

JRPP No:	2013HCC013
DA No:	16-2013-384-1
PROPOSED DEVELOPMENT:	Waste Management Facility 42 Heather Street, Heatherbrae
APPLICANT:	Hazmat Services
REPORT BY:	Priscilla Emmett, Port Stephens Council

Assessment Report and Recommendation

1. APPLICATION REFERENCES	
Application No.	16-2013-384-1
Property	42 Heather Street, Heatherbrae
Lot and DP	LOT: 423 DP: 806140
Description of development	Waste Management Facility
Applicant	Hazmat Services
Date lodged	27/06/2013
Owners Consent	Yes
Capital Investment Value	\$10,000
Present use	Waste Management Facility
Zoning	4(a) - Industrial General "A" / Part IN1 General Industrial (Draft)
Site Constraints	Bushfire (Category 3), Acid Sulphate Soil (Class 4), Hunter Water Special Area – Tomago Sandbeds
88B Instrument and Deposited Plan	No restrictions to the proposed development
Submissions	Nil
Recommendation	Approval
Assessing Officer	Priscilla Emmett

Proposal

The development application is for the use of the premises as a waste management facility operated by Hazmat Services Pty Ltd. Hazmat is a specialist occupational health and safety, waste and environment services company that deals specifically with hazardous materials and substances use and disposal in the workplace. Hazmat provides a consulting, assessment, monitoring and disposal service to clients across a broad range of industry sectors.

The operations of the facility involve accepting waste from a range of industries including:

- Manufacturing
- Mining
- Retail
- Chemical
- Health
- Veterinary
- Scientific research
- Local government
- Emergency services

The waste materials received can not be disposed of to landfill or the via the sewer system. These wastes include waste oil, unused paints and solvents, acid and alkali wastes, toxic solids and liquids, used spill equipment and many other industrial wastes and contaminated material. The majority of the waste comes from small and medium sized companies who do not produce enough waste to be able to afford disposal by large industrial waste operators.

An Environmental Impact Statement (EIS) was submitted with the application and contains a detailed list of the types of waste received at the premises including the volume received annually. Examples of the key waste streams include lead, lead compounds; waste from the production, formulation and use of resins, latex, plasticisers, glues and adhesives; organic solvents excluding halogenated solvents; and waste from the production, formulation and use of inks, dyes, pigments, paints, lacquers and varnish.

The facility currently operates under an Environmental Protection Licence (EPL) No. 13255. The wastes (solid and liquid form) are tracked from the point of collection using the NSW Environment Protection Authority's (EPA) Waste Tracking System. Once received at the site, the wastes are stored and consolidated with similar and compatible waste streams. When stored quantities of a particular waste stream reach viable quantities the wastes are transported to other operators for treatment or disposal. The waste comes in a range of container sizes from 1L containers to 1000L IBC containers. No thermal or non thermal waste treatment is performed on site.

The operation has the storage capacity of 250m³ and typically generates 25% of this amount. The operation has a current notification of dangerous goods storage from NSW Workcover, notification number NDG037350. This allows the storage of dangerous goods to a restricted quantity.

Operational details

- A forklift and a drum crusher are located on site. The forklift is used for loading and unloading vehicles and facilitates materials handling on the site. It is considered to be suitable for use in areas with possible flammable atmospheres. The drum crusher is used to crush empty drums before disposal.
- The hours of operation are Monday to Friday - 7am to 5pm.
- There are four (4) staff employed with the operation, three (3) of which are located on site.
- Warehouse B (rear of site) is where wastes are received, manifested, consolidated, labelled and packaged for dispatch. This warehouse can accommodate approximately 150 pallets of waste, leaving room for waste consolidation and waste received.
- Warehouse A (front of site) is used to store material that has been packaged and labelled and is awaiting dispatch. All waste is stored on pallet racking, with room for 126 pallets of waste.

Environmental Management Plan

An Environmental Management Plan has been submitted with the application. This identifies the sites environmental hazards and the controls used to minimise the risk. The hazards identified include vehicle loading/unloading, waste storage, waste consolidation, bin loading, fire and stormwater drainage. A number of controls have been identified to minimise the risk including:

- Bunding – the internal areas of the warehouse are both bunded
- Stormwater isolation – the stormwater system is fitted with a gate valve to stop the site drainage from exiting the site
- Drain wardens – absorbent material fitted to drain covers to absorb oils and hydrocarbons as run off passes into the drain
- Spill equipment
- Site procedures for vehicle loading/unloading, waste storage and consolidation, plant use, spill management, emergency management and a Pollution Incident Response Management Plan.

