

# Development Consent

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

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2022, 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

Chris Ritchie  
**A/Executive Director**  
**Energy, Resources and Industry Assessments**

Sydney

13 August 2024

File: EF20/19288

***The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.***

***The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.***

## **SCHEDULE 1**

|                            |                                                                                                                                                                                                          |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | SSD-10446                                                                                                                                                                                                |
| <b>Applicant:</b>          | The Trustee for Coombes Family Trust No.13                                                                                                                                                               |
| <b>Consent Authority:</b>  | Minister for Planning                                                                                                                                                                                    |
| <b>Site:</b>               | 275 Adams Road, Luddenham, Lot 3 DP 623799                                                                                                                                                               |
| <b>Development:</b>        | Construction and operation of a resource recovery facility with a capacity to accept and process up to 600,000 tonnes per annum of construction and demolition waste and commercial and industrial waste |

## SUMMARY OF MODIFICATIONS

| Application Number | Determination Date | Decider     | Modification Description                                                   |
|--------------------|--------------------|-------------|----------------------------------------------------------------------------|
| SSD-10446-Mod-1    | XX July 2026       | Team Leader | Modification to vary the Bush Fire Attack Level applied to the development |

## TABLE OF CONTENTS

|                                                                          |           |
|--------------------------------------------------------------------------|-----------|
| <b>DEFINITIONS .....</b>                                                 | <b>V</b>  |
| <b>PART A ADMINISTRATIVE CONDITIONS.....</b>                             | <b>1</b>  |
| Obligation to Minimise Harm to the Environment.....                      | 1         |
| Terms of Consent .....                                                   | 1         |
| Limits of Consent.....                                                   | 1         |
| Environmental Performance Review.....                                    | 3         |
| Notification of Commencement.....                                        | 4         |
| Evidence of Consultation .....                                           | 4         |
| Staging, Combining and Updating Strategies, Plans or Programs .....      | 4         |
| Protection of Public Infrastructure.....                                 | 5         |
| Demolition.....                                                          | 5         |
| Structural Adequacy .....                                                | 5         |
| Contributions .....                                                      | 5         |
| Compliance.....                                                          | 5         |
| Operation of Plant and Equipment.....                                    | 6         |
| External Walls and Cladding.....                                         | 6         |
| Utilities and Services .....                                             | 6         |
| Work as Executed Plans.....                                              | 6         |
| Environmental Representative.....                                        | 6         |
| Applicability of Guidelines .....                                        | 7         |
| <b>PART B SPECIFIC ENVIRONMENTAL CONDITIONS.....</b>                     | <b>9</b>  |
| Airport Safeguarding.....                                                | 9         |
| Traffic and Access .....                                                 | 10        |
| Noise .....                                                              | 13        |
| Vibration .....                                                          | 17        |
| Air Quality .....                                                        | 17        |
| Soils, Water Quality and Hydrology .....                                 | 18        |
| Waste Management.....                                                    | 19        |
| Hazards and Risk .....                                                   | 21        |
| Fire Safety .....                                                        | 21        |
| Bushfire .....                                                           | 21        |
| Aboriginal Heritage .....                                                | 22        |
| Historic Heritage .....                                                  | 22        |
| Biodiversity .....                                                       | 22        |
| Visual Amenity.....                                                      | 23        |
| Community Engagement .....                                               | 24        |
| <b>PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING .....</b>     | <b>25</b> |
| Environmental Management.....                                            | 25        |
| Construction Environmental Management Plan.....                          | 25        |
| Operational Environmental Management Plan .....                          | 25        |
| Decommissioning .....                                                    | 26        |
| Revision of Strategies, Plans and Programs .....                         | 26        |
| Reporting and Auditing .....                                             | 26        |
| Access to Information .....                                              | 27        |
| <b>APPENDIX 1 DEVELOPMENT LAYOUT PLANS.....</b>                          | <b>29</b> |
| <b>APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES .....</b>   | <b>31</b> |
| <b>APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS .....</b> | <b>32</b> |

## DEFINITIONS

|                                   |                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Additional Information</b>     | The Applicant's responses to issues raised in submissions received in relation to the application for consent for the Development under the EP&A Act and includes the correspondence from EMM Consulting Pty Limited dated 14 December 2021, 28 January 2022, 2 February 2022, 28 February 2022, 7 April 2022, 15 June 2022 and 16 June 2022       |
| <b>Agribusiness</b>               | A business relating to farming and farming-related commercial activities. May include integrated logistics, air freight, integrated intensive production, food innovation, fresh product and value-added food – pharmaceuticals                                                                                                                    |
| <b>Applicant</b>                  | The Trustee for Coombes Family Trust No.13, 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>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>Council</b>                    | Liverpool 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, Housing and Infrastructure                                                                                                                                                                                                                                                                                             |
| <b>Development</b>                | The development described in Schedule 1, the EIS and Response to Submissions, including the works and activities comprising construction and operation of a resource recovery facility processing up to 600,000 tonnes per annum of construction and demolition and commercial and industrial waste, as modified by the conditions of this consent |
| <b>Development layout</b>         | The plans at Appendix 1 of this consent                                                                                                                                                                                                                                                                                                            |
| <b>DITRDCA</b>                    | Department of Infrastructure, Transport, Regional Development, Communications and the Arts                                                                                                                                                                                                                                                         |
| <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>E&amp;H Group</b>              | Environment and Heritage Group of the Department                                                                                                                                                                                                                                                                                                   |
| <b>EIS</b>                        | The Environmental Impact Statement titled ' <i>Luddenham Advanced Resource Recovery Centre Environmental Impact Statement</i> ', prepared by EMM Consulting Pty Limited dated 22 July 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>        | Environmental Planning and Assessment Regulation 2021                                                                                                                                                                                                                                                                                              |
| <b>EPL</b>                        | Environment Protection Licence under the POEO Act                                                                                                                                                                                                                                                                                                  |
| <b>Evening</b>                    | The period from 6 pm to 10 pm                                                                                                                                                                                                                                                                                                                      |

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Foreign Object Debris</b>         | Fragments of loose material (such as sand, stone, paper, wood, metal, fragments of pavement) that are detrimental to aircraft structures or engines and may impair the operation of aircraft if they strike or are ingested into an aircraft engine                                                                                                                                                                                                                                                                |
| <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<br>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>Modification Assessments</b>      | The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act: <ul style="list-style-type: none"> <li>a. SSD-10446-Mod-1: Modification Report titled 'Section 4.55(1A) Modification – Amendment of Condition B89 of Consent (SSD-10446)' prepared by Colliers dated 5 March 2026 and all accompanying documents, including Request for Information responses.</li> </ul>     |
| <b>Night</b>                         | The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Non-compliance</b>                | An occurrence, set of circumstances or development that is a breach of this consent                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>OEMP</b>                          | Operational Environmental Management Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Operation</b>                     | The receipt, processing, storage and dispatch of waste 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 "Aboriginal cultural heritage consultation requirements for proponents 2010" (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>Response to Submissions (RTS)</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 ' <i>Luddenham Advanced Resource Recovery Centre Submissions Report</i> ', prepared by EMM Consulting Pty Limited and dated 27 May 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 Schedule 1                                                                                                                                                                                                                                                                                               |
| <b>Stage 1 Operations</b>            | The point at which the site can receive and process up to 200,000 tonnes per annum of general solid waste (non-putrescible)                                                                                                                                                                                                  |
| <b>Stage 2 Operations</b>            | The point at which the site can receive and process up to 400,000 tonnes per annum of general solid waste (non-putrescible)                                                                                                                                                                                                  |
| <b>Stage 3 Operations</b>            | The point at which the site can receive and process up to 600,000 tonnes per annum of general solid waste (non-putrescible)                                                                                                                                                                                                  |
| <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 and Response to Submissions;
  - (d) in accordance with Modification Assessments;
  - (e) in accordance with the Development Layout in Appendix 1; and
  - (f) 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), A2(d) or A2(f). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), A2(d) or A2(f) 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.

