Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Frank Sartor MP
Minister for Planning

Sydney 4th April 2006 File No: 9038996

SCHEDULE 1

Application No:	05_0115
Proponent:	Hydrodec Australia Pty Ltd
Approval Authority:	Minister for Planning
Land:	Lot 102 DP 1060040 and Lot 3 DP 1010791, Young
Project:	Hydrodec Oil Treatment Facility
Major Project:	The proposal is declared a Major Project under section 75B(1)(a) of the *Environmental Planning and Assessment Act 1979*, because it is a development of a kind described in clause 27 of Schedule 1 to *State Environmental Planning Policy (Major Projects) 2005*.

KEY TO CONDITIONS

SCHEDULE 2

Act, the	*Environmental Planning and Assessment Act, 1979*
BCA, the	Building Code of Australia
Conditions of Approval	The Minister's conditions of approval for the project.
Council	Young Shire Council
Day	the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DEC	Department of Environment and Conservation
Department, the	Department of Planning.
Director-General, the	Director-General of the Department of Planning (or delegate).
Director-General's Approval	A written approval from the Director-General (or delegate). Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.
Director-General's Report	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
DNR	Department of Natural Resources
EA	*Environmental Assessment: Site Remediation of Former Tram Depot Site, Balmain Road, Leichhardt* (b cubed sustainability Pty Ltd, November 2005).
EPA	Environment Protection Authority as part of the Department of Environment and Conservation
EPL	Environment Protection Licence issued under the *Protection of the Environment Operations Act, 1997*
Evening	the period from 6pm to 10pm on any day
Minister, the	Minister for Planning.
Night	the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Proponent	Hydrodec Australia Pty Ltd
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
RTA, the	NSW Roads and Traffic Authority
Sensitive Receiver	Residence, education institution (e.g. school, TAFE college), health care facility (e.g. nursing home, hospital) and religious facility (e.g. church).
Site	Land to which Major Projects Application 05_0162 applies.

1. ADMINISTRATIVE CONDITIONS

Terms of Approval

1.1 The Proponent shall carry out the project generally in accordance with the:

a) Major Projects Application 05_0115;

b) *Hydrodec Oil Treatment Facility: Environmental Assessment Report,* dated November 2005 (Ref:0032541RP1), and prepared by Environmental Resources Management (ERM) Australia;

c) response to submissions detailed in two separate letters prepared by Environmental Resources Management (ERM) Australia, dated 1 March and 3 March 2006, respectively; and

d) the conditions of this approval.

1.2 If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.

1.3 The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:

a) any reports, plans or correspondence that are submitted in accordance with this approval; and

b) the implementation of any actions or measures contained in these reports, plans or correspondence

Limits of Approval

1.4 This approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval are physically and substantially commenced on or before that time.

1.5 The Proponent shall only accept PCB-free or PCB-contaminated oils for treatment through the project. This approval does not permit the Proponent to knowingly accept for treatment through the project any material contaminated with a Schedule X compound other than polychlorinated biphenyls (PCBs).

1.6 The output capacity of the project shall be no greater than 20,000 litres per day of transformer oils.

Statutory Requirements

1.7 Prior to commencement of commissioning the project for the processing of scheduled PCB-contaminated materials, the Proponent shall provide the EPA with sufficient and appropriate documentation for a technology assessment to be undertaken by the EPA in accordance with the *National Protocol Approval/ Licensing of Technologies for the Treatment/ Disposal of Schedule X Wastes* and the *National Protocol Approval/ Licensing of Commercial-Scale Facilities for the Treatment/ Disposal of Schedule X Wastes*. The Proponent shall operate the project in accordance with the procedures outlined in the technology assessment document provided to the EPA, unless otherwise agreed by the EPA.

1.8 Where PCB-contaminated materials are processed by the project, the Proponent shall undertake the project in accordance with:

a) *Polychlorinated Biphenyls Management Plan* (EPHC, April 2003);

b) *National Protocol Approval/ Licensing of Trials of Technologies for the Treatment/ Disposal of Schedule X Wastes*; and

c) *Chemical Control Order in Relation to Materials and Wastes Containing Polychlorinated Biphenyl 1997.*

In the event of an inconsistency between the requirements of the above documents, or with the conditions of this approval, the most stringent requirement shall prevail.

