



Mr Todd Vains  
Enirgi Power Storage Recycling Facility Pty Ltd  
Suite 3, Level 2, 24 Albert Road  
South Melbourne VIC 3205

Dear Mr Vains

**State Significant Development - Environmental Assessment Requirements  
Used Lead Acid Battery Resource Recovery Facility, Bomen (SSD 6619)**

Please find attached amended Secretary's Environmental Assessment Requirements (SEARs) for the proposed Used Lead Acid Battery Resource Recovery Facility at 509 Byrnes Road, Bomen in the Wagga Wagga local government area (LGA).

The SEARs have been amended to update the Technical and Policy Guidelines in Attachment 1 and provide additional requirements in relation to the following key issues:

- Suitability of the Site; and
- Traffic and Transport.

The Department has not carried out additional consultation with the government agencies or Council and the comments and requirements previously provided in Attachment 2 remain valid. Please note that the Secretary may alter the SEARs at any time.

You must consult further with the Secretary if you do not lodge a development application and Environmental Impact Statement (EIS) for the development by 31 May 2019.

The Department notes that the site currently operates under a separate consent. The Department prefers operations like the Used Lead Acid Battery Resource Recovery Facility at Bomen to operate under a single, modern planning approval. Consequently, the Department encourages you to develop the project with this preference in mind, and to consider surrendering all the existing planning approvals for the facility if the project is approved.

I wish to emphasise the importance of effective and genuine community consultation and the need for the proposal to proactively respond to the community's concerns. Accordingly, you must undertake a comprehensive, detailed and genuine community consultation and engagement process during the preparation of the EIS. This process must ensure that the community is informed of the development and engaged with issues of concern to them. Sufficient information must be provided to the community to enable a good understanding of the development and any potential impacts.

Your development may require separate approval under the provisions of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). If an EPBC Act approval is required, please advise the Department accordingly, as the Commonwealth assessment process may be integrated into the NSW assessment process, and supplementary SEARs may need to be issued.

Please contact the Department at least two weeks before you intend lodge the EIS and any associated documentation for the development. This will enable the Department to determine the:

- applicable fee (under Division 1AA, Part 15 of the *Environmental Planning and Assessment Regulation 2000*); and
- consultation and public exhibition arrangements, including copies and format requirements of the EIS.

If you have any enquiries, please contact Ms Kate Masters on the details above.

Yours sincerely



Chris Ritchie

**Director**

**Industry Assessments**

as delegate of the Secretary

11/7/17.

# Secretary's Environmental Assessment Requirements

## Section 78A(8A) of the *Environmental Planning and Assessment Act 1979*

### State Significant Development

<b>Application Number</b>	SSD 6619
<b>Development</b>	Expansion of the existing Resource Recovery Facility at Bomen including: <ul style="list-style-type: none"> <li>• an increase in the processing capacity of used lead batteries to 120,000 tonnes per year annum (tpa) to recover lead, polypropylene, and sodium sulphate; and</li> <li>• expansion of the existing building and associated structures.</li> </ul>
<b>Location</b>	509 Byrnes Road, Bomen, NSW (Lot 21 DP850711) in the Wagga Wagga local government area.
<b>Applicant</b>	Enirgi Power Storage Recycling Facility Pty Ltd
<b>Date of Issue</b>	July 2017
<b>General Requirements</b>	<p>The Environmental Impact Statement (EIS) for the development must meet the form and content requirements in clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>In addition, the EIS must include a:</p> <ul style="list-style-type: none"> <li>• detailed description of the development, including: <ul style="list-style-type: none"> <li>– existing operations carried out on the site and how the site operates lawfully under the <i>Environmental Planning and Assessment Act 1979</i> (EP&amp;A Act) including any reliance on existing use rights and/or planning approvals and how these will be consolidated;</li> <li>– need and justification for the proposed development;</li> <li>– likely staging of the development - including demolition, construction, and operational stage/s;</li> <li>– likely interactions between the development and existing, approved and proposed operations in the vicinity of the site;</li> <li>– plans of any proposed building works; and</li> <li>– contributions required to offset the proposal.</li> </ul> </li> <li>• demonstrate that the site is suitable for the proposed use in accordance with <i>State Environmental Planning Policy No 55 – Remediation of Land</i>;</li> <li>• consideration of all relevant environmental planning instruments, including identification and justification of any inconsistencies with these instruments;</li> <li>• consideration of issues discussed in <b>Attachment 2</b> (public authority responses to key issues);</li> <li>• risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment;</li> <li>• detailed assessment of the key issues specified below, and any other significant issues identified in this risk assessment, which includes: <ul style="list-style-type: none"> <li>– a description of the existing environment, <u>using sufficient baseline data</u>;</li> <li>– an assessment of the potential impacts of all stages of the development, including any cumulative impacts, taking into consideration relevant guidelines, policies, plans and statutes;</li> <li>– a description of the measures that would be implemented to avoid, minimise and if necessary, offset the potential impacts of the development, including proposals for adaptive management and/or contingency plans to manage any significant risks to the environment; and</li> </ul> </li> <li>• a consolidated summary of all the proposed environmental management and monitoring measures, highlighting commitments included in the EIS.</li> </ul>

