

Mayfield West Recycling Facility

SSD 7698

Proposed Modification - Section 4.55(1a) application



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1 Introduction

1.1 Overview

This application is for a Section 4.55(1A) modification to the State Significant Development Consent 7698 that was issued on 13 March 2018. The proposed modification involves adjusting the approved Development Layout Plan area (43,000m²) boundary (Appendix A of the Consent) by adding some 4000m² from the area nominated as “Ancillary Activities Area” on the same layout plan (see Figure 1). This would be an approximate 9% increase to the SSD development layout area and would constitute some 3000m² of yard area and some 1000m² of existing buildings.

The purpose of this amendment is to amend the works boundary and then relocate the already approved “public hand unloading area” from the heavy waste processing area into the northern shed. The southern shed will be used for equipment maintenance and create some additional stockpile storage area for recovered materials adjacent to the “Segregated Heavy Waste” processing and stockpiling area as shown on the approved development layout.

APPENDIX A PLANS
Development Layout Plan

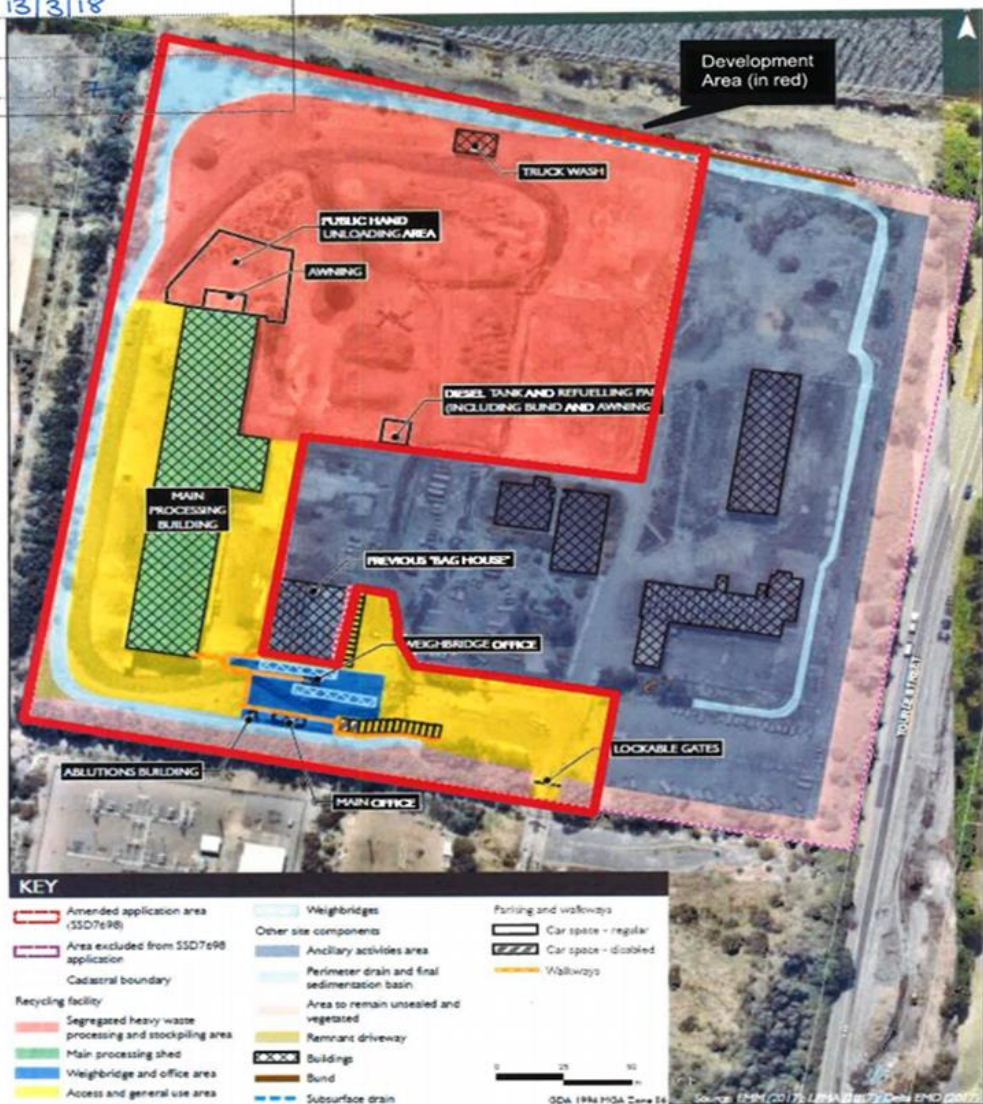


Figure 1. SSD 7698 Proposed Modification to the Development Layout Plan

1.2 Existing approvals

As outlined in the Development Layout Plan (Figure 1 above) the following key approved activity areas are depicted:

