



# ***Smeaton Grange Waste Recycling & Transfer Facility***

*State Significant  
Development  
Modification Assessment  
(SSD 7424 MOD 1)*

September 2018

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## Glossary

Abbreviation	Definition
CIV	Capital Investment Value
Consent	Development Consent
Council	Camden Council
Department	Department of Planning and Environment
DPI	Department of Primary industries
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



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# 1. Introduction

This report assesses a modification application by EMM Consulting Pty Ltd on behalf of Roussakis Holdings Pty Ltd (the Applicant) to modify the Smeaton Grange Waste Recycling and Transfer Facility (WRTF), which is located within the Camden Local Government Area (LGA). The modification includes minor amendments to boundary fencing, entrance gates, the sites access and the deletion of a condition of consent. The application has been lodged pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

In December 2017, development consent was granted for a WRTF at 52 Anderson Road, Smeaton Grange in the Camden LGA (see **Figure 1**). The site is legally identified as Lot 319 in DP 1117320. The construction of the WRTF has not yet commenced, however land clearing has been conducted to prepare the site.



**Figure 1** | Site Location

The site is located within an existing industrial precinct known as the Smeaton Grange Industrial Estate. The subject site is surrounded by industrial land uses to the north, south and west. The low density residential zoned suburb of Currans Hill is located 120 metres (m) from the eastern boundary to the site over a steep ridge. The proposed WRTF would not be visible from the residences within Currans Hill.

Adjacent to the site to the north-east is the Kenny Creek riparian corridor. The vegetation along the corridor has been identified as being mainly re-vegetated dry sclerophyll shrub understorey. Further to the north-east is an



Endeavour Energy data storage building. To the south-west of the site is a large warehouse and distribution facility and to the north-west on the adjacent lot is a metal roofing and building supply warehouse.

The site is located in close proximity to the major arterial roads of Camden Valley Way and Narellan Road. These intersect with the M5 and M7 motorways and the M31 Hume Motorway, providing good road connections for the transportation of waste to and from the site.

The Applicant is seeking the proposed modification to provide greater security to prevent vandalism (graffiti) of the site, improve vehicle access and to rectify discrepancies in the conditions of consent relating to the Council's approval role in the design of the front fence.



**Figure 2 | Site Locality**

## 1.2 Approval History

On 22 December 2017, development consent was granted by the then Planning Assessment Commission (the Commission) of New South Wales for the construction and operation of a resource recovery facility to process up to 140,000 tpa of non-putrescible general solid waste (SSD 7424).

The development consent includes the following conditions relevant to the application:

- A2(d).  
The Development may only be carried out in:
  - (d) in accordance with development layout plans and drawings dated 28 April 2017 (Revisions F).
- B61.  
Prior to the issue of a Construction Certificate, the Applicant shall submit to Council a detailed design for security gates and fencing at the entrance to the site. Once the design has been agreed with Council, the Applicant shall install the security gates and fencing in accordance with the approved design.



