

# Kembla Grange Recycling Pty Ltd

ABN: 65 163 894 291

Ph: 9737 0308 Fax: 9737 0351

PO Box 7, Enfield NSW 21

17 June 2020

Compliance Team  
Department of Planning, Industry and Environment  
By email: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Att: Katrina O'Reilly

**RE: Part C Condition C11 SSD 5300  
50 Wyllie Road Kembla Grange**

I refer to Part C Condition C11 of State Significant Development 5300 for the Kembla Grange Resource Recovery Facility (**Consent**) and the "2019 Annual Review Report for DPIE Condition C11 of SSD5300 – Kembla Grange Recycling Pty Ltd" dated 14 April 2020 completed by Jackson Environment and Planning (**Report**).

We **enclose** a copy of the Report for the information of the Department and a response to matters raised in the following pages at attachment A herewith with respect to matters raised in the Report.

Kembla Grange Recycling Pty Ltd (**KGRPL**) is committed to the continuous improvement of environmental management and the matters addressed in the following pages are ongoing and KGRPL continue to work towards employing best practices on site.

Should you have any concerns or questions in relation to the above or the enclosed Report, please contact Katie McCallum on 0457 034 527.

Yours sincerely,

*Katie McCallum*

Katie McCallum  
Senior Legal Counsel – Environment and Planning

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## Attachment A

### KGRPL Response to Table 2.5 - Summary of existing and new non-compliances during 2019 and actions taken to ensure compliance.

Date of Notice	Regulatory Authority	Type of notice	Summary	Action taken to ensure compliance	Has this non-compliance been resolved?	
<b>22 November 2018</b>	NSW Department of Planning and Environment	Penalty Notice	<p>The sorting/picking station was constructed and operated not in accordance with Conditions of Consent. It is an offence under section 4.2 and 9.52 of the Act for a person to carry out development otherwise than in accordance with the conditions of development consent.</p> <p>The Department determined that this is a breach of consent conditions Schedule 2, Part A, Condition A2(a)(c) and A9.</p>	A development application has been prepared for the use of the picking station and this was submitted for assessment on 31 August 2018. This application was amended and re-submitted in response to submissions on 14th June 2019 and again on 21 February 2020.	No (in process). DA Modification is under assessment by DPIE. The picking station will not be used until development approval is provided. Matter to be considered resolved once DA is approved.	DPIE issued MOD 2 approval on 15 May 2020. KGRPL is currently actioning post approval / preoperational conditions
<b>20 December 2018</b>	NSW Department of Planning and Environment	Development Control Order	The Development Control Order is given to Bingo, in accordance with Item 14 Part 1 of Schedule 5 of the EP&A Act to remedy a breach of a consent for State significant development. The terms of the Development Control Order are that Bingo must cease use of the sorting/picking station,	A development application has been prepared for the use of the picking station and this was submitted for assessment on 31 August 2018. This application was amended and re-submitted in response to submissions on 14th June 2019 and again on 21 February 2020.	No (in process). DA Modification is under assessment by DPIE. The picking station will not be used until development approval is provided. Matter to be considered resolved once DA is approved.	DPIE issued MOD 2 approval on 15 May 2020. KGRPL is currently actioning post approval / preoperational conditions in order for DPIE to be able to lift the current Order

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Date of Notice	Regulatory Authority	Type of notice	Summary	Action taken to ensure compliance	Has this non-compliance been resolved?	
			identified in the aerial images in Attachment 1 of the Order, including infrastructure attached to the building.			

