

Notice of decision

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

Application type	State significant development
Application number and project name	SSD-8753 Concrush Resource Recovery Facility Expansion
Applicant	CONCRUSH PTY LIMITED
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director 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 the recommended conditions

A copy of the development consent is available online
<https://www.planningportal.nsw.gov.au/major-projects/project/10491>

A copy of the Department of Planning, Industry and Environment's Assessment Report is available online.
<https://www.planningportal.nsw.gov.au/major-projects/project/10491>

Date of decision

27 March 2020

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 would provide a range of benefits for the region and the State as a whole, including a capital investment of approximately \$ 1,111,514 and the generation of five construction jobs and two operational jobs in the Lake Macquarie local government area;
- the development is permissible with development consent, and is consistent with NSW Government policies including the Waste Avoidance and Resource Recovery Strategy 2014-21, the Hunter Regional Plan 2036 and the Hunter Region Waste Avoidance and Recovery Strategy;
- the 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. A Water Discharge Management Plan and an Air Quality Management Plan will be prepared to manage water quality impacts and odour and dust emission impacts associated with the development; and
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through the recommended conditions of consent;
- weighing all relevant considerations, the development is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 16 November 2018 until 14 December 2018 (29 days) and received 31 submissions, including 14 objections from the public.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include air quality, traffic management, road traffic noise and fire risk. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Air Quality</i></p> <ul style="list-style-type: none"> • Localised air quality impacts due to proposed increase in waste storage and waste processing • Impacts on local amenity and human health • Adequate management of dust during adverse weather conditions 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considered the potential air quality impacts and the assessment demonstrated the air quality impact assessment criteria would be met at all residential receivers for all emission types. • The assessment concluded that with appropriate measures in place the development would have minimal air quality impacts on surrounding receivers. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Waste stockpile height to be limited to no greater than 10 metres in height. • The preparation of an Air Quality Management Plan to manage emission sources. • The implementation of dust management and mitigation measures.
<p><i>Traffic Management</i></p> <ul style="list-style-type: none"> • Management of heavy vehicles transport route • Road deterioration on Racecourse Road • Racecourse Road capacity 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considered the proposed access arrangements of the development as well as the increase in traffic generated at the construction and operational stages. • The traffic modelling indicated the roads surrounding the site would continue to operate well within their capacity levels with only some minor changes in forecast traffic flows. • The Applicant has proposed to construct a turning treatment for northbound vehicles turning left into the site and a right turn treatment southbound treatment for southbound vehicles. The turning treatments would facilitate the safe arrival of heavy vehicles by allowing approaching vehicles to slow down before turning onto the site. • The assessment concluded the traffic generated by the development would have minimal impact on the safety of the surrounding road network. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • The preparation of a Traffic Management Plan which also includes a Driver Code of Conduct. • No vehicles accessing the site are permitted to queue on Racecourse Road. • Site access improvements under section 138 of the Roads Act 1993. Including the construction of a: <ul style="list-style-type: none"> - turning treatment (an auxiliary left turn (AUL) treatment) for northbound vehicles turning left into the site; - right turn treatment (a basic right turn (BAR) treatment for southbound vehicles); and - cycle lane provision (northbound). • The turning treatments are required to facilitate the safe arrival of heavy vehicles by allowing approaching vehicles to slow down before turning onto the site • The Applicant to contribute to Council's section 7.11 development contributions plan and pay an annual haulage levy which would be used towards the repair, maintenance and upgrade of roads used by the development.
<p><i>Noise</i></p> <ul style="list-style-type: none"> • Road traffic noise 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considered the potential noise traffic impact and due to community, Council and Government agencies concerns, the original operating hours for the development were amended and as a result no night-time activities are permitted at the site. • The assessment concluded the road traffic noise impacts of the development can be managed to ensure the amenity of the sensitive receivers. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Limit operating hours from 7 am to 10 pm (Mondays to Saturdays) and 8 am to 6 pm (Sundays and Public Holidays).

	<ul style="list-style-type: none"> • Construct a concrete block noise wall on the southern and eastern perimeter of the raw material stockpiles and processing area for the life of the development. • Prepare an Operational Noise Management Plan • Prepare a Driver Code of Conduct to reduce road noise when hauling waste to and from the site.
<p><i>Fire Management</i></p> <ul style="list-style-type: none"> • Fire risk 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considered the fire risk of the development and concluded that with appropriate measures in place the development would not increase fire risk levels. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Prepare an Emergency Management Plan. • Install Fire and Rescue NSW compatible fittings on the water storage tanks near the garden and wood waste area. • Ensure machinery is available on-site to break up garden and wood waste stockpiles in the event of combustion during pasteurization. • Continually maintain vegetation across the site to manage fuel loads. • Install fire extinguishers on all machinery.