



Mayfield West Waste Facility Modification 1

Amended site boundary and layout

State Significant Development Modification Assessment
(SSD-7698-Mod-1)

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Glossary

Abbreviation	Definition
Ancillary Area	The area used as a waste storage facility approved under Council approval DA 2015/0291 excluding the New Area as shown in Figure 1
Applicant	Benedict Recycling Pty Ltd
BDAR	Biodiversity Development Assessment Report
Council	Newcastle City Council
Department	Department of Planning, Industry and Environment
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EP&A (ST&OP) Regulation	<i>(Savings, Transitional and Other Provisions) Regulation 2017</i>
EPL	Environment Protection Licence
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
New Area	The area adjoining the existing MWWF proposed to be included within the site boundary of SSD 7698 as shown in Figure 1
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
SSD	State Significant Development

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for the Mayfield West Waste Facility (MWWF) (SSD 7698) (the project). The modification application is seeking to amend the site layout to relocate the hand unload areas, increase the size of the outdoor stockpiling areas and use an existing shed for maintenance activities. To accommodate these changes the boundary of SSD 7698 would be amended.

The modification application has been lodged by Benedict Recycling Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the EP&A Act.

1.1 Background

The Applicant owns and operates a waste management facility processing up to 315,000 tonnes per annum (tpa) of Construction and Demolition (C&D) and Commercial and Industrial (C&I) waste to primarily produce recycled products such as aggregates, road base, soils and mulches. In addition, residual materials such as ferrous and non-ferrous metals, dry paper/cardboard and plastics received at the facility are sold to other recycling facilities for further processing or disposed of at a licenced landfill.

The MWWF is currently located on 43,000 m² of land which forms the western part of Lot 1 in DP 874109. The eastern part of Lot 1 in DP 874109 (approximately 46,000 m²) is a Council-approved waste storage facility and includes parking and temporary storage for equipment and bins (see **Figure 1**).



Figure 1 | Current layout of Lot 1 in DP 874109

The modification application is seeking to expand the operational area of the existing MWWF by amending the SSD boundary to include approximately 4,000m² of adjoining land (New Area) which currently forms part of the Council-approved waste storage facility (see **Figure 1**).

The expanded operational site, which is the subject of this modification, (being the current operational MWWF site plus the New Area) is referred to in this report as 'the site'. The remainder of the Council-approved storage facility (which now excludes the New Area) is referred to as the Ancillary Area.

1.2 Site Description

The MWWF is located at 1a McIntosh Drive, Mayfield West in the Newcastle Local Government Area (LGA). The site is located approximately 20 kilometres (km) west of the Newcastle CBD and is zoned IN1 General Industrial under the Newcastle Local Environmental Plan (LEP) 2012.

The site is flat with an elevation of approximately 10 m Australian Height Datum (AHD). The site is largely cleared and covered by hardstand, with a number of existing buildings, including the main processing shed in the western area and two smaller sheds (each approximately 500 m²) to its east.

The site is located adjacent to the south arm of the Hunter River. A bitumen-lined drain (referred to as the perimeter drain) surrounds the whole of Lot 1, being the site plus the Ancillary Area. The perimeter drain directs water to a sediment basin which discharges directly to the Hunter River.

1.3 Surrounding Land Uses

The site is located within an existing industrial precinct known as the Steel River Industrial Estate (SRIE), which is primarily zoned IN1 General Industrial under the Newcastle LEP. The surrounding land uses are industrial in nature and include manufacturing facilities, warehouses, commercial services, research facilities, vehicle repairs and logistics services.

To the north of the site is the south channel of the Hunter River and Kooragang Island. Immediately east of the site is Tourle Street and Mayfield Industrial Estate, which is zoned SP1 Special Activities under the State Environmental Planning Policy (Three Ports) 2013. To the south is an Ausgrid owned and operated substation. Immediately west of the site are several warehouses and commercial uses within the SRIE. The nearest sensitive receivers are located approximately 500 metres (m) to the south, being the Grainery Church, Mayfield West Early Learning Centre and residential receivers on Groongal Street (see **Figure 2**).



