

ASSESSMENT REPORT

Section 75W Modification SITA Advanced Waste Treatment Facility, Elizabeth Drive, Kemps Creek

1. BACKGROUND

On 15 April 2008, the then Minister for Planning approved a proposal (MP 06_0165) by SITA Environmental Solutions (SITA) for the construction and operation of an advanced waste treatment facility (SAWT) within a 6 hectare portion of their 84 ha Elizabeth Drive landfill (refer **Figure 1**). The site is in the Penrith Local Government Area (LGA), 5 km west of Kemps Creek and some 41 km west of Sydney CBD (refer **Figure 2**).

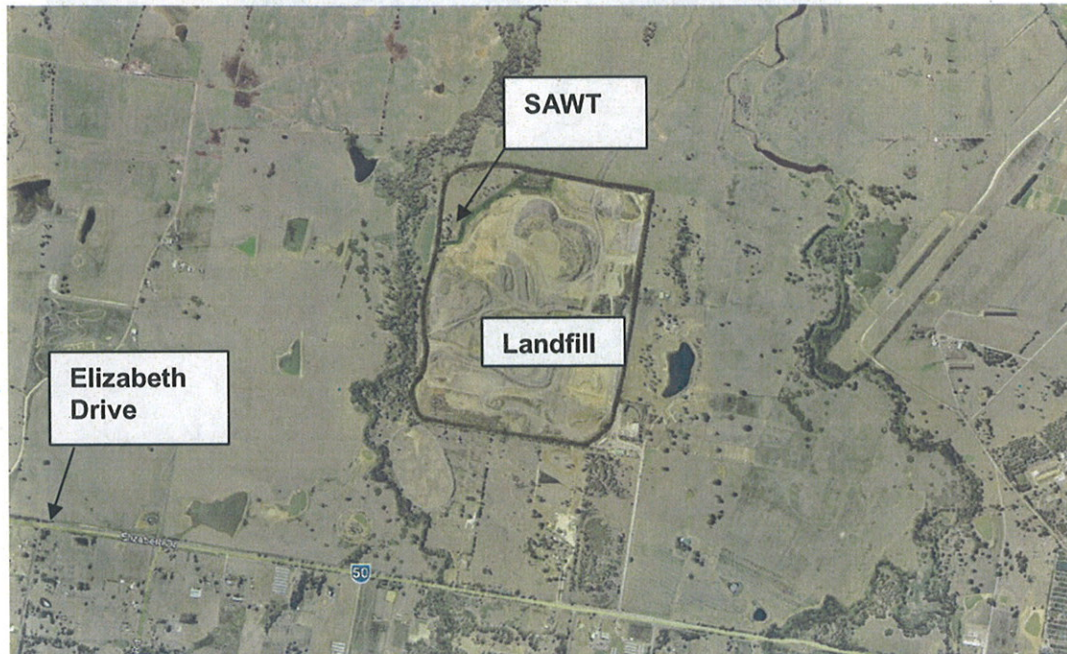


Figure 1: Site context

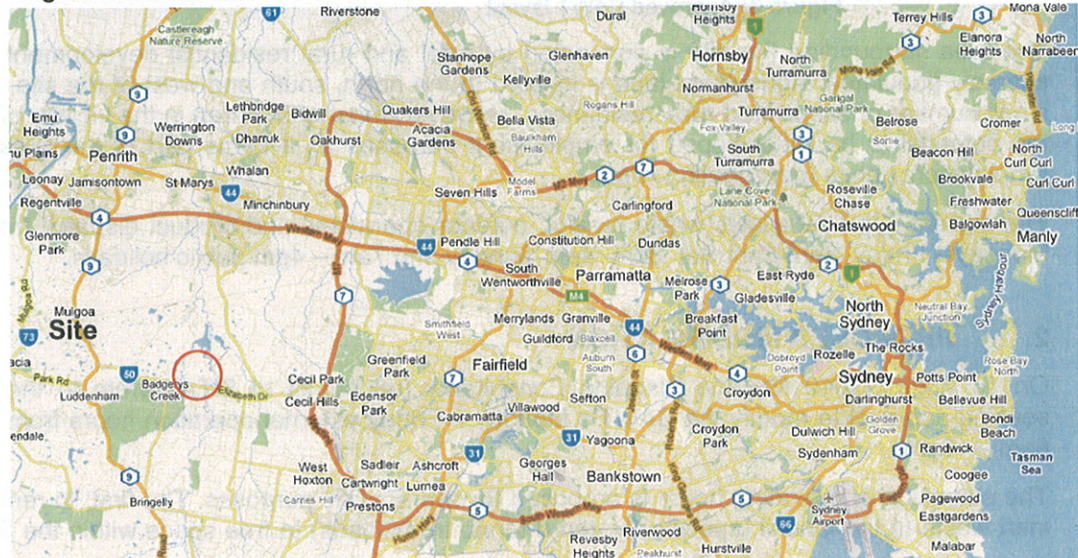


Figure 2: Site location

The approved SAWT (refer **Figure 3**) processes up to 120,000 tonnes of mixed solid waste and 14,400 tonnes of biosolids per annum to produce compost suitable for a range of uses. The facility removes up to 8,000 tonnes of recyclable material a year from the waste stream for recycling. All residual waste is landfilled or disposed of at a suitably licensed facility.

Both the SAWT and the landfill are regulated by environmental protection licences granted by the Department of Climate Change and Water (DECCW). The two developments are linked in that the residual, inert waste produced by the SAWT is deposited in the landfill. However, the landfill operates under development consent issued by Penrith City Council.



Figure 3: Approved SAWT layout