Compliance

1.9 The Proponent shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

1.10 The Proponent shall be responsible for environmental impacts resulting from the actions of all persons on site, including contractors, sub-contractors and visitors.

1.11 Prior to each of the events listed below, the Proponent shall certify in writing to the satisfaction of the Director-General, that it has complied with all conditions of this approval applicable prior to that event.
   a) commencement of any construction works on the land subject of this approval;
   b) commencement of operation of the project.

Consolidation of Land

1.12 The Proponent shall make arrangements for and bear the costs associated with the consolidation of Lot 102 DP 1060040 and Lot 3 DP 1010791 into one allotment via a plan of consolidation, to be registered with the Land Titles Office. Unless otherwise agreed by the Director-General, an application for this consolidation shall be lodged with the Land Titles Office prior to the commencement of any construction works on the site and the matter finalised within six months thereafter.

Utilities and Services

1.13 Prior to the commencement of construction, the Proponent shall identify (including, but not limited to the position and level of service) all public utility services on the site, roadway, footpath, public reserve or any public areas that are associated with, and/or adjacent to the site, and/or likely to be affected by the construction and operation of the project.

1.14 The Proponent shall consult with the relevant utility provider(s) for those services identified under condition 1.13 and make arrangements to adjust and/or relocate services as required. The Proponent shall bear the full cost associated with providing utilities and services to the site, and restoring any public infrastructure that may be damaged during the proposed works.

1.15 Prior to the commencement of construction works that may affect services/utilities, the Proponent shall provide documentary evidence to the Director-General that the requirements of the relevant utility provider(s) have been met.

1.16 Where the works required under conditions 1.13 to 1.15 are the subject of a separate planning approval, compliance with conditions 1.13 to 1.15 of this approval may be satisfied with demonstration that the requirements of the separate planning approval have been met.

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Processing Standards

2.1 All transformer oils treated through the catalytic hydrogenation process shall continue to be (re)treated until the concentration of PCBs in the treated oils is lower than the limit of detection for a PCB test method acceptable to the EPA.

Air Quality Impacts

Odour

2.2 The Proponent shall not permit any offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, to be emitted beyond the boundary of land owned by the Proponent (the site the subject of this approval and adjacent land utilised for existing operations).

Dust Emissions

2.3 The Proponent shall undertake the project in a manner that minimises or prevents dust emissions from the site, including wind-blown and traffic-generated dust. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

Stack Discharges

2.4 All off-gases from the catalytic hydrogenation process, other than those gases recycled to the treatment process, shall be passed through a scrubber and a catalytic oxidiser prior to discharge. The Proponent shall not operate the treatment process unless both the scrubber and the catalytic oxidiser are operational within the normal operating parameters for those units.

2.5 The Proponent shall design, construct, commission, operate and maintain the project to ensure that the concentration of each pollutant listed does not exceed the maximum allowable discharge concentration limit specified for that pollutant in Table 1. Sampling positions for the purpose of this condition shall be located in accordance with test method TM-1. For the purpose of monitoring and determining compliance with this condition, "dioxins and furans" shall be polychlorinated dibenzo-p-dioxins (PCDD) and polychlorinated dibenzofurans (PCDF), presented as 2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD) equivalent and calculated in accordance with the procedures included in Part 4, clause 29 of the *Protection of the Environment Operations (Clean Air) Regulation 2002.*

Table 1 – Maximum Allowable Discharge Concentration Limits (Air)

Pollutant	Maximum Allowable Discharge Concentration Limit	Reference Conditions
Polychlorinated biphenyls (PCBs)	1 μgm^{-3}	dry, 273K, 101.3 kPa, 7% O_2
total volatile organic compounds (VOC)	20 ppm	dry, 273K, 101.3 kPa, 7% O_2
hydrogen sulfide	1 mgm^{-3}	dry, 273K, 101.3 kPa, 7% O_2
dioxins and furans	0.1 ngm^{-3}	I-TEQ, dry, 273K, 101.3 kPa, 11% O_2

2.6 The Proponent shall install, operate and maintain a meteorological monitoring station to monitor weather conditions representative of those on the site, in accordance with:

a) AM-1 Guide to Siting of Sampling Units;
b) AM-2 Guide for Horizontal Measurement of Wind for Air Quality Applications; and
c) AM-4 On-Site Meteorological Monitoring Program Guidance for Regulatory Modelling Applications.

