

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
DETERMINATION OF A DEVELOPMENT APPLICATION UNDER SECTION 80(1) OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

I, the Minister for Planning, under Section 80(1) of the *Environmental Planning and Assessment Act, 1979* ("the Act") determine the Development Application ("the Application") referred to in Schedule 1 by granting consent to the Application subject to the conditions set out in Schedule 2.
The reason for the imposition of conditions is to minimise any adverse environmental effects of the development, consistent with the objectives of the Act.

25 February 2002

Andrew Refshauge MP
Minister for Planning

Sydney

2002

File No. S01/00516

SCHEDULE 1

Application made by: Waste Recycling and Processing Corporation (Waste Service NSW) ("the Applicant").

To: The Minister for Planning ("the Minister").

In respect of: Part Lot 1, DP778564;

For the following: The Eastern Creek Waste Management Centre: Urban Resource – Reduction, Recovery, Recycling Facility (**UR-3R Facility**)

Development Application: DA No. 323-11-2001-i lodged with the Department of Planning on 9 November 2001, accompanied by an Environmental Impact Statement prepared by National Environmental Consulting Services and dated November 2001.

Determination:

- 1) To ascertain the date upon which the consent becomes effective, refer to Section 83 of the Act.
- 2) To ascertain the date upon which the consent is liable to lapse, refer to Section 95 of the Act.

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
DA323-11-2001-i-Mod-1	25 November 2002	Minister	Increase capacity from 156,000 tpa to 220,000 tpa. And Modify layout including indoor intensive composting, elimination of wastewater irrigation, rearrange building layout for improved noise and air quality control.
DA323-11-2001-i-Mod-2	4 September 2003	Minister	Modification to adjust the facility layout regarding car parking, the maturation area, and the location of the compost and receive hall fans.
DA323-11-2001-i-Mod-3	2 April 2007	Executive Director	Modification of the pre-sorting system, compost refining, and maturation systems.
DA323-11-2001-i-Mod-4	28 April 2008	Executive Director	Modification to footprint of intermediate refining building and plastic film management.
DA323-11-2001-i-Mod-6	29 September 2016	Director	The modification involves two stages: Stage 1 upgrades the separations building with RDF processing equipment and minor modifications, including a short covered conveyor. Stage 2 adds a covered conveyor between buildings and may include solar panels, subject to feasibility.
DA323-11-2001-i-Mod-7	30 July 2025	Director	Modifications to increase waste receipt and processing capacity to 300,000 tonnes per annum (tpa), along with changes to site infrastructure and layout to support a staged transition from processing Municipal Solid Waste (MSW) to Food Organics and Garden Organics (FOGO).

SCHEDULE 2

CONDITIONS OF DEVELOPMENT CONSENT

The following acronyms and abbreviations are used in this section:

ANZECC	Australian and New Zealand Environment Conservation Council
Applicant	NSW Waste Recycling and Processing Corporation (trading as the Waste Service)
ARI	Average Recurrence Interval
BCC	Blacktown City Council
dB(A)	Decibel (A-weighted scale)
CEMP	Construction Environmental Management Plan
Council	Blacktown City Council
Department, The	Department of Planning
Director-General, The	Director-General of the Department of Planning (or delegate)
DLWC	Department of Land and Water Conservation
DoP	Department of Planning
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EMR	Environmental Management Representative
EMS	Environmental Management System
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	NSW Environment Protection Authority
ERP	Emergency Response Plan
ESIP	Emergency Services Information Package
FOGO	Food Organics and Garden Organics
ML	Megalitre
Minister, The	Minister for Planning
Modification Assessments	The document assessing the environmental impacts of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act: <ul style="list-style-type: none">(a) Modification application DA323-11-2001-i-Mod-1 prepared by National Environmental Consulting Services (NECS) and dated July 2002(b) Modification application DA323-11-2001-i-Mod-2 prepared by National Environmental Consulting Services (NECS) and dated July 2003

- (c) Modification application DA323-11-2001-i-Mod-3 prepared by National Environmental Consulting Services (NECS) and dated December 2006
- (d) Modification application DA323-11-2001-i-Mod-4 prepared by National Environmental Consulting Services (NECS) and dated 24 September 2007
- (e) Modification application DA323-11-2001-i-Mod-6 prepared by Global Renewables and dated April 2016
- (f) Modification application DA323-11-2001-i-Mod-7 prepared by EME Advisory and dated May 2024.

MSW	Municipal Solid Waste
NPWS	National Parks and Wildlife Service
OEMP	Operational Environmental Management Plan
Planning Secretary	Planning Secretary of the Department, or delegate
Project, the	UR –3R Facility
RTA	NSW Roads and Traffic Authority

1. General

1. The UR-3R Facility (the Project) shall be carried out substantially in accordance with:

- the proposal contained in the EIS prepared for the 'Eastern Creek Waste Management Centre proposed UR-3R Facility' and associated documents prepared for the Applicant by National Environmental Consulting Services (NECS) dated 9 November 2001;
- all identified plans, safeguards and mitigation measures presented in the Construction Environmental Management Plan and Operational Environmental Management Plan, dated 9 November 2001;
- all supplementary material presented by the Applicant entitled 'Additional Information Required by the NSW EPA on Air'; 'Additional Information Required by the NSW EPA on Water'; 'Noise Assessment' by Holmes Air Sciences dated February 2002;
- the modified proposal as described in the "Statement of Environmental Effects Modification of Development Consent UR-3R Facility, Eastern Creek Waste Management Centre" prepared on behalf of the Applicant by National Environmental Consulting Services (NECS), dated July 2002;
- the modified proposal as described in the "Statement of Environmental Effects – Proposed Minor Modification UR-3R Facility – Eastern Creek WMC", prepared on behalf of the Applicant by National Environmental Consulting Services, and dated July 2003;
- the modified proposal as described in the "Minor Modification of Development Consent UR-3R Facility Eastern Creek Waste and Recycling Centre" prepared on behalf of the Applicant by National Environmental Consulting Services, and dated December 2006;
- the modified proposal as described in the "Minor Modification of Development Consent UR-3R Facility – Eastern Creek Waste and Recycling Centre (DA No. 323-11-2001)" prepared by the Applicant, and dated 24 September 2007;
- as amended by the proposal for modifications to existing buildings and operations to enable manufacture of Refuse Derived Fuel (RDF) as detailed in the EIS prepared by Global Renewables dated April 2016, attachments, and letter with further information dated 30 May 2016;
- the modified proposal as described in the "Eastern Creek UR-3R Facility – Transition to Food Organics and Garden Organics (FOGO)" prepared by EME Advisory, dated May 2024; and supported by additional information provided in "Eastern Creek UR-3R Facility – Transition to Food Organics and Garden Organics – Modification 7, Response to DPHI Request for Information 15 November 2024" dated December 2024, and "Eastern Creek Waste Management Centre Modification 7 Response to DPHI RFI" dated March 2025, both prepared by EME Advisory; and
- the Conditions of Consent granted by the Minister.

