

Kembla Grange Resource Recovery Facility

State Significant
Development
Modification Assessment
(SSD 5300 MOD 2)

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Glossary

Abbreviation	Definition
Applicant	Kembla Grange Recycling Pty Ltd
BCA	Building Code of Australia
C&D	Construction and Demolition
Consent	Development Consent
Council	Wollongong City Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
NCC	National Construction Code
RFS	Rural Fire Service
RRF	Resource Recovery Facility
RtS	Response to Submissions
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



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1. Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development consent (SSD) for the Kembla Grange Resource Recovery Facility (SSD 5300).

The modification application (the modification) seeks to regularise the installation of rainwater storage tanks, firewater storage tanks and a pump room which have been built and are in use on the site, and the construction and operation of a separate fixed waste picking station which was used in April 2018. The modification application also seeks approval to install an indoor waste processing plant (to be located within the existing processing shed), additional fire safety measures and for a modification to the annual reporting period dates.

The modification application was lodged on 24 November 2018 by Kembla Grange Recycling Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). During the assessment, the Applicant experienced delays in responding to various issues raised by Government agencies such as issues around fire safety and provision of appropriate site plans

1.1 Background

The Applicant operates a resource recovery facility (RRF) at 50 Wylie Road, Kembla Grange in the Wollongong local government area (see **Figure 1**).

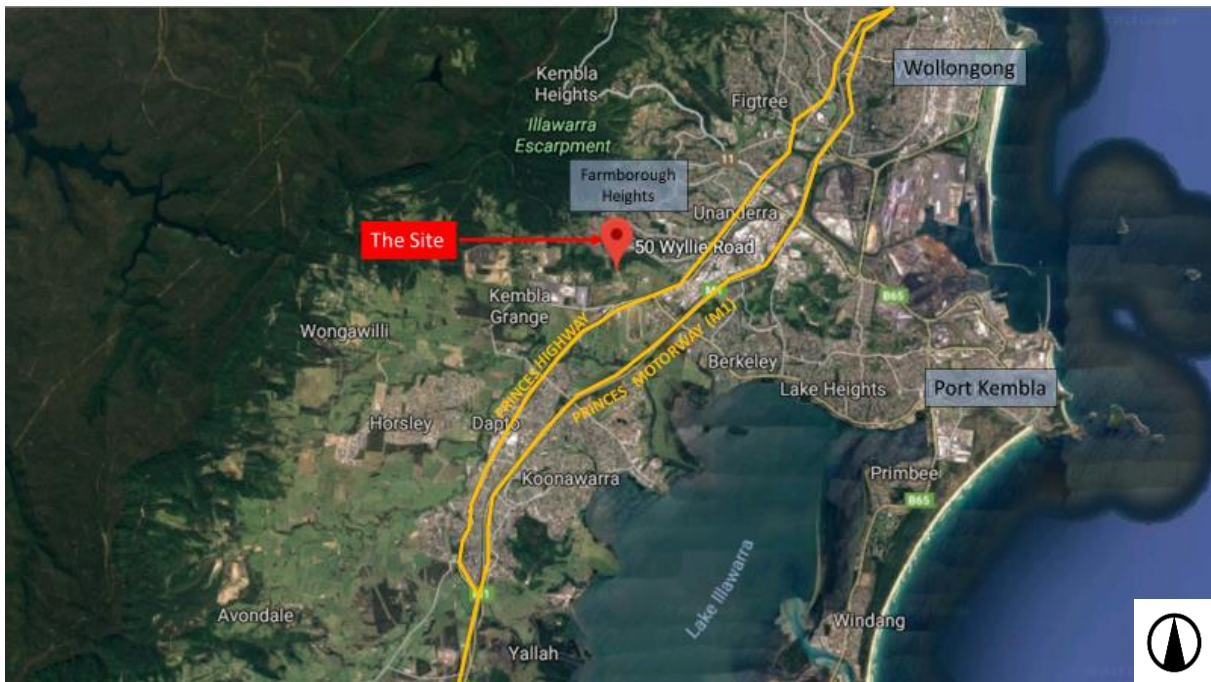


Figure 1 | Site Context

The Applicant is a subsidiary company of Bingo Industries, an Australian Securities Exchange (ASX) listed company that operates waste management facilities in NSW and Victoria. Bingo Industries acquired the RRF from Bicorp Pty Ltd in 2017.

1.2 Site Description and Surrounding Land Uses

The subject site is legally described as Lot 10 DP 878167. It is approximately 21.7 hectares (ha) in area, has irregular dimensions and is zoned part Light Industrial IN2 and part Private Recreation RE2 under the *Wollongong Local Environmental Plan 2009* (LEP). The RRF uses a smaller portion of the overall site, occupying a footprint of approximately 4.94 ha in area (the development footprint). The RRF is located exclusively on land zoned Light Industrial IN2 (see **Figure 2** and **Figure 3**).

