

CONSOLIDATED CONSENT

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

DETERMINATION OF A DEVELOPMENT APPLICATION PURSUANT TO SECTIONS 86A(2), 89 AND
101(8) OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

I, the Minister for Planning, pursuant to Sections 86A(2), 89 and 101(8) of the Environmental Planning and Assessment Act, 1979, ("the Act") determine the development application referred Schedule 1 by granting consent to that application subject to the conditions set out in Schedule 2 (File P94/00203).

The reasons for the imposition of the conditions are:

- to clarify and enhance the design of the proposal so that issues of noise, traffic generation, pollution control, water management and safety are addressed;
- to ensure preparation of any additional environmental studies required to reduce the impact of the proposal on the surrounding area;
- to ensure monitoring of air quality is undertaken to the satisfaction of the Environment Protection Authority.
- to identify the authorities that will undertake further consultation and approval roles during the construction of the development; and
- to address the concerns of local residents.

Sydney. 1994

Robert Webster MLC
Minister for Planning

MOD 1 2006 - Removal of air quality monitoring

MOD 2 2017 – Reconfiguration to OCGT mode

MOD 3 2024 - Removal of Infrastructure and replacement of cooling system

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED CONSENT

SCHEDULE I

Application made by: Smithfield Power Partnership

To: Holroyd City Council

In respect of land being: 160 Warren Road- Part Lot 19 DP 599957, Part Lot 1 DP 224162 and Part Lot 1 DP 528682.

For the following development: Cogeneration Plant

Development Application: The Development Application No. 94/165 lodged with Holroyd City Council on 20 May 1994 accompanied by an EIS dated May 1994 prepared by Dames and Moore and as amended by the Primary Submission to the Commission of Inquiry Volumes 1 and 2, lodged on behalf of Smithfield Power Partnership, prepared by Dames and Moore and dated 3 August 1994.

Note:

(a) to ascertain the date upon which the consent becomes effective, refer to S. 93 of the Act;

(b) to ascertain the date upon which the consent is liable to lapse, refer to S. 99 of the Act

DEFINITIONS

Applicant	Smithfield Investors No.1 Pty Ltd, or any other person(s) carrying out any development to which this consent applies
BCA	Building Code of Australia
Council	Cumberland City Council
CCGT	Closed Cycle Gas Turbine
Construction	All physical works associated with the development, including but not limited to the demolition and removal of buildings or infrastructure, and the erection, installation and upgrades of buildings and infrastructure, road upgrades, and the carrying out of works
Department	Department of Planning, Housing and Infrastructure
Development	The development described in the document/s listed in condition 2(c)
Development layout	
EIS	The Environmental Impact Statement for the Cogeneration Plant dated May 1994 as amended by the Primary submission to the Commission of Inquiry (Vol. 1 and 2) lodged on behalf of the Smithfield Power Partnership, prepared by Dames and Moore and dated 3 August 1994, as modified by: <ul style="list-style-type: none">• MOD 1;• MOD 2; and• MOD 3
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings

CONSOLIDATED CONSENT

EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPA	Environment Protection Authority
EPL	Environment protection licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Material harm	Is harm to the environment that: <ul style="list-style-type: none"> involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) <p>This definition excludes “harm” that is authorised under either this consent or any other statutory approval</p>
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minor	Not very large, important, or serious
MOD 1	Modification Application DA 94/165 MOD 1 determined on 9 May 2006
MOD 2	Request to modify a development consent submitted on 10 April 2017 and accompanying <i>Environmental Assessment – Marubeni Power Development Australia Smithfield Energy Facility</i> , prepared by Marubeni Power Development Australia Pty Ltd, dated April 2017
MOD 3	Modification Report - Smithfield Energy Facility (DA94-165-MOD-3) dated 1 November 2023, including response to agency advice dated 21 February 2024 and supplementary information request response dated 6 March 2024
Mitigation	Activities associated with reducing the impacts of the development
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
OCGT	Open Cycle Gas Turbine
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Secretary	Planning Secretary under the EP&A Act, or nominee
Site	The land defined in Appendix 1
Waste	Has the same meaning as the definition of the term in the POEO Act

CONSOLIDATED CONSENT

SCHEDULE 2 CONDITIONS OF CONSENT COGENERATION PLANT

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria established under this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The Applicant must carry out the development:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Secretary;
 - (c) generally in accordance with the EIS; and
 - (d) generally in accordance with the Development Layout in Appendix 2.
- A3. Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report, or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in these conditions.
- A4. The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition A2(c). In the event of an inconsistency, ambiguity, or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity, or conflict.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A5. With the approval of the Secretary, any strategy, plan or program required by this consent may be:
- (a) prepared and submitted on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan, or program);
 - (b) combined (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) updated (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A6. If the Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A7. If the Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

PAYMENT OF REASONABLE COSTS

- A8. The Applicant must pay all reasonable costs incurred by the Department to engage a suitably qualified, experienced, and independent expert(s) to review the adequacy of any strategy, plan, program, or report required under the consent.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A9. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to any damage to roads caused as a result of general road usage

STRUCTURAL ADEQUACY

- A10. All new buildings and structures and any alternations or additions to existing buildings and structures that

CONSOLIDATED CONSENT

are part of the development must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works
- Part 8 of the Environmental Planning & Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development

DEMOLITION

A11. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures*, or its latest version.

