

Hexham Shredder Flock Processing and Plastic to Oil Recycling Facility

Preliminary Environmental Assessment

OneSteel

November 2014

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Preliminary Environmental Assessment

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INTRODUCTION

This chapter provides an introduction to the proposed development and an outline of the existing context of the site.

This Preliminary Environmental Assessment (PEA) has been prepared by Environmental Resources Management Australia (ERM) on behalf of OneSteel Recycling (OneSteel) for a proposed flock processing¹ and plastics to fuel oil processing facility at Lot 1 DP 1105761, Sparke Street, Hexham (the Proposal). This PEA provides a preliminary assessment of the key issues associated with the Proposal and outlines broad methodologies for subsequent environmental assessment. The purpose of this PEA is to describe the key elements of the Proposal, with the view to formally seek Secretary's Environmental Assessment Requirements (SEARs) from the Department of Planning and Environment (DP&E), including requirements from other government agencies, as the basis for the preparation of a detailed Environmental Impact Statement (EIS). This PEA has been prepared in accordance with the provisions under Part 4 of the *Environmental Planning and Assessment Act, 1979 (EP&A Act)*.

1.1

BACKGROUND

OneSteel currently operate a steel recycling facility at Sparke Street, Hexham adjacent to the site proposed to be developed. This facility was commissioned in 2005 and has since recycled over two million tonnes of steel and 100,000 tonnes of other metals. The recycling process involves the shredding of various scrap steel inputs and an approximate 60,000 tonnes per annum of residual waste outputs in the form of shredder flock. This shredder flock currently requires off-site disposal to landfill and is generally composed² of:

- 10% ferrous metals;
- 2% non-ferrous metals;
- 10% fibres and foam with high calorific value;
- 5% rubber;
- 13% plastics;
- 3% glass; and
- 57% dirt and other fines.

¹ 'Flock' is the steel recycling waste generated by the processing of light gauge steel (including cars and whitegoods) through a hammer mill called a metal shredder.

² Composition percentages based on dry weight.

A significant portion of the 57% 'dirt and other fines' is subject to separate applications to the NSW Environment Protection Authority (EPA) for a Resource Recovery Exemption for use in engineering products.

The Proposal would produce an approximate 30% reduction in waste requiring landfill disposal through the recovery of metals, plastics and rubber. OneSteel is also in the process of identifying further recovery options for the remaining waste streams in an effort to minimise reliance on landfilling.

In the short term OneSteel is aiming to reduce landfill disposal initially by 75% and in the longer term by completely eliminating landfill disposal. This longer term objective is subject to successfully obtaining the necessary Resource Recovery Exemptions and the identification of markets for other waste streams.

1.2 *PREVIOUS SITE ASSESSMENTS*

Development consent was granted by Newcastle City Council on 17 March 2014 (DA 2013/1192) for earthworks consisting of re-grading the site and creation of a hardstand (not sealed) area to facilitate potential future development. A Statement of Environmental Effects (SoEE) was prepared and included a stormwater management and concept engineering report, a Phase II environmental site assessment and an ecological assessment. As a result the site is well understood, however additional assessment is required to consider the potential for larger operational off site risks and potential impacts.

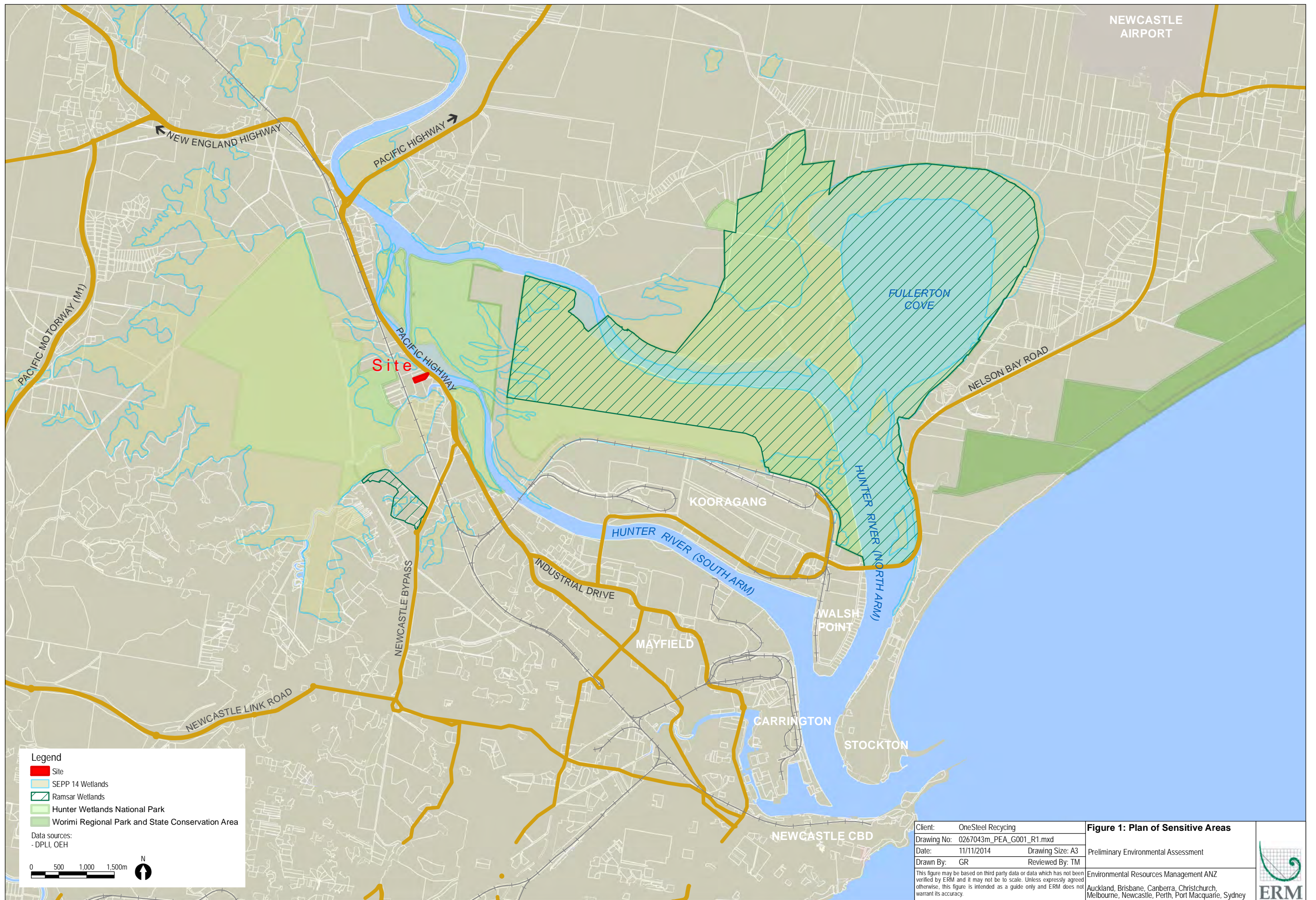
1.3 *SITE DETAILS*

The facility is proposed to be located at 8 Sparke Street, Hexham identified as Lot 1 DP 11105761. The site is immediately adjacent to the existing OneSteel steel recycling facility which will produce the feedstock for facility. The local and regional context of the proposal is presented in *Figure 1* and *Figure 2*.

The site is located on the corner of Sparke Street and Maitland Road at Hexham. The site is undeveloped and currently unoccupied. The site appears to be reclaimed land, with the site containing sections of uncontrolled fill, as well as low lying areas facing Maitland Road.

The site is bound by Sparke Street to the south, Maitland Road to the east, undeveloped vacant industrial zoned land to the north and the OneSteel Recycling operation to the west. The Hunter River (south arm) is located on the eastern side of Maitland Road, and the Main Northern Railway is located on the western side of the adjoining OneSteel Recycling site.

A tributary of Iron Bark Creek is located approximately 100m south of the site. An Ausgrid electricity substation is located on the island portion of Lot 1 DP 11105761. The nearest residential developments are located approximately 600m north of the site and approximately 600m south of the site.



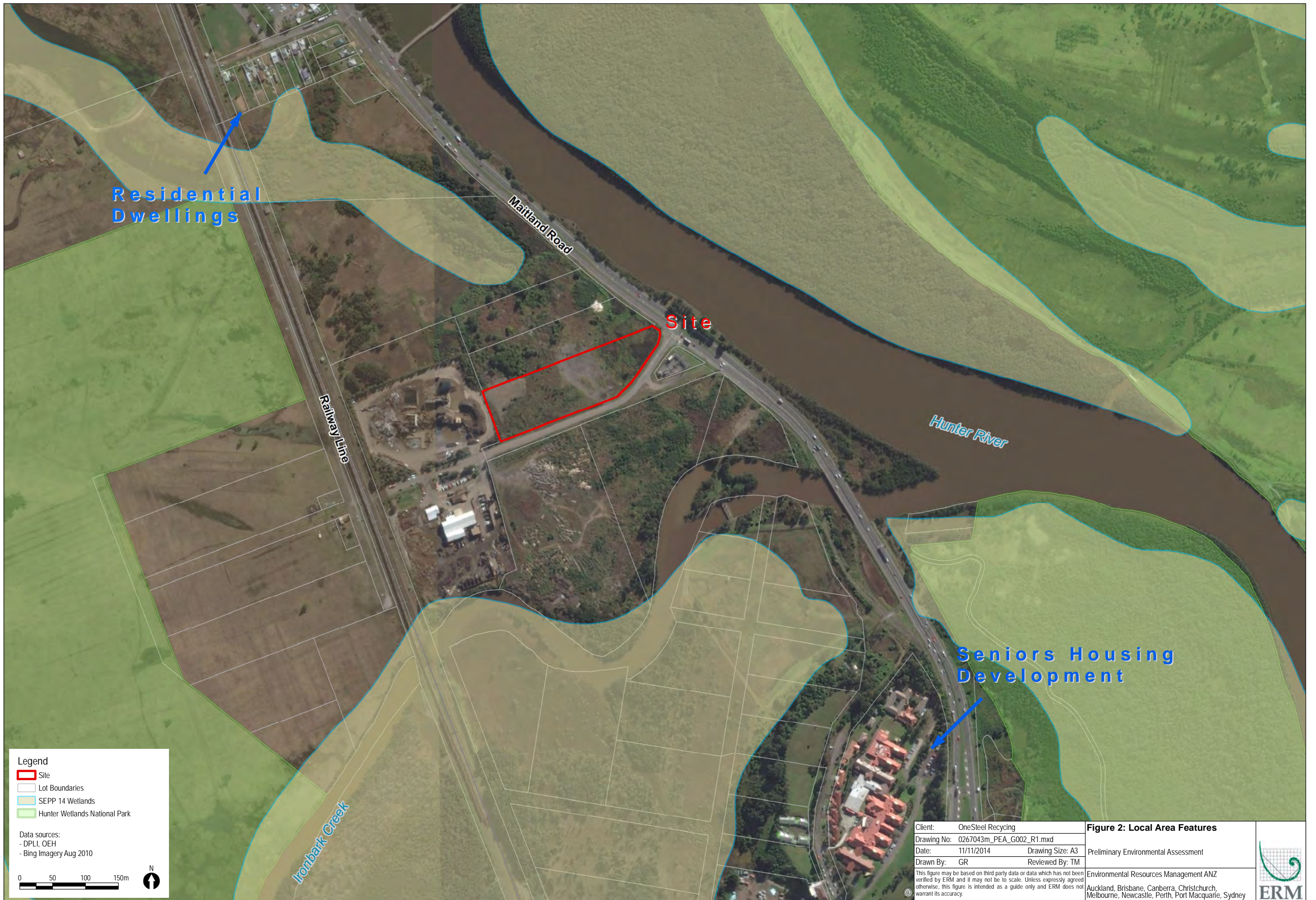
Legend

- Site
- SEPP 14 Wetlands
- Ramsar Wetlands
- Hunter Wetlands National Park
- Worimi Regional Park and State Conservation Area