The area surrounding the site is dominated by rural and rural residential development and is fairly sparsely populated. Agricultural land is located to the north, south and west of the site, along with a small number of associated rural residences. However, most of the area in the vicinity of the site has the potential to be redeveloped for employment purposes as it forms part of the Western Sydney Employment Lands Investigation Area.

The current approval allows waste receipt, outdoor operations and product dispatch from 6am-6pm Monday – Friday, 8am-5pm Sat, 8am- 4pm Sunday and 7am – 4pm public holidays.

2. PROPOSED MODIFICATION

On 16 August 2010 Mullane Planning Consultants (on behalf of SITA) wrote to the Department seeking approval to modify the SAWT's Monday – Friday external operation hours from 6am-6pm to 6am – 10pm.

The extension of operating hours is proposed for two specific purposes. The first, to remove loads of inert waste to the landfill (specifically, ten 6-tonne truck loads) to free space within the SAWT facility

to enable the SAWT to commence receiving feed material at the start of operations the following morning.

The second, to move up to six front-end loader loads of processed wastes from the SAWT to the maturation beds and in turn, move up to six front-end loader loads of composted material from the maturation beds to the SAWT (refer **Figure 4**) to facilitate bagging the following morning. SITA believes that the proposal would facilitate more effective management of the SAWT. The additional truck and front-end loader movements would be internal to the waste facility.

SITA have applied concurrently to Penrith City Council to modify the consent for the landfill portion of the site.

