



# Statement of Environmental Effects

DA 91-117 Modification Lot 22 DP129843



**Prepared for Maitland City Council**

**13 September 2024**

**Project Number: TE24050**

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### APPENDIX A AHIMS Extensive Search

## Acronyms and Abbreviations

Acronym/Term	Abbreviation
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
ASS	Acid Sulfate Soils
BC Act	NSW Biodiversity Conservation Act 2016
BDAR	Biodiversity Development Assessment Report
CLM Act	Contaminated Land Management Act 1997
Council	Maitland City Council
DA	Development Application
DCP	Development Control Plan
EP&A Act	NSW Environmental Planning and Assessment Act 1979
EPA	Environmental Protection Authority (NSW)
EPBC Act	Environment Protection Biodiversity Conservation Act 1999
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FM Act	Fisheries Management Act 1994
FPA	Flood Planning Area
km	kilometres
KPoM	Koala Plan of Management
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
LLS Act	Local Land Services Act 2013
m	Metre
MNES	Matters of National Environmental Significance
NNTT	National Native Title Tribunal
NPW Act	NSW National Parks and Wildlife Act 1974
NSW	New South Wales
NT Act	Native Title Act 1993
PCT	Plant Community Type
PMST	Protected Matters Search Tool
POEO Act	Protection of the Environment Operations Act 1997
SEED	Sharing and Enabling Environmental Data in NSW

Acronym/Term	Abbreviation
SEPP	State Environmental Planning Policy
SoEE	Statement of Environmental Effects
sqm	Square metre
WARR Act	Waste Avoidance and Resource Recovery Act 2001
WM Act	Water Management Act 2000

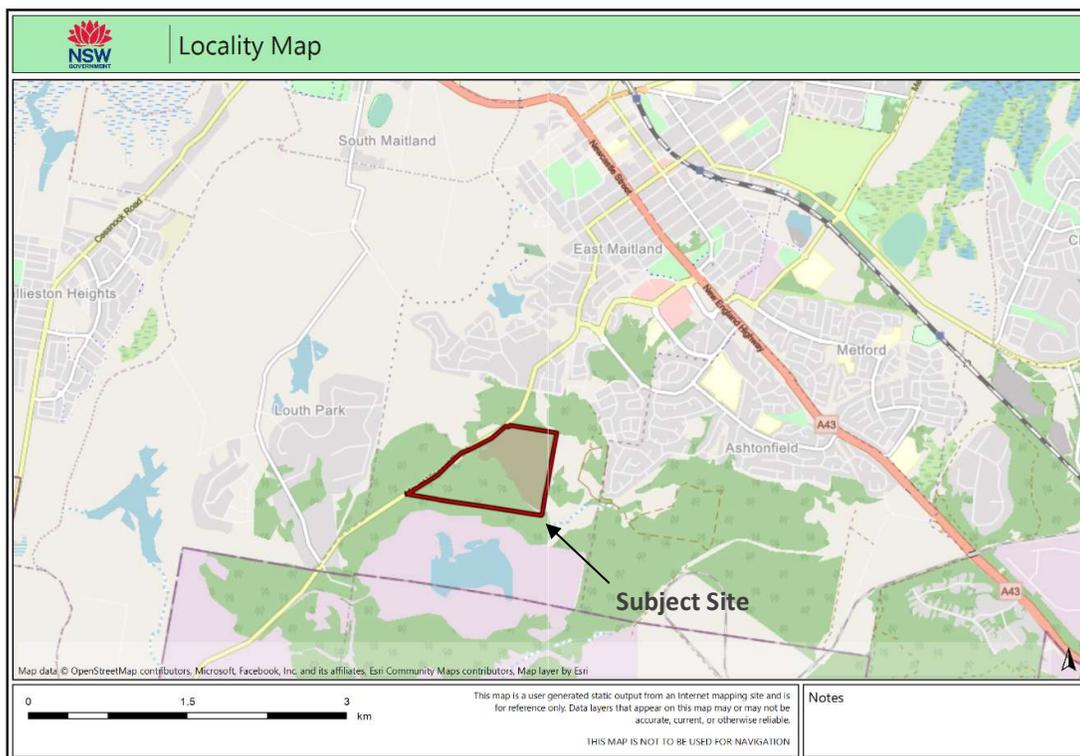
## 1 INTRODUCTION

Talis Consultants Pty Ltd (Talis) has prepared this Statement of Environmental Effects (SoEE) on behalf of Maitland City Council (Council) to accompany the Development Application (DA) in support of the modification of DA 91-117 for the existing waste management centre. The modification seeks to clarify the time limit on the operational consent.

### 1.1 Property Description and Zoning

The subject site of this DA includes Lot 22 DP1298343 (109 Mount Vincent Road, East Maitland, NSW) located within Maitland Local Government Area (LGA). The size of the lot is approximately 701,300 square metres (sqm) and the land is zoned SP1 Waste Disposal Facility under the Maitland Local Environmental Plan (LEP) 2011.

Figure 1-1: Locality Map



### 1.2 Site Description

The subject site is the existing waste management facility with existing structures waste facilities and ancillary infrastructure on the lot. The land to the north, south, east and west is zoned RU2 and is therefore predominantly rural. An area to the east and north is zoned C3 Environmental Management. Land to the west is zoned R5 and is larger lot residential development. Areas to the north and west is zoned R1 General Residential.

