

# Development Consent

## Section 4.38 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, 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 development

Name

Role

Branch

Sydney

2022

File: EF19/12317

### SCHEDULE 1

**Application Number:**

SSD 5339

**Applicant:**

The Trustee for Minto Property Trust

**Consent Authority:**

Minister for Planning

**Site:**

7 Montore Road, Minto, Lot 52 DP 618900

**Development:**

Construction and operation of a resource recovery facility with the capacity to accept and process up to 450,000 tonnes per annum of construction and demolition waste

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## DEFINITIONS

<b>Additional Information</b>	The Applicant's addendum response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the documents titled, Minto Resource Recovery Facility (SSD-5339) 3 November 2021 – Request for Additional Information dated 21 February 2022 and Minto Resource Recovery Facility (SSD-5339) 21 February 2022 – Request for Additional Information dated 27 April 2022
<b>Asbestos Management Plan</b>	Asbestos Management Plan included in the RTS, prepared by ei Australia dated 15 April 2021
<b>Applicant</b>	The Trustee for Minto Property Trust or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Calendar year</b>	A period of 12 months commencing on 1 January
<b>Carrier</b>	Operator of a telecommunication network and/ or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
<b>Certifier</b>	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
<b>Councils</b>	Campbelltown City Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Decommissioning</b>	The controlled process of safely retiring a facility from service, including decontamination, dismantling and disposal after the cessation of operations.
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in Schedule 1, the EIS and Response to Submissions, and Additional Information including the works and activities comprising construction and operation of a resource recovery facility processing up to 450,000 tonnes per annum of construction and demolition waste as modified by the conditions of this consent.
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>DPIE</b>	Department of Planning, Industry and Environment
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>EES</b>	Environment, Energy and Science Group (former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled Environmental Impact Statement Resource Recovery Facility SSD 5339, prepared by Nexus Environmental Planning Pty Ltd dated 13 October 2020 submitted with the application for consent for the development,
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	As defined in section 1.4 of the EP&A Act
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act

<b>Evening</b>	The period from 6 pm to 10 pm
<b>Evening shoulder</b>	The period from 6 pm to 7 pm Monday to Friday
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
<b>Morning shoulder</b>	The period from 6 am to 7 am Monday to Friday
<b>Night</b>	The period from 10 pm to 7 am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>NRAR</b>	Natural Resources Access Regulator, DPIE
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The receipt, storage and processing of concrete, brick, asphalt, sandstone and sand as described in the EIS and RTS
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>Principal Certifier</b>	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act
<b>Planning Secretary</b>	Secretary of the Department, or delegate
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Remedial Action Plan</b>	Remedial Action Plan included in the EIS, prepared by ei Australia dated 24 March 2020
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the

document titled Resource Recovery Facility SSD 5339 Concrete Recyclers Pty Ltd prepared by Nexus Environmental Planning Pty Ltd and dated 13 September 2021

<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Appendix 1.
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

## **SCHEDULE 2**

### **PART A ADMINISTRATIVE CONDITIONS**

#### **OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

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

#### **TERMS OF CONSENT**

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the EIS, Response to Submissions and the Additional Information;
  - (d) in accordance with the Development Layout in Appendix 1; and
  - (e) in accordance with the management and mitigation measures in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### **LIMITS OF CONSENT**

##### **Lapsing**

- A5. This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.
- A6. The Applicant must not:
- (a) receive and process more than 450,000 tonnes per annum (tpa) of general solid waste (non-putrescible) limited to concrete, asphalt, sandstone and sand from the building and demolition industry; and
  - (b) store more than 50,000 tonnes of unprocessed waste and 22,000 tonnes of processed waste (product) at any one time.

#### **NOTIFICATION OF COMMENCEMENT**

- A7. The date of commencement of each of the following phases of the development must be notified to the Planning Secretary in writing, at least one month before that date, or as otherwise agreed with the Planning Secretary:
- (a) construction;
  - (b) operation;
  - (c) cessation of operations; and
  - (d) decommissioning.
- A8. If the construction or operation or decommissioning of the development is to be staged, the Planning Secretary must be notified in writing, at least one month before the commencement of each stage (or other timeframe agreed with the Planning Secretary), of the date of commencement and the development to be carried out in that stage.

