Department of Planning Industry and Environment
Industry Assessments
Locked Bag 5022
PARRAMATTA NSW 2124

Attention: Sally Munk

Notice Number	1609449
Date	07-Jun-2021

RE: Cape Byron Mangement - Condong Cogeneration Plant - Recovered Timber Fuel (SSD - 19891249) (Tweed Shire)

I refer to your request for the Environment Protection Authority's ("EPA") requirements for the environmental assessment (EA) in regard to the above proposal received by EPA on 24 May 2021.

The EPA has considered the details of the proposal as provided by Cape Byron Management and has identified the information it requires to issue its general terms of approval in Attachments A and B. In summary, the EPA's key information requirements for the proposal include an adequate assessment of:

1. Air emission control and management
2. Waste management
3. Recovered timber fuel quality management
4. Stakeholder consultation

In carrying out the assessment, the proponent should refer to the relevant guidelines as listed in Attachment C and any relevant industry codes of practice and best practice management guidelines.

Please note that this response does not cover biodiversity or Aboriginal cultural heritage issues, which are the responsibility of the Office of Environment and Heritage.

The Proponent should be made aware that any commitments made in the EA may be formalised as approval conditions and may also be placed as formal licence conditions.

As the proponent is the holder of Environment Protection Licence ("EPL") 20424 it will not be necessary to apply for a new licence under this proposal, if approval is granted the existing EPL can be modified to accommodate any operational changes at the premises.

The Proponent should be made aware that, consistent with provisions under Part 9.4 of the Protection of the Environment Operations Act 1997 ("the Act") the EPA may require the provision of a financial assurance

and/or assurances. The amount and form of the assurance(s) would be determined by the EPA and required as a condition of an EPL.

In addition, as a requirement of an EPL, the EPA will require the Proponent to prepare, test and implement a Pollution Incident Response Management Plan and/or Plans in accordance with Section 153A of the Act.

Yours sincerely

Brett Nudd

Manager North Coast Region

Environment Protection Authority

(by Delegation)

ATTACHMENT A: Site specific requirements for the proposal

Cape Byron Management - Condong Cogeneration Plant - Recovered Timber Fuel (SSD - 19891249) (Tweed Shire)

Cape Byron Management Pty Ltd are seeking development consent to allow the receipt, storage and combustion of a recovered timber fuel as an alternative fuel source during the sugar cane non-crush season. The recovered timber fuel to be sourced from a purpose built resource recovery facility located in Brisbane, supplemented by fuel supplied from ResourceCo in Sydney. The recovered timber fuel being derived from non-putrescible dry commercial and industrial waste streams and mixed construction and demolition waste streams made up of approximately 90% timber.

The Scoping Report titled *'Condong Cogeneration Plant - Recovered Timber Fuel Project'* (EME Advisory May 2021) details upgrades to the existing boiler and flue gas treatment system, upgrades to the existing ash collection system and upgrades to the existing fuel stockpile area required as part of the proposal.

Detailed advice on the requirements expected to be covered in the EIS are provided at attachment B. A number of priority site specific requirements for the proposal are discussed below:

1. Air Emission Management

The *Protection of the Environment Operations (Clean Air) Regulation 2010* (Clean Air Reg) establishes air emission performance standards for scheduled premises. These performance standards are the maximum permissible for an industrial source in NSW. Emission limits in Environment Protection Licences can be set lower than the standards contained in the Clean Air Reg. The Cape Byron Management Cogeneration Plant at Condong is a scheduled premise, holding Environment Protection Licence (EPL) 20424. Currently the EPL includes emission limits for some air pollutants (i.e. particulates) that are commensurate with the Group 5 emission standard in the Clean Air Reg.

Sections 4.3.2 and 4.3.3 of the Scoping Report outlines that upgrades to the existing boiler will be required, and that the existing flue gas treatment system will likely be replaced to meet the requirements of the Clean Air Reg, and Energy from Waste Policy Statement (EfW).

Section 5.4.2 of the Scoping Report outlines that the proponent is seeking to have existing air emission limits to be applied during the sugar cane crush seasons (when existing approved biomass fuels are utilised) and more stringent air emission limits in compliance with the Energy from Waste Policy Statement to be applied when the plant is operating during the non-crush season (when combusting the proposed recovered timber fuel).

As per the Clean Air Reg newly constructed and operated plant and equipment would fall under Group 6. As such any proposal to switch between Group 5 and 6 emission limits for new plant and equipment would not be consistent with the Clean Air Reg requirements.

2. Boiler Ash

Currently ash generated from the burning of biomass fuels at the Condong Cogeneration Plant are able to be disposed of to cane farming land under a Resource Recovery Order issued by the EPA.

The proponent has expressed a desire to continue to dispose of boiler ash via land application during the cane crush season.

The EIS will need to provide sufficient information detailing the proposed flue gas treatment and any alternate options considered.

The EIS must then identify lawful disposal pathways for the ash generated.

If the proponent intends to continue land application of boiler ash, detailed assessment of the potential impacts of the proposed flue gas treatment on the ash must be addressed and robust justification and any necessary mitigation must be addressed in the EIS.

3. Waste Management

The EIS must include a detailed assessment of waste management processes to be undertaken at the premises, including but not limited to:

- details of the volumes and types of wastes to be stored on the premises at any given time;
- details of waste processing procedures for each waste type;
- details of the types and quantities of materials and their intended fate;
- details of any materials produced under a Resource Recovery Order, and the controls in place for meeting the conditions of that Order;
- procedures for dealing with non-conforming waste;
- locations on the premises for the storage of non-conforming waste materials; and
- procedures for dealing with dust and runoff generated from material stockpiles.

3. Recovered timber fuel quality management

The proposal is seeking approval to be able to incinerate recovered timber fuel sourced from commercial and industrial (C&I) and construction and demolition (C&D) waste streams. A purpose built resource recovery facility operated by ResourceCo in Brisbane is intended to receive and process the C&I and C&D waste and supply the resultant recovered timber fuel to the Condong Cogeneration Plant for incineration in the boiler.

As detailed at section 4.2.1 of the Scoping Report the proponent must include copies of the recovered timber fuel feedstock specification and sampling and testing procedure in the EIS.

A procedure detailing how the recovered timber fuel will be stored at the proponent's premises to avoid cross contamination between fuel types must also be submitted with the EIS.

Procedures must also be developed and submitted detailing how non-conforming or contaminated recovered timber fuel will be managed, including establishing any monitoring and reporting systems, quarantine and disposal arrangements. These procedures should also establish measures to prevent non-conforming fuel from being delivered to the proponents premises from ResourceCo.

4. Stakeholder consultation

The EPA acknowledges the community and stakeholder engagement processes detailed at section 6 of the Scoping Report. It is imperative these consultation commitments continue, enabling the local community in the immediate vicinity of the proposal and other stakeholders and interest groups to be effectively informed of the proposal.

In particular the NSW Department of Education should be specifically consulted to ensure Condong Public School, which is in the immediate vicinity, is given every opportunity to comment on the proposal.

ATTACHMENT B: EIS REQUIREMENTS FOR

Cape Byron Management - Condong Cogeneration Plant Recovered Timber Fuel (SSD - 19891249) (Tweed Shire)

How to use these requirements

The EPA requirements have been structured in accordance with the DIPNR EIS Guidelines, as follows. It is suggested that the EIS follow the same structure:

A. Executive summary

B. The proposal

C. The location

D. Identification and prioritisation of issues

E. The environmental issues

F. List of approvals and licences

G. Compilation of mitigation measures

H. Justification for the proposal

A Executive summary

The executive summary should include a brief discussion of the extent to which the proposal achieves identified environmental outcomes.

B The proposal

1. Objectives of the proposal

- The objectives of the proposal should be clearly stated and refer to:
  a) the size and type of the operation, the nature of the processes and the products, by-products and wastes produced
  b) a life cycle approach to the production, use or disposal of products
  c) the anticipated level of performance in meeting required environmental standards and cleaner production principles
  d) the staging and timing of the proposal and any plans for future expansion
  e) the proposal's relationship to any other industry or facility.