Note: The layout of the development as modified is contained in Appendix 1 of the consent.

2. In the event of any inconsistency with the application or any of the above plans or reports, the Conditions of Consent granted by the Minister shall prevail
3. It shall be the ultimate responsibility of the Applicant to ensure compliance with the Conditions of this Consent.
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. The Applicant shall comply with

the terms and Conditions of such approvals and licences.

5. The requirements set out in the following conditions must be re-applied to the works approved by Modification 6. Updated reports to reflect the inclusion of the works and modified operation associated with Modification 6 shall be prepared and submitted in accordance with the requirements of each of the following relevant conditions:

13. Environmental Management Plan (Operation Stage)

14. Emergency Response Plan

1A. Waste Limits

1. The Applicant must not receive or process on the Site more than 300,000 tonnes of putrescible waste per year comprised of Municipal Solid Waste (MSW) and Food Organics and Garden Organics (FOGO) (including Commercial Food Waste (COFO)).
2. Notwithstanding the limit in Condition 1A (1), the Applicant must ensure:
 - (a) the total volume of MSW received and processed does not exceed 220,000 tonnes per year;
 - (b) the total volume of MSW and FOGO received at the facility does not exceed 260,000 tonnes per year until such time the Planning Secretary has approved the Phase 3 Post-commissioning Air Validation Report required under Condition 22(2B); and
 - (c) the development must not receive any MSW beyond 2030, unless otherwise agreed to in writing by the Planning Secretary.

2. Compliance

1. The Applicant shall comply or ensure compliance with all the requirements of the Director-General in respect of the implementation of any measures arising from the Conditions of this Consent.
2. The Applicant must bring to the attention of the Director-General any matter that may require further investigation for compliance with these Conditions and the issuing of instructions from the Director-General for compliance with these Conditions. The Applicant must ensure that these instructions are implemented to the satisfaction of the Director-General within any time specified in the instructions.

3. Obligation to Prevent and Minimise Harm to the Environment

1. The Applicant is to take all practicable measures to prevent and minimise harm to the environment as a result of the Project.
2. If at any time the Director-General is made aware of the occurrence of any environmental impacts from the project that pose serious environmental or amenity concerns, and are due to the failure of measures required by the Conditions of Development Consent to ameliorate the impacts, the Director-General may request the Applicant to cease the activities causing those impacts.
3. The Applicant may recommence the activities that were ceased, upon written advice by the Director-General that those concerns have been addressed to her satisfaction.
4. The Applicant shall comply with the requirements of the Director-General in respect of the implementation of the Conditions of this Development Consent, within such time as the Director-

General I may determine. The Director-General may request the Applicant to cease work until non-compliance has been addressed to the Director-General's satisfaction.

5. The Applicant will ensure that all contractors and sub contractors are aware of, and comply with, the Conditions of this Development Consent.
6. 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.
7. The Applicant shall comply with all relevant Conditions prescribed in part 7 of the EP & A Regulation 2000, as required by Section 80 A (11) of the Act.

4. Date of Commencement

The date of commencement shall be the date that the Applicant determines to proceed with the Project. The Applicant must provide the date in writing to the Director-General before commencement of the development.

5. Pre-Construction Compliance Report

At least one month prior to commencement of substantial construction (or within such period as otherwise agreed by the Director-General) of the project, the Applicant shall submit for approval by the Director-General, a report detailing compliance with all Conditions that are to be addressed to the satisfaction of the Director-General. This report shall address:

- the details of any studies and/or requirements of the relevant Conditions, and
- action taken or proposed to implement the recommendations made in the report or in the relevant Conditions.

5A. Utilities and Services

- 1. Before the construction of any utility works associated with the development from the works approved under Modification 7 and any further Modification Assessments, the Applicant must obtain relevant approvals from service providers for these works, including a Compliance Certificate under Section 73 of the Sydney Water Act 1994.**
- 2. Prior to the commencement of construction for works described in condition 5A (1), the Applicant must obtain a Building Plan approval from Sydney Water.**

6. Pre-Operation Compliance Report

At least one month prior to the commencement of operations (or within such period as otherwise agreed by the Director-General) of the project, the Applicant shall submit for approval by the Director-General a compliance report detailing compliance with all relevant Conditions that apply prior to commencement of operations, and shall address:

- the details of any studies and/or requirements of various relevant Conditions, and
- action taken or proposed to implement the recommendations made in the report or in the relevant Conditions

7. Dispute Resolution

1. The Applicant shall endeavour to resolve any dispute arising out of the implementation of these Conditions.
2. Should this not be possible in the case of a dispute 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 Project), in the first instance either party can refer the matter to the Director-General for resolution and, if not resolved, to the Minister. The Minister's determination of the disagreement shall be final and binding on all parties.

8. Contact Telephone Number

1. Prior to commencement, the Applicant shall provide to the Director-General, the EPA, Blacktown City Council, Fairfield City Council and all relevant government agencies, a 24 hour contact telephone number which will reach a person who can arrange for appropriate action to be taken.
2. The contact number shall allow a member of the public to contact the Applicant to make a complaint or seek information.
3. The person taking the complaint or request for information should be able to take action on the complaint or arrange for action to be taken.

9. Complaints Register

1. The Applicant shall maintain a Complaints Register.
2. The register shall be used to record details of all complaints received and action taken by the Applicant.
3. The Applicant shall record details of all complaints received and ensure that a response is provided to the complainant within 24 hours.

10. Community Notification and Liaison

The local community, and in particular the owner of Lot 2 Wallgrove Rd, shall be kept informed of the progress of the construction phase of the Project. This shall include notifications of traffic disruptions and controls; disruption to access to the site and private property, and work required outside of the nominated work hours. Except in the case of an emergency, notification shall occur prior to the works being undertaken.

