

Modification of Development Consent

Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, under delegation executed on 16 February 2015, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Kelly McNicol
A/Director
Industry Assessments

Sydney 25 AUGUST

2017

File: 17/09077

SCHEDULE 1

Application No:	SSD 7075
Applicant:	Cleanaway Pty Ltd
Consent Authority:	Minister for Planning
Development:	Erskine Park Waste and Resource Management Facility Staged Development Application, comprising: <ul style="list-style-type: none">• A concept proposal for a Waste and Resource Management Facility (WRMF) with a maximum processing capacity of 300,000 tpa. All waste received at the WRMF shall enter the Waste Transfer Station (Stage 1), up to 150,000 tpa of this waste may be recycled at the Resource Recovery Facility (Stage 2).• Construction and operation of the Stage 1 Waste Transfer Station with a maximum processing capacity of 300,000 tpa.
Date of Original Consent:	4 October 2016
Modification:	SSD 7075 MOD 1 – Modifications to the development staging, car and truck parking, the office, the load-out bays, the stormwater management system, site levels and landfill ramps.

SCHEDULE 2

This consent is modified as follows:

In the Definitions

1. Insert the following definitions in alphabetical order:

MOD 1	SSD 7075 MOD 1 and supporting documentation titled <i>Environmental Assessment Proposed minor changes to approved Erskine Park Resource Management Facility (SSD 7075) Stage 1 Waste Transfer Station</i> , prepared by SLR and dated 10 July 2017.
PCA	Principal Certifying Authority
RRF	Resource Recovery Facility
WTS	Waste Transfer Station

In Schedule B

2. Delete Condition A1 and replace with the following:

- A1. Consent is granted to the Concept Proposal as described in:
- a) Schedule A;
 - b) Staged Development Application (SSD 7075);
 - c) EIS;
 - d) RTS;
 - e) Site layout plan as identified in Appendix 1A;
 - f) MOD 1; and
 - g) conditions contained in this development consent.

In Schedule C

3. Delete Condition A1 and replace with the following:

- A1. The Applicant must carry out the Development in accordance with the:
- a) Staged Development Application (SSD 7075);
 - b) EIS;
 - c) RTS;
 - d) Conditions in Schedule B;
 - e) Site and elevation plans as identified in Appendix 1B and 2;
 - f) MOD 1; and
 - g) management and mitigation measures as identified in Appendix 3.

4. Delete Condition B30 and replace with the following:

- B30 The Applicant must ensure that:
- a) a total of 20 car parking spaces, including one accessible car parking space are provided;
 - b) trucks must only be parked in the designated truck park areas as identified in Appendix 1B;
 - c) at least one load compliance inspection parking area is provided;
 - d) site access, driveways and parking areas are constructed and maintained in accordance with the latest versions of Australian Standards AS 2890.1, AS 2890.2, AS 2890.6 and AS 1428.1;
 - e) the swept path of the longest vehicle entering and exiting the Site, as well as manoeuvrability through the site, is in accordance with *AUSTROADS Guide to Road Design*;
 - f) unless such deliveries are via Erskine Park Road, truck deliveries and pickups are scheduled to avoid busy morning and afternoon peak hours;
 - g) the egress of B-double waste transportation trucks from the Erskine Park Industrial Estate is confined to Lenore Drive/Erskine Park Link Road;
 - h) the Development does not result in any vehicles parking or queuing on the public road network;
 - i) all vehicles are wholly contained on site before being required to stop;
 - j) all loading and unloading of heavy vehicles occurs inside the Waste Transfer Station;
 - k) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times;
 - l) all vehicles enter and leave the site in a forward direction; and
 - m) signage is installed to ensure traffic from the adjacent landfill provides right-of-way to the Development traffic.

5. Delete Condition C8 and replace with the following:

- C8 Within 1 year of the date of the commencement of operation, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the Development. This audit must:
- a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - b) led by a suitably qualified auditor, and include experts in fields specified by the Secretary;
 - c) include consultation with the relevant agencies;
 - d) assess the environmental performance of the Development and assess whether it is complying with the requirements in this consent, and any other relevant approvals and relevant EPL/s (including any assessment, plan or program required under the approvals);
 - e) review the adequacy of any approved strategy, plan or program required under the abovementioned consents; and
 - f) recommend measures or actions to improve the environmental performance of the Development, and/or any strategy, plan or program required under the consents.

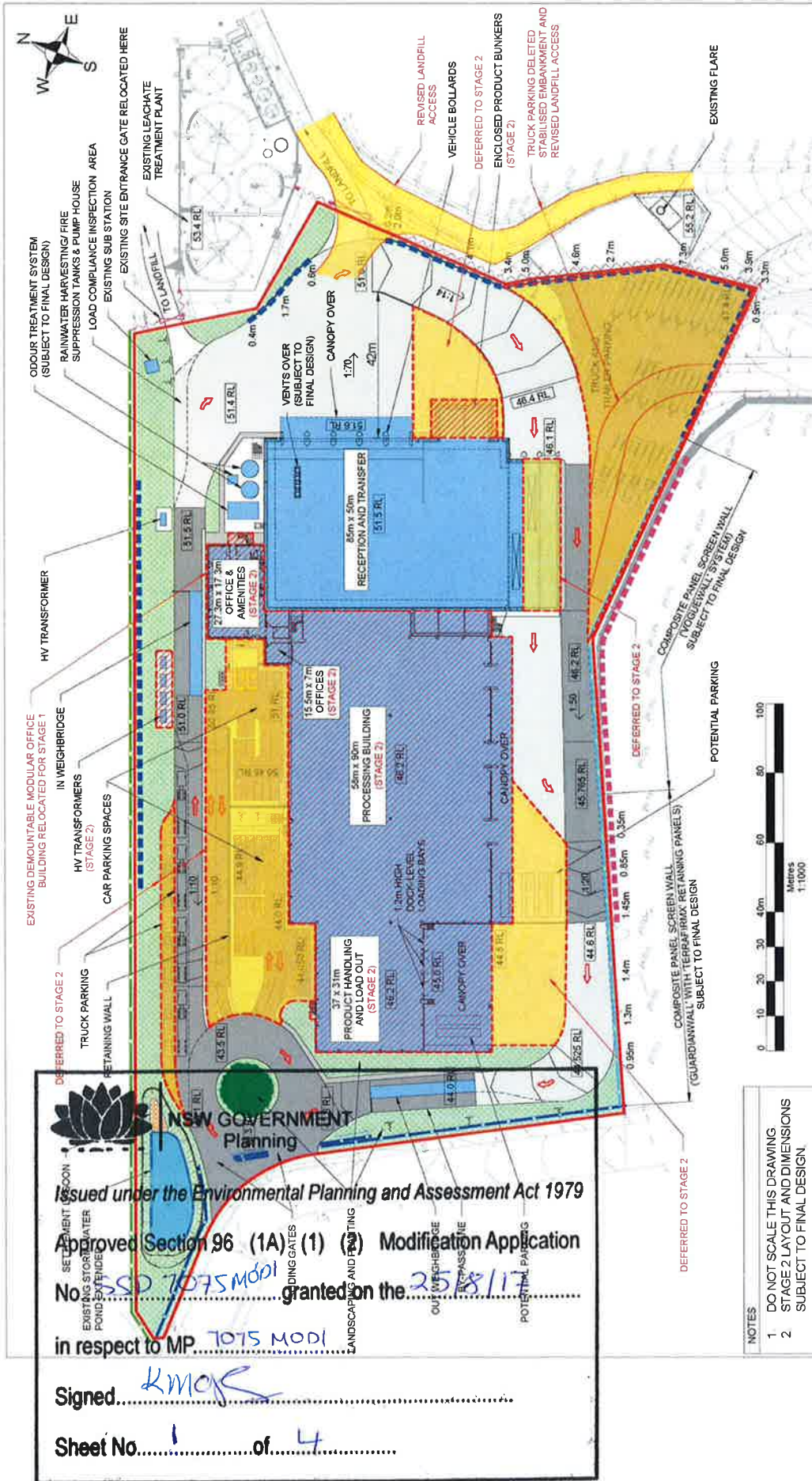
6. Delete Condition C10 and replace with the following:

- C10 Within 1 year of the date of the commencement of construction, and every year thereafter, the Applicant must review the environmental performance of the Development. This review must:
- a) describe the activities associated with the Development that were carried out in the previous calendar year, and the activities proposed to be carried out over the next year;
 - b) include a comprehensive review of the monitoring results and complaints records of the Development over the previous calendar year, which includes a comparison of the results against the:
 - (i) the relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this consent;
 - (iii) the monitoring results of previous years; and
 - (iv) the relevant predictions in the EIS;
 - c) identify any non-compliance over the previous year, and describe what actions were (or are being) taken to ensure compliance in the upcoming year;
 - d) identify any trends in the monitoring data over the life of the Development;
 - e) identify any discrepancies between the predicted and actual impacts of the Development, and analyse the potential cause of any significant discrepancies; and
 - f) describe what measures will be implemented over the next year to improve the environmental performance of the Development.