2. Description of the proposal

General

- Outline the production process including:
  a) the environmental "mass balance" for the process – quantify in-flow and out-flow of materials, any points of discharge to the environment and their respective destinations (sewer, stormwater, atmosphere, recycling, landfill etc)
  b) any life-cycle strategies for the products.
- Outline cleaner production actions, including:
  a) measures to minimise waste (typically through addressing source reduction)
  b) proposals for use or recycling of by-products
  c) proposed disposal methods for solid and liquid waste
  d) air management systems including all potential sources of air emissions, proposals to re-use or treat emissions, emission levels relative to relevant standards in regulations, discharge points
  e) water management system including all potential sources of water pollution, proposals for re-use, treatment etc, emission levels of any wastewater discharged, discharge points, summary of options explored to avoid a discharge, reduce its frequency or reduce its impacts, and rationale for selection of option to discharge.
  f) soil contamination treatment and prevention systems.
- Outline construction works including:
  a) actions to address any existing soil contamination
  b) any earthworks or site clearing; re-use and disposal of cleared material (including use of spoil on-site)
  c) construction timetable and staging; hours of construction; proposed construction methods

d) environment protection measures, including noise mitigation measures, dust control measures and erosion and sediment control measures.

- Include a site diagram showing the site layout and location of environmental controls.

Air

- Identify all sources or potential sources of air emissions from the development.

  Note: emissions can be classed as either:

  - *point (e.g. emissions from stack or vent) or*
  - *fugitive (from wind erosion, leakages or spillages, associated with loading or unloading, conveyors, storage facilities, plant and yard operation, vehicle movements (dust from road, exhausts, loss from load), land clearing and construction works).*
- Provide details of the project that are essential for predicting and assessing air impacts including:

  a) the quantities and physio-chemical parameters (e.g. concentration, moisture content, bulk density, particle sizes etc) of materials to be used, transported, produced or stored

  b) an outline of procedures for handling, transport, production and storage

  c) the management of solid, liquid and gaseous waste streams with potential to generate emissions to air.

Noise and vibration

- Identify all noise sources or potential sources from the development (including both construction and operation phases). Detail all potentially noisy activities including ancillary activities such as transport of goods and raw materials.
- Specify the times of operation for all phases of the development and for all noise producing activities.
- For projects with a significant potential traffic noise impact provide details of road alignment (include gradients, road surface, topography, bridges, culverts etc), and land use along the proposed road and measurement locations – diagrams should be to a scale sufficient to delineate individual residential blocks.

Water

- Provide details of the project that are essential for predicting and assessing impacts to waters including:

  a) the quantity and physio-chemical properties of all potential water pollutants and the risks they pose to the environment and human health, including the risks they pose to Water Quality Objectives in the ambient waters (as defined on http://www.environment.nsw.gov.au/ieo/index.htm, using technical criteria derived from *the Australian and New Zealand Guidelines for Fresh and Marine Water Quality*, ANZECC 2000)

  b) the management of discharges with potential for water impacts

  c) drainage works and associated infrastructure; land-forming and excavations; working capacity of structures; and water resource requirements of the proposal.

- Outline site layout, demonstrating efforts to avoid proximity to water resources (especially for activities with significant potential impacts e.g. effluent ponds) and showing potential areas of modification of contours, drainage etc.
- Outline how total water cycle considerations are to be addressed showing total water balances for the development (with the objective of minimising demands and impacts on water resources). Include water requirements (quantity, quality and source(s)) and proposed storm and wastewater disposal, including type, volumes, proposed treatment and management methods and re-use options.

Waste and chemicals

Provide details of the quantity and type of both liquid waste and non-liquid waste generated, handled, processed or disposed of at the premises. Waste must be classified according to the EPA's *Waste Classification Guidelines 2014 (as amended from time to time)*

- Provide details of liquid waste and non-liquid waste management at the facility, including:
  a) the transportation, assessment and handling of waste arriving at or generated at the site
  b) any stockpiling of wastes or recovered materials at the site
  c) any waste processing related to the facility, including reuse, recycling, reprocessing (including composting) or treatment both on- and off-site
  d) the method for disposing of all wastes or recovered materials at the facility
  e) the emissions arising from the handling, storage, processing and reprocessing of waste at the facility
  f) the proposed controls for managing the environmental impacts of these activities.
- Provide details of spoil disposal with particular attention to:
  a) the quantity of spoil material likely to be generated
  b) proposed strategies for the handling, stockpiling, reuse/recycling and disposal of spoil
  c) the need to maximise reuse of spoil material in the construction industry
  d) identification of the history of spoil material and whether there is any likelihood of contaminated material, and if so, measures for the management of any contaminated material
  e) designation of transportation routes for transport of spoil.
- Provide details of procedures for the assessment, handling, storage, transport and disposal of all hazardous and dangerous materials used, stored, processed or disposed of at the site, in addition to the requirements for liquid and non-liquid wastes.
- Provide details of the type and quantity of any chemical substances to be used or stored and describe arrangements for their safe use and storage.

- Reference should be made to the guidelines: EPA's *Waste Classification Guidelines 2014 (as amended from time to time)*

ESD

- Demonstrate that the planning process and any subsequent development incorporates objectives and mechanisms for achieving ESD, including:
  a) an assessment of a range of options available for use of the resource, including the benefits of each option to future generations

  proper valuation and pricing of environmental resources

  b) identification of who will bear the environmental costs of the proposal.

3. Consideration of alternatives and justification for the proposal

- Consider the environmental consequences of adopting alternatives, including alternative:
  a) sites and site layouts
  b) access modes and routes
  c) materials handling and production processes
  d) waste and water management
  e) impact mitigation measures
  f) energy sources
- Selection of the preferred option should be justified in terms of:
  a) ability to satisfy the objectives of the proposal
  b) relative environmental and other costs of each alternative
  c) acceptability of environmental impacts and contribution to identified environmental objectives
  d) acceptability of any environmental risks or uncertainties
  e) reliability of proposed environmental impact mitigation measures
  f) efficient use (including maximising re-use) of land, raw materials, energy and other resources.

C The location

1. General

- Provide an overview of the affected environment to place the proposal in its local and regional environmental context including:
  a) meteorological data (e.g. rainfall, temperature and evaporation, wind speed and direction)
  b) topography (landform element, slope type, gradient and length)
  c) surrounding land uses (potential synergies and conflicts)
  d) geomorphology (rates of landform change and current erosion and deposition processes)
  e) soil types and properties (including erodibility; engineering and structural properties; dispersibility; permeability; presence of acid sulfate soils and potential acid sulfate soils)
  f) ecological information (water system habitat, vegetation, fauna)
  g) availability of services and the accessibility of the site for passenger and freight transport.

2. Air

- Describe the topography and surrounding land uses. Provide details of the exact locations of dwellings, schools and hospitals. Where appropriate provide a perspective view of the study area such as the terrain file used in dispersion models.
- Describe surrounding buildings that may effect plume dispersion.
- Provide and analyse site representative data on following meteorological parameters:
  a) temperature and humidity
  b) rainfall, evaporation and cloud cover
  c) wind speed and direction
  d) atmospheric stability class
  e) mixing height (the height that emissions will be ultimately mixed in the atmosphere)
  f) katabatic air drainage
  g) air re-circulation.

3. Noise and vibration

- Identify any noise sensitive locations likely to be affected by activities at the site, such as residential properties, schools, churches, and hospitals. Typically the location of any noise sensitive locations in relation to the site should be included on a map of the locality.
- Identify the land use zoning of the site and the immediate vicinity and the potentially affected areas.

4. Water

- Describe the catchment including proximity of the development to any waterways and provide an assessment of their sensitivity/significance from a public health, ecological and/or economic perspective. The Water Quality and River Flow Objectives on the website: http://www.environment.nsw.gov.au/ieo/index.htm should be used to identify the agreed environmental values and human uses for any affected waterways. This will help with the description of the local and regional area.

5. Soil Contamination Issues

- Provide details of site history – if earthworks are proposed, this needs to be considered with regard to possible soil contamination, for example if the site was previously a landfill site or if irrigation of effluent has occurred.

