

# Notice of decision – Medical and Other Waste Thermal Processing Facility [SSD 7396]

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

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| <b>Application type</b>                    | State significant development                                |
| <b>Application number and project name</b> | SSD 7396 Medical and Other Waste Thermal Processing Facility |
| <b>Applicant</b>                           | Weston Aluminium Pty Ltd                                     |
| <b>Consent Authority</b>                   | Minister for Planning                                        |

## Decision

The Executive Director or Director under delegation from the Minister for Planning has, under section 4.38 of the Environmental Planning and Assessment Act 1979 (the Act) granted consent to the development application subject to the recommended conditions.

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

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

## Date of decision

12 December 2018

## 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 2000*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- 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 project will provide a range of benefits for the region and the State as a whole, including \$5,693,000 in total capital investment and 18 new part time and full time jobs
- the project is permissible with development consent under Cessnock Local Environmental Plan 2011, and is consistent with NSW Government policies including the Hunter Regional Plan 2036, the NSW Waste Avoidance and Resource Recovery Strategy 2014-2021 and the NSW Health Policy Directive: Clinical and Related Waste Management for Health Services 2017
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, subject to the recommended conditions of consent
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent
- weighing all relevant considerations, the project is in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 8 September 2016 until 24 October 2016 (47 days) and received 30 submissions, including 20 objections.

The Department also undertook the following consultation activities:

- attended one site visit
- held a series of meetings between the Department, the EPA, OEH and the Applicant (and its consultants) to resolve technical air quality and human health related issues.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker were justification for the development, air quality, human health, fire safety, noise, transport, wastewater and site security. Other issues are addressed in detail in the Department's Assessment Report.

| <i>Issue</i>                                                                                                                                                                                                                                                  | <i>Consideration</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <p><i>Justification for the development</i></p> <ul style="list-style-type: none"> <li>• there are other facilities that can treat this type of waste</li> <li>• incineration is not the only approved means for the treatment of clinical wastes.</li> </ul> | <ul style="list-style-type: none"> <li>• The development would be located within an existing industrial cluster close to the Hunter's inter-regional transport network.</li> <li>• The EIS, RTS and subsequent information provided by the Applicant have demonstrated that the development would have minimal environmental impacts subject to conditions being imposed.</li> <li>• As the population of NSW growing, the generation of 'problem wastes' that need to be thermally treated is also growing. There are strict NSW Health procedures in place that must be adhered to when disposing of this waste. There are only a small number of facilities with this type of capacity and only one other facility that is presently able to incinerate this waste.</li> <li>• The development is strategically located in a regionally significant centre and would support additional regional health facilities by providing a local disposal option thereby avoiding interstate waste transfer.</li> <li>• The proposal would also generate regional benefits from capital investment and purchasing in the form of local business turnover carried out through the construction and operational stages of the development.</li> <li>• The Department also understands autoclaving is an alternative treatment option for the treatment of clinical wastes. However, waste which has been autoclaved increases in weight and must still be landfilled. As such, the proposal would, unlike autoclaving, help achieve the targets in the WARR Strategy by reducing the burden on landfills.</li> <li>• The development would also contribute toward the Premier's Priority 'Creating Jobs' by providing 10 new construction jobs and 6 operational jobs in the Cessnock LGA and represents a \$5.69 million capital investment in waste development that would generate a number of ancillary jobs in the Kurri Kurri area.</li> <li>• The Department considers the development is in the public interest and should be approved subject to conditions.</li> </ul> |
| <p><i>Air Quality</i><br/>Concerns over:</p> <ul style="list-style-type: none"> <li>• Dust and odour impacts</li> </ul>                                                                                                                                       | <ul style="list-style-type: none"> <li>• The handling and incineration of the proposed waste types has a potential to release a range of air pollutants.</li> <li>• The Department recognises air quality was an issue for many submitters. Air quality was a key issue that was carefully assessed by the Department and other government agencies including the EPA, OEH and HNEPH.</li> <li>• The submitted Air Quality Impact Assessment (AQIA) was undertaken in accordance with relevant guidelines. It demonstrated the air quality impact assessment criteria for residential receivers were met at all receivers for all emission types.</li> <li>• Fugitive emissions would be managed via appropriate waste handling and storage systems.</li> <li>• Other emissions would be managed by best practice technology including a secondary combustion chamber designed to ensure complete breakdown of the combustible gases and a baghouse with fabric filter bags, lime injection and an activated carbon dosing system which treats the air emissions prior to release via a stack.</li> <li>• In addition, the development would include a continuous emission monitoring system for a range of potential pollutants.</li> <li>• The EPA, OEH and HNEPH reviewed the EIS, RTS and additional technical information and advised the development could be approved subject to recommended conditions, including establishing strict limits which will be regulated by the EPA through an EPL.</li> <li>• The Department's assessment concluded that with appropriate measures in place, the development would have minimal air quality impacts on surrounding receivers and meet all amenity criteria.</li> </ul>                                                                                                                                                                                                                                                                                                                                              |

