Expansion of Resource Recovery Facility Kembla Grange (SSD-5300)

Secretary's Environmental Assessment Report
Environmental Planning and Assessment Act 1979

February 2016

Cover Photograph: Existing Kembla Grange Resource Recovery Facility

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EXECUTIVE SUMMARY

Bicorp Pty Ltd has lodged a State significant development application that proposes to increase the capacity of its existing resource recovery facility for non-putrescible waste at 50 Wyllie Road, Kembla Grange from 29,999 tonnes per annum (**tpa**) to 230,000 tpa. The proposed development is located within an IN2 Light Industry zone and includes reconfiguration and expansion of the existing site, with the re-use of an existing shed as a waste processing and composting facility.

The expanded facility would accept and process up to 85,000 tpa of soils and excavated material, 69,000 tpa of recyclable building waste such as timber, plastic, steel, paper and building glass, 46,000 tpa of concrete, stone and other masonry waste, and 30,000 tpa of garden organics, of which 6,300 tpa would be composted. No additional waste types are proposed to be accepted and asbestos would be prohibited on the site.

The existing facility operates under a development consent granted by Wollongong City Council in April 2010. It is located near Council's Waste Recovery Park, which does not accept building waste, concrete or excavated material. The proposed development has a capital investment value of around $776,000 and will generate 6 construction jobs and 40 operational jobs, an increase of 32 jobs at the site.

The proposed development is classified as State significant development under Part 4 of the *Environmental Planning and Assessment Act 1979* because it is development for the purposes of a resource recovery or recycling facility that handles more than 100,000 tpa of waste. The proposed development triggers the threshold in Clause 23(3) of Schedule 1 in *State Environmental Planning Policy (State and Regional Development) 2011*. Therefore, the Minister for Planning is the consent authority for the proposed development.

The Department exhibited the Environmental Impact Statement for the proposed development from 9 October 2014 to 7 November 2014. A total of 10 submissions were received comprising six from public authorities, three objections from the general public and petition in support with 70 signatures.

A number of minor concerns were initially raised by the public authorities in relation to traffic, stormwater, noise, riparian zone, bushfire and train crossing impacts. However, all concerns were subsequently resolved by the Applicant with the submission of additional reports during the Department's assessment process.

The key issue raised in the general public submissions related to the impacts of dust emissions from the proposed development settling on neighbouring vehicle storage yards. The neighbouring business operator stated that concrete dust requires specialised cleaning of the temporarily stored vehicles and may also affect their sale value.

Under advice from the Environment Protection Authority, the Department sought additional air quality predictions from the Applicant, which showed impacts to the nearest vehicle storage yard to be below the criteria for residential and other sensitive land uses in the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (Approved Methods).

The Department's assessment found that the incremental increase, particularly of concrete dust, was a relatively small portion of the local air quality conditions and it did not agree with the objectors' claim that the incremental increase in dust emissions would lead to the need for additional or specialised cleaning of the vehicles temporarily stored on these sites.

The Department also noted the predicted impacts were acceptable for residential and environmental land uses under the Approved Methods. In recognition that industrial zones are intended to separate industrial land uses from sensitive land uses, the Department concluded it would be unreasonable to apply air emission criteria in an industrial zone that would be stricter than those for a residential or environmental zone.

Notwithstanding, the Applicant has proposed that the concrete crushers on the site would be equipped with water sprays to be operated when the adjoining sites may be affected by concrete dust. While the predicted concrete dust deposition on the adjoining sites is very low, the water sprays would be an additional option to the Applicant when managing the day to day air emissions mitigation measures for the site.

A number of other issues were also raised in the general public submissions including incompatibility with surround land uses and zone objectives, biodiversity, traffic impacts and potential contamination. These issues have been addressed in the assessment report.

The Department has carefully assessed the Environmental Impact Statement, supplementary reports and public and agency submissions. The Department's assessment concludes that:

- environmental controls for water, leachate, noise, odour and dust are acceptable;
- traffic generated by the proposed development can be accommodated on the nearby road network;
- the proposed development can be carried out within relevant air quality and noise criteria;
- the proposed development is consistent with the industrial zone objectives in the *Wollongong Local Environment Plan 2009*; and
- the proposed development would contribute to the resource recovery goals in the NSW Government's *Waste Avoidance and Resource Recovery Strategy 2014-2021*.

The Department has recommended a number of strict conditions to ensure that residual impacts are appropriately managed. These conditions include:

- limits on hours of operation, annual throughput and stockpile sizes;
- noise limits and the implementation of noise mitigation measures;
- implementation of a water management system and water management plan;
- implementation of air emissions mitigation and an air quality management plan;
- the requirement to conduct an air quality and odour audit once fully operational, which will enable the Department to specify additional air quality or odour mitigation measures, if necessary;
- bushfire protection measures;
- landscaping and riparian zone work; and
- periodic environmental reviews and tri-ennial independent audits of the proposed development.

The proposed development is the subject of a development consent issued by the Council for a building material storage and recycling facility. The Department has also recommended a condition that requires the Applicant to surrender that consent to ensure the whole operation is governed by the Ministerial consent.

Given the above, the Department's assessment concludes that the proposed development would be in the public interest and it recommends approval subject to conditions.

1. BACKGROUND

1.1 Background

Bicorp Pty Ltd (**the Applicant**) proposes to increase throughput at its existing resource recovery facility for non-putrescible waste at 50 Wyllie Road, Kembla Grange (**Figure 1**) from 29,999 tonnes per annum (**tpa**) to 230,000 tpa.

Non-putrescible waste would continue to be accepted at the site from domestic and commercial sources and would include soils, excavated material, concrete, asphalt, bricks, timber, metal, building glass, plastic, and garden organics. The proposed development does not include classes of waste that are not already accepted at the site. Asbestos would be prohibited.

The proposed development includes re-using an existing workshop as an enclosed waste processing facility, which would include an enclosed area to compost up to 6,300 tpa of garden organics. The proposed development also involves the storage of up to 45,000 tonnes of waste on the site at any one time in stockpiles prior to processing.

***Figure 1**: Site location*

The existing facility currently operates under a development consent (DA 2009/1153) issued by Wollongong City Council in April 2010 (as modified). The consent permits:

- a throughput of 29,999 tpa of construction, demolition and other similar waste;
- a maximum stockpile of 2,500 m^3 of garden organic waste;
- maximum delivery of 500 tonnes per day of waste to the site;
- the operation of a concrete crusher, and garden organic waste processing; and
- workshop, weighbridge, office and maintenance buildings.

1.2 Site description

The site is legally described as Lot 10 in Deposited Plan 878167. It is approximately 21.7 hectares (**ha**) in area, and has irregular dimensions with a primary frontage of 734.8 m to Wyllie Road, Kembla Grange. The proposed development uses a smaller portion of the overall site, occupying a footprint of approximately 4.94 ha in area. Access to the site is off Wyllie Road which connects to West Dapto Road, which connects to the Princes Highway.

The site is located in the Wollongong local government area. The land is zoned part Light Industrial IN2 and part Private Recreation RE2 under the *Wollongong Local Environmental Plan 2009* (**LEP**). The proposed development is located exclusively on land zoned Light Industrial IN2.

There is an unnamed creek and riparian zone traversing the eastern portion of the site from north to south.

1.3 Existing operation on the site

The existing facility accepts waste from both domestic and commercial sources. The waste includes soil and excavated material, building material such as timber, plastic, steel, paper and glass, concrete and other masonry waste and garden organics.

The processes that currently occur on the site include separation, sorting and stockpiling of recyclables, crushing of concrete and masonry waste, blending of soils and aggregates, and shredding of garden organics. The recovered resources include blended aggregate and soils, recyclables and re-usables, mulch and firewood. The layout of the existing site is shown in **Figure 2**.

***Figure 2** – Layout of existing development*

1.4 Unauthorised works

During the public exhibition of the development application, the Department received a submission from Wollongong City Council indicating that a number works on the site did not appear to align with the Council's development consent and may be unauthorised. These works included the office, weighbridge, re-use pond and workshop shown in **Figure 2**.

To resolve this matter, the applicant submitted a Section 96 modification application to Wollongong City Council for retrospective approval to regularise those works. This application was approved in May 2015. Therefore, the Department considers that only the use of these works form part of current State significant development application. In addition, on 19 October 2015, the Council issued a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). This related to the unauthorised works comprising a site office and amenities building, weighbridge and three shipping containers with fabric awnings.

1.5 Surrounding land uses

The site is located in an industrial area with access to the Princes Highway, and is approximately nine kilometres south west of the Wollongong city centre. The site is located among other industrial uses. Neighbouring the site to the south and south west are two new-vehicle storage facilities (Patrick Autocare and Kaliwest). To the south east there is a former capped landfill, Ian McLennan Park and Kembla Grange Racecourse. To the west there is a sand and soil supply business, a water treatment facility, and a 24-hour pipe coating operation. Further west there is Council's Waste Recovery Park. About 400 m east of the site there is a Rural Fire Service, church and cemetery, while the nearest residential area, Farmborough Heights, is about 400m to the north east (**Figure 3**).