##### Continuation of Development after 31 December 2050

- A6. For the continuation of the Development after 31 December 2050, the Applicant must seek further approval from the Minister (or delegate) to continue to carry out the Development at least four years prior to 31 December 2050.
- (1) In seeking the Minister's (or delegate) approval, the Applicant must:
    - (a) justify the extension of the Development lifespan and set out the length of the requested extension;
    - (b) provide evidence that the Traffic Performance Reports, Noise Verification Reports and Traffic Noise Verification Reports required by condition A14 and the peer review reports required by condition A17 have been completed and approved by the Planning Secretary;
    - (c) provide evidence that the following reports have been completed and approved by the Planning Secretary:
      - i. all Airport Safeguarding Audit Reports prepared in accordance with condition B2 and B4;
      - ii. all Compliance Reports prepared in accordance with condition C15;
      - iii. all Independent Audit Reports prepared in accordance with condition C17; and
    - (d) provide evidence that all recommendations made in the following reports have been implemented to the satisfaction of the Planning Secretary:
      - i. Airport Safeguarding Audit Reports as required by condition B3;
      - ii. Compliance Reports as required by condition C15; and
      - iii. Independent Audit Reports as required by condition C18.
  - (2) In deciding whether to approve the continuation of the Development under this condition, the Minister must:
    - (a) be satisfied that all requirements of condition A6(1) have been met;
    - (b) be satisfied with the environmental performance of the facility at its capacity at the time the request is submitted;

- (c) consider the likely impacts from the continuation of the carrying out of the Development, including environmental impacts on both the natural and built environments, impacts on the safety and efficiency of the Western Sydney Airport, and social and economic impacts in the locality; and
  - (d) consult with and consider the advice of the EPA, TfNSW, Council, Western Sydney Airport and DITRDCA.
- (3) The Minister (or delegate) must provide written notice to the Applicant of the decision to approve or refuse the Applicant's request for the continuation of the Development after 31 December 2050 and the reasons for that decision. The written notice must be given to the Applicant no later than 31 December 2047, or within a further period agreed between the Planning Secretary and the Applicant.

**Note:**

1. *This Development does not require a further development application or modification application to be made as part of seeking the approval of the Minister to permit the Development to operate beyond 31 December 2050. However, any such approval will be subject to the Applicant preparing the additional information outlined in condition A6 to the satisfaction of the Minister, in consultation with the EPA, TfNSW, Council, Western Sydney Airport and DITRDCA.*
2. *If the Minister decides to approve the continuation of the development beyond 31 December 2050, the Minister may, in its written notice to the Applicant, permit the Applicant to submit a further extension request for the continuation of the development.*

**Decommissioning**

- A7. The on-site facilities for the operation of the Development (excluding any building structures or services) must be decommissioned in accordance with the Decommissioning Management Plan approved under condition C8 following the cessation of operations on 31 December 2050, or such later date as approved by the Minister (or delegate) under condition A6.

**Waste**

- A8. The Applicant must ensure the Development does not:
- (a) receive and process more than 600,000 tonnes per annum (tpa) of general solid waste (non-putrescible), limited to building and demolition waste, commercial and industrial waste, wood waste, glass, plastic, rubber, plasterboard, ceramics, bricks, concrete, metal, paper, cardboard, asphalt waste, cured concrete from a batch plant, soils and excavated natural material;
  - (b) receive any putrescible vegetative waste, garden waste, restricted solid waste, hazardous waste, special waste or asbestos waste; and
  - (c) store more than 34,515 tonnes of unprocessed or processed waste at any one time.
- A9. All waste material received at the Development must be stored, handled and/or processed within the enclosed resource recovery facility building.

**Staging**

- A10. Despite condition A8, the Applicant must not receive or process more than 200,000 tpa of general solid waste (non-putrescible) until the Planning Secretary has approved the commencement of Stage 2 Operations under conditions B2(b), B23, B37 and B39.
- A11. Despite condition A8, the Applicant must not receive or process more than 400,000 tpa of general solid waste (non-putrescible) until the Planning Secretary has approved the commencement of Stage 3 Operations under conditions B2(c), B23, B37 and B39.

**Operating Hours**

- A12. The Applicant must not operate the Development during evening or night-time periods.
- A13. (1) Despite condition A12 and the hours of work specified in condition B25, the Applicant may seek the Planning Secretary's written approval to carry out 24-hour operation of the Development following the commencement of operation of the Western Sydney Airport. The request must include the following:
- a) results of background noise monitoring carried out in accordance with the NSW Noise Policy for Industry (EPA, 2017) using long-term background noise measurements at each existing residential land use location identified in Table 3 in condition B32, after the commencement of operation of the Western Sydney Airport;
  - b) the intrusiveness and maximum noise trigger levels established in accordance with the NSW Noise Policy for Industry (EPA, 2017); and
  - c) demonstration that noise generated by operation of the Development does not exceed the intrusiveness and maximum noise trigger levels established under condition A13b) during the evening and night-time periods.
- (2) In deciding whether to approve 24-hour operation of the Development the Planning Secretary must consult and consider the advice of the EPA.
- (3) If the Planning Secretary approves 24-hour operation of the Development under condition A13(1), the Applicant must comply with the noise limits for evening and night periods set by the Planning Secretary as part of the written approval granted.

## ENVIRONMENTAL PERFORMANCE REVIEW

A14. 12 months prior to 31 December 2036 and five years prior to 31 December 2050, the Applicant must carry out an Environmental Performance Review of the Development to the satisfaction of the Planning Secretary. As part of the Review, the Applicant must prepare and submit the following reports for approval by the Planning Secretary:

- (a) a Traffic Performance Report which must:
  - (i) be prepared by a suitably qualified and experienced person(s), whose appointment has been endorsed by the Planning Secretary;
  - (ii) be prepared in consultation with TfNSW and Council;
  - (iii) be prepared in accordance with TfNSW 'Guide to Traffic Generating Developments' (RTA, 2002);
  - (iv) undertake traffic and transport survey in accordance with the relevant TfNSW and Austroads guidelines;
  - (v) verify the predicted operational traffic numbers and impacts on road safety and the capacity of the road network using a calibrated SIDRA model or similar suitable traffic model in accordance with TfNSW Traffic Modelling Guidelines (TfNSW, 2013), including impacts on intersection efficiency, property access, pedestrian access, amenity and road pavement;
  - (vi) include details of any additional management or mitigation measures required to accommodate the increased capacity and/or ongoing operation of the Development, including:
    - i. any upgrades or changes in road infrastructure required for the Development
    - ii. funding arrangements for the delivery of upgrades or changes in road infrastructure required for the Development;
    - iii. a timetable for the implementation of any required actions; and
  - (vii) a review of the consistency and compatibility of the proposed management and mitigation measures with the traffic management measures detailed in The Northern Road Upgrade Stage 6 Adams Road Traffic Performance Report, prepared by Jacobs Group (Australia) Pty Ltd dated 20 December 2021; and
  - (viii) a program to monitor and report on the effectiveness of the above measures.
- (b) a Noise Verification Report which must:
  - (i) demonstrate that noise monitoring and verification has been carried out by a suitably qualified and experienced acoustic consultant in accordance with:
    - i. the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018);
    - ii. the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022); and
    - iii. the NSW Noise Policy for Industry (EPA, 2017);
  - (ii) verify the predicted noise impacts of the Development, including identification of any additional at-source mitigation and management measures required to address any non-compliance with the noise limits specified in condition B20 and B21(a) and analysis of their effectiveness;
  - (iii) a program to monitor and report on the effectiveness of the above measures; and
  - (iv) a description of contingency measures in the event at-source mitigation measures are not effective in reducing noise levels to an acceptable level.
- (c) a Traffic Noise Verification Report which must:
  - (i) demonstrate that noise monitoring and verification has been carried out by a suitably qualified and experienced acoustic consultant in accordance with:
    - i. the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018);
    - ii. the EPA NSW Road Noise Policy (EPA, 2011); and
    - iii. the TfNSW Road Noise Model Validation Guideline (TfNSW, 2022); and
  - (ii) include:
    - i. traffic noise monitoring data recorded at all noise sensitive receivers along Adams Road between the site access and The Northern Road at the time of preparing the traffic noise verification report;
    - ii. traffic count and traffic classification data collected during the noise monitoring period;
    - iii. an analysis of compliance with the noise criteria and relative increase criteria specified in the RTS and B21(b);
    - iv. an outline of at-source mitigation measures to be taken to address any exceedances identified in clause (iii) above;
    - v. a program to monitor and report on the effectiveness of the above measures; and
    - vi. a description of contingency measures in the event at-source measures are not effective in reducing noise levels to an acceptable level.
- (d) an Airport Safeguarding Audit Report which must:

- (i) be prepared to the satisfaction of the Planning Secretary in consultation with Western Sydney Airport and DITRDCA;
- (ii) be carried out at the Applicant's expense by a suitably qualified and experienced person or team, who have been approved by the Planning Secretary and are independent of the Development;
- (iii) be provided to Western Sydney Airport and DITRDCA for review and comment on:
  - i. the proposed assessment and reporting methodology; and
  - ii. the findings and recommendations of the audit;
- (iv) include details of the site inspection and any recorded airport safeguarding incidents both on and off the site;
- (v) review the effectiveness of the Wildlife Strike and FOD Management Plans identified in conditions B29 and B31 and benchmark the control measures against best practice mitigation and management, with reference to the Australian Aviation Wildlife Hazard Group Recommended Practices;
- (vi) include an assessment against all airport safeguarding measures required under the 'National Airports Safeguarding Framework'; and
- (vii) provide details of any additional management or mitigation measures required and a timetable for the implementation of any required actions.