The site is accessible via Mount Vincent Road which is a main thoroughfare. Between East Maitland and the Hunter Expressway to the south.

Not all the lot is utilised for waste management purposes, some of the site is still vegetated.

Figure 1-2: Land Use Zones

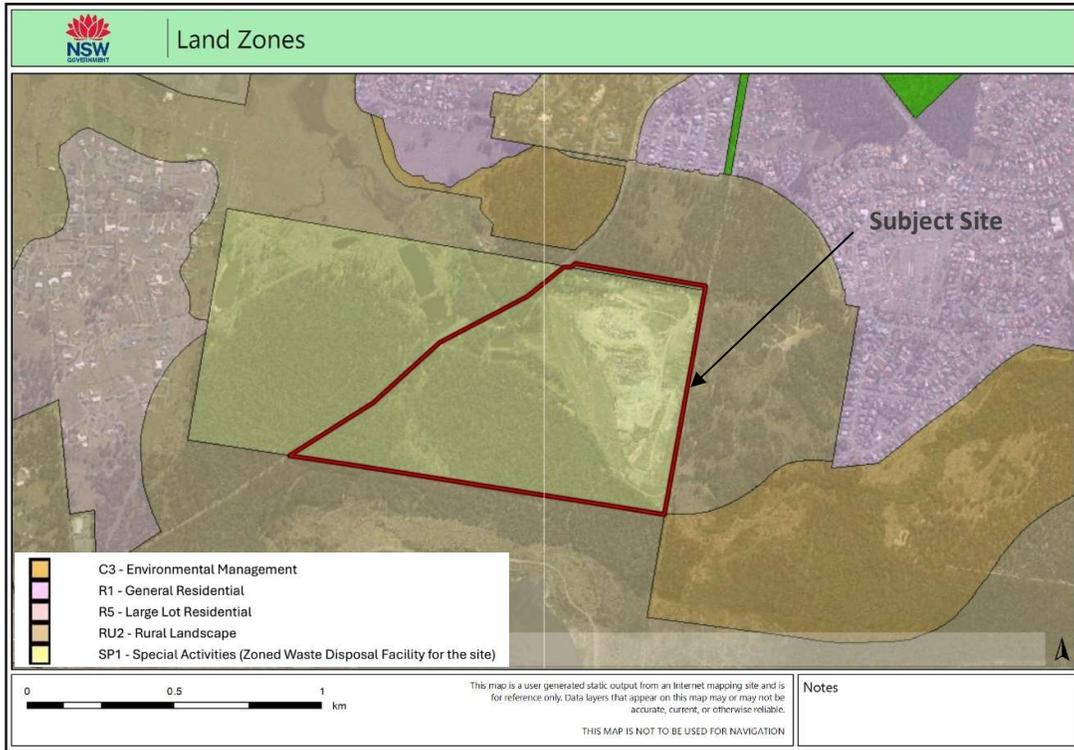
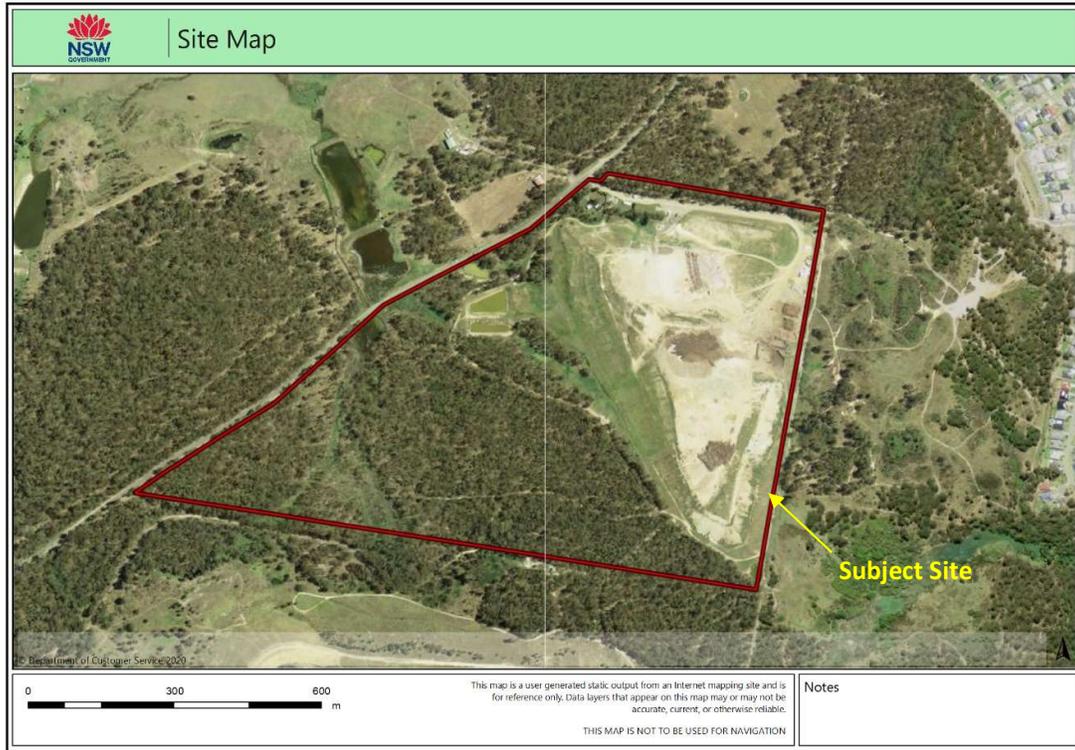


Figure 1-3: Site Map



## 2 PROPOSED MODIFICATION TO THE DEVELOPMENT

### 2.1 Background

The existing waste management centre was approved in 1991 has been operational since 1993 and is licenced to accept general solid waste for landfilling, recyclables and organics. The site accepts waste from Council's kerb side collection as well as a community recycling drop-off area, and the facility also accepts waste from other sources such as waste created from Council's own operations (e.g. construction of infrastructure).

