

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I approve the modification of the project approval referred to in Schedule 1, subject to the conditions in Schedule 2.

David Gainsford
A/Executive Director
Key Sites and Industry Assessments

Sydney

2015

SCHEDULE 1

The Project Approval (05_0098) granted by the Minister for Planning for Jack's Gully Alternative Waste Technology Facility on 7 September 2006.

SCHEDULE 2

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| Department | Department of Planning and Environment. |
| DPI | Department of Primary Industries. |
| EPA | Environment Protection Authority. |
| Feasible | Feasible relates to engineering considerations and what is practical to build. |
| Garden Waste | As defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> . |
| General Solid Waste | As defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> . |
| Incident | A set of circumstances that: <ul style="list-style-type: none">causes or threatens to cause material harm to the environment; and/orbreaches or exceeds the limits or performance measures/criteria in this approval. |
| Liquid Waste | As defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> . |
| Material harm to the environment | Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial. |
| Mitigation | Activities associated with reducing the impacts of the project prior to or during those impacts occurring. |
| Organic Waste | As defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> . |
| Proponent | Suez (Australia) Pty Ltd, or its successors. |
| Reasonable | Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. |
| Secretary | Secretary of the Department (or nominee). |
- Delete all instances of the word DEC and replace with EPA.
- Delete all instances of the word Director-General and replace with Secretary.

4. Delete all instances of the word DNR and replace with DPI.
5. In condition 1.1, delete paragraph i) and insert instead:
 - i) Modification Application 05_0098 MOD 5, dated 30 October 2013, accompanied by documents titled, *Environmental Assessment: Modification Application – Spring Farm Advanced Resource Recovery Technology (ARRT) Facility*, dated 30 October 2013, prepared by Cardno NSW/ACT, and *Response to Submissions to the Public Exhibition, Spring Farm Resource Recovery Facility S.75W Modification Application (05_0098 MOD 5)*, dated 12 January 2015, prepared by Cardno NSW/ACT.
6. Delete conditions 2.8 and 2.9 and insert instead:
 - 2.8 The Proponent shall not cause, permit or allow any materials or waste generated outside the site to be received at the site for storage, resource recovery, processing, or disposal on the site, except as expressly permitted by an EPL.
 - 2.9 The Proponent shall not receive or process on the site more than:
 - a) 130,000 tonnes per year of General Solid Waste;
 - b) 25,000 tonnes per year of Garden Waste;
 - c) 5,000 tonnes per year of Organic Waste; and
 - d) 530m³ of Liquid Waste comprising liquid organic waste and leachate.
7. Delete condition 2.11.
8. Insert the following conditions immediately after condition 2.24:
 - 2.25 The Proponent shall prepare the studies set out under subsections a) to b) (the pre-construction studies). Construction associated with MOD 5, other than preliminary works that are outside the scope of the hazard studies, shall not commence until the recommendations of the study have been considered and, where appropriate, acted upon:
 - a) a Hazard and Operability Study for MOD 5, chaired by an independent qualified person. The study shall be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*; and
 - b) a Final Hazard Analysis for MOD 5, consistent with the Department's *Hazardous Industry Planning Advisory paper No 6 "Hazard Analysis"*. The document shall be prepared and submitted to the Department no later than one month prior to the commencement of construction of MOD 5 (other than preliminary works), or within such further period as the Secretary may agree.
 - 2.26 The Proponent shall develop and implement the plans and systems set out under subsections a) to b). No later than two months prior to the commencement of commissioning of MOD 5, or within such further period as the Secretary may agree, the Proponent shall submit for the approval of the Secretary documentation describing those plans and systems. Commissioning shall not commence until approval has been given by the Secretary.
 - a) the Proponent's Emergency Plan and detailed emergency procedures shall be updated to incorporate any changes due to MOD 5. The plan shall include detailed procedures for the safety of all people outside of the development who may be at risk from the development. The plan shall be in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Industry Emergency Planning Guidelines'*; and
 - b) the Proponent's Safety Management System shall be updated to include any changes due to MOD 5. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records shall be kept on-site and shall be available for inspection by the Secretary upon request. The Safety Management System shall be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.