Figure 2 | Surrounding Land Uses

1.4 Approval history

Development consent (DA 2015/0291) was granted by Council in March 2016 for a recycling facility on Lot 1 with a processing capacity of up to 90,000 tpa of waste. DA 2015/0291 also included approval for a number of activities taking place in the eastern part of Lot 1 (now the Ancillary Area), being the temporary storage of light and heavy vehicles, bins and containers, construction and demolition plant and equipment, and general machinery, as well as a temporary demountable office and sheds.

On 13 March 2018, the then Minister for Planning granted consent for the Mayfield West Waste Facility (SSD 7698) which allowed an increase in processing capacity of the existing recycling facility to 315,000 tpa of general solid waste (non-putrescible) including C&D waste and C&I waste.

The Applicant initially sought under SSD 7698 to include operational activities on the whole of Lot 1, which included the Ancillary Area. However, as they were deemed not sufficiently related to the operation of the waste facility, certain activities in the eastern part of Lot 1 were ultimately removed from the SSD 7698 application. The excluded activities included the various temporary storage of bins and plant described above, which currently continue within the Ancillary Area under the Council consent.

2 Proposed modification

2.1 Proposed Modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act seeking to amend the site layout to relocate the hand unload areas, increase the size of the outdoor stockpiling areas and use an existing shed for maintenance activities. The modification application is described in full in the Modification Report included in **Appendix B** and **Table 1** and **Figure 3** below.

Table 1 | Summary of proposed modification

Aspect	Description
Site area	Amend site boundary to include the New Area and use of the New Area for hand unload and storage (see Figure 3).
Hand unload (see section 2.2)	<p>Relocate existing public hand unload area from the northern part of the main processing shed to an existing shed (500 m²) and apron (1000 m²) in the centre of the site.</p> <p>Hand unload shed would accommodate hand unload of mixed (co-mingled) waste and include two bays for stockpiling mixed / light waste and green waste.</p> <p>External concrete apron adjacent to the proposed new hand unload shed for public unloading of source-separated loads.</p> <p>Sorted loads of inert material and timber from the hand unload activities would be stockpiled in bays on the apron.</p>
Expansion of C&D processing area (see section 2.3)	<p>Additional area of 2000 m² to be used for stockpiling of processed recovered C&D waste.</p> <p>No additional C&D waste is proposed to be received.</p>
Equipment maintenance shed (see section 2.4)	Use of existing shed (500 m ²) for equipment maintenance.



Figure 3 | Proposed layout of the modification

2.2 Hand unload

An existing external concrete apron adjacent to the northern side of the proposed hand unload shed would be used to receive and stockpile sorted waste (see **Figure 4**). The public would deliver loads of waste in light vehicles and sort them by hand into the appropriate bays and bins under the supervision of a tipping inspector. Four storage bays are proposed in the apron area to store brick and concrete, gyprock, soils and timber materials respectively. The bays would be constructed of concrete blocks and would have a maximum height of 2 m. There would also be a covered bin in the apron area for cardboard with a maximum capacity of 15 m³ and two skip bins for metals and nonferrous metals with a maximum capacity of 30 m³ each.

The sorted materials would then be transferred from bays to either the existing C&D processing area or main processing building by front-end loader for processing, storage and dispatch.

The proposed hand unload shed is of steel construction with metal cladding and a tin roof. The shed is approximately 30 m long, 17 m wide and 6 m high, and has roller doors on three sides.

Mixed waste, green waste and light wastes would be unloaded, stockpiled, and loaded within the hand unload shed. Light vehicles from the general public would enter through an opening on the northern side of the shed and travel to the relevant tipping area (see **Figure 4**) to unload co-mingled wastes. A tipping inspector would supervise all unloading and sorting activities in the hand unload areas and reject unacceptable materials.

Light vehicles would exit through the opening on the western side of the shed. The existing opening on the eastern side would not be used and storage bays would obstruct this opening.

Two material storage bays are proposed within the hand unload shed - one for sorted green waste and one for light/mixed waste (see **Figure 4**). The bays would be constructed of concrete blocks and built to a maximum height of 2 m. Acceptable waste loads would be sorted and transferred to the bays within the internal hand unload area or external hand unload area by a front-end loader (FEL). The material in the internal bays would be removed to the main processing building by FEL.



