

Kimbriki Resource Recovery Project
MP10_0065 MOD 1
Section 75W Modification

1. BACKGROUND

On 19 April 2012, the then Deputy Director-General, under the delegation of the Minister for Planning, approved an application from Kimbriki Environmental Enterprises Pty Ltd (KEE, the Proponent) to construct and operate the Kimbriki Resource Recovery Project (the project) at Terrey Hills in the Warringah local government area (see **Figure 1**).

The Proponent is comprised of four shareholders (Manly, Mosman, Warringah and Pittwater Councils) that form the Shore Regional Organisation of Councils (SHOROC).

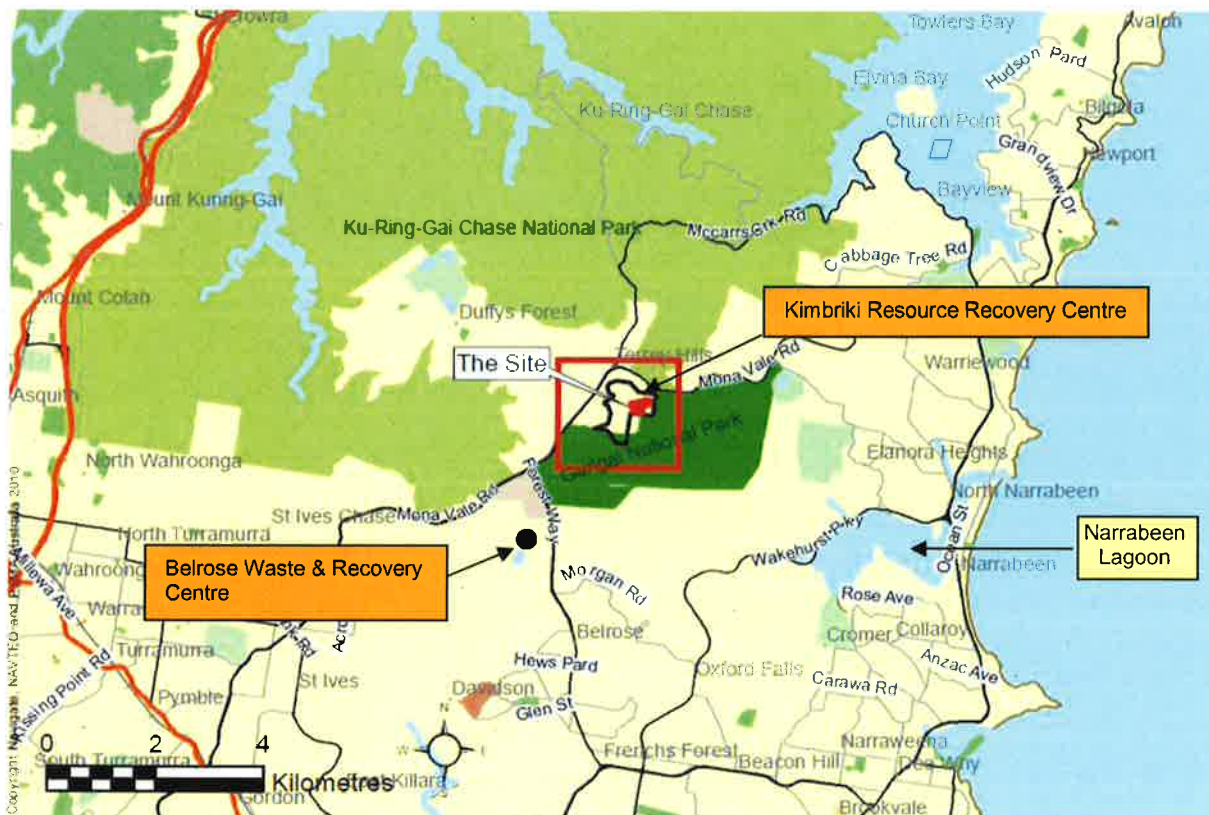


Figure 1: Site Location (Regional)

The Proponent is progressing towards the construction of the new recycling facilities, which, when built, will operate alongside the existing Kimbriki landfill diverting approximately 14,000 tonnes of waste from landfill each year. The Proponent anticipates that the project will be operational by 2017.

1.1 Site context

The project site (refer to **Figure 2**) includes areas of cleared land as well as moderately disturbed bushland. It is located within the upper reaches of Deep Creek, which is a tributary of Narrabeen Lagoon (see **Figure 1**). Extensive areas of Garigal National Park lie to the south-east of the site.



Figure 2: Site location (local) and nearest noise sensitive receivers

Nearby rural residential homes are highlighted on **Figure 2** and are located along Kimbriki Road (the closest being 30m away from the site) and Kamber Road to the south-west of the site (the closest being around 1km away).

