

# 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 26 April 2021, 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  
Director, Industry Assessments

Sydney

2021

File: SSD 10447

### SCHEDULE 1

Application Number:	SSD-10447
Applicant:	Remondis Australia Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	<b>Lot 8 and 11 DP 270328 and Lot 2 DP 1278541</b> <b>21D and 21F School Drive and 5E Old Punt Road, Tomago</b>
Development:	Construct and operate a Resource Recovery Facility to process up to <b>132,701</b> tonnes per annum of solid and liquid waste from municipal, commercial, industrial and construction sources for reuse and recycling

# CONSOLIDATED CONSENT

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**SUMMARY OF MODIFICATIONS**

Application Number	Determination Date	Decider	Modification Description
SSD-10447-MOD-1	15 May 2025	Team Leader	<b>Modification to:</b> <ul style="list-style-type: none"><li>• Increase waste processing to 132,701 tonnes per year</li><li>• Permit additional General Solid Waste (non-putrescible) waste streams</li><li>• Administrative update to land description</li></ul>

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## DEFINITIONS

<b>Applicant</b>	Remondis Australia Pty Ltd, 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>BDAR</b>	Biodiversity Development Assessment Report titled <i>Biodiversity Development Assessment Report for a Proposed Resource Recovery Facility at 21D, 21F and part 35A School Drive Tomago</i> , prepared by Wildthing Environmental Consultants dated May 2021
<b>Carrier</b>	Operator of a telecommunication network and/ or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
<b>Certifier</b>	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	Construction of a weighbridge, truck parking depot, storage tanks, truck wash and installation of recycling equipment inside existing buildings, as described in the EIS and RTS
<b>Council</b>	Port Stephens 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>DCCEW CPHR</b>	<b>NSW Department of Climate Change, Energy, the Environment and Water – Conservation Programs, Heritage and Regulation</b>
<b>Department</b>	<b>NSW Department of Planning, Housing and Infrastructure</b>
<b>Development</b>	The development described in Schedule 1, the EIS and RTS, including the works and activities comprising construction and operation of a resource recovery facility, as modified by the conditions of this consent.
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement REMONDIS Australia Pty Ltd Tomago Resource Recovery Facility and Truck Parking Depot (SSD-10447)</i> , prepared by Jackson Environment and Planning dated December 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>Environment</b>	As defined in section 1.4 of the EP&A Act
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence issued under the POEO Act
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Fibre ready facility</b>	As defined in section 372W of the Telecommunications Act 1997 (Cth)
<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

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	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>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>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>	<p><b>The documents 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&amp;A Act:</b></p> <p><b>a) Modification Report Section 4.55(1A) Modification REMONDIS Resource Recovery Facility Tomago SSD 10447 Mod 1, including supporting documentation prepared by KEYLAN Consulting Pty Ltd dated 30 January 2024</b></p>
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
<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 and storage of waste materials for transport off-site and overnight truck parking and vehicle maintenance, as described in the EIS and RTS
<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>RAP</b>	Remediation Action Plan prepared by JM Environments dated 17 July 2021
<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>Remediation works</b>	Removal of stockpiled wastes and lead impacted soils, consolidation of zinc impacted soils, installation of a geotextile membrane over the truck parking area and implementation of a long-term environmental management plan, as described in the RAP
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
<b>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>Response to Submissions Report REMONDIS Australia Pty Ltd Tomago Resource Recovery Facility and Truck Parking Depot (SSD-10447)</i> prepared by Jackson Environment and Planning dated 8 June 2021 and supplementary information including the Waste Minimisation and Management Plan dated 12 August 2021 and Addendum Traffic Impact Assessment dated 13 August 2021, provided in support of the application
<b>RRF</b>	Resource Recovery Facility
<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>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>

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Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
Upgrading	The carrying out of works (including replacing plant, equipment, or machinery or updating relevant technology) to improve the efficiency of the development or to enable or enhance its continued operation, and the carrying out of maintenance works
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Waste Minimisation and Management Plan	<b>Waste Minimisation and Management Plan - Tomago Resource Recovery Facility and Truck Parking Depot, prepared by REMONDIS Australia Pty Ltd, dated 2 December 2024</b>
Year	A period of 12 consecutive months

FOR INFORMATION

## 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 RTS;**
  - (d) **in accordance with the Development Layout in Appendix 1; and**
  - (e) **in accordance with the management and mitigation measures in Appendix 2; and**
  - (f) **in accordance with the Modification Assessments.**
- 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 0 or 0. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition 0, or 0, 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.

##### Throughput

- A6. The Applicant shall not receive more than a total of **132,701** tonnes per year of wastes on site for waste processing.
- A7. **The Applicant must only receive the types of wastes detailed in the Waste Minimisation and Management Plan.**

#### NOTIFICATION OF COMMENCEMENT

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

#### SURRENDER OF EXISTING CONSENTS OR APPROVALS

- A9. Within 12 months of the date of commencement of development to which this consent applies, or within another timeframe agreed by the Planning Secretary, the Applicant must surrender the development consent MP 10\_0039 for an aluminium and rod conductor manufacturing plant on the site in accordance with the EP&A Regulation.

- A10. Upon the commencement of development to which this consent applies, and before the surrender of existing development consents or project approvals required under condition A9, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.

**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**

- A11. 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**

- A12. 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).
- A13. 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.
- A14. 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**

- A15. 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 in the vicinity of the site (including roads, gutters and footpaths);
  - (c) submit a copy of the dilapidation report to the Planning Secretary and Council.
- A16. 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.

## **STRUCTURAL ADEQUACY**

- A17. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

**Note:**

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

## **COMPLIANCE**

- A18. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.



## **CONTRIBUTIONS TO COUNCIL**

- A19. Before the issuing of a construction certificate for any part of the development, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.

## **OPERATION OF PLANT AND EQUIPMENT**

- A20. 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**

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

## **UTILITIES AND SERVICES**

- A24. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A25. Before the issuing of a Subdivision Works or Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual lots and/or premises in the development to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
  - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in the development demonstrated through an agreement with a carrier.
- A26. Before the issuing of the Occupation Certificate for the development the Applicant must demonstrate that the carrier has confirmed in writing it is satisfied that the fibre ready facilities are fit for purpose.

## **WORK AS EXECUTED PLANS**

- A27. Before the issuing of the Occupation Certificate for the development, work-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Principal Certifier.

## **APPLICABILITY OF GUIDELINES**

- A28. 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.
- A29. 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.

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### WASTE MANAGEMENT

#### Statutory Requirements

- B1. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.
- B2. The Applicant must retain all sampling and waste classification data for 6 years in accordance with the requirements of the EPA.

#### Receipt, Storage and Handling of Waste

- B3. The Applicant must:
- (a) only receive waste on site that is authorised for receipt by an EPL;
  - (b) ensure incoming waste complies with the resource recovery criteria specified in Table 4 of the EPA's *Energy from Waste Policy Statement 2020* for each waste stream;
  - (c) for construction waste, comply with the requirements of the EPA's *Standards for managing construction waste in NSW*, or its latest version;
  - (d) ensure that any waste received that is not permitted under this consent or the EPL is removed from the site within 48 hours of receipt, or as soon as practicable;
  - (e) maintain and operate a calibrated weighbridge to record the volume of all waste brought into the site.
- B4. The Applicant must not receive or store any asbestos waste on the site.
- B5. Any waste for processing, storage or resource recovery at the site must be assessed and classified in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014), or its latest version.
- B6. All waste processing, including storage and materials handling activities must be undertaken inside buildings. All truck loading and unloading and storage of waste materials must only be carried out within the areas designated for these activities, as described in the EIS and RTS.
- B7. The Applicant must ensure the height of baled material does not exceed four metres in total.

