

20 March 2023

2230152

Michael Cassel
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Chris Ritchie, Director, Industry Assessments

Dear Mr. Ritchie,

Battery Sorting and Transfer Facility, 30 Tattersall Road, Kings Park

Sell and Parker is seeking to construct and operate a Battery Sorting and Transfer Facility at 30 Tattersall Road, Kings Park (the site). The purpose of this letter is to request the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) relating to the development of the site for the Battery Sorting and Transfer Facility.

Sell and Parker is intending to lodge a Development Application (DA) with Blacktown City Council (Council) under Part 4 of the *Environmental Planning and Assessment Act, 1979 (EP&A Act)* for the Battery Sorting and Transfer Facility. The proposal has been identified as 'Designated Development' as it is for a type of development listed under Schedule 3 of the *Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)*. In particular, the Battery Sorting and Transfer Facility is a type of waste management facility listed under Clauses 45(2)(b)(i) of Schedule 3 of the EP&A Regulation, as it is a facility that would sort, consolidate and temporarily store waste batteries, which comprise materials classified as Dangerous Goods, for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse.

The DA for the Battery Sorting and Transfer Facility will therefore need to be accompanied by an EIS. In accordance with Clause 173 of the EP&A Regulation, we therefore request SEARs for the preparation of the EIS. To support the request for the SEARs, we provide a preliminary environmental assessment herein that provides details of the site location, a background to the project, an overview of the proposed development, sets out the statutory context, and identifies the key likely environmental and planning issues associated with the proposal.

We trust that the information provided below is sufficient to enable the Secretary to issue requirements for the preparation of the necessary EIS. This letter is accompanied by a "Form A" Request for Secretary's Requirements for the preparation of an EIS (**Attachment A**). Should you have any queries about this matter, please do not hesitate to contact me 02 9956 6962 or tward@ethosurban.com

Yours sincerely,



Tim Ward
Director
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tward@ethosurban.com

1.0 Site Location, Description and Context

1.1 Surrounding Location

The site is located at 30 Tattersall Road, Kings Park, within the Blacktown Local Government Area.

As shown in **Figure 1**, the site is surrounded by the Kings Park industrial estate, including a range of waste management facilities, many associated with car / metal recycling, as well as some industrial and manufacturing industries.

- To the north, the industrial estate extends beyond Vardys Road, and transitions to the Kings Park residential suburb after approximately 550 metres. The Westlink M7 motorway is located approximately 1.4 km north of the site.
- To the east, the industrial estate extends to Sunnyholt Road, approximately east of the site. Beyond Sunnyholt Road, are the residential areas of Blacktown, Kings Langley and Lalor Park. Sunnyholt Road forms the eastern boundary of the Kings Park industrial estate, and connects Blacktown to the Westlink M7 motorway.
- To the south of the site, the industrial area extends all the way to the Blacktown city centre, almost 2 km south of the site.
- To the west, the industrial estate extends to the North Shore and Western Railway Line, approximately 1 km west of the site. Beyond the railway line is the residential suburb of Marayong.

