From: McIntosh, Christine (AU)
To: Shaun Williams
Subject: RE: Modification to Orange Waste Project (09_0025 MOD 2)
Date: Tuesday, 5 June 2018 11:21:39 AM

Dear Shaun

Thank you for allowing extra time for me to review the above modification proposal. I reiterate the general concerns raised in my email of 31 May 2018, but also note the following specific concerns having now had the opportunity to review the relevant documents.

4.1.1 Apiary Industry & 4.1.2 Landfill Daily Cover Requirements

The request is premised on the ARMPP (prepared in 2011). While this concluded that the Orange Waste Project posed negligible risk to the local apiary industry this was on the basis the management practices outlined in the ARMP (which were part of the conditions of approval) were followed. In particular this requires baling, wrapping and covering of waste with particular emphasis on ensuring the integrity of the wrapping.

It should also not be forgotten that sorting, baling and wrapping of waste at the Ophir site and covering of waste at the Molong site were integral to the Part 3A proposal and were fundamental conditions of approval. These conditions minimised a range of impacts (in addition to impacts on the apiary industry) arising primarily because the Molong site is in a context that in Preston CJ's view "*an inappropriate site for a waste facility*".

The community is very concerned that this modification proposal in any way provides an opportunity for licence conditions to be watered down over time without community or agribusiness expert input. The management measures described in the ARMPP should be entrenched through clear commitments to implement given the acknowledged sensitivity of this site.

4.1.4 Transport

As you are aware the traffic impacts were considered in detail as part of the ten year process to gain approval of this facility. Concerns were raised in relation to safety risk as well as impacts on the local road network including traffic noise and other impacts on adjacent properties. These were scrutinised carefully as the specific route chosen by the proponent was through residential streets. This was despite the fact that there were alternative routes available.

This resulted in the restrictions on traffic movements as specified in the Commitments, specifically:

- delivery of bales would arrive in Molong no earlier than 9am and no later than 2.30pm or after 4.30pm, if necessary, but only up to 5.00pm

- there would be no deliveries of waste to the Euchareena Road RCC on weekends, except for emergencies.

The Transport Code of Conduct was then prepared to deal with operational matters within the constraints of those commitments. While it is acknowledged that some minor changes can be made to accommodate changes in bus timetables to minimise risk, it is not accepted that the Commitments are inconsistent with the approved Code or that there is any justification to remove those Commitments.

The proposal at pg 21 states that "*no additional traffic noise will be generated from the modification to what was originally identified in the original EA (GHD 2009)*". However traffic noise at 7.00am (and on weekends) will obviously impact on adjacent properties far more significantly than within the parameters of the proponent's original commitments and is unacceptable in the context. Likewise any weekend movement will give rise to unacceptable additional risks to weekend cyclists.

The proposal "additionally noted" that the Commitments conflict with the permissible operating hours of the ERRRC operations. There is no inconsistency. Operations can continue on site and from the outset it was accepted by the proponent that waste could not be delivered during the prohibited times even though they may conduct other necessary operations on site Monday to Sunday from 7am until 5pm (other than Good Friday and Christmas Day).

Failure to comply with conditions

While the proponent makes a note that there have been no formal complaints about the facility, I am aware of community concern over the past few years. As noted in my email of 31 May, I am instructed that:

- trucks have been running early in the morning outside the commitments noted above
- landscape bunds and perimeter corridors have not been vegetated as originally proposed by the proponent
- local residents attending a bushfire on site earlier this year noted the following:
    - a significant amount of exposed mixed waste including many broken and uncovered wrapped bales (many carelessly/deliberately broken through compacting operations)
    - risks posed by inadequate measures to combat bushfires including no access to water or firefighting equipment.

I would appreciate it if you could take the opportunity to ask the proponent to ensure these issues are addressed in accordance with the conditions of approval.

If you would like details of members of the community who have expressed these concerns and have been on site this year, I can get them to contact you directly (or the proponent may like to organise a community meeting on site to discuss).

Regards

Chris

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From: Shaun Williams [mailto:Shaun.Williams@planning.nsw.gov.au]
Sent: Friday, 1 June 2018 10:05 AM
To: McIntosh, Christine (AU) <Christine.McIntosh@au.kwm.com>
Subject: RE: Modification to Orange Waste Project (09_0025 MOD 2)

Hi Christine,

Thank you for your input on the modification to the Orange Waste Project (09_0025 MOD 2).

Apologies, I believe there was an error with the website. I have just checked and the documents should be live to the public on the website:
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9168

If you would like to provide additional comment on the modification proposal, I can still include your comments within the collated submissions to be sent to the Applicant by Wednesday (06/06/18).

Please let me know if you are still unable to access documents off of the Major Projects website.

Regards,

Shaun Williams
Planning Officer
Industry Assessments

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From: McIntosh, Christine (AU) [mailto:Christine.McIntosh@au.kwm.com]
Sent: Thursday, 31 May 2018 9:37 PM

To: Shaun Williams <Shaun.Williams@planning.nsw.gov.au>
Subject: Modification to Orange Waste Project (09_0025 MOD 2)

Dear Shaun

I understand submissions on the above modification proposal are due by cob tomorrow.

Unfortunately I am unable to download the relevant documents from your website but am concerned that any changes proposed may undermine the work the local community did (through the Hub Action Group Inc) over the course of over ten years which culminated in the proponent having to significantly modify its proposal to gain approval.

In case you are not aware of the history, the original waste proposal on this site culminated in a landmark judgement by the Chief Justice of the Land & Environment Court ruling against Orange City Council and the Minister for Planning and making it clear that this was an inappropriate site for a waste facility. When the proponent then immediately lodged another proposal under Part3A on the same site despite the Chief Justice's ruling, the local community continued to fight the proposal making comprehensive submissions including expert reports from waste experts as well as people involved in the local apiary industry.

As you may also be aware the Department of Planning's Part3A approval carefully considered the Hub Action Group's submissions and their expert reports with conditions of approval and Orange City Council's commitments carefully crafted to respond to the issues and risks raised. It was critical to the approval, for example that mixed waste was sorted in Orange, baled and wrapped before transport to the Molong site and the design and day to day management of the facility did not create risks to any local agribusiness including the apiary industry.

As noted, I am unable to download any detail of the proposed modifications but if they in any way water down the commitments made in response to concerns of surrounding agribusiness (including beekeeping which continues throughout the local area) or water down any restrictions on timing of truck movements to minimise risks associated with the route, then I am instructed that the local community have significant concerns with the proposal.

I also take this opportunity to note that concerns have been raised about the current management of the facility. They include:

- the proponent's continued failure to vegetate the boundaries of the site as originally promised
- the proponent's failure to appropriately manage bushfire risk (with fires breaking out on site over the last summer period with no access to on-site fire management facilities or access to water on site)
- the proponent's failure to adequately cover waste dumped in cells in accordance with commitments and conditions of approval (observed when local fire fighters have been on site responding to fires)
- the proponent's failure to water/minimise dust on the site.

Any proposed modification would need to ensure all these fundamental issues were also appropriately addressed.

I would be very happy to discuss any of the above and can give you more specific detail of any particular concerns if you could possibly send me the relevant documentation to consider and allow additional time to provide more specific submissions.

Regards

Chris

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