



Kings Park Waste Metal Recovery Facility

*State Significant
Development
Modification Assessment
(SSD 5041 MOD 3)*



May 2019

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Glossary

Abbreviation	Definition
Consent	Development Consent
Council	Blacktown City Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
SSI	State Significant Infrastructure
tpa	Tonnes per annum



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1. Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD 5041) for a metal recycling, processing and recovery facility to process a maximum of 350,000 tpa which is located in the Blacktown local government area (LGA).

The proposed modification application seeks approval for:

- increase in height of an awning and enclosing of new processing plant
- erection of new fencing and signage along Tattersall Road and at the entrance to the site
- installation of additional offices and amenities
- changes to plant including conversion of an existing shear, realignment of the overhead conveyor and relocation of the pre-shedder
- increase in operational hours for cleaning and maintenance
- administrative changes for the discharge of wastewater

There is no proposed increase in the throughput of waste at the site.

The application has been lodged by Sell & Parker Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

1.1 Background

The Applicant operates a waste metal recovery, processing and recycling facility at 23 – 43 and 45 Tattersall Road in the Blacktown LGA.

On 12 November 2015, the then Acting Executive Director, Key Sites and Industry Assessments, under Ministerial delegation, approved SSD 5041 to increase the capacity of the existing waste metal recycling facility from 90,000 tonnes per annum (tpa) to 350,000 tpa of waste. The modification included the reconfiguration and expansion of operations to encompass the adjoining site at 23-43 Tattersall Road. As such, the site is made up of two lots, legally known as Lot 5 in DP 7086 (45 Tattersall Road) and Lot 2 in DP 550522 (23-43 Tattersall Road). There have been two subsequent modifications which have sought minor changes in the layout of the site (see section 1.2 for more details).

The site has an area of approximately 6.4 hectares (ha) and has a frontage of approximately 240 metres (m) onto Tattersall Road. The southern boundary of the site backs onto Breakfast Creek. Access to the site is off Tattersall Road, which connects to Sunnyholt Road to the east and Vardys Road to the north-west. Sunnyholt Road connects to the M7 located 1.2 km to the north of the intersection of Tattersall Road and Sunnyholt Road. The site is located in an industrial area and is zoned IN1 General Industrial under the Blacktown Local Environmental Plan 2015 (BLEP). The nearest residences are located approximately 300 m east beyond Sunnyholt Road.

The location of the site is shown in **Figure 1** and **Figure 2**.



Figure 1 | Site Context



Figure 2 | Site Location

1.2 Approval History

On 27 November 1996, development consent (DA-96-305) was granted by Blacktown City Council (Council) for a metal recycling facility with a capacity to process 30,000 tpa of metal waste operating within the southern portion of 45 Tattersall Road (Lot 5 DP 7086).

On 11 November 2001, development consent (DA 10204-2000) was granted by the Land and Environment Court (LEC) for the construction and operation of a hammermill with additional processing capacity of 60,000 tpa of waste in the northern portion of 45 Tattersall Road (Lot 5 DP 7086). The LEC development consent increased the total processing capacity of the site to 90,000 tpa of metal waste.

On 12 November 2015, development consent was granted by the then Acting Executive Director, Key Sites and Industry Assessments, as delegate for the Minister for Planning, for the expansion of the waste metal recycling facility (SSD 5041). The development consent permits the following:

- increase in processing capacity from 90,000 tpa to 350,000 tpa of waste
- demolition of the existing office and ancillary structures at 45 Tattersall Road with these facilities and activities being relocated to the existing offices at 23- 43 Tattersall Road
- use of existing buildings at 23-43 Tattersall Road for processing
- a community education centre within the offices on the expanded site
- installation of dual weighbridges at the ingress and egress access points
- hardstand across the site
- enclosure of processed material conveyors and transfer points
- installation of an air emissions collection system above the hammer mill
- construction of a shear building
- primary, secondary and tertiary stormwater treatment devices.