**Note:**

*1. The Planning Secretary will consult with:*

- EPA during its consideration of the Noise Verification Report
- TfNSW and Council during its consideration of the Traffic Performance Report
- Western Sydney Airport and DITRDCA during its consideration of the Airport Safeguarding Audit Report.

*2. The Planning Secretary may direct the Applicant to carry out additional Airport Safeguarding Audits if deemed necessary following review of the outcomes of any Airport Safeguarding Audit in accordance with condition A2(b).*

- A15. If the Planning Secretary is not satisfied with the performance of the Development following the review of the reports prepared as part of the Environmental Performance Review carried out under condition A14, the Planning Secretary may direct the Applicant to reduce the scale of operations to the previous operational stage if the development is at Stage 2 Operations or Stage 3 Operations for a defined period of time to minimise environmental impacts.
- A16. The Applicant must not increase throughput to Stage 2 Operations or Stage 3 Operations (in accordance with the Planning Secretary's direction under condition A15 above, until such time the Planning Secretary has provided written approval to do so.
- A17. Prior to submitting any of the reports required under condition A14, the Applicant must engage a suitably qualified and independent expert(s) approved by the Planning Secretary to carry out a peer review of the reports. The peer review report(s) must be provided to the Planning Secretary as part of the Environmental Performance Review under condition A14.

**NOTIFICATION OF COMMENCEMENT**

- A18. 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.
- A19. 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.

**Note:** This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under Part 6 of the EP&A Act. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.

**EVIDENCE OF CONSULTATION**

- A20. 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**

- A21. 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).
- A22. 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.
- A23. 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

- A24. Before the commencement of construction of the Development, the Applicant must:
- (a) 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;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure fronting the Development in Adams Road (including roads, gutters, footpaths, services and street trees) and the Western Sydney Airport aviation fuel farm; and
  - (c) submit a copy of the dilapidation report to the Planning Secretary, Western Sydney Airport Corporation, DITRDCA and Council.
- A25. 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

- A26. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

## STRUCTURAL ADEQUACY

- A27. 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.
- The EP&A (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the Development.

## CONTRIBUTIONS

- A28. A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Aerotropolis) Determination 2022 (2022 Determination) as in force when this development consent takes effect.

A person may not apply for a subdivision certificate or construction certificate (as the case may require, having regard to the 2022 Determination) in relation to the Development the subject of this development consent unless the person provides, with the application, written evidence from the Department that the special infrastructure contribution for the Development (or that part of the Development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

### Note:

- A request for assessment by the Department of the amount of the contribution that is required under this condition can be made through the NSW planning portal (<https://www.planningportal.nsw.gov.au/development-assessment/contributions/sic-online-service>). Please refer enquiries to [SIContributions@planning.nsw.gov.au](mailto:SIContributions@planning.nsw.gov.au).
- Under section 6.28 of the EP&A Act, Crown building work cannot commence unless it has been certified as complying with the BCA. Accordingly, if the Development comprises Crown building work, the special infrastructure contribution should be paid before that certification has occurred.

## COMPLIANCE

- A29. 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.

## OPERATION OF PLANT AND EQUIPMENT

A30. 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.

## EXTERNAL WALLS AND CLADDING

A31. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

A32. 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.

A33. 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

A34. Before the construction of any utility works associated with the Development, the Applicant must obtain relevant approvals from service providers.

A35. 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*.

A36. Prior to the commencement of construction of the Development the Applicant must provide evidence of a written agreement with Sydney Water regarding the provision of and connection to regional stormwater infrastructure on the land at 275 Adams Road, Luddenham, to the satisfaction of the Planning Secretary.

## WORK AS EXECUTED PLANS

A37. 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.

## ENVIRONMENTAL REPRESENTATIVE

A38. Works must not commence until an Environmental Representative (ER) has been approved by the Planning Secretary and engaged by the Applicant.

A39. The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of works, or within another timeframe agreed with the Planning Secretary.

A40. The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the EIS or Response to Submissions and is independent from the design and construction personnel for the Development.

A41. The Applicant may engage more than one ER for the Development, in which case the functions to be exercised by an ER under the terms of this approval may be carried out by any ER that is approved by the Planning Secretary for the purposes of the Development.

A42. For the duration of the works until two years after the commencement of Stage 2 operations, or as agreed with the Planning Secretary, the approved ER must:

- (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the Development;
- (b) consider and inform the Planning Secretary on matters specified in the terms of this consent;
- (c) consider and recommend to the Applicant any improvements that may be made to work practices to avoid or minimise adverse impact to the Western Sydney Airport (including in relation to aviation impacts such as wildlife attraction and FOD risk from the Development), the environment and to the community;
- (d) review documents prepared in accordance with the requirements of the conditions in Part C of this consent and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this consent and if so:
  - (i) make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or
  - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary/Department for information or are not required to be submitted to the Planning Secretary/Department);

- (e) regularly monitor the implementation of the documents identified in condition A42(d) to ensure implementation is being carried out in accordance with the document and the terms of this consent;
- (f) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints; and
- (g) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an Environmental Representative Quarterly Report providing the information set out in the Department's 'Environmental Representative Protocol' (2018) under the heading "Environmental Representative Monthly Reports." The Environmental Representative Quarterly Report must be submitted within seven calendar days following the end of each quarter period for the duration of the ER's engagement for the Development, or as otherwise agreed with the Planning Secretary.

A43. The Applicant must provide the ER with all documentation requested by the ER in order for the ER to perform their functions specified in condition A42 (including preparation of the ER Quarterly Report), as well as:

- (a) the complaints register (to be provided on a daily basis); and
- (b) a copy of any assessment carried out by the Applicant of whether proposed work is consistent with the consent (which must be provided to the ER before the commencement of the subject work).

#### **APPLICABILITY OF GUIDELINES**

A44. 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.

A45. 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.
- AN2.** The Minister or Planning Secretary may issue a Development Control Order for non-compliance with any condition of this consent. This may include a Stop Use Order or Compliance Order under Division 9.3 and Schedule 5 of the EP&A Act.

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### AIRPORT SAFEGUARDING

#### Safety and Efficiency of Western Sydney Airport

- B1. The Development must not have any impact on the safety or efficiency of the operations of the Western Sydney International (Nancy-Bird Walton) Airport.

#### Airport Safeguarding Audit

- B2. The Applicant must commission and pay the full cost of an Airport Safeguarding Audit:
- (a) within six months of the commencement of Stage 1 Operations and every six months until 24 months after the commencement of operations of the Western Sydney Airport
  - (b) prior to the commencement of Stage 2 Operations;
  - (c) prior to the commencement of Stage 3 Operations;
  - (d) within six months of the commencement of Stage 3 Operations of the Development;
  - (e) six months prior to 31 December 2036; and
  - (f) 24 months prior to 31 December 2050

**Note:** The Planning Secretary may agree to combine any of the above audits if they were to overlap in their timing of commissioning.

**Note:** Condition A10 and A11 restrict the expansion of the development to Stage 2 Operations or Stage 3 Operations without the Planning Secretary's approval of the Airport Safeguarding Audits required under condition B2(b) and B2(c), respectively.

