

Joint Regional Planning Panel (Southern Region) | 17 December 2013

JRPP No	2013STH010
DA Number	RA13/1000
Local Government Area	Shoalhaven City Council
Proposed Development	Expansion of E-Waste Recycling operations to include the processing and recycling of Cathode Ray Tube (CRT) glass and the granulation of plastics.
Street Address	Lot 49 DP 810890 (No.16) Norfolk Avenue, South Nowra
Applicant	SET Consultants Pty Ltd
Number of Submissions	0
Recommendation	Approval with Conditions
Report by	Andrew Lissenden, Senior Development Planner

ASSESSMENT REPORT AND RECOMENDATION

EXECUTIVE SUMMARY

Reason for Consideration by Joint Regional Planning Panel

The development application (DA) has been referred to the Joint Regional Planning Panel (JRPP) pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979 (EPA Act). Specifically, the proposed development satisfies the criteria of Clause 8 (Particular designated development) (c) of Schedule 4A of the EPA Act as it is for a 'waste management facility or work' that meets the requirements for designated development under Clause 32 of Schedule 3 to the Environmental Planning Regulation 2000 (EPA Regulation).

Proposal

The development application seeks approval for the expansion of an existing e-waste recycling operation to include the processing and recycling of Cathode Ray Tube (CRT) glass and the granulation of plastics. The application seeking approval to process 100 metric tonnes of CRT glass per year. The only building works proposed as part of this application relate to the installation of a dust collector adjacent to the south eastern corner of building 4.

Permissibility

The site is zoned 4(a) (Industrial "A" (General) Zone) under the Shoalhaven Local Environmental Plan 1985 (SLEP 1985). The proposal is a permissible use in a 4(a) zone with development consent under SLEP 1985.

Consultation

The application was placed on public exhibition in accordance with the requirements for designated development as outlined in the EPA Act and EPA Regulation. No submissions were received during notification period.

Main Issues

Air quality, noise and compliance with current development consent requirements.

RECOMMENDATION

It is recommended that RA13/1000 (JRPP Ref 2013STH010) be approved subject to the conditions contained in **Attachment 'A'**.

ASSESSMENT REPORT

1. Background

The following provides details on pre-lodgement discussions, post lodgement actions and general site history:

- a) Pre Lodgement: No formal pre-lodgement meeting (i.e. Development Advisory Unit Meeting) was had with Council staff prior to the applications lodgement, however some informal discussions were had with Council staff.
- b) Post Lodgement: The current application was lodged on 1 July 2013. Council officers during the assessment of the application have requested additional information from the applicant on four occasions (i.e. emails dated 25 July 2013, 9 August 2013, 22 August 2013 and 19 September 2013). Issues raised included:

- Hydraulic assessment to determine water usage;
- Details on the location and size of the proposed dust collector;
- Details on the usage of Building 1; and
- Clear statement on the maximum quantity of CRT glass to be processed per year.

Additional information was provided by the applicant on 9 August 2013, 30 August 2013, 26 September 2013 (x2) and 19 November 2013. During the assessment process the applicant sought to increase the amount of CRT glass to be processed per year to 1,300 tonnes. This was subsequently reduced by the applicant to a maximum 100 tonnes per year. Council staff now considered that the applicant has submitted suitable quality development plans and supporting information to enable a reasonable assessment of the application to be undertaken.

- c) Site History: A review of Council's records has indicated that the subject land was created by a subdivision approved in 1985 (SF 3960) and a subsequent subdivision in 1990 (SF6930). An overview of the applications that have been lodged on the subject land that have relevance to this current application are provided below:

- DA81/2388 – Rubber manufacturing factory – 3 new industrial buildings (Approved 25/08/1981);
- BA82/1636 – Building application associated with DA81/2388 - 3 new industrial buildings (Approved 23/9/82);
- DA89/2838 – Extensions to manufacturing facilities - 1 new industrial building (Approved 1/12/1989);
- BA89/3737 – Building application associated with DA89/3737 - 1 industrial building (Approved 21/12/89);
- BA90/3168 – Brick factory addition to rear building (Approved 17/9/90);
- DA06/2224 – Change of use – Use of Existing Industrial Buildings for Warehousing and De-manufacturing/Recycling (Approved 8/9/06);
- DS06/1661 – Amendment to DA06/2224 (Approved 8/1/07); and
- DS07/1004 – Amendment to DA06/2224 (Approved 9/1/07).

2. Subject Site and Surrounds

The development site comprises one parcel of land known as Lot 49 DP 810890 (No.16) Norfolk Avenue, South Nowra. It is generally rectangular in shape, has an area of 1.238 hectares and is located within the Flinders Industrial Estate. It has frontage to Norfolk Avenue to the west, developed industrial land to the north and south and vacant industrial land to the east. The site is predominantly cleared of vegetation and currently contains four industrial buildings with the second, third and fourth buildings on the site being physically linked. Buildings 2, 3 and 4 are currently leased by the proponent (TSR E-waste) and will be used as part of this current proposal. Building 1 which fronts Norfolk Avenue is used for storage by a third party and is not part of this application.

Refer to **Attachment 'B'** for additional details on the site's location.

3. Proposal

The development application is for an expansion of an existing recycling operation so as to allow the processing of CRT glass and the associated plastic cases the glass is contained within. The application proposing:

1. To process a maximum of 100 metric tonnes of CRT glass per year using a closed loop chemical system to extract the lead from the glass;
2. Granulation of plastics associated with the CRT operation. The granulator shreds/grinds the plastic products down into flakes that are on sold to manufacturers of plastic products as recycled raw material; and
3. The installation of a dust extractor (Dalmatic Dust Collector) adjacent to the south eastern corner of building 4 (i.e. external to the building) having an overall height of 6.05 metres.

Refer to **Attachment 'C'** for a copy of the development application plans. The CRT glass predominantly coming from used televisions and computer monitors. A flow chart that provides a summary of the CRT glass recycling process is provided in **Attachment 'D'**.

4. Community Consultation

The development application was exhibited in accordance with the public participation requirements for designated development as outlined in the EPA Act and EPA Regulation as follows:

- Individual property owners within a 250 metre radius of the site were notified of the proposal (33 letters sent). The notification period was from 10 July 2013 to 12 August 2013 (33 days);
- A notice was placed on the land to which the application relates (attached to the front fence of 16 Norfolk Avenue, South Nowra);
- The proposal was advertised in the local press on two occasions (South Coast Register on 10 July 2013 and 24 July 2013); and
- The application and supporting documentation were on display at Council's City Administrative Centre in Nowra, Council's website as well as the NSW Department of Planning and Infrastructure (DoPI) Office in Wollongong.

No submissions from members of the public/community have been received by Council.

5. Statutory Considerations

The following are relevant planning controls that have been considered in the assessment of this application.

- i. Environmental Planning and Assessment Act 1979;
- ii. Environmental Planning and Assessment Regulation 2000;
- iii. State Environmental Planning Policy (State and Regional Development) 2011;
- iv. State Environmental Planning Policy (Infrastructure) 2007;
- v. State Environmental Planning Policy 33 (Hazardous and Offensive Development);
- vi. State Environmental Planning Policy 55 – Remediation of Land;
- vii. Deemed SEPP (Illawarra Regional Environmental Plan);
- viii. Shoalhaven Local Environmental Plan 1985 (as amended);
- ix. Draft Shoalhaven Local Environmental Plan 2013;
- x. Development Control Plan No.18 – Car Parking Code;
- xi. Development Control Plan No. 93 – Controls for Waste Minimisation and Management; and
- xii. Shoalhaven Contribution Plan 2010.

Additional information on the proposal's compliance with the above documents is detailed in the following section of this report.

6. Statement of Compliance /Assessment

The following provides an assessment of the submitted application against the matters for consideration under 79C of the EPA Act.

Any planning instrument, draft instrument, DCP's and regulations that apply to the land

- i) Environmental Planning and Assessment Act 1979 (EPA Act): The clauses/matters contained in EPA Act, apart from Section 79C, that have relevance to this application are overviewed below:
 - a) *Part 4, Division 2, Section 77A (Designated development)*: The development application is for development that is declared to be designated development by the regulations (i.e. captured by Schedule 3 of the EPA Regulation).
 - b) *Part 4, Division 2, Section 79 (Public Participation – designated development)*: The development application has been advertised in accordance with the requirements of sub-clause 1, 3, 4 and 5 (i.e. written notice to adjoining land owners, notice on the land and notice in the local newspaper). The requirements of sub-clause 6 and 7 are not applicable to this application.
 - c) *Part 4, Division 5, Section 91 (What is integrated development) and Section 91A (Development that is integrated development)*: The development application, in order for it to be carried out, requires development consent and one approval listed in this section (i.e. Environmental Protection Licence to authorise the carrying out a scheduled activity, issued under the Protection of Environmental Operations Act 1997). As such, the development as proposed is classified as "integrated development". General Terms of Approval have been sought and obtained from the NSW

Environmental Protection Authority (EPA). The conditions, as detailed in the General Terms of Approval, are to be included in any development consent issued.