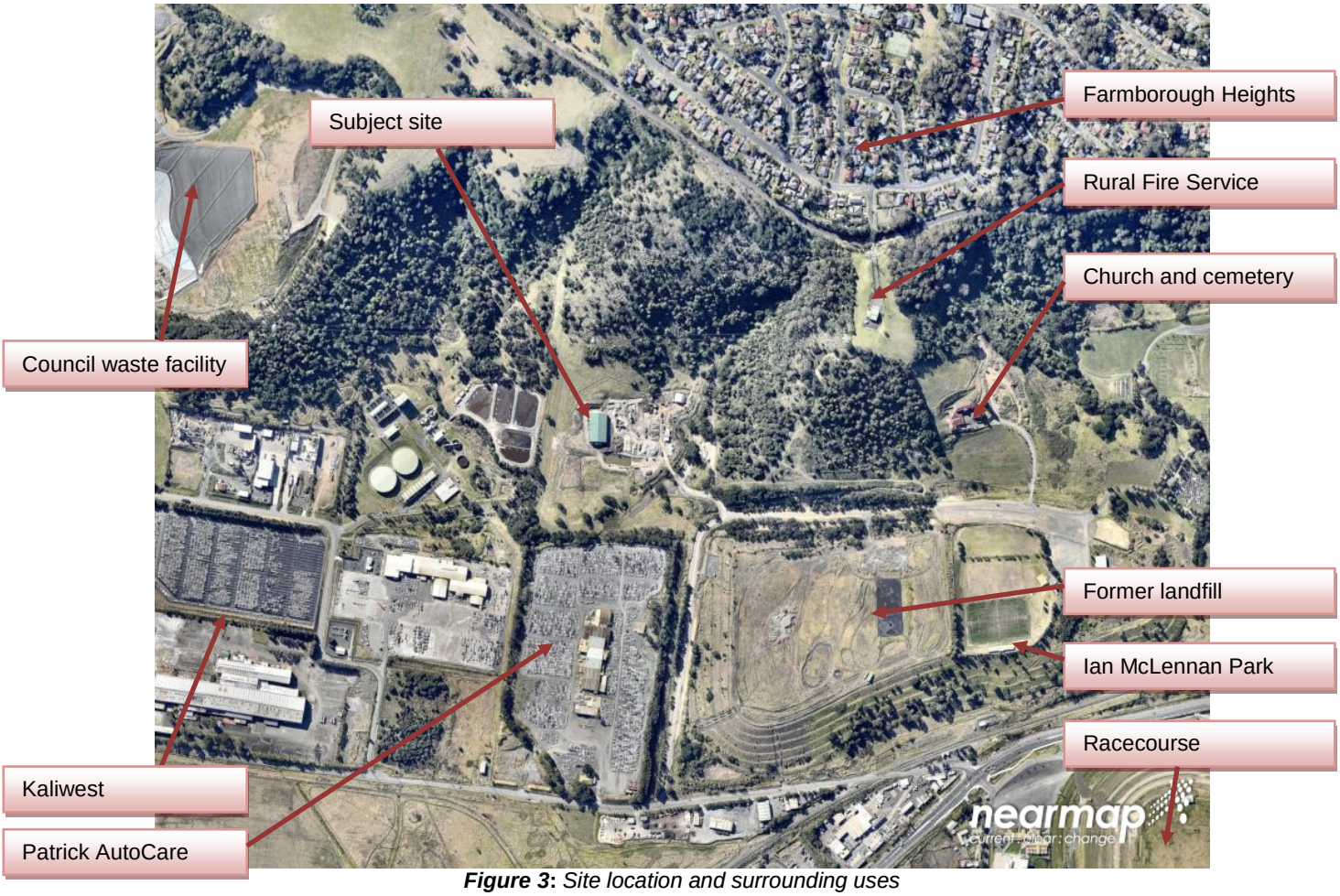

***Figure 3*: Site location and surrounding uses**

2. PROPOSED DEVELOPMENT

2.1 Description of the proposed development

The proposed development involves expanding the existing resource recovery facility to increase waste throughput from 29,999 tpa to 230,000 tpa. Waste would continue to be accepted from both domestic and commercial sources.

The increased throughput would comprise of up to 85,000 tpa of soils and other excavated material, 69,000 tpa of recyclable building waste such as timber, plastic, steel, paper and glass, 46,000 tpa of concrete and masonry, and 30,000 tpa of garden organics. The materials recycled are proposed to be used as aggregate and road base, mulch, compost, building supplies and blended soil mixes.

The proposed development includes extensive earthworks on the site to provide additional area for stockpiles, an additional workshop, an additional weighbridge, car parking and stormwater systems (**Figure 4**). The proposed development also involves re-purposing the existing workshop for waste processing. Part of the shed would be equipped with ventilation to compost of up to 6,300 tpa of garden waste in windrows under negative pressure.

The proposed development has a capital investment value of around $776,000 and would generate 6 construction jobs and 40 operational jobs, which is an increase of 32 operational jobs. The proposed development is described in the Applicant's Environmental Impact Statement (**EIS**) (**Appendix B**), shown in **Figures 4 and 5** and summarised in **Table 1**.

Table 1: *Summary of the proposed development*

Aspect	Description
Proposed development Summary	• increase in operational capacity to 230,000 tpa; and • expansion of the site, including waste storage capacity of 45,000 tonnes.
Waste inputs	• excavated material and soils (85,000 tpa); • metal, timber, plastic, building glass and paper (69,000 tpa); • concrete, asphalt, brick, aggregate and masonry (46,000 tpa); and • garden organics (30,000 tpa).
Processes	• enclosed windrow composting; • mechanical concrete and masonry crushing and screening; • mechanical organics shredding; and • enclosed mechanical separation, screening, and sorting.
Resource outputs	• aggregate, blended soil and glass sand for use in construction projects; • mulch and compost for use in domestic and commercial landscaping; • recyclable metal and plastic to be sent off-site for further processing; and • re-usable building items and material for sale to retail customers.
Buildings and works	• extensive earthworks to provide additional operational area; • stormwater works including rainwater re-use tanks, re-use ponds and detention; • a new workshop, office and an additional weighbridge; and • access widening and car parking for 26 cars.
Processing equipment	• 1 mobile jaw crusher and 1 mobile impact/cone crusher; • 4 excavators with processing attachments; • 1 high speed and 1 low speed timber shredder (inside operation); • 2 front end loaders, 2 bob cats and 1 bulldozer; • various screens and picking stations; and • various skip bin and tipper trucks.
Transport	• 169 cars/utes per day (0.5 tonnes each); • 56 light rigid trucks per day (8 tonnes each); • 36 heavy articulated trucks per day (30 tonnes each); and • 26 car parking spaces for staff and visitors.
Employment and CIV	• 40 full time operational jobs and up to 6 construction jobs over 9 months; and • an estimated capital investment value of $775,676.
Operating hours	• Mondays to Saturdays 6 a.m. to 6 p.m; • Sundays 8 a.m. to 4 p.m; and • no Public Holidays.

