

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-7187 West Nowra Landfill Extension
Applicant	SHOALHAVEN CITY COUNCIL
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director, Regions, Industry and Key Sites 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/10891>

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/10891>

Date of decision

11 May 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 development would extend the life of the existing landfill to provide adequate capacity to meet the disposal needs of the Shoalhaven local government area for a further 10 years, with the opportunity for further extension of operational lifespan of the landfill, as required;
- the development would utilise an existing waste disposal facility that is co-located with other waste diversion facilities (waste transfer station and resource recovery processing areas), ensuring a coordinated and efficient waste management solution
- the project would provide a range of benefits for the region and the State as a whole, including a capital investment of approximately \$ 19,000,000 and the generation of four to eight construction jobs in the Shoalhaven 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 and the Illawarra Shoalhaven Regional Plan;
- 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;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through the recommended conditions of consent; and
- 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 28 June 2019 until 29 July 2019 (31 days) and received seven submissions, including one objection 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, noise, dust, odour and bushfire risk. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
Traffic Management <ul style="list-style-type: none"> Increased traffic at Yalwal Road and George Evans Road Intersection upgrades 	Assessment <ul style="list-style-type: none"> The Department considered the proposed increase in traffic generated by the development. The TIA considered the Yalwal Road and Flatrock Road intersection and Princes Highway and Kalandar Street intersection as the key intersections for the development. The TIA determined that traffic generated from the development does not necessitate any road or intersection upgrades in the study area. RMS and Council reviewed the application and raised no concerns over traffic impacts. The assessment concluded the development would not have an unacceptable impact on the surrounding road network. Conditions <ul style="list-style-type: none"> The Applicant is required to comply with operational traffic requirements
Noise <ul style="list-style-type: none"> No assessment of noise at Mundamia and Cabbage Tree Lane Urban Release Area 	Assessment <ul style="list-style-type: none"> The Department has considered the worst case operational noise impacts of the development and noted due to the distance to the urban release areas (1 km and 450 m), and the modelled compliance at the nearest sensitive receivers, noise impacts would not be experienced in these areas. The assessment concluded that the development would comply with the Industrial Noise Policy 2000, Interim Construction Noise Guidelines and the Road Noise Policy. Conditions <ul style="list-style-type: none"> The Applicant is required to comply with construction and operating hours from 8 am to 5pm (Monday to Sunday) The Applicant is required to ensure noise generated by construction and operation of the development does not exceed the prescribed noise limits The Applicant is required to comply with construction and operation noise management requirements The Applicant is required to prepare an operational noise management plan The Applicant is required to prepare a Driver Code of Conduct.
Dust <ul style="list-style-type: none"> No assessment of dust at Mundamia and Cabbage Tree Lane Urban Release Area 	Assessment <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. Conditions <ul style="list-style-type: none"> The Applicant must prepare an Air Quality Management Plan to manage emissions sources. The Applicant must implement dust management and mitigation measures
Odour <ul style="list-style-type: none"> No assessment of odour at Mundamia and Cabbage Tree Lane Urban Release Area 	Assessment <ul style="list-style-type: none"> The Department considered the potential odour impacts. The modelling predicts odour from the expanded landfill would be below the EPA criteria of 5 OU at the nearest residential and commercial receivers. The potential impacts would be less than those identified in the assessment given the Urban Release Areas are located further from the development than the nearest modelled residential and commercial receivers. The assessment concluded with appropriate measures in place the development would have minimal odour impacts on surrounding receivers. Conditions <ul style="list-style-type: none"> The Applicant must ensure the development does not cause or permit the emission of offensive odours.

	<ul style="list-style-type: none"> The Applicant must comply with the operational odour minimisation requirements.
<p><i>Bush Fire</i></p> <ul style="list-style-type: none"> Proposed site significantly prone to bushfire The emergency plan is inadequate for the scale of the development 	<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. The Rural Fire Service advised it had no concerns with the Bushfire Protection Assessment (BPA) provided the Applicant complied with the recommendations within the BPA. <p><i>Conditions</i></p> <ul style="list-style-type: none"> The Applicant must implement the bushfire protection measures outlined in Section 6 Appendix J of the EIS titled Bushfire Protection Assessment.