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| **JRPP No** | **2009SYW016** |
| **DA No** | **JRPP-09-2325** |
| **Proposed Development** | **"Designated Development" Involving Installation and Operation of an Acid Battery Recycling Activity within an Existing Industrial Building** |
| **Lodgement Date** | **18 September 2009** |
| **Land/Address** | **Lot 13 DP 794243, known as 6 Sunblest Crescent, Mount Druitt** |
| **Land Zoning** | **4(a) General Industrial under Blacktown Local Environmental Plan 1988** |
| **Value Of Development** | **$220,000** |
| **Applicant** | **Mr A Jackson Of Lex Enviro Services** |
| **Report Author** | **Momcilo Romic, Town Planner – Blacktown City Council** |
| **Instructing Officers** | **Pauline Daw, Acting Manager Development Services and Administration and Glennys James, Director City Strategy and Development** |
| **Date Submitted to JRPP** | **18 February 2010** |

# Assessment Report and Recommendation

## 1 Executive Summary

1.1 Council is in receipt of a Development Application proposing the installation and operation of a device known as a battery hydro-separation and crushing system with acid treatment, to be located inside an existing industrial building on the subject site. This machinery is designed to separate lead acid batteries into their 3 main components: lead, plastic and battery acid. The lead casings and grids within the batteries are collected for resale, the battery acid is neutralised and the water reused, whilst the plastics are prepared for either recycling or disposal.

1.2 The subject site occurs within an established 4(a) General Industrial Zone in Mount Druitt. The proposal is a "Designated Development" under Schedule 3 of the Environmental Planning and Assessment Regulation as it is a "Waste Management Facility" for the recycling and handling of substances classified in the Australian Dangerous Goods Code. It is also classed as "Integrated Development" given that an Environment Protection Licence for a Scheduled Activity is required under the Protection of the Environment Operations Act 1997.

1.3 The proposal is an industrial use which is permissible within the 4(a) General Industrial Zone pursuant to the provisions of Blacktown Local Environmental Plan 1988.

1.4 The proposed development and accompanying Environmental Impact Statement was advertised for a period of 30 days in accordance with the procedures required for Designated Development as set out in the EP&A Regulation 2000. No submissions were received as a result of the notification.

1.5 The submitted EIS reviews the main areas of potential environmental impact and mitigation controls for the installation and operational phases of the facility.

1.6 The Application was referred to relevant external bodies for comment, being NSW Fire Brigades, Department of Planning, Department of Environment, Climate Change and Water and Workcover. The NSW Fire Brigades and Department of Planning offered no

comment, whilst the Department of Environment, Climate Change and Water and Workcover raised no objections and offered their standard terms and conditions.

1.7 The Application is referred to the Joint Regional Planning Panel for determination pursuant to Clause 13B(1)(e) of State Environmental Planning Policy (Major Development) 2005 as the development is for a Designated Development.

1.8 The Application is considered satisfactory and is recommended for approval subject to the imposition of suitable conditions. Draft conditions of consent are provided at Appendix A.

## 2 Location

2.1 The site is shown on the location plan below.

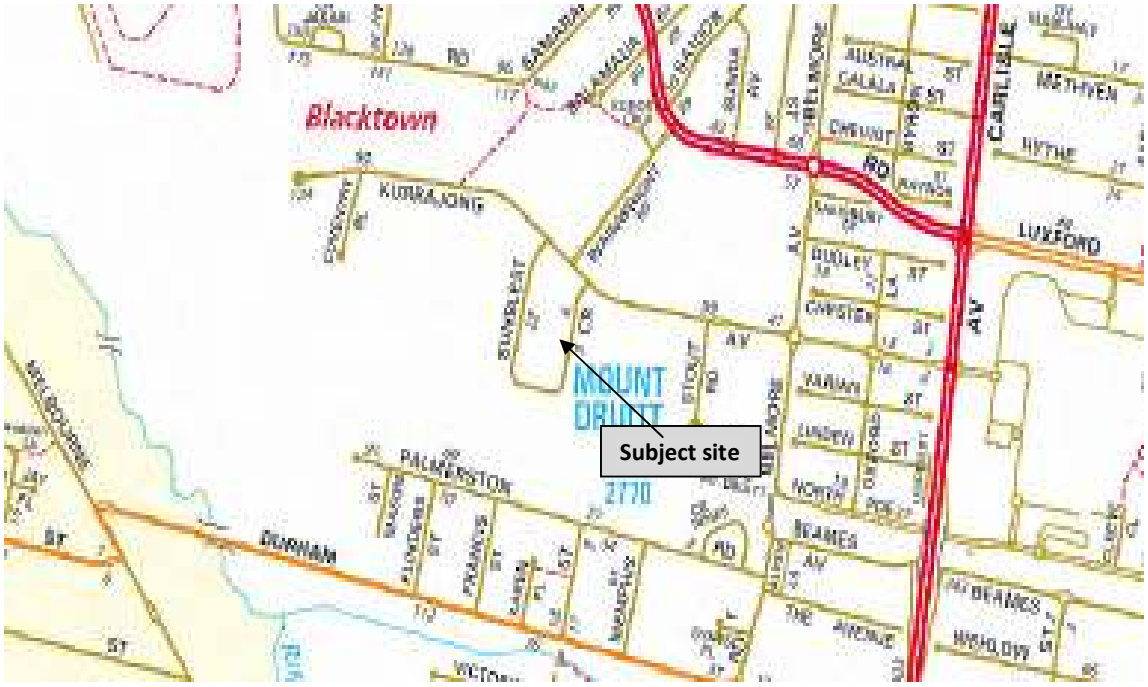


*Figure 1. Location Plan*

2.2 The site is located within an existing, long-established industrial estate at Mount Druitt. The site is surrounded by other traditional industrial activities, such as bulk goods storage, motor vehicle repairs, heavy transport, concrete cutting and general storage operations.

2.3 The site enjoys vehicular access to the surrounding well serviced local road network, with access to the regional road network of the Great Western Highway and M4 and M7 Motorways via Kurrajong Avenue and Carlisle Avenue.

## 3 Site Description and Locality

3.1 The subject site has a real property description of Lot 13, DP 794243 and has a total site area of 1,275sq.m. A zoning plan and aerial photo are presented below.

