without consent

Nil

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Car parks; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Industries; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Roads; Rural industries; Self-storage units; Signage; Storage premises; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres

4 Prohibited

Hazardous industries; Offensive industries; Any other development not specified in item 2 or 3

Waste or Resource Management Facilities are not permissible within the zone under the Penrith LEP 2010. However, as the site is zoned IN1 General Industrial which is a prescribed zone under the Infrastructure SEPP, the proposed development is permissible.

The ancillary use of a truck depot is permissible within the IN1 General Industrial zone.

The proposed development is consistent with the objectives of this zone as it complements the wide range of industrial land uses in the area, supports the industrial precinct, and creates employment opportunities for the area.

4 Potential Environmental Issues

4.1 General

Potential environmental issues are likely to include:

- waste impacts;
- water quality impacts;
- noise impacts;
- air and odour quality impacts; and
- traffic impacts.

4.2 Potential Waste Impacts

The generation of waste is considered to be minor as the waste accepted onto the site will either be processed for resource recovery or be sorted and consolidated, then transported to a further destination. Storage of waste is proposed in storage bays and will allow for future resource recovery or sorting of waste into respective waste streams. Waste generated by ancillary uses such as the truck depot or the site office will be either incorporated into the appropriate waste steam (if possible) or sent to an appropriately licenced waste management facility.

4.3 Potential Water Impacts

There are several potential minor surface and groundwater issues associated with the proposed development, including:

- runoff from stockpiles may contaminate surface water;
- stockpiles may potentially contaminate groundwater; and
- erosion and sediment control issues.

It is acknowledged that run off from stockpiles could contain contaminants which could impact the water quality of surface water and groundwater. Such impacts could include changes in pH, sediment, contamination, and ecosystem degradation.

The proposed development will involve the construction of a significant hardstand area within the site. Within this hardstand area will be an extensive water management system which aims to capture and manage stormwater from the operation. Captured water will pass through sediment control measures prior to storage. The captured water will then be treated to an appropriate level in accordance with the ANZECC guidelines and re-used where possible, such as for the site's proposed dust suppression system, wheel wash, on-site amenities, and truck depot activities such as vehicle cleaning.

An Erosion and Sediment Control Plan will be prepared for the construction and operational phases of the development. These plans will establish the minimum requirements for containment and management of sediment, potential contaminants, and spills. The Erosion and Sediment Control Plan will be based on the Landcom publication "Soils and Construction, Managing Urban Stormwater, 2004".

With the implementation of the water management system along with erosion and sediment control measures, any water flows from the operational area will be carefully managed which will minimise impacts on surface water and groundwater.

4.4 Potential Noise Impacts

The site is located within an established key industrial precinct specified under the Penrith DCP 2014. All surrounding land uses in the vicinity of the site are industrial in nature with no residential or other sensitive receivers in close proximity of the site. Furthermore, a number of waste management facilities are location within the precinct. While the development is unlikely to increase the noise level within the industrial precinct it will contribute to the total noise generated due in part to the increased number of vehicles frequenting the site.

Noise generated by site operations through the processing of waste and vehicle movement will contribute to the background noise levels experienced in the locality. The proposed development will be designed and operated in accordance with the NSW EPA Noise Policy for Industry (2017).

4.5 Potential Air and Odour Impacts

Several issues regarding air quality and odour may arise from this type of operation, these include:

- Fine particulates blown off stockpiles or disturbed by vehicle movements;
- Fine particulates generated by the processing of waste and material by processing works;
- Waste material brought to the site reducing the odour amenity of the area; and
- Reduction in odour amenity due to exhaust from vehicles, generators, and/ or mobile plant.

Due to the nature of the proposed operation, dust will be a potential concern. Dust generated from activities on site could have impacts on the surrounding environment by introducing sediment into the environment. Dust management will techniques including dust suppression systems and a wheel wash for vehicles which enter/exit the site will be employed to minimise the impacts from dust.

Odour from the materials stored and processed on site could cause concerns to neighbouring land uses, however mitigation measures will be put in place to reduce potential impacts. All externally stored materials will be non-putrescible and inert materials such as soils, and wood waste. Liquid waste will be stored within storage tanks prior to transportation to an appropriately licenced treatment facility. All liquid waste will be fully contained within a sealed system with procedures in place to minimise odour impacts.

