Development Consent

Section 80 of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the development application referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

These conditions are required to:
- prevent and/or minimise 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 development.

Frank Sartor MP
Minister for Planning

Sydney 15th Jan 2006

SCHEDULE 1

Application No:	DA 95-4-2005
Applicant:	Orange City Council
Consent Authority:	Minister for Planning.
Land:	Lot 10, DP 1034198, Euchareena Road, via Molong.
Development:	Construction and operation of the "Hub" Regional Resource Reprocessing Facility and associated infrastructure.

Notes:
- *To find out when this consent becomes effective, see Section 83 of the Environmental Planning and Assessment Act 1979 (EP&A Act);*
- *To find out when this consent is liable to lapse, see Section 95 of the EP&A Act; and*
- *To find out about appeal rights, see Section 97 of the EP&A Act.*

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DEFINITIONS

AEMR	Annual Environmental Management Report
Applicant	Orange City Council
BCA	Building Code of Australia
Council	Cabonne Council
DA	Development Application
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	Department of Planning
Director-General	Director-General of the Department of Planning, or delegate
DNR	Department of Natural Resources
DPI	Department of Primary Industries
EIS	Environmental Impact Statement and supporting volumes prepared in support of the development application by R.W. Corkery & Co Pty Ltd, dated April 2005
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
EPL	Environment Protection Licence issued under the *Protection of the Environment Operations Act 1997*
Evening	The period from 6pm to 10pm
GTA	General Term of Approval
Heavy Vehicle	Any vehicle with a gross vehicle mass of 5 tonnes or more
LGA	Local Government Area
Minister	Minister for Planning, or delegate
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
POEO Act	*Protection of the Environment Operations Act 1997*
Privately Owned Land	Land not owned by the Applicant or its related companies or where a private agreement does not exist between the Applicant and the land owner
RTA	Roads and Traffic Authority
Site	Land to which the DA applies

SCHEDULE 2
GENERAL ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

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

Scope of Development

2. The Applicant shall carry out the development generally in accordance with the:
   (a) conceptual site layout shown in Appendix 1 (subject to the revisions in condition 5);
   (b) EIS;
   (c) Response to Key Issues Raised in Submissions, prepared by R.W. Corkery & Co Pty Ltd, and dated January 2006; and
   (d) conditions of this consent.

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

4. The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
   (a) any reports, plans, programs or correspondence that are submitted in accordance with this consent; and
   (b) the implementation of any actions or measures contained in these reports, plans programs or correspondence.

Disapproval of Public Waste Receival Area

5. This consent does not allow the Applicant to construct or operate the proposed public waste receival area (see the area shaded in pink on the figure in Appendix 1). Prior to construction of the other components of the development, the Applicant shall submit revised plans for the development excluding this area for the Director-General's approval.

Staged Development

6. Pursuant to Section 80(4) of the EP&A Act, this consent is granted for the development to be undertaken in 3 stages:
   (a) Stage 1 involves the:
      - construction and operation of the initial stage of the landfill and associated infrastructure; and
      - receival and disposal of waste from the Cabonne LGA;
   (b) Stage 2 involves the construction and commissioning of the resource reprocessing facility;
   (c) Stage 3 involves the:
      - extension of the landfill;
      - operation of a resource reprocessing facility and associated infrastructure; and
      - receival, reprocessing, and disposal of waste from the Orange and Cabonne LGAs.

7. Pursuant to Section 80(5) of the EP&A Act, the Applicant shall obtain a further development consent from the Minister for Stage 2 of the development. In seeking this consent, the Applicant shall submit detailed plans of the proposed resource reprocessing facility to the Director-General. These plans must be accompanied by an environmental assessment that demonstrates that the facility would:
   (a) achieve the diversion rates specified in the EIS; and
   (b) comply with the requirements of this consent.

8. The Applicant shall not commence Stage 3 before the resource reprocessing facility is operational.

Limits of Approval

9. The Applicant shall only receive, store, process, or dispose of Class 1 solid waste on the site.

   Note: This includes putrescible waste, that is assessed as inert waste or solid waste following the technical assessment procedure in Technical Appendix 1 of the Waste Guidelines, or specified as inert waste or solid waste in Schedule 1 of the Protection of the Environment Operations Act 1997; and asbestos waste (including asbestos waste in bonded matrix and asbestos fibre and dust waste resulting from the removal of thermal or acoustic insulating materials or from processes involving asbestos material, and dust from ventilation collection systems).

10. The Applicant shall ensure that no more than:
    (a) 50,000 tonnes of waste is disposed of to landfill on the site during Stage 1; and
    (b) 1.5 million tonnes of waste is disposed of to landfill on the site during the life of the development.

11. During Stage 1, the Applicant shall only receive waste from the Cabonne LGA on the site. However, during an emergency (such as an outbreak of disease), the Applicant may also receive waste from the Orange LGA with the prior written approval of the Director-General.

12. During the commissioning of Stage 2 and Stage 3, the Applicant shall only receive waste from the Cabonne and Orange LGAs on the site.

Structural Adequacy

13. The Applicant shall ensure that any 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 Applicant is required to obtain construction and occupation certificates for any building works.*
- *Part 8 of the EP&A Regulation sets out the detailed requirements for the certification of development.*

Demolition

14. The Applicant shall ensure that all demolition work is carried out in accordance with *AS 2601-2001: The Demolition of Structures,* or its latest version.

Operation of Plant and Equipment

15. The Applicant shall ensure that the plant and equipment used on site, or in connection with the development, is:
(a) maintained in a proper and efficient condition; and
(b) operated in a proper and efficient manner.