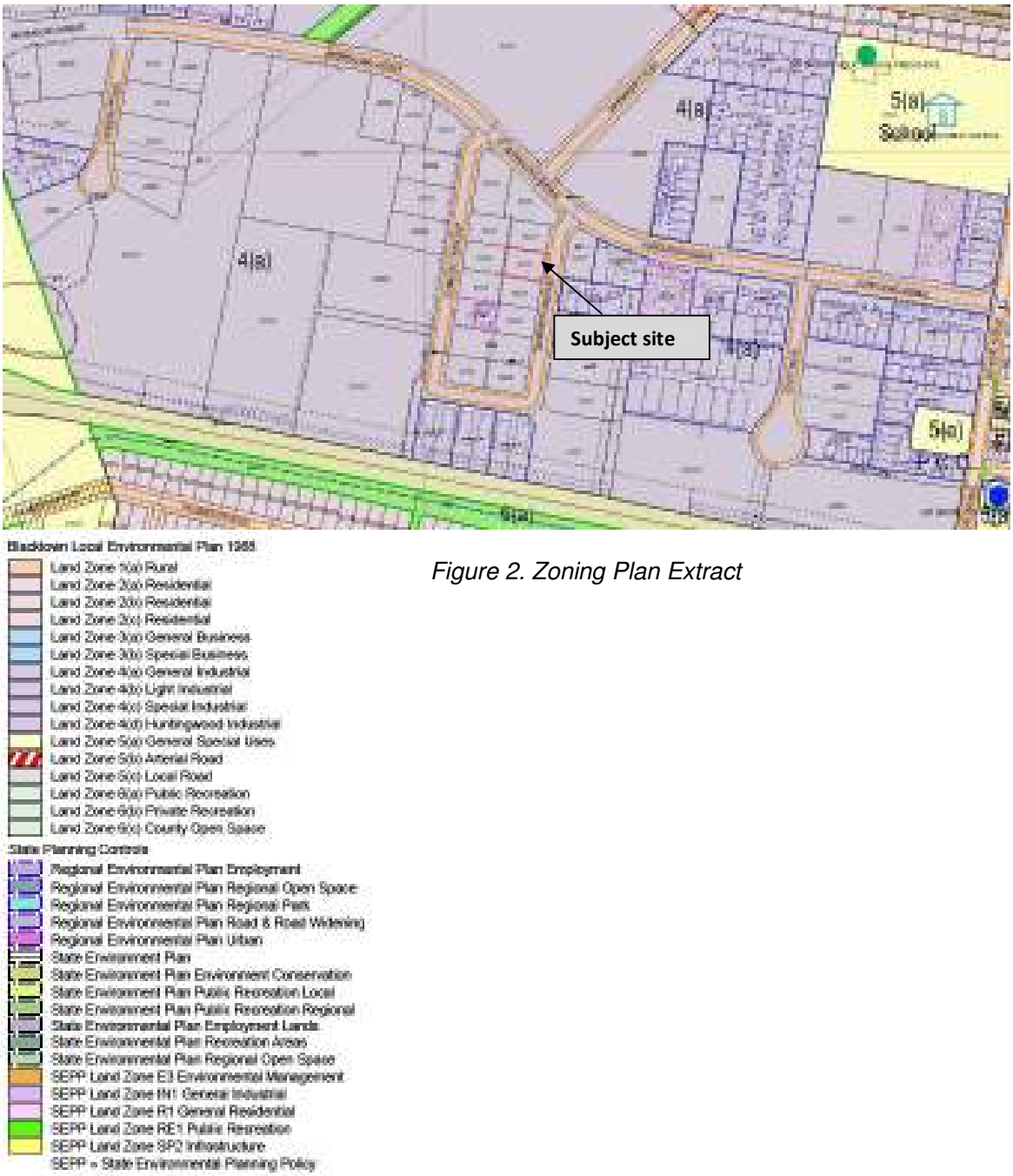


*Figure 2. Zoning Plan Extract*

*Figure 3. Aerial Photo of Site and Surrounds*

3.2 The subject site is located centrally within the Mount Druitt 4(a) General Industrial Zone and is well distanced from zoned residential areas. The nearest residential zoned land occurs to the south and is approximately 270m away and is separated by a number of other industrial buildings and a railway corridor.

3.3 Currently on the site stands a 432sq.m warehouse constructed of a combination of face brickwork and cliplock external walls and metal roof cladding. Within the building at the northern end is an area of approximately 6m x 17m (102sq.m) that is separated from the rest of the building by a steel framed colorbond wall. This sectioned off area is nominated as a storage area. There are no proposed structural changes to this warehouse as the Development Application seeks only to install and operate plant and machinery within the existing building.

3.4 The warehouse also includes an office and showroom, which together are approximately 60sq.m, a small store room, and staff amenities. In the front elevation of the warehouse there are two 6m x 4m roller door openings. One of these allows for direct loading and unloading access to the internal warehouse area, whilst the other gives access to the nominated storage part of the warehouse. A floor layout plan is shown at Figure 4 on page 8.

## 4 History and Current Use of the Site

4.1 Council on 13 January 2006 approved the use of the interior of the existing warehouse unit to store scrap batteries at the subject premises. This consent specifically stated that no approval was given for the storage of other metals on the site.

4.2 To date the operator of the site and applicant, Mr A Jackson of Lex Enviro Services, has been operating a metal recycling business from the site without Council's consent. The applicant has confirmed that the company will be opening a major metals warehouse in St Marys in mid 2010 to store other metals, thus relocating the activity which currently takes place at the premises without consent.

4.3 Therefore the only activity to take place at this site will be the delivery, crushing and redistribution of component parts of Lead Acid Batteries. This activity should lead to a significant reduction in local traffic movements for the industrial precinct of Mount Druitt.

## 5 The Proposal

5.1 Approval is sought by Mr A Jackson of Lex Enviro Services for a "designated development" involving the installation of an acid battery recycling activity within an existing industrial building at 6 Sunblest Crescent, Mount Druitt.

5.2 The proposal entails the installation and operation of a device called a battery hydro-separation and crushing system with acid treatment. The batteries that are recycled are those typically used in cars and trucks and range in size.

5.3 This machinery is designed to separate lead acid batteries into their 3 main components: lead, plastic and battery acid. The lead casings and grids and the lead particles from the liquid in the batteries are collected for resale, the battery acid is neutralised and the water reused, whilst the plastics are prepared for either recycling or disposal.

5.4 The machinery and the operation will be wholly contained within the main warehouse building which is currently bunded. The current storage area within the northern end of the building will continue to be used as a storage area for batteries once the new machinery is installed within the main warehouse. The storage area is approximately 107sq.m and is separated from the main building by a partition wall. The storage area is already fully bunded.

5.5 The applicant has indicated that it is difficult to state a precise number of individual batteries that will be stored, as batteries are not uniform in size or weight. To better understand the operation, the applicant advises that an average pallet load of batteries (strapped and wrapped 2 layers high) weighs 1 tonne. If an average weight of a battery is 16 kg, this would mean that there would be some 62 batteries per pallet.

5.6 The maximum storage of lead batteries proposed is 50 tonnes or less at any one time. This would suggest that the facility is likely to store 50 pallets or less, or 3,100 batteries at any one time.

5.7 A typical pallet has a surface area of 1.2sq.m and, hence, 50 pallets would require 60sq.m of floor area dedicated for storage. The current area dedicated for storage is some 107sq.m, which will allow the remaining area within the storage room area to be used for storage of the recycled battery components.

5.8 In relation to the main floor area, some 350sq.m of this main floor area will be used to house the new machinery and storage of recycled battery components.

5.9 The proposed hours of operation will be from 7am to 5pm Monday to Saturday inclusive.

5.10 The operator, known as Lex Enviro Services, currently employs 5 persons on a full-time permanent basis and a further 3 to 4 casual positions are also available.

5.11 It is expected that this will grow to 8 full-time permanent positions and a number of casual positions when the machinery is fully operational. It is anticipated that the operation of the machinery will also lead to the creation of a number of part-time positions.

5.12 There will be 3 to 4 main vehicles movements per day collecting metals from the site. All vehicles are washed off-site at a licensed truck or motor vehicle washing facility.

5.13 A copy of the Development Application plans is presented on page 8.

5.14 The proposed development is accompanied by an Environmental Impact Statement (EIS) prepared by GEMS Pty Ltd. The EIS includes the following documentation:

- Report on battery hydro-separation and crushing system with acid treatment prepared by Gravita Exim Ltd.
- Environmental Management Plan prepared by GEMS Pty Ltd.
- NSW Environment Protection Authority licence for existing premises.
- Incident/emergency response plan prepared by GEMS Pty Ltd.
- SEPP 33 analysis prepared by GEMS Pty Ltd.
- Waste Management Plan prepared by GEMS Pty Ltd.
- Written agreement – no chemical products will be stored external to the building – prepared by Andrew Jackson, Director of Enviro Services.
- Material Safety Data Sheets.

