

## Environmental Assessment

Patons Lane Landfill and Resource Recovery Centre

Section 75W Modification Application

Prepared for SRC Properties Pty Ltd | 25 September 2015





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## Environmental Assessment

Final

Report J15106RP1 | Prepared for SRC Properties Pty Ltd | 25 September 2015

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Prepared by **Rachael Thelwell**

Approved by **Paul Mitchell OAM**

Position Senior Environmental Planner

Position Director

Signature



Signature



Date 25 September 2015

Date 25 September 2015

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# 1 Introduction

## 1.1 Background

EMGA Mitchell McLennan Pty Limited (EMM) has been commissioned by SRC Properties Pty Ltd (SRC) to prepare and submit a modification application under Section 75W of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks the Minister's approval to modify project approval MP09\_0074 for a Waste and Resource Management Facility (the 'Approved Development') on land situated at 123-179 Patons Lane, Orchard Hills (the subject site) shown in Figures 1.1 and 1.2.

This application proposes three modifications to the Approved Development each of which relate to the manner in which 'Site Establishment' has been drafted in the conditions of the Approved Development. The scope and scale of the proposed modifications are not considered significant and will not result in any adverse impacts other than those that will currently occur as a result of the Approved Development rather the modifications will reduce some impacts.

Details of, and justification for, the proposed modifications are provided in Section 3.2 and an assessment of the impacts is provided in Chapter 4.

## 1.2 The proponent

At the time MP09\_0074 was granted on 13 July 2012, the subject site was owned by Dellara Pty Ltd. Dellara Pty Ltd was made insolvent and placed in the hands of Administrators on 12 June 2012, approximately one month prior to the granting of planning approval. In 2012, the Administrators engaged a number of firms, including Chesterton International, to market and collect expressions of interest from prospective buyers. The sale process took a number of years with SRC, as Trustee for the SRC Property Trust, becoming the registered proprietor of the subject site on 9 March 2015.

SRC is the proponent for this modification application.

## 1.3 Site and surrounds

The subject site covers approximately 60 hectares (ha) and comprises Lot 40 in DP 738126 within Penrith City local government area (see Figure 1.1). Access to the site is from Luddenham Road which connects to the M4 Motorway 3 km to the north via Mamre Road and to the M7 Motorway 10 km to the east via Elizabeth Drive.

The site is the location of the former Erskine Park Quarry. Approval for the extraction of clay and shale at the site (DA No. 116/80) was granted by Penrith City Council on 23 November 1981. Extraction has occurred intermittently since that time with quarrying activities currently suspended and the site under care and maintenance. Two principal areas of extraction – the Northwestern Clay/Shale Extraction Area and the Southwestern Clay/Shale Extraction Area – are located on the site. Bund walls varying in height from 5m to 19m and totalling approximately 1.9 km in length have been constructed along the majority of the site's perimeter. Other existing site features include five dams, an equipment compound, shale and clay stockpiles, an office and two weighbridges. The existing site layout is shown in Figure 1.2.



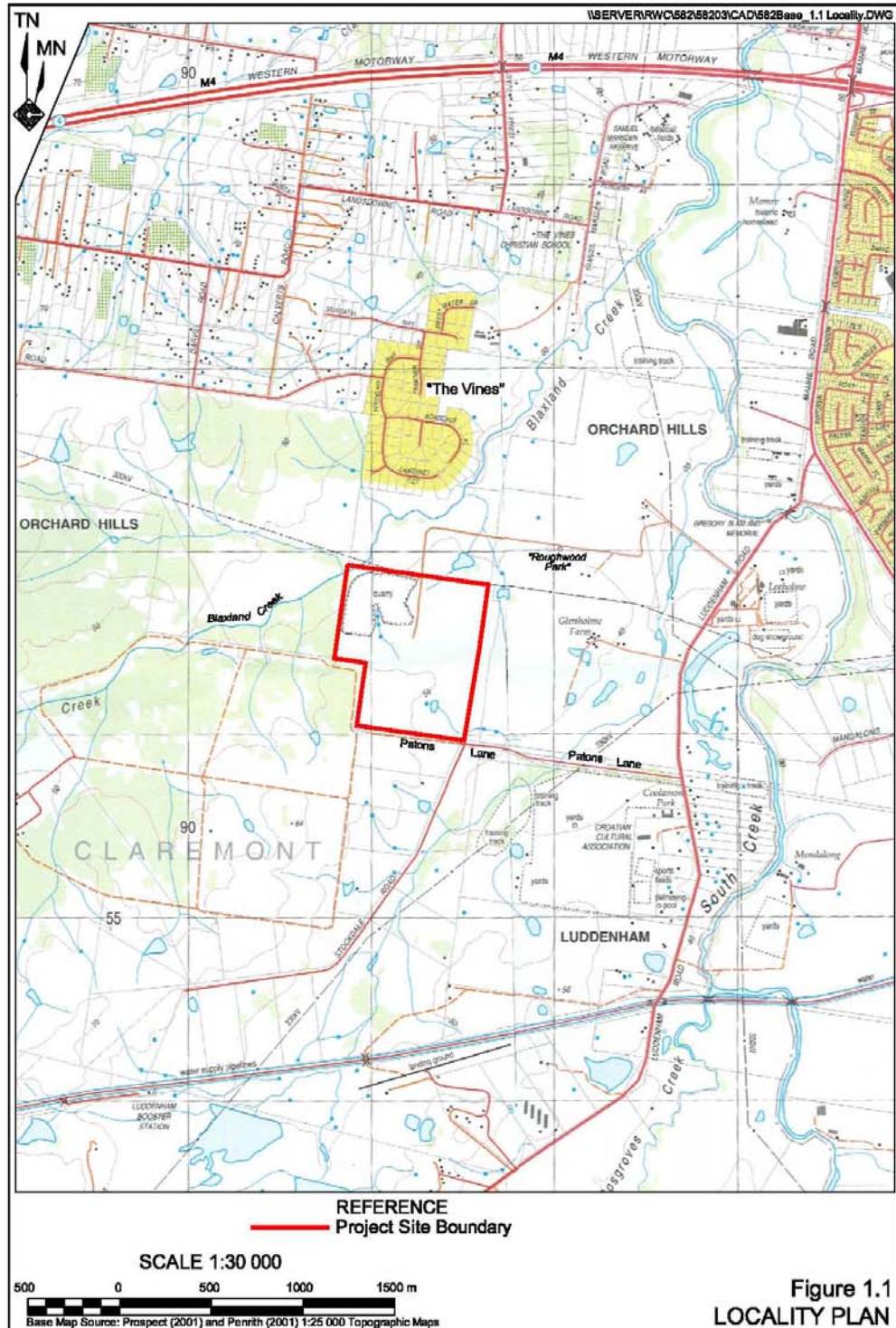


Figure 1.1 Locality plan





Figure 1.2  
THE EXISTING SITE



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Figure 1.2 Existing site layout

The area surrounding the site is largely rural/rural-residential in character but with larger rural properties located immediately to the north and east of the site. Approximately 500 m to the north of the site is a residential subdivision known as “The Vines”. Further to the south-east are rural-residential properties having frontage to Luddenham Road. Adjoining the west and south of the site is heavily vegetated, Commonwealth owned land, which is used by the Australian Defence Force.

#### 1.4 Need for the modifications

The Approved Development contains a number of stringent conditions including extensive pre-works requirements prior to commencing site establishment, including completion of two detailed compliance audits. Modification to three of these conditions is required to provide sufficient time for these audits and other site establishment activities to be conducted. The need for extra time has arisen because of more detailed investigation of site establishment timeframes and also to allow for delays in the commencement of site establishment works due to the change in site ownership.

The modifications are administrative in nature and are necessary to allow the Approved Development to proceed. The proposed modifications do not seek to alter the purpose or material content of any conditions but merely seek to add some flexibility to the time constraints imposed by the current approval.

#### 1.5 Purpose of report

This EA describes the Approved Development, the proposed modifications, and provides an assessment of their potential impacts. This information will be used by the NSW Department of Planning and Environment (DP&E), and relevant government agencies, to assess the merits of the proposed modification and make recommendations to the determining authority about whether or not to grant approval.

## 2 Relevant planning framework

### 2.1 Approvals history

An application (MP09\_0074) for the Approved Development was made under the now repealed provisions of Part 3A of the EP&A Act on 27 May 2009. This application was refused by the Planning Minister on 27 September 2010. This decision was appealed by the then proponent under section 75K of the EP&A Act to the NSW Land and Environment Court on 16 November 2010 (No. 10928 of 2010). On 13 July 2012 the Court upheld the appeal against the refusal by the Minister of MP09\_0074 and, in doing so, granted planning approval for the Approved Development.

Other approvals relevant to the subject site include DA No. 116/80 for the clay/shale quarry and DA 2003/0627 granted by Penrith City Council on 3 July 2003 for the realignment of Patons Lane and construction of a new intersection at the junction of Patons Lane and Luddenham Road. Under condition 14, Schedule 3 of MP09\_0074 all existing development consents and project approvals for the site other than MP09\_0074 and DA 2003/0627 are to be surrendered prior to the commencement of site establishment or as otherwise agreed with the Director-General (now the Secretary) of Planning.