- d) *Part 5, Division 3, Section 112 (Decision of determining authority in relation to certain activities)*: An Environmental Impact Statement (EIS) has been prepared and submitted with the application. Council has considered the EIS as per the requirements of this clause.
 - e) *Schedule 4A (Development for which regional panels may be authorised to exercise consent authority functions of councils)*: The proposed development is identified under this schedule as a type of development (i.e. waste management facility or work) which meets the requirements of designated development and therefore, must be referred to the Joint Regional Planning Panel for determination. As such, the application will be determined by the Southern Joint Regional Planning Panel.
- ii) *Environmental Planning and Assessment Regulation 2000 (EPA Regulation)*: The clauses/matters contained in EPA Regulation that have relevance to this application are overviewed below:
- a) *Part 6, Division 3, Clause 66 (Seeking general terms of approval)*: The development application was forwarded to EPA for comment/General Terms of Approval with all information as required by this clause.
 - b) *Part 6, Division 3, Clause 67 (Approval body may require additional information)*: A request in writing was received from the EPA on 19 September 2013 seeking additional information. The additional information was subsequently requested from the applicant and when received forwarded to the EPA for further comment as required by this clause.
 - c) *Part 6, Division 3, Clause 69 (Forwarding of submissions to approval bodies)*: No submission received in response to the notification of the development application.
 - d) *Part 6, Division 3, Clause 70 (Notification of general terms of approval)*: The timeframe for the submission of comments from the approval bodies has been complied with. Comments were received from the EPA on 19 September 2013 and the General Terms of Approval relating to the development application were received from the EPA on 1 October 2013.
 - e) *Part 6, Division 5, Clause 77 (Notice of application for designated development to public authorities – other than concurrence authorities and approval bodies)*: Notice of the application was provided to NSW Roads and Maritime Services – Roads (RMS Roads) for comment.
 - f) *Part 6, Division 5, Clause 78 (What information must a written notice of development contain?)*: The written notice for the development application contained all information as required by sub-clause 1. In addition, the application was formally exhibited/notified for a 30 day period as required by sub-clause 2.
 - g) *Part 6, Division 5, Clause 79 (How is notice under section 79(1)(c) of the Act exhibited on land for designated development?)*: A notice advising of the development

application for designated development was exhibited on the land to which the development application relates (i.e. two notices attached to the front fence of 16 Norfolk Avenue, South Nowra) in accordance with the requirements of this clause.

- h) *Part 6, Division 5, Clause 80 (How is notice under section 79(1)(d) published for designated development?):* A notice advising of the development application as designated development was published on two separate occasions in accordance with the requirements of this clause when the application was formally exhibited.
- i) *Schedule 3 (Designated Development), Part 1, Section 32 (Waste management facility or work):* The requirements of this clause are applicable as the proposed development meets the requirements of Section 32, sub-clause 1(b)(i) as the proposed method of processing and recycling of the CRT glass involves the handling of substances (i.e. Sodium Hydroxide, Phosphoric Acid and Sodium Hypochlorite) classified in the Australian Dangerous Goods Code. As such, the proposed development is classified as designated development.
- iii) *State Environmental Planning Policy (State and Regional Development) 2011 (SEPP 2011):* The clauses/matters contained in SEPP 2011 that have relevance to this application are overviewed below:
 - a) *Part 4 (Regional Development):* The development is of a class or description included in Schedule 4A of the EPA Act and is therefore classified as regional development for which the Joint Regional Planning Panel will be determining authority. Clause 8 of Schedule 4A of the EPA Act states that it is regional development if it is a 'waste management facilities or works' which meets the requirements for designated development under Clause 32 of Schedule 3 of the EPA Regulation. The proposed development meets the requirements of a 'waste management facility or works' under Schedule 3 of the EPA Regulation.

In summary, the proposal does not conflict with the relevant provisions of the SEPP 2011.

- iv) *State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007):* The clauses/matters contained in SEPP 2007 that have relevance to this application are overviewed below:
 - a) *Clause 104 (Traffic-generating development):* The development is of a type specified in Column 1 of the Table to Schedule 3 (i.e. recycling facilities of any size or capacity) that involves an alteration/addition of the existing developments size or capacity. As such, in accordance with the requirements of this clause the application was referred to the RMS for comment within 7 days of the application being lodged. Two submissions from the RMS have been received by Council. The second submission received advising that they did not object to the development application in principle. Consideration has also been given to the efficiency of movement of people and freight to and from the site, potential traffic safety, road congestion and parking implications. Council staff being of the opinion that while there will be an increase in the number of vehicle movements to and from the site due to an additional process being provided, the increase in vehicle movements (both cars and trucks) will not be significant and is capable of being handled by the adjoining road network. Sufficient sight distances are available at the site's entry/exit point and sufficient car parking within the site has

been shown on the submitted plans to cater for the proposed use (i.e. to cater for staff and members of the public).

In accordance with sub-clause 4 a copy of the application's determination will be forwarded to the RMS when determination has been made.

- b) *Clause 121 (Development permitted with consent)*: The development meets the requirements of a 'resource recovery facility' as defined in Clause 120 and as such may be carried out by any person with consent on any land in a prescribed zone. A prescribed zone includes an IN1 General Industrial zone which is the proposed zoning of the site under the Draft Shoalhaven Local Environmental Plan 2013. This application seeking that consent.

In summary, the proposal complies with the relevant provisions of the SEPP 2007.

- v) *State Environmental Planning Policy 33 - Hazardous and Offensive Development (SEPP 33)*: The proposed development could be considered a 'potentially hazardous industry' as defined in SEPP 33, and as such, consideration has been given to the requirements of SEPP 33. Based on the information submitted, the development will store chemicals and dangerous goods being LPG (3x45 litre tanks), phosphoric acid (1,000 litres) and sodium hydroxide (1,000kg). The phosphoric acid and sodium hydroxide used in a chemical treatment process to extract the lead from the glass. A Preliminary Hazard Analysis (PHA) prepared by Benbow Environmental, dated 18 June 2013 was submitted as part of the application. It is noted that this has been prepared in accordance with the Multi-level Risk Assessment and Hazardous Industry Planning Advisory Papers (HIPAP)/guidelines released by the DoPI. An assessment of the above dangerous goods stored on site against the screening threshold limits as identified in the DoPI Guideline 'Applying SEPP 33' has been undertaken. This is the first step of the Multi-Level Risk assessment as required by the DoPI. As the quantities are less than the screening threshold for each of the chemicals/dangerous goods then, no further analysis is required (i.e. LPG – 135 litres is below the 16,000 litre limit, Phosphoric acid – 1.7 tonnes is less than the 50 tonne limit, Sodium hydroxide – 1 tonne is less than the 25 tonne limit). As such, the proposal does not specifically trigger the requirements of SEPP 33. The same conclusion being drawn in the submitted PHA. The applicant advising that the PHA was submitted as part of its due diligence and to provide confidence to nearby land users. The implementation of the recommendations as contained in the submitted PHA to be conditioned on any issued development consent including the maintenance of these measures for the life of the development.

In summary, the proposed development does not conflict with the aims and applicable provisions of SEPP 33 as it meets the criteria as detailed in HIPAP 4 and would not cause any risk to the community with the recommended safeguards in place.

- vi) *State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)*: The clauses/matters as contained in SEPP 55 that have relevance to this application are overviewed below:

- a) *Clause 7 (Contamination and remediation to be considered in determining development application)*: Consideration has been given to whether the land on which the works are proposed is contaminated. In this regard, an initial evaluation of the

subject site and available information has indicated that:

- Council records do not identify the site as potentially contaminated land;
- Council is not aware of any previous investigations about contamination on the land;
- A potentially contaminating activity has not previously/prior to the current operation been conducted on the land. It is however acknowledged that one of the previous uses of the land was as a rubber factory;
- The subject land is not currently used and was not used for an activity listed in the Managing Land Contamination Planning Guidelines;
- Council is not aware of information concerning contamination impacts on land immediately adjacent to the development site which could affect the subject land
- The current application does not involve a change in use of land as specified by the requirements of SEPP 55; and
- There is no land use restriction relating to possible contamination affecting the land.

Having regard for the above and the minimal amount of excavation work required (i.e. footings for new dust collector), Council staff are of the opinion that there is no need for the proponent to undertake any additional contamination assessments as part of this current application. Any issued consent will however be conditioned that, during any excavation, a visual assessment of all works is to be undertaken with any ground contamination, including odours, that are encountered requiring works to cease and Council being notified.

In summary, the proposed development does not conflict with the aims and applicable provisions of SEPP 55.

- vii) Deemed State Environmental Planning Policy - Illawarra Region Environmental Plan (IREP): An assessment against the requirements of the IREP has indicated that the subject land is not identified as land of prime crop and pasture potential, land containing rainforest vegetation, a wildlife corridor, land affected by a service corridor, land identified as a regional or sub-regional commercial centre, land containing coal resources or land potentially suitable for urban use. It is, however, identified as land with landscape and environmental attributes.

The clauses/matters contained in the IREP that have relevance to this application are overviewed below:

- a) *Clause 3 (Aims, objectives, etc)*: The proposal does not conflict with the general aims and objectives as detailed in this clause;
- b) *The Illawarra Region Landscape and Environmental Study*: The IREP contains no specific provisions that apply to land with “landscape and environmental attributes”. The Illawarra Region Landscape and Environmental Study that supports the IREP provides specific recommendations for broad areas of the south coast, including the subject site which is located within Unit 6 – Shoalhaven Delta. The site being affected by the Ilc Priority Protection, (iv) recommendations. The recommendation for this area is for the preservation of remnant forests to provide wildlife habitats and links. As the development site is within an approved industrial subdivision and has been previously developed for an industrial use, it is considered that the current proposal does not

conflict with the above recommendation.

