



Date: Thursday, 29 November 2018
Time: 5.30pm
Location: Council Chamber
62-64 Menangle Street
Picton NSW 2571

AGENDA

Late Reports

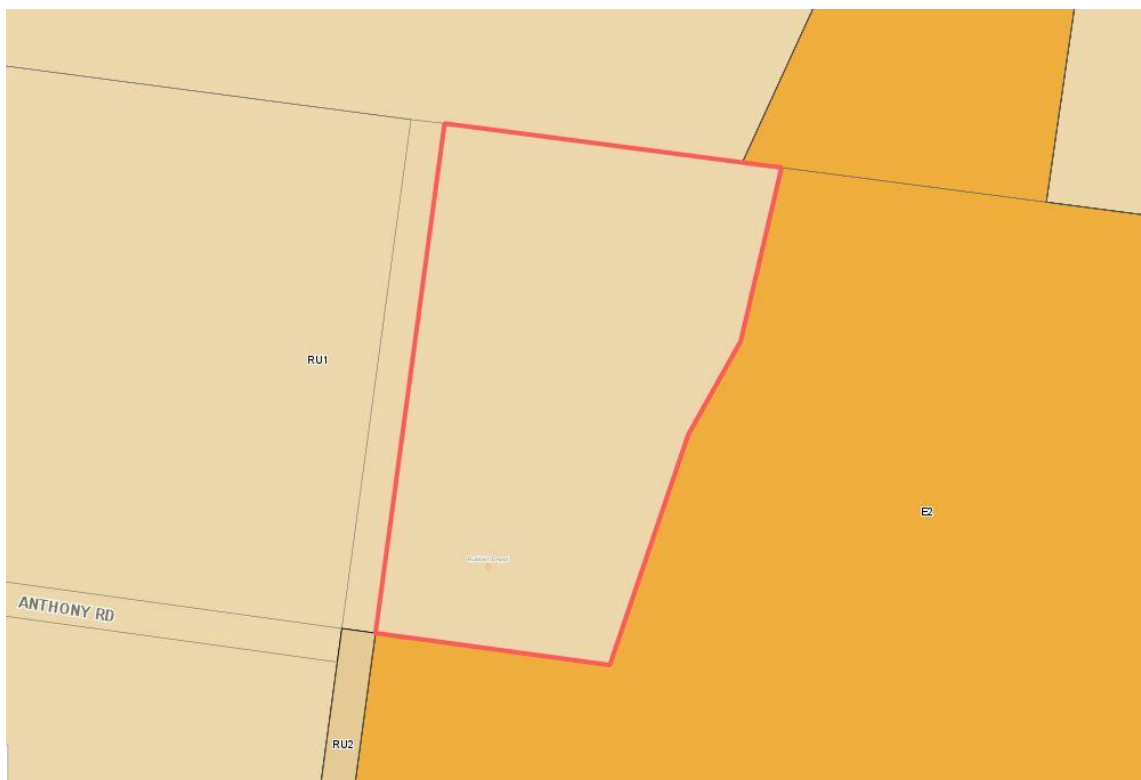
Wollondilly Shire Local Planning Panel Meeting

29 November 2018

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 Bargo - Addition to Existing Waste Disposal Facility (Weighbridge)..... 5

7 LOCAL PLANNING PANEL REPORTS – SUSTAINABLE AND BALANCED GROWTH**7.7 DEVELOPMENT APPLICATION NO. 010.2018.00000535.001 - 27 ANTHONY ROAD, BARGO - ADDITION TO EXISTING WASTE DISPOSAL FACILITY (WEIGHBRIDGE)****File Number: 10621#38****Reason for LPP Referral: Council is the applicant****DA No: 010.2018.00000535.001****Lot & DP – Subject Site: Lot 242 DP 751250, No. 27 Anthony Road, Bargo****Proposal: Construct Weighbridge at Bargo Waste Management Centre****Zoning: RU1 – Primary Production****Permissibility: Permissible with Consent****Cost of Development: \$500,000****Applicant: Wollondilly Shire Council****Owner: Department of Industry, NSW Trade & Investment (Crown Lands)****Notification: Advertised & Notified to adjoining owners 27 September to 12 October 2018****Submissions: Nil****Variations: Nil****Site Inspection: 29 October 2018****Recommendation: Approve subject to conditions**

EXECUTIVE SUMMARY

- The purpose of this report is to provide an assessment of the submitted development application for the consideration and determination of the Wollondilly Shire Local Planning Panel (WSLPP).
- The Panel should note that at this stage, owner's consent from the Crown has not been received. Council sought this requirement early on in the process, however this has been an administrative obstacle for Council. Council is pursuing the paperwork from the Crown and envisage a positive reply for consent prior to the WSLPP meeting on Thursday 29 November 2018. Should the owner's consent not be forthcoming, this matter will be deferred for consideration at a later WSLPP meeting.
- It is recommended that the application be approved subject to conditions of consent.

REPORT

Background

Portion 242 Parish of Bargo, now known as Lot 242 DP 751250, was gazetted on 3 December 1965 as a Crown Reserve for the purpose of a "rubbish depot" and was placed under the control of Wollondilly Shire Council (WSC). Council commenced operating a landfill waste disposal facility at the site in 1970.

The Bargo Waste Management Centre (WMC) is licenced by the NSW Environment Protection Authority (EPA) as a Solid Waste Class 2 Landfill and is authorised to accept inert waste and solid waste (excluding putrescible solid waste). Under the existing licence, the facility can store, transfer, separate or process waste materials.

This application proposing the installation of a weighbridge is lodged in order for the facility to comply with NSW EPA requirements that any facility that recovers, recycles, processes or stores waste and is liable for payment of the waste levy is to install a weighbridge to accurately record waste movements.

It is also advised that the weighbridge and associated works within this application was originally proposed to be part of a larger development application which included the future closure of the facility, and the capping and rehabilitation of the site. Due to the urgent requirement to install the weighbridge, the proposed development was separated into two development applications. As such, the supporting information submitted with this application included a flora and fauna report with regard to the total development, including the matters to be part of a future "Stage 2" development application.

The submitted flora and fauna report found that the vegetation on site is not part of any listed ecological community, or currently under consideration for listing. Whilst three dead hollow bearing trees were found on-site, these are located along the eastern boundary of the property and are not affected by the subject development proposal. No listed flora species were found onsite.

Approximately two trees (Swamp She-Oaks) and a planted Gynea Lily may be removed in order to construct the car park within the public road reserve. These will be considered for removal under Section 88 of the *Roads Act 1993* if necessary as part of the road works. As such, these may be removed without prior approval under the *Environmental Planning and Assessment Act 1979* (EP&A Act)

Given the above, and the fact that Council's Environment Section is the "applicant" for this proposal, it was not considered necessary for the Flora and Fauna report to be reviewed by Council's Environment section.

Consultation

External Authorities

Authority	Outcome
NSW EPA	<p>Correspondence date 9 October 2018 stated:</p> <p><i>“The EPA has reviewed the information provided with your letter and can advise that we have no objections to the development preceding (sic) as proposed. Prior to commencing construction, we request that Council provides a copy of the Construction Environmental management Plan for our records.</i></p> <p><i>Finally, we note that the findings of the environmental site assessment report prepared by Senversa Pty Ltd that was included with the application identified evidence of some minor site contamination in the area where the proposed weighbridge will be installed (refer borehole BH01). We would expect that this contamination be addressed in the landfill closure plan and, if necessary, remediated.</i></p> <p><i>We note that the closure and remediation of the landfill will form the basis of a separate application, however, there may be logistical efficiencies in dealing with the soils in the vicinity of the weighbridge prior to installation. This issue has been raised with Council’s Manager Environmental Outcomes for consideration.”</i></p> <p>Note: The installation of the weighbridge is not a “scheduled activity” or “scheduled development work” under the <i>Protection of the Environment Operations Act 1997</i> (POEO Act) and does not require a Licence from the EPA for its installation. As such the development is not Integrated Development for the purposes of section 4.46 of the <i>Environmental Planning & Assessment Act 1979</i>.</p>
Subsidence Advisory NSW	<p>Correspondence dated 16 August 2018 and submitted with the development application states:</p> <p><i>“I refer to the above development referred on 27 July 2018. Attached, please find Subsidence Advisory NSW’s General terms of Approval (GTA) for the development of land as detailed above.</i></p> <p><i>Please note conditions are detailed under Schedule 2, I have also attached stamped plans. This satisfies the approval of Subsidence Advisory NSW under section 22 of the Coal Mine Subsidence Compensation Act 2017.”</i></p> <p>Note: As the prior approval of Subsidence Advisory NSW was submitted with the development application, the development application was not Integrated Development for the purposes of section 4.46 of the <i>Environmental Planning & Assessment Act 1979</i>.</p>

Internal Referrals

Authority	Outcome
Development Engineer	<p>Email with referral response attachment dated 2 November 2018 stated:</p> <p><i>“The proposal is acceptable to the Development Engineer provided the conditions outlined below receive compliance.”</i></p> <p>Recommended conditions of consent were listed.</p>

Authority	Outcome
Environmental Health Officer	<p>Email dated 31 October 2018 stated:</p> <p><i>"I note that the single borehole 1 identified heavy metals is located within the road reserve which is proposed for the slip lane to the weighbridge/ close to car parking area. The area around Borehole 1 should be sealed as part of the development for the access works. Other positive samples from boreholes are located outside the proposed zone of works.</i></p> <p><i>The proposed generator will be located within a roofed, vandal resistant masonry enclosure adjacent the existing amenities building. Appropriate ventilation, noise management and other safety and environmental controls will be required to be incorporated into the enclosure, and it is expected that the generator will comply with Noise Policy for Industry.</i></p> <p><i>Can we please condition the following:</i></p> <ul style="list-style-type: none"> - 38OU46 NOISE report once operating <p><i>Within 60 days of the commencement of operations noise monitoring shall be undertaken by a suitably qualified and experienced acoustic engineer. This monitoring shall include a minimum of 4 consecutive 15 minute periods and shall be measured at the two closest residences to the development. The period shall be selected to measure sound emission from full operation of the development and all activities undertaken therein. If necessary, some activities may be staged to ensure sound emissions from that activity are measured. This report shall be provided to Council within 90 days of the commencement of operations. If Council is not satisfied that the report demonstrates compliance with the conditions of this consent additional noise monitoring or noise abatement measures shall be undertaken until Council is satisfied that the development complies.</i></p> <ul style="list-style-type: none"> - 98OT15 Offensive noise POEO Act condition The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997. <p><i>Offensive noise means noise:</i></p> <p><i>(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:</i></p> <ul style="list-style-type: none"> <i>(i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or</i> <i>(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or</i> <i>(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.</i> <ul style="list-style-type: none"> - The access road, access handle, slip lane to the weighbridge and car parking area are to be sealed with roadbase, tar or similar material and are to be inspected monthly and maintained, to minimise the formation of potholes which may cause dust or noise nuisance issues.

Authority	Outcome
	<p>- Diesel storage must comply with the requirements of SafeWork Australia, AS 1692, AS 1940 and AS 1657.</p> <p>- A construction Environmental Management Plan (CEMP) is to be developed, submitted and accepted by Council prior to the issue of a CC.</p> <p>The CEMP will incorporate an emergency response plan in case of a pollution incident, complaints handling procedure and a 24-hour telephone contact number. The CEMP will also incorporate a Waste Management Plan, Traffic Management Plan and Erosion and Sediment Control Plan.</p> <p>- Unexpected Finds Contingency (General) - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material etc), be encountered during any stage of earth works/ site preparation/ construction, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately."</p>
Building Surveyor	<p>Email dated 30 October 2018 stated:</p> <p>"1. The proposal is currently considered to be Class 10b development under the provisions of the NCC Volume 2. Simply a "structure".</p> <p>2. Conditions to be imposed:</p> <p>- Conditions required 22CG00, 22CG03, 05CP10, 38OU25."</p>

1.1 Description of Site and Surrounding Area

Bargo WMC is located on Lot 242 DP 751250 which is a Crown Land Reserve and has an area of approximately 5.5 hectares (ha). The WMC is under the control of Council and has been operating on the site since 1970. It covers the entire site and contains a leachate dam in the north west corner. On site facilities include a storage shed which includes an office and staff amenities.