Figure 4 | Conceptual layout plan for proposed internal and external hand unload areas

2.3 Expanded C&D processing area

An area of approximately 2000 m² would be added to the existing C&D processing area to be used for additional stockpiling of processed recovered heavy materials. The processed materials to be stored

include building aggregates such as soils, clays, sand, gravel and fines, crushed masonry and mulches and soil substitutes. The additional C&D processing area would not be used to receive, or stockpile unsorted, comingled waste.

The additional area would be managed consistent with the existing C&D processing areas under SSD 7698, including storing the same type of material and following the stockpile height limits of no more than 7 m high. Processed waste, once tested in accordance with a relevant EPA Resource Recovery Order, would be stored with a clearly visible signpost/label prior to dispatch. Stockpiles would be separated with a minimum of 3 m from the base of the stockpile in accordance with EPA's Standards for Managing Construction Waste in NSW.

The Applicant has indicated that stockpiles would vary in material depending upon processing and demand, however, an indicative layout shows six stockpiles in the expanded area.

2.4 Equipment maintenance shed

Immediately adjacent to the proposed hand unload shed is an existing, 500 m² shed which is proposed to be used for equipment maintenance. The Equipment maintenance shed would be used for the routine upkeep and servicing of on-site vehicles and associated equipment. This would include replacing worn parts, oil/filter changes, minor welding and fabrication activities associated with the vehicles, sheds and general operations.

2.5 Applicant's justification for the Proposed Modification

The Applicant claims the modification would increase site safety by separating the light vehicle traffic movements for public hand unload from the commercial waste activities and heavier traffic movements. The relocated hand unload activities would afford the public easier access to a covered, all-weather area for unloading and protect the public from safety risks potentially created by plant and heavy vehicles.

The Applicant has justified the additional storage in the C&D processing area would improve safety by providing additional clearance around plant and equipment.

3 Statutory context

3.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as:

- the primary function and purpose of the approved development would not change as a result of the proposed modification
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- the proposed modified development is substantially the same development as originally approved.

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 (DA). 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 DA to be lodged.

3.2 Consent Authority

The Minister for Planning and Public Spaces (Minister) is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation of 26 April 2021, the Team Leader, Industry Assessments, may determine the application under delegation as:

- the Applicant has not made a reportable political disclosure in connection with the application
- there are no public submissions in the nature of objections, and
- Council has not made a submission by way of objection.

3.3 Mandatory Matters for Consideration

The Department undertook a comprehensive assessment of the application against the mandatory matters for consideration as part of the original assessment of SSD 7698. This modification application does not result in significant changes that would alter the Department's consideration of the mandatory matters for consideration under section 4.15(1) of the EP&A Act and the conclusions made as part of the original assessment.

3.4 Biodiversity Conservation Act 2016

Section 7.17 of the BC Act specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required. The Department is satisfied that there will be no additional clearing of native vegetation or habitat loss beyond that previously assessed and considered under SSD-7698. For these reasons, the Department's assessment concludes a BDAR is not required for the proposed modification.

4 Engagement

4.1 Department's engagement

Clause 117(4) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) requires a section 4.55(1A) modification application to be notified or advertised if specified by a community participation plan. The Department's Community Participation Plan notes the exhibition requirements for such modifications are discretionary, and based on the urgency, scale and nature of the proposal.

Given the proposed changes would result in minimal environmental impacts, the application was not notified or advertised. However, it was made publicly available on the Department's website and referred to Council, Department of Planning, Industry and Environment (Water Group), Environment Protection Authority (EPA), Hunter Water and NSW Health for comment.

Council questioned the need for the proposed extension to the C&D processing area given the amended proposal does not involve any changes to the processing capacity or waste activities of the facility. Council noted the Applicant had not provided details of the calculation for stockpile wind erosion.

Department of Planning, Industry and Environment (Water Group) had no comments on the proposed modification.

EPA requested additional information on the activities to be undertaken and the waste to be stored in the proposed extension to the C&D processing area. EPA also requested the Applicant assess potential dust impacts resulting from the storage of materials in the expanded C&D processing area.

Hunter Water noted the modification had the potential to increase the discharge to the local sewer network and increase demand from the local water supply network, and requested further information from the Applicant to assess these changes.