11. Environmental Management System (EMS)

1. In the assessment of tenders for construction and operation of the Project, the Applicant shall include as a key evaluation criterion, the need for each tenderer to demonstrate the capacity and commitment to support the Applicant's accountability to implement an Environmental Management System.
2. Demonstration by the tenderer shall be by way of commitment to a recognised Environmental Management System (such as ISO 14000, BS7750 – 1994 or similar), or demonstration of a proven satisfactory management performance record.

12. Environmental Management Plan (EMP) (Construction Stage)

1. The Applicant shall prepare a project specific EMP (Construction).

2. The EMP shall be prepared to the satisfaction of the Director-General.
3. The EMP shall be prepared in accordance with the Conditions of this development Consent, all relevant Acts and Regulations and accepted best practice management procedures, and shall reference applicable environmental goals and issues set out in the relevant EPA guidelines. The Applicant shall address the elements outlined in Attachment 1 of this Consent when preparing the EMP.

12A. Prior to the commencement of construction of the development approved under Modification 7 and any subsequent modifications, the Applicant must ensure the Environmental Management Plan (Construction Stage) and any sub-plans are updated by suitably qualified experts to reflect the approved modifications in accordance with the relevant guidelines and to the satisfaction of the Planning Secretary.

12B. The updated Environmental Management Plan (Construction Stage) required under Condition 12A must include an unexpected contamination finds procedure. The procedure must ensure any material identified as contaminated is managed in accordance with the POEO Act and its associated regulations. Details of the final management approach and the results of any associated testing must be submitted to the Planning Secretary within six weeks of the Applicant becoming aware of the contamination find, or as otherwise agreed to by the Planning Secretary.

13. Environmental Management Plan (Operation Stage)

1. An Operational Environmental Management Plan (OEMP) shall be prepared prior to the commencement of operation. The Plan shall be prepared in consultation with the EPA, Blacktown City Council and any other relevant government agency nominated by the Director-General. The Plan shall be prepared in accordance with the Conditions of this Consent, all relevant Acts and Regulations and accepted best practice management.
2. The OEMP shall require approval by the Director-General prior to commissioning or within such time as otherwise agreed to by the Director-General. The EMP shall be certified as being in accordance with the Conditions of Consent by the Applicant prior to seeking approval of the Director-General.
3. The Operational EMP shall address at least the following issues:
 - identification of the statutory and other obligations which the Applicant is required to fulfil, including all licences/approvals and consultations/agreements required from authorities and other stakeholders, and key legislation and policies which control the Applicant's operation of the project;
 - sampling strategies and protocols to ensure the quality of the monitoring program, and sufficient to address the technical requirements of any licence issued by the EPA;
 - monitoring, inspection and test plans for all activities and environmental qualities which are important to the environmental performance of the project during its operation, including description of potential site impacts, performance criteria, specific tests and monitoring requirements, protocols (eg. frequency and location) and procedures to follow;
 - steps the Applicant intends to take to ensure compliance with all plans and procedures;
 - consultation requirements, including with relevant government agencies, the local community and Council, and complaints handling procedures; and
 - strategies for achieving the environmental system elements, including but not limited to: noise; water quality; erosion and sedimentation; access and traffic; groundwater; settlement; waste/resource management/removal/disposal; hydrology and flooding; visual screening, landscaping and rehabilitation; hazards and risks; and energy use, resource

use and recycling.

4. The modelling and calculations used to determine the impact of local flooding and channel capacities, as outlined in the OEMP, shall also address the impact on the upstream catchment of Reedy Creek.
5. All sampling strategies and protocols undertaken as part of the Operational EMP shall include a quality assurance/quality control plan, and shall be approved by the relevant regulatory agencies to ensure the effectiveness and quality of the monitoring program. Only accredited laboratories are to be used for laboratory analysis.
6. The EMP (Operation Stage) shall be made publicly available.

13A. Prior to the commencement of operation of the development as approved under Modification 7 and any subsequent modifications, the Applicant must ensure the OEMP and any sub-plans are updated by suitably qualified experts to reflect the approved modifications in accordance with the relevant guidelines and to the satisfaction of the Planning Secretary.

13B. The updated OEMP required under Condition 13A must include an Air Quality and Odour Management Plan prepared by a suitably qualified expert and include procedures for retrofitting of the existing biofilter with a dedicated scrubber prior to accepting additional waste beyond 260,000 tpa, if required following the outcomes of the Post-commissioning Air Validation Reports required under Condition 22(2B).

14. Emergency Response Plan

An Emergency Response Plan, prepared by the Applicant, shall document the procedures to deal with all types of incidents (eg: spills, explosions, fires or breakdowns) that may occur at the UR-3R Facility (the Premises) or outside of the Premises (eg: during transfer) which are likely to cause harm to the environment.

14A. Emergency Services Information Package

From the commencement of construction of works associated with Modification 7 and for the life of the development, an Emergency Services Information Package, developed in accordance with the FRNSW Fire Safety Guideline – Emergency Services Information Package and Tactical Fire Plans, must be stored in an emergency information cabinet directly adjacent to the main entry point to the site.

15. Environmental Impact Audit Report

1. An Environmental Impact Audit Report shall be submitted to the Director-General, the EPA, and upon request by the Director-General to any other relevant government authority, within 12 months and five years after commissioning of the Project, or at any additional time that the Director-General may require.
2. An appropriately qualified, independent auditor shall prepare the report.
3. The Report shall be made publicly available.

16. Site Access

1. All access to the development from Wallgrove Road shall be via the existing sealed access road.

2. Prior to the commencement of construction of the Project, a site access plan shall be prepared to the satisfaction of the Director-General. This plan shall incorporate the following changes to the existing ingress/ egress:
 - Widening to four lanes to accommodate separate right and left turn movements.
 - Provision of an acceleration lane to the south to enable appropriate storage of traffic turning left out of the development into Wallgrove Rd
 - Incorporation of an allowance to accommodate vehicles leaving and entering the site in a forward direction only. No vehicles will load or unload outside the designated area, which is to be designed and constructed to Council's requirements.
 - Incorporation of pavement arrows clearly directing vehicle movements
 - All driveway ramp grades, aisle widths, parking bay sizes and access arrangements are to conform to the current Australian Standards AS 2890.1 – 1993 and AS2890.2 1989. The internal road layout shall be designed to the satisfaction of the Director-General.
3. All traffic works shall be at the Applicant's cost unless otherwise specified.

