

Breen Resource Recovery Facility RTS (Appendix B) – Summary of Public Submissions and Responses

Label	Summary	Response
Kurnell Progress and Precinct Residents Association		
Air Quality	Clarify what specific contaminant thresholds will be met in relation to dust and airborne contaminants, during construction and operation	The Proposal would comply with the EPA's criteria for all contaminants at sensitive receptors. Refer to Section 4.9 of the RTS Report for a detailed response to this matter. In summary the Air Quality Impact Assessment has assessed the Proposal against the relevant emissions criteria for 4 types of particulate matter (being: Total suspended particulates, PM10 (particulate matter less than 10 microns), PM2.5 (particulate matter less than 2.5 microns), and deposited dust), as well as odour. The assessment has been carried out in accordance with the NSW EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW. Supplementary air quality modelling has been carried out on the amended project design demonstrating (see Appendix I) that air emissions would be around 50% lower than what was originally calculated, and that the air quality criteria for particulate matter will be complied with.
Traffic	In regard to increased traffic movement, the traffic report says that the Lindum Road roundabout would be able to cope with the increases. Does this take into account increased use of sporting fields and other amenities used by recreational users? If in time it is proven that the roundabout cannot cope, would you commit to creating an alternative entry and exit point to your site?	As per Section 7.3.1 of the Traffic and Transport Report submitted with the EIS, the forecast traffic generation from the playing fields has been included in the baseline for the assessment. Based on the cumulative traffic modelling assessment presented in Section 7.6 of the report, there is no need for upgrade of the Lindum Road / Captain Cook Drive roundabout intersection as it will continue to operate at an acceptable level of service. It is also highlighted that the Proposal will facilitate the delivery of additional access into the parklands and playing fields in the future, potentially reducing the need for recreational users to access the parklands and playing fields from Lindum Road.
Timing for Parklands	In relation to the fact that the parklands were meant to be happening anyway, regardless of whether the new resource recovery facility is approved, can you commit to a timeframe for the parklands to be completed?	This concern has been addressed by the New VPA, which sets out an agreed timeframe for the delivery of the Embellished Marang Parklands, within which Breen commits to completing the Embellished Marang Parklands by 31 May 2025, subject to securing development consent for the Proposal.
Sealing Roads	Can we get commitment that ALL roads that the trucks travel on within your facility will be sealed, not just the 'high traffic' roads?	The Proposal has been amended such that all trafficable areas within the NRRF will be sealed.

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Phone Reception	Regarding Marang Parklands, There is a dead spot of phone reception along Captain Cook Drive commonly known as the 'black hole', between Weeney & Quibray Bay and what will be the highest point of the Marang Parklands. There is concern that with the increase of density of the hill, that the 'black hole' will also increase. Losing phone reception in this spot is very frustrating, can be embarrassing and is unsafe, as this is also a hot spot for car and bicycle crashes. Can Breen assist the Community in improving mobile phone reception?	Breen is unable to manage the adequacy of telecommunications infrastructure in the locality. Breen would be willing to work with telecommunications providers if they needed access to Breen's land in order to deliver such infrastructure – but it would need to be initiated and led by the telecommunications provider.
Leachate	What is being done to manage current leaching, and with the new facility accepting increased amounts and types of waste, what measures are proposed to manage this?	The site has a leachate evaporation system. Clean and dirty runoff, and leachate, will be managed in accordance with the conceptual water separation diagram and drawing within the Soil and Water Management Assessment submitted with the original EIS at Appendix H. In summary all landfill cells (including old landfill cells and currently active landfill cells) have an impermeable base layers that contains any leachate. Water collected from the base of old landfill cells as well as from the active landfill areas is currently, and will continue to be, collected and held in leachate evaporation basins. Once the landfill cells are closed and capped it is expected that leachate generated will be dramatically reduced because the capping layer will be designed of impermeable materials to essentially prevent the inflow of stormwater to the landfilled materials. Further, It is highlighted that the inclusion of extensive additional hardstand across the NRRF, combined with a surface water treatment system, is expected to improve the water quality parameters of the surface water that would be collected in the NRRF's infiltration basins, which would be likely to improve groundwater quality migrating off-site. On this basis it is expected that there will be a positive impact on groundwater quality as a result of the Proposal.
Ongoing Consultation	The reports detail the creation of a Neighbourhood Advisory Panel for the purpose of ongoing consultation - can we ensure that our Committee has representation on this panel?	Yes, the Kurnell Progress and Precinct Residents Association will be invited to participate in the Neighbourhood Advisory Panel.
Besmaw (Minter Ellison)		
Zone Objectives	The zone objectives are very broad and all encompassing. Further, they are cumulative in nature. In our view, the Application is clearly inconsistent with objective (e), "to promote, enhance and utilise the development potential of the zone primarily for tourism, recreation or industrial parks, where this is consistent with the conservation of the unique, ecological and landscape attributes of the Kurnell Peninsula". The very nature of the operations and environmental impacts of a waste facility make it abundantly clear the Application is antipathetic to the development of the zone for tourism, recreation or industrial parks and the landscape attributes of the Kurnell Peninsula. Indeed, the substance of the Application ignores the objectives and attributes. Given that these attributes are very specific, in our view a consent authority acting reasonably could not form the necessary opinion that the Application is consistent with objective (e) of the zone objectives.	<p>We agree that the zone objectives are indeed broad ranging and all encompassing. In fact, the first objective of the 7(b) (Special Development Zone) is to "provide flexible planning controls which permit a broad range of land uses subject to compliance with environmental performance criteria".</p> <p>As stated in Besmaw's submission, sub-section 1(e) states that another objective of the zone is "to promote, enhance and utilise the development potential of the zone primarily for tourism, recreation or industrial parks, where this is consistent with the conservation of the unique, ecological and landscape attributes of the Kurnell Peninsula."</p> <p>It is noted that 'industrial parks' are not a defined term under the Standard Instrument – Principal Local Environmental Plan (2006 EPI 155a) (Standard Instrument). However, it is reasonable to assume that 'industrial parks' would be a</p>

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		<p>place where general industrial activities are carried out. In this regard, 'general industry' is only mandated as a permissible use in the IN1 'General Industrial' and IN3 'Heavy Industrial' zones. Within the context of the current land use definitions, an 'industrial park' would be the equivalent of an area of land zoned IN1 'General Industrial'. In support of this view, we note that under clause 2.152 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (the Transport and Infrastructure SEPP), a 'waste or resource management facility' is a mandated use permissible in the IN1 General Industrial zone, meaning it is a land use that is permissible and consistent with a use comprising 'industrial parks'.</p> <p>It is also important to note that objective (e) is "to promote, enhance and utilise the development potential of the zone <u>primarily</u> for tourism, recreation or industrial parks..." – that is, the zone objective is not intended to exclusively limit the development potential of land in the zone to those uses. Objective (e) therefore should not be read in a way that seeks to prevent any other form of development, but should be read openly as representative of the general range of development types that would potentially be suitable in the zone. Objective (e) should also be read having regard to objective (a) which as set out above, encourages flexible planning controls which permit a broad range of land uses subject to compliance with environmental performance criteria. As identified above, the proposed NRRF is a land use that is consistent with industrial park land uses, and is an appropriate land use in the context of the existing surrounding land uses within the 7(b) zone.</p> <p>Having regard to the context of the existing surrounding land uses on the Kurnell Peninsula, including sand mining and a desalination plant, it is important to note that the development is proposed on land that is highly degraded, which is physically separated from surrounding ecologically sensitive areas. The EIS has undertaken a detailed assessment of the potential for off-site impacts on ecological and landscape values, and demonstrated that the impacts are not significant once mitigation and management measures have been taken into account. As such the proposed development will not undermine the conservation of the of the unique, ecological and landscape attributes of the Kurnell Peninsula, will comply with relevant environmental performance criteria, and is therefore consistent with the conservation of those areas.</p>
<p>Unlawfulness of the Application</p>	<p>Of importance to the lawfulness of the Application is that development for the purposes of waste disposal is a nominate prohibited category of development in the 7(b) Special Development Zone. This is significant given the majority of the uses proposed are for the proposed Resource Management Facility. The prohibition arises from the language in Clause 5 of the SEPP and the definition of waste disposal.</p> <p>The SEPP seeks to narrow or segment the categories of waste by carving out of the definition of the nominate prohibited use of waste disposal to allow in the 7(b) Zone development for the waste disposal only of "natural excavated material and demolition materials". The other category of development in the</p>	<p><i>Permissibility – C&D waste</i></p> <p>Breen acknowledges that the planning law matrix relating to this SSD is complex, however, the nature of the application has been misinterpreted by Minter Ellison. The component of the SSDA relating to the use of the NRRF for the Construction & Demolition waste stream, is expressly permissible under the Central River City SEPP (previously the Kurnell SEPP) (and is acknowledged in the Minter Ellison submission as permissible).</p> <p>As set out in the EIS, a "depot registered with the Environment Protection Authority for the receipt of natural excavated material and demolition materials as approved by</p>

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	<p>definition being 'a building or place used for the treatment, storage or disposal of waste resulting from any other activity carried out on the same land' is not a category sought in the Application for two reasons. The first is that this category does not expressly authorise the receipt of waste from off-site which the Application clearly does. The second reason is that it does not expressly contemplate activities being registered with the EPA which means activities requiring an environment protection licence (as is the case with the second exclusionary category). So the only category that the Application could potentially rely on is 'or for the purposes of a depot registered with the Environment Protection Authority for the receipt of natural excavated material and demolition materials as approved by that Authority'. The drafting of this category indicates a high priority at a State level that no waste that is other than natural excavated material and demolition materials should be emplaced on the Site. An obvious inference is that only these more benign waste streams were deemed acceptable and that any other waste streams would not be consistent with the zone objectives or protection of the environmental attributes of the Kurnell Peninsula. A fundamental problem with the Application is that it proposes a resource management facility that accepts a far broader range of materials than natural excavated material and demolition materials. As such, a significant proportion of the Application constitutes 'Waste Disposal' which is a prohibited use in the zone. The EIS concedes this prohibition. The Applicant in its EIS seeks to overcome this prohibition by relying on s. 4.38(3) of the EPA Act and clause 8(2)(a) of the SRD SEPP, on the basis that:</p> <p>(a) the permissible components of the Application are sufficiently related to the prohibited waste disposal uses such that the waste disposal uses also constitute State Significant Development; and</p> <p>(b) having regard to s.4.38(3) of the EPA Act, despite the partial prohibition, development consent can still be granted for the Application.</p> <p>There are no meaningful arguments set out to support this submission other than numerous references to all components of the Proposal being 'highly integrated'. The submission that the SSD and non-SSD components are sufficiently related is a sham and should be rejected by the consent authority for the following reasons:</p> <p>(a) The EIS places significant importance on the proposed delivery of community open spaces being the Embellished Marang Park Parklands as a large part of the works comprised in the Application. Such works are an innominate permissible use in the zone which may require development consent;</p> <p>(b) However, these works are already required to be delivered under a Planning Agreement dated June 2010. The parties to that agreement are Breen Holdings, Australand Kurnell Pty Ltd and Sutherland Shire Council. Pursuant to that agreement significant landholdings of the private parties to</p>	<p>that Authority" is expressly permissible in the 7(b) zone. The receipt of natural excavated material and demolition materials is the primary function and land use of the NRRF (comprising 600,000 of the 650,000 tonnes of material proposed to be received at the RRF). As also set out in the EIS, the prohibited part of the NRRF is the much smaller (by volume) ancillary use of the NRRF for receiving and handling loads comprising the Commercial and Industrial (C&I) waste stream. The C&I waste stream will only comprise 50,000 tonnes out of 650,000 tonnes of material and is, contrary to Besmaw's submission, only a minor portion of material proposed to be received that is not permissible under the current zoning.</p> <p>It is therefore entirely appropriate for Breen to seek to utilise section 4.38(3) of the EP&A Act which provides that development consent can be granted for a SSD that is partly permissible and partly prohibited.</p> <p><i>Permissibility – recycling of C&I waste and landfilling of C&D and C&I waste</i></p> <p>In addition, the processing and landfilling of C&D and C&I waste is permissible with consent under the Transport and Infrastructure SEPP. This is because clause 2.152(1) provides that "development for the purposes of a waste or resource management facilities, may be carried out by any person with consent on land in a prescribed zone." A "prescribed zone" is defined to mean "any of the following land use zones or a land use zone that is equivalent to any of those zones". "IN1 General Industrial" is subsequently listed as a prescribed zone.</p> <p>Further, noting that the 7(b)(Special Development Zone) in the Central River City SEPP uses terms that are not defined in the Standard Instrument, , clause 2.4 of the Transport and Infrastructure SEPP provides guidance in relation to determining whether a land use zone in a non-standard environmental planning instrument is equivalent of a standard land use zone for purposes of a particular development. Clause 2.4 states:</p> <p><i>"A reference ... to a land use zone that is equivalent to a named land use zone is a reference to a land use zone ... that is a land use zone in which (in the opinion of the relevant authority) equivalent land uses are permitted to those permitted in that named land use zone."</i></p> <p>A range of general industrial development is permissible in the 7(b) zone under the Central River SEPP. As 'general industry' is a mandated permissible land use in the IN1 General industrial zone, it is reasonable to conclude that the 7(b) zone is equivalent to an IN1 General Industrial zone pursuant to clause 2.152(1) and (2) of the Transport and Infrastructure SEPP. This means that any 'waste or resource management facility' (including a waste disposal facility and/or resource management facility) would be permissible in the 7(b) zone by virtue of clause 2.152(1) and (2) of the Transport and Infrastructure SEPP.</p>