NSW Health did not raise any issues from a public health perspective.

The Applicant provided additional information on 28 June 2021. The additional information was provided to agencies to consider whether it adequately addressed the issues raised. EPA accepted the Applicant's response and did not raise any further issues. Council requested further details of the activities to be carried out in the proposed Maintenance Shed and how they are associated with the waste recovery facility.

Further information was provided by the Applicant on 22 July 2021 to address Council's comments. Council was satisfied with the further information and provided recommended conditions of consent.

5 Assessment

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

- the Modification Application provided to support the proposed modification (see **Appendix B**)
- the assessment report for the original application
- submissions received from Council, EPA and Hunter Water (see **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 soil and water. The Department's assessment of the other assessment issues relating to the proposed modifications is provided in **Table 2 | Assessment of Other Issues**.

5.1 Soil and Water

5.1.1 Surface Water Management System

The proposed modification has the potential to increase surface water impacts due to a proposed increase in external storage areas which could introduce additional pollutants to surface water. The development has the potential to impact on downstream catchments through the discharge of contaminated water if not controlled by an adequate surface water management system (SWMS).

Condition B32 of the approved development requires waste from the public hand unload activities to be unloaded and stockpiled underneath an awning or within the main processing shed to ensure waste does not come in contact with surface water. The Applicant is proposing to relocate hand unload activities to an existing shed except for specific source-separated loads which would be sorted directly into bins or bays in the external hand unload area within three-sided material storage bays and dedicated skip bins.

The current SWMS consists of a perimeter drain, lined with asphalt, which surrounds Lot 1 meaning that both the site and the Ancillary Area share the same surface water infrastructure. Lot 1 is graded so all surface water is directed to the perimeter drain except for a bunded area of the C&D processing area. Surface water from the perimeter drain is conveyed to a sediment basin in the north-western corner of Lot 1. During wet weather events water is pumped from the basin through a water treatment system, which adds a coagulant, before returning water to the perimeter drain and then discharging to Hunter River in accordance with EPL 20771.

The bunded area in the central part of the C&D waste processing area is used for processing and stockpiling of waste that is considered to have a higher risk of contaminating stormwater. Surface water from this area drains to a sump and is then pumped into holding tanks before being reused on site.

Condition B35 of SSD 7698 requires the Applicant to prepare a Surface Water Validation Report (SWVR) to characterise the surface water and identify any potential impact of discharges on receiving waters within six months of the commencement of operation to ensure the mitigation measures are working effectively. The Applicant has not yet been submitted the SWVR to the satisfaction of the Planning Secretary and the EPA. The Department issued a formal warning for failure to comply with condition

B35 in July 2019 and since then has been working with the Applicant to ensure the conditions of consent are met.

The Applicant's assessment stated the existing SWMS is adequate to capture and treat the runoff from the proposed external hand unload activities and additional C&D processing area, noting the New Area is fully concreted and all surface water flows are already captured by the current SWMS.

The EPA requested further details regarding the type of material to be stored in the additional C&D processing area. The Applicant confirmed this would be processed recovered heavy materials ready for dispatch to the customer and would be unlikely to contain contaminated material. Furthermore, potentially contaminated material would continue to be stored in the bunded area. The Applicant also noted water quality monitoring for pH, TSS, turbidity and oil and grease would continue and the discharge requirements in the site's EPL would be met. The EPA accepted the information provided by the Applicant and had no further comments on surface water management.

The Department recognises the current surface water management system is already capturing and treating surface water from the New Area and notes the Applicant's commitments to continued monitoring and managing surface water impacts. The expanded C&D processing area would increase the external storage area by 2,000m² however the Department notes there would be no increase in the overall amount of waste to be stored at any one time. Furthermore, the waste to be stored within the expanded C&D processing area is likely have a low surface water contamination risk. Therefore, the Department considers the redistribution of C&D waste within the site would be unlikely to cause additional water quality impacts.

The Department is concerned the hand unloading and external storage of brick, concrete, gyprock, soils and timber has the potential to generate additional surface water impacts, especially as the SWMS has not yet been validated and the Applicant's assumption that the SWMS is adequate has not been confirmed.

