

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSCC-506
<b>DA Number</b>	DA-23-01086
<b>LGA</b>	Blacktown
<b>Proposed Development</b>	Designated and Integrated Development for a proposed battery sorting and transfer station.
<b>Street Address</b>	30 Tattersall Road, Kings Park
<b>Applicant/Owner</b>	Jordan Rodgers on behalf of Battery Recyclers Pty Ltd / Sell and Parker (Holdings) Pty Ltd
<b>Date of DA lodgement</b>	03 October 2023
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approve, subject to conditions listed in attachments 7 and 8.
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Regionally Significant Development - Designated development being a Waste Management Facility handling goods classified under the Australian Dangerous Goods Code.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act, 1979</li> <li>• Environmental Planning and Assessment Regulation, 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Blacktown Local Environmental Plan 2015</li> <li>• Blacktown Development Control Plan 2015</li> <li>• Blacktown Local Strategic Planning Statement 2020</li> <li>• Central City District Plan 2018</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Location map</li> <li>• Aerial image</li> <li>• Zoning extract</li> <li>• detailed information about proposal and submissions</li> <li>• plans</li> <li>• Assessment against planning controls post 1 March 2022</li> <li>• Draft conditions</li> <li>• EPA attachments</li> </ul>
<b>Clause 4.6 requests</b>	Not applicable
<b>Summary of key submissions</b>	Not applicable
<b>Report prepared by</b>	Ian Arnott, Consultant Planner
<b>Report date</b>	4 June 2024

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

**Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not Applicable**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

**No**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

### Conditions

Have draft conditions been provided to the applicant for comment?

**Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

# 1.1 DA-23-01086 - Occupation and minor works for a battery sorting and transfer station - 30 Tattersall Road, Kings Park

## Assessment report to

### Sydney Central City Planning Panel

Panel reference: PPSSCC-506

#### Development application

<b>DA number</b>	DA-23-01086	<b>Date of lodgement</b>	3 October 2023
<b>Applicant</b>	Jordan Rodgers on behalf of Battery Recyclers Pty Ltd		
<b>Owner</b>	Sell and Parker (Holdings) Pty Ltd		
<b>Proposed development</b>	Designated and Integrated Development for a proposed battery sorting and transfer station.		
<b>Street address</b>	Lot 3 DP 201261, 30 Tattersall Road, Kings Park		
<b>Notification period</b>	15 November to 13 December 2023	<b>Number of submissions</b>	Nil

#### Assessment

##### Panel criteria

Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021

- Regionally Significant Development - Designated development being a Waste Management Facility handling goods classified under the Australian Dangerous Goods Code.

##### Relevant section 4.15(1)(a) matters

- Environmental Planning and Assessment Act, 1979
- Environmental Planning and Assessment Regulation, 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Blacktown Local Environmental Plan 2015
- Blacktown Development Control Plan 2015
- Blacktown Local Strategic Planning Statement 2020
- Central City District Plan 2018

<b>Report prepared by</b>	Ian Arnott (Arnott Planning)
<b>Report date</b>	4 June 2024
<b>Recommendation</b>	Approve, subject to conditions listed in attachments 7 and 8.

#### Checklist

##### Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the Assessment report? Yes

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the Assessment report?

Yes

### Clause 4.6 Exceptions to development standards

Not applicable

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the Assessment report?

### Special Infrastructure Contributions

No

Does the DA require Special Infrastructure Contributions conditions (section 7.24)?

### Housing Productivity Contribution (for DA lodged on or after 1 October 2023)

No

Does the DA require Housing Productivity Contribution Condition?

### Conditions

Have draft conditions been provided to the applicant for comment?

Yes

## Attachments

1. Attachment 1 Location map [1.1.1 - 1 page]
2. Attachment 2 Aerial image [1.1.2 - 1 page]
3. Attachment 3 Zoning extract [1.1.3 - 1 page]
4. Attachment 4 detailed information about proposal and submissions [1.1.4 - 6 pages]
5. Attachment 5 plans [1.1.5 - 8 pages]
6. Attachment 6 Assessment against planning controls post 1 March 2022 [1.1.6 - 6 pages]
7. Attachment 7 Draft conditions [1.1.7 - 11 pages]
8. Attachment 8 - EPA attachments [1.1.8 - 12 pages]

## **1 Executive summary**

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- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- The proposed development is classified as both 'Integrated Development' and 'Designated Development'. We are of the view that the application satisfactorily addresses all of the requirements including the matters raised in the Planning Secretary's Environmental Assessment Requirements (SEARs).
  - The operation of the proposal involves hazardous and risks that can be mitigated by measures to minimise danger to life and property, including the spread of fire.
  - Environmental protection measures have been proposed to minimise impacts from the development on the natural environment, including pollution of waterways, air quality and noise.
  - Applicant seeks a variation of 1 car parking space for this proposal which is acceptable given the nature of this proposal. Therefore, the parking provision, loading facilities, access and traffic will be adequate so that the development will not have an adverse impact on the surrounding area.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel approve the application subject to the recommended conditions listed in attachment 7.

## **2 Location**

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- 2.1 The site is located on the northern side of Tattersall Road approximately 300 m west of Sunnyholt Road. It is within the Kings Park Industrial Area, which is bounded by Sunnyholt Road to the east and the Blacktown/Richmond Rail Line to the west.
- 2.2 The location of the site is shown at attachment 1.
- 2.3 The subject property is zoned E4 - General Industrial under Blacktown Local Environmental Plan 2015 which permits, with consent, a Waste and Resource Transfer Station being, by definition, a type of Waste and Resource Management Facility.
- 2.4 The zoning plan for the site and surrounds is at attachment 3.
- 2.5 The surrounding properties are also zoned E4 - General Industrial and contain a range of industrial and warehouse uses. Smaller industrial sites are located on the northern side of Tattersall Road with much larger industrial properties on the southern side.
- 2.6 One of those larger properties is a metal waste facility, which is immediately opposite the site at 45 Tattersall Road. It is operated by Sell and Parker; the owners and operators of the existing and proposed facility on the subject site.
- 2.7 The E4 zoned land extends south to Breakfast Creek, beyond which properties are zoned E3 - Production Support. General Industrial land extends beyond Vardys Road which provides an east/west link connecting Sunnyholt Road and Quakers Road, north of the site. R2 - Low Density Residential land surrounds the General Industrial land to the north, east

and west. The closest residential property to the subject site is located on the eastern side of Sunnyholt Road, approximately 350 m to the east.

### 3 Site description

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- 3.1 The site is legally described as Lot 3 in DP 201261. The 891.8 m<sup>2</sup> rectangular shaped allotment has a frontage of 15.24 m to Tattersall Road and a depth of 558.52 m.
- 3.2 The site is currently developed with a single storey factory/warehouse building set back 22.4 m from the Tattersall Road frontage and 10.6 m from the rear boundary. The building adjoins both the eastern and western side boundaries and consists of warehouse area with an office, kitchen and toilet. An awning approximately 2.5 m wide and 9 m long, extends along the western boundary from the rear of the building to within approximately 1 m of the rear boundary. Roller door access is provided at both the front and rear of the building.

Figure 1: View of site from Tattersall Rd



- 3.3 The site rises approximately 2 m from the front boundary to the front of the building and then is relatively level for the remainder of the site.
- 3.4 An aerial image of the site and surrounding area is at attachment 2.

### 4 Background

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- 4.1 The existing building was constructed in the late 1960s for warehousing.
- 4.2 Approval was granted in September 2017 (DA2017/01363) for use of the premises as a waste or resource transfer station for aluminium cans to operate between the hours of 7 am and 7 pm Monday to Saturday.
- 4.3 On 20 March 2023 the applicant applied to the Planning Secretary for Environmental Assessment Requirements (SEARs) in accordance with Section 173 of the Environmental Planning and Assessment Regulation 2021, noting the use as a battery sorting and transfer station involving dangerous goods is a form of designated development.
- 4.4 The Planning Secretary issued the Environmental Assessment Requirements (SEARs) on 21 April 2023, which set out matters to be addressed in the Environmental Impact Statement to be lodged with the development application. Included in this were requirements from the NSW Environment Protection Authority noting the development is

Integrated Development under Clause 4.46 (1) of the Environmental Planning and Assessment Act 1979.

- 4.5 A pre-application meeting with Council officers was held on 30 August 2023 for which minutes were issued outlining Council's requirements for submission with the development application.

## **5 The proposal**

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- 5.1 The DA was lodged by Jordan Rodgers on behalf of Battery Recyclers Pty Ltd.
- 5.2 The applicant proposes to use the existing premises for the purpose of a battery sorting and transfer station receiving up to 900 tonnes per year of small, handheld batteries in line with the Australian Government accredited B-cycle Battery Recycling Scheme.
- 5.3 Batteries are sorted, both manually (to remove larger rechargeable and/or damaged batteries) and mechanically (based on internal chemistry) for temporary storage.
- 5.4 On-site works include installation of equipment for sorting of batteries together with bunding and fire rating of certain walls.
- 5.5 A 1.5 m wide landscaped area is to be provided adjacent to the front boundary of the site with line marking and wheel stops installed for 4 car parking spaces within the front forecourt area.
- 5.6 Other details about the proposal are at attachment 4 and a copy of the development plans is at attachment 5.

## **6 Assessment against planning controls**

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- 6.1 A full assessment of the DA against relevant planning controls is provided at attachment 6, including:
- Environmental Planning and Assessment Act 1979
  - Environmental Planning and Assessment Regulation 2021
  - State Environmental Planning Policy (Biodiversity and Conservation) 2021
    - Chapter 6 Water Catchments (cl. 6.17; 6.22)
  - State Environmental Planning Policy (Industry and Employment) 2021
    - Chapter 3 Advertising and Signage
  - State Environmental Planning Policy (Planning Systems) 2021
    - Part 2.4 Regionally Significant Development
    - Schedule 6 Regionally Significant Development (cl.7c)
  - State Environmental Planning Policy (Resilience and Hazards) 2021
    - Chapter 3 Hazardous and Offensive Development (cl.3.10-3.12)
  - State Environmental Planning Policy (Transport and Infrastructure) 2021
    - Division 23 Waste and Resource Management Facilities (cl.2.153)
  - Blacktown Local Environmental Plan 2015
  - Blacktown Development Control Plan 2015
  - Blacktown Local Strategic Planning Statement 2020
  - Central City District Plan 2018.

## **7 Issues raised by the public**

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- 7.1 The proposed development was notified to property owners and occupiers in the locality between 15 November and 13 December 2023. The application was also uploaded to Council's website on "Have Your Say" and a sign erected on the site.
- 7.2 No submissions were received.

## **8 Key issues**

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### **8.1 The proposal is categorised as both 'Designated Development' and 'Integrated Development'**

- 8.1.1 The proposed development is 'Designated Development' as specified in Schedule 3, clause 45(2) of The Environmental Planning and Assessment Regulation 2021, being a facility that sorts and temporarily stores goods classified under the Australian Dangerous Goods Code for transfer to another site.
- 8.1.2 In line with Section 4.12(8) of the Environmental Planning and Assessment Act 1979, the application was supported by an Environmental Impact Statement, which satisfactorily addresses the issues raised in the Planning Secretary's Environmental Assessment Requirements (SEARs) as outlined at attachment 4 of this report.
- 8.1.3 The proposed battery sorting and transfer station is identified as a scheduled activity under the Protection of the Environment Operations Act 1993, and requires an Environment Protection Licence to be issued by the Environment Protection Authority (EPA).
- 8.1.4 Under Section 4.46(1) a scheduled activity is identified as 'Integrated Development'. The EPA was consulted by the Department of Planning, Housing and Infrastructure at the time in the preparation of the SEARs and its requirements were addressed in the Environmental Impact Statement submitted by the applicant.
- 8.1.5 Following lodgement, the application was referred to the EPA for comment. It raised no objection to the proposal and has provided conditions of consent, which have been incorporated into the draft conditions at attachment 7. Advice from EPA also contained General Terms of Approval for a resource recovery licence and specific licence conditions for the development as proposed, which it specified should not be included as conditions on the development consent.
- 8.1.6 The EPA also noted that as the X-ray equipment is an enclosed system, there is an exemption from user licensing. As such a radiation user licence is not required.
- 8.1.7 On this basis, the application satisfactorily addresses the 'Designated Development' and 'Integrated Development' requirements.

### **8.2 The proposal satisfactorily mitigates hazards and risks through recommended measures**

- 8.2.1 The application is also supported by a Hazard and Operability Study, a Preliminary Hazard Analysis (both prepared by Arriscar and dated 16 August 2023) and a Fire Safety Study (prepared by Riskcon and dated 18 August 2023).
- 8.2.2 The storage of lithium-ion batteries produces potential for explosion, fire, toxic gas and environmental damage through contaminated water. The reports conclude that with the implementation of the recommended hazard reduction and management



measures in place, consequences from an incident will be contained within the site and appropriately mitigated and managed.

8.2.3 The application and accompanying reports were referred to the EPA, Fire and Rescue NSW and Council's Environmental Health and Building Units, all of which concurred with the report's findings and both have provided recommended conditions which have been included in the draft conditions. These will include:

- Installation of a second thermal imaging camera in the storage area at the back of the building to monitor for thermal runaway incidents while batteries are being stored,
- Required building upgrades ie. to the paths of travel to exits and doorways, fixed platform of the sorting machine, exit doors, exit discharge, new fire rated external wall construction to the rear of building,
- Preparation of a Fire Safety Schedule for the building premises that includes the required statutory fire safety measures and also measures from the Fire Safety Study as submitted by the applicant.

### **8.3 Environmental protection measures are proposed**

8.3.1 Soil and Water (Sustainability Workshop Ltd, August 2023), Air Quality (Northstar Air Quality Pty Ltd, 10 August 2023) and Noise and Vibration (RWDI Australia Pty Ltd, 11 August 2023) reports were all undertaken in respect of the proposed use of the site. All reports concluded that, with appropriate mitigation measures, the proposal will have minimal impacts on its surroundings.

8.3.2 Whilst the Noise and Vibration Report noted that construction noise levels may exceed Noise Management levels at the nearest industrial receiver during use of a hydraulic hammer, it considered this acceptable as it was only for limited duration (removal of a small area of concrete at the front of the site) and all other construction noise would be negligible with respect to the ambient noise environment.

8.3.3 The Soil and Water report notes that, with the provision of bunding contaminants, contaminated water cannot escape the building in the event of leakage or fire.

8.3.4 With the recommended measures, enforced by conditions, the proposal will have minimal detrimental impact on the natural environment and is likely to result in positive benefits by reducing landfill.

### **8.4 Traffic, parking and access will be satisfactory for this proposal**

8.4.1 SECA Solutions, a traffic and transport consultancy, undertook an assessment of the traffic and parking impacts associated with use of the premises as a battery sorting and transfer station and submitted the findings in a letter dated 2 August 2023.

8.4.2 SECA Solutions predicted 3 light vehicle inbound and outbound movements, together with 2 inbound and outbound medium rigid truck (MRV) movements per day. Accident history in the area is low and the assessment concludes that given the very low traffic demands, the impact of the development will be negligible upon the local road network.

