

# Notice of Decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development
<b>Application number and project name</b>	SSD-62855708 Waste Management Facility, Botany
<b>Applicant</b>	The Trustee for Coombes Family Trust No. 16
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Executive Director, Energy, Resources and Industry Assessments under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act), granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available [here](#).

### Date of decision

29 May 2026

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's assessment report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's assessment report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- The development would provide a range of benefits for the region and the State as a whole, including the provision of essential waste management infrastructure, improved resource recovery outcomes, employment generation and capital investment within the Bayside local government area
- The proposal has an estimated development cost of approximately \$15.6 million and would generate up to 12 construction jobs and 11 ongoing operational jobs
- The development makes efficient use of existing industrial land for an appropriate land use.
- The project is permissible with development consent, and is consistent with NSW Government policies including the NSW Waste and Sustainable Materials Strategy and NSW Waste and Circular Infrastructure Plan
- Potential impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards, including traffic, air quality and noise and flood and fire risks
- Issues raised by the community during consultation and in submissions have been considered and adequately addressed through the provision of additional information, refinements to the development and the conditions of consent. Engagement on the development is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines.
- Weighing all relevant considerations, the project is in the public interest.

## Attachment 1 – Consideration of Community Views

The Applicant engaged with the community during the preparation of the Environmental Impact Statement (EIS) as a requirement of the Planning Secretary's Environmental Assessment Requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the Development Application and EIS were lodged with the Department, they were placed on exhibition from 7 August 2024 until 3 September 2024 (28 days). A total of 29 submissions (three special interest groups, 26 individuals) were received from the public, including 28 objections and one comment on the development. The Department also undertook a site visit.

The key issues raised by the community (including in submissions) and considered in the Department's assessment report and by the decision maker include traffic, flooding, noise and airport safeguarding. Other issues are addressed in detail in the Department's assessment report.

Issue	Consideration
<p><b>Traffic</b></p> <ul style="list-style-type: none"> <li>Exacerbation of existing capacity constraints in the surrounding road network leading to further congestion and delays</li> <li>Robustness of the Applicant's traffic assessment and discrepancies in the traffic queuing analysis</li> </ul>	<p><u>Assessment</u></p> <p>In response to issues raised, the Applicant has provided an amended TIA, including a refined queuing analysis, SIDRA modelling and a draft OTMP. This material demonstrates that, during critical weekday peak periods, the development would generate fewer vehicles than the existing uses on the site and that predicted peak arrival rates would be well within the site's internal processing capacity. Independent review by the Department's Chief Engineer confirmed that the traffic modelling and assessment methodology were reasonable, subject to strict operational controls.</p> <p>Operational traffic can be managed to ensure all heavy vehicles are wholly accommodated within the site and do not queue on the public road network. The development incorporates separated access for heavy and light vehicles, two weighbridges, designated internal stacking areas and internal circulation designed to accommodate the largest anticipated vehicle types, including 26 metre B doubles. The OTMP sets out procedures for scheduling, dispatch and communication with drivers, priority management of inbound vehicles, and real time monitoring of site conditions to ensure vehicle arrivals are evenly distributed and internal queuing capacity is not exceeded, particularly during peak periods.</p> <p>The Department considers the OTMP is critical to managing operational traffic impacts and ensuring Hale Street continues to operate safely and efficiently.</p> <p><u>Conditions</u></p> <p>Conditions of consent require the OTMP to be finalised and implemented prior to the commencement of operation and to include clear operational controls, on site queuing diagrams, maximum stacking capacities, designated vehicle routes and contingency measures to manage unexpected events such as breakdowns, incidents or surges in arrivals. The OTMP must also include trigger thresholds and defined response actions to prevent the risk of vehicles queuing back onto Hale Street.</p> <p>To ensure ongoing compliance and accountability, conditions also require that operational traffic does not result in vehicle queuing on public roads, that heavy vehicles are not parked on surrounding local streets, and that all loading, unloading and waiting occurs entirely within the site. Additional conditions mandate monitoring and reporting on traffic performance, preparation of annual compliance reports, annual performance reports and periodic independent audits of operational traffic management.</p> <p>Subject to implementation of the conditions, the Department is satisfied that the development will not cause additional congestion or delays on Hale Street or the surrounding road network.</p>
<p><b>Air Quality and Health Risks</b></p> <ul style="list-style-type: none"> <li>Current air quality and pollution dust in the area is already relatively poor from aircraft and truck fuel</li> <li>Local businesses and school may be impacted by dust and hazardous emissions</li> <li>Concerns regarding the health and safety of residents and school children</li> </ul>	<p><u>Assessment</u></p> <p>The Applicant's AQIA considered construction and operational emissions, including dust and vehicle exhausts, and concluded that with standard mitigation measures, construction impacts would be temporary, localised and within relevant NSW EPA criteria.</p> <p>Construction air quality impacts are expected to arise primarily from demolition, earthworks and vehicle movements. These impacts will be managed through the implementation of standard best practice controls, including dust suppression, progressive stabilisation of disturbed areas, covering of loads and controls on vehicle movements. With these measures in place, construction related air quality impacts are predicted to be short term and minor.</p> <p>During operation, potential air emissions will be minimised through the enclosed</p>

