

# 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 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development



Mike Young  
**Executive Director**  
**Energy, Industry and Compliance**

Sydney

31 January 2021

File: EF20/21442

### SCHEDULE 1

<b>Application Number:</b>	SSD-10459
<b>Applicant:</b>	VE Property Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	Lot 100 DP 1168951 9 Devon Street, Rosehill
<b>Development:</b>	Industrial subdivision over three (3) stages (Stage 1A/1B, Stage 2 and Stage 3) and the construction and operation of a combined asphalt plant, reclaimed asphalt pavement (RAP) facility, bitumen products plant and a road waste sweepings recycling facility (Reconomy) on proposed Lot 6.

## TABLE OF CONTENTS

<b>DEFINITIONS .....</b>	<b>III</b>
<b>PART A ADMINISTRATIVE CONDITIONS.....</b>	<b>6</b>
Obligation to Minimise Harm to the Environment.....	6
Terms of Consent .....	6
Limits of Consent .....	6
Notification of Commencement.....	7
Evidence of Consultation .....	7
Staging, Combining and Updating Strategies, Plans or Programs .....	7
Protection of Public Infrastructure.....	7
Structural Adequacy .....	7
Compliance.....	8
Contributions to Council.....	8
Operation of Plant and Equipment.....	8
External Walls and Cladding – DSRRC Building works.....	8
Utilities and Services .....	8
Subdivision .....	8
Work as Executed Plans – DSRRC Building Works .....	9
Applicability of Guidelines.....	9
<b>PART B SPECIFIC ENVIRONMENTAL CONDITIONS.....</b>	<b>10</b>
Contamination .....	10
Air Quality .....	10
Noise .....	11
Soils, Water Quality and Hydrology .....	12
Traffic and Access .....	14
Hazards and Risk – DSRRC.....	15
Aboriginal Heritage .....	15
Historic Heritage .....	15
Waste Management.....	15
Visual Amenity.....	16
<b>PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING .....</b>	<b>18</b>
Environmental Management.....	18
Construction Environmental Management Plan.....	18
Operational Environmental Management Plan – DSRRC.....	18
Revision of Strategies, Plans and Programs .....	19
Reporting and Auditing .....	19
Access to Information .....	20
<b>APPENDIX 1 DEVELOPMENT LAYOUT PLANS.....</b>	<b>22</b>
<b>APPENDIX 2 APPLICANT’S MANAGEMENT AND MITIGATION MEASURES .....</b>	<b>24</b>
<b>APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS .....</b>	<b>32</b>

## DEFINITIONS

<b>Applicant</b>	VE Property 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>Calendar year</b>	A period of 12 months commencing on 1 January
<b>Carrier</b>	Operator of a telecommunication network and/ or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
<b>Certifier</b>	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
<b>CEMP</b>	Construction Environmental Management Plan
<b>CLM Act</b>	<i>Contaminated Land Management Act 1997</i>
<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>	City of Parramatta Council
<b>CSIE site</b>	Central Sydney Industrial Estate created as part of the Stage 1A subdivision works
<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>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in Schedule 1, the EIS and Response to Submissions, including the works and activities comprising a staged industrial subdivision to create the Central Sydney Industrial Estate (CSIE) site and the construction and operation of the Downer Sustainable Road Resource Centre (DSRRC) - a combined asphalt plant, reclaimed asphalt pavement (RAP) facility, bitumen products plant and a road waste sweepings recycling facility (Reconomy) on proposed Lot 6 within the CSIE site, as modified by the conditions of this consent
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>DSRRC site</b>	Downer Sustainable Road Resource Centre located on proposed Lot 6 as described in the plans at Appendix 1
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>EES</b>	Environment, Energy and Science Group of the Department
<b>EIS</b>	The Environmental Impact Statement titled <i>Central Sydney Industrial Estate incorporating the Sustainable Road Resource Centre State Significant Development Application</i> , prepared by Element Environment dated September 2020, submitted with the application for consent for the Development
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	As defined in section 1.4 of the EP&A Act
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Fibre ready facility</b>	As defined in section 372W of the <i>Telecommunications Act 1997</i> (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 Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>(a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>(b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
<b>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>NRAR</b>	Natural Resources Access Regulator of the Department
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The use of a combined asphalt plant, reclaimed asphalt pavement (RAP) facility, bitumen products plant and a road waste sweepings recycling facility (Reconomy) on proposed Lot 6, as described in the EIS and Response to Submissions
<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 or for the subdivision work under section 6.12(1) of the EP&A Act
<b>Planning Secretary</b>	The 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>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</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>Central Sydney Industrial Estate incorporating the Sustainable Road Resource Centre – State Significant Development Application – Response to Submissions</i> prepared by Element Environment, Revision 1, dated 30 November 2020
<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>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>

<b>SSD 9302</b>	Development consent granted by the Minister for Planning and Public Spaces on 7 May 2020 for the Western Area Remediation Project (SSD 9302) which permitted the remediation of contaminated land on Part Lot 100 DP 1168951 of the former Shell Refinery site
<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 the Development Layout in Appendix 1; and
  - (e) in accordance with the management and mitigation measures in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### LIMITS OF CONSENT

##### Lapsing

- A5. This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.
- A6. The draft section 88B instrument (*Conveyancing Act 1919*) submitted by the Applicant as part of the Response to Submissions does not form part of this consent.

##### Development Limits - DSRRC

- A7. The DSRRC is not to exceed the following production or processing limits:
- (a) 550,000 tonnes per year of Asphalt production;
  - (b) 250,000 tonnes per year of Reclaimed Asphalt Pavement processing;
  - (c) 15,000 tonnes per year of Bitumen Products production; and
  - (d) 40,000 tonnes per year of Reconomy processing.

##### Works under SSD 9302 – Western Area Remediation Project

- A8. Prior to the issue of a Subdivision Certificate for each of Stages 1B, 2 and 3, the Applicant must submit to the Planning Secretary and Certifier the following which are to demonstrate the relevant stage has been remediated in accordance with the approval of SSD 9302 and is suitable for an industrial land use:
- (i) a Site Audit Statement (accompanied by an Environmental Management Plan, if required by an EPA accredited Site Auditor); and
  - (ii) an accompanying Site Audit Report prepared by an EPA accredited Site Auditor in accordance with the NSW Contaminated Land Management – Guidelines.
- A9. The Applicant must implement the Long Term Environmental Management Plan (LTEMP) approved under condition B8 of SSD 9302 and provide evidence to the Planning Secretary that the LTEMP is listed on the relevant planning certificate(s) issued under section 10.7 of the EP&A Act for each lot created by Stages 1A and B, 2 and 3 as shown in the 'Subdivision Drawings prepared by Land Partners' in Appendix 1.
- A10. Nothing in this consent limits, restricts or removes the conditions of consent for SSD 9302.

## **NOTIFICATION OF COMMENCEMENT**

- A11. 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 week before that date, or as otherwise agreed with the Planning Secretary:
- (a) construction;
  - (b) operation; and
  - (c) cessation of operations.
- A12. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing, at least one week before the commencement of each stage (or other timeframe agreed with the Planning Secretary), of the date of commencement and the development to be carried out in that stage.