Data sources:
- DPLI, OEH

0 500 1,000 1,500m N

Client: OneSteel Recycling	Figure 1: Plan of Sensitive Areas	
Drawing No: 0267043m_PEA_G001_R1.mxd	Preliminary Environmental Assessment	
Date: 11/11/2014	Drawing Size: A3	Environmental Resources Management ANZ Auckland, Brisbane, Canberra, Christchurch, Melbourne, Newcastle, Perth, Port Macquarie, Sydney
Drawn By: GR	Reviewed By: TM	
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Legend

- Site
- Lot Boundaries
- SEPP 14 Wetlands
- Hunter Wetlands National Park

Data sources:
 - DPLI, OEH
 - Bing Imagery Aug 2010

0 50 100 150m

Client: OneSteel Recycling	Figure 2: Local Area Features
Drawing No: 0267043m_PEA_G002_R1.mxd	Preliminary Environmental Assessment
Date: 11/11/2014 Drawing Size: A3	Environmental Resources Management ANZ
Drawn By: GR Reviewed By: TM	Auckland, Brisbane, Canberra, Christchurch, Melbourne, Newcastle, Perth, Port Macquarie, Sydney
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This chapter provides a summary of the Proposal that describes the types of activities that will be undertaken during each stage of the development.

OneSteel is seeking to build a downstream recycling plant to treat and recover current waste materials generated by its existing Hexham metal shredder and recycling facility. The recycling plant is proposed to be placed on vacant land adjacent to the shredder facility that is owned by OneSteel. The processing plant will sort 'shredder flock' which is the waste material produced by the metal shredding and separation process. Approximately 75% of the 240,000 tonnes of material going through the existing shredder is recovered and recycled. Some 25% remains as a waste material referred to as shredder flock which is currently transported to Sydney for disposal to landfill.

The main constituents of shredder flock are plastics, rubber, polyurethane, glass, soil residue, and residual metals. OneSteel current disposes approximately 60,000 tonnes of shredder flock per annum to landfill.

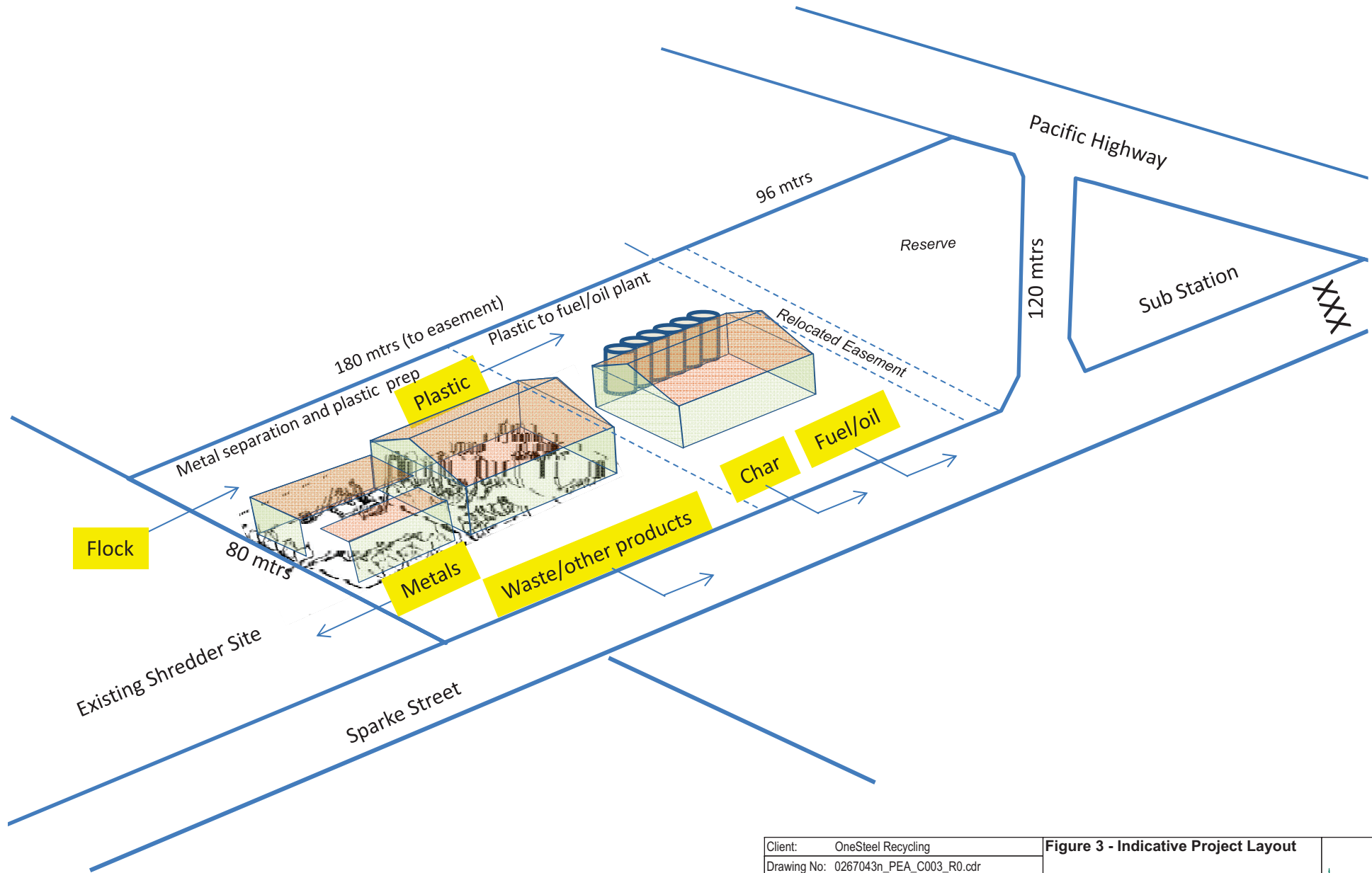
The proposed recycling plant consists of two key stages. The first stage (referred to as the separation plant) will involve physical and mechanical separation of the shredder flock into its constituent parts using material separation technology. The second stage (referred to as the pyrolysis plant or plastic to fuel oil facility) will take the plastics separated from the first stage and convert these plastics into a high viscosity fuel oil (fuel oil) categorised under the Australian Dangerous Goods Code and *AS1940 Storage and Handling of Flammable and Combustible Liquids - 2004* as a Category 2 Combustible Liquid. The fuel oil is not classified as a liquid waste under the Australian Dangerous Goods Code. The proposed facility layout is presented in *Figure 3*.

Overall approval is sought for the following:

- process up to 75,000 tonnes of shredder flock per annum;
- process up to 16,000 tonnes of sorted plastics per annum recovered from shredder flock – no processing of additional feedstock originating outside Sparke Street is proposed;
- produce up to 17 million litres of fuel oil per annum for distribution to refineries for processing;
- storage of up to 1,500kL (1,500m³) of fuel oil from the plastics to fuel oil plant (approximately 40 days production);
- employ approximately 30 full time staff;
- generate minor alterations, but no overall increase in traffic movements in and out of Sparke Street, to traffic movement on site post-construction;

- continuous operation of pyrolysis plant to prevent plastic solidification within process and noting quiet operations and enclosed facility with no expected noise impacts; and
- recovery of an additional 3,750 tonnes of metals to be returned to OneSteel Recycling facility for processing and / or sale.

The Proposal is expected to generate separated waste outputs of approximately 25,000 tonnes of high calorific value waste fibres, rubber and foam and 27,500 tonnes of inert material including glass, soil and other materials. Further waste avoidance and resource recovery options exist for these streams and are under investigation. These include waste to energy options for high calorific value outputs and potential resource recovery exemption as road base material for inert material. No further processing of these streams is currently proposed. This waste stream will continue to be directed to landfill until alternatives are secured.



Source:
OneSteel Recycling

Client:	OneSteel Recycling
Drawing No:	0267043n_PEA_C003_R0.cdr
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Drawing size:	A4
Reviewed by:	TM

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Figure 3 - Indicative Project Layout

Preliminary Environmental Assessment
OneSteel Hexham, NSW
Environmental Resources Management ANZ
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Melbourne, Newcastle, Perth, Port Macquarie, Sydney



The proposed plant will focus on producing four main products being:

- an inert dirt and other fines suitable for engineering applications;
- lighter higher calorific material suitable for on-site cogeneration or conversion to a Refuse Derived Fuel used off-site;
- plastics and rubber suitable for pyrolysis; and
- metals.

There are four modules and each is discussed below:

- the Fines Processing Module will receive material from the existing shredder facility and process the fines and extract useable ferrous particles and refine the remaining heavy fraction by removal of light fibres. The fibres will be available for further processing to suit end user specifications;
- the Liberation Module will receive input from the preceding module which will be mixed with direct inputs from the existing shredder facility which will remove the light fibres and higher calorific value (CV) materials, size reduced and forwards the remaining material to the next module for further processing;
- the Metals/Plastic Separation Module will receive input from the preceding module and separate plastics from non-plastics with the plastic sent to the pyrolysis facility and the non-plastics sent to the next module for further metal separation; and
- the Metal Module has several stages of treatment. First larger chunks of metal are separated by air sifters and strong magnet drums. The remaining material is sent to granulators where it is chopped to a common size, this process aids in liberating all the non-metallics from the metals. This mix of material is then sent to a multi-deck screen, sorted into sizes and distributed onto sorting tables where the metal is extracted from the non-metallics. Depending on the quality of the non-metallics and end user specification this material may be either landfilled or used for on-site cogeneration or conversion to a Refused Derived Fuel sent off-site.

These modules will be largely housed in a building with receiving and batch feeding facilities located on the external apron. The residue from the existing shredder plant will be transported to the site and stored in covered bunkers. It will then be fed into a batch feeder to regulate the flow through the system. A process flow diagram is presented in *Figure 4*.



COMMERCIAL IN CONFIDENCE

Source:
OneSteel Recycling

Client:	OneSteel Recycling
Drawing No:	0267043n_PEA_C004_R1.cdr
Date:	10/02/2015
Drawn by:	JD

Drawing size: A4
Reviewed by: TM

Figure 4 - Separation Plant Flow Diagram

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OneSteel Hexham, NSW

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The key component of the second stage is a technology called pyrolysis which heats the plastic in a low oxygen atmosphere to convert the organic molecules into fuel oil. The fuel oil produced is a high viscosity fuel oil and long chain hydrocarbon product with a flash point above 150°C, categorised under the Australian Dangerous Goods Code and *AS1940 Storage and Handling of Flammable and Combustible Liquids - 2004* as a Class 2 combustible fluid. The fuel oil is not classified as a liquid waste under the Australian Dangerous Goods Code.

