

From: [Dylan Baudinet](#)
To: [Brendon Roberts](#)
Cc: [Ruth O'Brien](#); [Jeff Mead](#); [Bruce Baudinet](#); [Michelle Niles](#)
Subject: RE: DA2 Mod 9 - Draft DA Conditions
Date: Thursday, 19 December 2019 12:26:01 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[Letter to Dept. Planning_V01f.pdf](#)

Brendon,

Please find enclosed a letter from ADE responding to your email below.

In summary the information requested in your email below will be overseen post DA approval by the EPA who will determine and monitor if resource recovery material is suitable for placement on site.

Could you please forward us the draft DA conditions for DA2 Mod 9?

Regards,

Dylan Baudinet
Precinct Capital Pty Ltd

Level 1, 2 Barrack Street Sydney NSW 2000 Australia
Email: dylan@precinctgroup.com.au Dir: +61 2 9134 5803 Tel: +61 2 9994 0202 Mob: +61 404 231 878

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From: Brendon Roberts <brendon.roberts@planning.nsw.gov.au>
Sent: Tuesday, 10 December 2019 5:44 PM
To: Dylan Baudinet <dylan@precinctgroup.com.au>
Cc: Ruth O'Brien <ruth@planningingenuity.com.au>; Jeff Mead <jeff@planningingenuity.com.au>; Bruce Baudinet <bruce@precinctgroup.com.au>; Michelle Niles <Michelle.Niles@planning.nsw.gov.au>
Subject: RE: DA2 Mod 9 - Draft DA Conditions

Hi Dylan

Many thanks for your email.

The Department has commenced its assessment of DA2 MOD 9 and requires the following clarification regarding the modification:

- please identify the specific spoil sought to be imported to the site, and provide a copy of the EPA site specific resource recovery Orders and Exemptions
- provide confirmation from a suitably qualified professional (such as a EPA Accredited Site Auditor) that the spoil subject to the EPA Order and Exemption is acceptable for use on the site, will not impact suitability of future uses on the site, will not lead to any adverse impacts to surface or ground water and will not result in future health risks
- provide details of validation inspections or sampling required to ensure the spoil meets the

requirements of the EPA Order and Exemption and an Unexpected Finds Protocol for cases when spoil does not meet requirements.

I'll ask Michelle to review your email regarding landowners consent when she gets back from leave.

Regards

Brendon Roberts

Acting Director, Regional Assessments

Planning and Assessments | Department of Planning, Industry and Environment

T 02 9274 6422 | E brendon.roberts@planning.nsw.gov.au

Level 29, 320 Pitt Street, Sydney NSW 2000

www.dpie.nsw.gov.au



The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Dylan Baudinet <dylan@precinctgroup.com.au>

Sent: Tuesday, 10 December 2019 5:22 PM

To: Brendon Roberts <brendon.roberts@planning.nsw.gov.au>

Cc: Ruth O'Brien <ruth@planningingenuity.com.au>; Jeff Mead <jeff@planningingenuity.com.au>; Bruce Baudinet <bruce@precinctgroup.com.au>; Michelle Niles <Michelle.Niles@planning.nsw.gov.au>

Subject: RE: DA2 Mod 9 - Draft DA Conditions

Hi Brendon,

I understand Michelle is on leave.

I'm following up on the email below. Could you please confirm you are on track to issue draft conditions on 17/12/19 which is two weeks after Michelle's email below?

Regards,

Dylan Baudinet
Precinct Capital Pty Ltd

Level 1, 2 Barrack Street Sydney NSW 2000 Australia

Email: dylan@precinctgroup.com.au Dir: +61 2 9134 5803 Tel: +61 2 9994 0202 Mob: +61 404 231 878

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From: Michelle Niles <Michelle.Niles@planning.nsw.gov.au>

Sent: Tuesday, 3 December 2019 3:09 PM

To: Dylan Baudinet <dylan@precinctgroup.com.au>

Attention: The Directors
Great River NSW Pty Ltd.
Level 1, 2 Barrack Street
Sydney NSW 2000

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Telephone: 1300 796 922

GREAT RIVER NSW PTY LTD
STC-1599-16207

To whom it may concern,

Re: Clarifications Regarding the Modification DA2 MOD 9

In order to apply waste to land (for example, as 'fill') the proponent will usually need to hold an environment protection licence or pay the waste levy. However, in some circumstances, the NSW Environmental Protection Authority (EPA) has the power to grant an exemption from some of these requirements if it can be demonstrated that a waste can be safely and effectively used for another purpose. Reuse of the waste must be genuine, fit-for-purpose, and cause no harm to the environment or human health.

