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Re: Application for Secretary's Environmental Assessment Requirements for the recycling facility at 80 Tourle St, Mayfield

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Dear Sir/Madam,

## 1 Introduction

This letter requests Secretary's Environmental Assessment Requirements (SEARs) for a development application (DA) to increase the volume of material handled at the recycling facility at 80 Tourle St, Mayfield, owned and operated by Benedict Recycling Pty Ltd (Benedict). As described below, the proposed development would be state significant development (SSD) under Division 4.1 of Part 4 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act).

A DA for the recycling facility was lodged in 2015 to Newcastle City Council. A development consent (DA 15-291) was issued for the recycling facility on 8 March 2016. Since the commencement of operations, Benedict has received a range of queries from contractors that need to dispose (and preferably recycle) excavated materials from large civil works (eg road projects), commercial developments (eg excavations for high rise buildings) and smaller developments (eg residential building sites). These volumes are far greater than originally expected.

The recycling facility requires development consent under the SSD provisions within Division 4.1 of Part 4 of the EP&A Act to enable it to handle a greater volume of waste material to meet the unexpected demand.

## 2 Site and surrounds

The site is located at 80 Tourle Street, Mayfield West, Newcastle, and is legally described as Lot 1 in DP 874109 (Figure 1). The site was previously used by Delta EMD for the processing of electrolytic manganese dioxide. The site is flat (approximately 10 m Australian Height Datum (mAHD)) and is largely devoid of vegetation except for trees around the boundary and patches of planted vegetation near old office buildings.

The site is zoned IN1 General Industrial under the Newcastle Local Environmental Plan 2012 (Newcastle LEP). Tourle Street is east of the site, light industrial buildings to the west, the Hunter River to the north and the Ausgrid Mayfield West Sub-station to the south. Further south again, the land rises to about 24 mAHD before dropping to about 20 mAHD along Industrial Drive. The nearest residences are on the far side of Industrial Drive, about 500 m south of the site (Figure 1). Land to the east and north of the site, including the Hunter River, is zoned SP1 Special Activities under the State Environmental Planning Policy (Three Ports) 2013. Land to the west and south of the site is zoned IN1 General Industrial under the Newcastle LEP.



**Site Location**  
 Recycling Facility, Mayfield West  
 Figure 1

The site was decommissioned after the closure of Delta EMD's operations in 2008, leaving:

- a number of buildings, including the EMD Delta Electrolysis Building that is about 150 m long and 30 m wide;
- large open areas covered by concrete and asphalt; and
- a bitumen-lined drain surrounding the site that directs all site drainage to a sedimentation pond with a single discharge point (discharge can be controlled by valves).

The site was remediated and a site audit statement under the NSW *Contaminated Land Management Act 1997* was issued on 10 November 2009. This audit determined that the site is suitable for commercial and industrial use provided that there is compliance with the Site Management Plan appended to the audit during any subsurface disturbance activities.

Benedict has commenced recycling operations at the site as described below.

## 3 Benedict Recycling Facility

### 3.1 Approved operations

The *Mayfield West Recycling Facility Environmental Impact Statement (EIS)* (EMM 2015) describes the approved operations at the recycling facility. The EIS was prepared in accordance with SEARs were issued by the Department of Planning and Environment (DPE) in February 2015 (SEAR 889). Development consent was subsequently granted by the Hunter and Central Coast Joint Regional Planning Panel in March 2016.

The recycling facility has two main components (Figure 2):

