



ResourceCo Waste & Resource Management Facility

*State Significant
Development
Modification Assessment
(SSD 7256 MOD 2)*



March 2019

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Cover photo

Road sign to waste facility in Wetherill Park, NSW.

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Glossary

Abbreviation	Definition
C&D	Construction and Demolition
C&I	Commercial and Industrial
Consent	Development Consent
Council	Fairfield City Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
FRNSW	Fire and Rescue NSW
Minister	Minister for Planning
MSW	Municipal solid waste
PEF	Process Engineered Fuel
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
WRMF	Waste and resource management facility



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1. Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD 7256) for a Waste and Resource Management Facility (WRMF) in Wetherill Park. The modification application seeks approval for the increase in operating hours for the receipt and removal of material at the WRMF. The application has been lodged by Cleanaway ResourceCo (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Applicant has constructed a WRMF at 35-37 Frank Street, Wetherill Park in the Fairfield local government area (LGA) (see **Figure 1**). The WRMF is capable of processing up to 250,000 tonnes per annum (tpa) of commercial and industrial (C&I) waste, construction and demolition (C&D) waste and municipal solid waste (MSW). The WRMF converts the combustible portion of the waste stream into an alternative fuel known as Process Engineered Fuel (PEF).

The PEF is used as an alternative fuel in the Australian cement industry and in overseas markets. PEF to be sent overseas is compacted, baled, wrapped in plastic wrap and then stored temporarily on-site prior to being loaded into shipping containers and transported off-site by semi-trailers. PEF for use in Australia is loaded in loose form into trucks for removal off-site. In addition, non-combustible commodities such as metals, wood, concrete, bricks, rubble and soil are separated and transported off-site for reuse. Any remaining, non-recyclable waste is removed for disposal at an appropriately licensed landfill.