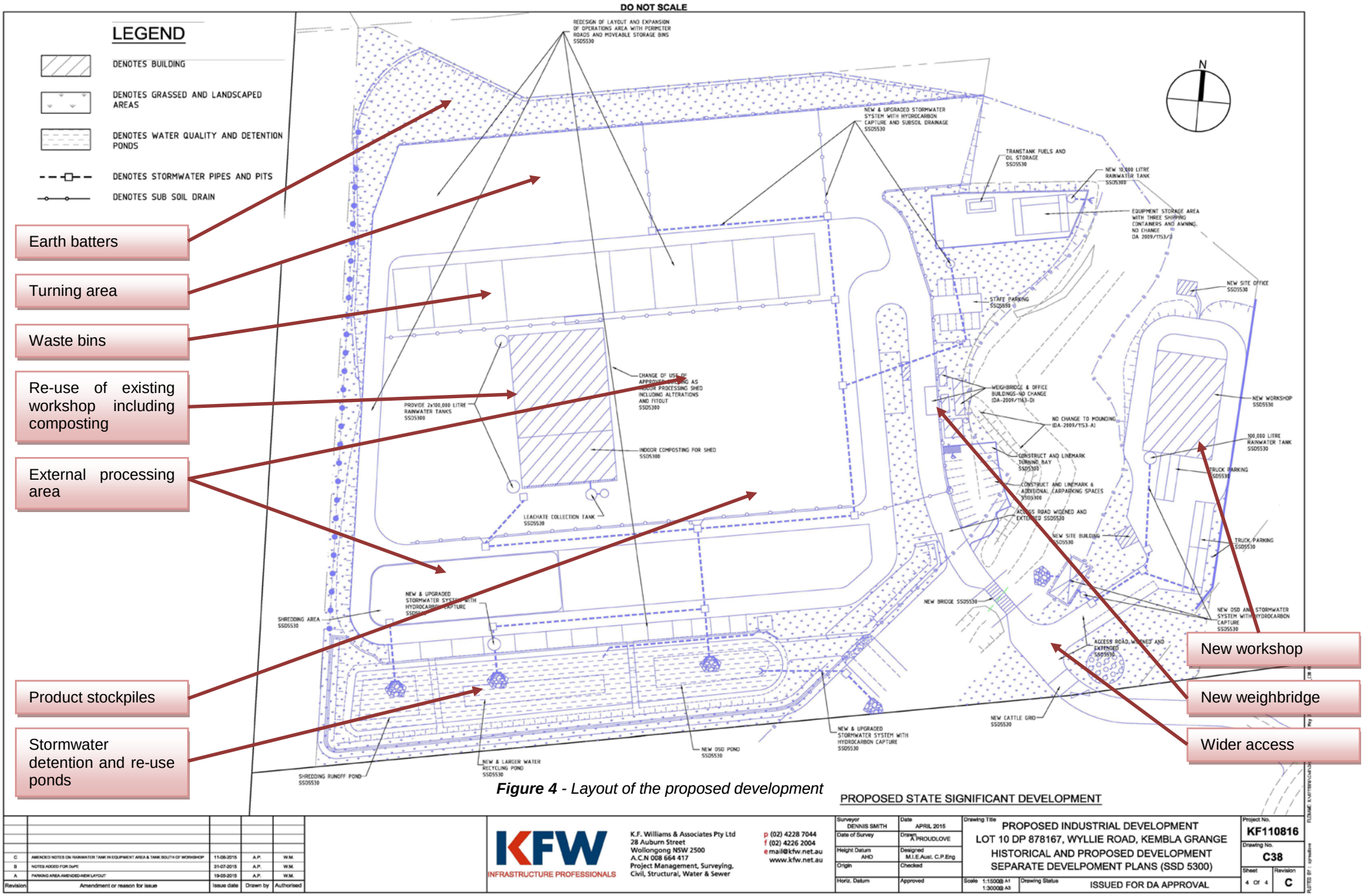

Figure 4 *- Layout of the proposed development*

2.3 Resource recovery processes

The resource recovery processes that would occur on the site are described below according to the waste type. The schematic diagram at **Figure 5** also shows these processes.

Receipt of waste

On average, 871 tonnes per day of waste would be delivered to the site in a range of vehicles including 0.5-tonne domestic trailer/ute loads, 8-tonne light rigid trucks and 30-tonne heavy articulated trucks. Trucks are inspected and weighed on arrival (and departure, with the difference in weight being the waste payload). The trucks are directed to unload in open air storage bins with stockpiles no higher than 5 m for inert materials such as masonry and soil, and 3 m for timber and garden organic material.

Excavated material and soils

Up to 85,000 tpa of excavated material and soils would be processed on site. This material would be mechanically screened and blended for use in gardens or construction. Any contaminated residue would be removed for landfilling at a licenced facility.

Metal, timber, plastic

Up to 69,000 tpa of recyclable metal, timber, building glass and plastic would be processed on the site. The waste would be mechanically shredded and separated into its various components and stockpiled for bulk transport to a separate recycling facility. Any timber originating from the process would be processed with garden organic waste on the site. Building glass would be crushed and stockpiled for sale. In some cases, re-usable items would be set-aside for direct resale to the public, while material not suited to recycling (i.e. treated timber and contaminated material) would be landfilled at a licenced facility.

Concrete, brick and masonry

Up to 46,000 tpa of concrete, brick, stone and other masonry materials would be processed on the site. The material would be crushed with both jaw and impact crushers before being mechanically screened and stockpiled as aggregate, sand and road base for sale.

Garden organic waste and timber

Up to 30,000 tpa of garden organic waste would be processed at the site. About 23,700 tpa of this material would be chopped for fire wood or shredded for mulch. The site would store no more than 1,000 m^3 of unprocessed organic waste, 1,000 m^3 of mulch and 300 tonnes of firewood external to a building at any one time.

Up to 6,300 tpa of suitable garden organic waste would be composted within the enclosed building under negative pressure. Organic material would be composted in 900 tonne batches in windrows 3 m high, 3 m wide and 30 m long. Temperature in the windrows would be initially raised to 55 degrees celsius for three days, and then the material would be turned weekly for 4 to 6 weeks. The composted material would be removed from the building and stored outside for a further 3 to 4 weeks to mature. No more than 500 m^3 of maturing or matured compost would be stored external to a building at any one time.

2.3 Project need and justification

The proposed development would expand the existing site and improve its operational efficiency to allow an increased throughput of non-putrescible waste. The additional capacity triggers the threshold for State significant development in *State Environmental Planning Policy (State and Regional Development) 2011* and it would make a significant contribution to the State's resource recovery performance in the construction and demolition (C&D) and commercial and Industrial (C&I) waste sectors. The facility would also satisfy local demand for waste processing and recycled products as the nearby waste facility operated by Wollongong City Council does not accept some C&D and C&I waste streams.

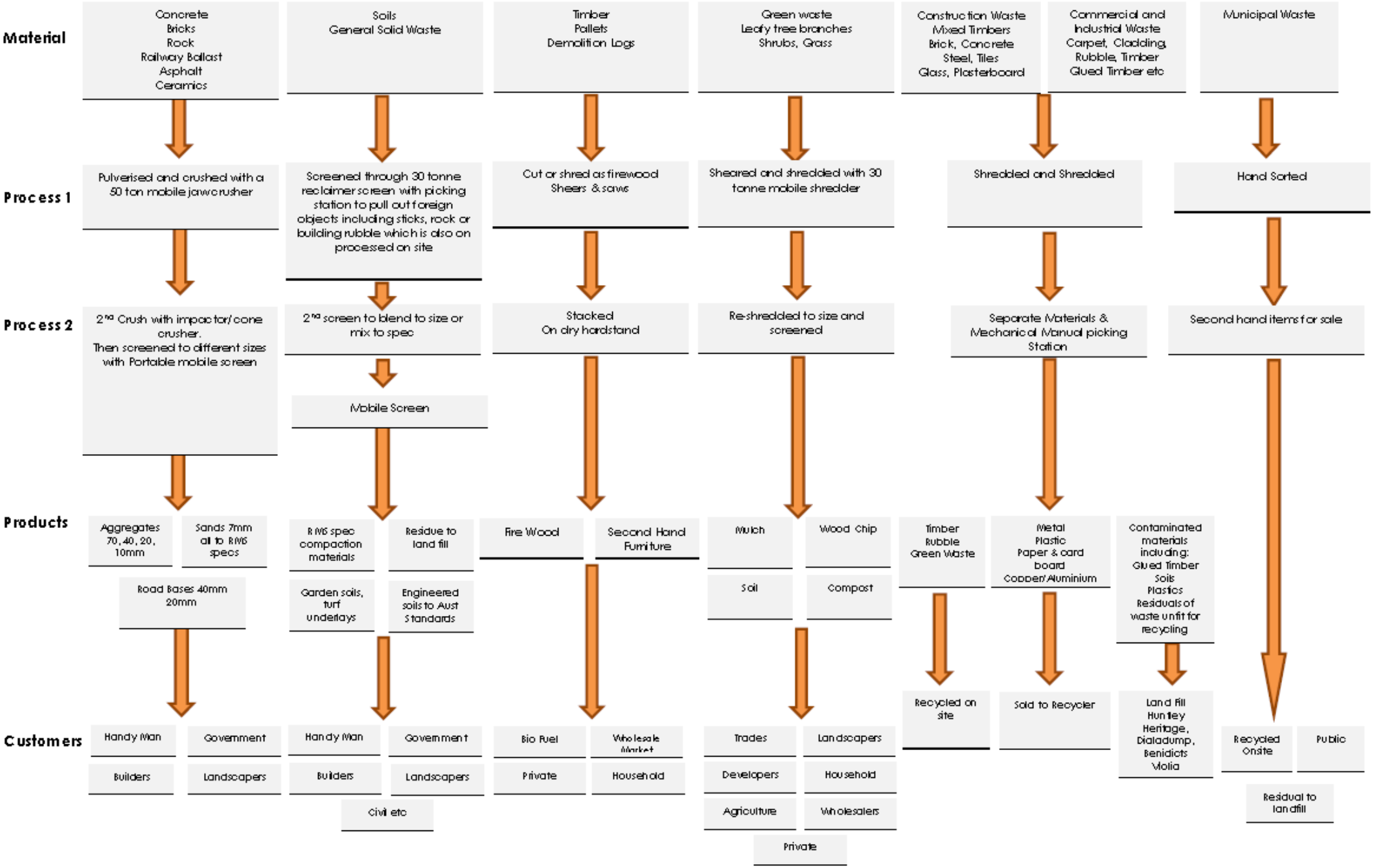

Figure 5 – *Resources Recovery Processes Flowchart*

3. STATUTORY CONTEXT

3.1 State significant development

The proposed development is classified as State significant development (**SSD**) under Part 4 of the EP&A Act because it is development for the purposes of resource recovery or recycling facility that handles more than 100,000 tpa of waste. The proposed development triggers the threshold in Clause 23(3) of Schedule 1 in *State Environmental Planning Policy* (*State and Regional Development*) *2011*. Therefore, the Minister for Planning is the consent authority for the proposed development.

