



Bioelektra Australia Pty Ltd
West Nowra Resource Recovery Park - Stage 2
Preliminary Environmental Assessment

February 2019

Table of contents

1.	Introduction.....	1
1.1	Background	1
1.2	Project overview.....	1
1.3	The proponent.....	2
1.4	Purpose of this report.....	2
2.	Background to the project	3
2.1	Project history and context	3
2.2	Site context	3
3.	The project	6
3.1	Project objectives.....	6
3.2	Project overview.....	6
3.3	Proposed facilities and infrastructure.....	6
3.4	Utilities and services	7
3.5	Hours of operation	7
3.6	Operational staff.....	7
3.7	Waste streams	7
3.8	Construction	8
3.9	Waste processing	9
4.	Permissibility and legislative framework	14
4.1	Environmental Planning and Assessment Act 1979.....	14
4.2	Environmental planning instruments.....	14
4.3	Other applicable NSW legislation	17
4.4	Commonwealth legislation.....	19
5.	Key environmental issues	20
5.1	Identification	20
5.2	Environmental risk screening.....	20
5.1	Priority assessments for the EIS.....	24
6.	Stakeholder consultation.....	25
6.1	Statutory consultation	25
6.2	Stakeholder and community engagement	25
7.	Conclusions.....	26
8.	References	27
9.	Limitations	28

Table index

Table 1 Expected waste stream inputs8

Table 2 Expected facility outputs.....8

Table 3 Preliminary environmental risk screening results.....21

Figure index

Figure 1 Site location.....5

Figure 2 Materials flow diagram9

Figure 3 Typical recovery rates and indicative material breakdown10

Figure 4 Waste reception area – initial shredding and transfer to the feeder10

Figure 5 Autoclaves (example).....11

Figure 6 Autoclave loading (example).....12

Figure 7 Stabilisation (example).....12

Figure 8 Separated recycling streams for transfer (example).....13

Appendices

Appendix A – Facility Layout Plan

Appendix B – SSD 7015 Development Consent

1. Introduction

1.1 Background

As part of a staged development, Shoalhaven City Council (Council) submitted an Environmental Impact Statement (EIS) in 2016 for a Concept Proposal for a resource recovery park with a combined capacity of 130,000 tonnes per year (the West Nowra Resource Recovery Park) as well as Project Approval for the first stage of the development.

The Concept Proposal included:

- Stage 1 – clearing of land and provision of basic infrastructure on the nominated site, which would be undertaken by Council or contractors appointed by Council as part of early construction works.
- Stage 2 – construction and operation of a resource recovery park which would be undertaken by an alternative waste technology provider/facility operator, selected through a tendering process to provide the specialised resource recovery facilities.

A staged approach was adopted to enable construction of Stage 1 of the proposal to commence (subject to planning approval) while a contractor was appointed and while the details of Stage 2 were determined via the tendering and design process.

Council received Concept Approval and Stage 1 Project Approval for the West Nowra Resource Recovery Park on 25 August 2016 (SSD 7015). Refer Appendix B. The approved Stage 1 works included:

- Demolition of the existing animal shelter
- Site preparation and clearing of the site
- Construction of perimeter, entry/exit and service roads and line marking
- Installation of perimeter/boundary fencing
- Weighbridge and weighbridge office
- Staff and visitor car parking, including line marking
- Detention and sedimentation dams/basins
- Identification of asset protection zones

Council recently awarded Bioelektra Australia Pty Ltd (Bioelektra) with the contract to construct and operate Stage 2 of the works.

Bioelektra now proposes to construct and operate an integrated resource recovery facility at the site and has engaged GHD Pty Ltd (GHD) to prepare documentation to support an application for Stage 2 of the West Nowra Resource Recovery Park (the project) under Part 4 of the *NSW Environmental Planning and Assessment Act 1979* (the EP&A Act).

1.2 Project overview

The project is defined as the construction and operation of a resource recovery facility with pre-treatment for mixed municipal waste of up to 130,000 tonnes per year, comprising:

- Shredder operations
- Sterilisation of waste through autoclaving
- Sorting and processing operations

- Other areas for processing and storing and receiving processed material
- Transformer hall
- Boiler room
- Offices and amenities

The project also includes ancillary infrastructure including:

- Weighbridges and weighbridge offices
- Circulation roadways and road reserves
- Staff and visitor car parking, including line marking
- Two sediment / detention basins
- Fencing around the perimeter of the site
- Asset protection zones (APZs)
- Liquid Petroleum Gas (LPG) station
- Pumping station and firefighting tank

The Concept Approval included construction and demolition (C&D) waste processing and an alternative waste treatment (AWT)/materials recovery facility (MRF).

C&D processing is no longer proposed part of the project and the waste processing technology proposed by Bioelektra includes sterilisation of waste through autoclaving and materials recovery through various sorting operations.

Other ancillary infrastructure not included as part of the Concept Approval but proposed for this project include the boiler room, transformer hall, LPG station and pumping station and firefighting tank.

1.3 The proponent

Bioelektra Australia Pty Ltd, part of the Bioelektra Group, offers waste treatment and recovery solutions. The company separates and delivers biodegradable fractions, pre-SRF fractions, metals, plastics, and glass items for recycling and recovery purposes. It sells biodegradable fractions, metals, plastics, glass items, and alternative fuel. The company was founded in 2007 in Warsaw, Poland with Bioelektra Australia founded in 2017.

1.4 Purpose of this report

This report has been prepared to support a request to the NSW Department of Planning and Environment to receive the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an EIS under Part 4 of the EP&A Act.

This supporting document provides an outline of the statutory approvals process, a description of the project, a preliminary assessment of potential environmental issues and identification of key issues that would be subject to further assessment in the EIS.

The EIS would be completed in accordance with the requirements of the Secretary and all relevant NSW and Commonwealth environmental legislation.

2. Background to the project

2.1 Project history and context

In 2003, Council began actively managing their waste sites through the closing of small rural tips and the concentration of waste disposal services at the West Nowra landfill. A report was also commissioned to evaluate AWT technologies that could form part of Council's overall waste strategy.

In 2006, Council prioritised its efforts in maximising landfill airspace and introduce a variety of pricing structures but noted the issue of increasing waste production and limiting landfill waste.

A number of trials were conducted in 2008 on the processing of domestic waste and source separating green waste. A cost benefit analysis into the development of a resource recovery park inclusive of AWT technologies was also undertaken.

In 2011, Council initiated a solid waste strategy project aimed at prioritising community and business educational programs and the consideration of "long term putrescible waste disposal options".

In 2013, Council's Waste Services unit undertook a review of the analysis of domestic waste processing options in terms of costs, handling contamination, service provision and collections as well as an overall economic analysis of a resource recovery park and AWT. Council proceeded to seek expressions of interests for the resource recovery park and AWT.

In 2015, Council commissioned GHD to seek a Concept Approval and Stage 1 Project Approval for a resource recovery park with the intention of informing potential tenderers and AWT providers on the environmental and legislative requirements on any proposed design.

In 2019, as part of Council's Waste Reduction Strategy for 2017/18 – 21/22, Council awarded a contract to Bioelektra to design and construct the proposed AWT facility with the intention of full operation in 2021.

2.2 Site context

The land is inhabited by an animal shelter with some small paddocks and loose degraded vegetation south of the lot. The land has approval for clearance of vegetation and buildings as part of Stage 1 works.

2.2.1 Location

The project site is approximately five kilometres to the west of the Nowra Central Business District and is accessed from Flatrock Road, off Yalwal Road in West Nowra (refer to Figure 1).

The site is adjacent to the existing landfill and is located on an approximate 3.6 ha parcel of land (Lot 342 DP 257515).

2.2.2 Ownership

The site is owned by Council.

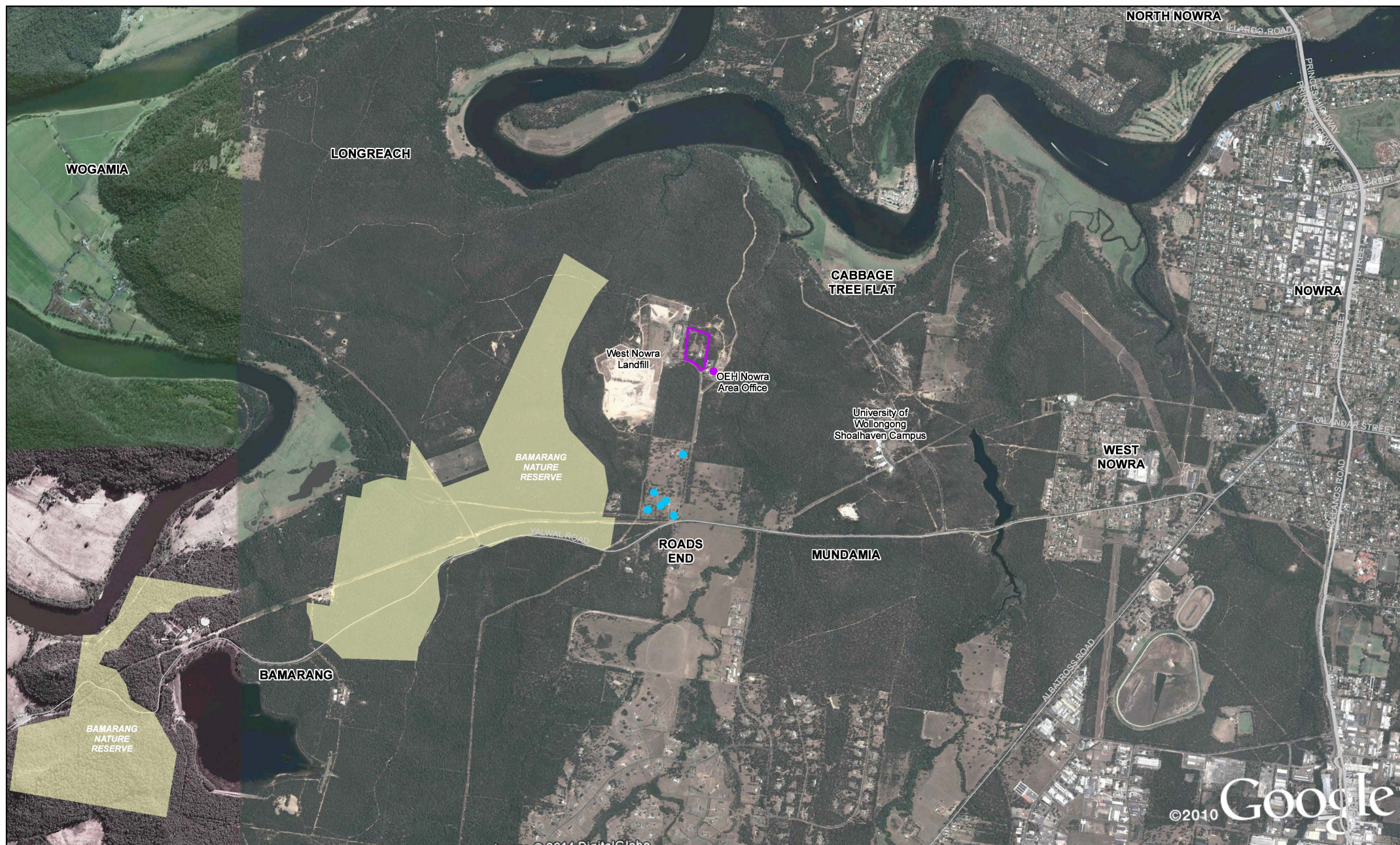
2.2.3 Zoning

The site is located on land zoned SP2 – Infrastructure under the Shoalhaven Local Environmental Plan 2014, which is a prescribed zone.

