Minto Resource Recovery Facility

State Significant Development Assessment SSD 5339 do we have photo for the cover?

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Title: Minto Resource Recovery Facility

Subtitle: State Significant Development SSD 5339.

Cover image: Aerial of the site (Nearmap)

Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Applicant	The Trustee for Minto Property Trust
CIV	Capital Investment Value
Council	Campbelltown City Council
DA	Development Application
Department	Department of Planning and Environment
Demolition	The removal of buildings, sheds and other structures on the site
Development	The development as described in the EIS and RtS for the Minto Resource Recovery Facility
DPI	Department of Primary Industries, Department of Regional NSW
DPE	Department of Planning and Environment
EIS	Environmental Impact Statement titled *"Environmental Impact Statement Resource Recovery Facility SSD 5339"* prepared by Nexus Environmental Planning Pty Ltd dated 13 October 2020
ENM	Excavated natural material
EPA	Environment Protection Authority
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	*Environment* Protection *and Biodiversity Conservation Act 1999*
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
Heritage	Heritage NSW
LEP	Local Environmental Plan
Minister	Minister for Planning

NRAR	Natural Resources Access Regulator, DPE
Planning Secretary	Secretary of the Department of Planning and Environment
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
RMS	Roads and Maritime Services, TfNSW
RRF	Resource recovery facility
RtS	Response to Submissions titled *"Resource Recovery Facility SSD 5339 Concrete Recyclers Pty Ltd"* prepared by Nexus Environmental Planning Pty Ltd dated 13 September 2021
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SSD	State Significant Development
TfNSW	Transport for NSW

Executive Summary

Introduction

The Trustee for Minto Property Trust (the Applicant) proposes to operate a resource recovery facility (RRF) at 7 Montore Street, Minto in the Campbelltown local government area. The proposed development (the development) involves processing up to 450,000 tonnes of construction and demolition (C&D) waste per year, including concrete, bricks, asphalt, sandstone and sand. The Applicant is a subsidiary of Concrete Recyclers Pty Ltd, a NSW based recycling and concrete crushing operator with facilities at Camellia, Kurnell, Wetherill Park and Terry Hills.

This report details the Department of Planning and Environment's (the Department) assessment of the State significant development application (SSD 5339) for the Minto RRF.

Site Context

The site is located 800 metres (m) east of the Hume Motorway and covers approximately 2.35 hectares (ha) of IN1 zoned land under the *Campbelltown Local Environmental Plan 2015*. The site is on the eastern bank of Bow Bowing Creek, a tributary of the Georges River and is surrounded by IN1 or IN2 zoned lots. The nearest residential receivers are in St. Andrews, 290 m to the west, on the western side of Campbelltown Road.

The fill in the southern portion of the site, as well as two stockpiles onsite, currently contain both friable and bonded asbestos-containing materials which will be remediated prior to construction. The subject site is currently used by the Applicant for storage of plant and equipment.

The Development

The development proposes to process up to 450,000 tonnes of C&D waste per year. It has a capital investment value of $3,496,560 and is expected to generate 25 construction jobs and 25 operational jobs (including 10 contract drivers). The development would receive C&D waste, including concrete, bricks, sand and sandstone, and process it through a concrete crushing plant to produce aggregates or through a sand washing plant. The development also includes the operation of a pugmill to produce sand/cement mixes, road base/cement mixes, and road base/water mix for re-use as recycled construction materials. The site would also include an administration office, employee carpark and mechanical workshop. There would be no retail sales from the site.

Statutory Context

The development is State significant development pursuant to section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for the purpose of resource recovery or recycling that handles more than 100,000 tonnes per year of waste, which meets the criteria in Clause 23 of Schedule 1 in State Environmental Planning Policy (Planning Systems) 2021. Consequently, the Minister for Planning is the consent authority for the proposed development under section 4.5(1) of the EP&A Act.

Engagement

The Department exhibited the EIS for the development from 23 October 2020 until 19 November 2020. During the exhibition period, the Department received 11 submissions from the public (10 objections and 1 in support), and advice from 9 government authorities, including Campbelltown City Council.

Key concerns raised related to site suitability, dust, traffic, asbestos management and potential impacts on Bow Bowing Creek. The Applicant submitted a Response to Submissions (RtS) in October 2021 to

address and clarify matters raised in the submissions. Further information relating to compliance with the Environment Protection Authority's (EPA) Standards for Managing Construction Waste, air impacts and modelling, waste movement around the site, noise, and clarification over water discharges and traffic manoeuvrability were submitted in November 2021 and February 2022 to address additional concerns raised by both the Department and the EPA.

Assessment

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified the key issue for assessment is traffic manoeuvrability and, as a consequence, site capacity.

The development would generate 172 heavy vehicles per day during operation, which equates to 42 in peak hours (8 am to 10 am) or one every three minutes. The Department and the EPA were initially concerned that the Applicant's truck queuing assessment underestimated how long each vehicle would take to unload, load and traverse the site, however, the Applicant advised the numbers were based on its existing Camelia site. The queuing assessment determined that in peak periods, a maximum of four vehicles would queue compared to an identified nine queuing spots provided onsite.

The Department remained concerned about the capacity of the site to cater for all heavy vehicles as well as loading and unloading of trucks. As such, it consulted with the EPA on the site's potential storage capacity ('authorised amount'). The Department also sought and received a revised site plan showing the required tip and spread area which demonstrated heavy vehicles would be able to tip waste and manoeuvre around stockpiles when the site is at full capacity. On review of additional information and following discussions with the EPA and the Applicant, the Department considers the internal traffic impacts can be managed via a number of conditions including a stockpile management plan to ensure the stockpiles don't encroach onto the haulage areas and a traffic control plan and driver code of conduct to manage vehicles conflicts and queuing.

The Department and EPA also raised concerns about the potential dust impacts of the proposal given the identified exceedances and the manufacturing nature of the surrounding industry. The EPA recommended consideration of additional mitigation measures such as enclosing the site. The Applicant advised full enclosure of the site was not necessary and, following a meeting with the EPA and the Department to discuss the issue, provided revised air modelling which demonstrated the site would comply with the relevant criteria. The revised modelling included measures such as sealing the site with 5% crushed concrete or asphalt that were originally proposed but not modelled.

The Department acknowledges the air modelling now demonstrates the development would comply with air quality criteria, except for one minor exceedance related to high background levels. It also considers the success of some of the proposed mitigation is determined by good housekeeping practices and, as such, the Department has recommended a condition requiring the Applicant to prepare and implement an Operational Air Quality Management Plan to formalise the development's air quality control and contingency measures, including watering of stockpiles and regularly sweeping. In addition, to demonstrate the development continues to comply with the criteria, the Department has recommended the Applicant undertake a series of validation monitoring events prior to permitting throughput increases. This approach provides the opportunity for additional contingency measures to be implemented or alterations to onsite operational practices, if required to meet the relevant criteria.

Summary

The Department's assessment concluded the impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent. Concerns about onsite manoeuvrability and capacity were addressed by the Applicant in consultation with the EPA. Consequently, the Department considers the development is in the public interest and is recommended for approval, subject to conditions.

Contents

1 Introduction

1.1 The Department's Assessment

This report details the Department of Planning and Environment's (the Department) assessment of the State significant development application (SSD 5339) for the Minto Resource Recovery Facility (RRF). The proposed development (the development) involves recycling up to 450,000 tonnes of construction and demolition (C&D) waste per annum (tpa), including concrete, brick, asphalt, sandstone and sand for reuse as road base and in construction projects.

The Department's assessment considers all documentation submitted by the Trustee for the Minto Property Trust (the Applicant), including the Environmental Impact Statement (EIS) and Response to Submissions (RtS), advice from government authorities and submissions received from stakeholders and the public. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation.

1.2 Development Background

The Applicant is seeking development consent to construct and operate a RRF at 7 Montore Road, Minto in the Campbelltown local government area (LGA). The site is located 38 kilometres (km) south-west of the Sydney central business district (CBD) and 3.5 km north-east of the Campbelltown CBD (see **Figure 1)**. It is within an industrial area of Minto and is currently used for storage and maintenance of construction equipment.

The Applicant is owned by Concrete Recyclers Pty Ltd, a NSW based recycling and concrete crushing operator with facilities at Camellia, Kurnell, Wetherill Park and Terry Hills.

