

ASSESSMENT REPORT

Boral Widemere Resource Recovery Facility SSD 6525 MOD 1

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State Significant Development (SSD) consent for the operation of a recycling facility on Lot 4001 Widemere Road, Wetherill Park in the Fairfield local government area. The application has been lodged by Boral Recycling Pty Ltd (the applicant) pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to amend the consent to include an additional allotment within the site to accommodate a meteorological station required to satisfy Condition B15.

2. SUBJECT SITE

The subject site is legally identified as Lot 4001 in DP 1173524, and is known as Lot 4001 Widemere Road, Wetherill Park. The subject site has an area of approximately 9.8 hectares and is bound by vegetated land associated with Prospect Reservoir, to the north and west, Prospect Creek to the south, and Prospect Highway and a vacant parcel of land to the east (see **Figure 1**).



Figure 1: Site Location (Source: Six Maps)

The subject site is located in an industrial area, in close proximity to the Greystanes Southern Employment Lands and Wetherill Park industrial precinct (see **Figure 1**). The closest residential areas are approximately 1 km to the east in Greystanes and 1.5 km to the north in Pemulwuy.

3. APPROVAL HISTORY

On 25 November 2002, the Minister for Planning approved development application (DA) 21-1-2002-i for the construction and operation of a materials recycling facility with a processing capacity of 600,000 tonnes per annum. In November 2005, a modification (DA 126-8-2005-i) of the original DA was approved, permitting an increase in the hours of operation and the construction of a blending plant.

The original consent and subsequent modification (DAs 21-1-2001-1 and 126-8-2005-I, respectively) were surrendered when SSD 6525 was approved on 25 November 2016, permitting an increase in processing capacity to 1,000,000 tonnes per annum. The proposed application is the first modification to SSD 6525.

4. PROPOSED MODIFICATION

On 26 July 2017, the applicant lodged an application (SSD 6525 MOD 1) seeking approval to expand the site area through inclusion of Lot 4000 DP 1173524 (Lot 4000) which is located adjacent to the subject site's eastern boundary (see **Figure 2**).



Figure 2: Location of proposed additional lot (Source: Six Maps)

The modification is requested to fulfil Condition B15 of the original SSD consent. Condition B15 requires the following:

METEOROLOGICAL MONITORING

B15. Within 3 months of the date of this consent, the Applicant shall ensure that there is a suitable meteorological station on the site that complies with the requirements in the latest version of the Approved Methods for Sampling of Air Pollutants in New South Wales. The meteorological station must be operated and maintained for the life of the Development.

The applicant advised that consultation undertaken with various environmental monitoring contractors concluded that a suitable location for the meteorological station could not be identified on the subject site to meet the requirements of the *Approved Methods for Sampling of Air Pollutants in New South Wales* (Approved Methods).

The Approved Methods require the meteorological station be located free from physical obstructions, such as trees, and airborne dust particles from the facility's operation. As such, the applicant proposes to use the neighbouring Lot 4000, which it owns, to accommodate the meteorological station and fulfil the requirements of Condition B15. The applicant notes that Lot 4000 offers a suitably clear and level location for the meteorological station and is secured through a chain-link fence.

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:

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 did not receive submissions on the proposal.

5.2 Environmental Planning Instruments

The following 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 (State Significant Precincts) 2005;
- State Environmental Planning Policy No. 55 – Remediation of Land; and
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development.

The Department undertook a comprehensive assessment against the above-mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification is generally consistent with the EPIs.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Director, Modification Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

6. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification application was made publicly available on the Department's website and referred to Fairfield City Council (Council) and Environment Protection Authority (EPA) for comment.

The **EPA** and **Council** did not raise any concerns with the modification application.

7. ASSESSMENT

The application seeks approval to include a new a lot within the land identified as the subject site, to accommodate a meteorological station to satisfy the requirements of Condition B15 of the consent.

The Department considers the additional lot would provide a suitable location for a meteorological station, as it would be directly adjacent to the site, free from physical obstructions and airborne particles from the operation of the recycling facility and consistent with the Approved Methods. This would allow the applicant to obtain accurate meteorological data to appropriately manage the potential operational impacts associated with the recycling facility.

The application does not include any construction activities or changes to the approved recycling facility. As such, the Department considers there are no additional impacts associated with the proposal.

The proposal is therefore considered to be acceptable and in the public interest as it would allow the applicant to comply with the consent.

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 as it facilitates compliance with Condition B15 of the consent.

9. RECOMMENDATION

It is recommended that the Director, Modification Assessments, as delegate for the Minister for Planning:

- **consider** the findings and recommendations of this report;
- **determine** that the application Boral Widemere Resource Recovery Facility SSD 6525 MOD 1 falls within the scope of section 96(1A) of the EP&A Act;
- **modify** the consent SSD 6525; and
- **sign** the attached modification development consent (**Appendix A**).

Prepared by:



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Recommended by:



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DECISION

The recommendation is: Approved by:

 10/10/17

Anthony Witherdin
Director
Modification Assessments
as delegate of the Minister for Planning.

APPENDIX A: MODIFICATION CONSENT

A copy of the modified consent can be found on the Departments website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8652

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 application

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8652

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8652