

ASSESSMENT REPORT

KEMBLA GRANGE RESOURCE RECOVERY FACILITY SSD 5300 MOD 1

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State significant development (SSD 5300) approval for an increase in the capacity of the existing resource recovery facility at 50 Wyllie Road, Kemplra Grange in the Wollongong local government area.

The application has been lodged by Mr Adam Blackwell on behalf of Bicorp Pty Ltd pursuant to section 96 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval for the installation of a larger demountable weighbridge office and relocation of the second weighbridge.

2. SUBJECT SITE

The site is located within an industrial area at 50 Wyllie Road, Kemplra Grange, approximately nine kilometres south west of the Wollongong City Centre (see **Figure 1**).

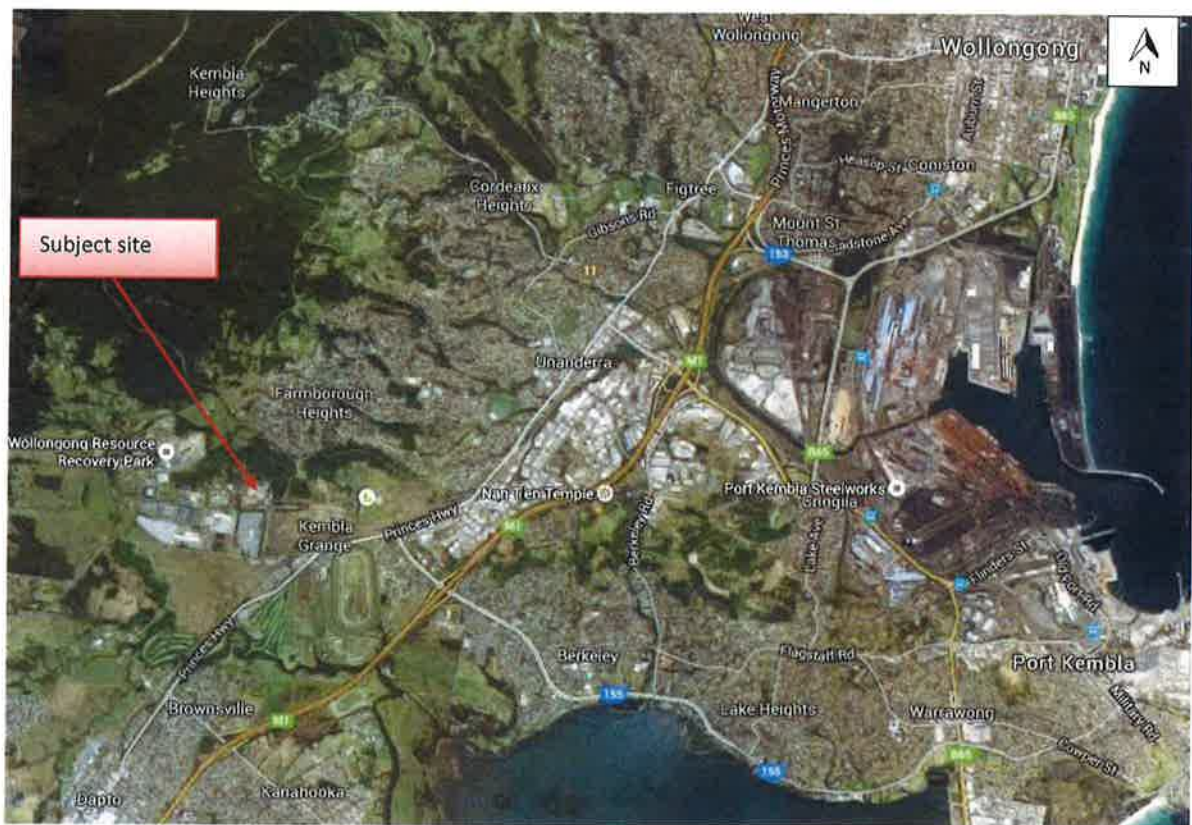


Figure 1: Site location (source: Google Maps)

Industrial uses adjoin the site to the west and south. To the south east there is a former capped landfill, Ian McLennan Park and Kembla Grange Racecourse. Approximately 400 m to the east of the site there is a Rural Fire Service building, church and cemetery. The nearest residential area, Farmborough Heights is located about 400 m to the north of the site (see **Figure 2**).