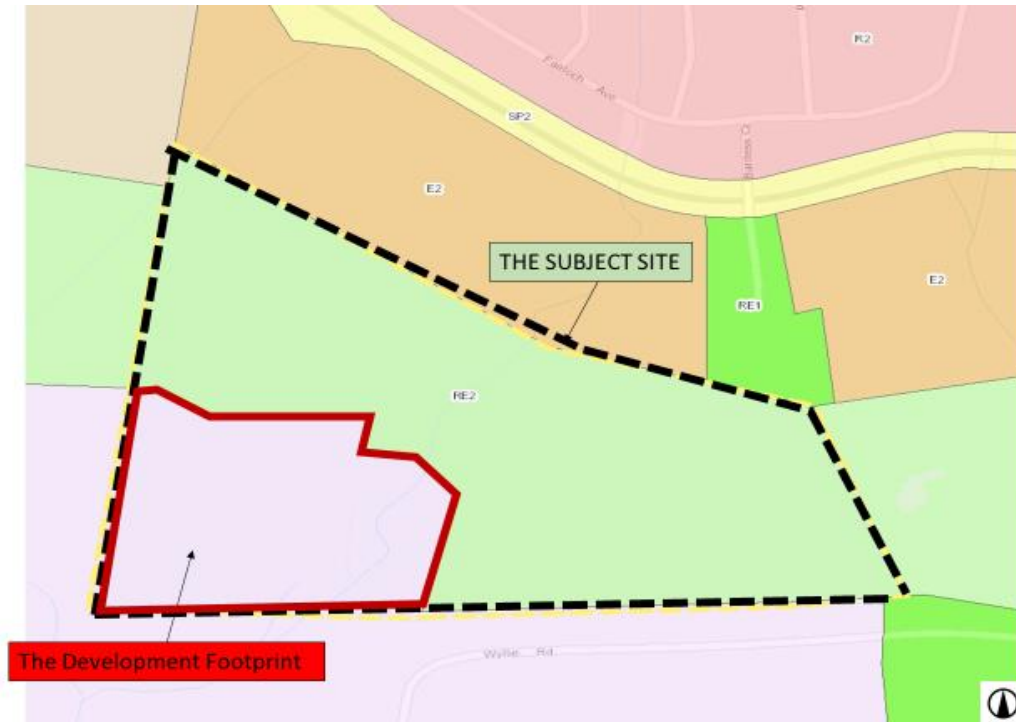


Figure 2| The Development Site Zoning

Industrial uses lie to the west of the site and a park, Kembla Grange Racecourse and a former landfill to the southeast. A Rural Fire Service (RFS) depot, church and cemetery are all located to the east and south-east of the site. The nearest residential receivers are located approximately 400 metre (m) to the north of the RRF in the suburb of Farmborough Heights (see **Figure 3**).

Access to the RRF is off Wyllie Road which connects to West Dapto Road and in turn, to the Princes Highway. The haul route to and from the RRF does not involve the use of residential streets. The RRF operates from 7 am to 6 pm Monday to Saturday and 8 am to 4 pm on Sundays, although the operation of machinery and deliveries are allowed from 6 am Monday to Saturday.

An unnamed creek and riparian zone traverses the eastern portion of the development footprint from north to south. The RRF currently comprises a processing shed, two weighbridges, site office, stormwater detention ponds and waste processing pads (see **Figure 4**). In early 2018, a separate fixed picking station was built, however, the existing development consent for SSD 5300 does not permit the construction or operation of a fixed picking station.

The RRF operates under an Environment Protection Licence (EPL 20601) issued by the Environment Protection Authority (EPA).



