

9 October 2025

Attention: Lindsey Blecher

4 Parramatta Square
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ABN 45 162
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Dear Lindsey,

Scoping of Environmental Assessment for the Banksmeadow Waste Transfer Terminal – SSD 5855 Modification 3

Introduction

Element Environment Pty Ltd (Element) is acting on behalf of Veolia Environmental Services (Australia) Pty Ltd (Veolia) who own and operate the Banksmeadow Waste Transfer Terminal (BWTT), situated on the corner of Beauchamp Road and McPherson Street, Banksmeadow, NSW (the site).

The BWTT currently operates under State significant development (SSD) consent 'SSD-5855', granted by the NSW Planning Assessment Commission on 28 April 2015, for the construction and operation of a waste transfer terminal to receive, consolidate and transfer up to 400,000 tonnes per annum (tpa) of putrescible waste and 100,000 tpa of non-putrescible waste.

Veolia is now seeking approval to modify development consent 'SSD-5855', under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to allow:

- the receipt and transfer up to 500,000 tpa of putrescible waste and up to 100,000 tpa of non-putrescible waste, such that the combined total of putrescible and non-putrescible waste received does not exceed 500,000 tpa;
- an increase in the amount of food and garden organic (FOGO) waste transported by road from 12,000 tpa to up to 20,000 tpa,
- ability to transport FOGO by road to the TopSoil Organics facility at Forbes, NSW, *or alternate organic offtake facilities*, and
- ability to transport non-putrescible waste by road to the proposed Veolia Materials Recycling Facility at Camellia, NSW, *or alternate receiving facilities*.

In summary, Veolia is not seeking to alter the total amount of waste permitted to be received at the BWTT each year (i.e. 500,000 tonnes), they are only seeking to alter the proportions of putrescible and non-putrescible waste able to be received. In addition, within the putrescible waste limit of 500,000 tpa, Veolia is proposing to transport up to 20,000 tpa of FOGO to licensed organic offtake facilities, by road (i.e. an increase of 8,000 tpa over the amount currently allowed to be transported by road). Allowing the transport of FOGO to other appropriately licenced recycling facilities provides contingency in the event there are transport disruptions on route to TopSoil Organics at Forbes, or if TopSoil Organics are unexpectedly unavailable to accept the waste.

Further, Veolia requires the ability to transfer non-putrescible waste, by road, to licenced resource recovery facilities other than the Camellia MRF, as this facility has not been constructed and is not likely to be constructed in the near future.

Section 4.55(1A) of the EP&A Act allows a consent authority to modify a development consent if:

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

It is considered that the proposed modification will involve minimal environmental impact and that the development 'as modified' will be substantially the same as the development authorised by the existing consent. The proposed modification is therefore within the scope of section 4.55(1A) of the EP&A Act.

This scoping letter summarises the proposed modification and outlines the approval pathway and proposed approach to consultation and environmental assessment.

Site context

The site is located approximately 11 kilometres (km) south-east of the Sydney Central Business District, 4 km west of Sydney Airport and 1 km north-east of Port Botany. A small portion of the site (i.e. the south-east corner) is located within the Randwick local government area (LGA), with the remainder of the site located within the Bayside LGA.

The site has a total area of approximately 3.2 hectares and comprises the following landholdings:

- Lot A DP366725 – 34 McPherson Street, Banksmeadow
- Lot B DP366725 – 36 McPherson Street, Banksmeadow
- Lot 1 DP435497 – 34 McPherson Street, Banksmeadow
- Lot 20 DP1231202 – 1 Beauchamp Road, Banksmeadow.

The site is bounded by McPherson Street to the south, the Botany Goods Line (freight rail) to the west, a building and demolition recycling facility to the east and Beauchamp Road to the south-east (refer to Attachment 1).

The site is zoned IN1 General Industrial under Chapter 5 (Three Ports – Port Botany, Port Kembla and Port of Newcastle) of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

The surrounding land uses are primarily industrial. The nearest residential properties are located approximately 150 metres (m) to the east, in Perry Street.

The BWTT is accessed as follows:

- Trains – via a branch line off the Botany Goods Line
- Heavy vehicles – via an access road off Beauchamp Road
- Light vehicles – via a driveway off McPherson Street.

