

4 October 2016

**NSW Planning Assessment Commission Determination Report  
Erskine Park Resource Management Facility**

## **1. INTRODUCTION**

On 22 August 2016, the Planning Assessment Commission (the Commission) received from the Department of Planning and Environment (the Department) an application from Cleanaway Pty Ltd (the Applicant) to develop the Erskine Park Resource Management Facility (RMF) (the Site) located at 85 – 87 Quarry Road Erskine Park.

The application has been referred to the Commission for determination in accordance with the Minister for Planning's delegation dated 14 September 2011 because the Department received more than 25 public submissions in the nature of objections.

Ms Lynelle Briggs AO, Chair of the Commission, nominated Mr Gordon Kirkby (Chair), Dr Marcus Lincoln-Smith and Mr Ross Carter to constitute the Commission to determine the application.

### **1.1 Summary of Development Application**

This application seeks approval to develop a Waste and Resource Management Facility (WRMF) consisting of:

- A concept plan to include:
  - Stage 1 – Waste Transfer Station (WTS) to process up to 300,000 tonnes per annum (tpa) of Commercial and Industrial (C&I) waste and Municipal Solid Waste (MSW); and
  - Stage 2 – a Resource Recovery Facility (RRF) to process up to 150,000 tpa of recyclable material from the WTS into saleable commodities; and
- Stage 1 works to include demolition of existing structures, construction and operation of the WTS.

## **2. DEPARTMENT'S ASSESSMENT REPORT**

The Department assessed the application, including the following key issues:

- The WRMF concept proposal and Site suitability;
- Air quality and odour;
- Traffic; and
- Noise.

In addition, the Assessment Report also addressed a range of other issues that were raised in the comments from the public. The Assessment Report concluded that the proposal is acceptable with appropriate odour management and mitigation measures to ensure an acceptable level of environmental performance and amenity to residential and sensitive receivers during construction, and the future operation of the Waste and Resource Management Facility (WRMF).

The Department's Assessment Report recommended approval subject to conditions.

### 3. MEETINGS, SITE VISIT & CORRESPONDENCE

#### Public Meeting

On 21 September 2016, the Commission held a public meeting at St Marys Rugby League Club during which 3 speakers presented to the Commission.

Issues raised at the public meeting and the key points from the written comments are summarised in **Appendix 1**. A full list of speakers at the public meeting is included in **Appendix 2**. The key issues raised included:

- Air quality and odour;
- Noise impacts;
- Traffic; and
- Monitoring and compliance.

#### Briefing by the Department of Planning & Environment

On 20 September 2016, the Commission was briefed by representatives of the Department. They outlined the history of the Site (**Appendix 4**), provided an overview of the proposed development and the staged approval framework and outlined the concerns raised in submissions. In particular, the Department discussed its assessment with regard to odour and the operational dynamics associated with a WRMF.

#### Site visit and briefing from the Applicant

On 21 September 2016, the Commission inspected the Site and the surrounding area. The Site visit was accompanied by the Applicant who clarified details about the proposal. The Commission also inspected the adjoining landfill located east of the Site and familiarised itself with the Site's proximity to the nearest residents and non-industrial land uses and the local road network.

The Applicant confirmed they were proposing to utilise the existing leachate treatment plant located on the adjoining landfill Site. The Applicant also provided further details on the current odour, gas and leachate management for the landfill. A summary of the meeting is included in **Appendix 5**.

#### 4. COMMISSION'S CONSIDERATION

In this determination, the Commission has carefully considered:

- all information provided by the Applicant;
- the Department's Assessment Report and draft Conditions of Consent;
- advice and recommendations from government agencies;
- all written and verbal comments from the public; and
- relevant matters for consideration specified in section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Commission's consideration is based on the operation of the WTS to process a maximum of 300,000 tpa of putrescible waste. This consideration is conservative because it is unlikely that all the permissible waste would be putrescible. The lodgement, assessment and determination of a separate development application is required prior to the operation of the RRF (Stage 2) which, if approved, is intended to process 150,000 tpa (of the total 300,000 tpa) of waste to recover recyclable and reusable elements within it.

