NSW GOVERNMENT | Planning & Environment

ASSESSMENT REPORT:
Penrith Glass Beneficiation Plant, Penrith (SSD-5267)

Secretary's
Assessment Report
Section 89E of the
Environmental Planning and Assessment Act 1979

July 2014

ABBREVIATIONS

Applicant	Glass Recovery Services Pty Ltd, or any other person or persons who rely on this consent to carry out the development that is subject to this consent
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	This development consent
Council	Penrith City Council
DA	Development Application
Department	Department of Planning and Environment
EIS	The Environmental Impact Statement titled *'Glass Recovery Service – 126 Andrews Road, Penrith'* and accompanying appendices, prepared by Benbow Environmental Pty Ltd and dated May 2013
EPA	Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
EPI	Environmental Planning Instrument
Minister	Minister for Planning & Infrastructure
NOW	Department of Primary Industries - NSW Office of Water
NSW	New South Wales
RMS	Roads and Maritime Services
RTS	Response to Submissions titled *'Response to Submissions'* and accompanying appendices, dated August 2013 and prepared by Benbow Environmental
Secretary	Secretary of the Department, or nominee
SEPP	State Environmental Planning Policy
SEPP 33	*State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*
SRD SEPP	*State Environmental Planning Policy (State and Regional Development) 2011*
SSD	State significant development

Cover Photograph: Aerial photograph of the site (looking to the north)

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EXECUTIVE SUMMARY

Glass Recovery Services Pty Ltd (the Applicant) has submitted a development application and Environmental Impact Statement (EIS) for the construction and operation of a glass recycling facility. The development is proposed to be located within an existing warehouse building at 126 Andrews Road, Penrith in the Penrith City Local Government Area. The facility would be known as the Penrith Glass Beneficiation Plant (Penrith GBP).

The application proposes to use ancillary infrastructure on the site including a workshop and office, vehicle parking and two weighbridges. In addition, the Applicant is proposing to construct ten above ground glass storage bunkers, and undertake stormwater and landscaping works.

The proposed development would process up to 150,000 tonnes per annum of glass waste. The glass waste is proposed to be sorted and crushed to produce a 'cullet' material so it can be re-used in the manufacture of new glass container products. The 'cullet' is proposed to be transported to the adjoining Owen Illinois Plant which is located around 100m to the west of the site. The glass waste material supplied to the proposed facility would primarily be received from existing recycling facilities within the Sydney metropolitan area.

The development application has a capital investment value of over $10 million and would employ up to 25 people during construction and 30 people during operation. The application seeks to operate the facility 24 hours per day, seven days per week.

The proposal is State Significant Development (SSD) under Part 4.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development for the purposes of a recycling facility that would process more than 100,000 tonnes of waste per year, and as such meets the criteria in Clause 23(3) of Schedule 1 in the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Consequently, the Minister for Planning is the consent authority.

Prior to the exhibition of the EIS (on 4 June 2013), officers from the Department of Planning and Environment (the Department) undertook a site inspection. At this inspection, it was found that a glass recycling facility was already operating. This operation of the facility is being considered under separate compliance action, and is currently the subject of proceedings in the Land and Environment Court.

The Department exhibited the EIS from 7 June 2013 until 22 July 2013, and received a total of 10 submissions, including 7 submissions from public authorities and 3 submissions from the general public. No public authority submissions raised objections, however a number of the submissions raised some issues, particularly in relation to water management, air emissions and noise. The public submissions raised some issues in relation to traffic, access arrangements and potential impacts on nearby receivers.

Additional information providing clarification on these issues was provided by the Applicant in its Response to Submissions (RTS) report, which was submitted to the Department in October 2013. However, the EPA raised some concerns with the noise modelling that was undertaken and requested further assessment to confirm the potential noise impacts of the proposal. The Applicant completed some further noise assessment which was provided to the EPA. On 30 May 2014, the EPA advised it was satisfied with the assessment and provided recommended conditions.

The Department has considered the EIS, submissions on the development, and the RTS in accordance with all relevant matters under Section 79C of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development.

The Department considers the key issues associated with the development to be air quality, noise and water management which are addressed in Section 5 of this report.

Overall, the Department is satisfied that any environmental impacts can be mitigated and managed to achieve acceptable levels of environmental performance, and that the facility would provide a range of environmental and economic benefits for the region, through resource recovery and the provision of long term operational jobs. In addition, the proposal is consistent with the strategic direction for waste management in NSW.

Consequently, it considers the proposal to be in the public interest, and recommends approval subject to conditions.

1. BACKGROUND

1.1 The Applicant

Glass Recovery Services (the Applicant) is a privately owned glass recycling company that is based in Victoria. It is owned by ITL Investments Pty Ltd which also owns and operates other businesses including SKM Recycling. The Applicant has operated a glass beneficiation plant in Coolaroo, Victoria since 2007 which recycles approximately 80,000 tonnes of glass material per annum. Beneficiation is the process of crushing/separating to obtain re-usable components.

1.2 Site Description

The Applicant is seeking to develop a glass beneficiation plant (Penrith GBP) at 126 Andrews Road, Penrith (the site), in the Penrith City local government area. The site is approximately 60km west of the Sydney CBD (see Figure 1).

Figure 1: *Regional context of the site.*

The development would be located on Lot 1 DP 747153, at the eastern edge of the Penrith Industrial area. The site is zoned for industrial purposes (IN1) and was previously used by Paton Fertilizers as a fertiliser production and warehouse facility. The site contains existing structures including an industrial building with workshop and office, vehicle parking and two weighbridges.

The site is generally flat and is approximately 4.2 hectares in size (see Figure 2). Road access is via Andrews Road, and the frontage to Andrews Road is approximately 160 meters in length. However, the site boundary is approximately 55m from the road reservation boundary with the intervening land being a drainage reserve.

There is also an existing wetland on the southern part of the site which also extends along the western boundary. The existing wetland areas are in poor condition and contain a low to moderate concentration of weeds. Further, an unnamed watercourse exists on the western boundary of the site which discharges to the abovementioned wetland on the southern boundary of the site. This wetland then discharges southwards towards Boundary Creek (approximately 2km from the site) and further to the Nepean River (approximately 5km from the site).

1.3 Surrounding Land Uses

The site is surrounded by a number of different landuses (as depicted in Figure 2) including:

- Nepean Rugby Park to the south east with residential development further east beyond the rugby park;
- industrial land to the west with Owen Illinois Glass Bottling Plant adjoining the subject site;
- vacant land adjoining the southern boundary, general industrial zoned land (IN1) and a sewerage treatment plant further south; and
- light industrial zoned land (IN2) to the north with residential land further north.

The nearest residences are located approximately 150 metres to the northeast at Koala Glen, Cranebrook.

***Figure 2**: Local Context*

1.4 Existing Approvals

On 23 April 2013, Penrith City Council (Council) approved Development Application No. 12/0539 for the construction of additional concrete hardstand areas on the site which are proposed to be utilised by the glass recycling facility (i.e. this application, SSD 5267).

1.5 Unlawful Operation

Prior to the exhibition of the EIS (on 4 June 2013), officers from the Department inspected the site. It was observed that glass recycling machinery as described within the SSD application and the EIS had been installed and was operating.

Three further site inspections have since been undertaken by both the Department's development assessment team and compliance team (in July 2013, January 2014 and June 2014).

The operation of the facility is being considered under separate compliance action, and is currently the subject of proceedings in the Land and Environment Court.

The Department understands that Council has received a number of complaints regarding the facility since it commenced operations, particularly relating to odour and waste management.

It should be noted that the EIS describes the development as '*proposed works*' including:

- the internal fit-out of the main warehouse building with glass crushing, sorting and separation equipment and associated infrastructure such as internal storage areas; and
- external works including:
  - construction of ten (10) above ground storage bunkers; and
  - stormwater and landscaping works.

Whilst the internal works have been undertaken and the Penrith GBP is operating, the Department notes that the construction of the external works including the bunkers, stormwater works and landscaping have not been undertaken by the Applicant.

2. THE DEVELOPMENT

2.1 Description

The Penrith GBP would operate within an existing industrial building and is proposed to process up to 150,000 tonnes per annum of glass waste. The major components of the development are summarised in Table 1 below and illustrated in Figure 3. The development is described in full in Benbow Environmental's EIS, which is attached at Appendix D.

