



22 December 2017

**NSW Planning Assessment Commission Determination Report
Smeaton Grange Waste Recycling and Transfer Facility (SSD 7424)**

1. INTRODUCTION

On 14 November 2017, the Planning Assessment Commission received from the Department of Planning and Environment a State significant development application by Benedict Recycling Pty Ltd for a waste recycling and transfer facility at 52 Anderson Road, Smeaton Grange.

The Department referred the development application to the Commission for determination in accordance with the Minister for Planning's delegation because the Department received an objection from Camden Council and more than 25 submissions from the public in the nature of objections.

Ms Lynelle Briggs AO, Chair of the Commission, Mr Roger Fisher and Dr Maurice Evans constituted the Commission to determine the development application.

1.1 Summary of development application

The development application proposes to construct and operate a waste recycling and transfer facility with capacity to process up to 140,000 tonnes per year of construction and demolition waste, and select commercial and industrial waste. The 0.7-hectare site is in Smeaton Grange, an industrial park of the Camden local government area, surrounded by the suburbs of Currans Hill, Harrington Park, Narellan and Gregory Hills.

The waste proposed to be accepted would satisfy the classification of 'general solid waste (non-putrescible)' as defined by the Environment Protection Authority's *Waste Classification Guidelines*. This means that the waste would not contain hazardous or toxic substances, asbestos, or material that might rot and cause odours.

Processing on the site would comprise screening and picking with a range of heavy machinery. Sorted material would be stored in one of seven under cover bays to await dispatch by truck to another facility for recycling. Operating hours vary according to the day of the week, with waste acceptance and dispatch from 6 am to 10 pm Monday to Friday, 6 am to 5 pm Saturday, and 7 am to 4 pm Sunday; and processing from 7 am to 4 pm Monday to Saturday.

The project includes landscaping works to screen views to the facility, various buildings and structures including employee amenities, waste receipt, processing and storage sheds, weighbridges, diesel storage tank, boundary fencing, stormwater management system and a front boundary fence.

1.2 Project need

The applicant argued that the proposed facility is well-located to meet growing demand for waste facilities from strong residential and industrial growth in the Camden area, it is suitably located within an established industrial zone, and easily accessible from arterial roads. The applicant estimated a capital investment value of about \$2.5 million for the proposal, 10 construction jobs, and 13 operational jobs. The Department reports the proposed development would contribute to the

achievement of recycling targets in the NSW Government's *Waste Avoidance and Resource Recovery Strategy 2014-2021*.

2. DEPARTMENT'S ASSESSMENT REPORT

The Department of Planning and Environment submitted an assessment of the proposed development under section 79C and relevant provisions of the *Environmental Planning and Assessment Act 1979* to the Commission for consideration. The Department's assessment report identified key issues including noise, transport and air quality, and included a summary of its consideration of environmental planning instruments in Appendix C. The Department's report concluded, among other things:

"In response to community concern, the Applicant reduced the site's operating hours to include a night time respite period. The Department has developed appropriate noise criteria ... for the one hour shoulder period between 6 am and 7 am [during which operation may only occur subject to] the outcome of a monitoring and verification program.

The Department has also [required] stockpiles and product bays to be covered (which would assist in mitigate noise and dust emissions at source) ... and the acoustic fencing be erected prior to construction ... to help mitigate noise emissions...

The Department concludes the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions."

3. COMMISSION'S MEETINGS AND SITE VISIT

As part of its consideration of the proposal, the Commission met with:

- the Department of Planning and Environment on 28 November 2017;
- Benedict Recycling Pty Ltd on 28 November 2017; and
- Camden Council on 7 December 2017

The Commission also visited the site and conducted its public meeting in the Harrington Grove Country Club on 7 December 2017. Records from the meetings listed above are in **Appendix 1** and records from the public meeting are in **Appendices 2 and 3**.

4. ADDITIONAL INFORMATION

Following the public meeting, the applicant submitted to the Commission an addendum report dated 7 December 2017 (**Appendix 4**). The addendum report clarified a number of matters raised at the public meeting and in particular, it proposed to delete from the recommended conditions an allowance for inaudible operations at night.

5. COMMISSION'S CONSIDERATION

In this determination, the Commission has considered carefully:

- all information provided by Benedict Recycling Pty Ltd;
- the Department's assessment report;
- advice and recommendations from government agencies including Council;
- all oral and written submissions;
- section 79C of the *Environmental Planning and Assessment Act 1979* and the matters it requires the Commission to consider.

The Commission identified that key matters for consideration include noise, traffic, and air quality. These are explained and addressed below.