3.2 Consent authority

On 14 September 2011, the Minister for Planning delegated functions to determine SSD applications to the Planning Assessment Commission (**Commission**) where:

- the relevant local Council has made an objection;
- there are more than 25 public submission in the nature of objection; or
- a reportable political donation disclosure has been made.

In this case a reportable political donations disclosure has been made by a representative of the Applicant. Therefore, the application must be determined by the Commission.

3.3 Permissibility

The site is zoned part Light Industrial IN2 and part Private Recreation RE2 under the *Wollongong Local Environmental Plan 2009* (**LEP**). However, the proposed development is to be located wholly within the IN2 zoned portion of the site (**Figure 6**). Development for the purposes of waste or resource management facilities is permissible with consent in the IN2 zone under the LEP.

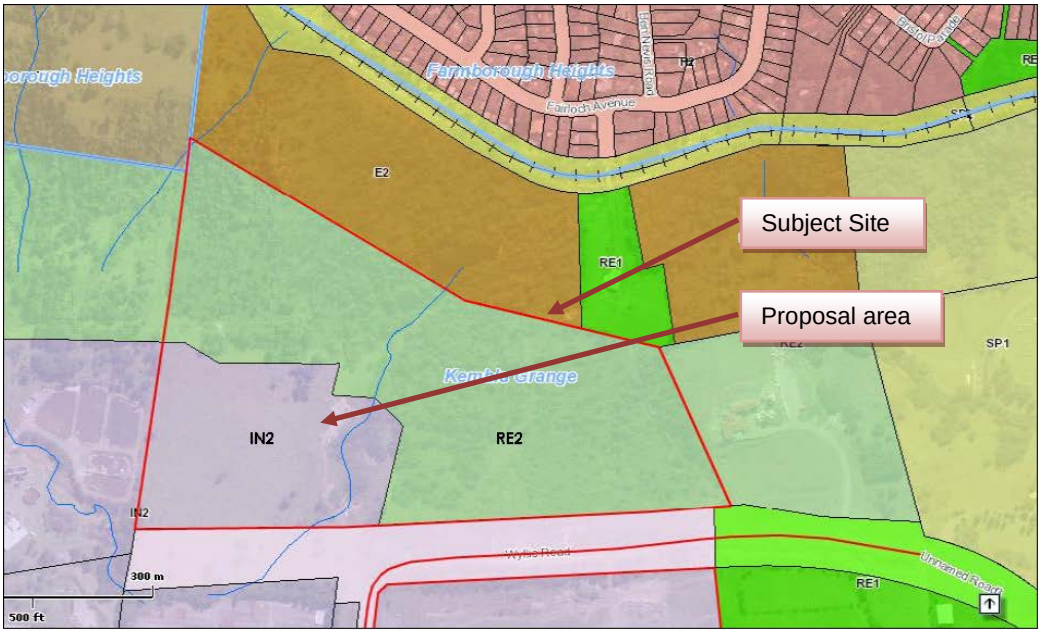

Figure 6 *– Wollongong LEP land use zones*

3.4 Integrated Approvals

Under section 89K of the EP&A Act, approval is required to be obtained from other public authorities and must be granted in a manner that is substantially consistent with any development consent for the proposed development. This includes an Environment Protection Licence (**EPL**) under the *Protection of the Environment Operations Act 1997.*

The Department has consulted the Environment Protection Authority (**EPA**) and considered the relevant issues relating to those approvals in its assessment of the proposed development. The EPA has advised that the proposed development can be granted an EPL.

3.5 Objects of the *Environmental Planning and Assessment Act 1979*

In determining a development application, the consent authority must consider the objects of the EP&A Act. The objects of most relevance to the current development application are in section 5(a)(i),(ii),(vi) and (vii) of the EPA&A Act. They are to encourage:

- *(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- *(ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- *(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats,*
- *(vii) ecologically sustainable development,*

The Department is satisfied that the proposed development encourages the proper management of resources and the orderly and economic development of land. In particular, the proposed development is located on suitably zoned industrial land which permits the proposed development with the consent, and will make use of existing equipment, buildings and facilities. The site is also strategically located with access to the major regional road network (Princes Highway).

The Department recognises the potential impacts of the proposed development on other nearby land uses, particularly in relation to noise, air, traffic and water impacts. The Department has assessed these potential impacts in **Section 5** of this report and concludes that the proposed development may be carried out in a manner that would not result in unacceptable impacts on the environment or other land uses. The Department has recommended a number of consent conditions to minimise residual impacts as far as reasonably practicable.

The Department has considered the encouragement of ecologically sustainable development in its assessment of the proposed development. This assessment integrates all socio-economic and environmental considerations and seeks to avoid potentially serious or irreversible environmental damage based on an appraisal of risk weighted consequences. The Department's assessment has concluded that the proposed development can be carried out in a manner that is consistent with the principles of ecologically sustainable development.

3.6 Strategic overview

NSW 2021 and the Waste Avoidance and Resource Recovery Strategy

Reducing waste and keeping materials circulating within the economy are priorities for the NSW Government as set out in *NSW 2021*. To meet this important challenge, the Government prepares a new state-wide Waste Avoidance and Resource Recovery Strategy every five years.

The Waste Avoidance and Resource Recovery Strategy for 2014-2021 sets a waste recovery target for C&I waste of 70 percent, up from a recovery performance of 52 percent in 2010-11, and for C&D waste of 80 percent, up from recovery performance of 75 percent in 2010-2011. The proposed facility would contribute significantly to the State's recovery performance in both C&I and C&D sectors.

The Department also notes that the nearby Council operated Wollongong Waste Recovery Park does not accept C&D wastes and the proposed development would help to satisfy local demand.

Illawarra-Shoalhaven Regional Plan

The Illawara-Shoalhaven Regional Plan guides strategic planning for the region over the next 20 years. It is focused on, among other things, creating a robust, diversified economy with access to high quality jobs.

The proposed development will generate six construction jobs and the employment of 40 full-time people once operational, an increase of 32 jobs on the existing operation. This will assist in achieving the targets identified in the plan for the creation of 30,000 new jobs by 2031.

3.7 Public Exhibition and Submissions

Under section 89F(1) of the EP&A Act, the Secretary is required to make a development application and any supporting information publicly available for at least 30 days. Therefore, the Department:

- made the application and Environmental Impact Statement publically available between Thursday 9 October 2014 and Friday 7 November 2014:
  - on the Department's website,
  - at the Department's Information Centre, and
  - Wollongong City Council Administration Centre, and Dapto District and Unanderra Branch Libraries.
- notified landowners in the vicinity of the site about the exhibition;
- notified relevant State government authorities and Wollongong City Council; and

advertised the exhibition in the Illawarra Mercury.

3.8 Section 79C of the *Environmental Planning and Assessment Act 1979*

Under section 79C of the EP&A Act, the Minister must take into consideration a number of matters in relation to the proposed development and its impacts. The Department has given due consideration to the matters prescribed by section 79C in **Appendix E** of this report.

3.9 Environmental Planning Instruments

Under section 79C, the Minister must take into consideration any relevant environmental planning instruments including any exhibited draft. The Department has considered the proposed development against the relevant provisions of several relevant instruments including:

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;*
- *State Environmental Planning Policy No. 55 – Remediation of Land; and*
- *Wollongong Local Environmental Plan 2009.*

Appendix F of this report provides detailed consideration of the provisions of all instruments relevant to the proposed development. The Department is satisfied that the proposed development generally complies with the relevant provisions of those instruments.

4. ISSUES RAISED IN SUBMISSIONS

During the exhibition period, the Department received a total of 10 submissions on the proposed development including:

- a submission from Wollongong City Council;
- five submissions from public authorities; and
- four submissions from the general public, including a petition with 70 signatories in support of the proposed development.

Following the Applicant's provision of a response to submissions report and a number of supplementary reports, neither the Council nor the agencies raised any objections to the proposed development.

The general public submissions raised objections relating to air quality, safety, economic impacts on nearby vehicle storage premises, hazards and risk, unlawful development, land use conflicts, uncertain and unacceptable environmental impacts.

All submissions are provided at **Appendix C**. The Department requested the Applicant prepare a Response to Submissions (**RTS**) to address the issues raised, which is included at **Appendix D**. A summary of the issues raised in submissions is provided below.

4.2 Public authority submissions

Wollongong City Council initially advised the Department that the existing site layout and some works were not indicative of the approved development under Council's earlier consent. As mentioned previously, the Applicant obtained a section 96 modification approval from Council for the site layout and works. The SSD application relates only to the use of these particular works.

Council also provided advice about the permissibility of the proposed development, the need for a pump-out septic system on the site and recommended a range of standard consent conditions. The Department has considered Council's conditions in its recommended consent conditions.

The **Environment Protection Authority** (EPA) raised no objection to the proposed development. The EPA noted a number of errors in the Applicant's noise impact assessment report although it also advised that these errors would not materially affect the outcome of the assessment.

