

Department of Planning and Environment

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Ravensthorpe Composting Facility Modification 1

State Significant Development Modification Assessment Report (SSD-9418-Mod-1)

December 2023





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The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Modification 1 of Ravensworth Composting Facility (SSD-9418-Mod-1)
Assessment Report

Published: December 2023

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Preface

This assessment report provides a record of the Department of Planning and Environment's (the Department) assessment and evaluation of BetterGrow's application to modify the State significant development (SSD) consent for the Ravensworth Composting Facility located in the Singleton Shire local government area. The report includes:

- an assessment of the modification against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by agencies have been considered
- an explanation of any changes made to the modification during the assessment process
- an assessment of the likely environmental, social and economic impacts of the modification
- an evaluation which weighs up the likely impacts and benefits of the modification, having regard to the proposed mitigation measures, government advice, and provides a view on whether the impacts are, on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether the consent should be modified and any conditions that should be imposed.

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1 Introduction

1.1 The Proposal

This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for Ravensworth Composting Facility (SSD-9418). The modification application seeks approval to accept additional waste streams which have been approved by the Environment Protection Authority (EPA) for composting at the site. The modification is also seeking consent to remove the approved weighbridge as it is no longer required.

The application was lodged on 19 September 2023 by BetterGrow (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

An overview of the proposed modification is provided in **Section 2**.

1.2 Modification Background

On 31 August 2022, the Director, Industry assessments approved an application to expand a composting facility at 74 Lemington Road, Ravensworth in the Singleton local government area (**Figure 1**). The site previously operated as a composting facility under a consent issued by Singleton Council (DA140/2016). The proposed expansion is currently under construction and will allow for the processing of up to 200,000 tonnes per annum (tpa) of biosolids and garden organics (**Figure 2**).

1.3 Development Location

The site comprises 57 hectares (ha) of RU1 Primary Production zoned land located at 74 Lemington Road, Ravensworth. The site is legally described as Lot 10 in DP 1204457 and is located 20 kilometres (km) north-west of Singleton and 2 km north-west of Ravensworth (**Figure 1**).

The Greater Ravensworth Area has a long-established mining presence, with mining commencing as early as the 1950s at Liddell Colliery. The Ravensworth No. 2 mine was an open cut coal mine that was decommissioned in 1993. The decommissioned mine comprises five voids which are being rehabilitated by AGL Macquarie, the current owner of the mine. The voids are being filled with spoil and ash from the Bayswater Power Station, capped and rehabilitated with the compost produced from the site.

Voids 1, 2 and 3 have been filled and capped. Void 4 is used as a water storage dam and provides additional storage for surface water runoff. Void 5 is currently being filled with fly ash and is anticipated to be completed and capped by 2032. The site is located on top of the former Void 3.



Figure 1 | Regional Context Map



Figure 2 | Existing development (SSD-9418)

The site is devoid of vegetation due to significant disturbance of the environment from the historical mining and power generating activities in the area. However, the land immediately surrounding the site has been top-soiled and planted with Rehabilitated Pasture Grasslands and pockets of Rehabilitated Woodland.

1.4 Surrounding Land Uses

The surrounding area consists primarily of coal mining and heavy industry, including power generation. These land uses include:

- Liddell and Bayswater Power Station and Liddell Coal Operations to the north-west
- Ravensworth North Open-Cut Coal Mine to the west
- Integra Coal Mine to the south-east
- LOOP Organics Compost Facility to the south.

The closest residential receivers are in Camberwell Village, approximately 7 km to the southeast of the site (refer to **Figure 3**).

The site is located within the Hunter River Catchment and nearby waterbodies include the Hunter River 6 km to the south, Bayswater Creek 600 m to the west and Bowmans Creek 1.2 km to the east.

There are two locally listed heritage items identified in the Singleton Local Environmental Plan, Ravensworth Homestead 3 km to the north-east and a former public school located 2.5 km to the southeast.

The surrounding land uses are shown in **Figure 3**.



Figure 3 | Subject Site and Surrounding Land Uses

1.5 Approval History

The site previously operated under a consent granted by Singleton Council (DA140/2016). The development consent permitted the processing of up to 76,000 tpa of biosolids and garden organics.