***Table 1**: Main Development Components as described in the EIS*

Aspect	Description
Summary	Installation of glass crushing and sorting equipment in an existing building including associated infrastructure and the construction of ten (10) external storage bunkers. The facility would process up to 150,000 tonnes of waste material per annum.
Internal Works	• The internal fit-out of the main warehouse building with glass crushing, sorting and separation equipment and associated infrastructure such as internal storage areas.
External Works	• Construction of ten (10) above ground storage bunkers and upgraded stormwater and landscaping works.
Waste Generation	• Waste generated by the facility per annum would include: o 4.5 tonnes of non recyclable general solid waste (grit, dirt, plastics, etc.); o 9.5 tonnes of recyclable general solid waste (stone, ceramic, brick, office and domestic waste, etc); and o less than 50L of liquid waste.
Odour and Dust Controls	• Misting sprays are used within the building to reduce dust and odour; and • Dust capture and air cleaning equipment is located external to the building at the north-east corner.
Vehicular Access, Traffic Generation and Parking	• Incoming materials arrive from existing material recycling facilities in areas such as Camellia, Chullora and Thornton via the M4 and Castlereagh Road or Richmond Road; • Access to the site is provided via Andrews Road;

Aspect	Description	
	• The development is expected to generate 31 truck trips (62 movements, including B-Double trucks) per day for incoming and outgoing glass material and 44 staff vehicle trips (88 movements) per day; • The development would include upgrading the site access on Andrews Road to accommodate B-Double truck movements; and • Parking would be provided on site by line-marking an existing area to delineate 106 spaces. This exceeds Council's DCP requirements for parking provision.	
Landscaping	• Tidying and maintaining the drainage corridor between the site and Andrews Road; • Establishment of local indigenous plant species on the site; • Retain large logs of felled trees for habitat within landscaped areas; and • Construction of three mounds in the wetland area to shield the site when viewed from the Nepean Rugby Park.	
Construction and Operation Hours	<u>Construction</u> • 7.00am to 6.00pm (Monday to Friday); • 8.00am to 1.00pm (Saturdays); and • No work on Sundays or Public Holidays.	<u>Operation</u> • 24 hours, 7 days a week.
Capital Investment Value	$10 million	
Employment	Construction: 25 employment positions. Operation: 30 full-time staff across 3 shifts.	

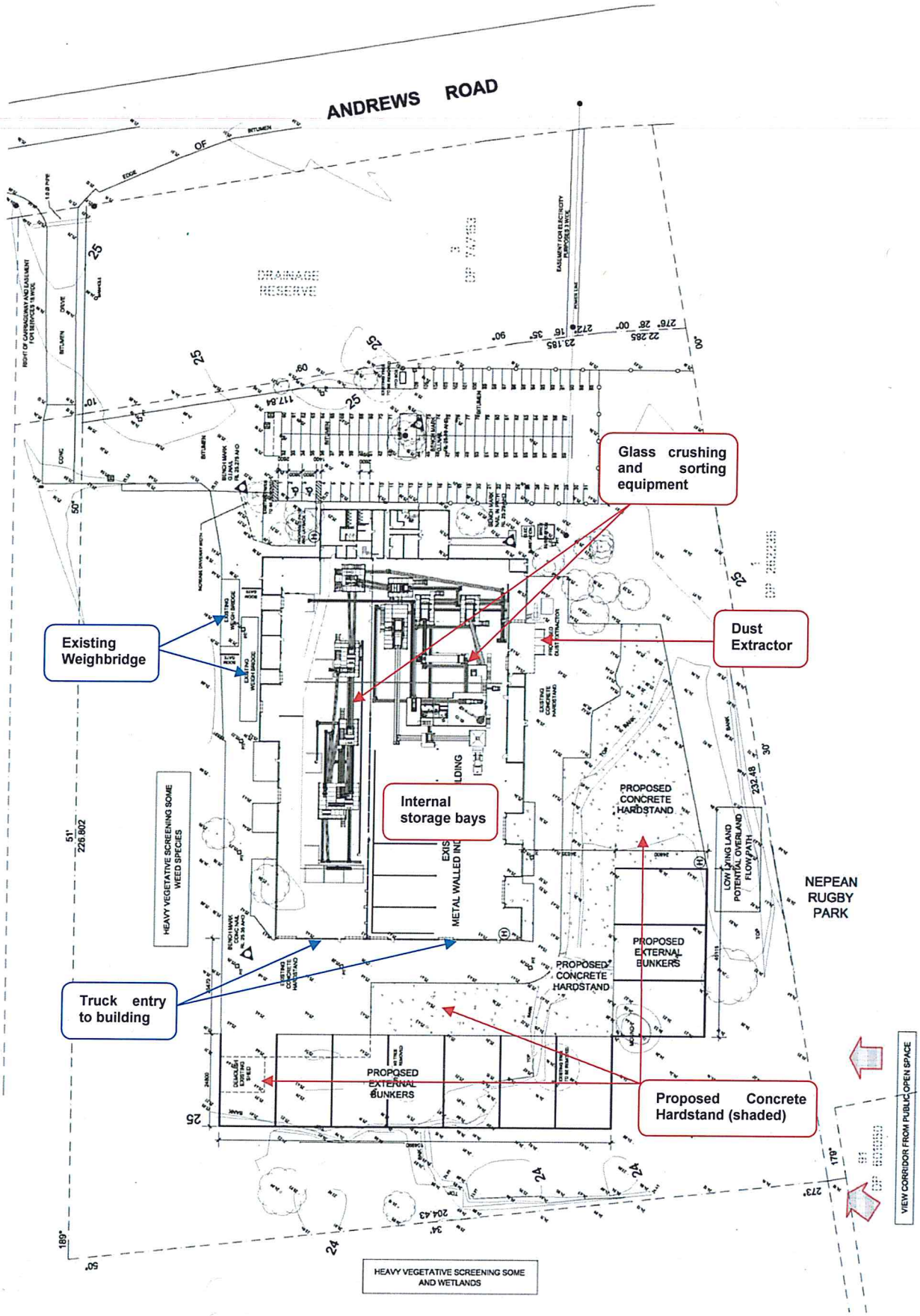

***Figure 3**: Site Layout*

2.2 Recycling Process

Recycling glass has a number of environmental benefits including saving energy (ie not having to melt the raw materials) and reducing the consumption of raw materials, whilst also preserving valuable landfill space and reducing the impacts of waste disposal. The waste glass would primarily be received from existing recycling facilities within the Sydney metropolitan area.

The glass waste material arrives at the site and is processed into a product called "cullet". The processing of the glass into cullet involves crushing the glass material and removing impurities such as ceramics, stone, porcelain and metals. Glass is required to be colour separated prior to being melted/recycled into new glass products (ie at the Owen Illinois) as it retains its colour when recycled.

A summary of the recycling process being undertaken on site is as follows:

- waste glass sourced from material recycling facilities would be pre-sorted and often partially crushed before delivery to the site;
- the trucks would pass over the existing weighbridges before entering the building from the rear (southern side) and unloading the glass into ground level hoppers;
- the glass would be stored in bays within the building before being manually sorted to remove contaminants such as ceramics, bricks and plastics;
- the glass is then crushed into cullet and passed through a magnetic separation process. This detects and removes any unwanted metals;
- compressed air impulses and optical sorting would then be used to remove other particles and impurities such as stone and ceramics;
- the cullet then passes through a line camera to classify and sort the glass by colour; and
- once the cullet is separated into colours and sizes, it is transferred to external bunkers to be dispatched via trucks to the adjacent Owen Illinois facility for the production of new glass products.

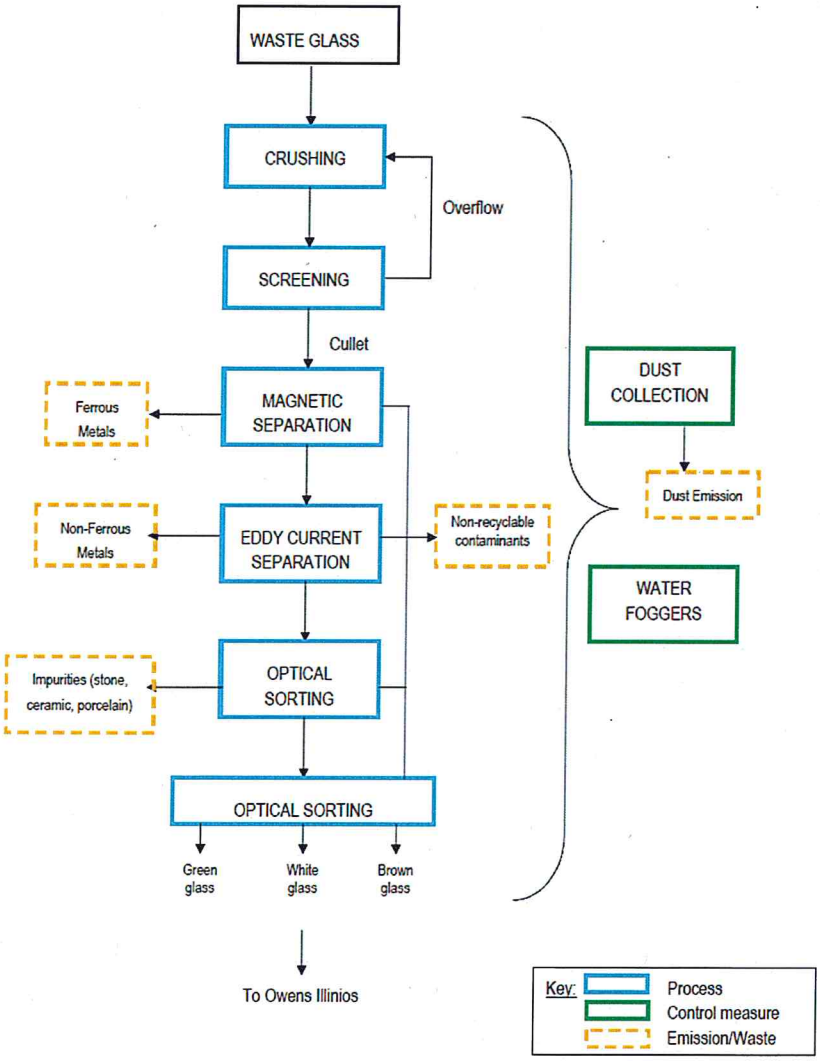

***Figure 4**: The Penrith GBP recycling Process*

Throughout the glass recycling process, water misters and dust collectors work to minimise offsite dust impacts.

