

Teralba Sustainable Resource Centre

*State Significant
Development
Modification Assessment
(08_0079 MOD 1)*



December 2019

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Glossary

Abbreviation	Definition
AV	Articulated Vehicle
Consent	Development Consent
Council	Lake Macquarie City Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
HRV	Heavy Rigid Vehicle
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
OEH	Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
OTMP	Operational Traffic Management Plan
RMS	Roads and Maritime Services
RRF	Resource Recovery Facility
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
SSI	State Significant Infrastructure
tpa	Tonnes per annum
WMP	Waste Management Plan



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1. Introduction

This report provides an assessment of an application to modify the State significant development (SSD) consent (08_0079) for the construction and operation of a resource recovery facility (RRF) in Teralba, NSW.

The modification seeks to amend the Site layout to facilitate the requirements of a new tenant and to improve operational efficiency, safety and security. The modification application seeks approval for the following:

- relocation of office, storage shed and car parking areas to improve operational safety and security
- relocation of product bin, asphalt recycling plant and concrete batching plant to rationalise site layout and improve efficiency
- relocation of Methane Gas Monitoring Wells
- change of the access and intersection type to improve vehicle movement
- change to the number and location of weighbridges to improve truck queuing

There would be no modification to the approved RRF footprint, nor would the modification result in any intensification of the use, change of waste types processed, or changes to the resource recovery processes.

The modification application has been lodged by Teralba Recycling Facility Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Applicant is currently constructing an RRF at The Weir Road, Teralba (the Site) in the Lake Macquarie City Council local government area (LGA) (see **Figure 1**). The site covers an area of 7 hectares (ha) and is legally described as Lots 42, 43, 53 and 54 DP 16062, The Weir Road, Teralba NSW 2284 (see **Figure 2**).

The Site is located on land zoned IN1 General Industrial and E2 Environmental Conservation under the Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014). The footprint for the development is within the area of land zoned IN1. Bush regeneration and conservation are proposed in the portion of land zoned E2.

The Site is surrounded by bushland to the north, south, east and west. The nearest residential property is located approximately 500 metres (m) to the north, on Martin Place in Edgeworth (see **Figure 1**). Access to the Site is from The Weir Road, between Teralba and Barnsley.