The Applicant surrendered development consents DA-96-305 and DA 10204-2000 on 28 May 2016 by providing notice to the Department, in accordance with clause 97 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

The development consent has been modified on 2 occasions (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	The modification permitted:	LEC	Former 96(1A)	19 October 2017
	• minor changes to the layout of the facility			
	• relocation of an acoustic wall			
	• increase in height of an awning / plant enclosure			
	• installation of roller doors in existing industrial buildings.			
	• Retrospective approval for works carried out without consent.			
MOD 2	The modification permitted:	Department	Former 96(1A)	26 February 2018
	• an increase in the overall height of the western acoustic wall from 8 m to 10 m to mitigate noise and dust			
	• replacement of the approved dual-entry weighbridge structure with a single-entry weighbridge			
	• construction of a new awning annex adjoining the western wall of Building C			
	• other minor alterations.			



2. Proposed Modification

2.1 Proposed Modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to modify the development. The modification is described in the modification application included in **Appendix B** of this report and is summarised below.

The modification includes changes to the approved hours for the development to include cleaning and maintenance outside of operational hours to allow for operational hours to be used effectively. The modification does not propose any change to the maximum approved waste throughput of 350,000 tonnes per annum. The changes to plant will enable the processing of certain types of metal waste in order to meet the higher standards for waste material exported to China under the China Sword Policy.

The modification proposes the following operational changes to those approved under SSD 5041:

- operation of additional processing equipment including:
 - new non-ferrous shredder residue sorting plant located within the new metal awning area
 - upgraded shear to process high tensile and pre-stressed metal
 - relocated / newly installed pre-shredder
 - new / realigned conveyor system
- new activities within the additional offices and amenities
- extension of operational hours for cleaning and maintenance

The amendments to the development are set out in **Table 2**. Construction works relating to the proposed modification would be undertaken progressively over a period of 3 – 12 months. Five additional temporary contractors would be required for the construction works. All construction works would be undertaken during the construction hours set out in existing condition B31 of SSD 5041 and the approved Construction Environmental Management Plan (CEMP) for the site.

Table 2 | Summary of Modifications

Item	Description
Metal awning	<p>Proposed alteration of the existing metal awning (Figure 3) fronting Tattersall Road to accommodate new metal processing plant, including:</p> <ul style="list-style-type: none">• increase in height of the structure from 8 m to 16 m above site ground level to be consistent with adjacent Building L• installation of new non-ferrous shredder residue sorting plant (contained within the awning structure)• metal awning to be steel framed with colourbond cladding (or similar materials).
Fencing	<p>The existing chain link fence (and mesh for dust cover) along the Tattersall Road frontage would be replaced with a colourbond (or equivalent) fence and would</p>

integrate with the recently constructed cladding of Building L and the proposed alteration to the metal awning (**Figure 3**).

The fence would have a maximum height of 10 m. Which is approximately 3 m higher than the existing chain link and shade cloth fence.

In addition to the Tattersall Road frontage, this fence would be replaced (for approximately 55 m) along the western side of the central entrance to the site.

Signage	<p>Proposed installation of directional signage (Figure 4) to be installed at the site accesses to improve safety. The details of the proposed signs are:</p> <ul style="list-style-type: none"> • primary heavy vehicle entrance (west) – 2.4 m in length and 3.6 m in height • light vehicle entrance (central) – 2.4 m in length and 3.6 m in height • vehicle exit (east) – 2.4 m in length and 3.6 m in height <p>Signs would be static in nature and flood lit, not illuminated.</p>
Building A and Building B offices	<p>Alterations to the interior of existing warehouse structures with the addition of elevated office and amenities spaces within the Buildings A and B:</p> <ul style="list-style-type: none"> • offices would be erected above existing offices and amenities structures • an additional 350 m² of floor space would be created.
Elevated lunch room and toilet block	<p>Construction of an elevated lunch room and toilet block on the central western part of the site, north of Building D.</p>
Existing shear conversion	<p>Conversion of the existing metal shear into machinery that can safely process high tensile and pre-stressed metal by replacing parts of the existing shear. The upgraded machinery would retain the existing maximum height and building envelope of the existing shear.</p>
Pre-shredder relocation	<p>Relocation of the approved pre-shredder approximately 70 m to the south-west of the approved location.</p>
Conveyor minor realignment	<p>The alignment of the approved overhead conveyor (transporting Floc from Building L to Building C) would be altered to follow the building line (on the roof) of Building C.</p>
Operating hours	<p>New operating hours are proposed for cleaning and maintenance. Proposed hours are 9 pm to 6 am Monday to Saturday and 24 hours on Sunday. To allow for these activities to be carried out during times when equipment is not being used.</p> <p>Cleaning activities would consist of hosing and washing down of equipment. Maintenance activities would consist of repair and maintenance of equipment including but not limited to the shredder, shear and processing machinery.</p> <p>The current operating hours for recycling and recovery activities (not including oxy-acetylene torch cutting) are 6 am to 9 pm and these would not be altered.</p> <p>The currenting operation hours and the proposed hours are shown in the table below:</p>