	<p>design of the facility and controls on waste handling and traffic movements. All waste receipt, sorting and storage will occur within the enclosed building, hardstand areas will be sealed, truck loads covered, vehicle idling minimised and an operational wheel wash used to prevent tracking of material onto public roads. The assessment confirms that operational emissions will result in minimal incremental increases above existing background levels. Furthermore, the assessment demonstrated the development would not result in additional exceedances of air quality standards at surrounding sensitive receivers. On this basis, the Department is satisfied that air quality impacts are acceptable and manageable.</p> <p><u>Conditions</u></p> <p>To ensure air quality impacts are effectively managed, the Department has recommended conditions requiring the Applicant to take all reasonable steps to minimise dust and air pollutant emissions during construction and operation. Conditions require preparation and implementation of an Air Quality Management Plan, including monitoring, performance criteria, trigger levels, response measures and contingency actions.</p> <p>Subject to the implementation of these conditions, the Department is satisfied that air quality impacts will be appropriately managed and will not adversely affect surrounding receivers.</p>
<p>Noise</p> <ul style="list-style-type: none"> <li>• <i>Noise impacts during night-time periods because of 24/7 operations</i></li> <li>• <i>Existing road traffic noise will be exacerbated</i></li> <li>• <i>Constant background noise from waste operations</i></li> </ul>	<p><u>Assessment</u></p> <p>The Applicant's NVIA was revised several times to address concerns raised by the EPA and the Department. While conservative modelling identified potential exceedances under worst case scenarios, the Department is satisfied that, having regard to the industrial context and existing ambient noise environment which is dominated by road traffic noise, operational noise impacts can be acceptably managed.</p> <p>Operational noise will mainly arise from vehicle movements, waste handling activities and mechanical plant. All waste receipt, sorting and storage activities will occur wholly within the enclosed warehouse, significantly limiting noise breakout. Vehicle movements will be controlled through internal circulation arrangements, speed limits, managed arrival rates and restrictions on routing, reducing noise at surrounding sensitive receivers.</p> <p>Predicted maximum noise events are intermittent and generally comparable to existing road traffic noise levels in the area. In considering impacts at 3 Luland Street, the Department had regard to the existing exposure to elevated ambient noise and the construction standard of the building and is satisfied that operational noise impacts are acceptable without the need for additional at receiver mitigation.</p> <p><u>Conditions</u></p> <p>To ensure noise impacts are appropriately managed, the Department has recommended conditions requiring compliance with operational noise limits, preparation and implementation of an Operational Noise Management Plan (ONMP), and post commencement noise verification and monitoring. The ONMP must include a program to periodically review best management practice (BMP) and best available technology economically achievable (BATEA) measures that have the potential to minimise noise levels from the development, and a commitment to implement any identified BMP and BATEA measures, where considered feasible and reasonable. Conditions also require complaints handling, ongoing monitoring, compliance and performance reporting and independent audits.</p> <p>Subject to the implementation of the conditions, the Department is satisfied that operational noise impacts will be effectively managed and the development is unlikely to result in adverse amenity impacts.</p>
<p>Contamination</p> <ul style="list-style-type: none"> <li>• <i>Ground contamination is a real concern, and residents should be notified about the remedial process</i></li> <li>• <i>Proximity to waterbodies and the risk of contamination</i></li> <li>• <i>How will contamination be controlled</i></li> </ul>	<p><u>Assessment</u></p> <p>The Applicant provided a Detailed Site Investigation, Remedial Action Plan (RAP) and Interim Audit Advice prepared by an EPA accredited Site Auditor. Investigations identified contamination associated with historical industrial use, including underground storage tanks (USTs), hydrocarbon impacted soils, asbestos impacted fill and other hazardous materials. The Site Auditor confirmed that, although further contamination may be identified during works, the proposed remediation framework is appropriate to manage both known and unexpected contamination. On this basis, the Department is satisfied the site can be made suitable for the proposed development.</p> <p>The site will be remediated in accordance with the approved RAP, which includes removal of USTs, excavation and treatment of contaminated soils, validation testing and appropriate containment measures where required. Due to extensive existing hardstand and buildings, further investigation will occur following demolition to confirm the extent of contamination and remediation requirements. Remediation works will be overseen by an EPA accredited Site</p>

Auditor to ensure consistency with regulatory standards and protection of human health and the environment.

A Long Term Environmental Management Plan (LTEMP) will be prepared to manage any residual contamination and maintain the suitability of the site for its approved use over time.

Conditions

To ensure appropriate remediation and avoid adverse environmental impacts, conditions of consent require engagement of an EPA accredited Site Auditor, implementation of the approved RAP, validation of remediation outcomes and submission of a Site Audit Statement prior to commencement of operation. Conditions also require preparation and implementation of the LTEMP and compliance with all auditor recommendations.

Subject to the implementation of these conditions, the Department is satisfied contamination can be effectively managed and the site can be made suitable for the development.