2. APPROVED PROJECT

2.1 The Kimbriki Resource Recovery Centre

The approved project (MP 10_0065) is depicted in **Figure 3** and includes:

- a materials recovery facility (**MRF**) which would receive and sort up to 60,000 tonnes per annum (tpa) of dry recyclable materials such as glass and plastic which are collected as part of the municipal kerbside collection services; and
- a resource recovery facility (**RRF**) which would receive and convert up to 100,000 tpa of food and vegetation waste into compost. The RRF incorporates two buildings:
 - an alternative waste technology (**AWT**) facility; and
 - a separate maturation building.

The two RRF buildings are to be connected via a fully enclosed conveyor system to enable the transfer of processed materials. The conveyor system would ensure the negative pressure environment is maintained to contain potentially offensive odours.

In addition to the MRF and RRF, the Project also includes ancillary infrastructure such as internal roadways, weighbridge and parking facilities, and intersection upgrade works at Mona Vale Road and Kimbriki Road.



Figure 3: Approved Project layout

2.2 Concept Plan

A Concept Plan application was included with the Major Project application to overcome short-term prohibition issues under the now replaced *Warringah Local Environment Plan 2000*. It was arguable that the proposed Resource Recovery Centre may be prohibited under the Local Environment Plan. As such, a Concept Plan for the project was approved along with the Project Approval.

The gazettal of the *Warringah Local Environment Plan 2011* means this is no longer an issue, as the proposed project would be permissible with consent under this Plan. The Department notes that the Concept Plan approval does not cover any further stages or applications.

The Department has now received a modification request to modify a number of different components of the approved project, as detailed below. The Proponent has provided land owner's consent for the proposed modifications.

It is noted that the Proponent has not yet applied for an Environment Protection Licence (EPL) under the *Protection of the Environment Operations Act 1997* in respect of the project.

3. PROPOSED MODIFICATIONS

The Proponent has now identified a number of issues of concern with its existing Project approval which it is seeking to rectify. These issues have been identified by the Proponent as it works towards the commencement of construction.

On 30 October 2014, the Department received a modification request (MP 10_0065 MOD 1) and supporting Environmental Assessment (EA) from the Proponent to:

- amend the approved intersection upgrade concept design, and allow night time construction;
- include the use of Front End Loaders (FELs) at the site;

- change requirements regarding the timing of certain plans and studies;
- amend clearing/biodiversity offset areas and expand the options for ensuring the long-term security mechanism for the project; and
- other minor administrative amendments.

The proposed modifications are summarised in Table 1 below.

Table 1: Proposed modifications

Proposed Modification	Justification
The upgrade of the intersection of Mona Vale Road and Kimbriki Road to be undertaken in accordance with a revised design and construction methodology.	Following the approval of the project, the Roads and Maritime Services recommended a number of changes to the approved concept design for the intersection of Kimbriki and Mona Vale Roads. A revised concept design was considered necessary to minimise impedance to through movements and to facilitate turning movements into and out of Kimbriki Road.
The use of front-end loaders (FELs) on site.	The Project Approval does not allow Front End Loaders (FELs) to be used on the site, due to potential noise and odour emissions. The Proponent is now proposing limited use of FELs inside and outside of the facilities during the day time period.
Staging of the construction of the project.	A number of conditions in the Project Approval require the Proponent to submit studies (i.e. Bushfire Management Plan, Energy Savings Action Plan) and undertake works (i.e. implement a meteorological station) prior to the commencement of construction. As the Proponent intends to undertake the road/intersection upgrades prior to the construction of the resource recovery infrastructure, it is seeking to amend the Project Approval to make it explicitly clear that these studies are not required prior to the commencement of the road upgrades.
Changes to the clearing areas and boundaries of the biodiversity offset.	Since the original Environmental Assessment (EA), the Proponent has completed detailed studies that require a surface water interceptor drain and a leachate treatment facility to be established at the landfill site. Their establishment necessitates changes to the location and size of the existing biodiversity offset areas. In addition, the Proponent is seeking broader flexibility in the mechanism used to secure the offset area(s) in perpetuity.
Waste operations on site to take place for 20 years - excluding commissioning.	As the commissioning stage can take several months to complete, the Proponent is seeking to allow operations to take place for 20 years <i>following the completion of commissioning activities</i> .
The receipt and processing of non-putrescible dry recyclables from additional sources.	Up to 60,000 tonnes per annum of non-putrescible dry recyclable materials are permitted to be delivered to the site through Mosman, Manly, Warringah and Pittwater Council collections. The Proponent is seeking to amend this condition to allow wastes from other local government areas to be accepted.
Operations to take place on a Sunday.	The Project Approval does not currently allow any operations on a Sunday. The Proponent is now seeking limited operations between 8am-5pm on Sundays.

4. STATUTORY CONSIDERATION

4.1 Approval Authority

The approval for the Kimbriki Resource Recovery Centre was granted under Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act).

In accordance with Clause 12 of Schedule 6A of the EP&A Act, Section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Therefore the Minister for Planning is the approval authority for the modification application. Under the Ministerial delegation of 16 February 2015, the Director - Industry Assessments may determine the modification application as Council did not object, there were no political donation disclosures, and there were no public objections.

