

Clyde Waste Transfer Terminal (Special Provisions) Bill 2003

Clyde Waste Transfer Terminal – Conditions of Development Consent

The following acronyms and abbreviations are used:

Act, the	Environmental Planning and Assessment Act 1979
AM	Approved Method
Applicant, the	Veolia Environmental Services (Australia) Pty Ltd (formerly known as Collex Pty Limited)
ARI	Average Recurrence Interval
AS	Australian Standard
DA	Development application
dB(A)	Decibel (A-weighted scale)
DECCW	Department of Environment, Climate Change and Water
Containerised waste	Waste that arrives at the premises pre-packaged into sealed containers which remain unopened at the premises
Department, the Director General, the	The Department of Planning and Environment Director General of the Department (or nominee)
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EMR	Environmental Management Representative
EMS	Environmental Management System
EPA	NSW Environment Protection Authority
Expanded operations	The increase in facility throughput from 500,000 tpa to 600,000 tpa under DA 205-08-01 MOD 5
GTA	General Terms of Approval
K	Degrees Kelvin
m	Metres
m/s	Metres per second
MHWM	Mean high water mark
Minister, the	Minister for Planning
mm	Millimetres
MSW	Municipal Solid Waste

This and the following 27 pages comprise the “Clyde Waste Transfer Terminal – Conditions of Development Consent” referred to in clause 4 of the Clyde Waste Transfer Terminal (Special Provisions) Bill 2003.

Signed:

Hon Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Dated:

OEMP	Operational Environmental Management Plan
OSD	Onsite stormwater detention
Planning Secretary	The Secretary of the Department of Planning and Environment
RTA	NSW Roads and Traffic Authority
Secretary	The Secretary of the Department of Planning and Environment
SEIS	Supplementary Environmental Impact Statement
SWMP	Soil and Water Management Plan
TSP	Total suspended particulates
Uncontainerised waste	Waste that arrives at the premises in bulk, to be compacted and containerised at the premises
USEPA	United States Environmental Protection Agency
W/m ²	Watts per square metre
°C	Degrees Celsius

THIS INSTRUMENT INCLUDES CHANGES MADE BY MOD-133-11-2006 (MARKED IN RED) approved by the Director-General, as delegate of the Minister for Planning, pursuant to section 96(1A) of the EP&A Act, on 4 April 2007

And changes proposed for DA 205-08-01 Mod 2 (2008, Marked in orange)

And changes proposed for DA 205-08-01 Mod 3 (2010, Marked in blue)

And changes proposed for DA 205-08-01 Mod 4 (2014, Marked in green)

And changes proposed for DA 205-08-01 Mod 5 (2018, Marked in purple)

GENERAL CONDITIONS

Adherence to Terms of DA, EIS and SEIS

1. Development ~~shall~~ **must** be carried out in accordance with:
 - (a) DA No. 205-08-01;
 - (b) the EIS prepared for the "Clyde Transfer Terminal" by Maunsell McIntyre Pty Ltd, dated 14 August 2001;
 - (c) the Supplementary EIS prepared for the "Clyde Transfer Terminal" by Maunsell McIntyre Pty Ltd, dated 18 December 2001;
 - (d) all additional information supplied by the Applicant or the Applicant's consultants or subconsultants to the Department or integrated approval bodies pertaining to the development, including:
 - Noise Mitigation Details provided to the EPA by Vipac Engineers & Scientists Ltd by facsimile dated 15 February 2002;
 - Stormwater Outlet Design, dated 18 February 2002, provided to the Department by Maunsell Australia Pty Ltd;
 - Information on traffic, odour and noise, dated 9 April 2002, provided to the independent assessor Mr John Court by Maunsell Australia Pty Ltd;
 - Information on the construction EMP, stormwater drainage, site contamination, landscaping and rehabilitation of Duck River, and the property boundary, dated 10 April 2002, provided to Waterways Authority by Maunsell Australia Pty Ltd;
 - Information on odour management, Duck River cycleway, and traffic management, dated 10 April 2002, provided to the independent assessor Mr John Court by Maunsell Australia Pty Ltd;
 - Information on the property boundary, dated 17 April 2002, provided to Waterways Authority by Maunsell Australia Pty Ltd;
 - Information on modifications to pipeline, pipe outlet, scour protection works, detention basin, weighbridge and noise barrier, dated 19 April 2002, provided to Waterways Authority by Maunsell Australia Pty Ltd;
 - Information on a proposed community consultative committee and possible community enhancement projects, dated 4 June 2002, provided to the Department by the Applicant;
 - Information on Parramatta Road plans and odour control procedure, dated 12 June 2002, provided to the Department by Maunsell Australia Pty Ltd; ~~and~~
 - Information on odour management, dated 4 July 2002, provided to the Department by the Applicant;
 - (e) *modification application MOD-133-11-2006, accompanied by **Statement of Environmental Effects Modification to the Terminal Building Forced Ventilation System Clyde Waste Transfer Station**, prepared by Environ and dated October 2006, **the Odour Mitigation Study Clyde Waste Transfer Terminal Addendum to Final Report**, prepared by the Odour Unit and dated July 2006, and Veolia Environmental Services' letter (and attachments) to the Department of Planning dated 15 February 2007;*
 - (f) *modification application DA-205-08-01-MOD-2*
 - (g) *modification application DA-205-08-01-MOD-3 and accompanying letter dated 14 December 2009*
 - (h) *modification application DA-205-08-01 MOD 4 and accompanying Environmental Assessment letter prepared by Veolia Environmental Services (Australia) Pty Ltd and dated 20 January 2014;*
 - (i) *modification application DA-205-08-01 MOD 5 and accompanying Environmental Assessment prepared by SG Haddad Advisory and CW Strategic Planning Services and dated 30 March 2017,*

except as modified by the following conditions.

2. **In the event of any inconsistency between:**
 - (a) **the conditions of this consent and any document listed from condition 1(a) to 1(i) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and**
 - (b) **any document listed from condition 1(a) to 1(i) inclusive, the most recent document shall prevail to the extent of the inconsistency.**

- 2A. The Proponent shall comply with any reasonable requirements of the Planning Secretary arising from the Department's assessment of:
 - (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with the conditions of this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence.
- 2B. The Proponent shall prepare revisions of any strategies, plans or programs required under this approval if directed to do so by the Planning Secretary. Such revisions shall be prepared to the satisfaction of, and within a timeframe approved by, the Planning Secretary.

Compliance

3. It shall be the ultimate responsibility of the Applicant to ensure compliance with these Conditions.
4. These Conditions do not relieve the Applicant of the obligation to obtain all other approvals and licences from all relevant authorities required under any other Act.
5. The Applicant shall comply or ensure compliance with all the requirements of the Planning Secretary in respect of the implementation of any measures arising from these Conditions.
6. The Applicant must bring to the attention of the Planning Secretary any matter that may require further investigation, or the issuing of instructions from the Planning Secretary, to enable compliance with these Conditions. The Applicant shall comply or ensure compliance with any instruction issued by the Planning Secretary to enable compliance with these Conditions.
7. Where the results of any monitoring demonstrate an exceedance of a limit in this consent, the Applicant shall provide, within 30 days of the monitoring, the monitoring results to the Planning Secretary and Auburn Council stating:
 - (a) The reason for the exceedance;
 - (b) Action taken to ensure the limit is not exceeded in the future;
 - (c) Proposed action to ensure the limit is not exceeded in the future;
 - (d) Timetable for implementing the proposed action in (c); and
 - (e) Results of additional monitoring which has been conducted within 7 days of the action taken in (b) and (c) above, to demonstrate compliance with the limit.

