

ASSESSMENT REPORT

BANKSMEADOW WASTE TRANSFER TERMINAL SSD 5855 MOD 1

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State significant development (SSD) approval for the Waste Transfer Terminal at Banksmeadow. The site is located within the City of Botany Bay local government area (LGA). A small portion of the site in the south-east corner (including Beauchamp Road access) is located within the Randwick City LGA. The application has been lodged by Veolia Environmental Services (the Applicant) pursuant to section 96 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposal seeks to amend the conditions of approval to allow for an additional six months to complete upgrade works to the Beauchamp Road and Perry Street intersection, while some limited operations commence on the site. The proposal also seeks approval to include a new condition to prevent leachate leaking from waste containers and to further restrict right turn movements from Beauchamp Road into the site during the day.

2. SUBJECT SITE

The subject site is located on the corner of Beauchamp Road and McPherson Street at Banksmeadow. It comprises four lots covering an area of approximately 2.5 hectares (refer to **Figure 1**). A large portion of the site was formerly used for manufacturing and metal fabrication and more recently used to store skip bins, semi-trailers and shipping containers.

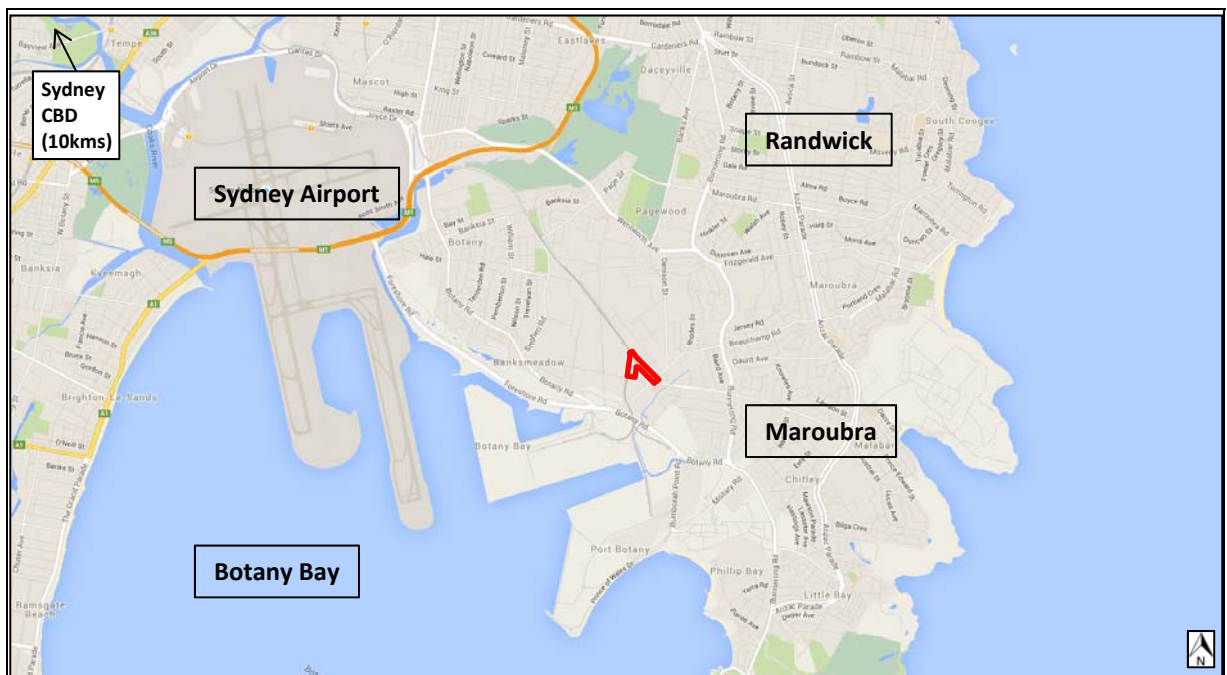


Figure 1: Site location

The site is located approximately 10 kilometres (km) south-east of Sydney CBD, 4 km west of Sydney Airport and 1 km north-east of Port Botany. The nearest residential properties are about 120-150 metres to the east of the site.