8.4.3 Blacktown DCP 2015 requires 1 space per 75 m<sup>2</sup> of industrial GFA plus 1 space per 40 m<sup>2</sup> of office. Four on-site car parking spaces are provided 1 of which is an accessible space. Applying the DCP 2015, calculation the proposed use generates a



requirement for 5 spaces -  $280 \text{ m}^2 \text{ industrial} + 25 \text{ m}^2 \text{ office} = (280/75) + (25/40) = 3.73 + 0.63 = 4.36$  (rounded to 5)

8.4.4 Blacktown DCP 2015 states that:

*"Parking needs will be calculated based on the peak demand time. Thus, where peak demand is staggered, Council may permit a reduction in the total number of spaces otherwise required."*

8.4.5 The DCP calculation is applied to the full range of industrial uses. The specific nature of the transfer station use, with only 2 staff on site at any one time and battery deliveries only from accredited collection vehicles (not the general public) results in limited parking demand estimated to be a maximum of 3 (2 staff + 1 visitor). Separate loading dock and manoeuvring areas are provided on site.

8.4.6 The provision of 4 vehicle parking spaces on site, whilst 1 space less than required for industrial development under the Blacktown Development Control Plan 2015, will still satisfy peak parking demand for this use and on this basis the variation being sought by the applicant is acceptable.

8.4.7 Swept path analysis prepared by SECA Solutions demonstrates that by undertaking a 3-point turn to exit, a medium rigid truck can enter and leave the site in a forward direction.

## 9 External referrals

9.1 The development application was referred to the following external authorities for comment:

Authority	Comments
SafeWork NSW	No objection. Recommends applicant be advised of obligations under Work Health & Safety Legislation (condition included to this effect).
Fire & Rescue NSW	Acceptable subject to conditions, as listed in Section 8.2.3 of this report.
Environment Protection Authority	Acceptable subject to conditions.

## 10 Internal referrals

10.1 The development application was referred to the following internal sections of Council for comment:

Section	Comments
Building	Building Code of Australia Upgrade Report initially requested. Following receipt and review of the BCA Upgrade Report advice was that the development was acceptable subject to conditions, as listed in Section 8.2.3 of this report.
Engineering	No requirements.
Traffic	No objections subject to vehicles entering and leaving in a forward direction (condition included).

Section	Comments
Waste	Compliance with Blacktown DCP 2015 (Part G) and Guideline for Waste Management in New Developments 2022 (condition included).
Environmental Health	Acceptable subject to conditions.
S.7.11 Contributions Planner	No contribution required

## 11 Conclusion

11.1 The proposed development has been assessed against all relevant matters and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions.

## 12 Disclosure of political donations and gifts

12.1 Under Section 10.4 of the Environmental Planning and Assessment Act 1979, a disclosure statement must be lodged in certain circumstances in relation to any planning application, i.e. a development application, an application to modify a consent and an application to make an environmental planning instrument or development control plan.

12.2 A disclosure statement of a reportable political donation or gift must accompany a planning application or submission (including a submission either objecting to or supporting the proposed development) if the donation or gift is made within 2 years before the application or submission is made. If the donation or gift is made after the lodgement of the application, a disclosure statement must be sent to Council within 7 days after the donation or gift is made. The provision also applies to an associate of a submitter.

12.3 A disclosure statement may be made available for viewing upon a written request to Council in line with Section 12 of the Local Government Act 1993.

12.4 Disclosures:

- |                       |   |                 |
|-----------------------|---|-----------------|
| • Political donations | Has a Disclosure statement been received in relation to this application?                             | Yes             |
|                       | If yes, provide Disclosure statement register reference   | Ref: D23/442005 |
| • Gifts               | Have staff received a 'gift', that needs to be disclosed, from anyone involved with this application? | No              |

## 13 Recommendation

1 Approve DA-23-01086 for the reasons listed below, and subject to the conditions listed in attachment 7

a The proposed development is consistent with the objectives and provisions of the Blacktown Local Environmental Plan 2015 and applicable State Environmental Planning Policies (Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).

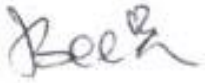
b The use of the site as a battery sorting and transfer station contributes to the recycling process providing positive environmental outcomes (Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979).

- c The site is suitable for the proposed development (Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979).
- d The proposed development is in the public interest (Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979).

## 14 Declaration and endorsement

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We, the undersigned, declare, to the best of our knowledge that we have no interest, pecuniary or otherwise, in this development application or persons associated with it; and we have provided an impartial assessment.



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Bertha Gunawan per Ian Arnott  
Senior Town Planner - Projects



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Alan Middlemiss  
Coordinator Planning Assessment



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Judith Portelli  
Acting Director City Planning and Development

Attachment 1

Location map





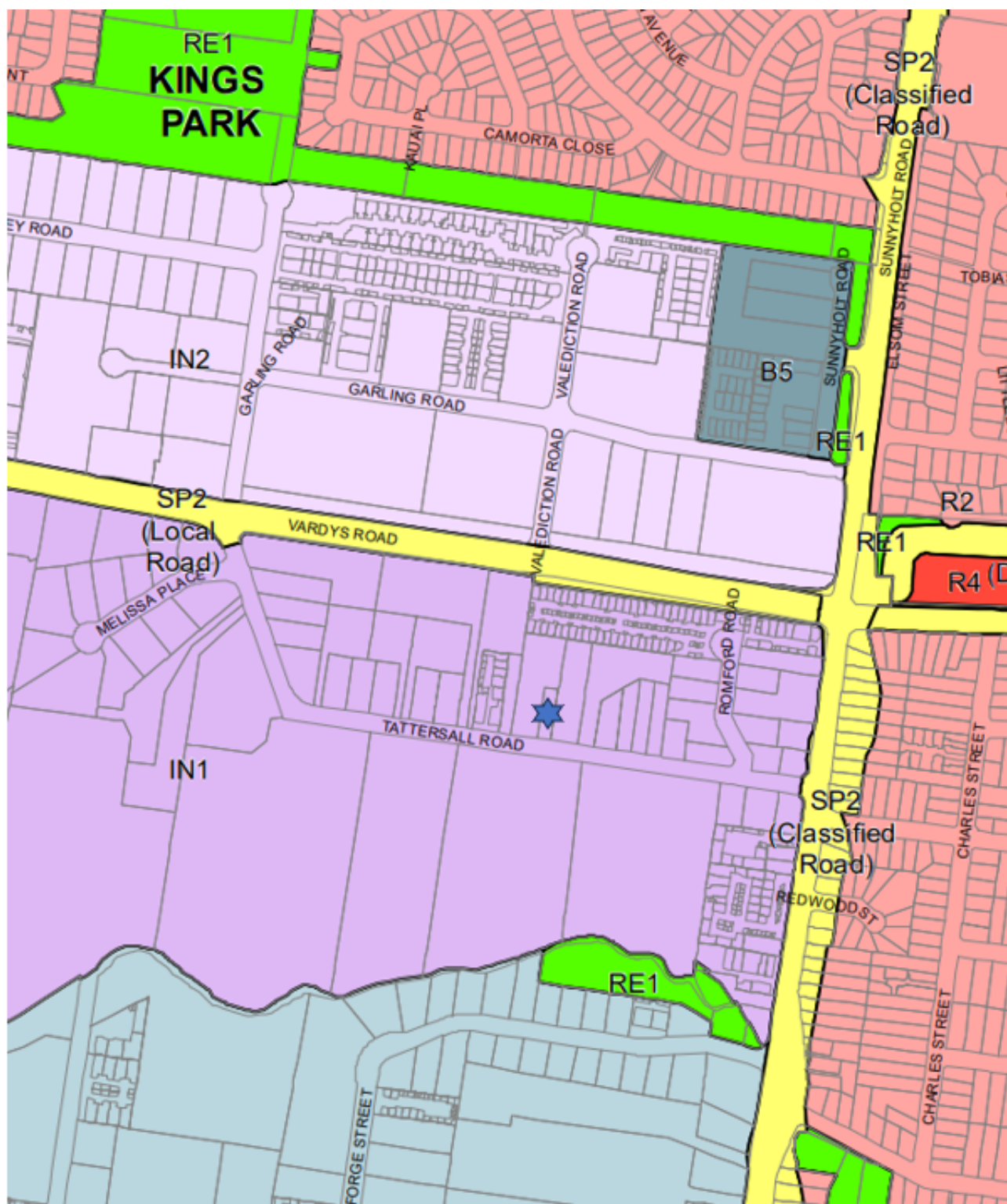
**Aerial image** (as at 21 June 2024)





## Attachment 3

### Zoning extract



Source: Blacktown LEP 2015 Zoning Map

Subject Site ★

## Attachment 4

# Detailed information about proposal and DA submission material

## 1 Overview

- 1.1 The application proposes use of the existing premises for the purpose of a battery sorting and transfer station receiving up to 900 tonnes a year of small, handheld batteries including standard AA, AAA, C and D batteries, button batteries and other small removable rechargeable batteries such as those found in power tools and cameras. The facility is to be operated in line with the Australian Government accredited B-cycle Battery Recycling Scheme.
- 1.2 Delivery of batteries to the site is in B-cycle accredited collection vehicles from B-cycle drop-off locations. Individual consumer drop-offs will not be accepted.
- 1.3 Batteries are to be sorted, both manually (to remove larger rechargeable and/or damaged batteries) and mechanically (based on internal chemistry) for temporary storage before being transported to specialist facilities for recycling. A load of batteries being delivered will typically consist of:
  - 70% alkaline batteries
  - 10% Li-ion and Li-metal batteries
  - 20% other (NiCd, NiMH & ZnC).
- 1.4 Equipment for sorting of batteries is to be provided within the building including:
  - drum tipper
  - prefabricated picking station incorporating raised platform and conveyor belt
  - BATTERAY x-ray sorting system
  - forklift.
- 1.5 Temporary storage will occur within the building apart from lithium batteries, which will be stored under the awning at the rear of the property.
- 1.6 Bunding is proposed around storage areas and a fire isolating wall is proposed to be constructed separating the building from the awning covered lithium battery storage area.
- 1.7 A 1.5 m wide landscaped area is to be provided adjacent to the front boundary of the site with line marking and wheel stops installed for 4 car parking spaces within the front forecourt area.
- 1.8 Two staff are to work from the premises between the hours of 7 am and 6 pm Monday to Friday with cleaning and maintenance to occur outside of operating hours but within the hours of 7 am and 7 pm Monday to Sunday.

## 2 Applicant's Environmental Impact Assessment

- 2.1 The proposed use as a battery sorting and transfer station involving dangerous goods is a form of designated development under Clause 45(2), Schedule 3 of the Environmental Planning and Assessment Regulation 2021.
- 2.2 As the proposed use is a scheduled activity under the Protection of the Environment Operations Act 1993 the issue of an Environment Protection Licence by the Environment



Protection Authority is required. Under Section 4.46(1) of the Environmental Planning and Assessment Act 1979 a scheduled activity is considered integrated development.

- 2.3 The application is supported by an Environmental Impact Statement, including reports addressing the requirements specified in the Planning Secretary's Environmental Assessment Requirements (SEARs), which incorporates the requirements of the Environment Protection Authority. A summary of the information provided in response to the SEARs follows.
- 2.4 The Environmental Impact Statement outlines how the battery sorting and transfer facility aligns with the National Waste Policy Action Plan 2019, NSW Waste and Sustainable Materials Strategy 2041 (including the associated guide to future infrastructure needs) and the NSW Circular Economy Policy Statement, noting that it will improve recycling rates for a product (batteries) that currently has a very low recovery rate, stated to be approximately 3% in Australia.
- 2.5 The Environmental Impact Statement states that the E4 zoning and industrial location of the site with good road access makes it a suitable site for the proposed use.
- 2.6 The Environmental Impact Statement addresses the relevant legislative framework including the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1999, Dangerous Goods (Road and Rail Transport) Act 2008 and their associated regulations together with applicable State Environmental Planning Policies. It also provides an assessment of the proposed development against the relevant provisions of Blacktown Local Environmental Plan 2015 and Blacktown Development Control Plan 2015.

### **3 Waste Management**

- 3.1 A Waste Management Plan prepared by Jackson Environment and Planning dated 18 August 2023 has been submitted with the application. The Waste Management Plan addresses the SEARs requirements, Blacktown Development Control Plan 2015 waste management requirements and other relevant legislation, strategies and guidelines.
- 3.2 The Waste Management Plan estimates that 6,126 kg of waste will be generated during demolition, site preparation and construction, of which 6,084kg (99.3%) is proposed to be recycled.
- 3.3 The Waste Management Plan submits that of the 907.57 tonnes of waste generated annually during the operation phase (900 tonnes of batteries and 7.57 tonnes of other waste) 901.54 tonnes (99.3%) will be recycled.
- 3.4 A waste storage area is identified on plans at the rear of the office within the building. The area is sufficient to provide for stacking of damaged pallets and containers, together with a 660 litre paper and cardboard bin, 240 litre soft plastics bin, 240 litre general waste bin and 240 litre co-mingled recycling bin.
- 3.5 Liquid waste is generated through use of a water bath for damaged or leaking batteries to prevent fire. Such waste is to be removed for treatment or disposal by a specialist contractor. Other general waste including personnel waste, domestic quantity cleaning products and damaged pallets and containers will be collected through a commercial waste contract.
- 3.6 Waste collection is to be scheduled as follows:
  - Lithium-type, NiCd, and NiMH batteries transported off site for recycling when stockpiled amount reaches a maximum of 4.9 tonnes (approximately every 4 weeks)

- Alkaline batteries transported off site for recycling when stockpiled amount reaches a maximum of 15 tonnes (approximately weekly)
- General waste and co-mingled recycling collected weekly from street frontage
- Paper and cardboard, pallets, drums and soft plastics collection as required.

## **4 Hazards and risks**

- 4.1 Arriscar Pty Ltd undertook a Preliminary Hazard Analysis and a Hazard and Operability Study for the proposed facility, both dated 16 August 2023. The Preliminary Hazard Analysis notes that a preliminary risk screening indicated that the facility is not potentially hazardous, but storage of lithium/lithium-ion batteries requires special consideration in terms of a Preliminary Hazard Analysis, which was subsequently undertaken.
- 4.2 The Hazard and Operability Study identified 4 potential hazardous incidents, other than workplace health and safety issues being:
  - damaged lithium battery on receipt or during handling
  - lithium batteries mixed up with other types due to incorrect sorting
  - missing or incorrect radiation barrier in the x-ray scanner
  - thermal runaway in lithium battery storage area.
- 4.3 A qualitative risk assessment was undertaken categorising 3 of the potential incidents of 'medium' risk and 1 of 'low' risk. None of the incidents had consequences that affected land use outside the boundary of the site.
- 4.4 The conclusions of the study are that adequate safeguards are provided to prevent and mitigate against the hazardous incidents. It stated that the qualitative risk criteria in the Hazardous Industry Planning Advisory Paper No.4 and the specific issues relating to hazard and risk in the SEARs have been satisfied.