An additional benefit of the Penrith GBP is that it reduces the transportation of glass within metropolitan Sydney due to its close proximity to the Owens Illinois plant.

3. STATUTORY AND STRATEGIC CONTEXT

3.1 State Significant Development

The proposal is classified as State Significant Development (SSD) under Part 4.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development for the purposes of a recycling facility that would process more than 100,000 tonnes of waste per year. As such, the proposal meets the criteria in Clause 23(3) of Schedule 1 in the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) and the Minister for Planning is the consent authority for the proposed development.

3.2 Delegated Authority

On 27 February 2013, the powers and functions of the Minister to determine SSD applications were delegated to the Executive Director, Development Assessment Systems and Approvals, where:

- the relevant local council has not made an objection;
- there are less than 25 public submissions in the nature of objections; or
- a political disclosure statement has not been made.

There have not been more than 25 public submissions which raised objections and Council has not objected to the proposed development. No political disclosure statement was made for this application or any previous related application, and no reportable political donations disclosures were made by any persons who have lodged a submission.

Accordingly, the application is able to be determined by the Executive Director under delegation.

3.3 Permissibility

The site is zoned IN1 General Industrial under the *Penrith Local Environmental Plan 2010* (PLEP). Pursuant to the land use table in the PLEP, waste or resource management facilities are not permissible in the IN1 zone.

However, the provisions of *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) override the provisions of the PLEP. Under Clause 121 (1) of the Infrastructure SEPP, *development for the purpose of waste or resource management facilities* (including resource recovery facilities) *may be carried out by any person with consent on land in a prescribed zone.*

The proposal is considered to meet the definition of a 'waste or resource management facility' under the Infrastructure SEPP and is located within a 'prescribed zone', which includes the IN1 General Industrial zone. Consequently, the proposal is permissible pursuant to the provisions of the Infrastructure SEPP.

Consequently, under delegated authority of the Minister for Planning, the Executive Director, Development Assessment Systems and Approvals may determine the development.

3.4 Exhibition and Notification

Under Section 89F(1) of the EP&A Act, the Secretary is required to make the Development Application (DA) and any accompanying information of an SSD application publicly available for at least 30 days.

After accepting the EIS for the proposal, the Department:

- made it publicly available from Friday 7 June 2013 and Monday 22 July 2013;
  - on the Department's website;
  - at the Department's Information Centre (Bridge Street, Sydney);
  - at the Nature Conservation Council's Head Office (Sydney); and
  - at Penrith City Council.
- notified landowners in the vicinity of the site about the exhibition period by letter;
- notified relevant State government authorities and Penrith City Council by letter; and
- advertised the exhibition in the Penrith City Star on 7 June 2013.

3.5 Considerations under Section 79C of the EP&A Act

Under Section 79C of the EP&A Act, in determining a development application (DA), a consent authority is required to take a number of matters into consideration in relation to the proposed development. The Department has given due consideration to the matters prescribed by Section 79C.

The Department's detailed consideration of the proposed development against the provisions of Section 79C of the EP&A Act is contained within Appendix B of this report.

3.6 Environmental Planning Instruments

Under Section 79C of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act).

The Department has considered the development against the relevant provisions of several key environmental planning instruments including:

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;*
- *State Environmental Planning Policy No. 64 – Advertising and Signage;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas; and*
- *Penrith Local Environmental Plan 2010.*

The Department is satisfied that, subject to the implementation of the recommended conditions of consent, the proposal is generally consistent with the aims, objectives and provisions of these instruments (see Appendix C).

Development Control Plans (DCPs) do not apply to SSD under Clause 11 of the SRD SEPP. Notwithstanding this, the Department has considered the relevant provisions of *Penrith City Council Development Control Plan 2006* (Penrith DCP) in its assessment of the proposal in Appendix C of this report.

3.7 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act. These objects are detailed in Section 5 of the EP&A Act, and include:

(a) to encourage:

- *(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- *(ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- *(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- *(vii) ecologically sustainable development, and*
- *(viii) the provision and maintenance of affordable housing, and*

The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application.

The Department considers that objects (a)(i), (ii), (vi) and (vii) are most relevant to the merit assessment of this application. The Department has given due consideration of these objects in its assessment of the proposal (see Table 2 below).

Table 2: Objects of the EP&A Act and relevance to the development

Object	Consideration
5(a)(i)	The proposal would ensure the proper management and development of suitably zoned (i.e. industrial) land for the economic welfare of the community including the creation of approximately 30 full-time equivalent jobs during operation.

5(a)(ii)	The subject site is located on suitably zoned land that has been strategically identified for industrial use. As above, the site would be used economically to employ approximately 30 full-time staff and would ensure a reliable supply of high quality cullet to the adjacent Owens Illinois facility and various other end users for the production of glass products.
5(a)(vi)	The Department's assessment in Section 5 of this report demonstrates that with the implementation of recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure the environment is protected.
5(a)(vii)	The proposal is unlikely to have an adverse impact on native flora or fauna, including threatened species, populations and ecological communities, and their habitats and is therefore consistent with the principles of ESD (see Section 3.8 below).

3.8 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

(a) the precautionary principle;
(b) inter-generational equity;
(c) conservation of biological diversity and ecological integrity; and
(d) improved valuation, pricing and incentive mechanisms.

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

As demonstrated by the Department's assessment in Chapter 5 of this report, the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats, As such, the Department considers that the Proposal would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

3.9 Integrated Approvals

Under Section 89K of the EP&A Act, the Applicant is required to obtain a number of further approvals, but these must be approved in a manner that is consistent with the Part 4 approval under the EP&A Act.

In this case, the proposal requires an Environmental Protection License (EPL) under the *Protection of the Environment Operations Act 1997* and an approval under the *Roads Act 1993.*

As such, the Department has consulted with the Environment Protection Authority (EPA) and considered the relevant issues relating to the issue of an EPL in the assessment of the proposal (see Section 5 of this report). In addition, the Department has also consulted with the Council and RMS in relation to the required road upgrade works. The Department has included the recommended conditions from the EPA, Council and the RMS.

3.10 Strategic Context

Draft NSW Waste Avoidance and Resource Recovery Strategy (WARRS), 2013-21

The NSW strategic framework for waste management incorporates policies to drive waste reduction and resource recovery. The Draft NSW Waste Avoidance and Resource Recovery Strategy (WARRS) 2013-21 provides the framework for maximising the conservation of natural resources and minimising the environmental harm caused by waste management activities and the disposal of solid waste. The Strategy includes six targets for:

- avoiding and reducing waste generation;
- increasing recycling;
- diverting more waste from landfill;
- managing problem wastes better;
- reducing litter; and
- reducing illegal dumping

The development is consistent with the Draft WARRS 2013-21 as it is primarily built around diverting glass waste from landfill into recycled products. The Applicant is proposing to fit-out an existing industrial building with glass recycling equipment which would help deliver on the NSW Government's target of increasing recycling rates to 70% during the development's lifespan.

NSW 2021

The CIV for this development is $10 million and would create up to 25 new construction jobs and up to 30 full time operational positions over three shifts.

NSW 2021 identifies Penrith as a Major Centre, with a key priority relating to employment generation and supporting key industries to grow. The proposal would be consistent with these priorities as it would provide for employment opportunities on suitably zoned land and would support a key industry (which includes manufacturing) through the provision of materials to the nearby Owen Illinois facility which manufactures glass products.

Draft Metropolitan Strategy for Sydney 2031

The *draft Metropolitan Strategy for Sydney* 2031 (Metro Strategy) presents a plan for sustainable growth in the Sydney region until 2031. The Metro Strategy sets out key aims for employment, housing, infrastructure and service provision.

The proposal is generally consistent with the goals and priorities of the draft Metro Strategy, particularly as the development involves the use of an existing industrial site to assist in achieving the employment targets identified in the Metro Strategy by providing additional employment opportunities during construction and operation of the Penrith GBP.