SCHEDULE 3
SPECIAL ENVIRONMENTAL CONDITIONS

WASTE MINIMISATION

Waste Minimisation Strategy

1. The Applicant shall prepare and implement a Waste Minimisation Strategy for the Cabonne and Orange LGAs to the satisfaction of the Director-General. This strategy must:
   (a) be submitted to the Director-General for approval prior to the commencement of operations;
   (b) be prepared by a suitably qualified and experienced expert whose appointment has been endorsed by the Director-General;
   (c) be prepared in consultation with the DEC;
   (d) set the strategic framework for waste management in both LGAs over the next 20 years;
   (e) classify the different waste streams in each LGA, and establish baseline data for each waste stream;
   (f) establish short (4 years), medium (8 years) and long term (20 years) waste minimisation/diversion targets for each of these waste streams;
   (g) determine the maximum amount of waste (tonnages) on an annual basis that would be disposed of to landfill in the short and medium term;
   (h) describe what measures would be implemented to meet these targets, and minimise the amount of waste being disposed to landfill; and
   (i) include a program to monitor the effectiveness of these measures, and whether the targets are being met.

Waste Minimisation/Diversion Targets

2. The Applicant shall comply with the waste minimisation/diversion targets in the Waste Minimisation Strategy, or any alternate targets set by the Director-General.

LANDFILL CONSTRUCTION, OPERATION, & REHABILITATION

Leachate Management System

3. The Applicant shall:
   (a) install a leachate barrier system on any surface to be used for the direct impoundment of leachate;
   (b) ensure that this leachate barrier system has:
      - a re-compacted clay or modified soil layer of at least 90 centimetres thick with an in situ coefficient of permeability of less than 1×10^{-9} m/s; and
      - a longitudinal gradient design of at least 1% and a transverse gradient design of 3%;
   (c) collect all leachate in excess of the field capacity of the waste in a leachate collection and storage system to prevent it from escaping from the landfill to surface water, groundwater or subsoil;
   (d) treat all water that has entered areas filled with waste, or been contaminated by leachate, as leachate;
   (e) ensure that:
      - the leachate collection and storage system is capable of accepting a 1 in 20 year, one day duration storm event without overflowing;
      - the floor of the leachate evaporation ponds has a re-compacted clay or modified soil layer of at least 90 centimetres thick with an in situ coefficient of permeability of less than 1×10^{-9} m/s;
      - the leachate evaporation ponds have a 0.5 metre freeboard at all times; and
      - perforated collector pipes are placed within the drainage layer at intervals of not more than 50 metres to facilitate the collection and discharge of leachate. These pipes should generally:
         - be a minimum 150 millimetres in diameter;
         - be strong enough not to collapse under the weight of the waste;
         - have a minimum longitudinal gradient of at least 1%; and
         - be capable of being rinsed and monitored.

Waste Acceptance & Screening

4. The Applicant shall:
   (a) implement suitable procedures to:
      - ensure that the site does not accept wastes that are prohibited; and
      - screen incoming waste loads;
   (b) install suitable signs at the entry to the site, indicating the types of waste that are permitted to be accepted and those wastes that are prohibited; and
   (c) ensure that:
      - all waste sludges and wastes that are controlled under a tracking system have all the appropriate documentation prior to acceptance at the site; and
      - staff receive adequate training in order to be able to recognise and handle hazardous or other unapproved wastes.

Landfill Operations

5. The Applicant shall:
   (a) minimise the exposed or cleared areas at the landfill;
   (b) progressively revegetate any areas exposed for greater than 30 days;
   (c) fill the landfill cells in a systematic manner;
   (d) maximise landfill compaction rates;
   (e) cover the active landfill area with at least 150mm of material (or a suitable alternative) at the end of daily waste disposal and compaction activities; and
   (f) progressively cap landfill cells with a seal bearing surface and revegetation layer once they reach their final design height.

Monitoring

6. The Applicant shall keep accurate records of the:
   (a) quantity, type and source of waste received, processed and disposed of on site;
   (b) quantity and type of waste products produced on site; and
   (c) volume of landfill space consumed and associated compaction rates.

Litter Control

7. The Applicant shall:
   (a) implement suitable measures to prevent the unnecessary proliferation of litter both on and off site; and
   (b) inspect and clear the site (and if necessary, surrounding area) of litter on a daily basis.

Pest, Vermin & Noxious Weed Management

8. The Applicant shall:
   (a) implement suitable measures to manage pests, vermin and declared noxious weeds on site; and
   (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in surrounding area.

Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.

Rehabilitation & Closure

9. The Applicant shall progressively rehabilitate the site to the satisfaction of the Director-General in a manner that is generally consistent with section 3.11 of the EIS (and shown conceptually in Appendix 2).

Note: Under Section 76 of the POEO Act, the Applicant is required to submit a Landfill Closure Plan to the DEC for the development at least 3 months prior to the completion of landfill activities at the site.

SOIL, WATER & LEACHATE MANAGEMENT

Discharge Limits

10. Except as may be expressly provided in an EPL for the development, the Applicant shall comply with section 120 of the *Protection of the Environment Operations Act 1997.*

Leachate Disposal

11. The Applicant shall:
   (a) only irrigate the leachate to the surface of completed landfill cells;
   (b) test the quality of the leachate before it is used for irrigation; and
   (c) ensure that:
      - the spray from the irrigated leachate does not drift beyond the boundary of the completed landfill cells; and
      - the volume of leachate directed to the irrigation area does not exceed the capacity of the area to assimilate leachate.

