

11 September 2017

**NSW Planning Assessment Commission Determination Report
Wetherill Park Waste Transfer Station (SSD 7267)**

1. INTRODUCTION

On 29 August 2017, the Planning Assessment Commission received from the Department of Planning and Environment a State significant development application from SUEZ Recycling & Recovery (the applicant) to increase the overall capacity of the Wetherill Park Waste Transfer Station (WTS). The site is located in the Fairfield local government area (LGA).

The Department has referred the application to the Commission for determination in accordance with the Minister for Planning's delegation because the Department received a reportable political donations disclosure.

Ms Lynelle Briggs AO, Chair of the Commission, nominated Mr Ross Carter (chair) and Ms Dianne Leeson to constitute the Commission to determine the application.

1.1 Summary of Development Application

The application proposes to increase the operational capacity of the WTS by 130,000 tonnes per annum (tpa). This will increase the existing capacity of the WTS from 100,000 tpa to 230,000 tpa and be achieved by increasing the throughput of general solid waste (putrescible) from 10,000 tpa to 140,000 tpa.

The WTS will retain its existing capacity to accept 90,000 tpa of general solid waste (non-putrescible) and 10 m³ of asbestos waste weekly.

The proposal would involve:

- construction of hardstand areas for entry and exit ramps and additional truck and trailer parking;
- additional stormwater infrastructure; and
- an additional heavy vehicle exit from the main transfer building to improve internal traffic flow.

The expanded operation is predicted to generate 620 vehicle movements over the course of a typical workday, an overall increase of 238. A vehicle movement is considered to be either a movement to, or from the site.

1.2 Background

The WTS provides a consolidation point for unsorted waste collected from residential, commercial premises and from the general public. The site currently operates under several separate Council consents for the WTS and various related developments. In accordance with clause 97 of the EP&A Regulation 2000, the Department's recommended consent conditions include a requirement to surrender all previous consents so the whole site falls under one consolidated and contemporary consent.

The application has been formally amended by the applicant to permit construction works to occur whilst maintaining existing approved operations to ensure the facility would not need to be shut down during construction and to remove the proposed small vehicle drop-off area to comply with a setback distance requirement from TransGrid infrastructure within the site.

1.3 Need for proposal

The Applicant has identified that within the Sydney Region, its general solid waste (putrescible) landfill capacity is limited to its Lucas Heights and Eastern Creek landfills (located within Sydney) and the Woodlawn Waste Management Centre operated by Veolia Environmental Services (Australia) Pty Ltd (located to the south-west of Sydney).

The Applicant's Eastern Creek landfill closed on 31 August 2017 and no additional landfill capacity exists or is in development within Sydney. As a result, further pressure will be placed on the management and handling of Sydney's existing putrescible waste, including the efficiency of vehicle logistics transporting waste to landfill.

The Applicant states the proposal to increase the throughput capacity of the WTS has the following benefits:

- the WTS is located in a strategic location within 5 km of the Eastern Creek landfill (where the waste would be diverted from);
- the WTS is a purpose-built facility and does not need to be retro-fitted to increase capacity;
- the WTS facility has the infrastructure to process the increased capacity subject to some additional elements being provided;
- the development would contribute to local employment by providing 5 additional full-time jobs with total employment of 16 full-time jobs and 12 construction jobs; and
- the WTS would contribute to the achievement of the targets for increased recycling and landfill diversion in the NSW Waste Avoidance and Resource Recovery Strategy 2014-21.

2. DEPARTMENT'S ASSESSMENT REPORT

The Department's assessment report identified odour, flooding, traffic and site access arrangements as the key impacts associated with this proposal. The Department's assessment report concluded that, with the closure of the Eastern Creek landfill, the development would provide additional ongoing processing capacity for general solid (putrescible) waste to support Sydney's growing population.

The Department's assessment has detailed that the proposed development would:

- meet the Environment Protection Authority's (EPA) most stringent odour criteria at surrounding residential receivers at all times and at all industrial receivers during a normal operating scenario;
- not impact flood behaviour outside of the applicant's site;
- not impact on the safety and efficiency of the surrounding road network; and
- meet operational noise criteria at the closest industrial receiver and residential receivers.

The Department's assessment concludes the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent and that the proposal is approvable.