#### **EVIDENCE OF CONSULTATION**

- A9. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - (b) provide details of the consultation undertaken including:

- (i) the outcome of that consultation, matters resolved and unresolved; and
- (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### **STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS**

- A10. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
  - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
  - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A11. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A12. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

#### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- A13. Before the commencement of construction of the development, the Applicant must consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
- A14. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

#### **DEMOLITION**

- A15. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

#### **STRUCTURAL ADEQUACY**

- A16. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

*Note:*

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

#### **COMPLIANCE**

- A17. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

#### **CONTRIBUTIONS TO COUNCIL**

- A18. Before the issuing of an occupation certificate for any part of the development, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.

*Note: There are approval requirements for imposing a condition under section 7.12 in respect of land within a special contributions area.*

#### **OPERATION OF PLANT AND EQUIPMENT**

- A19. All plant and equipment used on site, or to monitor the performance of the development, must be:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## **EASEMENTS**

- A20. Within 12 months after the date of this consent, an easement under section 88A and/or restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* naming the Council as the prescribed authority, which can only be revoked, varied or modified with the consent of the Council, and which provides for the passage of flood water must be registered on title of Lot 52 DP 618900.

## **EXTERNAL WALLS AND CLADDING**

- A21. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A22. Prior to the issuing of:
- (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
  - (b) an Occupation Certificate,
- the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.
- A23. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

## **UTILITIES AND SERVICES**

- A24. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A25. Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

## **WORK AS EXECUTED PLANS**

- A26. Before the issuing of the Occupation Certificate for the development, work-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

## **APPLICABILITY OF GUIDELINES**

- A27. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A28. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.



## **ADVISORY NOTES**

- AN1.** All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

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## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### TRAFFIC AND ACCESS

#### Construction Traffic Management Plan

- B1. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
  - (c) detail heavy vehicle routes, access and parking arrangements;
  - (d) include a **Construction Driver Code of Conduct** to:
    - (i) minimise the impacts of earthworks and construction on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise; and
    - (iv) ensure truck drivers use specified routes;
  - (e) include a program to monitor the effectiveness of these measures; and
  - (f) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B2. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan required by condition B1 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

#### Roadworks and Access

- B3. The Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed access to the development is designed to accommodate the turning path of 20 m standard articulated vehicle and in accordance with Council's Engineering Guidelines.

#### Parking

- B4. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

#### Operational Traffic Management Plan

- B5. Prior to the commencement of operation, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for the development to the satisfaction of the Planning Secretary. The OTMP must form part of the OEMP required by Condition C5 and must:
- (a) be prepared by a suitably qualified and experienced person(s), whose appointment has been endorsed by the Planning Secretary;
  - (b) be prepared in consultation with Council;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency;
  - (d) detail heavy vehicle routes, access, and parking arrangements;
  - (e) include a stockpile management plan to describe how waste and product stockpiles will be managed to avoid encroaching onto the haulage route and allow the safe loading and unloading of heavy vehicles;
  - (f) include an **Operational Driver Code of Conduct** to:
    - (i) minimise the impacts on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise;
    - (iv) inform truck drivers of the site access arrangements and use of specified haul routes which exclude Raby Road between Campbelltown Road and Eagle Vale Drive;
    - (v) include a program to monitor the effectiveness of these measures; and
  - (g) include a Traffic Control Plan (TCP) detailing:

- (i) the on-site measures to be implemented to control the manoeuvring of vehicles in designated areas, including front-end loaders within the waste receipt and processing areas and mitigate the potential for on-site vehicle conflict; and
- (ii) installation of weighbridges and signage,

### **Operating Conditions**

B6. The Applicant must ensure:

- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004), *AS 2890.2:2018 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2018) and *AS 2890.6:2009 Parking facilities Off-street parking for people with disabilities* (Standards Australia, 2009)
- (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
- (c) the development does not result in any vehicles queuing on the public road network;
- (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
- (e) all vehicles are wholly contained on site before being required to stop;
- (f) all loading and unloading of materials is carried out on-site;
- (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network
- (h) a full-time traffic control officer is on-site to manage vehicle conflicts.

