



STATEMENT OF ENVIRONMENTAL EFFECTS

23-43 and 45 Tattersall Road, Kings Park

Proposed minor changes to approved Kings Park
Metal Recovery, Processing and Recycling Facility
via modification under Section 96(1A) to
Development Application No. SSD 5041 (and as
amended in SSD Mod 1 - 16_8001)

For:

Sell & Parker

Submitted to:

NSW Department of Planning & Environment

Date:

December 2017

2017.0053

Copyright:

The copyright in this work is vested in Higgins Planning and the document is issued in confidence for the purpose only for which it is supplied to the client, it has been prepared with all reasonable skill, care and diligence, and taking into account the timescale and resources allocated to it by agreement with the client. Information herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid. It must not be reproduced in whole or in part except under an agreement with, or with the consent in writing of, Higgins Planning and then only on the condition that this notice appears in any such reproduction. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without the written consent of Higgins Planning. No information as to the contents or subject matter of this document or any part thereof may be given orally or in writing or communicated in any manner whatsoever to any third party without prior consent in writing of Higgins Planning. Higgins Planning disclaims any responsibility to the client and others in respect of any matters outside the agreed scope of the work.

TABLE OF CONTENTS

1.	INTRODUCTION	1
1.1	HISTORY	1
2.	THE SITE	2
2.1	SITE LOCATION AND CONTEXT	2
2.2	SITE DESCRIPTION	2
3.	DESCRIPTION OF THE PROPOSED MODIFICATION	3
3.1	OVERVIEW	3
3.2	WESTERN BOUNDARY ACOUSTIC WALL HEIGHT INCREASE	3
3.2.1	Justification / reason for this change	3
3.3	SINGLE ENTRY WEIGH BRIDGE	3
3.3.1	Justifications / reasons for this change	3
3.4	PROVISION OF NEW AWNING ON WESTERN ELEVATION TO BUILDING C	4
3.4.1	Justification / reason for this change	4
3.5	MODIFICATION OF CONDITION A2 IN SCHEDULE 2 PART A – ADMINISTRATIVE CONDITIONS	5
3.5.1	Justification / reason for this change	5
4.	SECTION 96(1A) ASSESSMENT	6
4.1	ASSESSMENT UNDER SECTION 96(1A)	6
4.1.1	Are the changes of minimal environmental impact?	6
4.1.2	Are the changes substantially the same?	7
4.1.3	Notification Section 96(1A)(c)	7
4.1.4	Consideration of submissions – Section 96(1A)(d)	8
4.1.5	Section 79C of the EP&A Act – Evaluation – Section 96(3)	8
4.2	SECTION 79C(1)(A)(I) – ENVIRONMENTAL PLANNING INSTRUMENTS	9

4.2.1	State Environmental Planning Policies (SEPPs)	9
4.2.2	State Environmental Planning Policy (Infrastructure) 2007	9
4.2.3	State Environmental Planning Policy No 55 – Remediation of Land	9
4.2.4	Regional Environmental Plans (REPs)	9
4.2.5	Local Environmental Plans (LEPs)	9
4.2.6	Section 79C (1)(a)(ii) – Draft Environmental Planning Instruments	10
4.2.7	Section 79C (1)(a)(iii) – Development Control Plans	10
4.2.8	Section 79C (1)(a)(iia) – Planning Agreements	10
4.2.9	Section 79C (1)(a)(iv) – Any matter prescribed by the regulations	10
4.2.10	Section 79C (1)(a)(v) – Coastal zone	10
4.2.11	Section 79C (1)(b) Impact on the Environment	10
4.3	SECTION 79C(1)(C) SITE SUITABILITY	14
4.4	SECTION 79C(1)(E) THE PUBLIC INTEREST	14
4.5	SECTION 91A OF THE EP&A ACT - INTEGRATED DEVELOPMENT.....	14
5.	SUMMARY AND CONCLUSION	15