Application details

The Environmental Impact Statement addressed the Director General's Requirements which were issued on the 8/4/13. A number of appendices are attached to the EIS and include a Site Management Plan, Emergency Response Plan, EPC Protected Matters

Report, Community Consultation Letter, Preliminary Hazard Assessment, BCA Assessment Report and Pollution Incident Response Management Plan.

Site Description

The site is located in an industrial area in Heatherbrae and is 2163m² in size. It currently contains two separate 400m² warehouses and attached office spaces. A driveway is located on the northern side of the site providing vehicular access to both warehouses. There are eight parking spaces available on site, including one disabled parking space. A drainage reserve is located at the rear of the site, behind the existing building.

The adjacent sites to the north, south and west contain industrial premises. The properties to the east (rear of the site) are both vacant and contain a large concrete drainage area/easement located in close proximity to the rear boundary of the subject site.

Site History

The property has been used by a series of operators to store and consolidate waste since 2003. The site has been operated by Hazmat Services since May 2010. Before Hazmat began operating on the site, various correspondence was made between Council and Hazmat over whether the site had the correct approvals in place. No concerns were raised at this time, subject to appropriate approval being granted from the NSW EPA. An Environmental Protection License was issued by the EPA on 15 April 2010 for waste storage.

In early 2011 Hazmat applied to the EPA to amend its licence to include further waste types. The EPA stated that before the application could be processed documentation was required from Council stating that the additional waste types are consistent with approvals issued on the site. Council responded in July 2011 by stating that the additional waste types were considered hazardous or potentially hazardous and were not permissible under the existing consent and that a new development application was to be submitted. Hazmat then decided not to proceed with the additional wastes and therefore did not submit a development application.

Hazmat then decided to revisit the option of additional waste types as well as processing waste on site. A section 96 application was lodged on 22/9/12 to amend Development Consent No. 16-2001-339-1 to undertake waste processing (non thermal treatment) of selected hazardous wastes received at the site. Council's assessment of the application concluded that the application was not considered to be 'substantially the same' and was not an amendment of the existing consent. It was requested that a new development application be submitted for the use as a waste management facility, which is classified as designated development under Schedule 3 of the *Environmental Planning and Assessment Regulations*.

The last approval issued for the site (16-2001-339-1) was issued for the construction of an

industrial building. The Statement of Effects submitted with the original development application stated that Building A was to be the subject of a future application for the use and Building B was to be used by a construction company to store formwork and small equipment. Council has not received any Development Applications for the site since this date.

Site inspections conducted on the 20 December 2012 and 3 January 2013 by Port Stephens Council, the Environmental Protection Authority (EPA) and Workcover, (as part of the section 96 application) identified concerns about the environmental performance of the site. The EPA identified a number of safety issues regarding the licence variation application and requested further information demonstrating that the correct consents are in place to store and handle dangerous goods and waste, and to process and treat such wastes.

Workcover issued three Improvement Notices on the 3 January 2013 in relation to emergency eyewash and shower equipment, manifest and hazardous chemical segregation, whereby these issues were to be rectified by the 31 January 2013.

Since, this time the applicant obtained the Director General requirements for the preparation of an Environmental Impact Statement, which has subsequently been submitted as part of this application. Hazmat has decided not to pursue approval to process waste onsite and is only intending to continue to store waste on site, as per existing operations. The subject application will enable appropriate conditions to be placed on the consent by Council and the EPA.