### **AIR QUALITY**

#### **Dust Minimisation**

- B7. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B8. During construction of the development, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (d) public roads used by these trucks are kept clean; and
  - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

#### **Air Quality Discharges**

- B9. The Applicant must fit and operate baghouses on the cement silo and pugmill and a dust extraction system on the processing plant in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.

#### **Site Hardstand**

- B10. The Applicant must seal the site with a 5% roller compacted concrete or asphalt in accordance with the air quality modelling provided at Attachment 5 to the Additional Information dated 22 February 2022.

#### **Air Quality Management Plan**

- B11. Prior to the commencement of operation, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The AQMP must form part of the OEMP required by condition C5. The AQMP must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) detail and rank all emissions from all sources of the development, including particulate emissions;
  - (c) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
  - (d) identify the control measures that will be implemented for each emission source, including enclosing the crushing equipment and sand washing plant and regularly sweeping and watering the stockpiles; and
  - (e) nominate the following for each of the proposed controls:
    - (i) key performance indicator;
    - (ii) monitoring method;

- (iii) location, frequency and duration of monitoring;
- (iv) record keeping;
- (v) complaints register;
- (vi) response procedures; and
- (vii) compliance monitoring.

B12. The Applicant must:

- (a) not commence operation until the Air Quality Management Plan required by condition B11 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Air Quality Management Plan approved by the Planning Secretary for the duration of the development.

## **SOILS, WATER QUALITY AND HYDROLOGY**

### **Imported Soil**

B13. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Planning Secretary upon request.

### **Erosion and Sediment Control**

B14. Prior to the commencement of any remediation or construction for the development, the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.

### **Discharge Limits**

B15. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

### **Stormwater Management System**

B16. Prior to the commencement of operation, the Applicant must design and install a stormwater management system for the development. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the conceptual design in the RTS and the Additional Information;
- (c) be in accordance with applicable Australian Standards;
- (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;
- (e) ensure all water discharged to Bow Bowing Creek is treated prior to discharge;
- (f) divert existing clean surface water around operational areas of the site.

### **Flood Management**

B17. Prior to the commencement of construction, the Applicant must prepare a Flood Emergency Response Plan to the satisfaction of the Planning Secretary. The Plan must form part of the CEMP and OEMP required by Conditions C2 and C5 and must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) address the provisions of the *Floodplain Risk Management Guideline* (OEH, 2007);
- (c) include details of:
  - (i) the flood emergency responses for both construction and operation phases of the development;
  - (ii) predicted flood levels;
  - (iii) flood warning time and flood notification;
  - (iv) assembly points and evacuation routes;
  - (v) evacuation and refuge protocols; and
  - (vi) awareness training for employees and contractors.

B18. The Applicant must:

- (a) not commence construction until the Flood Emergency Response Plan required by condition B17 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Flood Emergency Response Plan approved by the Planning Secretary for the duration of the development.

B19. All floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500 mm of freeboard.

B20. Any structures below the 1% Annual Exceedance Probability plus 500 mm of freeboard must be constructed from flood compatible building components.

#### Water Management Plan

B21. Prior to the commencement of operation, the Applicant must prepare a Water Management Plan to the satisfaction of the Planning Secretary. The Water Management Plan must form part of the OEMP required by condition C5. The Water Management Plan must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) detail water use, metering, disposal and management on-site;
- (c) detail the management of wastewater streams on-site;
- (d) include a **Surface Water Management Plan**, including:
  - (i) a program to monitor:
    - surface water flows and quality;
    - surface water storage and use; and
    - sediment basin operation;
  - (ii) surface water impact assessment criteria, including trigger levels for investigating any potential adverse surface water impacts; and
  - (iii) a protocol for the investigation and mitigation of identified exceedances of the surface water impact assessment criteria.

B22. The Applicant must:

- (a) not commence operation until the Water Management Plan required by condition B21 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.