In summary, the proposal does not conflict with the relevant provisions of the IREP.

viii) Shoalhaven Local Environmental Plan 1985 - as amended (SLEP 1985): The clauses/matters contained in SLEP 1985 that have relevance to this application are overviewed below:

- a) *Clause 2 (Aims and objectives)*: The submitted proposal, based on the information provided, generally satisfies the aims as outlined in Sub Clause 1(a) to 1(c) and objectives as outlined in Sub Clause 2(a) to (w);
- b) *Clause 9 (Zone objectives and development control table)*: The subject land is zoned 4(a) (Industrial "A" (General) Zone under SLEP 1985. The proposed development is best categorised as an 'industry' which is defined in the Environmental Planning and Assessment Model Provisions 1980. The development satisfies the objectives of the zone as it will provide for a wide range of general industrial development including warehousing, processing and does not significantly compromise the existing or potential industrial development of the area. In terms of permissibility, an 'industry' is not listed as a prohibited form of development/use in a 4(a) zone and is therefore, permissible with development consent.
- c) *Clause 26 (Soil, water and effluent management)*: The proposed development is located in an area, which has sewer and water services/infrastructure thereby satisfying the requirements of this clause. Council staff's assessment concluding that the proposed development, subject to the imposition of a condition in relation to sediment and erosion control measures to be implemented, will not adversely impact upon public health, surface water, groundwater or community amenity;
- d) *Clause 37A (Notification of certain development)*: The submitted application was notified in accordance with the designated development requirements as outlined in the EPA Act and EPA Reg. This is discussed in greater detail in Section 4 (Community Consultation) of this report.

In summary, the proposed development, subject to the imposition of conditions as detailed above, complies with the relevant provisions in SLEP 1985.

ix) Draft Shoalhaven Local Environmental Plan 2013 (DSLEP 2013): The clauses/matters contained in DSLEP 2009 that have relevance to this application are overviewed below:

- a) *Clause 2.3 (Zone objectives and land use table)*: The land where the works are proposed is zoned IN1General Industrial. The proposed development is best categorised under DSLEP 2013 as an 'industrial activity' which is a form of development that is not listed as prohibited or permitted without consent and therefore, is permissible with development consent.
- b) *Clause 7.8 (Flood Planning Land)*: The 'Flood Planning Area' map does not identify the site as being flood affected however, as the land is subject to the discharge of a 1:100 ARI flood/storm event, it is affected by this clause. Consideration has been given to the matters listed in part 3 of this clause and Council staff are of the opinion that the development will not adversely affect flood behaviour, significantly alter flow

distributions and velocities, affect the safe occupation or evacuation of the land and will not result in unsustainable social and economic costs. The existing ground levels at the site are in excess of the Flood Planning Level (FPL).

In summary, the proposed development, does not conflict with the aims and relevant provisions of DSLEP 2013.

- x) Development Control Plan No.18 – Car Parking Code (DCP 18): The clauses/matters contained in DCP 18 that have relevance to this application are overviewed below

- a) *Numerical Parking Requirement*: The development as proposed will require the provision of car parking as detailed in the table below.

<i>Category</i>	<i>Parking Spaces Required</i>	<i>Total Area</i>	<i>Number of Spaces Required.</i>
Sales Area	1 space per 50m ²	100m ²	2
Manufacturing	1 space per 100m ² GFA	1,343m ²	13.4
Warehouse/Storage	1 space per 300m ² GFA	1,997m ²	6.65
Office/Lab	1 space per 40m ²	130m ²	3.24
		Total:	25

The above car parking calculation has been undertaken on the basis of the uses as noted on the submitted plans. In this regard, the office/laboratory building has been assessed as a commercial use (1 car space per 40m² of GFA) and the workshop building has been assessed as an industrial use (1 car space per 100m² of GFA). Council's assessment as outlined in the table above has indicated that the requirements of DCP 18 in relation to the number of car spaces required have been satisfied. It is however, believed that given the estimated staff numbers (i.e. maximum of 32) that additional car parking should be provided on site as staff, given the site's location in an industrial area and limited public transport available, will drive to the site. An additional three spaces should therefore be provided to service the site (i.e. a total of 28 car spaces). This numerical car parking requirement is the same as what was required under Development Consent 06/2224 which approved the current use of the site for recycling operations. Any issued development consent to contain a condition in relation to the total number of car spaces to be provided.

- b) *Parking Layout and Dimensions*: In terms of car space dimensions the submitted proposal has been designed in accordance with AS2890.1 and not DCP 18. No concerns are raised with this, with aisle widths currently provided being wide enough to allow cars to enter and exit all car spaces in a single manoeuvre. Any development consent issued will contain a condition that the car park be designed, constructed and line marked in accordance with the requirements of AS2890.1 and AS2890.6 with the car park layout being as shown on the submitted site plan.
- c) *Access*: One access point to the development is provided off Norfolk Avenue. Sufficient sight distances exist from the access point to allow for safe entry and exit from the site. The existing driveway location complies with other applicable requirements.
- d) *Service Areas/Manoeuvrability*: The existing development has been designed to allow for a semi-trailers to manoeuvre into and out of the site in a forward direction as well

as around the site internally. The manoeuvring on site for this vehicle has been checked by Council's Development Engineer and no concerns have been raised.

- e) *Drivers with a disability*: 1 disabled car parking space is proposed. This is in accordance with the requirements of DCP 18. The location of the space as is proposed is satisfactory (i.e. in close proximity to main entrance points and pathways). Requirements in relation to the marking/ identification and the size of the disabled space to be provided will be conditioned on any issued development consent.

In summary the proposal, subject to the imposition of conditions as outlined above, does not conflict with the aims of DCP 18 and the provisions of the Australian standard.

- xi) *Development Control Plan 93 - Controls for Waste Minimisation and Management (DCP 93)*: The proposed development complies with the objectives of DCP 93 which include 'to maximise avoidance, reuse and recycling of household, industrial and commercial waste' and 'to minimise the overall environmental impacts of waste and foster the principles of ESD'. The reuse and recycling of e-waste material as proposed will prevent this waste type from going to landfill, will allow for the use of the by-products/recycled materials rather than the consumption of new raw materials and is consistent with state legislation and strategies for sustainable waste management (i.e. *Waste Avoidance and Resource Recovery Act 2001* and *Resource Recovery Strategy 2007*). A waste minimisation and management plan (WMMP) for the proposed development has been submitted with the development application. This indicates the following:

- a) *E-Waste*: Approximately 98% of all e-waste received will be recycled. The waste that is not recycled will go to land fill and will be collected in a 3m² bin supplied and emptied by a private contractor as required.
- b) *Staff Waste*: A small amount of general waste will be generated by the staff employed. This includes lunchroom, office recyclable and putrescible waste. Putrescible waste will be collected and stored in Council's red lid bin to be collected by Council's kerb side pickup on a weekly basis. Recyclable waste will be separated and stored in Council's yellow lid bin to be collected by Council's kerb side pickup on a fortnightly basis.

A discussion has been had with Council's Waste Management Officer and no concerns have been raised with the applicant's assessment of waste to be generated by the proposed use and waste disposal methods as summarised above. Any development consent issued to be conditioned so as to require all waste to be contained on site and disposed of in accordance with the waste management arrangements as detailed in the EIS or to an approved disposal location.

Having regard for the above, Council staff are of the opinion that the proposed development, subject to the imposition of conditions, does not conflict with the aims and relevant provisions of DCP 93.

- xii) *Shoalhaven Contribution Plan 2010*: The provisions of Council's Section 94 Contribution Plan apply to this site. Having regard for the works proposed and the Section 94 projects that are applicable which relate to fire, emergency services and administration, Council staff are of the opinion that no contributions can be levied as the proposed development is not resulting in an increase in floor space or intensifying the use of the existing

development to a level that would require additional Section 94 contributions for fire, emergency services and administration to be levied.

Likely impact of that development on the natural and built environment and social and economic impacts in the locality.

i) **Threatened Species:** The subject site has been cleared on any original vegetation and is located within a developed industrial area. A review of Council's records has not identified any threatened flora or fauna on this site or on adjoining land. As the site has been developed and as all adjoining land has been previously cleared/disturbed to create the existing subdivision or has been developed, Council staff are of the opinion that no threatened species will be impacted upon directly or indirectly as a result of this development.

ii) **Noise, odour and dust:** Each of these issues is discussed separately below:

a) **Noise:** Noise generated from the glass crushing process has the potential to be an issue and has been addressed in the noise impact assessment submitted with the current application (Environmental Noise Impact prepared by Day Design Pty Ltd, dated 19 April 2012). The report has used the Industrial Noise Policy (INP) to determine the requirements that should be complied with and looked at noise generation based on the indicative levels of plant and equipment as at the time of the assessment the final selection of plant had not been made. The report, based on the modelling, has identified that noise will not exceed noise criteria as detailed in the Industrial Noise Policy (INP) at the nearest residential receivers of 125 Albatross Road and Nowra and 118 Links Road, Nowra as well as the nearest industrial receiver at 14 Norfolk Avenue, South Nowra. It is however noted that the submitted report has failed to model acoustically significant plant, apply modifying factor adjustments or undertake a derivation of the amenity criteria for any of the identified receivers. The EPA have also reviewed the submitted information and have identified similar concerns. The EPA who are the regulatory authority have however issued their General Terms of Approval (GTA's). The GTA's issued by the EPA contain recommend noise levels which are the same as identified in the applicant's noise impact assessment.