As part of the original DA approval in 1991 Council commissioned a report by Patterson Britton Report (Vol. 1, 1990) which modelled the potential area required for landfill in the Maitland LGA based on waste generation rates at that time as well as predictions about future population growth. The Patterson Britton report estimated that 36 years into the future based on predicted population growth that Council would need a landfill volume of 2.05 million cubic metres

The modelling undertaken by Patterson Britton was designed to identify a specific geographical area and volume required to manage waste in LGA into the future. As the subject site contained a significantly larger area than that required the subject site could cater for more than 36 years of population growth. This is also reflected in the consultation Patterson Britton did at the time. Consultation letters sent out to relevant key stakeholders identified the subject site as having a lifespan of more than 50 years (based on data from the early 1990s). The Patterson Britton report went on to identify environmental issues on the site and presented management measures for the operations of the waste management facility. As such the report is identified as a relevant planning document in the existing consent.

There were two subsequent modifications to DA 91-117, prepared by ERM in 2014. During the preparation of the modification reports in early 2014 and late 2014 ERM identified that the existing waste management facility had a lifespan of 36 years. Unfortunately, one modification identified the 36-year timeframe to be 2027 (from the original consent in 1991) while the other modification identified the 36-year timeframe as being 2029 (36 years from 1993 when the facility started operations). Be that as it may, ERM misinterpreted the Patterson Britton report as suggesting the waste management facility had a lifespan of 36 years when the Patterson Britton report only prepared modelling based on population projections at that time.

In addition, the Patterson Britton report and the two ERM environmental assessments prepared for the two modifications to DA91-117 are included as relevant planning documents under condition 1 of the consent. This is because they also include environmental management measures for the waste management facility.

#### 2.1.1 Ongoing Landfill Capacity

It is noted that landfill capacity at the Maitland Waste Management Centre will come to an end at some point into the future. The current future planning for the waste management centre anticipates that the existing centre will get to a point where landfilling will be limited to Council's operational waste needs and for emergency purposes. That is, household and commercial waste collected by Council will still be accepted by the existing centre but transferred off site in the future. The community will still be able to drop off items as well at the existing centre into the future which will also likely be transferred off site. Council, however, wishes to keep some landfill capacity for waste it generates as part of its own operational needs and for emergency purposes. The exact timeframe for which the landfill will be exhausted is therefore unknown. In addition, the existing site will still also be

used as a drop off point and collection hub for transfer off site. The waste management centre will therefore continue to operate into the future.

## 2.2 The Proposal

Given the confusion as to whether the existing Maitland waste management facility on Mount Vincent Road actually has a time limit on operations it is proposed to clarify this situation by modifying the development consent to state that there are no time limits on the operation of the consent.

The modification is being proposed under Clause 4.55 (1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) as a modification involving minimal environmental impact.

There were several options considered for the proposal. Firstly, the ERM reports (and even the Patterson Britton report) could be removed as relevant planning documents in the consent, and this Statement of Environmental Effects inserted as a relevant planning document. This option does provide some disadvantages as there are environmental management measures in the ERM documents that are relevant to the operational consent of the waste management centre.

As such, it was considered that the more advantageous option was to insert a specific condition of consent. An example could include the following:

*Despite any other provision of this consent there is no time limit on the operation of the waste management centre.*

There is no existing condition which identifies a timeframe for the ongoing operations of the waste management centre, however, as noted above Council have decided to address the ambiguity in the consent by inserting a condition for the longevity of the waste management centre.

## **3 STRATEGIC AND STATUTORY PLANNING CONSIDERATIONS**

### **3.1 Commonwealth Considerations**

#### **3.1.1 Environment Protection and Biodiversity Conservation Act 1999**

The Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) protects and manages national and international important biodiversity and places. Provision is made in the Act for matters requiring approval. These are referred to as Matters of National Environmental Significance (MNES).

The EPBC Act requires approval for development which significantly impacts upon MNES. The nine MNES protected under the EPBC Act include:

- World Heritage properties;
- National Heritage places;
- Wetlands of international importance;
- Listed threatened species and communities;
- Listed migratory species;
- Commonwealth marine areas;
- Great Barrier Reef Marine Park;
- Protection of environment from nuclear actions;
- Protection of water resources from unconventional gas development and large coal mining development.

A search of the Protected Matters Search Tool (PMST) identifies that the subject site is not situated on or near an area of environmental or heritage significance. The PMST also provided a list of threatened species, communities and migratory species. These aspects were already assessed as part of the Patterson Britton Report (Vol. 1, 1990) and DA modification (ERM, 2014). Since no works or additional activities are planned with the modification, it is unlikely that there would be any impact on threatened species, communities or migratory species.

#### **3.1.2 Native Title Act 1993**

The Native Title Act 1993 (NT Act) creates processes through which native title can be recognised and protected. The Act recognises a set of rights and interests over land or waters where Aboriginal and Torres Strait Islander groups have practiced and continue to practice, traditional laws and customs prior to sovereignty.