4.2 Modification

Although the modification request is seeking to receive non-putrescible dry recyclables from other sources, the type and volume of waste that can be received, and processing methods would not change. The Department does not consider that the modification request would materially change the nature of the approved project. As such, the Department is satisfied that the application can properly be characterised as a modification to the original approval, and can therefore be assessed and determined under Section 75W of the Act, rather than requiring a new application.

4.3 Consultation and Submissions

The Department made the application publicly available on its website and consulted with the Environment Protection Authority (EPA), Office of Environment and Heritage (OEH), NSW Department of Primary Industries (DPI), Roads and Maritime Services (RMS) and Warringah Council (Council). A summary of the agency and stakeholder submissions is provided below. Submissions are also attached in full at **Appendix C**.

There were **no public submissions** received on the proposal.

Council supports the proposed modifications and recommended that noise mitigation measures be implemented during the intersection upgrade works.

RMS provided a revised design for the intersection of Kimbriki and Mona Vale Road and recommended that the scope of the works be included in the Project Approval.

OEH supported the proposed amendments to the Biodiversity Offset Strategy, and recommended options for securing these areas in perpetuity. These options are discussed in **Section 5**.

The **EPA** supported the majority of project amendments including operations on a Sunday. However, it initially opposed the proposed use of Front End Loaders (FELs) on the site due to the potential noise and odour impacts associated with their use.

4.4 Response to Submissions

The Proponent provided the Department with a Response to Submissions report (RTS) on 11 February 2015 which included clarification and additional information (see **Appendix D**) on the use of FELs.

However, further information and noise modelling to support the use of FELs was required from the Proponent. Its final response was provided on 18 May 2015 and accepted by the EPA and the Department on 5 June 2015. The use of FELs is discussed in detail in **Section 5**.

The Proponent, Council and the EPA were consulted on the recommended draft instrument on 23 June 2015. All have accepted the proposed draft conditions (**Appendix A**).

5. ASSESSMENT

The Department has assessed the merits of the proposed project modifications. During this assessment, the Department has considered the:

- environmental assessment (EA) prepared in support of the modification request (see **Appendix B**);
- Director-General's assessment reports for the original project approval;
- existing approval conditions;
- all submissions (see **Appendix C**);

- relevant environmental planning instruments, policies and guidelines; and
- requirements of the Act, including the objects of the Act.

The Department's assessment found that the key issues associated with the modification are related to noise and biodiversity. These issues are thoroughly considered in **Section 5**. The Department's assessment of all other issues is outlined in **Table 2**.

5.1 Noise

Background

Noisy activities during construction would include noise from trucks, excavators, cranes and forklifts. Operational noise would primarily be emitted by the biofilter and tunnel ventilation fans which would operate 24 hours a day.

Figure 4 depicts the location of the project site and the nearest sensitive receiver locations.

The daytime noise limits included in the Project Approval are 40dB(A) at receiver B, 38dB(A) at receivers C and D and 37dB(A) at receiver E. These 'receivers' are the closest properties to the Project site that are privately owned. Properties M, N, O and P are Council owned and leased. The Department notes that the project noise limits relate to the project site only (not the project and landfill combined).