- B3. Within one month of completing each Airport Safeguarding Audit carried out in accordance with condition B2, the Applicant must submit a report to the satisfaction of the Planning Secretary for approval. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

- B4. Each of the Airport Safeguarding Audit reports required by condition B2 must:
- (a) be prepared to the satisfaction of the Planning Secretary in consultation with Western Sydney Airport and DITRDCA;
  - (b) be carried out at the Applicant's expense by a suitably qualified and experienced person or team, who have been approved by the Planning Secretary and are independent of the Development be provided to Western Sydney Airport and DITRDCA for review and comment on:
    - (i) the proposed auditing and reporting methodology; and
    - (ii) the findings and recommendations of the audit;
  - (c) include details of the site inspection and any recorded airport safeguarding incidents both on and off the site;
  - (d) review the effectiveness of the Wildlife Strike and FOD Management Plans identified in conditions B7 and B9 and benchmark the control measures against best practice mitigation and management, with reference to the Australian Aviation Wildlife Hazard Group Recommended Practices;
  - (e) include a review of consistency against all airport safeguarding measures required under the 'National Airports Safeguarding Framework'; and
  - (f) provide details of any additional management or mitigation measures required and a timetable for the implementation of any required actions.

**Note:** The Planning Secretary will consult with Western Sydney Airport and DITRDCA during its consideration of all Airport Safeguarding Audit Reports.

**Note:** The Planning Secretary may direct the Applicant to carry out additional Airport Safeguarding Audits if deemed necessary following review of the outcomes of any Airport Safeguarding Audit in accordance with condition A2(b).

- B5. If the Planning Secretary is not satisfied with the performance of the Development following the review of an Airport Safeguarding Audit Report carried out under condition B2, the Planning Secretary may direct the Applicant to:
- (a) reduce the scale of operations to the previous operational stage if the development is at Stage 2 Operations or Stage 3 Operations;
- for a defined period of time to minimise impacts.

- B6. The Applicant must not increase throughput to Stage 2 Operations or Stage 3 Operations (in accordance with the Planning Secretary's direction under condition B5 above), until such time the Planning Secretary has provided written approval to do so.

#### Wildlife Hazard Management

- B7. Prior to the commencement of Stage 1 Operations of the Development, the Applicant must prepare a Wildlife Hazard Management Plan in consultation with Western Sydney Airport and DITRDCA which addresses the management of

both ground-based and airborne wildlife management. The Plan must form part of the OEMP required by condition C5 and must:

- (a) be prepared by a suitably qualified or experienced person(s) approved by the Planning Secretary;
- (b) describe monitoring protocols;
- (c) provide details of staff training regarding wildlife awareness and management;
- (d) detail mitigation measures to minimise wildlife attraction, including those identified in the Wildlife Hazard Assessment dated April 2022 prepared by EMM Consulting Pty Limited;
- (e) establish trigger thresholds for investigating additional measures to reduce wildlife attraction; and
- (f) describe protocols for reducing wildlife attraction if trigger thresholds are exceeded.

B8. The Applicant must:

- (a) not commence Stage 1 Operations until the Wildlife Hazard Management Plan is approved by the Planning Secretary; and
- (b) implement the most recent version of the Wildlife Hazard Management Plan approved by the Planning Secretary for the duration of the Development.

#### Foreign Object Debris

B9. Prior to the commencement of Stage 1 Operations of the Development, the Applicant must prepare a Foreign Object Debris (FOD) Management Plan in consultation with Western Sydney Airport and DITRDCA. The Plan must form part of the OEMP required by condition C5 and must:

- (a) be prepared by a suitably qualified or experienced person(s) approved by the Planning Secretary;
- (b) identify potential FOD risks associated with the Development;
- (c) identify the control measures that will be implemented to manage potential FOD risks associated with the Development, including those identified in the Response to the Department's Request for Information dated 7 April 2022 prepared by EMM Consulting Pty Limited;
- (d) include details of fence design and height adjacent to the incoming weighbridge area;
- (e) describe inspection and corrective action protocols; and
- (f) provide details of staff training regarding FOD risks and appropriate corrective actions.

B10. The Applicant must:

- (a) not commence Stage 1 Operations until the FOD Management Plan is approved by the Planning Secretary; and
- (b) implement the most recent version of the FOD Management Plan approved by the Planning Secretary for the duration of the Development.

B11. All roller doors to the resource recovery facility building must be designed to be automatically closing and default to a closed position during operations to protect against wildlife attraction and FOD risks.

B12. All loading and unloading of waste must occur within the resource recovery facility building.

**Note:** The Airports (Protection of Airspace) Regulation 1996 applies to any intrusions into prescribed airspace, which could include:

- constructing permanent structures, such as buildings, into the protected airspace;
- temporary structures such as cranes protruding into the protected airspace; or
- activities causing non-structural intrusions into the protected airspace, such as air turbulence from stacks or vents, smoke, dust, steam or other gases or particulate matter.

If any of the above components would result in a further impact on protected airspace, approval will need to be obtained in accordance with the Airports Act 1996 and the Airports (Protection of Airspace) Regulation 1996.

#### TRAFFIC AND ACCESS

##### Construction Traffic Management Plan

B13. Prior to the commencement of construction of the Development, 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) be prepared in consultation with Council and TfNSW;
- (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
- (d) detail heavy vehicle routes, access and parking arrangements;
- (e) 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;
- (f) include a program to monitor the effectiveness of these measures; and
- (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

B14. The Applicant must:

- (a) not commence construction until the Construction Traffic Management Plan required by condition B13 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**

- B15. Prior to the commencement of construction of any works for the Development, the Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the Development are designed to accommodate the turning path of a 26 metre B-double.
- B16. Prior to the commencement of operation of the Development, the Applicant must complete the following roadworks to the satisfaction of Council and must obtain approval for the works under section 138 of the *Roads Act 1993*:
- (a) pavement upgrades along Adams Road between the site access and Anton Road; and
  - (b) road widening at the site access and Adams Road intersection.
- B17. Prior to the commencement of construction of the Development the Applicant must obtain approval from Council's Pedestrian, Active Transport and Traffic Committee for the removal of the existing 3-tonne heavy vehicle load restriction on Adams Road between Elizabeth Drive and The Northern Road, if required by Council.
- B18. Prior to the commencement of operation of the Development, the Applicant must obtain approval from the National Heavy Vehicle Regulator to permit 26 metre B-doubles to utilise Adams Road between Elizabeth Drive and The Northern Road, in consultation with Council.

#### **Elizabeth Drive / Adams Road Intersection Works**

- B19. Prior to the commencement of construction of the Elizabeth Drive / Adams Road intersection upgrade works, the Applicant must finalise and submit the detailed design of the intersection works to TfNSW for approval. The proposed intersection upgrade design must:
- (a) meet TfNSW and Council requirements;
  - (b) be consistent with the Strategic Concept Design dated July 2021 prepared by Coombes Property Group and Indesco;
  - (c) be in accordance with Austroads Guide to Road Design and Australian Codes of Practice;
  - (d) be endorsed by a suitably qualified practitioner;
  - (e) include a signage and line marking plan which includes signage prohibiting right turn movements from Elizabeth Drive to Adams Road; and
  - (f) include detailed design plans and hydraulic calculations of any changes to the stormwater drainage system associated with the intersection upgrade.
- B20. Prior to the commencement of operation of the Development, the Applicant must:
- (a) complete the upgrade works to the intersection of Elizabeth Drive and Adams Road to the satisfaction of TfNSW;
  - (b) implement the approved signage and line marking plan; and
  - (c) enter into a Works Authorisation Deed with TfNSW for the Elizabeth Drive / Adams Road intersection upgrade works.

#### **Parking**

- B21. 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

B22. Prior to the commencement of Stage 1 Operations, 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 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;
  - (v) include a program to monitor the effectiveness of these measures; and
- (g) include a Traffic Control Plan (TCP) detailing:
  - (i) heavy vehicle routes, road safety and efficiency measures and 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.

B23. The Applicant must:

- (a) not commence Stage 1 Operations until the OTMP is approved by the Planning Secretary; and
- (b) implement the most recent version of the OTMP approved by the Planning Secretary for the duration of the Development.

