

## Council Memo to SRPP – PPSSTH-449 (44 Buckleys Road)

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSTH-449 DAM0118/2024
<b>PROPOSAL</b>	Modification to DA 7.2014.523.1 – (Dunmore Resource Recovery Development) – Modification to extend the operating hours at the FOGO facility
<b>ADDRESS</b>	44 and 58 Buckleys Road  Lot 1 DP 491907 Lot 1 DP 110135 Lot 21 DP 653009
<b>APPLICANT</b>	Re.Grow Operations (Shellharbour) Pty Ltd
<b>OWNER</b>	Shellharbour City Council
<b>DATE OF MEMO</b>	27 March 2025

### **Purpose of this Memo**

This memo updates the Southern Regional Planning Panel (SRPP) on correspondence between Shellharbour Council and the Environment Protection Authority (EPA) with regard to the proposed operating hours of the FOGO Facility at 44 Buckleys Road, through PPSSTH-449 (DAM0118/2024).

Following the SRPP determination meeting on the 18<sup>th</sup> of March 2025, the SRPP recommended Council discuss the following matters directly with the EPA:

1. The need for the trial (of extended operating hours) to be embedded into the consent via draft amended condition A7 (noting the EPA have control over the management of the EPL),
2. If the trial is required in the consent, the critical timing of the trial period to ensure data is collected over a 12 month period (so as to include summer and winter in the data range, i.e. through a 15-month period instead).

Following discussions between Council and the EPA, the EPA have agreed with shifting the trial out of the consent and into the Environmental Protection Licence 12903. To facilitate this, two key changes have been made in the consent:

- Inclusion of the proposed operating hours within Condition A7,
- Inclusion of EPA correspondence dated 26<sup>th</sup> March 2025 which supports the proposed operating hours, acknowledges that the operating hours in the original GTA's are superseded, and the terms of such a trial period that would be relevant to the EPL.

As such, it is considered that Item 1 has been resolved, and therefore Item 2 is no longer applicable as the trial is not embedded within the consent (such that a further DA modification is not required).

Council understands numerous positions were discussed among the Panel on the wording of Condition A7 to facilitate the terms of Item 1. Council has proposed wording which makes specific reference to the fact that the operating hours within the GTAs have been superseded, and notes the intent to allow the EPA to permit a trial period, or permit the extended operating hours through the EPL at their discretion. Council is supportive of any suggestions to refine this wording as the Panel may decide.

### **Summary of Condition Changes**

This memo provides an updated 'Attachment A2 – Modified Conditions of Consent' in a word document which includes the changes below.

Changes to the wording of existing conditions are marked red.

#### **A7 NSW Environmental Protection Authority Modified under DA 523/2014 (Part 3) DAM0118/2024**

The development must comply with the General Terms of Approval and advice of the NSW Environmental Protection Authority, as contained in their letter dated 07 May 2015 (Reference: EF15/798, Notice no. 1527988), consisting of seven (7) pages, and as attached to this Notice of Determination.

The recommended conditions of consent, A, B and C on page 6, are to be taken as conditions of this development consent.

This development consent includes the construction of an organics processing facility which will include the receiving, processing, treatment and composting of food waste.

The modifications approved under this consent (Part 2) will require variations made to Environment Protection Licence No.12903 (the Licence) which may include changes to discharge and monitoring requirements. Council will need to submit an application to the Environment Protection Authority to seek approval to vary the Licence.

The modifications approved under this consent (Part 3 – DAM0118/2024) include approval for operating hours as detailed in the table below.

<b>Day</b>	<b>Hours of Operation</b>
Monday to Friday	External Operations: 7am to 6pm Internal Operations: 6am to 6pm
Saturday, Sunday and public holidays (excluding Christmas Day and Good Friday)	External Operations: 7am to 4pm Internal Operations: 6am to 6pm

These hours of operation supersede the hours of operation detailed in item 2 of the Environment Protection Authority's General Terms of Approval (Notice No. 1527988, dated 7<sup>th</sup> of May 2015) to the extent of any inconsistencies. However, the EPA may enforce reduced operating hours within the approved operating hours through the Environment Protection Licence 12903, with notification provided to Shellharbour City Council and the site operator. Correspondence has been received from the EPA dated 26<sup>th</sup> of March 2025, reference DOC25/250644 (attached at the bottom of this consent), acknowledging these operating hours supersede the General Terms of Approval, and discussing the terms for a trial period of extended operating hours enforced through the Environment Protection Licence 12903.