## 2. Proposed Modification

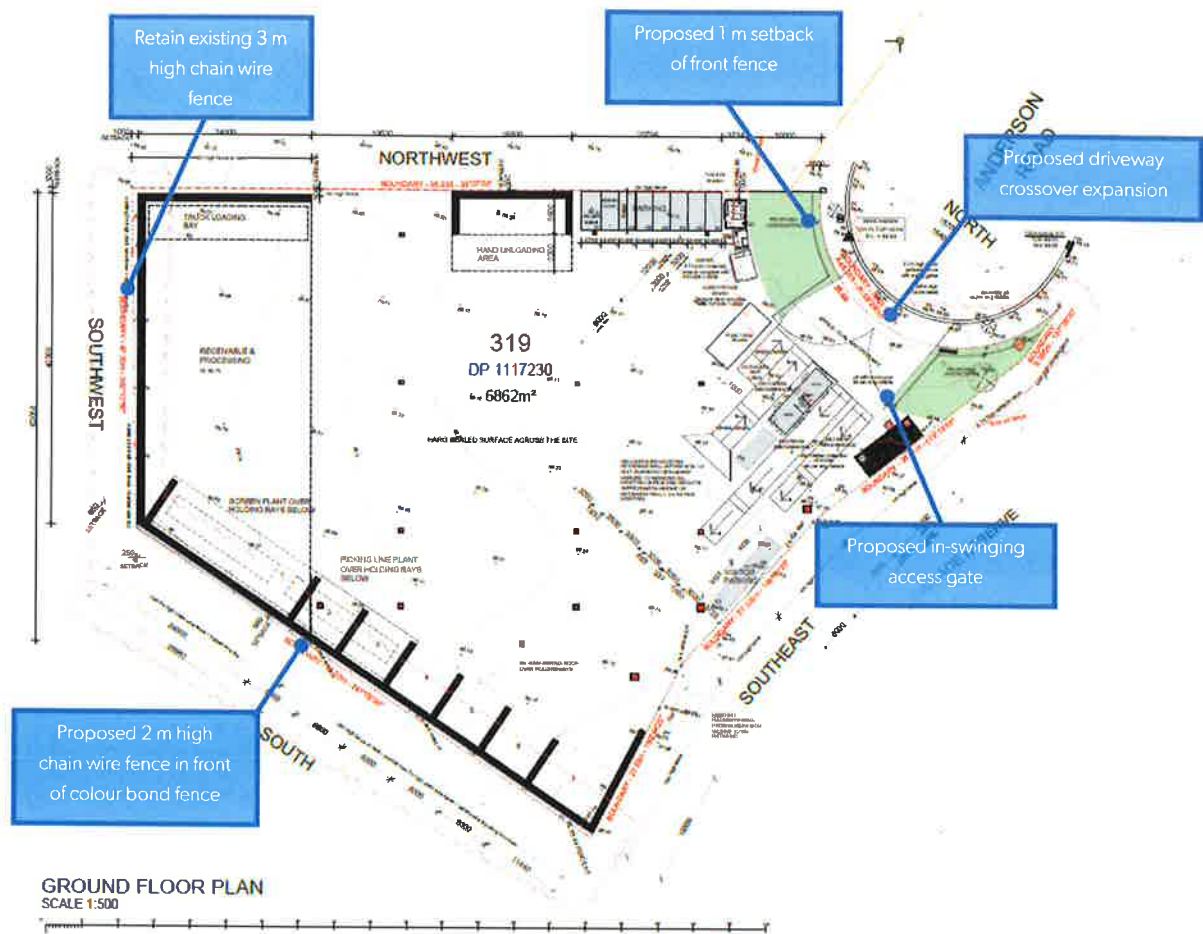
The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to modify the Smeaton Grange WRTF. The modification is described in full in the Statement of Environmental Effects (SEE) included in **Appendix A** and is illustrated on **Figure 3**.

The Applicant has proposed the following modifications to the approved development (see **Table 1**):

- retain the existing 3 m chain wire security fence with barbed wire rather than install a 2 m colourbond fence as originally proposed to prevent vandalism (graffiti) of the site
- implement a 2 m high solid chain wire fence with barbed wire on the southern boundary in front of the approved colourbond fence to prevent vandalism (graffiti) of the site
- relocate the front palisade fence from a 10 m front boundary setback to a 1 m front boundary setback
- modify the vehicle entrance sliding gate to be an inward swinging gate
- increase the width of the driveway access
- deletion of Condition B61 of SSD 7424.

**Table 1** | Proposed Modifications

Aspect	Approved	Proposed
Boundary Fencing	<ul style="list-style-type: none"> <li>• 2 m high colourbond fence along the south-west boundary and portion of southern boundary.</li> <li>• 10 m high colourbond fence along remainder of southern boundary.</li> </ul>	<ul style="list-style-type: none"> <li>• 2 m high chain wire fencing with barbed wire top along southern boundary in front of approved colourbond boundary fence.</li> <li>• Retain existing 3 m high chain wire fencing along south west boundary in front of approved colourbond boundary fence.</li> </ul>
Front Fence/Gate	<ul style="list-style-type: none"> <li>• 2.1 m front fence with sliding gate setback 10 m from cul-de-sac front boundary.</li> </ul>	<ul style="list-style-type: none"> <li>• 2.1 m high metal palisade front fence setback 1 m from cul-de-sac front boundary.</li> <li>• In-swinging entrance gate.</li> </ul>
Driveway Access	<ul style="list-style-type: none"> <li>• Kerb entrance width of 12.5 m.</li> <li>• Site access width of 18.575 m.</li> </ul>	<ul style="list-style-type: none"> <li>• Kerb entrance width increased to 16.4 m.</li> <li>• Site access width increased to 18.7 m.</li> </ul>
Conditions of Consent	<ul style="list-style-type: none"> <li>• Condition B61 <i>Site Security</i> regarding Council approval of front security gate and fencing required prior to the issue of a Construction Certificate (CC).</li> </ul>	<ul style="list-style-type: none"> <li>• Condition B61 is proposed to be deleted from the development consent.</li> </ul>