OPERATION OF PLANT AND EQUIPMENT

A12. All plant and equipment used on site, or in connection with the development, must be:

- maintained in a proper and efficient condition; and
- operated in a proper and efficient manner.

COMPLIANCE

A13. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

APPLICABILITY OF GUIDELINES

A14. References in the conditions of this consent to any guideline, protocol, Australian Standard, or policy are to such guidelines, protocols, Standards, or policies in the form they are in at the date of this consent.

A15. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, standard or policy, or a replacement of them.

SAFETY

2. At least one month prior to the commencement of construction of the proposed development, except for preliminary works that will not be affected by study results, or within such further period as the Secretary of Planning or her nominee (the Secretary) may agree, the Applicant shall prepare and submit for the approval of the Secretary the following studies:

(a) Fire Safety Study

A fire safety study for the proposed development. The study shall cover all aspects detailed in the Department's Hazardous Industry Planning Advisory Paper No.2 Fire Safety Study Guidelines. The study shall also be submitted for the approval of the New South Wales Fire Brigade. The study shall include all interfaces with existing site operation and the proposed adjacent recycling facilities.

(b) Hazards and Operability Study

A Hazard and Operability Study (HAZOP) for the process operations and fuel supply for the proposed development. The study shall be chaired by an independent qualified person approved by the Secretary.

(c) Final Hazard Analysis

A final hazard analysis of the proposed development including consideration of risks from the existing operations. The analysis should be prepared in accordance with the Department of Planning's Hazardous Industry Planning Advisory Paper No.6 Guidelines for Hazard Analysis.

(d) Construction Safety Study

A construction safety study prepared in accordance with Hazardous Industry Planning Advisory Paper No.7 Construction Safety Guidelines.

3. At least two months prior to the commencement of operation of the proposed development, or within such further period as the Secretary may agree, the Applicant shall prepare and submit for the approval of the Secretary:

CONSOLIDATED CONSENT

(a) Emergency Plan

A comprehensive emergency plan and detailed emergency procedures for the proposed development. The plan should include detailed procedures for the safety of people in areas outside the development and be integrated into the emergency procedures for the existing site and proposed recycling facilities. A total site emergency plan should be formulated to ensure both facilities operate using the same emergency procedures. The plan should be in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 1 Emergency Planning Guidelines.

(b) Safety Management System

A comprehensive safety management system, covering all operations on-site and associated transport facilities involving hazardous materials. The system should clearly specify all Safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. This should include work order and permit system to control and regulate maintenance and construction activities on - site, so as to prevent hazardous incidents that might arise from such activities. This system should allow for communication between the Cogeneration plant and the recycling facilities. Records must be kept on - site and should be available for inspection by the [Secretary](#) upon request. Further details of the requirements for the safety management system are available from the Department of Planning.

4. Deleted

4A. Deleted

5. Hazard Audit

Twelve months after the commencement of operations of the proposed development or within such further period as the Secretary may agree, the Applicant shall carry out a comprehensive hazard audit of the proposed development and submit a report on the audit to the Secretary. This audit is to be carried out at the Applicant's expense by a duly qualified independent person or team to be approved by the Secretary. Further audits will be required every three years or as may be requested by the Secretary. Hazard audits should be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No.5, Hazard Audit Guidelines.

6. [The Applicant shall comply with all reasonable requirements of the Secretary in respect of the implementation of any measures arising from the reports submitted in respect of conditions 2 to 5 inclusive, within such time as the Secretary may agree.](#)

HAZARDS AND RISK – MOD 2

Note: Conditions 6A to 6D require the Applicant to update a number of plans/studies required under Conditions 2 and 3 of DA 94/165 to incorporate the new OCGT mode of operation.

Pre-construction

- 6A. [The Applicant shall prepare the studies set out under subsections 6A\(a\) and 6A\(b\) \(the pre-construction studies\). Construction, other than of preliminary works that are outside the scope of the hazard studies, shall not commence until study recommendations have been considered and, where appropriate, acted upon. The Applicant shall submit the studies to the Secretary no later than one month prior to the commencement of construction of any components described in MOD 2 \(other than preliminary works\), or within such further period as the Secretary may agree.](#)

(a) HAZARD AND OPERABILITY STUDY

[The Hazard and Operability Study for the development as required under Condition 2\(b\), shall be updated to incorporate all components described in MOD 2. The study shall be chaired by a qualified person, independent of the development, approved by the Secretary prior to the commencement of the study. The study shall be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*. The study report must be accompanied by a program for the implementation of all recommendations made in the report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.](#)

[The study shall be updated to identify the hazards and safeguards associated with MOD 2, including and not limited to:](#)

CONSOLIDATED CONSENT

- (i) OCGT mode of operation; and
 - (ii) switching from CCGT to OCGT modes of operations, and vice versa.
- (b) CONSTRUCTION SAFETY STUDY
A Construction Safety Study, consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 7, 'Construction Safety'*.