## **5 Fire and incident management**

- 5.1 A Fire Safety Study prepared by Riskcon Engineering Pty Ltd dated 18 August 2023 accompanied the application addressing SEARs requirements and referencing Hazardous Industry Planning Advisory Papers, and Fire and Rescue NSW Guidelines. The study was based on 8 credible fire scenarios to determine whether protection measures proposed were adequate to combat the hazards.
- 5.2 The fire scenarios primarily emanated from lithium-ion batteries but also included hazards associated with corrosive substances and firefighting. Hazards included:
  - thermal runaway and fire and/or explosion
  - toxic gas dispersion
  - generation of potentially contaminated water and environmental damage.
- 5.3 The study noted that a fire hydrant is in Tattersall Road at the front of the property and 64 metres from the north-west corner (furthest point) of the site with the ability to provide sufficient water based on the identified fire scenarios.
- 5.4 The closest fire station (Blacktown) is 4.2 km from the site with a second (Richmond) 4.7 km away. The study estimates that from the fire starting to the initial attack on the fire by the fire brigade to be 20.2 minutes.

5.5 Impacts associated with the potential incidents and the proposed firefighting response strategies were assessed and 14 recommendations outlined to minimise fire risks at the site are as follows:

- The site shall be bunded to be able to contain a minimum of 54 m<sup>3</sup> of potentially contaminated water within the site boundaries.
- An Emergency Response Plan (ERP) shall be developed for the site in accordance with the Hazardous Industry Planning Advisory Paper No.2.
- An Emergency Services Information Pack (ESIP) shall be developed for the site in accordance with the Fire & Rescue NSW fire safety guideline "Emergency Service Information Pack and Tactical Fire Plans".
- Lithium-ion F-500 type extinguisher shall be available within 10m of any area where lithium batteries are stored, sorted, or handled.
- An Emergency Response Plan (ERP) shall be developed for the site in accordance with the Hazardous Industry Planning Advisory Paper No.2.
- The ERP shall detail the response for battery storage fires including notification of businesses/residents downwind from the site.
- The site shall host FRNSW as part of a site familiarisation to highlight the potential for battery fires and potential for toxic smoke formation.
- A windsock shall be installed at the site to assist FRNSW identify the wind direction such that they do not establish a command centre downwind of a BESS fire that may release toxic gases (Le. hydrogen fluoride).
- Carbon dioxide detection shall be installed in the sorting warehouse and in storage area(s) to identify potential battery thermal runaway.
- Detection of carbon dioxide at the site shall result in a local alarm at the site and shall be sent to site personnel that are able to enact a response after hours (Le. notify FRNSW).
- Identify a designated smoking area at the site and provide this on the site layout.
- Develop a hot work permit system to control any hot work undertaken at the site.
- A spill kit suitable for cleaning corrosive substances shall be provided in proximity to the storage/sorting areas to expedite clean-up of any spills that may occur from damaged batteries.
- A thermal detection gun shall be provided at the site to scan the batteries upon receipt to identify if there are any hot spots which may indicate overheating batteries.
- A method for lifting hot batteries shall be provided at the site such that these batteries can be transported into the quarantine tank.

## **6 Air quality**

- 6.1 An Air Quality Impact Assessment report dated 10 August 2023 has been prepared by Northstar Air Quality Pty Ltd in line with NSW EPA's Approved Methods and submitted with the application.
- 6.2 The report, which also considered cumulative impacts, found there to be a low risk of dust soiling and human health impacts associated with demolition, earthworks and construction activities.
- 6.3 The air quality impact assessment, supported by dispersion modelling found that the proposed operational activities on site together with cumulative impacts, are not likely to

result in any further exceedance of the respective NSW EPA impact assessment criteria at receptor locations.

- 6.4 A greenhouse gas assessment undertaken estimated that the operations on site would contribute less than 0.00004% of national and state total greenhouse gas emissions.
- 6.5 The report concluded that the proposal represents best practice for operations of this nature and does not consider there to be an air quality constraint associated with the construction or operation of the facility.

## **7 Noise and vibration**

- 7.1 A Noise and Vibration Impact Assessment prepared by acoustic consultants for RWDI Australia Pty Ltd and dated 11 August 2023 concludes that whilst noise from hydraulic hammering associated with construction may exceed Noise Management Levels at the adjoining industrial receiver, duration is expected to be limited and all other construction noise is expected to be negligible having regard to ambient background noise.
- 7.2 The report states that worst case operational noise emissions would comply with relevant noise criteria at noise sensitive receivers.
- 7.3 No adverse vibration impacts are anticipated by RWDI Australia Pty Ltd either during construction or operation and additional traffic noise is said to be negligible with no additional impact on residential receivers.

## **8 Soil and water**

- 8.1 A Preliminary Site Investigation was undertaken by Geosyntec Consultants Pty Ltd to determine potential for existing land contamination and future potential for land contamination.
- 8.2 The assessment concluded that the current state of the site posed a low risk of soil and groundwater contamination and is suitable for the proposed use and that no further investigation is necessary. It recommended that disturbance of the hard surface for the construction of a garden bed be managed under relevant safety documentation and procedures, including implementing a Safe Work Method Statement covering use of personal protection equipment and providing an unexpected contamination finds protocol. No further concerns associated with potential for contamination from the proposed use were identified.
- 8.3 Sustainability Workshop (Civil and Environmental Engineers) prepared a Soil and Water Management Plan dated August 2023 addressing requirements contained in the SEARs. The report noted that Blacktown Development Control Plan 2015 (Part J) stormwater controls do not apply as there is no change to building footprint and a minor reduction in hard surface through the provision of a small, landscaped area at the front of the site, which the report concluded would have a small beneficial impact by providing pervious area.
- 8.4 The report noted that the need for a soil and water assessment is triggered by storage of dangerous goods on site and concluded that the risk posed will not impact on drainage or flood risk and, with the provision of bunding as proposed, will not impact water quality. It recommends that any fire water or spills be pumped out and transported off site to a suitable treatment facility.

## **9 Traffic and transport**

- 9.1 A Traffic Impact Assessment for the proposed development was undertaken by SECA Solution to determine traffic and transport implications.
- Attachment 1.1.4 Attachment 4 detailed information about proposal and submissions

- 9.2 The assessment predicted the proposed use would generate 6 (3 inbound and 3 outbound) light vehicle movements per day and 4 medium rigid vehicle movements per day with delivery occurring at 9 am and 1 pm each day and trucks departing within the following hour.
- 9.3 Based on likely parking demand for 2 staff and occasional visitors to the site, SECA Solution determined that the 4 on-site car parking spaces proposed is adequate.
- 9.4 Turning templates for medium rigid vehicles have been provided demonstrating the trucks, on completing a 3-point turn can leave the site in a forward direction. SECA Solution recommend that a KEEP CLEAR zone be applied to the concrete apron at the front of the building to enable the truck movements to occur.
- 9.5 The assessment determined that the low traffic generated would have negligible impact on Tattersall Road and the surrounding road network.
- 9.6 SECA Solution, having assessed the proposal against the requirements of the Guide for Traffic Generating Developments and Austroads Guide to Traffic Management concluded that approval should not be withheld on traffic grounds.

# BATTERY SORTING AND TRANSFER FACILITY DEVELOPMENT

30 Tattersall Rd, Kings Park  
(Lot 3 DP201261)

## PROPERTY INFORMATION

NATIONAL CONSTRUCTION CODE BUILDING CLASS: CLASS 7 (STORAGE BUILDING)  
OCCUPANCY GROUP: GENERAL INDUSTRY  
ZONE NO: GENERAL INDUSTRIAL ( IN1 )

## GOVERNING CODES

- BLACKTOWN LOCAL ENVIRONMENTAL PLAN 2015
- BLACKTOWN DEVELOPMENT CONTROL PLAN 2015

## SCOPE OF WORK

CONVERT EXISTING WAREHOUSE TO WASTE TRANSFER STATION FOR RECEIVAL AND  
SORTING OF WASTE BATTERIES

## SHEET INDEX

DA101	COVER PAGE
DA102	SITE ANALYSES AND SITE PLAN
DA103	PROPOSED FLOOR PLAN
DA104	ELEVATIONS, SECTIONS, ROOF PLAN

### SITE AREA ANALYSES :

SITE: 891.84 SQMT

TOTAL GROUND FLOOR AREA: 279.8 SQMT

FLOOR AREA RATIO:  
 $\frac{279.8}{891.84} \times 100 = 31.3 \%$

TOTAL VOLUME:1,600 M3

### PARKING:

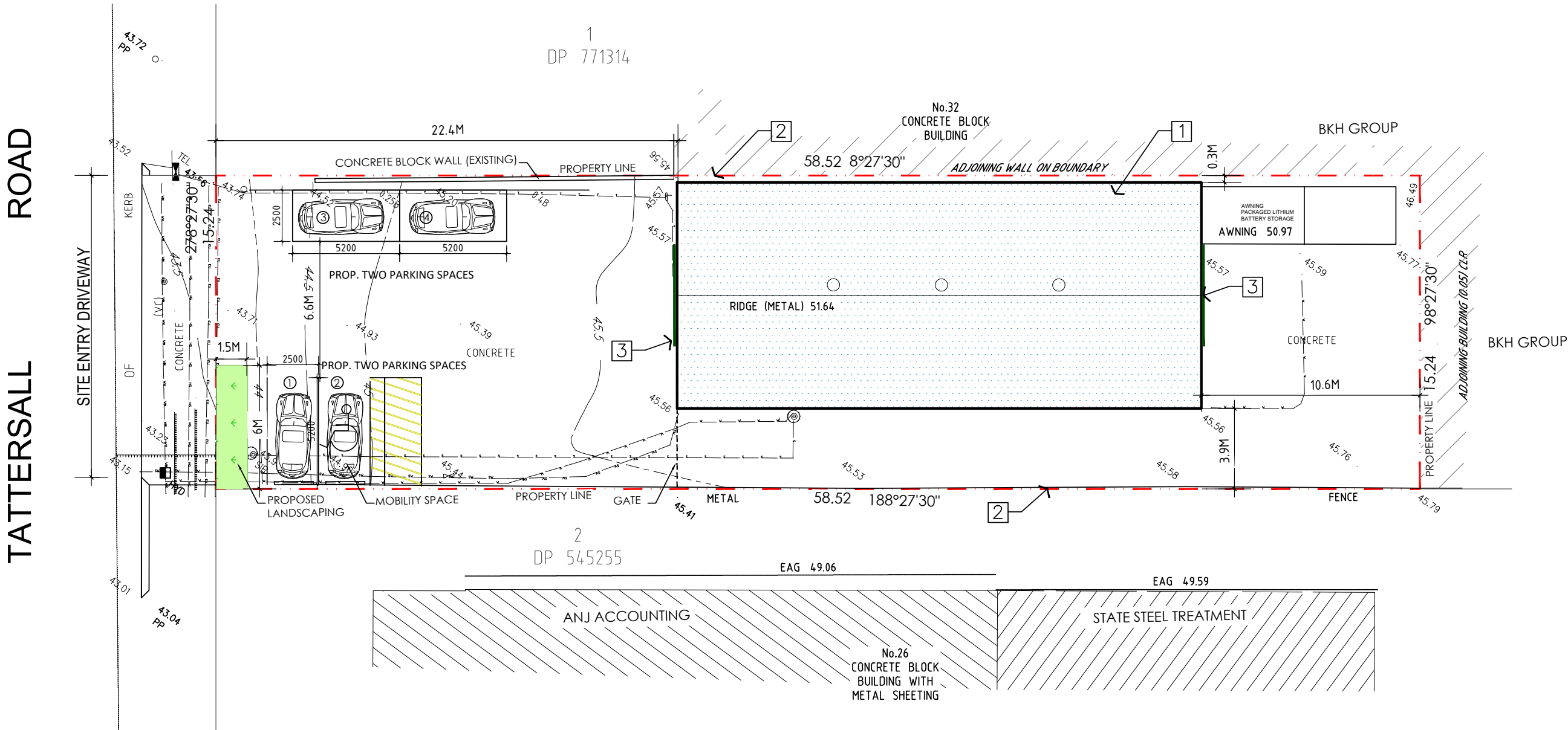
INDUSTRIAL  
REQUIRED: 1 SPACE PER 75 M2 GROSS FLOOR AREA  
AND 1 SPACE PER 40 M2 OFFICE GROSS FLOOR AREA

TOTAL REQUIRED PARKING:  
 $\frac{279.8}{75} = 4$  SPACES (GROSS AREA)

OFFICE AREA: 15.9M2  
KITCHEN AREA:9.6 M2  
TOTAL OFFICE AREA: 25.5 M2  
 $\frac{25.5}{40} = 1$  SPACE (OFFICE AREA)  
TOTAL REQUIRED PARKING SPACE: 5  
PROPOSED PARKING SPACE: 4

Date	Plan Number	Cover Page	<div>Jackson Environment and Planning Pty Ltd</div> <div>Strategy   Infrastructure   Compliance   Procurement</div> <div>A: Suite 102, Level 1, 25-29 Berry St, North Sydney NSW 2060</div> <div>E: admin@jacksonenvironment.com.au</div> <div>T: 02 8056 1849</div> <div>W: http://www.jacksonenvironment.com.au</div> <div></div>	Client	Battery Recyclers Pty Ltd	101
25-07-2023	101	30 Tattersall Rd, Kings Park (Lot 3 DP201261)	Project	Battery Sorting and Transfer Station		
			Title	Cover Page		
			Scale	N/A		
			Source	Jackson Environment and Planning Pty Ltd	DA	

SYMBOLS LEGEND			
1		PROPOSED WASTE TRANSFER STATION	279.8 M <sup>2</sup> 25.4Mx10.9M
2		LOT BOUNDARY	
3		ROLLER DOOR	

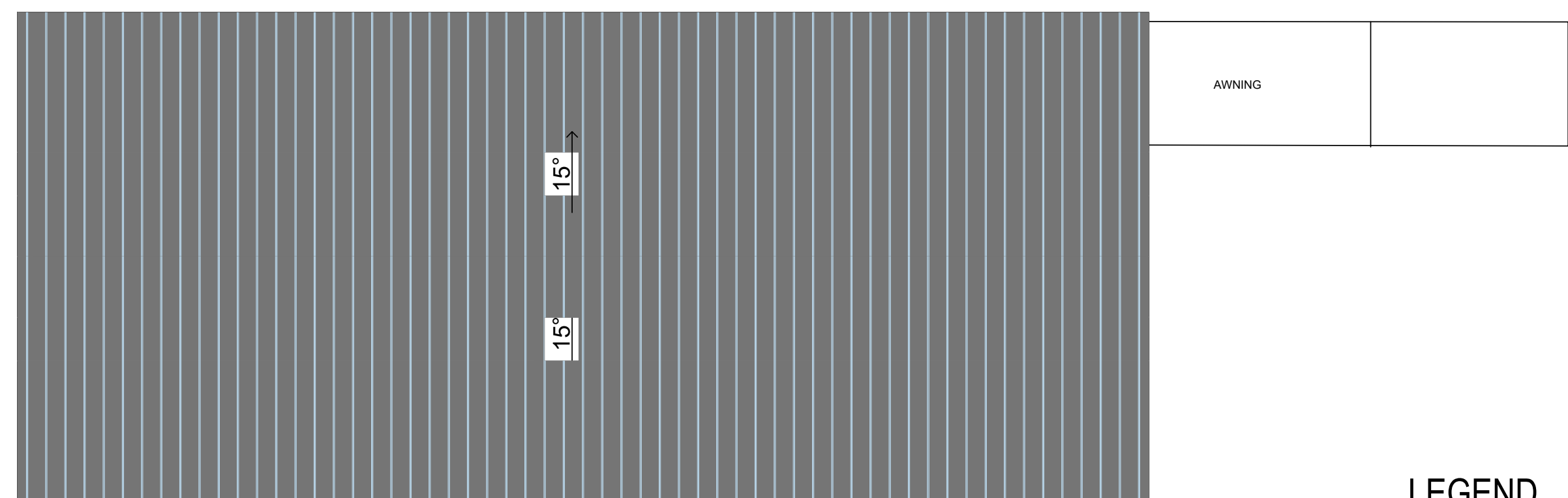


NOTE:  
MINIMUM SEPARATION OF 1.5M IS REQUIRED FROM THE CENTRE OF ANY PROPOSED TREE TO THE SIDE OF THE GAS MAIN. GAS MAIN LOCATION IS TO BE CONFIRMED DURING THE SITE SURVEY