17. Landscaping

1. Prior to commencement of operation of the facility, all landscaping works shall be completed in accordance with the Landscape Rehabilitation Plan, as described in the EIS. The plan shall incorporate appropriate screening along the southern boundary of the site in accordance with any requirements of Council and to the satisfaction of the Director-General.
2. **Notwithstanding the works described in the Landscape Rehabilitation Plan, the Applicant shall plant Cumberland Plain Woodland (CPW) species of all layers in the structure of the CPW community, in an area no less than the size of the community destroyed by the development, located outside any area of future works. The planting area is to be prepared by deep ripping to 450mm, cultivating a composted green waste to the top 150mm, mulched and irrigated. Planting densities are to be as follows:**
 - (a) **one tree per four square metres**
 - (b) **one shrub per two square metres**
 - (c) **one groundcover per square metre.**

18. Loading and Unloading of Vehicles

All trucks entering and leaving the site shall be covered to ensure that all materials are appropriately contained.

19. Vermin and Pests

The Applicant must take all practicable measures to prevent the attraction and infestation of the Premises with vermin and pests.

20. Water Quality

1. Except as may be expressly provided in an environment protection licence, the Applicant must comply with section 120 of the Protection of the Environment Operations Act 1997 prohibiting the pollution of waters.
2. Irrigation shall be prevented from occurring except when the irrigated liquid is capable of being utilised by the irrigation area without discharging to waters. The licensee must submit an irrigation management plan with any licence application.

3. Any potable reuse of stormwater at the development must comply with the requirements of NSW Health.

21. Drainage

1. The Applicant must submit to Blacktown City Council and the *Director-General* a hydraulic report prepared by an independent civil engineer, that assesses the impact of the Project on the site; and on the upstream and downstream catchments (especially concerning local flooding and channel capacities). This report will determine if on-site detention, channel amplification or filling works are required.
2. If, in accordance with the recommendations of the report, remedial works are required, details must be prepared in consultation with Council and then approved by the Department prior to the commencement of works on site. Prior to granting approval for the works, the Director-General is to require the Applicant to provide written evidence from Blacktown City Council that all engineering works have been designed and undertaken in accordance with the current version of Blacktown City Council's *Engineering Guide for Development, Works Specification – Civil, and Soil Erosion and Sediment Control Policy*.
3. An inspection of the works must be made by Blacktown City Council's Engineering Development Supervisor
4. A "work-as executed" plan prepared by an independent civil engineer or Registered Surveyor must be submitted to the Director-General and the Council upon completion of the engineering works.
5. The Applicant shall prepare a Plan of Management for the construction and operation of the facility, to the satisfaction of the Department of Land and Water Conservation. The plan shall address management of land adjoining the drainage channel to the west of the site.
6. **Prior to the commencement of construction of the development as modified under Modification 7, the Applicant must finalise the detailed design of the additional stormwater infrastructure. The stormwater infrastructure must:**
 - (a) be designed by a suitably qualified and experienced person(s);
 - (b) be designed in consultation with Blacktown City Council;
 - (c) be generally in accordance with the conceptual design in the modification documents for Modification 7;
 - (d) be in accordance with applicable Australian Standards; and
 - (e) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines.
7. **Prior to the commencement of operation of Modification 7, the Applicant must install the stormwater infrastructure in accordance with the finalised detailed design (as required by Condition 21(6)) and ensure the system is operational.**
8. **The Applicant must maintain the stormwater infrastructure installed on the site under Condition 21(7) for the duration of the development.**

22. Air Quality

1. The Premises must be maintained in a condition which minimises or prevents the emission of dust from the Premises.

2. 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.

2A. The Applicant must implement the mitigation measures outlined in the Air Quality and Odour Impact Assessment (AQOIA) prepared by The Odour Unit and dated March 2024, Final Report Version 1.3 (submitted as Appendix B of the Modification Report for Modification 7) for the life of the development.

2B. The Applicant must undertake phased odour and dust validation according to the Validation Program provided in the AQOIA. Within six weeks of the completion of both Phase 2 and Phase 3 of the Validation Program, or within a timeframe as otherwise agreed with the Planning Secretary, a Post-commissioning Air Validation Report (PAVR) must be prepared to the satisfaction of Planning Secretary. The PAVR must be prepared by a suitably qualified and experienced person(s) and include:

- (a) validation of actual emissions against the air quality criteria in the site's EPL and predictions in the AQOIA that there would be a net improvement in odour and dust emissions compared to existing conditions;
- (b) details of management and mitigation measures to be implemented to address any exceedances of the criteria or AQOIA predictions;
- (c) a description of contingency measures to be implemented in the event the management and mitigation measures in Condition 22(2B)(b) are not effective in reducing air quality impacts to meet the criteria; and
- (d) timing for implementing and validating the effectiveness of the contingency measures.

3. Concentration limits

For each monitoring/discharge point or utilisation area specified in the tables below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

Air

POINTS 1 and 2

Pollutant	Units of measure	100 percentile limit	Reference conditions
Nitrogen oxides	g/m ³	0.5	dry, 273 K, 101.3 kPa, 7 % O ₂
Sulfuric acid mist and/or sulfur trioxide	g/m ³	0.1	dry, 273 K, 101.3 kPa

5. Destruction efficiency

For each monitoring/discharge point or utilisation area specified in the tables below (by point number), the parameter must be equal to or greater than the lower limits specified for that parameter in the table.

Air

POINTS 1 and 2

Parameter	Units of measure	Lower limit	Reference conditions
Volatile organic compound (VOC) destruction efficiency	%	98	N/A

9. In this condition, VOC refers to total gaseous non-methane hydrocarbons as measured by USEPA Method 25. VOC must be sampled before and after the electricity generating units to enable calculation of destruction efficiency.