Waste Volumes

8. ~~No waste shall be received at the development except waste to be transported by rail from the Clyde Marshalling Yards for disposal at the Woodlawn Bioreactor. No waste shall be received at the development except waste to be transported by rail from Clyde to the Crisps Creek Intermodal Facility for disposal or treatment at Woodlawn.~~
9. ~~Deleted. The volumes of waste accepted at the development shall not exceed the annual waste input rates in Table 1, approved for acceptance at the Woodlawn Bioreactor, unless otherwise approved by the Minister. The Minister shall give such approval if the need for additional capacity at the Woodlawn Bioreactor is demonstrated by an independent public assessment of landfill capacity and demand in the Sydney Region. The assessment shall:~~
 - ~~(a) take into account the status of alternative technologies for putrescible waste management and be undertaken at five yearly intervals;~~
 - ~~(b) be completed one year before commencement of each five year period from the date of operational commencement of the Woodlawn Bioreactor, or at any other time at the request of the Applicant, with the first review due four years from the date of operational commencement of the Woodlawn Bioreactor; and~~
 - ~~(c) be undertaken by an independent person or organisation, to be appointed by the Minister, with the costs to be funded by the Applicant.~~

(i) ~~Table 1: Maximum Waste Input Rates~~

Years from date of operational commencement of Woodlawn Bioreactor	Maximum input rate (tonnes per annum)
0-5	400,000
6-10	360,000
11-15	325,000
16-20	290,000

10. The Applicant ~~shall~~ must ensure that no more than ~~500,000~~ 600,000 tonnes per annum of waste is received at the ~~development~~ facility in any calendar year. ~~In any event, no more than 500,000 tonnes of waste shall be accepted at the development in any one year.~~

10A. The Applicant must ensure that no more than 500 tonnes of waste is present on the terminal floor at any one time, except under the limited circumstances detailed in the Operational Contingency Management Plan for the development, required by Condition 54A and approved by the Planning Secretary.

Fit and Proper Person

11. The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the *Protection of the Environment Operations Act 1997*, having regard to the matters in s.83 of that Act.

Obligation to Prevent and Minimise Harm to the Environment

12. The Applicant is to take all practicable measures to prevent and minimise harm to the environment as a result of the Development.
13. If at any time the **Planning Secretary** is made aware of the occurrence of any impact from the project that poses serious environmental or amenity concerns, and is due to the failure of measures required by these Conditions or those measures identified in the documentation referred to in Condition 1 to ameliorate the impact, the **Planning Secretary** may request the Applicant to cease the activities causing the impact.
14. The Applicant may recommence the activities that were ceased, upon written advice by the **Planning Secretary** that those concerns have been satisfactorily addressed.

Date of Commencement

15. The date of commencement shall be the date that the Applicant determines to proceed with the development. The Applicant must provide the date of commencement in writing to the **Planning Secretary** before commencement of the development.

Pre-Construction Compliance Report

16. At least two weeks prior to commencement of construction (or within such period as otherwise agreed in writing by the **Planning Secretary**), the Applicant shall submit to the **Planning Secretary** a report detailing the level of compliance with each Condition of this Consent that relates to pre-construction activities. The report shall include, but not necessarily be limited to:
- (a) the identification of each relevant Condition
 - (b) the details of any study or report required by the relevant Conditions
 - (c) the level of compliance with each relevant Condition
 - (d) the reasons for any non-compliance
 - (e) any action taken or proposed to make good any non-compliance, and
 - (f) any action taken or proposed to implement the recommendations made in any study or report required by the relevant Conditions

Pre-Operation Compliance Report

17. At least one month prior to the receipt of uncontainerised waste at the premises (or within such period as otherwise agreed in writing by the **Planning Secretary**), the Applicant shall submit to the **Planning Secretary** a report detailing the level of compliance with each Condition of this Consent that relates to pre-operation activities. The report shall include, but not necessarily be limited to:
- (a) identification of each relevant Condition
 - (b) the details of any study or report required by the relevant Conditions
 - (c) the level of compliance with each relevant Condition
 - (d) the reasons for any non-compliance
 - (e) any action taken or proposed to make good any non-compliance, and
 - (f) any action taken or proposed to implement the recommendations made in any study or report required by the relevant Conditions

Dispute Resolution

18. The Applicant shall endeavour to resolve any dispute arising out of the implementation of these Conditions.
19. For any unresolved dispute arising out of the implementation of these Conditions between the Applicant and a public authority, company or person (but excluding any dispute between the Applicant and its contractors and/or subcontractors engaged in the construction or operation of the development), in the first instance either party can refer the matter to the **Planning Secretary** for resolution and, if not resolved, to the Minister. The Minister's determination of the disagreement shall be final and binding on all parties.

Monitoring Records

20. The results of any monitoring required to be conducted by the Conditions of this Consent or a licence under the *Protection of the Environment Operations Act 1997*, in relation to the development, must be recorded and retained as specified in this Consent.
21. All records required to be kept by this Consent or an environment protection licence must be:
- (a) in a legible form, or in a form that can readily be reduced to a legible form;
 - (b) kept for at least 4 years after the monitoring or event to which they relate took place; and
 - (c) **provided in a legible form to the Planning Secretary or any authorised officer of the DECCW as soon as practicable after request.**
22. The following records must be kept in respect of any samples required to be collected:
- (a) the date(s) on which the sample was taken;
 - (b) the time(s) at which the sample was collected;
 - (c) the point at which the sample was taken; and
 - (d) the name of the person who collected the sample.

GENERAL ENVIRONMENTAL MANAGEMENT

Site Contamination

23. The applicant shall obtain an environmental report prepared by a site auditor accredited under the *Contaminated Land Management Act 1997* to determine the nature and extent of contamination at the site and any investigation and/or remediation necessary before the land is suitable for commercial/industrial use.

Prior to construction the Applicant shall obtain written endorsement from the site auditor for the following aspects of the Site Contamination Management Plan:

- (a) A plan to manage the disturbance of contaminated soil in a manner that protects sub-surface waters from contamination
- (b) A plan to manage dust during the construction and operational stages in a manner that protects the health of on-site and off-site personnel.

24. Prior to completion of construction, any amelioration measures required to enable a site audit statement to be issued shall be implemented.

Environmental Management Plan (EMP) (Construction Stage)

25. The Applicant shall prepare an EMP (Construction Stage) which is specific to the development.
- 25A. Prior to commencement of construction of the odour control system subject to MOD-133-11-2006, the Applicant shall prepare and obtain approval from the Planning Secretary for a Construction Environmental Management Plan (CEMP) specific to such works. The CEMP, to be submitted to the Planning Secretary and the DECCW, shall include (but not necessarily be limited to) measures to be undertaken to minimise environmental impacts during construction with particular emphasis on measures for mitigating odour, dust, noise and traffic impacts on surrounding landuses. The CEMP shall provide details of how the environmental performance of the remediation works will be monitored, what actions will be taken to address identified adverse environmental impacts, and how the relevant requirements of conditions 26 to 38 shall be addressed. The CEMP shall reflect restrictions to construction hours as follows: Monday to Friday from 7am to 6pm, and Saturdays from 8am to 5pm, with no construction work on Sundays and Public Holidays. The CEMP shall be implemented during construction.
26. The EMP (Construction Stage) shall be prepared in accordance with the Conditions of this Consent, all relevant Acts and Regulations and accepted best practice management procedures.
27. The Applicant must not commence any works until the EMP (Construction Stage) has been completed and submitted to the Planning Secretary.
28. The Applicant shall certify the EMP (Construction Stage) as being in accordance with the Conditions of Consent prior to submitting it to the Planning Secretary.
29. The EMP (Construction Stage) shall be made publicly available.
30. The EMP (Construction Stage) shall include, but is not necessarily limited to, the following plans:
- (a) Soil and Water Management Plan
 - (b) Construction Noise Management Plan
 - (c) Dust Management Plan
 - (d) Construction Waste Management Plan
 - (e) Site Contamination Management Plan
 - (f) Landscaping Plan
31. The Applicant shall address the elements outlined in Attachment 1 of this Consent when preparing the EMP (Construction Stage).
32. All site personnel (including contractors and subcontractors) during the construction stage must be inducted and trained to ensure compliance with the EMP (Construction Stage).
33. The *Soil and Water Management Plan* (SWMP) must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The SWMP must be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).
34. The *Construction Noise Management Plan* must address, but is not necessarily limited to, the following issues:
- (a) compliance standards
 - (b) community consultation
 - (c) complaints handling monitoring/system
 - (d) site contact person to follow up complaints

- (e) mitigation measures, including details of any noise attenuation measures
 - (f) the design and operation of the proposed mitigation methods demonstrating best practice
 - (g) construction times
 - (h) contingency measures where noise complaints are received
 - (i) monitoring methods and programs.
35. The *Dust Management Plan* must include, but not necessarily be limited to, control strategies to achieve compliance with dust emission limits in this Consent and any environment protection licence.
36. The *Construction Waste Management Plan* must include, but not necessarily be limited to, strategies to ensure any waste generated during the construction stage is recycled, reused or disposed of in a lawful manner.
37. The *Site Contamination Management Plan* must include, but not necessarily be limited to, the following issues that apply to construction stage activities:
- (a) A plan to manage the disturbance of contaminated soil in a manner that protects sub-surface waters from contamination
 - (b) A plan to manage dust in a manner that protects the health of on-site and off-site personnel.
38. The *Landscaping Plan* must include, but not necessarily be limited to:
- (a) the recommendations of the Visual Assessment Study in the EIS for landscaping and planting of native species, and
 - (b) commitments by the Applicant for an appropriate financial or in-kind contribution towards landscaping the Parramatta Road frontage to soften and screen the access point as viewed from Parramatta Road.

