



J A C K S O N
ENVIRONMENT AND PLANNING
STRATEGY | INFRASTRUCTURE | COMPLIANCE | PROCUREMENT

25th June 2020

Mr Simon Pocock
Contract Development Planner
Singleton Council
PO Box 314
Singleton NSW 2330

By email to: spocock@singleton.nsw.gov.au

CC: Lisa Foley, Project Officer, Planning Panels Secretariat:
Lisa.Foley@planning.nsw.gov.au

Dear Mr Pocock,

***Re: Request for additional information – DA 8.2019.117 – Waste or Resource Transfer Station
– 39 Enterprise Crescent, McDougalls Hill***

Thankyou for your email dated 25th June 2020 with a request from the Hunter and Central Coast Joint Regional Planning Panel. We understand the panel is seeking additional information and justification of the proposed land use to inform the Panel determination meeting scheduled for 1st July 2020.

Please see Attachment 1 for additional information which will assist in the finalisation of the assessment process. We trust this information is of assistance. Please let me know if you need anything further.

Yours sincerely,

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REQUEST FOR ADDITIONAL INFORMATION – SINGLETON RECYCLING FACILITY
DA 8.2019.117

1. Justify/quantify how the ‘processing’ is limited and minor feature (as referenced on pg 97 of EIS)

In Section 4.6.2 of the EIS (page 100), we highlight that the proposed development is consistent with the definition of a ‘Waste or Resource Transfer Station’ as described in the Dictionary of the *Singleton Local Environmental Plan 2013* (the LEP):

“...means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.”

We note in this section of the EIS, ‘Waste or Resource Transfer Stations’ are not defined as Prohibited Development or Permissible Development in B5 Business Development zoning as per the LEP. We further note in the LEP that ‘Any other development not specified in item 2 (Permitted with consent) or 4 (Prohibited)’ is not permissible development.

While the LEP does not permit ‘Waste or Resource Transfer Stations’ within B5 Business Development land use zones, the *State Environmental Planning Policy (Infrastructure) 2007* (the SEPP) overrides this local environmental planning instrument and permits this type of development under Clause 8(1) of the SEPP. The proposed development, therefore, is considered permissible development with consent.

In Section 4.5.1 of the EIS, we note that:

“Given that the proposed development will principally involve the receipt, sorting, compacting, temporary storage and distribution of waste or resources by road, the development is consistent with the definition of a Waste or Resource Transfer Station, being permissible development with consent under Section 121(2)(b)(i) of State Environmental Planning Policy (Infrastructure) 2007.”

In Section 4.5.1 of the EIS, we further note that limited crushing and shredding will be performed as part of the proposed development, though this is considered a minor operational feature, required to compact material (such as timber and masonry) for transport off-site and recycling. The purpose of the plant is to compact material, improve the efficiency of transport and reduce the number of traffic movements for transferring the material to other facilities for further refining and product manufacturing (if needed). Depending on the particle size, the materials may be available for direct sale (e.g. as aggregate, roadbase or mulch).

The concrete crushing process will be performed by a small compaction unit located in the rear of the fully enclosed warehouse building, within the designated Processing Area (refer to site plan given in Plan 101, Appendix 1 of the EIS). The purpose of this unit is to size reduce any large pieces of concrete and masonry received for sorting and recycling at the facility.

In Table 3.5 of the Waste Management Plan as provided in Appendix 5 of the EIS, we note that of the sorted materials sent off-site from the operations, 40% of the aggregate and roadbase products (out of a total of 9,975 tonnes per year at maximum capacity) will contain concrete and bricks. This means that a maximum of 3,990 tonnes per year of concrete and masonry materials will be compacted through the concrete crusher. This is equivalent to 4.2% of the overall throughput of the facility. Note that the overall throughput of the facility will be 95,000 tonnes per annum at maximum capacity. This means that only a small amount of the overall throughput of the facility will be compacted and size reduced through the concrete crusher.

Furthermore, a small timber shredder is also proposed for shredding clean wood and timber only to compact it and send off-site for either use as mulch or for further manufacturing. The shredding unit will be located in the rear of the fully enclosed warehouse building, within the designated Processing Area (refer to site plan given in Plan 101, Appendix 1 of the EIS).

Note that the shredder unit will not be used for whole timber pieces that will be sorted and resold as building materials. In Table 3.5 of the Waste Management Plan provided in Appendix 5 of the EIS, we note that of the timber outputs from the facility (totalling 13,490 tonnes per year), 20% by weight is clean wood and timber from mixed building waste that will be suitable for compaction and use potentially as mulch. This is equivalent to 2,698 tonnes per annum, being 2.84% of the overall throughput of the facility (being a projected 95,000 tonnes per annum at maximum capacity). This means that only a small amount of the overall throughput of the facility will be compacted and size reduced through the shredder unit.

As a consequence, in Section 4.5.1 of the EIS our statement that crushing and shredding is considered to be a minor operational feature of the development is reasonable given that the crusher will only handle 4.2% of the waste throughput of the facility, with the shredding only handling 2.84% of the throughput of the facility (or combined this is 7.04% of the total annual throughput).