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	<p>the agreement were rezoned from industrial to residential. Importantly, the dedication of those lands was to provide a public benefit in recognition of the uponings;</p> <p>(c) the only apparent difference between the parkland dedication works described in the 2010 planning agreement and the works described in the Application is to enable a different end recreational outcome;</p> <p>(d) The length of time that has elapsed since the 2010 VPA was executed, together with the minor nature of changes to the parkland contribution works suggest that these works have been deliberately included in the Application for the sole purpose of seeking to overcome the prohibition; and</p> <p>(e) But even if that were not the case, there is no evidence at all to justify a position that the Parkland works have any relationship at all to the prohibited resource recovery or waste disposal use, let alone being sufficiently related. The uses are completely separate. The parklands are not at all dependent on the resource management/waste facility uses. These uses do not relate at all to the proposed waste use. Moreover, the contouring of the land and delivery of the parklands and the playing fields is targeted in the EIS to be completed in 2024. The Application then proposes some material placement, recountouring of the Site and the embellishment works themselves. Relevantly, it is then proposed to fill the waste cell within the western portion of Lot 5, a process that may take up to 60 years. These are separate and unrelated uses that are divisible from the parklands works. In our opinion, these are factual matters that condemn the Application in respect of satisfying clause 8(2)(a).</p>	<p>This view is supported by the fact that the permissible uses under the 7(b) (Special Development Zone) of the Central River City SEPP are stated to be any purposes other than a prohibited use listed in item 4. As “industrial activity” is not prohibited, this can be considered a permissible use. “Industrial activity” is defined in the Standard Instrument as including relevantly, the “manufacturing, production, assuming, altering, formulating... dismantling, transforming, processing, recycling, adapting or service of... any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity”.</p> <p>Further, as outlined above, “a depot registered with the Environmental Protection Authority for the receipt of natural excavated material and demolition materials as approved by that Authority” is specifically excluded from the prohibited use of “waste disposal” and therefore is permissible under the 7(b) (Special Development Zone).</p> <p>These two factors further support the conclusion that the 7(b) zone is equivalent to an IN1 General Industrial zone pursuant to clause 2.152(1) and (2) of the Transport and Infrastructure SEPP such that a waste disposal facility and resource management facility are permissible on the proposal site.</p> <p>Importantly, clause 2.4(2) of the Transport and Infrastructure SEPP states that an assessment in relation to the equivalency of a land use zone applies only in respect of the particular development and that more than one such assessment may be made in respect of the same land use zone. What this means, is that the 7(b) zone could be considered equivalent to a large number of standard land use zones in respect of different development proposals.</p> <p>However, even if the 7(b) zone is not taken to be equivalent to the IN1 General Industrial for the purposes of this development, the processing of C&D waste (being the vast majority of the material proposed to be processed/recycled) is expressly permissible with consent under the Transport and Infrastructure SEPP in any event. This is because, pursuant to clause 2.152(3) of the Transport and Infrastructure SEPP, “development for the purpose of the recycling of construction and demolition material, or the disposal of virgin excavated natural material... or clean fill, may be carried out by any person with consent on land on which development for the purpose of industries, extractive industries or mining may be carried out with consent under any environmental planning instrument”.</p> <p>Given that general industry is permissible in the 7(b) (Special Development) zone, the component of the proposed development that comprises ‘recycling of construction and demolition material’ would be permissible in the 7(b) zone under clause 2.152(3) of the Transport and Infrastructure SEPP. As identified above, the ‘recycling of</p>

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		<p>construction and demolition material' is the primary function and forms the major land use component of the NRRF.</p> <p>If the proposed development was assessed as falling within the scope of clause 2.152(3) of the Transport and Infrastructure SEPP (as opposed to clause 7(b) of the Central River SEPP or clause 2.152(1)&(2) of the Transport and Infrastructure SEPP), the proposed development would therefore be partially permissible and partially prohibited, and can be assessed and approved pursuant to section 4.38(3) of the EP&A Act.</p> <p><i>Sufficiently related</i></p> <p>In response to Minter Ellison's arguments against the integrated nature of the proposal:</p> <p>(a) It is agreed that the delivery of the community open spaces, being the Embellished Marang Parklands, requires consent, and that is why development consent is being sought for the proposed delivery of the Embellished Marang Parklands and have been described and assessed in the EIS.</p> <p>(b) It is agreed that some parkland works are required under the Planning Agreement dated June 2010. However, the New VPA requires additional works to be carried out which reflect and require the completion of the Embellished Marang Parklands now proposed.</p> <p>(c) The Embellished Marang Parklands provide significant improvements to what was required under the 2010 VPA. Features of the Embellished Marang Parklands that will greatly benefit the community include:</p> <ul style="list-style-type: none"> • Car parking for 200 cars and coaches; • Outdoor amphitheatre; • Picnic facilities, including picnic tables and shelters; • Playground and village green; • Slide at the key lookout point; • Accessible walking tracks and trails; and • Extensive landscaping across the Embellished Marang Parklands comprising Kurnell Dune Forest, Coastal Heath and grasses <p>(d) The Embellished Marang Parklands and the NRRF are both permissible in their own right. Their integrated nature has not occurred in response to any prohibition issues. As described in the EIS, the integrated nature arises from the resource management and environmental benefits that Breen can realise by Breen delivering the Embellished Marang Parklands and the NRRF in a coordinated way. The additional benefits outlined above are not feasible without the new NRRF.</p>

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		<p>Further, the New VPA requires Breen to pay a “local roads and parklands maintenance levy” in the amount of \$1 (ex GST) per tonne of certain material delivered by road to be processed by the NRRF. This levy will be applied by Council directly to the maintenance and/or improvement of the Embellished Marang Parklands and/or the Stage 2 and Stage 3 Playing Fields. This is yet another example of how the NRRF is intimately linked to the Embellished Marang Parklands.</p> <p>In addition, the landfilling component of the SSD application is inextricably related to the NRRF on the basis that material that cannot be recycled or otherwise reused will be placed in the landfill. Although it is intended that 90% of material received at the NRRF will be reused or recycled, it is inevitable in any resource recovery business that some material will require landfilling. The ability to landfill the approximate 10% of material that is unable to be reused or recycled through the NRRF is a key driver of the project. No landfilling operations would be sought in the absence of the NRRF component of the development. The landfill portion of the development is proposed to be entirely reliant on the NRRF insofar as it will only accept and landfill material received via the NRRF (noting that in some cases loads of waste may be deemed to contain insufficient recoverable materials and would be sent directly to the landfill area for disposal).</p> <p>(e) As set out above, the Embellished Marang Parklands and the NRRF are both permissible in their own right. It is agreed that the majority of resource placement into the Embellished Marang Parklands will be achieved in the early years of the development. However, this resource placement is significant and intended to be in excess of 1,500,000 cubic metres. Further, the NRRF has been specifically designed to service the Embellished Marang Parklands in terms of the balance of waste streams and operational plant and equipment for processing the waste streams.</p> <p>The combination of throughput and processing capabilities, modern resource recovery facilities, and the continuation of landfilling and land restoration activities on the proposal site using material produced on-site is a unique feature of this SSD application. The circular nature of material being produced on the proposal site and then restored to the proposal site, contributes to minimising off-site impacts and seeks as much as possible to achieve a closed system of operation and on-site landfilling and restoration activities.</p> <p>The process by which waste is received, separated, treated or processed and then stored, either for the resource recovery stream for the Embellished Marang Parklands or the waste disposal stream, is integrated at the one location, namely Lot 5, using facilities, equipment and infrastructure common to all three components.</p>

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		<p>The Embellished Marang Parklands, as required to be delivered under the new VPA, are not feasible without the NRRF. In addition, post completion of the Embellished Marang Parklands, there will be a need for the ongoing supply of landscaping materials – such a mulches and soil additives, that will be supplied by the NRRF on an ongoing basis, and for the life of the NRRF. Although these materials could be supplied from external third parties, they would not be able to be supplied at the same cost and with the same efficiency, which would result in a lost opportunity for the community.</p> <p>Further, the Embellished Marang Parklands remain on a closed landfill cell, subject of active monitoring and management. The proposed ongoing waste management activities will facilitate integrated environmental monitoring and management arrangements across the entire landfill for the life of the NRRF. The former landfill area on Lots 1122, 1123 and 6 have been historically operated, managed and regulated as a single landfill operation under DA269/90 and a single Environment Protection Licence since 1990, including for the management and regulation of groundwater and leachate. The proposed leachate management system for the former landfill area of the Embellished Marang Parklands requires ongoing collection with treatment occurring on Lot 5 as part of the Lot 5 leachate treatment system. Appendix N sets out the parameters of a landfill closure plan, which will be prepared as required under the relevant Environment Protection Licence at the relevant time. This future landfill closure plan will include further details of the proposed leachate management system. As such it would not be orderly or economic to separate the management and regulation of groundwater and leachate in the former landfill area from the ongoing management system that will be retained for the ongoing active landfill areas on Lot 5. If the NRRF proceeds independently of the Embellished Marang Parklands or not at all, the groundwater management system will lose important operational synergies resulting in a less efficient and effective system. It may result in groundwater for the Embellished Marang Parklands being managed on Lots 1122, 1123 and 6, introducing added unnecessary complexities into the design of the Embellished Marang Parklands.</p> <p>In summary, the NRRF component of the Proposal, being the component that is declared to be SSD under the <i>State Environmental Planning Policy (Planning Systems) 2021</i>, is critical to, and intimately connected with, both the Embellished Marang Parklands and the landfill.</p>

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Besmaw (Urbis)		
Integrated relationship of components of development	<p>The primary purpose of the proposal is the establishment of a Resource Management Facility. The EIS seeks to link this new land use to the current obligation on the applicant to deliver a series of playing fields as required under an executed planning agreement relating to the rezoning and development of land for residential purposes to the west of the site. It also seeks to link any enduring responsibility to manage any environmental monitoring and impact of the current landfill operations to the proposal. There is no link. These obligations are current and enduring and do not rely on nor are they related to the proposed Resource Management Facility. These obligations flow from the benefit received from the rezoning of industrial land for residential purposes and the nature of the land rehabilitation undertaken to deliver the community benefit in the form of the playing fields and recreation facilities.</p>	<p>Please see our response above in relation to this submission. The primary purpose of the proposal is three-fold, as set out in the EIS – being the NRRF, the landfill and the Embellished Marang Parklands. All three of the components of the Proposal necessarily rely on each other to be delivered.</p> <p>Whilst the obligations of the 2010 VPA will remain in place, they have supplemented by additional obligations set out in the New VPA with Council, which link the delivery of the Embellished Marang Parklands to the NRRF and landfill on Lot 5.</p> <p>Refer also to Section 4.1.4 of the RTS Report for a detailed response.</p>