On 31 August 2022, development consent (SSD-9418) was granted by the Director, Industry Assessments under delegation from the Minister for Planning and Public Spaces for the expansion of the Ravensworth Composting Facility. The approved development, which is currently under construction, allows for the processing of up to 200,000 tpa of organic material, including:

- urban wood residues for composting
- paper crumble for composting
- wastewater from Bayswater mine Void 4
- drill mud process water
- natural organic fibrous composting material
- coal ash
- biosolids

- garden waste.

The development consent has not been modified previously.

2 Proposed Modification

2.1 Modification Overview

The modification is described in full in the Modification Report included in **Appendix B**. The modification seeks to allow additional waste streams to be processed on the site from time to time. These additional waste streams would require a general or site-specific resource recovery order to be granted and an exemption issued by the EPA.

The Applicant has requested the inclusion of the following new condition to allow for processing of the additional waste streams A6(i) “Materials for the purpose of composting that are subject to a general or site specific resource recovery order and exemption as issued by the EPA from time to time”.

The additional waste would be organic in nature, carbon-based materials that are or once were living, as well as uncontaminated inorganic materials which have nutrient value such as spent bleaching clay, street sweepings, plasterboard and gypsum.

The modification also seeks to remove the previously approved but unconstructed weighbridge from the site plan due to the EPA’s advice that sites where composting is the only scheduled activity do not require a weighbridge if there is an alternative method of recording wastes.

As such, the Applicant is seeking consent to remove the previously approved weighbridge. Instead, it proposes to only accept loads with a weighbridge docket and collect details on the waste quantity and type. The site would also record vehicle registrations, driver names and signatures, and a name and address for the source of the material.

2.2 Applicant’s Justification for the Proposed Modification

The Applicant identified an opportunity to introduce additional waste streams into the operation which would improve the composting product. Introducing more flexibility in the conditions of content will allow for the composting of such materials that have a beneficial re-use and would otherwise be sent to landfill.

Additionally, the Applicant has identified that a weighbridge is not required for this site as this facility is not considered a waste facility. The Applicant notes that the removal of the weighbridge from this operation will not negatively impact the environmental performance of the operation as the site will still have a detailed procedure for recording waste.

3 Statutory context

3.1 Scope of Modification and Assessment Pathway

Details of the assessment pathway under which modification is sought and are provided in **Table 4** below.

Table 1 | Permissibility and assessment pathway

Consideration	Description
<p>Scope of modification</p>	<p>The Department has reviewed the scope of the modification and considers that it can be characterised as a modification involving minimal environmental impact as the proposal:</p> <ul style="list-style-type: none"> • would not significantly increase the environmental impacts of the project as approved • the primary function and purpose of the approved development would not change as a result of the proposed modification • any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent • the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act • is substantially the same development as originally approved • would not involve any further disturbance outside the already approved disturbance areas for the development. <p>The Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.</p>
<p>Consent Authority</p>	<p>The Minister is the consent authority under section 4.5(a) of the EP&A Act.</p>
<p>Decision-maker</p>	<p>Under the Minister’s delegation of 9 March 2022, the Team Leader, Industry Assessments, may determine the application under delegation as:</p> <ul style="list-style-type: none"> • the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act • there are no public submissions in the nature of objections, and • Council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act.

3.2 Other Approvals and Authorisations

The Ravensworth Composting Facility operates under Environment Protection Licence 7654, (EPL 7654) issued by the EPA under section 42 of the *Protection of the Environment Operations Act 1997*.

3.3 Mandatory Matters for Consideration

3.3.1 Matters of consideration required by the EP&A Act

The Department undertook a comprehensive assessment of the application against the mandatory matters for consideration as part of the original assessment of SSD-9418 (under section 79C of the EP&A Act, as in force at the time). This modification application does not result in significant changes that would alter the Department's consideration of the mandatory matters for consideration under section 4.15(1) of the EP&A Act and conclusions made as part of the original assessment.

3.3.2 Objects of the EP&A Act

In determining whether or not to modify the consent, the consent authority should consider whether the modified project is consistent with the relevant objects of the EP&A Act (section 1.3) including the principles of ecologically sustainable development.

The Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ecologically sustainable development.