#### Energy from Waste Management Plan

- B8. Prior to the commencement of operation, the Applicant must prepare an Energy from Waste Management Plan (EfWMP) for the development to the satisfaction of the Planning Secretary. The EfWMP must form part of the OEMP and be prepared in accordance with condition C5. The EfWMP must:
- (a) be prepared by a suitably qualified and experienced person(s), in consultation with the EPA
  - (b) detail the procedures to ensure full and ongoing compliance with Table 4 the *NSW Energy from Waste Policy Statement 2020*;
  - (c) detail how the Applicant will compile and calculate percentages of incoming waste streams every three months and retain this information for submission to the EPA on request;
  - (d) include a procedure for providing evidence to the EPA that incoming material was previously going to landfill; and
  - (e) include a procedure for the management of out of specification waste.
- B9. The Applicant must:
- (a) not commence operation until the EfWMP is approved by the Planning Secretary;
  - (b) implement the most recent version of the EfWMP approved by the Planning Secretary for the operational life of the development.

#### Waste Monitoring Program

- B10. From the commencement of operation, 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 provisions to monitor the:
    - (i) quantity, type and source of waste received on site;
    - (ii) quantity, type and quality of the outputs produced on site; and
  - (c) ensure that staff receive adequate training in order to be able to recognise and handle any prohibited waste including asbestos.

## REMEDIATION

### Site Auditor

- B11. Prior to the commencement of any earthworks or remediation works for the development on site, the Applicant must engage a Site Auditor accredited under the *Contaminated Land Management Act 1997* NSW Site Auditor Scheme.
- B12. Upon completion of the remediation works and prior to the commencement of operation, the Applicant must submit to the Planning Secretary, a Site Audit Report and a Site Audit Statement, prepared in accordance with the *NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017*, which demonstrates the site is suitable for its intended commercial/industrial land use with the implementation of a long term environmental management plan.

### Capping Layer Design

- B13. Prior to the commencement of remediation works, the Applicant must prepare a detailed design for the capping layer for zinc impacted soils. The detailed design must:
- (a) be prepared by a suitably qualified and experienced engineer;
  - (b) be reviewed and approved by the Site Auditor;
  - (c) include details of earthworks quantities, site design levels, grading and drainage, selection of an appropriate impermeable geotextile layer and a material movement plan;
  - (d) include procedures for verifying that capping layer construction is completed in accordance with the approved RAP; and
  - (e) detail alternative measures, such as extending the area of capping, if the required volumes from the remediation area cannot be accommodated under the proposed truck parking area.
- B14. Prior to the commencement of remediation works, the Applicant must provide written evidence from the Site Auditor, confirming the detailed design of the capping layer has been prepared in accordance with Condition B13.

### Remedial Works

- B15. The Applicant must remediate the site in accordance with the Remedial Action Plan (RAP) prepared by JM Environments dated 17 July 2021 and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*. Remediation works must include the pre-remediation groundwater monitoring detailed in the RAP and must be undertaken by a suitably qualified and experienced consultant(s).

### Remediation and Validation Report

- B16. Within two months of completion of the remediation works, the Applicant must submit a Remediation and Validation Report to the satisfaction of the Planning Secretary, which has been prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

### Long Term Environmental Management Plan

- B17. Prior to the completion of the Site Audit Report and Site Audit Statement for the remediation works, the Applicant must prepare a Long-Term Environmental Management Plan (LTEMP) for the site. The LTEMP must:
- (a) be prepared by a suitably qualified and experienced consultant;
  - (b) be reviewed and approved by the Site Auditor;
  - (c) detail measures to identify and monitor contamination remaining on site;
  - (d) detail the post-remediation groundwater monitoring program;
  - (e) include a program for ongoing review to ensure that the LTEMP remains contemporary with relevant environmental standards;
  - (f) include mechanisms to report results to Council and EPA.
- B18. Upon completion of the Site Audit Statement and Site Audit Report, the Applicant must:
- (a) implement the approved LTEMP;
  - (b) provide evidence to the Planning Secretary the LTEMP is listed on the relevant planning certificate for the land, issued under section 10.7 of the EP&A Act, for the development.

## SOILS, WATER QUALITY AND FLOODING

### Erosion and Sediment Control

- B19. Prior to the commencement of any construction for the development, the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the

*Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.

- B20. Prior to the commencement of remediation works and construction at 21F School Drive, the Applicant must install bunding to contain runoff for a 24 hour rainfall event at 1% AEP for remediation works and construction.

#### **Discharge Limits**

- B21. 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.

#### **Groundwater**

- B22. The Applicant must obtain relevant water access licence/s in accordance with the *Water Management Act 2000*, if the development will intercept groundwater.
- B23. The Applicant must monitor groundwater on a monthly basis during remediation and post-remediation in accordance with, and for the duration detailed in, the RAP.

#### **Stormwater Management System**

- B24. The Applicant must design, construct and operate a stormwater management system for the development that:
- (a) is designed by a suitably qualified and experienced person(s), in accordance with the conceptual design in the EIS;
  - (b) be in accordance with applicable Australian Standards;
  - (c) designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;
  - (d) designed to:
    - (i) divert existing clean surface water around operational areas of the site;
    - (ii) prevent discharge of leachate from the buildings into the stormwater system; and
    - (iii) capture all wastewater from the truck wash.
  - (e) designed to ensure peak stormwater flows from the site do not exceed pre-development flows in any downstream areas for 24 hour rainfall events up to and including the 1% AEP;
  - (f) achieves the pollutant reduction targets in Port Stephens Development Control Plan 2014.

#### **Sewage Management System**

- B25. Prior to the commencement of operation, the Applicant must obtain approval from Council under Section 68 of the *Local Government Act 1993* for use of the on-site sewage management system for the development. The Applicant must provide a report from a suitably qualified consultant demonstrating the existing on-site sewage management system complies with the requirements of Port Stephens Development Assessment Framework.

#### **Water Management Plan**

- B26. Prior to the commencement of operation 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) be prepared in consultation with Council and EPA;
  - (c) provide details of:
    - (i) water use, metering, disposal and management on-site;
    - (ii) the number and location of piezometers on-site;
    - (iii) the water licence requirements for the development;
    - (iv) the management of wastewater streams on-site including leachate and fire water;
  - (d) contain a **Surface Water Management Plan**, including:
    - (i) a program to monitor:
      - surface water flows and quality;
      - surface water storage and use; and
      - detention basin operation;
  - (e) contain a **Groundwater Management Plan**, including:
    - (i) baseline data on groundwater levels and quality;
    - (ii) a program to monitor groundwater levels and quality on a monthly basis;

- (iii) groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; and
- (iv) a protocol for the investigation and mitigation of identified exceedances of the groundwater impact assessment criteria.

B27. The Applicant must:

- (a) not commence operation until the Water Management Plan required by condition B26 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.

## **AIR QUALITY**

### **Air Quality Discharges**

B28. 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.

### **Odour**

B29. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

### **Dust and Odour Minimisation**

B30. The Applicant must take all reasonable steps to minimise dust and odour generated during all works authorised by this consent.

B31. The Applicant must ensure that:

- (a) all material handling, processing, storage surfaces and truck routes are sealed;
- (b) truck routes are regularly cleaned to remove dirt, water sprays are used on road surfaces to reduce visible dust plumes and trucks do not track dirt onto the public road network;
- (c) all trucks entering or leaving the site with loads have their loads covered, except during material inspection, unloading and loading; and
- (d) truck idling is minimised where possible.

### **Odour Controls**

B32. Prior to the commencement of construction, the Applicant must provide a detailed design of the odour control unit on the food de-packaging plant, to the satisfaction of the Planning Secretary. The design must include:

- (a) details of the treatment method;
- (b) size and capacity of the unit;
- (c) details of the control efficiencies that the unit would achieve; and
- (d) performance monitoring maintenance procedures.