## KGRPL response to Table 2.6 - Non-compliances and recommendations to ensure compliance.

Non-compliance	Recommended actions / evidence required to ensure compliance	KGRPL Response
<b>Consent Condition B7 – Water Management</b>	<p>Runoff from northern part of site not fully diverted around the NE corner of the facility. Vegetation of former access road around NE corner of site is required, and vegetated earth mound as per SSD 5300 Mod 1 plans is required to divert runoff from northern hillslope around the site and into the unnamed creek. Straw bales and a filter sausage was installed on 14/2/20 to reduce sediment transfer.</p> <p>Some surface ponding of water observed in operational areas, resulting mud to form due to vehicles operating within the area. Pad maintenance needed more regularly to avoid low spots forming to improve surface drainage and reduce sediment generation. Pad maintenance was undertaken on 14/2/20 to avoid surface ponding of water and this will be attended to on a regular basis.</p> <p>The inspection showed evidence of silt build-up on the crushed concrete pavement from recent wet weather and transfer into stormwater pits. More frequent cleaning of pad needed to avoid sediment build up, including changing the geotextile filter covers on pits is needed. A filter</p>	<p>The site inspection was conducted in February during a period of unusually high rainfall.</p> <p>The site monitors and maintains the hardstand and manages surface water and related issues routinely and as issues arise. Ongoing daily, weekly and other routine maintenance tasks are in place for both the hardstand and surface water infrastructure and daily checks are completed to determine their adequacy and status.</p> <p>All sediment which may have been observed to transfer to stormwater pits was following significant rainfall on the 13 February (the day of the site visit) and as is standard procedure for the site maintenance was carried out on the hardstand and stormwater pits and drains as soon as possible which was on the 14 February 2020 (the following day). The geofabric is in place to protect the pits from sediment. The geofabric is changed at least weekly and following rain.</p>

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Non-compliance	Recommended actions / evidence required to ensure compliance	KGRPL Response
	sausage and new geotextile fabric was installed on 14/2/20 by the applicant.	
<b>Consent Condition B8 – Erosion and Sediment Control</b>	<p>Vegetation of former access road around NE corner of site is required to reduce sediment transfer into unnamed creek. Straw bales and a filter sausage was installed on 14/2/20 to reduce sediment transfer.</p> <p>Inspection on 13/02/20 showed evidence of silt build-up on crushed concrete pavement from recent wet weather and transfer into stormwater pits. More frequent cleaning of the pad is needed to avoid sediment build up, including changing the geotextile filter covers on pits is needed. Pad maintenance was undertaken on 14/2/20, a filter sausage and new geotextile fabric was installed to pits to address this matter by the applicant.</p> <p>Some surface ponding of water observed in operational areas, resulting mud to form due to vehicles operating within the area. Pad maintenance is needed more regularly to avoid low spots forming to improve surface drainage and reduce sediment generation. Pad maintenance was undertaken on 14/2/20 to avoid surface ponding of water.</p>	<p>Erosion and sediment control measures are to be maintained and the area revegetated. Vegetation is to be reinstated progressively as seeding takes hold and following advice of the vegetation management contractor expected on or before 30 June 2020.</p> <p>Refer to comment in relation to condition B7.</p> <p>Low lying areas of hardstand observed on 13 February have subsequently been maintained and continue to be maintained on a regular basis</p>
<b>Consent Condition C9. Independent Environmental Audit</b>	Independent Environmental Audit completed by Seventh Sense Sustainability Consultants Pty Ltd on 27/11/19. The audit was commissioned more than one year after the OEMS was approved by DPE on 26/02/18. Delay in appointment of auditor was due to difficulty in appointing an auditor due to lack of qualified personnel in sector. It is noted that the next audit is required in three years' time. It is recommended this process commence early to avoid the report being submitted late to the Department.	Full audit conducted April 2019 – included both 1 year and 3-year requirements. Next Audit April 2022.

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## KGRPL Response to table 2.7 - Non-compliances from the 2018 Annual Review and the 2019 Independent Environmental Audit, and actions taken to ensure compliance.

