



21<sup>st</sup> February 2020

Ms Susan Fox  
Senior Planning Officer - Industry Assessments  
Department of Planning, Industry and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Susan,

***Re: Response to Agency Comments on SSD5300 Mod2 - Kembla Grange Resource Recovery Facility***

On Friday 31<sup>st</sup> August 2018, the Department of Planning, industry and Environment received a Request to Modify a Consent for SSD 5300 and a Statement of Environment Effects (SEE) prepared by Jackson Environment and Planning Pty Ltd on behalf of Bingo Property Pty Ltd. The Notification of Modification Application was provided to a number of agencies for comment. The following agencies responded with comments on the Mod 2 application package:

- NSW EPA;
- Wollongong City Council;
- Department of Planning, Industry and Environment;
- Fire and Rescue NSW; and
- Rural Fire Services.

A Response to Agency Comments letter dated 14<sup>th</sup> June 2019 was provided to the above agencies to address the respective comments. Additional comments were subsequently received by the following agencies

- Wollongong City Council; and
- Fire and Rescue NSW; and

We have reviewed these additional comments in consultation with Bingo Property Pty Ltd. This letter summarises how the submissions have been addressed, including proposed Statement of Commitments. Please refer to Table 1 over page.

We trust that the responses and actions undertaken by the applicant in response to the Agency comments are considered appropriate to progress the approval of the Modification 2 of State Significant Development 5300.

Should you need any further information, please contact me.

Yours sincerely,



**Dr Mark Jackson** B.Sc. (Hons), PhD, Grad. Cert. Mgmt., Exec. Masters Public Admin. (USYD)

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**Table 1. Agency comments, and subsequent responses and actions are provided in Table 1 below.**

Agency	Comment	Response	Action taken or proposed Statement of Commitment
NSW EPA	<p><b>Condition A6</b></p> <p>The EPA recommends that the wording of this condition be updated from “calendar year” to “in any 12-month period”. This will enable both EPA and DPE to determine compliance with this condition at any point in time rather than at the end of a defined period such as the proposed reporting period.</p>	<p>The Applicant does not accept this condition.</p>	<p>The applicant strongly opposes the proposed condition. Throughput is controlled at the premises by calculating the total amount of waste received over a twelve-month period pegged from the relevant date in the consent. This method of calculating throughput is consistent with the SSD application and accompanying assessments for the premises and industry practice.</p> <p>A fixed annual reporting period which is consistent with the Environment Protection Licence (EPL) enables the Applicant to measure throughput from the same date for both the EPL and Development Consent. Pegging the annual throughput from a single date allows the site to appropriately manage throughputs during periods of peaks and troughs in demand, including seasonal changes.</p> <p>It is not practical nor possible to have a running throughput calculation. This is so as throughput data is not instantaneous and needs to be collated and assessed on a monthly basis. This is undertaken in line with EPA Waste Contribution Monthly Reporting obligations.</p>
NSW EPA	<p><b>Condition C11</b></p> <p>The EPA does not have any objections to this condition being aligned with the environment protection licence reporting period of 15 March to 14 March each year.</p>	<p>The Applicant accepts this proposed condition.</p>	<p>No action required. The condition is consistent with the change requested.</p>
NSW EPA	<b>Noise</b>		