Environmental Planning and Assessment Act 1979

classification of development	y/n
Is the development proposal <u>Advertised</u> Development?	Yes
Have adjoining and affected properties been notified?	Yes
Has an advertisement been placed in local newspaper? The application is designated development and an advertisement was placed in the Newcastle Herald and the Port Stephens Examiner on two occasions, advertising the application for a period of 30 days. In addition, the applicant consulted with Council, the EPA, the Department of Planning and Infrastructure and Workcover in regards to the application. The applicant also consulted with the neighbours in the vicinity of the site through a letter drop and a door knock. A copy of the letter was supplied with the application and no comments were received as part of this process.	Yes

designated development	y/n
Is the development proposal <u>Designated</u> Development (as listed below)? In addition, the Hunter and Central Coast Joint Regional Planning Panel is the consent authority for the development in accordance with clause 8, Schedule 4A of the EP&A Act.	Yes
Waste management facilities or works under Schedule 3 of the <i>Environmental Planning and Assessment Regulation 2000</i> are described as: (1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and: (a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste: (i) that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or (ii) that comprises more than 100,000 tonnes of "clean fill" (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or (iii) that comprises more than 1,000 tonnes per year of sludge or effluent, or (iv) that comprises more than 200 tonnes per year of other waste material, or (b) that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and: (i) that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or (ii) that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or (iii) that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material, or that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or (d) that are located: (i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or (ii) in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or (iii) within a drinking water catchment, or (iv) within a catchment of an estuary where the entrance to the sea is intermittently open, or (v) on a floodplain, or (vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic. (2) This clause does not apply to: (a) development comprising or involving any use of sludge or effluent if: (i) the dominant purpose is not waste disposal, and	

designated development	y/n
(ii) the development is carried out in a location other than one listed in subclause (1) (d), above, or (b) development comprising or involving waste management facilities or works specifically referred to elsewhere in this Schedule, or I development for which State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas requires consent. The proposed use is considered to be 'designated development' as Clause 32 (1)(a)(i),(iv); (b)(i); (d)(iii) of Schedule 3 are triggered as the use: • includes and handles substances classified in the Australian Dangerous Goods Code • comprises more than 200 tonnes per year of waste material • and the site is located within a drinking water catchment. The Environmental Impact Statement states that 'volumes received on site would remain at approximately 200 tonnes of solid and 300 tonnes of liquid waste per annum. It was stated that the site accepted 340 tonnes of waste from industry for 12 months up to May 2013. The project has a storage capacity of 250m³, which equates to the potential storage capacity of 402 pallets, with 294 pallets being able to be accommodated in Warehouse B and 108 pallets in Warehouse A.	
Has an Environmental Impact Statement been submitted?	Yes
Has the application been notified for a period of 30 days?	Yes
Have adjoining and affected properties been notified?	Yes
Has a notice been displayed on site?	Yes
Have copies of plans been placed at Council, Department and Consent Authorities Office (i.e. if JRPP).	Yes
Has an advertisement been placed in local newspaper on at least two occasions?	Yes
Comment The applicant submitted an EIS in accordance to the requirements of the Director General, issued on the 8 April 2013. The EIS provides a detailed response to the requirements of the Director General. All of these issues have been explored in terms of the existing environment (what is happening on the site), potential impacts and mitigation measures to reduce any impacts. The information stated below is a summary of the key environmental issues on the site. <u>Alternatives</u> The alternate option for the project is to cease operating from the site. This would result in a number of staff losing their jobs and loss of business for a number of	

designated development	y/n
local contractors who are engaged for certain services associated with the use. <u>Environmental Issues</u> A preliminary risk screening was undertaken for the project to consider the likelihood of an environmental impact occurring and the consequence of that impact should it not be mitigated. The key issues of the environmental planning assessment include waste management, surface water and soil management, traffic and transport, air quality, noise and fire and incident management. Those of less significance include ecology, heritage, landscape, visual amenity and socio economic impacts. A Preliminary Hazard Analysis (PHA) was submitted with the application in accordance to State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33). The assessment of the hazards on site and the screening conducted indicated that the dangerous goods and transport movement proposed for the site are both below the SEPP 33 threshold limits. <i>Waste management</i> <i>The Waste Avoidance and Resource Recovery Act 2001 (WARR Act) promotes waste avoidance and resource recovery. The wastes received on site are recycled or disposed of in a variety of ways. For example thinners are transported to a third party for distillation and re-use; corrosives are transported to a third party for neutralisation and ultimate disposal; and solid waste materials are transported to a third party for waste classification and disposal at general solid or restricted solid authorised land fill. The wastes when received on site are consolidated and sorted depending on the final fate. When viable quantities of a waste stream are reached, these are then loaded and transported to a third party by truck. The third party then accepts the waste which may then be recycled, processed, used a fuel or disposed of in land fill. These processes are in line with the aims of the WARR Act.</i> The environmental issues identified for waste management include the potential impacts of unnecessary use of landfill, unnecessary greenhouse gas emissions from incorrect disposal, incorrect disposal of corrosive or toxic waste streams and spill of liquid wastes. The mitigation measures for controlling waste management include procedures for accepting, storing and sorting chemical wastes; industry best practice of recycling processing, use as a fuel or disposal in land fill or waste streams in lines with the WARR Act and storage of chemical waste in accordance with <i>AS/NZS3833.2007 The storage and handling of dangerous goods in packages and intermediate bulk containers.</i> <i>Surface water and soils</i> The environmental issues identified include the potential impacts of	