The Commission is satisfied with the Department's assessment on other relevant matters including construction noise impacts, stormwater, leachate and firewater. The following key issues were identified by the Commission for further consideration.

##### 4.1 Air Quality and Odour

A significant number of public submissions and correspondence provided to the Commission and the Department raised a number of concerns regarding odour impacts from the existing landfill that adjoins the Site to the east, and surrounding landfills including Kemps Creek and Eastern Creek. Residents were concerned that the proposal would exacerbate the long-term offensive odours which they had been subjected to for many years. Additionally, concerns were raised about the proposed odour technology and whether it would be successful in achieving the desired odour outcomes for the WRMF.

In this regard the Commission notes the regional odour assessment work undertaken on behalf of the NSW Environment Protection Authority (EPA). This work identified a number of sources of odour in the regional air shed. The Commission understands that the NSW EPA is taking a range of actions in response. The existing Erskine Park landfill adjacent to the WRMF proposal was not identified as a source of odour in this work. However, it is evident to the Commission that residents in this area have been subjected to odours over a long period of time.

In this regard, the Commission notes that the Site is located approximately 700 metres from surrounding residential and sensitive receivers (childcare centre). Accordingly, the Commission has closely examined the odour assessment and proposed odour controls. This, and community concern, were the pivotal factors in the Applicants reasoning for the WRMF to provide contingency measures and operational management to mitigate impacts on the surrounding residential and sensitive receivers.

##### Odour Impact Assessment

The Environmental Impact Assessment (EIS) included an Air Quality Impact Assessment (AQIA) prepared by SLR Consulting. In response to comments received from the NSW EPA, the Applicant subsequently provided a revised AQIA also prepared by SLR Consulting in the Response to

Submissions. The AQIA is in accordance with the NSW EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales 2005* (the Approved Methods) and details the environmental impacts based on 300,000 tpa of putrescible waste. The Commission notes that the Applicant, in response to community concerns raised with them during their consultations, raised the design criteria for odour impact assessment above that required by the NSW EPA. The Applicant also included emergency and worst-case scenarios in their assessment.

It is predicted that without air pollution control devices, the WTS would meet the NSW EPA impact assessment criterion of 2 Odour Units (OU) as per the Approved Methods at any residential or sensitive receiver locations (including the childcare centre). The Commission also notes that air quality criteria will be met during standard operating conditions, and with the additional controls, these criteria will also be met under the modelled worst case scenario.

The Commission notes the revised AQIA includes modelling at maximum hourly waste tonnage during an emergency for odour emission estimation and the St Marys Metrology data as opposed to the Horsley Park Bureau of Metrology (BOM) as required by the EPA.

#### Proposed Technology

The proposal includes the use of a wet scrubber odour treatment system, which can be used during normal operation and/or emergency scenarios. Air from within the facility will be ultimately discharged through stacks with fans that control discharge velocity and dilution. This approach has been supported by the EPA. This will enable more effective odour management and treatment of air discharges, maximising the dispersion and dilution of the extracted air.

#### Recommended conditions

The Commission considers that the installation of an air pollution control device through **Condition B8** would provide effective odour management and operation of the WRMF. Additionally, the Commission notes the importance of ensuring that all components of the air pollution control system are in place and operational prior to the acceptance of any waste at the facility, as required by **Condition B9**. This was also raised in public submissions.

The Commission is satisfied that the proposed technology, combined with an effective Odour Management Plan, a fully enclosed transfer station and continuous monitoring of the facility will ensure a high level of odour management at the facility.

## **4.2 Traffic**

A number of submissions received by the Department raised concern regarding the traffic impact that the proposal will have during the operation of the facility on residential and sensitive receivers. Residents have raised concerns about increasing heavy vehicle traffic in the area in general. Ensuring that roads are constructed to the appropriate standard and that the NSW Road Noise Policy is applied is the responsibility of NSW Roads and Maritime Services (RMS). The Commission has considered the cumulative contribution of the traffic that will be generated by this proposal in this broader context.

The EIS included a Transport Impact Assessment (TIA) (prepared by Traffix) based on a worst-case scenario. The Commission has considered the development's potential to impact on the capacity of the surrounding road network. The Commission notes that the Applicant's existing landfill operations located to the east of the Site will cease operations in 2017, which will reduce the current truck numbers on the local road network.