Access is via Anthony Road, which ends in a T intersection with a Crown Road to the south and an un-named, public road to the north. Part of the access driveway to the site traverses this un-named public road into the south eastern corner of the site. The public road forms the western boundary of the site and contains a dirt perimeter road along the western and northern sides of the facility. For all intents and purposes this part of the public road is unmade and not in use as a public road.

The township of Bargo is located approximately 1200 metres to the south west of the Bargo WMC with cleared agricultural land zoned RU1 – Primary Production to the immediate west and south of the site and RU2 – Rural Landscape zoned land further to the west. RU4 – Primary Production Small Lots zoned land is further to the south west at the eastern side of Bargo township.

Land to the north east, east, south and south east of the Bargo WMC is zoned E2 – Environmental Conservation.

Lot 1 DP 996286, a large 24 ha property located within the RU2 zoned land, along the southern side of the unmade portion of Anthony Road is located approximately 520 metres to the west of the site and is subject to Draft Wollondilly Local Environmental Plan 2011 (Amendment No. 30). This was known as the Great Southern Road planning proposal and proposes to rezone the site from RU2 – Rural Landscape to a mixture of R5 – Large Lot Residential, R2 – Low Density Residential

and E2 – Environmental Conservation. The area closest to Bargo WMC is proposed to be zoned R5 with a minimum lot size of 5000m². This Draft Plan is awaiting approval from the Department of Planning and, as such, has not yet commenced.

Two other planning proposals have been received by Council within the locality, these are known as 65-95 Ironbark Road and Government Road.

The Ironbark Road planning proposal seeks to rezone land to the immediate south of the Great Southern Road planning proposal at the north eastern end of Ironbark Road. It is approximately 510 metres from the Bargo WMC (at its closest point) and proposes to rezone land in this locality from RU4 – Primary Production Small Lots to a mixture of R2 – Low Density Residential and R3 – Medium Density Residential. This planning proposal has not yet proceeded to the Department of Planning & Environment for a “Gateway determination”.

The Government Road planning proposal is located approximately 260 metres (at its closest point) south west of the Bargo WMC on the eastern side of Government Road. This planning proposal seeks to rezone this land from RU1 – Primary Production to a mixture of E4 – Environmental Living and E2 – Environmental Conservation. Whilst this planning proposal has received “Gateway determination” from the Department of Planning & Environment, the Draft LEP Amendment has not proceeded to public exhibition to date.

1.2 Description of Development

The subject development application represents Stage 1 of two (2) stages of works proposed to be undertaken at the Bargo WMC to facilitate the continued operation of the facility. The Stage 2 works (closure, capping & rehabilitation) will be subject of a separate future development application.

The Stage 1 works as proposed in this development application are:

- Installation of a new weighbridge;
- Installation of a diesel generator with housing;
- Change of use to the existing shed on site;
- Road/parking works; and
- Fencing around the weighbridge and entrance.

EPA Weighbridge Requirements

In accordance with the NSW EPA requirements, any facility that recovers, recycles, processes or stores waste and is liable for the waste levy, is required to install a weighbridge to accurately record waste movements.

All vehicles that carry waste in or out of a waste facility must enter the facility via the weighbridge, and specific details must be recorded for each vehicle entry and exit. This includes but is not limited to the amount of waste (in tonnes), the type of waste, the delivery vehicle registration number, the date the waste was delivered, and where the waste was placed on-site.

Traffic and security protocols in and around the weighbridge must be implemented to ensure that access is authorised and that incoming and outgoing vehicles carrying waste are accurately recorded. In addition, at least once a year the weighbridge must be verified as per the Commonwealth *National Measurement Act 1960* to ensure its accuracy and reliability.

A description of the key aspects of the weighbridge proposal is as follows.

Weighbridge

One new steel surface mounted (above ground) weighbridge will be provided at the entrance to the Bargo WMC site to capture and quantify waste data. The weighbridge is expected to measure approximately 3.2m (width) x 22m (length) x 0.5m (height) and have a load capacity of approximately 60,000 kg and require a minimum bearing capacity of 100 kPa for foundations. It will be constructed of steel and include side rails.

The entire weighbridge facility will include the following components:

- Ramps (height 500mm);
- Approaches;
- Load-cells;
- Weighbridge;
- Load cell cables;
- Junction box;
- Printer;
- Computer;
- Terminal;
- Boom Gates;
- Guardhouse (note: the existing building on site will be utilised for this purpose);
- Unattended (self-service) terminal;
- Traffic control lights;
- Remote weight display.

The proposed weighbridge facility will be located on the western side of Lot 242 DP 751250 entirely within the boundaries of the existing WMC site, within a flat and bitumen surface section of access road immediately past the entrance gate, with office shed to the east side and hardstand/carparking areas on the western side. The hardstand/carparking areas to the west of the access road/office shed are typically gravel surfaced, and have been levelled by previous operations on the site.

The weighbridge facility is expected to operate on the site for nominally five years. Site operation hours are currently 8.30am to 4.15pm, 7 days per week.

Diesel Generator

A diesel generator is proposed to provide a power supply for the weighbridge. The same generator will be used to supply power for future Stage 2 infrastructure/works. The proposed generator will be located within a proposed roofed, vandal resistant masonry enclosure adjacent the existing amenities building. Appropriate ventilation, noise management and other safety and environmental controls required to be incorporated into the enclosure, and the generator will comply with Noise Policy for Industry. Diesel for the generator will be stored on site for approximately one week in a bunded area with appropriate environmental controls and vandal proofing.

The Diesel Generator Units (DG Unit) will consist of the following:

- Diesel Generator Set (Duty and standby generator)
- Built-in Fuel Tank: Design will be capable of preventing accidental spilling of fuel and hand pump feeding on emergencies will be possible.
- Exhaust System: The diesel engine shall be efficiently silenced
- Outdoor Weather Protective and Sound Attenuating Enclosure: The generator set shall be provided with a sound attenuated housing. Door hinges shall be stainless steel.
- Automatic Transfer Switch (ATS): This will be capable of sensing any variation in main supply voltage. It will comprise vermin proof sheet steel with lockable hinged front doors and a circuit breaker and auto transfer switch.
- One external fuel tank: Minimum 1000 litre capacity to provide diesel generators with fuel. The tank will comprise carbon steel and will include lowest point drain facility for water and sludge, fuel level gauge direct mounted or remote electric, filler pipe and locking cap.

Accessory equipment such as direct level indicators, inspection adapter cap, tank fill opening, vent opening, supply pipe connection, drain pipe connection and access steps and ladder. The diesel engine will comply with the specified International IEC Standards or an equivalent international standard and will be of the four-stroke, multi-cylinder, watercooled, cold start, direct fuel injection, compression ignition, and possibly turbo-charged type. The crankshaft speed will not exceed 1500 rpm.

Manproof Gates/Fencing

The proposed fence layout as provided on Plan C04 will be provided as part of this application primarily for the control of traffic across the weighbridge (rather than around it). It is noted that perimeter fencing will be provided as part of the next stage (Stage 2) of the works.

Change of Use

Part of the existing amenities building on site will be adapted as an office to facilitate management of the weighbridge facility.

Comment:

In this regard it is noted that Development Application D167-07 which was approved on 23 November 2007 approved the construction of a "Storage Shed with Office and Amenities, Removal of existing shed". This is the existing shed for which the change of use was sought. The Occupation Certificate for this shed was issued on 17 October 2008.

It is considered, therefore, that the current request to change the use of the shed to include an office is not required.

Construction Activities

Construction access to the site will be via Anthony Road, Bargo.

The proposed development is likely to include the following general activities by the contractor(s):

- Preparation of a Construction Environmental Management Plan (CEMP). The CEMP will incorporate, among other items, any conditions of consent and any other licence/approval conditions. The CEMP will incorporate an emergency response plan in case of a pollution incident, complaints handling procedure and a 24-hour telephone contact number. The CEMP will also incorporate a Waste Management Plan, Traffic Management Plan and Erosion and Sediment Control Plan.
- Establishment of site preliminaries such as erosion and sediment controls, stormwater management controls, temporary protection fencing, etc;
- Loading/unloading, transportation and placement of construction equipment and building materials;
- Supply, install and commission weighbridge facility including relevant components;
- Construction of appropriate site security and construction access controls;
- Installation of diesel generator and associated infrastructure;
- Completion of minor external/internal fittings on the existing shed including furniture transportation and installation for the guardhouse/gatehouse;
- Make good/repair any damage caused to Council assets during the construction process; and
- Clean-up site and remove all materials and equipment from the site and make good. Clean site and any facilities used during the construction process.

Construction Management

The successful contractor will construct a compound within the site. Parking for construction personnel will be available on site.

The successful contractor(s) will implement work procedures and mitigation control measures outlined in the CEMP.

Construction Equipment

Construction equipment will typically include the following or similar equipment as required:

- Excavators;
- Roller compactors;
- Trucks for material delivery and light vehicles for construction personnel transport;
- Concrete trucks;
- Concrete pump;
- Crane;
- Backhoe;
- Bobcat;
- Grader; and
- General hand tools.

Hours of Construction

Hours of construction will be as follows:

- Monday to Friday: 7.30am to 6.00pm.
- Saturdays: 7.30am to 1.00pm.
- Sundays and Public Holidays: No work allowed unless special permission granted.

The works will be completed in approximately two months from commencement on the site.

1.3 Section 4.15 Evaluation

1.3.1 Provisions of Relevant Environmental Planning Instruments

The following Environmental Planning instruments are applicable to the subject proposed development.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (SEPP (Infrastructure)) aims to assist in the effective delivery of public infrastructure throughout the State by improving certainty and regulatory efficiency through a consistent planning assessment and approvals regime for public infrastructure and services across NSW. The SEPP provides a clear definition of the environmental assessment and approval process for public infrastructure and services facilities.

Division 23 Waste or resource management facilities applies to the proposed development. At clause 120, SEPP (Infrastructure) 2007 adopts the definitions of waste or resource management facility, waste or resource transfer station, a resource recovery facility and a waste disposal facility as included in the Standard Instrument, and a prescribed zone to be any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) RU1 Primary Production,
- (b) RU2 Rural Landscape,
- (c) IN1 General Industrial,

- (d) IN3 Heavy Industrial,
- (e) SP1 Special Activities,
- (f) SP2 Infrastructure.

Clause 121(1) then goes on to state that development for the purpose of waste or resource management facilities may be carried out by any person with consent on land in a prescribed zone.

The subject land is located within the RU2 zone under *Wollondilly Local Environmental Plan 2011* (LEP 2011), which is a Standard Instrument plan. Whilst the application seeks to install a weighbridge and associated facilities to the Bargo WMC, the existing facility falls within the definition of a waste or resource management facility, and a waste disposal facility. As such the proposed development is an addition to the existing facility and is permissible with development consent in accordance with SEPP (Infrastructure).

In accordance with clause 123(1), when determining a development application for works associated with a waste management facility, the consent authority needs to consider a number of matters as addressed below. These are generally relevant to new or expanded landfilling operations and not to small additions as is proposed in this development application.

- (a) *whether there is a suitable level of recovery of waste, such as by using alternative waste treatment or the composting of food and garden waste, so that the amount of waste is minimised before it is placed in the landfill, and*

The development will not change the existing volume of waste entering the site or the way waste is currently managed.

- (b) *whether the development:*

- (i) *adopts best practice landfill design and operation, and*

The applicant has advised that the weighbridge facility has been designed in accordance with all relevant best practice guidelines.

- (ii) *reduces the long-term impacts of the disposal of waste, such as greenhouse gas emissions or the offsite impact of odours, by maximising landfill gas capture and energy recovery, and*

The development will not impact on the long term impacts associated with waste disposal.

- (c) *if the development relates to a new or expanded landfill:*

- (i) *whether the land on which the development is located is degraded land such as a disused mine site, and*
 - (ii) *whether the development is located so as to avoid land use conflicts, including whether it is consistent with any regional planning strategies or locational principles included in the publication *EIS Guideline: Landfilling* (Department of Planning, 1996), as in force from time to time, and*

Not applicable. The weighbridge is being installed at an existing waste or resource management facility.

