

## ASSESSMENT REPORT

### Section 96(1A) Modification Wetherill Park Waste Transfer Station (SSD 7267 MOD 1)

#### 1. INTRODUCTION

This report assesses a modification application by SUEZ Recycling & Recovery Pty Ltd (the Applicant) to modify State significant development consent (SSD 7267) for the Wetherill Park Waste Transfer Station (Wetherill Park WTS). The application has been lodged pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application seeks to amend the requirements for the installation of a meteorological station.

#### 2. BACKGROUND

The Applicant operates a WTS at 20 Davis Road, Wetherill Park in the Fairfield local government area (see **Figure 1**). The site comprises 2.05 hectares (ha) of industrial zoned (IN1 General Industrial) and is legally described as Lot 402 in DP 603454. The site is located in the Wetherill Park industrial area at the end of Davis Road on a cul-de-sac.



**Figure 1: Site Location**

On 11 September 2017, development consent was granted by the Planning Assessment Commission (the Commission) to increase the processing capacity of the existing WTS from 100,000 tonnes per annum (tpa) to 230,000 tpa of waste by increasing the throughput of general solid waste (putrescible) from 10,000 tpa to 130,000 tpa. The Applicant's justification for increasing the processing capacity of the WTS was due to the closure of the Applicant's Eastern Creek landfill on 31 August 2017 and with no additional landfill capacity proposed and/or in development within Sydney, further pressure would be placed on Sydney's putrescible landfill network.

Prior to this, the site operated under various Council consents and was permitted to receive up to 90,000 (tpa) of general solid waste (non-putrescible), 10,000 tpa of general solid waste (putrescible) and up to 10 m<sup>3</sup> of asbestos waste weekly.

The WTS operates 24 hours a day, seven days a week and receives waste from domestic drop-off and commercial waste deliveries. All waste is unloaded in the waste transfer building where recyclable waste is separated, sorted and then transported off-site for recycling or reprocessing. The remaining waste that cannot be recycled is transferred to Lucas Heights landfill or transferred to other licenced facilities within Applicant's network.

The site consists of the main transfer building which is an industrial concrete building together with an awning attached to the west of the main building. Together the main transfer building and the awning have a total floor area of 3,500 square metres (m<sup>2</sup>). The building and hardstand areas have site coverage of approximately 65%. The remainder of the site is landscaped with trees, grasses and bushes. The northern portion of the site is constrained by a 30.28 m wide TransGrid electrical easement and transmission line tower (see **Figure 2**).