APPENDICES

- Appendix A: SSD 5041 Development Consent dated 12 November 2015 and NSW Land and Environment Court Consent Orders dated 19 October 2017 – SSD Mod 1 - 16_8001
- Appendix B: Amended Architectural Drawings (reduced)
- Appendix C: Acoustic Assessment
- Appendix D: Traffic and Swept Paths Assessment

LIST OF FIGURES

- Figure 1: Location context

LIST OF TABLES

Nil



LIST OF PHOTOGRAPHS

Photograph 1: View of site frontage to 45 Tattersall Road

Photograph 2: View of site frontage to 45 Tattersall Road

Photograph 3: View of site frontage to 45 Tattersall Road

1. INTRODUCTION

This report constitutes a Statement of Environmental Effects (SEE) accompanying an application under Section 96(1A) of the *Environmental Planning and Assessment Act, 1979* to seek changes to Development Consent No. SSD 5041 dated 12 November 2015 (and as amended by SSD Mod 1 - 16_8001 approved by the NSW Land and Environment Court on 19 October 2017). The original Notice of Determination describes the approved development as: “Increasing the processing capacity of the existing metal recycling facility, including reconfiguration and expansion of the facility into the adjoining site at 23-43 & 45 Tattersall Road, Kings Park”.

This modification seeks a changes which are listed in Section 3 of this report inclusive of justifications for the changes.

This SEE report is submitted to:

NSW Department of Planning and Environment (DP&E)

Address of land affected:

23-43 & 45 Tattersall Road, Kings Park

This SEE report has been prepared on behalf of the applicant Sell & Parker in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg.).

This SEE provides:

- A brief description of the site and locality;
- A description of the proposed development;
- An assessment of relevant environmental planning considerations under Sections 96(1A) and 79C of the EP&A Act including compliance with relevant planning instruments and controls, environmental impacts, site suitability and the public interest; and
- Conclusions on the environmental planning assessment and merits of the proposed development on which this Section 96 application can be supported by The NSW Department of Planning and Environment (DP&E) and granted consent.

1.1 HISTORY

SSD 5041 was approved on 12 November 2015, subject to conditions.

On 19 October 2017, the NSW Land and Environment Court via consent orders issued approval to Modification Application No. SSD Mod 1 - 16_8001 subject to conditions as contained in **Appendix A**.

2. THE SITE

2.1 SITE LOCATION AND CONTEXT

The site is located in the mid-block of Tattersall Road, Kings Park and approximately 2.5 kilometres from the M7. This location is depicted in **Figure 1**. Kings Park is located within the Local Government Area (LGA) of Blacktown City Council, and is located approximately 41.2 kilometres from the Sydney Central Business District (CBD).



Figure 1: Location context (subject site identified by red outline)

Source: Google Earth

2.2 SITE DESCRIPTION

The site is located on the southern side of Tattersall Road, Kings Park (see **Figure 1**). The site has a legal description of Lot 2 in DP 550522 and Lot 5 in DP 7086. The land is relatively flat/level with a fall towards its rear boundary. The site is largely cleared, with the exception of some trees scattered across the perimeter front and rear boundaries.

The existing metal processing plant is obscured from view when travelling along Tattersall Road due to the existing trees at the Tattersall Road frontage of the land between the property boundary and the existing acoustic wall along the frontage of the portion of the site at 45 Tattersall Road. An open stormwater drainage channel runs along the eastern boundary. Adjacent to the site's southern boundary is Breakfast Creek.

3. DESCRIPTION OF THE PROPOSED MODIFICATION

3.1 OVERVIEW

This modification application seeks approval for minor changes to the approved drawings contained in Development Consent No. SSD 5041 dated 12 November 2015, and as amended via Court Orders dated 19 October 2017 issued approval to Modification Application No. SSD Mod 1 - 16_8001 subject to conditions, under Section 96(1A) of the *Environmental Planning and Assessment Act, 1979* (as amended). The changes sought are summarised as follows:

1. An increase in the overall height of the western acoustic wall from 8 metres to 10 metres;
2. Change to a single-entry weigh bridge with the ability to cater for all truck sizes;
3. New awning annex on the western elevation of Building C; and
4. Given the above design changes, condition A2 in Schedule 2 Part A is proposed to be modified as per the drawings in **Appendix B**.

