

ASSESSMENT REPORT

Section 75W Modification Visy Pulp and Paper - Pipe Bridge (13/94 Mod 6)

1. BACKGROUND

Visy Industries (Visy) own and operate paper making, cardboard box manufacturing and a materials recovery facility in an area around Smithfield in the Holroyd local government area (see **Figure 1**). These facilities operate under a Ministerial consent and a number of development consents granted by Holroyd City Council.

Under the Ministerial consent (DA 13/94), Visy is permitted to operate:

- a material recovery facility – which can recover up to 275,000 tonnes per annum of waste paper and cardboard; and
- a cardboard plant – where it may produce up to 75,000 tonnes of cardboard per annum from recycled paper and cardboard.

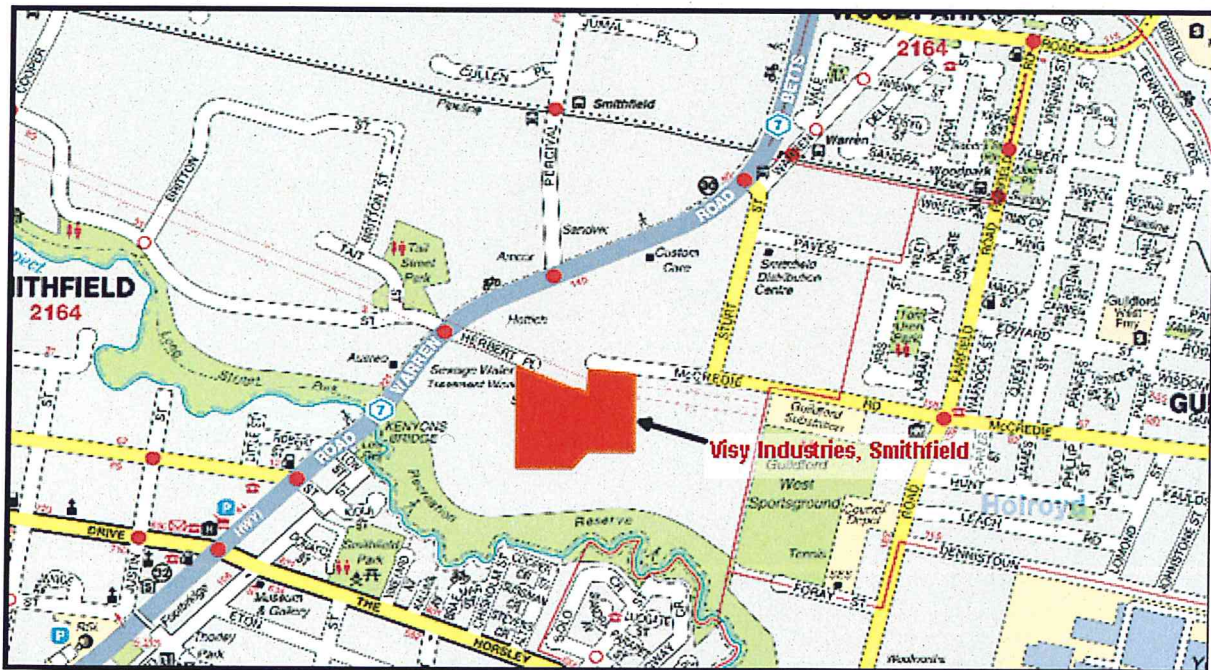


Figure 1: Site location

The Ministerial consent has been modified on a number of previous occasions to provide for various upgrades and improvements to Visy's operations. This has included the addition of a range of infrastructure, such as a new wastewater treatment plant (WWTP) and an additional Materials Recycling Facility (MRF) (see **Figure 2**).