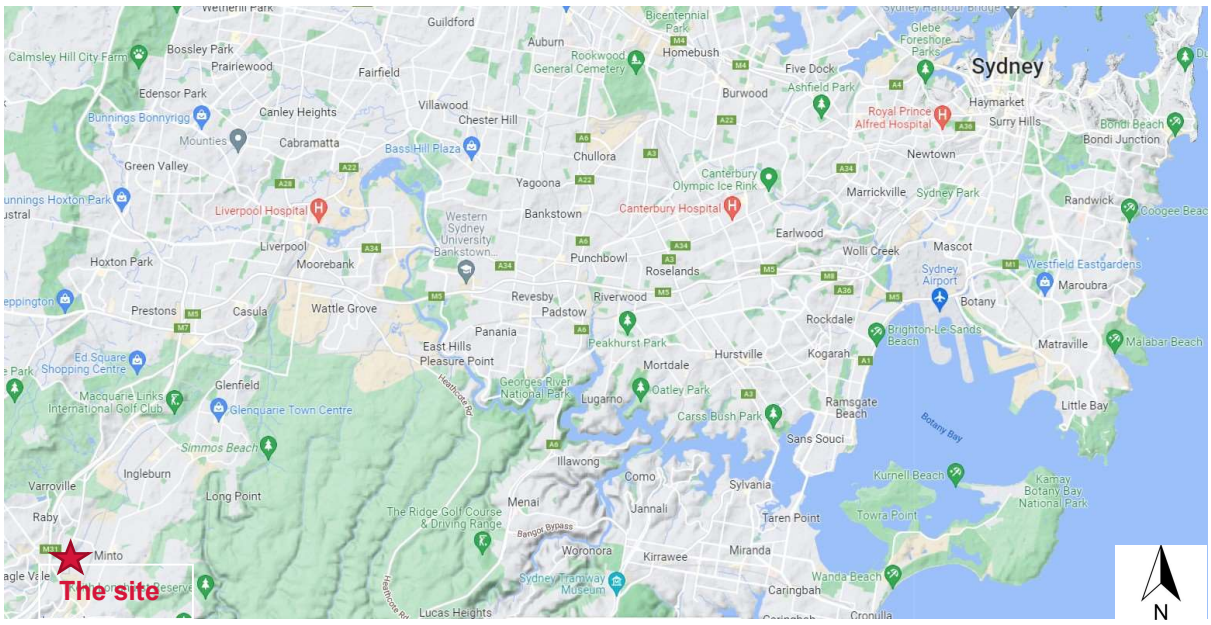

Figure 1 | Regional Location

1.3 Site Description

The site comprises 2.35 hectares (ha) of IN1 General Industrial zoned land and is legally described as Lot 52 in DP 618900 (see **Figure 2**).

The northern portion of the site is currently covered in crushed concrete hardstand and is leased to Coates Hire for the storage and maintenance of construction equipment. The southern part of the site is mostly vacant, with a small section used by the Applicant for storage of equipment. Friable asbestos and asbestos cement sheeting are present in fill material and two stockpiles in the southern part of the sit. Remediation of this contamination would occur prior to the commencement of any works on the site and is included in this SSD application.

Figure 2 | The Site

1.4 Surrounding Land Uses

The site is located in the industrial precinct of Minto, with industrial premises located to the north, east and south. These include Alphatex Industries, Rus Mining, Speed-e-Gas and Foamco manufacturers. The Sydney Cook Islands Seventh Day Adventist Church is also located immediately to the north of the site. Bow Bowing Creek runs immediately along the western boundary, with warehouses and Campbelltown Road located further to the west. The residential suburb of St Andrews is located west of Campbelltown Road, with the nearest residential receiver 290 m from the site.

Access to the site is at the end of the cul-de-sac in Montore Road. From Montore Road, access to the broader regional road network is via Airds Road, Ben Lomond Road and Campbelltown Road, which connect to the Hume Motorway approximately 800 m to the west of the site.

Figure 3 | Surrounding Land uses

1.5 Other Development Approvals

In 1989, a waste recycling facility was approved to be built on the site by Campbelltown City Council (Council) and an Environment Protection Licence (EPL) was issued by the Environment Protection Authority (EPA). Construction of the facility was never completed and the EPL was surrendered in 2001.

2 Development

2.1 Description of the Development

The major components of the development are summarised in **Table 1**, shown on **Figure 4** and **Figure 5**, and described in full in the Environmental Impact Statement (EIS) and Response to Submissions (RtS) report in **Appendix A**.

Minor changes were made to the development to address issues raised by Government agencies and the public during public exhibition of the EIS. These included changes to the design of the stormwater management system, alterations to retaining walls to accommodate flood water, and the addition of bunker walls and noise walls.

Table 1 | Main Components of the Development

Aspect	Description
Summary	**Construction and operation of a RRF to process up to 450,000 tpa of waste for beneficial reuse**
Site area	2.35 ha
Site preparation and construction	• demolition of the existing hardstand • remediation, involving removal of asbestos containing materials for off-site disposal • importation of 80 cubic metres (m^3) of virgin excavated natural material (VENM) to level the site • installation of hardstand across the site comprising concrete or asphalt • construction of a shed (607.5 m^2, 11 m high with a 49 m^2 extension) to enclose the concrete processing equipment. The shed would comprise a mix of concrete panels and Colorbond. An opening on the southern wall of the extension would allow the loading of waste • construction of a workshop shed (1,238 m^2, 9.1 m high) made of Colorbond • construction of a sand washing shed (44 m^2, 9.1 m high) for the screening equipment • installation of two portable buildings for the site office and weighbridge office

Waste receival and storage	• receipt of up to 450,000 tpa of mixed C&D waste comprising:
	  • concrete and bricks from the demolition industry
	  • sand from sand extraction projects
	  • asphalt
	• storage of up to 50,000 tonnes (t) of unprocessed waste materials onsite
	• storage of up to 22,000 t of processed waste materials (products) onsite

Concrete and brick recycling plant (located in the middle of the site)	• the processing component of the concrete crusher would be located within a shed with conveyors transporting crushed concrete to external stockpiles • installation of: • crusher, magnets, screens and conveyors to process concrete and bricks into smaller sizes

Aspect	Description
	• dust controls including water sprays, vacuum dust extraction and a baghouse
Sand washing plant (located along the southern boundary of the site)	• screens, high pressure water sprays and a hydro cyclone to clean sand • a thickener plant to separate silts and capture water for reuse in the sand washing plant • a filter press
Pugmill (located along the western boundary wall)	• installation of an industrial mixer to mix sand and road base with cement or water
Ancillary plant and infrastructure	• mechanical pulveriser, excavators and wheel loaders • two weighbridges and a weighbridge office • wheel wash • water tanks with total capacity of 5 kilolitres (kL) and a water cart • 30,000 litre (L) self-bunded diesel storage tank • workshop building (1,238 m^2, 11.3 m high of Colorbond construction) • office, amenities and 18 car parking spaces

Product outputs	• stored in separate stockpiles up to 6 m high located on the western and northern boundaries of the main site, including stockpiles for:
	  • sand and aggregates for use as road base and in construction projects
	  • different sized aggregates for use in drainage and landscaping works
	  • washed sand for use in asphalt and concrete manufacturing

Traffic and road works	• 171 heavy vehicles per day (342 movements per day) • widening of existing driveway access onto Montore Road
Landscaping and fencing	• 2.7 m – 3.7 m wide landscaped batter along the northern and western boundaries comprising native trees and grasses • 6 m high boundary fence around the site, incorporating retaining walls • noise walls
Stormwater	• stormwater runoff from the driveway and car park would be captured and discharged to Council's stormwater system • stormwater from the onsite haulage route and stockpile areas would be directed to two 3kL sumps in the site's north and south • water from the sumps would then be directed to the 'thickener' component of the sand washing plant for treatment before being stored in a 450kL storage tank in the south of the site for reuse for dust suppression and sand washing • during extreme rainfall events, once the southern tank is full, water would be pumped to a tank in the site's north. Water overtopping the tanks would be stored around the top of the sump pumps to be eventually pumped to the thickener for treatment. • overflows from the southern storage tank would ultimately be directed to Bow Bowing Creek via the sump and an oil and grease arrester

Aspect	Description
Construction duration	3 – 4 months
Hours of operation	6 am to 7 pm Monday to Friday 7 am to 4 pm Saturday No work on Sundays or Public holidays
Capital investment value	$3,496,560
Employment	25 construction jobs and 25 operational jobs

2.2 Description of Operations

The RRF would receive waste concrete, brick, asphalt, sandstone and sand from the construction and demolition industry. The materials would be processed onsite in three separate processing areas to make the materials suitable for reuse as road base, in construction, landscaping and drainage works and in cement manufacture. All processed and unprocessed stockpiles would be located outside, however, the concrete processing plant would be enclosed in a three-sided shed. Some of the screening components of the sand washing process would also be enclosed. The RRF would include the following processes:

Waste Receival

Trucks would arrive onsite and be visually inspected at the weighbridge for any non-conforming wastes. Following weighing, trucks carrying concrete and bricks would proceed to designated tip and spread areas located directly to the north of the haulage route and south of the unprocessed concrete and brick stockpile (see Figure 5). Trucks carrying sand or sandstone only would proceed to the stockpile directly to the south of the haulage route. Bricks, concrete and cement would be spread on the ground and inspected again. If any non-conforming wastes are found, the material would be reloaded onto the trucks and removed from the site. Acceptable waste types would be pushed into stockpiles by wheel loaders.

Waste Processing

- Concrete and brick recycling – oversized materials would first be crushed using a mechanical pulveriser. Concrete and brick material would then be loaded into a crusher, then separated into finer fractions using screens and magnets. Crushed material would be conveyed into stockpiles located externally around the crushing plant and separated by concrete block walls.
- Sand washing – sand would be loaded into a hopper by a front-end loader and then conveyed to a wet screen where it would be sprayed with high pressure water. It would then pass through a hydro cyclone for further cleaning and discharged onto stockpiles. Water from sand washing and the pugmill would be captured and passed through a 'thickener' and a filter press to separate silts and capture water for reuse in the sand washing plant.
- Pugmill – cleaned sand would be mixed with water or cement to make road base. The pugmill would include a baghouse to capture dust.