3.2 WESTERN BOUNDARY ACOUSTIC WALL HEIGHT INCREASE

It is requested that condition A2 in Schedule 2 Part A of SSD 5041 Mod 1 - 16_8001 be amended, to allow the overall height of the western acoustic wall to be increased to 10m as shown in the drawings at **Appendix B**.

3.2.1 Justification / reason for this change

The reason for this change is:

- The additional height for the acoustic wall in the location of the original approved wall, has the benefit that it will result in an improved acoustic performance as detailed in the Acoustic Statement included at **Appendix C**.

3.3 SINGLE ENTRY WEIGH BRIDGE

It is requested that condition A2 in Schedule 2 Part A of SSD 5041 Mod 1 - 16_8001 be amended, to detail a single-entry weigh bridge as shown in the drawings at **Appendix B**.

3.3.1 Justifications / reasons for this change

The reasons for the change include:

- The applicant has since gaining approval for SSD Mod 1 - 16_8001 undertaken a more detailed technical review of the performance of the approved design, being the 2-entry weigh bridge structure in terms of its operational and workplace safety processes. As a result of identifying some deficiencies the applicant now proposes a single-entry weigh bridge which seeks the inclusion of improved technology so as to be able to accommodate any sized truck;

- The technical review indicated the layout the approved two weigh bridge operation was very tight between trucks if both weigh bridges were in use;
 - The approved design does not enable face to face interaction between truck drivers and the weigh bridge operator;
 - The operational process was inefficient in that - the truck driver has to get the truck weighed, then drive on, exit the cabin of the truck and pick up the tare receipt/transport documentation. This process is inefficient and has the potential to create incidents;
 - The approved two weigh bridge system has weighbridges of different sizes that catered for different length trucks (the smaller weighbridge for smaller trucks and the larger weighbridge did larger trucks) which is operationally costly;
 - The approved two weigh bridge system is not able to accommodate two trucks moving at the same time, and therefore does not enable appropriate and efficient manoeuvring.
- The benefits of the new one weighbridge system include:
 - one weighbridge using newer technology (that was not available to the market previously) which can accommodate the weighing requirements of all types of trucks;
 - truck drivers can obtain the weighing receipt without the need to leave their truck cabin in a safer manner with inclusion of one weighbridge and the capacity for site staff and the truck driver interaction;
 - As the truck driver does not need to leave their truck cabin, the processes and procedures are safer, and consequently this will provide for a more efficient operation at the entry to the site; and
 - Maintaining the location of the overhead weighbridge office (Building K) ensures safe load inspections.

3.4 PROVISION OF NEW AWNING ON WESTERN ELEVATION TO BUILDING C

It is requested that condition A2 in Schedule 2 Part A of SSD 5041 Mod 1 - 16_8001 be amended, to provide a new awning annex on the western elevation of Building C as shown in the drawings at **Appendix B**

3.4.1 Justification / reason for this change

The reasons for the change are:

- The approved plan allowed for floc to be delivered via conveyor belts to Building C, and removed by trucks. The trucks were to be loaded inside Building C. This resulted in tight truck manoeuvring within Building C.
- The benefit of the new awning annex on the western elevation of Building C is that it will provide for trucks to load floc out of Building C in a weather protected enclosed annex, in only a forward direction, resulting in a safer and more efficient process.

3.5 MODIFICATION OF CONDITION A2 IN SCHEDULE 2 PART A – ADMINISTRATIVE CONDITIONS

It is requested that condition A2 in Schedule 2 Part A – Administrative Conditions be amended to enable the drawings included at **Appendix B** to replace the drawing information referenced in condition A2 documentation.