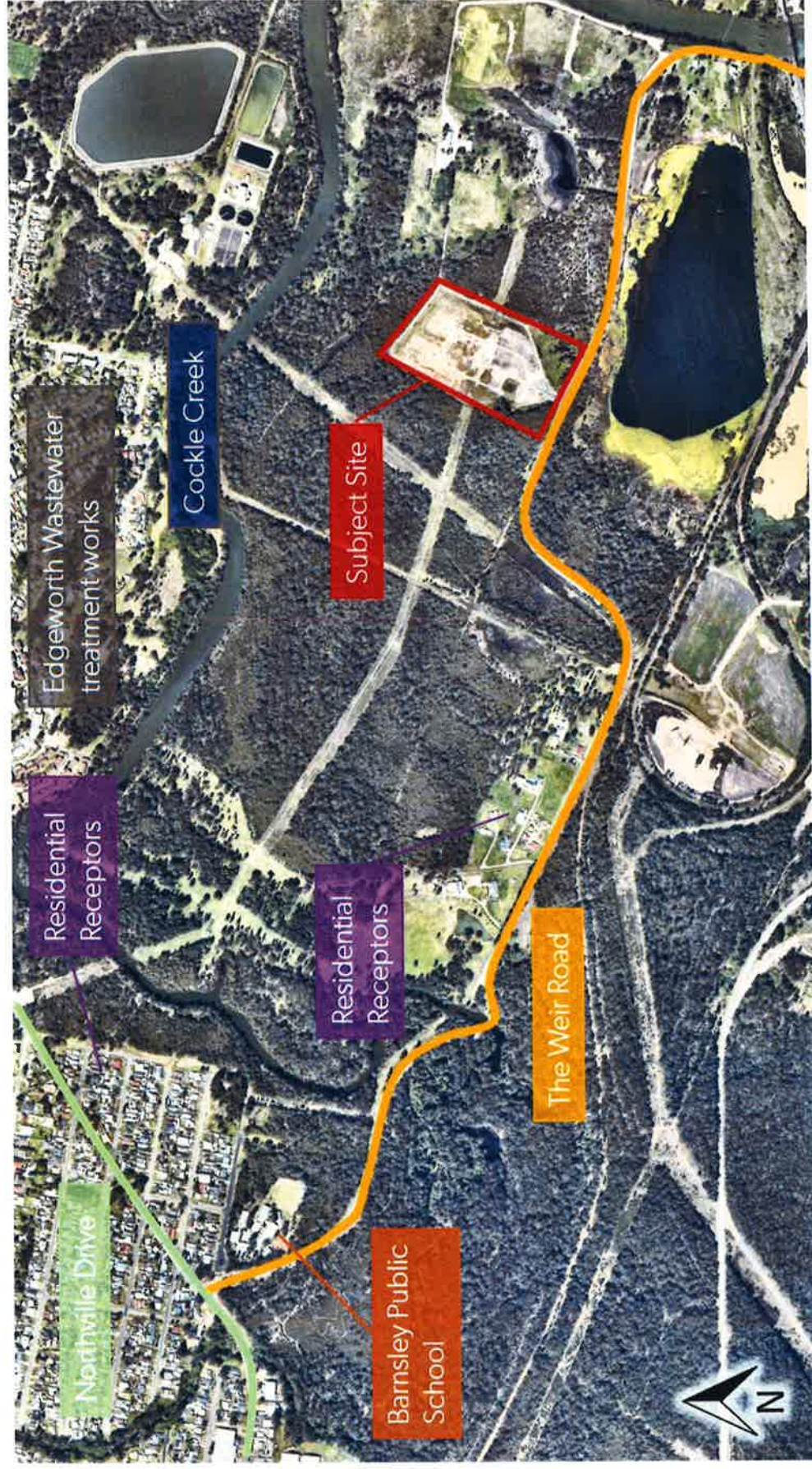


Figure 1 | Site Location

1.2 Approval History

On 27 September 2011, development consent was granted by the then Deputy Director-General for Planning for the CivilLake Construction and Green Waste Recycling Facility (08_0079). The development consent permits the following activities:

- capping and containment of soil contamination and import of 200,000 tonnes (t) of natural material to raise the Site levels by 2-3 m so that it is above the 1 in 100 year flood level
- construction of infrastructure, including two weighbridges, separate office and staff amenities building and landscaping, including bush regeneration and fencing
- construction of a two-lane access driveway off The Weir Road with a Basic Auxiliary Right turn (BAR) intersection and three access gates and internal roads for bushfire fighting
- construction of two storage sheds and installation of asphalt mixing pug mill, asphalt recycling plant and concrete crushing plant
- use of mobile plant (loaders, crushing and screening plant and grinder), product bins and material stockpiles including a feed stockpile and product stockpiles
- receiving and processing of up to 200,000 tonnes per annum (tpa) of waste concrete, bricks, tiles, asphalt, road base green waste and soil

Construction of the RRF has commenced, with capping of the Site completed and validated. However, operations have not yet commenced.