3.11 Statement of Compliance

In accordance with Section 89H of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. ISSUES RAISED IN SUBMISSIONS

During the exhibition period, the Department received a total of 10 submissions on the development:

- 7 from public authorities; and
- 3 from the general public.

A summary of the issues raised in submissions is provided below. A full copy of these submissions is attached in Appendix E.

4.1 Public Authorities

Penrith City Council (Council) did not object to the proposal, however raised a number of issues relating to dust, noise, traffic, biodiversity and water management. However, following review of the RTS, Council was satisfied that the environmental impacts of the development would be adequately managed with a number of recommended conditions of approval relating to water management, intersection upgrades and environmental management.

The **Environment Protection Authority** (EPA) did not object to the proposal and noted that the facility would require a license under Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act).

The EPA raised concerns regarding potential noise impacts of the proposed development and stormwater management around the external storage areas. The Applicant provided additional information in a RTS, however the EPA requested further details, particularly in relation to the potential noise impacts associated with the proposed maximum operational capacity of the facility. In response, further noise modelling information was provided that satisfied the EPA's concerns. As such, the EPA advised that it would be able to issue an Environment Protection License (EPL) for the development, subject to conditions.

Roads and Maritime Services (RMS) did not object to the proposal and recommended that a Construction Traffic Management Plan be prepared prior to the construction of the external storage bunkers and road upgrade works. The Department has incorporated RMS recommendations into the recommended conditions of consent.

NSW Office of Water (NOW) did not object to the proposal, however requested clarification regarding the existing wetland areas and the proposed stormwater management. The Applicant provided additional information regarding the proposed treatment of the wetland areas and the stormwater management measures as part of the RTS. The Department has reviewed the RTS and is satisfied that water management would be adequately managed subject to recommended conditions.

Sydney Water, NSW Trade and Investment and **NSW Fire and Rescue** did not object to the development.

4.2 General Public

Three (3) submissions were received from members of the public which raised the following issues:

- traffic generation and road upgrade requirements; and
- development alternatives including an elevated conveyor between the subject site and the adjoining glass bottling plant.

Key issues raised in submissions are considered in more detail in Section 5 of this report.

4.3 Response to Submissions

On 30 October 2013, the Applicant provided a response to the issues raised in submissions (see Appendix F). The RTS provided a response to the issues raised and recommended further mitigation measures that would be adopted, however it did not propose any changes to the development. The RTS was also made publicly available on the Department's website.

The Department has considered the issues raised in the submissions, and the Applicant's responses to these issues, in Section 5 of this report.

5. ASSESSMENT

In assessing the merits of the proposal, the Department has considered the EIS (Appendix D), the submissions and the Response to Submissions (RTS) report (Appendices E & F). The assessment has involved consideration of the provisions of relevant EPIs, Section 79C and the objects of the EP&A Act, including the object to encourage ecologically sustainable development.

The Department considers the key issues associated with the development to be air quality, noise and water management which are addressed in Sections 5.1, 5.2 and 5.3 below. All other issues are considered in Table 3.

5.1 Air Quality (Dust and Odour)

Issue

The development could potentially result in dust and odour impacts at nearby residents resulting from glass unloading, crushing and separation activities and non-recyclable waste products.

Consideration

The EIS included an air quality impact assessment (AQIA) undertaken by Benbow Environmental Pty Ltd.

This AQIA identified all potential air emission sources generated from the construction and operation of the facility, quantified the associated impacts by utilising an air dispersion modelling program and assessed the impacts of the development on nearby sensitive receivers (the closest being residents 150m to the north-east of the site in the suburb of Cranebrook – see Figure 5) by comparing the modelling results against the relevant criteria and guidelines.

Construction (dust)

Whilst the internal works have been completed, the external works including the construction of ten storage bunkers and the driveway/access upgrade works are yet to be undertaken. The AQIA predicted that construction related dust impacts relating to these works would be minor and below relevant criteria for particulate matter (PM_{10}), Total Suspended Particulates (TSP) and deposited dust at the nearest receivers.

Dust emissions from construction works would be managed thorough the implementation of standard dust controls such as watering, covering stockpiles and reduced truck speeds. The Applicant has committed to preparing a Construction Environmental Management Plan (CEMP) for the development which would outline in detail all dust controls for the remaining construction activities.

The Department considers that construction related dust could be effectively managed through the implementation of a CEMP, and has included this requirement in the recommended conditions of consent.

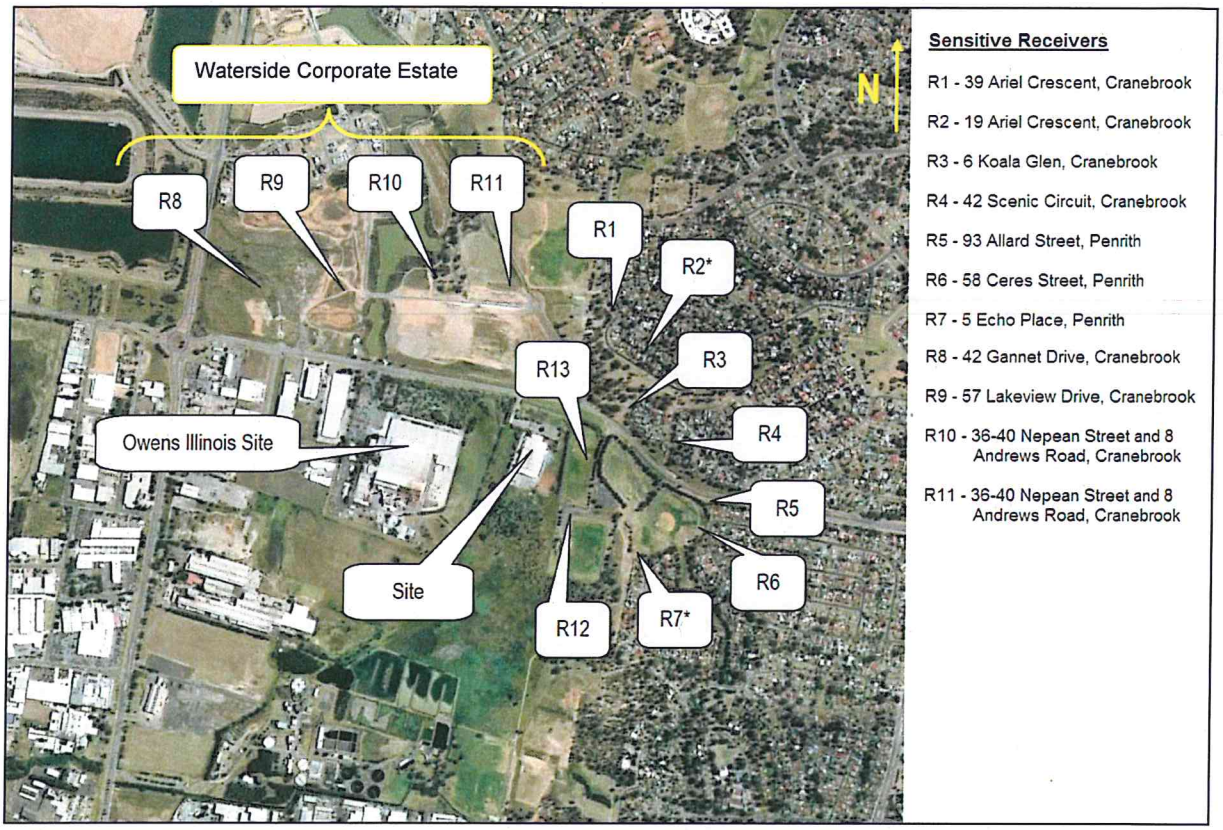

***Figure 5**: Location of sensitive receivers.*

Note:

- *Receptor R3 – 6 Koala Glen, Cranebrook is the closest residential receiver to the subject site.*
- *Receptors R8 to R11 represent future light industrial development.*
- *Receptors R12 and R13 represent the Nepean Rugby Park.*

Operation (Dust)

During operations, dust would be generated from the unloading and transfer of raw and processed materials, and during the glass crushing process.

To manage dust impacts, the EIS detailed a number of dust controls including:

- the use of water sprays around external storage areas during the loading/unloading activities;
- the provision of water misters at doorways and above the crushing, screening and conveying processes within the building; and
- the installation of a dust collector at the north-eastern corner of the building to capture dust from the processing equipment.

In their submissions, the EPA and Council sought further information regarding potential PM_{10} impacts from the development at the residential areas further south of the site during adverse weather conditions. Both also noted that dust was clearly evident in the internal building area during pervious site inspections.

The Applicant provided additional modelling to the Department as part of the Response to Submissions (RTS) Report including the development's specific and cumulative contribution of fine particulates (PM_{10}) at the surrounding receiver locations. The results were compared against the relevant impact assessment criteria.