A review of applications and determinations recorded by the National Native Title Tribunal (NNTT) identified no active or determined title claims covering the area of the subject site.

## 3.2 NSW Statutory Considerations

### 3.2.1 Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2021

The proposed modification will be assessed in accordance with Division 4.9 of Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Under 4.55 (1A) of the EP&A Act the proposal is considered a modification involving minimal environmental impact. Relevant State Environmental Planning Policies (SEPPs) and the applicable Local Environmental Plan (LEP) are addressed elsewhere in this SoEE.

The proposal is also integrated development under the Coal Mine Subsidence Compensation Act 2017.

### 3.2.2 Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act 1997 (POEO Act) aims to 'protect, restore and enhance the quality of the environment in New South Wales, having regard to the need to maintain ecologically sustainable development' and 'reduce risks to human health and prevent the degradation of the environment'.

The waste management centre has an Environmental Protection Licence (EPL No. 6116) in place and no additional licences would be required as a result of the proposed modification.

### 3.2.3 Biodiversity Conservation Act 2016

The purpose of the Biodiversity Conservation Act 2016 (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, both current and future, consistent with the principles of ecologically sustainable development. The Act's focus is to:

- Conserve biodiversity;
- Maintain the diversity and quality of ecosystems;
- Enhance ecosystems capacity to adapt to change; and
- Provide for the needs of future generations.

The Act enables strategic investment, support and guidance for the management of biodiversity and offsetting. There are a number of benchmarks (or triggers) which determine whether or not the BC Act applies as identified in the table below.

**Table 3-1: Triggers for Inclusion into the Biodiversity Offsets Scheme**

Benchmark	Comment
Areas of Outstanding Biodiversity Value	No areas declared on the subject site.
Identified on the Biodiversity Values Map	The subject site is not mapped.
Area Clearing Threshold	No site clearance planned with this modification.

Based on the assessment of the subject site, the BC Act does not apply. No physical works will be undertaken as part of this proposal. Thus, a Biodiversity Development Assessment Report (BDAR) is not required.

### **3.2.4 Rural Fires Act 1997**

Section 100B of the Rural Fires Act 1997 detail the requirements if a development is to take place within bushfire prone land. A bushfire safety authority is required when:

- A subdivision of bushfire prone land for residential or rural residential purposes.
- Development of bushfire prone land for a special fire protection purpose.

A Bush Fire Safety Authority is not required for waste facilities, but relevant safety management measures in case of bushfire are already in place on the site.

### **3.2.5 Biosecurity Act 2015**

Under the Biosecurity Act 2015, all plants in NSW are regulated with a general biosecurity duty to prevent, eliminate or minimise any biosecurity risk they may pose. Any person who deals with any plants, who knows (or ought to know) of any biosecurity risk, has a duty to ensure the risk is prevented, eliminated or minimised, so far as is reasonably practicable. Weed management practises are already in place on-site. No physical works are proposed as part of the proposal that would disturb any weeds considered a biosecurity risk.

### **3.2.6 Crown Lands Management Act 2016**

The Act provides the legislative framework for the administration of land that is vested in the Crown in NSW. Ministerial approval is required to grant a lease, licence, permit, easement or right of way over a Crown Reserve.

The subject site does not have Crown Land under the Crown Land Management Act 2016. The proposed modification is therefore not subject to subsequent provisions.

### **3.2.7 Fisheries Management Act 1994**

The Fisheries Management Act 1994 (FM Act) provides for the protection, conservation, and recovery of threatened species, populations and ecological communities of fish and marine vegetation and fish habitats, as well as promoting the development and sharing of fishery resources in NSW.

The modification does not involve harm to mangroves or other protected marine vegetation, dredging or reclamation, blocking of fish passage and does not involve impact to a Key Fish Habitat waterway. Therefore, the works will not require a permit issued by the Minister in accordance with Part 7 of the FM Act.

### **3.2.8 Coastal Management Act 2016**

The subject site is not located within a coastal zone under the Coastal Management Act 2016. The proposed activity is therefore not subject to subsequent provisions under the State Environmental Planning Policy (Resilience and Hazards) 2021: Coastal Management.

### **3.2.9 Water Management Act 2000**

The Water Management Act 2000 (WM Act) provides for the sustainable and integrated management of the State's water resources for the benefit of both present and future generations. Section 91(2) states that certain types of development, referred to as controlled activities, require approval from

the NSW Office of Water (NOW) where they are being carried out within 40 metres of a waterway. No water use approval will be required for this modification.

### **3.2.10 National Parks and Wildlife Act 1974**

Section 86 of National Parks and Wildlife Act 1974 (NPW Act) state that harming or desecrating of Aboriginal objects or places is an offence. An Aboriginal Heritage Impact Permit (AHIP) can be applied for and may be issued as per Section 90 of the NPW Act. An AHIP may be issued in relation to a specified Aboriginal object, place, land, activity or person or specified types or classes of Aboriginal objects, places, land, activities or persons.

A search of the Aboriginal Heritage Information Management System (AHIMS) database was carried out for the subject site and 7 items were identified, but none within the existing waste management centre footprint.

### **3.2.11 Contaminated Land Management Act 1997**

The Contaminated Land Management Act 1997 (CLM Act) outlines the process for investigating and where appropriate remediating land that has been significantly contaminated as well as outlining the roles of the Environment Protection Authority (EPA) and site auditors. Section 60 of the CLM Act imposes a duty on landowners to notify EPA, and potentially investigate and remediate land if contamination is above EPA guideline levels.