#### NOISE

##### Hours of Work

B23. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

**Table 1** Hours of Work

Activity	Day	Time
Remediation, earthworks and construction	Monday – Friday Saturday	7 am to 6 pm 8 am to 1 pm
Truck deliveries and pick-ups	Monday – Friday Saturday Sunday and public holidays	6 am to 7 pm 7 am to 4 pm No work
Operation (including crushing, screening, pugmill and sand washing)	Monday – Friday Saturday Sunday and public holidays	7 am to 6 pm 7 am to 4 pm No work

B24. Works outside of the hours identified in condition B23 may be undertaken in the following circumstances:

- (a) works that are inaudible at the nearest sensitive receivers;
- (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- (c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

#### Construction Noise Limits

B25. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction

noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 2.

### Construction Noise Management Plan

- B26. Prior to the commencement of construction, the Applicant must prepare a Construction Noise Management Plan for the development to the satisfaction of the Planning Secretary. The Construction Noise Management Plan must form part of a CEMP in accordance with condition C2 and must:
- (a) be prepared by a suitably qualified and experienced noise expert
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
  - (c) describe the measures to be implemented to manage high noise generating works;
  - (d) include a complaints management system that would be implemented for the duration of the development.
- B27. The Applicant must:
- (a) not commence construction of any relevant stage of the development until the Construction Noise Management Plan required by condition B26 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Construction Noise Management Plan approved by the Planning Secretary for the duration of construction.

### Noise Walls

- B28. The Applicant must construct the 6-metre high noise walls around the perimeter of the site as described in the EIS and RTS, prior to the commencement of operation of any part of the development.

**Note:** *If construction of noise walls is to be staged, the Applicant must submit a noise verification study to the satisfaction of the Planning Secretary to demonstrate that the development will comply with the noise limits in condition B29 at all times.*

### Operational Noise Limits

- B29. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 2.

**Table 2** Noise Limits (dB(A))

Ref	Location	Morning Shoulder L <sub>Aeq</sub> (15 minute)	Morning Shoulder L <sub>Amax</sub>	Day L <sub>Aeq</sub> (15 minute)	Evening Shoulder L <sub>Aeq</sub> (15 minute)
A	18 Hebrides Place, St Andrews	52	63	53	53
B	14A Gleneagles Place, St Andrews	52	63	53	53
C	9 Troon Place, St Andrews	52	63	53	53

**Note** *Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy (EPA, 1999) (as may be updated or replaced from time to time). Refer to the plan in Appendix 4 for the location of residential sensitive receivers.*

### Post-Commissioning Noise Verification Report

- B30. A noise verification report must be submitted to EPA and the Planning Secretary within three months of the completion of commissioning of the development. The report must be prepared by a suitably qualified and experienced acoustic consultant, and include:
- (a) noise monitoring data obtained in accordance with the requirements of the EPL and during full operation of the site
  - (b) an analysis of compliance with noise limits specified in condition B29;
  - (c) an outline of management actions to be taken to address any exceedances of the limits specified in condition B29; and
  - (d) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

## Road Traffic Noise

- B31. Prior to the commencement of construction, the Applicant must implement the Driver Code of Conduct required by conditions B1 to minimise road traffic noise and continue to implement the Driver Code of Conduct required by B5 for the life of the development

## CONTAMINATION

### Unexpected Finds

- B32. Prior to the commencement of construction, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with Condition C2 and must ensure any material identified as contaminated is disposed of in accordance with the POEO Act and its associated regulations. Details of the final disposal location and the results of any associated testing must be submitted to the Planning Secretary prior to removal of the contaminated material from the site.

### Remediation

- B33. The Applicant must ensure the remediation works are undertaken by a suitably qualified and experienced consultant(s) in accordance with the Remedial Action Plan, Asbestos Management Plan and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.
- B34. Within one month of the completion of the remediation works, the Applicant must submit a Validation Report to the satisfaction of the Planning Secretary, which has been prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

### Asbestos

- B35. Any asbestos material encountered on the site must be disposed off-site to an appropriately licensed facility.
- B36. The Applicant must ensure that any asbestos encountered during the remediation and construction works for the development is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- (a) *Work Health and Safety Regulation 2017*;
  - (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
  - (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
  - (d) *Protection of the Environment Operations (Waste) Regulation 2014*.