Environmental Management Plan (EMP) (Operation Stage)

39. The Applicant shall prepare an EMP (Operation Stage) which is specific to the development.
40. The EMP (Operation Stage) shall be prepared in accordance with the Conditions of this Consent, all relevant Acts and Regulations and accepted best practice management procedures.
41. The EMP (Operation Stage) ~~shall~~ **must** include, but is not necessarily limited to, the following plans:
- (a) Waste Management Plan
 - (b) Odour Management Plan
 - (c) Dust Management Plan
 - (d) Traffic Management Plan ~~(includes monitoring and enforcement of "left turn only")~~
 - (e) Vermin and Pest Control Plan ~~(includes housekeeping measures)~~
 - (f) Stormwater Management Plan
 - (g) Site Contamination Management Plan
 - (h) Incident Response Plan
 - (i) Noise Management Plan
 - (j) **Operational Contingency Management Plan**

~~Prior to commencement of operation of the odour control system subject to MOD 133-11-2006, the Applicant shall review the EMP (Operation) in order to update procedures, measures and monitoring requirements applicable to the modified odour control system. The revision of the EMP shall cover the relevant plans (a)-(i) outlined above, including (but not necessarily limited to) the Odour Management Plan, the Dust Management Plan and the Noise Management Plan. The revised EMP (Operation) shall be submitted to the DECCW and the Secretary. The Secretary's approval of the revised EMP (Operation) shall be obtained prior to commencement of operation of the odour control system.~~

42. The Applicant shall address the elements outlined in Attachment 1 of this Consent when preparing the EMP (Operation Stage).

43. The Applicant must not accept any uncontainerised waste at the premises until the EMP (Operation Stage) has been approved by the [Planning Secretary](#).
44. The Applicant shall certify the EMP (Operation Stage) as being in accordance with the Conditions of Consent prior to seeking approval of the [Planning Secretary](#).
45. All site personnel (including contractors and subcontractors) during the operational stage must be inducted and trained to ensure compliance with the approved EMP (Operation Stage).
46. The approved EMP (Operation Stage) shall be made publicly available on request to the Applicant.
47. The *Waste Management Plan* must address, but is not necessarily limited to, the following issues:
 - (a) Procedures for inspecting and recording each load of uncontainerised waste received at the terminal and for separating and disposing of any component of the waste that is not permitted to be accepted
 - (b) Priority waste handling given to the most offensive wastes, otherwise “first in/first out” waste handling
 - (c) Procedures for cleaning vehicles before they leave the premises in a manner that prevents the tracking of waste from the premises
 - (d) An education program for all drivers of waste vehicles using the site, about waste types permitted to be received at the premises and the need to ensure their vehicle does not track waste from the premises
 - (e) The inclusion of conditions in contracts with waste transporters addressing acceptable waste types and punitive measures for non-compliances
 - (f) An enforcement program to be maintained for the duration of the development which includes the imposition of punitive measures for delivering unacceptable waste types
 - (g) Procedures for minimising wind blown litter from leaving the premises and for regular patrols of surrounding areas to collect any litter that has been carried from the premises
 - (h) Procedures for preventing washdown waters and any other liquid that has been in contact with waste from entering the stormwater system
 - (i) An operational contingency plan to be implemented in the event of equipment failure, industrial action or other situation that prevents the containerisation of waste that has been in the terminal building in excess of 18 hours
 - (j) Fire management procedures including the management of fire water in a manner that will not pollute waters.
48. The *Odour Management Plan* shall address, but is not necessarily limited to, the following issues:
 - (a) detailed description of the odour control system subject to MOD-133-11-2006, including (but not necessarily limited to) scaled drawings of the system and its location, technical specifications and operational methods;
 - (b) procedures for the management of waste at the premises at all times to minimise the generation of odours;
 - (c) protocols for the operation of the odour control mechanisms for the terminal building, including the forced air extraction system, to minimise the risk of any adverse impact on surrounding commercial and residential areas;
 - (d) procedures for the maintenance and repair of the forced air extraction system on the terminal building;
 - (e) an emission monitoring program designed to determine compliance with the [DECCW](#)'s odour goal of less than 2OU at the nearest sensitive receiver and to establish the efficiency of the forced air extraction system and appropriate equipment maintenance schedules. The program is to include odour emission monitoring using dynamic olfactometry in such a way as to allow determination of the performance of the odour control system;
 - (f) an odour audit program which provides for a comprehensive odour audit of the premises and nearby commercial and residential areas, by an independent, appropriately qualified and experienced person, to be conducted 3-monthly for the initial 24 months of receiving uncontainerised waste at the terminal, 3-monthly for the 12 months following commissioning the odour control system subject to MOD-133-11-2006, and 6-monthly thereafter, unless otherwise approved in writing by the [Planning Secretary](#).
 - (g) an operational contingency plan to be initiated in the event of equipment failure, industrial action or any other situation that prevents the containerisation of any waste that has been in the terminal building in excess of 18 hours. Such a plan shall include suspending the acceptance of further uncontainerised waste at the premises;

- (h) a testing program designed to determine appropriate maintenance schedules for replacement of odour adsorption material in the pressure relief vents of the waste containers;
 - (i) procedures for the maintenance and repair of the odour adsorption and pressure relief vents of the waste containers, including the replacement of the odour adsorption material; and
 - (j) a community consultation program on odour. The community consultation program may include a community survey, to be developed in conjunction with the community consultative committee.
49. The *Dust Management Plan* shall include, but not necessarily limited to, control strategies to achieve compliance with dust emission limits in this Consent and any environment protection licence. The Dust Management Plan shall adopt the recommendations made by Turnkey Environmental Services Pty Ltd (dated 13 Feb 2006) and provided in Appendix D of the *Statement of Environmental Effects Modification to the Terminal Building Forced Ventilation System Clyde Waste Transfer Station* (Environ, Oct 2006) in relation to the dust suppression spray system at the terminal. The Dust Management Plan shall provide for the monitoring of the performance of the dust suppression system and for improving its performance as it may be necessary. Following the receipt of any dust related complaints, the Planning Secretary may require the Applicant to undertake further investigations, monitoring or implement measures aimed to mitigate identified dust impacts on residential areas associated with the operation of the terminal.
50. The *Traffic Management Plan* must address, but is not necessarily limited to, the following issues:
- (a) An education program for all drivers and owners of waste vehicles using the site, about the “left turn only” restrictions on entering and leaving the premises via Parramatta Road
 - (b) A monitoring and recording program to identify and record any waste vehicle and its driver that breaches the “left turn only” restriction upon entering or leaving the premises via Parramatta Road.
 - (c) An education program for all drivers and owners of waste vehicles using the site, about the waste transport routes permitted to be used in the vicinity of the development
 - (d) A monitoring and recording program to identify and record any waste vehicle and its driver that breaches the permitted transport routes
 - (e) An enforcement program including the imposition of identified punitive measures against any driver or vehicle owner whenever the above restrictions are breached
 - (f) Contracts with waste transporters to include conditions addressing entry and exit restrictions and permissible waste transport routes and punitive measures for non-compliances.
 - (g) Measures to minimise trucks and other heavy vehicles from entering or exiting the premises between the following hours: 10pm and 5am Mondays to Saturdays; 10pm and 7am Sundays and public holidays.
51. The *Vermin and Pest Control Plan* must address, but is not necessarily limited to, the following issues:
- (a) Removing all waste from the tipping areas at the end of each day
 - (b) Cleaning up all waste tipping and handling areas at the end of each day
 - (c) Regular cleaning of catch drains and drainage sumps
 - (d) Minimising onsite waste storage and handling
 - (e) Maintaining any bird deterrent measures such as hanging wires
 - (f) Routine inspection and action for potential vector habitats
 - (g) Using commercial vector control specialists
 - (h) Conducting routine litter patrols to collect trash on site, around the perimeter, on immediately adjacent properties and on approach roads.
52. The *Stormwater Management Plan* must describe the post construction measures to be employed to operate and maintain the stormwater controls at the premises in a manner that minimises the pollution of waters.
53. The *Site Contamination Management Plan* must include any actions recommended in the environmental report by the site auditor that apply to operation stage activities.
54. The *Noise Management Plan* shall be drafted in consultation with the rail operator for operation of the rail siding adjacent to the waste packaging terminal for the rail haulage services for Collex. The plan is to be submitted to Auburn Council. The plan must address the objective of mitigating operational rail noise from operations directly attributable to the loading and unloading of containers and associated rail operation on