Any consent issued to be conditioned so as to require the above issues (i.e. what the report has failed to address) to be addressed in the updated noise compliance assessment report, with this report to be provided Council within 30 days of commencing operations. Any recommended mitigation measures required in the updated report to be implemented. It has also been noted by the EPA that the provided noise impact assessment fails to assess the noise impact for the early morning period of 6am to 7am. As such, the hours of operation will be limited to the hours for which the submitted noise assessment has had regard (i.e. 7am to 4pm and not 6am to 4pm as detailed in the EIS). Given the site is to be licenced by the EPA, the EPA is the appropriate regulatory authority and have issued their GTA's no concerns are raised with the above approach.

b) **Odour:** It is not anticipated that odour will be a problem as part of the proposed development. Any development consent issued will however be conditioned so as to require no offensive odour to be generated.

c) **Dust:** Dust generated from the recycling process has the potential to be an issue and

has been addressed in an air quality assessment submitted with the current application (Air Quality Assessment prepared by Benbow Environmental, dated 17 June 2013). The report identifying that the major air impacts of the proposal are dust emissions generated from the CRT recovery process and has used the Protection of the Environment Operations Act 1997 (POEO Act), the Protection of the Environment Operations (Clean Air) Regulation 2010 and the NSW EPA Guidelines to determine the requirements to be complied with. While there a number of sensitive receptors identified in close in proximity to the site, it was concluded that the proposed development is unlikely to have a significant adverse impact on nearby sensitive receptors in terms of dust emissions or air quality based on the control of particulates by undertaking all dust generating activities within enclosed buildings and the use of a baghouse particulates emissions to the air (including lead particulates). In addition, the EPA as the regulatory authority for the development has raised no concerns with the information provided in the report in relation to air quality and dust issues. Any issued development consent will however, be conditioned to reflect the EPA requirements relating to air quality issues, so as to require the conclusions and recommendations in the report to be implemented and maintained for the life of the development, so as to require any dust generating activities to be undertaken only within an enclosed building and the use of the baghouse during operation to minimise particulate emissions to the air.

- iii) Context and Setting: The only external building works that are proposed is the installation of a new Dalmatic Dust Collector which will be positioned adjacent to the south eastern wall of building 4 (i.e. the rear building). The dust collector should not be visible given its setback from the Norfolk Avenue Frontage, however it will be visible from Tom Thumb Avenue to the south as the parcel of land behind the site is currently vacant and is at a lower level than the development site. Given the site's location in an industrial area and the size of adjoining buildings, no concerns are raised with the location of this structure. It is however noted that, at the time of writing this report, a large quantity of recyclable-waste material was being stored external to the existing buildings within the car parking areas on the site. This material being visible from Norfolk Avenue. This is not considered acceptable given the plans submitted with the current application detail that storage will be within the existing buildings and no external storage. Having regard for the above, it is considered reasonable that any development consent issued be conditioned so that goods or machinery must be stored and all activities must occur, inside the buildings as noted on the approved plan and not in the car park or drive way areas.
- iv) Traffic and access: The proposed development will increase the number of vehicles utilising the adjoining road network (i.e. Norfolk Avenue, Flinders Road). Given the size of the proposed development and its use, the increase in traffic is considered acceptable and is capable of being handled by the existing road system. Access to and from the site is via one access point directly onto Norfolk Avenue (combined entry/exit). Sufficient site distances exist at this access point to enable safe entry and exit from the site for cars and trucks.
- v) Economic/Social Impacts: In terms of economic impacts, the proposed development will have a positive economic impact as it will enable the continuation of local employment opportunities which currently equate to 17 staff. In addition, it has been advised that the expansion of the e-waste recycling facility as is currently proposed will enable the company to employ an addition 10 to 15 staff from the Shoalhaven area. The expansion

will also enable the recycling of materials that currently find their way to landfill, thereby reducing the dependence on landfill and is in line with state and federal strategies. Furthermore, there will continue to be economic benefits for those businesses who provide goods and/or services to the current operators. In terms of social impacts, the proposed development will provide additional facilities/services to the local area and as such should have a positive social impact in this regard. In addition, subject to the implementation of mitigation measures, as detailed in this report (i.e. installation of a baghouse filter, chemical storage in accordance with required standards, etc), the development should not result in any adverse social impacts.

The suitability of the site for the development

The proposed development is consistent with the current zoning of the land as well as being consistent with the existing use of the land based sites and a portion of the adjoining land within the Shoalhaven River. It is therefore considered that the Stage 1 component of the proposed development, subject to the incorporation of the measures as detailed in this report, will preserve the rural character of the area, will not adversely impact the physical environment and provides a social and economic benefit which outweighs any potential negative impacts. In this respect, it is considered that the site is suitable for the proposed development.

Any submissions made in accordance with the Act or the regulations

The application was notified by way of a public notification as outlined in Section 4 (Community Consultation). Details of submissions received are outlined below:

- i) The Public: No submissions were received by Council.
- ii) Public Authorities: Submissions have been received from Roads and Maritime Services (RMS) and the EPA. These submissions are discussed in greater detail in Section 8 (Referrals) of this report.

The public interest

The development as proposed should not have a detrimental impact upon either the public interest or interests of any level of government. There are a number of Federal and State Government policy statements that have relevance to this application (i.e. NSW Waste Avoidance and Resource Recovery Strategy 2007). The application, based on the information provided, being consistent with the aims/goals in these documents. In addition, there was no extra consultation and/or submissions made in addition to what has been outlined above. The application is not expected to have any significant negative impacts on the environment, the amenity of the locality or public health/safety. As such, it is not considered that the works proposed are not in the public interest.

7. Other Issues:

- a) Bunding: The existing building currently contains a dangerous goods storage area. The applicant advising that the site will be designed to conform to *the Occupational Health and Safety Amendment (Dangerous Goods) Regulation 2005*, the *Work Health and Safety Regulation 2001* and the relevant Australian Standards. Any consent issued will be conditioned to require the storage of all materials on site in accordance with the above requirements, all drums and stored liquids to be stored in a bunded area and detail

specific construction requirements for the bunded area so as to ensure compliance with current standards.

- b) Compliance with Current Development Consent Requirements: The requirements of Development Consent 06/2224 which approved the development site's current use for recycling operations, required the provision of 28 car spaces on site. Site inspections undertaken as a result of this current application have indicated that the identified car parking that was previously approved and is shown as car parking on the currently submitted plans is being used for the storage of goods associated with the site's current use and in anticipation of the currently proposed use. As a result, a large number of the identified car parking spaces are not available for use. Council staff are of the opinion that this issue is a compliance issue and is an irrelevant consideration for the Panel when determining the current development and its associated impacts and as such, Council must investigate the issue of goods storage in the car parking areas separate to the current development application. In this regard, the owner of the land has been contacted by Council staff (copy of Council's letter CC'd to the tenant) and have been advised that, all required car parking as detailed in Development Consent 06/2224 needs to be provided within two weeks, otherwise they may be liable for prosecution and/or the issuance of Penalty Infringement Notices (PINS) for the offence. Council will continue to monitor the situation and will impose conditions on any development consent issued relating to goods and machinery being stored and all activities occurring inside the buildings and not in the car park or driveway areas. In addition, a condition will be included requiring unimpeded access and use to the car parking area and be available for use by patrons/clients of the development during operating hours.
- c) Aboriginal Cultural Heritage: No known Aboriginal heritage items are known to be on the land and the site is currently 100% developed.
- d) Aboriginal Land: Council records indicate that the subject land is not affected by an Aboriginal Land Claim.
- e) Operating Hours: The applicant has advised Council that the proposed use/development will operate between the hours of 6am to 4pm Monday to Friday and 7am to 2pm on Saturday. The noise assessment submitted has only undertaken an assessment based on activities occurring between 7am and 3pm Monday to Friday with no assessment for Saturday activities. Given that sleep disturbance and intrusive noise impacts for the early morning period of 6am to 7pm have not been adequately assessed, it is considered reasonable that any consent issued be conditioned in line with the submitted noise assessment. In addition, Saturday operation will be limited to 7am to 4pm only. The EPA has provided comments which reflect the above in relation to weekday and Saturday operations. As the EPA is the regulatory authority, the requirements as contained in the EPA's GTA's will be reflected in any development consent as well as a condition that the use shall not give rise to offensive noise as defined by the Protection of the Environment Operations Act 1997.
- f) Land Owner's Consent: The application as submitted has provided consent from the owner of the property (APPL Pty Ltd) in the form of consent from a director in the company. No concerns are therefore raised with land owner's consent.

- g) Bushfire: The subject site is not identified as being bushfire prone land on Council's mapping. As such, no further assessment in relation to bushfire protection has been undertaken.
- h) Easements/Restrictions on the use of the land: A review of the Deposited Plans (DP) has indicated that the subject land is affected by one easement. This is an easement to drain sewage that is 3 metres wide and runs adjacent to the north western/Norfolk Avenue property boundary. No works are proposed in the vicinity of this easement. No restrictions on the use of the land are in place.
- i) Climate Change: No cumulative impacts are expected in regard to the proposed development that could further contribute to climate change. The air quality assessment provided has undertaken an assessment of potential greenhouse gas emissions. This has used the relevant Australian Standards, Australian National Greenhouse Accounts and National Greenhouse and Energy Reporting System Measurement. It has made a number of recommendations to reduce greenhouse emissions and has concluded that the total greenhouse gas emissions from the facility will be approximately 130 tonnes per annum which is below the reporting criteria of 25,000 tonnes per year to the National Greenhouse and Energy Reporting scheme.