The additional modelling in the RTS concluded that:

- worse case dust generation from the development in a 24 hour period would be 8.23µg/m^3 (well below the EPA criteria of 50µg/m^3) and the annual average project contribution would be 0.14µg/m^3 (well below the EPA criteria of 30µg/m^3);
- the annual cumulative PM_{10} impacts are also expected to be well below the EPA criteria of 30µg/m^3 (with the most affected residential receiver experiencing 14.94µg/m^3); and
- TSP and deposited dust levels are expected to be well below the relevant criteria at the surrounding receiver locations.

In addition, the RTS provided further detail regarding the proposed operational procedures the Applicant would implement to ensure dust would be minimised in the internal building areas.

The EPA advised that it was satisfied with the AQIA and the additional modelling provided in the RTS, and recommended a number of conditions, including a requirement for the Applicant to implement an Air Quality Management Plan, detailing the proposed management and monitoring measures. This recommendation has been included in the recommended condition.

However, during inspections of the site, the Department observed noticeable dust being generated and deposited within the internal areas of the building.

To ensure potential dust impacts from the operation of the facility are managed, the Department has recommended a number of additional conditions. These include a requirement for the Applicant to prepare and submit a Dust Impact Validation Report when the facility is operating under normal conditions or no later than 6 months from the date of the consent. This would ensure the recommended dust control practices are working effectively and to rectify any unexpected dust issues.

Further, the Department has also recommended the following additional dust related conditions:

- dust minimisation measures such as low vehicle speeds on site, covering truck loads and cleaning vehicles prior to leaving the site;
- the implementation of a cleaning protocol to routinely maintain and clean the internal and external areas of the facility; and
- the implementation of automated roller shutter doors to the southern side of the building and the closure of roller shutter doors to the eastern side of the building during evening and night time hours.

The Department is satisfied that with the implementation of these conditions, air quality at the nearest sensitive receptors would remain below relevant criteria.

Operation (Odour)

Incoming waste glass material would be sourced from existing material recycling facilities across NSW, including the SITA facilities in Camellia and Chullora and PARR Recycling in Thornton. The glass would be pre-sorted and often partially crushed prior to delivery to the site. The EIS states that the potential levels of residual liquid causing odours would be low, and that no putrescible material would be present or accepted on site. No further assessment of odour impacts was provided in the EIS. The EPA did not raise any concerns with this approach and agreed with the management measures outlined in the EIS.

The EIS details the following commitments to ensure that odour impacts are minimised:

- all incoming material would be inspected to ensure it is free from residue;
- all incoming loads would be covered during transportation;
- all pre-processed materials would be stored within the building in storage bays; and
- an automatic closing door would be installed to reduce any potential egress of odour.

Notwithstanding the above, site inspections undertaken by the Department and the EPA have detected a putrescible waste like odour. This odour was present around the non-recyclable waste stockpiles and around areas where water was ponding on the site.

To address this issue, the Department has recommended a number of specific conditions to manage potential odour emissions from the site. This includes conditions relating to the:

- source of glass material from appropriately licenced pre-sort facilities;
- requirement for the management and regular removal of the non-recyclable waste material;
- implementation of appropriate hardstand and stormwater controls within 6 months of the date of the consent to address water ponding issues; and
- requirement to prepare and implement an Odour Management Plan and an Odour Verification Report when the facility is operating at full capacity or no later than six (6) months from the date of the issue of development consent.

The Department is satisfied that with these requirements in place, the existing odour sources would be accurately identified and clarification would be provided on whether the operating facility is complying with the relevant odour criteria.

Conclusion
The Department is satisfied that based on the AQIA undertaken for the development, dust impacts from the proposed development is likely to be low and well within the EPA's criteria.

While odour impacts were detected during site inspections, the Department is satisfied that the recommended conditions will ensure odour impacts would be appropriately managed.

As such, both the EPA and the Department are satisfied that the requirements of the conditions will ensure that potential dust and odour impacts are managed.

5.2 Noise

Issue
The development has the potential to generate noise impacts at sensitive receivers, particularly given that the Applicant intends to operate 24 hours a day.

Consideration
The EIS includes a Noise Impact Assessment (NIA) prepared by Benbow Environmental Pty Ltd. The NIA describes the existing noise environment and provided predicted noise levels for the construction and operation phases of the development (with noise mitigation measures in place).

Receiving Environment
The nearest residences are located approximately 150m to the northeast (Receptor R3 – 6 Koala Glen, Cranebrook, see **Figure 5**).

The site is within an existing industrial area and adjacent to an existing bottling plant (Owens Illinois) to which the proposal will supply the recycled glass materials.

Construction Noise
It should be noted that a large portion of the proposed internal building fit-out works have been completed. The Department has not been made aware of any complaints regarding noise impacts for the construction works undertaken to date.

The EPA recommended that the Applicant implement the noise mitigation measures outlined in the EIS and the RTS report and has recommended conditions of consent for the construction phase.

To manage construction noise, the Department has recommended conditions relating to the hours of construction work and that all equipment used on site have non-tonal reversing alarms. Given the short timeframe for undertaking the remaining construction works (ie around 6 months) and with the recommended conditions, the Department is satisfied that construction noise can be effectively managed.

Operational Noise
The noise sources during operation of the development would be from truck movements, loading/unloading of glass waste material and the operation of the glass processing equipment.

The Applicant has committed to noise mitigation measures including:
- implementation of automated roller shutter doors to the southern side of the building;
- ensuring the roller shutter doors, particularly to the eastern and southern sides of the building, remain closed when the openings are not in use for the transfer of materials to and from the bunkers and the internal storage areas;
- the implementation of a Driver Code of Conduct;
- restricting the number of front end loaders that are used during sensitive hours (6pm to 6am), particularly to the rear of the site; and
- ensuring no activities would be conducted on the eastern side of the building during evening and night time hours, which is in the direction of the closest residents.

The EIS included a NIA, which predicts that during operation, the development would comply with the EPA's *Industrial Noise Policy (2000)* criteria at all sensitive receivers with the exception of residential premises R3 (6 Koala Glen, Cranebrook). During the day, the NIA predicted that at R3, noise would be 3dBA above the Project Specific Noise Level (PSNL) of 46dBA.

The EPA reviewed the NIA and raised concerns regarding the potential 3dBA exceedence. The EPA requested further noise modelling to be undertaken, which was included within the RTS.

The Applicant's RTS included additional noise modelling information and further detailed amendments to the proposed operations of the facility to address the EPA's noise issues, including procedures relating to the movement of trucks on the site and limiting external activities during evening and night times.

Furthermore, the Applicant proposes to undertake noise mitigation works to the external dust baghouse (on the eastern side of the building) with a noise wall to be constructed around it. With these mitigation measures in place, the Applicant's additional noise modelling indicated that the development would meet the relevant EPA noise criteria for the day and night time periods at the closest residential receiver.

The EPA has indicated it is now satisfied with the potential noise impacts of the proposed facility and has recommended a number of conditions of consent, including:

- restricting hours of operation for internal and external activities;
- restricting the use of heavy vehicles during sensitive hours, particularly at the southern side of the building;
- the implementation of automatic closing doors to mitigate potential noise impacts;
- ensuring the roller shutter doors, particularly to the eastern and southern sides of the building, remain closed when the openings are not in use for the transfer of materials to and from the bunkers and the internal storage areas; and
- noise monitoring and compliance testing.

These recommendations have been included in the conditions of consent.

Conclusion

The Department is satisfied that the potential construction and operational noise impacts of the facility can be adequately managed, particularly with the recommended conditions. This includes requirements for the Applicant to:

- comply with project specific noise levels determined in the submitted NIA and the noise limits outlined by the EPA;
- comply with standard construction times for the external bunkers and hardstand areas;
- comply with operating conditions recommended by the EPA; and
- implement best management practice to prevent and minimise noise impacts during construction and operation of the development.

5.3 Water Management

Issue

The Application includes the construction of external storage bunkers for the storage of cullet. As such, there is the potential for the drainage of contaminants from the stored cullet and dust to enter nearby watercourses. Figure 6 depicts the drainage channels and wetland area on and around the site.

Consideration

Flooding

The Penrith LEP 2010 identifies sections of the site along the western and southern boundaries as being within a flood planning area. For the purposes of assessment, the EIS considers the entire site to be on a floodplain due to its flat nature and proximity from the Nepean River (1.8km away).

Council raised concerns about the potential for flooding at the development site, and recommended that:

- the proposed new access driveway should be designed to ensure it is flood proof (in accordance with its Flood Liable Land Policy); and
- the Applicant considers flood proofing the existing building and associated equipment.

The Department acknowledges that the proposed development includes the use of an existing building and that the existing conditions of the area to the south of the site which would accommodate the proposed hardstand area, provide minimal flood storage given its compact nature. Notwithstanding, the Department has recommended conditions requiring the Applicant to upgrade the access driveway, as required, to provide flood free access in accordance with Council's Flood Liable Land Policy.