D Identification and prioritisation of issues / scoping of impact assessment

- Provide an overview of the methodology used to identify and prioritise issues. The methodology should take into account:
  a) relevant NSW government guidelines
  b) industry guidelines
  c) EISs for similar projects
  d) relevant research and reference material
  e) relevant preliminary studies or reports for the proposal
  f) consultation with stakeholders.
- Provide a summary of the outcomes of the process including:
  a) all issues identified including local, regional and global impacts (e.g. increased/ decreased greenhouse emissions)
  b) key issues which will require a full analysis (including comprehensive baseline assessment)
  c) issues not needing full analysis though they may be addressed in the mitigation strategy
  d) justification for the level of analysis proposed (the capacity of the proposal to give rise to high concentrations of pollution compared with the ambient environment or environmental outcomes is an important factor in setting the level of assessment).

E The environmental issues

1. General

- The potential impacts identified in the scoping study need to be assessed to determine their significance, particularly in terms of achieving environmental outcomes, and minimising environmental pollution.
- Identify gaps in information and data relevant to significant impacts of the proposal and any actions proposed to fill those information gaps so as to enable development of appropriate management and mitigation measures. This is in accordance with ESD requirements.

Note: The level of detail should match the level of importance of the issue in decision making which is dependent on the environmental risk.

Describe baseline conditions

- Provide a description of existing environmental conditions for any potential impacts.

Assess impacts

- For any potential impacts relevant for the assessment of the proposal provide a detailed analysis of the impacts of the proposal on the environment including the cumulative impact of the proposal on the receiving environment especially where there are sensitive receivers.
- Describe the methodology used and assumptions made in undertaking this analysis (including any modelling or monitoring undertaken) and indicate the level of confidence in the predicted outcomes and the resilience of the environment to cope with the predicted impacts.
- The analysis should also make linkages between different areas of assessment where necessary to enable a full assessment of environmental impacts e.g. assessment of impacts on air quality will often need to draw on the analysis of traffic, health, social, soil and/or ecological systems impacts; etc.
- The assessment needs to consider impacts at all phases of the project cycle including: exploration (if relevant or significant), construction, routine operation, start-up operations, upset operations and decommissioning if relevant.
- The level of assessment should be commensurate with the risk to the environment.

Describe management and mitigation measures

- Describe any mitigation measures and management options proposed to prevent, control, abate or mitigate identified environmental impacts associated with the proposal and to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
- Proponents are expected to implement a 'reasonable level of performance' to minimise environmental impacts. The proponent must indicate how the proposal meets reasonable levels of performance. For example, reference technology based criteria if available, or identify good practice for this type of activity or development. A 'reasonable level of performance' involves adopting and implementing technology and

management practices to achieve certain pollutant emissions levels in economically viable operations. Technology-based criteria evolve gradually over time as technologies and practices change.

- Use environmental impacts as key criteria in selecting between alternative sites, designs and technologies, and to avoid options having the highest environmental impacts.
- Outline any proposed approach (such as an Environmental Management Plan) that will demonstrate how commitments made in the EIS will be implemented. Areas that should be described include:

a. operational procedures to manage environmental impacts
b. monitoring procedures
c. training programs
d. community consultation
e. complaint mechanisms including site contacts
f. strategies to use monitoring information to improve performance
g. strategies to achieve acceptable environmental impacts and to respond in event of exceedences.

4. Air

Describe baseline conditions

- Provide a description of existing air quality and meteorology, using existing information and site representative ambient monitoring data.

Assess impacts

- Identify all pollutants of concern and estimate emissions by quantity (and size for particles), source and discharge point.
- Estimate the resulting ground level concentrations of all pollutants. Where necessary (e.g. potentially significant impacts and complex terrain effects), use an appropriate dispersion model to estimate ambient pollutant concentrations. Discuss choice of model and parameters with the EPA.
- Describe the effects and significance of pollutant concentration on the environment, human health, amenity and regional ambient air quality standards or goals.
- Describe the contribution that the development will make to regional and global pollution, particularly in sensitive locations.
- For potentially odorous emissions provide the emission rates in terms of odour units (determined by techniques compatible with EPA procedures). Use sampling and analysis techniques for individual or complex odours and for point or diffuse sources, as appropriate.

  Note: With dust and odour, it may be possible to use data from existing similar activities to generate emission rates.

- Reference should be made to:

a. *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (DEC, 2016);

b. *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* (DEC, 2007);

c. *Assessment and Management of Odour from Stationary Sources in NSW* (DEC, 2006) *and*

d. *Technical Notes: Assessment and Management of Odour from Stationary Sources in NSW (DEC, 2006)*.

Describe management and mitigation measures

- Outline specifications of pollution control equipment (including manufacturer's performance guarantees where available) and management protocols for both point and fugitive emissions. Where possible, this should include cleaner production processes.

5. Human Health Risk Assessment

- A human health risk assessment must be undertaken in conjunction with the air quality and odour impact assessment.
- The human health risk assessment must be undertaken in accordance with *Environmental Health Risk Assessment: Guidelines for assessing human health risks from environmental hazards* (enHealth) and must include:
  - the inhalation of criteria pollutants and exposure from all pathways i.e., inhalation, ingestion and dermal to specific air toxics; and
  - a demonstration of how the waste to energy facility would be operated in accordance with best practice measures to manage air emissions with consideration of the *Environment Protection Authority's NSW Energy from Waste Policy Statement*.

6. Noise and vibration

Describe baseline conditions

- Determine the existing background (LA90) and ambient (LAeq) noise levels, as relevant, in accordance with the *NSW Noise Policy for Industry*.
- Determine the existing road traffic noise levels in accordance with the *NSW Road Noise Policy*, where road traffic noise impacts may occur.
- The noise impact assessment report should provide details of all monitoring of existing ambient noise levels including:
  a) details of equipment used for the measurements
  b) a brief description of where the equipment was positioned
  c) a statement justifying the choice of monitoring site(s), including the procedure used to choose the site(s), having regards to Fact Sheets A and B of the *NSW Noise Policy for Industry*.
  d) details of the exact location of the monitoring site and a description of land uses in surrounding areas
  e) a description of the dominant and background noise sources at the site

f) day, evening and night assessment background levels for each day of the monitoring period

g) the final Rating Background Level (RBL) value

h) graphs of the measured noise levels for each day should be provided

i) a record of periods of affected data (due to adverse weather and extraneous noise), methods used to exclude invalid data and a statement indicating the need for any re-monitoring.

Assess impacts

- Determine the project noise trigger levels for the site. For each identified potentially affected receiver, this should include:
  a) determination of the project intrusive noise level for each identified potentially affected receiver
  b) selection and justification of the appropriate amenity category for each identified potentially affected receiver
  c) determination of the project amenity noise level for each receiver
  d) determination of the appropriate maximum noise level event assessment (sleep disturbance) trigger level.
- Maximum noise levels during night-time period (10pm-7am) should be assessed to analyse possible affects on sleep. Determine expected noise level and noise character likely to be generated from noise sources during:
  a) site establishment
  b) construction
  c) operational phases
  d) transport including traffic noise generated by the proposal
  e) other services.

  Note: The noise impact assessment report should include noise source data for each source in 1/1 or 1/3 octave band frequencies including methods for references used to determine noise source levels. Noise source levels and characteristics can be sourced from direct measurement of similar activities or from literature (if full references are provided).
- Determine the noise levels likely to be received at the reasonably most affected location(s) (these may vary for different activities at each phase of the development).
- The noise impact assessment report should include:
  a) a plan showing the assumed location of each noise source for each prediction scenario
  b) a list of the number and type of noise sources used in each prediction scenario to simulate all potential significant operating conditions on the site
  c) any assumptions made in the predictions in terms of source heights, directivity effects, shielding from topography, buildings or barriers, etc
  d) methods used to predict noise impacts including identification of any noise models used.
  e) the weather conditions considered for the noise predictions

f) the predicted noise impacts from each noise source as well as the combined noise level for each prediction scenario

g) for developments where a significant level of noise impact is likely to occur, noise contours for the key prediction scenarios should be derived

h) an assessment of the need to include modification factors as detailed in Fact Sheet C of the *NSW Noise Policy for Industry*.

- Discuss the findings from the predictive modelling and, where relevant noise criteria have not been met, recommend additional feasible and reasonable mitigation measures.
- The noise impact assessment report should include details of any mitigation proposed including the attenuation that will be achieved and the revised noise impact predictions following mitigation.

  a) Where relevant noise/vibration levels cannot be met after application of all feasible and reasonable mitigation measures the residual level of noise impact needs to be quantified

- For the assessment of existing and future traffic noise, details of data for the road should be included such as assumed traffic volume; percentage heavy vehicles by time of day; and details of the calculation process. These details should be consistent with any traffic study carried out in the EIS.

