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Cleanaway Waste Management
Limited

**Independent
Environmental (IEA)
Audit Kemps Creek
ARRT Facility, NSW**

wsp

June 2024

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Independent Environmental (IEA) Audit Kemp's Creek ARRT Facility, NSW

Cleanaway Waste Management Limited

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REV	DATE	DETAILS
A	2/05/2024	Draft to Client
B	6 May 2024	Revision B
C	3 June 2024	Inclusion of Signed Declaration of Independence Form

	Name	date	signature
Prepared by:	Andres Grigaliunas	3/06/2024	
Reviewed by:	Colin McKay	3/06/2024	 
Approved by:	Colin McKay	3/06/2024	 

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1 Introduction

1.1 Background

Cleanaway Waste Management Limited (the client) has engaged WSP to undertake an Independent Environmental Audit (IEA) of Kemps Creek Advanced Resource Recovery Technology (ARRT) Facility NSW, located at 1725 Elizabeth Drive, Kemps Creek, NSW 2178 (the site). The site covers approximately 8 hectares and is located approximately 40 km west of Sydney Central Business District (CBD) within the Penrith local government area. Refer to the site layout in Figure 1 in Appendix A.

WSP understands that the site is regulated by the NSW Environment Protection Authority (NSW EPA) under the NSW Protection of the Environment Operations Act 1997 through Environment Protection Licence (EPL) 12889. WSP understands that the site has operated as a waste facility since 2009 under the development consent MP06_0185. Since then, three modifications to the development consent have been submitted and include:

- Modification 1 (MOD 1): which requested change to operation hours;
- Modification 2 (MOD 2): relates to increase of annual processing capacity; and
- Modification 3 (MOD 3): relates to upgrades to the maturation pads and process.

WSP understands that MOD 1 and MOD 3 were determined on the 20 September 2010 and 24 January 2014 while MOD 2 was withdrawn.

As part of the consent requirements, an independent environmental audit is required to be carried out at the site every 3 years. The last one was undertaken by Element Environment (Element) in December 2020. It is important to note that the facility was previously managed by Suez, until December 2021 when the client took over the management of the site. Therefore, documentation to be reviewed in the audit show both Suez and the client as site operators.

1.2 Audit Objectives

The objectives of the IEA are to:

- Assess if the client is complying with the development consent requirements for the site (MP06_0185);
 - Evaluate if the site is being operated in accordance with relevant environmental practice, performance measures and statutory requirements;
 - Assess the implementation of the environmental management plan, including licences and approvals; and
 - Provide recommendations for the improvement of the environmental performance of the site.
-

1.3 Audit Scope

As per the Condition 7, schedule 4 of the MP06_0185, WSP was required to carry out the following scope:

- An environmental audit carried out by a suitable qualified environmental audit team with experience in waste management. The team was endorsed by the Director-General of the NSW Department of Planning and Environment);
- Once the audit team has been accepted by the Director-General, develop the Audit Plan;
- Undertake consultation with the NSW EPA and Penrith City Council (Council);
- Assess the environmental performance of the project, and its effects on the surrounding environment;

- Determine whether the project is complying with the relevant standards, performance measures and statutory requirements;
 - Review the adequacy of the Environmental Management Plan (EMP) for the project, compliance with the requirements of this approval, and any other licences and approvals; and if necessary,
 - Recommend measures or actions to improve the environmental performance of the project, and/or any plan/program required under the approval.
-

1.4 Audit Team

WSP team undertaking the independent audit was endorsed by the NSW Department of Planning and Environment (DPE) Director-General on the 21 December 2023. The team proposed to the Department, and that conducted the audit included Mr Andres Grigaliunas and Mr Colin McKay.

Mr Andres Grigaliunas has more than 25 years' experience in the environmental engineering sector and strong expertise across strategic planning with more than 18 years' experience in the contaminated land industry. Andres was the QA manager for a large organisation and has undertaken several environmental audits on small and large projects as an environmental auditor.

Mr Colin McKay over 24 years of environmental consulting experience focusing on contaminated site assessment, soil and groundwater investigation and remediation studies and is a NSW EPA Certified Professional Soil Scientist with Contaminated Site Assessment and Management specialist competency.

Copies of the signed Declaration of Independence Forms are attached in Appendix E.

1.5 Audit Period

Based on Schedule 4 condition 7 of the development consent MP06_0185, the frequency of EIA for the site are:

- Within two years of commencement of operations; and
- Every three years thereafter;

WSP understands that Element carried out the last independent environment audit between October and November 2020 and issued the audit report in December 2020 identified as SUEZ Advanced Waste Treatment Facility Part 3A Independent Environmental Audit, Element (2020). The current audit covers the period between December 2020 until February 2024

2 AUDIT METHODOLOGY

2.1 Development of audit scope

WSP prepared an Audit checklist based on condition 7, schedule 4 of MP6_0185 requirements (Refer to Appendix B). WSP also reviewed the outcome of 2020 Audit for the site carried out by Element and enquiries with relevant authorities (NSW EPA and Penrith City Council (Council)).

2.2 IEA Audit Criteria

WSP has followed the compliance status descriptors outlined in the Department of Planning, Industry and Environment DPE Independent Audit Post Approval Requirements from 2020 and outlined in Table 2.1 below:

Table 2.1 Compliance Status descriptors applied in this Audit

Descriptor	Abbreviation	Definition
Compliant	C	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	NC	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	NT	A requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

2.3 Consultation

On the 24 January 2024, WSP submitted a letter to the NSW EPA and Penrith City Council notifying about WSP audit on Cleanaway ARRT premises and enquiring about any potential complaints received by the authorities by the community or if any incidents or issues have been reported for the site. A copy of the letter sent is attached in Appendix C.

2.4 Opening Meeting

Prior to undertaking the opening meeting, WSP requested Cleanaway to provide relevant information required to be reviewed for the IEA, which was provided via email between 18 and 19 January 2024.

WSP arranged an opening meeting with the client on 24 January 2024 where the following meeting agenda was followed:

- Introduction and welcome;
- Audit objectives;
- Scope of the audit;
- Confirmation of audit criteria;
- Audit methodology;
- Questions / other; and

- Meeting closure.

The meeting was attended by the following personnel:

- Haydn Rossback: Cleanaway – Environmental Business Partner;
- Melinda Hale: Cleanaway – Environmental Business Partner;
- Louise Saunders: Cleanaway – NSW ARRT and Organic Manager;
- Andres Grigaliunas: WSP; and
- Colin McKay: WSP.

At the meeting, it was agreed for Cleanaway to provide further information relevant to the IEA, which was provided on the 24 January via email. Further information was provided by the client on the 19 April 2024. A list of the information provided is outlined in Section 2.7 below.

2.5 Interviews with site personnel

On the 14 February 2024, prior of undertaking the site inspection, WSP met and conducted interviews with various Cleanaway staff (onsite) to gain better understanding of the site operations:

- Haydn Rossback: Cleanaway – Environmental Business Partner;
- Melinda Hale: Cleanaway – Environmental Business Partner; and
- Louise Saunders: Cleanaway – NSW ARRT and Organic Manager.

2.6 Site Inspection

On 24 February 2024, WSP carried out a site inspection of the premises to gain an understanding of the site operations and to visually verify compliance with certain conditions. During the site inspection, Cleanaway personnel escorted WSP to different areas of the site including the leachate and overflow dams, composting tunnels, receival hall, lower and upper maturation pads and the biofilter area. The locations of these facilities are shown on Figure 1, Appendix A.

2.7 IEA Evidence

WSP reviewed documents provided by the client for review as part of the present IEA. These included:

- Annual Review_31082023_030402 – PDFXChange Editor. Letter in Pdf date 31/08/2023. Subject: SUEZ Kemps Creek Facility (PM06_0185) – Annual Environmental Management Review.
- Approval of Plan Strategy or Study_01042022_014434 – PDF_XChange Editor. Letter in pdf to the Department of Planning and Environment dated 1/04/2022. Subject: Kemps Creek Advance Waste Treatment (SAWT) Facility (MP06_0185) Environmental Management Plan.
- Automatic reply:2020-Odour Improvement Report – Message (HTML). Email dated 1/3/2021.
- Cleanaway (2022) Environmental Management Plan. Kemps Creek ARRT Facility. Version 1.
- Cleanaway (2022) Odour Management Plan. Kemps Creek ARRT Facility. Version 1.
- Cleanaway (2023) ARRT Environmental (Licence) Compliance Tool. HSE Management System. Kemps Creek ARRT Facility. NSW Environment Protection License (EPL) No.12889. Issued on the 31/08/2023.
- Cleanaway (2023) Environmental Risk Register. Kemps Creek ARRT Facility (excel spreadsheet).

- Cleanaway (2023) Liquid & Solid Waste Storage Plan (LSWSP). Kemps Creek ARRT Facility.
- Cleanaway (2023) Pollution Incident Response Management Plan (PIRMP). Cleanaway Pty Ltd. Kemps Creek ARRT Facility. NSW EPA Licence No 12889.
- Cleanaway (2023) Stormwater Management Plan. Cleanaway Pty Ltd. Kemps Creek ARRT Facility.
- Cleanaway. Incident Report Summary (excel) with occurrence between the 2/03/2022 and the 10/08/2022.
- Cleanaway (2023) Environmental second line of defence audit: Kemps Creek (ARRT). Dated 30/05/2023.
- Cleanaway. Regulatory Activity Register (excel) with interactions dated between the 1/03/2023 and the 22/01/2024.
- Cleanaway Kemps Creek: Weather Station. Excel spreadsheet from 15.4.2020 to 14.4.2023. Daily Summary.
- Daily odours and site monitoring records from 1/07/2020 until 23/12/2023. Pdf documents.
- ERM (2020) Annual Environmental Management Report 2019-2020. Kemps Creek SAWT.
- Element (2021) Annual Environmental Management Report (2020-2021). Kemps Creek Advanced Resource Recovery Technology Facility/Part 3A.
- Element (2021) Vegetation Management Plan. Badgerys Creek Riparian Corridor/SUEZ SAWT Facility at Elixabeth Drive Landfill. 15 April 2021.
- Element (2022) Annual Environmental Management Report (2021-2022). Kemps Creek Advanced Resource Recovery Technology Facility/Part 3A.
- Element (2023) Annual Environmental Management Report (2022-2023). Kemps Creek Advanced Resource Recovery Technology Facility/Part 3A.
- Element (2020). Independent Environmental Audit. Suez Advanced Waste Treatment Facility/ Part 3A.
- Environmental Walk – Kemps Creek – Message (HTML). Email dated 22/6/2023.
- NSW EPA site visit photos for ERA – Kemps Creek ARRT – Organics.23.06.23.
- FW: Advanced Waste Treatment (AWT) Facility – Post Approval Document Received – (MP06_0185) – Message (HTML). Email dated 20/10/2022.
- FW: Advanced Waste Treatment (AWT) Facility – Timeline Completion of Actions from EIA 2 Dec 20 – Message (HTML). Email dated 25/01/2021.
- FW: Advanced Waste Treatment (AWT) Facility – Post Approval Document Received – (MP06_0185) Message (HTML). Email dated 16/12/2020. Attachment Port Approval Form_20201216031939.pdf.
- Independent Environmental Audit of the SUEZ Advanced Waste Treatment facility – Message (HTML). NSW EPA (2020). Email. Subject Independent Environmental Audit of the SUEZ Advanced Waste Treatment facility. 16 October 2020.
- Kemps Creek NSW EPA written report (1). Word document letter dated 13 July 2022. Subject: Incident Report – Storm Water Discharge – Cleanaway Kemps Creek ARRT Facility (EPL No.12889).
- Landair Surveys (2024) Cleanaway SAWT Licence Boundary-A Plan. 1725A Elizabeth Drive, Badgerys Creek.
- NSW DPE Post Approval of SAWT EMP_Update (2021).
- NSW EPA (2020) Annual Return. Suez Recycling and Recovery Pty Ltd. Reporting Period 29/07/2019-28/7/2020.
- NSW EPA (2021) Annual Return. Suez Recycling and Recovery Pty Ltd. Reporting Period 29/07/2021-17/12/2021.
- NSW EPA (2022) Annual Return. Suez Recycling and Recovery Pty Ltd. Reporting Period 18/12/2021-28/07/2022.
- NSW EPA (2023) Annual Return. Suez Recycling and Recovery Pty Ltd. Reporting Period 29/07/2022-28/07/2023.