B33. Prior to the commencement of operation, the Applicant must provide written evidence to the satisfaction of the Planning Secretary, demonstrating that odour controls, such as a carbon filter drum or equivalent odour control measure, has been installed for waste oil unloading activities, to minimise benzene emissions.

### **Air Quality Verification Report**

B34. Prior to the commencement of construction of the food de-packaging plant, the Applicant must prepare an Air Quality Verification Report (AQVR), prepared by a suitably qualified and experienced air quality consultant and submitted to the satisfaction of the Planning Secretary.

B35. The AQVR required by condition B34 must:

- (a) be prepared in consultation with the EPA;
- (b) be conducted in accordance with the EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW*; and
- (c) be based on the final design of the development, including the odour control unit required by Condition B32.

### **Air Quality Management Plan**

B36. Prior to the commencement of operation, the Applicant must prepare an Air Quality Management Plan (AQMP) for the development, to the satisfaction of the Planning Secretary. The AQMP must form part of the OEMP required by Condition C5 and must:

- (a) be prepared by a suitably qualified and experienced person(s);

- (b) detail and rank all significant emission sources from the development;
- (c) identify the control measures, including proactive and reactive mitigation measures that will be implemented for each emission source;
- (d) include the following for each emission source:
  - (i) risk assessment;
  - (ii) key performance indicator;
  - (iii) monitoring method;
  - (iv) location, frequency and duration of monitoring;
  - (v) record keeping;
  - (vi) response mechanism and contingency measures; and
  - (vii) compliance reporting.

B37. The Applicant must:

- (a) not commence operation until the AQMP required by Condition B36 is approved by the Planning Secretary; and
- (b) implement the most recent version of the AQMP approved by the Planning Secretary for the duration of operation.

## **TRAFFIC AND PARKING**

### **Operating Conditions**

B38. 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; and
- (g) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

### **Parking**

B39. 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.

## **NOISE**

### **Hours of Work**

B40. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

**Table 1** Hours of Work

Activity	Day	Time
Construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation	Monday – Sunday	24 hours

- B41. Works outside of the hours identified in condition B40 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
  - (b) works agreed to in writing by the Planning Secretary;
  - (c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
  - (d) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

#### Operational Noise Limits

- B42. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 2.

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

Location	Day L <sub>Aeq</sub> (15 minute)	Evening L <sub>Aeq</sub> (15 minute)	Night L <sub>Aeq</sub> (15 minute)	Night L <sub>AFMax</sub>
Any residential receiver	45	42	40	52

**Note:** Noise generated by the development is to be measured in accordance with the relevant procedures and modifications (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time).

#### Construction Noise Limits

- B43. 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 included in the CEMP in accordance with condition C2.

### HAZARDS AND RISK

#### Dangerous Goods

- B44. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.
- B45. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:
- (a) all relevant Australian Standards;
  - (b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
  - (c) the Environment Protection Manual for *Authorised Officers: Bunding and Spill Management – technical bulletin* (EPA, 1997).
- B46. In the event of an inconsistency between the requirements of conditions B45(a) to B45(c), the most stringent requirement must prevail to the extent of the inconsistency.

#### Bunding

- B47. 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).

#### Emergency Plan

- B48. Prior to the commencement of operation, the Applicant must prepare and submit to the Planning Secretary an Emergency Plan for the development. The Emergency Plan must:
- (a) be prepared in accordance with Australian Standard AS 7345 – 2010 *Planning for emergencies in facilities*;

- (b) include procedures for bushfire evacuation and management planning, consistent with the recommendations of the Bushfire Assessment Report: Proposed Recycling Facility, Lot 7 and Lot 11 DP 270328, 21D and 21F School Drive, Tomago prepared by Newcastle Bushfire Consulting dated 11 November 2020; and
- (c) include flood risk management procedures including:
  - (i) clear triggers for implementing flood risk mitigation actions, such as flood heights at a local gauge or flood warnings from the Bureau of Meteorology;
  - (ii) flood emergency responses, consistent with the State Emergency Service local flood plan;
  - (iii) predicted flood levels;
  - (iv) flood warning time and flood notification;
  - (v) contact details for the State Emergency Service;
  - (vi) assembly points, refuge and evacuation routes and protocols to maintain personal safety of occupants; and
  - (vii) awareness training for employees and contractors.

## **FIRE SAFETY**

- B49. The Applicant must design, install and operate the development to meet the requirements of FRNSW's *Fire Safety in Waste Facilities 2020*, or as otherwise approved by Fire & Rescue NSW (FRNSW).
- B50. The Applicant must consult FRNSW during the fire engineering brief consultation process for the development.
- B51. If there are any significant changes to the approved site layout, processing capacity or accepted waste streams, including combustible materials, the Applicant must reassess the fire and life safety measures for the development, re-consult FRNSW and obtain approval from the Planning Secretary.

## **BUSHFIRE PROTECTION**

- B52. The Applicant must ensure:
  - (a) the development complies with the relevant provisions of *Planning for Bushfire Protection 2019*;
  - (b) the site is managed as an inner protection area in accordance with the recommendations of the Bushfire Assessment Report: Proposed Recycling Facility, Lot 7 and Lot 11 DP 270328, 21D and 21F School Drive, Tomago prepared by Newcastle Bushfire Consulting dated 11 November 2020; and
  - (c) landscaping on site is maintained and managed in accordance with *Planning for Bushfire Protection 2019*.

## **BIODIVERSITY**

### **Biodiversity Offsets**

- B53. Prior to any clearing or construction works for the development, the Applicant must purchase and retire one (1) species credit species to offset the removal of 0.1 hectares of Mahony's Toadlet (*Uperoleia mahonyi*) habitat on the site. The species credits must be retired in accordance with the requirements of the **DCCEW CPHR** Group's Biodiversity Offsets Scheme and the *Biodiversity Conservation Act 2016*.
- B54. The requirement to retire species credits (see Condition B53) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of species credits, as calculated by the **DCCEW CPHR** Group's Biodiversity Offsets Payment Calculator.
- B55. The Applicant must provide the Planning Secretary with evidence that:
  - (a) the retirement of species credits has been completed (see Condition B53); or
  - (b) a payment has been made to the Biodiversity Conservation Fund (see Condition B54), prior to undertaking any clearing or construction works for the development.

### **Priority Weed Management**

- B56. The Applicant must:
  - (a) implement suitable measures to manage 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 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.

## **HERITAGE**

### **Unexpected Finds Protocols**

- B57. 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.

B58. 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*.

B59. If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area. Unexpected finds must be evaluated and recorded in accordance with the requirements of Heritage NSW.

#### **Site Induction**

B60. Prior to the commencement of construction, the Applicant must prepare and implement Aboriginal cultural heritage and Non-Aboriginal heritage induction training for all staff and contractors. The training must outline the obligations of staff and contractors under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*.

#### **VISUAL AMENITY**

##### **Lighting**

B61. The Applicant must ensure the lighting associated with the development:

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

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

B62. All signage and fencing must be erected in accordance with the development plans included in the EIS.

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

## PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Management Plan Requirements

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

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

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) for the development in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under condition C2 of this consent, the Applicant must include an Erosion and Sediment Control Plan (see condition B19).
- 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) Energy from Waste Management Plan (see condition B8);
    - (ii) Water Management Plan (see condition B26); and

- (iii) Air Quality Management Plan (see condition B36).

C7. The Applicant must:

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

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

C8. Within three months of:

- (a) the submission of a Compliance Report under condition C14;
- (b) the submission of an incident report under condition C10;
- (c) the submission of an Independent Audit under condition C16;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition 0 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.