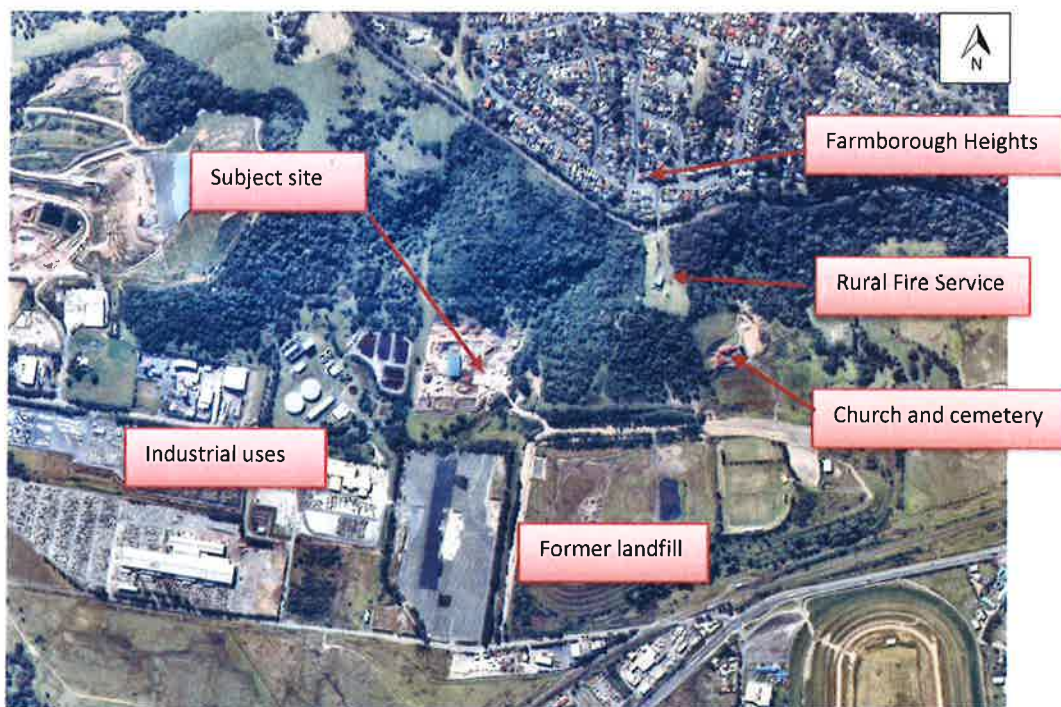


Figure 2: Surrounding uses (source: Nearmap)

The proposed modification relates to the weighbridge and office, shown in **Figure 3**. An unnamed creek traverses through the eastern part of the site.



Figure 3: Layout of existing development (source: Nearmap)