- (d) *whether transport links to the landfill are optimised to reduce the environmental and social impacts associated with transporting waste to the landfill.*

Not applicable. The weighbridge is being installed at an existing waste or resource management facility and will have no significant impact on the existing environmental or social landscape within the locality.

The proposed development is satisfactory under SEPP (Infrastructure).

Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River

The proposed development is subject to the provisions of *Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River* (SREP 20).

Relevant provisions	Comment
3. Aims of the Plan	The proposal is considered to be consistent with the aims of the plan as the development is able to be carried out with minimal impact on the quality of the river.
6. Planning Policies and Recommended Strategies	
(1) Total catchment management	Satisfactory. The proposal will have minimal impact.
(2) Environmentally sensitive areas	Satisfactory. The proposal will have no impact on environmentally sensitive areas.
(3) Water quality	Satisfactory. Minimal impact on water quality is anticipated subject to conditions of consent.
(4) Water quantity	Satisfactory. Minimal impact on water quantity is anticipated subject to conditions of consent.
(5) Cultural heritage	There are no items of heritage significance noted on the subject site or in the vicinity. An Aboriginal Archaeological Due Diligence report is not considered to be necessary due to the previous uses of the site which would render the site highly unlikely to contain items of Aboriginal heritage.
(6) Flora and fauna	No listed Flora and Fauna will be impacted as a result of the proposal.
(7) Riverine scenic quality	The site is not located within an area of mapped local scenic significance under this plan.
(8) Agriculture/aquaculture and fishing	The proposed installation of a weighbridge and associated works to the existing Bargo WMC is not contrary to this strategy.
(9) Rural residential development	N/A
(10) Urban development	N/A
(11) Recreation and tourism	N/A
(12) Metropolitan strategy	Those matters required to be considered by the consent authority under this subclause have been considered. The proposal is capable of delivering a satisfactory outcome with minimal environmental impacts.
11. Development controls	
(18) Waste management facilities or works	It is considered that the installation of a weighbridge and associated works to the existing Bargo WMC is satisfactory under this subclause.

The proposed development is satisfactory under SREP 20.

State Environmental Planning Policy No. 55 – Remediation of land

Question	YES		NO	
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	X	Proceed to Question 2		Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?		Proceed to Question 3	X	Assessment under SEPP 55 not required.
3. Does the application proposed a new: <ul style="list-style-type: none"> • Child care facility • Educational use • Recreational use • Health care use • Place of public worship • Residential use in a commercial or industrial zone 		Proceed to Question 5		Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?		Proceed to Question 5		Proposal satisfactory under SEPP 55.
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?		Request contaminated site assessment		Proposal satisfactory under SEPP 55.

Comments: An Environmental Site Assessment was undertaken for a number of proposed works (including works excluded from this application) within the Bargo WMC by Senversa in June 2018.

This report found that Laboratory analysis indicated that the concentrations of analytes within all samples were below the adopted human health criteria. It was also noted that borehole 4 contained elevated zinc levels above the adopted ecological criteria, however, will not be disturbed during the installation of the weighbridge.

The EPA noted *“that the findings of the environmental site assessment report prepared by Senversa Pty Ltd that was included with the application identified evidence of some minor site contamination in the area where the proposed weighbridge will be installed (refer borehole BH01). We would expect that this contamination be addressed in the landfill closure plan and, if necessary, remediated.”*

The location of this borehole is on the western side of the access road (within the public road) and will be covered by a slip lane servicing the proposed car park and unlikely to be disturbed. Council's Environmental Health Officer is satisfied that the land is suitable for the proposed development and has recommended conditions of consent in this regard.

It is considered that the proposed development is satisfactory under SEPP 55.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

Step 1 – Is the land potential koala habitat?

- **potential koala habitat** means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

The flora & fauna report submitted with the subject development application states:

“This assessment concluded that, of those eucalypts recorded within the study area, one Grey Gum (Eucalyptus punctata) is listed as a Koala feed tree under Schedule 2 of SEPP 44. Based on the criteria provided under SEPP 44, the study area is not considered to provide either Potential or Core Koala habitat.”

Given the conclusion of the Flora & Fauna Assessment Report, Council is satisfied that the site is not ‘potential koala habitat’ and as such, in accordance with clause 7(3) (a) of SEPP 44 Council is not prevented from granting consent to this development application.

The proposed development is therefore satisfactory in accordance with SEPP 44.

Wollondilly Local Environmental Plan 2011

Objective	Comment
Clause 1.2 Aims of Plan	
(a) to provide for the management of natural resources and the protection of the natural landscape character,	The proposed development is not contrary to this aim.
(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage	The proposed development is not contrary to this aim.
(c) to protect water quality in land that is situated within water supply catchments,	The proposed development is not contrary to this aim.
(d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,	The proposed development is not contrary to this aim.
(e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,	The proposed development is not contrary to this aim.
(f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.	The proposed development is not contrary to this aim.
Clause 1.9A Suspension of covenants, agreements and instruments	
For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.	There is no restrictive agreement, covenant or other similar instrument applying to the subject land.

Characterisation (please note this must come from the definition in the Wollondilly Local Environmental Plan):

Waste or resource management facility (waste disposal facility).

Zone of land: RU1 Primary Production

The following information must come from the land use table within the Wollondilly Local Environmental Plan 2011:

Permissibility: Prohibited within the RU1 zone

Note: Permitted with consent under SEPP (Infrastructure).

Zone objectives:

Objective	Comment
RU1	
• <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i>	The proposed development is not contrary to this aim.
• <i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i>	The proposed development is not contrary to this aim.
• <i>To minimise the fragmentation and alienation of resource lands.</i>	The proposed development is not contrary to this aim.
• <i>To minimise conflict between land uses within the zone and land uses within adjoining zones.</i>	The proposed development is not contrary to this aim.
• <i>To provide for a range of land uses (including tourism-related uses) that support the agriculture industry.</i>	The proposed development is not contrary to this aim.
• <i>To provide areas within which the density of development is limited in order to maintain a separation between urban areas.</i>	The proposed development is not contrary to this aim.

LEP 2011 Clauses:

Clause	Comment
Part 2 Permitted or prohibited development	
2.4 Unzoned land	N/A
2.5 Additional permitted uses for particular land	N/A
2.6 Subdivision—consent requirements	N/A
2.7 Demolition requires consent	N/A
2.8 Temporary use of land	N/A
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	N/A
4.1A Minimum lot size for dual occupancies in residential zones	N/A
4.1B Subdivision of certain land in Zone E4 Environmental Living	N/A
4.2 Rural subdivision	N/A
4.2A Erection of dwelling houses on land in certain residential, rural and environmental protection zones	N/A
4.3 Height of buildings	N/A – the Height of Buildings map does not specify a maximum height

Clause		Comment
		for the subject land.
4.4	Floor space ratio	N/A
4.5	Calculation of floor space ratio and site area	N/A
4.6	Exceptions to development standards	N/A
Part 5 Miscellaneous provisions		
5.1	Relevant acquisition authority	N/A
5.1A	Development on land intended to be acquired for public purposes	N/A
5.2	Classification and reclassification of public land	N/A
5.3	Development near zone boundaries	N/A
5.4	Controls relating to miscellaneous permissible uses	N/A
5.5	Development within the coastal zone	N/A
5.6	Architectural roof features	N/A – the dwelling house does not exceed a maximum height limit.
5.7	Development below mean high water mark	N/A
5.8	Conversion of fire alarms	N/A
5.9	Preservation of trees or vegetation	N/A – Clause repealed.
5.9AA	Trees or vegetation not prescribed by Development Control Plan	N/A – Clause repealed.
5.10	Heritage conservation	N/A – not located within a heritage conservation zone and lot does not contain a heritage item
5.11	Bush fire hazard reduction	N/A
5.12	Infrastructure development and use of existing buildings of the Crown	N/A
5.13	Eco Tourist Facilities	N/A
Part 6 Urban release areas		
6.1	Arrangements for designated State public infrastructure	N/A – Not located within a mapped urban release area
6.2	Public utility infrastructure	N/A
6.3	Development control plan	N/A
6.4	Relationship between Part and remainder of Plan	N/A
Part 7 Additional local provisions		
7.1	Essential services	Satisfactory: <ul style="list-style-type: none"> - Water supply is available from an on-site rain water tank, no change proposed; - Electrical supply will be provided

Clause		Comment
		by the proposed generator; - The disposal and management of sewage is via an existing Aerated Wastewater Treatment System (AWTS). No change is proposed.
7.2	Biodiversity protection	N/A – the land is not identified as “sensitive land” on the Natural Resources – Biodiversity Map
7.3	Water protection	N/A – the land is not identified as “sensitive land” on the Natural Resources – Water Map
7.4	Flood planning	N/A – the subject land is not identified as being at or below the flood planning level (i.e. 1:100 flood level).
7.5	Earthworks	N/A – the installation of a weighbridge & associated infrastructure is not “earthworks”.
7.6	Development within a designated buffer area	N/A – the subject land is not identified as “Odour Buffer Area” on the Odour Buffer Area Map.

Given that the proposal is permissible under SEPP (Infrastructure), the prohibition within the Land Use Table in LEP 2011 is overridden. It is considered, therefore, that the proposed development is satisfactory under LEP 2011.

1.3.2 Provisions of Relevant Draft Environmental Planning Instruments

Draft SEPP (Competition) 2010:

- N/A - the proposed development is not “commercial development” as defined in the Draft SEPP.

Draft SEPP Primary Production and Rural Development:

- N/A – the proposed development is not for primary production and therefore the proposed development is not subject to the Draft SEPP.

1.3.3 Provisions of Relevant Development Control Plans

Wollondilly Development Control Plan 2016

DCP Volume	Relevance
Volume 1 – General	X
Volume 2 – Urban Release Areas	
Volume 3 – Subdivision of Land	
Volume 4 – Residential Development	
Volume 5 – Commercial and Community Uses	
Volume 6 – Tourism and Events	
Volume 7 – Industry and Infrastructure	X
Volume 8 – Primary Agriculture and Rural Uses	

Relevant Provisions		Comment
Volume 1 – General		
Part 1 - Preliminary		
1.2 Objectives of the Plan		
1	To assist in the realisation of the aims of Wollondilly Local Environmental Plan, 2011.	The proposed development is not contrary to this aim.
2	The specific controls and volumes of this plan each have objectives as detailed throughout this plan.	The proposed development is not contrary to this aim.
1.4 Application of the volumes of this plan		
	If there is an inconsistency between the volumes of this plan then the earlier volume shall prevail over the later volume. For example, if there is an inconsistency between Volumes 2 and 5, Volume 2 would prevail because it is found earlier in this plan.	Noted.
Part 2 - General considerations for all development		
2.1 Objectives		
1	To ensure that developments are undertaken with due regard to human safety.	
2	To ensure that developments do not unreasonably impact on their surrounds.	
3	To ensure that developments achieve a satisfactory level of social equity.	
2.2 Controls		
1	The consent authority shall consider the following safety and human health risks in assessing a development application under this volume:	
a)	Road and traffic hazards;	Satisfactory subject to recommended conditions.
b)	Bushfire threat;	The subject land is partially bush fire prone land as identified on Council's bush fire prone land map. The proposed installation of a weighbridge & associated infrastructure is satisfactory and are located in existing cleared areas of the site. It is considered that existing cleared setbacks satisfy asset protection zone requirements.
c)	Flood risk;	The subject land is not noted as flood affected land.
d)	Noise, vibration, pollution, odour, radiation or waste from surrounding land uses;	The proposed development site contains an existing waste disposal facility. There are no surrounding land uses that would impact on the proposed development from generation of noise, vibration, pollution, odour, radiation or waste.