A contaminated land search and a search of the POEO public register was conducted as part of this SoEE which indicated no contamination or notices on the subject site. As such, the subject site has not been declared as significantly contaminated under the CLM Act.

The risk of unearthing contaminants is expected to be very low given there are no physical works being undertaken as part of this proposal.

### **3.2.12 Local Land Services Act 2013**

The Local Land Services Act (LLS Act) establishes a framework for the management of natural resources in NSW. In practice the LLS Act provides a three-tier structure for native vegetation clearing approval. The three tiers include:

- Category 1 Exempt Land - The land will not be subject to clearing approval.
- Category 2 Regulated Land – The land on which clearing of native vegetation may be carried out with or without approval in accordance with an ‘allowable activity’ or ‘code’ under the LLS Act.
- Excluded Land – Land not categorised in the Regulatory Maps and to which the LLS Act does not apply.

The subject site is mapped as ‘excluded land’ and therefore the LLS Act does not apply.

### **3.2.13 Coal Mine Subsidence Compensation Act 2017**

Section 22 detail that approval is required to alter or erect improvements, or to subdivide land, within a mine subsidence district. The subject site is located within a mine subsidence district and approval has already been granted for the waste management centre. No additional works are planned as part

of this modification. The proposal may need to be submitted to Subsidence Advisory NSW under integrated development.

### **3.2.14 Roads Act 1993**

The Roads Act 1993 provides for the classification of roads and assign roads authorities. It also regulates the carrying out of various activities in, on and over public roads. Under Section 138(1) of the Roads Act, consent from the road authority is required for carrying out various activities in, on and over public roads. No road works are proposed for this modification therefore a Section 138 approval will not be required.

## **3.3 NSW Strategic Plans**

### **3.3.1 Hunter Regional Plan 2041**

The Hunter Regional Plan 2041 was released by the then NSW Department of Planning and Environment in 2022. The Plan will guide the NSW Government's land use planning priorities and decisions over the next 20 years in the Hunter, specifically Maitland. The Plan provides an overarching framework to guide subsequent and more detailed land use plans which are to be prepared by local councils. The subject site is not specifically identified in the Regional Plan, and the site is already zoned for waste management facilities. The existing waste management centre aligns with Strategy 1.5 focusing on circular economy at waste centres.

## **3.4 State Environmental Planning Policies (SEPPs)**

### **3.4.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Vegetation in Non-Rural Areas**

Chapter 2 of this SEPP considers Vegetation in Non-Rural Areas and provides guidance on clearing for non-rural vegetation. The objectives of the SEPP are to protect biodiversity values such as trees and other vegetation in non-rural areas as well as preserving the amenity. No clearance activities are planned as part of this modification.

### **3.4.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Koala Habitat Protection 2021**

This part of the SEPP aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Chapter 4 applies to each LGA listed in Schedule 2 of the Biodiversity and Conservation SEPP. Where a Koala Plan of Management (KPoM) applies to the land, Clause 4.8 of the Koala SEPP 2021 applies to the subject site. Maitland LGA is listed in Schedule 2 of the Biodiversity and Conservation SEPP.

The site is an operational waste management centre and no additional works form part of this modification. No Koala sightings have been historically noted for the site. The Fauna and Flora Assessment undertaken by GHD (2016) assessed for the potential presence of Koala habitat and concluded that the area did not constitute potential or core Koala habitat.

### **3.4.3 State Environmental Planning Policy (Resilience and Hazards) 2021 – Remediation of Land**

Chapter 4 of this SEPP implement a framework for the management of contaminated land in NSW. The SEPP sets out the provisions for managing contaminated land, where a development application is required or not, and the consideration a determining authority is to consider before approving a development application. A contaminated land search and a search of the POEO public register was conducted and no contamination or notices on the subject site has been identified. As such, the subject site has not been declared as significantly contaminated under the CLM Act. No works are proposed that would warrant consideration of contaminated land.

### **3.4.4 State Environmental Planning Policy (Resilience and Hazards 2021) – Hazardous and Offensive Development**

Part 2, Clause 3.7 specify the Departmental guidelines to be considered. Part 3 provide a list of potentially hazardous or potentially offensive development. The modification proposed will not trigger this SEPP.

### **3.4.5 State Environmental Planning Policy (Transport and Infrastructure) 2021 – Infrastructure**

Chapter 2, Part 2.23, Division 23 details the waste/resources management facilities permitted with consent and the relevant land zones that apply. The waste management centre is permissible under this SEPP. The modification will not require consent for any additional activities.

### **3.4.6 Other SEPPs**

The following SEPPs were reviewed but were deemed not to specifically apply:

- State Environmental Planning Policy (Housing) 2021: Affordable Housing.
- State Environmental Planning Policy (Housing) 2021: Diverse Housing.
- State Environmental Planning Policy (Planning Systems) 2021: State and Regional Development.
- State Environmental Planning Policy (Industry and Employment) 2021: Advertising and Signage.
- State Environmental Planning Policy (Primary Production) 2021: Primary Production and Rural Development.
- State Environmental Planning Policy (Resources and Energy) 2021: Mining, Petroleum Production and Extractive Industries.
- State Environmental Planning Policy (Transport and Infrastructure) 2021: Education Establishments and Child Care Facilities.
- State Environmental Planning Policy (Transport and Infrastructure) 2021: Three Ports – Port Botany, Port Kembla and Port of Newcastle.