The Department also sought guidance from the EPA about how to assess dust impacts on the vehicle storage yard on the adjoining land uses (Patrick AutoCare and Kaliwest). The EPA recommended additional air quality modelling and the Applicant provided appropriate additional information for the Department's assessment. The EPA did not comment on potential air quality impacts to the adjoining land uses as these potential impacts were outside the scope of EPA guidelines.

The EPA recommended a number of consent conditions relating to air quality (including an air quality and odour audit) noise emission and waste input limits, which the Department has considered in its recommended consent conditions.

Roads and Maritime Services (RMS) initially requested additional information about intersection performance, which the Applicant provided in its Response to Submissions. Consequently, RMS raised no issues or objections about the proposed development.

The **Office of Environment and Heritage** (OEH) initially raised concern about contingencies for stormwater management if design rainfall is exceeded. The Department has addressed this matter in **Section 5** of this report (see **Table 4**).

The OEH also advised that the proposed development is unlikely to result in a significant impact on any threatened species, endangered population or endangered ecological community as most works are contained within cleared areas of the site. The OEH recommended that the current management of the riparian corridor be continued and as such, the Department has included appropriate conditions in the recommendation to address this matter.

The **Rural Fire Service** (**RFS**) advised that the site is mostly bushfire prone and initially recommended an APZ incorporating part of the riparian corridor and therefore, removal of vegetation within the corridor. It recommended the site be maintained as an inner protection area with structures constructed to comply with *Australian Standard AS 3959-2009 – Construction of building in bushfire prone areas.*

Following exhibition, the Applicant revised the proposed development by increasing the distance between garden waste stockpiles and buildings in order to reduce the fire hazard on the site and consequently retain vegetation within the riparian corridor (and therefore preserve riparian vegetation). The RFS advised that this approach was satisfactory. The Department has considered the RFS recommendations in its recommended conditions.

Department of Primary Industries – NSW Office of Water (DPI) initially raised concern that clearing in the riparian zone on the site for a bushfire inner protection area should be offset. It also agreed with the approach described above whereby the site layout was changed to allow better on-site fire protection so the riparian vegetation could be maintained. DPI also advised that any groundwater interception or extraction may require a licence. The Department has considered these issues in its recommended conditions.

Sydney Trains initially requested additional information about road intersection performance to determine whether a risk assessment for the nearby at-grade rail crossing was necessary. The Applicant provided the additional information in its response to submissions and Sydney Trains raised no further objection or issue.

4.3 General public submissions

The Department received four general public submissions during the exhibition period. Three submissions objected and one submission was in the form of a petition with 70 signatures supporting the proposed development on the grounds of improved capacity and efficiency on the site.

Two submissions were from the operators of the new vehicle storage yards immediately to the south and south west of the site. The main issue raised by those operators related to the potential impact of dust and odour emissions from the proposed development on stored vehicles on their sites. The Department has addressed this matter in **Section 5** of this report.

Other issues raised in the submissions included:

- air quality, odour and greenhouse gas impacts;
- potential contamination on the site;
- impacts to the road network;
- inadequate assessment of potential hazards and risks;
- permissibility and consistency with zone objectives;
- incompatibility with surrounding land uses;
- unauthorised development on the site;
- inconsistency with the Secretary's environmental assessment requirements; and
- impacts to biodiversity and riparian areas;

The Department has addressed these issues in **Section 5** below and **Appendices F and G**.

5. ASSESSMENT

The Department has considered the following in its assessment of the proposed development:

- the EIS for the proposed development (**Appendix B**);
- submissions from the general public and public authorities (**Appendix C**);
- the Applicant's Response to Submissions report and supplementary reports (**Appendix D**);
- relevant environmental planning instruments, policies and guidelines; and
- relevant provisions of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key issue to be the potential impacts on air quality and odour, particularly the potential impacts on the adjoining vehicle storage yards. These issues are addressed in the following section. All other issues are considered to be minor and are considered in **Table 4** of this report.

5.1 Air quality and odour

The EIS included an Air Quality Assessment report prepared by GHD Pty Ltd to address the requirements of the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (Approved Methods). The assessment modelled the potential impacts from dust and odour emissions from the proposed development on nearby sensitive receivers.

During exhibition of the EIS, the Department received a submission from the operator of Patrick AutoCare Pty Ltd, which immediately adjoins the subject site and from Kaliwest Pty Ltd to the south west of the site. These facilities store new vehicles after they have been offloaded at Port Kembla and before they are dispatched to auto-dealers. The submissions outlined concern about dust and odour affecting the vehicles stored at this facility, and in particular the additional burden that may be incurred from using hydrofluoric acid to remove concrete dust that has settled on the stored vehicles from the proposed development.

Air quality impacts to land uses in industrial zones, such as the Patrick AutoCare and Kaliwest facilities are not usually considered sensitive land uses by the Approved Methods (other than as places where people work) and potential impacts to the stored vehicles were not included in the original Air Quality Assessment. Therefore, under advice from the EPA, the Department requested additional information to assist in its merit assessment of the potential air quality impacts on these sites. This request detailed, in particular:

- a 'level 2' contemporaneous assessment of potential air quality impacts at the closest point (i.e the northern boundary of the Patrick AutoCare site);
- source apportionment to determine the main emissions sources from the proposed development;
- an assessment of emissions from concrete crushing alone; and
- description of the meteorological conditions leading to maximum predicted air emissions to assist identification of additional mitigation measures, if necessary, for plant design and operation.

This information was provided in a supplementary Air Quality Assessment report prepared by GHD Pty Ltd and is the basis of the Department's assessment of air quality impacts for the proposed development.

Construction phase air quality impacts

The construction phase of the proposed development would occur while the existing recycling facility on the site continues to operate. The Air Quality Assessment did not provide a specific assessment of the potential construction impacts. Notwithstanding, the construction phase (including earthworks) is estimated to be nine months in total duration

and there are no particular site characteristics, such as contaminated soils, that require special or non-standard construction emissions mitigation.

Key construction air quality issues include dust emissions from stockpiles and exposed areas, soil erosion, wheel and transport dust. The EPA did not raise any issue with construction air quality impacts and the Department is satisfied they can be adequately controlled with standard mitigation measures include water sprays, truck load covers and suspending excavation during very windy conditions. The Department has included a number of conditions of consent dealing with these matters, including the requirement to implement an approved Construction Environmental Management Plan.

Operational phase air quality impacts

To address the requirements of the Approved Methods, the supplementary Air Quality Assessment report predicted cumulative and incremental operational impacts for total suspended particulates (**TSP**), PM_{10}, dust deposition and odour. The impacts were predicted at the nearest receiver locations to the north, east and south of the site. Predicted impacts for the Patrick AutoCare site (Receiver R6) were specified on the northern boundary, closest to the proposed development in order to ensure a conservative analysis was undertaken.

The preliminary results in the report indicated that the mitigation of air emissions was necessary to ensure that the proposed development did not exceed the relevant criteria in the Approved Methods. **Table 3** and **Figure 7** indicate the performance of the proposed development against the corresponding criteria after the mitigation measures have been deployed.

The assessment found that at all receivers, the maximum predictions would comply with the relevant particulate and odour criteria in the Approved Methods, as shown in **Table 3**. The table also shows that the incremental impact from the proposed development (as shown in brackets) would be generally low.

Table 3 – *Predicted air quality impacts with mitigation*

Type	Criteria	Predictions by receiver~					
		R 1	R 2	R 3	R 4	R 5	R 6^
PM_{10} – 24hour*	50 µg/m^3	48.7 (9.6)	48.2 (5.2)	48.2 (5.6)	48.2 (1.5)	48.7 (8.6)	49.5 (26.4)
PM_{10} – Annual	30 µg/m^3	25 (0.9)	15 (1.6)	24.3 (0.2)	24.2 (0.1)	24.8 (0.7)	26.9 (2.8)
TSP – Annual	90 µg/m^3	50 (1.8)	48.7 (0.5)	48.7 (0.5)	48.4 (0.2)	49.6 (1.4)	54.7 (6.5)
Deposit – Annual	4 g/m^2/month (2 g/m^2/month)	2.25 (0.25)	2.04 (0.04)	2.05 (0.05)	2.01 (0.01)	2.2 (0.2)	3.5 (1.5)
Odour – Residential	2 Odour Units	1.1	0.6	0.7	0.3	-	-
Odour – Industrial	5 Odour Units	-	-	-	-	0.9	2.7

Note: ~ in brackets indicates maximum incremental impact resulting from the proposed development alone.
** The maximum predicted cumulative impact does not include days where the background level already exceeds the 50 µg/m^3 criterion. Note the proposed development does not result in any additional exceedance days.*
^ Receiver R6 is the northern (i.e. most affected) boundary of the Patrick AutoCare site.

Mitigation and management measures

The Applicant's Air Quality Assessment report shows the primary source of air emissions from the proposed development would be wheel dust from haul trucks operating on unsealed surfaces within the site. In order to meet the criteria in the Approved Methods, the Applicant proposes a chemical dust suppressant for the unsealed trafficable surfaces within the site, and regular water spraying during dry and windy conditions.