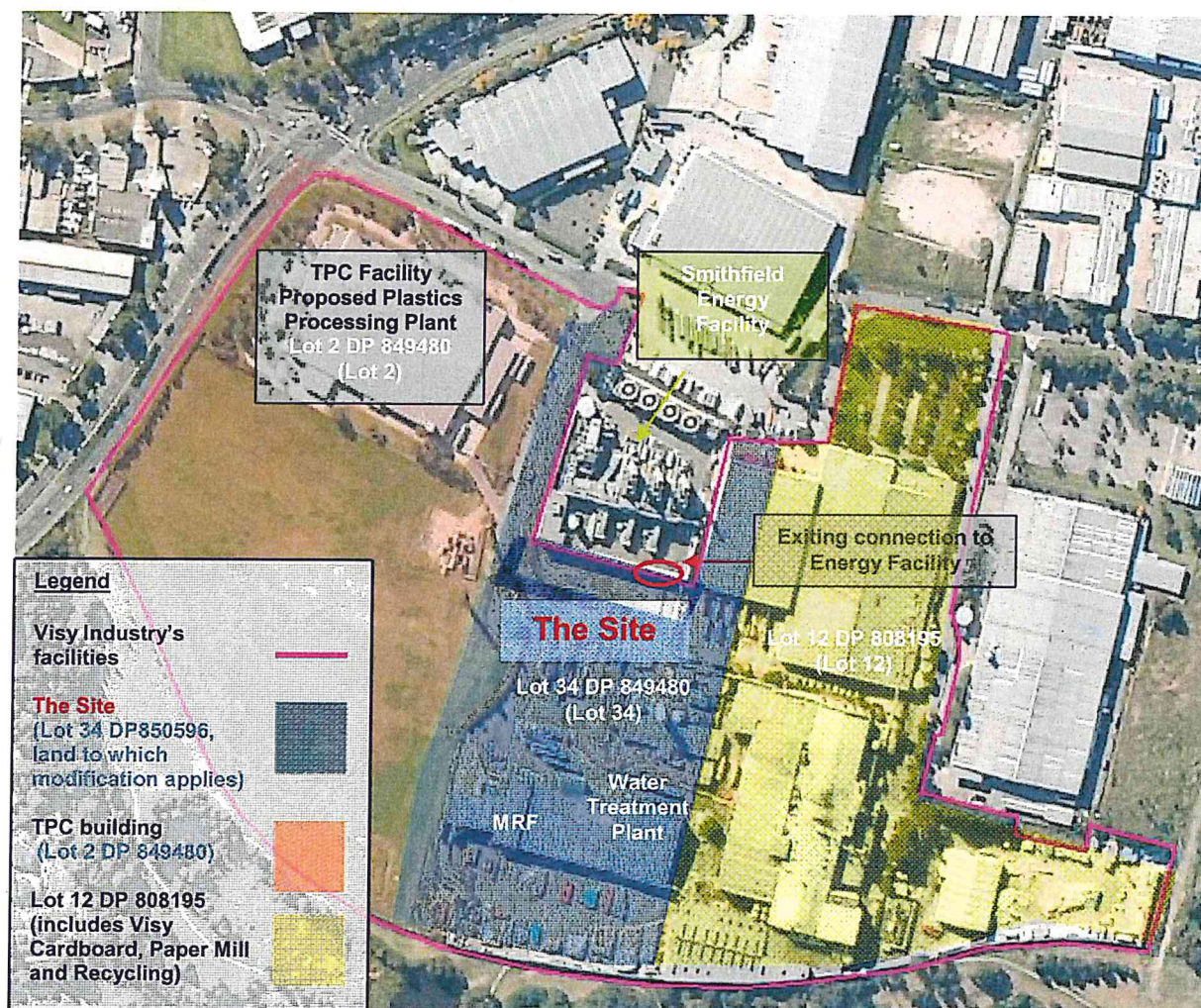


Figure 2: Current Site Layout

Under a Council consent, Visy were permitted to operate a cardboard box manufacturing facility (TPC Facility) on Lot 2 DP 849480 (Lot 2) (see **Figure 2**).

In March 2012, Visy lodged an application with Council to convert the TPC Facility to a plastics processing plant. To operate this facility, Visy requires steam, electricity and access to a wastewater treatment plant. These services are available on the adjoining lot, Lot 34 DP 850596, the land to which Visy's Ministerial consent applies (the Site).

To facilitate access to the above required services, Visy has concurrently lodged an application with the Department to modify its Ministerial consent (DA 13/94) to construct a services pipe bridge. The pipe bridge would extend from the WWTP on the Site, to the plastics processing plant. The pipe bridge would also connect to the adjacent Smithfield Energy Facility via an existing connection on the Site for the supply of power.

2. PROPOSED MODIFICATION

On 13 April 2012, Visy Packaging Pty Ltd submitted a modification application (DA 13/94 Mod 6) under 75W of the EP&A Act (see **Appendix A** for a copy of application supporting the proposal) seeking to:

- construct a new services pipe bridge from Lot 34 DP 850596 (the land to which this modification applies) to the boundary of Lot 2 DP 849480 (the land to which Council's consent applies);
- allow for the treatment of wastewater from the proposed plastics facility at the existing WWTP;
- permit the use of the Site's turnaround bay and weighbridge for operational traffic associated with the adjoining plastics processing plant; and
- make some minor administrative changes to the consent.