- NSW Government Planning, Industry and Environment (2021) Suez Kemps Creek Waste Facility -AWT – Annual Environmental Management Report 2020 (MP06_0185). Annual Environmental Management Report. Letter in pdf dated 8 March 2021.
- Updated Environmental Management Plan and Odour Management Plan for SUEZ SAWT Facility. Email dated 29/11/2019. Attachment 20191129 – Signed Letter – Approval of updated EMP and OPM pdf.
- Post Approval Form_20210418221633. MP06_0185-PA-7-PDF-XChange Editor. Pdf document.
- Post Approval Form_20210922203610. MP06_0185-PA-14-PDF-XChange Editor. Pdf document.
- RE: Advanced Waste Treatment (AWT) Facility – GHG Report Supporting Letter – Message (HTML). Email dated 24/6/2022. Subject: RE: Advanced Waste Treatment (AWT) Facility - GHG Report Supporting Letter.
- RE: EPL 12889 – Message (HTML). Email dated 17/03/2022. Attachment included ES2207298_0_COA.pdf, 20220316 – Leachate Discharge incident.pdf and 18.12.21-16.3.22- all leachate from Kemps Creek ARRT.xls.
- RE: Site Inspection Independent Environmental (IEA) Audit Kemps Creek ARRT Facility. Email dated 15/2/2024.
- RE: SAWT – Odour Improvement Report – Message(HTML). Email dated 1/03/2021.
- RE: HPE CM:RE:EPL 12889. Email dated 24/3/2022.
- RE: SAWT – Odour Improvement Report. Email dated 1/3/2021.
- SAWT EIA – Message (HTML). Dated 7/12/2020.
- Suez (2017) Risk Management Form.
- Suez (2018) Product Quality Manual. Version 6. 8 February 2018.
- Suez (2021) Environmental Management Plan. Kemps Creek SAWT ARRT. Version 5. Dated 19 August 2021.
- Suez Kemps Creek EIA action plan – Message (HTML). Email dated 18/01/2021.
- Suez (no date) 210112- Timelines for completion of actions recommended from IEA. SUEZ SAWT ARRT Facility Kemps Creek – Independent Environmental Audit. Timeline for Completion of Actions from IEA 2020. Word document.
- Suez 2020-Odour Improvement Report – Message (HTML) Email dated 1/03/2021. Attachment: Continuous Odour Improvement Report for 2020 Kemps Creek SAWT (SUEZ) – DA Licence 06_0185.
- Suez (2021) Environmental Management Plan. Kemps Creek SAWT ARRT. Version 6.
- Suez. 2021 Suez Kemps Creek SAWT SSD_06_0185- Vegetation Management Plan – request for additional information. Letter in pdf. 24 May 2021.
- Ramboll (2022) Greenhouse Gas Feasibility Report Kemps Creek SAWT Facility. Project Number 318001354. Dated 28 February 2022.
- Toolijooa Environmental Restoration (2021) Monthly Report. June 2021.
- Toolijooa Environmental Restoration (2021) Suez SAWT Regeneration Works. 5 July 2021.
- Toolijooa Environmental Restoration (2022) Tax Invoice #5849. 31 March 2022.
- Toolijooa Environmental Restoration (2022) Tax Invoice #Sue3 Claim 3. 3 May 2022.
- Toolijooa Environmental Restoration (2022) Tax Invoice #Sue2 Claim 11. June 2022.
- Toolijooa Environmental Restoration (2022) Tax Invoice #Sue2 Claim 12. July 2022.
- Toolijooa Environmental Restoration (2022) Tax Invoice #Sue2 Claim 13. August 2022.

- Toolijooa Environmental Restoration (2022) Tax Invoice #Sue2 Claim 14. October 2022.
- Toolijooa Environmental Restoration (2023) Kemps Creek Resource Recovery Park Bush Regeneration. 3 May 2023.
- Toolijooa Environmental Restoration (2022) Tax Invoice #5849. 31 March 2022.
- Training Records on EMP. Several pdf document from 17 February 2021 to 08 March 2024.
- 20220301. Letter re greenhouse gas report – PDF – Xchange Editor. Letter from Cleanaway dated 1/3/2022. Subject: Response to RFI – Cleanaway Kemps Creek Advanced Resource Recovery Treatment (ARRT) Facility (MP06_0185) Greenhouse Gas Feasibility Study.
- Thank you for your email. Your Reference I is 01015891 (ref:_00D7F6iTix._5007F1EFtHt:ref). Email dated 7/09/2021.
- Weather Mation Live. Historical Reports. 1/4/2023 to 30/4/2023. Daily Summaries Report.
- Wilkinson Murray (2022) Suez Advanced Waste Treatment Facility, 1725 Elizabeth Drive, Kemps Creek NSW2178. Compliance Noise Monitoring RWDI #2101167.02.
- 12020906_Cover Letter_EMP_UpdateV2-PDF-XCHange Editor. SUEZ Kemps Creek SAWT SSD 06_0186 – Environmental Management Plan. Letter in pdf dated 7.09.2021.
- 210907 -12020906_Cover Letter_EMP_UpdateV2-PDF-XCHange Editor. SUEZ Kemps Creek SAWT SSD 06_0186 – Environmental Management Plan. Letter in pdf dated 7.09.2021.
- 210907- 12020906_EMP_Update_EPAandDPE-PDF-XCHange Editor. SUEZ Kemps Creek SAWT SSD 06_0186 – Environmental Management Plan. Letter in pdf dated 7.09.2021.
- 12020906_EMP_Update_Council-PDF-XCHange Editor. SUEZ Kemps Creek SAWT SSD 06_0186 – Environmental Management Plan. Letter in pdf dated 7.09.2021.
- 12020906_EMP_Update_EPAandDPE-PDF-XCHange Editor. SUEZ Kemps Creek SAWT SSD 06_0186 – Environmental Management Plan. Letter in pdf dated 7.09.2021.
- 210809-AEMR reply from DPE – PD-Xchange Editor. Letter in pdf dated 30/07/2021. Subject Suez Kemps Creek Waste Facility - AWT - Annual Environmental Management Report 2020-2021 (MP06_0185-PA-12) Annual Environmental Management Report 2020-2021.
- 2nd Line of Defence Audits - Inspections – Kemps Creek ARRT. Excel document. Attachment PIRMP Cleanaway Kemps Creek – 1725 Elizabeth Dr – October 2022 – FINAL word document and Environmental Site Walk - Kemps Creek Arrt – Organics.2106.2023 word document.
- 210122-FORM011.3 – Internal Audit – EQS Mgt System – Infrastructure SAWT. Excel document.
- 2020 – Odours Improvement Plan. Email dated 1/3/2021 with attachment 210301-06_0185 – 4.6 – Odour Improvement Plan.pdf.
- 210301-06_0185 – 4.6 – Odour Improvement Plan Report – PDF-Xchange Editor. Letter dated 1.03.2021. Subject: Continuous Odour Improvement Report for 2020 Kemps Creek SAWT (SAWT) - DA licence 06_0185.
- 4.3,4.4-traninf record. PDF document. Copy of Training Attendance Record. Suez. Dated 17/02/2021.
- 20210713_AEMR_DPE-Cover Letter. Pdf. SUEZ Kemps Creek SAWT SSD 06_0185 – Annual Environmental Management Review.

2.8 Closing Meeting

WSP presented the audit results outlined in this report to Cleanaway at the closing meeting held on the 3 May 2024. Non-compliances identified and recommendations were discussed to ensure non-compliances are addressed.

3 Audit Findings

A summary of WSP audit findings based on the review available information provided and compared against the audit criteria are outlined below.

3.1 Compliance Performance

WSP assessed the 51 audit criteria for the site based on the scope of works outlined in Section 1.3. The audit was undertaken based on evaluating written evidence provided by the client, site interviews, site observations and consultation with the NSW EPA and Penrith City Council. A photo register from the site visit undertaken on the 14 February 2024 is attached in Appendix D. Results from the audit in relation to the consent requirements for the site are:

- 36 considered as Compliant;
- 9 considered as Not triggered; and
- 6 considered as Non - Compliant.

Evidence and additional information about the above results can be found in the audit criteria checklist attached in Appendix B.

3.2 Audit Non-Compliances

As described in Section 3.1, a total of 6 Non-Compliances have been identified for this audit. A summary of the findings is outlined in Table 3.1 and full details of the condition including requirement, evidence, findings and recommendations can be found in Appendix B.

Table 3.1 Summary of Non-Compliances

Approval ID	Finding
3.5	A Waste Monitoring Program was included in the EMP 2021 (V5) and approved by DPE. However, there is no evidence that was prepared in consultation with the NSW EPA, prepared by a suitable qualified and experienced expert. Additionally, it does not address the contingency measures required in this condition.
3.20	EMP 2021 (V5) reviewed and confirmed that a Soil, Water and Leachate management plan has been included and accepted by DPE on 1 April 2022. There is evidence that it was sent to the NSW EPA for consultation with a letter sent on 7 September 2021. However, there is no evidence of the NSW EPA reply and any evidence that it was consulted with Council or NSW Office of Water (NOW). Additionally, there is no evidence that it was prepared by a suitable and qualified expert.
3.27	A revised Vegetation Management Plan (VMP (2021)) was prepared by Element for the site. It includes a detailed plan to protect and rehabilitate Badgerys Creek riparian corridor and provides on-site revegetation and weed management programs. However, there is no evidence that the document was prepared in consultation with NOW or approved by DPE.
4.1	EMP 2021 (V5) has been accepted by DPE on the 1 April .2022. There is evidence that it was sent to the NSW EPA for consultation with a letter sent on the 7 September .2021. However, there is no evidence of the NSW EPA reply and any evidence that it was consulted with Council or NOW. Additionally, there is no evidence that it was prepared by a suitable and qualified expert.

Approval ID	Finding
4.3	Two reportable incidents were recorded in the Cleanaway incident report register, up to 24 January 2024. One event occurred on the 2 March 2022 with a discharge from the overflow leachate dam. An email correspondence from the client to the NSW EPA was sighted informing the breach of the Environment Protection License (EPL) with reference of 10388. A second event occurred on the 4 July 2022 from the sediment pond into bushland. Heavy rainfall (299.2 mm) was recorded between 3 and 5 July 2022 resulting in overflow from the sediment pond into the downgradient bushland. The incident was reported to the NSW EPA on the 4 July 2022 (email sighted). Cleanaway prepared a response letter dated the 13 July 2022 outlining what occurred and mentions laboratory results. However, the document is a draft letter and there is no evidence that it was submitted to the NSW EPA.
4.4	Heavy rainfall (299.2 mm) was recorded between 3 and 5 July 2022 resulting in overflow from the sediment pond into the downgradient bushland. The incident (identified as 1293376) was reported to the NSW EPA on the 4 July 2022 (email sighted). Cleanaway prepared a response letter dated the 13 July 2022 outlining what occurred and mentions laboratory results. However, the document is a draft letter and there is no evidence that it was submitted to the NSW EPA. Additionally, the letter does not comply with the 6 day requirement outlined in the condition.

3.3 Summary of notices, orders or prosecutions

WSP reviewed the documentation provided by the client for the site and identified one communication from the NSW EPA on the 28 January 2021, which was reported in the 2020-2021 Annual Environmental Management Report (AEMR) report. The communication relates to an odour complaint received from the general public. The client provided as a response to the incident that at the date when the odour issue was identified by the public; all rapid roller doors were operational and remained shut unless a vehicle passed through the door, no vehicles entered or left the site after 5 pm and there was no product stored outside and the odour was therefore not attributable to the SAWT/ARRT facility. This issue was closed by the NSW EPA. Therefore, the odours issue do not relate to the site and the incident was closed by the NSW EPA.

No other evidence for agency notices, orders or prosecutions were identified for the audit.

3.4 Previous Audit Actions

WSP understands that three IEAs have been completed for the site with the first one carried out in 2011, the second one in 2018 and the third one in 2020. A summary of outstanding recommendations from previous audit is outlined in Table 3.2 (following page).