- SSD application area (Red Line)
- Area excluded from SSD application area (Purple line)
- Weighbridges (Dark Blue)
- Main processing shed (receival and sorting of commercial and construction wastes – hand unload currently occurs at the northern end of this shed) (Hatched Green)
- Segregated heavy waste processing and stockpile area (Red)
- Hand unload area (Red)
- Vehicle circulation areas (Yellow)
- Ancillary waste area (Light Blue)

The hand unloading activities would now be separated from the commercial and heavy waste activity area and would be conducted in the existing shed that is located in this area proposed to be added to the SSD approved area shown by the amended red boundary.

It is important to note the following regarding this proposed modification:

- There will be no proposed increase in the 315,000 tonnes per year already approved
- There are no proposed changes to the approved traffic volumes for the facility
- There are no proposed changes to the current operating hours
- There are no new proposed waste activities
- There is no change to the types of waste to be received at the facility
- There will be no change to the number of staff/staff parking
- There will be no additional floorspace created
- There will be no change to existing stockpile heights
- There will no vegetation removed

There will be increased site safety by separating the hand unloading activity and associated light traffic movements from the commercial waste activities and heavier traffic movements.

The reality of this proposed amendment is a change in a notional line on a plan and no discernible visual difference to how the site will operate.

2 Site description and Context

Benedict Recycling Pty Ltd (Benedict) owns and operates Mayfield West Resource Recovery Facility 1a McIntosh Dr, Mayfield West.

Benedict was originally granted Development Consent by The City of Newcastle (DA2015/0291) for Lot 1 DP 874109 as a recycling facility for 90,000 tonnes per annum.

A subsequent application was made to the Department of Planning, Industry and Environment (DPIE) for a 315,000 tonnes per annum facility which was approved as State Significant Development (SSD 7698) on 13 March 2018. The current operations commenced on 25 September 2018.

Within the SSD process and RTS submissions, it was determined that the Ancillary area was to be removed from the SSD area under Clause 8(2) of the SEPP (State and Regional Development) 2011 as it was not sufficiently related to the SSD proposal. The SSD footprint was amended to the current 4.3ha and the residual of the site then relies upon the Council Consent.

A meeting between Benedict and DPIE on 17 March 2021 to discuss this proposed amendment and it was agreed that a s4.55(1A) application should be submitted, that can be referred to the relevant authorities, for this proposal to be formally assessed.

3 Proposed Modification

3.1 Objectives

The site is 8.9ha of which 4.3ha is currently approved by the SSD for the waste management activities.

The current approved operational area is shown in the Development Layout Plan (Figure 1), as depicted in attached Figure 1 (bold red outline). The remaining area in blue was a legacy of the previous Council Consent where it was approved for ancillary waste activities, truck washing and associated site works (Consent DA2015/0291).

It should be noted that the original Recycling Consent applied to the entirety of Block 1 (see Figure 3). To avoid confusion with the subsequent 315,000 tonnes per annum approval, the 90,000 tonnes per annum was formally withdrawn from the original Consent and therefore the waste receipt and processing activities are now confined to the red bounded area in Figure 1.

3.2 Justification

The proposed modification will allow the enclosed shed and surrounding area in the additional area (highlighted gold in Figure 3) for hand unloading of material and stockpiling of materials. This enclosed shed is in a less traffic-ed part of the site for members of the public in light vehicles to access recycling services for waste materials away from the larger, heavy vehicles and site machinery. As such, the sole purpose of using the shed is to afford the public with easier access to a covered, all-weather area and to protect the public from safety risks potentially created by recycling machinery and heavy vehicles.