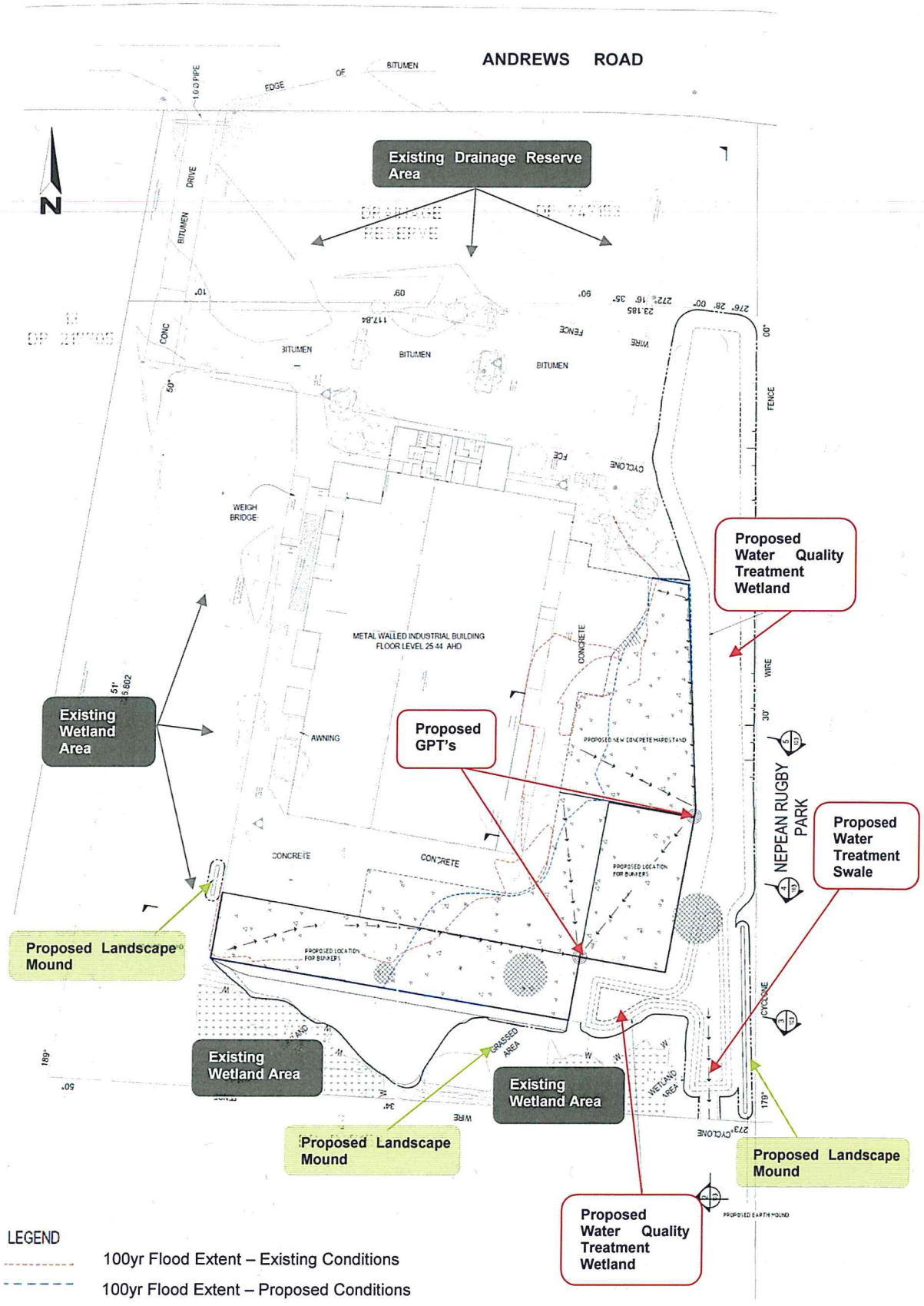

***Figure 6**: Location of existing wetlands and proposed drainage*

Water Management

The existing stormwater system on the site requires alterations to prevent off-site water quality impacts. These improvements include:

- fitting existing stormwater drains with fabric particulate filters;
- installing Gross Pollutant Traps (GPTs) at the low points of the paved areas to capture and retain gross pollutants, litter, grit, sediments and oils (during 1 in 100 year flooding events) prior to discharge; and
- the establishment of swales in the low-lying southern areas of the site to aid in the deposition of any solids washed off the hardstand areas.

The EIS also describes widening works to the existing channel along the eastern boundary, designed to accommodate additional stormwater that would be generated as a result of the proposed hardstand area (subject to the approved Council DA Development Application No. 12/0539). The Applicant is proposing to create a water quality treatment wetland in this area by planting tubestock of native species.

The EIS states that routine maintenance of the swales and GPT's should be undertaken to ensure efficiency. This would include removal of sediment build up, litter and weeds. The EIS also proposed a water monitoring program to monitor turbidity levels in drainage lines (indicative of dust).

In its submission, Council recommended specific monitoring and maintenance requirements for the stormwater infrastructure, such as quarterly water quality monitoring for a period of two years to align with the establishment period of the wetland area, and a maintenance plan to ensure the stormwater infrastructure is maintained.

During its site inspections, the Department observed some issues around the site's water management, particularly with the ponding of water around parts of the site.

The EPA and NOW also raised concerns about drainage from the external glass bunkers, and recommended the construction of bunding around the external glass storage bay areas to ensure that runoff is contained during heavy rainfall and flooding events, then discharged to the wetland areas via the GPTs.

To address these issues, the Department has recommended a number of conditions around the site's water management, including around the control and dispersion of stormwater. This includes the requirement for the Applicant to:

- implement all hardstand and stormwater controls within 6 months of the date of the consent;
- prepare and implement a Stormwater Management Plan, in consultation with Council, within six (6) months of the date of the consent; and
- construct bunding around the external cullet and non-recyclable areas, and around any chemical storage locations.

Conclusion

The Department is satisfied that the recommended conditions of consent would adequately manage any potential site water management issues associated with the development. In particular, the Department considers that the requirements associated with the implementation of appropriate hardstand and stormwater controls, would ensure water related issues are managed.

5.4 Other Issues

The Department's assessment of other issues is provided in Table 3 below.

Table 3: Assessment of other issues

Consideration	Recommended Conditions
Commencement of Operation	
• As previously outlined, the Penrith GBP has commenced operations. • The commencement of operations prior to development consent is the subject of a separate compliance action and is currently being considered in the Land and Environment Court. • The works undertaken to date may not have an appropriate construction or operational certificates from a Certifying Authority. • Under Section 149A and 149B of the EP&A Act, any unlawful works are required to obtain a 'Building Certificate' from the local council. The building certificate is required to: o regularise existing structures at the site; and o ensure that the works are structurally sound, comply with the Building Code of	Require the Applicant to: • obtain a building certificate from Council for the completed works within 2 months of the development consent.

Consideration	Recommended Conditions
Australia and/or other relevant building standards. • As such, the Department has recommended a condition which requires the Applicant to obtain a building certificate from Council.	
Traffic and Access	
• Waste glass would be delivered to the site from existing material recycling facilities such as the SITA facilities in Camellia and Chullora and PARR Recycling in Thornton. The trucks would travel via the M4 and then use either Castlereagh Road or Richmond Road and then onto Andrews Road to access the site. • The development is expected to generate 31 truck trips (62 movements) per day for incoming and outgoing glass material and 44 staff vehicle trips (88 movements) per day. • The Traffic Impact Assessment concludes that the traffic generated from the proposed facility would not decrease the performance or level of service of Andrews Road. • RMS recommended that the Applicant prepare a Traffic Management Plan for the remaining construction activities. • Council recommended upgrading the intersection at Andrews Road to safely accommodate B-Double truck movements (i.e. to ensure adequate turning paths and a deceleration lane is provided at the site entry) and that the car parking and manoeuvring areas comply with the relevant Australian Standards. • The Applicant has agreed to upgrade the access intersection to accommodate B-Double trucks, in accordance with the requirements of Council and the RMS. • The Department has recommended that the site access works be undertaken within six (6) months of the date of the consent.	Require the Applicant to: • prepare and implement a Construction Traffic Management Plan in consultation with RMS and Council prior to construction; • prepare and implement a Traffic Management Plan in consultation with RMS and Council; and • within six (6) months from the issue of consent, upgrade the intersection of Andrews Road and the site access driveway to Council's satisfaction.
Waste	
• The remaining construction activities involve the construction of the external bunkers and the road access upgrade works. Any construction waste would be removed for off-site recycling. • Waste generated by the operation of the facility includes office and domestic waste and waste from the glass sorting process including: o 4.5 tonnes per annum of non recyclable general solid waste (dirt, plastics etc.); o 9.5 tonnes per annum of recyclable general solid waste (stone, ceramic, brick, office and domestic waste etc); and o less than 50L of liquid waste. • Recycling bins would be located on site to store any recyclable material prior to being sent to the appropriate recycling facility. • The Applicant has committed to a waste audit once the facility is fully operational to ensure the waste management system is properly functional and of suitable capacity. • However, the Department noted a large stockpile of non-recyclable waste during previous site visits. • As such, the Department has recommended that the Applicant prepare a Waste Management Plan in consultation with the EPA that details the type and quantity of waste to be received on site and includes measures to manage and regularly remove non-recyclable waste from the site. • The Department is therefore satisfied that waste from the development can be effectively managed, subject to conditions.	Require the Applicant to: • ensure all waste generated on site is classified in accordance with the EPA's *Waste Classification Guidelines* and disposed of to a facility that may lawfully accept the waste; and • prepare and implement a Waste Management Plan for the development, within three (3) months of the issue of the consent.
Visual Amenity	
• The proposal seeks to utilise the existing industrial building with only minor modifications to the building including new automatic closing doors on the southern wall. • The site is located on the eastern edge of the Penrith industrial area and is surrounded by sporting fields to the east, vacant vegetated land to the south, an industrial facility (Owens Illinois) to the west and residential development on the northern side of Andrews Road. • Given the large building setback from Andrews Road (55m) and the existing vegetation in the car park, there will be minimal visual impacts from Andrews Road and the residential development north of the subject site. • The ten (10) above ground storage bunkers would be located to the southern and south eastern portion of the site and would be 5m in height. As such, the storage bunkers may be visible from the adjoining rugby park, however landscaping including mounding and dense planting is proposed to screen the bunkers. • The Department is satisfied that the visual impacts of the development would be acceptable, subject to a condition requiring the Applicant to comply with Australian Standards for site lighting particularly for night time operations.	Require the Applicant to: • ensure that lighting associated with the development complies with the relevant Australian Standards and is directed so that it does not create nuisance to the public; and • prepare and implement a Landscaping and Vegetation Management Plan for the development, within three (3) months of the issue of consent