the siding adjacent to the Collex terminal, relating to the movement of containers from the Collex packing terminal. The plan must also identify reasonable noise mitigation strategies:

- (a) Upgrade to hardstand areas utilised for loading and unloading of trains and rail track upgrade where feasible;
- (b) Resurfacing of hardstand area with appropriate noise mitigation materials;
- (c) Track repair and realignment where feasible and appropriate to minimise forklift travel having regard for other rail operations and heritage issues;
- (d) Container management protocols to minimise movement and handling of containers with an emphasis on noise mitigation;
- (e) Identification and utilisation of forklifts to minimise noise impacts and implement measures to minimise use of reversing alarms at night;
- (f) Establishment of a noise complaints procedure;
- (g) Investigating the scheduling of trains outside critical hours subject to metropolitan curfew, Rail Infrastructure Corporation slot management and rail operational considerations;
- (h) Ongoing community consultation; and
- (i) Employee education in noise mitigation practices.

54A. Prior to the commencement of expanded operations under DA 205-08-01 MOD 5, the Proponent must prepare an Operational Contingency Management Plan (OCMP) to the satisfaction of the Planning Secretary. The OCMP must form part of the EMP (Operation) required by Condition 41. The OCMP must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with the EPA;
- (c) detail the exceptional circumstances when the amount of waste in the terminal building would exceed 500 tonnes at any one time;
- (d) describe measures in place to minimise the number of instances of these exceedances;
- (e) identify all potential impacts arising from these instances;
- (f) characterise these impacts, such as effects, duration, receptors, level of impact;
- (g) detail appropriate mitigation measures;
- (h) describe the monitoring of potential environmental impacts during the exceptional circumstances; and
- (i) describe reporting to the appropriate regulatory authorities.

54B. The Proponent must:

- (a) not commence expanded operations until the OCMP required by Condition 54A is approved by the Planning Secretary; and
- (b) implement the most recent version of the OCMP approved by the Planning Secretary for the duration of the development.

Article II. Environmental Management Representative (EMR)

55. The Applicant shall employ or contract a suitably qualified Environmental Management Representative (EMR) throughout the duration of the development. The EMR shall:

- (a) be the principle person responsible for overseeing environmental management of the development and supervision of environmental services
- (b) have the authority to stop work if an adverse impact on the environment has occurred or is likely to occur
- (c) be responsible for the certification of all environmental management plans and procedures
- (d) be responsible for considering and advising on matters specified in the Conditions of Consent and compliance with such matters
- (e) oversee the receipt of, and response to, complaints about the environmental performance of the development
- (f) be present on-site during any critical construction or operational activity as defined in the relevant Environmental Management Plan
- (g) be a member of the Community Consultative Committee for the development

Environmental Monitoring Program

56. The Applicant shall prepare and implement a detailed Environmental Monitoring Program for the proposed development. The program shall include, but is not necessarily limited to, all the monitoring required by this Consent, the environment protection licence, the EMP (Construction Stage) and the EMP (Operation Stage) for the development. The program must:
- (a) Identify the environmental issues to be monitored
 - (b) For each issue, indicate whether its monitoring is required by this Consent, the environment protection licence, the EMP (Construction Stage), the EMP (Operation Stage), or by another instrument
 - (c) Set standards and performance measures for each issue
 - (d) Describe in detail how each issue is to be monitored, who will conduct the monitoring, how often the monitoring will be conducted, and how the results of the monitoring will be recorded and reported to the [Planning Secretary](#) and other relevant authorities
 - (e) Indicate the actions taken and procedures to be followed if any non-compliance is detected.
57. All monitoring required by this Consent must be:
- (a) conducted by suitably qualified persons approved by the [Planning Secretary](#)
 - (b) conducted in accordance with established standards and protocols
 - (c) reported annually in the Annual Environmental Management Report.
58. The Applicant shall include a report on the Environmental Monitoring Program in the Annual Environmental Management Report. The report must:
- (a) summarise the results from the Environmental Monitoring Program over the previous year
 - (b) analyse the results in relation to both past performance, and the relevant standards and performance measures of the development
 - (c) identify any emerging trends in the data over the life of the development
 - (d) include a copy of the detailed monitoring results as an attachment.

Annual Environmental Management Report

59. Between twelve and fourteen months after the issue date of an environment protection licence for the development, and annually thereafter for the duration of the development, the Applicant shall submit an Annual Environmental Management Report to the [Planning Secretary](#), the EPA and the Community Consultative Committee. The report shall be made available to the public on request to the Applicant. The report may be combined with the Annual Return required by the environment protection licence to be submitted to the EPA. The report must:
- (a) identify all the standards, performance measures, and statutory requirements the development is required to comply with
 - (b) review the environmental performance of the development to determine whether it is complying with the standards, performance measures, and statutory requirements
 - (c) identify each occasion during the previous year when the standards, performance measures, or statutory requirements have not been complied with
 - (d) where any non-compliance is identified, describe the actions or measures taken to ensure compliance, who is responsible for carrying out the actions, and when the actions were (or will be) implemented
 - (e) include a summary of any complaints made about the development, and indicate the actions taken to address the complaints
 - (f) include a report on the Environmental Monitoring Program as specified in this Consent.

Independent Environmental Audits

60. Every year following the date of this consent, or at periods otherwise agreed to by the [Planning Secretary](#), and until such time as agreed to by the [Planning Secretary](#), the Applicant shall arrange for an independent audit of the environmental performance of the development. The audits shall:
- (a) be conducted pursuant to ISO 14010 – Guidelines and General Principles for Environmental Auditing, ISO 14011 – Procedures for Environmental Monitoring and any specifications of the [Planning Secretary](#);
 - (b) be conducted by a suitably qualified independent person approved by the [Planning Secretary](#);
 - (c) assess compliance with the requirements of this consent;

- (d) assess the implementation of the EMP (Construction) and EMP (Operation) and review the effectiveness of the environmental management of the development; and
- (e) be carried out at the Applicants' expense.

The audits shall be submitted to the **Planning Secretary**.

The Applicant shall comply with all reasonable requirements of the **Planning Secretary** in respect of any measures arising from or recommended by the audits and within such time as agreed to by the **Planning Secretary**.

Monitoring and audit results to be publicly available

- 61. The results of all monitoring and auditing required by this Consent must be made publicly available at the same time they are submitted to the **Planning Secretary**.