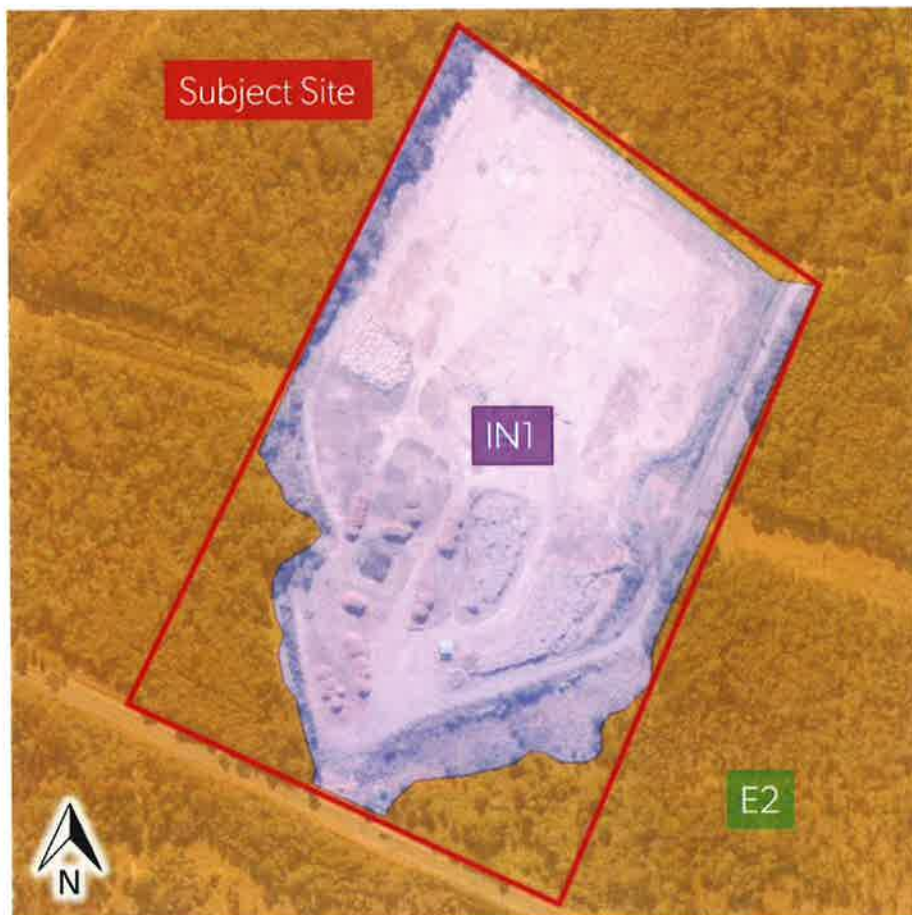


Figure 2 | Site Area



2. Proposed Modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to amend the approved site layout to improve operational efficiency, safety and security of the Site under the management of a new tenant. The modification is described in full in **Appendix B** and the changes are summarised in **Table 1**.

The modification does not seek to change the approved types of materials the Site would receive or the way in which this waste is processed. The modification only seeks to change the Site layout by relocating storage and plant and equipment locations.

Key elements of the modification are shown in **Figure 2** and **Figure 3**.

Table 1 | Detail of Modifications

Proposed modification	Details of modification
Amending the location of office, storage shed and car parking areas to improve operational safety and security	Car parking to be relocated to the front of site. The office, storage shed, and associated car parks to be relocated to the south west of the Site.
Amending the location of product bins and asphalt recycling plant and concrete batching plant to rationalise site layout and improve efficiency	The product bins to be relocated to the south west of the Site. Asphalt recycling plant and concrete batching plant to be relocated to the north east of the Site next to the pug mill.
Amending the location of methane gas monitoring wells	The Methane Gas Monitoring Wells LG6 and LG7 to be relocated to be consistent with the relocation of other aspects of the development.
Change of the access and change of intersection type to improve vehicle movement	Change of intersection type from BAR treatment to Channelised Right Turn (CHR) treatment from The Weir Road. This would require the widening of the road along its northern edge and formation of a painted centre island. Addition of separate gate entrance for Council Bulk Product Storage area.
Change to number and location of weighbridges to improve truck queuing	Consolidation of two (2) weighbridges and wheel wash on access road. Relocation of weighbridges approximately 20 m further from the front gate to improve truck queuing and remove other safety risks associated with access on The Weir Road.