2.2.4 Surrounding land uses and nearest residences

A small number of residential rural properties (approximately six) are located around 700 m south of the site and rural residential property is located approximately 900 m to the north east. The Shoalhaven Campus of the University of Wollongong is located approximately 1.3 km to the south-east. The Office of Environment and Heritage (OEH) Nowra Area Office and Depot is located immediately to the south east.

The remaining land to the north and east of the proposal site is undeveloped bushland – primarily the Bamarang Nature Reserve and/or land owned by the Nowra Local Aboriginal Land Council (NLALC) and Council.



1:25,000 (at A3)
 0 125 250 500 750 1,000
 Metres
 Map Projection: Transverse Mercator
 Horizontal Datum: Geocentric Datum of Australia (GDA)
 Grid: Map Grid of Australia 1994, Zone 56



LEGEND

- Bamarang nature reserve
- Surrounding land uses
- Residence
- Site boundary
- Highways
- Major roads
- Heavy Rail



Biolektra
 West Nowra Resource Recovery
 Park EIS Stage 2

Job Number	2127977
Revision	A
Date	6 Feb 2019

Site location

Figure 1

N:\AUSydney\Projects\2127977\GIS\Mapa\Working\2127977_2013_SurroundingLandUses.mxd
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 Data Source: NSW Department of Lands: Cadastre - Jan 2011; Geoscience Australia: 250k Data - Jan 2011. Created by: jrichardson

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3. The project

3.1 Project objectives

The objectives of the project are to:

- Reduce the amount of waste requiring landfill disposal, and thereby extend the life of the West Nowra landfill to allow it to continue to serve the local community's waste disposal needs further into the future
- Improve resource recovery rates in line with the objectives of the NSW Waste Avoidance and Resource Recovery Strategy 2014-21, which includes targets for diverting more waste from landfill and increasing recycling.

3.2 Project overview

The project is defined as a "Resource Recovery Facility" with a processing capacity of up to 130,000 tonnes of mixed waste per year comprising of:

- A waste reception hall
- Shredding and sterilisation operations using 16 autoclaves to pre-treat and sterilise 130,000 tonnes of mixed municipal waste
- A materials recovery facility for sorting all processed waste minus organic matter separated from autoclave pre-treatment
- A recyclables and biomass reception area capable of receiving rucks for transfer of material to other stations
- A boiler room, transformer hall and LPG station supplying utilities and electricity for site operations

The project also includes ancillary infrastructure including offices, amenities, roadways, and firefighting tanks to support the development.

3.3 Proposed facilities and infrastructure

An enclosed building placed on a slab-on-ground would cover the shredding, sterilisation and segregation operations of the resource recovery operation. The waste reception area and recycling materials transfer area would be partially open to allow for truck access.

A concept for the proposed buildings and access road arrangements for Stage 2 have been provided in Appendix A. The design is currently being refined and finalised and the final design would be presented in the EIS. The current conceptual layout includes a main resource recovery facility building which would incorporate a waste reception hall area, autoclaving and sterilisation hall, stabilisation hall and a segregation and sorting hall. A boiler room and transformer hall would be located on the south-east corner of the main facility with an LPG station separate from the main building.

The main office and amenities would be located in a separate building on the lot frontage adjacent to the road. These would include a reception area, meeting room, a minimum of two offices and amenities such as toilets and a kitchenette and shower facilities. An additional 18 m x 18 m site office would be located near the main resource recovery facility. All facilities would meet regulatory and building requirements related to the number of people employed.

Employee parking for up to 22 vehicles, plus 11 visitor spaces would be provided within the site.

The site would be fenced with 1.8 metre-high cyclone fencing, with two barbed wire strands at the top of the fence. The western side of the site is already fenced, so this would match the existing fence. An asset protection zone with a minimum distance of 80 m from the lot boundary would be established on the north and western perimeters.

3.4 Utilities and services

Electricity

Electricity is already supplied to the existing buildings on the site, and is also being generated on the adjacent site from the landfill gas power plant. This Endeavour Energy (electricity provider) infrastructure would be utilised to supply electricity for the sorting equipment, whilst the autoclave operations will be powered by the LPG at an LPG station located on site. A transformer hall has been allocated to provide suitable voltages for the plant equipment. The peak power supply requirements are likely to be 80 kwh per tonne of waste processed. In addition, the heating requirements for autoclave sterilisation are 0.8 GJ per tonne of waste.

Communications

The site would be provided with telephone, computer and data cable access. Standard telephone cabling and two-way radio / mobile telephones would provide the required telecommunication services. Internet access would be provided via ADSL or Wi-Fi. These services are already available at the site.

Water supply

Water would be drawn from local reticulated main supplies, which is already available at the site. The facility would utilise water to generate the pressurised steam required during autoclave sterilisation. An emergency fire water supply and pumping station would be installed to manage fire hazards on site.

Wastewater management

Wastewater from the amenities facilities would be managed separately to any wastewater arising from resource recovery park activities. Since Council's reticulated sewerage system does not currently service the site, an onsite sewage package treatment plant would be provided.

3.5 Hours of operation

The facility would operate year round, 24 hours per day, seven days per week. However waste acceptance would only occur Monday to Friday between 6 am and 6 pm.

3.6 Operational staff

The facility would require approximately 34 fulltime equivalent staff during operations.

3.7 Waste streams

The facility would process domestic mixed waste (red bin waste). The estimated waste stream inputs at full operational capacity are shown in Table 1.

Table 1 Expected waste stream inputs

Waste stream	Quantity (t/yr)	Waste morphology (%)
Food waste	78,000	60%
Paper and cardboard	11,700	9.0%
PET	1,300	1.0%
PP	1,300	1.0%
Other plastics	6,500	5.0%
Glass	4,550	3.5%
Fe	3,380	2.6%
Non-Fe	390	0.3%
Textile	3,900	3.0%
Wood	2,600	2.0%
Rubber, leather	2,600	2.0%
Inert	13,780	10.6%
Total	130,000	100%

The expected facility outputs are shown in Table 2.

Table 2 Expected facility outputs

Material	Predicted output (%)
Biomass	37.2%
preRDF light	9.0%
preRDF heavy	7.3%
PP	0.8%
PET	0.8%
Glass	3.2%
Fe	2.6%
Non-Fe	0.3%
Aggregates	9.5%
Evaporation	24.3%
Landfill	5.1%
Total	100%

3.8 Construction

The construction period is estimated to be 12 months with an additional 3 months for commissioning. This includes the construction of erosion and sediment control infrastructure, earthworks, the main resource recovery facility and the installation of new equipment. Operations are expected to commence January 2021.

The construction workforce is likely to include a maximum of 200 staff working across the entire span of the project delivery.

Construction working hours would be undertaken during the periods specified in the Interim Construction Noise Guidelines (DECC, 2009). Those are:

- 7 am to 6 pm Monday to Friday
- 8 am to 1 pm Saturdays
- No work on Sundays or Public Holidays.

3.9 Waste processing

3.9.1 Overview

The project would function as an integrated resource recovery facility with additional pre-treatment controls to sterilise the waste prior to sorting. This key pre-treatment control would enable the facility to accept mixed unsorted waste for recycling.

The facility would receive waste at the reception hall where waste would be shredded before being conveyed for batch autoclave sterilisation under pressure and heat. This process would create a nutrient rich biomass which would then be sieved to separate it from the rest of the sterilised material and then transferred offsite to be processed further. The remainder of the material would then be sorted and separated in a similar manner to traditional resource recovery/materials recovery facilities. The material would then be stockpiled in large containers to be transferred offsite for further recovery and reuse.

Figure 2 provides an overview of the proposed materials flows.

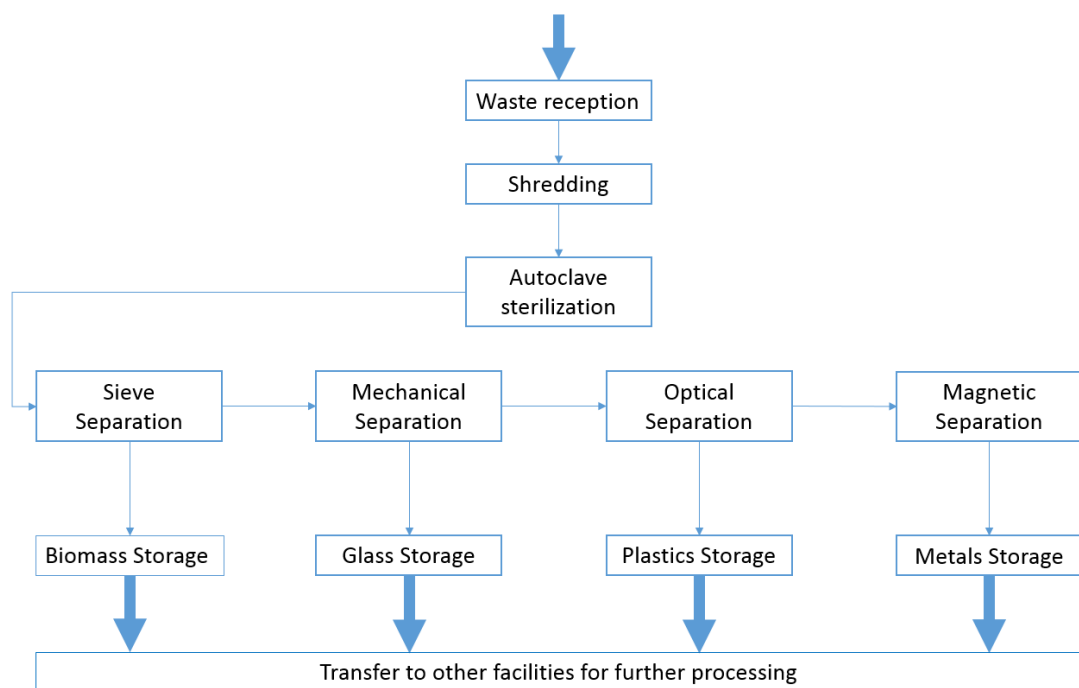


Figure 2 Materials flow diagram

Figure 3 summarises the expected recovery rates for various material streams.

Figure 3 Typical recovery rates and indicative material breakdown

3.9.2 Waste reception

The first phase would be initial mechanical processing of the waste to remove any large waste components and shred the waste to create a more homogeneous mass. The material would then be conveyed to the autoclaves for sterilisation. Refer Figure 4.

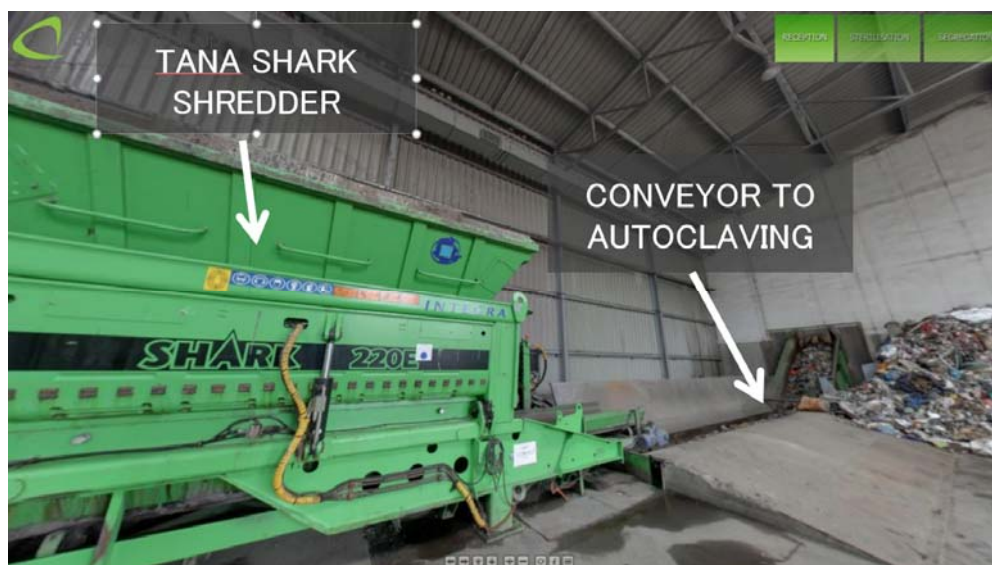


Figure 4 Waste reception area – initial shredding and transfer to the feeder

3.9.3 Sterilisation

The waste would then be loaded into an autoclave chamber to be sterilised (refer Figure 5 and Figure 6). The autoclaving process would be performed in a number of cyclic autoclave processes, i.e. the empty autoclave chamber would be filled up with waste, the heat processing would be initiated and once the process is completed, the sterilised mass would be removed from the autoclave. This cycle would be repeated a number of times.