9. Insert the following condition immediately after condition 3.4:

Meteorological monitoring

3.4a The Proponent shall operate a meteorological station on the site that complies with the requirements in the latest version of the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales*.

10. Insert the following conditions immediately after condition 3.5a:

Odour Audit

- 3.5b The Proponent shall carry out an Odour Audit of the Project no later than 6 months after the commencement of operation of the tank farm. The audit must:
- a) be carried out by a suitably qualified and experienced independent person(s), whose appointment has been endorsed by the Secretary;
 - b) audit the Project in full operation;
 - c) include a summary of odour complaints and any actions that were carried out to address the complaints;
 - d) validate the Project against odour impact predictions in Modification Application 05_0098 MOD 5;
 - e) review design and management practices in the Project against industry best practice for odour management; and
 - f) include an action plan that identifies and prioritises any odour mitigation measures that may be necessary to reduce odour emissions.

Note: The odour audit may be prepared so that it addresses the requirements of this consent and the EPL for the Development.

- 3.5c The Proponent shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of the Odour Audit.

11. Delete conditions 5, 5.1, 5.2, 6, 6.1, 6.2 and 6.3 and insert the following:

C. REPORTING, REVIEW AND ACCESS TO INFORMATION

Incident reporting

- C1. The Proponent shall notify, at the earliest opportunity, the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the Project, the Proponent shall notify the Secretary and any other relevant agencies as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular reporting

- C2. The Proponent shall provide regular reporting on the environmental performance of the Project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.

Independent Environmental Audit

- C3. Within 1 year of the date of approval to Modification 5, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the Project. This audit must:
- a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - b) led by a suitably qualified auditor, and include experts in fields specified by the Secretary;
 - c) include consultation with the relevant agencies;
 - d) assess the environmental performance of the Project and assess whether it is complying with the requirements in this approval, and any other relevant approvals

- and relevant EPL/s (including any assessment, plan or program required under the approvals);
- e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and
 - f) recommend measures or actions to improve the environmental performance of the Project, and/or any strategy, plan or program required under the approvals.
- C4. Within three months of commissioning this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

Annual review

- C5. Within 1 year of the date of approval to Modification 5, and every year thereafter, the Proponent shall review the environmental performance of the Project. This review must:
- a) describe the operations that were carried out in the previous calendar year, and the operations that are proposed to be carried out over the next year;
 - b) include a comprehensive review of the monitoring results and complaints records of the project over the previous calendar year, which includes a comparison of the results against the:
 - (i) the relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this approval;
 - (iii) the monitoring results of previous years; and
 - (iv) the relevant predictions in the EA;
 - c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - d) identify any trends in the monitoring data over the life of the Project;
 - e) identify any discrepancies between the predicted and actual impacts of the Project, and analyse the potential cause of any significant discrepancies; and
 - f) describe what measures will be implemented over the next year to improve the environmental performance of the Project.

Revision of strategies, plans and programs

- C6. Within 3 months of the submission of an:
- a) annual review under Condition C5 above;
 - b) incident report under Condition C1 above;
 - c) audit under Condition C3 above; or
 - d) any modification to this consent,

the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the Project.

- C7. The Proponent shall ensure that the operation of the Project is undertaken in accordance with all relevant updated and/or amended strategies, management plans and programs approved by the Secretary (or as revised and approved by the Secretary), unless otherwise agreed by the Secretary.

Access to information

- C8. The Proponent shall:
- a) make copies of the following publicly available on its website:
 - (i) the documents referred to in Condition 1.1;
 - (ii) all current statutory approvals for the Project;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) a comprehensive summary of the monitoring results of the Project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;

- (v) a complaints register, updated on a monthly basis;
 - (vi) the annual reviews of the Project;
 - (vii) any independent environmental audit of the Project, and the Proponent's response to the recommendations in any audit; and
 - (viii) any other matter required by the Secretary; and
- b) keep this information up to date.

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