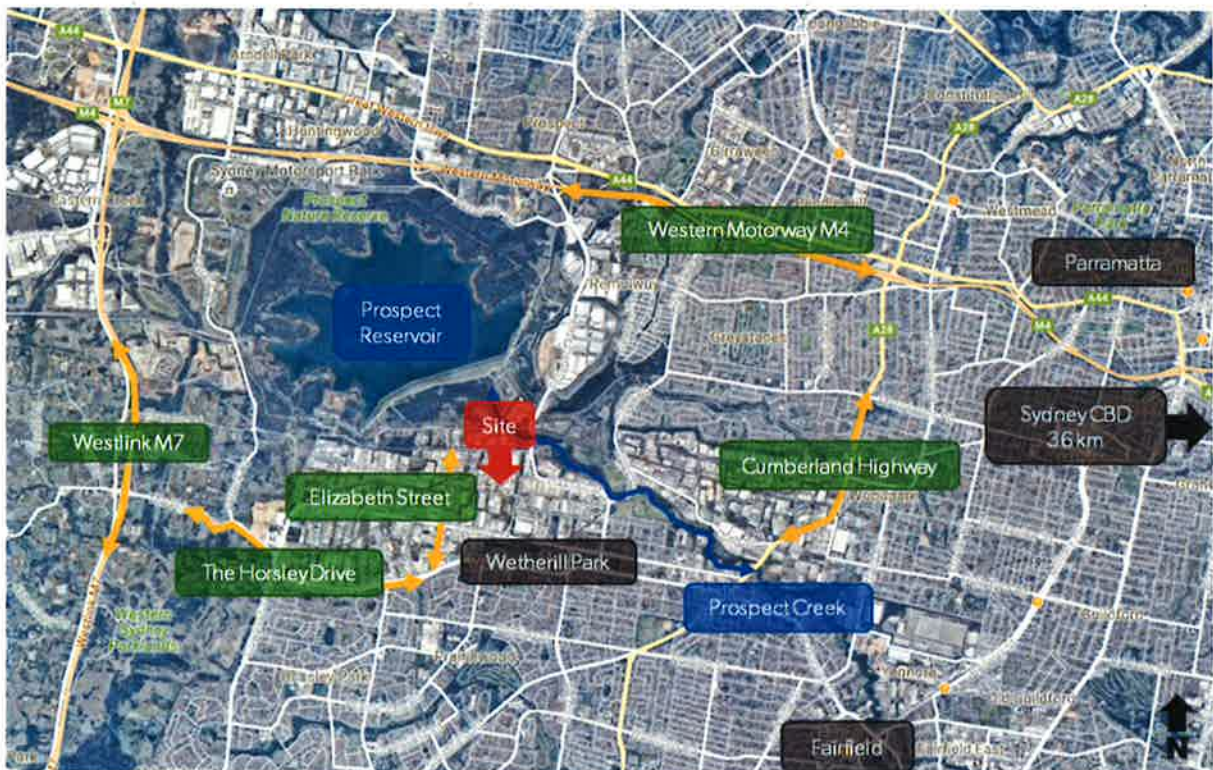


Figure 1 | Site Location

The site is situated in the Wetherill Park industrial estate within the wider Smithfield/Wetherill Park industrial area, a key manufacturing and distribution hub in Greater Western Sydney. Along the south-east and north-east

boundary of the industrial estate is a mix of recreational and low density residential lands. The nearest sensitive receiver, a residence at Maugham Crescent, is approximately 840 metres (m) south of the site. Prospect Creek is approximately 700 m north of the site.

1.2 Approval History

On 10 April 2017, development consent was granted by the Executive Director, Key Sites and Industry Assessments, as a delegate of the Minister for Planning, for the development of the ResourceCo WRMF (SSD 7256). The development consent permits the following works:

- construction of the WRMF
- operation of the WRMF with a waste throughput of 250,000 tpa.

The development consent has been modified on one occasion (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Construction of a three-sided structure around the baling and wrapping machinery, within the footprint of the roof awning	Minister	Section 4.15(1A)	24 September 2018



2. Proposed Modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to amend the operating hours for receipt and removal of material, as described in **Table 2**.

Table 2 | Approved and Proposed Operating Hours

Activity	Day	Existing approved hours	Proposed modified hours
Operation – waste receipt	Monday – Saturday	5 am – 5 pm	4 am – 5pm
Operation – waste processing (plant operation)	Monday – Friday	6 am – 10.30 pm	No change
	Saturday	6 am – 5 pm	
	Sunday	8 am – 6 pm	
	Monday – Friday	5 am – 10.30 pm (PEF only)	4 am – 10.30 pm ('loose' PEF bound for Berrima only) 5 am – 10.30 pm (baled PEF for export)
Operation – transport of materials off-site		5 am – 5 pm (other materials)	No change
	Saturday	No removal of materials	5 am – 4 pm ('loose' PEF bound for Berrima only) No change (other materials, including baled PEF for export)
	Sunday	No removal of materials	No change

The modification is described in full in the modification application and further information included in **Appendix B**.

The proposed modification would not result in an increase in the production capacity of the WRMF (250,000 tpa) or any change in the operational processes or waste processing (plant operation) hours.

The Applicant has requested the modification of PEF despatch hours to allow 'loose' PEF removal on a Saturday, as well as extending PEF despatch hours by one hour during the week. This is required to meet contractual obligations with Boral regarding the supply of PEF to its Berrima cement facility. An extension for the hours of removal of baled PEF (for export) is not requested.

The Applicant has advised that unforeseen logistical (loading and unloading) delays have arisen that restrict the number of truckloads of PEF that can be despatched from the site to Berrima each day. On weekdays only four despatches per day (2 runs per day by 2 trucks) are possible, rather than the originally-planned six despatches per day (3 runs per day by 2 trucks). To fulfil the PEF supply contract and compensate for the weekday delivery shortfall of PEF, four additional despatches to Berrima are therefore required on Saturdays. No justification was provided by the Applicant for the need for removal of PEF until 4 pm on Saturdays, given the last truck to Berrima would need to depart Wetherill Park around midday.