Activity		Current			Proposed		
		Monday – Friday	Saturday	Sunday & Public Holidays	Monday – Friday	Saturday	Sunday & Public Holidays
Construction	All construction	7 am to 6 pm	8 am to 1 pm	Nil	7 am to 6 pm	8 am to 1 pm	Nil
Operation	Oxy-acetylene torch cutting	9 am to 3 pm	9 am to 3 pm	Nil	9 am to 3 pm	9 am to 3 pm	Nil
	Cleaning and maintenance	-	-	-	9 pm to 6 am	9 pm to 6 am	24 hours
	All other activities	6 am to 9 pm	6 am to 9 pm	Nil	6 am to 9 pm	6 am to 9 pm	Nil

Fire Order

The Department considers Fire Safety to be an important issue given the risk of large fires at Resource Recovery Facilities associated with stockpile sizes and separation. During the assessment of SSD 5041 MOD 1 FRNSW identified this site to be a “special hazard” under Clause E1.10 of the National Construction Code (NCC). FRNSW based this consideration on their extensive experience with fighting fires at recycling facilities including two fires at this facility in the last five years (one in 2014 and the other on 24 April 2017).

Due to the facilities inadequate fire safety measures as evidenced during the most recent fire event (which took over 20 hours to extinguish and required water to be trucked to the site), the Department in consultation with FRNSW issued the Applicant with a Fire Order on 17 January 2018. The Fire Order required the Applicant to implement a number of fire safety measures set out in the Fire Protection Measures Report (17 October 2017) produced by MJ Harvey and Associated Pty Ltd on behalf of the Applicant.

To date the Applicant has undertaken a number of works on the site to comply with this Fire Order, including: installation of new sprinkler systems, thermal cameras, and installation of smoke detection systems within the floc Storage area (Building C). However, there are some outstanding aspects of the Fire Order which form part of this modification, specifically, the relocation of the approved pre-shredder. To address this the Applicant has provided an updated site plan showing the location of the approved pre-shredder. As such, the proposed modification will facilitate compliance with the fire order.

Discharge of Wastewater

The Applicant provided a concept stormwater management plan for the site as part of the original application. The concept plan was found to be inadequate and conditions of consent were included to ensure the Applicant developed and implemented a Water Management Plan including treatment of contaminated stormwater to the satisfaction of the Secretary. Condition B6 requires that the Applicant operate a Water Management System for the site and that this must include water quality monitoring based on the EPL discharge limits.

A Water Management Plan (WMP) for 23-43 and 45 Tattersall Road, Kings Park dated October 2017 produced by ADW Johnson was submitted in November 2017. The WMP states stormwater will be managed by a controlled discharge to Sydney Water’s reticulated sewer system under a trade waste licence. As the Applicant is no longer proposing to discharge water to Breakfast Creek, conditions of consent requiring monitoring of discharges to Breakfast Creek are no longer needed. The modification proposes to modify relevant conditions of consent to remove the requirement for monitoring of discharges to Breakfast Creek.