3. APPROVAL HISTORY

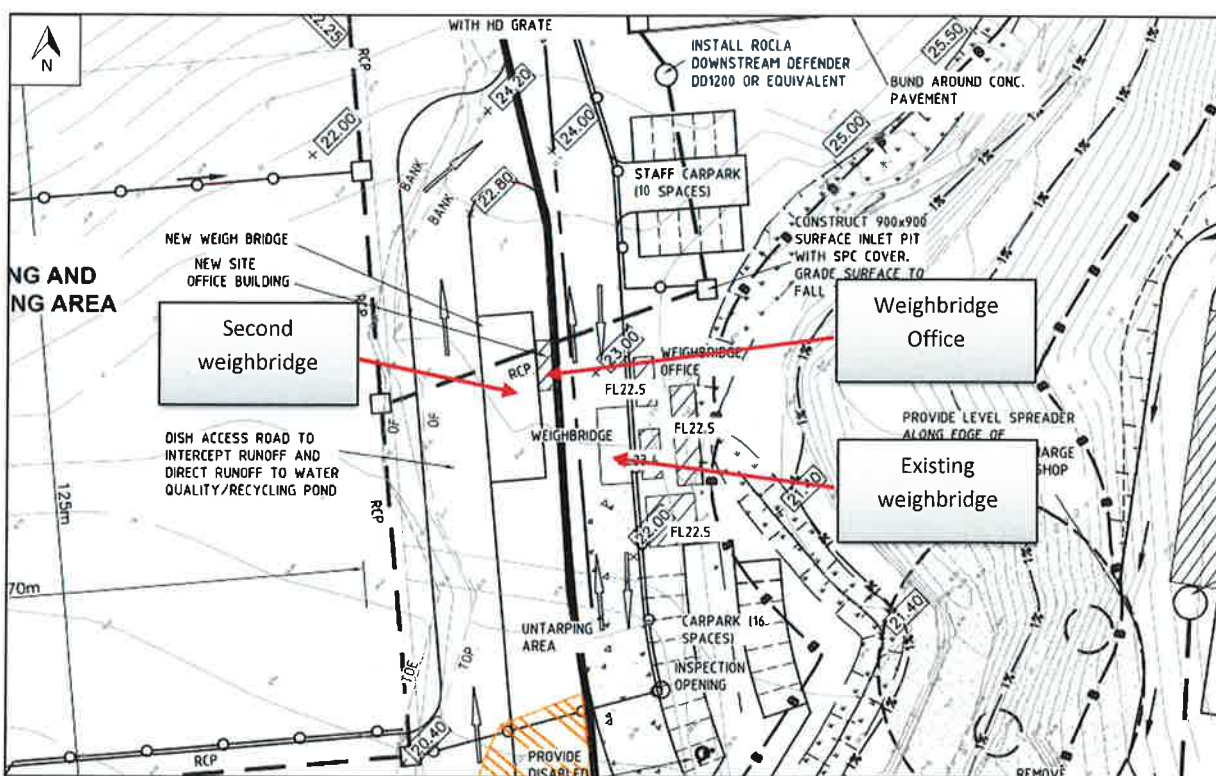
On 7 March 2016, the Planning Assessment Commission (Commission) granted SSD approval for an increase in the capacity (from 29,999 tonnes per annum (tpa) to 230,000 tpa) of the existing construction and demolition waste and commercial and industrial waste resource recovery facility at Kembla Grange (approved under DA 2009/1153). Construction works are currently underway to upgrade the site in accordance with SSD 5300.

4. PROPOSED MODIFICATION

The Proponent lodged an application (SSD 5300 MOD 1) seeking approval for the:

- relocation of the second weighbridge to the east by 4 m and to the south by 9 m to accommodate the larger weighbridge office and to align with the existing weighbridge;
- installation of a larger demountable weighbridge office with an area of 36 m²;
- minor widening of the access carriageway to the inbound and outbound weighbridge resulting in an increased area of 321 m²;
- redirection of rainwater from weighbridge office to an on-site 500 L rainwater harvesting tank; and
- connection of overflow rainwater to the existing stormwater management system on the site.

The proposed modifications are illustrated in **Figures 3 and 4** below.