The proposed pyrolysis process follows the separation of plastics from shredder flock and will include:

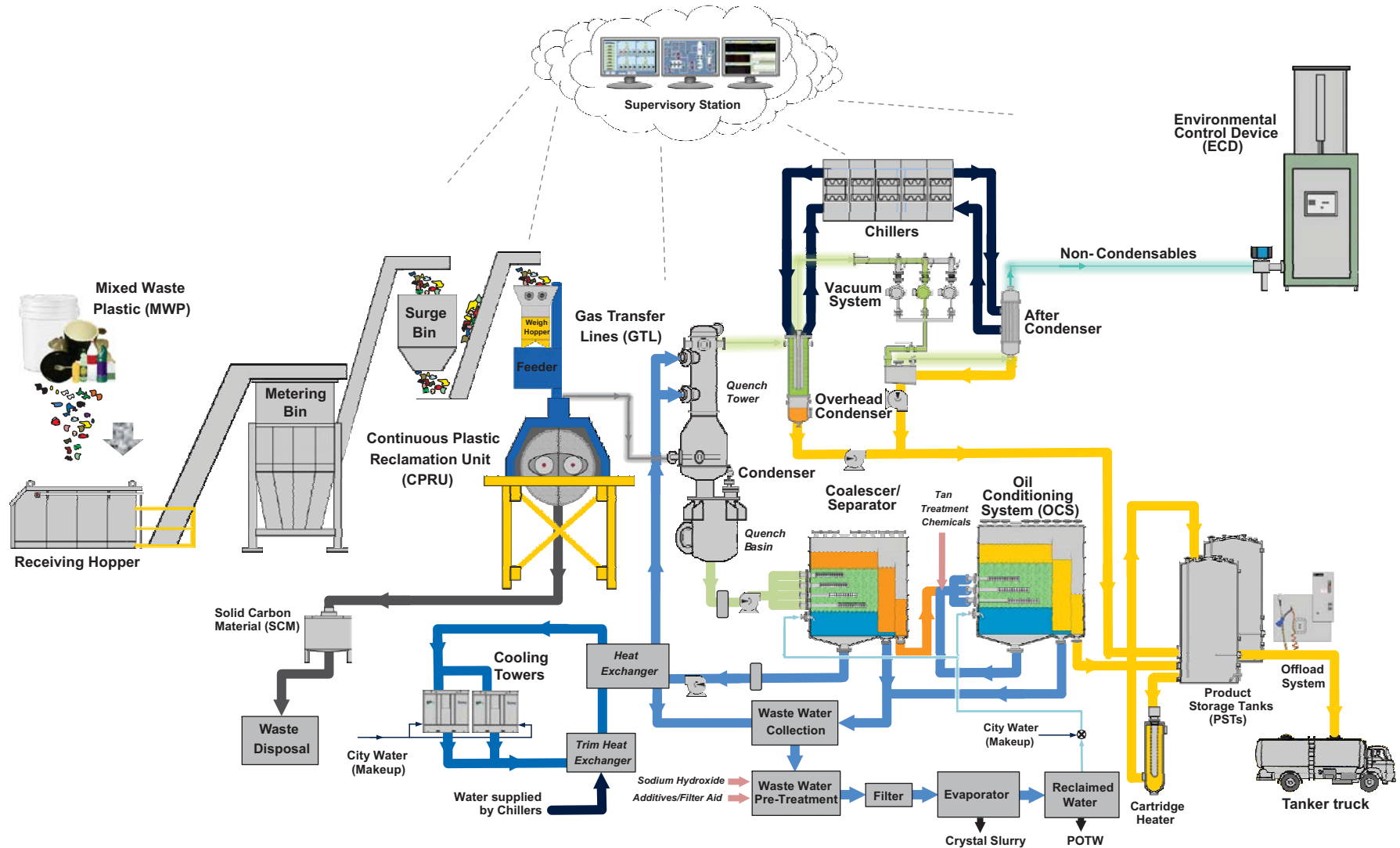
- plastics delivered to Pyrolysis processing plant via an automated in-feed system;
- Thermal Reclamation unit heats plastics and converts first to a liquid, and then to a hydrocarbon gas;
- the hydrocarbon gases are then transferred to a proprietary system where they are condensed back to liquid;
- this liquid goes through a separation and conditioning system to produce a fuel oil. The fuel oil is suitable to be sold a bunker fuel and will require not further refining;
- fuel oil is to be stored in appropriately sealed and banded holding tanks prior to off-site distribution; and
- gasses unable to be condensed are combusted through an environmental control device (not a flare) capable of meeting highly conservative emissions criteria with an option available to generate electricity to contribute to plant requirements (co-generation);

A summary flow diagram of the fuel oil conversion process is shown in *Figure 5*.

All pyrolysis equipment is intended to be housed inside a typical industrial building. Only separated plastics storage and fuel oil storage tanks are likely to be outside this building with appropriate bunding and covering of storage and loading areas proposed. Final sizing of required storage tanks is dependent on agreeing supply arrangements and will be kept to a minimum noting that continuous operation of the pyrolysis plant is required to avoid plastic solidification within the system.

Distribution of the fuel oil will be undertaken by appropriately licenced haulage vehicles. These vehicle movements will be balanced against a reduction of waste disposal transport requirements and can be scheduled to occur outside of peak traffic periods.

Agilyx Gen 6 Process Overview



Source:
OneSteel Recycling

Client: OneSteel Recycling
 Drawing No: 0267043n_PEA_C005_R1.cdr
 Date: 17/11/2014 Drawing size: A4
 Drawn by: JD Reviewed by: TM

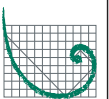
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Figure 5 - Plastics to Fuel Oil Plant Flow Diagram

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 OneSteel Hexham, NSW

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PERMISSIBILITY AND STRATEGIC PLANNING

This chapter identifies the strategic planning documents, environmental planning instruments and key development standards applying to the development, including any development standards not being met.

3.1

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires the approval of the Commonwealth Minister for the Environment for actions that may have a significant impact on matters of national environmental significance. The EPBC Act also requires Commonwealth approval for certain actions on Commonwealth land. Matters of national environmental significance under the Act include:

- world heritage properties;
- national heritage places;
- wetlands of international importance (listed under the Ramsar Convention);
- listed threatened species and ecological communities;
- migratory species protected under international agreements;
- Commonwealth marine areas;
- the Great Barrier Reef Marine Park;
- nuclear actions (including uranium mines); and
- a water resource, in relation to coal seam gas development and large coal mining development.

A referral to the Commonwealth Department of Environment (DoE) is required for projects that may have a significant impact on matters of national environmental significance. Such projects may be assessed by accredited assessment under the EP&A Act subject to supplementary SEARs. Nationally listed fauna species are known to exist in the vicinity of the site. The need for a referral will be further assessed during the preparation of the EIS.

3.2

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATION

The principal State planning legislation for the Site is EP&A Act. The EP&A Act divides developments broadly into development permissible with or without consent and establishes the development assessment process, public participation and evaluation requirements for developments requiring consent.

The development assessment pathway is determined by development scale, location and type. The proposal is considered likely to constitute designated development as either: chemical industries, petroleum works or waste management facilities. The development is also considered to constitute State Significant Development based on capital investment value as chemical manufacturing and related industries and metal, mineral and extractive material processing. Both Designated Development and State Significant Development require the lodgement of a request for SEARs to the Department of Planning and Environment supported by a Preliminary Environmental Assessment (this document) and then preparation and submission of an Environmental Impact Statement.

Under Section 89 J the following authorisations are not required for State Significant Development that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply):

- the concurrence under Part 3 of the *Coastal Protection Act 1979* of the Minister administering that Part of that Act,
- a permit under section 201, 205 or 219 of the *Fisheries Management Act 1994*,
- an approval under Part 4, or an excavation permit under section 139, of the *Heritage Act 1977*,
- an Aboriginal heritage impact permit under section 90 of the *National Parks and Wildlife Act 1974*,
- an authorisation referred to in section 12 of the *Native Vegetation Act 2003* (or under any Act repealed by that Act) to clear native vegetation or State protected land,
- a bush fire safety authority under section 100B of the *Rural Fires Act 1997*, and
- a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the *Water Management Act 2000*.

Under Section 89K the following relevant authorisation kind cannot be refused if it is necessary for carrying out State Significant Development that is authorised by a development consent under this Division and is to be substantially consistent with the consent:

- an environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in section 43 of that Act); and
- a consent under section 138 of the *Roads Act 1993*.

The *Protection of the Environment Operations Act 1997* (PoEO Act) aims to protect and enhance the quality of the environment. Section 48 of the POEO Act applies to scheduled activities where Schedule 1 indicates that a licence is required for premises at which the activity is carried on. The section states:

“A person who is the occupier of any premises at which any such scheduled activity is carried on is guilty of an offence, unless the person is, at the time that activity is carried on, the holder of a licence that authorises that activity to be carried on at those premises”.

Schedule 1 of the PoEO Act identifies the following potentially relevant scheduled activities:

- Clause 8 Chemical production including petrochemical production, meaning the commercial production of, or research into, petrochemicals and petrochemical products with capacity to produce more than 2,000 tonnes of petrochemicals per year;
- Clause 31 Petroleum and fuel production including crude oil/shale oil production, meaning the production, otherwise than in the course of exploratory activities, of crude petroleum or shale oil in any production capacity;
- Clause 40 Waste disposal (thermal treatment) including *thermal treatment of general waste*, meaning the receiving of waste (other than hazardous waste, restricted solid waste, liquid waste or special waste) from off site and its processing by thermal treatment involving processing more than 200 tonnes of waste per year; and
- Clause 41 Waste processing (non-thermal treatment) including non-thermal treatment of general waste, meaning the receiving of waste (other than hazardous waste, restricted solid waste, liquid waste or special waste) from off site and its processing otherwise than by thermal treatment involving processing more than 12,000 tonnes of waste per year.

It is noted that waste will only be received from the existing adjacent OneSteel shredder facility which currently holds a licence for the scheduled activities of scrap metal processing, metal waste generation waste storage - hazardous, restricted solid, liquid, clinical and related waste and asbestos waste under EPL 5345. It is further noted that the activity will cease being waste processing (non-thermal treatment) and become resource recovery under clause 34 once less than 50% of the waste by volume requires landfilling post processing. Clause 34 resource recovery includes the recovery of general waste, meaning the receiving of waste (other than hazardous waste, restricted solid waste, liquid waste or special waste) from off site and its processing, otherwise than for the recovery of energy. Consultation is proposed with the NSW Environment Protection Authority (EPA) to determine appropriate licencing requirements.

3.4 **WATER MANAGEMENT ACT 2000**

Under the *Water Management Act 2000* (WMA) any development or carrying out of work on waterfront land (within 40 m of a river, lake or estuary) would trigger the requirement for a controlled activity approval were it not for Section 89J of the EP&A Act. The site is not within 40 m of a water body other than low lying area to the east where water occasionally ponds.

The Proposal does not involve aquifer interference work and as such no controlled activity approval is required from NSW Office of Water.

3.5 **CONTAMINATED LAND MANAGEMENT ACT 1997**

The general objective of the *Contaminated Land Management Act 1997* (CLM Act) is to establish a process for investigating and (where appropriate) remediating land that the EPA considers to be contaminated significantly enough to require regulation.

The particular objects of this Act are:

“(a) to set out accountabilities for managing contamination if the EPA considers the contamination is significant enough to require regulation under Division 2 of Part 3, and

(b) to set out the role of the EPA in the assessment of contamination and the supervision of the investigation and management of contaminated sites, and

(c) to provide for the accreditation of site auditors of contaminated land to ensure appropriate standards of auditing in the management of contaminated land, and

(d) to ensure that contaminated land is managed with regard to the principles of ecologically sustainable development”.