3.3 Modification to the operations and Layout

1. This proposal will relocate the existing public hand unload area and put the activity inside the existing shed (See Figure 2). The existing concrete apron adjacent to the proposed hand unload shed will be used to stockpile clean loads of inert material or timber (see Figure 4). This material will then be transferred to the existing heavy material processing area. All other hand unload mixed, and lights wastes will be unloaded, stockpiled, and loaded within the existing shed.
2. An area of some 2000m² (see Figure 2) is proposed to be added to the existing heavy waste processing area to be used for additional stockpiling of processed recovered heavy materials.
3. Adjacent to the proposed hand unload shed is a similar proportion building (see Figure 2) which is proposed to be used for equipment maintenance.
4. These three activity areas will then be incorporated into the SSD Approved area for waste management activities. This will add some 4000m² to the existing approved 43,000m² approved area.

Notwithstanding the approved ancillary waste activities area that is approved in the 2015 Council Consent and the 2018 SSD Consent, the DPIE requires a formal amendment to the SSD Consent in order to relocate and conduct hand unloading (gold area) and additional stockpile storage operations (gold hatched area) within the area outlined in Figure 3 below.

This proposed additional area was previously approved under DA2015/0291 as a waste facility (90KTPa) and for ancillary waste activities; construction of truck wash facilities; and associated site works. Whilst the 90KTPa was surrendered as part of the SSD Consent, the reality is that the entire site has had previous approval for waste management activities. We now wish to modify the arbitrary boundary within the site and incorporate the proposed areas to stockpile recovered segregated waste materials, but not unsorted, co-mingled wastes and the hand unload precinct.



Figure 2. Proposed additional areas highlighted to be included in SSD approved area



KEY:




- | | | | |
|-------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------|---------------------------|
|  | SSD7698 Approved Area |  | Proposed Additional Areas |
|  | Property Boundary (Lot 1 DP 874109) | | |

