

11 March 2022

Attention: Bianca Thornton
Environmental Assessment Officer, Industry Assessments

NSW Department of Planning, Industry and Environment
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Dear Bianca,

SCOPING OF ENVIRONMENTAL ASSESSMENT FOR SPRING FARM ADVANCED RESOURCE RECOVERY TECHNOLOGY FACILITY – MODIFICATION 7

Introduction

We are acting on behalf of SUEZ Recycling & Recovery Pty Ltd (SUEZ) who own and operate the Spring Farm Advanced Resource Recovery Technology Facility (ARRTF), formerly known as the Jack's Gully Alternative Waste Technology Facility.

SUEZ seek to modify the existing project approval (05_0098) to increase the throughput capacity at the ARRTF from 160,000 tonnes per annum (tpa) of mixed municipal waste to 272,000 tpa (the 'proposed modification'). SUEZ also propose to introduce new glass, product destruction and plastic flaking waste streams, to be processed within the existing ARRTF.

Section 4.55(2) of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) allows for a modification of a development where the consent authority is '*satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)*'.

Based on an analysis and review of similar State significant developments, it is considered that the modification proposed by SUEZ is substantially the same development and therefore appropriate for approval under section 4.55(2) of the EP&A Act.

Element Environment Pty Ltd (Element) are in the process of preparing a modification report on behalf of SUEZ to address the requirements of section 4.55(2) of the EP&A Act.

Site context

The ARRTF is within the Spring Farm Advanced Resource Recovery Park (RRP), located off Liz Kernohan Drive in the suburb of Spring Farm, NSW. The RRP is within the Camden local government area (LGA), covers an area of approximately 36 hectares, and is approximately 55 kilometres (km) south west of the Sydney central business district and 5 km south west of the suburb of Campbelltown.

The RRP covers the following land holdings:

- Lot 35 DP 1098588.
- Lot 21 DP 1125616.

- Lot 2 DP 1076817.
- Lot 33 DP 1096463.

The ARRTF itself is located at 22 Barrow Road, Spring Farm and covers Lot 35 DP 1098588.

The RRP is zoned as 'SP2 – Infrastructure' under the Camden Local Environmental Plan 2010 (LEP).

The area surrounding the RRP includes the suburbs of Spring Farm to the west, Mount Annan to the east, Narellan Vale to the north and Glenlee and Menangle to the south.

Jacks Gully is located adjacent to the west of the ARRTF and flows south west before entering the Nepean River approximately 270 metres (m) south west of the ARRTF.

As shown in Attachment A, residential receivers are located to the north east and north west, with the closest residents along Austen Boulevard, approximately 545 m north west of the ARRTF. It is noted that a residential precinct is currently under development between Austen Boulevard and the RRP and as such residential receivers will eventually be located within closer proximity to the ARRTF.

The Australian Botanic Garden, Mount Annan adjoins the rehabilitated landfill on the eastern boundary of the greater RRP site. The edge of the Garden is approximately 220 m from the eastern extremity of the ARRTF.

Land uses to the south of the ARRTF include:

- A warehouse and truck parking yard (TRN Group).
- The Glenlee Coal Preparation Plant, an open site where coal is processed and stored.
- The SUEZ owned and operated Camden Organics Plant, an open windrow garden organics treatment facility producing garden soils and composts.

Land to the south of Nepean River is used for research as part of the Elizabeth Macarthur Agricultural Institute.

Proposed Section 4.55 (2) modification

Condition 2.9 of the development consent states:

"The Proponent must not receive or process on the site more than:

a) 130,000 tonnes per year of General Solid Waste;

b) 25,000 tonnes per year of Garden Waste;

c) 5,000 tonnes per year of Organic Waste; and

d) 520m³ per day of Liquid Waste comprising liquid organic waste, leachate and grease trap waste, with grease trap waste not exceeding 15,000 tonnes per year."

SUEZ are proposing a modification to this condition of consent to increase the throughput capacity of mixed municipal waste at the ARRTF by 112,000 tpa.