designated development	y/n
contamination of surface water in the nearby drainage channel and contamination of soils on the site. The site is not constrained by flooding and no physical changes to the existing buildings are proposed. The site is predominately sealed by concrete and bitumen and there is very little soil exposed on the site. As no physical works are proposed there will be no impact on acid sulphate soils. Approval is not required under the <i>Water Management Act 2000</i> or <i>Water Act 1912</i>. A number of mitigation measures are located on site to eliminate or reduce the likely impacts on water or soil. These include the: • Use of a neoprene drain seal to eliminate spillage from vehicle loading activities entering the stormwater system • Use of a gate valve on the last stormwater drain sump to isolate the sites drainage system from the off site drainage channel • Use of drain wardens fixed to the drain covers to absorb hydrocarbons and oil • Use of spill kits • Use of procedures such as site management and spill management plans • Conducting waste consolidation activities within the bunded warehouse. As a result of these measures, the potential impacts of the project on surface water and soils are minimal. <i>Traffic and transport</i> The traffic and transport issues identified include the potential impacts of added traffic movements to local roadways. The use of the premises involves eight (8) truck movements and twenty (20) light vehicle movements per week. Eight parking spaces are located on site and there is a turning bay located towards the rear of the site, in front of warehouse B which allows larger vehicles to turn around and exit the site in a forward direction. The mitigation measures include limiting the number of vehicle movements, ensuring all dangerous goods are loaded and packed in accordance with the Australian Dangerous Goods Code for Road and Railway Transport Version 7 and all drivers are required to have dangerous goods licences. <i>Air quality</i> The air quality issues identified include the potential impacts of odours, dust and greenhouse gases. The mitigation measures include consolidation and decanting activities of the waste inside the warehouses, minimising unnecessary vehicle movements and regular cleaning/inside outside warehouses to reduce the potential for dust generation. <i>Noise</i>	

designated development	y/n
The noise issues identified the potential impacts of generation of nuisance noise on neighbouring industrial activities. The mitigation measures include the use of hand held and power tools inside the warehouses, operation of the drum crusher inside warehouse B and limiting site operating hours from 7am to 5.30pm, Monday to Friday. Council does not have any record of noise complaints for the premises and no submissions were raised in relation to the application. The EIS concludes that the noise generated by the project is sporadic and generally low for the industrial activities that are conducted in the area. There maybe short periods of noise above 75db at the nearest receptor. However, given the existing background noise from adjacent industrial activities and the Pacific Highway, noise generation from the facility would be minimal to the neighbouring receptors. <i>Fire and Incident Management</i> The issues identified include the potential impacts of liquid spills and fire and smoke on site. The mitigation measures include the use of spill containment equipment, spill management procedures, spill kits, site management and emergency response plans and storage of all waste in bunded BCA compliant warehouses. An audit of the site for compliance of the Building Code of Australia (BCA) was conducted and supplied with the EIS. The buildings on site were generally found to be compliant with the BCA. However, a number of recommendations have been made to ensure full compliance with the Code. The areas of non compliance relate the exit doors (having a discharge area being protected by bollards and hardware being altered), electrical cupboards (be of non combustible and smoke sealed) and the hydrant system to be reviewed and tested. Council's Fire Safety Officer has reviewed the submitted information and is acting on the report to ensure that the building is made compliant with the BCA.	