## WASTE MANAGEMENT

### Waste Management Plan

- B37. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development to the satisfaction of the Planning Secretary. The Waste Management Plan must form part of the OEMP and be prepared in accordance with condition C5. The Plan must:
- (a) detail the type and quantity of waste to be generated during construction and operation of the development;
  - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Environment Protection Authority, 2014);
  - (c) detail the materials to be reused or recycled, either on or off site;
  - (d) include the Management and Mitigation Measures included in Appendix 2.
- B38. The Applicant must:
- (a) not commence operation until the Waste Management Plan is approved by the Planning Secretary;
  - (b) implement the most recent version of the Waste Management Plan approved by the Planning Secretary.

### Waste Storage and Processing

- B39. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

### Waste Monitoring Program

- B40. From the commencement of operation of the development, the Applicant must implement a Waste Monitoring Program for the development. The program must:
- (a) be prepared by a suitably qualified and experienced person(s) prior to the commencement of operation;

- (b) include suitable provision to monitor the:
  - (i) quantity, type and source of waste received on site; and
  - (ii) quantity, type and quality of the outputs produced on site; and
- (c) ensure that:
  - (i) all waste that is controlled under a tracking system has the appropriate documentation prior to acceptance at the site; and
  - (ii) staff receive adequate training in order to be able to recognise and handle any hazardous or other prohibited waste including asbestos.

### **Statutory Requirements**

- B41. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B42. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.
- B43. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.

### **Pests, Vermin and Priority Weed Management**

- B44. The Applicant must:
- (a) implement suitable measures to manage pests, vermin and declared priority weeds on the site; and
  - (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or priority weeds are not present on site in sufficient numbers to pose an environmental hazard or cause the loss of amenity in the surrounding area.

**Note:** For the purposes of this condition, priority weed has the same definition of the term in the Biosecurity Act 2015.

### **HAZARDS AND FIRE MANAGEMENT**

- B45. At least one month prior to the commencement of construction, or within such further period as the Secretary may agree, the Applicant must prepare a Fire Safety Study (FSS) in consultation with FRNSW and to the satisfaction of the operational requirements of FRNSW. A letter confirming satisfaction from FRNSW must be provided to the Planning Secretary. The FSS must:
- (a) consider the operational capability of local fire agencies and the need for the facility to achieve an adequate level of on-site fire and life safety independence;
  - (b) be prepared in accordance with FRNSW's guidelines *Fire Safety in Waste Facilities, 2020* and *Access for Fire Brigade Vehicles and Firefighters, 2019*;
  - (c) be prepared in a format generally consistent with Hazardous Industry Planning Advisory Paper No.2 (HIPAP No.2).
- B46. The Applicant must develop and implement an Emergency Response Plan (ERP) no later than two months prior to the commencement of commissioning of the development, or within such further period as the Secretary may agree. The ERP must:
- (a) address foreseeable on-site and off-site fire events and other emergency incidents;
  - (b) detail the appropriate risk control measures that would need to be implemented in order to safely mitigate potential risks to the health and safety of firefighters and other first responders (including electrical hazards);
  - (c) detail other risk control measures that may need to be implemented in a fire emergency due to any unique hazards specific to the site;
  - (d) have two copies stored in a prominent 'Emergency Information Cabinet' which is located in a position directly adjacent to the site's main entry point/s.
- B47. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
  - (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids. .

### **Dangerous Goods**

- B48. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.



## Bunding

- B49. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

## ABORIGINAL HERITAGE

### Site Inductions

- B50. The Applicant shall include Aboriginal cultural heritage awareness training in site inductions, to ensure all site workers and contractors are aware of their obligations under the *National Parks and Wildlife Act 1974*.

### Unexpected Finds Protocol

- B51. If any item or object of Aboriginal heritage significance is identified on site:
- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
  - (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
  - (c) Heritage NSW must be contacted immediately.
- B52. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.
- B53. If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area. Unexpected finds must be evaluated and recorded and, if necessary, excavated by a suitably qualified and experienced expert in accordance with the requirements of Heritage NSW.