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|                                                                                                                                                                                                                              | <p><i>Conditions/Response</i></p> <p>The recommended conditions require the Applicant to:</p> <ul style="list-style-type: none"> <li>• Prepare a pre-construction design report that includes full design details and a discussion of all units and plant associated with the generation and discharge of emissions as well as a proof of performance air sampling plan designed to demonstrate the facility is operating as predicted</li> <li>• Prepare an Air Quality Management Plan to manage and monitor air emissions on an ongoing basis</li> <li>• Prepare a post commissioning air emissions verification report including an approach and timeframe for implementation to resolve any non-compliances with the EPL limits.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><i>Human Health</i></p> <p>Concerns over:</p> <ul style="list-style-type: none"> <li>• shredding of waste material without filters</li> <li>• the HHRA methodology</li> <li>• consistency with WHO objectives.</li> </ul> | <p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The Department understands the community's concerns over health impacts given many of the chemicals of potential concern are toxic to humans and some are also carcinogenic.</li> <li>• Human health was a key issue assessed by the Department and other government agencies as the incineration of medical, quarantine and other problem wastes has the potential to generate air emissions that may be harmful to human health over the short and long-term.</li> <li>• The EIS included a Human Health Risk Assessment (HHRA) which was prepared in accordance with the enHealth Guidelines.</li> <li>• An updated HHRA responding to issues raised during exhibition of the EIS, including those of the community, was included in the RTS, the development was also amended slightly in the RTS to include installation of a HEPA filter on the shredder.</li> <li>• The updated HHRA estimated the long-term and short-term health risks to off-site residents, recreational users and commercial workers from all exposure pathways, would be low and acceptable.</li> <li>• The Applicant proposes to implement a range of design and operational controls to minimise emissions from the storage and processing of problem wastes, to ensure human health risks remain low and acceptable.</li> <li>• Final submissions from the EPA, OEH and HNEPH indicated they were satisfied all issues raised had been addressed and recognised that sufficient constraints and safeguards would be in place to mitigate human health impacts through the recommended conditions of consent.</li> </ul> <p><i>Conditions/Response</i></p> <p>The recommended conditions require the Applicant to:</p> <ul style="list-style-type: none"> <li>• Ensure limits on waste quantities, types and years of operation of the facility (25 years) are adhered to</li> <li>• Prepare a final hazard analysis, demonstrating the facility is designed to meet current international best available techniques</li> <li>• Prepare an air emissions verification report</li> <li>• Prepare a human health validation and verification plan to demonstrate compliance with emission concentrations used in the HHRA</li> <li>• Carry out continuous and quarterly monitoring on the discharge stack</li> <li>• Prepare a plan to manage the use of the bypass stack.</li> </ul> |
| <p><i>Fire Safety</i></p> <p>Concerns over potential impacts on people and property</p>                                                                                                                                      | <p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The Department considered fire impacts in conjunction with an assessment of hazards and risk.</li> <li>• The EIS included a Preliminary Hazards Analysis (PHA) prepared in accordance with the Hazardous Industry Planning Advisory Paper (HIPAP) No. 6 – Guidelines for Hazard Analysis and the Multi-Level Risk Assessment approach.</li> <li>• The PHA identified fire and the evolution of toxic combustible products to be a key hazardous scenario.</li> <li>• The PHA, which was revised in the RTS to address concerns raised by agencies, considered the outcomes of the various specialist studies contained within the EIS and RTS. It determined that due to the safeguards to be employed, that the development is not considered to pose a significant off-site risk to human health or the environment and the hazards associated with the development at the existing Aluminium Dross Recycling Facility is not expected to change the existing risk profile related to the acceptance and processing of aluminium dross and spent pot lining.</li> <li>• The Department's specialist hazard's team reviewed the EIS, RTS and amended PHA and confirmed the risk to surrounding land uses posed by the development satisfies the risk criteria outlined in HIPAP No.4.</li> <li>• NSW Fire and Rescue was also consulted during the assessment of the development. It endorsed the mitigation and management measures documented in the EIS and recommended the Applicant prepare a pre-construction Fire Safety Study in accordance with the recommendations in the Hazardous Planning Advisory Paper No. 2 – Fire Safety Study Guidelines for approval by Fire and Rescue.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|                                                                                                                                                                   | <p><i>Conditions/Response</i></p> <p>The recommended conditions require the Applicant to:</p> <ul style="list-style-type: none"> <li>• Prepare a range of pre-construction and post-construction hazard studies as well as ongoing studies.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><i>Noise</i></p> <p>Concerns over:</p> <ul style="list-style-type: none"> <li>• impacts of night time traffic.