INTEGRATED DEVELOPMENT ASSESSMENT			
Integrated development is development (not being complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals -			
ACT		APPROVAL	Y/N
<i>Protection of the Environment Operations Act 1997</i>		The POEO Act requires an Environmental Protection Licence (EPL) for scheduled development work and the carrying out of scheduled activities. Hazmat Services	Yes

INTEGRATED DEVELOPMENT ASSESSMENT		
	currently hold EPL 13255 for the scheduled activity of 'waste storage – hazardous, restricted solid, liquid, clinical and related water and asbestos waste'.	
Have all integrated referrals been sent?		Yes
Have General Terms of Approval been received? The application was referred to the EPA and General Terms of Approval were issued for the development on 17 September 2013. The terms of approval have been included in the conditions of consent and include details on the type of wastes that have been approved to be accepted and stored on the premises, and a number of operating conditions.		Yes

Other External Referrals		
Agency	Legislation	Y/N
Hunter Water Corporation	Hunter Water Regulation 2010	Yes
The application was referred to Hunter Water as the site is located in the Tomago Sandbeds Special Catchment Area. Hunter Water provided comments on the 4 September 2013 and stated that they do not deem the development to pose a significant risk to Hunter Water, provided the operations on site are managed in accordance with the information submitted. However, they requested that the proponent inform Hunter Water should a spill of hazardous waste occur onsite in an unbunded area, in order to minimise the risk to Hunter Water customers.		

INTERNAL REFERRAL ASSESSMENT	
Building Council's Building Assessment Team reviewed the application and raised no concerns over the proposed use subject to appropriate conditions of consent that require full implementation of all of the recommendations of the BCA audit within one month of the consent being issued. Appropriate certification by an accredited Building Surveyor Certifier should be supplied with a current fire safety statement. Engineering Council's Development Engineering Services reviewed the application and raised no concerns over site access or drainage as these issues have been assessed under previous applications. However, it was acknowledged that there are existing preventative measures for restricting waste to enter the drainage system and natural water courses through the use of: • bunding in storage areas; • stop valves on stormwater pipes/pits;	

INTERNAL REFERRAL ASSESSMENT

- drain wardens incorporated into the drainage system to soak up any leaking oil/grease; and
- covering stormwater pits up with solid lids when waste is being loaded/unloaded.

Heritage

The Heritage Act 1977 aims to protect and preserve items of historic heritage significance. Under the National Parks and Wildlife Act 1974 the harming or desecrating of Aboriginal objects or places is an offence.

There are no heritage items or known aboriginal heritage items or objects located on the site.

LOWER HUNTER REGIONAL STRATEGY

The Lower Hunter Regional Strategy aims to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the Region's population over the next 25 years. The Regional Strategy plans for the provision of sufficient new urban and employment lands to meet expected strong demands for growth. The Regional Strategy also refocuses development in the Lower Hunter towards the strengthening of vibrant centres that support the role of Newcastle City Centre as the regional city.

The protection of the drinking water catchment is an identified action in the Strategy. The application has been referred to Hunter Water for comment, to ensure that the proposed development will have no impact on the catchment, given that the site is located in the Tomago Sandbeds area. Hunter Water comments have been discussed previously and no concerns have been raised with the proposed development, other than a request to be notified in the event of a spill in an unbunded area.

The Strategy also aims to maintain employment opportunities in the region, with the majority of the employment being located in suitable areas. The development offers employment opportunities for existing staff and also has an economic benefit in that the use relies on a number of other services in the region. The site is suitably located in an industrial area which offers employment in a variety of industries.

CLAUSE 5A CONSIDERATIONS	y/n
Having regard for Clause 5A of the Environmental Planning and Assessment Act, do any of the following issues require further consideration?	
Whether the life cycle of a threatened species will be disrupted.	No
Whether the life cycle of an endangered population will be disrupted.	No
Whether the habitat of a threatened species or ecological community will be modified.	No
Whether habitat will become isolated from other areas of interconnecting or proximate habitat.	No
Whether critical habitat will be affected.	No
Whether a threatened species, ecological community or habitat are represented in the region's conservation reserves.	No
Whether the development is recognised as a threatening process.	No
Whether any threatened species or ecological community is at the limit of its known distribution.	No
The site is currently developed and the proposal does not include the removal of any vegetation. On this basis, the development will not have an impact on threatened species, populations and ecological communities and their habitats. In addition, the applicant conducted a search of the matters of national environmental significance for the site, to determine whether a referral was required to the Department of Sustainability, Environment, Water, Population and Communities in accordance to the <i>Environment Protection and Biodiversity Conservation Act 1999</i>. Given the proposal and the existing site conditions a referral to the Department was not considered necessary.	