**Note:** The intent of modification Part 3 - DAM0118/2024 is to permit extended operating hours, and to allow the EPA to set a trial period for, or permit the extended operating hours at their discretion by varying the Environment Protection Licence number 12903.

**EPA Correspondence – DOC25/250644 Discussing Extended Operating Hours  
Added under DA 523/2014 (Part 3) DAM0118/2024**



DOC25/250644

The Chief Executive Officer  
Shellharbour City Council  
PO Box 155  
SHELLHARBOUR NSW 2529  
By email: [council@shellharbour.nsw.gov.au](mailto:council@shellharbour.nsw.gov.au)

Attention: Mr Jacob Lia

26 March 2025

Dear Mr Lia

**Development Consent Modification Application (DAM0118/2024) – Proposed Extended Hours of Operation - Dunmore Resource Recovery Centre – Shellharbour City Council**

I am writing to you with regard to the development consent modification application, DAM0118/2024, for the Dunmore Resource Recovery Centre located at Buckleys Road, Dunmore, being Lot 1 DP 110135 (the Premises) for extended hours of operation. The Environment Protection Authority (EPA) regulates the scheduled activities at the Premises via Environment Protection Licence no. 12903 (the Licence) held by Shellharbour City Council (the Licensee).

Following consultation with Shellharbour City Council, as the consent authority, and further to the EPA's correspondence dated 4 March 2025 (EPA ref: DOC25/185044), the EPA has reviewed the proposed extended hours of operation and supports a trial, for at least 12 months, of the revised hours by the inclusion of new conditions in the Licence. The EPA has considered the following, amongst other things, in proposing licence conditions to permit a trial of the revised hours:

1. Recent repair/reinstatement works of the maturation pad undertaken at the Premises.
2. Recent inclusion of operating conditions in the Licence aimed at improving the operation and environmental performance of the maturation pad at the Premises; and
3. Recent reduction in odour complaints reported to the EPA from the surrounding community.

The EPA has attached proposed licence conditions in **Attachment A** that could permit a trial via the Licence if the modification application to extend the hours of operation is approved and will supersede the hours of operation in EPA's General Terms of Approval dated 7 May 2015 (Notice no. 1527988). At the completion of the trial period the Licensee may seek to permanently modify the operating hours by applying to vary the Licence if they can demonstrate good environmental performance and compliance with the Licence during the trial period.

The EPA recommends that an approval condition(s) is included in the modified development consent that facilitates a trial of the extended hours of operation to provide the Licensee with an opportunity to demonstrate improved environmental performance and compliance with the Licence.

If you have any further questions about this issue, please contact Tracey McAndrew on 4224 4124.

Yours sincerely

**Greg Newman**  
Unit Head

Attachment A: Proposed Licence Conditions for Environment Protection Licence no. 12903

NSW Environment Protection Authority  
As the environmental steward and regulator of our State we are committed to a sustainable future. Join us on our mission to protect tomorrow together.

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### Hours of Operation

1) The premises may operate between the following hours:

Day	Hours of Operation
Monday to Friday	External operations: 7.30am to 4pm Internal operations: 7.30am to 4pm
Saturday, Sunday and public holidays (excluding Christmas Day and Good Friday)	External operations: 8am to 4pm Internal operations: 8am to 4pm

- 2) Between 11 April 2025 and 11 April 2026\*, the composting facility may operate with the extended operating hours, as a trial, as detailed below. The trial is subject to the following parameters (a) and b)) being met throughout the trial period:
- i) Compliance with all conditions of Environment Protection Licence number 12903, including completion of Pollution Reduction Programs; and
  - ii) Good odour performance (no to minimal odour impacts reported by the surrounding community).

Day	Hours of Operation
Monday to Friday	External operations: 7am to 6pm Internal operations: 6am to 6pm
Saturday, Sunday and public holidays (excluding Christmas Day and Good Friday)	External operations: 7am to 4pm Internal operations: 6am to 6pm

*\*The period stated in this proposed licence condition is subject to change pending the submission of a licence variation application by the Licensee and the EPA's review of the application.*