**PROPOSED SITE PLAN**  
SCALE 1:200 @ A2

Date	Plan Number	Site Plan	Jackson Environment and Planning Pty Ltd Strategy   Infrastructure   Compliance   Procurement A: Suite 102, Level 1, 25-29 Berry St, North Sydney NSW 2060 E: admin@jacksonenvironment.com.au T: 02 8056 1849 W: http://www.jacksonenvironment.com.au		Client	Battery Recyclers Pty Ltd	102
25-07-2023	102	30 Tattersall Rd, Kings Park (Lot 3 DP201261)			Project	Battery Sorting and Transfer Station	
					Title	Site Analyses and Site Plan	DA
					Scale	1:200	
					Source	Jackson Environment and Planning Pty Ltd	

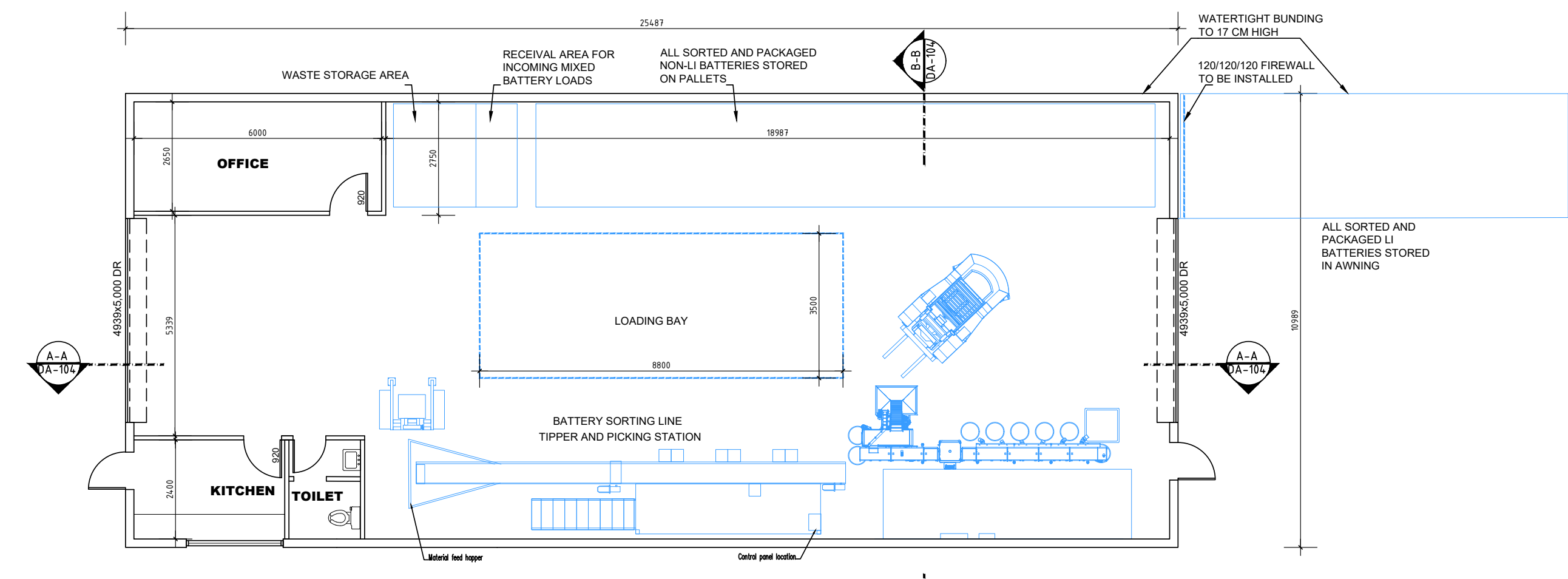




**ROOF PLAN**  
SCALE 1:100 @ A2

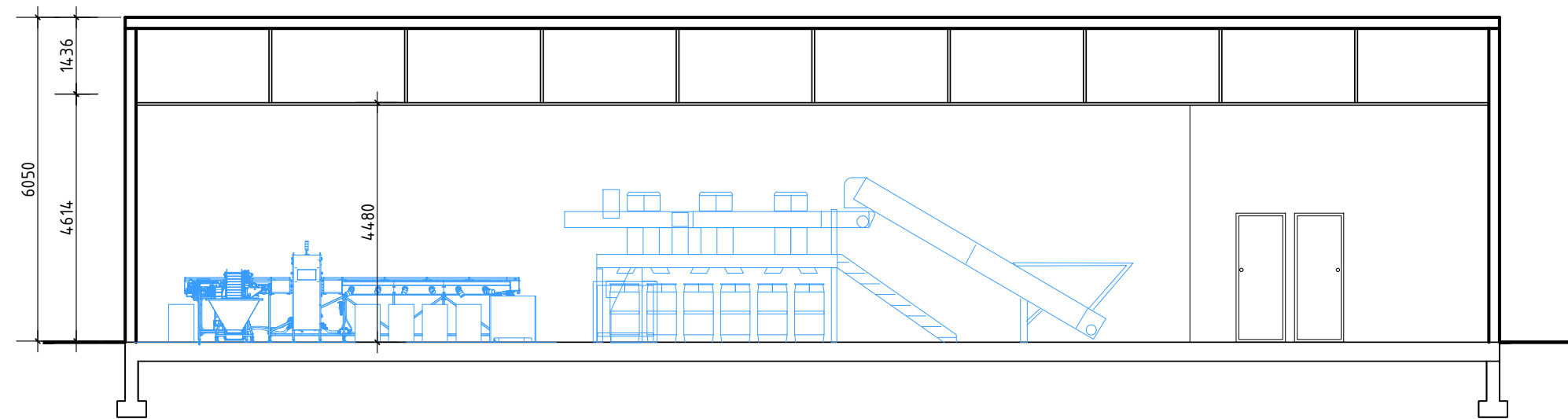
**LEGEND**

- EXISTING APPROVED BUILDING
- PROPOSED PLANT / EQUIPMENT AND STORAGE ARRANGEMENTS

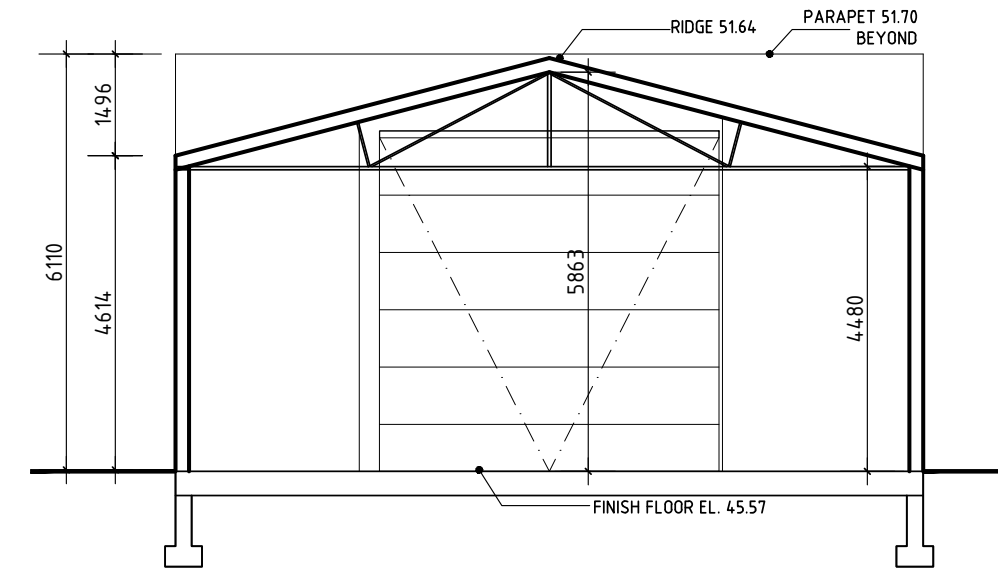


**PROPOSED FLOOR PLAN**  
SCALE 1:100 @ A2

Date	Plan Number	Proposed Floor Plan, Roof Plan	<b>Jackson Environment and Planning Pty Ltd</b> Strategy   Infrastructure   Compliance   Procurement <b>A: Suite 102, Level 1, 25-29 Berry St, North Sydney NSW 2060</b> <b>E: admin@jacksonenvironment.com.au</b> <b>T: 02 8056 1849</b> <b>W: http://www.jacksonenvironment.com.au</b>		Client	Battery Recyclers Pty Ltd	103
25-07-2023	103	30 Tattersall Rd, Kings Park (Lot 3 DP201261)			Project	Battery Sorting and Transfer Station	
					Title	Proposed Floor Plan, Roof Plan	
					Scale	1:100	
					Source	Jackson Environment and Planning Pty Ltd	DA



**SECTION-A**  
SCALE 1:100 @ A2

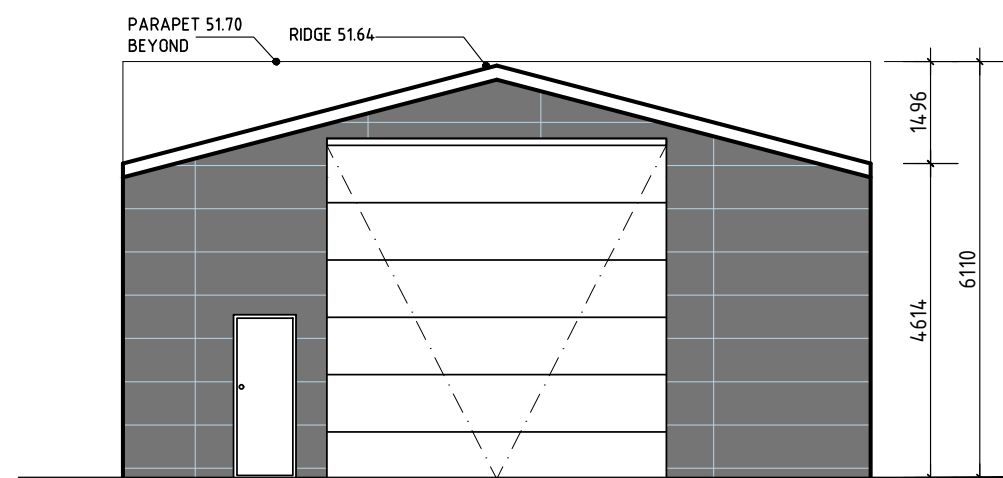


**SECTION-B**  
SCALE 1:100 @ A2

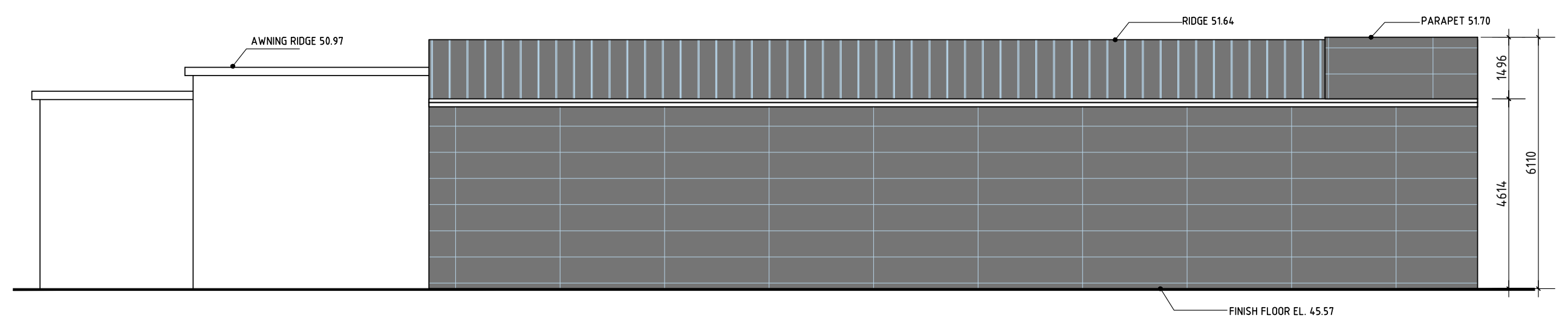
**FINISH COLOR**

ROOF: SLATE GRAY

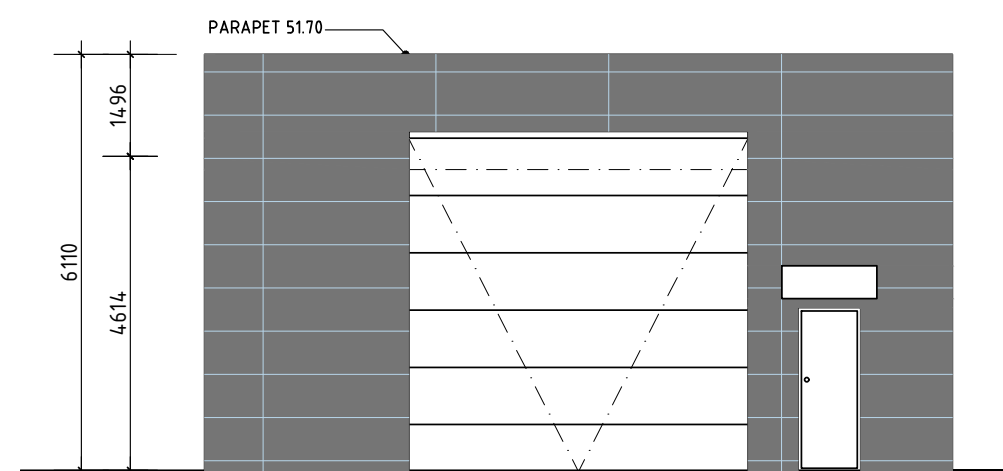
WALL: SLATE GRAY



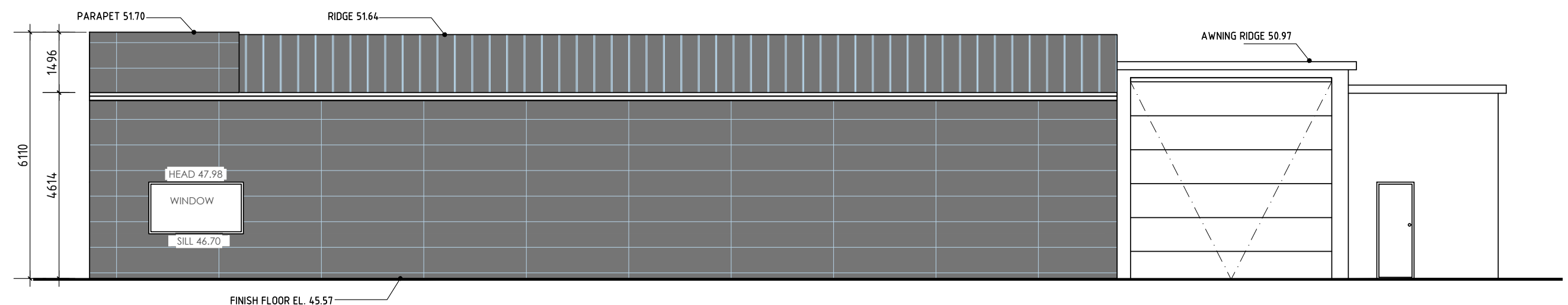
**REAR ELEVATION (North)**  
SCALE 1:100 @ A2



