

## Attachment 1 – Environmental Planning and Assessment Regulation 2000 (Designated Development assessment)

### The provisions of the Regulations

#### Schedule 2 – Environmental Impact Statements

The Applicant has prepared an Environmental Impact Statement (EIS) to accompany the proposed development in accordance with the Secretary's Environmental Assessment Requirements (SEARs) issued on 10 May 2019 (SEAR No. 1327).

The submitted EIS:

- includes an assessment of all potential impacts of the proposed development on the existing environment,
- addresses key issues outlined in the SEARs, and
- details the consultation process undertaken with the community and key stakeholders in the preparation of the EIS.

In this regard, the submitted EIS meets the minimum form and consent requirements as set out in Clauses 6 and 7 of Schedule 2 of The Regulations.

#### Schedule 3 – Designated Development

The proposed development is for the purposes of a 'waste management facility or works' as declared in Part 1 of Schedule 3 of the Regulations.

In accordance with Part 1, Schedule 3 Designated Development, of the Regulations, *waste management facilities or works* are defined as follows by Clause 32:

<b>32 Waste management facilities or works</b>	
<b>Clause</b>	<b>Comment</b>
(1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and:  (a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste:  (i) that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or  (ii) that comprises more than 100,000 tonnes of "clean fill" (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or  (iii) that comprises more than 1,000 tonnes per year of sludge or effluent, or  (iv) that comprises more than 200 tonnes per year of other waste material, or	The proposal will receive, handle, and sort up to 20,000 tonnes of scrap metal per year. Scrap metal processed by the facility includes steel, aluminium, copper and brass; and will be collected primarily from consumers and private vehicles.  The applicant has detailed that scrap metal waste received may also include white goods. Whitegoods if accepted, would be removed to respective recycling facilities daily.  Residual waste unloaded with the scrap metal such as timber or soil will be placed into a 3m <sup>3</sup> skip bin and removed from site by a licensed waste contractor.  All waste material processed would be classified as general solid waste (non-putrescible). No other waste would be accepted by the facility.  Contaminated waste such as hazardous waste and asbestos are <u>not</u> accepted by the facility.  In this regard, the proposal does not receive or handle the types of waste specified under Subsection (1)(a).
(b) that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final	Subsection (1)(b)(iii) outlines that the maximum handling capacity of metal or building demolition material is no more than 30,000 tonnes per year.

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<p>disposal, permanent storage, reprocessing, recycling, use or reuse and:</p> <p>(i) that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or</p> <p>(ii) that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or</p> <p>(iii) that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material, or</p>	<p>The proposed facility will receive, sort and separate no more than 20,000 tonnes of scrap metal per annum.</p> <p>The incoming waste loads of trucks entering the site will be screened upon arrival by the weighbridge to manage and record the quantity, type and source of waste received by the facility.</p> <p>Conditions are imposed in the Draft Notice of Determination requiring waste receipts detailing the quantity and type of waste received by the facility to be recorded and provided to Council upon request, to ensure that the total quantity of all waste processed at the facility does not exceed 20,000 tonnes per year.</p>
<p>(c) that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or</p>	<p>The proposal does not receive or handle solid or liquid organic materials.</p>
<p>(d) that are located:</p> <p>(i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or</p> <p>(ii) in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or</p> <p>(iii) within a drinking water catchment, or</p> <p>(iv) within a catchment of an estuary where the entrance to the sea is intermittently open, or</p> <p>(v) on a floodplain, or</p> <p>(vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.</p>	<p>The subject property is not located within land identified by (i)-(v).</p> <p>However, the site is located within approximately 360m of R2 zoned land on Gardenia Parade and Magnolia Street.</p> <p>The proposal is not considered to significantly affect the amenity of the neighbourhood having regard to the following, as stated in detail below:</p> <ul style="list-style-type: none"> <li>• Noise impacts</li> <li>• Visual impacts</li> <li>• Dust</li> <li>• Odour</li> <li>• Traffic</li> <li>• Vermin</li> </ul>
<p><b>Noise:</b></p> <p>The proposed operating hours of the facility are:</p> <ul style="list-style-type: none"> <li>○ Monday to Friday: 7am to 4pm</li> <li>○ Saturday: 7am-1pm</li> <li>○ No works on public holidays or Sundays</li> </ul> <p>The Applicant has submitted a Noise Impact Assessment (prepared by Benbow Environmental) in support of the proposal which assesses the noise levels generated by the operations of the facility to be acceptable, having regard to equipment used and residential properties in close proximity to the site and adjoining/adjacent industrial premises.</p> <p>Deliveries of waste to the facility will be made by trucks and private vehicles only during the proposed operating hours. Sorting of materials into skip bins on site is proposed to be carried out within designated storage bays within the building. The proposal also involves the use of forklifts, an</p>	

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electric compactor, copper granulator and excavators. No crushing, grinding or screening activities are proposed to take place at the site.