<p>NOC 14 – Air quality monitoring / meteorological station</p> <p>B13 (SSD5300) requires implementation of the approved AQMP.</p> <p>s6.2 ‘Meteorological monitoring’ AQMP requires operation of a meteorological station to collect and analyse real time data and determine adverse weather conditions.</p>	<p>The site has implemented the AQMP. The site effectively utilises the information available via Bureau of Meteorology website daily to proactively manage operational controls and can react when required to changing circumstances.</p> <p>Visual assessment of conditions is the most appropriate and effective means of implementing and activating controls for activities that pose a dust risk of which not all are related to weather conditions.</p> <p>The meteorological station on site has been operational and will be replaced as soon as possible to ensure that KGRPL has access to monitoring data.</p>	<p>Todoroski Air Sciences has been appointed to supply and install a new weather station. Installation and commissioning of the equipment is expected to be completed by 30 June.</p>
<p>NOC 20 – Fire protection</p> <p>B27 (a-c) and B28 (SSD5300) -‘Bushfire protection’ requires existing buildings to be upgraded to be fire-proofed, and new buildings constructed to fire proofing standards; and building and landscaped areas close to riparian zone be managed to reduce risk of bushfires.</p>	<p>Vegetation around buildings 1 &amp; 2 consists mostly of grass. KGRPL notes that the approved plans specify grass for this area which is maintained by a contractor.</p> <p>Future maintenance is subject to awarding of a new maintenance contract.</p> <p>An assessment of building upgrade requirements will be reviewed and any works required will be completed.</p>	<p>The proponent is currently reviewing building upgrade requirements and subsequent work.</p>

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## KGRPL Response to table 2.8 - Additional information requested by the Department of Planning, Industry and Environment in relation to actions recommended in the 2019 Independent Environmental Audit.

DPIE requirement No.	Description	Progress update	KGRPL Response
1	Details of the key IEA outcomes including progress made in implementing the plan	Please refer to a detailed progress update in relation to addressing the non-compliances found in the Independent Environmental Audit in Table 2.7.	Please refer to the Independent Environmental Audit response table in the IEA previously provided to the Department and available on the Bingo website for this facility
2	Details of the water re-use monitoring results from the OSDs and commentary around the suitability in relation to its re-use for dust suppression and environmental / human health risk assessment	<p>Sprinklers in use on site have until recently been restricted to use of tank water topped up by town water delivered to site by water cart. Recently a new sprinkler system has been constructed around the tip floor which currently relies on use of detention dam water. A consultant has been engaged to assess environmental / human health risks associated with water reuse on site.</p> <p>KGRPL will incorporate this assessment into the 6 monthly sampling programs adopted for water quality assessment while water in the dam is proposed for reuse for the purpose of dust suppression.</p>	Sampling and analysis of water quality for the purpose of reuse on site has been conducted and determined no risk to human health. This assessment has been included in the biannually.
3	Details of the monitoring data for the generator runtimes and diesel consumption including	KGRPL incorporates checks of the generator runtimes in the Supervisor Checklist completed daily on operational days. Old generators have been replaced with new more efficient generators. Bingo has	Bingo is currently preparing an organisation wide Sustainability Framework inclusive of greenhouse gas and energy mitigation programs.

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DPIE requirement No.	Description	Progress update	KGRPL Response
	commentary as to whether any actions were taken to improve and/or reduce energy consumption during the period	completed an energy and emissions inventory for the Premises. The results of the inventory will determine future energy and greenhouse gas emission reductions programs for the site which are currently being considered by a Bingo working group led by the recently appointed Sustainability Manager	
4	A section detailing the status of the review and/or any revisions of management plans required under the Consent. For any revisions required of the management plans, provide a schedule for their completion and submission to the Department for approval.	A third-party consultant has been appointed to undertake a review of the management plans and update them as required. KGRPL is currently reviewing a draft OEMP. KGRPL is seeking to revise the structure of these plans at the same time as the review and will discuss the proposed changes with the Department and seek the Department's approval prior to finalising any changes. We would expect to complete the revised plans post the Departments approval of MOD 2, submission of the AER and considering Departments comments of the IEA and the restructured OEMP and sub plans.	Bingo has appointed Arcadis to undertake a review of the management plans required for the facility.  CommSafe (A division of NSW Fire and Rescue) is the preferred supplier to review and update the Emergency Management Plan and Pollution Incident Response Management Plans for the facility.