The Botany Goods Line lies to the west and an existing rail siding lies to the east of the site. The Botany Industrial Park (BIP) is located to the north and comprises a precinct including facilities that manufacture chemicals, surfactants and plastics. The Goodman Industrial Park is located to the south, which is used for freight warehousing (refer to **Figure 2**).



Figure 2: Aerial view of the site (outlined in red) and its immediate surroundings

3. APPROVAL HISTORY

On 28 April 2015, the Planning Assessment Commission (the Commission) granted SSD approval for the construction and operation of a waste transfer facility to receive, consolidate and transport up to 500,000 tonnes per annum of waste (refer to **Figure 3**).

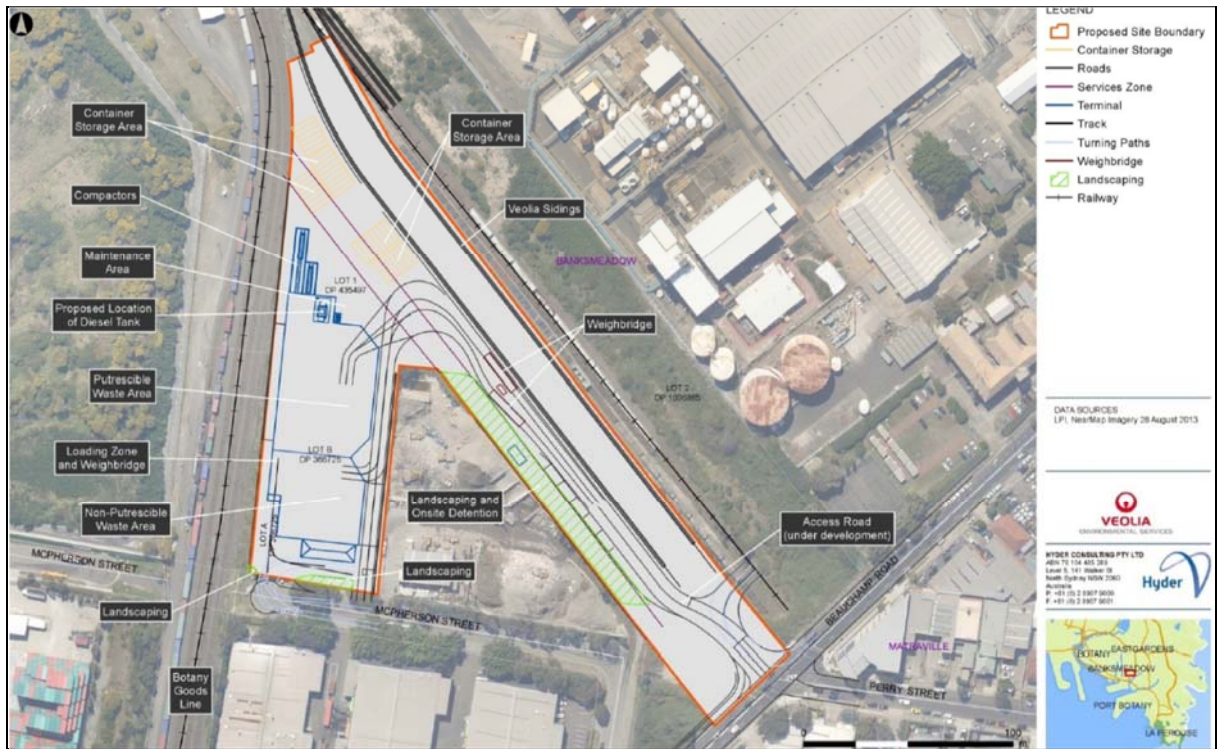


Figure 3: The approved layout of the development and site access

4. PROPOSED MODIFICATION

On 8 June 2016, the Applicant lodged an application (SSD 5855 MOD 1) seeking approval to:

- Amend Condition 23 of the Development Consent and add a new condition to allow for an additional six months to complete the road upgrade works to the Perry Street and Beauchamp Road intersection and to allow limited operations on the site during this time. The Applicant proposes the following amendments to the approval:

23. ***Prior to Within six months of the commencement of operations, the Applicant must complete the road upgrade works at the intersection of Beauchamp Road and Perry Street and the left turn deceleration lane into the site, in consultation with City of Botany Bay Council and Randwick City Council, and to the satisfaction of RMS and the Secretary.***

23A. The Applicant may commence operations prior to the completion of the road upgrade works referred to in Condition 23 above provided that the Applicant does not receive or process more than 18,000 tonnes per month in the period prior to the completion of the road upgrade works.

