

Modification of Minister's Approval

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

As delegate for the Minister for Planning, under the Instrument of Delegation executed on 11 October 2017, I approve the modification of the project approval referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney 20 DECEMBER 2018

File: EF18/6769

SCHEDULE 1

Project Approval (MP 09_0025), granted by the former Minister for Planning on 28 April 2010 for the Orange Waste Project at Euchareena Road, Molong and Ophir Road, Orange in the Cabonne Shire and Orange local government areas.

SCHEDULE 2

This approval is modified as follows:

In SCHEDULE 2: DEFINITIONS

1) Insert the following definitions in alphabetical order:

MOD 1	MP 09_0025 MOD 1 and supporting documentation titled <i>Minor Modification to Part 3A Approval (MP 09_0026)</i> , prepared by Geolyse Pty Ltd and dated February 2012.
MOD 2	MP 09_0025 MOD 2 and supporting documentation titled <i>Minor Modification to Part 3A Approval (MP 09_0025)</i> , prepared by Orange City Council and dated April 2018.

In SCHEDULE 3: ADMINISTRATIVE CONDITIONS

2) Delete Condition 2 and replace with the following:

TERMS OF APPROVAL

2. The Proponent shall carry out the Project generally in accordance with the:
 - (a) EA;
 - (b) Statement of commitments (see Appendix 1A);
 - (c) Site layout plans and drawing in the EA, except those modified by MP 09_0025 MOD 1 and shown in Appendix 2;
 - (d) Modification application MP 09_0025 MOD 1, accompanying Environmental Assessment Report titled '*Environmental Assessment – Minor Modification to Part 3A Approval (MP 09_0025)*' dated February 2012, Response to Submissions Report and Addendum to EA for MOD 1 dated 14 May 2012 and Additional Response to Submissions Report and revised drawings (nos. EV01 – 16) dated 7 June 2012, prepared by Geolyse Pty Ltd;
 - (e) Modification application MP 09_0025 MOD 2, accompanying Environment Assessment Report titled '*Environmental Assessment – Minor Modification to Part 3A Approval (MP 09_0025)*' dated April 2018, Response to Submissions Report dated 11 July 2018 and Second Response to Submissions Report dated 20 August 2018; and

- (f) Conditions of this approval.

In SCHEDULE 5: SPECIFIC ENVIRONMENTAL CONDITIONS – EUCHAREENA ROAD SITE

- 3) Delete Condition 7 and replace with the following:

Landfill Operations

7. Unless the Director-General agrees otherwise, the Proponent shall:
- (a) minimise the exposed or cleared areas at the landfill;
 - (b) progressively revegetate all completed areas of the landfill and stabilise and exposed areas that are not required for operational purposes for a period greater than 90 days;
 - (c) minimise the tracking of mud and waste from the site on public roads;
 - (d) fill the landfill cells in a systematic manner;
 - (e) maximise landfill compaction rates;
 - (f) cover the active landfill area in accordance with the Environment Protection Licence;
 - (g) progressively cap the landfill cells with the approved capping layer, which shall comprise (from top to bottom):
 - 0.15m of topsoil;
 - a 0.85m thick layer of uncompacted soil, obtained on site;
 - a sealing layer, comprising a compacted clay layer at least 0.5m thick and having a permeability less than $k = 10^{-8} \text{ ms}^{-1}$ (or an approved alternative such as a geomembrane); and
 - a seal bearing layer, comprising a 0.3m thick layer of compacted clay soil; and
 - (h) Revegetate the covered landfill cells following the capping of each cell and once they reach their final design height.

- 4) Delete Condition 8 and replace with the following:

Composting Operations

8. Unless the Director-General agrees otherwise, the Proponent shall ensure that:
- (a) the enclosed tunnel is a composting system that has:
 - rigid side walls;
 - a top cover that in combination with the side walls constitutes a tunnel-like chamber;
 - a perimeter sealing system which effectively manages the emissions of odour from the enclosure; and
 - an enclosure that can be operated consistent with the requirements of the Apiculture Risk Management Plan.
 - (b) any receipt and transfer area is to be:
 - capable of being operated consistent with the requirements of the Apiculture Risk Management Plan;
 - capable of being operated consistent with the project requirements for odour management; and
 - constructed and operated such that leachate cannot escape from the area.
 - (c) windrow composting operations are managed in accordance with:
 - AS 4454-2003: Composts, Soil Conditioners and Mulches (Appendix N) or the latest version of this standard; or
 - protective measures set out in the *Composting & Related Organics Processing Facilities* guideline.