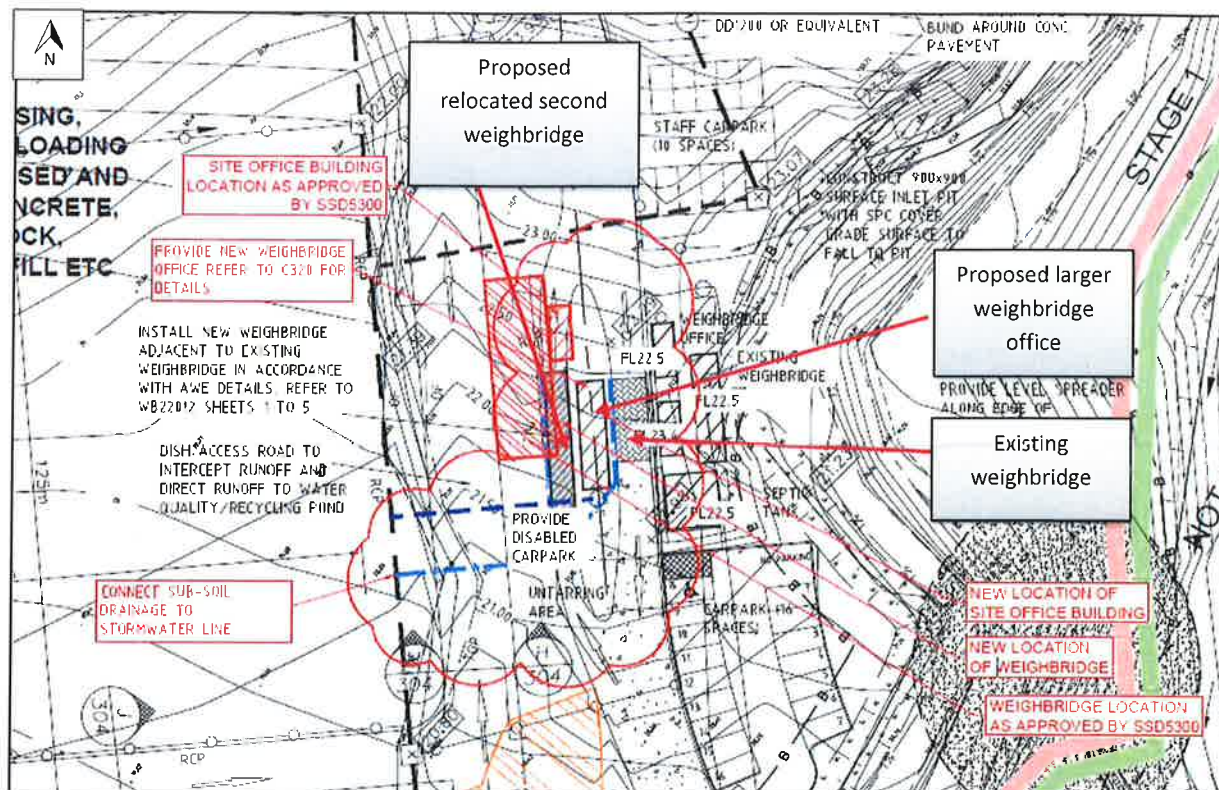


Figure 5: Proposed modifications (source: SSD 5300 MOD 1 Report)

The modification is requested on the basis that it would improve vehicle movement efficiency by allowing weighbridge management to occur within a single office between both weighbridges.

5. STATUTORY CONSIDERATION

5.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied the proposed modifications will have minimal environmental impacts.
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).	The proposed modification seeks approval for minor changes and do not result in any additional adverse impacts on the surrounding area. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 6 of this report.
Any submission made concerning the proposed modification has been considered.	The Department received 4 submissions on the proposal. The issues raised in submissions have been considered in Section 6 and 7 of this report.

5.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No. 55 – Remediation of Land; and
- Wollongong Local Environmental Plan 2009.

The Department undertook a comprehensive assessment of the redevelopment against the above mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification is consistent with the EPIs.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Executive Director, Industry and Key Sites Assessments, may determine the application under delegation as:

- the relevant local Council has not made an objection; and
- a political disclosure statement has been made, but only in respect of a previous related application; and
- there are no public submissions in the nature of objections.

6. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification request was made publicly available on the Department's website and referred to Wollongong City Council (Council), Office of Environment and Heritage (OEH), Department of Primary Industries (DPI) and Environment Protection Authority (EPA) for comment. Due to the minor nature of the proposed modification, it was not exhibited by any other means.

Council raised no objections to the proposed modification, but requested additional information relating to the swept paths and the RL of the proposed weighbridge be provided.