We therefore believe that the proposed development is consistent with the definition of a 'Waste or Resource Transfer Station', being permissible development with consent in the B5 Business Development zone under section 121(2)(b)(i) of *State Environmental Planning Policy (Infrastructure)* 2007.

2. Confirm if by that statement the assessment is relying on those aspects being ancillary to the transfer station land use (and if so, expand the justification/basis for that) or otherwise, and justify and/or expand on how those activities are 'compacting' if that is also relied upon noting reference to that in the EIS

In the EIS in Section 4.5.1, we state that the proposed development is consistent with the definition of a 'Waste or Resource Transfer Station', which will involve "...the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport" as defined in the Dictionary to the LEP.

In section 4.5.1 of the EIS, we state:

“It is noted that limited crushing and shredding will be performed as part of the proposed development, though this is considered a minor operational feature, required to compact material (such as timber and masonry) for transport off-site and recycling. This feature of the development is considered to be compatible with the definition of a ‘Waste or Resource Transfer Station’ and should be considered permissible development with consent.”

Given that the limited amount of materials that will be compacted in the Processing Area of the fully enclosed building, we believe the proposed land use is strictly in accordance with the definition of a ‘Waste or Resource Transfer Station’ and the project should be assessed in accordance with this land use definition. As a consequence, the EIS and the project justification does not need to rely on ancillary use provisions under clause 4.17(2) of the *Environmental Planning and Assessment Act 1979* as the proposed development is considered wholly permissible within the B5 Business Development land use zone.

3. If relevant provide examples that support the justification/position and/or draw on relevant case law, planning circulars.

The proposed development has been designed and will be operated in accordance with environmental best practice, fully complying with NSW EPA requirements and strict standards recently published in their *Minimum Standards for Managing Construction and Demolition Waste in NSW*¹. We explain these standards in Section 4.9.2 of the EIS and we demonstrate compliance with these standards in Section 3.2.6 of the Waste Management Plan (Appendix 5 of the EIS).

Furthermore, we outline in the impact investigations conducted as part of the EIS that the proposed development will meet and comply with all noise and air quality requirements consistent with NSW EPA’s *Noise Policy for Industry* (Appendix 7 of the EIS) and the *Protection of the Environment (Clean Air) Regulation 2010*.

The proposed development will involve the construction and operation of a best practice recycling facility for building, construction, household clean-up and commercial waste materials from households and businesses in the Singleton and Hunter region. The facility will operate within a purpose built and fully enclosed warehouse building.

Whilst the proposed development is unique, the inclusion of a limited amount of material compaction or size reduction is common. A local example is the Thornton Materials Recovery Facility (MRF), located on two lots at 31-34 Waterloo Avenue, Thornton (Lot 102/DP873751 and Lot 1/DP1028711).

The Materials Recovery Facility (MRF) was originally approved in 2001 as a MRF for receiving of up to 25,000 tonnes per annum of recyclables. In 2004, approval was provided by Maitland City

¹ NSW EPA (2018). Standards for Managing Construction Waste in NSW. Published by the NSW EPA, November 2018. Internet publication: <https://www.epa.nsw.gov.au/your-environment/waste/industrial-waste/construction-demolition/construction-and-demolition-waste>

Council to expand the facility to receive up to 100,000 tonnes per annum of material (under DA04-2759). The approval enables the receipt, sorting, processing and recycling of up to 100,000 tonnes per year of dry non-putrescible recyclables from domestic and commercial sources. These materials include: Glass; PET bottles; Steel; Aluminium; Liquid paperboard; Paper / cardboard; Commercial paper; and Non-recyclable material.

The development is located within an industrial area zoned B5 Business Development (though originally zoned as 4(b) Light Industrial), consistent with this proposed development. Similar to the proposed development, all operations are conducted indoors. Under Condition 13 of DA04-2759, the site is approved for “glass crushing” which was originally proposed to improve the efficiency of the sorting and recycling operation, by reducing truck movements for taking the glass to another site for further recycling.

Whilst the Thornton MRF is principally a materials sorting and transfer facility, it is approved for crushing not more than 30,000 tonnes per annum of glass, which makes up to 30% of the overall waste receipt approval.

The proposed Singleton Recycling Facility development proposes to use crushing and shredding operations to a smaller extent (totalling not more than 7.04% of the annual waste throughput), and totally within a best practice enclosed building to ensure that no impacts occur to people or the environment.

Conclusion

The proposed Singleton Recycling Facility is a best practice form of ‘Waste or Resource Transfer Station’ and is permissible with consent in the B5 Business Development zoning under section 121(2)(b)(i) of the *State Environmental Planning Policy (Infrastructure) 2007*.

We demonstrate that the proposed development is strictly in accordance with the definition of the proposed form of land use, being a ‘Waste or Resource Transfer Station.’

The proposed development will be conducted fully indoors within a controlled environment, avoiding impacts on people and the environment. It has been designed in accordance with NSW EPA best practice.

Given the proposal can be considered to be strictly in accordance with the definition of a ‘Waste or Resource Transfer Station’, being a permissible form of land use in the proposed B5 Business Development zoning, the application should be assessed and determined on this basis.

As the development proposal is permissible with consent, and addresses all local planning, state planning and environmental requirements, the proposal should be approved by the Hunter and Central Coast Joint Regional Planning Panel.