Existing approved development

The BWTT operates under development consent 'SSD-5855' (issued by the NSW Planning Assessment Commission on 28 April 2015) and Environment Protection Licence (EPL) 20581 issued under Section 55 of the *Protection of the Environment Operations Act, 1997* (POEO Act).

Development consent 'SSD-5855' approved the construction and operation of a waste transfer terminal to receive, consolidate and transfer up to 400,000 tonnes per annum (tpa) of putrescible waste and up to 100,000 tpa of non-putrescible waste.

Under the consent, all incoming waste materials are to be delivered to the BWTT by truck.

Putrescible waste is unloaded onto the tipping floor within the enclosed transfer terminal building. The tipping floor comprises three designated waste unloading areas, one for FOGO and two for

other types of putrescible waste. The waste is pushed by a front-end loader into one of two waste chutes (Chute A and Chute B) at the back of the building. Each chute leads to a mechanical waste compactor, which compacts the separate waste streams into consolidated bales. These bales are then placed into a specifically designed shipping container and the container is moved outside of the terminal building and placed in the outdoor storage area, in preparation for loading onto the next train.

Under the consent, non-putrescible waste received at the BWTT is to be consolidated into semi-trailers within the transfer building for transport by road to the proposed Veolia Materials Recycling Facility (MRF) in Camellia, for recovery of recyclables prior to reprocessing.

It is noted, however, that the Camellia MRF has not been constructed and Veolia no longer intends to construct it. As such, very minimal quantities of non-putrescible waste are received at the BWTT, and none is transported by road from site. Veolia does not intend to increase acceptance of non-putrescible waste in the near future, however, would like to retain the ability to transfer up to 100,000 tpa of non-putrescible waste, by road, to other suitably licensed facilities, if required.

Under the original consent, all putrescible waste received at the BWTT was to be transferred by rail to Veolia's intermodal terminal at Crisps Creek (near Goulburn), where the containers would be loaded onto trucks for onward transport to Veolia's Woodlawn Eco Precinct for treatment, recycling or disposal. No putrescible waste was to be transported from the BWTT by road.

Development consent 'SSD-5855' has since been modified on two separate occasions. The most recent modification (i.e. Mod 2) approved the transport, by road, of up to 12,000 tpa of FOGO to the TopSoil Organics facility at Forbes, in the central west of NSW.

Table 1 provides a summary of the previously approved modifications.

Table 1: Summary of previously approved modifications

Application No.	Modification Description	Type	Determination Date
SSD-5855-Mod 1	<ul style="list-style-type: none"> ▪ To allow an additional six months to complete road upgrade works to the intersection of Beauchamp Road and Perry Street; and ▪ To prevent the emission of offensive odours and leachate leaking from waste containers. 	s.96(1A)	31 August 2016
SSD-5855-Mod 2	Road transport of 12,000 tpa of FOGO waste received from Inner West Council to the Topsoil Organics facility in Forbes, NSW.	s.4.55(1A)	7 November 2023

Need and justification

The BWTT is licenced to receive both putrescible and non-putrescible waste types. In the past, Veolia has experienced seasonal fluctuations in demand for the different waste types and more recently, has witnessed a surge in demand for food organics and garden organics (FOGO) waste.

The NSW EPA's *Waste Classification Guidelines – Part 1: Classifying waste* (2014) (the Waste Classification Guidelines) separately classify food organics (FO) as 'general solid waste (putrescible)' and garden organics (GO) as 'general sold waste (non-putrescible)'. However, as FOGO is a combination of both FO and GO, the Waste Classification Guidelines state that FOGO is classified as 'general solid waste (putrescible)' as it contains FO.

The NSW Government has introduced legislation mandating local councils provide separate FOGO collection services to all NSW households by 1 July 2030 and for businesses and

institutions in stages from July 2026. The goal is to halve the amount of organic waste sent to landfill and achieve net zero emissions from organics in landfill by 2030.

Therefore, in anticipation of an increased uptake of FOGO collections by councils and businesses, Veolia would like the flexibility to be able to receive a greater proportion of putrescible waste at the BWTT, during times of higher demand. It should be noted that Veolia is not seeking to alter the *total* amount of waste permitted to be received at the BWTT each year (i.e. 500,000 tonnes), they are only seeking to alter the proportions of putrescible and non-putrescible waste able to be received. Further, Veolia is not proposing any change to the BWTT's existing at any-one-time storage limit.