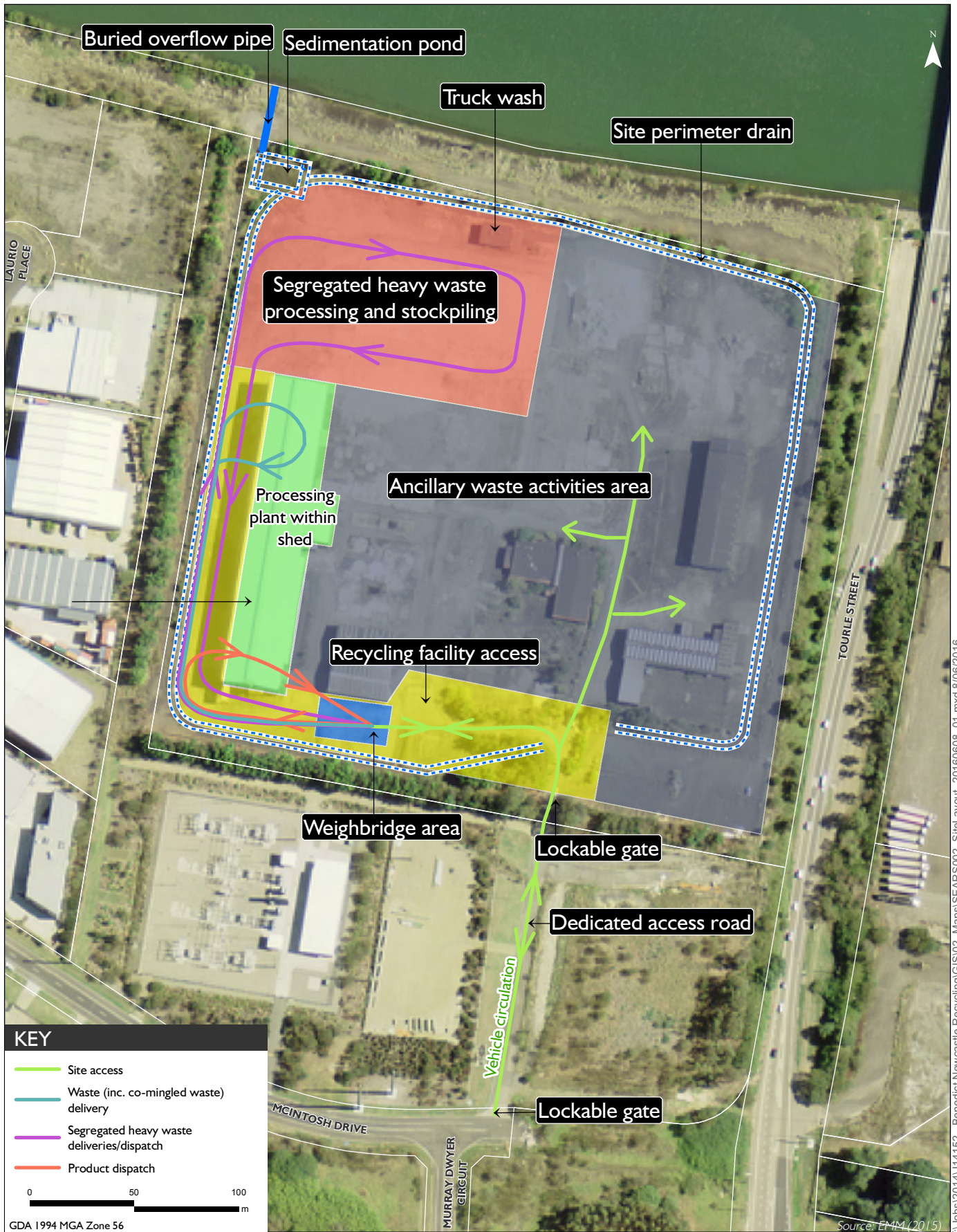
- the main recycling facility on the west of the site, accepting and processing segregated and co-mingled inert waste; and
- ancillary activities on the east of the site that may include temporary storage, including for light and heavy vehicles.

The EIS considered impacts from both components, particularly the combined traffic volumes. The main recycling facility has commenced operations, while the ancillary waste activity area has not yet been developed. Accordingly, the impacts assessed in the EIS are conservative (ie over-estimated) for current operations at the site.