## **EVIDENCE OF CONSULTATION**

- A13. 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**

- A14. 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).
- A15. 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.
- A16. 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**

- A17. Before the commencement of construction, 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); and
  - (c) submit a copy of the dilapidation report to the Planning Secretary and Council.
- A18. 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**

- A19. All new 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

A20. 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

A21. Before the issue of an occupation certificate for any part of the development, a contribution under section 7.12 of the EP&A Act must be paid to Council under the *City of Parramatta S94A Development Contributions Plan* (Amendment No.5). The cost of development works must be calculated in accordance with clause 25J of the EP&A Regulation by a suitably qualified quantity surveyor.

## OPERATION OF PLANT AND EQUIPMENT

A22. 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 – DSRRC BUILDING WORKS

A23. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

A24. Prior to the issue 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.

A25. 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

A26. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers. The Applicant is to include TfNSW in any consultation with Sydney Water regarding the proposed wastewater and potable water mains on Colquhoun Street.

A27. Before the issue of a Subdivision Works Certificate 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.

A28. Before the issue of the Occupation Certificate for the DSRRC building works or Subdivision Certificate, the Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

## SUBDIVISION

### All Stages

A29. The Applicant must subdivide the site in accordance with the subdivision plans listed in Appendix 1.

A30. Prior to the issue of a Subdivision Certificate for each of Stages 1A and 1B, 2 and 3, the Applicant must:

- (a) provide the Certifier evidence that all matters required to be registered on title, including easements, have been prepared and are included on the plan of subdivision for registration at Land Registry Services;
- (b) obtain a Compliance Certificate for water and sewerage infrastructure servicing of the relevant stage under section 73 of the *Sydney Water Act 1994*; and
- (c) demonstrate to the satisfaction of the Certifier that satisfactory service arrangements for electricity for the relevant stage have been established.



### **Stages 2 and 3**

- A31. Prior to the issue of a Subdivision Certificate for each of Stages 2 and 3, detailed work-as-executed drawings prepared and signed by a Registered Surveyor, which show the finished surface levels of the access road (for stage 3), drainage and any areas of fill, carried out under this consent for the relevant stage, must be submitted to the Certifier and Council.
- A32. The subdivision of Stage 3 must include the dedication of the new internal access road and carriageway (Stage 3) required under condition B32, to Council.

### **WORK AS EXECUTED PLANS – DSRRRC BUILDING WORKS**

- A33. Before the issue of an Occupation Certificate for the DSRRRC, work-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished surface levels have been constructed as approved, must be submitted to the Principal Certifier.

### **APPLICABILITY OF GUIDELINES**

- A34. 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.
- A35. 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

### CONTAMINATION

#### Unexpected Finds

- B1. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination 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 off-site, or otherwise treated to the satisfaction of the EPA Accredited Site Auditor, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.
- B2. The Applicant must ensure the development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination.

*Note: Significant contamination is defined under section 11 of the CLM Act.*

### AIR QUALITY

#### Dust Minimisation

- B3. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B4. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering or other alternative suppression method;
  - (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 - DSRRRC

- B5. 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 DSRRRC site.
- B6. Driveways and hardstand areas must be swept/cleaned as required by a street sweeper during operations. The street sweeper must be utilised to maintain the sealed surfaces in such a manner that prevents or minimises air pollution.
- B7. Where possible, all mobile non-road diesel equipment operated at the DSRRRC site must achieve a particulate matter emission performance commensurate with US EPA Tier 4 particulate emission standards.

#### Air Quality Management Plan - DSRRRC

- B8. Prior to the commencement of operation of the DSRRRC, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The AQMP must form part of the OEMP required by condition C5. The AQMP must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with the EPA;
  - (c) detail and rank all emissions from all sources of the development, including particulate emissions;
  - (d) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators, including the prescribed concentrations contained in the *Protection of the Environment Operations (Clean Air) Regulation 2010*;
  - (e) identify the control measures that will be implemented for each emission source; and
  - (f) 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.
- B9. The Applicant must:
- (a) not commence operation until the AQMP required by condition B8 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 the development.

### Air Quality Verification - DSRRC

- B10. An Air Quality Verification Report (AQVR) must be submitted to the EPA and Planning Secretary within three (3) months of the commencement of operation of the DSRRC. The AQVR must:
- be undertaken in accordance with the *Approved Methods for Modelling and Assessment of Air Pollutants in NSW*;
  - demonstrate that all reasonable and feasible mitigation measures have been incorporated into the development;
  - reference manufacturer's specifications and/or performance guarantees for the asphalt plant;
  - demonstrate compliance with the prescribed concentrations contained in the *Protection of the Environment Operations (Clean Air) Regulation 2010*;
  - outline management actions to be taken to address circumstances where the concentrations specified in part d) have been exceeded; and
  - describe the contingency measures and the timing of their implementation in the event the management actions are not effective in reducing the air emissions to an acceptable level.

### Odour Management

- B11. The Applicant must ensure the development does not cause or permit the emission of any offensive odour beyond the boundary of the site (as defined in the POEO Act).

### NOISE

#### Hours of Work

- B12. The Applicant must comply with the hours detailed in Table 1.

**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 – Sunday	24 hours

- B13. Earthworks and construction works outside of the hours identified in condition B12 may be undertaken in the following circumstances:
- works do not exceed the noise limits detailed in Table 8 of the *Noise and Vibration Impact Assessment*, prepared by Muller Acoustic Consulting, dated 17 September 2020; or
  - works agreed to in writing by the Planning Secretary; or
  - for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
  - where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

#### Construction Noise Management Plan

- B14. The Applicant must prepare a Construction Noise Management Plan (CNMP) for the development to the satisfaction of the Planning Secretary. The Plan must form part of the CEMP required under condition C2 and must:
- be prepared by a suitably qualified and experienced acoustic expert;
  - 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);
  - describe the measures to be implemented to manage high noise generating works such as piling; and
  - include a complaints management system that would be implemented for the duration of the development.
- B15. The Applicant must:
- not commence construction of any relevant stage until the CNMP required by condition B14 is approved by the Planning Secretary; and
  - implement the most recent version of the CNMP approved by the Planning Secretary for the duration of construction.

#### Operational Noise Limits - DSRRC

- B16. The Applicant must ensure that noise generated by the operation of the DSRRC 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>AMax</sub>
R1A – 72 River Road, Ermington	30	30	33	52
R1B – 530 John Street, Rydalmere	31	31	34	52
R2A – 86 Carnarvon Street, Silverwater	34	34	37	53
R2B – 101 Beaconsfield Street, Silverwater	36	35	38	53
R3A – 71 Penelope Lucas Lane, Rosehill	30	30	30	55
R3B – 88 James Ruse Drive, Rosehill	30	32	30	55
FR01 – 181 James Ruse Drive	30	30	30	55

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

#### Noise Verification Report - DSRRC

B17. A Noise Verification Report (NVR) must be submitted to the EPA and the Planning Secretary within three months of the commencement of operation of the DSRRC. The NVR must be prepared by a suitably qualified and experienced acoustic consultant and include:

- (a) an analysis of compliance with noise limits specified in condition B16, undertaken to the satisfaction of the Planning Secretary and in accordance with the *Noise Policy for Industry* (EPA, 2017);
- (b) demonstrate that all reasonable and feasible mitigation measures have been incorporated into the development;
- (c) reference manufacturer's specifications and/or performance guarantees for the asphalt plant;
- (d) an outline of management actions to be taken to where the limits specified in condition B16 have been exceeded; and
- (e) describe the contingency measures and the timing of their implementation in the event the management actions are not effective in reducing the noise impacts to an acceptable level.