Relevant Provisions		Comment
e)	Exposure to electricity transmission systems;	Satisfactory. No high voltage electricity transmission lines are located within the vicinity of the subject land.
f)	Exposure to radiation from telecommunications infrastructure;	Satisfactory. No telecommunications towers etc., located within the subject locality.
g)	Potential exposure to children of material (including signage) from any nearby restricted premises and/or sex services premises;	N/A
h)	Hazards from vehicles within car parking areas; and	Satisfactory. The new car park will formalise parking arrangements for visitors and reduce hazards.
i)	Hazard from potential contamination of the land.	Satisfactory. See SEPP 55 assessment above.
Part 3 - Variation		
There may be situations where the strict application of the controls in this plan is inappropriate. In such cases Council may vary the controls in the plan. The controls in this part apply where a development application proposes to vary a control in this plan.		
3.1 Controls		
1.	<p>In cases where a variation to a control in this plan is sought, the applicant (or person acting on behalf of the applicant) should provide as part of a written request which outlines:</p> <ul style="list-style-type: none"> Identify the control being varied Outline the non-compliance with the relevant control Include reasons and justification for the non-compliance How the development meets all of the relevant objectives of the DCP Outline why compliance with the control is unreasonable or unnecessary in the case of their development How the variation will not adversely affect impact on local amenity <p>Council may require additional supporting information to justify the request for variation. It is in the applicant's best interest to provide Council with a written request.</p>	Noted. No variation required.
2.	Council must be satisfied that the variation meets at least one of the following principles before issuing consent for the development:	Noted. No variation required.
a)	The objectives of the standard are achieved notwithstanding non-compliance with the standard;	

Relevant Provisions		Comment
b)	The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;	
c)	The underlying object or purpose of the control would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;	
d)	The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary or unreasonable;	
e)	The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary.	
Part 4 – Community Engagement		
The purpose of this part is to ensure that members of the public potentially affected by a proposed development have input into the assessment process before a final decision is made on a development application. It outlines Council's notification and advertising procedure for development applications.		
4.1 Development applications to be notified		
	Development did not meet criteria for exclusion from requiring notification.	Application was notified to adjoining land owners as required.
4.2 Requirements for notification		
	Written notification to be sent in accordance with Division 7 of Environmental Planning & Assessment Regulation 2000	Written notification was sent as required.
4.3 Development applications involving Notification to Properties outside the Wollondilly LGA.		
	N/A	The subject land is not located adjacent to the Shire Boundary.
4.4 Development applications to be advertised		
	N/A	The development proposed was not a type required to be advertised under this clause, however, the application was advertised as it was considered appropriate to do so as it is a Council application.
4.5 Requirements for advertising		
	Development applications that require advertising shall be advertised in accordance with Part 6 Division 7 of the Environmental Planning and Assessment regulation 2000	The application was advertised in accordance with the requirements of the Regulation.
4.6 Development applications altered prior to determination		

Relevant Provisions		Comment
	N/A	Application was not amended.
4.7 Applications to modify a development consent		
	N/A	Application is not for a Modification of Consent.
4.8 Requests for the review of a determination		
	N/A	Application is not a request for a review of determination
Part 5 - Colonial Heritage		
5.1 Objectives		
a)	To establish good design principles to guide development to and around heritage items,	
b)	To ensure development is sympathetic to the overall heritage values and characteristics of the area,	
c)	To identify local heritage character and heritage elements of the built environment, and	
d)	To ensure the retention and management of heritage values identified for each conservation area and specific precinct.	
5.2 General Controls (refer to DCP for further details of controls)		
1.	Development of heritage items and development on land within heritage conservation areas shall demonstrate consistency with the NSW Guidelines for Development in Conservation Areas 'Design in Context'. In particular the impact of the following aspects of a development should be considered:	N/A – the subject land is not located within a heritage conservation area and does not contain a heritage item.
5.3 Controls for particular development types (refer to DCP for further details of controls)		
1.	Advertising and Signage	N/A
2.	Additions, Alterations and Ancillary Development	N/A
3.	Demolition of Heritage Items	N/A
4.	Subdivision of land containing a heritage item and/or land within a heritage conservation including a (Landscape Conservation Area) area	N/A
5.	Colours and built form on sites containing heritage items and within heritage conservation including a (Landscape Conservation Area) areas	N/A
5.4 Adaptive reuse proposals for Heritage items (refer to DCP for further details of controls)		
1.	Any proposal involving the adaptive reuse of a heritage item must demonstrate that:	N/A
Part 6 - Heritage (Specific Locations)		
6.1 Objectives		
a)	To provide specific guidance and controls for development of key conservation areas in Wollondilly.	
6.2 Application (refer to DCP for further details of controls)		

Relevant Provisions		Comment
	These controls apply in addition to the controls contained in Part 6 of this volume. Where there is an inconsistency between Parts 5 and 6 of this volume Part 6 shall prevail to the extent of the inconsistency.	N/A
6.3 Heritage Conservation Area – Menangle (refer to DCP for further details of controls)		
	N/A	
6.4 Heritage Conservation Area – Picton (refer to DCP for further details of controls & specific precinct areas)		
	N/A	
6.5 Heritage Conservation Area – Thirlmere (refer to DCP for further details of controls)		
	N/A	
6.6 Heritage Conservation Area – Warragamba (refer to DCP for further details of controls)		
	N/A	
6.7 Heritage Conservation Area - Yerranderie (refer to DCP for further details of controls)		
	N/A	
6.8 The Greater Blue Mountains World Heritage Area (refer to DCP for further details of controls)		
	N/A	
Part 7 – Aboriginal Heritage		
7.1 Objectives		
a)	To achieve appropriate means of conservation, management and protection for archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.	
b)	To achieve compliance with the requirements of the National Parks and Wildlife Act, 1974 and associated Regulations and guidelines with respect to Aboriginal objects and Aboriginal places of heritage significance.	
c)	To consider and manage Aboriginal objects and Aboriginal places of heritage significance at the earliest practical stages in the land development process.	
7.2 Controls		
1.	There is impact or disturbance to the content, or within the immediate vicinity (100 metres) of a known Aboriginal object or Aboriginal place of heritage significance;	N/A – there are no known Aboriginal objects or place of heritage significance in the immediate vicinity.
2.	There is impact or disturbance to, or within the immediate vicinity (100 metres) of a previously recorded or known Aboriginal object or Aboriginal place of heritage significance and can include a cultural landscape, an existing or former ceremonial ground, a burial ground or cemetery, a story place or mythological site, a former Aboriginal reserve or historic encampment, or an archaeological site of high significance;	N/A
3.	A proposal (including subdivision) which affects primarily undeveloped land (irrespective of land	N/A – the land is occupied by an

Relevant Provisions		Comment
	size) and has the following site features: <ul style="list-style-type: none"> river frontage creek line sandstone exposures at ground level larger than 5m² sandstone cliff line or isolated boulder higher than 2m disturbance to the roots, trunk, branches, of old growth trees, which are native to the Wollondilly Shire and greater than 150 years of age. 	existing waste disposal facility.
4.	Ensure that all works cease in the vicinity of any previously unidentified Aboriginal objects or places identified during excavation and construction and that the following be notified	Noted. Standard condition recommended.
a)	The Office of Environment and Heritage NSW (OEH)	
b)	A qualified archaeologist	
c)	Aboriginal stakeholders.	
5.	Ensure that should human skeletal remains be discovered that the following process will be undertaken:	Noted.
a)	The remains will be reported to the police and the state coroner.	
b)	Wollondilly Shire Council and the land owner will be notified of the find.	
c)	Aboriginal stakeholders will be notified of the find.	
d)	OEH NSW will be notified.	
6.	If the skeletal remains are of Aboriginal ancestral origin an appropriate management strategy will be developed in consultation with the Aboriginal stakeholders.	Noted.
7.	The find will be recorded in accordance with the National Parks and Wildlife Act 1974 (NSW) and the NSW NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit.	Noted.
8.	The findings will be incorporated into any proposed Aboriginal Heritage Plan's management regime.	Noted.
Part 8 – Flooding		
8.1 Objectives		
	To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.	

Relevant Provisions		Comment
8.2 Controls (refer to DCP for further details of controls)		
	<p>There are a number of areas in Wollondilly Shire which are subject to inundation by flooding or overland stormwater flows. If Council has any doubts as to whether an area is flood prone or subject to stormwater inundation it will require a report as to the extent of flooding from a suitably qualified Engineer or Surveyor. Controls for flood affected land are identified in Table C and applied based on the combination of land use category (refer to Table A) and flood risk precinct for the site (refer table B or further information may be available from Council via an application for flood information).</p> <p>Table C and the associated Key provides development controls which apply to flood affected land including overland flow flooding unless a Current Floodplain Risk Management Plan provides site specific controls.</p>	N/A – the land is not known to be subject to the designated flood (1:100 year event).
Part 9 – Environmental protection		
9.1 Objectives		
1.	To improve and maintain environmental outcomes for the areas mapped as natural resources biodiversity and natural resources water under Wollondilly Local Environmental Plan, 2011.	
2.	To improve and maintain environmental outcomes for unmapped areas of biodiversity and/or riparian value.	
3.	To maintain links between identified environmentally sensitive land and provide habitat and riparian corridors and appropriate buffer zones to these areas.	
9.2 Interpretation (refer to DCP for further details)		
	Definitions specific to this Part.	Noted.
9.3 Controls		
1.	Development carried out on areas mapped as 'sensitive land' on the Natural Resources – Biodiversity Map and the Natural Resources Water Map under Wollondilly Local Environmental Plan, 2011 shall occur so as to either avoid, minimise or mitigate any adverse impact as detailed in Clause 7.2 and 7.3 of Wollondilly Local Environmental Plan 2011.	N/A – The land is not mapped as 'sensitive land' on either the Natural Resources – Biodiversity Map or the Natural Resources – Water Map.
2.	If a development is not able to avoid, minimise or mitigate an adverse impact on sensitive land mapped on the Natural Resources Biodiversity Map, the vegetation shall not be cleared or otherwise disturbed unless the impacts are offset through biobanking or a similar conservation arrangement.	N/A
3.	The consent authority shall not grant consent to any development that would result in the clearing or other disturbance of an environmental asset	N/A

Relevant Provisions	Comment
unless it is satisfied that any adverse impacts will be offset through bio banking or a similar environmental conservation arrangement.	
4. Any development application on a site that includes sensitive land mapped on the Natural Resources – Water map under Wollondilly Local Environmental Plan, 2011 with a riparian buffer distance, must include an accurate survey of riparian buffer distances to determine the exact location of the buffer which is to be measured from the top of bank of each side of the watercourse. It should be noted that the LEP maps are indicative and based on watercourse centre lines. These maps do not identify the location of the top of banks of watercourses as it is not the intent of the map to show this and the position of watercourse centre lines shown is only approximate. The map seeks to identify what buffer distance is to be applied to each watercourse and not the extent of that buffer on the ground. In circumstances where the applicant can provide evidence to the satisfaction of Council, e.g. advice from the NSW Office of Water or a Hydrological Report detailing that the waterway is insufficiently defined this control will not apply.	N/A
5. All stormwater generated from any development shall be treated to an acceptable standard to maintain water quality. In determining the “acceptable standard” the consent authority shall be mindful of the relevant guidelines of the State and Federal Governments. This treatment must be undertaken outside any areas mapped as sensitive land in the Natural Resources – Water map under Wollondilly Local Environmental Plan, 2011.	Noted. Standard conditions applicable.
6. Nothing in this section prevents minor works on environmental land for the purposes of providing infrastructure.	Noted.
7. Where a development is proposed on sites which do not contain areas mapped on the Natural Resources Water or Natural Resources Biodiversity maps and contain native vegetation, the development shall be located in accordance with the following (in order of preference):	Flora & fauna assessment submitted. The installation of the weighbridge and associated infrastructure will not impact on any listed flora or fauna. Satisfactory.
i) on cleared parts of the site wherever possible; or	
ii) in locations where the least amount of vegetation removal would be required (e.g. close to roads) if the development is not able to be located wholly in a cleared area; or	