8. Referrals

Internal:

- Environmental Health Officer: No objection to the proposed works and no concerns raised with the information provided in relation to noise, air quality and preliminary hazard analysis. A number of conditions recommended relating to noise, air/dust emissions, bunding and storage of chemicals.
- Building Surveyor: No objection to the proposed works subject to the imposition of conditions relating to need for a Construction Certificate, Building Code of Australia compliance and fire safety.
- Shoalhaven Water: Additional information requested about the existing processes, water usage and the expected water use for the new process. At the time of completing the report, this information had only just been received. Shoalhaven Water subsequently advised that they had no objection to the proposal and had no concerns with the application's determination/approval subject to the imposition of a condition relating to the requirements of Shoalhaven Water being complied with and written approval being obtained from Shoalhaven Water prior to the commencement of the use. A Shoalhaven Water Development Application Notice to be issued separately to any development consent issued.
- Waste Management Officer: No concerns raised with the proposal and no conditions recommended.

External:

- NSW Planning and Infrastructure (DoPI): Comments provided on the PHA and applicant's assessment that proposal does not trigger the requirements of SEPP 33. Contact details for technical specialist at DoPI provided.

- NSW Environment Protection Authority (EPA): Additional information requested by the EPA in relation to the applicant's proposal to amend the application so as to increase in the quantity of CRT glass for processing to 1,300 tonnes per year. Applicant subsequently amended the amount to a maximum of 100 tonnes per year. Advice subsequently provided from the EPA that they do not object to the development application and are able to issue a licence for the proposal subject to conditions. The EPA also provided their General Terms of Approval to be included as conditions on any development consent issued (advice dated 1 October 2013). Requirements as outlined in its advice to be included as conditions on any development consent issued.
- NSW Roads and Maritime Services – Roads (RMS Roads): Additional information requested by RMS about extra vehicle movements and potential impacts at the intersection of Princes Highway and Flinders Road (i.e. Traffic Impact Study). Contact made with RMS and discussion had including resending of Volume 1 of EIS in hard copy (originally provided electronically). Advice subsequently provided from the RMS that they do not object to the development application in principle (advice dated 9 August 2013). No conditions recommended.

9. Options

The Joint Regional Planning Panel may:

- a) Resolve to approve the application subject to conditions (i.e. adopt the recommendations of this report including the draft conditions of consent provided or modify the provided conditions); or
- b) Resolve to refuse the application; or
- c) Write to the applicant requesting them to amend/modify the proposal and subject to the matters being satisfactorily resolved, a further report be submitted to the Joint Regional Planning Panel (Southern Region) for its consideration.

10. Conclusion

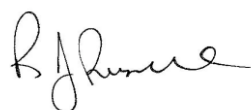
This application has been assessed having regard to the Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979. Following a detailed assessment, it is considered that Development Application No RA13/1000 (2013STH010) should be supported subject to suitable conditions being imposed on any issued development consent.

11. Recommendation

RECOMMENDED that, in respect of RA13/1000 (2013STH010) for the expansion of an e-waste recycling operation so as to include the processing and recycling of Cathode Ray Tube (CRT) glass and the granulation of plastics, the application be approved as an operational development consent subject to conditions as contained in **Attachment 'A'**.



Signed: Andrew Lissenden
Senior Town Planner
Shoalhaven City Council
Date: 21/11/13



Robert Russell
Development Manager,
Shoalhaven City Council
Date: 21/11/13

Attachment 'A'

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
DEVELOPMENT CONSENT**

**Environmental Planning and Assessment Act, 1979
RA13/1000**

TO:

SET Consultants
No.51 Graham Street
NOWRA NSW 2541

being the applicant(s) for RA13/1000 relating to:

Lot 49 DP 810890 (No.16) Norfolk Avenue, South Nowra

APPROVED USE AND OR DEVELOPMENT:

Expansion of E-Waste Recycling operations to include the processing and recycling of Cathode Ray Tube (CRT) glass and the granulation of plastics.

DETERMINATION DATE:

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting partial development consent, subject to the conditions listed below.

CONSENT TO OPERATE FROM:

CONSENT TO LAPSE ON:

DETAILS OF CONDITIONS

The conditions of consent and reasons for such conditions are set out as follows:

PART A

CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT

General

1. This partial consent relates to an expansion of E-Waste Recycling operations to include the processing and recycling of Cathode Ray Tube (CRT) glass and the granulation of plastics as illustrated on the plans, specifications and supporting documentation with the following references:

- Environmental Impact Statement (Volume 1), Expansion of E-Waste Recycling Facility, Reference: 103001, dated: June 2013, prepared by SET Consultants;
- Environmental Impact Statement (Volume 2), Expansion of E-Waste Recycling Facility, Reference: 103001, dated: June 2013, prepared by SET Consultants; and
- Overall Site Layout (Amended) – Showing Location of Dust Extractor, Ref No. 103001, Plan No.13/41, Sheet 1 of 1.

stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.

Notes:

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
 - *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*
2. The **expansion of E-Waste Recycling operations to include the processing and recycling of Cathode Ray Tube (CRT) glass and the granulation of plastics** shall not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with Shoalhaven City Council (i.e. a security).

Occupation Certificate

3. An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) before the building(s) is used or occupied.

Note:

- *Refer to Part E (Conditions that must be complied with before an Occupation Certificate can be issued or building occupied) of this development consent for additional requirements in relation to the above condition.*
- *The issue of an Occupation Certificate is the 'nominated date of commencement' for the purposes of this development consent*

PART B

GENERAL TERMS OF APPROVAL – NSW ENVIRONMENT PROTECTION AUTHORITY (EPA)

Administrative conditions

Information supplied to the EPA

4. Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:
 - a) The development application RA13/1000 submitted to Shoalhaven City Council on 1 July 2013;
 - a) "Environmental Impact Statement – Volume 1 – Contains Commercially Sensitive Information – Expansion of an E-Waste Recycling Facility – Lot 49 DP 810890 No.16 Norfolk Avenue, South Nowra – June 2013 – Reference: 103001" SET Consultants;
 - b) "Environmental Impact Statement – Volume 2 – Contains Commercially Sensitive Information – Expansion of an E-Waste Recycling Facility – Lot 49 DP 810890 No.16 Norfolk Avenue, South Nowra – June 2013 – Reference: 103001" SET Consultants.

Fit and Proper Person

5. The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997 ("the Act), having regard to the matters in s.83 of the Act.

Limit Conditions

Pollution of Waters

6. Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

Waste

7. The proponent 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 by a licence under the Protection of the Environment Operations Act 1997.
8. This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

Code	Waste	Description	Activity	Other Limits
N/A	General or specific exempted waste	Waste that meets all the conditions of a resource recovery exemption under Clause 51 A of the <i>Protection of the Environment Operations (Waste) Regulation 2005</i>	As specified in each particular resource recovery exemption.	N/A
N/A		Any waste received on site that is below licensing thresholds in Schedule 1 of the <i>Protection of the Environment Operations Act</i> , as in force from time to time		N/A
N/A	Hazardous Waste	As defined in Schedule 1 of the <i>Protection the Environment Operations Act 1997</i>	Resource Recovery	Up to 100 tonnes of Cathode Ray Tube recycle per annum

Location of Monitoring/Discharge Points – Air

9. The following points referred to in the table below are identified for the purpose of monitoring and/or setting of limits for the emission of pollutants to the air from the point.

Air

EPA Identification No.	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	Air emission monitoring Discharge to air	Air emission monitoring Discharge to air	Baghouse stack

Concentration Limits – Air

10. For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.
11. Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.
12. To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table.

POINT 1

Pollutant	Unit of measure	100 th percentile concentration limit	Averaging period
Total solid particles	mg/m ³	20	As per test method
Type 1 and Type 2 substances in aggregate	mg/m ³	1	As per test method

Noise Limits

13. Noise generated at the premises must not exceed the noise limits in the table below. Locations A and B referred to in the table below are indicated by Figure 1 of the Environmental Noise Impact E-waste Recycling Facility at Nowra (Day Design 2012).

Noise Limits dB(A)		
Locality	Location	Day
		LAeq (15 minute)
A	125 Albatross Road South Nowra	47
B	181 The Links Road, South Nowra	42
N/A	Any other residential receiver	47

14. For the purpose of condition 13:

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.

15. The noise limits set out in condition 13 apply under all meteorological conditions except for wind speeds greater than 3 metres/second at 10 metres above ground level.

16. To determine compliance:

- with the Leq(15 minute) noise limits in condition 13, the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable;
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- with the LA1(1 minute) noise limits in condition 13, the noise measurement equipment must be located within 1 metre of a dwelling façade.
- with the noise limits in condition 13, the noise measurement equipment must be located:
 - at the most affected point at a location where there is no dwelling at the location; or

- at the most affected point within an area at a location prescribed by conditions 16(a) or 16(b).
17. A non-compliance of condition 13 will still occur where noise generated from the premises in excess of the appropriate limit is measured:
- at a location other than an area prescribed by conditions 16(a) and 16(b); and/or
 - at a point other than the most affected point at a location.
18. For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

Definition:

- *NSW Industrial Noise Policy - the document entitled "New South Wales Industrial Noise Policy" published by the Environment Protection Authority in January 2000.*
- *Noise - sound pressure levels' for the purposes of conditions 13 to 18.*

Hours of Operation

19. Operations must only be carried out at the premises between the hours of 7am to 4pm Monday to Saturday and at no time on Sundays or Public Holidays.
20. The hours of operation specified in condition 19 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating Conditions

Odour

21. No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: The Protection of the Environment Operations Act 1997 states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

Dust

22. The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises
23. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
24. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

25. All loading, crushing, processing and stockpiling must occur inside a fully enclosed building(s).

Storm Water/Sediment Control - Operation Phase

26. A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in Managing Urban Stormwater: Council Handbook (available from the EPA).