The Boral Berrima site is permitted to receive deliveries of PEF from 6 am to 6 pm on weekdays and 7 am to 1 pm on Saturdays. The Applicant has advised that two trucks would be able to make two runs each to Berrima on Saturdays due to the much-reduced traffic on weekends compared to weekdays.

In addition, extended PEF despatch hours have been requested during the week (starting at 4 am rather than 5 am). This would provide additional time for despatches to Berrima on weekdays to ensure that trucks could load and leave the site ahead of Sydney peak morning traffic to arrive in Berrima by the 6 am weekday opening time. After unloading in Berrima, the trucks would be able to return to Wetherill Park to reload with PEF and return for a second trip to Berrima with ample buffer time before the 6 pm Boral receipt deadline.

Also, the modification requests commencement of waste receipt at 4 am Monday – Saturday. The Applicant has advised this is to facilitate waste collectors who wish to deliver loads of waste outside of peak morning traffic times and that 10 trucks are expected to deliver waste to the site between 4 am and 5 am Monday – Saturday. This earlier start time would also ensure there is a sufficient supply of waste available onsite when waste processing begins at 6 am.



3. Strategic Context

Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission released the *Greater Sydney Region Plan – A Metropolis of Three Cities* (the Plan). The Plan is built on a vision of three cities, the Western Parkland City, the Central River City and the Eastern Harbour City. The 40-year vision to 2056 brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth. The development is located in the Western City District, which was identified as one of the fastest growing districts in Greater Sydney.

The modification request is consistent with the directions and objectives outlined in the Plan, primarily to assist in industrial land being retained and managed to support the retention of local recycling and waste management facilities and the recycling of municipal, commercial, industrial and hazardous waste (Objective 23). The proposed modification would ensure more waste is recycled to support development of a circular economy (Objective 35).

The modification request would assist in meeting Actions 83 and 84 of the Western City District Plan, as it supports the reduction of waste volume through increased waste reuse and recycling.

Waste Avoidance and Resource Recovery Strategy

Reducing waste and keeping materials circulating within the economy are priorities for the NSW government. To meet this challenge, the government has prepared a state-wide WARR Strategy. The strategy sets waste recovery targets to be achieved by 2021–22, comprising:

- C&I from 57% (in 2010–11) to 70%
- C&D from 75% (in 2010–11) to 80%
- MSW from 52% (in 2010–11) to 70%
- increase the waste diverted from landfill from 63% (in 2010–11) to 75%.

By utilising waste material that would otherwise be destined for landfill, the proposed modification would continue to contribute to the State's recovery performance in both C&I and C&D waste.



4. Statutory Context

4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and is satisfied the proposed modification would result in minimal environmental impacts, and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved project would not change due to the modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- the approved waste processing rate of 250,000 tpa, including PEF production, would not change
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of approval.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(1) of the EP&A Act. Under the Minister's delegation of 11 October 2017, the Director, Industry Assessments, may determine the application under delegation as:

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



5. Engagement

5.1 Department's Engagement

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development. The application was not notified or advertised, however, it was made publicly available on the Department's website. The application was also referred to Fairfield City Council (Council) and the Environment Protection Authority (EPA) for comment.

Council and the **EPA** advised they raised no objections to the modification and had no further comments.

The Department requested further information relating to the need and justification for the extended hours and the numbers of truck movements expected at particular times. This information was provided to the Department by the Applicant by email on 12 March 2019. The Department notes that 'loose' PEF would need to leave the site by 12 pm on Saturdays to reach the Boral facility in Berrima by 1 pm. The Applicant, however, did not provide further detail of the need for removal of PEF between 12 pm and 4 pm on Saturdays.



6. Assessment

Department has considered the:

- the Modification Application provided to support the proposed modification (see **Appendix B**)
- the assessment reports for the original development application and Modification 1
- submissions from the EPA and Council (**Appendix C**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issues are:

- noise
- traffic

The Department's assessment of these issues is provided in **Table 3**.