The process would take place under high pressure (2-5 bar) and high temperature, involving the steam. The construction of the reactor chamber would allow the mixing of the mass during the heat processing. These conditions would be maintained for approximately 3 hours after which the pressure would decrease and the waste would be removed from the chamber.

The autoclaving process would be carried out in the temperature range of 120-150 degrees Celsius. Thus, it is possible to effectively eliminate (sterilise) microorganisms from the waste. This would also greatly reduce the pungent unpleasant smell typically associated with waste and replace it with a distinct sweeter smell. The heat processing is expected to reduce the volume of waste by 60% and mass by 15%. This would facilitate the storing, transporting and further mechanical processing of the sterilised waste.

As a result of heat processing, the recyclable materials (cans, plastic bottles, metals, glass) would be relatively clean as any labels or organic contaminants would have been removed. At this stage, the processed mass would contain fiberized paper, cardboard, kitchen waste, and a mineral fraction - mainly sand, stones and ceramics.



Figure 5 Autoclaves (example)

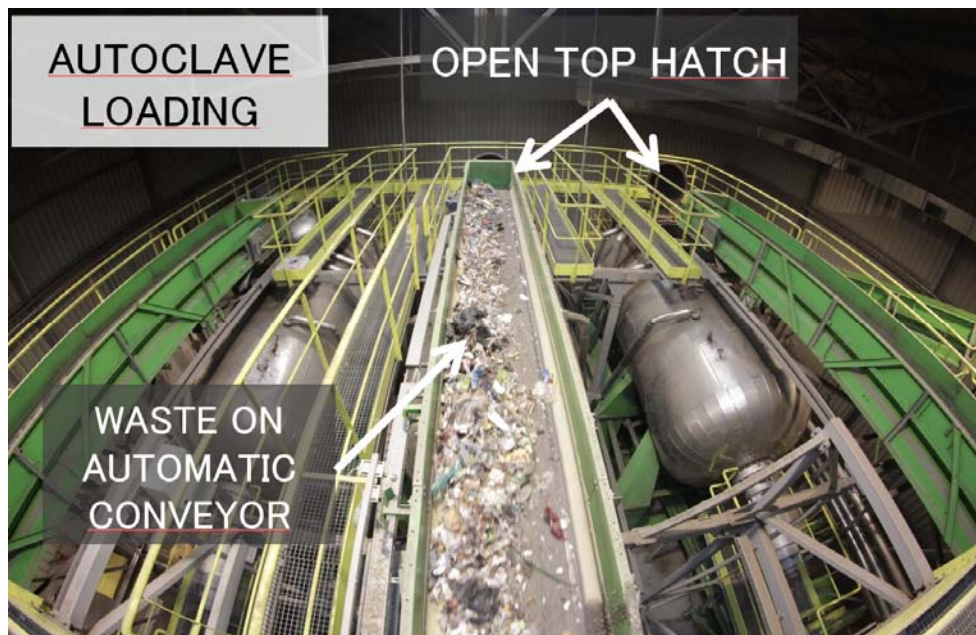


Figure 6 Autoclave loading (example)

3.9.4 Stabilisation

After completing the sterilisation process in autoclaves, waste would be unloaded to the buffer zone, where would stabilise naturally (refer Figure 7). While the temperature of processed waste decreases, sterile water would evaporate from the waste. Stabilised material has a great potential for further mechanical processing, recycling and recovery, as it is dry and can be easily separated.



Figure 7 Stabilisation (example)

3.9.5 Segregation

After stabilisation, the waste would be transferred for mechanical segregation on the separation line, typical of conventional dry recycling facility. There would be a set of feeders, separators and sieves which would separate particular fractions to the individual containers (refer Figure 8).

Ferrous metals and aluminium would be separated by magnetic separators. Alternative fuel (pre-RDF fraction) would be isolated via a set of mechanical-pneumatic screens equipped with an eddy-current separator. The most demanding unit in technological line would be the optical

sorters, which would separate plastics (with PET and PP fractions isolated), as well as glass, which takes the form of clean cullet, free of contaminants.



Figure 8 Separated recycling streams for transfer (example)

3.9.6 Materials transfer

The fractions are subsequently dispatched to entities recycling secondary raw materials. The proposed destinations for the recovery streams are as follows:

- RDF – Cement Australia
- Biomass – Cement Australia/Casafico
- Plastics – Polymer Processors
- Glass – Casafico
- Metals – to be confirmed
- Landfill – West Nowra Landfill (adjacent site)

4. Permissibility and legislative framework

4.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) contains the core legislation relating to planning and development activities in NSW. It is the principal law overseeing the assessment and determination of development proposals. All development in NSW is assessed in accordance with the provisions of the EP&A Act.

4.1.1 Part 4 of the EP&A Act

Part 4 of the EP&A Act provides for the control of development that requires development consent from a consent authority. Depending on the circumstances of the project, the consent authority may be the local Council or the Minister.

Part 4, Division 4.7 of the EP&A Act establishes an approval regime for development that is declared to be State Significant Development (SSD) by either a State Environmental Planning Policy (SEPP) or Ministerial Order. In accordance with Section 4.38 of the EP&A Act, the Minister is the consent authority for SSD. Pursuant to sub-section 4.12(8) of the EP&A Act, an environmental impact statement (EIS) is required to support a development application for SSD.

Council previously obtained a staged approval under section 4.22 of the EP&A Act (formerly section 83B of the EP&A Act) for:

- The concept proposal
- Stage 1 works which included clearing, site grading and provision of basic site infrastructure such as drainage, roads and utilities.

Under Section 4.22 (4), granting of a concept development application does not authorise the carrying out of any part of the development on the site under a subsequent development application in respect of the proposed works is submitted. Therefore this PEA is to support the project for the Stage 2 works described in Section 3.

4.1.2 Approval process

SSD to which Division 4.1 of the EP&A Act applies is identified in the *State Environmental Planning Policy (State and Regional Development) 2011* (State and Regional Development SEPP) and in declarations made by the Minister. The project is considered to be 'State significant development' as it is of a type listed in Schedule 1 of the State and Regional Development SEPP (refer to Section 4.2.1).

The Minister is therefore the consent authority for the project and a development application is required to be lodged with the NSW Department of Planning and Environment, accompanied by an EIS. The EIS would be placed on public exhibition for a period of at least 30 days to allow public and agency submissions to be lodged, after which the proponent may be requested to respond to issues raised in the submissions.

4.2 Environmental planning instruments

Environmental planning instruments (EPIs) are legal documents that are prepared under the EP&A Act to regulate land use and development. EPIs consist of SEPPs and local environmental plans (LEPs).

4.2.1 State environmental planning policies

State Environmental Planning Policy (State and Regional Development) 2011

The State and Regional Development SEPP identifies development:

- To which the State significant development assessment and approval process under Division 4.7 of Part 4 of the EP&A Act
- That is State significant infrastructure and critical State significant infrastructure.

Development that is specified in Schedule 1 or Schedule 2 is declared to be State significant development. Clause 23 of Schedule 1 states that the following development is State significant development:

(1) Development for the purpose of regional putrescible landfills or an extension to a regional putrescible landfill that:

(a) has a capacity to receive more than 75,000 tonnes per year of putrescible waste, or

(b) has a capacity to receive more than 650,000 tonnes of putrescible waste over the life of the site, or

(c) is located in an environmentally sensitive area of State significance.

(2) Development for the purpose of waste or resource transfer stations in metropolitan areas of the Sydney region that handle more than 100,000 tonnes per year of waste.

(3) Development for the purpose of resource recovery or recycling facilities that handle more than 100,000 tonnes per year of waste.

(4) Development for the purpose of waste incineration that handles more than 1,000 tonnes per year of waste.

(5) Development for the purpose of hazardous waste facilities that transfer, store or dispose of solid or liquid waste classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste that handles more than 1,000 tonnes per year of waste.

(6) Development for the purpose of any other liquid waste depot that treats, stores or disposes of industrial liquid waste and:

(a) handles more than 10,000 tonnes per year of liquid food or grease trap waste, or

(b) handles more than 1,000 tonnes per year of other aqueous or non-aqueous liquid industrial waste

The project is for a resource recovery facility with combined capacity to receive and process up to 130,000 tonnes of waste per year (refer to Section 3).

As the capacity of the proposed resource recovery facility is greater than 100,000 tonnes per year it is considered to be State Significant Development.

State Environmental Planning Policy (Infrastructure) 2007

The State Environmental Planning Policy (Infrastructure) 2007 (the Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure across the State through increased regulatory certainty and improved efficiency and flexibility in the location of infrastructure and service facilities, while also providing for adequate stakeholder consultation.

Clause 121 of the Infrastructure SEPP outlines waste or resource management facilities which are permissible with consent. Clause 121(1) states:

Development for the purpose of waste or resource management facilities, other than development referred to in subclause (2), may be carried out by any person with consent on land in a prescribed zone.

The project is considered to be for the purpose of a waste or resource management facility (but not a waste transfer station as per subclause (2)).

The site is located on land zoned SP2 – Infrastructure under the *Shoalhaven Local Environmental Plan 2014* which is a prescribed zone.

The project is therefore considered permissible with consent under Clause 121 of the Infrastructure SEPP.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33) requires developers and consent authorities to assess the hazards and risks associated with a proposed development before approval is given for construction and operation. The EIS will contain a hazard and risk report which will assess, among other matters, whether the proposed development amounts to a potentially hazardous industry and whether a preliminary hazard analysis is required under SEPP 33.

Under SEPP 33, a potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures to reduce or minimise its impact, would pose a significant risk to human health, life or property, or to the biophysical environment. SEPP 33 requires developments that are potentially hazardous to have a preliminary hazard analysis (PHA) prepared to determine the risk to people, property and the biophysical environment at the proposed location and in the presence of controls.

A potentially offensive development means a development for the purposes of an industry which, if the development were to operate without employing any measures to reduce or minimise its impact, would emit a polluting discharge in a manner which would have a significant adverse impact. Development that requires an environment protection licence (EPL) is considered to be potentially offensive. However, by definition, if the level of offence is generally not considered to be significant if the relevant EPLs can be obtained.

A new EPL would also be required for the operation of the resource recovery facility. As a result of the facility holding this licence it is considered to be a 'potentially offensive industry'.

It is therefore, considered to be a 'potentially offensive industry'. If the EPA considers that the project can be issued with the required EPL, under the guidelines that apply to SEPP 33, then the project is not likely to be considered to be an 'offensive industry'.

State Environmental Planning Policy No. 55 – Remediation of Land

The aims and objectives of *State Environmental Planning Policy No. 55* (SEPP 55) are to provide a state-wide planning approach to contaminated land remediation and to promote the remediation of contaminated land to reduce risk of harm.

SEPP 55 restricts consent authorities from issuing development consent on land that may be contaminated, unless the consent authority is satisfied that the land in question is suitable for development, or would be suitable if the appropriate remediation was undertaken.

The aims and objectives of SEPP 55 would be considered in the EIS and the potential for the site to be contaminated and whether this presents any unacceptable risks to human health would be assessed.