## 6 Plans

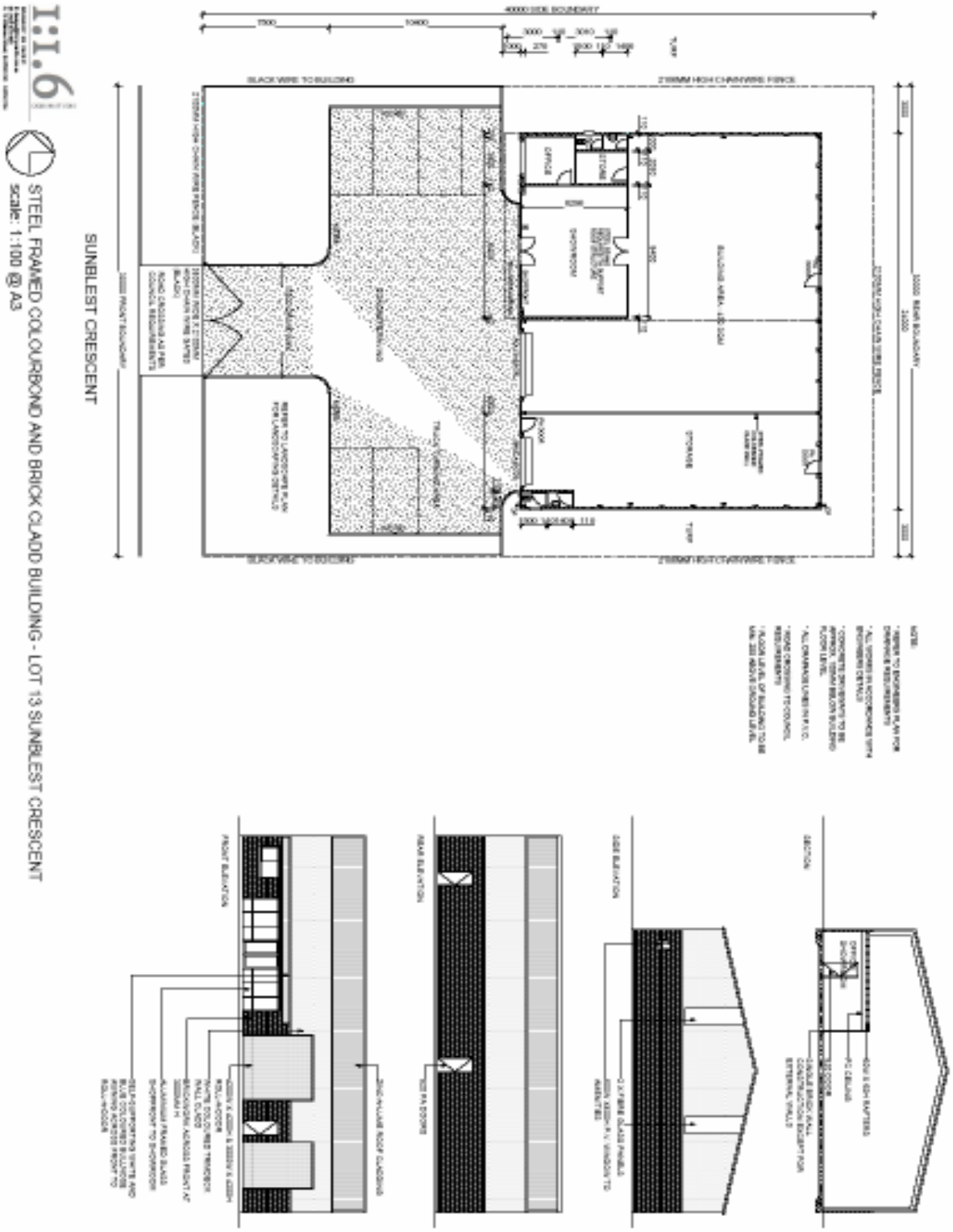


*Figure 4. Development Application Plans*

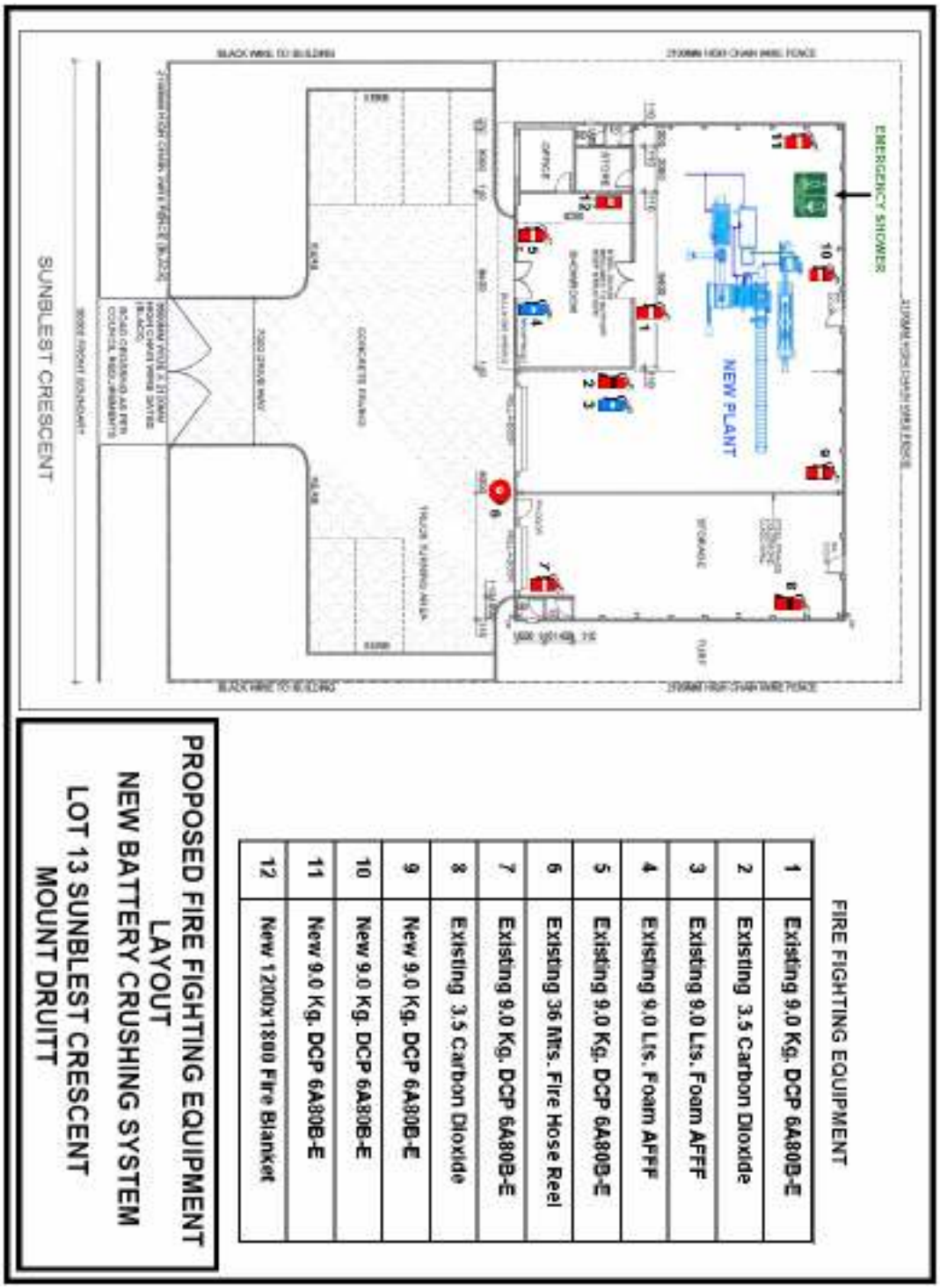


*Figure 5. Fire Fighting Equipment Layout*

## 7 Planning Controls

7.1 The planning controls that relate to the proposed development are:

a. State Environmental Planning Policy (Major Development) 2005
b. State Environmental Planning Policy No.33 – Hazardous and Offensive Development (SEPP 33)
c. Blacktown Local Environmental Plan 1988
d. Blacktown Development Control Plan 2006

7.2 An assessment of the proposed development under the relevant planning controls is provided below:

**a. State Environmental Planning Policy (Major Development) 2005**

In accordance with the requirements of Clause 13B(1)(e) of State Environmental Planning Policy (Major Development) 2005 the submitted Application is classified as "designated development", with the determining authority for the Application being the Sydney West Joint Regional Planning Panel. The proposal constitutes designated development because it falls within the classification of a "waste management facility" which handles substances classified in the Australian Dangerous Goods Code under Schedule 3 of the EP & A Regulation. The dangerous goods that are used/stored on the site are sulphuric acid, calcium hydroxide, used lead batteries, LPG and diesel.