- 5) Delete Condition 17 and replace with the following:

APICULTURE RISKS

17. The Proponent shall prepare and implement an Apiculture Risk Management Plan for the project to the satisfaction of the Director-General. The plan must:
- (a) be prepared by a suitably qualified and experienced expert whose appointment has been endorsed by the Director-General;
 - (b) be prepared in consultation with suitable representative from DII and the local apiculture industry;
 - (c) be submitted to the Director-General for approval prior to the commencement of operations on site;

- (d) describe the measures to be implemented in association with the project to minimise the apiculture risks of the project;
- (e) provide for the establishment of a committee, comprised of representatives from both DII and the local apiculture industry and appropriate experts, to oversee the implementation of the plan, and provide advice the Director-General on any improvements that could be made to the plan

In the Appendices

- 6) Replace Appendix 1 with Appendix 1A.

APPENDIX 1A: PROPONENTS STATEMENT OF COMMITMENTS

Statement of Commitments

Issue	Commitments
Waste management strategy	The Proponent will implement its Resource Recovery and Waste Management Strategy, as described in Section A.3 of the EA. This has the following key elements: • Introduction of a third household mobile garbage bin for collection of domestic garden waste together with kitchen-separated food waste; • Differential landfill gate pricing at a level required to encourage source separation of business recyclable materials and food waste to provide clean streams for further processing; • Increased landfill gate pricing for C&D waste to encourage source separation of recyclable materials and presentation of clean, unmixed streams; • Further development of the current requirement for building applications to include waste management plans, with extension to include recycling plans that are subject to performance review; • Working with NetWaste to continue improvement in event recycling opportunities; • Action to improve the beneficial use of recycling yield from kerbside collected materials and C&I / C&D recyclables; • Processing of food/garden organics at the Euchareena Road RRC using an enclosed tunnel composting technology; • Continued recovery of dry recyclable materials at the Ophir Road RRC at a new MRF to be constructed; • Baling of mixed residual waste at the Ophir Road RRC at a new baling facility to be installed; and • Transport of baled mixed residual waste to the Euchareena Road RRC for disposal in a specially designed landfill.
Environmental management plans	Construction environmental management plans (CEMPs) would be prepared and implemented to guide environmental management and monitoring activities and compliant handling procedures during construction at both sites. The CEMPs would include the following sub-plans: • Noise management plan – The plan would address how noise will be mitigated and managed during construction activities, in accordance with DECCW's Environmental Noise Control Manual; • Flora and fauna management plan – The plan would address how impacts on flora and fauna would be mitigated and managed during the construction phase; • Air and dust management plan – The plan will outline the mitigation measures to control dust from exposed areas, stockpiles, plant equipment and unsealed roads; • Waste management plan – The plan would include disposal requirements, measures to prevent the generation and measures to reduce, re-use or recycle wastes where possible; • Soil and water management plan – The plan would address how potential construction impacts on soil and water quality will be mitigated and managed during construction works; • Traffic management plan – The plan will include truck movements to and from the site, interactions with general public, parking and access requirements for construction personnel and safety signage and training of personnel in traffic management. Operational environmental management plans (OEMPs) would be prepared for both sites and implemented to guide environmental