The throughput capacity of garden waste (25,000 tpa) and organic waste (5,000 tpa) would remain unchanged, however the throughput capacity of general solid waste would be increased to 170,000 tpa, and three new waste streams, including 40,000 tpa of glass, 30,000 tpa of product destruction and 2,000 tpa of plastic flaking would be introduced to bring the total throughput capacity of mixed municipal waste to 272,000 tpa. The throughput capacity of liquid waste would remain unchanged.

A summary of the existing operational throughput capacity and proposed throughput capacity following the modification is in **Table 1**.

Table 1: Summary of existing and proposed throughput capacity

Waste stream	Existing throughput capacity (tonnes)	Throughput capacity following modification (tonnes)	Variance (tonnes)
Mixed municipal waste			
General solid waste	130,000	170,000	40,000
Garden waste	25,000	25,000	-
Organic waste	5,000	5,000	-
Glass	-	40,000	40,000
Plastic flaking	-	2,000	2,000
Product destruction	-	30,000	30,000
Total mixed municipal waste	160,000	272,000	112,000
Liquid waste			
Grease trap waste	15,000	15,000	-

No changes are proposed to the following matters already approved under development consent 05_0098:

- Operating methodology or site infrastructure for existing waste streams.
- Building and infrastructure footprints.
- Vehicle parking.
- Vehicle access and internal movements.
- Hours of operation.
- Employment.
- Land ownership.
- Landscaping.

The ARRTF will continue to operate in the same manner as approved, with the exception of a minor increase in traffic movements to accommodate the increased throughput.

Plastic flaking

SUEZ propose to adopt a plastic flaking and washing plant at the ARRTF to further benefit resource recovery from plastic waste streams processed at the Spring Farm Material Recycling Facility (MRF).

The plant will be designed to flake and wash three types of plastics, including natural and coloured high density polyethylene (HDPE) and blended polypropylene. The proposed plant has the capacity to process up to 2,000 tpa of plastics.

The proposed plastics flaking and washing plant will be located within the existing ARRTF building.

The flaking and washing plant will receive sorted polymer bales from the MRF for processing. The sorted polymer bales will be debaled, sorted, flaked, washed and bagged. The output will be a single polymer flake with a purity of 99% and flake size of approximately 10 millimetres.

The plastics flaking and washing plant will introduce new operating methodology and plant and equipment to the ARRTF, however all processing and plant is to be housed within the existing ARRTF building meaning no additional site infrastructure is required.

The following additional plant and equipment will be required:

- Debaling unit.
- Magnet.
- Optical sorter.
- Shredder/granulator.
- Flotation and washing tanks (hot water and detergent).
- Dryer (centrifugal or thermal).
- Flake sorter (NIR or laser).
- Bagging silo.
- Water treatment.

Vehicle movements associated with the plastic flaking waste stream will be internal to the RRP and no traffic generation on public roadways is required.

Glass

Similarly, SUEZ propose to install a glass crushing and washing plant within the existing ARRTF building. The glass plant will receive glass product from the MRF for processing into three outputs, namely:

- Fine glass – approximately 10% of glass received will be processed into <0.3 millimetre (mm) recovered glass for use in brick and paver production.
- Coarse glass – approximately 85% of glass received will be processed into 0.5 – 5 mm recovered glass for use in road construction and concrete block production.
- Residual glass – approximately 5% of received glass will be removed from the production process as waste product.

Similar to plastics flaking, the glass processing will introduce new operating methodology and plant and equipment to the ARRTF, however all processing and plant is to be housed within the existing ARRTF building meaning no additional site infrastructure is required.

Vehicle movements associated with the glass waste stream will be internal to the RRP and no traffic generation on public roadways is required.

Product destruction

SUEZ propose to process a 'production destruction' waste stream, which includes out of specification/out of date products which are received and de-packaged. Liquid food waste is captured in a bunded container and transferred off site for reuse. Recyclable packaging (cardboard and alloy) is then baled for recycling.

Residual waste material is directed into the transfer station for disposal to landfill.

The processing will introduce new operating methodology and plant and equipment to the ARRTF, however all processing and plant is to be housed within the existing ARRTF building meaning no additional site infrastructure is required.