### 2.2 Current planning approval

MP09\_0074 was granted under Part 3A of the EP&A Act. It was deemed a major project by the provisions of Clause 6 and Schedule 1 of the State Environmental Planning Policy (Major Development) 2005. The consent authority for Major Projects was the Minister. At the time, a Part 3A major project approval could be modified under section 75W of the EP&A Act.

Part 3A was repealed on 1 October 2011 by the *Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011* (Part 3A Repeal Act). However, transitional provisions were introduced (Schedule 6A of the EP&A Act) enabling 'transitional Part 3A projects' to continue to be subject to Part 3A of the EP&A Act (as in force immediately before the repeal and as modified by the Part 3A Repeal Act). Transitional Part 3A projects include projects that were the subject of an existing approval under Part 3A. Therefore, MP09\_0074 is a transitional Part 3A project and the proposed modification may be made under the now repealed section 75W of the EP&A Act. Section 75W enables a proponent to request the Minister (or Planning Assessment Commission under delegation from the Minister) to modify a project approval granted under Part 3A.

Section 75W states:

“(1) In this section:

**Minister’s approval** means an approval to carry out a project under this Part, and includes an approval of a concept plan.

**modification of approval** means changing the terms of a Minister’s approval, including:

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and
- (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.

- (2) The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.
- (3) The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.
- (4) The Minister may modify the approval (with or without conditions) or disapprove of the modification.

## 2.3 Other State approvals

In addition to the above, the Approved Development requires the following approvals under State legislation:

- an Environment Protection Licence under the NSW *Protection of the Environment Operations Act 1997* (POEO Act);
- a Section 138 approval under the NSW *Roads Act 1993*; and
- a Controlled Activity Approval and a Water Access Licence under the NSW *Water Management Act 2000*.

The proposed modification does not alter the requirement for these approvals and they will be obtained following determination of this modification application.

## 2.4 Environmental planning instruments

Division 23 of the State Environmental Planning Policy (Infrastructure) 2007 (the Infrastructure SEPP) applies to waste or resource management facilities. Clause 123(1) of the Infrastructure SEPP requires:

In determining a development application for development for the purpose of the construction, operation or maintenance of a landfill for the disposal of waste, including putrescible waste, the consent authority must take the following matters into consideration:

- (a) whether there is a suitable level of recovery of waste, such as by using alternative waste treatment or the composting of food and garden waste, so that the amount of waste is minimised before it is placed in the landfill, and
- (b) whether the development:
  - (i) adopts best practice landfill design and operation, and
  - (ii) reduces the long term impacts of the disposal of waste, such as greenhouse gas emissions or the offsite impact of odours, by maximising landfill gas capture and energy recovery, and
- (c) if the development relates to a new or expanded landfill:
  - (i) whether the land on which the development is located is degraded land such as a disused mine site, and



- (ii) whether the development is located so as to avoid land use conflicts, including whether it is consistent with any regional planning strategies or locational principles included in the publication EIS Guideline: Landfilling (Department of Planning, 1996), as in force from time to time, and
- (d) whether transport links to the landfill are optimised to reduce the environmental and social impacts associated with transporting waste to the landfill.

The proposed modification would not alter any aspect of the Approved Development that is relevant to the Clause 123(1) matters.

Under section 75R(3) of the EP&A Act, environmental planning instruments other than State Environmental Planning Policies, do not apply to an approved Part 3A project. However, under section 75J(3) of the EP&A Act, the Minister may (but is not required to) take into account the provisions of any environmental planning instrument that would not (because of section 75R) apply to the project if approved. The Penrith Local Environmental Plan 2010 applies to the site. The majority of the site is zoned RU2 Rural Landscape with a small portion of the north-west corner zoned E2 Environmental Conservation. Objectives of these zones are as follows:

- to encourage sustainable primary industry production by maintaining and enhancing the natural resource base;
- to maintain the rural landscape character of the land;
- to provide for a range of compatible land uses, including extensive agriculture;
- to minimise conflict between land uses within the zone and land uses within adjoining zones;
- to preserve and improve natural resources through appropriate land management practices;
- to ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities;
- to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values;
- to prevent development that could destroy, damage or otherwise have an adverse effect on those values;
- to protect, manage, restore and enhance the ecology, hydrology and scenic values of riparian corridors and waterways, wetlands, groundwater resources, biodiversity corridors, areas of remnant indigenous vegetation and dependent ecosystems; and
- to allow for low impact passive recreational and ancillary land uses that are consistent with the retention of the natural ecological significance.

The proposed modification will enable a land use that is compatible with its surrounds and is located in a former quarry. The site itself has no ecological, scientific cultural or aesthetic values, nor does it have potential for use as a primary industry. The modifications will not cause any material change in impacts from the Approved Development. Given that the Approved Development is compatible with its surrounds and will not adversely affect the above listed values, the modification satisfies relevant objectives in Penrith Local Environmental Plan 2010.



## 3 Approved development and proposed modifications

### 3.1 Approved development

#### 3.1.1 Overview

The Approved Development is for the construction and operation of a waste recovery and disposal facility at the subject site. The principal approved activities are:

- construction/establishment and operation of a materials recycling facility for materials from commercial and demolition activities;
- resumption of clay/shale extraction (particularly light-firing clay/shale) to recover raw materials for use by the brick industry and other clay/shale materials for use as cover material for the on-site waste emplacement;
- development and operation of staged waste emplacement cells to contain all residual wastes from the recycling and re-processing facility, other imported wastes (unable to be re-processed) and selected construction and demolition wastes recovered from the existing on-site perimeter bund walls;
- refurbishment of the former weighbridges and offices together with the construction of a range of on-site infrastructure including a site office for the recycling and re-processing facility, truck wheel wash, site workshop and water management structures; and
- selective removal and on-site disposal of material from the existing perimeter bund walls including disposal of waste materials previously illegally imported to site and incorporated into the bund walls in contravention of the requirements of the POEO Act and the existing development consent for the site.

Further details of the Approved Development are provided in Table 3.1. The approved site layout is shown in Figure 3.1.





**Figure 3.1 Approved site layout**



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**Table 3.1**      **Summary of approved development**

| Activity                         | Approved development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Landfill area                    | <ul style="list-style-type: none"> <li>• <u>Total capacity</u>: 4.3 million tonnes (excluding landfill caps)</li> <li>• <u>Operational life</u>: 25 years including capping and revegetation but excluding site establishment, and ongoing environmental management and monitoring</li> <li>• <u>Maximum final landform elevation</u>: 57 m AHD</li> <li>• <u>Staging</u>: The landfill will consist of three waste cells, divided into various sub-cells. The recycling and re-processing area will be refilled with on-site clay and shale materials</li> </ul>                                                                                                                                                                                                                                                                           |
| Waste                            | <ul style="list-style-type: none"> <li>• <u>Total input</u>: up to 450,000 tonnes per annum (tpa)</li> <li>• <u>Waste recycled</u>: up to 350,000 tpa</li> <li>• <u>Waste landfilled</u>: up to 205,000 tpa</li> <li>• <u>Types of waste received</u>: general solid (non-putrescible) waste, including up to 100,000 tpa of contaminated soils which meets this waste classification. The general solid (non-putrescible) waste would predominantly comprise C&amp;D and C&amp;I wastes</li> <li>• <u>Types of waste recycled</u>: demolition wastes such as concrete, bitumen, bricks and roofing tiles and other wastes such as metals, wood, plastics and cardboard</li> <li>• <u>Types of waste landfilled</u>: only waste classified as general soils (non-putrescible) and asbestos recovered from the bund walls on site</li> </ul> |
| Site access                      | <ul style="list-style-type: none"> <li>• <u>Site access</u>: via Patons Lane. Includes the construction and sealing of the 1.3 km section of Patons Lane between Luddenham Road and the site entrance</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Recycling and re-processing area | <ul style="list-style-type: none"> <li>• <u>Area</u>: approximately 5.6 ha</li> <li>• <u>Components</u>: Various buildings (recycling facility warehouse, C&amp;I waste storage building, office, mobile C&amp;D recycling equipment and outdoor product bays)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Ancillary infrastructure         | <ul style="list-style-type: none"> <li>• Existing weighbridges (to be refurbished)</li> <li>• New site office and car parking areas</li> <li>• Site office for recycling facility, truck wheel wash, workshop and water management structures</li> <li>• Dams for storage of leachate and collection/storage of stormwater</li> <li>• Internal road network</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Clay/shale extraction            | <ul style="list-style-type: none"> <li>• Total resources proposed to be extracted from Cells 1, 2, and 3 (following the same sequence as the emplacement cells) to an average depth of 28 m AHD</li> <li>• <u>Clay shale extracted</u>: 5.2 million tonnes</li> <li>• <u>Clay/shale despatched from site</u>: 3.15 million tonnes (2.184 million tonnes of light-firing clay/shale)</li> <li>• <u>Maximum resource export rate</u>: 160,000 tpa</li> <li>• <u>Clay/shale on-site use</u>: 2.05 million tonnes</li> <li>• <u>Maximum stockpile height</u>: RL 54 m AHD</li> </ul>                                                                                                                                                                                                                                                            |
| Amenity bund walls               | <ul style="list-style-type: none"> <li>• Acoustic mounds and existing bund walls around the perimeter of the operational areas will provide noise protection and visual screening. All mounds and bund walls would be removed when no longer needed for noise mitigation</li> <li>• <u>Details of the mounds and bund walls</u>: <ul style="list-style-type: none"> <li>○ Northern face and bund – reprofiled during the site establishment phase with on-site virgin excavated natural material (VENM)</li> <li>○ Central acoustic mound – VENM</li> <li>○ Southern acoustic mound – VENM</li> <li>○ Recycling and re-processing area acoustic mound – VENM to be constructed during the site establishment phase</li> <li>○ Eastern face</li> <li>○ Southern face</li> </ul> </li> </ul>                                                  |