Exhaust fumes produced by vehicles and site plant will be limited by either design or by operational procedures, therefore any impact from exhaust fumes is expected to be minimal.

4.6 Potential Traffic Impacts

The proposed waste or resource management facility will increase the amount of traffic within the local road network. This will largely be attributed to the movement of heavy vehicles to and from the site. The road network within the industrial area has been designed to facilitate heavy vehicle movements common for such areas. It must be noted that a number of resource recovery facilities are located within the St Marys industrial precinct and that the site has previously generated traffic movements given its former land use. Management procedures such as designated movement routes and 24-hour operation will aim to minimise any impacts on the local road network.

The site access will be designed to facilitate the size of vehicles entering the site. The access will comply with all relevant standards along with all Council DCP and technical requirements.

5 Archaeological and Heritage Impacts

The site is not listed as a heritage item, nor is it mapped within a heritage conservation area under the Penrith LEP 2010. There are no listed heritage items within close proximity to the site and none were identified when the site was originally developed.

A search using the NSW Aboriginal Heritage Information Management System showed no Aboriginal site or places located in or near the site. Due to the highly disturbed nature of the site, previous development, and the nature of surrounding development the likelihood of archaeological significant items being present on the site is considered to be very low.

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6 Conclusion

This request for SEARs provides information which will assist in the preparation of Secretary's Environmental Assessment Requirements which will provide the requirements and guidance for the preparation of the future Environmental Impact Statement.

Further to the consultation already undertaken a program of community consultation is to be development and may include information drops, advertisement, and/or community forums. In addition, further consultation with government authorities will be undertaken.

It is projected that the lodgement of the SSDA package will occur within a year of receiving the SEARs.

As such, Secretary's Environmental Assessment Requirements for the preparation of an EIS for the waste or resource management facility are formally sought.

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Appendix A – Concept Site Plans

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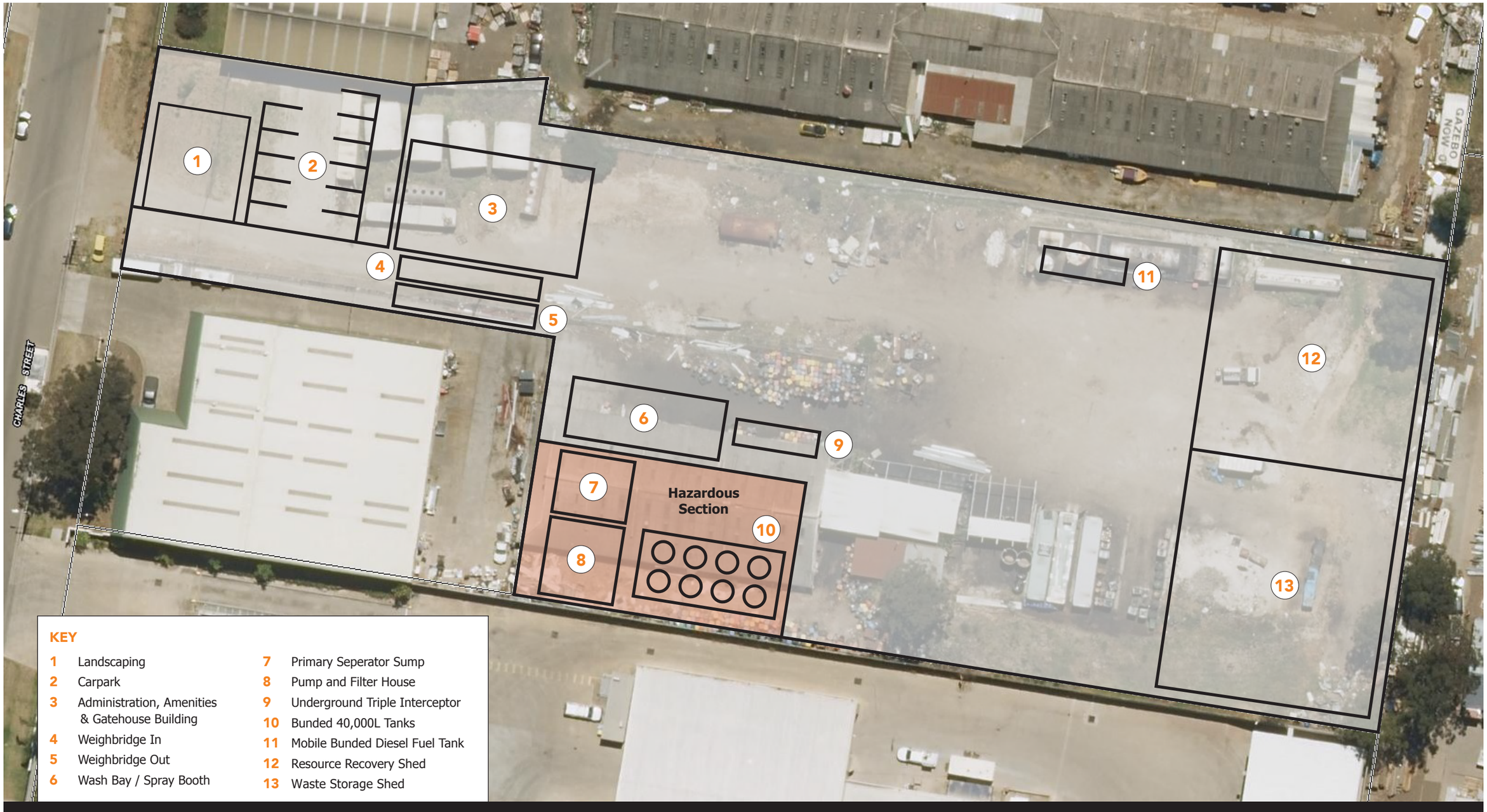