Additional vehicle movements associated with the product destruction waste stream will generate minor additional traffic on public roadways.

Need and justification

SUEZ holds service contracts with Camden, Campbelltown City, Wollondilly Shire and Wingecarribee Shire Councils to receive and process kerbside collected garbage, recyclables, garden organics and clean up waste.

The Macarthur region is growing rapidly. In 2015-2016, the population of the region was just over 291,000. This is a growth of over 40,000 people since 2011/2012 and it is expected that this will

grow by a further 100,000 by 2026, and reach approximately 530,000 by 2036 (MSWA, 2017). Between 2016 and 2036, the population for each Macarthur regional LGA is expected to increase as follows (MSWA, 2017):

- Camden Council is forecast to increase by 152,822 persons (189.89% growth).
- Campbelltown City is forecast to increase by 114,370 persons (70.86% growth).
- Wollondilly Shire is forecast to increase by 28,327 persons (56.95% growth).

As part of current organisation optimisation processes at the RRP, SUEZ is consolidating waste received at the ARRTF to increase diversion from landfill and produce end products with sustainable market offtake. This will enable SUEZ to best use its available resource recovery infrastructure and footprint to receive and process increased tonnages of waste, which are predicted to occur with the growth in urban population within the aforementioned LGAs.

The RRP, inclusive of the ARRTF, is a unique facility with the capacity to support the predicted surrounding population growth well into the future. The RRP is centrally located within the Macarthur region and is well connected to the arterial road network, providing access to the Macarthur region, and Sydney metropolitan area beyond.

With regard to the proposed introduction of the plastic flaking waste stream, the MRF processes approximately 56,000 tpa of domestic kerbside comingled recycling from local Councils. At the MRF, the yellow bin material is separated into different streams of recyclables to produce separated products for recycling and reuse.

The MRF produces around 3,500 tpa of mixed plastics, including 1,050 tpa of natural HDPE, 1,400 tpa of clear polyethylene terephthalate (PET), 265 tpa of coloured HDPE, and 265 tpa of polypropylene and other plastics. The MRF is currently undergoing an upgrade to install optic sorters to complete advanced sorting of the plastics stream. The current plastics commodity from the MRF includes mixed plastics, with the future plastics commodity to include clear PET, natural and coloured HDPE, and blended polypropylene.

The Australian and NSW governments have developed 'Remanufacture NSW', a division of NSW Department of Planning, Industry and Environment, to support organisations to respond to the Council of Australian Governments (COAG) ban on the export of glass, plastic, tyres and paper/cardboard wastes, and enable a transition to a circular economy for waste export ban materials. The single plastic stream will be banned from export from 1 July 2022.

In order to respond to the COAG ban on single plastic stream, SUEZ propose to adopt a plastic flaking and washing plant at the ARRTF to further benefit resource recovery from plastic.

Within NSW, glass from MRFs is difficult to recycle given a number of factors including:

- Importation of cheaper glass.
- Reduction in local demand for bottle manufacturing.
- Reduction in income for sorted glass products.
- Increase in product quality specifications.
- Increased competition from container deposit schemes.

The Spring Farm MRF receives and sorts domestic kerbside recycling, inclusive of recycled glass. Historically, this glass has been transported to Glass Recovery Services (GRS) in Penrith, to be processed into cullet for Owens-Illinois' glass furnace. However, GRS and interstate glass beneficiation plants now prefer cleaner glass from the Container Deposit Scheme and have severely restricted intake of MRF glass. These issues have resulted in SUEZ having to stockpile and landfill much of the glass received from the Spring Farm MRF.

Via the introduction of the glass processing plant at the ARRTF, up to 95% of recycled glass from the MRF will be recovered into products, rather than being landfilled or being stockpiled. All glass sand products will be re-used in local markets in NSW.

With regard to the product destruction waste stream, resource recovery benefits will result from liquid food waste being captured in a banded container and transferred off site for reuse as soil injection. Recyclable packaging (cardboard, plastic and alloy) is also baled for recycling.