**Table 3.1**      **Summary of approved development**

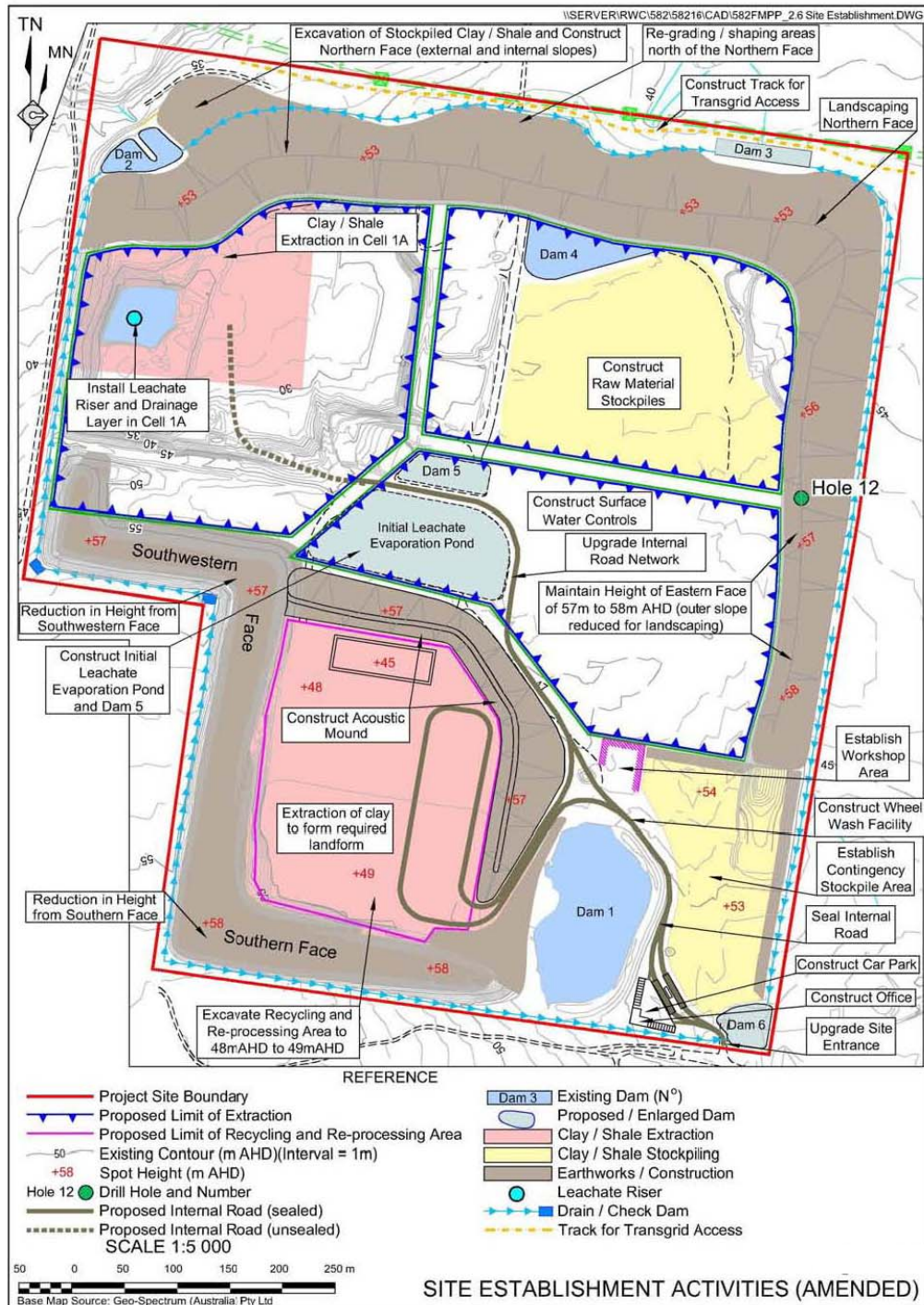
| Activity                | Approved development                                                                                                                                                                                                                                                             |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                         | <ul style="list-style-type: none"> <li>o South-western face</li> </ul>                                                                                                                                                                                                           |
| Employment              | <ul style="list-style-type: none"> <li>• <u>Construction</u>: 10 – 15 people</li> <li>• <u>Operation</u>: 20 people full time, plus up to 10 part-time contractors</li> </ul>                                                                                                    |
| Hours of operation      | <u>Construction</u> : <ul style="list-style-type: none"> <li>• Monday to Friday 7am to 6pm; and</li> <li>• Saturday 8am to 2pm</li> </ul> <u>Operation</u> : <ul style="list-style-type: none"> <li>• Monday to Friday 7am to 6pm; and</li> <li>• Saturday 8am to 2pm</li> </ul> |
| Heavy vehicle movements | 250 heavy vehicle movements per day                                                                                                                                                                                                                                              |

### 3.1.2 Site establishment

A range of establishment activities must be completed to prepare the site for the receipt of waste materials. The activities undertaken during site establishment are shown in Figure 3.2 with the principal ones being:

- construction/shaping of the northern face and much of the eastern face to their final rehabilitated landform and landscaping of those faces;
- construction of the northern face by reshaping the relevant bund walls to reduce heights in parts and raise heights in others;
- partial rehabilitation of the existing southern and south-western bund walls through a reduction in elevation. Following re-shaping, landscaping works to revegetate the surface and adjoining batters slopes will occur;
- upgrading and sealing of Patons Lane and upgrading the entrance to the subject site (from Patons Lane) together with the refurbishment of the existing dual weighbridge and associated office;
- site preparatory works within the Recycling and Re-processing Area to create the required landform and create a suitable pad for the on-site warehouse and mobile equipment storage area;
- construction and commissioning of the on-site wheel wash facility;
- upgrading and sealing the internal road network beyond the proposed wheel wash facility to the exit point from the Recycling and Re-processing Area and the entry point to Cell 1A; and
- extraction of clay/shale in Cell 1A and in the Recycling and Reprocessing Area to provide both suitable landforms for the intended uses and waste cover material.





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Figure 3.2 Site establishment activities

### 3.1.3 Post-approval activities

As previously mentioned, the transfer of ownership of the subject site took a number of years following granting of MP09\_0074. As a result, no actions to comply with the conditions of approval were undertaken for a period of approximately 20 months following approval.

Following the extended sale process, and once SRC became the registered proprietor of the subject site, immediate action was taken to implement the conditions of approval, in particular the requirements for a pre-site establishment compliance audit. Under Condition 11, Schedule 3 of MP09\_0074 the audit is to be conducted by suitably qualified, experienced and independent experts covering all facets of the Approved Development, and their appointment must be endorsed by the Director-General. A submission was made on 5 May 2015 by Mobius Partners, on behalf of SRC, for DP&E's endorsement of the experts. After a period of discussion and revision, approval for the schedule of consultants was given by DP&E on 1 September 2015.

Further detail on SRC's actions taken to comply with Condition 11 since becoming the registered proprietor of the subject site is given below.

- SRC Director Jason Walter and other SRC representatives (Ben Haynes, Lee Smith and David White met with DP&E representatives Chris Ritchie, David Mooney and Felicity Greenaway on 26 March 2015.
- A submission was made on 5 May 2015 to DP&E by Mobius Partners on behalf of SRC (dated 27 April 2015) for DP&E's endorsement of consultants and audit panel as required under Condition 11.
- Ben Haynes of Jensen Bowers Planners met with DP&E representatives Chris Ritchie and David Mooney on 11 May 2015 to obtain feedback on the submission provided to DP&E.
- SRC Director Jason and SRC representatives Ben Haynes, Lee Smith and David White met with DP&E representatives Chris Ritchie and David Mooney on 9 June 2015 to discuss the consultants submitted for endorsement by DP&E.
- DP&E requested additional information for Alex Fraser (rehabilitation and bund wall issues) and Craig Hezlett, Josh Hollis and Tim Rogers (traffic and bridge investigation) on 16 June 2015.
- Mobius Partners, on behalf of SRC, provided DP&E with additional information on above consultants on 26 June 2015.
- DP&E requested on 22 July 2015 that an alternative noise consultant be nominated.
- SRC representatives Mobius Partners provided a revised schedule of consultants on 4 August 2015.
- DP&E provided approval for the Lead Auditor and consultants on 1 September 2015.

SRC also commissioned a number of specialists to assist in compliance with the conditions of approval and other aspects of the project. These include a quantity surveyor to determine the cost, scope and time required for the site establishment works to be implemented. Further information on the quantity surveyor's report is provided in Section 3.2.1.

Möbius Partners has been engaged to provide specialist expertise to assist in the rollout and commissioning of the project. Möbius Partners will also be assisting SRC in the development of operating systems, specification and selection of equipment, hiring and training of staff and engagement of contractors. They have over 25 years experience in the waste and recycling industry, specialising in the management of compliance issues associated with planning approvals and environment protection licences.