In the Appendices

7. Replace Appendix 1 with new Appendix 1A and Appendix 1B.
8. Replace Appendix 2 with new Appendix 2.

APPENDIX 1A – STAGE 1 AND 2 CONCEPT PROPOSAL



NSW GOVERNMENT
 Planning

Issued under the Environmental Planning and Assessment Act 1979

Approved Section 96 (1A) (1) (b) Modification Application

No. 100MSF01055 granted on the 25/8/17

in respect to MP 1075 MOD1

Signed *KMAR*

Sheet No. 1 of 4

- NOTES
- DO NOT SCALE THIS DRAWING
 - STAGE 2 LAYOUT AND DIMENSIONS SUBJECT TO FINAL DESIGN

LEGEND

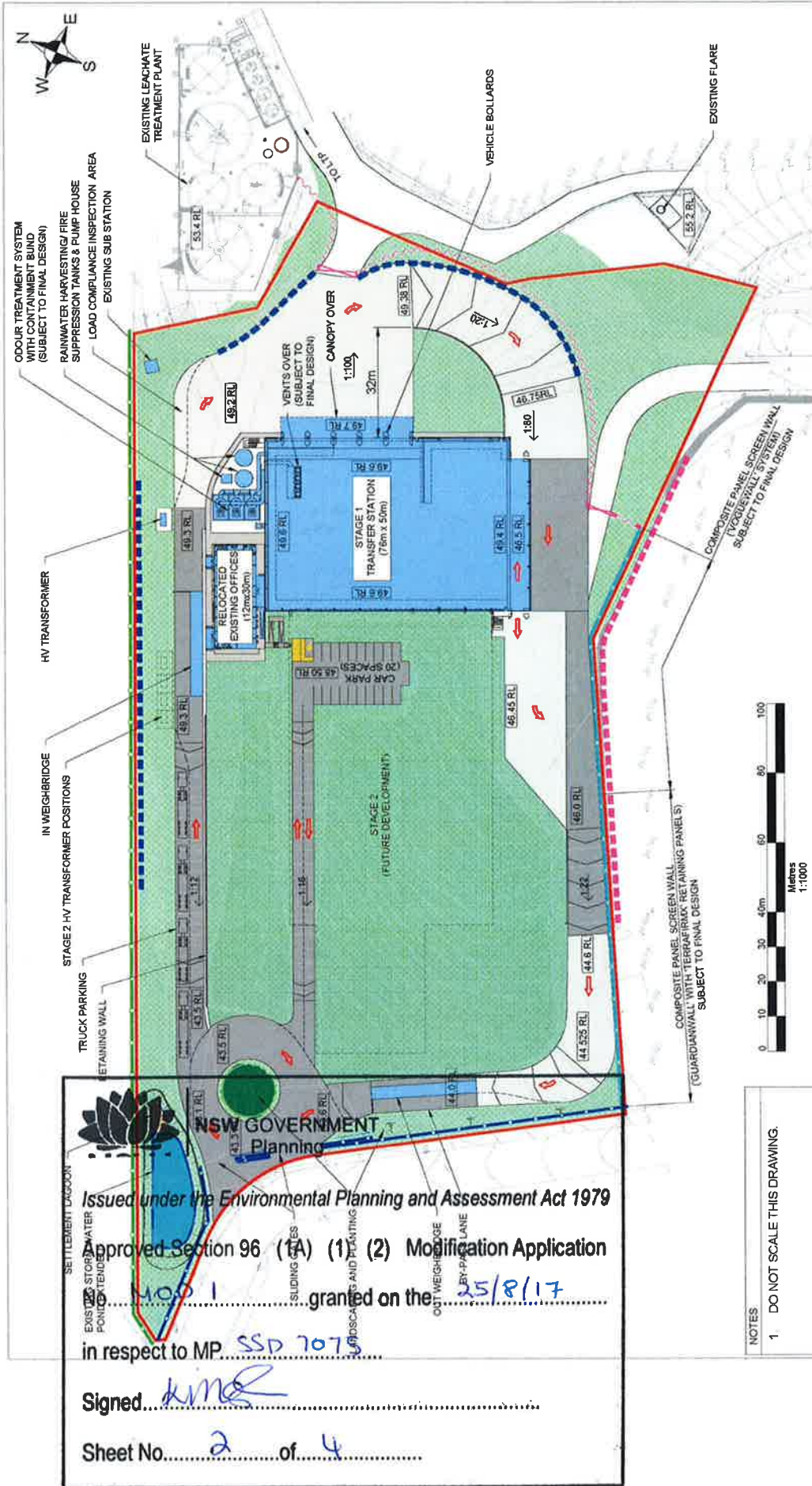
	DEVELOPMENT BOUNDARY		LANDSCAPED AREAS		TRAFFIC DIRECTION
	ASPHALT HARDBOUNDING		EXISTING FENCELINE		PROPOSED BOUNDARY RETAINING WALL
	CONCRETE HARDBOUNDING		1.5m HIGH NEW BLACK PALISADE FENCE		EXISTING RETAINING WALL REMOVED / MODIFIED
	GRAVEL HARDBOUNDING		EXISTING FENCIBLE		2.4m HIGH NEW COMPOSITE PANEL SCREEN WALL

Client: CLEANAWAY WASTE MANAGEMENT LTD
 Project: ERSKINE PARK RMF - STAGE 2
 Drawing: SITE LAYOUT - CONCEPT PLAN
 Full Site Development
 Date: JUNE 2017
 Drawing Number: 103
 Revision: 0
 Scale: 1:1000 @ A3
 DEVELOPMENT CONSENT

07 06 17
 Revision: 0
 Drawn By: [Name]
 Checked By: [Name]
 Date: [Date]
 Comments:

CLEANAWAY
 Making a sustainable future possible
 SLR
 145 WOODSIDE STREET
 SYDNEY NSW 2006
 T 61 2 9412 9100
 F 61 2 9412 9101
 www.slr.com.au

APPENDIX 1B – STAGE 1 SITE LAYOUT PLAN



Issued under the Environmental Planning and Assessment Act 1979

 Approved Section 96 (1)(a) (1)(2) Modification Application

 MOD 1 granted on the 25/8/17

 in respect to MP. SSD 7075

 Signed *[Signature]*

 Sheet No. 2 of 4

NOTES
 1. DO NOT SCALE THIS DRAWING.



LEGEND	
	DEVELOPMENT BOUNDARY
	ASPHALT HARDSTANDING
	CONCRETE HARDSTANDING
	GRAVEL HARDSTANDING
	LANDSCAPED AREAS
	TRAFFIC DIRECTION
	EXISTING FENCELINE
	1.8m HIGH NEW BLACK PALISADE FENCE
	CHAIN LINK FENCE WITH GATE
	2.4m HIGH NEW COMPOSITE PANEL SCREEN WALL
	EXISTING RETAINING WALL REMOVED/MODIFIED
	PROPOSED BOUNDARY RETAINING WALL

Client	CLEANAWAY WASTE MANAGEMENT LTD
Project	ERSKINE PARK RMF STAGE 1 - WASTE TRANSFER STATION
Drawing	PROPOSED SITE LAYOUT - STAGE 1
Date	MAY 2016
Scale	1:1000 @ A3
Drawing Number	003
Revision	7
DEVELOPMENT CONSENT	

SLR

 2/10005 STREET

 LAKE COLE

 400/100/101-104/105/200

 1 81 2 84 71 888

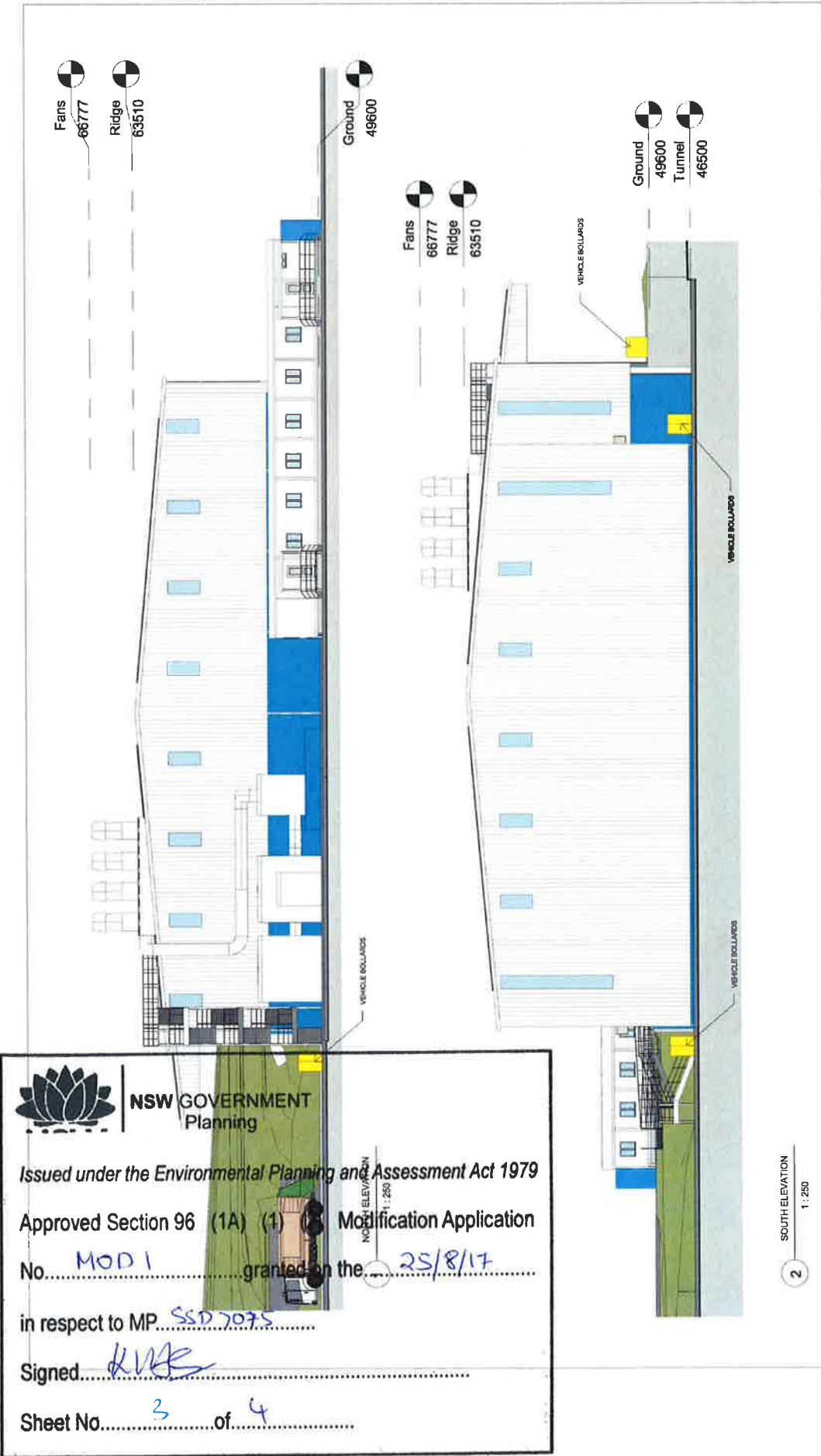
 2 81 2 34 71 200

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Making a sustainable future possible

Revision	7	Comments
Drawn By	LN	02.06.17 DEVELOPMENT CONSENT
Checked By	LN	02.06.17 DEVELOPMENT CONSENT
Date	02.06.17	DEVELOPMENT CONSENT

APPENDIX 2 – STAGE 1 ELEVATION PLANS – WASTE TRANSFER STATION




NSW GOVERNMENT Planning

Issued under the Environmental Planning and Assessment Act 1979
 Approved Section 96 (1A) (1) Modification Application
 No. MOD 1 granted on the 25/8/17
 in respect to MP SSD 7075
 Signed [Signature]
 Sheet No. 3 of 4

NOTES:	<p>Cladding: To be finished in full system, including profile & cover to match as per of building. Windows: Provide concrete double glazed windows with 50% opening light ceiling. External sheet: Roof: As new construction incorporating 60mm insulation (polystyrene) on top of existing 120mm insulation. 1. Slaty wire mesh, 2. 120mm concrete, 3. 60mm insulation. Colour: Range or similar approval.</p> <p>Doors: Steel & Glazed doors, metal frames & aluminium or stainless steel. Provide weather proofing to the door. Colour: To be approved.</p>
Client: CLEANWAY WASTE MANAGEMENT LTD	Development Consent: 2
Project: ERSKINE PARK RMF STAGE 1 - WASTE TRANSFER STATION	Drawn: NORTH & SOUTH ELEVATIONS
Drawn: MAY 2016	Scale: 1:250 @ A3
Revision: 2	Drawing Number: 023
DEVELOPMENT CONSENT	