**SIDE ELEVATION (West)**  
SCALE 1:100 @ A2



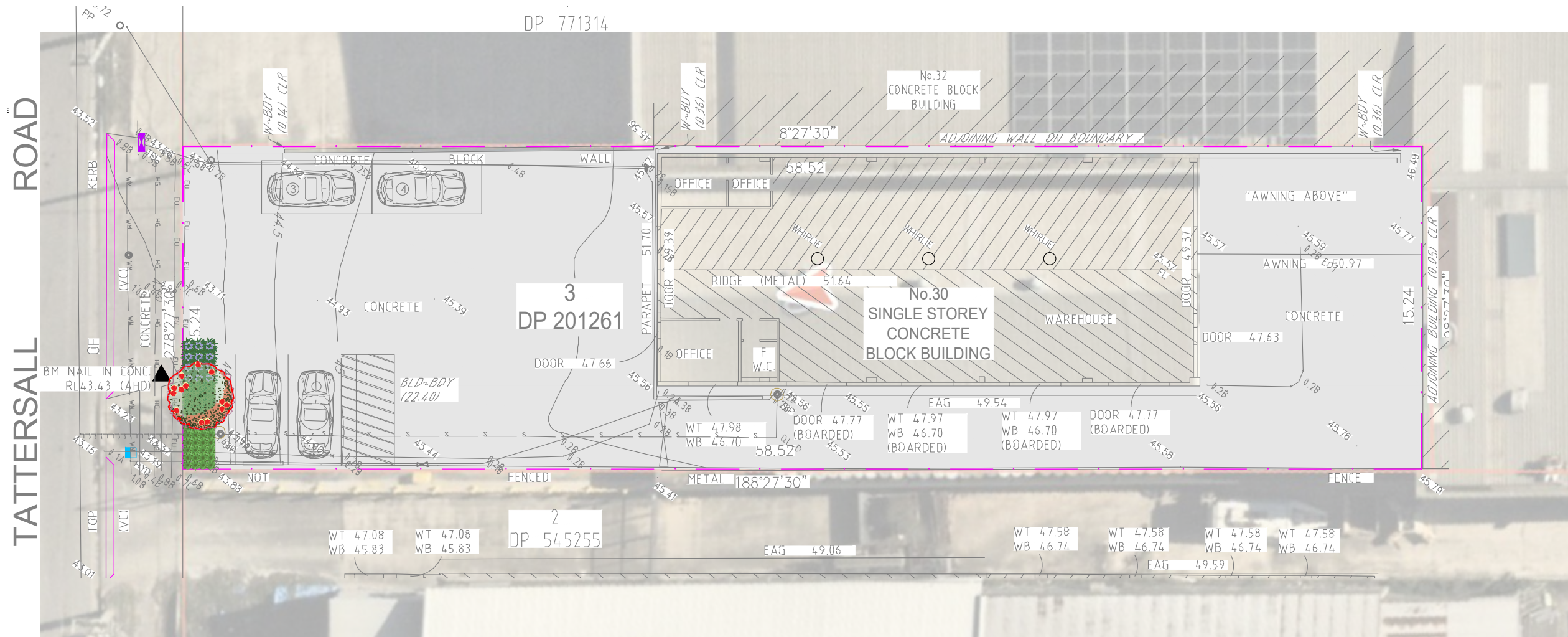
**FRONT ELEVATION (South)**  
SCALE 1:100 @ A2



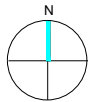
**SIDE ELEVATION (East)**  
SCALE 1:100 @ A2

Date	Plan Number	Elevations, Sections	Jackson Environment and Planning Pty Ltd		Client	104
25-07-2023	104	30 Tattersall Rd, Kings Park (Lot 3 DP201261)	Strategy   Infrastructure   Compliance   Procurement		Project	
			A: Suite 102, Level 1, 25-29 Berry St, North Sydney NSW 2060		Title	
			E: admin@jacksonenvironment.com.au		Scale	
			T: 02 8056 1849		Source	
		W: http://www.jacksonenvironment.com.au		Jackson Environment and Planning Pty Ltd		DA





LOCATION PLAN  
Scale: NTS



DRAWING SCHEDULE

SHEET #	DRAWING TITLE	REV.
/1	HARDSCAPE PLAN	B
/2	LANDSCAPE PLAN	B
/3	DETAILS	B
/4	SPECIFICATION	B

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**AILA Associate**  
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**DIAL 1100**  
BEFORE YOU DIG

SCALE:  
1:200 @ A3  
Bar Scale  
0 2 4 6 8 10m

REV	DATE	NOTATION/AMENDMENT
A	01.8.2023	Preliminary plan prepared for review
B	14.8.2023	Co-ordinated with client's comments

COUNCIL  
**BLACKTOWN**  
CLIENT  
**SELL & PARKER PTY LTD**  
ARCHITECT  
**JACKSON ENVIRONMENT AND PLANNING PTY LTD**  
STATUS / ISSUE  
**DA - ISSUE B**

**concept**  
Landscape Architects  
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NSW 2062  
Phone: 9622 5312  
Fax: 8299 4982  
Mob: 0413 861 351  
www.concept.net.au  
enquiries@concept.net.au

TITLE:  
**HARDSCAPE PLAN**  
PROPOSED BATTERY RECYCLING  
FACILITY DEVELOPMENT  
**30 TATTERSALL ROAD  
KINGS PARK**

DWG.No:  
LPDA 24 - 01 / 1  
DATE:  
AUGUST 2023  
DRAWN:  
K.Z  
CHECKED:  
R.F



LEGEND & SCHEDULE

NOTES:  
1. ALL FINAL PLANT QUANTITIES INDICATED ON PLANS SHALL BE CHECKED AND VERIFIED BY SUCCESSFUL LANDSCAPE CONTRACTOR.  
2. ANY PLANT SUBSTITUTES REQUIRED DUE TO UNAVAILABILITY SHALL BE RECOMMENDED BY THE LANDSCAPE CONTRACTOR TO BEST MATCH SUBSTITUTED PLANTS AND APPROVED PRIOR TO PURCHASING BY THE LANDSCAPE ARCHITECT.  
3. WORKS CERTIFIED FOR FINAL OCCUPANCY CERTIFICATE ARE TO MATCH APPROVED LANDSCAPE PLANS.  
4. LANDSCAPE CONTRACTOR SHALL LOCATE AND AVOID SITE STORM WATER & DRAINAGE SERVICES. LOCATE TREES A MINIMUM 1.25M FROM PITS  
5. ALL PLANTING AROUND EXISTING TREES SHALL BE ADJUSTED TO AVOID DAMAGE AND CLASHING WITH SURFACE ROOTS.  
6. THE NATURE STRIP (STREET FRONTAGE) FOR THE SITE IS PUBLIC LAND, AND ONLY AUTHORIZED WORKS MAY OCCUR HERE. EXISTING CONDITIONS SUCH AS STREET TREES, COUNCIL PLANTING ETC SHALL BE RETAINED AND PROTECTED DURING CONSTRUCTION, UNLESS SPECIFIC APPROVAL HAS BEEN GRANTED FOR NEW WORK IN THIS AREA.  
7. ALL TREES TO BE SOURCED IN ACCORDANCE WITH TESTS AND MEASUREMENTS CONTAINED WITHIN AS 2303-2015 - TREE STOCK FOR LANDSCAPE USE

TREE



**Botanical Name:** *Corymbia ficifolia* 'Summer Red'  
**Common Name:** Dwarf Flowering Gum (Native)  
**Pot size:** 75L1  
**Mature H x S:** 4m x 3m  
**Qty Required:** 1

GRASSES



**Botanical Name:** *Ficinia nodosa*  
**Common Name:** knotted Club Rush (Native)  
**Pot size:** 140mm  
**Mature H x S:** 0.8m x 0.8m  
**Qty Required:** 12



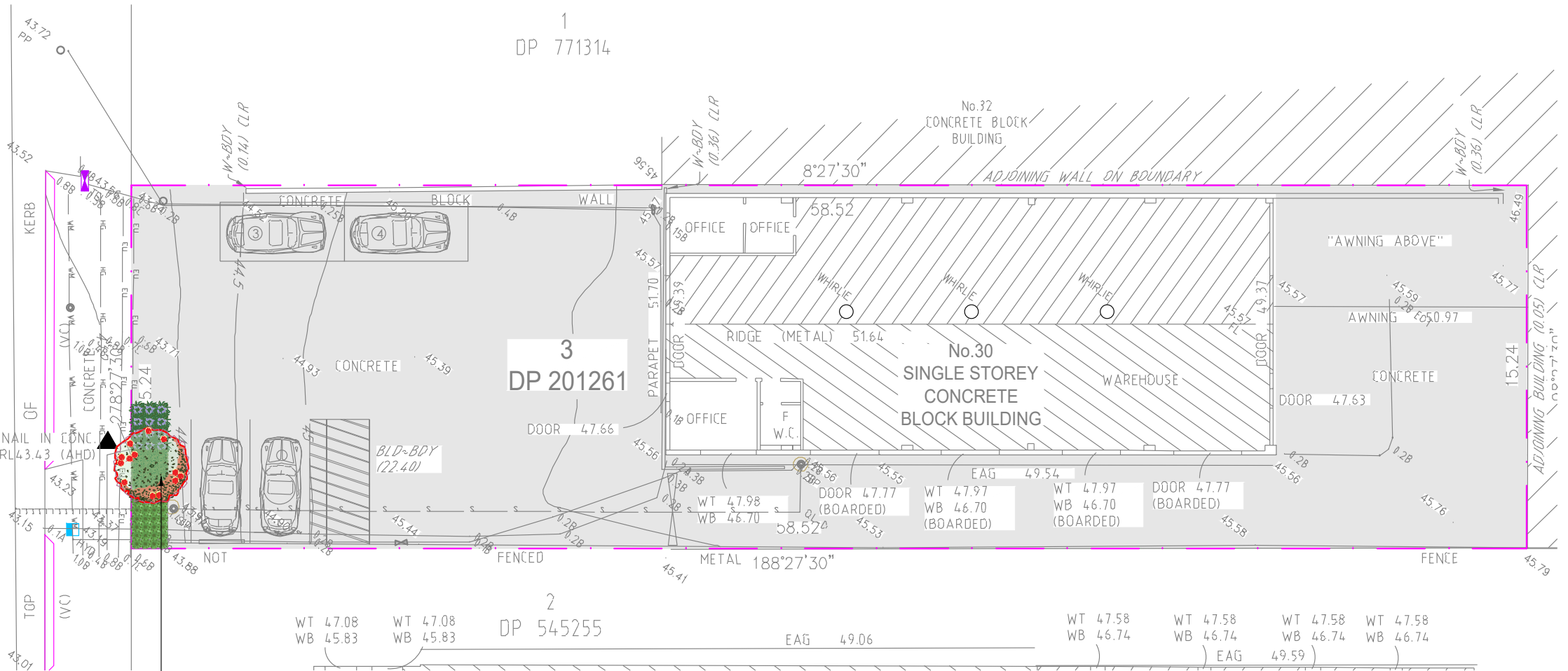
**Botanical Name:** *Isolepis inundata*  
**Common Name:** Swamp Club Rush (Native)  
**Pot size:** 150mm  
**Mature H x S:** 0.4m x 0.4m  
**Qty Required:** 30



**Botanical Name:** *Juncus amabilis*  
**Common Name:** Hollow Rush (Native)  
**Pot size:** 150mm  
**Mature H x S:** 0.6m x 0.3m  
**Qty Required:** 28

ROAD

TATTERSALL



Mass planting to front garden bed to include:  
- 1 C. 'Summer Red'  
- 12 F. nodosa  
- 30 I. inundata  
- 28 J. amabilis

SAMPLE IMAGES

Images are for design intent only, final planting species may vary, as determined by Council Approval



Corymbia ficifolia 'Summer Red'



Ficinia nodosa



Isolepis inundata



Juncus amabilis

DRAINAGE PITS AND DRAINAGE LINES SHOULD BE LOCATED WITHIN GARDEN AREAS TO ALLOW FOR SITE DRAINAGE WHILE MINIMISING IMPACT ON THE PROPOSED PLANTING SCHEME. WHERE POSSIBLE, PITS AND LINEWORK SHOULD BE LOCATED AT THE EDGE OF LANDSCAPE STRIPS TO AVOID PRECLUDING PLANTING CENTRALLY IN GARDEN AREAS. WHERE PITS AND LINEWORK OCCUR WITHIN GARDEN BEDS, THE LANDSCAPE CONTRACTOR SHALL TAKE ALL PRECAUTIONS TO AVOID DAMAGING STORM WATER WHEN PLANTING SHRUBS AND TREES. LANDSCAPE CONTRACTORS SHALL NOT ALTER THE FORM OF SWALES DESIGNED TO DIRECT OVERLAND FLOW.

AN AUTOMATED COMMERCIAL GRADE IRRIGATION SYSTEM SHALL BE PROFESSIONALLY INSTALLED TO ALL GARDEN AREAS, INCLUDING RAISED PLANTERS, UPPER FLOOR PLANTERS AND GARDENS IN NATURAL GROUND. THE SYSTEM SHALL BE DESIGNED AND INSTALLED IN LINE WITH THE IRRIGATION PERFORMANCE SPECIFICATION, BY A LICENCED CONTRACTOR OR LANDSCAPER. THE LICENCED CONTRACTOR SHALL PREPARE AN 'AS BUILT' PLAN OF THE SYSTEM TO THE SUPERINTENDENT FOR STRATA RECORDS, FOR FUTURE MAINTENANCE.

LANDSCAPE PLAN NOTES

This plan should be read in conjunction with the architectural and hydraulics plans. Work specific to these plans should be prepared in accordance to these plans, including specification and details prior to the installation of landscaping, and should not be altered or compromised during landscape construction. Elements such as drainage swales may be incorporated in garden bed areas (using non-floatable mulch) without compromising the capacity or form.

**This plan has been prepared for Development Application approval only, not for construction.**

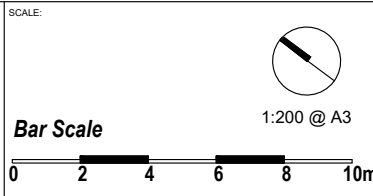
This plan has been prepared with reference to **Blacktown City Council** Landscaping Guidelines & requirements. Planting proposed using mainly

indigenous, commercially available plant species selected from local planting lists and the BASIX local plant list and from Sydney Waters "Plant Selector" web site one-drip rated native plants (**acceptable for BASIX planting**).