3. COMMISSION'S MEETING AND SITE VISIT

As part of its consideration of the development application, the Commission met with the applicant and visited the site on 6 September 2017. Notes from this meeting are provided in **Appendix 1**. The Commission notes that the Department and Fairfield City Council did not request to meet.

The Commission notes that two public submissions were received by the Department during the exhibition period. Both submissions objected to the proposal based on potential for odour impacts to the surrounding area. Other issues raised in the submissions included air quality, noise impacts and impacts to the road network.

Due to the low number of public submissions made to the Department during the exhibition period, the Commission did not conduct a public meeting.

4. CLARIFICATION SOUGHT

During the meeting with the applicant, the Commission requested clarification regarding the Traffic and Transport Assessment, including the methodology used to determine potential impacts and the assessment assumptions. The applicant provided clarification by way of email on 7 September 2017. This information is considered in Section 5.2.

5. COMMISSION'S CONSIDERATION

In this determination, the Commission has considered carefully:

- all information provided by the applicant;
- the Department's assessment report;
- advice and recommendations from government agencies;
- relevant matters for consideration specified in section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act), including:
 - relevant environmental planning instruments;
 - the *Environmental Planning and Assessment Regulation 2000*;
 - the likely impacts of the development on both the natural and built environments;
 - social and economic impacts in the locality;
 - the suitability of the site for the development;
 - written and verbal submissions from the public; and
 - the public interest, including the objects of the EP&A Act.

In reviewing the Department's assessment report, the Commission gave particular attention to the potential for odour, traffic and transport impacts of the development within the locality. The Commission also reviewed the Department's assessment of other matters including flooding, noise and vibration, hazards and risk, fire prevention, wastewater, stormwater, dust and parking. After this review the Commission finds the conclusions reached in the Department's assessment report and the Department's assessment of these other matters to be acceptable.

The applicant requested several amendments to conditions of consent which are considered below.

5.1 Odour

The WTS is located within the Wetherill Park Industrial Park and is surrounded by other industrial and commercial businesses. The nearest residence is located approximately 1.5km west of the site. The Department's assessment report identifies odour as a key concern for residents of Western Sydney particularly due to the location and number of waste and composting facilities in the region, including Eastern Creek, Erskine Park and Kemps Creek. The Department considered the '*Western Sydney Odour Assessment*' (Odour Unit 2013) commissioned by the EPA, which identified several waste facilities found to be emitting odours at detectable levels beyond site boundaries. The WTS was not identified in the assessment as a source of odour in the region, and the Department has indicated that this is not likely to change as a result of the proposed development. In addition, the applicant confirmed to the Commission that its Eastern Creek landfill facility, which was due to close on 31 August 2017, has now closed.

The applicant submitted an Air Quality Impact Assessment (AQIA) as part of its Environmental Impact Statement (EIS), which assessed the likely impacts on air quality and potential odour impacts on surrounding landowners. The AQIA concluded that odour levels are not predicted to exceed the EPA criterion in this location and identified mitigation, management and monitoring measures to address any potential impacts.

The Department received two public submissions in response to the exhibited EIS, which both raised concerns regarding potential odour impacts on the surrounding area and potential for impacts associated with the applicant's Eastern Creek landfill. The Department received a submission from the EPA which identified odour impacts as a key concern and raised a number of issues with the AQIA.

Specifically, that the odour emissions calculations in the AQIA should examine more conservative assumptions, including contingencies under the proposed site operations.

The applicant's Response to Submissions (RtS) addressed the issues raised in submissions, including those related to the odour modelling and the management of accumulated dust. The RtS identified that two additional odour modelling scenarios had been undertaken to address EPA's comments. It explained an EPA scenario and a worst case scenario. The scenarios assumed full putrescible waste with the full pit area utilised (or nearly full, for the EPA scenario) as well as allowing stockpiling adjacent to the pit. The scenarios adopted the highest odour emission rate of 10 samples gathered from six landfill sites across NSW. The additional modelling did not include any existing odour controls or those proposed as part of the development.

In response, the EPA stated it was generally satisfied with the information provided; however, it *"remained concerned that odour emissions from the proposed truck trailer area east of the transfer station building were not sampled in the Environmental Impact Statement nor were any mitigation measures provided to address potential fugitive odours from this area"*. The EPA also noted that unless trailers are parked within an enclosed building, are free of waste residue or are airtight, they should have been included in the odour modelling.