The recycling facility is approved to accept up to 90,000 tonnes per annum (tpa) of 'Pre-classified general solid waste (non-putrescible)' as defined by EPA (2014). This mainly consists of the following wastes:

- co-mingled and segregated building and demolition waste — soils, bricks, concrete, paper/cardboard, cloth, plastics, rubber, plasterboard, ceramics, glass, metal and wood, and the like;
- vegetation and uncontaminated soils;
- tiles, asphalt, suitable slags and concrete batching waste;
- excavated natural materials (ENMs) including virgin natural excavated material (VNEM) such as sand and sandstone which are generated during bulk earthworks and road and infrastructure repair; and
- rail ballast and spoils.

No special, hazardous restricted solid waste (including asbestos) is accepted at the site.



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**Site layout**  
 Recycling Facility, Mayfield West  
 Figure 2

The recycled materials able to be produced include soils, mulches, road-base, metals and dry paper/cardboard. These products meet recycled material specifications while recovering a range of materials that may otherwise be disposed to landfill. All of the materials brought onto the site are taken from the site as products or as rejects for disposal at a licensed landfill. No materials are land-filled or otherwise disposed anywhere within the site.

The hours of operation of the recycling facility are:

- waste delivery and dispatch to and from the premises: Monday to Saturday, 6 am–6 pm and Sunday 7 am–3 pm; and
- waste processing at the premises: Monday to Saturday, 7 am–6 pm.

The recycling facility has approval to accept (but not process) waste 24 hours per day on occasion.

The approved operations are described in detail in the EIS (EMM 2015).

### 3.2 Proposed changes to the recycling facility

Additional demand to recycle the types of excavated materials approved to be received by the recycling facility (eg ENM, VNEM and the like) has been identified.

Benedict proposes to submit a DA proposing to process an additional 225,000 tpa of materials that meet the EPA's definition of 'Pre-classified general solid waste (non-putrescible)' to be received and processed at the recycling facility to meet the identified market demand.

Therefore, development consent will be sought for the operation of the recycling facility generally as described in the EIS (EMM 2015), with an increase in the volume of material handled at the site up to a total of 315,000 tpa.

There would be no change to:

- the classification of waste materials already approved to be received at the recycling facility; and
- site operations, waste processing, layout or boundaries.

The additional material may be able to be processed using the plant and equipment listed in the previous EIS (EMM 2015). However, the requirement for any additional plant and equipment will be considered in the EIS prepared as part of the new application.

## 4 Legislative framework

### 4.1 Environmental Planning and Assessment Act 1979

The EP&A Act and the NSW *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) provide the framework for environmental planning and assessment in NSW. Part 4 of the EP&A Act relates to development assessment, including Division 4.1 which specifically relates to the assessment of development deemed to be significant to the State (or SSD).

Section 89C(2) of the EP&A Act states that a:

... State environmental planning policy may declare any development, or any class or description of development, to be State significant development.

*State Environmental Policy (State and Regional Development) 2011* (the SRD SEPP) defines certain development that is SSD. Clause 8 of the SRD SEPP states:

- (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 recycling facility meets the requirement of Clause 8(1)(b), being development specified in Schedule 1 of the SRD SEPP.

Schedule 1 of the SRD SEPP specifies development which is SSD. Clause 23 of Schedule 1 specifies the following type of development:

Waste and resource management facilities

...

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

The recycling facility is a development for the purposes of resource recovery, and is a recycling facility which is proposed to handle more than 100,000 tpa of waste.

Under Section 89D of the EP&A Act, the Minister for Planning is the consent authority. A DA for SSD must be accompanied by an EIS, prepared in accordance with the EP&A Regulation. Before preparing an EIS, an applicant must request SEARs for the preparation of the EIS.

## 4.2 Other relevant legislation and policies

A summary of legislation (including planning instruments) and policies relevant to the recycling facility is provided in Table 1.