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

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

### Non-Compliance Notification

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

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

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

### Compliance Reporting

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

- (a) identify any trends in the monitoring data over the life of the development;
- (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (c) describe what measures will be implemented over the next year to improve the environmental performance of the development.

C15. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least seven days before this is done.

### Independent Audit

C16. Within one year of the commencement of operation of the development, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (Audit) of the development. Audits must:

- (a) be prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020)

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

### Monitoring and Environmental Audits

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

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

### ACCESS TO INFORMATION

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

## APPENDIX 1 DEVELOPMENT LAYOUT PLANS

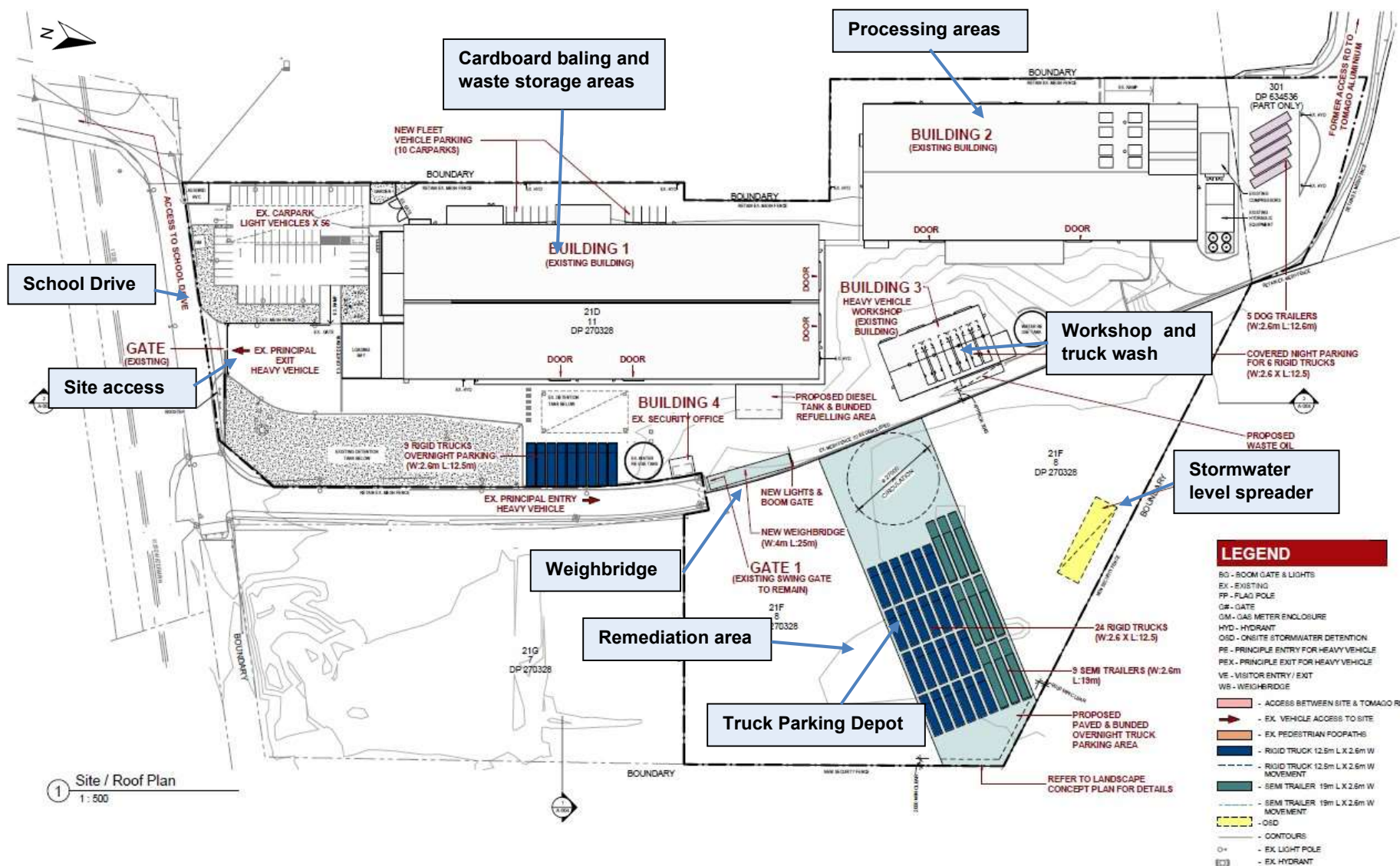


Figure 1: Development Layout

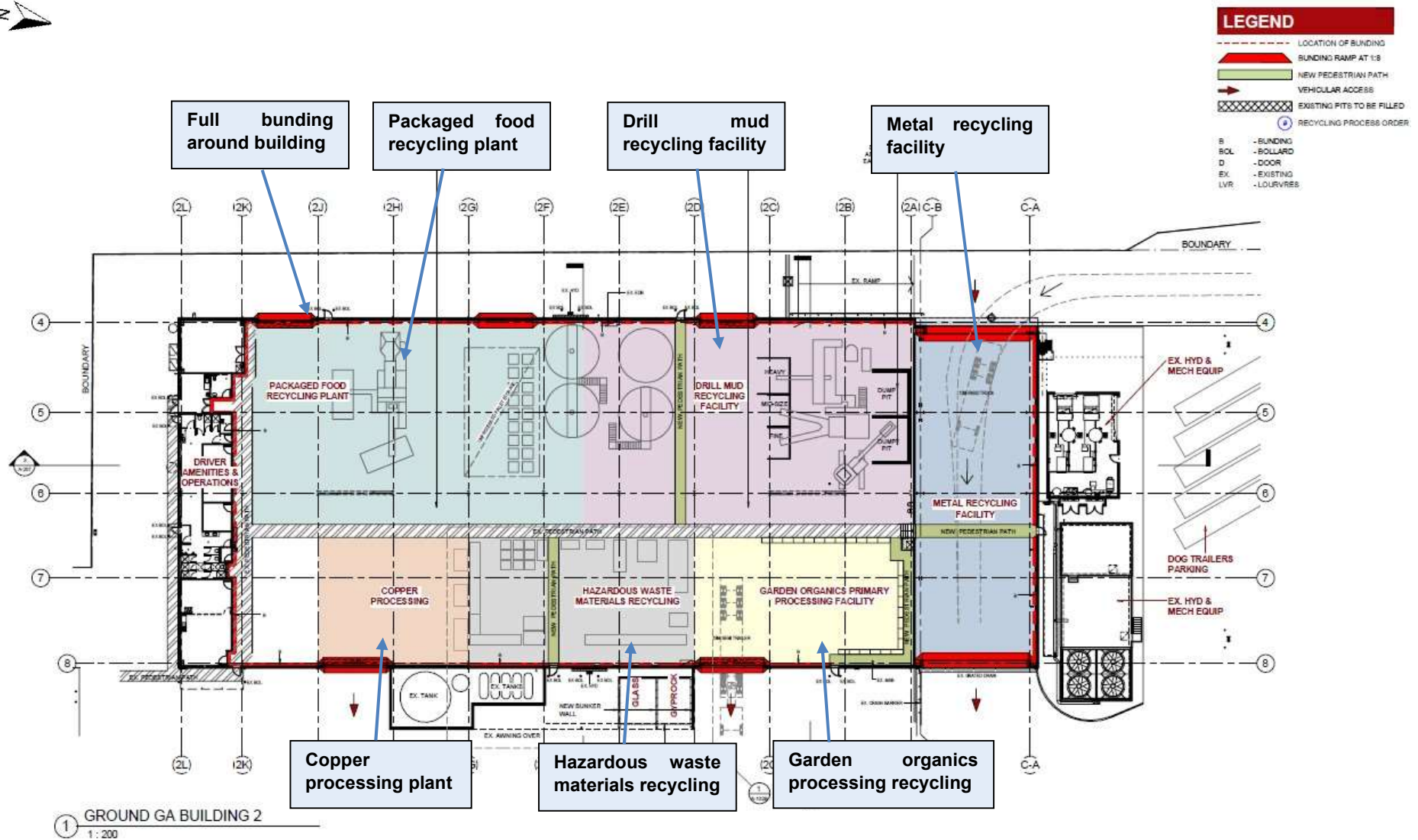


Figure 2: Processing Areas Inside Building 2



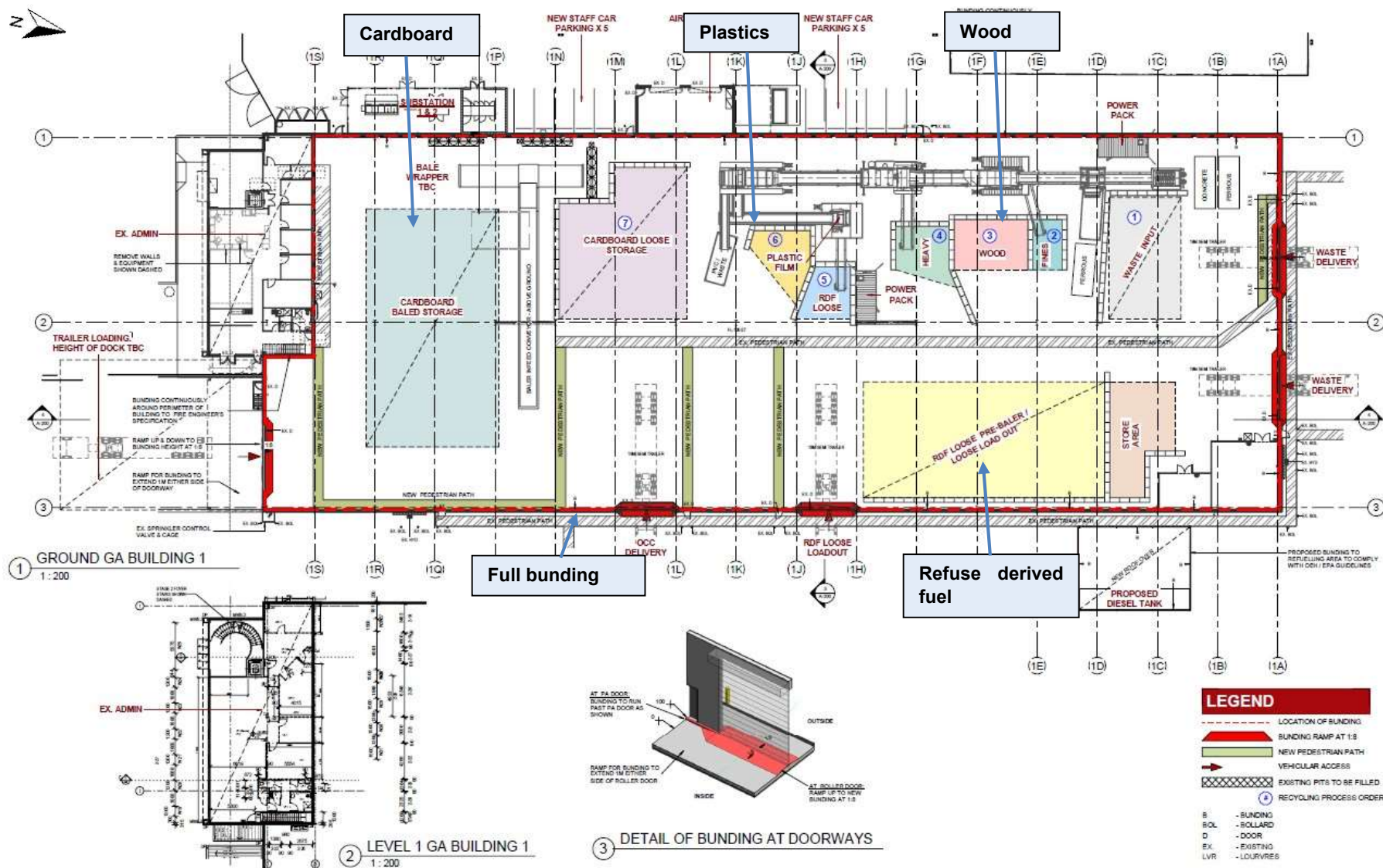
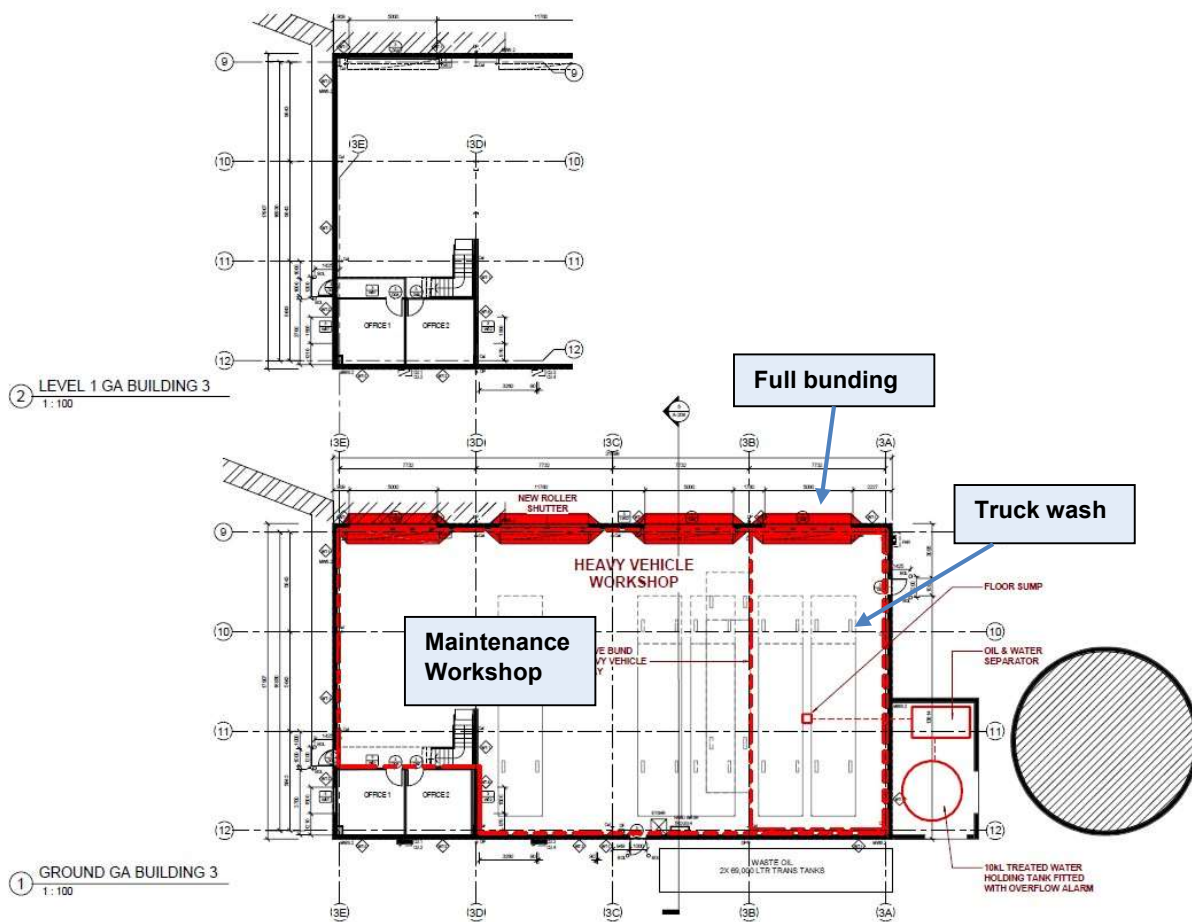