Figure 3. Proposed additional areas layout plan

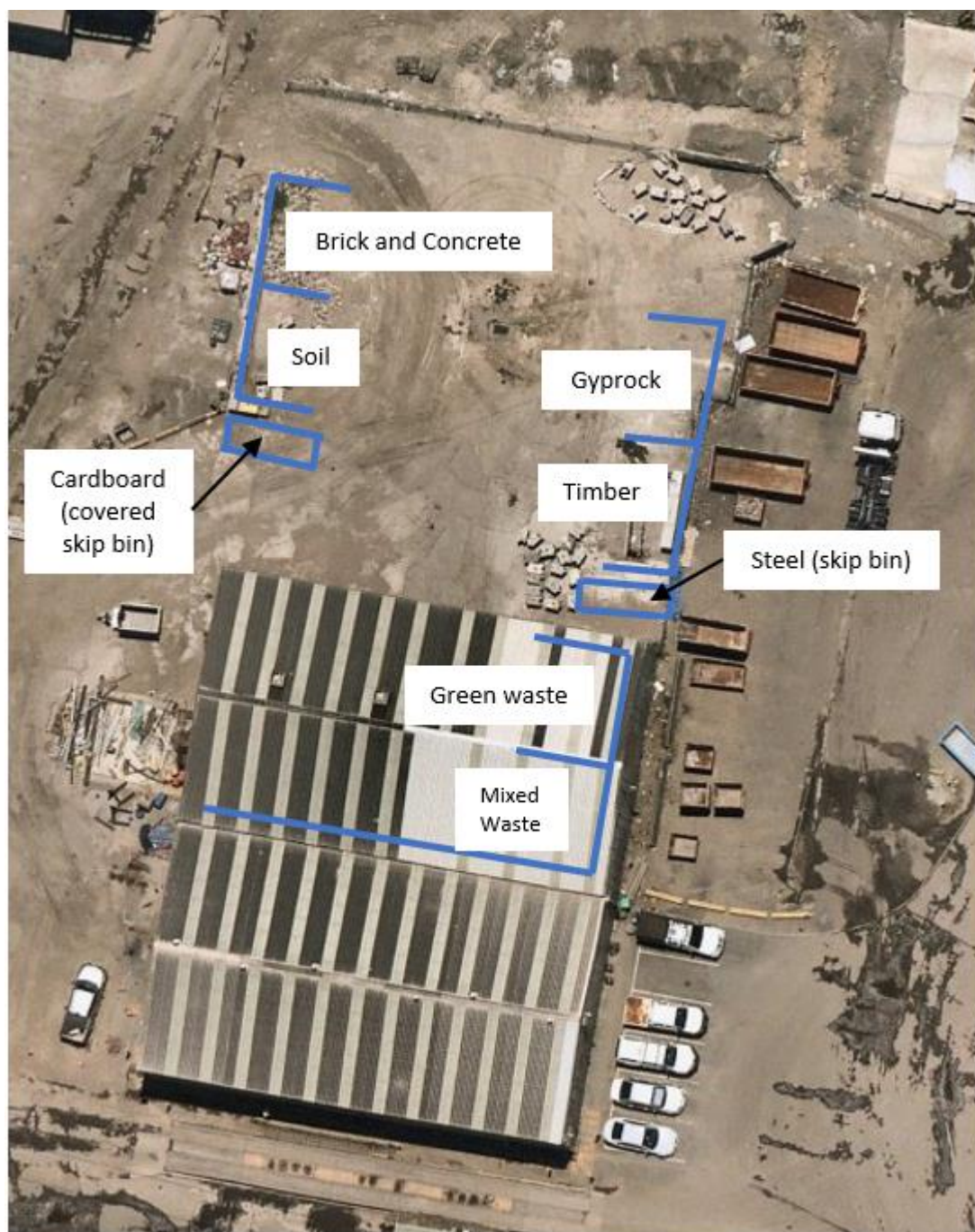


Figure 4. Layout plan for proposed hand unload shed and apron area

4 Legislative Context

4.1 State Environmental Planning Policy (State and Regional Development)

The original SSD application included the ancillary services area; however, this was removed as the activities proposed were not considered to be ancillary to the waste management activity (third part rented compounds x 9). In this context the only reason the ancillary area approved in the Council Consent was not included in the SSD application was because of non-compliance with Clause 8(2) of the SEPP:

8 Declaration of State significant development: section 4.36

- (1) Development is declared to be State significant development for the purposes of the Act if—
- (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and
 - (b) the development is specified in Schedule 1 or 2.
- (2) If a single proposed development the subject of one development application comprises development that is only partly State significant development declared under subclause (1), the remainder of the development is also declared to be State significant development, except for—
- (a) so much of the remainder of the development as the Director-General determines is not sufficiently related to the State significant development, and
 - (b) coal seam gas development on or under land within a coal seam gas exclusion zone or land within a buffer zone (within the meaning of clause 9A of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*), and
 - (c) development specified in Schedule 1 to *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.
- (3) This clause does not apply to development that was the subject of a certificate in force under clause 6C of *State Environmental Planning Policy (Major Development) 2005* immediately before the commencement of this Policy.

Note—

Development does not require consent under Part 4 of the Act merely because it is declared to be State significant development under this clause. Any such development that, under an environmental planning instrument, is permitted without consent may be an activity subject to Part 5 of the Act or State significant infrastructure subject to Division 5.2 of the Act. Any such development that is permitted without consent may become State significant development requiring consent if it is part of a single proposed development that includes other development that is State significant development requiring consent (see section 4.38(4) of the Act and subclause (2)).

Now the proposed areas to be added to the SSD area are for relocated and extended waste activities there is not technical reason that this boundary cannot be adjusted for this purpose.

After meeting with DPIE it was determined that this application is an amendment to the development that was determined as being State Significant under Clause 23(3) of Schedule 1 in this SEPP. It was also determined that the minor nature of the changes proposed allows this application to be considered as a s4.55(1A) modification.

4.2 Environment Planning & Assessment Act 1979

Clause 4.15 requires the application to consider relevant planning instruments, development control plans and agreements and also to assess the likely impacts of the development, including environmental impacts, on the natural and built environment. The site suitability and any submissions.

Clause 4.55 permits the modification of Consents in certain circumstances. For this modification Clause (1A) applies as the proposed activities are already included in the current SSD Consent and the “minimal environmental impact” of this proposal is established in the Environmental Impacts Assessment contained in this application (see Section 5).

4.55 Modification of consents—generally (cf previous s 96)

(1A) **Modifications involving minimal environmental impact** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- (c) it has notified the application in accordance with—
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.