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<p>Zone Objectives</p>	<p>The objectives for the 7(b) Special Development zone are primarily focussed on the conservation of the environmental and cultural significance of the area and the promotion of commercial, industrial and tourist development that is consistent with the conservation of the unique ecological and landscape attributes of the Kurnell Peninsula. The EIS has not demonstrated that the proposal can be carried out without impacting the natural environment of the Kurnell Peninsula, will promote the unique ecological and landscape attributes of the Kurnell Peninsula, or through the operations for up to 60 years protect the health, well-being and safety of the local community. The proposal will not only introduce a new land use to the site but a land use that is clearly inconsistent with the zone and plan objectives.</p> <p>The EIS fails to address the particulars of the zones objectives which primarily relate to:</p> <ul style="list-style-type: none"> • land use compatibility; • the orderly and economic development of land...in an environmentally sensitive way; and • the use of land primarily for tourism, recreation or industrial park, where this is consistent with the conservation of the unique, ecological and landscape attributes. <p>The proposed Resource Management Facility is not compatible with the emerging community hub of sporting and recreation facilities (sensitive land uses) nor does it conserve the unique, ecological and landscape attributes of Kurnell (environmentally sensitive land) by locating the proposal adjacent to environmentally significant and sensitive wetlands and parklands and proposing the significant increase in the height and volume of waste cells which will impose on the landscape quality of the Kurnell Peninsula.</p> <p>The nature of the operations to be carried out will result in a direct conflict between sensitive land uses and one which will introduce dust, noise, traffic, and leachate for a prolonged period of time.</p> <p>While the proposal is industrial in nature it cannot be considered an industrial park as envisaged by the land uses table and zone objectives.</p>	<p>It is noted that the zone objectives state that development should be ‘compatible with’ and ‘consistent with the conservation of’ those unique ecological and landscape attributes. The site is located on land that is already highly degraded by historical sand mining activities, and the EIS has undertaken a detailed assessment of the potential for off-site impacts on ecological and landscape values, which demonstrated that the impacts are not significant once mitigation and management measures have been taken into account. As such the proposed development will not undermine the conservation of the unique, ecological and landscape attributes of the Kurnell Peninsula, and is therefore consistent with the conservation of those areas.</p> <p>The EIS has addressed the zone objectives, as follows:</p> <ul style="list-style-type: none"> • The land use is compatible with existing surrounding land uses – which is demonstrated by compliance with all environmental performance standards for air quality, noise, traffic management and landscape amenity – and noting that industry is both a permissible use and a type of development for which the zone objectives support primarily. • The EIS has demonstrated that the proposed development can be carried out in an environmentally sensitive way. • As mentioned above, the zone objectives do not seek to exclusively limit land uses to tourism, recreation or industrial parks – but to note them as land uses to be primarily promoted. The use of the land for a waste or resource management facility is permissible wherever industrial development is permissible under the Transport and Infrastructure SEPP, is consistent with the nearby industrial land uses, and is a compatible and suitable land use within the context of land uses and zones surrounding the site. <p>To clarify the anticipated operational length of the landfill, of which Besmaw has asserted is 60 years, the time taken to fill the capacity of the landfill is dependent entirely on the mix of waste received at the NRRF and the recovery rates achieved, which will change over time a Government policy and technology evolves. It is common in these circumstances for the consent to be limited to a maximum total landfilling capacity as well as a timeframe for which the consent is valid (in terms of landfilling). In this case, it is expected that a 30 year timeframe would be reasonable. This will ensure that the ongoing use of the landfill (if capacity remains available in 30 years time) will be subject to further assessment and approval at that time.</p> <p>However, the NRRF itself should not be time limited.</p> <p>Refer to Section 4.1.1 of the RTS Report for a detailed response.</p>

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Benefits of Parklands	<p>The EIS claims that the proposal will facilitate the rehabilitation of Lots 1122 and 1123 and Lot 6. However, these lots are required to be rehabilitated and developed for sports fields, under the conditions of the existing development consent relating to the site and a VPA. Those works are to be delivered, irrespective of this SSD DA. The proposal is not required in order for the applicant to complete the rehabilitation of the degraded lands within the site.</p>	<p>The Embellished Marang Parklands will deliver a key quantifiable additional public benefit arising from improvements in the landscaped elements and infrastructure within the Embellished Marang Parklands compared to the parkland landscape and infrastructure elements specified in the 2010 VPA. Refer also to Section 4.4 of the RTS Report.</p>
Permissibility	<p>The EIS acknowledges that the proposed Resource Management Facility is prohibited in the zone and relies on clause 8(2) of SRD SEPP and s4.36 of the EP&A Act to demonstrate either permissibility or the power for a consent authority to grant consent to the proposal. The logic presented in the EIS is flawed. The central element of the proposal is a new land use that is prohibited in the zone and a land use that is not consistent with the zone objectives of the SEPP Kurnell Peninsula. The EIS claim that the proposed land use is consistent with the objectives of this zone as it will not change the land use on Lot 5 is flawed and should carry no weight.</p>	<p>The vast majority of the proposed NRRF is permissible under the 7(b) zone and is consistent with the zone objectives. Refer to Section 4.1.2 of the RTS Report for further discussion.</p>
Scope of SSD	<p>The embellishment work for the Marang Parklands may require development consent however that consent can be sought separate to and independent of the establishment of a Resource Management Facility on the site. The obligation to dedicate embellished open space is an integral part of the 2010 VPA, the SSD DA does not change that obligation. The applicant’s proposal to deliver an alternative form of embellishment and altered landform is most appropriately dealt with as either a new local development application and variation to the executed VPA (if required) or modification to the development consent DA269/90 that enabled the rehabilitation of the site.</p> <p>The EIS identifies a time frame for the delivery of the Embellished Marang Parklands and adjacent sporting fields and the EIS seeks to artificially link the delivery of these works to the proposal to establish a Resource Recovery Facility on site. The EIS identifies the Embellished Marang Parklands are to be delivered in approximately 4 years compared to the 60-year operation of the Resource Recovery Facility. The delivery of parklands can therefore not be linked to the new facility.</p> <p>The only tangible link between the proposal and the delivery of the parklands is the new VPA. But for the use of residual waste to achieve landforms for the parkland, a proposal to use waste water for maintenance (the validity of such is unclear) and a proposal to monitor environmental impacts from the former landfill (which is an existing and continuing obligation) there is no relationship between the dominant element of the proposal being the establishment of a Resource Management Facility on the site and a proposal to amend the nature of embellishment works to be delivered under an existing obligation.</p> <p>Following the same process used for the playing fields Stages 1-3 it appears that a detailed approval is required for the embellishment work now proposed to create what the EIS is identifying as the Marang Parklands. This approval</p>	<p>Breen sought to achieve this outcome by way of a Modification of DA269/90, however this proved administratively complicated and was abandoned. We also agree that it would be possible to achieve the same outcome by way of a combination of DAs, however that would introduce delivery risks and delays undermining the imperative for certainty and efficiency in delivering the Embellished Marang Parklands in a coordinated way with the NRRF.</p> <p>As detailed above and in the EIS, the integrated nature of the Proposal arises from the resource management and environmental benefits that Breen can realise by delivering the Embellished Marang Parklands and the NRRF in a coordinated way. The Embellished Marang Parklands are not feasible without the NRRF.</p> <p>It is true that a fair proportion of the beneficial reuse of recovered materials will take place during the construction and establishment phases of the Embellished Marang Parklands. However, the Embellished Marang Parklands will require soil additives, mulch and other landscaping materials on an ongoing basis, and the NRRF will provide those recovered material to the extent that they are required for the parklands and suitable for beneficial reuse, in accordance with relevant EPA resource recovery orders.</p> <p>These materials can ultimately be supplied from external third parties, but the same efficiency and beneficial reuse outcomes would not be so readily achieved. Further, the Embellished Marang Parklands remain on a closed landfill cell, subject of active monitoring and management. The proposed ongoing waste management activities will facilitate integrated environmental monitoring and management arrangements across the entire landfill for the life of the NRRF.</p>

Label	Summary	Response
	<p>should logically be sought through a detailed local development application submitted to the Council in the same way other local development applications have been submitted for embellishment works within the site.</p> <p>Whilst there is an enduring obligation held by the applicant to manage leachate from the landfill operations carried out on the site, this obligation however cannot form the basis for the establishment of a Resource Management Facility on Lot 5 as proposed under the SSD DA.</p>	<p>It is highlighted that the Proposal does not seek to rely on Breen’s leachate management obligations as the basis for the establishment of the NRRF on Lot 5. As noted above, there are a number of aspects of the Proposal that require and benefit from existing obligations under the 2010 VPA and new obligations required under the New VPA. These obligations can be delivered most efficiently and effectively as set out in the Proposal.</p> <p>Refer to Section 4.1.4 of the RTS Report for further detail.</p>
<p>Timing for Landfill Completion</p>	<p>While the EIS presents a target timeframe for the completion of playing fields and the embellishment of the parklands there is no clarity on the completion of the new landfill cell on Lot 5 which based on the quantum of residual waste of 25,000tpa would take in the order of 60 years to complete.</p>	<p>The timeframe to complete landfilling on Lot 5 will depend on the waste mix received at the NRRF and the capacity of Breen to generate and market SRF, which will change over time as Government policy and technology evolves. Breen currently estimates that the landfill will likely be full in 15-30 years.</p> <p>It is common in these circumstances for the consent to be limited to a maximum total landfilling capacity as well as a timeframe for which the consent is valid (in terms of landfilling). In this case, it is expected that a 30 year timeframe would be reasonable. This will ensure that the ongoing use of the landfill (if capacity remains available in 30 years time) will be subject to further assessment and approval at that time. However, the NRRF itself should not be time limited.</p>
<p>Public Benefit</p>	<p>It appears that the only quantifiable additional public benefit that is proposed under the SSD DA is the delivery of an alternate form of embellishment to land that is to be dedicated to the Council. It is unclear from the information provided with the EIS the basis on which this public benefit offering would balance out the significant environmental impacts associated with the proposal.</p> <p>It is unclear how the use of residual waste material represents a benefit to the public. This infers a greater benefit to the applicant than it does to the public by enabling the placement of residual waste material on the land, to create landforms for the parkland, waste which would otherwise be required to be disposed of at a licenced waste facility. It is disingenuous to convey a message to the community (through the EIS and current promotional material) that the Marang Parkland is a new community benefit that will be delivered as a direct result of the proposed works.</p> <p>The premise of the EIS that that the proposal is necessary for the delivery of publicly accessible open space, which the proponent has already committed to as part of the current planning agreement, is flawed. There is an existing obligation to deliver an area of embellished parkland under the executed VPA. The proponent has chosen to alter the nature of the embellishment works to seek to justify the proposal.</p>	<p>Refer to Section 4.4 of the RTS Report for a detailed response.</p> <p>The Embellished Marang Parklands will deliver a key quantifiable additional public benefit arising from improvements in the landscaped elements and infrastructure within the Embellished Marang Parklands compared to the parkland landscape and infrastructure elements specified in the 2010 VPA. The additional public benefit is set out in the New VPA.</p> <p>It is also highlighted that the premise of the proposal is not that it is necessary for the delivery of publicly accessible open space. Rather the premise of the Proposal is based on a range of factors including the need to modernise Breen’s resource recovery operations through the development of a purpose-built New Resource Recovery Facility that will enable significant diversion of waste away from landfill in accordance with the EPA’s resource recovery objectives.</p> <p>In addition to this, there are a range of beneficial outcomes that can be achieved through the integration of the NRRF with ongoing landfilling and the delivery of the Embellished Marang Parklands under the terms of the New VPA.</p>

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Previous Consents	Section 2.5 of the Urbis Report provides a detailed analysis of the development consent history of the site including perceived non-compliances and non-conformances of current operations with the development existing operational development consent (DA 269-90) and inconsistencies between the development approved under DA269-90 and the SSD DA.	The environmental conditions and assessment parameters of DA269-90 are not relevant to the SSDA which is being assessed under current environmental impact assessment standards.
EPA Licences	The current EPA licenses permit the receipt of waste on the site other than that which is authorised under the development consent 269/90. The existing operations are inconsistent with the uses approved under the development consent and this SSD DA is by default is seeking to regularise that inconsistency.	The relationship between the current EPA Licences and development consent DA 269/90 are not relevant to the SSDA, which seeks to change the mix of waste to be received at the site and is being assessed under current environmental impact assessment standards. Prior to the commencement of operations at the NRRF, a new EPL or varied existing EPL will be prepared to cover the new operational activities at the NRRF.
Project Justification	<p>The components of the proposal cannot be considered to be integrated and necessarily interconnected. The RRF will continue for an extended timeframe after the delivery of the Parklands. The Parklands can be delivered without a RRF, in accordance with the VPA. The Economic viability of the resource recovery facility should not be used as justification for its approval, the Parklands can be delivered without the facility. Hypothetically, any resource recovery facility can operate without parklands.</p> <p>Leachate and groundwater can continue to be monitored in accordance with the operational EPLs and consents. A RRF is not required for this to occur. The EIS has not demonstrated why the RMF is reliant on the embellishment of the parklands for its operations.</p> <p>No justification has been provided for the proposed location, management of groundwater and leachate can continue from the current location and are synergised with waste disposal by the current EPLs and development consent.</p>	<p>See above. The current Proposal and SSDA inextricably link NRRF and Embellished Marang Parklands components. This integration achieves beneficial outcomes and efficiencies that could not be delivered if the components were delivered in isolation or without one another. This integration runs through the entirety of the Proposal – including technical, environmental, logistical, commercial and administrative, and is critical in order to achieve the timeframes set out in the new 2022 VPA between Breen and Sutherland Council.</p> <p>Refer also to Section 4.1.4 of the RTS Report for a detailed response.</p>
	<p>Section 3.2 provides an analysis of Besmaw’s observations of the current Breen operations:</p> <ul style="list-style-type: none"> • The current waste material stockpiles have not been placed on concrete hardstands or other suitable membrane containments. There are no obvious stormwater or surface water control mechanisms to prevent general runoff waters mixing with general solid waste materials to prevent generation of leachate material. • There is concern for ongoing uncontrolled flow of leachate into the local environment, potentially percolating and migrating into the surrounding soil and substrata, impacting local aquifer. In alluding to a reduction in the generation of leachate associated with the Proposal relative to existing conditions, the EIS suggests leachate has infiltrated the groundwater network and with the potential to contaminate the surrounding locality. 	<p>The Existing Breen Resources Facility has been operating in close conjunction with both Council and the EPA for many years.</p> <p>Regardless however, Besmaw’s observations of the current operations are irrelevant as the Proposal is not assessing or seeking development consent in connection with the Existing Breen Resources Facility, but rather seeks consent for a new development involving new elements and best practice structures and management practices for the future ongoing operational activities at the NRRF and landfill.</p> <p>The general principles of the future Landfill Closure Plan have been prepared to outline how management of historic landfill cells (including leachate) will be carried out.</p>