2.2 Description of Waste Processing Changes

The modification includes the conversion of an existing shear and installation of non-ferrous residue sorting plant.

The converted shear would enable the processing of pre-tensioned and pre-stressed materials including pre-tensioned cables found in concrete. The appropriate technique for processing of this material is a mechanical shear which is operated specifically to enable cable shearing. Post-processing, light gauge materials such as wire products are fed into the shredder plant for final processing. Heavier gauge materials (cable & reinforcing steel) are sent directly to a mill.

The non-ferrous residue sorting plant would take mixed non-ferrous residue recovered from the metal shredder and separate this material into the constituent metals, including aluminium, copper, zinc and brass. The sorting plant would consist of a batch feeder, a sorter and conveyors. The plant would use high resolution x-ray (XRT) technology and different densities of infrared light to precisely identify products. Materials would be separated using air to move items out of the product stream. The plant would pass the material multiple times to separate products; on each pass a certain product would be removed.

The residual material would be loaded into the non-ferrous residue sorting plant by a loader and the output would be stored in separate bins. Bins would be transferred to Building B to be removed from the site. As a result, the sorting of products would become more automated which allows for better processing on-site.

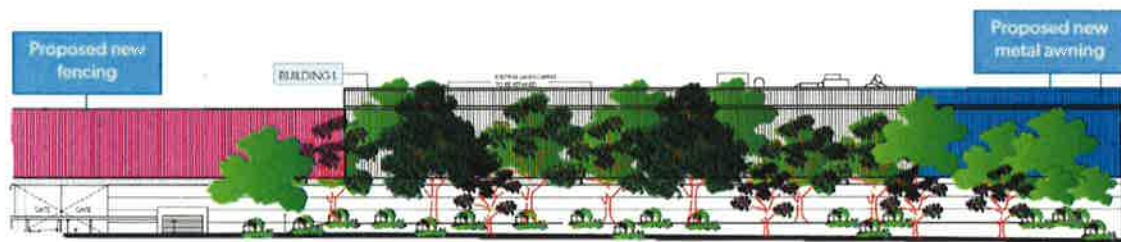


Figure 3 | Proposed New Awning (shown in blue) and Wall Extension (shown in pink)