**Table 1 Legislation relevant to the recycling facility**

Legislation/instrument	Comment
POEO Act	Proposed activities at the recycling facility are listed under Schedule 1 of the POEO Act as 'Resource recovery' activities. Accordingly, a variation to the environmental protection licence (EPL) would be required. Under Section 89K of the EP&A Act, an application for an EPL (or modification to an EPL) cannot be refused if it is necessary for carrying out a SSD authorised by development consent.
NSW <i>Water Management Act 2000</i>	Under Section 89J of the EP&A Act, water use approvals, water management works approvals and controlled activity approvals are not required for development that is SSD.
NSW <i>Mine Subsidence Compensation Act 1961</i>	Approval from the Mine Subsidence Board is not required as the site is outside of a designated mine subsidence area.
NSW <i>Contaminated Land Management Act 1997</i>	A site audit statement was issued on 10 November 2009. This determined that the site is suitable for commercial and industrial use provided that there is compliance with the Site Management Plan (AECOM 2009) appended to the audit during any subsurface disturbance activities.
NSW <i>Waste Avoidance and Resource Recovery Act 2001</i>	The NSW <i>Waste Avoidance and Resource Recovery Act 2001</i> aims to encourage efficient use of resources and reduce environmental harm, through the principles of ecologically sustainable development and considering resource management options against the hierarchy of avoid, reuse and dispose.  The recycling facility and proposed increase in the volume of material handled is consistent with these objects through enhanced services for more quantities of resources to be recovered and

**Table 1 Legislation relevant to the recycling facility**

Legislation/instrument	Comment
	recycled, thereby decreasing the need for waste going to landfill.
SEPP (State and Regional Development) 2011	The recycling facility is SSD as it meets the threshold for ‘waste and resource management facilities’ of ‘resource recovery or recycling facilities that handle more than 100,000 tonnes per year of waste.’
SEPP (Infrastructure) 2007	‘Waste or resource management facilities’ may be developed with consent in an IN1 General Industrial zone (see below).
SEPP (Three Ports) 2013	The site is outside of the area to which the SEPP (Three Ports) 2013 applies.
SEPP 33 Hazardous and Offensive Development	SEPP 33 applies to development of potentially hazardous industry. It requires the consent authority to consider whether an industrial development is a potentially hazardous industry or a potentially offensive industry.  The EIS will consider if the recycling facility would be a potentially hazardous industry. However, an assessment for approved operations against <i>Applying SEPP 33</i> in the EIS (EMM 2015) found that the recycling facility is not potentially hazardous. Further, the recycling facility is not expected to pose a significant risk to or have a significant adverse impact on human health, life, property or the biophysical environment. The recycling facility is not considered to be a potentially hazardous or offensive industry.
SEPP 55 Remediation of Land	A site audit statement determined that the site is suitable for commercial and industrial use provided that there is compliance with the Site Management Plan for subsurface disturbance activities.  No significant subsurface disturbance activities are proposed.
SEPP 71 (Coastal Protection)	The site is within the coastal zone as defined by the NSW <i>Coastal Protection Act 1979</i> . There are no notices under Sections 38 or 39 of the Act. The Recycling Facility will not impact any previously un-impacted areas in the coastal zone. The matters in SEPP 71 will be considered in the EIS.
Lower Hunter Regional Strategy 2006–2031	The site is designated as Employment Lands. The proposal is consistent with Strategy objectives.
Newcastle Local Environmental Plan (LEP) 2012	The site is zoned IN1 General Industrial. The recycling facility is permissible with consent.

## 5 Preliminary environmental assessment

As previously stated, development consent was granted for the recycling facility in March 2016. The environmental impacts of the recycling facility were comprehensively assessed in an EIS (EMM 2015).

An increase in the volume of material handled at the recycling facility is sought. No other changes to the recycling facility are anticipated. The increase in volume of material handled triggers the development to meet the definition of SSD. Accordingly, a new DA and EIS are required to be lodged to DPE.

The environmental impacts associated with the handling of an additional 225,000 tpa of excavated material have been considered, and a comparison with the impacts predicted in the EIS for approved operations is presented in Table 2. While an EIS in support of an SSD application will need to address the proposed operations of the recycling facility as whole, consideration of incremental impacts of the additional Table 2 is provided to demonstrate that environmental impacts would be minimal compared to approved operations.