Please note all changes are shown with clouding on the amended site plan and elevations attached at **Appendix B**, changes to condition A2 are shown in bold for additions and deletions with strike-through:

TERMS OF CONSENT

A2. *The Applicant shall carry out the Development in accordance with the:*

- a) *EIS prepared by ERM dated July 2014;*
- b) *Response to Submissions report prepared by ERM dated 7 January 2015;*
- c) *Supplementary Response to Submissions prepared by Mecone dated 30 June 2015;*
- d) *Supplementary Response to Submissions prepared by Sell and Parker Pty Ltd dated 3 September 2015;*
- e) *Site layout plans and drawings (see **Appendix B A**);*
- f) *Management and Mitigation Measures (see Appendix B);*
- g) *Modification Application SSD 5041 MOD 1 and accompanying document titled Statement of Environmental Effects 23-43 and 45 Tattersall Road, Kings Park dated August 2016 prepared by Higgins Planning, additional information from Higgins Planning dated 22 December 2016, further additional information from Allens and Linklaters dated 9 February 2017 and the Town Planning Report prepared by Ethos Consulting on 29 September 2017;*
- h) *Modification Application SSD 5041 MOD 2 and accompanied document titled Statement of Environmental Effects 23-43 and 45 Tattersall Road, Kings Park dated December 2017 prepared by Higgins Planning.***

The amended drawings in **Appendix B**, show proposed changes with clouding and additional annotations.

3.5.1 Justification / reason for this change

The reason for the change to condition A2 is so as the approved drawings reflect the information referenced in the sections 3.2 to 3.4 above when approved in this Modification.

4. SECTION 96(1A) ASSESSMENT

For the purposes of this assessment, it is considered that the nature of the changes proposed to modify condition A2 in Schedule 2 Part A – Administrative Conditions would ordinarily be considered by the Minister (as the consent authority) under Section 96(1A) of the EP&A Act, which states:

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

Further, an assessment of the proposed changes in relation to Section 79C(1) has been completed in **Section 4.1.5** of this SEE so as to address the provisions of Section 96(3) of the EP&A Act which also state:

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.*

The following sections provide an assessment under Section 96(1A) of the EP&A Act.

4.1 ASSESSMENT UNDER SECTION 96(1A)

As such, an assessment of the proposed changes under Section 96(1A) has been prepared to assist DP&E prepare an assessment report for determination by the Minister (or his delegate) in the consideration of this application.

4.1.1 Are the changes of minimal environmental impact?

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*

The proposed changes will have minimal or no environmental impact. The minor modifications to condition A2(e) and inclusion of condition A2(h) detailed previously in this report, will retain the intent of all the existing conditions. The location of the main elements of the approved development will remain the same, as demonstrated in the architectural drawings included at **Appendix B**.

It is considered the change to condition A2(e) and inclusion of condition A2(h) and the associated site plan and elevations will be of minimal environmental impact as the use of the land will be unchanged, the intensity of the approved use will not be altered, when compared to the previously approved plans and outcome in Development Consent No. SSD 5041 and Mod 1.

As such, the proposed modification will have minimal or no environmental impact.

4.1.2 Are the changes substantially the same?

The provisions of Section 96(1A) require consideration of the “substantially the same test”, which requires the Minister to determine as the consent authority whether the proposed changes individually and subsequently as a whole are “substantially the same”, based on:

- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

The proposed change to condition A2(e) is minor when considering the development consent that was originally granted. The proposed minor changes to the site plan and elevations will not alter the original intent of the proposed development.

The nature of the proposed modifications will result in a development which is substantially the same as that currently approved, as the approved usage of the land will not be altered, and neither will the footprint be altered, rather the proposal generally involves minor refinements to the existing approval. The location of the main elements of the approved development will remain the same, as demonstrated in the architectural drawings included at **Appendix B**.