Relevant Provisions		Comment
iii)	If the development is not able to be located wholly in a cleared area, then the development should be located on parts of the site in which the vegetation is determined as being of the least significance and recovery potential.	
	This includes consideration of vegetation removal for any main buildings, ancillary buildings, asset protection zones, effluent disposal areas and access driveways that may be required for the development.	
8.	In cases where native vegetation removal is required a flora and fauna report from an appropriately qualified ecologist may be required to satisfy compliance with any of the controls listed above.	Flora & fauna assessment submitted. Very minimal tree clearing required for the proposed car park within the public road. This work will be undertaken in accordance with the <i>Roads Act 1993</i> and is satisfactory in this regard.
Note: Compliance with the above controls does not guarantee that consent would be granted for the development; the requirements of the Threatened Species Act, 1995, Native Vegetation Act, 2003 and the Environmental Protection and Biodiversity Conservation Act, 1999 would need to be satisfied if approval is required under those acts of legislation.		
Part 10 – Tree Removal		
10.1 Objectives		
1.	Identify trees and other native vegetation for the purpose of clause 5.9(3) of Wollondilly Local Environmental Plan 2011 which states the following: “(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by: (a) development consent; or (b) a permit granted by the Council”	
2.	Identify trees and other native vegetation that: <ul style="list-style-type: none"> may be removed without a permit or development consent may be removed with a permit may be removed only with development consent	
10.2 Interpretation (refer to DCP for further details of controls)		
	Noted.	Clause 5.9(3) of LEP 2011 has been repealed.
10.3 Trees/other native vegetation that may be removed without consent and without a permit (i.e. exempt) (refer to DCP for further details of controls)		
	Noted.	
10.4 Trees/other native vegetation that may be removed without development consent but require a permit (refer to DCP for further details of controls)		
	Noted.	
10.5 Trees/other native vegetation that may be removed only with development consent		

Relevant Provisions		Comment
(refer to DCP for further details of controls)		
	Noted.	Minor Tree removal proposed, assessed as satisfactory. This tree removal will be undertaken under the provisions of the Roads Act 1993. Standard condition also recommended.
Part 11 – Landscaping		
11.1 Objectives		
1.	To encourage the planting of endemic species in landscaping.	
2.	To reduce the impact of landscaping on the environment, infrastructure and human safety.	
3.	To create a landscape character that is defined by native vegetation and not introduced species.	
11.2 Recommended Species (refer to DCP for further details of controls)		
	Noted.	N/A.
11.3 Banned Species		
	The following species are not to be used in landscaping within Wollondilly: <ul style="list-style-type: none">▪ Conifers,▪ Species specified in Clause 10.3(1)(a) of this volume,▪ Species identified as Noxious Weeds under the Noxious Weeds Act,▪ Species identified as a weed under any adopted policy of Council.	Noted.
11.4 Street Trees		
	Street tree planting must comply with the Council's Tree Risk Management Plan.	Noted. No street tree planting proposed or recommended.
Part 12 – Signage		
12.1 Objectives		
1.	To provide controls for the implementation of the Advertising structures in commercial or industrial zones section of Schedule 2 of Wollondilly Local Environmental Plan, 2011.	
2.	To ensure signage that is exempt development does not have adverse impacts on traffic safety and pedestrian amenity.	
3.	To ensure signage that is carried out as exempt development does not significantly detract from the amenity of the commercial and industrial built environments.	
12.2 Signage as exempt development		
1.	To be an exempt advertising structures under Schedule 2 of Wollondilly Local Environmental Plan, 2011, the structure must:	N/A – No signage proposed.
a)	Not be located within a road reserve; and	
b)	Be a fixed sign; and	

Relevant Provisions		Comment
c)	In the case of a sign attached to a building have no part of the sign higher than the part of the building on which it is attached; and	
d)	Not be located within 100m of a heritage item or a heritage conservation area	
e)	No be located within 100m of a classified road; and	
f)	Be designed and installed in accordance with the requirements of a professional engineer; and	
g)	Not be used for the promotion or advertising of any product or business other than a business operation from the site on which the structure is located; and	
h)	Not be used for the promotion or advertising of any sex services premises, brothel or restricted premises; and	
i)	Must not be illuminated; and	
j)	Be the one and only advertising structure on the lot constructed as exempt development under this schedule.	
Volume 7 – Industry and Infrastructure		
PART 1 – PRELIMINARY		
1.2 Objectives		
1.	To provide for development that protects the scenic qualities of the Wollondilly Shire Area.	The proposed development is not contrary to this objective.
2.	To ensure that industrial development has a neutral or beneficial effect on the natural and built environments.	N/A – the proposed development is not industrial development.
3.	To provide employment opportunities that significantly contribute to economic activity within Wollondilly Shire.	The proposed development is not contrary to this objective.
4.	To provide controls for industrial development that will encourage the use of land for sustainable and viable industrial activities.	N/A
5.	To ensure the most efficient use of industrial land that is consistent with the existing amenity of the area.	N/A
6.	To ensure the orderly provision of services and infrastructure.	The proposal satisfies this objective by increasing the efficiency of the existing waste disposal facility.
7.	To ensure good vehicular access, circulation and loading facilities on industrial sites to avoid impacts on pedestrian and vehicular mobility in the locality.	N/A
8.	To ensure adequate on-site car parking is	The proposed development is not

Relevant Provisions		Comment
	provided.	contrary to this objective.
9.	To ensure access to adequate services is provided for the disposal of waste.	The proposed development is not contrary to this objective.
10.	To promote high standards of architecture, landscaping and building design that is visually attractive in form, design, colour and scale.	The proposed development is not contrary to this objective.
11.	To ensure that industrial developments are suitably designed and landscaped without restricting their viability through over regulation.	N/A
12.	To ensure industrial development is undertaken in a manner that minimises land use conflicts.	N/A
13.	To ensure buildings do not adversely affect views from adjoining zones, classified roads (Picton Road and Remembrance Driveway) or other public spaces.	N/A
14.	To ensure soil conservation and sediment control measures are implemented during and post-construction.	The proposed development is not contrary to this objective.
15.	To permit development which serves the daily convenience needs of persons working within industrial areas.	N/A
16.	To encourage the integration of land use and transport, and provide for environments that are highly accessible and conducive to walking, cycling and the use of public transport.	N/A

PART 2 – General Requirements for all development		
2.1 Building setbacks		
Objectives		
a)	To provide satisfactory separation between industrial buildings,	
b)	To mitigate land use conflict between industrial land uses and other land uses,	
c)	To provide sufficient setbacks along major roads for the planting of landscaping elements so as to visually screen industrial development, and	
d)	To provide safe and efficient ingress and egress in and around industrial properties.	
Controls		
1.	Setbacks for buildings erected on industrial zoned land shall be in accordance with the following table: (refer to DCP for further details of this control)	N/A – The development is not located on industrial zoned land.
2.2 Building design		
Objectives		
a)	To encourage attractive design that is both functional and considers the surrounding	

	streetscape,	
b)	To ensure that industrial development does not have adverse impacts on the amenity of the area, and	
c)	To encourage the provision of employee facilities such as canteens, lunch parks, child-minding centres and recreation facilities.	
Controls		
1.	Buildings must not occupy more than 50% of the site area.	Complies - buildings do not occupy more than 50% of the site
2.	Office floor space and associated rooms used for administrative purposes must occupy no greater than 30% of the gross floor area.	Complies
3.	Street facades and visually prominent elements of any structure must be articulated to minimise their impact on the streetscape.	Complies – minor external building work at side of existing amenities shed (small generator shed & roofed fuel storage bund).
4.	Loading areas, driveways, rubbish, storage and roof-top equipment must not be located adjacent to residential zones	Complies – no residential zones within immediate vicinity of the site.
5.	External and security lighting should be positioned to avoid light spillage to nearby non-industrial development.	No change proposed to existing arrangements.
2.3 Parking and access		
Objectives		
a)	To ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development,	
b)	To ensure that adequate manoeuvring areas are available on-site to permit forward entry and exit of vehicles	
c)	To enable the efficient functioning of parking areas, loading bays and access driveways,	
d)	To ensure that parking areas and access ways are constructed with a smooth trafficable surface and to avoid conflict between pedestrians and vehicles, and	
e)	To ensure parking areas are visually attractive and designed and constructed to encourage safe usage.	
Controls		
1.	Car parking, manoeuvring areas, driveways, access, signposting and loading bays must be designed in accordance with Council's Design Specification.	Complies subject to standard conditions
2.	Vehicles are to enter and leave the subject site in a forward direction	Complies
3.	Where through vehicle travel paths are not able to be provided (for example, where a zero setback is proposed) all lots must provide sufficient level space on-site for rigid and articulated vehicle turning areas. This space must be unobstructed and clear of drainage lines, power poles and parking spaces.	Satisfactory.

4.	The number of parking spaces required for industrial uses is detailed below in Table 1. The RMS Guide to Traffic Generating Developments will also be referred to when determining traffic requirements for certain uses. (see DCP for additional requirements under this control)	Satisfactory – the development is not industrial development, however, the existing informal parking arrangements will be formalised by the construction of a formal car parking area of five (5) spaces.
2.4 Signage		
Note		
Reference must be made to any relevant state policy which applies to advertising and signage.		
Objectives		
a)	To ensure that signage is carefully designed and used as a positive design element,	
b)	To permit the display of information concerning the identification of premises and the name of the occupier and activity conducted on the site,	
c)	To ensure a coordinated approach to advertising where multiple sites are occupied, and	
d)	To minimise the negative visual impact of cluttered and untidy advertising signs.	
Controls		
1.	All signage must be contained within the subject site and must be limited to information that directly relates to the use of the site.	N/A – no advertising signage proposed
2.	The number and content of signs is to be minimised to prevent visual clutter and in this respect multi-unit developments must contain one free standing sign at the front of the development which details all relevant information about the premises.	N/A
3.	Signage must be designed as an integral part of the design of the overall development.	N/A
4.	Directory boards at the entrance to a multi-unit industrial development is preferred to individual signage.	N/A
2.5 Open storage areas		
Objectives		
a)	To minimise the visual impact of open storage areas on the streetscape, and	
b)	To assist in making vehicle and pedestrian entrances discernible from the street for anyone looking for a particular business.	
Controls		
1.	Land between any road and the façade of any building or visible from a public road, must not be used for the storage, sale or display of goods.	Complies – the proposed weighbridge will be installed in this location.
2.	Areas used for storage must be suitably screened.	Existing arrangements satisfactory.
3.	Dedicated open storage areas must be appropriately drained and constructed in suitable materials to prevent soil disturbance.	Existing arrangements satisfactory.

4.	External storage of unregistered vehicles, vehicle parts, used building materials, scrap materials or other industrial waste is not permitted, except for sites which support emergency services facilities or tow truck storage yards.	Existing arrangements satisfactory.
2.6 Landscaping		
Objectives		
a)	To minimise the impact of any development on the amenity and streetscape of the area through the use of landscaping, without compromising bushfire safety, and	
b)	To encourage landscaping that enhances the industrial locality and provides a natural/functional/pleasant outdoor area for employees and visitors.	
Controls		
1.	All new development must provide a minimum 2.5 m wide landscape strip which must be suitably landscaped and maintained, across the street frontage of any site (excluding access ways).	The proposed installation of a weighbridge and associated works is being provided to an existing waste disposal facility and is not new development.
2.	Edging is to be provided to retain mulch, enable mowing if necessary and to protect the landscaping from damage by vehicles.	Proposed car park shall be installed in accordance with Council's design specifications.
3.	All landscaping areas must be installed and with an appropriate management regime in place prior to use of the site.	No additional landscaping proposed.
4.	Additions to existing industrial buildings or new ancillary buildings and works are not permitted to encroach on landscaping.	Complies
5.	Provision must be made for shade trees in outdoor off-street parking areas and be planted to a minimum of 1 shade tree per 10 car spaces. Landscaping areas for these trees must be a minimum of 2 metres wide and allow for deep soil planting.	The proposed car park is adjacent to existing trees.
6.	For rear and side setbacks, where a development directly adjoins a zone other than industrial (known as the interface zone) a 2.5 metre landscaped area must be provided.	N/A – existing waste disposal facility
7.	Where practical utilise species that are endemic to the local area. Refer to Council's Recommended Planting Species List in Volume 1 of this DCP (Section 11.2, Table 1 - 7).	N/A.
2.7 Fencing		
Objectives		
a)	To ensure that the impact of fences on the streetscape and public places is minimised,	
b)	To allow reasonable enclosure of yard areas for privacy and security,	
c)	To ensure the safe movement of vehicles does not adversely impact on gateways and street intersections,	