Bunding

12. The Applicant shall store all chemicals, fuels and oils used on site in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. These bunds shall be designed and installed in accordance with the requirements of all relevant Australian Standards, and/or DEC's Environmental Protection Manual *Technical Bulletin Bunding and Spill Management.*

Soil, Water and Leachate Management Plan

13. The Applicant shall prepare and implement a Soil, Water and Leachate Management Plan for the site to the satisfaction of the Director-General. This plan must:
    (a) be submitted to the Director-General for approval prior to construction;
    (b) be prepared by a suitably qualified and experienced expert;
    (c) be prepared in consultation with the DEC and DNR; and
    (d) include:
    - a site water balance;
    - an erosion and sediment control plan;
    - a stormwater management scheme;
    - a surface water, groundwater and leachate monitoring program; and
    - a surface water, groundwater and leachate response plan.

14. The site water balance must:
    (a) include details of all water extracted, transferred, used and/or discharged by the development;
    (b) identify the source of all water collected or stored on the site, including rainfall, stormwater and groundwater;
    (c) describe the measures that would be implemented to minimise water use on site.

15. The erosion and sediment control plan must:
    (a) be consistent with the requirements in the latest version of *Managing Urban Stormwater: Soils and Construction* (Landcom);
    (b) identify the activities on site that could cause soil erosion and generate sediment; and
    (c) describe what measures would be implemented to:
    - minimise soil erosion and the transport of sediment to downstream waters, including the location, function and capacity of any erosion and sediment control structures; and
    - maintain these structures over time.

16. The stormwater management scheme must:
    (a) be consistent with the guidance in the latest version of *Managing Urban Stormwater: Council Handbook* (DEC); and
    (b) include the detailed plans for the proposed surface water management system (shown conceptually in Appendix 3).

17. The surface water, groundwater, and leachate monitoring program must:
    (a) be generally consistent with the guidance in sections 4-8 of Appendix A of the DEC's *Environmental Guidelines for Solid Waste Landfills* (1996, or the relevant sections of the latest version of the guideline); and
    (b) include:
    - baseline data;
    - details of the proposed monitoring network; and
    - the parameters for testing and respective trigger levels for action under the surface water, groundwater and leachate response plan (see below).

18. The surface water, groundwater and leachate response plan must:
    (a) include a protocol for the investigation, notification and mitigation of any exceedances of the respective trigger levels; and
    (b) describe the array of measures that could be implemented to respond to any surface or groundwater contamination that may be caused by the development.

ODOUR

19. The Applicant shall not cause or permit the emission of offensive odours beyond the boundary of the site.

    Note: Offensive odour is defined under Section 129 of the POEO Act.

LANDFILL GAS

20. The Applicant shall prepare and implement a Landfill Gas Management Plan for the development to the satisfaction of the Director-General. This plan must:
    (a) be submitted to the Director-General for approval prior to commencement of operations;
    (b) be prepared by suitably qualified and experienced expert;
    (c) be prepared in consultation with the DEC;
    (d) include:
    - a program for monitoring subsurface gas, surface gas emission, and gas accumulation in general accordance with the guidance in sections 15-18 of Appendix A of the DEC's *Environmental Guidelines for Solid Waste Landfills*; and
    - a protocol for remediating uncontrolled landfill gas emissions.

AIR QUALITY

Impact Assessment Criteria

21. The Applicant shall ensure that dust generated by the development does not cause additional exceedances of the criteria listed in Tables 1 to 3 at any residence on, or on more than 25 percent of, any privately owned land.

Table 1: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 μg/m^3
Particulate matter < 10 μm (PM_{10})	Annual	30 μg/m^3

Table 2: Short term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 μm (PM_{10})	24 hour	50 μg/m^3

Table 3: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m^2/month	4 g/m^2/month

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS/NZS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.

Monitoring

22. The Applicant shall prepare and implement an Air Quality Monitoring Program for the development, in consultation with DEC, and to the satisfaction of the Director-General. This program must be submitted to the Director-General for approval prior to construction, and include an air monitoring protocol for evaluating compliance with the air quality impact assessment criteria in this consent.

Note: Initially, this program may concentrate on monitoring the dust deposition impacts of the development. However, in time, it may be expanded to include other pollutants.

NOISE

Impact Assessment Criteria

23. The Applicant shall ensure that the noise generated by the development does not exceed the limits in Table 4.

Table 4: Noise impact assessment criteria dB(A)

Receiver	Day/Evening/Night $L_{Aeq(15\ minute)}$
Residences on privately-owned land (during construction)	40
Residences on privately-owned land (during operations)	35

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 (rural situations) where the dwelling is more than 30 metres from the boundary, to determine compliance with the $L_{Aeq(15\ minute)}$ noise limits in the above table. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DEC 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; or*
- *temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.*

Operating Hours

24. The Applicant shall comply with the operating hours in Table 5.

Table 5: Operating Hours

Activity	Day	Hours
Construction	Monday - Friday	7 am – 6 pm
	Saturday	7 am – 1 pm
	Sunday & Public Holidays	Nil
Operation	Monday - Sunday	7am – 5 pm
	Good Friday & Christmas Day	Nil
Emergency	Monday - Sunday	Anytime

HAZARDS & RISKS

Security

25. The Applicant shall:
    (a) prevent unauthorised entry to the site; and
    (b) install and maintain a perimeter stock fence and lockable security gates on site.

Fire Management

26. The Applicant shall:
    (a) implement suitable measures to minimise the risk of fire on site;
    (b) extinguish any fires on site promptly; and
    (c) maintain adequate fire-fighting capacity on site.

Bio-security Management

27. The Applicant shall prepare and implement a Bio-security Risk Minimisation Plan for the development, in consultation with DPI and the adjoining apiarists, and to the satisfaction of the Director-General. This plan must:
    (a) be submitted to the Director-General for approval prior to commencement of operations;
    (b) be prepared by a suitably qualified and experienced expert;
    (c) describe the measures that would be implemented to minimise robber bee activity on the site, and any other identified bio-security risks; and
    (d) include a program to monitor the effectiveness of these measures.