Notwithstanding, the Commission is aware that traffic movements have the potential to change once the RRF is operational. Accordingly, there will need to be further assessment requirements during that stage of the development.

The Commission notes that Erskine Park Road is a dual carriage way and accommodates approximately 28,000 vehicles per day. The smaller delivery trucks servicing the facility may utilise Erskine Park Road whilst B-Double vehicles will be confined to travelling along Lenore Drive/Erskine Park Link Road to access the M7 and M4 Motorways (**Condition B30 g**). The Commission notes the inclusion of **Condition C3** requiring an Operational Environmental Management Plan (OEMP), and considers that this will adequately address operational traffic impacts. In addition, the Commission has amended **Condition B30 f** to ensure truck deliveries and pickups are scheduled to avoid busy morning and afternoon peak hours.

Roads and Maritime Services (RMS) and Transport for NSW (TfNSW) raised no concerns pertaining to traffic impacts.

The Commission is satisfied that the operation of the WRMF will have negligible impacts upon the surrounding road network in comparison to the existing traffic volumes. Noise impacts are discussed in section 4.4 of this report.

#### **4.3 Leachate Treatment Plant**

The Commission notes the proposed WRMF will use the existing leachate management plant located to the north of the Site, which currently services the landfill.

The Commission notes that the operation of the WRMF will generate a design maximum of approximately 10KL of leachate per day with the wet scrubbers at full operation. The Commission understands that, under normal operating conditions, far less leachate than this will be generated. The Commission considers the leachate management plant adequate to accommodate the discharge of leachate from the WRMF and note that it will continue to operate after the landfill has ceased operation.

#### **4.4 Noise Impacts**

Concerns were raised in submissions from the community and comments provided to the Commission at the public meeting regarding noise from the operation of the WRMF, in particular truck movements through residential areas.

##### *Traffic Noise*

The operational hours for the WRMF are 24 hours a day, seven days a week. However the primary hours for truck movements are anticipated to be between 7am and 5pm. As discussed in Section 4.2 of this report, waste leaving the WRMF will be limited to Lenore Drive/Erskine Park Link Road to access the M7. Trucks supplying waste to the facility will utilise Erskine Park Road as well as other major roads in the locality. The Commission is of the view that the use of these roads is appropriate given that the vehicles are standard non-articulated garbage trucks and are an essential community service. The Commission is satisfied that additional noise impacts would be minor and acceptable.

##### *Operational Noise*

The Commission notes that residences and sensitive receivers are currently impacted by surrounding activities including existing industrial uses.

The Commission has considered whether the construction and operation of the WRMF would exacerbate noise impacts. Predicted noise levels as indicated in the EIS concluded that the

construction and operation of the facility would have negligible impacts. The operation of the facility would comply with the relevant criteria and the Commission notes that noise generated from the facility would not exceed existing noise levels in the vicinity given it is located within an industrial area surrounded by industrial uses. The Commission also notes that, while unlikely, should any noise issues arise during operations the facility is fully enclosed to mitigate impacts. Accordingly, it is amenable to further engineered noise reduction measures if necessary.

## 5. COMMISSION'S FINDINGS AND DETERMINATION

The Commission has carefully 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 Penrith City Council, and government agencies including NSW EPA. In addition, the Commission has heard from members of the community about their concerns for the proposal during the public meeting at St Marys Rugby League Club and has considered the public submissions.

After careful deliberation, the Commission is satisfied that the proposal can manage and control odour to ensure that there are not unacceptable impacts on residents or sensitive receiver in the vicinity. This outcome is achieved through the inclusion of **Conditions B8, B9, B10, B11 and B12** relating to odour management measures. The Commission also notes the Applicant's Response to Submissions, and to address the EPA's concern pertaining to modelling and the inclusion of maximum hourly waste tonnage in the modelling provided. Additionally, the Commission is satisfied with the Applicant's amendments relating to odour control and management and that appropriate conditions are in place to limit and regulate odour impacts.

The Commission acknowledges that the development will contribute to the volumes of traffic on the surrounding road network during the operation of the facility. However in reaching its determination, the Commission is satisfied that the traffic impacts will be negligible in comparison to existing traffic volumes, and within the capacity of the local road network. The community's broader concerns about traffic volumes and road standards are the responsibility of RMS.