Issue	Commitments
	management and monitoring activities and complaints handling procedures during operation. The OEMPs would include the following sub-plans: • Stormwater management plans – The plan would include the measures to retain and re-use the maximum amount of water on-site and ensure the surface run-off water is maintained at acceptable levels. The plan would also include erosion and sediment mitigation measures; • Process water management plan (tunnel composting plant) – The plan would include measures to optimise reuse and ensure that wastewater generation and need for disposal is minimised; • Air quality management plan – The plan would include mitigation measures for control of odours, dust and particles and monitoring undertaken. • Noise management plan – The noise management plan will include noise control measures, monitoring. • Pest, vermin and weed control – The plan will outline mitigation measures that will control pest and vermin that may be attracted to the waste facility and minimise the degradation of the local amenity caused by pest, vermin and noxious weeds. • Traffic management plan – The plan will include parking and access requirements, safety signage and training of personnel in traffic management. • Fire management plan – The plan would include details of sources of water for firefighting, the need for fire extinguishers on all mobile equipment and suitable training for site-based personnel.
Revegetation, rehabilitation and post closure management	The Proponent would undertake a program of progressive revegetation in those areas progressively disturbed by the operations and of the area designated for vegetation enhancement to the north of the landfill at the Euchareena Road Site. The Proponent would continue to manage the Euchareena Road Site following closure of the landfill and enclosed tunnel composting facility, in accordance with the documented set of procedures compiled in conjunction with the Site Closure plan. The Proponent would monitor the Euchareena Road Site in accordance with the site's EPL.
Soils and land capability	The Proponent would implement the following measures for the management of soil at the Euchareena Road Site: • Double skin diesel storage tanks would be used to prevent fuel leakages; • Topsoil would be stockpiled and used later for rehabilitation of the final landscape; • Material at depths greater than 0.75 m would be stockpiled for use in bund wall construction, daily cover or landfill capping; • Handling of topsoil would be minimised to reduce potential mechanical damage to soil structure; • Care would be taken to ensure that topsoils and subsoils are not stripped when they are too moist; • Driving of machinery on topsoil and subsoil stockpiles, other than scrapers during unloading, would be kept to a minimum; • Topsoil stockpiles would be up to 1 m high and subsoil stockpiles would not exceed 3 m in height; • Subsoil and topsoil stockpiles would be located within the footprint of the landfill or on the upper surface of completed landfill stages; and • Stabilisation measures would be used until vegetation is established on the stockpiled soil.

Issue	Commitments
Surface water	At the Ophir Road RRC, The Proponent would continue to comply with the existing LEMP. Sediment dams would be constructed prevent runoff from the Euchareena Road landfill from reaching water catchments.
Groundwater	The Proponent would ensure the proper compaction of the floor of each landfill cell and the maturation pad to achieve a uniform low permeability equivalent to less than 1×10^{-9} m/s for a depth of at least 0.9 m. The in situ permeability of compacted material would be tested by sampling and laboratory testing to ensure the required permeability level has been achieved. The Proponent would undertake a groundwater monitoring program at the Euchareena Road Site including groundwater level and quality monitoring as per the EPL for the Site.
Flora & fauna	The Proponent would further enhance the two woodland areas with plantings of all species. In addition, the Proponent would plant a rehabilitation corridor to ultimately join the two existing woodland areas and improve nature conservation across the site. The Proponent would encourage natural regeneration by installing tree guards and appropriate fencing of regeneration areas. The Proponent would implement weed management measures including: • Regular inspections of the Euchareena Road Site. • Education of staff with respect to weed identification and control. • Continual monitoring and control of identified noxious weeds. • Investigation into the practicality of sowing crops or competitive improved pastures on sections of the Site not required for immediate disturbance as a means of weed control. The Proponent would also establish permanent quadrats / transects across the western and northeastern woodland areas to enable periodic monitoring to record the extent of flora regrowth within the protected woodland remnants. Where species diversity is found to be insufficient from monitoring, supplementary planting programs would be undertaken. Prior to the removal of any isolated paddock tree, a pre-start survey would be carried out to minimise the potential impact on spring nesting birds and overwintering bats or any other species utilising the tree at the time. Timber from felled trees would be relocated to a position where it can form part of the ground cover habitat in the woodland habitat on site. The areas of Euchareena Road Site that are not directly affected by the proposed activity would be destocked and remain free of grazing by domestic stock until such time when a long term vegetation rehabilitation management plan can be implemented to ensure the recovery of the woodland remnants on the site. The existing remnant woodland areas would be fenced-off, if necessary, in order to allow the woodland remnants on site to regenerate free from uncontrolled stock grazing pressure. Slashing would be used to minimise fire risk. Vegetation screens would be no less than 20 m wide to enhance wildlife habitat corridors around the perimeter of the Euchareena Road Site.