#### Road Traffic Noise

B18. The Applicant must prepare a Driver Code of Conduct and induction training for the development to minimise road traffic noise. The Code is to be incorporated into the CEMP required under condition C2 and the OEMP required under condition C5.

#### SOILS, WATER QUALITY AND HYDROLOGY

##### Imported Soil

B19. The Applicant must:

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

##### Erosion and Sediment Control

B20. Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.

## Discharge Limits

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.

## Stormwater Management System - DSRRC

B22. Prior to the commencement of operation of the DSRRC, the Applicant must design, install and operate a stormwater management system for the development. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the conceptual design in the EIS and Response to Submissions;
- (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; and
- (e) divert clean surface water around operational areas of the site.

## Flood Management

B23. Prior to the commencement of construction, the Applicant must prepare a Flood Emergency Response Plan (FERP). The FERP must form part of the CEMP and OEMP required by conditions C2 and C5 and must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) address the provisions of the *Floodplain Development Manual* (2005) and any relevant guidelines;
- (c) be prepared in consultation with the State Emergency Service;
- (d) include details of:
  - i. the flood emergency responses for both construction and operation phases of the development;
  - ii. predicted flood levels;
  - iii. flood warning time and flood notification;
  - iv. assembly points and evacuation routes;
  - v. evacuation and refuge protocols; and
  - vi. awareness training for employees and contractors.

B24. The Applicant must:

- (a) not commence construction until the FERP required by condition B23 is submitted to the Planning Secretary for information purposes; and
- (b) implement the most recent version of the FERP for the duration of the development.

B25. All habitable building floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500 mm of freeboard.

B26. All structures that are built below the 1% Annual Exceedance Probability flood must be constructed from flood compatible building components to ensure structural stability during a flood event.

## Surface Water Management Plan - DSRRC

B27. Prior to the commencement of operation of the DSRRC, the Applicant must prepare a Surface Water Management Plan (SWMP) to the satisfaction of the Planning Secretary. The SWMP must form part of the OEMP required by condition C5. The SWMP must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with the EPA;
- (c) characterise the expected quality of discharges in terms of the typical and maximum concentrations of all pollutants likely to be present at non-trivial levels;
- (d) contain a program to monitor surface water quality;
- (e) include surface water impact assessment criteria, including trigger levels for investigating any potential adverse surface water impacts;
- (f) include a protocol for investigation and mitigation where surface water impact assessment criteria is exceeded; and
- (g) contain an ongoing maintenance program to ensure the entire surface water management infrastructure continues to operate and perform as designed.

B28. The Applicant must:

- (a) not commence operation until the SWMP required by condition B27 is approved by the Planning Secretary; and
- (b) implement the most recent version of the SWMP approved by the Planning Secretary for the duration of the development.

#### **Surface Water Verification Report - DSRRRC**

- B29. A Surface Water Verification Report (SWVR) must be submitted to the Planning Secretary and the EPA within eighteen (18) months (or as otherwise agreed by the Planning Secretary) of the commencement of all operations associated with the DSRRRC. The SWVR must:
- (a) include an analysis of compliance with the maximum concentrations identified under condition B27(c) undertaken to the satisfaction of the Planning Secretary;
  - (b) demonstrate that all reasonable and feasible mitigation measures have been incorporated into the development;
  - (c) reference manufacturer's specifications and/or performance guarantees;
  - (d) an outline of management actions to be taken to address any exceedances of the maximum concentrations identified under condition B27; and
  - (e) describe the contingency measures and the timing of their implementation in the event the management actions are not effective in reducing water quality impacts to an acceptable level.

#### **TRAFFIC AND ACCESS**

##### **Construction Traffic and Pedestrian Management Plan**

- B30. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic and Pedestrian Management Plan (CTPMP) for the development to the satisfaction of the Planning Secretary. The CTPMP 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 TfNSW;
  - (c) detail the measures that are to be implemented to ensure road safety, network efficiency and pedestrian movements during construction;
  - (d) detail heavy vehicle routes, access and parking arrangements;
  - (e) include a 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.
- B31. The Applicant must:
- (a) not commence construction until the CTPMP required by condition B30 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the CTPMP approved by the Planning Secretary for the duration of construction.

#### **Roadworks and Access**

##### **New Access Road – Stage 3**

- B32. Prior to the issue of a Subdivision Works Certificate for Stage 3, detailed engineering plans of the new access road, proposed as part of Stage 3 are to be submitted to Council's Traffic and Transport Manager for consideration by the Parramatta Traffic Committee and approval by Council. The construction of the proposed road is to be carried out by the Applicant with all associated costs to be paid for by the Applicant.
- B33. Prior to the release of the Subdivision Certificate for Stage 3, the Applicant must complete the construction of the access road described in condition B32 to the satisfaction of the relevant roads authority. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.
- B34. Prior to any dedication, the Applicant must ensure that the construction of the road has been completed to the satisfaction of the relevant roads authority.

## **Parking – DSRRRC**

B35. The Applicant must provide sufficient parking facilities on-site for the DSRRRC, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public streets.

## **Operating Conditions - DSRRRC**

B36. The Applicant must ensure at the DSRRRC that:

- (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 AUSTRROADS 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.

## **HAZARDS AND RISK – DSRRRC**

B37. 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).

In the event of an inconsistency between the requirements of part (a) to (c), the most stringent requirement must prevail to the extent of the inconsistency.

B38. The development must not result in the non-compliance of any existing dangerous goods fuel and gas pipelines in accordance with AS2885 Pipelines – Gas and Liquid Petroleum.

## **ABORIGINAL HERITAGE**

### **Unexpected Finds Protocol**

B39. 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.

B40. 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**

B41. If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area. Unexpected finds must be evaluated and recorded and, if necessary, excavated by a suitably qualified and experienced expert in accordance with the requirements of Heritage NSW.

## **WASTE MANAGEMENT**

### **Waste Monitoring Program – DSRRRC Site**

B42. From the commencement of operation of the DSRRRC, 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 Processing and Storage**

B43. The Applicant must unload all waste received at the site within the designated waste unloading areas.

B44. All waste processing must be undertaken within designated areas.

### **Waste Management Plan – DSRRC**

B45. Prior to the commencement of operation of the DSRRC, the Applicant must prepare a Waste Management Plan (WMP) for the development to the satisfaction of the Planning Secretary. The WMP must form part of the OEMP required under condition C5. The WMP must:

- (a) detail the type and quantity of waste to be generated during operation of the development;
- (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (EPA, 2014);
- (c) detail the materials to be reused or recycled, either on or off site; and
- (d) include the Management and Mitigation Measures included in Appendix 2.

B46. The Applicant must:

- (a) not commence operation until the WMP is approved by the Planning Secretary;
- (b) implement the most recent version of the WMP approved by the Planning Secretary.

### **Statutory Requirements**

B47. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.