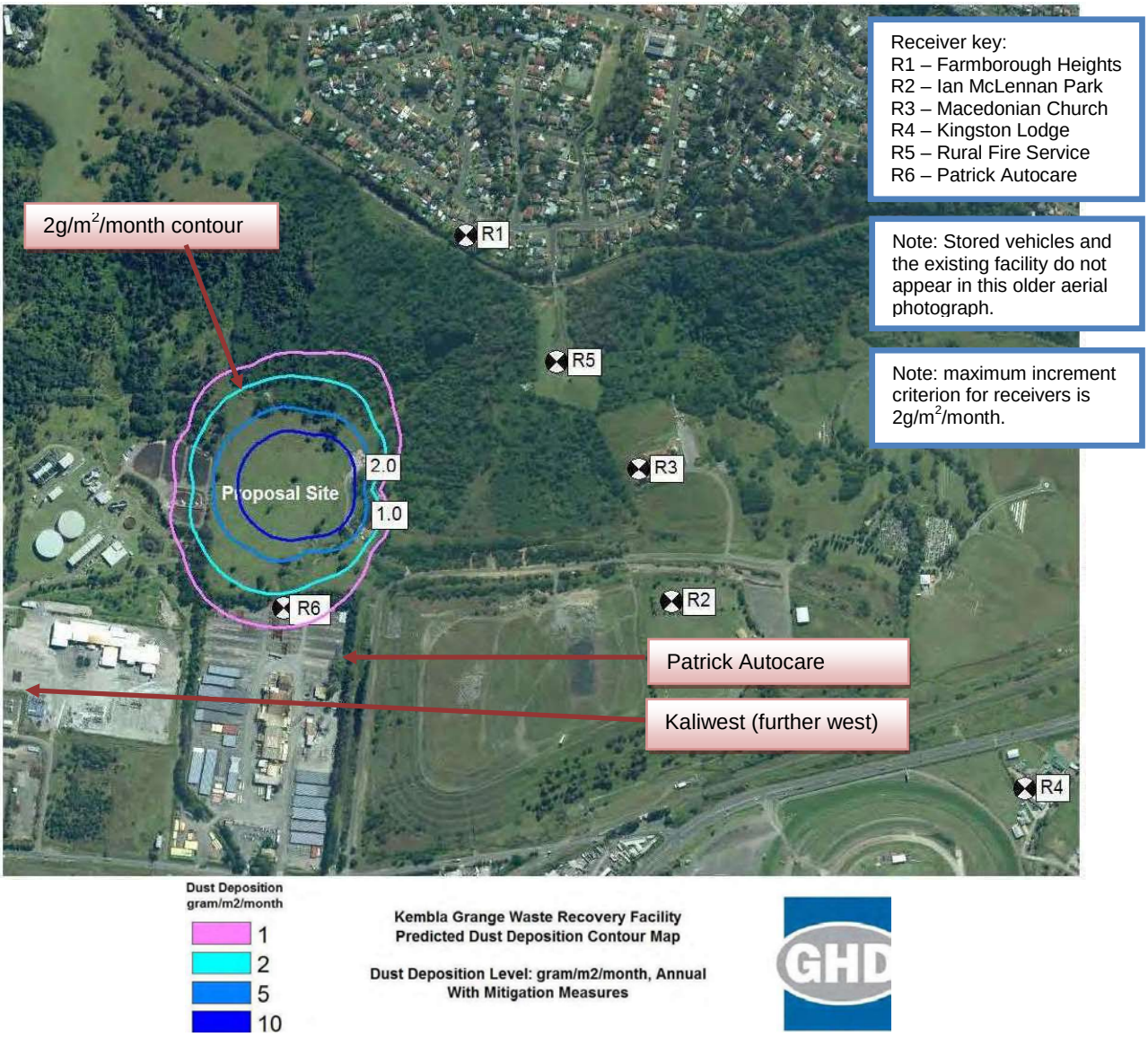

***Figure 7**: Incremental annual dust deposition due to the development g/m^2/month (with mitigation)*

The Applicant also proposes a range of operational mitigation measures in order to minimise air emissions and odour from the proposed development. These include:

- enclosure of the initial composting windrows within an enclosed building maintained at negative air pressure with discharge from a single elevated stack;
- watering material prior to it being loaded for haulage, when necessary, and covering loaded trucks before departing;
- specific on-site routes for haul trucks and a maximum speed limit on site of 25 km/h;
- clean up of spilled material on sealed roads as soon as practicable; and
- minimising the on-site storage times of organic material prior to processing.

The EPA did not raise any issues with the technical aspects of the Applicant's Air Quality Assessment and it has advised the Department that the proposed air and odour mitigation measures are acceptable. However, the EPA also advised that if the proposed systems do not perform as expected there is a risk of adverse odour impacts on sensitive receivers. The EPA recommended that the Department should ensure that future odour controls can be retrofitted to the proposed building ventilation system (i.e. a bio-filter), leachate pond (i.e. aeration) and external organic material stockpiles (i.e. covers).

Consequently, the Department has included conditions that require the Applicant to:

- prepare and implement an Air Quality Management Plan for all proposed mitigation measures and air quality monitoring; and
- carry out an Air Quality and Odour audit within three months of commencing operation under the Ministerial consent.

The audit will examine the proposed development in full operation and review its design and management practices against industry best practice. Where unexpected adverse air quality or odour impacts are identified, the Department will be able to specify that the Applicant carry out additional air and odour mitigation practices or retrofit the additional mitigation equipment described above to the development.

Particular impacts on vehicle storage and additional mitigation

Patrick AutoCare has stated in its submission that dust from concrete crushing would settle on its stored vehicles and require cleaning with hydrofluoric acid, and that the odour in vehicles may affect resale value.

However, the Approved Methods provide limited guidance on air quality impacts between industrial land uses. Air quality criteria have been developed for health and environmental amenity purposes for where people reside, work and enjoy leisure time. The Approved Methods offer no specific air quality criteria in the present case, where the proposed development has potential to impact on the nearby vehicle storage lots. The EPA has advised the Department that its assessment of impacts from the proposed development is limited to environment impacts, and it has not assessed the impact of concrete dust on cars.

The Department notes that Local Environmental Plans create industrial zones in acknowledgment that industrial impacts cannot always be strictly confined to a site and that such uses should be grouped together away from more sensitive land uses. Under the Wollongong LEP, the relevant zone objective applying to the subject site and the Patrick AutoCare site seeks to protect industrial land for industrial uses.

To some extent, all land uses within an industrial zone should exhibit some resilience to industrial land use impacts. Any statement that a land use within an industrial zone is more sensitive and warrants more protection than residential and environmental land must be considered in light of the industrial zone objectives.

Notwithstanding, the issue has been raised by Patrick AutoCare and Kaliwest, and the Department has identified two key matters to consider, which are:

- whether and to what extent there is an impact on the stored vehicles; and
- whether additional reasonable and feasible air emission controls are warranted.

On the first matter, the Applicant provided an assessment of dust emissions from concrete crushing alone. The assessment showed that the predicted deposition of concrete dust at Receiver 6 (i.e. the northern boundary of the Patrick AutoCare site) is 0.034g/m^2/month, which is a fraction of the overall deposition from the proposed development and amounts to less than 1% of the total deposition criterion for residential and environmental land uses in the Approved Methods. Deposition impacts at the Kaliwest site, which is to the south west of the proposed development and slightly more distant than Receiver 6, would be less.

The Department's assessment concludes that the incremental increase, particularly of concrete dust, was a relatively small portion of the local air quality conditions and it did not agree with the objectors' claim that the incremental increase in dust emissions would lead to the need for additional or specialised cleaning of the vehicles temporarily stored on these sites.

Notwithstanding, the Applicant has proposed to install a water spray system on the concrete crushers. The system would complement the range of air emissions mitigation measures already proposed for the site. It could be operated when the Applicant deems it a necessary part of the day to day management of air emissions from the overall facility. As water spray systems are a common feature to concrete crushing sites, the Department considered it both reasonable and feasible for the proposed development.

In addition, the maximum odour impact predicted for the Patrick AutoCare site is 2.7 Odour Units, which may be noticeable from time to time, but is well below the criteria for industrial land uses (i.e. 5 Odour Units); and at such a low level, is unlikely to permeate and displace the smell of adhesives and plastics inside the stored vehicles.

Conclusion on air quality impacts

The Department acknowledges the concerns raised by the operator of the Patrick AutoCare and Kaliwest sites in relation to dust and odour affecting the new vehicles stored at those sites. The Applicant has demonstrated that the potential impacts of the proposed development would be within the air quality health and amenity criteria in the Approved Methods for the local area and in particular for the whole of these vehicle storage sites (as indicated by the maximum predictions on the closest boundary).