A Phase II contaminated site investigation has been undertaken associated with approved development to prepare the site for future industrial development. The report found that although contamination has been identified the site is suitable for continued industrial use in its current state. The development approval requires a contaminated soils plan to be developed and implemented to ensure elevated soil contamination concentrations are appropriately managed to prevent risks to human health or the environment. No further interaction with contaminated materials would be required following the completion of the currently approved bulk earthworks project.

3.6 **HERITAGE ACT 1977**

The *Heritage Act 1977* protects non-indigenous heritage and is administered by the NSW Heritage Office. Under Section 139 of the Act, an excavation permit must be obtained for the excavation or disturbance of a relic unless an

exemption applies, however this permit is not required as a result of Section 89J of the EP&A Act.

The site is not identified in the Newcastle LEP 2012 as containing any items of heritage significance, nor is it identified as being located within a heritage conservation area.

3.7 *COASTAL PROTECTION ACT 1979*

Part 3 of the Coastal Protection Act relates to the use of the coastal zone and identifies when the concurrence of the Minister is required for any approval of development, use or occupation of land within the coastal zone. The Site is wholly within the coastal zone.

Clause 37B states that the concurrence of the Minister under this Part is not required in relation to the carrying out in the coastal zone of any development (within the meaning of the *Environmental Planning and Assessment Act 1979*) that requires development consent under that Act.

3.8 *NEWCASTLE LOCAL ENVIRONMENT PLAN 2012*

The Newcastle Local Environmental Plan 2012 (LEP) is a legal document that provides rules and standards to guide the use of private and public land primarily through zoning. The LEP is made up of a written document and maps. The Newcastle LEP 2012 was gazetted on Friday 15 June 2012. It aims to reduce possible conflict between adjoining land uses, and ensure that there is adequate land to meet the diverse needs of a viable city.

Under LEP 2012 the site is zoned IN3 – Heavy Industry Zone. This zone applies to heavy industrial land, predominantly around Hexham and Sandgate. It is land where the type of industrial development is of high impact and is generally located away from other land uses.

Zoned IN3 heavy Industry with stated objectives:

- 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 support and protect industrial land for industrial uses.

The sorting and processing of problem waste and production of fuel oil through pyrolysis aligns to the objective of the zone.

Heavy industry is permissible with consent in the IN3 zone and waste and recycling facilities are neither permitted with or without development consent. However, they are permissible with consent under the Infrastructure SEPP which allows development for the purpose of waste or resource management facilities by any person with consent on land in a prescribed zone with prescribed zones including IN3.

As the development is within the coastal zone the EIS will need to consider the principles in the NSW Coastal Policy. Consent can only be granted where consent authority is satisfied with the management of coastal foreshore access, effluent, stormwater and coastal hazards.

The site is mapped as Class 3 on the acid sulfate soils map and development consent is required for the carrying out of works more than one metre below the natural ground surface or works by which the water table is likely to be lowered more than one metre below the natural ground surface. Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority. An acid sulphate soils management plan will be prepared in association with the existing development consent.

3.9

NEWCASTLE DEVELOPMENT CONTROL PLAN 2012

The Newcastle Development Control Plan 2012 (DCP) supplements the Newcastle Local Environmental Plan. The provisions of the DCP are largely assessment criteria to be used in the assessment of Development Applications. Key environmental provisions are discussed in the following pages.

Section 4.01 Flood Management applies to all development on flood prone land in the Newcastle Local Government Area, as defined by Council's Flood Policy - (adopted 2004) and The NSW Government Floodplain Development Manual - the management of flood liable land (2005), being "land susceptible to flooding by the PMF³ event". The City-wide Floodplain Risk Management Study and Plan (2012) identifies the site and much of Hexham as a floodplain. The DCP includes controls that no building or structure is to be erected and no land filled by way of the deposition of any material within any area identified as a floodway except for minor alterations to ground levels which do not significantly alter the fundamental flow patterns. Flood Information

³ Probable maximum flood (PMF) is the largest flood likely to ever occur, many times larger than the 1% AEP (annual exceedance probability) (1% AEP being the 1 in 100 year flood event). The PMF represents extreme flooding conditions and defines the extent of flood prone land or flood liable land, that is the floodplain. The PMF is primarily used in the management of risk to life. While it can potentially occur, it has a very low chance of occurring.

Certificate No: 2013/191 confirms the site is not within a floodway or flood storage area and as such development is able to take place in accordance with section 4.01 of the DCP.

The site is not mapped as bushfire prone land and as such is able to be developed in accordance with Section 4.02 Bush Fire Protection.

Section 5.01 Soil Management applies to all developments within the Newcastle area to which LEP2012 apply. Stipulated controls are consistent with development industry standards and are considered able to be complied with by the Proposal.

Section 5.02 Land Contamination (supplemented by Contaminated Land Management Technical Manual) applies to all developments within the Newcastle area to which LEP2012 apply and outlines Council's requirements for contamination investigations associated with development assessment. OneSteel has previously undertaken contamination assessment works which confirmed the sites suitability for ongoing industrial use. These reports were submitted and approved by Newcastle City Council DA 2013-1192.

Section 7.06 Stormwater (Stormwater and Water Efficiency for Development Technical Manual) applies to all developments within the Newcastle area to which LEP 2012 applies. The DCP aims are:

- to outline Council's requirement for stormwater management for development.
- to adopt a whole of water cycle approach to development.
- to ensure an appropriate quality and quantity of water enters waterways.

Hydrological and hydraulic modelling assessment is required for developments on sites larger than 5,000 m². A stormwater management plan has previously been prepared associated with the existing development approval based on MUSIC modelling has been undertaken to demonstrate that pollutant reduction targets will be met.

3.10

STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

State Environmental Planning Policy (State and Regional Development) 2011 aims are to identify development that is State Significant Development (SSD), to identify development that is State Significant Infrastructure (SSI) and critical State Significant Infrastructure, and to confer functions on joint regional planning panels to determine development applications.

State Significant Development

Part 2 section 8 of the State and Regional Development SEPP states that:

(1) Development is declared to be State significant development for the purposes of the Act if:

(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and

(b) the development is specified in Schedule 1 or 2.

The Proposal requires development consent and Schedule 1 contains a list of developments that would be considered State Significant generally on the basis of CIV exceeding \$30 million. Of this list one or more of the following development categories are believed to be triggered (see Table 3. 1).

Table 3.1 Major Development Categorises

Development Type	Trigger for State Significant Development Assessment
Metal, mineral and extractive material processing	Development that has a capital investment value of more than \$30 million for any of the following purposes: (a) metal or mineral refining or smelting, metal founding, rolling, drawing, extruding, coating, fabricating or manufacturing works or metal or mineral recycling or recovery, (b) brickworks, ceramic works, silicon or glassworks or tile manufacture, (c) cement works, concrete or bitumen pre-mix industries or related products, (d) building or construction materials recycling or recovery.
Chemical, manufacturing and related industries	(1) Development that has a capital investment value of more than \$30 million for the purpose of the manufacture or reprocessing of the following (not including labelling or packaging): (a) soap, detergent or cleaning agents, (b) paints, ink, dyes, adhesives, solvents, (c) pesticides or inorganic fertiliser, (d) pharmaceuticals or veterinary products, (e) ammunition or explosives, (f) oils, fuels, gas, petrochemicals or precursors, (g) polymers, plastics, rubber or tyres, (h) batteries or carbon black. (2) Development with a capital investment value of more than \$30 million for any of the following purposes: (a) liquid fuel depots, (b) gas storage facilities, (c) chemical storage facilities. (3) Development for the purpose of the manufacture, storage or use of dangerous goods in such quantities that constitute the development as a major hazard facility within the meaning of Chapter 6B of the <i>Occupational Health and Safety Regulation 2001</i> .

Schedule 1, Clause 23 (3) and Clause 23 (5) of the State and Regional Development SEPP identifies waste and resource managements as being State Significant Development involving:

(3) Development for the purpose of resource recovery or recycling facilities that handle more than 100,000 tonnes per year of waste.

(5) Development for the purpose of hazardous waste facilities that transfer, store or dispose of solid or liquid waste classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste that handles more than 1,000 tonnes per year of waste.

The proposed shredder flock processing facility will handle 60,000 tonnes of shredder flock per annum. The fuel oil produced is not classified as a liquid waste under the Australian Dangerous Goods Code. As such, the provisions of Clause 23(3) and Clause 23(5) do not apply.

Schedule 1, Clause 20 of State and Regional Development SEPP identifies electricity generating works and heat or co-generation as being state significant development where the development has a capital investment value of more than \$10 million and is located in an environmentally sensitive area of State significance. The State and Regional Development SEPP defines *environmentally sensitive area of State significance* as being:

- (a) coastal waters of the State, or*
- (b) land to which State Environmental Planning Policy No 14—Coastal Wetlands or State Environmental Planning Policy No 26—Littoral Rainforests applies, or*
- (c) land reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997, or*
- (d) a declared Ramsar wetland within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth, or*
- (e) a declared World Heritage property within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth, or*
- (f) land identified in an environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or*
- (g) land reserved as a state conservation area under the National Parks and Wildlife Act 1974, or*
- (h) land, places, buildings or structures listed on the State Heritage Register under the Heritage Act 1977, or*

- (i) *land reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or*
- (j) *land identified as being critical habitat under the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994.*

The site of the proposed development does not fall within the definition of *environmentally sensitive area of State significance* under the State and Regional Development SEPP. Thus the provisions of Clause 20 do not apply.

3.11

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The *State Environmental Planning Policy (Infrastructure) 2007* has the fundamental aim of delivering infrastructure in NSW. Under Division 23 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 which for the purposes of this division including IN3 Heavy Industrial.

Schedule 3 Roads and Traffic Division identifies types of development as needing a referral to the NSW Roads and Traffic Authority as follows:

- development over 20,000m² in area with connection to any road or 5,000m² where site has access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road); and
- development for the purpose of recycling facilities of any size or capacity.

Referral to Roads and Maritime Services (RMS) will be required.

3.12

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The object of SEPP 55 is to provide for a State wide planning approach to the remediation of contaminated land. Under Clause 7 of SEPP 55 a consent authority must not consent to the carrying out of any development on land unless:

“(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose”.

OneSteel has previously undertaken contamination assessment works which confirmed the sites suitability for ongoing industrial use. These reports were submitted and approved by Newcastle City Council DA 2013-1192.

3.13

STATE ENVIRONMENTAL PLANNING POLICY 71 – COASTAL PROTECTION

SEPP 71 aims to further the implementation of the NSW Government's coastal policy. The Site is within the Coastal Protection Zone and as such the provisions of *State Environmental Planning Policy 71 – Coastal Protection* (SEPP 71) have to be considered. The aims of SEPP 71 relate to the protection and enhancement of the coastal environment to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding environment. The stated aims are as follows:

(a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and

(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and

(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and

(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and

(e) to ensure that the visual amenity of the coast is protected, and

(f) to protect and preserve beach environments and beach amenity, and

(g) to protect and preserve native coastal vegetation, and

(h) to protect and preserve the marine environment of New South Wales, and

(i) to protect and preserve rock platforms, and

(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and

(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and

(l) to encourage a strategic approach to coastal management.

Clause 8 of SEPP 71 lists a number of matters to be taken into consideration by the consent authority when preparing a draft local environmental plan or when determining a development application. The EIS will be required to address these matters. The existing development consent for the site considered these matters in the context of undertaking construction works to prepare the site for future development.