The Application is referred to the Joint Regional Planning Panel for determination in accordance with the applicable provisions of the Major Development SEPP.

**b. State Environmental Planning Policy No. 33 - Hazardous and Offensive Development (SEPP 33)**

The main objective of SEPP 33 is to determine the extent to which a development is hazardous or offensive and to investigate appropriate measures to be employed to reduce the risk and the impact of the development to acceptable levels.

The applicant submitted a SEPP 33 assessment analysis with the Development Application, prepared by Gems Pty Ltd Environmental Management and Training Specialists. This report examined the dangerous goods proposed for storage on the site against the nominated threshold levels. (Note: diesel is not listed as a dangerous good). The SEPP 33 analysis concluded that the quantity of stored chemicals fell significantly below the individual threshold levels. Further, the cumulative impact was also below the threshold levels. The SEPP 33 analysis also considered impacts associated with the transport of materials.

Based on the risk screening method of the SEPP 33 Guidelines, neither the storage nor the transport of the hazardous materials to be stored on the site would result in the project being considered potentially hazardous. The report concluded that there was no requirement to undertake a Preliminary Hazardous Assessment for the activity.

**c. Blacktown Local Environmental Plan 1988**

The land is currently zoned 4(a) General Industrial under the provisions of Blacktown Local Environmental Plan (BLEP) 1988.

The proposal, which is defined as a “waste management facility”, is an industrial use which is a permissible use within this zone subject to Development Consent being obtained.

The proposal is a “designated development” under Schedule 3 of the EP & A Regulation as it is a “waste management facility” recycling and handling substances classified in the Australian Dangerous Goods Code. It is also classified as “integrated development” given that an Environment Protection Licence for a “scheduled activity” is required under the Protection of the Environment Operations Act 1997.

This Application satisfies the criteria for referral to a JRPP as consent authority, as it is classified as a “designated development” pursuant to Schedule 3 of the Environmental Planning and Assessment Regulation 2000.

The applicant has submitted an Environmental Impact Statement (EIS) with the Development Application in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

**d. Blacktown Development Control Plan 2006**

Council's Blacktown Development Control Plan 2006 also applies to this development. However, as the site involves the use of an existing warehouse, the design guidelines of the DCP are not relevant as they relate to new physical building works and Greenfield industrial developments.

## 8 Findings from the Environmental Impact Statement (EIS)

8.1 An Environmental Impact Statement (EIS) has accompanied the proposal. The EIS was prepared by Chris Gray of GEMS Pty Ltd. The EIS states that:

- The objective of this proposal is to increase capacity to collect, store and redistribute products. It is anticipated profits from the operation will then be used to promote even more widespread industrial re-use and recycling of metals and from that higher levels of local employment.

The EIS describes the machinery which comprises the core processing aspect of the operation as a "Battery Hydro-separation and Crushing System with Acid Treatment Section" within an existing industrial factory premises. A plan showing the new plant location of the machinery within the building is provided at Figure 5 on page 9.

8.2 This composite system includes the basic crusher with an Acidic Water Treatment System which is necessary to treat the acidic water generated during plant operation and regeneration and recycling of water for plant operation. The main utility of this equipment is its capability of separating the different components of the batteries into individual components for various further uses. Flow diagrams of the battery crushing and hydro separation process and the acid treatment process are shown in Figures 6 and 7 below.

