

# Concept Approval

## Section 75O and 75P of the *Environmental Planning & Assessment Act 1979*

Under the Minister for Planning and Infrastructure's delegation of 14 September 2011, I approve the Concept Plan referred to in Schedule 1, subject to the conditions in Schedules 2 and 3.



Deputy Director-General  
Development Assessment & Systems Performance  
Department of Planning and Infrastructure

Sydney

19 April

2012

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### SCHEDULE 1

<b>Application Number:</b>	10_0064
<b>Proponent:</b>	Kimbriki Environmental Enterprises
<b>Approval Authority:</b>	Minister for Planning & Infrastructure
<b>Land:</b>	Lot 4 DP 255466, Kimbriki Road, Terrey Hills
<b>Project:</b>	Kimbriki Resource Recovery Project

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## SCHEDULE 2 - DEFINITIONS

AWT	Alternative Waste Treatment Building which is part of the RRF Facility
BCA	Building Code of Australia
Construction	Includes any activity requiring a Construction Certificate, significant excavation work, road works, demolition, and any construction related activity as described in Major Project Application 10_0065
Council	Warringah Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure or its successors in title
Director-General	Director-General of the Department of Planning and Infrastructure, or delegate
EA	<i>Kimbriki Resource Recovery Project – Environmental Assessment, Volume 1, 2 and 3</i> (GHD, February 2011); <i>Kimbriki Resource Recovery Project - Submissions Report</i> (GHD, May 2011); GHD Letters dated 26 June and 2 September 2011, and revised Statement of Commitments dated 7 February 2012.
EEC CUS	The endangered ecological community (EEC) which is named as EEC Coastal Upland Swamp (CUS) and currently listed as a preliminary determination by the NSW Scientific Committee.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPL	Environment Protection Licence issued under the POEO Act
Evening	The period from 6pm to 10pm
Feasible	Feasible relates to engineering considerations and what is practical to build
General Solid Waste	Putrescible or non-putrescible waste as defined in the <i>Waste Classification Guidelines</i> (DECCW)
Incident	An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance criteria in this approval
KEE	Kimbriki Environmental Enterprises
KRRC	Kimbriki Resource Recovery Centre
KRRP	Kimbriki Resource Recovery Project, the Project
Land	In general, the definition of land is consistent with the definition in the EP&A Act.
MRF	Materials Recycling Facility
Minister	Minister for Planning and Infrastructure, or delegate
Mitigation	Activities associated with reducing the impacts of the Project
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water
OEH	Office of Environment and Heritage
Offset Strategy area	As defined by the map in Appendix A and Section 2.4 of the PPR
Operation	Includes the receipt, storage and/or processing of waste on-site (including commissioning)
POEO Act	<i>Protection of the Environment Operations Act, 1997</i>
POEO Regulation	<i>Protection of the Environment Operations (Waste) Regulation, 2005</i>
PPR	Preferred Project Report titled ' <i>Kimbriki Environmental Enterprises, Kimbriki Resource Recovery Project, Preferred Project Report</i> ' dated November 2011
Project	The development as described in the EA and PPR
Proponent	Kimbriki Environmental Enterprises (KEE), or its successors on title
Reasonable	Reasonable relates to the application of judgment in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Rehabilitation	The treatment or management of land disturbed by the Project for the purpose of establishing a safe, stable and nonpolluting environment.
Restricted Activity Area	An area where existing vegetation will be retained, but excluding future stormwater diversion works should they be required
RRF	Resource Recovery Facility comprising the AWT Building & Maturation Building
RMS	NSW Roads and Maritime Service
Site	The land at Lot 4 DP 255466
Statement of Commitments	The Proponent's Statement of Commitments dated 7 February 2012 (see Appendix B)

### SCHEDULE 3 - GENERAL ADMINISTRATIVE CONDITIONS

#### Terms of the Concept Plan approval

1. The Proponent must carry out the project generally in accordance with the:
  - a) EA - *Kimbriki Resource Recovery Project – Environmental Assessment, Volume 1, 2 and 3* (GHD, February 2011); *Kimbriki Resource Recovery Project - Submissions Report* (GHD, May 2011) and GHD Letters dated 26 June and 2 September 2011;
  - b) PPR - Preferred Project Report titled '*Kimbriki Environmental Enterprises Kimbriki Resource Recovery Project Preferred Project Report*' dated November 2011;
  - c) Statement of Commitments dated 26 June 2011; and
  - d) conditions of this approval.

If there is any inconsistency between the above documents, then the more recent document and conditions of this approval shall prevail to the extent of the inconsistency.

2. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
  - a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this concept plan approval; and
  - b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

#### Liability to Lapse

3. This approval shall lapse if the Proponent does not physically commence the proposed development associated with this Concept Plan within 5 years of the date of this approval.