Label	Summary	Response
	<ul style="list-style-type: none"> The Proposal cannot be the basis to manage or control leachate from a landfill. With reference to NSW EPA Environmental Guidelines: Solid Waste Landfills the existing operations should demonstrate that a Groundwater Contamination Remediation Plan been developed for the site and the current operations; and that any leachate management proposals are supported by water balance calculations. During the recent wet weather events the leachate storage pond was observed to be at maximum storage level with the concern further heavy rainfall could have caused the leachate pond level to rise to the point of overspill onto uncontained surrounding ground resulting in environmental degradation. Concern is raised over an insufficient freeboard and overall management principles for the control of leachate from the current and historic operations. It is unclear whether the original landfill cells are compliant and what level of leachate control might be necessary to protect the environment from the outcomes of the historic landfill operations. At a minimum the landfill cells should have been constructed to a standard design that incorporates a leachate barrier system to contain leachate and prevent contamination of groundwater. 	
Character	<p>The Proposal is located on an unsuitable site and is inconsistent with the character and environmental attributes of the Kurnell Peninsula.</p> <ul style="list-style-type: none"> Relocating the current operations and the to the north-eastern portion of Lot 5 and the establishment of a Resource Management Facility would mean the waste management facility is situated immediately adjacent to sports fields and active pedestrian paths and the Besmaw land. The Besmaw land is capable of being developed for a range of sensitive land uses including tourist and visitor accommodation and residential accommodation used in conjunction with recreation activities within the Besmaw land. The significant increase in the volume of waste to be received, processed on site, exported from the site and the proposed increase in height, bulk and scale of the approved waste cells, would result in larger and visually prominent waste cells being located approximately 250 metres west of Lindum Road. The operational area for receipt, sorting and dispatch of materials on and from the site would be immediately adjacent to Lindum Road and the Besmaw land. This would result in unacceptable environmental impacts on the community and adjoining public and private landholdings, including the newly established and soon to be completed public recreation land and sports fields adjacent to these proposed operations. Besmaw is working with DPIE to amend SEPP Kurnell 	<p>Refer to Section 4.3 of the RTS Report for a detailed response.</p> <p>The proposed NRRF is a land use that is consistent with industrial park land uses, and is an appropriate land use in the context of the existing surrounding industrial land uses throughout the Kurnell Peninsula.</p> <p>It is also highlighted that the Besmaw land is similarly zoned 7(b) Special Development Zone and is currently used for sand mining and disposal by landfilling of Virgin Excavation Natural Materials (VENM). Whilst it is acknowledged that the 7(b) zone does provide a wide range of possible future uses – including tourist and visitor accommodation, the zone also permits a wide range of business and industrial uses, and specifically prohibits sensitive land uses including residential development, seniors living, and places of public worship. The future possibility of sensitive land uses on the Besmaw site, whilst in some cases permissible, is neither imminent nor certain because of the nature of underlying constraints and surrounding land uses.</p> <p>Having regard to the context of the existing surrounding land uses on the Kurnell Peninsula, including sand mining and a desalination plant, it is important to note that the development is proposed on land that is highly degraded, which is physically separated from surrounding ecologically sensitive areas. The EIS has undertaken a detailed assessment of the potential for off-site impacts on ecological and landscape values, and demonstrated that the impacts are not significant once mitigation and</p>

Label	Summary	Response
	<p>Peninsula in order to translate the current land use zones as they apply to the Besmaw lands into Standard Instruments zones. This will deliver a long-term end land use that would include business, residential, recreational, tourism and employment generating land uses on the Besmaw lands. Uses that are consistent with both the SEPP objectives as well as the evolving land uses on the Kurnell Peninsular, since the SEPP Kurnell was gazetted.</p> <ul style="list-style-type: none"> • Desired Future Character: <ul style="list-style-type: none"> - Kurnell has been identified in the LSPS as a tourist destination. This recognition is largely based on the unique and highly valued environmental and historic attributes of the Peninsula. The proposal includes the creation of a waste cell of up to RL30, some 25m higher than the level of Captain Cook Drive. This will be visually exposed and create an eyesore when viewed from Captain Cook Drive, which is the only access for tourists. - Consequential detrimental impacts on the environment, including Towra Point Wetlands, recreational land uses including Greenhills Beach, Cronulla State Park, Heritage sand dune and the new playing. It was never envisaged that these two incompatible land uses would operate side by side (new paying fields and the RMF). - The Kurnell industrial area is undergoing a transition from heavy industrial to less intensive industrial and warehousing operations, including storage facilities. This is complemented by the Sutherland LSPS, which prioritises the area as a 'Coastal Destination Area', providing residential, tourist, visitor and recreational opportunities. This will continue to be realized through a new walk from Royal National Park to Kamay Botany Bay National Park which will follow Bate Bay on the beach frontage and provides an opportunity for increased investment in tourist, residential and recreational land uses. The proposed RRF will result in a direct conflict with this emerging character. 	<p>management measures have been taken into account. As such the proposed development will not undermine the conservation of the of the unique, ecological and landscape attributes of the Kurnell Peninsula, will comply with relevant environmental performance criteria, and is therefore consistent with the conservation of those areas.</p>
Strategic Planning	<ul style="list-style-type: none"> • The Proposal is inconsistent with the Greater Sydney Region Plan: <ul style="list-style-type: none"> - Objective 13 Environmental Heritage: The Proposal will detract from surrounding heritage items including the Cronulla sand dune and Wanda Beach coastal landscape' (SLEP Item No. 2502). - Objective 27. Biodiversity protection: The proposal is inconsistent with this objective as it will result in the removal of significant native vegetation including Coastal Sand Littoral Forest and 1.65 hectares of Coastal foredune wattle scrub, with no offsetting, and will directly impact on the endangered Green and Golden Bell Frog species. 	<p>Refer to Section 4.2 of the RTS Report for a detailed response.</p> <p>In summary, the Kurnell Peninsula is envisaged under all strategic planning documents to provide for both tourism related development outcomes as well as for industrial and urban services development, whilst also facilitating the coexistence of these development outcomes with the landscape, biodiversity and heritage values of the area. The NRRF is consistent with this approach, being located on highly degraded land that is well separated from key ecologically sensitive areas and heritage items surrounding the site.</p>

Label	Summary	Response
	<ul style="list-style-type: none"> - Objective 28. Scenic and cultural landscapes are protected: The proposal is inconsistent with this objective as it fails to protect scenic and cultural landscapes and enhance and protect views of scenic and cultural landscapes from the public realm including the heritage sand dunes and views to Bate Bay and Quibray Bay. - Objective 31. Public open space is: The proposal is inconsistent with this objective as the RRF will reduce the amenity of nearby public open space already delivered including noise and air quality impacts and will inhibit access to the foreshore and beach frontage via Lindum Road and the existing pedestrian access. • The Proposal is inconsistent with the Sydney South District Plan: <ul style="list-style-type: none"> - Planning Priority S10 – Retaining and managing industrial and urban services land: The Breen land is not identified as being zoned for industrial purposes, nor is it located within an Employment Land Precinct. - Planning Priority S11 – Supporting growth of targeted industry sectors: The proposal is inconsistent with this planning priority as it does not 'consider opportunities to implement place-based initiatives to attract more visitors, improve visitor experiences and ensure connections to transport at key tourist attractions', rather the facility will be in direct conflict with the parklands to be delivered in accordance with the VPA and the broader tourist visitation sought for the Kurnell Peninsula, including the provision of tourist accommodations on the Besmaw site and surrounding area. • The Proposal is inconsistent with the Sutherland LSPS: <ul style="list-style-type: none"> - Planning Priority 7 Respect Local Character: The proposed land use is not consistent with the emerging tourism and recreational character of the area as the RRF and the expansion of fill operations conflict with these uses. - Planning Priority 11 Attractive and distinctive Centres and Places: The proposal is inconsistent with this planning priority as the RMF is offensive industry, limits accessibility to Bate Bay and results in visual impacts towards Quibray Bay that is inconsistent with the vision for the Coastal Destination Area, and the RRF and waste management facility are in direct conflict with the new recreational land uses. 	
<p>Inadequate Information</p>	<ul style="list-style-type: none"> • Sutherland LSPS: <ul style="list-style-type: none"> - The EIS references LSPS planning priority 20 instead of 22, which makes no specific reference to 'waste management technologies' on Besmaw land. • Kurnell Peninsula SEPP: 	<ul style="list-style-type: none"> • Refer to Section 4.2 of the Response to Submissions Report for detailed discussion of strategic planning matters. • The EIS should have referred to Planning Priority 22 of the LSPS, in relation to the contribution that the NRRF can make to achieving improved resource recovery outcomes in Sutherland Shire. The EIS incorrectly attributed a reference to 'waste management technologies' on Besmaw land, which is identified in the LSPS as a

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	<ul style="list-style-type: none"> - Neither the site nor the adjacent Besmaw lands are zoned as industrial land and therefore the ‘retain and manage’ objective is not applicable. Whilst, residential accommodation is prohibited on parts of the Kurnell Peninsula, a number of similar uses are permitted which have not been considered in the EIS including holiday or other non-permanent residential accommodation as well additional land uses under Clause 33 Development for certain additional purposes of SEPP Kurnell Peninsula, including hotels and condominiums. Besmaw is currently completing sand extraction and rehabilitation to allow the suitable development of appropriate land uses, including recreation, tourism, residential and commercial consistent with the emerging character of the Kurnell Peninsula. • The VPA: The parklands are to be delivered in accordance with the VPA and should not be used as justification to establish a resource recovery facility and a waste management facility on the site. • Proposed Filling: It is incorrect to justify a 20% increase in fill volumes based off previous changes, noting that no consent was granted for these changes and would not be in accordance with the VPA. The changes underway in other parts of the Breen site is to rectify work that had exceeded approved levels. There has not been a reduction in capacity elsewhere on site but a regularisation of past activities. • Proposed RRF: The proposal fails to address light spill of the RRF which is proposed to operate 24 hours a day. The Visual Impact Analysis, in response to the SEARs states “Ensure that the design of lighting seeks to reduce light spill”. The EIS fails to provide an assessment. A detailed assessment of this must be provided noting the sensitive land uses surrounding the site including residential areas. • Consultation: The EIS does not recognise the ongoing dispute resolution with Council relating to the VPA. The EIS also does not address the concerns raised by Besmaw in relation to the length of time the RRF will operate and Besmaw’s vision for its site. 	<p>strategic redevelopment opportunity site where low-carbon high efficiency initiatives could be pursued.</p> <ul style="list-style-type: none"> • Refer to Section 4.1.2 for a detailed response relating to the Central Rivers SEPP (formerly the Kurnell SEPP). It is acknowledged that neither the Proposal site nor the Besmaw site are zoned as industrial land. Notwithstanding this, the 7(b) zone does provide a wide range of possible future uses – including business and industrial uses, and specifically prohibits sensitive land uses including residential development, seniors living, and places of public worship. The future possibility of sensitive land uses on the Besmaw site, whilst in some cases permissible, is neither imminent nor certain. • A new VPA has been endorsed by Council. The Embellished Marang Parklands have not been used to justify the NRRF. The purpose of emphasising the integrated nature of the parklands and the NRRF is to demonstrate that they are sufficiently related under the SSDA. • The 20% calculation was intended simply to provide a context for the quantum of additional filling proposed as part of the SSDA. It has not been used to justify the quantum of proposed filling, which is now subject of assessment under the EP&A Act. • There are no residential areas in close proximity to the NRRF. Waste management activities will be moving further away from residential areas. • A new VPA has been endorsed with Council. This is now resolved.
Visual Impact Assessment	<ul style="list-style-type: none"> • The VIA does not assess the following: <ul style="list-style-type: none"> - The desired future character of area noting a transition away from high impact and intrusive industries. - A detailed assessment of the proposed Resource Recovery Facility including the colour, scale, building materials and finishes, signage and lighting. Currently, the proposed development is demonstrated wholly as ‘white’ and has no further details no materials, finishes or signage is provided on the photomontages. The VIA acknowledges the facility will operate with significant lighting contributing to spill in 	<ul style="list-style-type: none"> • As described above, and in Section 4.3 of the Response to Submissions Report, the NRRF is not inconsistent with the desired future character of the area. • The NRRF is located at an AHD of RL 4.00 and will be screened by vegetation around its perimeter. As such, it will not visually dominate the locality. The buildings are similar in scale and form to other industrial buildings throughout the Kurnell Peninsula, including warehouses along Captain Cook Drive and the Sydney Desalination Plant. • There are opportunities through the design of proposed NRRF to mitigate the visual impact of the buildings – including through selection of materials, colours, and articulation. Breen would be willing to liaise with Council in relation to