Figure 3 | Surrounding Land Uses

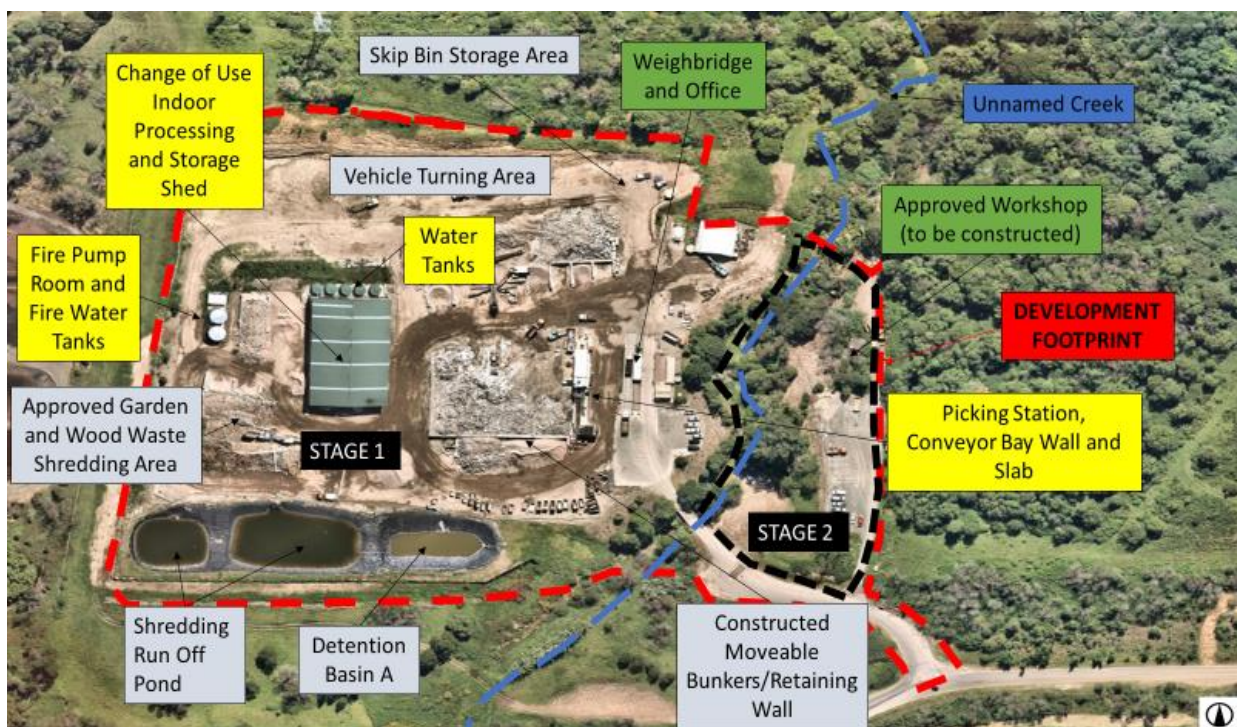


Figure 4 | Layout of Existing RRF

1.3 Approval History

On 7 March 2016, development consent was granted by the then Planning Assessment Commission (the Commission) to increase the processing capacity of the existing Kembla Grange Resource Recovery Facility (SSD 5300). The development consent permits the following:

- increase waste throughput from 29,999 tonnes per annum (tpa) to 230,000 tpa, comprising:
 - 85,000 tpa of soils and other excavated material

- 69,000 tpa of recycled building waste such as timber, plastic, steel, paper and glass
- 46,000 tpa of concrete and masonry
- 30,000 tpa of garden organics
- installation of processing equipment including an outdoor mobile picking station
- increase waste storage capacity to 45,000 tonnes (t) at any one time
- earthworks to provide additional areas for stockpiles
- an additional workshop on the eastern side of the site (to be constructed in stage 2 according to the site plans)
- an additional weighbridge
- car parking
- installation of a stormwater management system
- re-purposing the existing shed for composting up to 6,300 tpa of garden waste, including the installation of a ventilation system for under negative pressure.

SSD 5300 has been modified on one previous occasion (see **Table 1**)

Table 1 | Summary Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	<ul style="list-style-type: none"> • relocation of the second weighbridge • installation of a larger demountable weighbridge office • minor widening of the access carriageway to the inbound and outbound weighbridge • redirection of rainwater to a rainwater harvesting tank as well as connection of rainwater overflow to the existing stormwater management system 	Minister	Former 96(1A)	8 June 2017

On 22 November 2018, the Director of Compliance and Investigation issued a Penalty Notice to the Applicant for breach of Schedule 2, Part A, Condition A2(a)(c) for not carrying out a development in accordance with the EIS or site layout plans and drawings. On 20 December 2018, the Director of Compliance and Investigation, as a delegate for the then Minister for Planning, issued a Development Control Order under Section 9.34 of the EP&A Act to cease operation of the fixed picking station. The Development Control Order prevents the Applicant from using the picking station until approval is obtained.



2. Proposed Modification

2.1 The Proposed Modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to modify the development. The modification is described in full in the Statement of Environmental Effects included in **Appendix A** of this report, is illustrated in **Figure 5** to **Figure 9** and summarised in **Table 2** below.

The Applicant has lodged a request to regularise activities and infrastructure already commenced or present at the site, as well as approve a number of new activities and to amend the timing for the annual waste reporting conditions. **Table 2** provides details of the modifications. No increase in annual waste throughput or change in waste composition is proposed as part of the modification.

Table 2 | Summary of Proposed Modifications

Aspect	Approved	Existing Activities to be Regularised	Additional Modifications sought
1. Picking Station	<ul style="list-style-type: none">mobile picking station with screens and crushers.	<ul style="list-style-type: none">enclosed, permanent (fixed) picking station connected to partially enclosed storage bays on concrete slabassociated processing equipment including<ul style="list-style-type: none">a conveyor belt, air blowerdestoning screen (for separating >80mm aggregate from plastics)terex screendiesel generator	N/A
2. Indoor Processing Plant (within processing shed)	<ul style="list-style-type: none">mobile low speed shredder to shred timber and waste to sizemobile high-speed shredder to fine shred timber and waste to sizepicking station with 12 persons to sort and separate waste to productmobile jaw crushermobile impact crusher		<ul style="list-style-type: none">fixed processing equipment including:<ul style="list-style-type: none">crusherscreenelectromagnetsblowersapron feeder andenclosed pick room with air conditioning and 8 conveyors14 m radial stackerexternal storage bays connected to processing shed by conveyors.
3. Rainwater Storage Tanks	<ul style="list-style-type: none">two 100,000 litre (L) rainwater storage tanks	<ul style="list-style-type: none">four 46,500 L rainwater storage tanks have been installedone 14,000 L rainwater storage tanks has been installed at the northern end of the processing shed32.5 m by 6 m concrete slab as rainwater tank base	N/A