Planning framework

Approval history

The ARRTF was originally approved by the NSW Minister for Planning in 2006 under Part 3A of the EP&A Act as it satisfied the provisions of Schedule 1 of State Environmental Planning Policy (Major Projects) 2005 (now repealed), being a development for the purpose of a resource recovery or recycling facility that would handle more than 75,000 tonnes per year of waste.

The ARRTF development consent has been subject to a number of modifications since, including:

- Modification 1 (November 2006) –to reflect previous subdivisions and to clarify the extent of land subject to the approval.
- Modification 2 (April 2009) – to update lot numbers, description of land and modify air filtration technology.
- Modification 3 (December 2010) – to permit additional inputs to the Garden Organics Plant and to construct a gas pipeline from the landfill to the Tank Farm.
- Modification 4 (December 2010) – to permit further additional inputs and treatment of additional quantities of garden waste at the Garden Organics Plant.
- Modification 5 (December 2015) – to permit receipt and processing of 130,000 tpa of mixed solid waste classified as inert or solid waste under the NSW *Protection of the Environment Operations Act 1997* (POEO Act).
- Modification 6 (June 2020) – to clarify minor operational differences between the original environmental assessment and current operations, seek changes to consent conditions to include industrial liquid waste as an approved waste source and change the operational hours of the facility.

Modifications 1 to 5 were determined under Section 75W of the EP&A Act, even after Part 3A was repealed in 2011, as the project remained a 'Transitional Part 3A project' under Schedule 6A of the EP&A Act. The *Environmental Planning and Assessment Amendment Act 2017* (EP&A Amendment Act) transferred the transitional arrangements that applied to existing Part 3A projects under Schedule 6A of the EP&A Act to Schedule 2 of the Environmental Planning and Assessment (Savings and Other Provisions) Regulation 2017. This regulation declared that transitional Part 3A projects could no longer be modified under section 75W on or after the cut-off date of 1 March 2018 (except for modifications applications that were lodged prior to that date) and were to be transitioned to the current State significant development provisions of the EP&A Act. As such, Modification 6 was determined under section 4.55(1A) of the EP&A Act.

NSW Environmental Planning and Assessment Act 1979

SUEZ is seeking modification to the existing development consent under section 4.55(2) of EP&A Act.

Section 4.55(2) of the EP&A Act allows for a modification of a development where the consent authority is '*satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)*'.

A review was conducted of similar case studies to that proposed by the modification to determine if the modification would be substantially the same development as that currently approved, and therefore qualify for approval under section 4.55(2) of the EP&A Act.

As highlighted by RPS (2020), when determining whether a proposed modification is substantially the same development, there are a number of well-known principles that have been applied by the NSW Land and Environment Court. Such principles were discussed in the judgment of Pepper J in *Agricultural Equity Investments Pty Ltd v Westlme Pty Ltd* in 2015 in the context of the former section 96 of the EP&A Act. These principles are now applicable to section 4.55 which replaced section 96, and notable conclusions are summarised as follows:

- the assessment of a modification involves making a comparison between the development as modified and the development as originally consented to. That comparison involves both a qualitative and quantitative appreciation of the developments in their proper contexts, including the circumstances in which development consent was granted;
- the comparative task involves more than mere comparison of the physical features or components of the developments, but extends to the environmental impacts of the changes;
- the onus is on the applicant to show that the modified development is substantially the same as the original development;
- the term 'substantially' means 'essentially or materially having the same essence', while the term 'modify' means 'to alter without radical transformation'; and
- if a development as modified is for the same use as the consent originally granted, it does not automatically follow that the development is substantially the same. However, if modification involves an additional and distinct use, it will not be substantially the same.

When applying the above principles to the proposed modification, the determination is whether the proposed modification would result in a development that is substantially the same development as the development as originally approved. That is, can the modification have essentially or materially the same essence, and include alterations which are not considered a 'radical transformation'.

When carrying out a comparison between the modification and the approved development, both in a qualitative and quantitative manner, the proposed modification must be considered in its proper context and viewed as a whole, rather than by direct individual or numerical comparison. Likewise, it is not only the direct environmental impacts of the proposed modification which must be considered, but rather the overall environmental impact that will emanate from the development once modified.