OFP Communications has been engaged to manage the requirements of MP09\_0074 to develop and maintain a community website as well as manage the Community Liaison Committee. OFP Communications has over 25 years experience in community consultation for environmentally sensitive projects including waste management facilities and quarries. OFP's scope expands on the requirements of MP09\_0074 and they will develop and manage a broad community engagement program. The local community will be provided with regular, accurate and timely updates on any sensitive issues, activities or applications. The website will be available to support community consultation via the interactive posting of information and feedback. A telephone information line has also been established with OFP co-ordinating all submissions received and resultant feedback to the community.

Profiles of Möbius Partners and OFP Communications are given in Appendix A.

## 3.2 Proposed modifications

The proposed modifications are changes to the wording of conditions 18 and 19 in Schedule 3, and to the definition of 'site establishment'. Details of these changes and justification for them are provided below.

### 3.2.1 Condition 18, Schedule 3 – duration of site establishment

Condition 18 states:

Site establishment shall not exceed 6 months duration from the date of commencement of work, unless otherwise agreed to by the Director-General.

As previously mentioned, a quantity surveyor was commissioned by SRC to determine the cost, scope and time period required to undertake the site establishment works. The quantity surveyor estimated the bulk earthworks mandated by MP09\_0074 require a cut and fill program of some 1.04 million cubic metres (m<sup>3</sup>) (535,497 m<sup>3</sup> cut and 468,080 m<sup>3</sup> fill) with a further 119,000 m<sup>3</sup> required to excavate cell 1A. This equates to a total of 1.23 million m<sup>3</sup> to be moved during site establishment. The most optimistic estimate of the time required to undertake these bulk earthworks is 12 months.

Other works to be undertaken during site establishment include extensive roadworks and paving and the construction of buildings in the recycling and reprocessing area. In addition, during the period when the site has been under care only mode, a considerable volume of rainwater has flowed into the excavated void. Removal of this volume of water (approximately 345.7 million litres) could take more than six months and would have to occur before any bulk earthworks could commence. This six month timeframe does not take into account potential adverse factors like unfavourable weather or limited availability of contractors to undertake the works.

Given the above, the six month timeframe for completion is unrealistic and impossible to meet. A timeframe of 18 months for the completion of site establishment is considered by the proponent to be achievable. Therefore, it is proposed that Condition 18 be amended as follows:

Site establishment shall not exceed 18 months duration from the date of commencement of work, unless otherwise agreed to by the Director-General.

### 3.2.2 Condition 19 – lapsing of approval

Condition 19 states:

This approval lapses 5 years from the date of issue unless Site Establishment is completed.

As a result of this condition, MP09\_0074 will lapse on 13 July 2017 unless site establishment is completed. The intent of this condition is to ensure that the site establishment phase of the Approved Development is undertaken efficiently so as to limit any unreasonable disruption to neighbours during this period. However, given the time delays that have occurred following the granting of approval due to the sale of the site and the time required for endorsement of the audit team (refer Section 3.1.3) the time period given in this condition is unrealistic. It leaves approximately 21 months for site establishment to be completed. Given the estimated 18 month period needed for completion of site establishment and that the pre-site establishment compliance audit still needs to be undertaken and submitted to DP&E before works commence (as per Condition 11), there is now insufficient time to ensure the approval does not lapse.

In the above context it is relevant to note that the EP&A Act takes a permissive approach to conditions relating to the lapsing of a 'transitional Part 3A project' (such as MP09\_0074). At clause 11 of Schedule 6A to the Act, an approval for carrying out a 'transitional Part 3A project' that authorises the use of any land, building or work does not lapse if that use is actually commenced before the date on which the approval would otherwise lapse. Accordingly, given the legislative context in which conditions made under section 75Y of the EP&A Act (that is, conditions such as Condition 19 of Schedule 3 to the approval) operate, it would be unjustifiably onerous to require more than physical commencement to have occurred to avoid the effect of the approval lapsing.

A 'commencement' condition based on the start of physical works would accord with contemporary practice. For example, the wording of the lapsing condition for approval of a similar Part 3A project, the Kimbriki Resource Recovery Project, granted on 19 April 2012 states:

This approval shall lapse if the Proponent does not physically commence the proposed development associated with this Concept Plan within 5 years of the date of this approval.  
(Schedule 3, Condition 3 of CA10\_0064)

Further, more recent approvals for similar projects, such as PA05\_0157 for the Moorebank Materials Recycling Facility, do not contain a lapsing condition.

Therefore, it is proposed that Condition 19 be amended as follows:

This approval lapses 5 years from the date of issue unless physical commencement has occurred.

### 3.2.3 Schedule 2 Definitions – definition of site establishment

'Site Establishment' is defined in Schedule 2 of MP09\_0074 as:

Site establishment includes:

- initial shaping of the northern and north-eastern bund walls;
- reshaping of the southern and south-western bunds;
- emplacement of onsite waste resulting from the reshaping of the bunds described above;



- construction work for buildings and infrastructure;
- road works required by this approval; and
- construction work for cell 1 and any clay/shale extraction associated with the construction of cell 1.

and as otherwise shown on Figure 2.6 'Site Establishment Activities (Amended)' of the FMPPR at p18 (Exhibit Z in Appeal No 10928 of 2010).

Site establishment excludes works and activities referred to the definition of 'Operation' above.

It is noted that the above definition does not properly reflect the Land and Environment Court proceedings No. 10928 of 2010. During the Court proceedings it was identified that Cell 1A (not Cell 1) was the portion of cell construction that was required to be completed as part of site establishment. This is clearly shown on the figure referenced in the definition (Figure 2.6 'Site Establishment Activities (Amended)' in the 'Further Modified Preferred Project Report' – shown as Figure 3.2 in this report) which only refers to cell construction works and clay/shale extraction associated with Cell 1A. This inconsistency is further evidenced by the fact that Cell 1 requires the excavation of an estimated 936,000 m<sup>3</sup> of material. This conflicts with other consent conditions of the approval which limit the annual export of materials to 160,000 tpa and limits to the stockpiling of materials which would prevent the excavation, removal and stockpiling of the materials required to create Cell 1 whereas Cell 1A is accommodated within these limits.

Therefore, it is proposed that the definition of 'Site Establishment' in Schedule 2 of MP09\_0074 be amended as follows:

Site establishment includes:

- initial shaping of the northern and north-eastern bund walls;
- reshaping of the southern and south-western bunds;
- emplacement of onsite waste resulting from the reshaping of the bunds described above;
- construction work for buildings and infrastructure;
- road works required by this approval; and
- construction work for Cell 1A and any clay/shale extraction associated with the construction of Cell 1A.

and as otherwise shown on Figure 2.6 'Site Establishment Activities (Amended)' of the FMPPR at p18 (Exhibit Z in Appeal No 10928 of 2010).

Site establishment excludes works and activities referred to in the definition of 'Operation' above.

### 3.2.4 Summary of proposed modifications to approval conditions

A summary of the proposed modifications to the conditions of MP09\_0074 is provided in Table 3.2.

**Table 3.2 Summary of proposed modifications**

| Item | Current conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Modification sought                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1    | <p><b>Schedule 3, Condition 18 – Site Establishment Duration</b></p> <p>Site establishment shall not exceed 6 months duration from the date of commencement of work, unless otherwise agreed to by the Director-General.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Site establishment shall not exceed <b>18</b> months duration from the date of commencement of work, unless otherwise agreed to by the Director-General.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 2    | <p><b>Schedule 3, Condition 19 – Lapsing of Approval</b></p> <p>This approval lapses 5 years from the date of issue unless Site Establishment is completed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>This approval lapses 5 years from the date of issue <b>unless physical commencement has occurred.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 3    | <p><b>Schedule 2, “Site Establishment” Definition</b></p> <p>Site establishment includes:</p> <ul style="list-style-type: none"> <li>– initial shaping of the northern and north-eastern bund walls;</li> <li>– reshaping of the southern and south-western bunds</li> <li>– emplacement of onsite waste resulting from the reshaping of the bunds described above;</li> <li>– construction work for buildings and infrastructure;</li> <li>– road works required by this approval; and</li> <li>– construction work for cell 1 and any clay/shale extraction associated with the construction of cell 1,</li> </ul> <p>and as otherwise shown on Figure 2.6 ‘Site Establishment Activities (Amended)’ of the FMPPR at p18 (Exhibit Z in Appeal No 10928 of 2010).</p> <p>Site establishment excludes works and activities referred to the definition of ‘Operation’ above.</p> | <p>Site establishment includes:</p> <ul style="list-style-type: none"> <li>– initial shaping of the northern and north-eastern bund walls;</li> <li>– reshaping of the southern and south-western bunds;</li> <li>– emplacement of onsite waste resulting from the reshaping of the bunds described above;</li> <li>– construction work for buildings and infrastructure;</li> <li>– road works required by this approval; and</li> <li>– construction work for Cell <b>1A</b> and any clay/shale extraction associated with the construction of Cell <b>1A</b>,</li> </ul> <p>and as otherwise shown on Figure 2.6 ‘Site Establishment Activities (Amended)’ of the FMPPR at p18 (Exhibit Z in Appeal No 10928 of 2010).</p> <p>Site establishment excludes works and activities referred to <b>in</b> the definition of ‘Operation’ above.</p> |

## 4 Impacts of proposed modifications

### 4.1 Preamble

Of the proposed modifications it is noted that only the modification to Condition 18 to extend the site establishment works timeframe from six to 18 months could have potentially adverse environmental impacts. The modification to Condition 19 is purely administrative and does not physically change the Approved Development. The modification to the definition of 'Site Establishment' significantly reduces the volume of excavation and material handling that is required and, therefore, significantly reduces the associated impacts.