**Figure 3** | Proposed Modifications





## 3. Strategic Context

The Department has considered the following strategic documentation relevant to the assessment of the proposed modification application:

- Camden Development Control Plan 2012 (CDCP 2011)

### 3.1 Camden Development Control Plan 2011

The CDCP 2012 was produced by Camden Council in 2011 and applies to the assessment of Development Applications within the Camden LGA. The proposed modification to the front security fence and gate is considered to be consistent with the development controls of Part D Section D4.2.5 Fencing of the CDCP 2011 as the modifications provide:

- security in accordance with safer by design principles.
- a maximum height of 2.1 m.
- a decorative metal fence setback 1 m from the property boundary.
- fencing that does not restrict the function of existing and proposed overland flow paths.
- an entrance gate behind the front landscaping area and in-swinging gate.

### 3.2 Site and surrounds

The Department has considered the physical location and features of the environment relevant to the assessment of the proposed modification.

The site is strategically located within an existing industrial precinct known as the Smeaton Grange Industrial Estate at the end of a cul-de-sac road, surrounded by industrial land uses to the north, south and west. The site is enclosed by a steep ridge to the east and the Kenny Creek riparian corridor to the north-east of the site which provides a visual barrier to the site and obstructs views from the Currans Hill residential area 120 m to the east of the site.



## 4. Statutory Context

### 4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and is satisfied that the proposed modification would result in minimal environmental impacts, and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved project would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- the approved processing rates of 140,000 tpa of general solid waste would remain unchanged as a result of the proposed modification
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of approval.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

### 4.2 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation of 11 October 2017, the Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection and
- a political disclosure statement has not been made and
- there are no public submissions in the nature of objections.



## 5. Engagement

### 5.1 Department's Engagement

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development. Accordingly, the application was not notified or advertised, however, it was made publicly available on the Department's website on 27 June 2018 and was referred to Camden Council (Council) for comment.

### 5.2 Summary of Submissions

Council did not object to the modification but requested the Applicant install a decorative masonry wall instead of the proposed palisade fence to screen visibility of the developments operations. Council supported the amendment to Condition B61 and agreed that the wording of the existing condition is not appropriate. Council provided no comment on the proposed boundary chain wire fencing and driveway access expansion components of the modification application.

No other submissions were received by the Department.

### 5.3 Response to Submissions

On 14 August 2018, the Applicant provided a response to Council's submission suggesting:

- the proposed front palisade fence at the height of 2.1 m is compliant with Part D Section D4.2.5 Fencing of the Camden Development Control Plan 2011 (CDCP 2011).
- visual impact reduction of a decorative masonry fence would be negligible as the development site is located at the end of a cul-de-sac street within an industrial precinct, offset from the remainder of the Anderson Road industrial corridor; the front gate would be open during the daily operation of the site providing clear visibility into the premises; and the mature vegetation in front of and behind the palisade fencing will assist in the screening of the site.
- palisade fencing provides clear sight lines for public and site security via passive surveillance in accordance with the 'safer by design' principals for industrial fencing adopted by the CDCP 2011.
- condition B54 of the consent requires that the site be clean and tidy at all times in which the Applicant must comply with to reduce visual impact.

Council subsequently reviewed the Applicant's response and reiterated its initial concern.



## 6. Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- the SEE and RTS provided to support the proposed modification (see **Appendix A**)
- the assessment report for the original development application and subsequent modification application(s)
- submissions from the public, State government authorities and Council (**Appendix B**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issue is:

- Visual Impact

### 6.1 Visual Impact

The proposed modification has the potential to impact on the visual amenity of the locality of the Smeaton Grange WRTF.

The proposed modification seeks to relocate the front metal palisade security fence and entry gate to be 1 m off the front boundary, retain the existing chain wire security fence on the south-western boundary and replace approved palisade fence with chain wire security fence on southern boundary. Council raised concerns with the proposed metal palisade front fence during the assessment of the original SSD 7424 application and requested the Applicant install a combination decorative metal and masonry fence. Consequently, Condition B61 was imposed on the consent requiring the design of the front security fence and gate to be constructed to Council's satisfaction prior to the issue of a Construction Certificate. Subsequently, this modification additionally seeks the deletion of condition B61 to remove Council's approval role regarding the fence.

The Applicant suggests in the submitted Statement of Environmental Effects (SEE) that the Camden Local Environmental Plan 2010 (CLEP 2010) definition of 'setback' does not refer to fencing and therefore the front setback control of 10 m stipulated in the Camden Development Control Plan 2011 (CDCP 2011) is not applicable to the front fence. Furthermore, the Applicant suggests the proposed setback of 1 m is consistent with the boundary fencing of the adjoining industrial premises at No.50 Anderson Road and the Smeaton Grange industrial precinct in general. The proposed modification includes the retention of a vegetation buffer on both sides of the 2.1 m metal palisade fence.