	<p>The EIS must also be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> <li>• a detailed calculation of the capital investment value (as defined in clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>) of the proposal, including details of all assumptions and components from which the CIV calculation is derived; and</li> <li>• a close estimate of the jobs that will be created by the development during the construction and operational phases of the development; and</li> <li>• certification that the information provided is accurate at the date of preparation.</li> </ul>
<b>Key issues</b>	<p>The EIS must address the following specific matters:</p> <ul style="list-style-type: none"> <li>• <b>Human Health</b> – an assessment of the potential impacts to employees at the facility and any off-site impacts including: <ul style="list-style-type: none"> <li>– details of measures to manage the exposure of employees to lead including the use of appropriate personal protective equipment and engineering controls at the facility to reduce exposure;</li> <li>– details of health monitoring of employees and awareness and education measures; and</li> <li>– details of a Work Health and Safety System consistent with the requirements of the <i>Work Health and Safety Regulation 2011</i>.</li> </ul> </li> <li>• <b>Air and Odour</b> – including: <ul style="list-style-type: none"> <li>– a quantitative assessment of the potential air quality, dust and odour impacts of the development in accordance with relevant Environment Protection Authority guidelines. The assessment must consider impacts from construction, operation and transport, and include: <ul style="list-style-type: none"> <li>- detail the air emission inputs and outputs;</li> <li>- identify all pollutants of concern;</li> <li>- include dispersion modelling, including adequate justification and validation (where appropriate) of all model inputs and outputs;</li> <li>- a cumulative assessment of all existing and proposed emission sources; and</li> </ul> </li> <li>– details of proposed mitigation, management and monitoring measures.</li> </ul> </li> <li>• <b>Noise and Vibration</b> – including: <ul style="list-style-type: none"> <li>– an assessment of all construction, operational and transport noise and vibration impacts, including impacts on nearby sensitive receivers, in accordance with the relevant Environment Protection Authority guidelines;</li> <li>– cumulative impacts of other developments both on the site and in the locality; and</li> <li>– details of the proposed noise mitigation, management and monitoring measures.</li> </ul> </li> <li>• <b>Contamination</b> – including: <ul style="list-style-type: none"> <li>– an assessment of any potential site contamination and details of all potential contamination sources;</li> <li>– identification of any contaminated soil likely to be impacted by the development;</li> <li>– proposed measures to be implemented if soil contamination is encountered; and</li> <li>– how site contamination will be remediated and managed for the proposed development.</li> </ul> </li> <li>• <b>Suitability of the Site</b> – including: <ul style="list-style-type: none"> <li>– details of all development consents and approved plans for the existing facility, including for all structures, plant and equipment;</li> <li>– results of an independent audit of the operation of the existing facility against the conditions of all development consents and all Environmental Protection Licences in force in respect of the existing facility to ascertain the baseline for the site; and</li> <li>– a detailed justification that the site can accommodate the proposed</li> </ul> </li> </ul>

increase in processing capacity, having regard to the scope of the operations of the existing facility and its environmental impacts and relevant mitigation measures.