The applicant provided a further response to address EPA's concerns regarding the truck parking area. The applicant agreed that while trailers are not airtight, the external components of the trailers are cleaned fortnightly by a specialist contractor in accordance with its existing environmental management plan. The applicant confirmed that the trucks have covers, reducing the area exposed to a small portion the container. Logistically, the applicant confirmed that trucks would be off-site for most of the day and would be parked on-site overnight, which for the majority of the time would not overlap with the operating hours of adjacent commercial and industrial properties.

The applicant confirmed its commitment to continue its current truck wash requirements and general housekeeping as part of the overall maintenance of the site.

The Department's assessment report considers the AQIA and the additional modelling undertaken by the applicant, noting that exceedances are predicted at industrial receivers (R2, R3), outside of general working hours (between 5pm and 6am). This is due to temperature inversions that occur in the evening when the neighbouring premises are not likely to be operating. The Department's assessment report notes the conservative nature of the additional modelling undertaken by the applicant, which did not incorporate existing or future mitigation and management strategies for odour suppression and attenuation effects of building walls.

The Department noted that the EPA provided no further comments in relation to fugitive emissions from truck trailer parking and provided recommended conditions of consent to manage the storage of putrescible waste and to minimise potential odour impacts, which have been incorporated in the conditions of consent.

The Commission finds that the additional modelling undertaken by the applicant presents conservative scenarios and that the EPA criteria for urban areas would be met at the nearest industrial receivers to the WTS during regular operating hours with a slight exceedance predicted under a worst-case operating scenario during limited evening periods. The Commission considers that the applicant's proposed management and mitigation strategies and the conditions of consent provide adequate environmental safeguards to control odours.

The Commission finds the recommended conditions of consent relating to odour management to be adequate, that odour impacts have been satisfactorily assessed, and that the proposed development is unlikely to result in an unacceptable odour impact on the locality provided the applicant fully complies with these conditions.

5.2 Traffic and transport

The proposed development would generate additional traffic movements to and from the site, primarily an increase in heavy vehicles.

The applicant submitted a Transport Impact Assessment (TIA) as part of its EIS, which assessed the potential traffic impact of the proposed development on the surrounding road network.

The Department received one public submission that raised concerns with the increase in traffic resulting from the proposed development.

The Department sought clarification from the applicant regarding the methodology used in the TIA, specifically regarding the makeup of vehicles utilising the site and whether all vehicles entering and exiting the site had been captured in the tube counts, which the applicant confirmed was the case and confirmed that a vehicle was considered a heavy vehicle if it was 10m long. Accordingly, the Department's assessment report noted it was satisfied with the methodology once confirmed.

In addition, the Commission sought clarification from the applicant regarding the methodology used to determine the additional heavy vehicle traffic and discussed the existing and proposed vehicle movement management within the site. The Commission is satisfied with the clarification provided by the applicant regarding the calculation and impact of heavy vehicle numbers and the internal traffic management measures of the proposal.

The Commission finds the recommended conditions of consent relating to traffic management to be adequate and that the proposed development will not have an unacceptable impact on the road network within the locality of the site.

5.3 Other Relevant Issues

The applicant sought amendment to some of the conditions proposed by the Department. These included:

- a minor clarification to Condition A8 to include the term "*putrescible waste*" rather than just the term "*waste*". The applicant cited consistency with the Environmental Protection Licence (EPL) as justification for the amendment and to ensure the existing approved volumes for non-putrescible waste are not impacted;
- deletion of Condition B6 which required the installation of a meteorological station on the site. The applicant cited that such a request was unusual for a WTS, which will not produce significant odour impacts and that site constraints made locating it within the site difficult; and
- amending Conditions A12 and A13 to remove the requirement for weighbridge and waste classification records to be retained "*for the life of the development*". The applicant cited inconsistency with the Protection of the Environment Operations (Waste) Regulation 2014 as justification.

The proposed amendments were discussed with the Department and the Commission has determined that:

- Condition A8 be amended as requested;
- Condition B6 be retained as drafted by the Department as it is interrelated to the applicant's EPL and is consistent with the Department's approach to other waste projects; and
- Condition A12 and A13 be retained in full, due to the differences in regulatory and compliance functions of the EPA and Department.

6. COMMISSION'S FINDINGS AND DETERMINATION

The Commission has considered the applicant's proposal, the Department's assessment report and the relevant matters for consideration under section 79C of the EP&A Act. The Commission has noted the advice and recommendations from Fairfield City Council, and government agencies including the Environment Protection Agency.