4.2.2 Local environmental plans

Shoalhaven Local Environmental Plan 2014

The project is located in the Shoalhaven local government area, and therefore is subject to the *Shoalhaven Local Environmental Plan 2014* (Shoalhaven LEP).

Under the Shoalhaven LEP the site is zoned SP2 – Infrastructure (Waste/Resource Management Facility).

The development of a resource recovery park is permissible with consent in the abovementioned zone.

The objectives of the applicable zone and the consistency of the project with these objectives are provided in Table 4 .

Table 4 Consistency with relevant zone objectives

Objective	Consistency/ discussion
SP2 – Infrastructure	
To provide for infrastructure and related uses	The project involves the construction and operation of a resource recovery park which is permitted under the zone. This use would also be consistent with the neighbouring zones to the west which are currently occupied by the West Nowra Landfill.
To prevent development that is not compatible with or that may detract from the provision of infrastructure	The project includes the provision of infrastructure which would benefit the Nowra and greater Shoalhaven area.

4.3 Other applicable NSW legislation

4.3.1 Protection of the Environment Operations Act 1997

The NSW *Protection of the Environment Operations Act 1997* (POEO Act) establishes, amongst other things, the procedures for issuing of licences for environmental protection on aspects such as waste, air, water and noise pollution control. The owner or occupier of premises engaged in scheduled activities is required to hold an EPL and comply with the conditions of that licence.

The proposed resource recovery facility would meet the definitions in Clause 34 of the POEO Act for the recovery of general waste as it would treat greater than 30,000 tonnes of general waste per year (up to 200,000 tonnes per year) and therefore an EPL would be required to be obtained for these works.

The existing West Nowra Recycling and Waste Facility, which is located on the land adjacent to the project currently holds an EPL (licence number 5877). Bioelektra would apply for a separate licence for the project.

4.3.2 Roads Act 1993

The NSW *Roads Act 1993* (Roads Act) provides the statutory framework for the management of public roads within NSW. The Roads Act is administered by NSW Roads and Maritime Services (RMS), local councils or the Department of Lands. RMS has jurisdiction over major roads, local councils over minor roads and the Department of Lands over road reserves or Crown roads.

Section 138 of the Roads Act requires that a person obtain the consent of the appropriate roads authority to erect a structure, or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road.

All roads in the vicinity of the project are unclassified roads under the care and control of Shoalhaven City Council. Due to the application of Clause 5 of Schedule 2, Shoalhaven City Council does not require consent to disturb the surface of the roads.

4.3.3 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) commenced on 25 August 2017 and has repealed the *Threatened Species Conservation Act 1995*. The BC Act aims to conserve biodiversity at a bioregional and state scale and lists a number of threatened species, populations and ecological communities to be considered in deciding whether there is likely to be a significant impact on threatened biota, or their habitats.

An ecological assessment in accordance with the Framework for Biodiversity Assessment was undertaken as part of the Stage 1 assessment and vegetation on the site was cleared as part of the Stage 1 works.

Stage 2 works would be unlikely to have a significant impact on any threatened species, populations or ecological communities listed under the BC Act, however the any potential impacts on biodiversity would be considered as part of the EIS.

4.3.4 Biosecurity Act 2015

The *Biosecurity Act 2015* (Biosecurity Act) repealed the *Noxious Weeds Act 1993* on 1 July 2017. The Biosecurity Act specifies the duties of public and private landholders as to the control of priority weeds. Under this Act, priority weeds have been identified for Local Government Areas and assigned duties for control. Part 3 provides that any person who deals with biosecurity matter (ie weeds) and who knows, or ought reasonably to know, the biosecurity risk posed or likely to be posed by the biosecurity matter has a duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised.

As such, if present, priority weeds located on the project site should be assessed and controlled.

4.3.5 Contaminated Land Management Act 1997

The general object of the *Contaminated Land Management Act 1997* (CLM Act) is to establish a process for investigating and, where appropriate, remediating land areas where contamination presents a significant risk of harm to human health or some other aspect of the environment.

Under the CLM Act, OEH can issue investigation and remediation orders for sites that are considered to be contaminated. No such orders have been issued in relation to the project site.

4.3.6 Approvals that do not apply or have to be applied consistently

Section 4.41 of the EP&A Act specifies certain authorisations which are not required for State Significant Development that is authorised under a development consent. These include the following authorisations, which may otherwise have been relevant to this project:

- NSW *Fisheries Management Act 1994* – permit for work or structures within a waterway
- NSW *Heritage Act 1977* – approval to disturb an item or an excavation permit
- NSW *National Parks and Wildlife Act 1974* – an Aboriginal heritage impact permit under Section 90
- NSW *Native Vegetation Act 2003* – consent to clear native vegetation
- NSW *Rural Fires Act 1997* – a bush fire safety authority under Section 100B

- NSW *Water Management Act 2000* – water use approval, water management work approval or activity approval.

These approvals would not be required if the Minister grants development consent to carry out the project under Division 4.7 of Part 4 of the EP&A Act.

Under Section 4.42 of the EP&A Act, the following relevant approvals cannot be refused if necessary for the carrying out of an ‘approved project’ and are to be substantially consistent with an approval to carry out the project given under Division 5.2 of Part 5:

- an environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997*
- a consent under section 138 of the *Roads Act 1993*.

4.4 Commonwealth legislation

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government’s central piece of environmental legislation that provides a legal framework to protect and manage environmental values considered to be of national environmental significance.

The EPBC Act requires approval from the Commonwealth Minister for the Environment and Resources for actions that may have a significant impact on listed matters of national environmental significance (MNES).

The project is considered an “action” which is broadly defined under the EPBC Act to include a project, development, undertaking, activity or series of activities. It is the responsibility of the applicant proposing to undertake an action to initially consider whether the project is likely to have a significant impact on any MNES. If the applicant considers there is potential for significant impacts upon any matters protected under the EPBC Act, then a referral is required to be submitted to the Minister for the Environment. Developments considered likely to result in significant impacts are defined as “controlled actions” and require assessment and approval under the EPBC Act.

Consideration of potential impacts upon listed threatened species and communities and any other MNES potentially impacted by the project will be undertaken as part of the EIS.

A referral will be submitted to the Minister for the Environment if any unexpected impacts are identified through the EIS assessment process, which potentially constitute a controlled action.

Potential impacts on the Ramsar listed wetlands, endangered ecological community, threatened species and migratory species would be considered in the EIS. Based on preliminary assessment work and Stage 1 assessments, no impacts on any NES matters are predicted to occur in the vicinity of the project, therefore a referral would not be required. This would be confirmed in the EIS.

5. Key environmental issues

5.1 Identification

The key project-related issues warranting detailed assessment in the EIS will be identified through:

- The existing environmental context and surrounding locality.
- The legislative framework applicable to the project.
- The preliminary environmental risk screening undertaken as a part of this PEA.
- The outcomes of consultation to be undertaken with government agencies and other relevant stakeholders.
- Specialist studies completed as part of the preparation of the EIS.

The outcomes of the preliminary environmental risk screening, including the issues identified for further detailed assessment in the EIS, are discussed in Section 5.2. These issues will form the basis of the EIS, subject to the outcomes of consultation with government agencies, including the SEARs, as well as outcomes of the specialist assessments as they progress.

5.2 Environmental risk screening

A preliminary environmental risk screening was undertaken to identify potential environmental impacts that may arise as a result of the proposed project.

The preliminary environmental risk screening was undertaken in the form of a preliminary, desktop-level risk assessment, to broadly assess the potential environmental risks that may arise as a result of the construction and operation of the project to identify key areas for the assessment.

The environmental risk analysis for the project involved:

- Identifying environmental aspects
- Identifying the source of potential risks associated with each of these aspects
- Identifying the potential impact associated with each risk
- Identifying priority issues for the EIS.

Table 3 provides the environmental risk analysis for the project. It includes:

- A summary of the potential key impacts/risks
- Consideration of the priority for the assessment
- A discussion regarding the findings of the preliminary risk screening.

Table 3 Preliminary environmental risk screening results

Environmental aspect	Source of risk	Potential impact	Priority of assessment	Discussion
Traffic	Additional vehicles on the local road network during construction activities and during operation	Potential disruption to local road users	Medium	Traffic will increase as a result of waste deliveries to the site and offsite transport of product and waste. Small vehicles for staff would also access the site. The EIS will include a traffic impact assessment which considers the potential impacts of the project on the local road network.
Noise	Noise generated during construction activities and operation of the facility	Impacts on sensitive receivers in proximity to the project from noise	Medium	The project has potential to create short-term, temporary noise during construction activities. During operation, the majority of operations would occur within the buildings. Closest residents are approximately six rural residential properties located 700 m S with one located 900 m NE. Given the distance to the residential receivers, the project is not expected to result in any significant noise impacts. The EIS will include an assessment of the potential noise impacts of the project.
Hydrology and soils, flooding	Erosion and sediment and surface water quality impacts during construction leading to contamination of surface water Erosion and sediment and or other surface water quality impacts during operation Flooding impacts	Impacts to stormwater quality runoff from erosion and sedimentation	Low	Two sediment basins were proposed as part of Stage 1 to be installed during the construction phase and continued to be used during operation. Appropriate stormwater management controls are proposed to manage surface water run-off. The EIS will include an assessment of potential soil and water impacts.
Hazard and fire risks	Site location in native forest	Damage to property and human suffering from bushfire	Medium	The project would be subject to an elevated bushfire risk given its proximity to large tracts of native forest. A dedicated pumping station and firewater tank is proposed.

Environmental aspect	Source of risk	Potential impact	Priority of assessment	Discussion
				The EIS will include an assessment of hazards and fire risks comprising a hazard analysis and bushfire assessment.
Air quality	Dust and odour emissions generated during construction and operation of the facility	Impacts on sensitive receptors in proximity to the project and staff from dust and odour exposure	Medium	The scale of dust emissions is expected to be relatively small during the construction phase and would be managed through a construction environmental management plan. The waste receipt and waste processing activities would occur within buildings. Autoclaving pre-treatment of waste is also expected to significantly reduce the potential for odour. Operational dust emissions would be minimal as waste processing and receipt activities would occur within the building. The EIS will include an assessment of air quality impacts.
Aboriginal heritage	Contact with aboriginal heritage listed lands from construction works	Damage to aboriginal heritage items or artefacts or historical sites	Low	The Stage 1 EIS included an Aboriginal heritage assessment which indicated that the site has low archaeological potential and low archaeological significance. The project is not expected to disturb any land not already assessed and approved as part of Stage 1.
Non-aboriginal heritage	Contact with non-aboriginal heritage listed lands from construction works	Damage to non-aboriginal heritage items or artefacts or historical sites	Low	The Stage 1 EIS indicated there are no heritage listed items, no unlisted heritage items or areas of archaeological potential located within or adjacent to the site and therefore items of state or local heritage significance are minimal. The project is not expected to disturb land not already assessed and approved as part of Stage 1.
Flora and Fauna	Contact with threatened plant and animal species	Disruption to habitat during construction or operation	Low	The Stage 1 EIS included assessment of flora and fauna and was based on a conservative assumption that the entire site would be cleared. The project is not expected to have any impact on flora and fauna beyond that already assessed and approved as part of Stage 1.