3.14 STATE ENVIRONMENTAL PLANNING POLICY NO 14 – COASTAL WETLANDS

The aim of this policy is to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State. In respect of land to which this policy applies, a person shall not:

- clear that land;
- construct a levee on that land;
- drain that land; or
- fill that land,

except with the consent of the council and the concurrence of the Director. No land mapped as SEPP 14 wetland is within the site and as such the Provisions of SEPP 14 do not apply.

3.15 SEPP 33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT

State Environmental Planning Policy No. 33 (SEPP 33) provides definitions for hazardous and offensive industry as follows:

“potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:

(a) to human health, life or property, or

(b) to the biophysical environment,

and includes a hazardous industry and a hazardous storage establishment.

potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a

significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment”.

A risk screening procedure to determine whether the development is considered to be a ‘potentially hazardous industry’ under the SEPP 33 will be completed as part of the EIS.

3.16

PLANS AND STRATEGIES

A review of other applicable plans and strategies adopted by Newcastle Council and potentially applicable to the site are summarised in the *Table 3. 2*.

Table 3.2 *Summary of Applicable Plans and Strategies*

Policy/Strategy Document	Description	Comment on applicability and consistency
Newcastle Biodiversity Strategy (2006)	Council adopted the Newcastle Strategy (NBS) in September 2006. The document describes the important values of Newcastle's biodiversity, identifies issues resulting in the continuing loss of biodiversity, provides a clear direction for conservation and provides a framework for prioritising and implementing actions.	The Proposal is located between the Hexham Swamp and Hunter Wetlands National Park listed in the NBS as containing important biodiversity values including key habitat for migratory wading birds and references in international treaties (Ramsar wetlands of international significance). Nothing in the NBS restrains the development of the site for the proposed purpose. As a consequence the project design will need to consider potential impacts on the natural environment given its location between the Hexham Swamp and Hunter River Estuary.
Hunter Coastal Management Plan (2009) Estuary Zone Plan	Council adopted the Hunter Estuary Coastal Zone Management Plan (NECZMP) in October 2009. With 25 objectives and 123 actions, the NECZMP is a strategic and long-term plan developed through a specifically designed and legislated framework. It aims primarily to provide guidance for achieving a sustainable estuary in the future, giving balanced consideration to environment, social and economic demands on the river system. The HEMP establishes guiding principles that all future developments, plans and actions within coastal zone must consider as follows: <ul style="list-style-type: none"> • natural environment and processes - to protect, enhance, maintain and restore the environment of the Hunter Estuary, its associated ecosystems, ecological processes and biological diversity and its water quality; • heritage - to protect and conserve the aboriginal and European heritage of the Hunter Estuary; • ecologically sustainable development and integrated planning - to provide for integrated planning and management of the Hunter Estuary in accordance with the principles of ecologically sustainable development; 	Similar to the previous comment.

Policy/Strategy Document	Description	Comment on applicability and consistency
City-wide Floodplain Risk Management Study and Plan (2012)	<ul style="list-style-type: none"> • aesthetics and access - to ensure continuing public access and preservation of the amenity of the Hunter Estuary; and • community involvement - to recognise the role of the community as a partner with the government, in resolving issues relating to the protection and effective management of the Hunter estuary. <p>The primary objective of floodplains is 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 where possible. This document aims to manage risks associated with the vast 'legacy development' across Newcastle's floodplains, as well as guiding appropriate future development on these floodplains.</p>	The site is mapped as floodplain triggering Designated Development assessment requirements that will include flooding considerations.
Newcastle Corridor and Landscape Precincts Plan (2005)	Council adopted the Newcastle Green Corridor and Landscape Precincts Plan in June 2005. The Plan has developed the original intention of linking the City's green spaces by defining major green corridors and provides a basis for reinforcing or rehabilitating their structure.	The site is mapped as within a 500 metre buffer of Key Habitat localities and within a large Green Corridor. The Plan identifies that the majority of land use outside of the reserve system (including the site) is zoned for heavy industry and that specific development proposals for these sites need to be considered in relation to their impacts on surrounding habitat and open space. The proposed development will need to consider these impacts during the project design and environmental assessment stages.
Newcastle Bush Fire Risk Management Plan (2012)	Jointly prepared by regional stakeholders, a strategic document that identifies community assets at risk and sets out a five-year program of coordinated multi-agency treatments to reduce the risk of bush fire to the assets. Treatments may include such things as hazard reduction burning, grazing, community education, fire trail maintenance and establishing community fireguard groups.	The site is not mapped as within a bushfire management zone.
Lower Hunter Regional Strategy	Plans for the provision of sufficient new urban and employment lands to meet expected strong demands for growth, and refocuses development in the Lower Hunter. The strategy establishes a hierarchy and network of urban centres for the Lower Hunter to aid in land use planning.	The site is identified in the strategy as employment land and the site zoning and proposed development is consistent with this land use.

Policy/Strategy Document	Description	Comment on applicability and consistency
Newcastle Employment Lands Strategy (2013)	The strategy makes broad planning recommendations in relation to land use types. The site is within the Newcastle Outer Precinct and is identified as Employment Lands (through reference to Lower Hunter Regional Strategy).	No specific mention of the site but general recommendation that employment lands in Hexham are preserved for port related container movements. Noting that NSW Freight Strategy no longer promotes Port of Newcastle as next logical container terminal alternate uses of employment lands in Hexham may be required. Other recommendations in relation to Employment lands include: encouraging clustering; that buildings be designed so that they are efficiently sited and adopt sound ecological principles to minimise energy consumed for heating and cooling and waste generation; and that business should be encouraged to maximise recycling and the use of energy renewal technologies. The Proposal is located adjacent to the source material for the recycling/processing facility minimising transport requirements and maximising recycling of a problem waste and as such is considered to be consistent with the recommendations of the Employment Lands Strategy.
Newcastle Urban Strategy (2009)	The Urban Strategy provides a framework for more sustainable urban form and structure aimed at guiding policy development.	The site is not referenced in this Strategy. The principles are understood to be captured in the Newcastle LEP 2012.

Based on this review the Proposal is identified as permissible within the current zoning. It triggers assessment as State Significant Development, Designated Development and Integrated Development as it is:

- Considered to meet the definition of chemical industries Schedule 3, Clause 9 of the Environmental Planning and Assessment Regulation and trigger assessment as designated development as it is development for the purpose of petrochemical industries that manufacture petrochemicals or petrochemical products in quantities of more than 2,000 tonnes per year or that are located on a floodplain;
- Considered to meet the definition of Petroleum works under Schedule 3, Clause 27 of the Environmental Planning and Assessment Regulation and trigger assessment as designated development as it is development that produce crude petroleum or are located on a floodplain;
- Considered to **meet the definition of Waste Management Facility** under Schedule 3, Clause 32 of the Environmental Planning and Assessment Regulation and trigger assessment as designated development as it is developments that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and are located on a floodplain;
- Considered to meet definition of Chemical, manufacturing and related industries under Schedule 1, Clause 10 of SEPP State and Regional Development and trigger assessment as it is State Significant Development based on Capital Investment value exceeding \$30 Million;
- Considered to meet definition of metal, mineral and extractive material processing under Schedule 1, Clause 9 of SEPP State and Regional Development and trigger assessment as State Significant Development based on Capital Investment value exceeding \$30 Million;
- Considered to meet definition of Integrated Development based on the requirement to hold an Environmental Protection Licence under section 47 and 48 of the POEO Act in relation to chemical production and petroleum production activities as defined in schedule 1; and
- Considered to meet definition of Integrated Development based on requirement to hold an Environmental Protection Licence under section 47 and 48 of the POEO Act in relation to **Waste disposal (thermal treatment)** and **Waste processing (non-thermal treatment)** activities as defined in Schedule 1.

Due to the variety of applicable definitions it is requested that DP&E confirm the appropriate assessment framework is State Significant Development when issuing Environmental Assessment Requirements.

This chapter identifies and prioritises the expected environmental impacts (positive and negative) associated with the development, based on a preliminary risk assessment. It also briefly outlines any strategies to address the impacts identified.

4.1**PRELIMINARY RISK ASSESSMENT**

Based on initial consultation with Newcastle City Council, information available to date including produced fuel oil composition, storage arrangements and previous environmental assessments undertaken for the site, the priority environmental risks are considered to be the interaction between stormwater and flooding, product storage and surrounding sensitive ecological communities. Priority issues for further assessment are as follows with the assessment approach discussed for each in the following:

- Ecology;
- Stormwater and flooding;
- Contaminated land;
- Traffic;
- Noise;
- Hazard Risk Screening;
- Waste; and
- Visual Impact.

4.2**ECOLOGY**

The site has been subject to various ecological assessments with the most recent being completed in July 2013 associated with the development assessment to prepare the site for future industrial development. The assessment findings are summarised as follows:

- day and night investigations of the site were performed on the afternoon and evening of 5 July 2013 when conditions were part cloud, light breeze and cool;
- the site is identified as supporting a single stratification unit consisting of filled and highly disturbed land;
- the “Filled land” is raised approximately 3m above natural floodplain level by hard fill brought to the site;

- the site cannot be considered as natural or useful habitat for native fauna or flora species;
- a shallow man-made wetland in the east corner of the site appears to retain rain water and supports reeds, sedges and exotic weeds and may support some common frog species but is unlikely to provide high quality habitat for threatened species;
- disturbances in the local area including roads, rail line, industrial and residential development, clearing and vegetation fragmentation have disrupted a corridor of vegetation for the movement of terrestrial fauna across the site;
- the small numbers of Swamp She-oak trees on the site are not part of a continuous corridor of uninterrupted forest vegetation for the movement of fauna;
- a wide variety of exotic introduced plant weeds, including noxious weeds, are found throughout this highly disturbed site. Vegetation on the site is predominantly exotic grass, herb and shrub weeds that have been brought to the site with fill material or dumped as garden waste;
- approximately 60 species of native (9) and exotic (51) plants were recorded across the site (the development consent approves disturbance of the site to the extent required to accommodate the currently proposed development);
- few mammal species were recorded on the site during this or previous surveys and the supports very little habitat for terrestrial and arboreal native mammals;
- a limited list of birds was recorded at the site during this and previous surveys with most being common bushland birds either living at the site or moving through the area. No owls were recorded on or near the site;
- a small number of common reptile species were recorded on the site during this and previous surveys including Eastern Water Skink, Robust Skink, Garden Skinks and a Black-bellied Swamp Snake;
- a small number of common frogs were recorded during previous surveys on the site in the filled area;
- several searches for the Green and Golden Bell Frog (*Litoria aurea*) have been undertaken and this species was not observed or heard;
- habitat for the Wallum Frog (*Crinia tinnula*) is not found on the site and this species was not observed or heard on the site during this current or previous surveys.
- no endangered populations were found on or near the site;

- the site does not support an “Endangered Ecological Community” (EEC) identified under Part 3 of Schedule 1 of the TSC Act 1995;
- no critically endangered ecological community occur on or near the site;
- no critical habitat occur on or near the site;
- none of the tree species listed in Schedule 2 of SEPP 44 are found on the site. No koalas or koala scats were observed on the site and it is unlikely that koalas would be found on the site or in the local area;
- the closest Ramsar wetland site is the “Hunter Estuary Wetlands” (includes Kooragang Nature Reserve and Shortland Wetlands at the Wetlands Centre Australia);
- Kooragang Nature Reserve is about 1km east of the site and over the Pacific Highway and the South Arm of the Hunter River.
- Shortland Wetlands is about 2km south of the site; and
- the site does not support a Threatened Ecological Community as listed under the EPBC Act.