Monitoring and Recording Conditions

Monitoring Records

27. The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions 28 and 29.
28. All records required to be kept by the licence must be:
- a) in a legible form, or in a form that can readily be reduced to a legible form;
 - b) kept for at least 4 years after the monitoring or event to which they relate took place; and
 - c) produced in a legible form to any authorised officer of the EPA who asks to see them.
29. The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;
- a) the time(s) at which the sample was collected;
 - b) the point at which the sample was taken; and
 - c) the name of the person who collected the sample.

Requirement to Monitor Concentration of Pollutants Discharged

30. For each monitoring/discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

POINT 1

Parameter	Unit of measure	Frequency	Sampling Method
Total solid particles	mg/m ³	Post commissioning and annual	TM - 15
Type 1 and Type 2 substances in aggregate	mg/m ³	Post commissioning and annual	TM – 12, 13, 14

Testing Methods - Concentration Limits

31. Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

- a) any methodology which is required by or under the PO EO Act 1997 to be used for the testing of the concentration of the pollutant; or
- b) if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
- c) if no such requirement is imposed by or under the PO EO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

Reporting Conditions

32. The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return, the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

Special Conditions**Air Quality Management Plan**

33. For all emission sources at the premises, the proponent must prepare an air quality management plan that includes, but is not limited to:

- a) Key performance indicator(s);
- b) Monitoring method(s);

- c) Location, frequency and duration of monitoring;
- d) Record keeping;
- e) Response mechanisms; and
- f) Compliance reporting.

Other General Terms of Approval Requirements

34. The development must comply with/be carried out in accordance with the General Term of Approval issued by the NSW EPA (with reference Notice No. 1515939) as reproduced above and the requirements in *Attachment A – Mandatory Conditions for all EPA licences*, *Appendix B – Air Quality Impacts* and *Appendix C – Noise Impacts*, of the General Terms of Approval issued by the NSW EPA with reference Notice No. 1515939 that are attached in Schedule 1 to this consent.

PART C

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE

Principal Certifying Authority/Construction Certificate

35. The following must be undertaken before any building works (i.e. construction/placement of dust extractor) can commence:
- a) A Principal Certifying Authority (PCA) must be appointed; and
 - b) A Construction Certificate must be obtained from either Council or an accredited certifier.

Notice of Commencement

36. Notice must be given to Council **at least two (2) days** prior to the commencement of building work.

Supervision of Works

37. Prior to the commencement of any works, Shoalhaven City Council shall be advised in writing of the name of a designated person/company nominated by the applicant to be responsible for construction of all engineering works including erosion and sediment control measures.

Sign – Supervisor contact details

38. Prior to the commencement of any building works, the person/company responsible for the construction of all works must erect a sign at the front of the property/site in a visible position with that person/company's name, license number, site address and contact number, and the name of the Principal Certifying Authority, accreditation number and telephone number, where the Principal Certifying Authority is not the Council.

Note: This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.

Builders' Toilet

39. Before commencing building operations, a builder's water closet accommodation must be provided on site and details on the toilet facility to be used must be provided to Council.

Fencing

40. The building site/area where construction works are being undertaken is to be fenced (in accordance with WorkCover requirements) prior to the commencement of construction with a fence suitable to keep members of the public and unauthorised people out.

Existing services/damage to public assets (all stages)

41. Prior to the commencement of any work(s) associated with this development, the developer or their agent must:
- a) Check that the proposed works are not affected by any Council, Integral Energy, telecommunications, gas service or other services. Any required alterations to services as a consequence of undertaking works under this consent will be at the developer's expense. In addition, any repair or damage to services will be at the developer's expense; and
 - b) Undertake a site inspection and document any evidence of damage to the public assets prior to commencement of work. A copy of the inspection documentation is to be provided to Council prior to the commencement of works. Failure to adequately identify existing damage will result in all damage detected by Council after completion of the work being repaired at the developer's expense.

Soil and Water Management

42. Prior to the commencement of construction works, the relevant sedimentation and erosion controls required by this consent (refer to Condition 46) must be implemented, inspected and approved by the PCA and maintained until the work is completed and the site stabilised.

Shoalhaven Water - Water and/or Sewer Requirements

43. Prior to commencement of works as approved by this development consent all conditions listed on the Shoalhaven Water Development Application Notice under the heading "PRIOR TO THE COMMENCEMENT OF USE" must be complied with and accepted by Shoalhaven Water. **Written approval from Shoalhaven Water allowing the use to commence must be obtained.**

Note: Relevant details, including **monetary** contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.

For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.

PART D

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

Building Code of Australia

44. All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Note: *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

Road Reserve, Footpath & Gutters

45. The kerb, gutter and footpath adjoining the site shall be kept clear of soil and debris.

Soil and Water Management

46. All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur in accordance with the Landcom manual "*Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004*", (e.g. sediment fences as well as provision for the diversion of runoff around disturbed areas, etc). The sediment fence must be regularly inspected and cleaned out and/or repaired as necessary and all collected silt must be disposed of to the satisfaction of the Principal Certifying Authority (PCA).

All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.

All the above requirements must be to the satisfaction of the PCA.

Construction Hours

47. To limit the impact of the development on adjoining owners, *all* construction work shall be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No construction work shall take place on Sundays or Public Holidays.

Waste Minimisation and Management

48. All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility. No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

Compliance with the WMMP shall be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

Note: *"Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.*

Contamination

49. During any excavation, a visual assessment of all works is to be undertaken. Should any ground contamination, including odours, be encountered the applicant /builder must cease works and contact Council.

Internal Driveway, Car Park Design and Construction

50. The internal off street car parking area must:
- a) Be constructed, line marked and signposted in accordance with AS2890.4:2004 and AS2890.6:2009. The general off-street car park layout shall be as shown on the plan with reference Overall Site Layout (Amended) – Showing Location of Dust Extractor, Ref No. 103001, Plan No.13/41, Sheet 1 of 1 as amended by part b) below;
 - b) Provide a minimum of 28 constructed car spaces provided including 1 disabled car parking space. In this regard, two additional car spaces are to be provided (i.e. to the north west of car space 1);
 - c) Be constructed to a concrete or two coat bitumen seal standard and match into the existing levels. The car parking spaces shall be graded to drain to the existing concrete driveway to prevent surface water flows from entering the adjoining properties; and
 - d) Have wheel stops provided to all parking spaces in accordance with AS2890.1.

Hazard Analysis

51. The recommendations and requirements as detailed in the *Preliminary Hazard Analysis Report for TSR E-Waste Pty Ltd 16 Norfolk Avenue, South Nowra* (Report No: 121155_Rep_Rev2), Prepared By: Benbow Environmental, Dated: 18 June 2013 must be complied with and completed.

Noise

52. The recommendations of the *Environmental Noise Impact E-Waste Recycling Facility at Nowra, NSW* (Report No: 4752), Prepared By: Day Design Pty Ltd, Dated: 19 April 2012 (i.e. as detailed in Section 6.1 – Mobile and Fixed Plant Noise Emissions and Section 7 – Noise Impact Statement) must be complied with and completed.

Air Quality/Odour

53. The recommendations and control measures as detailed in the *Air Quality Assessment Report for TSR E-Waste Pty Ltd 16 Norfolk Avenue, South Nowra* (Report No: 121156_Rep_Rev2), Prepared By: Benbow Environmental, Dated: 17 June 2013 must be complied with and completed.

Bunding

54. The bunded areas for the storage of liquids must meet the requirements of Australian Standard (AS) 1940-2004 and must:

- a) Be constructed having an impervious floor and walls without penetration or drainage outlets;
- b) Drain to a sump to facilitate pumping;
- c) Have a capacity to contain 25% of the maximum capacity of the stored material: and
- d) Where the bunded area is located outside the building it must be covered by a roof with an overhang no less than 12 degrees past the vertical of the perimeter of the bund to prevent rainwater entering the bunded area.

For non-flammable liquids, the bunded area must have a capacity to hold at least 100% of the net capacity of the largest tank IN ADDITION TO capacity to hold all rainwater from a 1 in 20 year storm event of 24 hour duration.

For flammable liquids, the bunded area must have a capacity to hold at least 133% of the net capacity of the largest tank IN ADDITION TO capacity to hold all rainwater from a 1 in 20 year storm event of 24 hour duration.

Signage

55. A sign must be erected at the front of the property (visible from Norfolk Avenue) which clearly states that, in the event of a complaint, to contact the relevant company employee providing a name, telephone number and email address. The sign is to be legible and maintained for the life of the development and have a maximum size of 0.8m².

NSW EPA Licence

56. Prior to the commencement of the approved use, an application must be made to the NSW EPA for an Environmental Protection Licence under the Protection of the Environment Operations Act 1997 and the licence obtained. A copy of the licence must be provided to Shoalhaven City Council.

