



Our Ref: 208212_LEO_006.docx

14 May 2012

Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Andrew Hartcher

Dear Mr Hartcher,

MINOR MODIFICATION OF ORANGE WASTE PROJECT APPROVAL MP09_0025 – RESPONSE TO PUBLIC SUBMISSIONS

Further to the public comments received in respect of the above Minor Modification Application, please find attached to this letter the proponents response.

Please also find attached a revised drawing set, **Drawings EV01 – EV16, Issue E**, that has been prepared in response to the content of the public submissions. These drawings demonstrate consistency with the Project Approval MP09_0025 whilst also assisting in providing clarity to the design and layout of the sites.

Should you have any questions regarding the above or the attached, please don't hesitate to contact the undersigned.

Yours faithfully
Geolyse Pty Ltd

DAVID WALKER
Town Planner

No. of Attachments – 2

1. Response to submissions
2. Revised drawing set: **Drawings EV01 – EV16, Issue E.**

Response to Public Submissions – Orange Waste Project Minor Modification MP09_0025

Comment received from: NSW Planning and Infrastructure

Issue No.	Comment	Response
1	Need: provide justification for need for modification and why it has come about	The need for this proposed modification stems from the development of detailed design of the facilities, with a view to meeting the requirements of Project Approval MP09_0025. Initial design was undertaken on a conceptual basis, and as the project moves from conception to delivery, specific details have been clarified and minor modifications occurred as a result. Changes to the proposal, specifically with relation to the layout at Euchareena Road, have also been further influenced by the proponent's decision to move away from a Council run facility and to have expert operators run the recycling and composting elements of the operation. As a result of this the proponent has identified the need for specific Council facilities at the site that are separate from the contractor's facilities; this has necessitated the re-arrangement of the internal buildings and road layout. Subsequent to the submission of the minor modification application, a tender has been awarded for the operation of the sites, which has resulted in further minor changes to the layout and orientation of the buildings and the sites. Revised Drawings EV13 and EV14, and new Drawings EV15 and EV16 show the proposed layout by comparison to the approved plans. The proposed modification application has been developed to address conditions of the Project Approval.
2	Traffic: Estimate of traffic reduction to Euchareena Road due to relocation of education facilities, and details of any increase to Ophir Road site.	It is expected as result of the education facilities reverting to Ophir Road that traffic visiting the Euchareena Road site will decrease by approximately 30 vehicle movements per year. This figure is based on current attendance at the Ophir Road site, being 2 school buses per month, for a yearly total of 24, plus an additional 6 smaller vehicles per year attending educational tours. Traffic will not increase at the Ophir Road site over and above current levels as, as noted above, the education activities are currently hosted at the Ophir Road site. It is the intention of the proponent that this situation will continue.

Comment received from: NSW Planning and Infrastructure

Issue No.	Comment	Response
3	Noise: Construction noise impacts and justification that reduced building will lead to reduced construction noise	The consolidation of activities at the Ophir Road site into one building will result in a reduction in the duration of construction noise due to the reduced amount of time needed to build one structure by comparison to three. The consolidation of the activities into one building negates the need for the demolition of two existing buildings leading to a reduction in construction noise. This matter will be further addressed in the Construction Noise Environmental Management Plan, which will be submitted under separate cover, and in accordance with Appendix 1 of Project Approval MP09_0025. The Construction Noise EMP will be prepared in accordance with the Department of Environment and Climate Change <i>Interim Construction Noise Guidelines</i>. The Construction Noise EMP may include but is not limited to: - identification of nearby residences and other sensitive land uses - description of approved hours of work and what work will be undertaken - description of what work practices will be applied to minimise noise - description of the complaints handling process All works on site will be undertaken in accordance with condition 12 of Schedule 4 and Conditions 26, 27 and 28 of Schedule 5 of Project Approval MP09_0025, and the relevant Environmental Protection Licence.
4	Apiculture risks: discussion of impacts to Apiculture Industry as a result of minor modification.	As no changes are proposed to waste management operations at either facility, it is determined that there will be no greater risk to the apiculture industry than that which was approved. To support this, the Orange Waste Project Apiculture Committee has confirmed that they are of the view that the modification will not lead to any increased risk to the apiculture industry – see below. The Apiculture Risk Management Plan has now also been agreed between the proponent and the Apiculture Waste Project Committee and approved by the Director General of Planning as required by the Project Approval. The Plan sets out a range of measures that will satisfactorily minimise risk to the apiculture industry.
5	Apparent removal of bunding and dams from ERRRC	Screening and bunding is to be maintained as per the original Project Approval. The screening and bunding can in fact be seen on original Drawing EV13 however due to the colour used it is acknowledged that this is unclear. As no change was proposed to either the screening or bunding they were not discussed in the modification report. To clarify this matter, revised Drawing EV13 demonstrates that the screening and bunding are to be maintained as approved. Dams A and B remain as per the project approval, see revised Drawing EV13. Following the award of tender and the completion of detailed design, dam C has now been split to form 5 smaller dams (dams C1 – C5) located around the composting facility. These are shown for clarity on revised Drawing EV14 by comparison to the approved layout plan. The dam function has not changed and the revised plan has been developed to address conditions of Project Approval MP09_0025.