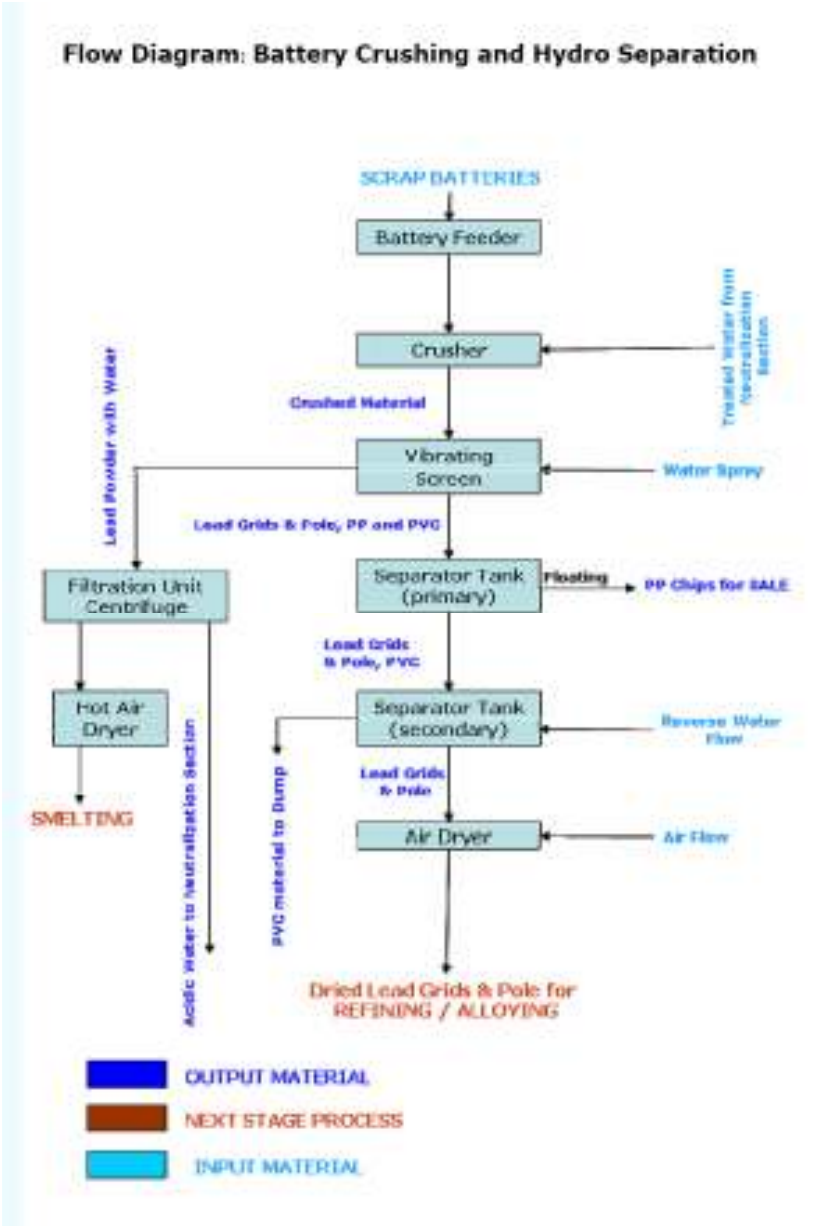


*Figure 6. Flow Diagram: Battery Crushing and Hydro Separation*

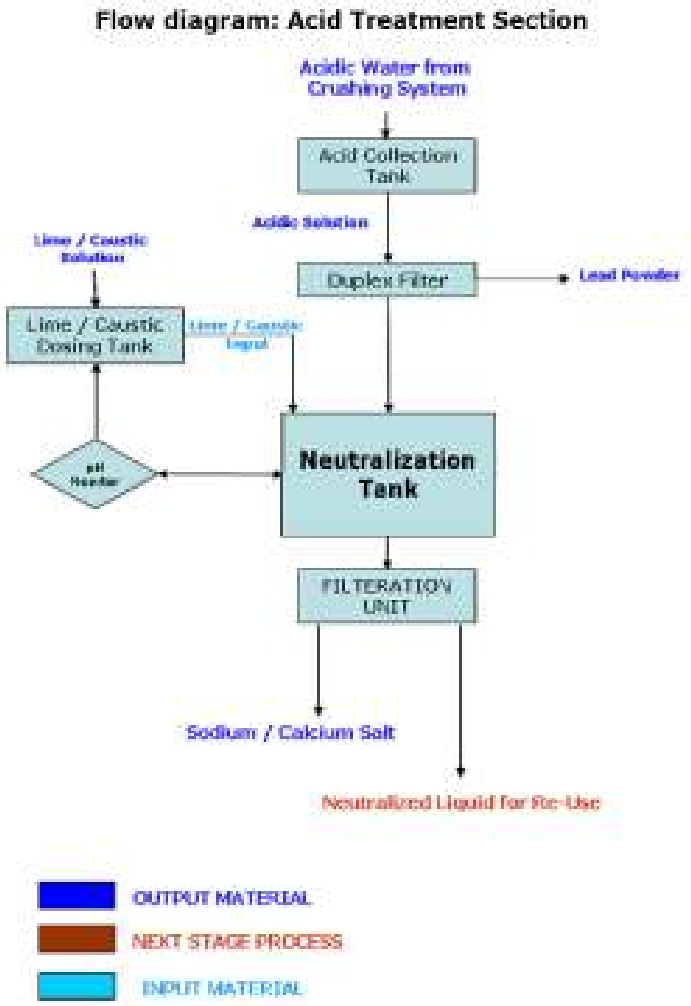


*Figure 7.*

*Flow Diagram: Acid Treatment Section*

8.3 In summary, the machinery is designed to separate used Lead Acid Batteries into 3 main components being:

- Lead - Collect the lead casings and grids as well as the lead particles from the liquid in the batteries for resale.

- Plastic - Prepare the plastics (PVC and Polypropylene) for either recycling or disposal.

- Battery acid (Sulphuric Acid) - Neutralise the battery acid and then collect the salt from the neutralisation process. The water from the neutralisation process is then used in the unit for cooling and cleaning.

8.4 In this system the batteries following their delivery are loaded over the conveyors, crushed and separated within an enclosed Chamber. Each element of the battery is separated out and is stored in separate areas.

### 8.5 Battery Breaking and Hydro-separation for Lead Acid Battery Scrap

The basic principle of this system is that material (i.e. the lead batteries) will be crushed in a closed chamber by the impact of rotating hammers and separation of the crushed heavy material from lighter material will occur by a sink and float mechanism in comparison to their density. The scrap batteries are fed through the belt conveyer feeder into the Crushing Section, where they are crushed and broken into pieces.

The crushed material is washed with water on rotating screens to remove lead paste from the other material. This removed lead paste with washed water is collected in a tank from where it is transferred to a Centrifuge-Decanter for separation of the lead paste from the washed water. Separated water is collected in a tank to recycle again for washing until its pH value reaches its limit. After that it is transferred to a neutralisation tank for further recycling in the system.

The washed crushed material is settled in the Hydro-separation tank which is fitted with a screw conveyor at the bottom and a revolving skimmer at one side at the top of the tank. The plastics, being lighter in density, float over the water and are taken out by the revolving skimmers. The lead bearing and separated material, being heavier, settles down in the tank which is further collected by a screw conveyer at the bottom of this tank.

The lead paste separated from the decanter has moisture in it which is further dried in a hot air drier system.

The dried lead material is sent to the Rotary Furnace raw material storage area for further smelting and the plastic chips are sent to the storage area for sale to recyclers.

### 8.6 Acid Treatment System

The acid collected in this process is mixed with water due to continuous washing.

The acidic solution is collected into acid proof lined tanks where it is treated with acoustic/lime solution and is neutralised to produce salts. After neutralisation the salt is sent for resale. The neutralised water is then used for washing and scrubbing the machinery.

### 8.7 Environmental Impacts and Controls

The output of the Battery Crushing and Hydro-separation Section is set out below:

a. ***Solids*** - The various forms of solid material obtained in the battery crushing and hydro-separation process is as follows:

- Lead Grids and Poles - These are heavy materials which are obtained after washing of crushed material and the separation process. The material is dried and is sent for further processing.

- Lead Paste and Powder - This is initially obtained in the form of slurry which is further processed and separated out and is packed in covered bins for further smelting operation.

- PVC and Polypropylene - The plastic and PVC materials are obtained separately after a 2 stage separation system in the form of chips/crushed material. Since their production process is based on washing there is no problem of lead contamination.

- Salts - In the Battery Crushing System with acid neutralisation, solid salt crystals are generated during neutralisation. These salts are dried and sold.

b. ***Liquids*** - No liquid waste is generated. The acidic solution is taken from the neutralisation tank where it is treated and made re-usable.

c. ***Gases*** - The gases and fumes generated in the system from acid neutralisation are effectively controlled by the pollution control equipment to ensure that all air emissions are maintained at acceptable levels and these emissions are monitored correctly and regularly.

**8.8 Assessment of Environmental Impacts**

The EIS reviews the main areas of potential environmental impact and the mitigation controls with regard to the installation and operational phases of the battery recycling process.

**a. *Installation Phase***

| Area of Impact | Controls |
|---|---|
| Noise Impacts | Operation of machinery to occur only during designated hours – 7am to 5pm Monday to Saturday inclusive. |
| Water Impacts | Construction and assembly work will only be completed in the existing warehouse, which is completely bunded.<br>A fully maintained spill kit will be kept on site to treat any hydraulic, fuel or oil leaks from delivery vehicles or forklifts.<br>A policy of immediate clean-up of all spills will be maintained. |
| Waste Impacts | All machinery packaging material will be collected for recycling or disposal to minimise all waste. |
| Air Impacts | There will be little if any air impact as this mostly involves machinery assembly. |
| Soil Impacts | All works are to occur inside the existing warehouse which rests on a concrete slab. There is no potential for impact on soil quality. |
| Traffic Impacts | The machinery will be delivered to the site on the back of semi- trailers, unloaded, placed in the warehouse and assembled. This is an industrial estate so therefore increased truck movements on the delivery day are unlikely to have any impact. |
| Flora and Fauna Impacts | There will be no impact on local flora and fauna. |
| Community Impacts | All surrounding business owners and operators have already been consulted during the public exhibition phase. |

***b. Operational Phase***

| Area of Impact | Controls |
|---|---|
| Noise/Vibration Impacts | The machinery will only be used from 7am to 5pm Mondays to Saturdays in line with Council requirements and standard monitoring conditions.<br>Technical specifications provided by the machinery manufacturers indicate it will generate only 75 dB when fully operational.<br>Trucks will only deliver raw material to the site or remove materials from the site during the designated work hours outlined above.<br>In terms of vibration, the facility is unlikely to cause vibration. |
| Water Impacts | The machine will only operate within the fully bunded warehouse currently on site.<br>Lex Enviro Services will maintain their policy of immediate clean-up of all spills.<br>Lex Enviro Services will maintain their program of storing of metals that have the potential to impact on the quality of site run-off under cover and within the bunded area of the warehouse.<br>The cooling and cleaning water from the machinery will need to be refreshed occasionally. The "spent" water from the process will be collected in a container and pumped out on a regular basis by a licensed liquid waste contractor.<br>Water Use<br>There will be minimal extra water required when this machinery is fully operational. The machinery has a closed loop cooling and cleaning water re-use system. The proponent already has a licence for the use of extra water provided by Sydney Water, and if required the proponent will make a further application to Sydney Water for an extra allocation. As an offset for water use, Lex Enviro Services will also fit a water tank to capture roof run-off water. This water will be used for cleaning and other site maintenance activities. |
| Waste Impacts | The process will generate minimal waste. As a business, Lex Enviro Services is committed to waste minimisation.<br>All byproducts of the treatment of the Lead Acid Batteries will be collected and if possible sold for recycling. If these materials cannot be recycled they will be disposed of appropriately. |