## Traffic Performance Report

B24. Prior to the commencement of Stage 2 and Stage 3 Operations the Applicant must prepare and submit a Traffic Performance Report to the satisfaction of the Planning Secretary. The Traffic Performance Report 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 TfNSW and Council;
- (c) be prepared in accordance with TfNSW 'Guide to Traffic Generating Developments' (RTA, 2002);
- (d) undertake traffic and transport survey in accordance with the relevant TfNSW and Austroads guidelines;
- (e) verify the predicted operational traffic numbers and impacts on road safety and the capacity of the road network using a calibrated SIDRA model or similar suitable traffic model in accordance with TfNSW Traffic Modelling Guidelines (TfNSW, 2013), including impacts on intersection efficiency, property access, pedestrian access, amenity and road pavement;
- (f) include details of any additional management or mitigation measures required to accommodate the increased capacity and/or ongoing operation of the Development, including:
  - (i) any upgrades or changes in road infrastructure required for the Development
  - (ii) funding arrangements for the delivery of upgrades or changes in road infrastructure required for the Development;
  - (iii) a timetable for the implementation of any required actions; and
- (g) a review of the consistency and compatibility of the proposed management and mitigation measures with the traffic management measures detailed in *The Northern Road Upgrade Stage 6 Adams Road Traffic Performance Report*, prepared by Jacobs Group (Australia) Pty Ltd dated 20 December 2021; and
- (h) a program to monitor and report on the effectiveness of the above measures.

## Operating Conditions

B25. 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; and
- (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

## NOISE

### Hours of Work

B26. The Applicant must comply with the hours detailed in Table 1, unless the Planning Secretary has otherwise agreed to the carrying out of 24-hour operation on the site (see condition A13).

**Table 1** Hours of Work

| Activity                    | Day                         | Time         |
|-----------------------------|-----------------------------|--------------|
| Earthworks and construction | Monday – Friday             | 7 am to 6 pm |
|                             | Saturday                    | 8 am to 1 pm |
| Operation                   | Monday – Saturday           | 7 am to 6 pm |
|                             | Sundays and Public Holidays | 8 am to 6 pm |

B27. Works outside of the hours identified in condition B25 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

B28. 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 and Vibration Management Plan

B29. The Applicant must prepare a Construction Noise and Vibration Management Plan for the Development to the satisfaction of the Planning Secretary. The 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) be approved by the Planning Secretary prior to the commencement of construction of each stage of the Development;
- (c) 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);
- (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
- (e) include strategies that have been developed with the community for managing high noise generating works;
- (f) describe the community consultation undertaken to develop the strategies in condition B28(e); and
- (g) include a complaints management system that would be implemented for the duration of the Development.

B30. The Applicant must:

- (a) not commence construction of any relevant stage of the Development until the Construction Noise and Vibration Management Plan required by condition B28 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Construction Noise and Vibration Management Plan approved by the Planning Secretary for the duration of construction.

### Noise Mitigation at Residential Receivers

B31. Prior to the commencement of operation of the Stage 1 Operations:

- (a) the Applicant must offer to enter into an agreement with the noise mitigation eligible receivers identified in Table 2 and identified in Figure 3 of Appendix 1 of this consent;
- (b) provide evidence to the Planning Secretary of the offer required by condition B30(a).

**Table 2** Residences Subject to Noise Mitigation Upon Request

| Mitigation Basis | Reference | Land                      |
|------------------|-----------|---------------------------|
| Noise            | R3        | 285 Adams Road, Luddenham |
| Noise            | R6        | 225 Adams Road, Luddenham |

B32. If a negotiated noise agreement is established with the owners of the land identified in Table 2 under condition B30:

- (a) the limits do not apply to the noise mitigation eligible receivers in Table 2;
- (b) the Applicant must provide evidence that the noise agreement has been established to the Planning Secretary within one month of the agreement being reached.

**Note:** At-property treatments for managing noise impacts may include measures such as the provision of mechanical ventilation and/or air-conditioning, upgrade of façade elements (including glazing, seals, doors and roof insulation), localised screening/barriers or a negotiated agreement with the affected parties.

### Operational Noise Limits

B33. The Applicant must ensure that noise generated by operation of the Development does not exceed the noise limits in Table 3 until such time the existing residential use ceases on the land or a development consent for non-residential uses applies to the land, whichever is the sooner.

**Table 3** Noise Limits (dB(A))

| Reference | Location                               | Classification    | Day<br>L <sub>Aeq</sub> (15 minute) |
|-----------|----------------------------------------|-------------------|-------------------------------------|
| R1        | 2161 – 2177 Elizabeth Drive, Luddenham | Residential       | 43                                  |
| R2        | 2111 – 2141 Elizabeth Drive, Luddenham | Residential       | 47                                  |
| R3        | 285 Adams Road, Luddenham              | Residential       | 62                                  |
| R4        | 5 Anton Road, Luddenham                | Residential       | 41                                  |
| R5        | 185 Adams Road, Luddenham              | Residential       | 40                                  |
| R6        | 225 Adams Road, Luddenham              | Residential       | 52                                  |
| R7        | 161 Adams Road, Luddenham              | Residential       | 37                                  |
| R8        | 2510 – 2550 Elizabeth Drive, Luddenham | Residential       | 39                                  |
| AR1       | Hubertus Club Outdoor Open Spaces      | Active Recreation | 53 (when in use)                    |

| Reference | Location                 | Classification | Day<br>L <sub>Aeq</sub> (15 minute) |
|-----------|--------------------------|----------------|-------------------------------------|
| C1        | Hubertus Club Restaurant | Commercial     | 63 (when in use)                    |

**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 Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time) and Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022) (as may be updated or replaced from time to time). Refer to the plan at Figure 3 in Appendix 1 for the general location of sensitive receivers.

- B34. Notwithstanding condition B32, the Applicant must ensure that noise generated by operation of the Development does not exceed:
- (a) project amenity noise trigger levels at non-residential land uses specified in Section 2 of the NSW Noise Policy for Industry (EPA, 2017) when a non-residential land use is in use; and
  - (b) traffic noise criteria for non-residential land uses and relative increase criteria specified in Section 2 of the NSW Road Noise Policy (EPA, 2011) when a non-residential land use is in use.
- B35. If the Planning Secretary gives written approval for evening and night operation under condition A13, the Applicant must comply with the noise limits set as part of the written approval.

#### Operational Noise Management Plan

- B36. Prior to the commencement of Stage 1 Operations, the Applicant must prepare an Operational Noise Management Plan (ONMP) for the Development to the satisfaction of the Planning Secretary. The ONMP must form part of an OEMP in accordance with 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) describe the measures to ensure:
    - (i) compliance with the noise limits detailed in conditions B32 and B33;
    - (ii) truck drivers are aware of vehicle noise mitigation and management measures, including a Driver Code of Conduct as required by condition B38;
    - (iii) the deployment of contingency plans to minimise impacts should an exceedance of the noise limit (see B32 and B33) occur or appear likely to occur; and
  - (c) include:
    - (i) a complaints management system that would be implemented for the duration of the Development; and
    - (ii) a protocol to evaluate the performance of the Development.
- B37. The Applicant must:
- (a) not commence Stage 1 Operations until the ONMP is approved by the Planning Secretary; and
  - (b) implement the most recent version of the ONMP approved by the Planning Secretary for the duration of the Development.

#### Post-Commissioning Noise Monitoring

- B38. Within three months of the commencement of Stage 1, Stage 2 and Stage 3 operations or within a timeframe as otherwise agreed with the Planning Secretary, a Post-Commissioning Noise Monitoring Report (PNMR) must be prepared in consultation with the EPA and to the satisfaction of Planning Secretary. The PNMR must:
- (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary in accordance with:
    - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018);
    - (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022); and
    - (iii) the NSW Noise Policy for Industry (EPA, 2017);
  - (b) include:
    - (i) details of the operating conditions and capacity of the Development during the noise monitoring period;
    - (ii) an analysis of compliance with the noise limits specified in condition B32 and B33(a);
    - (iii) an outline of management and mitigation measures to address any non-compliance with the limits specified in condition B32 and B33(a); and

- (iv) a description of contingency measures in the event the management and mitigation measures are not effective in reducing noise levels to meet the noise limits and timing for implementing and validating the effectiveness of these measures.

#### **Noise Verification Report**

B39. Prior to the commencement of Stage 2 and Stage 3 operations, the Applicant must prepare and submit an Operational Noise Verification Report to the satisfaction of the Planning Secretary: The Operational Noise Verification Report must:

- (a) demonstrate that noise monitoring and verification has been carried out by a suitably qualified and experienced acoustic consultant in accordance with:
  - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018);
  - (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022); and
  - (iii) the NSW Noise Policy for Industry (EPA, 2017);
- (b) include:
  - (i) a source emission inventory developed from baseline on-site noise monitoring from the PNMR required by condition B36;
  - (ii) noise modelling undertaken in accordance with the requirements in the latest versions of the EPA's Noise Policy for Industry (2017) and Australian Standard AS 1055:2018 *Acoustics - Description and measurement of environmental noise* using noise monitoring results provided in the PNMR required by condition B36;
  - (iii) a verification of the predicted noise impacts of the Development for the next stage of operation, including identification of any additional at-source mitigation and management measures required to address any non-compliance with the noise limits specified in condition B32 and B33(a) and analysis of their effectiveness;
  - (iv) a program to monitor and report on the effectiveness of the above measures; and
  - (v) a description of contingency measures in the event at-source mitigation measures are not effective in reducing noise levels to an acceptable level.

