



**Environment,
Climate Change
& Water**

Mr Chris Ritchie
Manager Major Industry
Department of Planning
GPO BOX 39
SYDNEY NSW 2001

Our reference : DOC10/44121
Previous DECCW Correspondence : DOC10/31123; DOC10/22427
DOC10/6378

Attention: Ms Felicity Greenway

Electronic Mail & Standard Post

6 October 2010

Dear Sir

**Recommended Conditions of Approval - Proposed Waste Processing Facility – Weir Rd,
Teralba – CiviLake Pty Ltd (a business Unit of Lake Macquarie City Council) – Part 3A
EP&A Act 1979**

I refer to your letter dated 8 July 2010 and received on 12 July 2010 seeking advice on the adequacy of a revised Environmental Assessment ("revised EA") submitted by CiviLake, a business unit of Lake Macquarie City Council ("the Proponent").

The Proposal was provided under the provisions of part 3A of the *Environmental Planning and Assessment Act, 1997*, and outlined a proposal for the construction and operation of a waste processing and storage facility ("the Proposal") at Lots 42, 43, 53 and 54 in DP 16062 also known as Wier Rd, Teralba, NSW ("the Premises").

Please note that, although the Environment Protection Authority ("EPA") is now a part of the Department of Environment, Climate Change and Water ("DECCW"), certain statutory functions and powers continue to be exercised in the name of the EPA.

On 14 July 2010 DECCW provided advice to the NSW Department of Planning that the revised EA was adequate to be publicly exhibited, and that DECCW would undertake a comprehensive review of the revised EA at the conclusion of the exhibition period.

On 27 August 2010 DECCW received correspondence from the NSW Department of Planning advising that the Proposal was to be publically exhibited from 26 August 2010 until 23 September 2010.

On 23 September 2010 the NSW Department of Planning advised the DECCW that the public exhibition period had further been extended until 1 October 2010. On 1 October 2010 DECCW was provided the submissions which had been received by the NSW Department of Planning in respect of the Proposal.

Recommended Conditions of Approval

DECCW notes that the NSW Department of Planning is the appropriate authority for the determination of planning proposals under Part 3A of the *Environment Planning and Assessment Act, 1979*. As such the DECCW now provides its recommended conditions in Attachment A to the NSW Department of Planning for its consideration, should it provide planning approval for Proposal (enclosed).

DECCW considers that a key issue is the suitability of the location of the Proposal, specifically the proximity to Cockle Creek and its floodplain and adjacent to a SEPP 14 wetland. DECCW notes that concerns regarding flooding and water quality impacts were also raised in submissions to the NSW Department of Planning in response to the exhibited revised EA.

DECCW also considers that a key issue is the proposed management of waste (including stockpile management) and the location of power lines which pose some ignition risk for combustible material at the Premises.

Should consent be provided for the Proposal, DECCW has included conditions in its recommended conditions of approval in respect to these issues (Attachment A enclosed).

DECCW reminds the Proponent that should an Environment Protection Licence be provided in respect to the Proposal in the future, DECCW will include appropriate conditions on that licence to reduce the risk of environmental harm occurring from the licensed premises.

Environment Protection Licence Application Process

DECCW reminds the Proponent that an application for a relevant Environment Protection Licence for scheduled activities is required to be submitted to DECCW prior to these activities occurring. Allocation of up to 60 days for review, assessment and processing of any licence application should be provided in this regard.

If you have any further questions regarding this matter please do not hesitate to contact Rebecca Small on (02) 4908 6892.

Yours sincerely



ROB HOGAN
Manager Waste Operations
Department of Environment, Climate Change and Water

Attachment A – DECCW's Recommended Conditions of Approval (enclosed)

**Recommended Conditions of Approval -
Proposed Waste Processing Facility – Weir Rd, Teralba –
CiviLake Pty Ltd (a business Unit of Lake Macquarie City Council)**

PART OF DOC10/44121

THE PROPOSAL

CiviLake, a business unit of Lake Macquarie City Council ("the Proponent") has provided a revised Environmental Assessment ("revised EA") after consultation with the Department of Environment Climate Change and Water ("DECCW") and the NSW Department of Planning under the provisions of part 3A of the *Environmental Planning and Assessment Act, 1997*.