5.1 Noise impacts

While located within an industrial zone and among industrial land uses, the site is 120 metres from the nearest home to the east in Currans Hill. The industrial estate is largely separated from the suburb by a large earthen mound, although there is a line of sight from several homes to the site.

Local residents raised concerns in written submissions and at the public meeting that noise from the industrial area would increase because of the development. A speaker said that garbage trucks on local streets were already audible; road noise barriers should be installed on Hartley Road; and residents should have access to a 24-hour telephone hotline to report noise concerns. Another speaker said that while undisturbed by the existing Coles warehouse and distribution centre next door, the noise emissions from the facility, particularly very early in the morning, or when handling some kinds of waste such as glass, would be difficult to attenuate.

The Department's assessment report examined construction, operational and road noise. Of construction noise impacts, the Department reported:

- all construction noise impacts are below the 'highly noise affected' criterion of 75 decibels;
- there is potential for the most-affected homes R10 and R11 to experience temporary construction noise up to 14 decibels above the construction noise management level of 46 decibels, which requires management under the *Interim Construction Noise Guideline*;
- part of the management response recommended by the Department is to install a 10-metre-high acoustic barrier before any other construction work begins, which would reduce noise levels to four decibels above the construction noise management levels; and
- other noise management actions to further reduce the potential for and the impact of these exceedances would be specified in a construction noise management plan.

While the Commission has carefully considered the views of residents regarding the potential for disturbance arising from construction noise, it is satisfied that the construction noise management response is adequate. Construction noise impacts would be temporary, occur during the day time only, be mitigated by an acoustic barrier, and be governed by a management plan.

Operational noise impacts are within allowable limits and will also benefit from management measures, including an acoustic barrier. The Department reported that the noise impacts at each of 22 receivers match or are below the maximum criteria of 40 decibels specified by the *Industrial Noise Policy*. The Department provided a cautious recommendation for the 'morning shoulder' period. This is the hour between 6 am and 7 am, where night time noise criteria usually apply, but exceptions are made where the local area is already quite noisy. The Department found higher background noise levels during the morning shoulder in this locality and it recommended a trial period of three months permitting the site to receive waste (but not process it) from 6 am. If unacceptable noise impacts are observed during this trial, the site would revert to a 7 am operational start time and the morning shoulder exception would not apply.

Vehicle routes to the site are largely main roads, although the southern route via Hartley Road passes by residential areas. The Department reported modest increases in road noise impacts of 0.7 decibels, resulting from the proposed traffic. This is well within the permitted increase in the *Road Noise Policy* and does not require the installation of noise barriers.

Overall, the Commission is satisfied with the suite of noise mitigation measures required of the proposal, including the acoustic barrier, noise management plan, complaints handling and the trial period for operation during the morning shoulder. However, there was some confusion at the public meeting about the extent of activity permitted on the site during the night, and the construction material for the acoustic barrier. The applicant's addendum report (**Appendix 4**) clarified that:

- the recommended conditions permit inaudible activity, or activity associated with emergencies on site at night, but this allowance could be deleted from the conditions; and
- the acoustic barrier modelled in the noise predictions was Colorbond, although the acoustic

wall would be concrete, in part, for operational reasons.

The Commission has deleted the allowance for inaudible activity at night, but has retained the allowance in an emergency or where directed by an emergency authority. The Commission has also specified in the conditions that the acoustic barrier be constructed of an attractive building material that improves the potential visual impacts of the development.

5.2 Traffic and parking impacts

Anderson Road connects directly to a major road, Camden Valley Way, and there is a secondary vehicular route to the site from Narellan Road via Hartley Road. On average, about 138 vehicles would visit the site on each day. This would be made up of about 53 trucks and 85 light vehicles (such as utes and cars with trailers delivering small waste loads, and staff vehicles). About 60% of all traffic would arrive from and depart to Camden Valley Way, while the remaining 40% would arrive from and depart to Narellan Road, via Hartley Road.

Public submissions expressed concerns for the increase in traffic that would result from the proposed development. One speaker suggested the traffic impact predictions for the development were based on incorrect traffic counts in Hartley Road. Camden Council raised particular issues about staff parking in the street and the potential for trucks to queue in Anderson Road while awaiting access to the site. On-site infrastructure, Council said, would not handle the expected arrival of one vehicle every five minutes, on average.

The Department reported that the additional traffic is a very small portion of traffic on the affected roads, with the project traffic representing between 0.1% and 1.1% of all traffic, and project trucks representing between 0.5% and 5.2% of all heavy vehicles. Peak hour traffic predictions indicate no change in the level of service at the nearest intersections in Camden Valley Way and Narellan Road, albeit the existing level of service is already quite poor. Neither Council nor Roads and Maritime Services raised issues with impacts to road network performance.