B48. 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.

B49. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of the EPA.

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

B50. 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.

## **VISUAL AMENITY**

### **Landscaping**

B51. Prior to the commencement of construction, the Applicant must prepare a Landscape Management Plan (LMP) to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The LMP must form part of the OEMP required under condition C5. The LMP must:

- (a) detail the species to be planted on-site, using only locally native species;
- (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.

B52. The Applicant must:

- (a) not commence construction until the LMP is approved by the Planning Secretary.
- (b) must implement the most recent version of the LMP approved by the Planning Secretary; and



- (c) maintain the landscaping and vegetation on the site in accordance with the approved LMP required by condition B51 for the life of the development.

B53. Prior to services installation works commencing within Devon Street, the Applicant is to engage an AQF Level 5 Arborist to prepare a:

- (a) Tree Protection Plan and Tree Management Specification to incorporate specific tree protection measures to the street trees located along Devon Street in accordance with AS4970-2009 (Protection of Trees on Development Sites); and
- (b) Tree Removal Plan for any trees proposed to be removed. In the event that street trees are required to be removed on Devon Street, replacement street trees are to be provided in consultation with Council.

#### **Lighting**

B54. 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, the public road network or the riparian corridor / Duck River.

#### **Signage and Fencing**

B55. All signage and fencing must be erected in accordance with the development plans referenced in Appendix 1.

**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 by a suitably qualified and experienced person/s 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) details of site-specific training to be provided to construction and operation personnel to ensure compliance with the plans;
  - (c) a description of the measures to be implemented to comply with the relevant statutory requirements (including any relevant conditions under SSD-9302), 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) 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 and Pedestrian Management Plan (see condition B30);
  - (b) Erosion and Sediment Control Plan;
  - (c) Construction Noise Management Plan (see condition B14);
  - (d) Community Consultation and Complaints Handling; and
  - (e) Flood Emergency Response (see condition B23).
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary and provided to the EPA; 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 – DSRRC

- C5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) for the DSRRC site in accordance with the requirements of condition C1, in consultation with the EPA 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) describe:
- i. how the DSRRC will ensure compliance with any relevant statutory obligations;
  - ii. the processes involved for each aspect of operation including processes for each of the individual facilities;
  - iii. how each of the facilities interrelate and how they will be managed in concert with one another during operation; and
  - iv. how the operation will be managed in concert with any relevant conditions under SSD-9302 and any other relevant planning or licensing conditions related to the premises;
- (d) include the following environmental management plans or codes:
- i. Air Quality (see condition B8);
  - ii. Driver Code of Conduct (see condition B18);
  - iii. Waste (see condition B45);
  - iv. Flood Emergency Response (see condition B23); and
  - v. Water (see condition B27).

C7. The Applicant must:

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

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

C8. Within three months of:

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

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

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

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

## REPORTING AND AUDITING

### Incident Notification, Reporting and Response

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

### Non-Compliance Notification

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

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

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

#### **Compliance Reporting - DSRRRC**

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

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

C15. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

#### **Independent Audit - DSRRRC**

C16. Within one year of the commencement of operations of the DSRRRC, 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 until the completion of all works under this consent, 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.

**APPENDIX 1 DEVELOPMENT LAYOUT PLANS**

<b>SUBDIVISION DRAWINGS PREPARED BY LAND PARTNERS</b>			
<b>DRAWING NO.</b>	<b>REV.</b>	<b>DATED</b>	<b>TITLE</b>
SY074707.000.11A.5	5	11/11/2020	PLAN OF PROPOSED SUBDIVISION OF LOT 100 IN DP 1168951 – STAGE 1A
SY074707.000.11B.6	6	11/11/2020	PLAN OF PROPOSED SUBDIVISION OF LOT 100 IN DP 1168951 – STAGE 1B
SY074707.000.12.7	7	21/11/2020	PLAN OF PROPOSED SUBDIVISION OF LOT 5 OF STAGE 1 OF SUBDIVISION OF LOT 100 IN DP 1168951 – STAGE 2
SY074707.000.13.8	8	23/11/2020	PLAN OF PROPOSED SUBDIVISION OF LOT 57 OF STAGE 2 OF SUBDIVISION OF LOT 100 IN DP 1168951 – STAGE 3
<b>CIVIL ENGINEERING DRAWINGS PREPARED BY COSTIN ROE</b>			
<b>DRAWING NO.</b>	<b>REV.</b>	<b>DATED</b>	<b>TITLE</b>
CO13919.01-DA10	C	12/08/2020	DRAWING LIST & GENERAL NOTES
CO13919.01-DA15	H	30/11/2020	SERVICES ARRANGEMENT PLAN
CO13919.01-DA21	F	30/11/2020	EROSION & SEDIMENT CONTROL PLAN – PHASE 1
CO13919.01-DA22	F	30/11/2020	EROSION & SEDIMENT CONTROL PLAN – PHASE 2
CO13919.01-DA23	F	30/11/2020	EROSION & SEDIMENT CONTROL PLAN – FINAL STAGE
CO13919.01-DA25	B	12/08/2020	EROSION & SEDIMENT CONTROL DETAILS
CO13919.01-DA31	G	30/11/2020	BULK EARTHWORKS PLAN – PHASE 1
CO13919.01-DA32	G	30/11/2020	BULK EARTHWORKS PLAN – PHASE 2
CO13919.01-DA35	C	12/08/2020	BULK EARTHWORKS SECTIONS
CO13919.01-DA41	G	30/11/2020	CONCEPT STORMWATER DRAINAGE PLAN – PHASE 1
CO13919.01-DA42	H	30/11/2020	CONCEPT STORMWATER DRAINAGE PLAN – PHASE 2
CO13919.01-DA45	B	12/08/2020	CONCEPT STORMWATER DRAINAGE DETAILS – SHEET 1
CO13919.01-DA46	C	18/11/2020	CONCEPT STORMWATER DRAINAGE DETAILS – SHEET 2
CO13919.01-DA51	E	30/11/2020	CONCEPT FINISHED LEVELS PLAN – PHASE 1
CO13919.01-DA60	F	30/11/2020	PROPOSED PUBLIC ACCESS ROAD & TYPICAL SECTION
<b>LANDSCAPE PLANS PREPARED BY GEOSCAPES</b>			
<b>DRAWING NO.</b>	<b>REV.</b>	<b>DATED</b>	<b>TITLE</b>
SSD-00	K	26/11/2020	COVER SHEET
SSD-01	K	26/11/2020	OVERALL MASTER PLAN
SSD-02	K	26/11/2020	TEMPORARY EROSION CONTROL PLAN
SSD-03	K	26/11/2020	STREETSCAPE PLAN – DEVON STREET
SSD-04	K	26/11/2020	STREETSCAPE PLAN – PROPOSED ACCESS ROAD
SSD-05	K	26/11/2020	RIPARIAN CORRIDOR DETAIL PLAN – 1
SSD-06	K	26/11/2020	RIPARIAN CORRIDOR DETAIL PLAN – 2
SSD-07	K	26/11/2020	RIPARIAN CORRIDOR DETAIL PLAN – 3
SSD-08	K	26/11/2020	RIPARIAN CORRIDOR SECTION A-A
SSD-09	K	26/11/2020	RIPARIAN CORRIDOR SECTION B-B
SSD-10	K	26/11/2020	STAGE 1 LOT 6 (DOWNER) DETAIL PLAN – 1
SSD-11	K	26/11/2020	STAGE 1 LOT 6 (DOWNER) DETAIL PLAN – 2
SSD-12	K	26/11/2020	STAGE 1 LOT 6 (DOWNER) DETAIL PLAN – 3
SSD-13	K	26/11/2020	STAGE 1 LOT 6 (DOWNER) DETAIL PLAN – 4
SSD-14	K	26/11/2020	STAGE 1 LOT 6 (DOWNER) SECTION CC
SSD-15	K	26/11/2020	STAGE 1 LOT 6 (DOWNER) SECTION DD & EE
SSD-16	K	26/11/2020	SPECIFICATIONS & TYPICAL DETAILS
SSD-17	K	26/11/2020	PLANTING SCHEDULES & IMAGERY