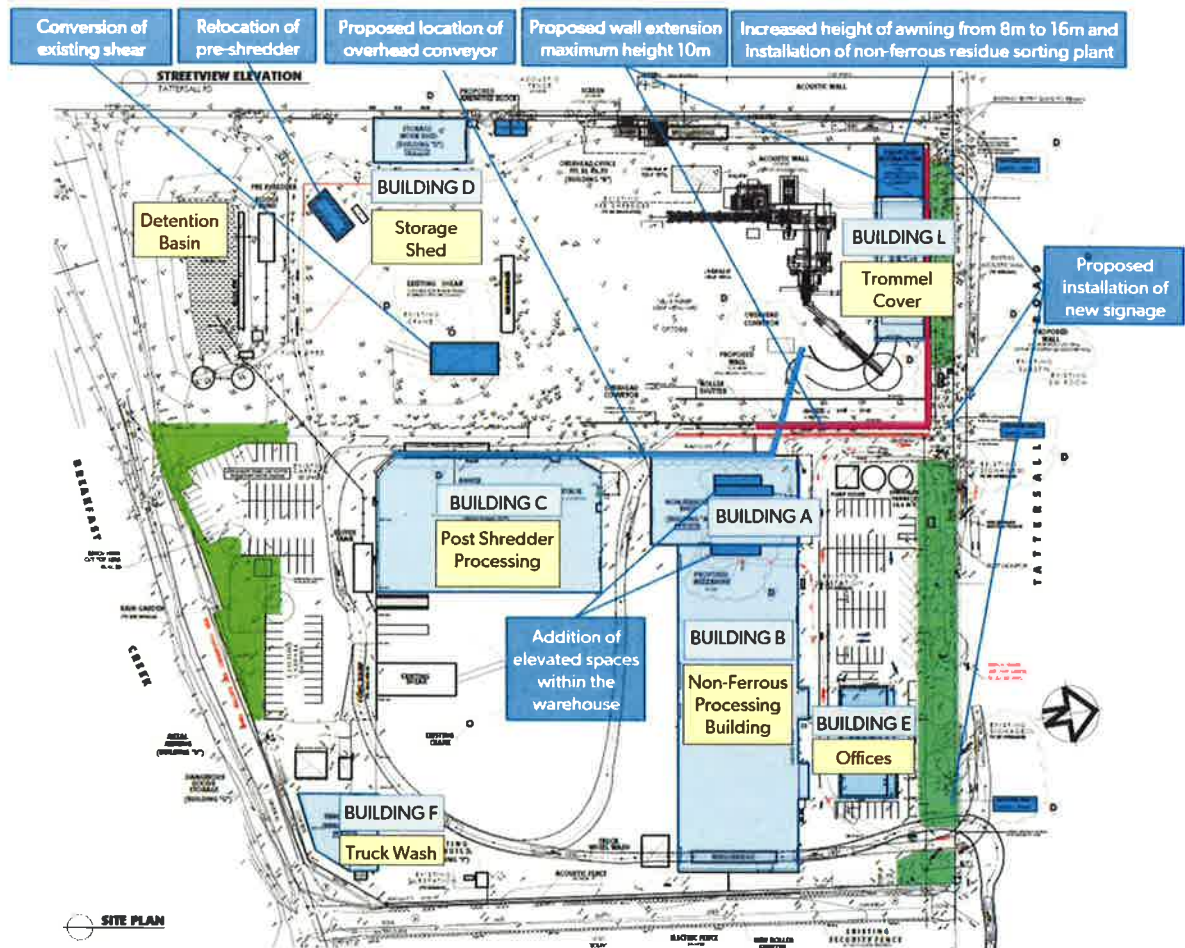


Figure 4 | Proposed Modifications to the Approved Site Plan

2.3 Applicant's justification for the Proposed Modification

The Applicant has suggested the proposed modification is necessary to improve the efficiency and environmental performance of the site. This is being driven by China's National Sword Policy, which has strict import restrictions on contaminants in metal for recycling. As a result, the current plant needs to be upgraded to meet these new requirements and an additional sorting plant is necessary.

The need to amend the hours of operation of the site is justified through the need to improve efficiency to maximise the recycling and recovery activities carried out during the current operational hours (6 am to 9 pm) and having cleaning and maintenance carried out overnight and on weekends when the plant equipment is idle.

The Applicant suggests there is an increased need for the recycling and recovery of pre-stressed and pre-tension metal waste due to the demolition of buildings combining concrete reinforced using pre-tensioned cables. The recycling and recovery of this material is in accordance with the NSW Waste Avoidance and Resource Recovery Strategy 2014 – 2021 and the Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2017 – 2021.



3. Strategic Context

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

- A Metropolis of Three Cities – the Greater Sydney Region Plan
- The Western Sydney District Plan
- NSW Waste Avoidance and Resource Recovery Strategy 2014-21

3.1 A Metropolis of Three Cities – the Greater Sydney Region Plan

The development is consistent with the directions and objectives outlined in A Metropolis of Three Cities as it would assist in ensuring more waste is re-used and recycled to support the development of a circular economy (Objective 35).

3.2 Western Sydney District Plan

The Western City District Plan provides a guide for implementing A Metropolis of Three Cities – the Greater Sydney Region Plan. The proposed modification would assist in meeting one of the priorities of the plan, Planning for a city supported by infrastructure – Planning Priority W1, through maximising the use of existing infrastructure assets.

3.3 NSW Waste Avoidance and Resource Recovery Strategy 2014-21

Reducing waste and keeping materials circulating within the economy are priorities for the NSW Government. To meet this challenge, the government has prepared a Waste Avoidance and Resource Recovery (WARR) Strategy. The strategy sets the targets for waste recovery, including:

- a waste recovery target for commercial and industrial (C&I) waste of 70%
- a waste recovery target for construction and demolition (C&D) waste of 80%

The site currently contributes to the State's recovery performance in both C&I and C&D sectors and the modification would ensure the site continues to contribute.



