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Project: **#1329**

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The Director General
Department of Planning & Infrastructure
GPO Box 39
Sydney NSW 2001

Dear Sir

**Request for Director General's Requirements for Preparation of Environmental Impact Statement
Portion of Port Kembla Copper Site - Military Road Port Kembla**

This document supports an application for Director General's Requirements (DGR's) to advise the preparation of an Environmental Impact Statement (EIS) for an area of proposed leasehold within the Port Kembla Copper (PKC) site in Military Road Port Kembla.

The EIS is to support a State Significant Development (SSD) for a waste and resource facility that will provide recycling facilities that handle more than 100,000 tonnes per year of waste.

Details of the operation will be provided within this document.

1. Site Details:

The PKC site is legally identified as:

Lot 21 DP 546139 and Lot 127 DP 257531 No 127 Military Road Port Kembla.

The PKC site forms part of the extended industrial hub of Port Kembla regarded, in its prime, as the nation's significant manufacturing area. However, the last two decades have experienced a decline in this sector with vast areas of land, including the PKC site, no longer required for that purpose.

An aerial photograph of the PKC site appears as **Annexure "A"**. The site was previously used as a copper smelter since 1908.



Development consent, under the provisions of State Environmental Planning Policy 34 – Major Employment Generating Industrial Development, was issued by the Minister on 19 February 1996 for the following development:

“Environmental upgrade and expansion of existing copper smelter and refinery, including construction of an additional Acid Plant, an Effluent Treatment Plant, a new electrostatic precipitator, new bag houses and a 1250 cubic metre water retention pond, installation of an extra Peirce Smith Converter, a 1600 tonne sulphuric acid storage tank and reverts crushing and screening facilities, extension of the converter aisle, the existing two converters and the bulk storage building, and an increase in the number of cells and upgrading of facilities in the tank house, on land situated at Military Road, Port Kembla.”

Advice given is that this consent commenced and a copy is provided as **Annexure “B”**.

Since that time, a number of operations have continued on site particularly in relation to material storage and processing, which included a one off consent for the storage of rock phosphate material within the Kembla Copper Concentrate Storage Facility and associated dispatch of the rock phosphate material intrastate/interstate. This consent (DA 2004/681) was granted on 22 April 2004 and a copy appears as **Annexure “C”**.

Smelting operations were discontinued about 10 years ago and the site has experienced demolition and rehabilitation works in recent times culminating in the demolition of the emissions stack on 20 February 2014.

a) Surrounding Development

The PKC site is located in close proximity to the Port Kembla commercial area as indicated upon the aerial map. This centre has experienced commercial decline over a period of years. Although there are some signs of revitalisation, these are often countered by commercial closures as recently experienced with the Port Kembla RSL Club.

The reality is that the smelter co-existed with the commercial centre in its halcyon period and it would be expected that the impacts arising from the proposal would be lesser than experienced with the smelter operations.

The Port Kembla Primary School, also adjacent to the site, has closed with buildings now demolished. Residential development is located at a reasonable distance from the site.

b) Location of Key Infrastructure and Environmental Features

The proposed use will require little in the way of new built infrastructure. Internally, the development proposal will rely upon existing buildings, paved manoeuvring areas, car parking, water storage, water recycling system and a weighbridge.

In terms of services, water, electricity and gas are available to the site in adequate supplies that do not require amplification.

The operation will potentially develop as a regional facility and there will be dependence upon a reliable road network.



Military Road is a two way concrete based thoroughfare built to provide for the rigours of industrial traffic.

The road reserve is of adequate width to provide for parallel car parking on its southern side.

Military Road leads into Five Islands Road a four lane bitumen sealed arterial road which has also serviced the industrial area over many decades.

A traffic impact assessment relating to the proposal will form part of the future EIS.

2. Development Description:

The EIS will relate to the following proposition:

- the crushing, screening and separation of up to 400,000 tonnes per annum of recyclable products including concrete, brick, tiles, top soil and engineered fill.

As discussed earlier, crushing and screening operations formed part of the Major Employment Generating Industrial Development approved on 19 February 1996, although this operation was confined to copper reverts crushing.

The crushing, screening and storage operations will be carried out within the existing Bulk Concentrate Storage Shed, which is identified within the proposed area of operations appearing as **Annexure "D"**.

In fact, this plan indicates the extent of built infrastructure, which will be retained and utilised for the purposes identified in this submission.

It is a fact that crushing and screening operations continue as part of the demolition and remediation works associated with the rehabilitation of the site. It is expected that these works will continue for some time. However, the EIS will propose the introduction of recyclable material for processing.

The crushing and screening operation will involve the following:

- extra heavy duty under cover wind and rainproof crushing and screening plant;
- utilisation of the existing bulk concentrate storage shed to contain the crushing, screening and storage operations;
- utilisation of 14 storage bins for the separation of products;
- the utilisation of the existing workshops for the maintenance of plant and equipment;
- utilisation and maintenance of the existing recycled water system;
- utilisation of the existing weighbridge;
- utilisation of existing truck wheel wash;
- utilisation and maintenance of existing hard stand parking and truck manoeuvring areas; and
- provision of on site road sweeper.



3. Permissibility and Strategic Planning:

The property is contained within the area described under State Environmental Planning Policy (Port Botany) Amendment (Port Kembla) 2013.

The effect of this SEPP zones the land IN3 Heavy Industrial. A copy of the zoning map appears at **Annexure “E”**.