Environmental aspect	Source of risk	Potential impact	Priority of assessment	Discussion
Greenhouse gas	High energy use of the facility relative to traditional resource recovery facilities	Increased indirect emissions into the atmosphere	Low	The project would require power and fuel for operating the facility, which would generate greenhouse gases. However, the project would divert organics from landfill which would reduce potential greenhouse gas emissions from the onsite landfill.
Visual	Visibility of the proposed facilities reducing the amenity of nearby sensitive receptors.	Reduced visual amenity of nearby receptors	Low	Part of the facility is likely to be visible from users of Flatrock Road in the immediate vicinity of the site. However the overall potential for the project to impact on visual amenity is considered to be low. The project would be located immediately adjacent to the existing West Nowra Landfill. There is also extensive vegetation surrounding the site, which would assist in screening the facility from more distant potential visual receptors.
Weed and feral animal control and biosecurity risks	Operation of project leading to a spread of noxious weeds or pathogens in the local area or in products. Operation of the proposal attracting pests and vermin, resulting in a nuisance to nearby sensitive receptors.	Pests and vermin Spread of noxious weeds	Low	Autoclaving would ensure the resulting product would be free of pathogenic organisms. The waste operation and receival would take place within buildings and hence the likelihood of pests and vermin being attracted to the operations is minimal.

5.1 Priority assessments for the EIS

Based upon the results of the preliminary environmental analysis, the following broad qualitative risk ratings were assigned for each environmental attribute.

- Moderate – Traffic, noise, air quality, hazard and fire risk
- Low – Hydrology, soils and flooding, Aboriginal heritage, non-Aboriginal heritage, flora and fauna, greenhouse gas, visual amenity, weeds and feral animal control and biosecurity.

The detailed scope of these assessments will be considered following the receipt of the SEARs for the project.

An EIS with supporting technical assessments will be prepared, based upon contemporary government guidelines and in accordance with the SEARs issued for the project.

6. Stakeholder consultation

6.1 Statutory consultation

As part of the EIS process, Bioelektra proposes to undertake consultation with various statutory organisations including:

- Department of Planning and Environment
- Environment Protection Authority
- Heritage Branch, Office of Environment and Heritage
- NSW Fire and Rescue
- NSW Rural Fire Service Shoalhaven
- NSW Office of Water
- Roads and Maritime Services

6.2 Stakeholder and community engagement

A community consultation plan would be implemented by Bioelektra in parallel with the EIS process. Community consultation is likely to include Information session(s) for nearby landholders and local residents.

7. Conclusions

In 2016 Council obtained a staged approval for the West Nowra Resource Recovery Park under section 4.22 of the EP&A Act (formerly section 83B of the EP&A Act) for:

- The Concept Proposal
- Stage 1 works which included clearing, site grading and provision of basic site infrastructure such as drainage, roads and utilities.

Council recently awarded Bioelektra with the contract to construct and operate Stage 2 of the works. Bioelektra is now proposing to seek approval for the Stage 2 works.

The project (stage 2) is for the construction and operation of an integrated resource recovery facility with a capacity of 130,000 tonnes per year. The project will increase recycling rates and diversion from landfill using new technologies adapted for conventional recycling processing.

The project is considered to be 'State significant development' as it is of a type listed in Schedule 1 of the State and Regional Development SEPP. The project is permissible with consent under Clause 121 of the Infrastructure SEPP.

An EIS will be prepared to accompany the application and will consider the potential impacts associated with the construction and operation of the resource recovery facility.

This PEA has been prepared to provide an overview of Stage 2 of the works and enable the DPE to issue the SEARs for the preparation of the EIS.

8. References

Environmental Planning and Assessment Regulation 2000 (NSW)

Environmental Protection & Assessment Act 1979 (NSW)

National Parks and Wildlife Act 1974 (NSW)

Protection of the Environment Operations Act 1997 (NSW)

Shoalhaven Local Environmental Plan 1985 (NSW)

State Environmental Planning Policy (Infrastructure) 2007 (NSW)

State Environmental Planning Policy (State and Regional Development) 2011 (NSW)

Threatened Species Conservation Act 1995 (NSW)

9. Limitations

This report: has been prepared by GHD for Bioelektra Australia Pty Ltd and may only be used and relied on by Bioelektra Australia Pty Ltd for the purpose agreed between GHD and the Bioelektra Australia Pty Ltd as set out in Section 1.4 of this report.

GHD otherwise disclaims responsibility to any person other than Bioelektra Australia Pty Ltd arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

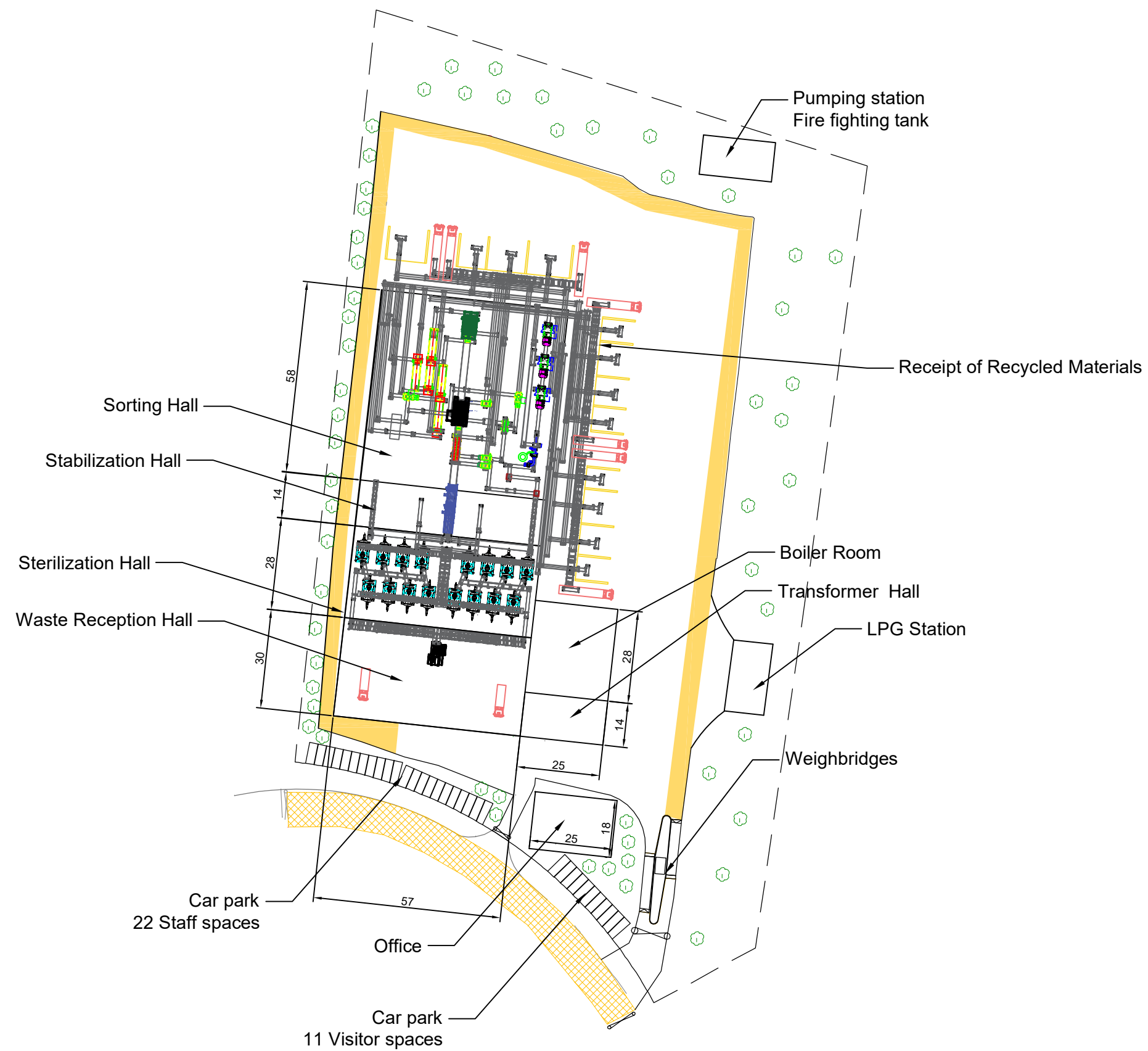
The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report on the basis of information provided by Bioelektra Australia Pty Ltd and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were Assumptions

Appendices

Appendix A – Facility Layout Plan



BioelektroEngineering		
OBIKT OBJECT	FACILITY OF MECHANICAL HEAT TREATMENT OF WASTE ART 100	
TYTUŁ PROJEKTU PROJECT NAME	ART 100 - DEVELOPMENT PLAN	02.2018 DATA / DATE
TREŚĆ RYSUNKU DRAWING NAME	ART 100 - OBJECT PLAN	SKALA / SCALE 1:1000 0 REWIZJA/REVISION

Appendix B – SSD 7015 Development Consent

Development Consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning under delegation executed on 16 February 2015, I approve the Staged Development Application referred to in Schedule A subject to the concept proposal conditions in Schedule B and Stage 1 works conditions in Schedule C.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney

25 August

2016

SCHEDULE A

Application No.:	SSD 7015
Applicant:	Shoalhaven City Council
Consent Authority:	Minister for Planning
Land:	114 Flatrock Road, Mundamia (Lot 342 DP 257515)
Development:	West Nowra Resource Recovery Facility Staged Development Application, comprising: A concept proposal for a resource recovery facility designed to process up to 130,000 tonnes of waste per annum. Stage 1 works consisting of demolition of existing buildings, clearing of land, site grading, provision of basic infrastructure including offices and amenities, a new site entrance, site access roads, detention basins, car parking and preparation of asset protection zones for bushfire protection.

TABLE OF CONTENTS

DEFINITIONS	iii
SCHEDULE B	5
PART A CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL (STAGES 1 & 2)	5
STAGED DEVELOPMENT DESCRIPTION	5
CONSENT LIMITS	5
ADMINISTRATIVE CONDITIONS	5
SCHEDULE C	7
CONDITIONS OF CONSENT FOR STAGE 1	7
PART A ADMINISTRATIVE CONDITIONS	7
DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTS	7
STAGED SUBMISSION OF PLANS OR PROGRAMS	7
EVIDENCE OF CONSULTATION	7
METEOROLOGICAL MONITORING	7
DEMOLITION	8
OPERATION OF PLANT AND EQUIPMENT	8
PROTECTION OF PUBLIC INFRASTRUCTURE	8
PART B ENVIRONMENTAL PERFORMANCE	9
BIODIVERSITY	9
TRAFFIC AND ACCESS	9
FIRE MANAGEMENT	9
SOIL AND WATER	10
NOISE AND VIBRATION	10
AIR QUALITY	11
HERITAGE	11
WASTE MANAGEMENT	11
SECURITY	11
PART C ENVIRONMENTAL MANAGEMENT AND REPORTING	12
ENVIRONMENTAL MANAGEMENT	12
REPORTING	13
APPENDIX 1 – CONCEPT PROPOSAL	14
APPENDIX 2 – EXTENT OF STAGE 1 WORKS	15
APPENDIX 3 – MANAGEMENT AND MITIGATION MEASURES FOR STAGE 1 WORKS	16

DEFINITIONS

Applicant	Shoalhaven City Council, or anyone else entitled to act on this consent
APZ	Asset Protection Zones
AWT	Alternative Waste Treatment
BAR	Biodiversity Assessment Report
BOS	Biodiversity Offset Statement
Construction	The demolition of buildings or works, the carrying out of works, including earthworks, and other infrastructure covered by this consent
Department	Department of Planning and Environment
Development	The development that is approved by this development consent and as generally described in Schedule A
DPI	Department of Primary Industries
EIS	Environmental Impact Statement titled <i>West Nowra Resource Recovery Park</i> prepared by GHD Pty Ltd dated January 2016
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	Environment Protection Authority
EPL	Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i>
Heavy vehicle	Any vehicle with a gross vehicle mass of 5 tonnes or more
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> .
Incident	A set of circumstances that: • causes or threatens to cause material harm to the environment; and/or • breaches or exceeds the limits or performance measures/criteria in this consent
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
MRF	Materials Recovery Facility
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
NPWS	NSW National Parks and Wildlife Service
OEH	Office of Environment and Heritage
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Response to Submissions (RTS)	Response to Submissions titled <i>West Nowra Resource Recovery Park</i> , prepared by Shoalhaven City Council dated 10 May 2016 and <i>Final Biodiversity Offset Strategy & Biodiversity Assessment Report for a potential Biobank site at Huskisson</i> prepared by Shoalhaven City Council submitted 28 June 2016
RFS	Rural Fire Service
RMS	Roads and Maritime Services
Secretary	Secretary of the Department of Planning, or nominee
Site	Land referred to in Schedule A
Stage 1	Stage 1 includes: i. clearing of land ii. demolition of buildings; iii. earthworks, site grading and preparation; and

	iv. provision of basic infrastructure including , new heavy vehicle access, drainage works detention basins, access roads, utilities and security fencing and gates
Stage 2	Construction and operation of Resource Recovery Facility designed to process 130,000 tonnes of waste per year.
Waste	As defined under the POEO Act

SCHEDULE B

PART A CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL (STAGES 1 & 2)

STAGED DEVELOPMENT DESCRIPTION

- A1. Consent is granted to the Concept Proposal as described in:
- a) Schedule A;
 - b) Staged Development Application (SSD 7015);
 - c) EIS;
 - d) RTS;
 - e) site layout plan as identified in Appendix 1 and 2; and
 - f) conditions contained in this development consent.