The Proponent shall use the meteorological monitoring station to undertake the monitoring required under condition 3.1 of this approval. This condition does not preclude the Proponent from reaching agreement with any other relevant party for the installation, operation and maintenance of a shared monitoring station, provided the outcomes of this condition are achieved.

Hazards and Risk

Pre-Construction

2.7 Prior to the commencement of construction of the project, the Proponent shall prepare and submit for the approval of the Director-General, the following studies:

a) a **Fire Safety Study** covering the relevant aspects of the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Study Guidelines* and the NSW Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*. In addition to approval from the Director-General, approval for this study shall also be obtained from the Commissioner of the NSW Fire Brigades/Rural Fire Service.
b) a **Hazard and Operability Study**, undertaken by an independent qualified person approved by the Director-General. The study shall be carried out in accordance with

Department of Planning's *Hazardous Industry Planning Advisory Paper No. 8 - HAZOP Guidelines.* The study report shall be accompanied by a program for the implementation of all recommendations made in the report. If the Proponent proposes to defer the implementation of a recommendation, full justification must be included. An update of the current HAZOP (as submitted in support of the project application) will be acceptable for the purpose of this condition, provided it is updated to address:

i) the suitability of using gas cylinders;

ii) the safe shutdown capability of the plant in the event of failure of pollution control equipments such as scrubbers; and

iii) the adequacy of the design to ensure that the cylinders are held vertically in service and in the event of an unexpected cylinder connection failure.

c) a **Construction Safety Study** prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Guidelines.* The "commissioning" portion of the study may be completed prior to the commencement of operations rather than prior to the commencement of construction. In particular, risks during the construction period from and to the existing plant shall be considered in the study.

Construction, other than of preliminary works, shall not commence until approval is given. The Proponent shall consider and implement, as appropriate, all recommendations arising out of the studies

Pre-commissioning

2.8 Prior to the commencement of operation of the project, the Proponent shall prepare and submit for the approval of the Director-General, the following studies:

a) an **Emergency Plan** and detailed emergency procedures shall for the site. An update of the existing site Emergency Plan will be acceptable for the purpose of this condition. The 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 prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines.* In particular, procedures relating to accidental release of PCB-contaminated oil shall be clearly detailed.

b) a **Safety Management System** covering all on-site operations and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records shall be kept on-site and shall be available for inspection by the Director-General or nominee. The Safety Management System shall be developed in accordance with the Department of Planning's Hazardous *Industry Planning Advisory Paper No. 9 - Safety Management.*

Commencement of operations shall not commence until approval is given. The Proponent shall consider and implement, as appropriate, all recommendations arising out of the studies. Updates of existing studies to include the new plant will be acceptable for compliance with this condition.

Post-commissioning

2.9 Three months after the commencement of operations, the Proponent shall submit to the Director-General, a report detailing compliance with conditions 2.7 and 2.8, including:

a) dates of study/plan/system completion and commencement of construction and commissioning of plant;

b) actions taken or proposed to implement recommendations made in the studies/plans/systems; and

c) responses to each requirement imposed by the Director-General in respect of the implementation of any measures arising from recommendations of the studies or reports referred to in conditions 2.7 and 2.8 above and the hazards-related conditions of this approval, within such time as the Director-General may agree.

Noise Impacts

2.10 The Proponent shall minimise noise emissions from equipment operated on the site in relation to the project by installing and maintaining, wherever practicable, efficient silencers, low-noise mufflers (residential standard) and replacement of reversing alarms with alternative silent measures, such as flashing lights.

Construction Noise Impacts

2.11 The Proponent shall undertake construction activities associated with the project so as not to exceed a noise impact at any residential receptor in excess of an $L_{10(15\ minute)}$ level of 47 dB(A).

2.12 To mitigate construction noise impacts associated with the project, the Proponent shall only undertake constructions activities that are audible at any residential receptor during the hours listed below. This condition does not apply in the event of an emergency (to protect the human and biophysical environments) or under direction from a relevant authorised public authority.

a) all works undertaken on Mondays to Fridays shall only be carried between 7:00 and 18:00;
b) all works undertaken on Saturdays shall only be carried between 8:00 and 13:00; and
c) no works shall occur on Sundays or public holidays.