The site is subject to a development consent approving the full clearing and works to ready the site for industrial development. This approval is intended to be acted on prior to the completion of the assessment process and for the purposes of this report the site is considered fully disturbed. Notwithstanding this, the Proposal will need to assess the potential recolonisation and propose suitable measure to ensure fauna species are not impacted during construction.

The potential for indirect impacts on sensitive areas surrounding the site will need to consider product storage arrangements and potential flooding. On the basis that the detailed design of the facility will account for flooding risks, and the highly viscos nature of the fuel oil product, it is considered unlikely that a significant impact on the wider ecological values could eventuate.

4.3 *STORMWATER AND FLOODING*

The site is mapped as within a flood plain and a Flood Information Certificate (2013/191) was obtained in August 2013. The certificate confirms that the site is not regarded as either floodway or flood storage area. A Stormwater Management and Concept Engineering Report has previously been prepared for the proposed site regrade and bulk earthworks project (ADW Johnson, 2013). This report concluded:

- the stormwater management for the site has been designed in accordance with current best management practices and Council’s guidelines;

- drainage design is for the containment of runoff within the site without affectation to adjoining property;
- the unsealed hardstand platform is evenly graded with open channel, grassed swale drains proposed along each of the northern and southern boundaries, conveying runoff to the stormwater control basin area at the site frontage;
- dedicated sedimentation areas are proposed at the ends of the swale drains prior to the hardstand runoff entering the sediment basin;
- the basin will be formed aboveground as is currently the case for stormwater runoff and ponding prior to discharge from the site;
- the grassed swales and stormwater control basin with macrophytes will be used for the management of stormwater and improvement of water quality;
- the basin size has been confirmed with MUSIC modelling to meet pollutant reduction targets for water quality improvement for runoff from the hardstand area;
- pollutant reduction is 98.7%, 89% and 55.6% for Total Suspended Solids, Total Phosphorus and Total Nitrogen respectively meeting industry standard targets of 85%, 65% and 45% respectively;
- erosion and sediment controls have been designed in accordance with the 'Blue book' requirements for implementation at the site during construction; and
- legal connection of the basin discharge will be continuing use of the existing drainage outlet across Maitland Road to the Hunter River.

Additional investigation of risks arising from the changed use of the site including highly viscous fuel oil storage is proposed to be completed in the EIS.

4.4 *CONTAMINATED LAND*

An Environmental Site Assessment (ESA) of a property identified as OneSteel Recycling Hexham, Lot 1, Sparke Street, Hexham, NSW was undertaken in June 2013 (ERM, 2013). These works were required to supplement previous Phase II Environmental Site Investigations completed by RCA in 2008 and 2005 (Phase II Environmental Site Investigation, Sparke Street Hexham Ref 6486-901/1, November 2008, and Phase II Site Assessment Update, Sparke Street Hexham Ref 4113-002/0, January 2005), which established baseline conditions within the unconsolidated fill material beneath site (soils).

The specific objectives of this Phase II ESA were to:

- assess the current nature of any potential contaminants in soil and groundwater beneath the site;
- provide an understanding as to the suitability of the site for future industrial land-use and provide baseline groundwater data for future comparison of environmental issues; and
- offer recommendations on any follow-up investigations or remediation works, as required.

The lithology beneath site was found to be built up of clays of moderate to high plasticity, overlain by fill material. The fill consisted of gravels and clays with brick and scrap metal inclusions. This was noted to be consistent with observations made during previous site investigations.

Concentrations of total recoverable hydrocarbons (TRH), benzene, toluene, ethylbenzene and xylene (BTEX), polycyclic aromatic hydrocarbons (PAHs), phenols heavy metals and pesticides were reported below the limit of reporting (LOR) or below the adopted screening criteria for all soil samples analysed with the exception of heavy metals (Cr, Cu and Zn). Groundwater concentrations of TRH fractions C₁₀-C₃₆ and TRH C₁₅-C₂₈ were encountered in monitoring well locations MW02 and MW03. These results are consistent with previous site investigations.

The results of this Phase II investigation and previous soil investigations supported the on-site re-use of existing fill materials to form a sound working surface for future industrial use. There was no evidence from the groundwater results suggesting the elevated metal results in soil are impacting on the groundwater below the site. Soil results from this and previous reports were below relevant screening levels for ongoing industrial use except for minor exceedences of some metals. It was also concluded that under the current zoning, it would be unlikely for the current condition of the site to present unacceptable risk to human health or the environment.

The majority of required interaction with potentially contaminated material will be undertaken in associated with the existing development consent and on the basis that no additional contamination is identified during these works a further contamination investigation is not proposed to be completed associated with the EIS process.

4.5

TRAFFIC

A detailed traffic investigation was completed associated with the development of the OneSteel metal recycling facility. The assessment led to intersection improvement works including signalled access and egress, being undertaken at the corner of Sparke Street and Maitland Road. No additional waste streams will enter Sparke Street as all plant feedstock will be sourced

directly from the existing OneSteel recycling facility. Traffic associated with product distribution is expected to be offset by the reduction of waste movement off site. In addition, the 24 hour operation of the plastic to fuel oil facility would mean product fuel oil distribution could be scheduled to occur outside peak periods. On this basis traffic impacts are expected to represent an improvement over existing traffic arrangements for the existing facility.

Council has raised traffic assessment as a key consideration for the current proposed development. OneSteel propose to undertake traffic counts and model changed traffic generation estimates in the context of existing intersection functioning at the corner of Sparke Street and Maitland Road. While the facility itself will involve construction and operational traffic movements, the reduced waste disposal requirements of the existing OneSteel recycling facility as a result of the proposal is expected to represent a beneficial cumulative impact.

4.6 NOISE

The Proposal is not expected to generate noise levels that would contribute to increased off-site impacts over the adjoining OneSteel Recycling operation and other scrap facilities located on Sparke Street based on the following:

- the proposed development will not involve further metal shredding;
- the plastic to fuel oil processing facility is required to operate continuously to avoid solidification within equipment but is understood to be a low noise generating process; and
- both sorting and processing facilities will be enclosed within standard industrial buildings with noise mitigation able to be implemented as required'

A qualitative noise impact assessment is proposed to present likely noise impacts and propose noise mitigation measures should identified impacts be likely to contribute to an exceedance of existing noise limits from the adjoining OneSteel Recycling operation.

4.7 HAZARD AND RISK

The facility will have the capacity to store up to 1.2 million litres of fuel oil. This product has been considered in relation to the Australian Dangerous Goods Code and *AS1940 Storage and Handling of Flammable and Combustible Liquids - 2004* and is considered to meet the definition of Category 2 Combustible Liquid and is not treated as a dangerous good for transport purposes.

The product is highly viscous requiring constant heating to retain fluidity, and therefore the risk of product loss from site is low with readily available mitigation measures available to manage any risks.

On the basis that the Proposal could be considered to meet the definition of a potentially hazardous or potentially offensive development a risk screening assessment against SEPP 33 will be undertaken as part of the EIS.

4.8 *WASTE*

No additional waste streams will be created as a result of the Proposal. A significant beneficial impact of reduced volume of waste requiring transport and disposal to landfill will be realised. Remaining waste streams will be further segregated allowing identification and pursuit of additional waste avoidance and resource recovery options.

A detailed breakdown of the waste stream processing proposed will be incorporated into the EIS.

4.9 *VISUAL IMPACT*

The site is located within an industrial area but is surrounded by wetland and open swamp land. The site will be visible from passing rail and road traffic and is overlooked by an aged care facility.

The sorting and processing processes are intended to be fully enclosed in standard industrial buildings with surrounding area appropriately landscaped in accordance with the Newcastle DCP. A detailed visual impact assessment is therefore not proposed as part of the EIS.

JUSTIFICATION

This chapter provides details on the site selection and alternatives considered as well as the strategic context for the proposal, including the benefits to the wider region and State.

The NSW Environmental Trust and the NSW EPA have recognised shredder flock waste as a problem waste stream and implemented an Innovation in Shredder Floc Management Grants Program. The Shredder Floc Management Program is aimed at improving and introducing new approaches and technologies to reduce the residual waste produced by the metal recycling sector currently being disposed of at landfills.

The Proposal is aimed directly at addressing and reducing this problem waste stream and is considered justified in that it will significantly reduce volumes of this waste going to landfill and further sort the waste stream into potentially recoverable components. Further significant waste stream reductions are likely to be realised in the future subject to negotiating resource recovery exceptions and identifying opportunities for co-generation uses for high calorific value waste stream component.

With the cost of waste disposal in NSW continuing to increase, OneSteel is seeking to reduce this cost on the business to protect the commercial viability of its existing business. The technology for processing of shredder flock is rapidly evolving in overseas markets with waste to energy the most commonly adopted practice in Asia and Europe, while the US is still very much reliant on landfilling.

The plastic to fuel oil conversion technology is a mature process and represents a lower-emission, high value technology than mass-burn or other energy from waste technologies. The proposed plant will initially reduce the quantity of waste going to landfill by 30%, but as the facility is developed, it is expected that additional opportunities for waste diversion from flock will emerge.

The Proposal will create an additional 30 full time jobs in the Newcastle local government area (LGA). On a broader scale the proposal will benefit the State by reducing reliance on landfill meaning existing landfill capacity can be conserved for waste streams unable to be diverted. The location the Proposal was selected based on its immediate proximity to the generation point of the feed stock and is considered appropriate based on its land use zoning.

6 CONSULTATION

This chapter outlines consultation already undertaken and proposed to be carried out for the Proposal.

6.1 CONSULTATION TO DATE

OneSteel has commenced consultation with Newcastle City Council in order to provide early advice on the intent of the development and to seek input into the environmental assessments likely to be required. A meeting was held between OneSteel, ERM and Council on 30 October 2014 at which time key issues to be addressed in any future development application, including identification of key issues of NCC relating to the proposed development were identified. Council provided written advice following the meeting which is provided in *Annex A*.

Key issues of Council are:

- Traffic: including changes in truck frequency, size, number of truck movements, routes. Need to ascertain capacity of current intersection of Sparke Street and the Pacific Highway; and
- Contamination – level of contamination and suitability of the site for intended use based on Phase II contaminated site assessment. Council's advice post meeting (refer *Annex A*), indicates that following review of the findings of the Phase II contaminated site assessment, Council consider the site is suitable for the proposed land use without the need for further contamination assessment and that the involvement of a site auditor is unlikely to be required.

Council also noted that while other environmental impacts would need consideration they considered it likely that other agencies would be more appropriate to raise assessment requirements in relation to these.

6.2 PROPOSED CONSULTATION

OneSteel recognises that engagement and consultation with stakeholders is integral to the operation of the facility and will consult appropriately. Key stakeholders that will be consulted during the approval process include:

- The Department of Planning and Environment;
- The Environment Protection Authority;
- The Office of Environment and Heritage;
- Roads and Maritime Service (RMS); and
- Newcastle City Council.

OneSteel will also ensure early liaison with the existing Hexham Community Consultative Committee which monitors the environmental performance of the existing shredder site.

CAPITAL INVESTMENT VALUE

The chapter provides an indicative estimate of the cost of carrying out the Proposal.

The Proposal is identified as State Significant Development by a capital investment value threshold in Schedule 1 of the State and Regional Development SEPP. Recognising the current stage of the development, a detailed quantity surveyors report has not yet been completed for the Proposal. Based on indicative costs provided by the technology partner for the project the CIV is currently estimated as \$32 million. A quantity surveyors report will be commissioned to confirm this estimated CIV and will be provided to DP&E at the earliest opportunity.