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	The EPA has not had sufficient time to undertake a thorough review of the noise impact assessment, accordingly we have recommended a condition that requires noise monitoring to be conducted following commissioning of the proposed modifications to assess compliance with noise limits.	The Applicant accepts this proposed condition.	The Applicant will commission an experienced noise consultant to undertake a one-off noise assessment after commissioning of the indoor plant to confirm compliance with noise limits under Condition B20 of the consent.
<b>NSW EPA</b>	<p><b>Leachate Management and Stormwater Management</b></p> <p>Given the proposed changes to site operations, which include an outdoor picking station, we recommend that the applicant be required to assess the adequacy and suitability of the current leachate and stormwater management system.</p> <p>We note that the drawing titled Proposed Industrial Development, Lot 10 DP 878167, Wyllie Road, Kembla Grange, Site Plan, Drawing No. C10 prepared by KFW and dated 7 November 2012 shows a stormwater pit located in close proximity to the picking station where waste will potentially be stored.</p>	<p>The Applicant accepts this proposed condition.</p> <p>Noted.</p>	<p>The Stormwater and Drainage Plan has been updated and is shown in Appendix 3. The DA and CC plan set has been updated accordingly. An update to the Water Impact Assessment has been performed, with no perceptible changes found in relation to the current leachate and stormwater management system (see Appendix 6).</p> <p>The DA and CC plan set (Appendix 3) has been updated to reflect the actual location of this stormwater pit, which is located north of the picking station bays where sorted waste materials are stored. Please refer to Plan C13 in Appendix 3a (DA version of Soil and Water Management Plan) of the Statement of Environmental Effects. The plan now correctly shows the pit not in contact with the waste storage bay of the picking station.</p>
<b>NSW EPA</b>	<p><b>Approved drawings</b></p> <p>The EPA has identified inconsistencies in the naming of different processing areas and infrastructure on the updated drawings (e.g. the three onsite ponds are not consistently named in all drawings).</p>	Noted.	Amendments have been made to all relevant drawings and are provided as Appendix 3 of the Statement of Environmental Effects. Amendments include removing inconsistencies in the naming of different processing

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	The EPA recommends that the applicant reviews and updates all drawings intended to form part of the approved documentation to ensure they are consistent and to avoid ambiguity.		areas and including infrastructure on the updated drawings.
NSW EPA	<p><b>Licence Variation</b></p> <p>The EPA notes that the current consent permits composting to occur in a fully enclosed building under negative pressure. However, we note that the applicant does not intend to compost at the Premises.</p> <p>If approved, this modification will permit the proposed composting building to be used for another purpose. As such, the EPA will work with the applicant to ensure that the Licence reflects the approved operations at the Premises.</p>	Noted.	Where necessary the applicant will apply to vary the EPL for the site to reflect changes in the use of the enclosed building following approval of development modifications by the Department of Planning, Industry and Environment.
NSW EPA	<p><b>Proposed Consent Conditions Condition A6</b></p> <p>1. The Applicant must not receive or process more than 230,000 tonnes of waste at the Premises in any 12-month period, subject to Condition A8.</p>	The Applicant does not accept this condition.	<p>The applicant strongly opposes the proposed condition. Throughput is controlled at the premises by calculating the total amount of waste received over a twelve-month period pegged from the relevant date in the consent. This method of calculating throughput is consistent with the SSD application and accompanying assessments for the premises and industry practice.</p> <p>A fixed annual reporting period which is consistent with the Environment Protection Licence (EPL) enables the Applicant to measure throughput from the same date for both the EPL and Development Consent. Pegging the</p>

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			<p>annual throughput from a single date allows the site to appropriately manage throughputs during periods of peaks and troughs in demand, including seasonal changes.</p> <p>It is not practical nor possible to have a running throughput calculation. This is so as throughput data is not instantaneous and needs to be collated and assessed on a monthly basis. This is undertaken in line with Waste Contribution Monthly Reporting obligations.</p>
NSW EPA	<p><b>Proposed Consent Conditions Noise</b></p> <p>2. The applicant must carry out noise monitoring within 3 months of commissioning the indoor processing plant at locations identified in Condition B20 of the Consent.</p> <p>3. If the noise limits outlined in Condition B20 of the approval are exceeded, the applicant must prepare a report with recommendations for proposed noise mitigation measures.</p> <p>4. The noise monitoring report and any recommendations must be submitted to DPE the EPA within one month of the monitoring being conducted.</p>	The Applicant accepts these proposed conditions.	The Applicant will commission an experienced noise consultant to undertake a one-off noise assessment after commissioning of the indoor plant to confirm compliance with noise limits under Condition B20 of the consent.
NSW EPA	<p><b>Proposed Consent Conditions Leachate and Stormwater Management</b></p> <p>5. The applicant must provide an updated leachate and stormwater management plan and associated diagrams to DPE and the EPA.</p>	The Applicant accepts this proposed condition.	The applicant accepts the requirement to update the leachate and stormwater management plan and this information has been provided. The Water Impact Assessment and associated plans and have been included as Appendix 3 in the Statement of Environmental Effects.