Issue	Commitments
	A pest control plan would be formulated and adopted that includes, in particular, the control of foxes and feral cats and any other vertebrate pest that may be a problem to the surrounding properties. This pest control plan would form part of the overall Environmental Management Plan for the Euchareena Road RRC. Should a vermin-proof fence be constructed around the perimeter of the Euchareena Road Site, a plan to manage the kangaroos confined within this fence would be put in place in order to keep the natural ground cover at an appropriate level. It is noted that at this stage, the construction of this fence is not anticipated. Strict site hygiene controls and an effective control plan would be implemented to manage the potential impact of rodents, such as the Black Rat and House Mouse, exotic predators such as the European Red Fox and Feral Cat and introduced bird species. A Restrictive Covenant would be attached to the Land Title for the Euchareena Road site. This would protect the critically endangered ecological community and the corridor linking the two areas on which the critically endangered community is present. The only way that the Covenant could be removed is for the Consent to be amended. The Covenant would be administered by the NSW Land Titles Office.
Apiary industry	No apiary-related equipment would be accepted at the Euchareena Road RRC or the Ophir Road RRC. Council officers supervising the delivery of wastes to the respective transfer stations would be trained to recognise apiary equipment. The Proponent would work closely with the Department of Primary Industries (Agriculture) to inform all registered apiarists in the Orange City regional areas regarding the appropriate manner in which to dispose of apiary equipment. The Proponent would continue to further promote recycling through education programs facilitated through NetWaste in order to continue to maximise the diversion of glass and plastic honey containers from the waste stream. All operators responsible for the receipt, compaction and covering of waste delivered to the Euchareena Road Site would be fully trained firstly to recognise any apiary equipment and secondly to identify the presence of any bees on site. Similar training would also be provided for operational staff within each of the transfer stations operated by Orange City and where participating, the regional councils. Detailed operational procedures would be prepared and implemented at the Euchareena Road Site and transfer stations in the event that any apiary equipment are delivered to the receipt areas at either the Euchareena Road Site or transfer stations. Comprehensive training would also be undertaken for all personnel working on the Euchareena Road Site to ensure that the bale placement and covering of wastes within optimum periods is undertaken in accordance with the approved procedures.

Issue	Commitments
Aboriginal heritage	At the Ophir Road Site if during construction, any Aboriginal objects are discovered, work would immediately cease in the area of the discovery and advice would be sought from the Aboriginal Heritage Unit of DECCW. For the Euchareena Road Site, The following management controls would be undertaken to minimise the impact on items of Aboriginal heritage significance: • The woodland remnant containing the scarred tree (Molong ST1) would be retained and existing fencing retained and maintained to ensure no impact to the standing trees, including the scarred tree; • The artefact scatter (Molong OS1) located within the southwestern corner of the Site would be left in its identified location and not salvaged. In order to ensure the continued conservation of both recorded sites, the Proponent would also adopt the following management controls: • The location of site Molong ST1 and Molong OS1 would be recorded on a master plan in the Site Office, where the Site Manager has visual access to it. This plan would note that protected heritage items are present at these locations and that there are to be no impacts in the vicinity of these locations; • The Proponent would appoint a Site Manager to take responsibility for the continued protection of these sites from future impacts as they arise and to ensure that fencing, if it is to be permanent, is appropriately maintained; and • Part of the site induction for all staff and contractors would include a section on Aboriginal heritage. This induction would include brief reference to the legislative framework through which Indigenous heritage is protected, particular reference would be made to the location of the sites as well as providing a more general introduction to cultural heritage. Under the provisions of the National Parks and Wildlife Act 1974, all earthmoving contractors and operators would be instructed that in the event of any bone or stone artefacts, or discrete distributions of shell, being unearthed during earthmoving, work would cease immediately in the area of the discovery, and the Orange LALC and officers of the DECCW (NPWS), informed of the discovery.
European heritage	The Proponent would ensure trucks travelling to and from the Euchareena Road Site have covered or enclosed loads to ensure that windblown litter does not affect European heritage items adjacent to the proposed transport route.
Hazards	The Proponent would implement the following mitigation measures at the Ophir Road Site: • Smoking would not be permitted within the new baling building; • Any dangerous goods would be stored in accordance with normal dangerous goods storage procedures; • Safety hazards would be managed through occupational health and safety procedures and through development and implementation of an operations plan for the baling plant; • Residents would not be permitted to deliver waste and recyclables to any area other than the existing waste transfer station, or to bulk drop-off areas (garden organics or separated concrete); • Safety hazards from proposed construction works would be managed through occupational health and safety procedures and