Operation Noise Impacts

2.13 The Proponent shall not permit truck movements or operation of mobile plant to occur on the site outside of daytime periods (7.00 am to 6.00 pm Monday to Sunday) during operation of the project. To avoid any doubt, the treatment processes of the project are permitted to operate 24 hours per day, seven days per week (subject to compliance with the conditions of this approval).

2.14 The Proponent shall design, construct, operate and maintain the project to ensure that the operational noise levels from the development do not exceed the noise levels specified in Table 2, at those locations and during those periods indicated. This condition only applies at wind speeds up to $3ms^{-1}$ at ten metres above ground level and temperature inversion conditions up to $3^{o}C$ per 100 metres.

Table 2 - Operational Noise Criteria for Representative Residential Receivers

Location	Day 7:00am to 6:00pm Monday to Friday 7.00am to 1:00pm Saturdays	Evening 6:00pm to 10:00pm Monday to Friday	Night 10:00pm to 7:00am Monday to Friday	Night 10:00pm to 7:00am Monday to Friday
	$L_{Aeq(15\ minute)}$ (dB(A))	$L_{Aeq(15\ minute)}$ (dB(A))	$L_{Aeq(15\ minute)}$ (dB(A))	$L_{A1(1\ minute)}$ (dB(A))
4 Spring Creek Road	42			
20 Glenrowan Road	44			
17 Bungarra Road	44			
24 McVeigh Street	43	35	35	45
43 Wickham Lane	44			
40 Krebs Lane	44			
Edwards Street	43			
Mackenzie Street	43			

2.15 Prior to the commencement of construction of the project, the Proponent shall submit to the satisfaction of the Director-General, certification from an independent qualified acoustic engineer that pressure relief systems associated with the project have been designed to meet the noise limits specified under condition 2.14.

Traffic and Transport Impacts

2.16 Prior to the commencement of operation of the project, the Proponent shall implement all road and traffic-related infrastructure works required under development consent 2005/DA-00229 are completed. Should the Proponent reach an alternative arrangement with Council with respect to the completion of these works, the Proponent shall provide evidence to the Director-General, to demonstrate that mitigation measures are in place, to the satisfaction of Council, to manage traffic and access issues associated with the project.

2.17 The Proponent shall ensure that:

a) all activities including loading and unloading are undertaken wholly within the boundary of the land owned by the Proponent;

b) the sweep path and manoeuvring requirements for the largest vehicle required to enter the site have been accommodated in the design of trafficable areas on the site in accordance with AS 2890.2-2002.

c) all vehicular ingress to and egress from the site is in a forward direction.

d) car parking on the site, including aisle widths, parking bay dimensions and loading bay are designed in accordance with AS 2890.1-2004.

2.18 Prior to the commencement of operation of the project, or within such period as otherwise agreed by Council and the RTA, the Proponent shall complete the road works as detailed below to the satisfaction of RTA and Council. The road works shall be designed in accordance with RTA's Road Design Guide and Council's Engineering Guidelines for Subdivision and Development:

a) consolidation of the two existing central accesses along Old Temora Road into one access constructed to Council's satisfaction being 200 mm thick, reinforced concrete (two layers of F62 mesh) with expansion joints to be placed at the boundary and other common points to alleviate cracking;

b) construction of the entry and exit driveways off Old Temora Road and Krebs Lane to a minimum width of 6.9 metres in accordance with AS 2890.1-2004 to accommodate the largest size vehicle likely to service the site;

c) provision of suitable retarding measures for any increased stormwater run-off directly from the subject site on to Boorowa Street; and

d) implementation of a minimum sight distance from the egress location at the intersection of Wickhams Lane and Boorowa Street intersection in accordance with the RTA's Road Design Guide for the prevailing speed limit.

The road works shall be approved by the RTA and Council prior to the commencement of roadworks and shall be undertaken at no cost to the RTA or Council.

2.19 Prior to the commencement of operation of the project, or within such period as otherwise agreed by Council, the Proponent shall ensure that the temporary western most access on Old Temora Road (servicing Lot 3 DP 1010791) is closed and Council's road reserve is repaired as follows:

a) replacement of damaged kerb and gutter;

b) levelling of footpath, to match existing levels adjacent to the site; and

c) top dressing and grassing of the footpath area, between the kerb, the concrete footpath and the property boundary, for the length of the site.

Repair works shall be undertaken to the satisfaction of and at no cost to Council, unless otherwise agreed by Council.