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	<p>6. All segregated garden waste must be stored and processed in the area labelled "Green waste shredding area" on the drawing titled Proposed Industrial Development, Lot 10 DP 878167, Wyllie Road, Kembla Grange, Site Plan, Drawing No. C10 prepared by KFW and dated 7 November 2012.</p> <p>7. Waste must not be stored or stockpiled on any stormwater pit at the Premises.</p>	<p>The Applicant accepts this proposed condition.</p> <p>The Applicant accepts this proposed condition.</p>	<p>Section 2.11 has been updated to include a summary of the findings of the Water Impact Assessment.</p> <p>Proposed condition to reference updated drawing (Refer to RTS Appendix 3).</p> <p>Noted.</p>
Wollongong City Council	<p><b>1. Regularisation of unapproved works</b></p> <p>The modification seeks approval for a number of existing structures that situated on the subject site identified as: the rainwater storage tanks; firewater storage tanks and a pump room on the premises; and construction and operation of an outdoor picking station and associated processing equipment (including de-stoning screen and generator).</p> <p>It is noted that these structures are also associated with or located upon a concrete slab.</p> <p>Prior to granting consent to the use of these existing structures, it is considered evidence should be provided to demonstrate these structures are structurally sound</p>	<p>The Applicant accepts this proposed condition</p>	<p>A Structural Certificate and NCC Compliance Certificate for the rainwater storage tanks, firewater storage tanks, pump room and outdoor picking station has been included as Appendix 4a and 4b in the Statement of Environmental Effects.</p>

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	<p>and comply with the relevant standards including the National Construction Code (NCC).</p> <p>In the event, that the evidence submitted identifies that work is required to be carried out to comply with the specified requirements, the works should be detailed and carried out as a condition of consent prior to its use. It is unclear whether the works would warrant the requirement for a modified Construction Certificate and/or Occupation Certificate.</p>		
<b>Wollongong City Council</b>	<p><b>2. Car Parking &amp; Traffic</b></p> <p>The modification request seeks the installation of an indoor processing plant in the processing shed. The Statement of Environmental Effects prepared by Jackson Environment and Planning provides in section 2.5.4 that the indoor processing plant will involve "12 persons to sort and separate waste to products." In addition, the proposed modification will include the use of the outdoor picking station and whilst it is noted this will replace a mobile plant it is unclear if this will affect staff numbers.</p> <p>Clarification is sought on whether the proposed modification will result in an increase of staff required for the operations of the facility on site at any one time and whether the existing car parking provision will cater for the staff or additional car parking spaces will be required.</p> <p>The 'Blown Material Cage' associated with the outdoor picking station appears to interact with the turning movements and site access arrangement for the site. The</p>	<p>No change to total staff numbers or vehicle movements.</p> <p>No change to total staff numbers or vehicle movements.</p> <p>There appears to be a conflict between traffic</p>	<p>No additional action is required as a mobile picking station was contemplated in original application and there is no change to staff numbers.</p> <p>Section 2.7 of the Statement of Environmental Effects has been updated to note that there is no change to total staff numbers or vehicle movements and therefore parking and traffic are not affected.</p> <p>The swept path plan has been updated and is included in Appendix 3a of the Statement of Environmental Effects (see Plan C18) to demonstrate the Blown Material Cage</p>