- **Waste** – including:
  - a description of the waste streams that would be accepted at the site including the maximum daily, weekly and annual throughputs and the maximum size and heights for stockpiles;
  - details of the source of the waste streams to justify the need for the proposed processing capacity;
  - a description of waste processing operations, including a description of the technology to be installed, resource outputs, and the quality control measures that would be implemented;
  - details of how waste would be stored and handled on site, transported to and from the site and details of how the receipt of non-conforming waste would be dealt with;
  - the measures that would be implemented to ensure that the development is consistent with the aims, objectives and guidance in the NSW Waste Avoidance and Resource Recovery Strategy 2014-2021; and
  - details of the potential impacts associated with treating, storing, using and disposing of any waste and waste products.
- **Soil and Water** – including:
  - an assessment of potential impacts to soil and water resources, topography, hydrology, drainage lines, watercourses and riparian lands on or nearby to the site;
  - details of stormwater/wastewater/leachate management systems including the capacity and integrity of onsite detention systems, and measures to treat, reuse or dispose of water;
  - a detailed site water balance, including identification of water requirements for the life of the project, measures that would be implemented to ensure an adequate and secure water supply is available for the proposal and a detailed description of the measures to minimise the water use at the site;
  - a description of erosion and sediment controls;
  - a flood assessment utilising the latest hydraulic model from Wagga Wagga Council to determine base case scenario and the potential impacts for the full range of flooding up to the probable maximum flood;
  - characterisation of the nature and extent of any groundwater contamination on the site; and
  - details of proposed mitigation, management and monitoring measures.
- **Traffic and Transport** – including:
  - details of all traffic types and volumes likely to be generated during construction and operation, including a description of haul routes. The assessment should include waste being delivered by road and rail;
  - an assessment of the predicted impacts of this traffic on road safety and the capacity of the road network, including consideration of cumulative traffic impacts at key intersections using SIDRA or similar traffic model;
  - detailed plans of the proposed layout of the internal road network and parking on site in accordance with the relevant Australian Standards;
  - plans of any proposed road upgrades, infrastructure works or new roads required for the development;
  - plans demonstrating how all delivery vehicles likely to be generated during construction and operation and awaiting loading, unloading or servicing can be accommodated on the site to avoid queuing in the street network; and
  - turning path diagrams depicting vehicles entering, exiting and manoeuvring throughout the site.

	<ul style="list-style-type: none"> <li>• <b>Heritage</b> – including: <ul style="list-style-type: none"> <li>– an Aboriginal cultural heritage assessment (including cultural and archaeological significance), which must demonstrate effective consultation with relevant Aboriginal community groups; and</li> <li>– a non-Aboriginal cultural heritage assessment, (including both cultural and archaeological significance) which must outline any proposed management and mitigation measures.</li> </ul> </li> <li>• <b>Hazards and Risks</b> – including: <ul style="list-style-type: none"> <li>– a preliminary risk screening completed in accordance with <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i> and Applying SEPP 33 (DoP, 2011), with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the development. Should preliminary screening indicate that the project is "potentially hazardous", a Preliminary Hazard Analysis (PHA) must be prepared in accordance with <i>Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis</i> (DoP, 2011) and <i>Multi-Level Risk Assessment</i> (DoP, 2011).</li> </ul> </li> <li>• <b>Flora and Fauna</b> – including: <ul style="list-style-type: none"> <li>– an assessment of the proposal under the <i>Framework for Biodiversity Assessment</i> including an assessment of any potential impacts on aquatic and riparian vegetation and groundwater dependent ecosystems; and</li> </ul> </li> <li>• <b>Fire and Incident Management</b> – including: <ul style="list-style-type: none"> <li>– technical information on the environmental protection equipment to be installed on the premises such as air, water and noise controls, spill cleanup equipment and fire (including location of fire hydrants and water flow rates at the hydrant) management and containment measures.</li> </ul> </li> <li>• <b>Design and Visual</b> – including: <ul style="list-style-type: none"> <li>– details of building design and any other proposed structures to be used for the handling of chemicals (e.g. bunding); and</li> <li>– potential visual impacts from the proposed building and associated structures, lighting and signage; and</li> <li>– details of the measures proposed to minimise visual impacts, such as landscaping.</li> </ul> </li> <li>• <b>Greenhouse Gas Emissions</b> – including: <ul style="list-style-type: none"> <li>– a quantitative assessment of the potential scope 1 &amp; 2 greenhouse gas emissions from the development, including the potential impacts of these emissions on the environment; and</li> <li>– a detailed description of the proposed measures that would be implemented on site to ensure that the development is energy efficient.</li> </ul> </li> <li>• <b>Cumulative Impacts</b> – particularly in relation to air, noise and traffic associated with other nearby industrial or commercial operations.</li> </ul>
<b>Plans and Documents</b>	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i>. Those documents should be included as part of the EIS rather than as separate documents.</p>
<b>Consultation</b>	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular, you must consult with:</p> <ul style="list-style-type: none"> <li>• Wagga Wagga City Council;</li> <li>• Environment Protection Authority;</li> <li>• Rural Fire Service;</li> <li>• Fire and Rescue;</li> <li>• SafeWork NSW;</li> </ul>