Issue	Commitments
	through development and implementation of an occupational health and safety plan for these works; - Occupational health and safety procedures such as the use of personal protective equipment such as earmuffs, where noise exposure is unavoidable, would be followed during use of noisy equipment; The Proponent would implement the following mitigation measures at the Euchareena Road Site: - There would be two separate facilities on the site – an enclosed tunnel composting plant, and a new landfill. Neither of these facilities would be considered as hazardous. Normal levels of hazard and risk associated with industrial sites and many construction sites would be managed through development and implementation of a site operations plan; - Fires associated with composting would be avoided through plant operators monitor ongoing temperatures within compost that is undergoing maturation and ensuring that it is turned frequently; - The Euchareena Road landfill would be lined, which would prevent offsite migration of this gas, and a gas management system would be designed in the detailed design phase to prevent methane from being discharged to the atmosphere from closed areas of the landfill; - No dangerous goods would be stored on site, apart from small quantities of paints and solvents, used for equipment maintenance, and herbicides used for controlling weeds on site; - All chemicals would be stored within a building in accordance with standard dangerous goods storage practices. Diesel fuel for on-site machinery would be stored in a double skin tank, located near the landfill site; - Occupational health and safety procedures would be followed during use of composting and landfilling plant and equipment; and - Occupational health and safety procedures such as the use of earmuffs would be followed during use of the composting and landfilling equipment.
Air quality and odour	The Proponent would ensure the design and operation of the Project minimises the potential release of odour emissions. The specifications provided to prospective equipment suppliers would dictate the technical and environmental performance the equipment would be expected to meet, based on the Proponent's operational requirements and the conditions of project approval. The Proponent would implement the following mitigation measures for both sites: - Exposed surfaces, including stockpiles unless revegetated or have a stable surface, would be watered. - The area of exposed surfaces would be minimised. - Available areas of disturbance would be rapidly and progressively rehabilitated. - Visual amenity and perimeter bunds (and tree screens in the case of the Euchareena Road Site) would be established and maintained to limit emissions of particulate matter and odour beyond the site boundaries. - Odorous waste loads would be attended immediately to limit transfer of odour off-site.