4.3 Protection of the Environmental Operations Act 1997

The current Environment Protection Licence (EPL 20771) will need to be varied as a result of this modification being successful.

Other Environmental Planning Instruments

SEPP (Infrastructure) 2007

This proposal may be considered exempt from this SEPP under Clause 20 & Clause 121AA(2)

SEPP No.33 – Hazardous and Offensive Development

There is no change to the dangerous goods on site and therefore this modification does not need to consider whether there is any additional offensive or hazardous implications

SEPP No.55 – Remediation of land

The site was remediated and audited, and the use was deemed to be appropriate. As the uses proposed remain the same in this modification there is no conflict with this SEPP.

SEPP No.71 – Coastal Protection

The proposed modification will not change the site environmental outputs to impact this SEPP

Newcastle Local Environmental Plan 2012

“The site is zoned IN1 General Industrial under the Newcastle Local Environmental Plan 2012. The RRF is not considered development permitted with consent in the IN1 General Industrial zone. However, as per clause 121 of the State Environmental Planning Policy (Infrastructure 2007) (Infrastructure SEPP), the IN1 General Industrial zone is considered to be a prescribed zone and therefore, the proposed development is permissible with consent. Therefore, the Minister or a delegate may determine the carrying out of the development.” (SDD Assessment 7698 p.11)

5 Environmental Impacts Assessment

A review of environmental issues associated with the proposed modification are provided below. There will be little if any change in impact on the existing environment as a result of the proposed additional area for ancillary waste handling and storage activities.

As outlined previously:

- There is no proposed increase in the 315,000 tonnes per year already approved
- There is no proposed changes to the approved traffic volumes for the facility
- There is no proposed changes to the current operating hours
- There is no new proposed waste activities
- There is no additional floorspace being created on the site

5.1 Noise

There have been no noise complaints in the last five years of operations.

No additional noise or noise sources will be generated by this proposal as there is no additional machinery, mobile or fixed equipment proposed. The hand unload precinct and the additional stockpile areas will be serviced by existing mobile equipment which has already been noise modelled for internal and external operations. As the area proposed is central to the site which has already had two approvals for waste management and is also surrounded on three sides by existing building, it is not expected there would be any negative change caused by this modification.

The current site EPL contains a requirement for 16 specific noise monitoring locations and specific levels of compliance (Condition L4.1). There is a quarterly noise monitoring requirement (Condition M7.1) and quarterly reporting to the EPA as to the outcome of the noise testing required (Condition R4).

As the site is currently regularly monitored for noise and there is no expectation that the required levels will be impacted, the levels in place will ensure that the proposal must meet current EPA noise criteria.

5.2 Dust

The proposed unloading and sorting of waste materials by hand will generate minimal dust from that activity. Currently this activity is shown outdoors with a small awning. This modification will now see the activity located indoors therefore the opportunity to generate dust is less than previously approved.

The road to the hand unload shed will be maintained for dusts as per the main driveway and it is noted that the users of this new traffic route will generally be cars and trailers. Keeping the driveways damp and free of dust is a requirement of the current EPL and this would automatically flow through to this part of the site.

The hand unload mixed waste material will be periodically removed by front end loader and carried into the main shed for further processing (please see diagram below showing the path the Front-End Loader will take). Within the enclosed shed, the likelihood of dust and noise emissions from operational activities is minimal. The hand unload shed will also be fitted, if necessary, with an internal dust suppression (misting) system to assist in fine dust management.

The additional stockpile storage area proposed will be used to stockpile sorted recovered materials from the main shed. These materials will be transferred there by front end loader for re-loading out into larger road trucks. As such, this area will also be serviced by the site's water cart and automatic dust suppression system. The proposed area is centrally located within the large 9Ha site.

5.3 Visual

The proposed amended activities will have no adverse impact on the visual amenity of the surrounding industrial area as the proposed additional areas of activity cannot be seen from offsite. The proposed external stockpile activity is consistent with what already occurs in the heavy material processing and storage area and the proposal is adjacent.

The hand unload precinct involved the internal use of an existing shed and apron area.

The areas to be utilised are already concreted and drained. There will be the use of temporary concrete block walls for any materials bays which are not permanent structures and will be some 2-3 blocks high (2m) in the hand unload apron area.