Further detail on each of the components of the modification application is provided below.

2.1 Pipe Bridge

As part of the proposal, part of an existing pipe bridge would be replaced and additional sections of pipe bridge would be constructed.

The proposed services pipe bridge would carry pipes to allow for:

- the transfer of steam power from the Smithfield Energy Facility to the plastics processing plant;
- electrical services from the existing substation on Lot 12 to the plastics processing plant;
- the transfer of pre-treated wastewater from the plastics processing plant to the existing WWTP on the Site for treatment; and
- the transfer of steam condensate from the plastics processing plant back to the Smithfield Energy Facility (see **Figure 3**).

The existing pipe bridge located on Lot 34 is depicted by a solid red line in Figure 3 and the proposed extension is depicted by a broken red line. The new pipe bridge would extend from the Smithfield Energy Facility west onto Lot 2 and south via an existing (upgraded) pipe bridge to the WWTP.

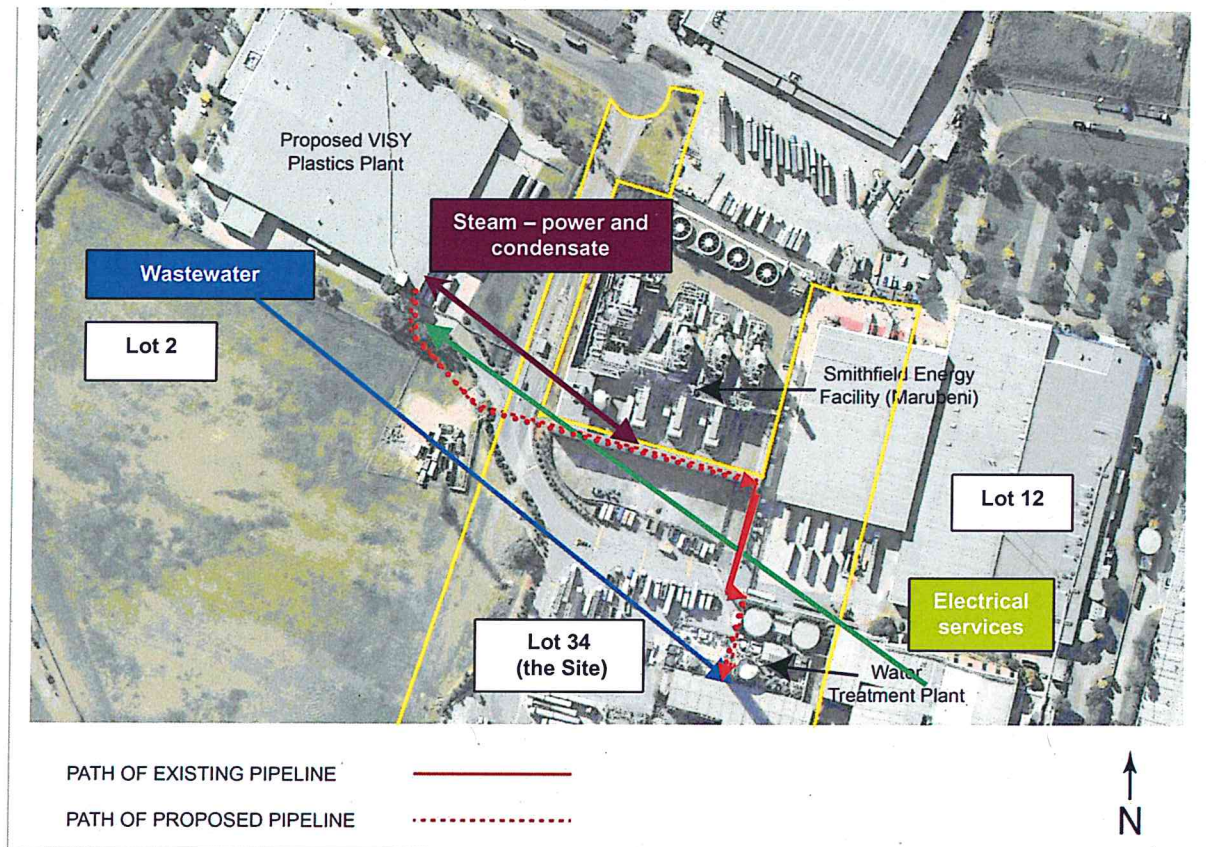


Figure 3: The pipe bridge route

Construction of the pipe bridge would take approximately 3-4 weeks and involve:

- excavation (by boring) and construction of eighteen (18) reinforced concrete pile foundations for the new pipe bridge columns; and
- installation of approximately eighteen (18) x 8 metre high structural steel columns and truss beams; and
- extension of the bridge platform.