The revised EA outlines the proposed construction and operation of a waste processing and storage facility ("the Proposal") at Lots 42, 43, 53 and 54 in DP 16062 also known as Wier Rd, Teralba, NSW ("the Premises"). The Premises was previously used for the disposal of biosolids and other fill.

The Proposal includes the acceptance of up to 200,000 tonnes per annum of waste for processing and storage at the Premises including concrete, asphalt, road base, green waste, bricks, tiles and soil waste.

The Premises is located approximately 2 kilometres north of Teralba on a floodplain within Cockle Creek. Cockle Creek is located approximately 200 metres from the boundary of the Premises. The Premises is also adjacent to a SEPP 14 wetland to the south east of the Premises, and vegetation in the surrounding buffer area contains tree species for Koala habitats listed under SEPP 44.

The Proposal includes advice that Premises will be raised 1.5 to 2.5 metres above the existing levels with an estimated 200,000 tonnes of waste material including virgin excavated natural material ("VENM") and excavated natural material ("ENM") sourced from multiple sources including from Lake Macquarie Council's road works and drainage works.

The Proposal includes the undertaking that waste used to raise or fill the Premises, and waste processed for reuse outside the Premises, will be done in compliance with all relevant legislation, including DECCW's Resource Recovery Exceptions.

DECCW's CONDITIONS OF APPROVAL

ENVIRONMENTAL MANAGEMENT PLANS

(1) The Proponent will develop and implement an Environmental Management Plan prior to construction commencing at the Premises.

(2) The Proponent will develop and implement an Operational Environmental Management Plan at the Premises prior to conducting scheduled activities which require an Environment Protection Licence with the EPA.

INFRASTRUCTURE DESIGN

Contaminated Water Management

The Proponent shall:

(3) ensure that water from areas of the Premises used to store, handle or process waste, or that has been contaminated by waste:

- (a) is treated as dirty water;
- (b) drains to the dirty water dam(s).

Dirty Water Dam(s)

(4) The Proponent shall ensure that the dirty water dam(s) at the Premises:

- (a) are capable of accepting dirty water generated in a 1 in 2 year, 24 hour duration storm event without overflowing;
- (b) have a re-compacted clay or modified soil layer that is at least 900 mm thick and an in situ coefficient of permeability of less than 1×10^{-9} m/s, or some other suitable liner approved by DECCW;
- (c) have a shut off valve which can be closed to prevent water discharge off the Premises installed as part of the design; and
- (d) are managed so that all material contained within leachate dam(s) does not turn anaerobic.

Capping

(5) The Proponent shall:

- (a) install a suitable capping layer over contaminated areas of the Premises; and
- (b) ensure that the base of the capping layer is clearly marked.

Filling

(6) The Proponent shall:

- (a) ensure that a baseline survey is completed by a qualified surveyor prior to construction work commencing for the area of the Premises to be raised or filled ("baseline survey"). The baseline survey should include:
 - information on the land height of the premises; and
 - a surveyor's map which depicts the landform height prior to filling at the Premises.
- (b) ensure that only one of the following volume of waste is used to raise the height of the Premises, which ever one is lesser;
 - 200,000 tonnes; or
 - raised to a level to prevent a 1 in 100 year rain event flooding the Premises.
- (c) ensure that only VENM, EMN, or other waste approved in writing by the EPA for use, is used to raise the height of the Premises above the level in the baseline survey;
- (d) ensure filling of the Premises is done in accordance with any requirement(s) by the power line company to which the power easement is owned;
- (e) ensure that the proposed footprint for the Proposal remains within the area depicted in figure 1 titled "Proposed Site layout – Environmental Assessment" by AECOM project ID s70075 dated 24-06-2010.

