

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney

24 December 2021

File: EF19/17192

SCHEDULE 1

Development Consent

Development Consent: SSD 5300 granted by the Planning Assessment Commission on 7 March 2016

For the following: Increasing the capacity of the existing construction and demolition waste and commercial and industrial waste resource recovery facility.

Modification 3

Modification Application: SSD-5300-Mod-3

Modification for:

- Extension of operation hours for the loading and transport of sorted material off site from 7am-6pm Monday to Saturday and 8am-4pm Sunday, to 24 hours per day 7 days per week.
- Expansion of waste types processed at the site to include rubber, thermosets and composites, and
- Upgrades to lighting infrastructure.

Applicant: Bingo Industries Ltd

Consent Authority: Minister for Planning and Public Spaces and Roads

The Land: Lot 10 DP 878167, 50 Wyllie Road, Kembla Grange

SCHEDULE 2

This consent is modified as follows:

- 1 In Definitions, add the following definition after MOD 2

MOD 3 The modification as described in the Statement of Environmental Effects titled Section 4.55(2) Development Modification – SSD 5300 Kembla Grange Resource Recovery Facility, prepared by Jackson Environment and Planning Version 2 dated 6 November 2021 and supporting documentation.

2. In Condition A2, delete the word “and” at the end of clause e), insert the word “and” at the end of clause f), and insert a new clause g) after clause f) as follows:

g) the modification application SSD-5300-MOD-3 and supporting documentation.

3. Replace Condition B18 with the following:

Construction and operation hours

- B18. The Applicant must comply with the construction and operation hours in Table 2 unless otherwise agreed to in writing by the Planning Secretary.

Table 2: Hours of Construction and Operation

Activity		Day	Hours
Construction		Monday - Friday	7am to 6pm
		Saturday	8am to 1pm
		Sunday & Public Holidays	Nil
Operation	Deliveries & operation of machinery	Monday - Saturday	7am to 6pm
		Sunday	8am to 4pm
		Public Holidays	Nil
	Loading & transport of sorted material off site	Monday - Saturday	24 Hours
		Sunday	24 Hours
		Public Holidays	Nil
	All other operational activities	Monday - Saturday	6am to 6pm
		Sunday	8am to 4pm
		Public Holidays	Nil

4. Add the following Condition B18A after Condition B18:

- B18A. In addition to the requirements in B18, the Applicant must also ensure that all offsite transport of recovered material or residual waste material is undertaken only during times that are in accordance with the Environment Protection Licence and development consent requirements of the receival facility.

5. Replace Condition B20 with the following Condition B20:

B20. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 3.

Table 3: Noise criteria (dB(A))

Location	Noise Limits in dB(A)					
	Morning Shoulder	Morning Shoulder	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{AFMax}	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AFMax}
Sveta Petka Monastery Lot 11 DP 787167	35	45	48	48	43	52
6 Bardess Crescent, Farmborough Heights	37	47	37	36	35	52
55 Fairloch Avenue, Farmborough Heights	37	47	37	36	35	52
65 Fairloch Avenue, Farmborough Heights	37	47	37	36	35	52
421 Princes Highway, Kembla Grange	35	52	41	36	35	52
14A Kingston Town Drive Kembla Grange	41	51	41	36	35	52

6. Replace Condition B23 with the following Condition B23:

B23 The Applicant must:

- implement best management practice, including all reasonable and feasible noise management and mitigation measures to prevent and minimise operational, low frequency and traffic noise generated by the Development, including during evening and night-time periods;
- minimise the noise impacts of the Development during adverse meteorological conditions;
- maintain the effectiveness of any noise suppression equipment on plant at all times and ensure defective plant is not used operationally until fully repaired; and

- d) regularly assess noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the noise criteria in this consent.

7. Add the following Condition B24B after Condition B24A:

- B24B The Applicant must prepare and submit a noise verification report to the EPA and the Planning Secretary within 3 months of commencing evening and night-time operations. The report must be prepared by a suitably qualified and experienced acoustic consultant and include:
- a) an analysis of compliance with noise limits specified in Condition B20;
 - b) an outline of management actions to be taken to mitigate any exceedances in noise limits; and
 - c) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

8. Replace Condition B32 with the following Condition B32:

Lighting

- B32. The Applicant must comply with the following lighting requirements:
- a) prior to the commencement of evening and night-time operations, the Applicant must obtain construction and occupation certificates and implement the proposed lighting infrastructure upgrade described in the Lighting Assessment Report prepared by JHA Consulting Engineers project number 210199 dated 22 June 2021.
 - b) within four months of commencement of the evening and night-time, the Applicant must submit a Lighting Verification Report prepared by a suitably qualified lighting engineer to the satisfaction of the Planning Secretary. The Lighting Verification Report must include the following;
 - (i) evidence the lighting complies with Australian Standards AS/NZS 1158.3.1:2020 *Lighting for roads and public spaces*, AS 1680.5:2012 *Interior and workplace lighting* *Outdoor workplace lighting*, AS 4282:2009 *Control of the obtrusive effects of outdoor lighting*, and conditions of this consent.
 - (ii) contingency measures to be deployed to minimise impacts should unsafe or obtrusive lighting have occurred or be likely to occur.

END OF MODIFICATION

SSD-5300-MOD-3