



Clyde Waste Transfer Terminal (Special Provisions) Bill.

Second Reading

The Hon. HENRY TSANG [Parliamentary Secretary] [2.59 p.m.]: I move:

That this bill be now read a second time.

On 29 August 2002 the then Minister for Planning granted development consent for the construction and operation of a waste transfer terminal at the Clyde marshalling yards, Auburn. This bill will allow development for a waste transfer terminal in the Clyde marshalling yards to proceed notwithstanding a Land and Environment Court decision that overturned that development consent. This waste transfer terminal will permit the approved landfill at Woodlawn to proceed. The fundamental issue that this bill addresses is the provision of a measure of certainty to the future sustainable management of Sydney's waste. As lawmakers we have an obligation to ensure that Sydney's waste needs are met. This integrated proposal will strengthen Sydney's waste management infrastructure and assist in achieving long-term sustainable outcomes.

The Government is committed to maximising opportunities for recycling and alternative waste technologies for managing Sydney's waste. A report by Mr Tony Wright was commissioned in July 2000 to independently advise the Government on the available landfill capacity, and the need or otherwise for Woodlawn. In his report Mr Wright considered the likely take-up rates of alternative technologies and the impacts of Woodlawn on the rate of introduction of improved waste technologies and practices. Mr Wright's comprehensive report indicated that a significant and chronic landfill capacity shortfall will be encountered after 2006. In 2002 Mr Wright confirmed that his 2000 findings remained valid pending the start-up of the Woodlawn landfill to provide supplementary capacity, and/or a considerable further expansion of Eastern Creek landfill.

Mr Wright's 2000 report made a series of recommendations that justified the establishment of a suitable long-haul landfill site during the transition to improved waste minimisation and diversion of residual waste from disposal options to beneficial use options. Without the commissioning of the Woodlawn landfill, Sydney is in danger of facing a "chronic landfill capacity shortfall" after 2006. Sydney generates in excess of 2 million tonnes per year of putrescible waste that is transported to landfill. The Government is actively pursuing a statewide strategy of waste minimisation and resource recovery under current legislation. Alternative technologies for waste treatment and recovery have not yet reached the levels needed to alleviate the need for landfills.

Even if New South Wales is able to exceed world's best practice of waste minimisation and recovery, this level will only fall to about 1 million tonnes per year by 2020 and Sydney would still require the landfill at Woodlawn to meet short to medium term demands. After 2006, without the Woodlawn landfill, the demand for landfill space is likely to exceed the available capacity. This bill will remove uncertainty about the short-term to medium-term management of Sydney's waste by providing a means by which the Woodlawn landfill can become operational. If the Clyde development does not go ahead, the management of Sydney's waste could reach crisis point soon after 2006.

The Woodlawn development was approved in 2000 subject to 161 conditions of consent. This followed a comprehensive assessment involving a commission of inquiry into the environmental impacts of the proposal. Under the conditions of consent, waste must be sourced from the Sydney region and be transported from Sydney by rail. This bill will allow a waste transfer terminal to proceed at the Clyde marshalling yards that will fulfil that condition of the Woodlawn consent. If that condition is not met and the landfill is delayed, not only will the waste management problem increase, but miners' entitlements from the former Denehurst mine, which went into voluntary receivership, will be further delayed.

Under the landfill proposal, Collex has agreed to pay the \$4.9 million in outstanding entitlements owed to mining workers which have not been paid by the mining company to date. Collex can only provide these entitlements when the landfill operation commences. As I have already said, consent for the proposal was granted in August 2002. The project has now been delayed by some 14 months by appeals in the Land and Environment Court. On 7 November 2003 that court overturned the consent on legal and merit grounds. This was despite a comprehensive assessment involving the preparation of an environmental impact statement, supplementary environmental impact statement and extensive exhibition process. The assessment took some 13 months and involved high levels of expert advice.

The court decision is contrary to the department receiving the best possible advice on both legal and environmental matters and the proponent calling eight experts to give evidence. These experts supported the then Minister's decision to grant consent. As well, the department provided, for the court's assistance, an expert in environmental and engineering controls who previously provided the then Minister for Planning with an independent assessment report on the proposal. That expert provided the court with a fair and balanced view of the development and its impacts. The unrepresented objectors failed themselves to call any independent expert evidence that was contrary to the then

Minister's assessment. Since the judgment the department has looked at a number of options including the possibility of an appeal.