## **3.5 Local Planning Considerations**

### **3.5.1 Maitland Local Strategic Planning Statement 2022**

The Maitland Local Strategic Planning Statement (LSPS) describes how Council will achieve the vision and uphold the community's values, through strategic planning. To achieve this, the Maitland LSPS identifies:

- The community's vision for the future land use.
- Sixteen planning priorities.
- Strategies that summarise how we will deliver on those priorities, as well as a list of actions to drive us forward.
- Key change and growth areas that provide visual cues of where certain types of development will be focused to ensure the vision comes to life.

The LSPS is not a detailed action plan but rather a vision document which outlines principles and priorities as future strategic planning documents are prepared including Council's land use strategy. Specific sites are not identified in the LSPS, but the document outlines its vision for broader geographical areas in the LGA. The proposal seeks to clarify the operational time limit of the existing waste management centre, which is an existing facility. The proposal is not inconsistent with the LSPS.

### **3.5.2 Maitland Local Environmental Plan 2011**

The subject site is zoned SP1 Waste Disposal Facility General under the Maitland LEP, consistent with the existing use on the site. Consideration of other matters in the LEP is presented in Section 7.

### **3.5.3 Maitland City Wide Development Control Plan 2011**

The site is subject to the provisions of Maitland City Wide Development Control Plan (DCP) 2011. The proposals consistency with the DCP is presented in Section 7.

## **3.6 Other Relevant Legislation**

Relevant provisions of the following legislation have been examined but were found not to apply to the proposed development:

- Forestry Act 1916.
- Wilderness Act 1987.
- Petroleum Act 1991.
- Water Act 1912.
- Mining Act 1992.

## **4 STAKEHOLDER CONSULTATION**

Neighbouring property owners will be notified of the proposed development and any submissions made during the exhibition period will be considered by Council in assessing the proposal. It is considered that the proposal is minor. No physical works are proposed. The modification seeks to clarify an operational matter of minor environmental impact.

## 5 ENVIRONMENTAL CONSIDERATIONS

### 5.1 Soils

Soils within the waste management centre have been altered and are mapped as disturbed landscapes. No additional soil disturbances will take place with this modification.

The subject site is mapped as Class 5 Acid Sulfate Soil (ASS) but ASS risk mapping probability information from the SEED database identified no risk. ASS is typically not found in Class 5 areas and with no earthworks being proposed as part of this modification, there is no risk to disturb ASS.

### 5.2 Contamination

A search of the NSW EPA Contaminated Land Register on 29 August 2024 indicated that the subject site has not been registered on the Record of Notices, or on the list of notified sites with regards to the Duty to Report Contamination under the NSW CLM Act. Given there are no proposed earthworks it is considered no further action is required as the soils are not contaminated.

### 5.3 Biodiversity

The subject site is currently an operational waste management centre, and the site has been modified to an extent. Previous ecological assessments on the site (GHD 2016) did not identify any threatened species on the subject site.

The modification will not result in any vegetation clearance or additional disturbance to faunal habitats. No additional impacts on biodiversity are expected.

### 5.4 Flooding

The subject site is not within a 1 in 100-year flood envelope, nor is it within a Flood Planning Area (FPA). The area is not susceptible to flooding. No additional impacts would result from this modification.

### 5.5 Water

A search of the WaterNSW groundwater database and Australian Groundwater Explorer revealed that the subject site contains one registered bore GW079892. No information is available other than it was drilled for monitoring. There are no bores located within 1 km of the subject site.

The waste management centre is already fully operational, and the modification pose no additional risks to groundwater.

The modification will not result in increased operations or volume of waste received therefore additional leachate would not result from the modification. A Leachate Management Plan is in place for the operations to manage all existing impacts.

## 5.6 Aboriginal Heritage

A basic search of the AHIMS database was conducted on the 28 August 2024 which returned 7 recorded Aboriginal sites and 0 recorded Aboriginal places within 200 m of the subject site. An extensive search was undertaken on the AHIMS website, and all 7 sites were found valid. None of these sites are located within the footprint of the waste management centre or within 180 m of waste management centre. This modification has no risk to the Aboriginal items since no additional works or activities are planned.

Additional searches were conducted from heritage registers. The details are listed in Table 5-1.

**Table 5-1: Aboriginal Heritage Search Results**

Database	Results	Date of Search
State Heritage Inventory	Contains none within proximity to the subject site.	29 August 2024
EPBC Protected Matters Search	Contains none within proximity to the subject site.	29 August 2024

## 5.7 Heritage

A desktop assessment was undertaken to identify potential heritage matters. None was identified as shown in Table 5-2.

**Table 5-2: Non-Aboriginal Heritage Search Results**

Database	Results	Date of Search
State Heritage Inventory	Contains none within proximity to the subject site.	29 August 2024
EPBC Protected Matters Search	Contains none within proximity to the subject site.	29 August 2024
Australian Heritage Database	Contains none within proximity to the subject site.	29 August 2024

## 5.8 Bushfire Risk

The subject site is situated on bushfire prone land. A Bush Fire Safety Authority is not required for waste facilities, but relevant safety management measures in case of bushfire are already in place on the site. No additional risks have been identified for this modification as no works are proposed.