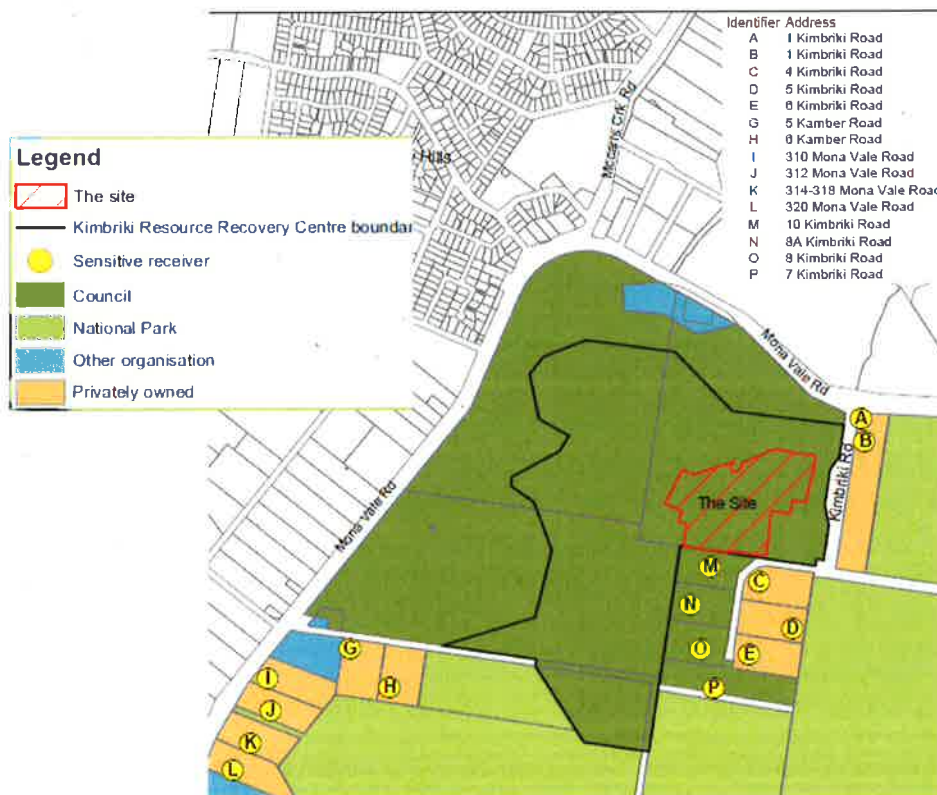


Figure 4: Land ownership and Sensitive Receptors

In addition to the setting of operational noise limits for the project, the Project Approval currently includes the following noise (and odour) mitigation and management measures:

- no use of Front End Loaders (FELs) on the site;
- full enclosure of the conveyor system which transfers material between the AWT and Maturation buildings;
- the doors to buildings should remain closed whenever possible; and
- no operations on Sundays.

With these restrictions in place, the noise impact assessment (NIA) for the preferred project (i.e. the final approved project) predicted compliance with the EPA recommended noise limits at all privately owned sensitive receiver locations. The modification request introduces three new noise elements to the Project as follows:

- limited night time construction activities for the intersection upgrade works;
- the use of Front End Loaders (FELs) during day time operations; and
- limited operations on Sundays.

Construction noise

The EA states that some intersection upgrade construction activities would be undertaken during the day, however other activities are now required to be undertaken at night. These activities include pavement works on the intersection and on Mona Vale Road itself.

The Proponent considers that these night works are required as there are traffic and safety constraints to day time work given the busy nature of Mona Vale Road (a major commuter road). In support of this new request, the Proponent prepared a NIA in accordance with the *Interim Construction Noise Guidelines* (DECC 2009) (ICNG).

The ICRN permits construction work outside the standard construction hours where there is a need to sustain the operational integrity of a public road or other public infrastructure.

The NIA predicted a number of exceedances of the night time construction noise criteria, particularly at sensitive receptors A and B which are located approximately 25 metres (m) and 100m from the intersection (see **Figure 4**). Receptor A, the closest to the work, is predicted to experience up to 68 dB(A) during night time work, which is up to 33 dB(A) above the night time construction noise criteria. Other more distant receivers C, D, E, M, N, O, P are predicted to experience non compliances ranging between 4 and 8 dB(A).

At the Department's request, the Proponent clarified that these night works (and relative noise exceedances) would be undertaken only over a 3 ½ week period. The Department notes that standard noise mitigation measures would be implemented during these works, including:

- the establishment of a 24 hour phone number for the handling and management of complaints, should there be any. This should enable a rapid investigation of noise impacts, and response; and
- turning off plant and equipment when not in use and scheduling deliveries for less sensitive periods.

Additionally, the Proponent has proposed other reasonable and feasible mitigation measures including:

- work programming to ensure that no residence shall be impacted by noise for more than two consecutive nights; and
- contacting the local community at least 5 days before works commence to inform them about the upcoming works, type and duration.

The EPA raised no concerns or comments in relation to construction noise impacts. Council stated that despite the predicted impacts at up to 9 residents at night time, it supports the intersection upgrade works which are required as part of the much larger RMS road corridor upgrade of Mona Vale Road (the primary route through the region linking the Northern Beaches with the rapidly expanding Macquarie business park and University).

The Department agrees that the short term construction noise impacts are necessary to enable these roads works to be undertaken quickly and safely. As such, it is recommended that the existing construction hours in Condition 24 of Schedule 4 do not apply to the intersection upgrade works.

Notwithstanding, it is recommended that Condition 27(f) is amended to ensure that the proposed mitigation and management measures described in the Proponent's NIA are implemented during the intersection upgrade works. With these measures in place, the Department's assessment concludes that the short term construction noise impacts are acceptable.

Use of Front End Loaders (FELs)

As discussed above, the Project Approval currently prohibits the use of FELs during operations. The Proponent now considers that FELs are necessary both inside and outside of the MRF and RRF buildings to relocate treated and untreated waste, and to assist in the ongoing cleaning of operational areas. FELs are also required inside the RRF to unload and load waste into hoppers and to assist in the turning of compost

In the original modification request (submitted to the Department on 30 October 2014), the Proponent sought to modify its existing approval to allow the use of three (3) FELs on the site during day time operating hours. The request was supported by a NIA to determine the potential noise impacts from their simultaneous use on site during the daytime.

In its submission, Council confirmed its support for the use of FELs on site, in accordance with the mitigation measures proposed in the EA. However, the EPA did not support the use of FELs. Issues raised by the EPA in its submission included:

- the potential for FEL use to increase odour through the handling of odorous material outside (this issue is discussed further in **Table 2**); and
- the NIA did not include all noise from FEL activities such as glass handling outdoors.