Table 3 | Assessment of Issues

Issue	Assessment	Recommended Conditions
Noise	<ul style="list-style-type: none">• The extension of operating hours has the potential to impact noise levels at the nearest sensitive receivers.• The primary noise sources would be heavy vehicle movement to, from and within the site during the extended operating hours. Unloading and loading of waste materials would also cause noise impacts, however it is noted this would occur within the enclosed building.• The modification request included a qualitative assessment by the Applicant of the noise impacts of the modification compared to the project specific operational noise criteria developed for the original site approval (SSD 7256).• In the Environmental Impact Statement (EIS) for the original approval, operational noise levels were predicted for a worst-case scenario of trucks entering and exiting the site, use of processing machinery, truck movements, use of forklifts and staff vehicles (all simultaneously). Adverse weather conditions were also considered. Night-time operations were not separately assessed as a limited number of operations were proposed to occur during night-time hours (10 pm – 7 am) and any impact would be substantially lower than during full operation of the facility during day-time hours.• The noise modelling showed the predicted operational noise levels to be well below the project-specific noise criteria at all receivers during all time periods (day, evening and night).• Traffic noise was also considered in the original EIS, with the predicted increase in traffic noise associated with operation of the facility being less than 0.2 dB in day-time and 0.1 dB at night-time. These levels were well below the 2 dB increase considered to not be perceptible to humans in the Road Noise Policy (RNP).• The extended operating hours are intended to accommodate the following:<ul style="list-style-type: none">◦ arrival, loading and departure of four trucks removing 'loose' PEF on Saturdays between 5 am and 4 pm◦ arrival, unloading and departure of 10 trucks delivering waste between 4 am and 5 am Monday – Saturday	Amendment of Table 1 (condition B24) to reflect the modified operating hours.

Issue	Assessment	Recommended Conditions
	<ul style="list-style-type: none"> o arrival, loading and departure of two trucks removing 'loose' PEF between 4 am and 5 am Monday – Friday. <p>The Department notes that these truck movements are not additional to the total number of truck movements already approved. The modification represents the same truck movements spread over a more extended time period.</p> <ul style="list-style-type: none"> • The Applicant's assessment maintained that, as the original noise assessment was carried out under a worst-case scenario which considered all time periods, the addition of 8 truck movements (4 in, 4 out) on a Saturday would have a negligible impact on actual operational or road noise. • Similarly, the Applicant maintained that earlier morning (4 am) commencement of waste deliveries and removal of PEF would have no noticeable impact on operational or road noise. • It is noted that the EPA and Council were satisfied the proposed changes in operating hours would have negligible effect on noise impacts. • Whilst only a qualitative noise assessment was provided by the Applicant, the Department is satisfied that the noise impacts of the modification would be negligible as the site is located quite centrally within an industrial area, at a distance of 840 m from the nearest residence. • The Department's assessment concludes that the noise impacts (including traffic noise) caused by the modification request are minimal, however requires the Applicant to maintain noise generated by the operation of the development within the noise limits predicted in the original approval. As such, no changes are recommended to the noise limits provided in Table 2 (condition B28) of the consent. • The Department has recommended the amendment of condition B24, which details the hours of operation (see Appendix B). The request to remove 'loose' PEF from the site between 12 pm and 4 pm on Saturdays has not been included in the modified consent as there is no demonstrated need to do so (Boral Berrima does not accept waste after 1 pm on Saturdays). 	
Traffic	<ul style="list-style-type: none"> • The extension of operating hours has the potential to impact traffic on the surrounding road network. • The Applicant provided a limited assessment of traffic impacts, which compared the requested modification to the existing approved traffic volumes and distribution. The Department notes there would be no increase in the total approved traffic movements as a result of the modification request. • The original assessment for the development predicted 418 truck movements and 118 light vehicle movements on weekdays, with 204 truck movements and 40 light vehicle movements on Saturdays. On Sundays, only light vehicle movements occur (40 movements), with no trucks entering or leaving the site. • As described above, the modification request involves a small redistribution of truck movements on weekday early mornings (10 trucks in, 10 trucks out between 4 am and 5 am) and Saturdays (4 trucks in, 4 trucks out between 5 am and 12pm). As the requested extended operating hours fall outside of the morning and afternoon peak hours, the Department is satisfied there would be no additional impact on the level of service of the surrounding road network. • It is noted that the EPA and Council had no concerns regarding the traffic impact of the proposed changes in operating hours. • The Department's assessment concludes the traffic impacts of the modification request would be negligible, especially within the context that many businesses in the area operate trucks 24 hours per day 7 days per week. 	No conditions are recommended.