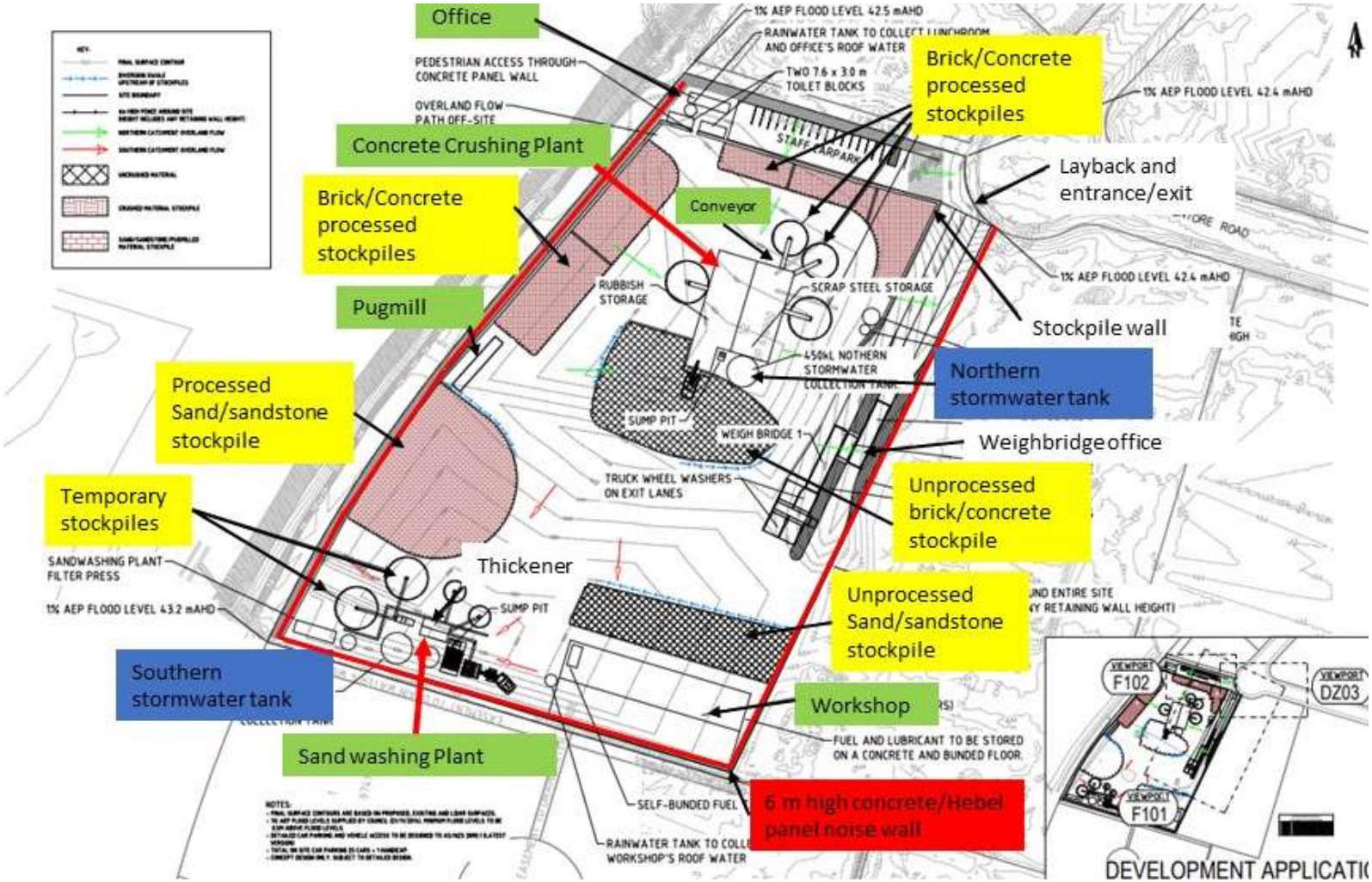

Figure 4 | Development Layout

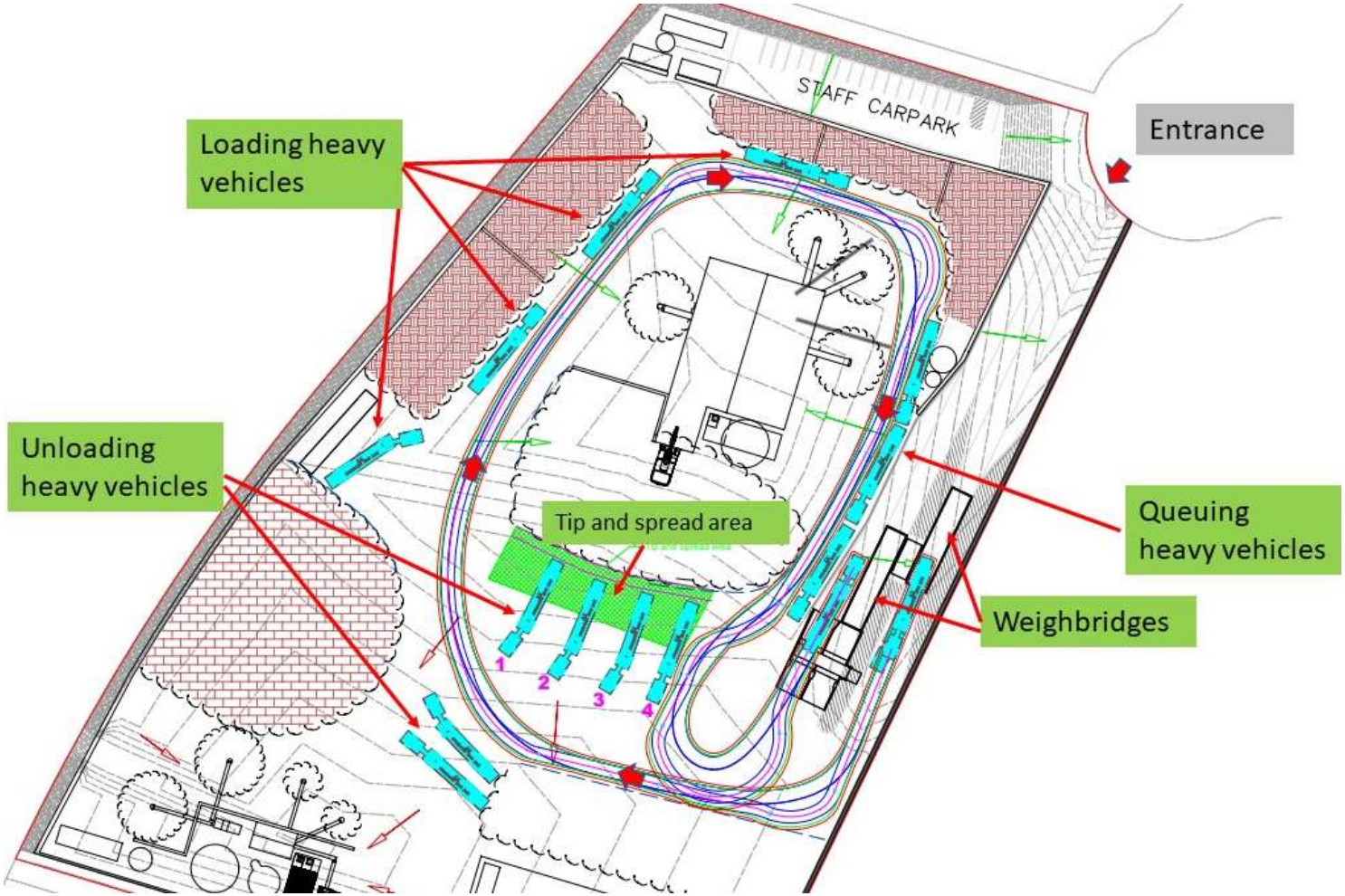

Figure 5 | Heavy vehicle movements

Process Outputs (Products)

Processed waste would be stored in separate stockpiles located on the northern and western boundaries of the site and collected by trucks. Recycled products include sand and aggregates for use as road base, in asphalt and concrete manufacturing and in construction, drainage and landscaping works.

2.3 Applicant's Need and Justification for the Development

It is estimated that 770,000 additional homes will be required in the Sydney basin by 2036. Many of those homes, together with associated infrastructure such as roads and public transport, will be located in the South West Growth Centre.

The Applicant advised the proposal would help cater for growth in the South West Growth Centre which does not contain any large producers of recycled concrete and brick. The development would also provide excavation sand to subdivisions and building sites in the area, which currently import sand from Newcastle.

Furthermore, the Applicant has identified the development would:

- establish a commercially viable RRF which is capable of recovering waste for beneficial reuse
- assist the NSW State government in achieving its objectives for the recovery and recycling of waste as detailed in the *NSW Waste and Sustainable Materials Strategy 2041*
- establish an environmentally responsible and sustainable industry which would create employment.

3 Strategic Context

3.1 The Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018, the Greater Sydney Commission (GSC) released the Greater Sydney Region Plan: A Metropolis of Three Cities (the Region Plan) which forms part of the integrated planning framework for Greater Sydney (see **Figure 6**). The Region Plan is built on a vision of three cities: the Western Parkland City, the Central River City and the Eastern Harbour City.

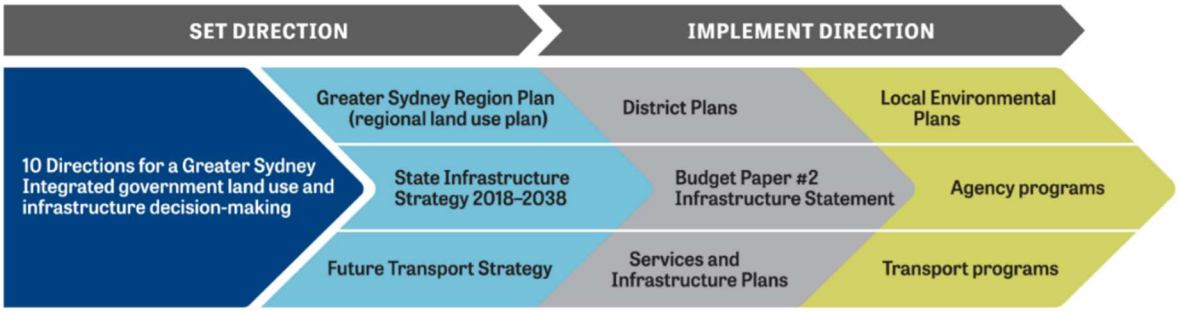

Figure 6 | Integrated Planning for Greater Sydney

The development is located within the Western Parkland City and would assist in achieving key directions and objectives for the region. Specifically, the development would assist in managing waste more efficiently and would leverage industry opportunities associated with the Western Sydney Airport.