Comment received from: Orange Waste Project Apiculture Committee

Issue No.	Comment	Response
1	Apiculture Committee is of the view that the modification will not lead to any increased risk to the apiculture industry.	Noted

Comment received from: Cabonne Council

Issue No.	Comment	Response
1	Proponent has no objection to the proposed modification.	Noted

Comment received from: Orange City Council

Issue No.	Comment	Response
1	Identifies no issues with this modification. Impacts seem minor and the modification does not challenge any of Orange's Strategic Planning initiatives or goals and sits within an appropriate zone.	Noted

Comment received from: NSW Roads and Maritime Services

Issue No.	Comment	Response
1	RMS notes that the proposal will not have any traffic impacts. RMS also notes that a Work Authorisation Deed has been entered into for the roadwork on the Mitchell Highway at Molong.	Noted

Comment received from: D & A Trowbridge

Issue No.	Comment	Response
1	Presence of the shredder at Euchareena Road	It is acknowledged that the shredding facility is shown in the proposed modification plan for the Euchareena Road site in error. This is due to the focus of the modification application being on the location of Council facilities at the Euchareena Road site; no changes were proposed to the compost operations consistent with the Project Approval. As such, the approved plan was only modified to the extent that was necessary to show the change to Council facilities at the site. To clarify the situation, revised Drawings EV13 and EV14 have been prepared which clearly demonstrates that there are no shredding facilities at the Euchareena Road site. As such, there will no longer be a major noise source at this location. Further to the above, the project will be required to ensure noise levels are below 40dB(A) during construction and 35 dB(A) during operations for residences on privately owned land, in accordance with Condition 26 of Schedule 5 of Project Approval MP09_0025. This is consistent with, and has been developed to address, the Project Approval.
2	Loss of landscaping around the buildings at Euchareena Road	Screening and bunding is to be maintained as per the original Project Approval. They can in fact be seen on original Drawing EV13 however due to the colour used it is acknowledged that this is not clear. As no change was proposed to either the screening or bunding they were not discussed in the modification report. To clarify this matter, revised Drawing EV13 demonstrates that the screening and bunding are to be maintained as approved.

Comment received from: Ian and Mel Gosper

Issue No.	Comment	Response
1	Original EIS bears no significance to current project	The original EIS was undertaken in respect of a different proposal. The approved operations have been the subject of an Environmental Assessment that has been assessed and approved by the Minister of Planning via Project Approval MP09_0025. The minor modification application seeks to make minor changes to the site layouts at the Ophir Road and Euchareena Road sites. No change is proposed to the waste management operations at either site from that set out in the Project Approval.
2	Euchareena Road site is now only a landfill site	The minor modification does not propose any change to waste management operations at the Euchareena Road site by comparison to what was approved via Project Approval MP09_0025. Revised Drawing EV13 demonstrates clearly the proposed layout at the Euchareena Road site. It is clear from this drawing, and new Drawing EV15, that all landscaping and bunding will be retained. The site will continue to be used for maturation of composting, enclosed composting biofiltering and mixing, as per the original approval, without any change to volumes.
3	Screen bunds and surface water dams do not appear on modification plans	Screening and bunding is to be maintained as per the original Project Approval. They can in fact be seen on original Drawing EV13 however due to the colour used it is not clear. As no change was proposed to either the screening or bunding they were not discussed in the modification report. To clarify this matter, revised Drawing EV13 demonstrates that the screening and bunding are to be maintained as approved. The proposed dams were not shown on the approved layout plans for the Euchareena Road site, refer page 30 of the Project Approval MP 09_0025. As such, they were not shown on the plans proposing to modify this layout. Three dams are shown on the plan on Page 28 of the Project Approval, reproduced on Drawing EV13 and marked '<i>previously approved site plan</i>'. Dams A and B remain as per Project Approval MP09_0025, see revised Drawing EV13. Following the award of tender and the completion of detailed design, dam C has now been split to form 5 smaller dams (dams C1 – C5) located around the composting facility, with a view to meeting the requirements of Project Approval MP09_0025. These are shown for clarity on revised Drawing EV14 by comparison to the approved layout plan. The dam function has not changed and the revised plan is considered to be consistent with the initial consent requirements.