<b>LOT 6 SITE DRAWINGS PREPARED BY COSTIN ROE</b>			
<b>DRAWING NO.</b>	<b>REV.</b>	<b>DATED</b>	<b>TITLE</b>
CO13919.02-AR100	K	20/11/2020	PROPOSED SITE LAYOUT
CO13919.02-AR101	A	20/11/2020	PROPOSED SITE LAYOUT WITH RTS CHANGES
CO13919.02-AR200	B	23/12/2020	PROPOSED PAVEMENT LAYOUT
CO13919.02-AR310	C	09/12/2020	RAP FINISHED PRODUCTS ROOF PLAN & ELEVATIONS
CO13919.02-AR301	D	22/12/2020	RECONOMY RECEIVAL PITS & RECONOMY MATERIAL STORAGE BUNKER ELEVATIONS - SHEET 1
CO13919.02-AR302	A	22/12/2020	RECONOMY RECEIVAL PITS & RECONOMY MATERIAL STORAGE BUNKER ELEVATIONS - SHEET 2
CO13919.02-AR300	F	22/12/2020	RECONOMY AREA PLAN & SECTION

**APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES**

<b>Noise</b>
<b>Construction noise management</b>
<ul style="list-style-type: none"> <li>▪ Regularly train workers and contractors (such as toolbox talks) to use equipment in ways to minimise noise.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Avoid shouting and minimise talking loudly and slamming vehicle doors.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Keep truck drivers informed of designated vehicle routes, parking locations, acceptable delivery hours and other relevant practices.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Avoid the use of equipment which generates impulsive noise and minimise metal to metal contact and dropping materials from height.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Consider notifying immediate adjoining neighbours of the start, duration and nature of the construction activities.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Keep a register for any complaints, including details of the complaint such as date, time, person receiving complaint, complainant's contact details, person referred to, description of the complaint, work area and response.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Use quieter methods and equipment where feasible and reasonable.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Operate plant in a quiet and efficient manner.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Regularly maintain equipment to ensure that it is in good working order.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Place as much distance as possible between the equipment and sensitive land uses.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Avoid the use of reverse beepers by designing the site to avoid reversing or install broadband reverse beepers where possible.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Schedule noisy activities to occur during less sensitive periods.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Avoid undertaking multiple highly noise intensive activities concurrently.</li> </ul>
<b>Operational noise management - DSRRC</b>
<ul style="list-style-type: none"> <li>▪ Using the quietest plant that can do the job.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Scheduling the use of noisy equipment at the least-sensitive time of day.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Reducing highly noise generating activities at night.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Siting noisy equipment behind structures that act as barriers, or at the greatest distance from the noise-sensitive area.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Keeping equipment well maintained and operating it in a proper and efficient manner.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Employing 'quiet' practices when operating equipment, for example, positioning idling trucks in appropriate areas.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Running staff-education programs and regular tool box talks on the effects of noise and the use of quiet work practices.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Using best available technology including alternatives to tonal reversing alarms and efficient muffler design.</li> </ul>
<b>Air quality</b>
<b>Construction air quality management</b>
<ul style="list-style-type: none"> <li>▪ Weather forecast to be checked prior to undertaking material handling or processing and appropriate management measures implemented prior to adverse weather to minimise dust e.g. dampening exposed surfaces and haul roads, dampening or covering temporary stockpiles with high fines fractions.</li> </ul>
<ul style="list-style-type: none"> <li>▪ If adverse weather conditions occur during construction, activities are to be assessed and modified as required. Cease activity where reasonable levels of dust cannot be maintained using available means.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Engines of on-site vehicles and plant to be switched off when not in use.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Vehicles and plant are to be fitted with pollution reduction devices where practicable.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Vehicles are to be maintained and serviced according to manufacturer's specifications.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Visual monitoring of activities is to be undertaken to identify dust generation.</li> </ul>
<ul style="list-style-type: none"> <li>▪ The extent of exposed surfaces and stockpiles is to be kept to a minimum.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Exposed areas and stockpiles are either to be covered or are to be dampened with water as far as is practicable if dust emissions are visible, or there is potential for dust emissions outside operating hours.</li> </ul>



<ul style="list-style-type: none"> <li>▪ Stockpiles of material that are going to remain in place for an extended period of time and have the potential to generate dust are to either be covered or vegetated.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Dampen material when excessively dusty during handling.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Reduce drop heights from loading and handling equipment where practical.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Vehicle traffic is to be restricted to designated routes.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Co-ordinate the delivery schedule to avoid a queue of incoming or outgoing trucks that will be idling for extended periods of time.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Speed limits are to be enforced.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Vehicle loads are to be covered when travelling off-site.</li> </ul>
<p><b>Operational air quality management - DSRRC</b></p>
<ul style="list-style-type: none"> <li>▪ Ensure all emission controls built into the design of the asphalt plant (e.g. the stack exhaust controls and the bitumen vapour evacuation system at the loadout area) are being maintained to operate as per manufacturers specifications.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Clean up any aggregates that spill onto the road surface at the underground aggregate loading hopper (as soon as possible after the spill) to prevent them being tracked onto the internal and external roads.</li> </ul>
<ul style="list-style-type: none"> <li>▪ A dedicated access road will be established through the centre of the RAP stockpile area.</li> </ul>
<ul style="list-style-type: none"> <li>▪ The RAP stockpiling area and access road will be a sealed asphaltic concrete surface.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Dedicated truck tipping areas will be established in the RAP stockpile areas and will be kept free from RAP material.</li> </ul>
<ul style="list-style-type: none"> <li>▪ The unprocessed RAP stockpiles must be restricted to the designated stockpile areas and not be allowed to encroach onto the truck access road through the centre of the stockpile area. This central unprocessed RAP stockpile area access road must be swept on a regular basis to remove spilt RAP material.</li> </ul>
<ul style="list-style-type: none"> <li>▪ The unprocessed RAP material must be dampened using the proposed sprinkler system when visible dust is evident from either the stockpiles or during handling of the RAP material.</li> </ul>
<ul style="list-style-type: none"> <li>▪ The volume of unprocessed RAP must be regularly monitored and receipt of unprocessed RAP stopped when the stockpile area reaches capacity, to prevent RAP being stockpiled outside the designated stockpile area.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Maintenance access roller doors on the RAP processing shed must remain closed at all times during RAP processing.</li> </ul>
<ul style="list-style-type: none"> <li>▪ All dust controls built into the design of the RAP processing facility (e.g. roll top type belt covers on conveyors and spray misters at discharge points of the radial transfer conveyors) must be maintained to operate as per manufacturers specifications.</li> </ul>
<ul style="list-style-type: none"> <li>▪ The volume of processed RAP in the finished product bunkers must be regularly monitored and processing stopped, when the bunkers reach capacity, to prevent RAP spilling out of the bunkers and RAP processing shed.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Ensure all emission controls built into the design of the bitumen plant (e.g. the carbon filter on bitumen storage tanks) are being maintained to operate as per manufacturers specifications.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Organic material recovered from road sweepings in the Reconomy plant must be removed from site on a regular basis to reduce the level of decomposition and associated odour.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Weather forecast to be checked daily and appropriate management measures implemented prior to adverse weather to minimise particulate emissions from the site.</li> </ul>
<ul style="list-style-type: none"> <li>▪ If adverse weather conditions occur during operations, activities are to be assessed and modified as required. Cease activity where reasonable levels of dust cannot be maintained using available means.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Engines of on-site vehicles and plant to be switched off when not in use.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Vehicles and plant are to be fitted with pollution reduction devices where practicable.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Vehicles are to be maintained and serviced according to manufacturer's specifications.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Visual monitoring of activities is to be undertaken to identify dust generation.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Maintain an odour complaint logbook and in the event of a complaint conduct an immediate investigation of any odour sources, together with appropriate actions to eliminate any identified excessive odour.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Reduce drop heights from loading and handling equipment where practical.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Spills on trafficked areas to be cleaned as soon as possible.</li> </ul>