Monitoring records

10. The process for the location of monitoring/discharge points and areas shall be in accordance with the following table.
11. The following points referred to in the table below are identified for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point

Air

EPA Identification No	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	Air emissions monitoring	Discharge to air	Gas engine exhaust <description of location with reference to map>
2	Air emissions monitoring	Discharge to air	Gas engine exhaust <description of location with reference to map>
3	Air emissions monitoring		Gas supply line <description of location with reference to map>
4	Air emissions monitoring		Gas supply line <description of location with reference to map>

Requirement to monitor concentration of pollutants discharged

12. For each monitoring/discharge point or utilisation area specified below (by a point number), the Applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The Applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Air

POINT 1 and 2

Pollutant	Units of measure	Frequency	Sampling Method
Sulfuric acid mist and/or sulfur trioxide	g/m ³	Annual	TM-3
Nitrogen oxides	g/m ³	Annual	TM-11
Volatile organic compounds (VOC)	ppm	Annual	OM-2
Velocity	m/s	Annual	TM-2
Volumetric flow rate	m ³ /s	Annual	TM-2
Temperature	°C	Annual	TM-2

Pollutant	Units of measure	Frequency	Sampling Method
Moisture content in stack gases	%	Annual	TM-22
Dry gas density	kg/m ³	Annual	TM-23
Molecular weight of stack gases	g/gmole	Annual	TM-23
Carbon dioxide in stack gases	%	Annual	TM-24
Oxygen in stack gases	%	Annual	TM-25

POINT 3 and 4

Pollutant	Units of measure	Frequency	Sampling Method
Volatile organic compounds (VOC)	ppm	Annual	OM-2
Velocity	m/s	Annual	TM-2
Volumetric flow rate	m ³ /s	Annual	TM-2
Temperature	°C	Annual	TM-2
Moisture content	%	Annual	TM-22
Dry gas density	kg/m ³	Annual	TM-23
Molecular weight of stack gases	g/gmole	Annual	TM-23
Oxygen in stack gases	%	Annual	TM-25

13. The selection of sampling positions is to be carried out in accordance with test method TM-1.

Dust Monitoring

11. Monitoring sites shall be selected to monitor dust deposition rates and total suspended particulate (TSP) matter at nearby sensitive receptors, in accordance with Australian Standard AS2922-1987 *Ambient Air – Guide for Siting of Sampling Units*.
12. Dust deposition monitoring and analysis shall be conducted according to Australian Standard AS3580.10.1-1991 *Particulates - Deposited Matter - Gravimetric Method*.
13. Total suspended particulate (TSP) monitoring and analysis shall be conducted according to Australian Standard AS2724.3-1984 *Particulate Matter – Determination of Total Suspended Particulates (TSP) – High Volume Sampler Gravimetric Method*.
14. The Applicant is to provide to the Director-General an annual report detailing the dust monitoring undertaken in accordance with these Conditions.

23. Noise

1. The Applicant is to prepare a noise management plan which is to outline how noise is to be managed to meet the requirements of this Consent

2. Noise generated at the premises must not exceed the noise limits presented in the table below. The noise limits in the table represent contributed noise levels from the premises.

Noise Limits (dB(A))

Location	Day		Evening		Night		
	L _{Aeq} (15 minute)	L _{Aeq} (day)	L _{Aeq} (15 minute)	L _{Aeq} (evening)	L _{Aeq} (15 minute)	L _{Aeq} (night)	L _{A1} (1 minute)
Wallgrove Road	56	56	55	47	45	45	60

Residences							
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3. For the purpose of the above limit

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays,
- Evening is defined as the period from 6pm to 10pm
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays

4. Noise from the premises is to be measured at the most affected point on or within the residential boundary to determine compliance with the $L_{Aeq}(15 \text{ minute})$ noise limits in the above table.

5. Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the *NSW Industrial Noise Policy*.

6. The modification factors presented in Section 4 of the *NSW Industrial Noise Policy* shall also be applied to the measured noise level where applicable.

7. Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the $L_{A1}(1 \text{ minute})$ noise limits in the above table.

8. The noise emission limits identified in the above table apply under meteorological conditions of:

- wind speeds up to 3 m/s at 10 metres above ground level; and
- *temperature inversion conditions of up to 3 °C/100m.*

9. A Construction Noise Management Protocol must be prepared by the Applicant. The Protocol must include but not be limited to the following;

- compliance standards;
- community consultation;
- complaints handling monitoring/system;
- site contact person to follow up complaints;
- mitigation measures;
- the design/orientation of the proposed mitigation methods demonstrating best practice;
- construction times;
- contingency measures where noise complaints are received;
- monitoring methods and program.

10. The Applicant must supply a noise compliance report three months after the commissioning of the UR-3R development. The report shall be prepared by an accredited acoustic consultant and must assess compliance with above points.

24. Hours of Operation

Receival of waste must only occur between 4.00am and 4.00pm Monday to Friday and 8.00am to 5.00pm on Saturdays with the exception of a maximum number of five vehicles per day which may deliver to the site outside these hours.

24A. Notwithstanding Condition 24, waste may be received at the site between 4.00am and 8.00pm, 7 days a week, including public holidays in response to documented 'exceptional circumstances' such as industrial action, road closures, or extreme

weather events. Under these circumstances, the number of heavy vehicles delivering waste to the site must not exceed 10 per hour.

- 24B. Within 7 days of each event of receipt of waste under 'exceptional circumstances' in accordance with Condition 24A., the Applicant must inform the Planning Secretary in writing of the timings and reason for receipt of waste.**

Note: The Planning Secretary may withdraw permission for receipt of waste under Condition 24A. if they are not satisfied with the necessity, nature and/or frequency of the 'exceptional circumstances'.

25. Waste

1. Except as expressly permitted in an EPA licence **or otherwise allowed under this consent (including the waste limit in Condition 1A)**, the Applicant must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises.
2. Wastes types permitted to be received at the premises will be the same as those permitted to be received at the Eastern Creek Waste Management Centre.

26. Land Acquisition and Property

1. The Applicant shall restore all affected property (including any affected buildings, structures, lawns, trees, sheds, gardens, etc) to at least the condition it was in prior to disturbance. All costs of restoration and rehabilitation shall be borne by the Applicant.
2. Alternative access arrangements shall be provided to the satisfaction of the RTA to any property or public area that would otherwise be denied access as a result of the construction or operation of the Project. The alternative access shall be provided at an appropriate standard to the satisfaction of the RTA. Any temporary access roads shall be removed and any affected areas reinstated to the satisfaction of THE RTA when no longer required.

27 Heritage

1. Should any artefacts or other archaeological material be found, all work likely to affect the site(s) shall cease and the NPWS shall be consulted in terms of an appropriate course of action prior to commencement of work.
2. All permits required shall be obtained prior to commencement of construction and operation.

29. Monitoring and recording conditions

Records in relation to this Consent shall be kept up to date and in a form that can be made available by written request.