In addition, noise impacts predication has been modelled on a worst case scenario of roller doors being opened to attenuate noisy activities indoors, and as such, in the event a noise nuisance occur in operations, the closure of doors would further reduce noise impacts on adjoining sites.

Council's Environmental Health Officer has reviewed the proposed development and accompanying Noise Impact Assessment and advised that the activities proposed will comply with the project specific noise levels at all sensitive receivers and fall within the requirements of the NSW Noise Policy for Industry and other relevant guidelines. The noise levels of equipment and activities carried out by the facility is also considered to be acceptable, subject to the imposition of conditions requiring the implementation of operational mitigation measures and compliance with the Noise Impact Assessment prepared by Benbow Environmental dated 10 September 2019.

Council's Environmental Health officer has reviewed the proposal and accompanying Noise Impact Assessment and supports the proposed hours of operation, noting that the proposed facility seeks to operate an additional hour to 1pm on Saturdays, which exceeds the prescribed trade hours as outlined in Part D of HDCP 2013 for industrial premises. The proposed hours of operation are not considered to pose adverse amenity impacts on surrounding businesses or residential properties further north of the site (approximately 360m), noting that the primary metal processing activities are conducted within the building, and no crushing, grinding or screening activities will take place at the site. Furthermore, conditions of consent are imposed requiring compliance with recommendations, and implementation of noise mitigation measures as outlined in the Noise Impact Assessment.

### **Visual Impacts:**

Landscaping within the front setback area of the site remains generally unchanged with the exception of line marking to formalise the at-grade parking spaces within the front setback and construction of a weighbridge within the northern driveway. No signage forms part of the application. In this regard, the streetscape presentation of the facility on Percival Road is considered compatible with existing industrial premises within the vicinity of the site.

### **Dust:**

There is limited potential for dust to be generated during the operations due to the nature of the incoming materials and the processes to be undertaken. There are no proposed operations that would create additional dust such as crushing or grinding. The Applicant has outlined that there would be regular sweeping of external areas to reduce dust. Dust mitigation measures are outlined in the Air Quality Assessment contained within the supporting Environmental Assessment. The dust mitigation are to be implemented during the demolition and operational phase of the development to reduce dust impacts on surrounding properties and businesses.

Conditions are imposed in the Draft Notice of Determination requiring recommendations and mitigation measures as detailed in the Air Quality Assessment be implemented to assist in reducing dust generation and dust movements in the external surfaces of the site.

### **Odour:**

As the proposed facility does not receive or process putrescible waste, odours are not expected to be present on site. Regardless, a screening procedure is undertaken on each load entering the site and prior to being unloaded to further ensure that odorous materials are not accepted. Conditions are imposed within the Draft Notice of Determination outlining that the development shall not cause or permit the emission of any offensive odour as defined by the Protection of the Environment Operations Act 1997 (POEO).

### **Traffic:**

All vehicles shall enter and exit the site in a forward direction, and all deliveries shall be accommodated within the site. All loading and unloading activities are to occur within the site. Council's Traffic Engineer has reviewed the accompanying Traffic Report and addendum Traffic Statement and outlined that the traffic management and manoeuvring of vehicles on site is acceptable subject to the imposition of deferred commencement conditions relating to vehicle movement during the operations of the facility to avoid traffic conflict.

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**Vermin:**

Waste received and processed by the proposed facility is limited to scrap metal and does not comprise any perishable or putrescible waste with the potential to attract vermin. Notwithstanding, waste storage and handling procedures are proposed as part of the supporting Environmental Assessment to mitigate any potential vermin issues.

<p>(2) This clause does not apply to:</p> <p>(a) development comprising or involving any use of sludge or effluent if:</p> <p>(i) the dominant purpose is not waste disposal, and</p> <p>(ii) the development is carried out in a location other than one listed in subclause (1) (d), above, or</p> <p>(a) development comprising or involving waste management facilities or works specifically referred to elsewhere in this Schedule, or</p> <p>(b) (Repealed)</p>	<p>Not Applicable – the development does not involve any use of sludge or effluent.</p>
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**Comment:**

In this regard, the proposed development qualifies as 'Designated Development' and sufficient information has been submitted in accordance with Schedule 2 and 3 of the Regulations, having regard to the potential environmental and amenity impacts that are relevant to the proposed use of the site and premises for the purposes of a waste management facility.