Reinstate all boundary fencing in poor condition with Council approved 1.8m fencing to rear of building line, rake to 1m forward of BL. Pollution, sediment & erosion control devices as specified shall be in place, and maintained for the duration of the construction period. Proposed excavation near existing established trees to be supervised by arborist.

Blacktown City Council approved landscape plan's are required to be constructed as approved to obtain occupancy certificate. **Permeable areas may be indicated to achieve site coverage restrictions & should be constructed as drawn on this plan.**

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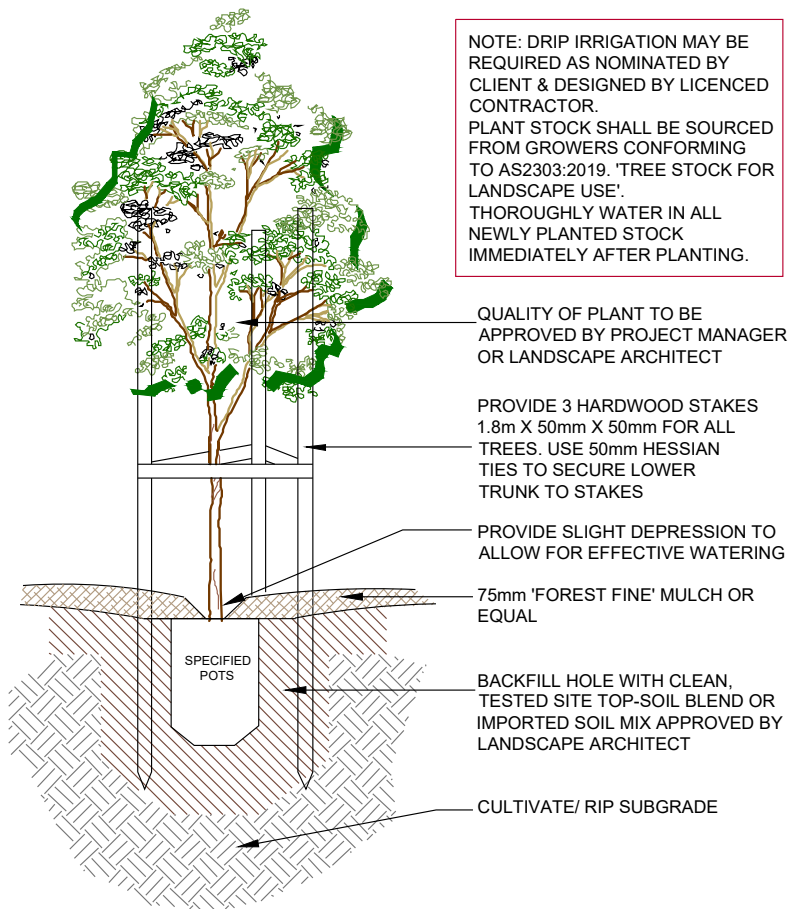


REV	DATE	NOTATION/AMENDMENT
A	01.8.2023	Preliminary plan prepared for review
B	14.8.2023	Co-ordinated with client's comments

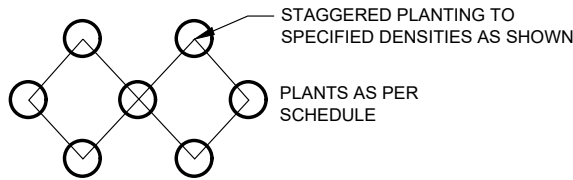
COUNCIL	BLACKTOWN
CLIENT	SELL & PARKER PTY LTD
ARCHITECT	JACKSON ENVIRONMENT AND PLANNING PTY LTD
STATUS / ISSUE	DA - ISSUE B



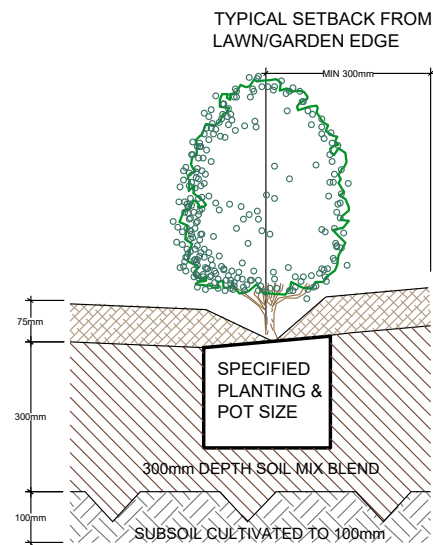
TITLE:	LANDSCAPE PLAN	DWG.No:	LPDA 24 - 01 / 2
DATE:	AUGUST 2023		
DRAWN:	K.Z	CHECKED:	R.F



NOTE: DRIP IRRIGATION MAY BE REQUIRED AS NOMINATED BY CLIENT & DESIGNED BY LICENCED CONTRACTOR. PLANT STOCK SHALL BE SOURCED FROM GROWERS CONFORMING TO AS2303:2019. 'TREE STOCK FOR LANDSCAPE USE'. THOROUGHLY WATER IN ALL NEWLY PLANTED STOCK IMMEDIATELY AFTER PLANTING.



**MASS PLANTING SETOUT**  
N.T.S



**NOTE**  
THIS DETAIL IS ONLY APPLICABLE FOR PLANTING AREA OUTSIDE TREE PROTECTION ZONE OF TREES TO BE RETAINED. NO CHANGES ARE TO OCCUR TO EXISTING LEVELS, INCLUDING RIPPING/CULTIVATING OF THE SOIL WITHIN THE TPZ OF TREES TO BE RETAINED ON SITE

75mm DEPTH "FOREST FINE" MULCH OR EQUIVALENT

**SOIL MIX:**  
50% OF STOCKPILED SITE TOPSOIL FREE FROM ALL BUILDER'S RUBBISH AND DELETERIOUS MATERIALS. TOPSOIL TO BE MIXED WITH MINIMUM 50% IMPORTED GARDEN MIX OR SOIL CONDITIONER/ COMPOSTED ORGANIC MATTER - SEE SPEC. USE 100% IMPORTED SOIL MIX WHEN SITE TOPSOIL RUNS OUT.

**TYPICAL GARDEN PREPARATION DETAIL**  
SCALE 1:10



**FRONT ELEVATION**  
SCALE 1:60

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SCALE:

REV	DATE	NOTATION/AMENDMENT
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COUNCIL	BLACKTOWN
CLIENT	SELL & PARKER PTY LTD
ARCHITECT	JACKSON ENVIRONMENT AND PLANNING PTY LTD
STATUS / ISSUE	DA - ISSUE B



**TITLE:**  
**DETAILS & SECTION**  
  
PROPOSED BATTERY RECYCLING FACILITY DEVELOPMENT  
30 TATTERSALL ROAD  
**KINGS PARK**

DWG No:	LPDA 24 - 01 / 3
DATE:	AUGUST 2023
DRAWN:	K.Z
CHECKED:	R.F





## Assessment against planning controls: section 4.15, summary assessment and variations to standards

### 1 Environmental Planning and Assessment Act 1979

#### Section 4.15 'Heads of Consideration'

Heads of Consideration	Comment	Complies
a. The provisions of: i. Any environmental planning instrument	<p>The proposal is consistent with the relevant EPIs, including SEPP (Biodiversity and Conservation) 2021, SEPP (Industry and Employment) 2021, SEPP (Planning Systems) 2021, SEPP (Resilience and Hazards) 2021, SEPP (Transport and Infrastructure) 2021 and the Central City District Plan 2018.</p> <p>This is an Integrated Development under section 4.46 of the Environmental Planning and Assessment Act 1979 as it is a scheduled activity which triggers the requirement for an Environment Protection Licence from the Environment Protection Authority under the Protection of the Environment Operations Act 1997.</p> <p>It is also Designated Development as it triggers the threshold for a waste management facility under Schedule 3, Clause 45(2) of the Environmental Planning and Assessment Regulation 2021.</p> <p>The proposed battery sorting and transfer station is defined as a Waste or Resource Transfer Station, which is a type of Waste or Resource Management Facility being a permissible use with consent in the E4 - General Industrial zone under Blacktown Local Environmental Plan 2015.</p> <p>Waste and Resource Management Facilities are also identified as permissible uses with consent in the E4 zone under clause 2.153, Division 23 of SEPP (Transport and Infrastructure) 2021.</p>	Yes
ii. Any proposed instrument that is or has been the subject of public consultation under this Act	There are no proposed instruments relevant to the site.	Not applicable
iii. Any development control plan	The proposed development is compliant with Blacktown Development Control Plan 2015 except for the number of car parking spaces proposed. This has been covered and discussed under Section 8.4 of the Main Report to be acceptable in the circumstances.	No but acceptable based on performance-based solution
iv. a) any planning agreement that has been entered into under section	There are no planning agreements associated with this proposal.	Not applicable



Heads of Consideration	Comment	Complies
7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,		
v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	<p>The proposal is Designated Development as it triggers the threshold for a waste management facility under Schedule 3, clause 45(2)(b)(i) of the Environmental Planning and Assessment Regulation 2021 (the Regulation). As required by clause 56 of the Regulation, notification of the application was published on Council's website and provided to relevant public authorities.</p> <p>As required by clause 58 of the Regulation, the application was publicly exhibited for a period of 28 days between 15 November and 13 December 2023. No submissions were received.</p> <p>An additional matter for consideration identified in Part 4, Division 1 of the Regulation relevant to this application is:</p> <p>Clause 64 – Upgrade of existing buildings – the consent authority must consider whether it is appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.</p> <p>The requirements of this clause have been addressed through conditions of consent.</p>	Yes
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	<p>It is considered that the likely impacts of the development, including fire, access, traffic and parking, loading, noise, odour, waste management and stormwater management, can be satisfactorily addressed by way of conditions, including a new EPA licence under the Protection of Environment Operations Act 1997.</p> <p>The proposed development is unlikely to have any adverse social, economic or environmental impacts, as these can be mitigated by design and management, and enforced through conditions of consent.</p> <p>The proposal is likely to have a positive impact on the environment by reducing landfill and contributing to the circular economy through greater efficiencies in the battery recycling process.</p>	Yes
The suitability of the site for the development	The site is located in E4-General Industrial zone in which Waste or Resource Management Facilities are a permissible use with consent. The site has been previously used as a waste transfer facility (DA-17-01363) and is located opposite an associated metal recycling facility. It is approximately 350 m from the nearest residential property and benefits from	Yes

Heads of Consideration	Comment	Complies
	being serviced by a suitable road network, including Sunnyholt Road to the east. The site is considered appropriate for the proposed use.	
Any submissions made in accordance with this Act, or the regulations	The application and supporting documentation were publicly exhibited for a period of 28 days between 15 November and 13 December 2023. No submissions were received.	Not applicable
The public interest	It is considered proceeding with the proposed development is in the public interest, providing efficiencies which are likely to increase the potential for battery recycling, currently only approximately 3% in Australia. This will be consistent with NSW and Australian government objectives of reducing landfill and contributing to the circular economy.	Yes

## 2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Summary comment	Complies
The Water Catchment requirements specified in Chapter 6 of this Policy are addressed through the application of the controls contained in Blacktown Local Environment Plan 2015 and Blacktown Development Control Plan 2015. In particular, the provisions of clause 6.17 (Heavy and Hazardous Industries) and clause 6.22 (Waste or Resource Management Facilities) can be satisfied in the proposal or through the application of conditions of consent.	Yes

## 3 State Environmental Planning Policy (Industry and Employment) 2021

Summary comment	Complies
Chapter 3 of SEPP (Industry and Employment) 2021 contains provisions relating to advertising and signage. Whilst the Environmental Impact Statement submitted with the application refers to proposed signage, it specifies that the signage is defined as Business Identification Signage and as such, under clause 3.7(1) the provisions of the policy do not apply.	Not applicable

## 4 State Environmental Planning Policy (Planning Systems) 2021

Summary comment	Complies
The Sydney Central City Planning Panel is the consent authority for all regionally significant development. Under Part 2.4 and Schedule 6 of policy, waste management facilities that satisfy the requirements for designated development under the Environmental Planning and Assessment Regulation 2021 (Schedule 3, Section 65) are Regionally Significant Development.	Yes

Summary comment	Complies
The proposed facility satisfies these requirements and as such is defined as Regionally Significant Development making the Sydney Central City Planning Panel the consent authority.	

## 5 State Environmental Planning Policy (Resilience and Hazards) 2021

Summary comment	Complies
<p>Part 3 of SEPP Resilience and Hazards 2021 requires a Preliminary Hazard Analysis to be prepared for development for the purposes of potentially hazardous industry. The Preliminary Hazard Analysis satisfactorily considered the relevant Department of Planning, Housing and Infrastructure circulars and guidelines.</p> <p>Whilst the Preliminary Hazard Analysis prepared and submitted determined the proposed development was not potentially hazardous, it noted that the storage of lithium-ion and lithium-metal batteries requires special consideration.</p> <p>A Hazard and Operability Study was prepared which concluded that adequate safeguards can be provided to prevent and mitigate against the hazardous incidents. Both the Environment Protection Authority and the Environmental Services section of Council concur with the findings of the study and, subject to conditions, raise no objection to the development proceeding. These safeguards are included as conditions in the consent.</p>	Yes

## 6 State Environmental Planning Policy (Transport and Infrastructure) 2021

Summary comment	Complies
Under clause 2.153 of SEPP (Transport and Infrastructure) 2021 development for the purpose of a waste or resource transfer station are permissible with consent in the E4 General Industrial zone irrespective of permissibility under the Local Environmental Plan. In this instance the proposed use is therefore permissible with consent under both SEPP (Transport and Infrastructure) 2021 and Blacktown Local Environmental Plan 2015.	Yes

## 7 Blacktown Local Environmental Plan 2015

Summary comment	Complies
<p>The use of the site as a battery sorting and transfer station falls within the definition of Waste or Resource Transfer Station under Blacktown Local Environmental Plan 2015. Waste or Resource Transfer Stations are a type of Waste or Resource Management Facility.</p> <p>Whilst a Waste or Resource Management Facility is not specifically listed as a permissible use in the E4 (General Industrial) zone neither is it listed as prohibited. The Blacktown Local Environmental Plan 2015 land use table specifies that any development not specified in Item 2 (Permitted Without Consent) or Item 4 (Prohibited) is permitted with consent.</p>	Yes

Summary comment	Complies
The proposed battery sorting and transfer station is therefore permissible with consent in the E4 (General Industrial) zone under Blacktown LEP 2015.	

## 8 Blacktown Development Control Plan 2015

Summary comment	Complies
<p>The proposed development is acceptable having regard to the provisions of Blacktown Development Control Plan 2015 (DCP 2015) with specific reference to the following:</p> <p>Part A - General Guidelines</p> <p>Part A - 4.5 Environmental Protection (Pollution Control)</p> <p>Part A - 6.3, 6.4 &amp; 6.5 Car Parking (Number Required, Design, Materials, Signs)</p> <p>Part A - 7.1, 7.2, 7.3 Services (Water, Sewerage, Electricity)</p> <p>Part E - Industrial</p> <p>Part E - 4.2, 4.6, 4.7, 4.8 Design Guidelines (Landscaping, Open Storage areas, Vehicular Access &amp; Circulation, Car Parking)</p> <p>Part G - Waste Management and Minimisation</p> <p>Part J - Water Sensitive Urban Design and Integrated Water Cycle Management</p> <p>Parking provision, whilst 1 space less than the 5 spaces required by application of the BDCP 2015 calculation, is acceptable based on estimated peak demand (see Section 8.4 under the Main Report.</p>	No but minor variation is accepted given the nature of the use.