On 18 May 2015, the Proponent provided additional noise modelling to support its request for the use of three (3) FELs on site. It is noted that glass handling at the MRF was included in the updated noise modelling and FELs would be fitted with noise reduction kits to limit sound power levels to 106 dB(A). The Proponent also committed to the use of non-beeper reversing alarms on all FELs.

The modelling included the following worst case scenario of:

- one (1) FEL operating outside of the MRF during the day;
- two (2) FELs being used outside of the RRF buildings during the day, but only outside of the two (2) "Noise Sensitive Zones" identified on the RRF site (see **Figure 5**); and
- 'periodical' indoor use of additional FELs.

The revised modelling concluded that the Proponent would still be able to comply with the existing noise criteria for the project at surrounding receivers, so long as the FELs avoided the two noise sensitive zones outdoors.

The Proponent also requested that any number of FELs should be permitted *inside* both the RRF and MRF, whilst doors were closed. The Department notes that the periodical use of FELs indoors had been included within the overall noise levels modelled.

The EPA and the Department have carefully considered the Proponent's request. As only periodical FEL use was modelled indoors, it was agreed that more intensive use would require additional modelling. By way of a compromise and to avoid the additional expense and time required to undertake additional modelling, the Department has reached an agreement with the Proponent and the EPA to allow the use of four (4) FELs at the site; that is (3) FELs at the RRF and one (1) FEL at the MRF subject to noise emission validation and monitoring.

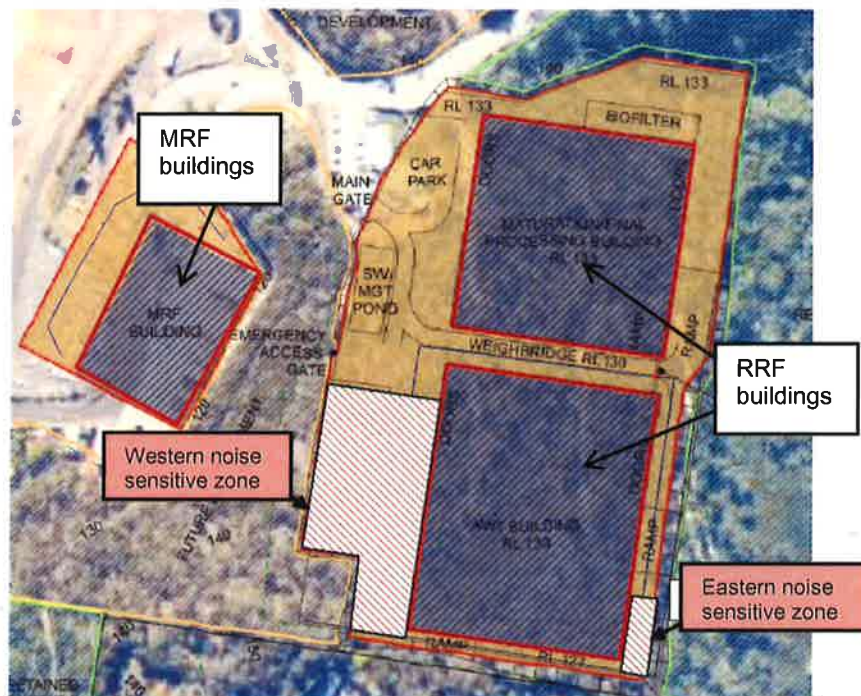


Figure 5: Noise sensitive zones (shaded)

In addition, to minimise potential noise and odour impacts, the recommended conditions require the Proponent to ensure that the (3) FELs at the RRF:

- are only operated outside for the purposes of refuelling, repair and maintenance;
- are only operated outside during the day time period;
- do not unreasonably access "Noise Sensitive Zones" that are visually identified at the RRF site; and
- do not have an individual sound power level exceeding 106 dB(A).

Only one FEL may be used during day time operations at the MRF, subject to the Proponent ensuring its individual sound power level is below 106 dB(A).

Further, the Department has also included the requirement to install non-beeper reversing alarms on all FEL's in the recommended conditions, as per the Proponent's commitment.

The Department and EPA consider that if the recommended management measures are implemented, along with the recommended conditions related to FEL use, the noise impacts from FEL use would be acceptable.

Operations on a Sunday

The existing Project Approval does not allow operations on Sundays. The Proponent considers that this was an administrative error (made during the original assessment) as it had always intended to dispatch product and receive waste on a Sunday. As such, is now seeking to modify the Project Approval to undertake the following limited operations on Sundays between 8am and 5pm:

- the receipt of waste from some kerbside collections;
- maintenance activities; and
- the dispatch of some products.

The Department notes that no waste *processing* is proposed to be undertaken on Sundays.

Council raised no concerns with the proposed limited Sunday operations.