With regard to the modification, when analysed quantitatively, the throughput capacity of the ARRTF will be increased, and new waste streams are to be introduced, however when viewed on a qualitative basis, the impacts and perceived benefits of the modification are likely to be generally consistent with the approved development.

Where impacts have the potential to increase as a result of the modification, including traffic and road noise impacts, such impacts are not likely to be significant (as demonstrated through specialist noise and traffic investigations) and may be managed through implementation of management and mitigation measures and the existing conditions of consent.

A comparative analysis of the ARRTF (as approved) and the ARRTF as modified indicates that the modification would be substantially the same development as the currently approved ARRTF for the following reasons:

- the existing land use as a resource recovery facility will remain the same if the modification is approved;
- there would be no change to the following approved aspects of the ARRTF:
 - operating methodology or site infrastructure for existing waste streams.
 - building and infrastructure footprints.
 - vehicle parking requirements.
 - vehicle access and internal movement pathways.
 - hours of operation.

- employment.
 - land ownership.
 - landscaping.
- the ARRTF will continue to operate in the same manner as the existing approved operations;
 - while there will be an increase in throughput capacity of the ARRTF, including capacity to process new waste streams (inclusive of additional processing methods and plant and equipment), the environmental impacts of the ARRTF will remain generally consistent with the existing approved development. Whilst increasing throughput capacity will result in higher volumes of heavy vehicles accessing the ARRTF, it has been demonstrated via preliminary specialist assessment that given the prior establishment of internal access roadways and the capacity of the existing road network, any increased traffic will not cause significant impacts on the local or regional road network. Similarly, the potential for additional road noise associated with heavy vehicle movements has been assessed by technical specialists and confirmed to not result in significant impacts to adjoining residential receivers.
 - no additional ground disturbing works or impacts to vegetation are proposed;
 - the ARRTF as modified would have the 'same essence' and be materially the same as the approved development in the context of quantitative and qualitative factors; and
 - the ARRTF would continue to provide public benefit through the operation of a facility for the reuse and recycling of a number of waste streams. The practice of resource recovery would be further enhanced following the modification via increased throughput capacity at the ARRTF. This will in turn ensure the needs of a growing population base in the Macarthur region are met.

Based on the above analysis and review of similar case studies, it is considered the modification is appropriate for approval under section 4.55(2) of the EP&A Act.

As outlined in section 4.55(3) of the EP&A Act, in determining an application for modification of a development consent, the consent authority is to take into account those matters listed under section 4.15(1) of the EP&A Act, as they are relevant to the proposed modification.

Section 4.15 (1)(b) of the EP&A Act requires the consent authority to consider the following when considering approval of a DA:

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The modification report will consider the likely impacts of the proposed modification, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality, in accordance with section 4.15(1)(b) of the EP&A Act.

Environmental Planning and Assessment Regulation 2021

Part 5, Division 1, clause 100 (1) of the NSW Environmental Planning and Assessment Regulation 2021 (EP&A Reg) outlines requirements for modifications to a development consent.

The modification report will address the specific requirements of clause 100(1) of the EP&A Reg.

Other NSW legislation

In addition to the requirements under section 4.55 of the EP&A Act, the proposed modification may require additional approvals, licences and/or authorisation under various other pieces of NSW legislation.

All relevant NSW legislation will be considered against the proposed modification and any specific requirements of the respective piece of legislation would be addressed in the modification report.

Environmental planning instruments

Environmental planning instruments (EPIs) such as State environmental planning policies (SEPPs), regional environmental plans (REPs) and local environmental plans (LEPs) are legal documents that regulate land use and establish requirements for development consent in NSW.

All relevant EPIs will be considered against the proposed modification and any specific requirements of the respective EPIs would be addressed in the modification report.

Consultation

All potentially affected residential properties along Liz Kernohan Drive were consulted on 10 February 2022 regarding the proposed modification and associated environmental and social impacts, with any objections, concerns or comments raised to be documented in the modification report. To date no objections or concerns have been raised.