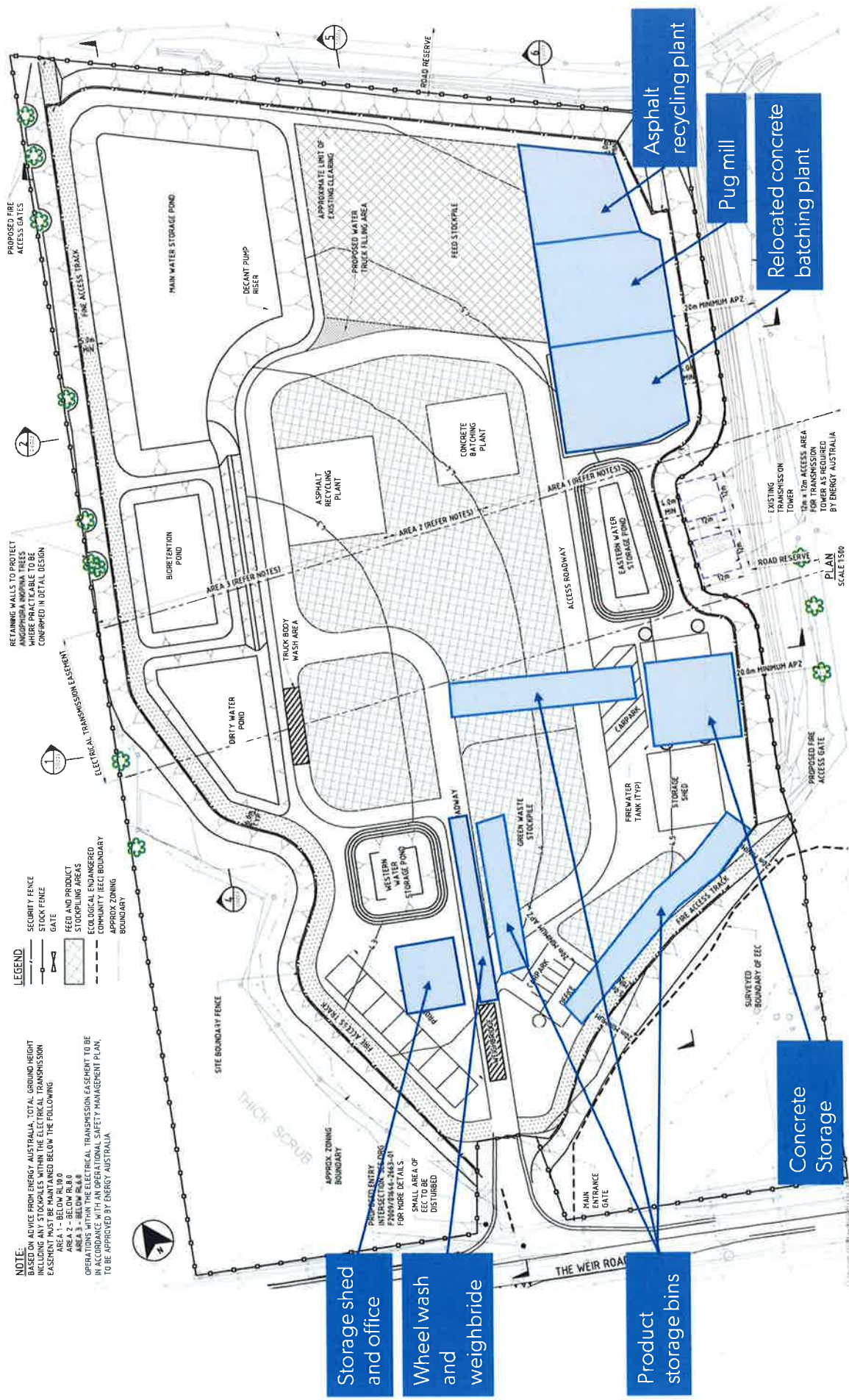


Figure 3 | Indicative New Locations of Plant and Equipment compared to the Approved Site Plan