## 5.9 Geotechnical

The proposed modification will not result in any additional impacts on the geology or groundwater of the area. The slope stability of the landfill will remain unimpacted.

## **5.10 Air Quality**

There are a number of residential receivers approximately 500m from the subject site. The proposed modification will not alter any air quality or odour impacts from the subject site. Appropriate management measures are already in place on the subject site, which will continue into the future.

## **5.11 Noise**

There is no proposed additions or upgrades to any equipment on site that would increase noise on the existing site. The proposal only includes changes to the conditions of consent.

## **5.12 Visual**

No physical works are proposed as part of this proposal. Therefore, no additional visual impacts would result for the modification.

## **5.13 Landscaping**

No additional landscaping would be required for this modification.

## **5.14 Traffic**

The proposed modification will not result in any additional traffic to and from the subject site. Access to the waste management centre will remain via Mount Vincent Road. The duration of the impacts will be longer, but current limitations on the number of vehicles permitted to enter the site will remain the same.

## **5.15 Services**

All services have already been established on-site and no additional services will be required for this modification.

## **5.16 Mine Subsidence**

The subject site is within a mine subsidence district. The waste management centre has been designed and constructed to align with the subsidence design parameters provided during previous approval applications. The modification will not result in any additional infrastructure and will not require a Mine Subsidence Impact Assessment.

## **6 SOCIAL AND ECONOMIC CONSIDERATIONS**

The proposed modification will not have a significant social or economic impact, it will however ensure that the waste management centre remain operational into the future. This will provide job security to current employees and ensure that Council can continue to provide waste management services to all areas serviced within the LGA.

## 7 COMPLIANCE

### 7.1 Maitland Development Control Plan 2011

The Maitland DCP 2011 (amended in 2016) provides detailed direction about aspects of development that must be considered prior to submitting a DA. The provisions of the DCP as they apply to the proposed modification are presented in Table 7-1 below. While Table 7-2 examines the proposal's consistency with the sections of the DCP that apply to the specific development.

**Table 7-1: Identification of Section in DCP Applicable to Modification**

Section	Title	Application to Proposed Development
Part A	Administration	Introductory material with no specific controls applying to the site.
Part B	Environmental Guideline	Applies.
Part C	Design Guidelines	Does not apply.
Part D	Locality Plans	Does not apply.
Part E	Special Precincts	Applies.
Part F	Urban Release Areas	Does not apply.

**Table 7-2: Identification of Section in DCP Applicable to Modification**

DCP Component	Comment
B.1 Introduction	Introductory material with no specific controls applying to the site.
B.2 Domestic Stormwater Management	Does not apply.
B.3 Hunter River Floodplain Management	A small portion of the allotment is mapped as 'Probable Maximum Flood', this area does however not infringe upon the existing waste management centre footprint.. No additional works are planned that would impact on the flooding of the allotment.
B.4 On-Site Sewage Management Systems	Does not apply.
B.5 Tree Management	Trees will not be removed as part of this modification. Tree management on-site was undertaken in accordance with the relevant development consent.
B.6 Waste Not – Site Waste Minimisation & Management	Does not apply to waste management centres.
B.7 Riparian Land and Waterways	No consideration of riparian land and waterways is required with this modification since no additional activities are planned. The approvals done previously for the waste management centre considered these requirements.
E1.1 Introduction	Introductory material with no specific controls applying to the site.

DCP Component	Comment
E1.2 New centres	Does not apply.
E1.3 General Requirements	Recycling is undertaken on-site.  The waste management centre complies with the vehicular access including parking requirements set out in the DCP.
E1.4 Precinct Requirements	Does not apply.
E.2 Employment Areas	Does not apply.
E.3 Heritage Conservation Areas	Does not apply to the site.

## 7.2 Maitland Local Environmental Plan 2011

This section outlines the proposals consistency with the Maitland LEP 2011 (refer to Table 7-3). It is considered that the proposed modification is consistent with the LEP.

**Table 7-3: Consistency of the Proposal with the Maitland LEP**

Number of Relevant Provision	Title of Relevant Provision	Comment
Part 2	Permitted or prohibited development	The development has already been granted consent, the modification is would not result in any prohibited activities.
Part 3	Exempt and complying development	Does not apply.
Part 4	Principal development standards	Does not apply.
Part 5	Miscellaneous provisions	
5.1 – 5.9	Miscellaneous Provisions	Does not apply.
5.10	Heritage conservation	Heritage impacts were assessed as part of the previous approvals processes and no additional disturbances are planned as part of this modification. The matters were considered in Section 5.7.
5.11	Bush fire hazard reduction	Does not apply.
5.12 – 5.20	Miscellaneous Provisions	Does not apply.
5.21	Flood planning	A portion of the allotment is mapped but does not impact on the existing waste management centre footprint and no additional disturbances are proposed as part of this modification.
5.22 – 5.25	Miscellaneous Provisions	Does not apply.

Number of Relevant Provision	Title of Relevant Provision	Comment
Part 6	Urban release areas	Does not apply.
Part 7	Additional local provisions	
7.1	Acid sulfate soils	The site is mapped as Class 5, but no disturbances to soils are planned with this modification.
7.2	Earthworks	Earthworks have already been completed and does not apply to this modification.
7.3	Repealed	Does not apply.
7.4	Riparian land and watercourses	The site is not mapped.
7.5 -	Significant extractive resources	Does not apply.
7.6	Location of sex services premises	Does not apply.
7.7	Certain development at Racecourse Road, Rutherford	Does not apply.
7.8	Subdivision of land in Zone 1 in Anambah Urban Release Area	Does not apply.