3.3.3 Biodiversity development assessment report

Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017)

The Department is satisfied that the modification will not increase the impact on biodiversity values and consequently a BDAR is not required to accompany the modification application as no vegetation clearing is proposed as part of this modification.

4 Engagement

4.1 Department's Engagement

In accordance with the EP&A Regulation the Department made the modification application publicly available on the Department's website on 19 September 2023 and also forwarded the application to EPA, Fire and Rescue NSW (FRNSW) and Singleton Shire Council (Council).

4.1.1 Summary of Advice Received from Government Agencies

The Department received advice from EPA, FRNSW and Council.

A summary of the agency advice is provided in **Table 6**. A link to the full copy of the advice is provided in **Appendix C**.

Table 2 | Summary of agency advice

Agency	Advice summary
EPA	Did not object to the proposal however identified an error in the referencing of the <i>Protection of the Environment Operations Act 1997</i> and description of scheduled activity in the modification report and requested these be rectified. The EPA also confirmed the proponent is exempt from the requirement to have a weighbridge at the premises.
FRNSW	Recommended an Emergency Plan be developed for the site in accordance with HIPAP No.1. and an Emergency Service Information Package be prepared in accordance with FRNSW <i>Fire safety in waste facilities guidelines</i> .
Council	Did not object to the proposal and noted the basis for the proposal is to bring the current operations in line with the consent.

4.2 Response to Agencies

Following the notification period, the Department asked the Applicant to respond to the issues raised in the advice received from the EPA and FRNSW.

On 13 October 2023, the Applicant provided a response letter to the Department (see **Appendix A**).

The Department published the response letter on the NSW planning portal on 13 October 2023.

The response letter included:

- a response to the EPA's comments including an updated modification report to correct the errors identified
- a response to FRNSW that the existing Compost Management Plan, Site Emergency Plan and Operational Environmental Management Plan already include risk identification, mitigation and management for bushfires and other fires such as spontaneous combustion in compost

windrows/stockpiles. The Applicant also identified the guidelines do not apply to composting facilities as stated in section 3 of the FRNSW *Fire safety in waste facilities guidelines*.

The Department notes the modification is not proposing to increase the throughput or significantly change the operation of the facility from what is currently approved therefore the Site Emergency Plan and Operational Environmental Management Plan will continue to adequately manage emergencies that may occur on site.

5 Assessment

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

- Modification report and submissions report provided to support the proposed modification (see **Appendix A**)
- documentation and Department's assessment report for the original DA and subsequent modification application(s) (see **Appendix A**)
- submissions from State government authorities and Council (**Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the Objects of the EP&A Act.

The Department considers the key assessment issue to be waste management.

5.1 Waste Management

The introduction of new waste streams and removal of the weighbridge has the potential to result in impacts on and off site if the waste is inappropriately managed.

The Applicant identified in their modification report that the additional waste streams that may be brought on site from time to time would only be for the purpose of composting and would require a general or site-specific resource recovery order as well as an exemption issued by the EPA.

The EPA did not raise any objections to the proposal but emphasised that composting at the premises must be undertaken in accordance with the *Composting and Related Organics Processing Facilities 2003* guideline and meet the requirements of the relevant Orders and Exemptions. Singleton Council also did not object to the proposal.

The Department notes that any additional waste streams would require approval from the EPA. This process requires the EPA to evaluate the specific waste type to determine its suitability for composting and ensure it is compliant with the EPL and conditions of consent. The Applicant would also be required to undertake annual reporting and the EPA would retain the authority to revoke the order at any time.

The Applicant is not proposing to increase the throughput or significantly change the operation of the facility from what is currently approved. In addition, the amended conditions will limit the additional

waste to materials for the purpose of composting thereby ensuring the additional waste are similar to what is already approved.

The applicant also proposes to remove the weighbridge and cease weighing waste on site. To ensure waste acceptance is appropriately recorded and managed, the Applicant has committed to only accepting deliveries with weighbridge dockets, and collecting information on the quantity, type and source of waste, as well as the vehicle registration, driver signatures and the materials' origin.

The Department notes the existing consent includes conditions ensuring proper waste management, including a Waste Monitoring Program to track the quantity and source of waste, and a Waste Management Plan to identify the type and quantity of waste received, how it would be handled, and appropriate disposal arrangements. These plans would be updated to reflect the changes made by the modification.