Notwithstanding, all of the proposed modifications would have implications for the viability of the project with its attendant socio-economic and environmental benefits. Therefore, the discussion of the beneficial impacts given below relates to all of the proposed modifications to MP09\_0074.

### 4.2 Noise

The noise impact assessment for the Approved Development was undertaken by Wilkinson Murray (February 2012). Modelling of construction noise during site establishment predicted noise levels at nearby residences would be under the construction noise management levels as determined from the *Interim Construction Noise Guideline* (ICNG, Department of Environment and Climate Change NSW 2009). Also the even stricter *NSW Industrial Noise Policy* (Environment Protection Authority 2000) criteria of background noise levels plus 5 dB would be met at eight out of the 11 residences assessed.

The application of the ICNG to infrastructure projects with construction periods of 18 months is the appropriate method for assessing impacts. The previous modelling results remain applicable and the proposed modification to extend the length of the construction period is not expected to have any significant noise impacts. Also, using the ICNG as the benchmark would be consistent with other recent determinations in Penrith LGA, such as that for filling and excavation on the ADI site off The Northern Road at Llandilo.

### 4.3 Air quality

The air quality impact assessment for the Approved Development was undertaken by PAEHolmes (2010). Modelling of dust emissions generated during site establishment predicted marginal exceedances ( $1 \mu\text{g}/\text{m}^3$ ) of the  $\text{PM}_{10}$  24-hour criterion when cumulative sources were taken into account. There were no exceedances of the  $\text{PM}_{10}$  24-hour criterion due to the operation of the Approved Development alone. Further, to capture worst case impacts, the assessment assumed that the site establishment activities would occur over an entire year and assumed that emission estimates were doubled. The extension of the site establishment period and reduction in the volume of the excavation and materials handling from the change in the definition (ie Cell IA only) would reduce emission of suspended particles that were assumed in the modelling. Therefore, the previous modelling and assessment results significantly exaggerate the probable emissions, meaning the proposed modification is not expected to have any noticeable air quality impacts.

## 4.4 Traffic

The traffic and parking assessment for the Approved Development was undertaken by Traffic Solutions Pty Ltd (2010). The assessment found that traffic generated by the Approved Development would not significantly impact on the performance of local roads or intersections. The assessment determined that up to approximately 102 vehicle movements would be expected during site establishment. This is around half of the maximum vehicle movements that are approved under Condition 25 within Schedule 3 of MP09\_0074. Given these results, the reduced volumes of material to be excavated and handled, and that peak traffic generation will occur during operation and not site establishment, the proposed modification will not have any significant traffic impacts.

## 4.5 Visual

The visual assessment for the Approved Development was undertaken by Richard Lamb & Associates (2012). The assessment found that the Approved Development would not adversely affect the scenic quality of the locality. Further, the Approved Development would, over time, enable rehabilitation of a derelict and prominent quarry into a landscape compatible with its surrounds. One of the objectives of the site establishment works is to rehabilitate parts of the site to their final landform. The extension to the site establishment works timeframe will mean that the visual benefits of rehabilitation will be delayed by a period of 12 months. However, this is not considered to be a significant adverse impact given that the site establishment works will improve the current appearance of the quarry site; whereas, if the extension is not approved, rehabilitation would not be completed and the site's appearance would not be improved.

## 4.6 Socio-economic benefits

The Approved Development has a number of socio-economic benefits. Principally, it increases the availability of waste management facilities and the supply of recycled construction materials.

Should the requested modifications not be approved, the Approved Development would not proceed meaning its socio-economic benefits would not be realised. Also, there would be a significant waste of the public resources that have been devoted to the extensive assessment process undertaken for the Approved Development and this would not be in the public interest.

### 4.6.1 Waste management infrastructure

Since MP09\_0074 was granted, the availability of non-putrescible landfill space has decreased significantly in the region due to the closure (and imminent closure) of a number of landfill facilities including the Dial a Dump landfill at St Peters, Enviroguard/TPI Erskine Park, Veolia Horsley Park Blacktown Waste Marsden Park, and Kurnell Landfill. There has not been any other significant new capacity approved (or commissioned) to replace these lost facilities. The Approved Development will also facilitate re-use of what would otherwise be waste demolition materials.

The Approved Development will provide essential community infrastructure required to meet the NSW Government's resource recovery and recycling targets, including an 80% waste recovery target for the construction and demolition sector. It will also provide landfill disposal capacity for residual wastes. Competing land uses, rapidly escalating land costs and lengthy approval processes make the planning and provision of waste management infrastructure to achieve these targets extraordinarily difficult to obtain.

#### 4.6.2 Supply of construction materials

The Approved Development is ideally located to provide raw materials for, and accommodate waste from, housing and commercial development in Sydney's west. Materials can also be provided to a number of current and future major infrastructure projects being undertaken in Sydney such as: Barangaroo, West Connex, North Connex, North West Rail Link, and Badgerys Creek Airport.

The site is approximately 8.5 km north of the Badgerys Creek Airport site (see Figure 4.1) and, therefore, is uniquely located to be able to play a major role in providing recycled construction materials for this project and its related infrastructure.

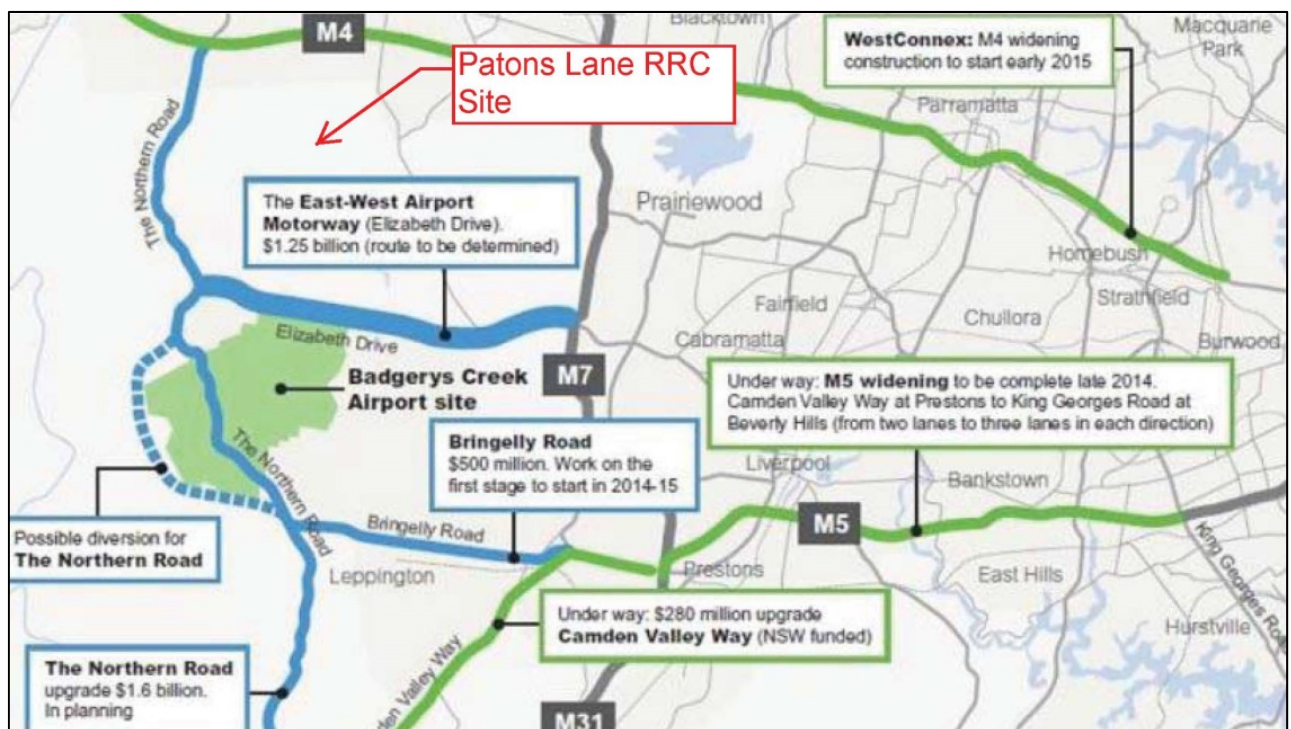


Figure 4.1 Location of Badgerys Creek Airport

#### 4.6.3 Other benefits

The Approved Development will return a degraded site back to productive use. The clay and shale resource and the waste management infrastructure have been taken off line for three years as a result of the insolvency of the previous owner. The Approved Development allows the remaining resource to be extracted and used for construction purposes thus avoiding a loss of raw material supplies to local brickworks.

The Approved Development also provides certainty for local residents in that a degraded site will be rehabilitated. Conversely, if the Approved Development does not occur proper rehabilitation of this land may never occur.