#### **Road Traffic Noise**

B40. Prior to the commencement of construction of the Development, the Applicant must prepare a Driver Code of Conduct and induction training for the Development to minimise road traffic noise. The Applicant must update the Driver Code of Conduct and induction training for construction and operation and must implement the Code of Conduct for the life of the Development.

#### **Traffic Noise Verification Report**

B41. Prior to the commencement of Stage 2 and Stage 3 operations, the Applicant must prepare and submit a Traffic Noise Verification Report to the satisfaction of the Planning Secretary. The Traffic Noise Verification Report must:

- (a) demonstrate that noise monitoring and verification has been carried out by a suitably qualified and experienced acoustic consultant in accordance with:
  - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018);
  - (ii) the EPA NSW Road Noise Policy (EPA, 2011); and
  - (iii) the TfNSW Road Noise Model Validation Guideline (TfNSW, 2022); and
- (b) include:
  - (i) traffic noise monitoring data recorded at all noise sensitive receivers along Adams Road between the site access and The Northern Road prior to the commencement of Stage 1 operations;
  - (ii) traffic noise monitoring data recorded at all noise sensitive receivers along Adams Road between the site access and The Northern Road at the time of preparing the traffic noise verification report;
  - (iii) traffic count and traffic classification data collected during the noise monitoring period;
  - (iv) traffic noise modelling undertaken using a suitable model identified in the NSW Road Noise Policy (EPA, 2011) that includes the traffic noise monitoring data recorded in accordance with clause (ii) above;
  - (v) an analysis of any discrepancies between the predicted and actual impacts of the Development;
  - (vi) an analysis of compliance with the noise criteria and relative increase criteria specified in the RTS and B33(b);
  - (vii) an outline of at-source mitigation measures to be taken to address any exceedances identified in clause (vi) above;

- (viii) a program to monitor and report on the effectiveness of the above measures; and
- (ix) a description of contingency measures in the event at-source measures are not effective in reducing noise levels to an acceptable level.

B42. Despite the requirement for a Traffic Noise Verification Report in condition B39, the Applicant may seek written approval from the Planning Secretary to not carry out the Traffic Noise Verification Report if heavy vehicles associated with the Development are not utilising Adams Road between the site access and The Northern Road.

## **VIBRATION**

### **Vibration Criteria**

- B43. Vibration caused by construction and operation at any residence or structure immediately outside the site (including the Western Sydney Airport aviation fuel farm) must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999);
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time)
  - (c) for vibration sensitive equipment, the generic vibration criterion (VC) curves set out in *Generic Vibration Criteria for Vibration-Sensitive Equipment* (Gordon, 1999).
- B44. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition B41.
- B45. The limits in conditions B41 and B42 apply unless otherwise outlined in a Construction or Operational Noise and Vibration Management Plan, approved as part of the CEMP required by condition C2 or the OEMP required by condition C5 of this consent.

## **AIR QUALITY**

### **Dust Minimisation**

- B46. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B47. 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**

- B48. The Applicant must install and operate equipment 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.
- B49. All non-road diesel plant and equipment utilised at the Development must achieve a particulate matter emission performance of 0.02 grams per kilowatt hour or less.
- B50. All crushers and screens associated with material handling and processing operations must be fitted with water sprays to prevent or minimise air emissions.

### **Air Quality Management Plan**

- B51. Prior to the commencement of Stage 1 Operations of the Development, 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) whose appointment has been endorsed by the Planning Secretary;
  - (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; 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.

B52. The Applicant must:

- (a) not commence Stage 1 Operations until the Air Quality Management Plan required by condition B49 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.

#### **Odour Management**

B53. The Applicant must ensure the Development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

B54. Storage of green/organic waste at the Development is limited to a maximum period of 72 hours.

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

#### **Imported Soil**

B55. 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.

#### **Soil Washing**

B56. The washing of waste with treated water and/or wastewater is not permitted at the Development. The use of any other water to wash waste is not permitted at the Development unless expressly provided by a licence under the POEO Act.

#### **Erosion and Sediment Control**

B57. Prior to the commencement of any construction or other surface disturbance for the Development, the Applicant must install 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.

B58. The Applicant must maintain the erosion and sediment control measures installed on the site in accordance with condition B55 for the duration of construction and any other surface disturbance for the Development.

#### **Discharge Limits**

B59. 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**

B60. Prior to the commencement of construction of the Development, the Applicant must finalise the detailed design of the 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 EIS/RTS;
- (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 Oaky Creek is treated prior to discharge;
- (f) divert existing clean surface water around operational areas of the site;
- (g) direct all sediment laden water in overland flow away from the leachate management system; and
- (h) prevent cross-contamination of clean and sediment or leachate laden water.

B61. Prior to the commencement of Stage 1 Operations, the Applicant must install the stormwater management system in accordance with the finalised detailed design (as required by condition B58) and ensure the system is operational.

## Water Management Plan

- B62. Prior to the commencement of Stage 1 Operations of the Development, 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 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) provide details of water use, metering, disposal and management on-site;
  - (c) contain a **Leachate Management Plan**, including:
    - (i) the management of wastewater streams on-site, including leachate;
    - (ii) re-use of treated water on-site; and
    - (iii) contingencies in the event the wastewater treatment plan is not operational;
  - (d) contain a **Surface Water Management Plan**, including:
    - (i) a program to monitor:
      - i. surface water flows and quality;
      - ii. surface water storage and use; and
      - iii. sediment/detention basin operation;
    - (ii) surface water impact assessment criteria, including trigger levels for investigating and potential adverse surface water impacts; and
    - (iii) a protocol for the investigation and mitigation of identified exceedances of the surface water impact assessment criteria; and
  - (e) contain an **Irrigation Management Plan**.
- B63. The Applicant must:
- (a) not commence Stage 1 Operations until the Water Management Plan required by condition B60 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.

## WASTE MANAGEMENT

### Construction Waste Management

- B64. Prior to the commencement of construction of the Development, the Applicant must prepare a Construction Waste Management Plan for the Development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with condition C2 and must:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
  - (b) be implemented for the duration of construction works.
- B65. The Applicant must:
- (a) not commence construction until the Construction Waste Management Plan is approved by the Planning Secretary.
  - (b) implement the most recent version of the Construction Waste Management Plan approved by the Planning Secretary.

### Waste Management Plan

- B66. Prior to the commencement of Stage 1 Operations of the Development, 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) be prepared in consultation with the EPA;
  - (b) detail the type and quantity of waste to be generated during operation of the Development;
  - (c) 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);
  - (d) detail the materials to be reused or recycled, either on or off site;
  - (e) a description of procedures for dealing with non-conforming waste and materials received at the Development;
  - (f) a description of how the EPA's record keeping and reporting requirements will be met; and
  - (g) include the Management and Mitigation Measures included in Appendix 2.
- B67. The Applicant must:

- (a) not commence Stage 1 Operations 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 Monitoring Program**

- B68. From the commencement of Stage 1 Operations 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.

### **Waste Receipt, Storage and Processing**

- B69. The Applicant must ensure that only waste authorised for receipt by an EPL is received, stored and processed at the site.
- B70. All loads of waste material must be covered at all times except during inspections carried out at the incoming weighbridge or unless otherwise agreed to in the approved FOD Management Plan required under condition B9.
- B71. All waste must be loaded and unloaded within the designated loading and unloading areas.
- B72. 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.
- B73. All non-conforming waste must be removed from the site immediately following inspection at the incoming weighbridge.
- B74. Any stockpile at the Development must not exceed:
- (a) for non-combustible material, six metres in height; and
  - (b) for combustible material, four metres in height and a maximum volume of 1,000 m<sup>3</sup> in accordance with *FRNSW Fire Safety Guideline – Fire Safety in Waste Facilities (FRNSW, 2020)*
- B75. Permanent stockpile height markers must be installed and maintained at the Development. Markers must show the stockpile height limit of six metres and be positioned so that a visual check can be made of all stockpiles at the Development.