4. Statutory Context

4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the modification:

- would not change the approved maximum throughput of the site (350,000 tpa)
- would not significantly increase the environmental impacts of the modification as approved
- is substantially the same development as originally approved
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

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

4.2 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(1) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Industry Assessments, may determine the application under delegation as:

- The relevant local council has not made an objection
- A political disclosure statement has not been made
- There are fewer than 25 public submissions objecting to the proposal.



5. Engagement

5.1 Department's Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development.

Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website from 26 February 2019.

Adjacent landowners were notified of the current modification application and invited to make a submission. The modification application was referred to EPA, NSW Fire and Rescue and Blacktown City Council for comment. A summary of the key issues from the three submissions received from government agencies is provided below. No submissions were received from the public.

5.2 Summary of Submissions

During the notification period, the Department received three submissions on the modification. Two were received from government agencies, one from Council. No public submissions were received.

5.3 Key Issues

None of the government agencies objected to the modification, the key issues raised by agencies and Council have been addressed through the provision of additional information, or through the recommended conditions of consent.

EPA had no objection to the removal of conditions regarding the discharge of wastewater. EPA noted that while there was a change of hours proposed to allow for cleaning and maintenance of the site, the delivery of material to the premises should only occur between 6 am and 9 pm Monday to Saturday.

Fire & Rescue NSW were generally satisfied with the fire safety measures proposed for the site as they were directly involved with the Department's issuance of the Fire Order. Additional information and clarification required by FRNSW regarding the installed fire safety measures will be facilitated through the finalisation of the Fire Order.

Blacktown City Council requested that signs be constructed within the property boundary.

5.4 Response to Submissions

The Applicant provided a letter in response to the submissions and revised plans in response to submissions from agencies and Council on 4 April 2019. The letter and plans were provided to agencies and Council where they had requested more information. No further issues were raised.



6. Assessment

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

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

The Department considers the key assessment issue is noise and vibration.

6.1 Noise and vibration

The modified development has the potential to generate noise impacts from additional processing equipment, such as shredders and shears, and the loading and unloading of material. The Noise Impact Assessment (NIA) for the original SSD 5041 found the noise predictions from the proposed development comply with all relevant day, evening, shoulder, amenity and sleep disturbance criteria. Noise impacts from the development on residences in Sunnyholt Road were expected to be negligible.

The modification includes relocating and upgrading existing operational plant, new fencing and awnings and a change to operating hours to allow for cleaning and maintenance activities (**Table 3**). Altering the site layout and built form of the development as well as the hours activities are carried out could affect the noise impacts generated by the development and these aspects are discussed in more detail below.

Table 3 | Summary of New Proposed Operating Hours

Activity	Day	Hours
Cleaning and Maintenance	Monday - Saturday	9 pm to 6 am
	Sunday	24 hours

The Applicant provided an assessment of the potential noise impacts of the modification in the form of two noise reports both produced by Renzo Tonin & Associates. One of the reports assessed the impact of the proposed cleaning and maintenance activities outside of existing operating hours dated 12 December 2018 and the other assessed the changes to processing and built form dated 20 December 2018.

The noise reports for the modification used noise monitoring results from the noise assessments carried out for the original approval and previous modifications for background noise levels and relevant noise criteria. A CadnaA noise model used for previous noise assessments, updated to reflect changes to the site from modifications 1 and 2, was used in the noise reports for the modification. The noise generating activities associated with the modified hours and the changes to built form and processing equipment were modelled against previously established noise criteria.

The result was reported as no change to nearby residential receivers on Sunnyholt Road and Railway Road and a reduction in noise impact of 1dB(A) at the nearby residential receiver on Camorta Close. All noise impacts were predicted to comply with the project specific trigger levels and sleep disturbance criteria without any additional noise mitigation measures.