Figure 3: Cardboard Baling and Waste Storage Areas Inside Building 1



**Figure 4: Heavy Vehicle Workshop, Truck Wash Bay and Offices**



## APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Issue	Mitigation Strategy
Waste	<ul style="list-style-type: none"> <li>Waste management and minimisation will form part of the induction program (which includes environmental due diligence training). All Project and site personnel will be trained in the requirements of this document including minimising wastes, recognising which types of materials are recyclable and their obligations to use recycling facilities provided on site;</li> <li>Clearly assign and communicate responsibilities to ensure that those involved in the construction are aware of their responsibilities in relation to the waste management plan;</li> <li>Engage and educate personnel on how the various elements of the waste management plan will be implemented;</li> <li>Specific locations for waste management (e.g. sorting area locations, recycling bin locations, material stockpile locations) will be established on site and signposted appropriately;</li> <li>Waste management areas will be adequately managed to prevent sediment runoff and dust generation;</li> <li>Construction Method Statements (CMS) will include practices to minimise waste generation and to maximise recycling and reuse of materials including oils, greases, lubricants, timber, glass, and metal;</li> <li>Packaging minimisation and reuse initiatives will be implemented as part of the procurement;</li> <li>Development of an unexpected finds environmental procedure should any contamination be found during construction works;</li> <li>Spill kit to be present on site in the case of any fuel leaks of plant and equipment during the construction phase of the development;</li> <li>Segregated waste disposal containers for the collection and recycling/disposal of all waste streams generated during the construction and operation phases will be provided onsite. Waste disposal containers will have clear signage and instructions for use to avoid cross-contamination. No rubbish shall be disposed of on site;</li> <li>Waste will be disposed to an appropriate licensed facility. A Waste Management Register of all waste collected for disposal and / recycling, including amounts, data and time and details and location of disposal will be maintained at all times;</li> <li>All waste being transported off site must be covered. The transportation must be appropriately licensed to carry that material;</li> <li>Storage of all hazardous substances and dangerous goods will be in accordance with SDS requirements in a bunded area. Solid and hazardous wastes will be contained and separated from inert waste;</li> <li>Any hazardous will be managed and handled by an appropriately licensed contractor and transported for disposal to a licensed facility approved site;</li> <li>Any material contaminated by spills i.e. fuel, oil, lubricants etc., including empty fuel, oil and chemical containers, will be stored in a sealed secure container within a bunded area and will be transported to a waste disposal site approved by the NSW EPA to accept such material;</li> <li>Incompatible wastes will not be mixed;</li> <li>Storage areas would be located away from waterways and the stormwater system;</li> <li>Biodegradable products will be used wherever practicable;</li> <li>Regular collection of wastes will ensure air emissions are at a satisfactory level. Inappropriate waste and wastewater management systems will be regularly inspected and audited;</li> <li>Conduct regular litter patrols to ensure litter is effectively controlled on site;</li> </ul>
Air quality	<ul style="list-style-type: none"> <li>All waste tipping, sorting, processing and storage will occur indoors at all times;</li> <li>Implement a waste acceptance evaluation procedure to ensure all waste received on site meets the relevant criteria;</li> <li>Use odour neutralisers;</li> <li>Availability of spill kits to allow for prompt containment of spills which could be odorous;</li> <li>Daily odour survey observations around the boundary of the site;</li> <li>Work procedures in the event of any particularly odorous loads (e.g. Use of odour neutraliser, identifying waste source and investigating possibility of diverting to another waste facility);</li> <li>Additional odour control system medium on-site at all times (e.g. Additional activated carbon to be stored on site).</li> </ul>

Issue	Mitigation Strategy
Greenhouse gas	<ul style="list-style-type: none"> <li>Minimise the use of fuel by selecting fuel efficient plant and equipment, operating vehicles and machinery in a fuel-efficient manner e.g. turning off idling equipment, and selecting construction techniques that utilise lower amounts of fuel;</li> <li>Implement a maintenance plan for all fuel and electrically powered equipment;</li> <li>Implement energy conservation practices by all staff (which can be enforced through appropriate training);</li> <li>Use solar panels.</li> </ul>
Noise and vibration	<ul style="list-style-type: none"> <li>Avoid the coincidence of noisy plant working simultaneously close together would result in reduced noise emissions;</li> <li>Equipment which is used intermittently is to be shut down when not in use;</li> <li>Where possible, equipment with directional noise emissions should be oriented away from sensitive receivers;</li> <li>Regular compliance checks on the noise emissions of all plant and machinery used for the proposal would indicate whether noise emissions from plant items were higher than predicted. This also identifies defective silencing equipment on the items of plant;</li> <li>Non-tonal reversing alarms should be used on all items of plants and heavy vehicles used for construction;</li> <li>Existing doors are closed during the waste processing whenever practicable (note this measure is not required to achieve the Project Noise Trigger Levels for the project and is at the discretion of the proponent).</li> </ul>
Biodiversity (construction)	<ul style="list-style-type: none"> <li>The clearing boundary should be clearly marked to avoid removal of additional native vegetation.</li> <li>Priority will be given during construction to avoid any inadvertent impact to significant biodiversity values within the study area. Avoidance measures should include the following: <ul style="list-style-type: none"> <li>All material stockpiles, vehicle parking and machinery storage will be located within cleared areas proposed for clearing, and not in areas of native vegetation that are to be retained;</li> <li>Implementation of temporary stormwater controls during construction and to ensure that discharges outside the development footprint are consistent with existing conditions and do not impact the stream located within the site;</li> </ul> </li> <li>Any animals injured during construction should be taken immediately to a Vet for treatment. Any animals suspected to require rehabilitation would be delivered post-veterinary care to an appropriate animal rehabilitator;</li> <li>The following measures should be implemented to prevent exotic plant material from entering/exiting the development area; <ul style="list-style-type: none"> <li>No imported/exported material to be permitted unless it has been inspected and confirmed to be free of dirt and mud which may contain weed seeds and vegetative material such as bulbs, root fragment, tubers or rhizomes;</li> <li>Vehicles and machinery to be clean of soils, vegetation and seeds that have been brushed off or washed down prior to entering the study area; and</li> </ul> </li> <li>A clean down register to be maintained at the entry/exit of the study area.</li> </ul>
Biodiversity (operation)	<ul style="list-style-type: none"> <li>Vehicles should not drive off the designated parking area into vegetation within the study area to reduce impact to resident fauna and flora within the study area during the operations phase;</li> <li>Any animals injured during operations should be taken immediately to the Motto Farm Veterinary Hospital for treatment. Any animals suspected to require rehabilitation would be delivered post-veterinary care to an appropriate animal rehabilitator associated with Wildlife in Need of Care Phone 1300 946 295);</li> <li>The following measures should be implemented to prevent exotic plant material from entering/exiting the study area: <ul style="list-style-type: none"> <li>No imported/exported material to be permitted unless it has been inspected and confirmed to be free of dirt and mud which may contain weed seeds and vegetative material such as bulbs, root fragment, tubers or rhizomes;</li> <li>Vehicles and machinery to be clean of soils, vegetation and seeds that have been brushed off or washed down prior to entering the study area;</li> <li>A clean down register to be maintained at the entry of the study area; and</li> <li>Trucks are not to drive off the designated parking area onto vegetation within the site;</li> </ul> </li> </ul>