In its assessment the department investigated the alternative of using existing waste transfer stations operated by Waste Service New South Wales. Since the judgment the department has reviewed this option. In 2002, Collex and Waste Service New South Wales were unable to reach a commercial agreement for the transfer of waste to Woodlawn using the Waste Service's transfer stations. Neither the department nor the Minister has power through the planning system to impose commercial outcomes on Collex and Waste Service. Indeed, it would be improper for either the Minister or the Department to attempt such a course. In these circumstances the possibility of using existing transfer stations remains uncertain and dependent on the two parties reaching a commercial agreement where they have not been able to do so before.

Given the strategic importance of the Clyde waste transfer terminal to the State's overall waste program, the lack of certainty associated with the various alternatives, and the likely lead times for getting them up and running, special legislation is needed to enable the construction and operation of the Clyde waste transfer terminal in time to deal with Sydney's imminent waste crisis. The bill will allow the development to receive and compact waste into steel freight containers. That waste will be loaded onto trains and transported to an intermodal facility at Crisps Creek for delivery by road to the Woodlawn landfill. The proposal currently involves the transfer of up to 500,000 tonnes per annum of Sydney's waste.

The consent granted by the Minister, after an exhaustive environmental assessment, was subject to 130 stringent conditions. These conditions were imposed by the then Minister after wide consultation with the local community about their concerns regarding the proposal. As a result of negotiations during the court proceedings, a further seven conditions were proposed to provide tighter controls on noise and odour. The 137 conditions tabled with this bill provide one of the strictest regimes for compliance and monitoring in the country. Compliance with the consent conditions will minimise any adverse environmental impacts, ensure the adoption of best management practices and technology, and provide for continuing environmental monitoring and reporting.

Apart from any conditions, the development incorporates specific engineering controls that not only meet established Environment Protection Authority [EPA] criteria for odour, noise and dust emissions but are considered international best practice. Conditions have been imposed to ensure the proposed mitigation measures and to ensure that monitoring and reporting of the environmental performance of the facility is carried out and reported. The development complies with all statutory requirements of the EPA and other government agencies. The odour and dust controls involve the filtering of air emissions through carbon filters, a practice the department's independent expert found to exceed the specification for any waste transfer station in the country. The expert found only one other transfer station in the world with similar controls, in the State of Illinois in the USA. The conditions of the development consent place additional safeguards on the odour control system to ensure that it is operated and maintained to the highest levels of efficiency. This involves regular monitoring and reporting to establish compliance with EPA guidelines. Any impacts as a result of noise will be mitigated by conditions that impose strict limitations on the levels of noise that may be emitted from the development.

The conditions further require a noise management plan, induction and training programs for truck and train drivers and a continuing noise monitoring program. The Minister considered community concerns regarding truck movements on local roads and conditions have been imposed that prohibit the use of local roads by trucks entering and exiting the facility. The conditions prohibit the acceptance of any asbestos waste at the transfer terminal. The conditions also require protocols dealing with site contamination and emergency management procedures. These have been imposed to ensure the safety of the community and workers. The conditions also require independent environmental audits to be carried out annually in relation to the proposal and for these audits to be conducted in accordance with international standards. To ensure transparency, the conditions require that all monitoring and auditing results are made publicly available. Also, the conditions establish a community consultative committee.

Representatives from the proponent, government and the community are given an opportunity to participate in the implementation of the development. The committee may comment and provide recommendations on the implementation of the development and on draft management plans and studies. The conditions also require the proponent to support a community enhancement program, which is designed to provide benefits to the community such as the establishment of a riparian restoration zone along part of the Duck River. The bill will allow a development that represents world's best practice and technology in this area, and at the same time guarantee the entitlements of miners in the Goulburn area. I commend the bill to the House and I seek leave to table the "Clyde Waste Transfer Terminal—Conditions of Development Consent", as per clause 4 of the bill.

Leave granted.

Document tabled.

[Your feedback](#) [Legal notice](#)

Refer updates to Hansard Office on 02 9230 2233 or use the feedback link above.