

# 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.

Kristina Keneally MP  
**Minister for Planning**

Sydney

2009

File No: 9040292

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### SCHEDULE 1

**Project Application:** 06\_0052  
**Proponent:** **No. 1 Demolition and Excavation (NSW) Pty Ltd**  
**Approval Authority:** Minister for Planning  
**Land:** Lot 8 DP 1039882, 191 Miller Road, Chester Hill  
**Project:** Materials Recycling Facility

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Mod 1 2009

in red

## DEFINITIONS

BCA	Building Code of Australia
Council	Bankstown City Council
Day	Day is defined as the period from 7.00am to 6.00pm on Monday to Saturday, and 8.00am to 6.00pm on Sundays and public holidays
DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of the Department of Planning, or delegate
EA	Environmental Assessment titled <i>Environmental Assessment to Accompany a Major Projects Application for a Materials Recycling Facility, 191 Miller Road, Chester Hill</i> , dated November 2006, and prepared by BBC Consulting Planners
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence
Minister	Minister for Planning
Proponent	No. 1 Demolition and Excavation, or its successor in title
Site	Land to which the application applies

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**SCHEDULE 2  
ADMINISTRATIVE CONDITIONS**

**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) EA;
  - b) Final Statement of Commitments;
  - c) *Modification application 06\_0053 MOD 1 and accompanying Environmental Assessment Report titled Modification of the Chester Hill Materials Recycling Facility (06\_MOD1) to Include the Recycling of Additional Types of Material dated February 2009; and*
  - d) conditions of this approval.

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

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 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**

- ~~4. The Proponent shall not process more than 100,000 tonnes of building and construction waste including metal per year at the site.~~
5. The Proponent shall obtain an EPL for the project from the DECC prior to construction.

**Structural Adequacy**

6. 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**

7. 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**

8. 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**

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

**SCHEDULE 3  
SPECIFIC ENVIRONMENTAL CONDITIONS**

**NOISE**

1. The Proponent shall ensure that noise from the project does not exceed the noise limits presented in Table 1.

*Table 1: Project Noise Limits (dB(A))*

Location	Day (L <sub>Aeq</sub> (15 minute))
Residences in Waldron Road	47
Residences in Goodstate Street / Orchard Road	50
Any other affected residence	50

*Notes:*

- a) *Noise from the development is to be measured at the most affected point or within the residential boundary, or at the most affected point within 30 metres of a dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with noise level limits in the above table. Where it can be demonstrated that direct measurement of noise from the premises is impractical, the Department and the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.*
- b) *The noise emission limits identified in the above table apply under meteorological conditions of:*
- *wind speeds of up to 3 m/s at 10 metres above ground level.*

2. The Proponent shall ensure noise mitigation measures are in place prior to construction.
3. The Proponent shall ensure that the height of stockpiles of unprocessed or baled materials do not exceed 3m.
4. The Proponent shall prepare and implement **a revised Noise Management Plan** for the project to the satisfaction of the Director-General. The Plan must be prepared in consultation with DECC, and must:
- a) be submitted to the Director-General prior to carrying out any development;
  - b) identify all specific activities that will be carried out during construction and operation and associated noise sources;
  - c) identify all potentially affected sensitive receivers;
  - d) specify noise criteria (based on the based on the formerly published *Noise Control Guideline – Construction Noise* and noise limits presented in Table 1);
  - a) describe management methods and procedures and specific noise mitigation treatments that will be implemented to control noise emissions, including the early installation of operational noise control barriers;
  - e) detail a noise monitoring program to be prepared by a qualified acoustic consultant and implemented to monitor the effects of the project on the acoustic environment during operation, including road traffic noise, with details of procedures to be undertaken if any non-compliance is detected;
  - f) detail procedures to receive, record and respond to complaints; and
  - g) include **a revised Traffic Noise Management Strategy**.
5. The Proponent shall prepare, and following approval implement **a revised Traffic Noise Management Strategy (TNMS)** to the satisfaction of the Director-General. The Strategy must:
- a) be submitted to the Director-General prior to carrying out any development;
  - a) detail measures to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used when approaching or leaving the premises;
  - b) detail best noise practice in the selection and maintenance of vehicle fleets;
  - c) include communication and management strategies for non-company owned and operated vehicles to ensure the provisions of the TNMS are implemented; and
  - d) detail a system of audited management practices that assesses the implementation and improvement of the TNMS.
6. Within 3 months of commencement of operations associated with the development and during a period in which the project is operating under normal operating conditions, the Proponent shall conduct a Noise Audit of its operations. This Audit shall:
- a) be undertaken by a suitability qualified and experienced person;
  - b) assess whether the development is complying with the criteria specified in Table 1 of this schedule;
  - c) identify what additional measures would be implemented to ensure compliance should any non-compliance be detected and clearly indicate 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; and
  - d) provide details of any complaints received relating to noise generated by the development, and action taken to respond to those complaints.