### **Statutory Requirements**

- B76. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B77. The Applicant must assess and classify all non-liquid and 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 waste management facility or premises lawfully permitted to accept the waste.
- B78. The Applicant must retain all sampling and waste classification data for the life of the Development in accordance with the requirements of EPA.
- B79. The requirements of any resource recovery order and exemption applicable to the waste at the resource recovery facility must be complied with at all times.

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

- B80. 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 RISK

### Dangerous Goods

- B81. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.
- B82. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:
- (a) all relevant Australian Standards; and
  - (b) for liquids:
    - (i) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
    - (ii) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual*.
- B83. In the event of an inconsistency between the requirements of conditions B80(a) and B80(b), the most stringent requirement must prevail to the extent of the inconsistency.

### Bunding

- B84. 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).

## FIRE SAFETY

- B85. Prior to the commencement of Stage 1 Operations of the Development, the Applicant is to engage a fire safety engineer or other suitably qualified consultant to prepare the final fire safety design of the Development, including firewater containment, in consultation with FRNSW to the satisfaction of the Planning Secretary and include suitable additional provisions for special hazards by specifically addressing Clauses E1.10 and E2.3 of the National Construction Code.
- B86. The Development must have appropriate fire services to be able to respond to a fire event in accordance with the *Fire Safety Guideline – Fire Safety in Waste Facilities (FRNSW, 2020)*.
- B87. Prior to the commencement of Stage 1 Operations of the Development, the Applicant must prepare a comprehensive Emergency Response Plan (ERP) for the Development in consultation with FRNSW to the satisfaction of the Planning Secretary. The ERP must:
- (a) be prepared by a suitably qualified consultant;
  - (b) specifically address foreseeable on-site and off-site fire events and other emergency incidents;
  - (c) 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); and
  - (d) detail other risk control measures that could be implemented in a fire emergency caused by any unique hazards specific to the site.

## BUSHFIRE

- B88. From the commencement of construction and for the life of the Development, the entire property must be managed as an inner protection area in accordance with the requirements of Planning for Bushfire Protection 2019.
- B89. All construction must comply with:
- (a) the requirements of Planning for Bush Fire Protection 2019, including Section 7.5, and be designed and constructed in accordance with the relevant Bushfire Attack Level, as determined by the Bushfire Hazard Assessment prepared by BlackAsh Bushfire Consulting Pty Ltd dated 16 January 2026;
  - (b) the applicable provisions of:
    - I. Australian Standard AS3959-2018 'Construction of buildings in bushfire-prone areas' (as relevant to the determined Bush Fire Attack Level); and
    - II. the 'NASH Standard – Steel Framed Construction in Bushfire Areas' (as applicable), to the satisfaction of the certifying authority.
- B89A. Landscaping surrounding the Development must comply with the requirements for Asset Protection Zones in Appendix 4 of Planning for Bushfire Protection 2019.
- B89. Property access roads must comply with the requirements of Table 7.4a of Planning for Bush Fire Protection 2019.
- B90. The provision of water, electricity and gas must comply with Table 5.3c of Planning for Bush Fire Protection 2019.
- B91. Prior to the commencement of Stage 1 Operations of the Development, a Bush Fire Emergency Management and Evacuation Plan must be prepared. The Plan must:

- (a) be consistent with the document: 'A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan' (NSW Rural Fire Service, 2014);
- (b) include planning for the early relocation of occupants; and
- (c) be provided to the Local Emergency Management Committee for its information prior to the commencement of Stage 1 Operations of the Development.

B92. The Applicant must:

- (a) not commence Stage 1 Operations until the Bush Fire Emergency Management and Evacuation Plan is approved by the Planning Secretary; and
- (b) implement the most recent version of the Bush Fire Emergency Management and Evacuation Plan approved by the Planning Secretary for the duration of the Development.

## **ABORIGINAL HERITAGE**

### **Statutory Requirements**

#### **Aboriginal Cultural Heritage Management Plan (ACHMP)**

B93. Before the commencement of any clearing or construction works for the Development, the Applicant must prepare an ACHMP for the Development. The plan must form part of the CEMP required by condition C2 and must:

- (a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;
- (b) be submitted to the satisfaction of the Planning Secretary prior to construction of any part of the Development;
- (c) describe the measures to protect the AHIMS site #45-5-2280 in perpetuity;
- (d) describe the measures to salvage the artefacts in at AHIMS site #45-5-5360, including mapping, analysis and collection, and protect them in perpetuity;
- (e) include:
  - (i) details of an Aboriginal cultural heritage interpretation strategy; and
  - (ii) the Management and Mitigation Measures included in Appendix 2 of this consent.

B94. The Applicant must:

- (a) not commence construction until the ACHMP is approved by the Planning Secretary; and
- (b) implement the most recent version of the ACHMP approved by the Planning Secretary for the duration of the Development.

### **Unexpected Finds Protocol**

B95. 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.

B96. 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*.

## **HISTORIC HERITAGE**

### **Unexpected Finds Protocol**

B97. If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area and work in the immediate vicinity of the Aboriginal item or object may only recommence subject to approval from the E&H Group.

## **BIODIVERSITY**

B98. Prior to the commencement of construction, the Applicant must purchase and retire the number and class of ecosystem credits and species credits set out in the BAM Biodiversity Credit Report in Appendix E of the Revised Biodiversity Development Assessment Report, prepared by EMM Consulting Pty Ltd dated 28 April 2021. The retirement of biodiversity credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme of the *Biodiversity Conservation Act 2016*.

B99. Prior to commencement of construction, evidence of the retirement of credits in satisfaction of condition B97 must be provided to the Planning Secretary.

### **Biodiversity Management Plan**

B100. Prior to clearing for construction of the Development, the Applicant must prepare a Biodiversity Management Plan (BMP) for the Development in consultation with the E&H Group to the satisfaction of the Planning Secretary. The

Biodiversity Management Plan must be approved by the Planning Secretary prior to the commencement of clearing for construction and must form part of the CEMP in accordance with condition C2. The Plan must include the following:

- (a) be prepared by a suitably qualified and experienced ecologist;
- (b) be prepared in consultation with the E&H Group;
- (c) include:
  - (i) a description of the environmental management framework that would be implemented to manage biodiversity impacts;
  - (ii) details of who would be responsible for monitoring, reviewing, and implementing the plan;
  - (iii) a program to monitor and report on the effectiveness of the above measures which includes tailored, quantitative performance measures and targets, completion criteria, monitoring and trigger points for corrective action which adhere to the SMART principles (specific, measurable, achievable, realistic, timely); and
  - (iv) revegetation of the riparian zone of Oaky Creek.

B101. The Applicant must:

- (a) not commence any clearing or construction of the Development until the Biodiversity Management Plan is approved by the Planning Secretary; and
- (b) implement the most recent version of the Biodiversity Management Plan approved by the Planning Secretary.

#### **Unexpected Finds**

B102. 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.

#### **VISUAL AMENITY**

##### **Landscaping**

B103. Prior to the commencement of Stage 1 Operations of the Development, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary and in consultation with the Western Sydney Airport. The plan must form part of an OEMP in accordance with condition 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.

B104. The Applicant must:

- (a) not commence Stage 1 Operations 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 B102 for the life of the Development.

##### **Lighting**

B105. 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);
- (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; and
- (c) is designed to comply with the requirements of *National Airports Safeguarding Framework Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports*.

##### **Signage and Fencing**

B106. All signage must be erected in accordance with the Development plans included in the EIS and RTS.

B107. All fencing must be erected in accordance with the design approved in the FOD Management Plan required by condition B9.