Environmental assessment approach

Environmental risks were analysed prior to the commencement of the modification report to identify the key potential environmental impacts associated with the proposed modification.

The key related environmental aspects warranting detailed technical assessment include traffic and noise impacts associated with additional heavy vehicle movements to and from the site.

A brief summary of the approach to the technical assessment of these aspects is described below.

Traffic impact assessment

A new arterial road, Liz Kernohan Drive, was opened in May 2018 providing direct access to the ARRTF for heavy vehicles from Camden Bypass, without the need to traverse local residential streets.

The proposed modification will transport additional waste products along Liz Kernohan Drive and beyond via the same transportation routes as existing operations.

The future traffic generation of the proposed modification, together with existing traffic volumes on the road network, and other future growth and development may contribute to potential impacts on the condition of the existing road network to accommodate heavy vehicles generated by the proposed modification. As such, a traffic impact assessment (TIA) would be carried out to determine any potential impact to the capacity and safety of the surrounding road network associated with the proposed modification.

The TIA will involve:

- Review of the development consent and prior traffic assessments to determine current approval limits.
- Examination of the road network near the site and the roads that form the transport routes including principal intersections.
- Identification of the traffic generated by the existing operations compared to those proposed by the modification, to reach a total forecast traffic generation associated with the proposed modification.
- A qualitative traffic assessment (excluding SIDRA modelling and intersection/traffic counts, which are not deemed as required due to the availability of recent traffic data and low additional truck numbers proposed), that compares the proposed increase in heavy vehicle movements associated with the proposed modification against the background traffic volumes and

demonstrates why the proposed modification will not have an impact on the capacity or safety of the local road network.

Road noise assessment

The proposed increased heavy vehicle movements associated with increased throughput capacity has the potential to increase road noise levels experienced by residences along Liz Kernohan Drive, which is the primary access route to the site.

A road noise assessment (RNA) would be carried out to describe the road noise assessment criteria which apply to the proposed modification, modelling method and results, potential impacts and mitigation measures where impacts are unavoidable.

Operational noise will be assessed using a quantitative method in accordance with the EPA's (2011) NSW Road Noise Policy.

The RNA will comprise:

- Characterisation of background noise adjacent to the site through background noise monitoring as well as a review of any publicly available monitoring data.
- Assessment of prevailing weather conditions using historical weather data from the nearest Bureau of Meteorology weather station over a minimum period of 12 months to derive metrological parameters for prediction of noise during calm and noise enhancing weather.
- Identification of noise-sensitive receivers surrounding the site.
- Prediction of road noise levels for day and night and determining compliance with relevant road noise criteria.

Odour

The odour impacts of the ARRTF are not anticipated to increase as a result of the proposed modification, as the processing methodology of approved waste streams will not change.

The modification will introduce three additional waste streams. Whilst the waste streams are non-putrescible and are unlikely to generate odour, a qualitative review of previous odour assessment for the ARRTF will be undertaken by a qualified air scientist and included in the modification report.

Other environmental considerations

For those environmental aspects that achieved a low risk rating in the preliminary environmental risk analysis, further specialist technical investigations are not considered necessary given the low risk they represent. These environmental aspects will be assessed qualitatively in the modification report.

Closing

I trust this correspondence provides the Department with necessary information on the proposed environmental assessment approach to the proposed modification.

If the Department agrees to the proposed approach to the modification application, it would be appreciated if you could confirm in writing so that the modification report can be finalised and submitted for the Department's review and consideration.

Kind Regards



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References

(MSWA, 2017). Macarthur Strategic Waste Alliance Waste Avoidance and Resource Recovery Strategy:2018-2021.

(RPS, 2020). Statement of Environmental Effects: Modification of the Bettergrow Resource Recovery and Recycling Facility. Prepared by RPS Australia Pty Ltd. September 2020.

(WSN, 2006). Environmental Assessment. Proposed Alternative Waste Technology Facility at Jacks Gully Waste and Recycling Centre. Prepared by WSN Environmental Solutions. March 2006.

Attachment A – Local context

Attachment A Local context

Spring Farm Advanced Resource Recovery Technology Facility
SCOPING LETTER