### 7.3 Assessment Against Section 4.15 of the EP&A Act

The information presented below identifies the proposals consistency with Section 4.15 of the EP&A Act.

#### 7.3.1 Environmental Planning Instruments

In relation to the proposed modification the following environmental planning instruments were deemed to apply:

Environmental Planning Instrument	Comment
Maitland LEP	The proposed works are permissible with consent. Section 7.2 above addresses the proposal's consistency with the LEP.
SEPP (Resilience and Hazards) 2021	A preliminary review of information available for contaminated sites identify that no further action is required. . The modification proposed will not trigger this SEPP.
SEPP (Biodiversity and Conservation) 2021	Flora and fauna are addressed in Section 5.3. The subject site is not mapped on the Biodiversity Values Map. No threatened species were previously identified. This modification

Environmental Planning Instrument	Comment
	would not result in any impacts. No vegetation clearance will take place.
SEPP (Transport and Infrastructure) 2021	Chapter 2, Part 2.23, Division 23 details the waste/resources management facilities permitted with consent and the relevant land zones that apply. The waste management centre is permissible under this SEPP. The modification will not require consent for any additional activities.

### 7.3.2 Draft Environmental Planning Instruments

No draft environmental planning instruments are deemed to apply to the site.

### 7.3.3 Development Control Plans

Council’s DCP applies to development applications. The consistency of the proposed works with the DCP is presented in Section 7.1.

### 7.3.4 Planning Agreements

No Planning Agreements specifically apply to the development.

### 7.3.5 Environmental Planning and Assessment Regulations

This SoEE has considered the Environmental Planning and Assessment Regulations 2021 including the principles of ecologically sustainable development.

### 7.3.6 Impact Assessment

#### 7.3.6.1 Environment and Biodiversity

A review of environmental impacts has been prepared for the proposed modification. The waste management centre is fully operational having existing measures in place to manage impacts identified during previous approval processes. The proposed modification will not result in additional environmental impacts. No physical works are proposed.

#### 7.3.6.2 Social and Economic

The proposed modification will have a positive economic and social impact in the locality, although minor. The modification will provide job security to current employees and ensure that Council can continue to provide waste management services to the public.

### 7.3.7 Suitability of the Site for Development

The site suitability was previously assessed, and the land use is consistent with the Maitland LEP zoning of SP1 – Waste Management Facility. The waste management centre has been operational since 1993.

### 7.3.8 Public Submissions

No public submissions have been made at present.

### 7.3.9 The Public Interest

The subject site is zoned for waste management facilities. The proposed works are permissible on the site (with consent) and will therefore allow a future use on the site consistent with Council's strategic planning framework and LEP. The granting of the modification would be consistent with the current use on-site and allow for the continuation waste management services within the Maitland LGA. The modification would not result in any additional impacts.

## 7.4 Ecologically Sustainable Development

Legislation in NSW is consistent with the principles of ecologically sustainable development (ESD). In NSW, Section 6(2) of the Protection of the Environment Administration Act and Schedule 2 of the Environmental Planning and Assessment Regulation 2000 notes that ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. The Act goes on to note that ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- a) The Precautionary Principle;
- b) Inter-generational Equity;
- c) Conservation of Biological Diversity and Ecological Integrity;
- d) Improved Valuation, Pricing and Incentive Mechanisms.

The principles of ESD have been considered in the preparation of this SoEE. The proposed modification is consistent with land use zoning of the site. The modification has considered environmental impacts while weighing up the positive economic and social benefits.

The principles of ESD have also been considered throughout the construction and operational stages of the waste management facility by implementing management plan and measures.

## 7.5 Climate Change

The existing climate within the vicinity of the subject site is characterised by warm summers and mild winters with rainfall throughout the year. Climate change refers to the warming temperatures and altered climate conditions associated with the increased concentration of greenhouse gases in the atmosphere. It is now generally accepted that the release of certain gases including, most notably carbon dioxide and methane, exacerbates climate change. These gases are collectively referred to as 'greenhouse gases'.

The waste management centre is already operational which has the potential for impacts on the climate:

- Carbon dioxide and nitrous oxide would be generated from fossil fuel combustion in plant and vehicles used for the disposal and transport of materials.
- Methane would be released from landfilling any carbon based waste, and potentially from fugitive emissions during the use of natural gas.

In the context of the local emissions, this would have a negligible impact on atmospheric conditions and impacts would be managed through the implementation of safeguard measures. The modification of consent allowing for the waste management centre to continue operating would have a negligible impact on climate change.

## **7.6 Cumulative Impacts**

Cumulative impacts have been assessed and no additional cumulative impacts will result from the modification.

## **7.7 Mitigation Measures**

The management measures and plans implemented as part of the existing development consent would be sufficient in managing the prolonged duration of all the existing impacts originating from the waste management centre.

## **8 CONCLUSION**

This SoEE has been prepared for a proposed modification of DA 91-117 for the existing waste management centre at 109 Mount Vincent Road, East Maitland. The SoEE has identified the environmental impacts of the proposed modification. The modification will result in minimal environmental impacts. Continuation of the implementation of current measures and management plans will ensure that existing environmental impacts on-site are managed.

# APPENDIX A

## AHIMS Extensive Search

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**Assets | Engineering | Environment | Noise | Spatial | Waste**

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