Consideration	Recommended Conditions
Bushfire Risks	
• Council's Bush Fire Prone Land Map indicates that the site is within the 100m buffer zone from 'designated Category 1 Vegetation', meaning that the site is affected by vegetation that may pose a fire hazard. However, the existing building and the proposed external bunkers are located outside the 100m buffer zone. • Notwithstanding, a Bushfire Hazard Assessment Report (BHA) was prepared by Building Code and Bushfire Hazard Solutions Pty Ltd which found that the bushfire risk to the development can be mitigated to comply with the requirements of *Planning for Bushfire Protection 2006* (NSW RFS). • The BHA Report recommended minor upgrades to the office component of the building to comply with the relevant Australian Standards including separation from the industrial components of the building, and an emergency evacuation plan has been recommended for the site. • Fire and Rescue NSW did not object to the proposal and made note that any building works are to comply with the relevant standards and that access to existing hydrants and sprinkler systems should not be compromised. • The Department has considered these recommendations and the submission from Fire and Rescue NSW and is satisfied that the bushfire risk would be adequately managed through the recommendations of the BHA Report. These recommendations have been included in the conditions of consent.	Require the Applicant to: • ensure that the development complies with all recommendations outlined in the BHA Report prepared by Building Code and Bushfire Hazard Solutions at Appendix 8 of the EIS, within three (3) months from the date of a development consent.
Biodiversity	
• The external bunkers are to be constructed in an area that has been cleared of all native vegetation. • Notwithstanding, the EIS included flora and fauna surveys of the area surrounding the proposed bunkers which found that there are no threatened or endangered flora and fauna populations on the site. • The EIS also confirmed that there are no threatened trees on or adjacent to the site. • The Department considers that the development would not have an impact on any species or their habitat given the existing industrial nature of the site. • Notwithstanding, the application includes landscaping with indigenous species and weed management to improve the landscape values of the site. • The Department has recommended that the Applicant prepare a Landscaping and Vegetation Management Plan in consultation with Council that details revegetation works on the site and outlines on-going maintenance measures.	Require the Applicant to: • ensure that trees are not removed without Council consent and in accordance with Council's Tree Preservation Order and Policy.
Greenhouse Gas	
• The development is predicted to emit a total of 1,575 tonnes of Carbon Dioxide (CO2-e) per annum which would be Scope 1 and 2 emissions from electricity consumption and diesel use in trucks and front end loaders. • In addition, the development is predicted to contribute to a total of 356.9 tonnes of CO2-e per annum which would be Scope 3 emissions from fuel consumption activities relating to the transport of raw materials to the site and employee movements. • Proposed energy efficiency measures at the facility include improvements on existing lighting systems, use of compressed air systems, use of high efficiency motors for pumps and fans. • The total greenhouse gas emissions of the proposed development would be below the industry benchmark for similar type facilities. Similar glass recycling facilities produce an average of 0.35 to 0.62 tonne of CO2-e per tonne of glass waste processed. The proposal would generate approximately 0.018 tonne of CO2-e per tonne of glass waste processed. • In general, the significant improvements in total greenhouse gas emissions for the development in comparison to existing similar facilities are due to more efficient technology and reduced Scope 3 emissions from the low kilometres travelled of the finished product to the adjoining Owen-Illinois Bottling Plant. • Further, the development would reduce the use of raw materials by glass bottle manufacturers, therefore decreasing greenhouse gas emissions generally. • The Applicant is committed to the preparation and implementation of an Energy Efficiency and Greenhouse Gas Reduction Plan to further investigate energy efficiency opportunities. • The Department is satisfied that the GHG emissions of the Development would be acceptable.	Require the Applicant to: • Prepare and implement an Energy Efficiency and Greenhouse Gas Reduction Plan for the development.
Soils	
• The EIS referred to a previous Phase 1 contamination report for the site which found that there is no evidence of contamination at the site from the previous industrial activities. • Minor earthworks would be required during the installation of the external bunkers,	Require the Applicant to: • implement erosion and sediment control measures during construction in

Consideration	Recommended Conditions
during which dust, erosion and sedimentation would be managed in accordance with industry standards. • No impact on groundwater is expected during these minor earthworks. • The Department is satisfied that the Erosion and Sediment Control Plan (ESCP) prepared as part of the EIS by Claron Consulting Pty Ltd would manage any potential construction impacts.	accordance with the relevant Landcom guidelines; and • implement the ESCP for the development as part of the CEMP.
Hazard and Risks	
• The dangerous goods to be stored on site include diesel fuel, paint and lubricating oils. • The quantity of these chemicals to be stored on site do not trigger the threshold values in *State Environmental Planning Policy 33 – Hazardous and Offensive Development,* and the proposed facility is therefore not potentially hazardous. • The Department is satisfied that the development would not be potentially hazardous, subject to ensuring that these goods would be stored in accordance with AS 1940-2004 as outlined in the EIS.	Require the Applicant to: • ensure that any storage of dangerous goods complies with the relevant Australian Standards.
Heritage	
• The site is not listed as being a heritage item or containing items under the Penrith LEP 2010. • There are no Aboriginal heritage items that have been identified or uncovered on or in the vicinity of the site. • Given past industrial land uses and a lack of recorded heritage items, the Department considers it highly unlikely that the proposed development would have any Aboriginal heritage impact but has recommended conditions to deal with any unexpected heritage objects.	Require the Applicant to: • cease works and notify the relevant authorities in the event that any Aboriginal cultural object(s) or human remains are uncovered on-site during construction of the external bunkers.
Water Use	
• Water would be used for dust control measures (water sprays and water foggers) and in the office and amenities. • The estimated annual water use for the site is approximately 22.7ML. • Sydney Water, which is the relevant service provider, has confirmed that adequate water supply infrastructure capacity is available to service the proposed development. • The Department considers it is best practice to reuse rainwater where possible and has recommended a condition to require the Applicant to prepare and implement a rainwater reuse/harvesting system for the development within six (6) months of the issue of a consent.	Require the Applicant to: • implement and prepare a rainwater reuse/harvesting system for the development in consultation with Council and within six (6) months of the issue of a consent.

6. CONCLUSION

The Department has assessed the merits of the development having regard to the objects of the EP&A Act and the principles of ecologically sustainable development.

The key issues associated with the development related to potential air quality and noise impacts on surrounding residential communities, water management and the commencement of operation.

This assessment has concluded that with the implementation of the recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance during operations. In particular, the recommended conditions aim to improve the management of water and odour emissions which were identified as key issues of concern during site inspections undertaken by the Department.

The recycling process has the benefit of using much less energy than manufacturing glass from raw materials, whilst also reducing the amount of waste sent to landfill and is therefore consistent with the aims and objectives of the draft *NSW Waste Avoidance and Resource Recovery Strategy 2013-21*.

The development would increase employment opportunities in Western Sydney and is consistent with the aims and objectives of the draft Metropolitan Strategy for Sydney to 2031 and NSW 2021. The development has a capital investment value of $10 million, would provide for employment opportunities on suitably zoned land and would support a key industry (which includes manufacturing) through the provision of materials to the nearby Owen Illinois facility which manufactures glass products.

Consequently, the Department considers that the development is in the public interest and should be approved, subject to conditions.