Construction of perimeter bund

(7) The Proponent must install a perimeter bund:

- (a) prior to waste processing activities occurring at the Premises;
- (b) to a specification which would prevent flood waters entering the Premises from a 1 in 100 year flood event of Cockle Creek; and
- (c) avoids the tree species depicted in figure 1 titled "Proposed Site layout – Environmental Assessment" by AECOM project ID s70075 dated 24-06-2010.

WASTE MANAGEMENT

Limits on Inputs

(8) The Proponent shall not receive:

- (a) any waste that's is not Excavated Natural Material ("ENM"), Virgin Excavated Natural Material ("VENM"), soil, concrete, asphalt, road diggings, bricks, tiles, timber waste, green waste;
- (b) more than 200,000 tonnes of waste received each year on site;
- (c) waste on site that is contaminated by chemicals and/or pathogens that would not be rendered harmless by operations on site, or that may constitute a health or environmental risk, including clinical and related waste and diseased carcasses;
- (d) putrescible waste including biosolids and food wastes; and
- (e) classified as hazardous waste, liquid, restricted or special wastes under the *Protection of the Environment Operations Act, 1997*.

Waste Acceptance & Screening

(9) The Proponent shall:

- (a) classify waste received at the Premises in accordance with the DECCW's *Waste Classification Guidelines, 2008*;
- (b) Implement a recording a documentation system for waste received and removed from the Premises. This should include, but not be limited to
 - types of waste (waste classification);
 - volumes;
 - time and date received
- (c) Implement suitable procedures to:
 - ensure that the site does not accept wastes that are prohibited; and
 - screen incoming waste loads; and
 - ensure that all staff receive adequate training in order to be able to recognise and handle any hazardous or other unapproved waste.

Waste Outputs

(10) The Proponent shall dispose of all outputs produced at the Premises to a place that can lawfully receive that waste.

Waste Storage

(11) The Proponent must store all waste:

- (a) which is combustible 20 metres or more away from identified bushfire prone vegetation; and
- (b) outside transmission easement zones.

NOISE

(12) Proponent shall ensure that the road traffic noise generated by the project does not exceed the criteria in the DECCW's *Environmental Criteria for Road Traffic Noise*.

(13) Sound barrier walls must be:

- (a) completely installed prior to the tub-grinder or crusher being operated at the Premises; and
- (b) designed to have a minimum crest height of 3 metres above the height of the finished fill level.

Note: The finished fill level is above the height of the Premises depicted in the baseline survey.

(14) All plant and equipment used at the Premises with audible alarm systems or audible alarm devices are to:

- (a) be broadband type audible systems;
- (b) not to exceed 85 dB(A) when measured at a distance of 7 metres directly behind the rear of that machine or equipment; and
- (c) have BBS-TEK Alarms – medium and light duty model 600-BBS 087 or the equivalent performance.

Operating Hours

(15) The Proponent shall:

- (a) comply with the operating hours in Table 1; and
- (b) record the time and date of all waste deliveries to the Premises after hours.

Table 1: Teralba Sustainable Resource Centre Operating Hours

| Activity | Day | Hours |
|-----------------------------------|--------------------------|------------------------------------|
| <i>Construction</i> | Monday - Friday | 7 am – 6 pm |
| | Saturday | 8 am – 1 pm |
| | Sunday & Public Holidays | Nil |
| <i>Hours of Operation *</i> | Monday - Friday | 7 am – 6 pm |
| | Saturdays | 7 am – 1 pm |
| | Sunday & Public Holidays | Nil |
| <i>Hours for receipt of Waste</i> | Monday – Friday | 7 am – 6 pm |
| | Saturdays | 7 am – 1 pm |
| | Sunday & Public Holidays | 8am – 5pm |
| <i>After hours deliveries **</i> | Monday - Sunday | Anytime other than specified above |
| <i>Emergency</i> | Monday - Sunday | Anytime |