Council raised concern that the construction of a palisade fence would not effectively screen the development from the street. Council's preference is for the front security fence to be a decorative masonry fence to effectively screen the development from the street. Council additionally supported the deletion of Condition B61 as Council deems the wording of the Condition as inappropriate as Council should not hold an approval role as the Minister for Planning is the consent authority. Council provided no comment on the proposed chain wire security fencing along the southern and south-western boundary.

The Applicant, responded to Council's submission stating that the visual impact of the development upon the street frontage is negligible due to the location of the site being at the end of a cul-de-sac road and within an



existing industrial precinct. The Applicant also identified that the vegetation on either side of the fencing is to have a mature height ranging from 2 m at the point of the access gates to 4 m on the side boundaries. Furthermore, the Applicant argued that the gates of the site would be open during the approved operational hours of waste delivery and dispatch resulting in clear lines of sight into the development from the street frontage.

The Applicant notes that the proposed 2.1 m high metal palisade fencing is consistent with the 'safer by design' principles adopted by the CDCP 2011 as it allows for passive surveillance of the street frontage and into the site by the public to enhance security and provide increased awareness for drivers entering and exiting the premises of pedestrian movements.

After reviewing the Applicant's response, Council's position on the proposed front security fence and gate remain unchanged.

The Department has considered the location of the site and its surroundings in its assessment of the proposed modification to the front security fence and gate. As the site is situated at the end of the Anderson Road cul-de-sac and adjoining a new industrial premise at 50 Anderson Road and the Kenny Creek riparian corridor, this site is considered to be relatively isolated from the Smeaton Grange industrial precinct presenting minimal exposure to the public and pedestrians. Therefore, the visual impacts of the site on the street frontage would generally be pertaining to people accessing the site or the adjoining industrial premise at 50 Anderson Road. This is further supported by the findings of Visual Impact Assessment (VIA) prepared as part of the EIS for the original development application which the Department has considered in conjunction with the SEE for this subject modification.

The construction of the 2.1 m high front palisade security fencing and gate to be 1 m from the front boundary is compliant with Part D Section D4.2.5 Fencing of the CDCP 2011 and consistent with the objectives of the industrial controls of the CDCP 2011. The Department considers that the proposed fencing is consistent with the fencing on the Anderson Road street frontage and greater Smeaton Grange industrial precinct in general, allowing for visual surveillance to the street frontage and into the site. Furthermore, the requirement of decorative masonry fencing is considered to be onerous as clear lines of sight would still be visible between the street frontage and the sight during the approved hours for accepting waste deliveries and dispatch when gates are open for vehicle movements.

The retained vegetation buffer within the front setback and behind the 2.1 m metal palisade fence will contribute to the visual screening of the site to mitigate visual impacts of the site. Therefore, the proposed modification has a negligible impact on the visual amenity of the existing industrial streetscape as it is consistent with both the developmental controls applicable and the industrial locality.

The Department's assessment concludes that the proposed modifications to boundary fencing will have a negligible impact on the visual amenity of the locality. The proposed front security fence and gate is consistent with the CDCP 2011 and the sites locality being an industrial precinct. Additionally, the sites location is relatively isolated being at the end of a cul-de-sac and encompassed by a vegetated embankment from the south to the north-east of the site which obstructs views from the residential locality of Currans Hill to the south-east.

## 6.2 Other Issues

The Department's assessment of other issues is provided in **Table 2**.