The EPA had no objection to the proposed changes to operating hours and noted that activities other than cleaning and maintenance would still be limited to 9 am to 3 pm for oxy-acetylene torch cutting and 6 am to 9 pm for all other activities. The EPA had no comments on noise impacts associated with changes to equipment on-site.

The noise criteria for the development (set out in condition B26) does not include a criterion for night time noise. The intrusiveness criterion used in the NIA was 38 dB(A) for night time. The Department considers that while there is no predicted impact from the proposed changes to operating hours condition B26 should be updated, in line with the noise assessment, to include a noise limit for night time activities.

Given the changes to equipment on-site mainly involve the upgrading or relocating of existing equipment, that there is no additional processing, and that previous noise modelling which indicated that noise emissions were below the noise criteria the Department is satisfied that changes to equipment on-site are unlikely to result in an increase the noise from what is already approved and that noise levels could still be managed by existing noise criteria in condition B26.

The existing condition of consent (B33) requires the Applicant to implement best management practices and mitigation measures to minimise noise impacts from the development. Moreover, the condition requires the Applicant to monitor noise impacts and ensure compliance with the relevant noise criteria.

Overall, the Department is satisfied that the noise reports have provided a reasonable assessment of the acoustic performance of the modified operations. Night time operations will be restricted to cleaning and maintenance and are unlikely to cause a noise impact on the sensitive receivers, however, as a precaution the Department has amended condition B26 to include a night time noise criterion. Other aspects of the modification, including changes to site layout and built form, are similarly not anticipated to increase the noise impact on nearby sensitive receivers. Hence, the Department is satisfied that the noise impact of the modified development can be managed through existing or amended conditions as outlined above.

6.2 Other Issues

The Department’s assessment of other issues in provided in **Table 4**.

Table 4 | Assessment of other Issues Raised

Findings	Recommended Condition
Air Quality	
<ul style="list-style-type: none">• The use of the site for metal recycling including shredding and shearing activities has the potential to impact air quality.• The Applicant provided a semi-quantitative assessment of potential air quality impacts to support the modification application.• Sources of air quality emissions were identified as: addition of processing equipment in the awning area, relocation of the pre-	<ul style="list-style-type: none">• No additional conditions are recommended

Findings

Recommended Condition

shredder, conversion of the shear and realignment of the overhead conveyor.

- The conclusions of the air quality assessment were:
 - no associated air emissions or air quality impacts due to the new metal processing equipment
 - no new air emissions from the shear upgrade
 - reduction in air emissions for industrial receivers to the north of the site and a slight increase in air emissions for industrial receivers to the south-west of the site due to the relocation of the pre-shredder
 - no new air emissions from the conveyor realignment
 - site emissions would remain below the air quality standard.
- EPA had no comments on air quality impacts as a result of the modification.
- The Department has considered that the modification does not seek an increase in capacity and does not include any new activities or processes which are likely to increase emissions.
- The Department's assessment concludes the modification is unlikely to cause additional air quality impacts. Furthermore, air quality impacts can be managed by existing conditions B17 – B21 of SSD 5041.
- The Applicant will be required to update the sites AQMP to include mitigation and management measures for new or relocated plant and equipment.

Fire Safety

- Altering the layout and built form of the development has the potential to impact or alter the required fire safety measure to be implemented at the facility.
- Aspects of this modification, such as the relocation of the approved pre-shredder, are required to enable the Applicant to meet the requirements of the Fire Order.
- The Applicant noted that the majority of the fire engineering solutions have been implemented on-site to the satisfaction of FRNSW.
- The Applicant provided a copy of the fire engineering plans with the modification application. However, the location of stockpiles in the plan do not align with the site plans for the proposed modification.
- The Department raised concerns that the plans were inconsistent and identified that this would need to be addressed through the inclusion of relevant conditions.
- Require the Applicant to submit a final stockpile plan prior to operation of the relocated pre-shredder

Findings

Recommended Condition

- FRNSW were satisfied with the fire safety measures as implemented thus far and through the finalization of the Fire Order were confident the site would have adequate fire safety measures.
- The Department requires that revised stockpile plans are submitted to the Secretary for approval prior to commencement of operation of the relocated pre-shredder.
- The Department's assessment concludes that the modification would ensure the Fire Order can be met, and fire safety is prioritised by the Applicant and any future fires can be managed and extinguished more effectively by FRNSW.