2.2 Wastewater

The proposed plastics processing plant would generate approximately 0.25 mega litres (ML) of wastewater per day. This wastewater would be pre-treated to remove solids, adjust temperature and

pH, before being transferred via the proposed pipe bridge to the WWTP on the Site for treatment. During emergencies, an additional 0.05 mega litres of wastewater may also be piped to the WWTP for treatment.

2.3 Shared Infrastructure Use & Traffic

Visy is also seeking approval for the traffic associated with the proposed plastics processing plant (on Lot 2) to use the existing weighbridge and turning circle on the Site (see **Figure 4**). To facilitate this traffic movement, Visy proposes to create easements over Lot 34 to allow for the use of the Site for this purpose.

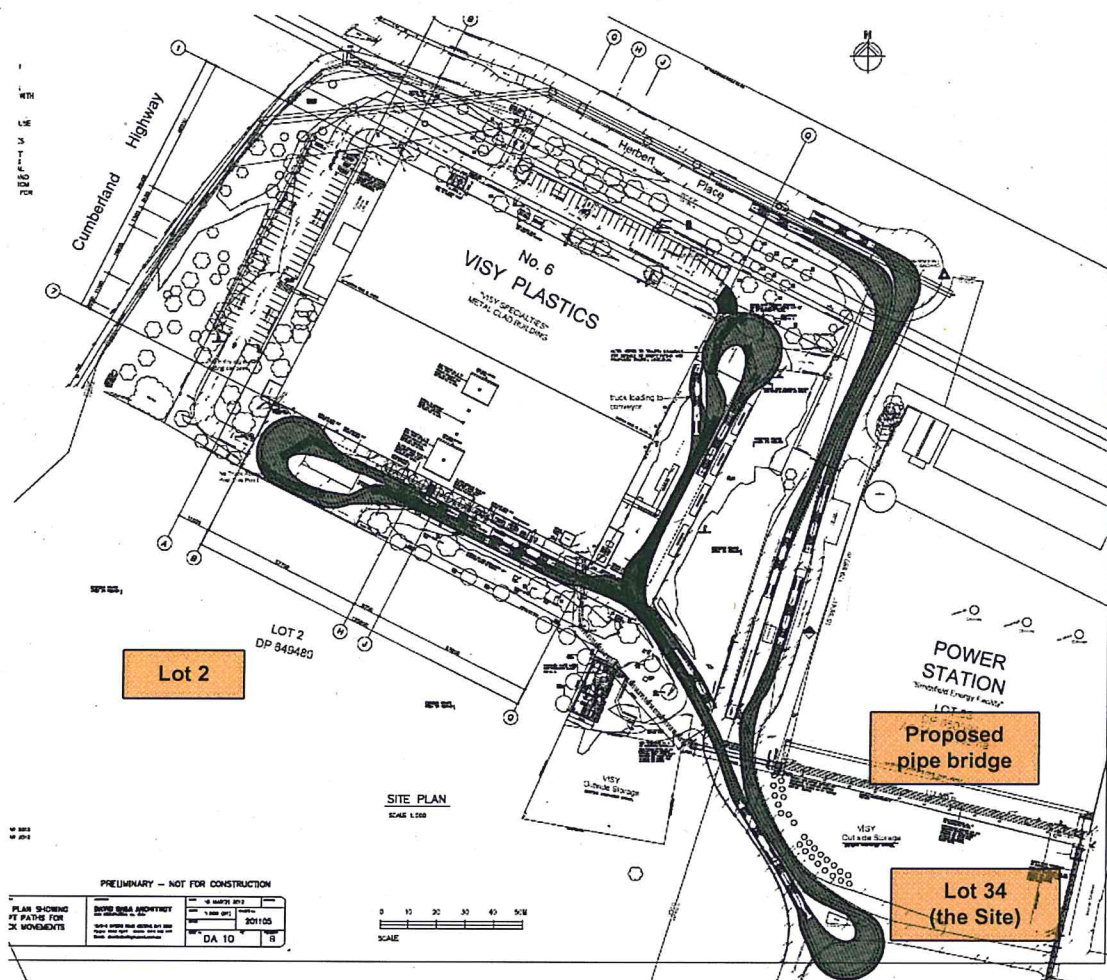


Figure 4: Proposed Swept Paths

2.4 Administrative changes

In addition to the proposed infrastructure, Visy is also seeking a number of administrative changes to the consent conditions. These include:

Conditions 15b (Noise) and 29 (Odour)

Visy is seeking to remove the reference to the "whole factory" within Conditions 15b, which relates to the noise limits and condition 29, which relates to odour performance, from the current consent.