3.2 Western Sydney District Plan

In March 2018, the GSC released five District plans encompassing Greater Sydney, designed to guide the delivery of the Region Plan. The district plans set out the vision, priorities and actions for the development of each District.

The site is located within the Western City District within the Campbelltown LGA. The Western City District Plan is a 20-year plan to manage growth in Western Sydney in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney.

The development would assist in achieving Planning Priority W19 as it would manage waste efficiently and W10 as it would use industrial land for environmental services such as waste management and recycling.

3.3 Waste and Sustainable Materials Strategy 2041

The Waste and Sustainable Materials Strategy 2041 (WSMS) sets targets for transitioning NSW to a circular economy over the next 20 years. The key aims of the strategy are to minimise waste, reuse resources efficiently, reduce emissions and increase innovation in the waste sector. The WSMS aims to reduce total waste generated, increase recovery rates and use of recycled content, phase out problematic plastics and reduce the amount of organic waste sent to landfill. The development would assist in achieving these aims by increasing recycling capacity across a range of waste types. The development would reduce the amount of waste sent to landfill and would recover resources for beneficial reuse.

By using waste material that would otherwise be destined for landfill and encouraging the highest amount of resource recovery, the development would contribute to achieving higher recovery rates for construction and demolition waste.

3.4 National Waste Policy: Less Waste, More Resources

The National Waste Policy (NWP) outlines the Federal Government's objectives for improving the management of waste resources and promoting sustainable and innovative solutions to challenges in Australia's waste management industry. The development would assist in achieving a key outcome of the NWP, to ensure waste streams are routinely managed as a resource to achieve better environmental, social and economic outcomes.

The development would assist in achieving Strategy 7: Increasing industry capacity, by constructing and operating waste recycling infrastructure to extract materials for beneficial reuse.

3.5 NSW Circular Economy Policy Statement – Too Good to Waste

The NSW Environment Protection Authority (EPA) prepared the Circular Economy Policy Statement in 2019, outlining principles for transitioning NSW towards a circular economy. The development is consistent with the principles of the policy, including maintaining the value of products and materials. The development would utilise sorting and recycling methods to provide reuse opportunities for waste materials.

4 Statutory Context

4.1 State significance

The proposal is State significant development pursuant to section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for a resource recovery or recycling facility that handles more than 100,000 tonnes per year of waste, which meets the criteria in Clause 23 of Schedule 1 in State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP).

4.2 Permissibility

The site is zoned IN1 General Industrial under the *Campbelltown Local Environment Plan 2015* (Campbelltown LEP). Development for the purpose of general industries (including processing and recycling activities) are permissible with consent in the IN1 zone. Therefore, the Minister or a delegate may determine the carrying out of the development.

4.3 Consent Authority

The Minister for Planning (the Minister) is the consent authority for the development under section 4.5 of the EP&A Act. On 9 March 2022, the Minister delegated the functions of determining SSD applications to the Director, Industry Assessments where:

- the relevant local council has not made an objection, and
- there are fewer than 15 unique public submissions in the nature of objections and
- a political disclosure statement has not been made.

Campbelltown City Council did not object to the development. Of the11 public submissions received, 10 objected to the development. No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who lodged a submission. Accordingly, the application can be determined by the Director, Industry Assessments under delegation.

4.4 Other approvals

Under Section 4.42 of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

The EPA advised the development is a scheduled activity under the *Protection of the Environment Operations Act, 1997* and would require an Environment Protection Licence (EPL). The EPA recommended conditions for air and noise. The Department has considered the EPA's advice in its assessment of the development and included its recommendations in the consent

A Roads Act approval (under s138) is also required for the proposed development given works are proposed in the road reserve.

4.5 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Section 6** and **Appendix B**. In summary, the Department is satisfied the development is consistent with the requirements of section 4.15 of the EP&A Act.

Under section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft

EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the development.

Since lodgment of the DA, all NSW State Environmental Planning Policies have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the exception of State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP. As such, the Department has considered the development against the relevant provisions of the consolidated SEPPs. These include:

- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

Development Control Plans (DCPs) do not apply to SSD under Section 2.10 of the Planning Systems SEPP. However, the Department has considered the relevant provisions of the Campbelltown (Sustainable City) DCP 2015 in its assessment of the development in **Section 6** of this report.

Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix C**. The Department is satisfied the proposed development generally complies with the relevant provisions of these EPIs.

4.6 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the development application and any accompanying information of the SSD application are required to be publicly exhibited for at least 28 days. The application was on public exhibition from 23 October 2020 until 19 November 2020. Details of the exhibition process and notifications are provided in **Section 5.1.**

4.7 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in section 1.3 of the EP&A Act. The objects of relevance to the merit assessment of this application include:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment.

The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 2**).

Table 2 | Considerations Against the Objects of the EP&A Act

Object	Consideration
1.3(a)	The development would promote social and economic welfare and a better environment by diverting recyclable and reusable wastes away from landfill thereby extending the life of landfill operations, producing recycled waste for re-use and reducing demand for natural resources
1.3(b)	The Department's assessment has considered all socio-economic and environmental considerations in a single holistic assessment and is satisfied the development can avoid potentially serious or irreversible environmental damage while providing tangible socio-economic and environmental benefits. The Department is satisfied that the development can be carried out in a manner that is consistent with the principles of ESD
1.3(c)	The development is permissible use which would promote orderly and economic development of land which is zoned for industrial land uses and would provide employment for 15 operational employees and promote economic growth in the Campbelltown area
1.3(e)	The Department's assessment in Section 6 demonstrates that with the implementation of the recommend conditions of consent, the impacts of the development can be mitigated and/or managed to ensure the environment is protected
1.3(i)	The Department has consulted with, and given due consideration to, the technical expertise and comments provided by other Government authorities, including Council. This is consistent with the object of sharing the responsibility for environmental planning between the different levels of government in the State.
1.3(j)	The application was exhibited in accordance with clause 9 of Schedule 1 of the EP&A to provide public involvement and participation in the environmental planning and assessment of this application.

4.8 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

(a) the precautionary principle
(b) inter-generational equity
(c) conservation of biological diversity and ecological integrity
(d) improved valuation, pricing and incentive mechanisms.

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

As demonstrated by the Department's assessment in **Section 6** of this report, the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

4.9 Biodiversity Development Assessment Report

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (the BC Act), SSD applications are to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the development is not likely to have any significant impact on biodiversity values.

On 12 September 2019, the Applicant submitted a request to the Planning Secretary to waive the requirement for a BDAR, on the basis that the proposed development is not likely to have a significant impact on biodiversity values as the site has been cleared, any remaining vegetation is heavily modified and composed of planted trees and introduced shrubs and grasses and no threatened species were detected at the site.

The Environment Agency Head and A/Director, Industry Assessments, as nominee of the Planning Secretary, determined the proposed development is not likely to have any significant impact on biodiversity values. A BDAR waiver under section 7.9(2) of the BC Act was subsequently granted for the development on 4 November 2019.

4.10 Commonwealth matters

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), assessment and approval are required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a 'controlled action'. The EIS included a preliminary assessment of the MNES in relation to the development and concluded the development would not impact on any of these matters and is therefore not a 'controlled action'. As such, the Applicant determined a referral to the Commonwealth Government was not required.

5 Engagement

5.1 Consultation

The Applicant, as required by the Planning Secretary's Environmental Assessment Requirements (SEARs), undertook consultation with relevant local and State authorities as well as the community and affected landowners. The Department undertook further consultation with these stakeholders during the exhibition of the EIS and throughout the assessment of the application. These consultation activities are described in detail in the following sections.

Consultation by the Applicant

The Applicant undertook consultation during the preparation of the EIS including:

- correspondence with government agencies requesting further comments beyond what was provided as input to the SEARs
- letter-box drop to potentially affected landowners and/or occupiers.

Consultation by the Department

After accepting the DA and the EIS, the Department:

- made it publicly available from **23 October 2020** until **19 November 2020** (28 days)
- notified landowners in the vicinity of the site about the exhibition period by letter
- notified and invited comment from relevant State government authorities and Campbelltown City Council.

5.2 Summary of Submissions

During the exhibition period, the Department received 11 submissions from the public (nine businesses, two individuals) and advice from nine government authorities, including Council. One public submission was in support of the proposal and 10 public submissions objected to the proposal. None of the government agencies nor Council objected to the development.

A summary of the submissions and government advice is provided below. A link to the full copy of the submissions and advice is provided in **Appendix A.**

Key Issues Public Authorities

Campbelltown City Council (Council) provided comments on the development. Council advised it had some concerns about the potential for trucks to queue outside the site, onsite traffic management and off-site impacts on intersections. Council also recommended an alternative location for the overnight storage of heavy vehicles and raised concerns over the loading and unloading time used in the assessment. Council also sought additional information regarding the inspection of loads and management of contamination. Council raised concerns that no hazard risk assessment was undertaken, about the proposed flood management measures and the potential for off-site flood impacts. Finally, it recommended conditions relating to air, odour and truck queuing.