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| Hazardous Chemical Management | There will be 5 chemicals stored on site as follows:<br>Lead Acid Batteries – Class 8 Packaging Group III.<br>Sulphuric Acid (in the batteries) – Class 8 Packaging Group II.<br>Calcium Hydroxide – Class 8 Packaging Group II.<br>LPG – Class 2.1.<br>Diesel – No Hazard Class.<br>An analysis of the site using the *"Guidelines for the Application of SEPP 33"* (DUAP 1997) clarifies that this site should not be considered a *"Potentially Hazardous Industry"* as the threshold limits for the classified dangerous goods are not exceeded. All chemicals will be stored in appropriate WorkCover approved containers.<br>The operator has developed an Incident/Emergency Response Procedure. This procedure has been developed in line with the requirements of NSW Fire Brigade Policy Number 1 – Guidelines for Emergency Plans with Dangerous Goods. |
| Air Impacts | The technical specification of the machinery includes details of the systems in place to minimise the 2 major potential impacts from these activities - dust from the original dismantling of the Lead Acid Batteries and fumes from the collected acid prior to neutralisation. The technical specification provides that pollution control equipment will be in place to ensure these impacts are well managed. The caustic solution used for neutralising the acid is also stored in an appropriate container, thereby minimising potential air pollution impacts. |
| Soil Impacts | All of the processing operations will take place within the fully bunded warehouse and there are unlikely to be any impacts on soil. |
| Traffic Impacts | When fully operational the machinery can treat up to 40 tonnes of Lead Acid Batteries per day. It is noted that the processing capacity will be 50 tonnes or less at any one time.It is highly likely that there will actually be one less truck movement per day as a result of the fitting of this machine. As mentioned earlier, Lex Enviro Services will be opening a major metals warehouse in St Marys in mid 2010. The bulk of the movements that currently take place at Mount Druitt will move to St Marys. The only activity to take place at this site will be the delivery, crushing and redistribution of component parts of Lead Acid Batteries. This will result in a reduction in local traffic movements. The vehicles delivering to the site will be unloaded and loaded within the confines of the site. |
| Flora and Fauna Impacts | There will be no impact on local flora and fauna. |
| Community Impacts | This is an existing industrial estate and there are no perceived impacts for surrounding business owners and operators. |

| | |
|---|---|
| Development Control Plan | Council's Blacktown Development Control Plan 2006 also applies to this site. Since the site involves the use of an existing warehouse, the design guidelines of the Development Control Plan cannot be applied in this instance as the controls relate to new physical building works and greenfield industrial developments. In this instance, given that the operation will be carried out wholly within the building and no new physical works are proposed, the Application is satisfactory in this regard. |

### 8.9 Expected Life of the Project

The expected life of the operation of this plant is 20 to 25 years.

## 9 Environmental Policies and Other Plans

9.1 The applicant has submitted an Environmental Management Plan (EMP) with the EIS. The EMP covers management of the machinery and reviews the potential areas of impact, the sources of those potential impacts, the activity that could generate the impact and the controls that will be put in place to minimise the risk of that impact occurring, and finally the officer responsible for implementing those controls.

9.2 This EMP is also being used to:

- Outline to employees the environmental systems at the site and the responsibilities of the employees who maintain the site so to prevent/minimise any environmental harm.
- Clearly identify who has responsibility for environmental management on the site.
- Identify the environmental management systems that are being put in place to minimise the environmental impact of the site.
- Be used as a basis for staff induction.

9.3 An Emergency Response Plan (the Plan) has also been developed. The purpose of the Plan is to ensure that the Company has the resources in place and systems in place to mount an effective response to an emergency.

9.4 The applicant has advised that the operator will maintain spill kits for both acid and caustic spills, being the 2 potentially hazardous liquids stored on site. The spill kits will be checked by the operator by way of a regular environmental review program.

## 10 Appraisal of the EIS by Council

10.1 Based on the assessment of the likely areas of impact and nominated controls from the installation and operational impacts of the "Battery Hydro-separation and Crushing System with Acid Treatment Section" unit, it is considered that the operation, subject to the imposition of suitable environmental management conditions, could be managed appropriately by the operator.

10.2 The EIS supports the expansion of an existing successful small business which has grown from initial collection and exportation to now include recycling by the operator for the local market. The direct recycling and processing within the facility will reduce related

energy costs and energy inputs involved in the exportation and transportation of batteries off shore.

10.3 In regard to feasible alternatives, it is evident that the business has grown over the years and the operator is exclusively now seeking to utilise and maximise the use of the premises for the recycling of batteries.

10.4 The capacity of the facility is expected to process some 50 tonnes or less at any one time and to ensure that the quantity of batteries stored on the site is able to be stored fully within the confines of the building. A condition of Consent can be imposed to this effect.

10.5 There are no proposals for further expansion of the site at this stage. Expansion plans are limited by the size and capacity of the site. In any case, should any capacity be proposed to be increased in the future, the operator would first need to demonstrate that the facility could contain all batteries and all storage items within the building and demonstrate that the operation can function safely. Any such expansion proposal would require separate formal approval.

## 11 External Referrals

### 11.1 NSW Fire Brigades and Department of Planning

- The proposal was separately referred to the NSW Fire Brigades and the Department of Planning on 7 October 2009 and 19 October 2009 respectively for comment. No comments were received from either of these bodies.

### 11.2 Department of Environment, Climate Change and Water

- The proposal was referred to the Department of Environment, Climate Change and Water (DECCW) on 7 October 2009, as an Environment Protection Licence for a "scheduled activity" is required under the Protection of the Environment Operations Act 1997.

- On 24 November 2009 DECCW advised that it had reviewed the information contained with the Application and raises no objection to the proposal. Further to this, DECCW issued its General Terms of Approval (GTA) in respect of the proposal to assist Council in making its determination of the Application.

- Some of the key requirements contained in the GTA include:

    - The proponent shall install an appropriate air pollution control system to ensure that all air emissions including dust and particulates from the premises, plant and process are maintained at acceptable levels and these emissions are monitored correctly and regularly.

    - The proponent must ensure that all used batteries and/or chemical substances are handled, unloaded and stored within the bunded area and under cover at all times.

    - All processes, including hydro-separation, crushing and acid treatment, must be carried out wholly within the building and within a bunded area.

    - Decanting, consolidating, bulking or treatment of materials must be conducted wholly within the building and within a bunded area.

- Storage of all input materials and output materials, including used batteries, reagents, lead materials and acid materials etc, must be within a bunded area and under cover at all times.

- The proponent must ensure that all liquid materials, including chemicals, fuels, oils and waste materials, are stored in a designated impervious bund that contains 110% of the volume of the largest container contained within the bund.

- The applicant must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted under the *Protection of the Environment Operations Act 1997* and the Environment Protection Licence.

- Stormwater from all areas of the premises which has the potential to mobilise sediments and other materials must be controlled and diverted through appropriate pollution control measures or structures.

- Licensed activities must be carried out in a competent manner. This includes:

  - Processing, handling, movement and storage of materials and substances used to carry out the activity.
  - Treatment, storage, processing, transport and disposal of waste.
  - All waste at the Premises must be classified in accordance with the DECCW's *Waste Classification Guidelines 2008.*
  - All operations and activities occurring at the premises must be conducted in a manner that will not cause offensive noise.
  - All tanks, drums and other containers containing materials likely to cause environmental harm must be in a bunded area.
  - Any spills and leaks of wastes or other substances likely to cause environmental harm must be cleaned up immediately.