WASTE MANAGEMENT

Waste receipt and removal

- 62. The Applicant must not cause, permit or allow any waste generated outside the premises to be received at the premises unless permitted to do so by an environment protection licence.
- 63. The Applicant must ensure that waste received at the premises is restricted to inert and solid waste as defined in Schedule 1, Part 3 of the *Protection of the Environment Operations Act 1997* or is assessed as inert waste or solid waste following the technical assessment procedure outlined in Technical Appendix 1 of the *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (EPA, 1999).
- 64. No waste shall be removed from the premises except:
 - (a) construction waste arising from activities during the construction stage of the development
 - (b) waste in sealed shipping containers to be transported by rail for disposal at the Woodlawn Bioreactor
 - (c) small quantities of waste not permitted by the EPL to be received at the terminal, that have been separated out from the incoming waste stream through a documented operational procedure of regular waste inspections and associated control measures: these wastes are to be disposed of to a lawful waste facility
 - (d) waste generated from onsite activities such as plant maintenance and repairs, that is not suitable for acceptance at the Woodlawn Bioreactor: these wastes are to be disposed of to a lawful waste facility
 - (e) wastewater generated onsite: these wastes are to be disposed of to sewer
 - (f) leachate generated from the onsite management of waste: these wastes are to be disposed of to sewer or a lawful liquid waste treatment plant
 - (g) recyclable materials generated from the onsite office: these wastes are to be directed to a suitable recycling facility.
- 65. The Applicant shall implement the approved *Waste Management Plan* to the satisfaction of the **Planning Secretary**.

Asbestos Waste

- 66. The Applicant will not accept asbestos at the premises. The *Waste Management Plan* must make provision for identification of asbestos in waste not knowingly received at the premises and for the proper and safe disposal of any asbestos so identified.

Waste Management Record Keeping

67. Records shall be made and maintained of each load of waste entering the premises, including the identification of the vehicle, weight, nature and origin of the waste received, and whether the waste was received in pre-packaged shipping containers or for on-site containerisation.
68. Records shall be made and maintained of any waste leaving the premises by motor vehicle, including the identification of the vehicle, and the weight, classification and destination of the waste.
69. Records shall be made and maintained of all events involving the removal of any waste received at the premises which is not permitted to be accepted at the premises.

ODOUR MANAGEMENT

70. The Applicant shall install a forced ventilation system in the Terminal Building in accordance with MOD-133-11-2006, the design specified in the report *Addendum to Final Report – Odour Mitigation Study – Clyde Waste Transfer Terminal – Collex Pty Ltd* prepared by the Odour Unit Ltd and dated July 2006, and drawing N3630/100 titled *Clyde Transfer Terminal Roof and Gallery Level Proposed Ducting Layout Details* prepared by Turnkey Environmental Systems Pty Ltd. The system shall include a single air exhaust stack to discharge all air from the waste receipt and compaction/loading building, in accordance with the following specifications:

Minimum Stack Height (metres above existing ground level)	Section 2.01 Minimum Stack Height above the top of the roof (metres)	Minimum Stack Diameter (metres)	Minimum Stack Exit Velocity (m/s)	Minimum Stack Exit Volumetric Flowrate (m ³ /s)	Location (X coordinate)	Location (Y coordinate)
21	4	2.64	20	109.48	317145	6254129

The six original fans drawing air from the building through the odour control system shall be replaced with six fans of at least 18kW capacity (each) as per MOD-133-11-2006. The forced air extraction system installed under MOD-133-11-2006 shall be capable of operating in a proper and efficient manner under continuous duty.

Any variations of the design and specifications indicated above resulting from the detailed design of the odour control system shall be approved by the Planning Secretary, in consultation with the DECCW, prior to the commencement of construction. As part of such approval, the Planning Secretary may require the Applicant to provide information demonstrating that the final design will not result in increased impacts as those predicted in the documents referred to under condition 1(e).

71. Construction of the Terminal Building forced ventilation system in accordance with MOD-133-11-2006 shall be undertaken under continuous operation of the original forced ventilation system (as per design approved by the Planning Secretary in correspondence to Collex dated 5 January 2003). Forced ventilation in the Terminal Building, by the operation of the original system or the new system subject to MOD-133-11-2006, shall not be interrupted at any time during the period of transferring odour control systems, unless otherwise approved by the Planning Secretary following a written application for temporary stoppage of the ventilation system during that period. Such application shall provide details of stoppage time required, impacts predicted, and proposed mitigation measures and notification requirements. This condition does not apply at times when waste is not contained within the building.
72. Prior to commencement of construction of the works required under MOD-133-11-2006, the Applicant shall notify the Planning Secretary, Auburn Council, the DECCW and the Community Consultative Committee in writing of the date of commencement of construction, details of the main construction activities and anticipated duration of construction and times of the main construction activities.
73. The Applicant shall implement the approved *Odour Management Plan* to the satisfaction of the Planning Secretary.

74. The Applicant must not cause or permit the emission of offensive odours from the premises, as defined under section 129 of the *Protection of the Environment Operations Act 1997*.
75. The Applicant is not permitted to use deodorisers for odour control at the premises, unless otherwise approved by the Planning Secretary.
76. The Applicant shall continuously operate the forced ventilation system subject to MOD-133-11-2006 (and the original forced ventilation system until the system subject to MOD-133-11-2006 becomes operational) whenever waste is contained within the building, unless otherwise approved by the Planning Secretary. As part of such approval, the Planning Secretary may require the Applicant to carry out additional investigations and implement additional measures to mitigate any off-site impacts that may be anticipated or identified from such investigations.
77. Within three months of the commissioning of the forced ventilation system subject to MOD-133-11-2006, the Applicant shall conduct:
- (a) odour emission rate sampling and analysis from the single stack (conducted in accordance with the *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* (DECCW, January 2007); and
 - (b) odour dispersion modelling for the stack odour discharge conducted in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (DECCW, August 2005) and the *Technical Framework – Assessment and Management of Odour from Stationary Sources in NSW* (DECCW, November 2006)
- to confirm whether the operation of the modified stack design meets the DECCW's odour goal of less than 2 OU at the nearest sensitive receiver.
78. The results of any odour performance testing and modelling conducted in accordance with the conditions of this consent, including those required under condition 77, shall be submitted to the Community Consultative Committee, the DECCW, the Planning Secretary and shall be made publicly available, within eight weeks of the testing and modelling having been completed.
79. Following the review of the investigations required under condition 77, or any other odour related investigations and documentation required under this consent, the Planning Secretary in consultation with the DECCW may require the Applicant to carry out additional investigations and implement additional measures to mitigate any identified off-site odour impacts.
80. All odour monitoring and management plans shall be made available to the public on request to the Applicant.
81. Any containerised waste shall not be exposed to the atmosphere at the site, except via a pressure release mechanism and odour filtration system on a container maintained and operated in accordance with the Conditions of this Consent.
82. The design of the pressure release mechanism and odour filtration system on the waste containers shall be approved by the Planning Secretary prior to the acceptance of any uncontainerised waste at the premises.
83. Any waste that has been packed into containers on the site, shall not be re-exposed to the atmosphere at the site, except via a pressure release mechanism and odour filtration system on a container maintained and operated in accordance with the Conditions of this Consent.
84. Deleted
85. Deleted
86. Deleted

87. The Applicant shall carry out monitoring of the forced ventilation system subject to MOD-133-11-2006 (including air emissions monitoring or other) as may be required under any Environment Protection Licence. The monitoring results shall be reported in the Annual Environmental Management report required under condition 59.

88. Monitoring for the concentration of a pollutant emitted to the air must be done in accordance with:
- (a) any methodology which is required by or under the *Protection of the Environment Operations Act 1997* to be used for the testing of the concentration of the pollutant; or
 - (b) if no such requirement is imposed by or under the *Protection of the Environment Operations Act 1997*, any methodology which the general terms of approval or a condition of the licence (as the case may be) requires to be used for that testing; or
 - (c) if no such requirement is imposed by or under the *Protection of the Environment Operations Act 1997* or by the general terms of approval or a condition of the licence (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

89. Deleted

90. Prior to the installation of the forced ventilation system subject to MOD-133-11-2006, the Applicant shall provide to the DECCW, manufacturer's performance guarantees, demonstrating to the satisfaction of the DECCW that the equipment will comply with the design parameters specified in this consent and/or the Environmental Protection Licence.

91. A meteorological station must be sited and operated at the premises in accordance with the *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*. The Applicant shall undertake the sampling and analysis of the meteorological parameters specified in table below. Sampling and analysis of meteorological parameters shall be carried out strictly in accordance with the methods and references specified in the table.