Table 3.2 Recommendations from previous Audit

Approval ID	Source	Recommendation from Previous Audit	Action taken	Status
2.4	Element 2020	<p>DPE has instructed AEMR's to be submitted within 3 months of the end of the reporting period.</p> <p>The annual reporting period ends 29/07 every year which aligns with the annual return period for reporting against the EPL. Therefore, an AEMR for the 2019-2020 period should have been submitted to DPE by 29 October 2020.</p> <p>No AEMR for 2019-20 has been submitted at the time of this audit.</p>	<p>04 December 2020 – Email sent to DPE notifying delay of AEMR.</p> <p>16 December 2020 – AEMR uploaded to Major Projects Portal.</p>	Completed
3.5	Element 2020	<p>The product quality manual prepared for Suez Advanced Waste Treatment SAWT Kemps Creek would be sufficient to address the monitoring objectives of this condition, but there is no evidence of the NSW EPA having been consulted in the preparation of this document nor is there evidence of DPE approving this document.</p> <p>The current version of the EMP does not address the monitoring objectives of this condition.</p>	<p>The Department of Planning and Environment approved the EMP (version 5, dated 19 August 2021) on 1 April 2022.</p> <p>However, the client was not able to provide evidence that there was consultation with the NSW EPA in its preparation.</p>	Open
3.11	Element 2020	<p>SUEZ has not prepared and submitted a feasibility report for DPE approval. SUEZ has sought clarification from DPE on this condition but no responses from DPE to SUEZ's request for clarification were provided. It is noted that the AEMR 2018-19 identified an action for SUEZ to seek a modification to the project approval to remove this condition because the development cannot comply with the requirement.</p>	<p>An external consultant prepared a Greenhouse Gas Feasibility Report (dated 28/02/2022), which was approved by the Department of Planning and Environment on 23 June 2022.</p>	Closed
3.20	Element 2020	<p>EMP which was originally submitted on 29/04/2009 and approved by DPE on 30/04/2009, included a soil, water and leachate management plan.</p> <p>The EMP was updated following the last independent environment audit and approved by DPE on 29/11/2019.</p> <p>The plan however does not identify who prepared this plan (i.e. suitably qualified and experienced expert) and there is no evidence of NSW EPA, NOW or Council having been consulted in the preparation.</p>	<p>The Department of Planning and Environment approved the EMP (version 5, dated 19 August 2021) on 1 April 2022.</p> <p>However, the client was not able to provide evidence that there was consultation with the NSW EPA in its preparation.</p>	Open

Approval ID	Source	Recommendation from Previous Audit	Action taken	Status
3.23	Element 2020	The stormwater management system included in the EMP does not demonstrate how the scheme is consistent with Managing Urban Stormwater: Council Handbook (NSW EPA) nor does the scheme demonstrate how the system has sufficient capacity for the 90th percentile 5-day rainfall event.	The Department of Planning and Environment approved the EMP (version 5, dated 19 August 2021) on 1 April 2022.	Closed
3.24	Element 2020	The EMP (July 2020) does not include a groundwater monitoring program or baseline data.	The EMP was updated to include management of groundwater. The Department of Planning and Environment approved the EMP (version 5, dated 19 August 2021) on 1 April 2022.	Closed
3.25	Element 2020	The EMP (July 2020) does not include a groundwater response plan, investigation and notification procedures as well as how to respond to surface or groundwater contamination.	It was included in the EMP The Department of Planning and Environment approved the. EMP (version 5, dated 19 August 2021) on 1 April 2022.	Closed
4.3	Element 2020	SUEZ notified NSW EPA of a pollution incident on 10 February 2020 and only notified DPE on 4 November 2020. Similarly, one wet weather discharge during the audit period recorded an exceedance of water quality criteria but DPE was not notified.	Cleanaway undertook a workshop related to PIRMP updates and notification requirements and training records from the 17 February 2021 provided.	Closed
4.4	Element 2020	The written report to NSW EPA for an incident notified on 10 February 2020 was submitted within required notification period, and email correspondence provided by SUEZ demonstrates this. This same written report was provided to DPE on 4 November 2020, outside the required notification period.	Cleanaway undertook a workshop related to PIRMP updates and notification requirements and training records from the 17 February 2021 provided.	Closed

Approval ID	Source	Recommendation from Previous Audit	Action taken	Status
4.5	Element 2020	<p>MP06_0185 was determined on 16 April 2008, therefore the AEMR should be due every April. However, correspondence from DPE dated 08 July 2020 acknowledged the annual reporting period (EPL) ending on 29 July every year and instructed AEMR's to be submitted within 3 months of the end of this reporting period (i.e. by 29 October every year).</p> <p>AEMR 2017-18 covered the period 29 July 2017 to 29 July 2018 and was finalised on 20 November 2019.</p> <p>The AEMR 2018-19 that covered the period 29 July 2018 to 29 July 2019, was finalised on 27 April 2020 and submitted to DPE on 25 May 2020.</p> <p>AEMR 2019-20 should cover the period 29 July 2019 to 29 July 2020 and was due to be submitted to DPE on 29 October 2020.</p>	Based on the AEMR 2020-2021, Suez requested approval to change the reporting period for the AEMRs to align with the anniversary date of the project approval. DPE approved this request on the 30 June 2021. The AEMR generated between 2020 and 2023 reported results every April and were sighted	Closed
4.6	Element 2020	<p>The AEMR includes a section on odour monitoring (s6.6), however the information included does not meet the requirements of this condition.</p> <p>The OMP states continuous improvement must be reported annually to DPE in accordance with "Environmental auditing and review" in the EMP (s1.10).</p> <p>The EMP, s1.10, states a continuous improvement report must be prepared but does not state the frequency or what this report must address.</p> <p>A Continuous Improvement Report for 2017 was submitted to DPE in June 2018. No previous or subsequent report has been provided.</p>	An Odours Management plan was prepared in 2022 and 2023 which includes a continuous improvement plan.	Closed
4.10	Element 2020	The website as accessed on 21 October 2020 did not have the first Independent environment audit, 2011.	Documents uploaded onto Cleanaway's website.	Closed

3.5 EMP, subplans and compliance documents

WSP reviewed the EMP 2021 (V5) and its subplans and considers that it has been developed in accordance with the conditions of the site. The document was reviewed and approved by DPE. However, no evidence has been provided to demonstrate that the EMP was prepared in consultation with the NSW EPA. It is important to note that Cleanaway has uploaded EMP 2021 V6 instead of the EMP 2021 V5 document in Cleanaway's website. The approved EMP (V5) should be made available to the public. It is important to note that Cleanaway approached the previous site owner (Suez) to provide relevant documentation, which was not provided.

Observations made during the site inspection and discussions with site personnel shows that the document actions and requirements are implemented across the site.

3.6 Consultation Outcomes

WSP contacted Council and the NSW EPA to inform about the environmental audit to be undertaken and to request if any complaints have been received for the site. Responses of the consultation undertaken by WSP with the NSW EPA and Council are summarised below:

- A email response received by the Council on the 14 February 2024 confirmed that Council has not received any concerns or complaints from the public during the relevant period; and
- A letter from the NSW EPA received on the 5 February 2024 states that up to the 30 January 2024, the NSW EPA has received one odour complaint by a member of the public and it is currently being investigated.

A copy of the NSW EPA and Council responses are attached in Appendix C

3.7 Complaints

Based on the AEMR for the period 2020-2023, no complaints have been received by the client in relation to dust, water quality, noise. One odour complaint was received on 28 January 2021 and discussed in section 3.3 of the report.

However, based on consultation with the NSW EPA in February 2024 and discussed in Section 3.6, one odour complaint was received by the authority and is currently being investigated.

3.8 Environmental Incidents

Based on information provided by Cleanaway and reviewed by WSP (including AEMRs, the incident reporting spreadsheet and communication with the authorities), a total of five environmental incidents were recorded for the audit period, with three of them considered as notifiable. The two other non-notifiable incidents that were recorded in the client's incident reporting spreadsheet are related to a small fire in a waste pile and some debris detected on the access road. A list of notifiable incidents is outlined below:

- As recorded in AEMR 2020-2021 report, on 22 March 2021 stormwater was discharged from monitoring point 3 and overflow pond into an EDL (Elizabeth Drive Landfill) and then discharging at Elizabeth Drive Landfill (EDL) licence point 23 (in EPL 4068). Results from a sample collected from the discharge point on the 22 March 2021 reported concentrations of ammonia and total suspended solids (TSS) above the criteria. However, there is no evidence that this incident was reported to the NSW EPA. It is important to note that this event occurred during Suez management and Cleanaway did not have control of the facility.;
- As recorded in AEMR 2021-2022 report, on 2 March 2022 a discharge from the overflow leachate dam identified an analysis result from the water sample collected that showed concentrations for ammonia and TSS above the criteria (incident identified as 1291248). Overflow continued until the 9 March 2022. The leachate pond overflow has been designed to hold 10 year average recurrence interval and the rain event during this period equated to a 50 year average recurrence interval. Based on the information provided, the client implemented the notification process cited in the Pollution Incident Response Management Plan (PIRMP), notified the NSW EPA the same day of the event (via email sighted) and provided an incident report on the 17 March 2022. It is understood that the NSW EPA has not taken any action in response to this event;
- As recorded in AEMR 2022-2023 report, a second event occurred in 2022 on the 4 July 2022 with a discharge event from the stormwater dam (incident identified as 1293376). Heavy rainfall (299.2 mm) was recorded between 3 and 5 July 2022 resulting in overflow from the sediment pond into the downgradient bushland. The incident was reported to the NSW EPA on the 4 July 2022 (email sighted). Cleanaway prepared a response letter dated the 13.7.2022

outlining what occurred and mentions laboratory results. However, the document is a draft letter and there is no evidence that it was submitted to the NSW EPA.

Based on the above, two of the incidents listed have been identified as non-compliant due to the lack of evidence showing notification to the NSW EPA.

3.9 Site Interviews

Prior to undertaking the site walkover on the 14 February 2024, WSP carried out an interview with Cleanaway personnel outlined in Section 2.5. The interview included discussions about additional information required for this audit, clarifications of the site's operational procedures and how the environmental requirements of MP06_0185 for the site are being met.

WSP considers that site personnel interviewed showed a good understanding of the requirements for the site including identification of environmental risks and controls to be applied and processes taking place at the facility. Staff also understood their reporting requirements.

3.10 Site Inspection

WSP carried out a site inspection on the 14 February 2024 to gain a better understanding of the site conditions and visually assess the site performance. During the site visit, WSP was escorted by Cleanaway personnel who explained and clarified any concerns from the auditor. Photos were taken at the time and a photo log is attached in Appendix D.

WSP considers that based on the site inspection observations, the site's environmental performance is considered as acceptable.

3.11 Environmental Performance

WSP considers that the environmental performance for the site is appropriate and carried out in accordance with the conditions of approval for the site, which is reflected in limited non-compliances and complaints from the authorities or the public. Discussions with site personnel and adequate management of the site identified during the site inspection also confirms that the EMP 2021 (V5) is suitable for the site. Appropriate actions such as maintaining the leachate and sediments ponds at low levels, implementing additional measures such as maintaining the waste receiving doors closed at all times, not using the external maturation pad, and carrying out daily inspections to minimise the release to odours confirm that the site is being managed appropriately.

3.12 Key Strengths

Based on all the documents reviewed for the site together with the site observations and discussions with key personnel on site, the client has demonstrated a good understanding of the environmental requirements for the site. During the site walkover, staff was able to respond to all the enquiries related to the site operations and management of potential environmental impacts from the operation of the site.

4 RECOMMENDATIONS

4.1 Non-Compliances and recommendations

The majority (80%) of the Non-conformances relate to not providing evidence that various management plans were submitted to the required authorities for consultation and /or approval while one relates to not providing evidence that an incident response was submitted to the NSW EPA. Table 4.1 below summarises the recommendations to address the non-compliances identified. One additional recommendation included in the table (not arising from a non-compliance) relates to uploading the wrong document into the website.

Table 4.1 Recommendations

Approval ID	Finding	Category
3.5	The waste management program included in the EMP 2021 (V5) is required to include contingency measures as outlined in the condition. The EMP must be sent to the NSW EPA for consultation and evidence should be provided demonstrating that was prepared by prepared by a suitable qualified and experienced expert.	Management Plan Update
3.20	The client is required to demonstrate that the Soil, Water and Leachate Management Plan in the EMP 2021 (V5) was prepared in consultation with the NSW EPA, NOW (now called Water NSW) and Council, and demonstrate that the document was prepared by end suitable qualified and experienced expert.	Management Plan Update
3.27	The revised VMP (2021) needs to be sent to NOW (Water NSW) for consultation and approved by DPE.	Management Plan Update
4.1	The client is required to demonstrate that the EMP 2021 (V5) was prepared in consultation with the NSW EPA and demonstrate that the document was prepared by end suitable qualified and experienced expert.	Management Plan Update
4.3	All reportable incidents need to be reported to the NSW EPA in accordance with the condition of approval.	Environmental Performance
4.4	The response to the incident 1293376 needs to be submitted to the NSW EPA or evidence of the incident provided to the auditor.	Late submission
4.10	The date when the information is uploaded is not available and would need to be included. Also, the approved EMP is V5 and the document uploaded is the V6 from 2021. The V5 report is the one accepted by DPE, so it should be replaced with the V5 version or the V6 be provided to DPE for approval.	Environmental Performance

4.2 Opportunities of Improvement

WSP considers that better communication is required by the client with relevant authorities including the NSW EPA, Council and Water NSW to ensure that the required management plans are prepared and consulted with the relevant authorities, and to ensure ongoing vigilance with reporting of environmental incidents within the required timeframes. WSP understands that communications with relevant authorities may take longer than expected and therefore it is important to log any communications and outline follow ups to ensure that responses are obtained within the expected time frames.

5 Limitations

This Report is provided by WSP Australia Pty Limited (WSP) for Cleanaway Waste Management Limited (Client) in response to specific instructions from the Client and in accordance with WSP's proposal dated 31 October and agreement with the Client dated 3 November 2023 (Agreement).