Issue	Mitigation Strategy
	<ul style="list-style-type: none"> <li>As a part of maintenance within the study area any high threat weeds known to occur will be controlled in accordance with appropriate DPI guidelines. Guidelines for the treatment of high threat weeds can be sourced within the DPI website;</li> <li>Any artificial lighting used for security at night should be angled/directed downwards to avoid excessive light pollution affecting adjacent habitat.</li> </ul>
Soil and water	<ul style="list-style-type: none"> <li>All waste handling and storage will be under cover and within bunded areas.</li> <li>Each of the main buildings (Buildings 1, 2 and 3) will have internal bunds to contain any leaks or spills within them. They will also contain any fire water, if necessary.</li> <li>A stormwater capture and treatment system will be installed to treat water from the truck parking depot. This will supplement the existing stormwater treatment system, which treats stormwater from the existing paved area. The following water quality treatment devices will be utilised: <ul style="list-style-type: none"> <li>OceanGuard Pit Filter Insert – Runoff captured by the hardstand will pass through a filter insert that will aid in the capture of gross pollutants, sediment, litter and oils. An oil absorbent pillow will also be installed as part of the filter insert, which will assist in the capture of small amounts of hydrocarbons or oils that would otherwise enter the stormwater system.</li> <li>Ocean Protect Psorb Filter Cartridges – Proprietary filter cartridges will filter stormwater runoff capturing and removing fine sediment, as well as nutrients including phosphorous and nitrogen.</li> </ul> </li> <li>An emergency shutoff valve will be installed for the new stormwater system that will contain any oil or diesel spills and prevent them from entering the stormwater infiltration system.</li> </ul>
Heritage	<ul style="list-style-type: none"> <li>All on-site personnel are to be made aware of their obligations under the <i>National Parks and Wildlife Act 1974</i>, this includes protection of Aboriginal sites and the reporting of any new Aboriginal, or suspected Aboriginal, heritage sites. This may be done through an onsite induction or other suitable format;</li> <li>All on-site personnel are to be made aware of their obligations under the <i>NSW Heritage Act 1977</i>, including the reporting of any historic, or suspected historic material. This may be done through an onsite induction or other suitable format;</li> <li>In the unlikely event that Aboriginal or suspected Aboriginal archaeological material is uncovered during the development, then works in that area are to stop and the area cordoned off. The project manager is to contact the heritage consultant to make an assessment as to whether the material is classed as Aboriginal object/s under the National Parks and Wildlife Act and advise on the required management and mitigation measures. Works are not to re-commence in the cordoned off area until heritage clearance has been given and/or the required management and mitigation measures have been implemented;</li> </ul>
Bushfire	<ul style="list-style-type: none"> <li>At the commencement of building works and in perpetuity, manage an inner protection area (IPA) for the entire property as outlined within Appendix 4 of <i>Planning for Bush Fire Protection</i> (2019) and the NSW Rural Fire Service's <i>Standards for Asset Protection Zones</i>;</li> <li>Undertake landscaping in accordance with Appendix 4 of <i>Planning for Bush Fire Protection</i> (2019) and manage and maintain in perpetuity;</li> <li>Property owner and occupants to familiarise themselves with the relevant bushfire preparation and survival information provided by the New South Wales Rural Fire Service;</li> <li>Implement emergency evacuation plans prepared for the workplace with specific consideration of bushfire evacuation and management planning;</li> </ul>
Contamination	<ul style="list-style-type: none"> <li>Implement remedial measures as detailed in the Remedial Action Plan,</li> <li>Prepare and implement a Long-Term Environmental Management Plan.</li> </ul>
Chemicals and fuels and pollution incidents	<ul style="list-style-type: none"> <li>All liquid wastes, chemicals and fuels to be handled and stored under cover in bunded areas;</li> <li>All staff working in areas with liquid wastes to be properly trained and wear PPE at all times;</li> <li>MSDS sheets, where available, to be readily accessible for all chemicals on site;</li> <li>Chemical spill kits and “absorbent sausages” to be kept on site and readily accessible near liquid waste and chemical storage;</li> <li>Firefighting equipment to be accessible and regularly inspected.</li> </ul>

Issue	Mitigation Strategy
	<ul style="list-style-type: none"> <li>• The area for loading and off-loading drill muds will occur fully indoors within the designated bunded area of Building 2;</li> <li>• Tankers will be provided with automatic shut-off mechanisms;</li> <li>• Valves will be kept closed unless manually opened during transfer;</li> <li>• Storage tanks will be provided with overfill protection and alarms;</li> <li>• Leak detection tests on tanks, distribution lines and seals will be conducted regularly;</li> <li>• The 2 x 50,000L storage tanks will be internally bunded or will be provided with secondary containment bunding such that the compound (area where the two tanks are stored) will contain a spill equivalent to the volume of one tank (50,000L);</li> <li>• The floors of bulk storage facilities will be designed to withstand the hydrostatic pressure exerted when tanks are full;</li> <li>• The containment system will be compatible with the liquid being stored and provide an impervious barrier to prevent spills from discharging outside the containment system;</li> <li>• Any pipes connected to the storage tanks will be located over the containment system. If a pipe passes through a wall, the joint should be sealed to prevent leakage;</li> <li>• All fixed tanks will be provided with a suitable overflow system that discharges to an area within the bund wall or to a collection or holding point;</li> <li>• Any valve used for draining a storage compound should be located outside the bund wall;</li> <li>• The valve should have clear open and closed positions and be compatible with the liquid contained. The valve should normally be closed except during drainage;</li> <li>• Storage tanks should be fitted with level indicators. Where the level inside the tank is not continuously visible to the person filling the tank, a high-level alarm should be fitted to prevent overflow;</li> <li>• All tanks and storage compounds will be inspected and maintained regularly, and the tanks' integrity should be tested at least every 5 years;</li> <li>• Tanks will be properly labelled and have Material Safety Data Sheets available in the work area;</li> <li>• Vehicles will move between storage areas in a manner that prevents the tracking of contamination from one area to another;</li> <li>• All storage areas will be secured against unauthorised entry;</li> <li>• Adequate supplies of spill response equipment should be maintained in accessible locations. These are to be checked on a weekly basis and replenished with new supplies immediately after use;</li> <li>• Contaminated water and other waste (spill materials) from the clean-up of spills must be collected and disposed of in accordance with EPA requirements;</li> <li>• A spill response plan will be developed as part of the Operational Environmental Management Plan for the site, implemented, reviewed and updated as required;</li> <li>• Spill response training and drills will be conducted regularly or as appropriate;</li> <li>• The spread of the spill should be contained, and all spilled liquids should be recovered immediately. The spilled liquid and other clean-up waste should be properly disposed of;</li> <li>• Water used for cleaning up and decontaminating spills should not be allowed to enter stormwater drains or watercourses;</li> <li>• Spills should be covered and protected from stormwater runoff during rainfall to the extent that it does not compromise clean-up activities;</li> <li>• An emergency management plan to deal with significant incidents will be implemented, reviewed and updated as required;</li> <li>• At the detailed design stage, sufficient space between bund walls, storage areas and other structures should be provided to allow access during emergencies;</li> <li>• Employees will be trained in emergency response procedures, including spill clean-up procedures;</li> <li>• Response equipment should be provided to allow emergencies to be dealt with immediately;</li> <li>• Emergency drills using the emergency response plan should be undertaken at least annually;</li> <li>• Spilled liquids and other wastes from the clean-up should be collected and properly disposed of;</li> <li>• Responsible individuals should be designated to oversee and enforce control;</li> </ul>