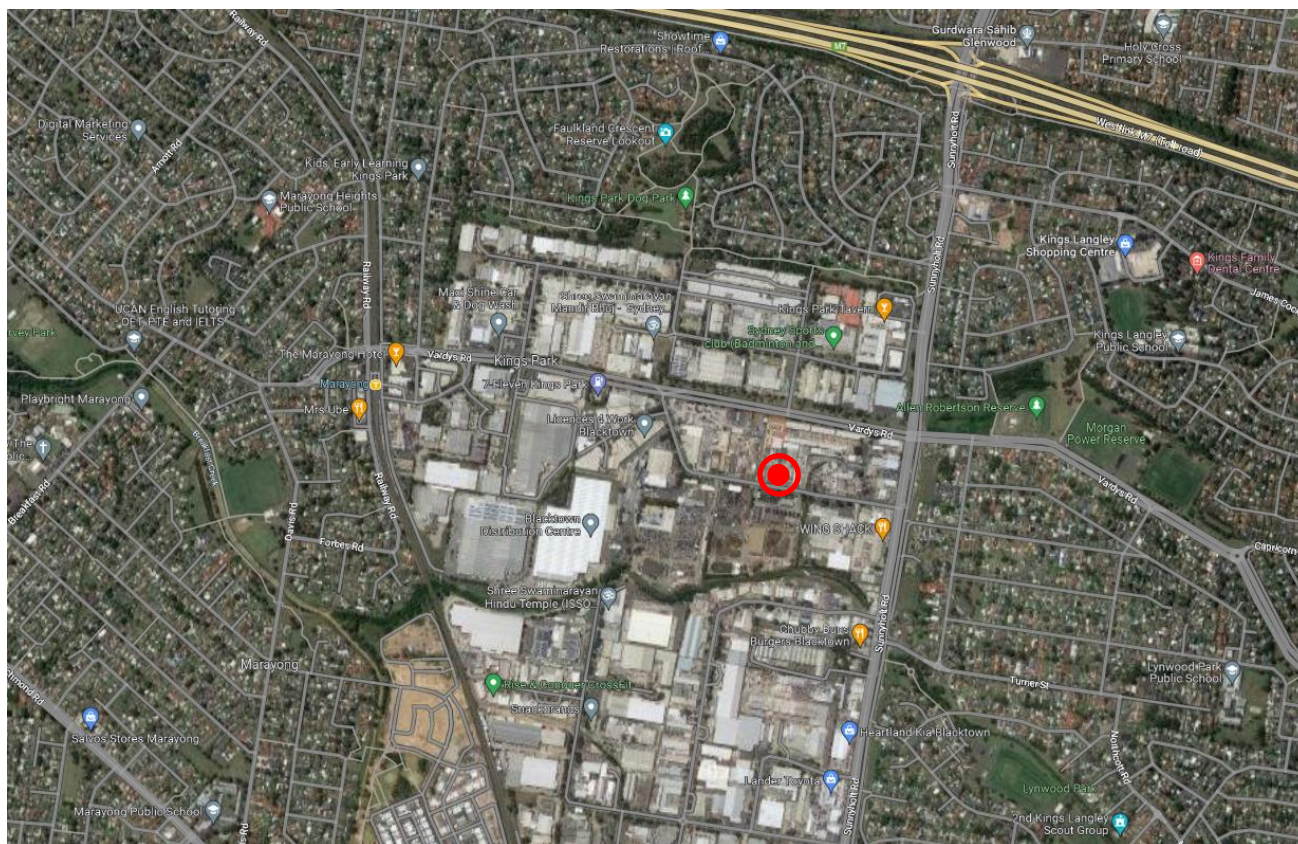


Figure 1 Site location context map

1.2 Site Description

The site comprises land legally described as Lot 3 in deposited plan (DP) 201261 and has a total area of approximately 900 m². The site is shown in **Figure 2**.

The site is generally rectangular in shape and is currently occupied by an existing warehouse, with associated hardstand areas. The proposed Battery Sorting and Transfer Facility would involve the repurposing of the existing warehouse, which would be used to sort, consolidate and temporarily store waste batteries.

The site has an existing driveway access from Tattersall Road to the south, as seen in **Figure 3**.



Figure 2 Aerial photo of the site



Figure 3 Tattersall Road frontage

2.0 The Proposed Development

The proposed Battery Sorting and Transfer Facility would collect a range of handheld domestic batteries collected through the B-Cycle scheme. Batteries would be delivered to the site by various waste management contractors and the general public, and directed to the relevant temporary storage area within the warehouse. No battery processing or recycling will be carried out at the facility.

An x-ray sorting system would be used to sort the batteries, noting that the facility will not receive lead-acid batteries. The batteries move along a conveyor and pass through the X-ray detection system and are assigned to the relevant group. Sorted Batteries would be managed as follows:

- Nickel-Cadmium (NiCd) and Nickel-Metal Hydride (NiMH) (rechargeable batteries): batteries will be packaged in sealed drums and sent to a recycler.
- Alkaline and Zinc-Carbon (non-rechargeable batteries): These batteries are dry-cell batteries and do not contain liquids. Batteries will be packaged for off-site delivery to battery recycling facilities.
- Lithium batteries (including rechargeable lithium-ion batteries and non-rechargeable lithium metal batteries): Lithium batteries that are collected will be taped and packaged in 30kg boxes for transport to a properly licenced commercial recycler. Maximum holding capacity for the site will be 3000kg.