PERMITTED PURPOSE

This Report is provided by WSP for the purpose described in the Agreement and no responsibility is accepted by WSP for the use of the Report in whole or in part, for any other purpose (Permitted Purpose).

QUALIFICATIONS AND ASSUMPTIONS

The services undertaken by WSP in preparing this Report were limited to those specifically detailed in the Report and are subject to the scope, qualifications, assumptions and limitations set out in the Report or otherwise communicated to the Client.

Except as otherwise stated in the Report and to the extent that statements, opinions, facts, conclusion and / or recommendations in the Report (Conclusions) are based in whole or in part on information provided by the Client and other parties identified in the report (Information), those Conclusions are based on assumptions by WSP of the reliability, adequacy, accuracy and completeness of the Information and have not been verified. WSP accepts no responsibility for the Information.

WSP has prepared the Report without regard to any special interest of any person other than the Client when undertaking the services described in the Agreement or in preparing the Report.

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This Report can only be relied upon for the Permitted Purpose and may not be relied upon for any other purpose. The Report does not purport to recommend or induce a decision to make (or not make) any purchase, disposal, investment, divestment, financial commitment or otherwise. It is the responsibility of the Client to accept (if the Client so chooses) any Conclusions contained within the Report and implement them in an appropriate, suitable and timely manner.

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DISCLAIMER

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revenue, loss of opportunity to earn profit, loss of production, loss of contract, increased operational costs, loss of business opportunity, site deprecation costs, business interruption or economic loss) of any kind whatsoever, suffered on incurred by a third party.

Appendix A

Figure





Source: EIA (Elemental, 2020)



Client:	Cleanaway Waste Management Ltd
Address:	1725 Elizabeth Drive, Kemps Creek, NSW 1278
Title:	Site Layout
Project no:	PS209523
	Figure 1

Appendix B

Audit Criteria



Approval ID	Requirement	Evidence collected	Findings	Recommendations	Compliance
2.1	The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, and/or rehabilitation of the project.	<ul style="list-style-type: none"> * Site walkover * EMP 2021 (V5) and the stormwater management plans * Information provided and listed in section 2.7 of the report 	<p>This condition is considered as compliant.</p> <p>The site conditions are considered acceptable and discussions with the client personnel on site shows a good understanding of the environmental requirements and its implementation on site.</p>	Two EMPs were provided for the site, one prepared by Suez in 2021 and one prepared by Cleanaway in 2022. There are minimal differences between both with Cleanaway version provided as a word document still with track changes. WSP recommends to finalise the document and issue it as a final version.	Compliant
2.2	The Proponent shall carry out the project generally in accordance with the: <ul style="list-style-type: none"> (a) EA; (b) statement of commitments; and (c) Modification application 06_0185 MOD 1; (d) Modification application 06_0185 MOD 3; and (e) conditions of this approval. Note: The layout of the project is shown in Appendix 1 and Appendix 1A. 	<ul style="list-style-type: none"> * Information provided and listed in section 2.7 of the report were reviewed and evidence confirmed during the site inspection 	<p>This condition is considered as compliant.</p> <p>Documents provided and site observations confirms that the requirements were met.</p>		Compliant
2.3	If there is any inconsistency between the above, then the conditions of this consent shall prevail to the extent of the inconsistency.				Not triggered
2.4	The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of: <ul style="list-style-type: none"> (a) any reports, plans, programs or correspondence that are submitted in accordance with this approval; and (b) the implementation of any actions or measures contained in these reports, plans, programs or correspondence. 	<ul style="list-style-type: none"> * AEMR 2020-2021 * AEMR 2021-2022 * AEMR 2022-2023 * Email and letter from DPE dated 30 July 2021 acknowledging receiving the AEMR 2020-2021 * Email from DPE dated 20 October 2022 acknowledging receiving the AEMR 2021-2022 * Email and letter from DPE dated 31 August 2023 acknowledging receiving the AEMR 2022-2023 	<p>This condition is considered as compliant.</p> <p>All AEMRs for the period of the audit were submitted to DPE in accordance with the approval.</p>		Compliant
2.5	Waste operations may only take place for 20 years from the commencement of operations on site. Note: Under this approval the Proponent is required to decommission the project upon the completion of waste operations, and rehabilitate the site to the satisfaction of the Director-General. Consequently, this approval will continue to apply in all other respects other than the right to conduct waste operations on site until the site has been rehabilitated to a satisfactory standard.	<ul style="list-style-type: none"> * Interviews with staff * Authority approval to operate issued on 25 March 2009 by the DPE 	<p>This condition is considered as compliant.</p> <p>Authority approval sighted.</p>		Compliant
2.6	With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis. Within 3 months of any modification approval, the Proponent must prepare and implement a revised version of any relevant management plan or monitoring program to the satisfaction of the Director General.	<ul style="list-style-type: none"> * The EMP 2021 (V5) * Correspondence from DPE on the 1.4.2022 on EMP (V5) 	<p>This condition is considered as compliant.</p> <p>The EMP (V5) was updated and submitted to the authority. No modifications to the approval occurred during the last 3 years, and therefore did not require to revise the EMP to address the modification.</p>		Compliant

Approval ID	Requirement	Evidence collected	Findings	Recommendations	Compliance
2.7	The Proponent shall ensure that any new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA. Notes: • Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for any building works. • Part 8 of the EP&A Regulation sets out the detailed requirements for the certification of project.	* Site walkover * Interviews	During the audit period no new buildings, alterations or additional to existing buildings and structures have been carried out.		Not triggered
2.8	The Proponent shall ensure that all demolition work is carried out in accordance with AS 2601-2001: The Demolition of Structures, or its latest version.	* Site walkover * Interviews	No demolitions have occurred during the audit period.		Not triggered
2.9	The Proponent shall ensure that the plant and equipment used on site, or in connection with the project, is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	* Site walkover * Interviews	This condition is considered as compliant. Vehicle maintenance area inspected and no issues identified. The majority of the machinery is not maintained within the site.		Compliant
2.10*	The Proponent shall ensure that all licences, permits and approval/consents are obtained as required by law and maintained as required throughout the life of the Development. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approval/consents.	* Interviews * AEMR for periods 2020/2021, 2021/2022 and 2022/2023 * Annual returns for 29 July 2021-17 December 2021, 18 December 2021-28 July 2022 and 29 July 2022-28 July 2023 since the site has been managed by Cleanaway	This condition is considered as compliant. Annual returns and AEMR for 2021- 2023 showed evidence of licences obtained and maintained.		Compliant
3.1	The Proponent shall not receive: more than: • 120,000 tonnes of mixed waste and garden waste a year on site; and • 14,400 tonnes of biosolids from sewage treatment plants; and waste on site that is: • contaminated by chemicals and/or pathogens that would not be rendered harmless by operations on site, or that may constitute a health or environmental risk, including clinical and related waste and diseased carcasses; and • classified as hazardous waste or industrial wastes under the Protection of the Environment (Operations) Act 1997.	* Mandalay tracking system * AEMR reports for periods 2020/2021, 2021/2022 and 2022/2023	This condition is considered as compliant. - 2020/2021 approximately 76,500 tonnes general solid waste. - 2021/2022 approximately 62,500 tonnes were received - 2022/2023 approximately 84,000 tonnes of general solid waste were received. No biosolid were received for the three periods by the facility.		Compliant

Approval ID	Requirement	Evidence collected	Findings	Recommendations	Compliance
3.2	<p>The Proponent shall:</p> <ul style="list-style-type: none"> (a) implement suitable procedures to: <ul style="list-style-type: none"> • ensure that the site does not accept wastes that are prohibited; and • screen incoming waste loads; and (b) ensure that: <ul style="list-style-type: none"> • all waste sludges and wastes that are controlled under a tracking system have the appropriate documentation prior to acceptance at the site; and • staff receive adequate training in order to be able to recognise and handle any hazardous or other unapproved waste. 	<ul style="list-style-type: none"> * Interviews * Site walkover * EMP 2021 (V5) * Staff training outlined in the training register 	<p>This condition is considered as compliant. A well design system is applied to receive waste as specified in the EMP and discussions with site staff showed good knowledge of its requirements and implementation.</p>		Compliant
3.3	<p>Except for the following, the Proponent shall dispose of all outputs produced on site to suitably licensed facility:</p> <ul style="list-style-type: none"> (a) recyclables extracted and delivered off-site for resource recovery purposes; and (b) compost output products approved for use under the POEO Act and Regulations; or (c) compost output products for approved public compost applications off SITA's land that: <ul style="list-style-type: none"> • have been composted in accordance with Australian Standard AS 4454-2003:Composts, Soil Conditioners and Mulches; • comply with the limits for physical contaminants set out in Table 3.1 of Australian Standard AS 4454-2003 Composts, Soil Conditioners and Mulches; and • comply with the chemical acceptance concentration thresholds for Restricted Use (Grade A) in the NSW Environmental Guidelines: Use and Disposal of Biosolid Products (1997); or (d) compost output products for land rehabilitation, namely mine site rehabilitation and landfill site rehabilitation, that: <ul style="list-style-type: none"> • have been composted in accordance with Australian Standard AS 4454-2003:Composts, Soil Conditioners and Mulches; • comply with the limits for physical contaminants set out in Table 3.1 of Australian Standard AS 4454-2003 Composts, Soil Conditioners and Mulches; and • comply with the chemical acceptance concentration thresholds for Restricted Use (Grade B and C) in the NSW Environmental Guidelines: Use and Disposal of Biosolid Products (1997). 	<ul style="list-style-type: none"> * Mandalay records * Interviews 	<p>This condition is considered as compliant. Outgoing volumes were recorded in Mandalay. Site personnel explained that further material to be recycled is separated from the waste and the remaining is sent to the tunnels at the composting tunnels onsite and sent to Kemp's Creek Landfill.</p>		Compliant
3.4	<p>Within 3 years of commissioning the plant on site, or as directed by the Director-General, the Proponent shall:</p> <ul style="list-style-type: none"> (a) review the criteria in condition 3(c) and 3(d) above in consultation with the EPA with a view to moving to approved criteria under the POEO Act and Regulations or establishing criteria that are specifically appropriate for an identified intended use; and (b) comply with any revised criteria set under the POEO Act and Regulations or by the Director-general 	<ul style="list-style-type: none"> * Site walkover * Interviews 	<p>This condition is considered as compliant. Composted mixed waste is disposed within the Kemp's Creek landfill.</p>		Compliant

Approval ID	Requirement	Evidence collected	Findings	Recommendations	Compliance
3.5	<p>The Proponent shall prepare and implement a Waste Monitoring Program for the project to the satisfaction of the Director-General, prior to the commencement of operation.</p> <p>This program must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with EPA by a suitably qualified and experienced expert; and (b) include a suitable program to monitor the: <ul style="list-style-type: none"> • quantity, type and source of waste received on site; • quantity, type and quality of the outputs produced on site; and (c) outline contingency measures that would be implemented in the event that levels of foreign matter or contaminants in the compost output exceed acceptable levels. 	<ul style="list-style-type: none"> * The product Quality Manual from 2018 * The EMP 2021 (V5) * Correspondence from DPE on the 1 April 2024 on EMP (V5) 	<p>This condition is considered as Non - Compliant.</p> <p>A Waste Monitoring Program was included in the EMP 2021 (V5) and approved by DPE. However, there is no evidence that was prepared in consultation with the NSW EPA , prepared by a suitable qualified and experienced expert. Additionally, it does not address the contingency measures required in this condition.</p>	<p>The waste management program included in the EMP 2021 (V5) requires to include contingency measures as outlined in the condition. The EMP requires to be sent to the NSW EPA for consultation and demonstrated that was prepared by prepared by a suitable qualified and experienced expert.</p>	Non- Compliant
3.6	<p>The Proponent shall ensure that the project complies with Section 129 of the Protection of the Environment Operations Act, 1997.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Section 129 of the Protection of the Environment Operations Act 1997, provides that the Proponent must not cause or permit the emission of any offensive odour from the site, but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour. 	<ul style="list-style-type: none"> * Interviews * Site walkover *Daily odours check (2020-2023) * EMP 2021 (V5) *The Odours Management Plan (OMP, 2022) *AEMR 2020-2021/2021-2022/2022-2023 	<p>This condition is considered as compliant.</p> <p>Site walkover identified good practices applied to odours including water spraying at the site boundaries, waste treatment carried out within the enclosed warehouse and roller doors are only opened short periods of time to allow trucks in and out. Consultation with the EPA and Council were carried out and Council has not recorded any complaints for the site; however, the EPA received one complaint that is under investigation. The complaint may relate to other parts of Kemps Creek Landfill facility and until the status is clarified by the NSW EPA, no conclusion can be made. Based on the AEMR from 2020-2021, one odours complaint was received by the NSW EPA from the public on the 28 January 2021, but not attributable to the site and the NSW EPA considered the incident as closed. The AEMR reports for 2021-2022 and 2022-2023 outlines that no odours complaints have been received. An Odours Management Plan (OMP) prepared in 2022 and daily odours checklist sighted. Controls listed in the OMP including waste received and treated carried out indoors in the enclosed facility, aerators at the stormwater and leachate ponds were in operation, biofilters was operational and odour fence operating.</p>		Compliant
3.7	<p>The project must be built and operated to minimise odours. This must include:</p> <ul style="list-style-type: none"> (a) all composting must be undertaken within enclosed tunnels; (b) composting must be undertaken for set periods of time and at certain temperatures, oxygen and moisture levels so that the composted material has been fermented properly and is adequately stabilised prior to any outdoor storage of the composted material; (c) all exhaust air from the composting building and from the composting tunnels must pass through the biofilters; (d) the biofilters are to be of a deep bed design and must have vented roofs; and (e) a system of two leachate ponds must be used on site, to minimise the surface area of odorous leachate. 	<ul style="list-style-type: none"> *Site walkover * Interviews * Daily checklists records 	<p>This condition is considered as compliant.</p> <p>All waste were observed to be treated indoors and roller doors closed and only opened to allow trucks to enter and leave the site. Active aerators were sighted at all leachate and stormwater ponds. Exhaust air from the composting building passed through the biofilters. Site discussions confirmed that excess leachate is disposed offsite to an external licensed treatment facility. The client confirmed that daily and weekly check of controls are carried out in potential odour sources and recorded in daily checklist (sighted).</p>		Compliant