The Department has recommended a further condition requiring the SWVR be prepared to the satisfaction of the Planning Secretary prior to any unloading or storing of material within the external hand unload area. Once the SWMS has been validated, the Department will have greater confidence that any additional impacts from unloading and storing of hand unload materials outside could be managed by the existing SWMS. Prior to this, the Department considers it important to limit the storing of additional waste outside to ensure there are no additional surface water impacts as a result of the proposed modification.

The Department notes that while the SWVR has not been submitted, the Applicant has implemented a SWMS and will continue to monitor surface water impacts. The Applicant is required to monitor discharges from the sediment basin for pH, TSS and oil and grease from the sediment basin in the north-western corner of the site in accordance with EPL 20771. The Department's assessment concludes that with a recommended condition limiting the use of the external hand unload areas until after the SWVR has been prepared to the satisfaction of the Planning Secretary, any additional surface water impacts from the proposed modification can be adequately managed.

5.1.2 Section 50 Compliance Certificate

Hunter Water confirmed that the most recent Section 50 Compliance Certificate was issued on 31 March 2016 relating to consent DA2015/0291 issued by Newcastle City Council and that no application had

been submitted to Hunter Water for SSD 7698. Hunter Water stated the original State Significant Development determination and current modification both have the potential to affect the local sewer network and water supply network.

Hunter Water requested the Applicant provide further information on revised water demands, revised discharge volumes and any proposed changes to connections to the site. Hunter Water advised this assessment could be undertaken separately to the modification.

The Department notes Condition A21 of SSD 7698 requires the Applicant to obtain all licences, permits and approvals as required. This would include a Compliance Certificate under Section 50 of the Hunter Water Act 1991. The Department has advised the Applicant to obtain the relevant certificate from Hunter Water in accordance with Condition A21.

5.1.3 Groundwater

Contaminants (such as heavy metals and organics) can be mobilised from waste stockpiles during rainfall events and need to be adequately managed. Council noted the site audit statement (SAS) requires the Applicant to comply with the Site Management Plan (SMP) for *Subsurface Disturbance Activities, Delta EMD Australia Pty Ltd, McIntosh Drive, Mayfield, NSW* dated 2 October 2009.

The Applicant confirmed the hand unload shed and apron, and the additional C&D processing area are already concrete sealed in accordance with SSD 7698 and no groundworks are proposed as part of the current modification. The Applicant confirmed the SMP would be implemented if ground disturbance was required.

The Department has considered that all areas proposed for inclusion in SSD 7698 are already sealed and no changes are proposed which would disturb contaminated soils or create a pathway for contaminated water to enter the groundwater. The Department is satisfied groundwater impacts can be managed through existing conditions of consent including Condition B77 which requires the Applicant to comply with the SMP for any works that disturb the soil or groundwater.

5.2 Other Issues

Table 2 | Assessment of Other Issues

Findings	Recommendations
Waste Management	
<ul style="list-style-type: none"> The proposed modification includes relocation of the hand unload area, including changes in the procedures associated with hand unload activities and additional stockpiling within an expanded C&D processing area, which have the potential to generate additional environmental impacts. The Applicant has identified additional management and mitigation measures to ensure waste is appropriately stored and processed in dedicated areas, including having a tipping 	<ul style="list-style-type: none"> Amend Condition B32 to require the Applicant to carry out hand unload activities in the shed and adjacent apron. Require the Applicant to provide a tipping inspector in the hand unload area when in use.

Findings

Recommendations

inspector present in the hand unload area while customers are in the area.

- The Applicant notes that stockpiles in the expanded C&D processing area would not exceed the current stockpile height limit for the site of 7 m and would be separated with a minimum of 3 m from the base of the stockpiles in accordance with the EPA's Standards for Managing Construction Waste in NSW.
- EPA requested further details regarding the type of material to be stored in the additional C&D processing area. The Applicant confirmed the material would be processed material ready for dispatch to the customer.
- Council requested further justification for the expansion of the C&D processing area given there was no proposed increase in throughput. The Applicant justified the need for additional space around plant and equipment to provide increased operational efficiency.
- The Department notes the proposed modification does not seek an increase in throughput and does not include any new types of processing activities. There are existing conditions of consent which limit throughput (Condition A6) and storage (Condition A8) of waste at the site.
- The Applicant has prepared and implemented a Waste Management Plan (WMP) under Condition B13 of SSD 7698 which sets out the processes for receiving and storing waste at the site. The WMP would need to be updated to include the New Area and new procedures including the role of the tipping inspector.
- The Department's assessment concludes waste can continue to be appropriately stored and processed in dedicated areas in accordance with an updated WMP and has recommended conditions to ensure the hand unload activities are carried out in the designated shed with a tipping inspector present.

