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Department Generated Correspondence (Y)



Planning

ASSESSMENT REPORT

Clyde Waste Transfer Terminal Section 96(1A) Modification

1. BACKGROUND

The Clyde Waste Transfer Terminal is located off Parramatta Road in the Auburn local government area (see Figure 1).



Figure 1 - Clyde Waste Transfer Station

Veolia Environmental Services (Veolia) currently operates the terminal under a development consent that was granted by the Parliament under the *Clyde Waste Transfer Terminal (Special Provisions) Act 2003*.

Under this consent, Veolia is allowed to receive up to 500,000 tonnes of putrescible waste a year at the terminal from a range of locations in the Sydney region, pack this waste into

containers, and then rail it to its Crisps Creek Intermodal Terminal for disposal at its Woodlawn Landfill near Goulburn.

During the assessment of the proposal the independent assessor recommended a condition requiring environmental monitoring of fine particles, odour, carbon monoxide and other pollutant concentrations in the residential and commercial environs of the transfer terminal.

The Department agreed generally with the monitoring program suggested by the independent assessor, and recommended further monitoring requirements be imposed in addition to the monitoring required by the EPA, including the development of a *Dust Management Plan* as outlined in Conditions 49 and 97 of the development consent.

Another issue of consideration for the original proposal was the likelihood of an increase in noise impacts at surrounding residential receivers as a result of operations at the waste transfer station. The Department included conditions 108, 109 and 110 in the development approval, requiring Veolia to adhere to noise criteria levels at surrounding residential receivers and to monitor noise emissions during the operational stage of the development.

In April 2007 the Director-General, as delegate for the Minister of Planning, approved modification application MOD-133-11-2006, to amend the existing odour control equipment used on site. In the Notice of Modification the Department included condition 108A requiring the Applicant to submit a noise assessment for approval by the Director-General, which included a plan to monitor noise impacts at a nearby residential receiver. This was implemented as a means of ensuring that the proposed modification would not result in increased noise impacts for surrounding sensitive receivers.

Noise and dust monitoring continues to be undertaken on site and at a nearby residential property (see Figure 2). However, Veolia has advised that they are now unable to comply with the monitoring requirements of the conditions 49, 97, 108, 108A, 109 and 110 as:

- the Applicant is no longer allowed access to the premises located at 10 William Street, Granville, due to change of ownership; and
- an attempt to source an alternative site in the area was unsuccessful.

Veolia has requested that conditions 108-110 be deleted from the consent, which would remove the requirement to undertake noise monitoring at both the terminal and the residential premises. Also, that condition 97 be deleted from the consent, with an amendment made to condition 49, to remove the requirement to monitor dust and TSP levels at the residential property.

2. PROPOSED MODIFICATION

The proposed modification involves removing the noise and dust monitor from the nearest residential receiver to the terminal, at 10 William Street, Granville, as well as discontinuing to monitor noise emissions at the waste terminal. Veolia is seeking approval for these alternative arrangements under section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This requires deleting conditions 97 and 108-110 from the development consent and amending condition 49 to reflect the proposal to remove the monitor for dust, TSP and noise levels at the nearby residential property.



Figure 2 - Proposed Noise Monitoring Location

3. STATUTORY CONTEXT

Consent Authority

The *Clyde Waste Transfer Terminal (Special Provisions) Act 2003* permits the modification of the development consent pursuant to the usual provisions of the *Environmental Planning and Assessment Act 1979*. The Minister was the consent authority for the original development application and is therefore the consent authority for the modification application. However, the Director, Mining and Industry may determine the application under the Minister's delegation of 25 January 2010.

Section 96

Under Section 96(1A) of the EP&A Act, a consent authority may modify a development consent if it is satisfied that:

- a) the proposed modification is of minimal environmental impact, and
- b) the development to which the consent as modified relates is substantially the same development for which consent was originally granted and before that consent as originally granted was modified (if at all).

The Department has assessed the application, and is satisfied that the proposed modification would be of minimal environmental impact, as the removal conditions requiring Veolia to monitor dust, TSP and noise emissions at the nearest residential receiver to the terminal (see Section 5 below) is an alteration to existing monitoring requirements only and would not physically alter the proposal.

It is also satisfied that the proposed modification represents a minor change, and consequently that the development as modified would be substantially the same as the development for which consent was originally granted.

4. CONSULTATION

The Department is not required to notify the application, however it consulted the Department of Environment, Climate Change and Water (DECCW) on the proposal.

DECCW does not object to the proposed modification.

5. CONSIDERATION

Veolia has included dust and TSP monitoring data recorded over a 5 year period at the residential receiver on William Street and at the waste transfer terminal itself. The data shows that the mean monthly dust and TSP levels recorded at both locations are predominately within the air quality goals outlined in the Dust Management Plan, which was submitted as a requirement of the conditions of consent.

The low number of TSP level exceedances recorded at the transfer station and at times at the residential receiver, are the result of pre-construction activities undertaken in preparation for the upgrade of a hardstand area at the site. This upgrade has since been completed and recorded TSP levels have returned to normal. Monitoring has also shown that when dust exceedances are recorded at the residential receiver the dust levels at the transfer terminal are well below the dust level criteria, demonstrating that the dust generated offsite must be from an alternate source.

Also, with regard to noise monitoring at the residential receiver, Veolia understands that the noise emitted from the terminal, when in operation, is generally consistent with the background industrial noise levels, in accordance with the *NSW Industrial Noise Policy 2000*.

It is recognised that the waste transfer station is located within a high noise environment and as such is unlikely to have a significant impact on surrounding receivers. As indicated in past AEMRs and subsequent responses, the Department considers that the site is of low risk of causing noise impacts to nearby residences.

Further, Veolia states that there have been no complaints received in regard to noise emissions from the transfer terminal and that no noise exceedances have been identified in the past when measuring operational noise levels on site.

Veolia has demonstrated that the operation of the Clyde Transfer Terminal does not significantly contribute to dust, TSP or noise levels, when monitored at the nearest residential receiver.

However, in the event that a noise or air quality complaint is received, DECCW has the ability to require further monitoring through the EPL. In addition the Director-General through conditions 2A and 2B has the power to require measures to address any noise or air quality issues that may arise.

The Department and DECCW are satisfied that the cessation of noise, dust and TSP monitoring at the nearest residential receiver and noise monitoring at the waste transfer terminal, would not result in increased environmental impacts to the surrounding area and agrees to the deletion of conditions 97, 108-110 of the approval. Condition 49, however, outlines the requirement for the Dust Management Plan for the site. This is still considered to be relevant as dust monitoring will continue to be undertaken onsite; therefore the Applicant would be required to update the plan to reflect the revised monitoring requirements. The Department has also deleted condition 111 which discusses noise emission limits under meteorological conditions, as this is now irrelevant.

Consequently, the Department considers the proposed modification should be approved.

6. RECOMMENDATION

It is RECOMMENDED that the Director:

- approve the application; and
- sign the attached notice of modification (tagged A).

Kitto 113/110

Chris Ritchie
Manager Industry

David Kitto
Director
Mining & Industry