28. If there is an outbreak of American Foulbrook (AFB), or any other disease, at any of the apiaries in close proximity to the site; and the apiarist considers the development to be responsible for the outbreak, then he/she may submit a written request to the Applicant for an independent investigation into the outbreak.

    Within 3 months of receiving such a request the Applicant shall:
    (a) commission a suitably qualified, experienced, and independent expert whose appointment has been endorsed by the Director-General to:
        - investigate the cause/s of the outbreak;
        - estimate the financial costs of controlling the outbreak and restoring production to pre-outbreak rates at the apiary; and
    (b) give the apiarist a copy of the independent report.

    If this report confirms the apiarist's claims, and both parties agree with these findings, then the Applicant shall compensate the apiarist for any reasonable losses incurred as a result of the outbreak to the satisfaction of the Director-General.

    However, if either party disagrees with the independent report's findings, then he/she may refer the matter to the Director-General for resolution.

    If the matter cannot be resolved in 21 days, the Director-General shall refer the matter to an independent panel for resolution (see Appendix 4 for an outline of this dispute resolution process).

ABORIGINAL HERITAGE

29. The Applicant shall:
    (a) protect the scarred tree on site (referred to as Molong ST 1 in the EIS) during the life of the development; and

(b) recover the 2 artefacts found in the south-western corner of the site (referred to as Molong OS 1 in the EIS) prior to construction,

in consultation with the Local Aboriginal Land Council, and to the satisfaction of the DEC.

VISUAL AMENITY

Visual Bunds & Screens

30. The Applicant shall:
    (a) construct the proposed northern and southern visual amenity bunds and plant the proposed vegetation screens (shown conceptually in Appendix 1) prior to commencement of operations; and
    (b) suitably maintain these bunds and screens,

    to the satisfaction of the Director-General.

Lighting

31. The Applicant shall ensure that all external lighting associated with the development:
    (a) does not create a nuisance to surrounding properties or roadways; and
    (b) complies with *AS 4282(INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting.*

FLORA AND FAUNA MANAGEMENT

Conservation

32. The Applicant shall:
    (a) actively manage the areas outside the proposed disturbance areas (shown in broad terms on the map in Appendix 5) for conservation purposes;
    (b) improve the quality of the vegetation in these areas; and
    (c) where practicable, increase the amount of White Box-Yellow Box-Blakely's Red Gum Woodland vegetation on the site,

    to the satisfaction of the Director-General.

Conservation Management Plan

33. The Applicant shall prepare and implement Conservation Management Plan for the conservation areas to the satisfaction of the Director-General. This plan must:
    (a) be prepared by suitably qualified and experienced expert/s whose appointment has been approved by the Director-General;
    (b) be prepared in consultation with DEC and the Grassy Box Woodland Conservation Management Network;
    (c) define the conservation objectives for the areas;
    (d) outline in broad terms what measures would be implemented in the short (4 years), medium (8 years) and long term (20 to 40 years) to achieve these objectives;
    (e) define baseline and completion criteria for these conservation areas;
    (f) describe in detail what measures would be implemented over the next 4 years to:
        - improve the quality of the vegetation, and increase the amount of White Box-Yellow Box-Blakely's Red Gum Woodland vegetation, in these areas;
        - minimise any adverse impacts on fauna across the site, in particular the Superb Parrot;
        - collect and propagate seed;
        - control pests, vermin, and noxious weeds;
        - control access;
        - minimise the risk of bushfires; and
        - minimise any potential conflicts with Aboriginal heritage values (such as the scarred tree);
    (g) describe how the performance of these measures would be monitored over time.

TRANSPORT

Road Safety Audit

34. Prior to construction, the Applicant shall:
    (a) commission a suitably qualified and experienced expert to conduct a road safety audit of Euchareena Road between Watson Street (Mitchell Highway) and the site entrance in consultation with the Western Region Development Committee; and
    (b) implement the recommended measures in the road safety audit to the satisfaction of Cabonne Council.

On-site Road Works & Parking

35. The Applicant shall:
    (a) provide sufficient car parking on site to accommodate the parking demand of the development;
    (b) construct a sealed road from Euchareena Road to the gatehouse/waste reception area; and
    (c) ensure that the:
    - car parking is constructed in accordance with the relèvant requirements of *Australian Standard AS 2890.1-2004*;
    - internal road network is constructed in accordance with the relevant requirements of *Australian Standard AS 2890.2-2002*; and
    - entrance gates are installed a suitable distance from Euchareena Road so that, at the minimum, a semi-trailer can stand completely clear of the road and stock movement corridor.

Stage 1 Road Works

36. Prior to Stage 1 operations, the Applicant shall:
    (a) construct an AUR/AUL intersection at the site entrance;
    (b) install warning signs on both approaches to the site entrance; and
    (c) provide a suitable stock movement corridor along the site frontage, in consultation with the users of the corridor,

    to the satisfaction of Cabonne Council.

Stage 3 Road Works

37. Prior to Stage 3 operations, the Applicant shall upgrade the Watson Street (Mitchell Highway)/Euchareena Road intersection to the satisfaction of the RTA.

38. Prior to Stage 3 operations, the Applicant shall:
    (a) widen the pavement on Euchareena Road to provide lanes of at least 3.5 metres and shoulders of at least 2 metres;
    (b) widen the Back Creek bridge/culvert to a full width formation; and
    (a) upgrade the level crossing on Euchareena Road to provide adequate line marking and signposting in accordance with the requirements for active-controlled crossings in Australian Standard AS 1742.7 1993,

    to the satisfaction of Cabonne Council.