**Table 2 Comparison of impacts assessed in the EIS, and incremental impacts associated with the receipt of additional excavated material**

Aspect	Approved impacts	Incremental impacts – additional excavated material
Air quality	<p>The air quality modelling in the EIS assessed that:</p> <ul style="list-style-type: none"> <li>• operational activities, occur between 6 am and 6 pm;</li> <li>• heavy wastes (eg excavated materials and concrete) will be stockpiled outside in the segregated heavy waste processing and stockpiling area in the north-western portion of the site;</li> <li>• delivery, processing (including crushing) and dispatch rate of material is 90,000 tpa;</li> <li>• areas for wind erosion sources in the external yard were assumed to be 0.3 ha; and</li> <li>• effort is evenly distributed across the year.</li> </ul> <p>The EIS predicted that the highest incremental dust impact at any receptor from the recycling facility (daily PM<sub>10</sub> concentration) was 0.3 µg /m<sup>3</sup>.</p>	<p>The additional waste (largely excavated materials) will be stockpiled in the segregated heavy waste processing and stockpiling area and with the dust controls described in the EIS.</p> <p>As an initial screening tool, even if incremental 24-hour average PM<sub>10</sub> emissions were tripled, the incremental increase would still be less than 1 µg/m<sup>3</sup> at the four receptors with the greatest predicted incremental increase (R5, R6, R7 and R8), and the 24-hour average PM<sub>2.5</sub> concentration would be up to 0.6 µg/m<sup>3</sup> at R4, R5, R6, R7 and R8.</p> <p>A quantitative air quality assessment of the proposed changes to site operations would be undertaken to estimate the dust levels at the receptors assessed in the EIS.</p>
Traffic	<p>The EIS assessed the following daily traffic generated at the site:</p> <ul style="list-style-type: none"> <li>• Recycling activities: 220 light vehicle movements and 94 truck movements (comprising site employees and visitors, waste receipts and recycled product and rejects).</li> <li>• Ancillary operations: 40 light vehicle movements and 120 truck movements daily.</li> <li>• Peak hour generation: approximately 50% of light vehicle movements in the morning and afternoon peak, 10% of heavy vehicles in morning peak and 5% of heavy vehicles in the afternoon peak.</li> </ul>	<p>The additional materials to be received are generally transported by larger trucks such as truck and dogs. Based on an average capacity of 32 tonnes, the receipt of 225,000 tpa of additional material equates to an additional 45 truck movements (22.5 inbound, 22.5 outbound) per day for waste delivery. Conservatively assuming that there is no back loading, there will be a further 45 truck movements per day for product dispatch. This will result in an additional 90 truck movements in total (45 inbound, 45 outbound).</p> <p>The EIS estimated that, in addition to the truck movements for the recycling facility, the ancillary activities at the site would generate 120 truck movements daily, none of which are currently occurring. Therefore, the estimated traffic generation from accepting an additional 225,000 tpa of excavated materials is within the assessed impacts of the site as a whole.</p> <p>Therefore, additional traffic impacts are not expected as a result of accepting additional waste.</p>
Noise	<p>The EIS considered the impacts associated with all plant and equipment operating simultaneously, though it was noted that this was unlikely to occur.</p>	<p>The additional material may be able to be processed using the plant and equipment listed in the previous EIS (EMM 2015). However, the requirement for any additional plant and equipment will be considered in the EIS prepared as part of the new application.</p> <p>As mentioned above, truck numbers would remain consistent with those assessed in the EIS; therefore there would be no additional traffic noise.</p>
Water	<p>The soil and water management strategy presented in the EIS assessed water management across the entire site. The EIS estimated that around 12% of runoff from the site would be used for dust suppression annually, with the remainder discharged from site. The water management system includes site runoff controls to manage sedimentation.</p>	<p>The receipt of additional materials may generate the need for additional water for dust suppression. There is ample capacity to source additional water from site runoff for dust suppression of excavated materials stockpiled on the site.</p> <p>Therefore, the additional excavated material would have no additional water management impacts beyond those assessed and approved.</p>