30. EPA Requirements

1. **All Refuse Derived Fuel (RDF) waste materials must be produced in accordance with the requirements of the NSW EPA.**
2. **All external waste movements between the Separations Building and the Refining Building shall be via covered conveyor.**

3. The Proponent shall engage a suitably qualified odour expert to assess compliance of the Premises in accordance with the EPA NSW Approved Methods for the Modelling and Assessment of Air Pollutants from Stationary Sources. The post-commissioning assessment must be completed within three (3) months of commencing production of RDF.
4. The Proponent shall engage a suitably qualified noise expert to undertake post-commissioning validation of the noise emissions from the Premises in accordance with EPA NSW Industrial Noise Policy. The post-commissioning assessment must be completed within three (3) months of commencing production of RDF.
5. The proponent must comply with Table 1 of the Resource Recovery Criteria in the NSW Energy from Waste Policy.
6. The Proponent must manage hazardous materials and halogenated substances in accordance with the NSW Energy from Waste Policy.

31. Revision of Strategies, Plans and Programs

1. Prior to the commencement of construction of any works associated with any modification to this consent, or within three months of:
 - (a) the submission of a Compliance Report under Conditions 5 and 6
 - (b) the submission of an incident report
 - (c) the submission of an Independent Audit under Condition 15
 - (d) the approval of any modification of the Conditions of this Consent; or
 - (e) the issue of a direction of the Planning Secretary which requires a review,the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing of the outcomes of any review.
2. If identified as part of the review process (see Condition 31(1)) or considered necessary to improve the environmental performance of the development, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review required under Condition 31(1), or in the case of a modification approving the construction of any works, prior to the commencement of construction of those works, or such other timing as agreed by the Planning Secretary.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

Attachment 1

Environmental Management Plan (EMP) Construction Stage (Ref Condition 12)

The EMP construction stage shall:

1. cover specific environmental management objectives and strategies for the main environmental system elements and, where applicable, include but not be limited to: noise and vibration; water; air; erosion and sedimentation; access and traffic; property acquisition and/or adjustments; heritage and archaeology; groundwater; contaminated spoil; waste/resource management/removal/disposal; flora and fauna; hydrology and flooding; geotechnical issues; recreation; visual screening, landscaping and rehabilitation; hazards and risks; energy use, resource and recycling; and utilities.
2. Where separate approvals are sought for discrete stages (in space and/or time), clearly indicate the relationship of each stage to other stages of the EMP and the manner of their integration into the overall EMP.
3. Where applicable, address but not be limited to:
 - i. identification of the statutory and other obligations which the Applicant is required to fulfil during project construction 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 project;
 - ii. periodic or otherwise revision of the EMP to address changed or evolving circumstances;
 - iii. definition of the role, responsibility, authority, accountability and reporting of all personnel relevant (including sub-contractors) to compliance with the construction EMP;
 - iv. measures to avoid the occurrence of adverse environmental impacts;
 - v. induction and training of all personnel (including sub-contractors) to ensure compliance with the construction EMP;
 - vi. the role of the EMR;
 - vii. measures to provide positive environmental offsets to unavoidable adverse environmental impacts;
 - viii. environmental management procedures for all construction processes which are important for the quality of the environment in respect of permanent and/or temporary works;
 - ix. 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 (e.g. 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
 - x. 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;
 - xi. 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;
 - xii. delegation of responsibility for breaches of the construction EMP or pertinent environmental legislation by sub-contractors regarding the receipt of any Penalty Infringement Notices issued by the EPA;

- xiii. community consultation and notification strategy (including the local community and all relevant authorities and complaint handling procedures; and project records to be maintained to provide objective evidence of the construction EMP.