Approval ID	Requirement	Evidence collected	Findings	Recommendations	Compliance
3.8	For the life of the project, the Proponent shall ensure that there is a suitable meteorological station in the vicinity of the site that complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline.	* Interviews *Site walkover *Weather station data from Kemp Creek weather station	This condition is considered as compliant. Weather station observed and data provided.		Compliant
3.9	The facility is to be maintained in a condition which minimises and prevents the emission of dust from the site.	*Site walkover * The complaints register	This condition is considered as compliant. No dust was observed impacting the site while crying out the site walkover. Waste is contained within the main building and the remaining of the site is covered with hardstand and/or grass. No unsealed roads are present across the site and therefore limited to no dust sources observed. No dust complaints have been received during the audit period.		Compliant
3.10*	The Proponent must ensure that all composting is undertaken in accordance with Australian Standard AS 4454-2003: Composts, Soil Conditioners and Mulches, Appendix N, Best practice guidelines for Composting Systems, or other practices approved by the EPA.	*Product Quality Manual from 2018	This condition is considered as compliant. The product quality manual prepared in 2018 outlines relevant information related to compost, conditions and best practice guidelines for composting systems. It is important to note that compliance does not relate to ensuring that composting is carried out in accordance with the manual, but the existence of the manual that was prepared in accordance with the Australian Standard AS4454-2003.		Compliant
3.11	The Proponent is required to prepare a feasibility report for the Director-General's approval within 5 years of this approval, outlining options to capture and use greenhouse gas in the generation of electricity. The report must identify which options could be reasonably and feasibly implemented.	*Greenhouse Gas Feasibility Report (2022) and Cleanaway letter submitting the report to DPE on the 1 March 2022 *Correspondence with DPE from the 24 June 2022	This condition is considered as compliant. A copy of the Greenhouse Gas feasibility report and correspondence with DPE on the 23 June 2022 was sighted.		Compliant

Approval ID	Requirement	Evidence collected	Findings	Recommendations	Compliance
3.12	The Proponent shall comply with the operating hours in Table 1. (See Sheet "T1 - AWET Site Operation Hours")	*EMP 2021 (V5) * Mandalay reports * Interviews	This condition is considered as compliant. The EMP outlines approved operation hours (typo identified in the EMP in the Waste receiptal hours for Saturdays (should be 8AM and not 8PM)). Review of Mandalay records show that waste receiptal and dispatch are in accordance with the required dates.		Compliant
3.13	The Proponent shall ensure that noise from operation of the project does not exceed the noise limits presented in Table 2. (See sheet "T2 - Project Noise limits")	*The Wilkinson/Murray Compliance Noise Monitoring report (2022) * AEMR 2020-2021/2021-202/2022-2023 *Consultation with NSW EPA and Council	This condition is considered as compliant. The noise compliance report issued in 2022 states that the site complies with the noise limits outlined in the EPL and development consent. Consultation with the NSW EPA and Council confirms that no noise complaints have been received. AEMR reports also outlined that noise monitoring undertaken showed acceptable results below the EPL requirements. The AEMR reports state that monitoring should be carried out every 5 years as per the EMP (2021), which has been complied with. However, reviewing the EMP (2021) section 5.16.2 states that monitoring should be carried out on a yearly basis. Previous audits carried out on site confirms that the noise monitoring is to be carried out on a five year basis.	Update the EMP 2021 (V5) to change noise monitoring from yearly to 5-yearly basis	Compliant
3.14	The Proponent shall prepare and implement a Construction Noise Management Protocol for the project to the satisfaction of the Director-General. The plan shall be submitted to the Director-general prior to commencing demolition and construction, and must: a) identify specific activities to be carried out, the noise generation from these activities and timetabling of the activities; b) identify appropriate construction noise limits; c) identify all reasonable and feasible mitigation measures that would be implemented to minimise noise; d) describe monitoring methods and program to ensure noise levels are limited; e) include procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity, and procedures for managing complaints; and f) identify site contact person to manage and follow up complaints.	N/A	No construction activities have occurred at the site.		Not triggered

Approval ID	Requirement	Evidence collected	Findings	Recommendations	Compliance
3.15	Prior to the commencement of operation, the Proponent shall install noise mitigation at the Caretakers Residence for 1669A Elizabeth Drive, as agreed by the owner of the property. The Proponent shall notify the Director General once installation of the noise mitigation is completed.	N/A	Not triggered. SAWT operations commenced on 25 March 2009.		Not triggered
3.16	The Proponent shall prepare and implement a Noise Monitoring Program for the project, to the satisfaction of the EPA and the Director-General. The Noise Monitoring Program shall be submitted to the Director-General prior to commencing operation and must include a noise monitoring protocol for evaluating compliance with the project noise limits in Table 1. (Error here - should read Table 2)	* Interviews *EMP 2021 (V5) * AEMR 2020-2021/2021-202/2022-2023	The EMP (2021) was submitted to the DPE and approved. The EMP 2021 (V5) outlines a noise monitoring program detailing monitoring requirements. Also no noise complaints have been received.		Compliant
3.17	Except as may be expressly provided in an EPL for the project, the Proponent shall comply with section 120 of the Protection of the Environment Operations Act 1997.	*EPL 12889 * AEMR 2020-2021/2021-202/2022-2023 * Annual Returns from 2021, 2022 and 2023	This condition is considered as compliant. Two incidents were recorded in 2022 and were notified One event occurred on the 2 March 2022 where there was an overflow of the leachate dam while a second event occurred on the 4 July 2022 where the stormwater pond caused as discharge event. Both events were appropriately reported and managed in accordance with the Pollution Incident Management Response Plan (PIMRP) for the site. An email from Cleanaway from the 17 March 2022 was sighted demonstrating that the requested information was provided and the incident confirmed as closed on an email from the NSW EPA sent on the 23 March 2022. With regard to the incident from the 4 July 2022, Cleanaway provided a response letter dated the 13 July 2022 providing a response to the incident where it outlines what occurred and mentions laboratory results.		Compliant
3.18	Outdoor areas where compost products or organic outputs are stored must have a leachate barrier system in the form of clay or modified soil liner (or equivalent) consisting of at least 600mm of recompacted clay with an in-situ permeability (K) of less than 10-7 m/s.	* Site walkover * Interviews	This condition is considered as compliant. No waste is kept outdoors and all waste management processes are undertaken indoors. The maturation pad is not longer in use.		Compliant
3.19	The Proponent shall ensure that all above ground tanks and vats, including those used for treating or processing wastewater and leachate and diesel storage, must be surrounded by a bund with a capacity to contain 110% of the tanks within the bund. These bunds shall be designed and installed in accordance with the requirements of all relevant Australian Standards, and/or NSW EPA's Environmental Protection Manual Technical Bulletin Bunding and Spill Management.	*Site walkover * Interviews * EMP 2021 (V5)	This condition is considered as compliant. Diesel tank bund designed to contain 110% of the tanks capacity and leachate ponds lined with compacted clay and HDPE lining.		Compliant

Approval ID	Requirement	Evidence collected	Findings	Recommendations	Compliance
3.20*	<p>The Proponent shall prepare and implement a Soil, Water and Leachate Management Plan for the project to the satisfaction of the Director-General. This plan must:</p> <ul style="list-style-type: none"> (a) be submitted to the Director-General for approval prior to carrying out any development on site; (b) be prepared by a suitably qualified and experienced expert; (c) be prepared in consultation with the EPA, NOW and Council; and (d) include: <ul style="list-style-type: none"> • a site water balance; • an erosion and sediment control plan; • a stormwater management scheme; • a surface water, groundwater and leachate monitoring program; and • a surface water, groundwater and leachate response plan. 	<ul style="list-style-type: none"> * Interviews *EMP 2021 (V5) *Correspondence from DPE accepting the EMP (V5) 1.4.22 *Correspondence with NSW EPA 7.9.2021 	<p>This condition is considered as Non-Compliant. EMP 2021 (V5) reviewed and confirmed that a Soil, Water and Leachate management plan has been included and accepted by DPE on the 1 April 2022. There is evidence that it was sent to the EPA for consultation with a letter sent on the 7 September 2021. However, there is no evidence of the NSW EPA reply and any evidence that it was consulted with Council or NOW. Additionally, there is no evidence that it was prepared by a suitable and qualified expert.</p>	<p>The client requires to demonstrate that the Soil, Water and Leachate Management Plan in the EMP 2021 (V5) was prepared in consultation with the NSW EPA, NOW (now called Water NSW) and Council and demonstrate that the document was prepared by end suitable qualified and experienced expert.</p>	Non-Compliant
3.21	<p>The site water balance must:</p> <ul style="list-style-type: none"> (a) identify the source of all water collected or stored on the site, including rainfall and stormwater; and (b) include details of all water use on site and any discharges. 	<ul style="list-style-type: none"> *EMP 2021 (V5) 	<p>This condition is considered as compliant. This is well discussed and addressed in the EMP.</p>		Compliant
3.22	<p>The erosion and sediment control plan must:</p> <ul style="list-style-type: none"> (a) be consistent with the requirements in the latest version of Managing Urban Stormwater: Soils and Construction (Landcom); (b) identify the activities on site that could cause soil erosion and generate sediment; and (c) describe what measures would be implemented to: <ul style="list-style-type: none"> • minimise soil erosion and the transport of sediment to downstream waters, including the location, function and capacity of any erosion and sediment control structures; and • maintain these structures over time. 	<ul style="list-style-type: none"> * EMP 2021 (V5) * Site walkover * Interviews 	<p>This condition is considered as compliant. The EMP outlines the erosion and sediment control plan and was accepted by DPE. All roads within the facility and to access the facility have been sealed and the potential for erosion is minimal. Landscaping areas were observed well maintained.</p>		Compliant
3.23	<p>The stormwater management scheme must:</p> <ul style="list-style-type: none"> (a) be consistent with the guidance in the latest version of Managing Urban Stormwater: Council Handbook (EPA); and (b) have sufficient capacity to cater for the 90th percentile 5 day rainfall event. 	<ul style="list-style-type: none"> *EMP 2021 (V5) *AEMR 2021-2022 * Site walkover * Interviews 	<p>This condition is considered as compliant. The EMP states that the stormwater plan has been designed in accordance with the DECC Managing Urban Stormwater: Council Handbook and has the capacity to manages rainfall events up to the 90th percentile 5-day occurrence and provides an explanation why stormwater management scheme is functioning as intended and designed.</p>		Compliant
3.24	<p>The surface water, groundwater, and leachate monitoring program must:</p> <ul style="list-style-type: none"> (a) be generally consistent with the guidance in EPA's Environmental Guidelines for Composting & Related Organics Processing Facilities; and (b) include: <ul style="list-style-type: none"> • baseline data; • details of the proposed monitoring network; and • the parameters for testing and respective trigger levels for action under the surface water, groundwater and leachate response plan (see below). 	<ul style="list-style-type: none"> * EMP 2021 (V5) * AEMR 2021-2022 * Site walkover * Interviews 	<p>This condition is considered as compliant. The EMP discusses about a groundwater monitoring where it outlines that the groundwater monitoring is undertaken as part of Elizabeth Drive Landfill. Discussions with the client personnel confirmed that no groundwater wells are located across the site and the groundwater network was established to monitor Elizabeth Drive Landfill all together.</p>		Compliant