In line with the increased demand for FOGO, Veolia is also seeking the ability to transport a greater volume of FOGO waste to the Topsoil Organics facility at Forbes, or alternate organic offtake facilities, for processing into topsoil for reuse in agricultural and landscaping application. Allowing the transport of FOGO to other appropriately licenced facilities provides contingency in the event there are transport disruptions on route to TopSoil at Forbes, or any other matter that impedes Veolia transporting FOGO by truck to Forbes.

While FOGO transported by road to resource recovery facilities will primarily be that sourced from Inner West Council, due to their specific contractual requirement that the waste is recycled rather than landfilled (refer Modification 2), this modification seeks to amend the consent condition that limits road transport of FOGO to Inner West Council waste so that Veolia have operational flexibility and FOGO from other councils can be diverted from landfill and recycled. Operational flexibility allows for variations in FOGO waste quantities received from Inner West Council, potential changes in client contract requirements and simply the efficient filling of trucks on any given day, for example. These operational matters do not affect the potential environmental or social impacts of the activity.

Further, Veolia requires the ability to transfer non-putrescible waste, by road, to licenced resource recovery facilities other than the Camellia MRF, as this facility has not been constructed and is not likely to be constructed in the near future.

In summary, the proposed modification will help provide critical waste management infrastructure to service the existing and future waste management needs of the Greater Sydney region and assist the NSW Government in achieving its waste management targets.

Proposed modification

Conditions 5 and 5A of Schedule 2 of the existing SSD consent limit the receipt and transfer of waste at the BWTT as follows:

5. *The Applicant must not receive and transfer more than:*
 - (a) *400,000 tonnes per annum of general solid waste (putrescible) to be transported via rail to the Veolia Woodlawn Eco Precinct and per Condition 5A*
 - (b) *100,000 tonnes per annum of general solid waste (non-putrescible) to be transported by road to the proposed Veolia Materials Recycling Facility in Camellia.*
- 5A. *Within the putrescible waste limit specified in Condition 5(a), the Applicant must not receive more than 12,000 tonnes per annum of food and organic waste (FOGO) waste from Inner West Council to be transported via road to the Topsoil Organics Facility at Forbes.*

Veolia is seeking to modify Conditions 5 and 5A of the consent, under section 4.55(1A) of the EP&A Act, to read as follows:

5. *The Applicant must not receive and transfer more than 500,000 tonnes per annum of general solid waste, comprising:*
- (a) up to 500,000 tonnes per annum of putrescible waste, to be transported via rail to the Veolia Woodlawn Eco Precinct (except as otherwise provided by Condition 5A); and*
 - (b) up to 100,000 tonnes per annum of non-putrescible waste, to be transported by road to an appropriately licenced waste or resource management facility in NSW.*
- 5A. *Within the putrescible waste limit specified in Condition 5(a), the Applicant must not receive more than 20,000 tonnes per annum of food and garden organic waste (FOGO) waste to be transported, via road, to an appropriately licenced waste or resource management facility in NSW.*

Qualification as a modification

Section 4.55(1A) 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).

Veolia believes that the development, as proposed to be modified, will be substantially and materially the same development and will not result in a radical transformation from what has already been approved under development consent 'SSD-5855' for the following reasons:

- There will be no change to the existing approved use of the site as a waste transfer terminal.
- There will be no increase in the total amount of waste received per annum at the BWTT (i.e. 500,000 tonnes).
- No new waste streams are proposed to be transported to or from the BWTT - the site is already approved to receive and transport putrescible and non-putrescible waste.
- There will be no change to the existing approved hours of operation of the BWTT – the facility is already approved to receive waste 24 hours a day, seven days a week.
- The existing on-site plant and equipment will be utilised to receive, consolidate and transfer the waste. No additional plant or equipment will be required.
- The proposal will not alter the existing approved site layout or physical infrastructure on the site.
- The proposal will not alter the nature of the processes carried out on-site or approved method of operations – the BWTT will continue to receive waste by truck, consolidate and store waste on-site, then transfer waste to trains and trucks for transport off-site by rail and road.
- The proposal will not involve any further disturbance outside of the already approved disturbed areas.
- 12,000 tpa of FOGO is already approved to be transported via road to the TopSoil Organics facility in Forbes. Under the proposed modification, this amount will increase to 20,000 tpa (i.e. an additional 8,000 tpa of FOGO) to be transported by road to TopSoil Organics in Forbes or other appropriately licenced facilities.
- Increased road transport of FOGO will generate two additional truck and dog trips per day, or four additional heavy vehicle movements per day (i.e. two in, two out). The additional trucks will be accommodated within the overall 355 trucks per day described in the EIS (i.e. they will not be in addition to trucks described in the EIS).
- The proposal will not result in any significant environmental impacts beyond those already assessed in the original EIS.