## VISUAL AMENITY

### Landscaping

- B54. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must form part of an OEMP in accordance with conditions C5. The plan must:
- (a) detail the species to be planted on-site;
  - (b) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
  - (c) be consistent with the Applicant's Management and Mitigation Measures at Appendix 2.
- B55. The Applicant must:
- (a) not commence operation until the Landscape Management Plan is approved by the Planning Secretary.
  - (b) must implement the most recent version of the Landscape Management Plan approved by the Planning Secretary; and
  - (c) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B54 for the life of the development.

### Lighting

- B56. The Applicant must ensure the lighting associated with the development:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 2019); and
  - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### Signage and Fencing

- B57. All signage and fencing must be erected in accordance with the development plans included in the RTS.

**Note:** This condition does not apply to temporary construction and safety related signage and fencing.

## PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (c) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development; and
    - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
  - (d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (e) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (f) a protocol for managing and reporting any:
    - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
    - (ii) complaint;
    - (iii) failure to comply with statutory requirements; and
  - (g) a protocol for periodic review of the plan.

**Note:** the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) for the development in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see Condition B1);
  - (b) Erosion and Sediment Control Plan;
  - (c) Construction Noise Management Plan (see Condition B26);
  - (d) Community Consultation and Complaints Handling;
  - (e) Flood Emergency Response (see Condition B17).
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
  - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

#### OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) for the development in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C6. As part of the OEMP required under Condition C5 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (b) describe the procedures that would be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - (ii) receive, handle, respond to, and record complaints;
    - (iii) resolve any disputes that may arise;

- (iv) respond to any non-compliance;
- (v) respond to emergencies; and
- (c) include the following environmental management plans:
  - (i) Traffic (see condition B5)
  - (ii) Air Quality (see condition B11);
  - (iii) Waste (see condition B37);
  - (iv) Flood Emergency Response (see condition B17);
  - (v) Water (see condition B21); and
  - (vi) Landscape (see condition B54).

C7. The Applicant must:

- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
- (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

## **REVISION OF STRATEGIES, PLANS AND PROGRAMS**

C8. Within three months of:

- (a) the submission of a Compliance Report under condition C14;
- (b) the submission of an incident report under condition C10;
- (c) the submission of an Independent Audit under condition C16;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing that a review is being carried out.

C9. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

**Note:** This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

## **REPORTING AND AUDITING**

### **Incident Notification, Reporting and Response**

C10. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.

### **Non-Compliance Notification**

C11. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.

C12. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### **Compliance Reporting**

C14. Within three months after the first year of commencement of operation of the development, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Planning Secretary reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:

- (a) identify any trends in the monitoring data over the life of the development;
- (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and

- (c) describe what measures will be implemented over the next year to improve the environmental performance of the development.
- C15. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

#### **Independent Audit**

- C16. Within one year of the commencement of operation of the development, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (Audit) of the development. Audits must:
- (a) be prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020)
  - (b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary; and
  - (c) be submitted to the satisfaction of the Planning Secretary within three months of commissioning the Audit (or within another timeframe agreed by the Planning Secretary).
- C17. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C16 of this consent;
  - (b) submit the response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations;
  - (c) implement the recommendations to the satisfaction of the Planning Secretary; and
  - (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

#### **Monitoring and Environmental Audits**

- C18. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

**Note:** For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

#### **ACCESS TO INFORMATION**

- C19. At least 48 hours before the commencement of construction of the development until the completion of all works under this consent, including remediation, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) the Compliance Report of the development;
    - (x) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
    - (xi) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