d)	To protect drainage easements from the effects of fencing, and	
e)	To ensure that adjoining owners are not adversely affected by fencing on the front yard of the adjoining property.	
Controls		
1.	Fencing within industrial areas must be no greater than or equal to 1.8 m in height along property boundaries and within properties.	The site is not located within an industrial area. Fencing proposed is limited to installing security fencing (1.8m) around the weighbridge and amenities building. Satisfactory.
2.	Where provided, front fencing must be located behind the required landscaped area setback.	Front fencing is existing.
2.8 Waste management		
<p>Industrial developments typically produce a diverse range of waste products. Some of these waste products may be hazardous and require compliance with established laws/protocols that are additional to this Section. Other waste products are similar in nature to commercial and domestic waste streams. Mixing waste products limits potential reuse and recycling opportunities and may distribute toxic material through a larger volume of wastes. The purpose of these requirements is to ensure new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.</p> <p>The following requirements apply to industrial development including changes of use requiring a development application. In addition, there are general requirements for all land uses contained within volume 1 of this plan.</p>		
Objectives		
a)	To ensure appropriate waste storage and collection facilities,	
b)	To maximise source separation and recovery of recyclables,	
c)	To ensure waste management facilities are as intuitive for occupants as possible and readily accessible to occupants and service providers,	
d)	To ensure appropriate resourcing of waste management systems, including servicing,	
e)	To minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene,	
f)	To minimise adverse environmental impacts associated with waste management, and	
g)	To discourage illegal dumping by providing on site storage, and removal services.	
Controls		
1.	Every development must include a designated general waste/recycling storage area or room(s) constructed in accordance with the requirements of the Building Code of Australia (BCA) and designed in accordance with the requirements below), as well as designated storage areas for industrial waste streams (designed in accordance with specific waste laws/protocols).	N/A – the entire site is an existing waste management facility operating under EPA licence.
Location and appearance		
1.	Waste/recycling storage areas must be integrated into the design of the overall	N/A – the entire site is an existing waste management facility operating under

	development. Materials and finishes that are visible from outside should be similar in style and quality to the external materials used in the rest of the development.	EPA licence.
2.	Waste/recycling storage areas must be located and designed in a manner that reduces adverse impacts upon neighbouring properties and the streetscape. The location and design of the areas should minimise adverse impacts associated with:	N/A – the entire site is an existing waste management facility operating under EPA licence.
i)	the proximity of the area to dwellings	
ii)	the visibility of the area	
iii)	noise generated by any equipment located within the area	
iv)	noise generated by the movement of bins into and out of the area	
v)	noise generated by collection vehicles accessing the site; and	
vi)	odours emanating from the area.	
Size		
1.	Waste/recycling storage areas must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development.	N/A – the entire site is an existing waste management facility operating under EPA licence.
2.	The waste/recycling storage room/areas must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated (at the rate described below) between collections.	N/A – the entire site is an existing waste management facility operating under EPA licence.
Layout		
1.	The gradient of waste/recycling storage area floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying containers can occur in accordance with WorkCover NSW Occupational Health and Safety requirements.	N/A – the entire site is an existing waste management facility operating under EPA licence.
2.	Within waste/recycling storage areas, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers — so that the potential for contamination of recyclable materials is minimised.	N/A – the entire site is an existing waste management facility operating under EPA licence.
Access: waste/recycling collection		
1.	There must be convenient access from each tenancy and/or larger waste producing area of the development to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the	N/A – the entire site is an existing waste management facility operating under EPA licence.

	waste/recycling storage room(s) or area(s).	
2.	The development must be designed to allow access by collection vehicles used by the nominated waste contractor. Wherever possible, the site must be configured to allow collection vehicles to enter and exit the site in a forward direction and so collection vehicles do not impede general access to, from and within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.	N/A – the entire site is an existing waste management facility operating under EPA licence.
3.	Servicing arrangements for the emptying of bins must be compatible with the operation of any other loading/unloading facilities on-site.	N/A – the entire site is an existing waste management facility operating under EPA licence.
4.	Access for the purpose of emptying waste/recycling storage containers must be able to occur in accordance with WorkCover NSW Occupational Health and Safety requirements.	N/A – the entire site is an existing waste management facility operating under EPA licence.
Access: general		
1.	Vermin must be prevented from entering the waste/recycling storage area.	N/A – the entire site is an existing waste management facility operating under EPA licence.
Surfaces		
1.	Waste/recycling storage areas must have a smooth, durable floor and must be enclosed with durable walls/fences that extend to the height of any containers which are kept within the area.	N/A – the entire site is an existing waste management facility operating under EPA licence.
Doors/gates		
1.	Doors/gates to waste/recycling storage areas must be durable. There must be a sign adjacent to the door/gate that indicates that the door/gate is to remain closed when not in use. All doors/gates are to be openable from both inside and outside the storage area and must be wide enough to allow for the easy passage of waste/recycling containers.	N/A – the entire site is an existing waste management facility operating under EPA licence.
Services		
1.	Waste/recycling storage areas must be serviced by hot and cold water provided through a centralised mixing valve. The hose cock must be protected from the waste containers and must be located in a position that is easily accessible when the area is filled with waste containers.	N/A – the entire site is an existing waste management facility operating under EPA licence.
2.	The floor must be graded so that any water is directed to a sewer authority approved drainage connection located upon the site. In the Sydney Metropolitan Area (SMA) this is	N/A – the entire site is an existing waste management facility operating under EPA licence.

	Sydney Water.	
Signage		
1.	Waste/recycling storage areas must include signage that clearly describes the types of materials that can be deposited into recycling bins and general garbage bins.	N/A – the entire site is an existing waste management facility operating under EPA licence.
Management		
1.	Arrangements must be in place for the regular maintenance and cleaning of waste/recycling storage areas. Waste/recycling containers must only be washed in an area which drains to a sewer authority approved drainage connection. In the Sydney Metropolitan Area (SMA) this is Sydney Water. The Better Practice Guide for Waste Management in Multi-Unit Dwellings (Department of Environment and Climate Change, 2007) gives detailed information about waste recycling/storage rooms and facilities.	N/A – the entire site is an existing waste management facility operating under EPA licence.
2.	Depending upon the size and type of the development, it might need to include separate waste/recycling storage room/area for each tenancy and/or larger waste producing areas.	N/A – the entire site is an existing waste management facility operating under EPA licence.
3.	Bins must be stored in the designated waste/recycling storage room(s) or area(s).	N/A – the entire site is an existing waste management facility operating under EPA licence.
4.	Arrangements must be in place in all parts of the development for the separation of recyclable materials from general waste. Arrangements must be in place in all parts of the development for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.	N/A – the entire site is an existing waste management facility operating under EPA licence.
5.	The type and volume of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated waste contractor.	N/A – the entire site is an existing waste management facility operating under EPA licence.
6.	Waste management storage rooms/areas must be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.	N/A – the entire site is an existing waste management facility operating under EPA licence.
7.	A waste/recycling cupboard must be provided for each and every kitchen area in the development. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials.	N/A – the entire site is an existing waste management facility operating under EPA licence.
8.	Premises that discharge trade wastewater must do so only in accordance with a written	N/A – the entire site is an existing waste management facility operating under

	agreement from the local sewer authority. In the SMA this is Sydney Water. Sydney Water defines trade wastewater as 'any liquid, and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic wastewater (e.g. from hand-basins, showers and toilets).'	EPA licence.
9.	Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.	N/A – the entire site is an existing waste management facility operating under EPA licence.

2.9 Stormwater management

The following documents will be used by Council (but not limited to) in assessing any development application:

- Managing Urban Stormwater: Soils and Construction (Volume 1 – The Blue Book provides guidance during the construction of urban subdivisions and is available from Landcom. Volume 2 provides guidance for erosion and sediment control for a range of other activities)

www.environment.nsw.gov.au/stormwater/publications.htm

- Model Code of Practice for erosion and sediment control (A resource guide for local Councils – Landcom)
- Managing urban stormwater: harvesting and reuse
www.environment.nsw.gov.au/stormwater/publications.htm
- Australian Runoff Quality www.ncwe.org.au/arq

Objectives

a)	To minimise the volume of stormwater flows and demand for water and sewer infrastructure by encouraging and facilitating opportunities for water reuse and recycling,
b)	To ensure that industrial developments are designed to prevent pollutants entering the stormwater disposal system,
c)	To ensure that the quality of water discharged from a development is treated appropriately to avoid adverse impacts on receiving waters,
d)	To ensure post-development peak stormwater runoff from frequent storm events does not exceed that which occurred prior to development taking place, and
e)	To ensure stormwater runoff is collected and disposed in an appropriate manner.

Controls

1.	For all development in existing or proposed urban areas consent must not be granted for development unless the assessing officer is satisfied that:	The proposed weighbridge and associated facilities are satisfactory subject to standard conditions.
a)	the stormwater management system includes all reasonable management actions to minimise impacts on and contribute to the achievement or protection of relevant environmental values,	Satisfactory subject to conditions.
b)	Water sensitive urban design principles* are incorporated into the design of the	The proposed weighbridge and associated facilities are satisfactory

	development, and	subject to conditions.
c)	The stormwater management system complies with Council's requirements.	Standard conditions recommended
For the purposes of clause 1 (b) above, the principles of water sensitive urban design can be summarized as follows:		
a)	Protection and enhancement of natural water systems (creeks, rivers, wetlands, estuaries, lagoons, groundwater systems etc.),	The proposed weighbridge and associated facilities are satisfactory subject to conditions.
b)	Protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments,	The proposed weighbridge and associated facilities are satisfactory subject to conditions.
c)	Minimisation of harmful impacts of urban development upon water balance and surface and groundwater flow regimes,	The proposed weighbridge and associated facilities are satisfactory subject to conditions.
d)	Integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity, and	The proposed weighbridge and associated facilities are satisfactory subject to conditions.
e)	Reduction in potable water demand by using stormwater as a resource.	N/A – the installation of the weighbridge and associated facilities do not create any additional water demand.
2.10 Ecological sustainability and Energy conservation		
Objectives		
a)	To ensure built form, landscape and site planning embodies energy efficiency and ecologically sustainable development principles,	
b)	To encourage development that demonstrates appropriate use of energy efficient materials in construction wherever possible, and	
c)	To encourage development that demonstrates appropriate solar access, natural ventilation and use of landscape elements for micro-climate control, and	
d)	To reduce potable water mains demand of non-residential development by promoting water-efficient appliances, fit for purpose alternative water use.	
Controls		
1.	Any development application for industrial development on land affected by this DCP must be supported by documentation which identifies how the proposed land use will meet the objectives of cleaner production, conservation and minimisation of resources and waste production.	N/A – the development is not industrial development
2.	A Sustainability Assessment is required to demonstrate where viable ecologically sustainable measures are proposed, which may incorporate some or all of the following in the building design:	The proposed weighbridge and associated facilities are satisfactory.
i)	Potential for effluent re-use	

ii)	Water minimisation techniques, including water recycling	
iii)	Waste minimisation techniques, including recycling	
iv)	Incorporate water efficient design principles. Rainwater must be collected and stored for re-use as on-site irrigation	
v)	Use porous paving materials to minimise runoff	
vi)	Use drainage swales to slow down stormwater runoff and increase on-site infiltration	
vii)	Salinity hazard investigations	
viii)	Comfort levels and reduction on artificial lighting and ventilation. Orientate buildings to the North with overhang measures to protect from summer sun	
ix)	A selection of an energy efficient heating/cooling system	
x)	Heating/cooling systems must target only those spaces which require heating or cooling and ensure efficient distribution/redistribution of warm/cool air.	
xi)	Where a space heating or cooling system is installed, it must be selected for maximum energy efficiency	
xii)	Light switches at room exits, dimmer switches, motion detectors for lighting doorways, entrances or outdoor security lighting, automatic turn-off switches used for outdoor purposes	
xiii)	If evergreens are planted within the northern quadrant of the building, they must be spaced well away from the building so as not to obstruct the winter sun of any building	
3.	Where necessary demonstrate adequate site restoration, rehabilitation or remediation measures for the site.	Satisfactory subject to standard conditions.
4.	Connection to recycled water is required if serviced by a dual reticulation system for non-potable uses (i.e. toilet flushing, irrigation, car washing, firefighting and certain industrial purposes where applicable).	N/A – no water demand created by the proposal.
5.	Installation of 3 star WELS rated water efficient showerheads, 6 star WELS rated water tap outlets, 5 star WELS rated urinals and 4 star WELS rated toilet cisterns are required for all amenities.	N/A
2.11 Noise		

Objectives		
a)	To ensure the intensification and expansion of existing industrial facilities and construction of new industrial development does not adversely impact on surrounding rural and residential development, and	
b)	To ensure that appropriate traffic management measures are applied to direct traffic from industrial sites onto the arterial network.	
Controls		
1.	Noise sources must be located away from residential areas and noise mitigation measures such as fencing, earth mounding and other acoustic measures will be considered within the development. These measures must not compromise any other provision in this Development Control Plan or on the achievement of minimum solar access requirements of neighbouring properties.	<p>The nearest sensitive noise receiver is a residence located approximately 700 m to the south of the site. Due to the distance to the nearest sensitive noise receptors and the short-term duration of construction noise, the impacts are predicted to be low.</p> <p>The operation of the weighbridge itself is unlikely to create adverse noise.</p> <p>A diesel generator will be utilised during operational hours to provide power to the weighbridge and will comply with the <i>Noise Policy for Industry</i> (EPA, 2017).</p>
2.	Development is required to comply with the NSW Industrial Noise Policy and may require noise attenuation measures specified by an independent acoustic consultant.	Standard condition recommended.