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	<p>location of the proposed 'Blown Material Cage' or any other proposed facility should not impact on site maneuvering for the existing approved uses.</p> <p>Reference is made to Drawing C18, Revision I, dated 25 October 2018 of the KFW plan set. It is unclear whether the proposed 'Indoor Processing and Storage Shed' requires internal vehicle/machinery servicing. Where internal servicing is required it should be demonstrated that the required vehicle can access the servicing locations based on the proposed layout.</p> <p>Generally, any proposed infrastructure should not impact on existing vehicle movements within the site.</p> <p>Where the proposal will increase vehicle movements/ traffic generation from the site an updated traffic impact assessment should be undertaken giving consideration to the entire development.</p>	<p>movements and the 'Blown Material Cage'.</p> <p>The original doors on the eastern side of the enclosed shed remain useable for vehicles / trucks to maintain and service the equipment indoor processing shed, this includes maintenance vehicles as well as skip bin services trucks.</p> <p>No change to vehicle movements or traffic</p>	<p>will not impact on turning paths. As all vehicles must exit over the weighbridge the plan has been slightly amended to reflect turning paths of exiting vehicles.</p> <p>Section 2.6.4 of the Statement of Environmental Effects has been updated to note that access is suitable for vehicles / trucks to maintain and service the equipment indoor processing shed.</p> <p>No action required.</p> <p>Noted.</p>
Wollongong City Council	<p><b>3. Stormwater</b></p> <p>Stormwater generated from proposed processing equipment and additional buildings should be directed to the existing stormwater system on the site.</p> <p>Additional impervious area should be considered in the design of the OSD system to ensure it is sized</p>	<p>The Applicant accepts this proposed condition.</p>	<p>The Soil and Water Management Plan (Appendix 3a, Plan C13) has been amended to reflect the changes to the existing stormwater system on the site.</p> <p>It has been noted in the Statement of Environmental Effects the site has approval for an outdoor picking</p>

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	appropriately to achieve the OSD outcomes of Chapter E14 Stormwater Management in Wollongong Development Control Plan 2009.		station. All that has changed is that the outdoor picking station is fixed as opposed to mobile. It is acknowledged that stormwater from the station will need to be directed to the stormwater management system. There is no perceptible impact on the existing stormwater management system, confirmed in the Water Impact Assessment letter report provided in Appendix 6 of the Statement of Environmental Effects.
Wollongong City Council	<p><b>3. Environment Protection Licence (EPL)</b></p> <p>The operations of the facility are also regulated by an Environmental Protection Licence (EPL) (Licence No. 20601) which has been issued by the Environment Protection Authority (EPA). Comments should be sought from the EPA to determine if any variations to the licence are required.</p>	Noted.	If necessary, the Applicant will apply to vary the EPL for the site to reflect changes in the use of the enclosed building following approval of development modifications by the Department of Planning and Environment
Wollongong City Council	The 'Blown Material Cage' appears to interact with the turning movements and site access arrangement for the site. The turn path provided on Drawing C305 Job no. KFI 10816, Revision D, dated 09/10/2018 utilises a Heavy Rigid Vehicle at the location adjacent to the 'Blown Material Cage' when the design vehicle for the rest of the site is an Articulated Vehicle.	Noted.	The new vehicle tracking path to has been updated to reflect the adjusted road layout and shows no interaction with the Blown Material Cage. The swept path plan has been updated and is included in Appendix 3a of the Statement of Environmental Effects (see Plan C18)
Department of Planning and Environment	<p><b>Outdoor pick station</b></p> <p>The Statement of Environmental Effects (SEE) dated 23 November 2018 does not provide any details on how dust will be managed within the “fully enclosed outdoor picking station” Please provide details regarding the current and proposed dust management and mitigation procedures from within the “fully enclosed outdoor picking station”?</p>	The Applicant accepts this proposed condition	<p>Section 2.6.3.2 of the Statement of Environmental Effects has been updated noting dust management, including mitigation measures to maintain dust levels as approved in the OEMP.</p> <p>It is noted that no ambient dust is created by the picking station as it is effectively an enclosed conveyor. Waste</p>