<ul style="list-style-type: none"> <li>▪ Driveways and hardstand areas to be swept/cleaned regularly as required. A road sweeper will be regularly deployed to the operational site to sweep/clean internal roads periodically to prevent any tracking of fine debris.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Co-ordinate the delivery schedule to avoid a queue of incoming or outgoing trucks that will be idling for extended periods of time.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Speed limits are to be enforced.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Vehicle loads are to be covered when travelling off-site.</li> </ul>
<b>Greenhouse gas</b>
<ul style="list-style-type: none"> <li>▪ Investigating ways to reduce energy consumption throughout the life of the project and reviewing energy efficient alternatives.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Regular maintenance of equipment and plant.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Ensure plant and equipment are switched off when not in use.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Monitoring the consumption of fuel and regularly maintaining diesel powered equipment to ensure operational efficiency.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Monitoring the total site electricity and natural gas consumption and investigating avenues to minimise consumption.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Source consumables materials from environmentally sustainable sources.</li> </ul>
<b>Water and soils</b>
<b>Construction</b>
<ul style="list-style-type: none"> <li>▪ If more than 3 ML/yr of groundwater is predicted to be taken during construction of the project NRAR will be consulted with regarding acquisition of a license under the NSW <i>Water Management Act 2000</i>.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Erosion and sediment control plans (ESCPs) (Appendix B3 of Appendix B of the RTS), or equivalent, will be incorporated into the CEMP. The ESCPs will be prepared in accordance with the Blue Book. The following aspects will be addressed within the ESCPs and CEMPs: <ul style="list-style-type: none"> <li>– Construction traffic restricted to delineated access tracks and maintained until construction complete.</li> <li>– Appropriate sediment and erosion controls to be implemented prior to soil disturbance.</li> <li>– Stormwater management to avoid flow over exposed soils which may result in erosion and impacts to water quality.</li> <li>– Location of stockpiles outside of flow paths.</li> <li>– Inspection of all permanent and temporary erosion and sedimentation control works prior to and post rainfall events.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>▪ The quality of discharge from the site is to satisfy the following Water Quality Objectives (WQOs) per Blue Book requirements: <ul style="list-style-type: none"> <li>– Water pH released from a controlled sediment basin outflow shall be within the range 6.5 to 8.5.</li> <li>– Suspended solids released from controlled sediment basin outflows will be no greater than 50mg/L, 75 NTUs (Nephelometric Turbidity Units) or other turbidity measurement based on confirmed laboratory correlation. Any correlation should be confirmed through laboratory assessment.</li> <li>– Oils and grease – no visible films or odour.</li> <li>– Litter – no visible litter washed or blown from the site.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>▪ The effectiveness of sediment and erosion control measures will be confirmed through ongoing site inspections by the construction contractor. Adjustments as required during the construction period will be made based on confirmed site conditions and effectiveness of the implemented measures.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Prepare a Flood Emergency Response Plan, which will be submitted to DPIE prior to the commencement of construction.</li> </ul>
<b>Operations - DSRRC</b>
<ul style="list-style-type: none"> <li>▪ Prepare a Flood Emergency Response Plan, which will be submitted to DPIE prior to operation of the DSRRC.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Stipulate in purchase contracts that a Flood Emergency Response Plan must be prepared for each other lot. The plans must be submitted to DPIE prior to operations on those lots.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Energy dissipators will be provided on stormwater outlet structures in accordance with Guidelines for Waterfront Land and NSW Department of Primary Industries 'Guidelines for Outlet Structures'.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Downer commits to applying for a trade waste agreement prior to discharging liquid waste to sewer.</li> </ul>
<ul style="list-style-type: none"> <li>▪ The stormwater management system will be maintained during operation of the DSRRC in accordance with the Surface Water Management Plan.</li> </ul>