</li> </ul>                                      | <p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Noise impacts were considered by the Department to be a relatively minor issue.</li> <li>• The EIS included a Noise Impact Assessment (NIA) undertaken by AECOM in accordance with the relevant guidelines.</li> <li>• The NIA determined the site as a whole would generally meet the project specific noise criteria noting that a higher criterion applies to receivers in the industrial zone.</li> <li>• The Department is satisfied that incremental and cumulative noise impacts on sensitive receivers is likely to be relatively minor, particularly considering the conservative nature of the modelling and the industrial nature of the area.</li> <li>• Notwithstanding, the Department recommends a series of conditions to help ensure any residual noise impacts are negligible.</li> </ul> <p><i>Conditions/Response</i></p> <p>The recommended conditions require the Applicant to:</p> <ul style="list-style-type: none"> <li>• comply with the noise criteria in the site's existing approvals</li> <li>• ensure all doors to the waste storage and processing area are closed when operating at night</li> <li>• restrict heavy vehicle movements to between 7 am and 10 pm</li> <li>• prepare a noise verification report within 12 months from the commencement of operation.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                          |
| <p><i>Transport</i></p> <p>Concerns over:</p> <ul style="list-style-type: none"> <li>• The current condition of local roads.</li> </ul>                           | <p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Given that traffic generated by both construction and operation of the development would be low (2 heavy vehicles and 10 light a day during construction and 3 heavy vehicles and 16 light a day during operation), the Department considers traffic impacts to be relatively minor in this case.</li> <li>• The Traffic and Transport Assessment (TIA) identified the primary heavy vehicle route to and from the site would be via Mitchell Avenue, Government Road and Hart Road which in turn connect to the Hunter Expressway, thereby avoiding the residential areas of Kurri Kurri.</li> <li>• Neither Council nor the RMS raised concerns in relation to operational traffic.</li> <li>• The Department considers given the small number of expected movements, and the identified transport route to and from the site, impacts from both construction and operational traffic would be minor.</li> <li>• The Department understands concerns have been raised about the current state of the roads, however, given the small volume of traffic expected, and the location of the site in an established industrial precinct, the Department does not believe requiring the Applicant to upgrade the local roads is warranted.</li> </ul> <p><i>Conditions/Response</i></p> <p>The recommended conditions require the Applicant to:</p> <ul style="list-style-type: none"> <li>• ensure heavy vehicles associated with the development use the identified transport route</li> <li>• ensure the development does not result in vehicles queueing on the public road network</li> <li>• prepare and implement a construction and operational traffic management plans</li> </ul> |
| <p><i>Wastewater</i></p> <p>Concerns over:</p> <ul style="list-style-type: none"> <li>• the adequacy of the wash bin area and method of treating water</li> </ul> | <p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• In response to concerns raised, the Applicant provided additional information regarding the proposed bin washing process including a protocol to manage this process.</li> <li>• The Applicant advised that a Gross Pollutant Trap to be used will be designed for the development to meet the site's requirements.</li> <li>• The Applicant will be required to obtain a Trade Waste Agreement (TWA) from Hunter Water to allow it to release the bin washing water, including the proposed disinfectants, as trade waste.</li> <li>• All wastewater would be contained within the bunded wash down area and discharged to sewer to avoid contamination of the Stormwater system</li> <li>• The Department is satisfied wash bin water would be managed appropriately.</li> </ul> <p><i>Conditions/Response</i></p> <p>The recommended conditions require the Applicant to:</p> <ul style="list-style-type: none"> <li>• Enter a TWA with Hunter Water.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|                                                                                                                                                              | <ul style="list-style-type: none"> <li>Update the site's Water Management Plan to incorporate the operational requirements of the proposed development to the satisfaction of the Planning Secretary. The Water Management Plan must include details of water use, treatment, disposal and management.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><i>Site Security</i><br/>Concerns over:</p> <ul style="list-style-type: none"> <li>Site security given the sensitive waste types to be handled</li> </ul> | <p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The Applicant has advised it has a security system in place including back to base monitoring, patrols monitoring the site and CCTV.</li> <li>However, to address concerns raised by the community and Council, the Department has recommended the Applicant prepare and implement a Security Protocol to include the development</li> <li>The Department also believes the fence surrounding the site is a potential point of access and has therefore recommended the Applicant ensure the boundary fence is kept to a standard that will prevent unauthorised access.</li> </ul> <p><i>Conditions/Response</i><br/>The recommended conditions require the Applicant to:</p> <ul style="list-style-type: none"> <li>prepare and implement a Security Protocol</li> <li>ensure the boundary fence is kept to a standard that will prevent unauthorised access.</li> </ul> |