- Add a new condition to ensure all containers are designed to prevent the emission of odours and are water-tight. The Applicant proposes the following new condition:

28A. The Applicant shall ensure all waste containers are designed, constructed and maintained to prevent the emission of offensive odour and be water-tight to prevent the leakage of leachate during transport and handling activities.

- Amend Condition 28(d) to extend the time vehicles are prevented from making right hand turns into the site from Beauchamp Road. The Applicant proposes the following amendments to Condition 28(d):

28d. a right turn restriction into the site from Beauchamp Road shall be implemented between 6am-10am and 3pm-7pm 6am - 8pm.

The modification is requested as:

- executing the Works Authorisation Deed (WAD) with Roads and Maritime Services (RMS) for the intersection works has been delayed and an additional six months would allow sufficient time to execute the WAD and complete the works; and
- following discussions between RMS and the Applicant about the detailed operation of the facility, RMS concluded that the restriction on right hand turns into the site from Beauchamp Road should be extended to encompass the entire daytime period.

On 20 July 2016, the Applicant lodged a Response to Submissions (RtS) document to clarify information about the operation of the facility during the proposed six month limited operation phase. On 26 July 2016, additional information to the RtS was submitted to include the amended condition regarding the right hand turn into the site and a new condition to manage odour and leachate from the waste containers.

5. STATUTORY CONSIDERATION

5.1 Modification of approval

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

Table 1: Section 96(1A) matters for consideration

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications will have minimal environmental impacts.
That the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	The proposed modification seeks approval for minor changes and does not result in any additional adverse impacts on the surrounding area. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 6 of this report.
Any submission made concerning the proposed modification has been considered.	The Department received five submissions on the proposal, four from public authorities and one from the public. Southern Sydney Regional Organisation of Councils (SSROC) supports proposal and Bikes Botany Bay Company submitted an objection. The issues raised in submissions have been considered in Section 7 of this report.

5.2 Environmental Planning Instruments

The following environmental planning instruments (EPIs) are relevant to the application:

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *Botany Bay Local Environmental Plan 2013;* and
- *Randwick Local Environmental Plan 2012.*

The Department undertook a comprehensive assessment of the redevelopment against the above mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification does not change the proposal's consistency with the EPIs.

5.3 Approval Authority

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

- the relevant local councils have not made an objection; and
- a political disclosure statement has not been made; and
- there are less than 25 public submissions in the nature of objections.

6. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The application was made publicly available on the Department's website, referred to City of Botany Bay and Randwick City Councils and RMS for comment. Adjoining landowners were also notified of the proposal in writing. Due to the minor nature of the proposed modification, the proposal was not exhibited by any other means.

The Applicant's updated RtS was referred to City of Botany Bay Council, Randwick Council and RMS for comment.