For the reasons set out above, the Commission has determined to grant consent to the development application subject to the conditions set out in the instrument of approval, as amended by the Commission.



Ross Carter (Chair)
Member of the Commission



Dianne Leeson
Member of the Commission

APPENDIX 1 RECORDS OF COMMISSION MEETINGS

Notes of Briefing from the Applicant

This meeting is part of the Determination process.		
Meeting note taken by Alana Jelfs	Date: 6 September 2017	Time: 12:00pm
Project: Wetherill Park Waste Transfer Station		
Meeting place: Wetherill Park Waste Transfer Station, 20 Davis Road, Wetherill Park		
Attendees: Commission Members: Ross Carter (Chair), Dianne Leeson Commission Secretariat: David Koppers (Team Leader), Alana Jelfs (Senior Planning Officer) SUEZ Recycling & Recovery Pty Ltd (the applicant): Carol Ng (Project Manager), Rob Coulthard (Site Manager), Phil Carbins (NSW Projects Director)		
The purpose of the meeting: Meeting with the applicant and site visit		
<p>SUEZ Recycling & Recovery (the applicant) provided an overview of the existing waste transfer station (WTS) and the proposal to increase the putrescible waste capacity at the WTS.</p> <p><u>Overview</u></p> <ul style="list-style-type: none"> • The applicant's Eastern Creek facility shutdown on 31 August 2017 after 33 years' operation. • The Wetherill Park facility is to become the transfer point for non-recyclable waste formerly taken to Eastern Creek and now to be taken to the Lucas Heights facility. • The waste is transported to the Wetherill Park facility by truck. The waste is then consolidated and moved to higher capacity transfer trailers for transportation to the Lucas Heights facility. • The applicant noted it has a good environment record, and meets odour unit requirements. The applicant noted the suitability of its industrial area location which provides opportunities to invest in the facility. • No residential complaints have been received. • The applicant consulted its neighbours on the proposal and sought feedback. • Agencies including the Environment Protection Authority (EPA), Transgrid, Fairfield Council and Fire NSW were consulted when the Environmental Impact Statement (EIS) was being prepared. • Transgrid did not support the small vehicle drop-off area as it was within 5m of a Transgrid structure. In response, the applicant removed this component from the proposal. • Fairfield council support the proposal and Fire NSW conditionally supported the proposal subject to the applicant updating its sprinkler system. • Two public submissions did not support the proposal. <p><u>Traffic</u></p> <ul style="list-style-type: none"> • The applicant explained the methodology used to undertake the Traffic Impact Assessment (TIA), confirming that incoming waste is brought to the site by truck, the waste is weighed and transferred out of the site in larger/heavy vehicles. • The Commission queried the truck numbers/movements and how this had been calculated. The applicant gave an overview and confirmed it would provide further details to the Commission. • The TIA assumed incoming deliveries of 6 tonne trucks (approx.). Trucks leaving the site are larger 24 tonne capacity heavy vehicles. • The applicant confirmed that the transfer trailers are captured in the assumed incoming movements. All additional trucks (to transport the increase in waste) have been captured in the TIA. • Tube counts were done for vehicles entering and exiting the site. 		

- The applicant confirmed it has ordered a total of seven transfer trailers to transport the waste from the site to landfill (predominantly Lucas heights) or recycling facilities.
- Disposal at a landfill site is cheaper quicker than holding waste at a transfer station.
- This site will continue to receive smaller vehicles.
- Busiest times at facility is 5-8am, earlier than morning peak and afternoon peak is also earlier than the later wider network peaks.

Conditions

- The applicant requested amendments to condition A8 & B6. Commission to consider and discuss implications with the Department.

General discussion

- The Wastewater Treatment Plant has capacity to operate with the proposed increase.
- The WTS operates 12 hour shifts, Monday-Friday, and operates 8:30am-3pm on weekends. This may increase slightly if necessary. Trucks still access the site outside of these times.
- The Commission queried whether the concrete sealant has a lifespan? The applicant confirmed the product makes the concrete 'not porous' and may require resealing over time. Currently being considered in preparation of tender documentation for the works required to expand the facility.

Documents [tabled at meeting/to be provided]: Applicant's presentation, clarification of the methodology used to undertake the Transport Impact Assessment

Outcomes/Agreed Actions: Applicant to provide agreed clarification

Meeting closed at 1:30pm