CONCLUSION

This chapter provides a summary of the Proposal and outlines the current stage in the assessment process.

This PEA has been prepared as an overview of the proposed facility and to provide a preliminary review of the environmental impacts of the facility for assessment as part of an SSD application. OneSteel has commenced detailed investigations into the financial and design components of the Proposal and are ready to commence the required environmental impact assessments in the hope of securing an appropriate development consent. This PEA indicates that the Proposal will trigger assessment as State Significant Development based on a capital investment value calculated to exceed \$30 million dollars.

The Proposal is considered to provide a positive environmental outcome and be key to the ongoing viability of the existing OneSteel shredder facility. Subject to approval, the Proposal will further reduce waste requiring disposal in NSW and generate a fuel oil product reducing reliance on fossil fuels.

The identified environmental impacts are expected to be able to be mitigated using currently available and common practice controls to be developed through the EIS process. It is stressed that while the facility is proposed to be located in a sensitive area and within close proximity to flood liable land the fuel oil product to be produced is considered a low risk substance based on its highly viscous nature and high flash point. The risk of product loss should be considered as very low for assessment purposes with even a full storage failure event only likely to cause localised impacts as the product will solidify in ambient temperatures and would not mobilise off site in floodwater.

It is requested that the Department of Planning and Environment confirm that the Proposal should be assess under Part 4.1 of the EP&A Act (subject to quantity surveyor confirmation of the Capital Investment Value) and issue Secretaries Environmental Assessment Requirements for the preparation of an Environmental Impact Statement.

Annex A

Newcastle City Council Pre- DA Meeting Advice

13 November 2014

To: Onesteel Recyclers Newcastle
Of: L1 205 Pacific Highway
ST LEONARDS NSW 2065



PO Box 489, Newcastle
NSW 2300 Australia
Phone 02 4974 2000
Facsimile 02 4974 2222
Email mail@ncc.nsw.gov.au
www.newcastle.nsw.gov.au

Dear Mr Riese

PRE-DEVELOPMENT APPLICATION MEETING

Pre -Development Application No:	2014/94
Property:- generic	LOT: 1 DP: 1105761 8 Sparke Street Hexham
Proposed Development:	Waste materials generated by the Hexham shredder facility.

Summary

I refer to the Pre-Development Application meeting held on 30 October 2014 in respect of the above property. The following preliminary planning advice and information is provided to assist in the preparation of a Development Application (DA). The advice consists of:

1. Statutory matters that will be considered during the assessment of a development application, including the category of development according to the *Environmental Planning and Assessment Act* (the Act), options for integrated development, applicable planning controls, submission requirements and methods of determination that apply to the proposal.

The letter contains a number of hyperlinks that can, if accessed via an electronic version of the document, direct you to the appropriate web site or document where additional information can be accessed to assist you with the preparation of your application. An electronic copy of this document will be forward to the email address on your application form.

2. A preliminary assessment of your proposal has raised the following issues which need to be addressed in any future application :
 - i) **Traffic/Recycle Processing** – Based on the information and discussion provided in our meeting confirming that the only waste that will be processed is provided by the metal shredder alone, it is likely that traffic volumes will not significantly change. In your formal application this will need to be confirmed and it is recommended that the frequency and size of trucks involved be assessed (ie if

the out-going trucks are smaller and results in a large increase in frequency the traffic impact may need further consideration).

- ii) **Access Easement** - The submitted details provided a basic indication that the access easement for the allotments 'behind' (ie to the north) was to be relocated closer to the bend in Sparke Street. It is advised that that there would be a preference that heavy vehicle movements did not be proposed on or near the bend due to sight lines and potential issues with traffic safety and conflict. To provide an access in this location would require further traffic assessment justification and may require works in the road reserve to achieve.
- iii) **Parking** – Sufficient parking for staff in accordance with the provisions of the Newcastle DCP 2012 need to be provided (ie Section 7.03).
- iv) **Landscaping** – It is recommended that landscaping be provided to the Sparke Street and Maitland Road frontages within any proposal.
- v) **Potential waste process water** – The proposal has been considered by Council's Senior Environment Protection Officer and the following comments have been made: - *'As discussed it appeared during the meeting that the fact that the site is unsewered was not known to some of the applicants representatives during the meeting. It was not clear from the submitted documentation whether there would be any waste process water requiring management. The Regulatory Services Unit raises this matter for consideration as usual processes such as disposal to sewer via a trade waste agreement with HunterWater will not be available on this site.'*
- vi) **Existing contamination status** – The proposal has been considered by Council's Senior Environment Protection Officer and the following comments have been made: - *'In accordance with the requirements of SEPP 55 and associated Planning Guidelines the determining authority will need to ensure that the land is suitable or can be made suitable for the proposed landuse prior to determination of the application.'*

I have reviewed the latest contamination report listed on the s149(5) planning controls information 'Report - Environmental Resources Management Australia Pty Ltd (January 2014) Phase II Environmental Site Assessment' for the site submitted as part of the previous DA for creation of the 'pad' for future industrial development.

The report summarises a significant amount of sampling data from across the site as a result of a number of investigations and concludes that the fill on site meets the appropriate industrial landuse criteria. I have not conducted an exhaustive review of the report however it appears to have been completed in general accordance with the appropriate current National Environment Protection Measure (NEPM) guidelines and is of a generally high standard of reporting increasing confidence in the report findings and recommendations.

It is likely that this report and its conclusions could be considered to be acceptable for the proposed landuse without the need for further contamination assessment. As such site auditor involvement is unlikely to be required.

The report does require that a 'Construction Environment Management Plan' be developed for future industrial development of the land to manage the likelihood of encountering unexpected finds or areas of contamination missed by the

previous detailed investigations. This is a fairly standard requirement and not of particular concern. Generally this would be added as a condition of consent by the determining authority.'

The comments and views expressed in this letter are based on the plans and information submitted for preliminary assessment and discussion in the pre-development application. The views expressed may vary once detailed plans and information are submitted and formally assessed in the development application process, or as a result of issues contained in submissions by interested parties.

Type of Development

The categorization of the development according to the *Environmental Planning and Assessment Act* will determine the process of assessment and available appeal times available under the Act. The proposed development is considered to be

The proposal will be considered as both Nominated Integrated Development & Designated Development:

- (a) **Nominated Integrated Development.** This is integrated development (not being State significant advertised development, threatened species development or Class 1 aquaculture development) that requires an approval (within the meaning of section 90A of the Act) under:
 - (i) a provision of the *Protection of the Environment Operations Act 1997* specified in section 91 (1) of the Act,
- (b) **Designated Development.** Schedule 3 of the Environmental Planning and assessment Regulations defines designated development (ie Clause 32(1)(b)(iii) and also 32(1)(d)(i) – it is also accepted that it could be considered under several other categories such as chemical industries. A development application is taken to be refused if a consent authority has not determined the application within 60 days. Council will usually be the consent authority and the Joint Regional Planning Panel (JRPP) the determining authority, for designated development, unless:
 - the development is declared State Significant Development or State Significant Infrastructure under the EP&A Act, in which case the Planning Minister will be the consent authority, or
 - a SEPP declares someone other than the council to be the consent authority, such as the Planning Minister.

In terms of Designated Development is it advised that you will need to obtain **specifications from the Director General** (ie Department of Planning & Infrastructure) for the preparation of the required Environmental Impact Study. It is recommended you request this as soon as possible.

The Environmental Planning and Assessment Act and Integrated Development

The *Environmental Planning and Assessment Act* is the primary legislation governing land use and development in NSW. The following information is a summary of matters that are considered to be of relevance in relation to the proposal subject to this development application.

Integrated Development

Under s91a of *Environmental Planning and Assessment Act* some approvals, in principle, may be sought from the other government agencies and/or departments, as part of a development application. The purpose of the integrated development provisions is to streamline the approvals process, and to avoid duplication and conflicting decisions, where more than one decision-maker is involved in approving a development.

This type of development is referred to as "Integrated Development". The approvals available under the integrated development system include:

- (a) Protection of the Environment Operations Act 1997 - s 43 (a), 47 & 55, s 43 (b), 48 & 55, s 43 (d), 55 & 122

Where the development requires an "Environment Protection Licence" to carry out of "scheduled development work" or "scheduled activities" or "controlling the pollution of water arising from non-scheduled activities", being a licence issued under Chapter 3 of the POEO Act, 1997. The licence is required to be obtained from the Department of Environment and Heritage. *Due to the operation of the Protection of the Environment Operations Act, 1997 it is recommended that integrated development is chosen.*

If you wish to apply for an integrated approval, the relevant section of the development application should be completed. With the exception of the Mines Subsidence Board, a \$140 processing fee is payable, plus an additional \$320.00 per approval body must be include with the fees for the development application.

Required permits can be obtained after the assessment of the development application; however it may be more efficient to address any requirements of the permit in your development application.

State Environmental Planning Policies

The following Planning Instruments and Controls apply to the development.

SEPP	Applies on the following land
SEPP No. 33 - Hazardous and Offensive Development	IN3
SEPP No. 55 - Remediation of Land	All LGA
SEPP No. 71 - Coastal Protection	Mappable area (does not include city centre map area)
SEPP (Infrastructure) 2007	All LGA
SEPP (State and Regional Development) 2011	All LGA

State Environmental Planning Policy No 33—Hazardous and Offensive Development (SEPP 33)

This policy aims to provide a consistent approach to the assessment of applications for "hazardous and offensive" industries across the state. It outlines matters that must be considered in the assessment of applications for developments effected by the policy.

The processes involved within the actual plant (and any associated onsite storage) would need to address the provisions of SEPP 33 and associated guideline, and specifically the triggers for the preparation of a Preliminary Hazard Assessment. Based on the initial discussions it appears that the main product(s) stored are not likely to exceed the triggers but this needs to be demonstrated. Any other materials/products stored on or near the site also need to be considered to ensure that there are no 'trigger fuels' present which can impact on the classification and risk of level of the predominate product.

Separately to the above, it is expected that any hazardous material would have already been refused entry to processing in the very initial processing stages at the metal shredder (ie or otherwise within the steps undertaken if this facility takes any material directly). Notwithstanding this, any application submitted need to clearly address how interaction with hazardous materials is addressed and restricted (eg avoiding BBQ LPG tanks).