The intensity of the proposed development when compared to the approved development is exactly the same as described in the current approval. No changes are proposed to the approved usage of the land or its approved intensity.

The proposed changes individually are minor when considering the development consent that was originally granted. The proposed minor changes will not alter the original intent of the proposed development which will remain substantially the same. Importantly, it is noted that the proposed changes will not result in the operational design of the approved metal processing and recycling facility being enlarged.

The proposed modifications are considered minor as they do not change the principle design intent of the approved buildings to be used as part of the metal processing and recycling centre or the overall operation of conditions of the Development Consent.

Hence, it is considered that the proposed amendment is individually minor and as a whole, will result in substantially the same development as that originally approved. As such, DP&E can be satisfied that the proposed changes will result in a development which is substantially the same and therefore is consistent with Section 96(1A) of the EP&A Act.

4.1.3 Notification Section 96(1A)(c)

The provisions of Section 96(1A)(c) requires the consent authority to also consider the following:

- (c) it has notified the application in accordance with:*

- (i) the regulations, if the regulations so require, or*
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

The proposed modifications will not generally result in an increase in the height of the approved buildings, except for the acoustic wall on the western boundary which is discussed in Section 4.2.11 in detail, rather there will be a minor improvement in the acoustic performance of the site. The proposed modifications will not substantially change the development to what was originally approved and there will be no disadvantage caused to adjoining property owners.

4.1.4 Consideration of submissions – Section 96(1A)(d)

DP&E at the conclusion of a notification period is required to consider any submissions received in accordance with Section 96(1A)(d) which states:

- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

It is understood that DP&E will consider any planning issues raised in submission/s as part of the assessment of the application.

4.1.5 Section 79C of the EP&A Act – Evaluation – Section 96(3)

Section 96(3) of the EP&A Act states:

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.*

Section 3 of this SEE report provides an assessment under Section 79C of the *Environmental Planning and Assessment Act 1979*, as follows. This section of the SEE provides an assessment of the relevant environmental planning issues associated with the proposed development in accordance with Section 79C(1) of the EP&A Act, which states:

“79C(1) Matters for consideration – general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:*
- (i) any environmental planning instrument, and*
 - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.”*

4.2 SECTION 79C(1)(A)(I) – ENVIRONMENTAL PLANNING INSTRUMENTS

Those primary matters under Section 79C(1)(a)(i) of the EP&A Act include *Local Environmental Plans* (LEPs), *Regional Environmental Plans* (REPs) (now deemed SEPPs) and *State Environmental Planning Policies* (SEPPs).

4.2.1 State Environmental Planning Policies (SEPPs)

The application is not considered to trigger any new assessable consideration under any SEPP which was considered acceptable in the original assessment and issuing of Development Consent No. SSD5041 or Mod 1.

4.2.2 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (“Infrastructure SEPP”) aims to provide for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing. The provisions of the Infrastructure SEPP are not triggered by the proposal.

4.2.3 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) relates to the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected and requires councils to be notified of all remediation proposals. The *Managing Land Contamination: Planning Guidelines* were prepared to assist assessment authorities and developers. The provisions of SEPP 55 are not triggered by the proposal.

4.2.4 Regional Environmental Plans (REPs)

The application is not considered to trigger any new assessable consideration under any REP which was considered acceptable in the original assessment and issuing of Development Consent No. SSD 5041.

4.2.5 Local Environmental Plans (LEPs)

The main environmental planning instrument which affects the proposed development is the *Blacktown Local Environmental Plan 2015* (BLEP 2015). The general external configuration of the approved development and site layout will not be altered by this application, and as such no new assessment matters are triggered under the BLEP 2015.

4.2.6 Section 79C (1)(a)(ii) – Draft Environmental Planning Instruments

The application is not considered to trigger any new assessable consideration under any draft environmental planning instruments which were considered acceptable in the original assessment.