Air quality

- The proposed modification has the potential to generate additional air quality impacts from the external hand unload area (1000 m²) and the additional stockpiling within the expanded C&D processing area (2000 m²). The Applicant provided a technical advice note in support of the modification application which included an updated scenario for emissions caused by wind erosion.
- No additional conditions are recommended.

Findings

Recommendations

- The Applicant's assessment found the proposed modification would not result in a change to the incremental air emissions for TSP, PM₁₀ and PM_{2.5} and concluded the predicted cumulative annual concentrations and deposition rates in the revised AQIA for SSD 7698 demonstrate the modified development would remain below the relevant criteria.
- The Applicant highlighted the proposed unloading and sorting of waste materials by hand would generate minimal dust and waste would be stored in three sided bays or enclosed bins which would limit erosion or windblown debris. Notwithstanding, the Applicant has proposed to install an internal dust suppression (misting) system in the hand unload shed to assist in fine dust management.
- The Applicant noted Condition B55 requires the implementation of a number of dust minimisation measures across the site and Condition B57 requires the implementation of an Air Quality Management Plan (AQMP) to minimise the potential risks to air quality in the area.
- The EPA initially requested an assessment of potential dust impacts resulting from the storage of materials in the expanded C&D processing area. However, the EPA were satisfied with the information in the technical advice note and accepted the Applicant's assessment that air quality impacts would be negligible.
- The Department notes the proposed modification does not seek an increase in throughput and does not include any new activities or processing equipment. Furthermore, the additional area for stockpiling of C&D waste will not increase the overall storage of material on site and is therefore unlikely to result in an increase in incremental air emissions. The Department also considers the Applicant has demonstrated the unloading and sorting of waste materials by hand would generate negligible impacts.
- The Department's assessment concludes the proposed modification is unlikely to cause additional air quality impacts and can be managed by the existing conditions of consent. The Department recommends the Applicant update the AQMP to include additional mitigation and management measures, including installing misting in the hand unload shed in line as proposed by the Applicant.

Findings

Recommendations

Traffic

Light vehicles

- The proposed relocation of the hand unload area would alter internal traffic movements for light vehicles, providing a separate route from heavy vehicles and machinery and equipment. The only plant proposed to operate within the hand unload area would be a single FEL.
 - Condition B49 of SSD 7698 requires the Applicant to separate the hand unload area from other areas and to only hand unload in the designated areas. The Applicant maintains the proposed modification would ensure this requirement can be met.
 - The Applicant has stated it will not operate the FEL in the hand unload areas while customers and light vehicles are hand unloading, as a safety precaution. The tipping inspector would be responsible for the safe unloading of vehicles and co-ordinating the FEL activities as required using radio communications to ensure safe operations.
 - The Department recognises the site safety benefits of relocating the hand unload areas and the separation of heavy vehicle and light vehicle movements. While the use of FEL within the hand unloading area has the potential to create conflicts, the Applicant has proposed adequate management and mitigation measures which include limiting the use of the FEL during times when the public are unloading and the use of a tipping inspector to ensure this practice is maintained to mitigate this.
 - The Department recommends the Operational Traffic and Pedestrian Management Plan (OTPMP) under Condition B50 is amended to require the Applicant to formalise the measures which would be implemented, including new internal circulation routes, limiting use of the FEL and staff training to improve site safety. The OTPMP would also need to be updated to include new signage and line marking for the new designated hand unload area.
 - The Department's assessment concludes the separation of heavy and light vehicles would improve safety at the site by limiting the potential for vehicle conflicts.
- Add a new condition to require the bay wall to be removed/amended to allow for the largest vehicles entering the site to access the new stockpile area.
 - Amend OTPMP under Condition B50 to include measures to minimise conflicts between light vehicles and heavy vehicles and mobile plant

Heavy Vehicles

- The proposed modification would require heavy vehicles to access the expanded C&D waste processing area. The Applicant has provided swept paths to demonstrate the

Findings

Recommendations

accessibility to this area for the largest vehicles entering the site (B-Double).