Approval ID	Requirement	Evidence collected	Findings	Recommendations	Compliance
3.25	The surface water, groundwater and leachate response plan must: (a) include a protocol for the investigation, notification and mitigation of any exceedances of the respective trigger levels; and (b) describe the array of measures that could be implemented to respond to any surface or groundwater contamination that may be caused by the development.	* EMP 2021 (V5) * AEMR 2021-2022 * Site walkover * Interviews	This condition is considered as compliant. Sections 5.20.2 to 5.20.5 of the EMP outlines the surface water response plan, leachate monitoring groundwater monitoring requirements and approach when an investigation programme needs to be implemented. The EMP was approved by the DPE.		Compliant
3.26	The area between the internal road along the western boundary and Badgerys Creek as outlined in Appendix 2, is to be protected and rehabilitated as a riparian corridor.	*Site walkover * Interviews *EMP 2021 (V5) * Vegetation Management Plan (2021) *Invoices from subcontractor between 2021 and February 2024	This area is located offsite and it appears to remain in good condition and well covered with vegetation. The EMP outlines that vegetation management is conducted in accordance with the Site Maintenance Infrastructure facilities SOP and the Vegetation Management Plan (VMP) 2021. The VMP was sighted and outlines work to be completed in the riparian zone. The client provided invoices from the subcontractor (Toolijooa) from 2021 until February 2024 outlining the works undertaken.		Compliant
3.27	The Proponent shall prepare a Vegetation Management Plan for the site, in consultation with NOW. This Plan shall be submitted and approved by the Director-General, prior to the commencement of construction. The Vegetation Management Plan shall: (a) be prepared in accordance with NOW's How to Prepare a Vegetation Management Plan Guideline; (b) include a detailed plan to protect and rehabilitate the Badgerys Creek riparian corridor onsite; (c) provide details of the on-site revegetation program to offset clearing of 0.81 hectares of Cumberland Plain Woodland; and (d) outline the weed management program to be implemented on-site.	*Site walkover * Interviews * Revised Vegetation Management Plan (2021) * Correspondence from Suez with DPE (not dated)	This condition is considered as Non-Compliant. A revised VMP (2021) was prepared by Element for the site. It includes a detailed plan to protect and rehabilitate Badgerys creek riparian corridor and an on-site revegetation and weed management programs. However, there is no evidence that the document was prepared in consultation with NOW and approved by DPE.	The revised VMP (2021) needs to be sent to NOW (Water NSW) for consultation and approved by DPE	Non-Compliant
3.28	The Proponent shall monitor the performance of the intersection of Elizabeth Drive and the landfill access road within two years of the commencement of operations, or as otherwise required by the Director-General. In the event that the performance of the intersection is found to be at LOS D or worse as a result of traffic from the landfill and AWT, the Proponent shall implement mitigation measures, as recommended by the RMS.	N/A			Not triggered
3.29	The Proponent shall ensure that all external lighting associated with the development: (a) does not create a nuisance to surrounding properties or roadways; and (b) complies with AS 4282(INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting.	* Site walkover * Interviews * Risk Management Form prepared on the 24 August 2017	This condition is considered as compliant. No complaints are known to have been received, including in the consultation with NSW EPA and Council.		Compliant

Approval ID	Requirement	Evidence collected	Findings	Recommendations	Compliance
3.30*	Upon the cessation of waste operations, the Proponent shall decommission the project and rehabilitate the site to the satisfaction of the Director-General.	N/A			Not triggered
3.31	The Proponent shall prepare and implement a Rehabilitation and Closure Plan for the project to the satisfaction of the Director-General. This plan must be: (a) be prepared in consultation with EPA, and Council by a suitably qualified and experienced expert whose appointment has been approved by the Director-General; (b) be submitted to the Director-General for approval no more than one year after the sixth independent environmental audit of the project (see schedule 4), or as directed otherwise by the Director-General; (c) define the objectives and criteria for rehabilitation and closure; (d) investigate options for the future use of the site; (e) describe the measures that would be implemented to achieve the specified objectives and criteria for rehabilitation and closure; (f) calculate the cost of implementing these measures; and (g) describe how the performance of these measures would be monitored over time.	N/A			Not triggered
4.1	The Proponent shall prepare and implement an Environmental Management Plan for the project to the satisfaction of the Director-General. This plan must: (a) be prepared in consultation with the EPA by a suitably qualified and experienced expert; (b) be submitted to the Director-General for approval prior to commencement of operations; (c) describe in detail the management measures that would be implemented to address: the relevant matters referred to in Section 4 and Appendix B of the EPA's Environmental Guidelines for Composting & Related Organics Processing Facilities; and the conditions of this approval; (d) include a copy of: • the management plans and monitoring programs required in this approval; • a quality assurance program for the design and installation of the leachate management system has been developed in accordance with Australian Standard AS 3905.2; (e) describe the procedures that would be implemented to: • keep the local community and relevant agencies informed about the operation and environmental performance of the project; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the project; and • respond to emergencies; and (f) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project.	* Interviews *EMP 2021 (V5) *Correspondence from DPE accepting the EMP (V5) 1 April 2022 *Correspondence with NSW EPA 7 September 2021	This condition is considered as Non-Compliant. EMP 2021 (V5) has been accepted by DPE on the 1 April 2022. There is evidence that it was sent to the NSW EPA for consultation with a letter sent on the 7 September 2021. However, there is no evidence of the EPA reply. Additionally, there is no evidence that prepared by a suitable and qualified expert.	The client requires to demonstrate that the EMP 2021 (V5) was prepared in consultation with the NSW EPA and demonstrate that the document was prepared by end suitable qualified and experienced expert.	Non-Compliant

Approval ID	Requirement	Evidence collected	Findings	Recommendations	Compliance
4.2	Prior to carrying out any development on site, and then operations, the Proponent shall certify in writing to the Director-General that it has complied with all the relevant conditions of this approval.				Not triggered
4.3	Within 24 hours of detecting an exceedance of the limits/performance criteria in this approval, or the occurrence of an incident that causes (or may cause) harm to the environment, the Proponent shall notify the Department and EPA of the exceedance/incident.	<ul style="list-style-type: none"> *Correspondence from the 2 March 2022 to the NSW EPA * Email from the NSW EPA on the 4 July 2022 *Letter from Cleanaway on the 13 July 2022 to NSW EPA (word document) * AEMR 2020-2021, 2021-2022 and 2022-2023 	<p>This condition is considered as Non-Compliant.</p> <p>Two reportable incidents were recorded in Cleanaway incident report register updated up to the 24 January 2024. One event occurred on the 2 March 2022 with a discharge from the overflow leachate dam. An email correspondence from the client to the NSW EPA was sighted informing the breach of the Environment Protection Licence (EPL) with reference of 10388. A second event occurred on the 4 July 2022 from the sediment pond into the bushland. Both events were appropriately communicated to the NSW EPA within 24 hours of the event and correspondence for both events sighted. However, one additional incident recorded in AEMR 2020-2021 was not reported to the NSW EPA.</p>	All reportable incidents need to be reported to the EPA in accordance with the condition of approval	Non-Compliant
4.4	Within 6 days of notifying the Department and EPA, the Proponent shall provide a written report to the Department and EPA that: <ul style="list-style-type: none"> (a) describes the date, time, and nature of the incident; (b) identifies the cause, or likely cause, of the incident; and (c) describes what action has been taken to date address the incident, and what actions are proposed to be implemented in the future to either address the consequences of the incident or avoid a recurrence of the incident. 	<ul style="list-style-type: none"> *Correspondence from the 2 March 2022 to the NSW EPA * Email from the NSW EPA on the 4 July 2022 *Letter from Cleanaway on the 13 July 2022 to NSW EPA (word document) *Email with Cleanaway response on the 17 March 2022 	<p>This condition is considered as Non-Compliant.</p> <p>Cleanaway was compliant with notifying the NSW EPA the event from the 2 March 2022 referenced as 102388. Although notification occurred the same day, an email correspondence from the NSW EPA states that a consolidated report should be provided by the 17 March 2022. An email from Cleanaway from the 17 March 2022 was sighted demonstrating that the requested information was provided and the incident confirmed as closed on an email from the NSW EPA sent on the 23 March 2022.</p> <p>With regard to the incident from the 4.7.2022 identified as 1293376, Cleanaway provided a response letter dated the 13 July 2022 providing a response to the incident where it outlines what occurred and mentions laboratory results. However, the document is a draft letter and there is no evidence that it was submitted to the EPA. Additionally, the letter does not comply with the 6 day requirement outlined in the condition.</p>	The response to the incident 1293376 needs to be submitted to the NSW EPA	Non-Compliant

Approval ID	Requirement	Evidence collected	Findings	Recommendations	Compliance
4.5	<p>Every year from the date of this approval, unless the Director-General agrees otherwise, the Proponent shall submit an AEMR to the Director-General and relevant agencies. The AEMR shall:</p> <p>(a) identify the standards and performance measures that apply to the development;</p> <p>(b) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;</p> <p>(c) include a summary of the monitoring results for the development during the past year;</p> <p>(d) include an analysis of these monitoring results against the relevant:</p> <ul style="list-style-type: none"> • impact assessment criteria; • monitoring results from previous years; and • predictions in the EA; <p>(e) identify any trends in the monitoring results over the life of the development;</p> <p>(f) identify any non-compliance during the previous year; and</p> <p>(g) describe what actions were, or are being</p>	<ul style="list-style-type: none"> * AEMR 2020-2021 * AEMR 2021-2022 * AEMR 2022-2023 * Email and letter from DPE dated 30 July 2021 acknowledging receiving the AEMR 2020-2021 * Email from DPE dated 20 October 2022 acknowledging receiving the AEMR 2021-2022 * Email and letter from DPE dated 31 August 2023 acknowledging receiving the AEMR 2022-2023 	<p>This condition is considered as compliant. Correspondence confirming that the AEMRs were submitted to the authority.</p>		Compliant
4.6	<p>The Proponent is to implement continuous improvement in regard to odour emission management. As part of this, the Proponent is to submit a report annually to the Department and the EPA, unless otherwise agreed by the Director-General, outlining new developments in the field of odour control and management relevant to the operation, and detailing practices that have been implemented on the site during the previous year, to reduce odour emissions. The report must identify which practices can be implemented in a cost-effective manner and justify why the remainder are not required</p>	<ul style="list-style-type: none"> * Interviews * AEMR 2020-2021 * AEMR 2021-2022 * AEMR 2022-2023 * Odour Management Plan (2022) * Daily monitoring records * EMP 2021 (V5) 	<p>This condition is considered as compliant. Discussions with staff shows a good understanding of odours management on site. An Odours Management Plan was prepared in 2022 where it outlines continuous improvement requirements and a well prepared contingency plan. Also, odour monitoring is recorded in the daily monitoring records and a summary of the odours monitoring discussed in the AEMR for the audit period. The AEMR outlines continuous improvement carried out on site such as remote control doors to minimise opening times and maintain low levels in the leachate dams. Odours management strategy is also outlined in the EMP for the site.</p>		Compliant

Approval ID	Requirement	Evidence collected	Findings	Recommendations	Compliance
4.7	<p>Within 2 years of the commencement of operations, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:</p> <p>(a) be carried out by a suitably qualified, experienced and independent audit team containing a waste management specialist, whose appointment has been endorsed by the Director-general;</p> <p>(b) include consultation with EPA;</p> <p>(c) assess the environmental performance of the project, and its effects on the surrounding environment;</p> <p>(d) determine whether the project is complying with the relevant standards, performance measures and statutory requirements;</p> <p>(e) review the adequacy of the Environmental Management Plan for the project, compliance with the requirements of this approval, and any other licences and approvals; and, if necessary,</p> <p>(f) recommend measures or actions to improve the environmental performance of the project, and/or any plan/program required under this approval.</p>	<p>* Independent Environmental Audit (Element, 2020)</p>	<p>This condition is considered as compliant. The IEA was carried out by suitable and independent team approved by DPE. The audit consulted with the NSW EPA and Council and the audit was performed with the Independent Audit Post Approval Requirements (DPEE, May 2020).</p>		Compliant
4.8	<p>Within 3 months of commissioning this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, with a response to any recommendations contained in the audit report.</p>	<p>* AEMR 2021-2022 * AEMR 2020-2021 * Email from DPE dated 20 October 2022 acknowledging receiving the AEMR 2021-2022 * EIA December 2020 from Element * Email from 7 December 2020 communicating submission of EIA to NSW EPA and DPE * Email on the 7 December 2020 from DPE acknowledging receiving the IEA * Timelines for completion of actions recommended from the EIA (word document * Email from Suez on the 18 January 2021 sending submitting the EIA action timeline for completion</p>	<p>This condition is considered as compliant. The EIA was prepared for Element in December 2020 and delivered to the NSW EPA and DPE on the 7 December 2020. Suez prepared a timeline to address the recommendations of the EIA and submitted it to the authority, which was accepted. The client addressed the recommendations in the AERM 2020-2021 and provided other documents in accordance with the timeline. Although the timeline was longer than the 3 month outlined in the condition, the client informed the authority about it prior to the three months, which was accepted by the authority.</p>		Compliant