The Department reported that access to the site would occur swiftly, with the proposed dual weighbridge arrangement, number plate recognition technology, and visual and camera inspections allowing arrival procedures to be completed in less than one minute. Once on the site, heavy and light vehicles would be separated for loading and unloading with a 'swept-path' analysis showing sufficient turning area for trucks. In addition, on-site parking is adequate for the number of employees expected to operate the facility. The Commission is satisfied that the expected traffic levels can be managed to avoid a significant queuing problem on local roads.

The Department recommended consent conditions for a traffic management plan and driver code of conduct, which is to specify haul routes and other measures to minimise day-to-day traffic impacts. With these conditions, the Commission is satisfied that traffic impacts of the proposal are acceptable. The Commission has deleted a recommended condition to manage the potential for on-street parking by limiting the number of employees on the site. The Commission instead refers to condition B16, which requires appropriate on-site parking for both staff and visitors.

5.3 Air quality impacts

Dust, odour and other air emissions are often particular issues for waste facilities and the Environmental Impact Statement for the proposal was accompanied by an air quality impact assessment. This assessment examined worst-case emissions from the project and predicted air quality impacts at nearby receivers, having regard to existing air quality and other known emissions sources in the locality.

Speakers at the public meeting raised concerns about dust and odour emissions from the proposal and the risks of the emission of hazardous material such as asbestos. Council raised concern for the

potential for the proposed facility to become a regulatory burden on its compliance resources, as residents may complain to Council in the first instance.

The Department reported that all predicted emissions are well below the relevant criteria in the Environment Protection Authority's *Approved methods for the modelling and assessment of air pollutants in NSW* and the *National Environment Protection (Ambient Air Quality) Measure 2015*.

The Department described several impact mitigation measures that would be deployed (and required by the recommended consent conditions) including:

- sealing the entire site to minimise dust emissions;
- requiring all vehicles to use designated routes within the site;
- the part enclosure of and use of water sprays on stockpiles and processing areas;
- the installation of a wheel wash at the weighbridge;
- restrictions to prevent any composting of green waste from occurring on the site; and
- the preparation of an air quality management plan, in consultation with the Environment Protection Authority, to govern day-to-day emissions management.

The Commission notes that asbestos will not, by law, be accepted at the site. The Commission also notes the facility would require an Environment Protection Licence from the Environment Protection Authority. This means ongoing regulatory management of the facility falls to the Department and the Environment Protection Authority, and not Council. The Commission is satisfied that, with the implementation of the recommended mitigation measures, air quality impacts would be acceptable.

5.4 Other issues

The Department reported comprehensively on a range of impact assessment issues including waste management, hazards and risks, stormwater, fire safety, visual impacts, contamination, biodiversity and parking. The Department also provided a comprehensive response to the issues of concern raised in written public submissions, leading it to recommend a range of consent conditions governing all aspects of the proposal.

The Commission notes that the site is a relatively small operation, focused primarily on the receipt and transfer of inert waste. The impacts that have been predicted show that this proposal would not have impacts that might be associated with a large waste facility that processes waste by way of crushing or grinding, or other high intensity methods. The Commission is satisfied that the impacts associated with the proposal are acceptable, and will be governed by a comprehensive suite of consent conditions. The Commission notes in particular the conditions governing stormwater management, which require stormwater on the site to be captured and treated before it is discharged to the public stormwater system.

Regulatory oversight would be provided by the Department under the consent, and by the Environment Protection Authority under the Environment Protection Licence. The Department's recommended conditions also call for a complaint handling protocol, annual environmental reviews, and triennial independent environmental audits. These requirements are now a common feature of the Department's recommended conditions, and can provide comfort to the community that any unexpected impacts that arise and become problematic will be captured and remedied.

6. COMMISSION'S FINDINGS AND DETERMINATION

The Commission has considered carefully the waste transfer and recycling facility proposal, the Department's assessment report and relevant matters for consideration under section 79C and other statutes of the *Environmental Planning and Assessment Act 1979*. The Commission has also considered the advice and recommendations from relevant government agencies, Camden Council, and written and oral submissions from the community.

The proposed development is a relatively small operation, largely focused on the transfer of inert waste. It is without the potential for impacts that might be associated with larger waste facilities that process waste using aggressive and high intensity methods. The Commission is satisfied that, with the proposed mitigation measures and the Department's recommended conditions of consent, the proposal could proceed with acceptable impacts.