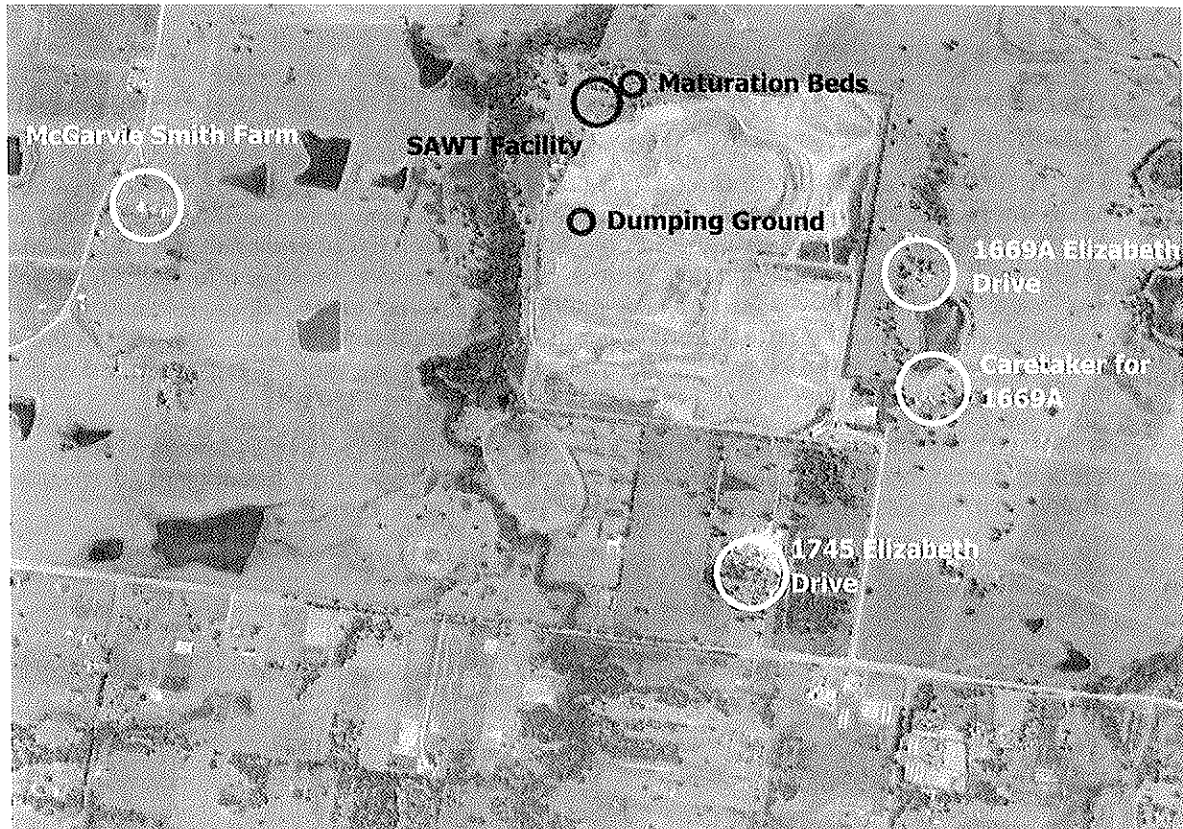


Figure 4: Movement pathways proposed during the evening period and nearest residential receivers

3. STATUTORY CONTEXT

Approval Authority

Section 75W of the EP&A Act confers on the Minister an implicit obligation to be satisfied that the modification request falls within this section of the EP&A Act.

The Department notes that:

- the proposed modification does not seek approval for a new and different project for which approval was granted; and
- any potential impacts would be appropriately managed through the existing and modified conditions of approval.

It is therefore recommended that the Executive Director, Major Projects Assessment, under the Ministers delegation of 25 January 2010, agree that the modification request falls within section 75W and the request can be determined.

Exhibition and Notification

Under Section 75W of the Act, a request for a modification of an approval does not require public exhibition or notification. Following a review of the modification application, the Department determined that the proposed modification should be referred to the DECCW and, adjoining landowners notified. The modification was also placed on the Department's website in accordance with Clause 8G of the *Environmental Planning and Assessment Regulation 2000*.