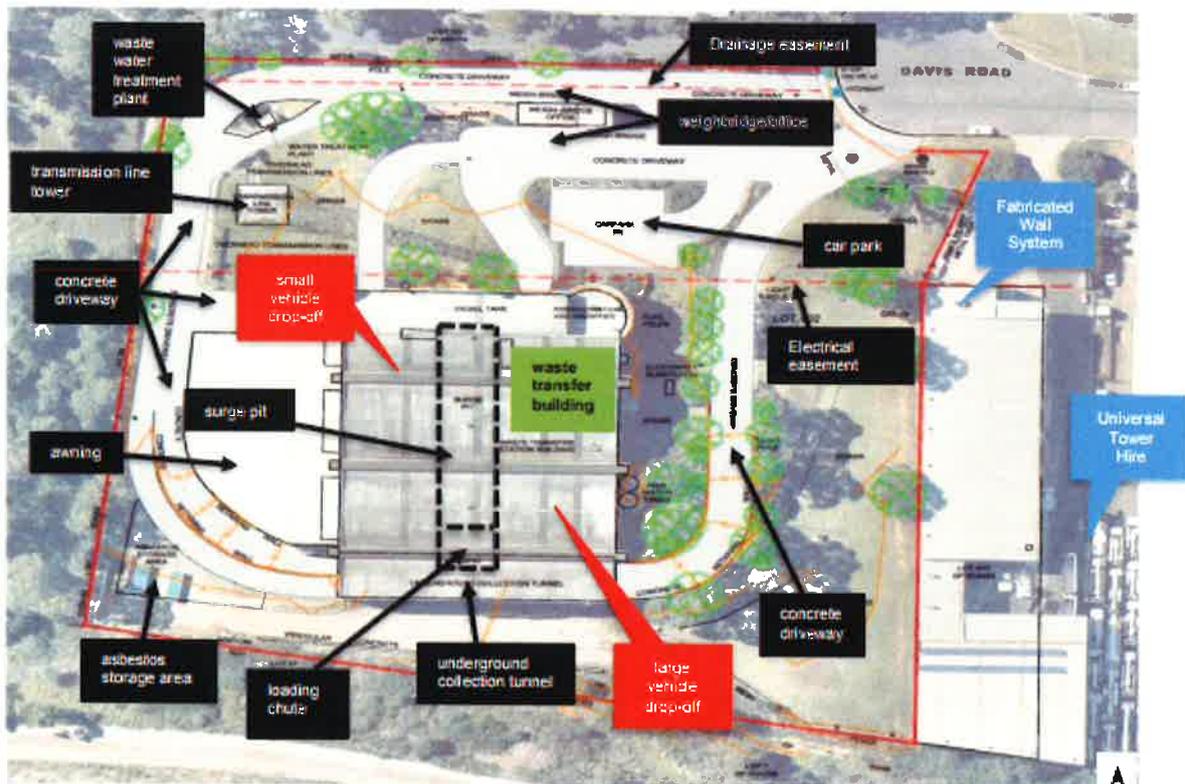


Figure 2: Site Location

### 3. APPROVAL HISTORY

On 11 September 2017, development consent was granted by the Commission for an increase in the processing capacity of the existing WTS to 230,000 tpa of waste as well as some alterations and additions to the WTS including:

- the construction of hardstand areas including entry and exit ramps and additional truck and trailer parking
- the construction of additional stormwater infrastructure to supplement the existing system
- the installation of a roller door in the main transfer building
- the construction of a new workshop
- the construction of an additional exit from the main transfer building to improve internal traffic flow.

The site is still operating under its various Council consents which only permits 90,000 (tpa) of general solid waste (non-putrescible), 10,000 tpa of general solid waste (putrescible) and up to 10 m<sup>3</sup> of asbestos waste weekly to be processed. Construction activities are permitted to occur in parallel with existing operations at the site. Condition A27 and A28 of development consent SSD 7267 does not permit the increased throughput of 130,000 tpa of general solid waste (putrescible) until the Applicant receives a

Final Occupation Certificate or a Compliance Certificate for the additional pavement and hardstand areas, stormwater system, the construction of an additional exit from the main transfer building to improve internal traffic flow, roller shutter within existing waste transfer building and workshop (expanded operations). The Applicant is also required to surrender the development consents listed in Table 1 of Condition A28 prior to expanding.

On 27 November 2017, the Applicant lodged a section 96(1A) modification (SSD 7267 MOD 1) seeking approval to amend the requirements for the installation of the meteorological station as it is unable to comply with the EPA's Approved Methods due to space and height restrictions at the site.

#### **4. PROPOSED MODIFICATION**

The Applicant has lodged a modification application under section 96(1A) of the EP&A Act to modify Condition B6 of the development consent (SSD 7267) for the Wetherill Park WTS. The modification is described in full in the documentation included in **Appendix B**.

The Applicant is seeking the proposed amendment as it is unable to identify any practical areas due to space and height restrictions at the site to install a meteorological station that complies with the EPA's Approved Methods. The Applicant has advised that it has been liaising with the EPA to identify an appropriate location to install the meteorological station. This consultation will delay construction at the WTS placing pressure on the Applicant's waste network, due to the closure of the Eastern Creek Landfill.

For this reason, the Applicant has requested to amend the timeframe for the installation of the meteorological station from prior to construction to prior to expanded operations and to the satisfaction of the EPA instead of the EPA's Approved Methods for the Sampling of Air Pollutants in NSW (the Approved Methods).

#### **5. STATUTORY CONTEXT**

##### **5.1 Consent Authority**

The Minister for Planning is the consent authority for the application. 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 and
- a political disclosure statement has not been made and
- there are no public submissions in the nature of objections.

##### **5.2 Section 96(1A)**

The Department has reviewed the scope of the modification application and is satisfied that the proposed modification 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 as a result of the proposed modification
- the modification is of a scale that warrants the use of section 96(1A) of the EP&A Act
- the overall approved capacity of general solid waste (non-putrescible); and general solid waste (putrescible) would remain unchanged as a result of the proposed modification
- any potential environmental impacts would be minimal appropriately managed through the existing or modified conditions of approval.

Therefore, the Department is satisfied the proposed modification is within the scope of section 96(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 96(1A) of the EP&A Act rather than requiring a new development application to be lodged.

#### **6. CONSULTATION**

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

The EPA did not object to the modification and supported the Applicant's modification application to amend the timeframe for installation of the meteorological station prior to the commencement of expanded operations and rather than relying on the Approved Methods in this instance, the requirements for the installation of the meteorological station could be specified in the Environment Protection Licence (EPL).