The study shall identify the hazards and safeguards to ensure the safe operation of the development during construction works described in MOD 2, including and not limited to:

- (i) isolating the supply of natural gas to the development during construction;
- (ii) upgrading the flue gas stacks for each gas turbine; and
- (iii) commissioning of the gas turbines operating in OCGT mode of operation.

Pre-commissioning

6B. Prior to commissioning of the development in OCGT mode of operation, the Applicant shall update and implement the plans and systems set out under subsections 6B(a) and 6B(b). The Applicant shall submit to the Secretary documentation describing the plans and systems no later than two months prior to the commissioning of the development in OCGT mode of operation, or within such further period as the Secretary may agree.

(a) EMERGENCY PLAN

The Emergency Plan with detailed emergency procedures for the development, as required under Condition 3(a) shall be updated to incorporate all components described in MOD 2. This plan shall include detailed procedures for the safety of all people outside of the development who may be at risk from the development. The plan shall be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*.

(b) SAFETY MANAGEMENT SYSTEM

The Safety Management System, covering all on-site operations involving hazardous materials as required under Condition 3(b) shall be updated to incorporate all components described in MOD 2. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. The updated Safety Management System shall be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*. Records shall be kept on-site and shall be available for inspection by the Secretary upon request.

The updated Safety Management System shall detail procedures including and not limited to:

- (i) operating the gas turbines in OCGT mode of operation;
- (ii) operating the gas turbines in CCGT mode of operation;
- (iii) switching from CCGT to OCGT modes of operation for the gas turbines; and
- (iv) switching from OCGT to CCGT modes of operation for the gas turbines.

Pre-startup

6C. PRE-STARTUP COMPLIANCE REPORT

One month prior to the first commencement of the development in OCGT mode of operation, the Applicant shall submit to the Secretary, a report detailing compliance with conditions 6A and 6B, including:

- (a) dates of study/plan/system completion, commencement of construction and commissioning;
- (b) actions taken or proposed, to implement recommendations made in the studies/plans/systems; and
- (c) responses to each requirement imposed by the Secretary under condition 6.

Post-startup

6D. POST-STARTUP COMPLIANCE REPORT

Three months after the first commencement of the development in OCGT mode of operation, the Applicant shall submit to the Secretary, a report verifying that:

CONSOLIDATED CONSENT

- (a) the updated Emergency Plan required under condition 6B(a) is effectively in place and that at least one emergency exercise has been conducted; and
- (b) the updated Safety Management System required under condition 6B(b) has been fully implemented and that records required by the system are being kept.

Review of plans and strategies

- 6E. Within three months of:
- a. the submission of an incident report under condition 31;
 - b. the submissions of a hazard audit under condition 5; or
 - c. the approval of any modification of the conditions of this consent (unless the conditions require otherwise)
- existing strategies, plans and programs required under this consent must be reviewed and, if necessary, revised by the Applicant.

POLLUTION CONTROL

7. Unless otherwise authorised by an EPL, the Applicant must ensure the development does not cause any pollution, as defined under the POEO Act.

Water and Drainage

8. A Water Management Plan shall be prepared to meet the requirements of the EPA and Council. The Water Management Plan shall be submitted in two stages to the EPA. The first stage shall deal with measures taken during construction of the Cogeneration plant and shall be lodged with the EPA. The second stage of the Water Management Plan shall be lodged with the EPA and shall provide details of measures taken during the operation of the plant.

The Management Plan shall include, but not be limited to, details of the collection and disposal of stormwater, including appropriate bunding; the capacity of the proposed on - site detention systems to contain all discharge waters; sedimentation and control measures to prevent erosion of the site and the pollution of Prospect Creek and measures of dealing with overland flow.

9. Further specific measures to minimise water pollution shall include:

(a) Construction

- (i) Sediment Control facilities shall be installed to the satisfaction of the EPA in each drainage catchment and sub-catchment as construction progresses;
- (ii) Surface water from all uncontaminated areas shall be diverted away from wastewater collection systems and around disturbed areas of the site;
- (iii) Diversion drains shall be constructed around the stockpile sites, where necessary to divert surface run - off water away from the stockpiles.
- (iv) Impervious bunds shall be constructed around all fuels or oil storage areas to ensure retention of not less than 110% of the capacity of the tank in each bund. Such bunds shall not be fitted with valves or drains. Each bund must be graded and must be provided with a sump so that any uncontaminated stormwater may be pumped from the bund. Bunded area must be kept clean.

(b) Operation

- (i) Provision shall be made for retention and treatment of fire-water on the site, so that it is not directly discharged to stormwater drains.
- (ii) Sediment control / retention basin shall be as required by the EPA.

10. The measures included in this Plan and required by this consent may be varied from time to time in order to meet the licensing requirements and the pollution control approval requirements of the EPA.