The Department notes that industrial land use zones are intended to accommodate industrial land uses in acknowledgement that industrial impacts cannot always be strictly confined to site boundaries and that such uses should be grouped together away from sensitive land uses. Therefore, any land use within an industrial zone should expect some level of industrial impacts from its co-located land uses. Notwithstanding, the Department has closely examined the residual impacts to the vehicle storage sites and determined that they are unlikely to significantly interfere with those businesses, and in any case, will be further mitigated with the installation of a dust suppression system on the concrete crusher for use when deemed appropriate in the day to day management of emissions on the site.

Therefore, the Department's assessment concludes that the air quality impacts of the proposed development are acceptable, subject to conditions which require:

- this installation of mitigation controls such as negative pressure in the composting building, and dust suppression on the concrete crusher;
- operational practices including chemical dust suppression on internal haul roads, and water spraying of exposed areas, stockpiles and loading activities;
- limited stockpile sizes for organic material;
- implementation of an approved Air Quality Management Plan; and
- carrying out an air and odour audit of the proposed development within three months of commencing full operation in order to identify and remedy any unexpected air quality and odour issues.

5.2 Other Matters

The Department's assessment of other issues is provided in **Table 4** below.

Table 4: Assessment of Other Issues

Consideration	Recommendation
Traffic	
• The EIS included a Traffic Impact Statement prepared by KFW and Associates Pty Ltd. • Access to the site is off Wyllie Road, connecting to West Dapto Road and then the Princes Highway. The haul route does not involve residential streets. • Existing traffic (including traffic from the existing facility on the site) for each road is: • Wyllie Road – 500 vehicles per day (**vpd**) (estimated);	Recommended conditions require the Applicant to: • prepare a construction environmental management plan to outline all environmental and construction traffic

Consideration	Recommendation
• West Dapto Road – 4,189 vpd; and • Princes Highway – 14,000 vpd. • Council's strategic planning for the area shows Wyllie Road upgraded to service the West Dapto urban release area by 2036, with an expected traffic load of 24,989 vpd. • The existing and increased daily traffic due to the proposed development is shown in the table below. 80% of the traffic generation would be from the north, while 20% would be from the south. • The increase in average daily traffic associated with the site would be around 35% of the existing traffic on Wyllie Road, 4% on West Dapto Road, and 1% on the Princes Highway. • SIDRA modelling shows the Wyllie Road/West Dapto Road intersection retaining an 'A' level of service rating. • The West Dapto Road/Princes Highway intersection has been recently installed with traffic lights and is unlikely to be adversely affected by the proposed development's traffic. • The haul route traverses a rail crossing on West Dapto Road. Following the Applicant's provision of additional information about intersection performance at nearby intersections, Sydney Trains advised that it had no comments in respect of any impacts from the proposed development. • Construction traffic is expected to be less intensive than operational traffic and unlikely to impact on the road network. • The proposed development included 20 car spaces, whereas Council's Development Control Plan requires 33. In recognition of the largely open air nature of the site, Council recommended that 26 car spaces would be adequate. Therefore, the Department has included an appropriate condition for 26 formal car spaces. • Neither Council nor RMS had any comments estimate or recommend consent conditions about traffic impacts. • The Department's assessment concludes that the traffic impacts of the proposed development would be acceptable and it recommends standard consent conditions relating to construction and operational traffic.	management practices and procedures that would be followed during construction; • prepare an operational environmental management strategy to outline how the environmental performance of the development would be monitored and managed; • to ensure that the development does not result in any vehicles parking or queuing on the public road network; and • to ensure that all vehicles are wholly contained within the site and that all loading and unloading activities occur wholly within the site.

Vehicle type	Existing	Proposed	Increase
Cars/Utes (0.5 tonne)	56	169	+113
Light Trucks (8 tonnes)	20	56	+36
Heavy Trucks (30 tonnes)	12	36	+24
Total	*88*	*261*	*+173*

Surface water, leachate and flooding	

• The EIS included a Water Sensitive Urban Design and Flood Analysis report prepared by KF Williams and Associates Pty Ltd.
• The report assessed the surface water infrastructure for the proposed development and the impacts of flooding in the intermittent drainage line that traverses the eastern portion of the site.
Surface water
• The proposed surface water system comprises:
  • two detention basins (one for each catchment on the site either side of the drainage line), 1,953m^3 and 235m^3 in volume;
  • treatment devices to capture hydrocarbons from the workshop, truck parking and equipment storage areas;
  • three, 100,000 litre stormwater tanks for the re-use of roof water;
  • a storage pond for surface water re-use, 3,248m^3 in volume; and
  • a program of monitoring and maintenance.
• The site requires 40,000 litres per day of re-use water for dust control and office amenities. The on site storage would supply at least 75% of this demand.
Leachate
• The proposed development also includes a number of leachate management measures, including:
  • concrete or asphalt flooring for the green waste shredding area, draining to a collection pond; and
  • enclosed composting with concrete/polyethylene flooring draining to sealed primary and secondary leachate collection tanks, 5,000 litres and 2,500 litres capacity.
• These measures would prevent leachate migrating from the site in surface or
	Recommended conditions require the Applicant to:
	• implement a water management system and water management plan;
	• construct all weather access to the site; and
	• carry out water quality monitoring.

Consideration	Recommendation
ground water flows. *Flooding* • In the 100 year Average Recurrence Interval (ARI) critical 2-hour storm, the combined capacity of the two detention basins reduces peak discharge from the site from 4,474 litres/second to 3,748 litres/second, leaving a contingency in the event of design rainfall being exceeded. • After the earthworks for the proposed development, the site would be unaffected by the 100 year ARI flood as flood waters remain within the channel of the drainage line (including when the access culvert is blocked) as it traverses the site and immediately downstream. • The Probable Maximum Flood (PMF) overtops the banks and inundates parts of the access road and internal road network in the south east of the site, hindering access to or from the site. • Stockpiles and operational areas of the site remain unaffected and provide an appropriate refuge for employees or visitors on the site at the time. Note that as operations can be weather dependant, the site would be likely unoccupied in the lead-up to a PMF. • OEH, EPA and Council have not raised any issues about surface water and leachate management or flooding. Council and the EPA recommended a number of surface water and leachate conditions, which have been considered in the Department's recommended conditions, and the DPI advised only that any groundwater interception or extraction may require a permit. • The Department's assessment concludes that the water management features of the proposed development are acceptable and it recommends consent conditions relating to water management system operation.	
Noise	

• The EIS included a Noise Assessment prepared by GHD Pty Ltd to address the requirements of the *Industrial Noise Policy* (INP), and *Interim Construction Noise Guidelines* (ICNG).
• Nearby sensitive receivers include Farnborough Heights, 400m to the north west (atop the escarpment), a church and cemetery 900m to the east, Kingston Lodge (accommodation) 1,200m to the south east (across the Princes Highway) and Ian McLennan Park 520m to the east.
• As the proposed development is located in an industrial area and sensitive receivers are quite distant, predicted noise impacts are generally well below relevant criteria.
• Predicted construction noise impacts at the closest sensitive receiver (Ian McLennan Park, which is a park) were 40dB(A) and well below the most stringent construction criteria of all sensitive receivers (i.e. the residential criteria of 43dB(A) at Farmborough Heights).
• Predicted operational noise impacts in Farmborough Heights were 35dB(A) and below the criteria of 38dB(A). Operational impacts at the other sensitive receivers were similarly below criteria.
• The haul route does not pass by sensitive receivers on local roads before joining the Princes Highway, Northcliffe Drive and the Princes Motorway. Therefore, the Department does not expect adverse road noise impacts.
• As a result of the Noise Assessment, the proposed development does not include specific noise mitigation infrastructure, although the Applicant proposes a suite of operational noise mitigation measures such as:
  • maintenance of any noise attenuation on machinery;
  • avoiding the use of exhaust brakes;
  • avoiding loading material from a height; and
  • a noise complaint response protocol.
• The EPA advised the Department that the Noise Assessment included errors in relation to background noise measurements and the meteorological conditions used for noise predictions. However, the EPA advised that these errors would not significantly affect the outcome of the assessment and it recommended a suite of noise related conditions.
• The Department's assessment concludes that noise impacts are acceptable and it recommends conditions for noise limits and noise mitigation.
	Recommended conditions require the Applicant to:
	• comply with noise limits and operational hours; and
	• implement noise mitigation measures.

Hazards and risks	
• The Applicant's Preliminary Hazard Analysis identified diesel, petrol, hydrocarbons, bushfire risks, and vehicle collisions/rollover as potential hazards associated with the proposed development. It is concluded that with the	Recommended conditions require the Applicant to: • Ensure chemicals and fuels

Consideration	Recommendation

implementation of the recommended asset treatment measures, the proposed development will produce a low level of risk.
• The Department has reviewed the proposed development and has concluded that:
  • the site is non-potentially hazardous and that conditions of consent relating to hazards are not warranted; and
  • the spillage of hazardous material is unlikely to cause significant issues as diesel, oils and degreasers will be stored in a self bunding tank.
• The Applicant has committed to the preparation and implementation of relevant emergency and hazardous material management, and workplace safety plans.
	are stored in bunded containers.