As the development would continue to operate principally as approved and the additional waste would be compostable and approved by the EPA, the Department is satisfied the modification will have minimal impact beyond what has previously been assessed and approved, noting that waste would continue to be managed by the existing conditions.

The Departments assessment concludes the potential impacts from the additional waste streams and the removal of the weighbridge will have negligible impacts and can be managed through the existing and recommended conditions.

6 Evaluation

The Department has assessed the proposed modification and all agency advice, in accordance with the relevant requirements of the EP&A Act.

The Applicant is seeking to modify the project approval to allow additional waste streams to be processed on site from time to time and remove the requirement for a weighbridge on site.

The Department did not exhibit the modification application but made it publicly available on the Department's website and referred it to the EPA, FRNSW and Council.

The Department identified waste management as the relevant matter for consideration, which has been assessed in Section 5 of this report. Impacts of the proposed modification were considered negligible and capable of being managed through the existing and recommended conditions..

The Department's assessment has considered the relevant matters and objects of the EP&A Act and considers the proposed modification is appropriate as it:

- would result in minimal environmental impacts beyond the approved facility
- is substantially the same development as the development for which the consent was originally granted
- provides flexibility, allowing for the beneficial reuse of a range of waste streams that would otherwise go to landfill
- would not cause any additional impacts outside of what has been assessed and approved.

The Department is satisfied the modification should be approved.

7 Recommendation

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

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-9418-MOD-1 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **agrees** with the key reasons for approval listed in the notice of decision
- **modifies the consent** for the Ravensworth Composting Facility Expansion (SSD-9418-MOD-1), subject to the conditions in the attached instrument of modification.
- signs the attached instrument of modification (**Appendix D**).

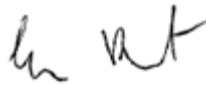
Recommended by:



6 December 2023

Laura Evert
Planning Officer
Industry Assessments

Recommended by:



6 December 2023

Emma Barnet
Senior Environmental Assessment Officer
Industry Assessments

8 Determination

The recommendation is **adopted** by:



6 December 2023

Lindsey Blecher
Team Leader
Industry Assessments

Glossary

Abbreviation	Definition
The Applicant	Bettergrow Recycling Pty Ltd
BC Act	<i>Biodiversity Conservation Act 2016</i>
BDAR	Biodiversity Development Assessment Report
Council	Singleton Council
The Department	Department of Planning and Environment
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPL	Environment Protection Licence
FRNSW	Fire and Rescue NSW
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning and Environment
SSD	State Significant Development

Appendices

Appendix A – List of Referenced Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

Modification Application

- ‘Statement of Environmental Effects Ravensworth Nutrient Recycling Facility’ prepared by Space Urban dated 13 October 2023 - <https://www.planningportal.nsw.gov.au/major-projects/projects/ravensworth-composting-facility-mod-1-removal-weighbridge-and-administrative-changes>

Agency Advice

- <https://www.planningportal.nsw.gov.au/major-projects/projects/ravensworth-composting-facility-mod-1-removal-weighbridge-and-administrative-changes>

Response to Agencies

- ‘Request for Additional Information SSD 9418 – Modification 1 EPA & FRNSW comments’ prepared by Space Urban dated 13 October 2023 - <https://www.planningportal.nsw.gov.au/major-projects/projects/ravensworth-composting-facility-mod-1-removal-weighbridge-and-administrative-changes>

Department’s Assessment Report for SSD-9418

- <https://www.planningportal.nsw.gov.au/major-projects/projects/ravensworth-composting-facility-mod-1-removal-weighbridge-and-administrative-changes>

Appendix B – Notice of Modification

The recommended modification instrument for SSD-9418-Mod 1 can be found on the Department’s website at <https://www.planningportal.nsw.gov.au/major-projects/projects/ravensworth-composting-facility-mod-1-removal-weighbridge-and-administrative-changes>

Appendix C – Consolidated Consent

The Consolidated Consent can be found at: <https://www.planningportal.nsw.gov.au/major-projects/projects/ravensworth-composting-facility-mod-1-removal-weighbridge-and-administrative-changes>