DPI raised no objection to the proposed modification, but requested that:

- the Applicant advise DPI if any works may disturb riparian land, and provide appropriate documentation should this be the case;
- the updated Landscape Management Plan include details on the rehabilitation of riparian vegetation; and
- all works undertaken on waterfront land should be conducted in accordance with *DPI Water Guidelines for Controlled Activities (2012)*.

OEH raised no objections to the proposed modification.

EPA raised no objections to the proposed modification.

No public submissions were received.

The Applicant provided a Response to Submissions, addressing Council's request (**Appendix B**).

7. ASSESSMENT

The Department has considered the key issues associated with the proposal in **Table 1**.

Table 1: Assessment of key issues

Issue	Consideration	Recommendation
<i>Riparian Corridor</i>	- DPI did not raise any objections to the proposal, but requested additional information to ensure the impact on riparian land is appropriately managed. - The Department notes the relocated weighbridge and larger office would not disturb riparian land. All works associated with the proposed modification would be located entirely within the approved development footprint. - It is also noted Condition B29 of the original consent requires a Landscape Management Plan to be prepared in consultation with the Office of Water, addressing the management of the riparian zone. - The Department's assessment therefore concludes the proposal would not result in any additional riparian impacts and the original consent contains appropriate conditions regarding the management of the riparian corridor.	No additional conditions or amendments necessary.
<i>Vehicle Turning Paths</i>	- Council requested additional information be provided to ensure there is adequate manoeuvrability for an articulated heavy vehicle entering the site and moving through the modified weighbridge area. - In response, the Applicant provided an amended turning path analysis, demonstrating the proposed weighbridge provides sufficient manoeuvring space for a heavy articulated vehicle, and would not restrict vehicle movements on the remainder of the site. - Council reviewed the amended turning path analysis, and confirmed it is satisfied with the information provided. - The Department's assessment concludes the modification to the design of the carriageways and weighbridge would not affect the ability of vehicles to safely enter, manoeuvre through and exit the site.	No additional conditions or amendments necessary.
<i>Flooding</i>	- Council requested the Applicant confirm the RL of the proposed weighbridge would be located above the 1% Average Recurrence Interval (ARI) flood extent. - In response, the Applicant provided an updated site plan, indicating the proposed weighbridge is above the 1% ARI flood level including an allowance for climate change. - Council reviewed the amended site plan, and confirmed it is satisfied with the information provided. - The Department is satisfied the proposed weighbridge is located above the 1% ARI and the modification would not result in unacceptable flooding impacts.	No additional conditions or amendments necessary.
<i>Surface Water</i>	- The proposed modification would result in an increase in impervious area of 293 m² on the site due to the increased office area and increased carriageway width. - Runoff from the weighbridge office would be directed to an on-site 500 L rainwater harvesting tank for operation water use on the site, with overflow from the rainwater harvesting tank connected to the existing stormwater management system. - The Applicant submitted a report assessing the impacts of the proposed modifications. - The report concludes the proposed increase in impervious area would have negligible impacts. - Modelling submitted with the application predicts the proposal would not increase discharge from the detention basin, peak runoff or pollutant loads from the site. - Council did not provide any comments or recommend any conditions regarding surface water management. - The Department notes Condition B7 of the original consent requires the Applicant to operate a water management system in consultation with the EPA and Council to ensure surface water is appropriately managed on the site. - The Department's assessment concludes the proposed increase in impervious area would not result in any adverse impacts.	No additional conditions or amendments necessary.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the modification would improve the efficiency of vehicle movements within the site; and
- the modification would not result in any adverse environmental or amenity impacts.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is RECOMMENDED that the Executive Director, Modification Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 96 (1A), subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

Prepared by:
Emma Butcher
Planning Officer



Anthony Witherdin
Director
Modification Assessments



Anthea Sargeant 8/6/17
Executive Director
Key Sites and Industry Assessments

APPENDIX A: NOTICE OF MODIFICATION

A copy of the instrument of Modification can be found on the Department's website at the following address:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8251

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8251

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8251

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8251