## APPENDIX 1 DEVELOPMENT LAYOUT PLANS

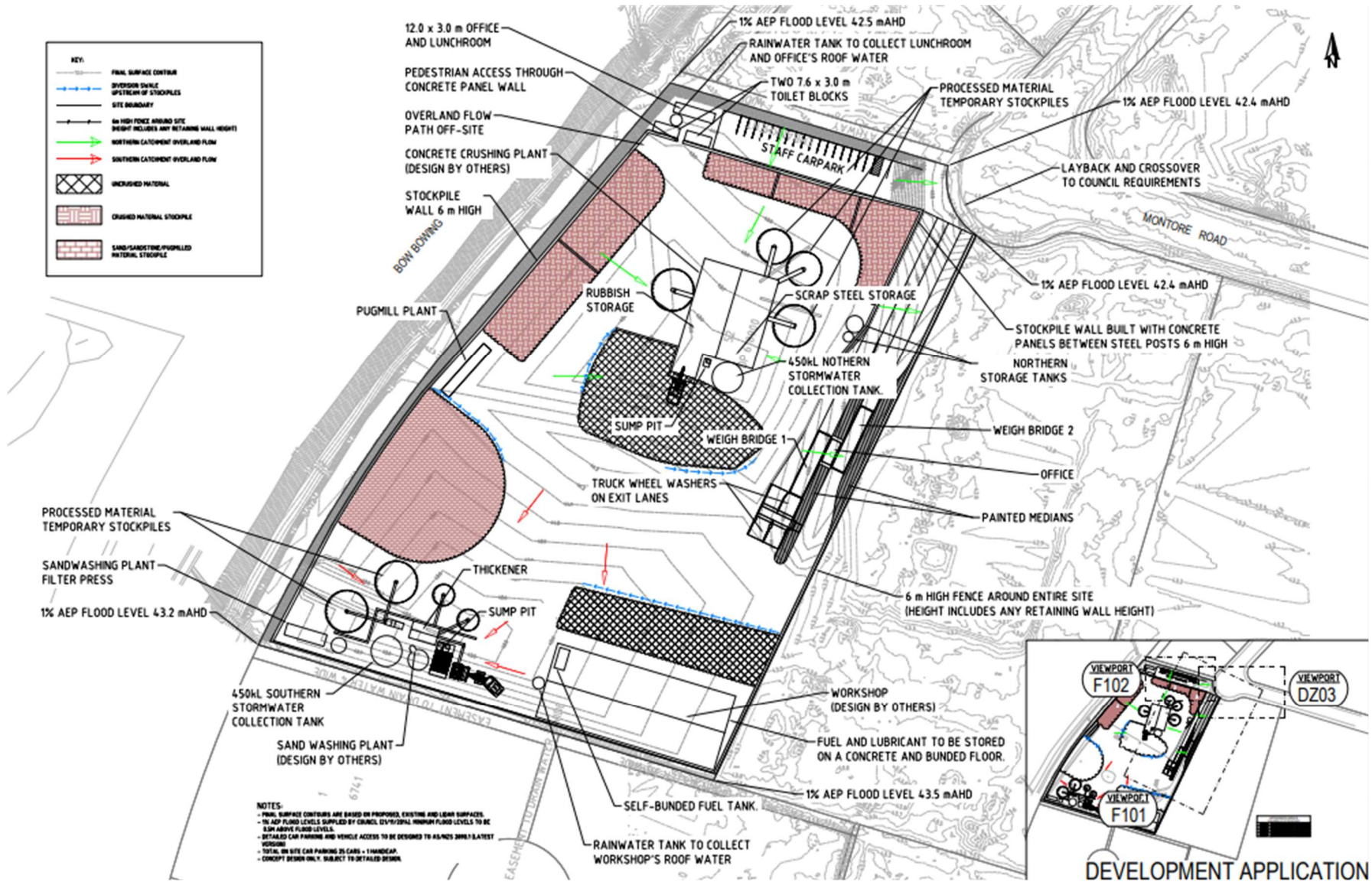


Figure 1: Site Plan

## APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

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## **APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - (a) identify the development and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (c) identify how the incident was detected;
  - (d) identify when the applicant became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of consent;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action(s) that will be taken in relation to the incident; and
  - (h) identify a project contact for further communication regarding the incident.

### **INCIDENT REPORT REQUIREMENTS**

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (i) a summary of the incident;
  - (j) outcomes of an incident investigation, including identification of the cause of the incident;
  - (k) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (l) details of any communication with other stakeholders regarding the incident.



#### APPENDIX 4 LOCATION OF RESIDENTIAL SENSITIVE RECEIVERS