Soil and Water Impacts

2.20 Except as may be expressively provided by an Environment Protection Licence for the development, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.

2.21 All process water generated by the project shall either be discharged to sewer, subject to compliance with a trade waste agreement with Council, or shall be collected for disposal off-site at a waste management facility lawfully permitted to accept the process water. Process water shall not be otherwise discharged from the site to the surrounding environment.

2.22 Prior to the commencement of the project, the Proponent shall implement all surface water, drainage and stormwater infrastructure works the subject of the site improvements development consent granted by Council on 19 October 2005.

Waste Generation and Management

2.23 All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.

2.24 The Proponent shall ensure that all liquid and/ or non-liquid waste generated and/ or stored on the site is assessed and classified in accordance with the EPA's Environmental Guidelines: *Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (Waste Guidelines) as in force as at 1 July 1999.

2.25 The Proponent shall ensure that the transport of any hazardous and/ or industrial and/ or Group A waste from the site is conducted strictly in accordance with any requirements that may be specified by the EPA in relation to the transport of those wastes.

Visual Amenity and Urban Design

2.26 The Proponent shall ensure that all building materials used for the facility are non-reflective and are similar in appearance and colour to the existing structures on site.

3. ENVIRONMENTAL MONITORING AND AUDITING

Meteorological Monitoring

3.1 From the commencement operation of the project, the Proponent shall continuously monitor, utilising the meteorological monitoring station referred to under condition 2.6 of this approval, each of the parameters listed in Table 3, utilising the sampling method indicated and applying a 15-minute average period to all results, and recording data in units specified in the Table.

Table 3 – Meteorological Monitoring

Parameter	Units of Measure	Sampling Method
Temperature at two metres	°C	AM-4
Temperature at ten metres	°C	AM-4
Wind speed at ten metres	ms^{-1}	AM-2 and AM-4
Wind direction at ten metres	°	AM-2 and AM-4
Sigma theta at ten metres	°	AM-2 and AM-4
Solar radiation	Wm^{-2}	AM-4

Air Quality Monitoring

3.2 The Proponent shall determine the pollutant concentrations and emission parameters specified in Table 4 below, at air monitoring/discharge referred to under condition 2.5, and employing the sampling and analysis method specified. Monitoring shall be undertaken during operation at the frequency specified in the Table. All monitoring results obtained under this condition shall be made publicly available on request.

Table 4 –Pollutant and Parameter Monitoring (Air)

Pollutant/ Parameter	Units of Measure	Frequency	Method
Dioxins and furans	ngm^{-3}	quarterly	TM-18
Dry gas density	kgm^{-3}	quarterly	TM-23
Hydrogen sulphide	mgm^{-3}	quarterly	TM-5
Moisture content	%	quarterly	TM-22
Molecular weight of stack gases	$gmol^{-1}$	quarterly	TM-23
Polychlorinated biphenyls	μgm^{-3}	quarterly	TM-18
Temperature	^{o}C	quarterly	TM-2
Velocity	ms^{-1}	quarterly	TM-2
Volumetric flowrate	m^3s^{-1}	quarterly	TM-2
Total volatile organic compounds (VOC)	ppm	continuously	OM-2

3.3 The frequency and/ or scope of the pollutant/ parameter monitoring required under condition 3.2 may be altered with the written agreement of the Director-General, provided:

a) pollutant/ parameter monitoring has been undertaken for a period of no less than twelve months;

b) there has been no exceedance of any limit placed on the subject pollutant or parameter, through this approval or any Environment Protection Licence under the *Protection of the Environment Operations Act 1997* within the preceding twelve-month period;

c) there has been no reasonable complaint received from the public in relation to the subject pollutant/ parameter within the preceding twelve-month period; and

d) the EPA does not object to the proposed alteration to the frequency of pollutant/ parameter monitoring.

Noise Auditing

3.4 Within 90 days of commencement of operations associated with the project and during a period in which the project is operating under normal operating conditions, the Proponent shall undertake a noise audit to confirm the noise emission performance of the facility. This audit shall meet the requirements of the DEC, and shall include, but not necessarily be limited to:

a) noise monitoring, consistent with the guidelines provided in *New South Wales Industrial Noise Policy* (EPA, 2000) to assess compliance with the criteria specified in Table 2 of this approval;

b) methodologies for noise monitoring;

c) location(s) of noise monitoring;

d) frequency of noise monitoring;

e) identification of monitoring sites at which pre-and post-development levels can be ascertained; and

f) provision of details of any complaints received relating to noise generated by the development, and action taken to respond to those complaints.