2.1 Applicant's justification for the Proposed Modification

Changes to site layout

The Applicant maintains the proposed amendment is required to rationalise the Site layout to improve the safety and efficiency of the operation and facilitate the requirements of a new tenant. The Applicant has stated that by relocating the asphalt recycling plant, pug mill and concrete batching plant to the north east corner of the Site there would be a greater efficiency of material movement. The improved site layout would result in reduced travel distances for mobile plant and reduce the interactions of light vehicles with heavy plant thereby improving site safety.

Change of the access and change of intersection type

The approved intersection design for the RRF entry on The Weir Road was for a BAR type intersection. However, due to power poles along the southern edge of The Weir Road the road could not be widened to facilitate the approved intersection design. Following consultation with council, the recommendation from Council's Road Design Engineer is to construct a CHR for the entry on The Weir Road. The CHR would make entry to the Site easier and safer.



3. Strategic Context

The Department has considered the following strategic documents relevant to the assessment of the modification:

- NSW Waste Avoidance and Resource Recovery Strategy 2014-21
- The Lower Hunter Regional Strategy
- Lake Macquarie City Council Waste Strategy 2015 – 2023

3.1 Waste Avoidance and Resource Recovery Strategy 2014-21

Reducing waste and keeping materials circulating within the economy are priorities for the NSW Government. To meet this challenge, the NSW Government has prepared a state-wide WARR Strategy. The strategy sets waste recovery targets to be achieved by 2021–22. These are:

- Commercial and Industrial (C&I) from 57% (in 2010–11) to 70%
- Construction and Demolition (C&D) from 75% (in 2010–11) to 80%
- Municipal Solid Waste (MSW) from 52% (in 2010–11) to 70%
- increase the waste diverted from landfill from 63% (in 2010–11) to 75%.

By using waste material that would otherwise be destined for landfill, the modification would continue to contribute to the State's recovery performance in C&D and MSW waste.

3.2 The Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy is the land use planning framework guiding the sustainable growth of the region to the year 2031. The modification to enable the operation of the recycling and recovery facility is consistent with the strategy as it would help reduce the local demand on natural resources by recycling construction material.

3.3 Lake Macquarie City Council Waste Strategy 2015 – 2023

The Lake Macquarie City Council Waste Strategy 2015 – 2023 aims to reduce the amount of domestic organic waste going to the Awaba landfill. The facility would assist by reducing the amount of construction waste that is sent to landfill.



4. Statutory Context

4.1 Scope of Modifications

The Department of Planning, Industry and Environment (the Department) has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as:

- the primary function and purpose of the approved development would not change due to the modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- the approved waste processing rate of 200,000 tpa would not change
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of approval.

Therefore, the Department is satisfied the modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the modification application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Industry Assessments, may determine the application.



5. Engagement

5.1 Department's Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to SSD. However, in this instance the application was notified to relevant agencies for comment and was made available on the Department's website.

5.2 Summary of Submissions

The Department received three comments in response to the notification, including one from Lake Macquarie City Council (Council), one from the Biodiversity and Conservation Division (BCD) and one from the Rural Fire Service (RFS). There were no public submissions.

5.3 Key Issues – Public Authorities

BCD did not object to the modification, however, asked for further information regarding any proposed additional clearing and impacts on Aboriginal cultural heritage. The BCD requested consideration of the Coastal Management Act 2016 (CM Act) and State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP).

Council did not object to the modification. Council also requested further consideration of the CM Act and CM SEPP. With regards to biodiversity, Council noted that while there were no additional impacts to the footprint of the Site the conditions on site may have changed since previous surveys were undertaken and asked for updated surveys to be carried out.

RFS did not object to the modification and requested that site plans be updated to show the 20 m Asset Protection Zones (APZ).