## 9 Blacktown Local Strategic Planning Statement 2020

Summary comment	Complies
<p>The Blacktown Local Strategic Planning Statement outlines a planning vision for the City over the next 20 years to 2041. It contains objectives, strategic directions and actions to implement the planning priorities of the Central City District Plan.</p> <p>The proposal is consistent with the following objectives:</p> <p>Productivity</p> <p>Objective 23: Industrial and urban services land is planned, retained and managed.</p> <p>Sustainability</p> <p>Objective 35: More waste is re-used and recycled to support the development of a circular economy.</p>	Yes

## 10 Central City District Plan 2018

Summary comment	Complies
<p>While the Act does not require consideration of District Plans in the assessment of development applications, the proposal is consistent with the following overarching planning priorities of the Central City District Plan:</p> <p>Productivity</p>	Yes

Summary comment	Complies
<p>Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land</p> <p>Sustainability</p> <p>Reducing carbon emissions and managing energy, water and waste efficiently</p>	

## Attachment 7

### Conditions of consent (draft)

<b>Proposed development</b>	Designated and Integrated Development for a proposed battery sorting and transfer station.
<b>Property description</b>	30 Tattersall Road KINGS PARK (Lot 3 DP 201261)

## 1 ADVISORY NOTES

### 1.1 Terminology

- 1.1.1 Any reference in this document to a 'consent' means a 'development consent' defined in the Environmental Planning and Assessment Act 1979.
- 1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 6.3, 6.4 or 6.16 of the Environmental Planning and Assessment Act 1979.

### 1.2 Scope of Consent

- 1.2.1 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

### 1.3 Other Approvals

- 1.3.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.
- 1.3.2 The applicant's attention is drawn to the need to obtain separate appropriate approval for any ancillary development not approved by this consent, including:
  - (a) the removal of any tree(s) not indicated on the approved plans, and
  - (b) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development, and
  - (c) demolition of any existing buildings and associated structures in accordance with the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- 1.3.3 This consent does not authorise the encroachment or overhang of any building or structure over or within any easement.
- 1.3.4 If any Aboriginal objects are found during construction, work is to cease immediately. Environment and Heritage NSW is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with Environment and Heritage NSW's requirements. No further works are to be undertaken on the site without the Environment and Heritage NSW's written consent.

### 1.4 Services

- 1.4.1 The applicant is advised to consult with:

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

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

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

- 1.4.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 1.4.3 Underground assets may exist in the area that is subject to your application. In the interests of health, safety, and in order to protect damage to third party assets, please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset holders a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- 1.4.4 Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800 810 443.
- 1.5 **SafeWork NSW**
  - 1.5.1 The storage of Nickel – Cadmium will be over the Work Health & Safety Regulation 2017– Schedule 11 Manifest Quantity Workplace threshold of 500kg, therefore a notification under clause 348 of Regulation will need to be made to SafeWork NSW.
  - 1.5.2 As a manifest quantity workplace, the site will also need to keep a manifest of hazardous chemicals in accordance with clause 347 of the Work Health & Safety Regulation 2017.
  - 1.5.3 The site will also be required to submit an Emergency Plan to Fire & Rescue NSW in accordance with clause 361 of the Work Health & Safety Regulation 2017
  - 1.5.4 Note Lithium - Ion batteries are classified as Class 9 Dangerous Good under the Australian Dangerous Goods Code but under the work health and safety legislation they are not classified as a hazardous chemical by the globally harmonised system for the classification and labelling of chemicals which is used under WHS legislation. However,



the site needs to be fully aware of the significant risk posed by lithium – ion batteries and the potential for them to readily catch fire and ensure that appropriate control measures are in place to control the risk so far as is reasonably practicable.

## **1.6 Fire and Rescue NSW (FRNSW)**

- 1.6.1 Access for fire brigade vehicles and firefighters is a FRNSW guideline document that may be used to ensure the provision of safe, efficient, and effective access for fire brigade vehicles to any premises and allow firefighters to rapidly intervene when a fire or other emergency incident occurs.
- 1.6.2 Fire safety in waste facilities is a FRNSW guideline document that may be used to provide guidance on fire safety in waste facilities, including adequate provision for fire safety and facilitate safe fire brigade intervention to protect life, property and the environment.

## **1.7 Environment Protection Authority**

- 1.7.1 Resource Recovery Order and Exemption.  
Information about the Resource Recovery Framework is available on the EPA webpage. The link for application forms and guidelines for applying is also available. Note that it is recommended to discuss your proposal with the EPA first before writing the application by emailing [waste.exemptions@epa.nsw.gov.au](mailto:waste.exemptions@epa.nsw.gov.au).
- 1.7.2 General Terms of Approval and EPA licence conditions are attached to this consent for information purposes only and are not to be relied upon. Final Terms of Approval and licence conditions will be in accordance with the EPA issued licence.

## **1.8 Tree planting and service locations**

- 1.8.1 Street tree planting must not impact on public utilities. The applicant should liaise with the relevant service authorities on the location and use of services within the public road reserve. These authorities may be able to lay their services on the opposite side of the road, thereby providing larger areas for tree planting.

Street tree planting must not interfere with street light spill. The applicant is to provide documentation to confirm there is no conflict between proposed vegetation at maturity and street lighting. This confirmation must be received before a Construction Certificate can be issued.

# **2 GENERAL**

## **2.1 Scope of Consent**

- 2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

<b>Drawing Title.</b>	<b>Drawing No.</b>	<b>Revision</b>	<b>Dated</b>
Cover Page	101	-	25-07-2023
Site Plan	102	-	25-07-2023
Proposed Floor Plan, Roof Plan	103	-	25-07-2023
Elevations, Sections	104	-	25-07-2023
Hardscape	LPDA-24-01/1	B	14.08.2023
Landscape	LPDA-24-01/2	B	14.08.2023
Details	LPDA-24-01/3	B	14.08.2023
Specifications	LPDA-24-01/4	B	14.08.2023

\* All the plans are subject to relevant conditions of this consent

- 2.1.2 This consent authorises the use of the completed approved building, structures and associated services for a battery sorting and transfer station facility, subject to full compliance with all other conditions of this consent.

## 2.2 **Fire and Rescue NSW**

- 2.2.1 A Fire Safety Study (FSS) is to be developed in accordance with the requirements of Hazardous Industry Planning Advisory Paper (HIPAP) No.2 and submitted to FRNSW for review. The FSS is to be developed to the satisfaction of FRNSW prior to any further submission being made to FRNSW; this includes an Initial Fire Safety Report (IFSR) and / or Performance-Based Design Brief / Fire Engineering Brief Questionnaire (FEBQ).

## 2.3 **DA Plan Consistency**

- 2.3.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans.
- 2.3.2 Should any proposed excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), separate details prepared by a suitably qualified person shall be prepared indicating how that building or structure is to be:
- (a) Preserved and protected from damage, and
  - (b) Underpinned and supported.
- Such details shall accompany the Construction Certificate.

## 2.4 **Traffic and Transport**

- 2.4.1 Access driveway, ramps, circulation aisles, loading area and parking arrangements are to be designed in accordance with AS 2890.1-2004, AS 2890.2-2002 & AS 2890.6-2009.

## 2.5 **Building Code of Australia Compliance**

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

## 2.6 **Hazards and Operability Requirements**

- 2.6.1 The recommendations contained on page 23 of the Hazards and Operability Study prepared by Arriscar Pty Ltd and dated 16 August 2023 are to be implemented.

## 2.7 **Environmental Health**

- 2.7.1 The recommendations made in Sections 5 – 9 of the Air Quality Impact Assessment, prepared by Northstar Air Quality Pty Ltd, dated 10 August 2023 are to be implemented.
- 2.7.2 Prepare a Construction Environmental Management Plan to include at minimum:
- a Hazardous Material Survey,
  - noise and vibration control,
  - proposed schedule of works and hours of works,
  - sediment and erosion control,
  - dust control and proposed means of controlling any activity that could potentially cause a pollution incident as defined by Protection of the Environment Operations Act 1997.

### **3 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)**

#### **3.1 Access/Parking**

3.1.1 The internal driveway and parking areas are to be designed in accordance with AS 2890.1-2004.

3.1.2 On-site visitor car parking spaces are to be designed having minimum internal clear dimensions in accordance with AS 2890.1-2004 as follows:

Uncovered car space: 2.5m x 5.4m

Disabled car space: 3.2m x 5.4m

3.1.3 All internal driveways and other paved areas shall be designed to provide continuous surface drainage flow paths to approved points of discharge.

### **4 PRIOR TO DEVELOPMENT WORKS COMMENCING**

4.1 Any excavation and/or backfilling associated with the development shall be executed safely and in accordance with appropriate professional standards, with any excavation properly guarded and protected to prevent such work being dangerous to life or property.

4.2 Should any excavation associated with the development extend below the level of the base of the footings of a building or any other structure on any adjoining allotment of land (including a public place), that building or structure:

- (a) shall be preserved and protected from damage, and
- (b) if necessary, shall be underpinned and supported in accordance with structural design details accompanying the Construction Certificate, and
- (c) the owner(s) of which shall, at least 7 days before any such excavation or supporting work commences, be given notice of such intention and particulars of the excavation or supporting work.

#### **4.3 Notification to Council**

4.3.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clause 136 of the Environmental Planning and Assessment Regulation 2021, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

### **5 DURING CONSTRUCTION (ENVIRONMENTAL HEALTH)**

#### **5.1 Environmental Management**

5.1.1 The recommendations made in Sections 5 – 9 of the Air Quality Impact Assessment, prepared by Northstar Air Quality Pty Ltd, dated 10 August 2023 are to be implemented.

5.1.2 The recommendations made in the Noise and Vibration Impact Assessment, prepared by RWDI Australia Pty Ltd, dated 11 August 2023 are to be implemented.

5.1.3 The recommendations made in the Preliminary Hazard Analysis, prepared by Arriscar Pty Ltd, dated 16 August 2023 are to be implemented.

5.1.4 A site specific 'Unexpected Finds Protocol' is to be prepared, implemented and made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered, including asbestos.

5.1.5 All waste generated on the site during the construction must be classified in accordance

with the NSW EPA's Environmental Guidelines: Assessment, Classification and management of Liquid and Non-Liquid Waste and disposed of at a facility that may lawfully accept the waste.

- 5.1.6 Any soil that leaves the site as part of the demolition and/or site preparation stages or during on-going operation is to be chemically assessed. Soil testing shall include asbestos testing to ensure the ascribed General Solid Waste (non-putrescible) classification is appropriate.
- 5.1.7 Any soil or mulch brought onto site shall not contain asbestos and is required to meet the Excavated Natural Material (ENM) or mulch Resource Recovery Order & Exemption criteria.

## **5.2 Hours of Construction Work**

- 5.2.1 All construction work at the premises must only be conducted between 7:00am and 6:00pm Monday to Friday, and 8:00am to 2:00pm Saturdays. No construction work is permitted at the premises on Sunday or Public Holidays.

## **6 PRIOR TO OCCUPATION CERTIFICATE**

### **6.1 Environment Protection Licence**

- 6.1.1 An Environment Protection Licence for Resource Recovery is to be obtained from the Environment Protection Authority prior to occupation.
- 6.1.2 A second thermal imaging camera is to be installed in the storage area at the rear of the building to monitor for thermal runaway incidents while batteries are being stored.

### **6.2 Road Damage**

- 6.2.1 The cost of repairing any damage caused to Council's assets in the vicinity as a result of this development works shall be met in full by the applicant/developer.

### **6.3 Compliance with Conditions**

- 6.3.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, other than 'Operational' conditions, have been satisfied. The use or occupation of the development prior to compliance with all conditions of consent, other than 'Operational' conditions, may render the applicant/developer liable to legal proceedings.
- 6.3.2 Prior to occupation/use, it is necessary to obtain an Occupation Certificate from the Principal Certifying Authority in accordance with the provisions of Section 6.9 and 6.10 of the Environmental Planning & Assessment Act 1979.

### **6.4 Temporary Facilities Removal**

- 6.4.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 6.4.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.
- 6.4.3 Any temporary soil erosion control measure installed during development works shall be removed and other permanent measures required by Council's Soil Erosion Control Policy shall be provided.
- 6.4.4 Any temporary builder's sign or other site information sign shall be removed from the land.

6.4.5 Any temporary site access provided for the purpose of development works shall be removed and the kerb and gutter and/or previous roadworks reinstated in a manner satisfactory to Council. Should the reinstatement involve the provision of a new vehicular crossing, layback, kerb and gutter or road shoulder works the separate approval of Council's Maintenance Section shall be obtained (and any appropriate fees paid) prior to such works commencing.

## 6.5 **Fire Safety**

6.5.1 Prior to occupation or commissioning an Emergency Plan (EP) is to be developed for the site in accordance with HIPAP No.1.

6.5.2 Prior to occupation or commissioning an Emergency Services Information Package (ESIP) is to be prepared in accordance with FRNSW fire safety guideline – Emergency services information package and tactical fire plans.

6.5.3 Prior to occupation the recommendations contained on pages 35 and 36 of the Fire Safety Study prepared by Riskcon Engineering and dated 18 August 2023 are to be fully implemented.

6.5.4 A final fire safety certificate complying with the Environmental Planning and Assessment Regulation 2021 shall be issued prior to change of use of the building.

## 6.6 **Landscaping/Car Parking**

6.7.1 All landscaping shall be completed in accordance with the approved landscaping design plan. All turfed areas shall be finished level with adjoining surfaces and graded to approved points of drainage discharge.

6.6.2 No storage activities shall be located within the landscaped setback areas.

6.6.3 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.

6.6.4 4 car parking spaces are to be provided for staff and visitors.

6.6.5 Entrance/exit points are to always be clearly identified and visible from the street and the site.

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

6.6.7 Entry and exit by all vehicles to the site shall be in forward direction.

6.6.8 Landscaping to lot boundaries is to be wholly located within private property and not encroach upon the road reserve.

## 6.7 **Fee Payment**

6.7.1 Any fee payable to Council as part of a Construction, Compliance or Occupation Certificate or inspection associated with the development (including the registration of privately issued certificates) shall be paid in full.