Describe management and mitigation measures

- Determine the most appropriate noise mitigation measures and expected noise reduction including both noise controls and management of impacts for both construction and operational noise. This will include selecting quiet equipment and construction methods, noise barriers or acoustic screens, location of stockpiles, temporary offices, compounds and vehicle routes, scheduling of activities, etc.
- For traffic noise impacts, provide a description of the ameliorative measures considered (if required), reasons for inclusion or exclusion, and procedures for calculation of noise levels including ameliorative measures. Also include, where necessary, a discussion of any potential problems associated with the proposed ameliorative measures, such as overshadowing effects from barriers. Appropriate ameliorative measures may include:

  a) use of alternative transportation modes, alternative routes, or other methods of avoiding the new road usage

  b) control of traffic (eg: limiting times of access or speed limitations)

  c) resurfacing of the road using a quiet surface

  d) use of (additional) noise barriers or bunds

  e) treatment of the façade to reduce internal noise levels buildings where the night-time criteria is a major concern

  f) more stringent limits for noise emission from vehicles (i.e. using specially designed 'quite' trucks and/or trucks to use air bag suspension

  g) driver education

  h) appropriate truck routes

  i) limit usage of exhaust brakes

  j) use of premium muffles on trucks

  k) reducing speed limits for trucks

l) ongoing community liaison and monitoring of complaints

m) phasing in the increased road use.

4. Water

Describe baseline conditions

- Describe existing surface and groundwater quality – an assessment needs to be undertaken for any water resource likely to be affected by the proposal and for all conditions (e.g. a wet weather sampling program is needed if runoff events may cause impacts).

  Note: Methods of sampling and analysis need to conform with an accepted standard (e.g. Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC 2004) *or be approved and analyses undertaken by accredited laboratories).*

- Provide site drainage details and surface runoff yield.
- State the ambient Water Quality and River Flow Objectives for the receiving waters. These refer to the community's agreed environmental values and human uses endorsed by the Government as goals for the ambient waters. These environmental values are published on the website: http://www.environment.nsw.gov.au/ieo/index.htm. The EIS should state the environmental values listed for the catchment and waterway type relevant to your proposal. NB: A consolidated and approved list of environmental values are not available for groundwater resources. Where groundwater may be affected the EIS should identify appropriate groundwater environmental values and justify the choice.
- State the indicators and associated trigger values or criteria for the identified environmental values. This information should be sourced from the ANZECC 2000 *Guidelines for Fresh and Marine Water Quality* (http://www.environment.gov.au/water/publications/quality/nwqms-guidelines-4-vol1.html) (Note that, as at 2004, the NSW Water Quality Objectives booklets and website contain technical criteria derived from the 1992 version of the ANZECC Guidelines. The Water Quality Objectives remain as Government Policy, reflecting the community's environmental values and long-term goals, but the technical criteria are replaced by the more recent ANZECC 2000 Guidelines). NB: While specific guidelines for groundwater are not available, the ANCECC 2000 Guidelines endorse the application of the trigger values and decision trees as a tool to assess risk to environmental values in groundwater.
- State any locally specific objectives, criteria or targets, which have been endorsed by the government e.g. the Healthy Rivers Commission Inquiries or the NSW Salinity Strategy (DLWC, 2000) (http://www.environment.nsw.gov.au/salinity/government/nswstrategy.htm).
- Where site specific studies are proposed to revise the trigger values supporting the ambient Water Quality and River Flow Objectives, and the results are to be used for regulatory purposes (e.g. to assess whether a licensed discharge impacts on water quality objectives), then prior agreement from the EPA on the approach and study design must be obtained.
- Describe the state of the receiving waters and relate this to the relevant Water Quality and River Flow Objectives (i.e. are Water Quality and River Flow Objectives being achieved?). Proponents are generally only expected to source available data and information. However, proponents of large or high risk developments may be required to collect some ambient water quality / river flow / groundwater data to enable a suitable level of impact assessment. Issues to include in the description of the receiving waters could include:

  a) lake or estuary flushing characteristics

b) specific human uses (e.g. exact location of drinking water offtake)

c) sensitive ecosystems or species conservation values

d) a description of the condition of the local catchment e.g. erosion levels, soils, vegetation cover, etc

e) an outline of baseline groundwater information, including, but not restricted to, depth to watertable, flow direction and gradient, groundwater quality, reliance on groundwater by surrounding users and by the environment

f) historic river flow data where available for the catchment.

Assess impacts

- No proposal should breach clause 120 of the *Protection of the Environment Operations Act* 1997 (i.e. pollution of waters is prohibited unless undertaken in accordance with relevant regulations).
- Identify and estimate the quantity of all pollutants that may be introduced into the water cycle by source and discharge point including residual discharges after mitigation measures are implemented.
- Include a rationale, along with relevant calculations, supporting the prediction of the discharges.
- Describe the effects and significance of any pollutant loads on the receiving environment. This should include impacts of residual discharges through modelling, monitoring or both, depending on the scale of the proposal. Determine changes to hydrology (including drainage patterns, surface runoff yield, flow regimes, wetland hydrologic regimes and groundwater).
- Describe water quality impacts resulting from changes to hydrologic flow regimes (such as nutrient enrichment or turbidity resulting from changes in frequency and magnitude of stream flow).
- Identify any potential impacts on quality or quantity of groundwater describing their source.
- Identify potential impacts associated with geomorphological activities with potential to increase surface water and sediment runoff or to reduce surface runoff and sediment transport. Also consider possible impacts such as bed lowering, bank lowering, instream siltation, floodplain erosion and floodplain siltation.
- Identify impacts associated with the disturbance of acid sulfate soils and potential acid sulfate soils.
- Containment of spills and leaks shall be in accordance with EPA's guidelines section 'Bunding and Spill Management' at http://www.epa.nsw.gov.au/mao/bundingspill.htm and the most recent versions of the Australian Standards referred to in the Guidelines. Containment should be designed for no-discharge.
- The significance of the impacts listed above should be predicted. When doing this it is important to predict the ambient water quality and river flow outcomes associated with the proposal and to demonstrate whether these are acceptable in terms of achieving protection of the Water Quality and River Flow Objectives. In particular the following questions should be answered:

a. will the proposal protect Water Quality and River Flow Objectives where they are currently achieved in the ambient waters; and

b. will the proposal contribute towards the achievement of Water Quality and River Flow Objectives over time, where they are not currently achieved in the ambient waters.

- Consult with the EPA as soon as possible if a mixing zone is proposed (a mixing zone could exist where effluent is discharged into a receiving water body, where the quality of the water being discharged does not immediately meet water quality objectives. The mixing zone could result in dilution, assimilation and decay of the effluent to allow water quality objectives to be met further downstream, at the edge of the

mixing zone). The EPA will advise the proponent under what conditions a mixing zone will and will not be acceptable, as well as the information and modelling requirements for assessment.

Note: The assessment of water quality impacts needs to be undertaken in a total catchment management context to provide a wide perspective on development impacts, in particular cumulative impacts.

- Where a licensed discharge is proposed, provide the rationale as to why it cannot be avoided through application of a reasonable level of performance, using available technology, management practice and industry guidelines.
- Where a licensed discharge is proposed, provide the rationale as to why it represents the best environmental outcome and what measures can be taken to reduce its environmental impact.
- Reference should be made to:

a. *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004);

b. *Guidelines for Fresh and Marine Water Quality* ANZECC 2000).

Describe management and mitigation measures

- Outline stormwater management to control pollutants at the source and contain them within the site. Also describe measures for maintaining and monitoring any stormwater controls.
- Outline erosion and sediment control measures directed at minimising disturbance of land, minimising water flow through the site and filtering, trapping or detaining sediment. Also include measures to maintain and monitor controls as well as rehabilitation strategies.
- Describe waste water treatment measures that are appropriate to the type and volume of waste water and are based on a hierarchy of avoiding generation of waste water; capturing all contaminated water (including stormwater) on the site; reusing/recycling waste water; and treating any unavoidable discharge from the site to meet specified water quality requirements.
- Outline pollution control measures relating to storage of materials, possibility of accidental spills (e.g. preparation of contingency plans), appropriate disposal methods, and generation of leachate.
- Describe hydrological impact mitigation measures including:
  a) site selection (avoiding sites prone to flooding and waterlogging, actively eroding or affected by deposition)
  b) minimising runoff
  c) minimising reductions or modifications to flow regimes
  d) avoiding modifications to groundwater.
- Describe groundwater impact mitigation measures including:
  a) site selection
  b) retention of native vegetation and revegetation
  c) artificial recharge
  d) providing surface storages with impervious linings
  e) monitoring program.