**11.3 WorkCover**

- The proposal was also referred to WorkCover on 6 January 2010 due to the operational matters of working with Dangerous Goods.

- On 18 January 2010 WorkCover advised that it raises no objection to the proposal and offered the following advice:

  - Acid batteries are considered as Dangerous Goods. For any Dangerous Goods site the owner must ensure a safe system of work is established. This includes using the best practicable means of preventing the exposure of any person to risks arising from the keeping and handling of Dangerous Goods.

  - The prevention of risk must be achieved by considering the hierarchy of controls as specified in Clause 5 and the dangerous goods specific requirements in Chapter 6A of the OH&S Regulation.

  - Additional information can be found in the Code of Practice for storage and handling of dangerous goods available on the WorkCover website, and the associated Australian Standards.

- Lead is listed as a hazardous substance in Chapter 6 of the OH&S Regulation. An employer at a place of work at which lead process is carried out must ensure that contamination by lead is confined to the area in which the lead process is carried out (a lead process area) and that lead contamination of the surrounding environment does not occur.

- The Clause 200 Application of Part 6.4 of the OH&S Regulation applies to the use of lead at work and, amongst other things, requires employers to provide health surveillance for employees if there is a risk to health resulting from exposure to a hazardous substance. Those provisions apply whether or not the use constitutes a lead process or lead risk work for the purposes of this Part.

- Clause 345 requires persons to give WorkCover notice of any proposed lead risk work. Please notify WorkCover when the recycling unit is operational.

## 12 Internal Referrals

12.1 The proposal was referred to Council's Development Engineers, Environmental Health Unit and Building Surveyors for consideration and comment.

12.2 These Sections have raised no objection in principle to the proposed development subject to the imposition of standard conditions of Development Consent to control the development satisfactorily on any favourable decision regarding the DA made by the JRPP.

12.3 Specifically, Council's Environmental Health Unit offered the following comments in relation to the proposal:

a. The "recommendations/general terms of approval" outlined in the correspondence from the Department of Environment, Climate Change and Water must be complied with.

b. The applicant, during installation of the machinery, must comply with the following industry guidelines:

- Department of Environment and Conservation Guidelines - Bunding and Spill Management.

- Department of Environment and Conservation Guidelines - "Surface water management on the covered fore-court areas of service stations".

- Australian Standard 1940-1993: The storage and handling of flammable and combustible liquids.

- Australian Standard/New Zealand Standard 4681:2000: The storage and handling of Class 9 (miscellaneous) dangerous goods and articles.

## 13 Public Comment

13.1 Following receipt of the Development Application, the proposal and the accompanying EIS was advertised for a period of 30 days in accordance with the procedures required for "designated development" as set out in the EP&A Regulation 2000. Such advertising included:

(a) Advertisements in local papers.
(b) On-site signposting.
(c) Separate letters to adjoining and surrounding occupiers/owners situated within a 200m radius of the subject site.
(d) Exhibition of the Development Application at the Department of Planning Offices at Sydney and Parramatta and locally at Council's Civic Centre and Mount Druitt Library.

13.1 The formal notification period was from 20 October to 20 November 2009. During this notification period Council received no written submissions.

13.2 Further to the initial referral to the Department of Planning, Council on 23 November 2009 advised the Department in writing that no written submissions were received during the advertising period pursuant to Clause 81 of the Environmental Planning and Assessment Regulation 2000.

## 14 Section 79C Consideration

14.1 The following assessment summarises the proposal in relation to the heads of consideration prescribed in Section 79C of the Environmental Planning and Assessment Act 1979.

**a. The provisions of:**

**I. Any Environmental Planning Instrument**
The subject site is zoned 4(a) General Industrial and is a permissible use with consent under Blacktown Local Environmental Plan 1988.

**II. Any Proposed Planning Instrument**
No draft environmental planning instruments apply to the subject land.

**III. Any Development Control Plan**
The proposal is satisfactory with regard to Blacktown Development Control Plan 2006.

**IV. Any Planning Agreement**
No planning agreements apply to the subject land.

**V. The Regulations**
The Application has been assessed and processed in accordance with the requirements that apply to designated development proposals.

**b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**
The proposal is to be contained wholly within an existing industrial warehouse building and is unlikely to negatively affect the amenity of the industrial precinct subject to the imposition of suitable environmental management conditions.

**c. The suitability of the site for the development**
Consideration has been given to the potential environmental impacts and it is apparent that there are no constraints which would render the site unsuitable for the proposed development.

**d. Any submissions made**
No submissions were received during the notification period.

**e. The public interest**
The public interest is taken to include the provision of a recycling facility which will service greater Western Sydney. It is considered that the proposed development is in the public interest as the facility will offer greater Western Sydney a new recycling facility which will reduce society's ecological footprint.

## 15 Concluding Comments

15.1 The proposal is supported as the facility will significantly reduce the amount of material disposed to landfill.

15.2 Such a specific recycling service will facilitate the reprocessing of thousands of tonnes of batteries over the coming years, will result in the reduction and diversion of waste material, and will provide a more efficient use of valuable resources which is a sustainable outcome.

15.3 Given that the machinery and the operation will be wholly contained within the main warehouse building, it is considered that the operation will minimise the likelihood of global environmental incidents such as spills and contamination from occurring as the batteries will be processed at the local level instead of being shipped overseas for processing. This local processing will reduce the energy input required for the batteries to be processed elsewhere.

15.4 At a local level, the activity will minimise and allow the management of the environmental impact of the recycling activity to conform to industry standards, recommendations made by the DECCW and Council's Environmental Health Unit and other regulatory obligations.

15.5 The implementation of an Environmental Management Plan (EMP) is one example of a policy that will outline the processes and programs the operator will put in place to meet suitable environmental protection measures to cover all the potential impacts of the site when fully operational. Further, the Emergency Response Plan (ERP) will ensure that the Company has the resources and systems in place to mount an effective response to an emergency.

15.6 Under the OH&S Regulations, all personnel must be made aware of Environmental Management Plans through effective staff induction and ongoing safe work practices. For example, chemical manifests and emergency response requirements can be reviewed on a quarterly basis by the operator.

15.7 The main purpose of the proposed machine to be installed on the site is to introduce automation in handling lead acid batteries. This machine is specifically designed to separate lead acid batteries into their 3 main components and limit human handling, exposure and harmful effects.

15.8 The monetary investment of the applicant in acquiring this machinery to enable a recycling facility at Mount Druitt is environmentally responsive and a highly desirable facility for the Greater West region of Sydney and is in the wider public interest.

15.9 The Application is considered satisfactory with regard to the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979.

15.10 Therefore, it is recommended that the Development Application be approved subject to the imposition of suitable conditions of Consent to control the environmental performance of the facility to satisfy the DECCW, WorkCover and Council's Environmental Health Unit recommendations.

15.11 Council as a regulatory authority will monitor the facility's performance and compliance with any conditions of development consent on an annual basis.

## 16 Recommendation

1. The Sydney West Joint Regional Planning Panel Development Application for the installation and operation of an acid battery recycling activity within an existing industrial premises at 6 Sunblest Crescent, Mount Druitt be approved subject to the conditions of Consent listed at Appendix A to this Report.

2. The applicant be advised of the Panel's decision.

# NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
## Environmental Planning and Assessment Act, 1979 (Section 81)

Applicant: **ANDREW JACKSON**
6 SUNBLEST CRESCENT
MOUNT DRUITT 2770

**Determination Number: 09-2325**

**DRAFT**

**Property Description:**
LOT 13 DP794243, 6 SUNBLEST CRESCENT, MOUNT DRUITT

**Development:** Waste Management Facility: Installation and operation of an acid battery recycling activity.

**Determination:** ***Pursuant to Section 81 the Act Council advises that the Development Application has been determined by:***

- Approval by the Joint Regional Planning Panel

**Right of Appeal**
Section 97 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 97 does not apply to State significant development or development that has been subject to a Commission of Inquiry.