3.5 Within 28 days of conducting the noise audit referred to under condition 3.4 of this approval, the Proponent shall provide the Director-General and the DEC with a copy of the report. If the noise audit identifies any non-compliance with the noise limits imposed under this approval, the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.

Hazards and Risk Auditing

3.6 Twelve months after the commencement of operation of the project, or within such period as otherwise agreed by the Director-General, the Proponent shall commission an independent, qualified person or team to undertake a Hazard Audit of the development. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. A **Hazard Audit Report** shall be submitted for the approval of the Director-General no later than one month after the completion of the Audit. Further Hazard Audits shall be undertaken every three years, or as may be agreed by the Director-General. Hazard Audits shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines*. All Hazard Audit Reports shall be made available for public inspection on request. Each Hazard Audit Report shall be accompanied by a program for the implementation of all recommendations made in the Report. If the Proponent intends to defer the implementation of a recommendation, justification must be included

Environmental Auditing

3.7 Twelve months after the commencement of operation of the project, the Proponent shall commission an independent person or team to undertake an Environmental Audit of the development. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit shall be submitted for the approval of the Director-General no later than one month after the completion of the Audit. Further Environmental Audits shall be undertaken every three years, or as may be agreed by the Director-General. The Audits shall:

a) be carried out in accordance with *ISO 14010 - Guidelines and General Principles for Environmental Auditing* and *ISO 14011 - Procedures for Environmental Auditing*;
b) assess compliance with the requirements of this approval, and other licences and approvals that apply to the development;
c) assess the environmental performance of the development against the predictions made and conclusions drawn in the documents referred to under condition 1.1 of this approval; and
d) review the effectiveness of the environmental management of the project, including any environmental impact mitigation works.

The Director-General may require the Proponent to undertake works to address the findings or recommendations presented in the Environmental Audit Reports. Any such works shall be completed within such time as the Director-General may agree. All Environmental Audit Reports shall be made available for public inspection on request.

4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

4.1 Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.

Complaints Procedure

4.2 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):

a) a telephone number on which complaints about construction and operational activities at the site may be registered;
b) a postal address to which written complaints may be sent; and
c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign.

4.3 The Proponent shall record details of all complaints received through the means listed under condition 4.2 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:

a) the date and time, where relevant, of the complaint;
b) the means by which the complaint was made (telephone, mail or email);

c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
d) the nature of the complaint;
e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

5. ENVIRONMENTAL MANAGEMENT

Environmental Representative

5.1 Prior to the commencement of operation of the project, the Proponent shall nominate a suitably qualified and experienced Environmental Representative(s) for the approval of the Director General. The Proponent shall employ the Environmental Representative(s) on a full-time basis, or as otherwise agreed by the Director General, during the operation of the project. The Environmental Representative shall be:
a) the primary contact point in relation to the environmental performance of the project;
b) responsible for all Management Plans and Monitoring Programs required under this approval;
c) responsible for considering and advising on matters specified in the conditions of this approval, and all other licences and approvals related to the environmental performance and impacts of the project;
d) responsible for receiving and responding to complaints in accordance with condition 4.2 of this approval; and
e) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

The Proponent shall notify the Director General of any changes to that appointment that may occur from time to time.

Construction Environmental Management Plan

5.2 Prior to the commencement of construction of the project, the Proponent shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during the construction of the development. The Plan shall be prepared in accordance with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall be consistent with the framework presented in chapter 14 of *Hydrodec Oil Treatment Facility: Environmental Assessment Report,* dated November 2005 (Ref:0032541RP1), and prepared by Environmental Resources Management (ERM) Australia.