Parameter	Units of measure	Averaging Period	Method ¹	Frequency
Wind Speed @ 10 m	m/s	1 hour	AM-2 & AM-4	Continuous
Wind Direction @ 10 m	°	1 hour	AM-2 & AM-4	Continuous
Sigma Theta @ 10 m	°	1 hour	AM-2 & AM-4	Continuous
Temperature @ 10 m	K	1 hour	AM-4	Continuous
Temperature @ 2 m	K	1 hour	AM-4	Continuous
Solar Radiation	W/m ²	1 hour	AM-4	Continuous
Rainfall	mm	24 hours	AM-4	Continuous
Evaporation	mm	24 hours	Note ²	Continuous
Additional Requirements		Method ¹		
Siting		AM-1 & AM-4		
Measurement		AM-2 & AM-4		

Note: ¹ All methods are specified in the Approved Methods for the Sampling and Analysis of Air Pollutants in NSW.

Note: ² Method approved by the EPA in writing.

DUST MANAGEMENT

92. The Applicant shall implement the *Dust Management Plan (Construction Stage)* and the approved *Dust Management Plan (Operation Stage)* to the satisfaction of the Planning Secretary.

93. All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.
94. All trafficable areas and vehicle manoeuvring areas in or on the premises shall be maintained at all times in a condition that will minimise the generation or emission from the premises, of wind-blown or traffic generated dust.
95. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading. (EPA)
96. The Applicant must prepare and implement an Ambient Air Quality Monitoring Plan. The Plan must address, but not necessarily be limited to, the following:
 - (a) Monitoring methodologies and standards (sampling and analysis);
 - (b) Monitoring for concentrations of total suspended particulates (TSP) and dust deposition rates;
 - (c) Locations where monitoring will be carried out;
 - (d) Detailed monitoring cycle and the duration of each monitoring cycle; and
 - (e) Reporting.

97. Deleted.

AIR MONITORING

98. Detailed records of operating conditions inside the waste terminal building shall be made coincident with any monitoring for odour or dust required by Conditions of this Consent.

WATER MANAGEMENT

99. Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation of the development, section 120 of the *Protection of the Environment Operations Act 1997* must be complied with and in connection with the carrying out of the development.
100. Any water that comes into contact with waste at the premises must be directed to the leachate collection system.
101. The approved *Soil and Water Management Plan* must be implemented prior to and for the duration of the construction stage of the development.
102. Stormwater pollution controls must be implemented prior to and for the duration of the operation of the development. The controls shall be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme shall be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA). The controls shall incorporate minimum levels of treatment in the following table:

Development component	Minimum level of stormwater treatment
Undeveloped sections of access road	Existing overland flow to Duck River
Roof water	On-site detention
Gatehouse and weighbridge area, carpark, access road and container loading area adjacent to the compaction units	First flush system, GPT, oil and grease separation, on-site detention

SITE CONTAMINATION

103. The *Site Contamination Management Plan* must be implemented to the satisfaction of the Planning Secretary, prior to and for the duration of the development.

NOISE MANAGEMENT

104. The Applicant shall implement the approved *Construction Noise Management Plan*, to the satisfaction of the Planning Secretary.
105. The Applicant shall implement the *Noise Management Plan*, to the satisfaction of the Planning Secretary.
106. Except as permitted under condition 25A, all construction work at the premises that creates audible noise at residential premises shall only be conducted between 7:00am and 5:00pm on Mondays to Fridays and between the hours of 8:00am and 5:00pm on Saturdays. There shall be no construction activities on Sundays or public holidays. The allowable construction times may be varied by an environmental protection licence.
107. The delivery of construction material outside the hours of construction permitted by this Consent is not permitted except when required by police or other authorities for safety reasons; and/or because the operation, personnel or equipment are endangered. In such circumstances, notification is to be provided to the EPA and affected residents at least 24 hours prior to the delivery, or within a reasonable period in the case of an emergency.
108. Deleted.
- 108A. Deleted.
109. Deleted.
110. Deleted
111. Deleted.
112. The Applicant shall implement a Heavy Vehicle Noise Monitoring Management Program for the development to the satisfaction of the Planning Secretary. This program must:
- (a) monitor heavy vehicle noise on the site, in accordance with the methods outlined in the "Truck Noise Monitoring – Proposed Test and Management Plan" prepared by Heggies and dated 26 May 2008;
 - (b) be undertaken quarterly for the first year starting in October 2008, and annually thereafter, unless otherwise agreed by the Planning Secretary;
 - (c) measure at least 25% of the heavy vehicles visiting the site;
 - (d) identify heavy vehicles exceeding the relevant noise criteria specified in Australian Design Rule 28/01, or its successor, and ensure that the owners of these subsequently comply with the relevant noise criteria;
 - (e) report the number of non-compliant heavy vehicles identified and the actions undertaken to address these non-compliances in the Annual Environmental Monitoring Report; and
 - (f) be amended, should the monitoring activities not achieve the aim of the program, to the satisfaction of the Planning Secretary.

~~The Applicant shall ensure that annual noise emission assessments of all trucks owned or operated by the Applicant or trucks the subject of a delivery contract with the Applicant are carried out. The assessment shall assess compliance with relevant noise emission requirements of ADR 28/01 or its successor. The assessment shall be made available to Auburn Council and to the Planning Secretary within 3 weeks of the Applicant's annual licensing report to the EPA. If any non-compliance with the relevant noise emission requirements is identified, the assessment report shall recommend mitigation measures with the objective of ensuring compliance with relevant noise emission requirements of ADR 28/01.~~

113. The Applicant shall implement an induction program for all drivers of trucks that deliver waste to the waste terminal with the objective of mitigating noise impacts of trucks entering and leaving the waste terminal, including driving procedures and throttle management. The program is to be designed in consultation with

Auburn Council and is to emphasise the importance of noise emission control, driving and operating practices and procedures for night time activities.

114. The Applicant shall, in conjunction with the rail operator, implement an induction program for all train drivers and other rail staff dedicated to transporting containers to and from the Collex terminal area by train to Woodlawn. The program is to emphasise noise mitigation measures through "Good Neighbour" rail techniques such as notch control, idling practices, shunting speeds and engine control and shall form an integral part of the operational noise management plan.

VERMIN AND PEST MANAGEMENT

115. The design of the terminal building and associated waste handling facilities shall incorporate such reasonable measures to eliminate or minimise the potential for birds, rodents, flies and other pests to congregate at the development. Consideration shall be given to incorporating the following measures
- (a) sealing surfaces to prevent moisture and odour absorption
 - (b) elimination of crevices where waste, moisture and vermin can accumulate
 - (c) providing screening of the ventilation openings in the building
 - (d) eliminating horizontal surfaces where birds can congregate
 - (e) minimising horizontal ledges where dust and litter can accumulate
 - (f) using fencing and netting to prevent wind-blown litter from escaping.
116. The *Vermin and Pest Management Plan* must be implemented for the duration of the operation of the development, to the satisfaction of the Planning Secretary.
117. The Applicant must take all practicable measures to prevent the attraction and infestation of the premises with vermin and pests.

TRAFFIC MANAGEMENT

118. All access to the development shall be via a sealed access road from Parramatta Road. No vehicle shall enter or exit the development via the internal road connecting the Clyde Marshalling Yards to Rawson Street.
119. ~~No vehicle entering the development shall turn right off Parramatta Road.~~ No vehicle is permitted to turn right into the site off Parramatta Road until intersection upgrade works have been completed to the satisfaction of Cumberland Council and Roads and Maritime Services (RMS).
- 119A Prior to commencement of construction of the intersection upgrade works, the design of the intersection must be prepared in consultation with and to the satisfaction of Cumberland Council and RMS. The intersection design must accommodate the largest vehicle associated with the development as follows:
- (a) turning right into the development from Parramatta Road (e.g. 12.5-metre rigid waste trucks);
 - (b) turning left into the development from Parramatta Road (e.g. semi-trailers); and
 - (c) turning left out of the development onto Parramatta Road (e.g. semi-trailers).
- 119B All intersection works must be to the full cost of the Proponent and at no cost to RMS or Cumberland Council.
- 119C The intersection upgrade works along Parramatta Road/private access road must be designed to meet RMS requirements, and endorsed by a suitably qualified practitioner. The design requirements must be in accordance with AUSTRROADS and other Australian Codes of Practice. The certified copies of the civil design plans must be submitted to RMS for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.
- 119D The Proponent is required to enter into a Works Authorisation Deed (WAD) for the intersection upgrade works.