Issue	Mitigation Strategy
	<ul style="list-style-type: none"> <li>• The site will maintain adequate measures to contain contaminated firewater on-site;</li> <li>• The site's stormwater isolation valve to be activated to block the stormwater drain outlets from the site;</li> <li>• Oil and oily water is to be pumped into designated holding tanks. These tanks are contained within the fully bunded area, with good ventilation;</li> <li>• Tanks will be provided with suitable vents to enable the safe discharge of displaced volatile air emissions during loading and unloading; should have a vapour disposal or recovery system installed where necessary;</li> <li>• Storage tanks are located in a tank farm that will have bunding for at least 100% of the largest tank;</li> <li>• Package stores containing chemicals that emit volatile gases should be provided with adequate natural or mechanical ventilation;</li> <li>• All containers storing liquids / waste liquids should be sealed (i.e. lids sealed and bungs secured);</li> <li>• All containers are to be stored in accordance with their waste classification codes;</li> <li>• All areas to have placarding and signage to facilitate identification and management of storages;</li> <li>• Package stores should be located with adequate separation from boundaries, ignition sources and protected places;</li> <li>• Stored chemicals and waste materials should be confined to designated areas;</li> <li>• All stores that contain liquid chemicals should be provided with suitable bunding and containment;</li> <li>• The capacity of the spillage containment compound should be adequate to retain spillage;</li> <li>• Spill containment areas should be designed so incompatible material does not drain to the same area;</li> <li>• Drums and other containers should be stored (stacked) in such a manner and location that if the drums and other containers are ruptured or toppled, the contents will not spill outside the containment structure;</li> <li>• All products should be sorted and labelled, and Material Safety Data Sheets should be made available in the work area;</li> <li>• Areas for decanting and off-loading liquid chemicals will be done indoors within the fully bunded area of the Hazardous Waste Recycling Facility;</li> <li>• Adequate natural or mechanical ventilation for package-filling operations should be provided, and if necessary the vents should be fitted with filters to minimise air emissions;</li> <li>• Tanks should be located with adequate separation distances from boundaries, ignition sources and protected places;</li> <li>• Material that tanks are made of should be compatible with chemicals to be stored;</li> <li>• Oil storage tanks will be located away from the containment bunds, so any lateral spill from the tank would be contained inside the containment walls or hit a suitable splatter shield;</li> <li>• All storage tanks should be fitted with level indicators. Where the level inside the tank is not continuously visible to the person filling the tank, a high-level alarm should be fitted to prevent overflow;</li> <li>• Tankers that will visit the site to pump out the drain drum and oil filter drum will be provided with automatic shut-off mechanisms;</li> <li>• Shut-off valves used in the transfer of liquids should be of the quick-closing type;</li> <li>• Hatches, manholes or covers on all tankers should be kept closed, except during loading and unloading operations;</li> <li>• Drums or containers to be used to catch any drips from hoses before or after decanting;</li> <li>• Transfer pumps should be provided with emergency shut-down devices;</li> <li>• Hoses should be purged before uncoupling;</li> <li>• Overfill protection devices should be regularly inspected;</li> <li>• Forklift drivers transporting IBC's or other containers should be appropriately trained;</li> <li>• Regular inspections should be undertaken for losses or leaks, and valves, pumps, couplings and seals should be maintained regularly;</li> <li>• Areas for storing scheduled liquid chemical wastes will be secured, roofed and walled, have impermeable floors and be adequately ventilated;</li> <li>• Empty containers should be washed, rinsed or chemically treated and sealed before storage or disposal;</li> <li>• Labels of containers should be retained until the containers are washed and rinsed;</li> <li>• Containers not for reuse should be rendered safe and be punctured or crushed;</li> <li>• Accurate records of all wastes stored should be kept to ensure early disposal;</li> </ul>

Issue	Mitigation Strategy
	<ul style="list-style-type: none"> <li>Employees should be trained in appropriate waste control and disposal procedures.</li> </ul>
Fire safety	<ul style="list-style-type: none"> <li>Access for fire brigade vehicles and firefighters: <ul style="list-style-type: none"> <li>It has been noted by both BMG (2020) and Affinity Fire Engineering (2020) that emergency vehicle access around the northern end of Building 2 is not deemed to satisfy BCA cl. C2.4, in that the perimeter road is greater than 18 metres from the building in certain locations; and</li> </ul> </li> <li>Fire safety in waste facilities: <ul style="list-style-type: none"> <li>Building 1 will be fitted with ridgeline exhaust fans capable of extracting smoke at the rate of 18m<sup>3</sup>/s within 10 minutes of the fire reaching steady heat release;</li> <li>Building 1 will have a minimum 10mm high perimeter bund around the inside of the building;</li> <li>Building 2 will be fitted with ridgeline exhaust fans capable of extracting smoke at the rate of 17m<sup>3</sup>/s within 6 minutes of the fire reaching steady heat release;</li> <li>Building 2 will have a minimum 16mm high perimeter concrete bund around the inside of the building;</li> <li>Building 3 will be fitted with ridgeline exhaust fans capable of extracting smoke at the rate of 26m<sup>3</sup>/s that are interlocked with the fire alarm;</li> <li>Building 3 will have a minimum 5mm high perimeter concrete bund around the inside of the building;</li> <li>Internal stockpiles will be arranged to allow for six (6) metres unobstructed access around internal stockpiles; and</li> <li>Internal stockpiles will have a maximum volume of 1000m<sup>3</sup>.</li> </ul> </li> <li>It is further recommended that REMONDIS : <ul style="list-style-type: none"> <li>Provide an emergency tipping area, such as the undeveloped areas on Site 21F, at least 10 metres from parked vehicles and within a 70 metre radius of hydrant FH5;</li> <li>Use portable infrared detectors to check for thermal hotspots;</li> <li>Install fixed infrared cameras with audible alarm at five (5) identified high fire load locations;</li> <li>Install automatic sprinkler system in Building 2;</li> <li>Building 2 will require the installation of 4 x 36m (DN19) fire hose reels adjacent personal access doors to ensure coverage of the building internal floor area;</li> <li>2A 60B(E) 9 kg powder fire extinguishers will be installed on all the vehicles working in the vicinity of the fire compartments;</li> <li>5 x 2A 60B(E) 9 kg powder fire extinguishers to be inside the recycling plant;</li> <li>Lithium batteries must be stored in accordance with the Dangerous Goods Code and AS/NZS 4681:2000 The storage and handling of Class 9 (miscellaneous) dangerous goods and articles; and</li> <li>Plastics will be removed on a regular basis to ensure that individual storage areas, no greater than 20m<sup>2</sup> and 2 metres high, are separated from adjoining storages by no less than 2.4 metres.</li> </ul> </li> </ul>
Visual impact	<ul style="list-style-type: none"> <li>Preferably plant native trees and large shrubs along the boundary to help screen the proposed development from future development of adjacent Lots;</li> <li>Ensure the proposed development is offset from the boundary to allow screen planting;</li> <li>Plant native trees along the road verge of 21D to reduce views to the proposed development from future development.</li> </ul>

Issue	Mitigation Strategy
Emergency Response	<ul style="list-style-type: none"> <li>• In the event of an emergency, the Emergency Plan prepared of the facility will be implemented.</li> <li>• As per the Emergency Plan, in the event of a flood that has the potential to reach the site boundaries, the following actions are to be taken: <ul style="list-style-type: none"> <li>○ The facility is to stop receiving inbound product;</li> <li>○ Service/remove all bins and vessels wherever possible; and</li> <li>○ Send contents offsite to recycling/disposal destinations.</li> </ul> </li> <li>• In the event the actions above cannot be carried out, the actions listed in table 4.3 of the Waste Minimisation and Management Plan (Version 4 dated 12/08/21) are to be implemented, relevant to the specific areas.</li> </ul>

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

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

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

### **INCIDENT REPORT REQUIREMENTS**

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (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.