FOR INFORMATION

Appendix 1
APPROVED LAYOUT OF THE DEVELOPMENT AS MODIFIED

FOR INFORMATION

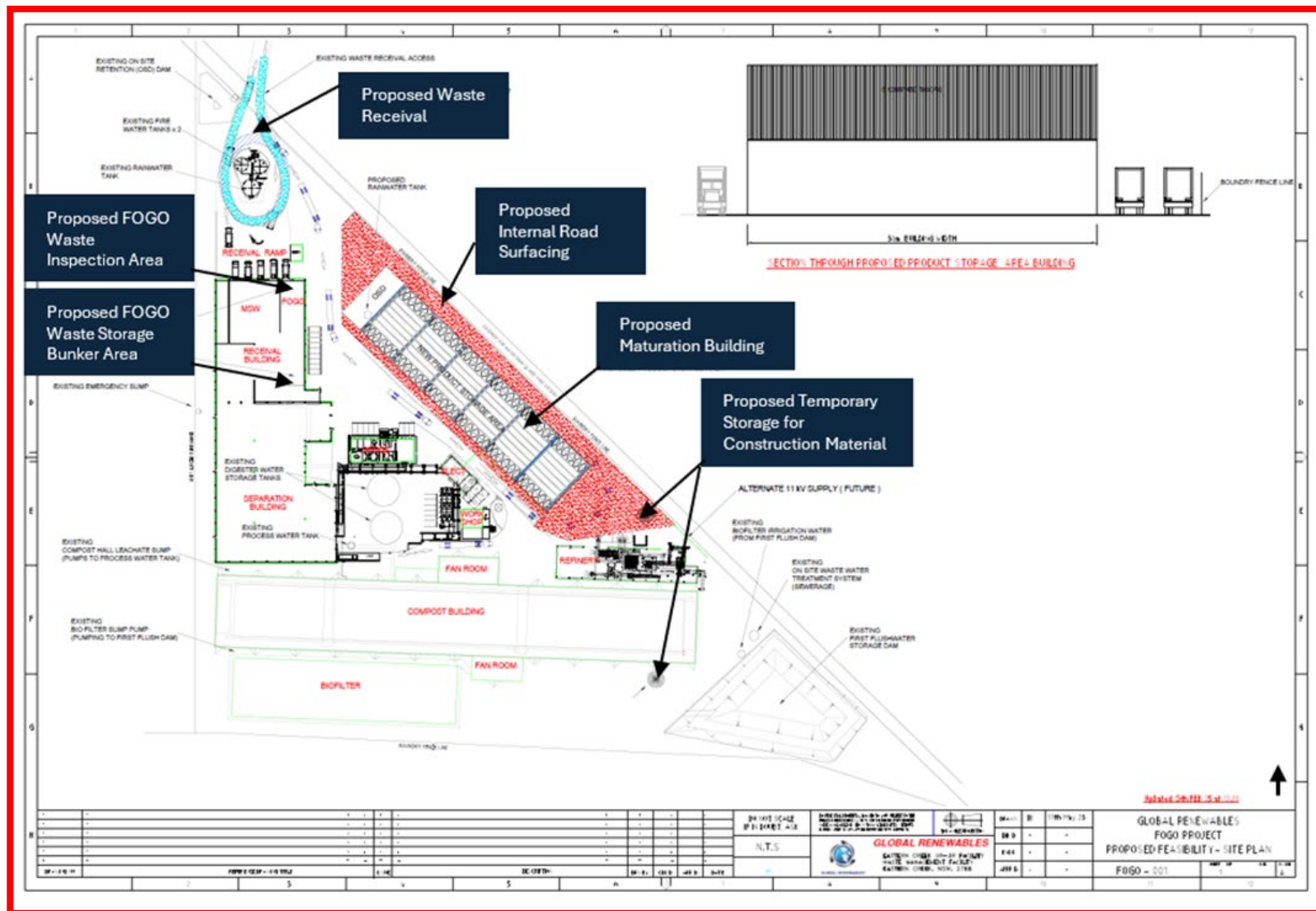
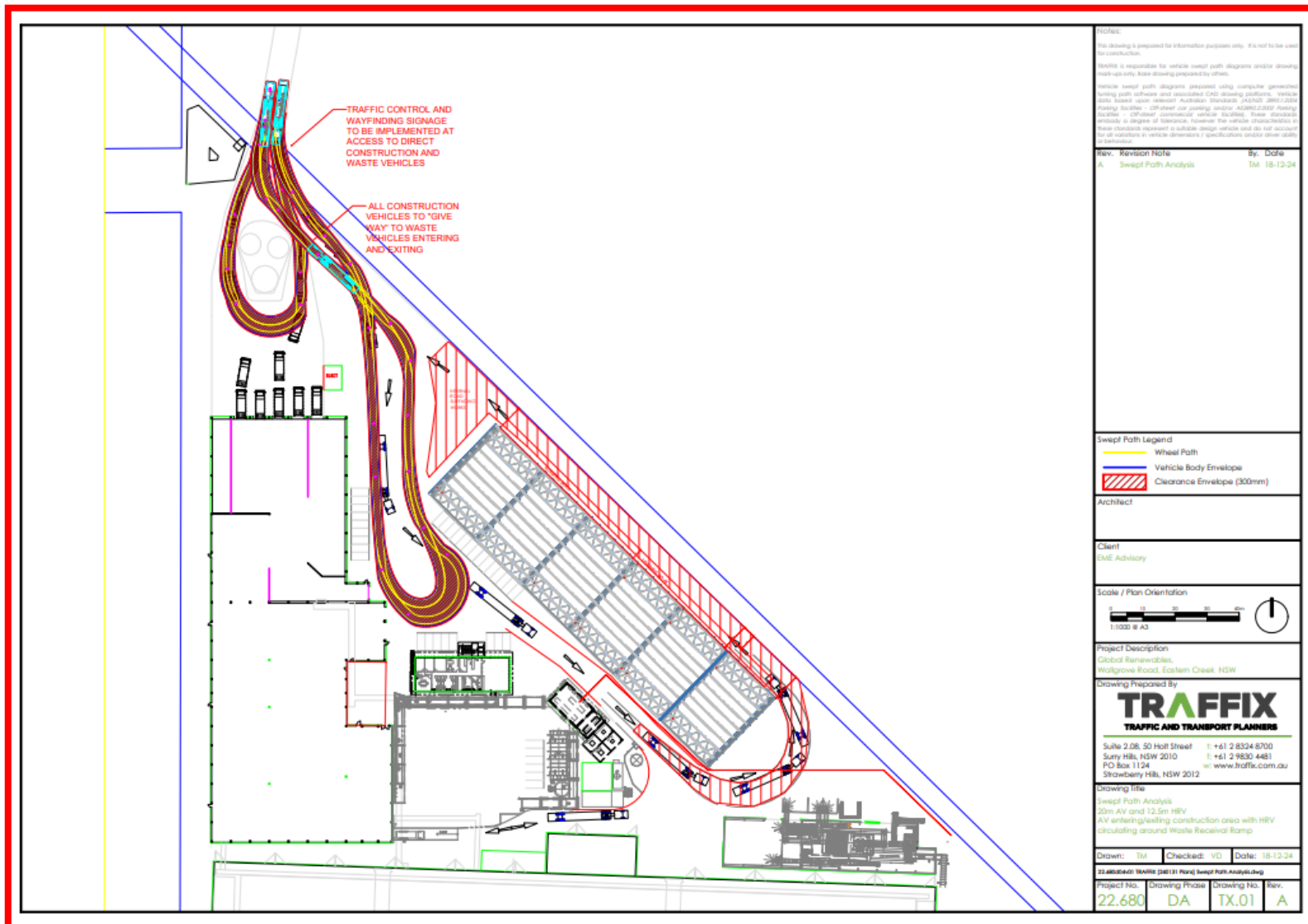