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	<p>the surrounding area, however, no assessment of this has been provided.</p> <ul style="list-style-type: none"> - View impacts from every important vantage point in the nearby vicinity including: Boat Harbour Drive, Don Lucas Reserve, Greenhills Beach and Boat Harbour. - The impact of the landform on views to and from the adjoining heritage listed dunes. It has significant potential to impact on this aesthetically distinctive landmark. <ul style="list-style-type: none"> • The view analysis photos do not confirm the heights of the existing or proposed contours and therefore it is unclear if these images are capturing the full extent of the change to the proposed waste cells (i.e. heights of RL30+). • Significant visual impacts will occur from the existing soccer fields, a key recreational facility which is utilised by children, families and sporting teams. View impacts would also result from the pedestrian trails in the adjacent Cronulla State Park. Viewing Platforms are located in this area and as demonstrated in the VIA views would be significantly inhabited towards Botany Bay and the Sydney CBD. This is a significant attraction for the Sutherland Shire community and views will be destroyed as result in the significant increase in fill, demonstrated in the engineering plans at Appendix A, previously submitted with the EIS. • It is noted that the landscape plans do not show the significant trees that are depicted in the VIA. As such, the VIA is inconsistent with the trees that are proposed on the periphery of the site. Nevertheless, full maturity of trees is unlikely to occur in the short to medium term when significant operations would be occurring. The trees are likely to reach maturity in 20+ years as such it is unreasonable to demonstrate these full maturity trees in the photomontages. 	<p>selection of architectural features that could minimise visual impacts of the NRRF. Night time lighting will be designed to minimise spill.</p> <ul style="list-style-type: none"> • View impacts have been assessed from a range of representative locations in multiple directions, including from nearby areas of the public domain. The locations for visual impact assessment and montages were selected because the buildings were considered likely to be visible from those locations. Given the undulating nature of the landscape around the site the NRRF is not considered likely to be visible from Greenhills Beach, Don Lucas Reserve and Boat Harbour. • The proposed future landform on Lot 5 may be visible from a larger number of locations, however the landform will not contain industrial buildings, and would ultimately be vegetated similar to the surrounding coastal dune landscaping. The future Lot 5 landform is therefore not expected to cause significant visual impacts from most locations. • The revised landform on Lot 5 will however undermine some views from the Cronulla State Park, including from the lookout along the walking trail adjacent to the Proposal site. A revised Visual Impact Assessment has been prepared, with additional assessment of the view impacts from this location, provided in Appendix P. In particular, it is highlighted that the: <ul style="list-style-type: none"> - Views along the walking track are generally closed in by vegetation and the undulating nature of the surrounding landscape, and the broader landscape and long distant views impacted by the Proposal are only available in a very small part of the State Park walking track. - The impacted look out view is much wider than just the northerly aspect over the Site towards the CBD. Large sections of the view towards the east and south-east are unimpacted by the Proposal. - The Embellished Marang Parklands will create a new elevated look outs and vantage points that would provide improved regional viewing opportunities compared to what is currently available from trails within the State Park. In particular, the new views created from the Embellished Marang Parklands would include a new iconic view of Sydney CBD currently unavailable to users of the State Park. The Embellished Marang Parklands are therefore considered to provide a positive contribution to the local landscape and its visual amenity, and would offset the view impacts from the State Park. • Some existing trees are already located around the site which would contribute to screening of the NRRF buildings. Whilst it is acknowledged that not all trees will be present to screen the buildings immediately, it is reasonable to consider the longer term outcomes that tree plantings can achieve in screening the NRRF buildings.
Access and Traffic	Section 6.2.2 of the Urbis Submission (pages 31-33) provide a series of specific issues on the TIA	<p>Refer to the Traffic Letter prepared by Cardno at Appendix H for a detailed response to the specific issues raised.</p> <p>In summary:</p>

Label	Summary	Response
	<ul style="list-style-type: none"> The application does not adequately assess the conflict between the existing pedestrian pathway and the extension to Lindum Road, which will require the trucks to traverse the pedestrian pathway. The TIA does not acknowledge the approved Boat Harbour Access point (Application No. RDA18/1172) on the Besmaw site which has been constructed and is utilised by the general public. The EIS states it is 'yet to be completed' which is incorrect and as a result the forecast modelling is not consistent with the current usage of Boat Harbour Drive. A cumulative assessment of the traffic utilising this junction has not been provided. Truck volumes are expected to almost double as result of the new resource recovery facility. This has not been discussed in detail with the EIS. The TIA states there is an expected increase in daily traffic movements from 585 to 1070 two-way vehicles on weekdays, and from 227 to 422 two-way vehicles on Saturdays. There will be a forecast increase 53 two-way vehicles during the morning peak from 8:30am to 9:30am and 34 trips on Saturdays. When combined with the Besmaw land, the Boat Harbour Drive vehicle movements and the existing and proposed playing fields, this will have substantial flow on effects for Captain Cook Drive and wider Sutherland Shire network, including significant queue lengths. The applicant has failed to assess the cumulative impacts associated with the existing vehicular movements into the Besmaw site, the traffic associated with vehicles accessing Boat Harbour Drive (approved and in use), the vehicular movements associated with the hockey field, skate park and walkway, and the additional traffic entering the Breen site. Detailed Civil Engineering plans showing the internal car and truck parking, road dimensions, long and cross sections have not been provided. This includes the new entry point connecting to Lindum Road. To understand the operation of this access point and the likely future conflicts further detailed information must be provided on how it will be constructed. The existing pedestrian pathway off Lindum Road is frequently used by members of the public to access Wanda Beach. This has increased as a result of COVID-19. It is the only entry point to the beach within 5km. Vehicles regularly park next to the soccer field and skate park and use this pathway. The proposed entrance on the eastern side and extension to Lindum Road will result in this pathway being diverted and will be in direct conflict with trucks and commercial vehicles entering the site. This presents a safety issue to the users of the pedestrian path and has not been appropriately addressed in the Traffic Report. The approved Boat Harbour vehicle access was proposed to facilitate the orderly continuation of the approved extraction and rehabilitation 	<ul style="list-style-type: none"> The cumulative assessment of the traffic using the Lindum Road / Captain Cook Drive roundabout has been assessed as per Section 7 of the submitted Traffic and Transport Report (see Appendix O of the EIS). The cumulative assessment considers the development of the Marang Parklands and NRRF in conjunction with full development of the playing fields and Boat Harbour access. The net traffic generation and impacts of the Marang Parklands and NRRF is demonstrated by the SIDRA modelling to be negligible. The revised proposal includes the roundabout treatment on Lindum Road at the Boat Harbour driveway and proposed NRRF driveway. This solution was proposed by Sutherland Shire Council's Senior Traffic Engineer as an appropriate treatment for this location. The design includes retention of the existing pedestrian footpath, and the proposed NRRF driveway at the property boundary has separated entry and exit lanes, with a suitable area for pedestrians to wait safely if necessary. This facilitates safe movement of pedestrians across the NRRF driveway. Details of the roundabout are provided in the plans at Appendix D, and SIDRA modelling of the proposed new roundabout has been carried out and presented in Appendix H, demonstrating that the roundabout would operate at Level of Service A (the highest/best level of service). The 2017/2018 data was the most representative detailed data set readily available and hence was used to determine the distribution of truck sizes. It does not represent typical historical total throughput data. Historically, the site has received higher levels of waste than what is now proposed (up to 86% higher in 2009 and 71% higher in 2008), and the resulting traffic generation, inclusive of the traffic mix, is consistent with the function of Captain Cook Drive as a sub-arterial road servicing both industrial and non-industrial land uses. The projected maximum total waste tonnages for the NRRF (inbound and outbound) is less than the historic values for 2002, 2003, 2005 and 2008.

Label	Summary	Response
	<p>operations on the Besmaw site and to maintain a safe and separate access to Boat Harbour. Private vehicles using the approved vehicle access off Lindum Road will be in direct conflict with commercial trucks entering the proposed Breen waste management facility at this junction.</p> <ul style="list-style-type: none"> • The TIA notes that “The future potential export from the Proposal site is expected to be some 3.6 times greater than the recorded 2017/18 year”, rising from 166,838 tonnes to 600,000 tonnes. This is a significant increase which will have major ramifications for truck movements on Captain Cook Drive, in which it is expected that “large vehicle capacities will be used to move the different product types.” • The addition of commercial trucks will increase traffic pressure on Lindum Road and Captain Cook Drive. The current length of Lindum Road to the pedestrian pathway and approved Boat Harbour access is approximately 95m. The proposal will almost double the amount of trucks entering and existing Breen’s site. Additional commercial trucks will result in delays on both Lindum Road and in Captain Cook Drive. • Alternate locations must be explored to remove the significant conflict at this pinch point. The proposal includes a high volume of truck movements which need to cross a regularly trafficked pedestrian pathway (including young children) accessing Bate Bay. There is also a conflict with the existing Boat Harbour Drive access as well as it being entry point for trucks entering Besmaw’s site. The proposed location of the truck access (two way traffic) combined with the projected volumes, will create a choke point, presenting a pedestrian and traffic hazard that is not appropriate. • A swept path analysis has not been provided to determine if in-going and outgoing trucks can bypass one another without resulting in a loss of on street carparking. 	
Noise	<ul style="list-style-type: none"> • Noise levels of 58dBA at the soccer & hockey fields represent exceedances of the recommended amenity noise levels of 55dBA. • The previous Noise Assessment was undertaken by Wilkinson Murray dated April 2019 conducted noise impacts of the soccer and hockey field separately. It indicated exceedances at both locations. Due to the different locations this should be undertaken as part of the SSD DA. The EIS does not comment on these exceedances or provide any further mitigation measures. • A previous Noise assessment by Wilkinson Murray dated April 2019 recommended a five metre high buffer along the northern boundary to reduce the impacts of the noise exceedances at the soccer & hockey fields. While a 4m wide bund wall is proposed and is considered in the acoustic assessment, the noise exceedance still exists at soccer field. A 	<p>Noise impacts are substantially reduced due to two key changes to the design of the NRRF in that all material handling, stockpiling and processing will occur within fully enclosed buildings (with the exception of clay material and wet soils, which will be dried outside), and all trafficable areas with the NRRF will be sealed.</p> <p>For further detail, refer to Section 4.10 of the RTS Report and the Noise and Vibration RTS Letter at Appendix J for a detailed response to these matters.</p>

Label	Summary	Response
	<p>landscape buffer is not an adequate mitigation measure to address noise generation issues created by the development.</p> <ul style="list-style-type: none"> • Approval is sought for the New Resource Recovery Facility to operate on a 24-hour basis as required. This only considers Kurnell and Greenhills Beach, the permissible land uses on Besmaw site, including tourist and visitor accommodation and residential must also be considered. The previous Noise Assessment considered potential uses on Besmaw Lands which demonstrated exceedances. • The Noise Assessment fails to assess the potential impact of the operations on future land uses on the Besmaw site which may include sensitive land uses such as tourist and visitor accommodation, residential, education, medical and health. • The Operational Noise Contour Plot is insufficient as it is unclear where activities will be occurring on the site. Sorting, screening, crushing of excavated and demolition materials is undertaken within and outside of a partially enclosed building. If the activities and equipment are moved around in response to site operations and completion and commencement of fill cells, the noise contours are likely to significantly differ and may lead to greater impacts. • The exceedances at the soccer and hockey field results will result in a loss of amenity and noise pollution at these community facilities that are regularly used by children and families. These exceedances extend to the Besmaw land. Appropriate mitigation measures are limited and not sufficiently addressed in the application. • The process of crushing materials via crushing plant will create noise impacts for sensitive receivers. • Operational Noise Contour Plot, both during Calm Meteorology and Noise Enhancing Meteorology demonstrate significant noise impacts on Besmaw lands and soccer fields. A Noise level of 55 to 60 dBA is demonstrated and is above what is quantified in other sections of the report. 	
Air Quality	<ul style="list-style-type: none"> • The Air Quality Impact Assessment is reliant upon data from a site in Randwick to estimate air quality at the site. This has no relevance to the existing air quality conditions at this site. The EIS notes that “there is no readily available site-specific monitoring data for TSP and deposited dust”. • The air quality impacts cannot be determined without the collection of site specific data and this should be undertaken. It is noted that the assumptions of the relationship between TSP and PM10 may be relevant if applied to data specific to this site, but as they have been applied to data from another non representative site, the results have even less relevance to this site. 	<p>Air quality impacts are substantially reduced due to two key changes to the design of the NRRF in that all material handling, stockpiling and processing will occur within fully enclosed buildings (with the exception of clay material and wet soils, which will be dried outside), and all trafficable areas with the NRRF will be sealed.</p> <p>For further detail, refer to Section 4.9 of the RTS Report and the Air Quality RTS Letter at Appendix I for a detailed response to these matters.</p>