Noise Compliance Assessment

57. A noise compliance assessment must be provided to Shoalhaven City Council within 30 days of the nominated date of commencement of the approved development confirming that the noise levels at the locations/receivers identified in the Environmental Noise Impact Proposed Mobile Asphalt Plant at Flinders Industrial Estate, Nowra, NSW (Report No: 4828), Prepared By: Day Design Pty Ltd, Dated: 29 June 2012 comply with the Industrial Noise Policy and associated application notes. If noise levels fail to meet the levels as set by the Industrial Noise Policy then, appropriately designed acoustic treatments or engineering noise controls to equipment shall be implemented to ensure compliance with the Industrial Noise Policy. The report is to be carried out by a suitably qualified acoustic consultant and must address the following additional aspects:

- a) Derivation of amenity criteria for any of the identified residential or industrial receivers;
- b) Application of modifying factor adjustments; and
- c) Identification and modelling of acoustically significant plant, for example the model used did not consider the band saw, impact crusher or air filter

Note: A separate development consent/modification to this development consent may need to be obtained prior to their implementation additional mitigation works.

PART E

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION CERTIFICATE CAN BE ISSUED

58. Prior to the issue of an Occupation Certificate for the approved development, the following must be complied with and completed:

- a) The requirements of conditions 50 (Internal Driveway, Carpark Design and Construction), 51 (Hazard Analysis), 52 (Noise), 53 (Air Quality/Odour), 54 (Bunding), 55 (Signage) and 56 (NSW EPA Licence).

PART F

CONDITIONS THAT RELATE TO ONGOING MANAGEMENT OF THE PROPOSED DEVELOPMENT

Site Management and Maintenance

59. The proprietor/operator must at all times be responsible for on-going site management and maintenance in accordance with the following:

- a) loading and unloading in relation to the use of the premises must occur within the subject site (i.e. in the designated loading areas);
- b) goods or machinery associated with the approved use must not be stored in the carpark or drive way areas;
- c) activity on the site must not impact upon the amenity of any adjoining property or tenancy by reason of the emission of noise, dust, fumes, odour, vibration, electrical interference or otherwise;
- d) removal of all graffiti within a maximum of 14 days of being notified by Council; and
- e) maintenance of all:
 - vehicular movement areas including driveways, carparking, manoeuvring areas and line marking to the standard specified in this consent;
 - stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan including the area of the drainage easement under the suspended concrete slab adjacent to the sites eastern boundary;
 - signs and lines; and
 - buildings, fencing to the standards outlined in the development application and/or specified in this consent and/or earlier development consent that are still applicable.

Limits

60. The operation of the approved development must not exceed the processing limits as specified in the submitted Environmental Impact Statement and supporting information (i.e. 100 metric tonnes per year).

Waste Disposal

61. Waste materials generated from the approved development must be disposed of in accordance with the waste management measures as detailed in the approved Environmental Impact Statement or to a Council approved waste disposal location/facility that is licenced to accept the waste.

Noise and Dust/Air Quality

62. The use of the approved development must not give rise to transmission of unacceptable vibration or noise to any place of different occupancy in accordance with the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
63. The manual dismantling of e-waste material into its basic products, the CRT glass treatment process, the storage of the final products and any dust generating activities must occur within an enclosed building and include the use of the baghouse to minimise particulates emissions to air (including lead particles).
64. The noise attenuation measures, air quality attenuation measures and the safeguard measures related to the storage and handling of dangerous goods as required by this development consent must be maintained for the life of the development.

In this regard, it is the proponent's responsibility to identify the need for and implement additional noise/air quality attenuation measures (i.e. if the actual noise level exceeds the design noise level or if the noise frequency and duration make the noise intrusive at a lower level) and safeguard measures.

Neighborhood Amenity

65. Suitable measures shall be taken to ensure that there is no adverse effect to occupants of adjoining buildings and the public and that no injury shall be caused to the amenity of the neighbourhood by the generation and emission of noise, smoke, smell, vibration, gases, vapour, odours, dust, particulate matter or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

Storage

66. The storage of all materials on site must be undertaken in accordance with the relevant Australian Standards (i.e. Australian Standard AS1940-2004 - *The Storage and Handling of Flammable and Combustible Liquids*), comply with the *Occupational Health and Safety Amendment (Dangerous Goods) Regulation 2005* and other applicable requirements (i.e. Environment Protection Authority's *Environment Protection Manual for Authorised Officers: Technical Section (Bunding and spill management)*, *Works Health and Safety Regulation 2011*, etc).
67. All drums and stored liquids must be stored in a bunded area.

Annual Fire Safety Statement

68. The owner of the building must certify to the Council every year (i.e. from the date of this consent) that the essential fire safety measures installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard as outlined in the Fire Safety Schedule. The purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

Dangerous Goods

69. The operator must ensure that the storage, handling, and transport of dangerous goods is carried out in accordance with relevant Australian Standards, particularly AS 1940-2004: The storage and handling of flammable and combustible liquids and AS/NZS 1596:2002: The storage and handling of LP Gas, and the Dangerous Goods Code.

Car Parking

70. The car parking area must allow for unimpeded access and use and be available for use by patrons/clients of the development during operating hours.

Signage

71. No signage other than what has been approved as part of this development consent or that is considered to be exempt from requiring development consent under Development Control Plan No.82 – A Signage Strategy for the City of Shoalhaven, is approved as part of this development application.

Recording of Complaints

72. The owner/operator must keep a legible record/log book of all complaints made to the owner/operator or any employee or agent of the business in relation to the operation of the approved use.

The record must include details of the following:

- a) The date and time of the complaint;
- b) The method by which the complaint was made;
- c) Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- d) The nature of the complaint;
- e) The action 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 licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made and must be made available to Council at any time upon request.

Environmental Management Plan

73. The consent holder/operator must submit an Environmental Management Plan (EMP) relating to the operation of the approved development for the previous 12 months period to Shoalhaven City Council. The EMP must be prepared by a suitably qualified person and must be submitted within 30 days of the 'nominated date of commencement' and subsequently, every twelve months for the life of the development. The EMP shall address, but not be limited to, the following:

- a) Record/log of all complaints made for the period of the EMP providing details as required by Condition 72;
- b) Quantity of material produced (i.e. CRT Glass) and obtained by the facility represented as tonnes per day and tonnes per year;
- c) An assessment by a suitably qualified acoustic consultant that the noise levels at the locations/receivers identified in the *Environmental Noise Impact E-Waste Recycling Facility at Nowra, NSW* Prepared by: Day Design Pty Ltd, Reference: 4752, Dated 19 April 2012 and any other receivers as identified by Council are in accordance with the requirements of the above report (including any associated amendments as required by Condition 57) and comply with NSW EPA requirements and associated recommendations;
- d) An assessment by a suitably qualified air quality consultant that the air quality levels comply with the *Air Quality Assessment Report for TSR E-Waste Pty Ltd*, prepared by Benbow Environmental, Reference 121156_Rep_Rev2, dated 17 June 2013 and the NSW EPA requirements and any associated recommendations; and
- e) Details on additional measures to be implemented (including a timeframe for implementation) to address all identified issues and/or concerns.

PART G

REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - b) complies with the provisions of all relevant environmental planning instruments;
 - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.

5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

PART H

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Development Consent under Environmental Planning and Assessment Act, 1979

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a complying development certificate, designated development or integrated development. The request must be made **within twelve (12) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within twelve (12) months** after receipt of this notice.*

Approvals under Local Government Act, 1993

Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.

*Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within **twelve (12) months** of the date of determination.*

PART I

ADVICE ABOUT WHEN THIS CONSENT LAPSES

This consent is valid for five years from the date hereon.

In accordance with Section 95 of the Act, development consent of the erection of a building does not lapse if building, engineering or construction work relating to the building or work is physically commenced on the land to which the consent applies before the lapse date.

PART J

GENERAL ADVICE TO APPLICANT

Disability Discrimination Act 1992

This application has been assessed in accordance with the Environmental Planning & Assessment Act, 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

Disclaimer – s88B restrictions on the use of land

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under clause 37 of Shoalhaven Local Environmental Plan 1985 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

Inspections

If Council is the appointed PCA for this project, a minimum twenty-four (24) hours notice must be given to Council to make an inspection of the work.

DBYD Enquiry - 'Dial Before You Dig'

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or www.dialbeforeyoudig.com.au prior to any excavation works taking place to ascertain the location of underground services.

Privacy Notification

Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the Government Information (Public Access) (GIPA) Act 2009.

Schedule 1 - Mandatory Conditions for all EPA licences

Operating conditions

Activities must be carried out in a competent manner

- Licensed activities must be carried out in a competent manner. This includes:
 - a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

- All plant and equipment installed at the premises or used in connection with the licensed activity:
 - a) must be maintained in a proper and efficient condition; and
 - b) must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

- The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.
- The record must include details of the following:
 - a) the date and time of the complaint;
 - b) the method by which the complaint was made;
 - c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the licensee, the reasons why no action was taken.
- The record of a complaint must be kept for at least 4 years after the complaint was made.
- The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

- The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

- The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
- This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

- The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - a) a Statement of Compliance; and
 - b) a Monitoring and Complaints Summary.
- A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

- An Annual Return must be prepared in respect of each reporting, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

- Where this licence is transferred from the licensee to a new licensee,
 - a) the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - b) the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on
 - a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

Deadline for Annual Return

- The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Licensee must retain copy of Annual Return

- The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

- Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
 - a) the licence holder; or
 - b) A person approved in writing by the EPA to sign on behalf of the licence holder.
- A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

- Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.
- The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

- Where an authorised officer of the EPA suspects on reasonable grounds that:
 - a) where this licence applies to premises, an event has occurred at the premises; or
 - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- The request may require a report which includes any or all of the following information:
 - a) the cause, time and duration of the event;

- b) the type, volume and concentration of every pollutant discharged as a result of the event;
 - c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
 - d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
 - e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
 - g) any other relevant matters.
- The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

- A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.
- The licence must be produced to any authorised officer of the EPA who asks to see it.
- The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

Appendix B - Air Quality Impacts

The EPA provides the following comments in relation to air quality impacts from the proposed development:

1. Emission Controls

The assessment is based on controlling particulates by undertaking all dust generating activities within enclosed buildings and use of a baghouse to minimise particulates emissions to air (including lead particles). These controls should form the basis of any recommended conditions of consent. In addition the proposed lead extraction treatment process is a closed loop process and acid fume emissions to air arising from the use of phosphoric acid are likely to be minimal.