The Approved Development will also provide employment for up to 15 people during construction and 20 full-time and 10 part-time people during operation. The extension to the site establishment timeframe will provide a further 12 months of employment for construction workers.

## 4.7 Other environmental matters

The proposed modifications will not affect any of the following:

- groundwater;
- surface water;
- ecology;
- heritage; or
- soils and land capability.



## 5 Conclusion

This Environmental Assessment supports an application to modify three provisions of Approved Development (MP09\_0074) under section 75W of the EP&A Act.

The requested modifications will not worsen any potentially adverse impact of the Approved Development but merely amend the wording of these provisions to enable a realistic development timeframe. Specifically, the required modifications will not:

- affect or alter the amount or types of waste that is authorised to be received;
- affect or alter the physical footprint or the nature of the activities to be carried out during operation;
- worsen the noise impacts of the project; or
- affect or alter any visual impacts.

The modifications will reduce some local impacts – dust emissions and truck movements – because a smaller volume of material will be excavated and handled during the site establishment phase.

The requested modifications are in the public interest because:

- they will increase the availability of construction materials derived from reuse of otherwise waste demolition materials;
- they will reduce the need for new landfill space by reducing the volume of waste demolition materials requiring disposal;
- no changes are proposed to the approved operational activities;
- extension of the site establishment period will not cause any unacceptable impacts; and
- the considerable public investment devoted to assessment of the Approved Development will not be wasted.

For the reasons given above, the requested modifications have planning merit and warrant approval.



## Appendix A

### Profiles of Mobius Partners and OFP Communications

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## Project Experience

Name : David White  
Position : Director  
Company : Resource Applications Pty Ltd  
Qualifications : B.Ec. (ANU)  
Email : [david.white@raconsulting.net.au](mailto:david.white@raconsulting.net.au)  
Mobile : 0434 560 022  
Website : [raconsulting.net.au](http://raconsulting.net.au)

Employed in the waste management, environment, recycling and quarrying industry since 1989. Project experience and principal responsibilities

### **2014 – 2015 RA Consulting**

- Ongoing advice and project management to Benedict Group particularly Benedict Recycling
- Advising NSW EPA on Section 88 waste levy mechanism reforms.
- Project management for development of Transfer Station and other resource recovery facilities

### **From 2006 to 2013 – Benedict Group**

#### **Overview of Responsibilities**

- 1) All regulatory issues associated with eight (8) quarrying/recycling operations related to Benedict Industries Pty Ltd in the Sydney and surrounding regions. This includes liaison and negotiation with the Environment Protection Authority (EPA), Councils and other stakeholders (internal and external) in relation to compliance with Environment Protection Licence (EPL) conditions, planning consents, and dealing with other regulatory authorities.
- 2) Development of new facilities and businesses including financial feasibility studies, obtaining planning approvals and EPLs. Scoping, drafting and lodging of development applications (including EISs) and successfully obtaining development approvals for a waste from energy facility (EfW) and a materials recovery facility (MRF) for processing curbside recyclables.
- 3) Drafting and lodgement of a development application for the Georges Cove Marina (approved by JRPP 22 August 2014) as part of the rezoning and redevelopment of the Moorebank quarry.
- 4) Negotiating variations to EPL conditions and lodging amendments to planning consents to reflect changes to operations, market conditions and an evolving regulatory environment.

#### **Details of Specific Responsibilities**

- 5) Managing day to day compliance with existing EPL conditions. Managing monitoring and reporting mandated by EPL and consent conditions covering air, noise and water emissions. Dealing with related issues such as odour and blasting. Preparation of annual EPL returns and providing advice on compliance and modification of existing regulatory conditions to operations staff and directors.
- 6) Development of an internal audit system to underpin due diligence and protect the Company from economic losses relating to non-compliance.
- 7) Managing compliance and regulatory issues for a diverse range of operations including :
  - a) Dredging and washing of sand at Moorebank adjacent to the Georges River
  - b) VENM landfill at Moorebank
  - c) Integration of building and demolition waste processing operations with dredging operations.
  - d) Waste glass fines processing facility. Glass from materials recovery facilities (MRFs) i.e. residual recycled glass containers collected from curbside which can't be reprocessed back into glass containers.
  - e) 300,000 tonne plus per annum building and demolition waste processing facility at Riverside Road Chipping Norton.
  - f) Integration of building and demolition waste facility with quarry activities at Belrose
  - g) Soil quarry at Menangle adjacent to the Nepean River
  - h) Sandstone and shale quarries Appin
  - i) Sand quarry at Wombeyan Caves Road Mittagong
  - j) Quartz pebble quarry at Cowra
  - k) Sandstone quarry at Heathcote Road Menai (Sandy Point).
  - l) Redevelopment of Moorebank quarry for residential and marina facilities.
- 8) Management of regulatory and stakeholder issues related to
  - a) Royalty based tenures on private and Crown lands.
  - b) Remaking of three Local Environmental Plans (LEPs)
  - c) Dealing with Aboriginal land claims and Native Title legislation.
- 9) Training operational staff in relation to compliance requirements with the aim of minimising productivity losses, delays and brand damage created by non-compliance. Pragmatic direction rolled out via tool box meeting in conjunction with operational managers and OH&S staff to provide:
  - a) Regular updates to deal with routine compliance issues.
  - b) Targeted response to major legislative changes e.g. Preparation and updating of Pollution Incident Response management Plans (PIRMPs).
  - c) Training staff to deal effectively with inspections from EPA officers and formal interviews conducted as part of EPA investigations.
- 10) Defending Company's compliance systems and regimes in response to alleged non-compliance by EPA. Preparing detailed submissions for EPA and conducting negotiations with EPA. Representing



Company at formal interviews conducted as part of EPA investigations into non-compliance.

- 11) Preparing evidence and briefing solicitors in relation to Land and Environment Court, Supreme Court and Court of Appeal proceedings. This has included giving evidence in proceedings. These proceedings have included S88K easement and access issues as well as operational compliance matters.
- 12) Developing, monitoring, costing and amending compliance systems and protocols to allow Company's recycled products to meet EPA specifications for recycled products manufactured from waste derived materials (EPA Gazetted General Waste exemptions).
- 13) Lobbying, negotiating and consulting with EPA in relation to applications made for Specific Exemptions for the Company as well as amendment and refinements of existing General Exemptions.
- 14) Analysing regulatory impacts on Company's operations. Determining and costing responses to new legislation/policies/guidelines (as well as amendments to existing legislation/policies/guidelines). Lobbying, negotiating and consulting with EPA in relation to proposed new legislation, regulatory impact statements and compliance policies to maintain Company's competitive advantages.
- 15) Targeted corporate affairs initiatives and lobbying. Monitoring of competitors compliance status and design and implementation of fully costed programs to protect and enhance the Company's market share and margins. This involved :
  - a) determining clear outcomes
  - b) developing KPIs,
  - c) Assessing appropriate levers and tools available as well as the final mix of actions required to implement the desired changes.
- 16) Representing Company at industry association forums and developing association responses to issues including:
  - a) Implementation of a level playing field across the industry in relation to compliance issues.
  - b) Addressing issues associated with asbestos waste contamination of recycled products.
  - c) Risk based loading of EPLs and response to increased reporting requirements following from Orica Kooragang Island incident.
  - d) Application of Section 88 levy to resource recovery facilities.

#### **2000-2006 – NSW EPA - Sustainability Programs Division – Resource Recovery Section**

- 17) Management of a portfolio of EPA programs designed to increase and enhance resource recovery from wastes destined for landfill disposal. Activities focused primarily on program development and rollout for the following:
  - a) Construction industry
  - b) EPA DCP guide for resource recovery from multi unit dwellings
  - c) Wood waste recovery including alternative fuels
  - d) Removal of hazardous wastes and other problematic items/materials from the domestic waste streams. Household Chemical Cleanout Program

- e) IT/Electronic goods trial take back/collection.
- f) Commercial and Industrial materials flow mapping
- g) Weight based audits of Building and Demolition waste materials to inform systems design and implementation.

#### **1996 -2000 – Principal - Strategic Partners Consultancy**

- 18) Successful development of liquid waste treatment facility Unanderra (sold to Veolia).
- 19) Development of waste management plans for Richmond River Shire Council and Margaret River Shire Council.
- 20) Provision of advisory services to Kimbriki Waste Management Facility and Australian Native Landscapes (Badgerys Creek and Blayney facilities).

#### **1989-1996 – Manager Penrith Waste Services**

- 21) Development of feasibility studies and successful acquisition, commissioning and operation of a landfill of regional significance in western Sydney.

## Project Experience

**Name** : **LEE SMITH**  
**Position** : **Director**  
**Company** : **Möbius Environmental**  
**Qualifications** : **BSc Arch (UNSW)**

### CAREER HIGHLIGHTS

- Founding new consultancy specialising in waste & recycling issues from an operational basis
- Formulating specific NSW/VIC/SA/QLD/WA Kerbside Materials Supply Strategies for Visy.
- Identification of opportunity & development of successful strategy to build, own and operate the first (and only) large scale commingled MRF in NZ for Visy – design capacity 160,000 tpa
- Primary role in public management of all issues affecting Visy Recycling's reputation.
- Managing development and approval process for Australia's first waste-by-rail system for Veolia (Clyde Intermodal Transfer Facility/Crisps Creek Intermodal Transfer Facility) – via Commission of Inquiry, two L&E Court hearings and a Special Act of NSW Parliament
- Formulating concept and managing development and approval process for NSW' first privately owned Class 1 landfill facility (Woodlawn).
- Managing inception and creation of Sydney's largest (at that time) household waste and recycling collection contracting business for Veolia.