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## KGRPL Response to table 2.9 - Summary of additional measures that have or will be undertaken during 2020 to improve the environmental performance of the development.

Non-compliance	Source	Additional measure / action that has or will be implemented	KGRPL Response
Development Control Order	Table 2.5 of this Annual Review	A development application has been prepared for the use of the picking station and this was submitted for assessment on 31 August 2018. This application was amended and re-submitted in response to submissions on 14th June 2019 and again on 21 February 2020. This matter will be resolved once the DA is approved.	MOD 2 was approved subsequent to conditions related to use of the picking station. The conditions of MOD2 need to be met prior to lifting of the Order. These requirements are currently being addressed
NOC 09 – Access tracks  s5 of the SWMP requires that access tracks are delineated, and sign posted.	Table 2.8 / Independent Environmental Audit	A site plan in the form of a safety sign will be developed like the site traffic plan and posted adjacent to the rumble grid.	This is in progress and is expected to be completed by 30 June.  It is noted that signage has been in place and remains in place at the weighbridge, delineating internal roads and locations and furthermore traffic controllers, control all vehicles, vehicle paths and movements throughout the site
NOC 20 – Fire protection  B27 (a-c) and B28 (SSD5300) - 'Bushfire protection' requires existing buildings to be upgraded to be fire-proofed, and new buildings constructed	Table 2.8 / Independent Environmental Audit	An assessment of building upgrade requirements will be reviewed and any works required will be completed.	The proponent is currently reviewing building upgrade requirements and subsequent work.



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Non-compliance	Source	Additional measure / action that has or will be implemented	KGRPL Response
to fire proofing standards; and building and landscaped areas close to riparian zone be managed to reduce risk of bushfires.			
B7 Water Management System	Appendix 1 of this Annual Review	<p>Vegetation of former access road around NE corner of site is required, and vegetated earth mound as per SSD 5300 Mod 1 plans is required to divert runoff from northern hillslope around the site and into the unnamed creek.</p> <p>Pad maintenance needed more regularly to avoid low spots forming to improve surface drainage and reduce sediment generation.</p> <p>More frequent cleaning of pad needed to avoid sediment build up, including changing the geotextile filter covers on pits.</p> <p>An update to the Soil and Water Management Plan (last updated March 2018) is required to set out additional soil and erosion control measures that need to be considered during wet weather, to avoid excessive sediment load on the ponds, in accordance with Landcom (2004) <i>Managing Urban Stormwater – Soils and Construction Vol. 1</i>. The plan update should include current practices such as pits and pipes</p>	The Water Management Plan is being updated in accordance with the requirements of MOD2 approval and to address management plan requirements arising from the IEA and the annual review. Arcadis has been appointed to complete this work.

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Non-compliance	Source	Additional measure / action that has or will be implemented	KGRPL Response
		cleaning by external contractor once a quarter including Humeceptor.	
<b>B8. Erosion and Sediment Control</b>	Appendix 1 of this Annual Review	<p>Vegetation of former access road around NE corner of site is required, and vegetated earth mound as per SSD 5300 Mod 1 plans is required to divert runoff from northern hillslope around the site and into the unnamed creek.</p> <p>Whilst pad maintenance is done regularly to reduce low spots on the pad, and to avoid pooling in wet weather, more frequent monitoring of pad condition will help to improve surface drainage and reduce sediment generation.</p> <p>More frequent cleaning of the pad is needed to avoid sediment build up, including more frequent changing of the geotextile filter covers on pits.</p>	<p>Earth mound to be completed as per approved plans by 30 June 2020.</p> <p>Revegetation to be commenced by 30 June 2020</p>
<b>C9. Independent Environmental Audit</b>	Appendix 1 of this Annual Review	Consultation with an independent auditor is required early prior to the next scheduled audit (3 years after the approval of the OEMS, being 26/02/2021), in order to ensure delays do not occur.	The IEA will be undertaken in accordance with the conditions of consent