Within 28 days of conducting the Noise Audit, the Proponent shall provide the Director-General and the DECC with a copy of the Noise Audit report.

7. The Proponent shall comply with the construction and operation hours in Table 2, unless otherwise agreed with the Director-General.

Table 2: 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	7:00am to 6:00pm
		7:00am to 5:00pm For the operation of heavy machinery
	Saturday	8:00am to 1:00pm
		No operation of heavy machinery on Saturday

Note 1: Construction activities may be conducted outside the hours in Table 2 provided that the activities are not audible at any residence beyond the boundary of the site.

Note 2: Heavy machinery being defined as 20 tonne excavators and equivalent.

## WATER QUALITY

8. The Proponent shall only discharge water from the site in accordance with the DECC Environment Protection Licence, or in accordance with Section 120 of the *Protection of the Environment Operations Act 1997*.
9. Prior to construction, adequate erosion and sediment controls must be installed and maintained:
- at all exposed soil areas of the construction site, including soil stockpiles;
  - to prevent the discharge of polluted stormwater off the construction site; and
  - be consistent with the requirements of Landcom's *Managing Urban Stormwater: Soils and Construction* (2004).
10. The Proponent shall prepare, and following approval implement a **revised Stormwater Management Plan** for the project to the satisfaction of the Director-General. The Plan must be prepared in consultation with Council and DECC, and must:
- be submitted to the Director-General prior to carrying out any development;
  - include detailed plans showing the design of the stormwater control infrastructure;
  - demonstrate that the stormwater control infrastructure (including discharge rates and detention volumes) will conform with, or exceed all relevant requirements and guidelines, particularly of any requirements of Council and those documented in the EA;
  - describe of the procedures for the installation, inspection and maintenance of the stormwater control infrastructure, including stormwater pollution control devices; and
  - detail a stormwater quality monitoring program as it relates to the operation of the development and procedures to be undertaken if any non-compliance is detected.

## SAFETY AND RISK MANAGEMENT

11. The Proponent shall store and handle all dangerous goods, as defined by the Australian Dangerous Goods Code, strictly in accordance with:
- all relevant Australian Standards;
  - a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
  - the DECC's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.
12. Prior to construction, the Proponent shall prepare a **revised Fire Safety Study** to the satisfaction of the Director-General. The Final Safety Study must be 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.

13. Prior to operation, the Proponent shall prepare and implement the following studies for the project to the satisfaction of the Director-General:
  - a) a **revised Emergency Plan** prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines*; and
  - b) a **revised 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; details of safety related procedures, responsibilities and policies; and details of 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

14. The Proponent must not cause, permit or allow the storage, treatment, processing, reprocessing or disposal of any waste requiring an EPL except as permitted by an EPL.
15. 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 processed metal) 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 DECC'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.

## AIR QUALITY

16. During the life of the project, the Proponent shall carry out all reasonable and feasible measures to minimise dust generated by the project, to the satisfaction of the Director-General.
17. 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.*

18. The Proponent shall ensure that all internal road surfaces are paved and regularly cleaned.

## TRANSPORT

### Vehicle Queuing

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

### Internal Roads and Parking

20. The Proponent shall ensure that the internal road network and associated parking are designed, constructed and maintained in accordance with the latest versions of the Australian Standards *AS 2890.1:2004* and *AS 2890.2:2002*.
21. Heavy vehicles associated with the development shall not park on local roads in the vicinity of the site at any time.
22. **Heavy vehicles associated with the development shall comply with existing RTA heavy vehicle road restrictions and specified B-double routes.**

**SCHEDULE 4  
ENVIRONMENTAL MANAGEMENT AND MONITORING**

**ENVIRONMENTAL MANAGEMENT PLAN**

1. The Proponent shall prepare and implement an **Environmental Management Plan** for the project, to the satisfaction of the Director-General. This Plan shall be submitted to the Director-General prior to construction commencing and must:
  - a) provide the strategic context for environmental management of the project;
  - b) identify the statutory and other obligations that apply to the project;
  - c) outline the environmental management and monitoring practices and procedures that would be implemented during construction and operation;
  - d) describe in general how the environmental performance of the project would be monitored and managed throughout the life of 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 complaints;
    - 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.

**INCIDENT REPORTING**

3. The Proponent shall notify the DECC and the Director-General of any exceedance of the performance criteria in this approval or any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Proponent shall provide written details of the exceedance/incident to the Director-General (and any relevant agency) within 7 days of the date on which the incident occurred.

**ACCESS TO INFORMATION**

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