The machinery shed is an existing structure.

5.4 Groundwater

The site does not currently interact with or use groundwater. Most of the sites roadways and stockpile areas are covered by concrete which prevents direct infiltration of surface water. The existing surface water plan of the site will not be required to be altered with the proposed amended activities as the proposed additional areas are already concrete sealed which was a requirement of the DPIE in the original Consent. The site already has water quality monitoring program which is overseen by the EPA through the current EPL.

5.5 Surface water

The site covered by the SSD approval area is divided into two catchment areas: Area 1 and Area 2 (see Figure 5). Area 1 handles general waste that is considered a higher risk of contamination while Area 2 handles the remainder. Area 1 has a 0.52 ha surface area and is sealed and bunded and is not changed by this application. Runoff from Area 1 is initially treated in a sediment pit prior to being pumped into a series of holding tanks. The water held in the tanks is used for dust suppression onsite. Wastes that are stored in Area 1 include:

- Soils that meet CT1 thresholds for General Solid Waste (GSW)
- Soils that meet the SCC1 and TCLP thresholds for GSW
- Basic oxygen slag
- Electric arc furnace slag
- Electric arc ladle slag
- Granulated blast furnace slag
- Rail ballast

Area 2 has a 3.2ha surface area that includes roads, site buildings and waste stockpiles. Runoff from Area 2 drains to a perimeter drain that has been sealed using asphalt. Wastes stored in Area 2 include:

- Certified virgin excavation natural material (VENM)
- Certified excavated natural material (ENM)

- Processed wastes that have been tested for compliance against the relevant resource recovery orders

The site has a perimeter drain which contains basin walls made of rock to enhance the capture of coarse sediments. The drain flows into a sedimentation basin in the north – western corner of the site. The basin has been sealed. Water accumulated in the basin is managed by:

- Using water for dust suppression when required
- The final sediment basin must retain enough freeboard to contain a 90th percentile rainfall event over a consecutive 5-day period.
- When basin levels are high and water quality is suitable water can be discharged to the Hunter River Estuary as controlled discharge

The SSD Consent required the following mitigation measures, which are all implemented onsite:

- implementing a surface water monitoring program
- re-using of surface water for dust suppression (would reduce run-off by approximately 17%)
- using flocculants to settle total suspended solids
- placing sock filters along the rim of the perimeter drain to remove suspended solids from surface water
- removing vegetation from the sediment basin and perimeter drain to ensure storage capacity at the site is maintained
- removing sediment from the sediment drain approximately two to four times a year
- sealing the external waste processing area
- locating the 40,000 L diesel tank towards the centre of the site, constructing an awning over the tank and self-bunding the tank
- containing spills through the deployment of spill kits
- constructing an awning over the public unloading area.

The proposed areas to be incorporated in the SSD are already concreted and drain to the existing perimeter drain (see Figure 5). Therefore, there is no change to the volume of water that may be discharged to the Hunter River.



Figure 5. Surface Water Management system



Figure 6. Surface Water runoff for proposed additional area

The current EPL already contains discharge testing limits in Condition L2.4 for the final sediment basin before release to the Hunter River. This modification proposes or requires no change to these parameters in the EPL.

Contaminants are also required to be sampled and tested daily during any discharge at this location under Condition M2.2 of the licence.

Surface water infrastructure must be maintained so as to prevent infiltration of surface water into the groundwater.

Given the above there is no requirement to modify the current monitoring and testing regime already in place for this application.

5.6 Ecology

Boundary vegetation onsite will not be impacted by the proposed amended activities as the area is already sealed with concrete and occurs in the middle of the site where there is no current vegetation or habitat.

5.7 Heritage

There is no evidence of any aboriginal or non-aboriginal cultural heritage of any kind, as the site was disturbed many years ago by overlaying and raising the site (as with much of the Newcastle industrial areas) with slags from the former Newcastle Steel Mill for many years during the 19th Century. Furthermore, the proposed areas are already completely sealed with concrete. No earthworks or ground disturbance will be required by this proposal or proposed activities onsite.

The site already operates under SSD and Council Development Consents.

