

Development Consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social 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.

**A/Executive Director
Industry and Key Sites**

Sydney

2016

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

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

CONSOLIDATED CONSENT

SCHEDULE A

Application No.:	SSD 6525
Applicant:	Boral Recycling Pty Ltd
Consent Authority:	Minister for Planning
Land:	Widemere Road, Wetherill Park (Lots 4000 and 4001 DP 1173524)
Development:	Increase in production capacity of an existing resource recovery facility to 1,000,000 tonnes per annum of non-putrescible construction and demolition waste.

FOR INFORMATION

CONSOLIDATED CONSENT

SUMMARY OF MODIFICATION

Application Number	Determination Date	Decider	Modification Description
SSD-6525-MOD-1	10 October 2017	Director	Inclusion of Lot 4000 DP 1173524 within the land
SSD-6525-MOD-1	21 December 2023	Director	Expansion of operational hours to 24/7 and installation of weighbridge

FOR INFORMATION

CONSOLIDATED CONSENT

TABLE OF CONTENTS

DEFINITIONS

SCHEDULE B

ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT	1
TERMS OF CONSENT	1
LIMITS OF CONSENT	1
STAGED SUBMISSION OF PLANS OR PROGRAMS	1
EVIDENCE OF CONSULTATION	2
DISPUTE RESOLUTION	2
STATUTORY REQUIREMENTS	2
METEOROLOGICAL MONITORING	2
UTILITIES AND SERVICES	2
COMPLIANCE	2
OPERATION OF PLANT AND EQUIPMENT	2
DEVELOPMENT CONTRIBUTIONS	2
NOTIFICATION AND SURRENDER OF CONSENT	3

SCHEDULE C

ENVIRONMENTAL PERFORMANCE AND MANAGEMENT

WASTE MANAGEMENT	4
NOISE AND VIBRATION	4
AIR QUALITY	4
SOIL AND WATER	6
TRAFFIC AND PARKING	7
HERITAGE	10
VISUAL AMENITY	11
FLORA AND FAUNA	11
SECURITY	11
HAZARDS AND RISK	11

SCHEDULE D

ENVIRONMENTAL MANAGEMENT AND REPORTING

ENVIRONMENTAL MANAGEMENT	12
REPORTING	12
INDEPENDENT ENVIRONMENTAL AUDIT	12
ACCESS TO INFORMATION	13
APPENDIX 1 - SITE LAYOUT	13
APPENDIX 2 - MANAGEMENT AND MITIGATION MEASURES	14

