

Modification of Minister's Approval

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

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



Chris Ritchie
Director
Industry Assessments

Sydney 29 MAY

2018

File: OBJ17/14798

SCHEDULE 1

Project Approval MP 11_0094 granted by the former Executive Director, Development Assessment Systems and Approvals, on 3 April 2013 for the Whytes Gully Landfill Extension Project at Part Lot 501 DP 1079122, Lot 502 DP 1079122, Lot 2 DP 240557, Lot 51 1022266, Lot 52 1022266 and 53 DP 1022266 in the Wollongong local government area.

SCHEDULE 2

This approval is modified as follows:

1. Delete the definition for "NOW".
2. Replace all references to "NOW" with "Department of Industry – Crown Lands and Water".
3. Insert the following definitions in alphabetical order:

ARI Average Recurrence Interval

MOD 2 Modification Application titled Whytes Gully New Landfill Cell Project S75W Report prepared by Golder Associates, report number 1528284_212_R_Rev0, dated 17/10/2017 and Response to Submissions dated 28/2/2018

In Schedule 3: Administrative Conditions

4. Delete Condition 2 and replace with the following:
 2. The Proponent shall carry out the project generally in accordance with:
 - (a) EA;
 - (b) PPR;
 - (c) Statement of Commitments (see Appendix 1);
 - (d) site layout plan and drawings in the EA (see Appendix 2);
 - (e) modification application MOD 1;
 - (f) modification application MOD 2; and
 - (g) conditions of this approval.

In Schedule 4: Specific Environmental Conditions

5. Delete and replace Condition 18 as follows:
 18. The Proponent shall prepare and implement a Soil, Water and Leachate Management Plan for the project in consultation with Council, NOW and the EPA and to the satisfaction of the Secretary. This plan must be

prepared and implemented by a suitably qualified and experienced person and be approved by the Secretary prior to the commencement of operation. The plan must include:

- (a) a site water balance that:
 - identifies the source of all water collected or stored on site, including rainfall, stormwater and groundwater;
 - includes details of all water use on site and any discharges; and
 - describes the measures that will be implemented to minimise water use on site.
- (b) an erosion and sediment control plan that:
 - is consistent with the requirements in the latest version of the Blue Book Volume 1 and Volume 2B;
 - identifies the activities on site that could cause soil erosion and generate sediment; and
 - describes the measures that will be implemented to:
 - minimise soil erosion and the transport of sediment to downstream waters, including the location, function and capacity of any erosion and sediment control structures and maintain these structures over time;
 - ensure that any topsoil stockpiles on site are suitably managed to ensure that the topsoil in these stockpiles can be beneficially used in the proposed revegetation and rehabilitation of the site.
- (c) a leachate management plan that:
 - includes final detailed design specifications of the leachate management and collection system on site;
 - demonstrates how the requirements of Condition 17 of this Schedule have been addressed; and
 - includes a remedial action plan should leachate escape the leachate containment system.
- (d) a stormwater management plan that:
 - is consistent with the guidance in the latest version of the Blue Book Volume 1 and Volume 2B and Chapter E14 of Wollongong DCP 2009;
 - includes final detailed design specifications for the stormwater management and collection system;
 - demonstrates how the requirements of Condition 15 of this Schedule has been addressed; and
 - is updated to the satisfaction of the Secretary, prior to the construction of works associated with MOD 2, to ensure the stormwater design is in accordance with *Whytes Gully Resource Recovery Park – Eastern Gully Stormwater Report* prepared by Golder Associates, Report Number 1528284-054-R-Rev0, Dated September 2017.
- (e) an on-going surface water, groundwater and leachate monitoring program that includes (but is not limited to):
 - baseline data;
 - a combined surface and groundwater monitoring program to gain an understanding of surface and groundwater interaction and the potential for any impacts of the project on the downstream environment including GDEs and Dapto Creek;
 - surface and groundwater impact assessment criteria including trigger levels for investigating adverse impacts;
 - a Mitigation Plan detailing the remedial actions to be implemented address potential impacts on the downstream environment from surface or groundwater contamination associated with the project and/or in the event of exceedances of the surface and/or groundwater impact assessment criteria; and
 - a commitment to provide the results of monitoring to NOW and other relevant government agencies every 12 months.

This plan must be documented in the Landfill EMP (see Condition 3 in Schedule 5).

6. Delete and replace Condition 49 as follows:

49. The Proponent shall prepare and implement a Vegetation Management Plan for the project to the satisfaction of the Secretary. This plan must:
 - (a) be prepared by a suitably qualified and experienced expert;
 - (b) be updated and approved by the Secretary within six months of determination of MOD 2 or prior to the commencement of construction, whichever is sooner;
 - (c) include a vegetation clearing protocol (see Condition 50 of this Schedule);
 - (d) must specifically include a Biodiversity Offset Strategy that:
 - is assessed against the OEH's '*Principles for the Use of Biodiversity Offsets in NSW*' and the '*Interim Policy on Assessing and Offsetting Biodiversity Impacts of Part 3A, SSD and SSI Projects*';
 - details the proposed offset measures to be implemented and secured for removing and/or impacting 0.49 hectares of native vegetation (including 0.01 hectares of Illawarra Subtropical Rainforest) relating to project approval MP 11_0094 and 0.25 hectares of native vegetation (Illawarra Subtropical Rainforest) relating to MOD 2;
 - identify conservation mechanisms to be used to ensure the long-term protection and management of the offset sites;
 - references best practice management guidelines for restoring and managing the vegetation communities proposed for protection;

- details how the proposed offset measures will be protected, managed, funded and monitored over the life of the project;
- (e) ensure the project maintains suitable buffer distances to nearby waterways in accordance with *Wollongong DCP 2009* to protect riparian land;
- (f) incorporate the recommendations of the *Whytes Gully Landfill Modification: Flora and Fauna Assessment*, prepared by Biosis, project number 20115, dated 11 October 2017; and
- (g) detail the site-wide ecological management and monitoring program/s to be implemented for the life of the project.

This plan must be documented in the Landfill EMP and CEMP (see Conditions 2 and 3 in Schedule 5).