**Note:** This Consent is generally valid for a period of five years effective from the date of this Notice, unless specified otherwise by Sections 83 and 95 of the Act, or by conditions of this Consent.

RON MOORE
**GENERAL MANAGER**

**Per** .....……..

**Date**

## 1 ADVISORY NOTES

### 1.1 Services

1.1.1 The applicant is advised to consult with:

(a) Sydney Water Corporation Limited
(b) Integral Energy
(c) Natural Gas Company
(d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

1.1.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

## 2 GENERAL

### 2.1 Scope of Consent

2.1.1 The proposal is to be in accordance with the following document including the accompanying drawings, details and specification, subject to compliance with any other conditions of this consent:

- The *Environmental Impact Statement for Lex Enviro Services dated September 2009 prepared by GEMS P/L.*

2.1.2 This consent authorises the use of the completed approved building for the following purposes, subject to full compliance with all other conditions of this consent:

- Waste Management Facility: Installation and operation of an acid battery recycling activity. The maximum storage of lead batteries permitted to be present on the subject site is 50 tonnes or less at any one time.

- This approval limits the use of the site for the acid battery recycling activity only and for no other use or activity such as a scrap yard, junk yard, storage yard or

similar is to occur.

## 3 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)

### 3.1 Building Code of Australia Compliance

3.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by :

(a) Complying with the deemed to satisfy provisions, or
(b) Formulating an alternative solution which :
(i) complies with the performance requirements, or
(ii) is shown to be at least equivalent to the deemed to satisfy provision, or
(iii) A combination of (a) and (b).

## 4 PRIOR TO DEVELOPMENT WORKS

### 4.1 Notification to Council

4.1.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

4.2 A sign shall be erected in a prominent position on the land indicating the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

## 5 DURING CONSTRUCTION (BUILDING)

### 5.1 Safety/Health/Amenity

5.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

5.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

(a) the name, address and telephone number of the principal certifying authority for the work, and
(b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the work site is prohibited.

5.2 **Building Code of Australia Compliance**

5.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia.

5.3 **Nuisance Control**

5.3.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

5.3.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

## 6 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)

6.0.1 Bunding is to be designed and installed in accordance with:

(a) Department of Environment and Conservation Guidelines - *Bunding and Spill Management;*
(b) Department of Environment and Conservation Guidelines *"Surface water management on the covered forecourt areas of service stations";*
(c) *Australian Standard 1940-1993: The storage and handling of flammable and combustible liquids; and*
(d) *Australian Standard/New Zealand Standard 4681:2000: The storage and handling of Class 9 (miscellaneous) dangerous goods and articles.*

6.1 Those 'recommendations/general terms of approval' outlined in the correspondence from the Department of Environment, Climate Change and Water, dated 18 November 2009, (Ref. No.: DOC09/48956) known as **Attachment 1** of this consent.

## 7 PRIOR TO OCCUPATION CERTIFICATE

7.0.1 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.

7.0.2 All required internal roads and car parking spaces shall be line-marked, sealed with a hard standing, all-weather material to a standard suitable for the intended purpose.

7.1 **Compliance with Conditions**

7.1.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than "Operational" conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent,

other than "Operational" conditions, may render the applicant/developer liable to legal proceedings.

7.1.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the principal certifying authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

7.2 Submission of a final Environmental Management Plan (EMP) that is to satisfy 'recommendations/general terms of approval' outlined in the correspondence from the Department of Environment, Climate Change and Water, dated 18 November 2009, (Ref. No.: DOC09/48956) for the Waste Management Facility: Installation and operation of an acid battery recycling activity only. This will entail amending the existing EMP so as to address employee safety, ongoing training and management structure and responsibilities.

7.3 The applicant is to submit to Council written verification that the current unauthorised uses of the site as a junk yard has completely ceased and is operating at the new St Mary's premises. Only upon receipt of Council's written confirmation and issue of an Occupation Certificate, may this operation at 6 Sunblest Crescent, Mount Druitt commence.

## 8 OPERATIONAL MATTERS

8.1 At no time are batteries or recycled components to be stored externally to the industrial building on the site. No other waste bins, waste, goods, recyclables, items, containers, drums and the like are to be stored in the car park or in the landscape setback area.

8.2 The maximum storage on the site of lead batteries is 50 tonnes or less at any one time. Any increase to this amount will require the separate formal and prior approval of Council.

8.3 Approved hours of operation are from 7am to 5pm Monday to Saturday.

8.4 The quantity and type of dangerous goods to be stored on the site shall not exceed the quantities and types set out in the *Environmental Impact Statement for Lex Enviro Services dated September 2009* held on Council's file and supporting documentation without the prior separate formal approval of Council.

8.5 The storage and handling of liquids associated with activities on the premises is to be carried out in accordance with the requirements of;

- NSW Workcover;
- Australian Standard 1940:1993- The Storage and Handling of Flammable and Combustible Liquids; and
- Department of Environment and Conservation Guidelines - Bunding and Spill Management.

8.6 Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean up equipment shall be kept on site to recover any liquid spillage.

8.7 Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the Protection of the Environment Operations Act 1997.

8.8 All chemicals and materials associated with the use of the site, including empty containers and the like are to be stored within the building.

8.9 All work associated with activities on the premises shall be carried out within the factory and not on the external forecourt/driveway area.

8.10 No contaminated waste water or liquid waste shall be discharged into Council's stormwater system.

8.11 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed on the premises for both public and staff information at all times to the satisfaction of Council.

8.12 Access to the fire extinguishers shall be kept clear at all times.

8.13 Access into any restricted areas of the building is to be prohibited and this is to be made clear by the use of signage.

8.14 Emergency Services Information Cabinets are to be installed adjacent to all emergency vehicle access points. The cabinets should be weatherproof and contain necessary details of the sites Dangerous Goods Inventory, Emergency Plan, Site Plan with fire service layout and contact phone numbers of key staff.

8.15 The operator shall store and handle all dangerous goods, as defined by the Australian Dangerous Goods Code in accordance with all relevant Australian Standards and DEC's Environment Protection Manual Technical Bulletin- *Bunding and Spill Management*.

8.16 The Operator shall ensure that all waste generated on the site by operation is classified and managed in accordance with the DEC's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes and disposed of to a facility that may lawfully accept the waste.

8.17 The Operator is to keep record details of all complaints received during the life of the operation and an up-to-date complaints register. This register must record and not necessarily be limited to:

a. the date and time, where relevant, of the complaint;
b. the means by which the complaint was made (telephone, mail or email);
c. any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
d. the nature of the complaint;
e. any action(s) taken by the Operator in relation to the complaint, including any follow-up contact with the complainant; and
f. if no action was taken by the Operator in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available for inspection by Council upon request.

8.18 Upon receipt of a justified complaint in relation to noise pollution emanating from the site, an acoustical assessment is to be conducted in accordance with the requirements of the Environment Protection Authority's *Industrial Noise Policy* and submitted to Council for consideration.

8.19 Any activity carried out in accordance with this approval shall not give rise to offensive odour, offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

8.20 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.

8.21 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.

8.22 WorkCover NSW is to be notified of when the recycling unit becomes operational.

8.23 Within 12 months of the commencement of the operation and annually thereafter, the operator shall confirm in writing to Council that all safety related procedures and equipment are in place and operating satisfactorily in accordance with the final Environmental Management Plan.

8.24 Council will also undertake annual inspections of the premises to check the performance and compliance with the stipulated conditions.

8.25 The front setback area is to be suitably landscaped and not used for any storage purposes or the like.

These conditions are imposed for the following reasons:

(a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
(b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
(c) It is in the public interest that they be imposed.

RON MOORE
**GENERAL MANAGER**

Per _____
Blacktown City Council