CONSENT LIMITS

- A2. The consent does not permit the construction and operation of Stage 2.
- A3. Should consent be granted for Stage 2, the West Nowra Resource Recovery Facility must not receive or process more than 130,000 tonnes of waste per annum (as identified in the EPL).

ADMINISTRATIVE CONDITIONS

Determination of Future Development Applications

- A4. In accordance with section 83B(3) of the EP&A Act, Stage 2 is to be the subject of a future development application.
- A5. The determination of the future development application(s) are to be generally consistent with the terms of this development consent as described in Schedule A, and subject to the conditions in Schedule B.
- A6. As per Clause 12(b) of the *State Environmental Planning Policy (State and Regional Development) 2011*, any future development application(s) shall be classified State Significant Development.

Obligation to Minimise Harm to the Environment

- A7. The Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

Statutory Requirements

- A8. The Applicant shall ensure that all licences, permits, and approvals/consents are obtained as required by law and maintained as required throughout the life of the Development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals/consents.

Inconsistency between Documents

- A9. If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency.

Lapsing of Approval

- A10. This consent lapses five years after the date from which it operates, unless the Stage 1 works have physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under Section 95 of the Act.

Dispute Resolution

- A11. In the event that a dispute arises between the Applicant and a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the development, either party may refer the matter to the Secretary for resolution. The Secretary's determination of any such dispute shall be final and binding on the parties.

Legal Notices

A12. Any advice or notice to the consent authority shall be served on the Secretary.

SCHEDULE C

CONDITIONS OF CONSENT FOR STAGE 1

PART A ADMINISTRATIVE CONDITIONS

DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTS

A1. The Applicant shall carry out the Development in accordance with the:

- a) Staged Development Application (SSD 7015),
- b) EIS;
- c) RTS;
- d) Conditions in Schedule B;
- e) site layout plan as identified in Appendix 2 (Stage 1 works); and
- f) management and mitigation measures as identified in Appendix 3 (Management and Mitigation Measures for Stage 1 Works).

A2. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.

A3. The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:

- a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this consent; and
- b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

STAGED SUBMISSION OF PLANS OR PROGRAMS

A4. With the approval of the Secretary, the Applicant may:

- a) submit any strategy, plan or program required by this consent on a progressive basis; and/or
- b) combine any strategy, plan or program required by this consent.

A5. If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages and the trigger for updating the strategy, plan or program. A clear relationship between the strategy, plan or program that is to be combined shall be demonstrated.

EVIDENCE OF CONSULTATION

A6. Where consultation with any public authority is required by the conditions of this consent, the Applicant shall:

- a) consult with the relevant public authority prior to submitting the required documentation to the Secretary or the PCA for approval, where required;
- b) submit evidence of this consultation as part of the relevant documentation required by the conditions of this consent; and
- c) include the details of any outstanding issues raised by the relevant public authority and an explanation of disagreement between any public authority and the Applicant or any person acting on this development consent.

METEOROLOGICAL MONITORING

A7. Within 14 days of the issue of a Construction Certificate for the Development, the Applicant shall ensure that there is a suitable meteorological station on the site that complies with the requirements in the latest version of the *Approved Methods for Sampling of Air Pollutants in New South Wales*. The Applicant shall operate the meteorological station for the life of the Development.

DEMOLITION

A8. The Applicant shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601:2001: The Demolition of Structures*, or its latest version.

OPERATION OF PLANT AND EQUIPMENT

A9. The Applicant shall ensure that all plant and equipment used for the Development is:

- a) maintained in a proper and efficient condition; and
- b) operated in a proper and efficient manner.

PROTECTION OF PUBLIC INFRASTRUCTURE

A10. The Applicant shall:

- a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the Development; and
- b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the Development.

PART B ENVIRONMENTAL PERFORMANCE

BIODIVERSITY

Biodiversity Offset Strategy

- B1. Prior to the commencement of Stage 1, the Applicant shall purchase and retire 133 ecosystem credits and 52 Squirrel Glider species credits in accordance with the EIS and the BOS and BAR of the RTS, and any modifications approved by the OEH.

TRAFFIC AND ACCESS

Roadworks and access

- B1. Prior to the commencement of Stage 1, the Applicant shall:
- prepare detailed design drawings for the proposed roadworks and accessway in accordance with *Austrroads – Guide to Road Design (2009)*. The design drawings shall be prepared by a suitably qualified professional to the satisfaction of the Secretary and Council; and
 - construct the roadworks and accessway approved by the Secretary and Council.

Traffic Management Plan

- B2. Prior to the commencement of Stage 1, the Applicant shall prepare a Traffic Management Plan (TMP) for the Development in consultation with Council, NPWS (Nowra Area Office and Depot) and to the satisfaction of the Secretary. The plan shall form part of the CEMP required under Condition C1. The TMP shall:
- describe the number, type and duration of the vehicle movements;
 - detail the measures that would be implemented to ensure road safety, network efficiency and access during construction;
 - identify any traffic hazards and risks associated with the movement of construction vehicles;
 - identify appropriate controls to address any traffic hazards and risks identified in (c) above;
 - focus on the management of light and heavy vehicle traffic generated by the construction activity of the Development, the potential impacts, the measures to be implemented, and the procedures to monitor and ensure compliance;
 - contain a drivers code of conduct to:
 - minimise the impacts of construction on the local and regional road network;
 - minimise conflicts with other road users;
 - detail heavy vehicle routes, access and parking arrangements; and
 - if necessary, detail procedures for notifying any nearby residents of any potential disruptions to routes.

Traffic access

- B3. The Applicant shall ensure that:
- site access, driveways are constructed and maintained in accordance with the latest versions of Australian Standards AS 2890.1, AS 2890.2, AS 2890.6 and AS 1428.1;
 - the Development does not result in any vehicles parking or queuing on the public road network; and
 - all vehicles enter and leave the site in a forward direction.

FIRE MANAGEMENT

- B4. The Applicant shall:
- implement suitable measures in consultation with the RFS to minimise the risk of fire on-site including but not limited to the recommendations in the EIS and RTS and *Planning for Bushfire Protection* (NSW RFS, 2010);
 - extinguish any fires on-site promptly;
 - prepare an emergency/evacuation plan; and
 - maintain adequate fire-fighting capacity on-site.

Asset Protection zones

- B5. Prior to the commencement of Stage 1, the applicant shall ensure that an APZ of 30 meters wide is created and maintained along the northern, eastern and southern boundaries of the site. The APZ must be maintained as outlined within section 4.1.3 and Appendix 5 of *'Planning for Bush*

Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

SOIL AND WATER

Pollution of Waters

B6. The Development shall comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided in an EPL.

Stormwater

B7. Prior to the commencement of Stage 1, the Applicant shall:

- prepare a stormwater management plan by a suitably qualified professional in consultation with DPI and EPA and to the satisfaction of the Secretary. The plan shall form part of the CEMP required under Condition C1; and
- implement the stormwater management plan to minimise the impacts of stormwater run-off from and within the site during and following the completion of Stage 1 works.

Surface Water Discharge Limits

B8. The Applicant shall ensure that all licensed surface water discharges from the site comply with the discharge limits (volume and quality) set for the Development in any EPL or relevant provisions of the POEO Act.

Erosion and Sediment Control

B9. The Applicant shall in consultation with DPI, implement erosion and sediment control measures on-site in accordance with *Managing Urban Stormwater: Soils and Construction Vol. 1* (Landcom, 2004).

Bunding

B10. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participant's Manual 2007*.

Imported Soil

B11. The Applicant shall:

- ensure that only VENM, or ENM, or other material approved in writing by the EPA is used as fill on the site;
- keep accurate records of the volume and type of fill to be used; and
- make these records available to the Department upon request.

NOISE AND VIBRATION

Vibration Criteria

B12. The Applicant shall ensure that vibration resulting from the Development does not exceed the continuous or impulsive vibration criteria in EPA's *Assessing Vibration: A Technical Guideline* (February 2006) at residential receivers.

Construction Hours

B13. The Applicant shall comply with the construction hours in Table 1 unless otherwise agreed to in writing by the Secretary.

Table 1: Hours of Construction

Activity	Day	Hours
Construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
	Sunday & Public Holidays	Nil

Noise Mitigation

B14. The Applicant shall:

- a) implement best management practice, including all reasonable and feasible noise management and mitigation measures to prevent and minimise operational, low frequency and traffic noise generated by the Development;
- b) minimise the noise impacts of the Development during adverse meteorological conditions; and
- c) maintain the effectiveness of any noise suppression equipment on plant at all times and ensure defective plant is not used operationally until fully repaired.

AIR QUALITY

Dust Management

- B15. The premises shall be maintained in a condition which minimises or prevents the emission of dust from the premises.
- B16. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading within the Stage 1 development.

Construction Mitigation

- B17. During construction, the Applicant shall ensure that:
- a) all vehicles on site do not exceed a speed of 30 kilometres per hour;
 - b) all loaded construction vehicles entering or leaving the site have their loads covered; and all construction vehicles leaving the site are cleaned of dirt, sand and other materials before they leave the site, to avoid tracking the materials on public roads.

HERITAGE

- B18. The Applicant shall cease all works on site in the event that any Aboriginal cultural object(s) or human remains are uncovered. If human remains are uncovered, you must immediately stop work, not further disturb the remains and notify NSW Police. OEH and the Aboriginal community must be contacted if the remains are suspected to be of Aboriginal origin. If other Aboriginal objects are discovered, you must immediately stop work, not further disturb the objects and notify OEH by calling Environment Line on 131 555. Works must not resume in the designated area until the relevant written consent is received from NSW Police and/or OEH. Any Aboriginal objects discovered must be registered on the Aboriginal Heritage Management Information System (AHIMS), in accordance with section 89A of the National Parks and Wildlife Act 1974.

WASTE MANAGEMENT

- B19. The Applicant shall not cause, permit or allow any materials or waste (as defined by the POEO Act) generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by an EPL.
- B20. For the Stage 1 development, the Applicant must:
- a) monitor the amount of waste generated by the development;
 - b) investigate ways to minimise waste generated by the development; and implement reasonable and feasible measures to minimise waste generated by the development; and
 - c) implement reasonable and feasible measures to minimise waste generated by the development.
- B21. The Applicant shall ensure that any waste generated on the site is classified in accordance with the EPA's *Waste Classification Guidelines* (EPA, 2014) or any other superseding document and disposed to a facility that may lawfully accept the waste.