Approval ID	Requirement	Evidence collected	Findings	Recommendations	Compliance
4.9	<p>Within 3 months of submitting a copy of the audit report to the Director-General, the Proponent shall review and if necessary, revise the plans/programs required under this approval to the satisfaction of the Director-General.</p>	<ul style="list-style-type: none"> * AEMR 2021-2022 * AEMR 2020-2021 * Email from DPE dated 20 October 2022 acknowledging receiving the AEMR 2021-2022 * EIA December 2020 from Element * Email from 7 December 2020 communicating submission of EIA to NSW EPA and DPE * Email on the 7 December 2020 from DPE acknowledging receiving the IEA * Timelines for completion of actions recommended from the EIA (word document) * Email from Suez on the 18 January 2021 sending submitting the EIA action timeline for completion 	<p>This condition is considered as compliant.</p> <p>The EIA was prepared for Element in December 2020 and delivered to the NSW EPA and DPE on the 7 December 2020. Suez prepared a timeline to address the recommendations of the EIA and submitted it to the authority, which was accepted. The client addressed the recommendations in the AERM 2020-2021 and provided other documents in accordance with the timeline. Although the timeline was longer than the 3 month outlined in the condition, the client informed the authority about it prior to the three months, which was accepted by the authority.</p>		Compliant
4.10*	<p>Within 1 month of the approval of any plan or program required under this consent, or the completion of any independent audit or AEMR required under this approval, the Proponent shall:</p> <p>(a) ensure that a copy of the relevant documents is made publicly available on the Proponent's website; and</p> <p>(b) provide a copy of the relevant document/s to any interested party upon request.</p>	<p>Environmental Management Cleanaway</p>	<p>This condition is considered as compliant.</p> <p>Several documents have been uploaded in the company's website including AEMR 2020-2021, AEMR 2021-2022, AEMR 2022-2023, EPL 12889, Complaints register 2022-2024, Monitoring data 2022-2023, Annual Noise Compliance Report 2022, IEA 2020, EMP 2021 (V6), the Vegetation Management Plan (2021), AWT Odour Management Plan 2020, Noise Report 2020, AWT Instrumental of Approval and the AWT Operation Environmental Management Plan (2009).</p>	<p>The date when the information is uploaded is not available and would need to be included. Also, the approved EMP is V5 and the document uploaded is the V6 from 2021. The V5 report is the one accepted by DPE, so it should be replaced with the V5 version.</p>	Compliant

Appendix C

Consultation





Our ref: PS209523-CLM-LTR- Letter Penrith City Council Rev A

Your ref: PS209523

By email
council@penrith.city

22 January 2024

To Council
Penrith City Council
PO Box 60, Penrith
NSW 2751
council@penrith.city

To Council

Independent Environmental Audit of Kemps Creek ARRT facility

WSP would like to inform you that we were engaged by Cleanaway Waste Management Limited with the endorsement of the Planning Secretary to undertake an Independent Environmental Audit of Kemps Creek advanced resource recovery technology facility (ARRT) located at 1725 Elizabeth Drive, Kemps Creek, NSW (the site). The site operates under the development consent number DA 06_0185 issued by the NSW Government Department of Planning.

WSP will carry out the audit between January and February 2024 and requires to contact relevant agencies to provide input as part of the audit scope.

WSP would like to enquire if any complaints have been received by Council or have recorded any incidents or issues to be assessed in relation to the development to be included in the scope of the audit.

Due to the current audit timeframe, we request (if possible) that a response to our enquiry be provided prior to the 5 February 2024. If you have any questions please don't hesitate to contact me on 0429467 599 or andres.grigaliunas@wsp.com.

Yours sincerely

Andres Grigaliunas
Technical Executive, Contaminated Land
Management

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Sydney NSW 2000
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Grigaliunas, Andres

From: Michael Middleton <Michael.Middleton@penrith.city>
Sent: Wednesday, 14 February 2024 1:47 PM
To: Grigaliunas, Andres
Subject: FW: Information about an independent environmental audit on Kemps Creek advanced resource recovery technology facility (ARRT)
Attachments: PS209523-CLM-LTR- Letter Penrith City Council Rev A.pdf

Hi Andres,

I refer to the above matter and to your email below and advise Council has not received any concerns that may be required for you to consider in your audit.

If you would like to discuss the matter further, please contact me on the details below.

Regards,

Michael Middleton
Environmental Health Coordinator
Environmental Health and Compliance

E Michael.Middleton@penrith.city
T +61247327531 | F +61247327958 |
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www.penrithcity.nsw.gov.au

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CITY COUNCIL**

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From: Grigaliunas, Andres <Andres.Grigaliunas@wsp.com>
Sent: Monday, January 22, 2024 5:32 PM
To: Penrith City Council - RECORDS <council@penrith.city>
Subject: Information about an independent environmental audit on Kemps Creek advanced resource recovery technology facility (ARRT)

EXTERNAL EMAIL: This email was received from outside the organisation. Use caution when clicking any links or opening attachments.

To whom it may concern,

WSP is planning to undertake an independent environmental audit on Kemps Creek advanced resource recovery technology facility (ARRT) and would like to request some information as part of the audit.

I have attached a letter outlining the requirements. Please do not hesitate to contact me if you have any questions.

Regards,



Andres Grigaliunas
Technical Executive, Contaminated Land Management

M:+61429467599

Andres.Grigaliunas@wsp.com

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Level 27, 680 George Street
Sydney, 2000
Australia

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WSP acknowledges that every project we work on takes place on First Peoples lands. We recognise Aboriginal and Torres Strait Islander Peoples as the first scientists and engineers and pay our respects to Elders past and present.

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-LAEmHhHzdJzBITWfa4Hgs7pbKI



Our ref: PS209523-CLM-LTR- Letter NSW EPA Rev A

Your ref: PS209523

By email
info@environment.nsw.gov.au

22 January 2024

To NSW EPA
NSW EPA
Locked Bag 5022
Parramatta
NSW 2124

Dear Mr/Ms

Independent Environmental Audit of Kemps Creek ARRT facility

WSP would like to inform you that we were engaged by Cleanaway Waste Management Limited with the endorsement of the Planning Secretary to undertake an Independent Environmental Audit of Kemps Creek advanced resource recovery technology facility (ARRT) located at 1725 Elizabeth Drive, Kemps Creek, NSW (the site). The site operates under the development consent number DA 06_0185 issued by the NSW Government Department of Planning.

WSP will carry out the audit between January and February 2024 and require to contact relevant agencies to provide input as part of the audit scope.

WSP would like to enquire if any complaints have been received by NSW EPA or have recorded any incidents or issues to be assessed in relation to the development to be included in the scope of the audit.

Due to the current audit timeframe, we request (if possible) that a response to our enquiry be provided prior to 5 February 2024.

If you have any questions please don't hesitate to contact me on 0429467 599 or andres.grigaliunas@wsp.com.

Yours sincerely

Andres Grigaliunas
Technical Executive, Contaminated Land
Management

Level 27, 680 George Street
Sydney NSW 2000
GPO Box 5394
Sydney NSW 2001

Tel: +61 2 9272 5100
Fax: +61 2 9272 5101
www.wsp.com



Your ref: DOC24/71781
Our ref: DOC24/71781

Andres Grigaliunas
Technical Executive, Contaminated Land Management
WSP
L 27, 680 George Street
Sydney NSW 2001

By email: andres.grigaliunas@wsp.com

Dear Mr Grigaliunas

**Independent Environmental Audit – Cleanaway Pty Ltd – Advanced Resource Recovery
Technology, Kemps Creek – EPL 12889**

I refer to your email on 22 January 2024 to the NSW Environment Protection Authority (EPA) requesting advice on any issues or concerns the EPA may wish to be considered during the Independent Environmental Audit (IEA) of Environment Protection Licence (EPL) No. 12889 (the licence), issued to Cleanaway Pty Ltd for the Advanced Resource Recovery Technology Facility.

The EPA makes the following observations:

1. The Cleanaway Pty Ltd (the licensee) holds EPL No. 12889 for the premises issues under the *Protection of the Environment Operations Act 1997* (the Act). The licence was issued on 29 July 2008. A copy of the licence is available on the EPA's Public Register at [Environment & Heritage | PRPOEO \(nsw.gov.au\)](https://www.environment.nsw.gov.au/PRPOEO). Based on the information available on the licensee's [website](#), the premises accepts white goods, general waste and bagged asbestos dust.
2. The licensee retains primary responsibility for the environmental performance of its activities carried out at the premises. The onus is on Cleanaway Pty Ltd to ensure compliance with the Act and associated regulations as well as all licence requirements.
3. In 2021, the EPA approved the request to transfer EPL No. 12889 from Suez Recycling & Recovery Pty Ltd to Cleanaway Pty Ltd.
4. On 24 July 2023, the EPA conducted a routine inspection and an Environmental Risk Assessment (ERA) of the premises. The ERA determined the Overall Regulatory Priority as Low.
5. The licence contains a range of conditions to protect the environment including limit, operating, monitoring, and reporting conditions. Details of any reported non-compliances and the EPA response for the audit period may be viewed on the EPA's Public Register.
6. The following requirements in relation to the premises should also be considered:

Phone 131 555
Phone 02 9995 5555
(from outside NSW)

TTY 133 677, then
ask for 131 155

Locked Bag 5022
Parramatta NSW
2124

10 Darcy Street
6 Parramatta Square
Parramatta NSW
2150

info@epa.nsw.gov.au
www.epa.nsw.gov.au
ABN 43 692 285 758

- Pollution monitoring data is required to be published on the licensee's [website](#), in accordance with Section 66(6) of the Act. The EPA's Requirements for [Publishing Pollution Monitoring Data](#) sets out the written requirements that EPL holders should follow.
- All holders of EPL's are required to prepare a Pollution Incident Response Management Plan (PIRMP) in accordance with Section 152A of the Act. A copy is available on the licensee's [website](#). To assist licensees with preparing a PIRMP, the EPA has developed a [PIRMP Guideline](#), which provide details on the legislative requirements, and how to prepare, test and implement the plan.
- The licence requires the licensee or its employees to notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.5 of the Act. The licensee has not reported any incidents to date.
- The license requires the licensee to operate a complaints line for purposes of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant.
- The license requires the licensee to maintain a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies. The record must be kept for at least 4 years after the complaint was made.

7. As of 30 January 2024, there has been one odour complaint that has been reported to the EPA by a member of the public. This complaint is currently being investigated by the EPA.

If you have any further questions about this matter, please contact Mr Zeeshan Shakir, Operations Officer, on 02 8229 2983 or at zeeshan.shakir@epa.nsw.gov.au.

Kind regards



Mark Jansons
A/Unit Head
Regulatory Operations Metro West

5 February 2024

Appendix D

Site Inspection Photos





PHOTOGRAPHIC LOG

Client Name Cleanaway Waste Management Ltd	Site Location Kemps Creek ARRT Facility, NSW	Project PS209523
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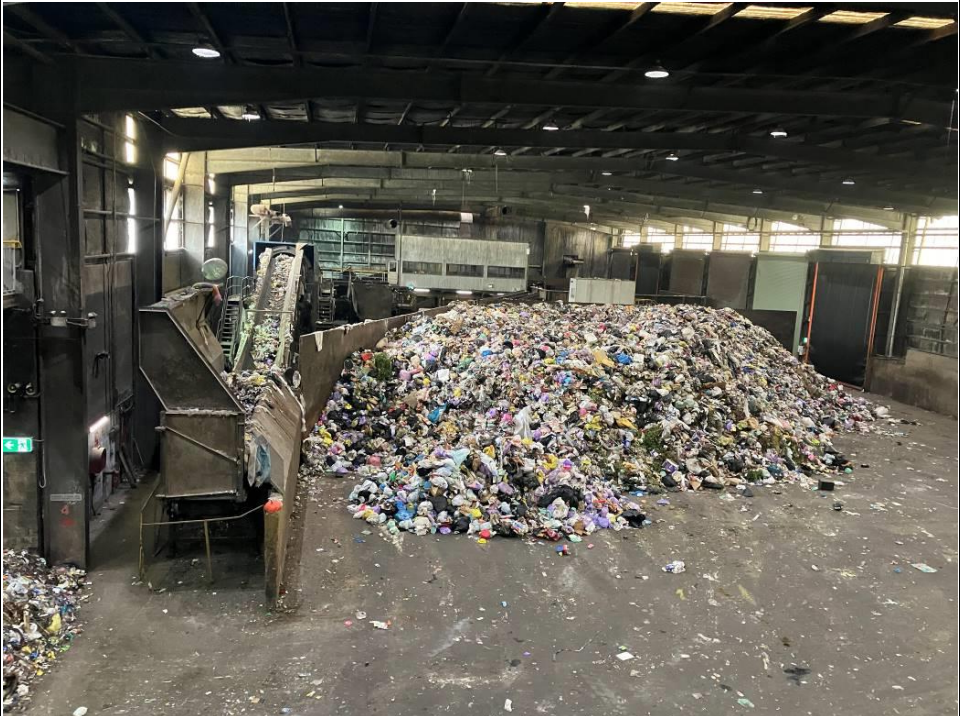
Photo No.	Date	
1	14/02/2024	
Description View of the stormwater dam located beside the main operational building.		