Aspect	Approved	Existing Activities to be Regularised	Additional Modifications sought
4. Firewater Storage	<ul style="list-style-type: none"> 30,000L water truck 	<ul style="list-style-type: none"> two 150,000 L firewater storage tanks installed on concrete slab near the western boundary a pump room 	N/A
Composting	<ul style="list-style-type: none"> enclosed area under negative pressure to compost up to 6,300 tpa of garden organics 		<ul style="list-style-type: none"> composting now not being conducted at the site
Amendment to Conditions			<ul style="list-style-type: none"> modification to condition A6 (waste limits) to change the waste reporting period from 'per calendar year' to the Environment Protection Licence No 20601 (EPL) reporting period (March to the following March). modification to the annual review condition C11, to align with the annual reporting period in the site's EPL.

Picking Station

Construction and operation of the picking station commenced in early 2018, however no construction certificate or occupation certificate have been issued in relation to its construction or use. The Development Control Order issued under Section 9.34 of the EP&A Act prevents the Applicant from using the picking station until it has obtained a building information certificate in accordance with Section 6.26 of the EP&A Act and the picking station has been certified as having been constructed in accordance with the Building Code of Australia (BCA), as required by Part 6 of the EP&A Act. The Applicant has lodged a request to regularise the construction and operation of the picking station as a part of this modification.

The fixed picking station is located in the eastern portion of the RRF and has the capacity to process up to 47,500 tpa of mixed construction and demolition (C&D) waste and household waste from municipal clean-ups. The original consent permits a mobile picking station with screens and crushers.

The fixed picking station consists of an enclosed central conveyor belt, with a walkway for employees on either side, where contaminants such as plastics, metals, timber and waste are removed by hand. Picked products would be placed in chutes which drop material into bays below the picking station (see **Figure 6** and **Figure 7**).

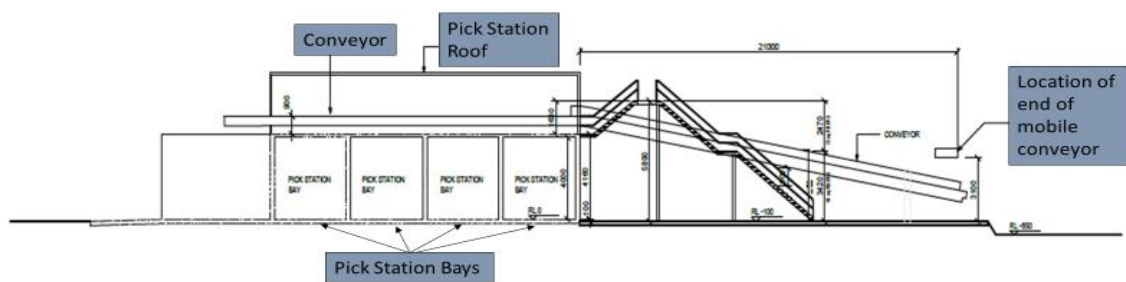


Figure 6 | Constructed Picking Station Long Section

There are four bays below the picking station, each with a capacity of 36 m³ or 25 t to 30 t of waste. Timber and wood waste would be transferred from the bays to the RRF's timber and wood waste stockpile where it would be further processed. General waste would be stockpiled onsite and then transported off-site to a licensed landfill. Metal waste would be transported off-site and recycled.

Concrete, brick and aggregate remain on the conveyor which leads outside to a fifth bay that can store up 50 t of waste (see **Figure 8**). This waste would then be collected by front end loader and taken to the onsite indoor processing shed for further processing in the crushing and screening plant, once installed.



Figure 7 | Conveyor and Shute



Figure 8 | Concrete, Brick and Aggregate Bay

Indoor Processing Shed

The Applicant is seeking approval to install and operate indoor processing plant (see **Figure 9**) with the capacity to process up to 225 t of waste per hour or 78,000 tpa. The indoor processing plant would be installed within the existing shed instead of the composting plant, sorting and processing equipment, and second picking station approved under SSD 5300. The plant would process and segregate a range of approved waste such as concrete, ceramics, Virgin Excavated Natural Material (VENM), asphalt waste, railway ballast, cured concrete as well as bricks and concrete from the outdoor fixed picking station bay (see **Figure 9**).