Label	Summary	Response
	<ul style="list-style-type: none"> • The current operations on site could be used as a basis for setting a baseline for the assessment. • Exceedances of criteria are predicted at nearby sporting fields, including the haul road from the New Resource Recovery Facility to the Embellished Marang Parklands would be the major contributor of dust and particulate matter at the hockey field. However, no assessment of health impacts from exceedances has been considered, noting the fields are regularly used by families and children. • Dust control will be implemented in disturbed areas such as access and haul roads, however, there is no consideration of the active tip face or stockpiles, which are a major potential source of dust. • The EIS states “the soil and concrete processing buildings would be fully covered with partially enclosed walls in order to minimise dust and noise emissions. External areas would be used or stockpiling, but no waste processing would take place outside of the buildings.” Concrete processing building designed with partially enclosed walls, raises concerns for dust and air quality impacts. • There is no mention of how waste stream such as gypsum material will be processed and stored, gypsum is an extremely dusty product to manage if not stored appropriately. The EIS remains silent on control measures (if any) to be implemented for processing gypsum. • The EIS states “stockpiles will be sheltered from prevailing wind conditions and water-based dust suppression to be applied to stockpiles” thereby raising concerns of dust creation in suitable weather conditions. In addition the proposed water-based dust suppression would very likely create silt run-off. It is not evident how this would be controlled. • The EIS and AQIA do not provide an assessment of Besmaw’s lands. This represents unacceptable planning outcome and should not result in any increased impact on adjoining land. • No meaningful mitigation measures are proposed as part of the SSD DA. • The assessment only recommends monitoring to measure PM10 concentrations during operation in which “notifications when levels exceed certain threshold values” would be provided. This is unacceptable considering the regular use of soccer and hockey fields were exceedances exist. This ‘reactive management’ does not consider the impacts prior to determination of the SSDA. • Despite insufficient data being collected, the AQIA confirms that the relocation of the site facilities and new site activities will result in exceedances of the 24-hour average impact assessment criteria for PM2.5 and PM10 at the nearby sporting fields and commercial receptors and 	

Label	Summary	Response
	<p>exceedance of the annual average impact assessment criteria for PM2.5 at the soccer field.</p> <ul style="list-style-type: none"> The EIS outlines that “the concrete processing and soil processing areas would receive source separated materials from external customers and materials from the recycling plant (at the waste processing building). Waste would be transferred between processing buildings by heavy mobile plant” It is unclear whether waste materials will be tarped when transferred between buildings to prevent litter or dust, particularly during high wind events. Concrete crushing processing produces high levels of dust, particularly as it is proposed in only partially enclosed buildings. Unless encapsulated within a fully enclosed building there is a high expectancy that dust particles will be blown externally. Therefore, the current proposal is not considered an acceptable work practice, particularly, when considering Breen’s EPL condition O3 Dust. O3.1 Activities must be carried out in a manner that minimises generation of dust. At the closest point of Besmaw’s site to the Breen site, the level of dust and particulate matter is the same as at the soccer field (which is an exceedance). The application considers the soccer field and Besmaw’s site as similar receptors which is incorrect. The application fails to consider future development on Besmaw’s site and the air quality impacts of this. 	
Contamination	<ul style="list-style-type: none"> The contamination report identifies a number of gaps, which “primarily relate to the potential for minor localised contamination to be present from Proposal Site operations, the potential for asbestos to be present, and the potential for contaminants other than those specified in EPL 4608 to be present in leachate (PCBs, TBT and PFAS).” Given that PFAS is a known presence in landfill leachates and is “an emerging contaminants with uncertainty in response of environmental effects,” a full assessment of potential contaminants is required to understand the impacts. A full assessment of potential contaminants should be undertaken, irrespective of the proposal, as part of the applicants ongoing site management responsibilities. The site plan indicates “tip and spread locations” that are exposed to the elements (not within enclosed structures). Insufficient information has been provided to determine whether the waste material will be tipped directly onto exposed soil. If that is the case, there is a high potential for contamination to infiltrate the soil, as well as airborne contamination. The architectural plans identified large waste operation areas. Inadequate information has been provided to determine the size of these areas or the setbacks to the boundary. Page 43 of the EIS identifies the “waste 	<p>Refer to the Contamination RTS Letter prepared by GHD at Appendix O. In summary GHD conclude that:</p> <ul style="list-style-type: none"> Any potential data gaps identified are of low significance and do not impact the assessment of the SSDA. The tip and spread inspection area would be in accordance with the NSW EPA’s Standards for managing construction waste in NSW (2019). The Standards require that the hardstand is constructed from material that is clearly distinguishable from any waste being tipped onto the hardstand and capable of withstanding the tipping, spreading and scraping of waste, the load and frequency of incoming vehicles and machinery used at the C&D facility. The tip and spread areas would be located inside and on sealed surfaces, as requested by the EPA. The generation of landfill gases and ammonia in leachate is to be expected at operational landfilling facilities. The significance of the observed concentrations depends on whether they represent a risk to potential receptors. As noted below in the groundwater response, the proposal is expected to reduce the amount of leachate and therefore improve on existing conditions. As such, the potential for unacceptable PFAS impacts to the environment from the proposal is considered low.

Label	Summary	Response
	<p>operations areas” as an exposed area that would stock pile material, including VENM, ENM, brick, concrete, tiles, rocks, asphalt, soil, road base, bedding sand, recovered fines, timber, aggregate and other products.</p> <ul style="list-style-type: none"> • Inadequate information has been provided to determine the volume of the stockpiles, with the EIS stating that “the size would comply with health and safety requirements.” Page 43 of the EIS further states that “all stockpiles would be managed with water sprays to minimise dust emissions, and subject to the implementation of dust monitoring and reactive management system to ensure dust impacts associated with the Proposal would be acceptable.” Page 47 of the EIS states that “stockpiles will be sheltered from prevailing wind conditions.” • Insufficient information has been provided to determine whether this management approach is acceptable in mitigating the associated environmental impacts and the water usage required to manage this operation. This is a requirement of the SEARs. • Page 59 of the EIS states that “surface water and leachate management for the Landfill would continue in accordance with current practices with particular emphasis on separation between surface water, waste materials and leachate.” • No soil sample has been undertaken of the eastern portion of the site, noted as the Proposal site. The report states that “anecdotally only virgin excavated natural materials have been used to fill the former pond.” In order to understand the baseline contamination data, the SEARs require testing of the Proposal site. • The contamination report notes that potential ground gas impacts are not well understood. No further information is provided on this and therefore the environmental impacts are unclear. • The current management of contamination on the site and the mitigation measures applied to reduce any offsite impacts provides baseline evidence into the way in which the facility may operate into the future. The fact that there has been recorded exceedances of ammonia, methane and carbon dioxide concentrations, in excess of the environmental guidelines provides evidence that the current management practices are inadequate. • The proposed development site includes a large waste organisation stockpile area adjacent to the site’s eastern boundary. No details have been provided regarding the volume of the stockpile and a management plan has not been provided in relation to this. The eastern boundary adjoins the pedestrian access route to Boat Harbour beach. • The waste operation areas and the “tip and spread” locations appear to be exposed to the elements (not within enclosed structures) and will be placed directly on what has been identified as “uncontaminated soil”. 	<ul style="list-style-type: none"> • Section 4.55 of the RTS Report provides updated stockpile information. • While there is limited gas data available within the central area of the proposal, this is not required as the source of ground gas impacts (landfilling) is over two hundred metres to the west of the proposal. Lateral migration of landfill gas over this distance through sandy materials is considered implausible as typical gas behaviour would be to take a shorter route to atmosphere in the absence of any confining layers. Further, the potential for VENM/EMN below the proposal area to generate ground gas is extremely low, as these materials are not putrescible and contain minimal organic content. • Mitigation measures include carrying out targeted data gap investigations, development of a Site Closure Plan that describes environmental monitoring requirements, development of a Construction Environmental Management Plan (CEMP) to address environmental controls during site development and validation of capping over landfilled areas in accordance with NSW EPA requirements. • The potential for long-term impacts has been evaluated through analysis of a dataset extending over a considerable period, which . This analysis indicates that the potential for unacceptable risk from impacted groundwater to on-site and off-site receptors is unlikely.

Label	Summary	Response
	<p>Insufficient information has been provided to determine whether the waste material will be tipped directly onto exposed soil. If that is the case, there is a high potential for contamination to infiltrate the soil, as well as airborne contamination. This poses a serious environmental risk.</p> <ul style="list-style-type: none"> • The mitigation measures provided in the contamination report are limited in nature and do not address on site contamination and how this will be mitigated, managed and contained as part of the proposed development. • The testing of bore holes confirms that contamination is exceeding the trigger levels however, this is no discussion on how this is being addressed or what the long term impacts are of this. The proposed development seeks to intensify the volume of waste accepted on the site (650,000 tpa and expanding the nature of the material received), with the waste cell increasing in size. The surrounding area will be established with playing fields and parklands, increasing patronage within the immediate vicinity of the site. As the surrounding character of the locality continues to evolve, more people will be attracted to the area and therefore the impacts associated with the intensification of the site need to be clearly understood. 	
Groundwater	<ul style="list-style-type: none"> • The groundwater report states that “while there does not appear to be a direct link between leachate impacts (most notably ammonia, but also to a lesser extent heavy metals) in groundwater at the Proposal Site with offsite surface water, the data suggests that leachate from the Proposal Site is likely to have migrated beyond the northern Proposal Site boundary in groundwater in excess of adopted criteria. This issue has been, and will continue to be, discussed with the EPA.” • Page 68 of the EIS states that “if the New Resource Recovery Facility proceeds independently of the Embellished Marang Parklands or not at all, the groundwater management system will lose important operational synergies resulting in a less efficient and effective system.” Inadequate information has been provided to understand how the new resource recovery facility will improve existing groundwater management systems for the current operations, given that when the existing site operations was approved, it was never envisaged that the resource recovery facility would be developed. • Any obligation to manage impacts from historical operations remains and cannot be the justification for the establishment of a Resource Management Facility on the site. • In 2018, the EPA raised concerns with Breen regarding the integrity of the landfill liner and the containment of leachate on the site. Insufficient information has been provided to ascertain how this is being addressed and how it will be mitigated under the proposed development scenario. 	<p>Refer to the Groundwater RTS Letter prepared by GHD at Appendix K. In summary GHD conclude that:</p> <ul style="list-style-type: none"> • The assessment of groundwater and contamination has been carried out as required by the SEARs • The potential for unacceptable risk from groundwater to on-site and off-site receptors is not expected. • The existing impact of leachate influenced groundwater migrating off-site was not having a discernible adverse impact terrestrial, aquatic ecology (or other receptor) in freshwater lakes or the Towra Point reserve area. • The Proposal is expected to reduce leachate generation and therefore the risk from off-site migration will also decrease. <p>In particular, in regard to the potential risk posed by offsite migration of contamination in groundwater the following conclusions were noted:</p> <ul style="list-style-type: none"> • Off-site recreational users. While recreational criteria were exceeded in groundwater beneath the Proposal Site, all off-site surface water results were below recreational criteria. Further, recreational access to Towra Point Nature Reserve to the north is restricted. Based on this the risk to off-site recreational receptors was considered to be absent. • Marine ecological receptors, while concentrations of metals and ammonia in groundwater exceed marine ecological criteria along the Proposal Site’s northern perimeter, ammonia exceedances in off-site marine surface water were not