CONSOLIDATED CONSENT

DEFINITIONS

Additional Waste	Excavated natural material (ENM), tiles and masonry (including materials direct from manufacturer, such as seconds material), quarry products (greater than 20 mm) and wet concrete batching plant stirrer waste
Applicant	Boral Recycling Pty Ltd or anyone else entitled to act on this consent
Ancillary Operations	Any servicing and/or maintenance of the equipment/machinery associated with the development, loading and unloading of material onto/from vehicles and stockpiles and the selling of recycled product
Construction	The construction of the re-aligned haul road
Controlled Discharge	As defined in the EPL
Council	Fairfield City Council
Day	The period from 7 am to 6 pm
Department	Department of Planning and Environment
Development	The development that is approved by this development consent and as generally described in Schedule A
EIS	Environmental Impact Statement, titled Environmental Impact Statement -Widemere Recycling Facility, prepared by EMM dated 29 May 2015
EPA	Environment Protection Authority
EP&A Act	Environment Protection Authority Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPL	Environmental Protection Licence
Evening	The period from 6 pm to 10 pm
Expanded Operations	The point at which throughput exceeds 750,000 tonnes per annum of waste and receipt of additional waste streams occurs at the site
Feasible	Feasible relates to engineering considerations and what is practical to build. Any vehicle with a gross vehicle mass of 5 tonnes or more
Heavy vehicle	Any vehicle with a gross vehicle mass of 5 tonnes or more
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement An item as defined under the Heritage Act 1977, and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the National Parks and Wildlife Act 1974 An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance of criteria in this consent
Heritage Item	An item as defined under the Heritage Act 1977, and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the National Parks and Wildlife Act 1974 An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance of criteria in this consent
Incident	An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance of criteria in this consent
Land	In general, the definition of land is consistent with the definition in the EP&A Act
Management and Mitigation Measures	The Applicant's management and mitigation measures contained in the EIS and included in Appendix 2
Material harm to the environment	Harm to the environment is material if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Minister	Minister for Planning, or delegate
Mitigation	Activities associated with reducing the impacts of the Development prior to or during those impacts occurring
Modification Assessment	The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act: <ul style="list-style-type: none"> (a) SSD-6525-MOD-1 – Widemere Recycling Facility Modification Report: Statement of Environmental Effects Modification 1 Widemere Recycling Plant prepared by Boral Recycling Pty Ltd (dated July 2017). (b) SSD-6525-MOD-2 – Widemere Recycling Facility Modification Report: Modification of development consent SSD 6525 – Lots 4000 & 4001 DP1173524, Widemere Road, Wetherill Park prepared by Boral (dated April 2023), and supported by Response to submissions letter titled Application Ssd-6525-Mod-2 To Modify State Significant Development Consent Ssd-6525 – Increase In Processing Capacity Of Existing Resource Recovery Facility, Lots 4000 & 4001 Dp1173524, Widemere Road, Wetherill Park dated 28 September 2023.
Morning shoulder	The period from 6 am to 7 am
Night	The period from 10 pm to 6am
OSD Monitoring and Management Plan	On-Site Stormwater Detention (OSD) Basin Surface Water Monitoring and Mitigation Plan, prepared by Cleanaway, dated 27 July 2016
Operation	Any activity that results in the processing or intended processing of waste and includes ancillary operation
PCA	Principal Certifying Authority authorised under section 109D of the EP&A Act
POEO Act	Protection of the Environment Operations Act 1997
RAP	Remedial Action Plan
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
RTS	Response to Submissions, titled Widemere Recycling Facility Response to Submissions, prepared by Boral Property Group, dated 10 December 2015.
Secretary	Secretary of the Department, or nominee
Site	Land referred to in Schedule 1

CONSOLIDATED CONSENT

Surface Water Management System	Means the open drains, swales and pipes that collect surface water runoff from the site to the sediment basins and sediment basins 1 and 2.
Surface Water Detention Basins	Sediment basins 1 and 2 (see Appendix 1)
tpa	Tonnes per annum
Waste	As defined under the POEO Act

FOR INFORMATION

CONSOLIDATED CONSENT

SCHEDULE B

ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- B1. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the Development.

TERMS OF CONSENT

- B2. The Applicant shall carry out the Development generally in accordance with the:
- a) EIS;
 - b) RTS;
 - c) Development layout plans and drawings in the EIS (See Appendix 1); ~~and~~
 - d) the Management and Mitigation Measures (See Appendix 2); ~~and~~
 - e) in accordance with Modification Assessments.
- B3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
- B4. The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Department's assessment of:
- a) any reports, plans, or correspondence that are submitted in accordance with this consent; and
 - b) the implementation of any actions or measures contained within these reports, plans, or correspondence.

LIMITS OF CONSENT

- B5. 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 the date on which the consent would otherwise lapse under section 95 of the EP&A Act.
- B6. The Applicant shall not receive or process on the site more than 1,000,000 tonnes of waste (as expressly permitted by an EPL) per year.
- B7. The Applicant shall not cause, permit or allow any materials or waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by an EPL.
- B8. Virgin excavated natural material (VENM), timber, metal, plastic, glass, paper and cardboard, tree cutting and tree trunks when mixed with inert waste may only comprise up to 20% by mass if all stockpile on site at any one time.
- B9. Stockpiles of permitted waste and recycled product shall not be more than twenty (20) metres above ground level.