	<ul style="list-style-type: none"> <li>• NSW Health;</li> <li>• Department of Primary Industries, including NSW Office of Water;</li> <li>• Office of Environment and Heritage; and</li> <li>• Roads and Maritime Services.</li> </ul> <p>The EIS must describe the consultation process conducted and the issues raised, and identify where the design of the development has been amended in response to those issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
<b>Further consultation after 2 years</b>	If you do not lodge an EIS for the development within 2 years of the issue date of these SEARs, you must consult with the Secretary in relation to the requirements for lodgement.
<b>References</b>	The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this development.

## **ATTACHMENT 1**

### **Technical and Policy Guidelines**

The following guidelines may assist in the preparation of the Environmental Impact Statement. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

Many of these documents can be found on the following websites:

<http://www.planning.nsw.gov.au>

<http://www.bookshop.nsw.gov.au>

<http://www.publications.gov.au>

#### **Policies, Guidelines & Plans**

##### **Plans and Documents**

The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Environmental Planning and Assessment Regulation 2000. Provide these as part of the EIS rather than as separate documents.

In addition, the EIS must include the following:

1. An existing site survey plan drawn at an appropriate scale illustrating:
  - the location of the land, boundary measurements, area (sq. m) and north point;
  - the existing levels of the land in relation to buildings and roads;
  - location and height of existing structures on the site;
  - location and height of adjacent buildings and private open space; and
  - all levels to be to Australian Height Datum (AHD).
2. A locality/context plan drawn at an appropriate scale should be submitted indicating:
  - watercourses including nearby rivers and creeks, and dams;
  - significant local features such as heritage items;
  - the location and uses of nearby buildings, shopping and employment areas, hospitals and schools; and
  - traffic and road patterns, pedestrian routes and public transport nodes.
3. An indication of the location of the site with respect to the relevant Land Zoning Map within the relevant Local Environment Plan.
4. Drawings at an appropriate scale illustrating:
  - detailed plans, sections and elevations of the existing building, which clearly show all proposed internal and external alterations and additions.

##### **Documents to be submitted**

Documents to submit include:

- 1 electronic copy of all the documents and plans for review prior to exhibition; and
- other copies as determined by the Department once the development application is lodged.



