

Andrew Hartcher - Proposed Modification – Orange Waste Project Application 09_0025 MOD 1

From: "McIntosh, Christine (AU)" <Christine.McIntosh@au.kwm.com>
To: "'plan_comment@planning.nsw.gov.au'" <plan_comment@planning.nsw.gov.au>
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Subject: Proposed Modification – Orange Waste Project Application 09_0025 MOD 1
CC: "'andrew.hartcher@planning.nsw.gov.au'" <andrew.hartcher@planning.nsw.gov.au>, 'Chris Ritchie' <Chris.Ritchie@planning.nsw.gov.au>, "(andrew.gee@parliament.nsw.gov.au)" <andrew.gee@parliament.nsw.gov.au>, "'office@premier.nsw.gov.au'" <office@premier.nsw.gov.au>, "'office@hazzard.minister.nsw.gov.au'" <office@hazzard.minister.nsw.gov.au>

Confidential communication

Dear Sirs

Proposed Modification – Orange Waste Project Application 09_0025 MOD 1

Thank you for providing us with a hard copy of the Responses to Submissions Report and the modifications to the “minor” modification now proposed by the proponent.

We continue to object to the proposal, particularly in light of the further modifications proposed. They raise serious and fundamental concerns:

Additional dams – It is proposed that a single dam (Dam C in the EA) be replaced with 5 dams with a total storage capacity of **10ML**. Appendix J Surface Water Assessment for the EA stated that the capacity of Dam C was **0.5ML** and its purpose was for collection of runoff from the maturation pad. In the Surface Water Assessment it was intended to be sealed from access by bees. However, in the EA the base of it was to be lined to prevent leaking into surrounding soils and there was no size specified.

We have the following concerns:

- The EA, at C.4.2.4 Site water balance, states *“The annual water requirement for operation of the enclosed composting plant would be zero. In fact, a small surplus of water may be generated.”* How is this proposal a minor modification and how have its impacts been assessed?
- The source, quality and end use of the water in these proposed dams have not been clearly stated. For example, there is reference to water saving “for reuse”. If the water is “reused” via the composting process, it will inevitably become contaminated as, no matter how good the screening process, the composting material will include some contaminated material eg batteries, chemical residues. As a result of issues raised in the Hub court case and the Director General’s requirements for the Part 3A application for this proposal in respect of impacts of access by bees to contaminated water, the landfill leachate system is internal (with no leachate ponds). This proposal appears to directly contradict these measures. It also appears that these dams will occupy a vast tract of land. These will inevitably attract bees creating a biosecurity risk to the bees and their produce (as they drink contaminated water and as they are more likely to access the immediately adjoining composting facility/receival shed).
- Will these dams be lined to prevent leaking into surrounding soils as originally proposed for Dam C?

- The EA states (Surface water flows p C.4-15) *“The maximum dam capacity harvestable right appropriate to the Euchareena Road Site is $192.6 \times 0.07 = 13.5$ ML.”* The EA went into detail as to compliance with harvestable rights. This is not addressed. What is very concerning is that the proponent has concurrently lodged an application with Cabonne Council to subdivide off the composting facility site (a 4.97 ha block) . The proposed 10ML storage would significantly exceed the harvestable right for a block of 4.97ha (i.e. $4.97 \times 0.07 = 0.3479$ ML).

(Whilst not a component of this application we note that the current proposed subdivision is of itself a real concern given the proponent represented in the EA to the Minister for Planning that *“It is proposed that the Euchareena Road Site would remain in the ownership of the Proponent for a number of years after the closure of the facility to enable ongoing environmental monitoring and management of the site.”* (see C.1.11.2 Final land use). Surely the Department has to ask what the proponent is up to and ensure that its commitment to all components of this development as approved is honoured.

Changes to the composting plant buildings - We have the following concerns:

- The diagram does not clearly show how the facility satisfies the revised definitions of “enclosed tunnel” and “receival and transfer area”. In particular, we remain very concerned that original approval was on the basis that the facility would include a *“door that would be locked hermetically to contain any odours and leachate and to prevent access by bees”*: C1.5.2. All air quality and noise assessments in the EA were done by consultants who were provided with diagrams of the proposed composting facility as included in the EA. These did **not** include a completely open ended shed. Clarifications, waivers and minor modification upon minor modification could ultimately result in something which is different in a fundamental aspect to the approved development and undermines the system.
- The building has been realigned. The open side of the receival hall is in a direct line with Mr Gosper’s residence. The proponent is over simplifying the noise impacts. The side wall of the previous alignment acted as a buffer to sound generated in the receival hall. The south westerly prevailing winds will direct the noise towards Mr Gosper’s residence. This is of particular concern as the hours of operation for the **indoor** composting activities can be conducted 24/7 (Approval P12 Operating Hours Condition 27).

You asked for our recommended conditions. We are keen to discuss these with you when adequate information upon which to make informed recommendations is provided. As a first step in that process, given the fundamental changes outlined above and their potential impact on apiary risk, it is critical that the Apiary Management Plan be updated with direct input from Dr Mark Goodwin (the expert upon whose advice the original plan was approved), with local apiarists being provided with the opportunity to comment.

It appears that with each further modification the proponent is attempting to water down the conditions which were developed in conjunction with the PAC Report and on the basis of the designs and commitments in the EA. When is the Department going to say “enough is enough”? The proponent has had more than sufficient opportunity to finalise plans for this development – 15 years.

Yours sincerely

Chris McIntosh
The Hub Action Group Inc
c/- 1997 Belgravia Road
Molong NSW 2866
02 63668444