CLEANWAY
 7 ELMWOOD STREET
 WILLOWBROOK NSW 2058
 P 61 2 2402 1100
 F 61 2 2402 3206
 www.cleanway.com.au



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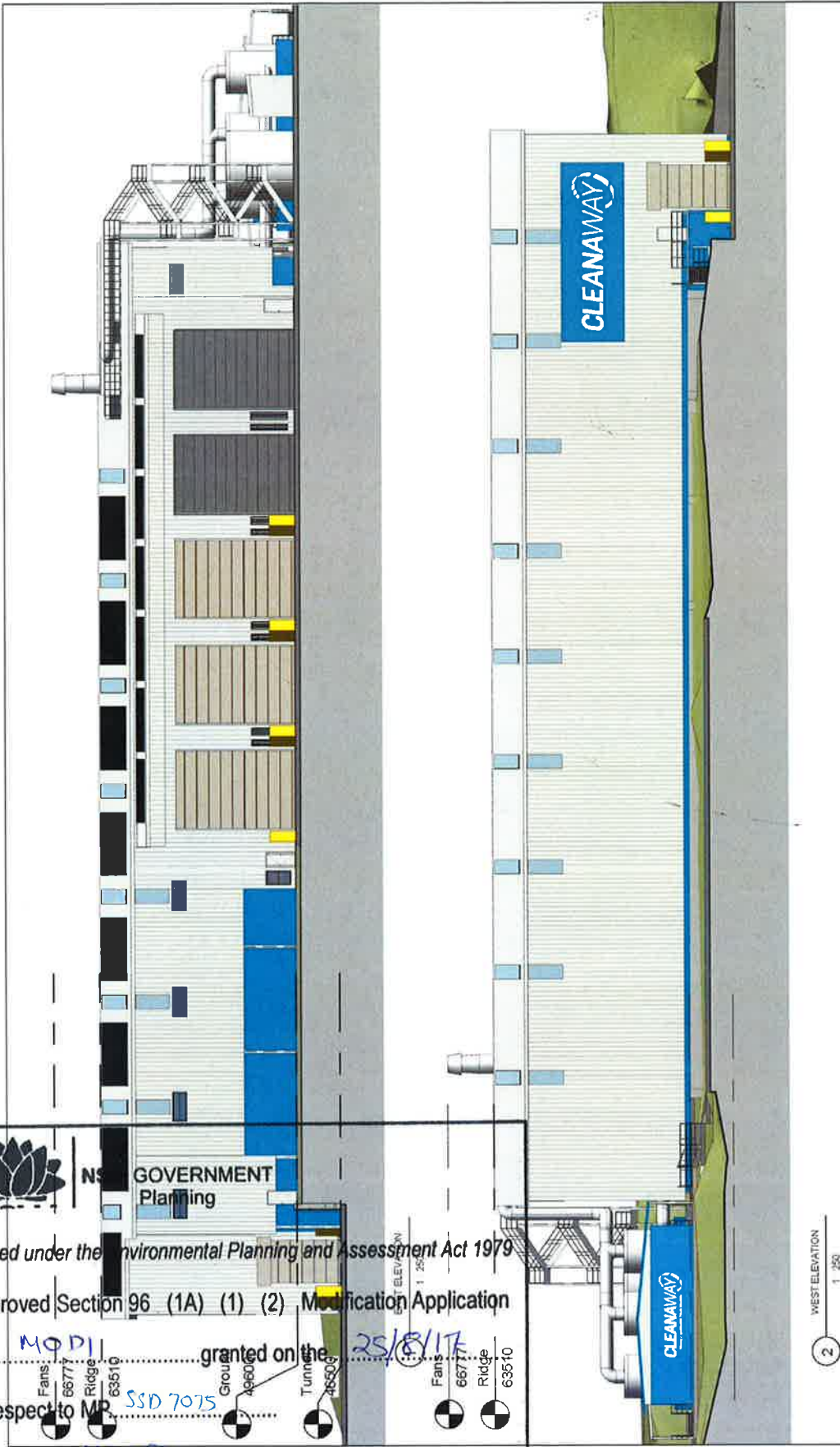
 Approved Section 96 (1A) (1) (2) Modification Application


 No. MOD1 granted on the 25/8/17

 in respect to MP SSD 7075

 Signed R. K. AS

 Sheet No. 4 of 4



NOTES Check all off-site works to be installed before start of construction. All works to be installed in accordance with the relevant standards and specifications. All works to be installed in accordance with the relevant standards and specifications. All works to be installed in accordance with the relevant standards and specifications.	CLIENT CLEANAWAY WASTE MANAGEMENT LTD PROJECT ERSKINE PARK RMF STAGE 1 - WASTE TRANSFER STATION DRAWING EAST & WEST ELEVATIONS DATE MAY 2016 SCALE 1:250 @ A3	DEVELOPMENT CONSENT  1 UNKUNNUNGET NEW SOUTH WALES 2066 T: 02 2427 6100 www.slr.com.au	DATE 02/08/17 CHECKED BY [Signature]	DATE 02/08/17 DATE 02/08/17	COMMENTS [Blank]

ASSESSMENT REPORT

Section 96(1A) Modification Erskine Park Waste and Resource Management Facility (SSD 7075 MOD 1)

1. INTRODUCTION

This report assesses a modification application by Cleanaway Waste Management Limited (the Applicant) to modify the concept proposal and Stage 1 development for State significant development consent (SSD 7075) for the Erskine Park Waste and Resource Management Facility (WRMF), which is located within the Penrith Local Government Area (LGA). The modification includes minor site layout changes, deferral of some elements of the development to Stage 2 and some administrative changes. The application has been lodged pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2. BACKGROUND

In October 2016, development consent was granted for the WRMF at 85-87 Quarry Road, Erskine Park in the Penrith local government area (see **Figure 1**). The site is legally known as Lot 1 in DP 1140063. To date, the WRMF has not been constructed. The site and the adjacent existing Erskine Park Landfill are owned by the Applicant. The site is currently utilised by the Applicant to support the adjacent Erskine Park Landfill and contains demountable office buildings, car parks, sheds, laydown areas, a weighbridge and sealed roads. The landfill is expected to close in the next few years.

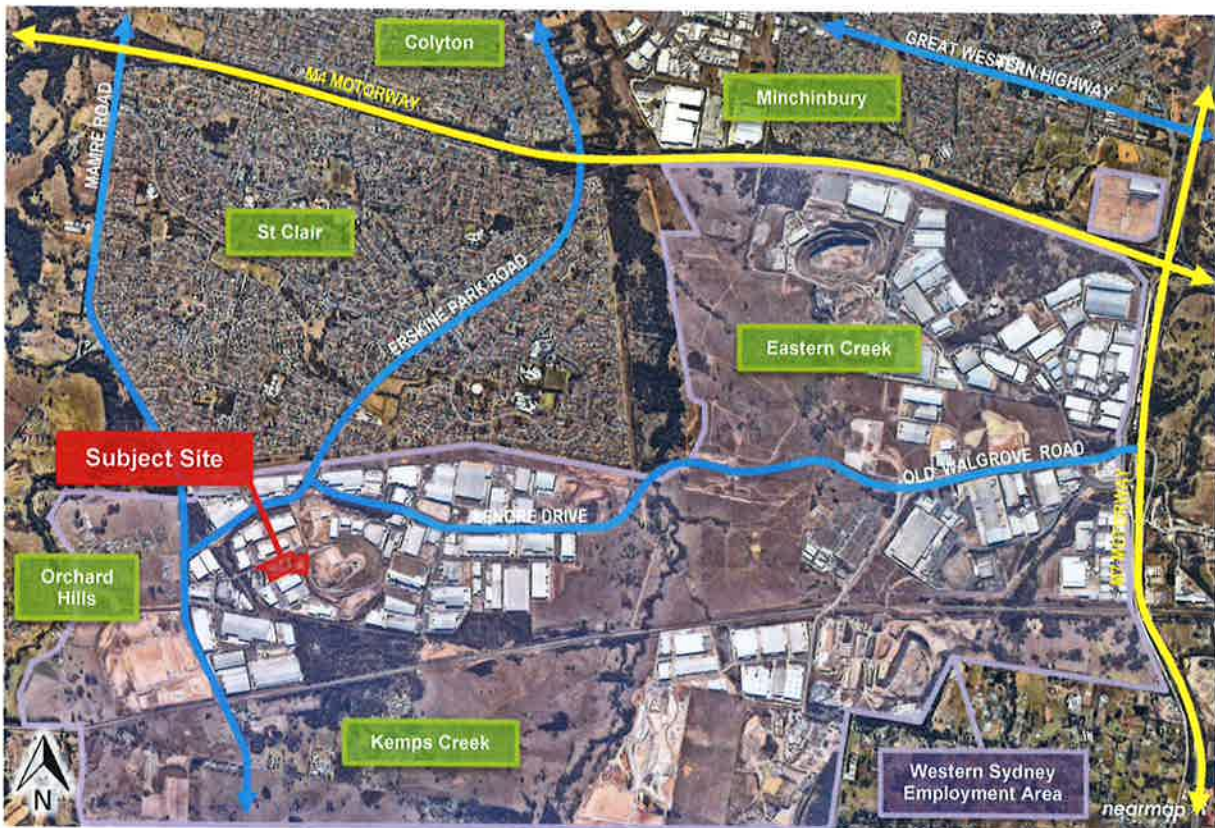


Figure 1: Site Location

The site is located within an existing industrial precinct known as the Erskine Park Industrial Estate which falls within the Western Sydney Employment Area (WSEA), as identified under the *State*

Environmental Planning Policy (Western Sydney Employment Area) 2009. The surrounding land uses are primarily industrial in nature and include manufacturing facilities, warehouses and dairy processing.

There is one isolated resident located within the Erskine Park Industrial Estate, approximately 1.3 kilometres (km) east of the site. The nearest residential dwellings are located at St Clair approximately 740 metres (m) to the north of the site. A childcare facility has been built on Mamre Road approximately 670 m to the west of the site.

The site and surrounds are identified in **Figure 2** below.



Figure 2: The Site and Surrounds

3. APPROVAL HISTORY

On 5 October 2016, consent was granted by the Planning Assessment Commission (the Commission), as delegate of the Minister for Planning, for the staged development of the Erskine Park WRMF (SSD 7075). The staged development application (DA) consists of:

- a concept proposal for the WRMF which includes:
 - a WTS (Stage 1) capable of processing up to 300,000 tpa of C&I and Municipal Solid Waste (MSW);
 - a Resource Recovery Facility (RRF) (Stage 2) that would be designed to process up to 150,000 tpa of recyclable material from the WTS (Stage 1) into saleable commodities; and
- Stage 1 physical works, including demolition of existing structures, construction and operation of the WTS.

The WRMF will have a maximum processing capacity of 300,000 tonnes per annum (tpa) of commercial and industrial waste (C&I) and municipal solid waste (MSW). The WTS would be constructed first, followed by the RRF (referred to as Stage 2) which will be subject to a further development application (DA). The site's office, truck and car parking would be utilised by the entire WRMF (Stages 1 and 2) and are approved to be constructed as part of Stage 1. To date, physical works at the site have not commenced.