In conclusion, a modification assessed under section 4.55(1A) of the EP&A Act appears to be a suitable and lawful approval pathway.

Planning framework

NSW Environmental Planning and Assessment Act 1979

Veolia is seeking to modify the existing development consent under Section 4.55(1A) of the EP&A Act.

As required by 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 granting approval of a development application: *The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.*

A modification report will be prepared to 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

Under Part 5, Division 1, Section 99 of the NSW Environmental Planning and Assessment Regulation 2021 (EP&A Reg), a modification application for SSD must be prepared having regard to the relevant SSD Guidelines prepared by the Planning Secretary.

Section 100(1) of the EP&A Reg specifies the information that must be included in a modification application.

The modification report will be prepared having regard to the *State Significant Guidelines – Preparing a Modification Report* (DPE, 2022) and will address the specific information requirements set out in Section 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 will 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) regulate the use of land and establish requirements for development consent in NSW.

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

Consultation

The nearest potentially affected residential property is located approximately 150 m to the east of the site, on Perry Street. The proposed modification is considered relatively minor and is not expected to result in any noticeable impacts on the surrounding properties or the environment. Formal consultation with the adjoining neighbours is therefore not proposed.

Veolia will consult with the NSW Environment Protection Authority (EPA), during the preparation of the modification report, as the proposal will have implications for their existing licence (i.e. EPL 20581).

Environmental assessment approach

Environmental risks have been analysed to identify the key potential environmental impacts associated with the proposed modification, namely traffic, noise and air quality.

- **Traffic:** Veolia is not proposing to increase the total amount of waste received per annum at the BWTT (i.e. 500,000 tonnes). Therefore, any increase in the amount of putrescible waste received at the site will be accompanied by a corresponding reduction in the amount of non-putrescible waste received. Most of the putrescible waste received at the BWTT will continue to be transported off-site via rail to the Veolia Woodlawn Eco Precinct. Veolia will ensure that the amount of waste accepted at their intermodal terminal at Crisps Creek and their Woodlawn Eco Precinct is in accordance with the respective development consents governing the operations of these facilities. The potential impacts of increased heavy vehicle movements associated with the increase in the amount of FOGO transported by road will be assessed quantitatively through a detailed traffic impact assessment, undertaken in accordance with TfNSW's new *Guide to Transport Impact Assessments* (2024).
- **Noise:** The proposed modification will not require a change in the type or number of plant and equipment, nor will it alter the existing hours of operation of the BWTT. Therefore, there will be no increase in associated operational noise impacts. There will be some additional heavy vehicle movements associated with the increased FOGO volumes transported by road, which could potentially result in road noise impacts on nearby sensitive receivers. Road traffic noise impacts will therefore be assessed quantitatively up to the nearest major arterial road, and noise from vehicle movements within the BWTT will be assessed qualitatively and summarised in a noise impact assessment report, to be submitted with the Modification Report.
- **Air Quality:** While the proposed modification has the potential to result in increased odour emissions, due to the higher proportion of putrescible waste being received at the site, the Air Quality Impact Assessment (AQIA) submitted with the original EIS assessed odour impacts under two operational scenarios: a typical operating day (i.e. 400,000 tpa of putrescible waste) and a worst-case scenario (i.e. 500,000 tpa of putrescible waste). Therefore, the potential impacts of the proposal have already been addressed in the original AQIA (refer to Figure 8-4 of the AQIA) and no further quantitative assessment is considered necessary. Existing odour controls and regular odour audits will continue to be implemented in accordance with the conditions of consent and the EPL to ensure odour is managed appropriately.

Other lower risk environmental issues 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 with the proposed approach to the modification application, it would be appreciated if you could confirm in writing at your earliest convenience, so that the modification report can be progressed and formally submitted for the Department's review and consideration.

Kind Regards



Mark Terei
Principal Environmental Consultant

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ATTACHMENT 1

Attachment 1

Veolia Banksmeadow Transfer Terminal
STATE SIGNIFICANT DEVELOPMENT - MODIFICATION 3

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