## 6.8 **Building Matters**

- 6.8.1 The building works and recommendations outlined in the BCA report prepared by National BCA dated 2 February 2024 is to be implemented and completed prior to the issue of any Occupation Certificate by a registered certifier.
- 6.9 **Complaints Signage**
- 6.9.1 A sign is to be installed at the frontage of the site providing details of the contact name and phone numbers including mobile numbers of the operator to enable the public to report any incidents or complaints.
- 7 **OPERATIONAL (PLANNING)**
- 7.1 **Access/Parking**
- 7.1.1 All required off-street car parking spaces shall be maintained to a standard suitable for the intended purpose.
- 7.1.2 All loading and unloading operations shall take place at all times wholly within the confines of the land.
- 7.1.3 The maximum truck size servicing the site is to be a medium rigid vehicle with all vehicles to enter and leave in a forward direction.
- 7.2 **General**
- 7.2.1 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 7.2.2 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 7.2.3 Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 7.2.4 The storage and handling of liquids and dangerous goods associated with activities on the premises is to be carried out in accordance with the requirements of;
- NSW Workcover
  - Environment Protection Authority Guidelines - *Technical BU Bunding and Spill Management*.
- 7.2.5 Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 7.2.6 No goods, materials or trade wastes are to be stored at any time outside the buildings on the internal vehicular driveways, car parking areas, landscaping areas or footpaths, other than in approved garbage receptacles.
- 7.2.7 The Waste Management Plan prepared by Jackson Environment and Planning Pty Ltd dated 18 August 2023 shall be implemented and appropriately managed at all times.
- 7.2.8 The requirements and recommendations of the following reports are to be implemented and adhered to at all times:
- Air Quality Impact Assessment, prepared by Northstar Air Quality Pty Ltd, dated 10

August 2023

- Fire Safety Study prepared by Riskcon Engineering and dated 18 August 2023, and as amended in the requirement of condition 2.2.1 of this consent.
- Hazards and Operability Study prepared by Arriscar Pty Ltd and dated 16 August 2023
- Operational Environmental Management Plan prepared by Jackson Environment and Planning Pty Ltd and dated August 2023

### **7.3 Landscaping**

- 7.3.1 All landscaped areas provided in accordance with the approved landscaping design plan shall be maintained at all times in a suitable manner.

### **7.4 Use of Premises**

- 7.4.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 7.4.2 The development shall not be used or converted for use for any purpose other than that:
- (a) Granted consent by Council's Notice of Determination, or
  - (b) Which is "Exempt Development" under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or other NSW or Council planning instrument.

### **7.5 Emergency Procedures**

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

### **7.6 Fire and Rescue NSW**

- 7.6.1. An Emergency Plan (EP) is developed for the site in accordance with HIPAP No.1.
- 7.6.2 Prior to occupation or commissioning an Emergency Services Information Package (ESIP) be prepared in accordance with FRNSW fire safety guideline – Emergency services information package and tactical fire plans.

## **8 OPERATIONAL (ENVIRONMENTAL HEALTH)**

### **8.1 Environmental Management**

- 8.1.1 The recommendations made in the Noise and Vibration Impact Assessment, prepared by RWDI Australia Pty Ltd, dated 11 August 2023 are to be implemented.
- 8.1.2 All gases, odours, fumes, steam, moisture and particulate matter generated by the use of these premises shall be collected and discharged in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 8.1.3 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environmental Protection Authorities - Noise Policy for Industry and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants

(AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.

- 8.1.4 Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean-up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the Protection of the Environment Operations Act 1997.
- 8.1.5 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 8.1.6 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 8.1.7 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 8.1.8 All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

## **8.2 Maintenance of Plant and Equipment**

- 8.2.1 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.

## **8.3 Dust**

- 8.3.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust.
- 8.3.2 The premises must be maintained in a condition which prevents the emission of dust from the premises.
- 8.3.3 No material, including sediment or oil, is to be tracked from the premises.

## **8.4 Processes and management**

- 8.4.1 Any waste for processing, storage or resource recovery at the premises must be assessed and classified in accordance with the *EPA Waste Classification Guidelines* as in force from time to time.
- 8.4.2 Each type of waste stored onsite for recovery/recycling must be stockpiled separately.
- 8.4.3 All waste processing and storage must be undertaken inside the building.
- 8.4.4 All waste material stored onsite is to be contained within a designated area such as a waste bin or bay.

## **8.5 Hours of operation**



8.5.1 Battery receiving, sorting and despatch may only be carried out between 7:00am and 6:00pm Monday to Friday. Cleaning and maintenance is permitted 7:00am to 7:00pm Monday to Sunday. No other activities are permitted at the premises on Saturday, Sunday or Public Holidays.

8.6 **Pollution of waters**

8.6.1 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 Act must be complied with in and in connection with the carrying out of the development.

## **ATTACHMENT B – EPA General Terms of Approval**

### **Specific licence conditions for DA-23-01086**

#### **Administrative conditions**

##### ***A1. Information supplied to the EPA***

**A1.1** Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- The development application DA-23-01086 emailed to the Environment Protection Authority (EPA) on the 6 February (2024)
- Environmental Impact Statement - Battery Sorting and Transfer Station Kings Park NSW produced by Jackson Environment and Planning Pty Ltd (August 2023)
- All additional documents supplied to the EPA in relation to the development, including:
  - Soil and Water Management Plan for Proposed Battery Sorting and Transfer Station at Tattersall Rd, Kings Park, produced by The Sustainability Workshop (August 2023).
  - Air Quality impact Assessment produced by Northstar Air Quality Pty Ltd (August 2023)
  - Waste Battery Transfer and Sorting Facility - Noise and Vibration Impact Assessment produced by RWDI Australia Pty Ltd (August 2023)
  - Operational Environmental Management Plan produced by Jackson Environment and Planning Pty Ltd (August 2023)
  - Preliminary Site Investigation Report produced by Geosyntec Consultants Pty Ltd (September 2023)
  - Waste Management Plan produced by Jackson Environment and Planning Pty Ltd (August 2023)

##### ***A2. Fit and Proper Person***

**A2.1** 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, having regard to the matters in s.83 of that Act.

#### **Limit conditions**

##### ***L1. Pollution of waters***

**L1.1** 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.

##### ***L2. Waste***

**L2.1** The licensee 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*.

**L2.2** 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*.

*Note: Condition L2.2 is included to ensure that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).*

**L2.3** The total amount of processed and unprocessed waste stored on the premises must not exceed X tonnes at any one time.

*Note: This information was not provided in the application or supporting documentation. The EPA will determine this amount in consultation with the applicant during the Licence application process.*

**L2.4** The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below. This condition does not limit any other conditions in this licence.

Waste	Description	Activity	Other Limits
Nickel-Cadmium (NiCd) and Nickel-Metal Hydride (NiMH) batteries		Waste storage and/or Resource Recovery and/or Waste processing <sup>1</sup>	No more than 4.9 tonnes of battery waste (including NiCd, NiMH, Lithium-metal and Lithium-ion battery wastes) can be stored at the premises at any one time
Lithium-metal batteries (non-rechargeable)		Waste storage and/or Resource Recovery and/or Waste processing <sup>1</sup>	
Lithium-ion batteries (rechargeable)		Waste storage and/or Resource Recovery and/or Waste processing <sup>1</sup>	
Zinc-Carbon (ZnC) and dry cell alkaline batteries		Waste storage and/or Resource Recovery and/or Waste processing <sup>1</sup>	No more than 15 tonnes of battery waste (including ZnC and dry cell alkaline battery waste) can be stored at the premises at any one time

Note: <sup>1</sup> The scheduled activity will be determined during the Licence application process.

### L3. Noise limits

**L3.1** Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>AFmax</sub>
14 Charles Street, Blacktown (Lot 4, DP 26979)	40	35	35	52

**L3.2** For the purposes of condition L3.1:

- Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
- Evening means the period from 6pm to 10pm.
- Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays.

**L3.3** Noise-enhancing meteorological conditions

- The noise limits set out in condition L3.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

- For those meteorological conditions not referred to in condition L3.3(a), the noise limits that apply are the noise limits in condition L3.1 plus 5dB.

**L3.4** For the purposes of condition L3.3:

- The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as **Bureau of Meteorology AWS at Horsley Park Equestrian Centre**
- Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):

- i. Use of sigma-theta data (section D1.4).

**L3.5** To assess compliance:

- a. with the  $L_{Aeq(15 \text{ minutes})}$  or the  $L_{Amax}$  noise limits in conditions L3.1 and L3.3, the noise measurement equipment must be located:
  - i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
  - ii) in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
  - iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve
  - iv) at any other location identified in condition L3.1
- b. with the  $L_{Aeq(15 \text{ minutes})}$  or the  $L_{Amax}$  noise limits in conditions L3.1 and L3.3, the noise measurement equipment must be located:
  - c.
    - i) at the reasonably most affected point at a location where there is no residence at the location; or,
    - ii) at the reasonably most affected point within an area at a location prescribed by condition L3.5 (a).

**L3.6** A non-compliance of conditions L3.1 and L3.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L3.5 (a) or L3.5 (b).

**NOTE to L3.5 and L3.6:** The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

**L3.7** For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

**L3.8** Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

**Additions to Definition of Terms of the licence**

- Noise Policy for Industry - the document entitled "*Noise Policy for Industry*" published by the NSW Environment Protection Authority in October 2017.
- Noise – 'sound pressure levels' for the purposes of conditions.
- $L_{Aeq(15 \text{ minute})}$  - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15-minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 *Acoustics: description and measurement of environmental noise*).
- $L_{AFmax}$  – the maximum sound pressure level of an event measured with a sound level meter satisfying Australian Standard AS IEC 61672.1-2013 *Electroacoustics - Sound level meters - Part 1: Specifications* set to 'A' frequency weighting and fast time weighting.

#### **L4 Hours of operation**

**L4.1** Activities at the premises must only be conducted within the following hours:

- a) Cleaning and Maintenance 7am to 7pm Monday to Sunday.
- b) All other activities 7am to 6pm Monday to Friday (excluding Public Holidays).

**L4.2** All works and activities must be undertaken in a manner that will minimise noise and vibration impacts on noise sensitive receivers.

**L4.3** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.1, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

**L4.4** The hours of operation specified in conditions L4.1 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**

##### **O1. Odour**

**O1.1** The Licensee must not cause or permit the emission of any offensive odour from the premises.

*Note: Section 129 of the POEO Act 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.*

##### **O2. Dust**

**O2.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

**O2.2** The premises must be maintained in a condition which prevents the emission of dust from the premises.

**O2.3** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

**O2.4** All activities relating to this licence must be carried out inside the buildings located on the premises.

##### **O3. Emergency Response**

**O3.1** Within three months of the issue of this Licence, the Licensee must prepare, maintain and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises.

NOTE: The Licensee must develop their PIRMP in accordance with the requirements in Part 5.7A of the *Protection of the Environment Operations Act 1997* (the POEO Act) and the POEO Regulations.

##### **O4. Waste Management**

**O4.1** All waste handling, loading, unloading, sorting, processing and storage must be undertaken inside a dedicated fully enclosed building, except for sorted and packaged Lithium-containing batteries stored under the awning at the rear of the warehouse (as described in the EIS).

**O4.2** Any waste generated and/or stored at the premises must be assessed and classified in accordance with the EPA Waste Classification Guidelines as in force from time to time.

**O4.3** All areas where waste is to be stored must be bunded or have an alternative spill containment system in place.

**O4.4** Each type of waste stored on site for recovery/recycling must be stockpiled separately.

#### **O5 Other operating conditions**

**O5.1** All batteries stored at the Premises must be packed in accordance with the relevant packing instructions concerning the use of packaging in the *Australian Code for the Transport of Dangerous Goods by Road & Rail* prior to leaving the premises.

**O5.2** The Licensee must take all reasonable and practicable steps to protect lithium batteries against short circuits and the dangerous evolution of heat.

**O5.3** The Licensee must take all reasonable and practicable steps to identify, isolate and safely store and package damaged or defective lithium batteries received at the premises.

**O5.4** All thermal imaging cameras installed at the Premises must be maintained in an operable manner.

### ***Monitoring and recording conditions***

#### ***M1 Monitoring records***

**M1.1** 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 M1.2 and M1.3.

**M1.2** All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

**M1.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

#### ***Reporting conditions***

**R1.1** 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***

#### **E1 Installation of a second thermal imaging camera**

**E1.1** Install and maintain a second thermal imaging camera placed in the storage area at the back of the building to monitor for thermal runaway incidents while batteries are being stored for eventual removal offsite.

#### **E2 Requirement to maintain financial assurance**

A financial assurance in the form of an unconditional irrevocable and on demand guarantee from a bank building society or credit union operating in Australia as an 'authorised deposit-taking institution' under the Banking Act 1959 of the Commonwealth of Australia and supervised by the Australian Prudential Regulatory Authority (APRA) must be provided to the EPA prior to the issuing of the Environment Protection Licence (amount will be set by the EPA as part of the licence application process).

#### **E3 Environmental obligations of the licensee**

**E3.1** While the licensee's premises are being used for the purpose to which the licence relates, the licensee must:

- a) Clean up any spill, leak or other discharge of any waste(s) or other material(s) as soon as practicable after it becomes known to the licensee or to one of the licensee's employees or agents.
- b) In the event(s) that any liquid and non-liquid waste(s) is unlawfully deposited on the premises, such waste(s) must be removed and lawfully disposed of as soon as practicable or in accordance with any direction given by the EPA.
- c) Provide all monitoring data as required by the conditions of this licence or as directed by the EPA.

**E3.2** In the event of an earthquake, storm, fire, flood or any other event where it is reasonable to suspect that a pollution incident has occurred, is occurring or is likely to occur, the licensee (whether or not the premises continues to be used for the purposes to which the licence relates) must:

- a) Make all efforts to contain all firewater on the licensee's premises;
- b) Make all efforts to control air pollution from the licensee's premises;
- c) Make all efforts to contain any discharge, spill or run-off from the licensee's premises;
- d) Make all efforts to prevent flood water entering the licensee's premises;
- e) Remediate and rehabilitate any exposed areas of soil and/or waste;
- f) Lawfully dispose of all liquid and solid waste(s) stored on the premises that is not already securely disposed of;
- g) At the request of the EPA, monitor groundwater beneath the licensee's premises and its potential to migrate from the licensee's premises;
- h) At the request of the EPA monitor surface water leaving the licensee's premises; and
- i) Ensure the licensee's premise is secure.

**E3.3** After the licensee's premises cease to be used for the purpose to which the licence relates or in the event that the licensee ceases to carry out the activity that is the subject of this licence, that licensee must:

- a) Remove and lawfully dispose of all liquid and non-liquid waste stored on the licensee's premises that is not already securely disposed of;
- b) Rehabilitate the site, including conducting an assessment of and if required remediation of any site contamination.

#### **E4 Noise Verification**

- a) Within three months following the commencement of operations at the Premises, the Licensee must complete noise monitoring to compare with the findings of the Noise Impact Assessment included in the Environmental Impact Statement and to assess and verify compliance with Noise Limits in Conditions L3.1 and L3.3.
- b) The noise monitoring must be representative of normal operations at the Premises.
- c) The measurement and analysis of noise must be undertaken by a suitably qualified acoustical consultant and in accordance with the *Approved Methods for the Measurement and Analysis of Environmental Noise in NSW* and the EPA's *Noise Policy for Industry* (2017).
- d) Within five months following the commencement of operations at the Premises, the Licensee must submit a Noise Compliance Verification Report. The report must provide the results of the noise monitoring required by Condition E4 a), a comparison with the findings of the Noise Impact Assessment and an assessment of compliance with Noise Limits in Conditions L3.1 and L3.3.
- e) If the noise monitoring identifies any non-compliance with Conditions L3.1 and L3.3, the Licensee must detail what additional measures will be implemented to ensure compliance, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the EPA.

## **ATTACHMENT C – 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:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- 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. Statement of Compliance; and
- b. 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 via *eConnect EPA* or 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. by 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 immediately 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; and

- 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.

**This concludes the EPA's recommendations.**