5.4 Response to Submissions

The Applicant provided a response to submission (RTS) report on 3 October 2019 on the issues raised during the notification of the modification, including a revised biodiversity assessment. The RTS was provided to agencies to consider whether it adequately addressed the issues raised and was made available on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/project/24111> (see **Appendix A**).

BCD accepted that development was outside of the area mapped as coastal wetland and did not require the Applicant to carry out an assessment. BCD requested further information regarding the additional vegetation removal as a result of the modification. The Applicant provided revised plans on 11 November 2019 to address this issue. BCD advised these plans avoided any impacts to vegetation.

Council accepted the Applicant's response and considered any impacts could be managed by the existing conditions of consent.

RFS accepted the Applicant's response that the information requested would be provided following the approval of the modification.



6. Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- the modification application and RTS provided to support the modification (see **Appendix A**)
- the assessment report for the original development application (08_0079)
- submissions from government agencies and Council (**Appendix B**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

6.1 Assessment Issues

The Department's assessment of issues is provided in **Table 2**.

Table 2 | Assessment of issues raised

Findings	Recommended Condition
Biodiversity	
• Council noted that while no additional impacts on biodiversity were anticipated from the modification the ecological assessment from the original application was from 2010 and the ecological assessment should be updated to reflect the current site conditions. • To address this an advice letter was provided by Anderson Environment & Planning (AEP) dated 26 September 2019 to update the ecological assessment. This advice letter noted: ◦ the development has been sited to avoid impact to environmentally sensitive parts of the Site. ◦ the site is largely devoid of vegetation apart from disturbed exotic grassland and a small area of disturbed <i>Melaleuca</i> sp., <i>Acacia longifolia</i> var. <i>sophorae</i> and Groundsel Bush ◦ surrounding vegetation communities remained the same including; Ball Honeymyrtle Swamp Forest, Red Mahogany / Swamp Mahogany / Paperbark Swamp, an identified Endangered Ecological Community (EEC), Scribbly Gum / Swamp Mahogany / Paperbark Transitional Forest • communities remain outside the development footprint and would largely remain unaffected by the proposed development except for 80 m² near the entrance which was part of the original application and which the advice letter confirmed was in poor condition. • The advice letter concluded the condition, extent and composition of the vegetation on the site were very similar to what was assessed for the original application.	• Update plans to show new road design

- The modification would have no additional impacts to vegetation on site, the Department's assessment concludes the modification is unlikely to cause additional biodiversity impacts.

Air Quality

- | | |
|---|---|
| <ul style="list-style-type: none"> • The modification does not propose any changes to or intensification of the Site activities. As a result there are no new sources of air emissions from operation and it is not expected there would be an increased impact on air quality as a result of the modification. • The modification does not propose any changes to the construction phase of the development and it is not expected there would be any new or increased impact on air quality as a result of the modification. • EPA had no comments on air quality impacts associated with the modification. • In its assessment the Department has considered that the modification does not seek an increase in capacity and does not include any new activities or processes which are likely to increase emissions. • The Department's assessment concludes the modification is unlikely to cause additional air quality impacts. Furthermore, the Department considers air quality impacts can be managed by existing conditions 15 - 19 of Schedule 4 of consent 08_0079. | <ul style="list-style-type: none"> • No additional conditions are recommended. |
|---|---|

Noise

- | | |
|--|---|
| <ul style="list-style-type: none"> • The changes proposed by the modification involve amending the location of equipment, with no additional waste processing or other activities proposed. The Applicant has therefore advised there are no new noise emissions. • The modification does not propose any changes to the construction phase of the development and it is not expected there would be any new or increased noise impacts as a result of the modification. • Previous noise modelling indicated that noise emissions were below the noise criteria used in the original assessment. • EPA had no comments on noise impacts as a result of the modification. • Even though some plant and equipment is moving further to the west of the site which will reduce the distances to nearby receivers the Department is satisfied that changes to the Site layout are unlikely to result in an increase in noise from what is already approved. • The existing Condition 21 in Schedule 4 requires the Applicant to ensure that the operational noise generated by the development does not exceed the noise criteria at nearby receivers. • The Department's assessment concludes the modification is unlikely to cause additional noise impacts and any noise impacts arising from the | <ul style="list-style-type: none"> • No additional conditions are recommended. |
|--|---|

development can be managed by existing conditions including Condition 21 of Schedule 4 of consent 08_0079.