For the reasons set out above, the Commission accepts the Department's recommendation that this proposal be approved. Consequently, the Commission has determined to grant consent to the development application subject to the conditions set out in the instrument of approval.



**Gordon Kirkby**  
Commission Member (Chair)



**Dr Marcus Lincoln-Smith**  
Commission Member



**Ross Carter**  
Commission Member

**Comments provided during the public meeting and in written comments are synthesised and summarised below:**

Odour monitoring and compliance

- Odour exists at present from surrounding resource management facilities and the development will contribute to this further.
- Residents were given assurances during the planning processes for these other facilities that odour would be controlled and it has not been controlled.
- Over 200 complaints have been lodged with the Environment Protection Authority (EPA) and residents have not had their complaints resolved. Offensive odour has impacted resident's amenity for the last 18 years.
- There is no clarity around how the Department of Planning and Environment assessed the odour.
- A pilot plant should be a requirement of the EPA.
- It is unclear how emissions from the flue will be monitored.
- The conditions of consent should include a monetary fine for non-compliance with odour emissions and that the operation should cease if offensive odour occurs until it is remedied.
- During the operation of the resource management facility, there should be a method of continuous monitoring of odour to determine whether operations are within permitted EPA requirements.
- There may be potential odour impacts during maintenance periods for wet scrubber.
- The area will be off-putting for future airport users.
- The Eastern Creek facility opened over 18 years ago and failed to meet expectations in terms of odour management – modern technology is not managing odour.
- The scale and intensity of the resource management facility provided will significantly exacerbate the negative environmental impacts already flagged in the objections submitted.
- The valley provides the perfect funnel for odour to travel into residential areas, this will only be added to by the intensification of the resource management facility.
- Past experience in terms of pollution has failed to provide confidence from the community.

Traffic

- Properties front onto Erskine Park Link Road and noise is generated as a result of garbage trucks.
- 200 trucks a day will impact residents significantly.
- Why can't all truck movements be limited to the Link Road?
- Truck movements should have limited hours of operation
- Erskine Park residents have been subjected to a cumulative increase in heavy vehicle traffic that has impacted on their amenity. This proposal will contribute further to heavy vehicle traffic.
- Environmental impacts are expected given the intensification of the trucks utilising Erskine Park Road.

### Noise

- The proposed application will create increased noise impacts.
- The hours of operation provide for a noisy development and effects on the surrounds.
- The residents were not taken into account.
- The hours for the development should be revised.

### Oversight of community consultation

- Compliance aspects; the methods for residents to complain are not clear.
- No clarity about what the domestic waste will be comprised of and where it will come from and hence a concern about the nature of emissions that might arise.
- Proposed development will impact on land values.



**Appendix 2**  
**List of Speakers at the Public Meeting**

**Date & Time:** Wednesday, 21 September 2016

**Venue:** St Marys Rugby League Club, Cnr Forrester & Boronia Roads St Marys

Meeting Schedule	
2:30pm	Opening Statement from the Chair – Gordon Kirkby
Registered Speakers:	1. Raphael Perez
	2. Julienne Baker
	3. Greg Davis
<b>END</b>	

<b>This meeting is part of the determination process</b>		
<b>Meeting note taken by Muriel Maher</b>	<b>Date:</b> Monday, 19 September 2016	<b>Time:</b> 2:30pm
<b>Project:</b> Erskine Park Resource Management Facility		
<b>Meeting place:</b> Planning Assessment Commission Offices		
<b>Attendees:</b> Commission Members: Gordon Kirkby (Chair), Marcus Lincoln-Smith and Ross Carter Commission Secretariat: Muriel Maher		
<b>The purpose of the meeting:</b> Preparation for the Department Briefing		
<u>Public Meeting</u>  <ul style="list-style-type: none"> <li>• The protocol for public meetings includes attendance of Commissioners regardless of whether speakers are registered.</li> </ul> <p>The Commission raised the following for discussion with the Department:</p> <ul style="list-style-type: none"> <li>▪ The existing leachate treatment system;</li> <li>▪ Existing and future treatment of putrescible and non-putrescible;</li> <li>▪ Baseline and value add in terms of odour;</li> <li>▪ Odour modelling, the EPA's regional odour work;</li> <li>▪ Traffic impacts;</li> <li>▪ Truck management during processing delays at the plant;</li> <li>▪ Are there future landfill sites within the vicinity;</li> <li>▪ Clarification regarding the management of firewater;</li> <li>▪ Clarification around the inspection bay operations; and</li> <li>▪ Further clarification about condition B8 and B9 regarding air and odour emissions.</li> </ul>		
<b>Outcomes/Agreed Actions:</b> The Commission are seeking further clarification about the leachate management system.		
<b>Meeting closed at</b> 3:20pm		