Issue	Commitments
	- Records of any complaints would be kept with respect to odour, and correlating with weather conditions and deliveries of particularly odorous wastes. - Drop heights of waste placed into the landfill would be minimised. - High dust-generating activities would be avoided during adverse wind conditions when blowing directly towards the nearest residences. - An air quality (including dust and odour management) strategy would be incorporated into the Operational Environmental Management Plan as a sub-plan. In addition, at the Euchareena Road Site, there would be regular inspections and maintenance of the biofilter servicing the resource reprocessing facility buildings.
Traffic and transport	The Proponent would implement the following mitigation measures: - Maintenance of the Ophir Road Site access intersection and provision of maintenance of Ophir Road for the duration of the Project operation. - Preparation of construction traffic management plans (as part of the construction environmental management plans) to ensure safe movement of vehicles into and around each of the Sites. - Trucks transferring baled waste or bulky / non-baleable waste from Ophir Road RRC to the Euchareena Road RRC would be scheduled to avoid the school bus pickup and drop-off times on Euchareena Road. There would be no deliveries of waste to the Euchareena Road RRC on weekends, except in emergencies. - Minor safety improvements along Euchareena Road in accordance with the recommendations of an independent assessment of road safety requirements commissioned jointly by Cabonne Council and the Proponent. The safety improvements would be implemented prior to the first waste being received at the Euchareena Road RRC. - New box culvert at Back Creek. - Construction of a new Intersection at the site entrance to the Euchareena Road Site as per Figure C.4-23, which is designed in accordance with the NSW RTA AUR/AUL standards. This would be constructed prior to the first waste being received at the Euchareena Road RRC. - Upgrade of the intersection of the Mitchell Highway (Watson Street) and Euchareena Road to meet RTA standards, as per Figure C.4-24 of the EA. This would be upgraded prior to the first waste being received at the Euchareena Road RRC. - Commitment of funds for the ongoing maintenance of the section of Euchareena Road used by trucks travelling to and from the Euchareena Road Site. - Requirement that each driver would sign a Code of Conduct (during their first visit). - Continued provision of a 15 m wide stock movement corridor along the western side of Euchareena Road along the Euchareena Road Site boundary.
Noise	The Project would be designed and operated to ensure that noise criteria are not exceeded. The noise management controls that would be implemented during the operation of the Euchareena Road RRC are detailed as follows. Construction of the perimeter amenity bunds would provide a noise barrier between a number of surrounding residences and the various operational components on site.

Issue	Commitments
	• All composting operations (other than maturation) would be undertaken within enclosed buildings. • All construction and operational activities would be undertaken during daytime hours (7 am to 6 pm) with the exception of the composting operation, some components of which need to operate on a continuous basis, 24 hours per day, 7 days per week, albeit generating negligible noise levels. • The Proponent would ensure all equipment, particularly waste delivery trucks, are maintained to a high standard to ensure there are no unnecessary noise emissions. Earthmoving equipment used on-site would be fitted with low impact broad band reversing alarms approved by WorkCover.
Visual	The Proponent would implement the following mitigation measures at the Euchareena Road Site: An earth mound, up to 2 m high, would be constructed adjacent to the northern boundary of the Euchareena Road Site for a distance of 600 m along the alignment of Shades Creek Road. The bund would be constructed with gentle external slopes and revegetated to limit the visibility of the bund itself. An eastern amenity bund, up to 4 m high, would be constructed immediately adjacent to the eastern limit of the landfill to provide a visual shield to the periodic construction activities and daily activities on sections of the landfill, particularly when viewed from 'The Shades'. An area of approximately 13.6 ha immediately south of the northern amenity bund would be planted during the first three years of operations. This corridor, as it grows and matures would provide a useful visual screen to shield the landfill from 'Maupas' and 'Meru'. The Proponent would plant some tree screens at strategic locations to limit visibility of the landfill, principally setback from Euchareena Road. The visual character of the other activities on site would also be considered through the following: • All buildings / structures shall be grey in colour (or similar); • Selective landscaping would be positioned around the office, weighbridge and enclosed composting plant; and • The site would be kept clean and tidy at all times.
Socio-economics	The Proponent would undertake consultation with relevant stakeholders including during the construction period. The Proponent would provide a stock movement corridor for north-south access across the Euchareena Road (eastern) side of the Euchareena Road Site to enable local landholders to safely move stock and farm equipment outside the Euchareena Road reserve. Areas not required for project-related activities or their ecological values would continue to be available for agricultural purposes. Approximately 42.3ha of cleared land would be designated for ongoing agricultural use (Figure c.1-3 of the EA). Compost from the enclosed tunnel composting facility would be made available at no cost for two years to local famers as a certified compost

Issue	Commitments
	product. Preference would be given to applications where the objectives is to upgrade the agricultural quality of farming land.
Greenhouse gas	Potential energy efficiency measures would be considered in the detailed design phase of the Project. An appropriate landfill gas management system would also be designed in the detailed design phase, which would be a passive landfill gas drainage and flaring system to help minimise potential greenhouse gas emissions from the landfill.