In both of these conditions, the "whole factory" refers to Visy Recycling, Visy Paper, Visy Board, TPC Facility and the Smithfield Energy Facility gas fired co-generation plant. As the TPC Facility operates under a Council consent and the Smithfield Energy Facility operates independently under a separate consent, Visy is seeking to amend the conditions to remove the reference to these other operations as they do not form part of the Ministerial approval (DA 13/94).

Section 75W of the Act as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to this development consent in accordance with Clause 12 of Schedule 6A of the Act

The Minister has delegated his functions to determine Section 75W modifications to the Department where:

- the council has not made an objection;
- there are less than 10 public submissions objecting to the proposal; and
- a political disclosure statement has not been made in relation to the application.

There have been no submissions received from the public and Council has not made an objection to the proposal. There has also been no political disclosure statement made for this application or for any previous related applications, and no disclosures made by any persons who have lodged an objection to this application.

Accordingly the application is able to be determined by the Executive Director, Major Projects Assessment under delegation.

Section 75W

Under Section 75W of the EP&A Act, the Minister is obliged to be satisfied that what is proposed is indeed a modification of the original proposal, rather than being a new project in its own right.

The Department has reviewed the scale and nature of the proposed modification, and is satisfied that it can be characterised as a genuine modification of the original project as:

- it involves only minor changes to the approved project to allow the construction of a pipe bridge to carry services to and from the adjacent facility as well as allowing for the use of the Site's turning circle, weighbridge and wastewater treatment plant; and
- the project as modified could be carried out with some minor amendments to the existing conditions of approval.

4. CONSULTATION

Under Section 75W of the EP&A Act, the Department is not required to notify or exhibit the application. Following a review of the application the Department made the environmental assessment (EA) for the proposal publicly available on its website and sought submissions from the Environment Protection Authority (EPA) and Holroyd City Council (Council). Consultation with other government agencies and neighbouring sites was considered to be unnecessary as the environmental impacts of the proposal would essentially remain unchanged.

The **EPA** raised no concerns and considers that the existing licence conditions would be adequate for the regulation of the site including the proposed modifications. However, it advised that the Proponent must comply with the requirements of the EPA's *Interim Construction Noise Guidelines* (ICNG) while undertaking the construction works. In addition the EPA identified that although the Proponent is Visy Packaging Pty Ltd ABN, it's Visy Paper Pty Ltd, which is licensed to operate on the site. As such Visy Paper Pty would be required to apply to the EPA before carrying out the works.

Council did not object to the proposal. Council's comments primarily related to its assessment of the development on Lot 2, however, it did discuss the requirement for easements for the pipe bridge and traffic circulation.

Copies of these submissions are included in **Appendix B**.

5. ASSESSMENT

During its assessment of the merits of the proposed modification, the Department has reviewed the:

- the environmental impact statement, and Minister's consent for the original approval;
- the Environmental Assessment of the proposed modification;
- submissions on the proposed modification; and
- relevant policies and guidelines.

The assessment is outline in Table 1 below.