<b>This meeting is part of the determination process</b>		
<b>Meeting note taken by Muriel Maher</b>	<b>Date:</b> Tuesday, 20 September 2016	<b>Time:</b> 10:30am
<b>Project:</b> Erskine Park Resource Management Facility		
<b>Meeting place:</b> Planning Assessment Commission Offices		
<p><b>Attendees:</b></p> <p>Commission Members: Gordon Kirkby (Chair), Marcus Lincoln-Smith and Ross Carter          Commission Secretariat: Muriel Maher          Department of Planning and Environment: Kate Masters (Senior Planning Officer, Waste), Chris Ritchie (Director Industrial Assessments) and Kelly McNicol (Team Leader)</p>		
<p><b>The purpose of the meeting</b> is for the Department to outline the proposed works and an opportunity to discuss significant issues.</p>		
<p><b>Meeting Notes:</b></p> <p><u>Consent and Site Suitability</u></p> <ul style="list-style-type: none"> <li>• Should the concept plan be refused, the waste component will continue to be disposed of at landfill facilities;</li> <li>• No works are proposed as part of the concept plan's Stage 2 component;</li> <li>• Stage 2 will be a State Significant Development application (SSD) and be required to address cumulative impacts and demonstrate consistency with the concept plan; and</li> <li>• The Site is located in Western Sydney Employment Area (WSEA);</li> </ul> <p><u>Odour and Air Quality</u></p> <ul style="list-style-type: none"> <li>• The land surrounding the child care facility is proposed to be zoned for industrial use;</li> <li>• There is an existing regional odour problem surrounding Erskine Park;</li> <li>• The Applicant provided an odour study which took into consideration that it was processing putrescible waste;</li> <li>• Condition B8 can be amended to include "equivalent odour technology";</li> <li>• The Environmental Protection Authority (EPA) confirmed that existing waste facilities at Kemps Creek and Eastern Creek are contributing to the local odour problem;</li> <li>• The EPA requested the Applicant provide a complete audit regarding odour to include negative pressure;</li> <li>• The EPA has agreed to be part of the post-approval process; and              The EPA's stringent criterion of 2 OU at the 99<sup>th</sup> percentile applied to residential receivers.</li> </ul> <p><u>Traffic</u></p> <ul style="list-style-type: none"> <li>• B-doubles will use approved B-Double routes via Erskine Park Road and Lenore Drive; and</li> <li>• The layout and parking on the Site is influenced to avoid queuing of heavy vehicles on to Quarry Road.</li> <li>• The ingress of waste trucks to the Site comes from diverse routes depending on the customers that are serviced.</li> </ul>		

Inspection Bay

- The load compliance area will inspect trucks suspected of containing non-compliant waste; and
- There will be bunding provided around the inspection bay.

Parking

- 10 car spaces will be provided for the WTS with an additional 15 spaces for the RRF; and
- Truck drivers will use the adjacent depot to park vehicles.

Leachate Management System

- Washing of the floor will be avoided as this would increase leachate volumes; and
- Leachate from the waste would be collected in sumps and contained within a drainage system, pumped into the existing landfill leachate treatment plant and discharged to sewer under the Sydney Water trade waste licence.

Firewater

- Bund will provide containment to manage contaminated fire wastewater from entering the local stormwater network.