- Describe geomorphological impact mitigation measures including:
  a) site selection
  b) erosion and sediment controls
  c) minimising instream works
  d) treating existing accelerated erosion and deposition
  e) monitoring program.
- Any proposed monitoring should be undertaken in accordance with the *Approved Methods for the Sampling and Analysis of Water Pollutants in NSW* (DEC 2004).

5. Soils and contamination

Describe baseline conditions

- Provide any details (in addition to those provided in the location description - Section C) that are needed to describe the existing situation in terms of soil types and properties and soil contamination.

Assess impacts

- Identify any likely impacts resulting from the construction or operation of the proposal, including the likelihood of:
  a) disturbing any existing contaminated soil
  b) contamination of soil by operation of the activity
  c) subsidence or instability
  d) soil erosion
  e) disturbing acid sulfate or potential acid sulfate soils.
- Reference should be made to:

a. *Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites* (OEH, 2011);

b. *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997* (EPA, 2015).

Describe management and mitigation measures

- Describe and assess the effectiveness or adequacy of any soil management and mitigation measures during construction and operation of the proposal including:
  a) erosion and sediment control measures
  b) proposals for site remediation – see *Managing Land Contamination, Planning Guidelines SEPP 55 – Remediation of Land* (Department of Urban Affairs and Planning and Environment Protection Authority, 1998)

c) proposals for the management of these soils – see *Acid Sulfate Soil Manual* (Acid Sulfate Soil Advisory Committee 1998) and *Acid Sulfate Soils Assessment Guidelines* (Acid Sulfate Soil Advisory Committee 1998).

6. Waste and chemicals

Describe baseline conditions

- Describe any existing waste or chemicals operations related to the proposal.

Assess impacts

- Assess the adequacy of proposed measures to minimise natural resource consumption and minimise impacts from the handling, transporting, storage, processing and reprocessing of waste and/or chemicals.
- Reference should be made to: the EPA's *Waste Classification Guidelines 2014 (as in force from time to time)*
- If the proposal is an energy from waste facility it must:
  - demonstrate that the proposed operation will comply with the NSW EPA's Energy from Waste Policy Statement;
  - describe of the classes and quantities of waste that would be thermally treated at the facility;
  - demonstrate that waste used as a feedstock in the waste to energy plant would be the residual from a resource recovery process that maximises the recovery of material;
  - detail procedures that would be implemented to control the inputs to the waste to energy plant, including contingency measures that would be implemented if inappropriate materials are identified;
  - detail the location and size of stockpiles of unprocessed and processed recycled waste at the site;
  - demonstrate any waste material (e.g. biochar, ash) produced from the waste to energy facility for land application is fit-for-purpose and poses minimal risk of harm to the environment in order to meet the requirements for consideration of a resource recovery order and /or exemption by the EPA;
  - detail procedures for the management of other solid, liquid and gaseous waste streams;
  - describe how waste would be treated, stored, used, disposed and handled on site, and transported to and from the site, and the potential impacts associated with these issues, including current and future offsite waste disposal methods; and
  - identify the measures that would be implemented to ensure that the development is consistent with the aims, objectives and guidance in the *NSW Waste Avoidance and Resource Recovery Strategy 2014-21*.

Describe management and mitigation measures

- Outline measures to minimise the consumption of natural resources.

- Outline measures to avoid the generation of waste and promote the re-use and recycling and reprocessing of any waste.
- Outline measures to support any approved regional or industry waste plans.

7. Cumulative impacts

- Identify the extent that the receiving environment is already stressed by existing development and background levels of emissions to which this proposal will contribute.
- Assess the impact of the proposal against the long term air, noise and water quality objectives for the area or region.
- Identify infrastructure requirements flowing from the proposal (e.g. water and sewerage services, transport infrastructure upgrades).
- Assess likely impacts from such additional infrastructure and measures reasonably available to the proponent to contain such requirements or mitigate their impacts (e.g. travel demand management strategies).

F. List of approvals and licences

- Identify all approvals and licences required under environment protection legislation including details of all scheduled activities, types of ancillary activities and types of discharges (to air, land, water).

G. Compilation of mitigation measures

- Outline how the proposal and its environmental protection measures would be implemented and managed in an integrated manner so as to demonstrate that the proposal is capable of complying with statutory obligations under EPA licences or approvals (e.g. outline of an environmental management plan).
- The mitigation strategy should include the environmental management and cleaner production principles which would be followed when planning, designing, establishing and operating the proposal. It should include two sections, one setting out the program for managing the proposal and the other outlining the monitoring program with a feedback loop to the management program.

H. Justification for the Proposal

- Reasons should be included which justify undertaking the proposal in the manner proposed, having regard to the potential environmental impacts.

ATTACHMENT C: GUIDANCE MATERIAL

Title	Web address
Relevant Legislation	
Contaminated Land Management Act 1997	http://www.legislation.nsw.gov.au/#/view/act/1997/140
Environmentally Hazardous Chemicals Act 1985	http://www.legislation.nsw.gov.au/#/view/act/1985/14
Environmental Planning and Assessment Act 1979	http://www.legislation.nsw.gov.au/#/view/act/1979/203
Protection of the Environment Operations Act 1997	http://www.legislation.nsw.gov.au/#/view/act/1997/156
Water Management Act 2000	http://www.legislation.nsw.gov.au/#/view/act/2000/92
Licensing	
Guide to Licensing	www.epa.nsw.gov.au/licensing/licenceguide.htm
Air Issues	
Air Quality	
Approved methods for modelling and assessment of air pollutants in NSW (2016)	http://www.epa.nsw.gov.au/air/appmethods.htm
POEO (Clean Air) Regulation 2010	http://www.legislation.nsw.gov.au/#/view/regulation/2010/428
Noise and Vibration	
NSW Noise Policy for Industry	http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)
Interim Construction Noise Guideline (DECC, 2009)	http://www.epa.nsw.gov.au/noise/constructnoise.htm
Assessing Vibration: a technical guideline (DEC, 2006)	http://www.epa.nsw.gov.au/noise/vibrationguide.htm
NSW Road Noise Policy (DECCW, 2011)	http://www.epa.nsw.gov.au/your-environment/noise/transport-noise
NSW Rail Infrastructure Noise Guideline (EPA, 2013)	http://www.epa.nsw.gov.au/your-environment/noise/transport-noise
Human Health Risk Assessment	

Environmental Health Risk Assessment: Guidelines for assessing human health risks from environmental hazards (enHealth, 2012)	http://www.eh.org.au/documents/item/916
Waste, Chemicals and Hazardous Materials and Radiation	
Waste	
Environmental Guidelines: Solid Waste Landfills (EPA, 2016)	http://www.epa.nsw.gov.au/waste/landfill-sites.htm
Draft Environmental Guidelines - Industrial Waste Landfilling (April 1998)	http://www.epa.nsw.gov.au/resources/waste/envguidlns/industrialfill.pdf
EPA's Waste Classification Guidelines 2014	http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm
Resource recovery orders and exemptions	http://www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm
European Unions Waste Incineration Directive 2000	http://ec.europa.eu/environment/archives/air/stationary/wid/legislation.htm
EPA's Energy from Waste Policy Statement	http://www.epa.nsw.gov.au/wastestrategy/energy-from-waste.htm
NSW Waste Avoidance and Resource Recovery Strategy 2014-2021	http://www.epa.nsw.gov.au/wastestrategy/warr.htm
Chemicals subject to Chemical Control Orders	
Chemical Control Orders (regulated through the EHC Act)	http://www.epa.nsw.gov.au/pesticides/CCOs.htm
National Protocol - Approval/Licensing of Trials of Technologies for the Treatment/Disposal of Schedule X Wastes - July 1994	Available in libraries
National Protocol for Approval/Licensing of Commercial Scale Facilities for the Treatment/Disposal of Schedule X Wastes - July 1994	Available in libraries
Water and Soils	
Acid sulphate soils	
Coastal acid sulfate soils guidance material	http://www.environment.nsw.gov.au/acidsulfatesoil/ and http://www.epa.nsw.gov.au/mao/acidsulfatesoils.htm
Acid Sulfate Soils Planning Maps	http://www.environment.nsw.gov.au/acidsulfatesoil/riskmaps.htm
Contaminated Sites Assessment and Remediation	
Managing land contamination: Planning Guidelines – SEPP 55 Remediation of Land	http://www.epa.nsw.gov.au/clm/planning.htm