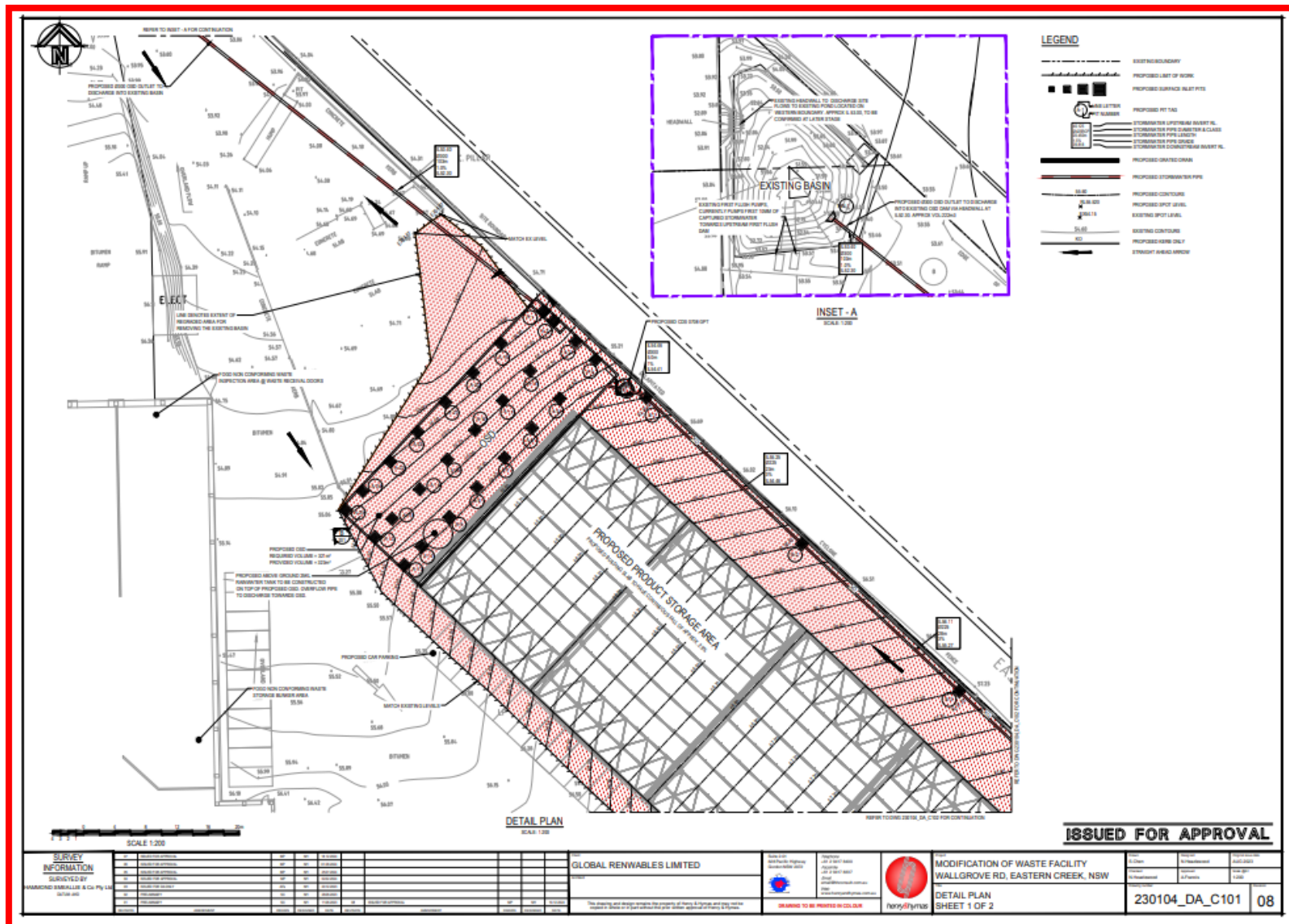
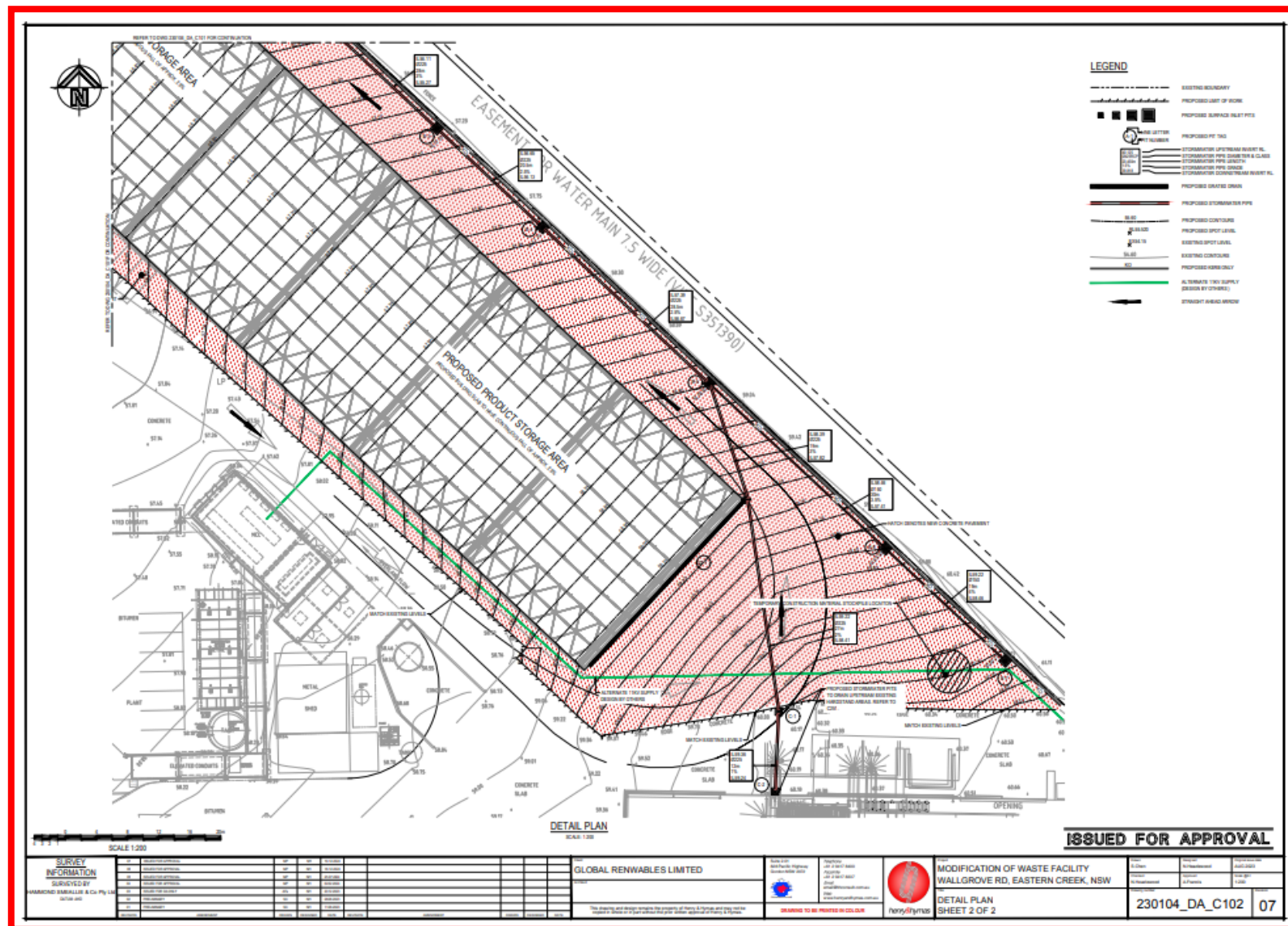


Figure 1 – Development Layout Plan







FOR INFORMATION