The EPA noted in its submission that although Sunday operations have not been modelled in the revised NIA, the neighbouring landfill currently operates 7 days per week under a development consent issued by Council. This consent allows operations between 7am and 5pm every day except Good Friday and Christmas Day. Landfill personnel and contractors are also permitted on site between 6am and 6pm.

In its submission, the EPA agreed that operations may be permitted on Sundays as long as activities are restricted to only the dispatch of products, general repairs and maintenance, and the receipt of vehicles carrying waste from street litter bin collections. In addition, it recommended that these activities occur only between 8am and 5pm.

The Department has included the EPA's requirements in the recommended conditions of approval. In addition, the Department recommends that the following noise criteria be applied to the site for Sunday operations, as detailed in **Table 2** below.

Table 2: Proposed noise limits for Sunday operations

Receiver location	Sunday (8am – 5pm) LAeq (15 minute) dB(A)
B: 1 Kimbriki Road	35
C & D: 4 & 5 Kimbriki Road	35
E: 6 Kimbriki Road	35

These limits are consistent with the current night time noise criteria in the Project Approval, and are also the minimum intrusive noise criteria that may be imposed under the *NSW Industrial Noise Policy*. The Proponent has agreed to adopt the above criteria. The Department's assessment concludes that with the restricted activities and noise limits proposed for Sundays, noise impacts are unlikely to occur at nearby sensitive receiver locations.

5.2 Biodiversity Offset Strategy

The approved Project allowed the clearing of 4.56 hectares (ha) of vegetation and included a Biodiversity Offset Strategy incorporating:

- Formal Offset Areas (FOAs) incorporating 14.54 hectares (ha) of vegetation; and
- the partial protection of another 5.36ha of vegetation identified as 'Restricted Activity Areas' around the perimeter of the site.

A Restricted Activity Area is defined in the Project Approval as an area where existing vegetation will be retained, but necessary works such as construction of stormwater diversion drains and stormwater treatment facilities would be allowed when necessary. The Project Approval requires the FOAs to be maintained in perpetuity by means of a Covenant pursuant to Section 88E of the *Conveyancing Act 1919*.

The modification application seeks permission to remove an additional 800m² or 0.08 hectares (ha) of degraded vegetation on the site near Mona Vale Road as a result of changes to the design of the intersection of Kimbriki and Mona Vale Roads. The vegetation to be cleared is depicted in **Figure 7**.

In addition, the modification application seeks changes to the restricted activity areas and FOAs to the north of the site. These changes are required for the establishment of a surface water interceptor drain and a leachate treatment facility at the landfill site.

The EA prepared in support of the modification request included a flora and fauna impact assessment for the additional clearing, and proposed some changes to the Biodiversity Offset Strategy and vegetation clearing protocols.



Figure 7: Additional vegetation to be cleared for revised intersection works.

Changes to the approved Biodiversity Offset Strategy

To offset the additional clearing, the Proponent has recommended that the FOAs be increased from 14.54ha to 15.57ha. In addition, the Restricted Activity Areas will be increased (from 5.36ha to 7.02ha). The future revegetation areas around the landfill would remain unchanged. The revised Biodiversity Offset Strategy is represented in **Figure 8**.

In addition, the Proponent has proposed that during the intersection upgrade works, the adjoining undisturbed vegetation should be fenced off to protect it from accidental damage and intrusions and measures should be implemented to prevent the transfer of common plant diseases (i.e. root-rot fungus and myrtle rust).

The Proponent considers that the revised Biodiversity Offset Strategy would result in improvements to the original offset strategy as it:

- contains larger FOAs;
- connects two formerly separate areas of FOA at the southern end of the site, therefore improving internal connectivity; and
- provides a longer length of FOA directly adjoining Garigal National Park and other bushland at the southern end of the site, thus improving connectivity with surrounding areas and providing improved scope for a wildlife corridor.

In its submission, the OEH stated that although the constituent vegetation communities within the FOA would be altered, it supports the amended biodiversity offset strategy primarily because it would provide better connectivity between two offset areas and the Garigal National Park.



Figure 8: Revised Biodiversity Offset Areas

The Department notes that although the amount of vegetation cleared would increase by up to 0.08 ha, the areas for formal offset and restricted activity have been adjusted accordingly and the impacts have not significant.

Vegetation Clearing Protocol

Existing condition 10 of Schedule 4 of the Project Approval requires the Proponent to implement protocols during clearing activities (i.e. during construction). In accordance with the Proponents biodiversity assessment, the Department has recommended an update to Condition 10 to ensure that protocols are introduced to ensure that plant diseases are not transferred to any retained vegetation during clearing activities.

The Department's assessment concludes that the revised Biodiversity Offset Strategy would adequately compensate for the vegetation to be removed as a result of the Project. The Department has recommended updates to a number of conditions to reflect the revised Biodiversity Offset Strategy and clearing protocols.

Security of the Formal Offset Areas (FOAs)

Condition 8 of Schedule 4 requires the Proponent to explicitly enter into a Covenant pursuant to Section 88E of the *Conveyancing Act 1919*, to formally secure the FOAs in perpetuity.