The EPA grants this permission for reuse, subject to strict conditions, under the Protection of the Environment Operations (Waste) Regulation 2014 (Waste Regulation, 2014) and described in Resource Recovery Orders and Resource Recovery Exemptions issued to the source/receiving site.

Resource Recovery Orders (RRO) include conditions which generators and processors of waste must meet to supply the waste material for the purposes described (e.g. used as fill). The conditions may include material specifications, processing specifications, record-keeping, reporting and other requirements. All resource recovery orders are made under clause 93 of the 2014 Waste Regulation.

Resource Recovery Exemptions (RRE) contain the conditions which consumers must meet to use waste for the purposes described (e.g. used as fill). These conditions will include requirements on how to re-use or apply the waste, as well as record-keeping, reporting and other requirements. All resource recovery exemptions are made under clauses 91 and 92 of the 2014 Waste Regulation.

The EPA requires that records of testing/classification of the material be kept on file and ready for inspection/review by EPA officers/Auditors for at least 6 years.

The relevant planning consent requirements are still valid even though RROs and RRE's are granted. In order use an Order or Exemption, the generator or processor must seek any necessary development consents from the appropriate regulatory authority.

Great River NSW is applying for a change to its Development Application (DA02 MOD9) to allow it to be able to accept spoil as fill for its site at Nepean Business Park under an RRO/RRE.

ADE understands that *The Department of Planning and Environment* has commenced its assessment of DA02 MOD9 and requires the following clarifications regarding the modification to the DA:

- *Please identify the specific spoil sought to be imported to the site, and provide a copy of the EPA site specific resource recovery Orders and Exemptions;*
 - At present the specific spoil has not been identified and a Specific Resource Recovery Order and Exemption has not been granted. Once the DA conditions allow Great River NSW to accept spoil from projects classified under an EPA Resource Recovery Order and a Resource Recovery Exemption then source site(s) can apply to the EPA for an Order/Exemption to deliver spoil to Nepean Business Park as fill.
- *Provide confirmation from a suitably qualified professional (such as an EPA Accredited Site Auditor) that the spoil subject to the EPA Order and Exemption is acceptable for use on the site, will not impact suitability of future uses on the site, will not lead to any adverse impacts to surface or ground water and will not result in future health risks;*
 - Confirmation from a suitability qualified professional that the spoil is acceptable for use on the site can be gained once the Specific Resource Recovery Order (RRO) and Exemption (RRE) has been sought by the source site and granted by the EPA. Compliance with the EPA issued RRO/RRE will ensure imported spoil will be suitable for future uses on site. The source site is required to undertake testing to show that the material to be exported complies with the RRO/RRE. The receiving site (Nepean Business Park) will also be required to confirm that material complies with the RRO/RRE, the Fill Management Plan and conditions of the DA. If spoil is not suitable under the relevant RRO/RRE for the receiving site (Nepean Business Park) then the EPA will not allow the RRO/RRE spoil to be placed at the receiving site (Nepean Business Park).
- *Provide details of validation inspections or sampling required to ensure the spoil meets the requirements of the EPA Order and Exemption and an Unexpected Finds Protocol for cases when spoil does not meet requirements;*
 - The details of validation inspections or required sampling and an Unexpected Finds Protocol will be detailed as part of the SAQP developed as part of the application to EPA for a General Resource Recovery Order/Exemption. The source site will need to undertake testing as set out in the SAQP and RRO/RRE in order to confirm that the material is suitable for reuse under the RRO/RRE. In addition, the receiving site (Nepean Business Park) will undertake visual inspections and chemical testing to confirm the suitability of the material for use as fill on their site.

Yours Sincerely,



Dr. Santo Ragusa

Principal Environmental Scientist.