The facility will be set up with fire detection systems, video surveillance, heat detecting cameras, sprinklers, and automated fire suppression systems, including 'Next Generation' fire extinguisher units that have been designed specifically for lithium batteries.

The proposed Battery Sorting and Transfer Facility would be operated predominantly during daytime hours – currently expected to be 8am to 4pm Monday to Friday. The site may need to be accessed outside of hours for maintenance and or cleaning.

The proposed Battery Sorting and Transfer Facility will have an expected maximum capacity of approximately 900 tonnes per annum.

3.0 Planning Context

3.1 Environmental Planning and Assessment Act 1979

The EP&A Act establishes the assessment framework for development in NSW. Pursuant to Part 4 of the EP&A Act development consent is required for the proposed Battery Sorting and Transfer Facility. Pursuant to Section 4.10 of the EP&A Act and Schedule 3 of the EP&A Regulation, the proposed Battery Sorting and Transfer Facility is 'designated development'. The relevant consent authority is Shoalhaven City Council. Section 4.12 of the EP&A Act requires that a DA for designated development to be accompanied by an EIS in the form prescribed by the EP&A Regulation.

3.2 Environmental Planning and Assessment Regulation 2021

Clause 45(2) of Schedule 3 of the EP&A Regulation relates to waste management facilities or works. Waste management facility or works are 'designated development' as follows:

- (2) Development for the purposes of a waste management facility or works is designated development if—
 - (a) *the facility or works sorts, consolidates or temporarily stores waste at a transfer station or material recycling facility for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse, and*
 - (b) *the facility or works—*
 - (i) *handle substances classified in the ADG Code or medical, cytotoxic or quarantine waste.*

As the proposed Battery Sorting and Transfer Facility would 'sort, consolidate or temporarily store' waste materials that are substances classified in the Australian Dangerous Goods Code, the DA will be designated development. Part 8 of the EP&A Regulation sets out the requirements for an EIS, including that it be prepared in accordance with the environmental assessment requirements of the Planning Secretary.

3.3 Protection of the Environment Operations Act 1997

Clause 42 of Schedule 1 of the *Protection of the Environment Operations Act 1997* provides for facilities that store certain types of waste to be licenced by the NSW Environment Protection Authority (EPA). In particular, clause 42(3) provides that a facility that stores in excess of 5 tonnes at any one time of hazardous waste, restricted solid waste, liquid waste or special waste requires licencing. The facility will store waste batteries that would be classified as hazardous waste, restricted solid waste, liquid waste or special waste. As such an Environment Protection Licence is expected to be required, and the DA will be 'integrated development' for the purposes of Section 4.46 of the EP&A Act.

3.4 Blacktown Local Environmental Plan 2015

The site is zoned IN1 General Industrial under the Blacktown LEP. The proposed Battery Sorting and Transfer Facility would be characterised as a 'waste or resource management facility', which is permissible with consent in the IN1 General industrial zone under the Blacktown LEP.

The site is not subject to any other development standards, such as a maximum floor space ratio or maximum building height, under the Blacktown LEP.

The site is subject to a design excellence provision under clause 7.7 of the Blacktown LEP, and the relevant considerations will be addressed in the EIS, including

- The suitability of the land for development.
- Existing and proposed uses and use mix.
- Streetscape constraints and the relationship of the development with other development.
- Environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
- The achievement of the principles of ecologically sustainable development,
- Pedestrian, cycle, vehicular and service access and circulation requirements,
- The impact on, and any proposed improvements to, the public domain.

3.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.153 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, provides that development for the purposes of a 'waste or resource management facility' may be carried out with consent on land zoned IN1 General Industrial.

4.0 Overview of Likely Environmental and Planning Issues

A preliminary environmental assessment of the relevant environmental assessment issues is provided below.

4.1 Traffic

The proposed facility will use the existing driveway access via Tattersall Road and will be predominantly accessed by a range of small and medium sized trucks during normal day time hours. Larger trucks may service the site on an as-needs basis. A Traffic Impact Assessment will be submitted with the EIS, which will confirm appropriate vehicle access for all vehicle types into and around the site.