4.2.7 Section 79C (1)(a)(iii) – Development Control Plans

The proposal is not considered to trigger any new assessable matter under the Blacktown Development Control Plan.

4.2.8 Section 79C (1)(a)(iiia) – Planning Agreements

There is no VPA in relation to the subject site or Development Consent No. SSD 5041 and Mod 1.

4.2.9 Section 79C (1)(a)(iv) – Any matter prescribed by the regulations

The application is not considered to trigger any new assessable consideration under the *Environmental Planning and Assessment Regulation 2000* (EP&A Regs.) which was considered acceptable in the original assessment and issuing of Development Consent No. SSD 5041 and Mod 1.

4.2.10 Section 79C (1)(a)(v) – Coastal zone

The site is not impacted by the *Coastal Protection Act 1979* and this application will not alter that circumstance.

4.2.11 Section 79C (1)(b) Impact on the Environment

Pursuant to Section 79C (1)(b) of the EP&A Act, ‘the likely impacts of that development’ have been considered as follows:

4.2.11.1 Context and setting

The context and setting of the approved development will not be altered by the proposed modification as detailed in the minor changes on the amended drawings.

4.2.11.2 Assessment of the potential visual impacts of the modification on the amenity of the surrounding area

The proposal seeks the modification of the height of the acoustic wall along the western boundary from 8 metres to 10 metres in height.

As previously discussed, the reason for this change is:

- The additional height for the acoustic wall has the benefit that it will result in an improved acoustic performance as detailed in the Acoustic Statement included at **Appendix C**.

It is considered that the visual impact assessment included within the original EIS is generally unchanged, the proposed change to the acoustic wall height is minor and is considered generally consistent with the original EIS and therefore would not result in any significant adverse impacts to the existing streetscape or trees in the front setback area which will be supplemented as detailed in Mod 1 (which is not proposed to be altered). The proposed modification will not result in any adverse impacts to the existing streetscape.

4.2.11.3 Assessment of noise including demonstrating that moving the acoustic barrier will not result in any additional noise impacts

The applicant has sought advice from their acoustic consultants at Renzin Tonin who have assessed the changes proposed in this modification application and advise:

A review of the proposed Section 96 design changes to the acoustic treatment for Kings Park Waste Metal Recovery, Processing and Recycling Facility showed that predicted noise levels at the identified receiver locations will be the same or lower than presented in the previous report. All identified receiver locations were found to comply with the nominated noise criteria in the previous report, and with the Section 96 design changes all identified receiver locations will comply with the nominated noise criteria.

A copy of this advice is enclosed at **Appendix C**.

4.2.11.4 Assessment of the swept paths

The site plan included at **Appendix B**, demonstrates the movement of trucks through the site including the swept path movements. These swept path movements demonstrate that trucks are capable of manoeuvring through the site and that the proposed minor amendment will not result in unacceptable truck movements.

The traffic and swept path assessment in **Appendix D** demonstrates the location of the single-entry weigh bridge and the location of the awning annex on the western elevation of Building C are both acceptable..

4.2.11.5 Assessment of the soil and water management plan to confirm whether any revisions would be required

It is the applicant's opinion that there is no need for a further soil and water management plan at this stage of the development process, particularly given that the assessment of soil and water management have already been imposed as conditions on the existing development consent and this application does not seek to modify any of those conditions which are required to be satisfied prior to issue of a Construction Certificate or commencement of construction.

The applicant has achieved satisfactory signoff for the various management plans following a long process of liaising with staff at DP&E to address conditions as imposed in Development Consent No. SSD 5041 which required management plans to be prepared. When this application is approved (Mod 2), the various management plans can be adjusted accordingly.