The Commission is also satisfied that the proposal is suitably located within an industrial zoned estate among other transport intensive land uses. It is well located to deal with waste from rapidly growing urban areas in the Camden local government area. The Commission has clarified with the applicant any proposal to operate at night, and adjusted the recommended conditions so that no activity is permitted at night (whether inaudible or otherwise) unless in an emergency or if directed by an emergency authority. The Commission has also clarified with the applicant the construction material to be used for the acoustic barrier. The Commission has also adjusted the recommended conditions to ensure a visually attractive acoustic material is used.

On balance and for the reasons outlined in this report, the Commission is satisfied that the proposed development is a suitable use of the site and has decided to grant consent subject to the conditions set out in the instrument of approval.



Lynelle Briggs AO
Chair of the Commission



Dr Maurice Evans
Member of the Commission



Mr Roger Fisher
Member of the Commission

**APPENDIX 1
RECORDS OF COMMISSION MEETINGS**

Notes of Briefing from the applicant

This meeting is part of the Determination process.	
Date: 28/11/2017	Time: 15:00
Project: Smeaton Grange Waste Recycling and Transfer Facility (SSD 7424)	
Meeting place: Commission's Office	
<p>Attendees: Commission Members: Lynelle Briggs AO (Chair); Dr Maurice Evans; Mr Roger Fisher Commission Secretariat: David Mooney (Team Leader) and Jorge Van Den Brande (Planning Officer)</p> <p>The Applicant Ernest Dupere - Director, Benedict Recycling Philip Towler - Associate Director, EMM Consulting Taylor Richardson - Senior Planner, EMM Consulting</p>	
The purpose of the meeting was for the applicant to explain the proposal and comment on the Department's assessment report.	
<p>Recycling and transfer process</p> <ul style="list-style-type: none"> • The facility will screen and sort construction material. • No liquid, hazardous or putrescible will be accepted at the facility. <p>Environmental impacts</p> <ul style="list-style-type: none"> • Site will be enclosed to keep noise within the operations facility. • The facility doesn't involve crushing of materials that would generate significant noise or dust. • Community was concerned about noise during night time, however the facility will close at 10pm. • Dust levels will be kept to a minimum through the use of misters and a full-time sweeper and other mitigation and management measures. • Operations will start at 6am due to market demands and to avoid traffic congestion. • If operations begin at 7am, trucks will start queuing to drop off waste material. <p>Community engagement and management</p> <ul style="list-style-type: none"> • Community consultation has been active and nearby residents are informed of the project. • Complaints will be welcome to improve the operations of the facility. • Monitoring results would be made publicly available on the company's website. 	
Documents to be provided: additional information on requirement to begin operations at 6am.	
Meeting closed at: 16:00	

Notes of Briefing from the Department

This meeting is part of the Determination process.	
Date: 28/11/2017	Time: 16:15
Project: Smeaton Grange Waste Recycling and Transfer Facility (SSD 7424)	
Meeting place: Commission's Office	
Attendees: Commission Members: Lynelle Briggs AO (Chair); Dr Maurice Evans; Mr Roger Fisher Commission Secretariat: David Mooney (Team Leader) and Jorge Van Den Brande (Planning Officer)	
The Department Chris Ritchie - Director Industry Assessments Nicholas Hall - Principal Planner Jeff Parnell - Technical Specialist	
The purpose of the meeting was for the Department to explain the proposal and comment on the Department's assessment report.	
Overview of the waste recycling industry <ul style="list-style-type: none">• Construction projects are rapidly growing in numbers and generate construction waste.• Construction waste must be taken out of construction sites. and transfer facilities provide a service of sorting and dispatch to other sites for filling.• Transfer facilities form part of the <i>Waste Avoidance and Resource Recovery Strategy</i>.• The Department is seeking to improve industry performance through conditions of consent and compliance to bring the waste industry up to contemporary standards and community expectations.	
Overview of the project <ul style="list-style-type: none">• Project will sort 140,000 tonnes per annum of sort solid non-putrescible waste; largely construction material.• Project would sit at the edge of an industrial zone and next to a residential area.• Nearby residents have complained about possible noise, odour and traffic impacts.	
Agency responses <ul style="list-style-type: none">• Camden Council objects to the project because of its proximity to residential area.• None of the other agencies invited for comments objected to the proposal. However, they did provided comments on the recommended conditions.	
Noise and vibration <ul style="list-style-type: none">• Operating hours will be from 6am to 10pm.• Noise emissions from the project are expected to be lower than those already occurring at the industrial site, including during the shoulder period from 6am to 7am.• Traffic will not increase significantly, however the road network has the capacity to withstand the additional traffic.• Air emissions including greenhouse gasses are expected to be lower than predicted and would meet the health criteria at all sensitive receivers.	
Documents to be provided: Updated recommended conditions	
Meeting closed at: 17:30	