EPA required additional information in relation to air quality and water pollution impacts including requiring the Applicant to characterise water discharge using appropriate water quality objectives, estimate frequency and volume of discharge and assess potential environmental impact. It also sought additional information about the sediment basins. The EPA required details about how waste would be stored and managed and the quantity of waste in each stockpile area and advised the facility, if

approved, would need to comply with the EPA's Standards for Managing Construction Waste. The EPA also recommended conditions for noise, remediation and waste limits.

Water NSW raised no concerns.

Crown Lands provided no comment.

DPI Fisheries provided no comment.

TfNSW raised some concerns over the lack of assessment of the impact on a local intersection, discrepancies within the EIS over average truck weight, potential queueing on the road network, onsite parking capacity and the proposed design vehicle.

Fire and Rescue NSW provided a range of recommendations, including for the preparation of an Emergency Plan and update of the stockpile plan to include specific locations, sizes, separation and vehicle access.

Heritage NSW raised concerns that an Aboriginal Cultural Heritage Assessment Report was not provided and consultation with the Aboriginal community had not occurred. It also provided some recommendations to raise the cultural awareness of the contractors working onsite and identified a number of errors in the report.

Natural Resources Access Regulator recommended a condition in relation to the sediment basin's capture area.

DPIE Water provided no comments.

Key Issues Special Interest Groups/Private Businesses

The eight objections from private businesses raised the following key concerns:

- site suitability
- impacts on manufacturing businesses affecting quality of product
- impact of dust on onsite water quality monitoring
- property values loss
- impacts on Montore Road and the wider road network,
- air quality impacts, including the validity of the assessment and impacts of silica dust on human health
- lack of consultation
- potential impacts on Bow Bowing Creek,
- potential for asbestos to be accepted
- lack of asbestos management plan for remediation works
- consistency with SEARs
- construction impacts which were not assessed
- concerns around asbestos management,
- impact of dust on onsite water quality monitoring

Public Submissions

Key issues raised in the two submissions from the general public that objected to the development included traffic and air impacts. Other issues include the potential impact on property prices, concerns over asbestos waste and suitability of the location.

5.3 Response to Submissions and Supplementary Information

On 8 October 2021, the Applicant provided a Response to Submissions (RtS) report on the issues raised during the exhibition of the development (see **Appendix B**). The RtS report included an Aboriginal Objects Assessment, a site water management plan, architectural drawings of the proposed buildings, revised site layout plans, a queuing analysis, revised swept path analysis including for a fire truck, traffic counts and updated SIDRA analysis. It also included an updated preliminary flood analysis, water pollution impact assessment, Asbestos Management Plan, and an updated air quality impact assessment and revised management and mitigation measures.

On review of the RtS, the EPA advised its concerns regarding air quality impacts had not been sufficiently addressed.

On 3 November 2021 the Department sought additional clarification and information on a number of issues, including site plans, water management and stockpile sizes and meeting requirements of the EPA's Standards for Managing Construction Waste. It also, requested information about waste movement around the site, timeframes for the unloading of vehicles, noise, water discharges and sampling, onsite traffic manoeuvrability and leachate and groundwater impact.

The EPA sought more information around air quality impacts.

The Department received additional information from the Applicant on 22 February 2022. The information addressed the majority of the Department's issues, however, some concerns remained.

On 23 March 2022, the Department sought further information regarding the following issues that had yet to be suitably addressed: stockpile sizes, site manoeuvrability, site layout and traffic movements and a quantification of noise reduction provided by the extended southern boundary noise wall. Additional information was provided on 27 April 2022.

The RtS and additional information included the following changes to the development:

- Removal of:
    - northern and southern sediment basins
    - northern overland flow path
    - northern stormwater discharge to Bow Bowing Creek
- Replacement of:
    - northern sump with a 450 kL storage tank
    - northern and southern sumps and gravity discharge with pit and pump to the thickener
- Realignment of southern stormwater discharge to Bow Bowing Creek to join existing infrastructure.
- Movement of southern retaining wall, sand washing plant and shed by 2 m to the north to allow the drainage of overland flow of flood water and increasing the southern setback by 2 m.
- Increase the height of the southern emergency overflow weir.

- Addition of bunker walls at the end of stockpiles D, E and F and reduction of height to 6 m of stockpiles A, C and D.
- Addition of noise walls to the eastern and southern boundary.

The RtS and additional information was made publicly available on the Department's website and was provided to relevant government authorities to consider whether it adequately addressed the issues raised. A summary of the government authorities' final responses is provided below:

- **EPA** advised the RtS and additional information had adequately addresses the EPA's concerns. It also provided recommended conditions of consent.
- **Council** advised it had no outstanding concerns
- **FRNSW** provided recommendations
- **Heritage NSW** advised that the proposed development would not impact Aboriginal heritage sites or values
- **TfNSW** had no further comment.

6 Assessment

The Department has considered the EIS, the issues raised in the submissions, the Applicant's RtS and supplementary information in its assessment of the development. The Department considers the key assessment issue relates to traffic, access and site manoeuvring.

A number of other issues have also been considered. These issues are considered to be minor and are addressed in **Error! Reference source not found.** under **Section 6.2**.

6.1 Traffic, Access and Site Manoeuvring

The development would generate a total of 342 heavy vehicle movements (171 in and 171 out) per day, or 1 truck every three minutes in peak hours, when operating at its full capacity of 450,000 tpa. This traffic has the potential to impact the safety and capacity of the surrounding road network as well as off-site queuing and internal manoeuvrability. The EIS included a Traffic Impact Assessment (TIA) to evaluate the capacity of the road network and key intersections.

The site has one access point off Montore Road, a local cul-de-sac, in the site's north-eastern corner. This access (layback and vehicle access crossing) would be increased in size to accommodate the development traffic.

The site has good access to and from the regional road network. Heavy vehicles would travel to and from the site via different routes depending on weight, however, 90% of trucks would arrive from the north via the Hume Motorway, Ben Lomond Road and Ardis Road. Around 30% of trucks would depart the site to the south via Ardis Road, Rose Payten Drive and Campbelltown Road. While 30% would depart to the west.

Figure 7 | Traffic Routes

Construction

The development would generate approximately 780 truck movements spread across the six-month construction stage. Although the EIS did not provide a quantitative construction traffic assessment, construction traffic is expected to be a lot less than the operational traffic volume and therefore is unlikely to significantly impact the surrounding road network. However, to ensure the appropriate management of heavy vehicles during construction, the Department has recommended the Applicant prepare and implement a Construction Traffic Management Plan (CTMP) detailing heavy vehicle routes, access and parking arrangements, including a Construction Driver Code of Conduct.

Operational traffic

The development would be serviced by a range of heavy vehicles up to a 20 m articulated vehicle. The TIA estimated that operation of the development would generate 42 vehicles in the morning peak hours (8 am to 10 am) and 32 in afternoon peak hours (12 pm - 2 pm). The TIA modelled the performance of Ardis Road/Montore Road, Ben Lomond Road/ Ardis Road, Pembroke Road/Rose Payten Drive and Rose Payten Drive/Campbelltown Road intersections with and without the development, identifying that the intersections would all remain at a level of service A or B. The TIA advised that vehicles would not use Raby Road between Campbelltown Road and Eagle Vale Drive to reduce impacts on residents.

Both TfNSW and Council raised some concerns and requested clarity on a number of matters in the EIS, including why Ben Lomond Road/Campbelltown Road intersection was not considered in the assessment and around the differences between outbound and incoming trips. Council also advised the SIDRA modelling provided in the TIA appeared different to Council's model which identified a lower level of service for the assessed intersections for the existing conditions than modelled by the Applicant. A number of public submissions also raised concerns about the traffic volume and impacts on the safety of Montore Road.

As a result of the concerns raised, the Applicant undertook additional traffic counts at the key intersections which informed revised SIDRA modelling included as part of the RtS. The counts identified that current? traffic numbers at key intersections were up to 4,000 trips in the peak hour and 800 trips per hour at the Ardis Road/Montore Road intersection. The RtS identified that operation of the development would not change the level of service of these key intersections, however there would be a deterioration of intersection performance at Ben Lomond Road/Pembroke Road and Pembroke Road/ Rose Payton Drive intersections over a 10-year period (by 2031) due to background growth. Nonetheless, the impact of the development would be minor as it would only increase the average delay by up to 4 seconds.

In relation to the safety of Montore Road, the Department notes the development would only add an additional 5 % on top existing traffic in the PM peak and 10 % in the AM peak to the intersection of Montore Road and Ardis Street. The RtS also determined the sight lines from the driveway would be sufficient.

Following review of the RtS, neither Council nor TfNSW raised further concerns or recommended any additional conditions of consent. However, to alleviate public concerns around safety and to appropriately manage operational traffic, the Department has recommended a condition requiring the preparation of an Operational Traffic Management Plan (OTMP) which includes a traffic control plan detailing heavy vehicle routes and road safety and efficiency measures to minimise potential impacts

on the local and regional road network. In addition, standard conditions including prohibiting queuing on the public road network would help manage impacts on the users of Montore Road

To manage the design of the access layback, the Department proposes a condition requiring the Applicant to provide the design plans to the satisfaction of the Council to ensure the design is accordance with Council's engineering guidelines as recommended by Council.

