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 set out in Schedules 2 to 4.

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.

Signed 21 February 2007

Frank Sartor MP
Minister for Planning

Sydney 2007 File No: 9041588

SCHEDULE 1

Project Application:	06_0022
Proponent:	Klekies Pty Ltd
Approval Authority:	Minister for Planning
Land:	Lot 132, DP31912, 85 Christie Street, St Marys
Project:	Used Oil Transfer Station and associated infrastructure

DEFINITIONS

BCA	Building Code of Australia
Council	Penrith City Council
DEC	Department of Environment and Conservation
Department	Department of Planning
Director-General	Director-General of the Department of Planning, or delegate
EA	Environmental Assessment titled *Environmental Assessment, Construction of Warehouse/Office Building & Oil Tank Farm for use as a Used Oil Transfer Station, 81-85 Christie Street St Marys*, dated October 2006, and prepared by glendinning, minto & associates p/l
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
EPL	Environment Protection Licence
Minister	Minister for Planning
Proponent	Klekies Pty Ltd, or its successors in title
Site	Land to which the Project Approval applies
Submissions Report	Response to submissions titled *Report on Submissions Received During Public Exhibition, Used Oil Transfer Station Part 3A Major Project, 81-85 Christie Street, St Marys*, dated December 2006, and prepared by glendinning minto & associates p/l

SCHEDULE 2
ADMINISTRATIVE CONDITIONS

Red type represents September 2007 modification – 06_0022 MOD 1

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or decommissioning of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
   a) Project Application 06_0022;
   b) EA;
   c) Final Statement of Commitments in the Submissions Report;
   d) Modification Application 06_0022 MOD1 and supporting letter titled Project Approval 06-0022, dated 21 February 2007 at 83 – 85 Christie Street, St Marys, with updated drawings CC.003-B (dated 6 September 2007) and 83724-1-A (dated 26 July 2006); and
   e) conditions of this approval.

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

4. 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 by the Proponent in accordance with this approval; and
   b) the implementation of any actions or measures contained in those reports, plans or correspondence submitted by the Proponent.

Limits of Approval

5. The Proponent shall not receive more than 5,500,000 litres or 5,000 tonnes of used oil per year at the site.

6. The Proponent shall not undertake any processing of used oil on site except the pre-heating of oil, as described in the EA.

7. The Proponent shall not use non-standard fuels as defined in the DEC's *Guidance Note Guidance Note Assessment of Non-Standard Fuels* as a fuel source for the dewatering plant.

8. The Proponent shall obtain an EPL for the project from the DEC prior to construction.

Structural Adequacy

9. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

   Notes:
   - *Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.*
   - *Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.*

Protection of Public Infrastructure

10. The Proponent shall:
    a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by 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.

Operation of Plant and Equipment

11. The Proponent shall ensure that all plant and equipment used at the site is:
    a) maintained in a proper and efficient condition; and
    b) operated in a proper and efficient manner.

Management Plans/Monitoring Programs

12. With the approval of the Director-General, the Applicant may prepare and submit any management plan or monitoring program required by this approval on a progressive basis.

SCHEDULE 3
SPECIFIC ENVIRONMENTAL CONDITIONS

SAFETY AND RISK MANAGEMENT

1. The Proponent shall store and handle all dangerous goods, as defined by the Australian Dangerous Goods Code, strictly in accordance with:
   a) all relevant Australian Standards;
   b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
   c) the DEC's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

2. The Proponent shall ensure that suitable measures are installed on all tanks, treatment systems and associated pipes and hoses to prevent the spillage of waste and/or material.

3. Prior to the commencement of operation, the Proponent shall prepare and implement the following studies and plans for the project to the satisfaction of the Director-General:
   a) a Fire Safety Study prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Study Guidelines*, the NSW Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*, and to the satisfaction of the Commissioner of the NSW Fire Brigade; and
   b) a Final Hazard Analysis prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis*. The study should identify the hazards associated with the dewatering process, assess the risk and demonstrate adequate controls are in place to control risks. Justification for any changes to the routes for the truck movements must be provided;
   c) an Emergency Plan prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelin*es; and
   d) a Safety Management System prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*. The System must include details of on-site operations and associated transport activities involving hazardous materials; measures to ensure nominated transport routes are being followed; and details of safety related procedures, responsibilities and policies and measure to ensure compliance with these procedures and policies. Records shall be kept on-site and shall be available for inspection by the Director-General or nominee.

WASTE MANAGEMENT

4. Except as may be expressly provided by an Environment Protection Licence issued the Proponent shall only receive and/or store the following wastes on-site:
   a) waste mineral oils unfit for their original intended use;
   b) waste oil/water, hydrocarbons/water mixtures or emulsions.

5. The Proponent shall prepare, and following approval implement a Waste Management Plan for the project to the satisfaction of the Director-General. This plan must:
   a) be submitted to the Director-General prior to carrying out any development;
   b) identify the types and quantities of waste that would be generated during construction and operation, and the standards and performance measures for dealing with this waste;
   c) detail procedures to monitor the amount of waste generated by the project;
   d) outline measures to minimise the production and impact of all wastes (excluding used oil suitable for recycling) generated by the project, including details of how this waste would be reused, recycled, and if necessary, appropriately treated and disposed of in accordance with the DEC's guidelines on the *Assessment, Classification & Management of Liquid and Non-Liquid Waste;*
   e) describe how the effectiveness of these actions and measures would be monitored over time; and
   f) a description of what procedures would be followed to ensure compliance if any non-compliance is detected.