Section 79C(1) EP&A Act 1979 – potential matters for consideration	
1.1 (a)(i) the provisions of any environmental planning instrument (EPI)	
State Environmental Planning Policies	
<i>State Environmental Planning Policy (Infrastructure) 2007</i> The SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. Division 23 of the SEPP applies to waste or resource management facilities, in that these uses are permissible in certain zones, including the equivalent IN1 General Industrial zone.	
<i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i>	

SEPP 33 presents a systematic approach to planning and assessing proposals for potentially hazardous and offensive development for the purpose of industry or storage. Through the policy, the permissibility of a proposal to which the policy applies is linked to its safety and pollution control performance. SEPP 33 aims to ensure that the merits of proposals are properly assessed (in relation to off-site risk and offence) before being determined. The applicant conducted a preliminary screening as outlined in NSW Department of Planning's Hazardous and Offensive Development Application Guidelines Applying SEPP 33. This screening indicated that the dangerous goods and transport movements are both below the SEPP 33 threshold limits. Details on the compliance with these limits have been included in the Preliminary Hazard Analysis (PHA) which was submitted with the application. The PHA concludes that in the context of SEPP 33, the operations are not considered as hazardous. The PHA includes a summary and investigation of the current hazards and controls in place for the facility. It also identified any hazardous events, their consequences, likelihoods and controls. On this basis, it is considered that the application meets the requirements of SEPP 33.		
Port Stephens Local Environmental Plan 2000		
What is the land zoned?	4(a) Industrial	
What is the proposal for?	Waste management facility	
Is this permissible within the zone?	Yes	
Does it meet the objectives of the zone?	Yes	
Part 2: General Restrictions on Development of Land		
Division 5: Industrial Zones		
Cl. 23	Industrial zones	The development is permissible in the zone
Division 1: Special Provisions relating to Port Stephens generally		
Cl.47	Services	The building is currently serviced by water and sewer facilities. There are no proposed changes to the existing services on site.
Cl.51A	Development on land identified on Acid Sulfate Soils Planning Map	There are no building or excavation works proposed with the application, so there will be no impact on the water table and acid sulphate soils.
(a)(ii) the provisions of any draft environmental planning instrument (EPI)		
Port Stephens Draft Local Environmental Plan 2013		
Part 2: Permitted or Prohibited Development		
Cl.2.1	Land use zones	The land is zoned IN1 General Industrial and the use is prohibited if defined as a waste or resource management facility. However, the use is currently permissible under LEP 2000 and is also permissible in

		the IN1 General Industrial zone under the Infrastructure SEPP.
Part 7: Additional Local Provisions		
Cl.7.1	Acid sulphate soils	There are no building or excavation works proposed with the application, so there will be no impact on the water table and acid sulphate soils.
Cl.7.6	Essential services	Essential services such as water, electricity, road access and management of sewage are available to the site.
Cl.7.8	Drinking Water Catchment	The site is located in the drinking water catchment and the development is considered to not impose a risk to drinking water quality or on the catchment. The site has a number of mechanisms in place to prevent any impacts on water quality and the application was also been referred to Hunter Water who raised no concerns with the application.
1.2 (a)(iii) any development control plan		
Development Control Plan 2007		
Part A1 Section A.1.9 – Development Notification Requirements		
Has the application been appropriately notified?		Yes
Have all adjoining and affected properties been notified?		Yes
Section B2 – Environmental and Construction Management		
B2.3	Water Quality Management	Comments on water quality have been provided previously in this report. There are no building works proposed and the use of the site involves a number of mitigation measures to protect water quality. Hunter Water has also commented on the application and raised no concerns.
B2.4	Acid Sulphate Soils	There are no building or excavation works proposed with the application, so there will be no impact on the water table and acid sulphate soils.
B2.12	Waste Water	There are no building works proposed with the application and the current building is connected to an on site waste water disposal system.
Section B3 – Parking, Traffic and Transport		
B3.3	Parking Requirements	The parking requirements for a waste management facility are not specified in the DCP. Eight (8) spaces including one