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			materials are removed manually by hand which do not generate dust.
Department of Planning and Environment	The SEE does not provide any details on how much leachate will be generated and how leachate will be managed from processing waste within the “fully enclosed outdoor picking station. Please provide further detail on leachate generation and leachate management from the picking station?	All that is changed is that the outdoor pick station is fixed as opposed to mobile. No further action required.	Section 2.6.3.2 of the Statement of Environmental Effects has been updated noting that leachate is to be managed in accordance with Chapter E14: Stormwater Management and Section 4.3.16 Leachate Control of the EIS as well as the existing mitigation measures provided in Section 3.3 of the Soil and Water Management Plan (refer to OEMP-010 App C dated May 2019). The updated Soil and Water Management Plan has been appended to the Statement of Environmental Effects as Appendix 8.
Department of Planning and Environment	The SEE does not provide any details on how leachate from the separate bays beneath the picking station will be managed and how odour from the storage of timber and green waste within these bays will be managed. Please provide further information?	All that is changed is that the outdoor pick station is fixed as opposed to mobile. Bays are covered – no leachate generated and therefore no deterioration of waste materials. Note that odour is not generated during picking of clean timber	Section 2.6.3.1 of the Statement of Environmental Effects has been updated noting that odour is not generated during processing of clean timber.
Fire and Rescue NSW	Consent authorities should issue a condition on the development consent requiring Clause E1.10 and E2.3 of the NCC be complied with to the satisfaction of FRNSW, achieved through either providing an acceptable solution or through direct consultation with FRNSW.	Noted. Additional fire safety works will be conducted in accordance	Section 2.8 of the Statement of Environmental Effects has been updated noting the fire safety requirements of the enclosed shed.

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	<p>The waste facility is to provide safe, efficient and effective access for emergency vehicles as detailed in FRNSW guideline Access for emergency vehicles. Aerial appliance access is to be provided if the facility is located within a fire district covered by an aerial appliance.</p> <p>The waste facility is to have a fire hydrant system installed appropriate to the risks and hazards for the facility, including a ring main design for redundancy. FRNSW recommends a fire hydrant system designed and installed to Australian Standard AS 2419.1-2017 and have an enhanced standard of performance appropriate to special hazards.</p> <p>The waste facility is to have an automatic fire sprinkler system installed if the building has a floor area greater than 1000 m<sup>2</sup> or contains 200 m<sup>3</sup> or more of combustible waste material. FRNSW recommends the fire sprinkler system be installed to Australian Standard AS 2118.1-2017.</p> <p>The waste facility is to have a fire detection and alarm system installed appropriate to the risks and hazards identified for each area of the facility. FRNSW recommends a fire detection and alarm system installed to Australian Standard AS 1670.1-2015 Fire detection, warning, control and intercom systems – system design, installation and commissioning.</p> <p>Buildings containing combustible waste material are to have an automatic smoke hazard management system</p>	<p>with the Fire Safety Review.</p>	<p>At the request of the NSW Fire and Rescue, a review of the installed fire services at the site was conducted to assess how the fire service could be upgraded to meet some of the requirements for the new guideline <i>Fire Safety Guidelines – Fire Safety in Waste Facilities</i>. The Fire Services Review is contained in Appendix 9.</p> <p>The following recommendations have been accepted by the Proponent to upgrade the fire services at the site to better protect the facility and its occupants from fire risks:</p> <ul style="list-style-type: none"> <li>• Additional 150kL fire tank to upgrade the site from warehouse only protection to yard hydrant protection;</li> <li>• Replacement of the fire pumps to provide 30L/s @ 900kPa to the system;</li> <li>• Provision of 4 new external fire hydrants;</li> <li>• Provision of one new booster facility and block plan;</li> <li>• Provision of a flame detection system in the warehouse to assist in early detection or when the space is unoccupied;</li> <li>• Provision on an occupant warning system coupled with the flame detection system. Manual call points will be provided adjacent exit doors to notify other occupants; and</li> <li>• a flame detector be provided to address the plastics storage bay under the Outdoor Picking Station sorting area with associated alarms.</li> </ul>