Road Maintenance Contributions

39. Each year during Stage 3 operations, or as otherwise agreed by both parties, the Applicant shall make a reasonable contribution to Cabonne Council towards the cost of maintaining (and if necessary, upgrading) Euchareena Road between Watson Street (Mitchell Highway) and the site entrance. If there is any disagreement about what constitutes a reasonable contribution, then either party may refer the matter to the Director-General for resolution.

Heavy Vehicle Restrictions

40. The Applicant shall ensure that:
    (a) all heavy vehicles associated with the development use the designated heavy vehicle route along Euchareena Road between Watson Street (Mitchell Highway) and the site;
    (b) no heavy vehicles associated with the development use the designated heavy vehicle route during school bus operations on the route;
    (c) heavy vehicles entering or leaving the site with loads are suitably covered; and
    (d) heavy vehicles leaving the site are cleaned of materials that may fall on the road before they are allowed to leave the site.

Transport Code of Conduct

41. The Applicant shall prepare and implement a Transport Code of Conduct for the development to the satisfaction of the Director-General. This protocol must:
    (a) be submitted to the Director-General for approval prior to construction;
    (b) be prepared in consultation with the RTA; Cabonne Council and the school bus operators; and
    (c) describe the measures that would be implemented to:
    - minimise the impacts of the development on the local and regional road network, including traffic noise; and
    - ensure that no heavy vehicles use the designated heavy vehicle route during school bus operations on the route.

SCHEDULE 4
ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING & REPORTING

LANDFILL ENVIRONMENTAL MANAGEMENT PLAN

1. The Applicant shall prepare and implement a Landfill Environmental Management Plan for the development to the satisfaction of the DEC and Director-General. This plan must:
   (a) be submitted to the Director-General for approval prior to commencement of operations;
   (b) be prepared by a suitably qualified and experienced expert;
   (c) describe in detail the management measures that would be implemented to address:
      - the relevant matters referred to in Section 3.3 and Appendix A of the DEC's *Environmental Guidelines for Solid Waste Landfills*; and
      - the conditions of this consent;
   (d) include a copy of:
      - the Waste Minimisation Strategy;
      - the management plans and monitoring programs required in Schedule 3 of this consent;
      - a quality assurance program for the design and installation of the leachate management system and any capping of the landfill cells that has been developed in accordance with *Australian Standard AS 3905.2*, and covers the relevant issues outlined in sections 1 – 2 of Appendix A of the DEC's *Environmental Guidelines for Solid Waste Landfills*;
   (e) describe the procedures that would be implemented to:
      - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
      - receive, handle, respond to, and record complaints;
      - resolve any disputes that may arise during the course of the development; and
      - respond to emergencies; and
   (f) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development.

ENVIRONMENTAL MANAGER

2. The Applicant shall employ a suitably qualified and expert, whose appointment has been endorsed by the Director-General, to oversee the environmental management of the development, and ensure compliance with the conditions of this consent.

REPORTING

Compliance Reporting

3. Prior to construction, Stage 1 operations, and Stage 2 operations, the Applicant shall certify in writing to the Director-General, that it has complied with all the relevant conditions of this consent.

Incident Reporting

4. The Applicant shall notify the DEC and the Director-General as soon as practicable (within 3 hours) of detecting an incident causing, or threatening to cause material harm to the environment, or an exceedance of the limits/performance criteria in this consent.

5. Within 7 days of providing this notice, the Applicant shall provide a written report to the DEC and Director-General. This report must:
   (a) describe the date, time, and nature of the incident;
   (b) identify the cause, or likely cause, of the incident; and
   (c) describe what action has been taken to date address the incident, and what actions are proposed to be implemented in the future to either address the consequences of the incident or avoid a recurrence of the incident.

Annual Reporting

6. Each year following the commencement of operations, the Applicant shall submit an AEMR to the Director-General and relevant agencies. The AEMR shall:
   (a) identify the standards and performance measures that apply to the development;
   (b) describe the works carried out in the last 12 months;
   (c) describe the works that will be carried out in the next 12 months;
   (d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
   (e) include a summary of the monitoring results for the development during the past year;
   (f) include an analysis of these monitoring results against the relevant:
      - impact assessment criteria;

- monitoring results from previous years; and
- predictions in the EIS;

(g) identify any trends in the monitoring results over the life of the development;
(h) identify any non-compliance during the previous year; and
(i) describe what actions were, or are being taken to ensure compliance.

INDEPENDENT ENVIRONMENTAL AUDIT

7. Within 2 years of the commencement of operations, and every 4 years thereafter, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
   (a) be carried out by a suitably qualified, experienced and independent audit team containing a waste management specialist, whose appointment has been endorsed by the Director-General;
   (b) include consultation with the DEC;
   (c) assess the environmental performance of the development, and its effects on the surrounding environment;
   (d) determine whether the development is complying with the relevant standards, performance measures and statutory requirements;
   (e) review the effectiveness of the Waste Minimisation Strategy for both LGAs;
   (f) review the adequacy of the Landfill Environmental Management Plan for the development, compliance with the requirements of this approval, and other licences and approvals; and, if necessary,
   (g) recommend measures or actions to improve the environmental performance of the development, the Waste Minimisation Strategy and/or the Landfill Environmental Management Plan for the development.

8. Within 3 months of commissioning this audit, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the audit report to the Director-General, with a response to any recommendations contained in the audit report.

9. Within 3 months of submitting a copy of the audit report to the Director-General, the Applicant shall review and if necessary revise the Waste Minimisation Strategy and Landfill Environmental Management Plan for the development to the satisfaction of the Director-General.

ACCESS TO INFORMATION

10. Within 1 month of the approval of any strategy, plan or program required under this consent, or the completion of any independent audit or AEMR required under this consent, the Applicant shall:
    (a) ensure that a copy of the relevant documents is made publicly available at the offices of both councils and on site; and
    (b) provide a copy of the relevant document/s to any interested party upon request.