<ul style="list-style-type: none"> <li>▪ A Surface Water Management Plan will form part of the OEMP and will be prepared to minimise water and hydrology impacts and will include proactive and reactive maintenance measures, and emergency response and incident management protocols for the following types of emergency or incident: <ul style="list-style-type: none"> <li>– On-site spills or leaks - including use of spill kits to prevent smaller spills entering the sites stormwater system and the use of the proposed cut-off valve to prevent any spills that enter the stormwater inlet drains from leaving the site.</li> <li>– Off-site discharges.</li> </ul> </li> </ul>
<p><b>Biodiversity</b></p> <ul style="list-style-type: none"> <li>▪ An average 40 m riparian corridor will be provided along Duck River consistent with the averaging rule described in DPI Water's (2012) Guidelines for Riparian Corridors on Waterfront Land.</li> <li>▪ The existing native vegetation along Duck River is to be demarcated as a no-go zone and is to include appropriate signage. Access to the 40 m riparian corridor (outside the existing native vegetation) during construction is to be limited to personnel and equipment required to install the stormwater outfalls and for revegetation works in accordance with the Vegetation Management Plan. After the stormwater outfalls and revegetation works are complete, the 40 m riparian corridor will be permanently fenced.</li> <li>▪ Vegetation and habitat values within the site should be managed as per the Vegetation Management Plan.</li> <li>▪ If unexpected threatened flora and fauna species are discovered, stop works immediately and contact DPIE - Environment, Energy and Science group for advice.</li> <li>▪ If impacts to aquatic environments are observed within the vicinity of the work area (e.g. spill of any chemicals or substantial runoff of sediment), works at that location should cease and the NSW EPA and/or council should be contacted for further advice.</li> </ul>
<p><b>Aboriginal heritage unexpected finds protocol</b></p> <ul style="list-style-type: none"> <li>▪ The following procedure will be implemented if a suspected Aboriginal object is identified during construction of the project: <ul style="list-style-type: none"> <li>▪ All works must cease immediately in the area to prevent any further impacts to the object.</li> <li>▪ Notify environmental representative.</li> <li>▪ Engage a suitably qualified archaeologist to determine the nature, extent and significance of the find and provide appropriate management advice. Management action(s) will vary according to the type of evidence identified, its significance (both scientific and cultural) and the nature of potential impacts.</li> <li>▪ Notify the Environment, Energy and Science Group of the unexpected find and management advice provided by the appointed archaeologist.</li> <li>▪ Prepare and submit an AHIMS site card for the site.</li> </ul> </li> </ul>
<p><b>Human skeletal remains</b></p> <ul style="list-style-type: none"> <li>▪ The following procedure (New South Wales Police Force, 2015; NSW Health, 2008) will be implemented if potential human skeletal remains are identified during construction of the project: <ol style="list-style-type: none"> <li>1. All work in the vicinity of the remains should cease immediately.</li> <li>2. The location should be cordoned off and the NSW Police notified.</li> <li>3. If the Police suspect the remains are Aboriginal, they will contact the Environment, Energy and Science Group and arrange for a forensic anthropologist or archaeological expert to examine the site.</li> </ol> </li> <li>▪ Subsequent management actions will be dependent on the findings of the inspection under Point 3 above:</li> <li>▪ If the remains are identified as modern and human, the area will become a crime scene under the jurisdiction of the NSW Police.</li> <li>▪ If the remains are identified as pre-contact or historic Aboriginal, the Environment, Energy and Science Group and relevant Aboriginal parties are to be formally notified in writing. Where impacts to exposed Aboriginal skeletal remains cannot be avoided an appropriate management mitigation strategy will be developed in consultation with Environment, Energy and Science Group and Aboriginal parties.</li> <li>▪ If the remains are identified as historic non-Aboriginal, the site is to be secured and Heritage NSW contacted.</li> <li>▪ If the remains are identified as non-human, work can recommence immediately.</li> </ul>
<p><b>Hazardous substances and dangerous goods - DSRRC</b></p> <ul style="list-style-type: none"> <li>▪ The final layout and design for the DSRRC facilities would meet the bunding and separation distance requirements of AS 1940 (storage and handling of flammable and combustible liquids) and AS 3780 (storage and handling of corrosive substances).</li> </ul>

<ul style="list-style-type: none"> <li>▪ All personnel will complete awareness training that includes hazardous substance management, emergency response and the use of spill kits.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Hazardous materials will be transported to and from the site by a licensed contractor, and stored and handled in accordance with the requirements of relevant regulatory requirements, Australian Standards and the ADG Code.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Vehicles and transport vessels used on-site are to be regularly inspected for leaks, spills or other damage.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Storage and handling of any dangerous goods shall comply with Australian Standards, including but not limited to AS1940 and AS 3780.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Appropriately sized and stocked spill response kits would be provided within strategic areas of the site, and within mobile vehicles used to transport hazardous materials at the site.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Spill response kits would be maintained, clearly identified and readily accessible on site for use in case of accidental spill. Key staff will be skilled in their location as well as usage, application and disposal of contaminated material.</li> </ul>
<ul style="list-style-type: none"> <li>▪ During construction activities, all hazardous substances will be stored in appropriate containers in banded areas within mobile vehicles, or designated storage areas to minimise the risk of spillages and mobilisation of any pollutants into the soil or stormwater drains.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Vehicles and equipment will be refuelled at the diesel storage area.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Any scheduled mobile plant maintenance and repairs will be conducted offsite.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Equipment will not be used if there are any signs of fuel, oil or hydraulic leaks. Leaks will be repaired immediately, or the equipment will be removed from site and replaced with a leak-free item.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Any chemicals and fuels will be stored, labelled, transported and used in accordance with Australian Standards and in line with best practices. All hazardous substances or chemicals imported to site shall be accompanied by a Safety Data Sheet.</li> </ul>
<ul style="list-style-type: none"> <li>▪ A database would be maintained to assist in the recording and management of any chemicals and hazardous substances stored at the project site.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Any fuels spillage will be collected, and the contaminated material disposed of at a licensed waste management facility.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Emergency procedures will be prepared and implemented for dealing with spillage of hazardous substances and dangerous goods.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Any contaminated soil resulting from spills would be excavated, classified in accordance with Waste Classification Guidelines, and disposed to a licensed waste management facility, or, remediated on site in accordance with recommendations provided within a contaminated land management action plan developed by a contaminated land specialist.</li> </ul>
<p><b>Public safety</b></p>
<ul style="list-style-type: none"> <li>▪ To address the risks to public safety, the site will be fully fenced, monitored by surveillance cameras, necessary signage erected at the site entrance and a security hut located at the entry/exit to the site and all vehicle and pedestrian movements in and out of the site will be closely monitored.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Downer will continuously review and improve security at the site, including new fencing, security cameras, gates and signage.</li> </ul>
<ul style="list-style-type: none"> <li>▪ All visitors to the site will be required to report to the site administration office and register prior to gaining entry to the active areas of the site.</li> </ul>
<p><b>Risk to workers - DSRR</b></p>
<ul style="list-style-type: none"> <li>▪ Downer commits to preparing an emergency and evacuation plan in accordance with AS 3745–2010 Planning for emergencies in facilities, which will be appended to and submitted to DPIE with the operational environmental management plan. The plan will include measures to be implemented during floods and flood evacuation.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Downer commits to preparing an emergency services information package, which will be appended to the operational environmental management plan and made available to emergency services as they enter Lot 6.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Designated first aid and emergency response equipment will be available during construction and operation phases of the project. Appropriately trained personnel will be on site throughout the life of the operations to provide first aid and respond to site emergencies.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Any injuries incurred at the site will be reported and investigated in consultation with SafeWork NSW and other relevant authorities. Any recommendations or findings of investigation reports will be implemented where feasible and practical.</li> </ul>