Table 1 – Assessment of Issues

Issue	Consideration	Recommendation
Water	- The Wastewater Treatment Plant has the capacity to treat a maximum of 2 ML of wastewater per day. - Visy has identified that the plant currently processes around 1.4-1.6 ML per day for existing operations, leaving spare capacity of 0.4 to 0.6 mega litres. - Visy's proposed plastics manufacturing facility would generate approximately 0.25 ML of wastewater per day. - Even during emergency situations (when the plant on Lot 2 requires emptying quickly) the WWTP would still have sufficient capacity to treat the additional 0.05 ML it may require. - Visy has also confirmed that the contaminants in the effluent from the proposed plastics plant would be able to be treated by the WWTP. - The Department is satisfied that the WWTP has the capacity and ability to treat the additional wastewater from the proposed plastics processing facility.	No change to existing conditions.
Odour	- The original application for the WWTP included a detailed odour assessment. - Visy have confirmed that the odour assessment was based on the WWTP's maximum capacity and that operational inspections have measured ground level odour concentrations lower than the predicted levels. - As such, the Department is satisfied that the additional wastewater would not cause offensive odours. - The EPA also did not raise any concerns in relation to odour. - As existing conditions require the applicant to ensure that the facility comply with Section 129 of the <i>Protection of the Environment Operations Act 1997</i>, no additional conditions have been recommended.	No change to existing conditions.
Traffic impacts	- Visy estimates that some 17 trucks associated with the adjacent plastics processing facility would utilise the Site's turning circle and weighbridge per day. - The Department considers that an additional 17 heavy vehicles, which equates to only a 3% increase from the number assessed and approved (542), is unlikely to have any additional impact on traffic circulation within Visy's site. - Notwithstanding, to reduce the potential for any impacts on traffic within the Site, the Department recommend that Visy prepare and implement a revised Traffic Management Plan which reflects the modification and additional movements.	Recommended conditions require the Proponent to: Prepare and implement a revised Traffic Management Plan prior to commencement of operation of modification 6, to the satisfaction of Holroyd Council.
Noise	- Visy predicted that the cumulative construction noise impacts (from construction of the proposed plastics processing facility on Lot 2 and the modification) would be similar or less than the current ambient noise levels, with a maximum predicted level of 51dB(A). - Notwithstanding, Visy has proposed a number of management measures to address potential noise impacts during construction including: management of reversing alarms, notification to affected residents, turning off machinery when not in use, and adopting standard construction hours. - The EPA raised no concerns over noise, however it indicated any noise would need to comply with the EPA's <i>Interim Construction Noise Guidelines</i>. - The Department is satisfied that, particularly given the short duration of the works (3-4 weeks) and distance to	No change to existing conditions.

Issue	Consideration	Recommendation
	sensitive receivers (350m), construction noise would be adequately managed.	
Soil and erosion	- To address potential soil and erosion impacts during construction, Visy proposes to: - construct stabilised temporary access roads; - install sediment fences and hay bales; and - implement the existing conditions of consent requiring sediment and erosion control during construction. - The Department is satisfied that any potential erosion and sediment impacts from the proposed modification can be adequately managed.	No change to existing conditions.
Administrative amendments to Conditions	- Conditions 15b and 29 of the consent relates to Visy's requirements to comply with the relevant noise limits and odour performance criteria. - However, both conditions make reference to compliance having to be satisfied for the "whole factory", which is referred to as Visy Recycling, Visy Paper, Visy Board, The TPC Facility and the Smithfield Energy Facility gas fired co-generation plant. - The TPC Facility is located on Lot 2 and operates under a separate Council consent. - Similarly, the Smithfield Energy Facility also operates under its own instrument and under a separate Environmental Protection Licence (EPL). - Both the EPA and Department consider that it is appropriate to remove the reference to both the Smithfield Energy Facility and The TPC Facility from the instrument. - The Department is also satisfied that the recommended change would still ensure both odour and noise from the Site are managed appropriately.	Recommended Conditions replace reference to the "whole Facility" with the "Plant" in Conditions 15b and 29.
Land to which the consent applies	- The original development consent was granted over Part Lot 19 DP 599957, Part Lot 1 DP 224162 and Part Lot 1 DP 528682. - Since then, parts of the land have been subdivided and other parts consolidated so that the Lot and DP numbers no longer correspond with those in the original consent. - The EPA raised concerns that the area of Lot 12 was not included in the original consent and that additional infrastructure which has been approved since then have also not been identified as being located on Lot 12. - The Department recommends that the Lot numbers to which the Development relates are updated to reflect the land over which the original consent was granted.	The Department recommends that the land to which the consent applies is updated to Lot 34 DP 850596 and part Lot 12 DP 808195.

6. CONCLUSION

The Department has assessed the merits of the proposal in accordance with the requirements of the EP&A Act.

This assessment has found that the proposed modification is minor in nature and would not increase impacts of the development beyond those originally assessed and approved. Construction of the Project can be managed by existing conditions of approval. There would be negligible operational impacts.

Consequently, the Department believes the proposal should be approved subject to some minor amendments to the existing conditions of approval.

7. RECOMMENDATION

It is RECOMMENDED that, as delegate for the Minister, the Executive Director, Major Projects Assessment:

- **consider** the findings and recommendations of this report;
- **determine** that the proposed modification is within the scope of section 75W of the EP&A Act;
- **approve** the application subject to conditions; and
- **sign** the attached notice of modification (**Appendix C**).


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11/7/12.


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16.7.12