Issue	Assessment	Recommended Conditions
Justification for extended hours on Saturdays	<ul style="list-style-type: none"> The existing consent includes conditions relating to the management of traffic impacts and, as such, the Department concludes traffic impacts are sufficiently addressed via the existing conditions of consent. 	
	<ul style="list-style-type: none"> The modification requested the extension of operating hours (removal of materials) for the removal of 'loose' PEF between 5 am and 4 pm on Saturdays. As noted in Section 2, the Applicant did not provide justification for removal of PEF until 4 pm, given the Boral facility in Berrima receiving the 'loose' PEF is not permitted by its development approval to receive material after 1 pm on Saturdays. 	Amendment of Table 1 (condition B24) to restrict the modified operating hours for removal of 'loose' PEF on Saturdays to 5 am to 12 pm.
	<ul style="list-style-type: none"> Due to the distance and driving time, on Saturdays the last truck to Berrima would need to depart Wetherill Park around midday at the latest in order to arrive before 1 pm. 	
	<ul style="list-style-type: none"> The Applicant has advised the Department it intends to submit a new modification request in the near future to amend all operating hours of the WRMF to 24 hours per day 7 days per week. 	
	<ul style="list-style-type: none"> As the Department is not satisfied there is sufficient need at this time for extension of the hours for removal of 'loose' PEF until 4 pm on Saturdays, the hours for these operations has been restricted in the conditions of consent to 5 am to 12 pm on Saturdays. 	



7. *Evaluation*

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act.

The Department considers the proposed modification can be undertaken on the basis it would:

- result in minimal environmental impacts beyond the approved facility
- not result in an increase in total traffic movements
- ensure the economic viability of the facility by enabling the Applicant to meet its contractual obligations.

The Department is satisfied that the modification should be approved, subject to conditions.




8. Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 7256 MOD 2 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the draft notice of decision
- **modify** the consent SSD 7256
- **signs** the attached approval of the modification (**Attachment D**).

Recommended by:


Sheelagh Laguna 27/3/19.

A/Principal Planner
Industry Assessments

Recommended by:


Kelly McNicol 27/03/19.

Team Leader
Industry Assessments



9. Determination

The recommendation is: **Adopted / Not adopted by:**

Chris Ritchie

Director

Industry Assessments

28/3/19



Appendices

Appendix A – List of Documents

The Department has considered the:

- Application to Modify Development Consent – SSD 7256, prepared by ResourceCo RRF Pty Ltd, dated 13 February 2019 and all attachments
- advice from Fairfield City Council and the Environment Protection Authority dated 22 and 27 February 2019 respectively
- Environmental Impact Statement, Waste and Resource Management Facility, SSD 15-7256, ResourceCo Pty Ltd, 35-37 Frank Street, Wetherill Park, prepared by Nexus Environmental Planning Pty Ltd, dated 8 March 2016
- State Significant Development Assessment: ResourceCo Pty Ltd, Waste and Resource Management Facility, Wetherill Park, SSD 7256, prepared by the Department of Planning and Environment, dated March 2017
- State Significant Development Modification Assessment: ResourceCo Pty Ltd, Waste and Resource Management Facility, Wetherill Park, SSD 7256 MOD 1, prepared by the Department of Planning and Environment, dated September 2018
- existing conditions of consent
- relevant environmental planning instruments, policies and guidelines
- relevant requirements of the EP&A Act.

Appendix B – Modification Application

Available on the Department's website at:

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9898

Appendix C – Submissions

Available on the Department's website at:

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9898

Appendix D – Notice of Modification

Available on the Department's website at:

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9898