Notes of Briefing from Camden Council

This meeting is part of the Determination process.	
Date: 7/12/2017	Time: 08:30 am
Project: Smeaton Grange Waste Recycling and Transfer Facility (SSD 7424)	
Meeting place: Council Office	
Attendees: Commission Members: Lynelle Briggs AO (Chair); Dr Maurice Evans; Mr Roger Fisher Commission Secretariat: David Mooney (Team Leader) and Jorge Van Den Brande (Planning Officer)	
Camden Council Kate Drinan (Manager of Statutory Planning) Stephen Pratt (Team leader) Jessica Mesiti (Senior Town Planner) Samuel Barnard (Specialist Environmental Health Officer)	
The purpose of the meeting was for Council to provide their comments to the Commission on the Department's assessment report and the proposed development.	
Suitability of the development <ul style="list-style-type: none">• Council had initial concerns that have now been addressed, however some of them remain.• Site adjoins Kenny Creek which is a vegetated riparian corridor.• Council raised concerns about noise, air quality and odour impacts on the nearby residents• The facility would ideally be located at the centre of the industrial area and should not on the periphery of the industrial zone, due to its proximity to residents.• Council believes that the subject site is suitable for other sorts of industrial activities.	
Night and morning noise impacts <ul style="list-style-type: none">• The proposed development should be consistent with the INP.• The facility should be restricted to operate after 7am instead of 6am.• Council opposes the acceptance of waste after 10pm or out of standard hours operations.	
Air quality and odour Impacts <ul style="list-style-type: none">• Green waste from the proposed development will have odour impacts on nearby residences with the potential for pest, vermin activity and littering.• Council recommends that odour should be managed and controlled at all times.	
Traffic and transport management <ul style="list-style-type: none">• Queuing will be an issue as processing to complete deliveries may take longer than one vehicle every five minutes. This does not include peak delivery times.• The queuing of vehicles on the road is a traffic and safety concern that must be addressed.• Council objects to stopping or queuing of vehicles within the cul-de-sac.	
Community Consultation <ul style="list-style-type: none">• A significant number of submissions were received objecting to the proposed development on traffic, noise, odour and air quality impacts, its 24-hour operation, acceptance of green waste on site, impacts on Kenny Creek and insufficient documentation provided by the applicant.• Council considers that the proposed development is not within the public interest.	
Recommended Conditions <ul style="list-style-type: none">• Council suggested to the Department a series of amendments to the conditions should the proposed development be approved.	
Meeting closed at: 09:30	

APPENDIX 2 LIST OF SPEAKERS

Planning Assessment Commission

Waste Recycling & Transfer Facility 52 Anderson Road, Smeaton Grange, Camden LGA

Date & Time: 11:00am, Thursday 7th December 2017

Place: Harrington Grove Country Club, 1 Forestgrove Drive Harrington Grove NSW 2567

List of Speakers

1. Chris Harris
2. Cr Theresa Fedeli
3. Mark Dubock
4. Robert Crowe
5. Ernest Dupere (Benedict Recycling)

APPENDIX 3 SUMMARY OF ISSUES FROM WRITTEN AND VERBAL SUBMISSIONS TO THE PUBLIC MEETING

Noise and air quality

- Noise from machinery can be heard at the residential area, therefore noise from the proposed development would also be heard.
- Conditions should restrict the hours of operation to daytime only.
- Conditions allowing extension of operating hours should not be approved.
- No provision of acoustic fencing is provided as colorbond walls will not reduce noise.
- Noise emissions will be minimal as applicant will manage traffic and operating hours.
- Sorting of construction waste will generate dust that will impact nearby residents.
- Green waste will generate odour and cause annoyance amongst residents.
- A consultant to the applicant assured the community that operations hours will be restricted to daytime only and that acoustic wall will be made from stronger material.

Safety risks

- There is a risk of asbestos illegal dumping and contamination that must be addressed.
- Construction waste is not flammable however fire hazards have been considered in the design of the facility.
- Applicant will be open to hear community concerns and work together in ensuring the operations do not cause nuisance.

Other issues

- Other sites are available for the project.
- The applicant has not addressed the issue of queuing of heavy vehicles on the road.
- Operations times are not clear as the development is expected to operate on a 24hour basis.
- Home prices will be impacted by the proposed development.
- Investments of affected homes is larger than the investment of the proposed development.
- Jobs will not be created for local residents.