The approved concept proposal (Stages 1 and 2) is shown in **Figure 3**.

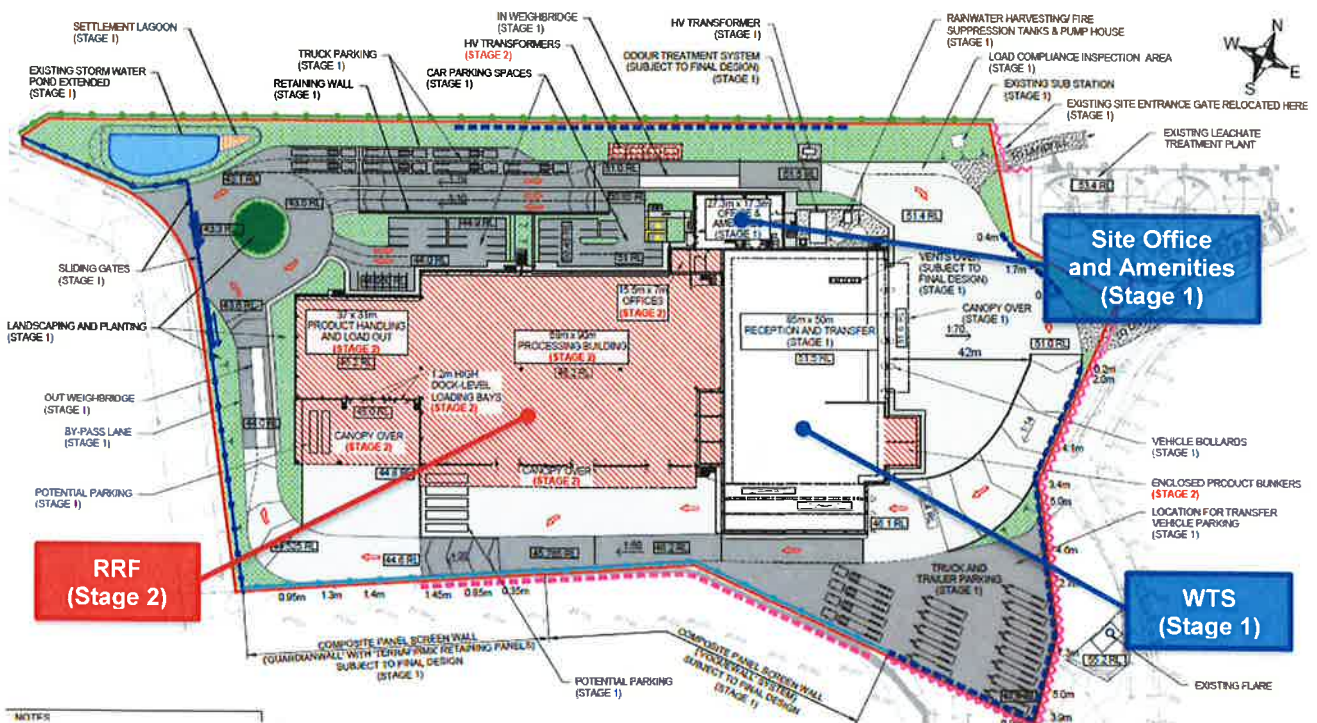


Figure 3: Approved Concept Proposal Stages 1 and 2

4. PROPOSED MODIFICATION

The Applicant has lodged a modification application under section 96(1A) of the EP&A Act to modify the concept proposal and Stage 1 development. The concept proposal encompasses both the WTS (Stage 1) and RRF (Stage 2). The Stage 1 works includes physical works such as demolition of existing structures and construction and operation of the WTS.

Following further design of the development, and to make the development more economically viable, the Applicant has proposed the following:

- changes to the site levels and a reduction of the amount of bulk earthworks across the site;
- deferral of the construction of the car park from Stage 1 to Stage 2, and the construction of an interim car park for Stage 1;
- deferral of the construction of the site office from Stage 1 to Stage 2 (existing demountable buildings currently owned and utilised by the Applicant for the existing adjacent landfill will be used for Stage 1);
- removal of the south-east truck parking and replacement with a landscaped area;
- construction of two additional landfill exit ramps;
- deferral of the construction of two load out bays in the WTS to Stage 2; and
- reduce the capacity of the stormwater detention basin;

It should be noted Stage 2 will be subject to a further DA and the modification application does not propose to increase production capacity or change the overall function of the site as a WRMF.

The modification is described in full in the Statement of Environmental Effects (SEE) included in **Appendix B**, is summarised in **Table 1** and is illustrated on **Figure 4** and **Figure 5**. It is noted that whilst the Applicant is seeking to modify the concept proposal, physical works are only permitted under Stage 1. Stage 2 is subject to a future DA.

Table 1: Summary of Proposed Modification

Aspect	Approved	Proposed Modification
Car parking	<ul style="list-style-type: none"> • Stage 1 car park with 10 parking spaces over an area of 925 m² with a 5.5 m retaining wall. 	<ul style="list-style-type: none"> • An overall increase in car parking to facilitate the continued operation of the adjacent landfill and ensure all staff and visitors park on-site. • Defer car park to Stage 2 and provide interim parking in the RRF footprint, resulting in:

Aspect	Approved	Proposed Modification
		<ul style="list-style-type: none"> - Stage 1 car park with 20 spaces (+10) over an area of 580 m² (-345 m²); and - Stage 2 car park with 55 spaces (+45) over an area of 1,560 m² (+635 m²) in a tiered layout. • The Stage 2 car park would replace the Stage 1 car park.
Truck parking	<ul style="list-style-type: none"> • Stage 1 truck parking for 24 parking spaces provided over two parking areas, being: <ul style="list-style-type: none"> - parallel truck parking area along the north-west site boundary; and - truck parking in the south-east corner of the site. 	<ul style="list-style-type: none"> • Reduce the provision of truck parking due to a decision to contract out pick up and deliveries. • Removal of the south-east truck parking and replacement with a landscaped area and landfill exit ramp. • Seven truck parking spaces (-17) provided along the north-west site boundary over two stages, being: <ul style="list-style-type: none"> - Stage 1 truck parking with four spaces; and - Stage 2 truck parking for an additional three spaces.
Landfill access	<ul style="list-style-type: none"> • One access ramp to the adjacent landfill. 	<ul style="list-style-type: none"> • Two access ramps to the adjacent landfill, consisting of one inbound ramp and one outbound ramp, to improve maneuverability. • The outbound landfill ramp and additional landscaping would replace the south-eastern truck parking area. • Outbound landfill traffic would give-way to WRMF traffic.
Office	<ul style="list-style-type: none"> • Stage 1 two-storey office building with a footprint of 472.3 m². 	<ul style="list-style-type: none"> • Defer construction of the permanent office to Stage 2. • Stage 1 temporary one-story office constructed from the existing demountable building with a footprint of 360 m².
WTS load-out bays	<ul style="list-style-type: none"> • Stage 1 WTS consisting of: <ul style="list-style-type: none"> - three WTS load-out bays; and - WTS building with a footprint of 4,250 m². • Trucks enter and exit the load-out bays in a forward manner. 	<ul style="list-style-type: none"> • Defer construction of load-out bays two and three to Stage 2. • Reduce footprint of the WTS building to 3,800 m² (-450 m²). • Trucks reverse into load-out bay.
Earthworks	<ul style="list-style-type: none"> • Cut volume of 75,389 m³. • Fill volume of 20,086 m³. 	<ul style="list-style-type: none"> • Modify the site levels for an overall reduction in the extent of earthworks required, resulting in: <ul style="list-style-type: none"> - a cut volume of 53,650m³ (-21,739 m³); and - a fill volume of 2,835m³ (-17,251 m³).
Stormwater	<ul style="list-style-type: none"> • Stormwater detention basin with a capacity of 740 m³. • Rainwater harvesting tanks with a capacity of 56 ML. 	<ul style="list-style-type: none"> • Reduce capacity of detention basin to 710 m³ (-30 m³). • Increase rainwater harvesting tank capacity to 159 ML (+103 ML) to include wheel washing activities.
Conditions of consent	<p><u>Audit</u></p> <ul style="list-style-type: none"> • The Applicant must undertake an independent environmental audit of the development within one year from the date consent was granted. <p><u>Traffic and Access</u></p> <ul style="list-style-type: none"> • A total of ten car parking spaces. • Truck deliveries shall be scheduled to avoid peak hours, unless they are done via Erskine Park Road. 	<p><u>Audit</u></p> <ul style="list-style-type: none"> • The Applicant must undertake an independent environmental audit of the development within one year from the commencement of operations. <p><u>Traffic and Access</u></p> <ul style="list-style-type: none"> • A total of 20 car parking spaces (Stage 1). • Truck deliveries shall be scheduled to avoid peak hours, where possible, unless they are done via Erskine Park Road. <p><u>Concept Proposal</u></p> <ul style="list-style-type: none"> • Modify the Concept Proposal to facilitate the proposed modifications.