Wastewater Management

- The concept stormwater management plan for the site provided alongside the original application for SSD 5041 was inadequate and the Department included conditions of consent to require a Water Management Plan (WMP).
- A WMP for 23-43 and 45 Tattersall Road, Kings Park dated October 2017 produced by ADW Johnson was submitted in November 2017. The WMP states stormwater will be managed by a controlled discharge to the sewer under a Trade Waste Agreement with Sydney Water.
- As a result of the change in the WMP, the development is no longer proposing to discharge any wastewater into Breakfast Creek.
- The modification seeks to remove part (e) of condition B6 which requires water quality monitoring to determine the performance of the wastewater management system against the EPL discharge limits.
- EPA had no objection to the removal of conditions regarding the discharge of wastewater.
- The Department's assessment concludes that there are adequate measures in place to manage contaminated stormwater, as set out in the approved WMP for the site and current condition B3 which prohibits the pollution of waters, except as expressly provided in an EPL.
- The Department is satisfied that condition B6 can be amended.
- Amend condition B6 to remove requirements for monitoring of receiving waters and to reflect operational changes which no longer propose to discharge into Breakfast Creek

Visual

- The modification proposes a new metal awning and new fencing along the Tattersall Road frontage. There are no landscaping treatments proposed. This has the potential to
- Amend the conditions of consent to include the revised site plans.

Findings

Recommended Condition

impact the visual amenity of the site when viewed from the street.

- The site is in an area which is predominantly industrial in nature.
- No visual impact assessment was provided with the modification application.
- The Applicant states that the awning provides visual screening and enclosure of the new non-ferrous shredder residue sorting plant.
- The modification proposes the replacement of the existing chain link fence with a colourbond fence. The Applicant states the fence would provide visual screening as well as shielding for dust and noise.
- The new fence would be up to a maximum height of 10m. The Applicant states the design of the new fence would integrate with the constructed Building L and the new metal awning.
- Council had no comments on the proposed extension to the metal awning or new fencing in terms of its visual impact.
- The Department is satisfied that the Applicant has provided sufficient justification for the new metal awning and fencing which provides additional screening of the unsightly metal processing plant and stockpiles within the site and are consistent with the industrial nature of the area.



7. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act.

The Department considers the proposed modification can be undertaken on the basis it would:

- result in minimal environmental impacts beyond the approved facility
- allow for the requirements under Term Number 2 of the Fire Order to be met
- maximise the recycling and recovery activities carried out during operational hours through extended hours for cleaning and maintenance
- result in greater recovery of metals from the processing on-site
- mitigate any noise impacts through an amended noise condition

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



8. Recommendation

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

- **considers** the findings and recommendations of this report; and
- **determines** that the application SSD 5041 MOD 3 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modify** the consent SSD 5041
- **signs** the attached approval of the modification (Attachment 1)

Recommended by:

Katelyn Symington

Senior Environmental Assessment Officer
Industry Assessments

Recommended by:

Kelly McNicol

Team Leader
Industry Assessments



9. Determination

The recommendation is: **adopted by:**

Chris Ritchie

Director

Industry Assessments

29/5/19.



Appendices

Appendix A – List of Documents

Section 4.55(1A) Application (SSD 5041 – Mod 3), 23-43 and 45 Tattersall Road, Kings Park dated 11 February 2019 prepared by Arcadis Australia Pacific Pty Ltd

Memorandum SSD 5041, Modification 3 - Response to submissions dated 4 April 2019 prepared by Arcadis Australia Pacific Pty Ltd

Appendix B – Statement of Environmental Effects/ Environmental Assessment

Available on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9825

Appendix C – Submissions

Available on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9825

Appendix D – Notice of Modification