Air Quality

11. An Air Management Plan shall be prepared to meet the requirements of the EPA. The Management Plan shall be submitted in two stages to the EPA. The first stage of the Air Management Plan shall deal with measures taken during construction of the Cogeneration Plant and will be lodged with the EPA. The second stage of the Air Management Plan will be lodged with the EPA and shall deal with measures taken during the operation of the plant and at its commissioning. Both stages of the Air Management Plan shall include, but not be limited to, details of measures to prevent pollution,

CONSOLIDATED CONSENT

the monitoring of stack emissions at commissioning continuous monitoring of air quality and establishment of ambient air quality levels. The use of best available control technology to achieve EPA licensing requirements should also be considered.

12. Further specific measures to minimise air pollution shall include:

(a) Construction

- (i) exposed surfaces should be kept to a minimum and regenerated or stabilised as soon as practicable;
- (ii) any unsealed trafficked areas shall be kept sufficiently damp to prevent wind blown, or traffic generated dust;
- (iii) no cleared vegetation or construction material shall be burnt on site;
- (iv) trucks transporting excavated material to/from the site shall be covered immediately after loading to avoid wind blown dust or spillage.

(a) Operation

- (i) Monitoring of stack emissions shall be required during both the commissioning and operation of the plant for pollutants such as NO_x, CO, HC, CO₂ and oxygen to the requirements of the EPA.
- (i) Continuous monitoring during commissioning shall be required at full load and under turbine start up conditions to the satisfaction of the EPA.
- (ii) Monitoring of stack emissions will be carried out as required by the EPA for component deterioration.

(b) Monitoring

- (i) Dust deposit gauges shall be provided to the satisfaction of the EPA during the construction stage. Total suspended particulates shall be monitored during construction to the satisfaction of the EPA.

13. The measures included in this Plan and required by this consent may be varied from time to time in order to meet the licensing requirements and the pollution control approval requirements of the EPA.

14. The exhaust stacks shall be a minimum 38 metres in height and have a minimum exhaust velocity of 15 metres per second at maximum gas turbine output.

Noise

15. The Applicant shall prepare a Noise Management Plan to meet the reasonable requirements of the EPA. The noise Management Plan shall be submitted in two stages to the EPA.

The first stage of the noise management plan shall deal with measures to be taken during the construction of the Cogeneration Plant and will be lodged with the EPA at the time of seeking a pollution control approval. The second stage of the noise management plan will be lodged with the EPA at the time of seeking a pollution control licence and shall deal with measures to be taken during the operation of the plant. Both stages of the noise management plan shall include but not be limited to, information on the measures to be undertaken to achieve noise levels, complaints handling systems, noise monitoring, reporting of complaints and response actions. Measures for dealing with noise exceedances should also be addressed.

15A. Prior to the first commencement of the development in OCGT mode of operation, the Applicant shall update the Noise Management Plan required under Condition 15, to the satisfaction of the Secretary. The updated plan shall:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) be approved by the Secretary;
- (c) describe the measures that will be implemented to minimise noise during construction and during operation when the development is either in OCGT or CCGT mode of operation; and
- (d) describe the noise monitoring program to measure the performance of the development against the EPL.

16. **DELETED**

16A. The Applicant shall install and operate equipment in line with best practice to ensure the development complies with operational noise limits as specified in the EPL for the site.

17. The measures included in this Plan and required by this consent may be varied from time to time in

CONSOLIDATED CONSENT

order to meet the licensing requirements and pollution control approval requirements of the EPA.

18. An annual report detailing the summary of complaint handling, monitoring results, comparison of such data with EPA limits and any other relevant information shall be submitted to the EPA, a copy of which must be available to Council for public access.

Noise Verification Study

- 18A. Within one month of the first commencement of the development in OCGT mode of operation, the Applicant shall submit a Noise Verification Study to the Secretary. This study shall:
- (a) be undertaken by a suitably qualified acoustical expert and in accordance with the NSW Industrial Noise Policy;
 - (b) validate the predictions made in the documents for MOD 2;
 - (c) demonstrate compliance with the operational noise limits as specified in the EPL;
 - (d) describe the contingencies that would be implemented, and the timing for implementation, should non-compliances be detected; and
 - (e) describe the protocol or contingencies to be implemented when the silencers are not operating.

Construction Noise

- 18B. Construction may only occur between 7:00 am and 6:00 pm Monday to Fridays; and 8:00 am and 1:00 pm Saturdays, except:
- (a) where construction LAeq(15min) noise levels are no more than 5 dB LAeq(15min) above the rating background level at any residence and no more than the Noise Management Levels in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009);
 - (b) for deliveries of plant, equipment and materials which is required to be delivered outside standard construction hours by the police and/or other authorities for safety reasons; or
 - (c) for emergency work to avoid loss of life, damage to property and/or environmental harm; or
 - (d) for works implemented in accordance with an out-of-hours work protocol approved by the Planning Secretary.
- 18C. An out-of-hours-work protocol must be submitted to the Planning Secretary for approval prior to the commencement of any out-of-hours construction work proposed under condition 18B(d). The protocol must:
- (a) identify a process for the consideration and management of construction which is outside the hours defined in condition 18B;
 - (b) be consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest or final version);
 - (c) justify why the construction needs to be undertaken as out-of-hours construction, including consideration of consultation undertaken as part of the documents listed in condition A2(c);
 - (d) identify low, medium and high-risk out-of-hours work, proposed mitigation and management measures;
 - (e) include written notification arrangements for affected residences for approved out-of-hours work.
- 18D. All reasonable and feasible noise mitigation measures must be implemented to achieve the noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest version). Any activities that could exceed the noise management levels must be identified and managed in accordance with the environmental management strategy required under condition 27 of this approval.