**Table 2** | Assessment of other issues raised

Issue	Assessment	Recommended Condition
Accessibility	<ul style="list-style-type: none"> <li>The proposed modification includes the expansion of the driveway access width to the development site from 12.5 m to 16.4 m.</li> <li>The proposed modification may have impacts on vehicle accessibility and maneuverability into the site.</li> <li>The Applicant has proposed the driveway widening to facilitate access in accordance with the swept path diagrams of the original consent.</li> <li>The Applicant notes in the SEE that the widening of the driveway was proposed within the RTS of the original approval. However, the plans of the original application were not updated to reflect this.</li> <li>Council provided no comment on the proposed driveway width expansion.</li> <li>The Department's assessment concludes that the increased driveway width enhances vehicle accessibility and maneuverability into the site allowing for uncongested dual way traffic flow.</li> <li>The Department considers that the existing conditions of consent remain appropriate and applicable to the proposed modification.</li> </ul>	<ul style="list-style-type: none"> <li>No additional conditions are recommended.</li> </ul>
Security	<ul style="list-style-type: none"> <li>The proposed modification includes the retention of the existing chain wire security fence on the south-western boundary and the replacement of approved palisade fence with chain wire security fence on southern boundary with barbed wire topping.</li> <li>The Applicant has proposed barbed wire on top of the proposed chain wire fencing along the southern and south-western boundary to enhance the security of the site and prevent vandalism (graffiti) occurring to the approved colourbond boundary fencing.</li> <li>Council provided no comment on the proposed chain wire fencing with barbed wire.</li> <li>The Department notes that Part D Section D4.2.5 Fencing of the CDCP 2011 does not restrict the use of barbed wire on fencing.</li> <li>The Department's assessment concludes that the implementation of barbed wire topping on the proposed chain wire fencing would help mitigate the occurrence of vandalism/ graffiti on the approved colourbond boundary fencing or external walls of the shed.</li> <li>The Department considers that the existing conditions of consent remain appropriate and applicable to the proposed modification.</li> </ul>	<ul style="list-style-type: none"> <li>No additional conditions are recommended.</li> </ul>
Conditions of consent	<ul style="list-style-type: none"> <li>The proposed modification includes the deletion of condition No. B61 to remove Council's approval role regarding the front security fencing.</li> <li>The Applicant provided an amendment to the SEE in the form of a covering letter dated 9 August 2018 to address the deletion of condition B61. The applicant argues that the condition effectively provides Council with an approval role as Council approval of the front fence design is required for the issue of a Construction Certificate.</li> <li>Council provided comment on the proposed modification and supported the deletion of condition B61 as Council viewed that it was inappropriate for Council to have an approval role as part of an SSD development consent.</li> <li>The Department considers the deletion of condition B61 to remove Council's approval role is justified as it clarifies that the Minister for Planning is the consent authority for the SSD application and not Council.</li> <li>The Department's assessment concludes that condition B61 is to be deleted from the development</li> </ul>	<ul style="list-style-type: none"> <li>Deletion of condition B61.</li> <li>Front fence is to be constructed in accordance with modified development layout plans and drawings in accordance with condition A2(d).</li> </ul>

consent of SSD 7424 and condition A2(d) is to be amended to reflect the modified development layout plans and drawings. The proposed front security fencing and gate is to be constructed in accordance with the modified development layout plans and drawings.



## 7. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department's assessment of the proposed modification concludes the following:

- the proposed modifications to boundary fencing will have a negligible impact on the visual amenity of the locality. The proposed front security fence and gate is consistent with the CDCP 2011 and the sites locality being an industrial precinct. Additionally, the sites location is relatively isolated being at the end of a cul-de-sac and encompassed by a vegetated embankment from the south to the north-east of the site which obstructs views from the residential locality of Currans Hill to the south-east.
- the increased driveway width enhances vehicle accessibility and maneuverability into the site allowing for uncongested dual way traffic flow.
- the implementation of barbed wire topping on the proposed chain wire fencing would help mitigate the occurrence of vandalism/ graffiti on the approved colourbond boundary fencing or external walls of the shed.
- the deletion of condition B61 to remove Council's approval role is justified as it clarifies that the Minister for Planning is the consent authority for the SSD application and not Council.

The Department considers the proposed modification is appropriate on the basis that:

- the proposed modification will result in minimal environmental impacts beyond the approved facility
- the proposed modification will provide consistency with the existing character of the street frontage and greater industrial locality
- the proposed modification will reduce the occurrence of vandalism to the site.
- the proposed modification will improve the vehicle accessibility to the site.

The Department is satisfied that the modification should be approved, subject to conditions.





## 8. Recommendation

It is recommended that the Director of Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report; and
- **Determines** that the application SSD 7424 MOD 1 falls within the scope of section 4.55(1A) of the EP&A;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **modify** the consent SSD 7424
- **signs** the attached approval of the modification (Attachment A).

Recommended by:

**Shaun Williams**

Planning Officer

Industry Assessments

Recommended by:

**Kelly McNicol**

Team Leader

Industry Assessments



## 9. Determination

The recommendation is: **Adopted by:**

**Chris Ritchie**

Director

Industry Assessments

10/9/18.



# ***Appendices***

**Appendix A – Statement of Environmental Effects/ Environmental Assessment**

**Appendix B – Submissions**

**Appendix C – Consolidated Consent**

**Appendix D – Notice of Modification**