SECURITY

- B22. The Applicant shall:
- a) install and maintain a perimeter fence and security gates on the site; and
 - b) ensure that the security gates on site are locked whenever the site is unattended.

PART C ENVIRONMENTAL MANAGEMENT AND REPORTING

ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

- C1. Prior to the commencement of construction of the Development, the Applicant shall prepare a Construction Environmental Management Plan to the satisfaction of the Secretary. The Plan must:
- a) be prepared by a suitably qualified and experienced person(s);
 - b) describe all activities to be undertaken on the site during construction, including a clear indication of construction stages;
 - c) identify the statutory approvals that apply to the Development;
 - d) outline all environmental management practices and procedures to be followed during construction (e.g. construction traffic management and construction noise and vibration management), including all reasonable and feasible mitigation measures to protect the amenity of the surrounding environment;
 - e) detail how the environmental performance of construction will be monitored, and what actions will be taken to address identified adverse environmental impacts;
 - f) describe of the roles and responsibilities for all relevant employees involved in construction;
 - g) include arrangements for community consultation and complaints handling procedures during construction; and
 - h) consolidate the construction related parts of any management plans and monitoring programs required in the conditions of this consent.
- C2. The Applicant shall carry out the development in accordance with the Construction Environmental Management Plan approved by the Secretary (as revised approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

Management Plan Requirements

- C3. The Applicant shall ensure that the environmental management plans/strategies required under this consent are prepared in accordance with any relevant guidelines and include:
- a) detailed baseline data;
 - b) a description of:
 - i. the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - ii. any relevant limits or performance measures/criteria;
 - iii. the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the Development or any management measures;
 - iv. the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
 - c) a program to monitor and report on the:
 - i. impacts and environmental performance of the Development;
 - ii. effectiveness of any management measures;
 - iii. a contingency plan to manage any unpredicted impacts and their consequences;
 - iv. a program to investigate and implement ways to improve the environmental performance of the Development over time;
 - d) a protocol for managing and reporting any:
 - i. incidents;
 - ii. complaints;
 - iii. non-compliances with statutory requirements;
 - iv. exceedances of the impact assessment criteria and/or performance criteria; and
 - v. a protocol for periodic review of the plan.
- C4. The Secretary may waive some of the requirements in Condition C3 if they are unnecessary or unwarranted for particular management plans/strategies.

REPORTING

Incident Reporting

- C5. The Applicant shall notify, at the earliest opportunity, the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the Development, the Applicant shall notify the Secretary and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

- C6. The Applicant shall provide regular reporting on the environmental performance of the Development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

Revision of Strategies, Plans and Programs

- C7. Within 3 months of the submission of an:
- a) incident report under Condition C5 above;
 - b) any modification to this consent,

the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the Development.

- C8. The Applicant shall ensure that the operation of the Development is undertaken in accordance with all relevant updated and/or amended strategies, management plans and programs approved by the Secretary (or as revised and approved by the Secretary), unless otherwise agreed by the Secretary.

Access to Information

- C9. The Applicant shall:
- a) make copies of the following publicly available on its website:
 - i. the documents referred to in Condition A1;
 - ii. all current statutory approvals for the Development;
 - iii. all approved strategies, plans and programs required under the conditions of this consent;
 - iv. a comprehensive summary of the monitoring results of the Development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - v. a complaints register, updated on a monthly basis;
 - vi. the annual reviews of the Development;
 - vii. any independent environmental audit of the Development, and the Applicant's response to the recommendations in any audit;
 - viii. any other matter required by the Secretary; and
 - b) keep this information up to date.

- NOTES:
1. AWT CONTRACTOR TO PROVIDE AMENITIES (SHOWERS, TOILETS, LUNCHROOM ETC.) TO STAFF WITHIN AWT BUILDING
 2. OFFICE TO CONTAIN RECEPTION AREA, MEETING ROOMS (MIN. OF 2), AND AMENITIES (TOILETS ETC.)
 3. COMPOST MATURATION AREA TO BE LOCATED ON FORMER LANDFILL STAGES 2 AND 3
 4. PUBLIC C&D SALES AREA TO BE LOCATED ON FORMER LANDFILL STAGES 2 AND 3

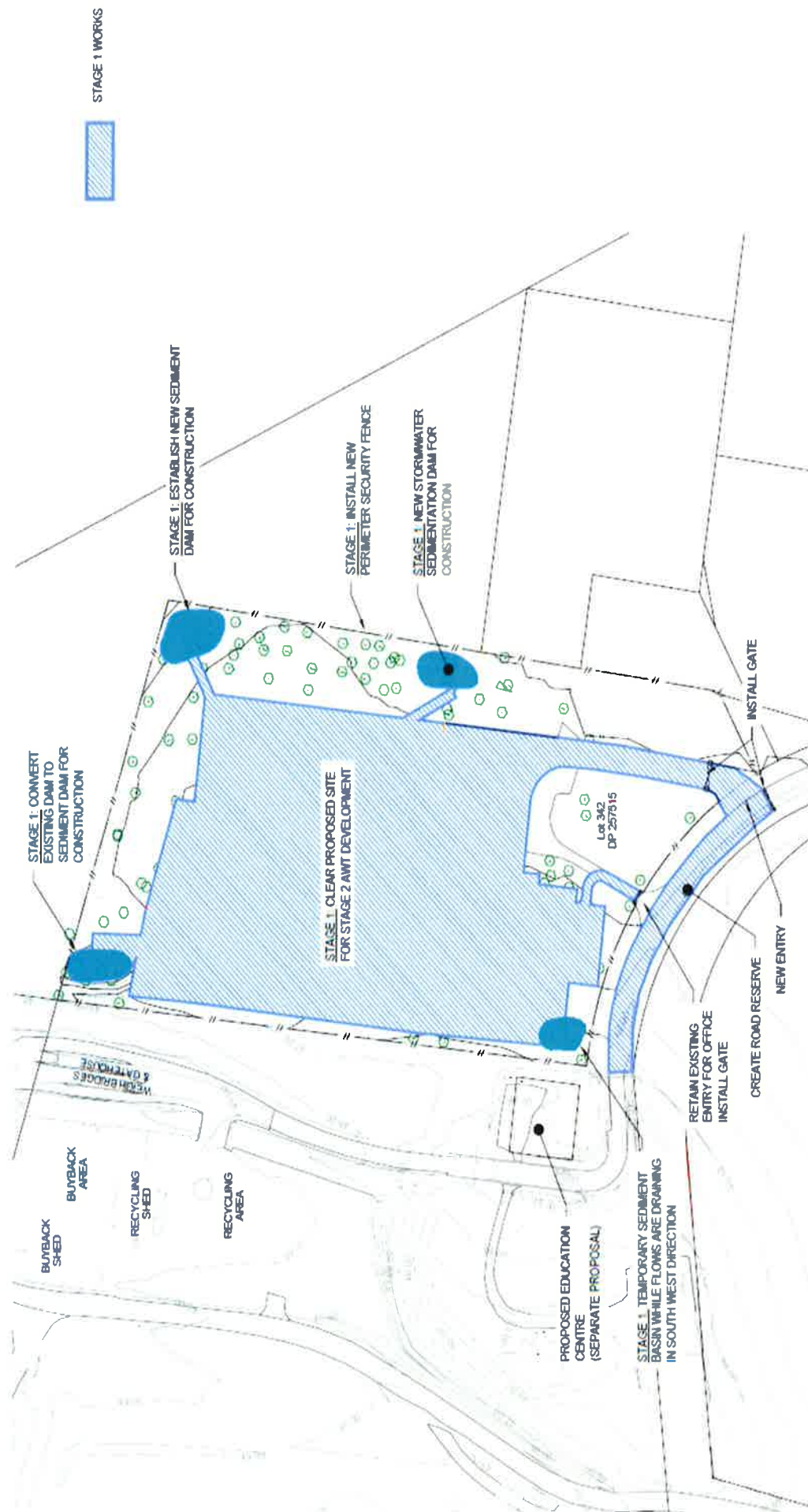


SHOALHAVEN CITY COUNCIL
WEST NOWRA RRP
PRELIMINARY FUTURE
SITE LAYOUT

Job Number 21-22855
Revision A
Date SEPT 2015
Figure 6.1
dntel@ghd.com W www.ghd.com

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APPENDIX 2 –STAGE 1 WORKS



SHOALHAVEN CITY COUNCIL
WEST NOWRA RRP

PROPOSED STAGE 1 WORKS

Job Number | 21-22855
Revision | A
Date | SEPT 2015

Figure E.2



APPENDIX 3 – MANAGEMENT AND MITIGATION MEASURES FOR STAGE 1 WORKS

Environmental Issue	Mitigation Measures
Air Quality & Odour	Stage 1 Mitigation Measures
	Rehabilitate cleared areas promptly.
	Locate stockpiles in areas that are protected from wind where possible and/or away from sensitive receptors.
	Ensure plant and machinery is regularly checked and maintained in a proper and efficient condition.
	Methods for management of emissions would be incorporated into site inductions, training and pre-start talks.
	Prompt remedial strategies, such as watering, would be implemented in the event of visible dust emissions.
	Reduce dust production on site by scheduling work into stages to reduce land disturbance in the planning and design stage, including scheduling installation of control measures for dust prevention, while having regard for seasonal dryness.
	Limit vehicle movements to designated entries and exits, haulage routes and parking areas. Site exits would be fitted with hardstand material or other appropriate measures to limit the amount of material transported offsite (where required).
	Regular sweeping of access roads (including Flatrock Road) to ensure material is not transported onto the roads around the site.
	Identify dust sources prior to carrying out works in a particular area.
	Keep the areas of land cleared to a minimum, and the period of time areas remain cleared to a minimum.
	Minimise working areas and define haul routes to be used wherever it is necessary for vehicles to traverse unformed roads.
	Identify all possible dust sources at the beginning of each day and throughout the day. Sources may include: haul roads, earthworks, windblown dust, general construction and stockpiles
	Visually monitor dust and where necessary implement controls
	The primary method for controlling dust generated by construction and maintenance activities would be the application of water and/or an approved suppression agent, via water.
	The Site Supervisor should determine the frequency of passes and number of water tankers required, based on the following: weather conditions; volume of traffic on exposed or dusty surfaces; extent of stripped area; and extent of unprotected areas.
	Plant and machinery would be turned off when not in use and would be fitted with emission control devices complying with Australian Design Standards.
Hazard & Risk Management	Stage 1 Mitigation Measures
	The CEMP would include emergency response measures to be implemented during construction if required. All contractors would be trained in these measures prior to construction commencing.

Environmental Issue	Mitigation Measures
	Fully stocked spill kits would be available at the premises and located in key areas. Spills to be cleaned up immediately. The spill kit must immediately be replenished when used.
Noise & Vibration	Stage 1 Mitigation Measures
	Engine covers, where fitted, would be kept closed while equipment is operating
	Materials dropping heights into or out of trucks would be minimised
	Vehicles would be kept properly serviced and fitted with appropriate mufflers. The use of exhaust brakes would be eliminated, where practicable.
	Machines found to produce excessive noise compared to industry best practice would be removed from the site or stood down until repairs or modifications can be made
	To reduce the annoyance associated with reversing alarms, broadband reversing alarms audible movement alarms would be used for all site equipment. Satisfactory compliance with work health and safety requirements would need to be achieved.
	All equipment would be selected to minimise noise emissions. Equipment would be fitted with appropriate silencers and be in good working order. Machines found to produce excessive noise compared to normal industry expectations would be removed from the site or stood down until repairs or modifications can be made
	Noise monitors would be used along the site boundaries.
	Temporary hardstand areas would be used.
	The contractor would establish contact with residents affected by construction noise and communicate the construction program and progress on a regular basis, particularly when noisy or vibration generating activities are planned. Communication with the local community would be maintained throughout the construction period.
	The construction contractor would provide a community liaison phone number and permanent site contact so that noise complaints can be received and addressed in a timely manner
Waste	Upon receipt of a noise complaint, monitoring would be undertaken and reported as soon as possible. If exceedances are detected, the situation would be reviewed in order to identify means to attempt to reduce the impact to acceptable levels.
	Stage 1 Mitigation Measures
	A waste management sub-plan would be prepared as part of the construction environmental management plan for the proposal. The sub-plan would include procedures for the management of wastes in accordance with relevant NSW legislation and the principles of the waste management hierarchy set out in the NSW Waste Avoidance and Resource Recovery Strategy 2014-21 (EPA 2014a).
	The contractor would be required to follow the Waste Resource Management Hierarchy principles of the Waste Avoidance and Recovery Act 2001.
	Waste streams would be sorted to maximise the recycling potential and minimise disposal costs.
	Any fuel, lubricant or hydraulic fluid spillages would be collected using absorbent material and the contaminated material disposed at a licensed waste facility.