The objectives of this zone are:

- *to provide suitable areas for those industries that need to be separated from other land uses*
- *to encourage employment opportunities*
- *to minimise any adverse effect of heavy industry on other land uses*
- *to provide transport infrastructure and intermodal facilities*
- *to allow a diversity of activities that will not significantly detract from the operation of existing or proposed industries.*

Waste or resource management facilities are a permissible use with consent.

State Environmental Planning Policy (State & Regional Development) 2011

Waste and resource management facilities for the purpose of resource recovery or recycling facilities that handle more than 100,000 tonnes per year of waste are regarded to be State Significant Development.

State Environmental Planning Policy (Infrastructure) 2007

Division 23 of this SEPP relates to Waste or Resource Management Facilities. The IN3 zone is a prescribed zone under this division, which provides for resource recovery facility, which means a facility for the recovery of resources from waste, including such works or activities as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from waste gases and water treatment, but not including re-manufacture of materials or goods or disposal of the material by landfill and incinerator.

Clause 121 (3) of this SEPP provides that development for the purpose of the recycling of construction and demolition material, or the disposal of virgin excavated material (as defined by the Protection of the Environment Operations Act 1997) or clean fill may be carried out by any person with consent on land which development for the purpose of industries, extractive industries or mining may be carried out with consent under any environmental planning instrument.

Illawarra Regional Strategy 2006 - 2031

The Strategy states that the timely and efficient planning of water, energy and waste recycling/landfill infrastructure, to support existing and new urban areas, is a critical component to the sustainable development of the Region.



The strategy notes that further gains are required to be made, particularly in reducing waste in the building/demolition and commercial/industrial sectors. Opportunities for new regional resource recovery facilities will need to be identified to provide adequate solutions to waste management over the life of the strategy.

An action from the Strategy is that Councils will be encouraged to promote waste avoidance and resource recovery in demolition and building work.

Heritage

The site includes two items of environmental heritage which are:

Brick Chimney, Port Kembla	Military Road	Lot 21 DP 546139
Office and House, Port Kembla	Military Road	Lot 21 DP 546139

It is considered that the proposal will not adversely impact upon these items of environmental heritage and, therefore, a Heritage Impact Assessment will not be required.

4. Impact Identification & Assessment

The site has been utilised for heavy industrial purposes over many decades. Although these operations have raised periodic environmental issues with the community, it is considered that the potential environmental issues will be at a lesser scale than experienced in the past. It is also considered that any potential impacts will be managed at acceptable levels.

It is also a fact that past improvements and operations included mitigation works to minimise impacts upon the environment. These operations were licensed under the Protection of the Environment Operations Act 1997. It is considered that some of these licences, particularly relating to water quality and air quality control, can be assigned to the future development.

There are a number of environmental controls in place, which will transfer over to the proposed developments.

The potential impacts and proposed solutions are identified hereunder:

<u>Potential Impact</u>	<u>Assessment</u>
Traffic, parking and vehicular manoeuvring	Future Traffic Impact Assessment
Air Quality	• Ongoing monitoring • Existing sprinkler system within bulk storage shed and bins • Sprinkler systems within crushing plant
Noise	• Ongoing monitoring • Machines calibrated to 85dBA at boundary



Water Quality	• Ongoing monitoring • Utilisation of existing water recycling system
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5. Justification

The Illawarra Regional Strategy recognises that further gains need to be made in reducing waste in the building/demolition and commercial/industrial sectors. A number of landfills in the region have reached capacity and opportunities for new regional recovery facilities will need to be identified.

An action of the Strategy is for Councils to be encouraged to promote waste avoidance and resource recovery in demolition and building works.

The capacity suggested in this request for DGRs would make the site suitable for a regional facility. It is considered that any potential adverse environmental impacts can be adequately managed.

The PKC site is extensive in area and this proposal seeks to utilise a small part of it.

Adequate area will remain for future heavy industrial activities within the precinct.

It is considered that the proposed operation will introduce lesser impacts than those experienced with the previous smelter operations.

Ongoing crushing and screening operations carried out in the rehabilitation of the site have not caused complaint.

The operation will provide for the processing and commercialisation of waste materials.

6. Consultation

Consultation was had with the Southern Regional Office of the Department of Planning & Infrastructure during January 2014. This discussion revolved around the SEPP 34 – Major Employment Generating Industrial Development consent issued by the Minister on 19 February 1996.

That consent made provision for “*reverts crushing and screen facilities*”. Although the smelter processing has been closed for some time, the crushing and screening operations have continued.

Advice given is that crushing and separating tonnages exceeded the 30,000tpa trigger for designated development.

The discussion revolved around the provisions of Clause 35 of Part 2 of Schedule 3 of the Environmental Planning & Assessment Regulations. This clause provides as follows:

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

It was hopeful, from the proponents perspective, that Clause 35 could apply. However, verbal advice at the time was to ensure certainty, it would be better to seek DGRs and submit a development application.



7. Capital Investment Value

This application, in the main, relies upon the utilisation of existing infrastructure within and without the PKC site.

Capital expenditure, therefore, will not be significant and would be limited to a maximum of \$1.5 million outside of costs for plant and equipment.

The application does not rely upon the capital investment threshold in Schedule 1 of SRD SEPP to be identified as State significant development.

The DGR's to instruct an EIS are now requested.

Yours faithfully

Terry Wetherall
Director
TCW Consulting Pty Ltd