Surrender of existing consents	
• The proposed development is the subject of a consent issued by the Council for a building material storage and recycling facility as discussed in section 1.1 of this report. • In accordance with clause 97 of the EP&A Regulation, the Department's recommended consent conditions include a requirement to surrender all of those consents so the whole site falls under the Ministerial consent.	Recommended conditions require the Applicant to: • surrender the previous Council consent.
Developer contributions	
• The site is subject to Wollongong City Council's West Dapto Section 94 Development Contributions Plan. Council recommends that the proposed development be levied accordingly. • The Department has included an appropriate condition for payment of contributions in the recommendation.	Recommended conditions require the Applicant to: • pay a contribution of $163,255.35 to Council in accordance with the contributions plan.

6. CONCLUSION

The Department has assessed the merits of the proposed development having regard to the objects of the EP&A Act and the principles of ecologically sustainable development.

The Department notes a number of minor concerns were initially raised by the agencies in relation to the documentation of traffic, stormwater, noise, riparian zone, bushfire and train crossing impacts. However, all concerns were subsequently resolved by the Applicant with the submission of additional reports during the Department's assessment process.

The Department acknowledges the concerns raised by the operators of the nearby vehicle yards in relation to the impact of dust deposition on temporarily stored vehicles. The Department gave careful attention to this issue and it concludes that the incremental impacts would be minor and unlikely to significantly affect those operations. The Department also noted that such impacts can be expected within an industrial land use zone.

The proposed development is the subject of a consent issued by the Council for a building material storage and recycling facility. The Department's recommended consent conditions include a requirement to surrender all of those consents so the whole site falls under the Ministerial consent.
The Department notes that the proposed development would increase the capacity and efficiency of the existing operation and is consistent with the industrial zone objectives in the *Wollongong Local Environmental Plan* 2009. The proposed development would also assist in achieving the NSW Government objectives for employment growth in the *Illawarra-Shoalhaven Regional Plan* and the objectives for resource recovery in the *NSW Waste Avoidance and Resource Recovery Strategy 2014-2021.*

Overall, the Department's assessment concluded that the proposed development:

- would comfortably comply with relevant criteria for noise and air quality impacts;
- could be accommodated without any significant deterioration in the performance of local roads and intersections;

- has an acceptable range of environmental controls for noise, air quality, water, flooding and vegetation management.

Given the above, the Department's assessment concludes that the proposed development would be in the public interest and recommends approval subject to conditions.

7. RECOMMENDATION

It is recommended that the Planning Assessment Commission:

- **consider** the findings and recommendations of this report;
- **approve** the development application under section 89E of the EP&A Act; and
- **sign** the attached development consent (refer **Appendix A**).

David Mooney
Team Leader
Industry Assessments

C. Ritchie 2/2/16.

Chris Ritchie
Director
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Sargeant 3/2/16

Anthea Sargeant
Executive Director
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Planning Services

APPENDIX A RECOMMENDED DEVELOPMENT CONSENT

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5300

APPENDIX B ENVIRONMENTAL IMPACT STATEMENT

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5300

APPENDIX C SUBMISSIONS

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5300

APPENDIX D RESPONSE TO SUBMISSIONS

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5300

APPENDIX E CONSIDERATION UNDER SECTION 79C

Section 79C of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

(a) the provisions of: (i) any environmental planning instrument, and (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and (v) any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*) that apply to the land to which the development application relates,	The Department has considered Environmental Planning Instruments relevant to the proposed development at Appendix F. DCPs do not apply to State Significant Development under clause 11 of the SRD SEPP. However, the Department has consulted with Wollongong City Council and given due consideration to its issues in its assessment in Section 5 of this report and Appendix F. The Applicant has not entered into any planning agreement under section 93F. The Department has undertaken its assessment of the proposed development in accordance with all relevant matters as prescribed by the Regulation, the findings of which are contained within this report. The site is not located within the coastal zone.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in Section 5 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.
(c) the suitability of the site for the development,	Sections 3 and 5 and Appendix F of this report provide details of the suitability of the site for the proposed development. The portion of the site the subject of the proposed development is zoned for industrial purposes and, therefore, the proposed development is permissible with development consent.
(d) any submissions made in accordance	All matters raised in these submissions have been

with this Act or the regulations,	summarised in Section 4 of this report, and given due consideration as part of the assessment of the proposed development in Section 5 of this report.
(e) the public interest.	The recommended conditions of consent impose a range of controls, which the Department considers will mitigate any potential environmental impacts of the proposed development. The socio-economic benefits generated from the proposed development include the employment of up to 6 construction staff and the on-going employment of up to 40 full time employees at any one time within five years of commencement, an increase of 32 employees on the existing operation. Therefore, the Department considers that the proposed development is in the public interest.

APPENDIX F CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011

The proposed development is classified as State Significant Development (SSD) under Part 4.1 of the EP&A Act as it involves development for the purposes of a resource recovery or recycling facility that handles more than 100,000 tonnes per year of waste. Thus, it satisfies the criteria at clause 23(3) of Schedule 1 to *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Consequently, the Minister for Planning is the consent authority.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP 33 aims to identify proposed developments with the potential for significant off-site impacts, in terms of risk and/or offence (odour, noise). A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, it would have a significant risk and/or offence impact on off-site receptors.

The facility will not be licensed to handle dangerous or hazardous goods. The Applicant's Preliminary Hazard Analysis (PHA) indicated that some fuel and hydrocarbons will be stored on the site.

The Applicant clarified that the quantities of petrol (Dangerous Goods Class 3) would comprise a storage tank of approximately 15,000 L and 3 x 44 gallon drums (equivalent to approximately 600 L of storage), with a distance of approximately 200 m from the storage tank to the site boundary. Based on this information, the Department undertook a risk screening and concluded that the proposed development is not potentially hazardous.

Other risk factors identified in the PHA, namely, diesel, petrol, hydrocarbons, bushfire, and vehicle collisions/rollover pose a negligible risk to surrounding land uses. Consequently, the Department has concluded that the proposed development is not potentially hazardous.

The PHA's qualitative assessment found that potential incidences would be generally limited to the site and would not exceed the injury criteria listed in *HIPAP 4: Risk Criteria for Land Use Safety Planning*. The Applicant proposes appropriate hazard treatment measures, where required, to produce a low risk in accordance with the *HIPAP* criteria. In addition, the Applicant would be required to prepare an emergency plan in accordance with WorkCover NSW due to the quantity of goods stored on-site.

The proposed development is therefore not considered to be 'hazardous' or 'offensive' industry as defined by SEPP 33, and the requirements of the SEPP have been satisfactorily addressed.

The Department has reviewed the proposed development and the EIS and concludes that the facility would not pose an unacceptable off-site risk. As the proposed development does not trigger the SEPP 33 guidelines, the Department recommended that no consent conditions for hazards are required.

The Department's assessment of hazards and risk is contained in Section 5.5 of this report.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure

development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposed development constitutes traffic generating development under Schedule 3 of the ISEPP and was referred to the RMS and Sydney Trains for comment. Both authorities confirmed they have no objection to the proposed development.

The development is considered to be consistent with the aims and objectives of the ISEPP, and the requirements of clause 104 of the SEPP, as demonstrated by the responses received from RMS and Sydney Trains and the Department's assessment of the proposed development at Section 5 of this report.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 7(1) of the SEPP requires the Minister to consider whether the land is contaminated, and if it is contaminated, be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed development. And, if the land requires remediation to be made suitable for the proposed development, be satisfied that it will be remediated before it is used for the proposed development.

The Minister is not required to consider a preliminary investigation of the site carried out in accordance with the contaminated land planning guidelines pursuant to clause 7(2) of the SEPP. This is because the DA does not involve a change of use of the land which is currently being used for a material storage and recycling facility.

Notwithstanding, the Applicant's Groundwater Assessment (the assessment) considered the potential for contamination to migrate from the site as a result of groundwater concentration levels and flow directions. The assessment concluded that the potential for significant contamination of soil and groundwater from current and previous activities on the site is low. It further concluded that surface water run-off from the site will generally be deposited in the stormwater drainage pits, and potentially the nearby creek traversing the site.

Thus, the potential for migration of contamination by surface run-off is moderate. However, given the site geology is mostly heavy clay, any infiltration of contaminants is expected to be low, as is the potential for significant impact of site soils (if contaminated) on the water bodies collecting surface water run-off from the region. The assessment concluded that the site is considered suitable for the proposed development subject to the preparation of a soil and water management plan, engineering of the development working platform to minimise infiltration, and quarterly testing of groundwater.

The Department has concluded that the spillage of hazardous material is unlikely to cause any significant issue. Diesel, oils and degreasers will be stored in a bunded transtank with any spillage of those materials contained in the bund.

The Department's assessment of hazards and risks associated with proposed development is contained at Section 5.5 of this report.

Wollongong Local Environmental Plan 2009

The site is zoned part General Industrial IN2 and part Private Recreation RE2 under *Wollongong Local Environmental Plan 2009.*

The proposed development is located wholly within the General Industrial IN2 zoned part of the site. Thus, it is permissible with consent and satisfactorily meets the IN2 zone objectives.