Environmental Issue	Mitigation Measures
	Documents and records of the transport and fates of all materials removed from the site would be kept as proof of correct disposal and for environmental auditing purposes. The site would be left clean and free of weeds, debris and other rubbish at the end of the works. Sustainable initiatives are to be incorporated into the construction contract to encourage the contractor to source recycled material as part of construction activities. If suspected asbestos is encountered the mitigation measures outlined for air quality and contaminated material should be followed.
Soil and Water	Stage 1 Mitigation Measure All trucks leaving the site carrying waste would be filled to the maximum amount allowable, to the extent that is practicable depending on the truck size, making certain that trucks are adequately covered in order to reduce the number of traffic movements required. The contractor would limit idling time of plant and equipment whilst onsite. The contractor would be required to include energy efficiency tips and requirements into the site environmental induction. The contractor would make certain that the only lighting left on overnight around the site office will be security or emergency/access lighting. Earthmoving equipment and on-site vehicles would be fitted with exhaust controls in accordance with the POEO (Clean Air) Regulation. The contractor would be required to check that all equipment is properly maintained so that unacceptable exhaust emissions do not occur in accordance with the POEO (Clean Air) Regulation. Incorporation of energy efficiency and GHG reduction measures would be monitored through the implementation of detailed design, procurement management and construction. Excavations onsite are to be kept to a minimum. Dust from stockpiles would be suppressed with water and banded to prevent loss of soil. Excavated material will be reused on site where possible. Any excavated material that requires disposal would be subject to waste classification under the EPA Waste Classification Guidelines 2014 and would be disposed of at an appropriate licensed facility. Disposal of any asbestos material would be undertaken by a licensed asbestos removalist. Sedimentation and erosion mitigation measures would be implemented during all construction work that has the potential to cause sedimentation and erosion. Permanent or temporary drainage works would be installed early in the construction program to minimise uncontrolled drainage and associated erosion. 'Clean' surface runoff would be diverted around and away from working areas to prevent erosion and 'dirty' runoff would be diverted away from work areas and into sediment control devices. The wheels of all vehicles would be cleaned prior to exiting the construction site where excavation occurs to prevent the tracking of mud. Where this is

Environmental Issue	Mitigation Measures
	not practical, or excessive soil transfer occurs onto paved areas, street cleaning would be undertaken when necessary. Areas of exposed soil would be limited to those areas being actually worked. If possible, disturbed areas would be stabilised as soon as possible and in a progressive manner as works are completed. Earthworks would not take place during heavy rain when doing so is likely to cause soil erosion or soil structural damage. Under such circumstances, earthworks would stop and only recommence after the ground surfaces have sufficiently dried out.
Traffic & Transportation	Stage 1 Mitigation Measures A Construction Traffic Management Plan (CTMP) would be prepared to include the management and timing of heavy vehicles through West Nowra The CTMP would address the timing of the trucks accessing the site to ensure there is sufficient room within the site to accommodate vehicles. The requirements of the Roads Act 1993 will be followed at all times prior to and during all works (i.e. notice requirements, consultation and consent/concurrence requirements for works in, or closures of, public and classified roads). Work vehicles will not obstruct roadways or private driveways and will stay on formed roads or designated lay down areas. Work hours would be limited to the following: • 7am to 6pm, Monday to Friday • 8am to 1pm, Saturday • No work on Sundays and public holidays Create a road reserve and relocate the existing facility gate to the south-east, along Flatrock Road to the eastern boundary of the land. This will provide a static traffic control function and effectively improve a line of sight for the vehicles using Flatrock Road. The entry and exit vehicle speed limit to the facility to remain at the existing limit of 50km/hr. The design requirements for the minimum sight distance will be considered in accordance with the relevant 'Guide to Road Design – Part 3: Geometric Design, Austroads'.
Terrestrial & Aquatic Flora & Fauna	Stage 1 Mitigation Measures All clearing works would be supervised by a suitably qualified environmental consultant. A suitably qualified and NSW National Parks and Wildlife Service licensed wildlife handler would be on site prior to, and during the removal of any trees or areas of potential habitat vegetation and dams to rescue fauna. Prior to commencement of any clearing works, the extent of clearing would be accurately marked on the ground with temporary barrier fencing or similar visible material. Trees to be cleared would be felled into the proposal site carefully so as not to damage trees to be retained in or beyond the proposal footprint. Hollow-bearing trees would be felled carefully in sections using a "cherry picker" or crane if necessary to allow the rescue of native fauna. Hollow-bearing sections would be carefully lowered to the ground so as not to injure native fauna. All clearing works and associated machinery and waste would be contained within the proposal site.

Environmental Issue	Mitigation Measures
	Parking of machinery and vehicles and storing of building or landscaping materials, soil, spoil or waste outside of the site would be prohibited.
	Sediment erosion controls would be put in place immediately following clearing, and on the same day as clearing works commence.
	To protect native gliding and flying mammals in the locality, barbed-wire for fences would be prohibited.
	Planting of plant species listed on the Weeds Australia NSW weeds list would be prohibited.
	Native grasses would be used where grassing is required.
	Any landscaping would be undertaken with local native plant species only.
Fire and incident	Stage 1 Mitigation Measures
	Safe access and egress via a new all-weather main access road
	A site management plan detailing bushfire prevention measures that would be implemented during construction and operation, including the following measures: • actions to be taken where a formal bush fire alert is issued; and • emergency and operational protocols to be taken in response to escalation of fire.
	Bushfire suppression equipment available on site and their location
	Appropriate storage and maintenance of fuels and other flammable materials on site
	Management of retained vegetation (outside the identified APZ) in accordance with the draft <i>Bush Fire Risk Management Plan</i> (SBFMC 2010)
	To minimise the potential for ignition sources during construction, Shoalhaven Fire Control Centre (SFCC) would be notified of the construction dates. This is particularly important for any dates during which 'hot works' are to be conducted and will enable personnel from the SFCC to advise where weather conditions are not appropriate to carry out the works proposed.
	Preparation of the site would take into account the required APZs for Stage 2.

APPENDIX B: CONSIDERATIONS UNDER SECTION 79C

Section 79C of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

(a) the provisions of:	Consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the proposed development is provided in Appendix C of this report.
(i) any environmental planning instrument, and	
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Not applicable. There are no proposed instruments or any instruments subject to public consultation at the time of preparation of this report.
(iii) any development control plan, and	Clause 11 of the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> provides that DCPs do not apply to State significant development.
(iiia) any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and	Not applicable. No planning agreement or any offer to enter into a draft planning agreement has been made under Section 93F.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	The development application satisfactorily meets the relevant requirements of the Regulation, including the procedures relating to development applications (Part 6 of the Regulations), public participation procedures for SSDs and Schedule 2 of the Regulation relating to environmental impact statements. Refer to discussion at Section 3 .
(v) any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i>) that apply to the land to which the development application relates,	Not applicable.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The impacts of the Development have been considered in Section 5 of this report.
(c) the suitability of the site for the development,	The Department is satisfied the site has been appropriately selected and is appropriate in terms of environmental constraints, separation distances and visual impacts. The suitability of the site for the project is discussed at Section 5 of this report.
(d) any submissions made in accordance with this Act or the regulations,	The Department received a total of nine submissions during the exhibition period from Council, the relevant government agencies and the general public. The issues raised in the submissions have been discussed and addressed in Section 4 of this report.
(e) the public interest.	The recommended conditions of consent impose a range of controls on the construction and operation of the Development, which the Department considers will mitigate any potential environmental impacts of the proposed development. The proposal will have a positive impact on the local and regional economy through the creation of 50 jobs during construction and 30 jobs during operation. The Development is therefore considered to be in the public interest.

APPENDIX C: CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011

The proposal is classified as State significant development (SSD) under Part 4.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it involves development for the purposes of a resource recovery or recycling facility that handles more than 100,000 tonnes per annum of waste, and as such meets the criteria in Clause 23(3) of Schedule 1 in the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Consequently, the Minister for Planning is the consent authority.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposal constitutes traffic generating development under Schedule 3 of the Infrastructure SEPP and was referred to the RMS for comment. RMS confirmed that they have no objection to the proposed development. The Development is considered to be consistent with the aims and objectives of the Infrastructure SEPP, and the requirements of Clause 104 of the SEPP, as demonstrated by the response received from the RMS and in the assessment of the Development contained in Section 5 of this report.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP 33 aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence (odour, noise). A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, it would have a significant risk and/or offensive impact on off-site receptors.

The Applicant has advised that the Development has not been designed to provide storage for dangerous goods in excess of the thresholds established under SEPP 33, and would therefore not constitute a potentially hazardous industry or potentially offensive industry under the SEPP.

The Illawarra Regional Environmental Plan No.1 (IREP)

The IREP applies to all land within the Shoalhaven local government area and therefore it applies to the site. Part 2 of the IREP relates to rural land within the Illawarra region. The Development is not located on land which is zoned for rural purposes however it is currently used for rural purposes. Clause 11 of the IREP states the following objectives relating to rural lands:

- a) to retain the productive capacity of prime crop and pasture lands,
- b) to protect valuable natural environments, as identified on sheets 1–10, 14, 15 and 17 of the map,
- c) to provide for wildlife movement between major protected wildlife habitats,
- d) to effectively manage the development of rural lands having regard to flood potential, bushfire risks, salinisation, soil degradation, erosion and weed infestation,
- e) to allow for the development of small rural holdings in appropriate locations,
- f) to prevent uneconomic demand for State Government services,
- g) to allow for future urban expansion,
- h) to retain the scenic attributes of rural areas, and
- i) to provide for developments which by virtue of their character require siting away from urban areas.

The Development is considered to be consistent with the IREP as it would provide for a development (resource recovery facility) which by virtue of their character require siting away from urban areas. The Development would not significantly impact upon the scenic attributes of the area as the existing waste facility already exists on land to the west of the Development. There are no specific provisions of the IREP which apply to the Development.

Shoalhaven Local Environmental Plan 2014

The Development is located in the Shoalhaven local government area, and therefore is subject to the Shoalhaven Local Environmental Plan 2014 (Shoalhaven LEP). Under the Shoalhaven LEP the site is zoned SP2 – Infrastructure (Waste/Resource Management Facility). The development of a resource recovery facility is permissible with consent in the abovementioned zone.

APPENDIX D: ENVIRONMENTAL IMPACT STATEMENT

See the Department's website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7015

APPENDIX E: SUBMISSIONS

See the Department's website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7015

APPENDIX F: RESPONSE TO SUBMISSIONS

See the Department's website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7015

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1/https://projects.ghd.com/oc/sydney2/westnowraresourcec/Delivery/Documents/2127977-REP_West Nowra Resource Recovery Facility - PEA.docx

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Revision	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
0	T Shu A Montgomery	D Gamble		D Gamble		7/2/19
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