NOISE

6. During the life of the project, the Proponent shall carry out all reasonable and feasible measures to minimise the noise generated by the project.

7. The Proponent shall comply with the construction and operation hours in Table 1, unless otherwise agreed with the Director-General.

Table 1: Construction and Operation Hours for the Project

Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday and Public Holidays	Nil
Operation	Monday – Friday	6:00am to 6:00pm
	Saturday	6:00am to 12:00pm

8. The Proponent shall prepare and implement a Construction Noise Management Plan for the project, in consultation with the DEC, and to the satisfaction of the Director-General. The Construction Noise Management Plan shall be submitted to the Director-General prior to commencing construction, and must:
   a) identify each work area, site compound and access route (both private and public);
   b) identify the specific activities that will be carried out and associated noise sources at each work area, site compound and access route;
   c) identify all potentially affected sensitive receivers;
   d) describe the construction noise and vibration objectives for construction and assess the potential noise and vibration from the proposed construction methods (including noise from construction traffic) against these objectives;
   e) where the objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts;
   f) describe management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction; and
   g) include procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity.

AIR QUALITY

9. The Proponent shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the *Protection of the Environment Operations Act 1997*.

   Note: Section 129 of the Protection of the Environment Operations Act, 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence at minimising odour.

10. All development occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.

11. The Proponent must prepare and following approval implement an Air Quality Management Plan, in consultation with DEC and to the satisfaction of the Director-General. This plan must:
   a) be submitted to the Director-General prior to carrying out an development;
   b) describe the mitigation methods and management practices that would be used during the construction and operation of the project to ensure air quality impacts, and in particular dust and odour emissions, do not occur off-site;
   c) detail contingency measures to be implemented if air quality impacts are detected; and
   d) detail procedures for handling complaints.

WATER QUALITY

12. The Proponent shall only discharge water from the site in accordance with the DEC Environment Protection Licence, or in accordance with section 120 of the *Protection of the Environment Operations Act 1997*.

13. Erosion and sediment controls must be installed and maintained:
   a) at all exposed soils areas of the construction site, including soil stockpiles;
   b) to prevent the discharge of polluted stormwater off the construction site; and
   c) be consistent with the requirements of Landcom's (2004) *Managing Urban Stormwater: Soils and Construction.*

TRANSPORT

Vehicle Queuing

14. During the life of the project, the Proponent shall ensure that project does not result in any vehicles queuing on the public road network.

Parking

15. Heavy vehicles associated with the development shall not park on local roads in the vicinity of the site at any time.

16. All driveways and manoeuvring areas associated with the project shall be designed and constructed in accordance with the latest version of Australian Standard AS 2890.2, and Council's requirements.

VISUAL

17. Prior to construction, the Proponent shall submit detailed plans of the roof structure for the tank farm to the Director-General for approval. These plans must be prepared in consultation with Council.

SCHEDULE 4
ENVIRONMENTAL MANAGEMENT AND MONITORING

ENVIRONMENTAL MANAGEMENT PLAN

1. The Proponent shall prepare and following approval implement an Environmental Management Plan for the project, to the satisfaction of the Director-General. This Plan must:
   a) be submitted to the Director-General prior to carrying out any development;
   b) provide the strategic context for environmental management of the project;
   c) identify the statutory and other obligations that apply to the project;
   d) describe in general how the environmental performance of the project would be monitored and managed during the project;
   e) describe the procedures that would be implemented to:
      - keep the local community and relevant agencies informed about the construction, operation and environmental performance of the project;
      - receive, handle, respond to, and record any complaints that are received;
      - resolve any disputes that may arise during the course of the project;
      - respond to any non-compliance; and
      - respond to emergencies;
   f) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project; and
   g) incorporate the various studies required under this approval.

COMPLIANCE REPORTING

2. Prior to the commencement of construction and operation, the Proponent shall certify in writing to the satisfaction of the Director-General, that it has complied with all relevant conditions of this approval.

3. Within 3 months of the commencement of operation of the project, the Proponent shall prepare a compliance report to the satisfaction of the Director-General. The report shall be prepared by a suitably qualified, experienced, and independent expert whose appointment has been endorsed by the Director-General and shall include:
   a) date of commencement of operation;
   b) actions taken (or proposed to be taken) to implement conditions 1, 2 and 3 of schedule 3 to this approval; and
   c) a signed statement that:
      - the transport routes specified are being followed;
      - the Emergency Plan required under condition 3 is effectively in place and that at least one emergency exercise has been conducted;
      - the Safety Management System required under condition 3 of schedule 3 has been fully implemented and that records required by the system are being kept; and
      - the various studies required under condition 3 of schedule 3 have been prepared in accordance with the relevant Hazardous Industry Planning Advisory Paper and all recommendations of these studies have been implemented and are being maintained.

INCIDENT REPORTING

4. Within 7 days of detecting an exceedance of the limits/performance criteria in this approval or an incident causing (or threatening to cause) material harm to the environment, the Proponent shall report the exceedance/incident to the Department, and any relevant agency. The report must:
   a) describe the date, time, and nature of the exceedance/incident;
   b) identify the cause (or likely cause) of the exceedance/incident;
   c) describe what action has been taken to date; and
   d) describe the proposed measures to address the exceedance/incident.

ACCESS TO INFORMATION

5. Subject to confidentiality, the Proponent shall make all documents required under this approval publicly available.