DECCW did not raise any concerns with the proposed modification though they recommended modified consent conditions to restrict evening operations. However, concerns were raised by two

adjoining landowners. Some of the concerns raised were related to operation of the existing SAWT facility and landfill, particularly in relation to odour. The application to change operational hours in order to move materials around the SAWT is unlikely to result in additional odour sources and as such, odour is not considered a relevant consideration to this application. Notwithstanding, both the Department and DECCW have recorded the submissions as a complaint against the SAWT's operation. DECCW has suggested that in future the landowners report environmental concerns in relation to SITA's operations to DECCW's Environment Hot-Line. DECCW and the Department also continue to regulate any environmental impacts through the Licence and approval respectively.

Other issues raised are addressed in the assessment below

4. ASSESSMENT

The Department has reviewed the proposed modification and considers the key issue to be noise. All other issues are considered to be minor.

The modification application included a noise assessment undertaken by Wilkinson Murray. The assessment modelled operational noise emissions associated with the modified project using the existing ENM models (that were used in the original SAWT EA operational noise assessment). The assessment identified noise impacts at the closest sensitive receivers to the site, namely: two residences adjoining the eastern landfill boundary (referred to as 1669A Elizabeth Drive and its Caretakers Residence); a collection of residences approximately one kilometre west of the AWT site on McGarvie Smith Farm owned by the University of Sydney; and, a residence located over one kilometre south of the AWT site at 1745 Elizabeth Drive (refer **Figure 4**).

The predictions showed that operational noise associated with the modified project, that is, during the evening period, would be below the evening noise limits imposed by the original approval and those contained in the EPL (No. 12889) (refer **Table 1**).

Table 1: Approved Evening (6.00pm – 10.00pm) Noise Limits versus predicted

Location	Approved Evening	Predicted Evening 2010
	L _{Aeq,15min} Noise Limits, dBA	L _{Aeq,15min} Noise Limits, dBA
McGarvie Smith Farm	39	39
1745 Elizabeth Drive	40	33
Caretakers for 1669A Elizabeth Drive	42	30
1669A Elizabeth Drive	38	33

On reviewing the assessment, both the Department and DECCW are satisfied that the operation of the SAWT would comply with existing noise limits, and that the existing conditions and some additional provisions restricting night time operations, would ensure noise is managed.

A submitter raised concerns over their residence not having been included in the noise assessment. However, the noise assessment modelled noise impacts at an adjacent and slightly closer property and determined the proposed modification will not exceed current noise limits at this property. As such, it is unlikely that noise limits will be exceeded at the submitter's residence.

Submitters also raised concerns over potential odours and light spill. However, the modification, being an increase in operational hours for certain activities, would not create additional impacts from light spill or odour to those assessed in the original approval. The conditions for the approved project will still apply to the modified project. It is also noted that concerns over light spill mainly relate to the landfill operations, the modification of which is being assessed by Council.

5. MODIFICATIONS TO CONDITIONS OF APPROVAL

The Department considers that the proposal represents a minor modification of the project as approved and will not have any impacts beyond those assessed and approved. However, to ensure that evening operations are kept to those proposed by the modification, conditions have been recommended that restrict evening operations to 10 trips by a 6 tonne truck (that is 20 movements) and 12 trips by a frontend loader (that is 24 movements).

In order to facilitate the proposed modification, the following conditions within the Project Approval would need to be amended:

- Schedule 2, condition 2 – updated to include incorporate the proponent's 75w application; and
- Schedule 3, condition 12 – updated to include an extension of operating hours, with limitations of the work which can be carried out between the hours of 6 and 10pm.



6. CONCLUSION

The Department has assessed the merits of the proposal and considers that the proposal, as modified, still achieves the same objectives as assessed for the originally approved Project Application (06_0185) and does not alter the overall nature, need or justification of the approved project.

This assessment has found that the proposal would result in improved operation and efficiency of the SAWT facility. The modification can be adequately managed via the modified conditions.

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

7. RECOMMENDATION

It is RECOMMENDED that the Executive Director, Major Projects Assessment:

- approve of the proposed modification under Section 75W of the EP&A Act; and
- sign the attached instrument (tagged A).

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17/9/10

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20.9.10

Chris Wilson
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