Photo No.	Date	
2	14/02/2024	
Description View of the waste receival hall where waste is sorted by removing additional items such as metal before it is transported to the composting tunnels		



PHOTOGRAPHIC LOG

Client Name Cleanaway Waste Management Ltd	Site Location Kemps Creek ARRT Facility, NSW	Project PS209523
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Photo No. 3	Date 14/02/2024	
Description View of roller doors closed, which are only opened when trucks enter and exit the building		

Photo No. 4	Date 14/02/2024	
Description View of the maturation pad located on the north-eastern part of the site no longer in use.		



PHOTOGRAPHIC LOG

Client Name Cleanaway Waste Management Ltd	Site Location Kemps Creek ARRT Facility, NSW	Project PS209523
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Photo No.	Date	
5	14/02/2024	 <p>Description View of the lower leachate dam located on the northern part of the site .with active aerators</p>
6	14/02/2024	 <p>Description View of the leachate overflow dam located on the northern part of the site with minimal amount of water and aerators placed in the area.</p>



PHOTOGRAPHIC LOG

Client Name Cleanaway Waste Management Ltd	Site Location Kemps Creek ARRT Facility, NSW	Project PS209523
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Photo No. 7	Date 14/02/2024	
Description View of the biofilters area located near the northern boundary of the site with minimal odours noted during the site inspection		

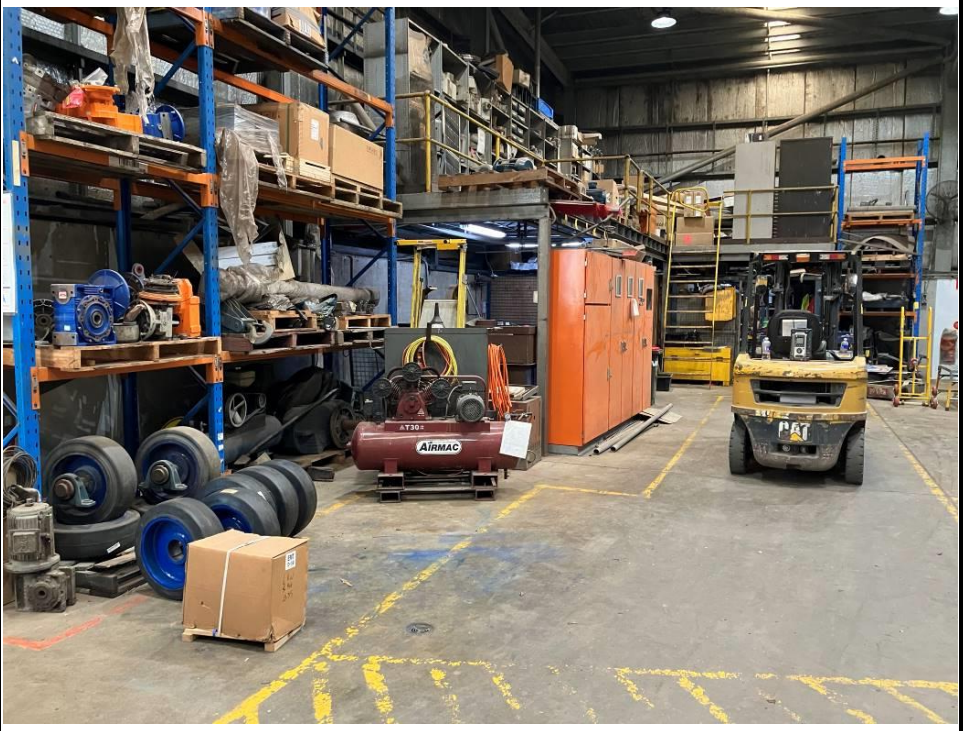
Photo No. 8	Date 14/02/2024	
Description View of the biofilters area well maintained		



PHOTOGRAPHIC LOG

Client Name Cleanaway Waste Management Ltd	Site Location Kemps Creek ARRT Facility, NSW	Project PS209523
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Photo No.	Date	
9	14/02/2024	
Description		
View of the chemicals storage area properly banded and with spill kits		

Photo No.	Date	
10	14/02/2024	
Description		
View of the workshop area for the site found in good condition		



PHOTOGRAPHIC LOG

Client Name
Cleanaway Waste Management
Ltd

Site Location
Kemps Creek ARRT Facility, NSW

Project
PS209523

Photo No.

11

Date

14/02/2024

Description

View of the access to the
composting tunnels



Photo No.

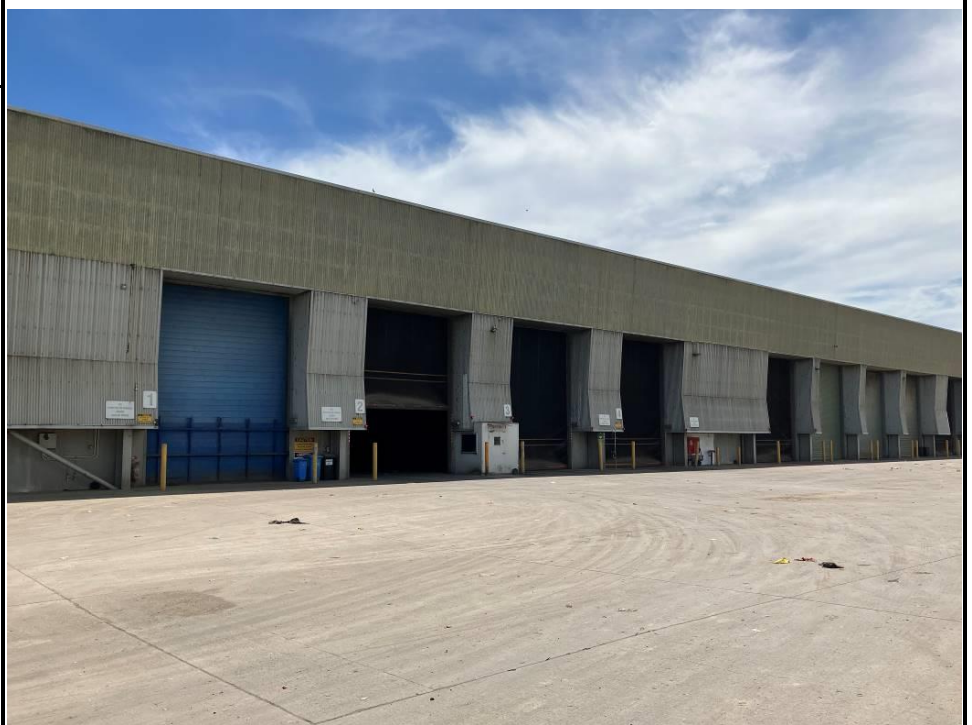
12

Date

14/02/2024

Description

View of the entrance to the
receival hall with roller doors
operated to support the waste
management operations and
reduce environmental issues
such as odours





PHOTOGRAPHIC LOG

Client Name Cleanaway Waste Management Ltd	Site Location Kemps Creek ARRT Facility, NSW	Project PS209523
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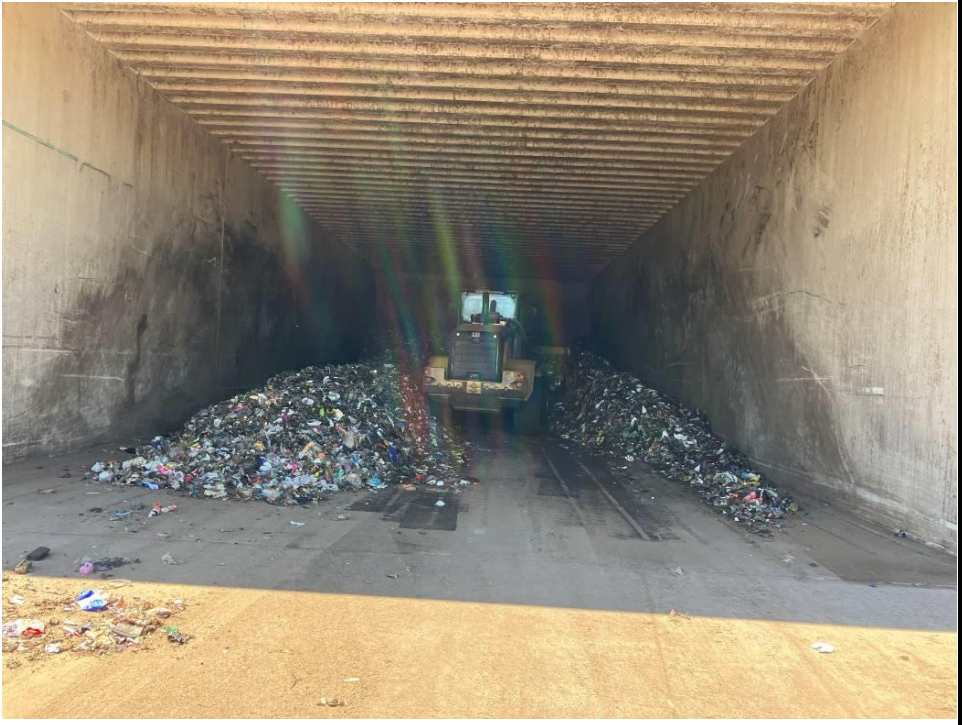
Photo No.	Date	
13	14/02/2024	
Description View of the upper maturation pad		


Photo No.	Date	
14	14/02/2024	
Description View of the drying tunnels beside the upper maturation pad		



PHOTOGRAPHIC LOG

Client Name Cleanaway Waste Management Ltd	Site Location Kemps Creek ARRT Facility, NSW	Project PS209523
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Photo No.	Date	
15	14/02/2024	
Description View of the upper leachate dam pad		

Photo No.	Date	
16	14/02/2024	
Description View of the above ground diesel tank located at the upper pad. No signs of contamination sighted in the proximity of the tank		



PHOTOGRAPHIC LOG

Client Name Cleanaway Waste Management Ltd	Site Location Kemps Creek ARRT Facility, NSW	Project PS209523
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Photo No.	Date	
17	14/02/2024	
Description View of the leachate dam located north of the upper pad. The dam was empty at the time of the inspection		

Photo No.	Date	
18	14/02/2024	
Description View of the equipment storage areas located at the upper pad. No signs of contamination were sighted during the site inspection		



PHOTOGRAPHIC LOG

Client Name Cleanaway Waste Management Ltd	Site Location Kemps Creek ARRT Facility, NSW	Project PS209523
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Photo No. 19	Date 14/02/2024	
Description View of the environmental policy displayed at the site office		

Photo No. 20	Date 14/02/2024	
Description View of the EPL displayed at the site office		

Appendix E

Signed Declaration of Independence Form



6. Appendices

Appendix A – Declaration of Independence Form Template

Declaration of Independence - Auditor	
Project Name	Kemps Creek Advanced Treatment Facility
Consent Number	SSD06_0185
Description of Project	Independent Environmental Audit
Project Address	1725 Elizabeth Drive, Kemps Creek, NSW
Proponent	Cleanaway Pty Ltd
Date	15/11/2023

I declare that:

- i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- iv. I am not an Environmental Representative for the project; and
- v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an

approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and

b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Proposed Auditor **Andres Grigaliunas**

Signature *Andres Grigaliunas*

Qualification **Principal Auditor RABQSA/Exemplar Global**

Company **WSP Australia**

6. Appendices

Appendix A – Declaration of Independence Form Template

Declaration of Independence - Auditor

Project Name	Kemps Creek Advanced Treatment Facility
Consent Number	SSD06_0185
Description of Project	Independent Environmental Auditor
Project Address	1725 Elizabeth Drive, Kemps Creek, NSW
Proponent	Cleanaway Pty Ltd
Date	15/12/2023


I declare that:

- i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- iv. I am not an Environmental Representative for the project; and
- v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an

approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Proposed Auditor	<i>Internal Review</i>	Colin McKay
Signature		
Qualification	Technical Executive, Contaminated Land Management	
Company	WSP Australia	