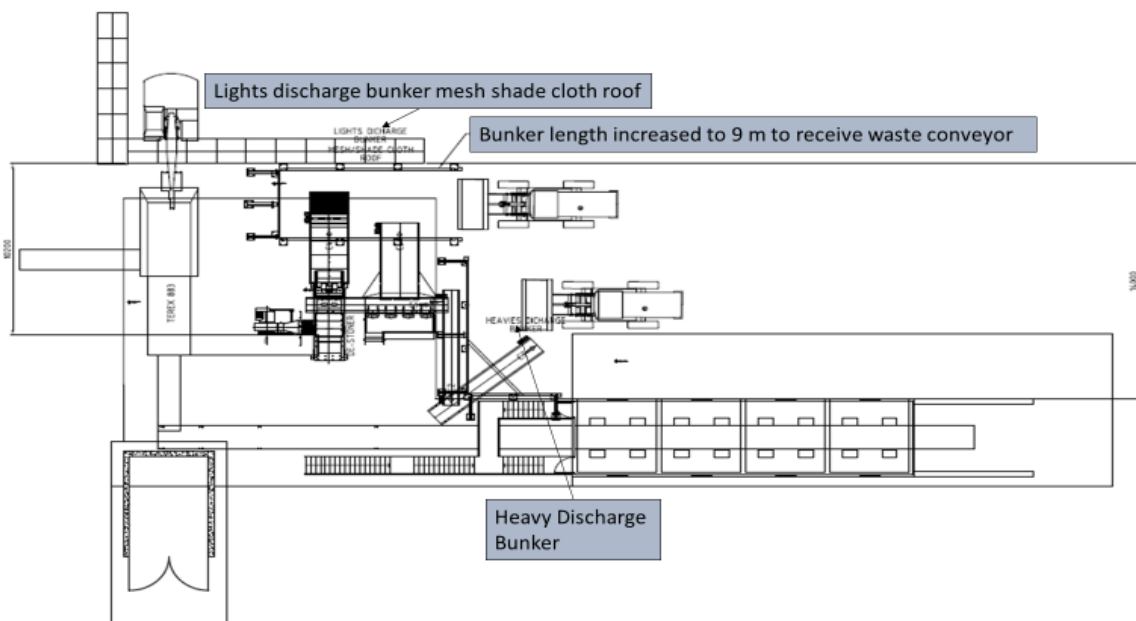


Figure 9 | Destoner and Conveyor Indoor Processing Plant (located within the shed)

Waste would be fed into an external apron feeder from an elevated ramp at the northern end of the shed and conveyed to a crusher to reduce its size. Metal would be removed by magnets and deposited in a 10m³ skip bin. A screen would then be used to separate crushed materials into large aggregates (70 mm), small aggregates (40 mm) and fines and road base (10-20 mm). The aggregates would be conveyed through openings on the western side of the shed to be deposited in separate external storage bays located adjacent to the indoor processing shed. A 3.6 m wide bunker is also provided for capturing light plastics which are blown off the conveyor as it transports

aggregates to the storage bays. Fines and road base waste would also be conveyed through an opening on the western side of the shed to be deposited in separate external stockpiles via a 14 m radial stacker. The processed waste would be moved to the product storage bays on the northern side of the development footprint, for testing and re-sale.

Rainwater Storage Tanks

The two approved 100,000 L rainwater storage tanks were to be located at the northwest and southwest corners of the indoor processing and storage shed respectively. However, the Applicant instead installed four 46,500 L and one 14,000 L rainwater storage tanks to the north of the indoor processing shed (see **Figure 5**) as the original position hindered vehicle movements. As such, the Applicant has lodged a request to regularise the installation of the rainwater storage tanks.

Firewater Storage Tanks and Pump Room

The Applicant also seeks approval to regularise the installation of two 150,000 L firewater storage tanks and a pump room located on the northwest corner of the RRF (see **Figure 5**). To meet Rural Fire Service's (RFS) requirements in SSD 5300, the Applicant originally committed to the installation of a static water supply for firefighting purposes through the use of a 30,000 L water truck supplemented by the stormwater treatment ponds. However, due to an increase in water demands at the site, the Applicant instead installed the two firewater storage tanks which are also used for dust suppression. The Applicant has stated the tanks would be kept full at all times and would be refilled via a water tanker with water trucked onto the site.

Concrete hardstand

The above changes have resulted in the construction of an additional 289 m² of impervious area including 110 m² for the picking station, 105 m² for the firefighting water tanks and pump room and 74 m² for the rainwater tank slabs. As a result, the Applicant has lodged a request to regularise the construction of an additional 289 m² of impervious area of the site as part of this modification.

2.2 Applicant's Justification for the Modification

The Applicant identified the proposed modification was necessary to improve the operational efficiency of the site. In particular, the picking station would streamline the sorting and processing of recyclable waste by improving staff ability to identify it as it is spread onto the conveyor belt. The Applicant noted the enclosed cabin would improve staff working conditions and reduce dust and noise impacts.

Additionally, the Applicant identified the modification would provide for safer heavy vehicles movements within the site by relocating the processing plant within the pre-existing waste processing shed thus avoiding potential collisions by heavy vehicles. Locating the waste processing plant indoors would also further reduce noise and air impacts compared to operating out in the open. The Applicant notes the increase in water storage capacity would allow for rainwater to be collected onsite for dust suppression and would improve the Applicant's firefighting capacity.

The Department notes the water tanks and fixed picking station have been installed and constructed without approval. The Applicant is seeking to regularise these unauthorised works.

The Applicant also notes the modification would result in operational efficiencies which would contribute to helping the NSW Government meet its recycling targets and support the diversion of reusable waste from landfill by allowing improved separation of waste streams and diversion of recoverable materials.