Operation Environmental Management Plan

5.3 Prior to the commencement of operation of the project, the Proponent shall prepare and submit for the approval of the Director-General an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during the operation of the project. The Plan shall be consistent with the Department's *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004), and shall include, but not necessarily be limited to:
a) a framework consistent with that presented in chapter 14 of *Hydrodec Oil Treatment Facility: Environmental Assessment Report,* dated November 2005 (Ref:0032541RP1), and prepared by Environmental Resources Management (ERM) Australia;
b) a description of all activities to be undertaken on the site during operation of the project;

c) statutory and other obligations that the Proponent is required to fulfil during operation, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
d) specific consideration of measures to address any requirements of Council and the DEC during operation;
e) details of how the environmental performance of operations will be monitored, and what actions will be taken to address identified adverse environmental impacts;
f) a description of the roles and responsibilities for all relevant employees involved in the operation of the project and a program for how these employees will be trained in responsibilities identified in the plan;
g) complaints handling procedures to be applied during operation of the project (conditions 4.2 and condition 4.3 of this approval); and
h) the issue-specific management plans listed under condition 5.4 of this approval.

The Operation Environmental Plan shall be made available for inspection by the public upon request.

5.4 As part of the Operation Environmental Management Plan for the project, required under condition 5.3 of this approval, the Proponent shall prepare and implement the following Management Plans:

a) a **Noise Management Plan** to outline monitoring, management procedures and measures to minimise total operational noise emissions from the project. The Plan shall also include, but not necessarily be limited to:
   i) identification of all relevant receivers and the applicable criteria at those receivers commensurate with the noise limits specified under this approval;
   ii) identification of activities that will be carried out in relation to the project and the associated noise sources;
   iii) assessment of project noise impacts at the relevant receivers against the noise limits specified under this approval;
   iv) details of all management methods and procedures that will be implemented to control individual and overall noise emissions from the site during the project;
   v) development of reactive and pro-active strategies for dealing promptly with any noise complaints;
   vi) noise monitoring and reporting procedures;
   vii) regular internal audits of compliance of all plant and equipment with acceptable design noise;
b) an **Air Quality Management Plan** to outline measures to minimise and manage any impacts from the operation of the project on local air quality. The Plan shall include, but not necessarily be limited to:
   i) identification of all major sources of air emissions that may occur as result of the operation of the project;
   ii) description of the procedures to manage the emission of air pollutants from the sources identified;
   iii) identification of the locations where monitoring of air emissions is to be undertaken;
   iv) procedures for the monitoring of air emissions from the project, in accordance with any requirements of the DEC;
   v) protocols for regular maintenance of plant and equipment, to minimise the potential for fugitive emissions; and
   vi) description of procedures to be undertaken if any non-compliance is detected.
c) a **PCB Management Protocol** to detail procedures and processes for the on-site management of materials containing, and potentially containing, polychlorinated biphenyls. The Protocol shall include, but not necessarily be limited to:
   i) provision for management of PCB-contaminated, or potentially contaminated, materials during all stages of the project, including receipt, storage, handling, treatment and testing;

ii) details of measures to be implemented to prevent the loss of any PCB-contaminated, and potentially contaminated, materials to the environment that may occur as a result of activities on the site;

iii) management systems, procedures, structures and equipment to be applied to ensure best environmental practice for all PCB-contaminated, and potentially contaminated, materials to be handled on the site; and

iv) procedures for the identification and classification of materials as PCB-contaminated, potentially PCB-contaminated and PCB-free.

6. ENVIRONMENTAL REPORTING

Incident Reporting

6.1 The Proponent shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of becoming aware of the incident. The Proponent shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred.

6.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 6.1 of this approval, within such period as the Director-General may require.

Annual Performance Reporting

6.3 The Proponent shall, throughout the life of the project, prepare and submit to the Director-General, an **Annual Environmental Management Report** (AEMR). The AEMR shall review the performance of the project against the Operation Environmental Management Plan (refer to conditions 5.3 and 5.4 of this approval), the conditions of this approval and other licences and approvals relating to the project. The AEMR shall include, but not necessarily be limited to:

a) details of compliance with the conditions of this approval;

b) a copy of the Complaints Register (refer to condition 4.3 of this approval) for the preceding twelve-month period (exclusive of personal details), and details of how theses complaints were address and resolved;

c) a comparison of the environmental impacts and performance of the project against the environmental impacts and performance predicted in those documents listed under condition 1.1 of this approval;

d) results of all environmental monitoring required under this approval and other approvals, including interpretations and discussion by a suitably qualified person; and

e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the project have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident.

The Proponent shall make the AEMR available to the public for inspection upon request.

6.4 The Director-General may require the Proponent to address certain matters in relation to the environmental performance of the project in response to review of the Annual Environmental Report. Any action required to be undertaken shall be completed within such period as the Director-General may agree.