Label	Summary	Response
	<ul style="list-style-type: none"> • Groundwater monitoring is stated to be undertaken on a quarterly and yearly basis, however the records provided in the GHD report indicate that this is not the case, with ground water monitoring occurring at yearly intervals and with substantial gaps in the data. • Groundwater monitoring samples consistently show exceedance above the relevant trigger values, including arsenic concentrations, copper concentrations and ammonia. The Proposal Site is located in close proximity to the Towra Point Nature Reserve which is a RAMSAR Wetland located immediately north of Captain Cook Drive. • Groundwater dependent ecosystems are identified as medium to high, immediately adjoining the sites northern boundary, in proximity to BH10B. The groundwater report states that “the highest concentrate of ammonia currently migrating off-set are in wells along the north western boundary (between BH12A and BH10B). The EIS does not state how this is being addressed or what mitigation measures are proposed to resolve this. • The ground water report states that “while there are concentrations of contaminants present in onsite leachate and groundwater above adopted ecological, aquaculture and human health the impacts at down gradient receptors are not clearly discernible from those associated with the wider urban and industrial environment.” The current urban environment is changing. The cessation of the waste facility in the western portion of the site and the construction of the parklands will significantly increase patronage to this area. • The report does not establish how the concentrations of contaminations is being addressed or managed as part of the proposal and future site operations. Given that the waste cell and facility has an expected life cycle of 15 years (at a minimum) and it will be co-located within an urban environment, it is critical that this be addressed. 	<p>present. The relationship between boundary groundwater quality and off-site surface water indicates that background impacts, especially for metals, cannot be ruled out. Capping in the future land use scenario is likely to reduce infiltration and groundwater impacts. Based on this the risk to marine ecological receptors was considered to be unlikely.</p> <ul style="list-style-type: none"> • Concentrations of metals and ammonia in groundwater exceed fresh water ecological criteria. However, in the off-site pond to the south (down gradient) of the Proposal Site all concentrations are below the freshwater assessment criteria except for one copper exceedance (in a duplicate sample). Based on this a risk to freshwater ecological receptors was considered to be unlikely.
Operational Risk	<ul style="list-style-type: none"> • It is unclear what processing plant will be utilised to separate and wash materials to produce soils. In addition, it is also unknown if the process is contained within building, what water source will be used and what sediment control measures to be implemented. • It is unclear if pre-processing of incoming waste streams is to be contained within fully sealed building to control potential asbestos fibres harmful to human health into environment. Specifically, where and how are hazardous waste materials contained and managed onsite. • Concern is raised for high risk exposure to Crystalline Silica. Crystalline silica is most dangerous to health when dust is generated, becomes airborne and then inhaled. Breen’s mechanical crushing activities will be producing airborne dust particles. Crystalline silica is found in waste 	<p>All waste management and processing activities will be carried out within enclosed buildings, reducing risk of emissions.</p>

Label	Summary	Response
	<p>products (recovered concrete, brick & mortar, rock) that Breen’s are proposing to crush in processing plant.</p>	
<p>Landfill Gas Management</p>	<p>It is common practice within the waste industry (landfills) to undertake surface gas emission monitoring of landfill areas (capped or intermediate cover) to demonstrate cover materials are controlling landfill gas emissions This should be considered and assessed in EIS generally but also having regard to the sensitive nature of the surrounding land and the existing and proposed embellished open space.</p>	<p>Landfill gas management infrastructure (if required) is proposed as part of the final capping and is subject to further field testing. Specific requirements for the landfill gas management infrastructure will be provided at the detailed design stage and will consider inter alia loading from overlying and adjacent ground.</p>
<p>Assessment of Alternatives</p>	<ul style="list-style-type: none"> • The EIS has not identified and evaluated alternatives to the proposal and current justification within Section 3.4 is not sufficient. • The EIS outlines there is no alternative, and the delivery of parklands would not proceed without the proposal. This is incorrect as the parklands were agreed to under the VPA and must be provided regardless of this proposal. The applicant has simply nominated an alternative embellishment outcome. • It is incorrect to justify the RRF to enable the delivery of the parklands. Under the ‘Do-nothing scenario the VPA and DA/269/90 enable the delivery of the parklands and further consent is not required. The EIS admits that the “do nothing scenario” is achievable and consistent with current operating consents, and there is no plausible reason for this not to occur. • The justification of the preferred option fails to realise the emerging land use context towards recreation and residential and movement away from industrial land uses on the Kurnell Peninsula. Economic reasoning and the ability to obtain profit from a land use should not be used as planning justification for a proposed development and does not provide a real alternative. • The parklands are to be delivered in accordance with the VPA and sit outside of the SSDA. The additional improvements, embellishments and community facilities can occur without the new land use and is unrelated to the RRF. • The EIS demonstrates that there would be no impact on the delivery of the parklands if the RRF was delayed or did not proceed. The required filling could occur from the existing facility location in accordance with the current consent, and as such no reasonable justification has been provided for its relocation to the western portion of the site which has a number of constraints. The proposed location was previously not supported by Council and and hence further analysis of viable alternatives must be explored. 	<p>Refer to Section 4.1.5 of the RTS Report for a detailed response.</p>

Label	Summary	Response
Lack of Consultation	<p>The issues raised by Besmaw at the consultation meeting have not been documented or addressed within the EIS. The issues remain unresolved, and it is evident that sufficient consultation has not occurred with Besmaw, as neighbouring landowners. The submission provides clarification of Besmaw issues and concerns.</p> <ul style="list-style-type: none"> • Besmaw want to see rehabilitation concluded and the Marang Parklands delivered, as required. And note that parklands were supposed to be delivered by 31 December 2020. • The implication in the EIS that certainty was more important than an appropriate outcome is misleading. Besmaw is committed in ensuring the most appropriate outcomes for the Kurnell Peninsula are achieved. The proposal is inconsistent with the vision for the Kurnell Peninsula as a Coastal Destination Zone as illustrated in the LSPS. • Concern in relation to the lack of committed timeframe and the open-ended nature of the proposal which would be in conflict with the future vision for the Kurnell Peninsula. • The proposal is not just inconsistent with Besmaw’s vision for their site but the Kurnell Peninsula as a whole. It is envisaged in the LSPS as a Coastal Destination Zone which prioritises tourist and recreational land uses. Recent development of residential land uses on the Peninsula including Shearwater and Greenhills also demonstrate a shift away from industrial. The RRF will be inconsistent with the Embellished Marang Parklands to be delivered by Breen, including the current soccer and hockey fields as well as the nearby walking trails regularly used by the Sutherland Shire community. • Traffic issues at Lindum Rd roundabout shared with Besmaw and other recreational users. There has been no information provided on the detailed design of the proposed access point and its conflict with the Lindum Road pedestrian access to Wanda Beach, Boat Harbour Drive and Besmaw’s truck access point. 	<p>Refer to Section 4.14 of the RTS Report for a detailed response.</p>
Summary of Public Submissions		
Traffic	<ul style="list-style-type: none"> • Concerned about increased truck movements. Truck movements are particularly unsafe during rain. Increase in truck movements will affect safety of students and parents from Cronulla High School. Trucks also do not care for the roundabouts at Greenhills beach and accidents have resulted in personal injury. Especially not suitable given the single lane access road and accounting for the already high traffic volume. • Concern regarding speeding trucks, and trucks that do not stop at roundabouts. TfNSW should consider installing Safe-T-Cam to monitor truck movement to detect speeding or fatigued drivers. 	<p>The road condition within the immediate proximity of the site has been improved from that initially proposed in the EIS, by the provision of an additional roundabout at the site entrance.</p> <p>All trucks would access the NRRF via Captain Cook Drive, which is designed to accommodate articulated trucks and other large vehicles. Trucks accessing the NRRF are generally not employees or contractors of Breen, so Breen cannot control their driving behaviour. However, as part of the Operational Traffic Management Plan Breen can provide advice to customers and visitors to the NRRF, including guidance on the safety issues at key intersections and in particular requesting that truck drivers</p>

Label	Summary	Response
		<p>drive carefully and to the conditions. If there are persistent safety concerns in relation to the behaviour of truck drivers on public roads, then these concerns should be dealt with by the police enforcing the road rules. Installation of enforcement devices such as Safe-T-Cams is not within Breen’s control, however Breen would not object to any public authority’s consideration of this kind of initiative.</p> <p>It is highlighted that the Existing Breen Resources Facility has historically operated at higher throughput levels than what is being requested under the Proposal, and that the Kurnell Peninsula will continue to operate as a key industrial precinct generating significant numbers of trucks movements. Therefore, truck movements along Captain Cook Drive would continue irrespective of the Proposal, and the proposed capacity limit under the Proposal would ensure that its contribution to truck movements remains consistent with the function of Captain Cook Drive as a sub-arterial road servicing both industrial and non-industrial land uses.</p>
	<ul style="list-style-type: none"> The traffic report is silent on the gradual increase of traffic and congestion from this development and the surrounding area. Considerations need to be taken to improve traffic management such as upgrades to Eloura Road/Captain Cook Drive roundabout. 	<p>Section 7 of the Traffic and Transport Report (see Appendix O of the EIS) contains a cumulative assessment of traffic impacts and concludes that the net traffic generation and impacts of the Proposal is demonstrated by the SIDRA modelling to be negligible. The Proposal therefore does not warrant upgrades to the Eloura Road/Captain Cook Drive roundabout.</p>
	<ul style="list-style-type: none"> Off road lane bus stops and shelters should be constructed to protect buses and people from the risk of truck accidents. 	<p>Installation of bus stops and shelters are the responsibility of the relevant public authorities. However, Breen would not oppose any public authority’s consideration of this initiative.</p>
	<ul style="list-style-type: none"> Traffic assessment of Lindum Road roundabout does not account for the high public demand and use of the road by visitors which is popular during Summer. The roundabout is a bottleneck when the sporting fields operate. Additionally, the proposal might result in cars being prohibited from parking on both sides of Lindum Road and be forced to park in an already full car park 	<p>The traffic assessment of the Lindum Road / Captain Cook Drive roundabout has been assessed as per Section 7 of the submitted Traffic and Transport Report (see Appendix O of the EIS), which includes SIDRA modelling that demonstrates that traffic impacts on this intersection are negligible.</p> <p>The revised proposal includes a roundabout treatment on Lindum Road (at the intersection with the Boat Harbour driveway and proposed NRRF driveway), which will improve the safety and operation of this intersection. Appendix D provides plans with conceptual design details of the proposed roundabout.</p> <p>The Proposal does not include any change to parking arrangements along Lindum Road. Unless Council decides to impose street parking restrictions, the proposed extension of Lindum Road (which is required to connect to the NRRF’s driveway) would be expected to result in additional on-street parking spaces being made available.</p>
	<ul style="list-style-type: none"> Safety for cyclists and cars has not been considered. 	<p>The revised proposal to include the roundabout treatment on Lindum Road at the Boat Harbour driveway and proposed RRF driveway, will reduce conflict between pedestrians, cyclists and vehicles near the entrance to the NRRF. Specifically, the roundabout will reduce turning radiuses and therefore reduce the turn speed of vehicles, improving safety for cyclists and pedestrians. The introduction of the</p>

Label	Summary	Response
	<ul style="list-style-type: none"> The applicant does not address the traffic generated in the area from the proposed Marang Parklands. 	<p>roundabout also increases sightlines for pedestrians and allowed a pedestrian island to be introduced on the western leg of the intersection. The separation of entry and exit lanes to the NRRF will also create a de-facto pedestrian refuge island.</p> <p>Section 7 of the Traffic and Transport Report contains a cumulative assessment of traffic impacts including from the Embellished Marang Parklands, and concludes that the net traffic generation and impacts of the Proposal is demonstrated by the SIDRA modelling to be negligible.</p>
	<ul style="list-style-type: none"> Double trailers parking outside the estate as truck stops for breaks for hours at a time with engines running. 	<p>Trucks are permitted to park on any public road subject to any parking restrictions imposed by Council. However, as part of the Operational Traffic Management Plan Breen can provide advice to customers and visitors to the NRRF, including requesting that trucks don't park for long breaks around the site. If there are persistent concerns in relation to idling trucks, then these concerns should be dealt with by Council imposing additional parking restrictions on surrounding streets.</p>
Traffic Noise	<ul style="list-style-type: none"> Noise impact assessment does not consider truck movements alongside the Greenhills, rather it focusses on the vehicles at the development site which operates in a 24 hour period. The area already suffers from noise issues from trucks. This is already increasingly becoming worse. Increase in truck movement will result in even more noise in the area. Noise abatement walls for the school need to be installed as part of the proposal 	<p>Section 4.3 of the Noise and Vibration Assessment has taken noise generated from trucks into account, and concluded that the proposal meets the relevant acoustic requirements and does not result in any unacceptable impacts to sensitive receivers.</p> <p>Further, truck movements are not expected to increase during the evening and night time periods, so no change in night time road traffic noise levels would be expected.</p> <p>In relation to day time trucks movements, Section 3.4 of the Traffic and Transport Report (see Appendix O of the EIS) identifies that total traffic flows along Captain Cook Drive are approximately 10,850. The additional vehicle movements forecast as a result of the Proposal, compared to 2017/2018 is 515 vehicles per day. In accordance with the NSW Government's Fact Sheet for Managing traffic noise from new and upgraded roads, it is estimated that traffic needs to double to result in a noticeable road traffic noise increase of 3dBA. Given that road traffic is anticipated to increase during the daytime by less than 5%, increases in road traffic noise would be marginal. As such, the installation of noise abatement walls for the school are not considered necessary in relation to the Proposal.</p>
Traffic Air Pollution	<ul style="list-style-type: none"> The area already suffers from air quality issues from trucks. Truck movements will increase which will increase air pollution from dust and dirt that they transport 	<p>The Proposal will result in increased traffic of less than 5%. As such, the Proposal is unlikely to result on increased air quality impacts as a result of vehicles travelling on public streets.</p> <p>Management measures have been proposed to mitigate impact from dust and dirt emissions from truck movements on site. A key management measure is the proposal of three wheel washers, so that wheel washing of all vehicles can occur in order to contain dust pollutants on site. Moreover, air quality impact will be reduced from design changes to undertake all waste storage and processing in internal buildings (except for wet waste) and to seal all internal roads. The proposal will comply with the relevant air quality criteria.</p>