Appendix C - Noise Impacts

The EPA provides the following comments in relation to noise impacts from the proposed development:

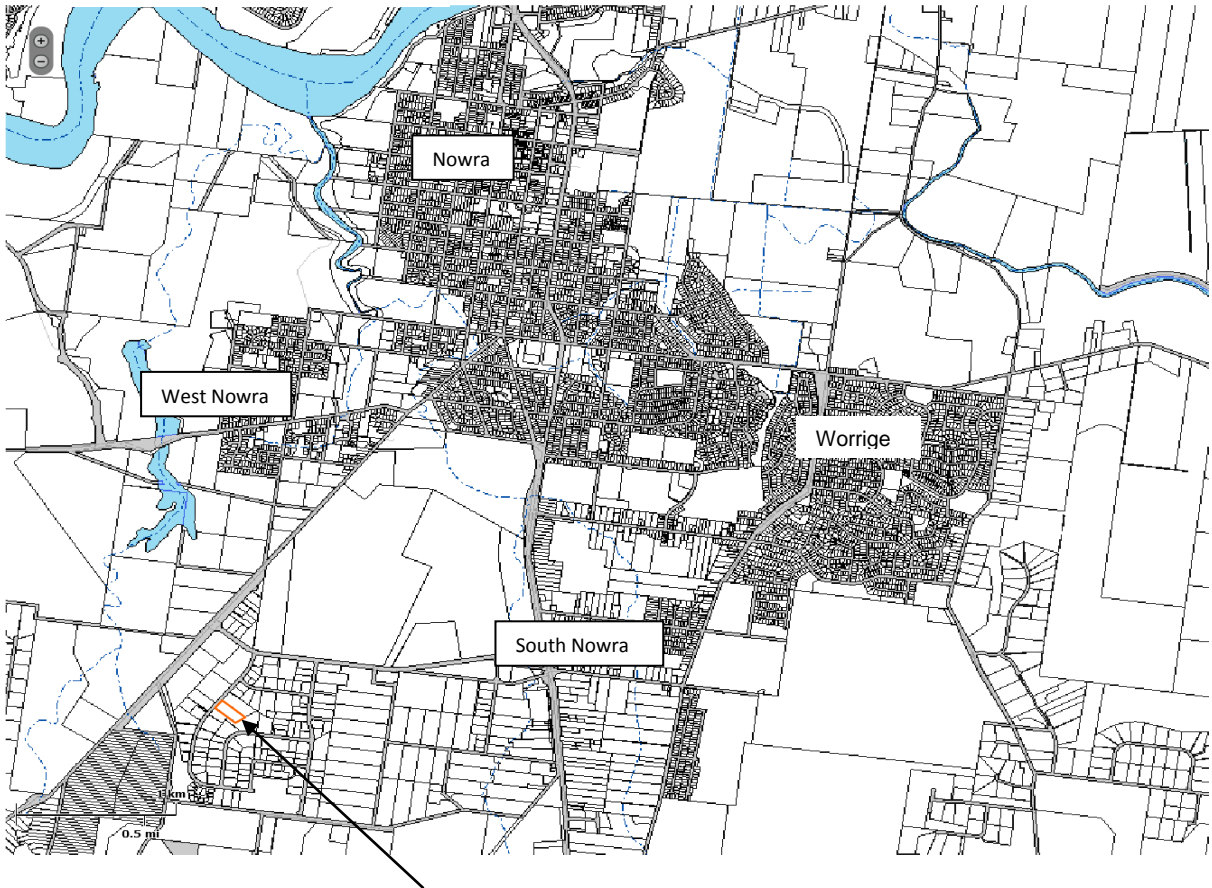
1. The nearest sensitive receivers appear to have been identified in accordance with the NSW Industrial Noise Policy (EPA 2000) ("INP") . The adopted Rating Background Level

and intrusiveness criteria appear to be appropriate. However, the following aspects of the assessment do not appear to have been undertaken in accordance with the INP:

- Derivation of amenity criteria for any of the identified residential or industrial receivers;
 - Application of modifying factor adjustments; and
 - Identification and modelling of acoustically significant plant, for example the model used did not consider the band saw, impact crusher or air filter.
2. The EPA has recommended noise limits based on the predicted levels provided by the proponent and it is the proponent's responsibility to not exceed their predicted levels, including with the application of any applicable modifying factors.
 3. Stated operating hours for the proposal varied. Sleep disturbance and intrusive noise impacts for the early morning period 6am to 7am have not been assessed. Therefore, it is appropriate for hours of operation to be limited to 7am to 4pm Monday to Saturday, with no operations on public holidays. If this is not acceptable to the proponent they would need to provide an assessment of environmental noise impacts in the early morning period.
 4. The road noise impacts of the proposal have not been assessed in accordance with the NSW Road Noise Policy (DECCW 2011) ("RNP"). However, the predicted increase in road traffic is only due to the light vehicle movements of employees rather than heavy vehicle movements due to delivery or dispatch, so is not likely to cause significant impacts above RNP criteria in this case.

Attachment 'B'

Location Plan



Subject Site

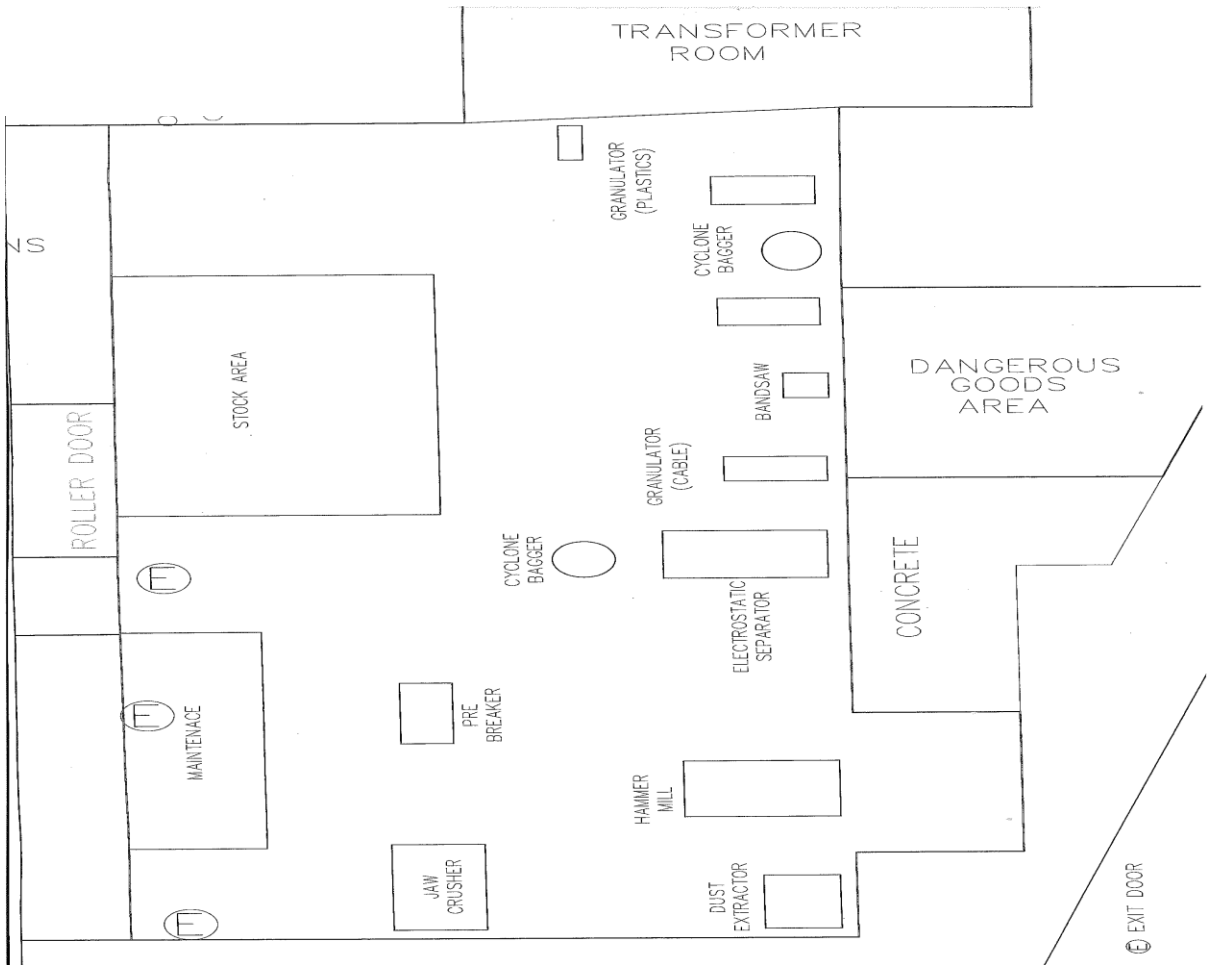
Location and Zoning Plan



Subject Site

Attachment 'C'

Internal Layout – Building 3/4



Attachment 'D'

CRT Glass Recycling Process Flow Chart