The Department considers that, although the development would be a contributor to traffic numbers on the network, it is able to be accommodated with a range of conditions as discussed above.

Site maneuverability, access and queuing

It is important that waste facilities are of a size and layout that allows heavy vehicles to move safely through the site without queuing on the public road network. The RtS identified that at full capacity, the site would be accessed by one heavy vehicle every three minutes. These trucks would enter the site off Montore Road and travel in a one-way loop, unloading or loading adjacent to the onsite haulage route. The Department raised concerns the site was too constrained as it appears incoming heavy vehicles would cross the path of outgoing vehicles if they occurred at the same time, and heavy vehicles would load in close proximity to the haulage route. The tip and spread area, a requirement in all C&D waste facilities, was not shown on the original development plans, which raised further concerns about whether a truck could unload and circulate safely.

The TIA included a swept path analysis for a 19 m semi-trailer manoeuvring through the site, however it was unclear if the size and layout of the facility would cater for the number of trucks accessing the site during peak periods. Council and public submissions raised concerns over the potential for vehicles to queue on the public road network. The RtS determined that the weighbridge, unloading, tip and spread manoeuvres and circulating the site would take a total of 5 min. The Department, Council and EPA questioned this timeframe, however the Applicant advised these numbers were based on actual truck data from the Applicant's existing facility in Camelia. The RtS included a queuing analysis and time-step analysis which considered the maximum length of trucks accessing the site, the time spent onsite and the vehicle numbers, and found there would be up to four vehicles queuing onsite at one time.

The RtS demonstrated the incoming weighbridge is located far enough into the site to allow 6 trucks to queue behind it on entering the site. In addition, three trucks would be able to queue adjacent to the western driveway wall which equates to an availability of 9 queuing spots compared to a total of four trucks estimated by the queuing analysis. The Applicant considers it has demonstrated the site has sufficient capacity onsite to accept trucks during peak periods without queuing on the public road network. The Department concurs it would appear the site has sufficient queuing capacity and Council raised no more concerns. However, to ensure the site operates in the manner which has been detailed in the RtS, the Department has recommended a standard condition prohibiting heavy vehicles from the development queuing on Montore Road.

Given the site constraints, the number of heavy vehicles and lack of detail on the plan in the RtS, the Department raised further concerns about the site's ability to accommodate large stockpiles and the required tip and spread area while ensuring vehicle paths are kept clear and maintaining safety during unloading and loading of vehicles. To enable further consideration, the Department sought additional justification for the stockpiling up to 50,000 tonnes of unprocessed waste and 22,000 tonnes of product onsite at any one time. The Applicant responded that the proposed stockpile volume represents a worst-case scenario that would only occur when there is a surge in some recyclable material, for example a

tunnelling project, and is unlikely to occur very often. The EPA confirmed it was satisfied that it could issue an EPL as the proposed stockpile volume would not exceed its 'authorised amount' storage capacity, which is calculated using stockpile height and site area.

The Department has considered the findings of the advice from the EPA, as well as the information in the TIA and the RtS, including an updated site plan which demonstrated that trucks would be able to circulate adequately around the tip and spread area. Given the proposed number of queuing spots and the low probability that the site would stockpile 72,000 tonnes of material at any one time, the Department considers the internal traffic impacts can be managed via a number of conditions. These conditions include the requirement for a stockpile management plan to ensure stockpiles do not encroach on the haulage route and a traffic control plan to manage vehicle conflicts and queuing. In addition, a diver code of conduct is recommended to ensure drivers are aware of both the requirements to manage onsite conflicts and queuing and the need to avoid Raby Road.

The Department considers the Applicant has given appropriate consideration to the management of vehicles entering and exiting the site via the proposed signage. However, to ensure safety, the Department also recommends the Applicant also employ a full-time traffic controller to manage potential conflicts.

The Department concludes the potential traffic impacts associated with construction and operation of the development can be managed through a range traffic management measures, which have been included in the recommended consent. These measures include implementation of a CTMP, OTMP, traffic control plan, a driver code of conduct and a full-time traffic control officer. The Department's assessment concludes the potential construction and operational traffic impacts associated with the development are minimal and can be managed by the Applicant, subject to the recommended conditions

6.2 Other Issues

The Department's assessment of other issues is provided in **Error! Reference source not found.**.

Table 3 | Assessment of Other Issues

Findings	Recommendations
Air Quality	
• The acceptance, storage and processing of brick, concrete, asphalt, sandstone and sand has the potential to generate dust and particulate emissions. • To assess potential air quality impacts the Applicant prepared and submitted an Air Quality Impact Assessment (AQIA) in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales. This report was subsequently amended and resubmitted following a meeting held between the Applicant, EPA and Department to discuss outstanding concerns and issues raised by the public regarding impacts to their businesses.	Require the Applicant to: • pave the haul route with concrete or asphalt • identify all control measures for each emission source • ensure the processing plant, pugmill and concrete silo are enclosed and attached to baghouses

Findings	Recommendations
• The revised AQIA included updated modelling and a range of newly modelled mitigation measures such as sealing of the onsite haul route which had been identified as the biggest source of emissions. • The revised AQIA identified nine sensitive receivers, including three industrial receivers and a childcare centre, and modelled the impacts of PM_{10} and $PM_{2.5}$ • The Applicant committed to and modelled enclosure of the crushing plant, maintaining stockpiles within bunkers with walls at the same height, sealing the hardstand and connecting baghouses to the pugmill and crushing equipment. • The modelling identified there would be a marginal exceedance of $PM_{2.5}$ (annual average) and two exceedances of (24 hour) PM_{10} at two industrial receivers. A contemporaneous assessment was then undertaken which found there would be a slight exceedance of $PM_{2.5}$ at an industrial receiver. • On review of the revised AQIA, the EPA advised its issues had been addressed and raised no concerns about the marginal exceedance as it was largely due to background and the incremental contribution from the development was low. • The EPA recommended a range of conditions including requiring the crushing plant to be enclosed, the processing plant to be fitted with vacuum dust extraction system and the pugmill and cement silo to be fitted with a baghouse. To ensure air impacts would be adequately managed, the Department has included these conditions in its recommendation. • The Department acknowledges the updated model demonstrates the development would comply, except for one minor exceedance due to background concentrations. The Department agrees with advice from the EPA that the development can be approved, however, the Department has recommended a series of stringent conditions to ensure the development operates as modelled and that the management measures are being implemented appropriately. • As the management of dust is highly dependent on good housekeeping practices, the Department recommends the Applicant prepare an Air Quality Management Plan to include measures such as regularly sweeping the haulage road and watering the stockpiles and ongoing monitoring, reporting and contingency measures. • To ensure the site's compliance, the Department has also recommended the Applicant undertake a series of validation monitoring events at various levels of operation (throughputs of 150,000 tpa, 300,000 tpa and 450,000 tpa). In this way, if the development is not operating as predicted, further contingencies can be implemented prior to further increasing of throughput. • The Department's assessment concludes the implementation of the recommended stringent conditions would ensure air quality impacts would be acceptable and can be adequately managed by the Applicant. If exceedances are identified by the verification process, a range of contingency measures would be implemented to ensure compliance with the relevant criteria, subject to the implementation of recommended consent conditions.	• prepare and implement an Air Quality Management Plan • undertake monitoring to verify performance of the development before increasing processing volumes
Water Quality and Quantity	

Findings	Recommendations
• The construction and operation of a C&D recycling facility adjacent to Bow Bowing Creek has the capacity to impact on the creek's water quality and quantity. • The EIS included a Soil and Water Management Plan which modelled the potential impact of the stormwater management system and the water reuse scheme with regard to Council's DCP 2009. • The Department and EPA raised concerns about the lack of characterisation of water output, which was based on Council's DCP requirements with no consideration of the full range of potential pollutants contained within C&D waste and uncertainty around frequency of discharges. • In response, the Applicant included a revised soil and water management plan within the RtS, which revised the onsite stormwater management system. Stormwater runoff would now be treated in the thickener associated with the sand washing plant via two sumps. The clarified water would be stored in a tank for reuse onsite. Overflows from the tank would be treated with an oil and grease arrestor prior to discharge to the creek • The modelled discharge volume of 2.8 ML/year would be less than the volume currently discharged, and discharges would occur approximately 7 times per year. • A separate assessment was undertaken to consider the impact of discharge against the National Water Quality Guideline and NSW Water Quality Objectives. Even though the assessment was undertaken on the original stormwater system design which did not include treatment within the sand washing plant, it was demonstrated that discharges from the site would meet the relevant criteria. • Following review of the RtS, the EPA and Council both advised their concerns about potential water impacts had been addressed • The Department considers the proposed stormwater management system is appropriate for managing stormwater quality and volumes generated by the development given the frequency of discharge would decrease from the current conditions and all discharged water, which was shown to meet the relevant criteria, would be treated to some extent. • The Department is also satisfied the potential stormwater impacts during construction can be managed through the implementation of erosion and sediment control measures and an erosion and sediment control plan. • The Department's assessment concludes the potential water impacts can be minimised and managed by the Applicant via the implementation of proposed stormwater management measures as well as consent conditions recommended by the Department, which include the requirement to prepare and implement a Water Management Plan to ensure water use, disposal and management remains as predicted.	Require the Applicant to: • install and operate the proposed stormwater management system • ensure all water discharged off-site to Bow Bowing Creek is treated • install and maintain erosion and sediment control measures during construction and prepare an Erosion and Sediment Control Plan • prepare and implement a Water Management Plan
Flooding	
• Construction of the development on the banks of Bow Bowing Creek has the potential to impact off-site flood levels. • The EIS included a flood impact assessment which identified the undeveloped site would be partially within the low-hazard zone in the 1 in 100-year flood event, and although the development would render the site flood-free, without management, off-site impacts would occur.	Require the Applicant to: • prepare and implement a Flood Emergency Response • create an easement over the site to allow the flow of flood water