**Note:** These conditions do not apply to temporary construction and safety related signage and fencing.

## **COMMUNITY ENGAGEMENT**

B108. The Applicant must consult with the community regularly throughout the Development, including consultation with the nearby sensitive receivers identified on Figure 3 in Appendix 1 of this consent, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

### **Community Consultation Plan**

B109. The Applicant must prepare a Community Consultation Plan for the Development, to the satisfaction of the Planning Secretary. The Plan must:

- (a) be approved by the Planning Secretary prior to the commencement of site preparation works;
- (b) be implemented for the life of the Development, or as otherwise agreed by the Planning Secretary;
- (c) assign a central contact person to keep the nearby sensitive receivers regularly informed throughout the Development;
- (d) detail the mechanisms for regularly consulting with the local community throughout the Development, such as holding regular meetings to inform the community of the progress of the Development and report on environmental monitoring results;
- (e) detail a procedure for consulting with nearby sensitive receivers:
  - (i) to schedule high noise generating works, vibration intensive activities or manage traffic disruptions during construction; and
  - (ii) regarding operational noise and traffic management;
- (f) include contact details for key community groups, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders; and
- (g) include a complaints procedure for recording, responding to and managing complaints, including:
  - (i) email, toll-free telephone number and postal address for receiving complaints;
  - (ii) advertising the contact details for complaints prior to and during operation, via the local newspaper and through on-site signage;
  - (iii) a complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint; and
  - (iv) procedures to resolve any disputes that may arise during the course of the Development.

B110. The Applicant must:

- (a) not commence construction until the Community Consultation Plan is approved by the Planning Secretary; and
- (b) implement the approved Community Consultation Plan for the duration of the Development.

## 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) detailed baseline data;
  - (b) 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;
  - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (d) 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;
  - (e) 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;
  - (f) a program to investigate and implement ways to improve the environmental performance of the Development over time;
  - (g) 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
  - (h) 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 B13);
  - (b) Erosion and Sediment Control Plan;
  - (c) Construction Noise and Vibration Management Plan (see condition B28);
  - (d) Construction Waste Management Plan (see condition B62); and
  - (e) Community Consultation and Complaints Handling.
- 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 B21);
  - (ii) Noise (see condition B34);
  - (iii) Air Quality (see condition B49);
  - (iv) Water (see condition B60);
  - (v) Wildlife Strike Management (see condition B7)
  - (vi) Foreign Object Debris (see condition B9);
  - (vii) Waste (see condition B64);
  - (viii) Emergency Response Plan (see condition B85);
  - (ix) Bushfire (see condition B90);
  - (x) Aboriginal Cultural Heritage (see condition B92); and
  - (xi) Biodiversity (see condition B99).

C7. The Applicant must:

- (a) not commence operation of any stage 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).

## DECOMMISSIONING

- C8. Three months prior to decommissioning the Development under condition A7, the Applicant must prepare a Decommissioning Management Plan for the Development. The Plan must be approved by the Planning Secretary prior to the commencement of decommissioning activities and include:
- (a) a schedule of activities for the orderly decommissioning of the Development;
  - (b) measures to mitigate any environmental impacts associated with the decommissioning of the Development
  - (c) details of waste management and disposal; and
  - (d) procedures for notification of the public, the Department and other relevant Government authorities, of the decommissioning.

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

C9. Within three months of:

- (a) the submission of a Compliance Report under condition C15;
- (b) the submission of an incident report under condition C11;
- (c) the submission of an Independent Audit under condition C17;
- (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 of the outcomes of any review.

- C10. 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 required under condition C8, or such other timing as agreed by the Planning Secretary.

**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

- C11. 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

- C12. 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.
- C13. 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.
- C14. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## Compliance Reporting

- C15. Within six months after the commencement of Stage 1 Operations 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.
- C16. 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 seven days before this is done.

## Independent Audit

- C17. 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 documented in an Independent Audit Report and submitted to the satisfaction of the Planning Secretary within three months of commissioning the Audit (or within another timeframe agreed by the Planning Secretary).
- C18. 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 C17 of this consent;
  - (b) submit the response to the Planning Secretary, Council 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

- C19. 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

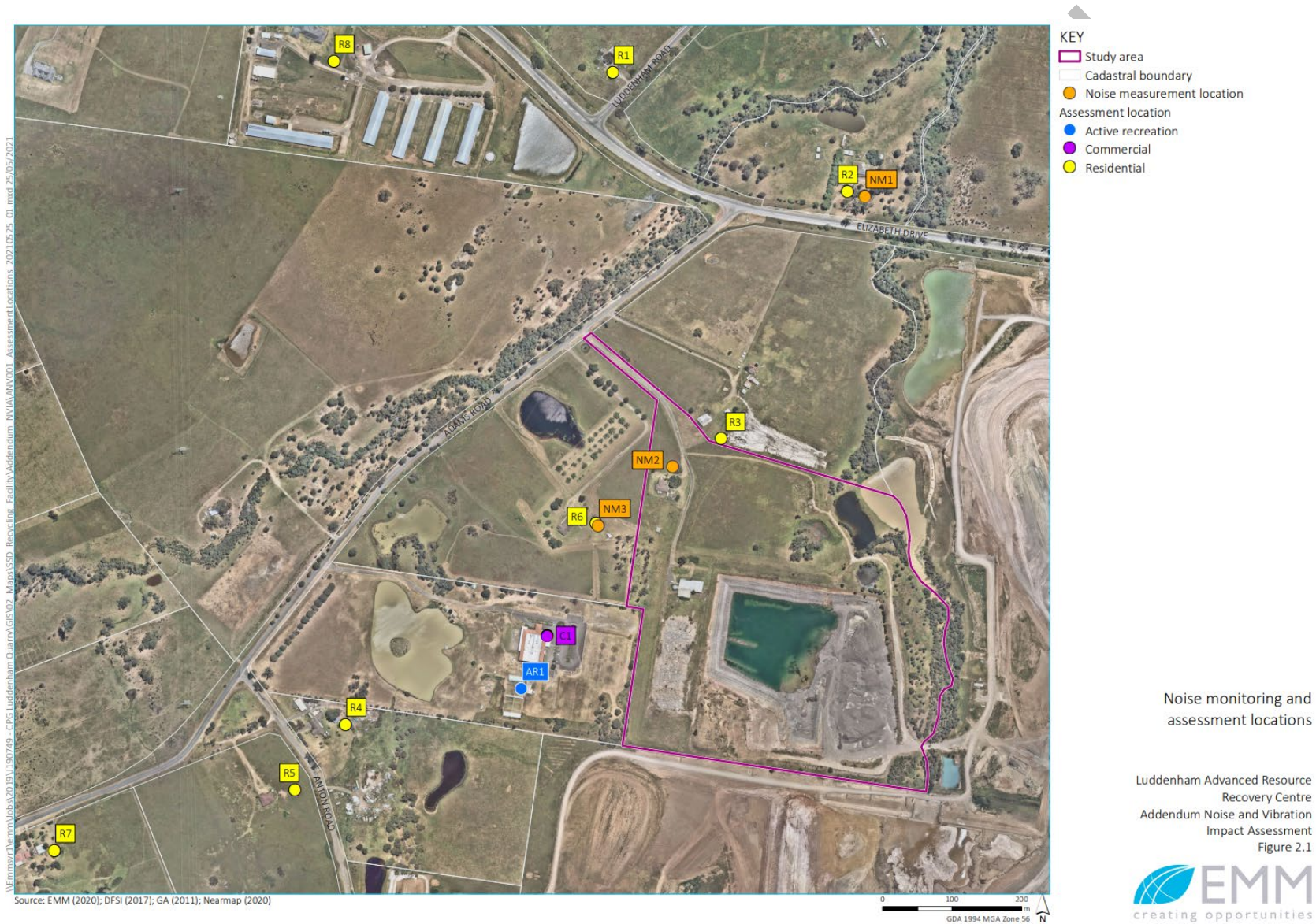
- C20. At least 48 hours before the commencement of construction of the Development and for the life of the Development (or such other time as agreed by the Planning Secretary), the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available 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) the proposed staging plans for the Development if the construction, operation or decommissioning of the Development is to be staged;
  - (v) 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;
  - (vi) 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;
  - (vii) a summary of the current stage and progress of the Development;
  - (viii) contact details to enquire about the Development or to make a complaint;
  - (ix) a complaints register, updated monthly;
  - (x) the Compliance Report of the Development;
  - (xi) audit reports prepared as part of any Independent Audit of the Development and the Applicant's response to the recommendations in any audit report;
  - (xii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.



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29



**Figure 2: Sensitive Receivers**

FOR INFORMATION

## 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 C11 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - (c) identify the Development and application number;
  - (d) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (e) identify how the incident was detected;
  - (f) identify when the applicant became aware of the incident;
  - (g) identify any actual or potential non-compliance with conditions of consent;
  - (h) describe what immediate steps were taken in relation to the incident;
  - (i) identify further action(s) that will be taken in relation to the incident; and
  - (j) 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:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.