3. Strategic Context

The Department has considered the following strategic documentation relevant to the assessment of the modification application:

- Illawarra-Shoalhaven Regional Plan
- NSW Waste Avoidance and Resource Recovery (WARR) Strategy 2014-21

3.1 Illawarra-Shoalhaven Regional Plan

The Illawarra-Shoalhaven Regional Plan (the Plan) sets out the Government's vision for the Local Government Areas of Kiama, Shellharbour, Shoalhaven and Wollongong until 2036. The key priority of the Plan is to drive economic growth in the region and to integrate economic, social and environmental considerations in the interests of achieving ecologically sustainable development for the region. The modification is consistent with Direction 5.3 of the Plan by improving the environmental outcomes for waste management and air quality.

3.2 WARR Strategy 2014-21

Reducing waste and keeping materials circulating within the economy are priorities of the NSW Government, as set in NSW 2021. To meet this important challenge, the government developed the state-wide WARR Strategy that sets waste recovery targets for C&D, commercial and industrial (C&I) and municipal solid waste (MSW) material. By 2021–2022, the WARR Strategy requires an increase in recycling rates as follows:

- C&I from 57 % (2010-11) to 70 %
- C&D from 75 % (in 2010–11) to 80 %
- MSW from 52 % (in 2010-11) to 70 %
- increase the waste diverted from landfill from 63 % (in 2010-11) to 75 %.

The development, which would operate more efficiently, would continue to contribute to the State's recovery performance for the C&D sector.



4. Statutory Context

4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers the application can be characterised as a modification involving minimal environmental impacts as it:

- would not change the approved maximum throughput of the site
- would not significantly increase the environmental impacts of the modification as approved
- is substantially the same development as originally approved
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning and Public Spaces (Minister) is the consent authority for the application under section 4.5(1) of the EP&A Act. However, under the Minister's delegation dated 9 March 2020, the Director, Industry Assessments, may determine the application under delegation as:

- the application has not already been referred by the Planning Secretary to the Independent Planning Commission as at the date of the delegation
- a political disclosure statement has not been made
- there are fewer than 10 public submissions in the nature of objections.

5. Engagement

5.1 Department's Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website from 4 December 2018.

The modification application was also referred to the EPA, Fire and Rescue NSW (FRNSW), the Rural Fire Service and Wollongong City Council for comment.

5.2 Summary of Submissions

The Department received a total of four submissions, all from public authorities. A summary of the key issues from the four submissions is provided below, with a copy of each submission included in **Appendix B**. None of the submissions objected to the development. No submissions were received from the public.

5.3 Key Issues

The **EPA** provided comments in relation to leachate and stormwater management around the operational area of the picking station, and recommended conditions for noise monitoring following commissioning of the picking station and wording for Condition A6 (reporting period).

FRNSW recommended conditions which require compliance with the National Construction Code (NCC), access arrangements for emergency vehicles and aerial appliances and the installation of fire safety equipment.

Wollongong City Council requested the Applicant provide further information on the rainwater and firewater storage tanks, car parking for additional staff parking, details on vehicle manoeuvring and the stormwater management system.

The **Rural Fire Service (RFS)** raised no objection to the modification provided there is continued compliance with RFS requirements in the original approval.

5.4 Response to Submissions

The Applicant provided a response to submissions including revised plans on 6 June 2019. These were provided to agencies and Council where they had requested more information.

The **EPA** noted the Applicant did not support its proposed wording change in condition A6 from 'calendar year' to 'any 12-month period', however chose not to pursue the matter.

FRNSW requested the Applicant address legislative requirements including the recommendations of FRNSW's Fire Safety Guideline Emergency Vehicle Access, an assessment of the site's Fire Safety System for adequacy, provision for the containment of fire water run-off and preparation of an emergency plan.

Council raised concern about heavy vehicle turning movements and site access arrangements.

On 21 February 2020, the Applicant submitted further information to address FRNSW and Council comments. The Applicant advised there had been a delay in submitting the final report because it took time to engage a fire engineer and finalise the compliance assessment.

The additional information included a fire system review which recommended additional firefighting measures. The review also agreed to FRNSW's requirement for the preparation of an Emergency Management Plan.

Council and FRNSW reviewed the revised information and advised they were satisfied their issues had been addressed.



6. Assessment

The Department has assessed the merits of the modification. During this assessment, the Department has considered the:

- SEE and RTS provided to support the proposed modification (**Appendix A**)
- assessment report for the original development application and the subsequent modification application
- existing conditions of consent (as modified)
- submissions from the State government authorities and Council (**Appendix B**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department's assessment of issues is provided in **Table 3**.