### EMPLOYMENT HISTORY

#### MÖBIUS ENVIRONMENTAL

**Principal Consultant/Director**

Jan 2011 – Present

#### *Selected Projects*

- Provision of ongoing technical and strategic consultancy to an industry association.
- Development of summary of operation and implications of the Carbon Pricing Mechanism for a group of waste and recycling industry operators

- Development and delivery for NSW EPA of a training program for peak industry groups, waste and recycling industry representatives and local government officers on SME C&I waste reduction, and the Bin Trim tool.
- Provision of strategic review & advice to private contractor re local government waste collection, recycling and disposal services tenders
- Report for a major environmental consultancy on current status and recent financial trends of markets for Australian recovered packaging material.
- Review of recovery facility operators' current preferences for infeed material quality standards on behalf of proposed regional MRF/AWT.
- Participate in development of a study into a *Commercial & Industrial Resource Recovery Infrastructure Investment Program* in collaboration with WCS (Wright Corporate Strategy) to assist NSW EPA identify future resource recovery infrastructure needs.
- Development and delivery for the Australian Packaging Covenant, in collaboration with APC Environmental Management, of a series of workshops and technical tours in QLD, NSW, VIC & SA directed at packaging designers and specifiers to enable them to better understand the recovery process and how the design of their products either aids or hinders its success.
- Report for multi-national environmental services company on markets for C&I material outputs potentially generated by a new C&I MRF.
- Preparation of an Australian sales manual for a multi-national environmental services company based on the adaptation/modification of sales functions and procedures documented for its international business.
- Development of a database of NSW, QLD and WA local government waste and recycling services for multi-national environmental services company
- Report for a multi-national environmental services company on potential benefits and risks of using the Federal Government's Carbon Farming Initiative to support reforestation on one of their sites
- Oversight for a multi-national environmental services company of development of a business plan for commercial opportunities for utilising waste heat from energy production from landfill gas
- Report for multi-national environmental services company on potential acquisition of a proposed Class 2 landfill in western Sydney.
- Report for multi-national environmental services company on the market implications of Sita's purchase of WSN (Waste Service NSW)
- Preparation of a strategic plan for the introduction of kerbside recycling for a western NSW council.
- Preparation of demolition, construction and ongoing operation waste management plan on behalf of international architectural practice for inner-Sydney urban redevelopment project.
- Delivery of ongoing representations to NSW EPA, Australian Government Asbestos Management Review and NSW Heads of Asbestos Coordination Authorities on behalf of a number of large C&D waste reprocessors regarding the need for a workable asbestos handling protocol for the C&D waste reprocessing sector.
- Delivery of a broad national analysis of the market for recovered C&I materials for a major international waste operator in order to provide a level of confidence in significant resource recovery investment.
- Standing-in as Acting CEO for WCRA NSW during one month overseas absence of permanent CEO in September 2012.
- Development of WCRA NSW Strategic Plan 2013-2017 via a process of international benchmarking and stakeholder consultation.
- Extensive report for a multi-national packaging company on the potential for fibre recovery from LPB & ALPB in Australian kerbside recycling.

- Review and cost modelling for one of Australia's largest local government authorities of its existing and proposed future waste collection services.
- Provision of regular community consultation facilitation for a multinational waste industry operator for regular meetings with the community surrounding one of its least popular facilities.
- Specification and implementation of 48 hour audit and consequent plan of management of all waste generated from a major motor vehicle manufacturing site.
- Provision for the APC (in conjunction with another waste consultant) of an extensive review of publicly available tools and resources to support SME resource recovery efforts.
- Report for an international packaging company on the potential to use recovered plastic feedstock for a major new plastics reprocessing facility in NSW.

**VISY RECYCLING / VISY FIBRE CHAIN**

June 2005 – January 2011

## **General Manager Marketing, Public Affairs, Development and Local Government**

### ***Responsibilities***

- Responsible for direction and management of Marketing, Public Affairs, Media Relations and Communications within Visy Recycling business in Australia and NZ.
- Responsible for management of all Local Government contract relationships including strategy, tendering for new and existing business and oversight of marketing and education and waste auditing services
- Responsible for Business Development within Visy Recycling Australia and NZ

### ***Key Achievements***

- Formulating specific NSW/VIC/SA/QLD/WA Kerbside Materials Supply Strategies.
- Oversight of all significant local government waste and recycling collection and processing tenders.
- Initiating review of long-term pulping timber supply arrangements for Visy's Tumut Pulp & Paper Mill
- Identification of opportunity & development of successful strategy to build, own and operate the first (and only) large scale commingled MRF in NZ.
- Representation and promotion of Visy's interests in industry fora, conferences and symposia and in electronic and print media in Australia and NZ.
- Formulation of strategy for the start-up development of an integrated recycling collection and materials processing business supplying fibre to Pratt Industries USA pulp and paper manufacturing – ultimately shelved due to GFC.
- Key participant in the creation and promotion of the National Recycling Initiative.
- Analysis & presentation of key failings and lessons learnt from Baxvis JV C&I recovery facility.
- Development and implementation of National Media Policy and Issues Response Protocol.
- Primary role in public management of wide range of issues affecting Visy's reputation including disposal of automotive batteries, disposal of CFLs, disposal of plastic shopping bags, CDL, generation of glass fines, (numerous) site fire incidents, site environmental incidents, the impact of the GFC, recovery of LPB, export of recovered materials.

- Planning and overseeing public launches of new facilities in Sydney, Auckland and Brisbane.
- Key participant in development of ACOR's National Gas Bottle Strategy.

## **VEOLIA ENVIRONMENTAL SERVICES**

### **NSW Development & Marketing Manager**

1992 – 2005

#### ***Responsibilities***

- Responsible for ongoing development and marketing of commercial and industrial, construction and demolition and household solid waste collection, transfer, processing and disposal services.
- Responsible for public affairs direction and issues management advice on national basis.

#### ***Key Achievements***

- Managed development and approval process for Australia's first waste-by-rail system (Clyde Intermodal Transfer Facility/Crisps Creek Intermodal Transfer Facility) – via Commission of Inquiry, two L&E Court hearings and a Special Act of NSW Parliament
- Oversaw concept and planning development of Woodlawn Windfarm, Woodlawn AWT (WASP) and Woodlawn Aquaculture and Horticulture Facility
- Sole responsibility for all media management of issues relating to Woodlawn Bioreactor and Clyde Intermodal Transfer Facility developments – including frequent dealing with hostile live television and radio.
- Managed inception and development of Sydney's largest (at that time) Council waste and recycling collection contracting business.
- Managed development and approval process for NSW' largest (at that time) privately owned waste transfer facility (Port Botany) – via Comm. of Inquiry.
- Identified site, developed entire Eco-precinct concept and managed development and approval process for NSW' first privately owned Class 1 landfill facility (Woodlawn).
- Undertook exhaustive review of potential waste processing and transfer facility sites in Greater Sydney Metro area.
- Undertook exhaustive review of potential Class 1 landfill sites in Greater Sydney Region (extended waste catchment area).

## **WMI (WASTE MANAGEMENT INC.)**

### **NSW Development Manager**

Pacific Waste Management (WMI)

1991 – 1992

***Responsibilities***

- Responsible for new business development for commercial and industrial waste collection, construction and demolition waste collection, local government waste & recyclables collection and liquid waste collection and treatment.

***Key Achievements***

- Trial and implementation of WMI US developed collection load and route audit system.
- Development of liquid waste business plan
- Successful retention of existing local government collection contracts via tender
- Integration of acquisition of TNT Waste Control business with PWM



## Community consultation experience

Local residents, businesses and organised community groups can have a major impact on the success or failure of proposed developments and infrastructure projects.

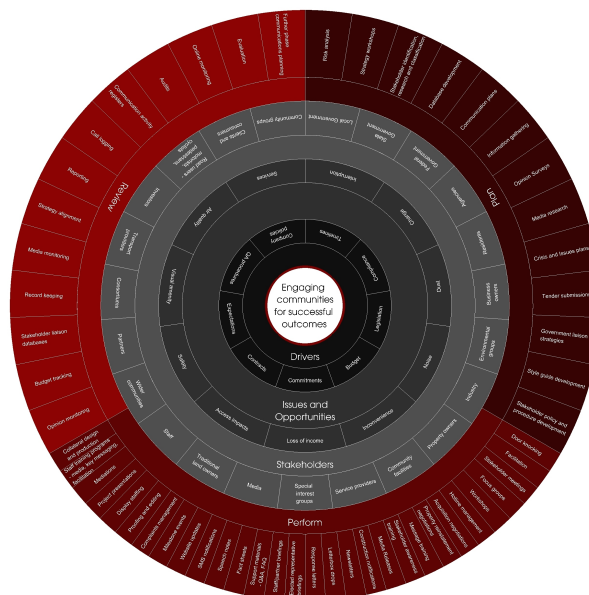
Genuine engagement through consultation and communication can alleviate and even prevent issues developing with neighbours and the wider community. Where there is no engagement strategy the result is usually community discontent, a highly charged political environment and negative publicity for the project owner.