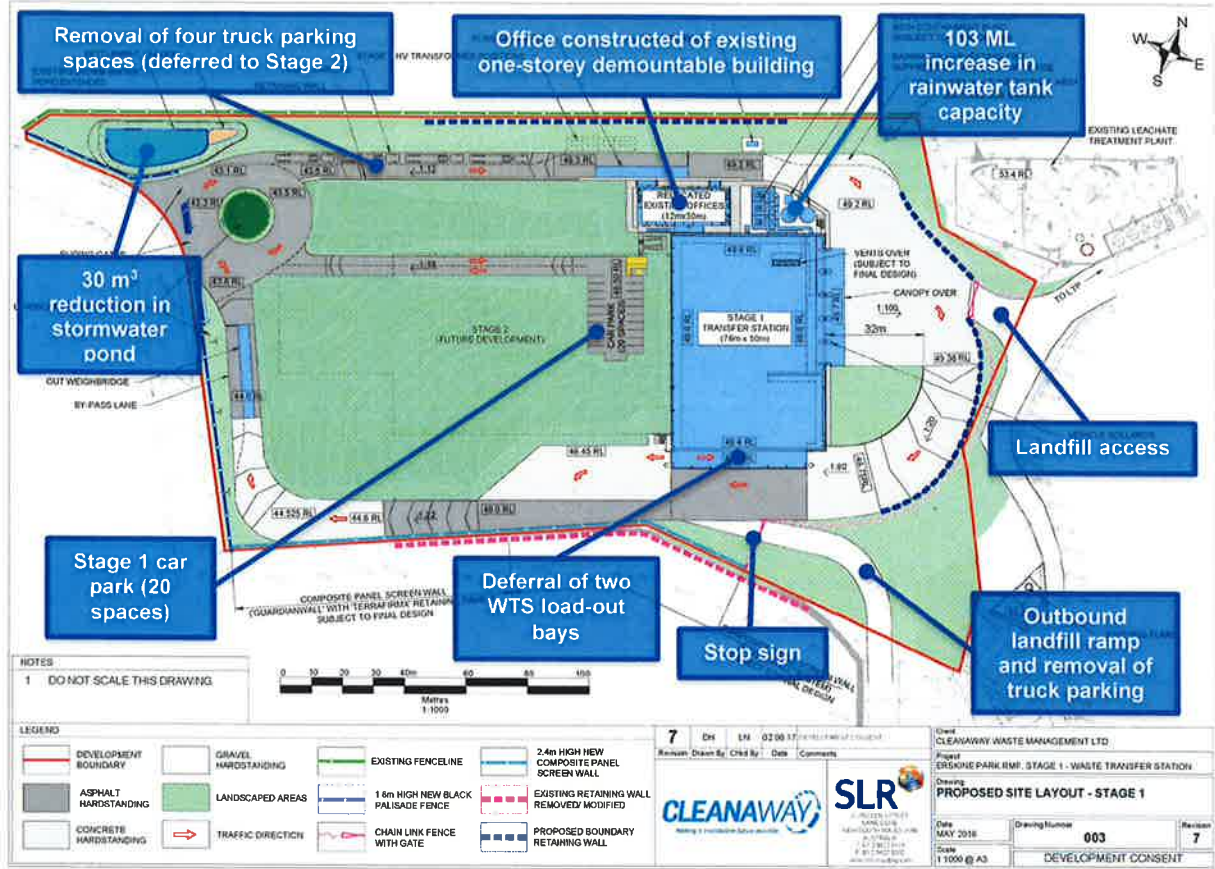


Figure 4: Proposed Stage 1 DA

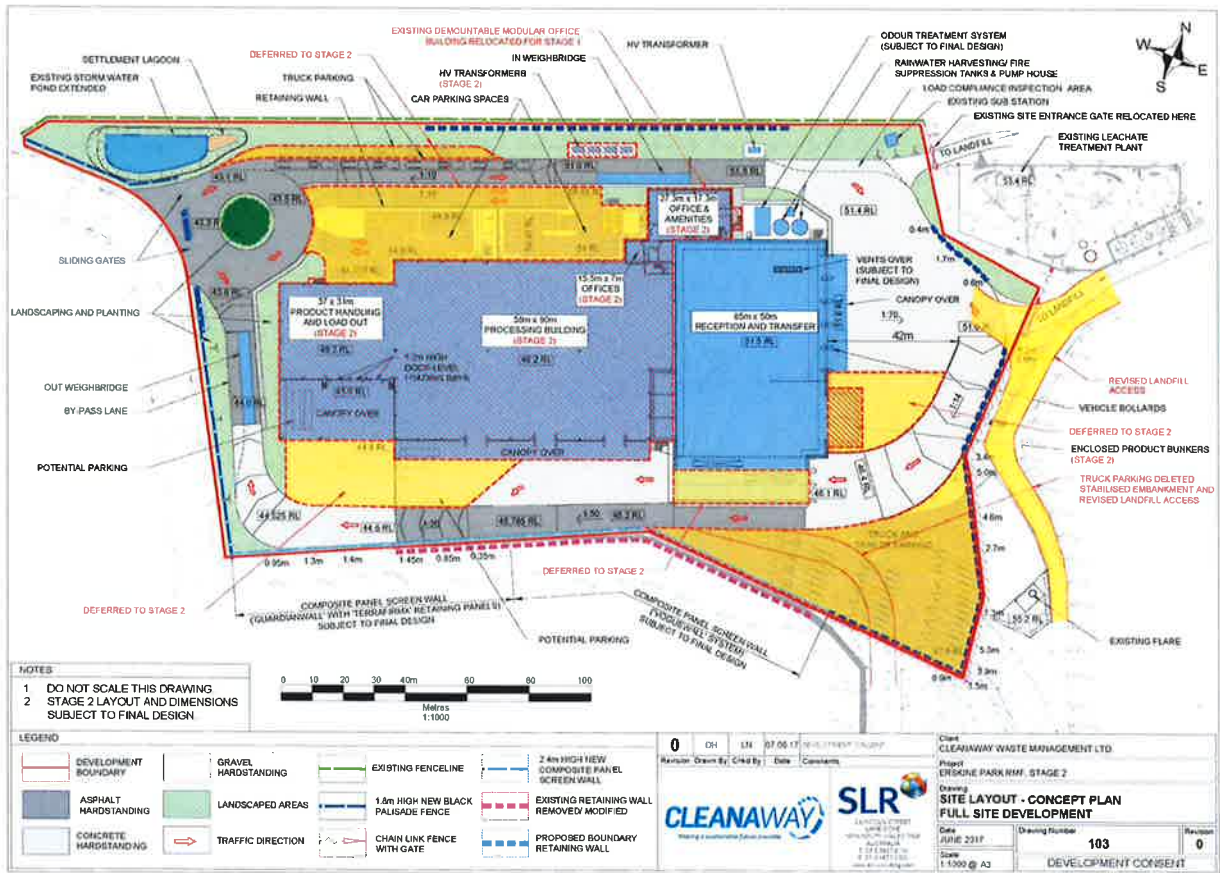


Figure 5: Proposed Concept DA

5. Applicant's Justification for the Proposed Modification

Minor changes to the development were identified by the Applicant during the detailed design stage of the development. The deferral of construction for some components of Stage 1 to Stage 2 would reduce upfront costs, making the development more economically viable. The reduction in the extent of earthworks and the reuse of the existing demountable building would also reduce construction costs.

The modification also reflects operational changes, such as the decision to contract out deliveries, removing the need for on-site truck parking. Consequently, the removal of the truck parking would allow for additional landscaping and the provision of an outbound landfill ramp. The additional landscaping would reduce the amount of hardstand and the resulting surface water runoff. On-site water usage and the necessary rainwater storage capacity was increased to include wheel wash activities.

The Applicant has indicated that the modification application would not result in any increases in production capacity or changes to the overall function of the site as a WRMF. The site currently operates to support the adjacent landfill, and the proposed modification would allow this function to continue while the landfill is in operation.

6. STATUTORY CONTEXT

6.1 Consent Authority

The Minister for Planning is the consent authority for the application. Under the Minister's delegation of 16 February 2015, the Acting Director, Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

As Council did not object, no political donations were declared and no public submissions were received, the Director, Industry Assessments may determine the modification application.

6.2 Section 96(1A)

The Department has reviewed the scope of the modification application and is satisfied that the proposed modification would result in minimal environmental impacts, and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved project would not change as a result of the proposed modification;
- the modification is of a scale that warrants the use of section 96(1A) of the EP&A Act;
- the approved processing rates of 300,000 tpa of C&I and MSW (Stage 1) and 150,000 tpa of recyclable material (Stage 2) would remain unchanged as a result of the proposed modification; and
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of approval.

Therefore, the Department is satisfied the proposed modification is within the scope of section 96(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 96(1A) of the EP&A Act rather than requiring a new development application to be lodged.

7. CONSULTATION

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation does not apply to State significant development (SSD). Notwithstanding, the application was notified and made publicly available on the Department's website on 18 July 2017. The application was referred to Penrith City Council (Council), the Environment Protection Authority (EPA), Transport for NSW (TfNSW), the Department of Primary Industries and the adjacent landowners/occupiers for comment.

During the notification period, a total of five submissions were received from public authorities and no submissions were received from the public.

Neither Council or the public authorities objected to the modification or raise any issues in relation to the proposed modification.

8. ASSESSMENT

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

- the SEE provided to support the proposed modification (see **Appendix B**);
- the assessment report for the original development application and subsequent modification application(s);
- submissions from State government authorities and Council (**Appendix C**);
- relevant environmental planning instruments, policies and guidelines; and
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department's assessment of the modification application is provided in **Table 2**.

Table 2: Assessment of Issues

Issue	Assessment	Recommendation
Site Maneuverability	<ul style="list-style-type: none"> • The modification application seeks to add a second access ramp to the adjacent landfill and defer two of the three WTS load-out bays to Stage 2. • The modification has the potential to impact site maneuverability, particularly as the adjacent landfill also utilises the site. <p><u>Landfill Access</u></p> <ul style="list-style-type: none"> • An additional landfill access driveway is proposed in the location of where the south-east truck parking would be. This landfill ramp would be for outgoing traffic only. • The landfill outbound traffic would give the right-of-way to WTS traffic with the use of a stop sign as these drivers would have a better line of sight. • The Applicant has also included swept path diagrams in the modification application for landfill access ramps. • The Department considers the provision of a stop sign at the landfill outbound ramp would ensure traffic movements from the operation of the WRMF and the adjacent landfill are appropriately managed. <p><u>WTS Load-Out Bays</u></p> <ul style="list-style-type: none"> • The modification application seeks to defer two of the three WTS load-out bays to Stage 2. • Due to the proposed site level modifications and the deferral of two WTS load-out bays, trucks would be required to reverse into the load out bay for Stage 1. Previously, trucks would enter and exit the load out bays in a forward manner. • The Applicant advised that trucks would only reverse for a short distance and vehicle movements would be monitored by staff at the weighbridges. • The Department's assessment concludes the reconfiguration of the access to the adjacent landfill and the deferral of two load out bays would not result in significant changes to site manoeuvrability or impact the functionality and safety of the site's access arrangements. • The Department considers the existing conditions of consent adequately address site maneuverability, subject to the installation of the stop sign. 	<p>Require the Applicant to install a stop sign at the outbound landfill ramp.</p>
Parking	<ul style="list-style-type: none"> • The modification application seeks to amend the provision and layout of parking, for an overall increase in car parking and decrease in truck parking. <p><u>Car Parking</u></p> <ul style="list-style-type: none"> • The modification application seeks to defer the construction of the main car parking facility to Stage 2, and provide an interim parking measure within the RRF footprint, resulting in: <ul style="list-style-type: none"> – a Stage 1 car park with 20 spaces over an area of 580 m² within the RRF footprint; and – a Stage 2 car park with 55 spaces over an area of 1,560 m² in a tiered layout. • The resulting overall provision of parking (Stages 1 and 2) includes an additional 45 car park spaces, over an additional area of 635 m². • The Applicant advises that the redesigned tiered layout would soften the view of the parking area from Quarry Road as the 	<p>Amend the conditions of consent to facilitate the proposed parking modifications.</p>