Table 3 | Assessment of Issues

Findings	Recommended Condition
Noise and Vibration	
<ul style="list-style-type: none">• The modified development has the potential to generate additional noise through the operation of the picking station and indoor crushing plant which could impact on the amenity of residential receivers at Farnborough Heights.• The modification application included a Noise Impact Assessment (NIA), prepared in accordance with the EPA's <i>Noise Policy for Industry</i> (2017).• The NIA considered a worst-case scenario of all plant onsite operating simultaneously.• The NIA predicted the noise impacts would remain the same at the nearest residential receivers (houses in Farnborough Heights), which is consistent with the existing operational noise criteria of 37dB LAeq (15 min). Impacts at the other sensitive receivers were predicted to decrease.• Neither the EPA nor Council raised concerns with noise, however the EPA recommended preparation of a noise verification report to validate the modelling following the commencement of operations.• The Department has considered the information provided and concludes the extra machinery would not contribute any additional noise impacts. To verify actual offsite noise impacts, the Department requires the Applicant to prepare a noise verification report after operations commence.	<p>Require the Applicant to</p> <ul style="list-style-type: none">• prepare a noise verification report within three months from the commencement of operation of the modification.

Findings	Recommended Condition
<ul style="list-style-type: none"> • The Department's assessment concludes the predicted noise impacts of the modification would remain below the noise criteria at the nearest residential receiver. 	
Air Quality	
<ul style="list-style-type: none"> • Modification of the development has the potential to impact air quality. • The Applicant noted the facility would remain largely the same as originally approved with no change in the volumes or types of waste to be processed. As such, the Applicant did not prepare an Air Quality Impact Assessment (AQIA) for the modification as it is likely to have a beneficial impact on air quality compared to approved. • The AQIA undertaken for SSD 5300 identified the movement of trucks to be the largest source of dust and predicted the development would comply with the relevant criteria. The Department determined dust would be managed appropriately for SSD 5300. • The EPA and Council did not raise concerns with air quality and did not recommend any conditions. • The Department has reviewed the information provided by the Applicant and notes the picking station would now be enclosed, the waste bays partially under cover and the crushing equipment moved from the open air into the existing shed. No construction works are proposed as part of the modification. The Department considers this to be a positive environmental outcome and likely to reduce offsite air impacts. • The Department is satisfied potential air impacts would be reduced by operation of the modification and any residual impacts would be managed appropriately via the site's existing Air Quality Management Plan. Therefore, no additional conditions are recommended. • The Department's assessment concludes air quality impacts would be appropriately managed by the existing conditions of approval. 	<ul style="list-style-type: none"> • no additional air quality related conditions are recommended.
Surface Water Management	
<ul style="list-style-type: none"> • Additional hardstand has the potential to impact the quality and quantity of water leaving the site. • Changes made to the external picking station, fire water tanks and rainwater tanks has resulted in a 289 m² increase in impervious area within the RRF. • After reviewing the SEE, the Department and the EPA raised concerns over the lack of consideration of impacts on stormwater and Council advised additional impervious areas should be considered in the design of the onsite detention system. • Additional information provided demonstrated that flows from the additional hardstand could be managed via the approved stormwater management system. Leachate generation from waste stored in the 	<p>Require the Applicant to</p> <ul style="list-style-type: none"> • update the SWMP to reflect the changes in the modification

Findings

Recommended Condition

external stockpiles and storage bays would also continue to be managed via the approved water management systems.

- Following review of the revised information, Council advised its concerns had been addressed and the EPA provided no further comments.
- The Department has considered the information provided and is satisfied no changes are required to the approved stormwater management system given the modelled peak runoff only increased by 0.003 m³/s which can easily be catered for by the approved system.
- The Department recommends a condition requiring the Applicant update its Soil and Water Management plan (SWMP) to reflect the amended development.
- The Department's assessment concludes the minor increase in impervious area would result a negligible change to water flows and no additional impacts to water quality.

Fire Safety

- Altering the layout and built form of the development has the potential to impact fire safety at the site.
- The Applicant's SEE did not include an assessment of fire impacts and FRNSW required a range of measures to address fire risk including the engagement of a fire safety engineer to develop a performance-based guideline specific to the RRF's operations.
- The Applicant initially disagreed with the FRNSW's position, however, after receiving further comments from the FRNSW on its RTS, the Applicant prepared a Fire Services Review (FSR). This took some time for the Applicant to obtain an appropriate expert to help which delayed resolving this matter. The FSR recommended additional fire safety measures including a fire hydrant upgrade and flame detection system.
- FRNSW advised it was satisfied the Applicant addressed its requirements.
- The Department has reviewed the information provided as well as the advice provided by FRNSW and considers that fire risks have been appropriately addressed and can be managed providing the recommendations are implemented. The Department has recommended a condition requiring the Applicant to implement the fire safety measures described in the Kembla Grange Fire System Upgrade Review as well as the preparation of an Emergency Plan.
- The Department's assessment concludes the proposed modifications would not adversely impact fire safety at the site.

Require Applicant to:

- implement the fire safety measures described in the Kembla Grange Fire System Upgrade Review
- ensure provision be made for the containment of fire water run-off
- prepare an emergency plan in accordance with AS 3745-2010 Planning for emergencies in facilities.