Table 2: Summary of submissions by public authorities

City of Botany Bay Council	
Notification	<p>The City of Botany Bay Council does not object to the modification subject to:</p> <ul style="list-style-type: none"> • confirmation that a 65% reduction in truck movements would be achieved during the limited operations; • during this time the facility be limited to receiving and processing a maximum of 18,000 tonnes of waste per month; and • details of truck numbers and capacity be provided to Council when requested. <p>Council recommended Condition 23 be further amended and a new condition be imposed:</p> <p>23. <i>Prior to Within six months of the commencement of limited operations in accordance with Condition 23A, the Applicant must complete the road upgrade works at the intersection of Beauchamp Road and Perry Street and the left turn deceleration lane into the site, in consultation with City of Botany Bay Council and Randwick City Council, and to the satisfaction of RMS and the Secretary.</i></p> <p>23A. The Applicant may commence operations prior to the completion of the road upgrade works referred to in Condition 23 above provided that the Applicant does not receive or process more than 18,000 tonnes per month in the period prior to the completion of the road upgrade works.</p> <p>23B. During the reduced operation phase specified in Condition 23A above, hourly truck numbers and their capacity should be provided to the City of Botany Bay Council when requested.</p>
Response to Submissions	Council does not object to the proposed extension of the right hand turn restriction or the new condition regarding odour and leachate.
Randwick City Council	
Notification	<p>Randwick City Council does not object to the modification. However, provided the following comments:</p> <ul style="list-style-type: none"> • the 'no right turn' hours into the site should not be extended as this may encourage truck movements into neighbouring residential areas; and • signals should be provided to the site exit showing left and right turns only to prevent trucks from leaving the site via Perry Street (a residential street).
Roads and Maritime Services	
Notification	<p>RMS does not object to the modification subject to the imposition of the following condition requiring the WAD to be executed prior to the commencement of operations:</p> <p>23B. Works Authorisation Deed (WAD) with Roads and Maritime Services for the works must be executed prior to the commencement of operations.</p>
Response to Submissions	<p>RMS has confirmed it supports the banning of right turn movements into the site from Beauchamp Road during the daytime.</p> <p>RMS confirmed the WAD has now been executed. As such, the Department notes the above suggested condition is no longer necessary.</p>
Southern Sydney Regional Organisation of Councils (SSROC)	
Notification	SSROC supported the proposal on the basis that any delay to the commencement of the use will have serious cost implications for Council's that rely on the facility for waste disposal

One public submission, was received objecting to the proposal. The key issues raised included:

- the needs of cyclists must be addressed to meet expectations and targets outlined in Transport for NSW Sydney Cycling Futures; and
- consultation should be undertaken with TfNSW, Greater Sydney Commission, cycling organisations and other stakeholders.

Each of these issues are addressed in **Section 7** of this report.

7. ASSESSMENT

The Department considers the key issue associated with the proposed modification is the traffic impacts associated with delaying the timing of the intersection upgrade works. All other issues are considered in **Table 3** below.

7.1 Timing of intersection upgrade works

The proposal seeks approval to provide an additional six months to upgrade the intersection of Beauchamp Road and Perry Street. During this time, the Applicant would limit its operations to ensure traffic impacts are appropriately managed.

The application includes a Traffic Assessment (TA) which has assessed the impact of the proposed modification on the existing Beauchamp Road and Perry Street intersection. The Department notes under the limited operating conditions the proposal is predicted to generate:

- 12 truck movements during the AM peak;
- two truck movements during the PM peak; and
- Up to 24 truck movements during the busiest period (9 am – 10 am).

Under these operating conditions, the TA predicts that the Beauchamp Road and Perry Street intersection would maintain a good level of service (LOS) during the six month period (being LOS 'B' during operation in both AM and PM peak periods).

Council requested additional information to confirm the limited operating conditions and recommended a condition that would allow Council to request hourly truck numbers and their capacity during the reduced operation phase.

The Applicant confirmed that it would limit its operations by reducing truck movements by 65% and limit the receipt of waste to 18,000 tonnes per month. The Proponent also confirmed all waste delivered to the site would be weighed prior to receipt and processing and the monthly data would be made available for City of Botany Bay.

Based on the TA and comments from the RMS, the Department is satisfied the existing geometry of the Beauchamp Road and Perry Street intersection can accommodate the truck movements. The Department is also satisfied the proposal would not result in unacceptable traffic impacts on the surrounding road network during the limited operations phase.

The Department has also included Council's suggested condition requiring records to be kept of waste volumes. This would ensure the facility limits its operations during the extended construction period to appropriately manage traffic impacts.