Guidelines for Consultants Reporting on Contaminated Sites (EPA, 2000)	http://www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf
Guidelines for the NSW Site Auditor Scheme - 2nd edition (DEC, 2006)	http://www.epa.nsw.gov.au/resources/clm/auditorglines06121.pdf
Sampling Design Guidelines (EPA, 1995)	http://www.epa.nsw.gov.au/resources/clm/95059sampgdlne.pdf
National Environment Protection (Assessment of Site Contamination) Measure 1999 (or update)	http://www.scew.gov.au/nepms/assessment-site-contamination
Soils – general	
Managing land and soil	http://www.environment.nsw.gov.au/soils/landandsoil.htm
Managing urban stormwater for the protection of soils	http://www.environment.nsw.gov.au/stormwater/publications.htm
Landslide risk management guidelines	http://australiangeomechanics.org/admin/wp-content/uploads/2010/11/LRM2000-Concepts.pdf
Site Investigations for Urban Salinity (DLWC, 2002)	http://www.environment.nsw.gov.au/resources/salinity/booklet3siteinvestigationsforurbansalinity.pdf
Local Government Salinity Initiative Booklets	http://www.environment.nsw.gov.au/salinity/solutions/urban.htm
Water	
Water Quality Objectives	http://www.environment.nsw.gov.au/ieo/index.htm
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	http://www.environment.gov.au/water/publications/quality/nwqms-guidelines-4-vol1.html
Applying Goals for Ambient Water Quality Guidance for Operations Officers - Mixing Zones	Contact the EPA on 131555
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf

Council Reference:
Your Reference: **SSD-19891249**

TWEED SHIRE COUNCIL

8 June 2021

Customer Service | 1300 292 872 | (02) 6670 2400

tsc@tweed.nsw.gov.au
www.tweed.nsw.gov.au

Fax (02) 6670 2429
PO Box 816
Murwillumbah NSW 2484

Please address all communications to the General Manager

ABN: 90 178 732 496

Industry Assessments
Department of Planning, Industry & Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Attention: Sally Munk

Dear Sir / Madam

Tweed Shire Council SEARs Submission – Condong Cogeneration Plant – Use of Recovered Timber Fuels - State Significant Development (SSD-19891249)

I refer to the Department's invitation for Council's input into the SEARs for the proposed Condong Cogeneration Plant – Use of Recovered Timber Fuels State significant development (SSD) application (SSD-19891249).

Council officers have undertaken a review of the proponent's Scoping Report and provide the following comments for the Department's consideration.

Environmental Health

- Prepare an assessment of the potential environmental impacts of the development, identifying the key issues for further assessment. This assessment must be conducted at all stages of the development from construction to proposed use, and must include any accumulative impacts of the proposed development.

- Provide a description of the measures that would be implemented to avoid, minimise and if necessary, offset the potential impacts of the development, including proposals for adaptive management and/or contingency plans to manage any significant risks to the environment.

- The EIS must demonstrate how the developments is committed to implement industry best practices and ongoing environmental improvement.

- The development must address the following statutory provisions:
  - Planning Policy No. 33 – Hazardous and Offensive Development; and
  - State Environmental Planning Policy No. 55 – Remediation of Land.

- The development must be consistent with the following State and international waste legislation and policy:
  - NSW Energy from Waste Policy Statement (EPA 2015);
  - NSW Protection of the Environment Operations Act 1997;
  - NSW Protection of the Environment Operations (Waste) Regulations 2014;
  - NSW Protection of the Environment Operations (Noise Control) Regulation 2017;

- NSW Waste Avoidance and Resource Recovery Strategy 2014-2021;
- NSW Waste Classification Guidelines o NSW Waste Levy Guidelines (EPA 2018); and
- European IPPC Bureau 'Industrial Emissions Directive' and BAT (Best Available Techniques) Reference Document (BREF) BREF 2019.

Contamination

- The Development Application will need to address current and previous site uses in accordance with SEPP 55 – Remediation of Land. Suggest matters be pursued with Council's Environmental Health Officers at this stage.

Unexpected Finds Protocol – Site Contamination

- An Unexpected Finds Protocol shall be prepared by a suitably qualified person to the satisfaction of Certifying Authority that addresses how any unexpected or suspicious materials with the potential to be wastes or relate to contamination will be managed. Should these materials be discovered, all site works must cease immediately. No works shall be undertaken until the required investigations have been completed and any permits or approvals obtained where required to the satisfaction of the Certifying Authority.

Acid sulfate soil and Dewatering

- The subject site has been classified as Class 3 and 4 acid sulfate soils and has high ground water vulnerability.
- Where acid sulfate soil and/or groundwater will be or is likely to be intercepted by the proposal, the applicant shall address Section 7.1 of the Tweed LEP 2014 and Council's Dewatering in the Tweed Guide available https://www.tweed.nsw.gov.au/Documents/Planning/TSC12355_Dewatering_in_the_Tweed_Guideline.pdf.

- If any of the following works is to be conducted, a Acid Sulfate Soil Management Plan and/or Dewatering Management Plan developed by a suitably qualified environmental consultant to be submitted with the Development Application:

- *Class 3*

  Works beyond 1 metre below the natural ground surface
  Works by which the watertable is likely to be lowered beyond 1 metre below the natural ground surface 4

- *Class 4*

  Works beyond 2 metre below the natural ground surface
  Works by which the watertable is likely to be lowered beyond 2 metres below the natural ground surface

Air Quality Amenity impacts

Construction

- The EIS must include a construction management plan that address impacts on the amenity, those include but are not limited to noise, odour, dust, hours of operation, vibration. The plan shall include details about complaints

management including contact details of the appropriate complaints management person.

Operation

Air Quality and Odour

- The IES must include an Air Quality and Odour assessment developed by suitably qualified consultants that include:

- A quantitative assessment of the potential air quality, dust and odour impacts of all stages of the development on surrounding landowners, businesses and sensitive receptors, in accordance with the relevant Environment Protection Authority guidelines, including 'worst case' emission scenarios (including a trip or emergency shutdown) ;
- A description of all potential air emissions and odours and their sources, including construction, operational, transport sources and dust generation;
- Details of the receiving environment, including meteorology and climate, topography, surrounding land use, sensitive receptors and current air quality;
- Justification for the level of assessment undertaken on the basis of risk factors, including but not limited to the proposal location, characteristics of the receiving environment and the type and quantity of the pollutants emitted;
- Details of the proposed technology and a demonstration that it is technically fit for-purpose, including details of commissioning and proof of performance and examples of where this has been used that demonstrate it suitability;
- Details of emission control techniques and practices, including emission sampling and monitoring, that will be employed, and benchmark these against best practice emission control and management, with reference to the European IPPC Bureau 'Industrial Emissions Directive', BAT (Best Available Techniques) Reference Document (BREF) BREF 2019 and the Environment Protection Authority's 'NSW Energy from Waste Policy' (2015);
- An assessment of cumulative air quality impacts associated with the facility and surrounding developments;
- Details of all proposed air quality and odour management, mitigation and monitoring measures, including proposed monitoring procedures and equipment;
- Assessment and analysis of potential greenhouse gas emissions from the development and an assessment of potential impacts on the environment in accordance with relevant guidelines;
- Details of operational controls to minimise greenhouse gas emissions;

Human Health

- The IES must include a Human Health Risk assessment in accordance with the 'Environmental Health Risk Assessment: Guidelines for assessing human health risks from environmental hazards' (enHealth, 2012). The assessment must consider impacts from:
    - Exposure, Inhalation, Ingestion and dermal contact with pollutants that may be present in the proposed fuel waste;
    - Consider impacts on drinking water from water sources.