Site Access and Maneuverability

Findings	Recommended Condition
<ul style="list-style-type: none"> • The construction of the fixed picking station and the change in location of the water tanks has the potential to impact truck movements at the RRF. • Council raised some concerns over the maneuverability of heavy vehicles. • In response, the Applicant provided updated swept paths. • Following review of the RTS, Council advised it was satisfied trucks could appropriately move around the site. • The Department has reviewed the swept path analysis and is satisfied the constructed picking station and water tanks would not impede the ability of trucks to maneuver safely through the site. • The Department's assessment concludes that, given access arrangements remain the same, access and maneuverability around the site would remain as approved. 	<ul style="list-style-type: none"> • no additional access related conditions are recommended.
Amendment to Administrative Conditions	
<ul style="list-style-type: none"> • The Applicant is seeking to change the timing of the Annual Review (Condition C11) to align with the Applicant's EPL reporting requirements. That is, the annual review would be due 60 days from the end of the reporting period which would be 15 March each year (see below) instead of being due at the end of March each year (current requirement). • The Applicant also seeks to modify Condition A6, the waste limit, which is measured per reporting year, to align with the timing in the EPL from March to March. The Applicant noted this would allow for more streamlined reporting. • The Department has considered this request and considers the amendments would be consistent with the intent of the original consent, given there would be no change to the Applicant's processing limit, which would still be measured yearly, and the Applicant would still be required to report to the Department annually. The Department's Compliance Section noted no objection to the amendment of Condition C11 and A6. Although the EPA initially requested the timing of Condition A6 be changed to 'in any 12 month' period from 'calendar year', the Applicant opposed this change and subsequently the EPA advised it had no further comment • As such, the Department has recommended Conditions C11 and A6 be amended to ensure alignment between the reporting requirements of the Applicant's EPL and the development consent. 	<ul style="list-style-type: none"> • amend Conditions C11 and A6 to reflect the timing in the site's EPL
Construction of Unauthorised Structures	
<ul style="list-style-type: none"> • On 22 November 2018, the Department's compliance team identified unauthorised structures which had been built and were operating at the RRF. 	<p>Require Applicant to:</p> <ul style="list-style-type: none"> • provide copies of all building certificates

Findings	Recommended Condition
<ul style="list-style-type: none"> • A Development Control Order, which was issued by the Department in December 2018, prevents the Applicant from using the picking station until approval had been obtained. • The modification application is seeking to regularise the unauthorised permanent picking station, as well as the firewater storage and water tanks, which were of a different size and built at a different location to that approved (see Table 2). • Council raised some concerns over the compliance of the unapproved built structures with the NCC. • The Department notes an existing condition of consent requires the compliance of new built structures with the BCA. • The Applicant provided a structural report (for the picking station, water tank slabs and pump room) and BCA Compliance Certificate (for the picking station) to demonstrate the structures are generally structurally sound and in the case of the picking station, have been built in accordance with the BCA requirements. However, the Department notes the information provided by the Applicant is not in accordance with Part 6 of the EP&A Act because there are no approved plans and specifications, and it does not relate to a condition of consent. The Department will require the Applicant to provide a building information certificate from Council in accordance with Section 6.26 of the EP&A Act to allow the structure to remain. • Council advised it was satisfied its concerns had been addressed. • The Department has assessed the impact of the unauthorised structures throughout this report and considers the altered footprints and locations would be unlikely to change the approved impacts of the development • However, to ensure the modified site continues to operate as approved, the Department has recommended the Applicant submit copies of all building information certificates to the Department to ensure future and existing structures are built as approved. Additionally, the Department has recommended the Applicant commission an independent environmental audit within 12 months of the modification approval to ensure continued compliance with its consent conditions and recommend any improvements, if any. - what would this do on this matter • The Department's assessment concludes the altered and unapproved structures would not change the environmental impacts of the approved development. The Department recommends amending the condition requiring building information certificates for any alterations or additions to structures. 	<ul style="list-style-type: none"> • prepare and submit an independent environmental audit 12 months from the date of this approval



7. *Evaluation*

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that:

- elements of the proposed modification that were constructed without relevant approvals have been addressed by the Department's Compliance Team in line with the Department's policies and procedures
- the modification would result in minimal environmental impacts beyond those originally assessed and approved
- the modified development is substantially the same as the original development
- the modification would regularise works undertaken on the site.

The Department has concluded that with the recommended conditions and the existing management and mitigation measures, the development will operate with minimal adverse environmental impacts. The Department concludes the proposed modification is in the public interest and should be approved.



8. Recommendation

It is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the draft notice of decision
- **modify** the consent SSD 5300
- **signs** the attached approval of the modification (**Appendix E**).

Recommended by:

15 May 2020

Emma Barnet

Senior Environmental Planning Officer
Industry Assessments

Recommended by:

15 May 2020

Sheelagh Laguna

A/Team Leader
Industry Assessments



9. *Determination*

The recommendation is: **Adopted by:**

15 May 2020

Chris Ritchie

Director

Industry Assessments



Appendices

Appendix A – Statement of Environmental Effects

<https://www.planningportal.nsw.gov.au/major-projects/project/12521>

Appendix B – Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/12521>

Appendix C – Submissions Report and Updated Statement of Effects

<https://www.planningportal.nsw.gov.au/major-projects/project/12521>

Appendix D – Consolidated Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/12521>

Appendix E – Notice of Modification