7.2 Other Issues

Table 3: Assessment of Other Issues

Issue	Consideration	Recommendation
<i>Access/Egress</i>	<ul style="list-style-type: none"> The Applicant proposes to amend Condition 28(d) to extend the hours preventing right hand turns into the site in accordance with RMS' recommendations. Randwick City Council raised concerns that the extension of the right turn restriction may encourage truck movements into neighbouring residential areas and drivers should be prevented from leaving the site through the neighbouring residential area via Perry Street. RMS stated the restriction on right turns into the site from Beauchamp Road should be extended to encompass the entire daytime period to prevent vehicular and pedestrian conflicts. The Applicant has stated that Condition 28(e) of the Development Consent prevents heavy vehicles using Perry Street (the residential area) to travel to/from the site and has also confirmed CCTV has been installed to monitor truck movements. The Department considers extending the hours of right turn restrictions is acceptable as this forms part of the RMS-based intersection safety/operational requirements. In addition, the Department is satisfied Condition 28(e) and CCTV monitoring will ensure trucks do not travel to/from the site via Perry Street. 	The Department recommends that Condition 28(d) be amended as proposed (refer to Section 4).
<i>Odour and leachate</i>	<ul style="list-style-type: none"> The Department raised concern about potential odour and leachate issues associated with the transportation of waste from the site in unsealed waste containers. In response, the Applicant proposes a new condition to ensure waste containers are appropriately sealed to prevent the escape of odours and leachate. The Department is satisfied the proposed new condition would ensure containers are appropriately designed and constructed to prevent offensive odours or leaking of leachate. The proposed condition would also bring the approval in-line with associated approvals at other sites. 	The Department recommends the imposition of the new condition as proposed (refer to Section 4).
<i>Traffic volume</i>	<ul style="list-style-type: none"> The Department considered traffic impacts in the original assessment and concluded the proposal would not result in adverse traffic impacts subject to the amended conditions relating to access and road upgrade works. The Department also notes this modification application does not seek approval for an increase in waste volume or traffic movements associated with the approved development. As discussed in Section 7.1 the modified proposal would not have an adverse impact on the surrounding road network and intersection LOS during limited operations. 	No additional conditions or amendments necessary.
<i>Cyclists</i>	<ul style="list-style-type: none"> Concern was raised in a public submission about the needs for cyclists to be considered as part of this application. The Department notes the site is capable of accommodating bicycle parking and will include end of trip facilities. In addition, Condition 29 requires the preparation of a Traffic Management Plan to include appropriate access measures to/from the site. The Department notes the original approval includes future intersection upgrades and Condition 28 prevents truck access to surrounding residential areas. It is considered these measures will significantly improve safety for vehicles, pedestrians and cyclists. The Department is satisfied the needs and safety of cyclists has been appropriately addressed as part of the original approval. 	No additional conditions or amendments necessary.
<i>Consultation</i>	<ul style="list-style-type: none"> Concern was raised in public submission that TfNSW, Greater Sydney Commission, cycling organisations and other stakeholders should be consulted. The Department notes the original application was publicly exhibited and referred to TfNSW and other key stakeholders for consideration. All submissions were carefully considered 	No additional conditions or amendments necessary.

Issue	Consideration	Recommendation
	<p>within the Department's original assessment prior to determination.</p> <ul style="list-style-type: none"> • The Department referred the proposed modification application to RMS (which is part of TfNSW) and RMS has confirmed that it has no objection to the proposal. • Given the minor nature and limited scope of the proposed modification, the Department is satisfied that sufficient consultation has been undertaken. 	

8. CONCLUSION

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

- allowing an additional six months to complete the upgrade to the intersection is appropriate given the delay in finalising the WAD with RMS;
- the operation of the facility will be limited to the receipt of 18,000 tonnes per month until the intersection upgrade works have been completed;
- the limited operation of the facility will not generate significant truck movements during the AM/PM peak periods;
- the restriction of right turn movements from Beauchamp Road into the site is further restricted between 6 am and 8 pm;
- the Beauchamp Road and Perry Street intersection will continue to operate at an acceptable level of service; and
- existing conditions will appropriately prevent trucks from travelling to/from the site via the adjoining residential area.

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

9. RECOMMENDATION

It is RECOMMENDED that the Acting Executive Director, Key Sites and Industry Assessments as delegate of the Minister for Planning:

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

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APPENDIX A: NOTICE OF MODIFICATION

The Notice of Modification can be found on the Department of Planning and Environment's website as follows:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7696

APPENDIX B: SUPPORTING INFORMATION

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

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7696

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7696

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7696