4.2.11.6 Access, traffic and parking

No change is proposed to the location of approved access and egress points in and out of the site, nor is any change proposed to the general movement of trucks through the site and the location of parking spaces, with this application compared to the approval. The single-entry weigh bridge maintains the previously approved swept paths. The swept paths for the awning annex on the western elevation to Building C has been designed to accommodate the required manoeuvring as demonstrated in the drawings in **Appendix B**, and supported by the Traffic and swept path assessment in **Appendix D**.

4.2.11.7 Public domain

No changes are proposed to the public domain as a result of the proposed modification.

4.2.11.8 Utilities

No additional matters arise with respect to the proposed modification when compared to the original DA. Therefore, no adverse impact arises from the Section 96.

4.2.11.9 Heritage

No change with this application.

4.2.11.10 Water

The proposed modification is not considered likely to give rise to a change in the approved water management. The relevant water management plan required by condition B4 can be updated accordingly upon achieving an approval. Therefore, no adverse impact arises from the Section 96.

4.2.11.11 Air and microclimate

The proposed modification is not considered likely to give rise to a change in the approved microclimate. Therefore, no adverse impact arises from the Section 96.

4.2.11.12 Flora and fauna

No new assessable matters arise with the proposed modification. Therefore, no adverse impact arises from the Section 96.

4.2.11.13 Waste

No change with this application.

4.2.11.14 Energy

No new energy requirements and provisions will result from the proposed modification compared to that which was already approved. Therefore, no adverse impact arises from the Section 96.

4.2.11.15 Natural hazards

It is considered that the proposed modification will not give rise to any new assessable matter which was considered acceptable in the original assessment and issuing of Development Consent No. SSD 5041.

4.2.11.16 Social impact in the locality

The S96 will not result in any new matters associated with social impacts. As such, it is considered that the proposed Section 96(1A) is acceptable with regards to social impact.

4.2.11.17 Economic impact in the locality

The S96 will not result in any new matters associated with economic impacts other than operational efficiencies.

4.2.11.18 Cumulative impacts

The nature of the modification is such that it results in a development which is substantially the same as the approved development. It is considered that the proposed modification is minor in nature and the use of the site will not be changed, and as such there will not be any cumulative impacts arising from the proposed modification to warrant refusal.

4.3 SECTION 79C(1)(C) SITE SUITABILITY

The site is suitable for the proposed modifications in the following respects:

- a. It is located on land zoned IN1 General Industrial which permits the metal recycling processing plant and its expansion and associated ancillary development; and
- b. There are no environmental constraints of such significance as to preclude the proposed modified drawing and condition.

4.4 SECTION 79C(1)(E) THE PUBLIC INTEREST

The proposed modification is in the public interest in providing for a more efficient delivery of the project in order to support the local community expectations without any unreasonable impact on the environment.

4.5 SECTION 91A OF THE EP&A ACT - INTEGRATED DEVELOPMENT

The provisions of Section 91 of the EP&A Act states:

91 What is “integrated development”?

(1) Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals:

Under the provisions of Section 91A of the EP&A Act, where a proposed development triggers the requirements for an approval from a State Government department, agency or authority a proposal is integrated.

5. SUMMARY AND CONCLUSION

This application seeks to modify Development Consent No. SSD 5041 and Mod 1, under the provisions of Section 96(1A) of the EP&A Act. The nature of the proposed modifications is such that the changes do not trigger any new assessment considerations under the Blacktown *Local Environmental Plan 2015* or other EPIs applying to the site.

It is considered that the nature of the modification is minor, will have minimal environmental impact, will result in a development which is substantially the same as that which was approved on the land, and as such the modification is consistent with Section 96(1A) and can be supported by DP&E.

We look forward to DP&E's favourable consideration of this application and would be pleased to discuss any aspects of the proposal with DP&E during consideration of this application.



APPENDIX A

SSD 5041 Development Consent and LEC Consent Orders Mod 1 Approval



APPENDIX B

Amended architectural drawings (reduced)



APPENDIX C

Acoustic Assessment

APPENDIX D

Traffic and swept path assessment