LANDSCAPING AND VISUAL

19. A Landscape Management Plan shall be prepared in consultation with and to the satisfaction of Council and be submitted with the Building Application. The plan shall provide details of the proposed plantings, their staging and maintenance. Details shall include plantings, particularly those that will shield the proposal from the south-west. Planting shall be consistent with landscaping works being carried out within the Prospect Creek Reserve.
20. External illumination including security lighting, shall be designed and installed so as not to spill beyond the boundary of the site.

CAR PARKING AND TRAFFIC

21. Parking, driveways, internal roads and manoeuvring areas are to be constructed from all-weather

CONSOLIDATED CONSENT

material and appropriately signposted in accordance with Council and Roads and Traffic Authority guidelines.

22. All construction and operational traffic to the Cogeneration plant shall access the site via the new subdivision road.
- 22A. The Applicant must prepare and implement a traffic management plan in consultation with Council and TFNSW. The Plan must:
- (a) be prepared prior to the commencement of activities described in Mod 3;
 - (b) include the transport routes, access arrangements and traffic controls to be used for all construction traffic;
 - (c) include the measures that would be implemented to minimise traffic safety issues and disruption to local users of the transport route/s; and
 - (d) include the management of oversize/overmass vehicles and heavy vehicles requiring escort.

OTHER

23. The Applicant shall participate in and co-operate with any Community Consultative Committee established by Council in discussion with Fairfield City Council to set up consultative mechanisms between the Applicant and the adjoining industrial and residential uses representing the community interest. The Applicant shall provide the Committee with monitoring measurements which it provides to the EPA and shall investigate and respond to legitimate complaints which are raised. The Committee shall meet on a regular basis be chaired by Council and include representatives of the EPA, two local residents and one representative from Fairfield City Council. This committee shall meet at least on one occasion prior to the commissioning of the plant, once when the plant is commissioned and thereafter at yearly intervals or as determined by Council.
24. As part of the ongoing monitoring of the plant, Council shall be supplied with updated 24-hour telephone numbers and names of contact personnel that can be used by local residents to investigate any complaints after normal business hours.
25. Separate approval shall be obtained from Council for advertising signs.
26. Management Plans prepared for this plant shall be undertaken in consultation with Pratt Industries and in conjunction with any Management plans prepared for the adjoining Pratt Industries recycling facility.

NOTE: The above conditions do not relieve the Applicant of the obligation to obtain other approvals required by any other Act, including a Building application under the Local-Government Act 1994 as amended.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Strategy

27. A construction environmental management strategy must be prepared for the development. The strategy must:
- (a) be prepared prior to the commencement of activities described in MOD 3.
 - (b) be prepared in consultation with Council;
 - (c) identify the statutory approvals and legislation that apply to the development;
 - (d) set out the role, responsibility, authority, and accountability of all key personnel involved in the environmental management of the development;
 - (e) set out the procedures (including timeframes) to be implemented to:
 - (i) keep the local community and relevant agencies informed about the construction of the development;
 - (ii) receive record, handle, and respond to complaints;
 - (iii) resolve any disputes that may arise during the course of the development;
 - (iv) respond to any non-compliance and any incident; and
 - (v) respond to emergencies.
 - (f) describe how the performance outcomes, commitments and mitigation measures specified in the documents listed in condition A2(c) would be implemented and achieved.
28. The strategy must be submitted to the Secretary for approval prior to the commencement of activities described in MOD 3.
29. The activities described in MOD 3 must not commence until the construction environmental management strategy is approved by the Secretary.
30. The strategy, as approved by the Secretary, must be implemented prior to the commencement of activities described in MOD 3.