The Applicant, the EPA, Council and RMS have all reviewed and generally accept the recommended conditions.

7. RECOMMENDATION

It is recommended that the Executive Director, Development Assessment Systems and Approvals:

- **consider** all relevant matters prescribed under Section 79C of the EP&A Act, as contained in the findings and recommendations of the assessment report and appended documentation;
- **grant consent** to the development application, subject to conditions, under Section 89E of the EP&A Act, having considered all relevant matters in accordance with the above; and
- **sign** the attached instrument of consent at Appendix A.

Ashley Cheong
Planning Officer - Industry

24/7/14

Chris Ritchie
Manager - Industry
Industry, Key Sites & Social Projects

24/7/14

Daniel Keary
Director
Industry, Key Sites & Social Projects

25.7.14

Chris Wilson
Executive Director
Development Assessment Systems & Approvals

APPENDIX A: CONDITIONS OF CONSENT

APPENDIX B: CONSIDERATIONS UNDER SECTION 79C

Section 79C of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

(a) the provisions of: (i) any environmental planning instrument, and	The Department has considered Environmental Planning Instruments relevant to the proposal in Appendix C.
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and	DCPs do not apply to State Significant Development under Clause 11 of the SRD SEPP. However, the Department has consulted with Penrith City Council and given due consideration to the Penrith Council DCP in its assessment in Section 5 of this report and Appendix C.
(iv) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and	Not applicable. The Applicant has not entered into any planning agreement under section 93F.
(v) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	The Department has undertaken its assessment of the proposed development in accordance all relevant matters as prescribed by the regulations, the findings of which are contained within this report.
(vi) any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*) that apply to the land to which the development application relates,	Not applicable. The site is not located within the coastal zone and the Department is not aware of any coastal zone management plan that applies to the land to which the development application relates.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in Section 5 of this report. The Department is satisfied that all environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.
(c) the suitability of the site for the development,	Section 3, Section 5 and Appendix C of this report provide details on the suitability of the site for the proposed development. The site is zoned for industrial purposes and is permissible with development consent.
(d) any submissions made in accordance with this Act or the regulations,	All matters raised in these submissions have been summarised in Section 4 of this report and given due consideration as part of the assessment of the proposed development in Section 5 of this report.
(e) the public interest.	The recommended conditions of consent impose a range of controls, which the Department considers will mitigate any potential environmental impacts of the proposed development. The socio-economic benefits generated from the proposal include the employment of 20-25 construction staff and the on-going employment of approximately 25-30 full time employees over three shifts. The Department considers that the proposed development is therefore in the public interest.

APPENDIX C: CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011

The proposal involves the development of a resource management facility that would handle more than 100,000 tonnes per year of waste, and as such meets the criteria in Clause 23(3) of Schedule 1 in the SRD SEPP.

Consequently, the proposal has been identified as State Significant Development and the Minister for Planning and Infrastructure (or his delegate) is the consent authority for the proposed development. The SRD SEPP is discussed in Section 3.2 of this report.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP 33 aims to identify proposed developments with the potential for significant off-site impacts, in terms of risk and/or offence (odour, noise etc). A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have a significant risk and/or offence impact on off-site receptors.

The facility does propose the on-site storage of chemicals however the quantities are all below the threshold limits established for SEPP 33 and therefore, a Preliminary Hazard Assessment is not required.

The proposal is therefore not considered to be 'hazardous' or 'offensive' industry as defined by SEPP 33 and the requirements of the policy have been satisfactorily addressed.

The Department has reviewed the proposal and the EIS and is satisfied that, subject to the implementation of the requirements as set out in the relevant Australian Standards, the facility would not pose an unacceptable off-site risk.

The Department's assessment of hazards and risk is contained in Section 5.3 of this report.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) 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 particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposal constitutes traffic generating development under Schedule 3 of the ISEPP and was referred to the RMS for comment. RMS confirmed that they have no objection to the proposed development. The development is considered to be consistent with the aims and objectives of the ISEPP, and the requirements of Clause 104 of the SEPP, as demonstrated by the response received from the RMS and in the assessment of the proposal contained in Section 5 of this report.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application.

The Department has reviewed all contamination issues associated with the development and outlined in the EIS.

The EIS referred to previous Phase 1 contamination reports for the site which found that there is no evidence of contamination at the site that would be of concern for commercial/industrial land use.

The Department is therefore satisfied that the development would not result in adverse impacts on the environment or human health, and that the site would be suitable for the proposed development.

The Department considers the proposal is therefore generally consistent with the aims and objectives of SEPP 55.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)

SEPP 19 aims to protect and preserve bushland within certain urban areas, including some areas of the Penrith LGA.

The subject site does not contain any threatened species and populations or endangered ecological communities. Notwithstanding, a Flora and Fauna study was undertaken by BioDesign which found that there are no threatened or endangered flora and fauna populations or recorded sightings in the immediate surrounding area of the site.

Further, the site has an established history of industrial use and the area where works are proposed has been substantially cleared and is highly disturbed.

Notwithstanding, the proposed landscape plan would improve the ecological values of the site through establishing local indigenous plant species on the site and maintenance and control of weeds.

The Department has recommended that the Applicant prepare a Landscaping and Vegetation Management Plan that will be undertaken in accordance with the submitted Landscape Plans and be submitted to the Director-General within three (3) months from the date of the consent. As such, the proposal is considered to be generally consistent with SEPP 19.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

SEPP 64 aims to ensure that any signage that is visible form a public place is compatible with the amenity and visual character of the area, is suitably located and is of high quality.

The application does not include any advertising or signage. Under the recommended conditions, any future application for consent to install advertising or signage at the site would need to form part of a written request to the Department prepared in consultation with Council.

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

SREP No. 20 (deemed SEPP) 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 plan applies to all parts of the catchment in the Sydney Region including the Penrith Local Government Area, except for land covered by *State Environmental Planning Policy (Penrith Lakes Scheme) 1989* applies.

The Department has assessed the potential impacts of the proposal (including the potential for pollution of waters) on the natural environment in Section 5 of this report. The Department is satisfied that, subject to the proposal being carried out in accordance with the EIS and implementation of recommended conditions of consent, it will not impact upon the Hawkesbury-Nepean River system and is therefore consistent with SREP No. 20.

Draft Metropolitan Strategy for Sydney 2031

The proposal is generally consistent with the goals and priorities of the draft Metropolitan Strategy for Sydney to 2031 (Metro Strategy), particularly as the proposal would allow for the continuation of an existing industrial land use while also improving the environmental performance of the site, including a significant reduction in greenhouse gas emissions increase in resource recovery.

The development would also provide additional employment opportunities during construction and would employ up to 30 full-time staff during operation over three shifts.

The development is consistent with the aims of the Metro Strategy as it is located within an existing industrial site, involves the construction of a materials processing and resource recovery facilitiy, and it would increase regional diversion of waste from landfill, assisting in the achieving the NSW Government's target of resource recovery.

Draft North-West Subregional Strategy

The broad aims of the Metro Strategy are currently implemented through ten draft sub-regional plans, including the Draft North West Subregional Strategy which covers the subject site as it is located in the Penrith local government area. In 2014, new Subregional Delivery Plans will be prepared in partnership with the community and local councils.

The proposal would contribute to the development of Penrith as a Regional City, assist in implementing employment targets identified in the Metro Plan for Penrith and provide employment opportunities on suitably zoned land that has been strategically identified for this purpose by the NSW Government.

Penrith Local Environmental Plan 2010

Penrith Local Environmental Plan 2010 (PLEP 2010) recently commenced and repealed (amongst other instruments) *Penrith Local Environmental Plan 1994 (Erskine Park Employment Area)*.

The site is zoned IN1 General Industrial under the Penrith Local Environmental Plan (PLEP) 2010. Waste or resource management facilities are not permissible in the IN1 zone.

However, Division 23, Clause 121(1) of the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP), allows the development of waste or resource management facilities in the IN1 zone even though the local controls prohibit it as it is a prescribed zone.

Penrith Development Control Plan 2006

Penrith Development Control Plan 2006 (PDCP) was adopted on 21 August 2006. Section 4.1 of PDCP applies specifically to 'Industrial Land'. This DCP is the primary DCP governing the proposed development.

Relevant controls applicable to the proposed development include Part D6 (Accessing and Servicing the Site), D7 (Drainage), E1 (Air Quality), E3 (Water Quality) and E4 (Landscape Implementation and Maintenance).

The Department has considered all relevant provisions of the PDCP in its assessment of the proposal in Section 5 of this report. The Department is satisfied that the proposal is generally consistent with the PDCP.

APPENDIX D: ENVIRONMENTAL IMPACT STATEMENT

See the Department's website at www.planning.nsw.gov.au

APPENDIX E: SUBMISSIONS

APPENDIX F: APPLICANT'S RESPONSE TO SUBMISSIONS

See the Department's website at www.planning.nsw.gov.au