Waste fuel

- The application must include details about management of the fuel waste from screening, transportation, storage and processing:

    - Details and a description of the sources, classes, quantities and composition of waste streams that would be thermally treated at the facility and documented procedures to ensure compliance with the proposed waste type composition;
    - Demonstration that waste used as a feedstock in the facility would be the residual from a resource recovery process that maximises the recovery of material in accordance with Environment Protection Authority guidelines and 'NSW Energy from Waste Policy Statement' (2015);
    - A detailed description of waste processing procedures for each waste type received, including the types of pollution which may result from the storage and processing of that waste, mitigation measures for managing any such impacts, how inappropriate materials will be excluded from the waste stream and contingency measures that would be implemented if inappropriate materials are identified;
    - Details on the location and size of stockpiles of waste at the site;
    - Details of compliance with EPA regulations and guides about record keeping of waste and reporting requirements.

Waste generated

- Details of management, transport and disposal of waste generated including management of potential impacts any alternative to reduce impacts on local waste management facilities;
- Detailed description of the proposed immobilisation process for the flue gas residues, which immobilisation approval intended to be used (general or specific) and how the process will comply with legislated requirements.

Noise and Vibration

- A Noise Assessment Report prepared by a suitably qualified acoustic consultant shall be submitted with the application. This report will need to address potential noise sources including but not limited to: site activities, vehicle movements, traffic noise, mechanical ventilation, hours of operation and plant. The assessment shall asses potential construction, operational and transport noise and vibration impacts, including impacts on nearby sensitive receivers, landowners and businesses, in accordance with relevant Environment Protection Authority guidelines.

Visual

- A visual impact assessment that includes description of the visual catchment and considers the potential visual impacts of the development on the amenity of the surrounding area particularly from nearby public receivers and significant vantage points of the broader public domain.

- The assessment is to include details of any landscape or architectural design aimed to improve visual quality of the locations.

Aircraft Safety

- The applicant is to assess potential impacts that the development may cause for the Murwillumbah Airspace.

Public Health

- Advise of any changes to the current registered regulated systems (cooling towers, warm water systems and the like) as identified under the Public Health Act and Regulation.

Flooding / Stormwater

- Prepare a stormwater management strategy that provides details of stormwater and wastewater management systems including the capacity of onsite detention systems, details of water sensitive urban design measures, discharge locations, and measures to treat, reuse or dispose of water; and

- Prepare a flood impact assessment, including an assessment of overland flow paths and flood risk associated with the development both on and off the site.

Traffic

- Undertake a transport and traffic impact assessment as proposed within the Scoping Report.

For further information regarding this matter please contact Colleen Forbes on (02) 6670 2596.

Yours faithfully

Lindsay McGavin
Manager Development Assessment and Compliance

NSW GOVERNMENT Health

North Coast Public Health
Covering both Mid North Coast & Northern NSW Local Health Districts

Our Ref: SEARS-01-21

Sally Munk
Principal Planning Officer
Industry Assessments
Department of Planning, Industry and Environment
12 Darcy Street
PARRAMATTA NSW 2150

Dear Sally,

RE: Request for SEARS - SSD-19891249: Condong Cogeneration Plant

Thank you for the opportunity to contribute to the development of the Secretary's Environmental Assessment Requirements (SEARs) for the Condong Cogeneration Plant.

The Public Health Unit has reviewed the scoping report provided which provides an adequate description of the scope of the information required to assess the impacts of the proposed development. In particular the following information would assist the Public Health Unit when reviewing the Environmental Impact Statement with a focus on assessment of the health impacts from the proposed development.

Technical Detail

- Detailed description of plant design and treatment technology with a comparison to the EU reference facilities used in air quality modeling.

- Description of how plant fits with current best available technologies for stack emission controls.

Air quality and odour

- The inclusion of a clear and detailed comparison between the proposed waste feedstock for the Condong Cogeneration Plant and the chosen EU reference facilities.

- Clear information on the expected air quality and odour emissions from the proposed development based on the EU reference facility and compliance with the relevant NSW/Australian and EU emission controls.

- Description of local meteorological and topographical conditions used in air dispersion modelling in the calculation of the local ground level impacts on the surrounding community and facilities.

Waste Classification/management

- Include a detailed description of the process of waste classification and onsite management of waste feedstock (including out of spec waste) entering the plant to ensure that the actual feedstock consistently meets the predicted feedstock on which the air quality modelling and the health risk assessment have been based.

Health Risk Assessment

- Conduct in accordance with Environmental Health Risk Assessment Guidelines for Assessing Health Risks from Environmental Hazards and Exposure Factor Guidelines (enHealth).

- Include appropriate justified and realistic modelled scenarios on sensitive receivers including local residential areas, school and child care centres, recreational users of nearby waterways, riverine parklands, industry sites, (and any other identified sensitive receivers).

Paul Williamson

Senior Environmental Health Officer

7th June 2021

Sally Munk

From: Airport Developments <Airport.Developments@AirservicesAustralia.com>
Sent: Friday, 28 May 2021 11:31 AM
To: Sally Munk
Cc: Airspace Protection
Subject: HPE CM: NSW-MI-036 - SEARs, Condong Cogeneration Plant (SSD-19891249) [SEC=OFFICIAL]

Record Number: DOC2021/0438583

Hi Sally,

Airservices will require a Plume rise assessment to be conducted for this application. Please refer to link below for guidance from CASA on plume rise assessments.

https://www.casa.gov.au/files/advisory-circular-ac-139-05-plume-rise-assessmentspdf

Regards,

WILLIAM ZHAO
Advisor Airport Development
Direct (03) 9339 2182
Email airport.developments@airservicesaustralia.com
Tower Road, Melbourne Airport, Tullamarine VIC 3043

[redacted]

Department of Primary Industries

OUT21/7449

Sally Munk
Principal Planning Officer
Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcy St
Parramatta NSW 2150

Dear Ms Munk

SSD19891249 - Environmental Assessment Requirements – Condong Cogeneration Plant – Use of Recovered Timber Fuel, (Lot 1 DP 1058392, Lot 101 DP 1058418, Lots 19 and 23 DP 255029 123-153 McLeod Street, Condong NSW 2484)

Thank you for your correspondence dated 24 May 2021 requesting Environmental Assessment Requirements (EARs) for the above proposal.

The NSW Department of Primary Industries (NSW DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend.

An important issue for consideration within the environmental assessment requirements is:

- to ensure appropriate biosecurity measures are in place to enable continued agricultural investment in the area. Consultation with DPI's biosecurity unit is recommended to ensure any potential risks from the movement of material interstate are adequately mitigated.

Should you require clarification on any of the information contained in this response, please contact our Agricultural Land Use Planning team at landuse.ag@dpi.nsw.gov.au

Yours sincerely

T Prentice 7/6/2021

Tamara Prentice
Manager Agricultural Land Use Planning

NSW Department of Primary Industries - Agriculture
Locked Bag 21, Orange NSW 2800 | 161 Kite St, Orange NSW 2800
Email: landuse.ag@dpi.nsw.gov.au | www.dpi.nsw.gov.au | ABN: 19 948 325 463

OUT21/6761

Sally Munk
Planning and Assessment Group
NSW Department of Planning, Industry and Environment

sally.munk@planning.nsw.gov.au

Dear Ms Munk

Condong Cogeneration Plant - Recovered Timber Fuel (SSD-19891249)
Comment on the Secretary's Environmental Assessment Requirements (SEARs)

I refer to your email of 24 May 2021 to the Department of Planning, Industry and Environment (DPIE) Water and the Natural Resources Access Regulator (NRAR) about the above matter.

The following recommendations are provided by DPIE Water and NRAR.

The SEARS should include:

- The identification of an adequate and secure water supply for the life of the project. This includes confirmation that water can be sourced from an appropriately authorised and reliable supply. This is also to include an assessment of the current market depth where water entitlement is required to be purchased.
- A detailed and consolidated site water balance.
- Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Proposed surface and groundwater monitoring activities and methodologies.
- Consideration of relevant legislation, policies and guidelines, including the NSW Aquifer Interference Policy (2012), the Guidelines for Controlled Activities on Waterfront Land (2018) and the relevant Water Sharing Plans (available at https://www.industry.nsw.gov.au/water).