CONSOLIDATED CONSENT

REPORTING AND AUDITING

Incident Notification

31. The Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

32. The Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

FOR INFORMATION

CONSOLIDATED CONSENT

Appendix 1 – Schedule of Land

Lot	DP
33	DP850596

FOR INFORMATION

Appendix 2 – Plans

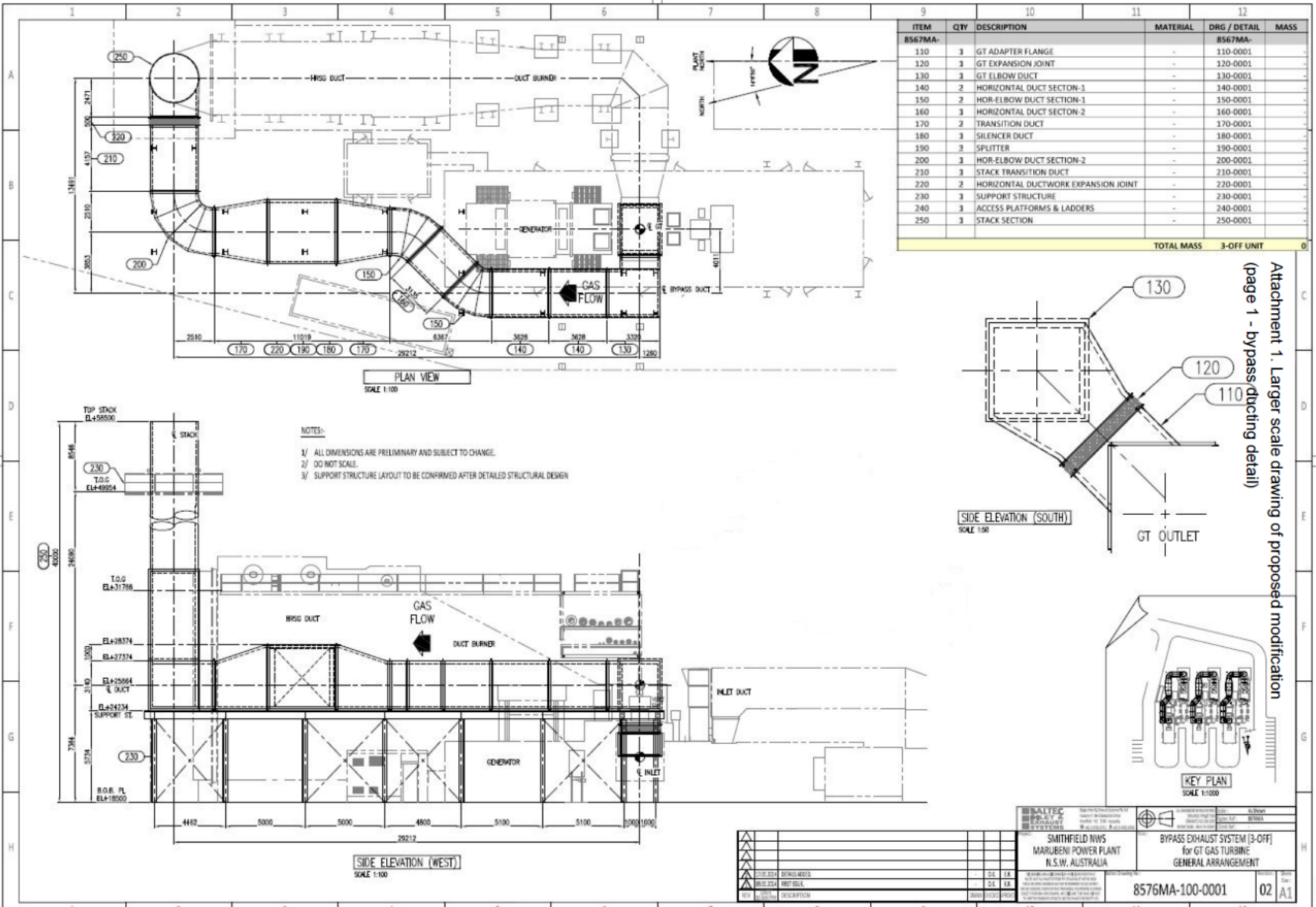


Figure 1: MOD 2 – Bypass Ducting Detail

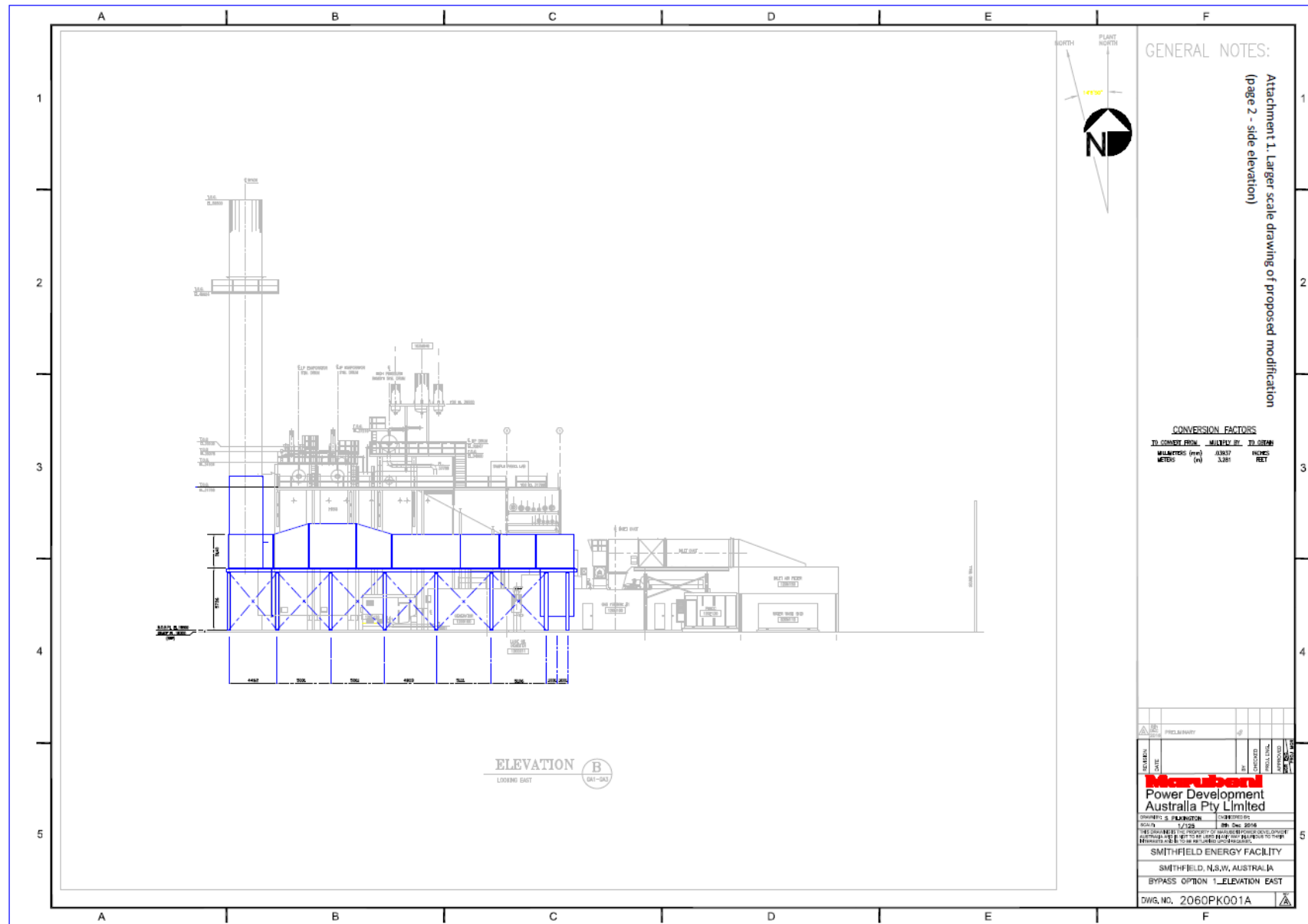


Figure 2: MOD 2 – Side Elevation

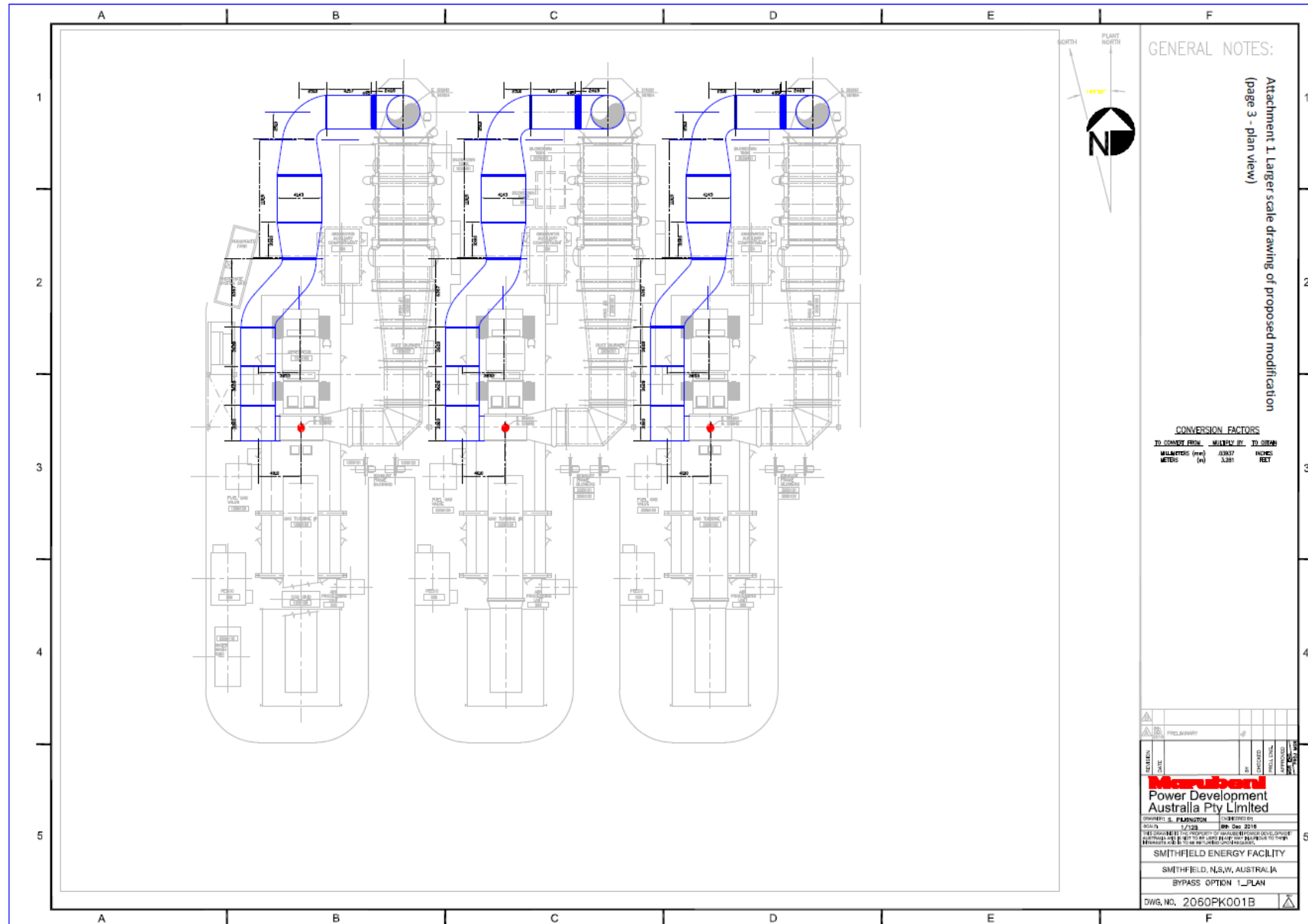


Figure 3: MOD 2 – Plan View

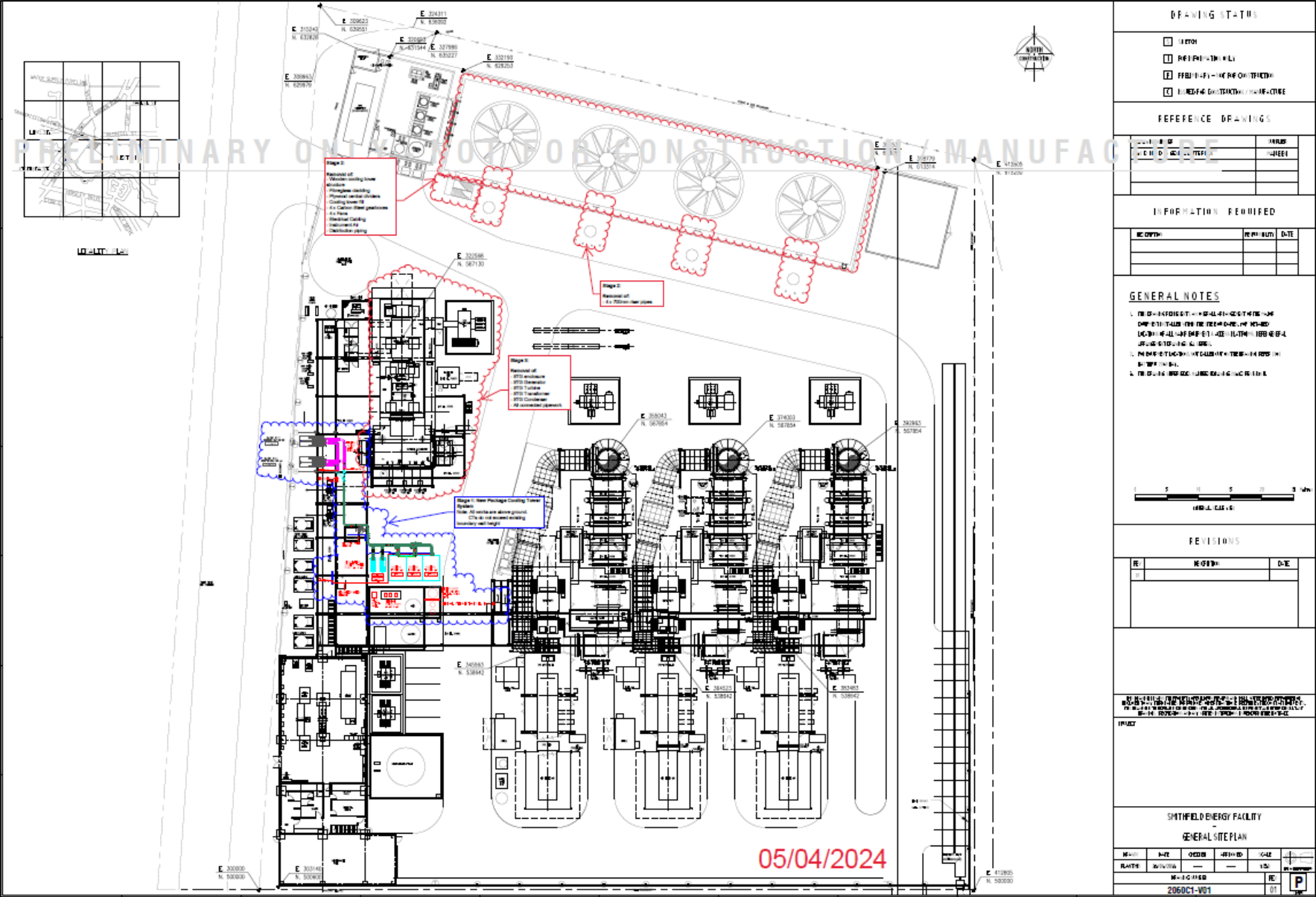


Figure 4: MOD 3 – Proposed Layout

Appendix 3 - Incident notification and reporting requirements

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition 32 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the Applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.