Findings	Recommendations
• The EIS included a range of measures to manage flooding including a pipe upgrade in the easement of the southern adjacent property. However, Council sought clarification and stated it would not accept the proposed off-site impacts from the development and it did not support the proposed upgrades. It also sought further clarification around the flood model. • Subsequently, the Applicant revised its flood management approach and proposed instead to allow flood waters onsite, consistent with existing conditions. • To facilitate this approach, the proposed southern retaining wall was offset 2 m from the site boundary to allow the passage of floodwaters from the southern catchment to Bow Bowing Creek via the existing swale consistent with existing conditions. • The western and southern end of the site have been raised 500 mm above the 1 in 100-year flood event in accordance with Council's DCP. • Some additional minor flood impacts would remain at the northern end of the driveway. • On review of the RtS and additional information, Council raised no more concerns. • The Department has reviewed the RtS and revised flooding design and has concluded the development would have negligible off-site impacts in the 1% AEP flood event. However, to ensure the passage of floodwater for the life of the development, the Department has recommended the Applicant create an easement over the site under Section 88A of the *Conveyancing Act 1919*. • To manage the residual driveway impacts, the Department has recommended a condition requiring the Applicant to prepare and implement a Flood Emergency Management Plan to ensure the safety of the on-site workers. • The Department's assessment concludes that with implementation of the recommended conditions potential off-site flood impacts would be avoided.	
Noise	
• The development has the potential to generate noise at residences 290 m to the west in St Andrews. • Noise impacts from construction and operation were assessed in a Noise Impact Assessment (NIA). The NIA considered simultaneous truck pick-ups and deliveries, crushing, screening, and sand washing operations (inside buildings with open sides) and pugmill operations. There would also be a 6 m high noise wall along the northern and western boundaries. • The NIA predicted noise during daytime operations as well as morning (6 am – 7 am) and evening (6 pm – 7 pm) shoulder periods, which would include truck deliveries only. The NIA predicted noise from the development would comply with the criteria established under the Noise Policy for Industry, 2017 at all receivers (including adjacent industrial neighbours) during all operating periods, including compliance with sleep disturbance criteria. Construction noise levels were predicted to be lower than the applicable construction noise management levels. • Several submissions from industrial neighbours raised concerns about noise and the Applicant responded by confirming the 6 m high noise wall would be extended around the whole site. The Applicant modelled the extended noise wall and indicated it would achieve	Require the Applicant to: • comply with noise limits • limit activities during morning and evening shoulder periods to truck deliveries and pick-ups only • conduct operational noise monitoring to measure compliance with noise limits • prepare a noise verification report • comply with standard construction working hours

Findings	Recommendations
between 5-10 decibels reduction for industrial neighbours to the south. • The EPA reviewed the NIA and recommended conditions including noise limits, operating hours consistent with the assumptions in the NIA, monitoring to demonstrate compliance with the noise limits and preparation of management plans for operation, construction and road traffic noise. • The Department's consideration of the NIA, submissions and advice from the EPA has concluded the development incorporates sufficient noise controls to ensure no adverse amenity impacts at sensitive receivers. These include enclosed crushing, screening and sand washing operations and a 6 m high noise wall around the entire site. • The Department notes the morning and evening shoulder periods were modelled for truck deliveries and pick-ups only, with no crushing, screening, pugmill or sand washing operations. These operational activities shall therefore be limited to the hours of 7 am – 6 pm Monday to Friday and 7 am to 4 pm Saturdays. The Department has included the EPA's recommendations as conditions of consent. • The Department has also recommended a condition requiring the preparation of a noise verification report which would require noise monitoring and outline a range of contingency measures to be implemented should operational noise exceed the recommended noise limits. • The Department's assessment concludes the development would not have adverse noise impacts on sensitive receivers and the requirements for noise monitoring would ensure the development is regularly measured against the noise limits.	
Contamination	
• The Applicant prepared a Remedial Action Plan (RAP) for the development which identified the need to remove soils contaminated with asbestos, prior to construction. A number of hotspots were identified, and the RAP proposed to remove these to make the site suitable for the proposed industrial use. • The RAP proposed to excavate and dispose of soils containing friable asbestos, and to hand pick bonded asbestos from soils, with the remaining soils validated and re-spread on the site. • The EPA raised concerns about the remediation approach and the potential for mixing of contaminated areas with the proposed operational activities. • The Applicant provided an Asbestos Management Plan (AMP) in the RtS, which provided further detail of how the material would be tested, excavated and validated. • Following a review of the AMP, the EPA reiterated its preference for all asbestos to be removed from the site. • The Department has reviewed the RAP and AMP and considers the remediation methods proposed in the AMP have been prepared in accordance with relevant guidelines. The Applicant would be required to engage a suitably qualified consultant to prepare a validation report, to verify the remediation objectives have been achieved and certify the suitability of the site for the proposed industrial use. • The Department's assessment concludes the site can be made suitable for the proposed use, following the implementation of the RAP and AMP and the preparation of a Validation Report. The	Require the Applicant to: • remediate the site prior to construction, in accordance with the RAP and AMP. • remove all asbestos from the site. • submit a Validation Report prepared by a qualified consultant, to verify the remediation works have been satisfactorily completed and the site is suitable for the proposed industrial use, prior to construction.

Findings	Recommendations
Department has included a condition requiring the removal of all asbestos from the site.	
Waste Management	
• Inappropriate management of waste recycling operations has the potential to cause adverse impacts both on and off-site • The development would accept up 450,000 t of C&D waste per annum and store up to 72,000 t or unprocessed and processed waste at any one time. • Operational waste generation would include metal, wood and plastic that arrive onsite within the C&D waste, however, these materials would represent only 0.01% of the incoming material and would be either taken off-site to be recycled or taken to a licensed landfill. • As a C&D facility, the development is required to manage waste in accordance with the EPA's Standards for Managing Construction wastes in NSW (the standards) which includes a range of measures to prevent inappropriate waste management. • The Applicant advised it had consulted with the EPA on application of its standards and would ensure the site is managed to comply. • Although limited waste management procedures were documented in the EIS and RTS, the Department recognises the type of waste to be accepted and processed is not hazardous or combustible and would be managed in accordance with the standards. • Notwithstanding, poor waste management could potentially lead to off-site and onsite impacts and as such, the Department and the EPA requested more information about how waste storage would be managed, and Council raised concerns about potential cross contamination. • The Applicant advised most of the waste would be source-separated and all would be non-combustible. Stockpile dimensions were also provided, however the Applicant maintained some stockpiles would not need to be separated to avoid cross-contamination as they would be of the same waste type. • Neither Council nor the EPA raised any further concerns noting that the development would in any case be required to operate in accordance with the standards. • The Department concurs with the EPA, however, it requested updated plans to show the required tip and spread area and it has recommended the preparation of a stockpile management plan as part of the traffic management plan (see Section 6.1) to ensure waste does not interfere with the haulage route. It also recommends the Applicant prepare a Waste Management Plan and waste monitoring program to facilitate the ongoing management of waste onsite. • The Department's assessment concludes waste would be managed appropriately, subject to the recommended conditions.	Require the Applicant to: • prepare and implement a Waste Management Plan • implement a waste monitoring program.
Fire and Hazards	
• The development would handle 30,000 litres of diesel, which is a combustible product and not considered potentially hazardous under the Resilience and Hazards SEPP. • The Department referred the application to FRNSW and they provided detailed recommendations for managing fire-fighting in waste facilities. • The Department's hazards team reviewed FRNSW's recommendations and proposed conditions for a Fire Safety Study in	Require the Applicant to: • prepare a Fire Safety Study and Emergency Response Plan.

Findings	Recommendations
accordance with FRNSW guidelines and an Emergency Response Plan for managing onsite and off-site fire events and other incidents. • The Department's assessment concludes the fire and hazards aspects of the development would be appropriately managed through the recommended conditions for a Fire Safety Study and Emergency Response Plan.	
Heritage	
Aboriginal Heritage • The Applicant provided a Due Diligence Assessment in the EIS which concluded it is highly unlikely there would be intact Aboriginal objects due to the high levels of ground disturbance on the site and in the adjacent areas of Bow Bowing Creek, which is a concrete lined channel. • Heritage NSW noted the Applicant had not provided an Aboriginal Cultural Heritage Assessment Report or undertaken consultation with the Aboriginal community as required by the SEARs. • In its RtS, the Applicant updated the Due Diligence assessment to include consultation with the Aboriginal community, including a site inspection that was attended by the Cubbtich Barta Native Title Claimants. The assessment confirmed the low likelihood of finding Aboriginal objects on the site. • Following a review of the RtS, Heritage NSW confirmed the development would not impact on Aboriginal heritage sites or values and raised no further comments. The recommendations provided by Heritage NSW in its initial response have been adopted in the Applicant's management and mitigation measures. These include Aboriginal cultural heritage awareness in the site inductions and an unexpected finds protocol. • The Department's assessment concludes the development would have limited potential to impact on Aboriginal heritage given the significant past ground disturbance. The recommended conditions would be adequate to manage any unexpected finds. Non-Aboriginal Heritage • The EIS included an Historical Archaeological Assessment that concluded there are no listed heritage items on the site and the development would not impact on historic heritage items located in the surrounding area. • The Department reviewed the Historical Archaeological Assessment and agrees with the conclusions that the development would have negligible impacts on listed heritage items.	Require the Applicant to: • prepare an unexpected finds protocol for managing any Aboriginal heritage objects • include Aboriginal cultural heritage awareness in site inductions.