- 119E Within 6 months of commencement of right-turn movements into the development, a road safety audit (RSA) must be undertaken for the intersection of Parramatta Road and the private access road by a suitably qualified, independent professional. The results of the RSA, including a program for implementation of any audit recommendations, must be submitted to Cumberland Council and RMS for consideration and review within 60 days of completion of the audit.
120. No vehicle exiting the development shall turn right onto Parramatta Road.
121. The *Traffic Management Plan* must be implemented for the duration of the operation of the development, to the satisfaction of the *Planning Secretary*.
122. Prior to the commencement of construction activities, the Applicant shall demonstrate to the satisfaction of the *Planning Secretary*, it has reasonable arrangements in place in respect of its use of the right of carriageway, concerning traffic sharing, protection of underground and above-ground services in the vicinity of the carriageway and the potential impacts on the existing weighbridge.
- ~~123. Deleted. The Applicant must ensure no trucks or other heavy vehicles enter or exit the premises between the hours 10pm to 5am Mondays to Saturdays and 10pm to 7am Sundays and public holidays, unless otherwise provided in the Traffic Management Plan approved by the Planning Secretary.~~
124. The Applicant shall fund a traffic study, to be conducted by an independent, suitably qualified person. The study is to be completed and submitted to the *Planning Secretary* within 14 months from commencement of operations, review the operation of the access road in the first 12 months of the development and recommend any future actions to ensure sufficient future capacity of the access road. The Applicant shall provide a reasonable financial contribution towards any upgrade of the access road recommended by the study.

EMERGENCY MANAGEMENT

Emergency Management Plan

125. In relation to activities, which in the event of a disruption to operations may result in significant pollution being emitted, the Applicant must:
- (a) conduct an assessment to determine the potential internal and external causes of disruption of operations at the premises;
 - (b) determine how these disruptions would impact on operations; and
 - (c) identify the pollution that would result due to the disruption of operations and what impact the pollution would have on the health of the community and the environment.
126. In relation to matters identified in the previous condition, the Applicant must prepare an Emergency Management Plan. The Plan shall address, but not necessarily be limited to:
- (a) identification of threats to the environment and/or public health that could arise in relation to the construction and operation of development. These threats may include fire, overflow, power or other utility failure, natural disaster etc;
 - (b) identification of strategies to minimise and ameliorate the effects of any water pollution identified from the groundwater and surface water monitoring programs;
 - (c) an estimate of the cost of implementation;
 - (d) actions to effectively respond to the disruption of operations so the risk of pollution is minimised;
 - (e) a communications strategy for alerting relevant agencies and the potentially affected community in the event of the disruption to operations leading to significant pollution; and
 - (f) ensuring that all relevant employees are familiar with the emergency management plan.

The Applicant should regularly review the adequacy of the plan obtaining expert advice as required.

Note: When developing this emergency plan, consideration should be given to the possible integration with current emergency management plans for the entire site.

127. The Applicant shall consult with the NSW Fire Brigades and install a fire main and hydrants as required by the Fire Brigades. The system shall comply with AS 2419.

LANDSCAPING

128. The Applicant shall implement the Landscaping Plan in consultation with Auburn Council and to the satisfaction of the [Planning Secretary](#).

DEVELOPMENT SETBACK

129. The Applicant shall not construct any new buildings, hardstand, storage areas or vehicle manoeuvring areas within 30 metres of the Duck River Mean High Water Mark (as measured horizontally), to allow for the establishment of a viable riparian zone and multi-purpose recreation path.

RIPARIAN RESTORATION

130. The Applicant shall prepare at its own expense a site specific Riparian Zone Management Plan to address the issues contained in Auburn's draft Duck River Riparian Management Plan. The Plan shall be submitted to Auburn Council's Director Service Planning prior to the issue of the Occupation Certificate, or as otherwise agreed to by Auburn Council.

Any riparian restoration activities undertaken by the Applicant shall, where appropriate, be consistent with but not necessarily limited to the activities listed in Attachment 3.

DUCK RIVER ACCESSWAY

131. The Applicant shall facilitate as appropriate and as required by the [Planning Secretary](#), the provision of a 3.0 metre wide reinforced concrete multi-purpose recreation path along the landward side of a 30 metre riparian/public open space dedication zone between the proposed development and Duck River, extending from Parramatta Road to the base of the Clyde railway bridge, along the edge of the development.

LAND DEDICATION

132. The Applicant shall facilitate as appropriate and as required by the [Planning Secretary](#) and/or contribute to the dedication to Auburn Council of land incorporating the riparian restoration zone and multi-purpose recreation path between the proposed development and Duck River, extending from Parramatta Road to the base of the Clyde railway bridge, along the edge of the development.

HERITAGE

133. The Applicant shall contribute to the development and installation of heritage interpretation signage in consultation with Auburn Council, regarding the heritage significance of the Clyde Marshalling Yards and in particular Track 22 and associated pre-use of the area occupied by the development. The heritage signage is to be approved by Auburn Council and installed within 6 months of commencement of the approved use or as otherwise agreed to by Auburn Council.

COMMUNITY LIAISON

Community Consultative Committee

134. The ~~Applicant shall~~ Proponent must make all reasonable attempts to establish and maintain a Community Consultative Committee generally in accordance with the Community Consultative Committee Guidelines for State Significant Projects, unless otherwise agreed to in writing by the Planning Secretary. The Proponent must submit a report to the Department every twelve months documenting its progress in establishing and maintaining the Community Consultative Committee. ~~for the whole duration of the development, and take all reasonable steps to ensure that the first meeting is held prior to commencement of construction. Selection of representatives shall be agreed by the Planning Secretary and the appointment of an independent Chairperson shall be to the satisfaction of the Planning Secretary in consultation with the Applicant, Parramatta City Council and Auburn Council. The Committee shall include two representatives from the Applicant (including the Environmental Officer), four community representatives and a representative from each Council. Representatives from relevant government agencies (including Planning NSW) may be invited to attend meetings of the Committee as required. The Committee may make comments and recommendations about the implementation of the development and draft management plans, environmental plans and/or studies. The Applicant shall ensure that the Committee has access to the necessary plans and/or studies for such purposes. The Applicant shall consider the recommendations and comments of the Committee and provide a response to the Committee and the Planning Secretary.~~
135. The Applicant shall, at its own expense:
- (a) provide appropriate facilities for meetings of the Committee;
 - (b) nominate a representative to attend all meetings of the Committee;
 - (c) provide to the Committee regular information on the progress of the work and monitoring results;
 - (d) promptly provide to the Committee such other information as the Chairperson of the Committee may reasonably request concerning the environmental performance of the development; and
 - (e) provide reasonable access for site inspections by the Committee.
136. The Applicant shall establish a trust fund to be managed by the Chairperson of the Committee to facilitate functioning of the Committee, and pay \$2000 per annum to the fund for the duration of the development. The payment shall be indexed according to the Consumer Price Index (CPI) at the time of payment. The first payment shall be made by the date of the first Committee meeting. The Applicant shall also contribute reasonable funds for payment of the independent Chairperson, to the satisfaction of the **Planning Secretary**.

COMMUNITY ENHANCEMENT PROGRAM

137. Prior to the commencement of construction, or as otherwise approved by the **Planning Secretary** in consultation with Auburn Council, the Applicant shall take all reasonable steps to negotiate an agreed outcome with Auburn Council for an appropriate level of contribution (financial or in-kind) towards mitigating the social and community impacts resulting from the construction and operation of the development.