**Outcomes/Agreed Actions: N/A**

**Meeting closed at 11:20am**

<b>This meeting is part of the determination process</b>		
<b>Meeting note taken by Muriel Maher</b>	<b>Date:</b> Wednesday, 21 September 2016	<b>Time:</b> 10:10am
<b>Project:</b> Erskine Park Resource Management Facility		
<b>Meeting place:</b> 85-87 Quarry Road, Erskine Park		
<p><b>Attendees:</b></p> <p>Commission Members: Gordon Kirkby (Chair), Marcus Lincoln-Smith and Ross Carter</p> <p>Commission Secretariat: Muriel Maher</p> <p>Proponent: David Clancy, General Manager, Cleanaway NSW, Martin Gravett, Project Manager, Resource Recovery &amp; Post Collection, Cleanaway Australia, Luke Slechta, Engineering &amp; Environment Manager, Cleanaway NSW, Brian Cullinane, Erskine Park Resource Management Facility Design and DA Project Manager, SLR Consulting and Mark Sheridan.</p>		
<b>The purpose of the meeting:</b> Site visit and meeting with the Applicants.		
<p><u>Overview</u></p> <p>The Commission conducted a site visit with the Applicant.</p> <p>The Proponent provided an overview of the existing operations and proposal:</p> <ul style="list-style-type: none"> <li>• Cleanaway is Australia’s leading recycling, waste management and industrial services company with 650 employees in NSW;</li> <li>• The current facility is non-putrescible landfill at Erskine Park and employs 120 staff between the depot and landfill – this will increase by approximately 30 if the development is approved;</li> <li>• The landfill has been operating since 1994 and will cease in 2017;</li> <li>• The Office of Strategic Lands has been consulted regarding rehabilitation of the landfill site as part of the biodiversity corridor following 30 year post closure management;</li> <li>• Waste generation is growing with continuing need for treatment, transfer or disposal;</li> <li>• There is a lack of large putrescible landfills within the Sydney area and the Western Sydney Regional Waste Avoidance and Resource Recovery Strategy confirms this;</li> <li>• The Site is located 700 metres from the nearest residential area;</li> <li>• The area includes a growing industrial zone – Badgerys Creek, Orchard Hill and Oakdale South;</li> <li>• Key features of the Waste Transfer Station include: <ul style="list-style-type: none"> <li>▪ Receipt and transfer of putrescible waste;</li> <li>▪ 300,000 tonne annual capacity – it will take several years to reach this throughput;</li> <li>▪ Containment of waste within buildings;</li> <li>▪ The odour design includes a more stringent compliance and design standard than that required by the EPA as a response to community concerns;</li> <li>▪ Outbound transfer vehicle route to M7 via Lenore Drive to avoid the residential areas;</li> <li>▪ Leachate from the WTS will be pumped to the existing landfill leachate treatment plant; and</li> <li>▪ Post-approval commitments for monitoring and verification.</li> </ul> </li> </ul>		

Community Consultation

- There were 4 newsletters distributed to the surrounding residents;
- 2 drop-in sessions were established during the Environmental Impact Statement exhibition;
- Adverts were published in newspapers;
- The project website includes a phone number and email address;
- A meeting was scheduled between Cleanaway and local residents;
- Written notification and meetings with elected representatives were arranged; and
- There is a community facebook page.

Protocol

- There is an existing protocol in place for entering and exiting the Site and for all occupational health and safety.

Odour

- The underlying objective is to be a responsible neighbour to the surrounding community and businesses;
- Modelling demonstrates compliance with criteria: 2 odour units (OU) at 99<sup>th</sup> Percentile; and
- Following a drop-in session in May 2015, the Applicant adopted a more stringent goal to control odour resulting in a higher performance standard of 2OU at 100<sup>th</sup> Percentile and the introduction of odour treatment in addition to containment and dispersion.
- Odour modelling undertaken for EIS used waste composition at Clyde facility. Modelling to be undertaken after 6 months operation will use actual waste data at the facility to verify EIS modelling.

Parking

- The layout is influence by the need to separate heavy vehicle and car movements and also to avoid queuing of heavy vehicles on to Quarry Road; and
- The number of car spaces has increase to 34 and a commitment to landscaping as a result of Council concerns pertaining to detailed design.

**Outcomes/Agreed Actions:** N/A

**Site visit concluded at** 12:20pm

**Meeting closed at** 11:25pm