<b>Waste</b>
<b>General</b>
<ul style="list-style-type: none"> <li>▪ Waste will be managed in accordance with the waste hierarchy of avoidance, re-use, recycling/re-processing/treatment and disposal.</li> </ul>
<ul style="list-style-type: none"> <li>▪ An environmental management plan will be implemented for construction of the subdivision and the DSRRC and operation of the DSRRC, which will include measures for: <ul style="list-style-type: none"> <li>– Quantification and classification of materials that would be required to be removed from the site.</li> <li>– Disposal/reuse strategies for each type of material.</li> <li>– Details of how waste will be stored and managed on site.</li> <li>– Identification of non-recyclable waste.</li> <li>– Identification of strategies to reduce, reuse and recycle.</li> <li>– Procedures and disposal arrangements for potentially hazardous material.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>▪ The environmental management plan will include the following: <ul style="list-style-type: none"> <li>– Waste will be managed in accordance with EPA's (2014) Waste Classification Guidelines and regulatory requirements. This will include (i) its classification prior to leaving the site and (ii) recording (via an appropriate waste tracking system) its legal off-site transportation for re-use, recycling or disposal.</li> <li>– Waste will be stored in a suitable container, with a lid, and transported from the site to an appropriate facility. Enough suitable receptacles for general waste, hazardous waste and recyclable materials will be provided for waste disposal, including sufficient bins to allow separation of wastes for recycling.</li> <li>– Disposal of wastes will only take place at a licenced waste disposal facility.</li> <li>– Wastes will be securely stored to ensure that pollutants are prevented from escaping.</li> <li>– Fuel, lubricant or hydraulic fluid spillages will be collected using absorbent material and the used spill kit material will be stored separately before disposal to a suitably licensed waste facility.</li> <li>– Hazardous materials will only be removed by a suitably qualified, licensed and experienced contractor.</li> <li>– Documents and records of the transport and destination of all materials removed from site will be kept as proof of correct disposal and for environmental auditing purposes.</li> <li>– Waste streams will be sorted to maximise the reuse/recycling potential and minimise disposal costs.</li> <li>– Waste will be covered, stored and removed in a timely manner so as not to attract animals.</li> </ul> </li> <li>▪ Waste handling, transport and disposal will be in accordance with the requirements of the POEO Act, WARR Act and relevant EPA or SafeWork NSW guidelines.</li> </ul>
<b>RAP, Reconomy and asphalt plants - DSRRC</b>
<ul style="list-style-type: none"> <li>▪ The Sustainable Road Resource Centre will not accept or process any waste and materials that are contaminated/non-conforming. The following inspection protocols will be implemented for all waste received at the site: <ul style="list-style-type: none"> <li>– Verification by the supplier of the waste, that it meets the relevant waste classification.</li> <li>– Prior to tipping the waste at the site, the load is visually inspected.</li> <li>– The load is then tipped at the relevant waste receival area and visually inspected again. When the waste is tipped, that load is kept separate from the other already tipped material so that it can be quarantined/reloaded into a truck and taken to an appropriate waste facility if it doesn't meet the required waste classification.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>▪ Every load of RAP and Reconomy waste will be weighed on receival and dispatch and the following records kept of the material received on site: <ul style="list-style-type: none"> <li>– weight;</li> <li>– description;</li> <li>– origin;</li> <li>– licence plate of truck.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>▪ Downer's existing RAP work instruction and Reconomy environmental management plan will be amended to reflect the proposal and all controls/procedures required to be implemented to meet the conditions of existing and any new site specific or general resource recovery exemptions and orders.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Glass fines will only be accepted if deliveries are accompanied by a written statement of compliance certifying that all the requirements set out in The recovered glass sand order 2014 have been met.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Coal ash will only be accepted if deliveries are accompanied by a written statement of compliance certifying that all the requirements set out in The coal ash order 2014 have been met.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Steel furnace slag will only be accepted if deliveries are accompanied by a written statement of compliance certifying that all the requirements set out in The steel furnace slag order 2014 have been met.</li> </ul>
<p>The following requirements for processors will be implemented in accordance with clause 4 of the RAP order (2014):</p>

- Contaminants –
  - The RAP work instruction and Reconomy environmental management plan will be implemented to minimise the potential for receiving/processing asbestos in RAP, including documentation of compliance records.
  - A procedure will be prepared and implemented to minimise the potential for receiving/processing coal tar in RAP, including documentation of compliance records.
- Notification – Downer will provide the following to each person it supplies RAP to:
  - A written statement of compliance certifying that all the requirements set out in the RAP order (2014) have been met.
  - A copy of the RAP exemption (2014), or a link to the EPA website where the RAP exemption (2014) can be found.
  - A copy of the RAP order (2014), or a link to the EPA website where the RAP order (2014) can be found.
- Records – Downer will keep a record of the following for six years:
  - The quantity of any reclaimed asphalt pavement supplied.
  - The name and address of each person to whom the processor supplied the reclaimed asphalt pavement, or the registration details of the vehicle used to transport the reclaimed asphalt pavement.

The following requirements for processors will be implemented in accordance with the Downer recovered aggregate and sand order 2019, or if that document is not amended, the corresponding clauses in the glass order/exemption 2014 and aggregate order/exemption 2014.

- Sampling – Downer will prepare a sampling plan including sample preparation and storage procedures for recovered aggregate and sand.
  - Material will be sampled in accordance with clauses 4.2-4.9 in Downer recovered aggregate and sand order 2019 and Australian Standard 1141.3.1-2012 Methods for sampling and testing aggregates – sampling – aggregates (or equivalent).
  - Material will not be supplied if concentrations of analytes exceed the values specified in Table 1 in Downer recovered aggregate and sand order 2019.
- Notification – Downer will provide the following to each person it supplies Reconomy material to:
  - A written statement of compliance certifying that all the requirements set out in Downer recovered aggregate and sand order 2019 have been met.
  - A copy of Downer recovered aggregate and sand order 2019.
  - A copy of the Downer recovered aggregate and sand exemption 2019.
- Records – Downer will keep a record of the following for six years:
  - The sampling required to be prepared under clause 4.1.1 of Downer recovered aggregate and sand order 2019.
  - All sampling results in relation to the Downer recovered aggregate and sand supplied.
  - The quantity of the Downer recovered aggregate and sand supplied.
  - The name and address of each person to whom the processor supplied the Downer recovered aggregate and sand.
  - The processor must provide, on request, the most recent characterisation results for Downer recovered aggregate and sand supplied to any consumer of the Downer recovered aggregate and sand.
  - The processor must notify the EPA within seven days of becoming aware that it has not complied with any requirement in clause 4.1 to 4.13 of Downer recovered aggregate and sand order 2019.

The following requirements for processors will be implemented in accordance with the Downer bituminous pavement order 2019.

- General – no Reconophalt containing Tonerplas will be supplied before it has been demonstrated to meet the specifications in Downer (2020) Reconophalt quality management process.
- Notification – Downer will provide the following to each person it supplies bituminous pavement to:
  - A written statement of compliance certifying that all the requirements set out in Downer bituminous pavement order 2019 have been met.
  - A copy of the Downer bituminous pavement order 2019.
  - A copy of the Downer bituminous pavement exemption 2019.
- Records – Downer will keep a record of the following for six years:
  - The quantity of Downer bituminous pavement supplied.
  - The name and address of each person to whom the processor supplied the Downer bituminous pavement.
  - The processor must notify the EPA within seven days of becoming aware that it has not complied with any requirement in clause 5.1.

**Visual**

<ul style="list-style-type: none"> <li>▪ The use of highly reflective elements materials on the tallest components should be minimised and limited to those components that require unpainted steel/stainless steel finished surfaces as they need to withstand high temperatures.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Colour the tallest, most visible components of DSRRC a light/mid-grey tone similar to that shown in illustrations.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Paint or colour-treat the lower elements of DSRRC to blend with the surroundings and decrease their visibility and contrast. Choose a colour two to three shades darker than the background colour such as mid/dark grey.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Do not paint components white or brightly coloured unless there is a safety or functional requirement to do so.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Ensure all external structures have a non-reflective finish. Avoid highly reflective elements (such as glossy silver/steel) except where unavoidable (note with time any glossy steel components would weather to more of a matt grey).</li> </ul>
<ul style="list-style-type: none"> <li>▪ Use semi-gloss finish rather than flat or gloss finish.</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.