Comment received from: Marilyn Gosper

Issue No.	Comment	Response
1	OCC has 'bulldozed' the initial application at Euchareena Road	The proponent has in all matters sought to ensure that this process is conducted with appropriate probity and transparency. Whilst it is acknowledged that the process has been protracted, it is important that the correct outcome is achieved. The initial application was approved following extensive consultation with all affected parties including the Planning Assessment Commission community consultation meetings.
2	Plans still changing after 10 years	The proponent is committed to working with the community, the Department of Planning, the operators of the facility and all government and non-government stakeholders to ensure that the arrangement of the site is optimised to ensure value for money for ratepayers whilst also minimising impacts to the environment. The proponent will continue to inform all interested and involved stakeholders to ensure that the proposal is appropriate for both sites and remains consistent with the requirements of the Project Approval MP09_0025.
3	New plan at Euchareena is impossible to read, are the dams still at the site? Road/building changes not shown	It is accepted that the proposed modification plans are difficult to interpret with respect to the dams and road layouts. This is because the focus of the modification application was on the location of Council facilities at the Euchareena Road site, and no changes were proposed to the composting operations consistent with the Project Approval. Since the modification was submitted to the Department of Planning, a tender has been awarded by the proponent for the operation of the facilities at both the Euchareena Road and Ophir Road sites. Revised Drawings EV13 and EV14, together with new Drawing EV15, provide clarity about the arrangement of the Euchareena Road site, and the location of the landscaping, bunding and on-site dams. This is done to address the Project Approval requirement (Schedule 5, Conditions 35-36) of the Department of Planning's approval (Condition 8). Contour detail has been removed from revised Drawing EV13 to make it easier to understand the plan.
4	Modification seems rushed on to display	The proponent has strived to provide all necessary information to the approving authority in a timely fashion, and is committed to engaging with all interested stakeholders. The proposed modification demonstrates consistency with the Project Approval.

Comment received from: Anonymous

Issue No.	Comment	Response
1	Strongly objects due to: - Road to depot - School bus - Elderly crossing roads - Disruption to town	As the minor modification application proposes no changes to waste management strategies at either location, it is not expected that there will be any change to these matters. A thorough assessment of the impact of the project was undertaken in respect of the original Environmental Assessment by GHD and submitted to the Department of Planning. It is considered that these matters have been satisfactorily addressed in the assessment of the original Project Approval and do not need to be covered in this document.
2	Does not want to be run over by a rubbish truck	As the minor modification application proposes no changes to waste management strategies at either location, it is not expected that there will be any change to numbers of rubbish trucks visiting the Euchareena Road facility. A thorough assessment of transport matters was undertaken in accordance with the original Environmental Assessment by GHD and submitted to the Department of Planning. It is considered that this matter has been satisfactorily addressed in the assessment of the original Project Approval and does not need to be covered in this document.
3	Orange Council could have used old mine shafts	A thorough assessment of all sites was undertaken in accordance with the original Environmental Assessment (refer Appendix D of that document) by GHD and submitted to the Department of Planning. It is considered that this matter has been satisfactorily addressed in the assessment of the original Project Approval and does not need to be covered in this document.