The modification application seeks to amend Condition 8 to allow greater flexibility in the mechanism used to secure the FOA. The amendment of Condition 8 would allow the Proponent to investigate other options, potentially including:

- a BioBanking agreement under the *Threatened Species conservation Act 1995*;
- a Conservation Agreement under the *National Parks & Wildlife Act 1974*;
- a Trust Agreement under the *Nature Conservation Trust Act 2001*; and
- a Property Vegetation Plan (PVP) under the *Native Vegetation Act 2003*.

In its submission, the OEH stated that it supports these other security options, but only if they provide equal or better protection for the offset areas. It noted that a PVP would not be suitable as the Warringah Local Government Area is excluded from the operation of the *Native Vegetation Act 2003*.

OEH has published on its website advice on interim options for securing an offset site for Projects approved prior to the commencement of the Offsets Policy for Major Projects on 1 October 2014, or Projects that were in a late stage of their planning approval process at this time. While OEH prefers BioBanking agreements to secure offset areas, a number of additional security mechanisms are identified on the website for these types of projects. These include the options referred to above.

It is therefore recommended that Condition 8 is modified to allow other options to be considered by the Proponent for the protection of the FOAs.

The Department's assessment concluded that the other options that have been proposed by the Proponent to secure the FOAs would not alter the previously approved biodiversity outcomes.

5.3 Other issues

Table 2: Other assessment issues

Issue	Consideration	Recommendation
Odour	• The use of FELs has the potential to increase odour at the surrounding residential residences. • The existing Project Approval prohibits the Proponent from causing or permitting offensive odours as defined under Section 129 of the <i>Protection of the Environment Operations Act 1997</i>. • The EPA initially opposed the use of FELs on the basis of potential odour (and noise) concerns. It stated that odour may be emitted from the site from the handling of odorous materials by FELs in the open. • In addition, FELs entering and leaving the RRF buildings through the opening of the roller doors has the potential to reduce the efficiency of the negatively pressurised building. • The Department notes that there is already a specific condition in the Project Approval requiring the Proponent to equip buildings with fast speed roller doors with air curtains. • This was included to prevent the escape of odours from the RRF during waste deliveries and dispatch of product. • In addition, the EPA now recommends that whilst outside of the RRF buildings, all FELs must be free of waste or waste derived products (to ensure odorous materials are not taken outside); and FELs will only be outside of the RRF buildings for the purpose of refuelling, repairs or maintenance.	Recommended conditions require the Proponent to ensure that FELs are free from waste products when used outdoors.

Issue	Consideration	Recommendation
Revised intersection design	- These additional requirements have all been included in the recommended conditions of approval and would work to ensure odour emissions are minimised without affecting operational efficiency for the Proponent. - The Department and EPA consider that if the existing and proposed management measures are implemented, odour impacts from the use of FELs should remain acceptable. - The Project Approval currently requires the Proponent to upgrade the intersection of Mona Vale and Kimbriki Roads, in accordance with Condition 42 of Schedule 4. This condition includes the scope of the works and references the approved plans which were included in Appendix A of the Project Approval. - The application indicated that the RMS now require amendments to the approved concept design to improve turning movements in and out of Kimbriki Road. - In its submission on the modification request, the RMS provided final plans for the intersection design (Drawing no. DW-MVR-C-004/A dated 1 December 2014) and recommended that the scope of works defined in Condition 42 be revised to include the following details: - extension of the right turn bay on Mona Vale Road by approximately 30 metres (m); - extension of the existing westbound acceleration lane to 250m in length; and - widening of Kimbriki Road to provide a dedicated left turn lane 80m in length, and a second right turn lane. - The Proponent has reviewed the RMS submission and has agreed to implement the revised design (to the satisfaction of RMS and the Department). - The Department's assessment concludes that the revised intersection design is appropriate for the site and would allow works to align with the future major road upgrades of Mona Vale Road.	Recommended conditions require the Proponent to: undertake the intersection upgrade works in accordance with drawing no. DW-MVR-C-004/A dated 1 December 2014 and the revised scope of works.
Intersection Upgrade - Parking	- The Proponent is seeking to amend Condition 41 of Schedule 4 of the Project Approval to require the construction of permanent car parking (i.e. 80 spaces) prior to the construction of the MRF and RRF and not prior to the construction of the intersection upgrade works. - The Department sought agreement from Council that these arrangements would be satisfactory. - Council noted that the civil works for the intersection upgrade would require far less parking provisions than required for the MRF / RRF construction as far fewer construction workers were required – probably in the order of 5-10 staff vehicles and associated equipment. - Council consider that there would be adequate space for parking adjacent to the internal access road and provided details on suitable site areas that would be available for use (these vehicle parking areas have been approved for other works being undertaken at the Landfill site). - The Department's assessment concludes that parking arrangements have been considered by Council and the Proponent for the intersection upgrade works and there is no specific reason for 80 spaces being required for these works. As such, it is recommended that Condition 41 be amended as requested by the Proponent.	Recommended conditions require the Proponent to ensure there are 80 car parking spaces on site (for construction workers) prior to the commencement of construction of the MRF and RRF.
Receipt of non-putrescible dry waste from other sources	- Condition 5(a) of Schedule 3 of the Project Approval permits only SHOROC kerbside collected waste to be processed within the MRF. Condition 5(b) however does not specify where putrescible waste must be collected from for processing in the RRF. - The Proponent considers that this was an error in the Project Approval due to ambiguities in the original EA. - The Proponent is now seeking to modify the Project	The Department recommends that Condition 5(a) is revised to enable the Proponent to accept up to 60,000 tonnes of non-putrescible dry recyclable materials