Label	Summary	Response
Air Pollution	<ul style="list-style-type: none"> Dust levels at existing landfill not adequately managed. Air quality is already degraded from water waste treatment plant and flight path. The site cannot accommodate increase in operation. 	<p>The Air Quality Impact Assessment (AQIA) dated April 2021 (see Appendix M of the EIS) has concluded that air quality impacts from the proposal can be adequately managed. Regarding cumulative air quality impacts during construction of the Embellished Marang Parklands, the Air Quality RTS Letter (Appendix I) clarifies that the assessment of cumulative impacts in the AQIA concludes that the construction of the Marang Parklands would not lead to additional exceedances of the criteria for either PM2.5 or PM10.</p>
	<ul style="list-style-type: none"> Concern regarding lack of site specific data relating to dust and particulate matter. Randwick baseline should not be accepted. No independent testing has been done for airborne pollution impacts. Suggests condition should be imposed for the proponent to undertake a report regarding health impacts on local residents. 	<p>It is commonplace under the Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (the “Approved Methods”) to use data from a nearby air quality monitoring station (AQMS) within the air quality monitoring network operated by the NSW Department of Planning and Environment (DPE) to establish the likely existing ambient air quality at sensitive receptors near the Proposal site. The AQIA used data from the DPE AQMS located at Randwick as this was the nearest AQMS to Kurnell. This data is considered to be sufficiently representative of the likely ambient air quality at the most potentially affected sensitive receptors in the absence of activities on the Proposal site. Because the Approved Methods require one year of ambient air quality data, site-specific air quality monitoring was considered both impractical and unnecessary in this instance.</p> <p>Notwithstanding the above, as presented in the AQIA, identified in the Air Quality RTS letter and discussed in Section 12.4 of the EIS, real-time dust monitoring and reactive management will be employed at the site. The real-time dust monitoring equipment will measure total dust levels at sensitive receptor locations, not just the contribution from Breen’s activities, and appropriate steps will be taken to avoid exceedances of dust criteria as a result of Breen’s activities.</p>
	<ul style="list-style-type: none"> Air quality report does not cover construction impacts which are more than double the air quality impacts during operation. 	<p>Air quality impacts from operation of the NRRF and landfill together with the construction of the Embellished Marang Parklands are assessed in Section 7.1.2 of the AQIA. This scenario was determined as the worst case dust emissions scenario. The air quality modelling demonstrated at air quality criteria would be complied with at all residential receptors during this worst case scenario.</p>
	<ul style="list-style-type: none"> Dust suppression techniques should be applied to monitor until new vegetation is established as to not impact nearby residents. 	<p>Appropriate dust management and monitoring would be implemented at the Embellished Marang Parklands until new vegetation has established. Ongoing dust monitoring for the purposes of reactive management, as provided in Section 8 of the AQIA, would continue to be implemented for the life of the NRRF.</p>
	<ul style="list-style-type: none"> Increase in operational capacity will result in increased risk of exposure to dust, airborne asbestos, diesel fuel emission from equipment and other materials to nearby residential houses. 	<p>The AQIA has concluded that the proposal will comply with the established air quality criteria at residential receptors. Moreover, the design changes to internally process and store all waste (except for wet soil and clay) and seal all internal roads will improve air quality outcomes at residential receivers.</p> <p>It is highlighted that no asbestos is proposed or allowed to be received at the Site as part of the Proposal.</p>

Label	Summary	Response
	<ul style="list-style-type: none"> Embellished Marang Parklands and sports fields will be exposed to toxic dust and particles. 	<p>Air quality impacts associated with the Proposal were assessed in the AQIA and have been clarified in the Air Quality RTS Letter at Appendix I. The assessment concludes that the Proposal would likely not lead to additional exceedances of the criteria for either PM2.5 or PM10 at nearby sensitive receptors such as the sporting fields. Additionally, the design changes to the NRRF will further reduce dust emissions from the Proposal, and coupled with dust monitoring and reactive management, any offsite air quality impacts associated with the Proposal will be able to be reduced to ensure that Breen’s activities do not result in exceedances of the air quality criteria.</p>
	<ul style="list-style-type: none"> Dust impacts will affect those with asthma. Children will not be able to play outside. 	<p>As above, the Proposal meets the relevant air quality criteria, and is further improved by the design changes to internally process and store all waste (except for wet clay and soil waste) and seal all internal roads.</p>
	<ul style="list-style-type: none"> Even industrial developments with mitigation measures affect the air quality of residents. 	<p>The Proposal has been amended to ensure all processing and stockpiling of waste is undertaken within enclosed buildings, and includes mitigation measures that will ensure that air quality impacts are maintained within the acceptable criteria.</p>
Recreational Space	<ul style="list-style-type: none"> Wants to see the recreational space expand beyond playing fields and a walking path. The entire Breen site should be a green corridor with additional playing fields or be residential development. 	<p>A new VPA has been agreed with Council that contains various embellishments and improvements to the future Embellished Marang Parklands.</p>
	<ul style="list-style-type: none"> Sutherland Shire already has a recycling facility, it doesn’t need another. 	<p>Breen has had an existing recycling facility operating on the Proposal Site for many years which has serviced the local and broader community. Part of this Proposal is to decommission the existing recycling facility and construct a new modern and improved facility on a different portion of the Proposal Site.</p>
	<ul style="list-style-type: none"> Believes the bike and pedestrian path should be extended out into the parkland to provide access for active transport away from the roads. Mountain bike and pedestrian paths should be separated to increase safety of pedestrians 	<p>A new VPA has been agreed with Council that contains various appropriate embellishments and improvements to the future Embellished Marang Parklands. The Landscape Masterplan for the parklands identifies a range of primary and secondary paths that would provide for bike and pedestrian paths, as well as additional pedestrian only paths.</p>
	<ul style="list-style-type: none"> Marang Parklands project has been delayed and not delivered. How much longer will the delays be? It has been an empty promise so far. Concerned Breen will further delay or not deliver on its promises of recreational space and playgrounds/ sports facilities, as the new agreement organised for this development does not mention the 2010 open space. 	<p>A new VPA has been agreed with Council which, once operative, guarantees the timely delivery of the Embellished Marang Parklands.</p>
	<ul style="list-style-type: none"> Believes it is misleading to market the obligations of delivering public space under a VPA as 'doing so for the good of the community and to create a legacy'. Additionally, it is misleading to rely on the positive social impacts provided through the VPA as a matter for consideration in the Social and Economic Impact Assessment. 	<p>VPAs can provide a way for securing benefit to the community. Contributions and payments are another way. In this case, Breen offered a VPA to Council as part of the development application and Council accepted. The new VPA which includes the delivery of the Embellished Marang Parklands and various levies and payments to Council will result in public benefits over and above the public benefit secured in the 2010 VPA.</p>

Label	Summary	Response
Leachate and landfilling concerns	<ul style="list-style-type: none"> • Little is being done to manage materials leeching into Quibray Bay. • Groundwater contamination has happened in the past and could happen again if no additional mitigation measures are implemented. • Pollution may continue to leak to nearby recreational areas and Village. The new development should not be allowed to take industrial waste or household waste as it contains more risk of pollution. • Concern relating to impact on increased landfill on the environment. 	<p>As set out in Appendix K, GHD has found that existing groundwater impacts are not resulting in any substantial, unusual or irreversible impacts, as even though existing site conditions are resulting in migration of leachate influenced groundwater off-site, this is not considered to represent an adverse impact on surrounding waterways or the environment. This is because water quality data indicates that the current concentrations in pore water and surface water in Quibray Bay and Weeney Bay in locations closest to the Site are not showing results that are materially different from background conditions analysed in the remainder of Quibray Bay and Weeney Bay. This means that any groundwater moving from the Site into Quibray Bay and Weeney Bay is not presently discernible from background conditions, demonstrating that the Site is not having any adverse impact on these water bodies.</p> <p>In addition to the above, GHD also note that the implementation of the Proposal will result in the following benefits:</p> <ul style="list-style-type: none"> • Migration of leachate influenced groundwater off-site will reduce (by up to 90% relative to current conditions) as the Proposal is progressively developed; • There will be a significant reduction in leachate generation (approximately 71 % of current conditions), which is expected to be reduce leachate influenced groundwater concentrations within 6 years; • Construction of the parklands is not expected to generate a construction based increase in rainfall infiltration and leachate; • As capping/ground treatment progresses any potential for increased leachate generation will quickly subside. • Operation will result in an overall improvement in the potential water quality impacts at off-site receptors by reducing the volume of groundwater influenced by leachate being generated from: <ul style="list-style-type: none"> - beneath capped Embellished Marang Parkland and sport field areas; - beneath Cell B11 (due to the liner); - beneath the NRRF (due to better site surface water management prior to infiltration); and - the rehabilitated soil recycling areas on Cell B10 (due to reduced recharge from capping).
Noise	<ul style="list-style-type: none"> • Increase in waste processing to 650,000 tonnes per year will increase noise pollution impacts on nearby residents 	<p>The predicted noise levels presented in the original Noise and Vibration Impact Assessment comply with the noise trigger levels at all sensitive receivers.</p>

Label	Summary	Response
Built Form	<ul style="list-style-type: none"> Landscape plans and field survey contradict each other on the future final height of the development Construction of enclosed buildings will benefit the site by limiting spread of dust pollution and other environmental impacts, and hide operations from view. 	<p>There is no contradiction between the landscape plans and field survey. The site survey plan (provided at Appendix F of the EIS) relates to existing levels and levels associated with construction of current landfill cells. The Landscape Masterplan (provided at Appendix C of the EIS) illustrates the proposed future levels of the final landform.</p> <p>All material handling, stockpiling and processing is not proposed to occur within fully enclosed buildings, with the exception of clay material and wet soil, which will be dried outside.</p>
Biodiversity	<ul style="list-style-type: none"> A green corridor should be considered to reduce animal fatalities from vehicles and trucks The development will have an impact on the surrounding environmentally sensitive land and critically endangered species of wetland and coastal birds as well as other endangered ecological communities. 	<p>The Updated BDAR (see Appendix M) has considered all potentially affected species and undertaken surveys and assessment where required by the Biodiversity Assessment Method 2020. Where species are affected, mitigation measures and species credits have been proposed. All viable mitigation measures for managing impacts to fauna as a result of the Proposal have been considered as part of the BDAR and updated BDAR.</p> <p>No direct impacts are likely to occur to surrounding wetlands, and any indirect impacts are likely to be less than the indirect impacts occurring as a result of current activities, because the processing and stockpiling activities are now proposed to be undertaken entirely within enclosed buildings.</p>
Operational Capacity	<ul style="list-style-type: none"> Total amount of waste processed should be limited. Justification should be provided that shows the new facility can process 650,000 tonnes. This should be compared with current capacity. 	<p>Section 4.5 of the RTS Report provides additional justification and detail on the proposed waste capacity and operations.</p>

Label	Summary	Response
Health	<ul style="list-style-type: none"> The development poses health risks to residents of the Greenhills estate 	Health risks relating to air quality and noise will be reduced as all material handling, stockpiling and processing will occur within fully enclosed buildings (with the exception of clay material and wet soil, which will be dried outside). In addition, the NRRF would be located further away from residential properties at Greenhills Beach estate compared to existing waste processing activities.
Finances	<ul style="list-style-type: none"> Concern regarding devaluation of house properties 	The delivery of the Embellished Marang Parklands will increase liveability and become a key asset for the community.
Consultation	<ul style="list-style-type: none"> The proposed Neighbourhood Advisory Panel needs a Kurnell Community Member and a local environmental stakeholder. 	This is noted by the proponent. Breen will seek expressions of interest from the community at the appropriate time.
Visual Impact	<ul style="list-style-type: none"> The view north from the northern most lookout on the service trail adjacent to the sand dunes will be destroyed. The visual assessment has not been done accordingly to account for the residents who enjoy the current views. 	Further detailed visual impact assessment of this view impact is provided in a revised Visual Impact Assessment (see Appendix P). The Embellished Marang Parklands will create a new regionally significant park that is connected to the Cronulla State Park. It will provide new elevated looks outs and vantage points that would provide improved regional viewing opportunities compared to what is currently available from trails within the State Park. The Embellished Marang Parklands are considered to provide a positive contribution to the local landscape and its visual amenity, and would offset the view impacts from the service trail lookout adjacent the site in the State Park.