4.2 Noise and Vibration

The proposed facility will only be operated during the daytime and will not generate significant amounts of noise. It is not likely that the proposed facility will be audible at any sensitive receiver for the following reasons:

- The site will not carry out any processing activities and will be predominantly limited to on-site truck movements by smaller and medium trucks.
- The site will only be operated during day time hours.
- Battery storage and handling activities will take place predominantly within the existing warehouse.
- There is a significant distance to the closest residential receivers and the character of the land uses in-between the site and receivers is an existing industrial area.

As such a noise impact assessment is not considered to be necessary for the EIS

4.3 Air Quality

There are no processing or thermal activities, and the proposal does not involve the handling or storage of dust generating materials. As such, it is not considered likely that the facility would generate any dust or other air pollutants requiring assessment.

4.4 Stormwater

The site is currently 100% impermeable, and elevated slightly above the level of Tattersall Road. Stormwater currently drains from the warehouse roof areas and ground level hard stand areas towards Tattersall Road by a combination of pits and pipes and overland flows. Engineering plans will be prepared to outline the stormwater management measures to be implemented, and the EIS will demonstrate the ability of the proposal to meet Council's requirements in relation to stormwater discharge flow rates and pollution reduction targets.

4.5 Flooding

Breakfast Creek passes through the Kings Hill industrial estate, approximately 250 m south of the site. Breakfast Creek has been channelised through the industrial estate, and is the major floodway for flood events in the locality. The site is separated from Breakfast Creek by existing industrial sites and Tattersall Road. The site is also uphill from Tattersall Road, and so the finished floor level of the existing building is above the level of Tattersall Road. Whilst the proposed development does not involve any changes to existing site levels, the EIS will document the finished floor level of the existing building in the context of the Breakfast Creek flood levels to confirm that the site is not impacted by flooding.

4.6 Contamination

The site is mostly occupied by the existing warehouse building, and otherwise covered in hardstand. The EIS will include a preliminary site investigation to demonstrate that the site is suitable for the proposed use, in accordance with clause 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021*. If remediation is required, then a Remedial Action Plan will be prepared.

4.7 Hazards and Risks

The proposed development will involve the storage and handling of dangerous goods including:

- Class 8 Corrosive Substances – Alkaline, NiCad and NiMH batteries.
- Class 9 Miscellaneous – Lithium batteries.

It is also noted that Zinc-Carbon batteries do not contain Dangerous Goods.

A screening assessment will be carried out as part of the EIS. If the screening thresholds set out in the Department's Applying SEPP 33 Guideline are expected to be exceeded during the operation of the Battery Sorting and Transfer Facility, then a Preliminary Hazards Analysis will be prepared and provided as part of the EIS.

In particular, batteries containing Class 8 substances are generally classified as Packaging Group II, meaning the screening threshold would be 25 tonnes. If this threshold is likely to be exceeded, then a Preliminary Hazard Analysis will be prepared.

Class 9 substances are miscellaneous dangerous goods, which pose little threat to people or property. As such, they do not have a screening threshold.

4.8 Heritage

The site is totally devoid of natural ground, having been covered in hard stand and the existing warehouse building. As such there are no records or landscape features that would indicate the presence of Aboriginal objects. It is expected that the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW would apply, and the proposed development would be able to proceed with caution.

The site is not identified as a heritage item in the Blacktown LEP and is not in close proximity to any identified heritage items or conservation areas.

4.9 Vegetation and Biodiversity Values

The site is devoid of vegetation and is not mapped as containing any biodiversity values under the Shoalhaven LEP Terrestrial Biodiversity Map or the Biodiversity Values Map and Threshold Tool. No vegetation removal would be required as a result of the proposed development and a Biodiversity Development Assessment Report would not be required.

4.10 Bushfire

The site is not located in close proximity to any bushfire prone vegetation. No assessment of bushfire risk is considered to be necessary.

4.11 Visual Amenity

The site is located within an industrial precinct and is surrounded by existing industrial facilities. Notwithstanding this, the site is affected by a design excellence provision under clause 7.7 of the Blacktown LEP. As such, whilst it is highlighted that the built form of the existing warehouse is not proposed to be changed, the EIS will include consideration of the specified matters including:

- Building materials.
- The appearance of the development from the public domain.
- Impacts on view corridors.
- Solar access.
- Bulk, massing and street frontage heights.

4.12 Waste

A waste management plan will be prepared for construction and operation of the facility.

4.13 Consultation

Sell and Parker will arrange a pre-DA lodgement advisory meeting with Blacktown Council.