Issue	Assessment	Recommendation
	<p>original parking design included two levels divided by a retaining wall.</p> <ul style="list-style-type: none"> • The Applicant noted that the adjacent landfill is now expected to operate over a longer period, whereas at the time of the original consent its closure was anticipated. The additional car parking spaces would facilitate the parking requirements of the adjacent landfill operations and avoid the risk of off-site parking. • The Department notes that the site currently operates to support the adjacent landfill, and the proposed modification would allow this function to continue while the landfill is in operation. • The Department also considers that the revised tiered layout of the Stage 2 car park represents a more efficient use of space. • Further, the increased provision of car park spaces is more in-line with the <i>Penrith Development Control Plan 2014</i> (DCP), which required 60 spaces (1 space per 75 m² of gross floor area). <p><u>Truck Parking</u></p> <ul style="list-style-type: none"> • The modification application seeks to remove the truck parking from the south-east corner of the site and defer the construction of the truck parking at the north-west boundary of the site to Stage 2. • The south-eastern truck parking would no longer be required as contractors would be hired rather than the Applicant undertaking transfer haulage activities in-house. • The Applicant advised the removal of the south-east truck parking would reduce up-front development costs and decrease the total hard-stand area and associated runoff. • The Department considers the Applicant's justification for the removal and deferral of truck parking appropriate given it would not result in any additional impact. • The Department's assessment concludes the proposed modifications to car and truck parking would not result in any impacts beyond what was assessed for the original application. • The Department considers the existing conditions of consent adequately address parking, subject to minor amendments to facilitate the proposed modifications. 	
Surface Water	<ul style="list-style-type: none"> • The modification application seeks to reduce the on-site detention (OSD) pond volume from 740 m³ to 710 m³ and increase the volume of the rainwater harvesting tanks from 56 kL to 159 kL. • The increase in the rainwater harvesting tank storage volume would be in response to revised operational water demands, the modified catchment and stormwater design and the inclusion of wheel washing activities in the calculations. • The modification application involves amendments to the site levels and a reduction in the amount of hardstand, resulting in changes to the surface water movement and management. • The modification application included a revised Surface Water Assessment, prepared by SLR and dated June 2017, which indicated an overall decrease in impervious area from 87% to 84%, however there would be an increase in the stream erosion index from 1.64 to 3.5. • The assessment also indicates the predicted gross pollutants, total suspended solids (TSS), total phosphorus (TP) and total nitrogen (TN) of the proposed modification would be less than the predictions of the EIS for the original application. • The Department notes the revised catchment and stormwater design would remain in compliance with the pollution load reduction objectives under Council's <i>Water Sensitive Urban Design (WSUD) Policy</i> (December 2013). • The Department's assessment concludes the modification application would not result in impacts to surface water beyond what has already been assessed as part of the original application. • The modification would result in a decrease in the amount impervious area, runoff and pollutant loads then previously assessed and would continue to meet the stormwater storage capacity and quality objectives. • The Department considers the existing conditions adequately address surface water as they include the provision to review, and 	No additional conditions are recommended.

Issue	Assessment	Recommendation
Visual	<p>if necessary revise, the strategies, plans and programs of the consent within three months of a modification.</p> <ul style="list-style-type: none"> The modification application seeks to defer the construction of the permanent two-storey office to Stage 2. In the interim, a temporary office (now Stage 1) utilising the existing demountable building would be located within the footprint of the office as currently approved. The Applicant proposes to install a 3 m high by 12.7 m wide screen on the side of the office building viewable to staff and visitors. The screen would be constructed from powder coat aluminum panels. The Applicant provided a revised visual impact assessment which includes building elevations and a visual significance matrix. The Applicant also proposes to plant additional vegetation along the western boundary of the site to further reduce visual impact. The Department considers the site is located within an established industrial precinct with the nearest sensitive receiver located 670 m away (childcare centre). The existing industrial development surrounding the site blocks the view of majority of the site. The modification application would also include a screen to mask the visual appearance of the temporary office, additional landscaping and a revised tiered car park (Stage 2) that provides a softer visual appearance than the previous car park design. The Department's assessment concludes the modification would not result in a visual impact beyond what has already been assessed as part of the original SSD application. The Department considers the existing conditions of consent adequately address parking, subject to minor amendments to facilitate the proposed modifications. 	<p>Amend the conditions of consent to facilitate the proposed interim office building, including the screen.</p>
Conditions of Consent	<p><u>Auditing and Annual Review</u></p> <ul style="list-style-type: none"> The conditions of consent require the Applicant to undertake an independent environmental audit (IEA) within one year from the date consent was granted (Schedule C Part C Condition C8). The Applicant has requested to amend the condition to require an IEA within one year of the commencement of operations, as physical commencement of the development has not yet commenced. The Department considers the IEA is more beneficial once the development is operational and supports this amendment. As such, the Department recommends that the IEA condition be modified in the manner proposed. For the same reason above, the Department has recommended the modification of the annual review condition to require an annual review within one year of the commencement of construction, rather than within one year of the date the consent was granted (Schedule C Part C Condition C10). <p><u>Peak Hour Deliveries</u></p> <ul style="list-style-type: none"> The conditions of consent require the Applicant to avoid peak hour truck deliveries, unless they are done via Erskine Park Road (Schedule C Part B Condition B30(f)). The Applicant has requested to modify this condition to include the wording 'where possible'. The Department considers the wording 'to avoid' inherently allows for some flexibility and therefore the proposed modification is not necessary. 	<p>Modify the conditions of consent to:</p> <ul style="list-style-type: none"> require auditing within one year of the commencement of operations; and require an annual review within one year of the commencement of construction.

9. CONCLUSION

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

- the proposed modification would result in minimal environmental impacts beyond the approved facility;
- the production capacity would not increase as a result of the modification; and
- the benefits of the approved development would remain applicable, being the provision of operational jobs and consistency with the strategic direction for waste management in NSW.

The Department is satisfied that the modification should be approved, subject to conditions.

10. RECOMMENDATION

In accordance with section 96(1A) of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning:

- consider the findings and recommendations of this report;
- approve the modification application for the Erskine Park Waste and Resource Management Facility (SSD 7075 MOD 1); and
- sign the attached notice of modification (**Attachment A**).

Recommended by:



25.08.17

Kate Masters
A/Principal Planning Officer
Industry Assessments

Recommended by:



Nicholas Hall
A/Team Leader
Industry Assessments

DECISION

Approved by:



25.08.17.

Kelly McNicol
A/Director
Industry Assessments
as delegate of the Minister for Planning

APPENDIX B – STATEMENT OF ENVIRONMENTAL EFFECTS

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8611

APPENDIX C – SUBMISSIONS

See link: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8611

Modification of Development Consent

Section 96(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, under delegation executed on 16 February 2015, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Kelly McNicol
A/Director
Industry Assessments

Sydney 25 AUGUST

2017

File: 17/09077

SCHEDULE 1

Application No:	SSD 7075
Applicant:	Cleanaway Pty Ltd
Consent Authority:	Minister for Planning
Development:	Erskine Park Waste and Resource Management Facility Staged Development Application, comprising: <ul style="list-style-type: none">• A concept proposal for a Waste and Resource Management Facility (WRMF) with a maximum processing capacity of 300,000 tpa. All waste received at the WRMF shall enter the Waste Transfer Station (Stage 1), up to 150,000 tpa of this waste may be recycled at the Resource Recovery Facility (Stage 2).• Construction and operation of the Stage 1 Waste Transfer Station with a maximum processing capacity of 300,000 tpa.
Date of Original Consent:	4 October 2016
Modification:	SSD 7075 MOD 1 – Modifications to the development staging, car and truck parking, the office, the load-out bays, the stormwater management system, site levels and landfill ramps.

SCHEDULE 2

This consent is modified as follows:

In the Definitions

1. Insert the following definitions in alphabetical order:

MOD 1	SSD 7075 MOD 1 and supporting documentation titled <i>Environmental Assessment Proposed minor changes to approved Erskine Park Resource Management Facility (SSD 7075) Stage 1 Waste Transfer Station</i> , prepared by SLR and dated 10 July 2017.
PCA	Principal Certifying Authority
RRF	Resource Recovery Facility
WTS	Waste Transfer Station

In Schedule B

2. Delete Condition A1 and replace with the following:
 - A1. Consent is granted to the Concept Proposal as described in:
 - a) Schedule A;
 - b) Staged Development Application (SSD 7075);
 - c) EIS;
 - d) RTS;
 - e) Site layout plan as identified in Appendix 1A;
 - f) MOD 1; and
 - g) conditions contained in this development consent.

In Schedule C

3. Delete Condition A1 and replace with the following:
 - A1. The Applicant must carry out the Development in accordance with the:
 - a) Staged Development Application (SSD 7075);
 - b) EIS;
 - c) RTS;
 - d) Conditions in Schedule B;
 - e) Site and elevation plans as identified in Appendix 1B and 2;
 - f) MOD 1; and
 - g) management and mitigation measures as identified in Appendix 3.
4. Delete Condition B30 and replace with the following:
 - B30 The Applicant must ensure that:
 - a) a total of 20 car parking spaces, including one accessible car parking space are provided;
 - b) trucks must only be parked in the designated truck park areas as identified in Appendix 1B;
 - c) at least one load compliance inspection parking area is provided;
 - d) site access, driveways and parking areas are constructed and maintained in accordance with the latest versions of Australian Standards AS 2890.1, AS 2890.2, AS 2890.6 and AS 1428.1;
 - e) the swept path of the longest vehicle entering and exiting the Site, as well as manoeuvrability through the site, is in accordance with *AUSTROADS Guide to Road Design*;
 - f) unless such deliveries are via Erskine Park Road, truck deliveries and pickups are scheduled to avoid busy morning and afternoon peak hours;
 - g) the egress of B-double waste transportation trucks from the Erskine Park Industrial Estate is confined to Lenore Drive/Erskine Park Link Road;
 - h) the Development does not result in any vehicles parking or queuing on the public road network;
 - i) all vehicles are wholly contained on site before being required to stop;
 - j) all loading and unloading of heavy vehicles occurs inside the Waste Transfer Station;
 - k) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times;
 - l) all vehicles enter and leave the site in a forward direction; and
 - m) signage is installed to ensure traffic from the adjacent landfill provides right-of-way to the Development traffic.
5. Delete Condition C8 and replace with the following:
 - C8 Within 1 year of the date of the commencement of operation, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the Development. This audit must:
 - a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - b) led by a suitably qualified auditor, and include experts in fields specified by the Secretary;
 - c) include consultation with the relevant agencies;
 - d) assess the environmental performance of the Development and assess whether it is complying with the requirements in this consent, and any other relevant approvals and relevant EPL/s (including any assessment, plan or program required under the approvals);
 - e) review the adequacy of any approved strategy, plan or program required under the abovementioned consents; and
 - f) recommend measures or actions to improve the environmental performance of the Development, and/or any strategy, plan or program required under the consents.