		disabled space are provided on site. Warehouses require 1 space per 200m², plus one disabled parking space and industries require 1 space per 100m² plus 4 spaces per workbay and 1 disabled space per 30 spaces. The parking on site is considered to be sufficient for the use and is generally consistent with the requirements for industrial and warehouse premises.
B3.4	Access Requirements	The vehicular access into the site is considered acceptable. This was considered in detail as part of the assessment of the construction of the building that is located on the site.
B3.5	Design Requirements	The location and design of the parking spaces on site are considered to be satisfactory.
Section B5 – Industrial Development		
	The majority of the requirements in the Industrial Part of the DCP do not apply as they mainly relate to the construction of new industrial premises. However, the use provides sufficient parking on site and the office is located facing the street to assist with providing a recognisable entry. There are no building works proposed as part of the application.	
Section C8 – Heatherbrae Industrial Area		
	The majority of the requirements in the Heatherbrae Industrial Area part of the DCP do not apply as they mainly relate to the construction of new industrial premises. No new roads or site access are being created and no habitat will be impacted upon as part of the development. This section of the DCP also requires that each lot complies with the Hunter Water Special Areas Regulation 1989. The application was referred to Hunter Water for comment who raised no concerns with the application.	
(a)(iia) – any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F		
There is no planning agreement that has been entered into under section 93F, and no draft planning agreement that a developer has offered to enter into under section 93F of the Act that relates to this development.		
(a)(iv) – any matters prescribed by the regulations		
Primary Matters	Specific Considerations	Y/N
Clause 92 EP&A Regulation: Government Coastal	Does the policy apply to the coastal zone of the council area as specified in cl.92 of the EP&A Regulation?	Yes

Policy	The proposal is consistent with the 'strategic actions' and the 'design and location principles' in the Policy.	
Clause 93 and 94 EP&A Regulation: Fire safety	The BCA Audit submitted with the application made a number of recommendations for the site to ensure full compliance with the BCA. A condition has been placed on the consent requiring full implementation of all of the recommendations of this audit within one month of the consent being issued.	

(b) – the likely impacts of the development

The development is unlikely to have any significant environmental impacts or social or economic impacts in the locality. The EIS has identified a number of mitigation measures that have been proposed on site to minimise any impacts of the development. On this basis, the development is considered to be acceptable.

(c) – the suitability of the site for the development

The proposed site is considered suitable for the development as it is located in an industrial area.

(d) –any submissions made in accordance with this Act or the regulations

Public submissions	No submissions were received with the application and the submissions from the EPA and Hunter Water have been included as part of the assessment.
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(e) –the public interest

The proposed development is in the public interest as it proposes to consolidate and sort waste, in the attempt to reduce or potentially allow for the reuse of waste. The responsible use and disposal of waste and ultimately the reduction in waste, is in the public interest.

SECTION 80A CONSIDERATIONS		y/n
Having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act, do any of the following issues require further assessment?		No
Whether any consent/right should be modified/amended?		No
Whether any development should be modified or ceased?		No
Whether the period of the development should be limited?		No
Whether any building/works should be removed after period?		No
Whether any works should be carried out regarding S79C?		No
Whether any application details should be modified?		No

SECTION 94 - CONTRIBUTIONS		y/n
Are contributions required for the provision, extension or augmentation of public amenities and public services?		No

ecologically sustainable development	y/n
Having regards for the principles of ecologically sustainable development, do any of the following issues require further consideration?	Yes
Precautionary principle?	Yes
Intergenerational equity?	Yes
Conservation of biological diversity and ecological equity?	Yes
Improved valuation, pricing and incentive mechanisms?	Yes
The EIS has considered the principles of ecological sustainable development and states: • The precautionary principle has been applied to the site through the establishment of environmental control measures which have been operating successfully for a number of years. The EIS has revised the practices to evaluate whether further improvements are required to follow this principle. • The development is consistent with the principle of inter-generational equity. The site utilises the existing facility and does not propose to make any modifications. • The development will not impact on the biological diversity or ecological integrity of the site or its surrounds. • The development provides a valuable service to the community and industry by providing cost effective alternatives for waste management in the Hunter and by utilising existing infrastructure it avoids any further impacts on the natural, built and social environments.	

recommendation:
The application is recommended for approval. Conditions of consent are attached to this report in Schedule 2.

endorsement
The officer responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application has no pecuniary interest to disclose in respect of the application. The staff responsible authorised to assess the application have no pecuniary interest to disclose in respect of the application. Priscilla Emmett 18/9/13