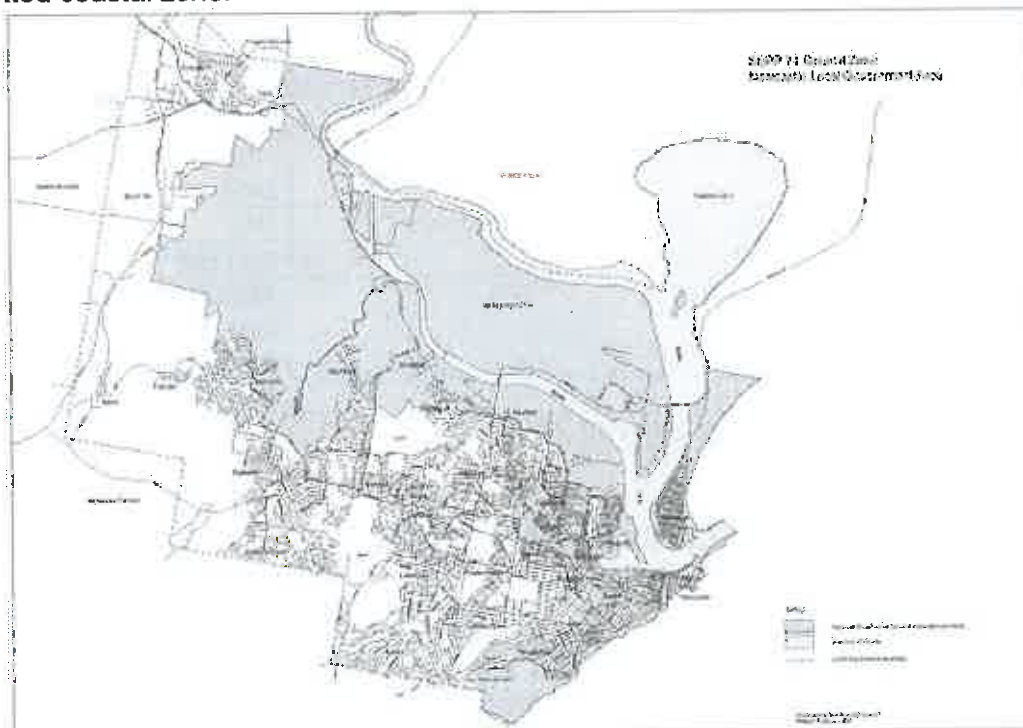
Similarly, any submitted application needs to address potential odours having regard to the provisions of the SEPP. Based on the submitted information it appears this should be achievable but needs to be demonstrated within any submitted application.

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

SEPP 55 applies to the proposed development and contains planning controls for the remediation of contaminated land. Newcastle Development Control Plan Element 5.2 – Contaminated Land Management provides detailed guidelines, controls and procedure for remediation of contaminated lands.

State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)

SEPP 71 applies to the proposed development ensuring the protection of all coastal environments. It is recommended that the matters for consideration in SEPP 71 be addressed in the Statement of Environmental Effects. The map below illustrates the gazetted coastal zone.



State Environmental Planning Policy (Infrastructure) 2007

This policy facilitates the effective delivery of infrastructure across the State. The development is subject to the requirements of this SEPP and must be satisfied.

Division 23 Waste or resource management facilities

The proposal is permissible due to the provisions within Division 23 of the SEPP and specifically Clause 121

SEPP (State and Regional Development) 2011

Waste & Resource Management (Clause 23)

The proposal would be a State Significant development if the proposed capacity was 100,000 tonnes per year or greater (ie under Clause 8 and Schedule 1 Clause 23 of the SEPP).

The submitted details indicate that the proposal would have a maximum capacity of 60,000 tonnes and, as such, would not trigger the SEPP provisions. If the final capacity was proposed to be over 100,000 this changes the determination path.

It is further noted that if the materials within the proposal fall within the classifications of sub clause (5) (as included below) it would also trigger clause 23.

- 5) Development for the purpose of hazardous waste facilities that transfer, store or dispose of solid or liquid waste classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste that handles more than 1,000 tonnes per year of waste.

Chemical Industries (Clause 10)

It is agreed that it is probable that Clause 10 would be triggered if the storage volumes exceed the criteria and/or exceeds the \$30 million capital investment value.

Metal, Mineral & Extractive material processing (Clause 9)

It is agreed that it is probable that Clause 9 would be triggered if the proposal exceed the \$30 million capital investment value.

Electricity generating works and heat or co-generation (Clause 20)

It is possible that the development could also fall under Clause 20 due to the \$30 million capital investment value.

Similarly, the \$10million trigger based on an environmentally sensitive area of State significance may be of relevance. The land does not fall into the majority of categories under the definition of *environmentally sensitive area* under the SEPP but the reference to '(a) coastal waters of the State' is not completely clear. It is noted that the site is within the coastal zone and is a '*sensitive coastal location*' based on SEPP 71 and, as such, the subclause under C120(b) may be triggered.

The site is zoned IN3 – Heavy Industrial and the proposed development is not permissible under the current Newcastle Local Environmental Plan No. 2012 (NLEP 2012).

As discussed above, the permissibility of the proposal is dependent on the provisions of SEPP Infrastructure.

The following clauses in *NLEP 2012* are relevant to the proposed development.

1) Clause 6.1 – Acid Sulfate soils

Acid sulfate soils contain highly acidic soil layers resulting from the aeration of soil materials that are rich in iron sulphides, primarily pyrite. The soil material has a pH of less than 4 when measured in dry seasonal conditions.

The proposed development is affected by acid sulfate soils and will be subject to an assessment against clause 6.1 of the LEP. Council's records indicate that the land contains **Class 3**. The following table summarises when an Acid Sulphate Soils Management Plan is required to be submitted with the development application.

Class of soil	Works to which this clause applies
1	Any works.
2	Works below the natural ground surface OR Works by which the water table is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the water table is likely to be lowered beyond 1 metre below natural ground surface.
4	Works more than 2 metres below the natural ground surface OR Works by which the water table is likely to be lowered more than 2 metres below natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Development consent is not required under this clause to carry out any works if:

- (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins), foundations or flood mitigation works, or
- (b) the works are not likely to lower the watertable.

Flooding

The site is subject to flooding. It is understood that previously a Flood Information Certificate has been obtained and work addressing flooding would be handled via a previous development application.

The proposal must consider all relevant elements of the Newcastle DCP 2012 and the Technical Manuals. The relevant sections of the DCP and the Technical Manuals are listed below and are accessible via hyperlinks in the electronic document that has been sent to you.

1.00 Introduction

 [Section 1.00 Introduction](#)

2.00 How to use this DCP

 [Section 2.00 How to use this DCP](#)

3.00 Landuse Specific Provisions

 [Section 3.13 Industrial Development](#)

4.00 Risk Minimisation Provisions

 [Section 4.01 Flood Management](#)

5.00 Environmental Protection Provisions

 [Section 5.01 Soil Management](#)

 [Section 5.02 Land Contamination](#)

7.00 Development Provisions

 [Section 7.01 Building Design Criteria](#)

 [Section 7.02 Landscaping Open Space and Visual Amenity](#)

 [Section 7.03 Traffic, Parking and Access](#)

 [Section 7.06 Stormwater](#)

 [Section 7.07 Water Efficiency](#)

 [Section 7.08 Waste Management](#)






8.00 Public Participation

 [Section 8.00 Public Participation](#)

9.00 Glossary

Section 9.00 Glossary

Technical Manuals

-  Contaminated Land Management Technical Manual
-  Urban Forest Technical Manual
-  Landscaping Technical Manual
-  Stormwater and Water Efficiency Technical Manual
-  Waste Management Technical Manual

Developer Contribution Plans

The proposed development would attract a section 94A payment.

Section 94A Plan

The Section 94A Development Contributions 2009 applies to the entire Local Government Area excluding Blue Gum Hills (Minmi, Maryland and Fletcher). Where this Plan applies no Section 94 levy will apply.

Part A of the Plan collects contributions for industrial, commercial and urban housing development which has an estimated cost of **over \$100,000**.

Advisory Matters

Hunter Water Act - Plans will be required to be stamped by Hunter Water prior to submission to Council. Hunter Water are located at 36 Honeysuckle Drive, Newcastle or can be contacted on 1300 657657.

National Construction Code - Building Code of Australia

It would be advisable to seek independent advice regarding the developments compliance with the National Construction Code. Your attention is particularly drawn to the Disability (Access to Premises- Buildings) Standards 2010 that aims to provide to provide access to buildings, and facilities and services within buildings to people with a disability.

Submission Requirements

Enclosed in this letter is a checklist detailing what should be completed when a development application is submitted. Alternatively download a copy of the checklists and the appropriate application form at Council's website. The relevant form and checklist is listed below.

Form



[Development application form](#)



[Development and Construction Certificate Application and Appointment of a Principal Certifying Authority](#)

Checklist



[DA checklist - Commercial/Industrial mixed use](#)

Roads Acts Approvals

Part 8, Division 2

Part 8, Division 2 applications are required for works that will 'regulate traffic'. Regulating traffic is 'works involving traffic signals, roundabouts and the banning of turns into roads'. It is recommended that you apply for the "Part 8, Division 2" approval under the Roads Act, at the same time as applying for your Development Application. A dual assessment will ensure that all matters impacting on the development design and operation are revealed before works commence.

Section 138

Council is the approval body for Sparke street. An approval is required under section 138 of the Roads Act to:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road,
- (f) otherwise than with the consent of the appropriate roads authority.

Any development application submitted to Council will include a preliminary assessment of the matters listed above and if the development is approved, conditions will be included requiring a separate 138 application to be submitted with design details for the work. . Where the works will involve traffic regulation a separate report to Council will be required and, consequently any application should be submitted in a timely manner, to prevent delays.

Mediation and Public Voice

It is recommended that consultation with adjoining property owners and occupiers and other potential affected properties be undertaken prior to submission of a development application. Major development proposals should be discussed with the affected community in a formal manner before design finalisation and the lodgement of a development application.

This process will ultimately improve communication, increase understanding of the proposal and reduce process delays that can be experienced in the development application process.

The Council's Dispute Resolution Policy provides an opportunity for mediation between applicants and objectors where this is necessary before the determination of development applications.

The Development Process

The following information is provided to advise you of the processes that any development application for the subject proposal would be subject to:

1. Type of Development

- (a) Nominated Integrated Development and Designated development.

2. Concurrences

Concurrences from the following departments will be required:

- (a) The Roads and Traffic Authority (possibly depending on traffic and any road works required).
- (b) Department of Planning and Infrastructure
- (c) The Office of Environment and Heritage.

3. Determining Authority

If a development application was made to Council it would be determined by the JRPP as detailed below. Based on the information submitted to date, it appears most likely that the application would be *state significant development* and determined by the Department of Planning.

(a) The Joint Regional Planning Panel (JRPP)

The Joint Regional Panels make decisions on regionally significant developments, which include:

- extractive industries, waste facilities and marinas that are designated development

You are advised that this system is currently under review by the State Government, it is likely that the criteria nominated in this letter may vary in the future.

Conclusion

The aim of Pre-Development Application meetings is to provide a service to people who wish to obtain the views of Council staff about various aspects of a preliminary proposal, prior to lodging a DA. This has the following benefits by allowing:

- a more informed decision about whether to proceed with lodging a development application; and
- matters and issues to be addressed, especially issues of concern, prior to lodging a DA.

This could save time and money once the revised DA is lodged.

All efforts are made to identify issues of relevance and likely concern with the preliminary proposal. However, the comments and views in this letter are based on the plans and information submitted for preliminary assessment and discussion with the pre-development application. You are advised that:

- the views expressed may vary once detailed plans and information are submitted and assessed in the development application process, or as a result of issues contained in submissions by interested parties;
- amending one aspect of the proposal can result in changes which can create, different set of impacts from the original plans; and
- the comments do not bind Council Officers, the elected Council members, or other bodies beyond Council, in any way whatsoever.

For further enquiries please contact myself on 4974 2768

Yours faithfully



Damian Jaeger
Senior Development Officer

ERM has over 100 offices
across the following
countries worldwide

Australia	Netherlands
Argentina	New Zealand
Belgium	Peru
Brazil	Poland
China	Portugal
France	Puerto Rico
Germany	Singapore
Hong Kong	Spain
Hungary	Sri Lanka
India	Sweden
Indonesia	Taiwan
Ireland	Thailand
Italy	UK
Japan	USA
Korea	Venezuela
Malaysia	Vietnam
Mexico	

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