## Technical and Policy Guidelines

The following guidelines may assist in the preparation of the Environmental Impact Statement. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

Many of these documents can be found on the following websites:

<http://www.planning.nsw.gov.au>

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## Policies, Guidelines & Plans

Aspect	Policy /Methodology
<b>Waste</b>	Waste Avoidance and Resource Recovery Strategy 2014-2021 (EPA 2014) Waste Classification Guidelines (DECC) Environmental Guidelines: Assessment Classification and Management of Non-Liquid and Liquid Waste (EPA) Environmental guidelines: Composting and Related Organics Processing Facilities (DEC) Environmental guidelines: Use and Disposal of Biosolids Products (EPA) Composts, soil conditioners and mulches (Standards Australia, AS 4454)
<b>Soil and Water</b>	
<b>Soil</b>	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC & NHMRC) National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPC) State Environmental Planning Policy No. 55 – Remediation of Land Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land (DOP) Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites (OEH 2011)
<b>Surface Water</b>	National Water Quality Management Strategy: Water quality management - an outline of the policies (ANZECC/ARMCANZ) National Water Quality Management Strategy: Policies and principles - a reference document (ANZECC/ARMCANZ) National Water Quality Management Strategy: Implementation guidelines (ANZECC/ARMCANZ) National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ) National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ) Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC) NSW State Rivers and Estuaries Policy (1993) State Water Management Outcomes Plan NSW Government Water Quality and River Flow Environmental Objectives (DECC) Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC) Managing Urban Stormwater: Soils & Construction (Landcom) Managing Urban Stormwater: Treatment Techniques (DECC) Managing Urban Stormwater: Source Control (DECC) Technical Guidelines: Bunding & Spill Management (DECC)
<b>Groundwater</b>	National Water Quality Management Strategy: Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC) NSW State Groundwater Policy Framework Document 1997 (DLWC) NSW State Groundwater Quality Protection Policy 1998 (DLWC) NSW State Groundwater Quantity Management Policy 2002 (DLWC) The NSW State Groundwater Dependent Ecosystem Policy (DLWC)

<i>Wastewater</i>	Guidelines for the Assessment and Management of Groundwater Contamination (DECC)
	NSW Aquifer Interference Policy (NOW 2012)
	MDBC Guidelines on Groundwater Flow Modelling 2000
	Australian Groundwater Modelling Guidelines 2012
	Environmental Guidelines: Use of Effluent by Irrigation (DECC)
	National Water Quality Management Strategy - Guidelines For Water Recycling: Managing Health And Environmental Risks (Phase1) 2006 (EPHC, NRMMC & AHMC)
	National Water Quality Management Strategy – Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2): Augmentation of Drinking Water Supplies 2008 (EPHC, NRMMC & AHMC)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC)
<b>Air Quality and Odour</b>	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Use of Reclaimed Water (ARMCANZ/ANZECC)
	Recycled Water Guidance Document: Recycled Water Management Systems (DPI, 2015)
<i>Air Quality</i>	Protection of the Environment Operations (Clean Air) Regulation 2010
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA, 2016)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC 2007)
	The National Greenhouse and Energy Reporting (Measurement) Technical Guidelines (NGER Technical Guidelines)
<i>Odour</i>	Guidelines for Energy Savings Action Plans (DEUS 2005)
	Technical Framework: Assessment and Management of Odour from Stationary Sources in NSW (DEC, 2006)
	Technical Notes: Assessment and Management of Odour from Stationary Sources in NSW (DEC)
<b>Noise and Vibration</b>	
<i>Noise</i>	NSW Industrial Noise Policy (EPA 2000)
	NSW Road Noise Policy (EPA 2011)
	Environmental Criteria for Road Traffic Noise (EPA 1999)
<i>Vibration</i>	Interim Construction Noise Guideline (DECC 2009)
	Assessing Vibration: A Technical Guideline (DEC 2006)
<b>Traffic and Transport</b>	
	Guide to Traffic Generating Development (RTA)
	Guide to Traffic Management Part 12: Traffic Impacts of Developments (Austroads 2016)
	NSW Long Term Transport Master Plan (TfNSW 2012)
	Road Design Guide (RTA)
<b>Hazards and Risk</b>	
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
	Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines (DUAP)
	AS/NZS 4360:2004 Risk Management
	HB 203:2006 Environmental Risk Management – Principles and Process
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
	Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning (DUAP)
	Contaminated Sites – Guidelines on Significant Risk of Harm from Contaminated Land and the Duty to Report (EPA 2003)
<b>Visual</b>	
	Control of Obtrusive Effects of Outdoor Lighting (Standards Australia, AS 4282)