2.12 Open Space

Objectives		
a)	To promote accessible, functional and safe open space for employees within industrial developments.	
Controls		
1.	Where an individual premises or an industrial complex (or equivalent) is employing 5 or more staff in total, an area of open space must be provided:	N/A – the proposed development is not industrial development.
i)	which is readily accessible, and	
ii)	contains seating, solar access and shade.	
2.	The open space area provided in accordance with control 1 above can be included as part of any landscaped area of the site.	N/A

PART 3 – Specific land use controls

3.6 Waste or Resource management facilities

Objectives	
a)	To minimise the overall environmental impacts of waste,
b)	To maximise, through design, the opportunities to deal with industrial waste and reduce the demand on waste disposal by providing detailed criteria for the consideration of design and management of recycling, composting and waste storage and collection

c)	To provide industrial waste management systems that allow for ease of use by occupants and ease of service by collection contractors,	
d)	To encourage building designs and construction techniques that will minimise waste generation,	
e)	To assist in achieving Federal and State Government waste minimisation targets and promote development design that is appropriate and provides convenient waste storage, recycling and collection facilities on site,	
f)	To encourage the orderly and economic development of waste management facilities in appropriate locations, and	
g)	To encourage the minimisation of human and environmental health impacts from the location and operation of waste management facilities.	
Controls		
Location		
1.	The waste operations area of a landfill or organic waste processing facility must be sited:	The works do not involve the establishment of a new landfill. The proposed weighbridge facility will be located within the boundaries of the existing Bargo WMC and will be managed as per current operational management plans applicable to the site.
i)	at least 500 metres from the boundaries of the allotment and	The proposed weighbridge and associated facilities are not considered to be the waste operations area of the landfill. As such the location of the weighbridge is satisfactory.
ii)	at least 500 metres from the nearest dwelling, shop, office, public institution or other building designed primarily for human occupation	Complies, however, the proposed weighbridge and associated facilities are not considered to be the waste operations area of the landfill.
iii)	at least 250 metres from a public open space reserve, forest reserve, national park, conservation zone or policy area	Complies, however, the proposed weighbridge and associated facilities are not considered to be the waste operations area of the landfill.
iv)	at least 100 metres from the nearest surface water (whether permanent or intermittent and	Complies, however, the proposed weighbridge and associated facilities are not considered to be the waste operations area of the landfill.
v)	entirely outside of any 1 in 100 year average recurrence interval flood event area	Complies, however, the proposed weighbridge and associated facilities are not considered to be the waste operations area of the landfill.
2.	The waste operations area of a landfill must not be located on land that is subject to land slipping and/or with ground slopes greater than 10%, except where the site incorporates a disused quarry.	Complies, however, the proposed weighbridge and associated facilities are not considered to be the waste operations area of the landfill.
3.	The waste operations area of an organic waste processing facility must not be located on land that is subject to land slipping and/or ground slopes greater than 6%.	Complies, however, the proposed weighbridge and associated facilities are not considered to be the waste operations area of the landfill.
4.	The waste operations area of an organic waste processing facility must not be	N/A - the proposed weighbridge and associated facilities are not considered to be

	located on land where the interface of engineered landfill liner and natural soils would be within any of the following:	the waste operations area of the landfill.
i)	15 metres of unconfined aquifers bearing groundwater with less than 3000 mg/L total dissolved salts	
ii)	5 metres of groundwater with a water quality of 3000 to 120000 mg/L total dissolved salts	
iii)	2 metres of groundwater with a water quality greater than 12 000mg/L total dissolved salts	
5.	Applications for development are to be accompanied by a Waste Management Plan (WMP). The WMP accompanying the application must demonstrate appropriate design of facilities and on-going management techniques that minimise waste and the WMP will include the following details:	N/A - The development only proposes the installation of a weighbridge and associated facilities to an existing waste disposal facility.
i)	type of future use for the development	
ii)	types of waste to be generated	
iii)	estimated volume of waste to be generated per week	
iv)	show on plans and describe on-site storage and/or treatment facilities for waste	
v)	state the destination for waste produced to licensed facilities	
vi)	provide for ongoing monitoring and auditing of the site in accordance with licensing requirements under the Protection of the Environment Operations Act 1997	
A Trade Wastewater permit may be required from Sydney Water Corporation for the disposal of wastewater.		
Storage		
1.	Adequate storage for waste materials must be provided on site. Ideally waste storage containers must be kept inside a building or buildings.	N/A - The development only proposes the installation of a weighbridge and associated facilities to an existing waste disposal facility.
2.	All waste must be removed at regular intervals and not less frequently than once per week.	N/A - The development only proposes the installation of a weighbridge and associated facilities to an existing waste disposal facility.
3.	All waste storage areas must be screened from view from any other adjoining residential or rural zoned property or public place.	N/A - The development only proposes the installation of a weighbridge and associated facilities to an existing waste disposal facility.

Noise/Odour/Litter		
1.	Waste management facilities must be located and designed to minimise adverse impacts on both the site and surrounding areas from the generation of surface water and groundwater pollution, traffic, noise, odours, dust, vermin, weeds, litter, gas and visual impact	<p>The proposed weighbridge facility works will be located within the boundaries of the existing landfill site. The weighbridge will not adversely impact the site or surrounding areas with regards to pollution, traffic, noise odour etc.</p> <p>The nearest sensitive noise receiver is a residence located approximately 700 m to the south of the site. Due to the distance to the nearest sensitive noise receptors and the short-term duration of construction noise, the impacts are predicted to be low.</p> <p>The generator will be utilised during operational hours and will comply with the <i>Noise Policy for Industry</i> (EPA, 2017).</p>
2.	Separation and/or noise attenuation must be used to ensure noise generation associated with the waste management operation does not unreasonably interfere with the amenity of sensitive land uses.	The proposed weighbridge will be housed in a small building which will provide noise attenuation. Conditions recommended.
3.	The development must comply with the NSW Industrial Noise Policy.	Standard condition recommended.
4.	Litter control measures that manage windblown litter must be provided to the satisfaction of Council.	The proposed weighbridge & associated facilities will not generate litter.
Drainage		
1.	Sufficient area must be provided within the waste operations area for the:	<p>A new stormwater system is currently not proposed. All drainage would be managed as per the existing system, ie overland flows to the existing stormwater system (sedimentation basin).</p> <p>An Environmental Site Assessment (Senversa, 2018) found that the proposed weighbridge facility is not expected to contribute to volume of materials, groundwater contaminants and stormwater contamination.</p> <p>Standard conditions of recommended.</p>
i)	maximum expected volume of material on the site at any one time	
ii)	containment of potential groundwater and surface water contaminants	
iii)	diversion of clean stormwater away from the waste and potentially-contaminated areas	
Where required, a leachate barrier must be provided between the operational areas and underlying soil and groundwater.		

Access		
1.	Waste management sites must be accessed by appropriately constructed and maintained roads.	Traffic management and parking within the site during operation of the weighbridge facility would be in accordance with the Weighbridge and Traffic Management General Arrangement Plan (Drawing no. C04). Perimeter fencing will be provided as part of the next stage of the works at the WMC. The proposed fence layout as provided on C04 will be provided as part of this DA which is primarily for the control of traffic across the weighbridge (rather than around it).
2.	Chain wire mesh must be erected on the perimeter of a waste management facility to prevent access other than at entry points.	Existing perimeter fencing will be upgraded with the stage 2 Development Application to be submitted in the near future.
3.	Plant, equipment or activities that could cause a potential hazard to the public must be enclosed by a security fence.	As above.
Sustainable gas emissions		
1.	Landfill activities that have a total capacity exceeding 230 000 cubic metres must make sustainable use of landfill gas emissions. For smaller landfill activities, if the sustainable use of the landfill gas emissions is not practical or feasible, flaring must be used to avoid gases being vented directly into the air.	The proposed weighbridge facility works will not contribute to landfill gas emissions.
<i>Environmental guidelines for development and any licensing requirements are provided by the NSW Office of Environment and Heritage at www.environment.nsw.gov.au and Sydney Water Corporation at www.sydneywater.nsw.gov.au</i>		

1.3.4 Draft and/or Planning Agreements Entered or Offered to Enter into

NIL

1.3.5 The Regulations

Alterations or Additions as Designated Development

Schedule 3, Clause 32 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation) declares specified waste management facilities or works to be designated development if they *store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste* and meet a number of additional criteria. The subject land (but not the proposed development) is also located within 100m of environmentally sensitive land (land zoned E2 Environmental Conservation), and therefore triggers the Designated Development provisions of the Environmental Planning & Assessment Act 1979.

Clauses 35 and 36 of Schedule 3, however, address the issue of whether alterations or additions are designated development. Clause 35 states that:

“Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the

development together with the additions or alterations) compared with the existing or approved development.”

Clause 36 provides a number of considerations to assist a consent authority in deciding on whether or not a development is designated development. An evaluation of the development against the factors listed under Schedule 3, Clause 36 of the Environmental Planning & Assessment Regulation 2000 was provided by the applicant below.

“In forming its opinion as to whether or not development is designated development, a consent authority is to consider:

- (a) the impact of the existing development having regard to factors including:*
 - (i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and*
 - (ii) rehabilitation or restoration of any disturbed land, and*
 - (iii) the number and nature of all past changes and their cumulative effects,*

It is understood that the Bargo WMC has undergone a number of changes including expansion of the landfilling operations since it opened in 1970. The cumulative impact has been the increased ability of the site to accept community generated waste. The proposed weighbridge and associated works would not increase the scale of the existing WMC development (i.e. disposal capacity of the site). Furthermore, the WMC will be capped and closed in the near future.

Site rehabilitation is proposed as part of the Stage 2 works.

- (b) the likely impact of the proposed alterations or additions having regard to factors including:*
 - (i) the scale, character or nature of the proposal in relation to the development, and*
 - (ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and*
 - (iii) the degree to which the potential environmental impacts can be predicted with adequate certainty, and*
 - (iv) the capacity of the receiving environment to accommodate changes in environmental impacts, and”*

The development would have a minimal to negligible impact on the scale and character of the existing WMC and would be consistent with the current use of the site. The proposed weighbridge facility will be located within a highly disturbed area, within an existing operational landfill development.

The proposal would retain and utilise the existing amenities shed for the purposes of a gatehouse for the management of the weighbridge facility.

The proposed development would have no effect on the capacity of the site to receive or store waste.

Due to the existing infrastructure and the highly disturbed nature of the site, there is not anticipated to be a significant detrimental impact to vegetation, air, noise and water quality, scenic character, any special features of the land or the surrounding locality.

The potential environmental impact can be predicted with reasonable certainty. Weighbridge facilities are a NSW EPA requirement for any facility that recovers, recycles, processes or stores waste and is liable for the waste levy, and therefore have installed in most waste management centres throughout NSW.

The operation of the Bargo WMC, which would include the weighbridge facility, is regulated by an EPL issued by the EPA. This would include requirements for waste receipt of waste and quality, monitoring and reporting and management of waste. Furthermore, the weighbridge facility would operate in accordance with the provisions of the NSW *Protection of the Environment Operations Act*

1997, under which the landfill would be licenced, and would be designed and operated in accordance with EPA guidelines for noise, odour and biosolids.