**Table 2 Comparison of impacts assessed in the EIS, and incremental impacts associated with the receipt of additional excavated material**

<b>Aspect</b>	<b>Approved impacts</b>	<b>Incremental impacts – additional excavated material</b>
Soils and contamination	The EIS assessed impacts associated with contaminated soil present on the site and stated that no significant ground disturbing activities would occur.	Receipt of additional excavated material would not require ground disturbance. Therefore, the additional excavated material would have no additional soil/contamination impacts beyond those assessed and approved.
Groundwater	The EIS concluded that proposal would not intersect or extract groundwater.	Receipt of additional excavated material would not require ground disturbance. Therefore, the additional excavated material would have no additional groundwater impacts.
Ecology	<p>There are trees along the majority of the site boundary. These will not be affected by the proposal. Additional screening trees will be planted on the site boundary as described in the landscape vegetation plan submitted to Newcastle City Council.</p> <p>There are small areas of vegetation on the site that previously formed part of landscaping around Delta EMD offices and car parks. Generally, this vegetation will not be impacted although some trimming may be required as there has been no management of this vegetation since the closure of Delta EMD's operations at the site.</p>	Receipt of additional excavated material would not affect vegetation present at the site.
Heritage	Items of archaeological or Aboriginal cultural heritage significance are not expected to occur in the site given the previous heavy industrial use of the site and accompanying extensive ground disturbance. Further, the proposal does not involve significant ground disturbance.	Receipt of additional excavated material would not require ground disturbance. Therefore, the additional excavated material would have no heritage impacts.
Visual	<p>The location of the site in the local topography (with a small hill to the south between the site and Industrial Drive and with no views from boats &lt;10 m high on the Hunter River), the trees around the perimeter of the site, surrounding buildings and lack of public access to potential viewpoints are expected to prevent any public views of the activities on the site. The appearance of the activities would generally been in keeping with the industrial landscape.</p> <p>Notwithstanding, additional screening will be provided as described in the landscape vegetation plan.</p>	Receipt of additional excavated material would not result in a change to the approved infrastructure or stockpile heights at the site. Therefore, the additional excavated material would have no visual impacts.

Given the potential impacts described in Table 2, it is anticipated that the following environmental aspects would need to be addressed in detail the EIS:

- air quality and greenhouse gases;
- noise; and
- roads and traffic.

Consideration of other environmental matters would also be included, however detailed technical reports would not be prepared.

## 6 Project justification

As described in EMM (2015), the recycling facility and ancillary activities have many benefits from an economic, social and environment perspective, as it:

- diverts recyclable and reusable wastes from lower order uses or landfill, including co-mingled waste for which there are few recycling alternatives in the Lower Hunter region;
- diverts these wastes from landfill will preserve space within local landfills, including the Summerhill Waste Management Centre, for general waste (putrescible) extending the life of these landfills;
- produces ready-to-use recycled materials (eg aggregates) to assist construction firms and government agencies (including councils) to meet their environmental commitments to use recycled materials;
- produces segregated recycled materials (eg ferrous and non-ferrous metals, and plastics) for further processing;
- provides storage for vehicles and bins owned by small- to medium-sized waste contractors away from residential areas and with appropriate environmental controls such as runoff controls and a self-contained truck wash;
- provides a commercial return and will contribute to the economy of NSW; and
- provides employment for up to 12 people within the recycling facility and potentially further employment associated with ancillary waste activities.

The proposal to process additional waste will enhance these benefits.

## 7 Closing

We request provision of SEARs for the increased handling of waste materials at Benedict's recycling facility at 80 Tourle St, Mayfield. The recycling facility requires development consent under the SSD provisions within Division 4.1 of Part 4 of the EP&A Act to enable it to handle the volume of waste material proposed (ie 315,000 tpa).

We request the opportunity to meet with the Department to discuss this request for SEARs. Should you require any further information, please do not hesitate to contact me on 9493 9518 or 0409 702 050 or via email.

Yours sincerely



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