7 Evaluation

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development.

The Department's assessment concluded there would be some amenity impacts during operation of the resource recovery facility, the key residual issue being traffic and access, and in particular, the capacity for the development to cater for the number of heavy vehicles onsite. The Department has recommended a number of conditions to minimise these impacts, including:

- an Operational Traffic Management Plan including a transport code of conduct
- a driver code of conduct
- a full-time traffic control officer

Additional amenity issues such as air and water would be managed by conditions requiring the site to be paved, the implementation of good housekeeping practices, verification at various waste throughputs and the treatment of all water discharging to Bow Bowing Creek.

The Department has also recommended conditions for the payment of development contributions and the Applicant's contribution to infrastructure upgrades to service the development, including access works and drainage.

The Department's assessment concludes the development would support the conversion of waste into reusable products via recycling. In economic terms, recycling reduces waste disposal costs for both government and industry and the development would provide 25 construction jobs and 25 operational jobs.

The development is consistent with the principals of the EPA's Circular Economy Policy Statement by providing opportunities for reuse of waste materials. It is also consistent with the Waste and Sustainable materials Strategy 2041 as it would increase recycling opportunities across a range of waste types.

The Department concludes the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

8 Recommendation

For the purpose of section 4.38 of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Director, Industry Assessments as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of the Minto Resource Recovery Facility (SSD-5339), subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent

Recommended by:

Sheelagh Laguna 10/06/22
A/Team Leader
Industry Assessment

9 Determination

The recommendation is **Adopted** by:

[insert name]
[insert position]
[insert branch / team]

Appendices

Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

Environmental Impact Statement

Environmental Impact Statement Resource Recovery Facility SSD 5339 prepared by Nexus Environmental Planning Pty Ltd dated 13 October 2020**Submissions**

- All submissions received from relevant public authorities and the general public and businesses

Response to Submissions

- Resource Recovery Facility SSD 5339 Concrete Recyclers Pty Ltd prepared by Nexus Environmental Planning Pty Ltd dated 13 September 2021

Additional Information

- Letter from Nexus Environmental Planning dated 22 February 2022
- Letter from Nexus Environmental Planning dated 27 April 2022

Statutory Documents

- Relevant considerations under section 4.15 of the EP&A Act (see **Appendix B**)
- Relevant environmental planning instruments, policies and guidelines (see **Appendix C**)

All documents relied upon by the Department during its assessment of the application may be viewed at: https://www.planningportal.nsw.gov.au/major-projects/projects/minto-resource-recovery-facility

Appendix B – Considerations under Section 4.15 of the EP&A Act

Matters for Consideration under Section 4.15 of the EP&A Act

Matter	Consideration
a) the provisions of: i.) any environmental planning instrument, and	The Department has considered the relevant environmental planning instruments in its assessment of the development.
ii.) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	There are no relevant draft EPIs.
iii.) any development control plan, and	Under clause 11 of the SRD SEPP, development control plans do not apply to State significant development.
iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	The Applicant has not entered into any planning agreement under section 7.4
iv.) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.
b) 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 Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
c) the suitability of the site for the development,	The development is for a waste or resource management facility on land zoned IN1 which is a prescribed zone under cl 120 of the Infrastructure SEPP (ISEPP).
d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the development in Section 6 of this report.
e) the public interest.	The development would generate up to 25 jobs during construction, 25 jobs during operation and direct $3.5 million in capital investment in the

Matter	Consideration
	Campbelltown City local government area. The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers to the development is in the public interest.

Appendix C – Consideration of Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPI's were considered as part of the Department's assessment:

- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)
- Greater Metropolitan Regional Environmental Plan No.2–Georges River Catchment
- Campbelltown Local Environmental Plan 2015
- Campbelltown Development Control Plan 2015 (DCP)

State Environmental Planning Policy Planning Systems 2021)

The SRD SEPP identifies certain classes of development as SSD. The proposal is State significant development pursuant to section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development for the purpose of resource recovery facility that handles more than 100,000 tonnes per year of waste which meets the criteria in Clause 23 of Schedule 1 in the SRD SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for consultation with relevant public authorities about certain types of development during the assessment process.

TfNSW's comments are detailed in **Section 5** of the report.

The Department has consulted and considered the comments from relevant public authorities and where applicable, has included suitable conditions in the recommended conditions of consent.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

Chapter three of the Resilience and Hazards SEPP aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impact on off-site receptors.

The Applicant reviewed the development in accordance with Resilience and Hazards SEPP and advised that the proposed development is not potentially hazardous or offensive.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

Chapter Four of the Resilience and Hazards SEPP aims to provide a State-wide approach to the remediation of contaminated land. In particular, the Resilience and Hazards SEPP aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required
- the relevant considerations for consent to carry out remediation work
- the remediation works undertaken meet certain standards and notification requirements.

The EIS included a stage 1 and 2 investigation which identified the site was contaminated with asbestos.

It was identified that the asbestos at the site poses a risk to receptors however, however the site can and would be made suitable for industrial uses through the implementation of the Remediation Action Plan and Asbestos Management Plan. The development has been assessed against Resilience and Hazards SEPP and the Department is satisfied it would be consistent with the Resilience and Hazards SEPP.

Greater Metropolitan Regional Environmental Plan No.2–Georges River Catchment

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (GMREP), aims to protect the water quality of the Georges River and its tributaries and the environmental quality of the whole catchment through coordinated land use planning and development control. The site is located within the area covered by GMREP. The Department considers that the development is consistent with the aims and objectives of GMREP as it would have no impacts on water quality in the Georges River Catchment

Campbelltown Local Environmental Plan 2015

The Campbelltown LEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Campbelltown LGA. The Campbelltown LEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The development is located on IN1 General Industrial zoned land and the area immediately surrounding the site is utilised for industrial uses. The proposed development is consistent with the objectives of the IN1 zoning identified in the Campbelltown LEP. The Department has consulted with Campbelltown City Council throughout the assessment process and has considered all relevant provisions of the Campbelltown LEP and those matters raised by Council in its assessment of the development (see Section 6 of this report). The Department concludes that the development is consistent with the relevant provisions of Campbelltown LEP.

Campbelltown Development Control Plan 2015 (DCP)

The DCP includes specific development controls for the Campbelltown LGA. The relevant provisions for the development include Part 7 – Industrial Development. The EIS includes brief consideration of the stormwater provisions. The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the DCP and those matters raised by Council in its assessment of the development (see Section 6 of this report).

Appendix D – Community Views for Draft Notice of Decision

Issue	Consideration

Traffic
• Concerns over the addition of traffic on already congested roads
• Safety of Montore Road
	Assessment
	• The development would generate up to 342 vehicle trips per day
	• The Applicant provided a Traffic Impact Assessment that demonstrated there is sufficient capacity within the local road network to accommodate additional traffic caused by the development.
	• The Applicant identified designated haulage routes for heavy vehicles that do not travel through residential areas and demonstrated all onsite truck movements could be carried out safely.
	• There is sufficient queuing spots to ensure heavy vehicles do not queue on Montore Road
	• The Department's assessment concluded that, subject to recommended conditions and the Applicant's mitigation measures, site access and manoeuvring arrangements are satisfactory, and traffic generated by the development can be accommodated on the local and regional road network without any significant impacts on safety or level of service.
	• Council and Transport for NSW have reviewed the additional information provided in the Response to Submissions report and have raised no concerns with the information provided in relation to traffic impacts
	Conditions
	• The Department's recommended conditions require the Applicant to:
	  ○ prepare a traffic management plan including a driver code of conduct and traffic control plan to ensure trucks follow specific haulage routes and maneuver safely onsite
	  ○ not queue on the public road network

Issue	Consideration

Air Quality
• Dust impacts on water quality testing requirements
• Dust impacting product
	Assessment
	• The Applicant prepared and submitted an Air Quality Impact Assessment (AQIA). This report was subsequently amended and to address concerns raised by the community, EPA and the Department
	• The revised AQIA included mitigation measures such as sealing of the onsite haul road which had been identified as the biggest source of emissions.
	• The Applicant committed to and modelled the identified mitigation measures.
	• The Applicant demonstrated the predicted concentrations for all pollutants, would meet impact assessment criteria at all receptors.
	• On review of the information, the EPA raised no additional concerns subject to the implementation of a range of conditions including requiring the crushing plant to be enclosed, the processing plant to be fitted with vacuum dust extraction system.
	• The Department has included these conditions in its recommendation.
	• It has also recommended the Applicant prepare an AQMP and undertake a series of verification monitoring to ensure the development operates as predicted.
	• The Department's assessment concluded with appropriate measures in place, including conditions requiring the preparation and implementation of an Air Quality Management Plan Air Quality Monitoring, the proposal would have minimal air quality impacts on surrounding receivers and meet all applicable NSW EPA impact assessment criteria.
	Conditions
	• The Department's recommended conditions require the Applicant to:
	  ○ Enclose the crushing plant.
	  ○ Prepare and implement an Air Quality Management Plan and undertake an Air Monitoring to evaluate the performance of the development and determine compliance with key performance indicators. take all reasonable steps to minimise dust generated by the development during construction and operation
	  ○ undertake verification modelling and implement contingency measures if needed.

Appendix E – Recommended Instrument of Consent