**7. ASSESSMENT**

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- the documentation provided to support the proposed modification (see **Appendix B**)
- submission from the EPA (**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 issue is the timing and location for the installation of the meteorological station. The Department's Assessment of these issues is provided in **Table 1** below.

**Table 1: Assessment of Issues**

Issue	Assessment	Recommendation
Timing and location of the meteorological station	<ul style="list-style-type: none"> <li>• The modification seeks to amend Condition B6 to modify the timeframe for the installation of the meteorological station from prior to construction to prior to extended operations and that the meteorological station is installed to the satisfaction of the EPA instead of in accordance with the EPA's Approved Methods.</li> <li>• The EPA's Approved Methods requires the meteorological station to be installed at sites that do not have restricted airflow near the sampling inlet such as sites that are not located adjacent to buildings, trees and walls.</li> <li>• For this reason, the Applicant advised that it was having difficulty installing a meteorological station, compliant with the EPA's Approved Methods due to space and height restrictions at the site (the site is restricted by the easement to the north of the site, vegetation to the west of the site and the WTS and a building on the neighbouring property on the east of the site – see <b>Figure 2</b>). If the meteorological station was to be installed prior to construction this would result in a delay in commencing construction activities.</li> <li>• The EPA advised the Applicant that having immediate access to real-time and historic weather data is important for operators of waste facilities, as it can assist to prevent or respond to odour or dust complaints in a timely and informed manner (see <b>Appendix B</b>). The EPA suggested that rather than relying on the Approved Methods in this instance, the requirements for the installation of the meteorological station could be specified in the Environment Protection Licence (EPL).</li> <li>• In terms of the timing of the installation of the meteorological station, the Applicant advised there is limited air quality risks from installing the meteorological station prior to expanded operations as:               <ul style="list-style-type: none"> <li>○ there is limited risk for increased odour prior to completion of the construction upgrades as the site maintains its status quo operations</li> <li>○ the site has been operating without a meteorological station and has received no complaints from the community regarding dust and odour</li> <li>○ the CEMP will outline all environmental management practices and procedures to be followed during construction including the controls that would be implemented to minimise dust emissions during construction. Therefore, dust is expected to be suitably controlled during construction.</li> </ul> </li> <li>• The EPA did not object to the modification and supported the Applicant's modification to amend Condition B6 so that the meteorological station is installed to the satisfaction of the EPA instead of in accordance with the EPA's Approved Methods and</li> </ul>	<ul style="list-style-type: none"> <li>• Amend Condition B6 to permit the meteorological station to be installed prior to expanded operations and to the satisfaction of the EPA.</li> </ul>

Issue	Assessment	Recommendation
	<p>prior to the commencement of expanded operations instead of prior to construction.</p> <ul style="list-style-type: none"> <li>The Department does not consider that there will be any air quality impacts during construction as the site will be actively managed by the CEMP to be approved by the Secretary and therefore does not consider that a meteorological station is required to be installed during construction.</li> <li>The Department is satisfied in this instance that the meteorological station can be installed prior to expanded operations and to the satisfaction of the EPA as the Applicant is unable to comply with the Approved Methods due to site restriction and the requirements for the installation of the meteorological station will be specified in the EPL.</li> </ul>	

**8. CONCLUSION**

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that:

- the Applicant is unable to comply with the EPA's Approved Methods due to height and space restrictions at the site, however the Applicant will still be required to install the meteorological station to the satisfaction of the EPA
- the meteorological station is not required during construction activities as the site is actively managed by a CEMP, however the Applicant will still be required to install the meteorological station prior to expanded operations.

The Department is satisfied that the modification should be approved.

**9. RECOMMENDATION**

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

- Consider the findings and recommendations of this report
- Determine that the application Wetherill Park Waste Transfer Station SSD 7267 (MOD 1) falls within the scope of section 96(1A) of the EP&A Act
- Modify the consent SSD 7267
- Sign the attached approval of the modification (**Attachment A**)

Recommended by:



**Susan Fox**  
Senior Planning Officer  
Industry Assessments

Recommended by:



**Kelly McNicol**  
Team Leader  
Industry Assessments

**DECISION**

The recommendation is: Approved by:



**Chris Ritchie**  
Director  
Industry Assessments  
as delegate of the Minister for Planning

## APPENDIX A – NOTICE OF MODIFICATION

## APPENDIX B – STATEMENT OF ENVIRONMENTAL EFFECTS

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8934](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8934)

## APPENDIX C – SUBMISSIONS

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8934](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8934)