APPENDIX 1: CONCEPTUAL SITE LAYOUT

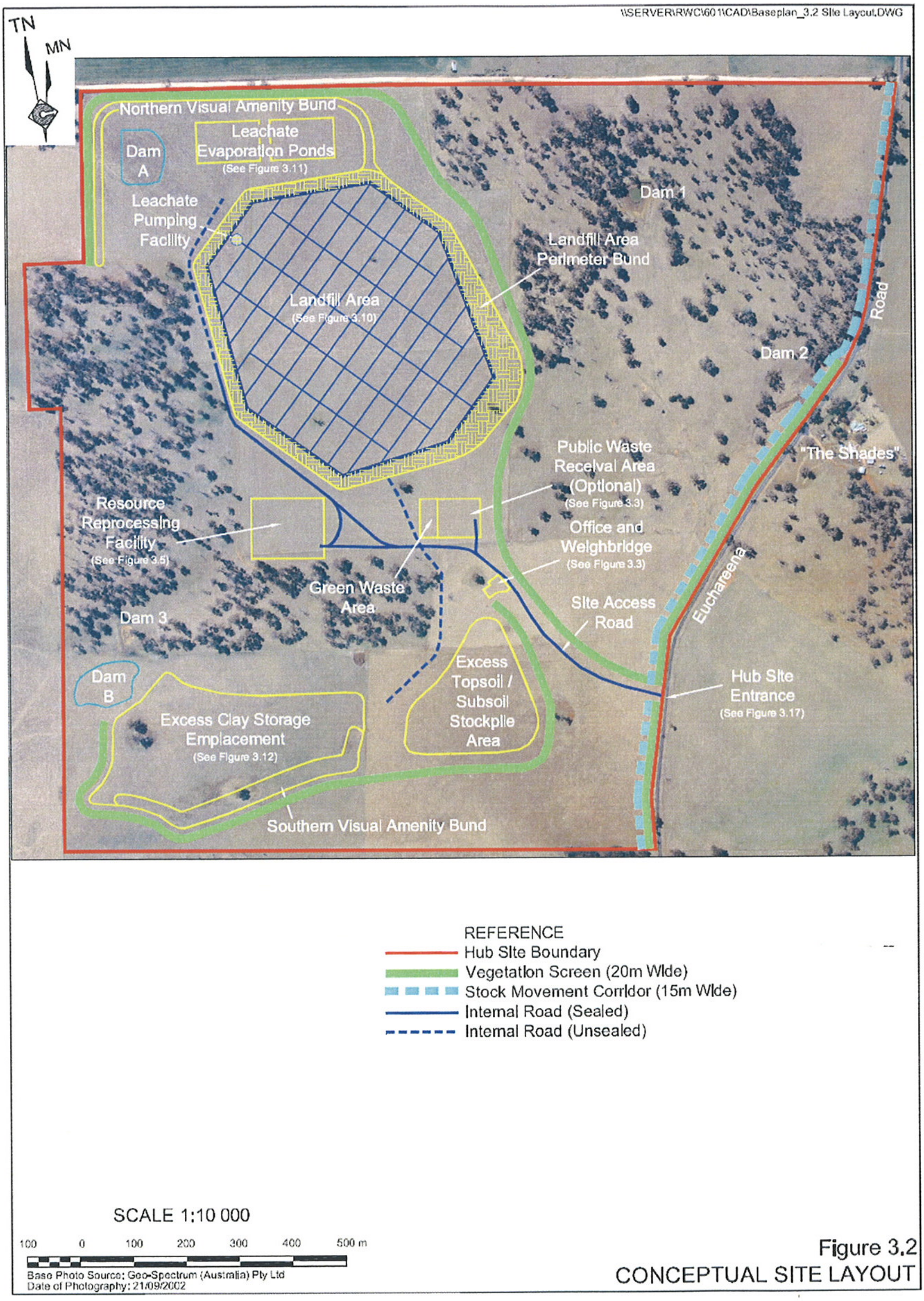


Figure 3.2
CONCEPTUAL SITE LAYOUT

APPENDIX 2: CONCEPTUAL FINAL LANDFORM OF LANDFILL AREA

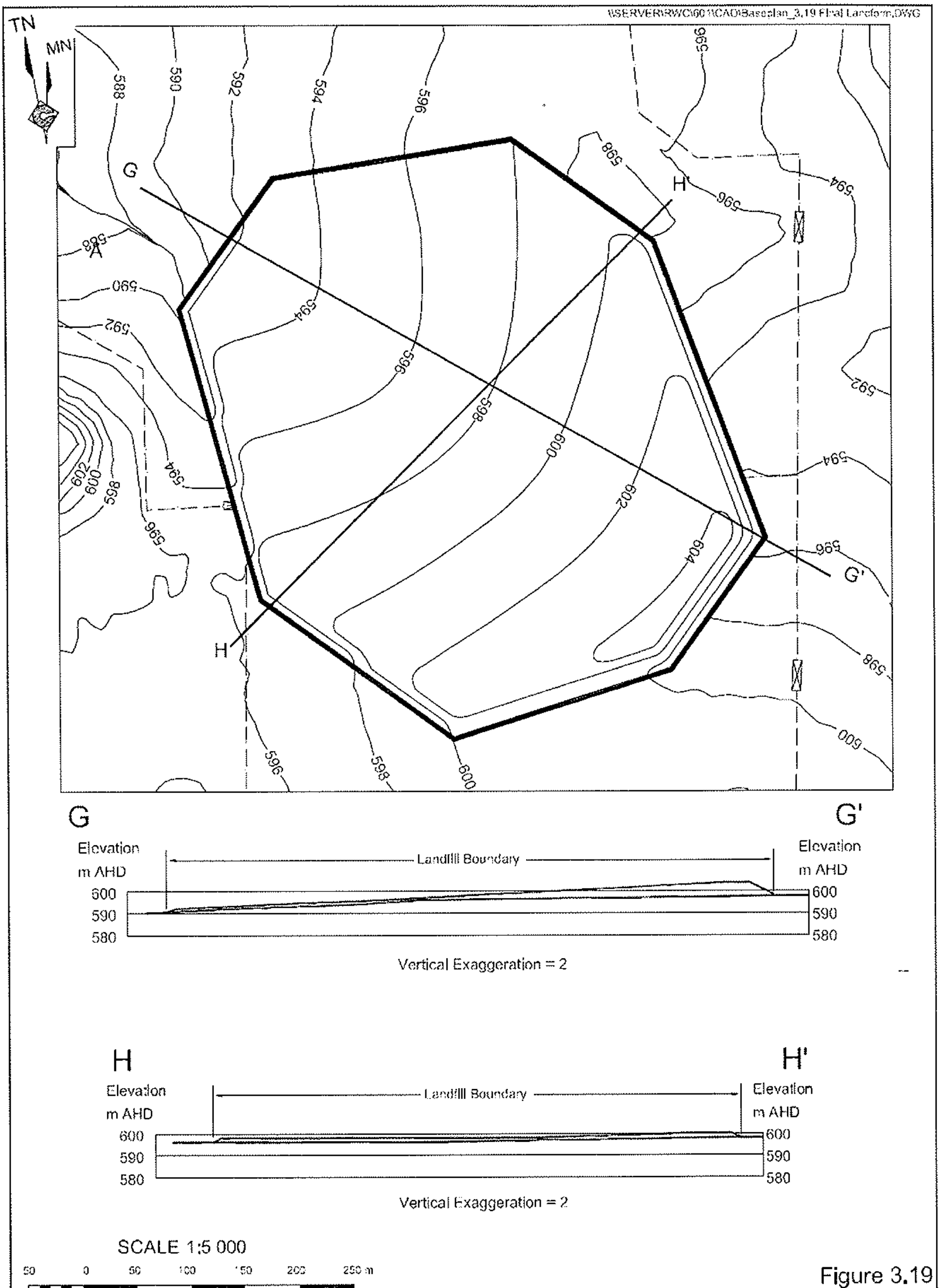


Figure 3.19
LANDFILL AREA FINAL LANDFORM

APPENDIX 3: CONCEPTUAL SURFACE WATER MANAGEMENT SYSTEM

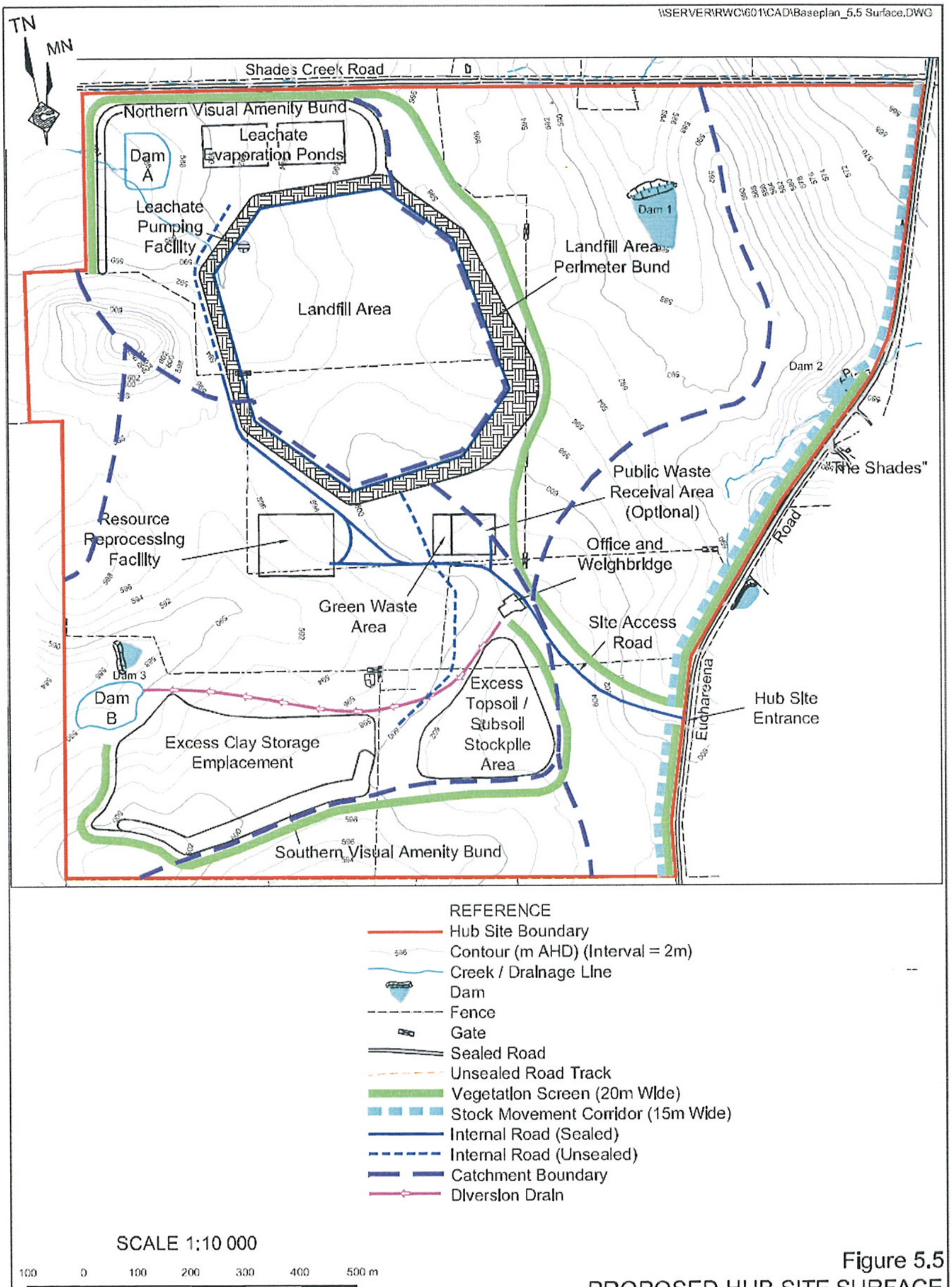
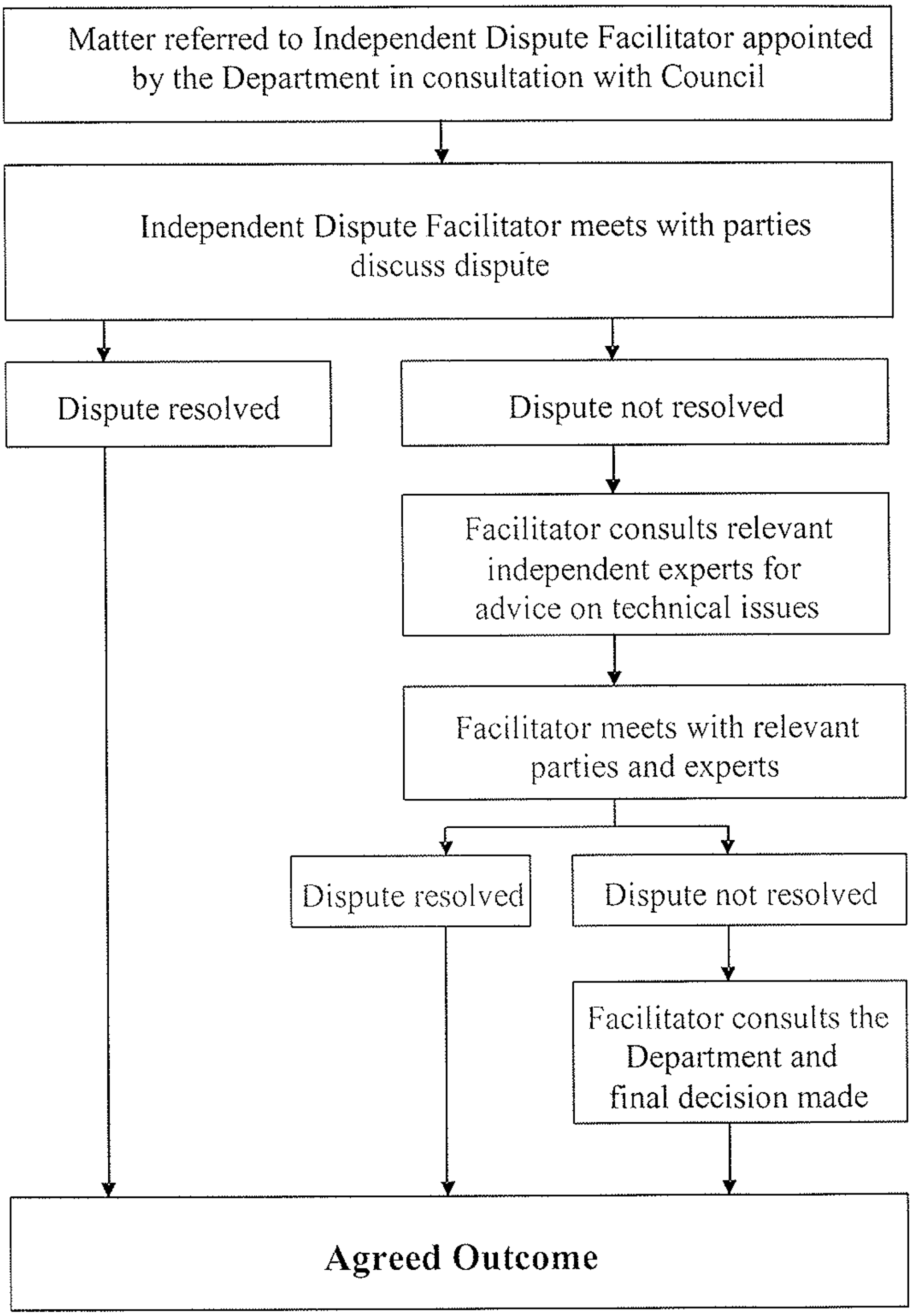


Figure 5.5
PROPOSED HUB SITE SURFACE WATER MANAGEMENT

APPENDIX 4: DISPUTE RESOLUTION PROCESS

Independent Dispute Resolution Process (Indicative only)



APPENDIX 5: INDICATIVE CONSERVATION MANAGEMENT AREAS

\\SERVER\RWC\601\CAD\Baseplan_5.12 Vegetation.DWG

Grid: MGA (Zone 55)

REFERENCE

Hub Site Boundary (Fenced)

Quadrat (20m x 20m)

Community 1 - White Box Yellow Box & Blakely's Red Gum Community

Community 2 - Cleared Grassland Community

SCALE 1:10 000

100 0 100 200 300 400 500 m

Base Photo Source: Geo-Spectrum (Australia) Pty Ltd
Date of Photography Used for Mapping: 21/09/2002
Source: Geoff Cunningham Natural Resource Consultants (2005b) - Figure 3

Figure 5.12
VEGETATION COMMUNITIES AND QUADRAT LOCATIONS