Strategically planned and consistently implemented engagement will:

- ④ limit misinformation about the project;
- ④ improve community perception of the project owner;
- ④ encourage the community to accept and/or support the outcome;
- ④ identify issues for incorporation into final plans or the construction timetable; and
- ④ reduce budget overruns through better collective understanding of all the likely issues.

OPF consultants have long term, high-level and award-winning community engagement experience. Their work has included every communication aspect of project support from initial concepts through project approval, design, build and operational phases. Members of our team have assisted developers to navigate the government, community and media minefields that typically surround the EIS, development approvals and implementation process.

There are many facets to community engagement. There are always multiple issues to address. The key to success is activating an integrated plan that considers all stakeholder groups and then providing the right communication, at the right time, through the best channels. We have developed a framework to support this.



High profile community consultation projects we've worked on include (but are not limited to):

- Cortona Resources (Unity) gold mine in Majors Creek (Braidwood)
- GHD - Bulk Water Alliance (Cotter Dam redevelopment)
- GHD - Googong Dam Spillway reconstruction project (Queanbeyan)
- Hunter 8 Alliance (GHD) major rail projects between Maitland and the Hunter Valley for Australian Rail Track Corporation
- Newcastle City Council – city centre redevelopment in response to alcohol fueled violence issues
- Collex Waste Management – proposed landfill facility to accommodate waste from greater Sydney (Penrose – Southern Highlands)
- Collex Waste Management – proposed high temperature incinerator development in Ryde (Sydney)
- Amatek/Rocla – Compton Park hard rock quarry (Berrima – Southern Highlands)

All of these projects were multi-million dollar initiatives and most involved several years of communication support. Details for all these projects are available upon request and below we have included a little more information about some – to provide better understanding of the role we have played.

Obtaining approval for the Dargues Reef Gold Mine was a complicated process for Cortona Resources. The communication strategy was designed to smooth the way for approvals and manage community engagement through the implementation phase. Stakeholders included local residents, businesses and landowners in Majors Creek, Araluen, Braidwood, Queanbeyan, and surrounding districts.

Like the Orchard Hills development, there was vocal and well-organised community action led by high-profile neighbours, well connected to media, government and the community in the local area and across the ACT. They had been effective in stirring up opposition to the project across a very wide geography for several years prior to the implementation phase. Media, investors, shareholders, bureaucrats and politicians at all levels were interested and determined to become involved.

Displays and public meetings, community door-knocking, telephone and digital hotlines and community sponsorship were all required for this consultation project, which ultimately resulted in approval. The project included the selection of an appropriate Chairperson for the Community Liaison Committee, identification of potential members and establishment of that committee.

The Community and Stakeholder Engagement strategy created for the Bulk Water Alliance (BWA) on behalf of GHD provided the framework for a large team of communication professionals and a variety of different stakeholder groups across six major water infrastructure projects in Canberra and NSW valued at nearly \$500 million.

The strategy had to include consideration of government, media and community engagement, particularly in relation to heritage, education and Indigenous issues.

The communication strategy designed and implemented for the Googong Dam Spillway received an industry award for excellence. It involved liaison with local residents, tourism operators, Council officers and the media achieving a free flow of information and overcoming many potential issues during the construction phase.

The consultation strategy and implementation for the Hunter 8 Alliance, on behalf of the Australian Rail Track Corporation involved working across three major rail projects between Maitland and the Hunter Valley worth approximately \$650 million. The projects were designed to increase the capacity of coal trains to the new coal loader at the Port of Newcastle. The team assisted the Alliance to communicate all project aspects to a large number of directly and indirectly affected stakeholders, including 25 local Indigenous organisations. Predominant issues on this project included construction and ongoing operational problems such as noise, dust, after hours disruptions, flooding, property access and traffic delays.

## **Why is OPF Consulting the right agency for this project?**

OPF understands the communication challenges organisations face, particularly in relation to new technologies, a crowded communication environment and an increasingly discerning and cynical public.

With abundant creativity and a passion for making a difference, OPF welcomes opportunities to develop fresh and effective approaches to brand and message positioning and promotion. We develop and implement comprehensive through-the-line communication strategy to drive your success.

## **Our experience**

Our team has been selected for their outstanding capability and experience in the communication industry, across a range of industries, locations and clients. With over 40 years' experience, our team has led award-winning national campaigns and successfully supported global and local clients through brand creation, launch and growth; major challenges – including mergers, issues and crises; a myriad of announcements, stakeholder engagement, community education and fundamental behaviour and perception-change campaigns. Our comprehensive digital capability delivers a full range of solutions including websites, social media, videography and online marketing and search engine optimisation.

## Our values

Our core values, and namesake, are to be original, professional and flexible. This means we'll work every day to create opportunities and solutions that are right for you, rather than recycling 'what's worked' for other clients. We'll combine our expertise and experience with your knowledge and desired outcomes to ensure you receive the most personalised approach possible, and every resource invested will contribute to achieving your objectives. Your dedicated Account Manager will become an extension of the Orchard Hills Landfill team, and work fluidly with your budget, timeline, objectives and expectations, to ensure together we achieve your goals.

## Our people

Our small and dedicated team is incredibly diverse in age, experience, background and skills. This means we can provide quality full-service communication to deliver an effective through-the-line campaign strategy. It also means we bring a dynamic mix of perspectives to our work. What we share is our passion for producing quality communication work, and executing insight-informed strategies that make a positive difference for our clients.

## Our clients – a snapshot



## Our Team

### **Diana Forrester – Director & Strategic Counsel**

Diana brings over 25 years experience developing and implementing national and international marketing communication and stakeholder engagement programs for clients in the public, private and not-for-profit sectors. One of her core competencies is in community consultation. She established a boutique agency in the Southern Highlands in 1986 focused on providing consultation and communication support to developers working to establish projects in environmentally sensitive circumstances. This included appointment as the Community Liaison and PR consultant for Amatek/Rocla for the Compton Park hard rock quarry in Berrima. This was a complex and vigorously opposed development – closely located to the historic tourist town. For seven years Diana was responsible for bringing the community onside. She successfully ferried the development from project announcement through the community consultation, EIS and approvals processes. Other community consultation work during this period included support to Collex Waste Management on their Landfill proposal in Penrose.

Diana spent the next 16 years as a director and senior executive in one of Australia's largest communication consultancies, overseeing 200+ employees in offices across the country, in New Zealand and in Asia, servicing programs to over 450 clients. She has received several local and national awards for Communication Excellence from both PRIA and AIM. Diana was ACT Telstra Business Woman of the Year in the government and corporate sector category (2001) and was awarded a Centenary of Federation Medal in 2003 for her services to the business community. Diana helped to establish OPF in 2013.

Diana encouraged PPR to move into the community consultation space and the agency developed a leading reputation for this work – with projects principally in Queensland, Western Australia and Victoria – mostly in the road and rail infrastructure and mining industries. While Diana had some involvement in establishing these projects for the firm, her specific focus was on developing the community consultation work for PPR in the ACT and surrounding region where she led several major water projects for GHD and a significant gold mine development for Cortona at Majors Creek near Braidwood.

She became a Director of OPF Consulting in 2013.

### **Oliver Forrester – Director & Digital Media Specialist**

Oliver is a digital media and marketing specialist with considerable expertise in web design and development, social media strategy and implementation. Following work in several areas of the media and promotions industry, Oliver founded and launched OPF Consulting in 2011.

His expertise in web development, online automation and videography has quickly positioned the agency as a leading provider of digital solutions. His ability to leverage these platforms and seamlessly integrate them with the more traditional communication mediums means OPF can deliver better outcomes more cost effectively.

### **Rachel Barry, Account Manager**

Rachel has experience across the corporate, consumer, health and not-for-profit industries, managing national and international clients. Rachel has led award-winning change perception campaigns, including the 2014 *DrinkWise Drinking: Do It Properly* campaign.

*Drinking: Do It Properly* targeted young Australians engaging in binge drinking, with the objectives of changing their perception of what it means to be ‘cool’ when drinking and encouraging self-regulation. Drinking; Do It Properly also addressed a wider stakeholder group, including critics of the campaign, who asserted it was encouraging young people to consume alcohol. The communications challenge was to not only change the perceptions of the target audience, but to also educate and develop positive sentiment with surrounding stakeholder groups, which included government, industry commentators and critics.

Rachel also has considerable experience in media relations, at a local, national and international level, and maintains strong relationships with key media across a range of industries. Rachel clearly understands the complexity and importance of brand positioning, audience engagement and the development of public sentiment, and has successfully led many clients through these communication challenges.

## **Other Team Members**

**George Huang** is a Digital Consultant with software engineering qualifications.

**Lauren Donohoe** is a Communication Consultant with a degree in communication majoring in marketing and public relations.

**Kristina Markovic** is a Communication Consultant with a double degree in arts and communication majoring in international relations, public relations and events.

## References

### **Peter Gordon**

Director

Economic Futures Australia

Contact: 0417064767

(in relation to the Cortona/Unity mine Community Consultation and CLC)

### **Ron Forrester**

Director

Byron Pty Ltd

Contact: 0412 402 939

(in relation to the GHD Community Consultation strategies and implementations)

## More information

Thank you for providing us with the opportunity to submit this proposal and our credentials.

For more information please:

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