5.8 Traffic

5.8.1 Hand Unload Precinct

The current traffic management for the site will be improved by this proposal as the light vehicles will now circulate on a separate flow path from the heavy vehicles and majority of the site machinery and equipment.

This proposal will now have light vehicles turning right after entering the site (see Figure 7) and they will now not follow the perimeter road with the other heavy vehicles. This will give a safer site experience for the light vehicle customers. It will be a safer site experience for light vehicle customers as they will not have to interact, drive alongside or hand unload material near large heavy vehicles while in operation. The heavy vehicles will utilise the same routes they currently utilise.

The light vehicles will turn right after the weighbridge and will unload in the hand unload precinct either inside the shed (mixed loads and light wastes) or outside in the apron bays (source separated heavy inerts and timber). This hand unload zone which will have its own waste tipping inspector to manage vehicle movements, unloading and any front-end loader movements. The only mobile equipment operating in this area will be the front-end loader which will empty the hand unload bays from time to time and consolidate with like separated materials in the large shed or the heavy materials processing area.

After the light vehicles have unloaded, they will circulate out of the shed or apron area and then will stop at the intersection adjacent to the weighbridge, giving way to any exiting heavy vehicles approaching from the right. The light vehicles will then turn left and exit via the exit weighbridge.



Figure 7. Proposed Vehicle Traffic flow plan

5.8.2 Heavy Vehicle Circulation

There is no additional traffic proposed as the commercial customers are already being serviced by the site and are tipping off either in the main processing building or being loaded and unloaded in the heavy waste processing area.

Heavy vehicles currently cross the entry weighbridge and then continue west towards the main processing shed on site and turn right and traverse along the western side of the shed. Trucks carrying heavy inert wastes will continue up along the western side of the shed into the northern central part of

the site where they will continue around in a circular motion to either pick up material or drop off material, then exit the site back down the western side of the main shed where they entered in from. Trucks carrying mixed or light waste currently enter the main processing shed and tip off. These trucks will then depart the site the same route as they arrived.

The additional 2000m² proposed to be added the heavy waste processing and stockpile area will be access from the existing driveway routes as indicated in Figure 7. The heavy vehicles will not be permitted to circulate past the hand unload precinct

5.8.3 Mobile Equipment Circulation

The proposed areas to be added to the SSD will be serviced by existing front-end loaders. The front-end loader will transfer materials from inside the hand unload shed into the main processing shed, as shown in green in Figure 8. The front-end loader will also transfer the inert material from the hand unload apron bays and transfer it to the heavy processing area to the north. The front-end loader will also operate in the proposed stockpile storage area and will traverse for the purpose of stockpile management and loading trucks to take recycled materials out from this area.

It should be noted that the front-end loaders are in constant radio communication with site staff and they will operate in these areas when it is safest to do so and also at the most appropriate climatic times to avoid winds.



Figure 8. Proposed Front-end loader flow with new areas

6 Conclusion

Benedict Recycling proposes to make a minor modification to the approved Development Layout Plan outlined in SSD 7698. The proposed modification involves adding additional areas to the already approved area to relocate the already approved “public hand unloading area” from the heavy waste processing area into the northern shed.

The proposed modification will allow the existing enclosed shed to be utilised for hand unloading of material and stockpiling of materials. This existing enclosed shed is in a less traffic-ed part of the site for members of the public in light vehicles to access recycling services for waste materials away from the larger, heavy vehicles and site machinery. As such, the sole purpose of using the shed is to afford the public with easier access to a covered, all-weather area and to protect the public from safety risks potentially created by recycling machinery and heavy vehicles.

It is important to note the following regarding this proposed modification:

- There will be no proposed increase in the 315,000 tonnes per year already approved
- There are no proposed changes to the approved traffic volumes for the facility
- There are no proposed changes to the current operating hours
- There are no new proposed waste activities
- There is no change to the types of waste to be received at the facility
- There will be no change to the number of staff/staff parking
- There will be no additional floorspace created
- There will be no change to existing stockpile heights
- There will be no vegetation removed

There will be increased site safety by separating the hand unloading activity and associated light traffic movements from the commercial waste activities and heavier traffic movements.

The reality of this proposed amendment is a change in a notional line on a plan and no discernible visual difference to how the site will operate.

We trust that this information is sufficient for DPIE to consider this simple modification.