- The Department identified the swept path diagrams would require the removal of a small section of bay wall. The Applicant has confirmed the wall would be removed.
- The Department has considered the new internal traffic circulation. The Department notes there is no change to the number, type or distribution of vehicles accessing the site as part of this modification.
- The Department's assessment concludes that heavy vehicles can safely access and manoeuvre through the site including accessing the expanded C&D processing area. The Department is satisfied the internal traffic movements can be managed through the conditions of consent, as modified.

Conclusion

- The Department's assessment concludes that the traffic impacts of the proposed modification are minimal and will facilitate safe and efficient internal vehicle movements for both light and heavy vehicles.

Noise

- The proposed modification has the potential to generate additional noise impacts from the hand unloading of waste.
 - No change to the operating hours is proposed and no additional machinery, mobile or fixed equipment is proposed as part of this modification.
 - The direct unloading of small source-separated loads in the external apron is unlikely to be a significant noise generating activity. The location of this activity would be in the centre of the site which would be unlikely to increase noise impacts at the nearest sensitive receivers.
 - The hand unload precinct and the additional stockpile areas would be serviced by existing mobile equipment which has already been modelled for internal and external operations under SSD 7698.
 - Noise limits are set out in the conditions of consent and SSD 7698 (Condition B70) and the site EPL with which the development must comply. The Applicant is not seeking to vary these limits.
- No additional conditions are recommended.

Findings	Recommendations
<ul style="list-style-type: none"> The Department's assessment concludes proposed modification does not include any alterations to the approved processing activities on site which could alter the noise impacts of the development. Furthermore, the Department considers noise impacts can be managed by the existing conditions of consent. 	
Modification of Council's Development Consent	
<ul style="list-style-type: none"> The proposed modification includes amending the boundary of SSD 7698 to include the New Area. However, the Applicant intends to continue operating the remainder of the site (Ancillary Area) under a Council Consent (DA 2015/0291). In order for the development of land to proceed in a coordinated and orderly manner the Department required the Applicant to modify DA 2015/0291 through Condition A30 of SSD 7698. EPA requested the Applicant remove the area covered by DA2015/0291 to avoid conflicts between the two consents as required by paragraph A30 of SSD 7698. The Department considers that to avoid potential conflicts a new condition is recommended requiring a further modification of DA 2015/0291 to exclude the lands and operations to which the modification application relates. The Department is satisfied the modification to Condition A30 is appropriate as: <ul style="list-style-type: none"> it relates to a planning purpose being the orderly development of land is fairly and reasonably relates to the proposed development it is not unreasonable as it would clarify how the RRF would operate within the scheme of the EP&A Act. 	<ul style="list-style-type: none"> Insert new condition to require the Applicant to remove the area covered by DA2015/0291.

6 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 is appropriate on the basis it would:

- result in minimal environmental impacts beyond the approved facility
- not result in a change to the limits of waste received and stored at the site
- improve safety at the site by reducing interactions between light vehicles and heavy vehicles and mobile plant
- ensure the appropriate management of waste on site through designated areas for hand unloading and storage.

Overall, the Department is satisfied the modified development can be appropriately managed through the Applicant's existing mitigation measures and the recommended conditions of consent. It is therefore recommended that the modification should be approved, subject to conditions.

7 Recommendation

It is recommended that the Team Leader, Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the modification application SSD 7698 MOD 1 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 that a BDAR is not required to be submitted with this application as the application will not increase the impact on biodiversity values on the site
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the consent SSD 7698
- **signs** the attached approval of the modification (**Appendix A**).

Recommended by:



21 October 2021

Katelyn Symington

Senior Environmental Assessment Officer
Industry Assessments

8 Determination

The recommendation is **Adopted** by:



27 October 2021

William Hodgkinson

Team Leader

Industry Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – Notice of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/41656>

Appendix B – Modification Application

<https://www.planningportal.nsw.gov.au/major-projects/project/41656>

Appendix C – Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/41656>