Issue	Consideration	Recommendation
	Approval to allow the receipt of 'MRF' stream waste from other local government areas and from individuals and businesses. - In its submission, the EPA stated that there was no 'reason' to restrict the receipt of waste from other areas. - The Department notes that the Proponent is not seeking to change the quantity or types of waste received. In addition, all potential impacts (including traffic/transport, noise and odour) associated with the receipt and processing of waste from SHROC and other Council areas were assessed in the original EA. - As such, the Department considers the request is reasonable and recommends the amendment of Condition 5(a) to allow the receipt of up to 60,000 tonnes per annum of MRF waste without restricting the source of the waste.	from any source.
Construction Sequencing	- The Proponent is proposing to undertake the intersection upgrade works before the construction of the RRF and MRF. There are a number of conditions in the Project Approval that require the Proponent to submit documentation (i.e. Soil and Water Management Plans) or undertake works (i.e. install a meteorological station) prior to construction. - The Proponent considers that a number of these requirements are not relevant to the intersection upgrade works. - The EPA raised no concerns with the proposed amendments to conditions. - The NSW Office of Water (NOW) stated that if the Soil and Water Management Plan will not be implemented prior to the intersection works, then a similar plan must be in place to protect soil and water during these works. - The Department notes that Condition 3 of Schedule 5 of the Project Approval also requires a Construction Management Plan which requires the Proponent to consider and address potential soil and water impacts. This existing condition will ensure all potential construction impacts are managed appropriately, according to the stage of work being undertaken. - The Department also notes that existing Condition 13 allows the Proponent to conduct the development progressively. As such, any requirements under the Project Approval relating to a potential stage of works (including but not limited to plans, strategies and reports) can be submitted progressively with a suitable administrative cover letter explaining the status of the Project and the relevance of any submitted documentation. - Notwithstanding, the Department has agreed to amend a number of conditions requiring plans/works that are identified by the Proponent as not directly relevant to the intersection works. The Department has revised these conditions to make it explicitly clear that they are not required prior to the commencement of construction of the intersection upgrade works. - The Department's assessment concludes that the amendment of these conditions will not alter the environmental outcomes of the approved Project.	A number of conditions have been amended to allow the Proponent to submit documentation or undertake works prior to the commencement of construction of the RRF and MRF, rather than prior to the commencement of construction generally.
Concept Plan	As discussed in Section 2.2, a concept plan application was lodged along with the project application. To ensure consistency with the project, the Department recommends that the Concept Plan is updated to reflect MOD 1 in the general terms of the approval.	The Department recommends that the Concept Plan is updated to include MOD 1.

6. CONCLUSION

The Department has assessed the modification request, supporting EA, submissions and RTS in accordance with the relevant requirements of the EP&A Act.

The Department has carefully considered the noise impacts associated with the use of FELs on site, the intersection upgrade works and the proposed limited operations on a Sunday. The Department, Council and the EPA concur that noise impacts can be managed through the conditions of approval.

Whilst the proposed modification results in the additional clearing of 0.08 hectares of vegetation, the Biodiversity Offset Strategy has been amended to include additional FOAs for this clearing. The Department and OEH consider that the modified project would ensure a better biodiversity outcome than the existing Project Approval in terms of connectivity of the FOAs with the adjacent Garrigal National Park.

The Department considers that the potential environmental impacts associated with the modification request can be managed and mitigated through the existing and modified conditions of approval. The Proponent has reviewed and accepted these conditions.

Consequently the Department is satisfied that the proposed modification is minor, is in the public interest and should be approved by the Director, Industry Assessments.

7. RECOMMENDATION

It is RECOMMENDED that the Director, Industry Assessments:

- **approve** of the proposed modifications under Section 75W of the Act; and
- **sign** the attached instrument (**Appendix A**).

Prepared by: Kerry Hamann



Chris Ritchie
Director
Industry Assessments

27/8/15

APPENDIX A

MODIFYING INSTRUMENTS

APPENDIX B

SUPPORTING DOCUMENTS

**[http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job
&job_id=6775](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6775)**

APPENDIX C

SUBMISSIONS

APPENDIX D

CONSOLIDATED APPROVAL