The prediction and subsequent mitigation of environmental risks is addressed in this SEE (Statement of Environmental Effects).

(c) *any proposals:*

- (i) *to mitigate the environmental impacts and manage any residual risk, and*
- (ii) *to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.*

Based on a review of Clauses 35 and 36 of Schedule 3 of the Environmental Planning & Assessment Regulation 2000, it is considered that the proposed weighbridge facility works would not be designated development, as the alterations or additions do not significantly increase the environmental impacts of the total development compared with the existing development.

In accordance with the Environmental Planning & Assessment Regulation 2000, the classification of this development as 'designated development' is based on the opinion of the consent authority as to whether the alterations or additions significantly increase the environmental impacts of the total development compared with the existing or approved development."

Assessment comment:

The above assessment provided by the applicant is agreed with and as such the proposed alterations and additions of the installation of a weighbridge, generator and car park to the existing Bargo WMC is not considered to be designated development.

It is considered that the Regulation Clauses 92 to – 97A are not relevant to this application.

The proposed development is satisfactory under the Regulation.

1.4 Impact of the Development

The proposed installation of a weighbridge, generator and car park will have a minimal impact on the natural or built environment. The development will have a minor beneficial impact on the social and economic environment of the locality though properly measuring waste materials being brought to the facility as required by the EPA Licence.

1.5 Suitability of the Site

The proposed weighbridge facility would be consistent with the existing use of the site for waste management, and would be located within a previously cleared and highly disturbed area of the site.

Overall, the subject development is considered satisfactory in terms of the likely impacts of the development and, as such, the subject site is considered suitable for the proposed development.

1.6 Submissions

There were no submission received in respect to the proposed development.

1.7 The Public Interest

It is considered that the installation of a weighbridge and associated generator and car park is in the public interest as it will assist in the proper management of the existing Bargo Waste Management facility.

Financial Implications

An initial budget of \$150,000 has been approved for design and investigation works for the upgrade and eventual rehabilitation of the Bargo Waste Management Centre. The initial works programmed for commencement in 2018/19 include the installation of a weighbridge. Budget adjustments to the capital budget for the construction works will be the subject of a future report to Council when the project estimates are determined.

The proposed development does not attract a Section 7.12 (formerly S94A) Development Contribution levy as the proposed development does not create the need for additional public services and amenities. The proposed development, being an alteration & addition to the existing Bargo Waste Management Centre, is providing a public service, and as such is not required to pay the levy.

ATTACHMENTS

1. **BWMC Site Plan** 
2. **BWMC Weighbridge & Traffic Management Plan** 
3. **BWMC Weighbridge Detail** 

RECOMMENDATION

That Development Application 010.2018.00000353.001 be approved subject to the following conditions:

1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with statutory requirements, the conditions of consent and the approved plans to Council's satisfaction.

- (1) Development Consent is granted for Stage 1 works being Weighbridge Construction and associated facilities (Installation of a diesel generator and construction of a car park), at Lot 242 DP 751250, No. 27 Anthony Road, Bargo.

Note: The proposed Change of Use of the existing Amenities Shed to allow part of this building to be adapted as an office is not required as the existing shed was approved and occupied with an office.

- (2) Development shall take place in accordance with the submitted plans C01 Rev 0 (as annotated in red), C04 Rev 0 and C05 Rev 0, prepared by NSW Public Works Advisory and submitted in respect of Development Application No. 010.2018.00000535.001 dated 10 September 2018 except where varied by the following conditions:
- (3) Development shall take place in accordance with the recommendations of the following reports:
 - *Statement of Environmental Effects prepared by NSW Public Works Advisory dated August 2018*
 - *Environmental Site Assessment prepared by Senversa dated 13 June 2018*
 - *Flora and Fauna Assessment prepared by Lesnik Environmental dated June 2018*
- (4) Works shall not commence on the site, including the placement of temporary buildings, site excavation, filling, removal of trees or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (5) All building work must be carried out in accordance with the provisions of the Building Code of Australia. This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulations, 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4).
- (6) Prior to the issue of any Construction Certificate for the development fully detailed elevation

plans for the proposed building to house the generator and the roofed and banded diesel storage area shall be submitted to the Accredited Certifier for approval.

- (7) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
- (a) Within the footprint of an approved building, access driveway or other structure; or
 - (b) Within three (3) metres of the footprint of an approved building; or
 - (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition tree clearing means ringbarking, cutting down, topping, lopping, removing, injuring or wilfully destroying trees. A tree is considered to be a tree or shrub which is greater than three (3) metres in height; or the trunk has a circumference of 450mm at one (1) metre above ground level; or has a branch span of greater than three (3) metres.

- (8) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.
- (9) Should any Aboriginal relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.
- (10) A Construction Environmental Management Plan (CEMP) to be developed, submitted to and approved by Council prior to the issue of any Construction Certificate for the development.
- (11) The approved Construction Environmental Management Plan (CEMP) is to be submitted to the Environmental Protection Authority (EPA) prior to the commencement of any construction works.
- (12) Unexpected Finds Contingency (General) - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material etc), be encountered during any stage of earth works/site preparation/construction, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

2. CONSTRUCTION GENERAL

These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.

- (1) Construction shall not commence until a Construction Certificate has been obtained from Council or a nominated Accredited Certifier.
- (2) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8:00am and 1:00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (3) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Occupation Certificate for the development.
- (4) The weighbridge shall be located wholly within the subject property and not encroach upon the adjoining public road. A survey report completed by a registered surveyor shall be submitted to the Principal Certifier at the commencement of work / at slab formwork stage prior to the pouring of concrete to demonstrate compliance with this condition.

- (5) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
- (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the Local Government (General) Regulation 2005.

Sewage Management Facility has the same meaning as it has in the Local Government (General) Regulation 2005.

- (6) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (7) If the soil conditions require it:
- (a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) Adequate provision must be made for drainage.
- (8) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. This receptacle must have a tight fitting lid and be suitable for the reception of food scraps, papers, etc.
- (9) A demolition/construction waste storage area (bins or bays) must be provided. This area shall separate demolition/construction waste into categories such as hard waste (e.g. bricks, concrete, and tiles), soft waste (e.g. timber, gyprock, metal, glass) and light waste (e.g. paper, plastic, pods). The light waste storage area must be enclosed so as to prevent the material from escaping the enclosure.
- (10) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (11) There shall be no burning of demolition waste, builder's rubble, felled trees or other material on site.
- (12) Dust shall be controlled so that it will not leave the construction site.

3. ENGINEERING & CONSTRUCTION SPECIFICATIONS

These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public.

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted design and Construction Specifications.
- (2) Engineering design plans for road access, carparking and stormwater drainage shall be

submitted to Council or the nominated Accredited Certifier. The plans must be approved **prior to the issue of a Building Construction Certificate** for any works associated with this development. All levels are to be reduced to Australian Height Datum. Design parameters shall comply with the requirements of Council's Design Specifications.

- (3) The Engineering Design Plans for the Civil Works must be approved prior to the issue of a Building Construction Certificate with the approved plans of the Civil Engineering Works also incorporated into the Building Plans.
- (4) All works to be carried out within the road and footway must be approved by Council under Section 138 of the Roads Act. Engineering plan checking and inspection fees will be advised for payment prior to the issue of the approved plans.
- (5) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council with the Engineering Plans. The measures shall be in accordance with Council's Construction Specification and the Department of Housing's "Blue Book".
- (6) Prior to any occupation of the development or the issue of Occupation Certificate, a Certificate of Practical Completion for all works carried out within the road and footway shall be obtained from Council.

4. DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 20% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. A detailed drainage design shall be provided on the Engineering design plans.

5. CARPARKING/ACCESS

- (a) **Ensure that adequate provision is made for parking, appropriate to the volume and turnover of traffic generated by the development.**
- (b) **Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.**

- (1) Provision shall be made for vehicles to access and leave the site in a forward direction. A suitable manoeuvring area within the site shall be provided. Details shall be shown on the Engineering design plans for approval.
- (2) The development is to be provided with bitumen sealed carparking as generally shown on the plans by Public Works Drawing No.CO4 dated 26/07/18. Such spaces are to measure not less than 2.6m x 5.5m and are to be constructed and marked in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (3) The entry off Anthony Road to the weighbridge shall be upgraded and bitumen sealed to an adequate width for two way access for trucks.
- (4) The access road, access handle, slip lane to the weighbridge and car parking area are to be inspected monthly and maintained, to minimise the formation of potholes which may cause dust or noise nuisance issues.

5. PUBLIC ROADS

These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.

- (1) Engineering plans for the required work within the public road must be prepared by a suitably

qualified professional in accordance with Council's Design and Construction Specifications. These plans must be submitted to Council with the 138 Application for approval prior to the issue of a Building Construction Certificate. Engineering plan checking and inspection fees will be advised for payment prior to the issue of the approved plans and 138 Construction Certificate.

- (2) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicant's expense.

6. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the Development on the environment and on adjoining properties.

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

7. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

- (1) Building works shall be inspected by the Principal Certifier at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifier these inspections shall include:
 - Footings.
 - Pier holes before pouring of concrete.
 - Steel reinforcing before pouring of concrete.
 - Structural steel work before covering.
 - Stormwater drainage before backfilling.
 - Frame work before internal cladding or lining is fixed.
 - Completion of the building work before occupation or use.
- (2) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
 - Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented.
 - When drainage lines have been laid, jointed and bedded, prior to backfilling.
 - A completion of pavement shaping, prior to priming.
 - At sealing (minimum 24 hours required after priming).
 - At practical completion of works.
 - At final completion of works (minimum of 12 months after date of issue of practical

completion certificate).

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifier when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours' notice is required for inspections where Council is the Principal Certifier.

8. OCCUPATION & USE

These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation.

- (1) The weighbridge, generator house and diesel storage building shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifier.
- (2) The disturbed areas surrounding the building work shall be reinstated to the satisfaction of the Principal Certifier upon completion of the work.
- (3) The premises shall be constructed and operated in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission of discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful products of the industry.
- (4) Diesel storage must comply with the requirements of SafeWork Australia, AS 1692, AS 1940 and AS 1657.
- (5) Within 60 days of the commencement of operations noise monitoring shall be undertaken by a suitably qualified and experienced acoustic engineer. This monitoring shall include a minimum of 4 consecutive 15 minute periods and shall be measured at the two closest residences to the development. The period shall be selected to measure sound emission from full operation of the development and all activities undertaken therein. If necessary, some activities may be staged to ensure sound emissions from that activity are measured. This report shall be provided to Council within 90 days of the commencement of operations. If Council is not satisfied that the report demonstrates compliance with the conditions of this consent additional noise monitoring or noise abatement measures shall be undertaken until Council is satisfied that the development complies.

9. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

These conditions are imposed as they are mandatory under the Act.

- (1) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989
 - (a) For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (i) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
 - (ii) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
 - (b) For the purposes of section 4.17 (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*.
 - (c) This clause does not apply:
 - (i) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188

(4), or

- (ii) to the erection of a temporary building, other than a temporary structure to which subclause (b) applies.
- (d) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant:
 - (i) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (ii) construction certificate, in every other case.

Note: There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

(2) ERECTION OF SIGNS

- (a) For the purposes of section 4.17 (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (c) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal Certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the *Environmental Planning and Assessment Regulation 2000* which currently imposes a maximum penalty of \$1,100).

10. ADVICES

- (1) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (2) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., which require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (3) A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor

and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.

- (4) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:

- Motor Vehicle Insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
- Workers Compensation Insurance.
- Twenty Million Dollar Public Liability Insurance.

- (5) The following service providers should be contacted before commencement of construction to establish their requirements:

- Dial before you dig (various services) 1100
- Telstra (telephone) 1 800 810 443
- Endeavour Energy (electricity) 131 081
- AGL (gas) 131 245
- Sydney Water (water & sewer) 132 092

- (6) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or

- (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is

emitted;

or

- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

- (7) The land is subject to the provisions of Part 10 of Volume 1 of Wollondilly Development Control Plan 2016 with regard to the preservation of trees and vegetation. Under this plan consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions the development control plan. The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton.

- (8) **This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Building Services Section for building works or Council's Infrastructure Planning Section for subdivision works.**