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	<p>appropriate to the potential fire load and smoke production rate installed within the building.</p> <p>The waste facility is to have effective and automatic means of containing fire water run-off, with primary containment having a net capacity not less than the total hydraulic discharge of the worst-case fire scenario. The total hydraulic discharge is the discharge from both the fire hydrant system and automatic fire sprinkler system for a duration of four hours. Failure to contain fire water run-off can result in pollution of the environment and require a protracted hazardous materials response.</p> <p>The owner is encouraged to engage a fire safety engineer or other suitably qualified consultant to develop a performance design specific to the facility and its operations. The performance-based design should consider all possible fire scenarios</p> <p>The occupier/operator is to develop an emergency plan for the waste facility to AS 3745–2010 Planning for emergencies in facilities. An external consultant should be engaged to provide specialist advice and services in relation fire safety planning and developing an emergency plan.</p> <p>While there is currently no requirement for a fire safety study, FRNSW may request one be undertaken at a later stage should information be provided such it is deemed that the development poses challenges to the response to and management of an incident.</p>		

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Fire and Rescue NSW	Advice and recommendations contained within FRNSW's Fire Safety Guideline – Emergency Vehicle Access be addressed. This is required such that FRNSW are able to safely access all parts of the site where an incident may occur.	Vehicle Access has been confirmed and meets the requirements of FRNSW Guideline for Emergency Vehicle Access	<p>Section 2.8 has been updated in the SEE.</p> <p>A Fire Services Review was carried out to assess the installed fire services on the Site and make comment on how they could be upgraded to meet some of the requirements for the new guideline "Fire Safety in Waste Facilities". The Fire Services Review is included in Appendix 9 of the Statement of Environmental Effects.</p>
Fire and Rescue NSW	That a Condition of Consent be included that would require the Fire Safety Systems for the site to be reassessed for adequacy in the event that either waste throughput is increased from 230,000 tpa or the stream is changed such that an increased proportion is combustible in nature.	The Applicant accepts the proposed condition	No action required. Conditions of Consent are a Department of Planning, Infrastructure and Environment matter.
Fire and Rescue NSW	That provisions be made for the containment of contaminated fire water run-off based on the worst credible fire scenario for the site. Any system(s) provided is to be automatic in nature.	The capacity of containment of fire water run-off has been deemed adequate.	<p>Section X has been updated in the SEE.</p> <p>The site is provided with a 780m<sup>3</sup> Green Waste Shredding Pond, a 3,428 m<sup>3</sup> Water Quality Recycling Pond and a 1,923 m<sup>3</sup> detention basin, providing a total runoff containment capacity of 6,161 m<sup>3</sup> to contain peak discharges to pre-development levels. If it is assumed that that site will require up to 4 hours of firefighting water provided through three hydrants and 3 x 150kL tanks, the site will need to contain at least 450 m<sup>3</sup> of firefighting water. Based on the demand for water from the ponds for dust suppression (75% of demand is met by the ponds), and that a worst case scenario fire is likely to occur in dry weather when pond levels are low, the site has significant excess storage of fire water in the unlikely event of a worst case scenario fire event. In the event of</p>

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			a fire, ponds containing firewater will be pumped and the water disposed at a licensed water treatment facility.
<b>Fire and Rescue NSW</b>	The Proponent develop an emergency plan for the waste facility in accordance with AS 3745–2010 Planning for emergencies in facilities. An external consultant should be engaged to provide specialist advice and services in relation fire safety planning and developing an emergency plan.	Noted	An updated emergency plan will be prepared as part of the works.
<b>Rural Fire Services</b>	None	None required	None required