KEY

1	Landscaping
2	Carpark
3	Administration, Amenities & Gatehouse Building
4	Weighbridge In
5	Weighbridge Out
6	Wash Bay / Spray Booth
7	Primary Seperator Sump
8	Pump and Filter House
9	Underground Triple Interceptor
10	Bunded 40,000L Tanks
11	Mobile Bunded Diesel Fuel Tank
12	Resource Recovery Shed
13	Waste Storage Shed

40 Charles Street, St Marys

KDC

Appendix B – Consultation Responses

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Kale Langford

From: Gavin Cherry <Gavin.Cherry@penrith.city>
Sent: Friday, January 5, 2018 9:06 AM
To: Kale Langford
Cc: Patrick Quinlan; Kate Smith; Alison Veron
Subject: Response to KDC Pty Ltd - SSD & SEARS Proposal for a proposed waste and resource management facility located at Lot 100 DP1235633, 40 Charles Street, St Marys

Good Morning Kale,

I am currently holding a proposed development application for demolition and remediation for this site which I have discussed with Patrick. It is being held as we haven't received the necessary remedial action plan which is to be provided by next Friday. During my discussion with Patrick he kindly foreshadowed the SSD proposal and I appreciate your early engagement with Council to assist with input.

To be able to provide relevant advice, I would require more information from you which would normally accompany an application for SEARS through the NSW Department of Planning and Environment. This includes a draft EIS (of statement) and supporting plans of proposed works and operations so that I can arrange for review and comment from our Planning, Environment, Traffic and Engineering Departments. If this information is provided from the Department as part of the SEARS process, we would respond directly to the Department with our comments which would inform their SEARS response.

As an alternate option, a Pre-Lodgement Meeting can be arranged which provides a face to face meeting with issued pre-lodgement advice afterwards that would outline all key and necessary considerations to be addressed. There is a fee associated with this however it may be of benefit to discuss the proposal directly with officers from the above respective teams. To facilitate a meeting we would require the information to be submitted 2 weeks prior to the meeting to enable review.

In the interim however, the key considerations we raise with these proposals are as follows:-

- Capacity of the local road network to accommodate increased vehicle movements, turning circles and suitable arrangements on site for circulation
- Provision of suitable landscaping including presentation to street and interface / side boundaries
- Presentation of the built form in terms of design, colours and finishes, signage etc
- Provision of suitable onsite parking for staff and visitors (if applicable)
- Suitable environmental management measures (odour, acoustic, SEPP 33, SEPP 55 requirements etc)
- Engagement with RMS as traffic generating development under Schedule 3 of SEPP (Infrastructure) 2007
- Locations of easements of title restrictions to be addressed in the design (where applicable)
- Stormwater drainage and water sensitive urban design measures

When this information is available please send them to me if a formal pre-lodgement meeting is not pursued.

Don't hesitate to ring me on (02) 4732 8125 if I can provide assistance in the interim.

Regards

Gavin

Gavin Cherry
Development Assessment Coordinator

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PO Box 60, PENRITH NSW 2751