Traffic

- The change of intersection type from BAR treatment to CHR treatment from The Weir Road has the potential to affect site access and road safety. Road safety was a key issue during the assessment of the original application due to the use of The Weir Road to access Barnsley Public School.
- Originally a BAR was considered to be the most appropriate type of intersection given the Site constraints. Following discussions with Council's Road Design Engineer the Applicant identified that a CHR treatment would provide a better solution for access to the Site and improve safety by increasing the lateral distance for vehicles turning right reducing the risk of a crash.
- TfNSW (including RMS) had no comments on the proposed modification.
- The Department notes that Condition 3 of Schedule 5 requires the Applicant to produce a Transport Code of Conduct. It is recommended that this protocol be updated to reflect the revised intersection works, specifically the construction of the CHR.
- There is no change to the number or type of vehicles proposed to access the site and hence the Department is satisfied that the construction and operation of the CHR intersection is unlikely to cause additional traffic impacts.
- Update plans to show new road design
- Update conditions to reflect the construction of a CHR type intersection.
- Require an amended Transport Code of Conduct for the Site.

Bushfire

- The RRF is on and near to Bushfire Prone Land. The Environmental Impact Statement (EIS) for 08_0079 included a bushfire risk assessment.
- Condition 6 of Schedule 4 of consent 08_0079 requires the Applicant to maintain a minimum 20 m APZ around buildings and combustible material stock-piles included.
- RFS did not object to the modification however commented on the revised site plans and noted the APZ was not shown.
- The Applicant has confirmed the 20 m APZ would be maintained.
- As Condition 6 of Schedule 4 of consent 08_0079 would be retained. The Department is satisfied the risk from bushfire can be managed via the current conditions of consent.
- Update plans to show APZ.



7. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act.

The Department considers the proposed modification can be undertaken on the basis:

- the modification is not seeking to make any changes to the amount or types of waste which are received on site
- the modification is not seeking to include any new plant or processing equipment on site
- the modification would not result in any additional environmental impacts beyond those assessed under the original SSD application.

The Department is satisfied that the modification should be approved, subject to updated conditions.



8. Recommendation

It is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application 08_0079 MOD 1 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modifies** the consent 08_0079
- **signs** the attached approval of the modification (Attachment 1).

Recommended by:

Katelyn Symington

Senior Environmental Assessment Officer
Industry Assessments

Recommended by:

Sheelagh Laguna

Team Leader
Industry Assessments



9. Determination

The recommendation is **adopted by:**

Chris Ritchie

Director

Industry Assessments

11/12/19.



Appendices

Appendix A – List of Documents

Modification Report for 08_0079, Teralba Sustainable Resource Centre, The Weir Road, Teralba NSW 2284 prepared by KDC Pty Ltd dated June 2019

Teralba Sustainable Resource Centre Concept Plan Drawing No. 60101141-DWG-10-CI0002, SRC Entry Construction Amendment Draft-C

Letter RE: Request for Additional Information – MP08_0079 Mod 1 prepared by KDC Pty Ltd dated 2 October 2019

Advice Letter RE: Ecology Response Modification Part 3A CivilLake Construction and Green Waste Recycling 80 The Weir Road, Teralba prepared by Anderson Environment & Planning (AEP) dated 26 September 2019

Appendix B – Statement of Environmental Effects/ Environmental Assessment

Available on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/24111>

Appendix C – Submissions

Available on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/24111>

Appendix G – Notice of Modification

Available on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/24111>