Any further referrals to DPIE Water and NRAR can be sent by email to landuse.enquiries@dpie.nsw.gov.au. or to the following coordinating officer within DPIE Water:

Alistair Drew, Project Officer
E: Alistair.drew@dpie.nsw.gov.au
M: 0417 626 567

Yours sincerely

Alistair Drew
Project Officer, Assessments
Water – Knowledge Office
27 May 2021

Our reference: DOC21/622653
Date: 1 June 2021

HERITAGE NSW – Aboriginal Cultural Heritage - SEARs

Project Name: Condong Cogeneration Plant – Recovered Timber Fuel Project
SSD/I #: SSD-19891249

1. The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigation in NSW (DECCW 2010), and be guided by the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales (OEH 2011).
2. Consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.
3. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to Heritage NSW.
4. The assessment of Aboriginal cultural heritage values must include a surface survey undertaken by a qualified archaeologist. The result of the surface survey is to inform the need for targeted test excavation to better assess the integrity, extent, distribution, nature and overall significance of the archaeological record. The results of surface surveys and test excavations are to be documented in the ACHAR.
5. The ACHAR must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the project to formulate appropriate measures to manage unforeseen impacts.
6. The ACHAR must outline procedures to be followed in the event Aboriginal burials or skeletal material is uncovered during construction to formulate appropriate measures to manage the impacts to this material.

NOTE: The process described in the *Due Diligence Code of Practice for the protection of Aboriginal objects in NSW* (DECCW 2010) is not sufficient to assess the impacts on Aboriginal cultural heritage of Major Projects.

Level 6, 10 Valentine Ave Parramatta NSW 2150 ■ Locked Bag 5020 Parramatta NSW 2124
P: 02 9873 8500 ■ E: heritagemailbox@environment.nsw.gov.au

7 June 2021

File No: NTH21/00103/02
Your Ref: SSD-19891249

The Director
Industry Assessments
Department of Planning, Industry & Environment
Locked Bag 5022
PARRAMATTA NSW 2150

Attention: Sally Munk – Principal Planning Officer

Dear Sir / Madam,

RE: Secretary's Environmental Assessment Requirements - Condong Cogeneration Plant SSD-19898249
Lot 1 DP 1058392, Lot 101 DP 1058418, Lots 19 & 23 DP 255029 123-153 McLeod Street, Condong NSW 2484

I refer to your email of 24 May 2021 requesting input from Transport for NSW to the Secretary's Environmental Assessment Requirements (SEARs) for the above mentioned State Significant Development.

Roles and Responsibilities

Our key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with Future Transport Strategy 2056.

Tweed Valley Way (MR679) is a classified (Regional) road and Clothiers Creek Road and McLeod Street are public (local) roads. Tweed Shire Council is the Roads Authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the *Roads Act 1993* (Roads Act). Council is responsible for setting standards, determining priorities and carrying out works on these roads and TfNSW concurrence is required prior to Council's approval of works on classified roads under Section 138 of the *Roads Act.*

In accordance with Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP), TfNSW is given the opportunity to review and provide comment on the subject development application as it meets the requirements under Schedule 3.

Transport for NSW Response

TfNSW requests that a Traffic Impact Assessment (TIA) be prepared by suitably qualified person/s in accordance with the *Austroads Guide to Traffic Management Part 12 (2020)*, the *Guide to Traffic Generating Developments 2002* and relevant supporting TfNSW supplements.

The TIA should include, but not necessarily be limited to, an assessment of the considerations outlined in **Attachment A**.

TfNSW highlights that in determining the application under the *Environmental Planning and Assessment Act 1979*, it is the Consent Authority's responsibility to consider the environmental impacts of any roadworks which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of project approval.

If you have any further enquiries regarding the above comments please do not hesitate to contact Leisa Sedger, Development Services Case Officer or the undersigned on (02) 6640 1362 or via email at: development.northern@transport.nsw.gov.au

Yours faithfully,

Matt Adams
Team Leader, Development Services
Community and Place | Region North
Regional & Outer Metropolitan
Transport for NSW

ATTACHMENT A - Requested TIA consideration for SEAR

ATTACHMENT A - Traffic Impact Assessment – Requested considerations for SEAR

For context, this attachment must be read with TfNSW response of **7 June 2021** reference **NTH21/00103/02**.

Traffic Impact Assessment (TIA) be prepared by suitably qualified person/s in accordance with the *Austroads Guide to Traffic Management Part 12*, the complementary TfNSW Supplement and *RTA Guide to Traffic Generating Developments*.

The TIA is to identify the impacts of the development and the proposed on-site and off-site measures proposed to mitigate the impacts of the development on any road or rail related infrastructure. The TIA must explain and justify all inputs informing the proposed mitigation measures and TIA conclusions.

The TIA should be tailored to the scope of the proposed development and include, but not necessarily be limited to, consideration of the following;

- A map of the surrounding road network identifying the site access, nearby property accesses, intersections and any transport related facilities.
- A map of the proposed transport route/s identifying all public roads proposed to obtain access from the classified road to the development site.
- The total impact of existing and proposed development on the road network with consideration for a 10 year horizon. This should include;
    - Identify Annual Average Daily Traffic (AADT) volumes with percentage heavy vehicles along the transport route/s and diagrammatically demonstrate AM and PM peak hour movements at key intersections.
    - Background traffic data from published sources and/or recent survey data. The source of data and any assumptions are to be clearly explained and justified, including the growth rate applied to the future horizon.
    - The volume and distribution of existing and proposed trips to be generated by the construction, operational and decommission phases of the development. This should identify the maximum daily and hourly demands generated by the development, particularly where they coincide with the network peak hour.
    - The type and frequency of design vehicles accessing the development site.
- Details of the road geometry and alignment along the identified transport route/s, including existing formations, crossings, intersection treatments and any identified hazards. This should include;
    - Available sight distances at intersections along the proposed transport routes and any constraint to achieving the required sight distance for the posted speed limit.
    - An assessment of turn treatment warrants in accordance with the *Austroads Guide to Traffic Management Part 6* and *Austroads Guide to Road Design Part 4A* for intersections along the identified transport route/s, identifying the existence of the minimum basic turn treatments and addressing the need for any warranted higher order treatments.

    - Swept path analysis demonstrating the largest design vehicle entering and leaving the development, and moving in each direction through intersections along the proposed transport route/s.

- Capacity analysis using SIDRA or other relevant application, to identify an acceptable Level of Service (LOS) at intersections with the classified (State) road/s, and where relevant, analysis of any other intersections along the proposed transport route/s.
- A review of crash data along the identified transport route/s for the most recent 5 year reporting period and an assessment of road safety along the proposed transport route/s considering the safe systems principles adopted under Future Transport 2056.
- Strategic (2D) design drawings of all proposed road works and the site access demonstrating scope, estimated cost and constructability of works required to mitigate the impacts of the development on road safety, traffic efficiency and the integrity of transport infrastructure. Works must be appropriately designed for the existing posted speed limit.
- Site plan demonstrating site access, internal manoeuvring, servicing and parking areas consistent with the relevant parts of AS2890 and Council's Development Control Plan.
- Details of measures to ameliorate the impacts of road traffic noise, dust, and/or glare generated along the proposed transport route/s.
- Details of measures to address impacts and/or provide connections for public transport services and active transport modes, such as, public and school bus services, walking and cycling.
- Details of travel demand measures to minimise traffic impacts, including consideration for the benefits of adopting a location-specific sustainable travel plan (Green Travel Plan and specific Workplace Travel Plan) and the provision of facilities to reduce private car travel and improve mode share for travel to and from the site.
- Details of any Traffic Management Plan (TMP) proposed to address the construction and operational phases of the proposed development. The TMP may include temporary measures such a Traffic Control Plan (TCP) prepared and implemented by suitably qualified persons in accordance with the current Traffic Control at Work Sites Manual. It is recommended that any TMP adopt a Driver Code of Conduct, including but not necessarily limited to, the following;
    - A map of the primary transport route/s highlighting critical locations.
    - An induction process for vehicle operators and regular toolbox meetings.
    - A complaint resolution and disciplinary procedure.
    - Community consultation measures proposed for peak periods.

Any roadwork on classified (Regional) road is to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and TfNSW Supplements.

Where road safety concerns are identified at a specific location along the proposed haulage routes, TfNSW suggests that the TIA be supported by a targeted Road Safety Audit undertaken by suitably qualified persons in accordance with the Austroads Guidelines.