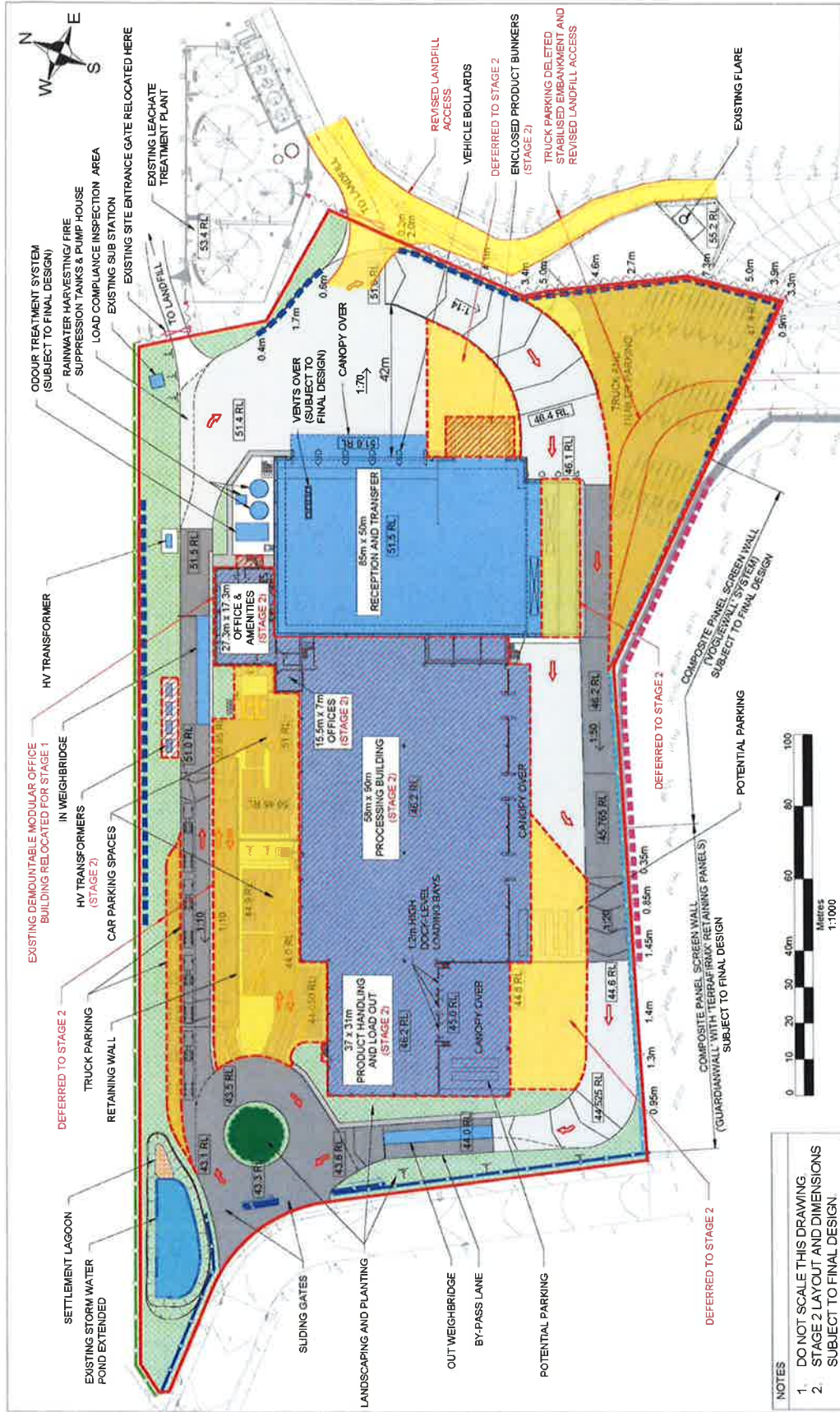
6. Delete Condition C10 and replace with the following:

- C10 Within 1 year of the date of the commencement of construction, and every year thereafter, the Applicant must review the environmental performance of the Development. This review must:
- a) describe the activities associated with the Development that were carried out in the previous calendar year, and the activities proposed to be carried out over the next year;
 - b) include a comprehensive review of the monitoring results and complaints records of the Development over the previous calendar year, which includes a comparison of the results against the:
 - (i) the relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this consent;
 - (iii) the monitoring results of previous years; and
 - (iv) the relevant predictions in the EIS;
 - c) identify any non-compliance over the previous year, and describe what actions were (or are being) taken to ensure compliance in the upcoming year;
 - d) identify any trends in the monitoring data over the life of the Development;
 - e) identify any discrepancies between the predicted and actual impacts of the Development, and analyse the potential cause of any significant discrepancies; and
 - f) describe what measures will be implemented over the next year to improve the environmental performance of the Development.

In the Appendices

7. Replace Appendix 1 with new Appendix 1A and Appendix 1B.
8. Replace Appendix 2 with new Appendix 2.

APPENDIX 1A – STAGE 1 AND 2 CONCEPT PROPOSAL



- NOTES**
- DO NOT SCALE THIS DRAWING
 - STAGE 2 LAYOUT AND DIMENSIONS SUBJECT TO FINAL DESIGN

LEGEND

	DEVELOPMENT BOUNDARY		GRAVEL HARDSTANDING
	ASPHALT HARDSTANDING		LANDSCAPED AREAS
	CONCRETE HARDSTANDING		TRAFFIC DIRECTION
	EXISTING FENCELINE		CHAIN LINK FENCE WITH GATE
	1.8m HIGH NEW BLACK PALISADE FENCE		PROPOSED BOUNDARY RETAINING WALL
	2.4m HIGH NEW COMPOSITE PANEL SCREEN WALL		EXISTING RETAINING WALL REMOVED/MODIFIED

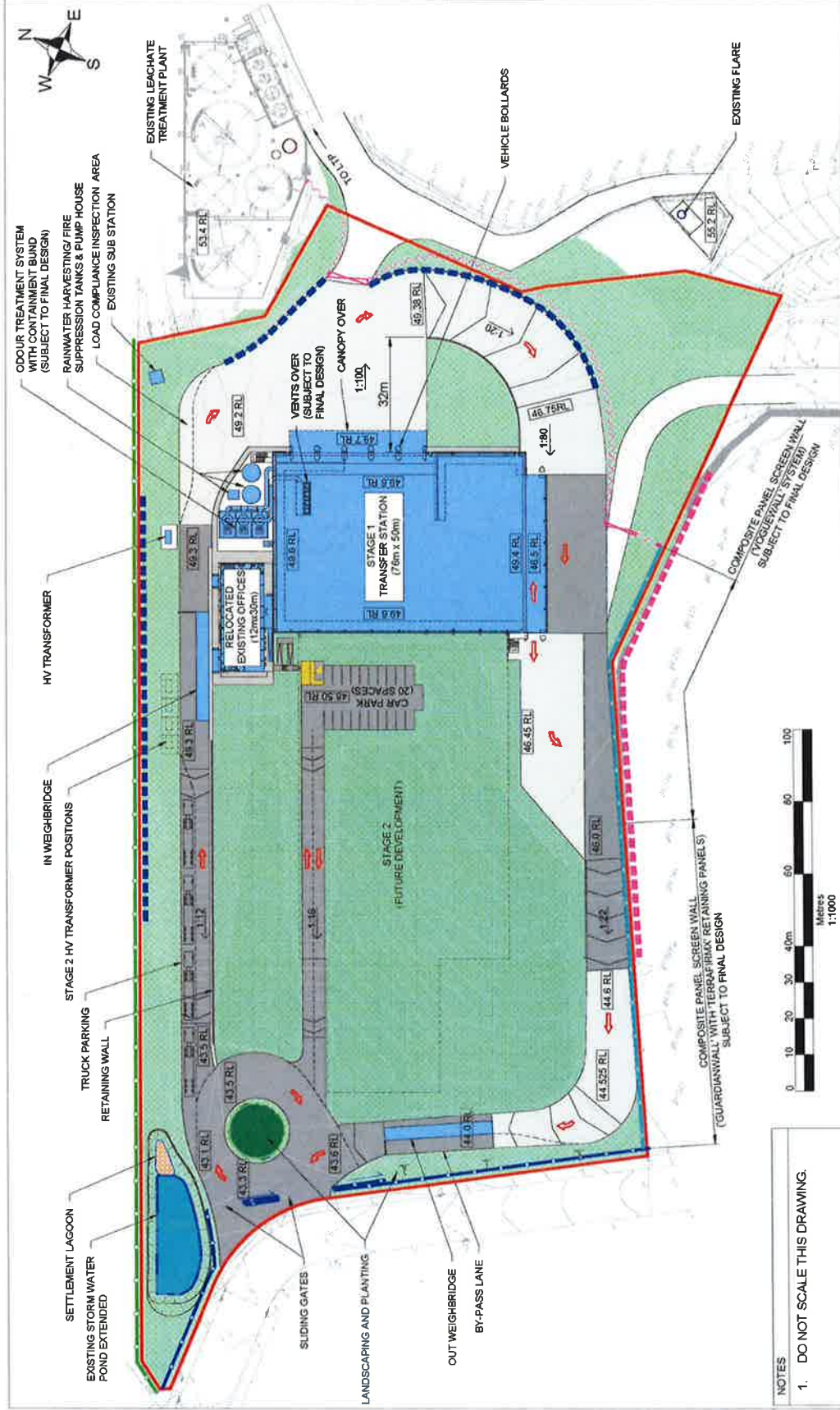
0	DH	LN	07 06 17	DEVELOPMENT CONSENT
Revision Drawn By: Chkd By: Date: Comments:				

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 www.slrcorp.com.au

CLEANAWAY WASTE MANAGEMENT LTD.
 Project: ERSKINE PARK RMF, STAGE 2
 Drawing: SITE LAYOUT - CONCEPT PLAN
 FULL SITE DEVELOPMENT
 Date: JUNE 2017
 Drawing Number: 103
 Scale: 1:1000 @ A3
 Revision: 0
 DEVELOPMENT CONSENT