* Waste Operations includes crushing, grinding and processing activities

** Max. 50 out of hours deliveries per year.

(16) The Proponent shall ensure that the noise generated by the Proposal does not exceed the limits in Table 2 (below):

Table 2: Noise impact assessment criteria dB (A)

| Receiver / Location | Day <i>L_{Aeq}(15 minute)</i> | Evening <i>L_{Aeq}(15 minute)</i> | Night <i>L_{Aeq}(15 minute)</i> | Sleep disturbance <i>dB(A) L_{A01}</i> |
|--|---|---|---|--|
| Receiver 1 – Martin Place, Teralba (residential) | 47 | 38 | 38 | 53 |
| Receiver 2 – The Weir Rd, Teralba (residential) | 45 | 35 | 35 | 53 |

Notes:

- (a) Noise from the development is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the *L_{Aeq}(15 minute)* noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECCW may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.
- (b) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holiday's; evening is defined as the period 6pm to 10pm; night is

defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holiday's.

(c) The noise emission limits identified in the above table apply under meteorological conditions of:

- wind speeds of up to 3 m/s at 10 metres above ground level; or
- temperature inversion conditions of up to 3 ° C/100 m and wind speeds of up to 2 m/s at 10 metres above ground level.

WATER

Discharge Limits

(17) Except as may be expressly provided in an Environment Protection Licence for the Proposal, the Proponent shall comply with section 120 of the POEO Act.

Note: Section 120 of the POEO Act, provides that any person who pollutes any waters is guilty of an offence.

(18) Stormwater from all areas of the Premises which has the potential to mobilise sediments and other material outside the Premises must be controlled and diverted through appropriate erosion and sediment control/pollution control measures/structures.

Bunding

(19) The Proponent shall store and handle all dangerous goods (as defined by the Australian Dangerous Goods Code) oils, fuels and chemicals at the Premises strictly in accordance with:

- (a) all relevant Australian Standards;
- (b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
- (c) the bund must be impervious, heat and chemical resistant.

ABORIGINAL AND CULTURAL HERITAGE

(20) In the event that Aboriginal objects are uncovered during the course of the Proposal, then work in the immediate areas shall cease; the appropriate authorities shall be notified; and expert archaeological advice must be sought from an appropriate qualified professional. Works may only commence in this area of the Premises with the written approval of the appropriate authorities.

Note: The appropriate authorities are the Local Aboriginal Land Council and the NSW Department of Environment Climate Change and Water.

GENERAL CONDITIONS

Odour

(21) Unless as otherwise expressly provided in any Environment Protection Licence condition for the Proposal, the Proponent must comply with section 129 of the POEO Act.

Note: Section 129 of the POEO Act, provides that the Proponent must not cause or permit the emission of any offensive odour from the boundary of the Premises.

Dust & Particulate Matter

(22) The Proponent must maintain the Premises in a condition which prevents the emission of dust and particulate matter past the boundary of the Premises.

Fire Management

(23) The Proponent shall:

- (a) implement suitable measures to minimise the risk of fire at the Premises;
- (b) extinguish any fires at the Premises promptly; and
- (c) maintain adequate fire-fighting capacity at the Premises.

Lighting

(24) The Proponent shall ensure that all external lighting associated with the development does not create a nuisance to surrounding land including properties or roadways.

BIODIVERSITY & VEGETATION

Litter, Pest, Vermin and Noxious Weed Management

(25) The Proponent shall:

- (a) implement suitable measures to prevent the unnecessary proliferation of litter both on and off the Premises; and
- (b) inspect and clear the Premises (and if necessary, surrounding area) of litter on a daily basis;
- (c) implement suitable measures to manage pests, vermin and declared noxious weeds at the Premises; and
- (d) inspect the Premises on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on the Premises in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in the surrounding area.

Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.