Comment received from: Vonda Ashton

Issue No.	Comment	Response
1	Acknowledges reduction in traffic but concerned that removal of education facility will result in reduced local tourism and business opportunities	It is expected as result of the education facilities reverting to the Ophir Road, siting to be determined at some future stage, that traffic visiting the Euchareena Road site will decrease by approximately 30 vehicle movements per year. This figure is based on current attendance at the Ophir Road site, being 2 school buses per month, for a total of 24, plus an additional 6 smaller vehicles per year attending educational tours. It is unlikely that these projected visitation levels would have had any significant impact on tourism or business opportunities in the local area, as they predominantly focussed on visiting school children. As such, the retention of these facilities at Ophir Road, in conjunction with the existing Environmental Learning Facility (ELF) at the Orange Showground, will similarly not result in any impact to tourism or business opportunities in the local area and will have no impact on current visitation.
2	Concerned about length of time taken to resolve this project	The proponent has in all matters tried to ensure that this process is conducted with appropriate probity and transparency. Whilst it is acknowledged that the process has been protracted, it is important that the correct outcome is achieved.
3	Less water saving due to less roof space and loss of surface water run-off	Revised Drawing EV13 demonstrates that buildings at the Euchareena Road site, associated with the composting facility, provide a total roof space of approximately 2337 square metres. This is a reduction of 989 square metres from the approved plans as per Project Approval MP 09_0025, being the roof space of maintenance shed and education facilities. The maintenance shed would be retained at the site, albeit in a different location. The water from the maintenance shed roof will now be harvested for use by staff; a water tank is shown on Drawing EV14 adjacent to the maintenance shed. The proponent has undertaken a complex water balance analysis to ensure that adequate water is captured at the site to enable the site to operate at an effective level. The analysis has determined that the on-site the facility requires five mega litres of water for operational activities. Dams C1 – C5, as shown on revised Drawing EV14, have a capacity of 10 mega litres. As such, it has been determined that sufficient water capacity is available. In addition, the revised dam layout improves water saving for reuse.
4	Concerned over apparent loss of dams	The proposed dams were not shown on the approved layout plans for the Euchareena Road site, refer page 30 of the Project Approval MP 09_0025, as sited on original Drawing EV14. As such, they were not shown on the plans proposing to modify this layout. Three dams are shown on the plan on Page 31 of the Project Approval, as sited in original Drawing EV13. Dams A and B remain located as per the project approval, see revised Drawing EV13. Following the award of tender and the completion of detailed design, dam C has now been refined to form 5 smaller dams (dams C1 – C5) located around the composting facility. These are shown for clarity on revised Drawing EV14 by comparison to the approved layout plan. The dam function has not changed and the revised plan is consistent with the conditions set out in the Project Approval.

Comment received from: Environment Protection Authority

Issue No.	Comment	Response
1	Due to the minor nature of the proposed changes and the fact that waste management strategies remain the same, the proposed changes do not fall into the EPAs area of responsibility.	Noted

Comment received from: Hub Action Group Inc

Issue No.	Comment	Response
1	If shredder is to be included at Euchareena Road, application is deceptive and misleading.	It is acknowledged that the shredding facility is shown in the proposed modification plan for the Euchareena Road site in error. This is because the focus of the modification application was on the location of Council facilities at the Euchareena Road site, and no changes were proposed to the waste management facilities. As such, the approved plan was only modified in the minor modification application to the extent that was necessary to show the change to Council facilities at the site. To clarify the situation, revised Drawing EV13 has been prepared which clearly demonstrates that there are no shredding facilities at the Euchareena Road site; this is provided to the Department of Planning in compliance with the Project Approval.
2	Apparent removal of screening/bunding	Screening and bunding is to be maintained as per the original Project Approval. They can in fact be seen on original Drawing EV13 however due to the colour used it is not clear. As no change was proposed to either the screening or bunding they were not discussed in the modification report. To clarify this matter, revised Drawing EV13 demonstrates that the screening and bunding are to be maintained as approved.
3	Removal of education facility from Euchareena Road removes scrutiny of the site	The proponent is committed to transparency in this matter. Whilst the proponent does not agree that continuing to conduct educational activities at the Euchareena Road site will remove scrutiny, no objection is raised to hosted visits to the site, subject to an appropriate risk assessment being undertaken. This is in line with the overall objectives of the Orange resource recovery and waste management Community Education Program and Communications Strategy, which can be viewed at http://www.orange.nsw.gov.au/client_images/1007873.pdf.

Comment received from: Hub Action Group Inc

Issue No.	Comment	Response
4	The Action Group would like to be given the opportunity to periodically tour the Euchareena Road site	The proponent has no objections to the Hub Action Group visiting the Euchareena Road site subject to an appropriate risk assessment being undertaken. This is consistent with the Orange resource recovery and waste management Community Education Program and Communications Strategy, which can be viewed at http://www.orange.nsw.gov.au/client_images/1007873.pdf. The Endorsed Communications Strategy advises the following: Open days and guided educational tour of new facilities. An official open day BBQ at the Euchareena Road and Ophir Road sites to launch the new system and show people how the centre will work. Guided tours to people who pre-register. The tours will reinforce what is required of the resident to make the system work. It will also focus on the environmental benefits of the new facilities. Pending interest a number of open days can be held in the first months of operation. Special school tours should be organised on weekdays. The information booth should be set up at the open day with free vegetable and fruit seeds available to the first 50 people through the gates. Open days Have public open days leading up to the official opening of the facilities. People must pre register for a guided tour that explains how the facility works. Should include schools only days. Advertise in local newspaper and talk back radio.