APPENDIX 1B – STAGE 1 SITE LAYOUT PLAN

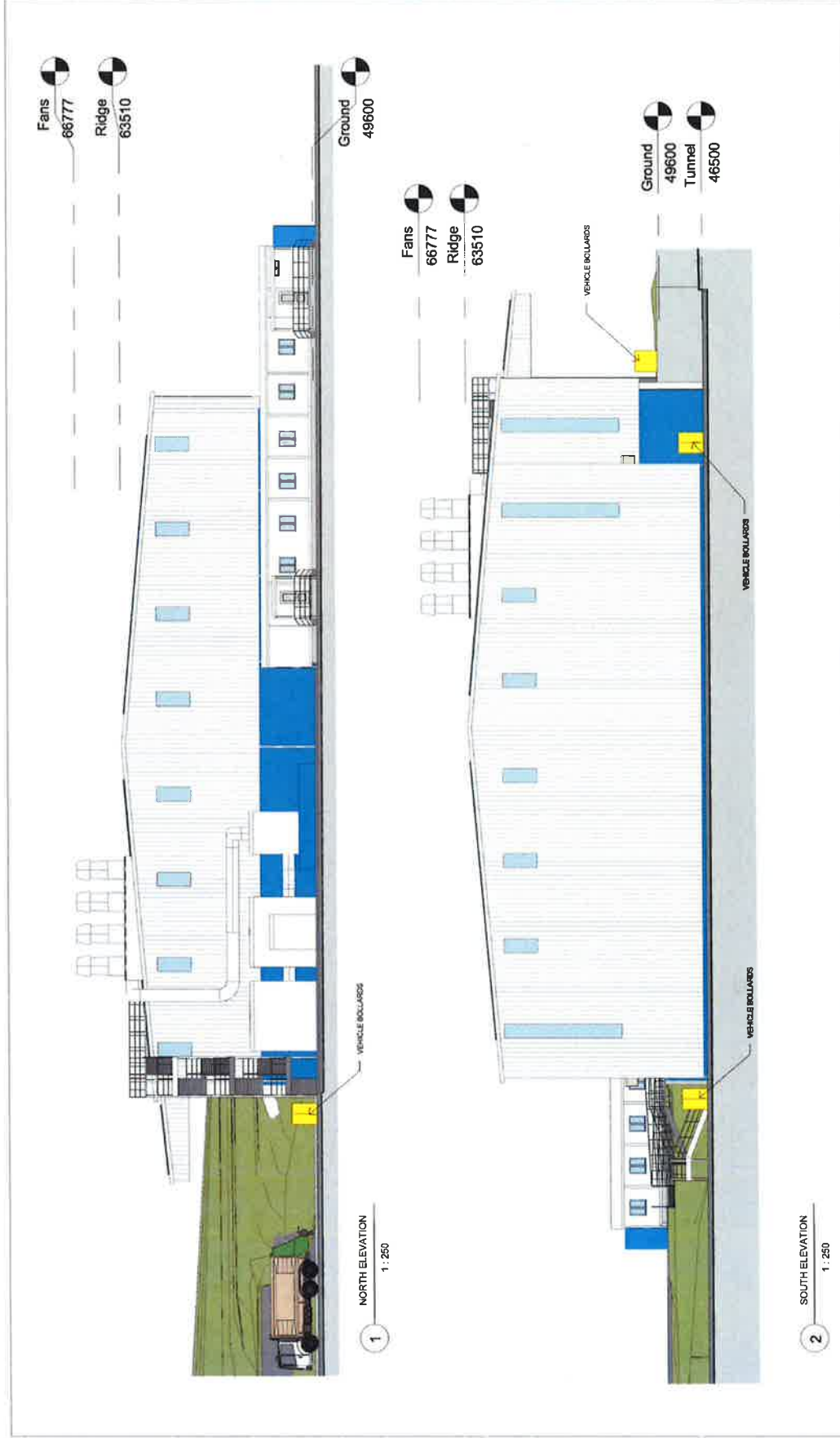


NOTES
1. DO NOT SCALE THIS DRAWING.



LEGEND 		7 DH LN LN 02.06.17 DEVELOPMENT CONSENT Revision Drawn By Check By Date Comments	
CLIENT: CLEANAWAY WASTE MANAGEMENT LTD PROJECT: ERSKINE PARK RMF, STAGE 1 - WASTE TRANSFER STATION DRAWING: PROPOSED SITE LAYOUT - STAGE 1		Date: MAY 2016 Scale: 1:1000 @ A3 Drawing Number: 003 Revision: 7	
2 LINCOLN STREET NEW SOUTH WALES 2008 AUSTRALIA P. 61 2 8671 200 www.slr.com.au		DEVELOPMENT CONSENT	

APPENDIX 2 – STAGE 1 ELEVATION PLANS – WASTE TRANSFER STATION



PS	LN	Date	By	Date	Comments
2		02.06.17			DEVELOPMENT CONSENT

Client	CLEANAWAY WASTE MANAGEMENT LTD
Project	ERSKINE PARK RMF STAGE 1 - WASTE TRANSFER STATION
Drawing	NORTH & SOUTH ELEVATIONS
Date	MAY 2015
Scale	1:250 @ A3
Revision	023
Revision	2

2 LINCOLN STREET NEW CANBERRA NSW 2606 T: +61 2 9472 8100 F: +61 2 9472 8101 www.slr.com.au	

NOTES:

Cladding: make 0.25MT Colorbond Tinmate, vertical trapezoidal metal cladding, incorporating flush louvers and steel doors, as required to match adjacent cladding.

External sheet: Base: As per construction incorporating down insulation and 100mm concrete base. Top: As per construction incorporating 50mm insulation and 100mm concrete base. All incorporate roof lights & PV panels.

External sheet: Cladding to roof & walls with integral translucent strip windows & louvers. To be finished from the Colorbond. Colour Range or similar approved.

Doors: colour form, metal louvers & concrete to be finished. Polyester powder coating to the same RAL colours as adjacent cladding.

Roof: To be finished with 0.25MT Colorbond Tinmate, vertical trapezoidal metal cladding, incorporating flush louvers and steel doors, as required to match adjacent cladding.

Windows: 1 - 100mm x 100mm double glazed windows with 50% openable, light emitting diode (LED) lighting, and projecting solar shading to North & East elevations.

Finishes: 1 - vinyl cladding to be Colorbond "Summer" colour.

2 - Window frames: steel frames & roller shutters. Colour to be Colorbond "Summer".

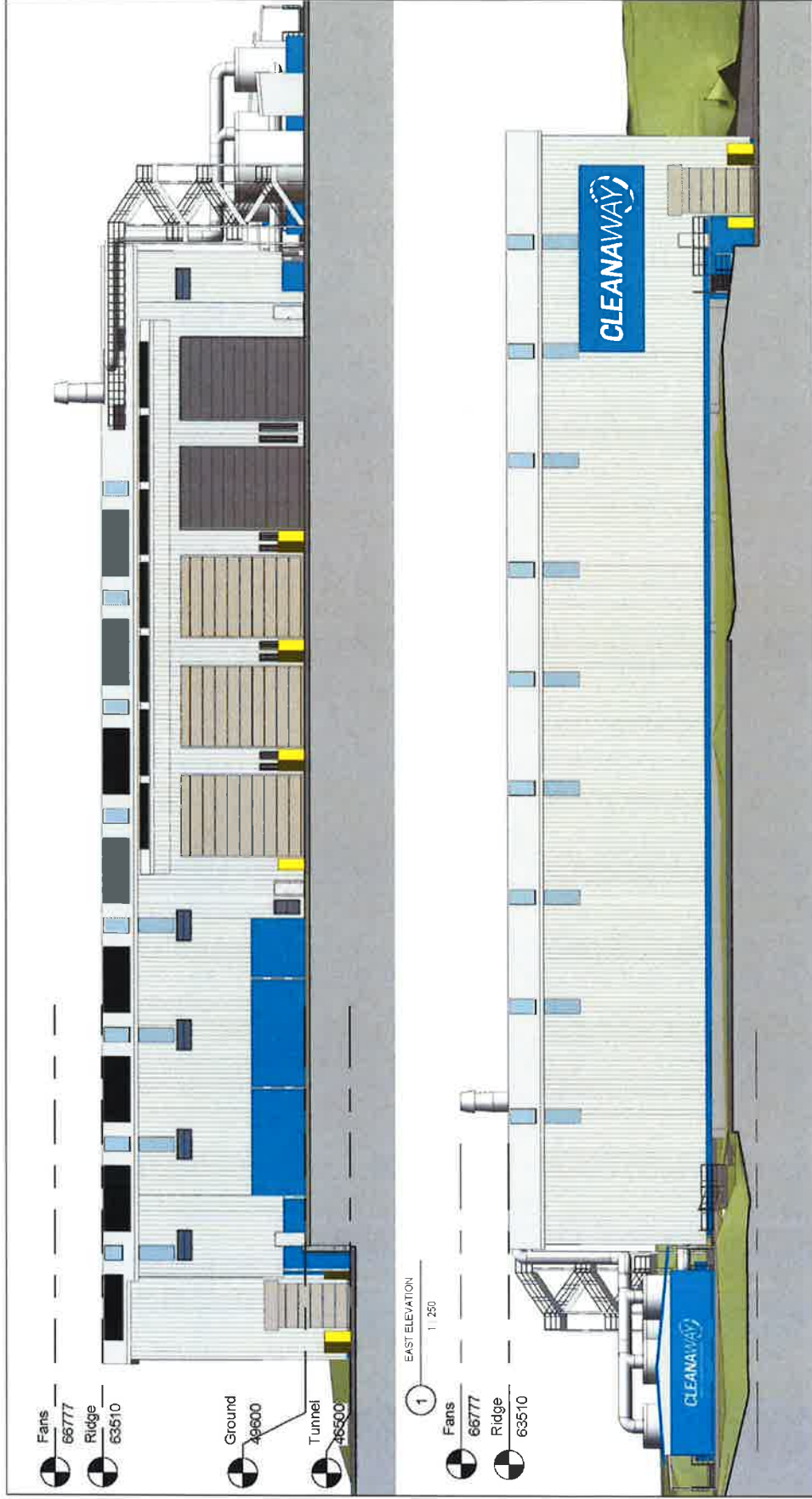
3 - If fascia gables, eaves, downpipes, flow & top to be Colorbond "Summer" colour.

4 - If gutter cladding to be the basic concrete finish painted Dulux "Cleanaway Blue".

Roof structure: Roof to be fixed with suitable fast-ener cable system with access walkways, or profiled sheet & suitable cable access to maintain. Clean & inspect the roof, rooflights prior to start of work.

Fabrication: Fabrication to comply with all current legislation and be installed such that the roof does not leak.

Access: to be by trained personnel, with equipment stored within the office building.



Client	CLEANAWAY WASTE MANAGEMENT LTD.
Project	ERSKINE PARK RMF STAGE 1 - WASTE TRANSFER STATION
Drawn	EA
Checked	EA
Scale	1:250
Date	MAY 2016
Revision	024
Drawn By	EA
Checked By	EA
Date	MAY 2016
Project	ERSKINE PARK RMF STAGE 1 - WASTE TRANSFER STATION
<p>Notes:</p> <p>Check for effectiveness: To be maintained until the system, including panels, is replaced or repaired.</p> <p>Windows: Powder coated double glazed windows with 5th opening type, unless otherwise specified to be 4th or 6th opening type. 5th & 6th opening types to be 4th or 6th opening type. 5th & 6th opening types to be 4th or 6th opening type.</p> <p>External doors: Cladding to roof & walls with integral translucent strip windows & doors, to be finished from the Cleobard. Colour Range or finish approved.</p> <p>Roof: Steel & clasp deck, metal batten & rafter to be finished Polyester powder coating to the same RFL colour as sheet cladding.</p>	
<p>Notes:</p> <p>Check for effectiveness: To be maintained until the system, including panels, is replaced or repaired.</p> <p>Windows: Powder coated double glazed windows with 5th opening type, unless otherwise specified to be 4th or 6th opening type. 5th & 6th opening types to be 4th or 6th opening type.</p> <p>External doors: Cladding to roof & walls with integral translucent strip windows & doors, to be finished from the Cleobard. Colour Range or finish approved.</p> <p>Roof: Steel & clasp deck, metal batten & rafter to be finished Polyester powder coating to the same RFL colour as sheet cladding.</p>	
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