The contribution shall provide, but not necessarily be limited to, the following:

- (a) the payment of \$50,000 (unless otherwise agreed to by the **Planning Secretary**) to Auburn Council as a contribution to the drafting of a **masterplan** for the entire Clyde Marshalling Yards
- (b) appropriate monetary lump sum contributions to be negotiated with Auburn Council for the purposes of:
 - the widening of the **Western Overbridge**;
 - establishing a vegetated **riparian restoration zone** along the eastern bank of Duck River from Parramatta Road to the Clyde railway bridge;
 - establishing a **multi-purpose recreation path** adjacent to the riparian zone from Parramatta Road to the Clyde railway bridge; and
 - the development and installation of **heritage interpretation signage** along the multi-purpose recreation path regarding the heritage significance of the Clyde Marshalling Yards and in particular Track 22 and associated pre-use of the area occupied by the development.
- (c) ongoing or as otherwise agreed to financial contributions proportional to the tonnage throughput of the terminal for the purpose of local community enhancement projects and/or activities in accordance with a community enhancement plan to be prepared by Auburn Council to reflect community priorities and needs.

Should such a negotiated outcome not be reached, the Applicant shall abide by the requirements of the [Planning Secretary](#) concerning community enhancement contribution in light of an independent investigation to establish such contribution.

Such investigation is to be carried out by an independent person(s) to be appointed by the [Planning Secretary](#) in consultation with the Applicant and Auburn Council.

The commencement of any construction on-site shall not proceed unless the above outcomes have been agreed or otherwise approved by the [Planning Secretary](#) in consultation with Auburn Council.

Attachment 1

Elements to be addressed in the Environmental Management Plan (Construction Stage) and the Environmental Management Plan (Operation Stage)

The EMP (Construction Stage) and EMP (Operation Stage) shall address but not be limited to:

1. identification of the statutory and other obligations which the Applicant is required to fulfil during construction stage including all approvals and consultations/agreements required from authorities and other stakeholders, and key legislation and policies which control the Applicant's implementation of the development
2. periodic or otherwise revision of the EMP to address changed or evolving circumstances
3. definition of the role, responsibility, authority, accountability and reporting of all personnel relevant (including sub-contractors) to compliance with the construction EMP
4. measures to avoid the occurrence of adverse environmental impacts
5. induction and training of all personnel (including sub-contractors) to ensure compliance with the construction EMP
6. the role of the EMR
7. measures to provide positive environmental offsets to unavoidable adverse environmental impacts
8. environmental management procedures for all construction processes which are important for the quality of the environment in respect of permanent and/or temporary works
9. monitoring, inspection and test plans for all activities and environmental qualities which are important to the environmental management of the project including performance criteria, specific tests, protocols (eg. frequency and location) and procedures to follow including procedures for notifying all relevant authorities should non-compliance with any limits or performance standards specified in the construction EMP arise
10. environmental management instructions for all complex environmental control processes which do not follow common practice or where the absence of such instructions could be potentially detrimental to the environment
11. requirements to undertake environmental audits to ensure that the construction EMP is working and steps the Applicant intends to take to ensure that all plans and procedures are being complied with
12. delegation of responsibilities for compliance with the EMP and relevant environmental statutes
13. community consultation and notification strategy (including the local community and all relevant authorities) and complaint handling procedures
14. project records to be maintained to provide objective evidence of the level of compliance with the construction EMP.

Section 2.02 Mandatory Conditions for all EPA Licences

ARTICLE III. ADMINISTRATIVE CONDITIONS

ARTICLE IV. OPERATING CONDITIONS

Section 4.01

Section 4.02 *Activities must be carried out in a competent manner*

M1. Licensed activities must be carried out in a competent manner. This includes:

- (a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- (b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Section 4.03 *Maintenance of plant and equipment*

M2. All plant and equipment installed at the premises or used in connection with the licensed activity:

- (a) must be maintained in a proper and efficient condition; and
- (b) must be operated in a proper and efficient manner.

ARTICLE V. MONITORING AND RECORDING CONDITIONS

Section 5.01

Section 5.02 *Recording of pollution complaints*

M3. The licensee must keep 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 include details of the following:

- (a) the date and time of the complaint;
- (b) the method by which the complaint was made;
- (c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- (f) if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made. The record must be produced to any authorised officer of the EPA who asks to see it.

Section 5.03 *Telephone complaints line*

M4. The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

ARTICLE VI. REPORTING CONDITIONS

Section 6.01

Section 6.02 *Annual Return documents*

Section 6.03

Section 6.04 *What documents must an Annual Return contain?*

M5. The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- (a) a Statement of Compliance; and
- (b) a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

(a) Period covered by Annual Return

M6. An Annual Return must be prepared in respect of each reporting, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

M7. Where this licence is transferred from the licensee to a new licensee,

- (a) the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- (b) the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

M8. Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- (a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- (b) in relation to the revocation of the licence – the date from which notice revoking the licence operates.

(b) Deadline for Annual Return

M9. The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

(c) Notification where actual load can not be calculated (Licences with assessable pollutants)

M10. Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- (a) the assessable pollutants for which the actual load could not be calculated; and
- (b) the relevant circumstances that were beyond the control of the licensee.

(d) Licensee must retain copy of Annual Return

M11. The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

(e) *Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary*

M12. Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

(f) *Notification of environmental harm*

M13. The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the *Protection of the Environment Operations Act 1997*.

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

(g) *Written report*

M14. Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

M15. The request may require a report which includes any or all of the following information:

- (a) the cause, time and duration of the event;
- (b) the type, volume and concentration of every pollutant discharged as a result of the event;
- (c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- (d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- (e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- (f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- (g) any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

ARTICLE VII. GENERAL CONDITIONS

Section 7.01 Copy of licence kept at the premises or on the vehicle or mobile plant

M16. A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies. The licence must be produced to any authorised officer of the EPA who asks to see it. The licence must

be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

Attachment 3

Riparian Restoration Activities

- (a) The vegetated riparian restoration zone shall be located adjacent to the development along the Duck River from Parramatta Road to the Clyde railway bridge, in consultation with Auburn Council.
- (b) The Applicant shall manage the riparian restoration zone for a period of no less than ten years.
- (c) At the completion of the ten-year management period, the Applicant shall engage a suitably qualified expert as agreed by Auburn Council, to conduct a performance audit of the management of the riparian restoration zone.
- (d) At the completion of a satisfactory performance audit, the Riparian Management Plan shall be amended in accordance with the recommendations of the audit, to provide management for the next five years or dedication to Auburn Council, whichever ever may occur first.
- (e) The riparian area shall be managed in accordance with the approved Riparian Management Plan by the Applicant for the initial ten year period, or until satisfactory achievement of the performance targets identified in the Riparian Management Plan, as certified by the independent audit, whichever ever is the greater.
- (f) The current steeply sloping land shall be re-contoured in accordance with the land profiles indicated within Auburn Council's draft Duck River Riparian Management Plan to ensure that the risk of erosion is minimised and to facilitate safe pedestrian and other recreational use.
- (g) Subject to the above conditions, riparian vegetation restoration works shall be landscaped by the Applicant with a diversity of local native plant species in accordance with Auburn Council's draft Riparian Management Plan in consultation with Auburn Council. Prior to commencement of the restoration works, a vegetation plan is to be prepared by the applicant in consultation with and to the satisfaction of Auburn Council indicating how such vegetation is to be established.
- (h) A suitable weed free soil, similar to soil which occurs naturally in local riparian areas, must form the surface of the riparian zone. This soil must not be less than one metre in thickness and be suitable for the establishment and on-going viability of riparian vegetation. Any such soil must be tested and certified for its suitability by a NATA registered soils laboratory prior to being used on the site. Documentation arising from this testing and certification must be provided to Auburn Council prior to the placement of any soil.
- (i) A landscape / riparian restoration plan shall be submitted to Auburn Council and include the following information:
 - Cross-sections are to extend for a distance of 40 metres inland from the top of the bank or shore of each waterway and must continue 5 metres beyond the toe of the bank of Duck River. All cross-sections are to show MHW and the 1 in 100 year AEP flood level. Any traversed features such as existing catch drains, sediment basins and any other features, are to be shown on the cross sections. Cross-sections are to show known stratigraphy and the nature and depth of soil material, which must support riparian vegetation.
 - The location of each species to be used and size at maturity.
 - A planting schedule that includes botanic names, container size, quantities and staking where required.
 - Standard construction and detail drawings including sections through mass planting beds, individual tree planting and bank stabilisation.