STAGED SUBMISSION OF PLANS OR PROGRAMS

- B10. with the approval of the secretary, the applicant may:
- a) submit any strategy, plan or program required by this consent on a progressive basis; and/or
 - b) combine any strategy, plan or program required by this consent.
- B11. If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program shall clearly describe the specific stage to which the strategy, plan or program applied, the relationship of the stage to any future stage and the trigger for updating the strategy, plan or program. A clear relationship between the strategy, plan or program that is to be combined shall be demonstrated.

EVIDENCE OF CONSULTATION

- B12. Where consultation with any public authority is required by the conditions of this consent, the Applicant shall:
- a) Consult with the relevant public authority prior to submitting the required documentation to the secretary or the PCA for approval, where required;
 - b) Submit evidence of this consultation as part of the relevant documentation required by the conditions of this consent; and
 - c) Include the details of any outstanding issues raised by the relevant public authority and an explanation of disagreement between any public authority and the Applicant or any person acting on this development consent.

DISPUTE RESOLUTION

- B13. In the event that a dispute arises between the Applicant and Council or a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the development, either party may refer the matter to the Secretary for resolution. The Secretary's determination of any such dispute shall be final and binding on the parties.

STATUTORY REQUIREMENTS

- B14. The Applicant shall ensure that all licences, permits, and approvals/consents are obtained as required by law and maintained as required throughout the life of the Development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals/consents.

METEOROLOGICAL MONITORING

- B15. Within 3 months of the date of this consent, the Applicant shall ensure that there is a suitable meteorological station on the site that complies with the requirements in the latest version of the *Approved Methods for Sampling of Air Pollutants in New South Wales*. The meteorological station must be operated and maintained for the life of the Development.

UTILITIES AND SERVICES

- B16. Prior to the construction of any utility works associated with the Development, the Applicant shall obtain relevant approvals from service providers.

COMPLIANCE

- B17. The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with the conditions of this consent relevant to their respective activities.
- B18. The Applicant shall be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.
- B19. The Secretary any time may require an update on compliance with all, or any part of the conditions of this consent. Any such updates shall meet the requirements of the Secretary and be submitted within such period as the Secretary may agree.
- B20. The Applicant shall meet the requirements of the Secretary in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the EIS and those documents listed under condition B2. The Secretary may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other documents submitted in accordance with the conditions of this consent, within such time as the Secretary may agree.

OPERATION OF PLANT AND EQUIPMENT

- B21. The Applicant shall ensure that all plant and equipment used for the Development is:
- a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

DEVELOPMENT CONTRIBUTIONS

- B22. The applicant may pay a levy of the percentage authorised by Fairfield City Council Indirect

CONSOLIDATED CONSENT

(Section 94A) Development Contribution Plan 2011, of the proposed cost of carrying out the development. The levy must be paid prior to the commencement of the expanded operations. A copy of the receipt for the payment must be submitted to the Department within two months of payment. The amount of the levy that is payable to Council. Calculated as at the date of the grant of this development consent is \$1,641.12.

NOTIFICATION AND SURRENDER OF CONSENT

- B23. Prior to the commencement of the expanded operations, the Applicant shall provide written notification in the manner prescribes by Clause 97 of the *Environmental Planning and Assessment Regulations 2000*, surrender the following consent;
- a) DA No. 21-1-2002-I granted by the Minister for Planning on 25 November 2002 for the construction and operation of a construction materials recycling facility.

**SCHEDULE C
ENVIRONMENTAL PERFORMANCE And Management**

WASTE MANAGEMENT

Waste Monitoring Program

- C1. The Applicant shall prepare a Waste Monitoring Program for the Development. This program must:
- a) be prepared in consultation with the EPA by a suitably qualified and experienced expert within 3 months of the date of this consent;
 - 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.
 - c) ensure that:
 - (i) all waste that are controlled under a tracking system have 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.
- C2. The Applicant shall carry out the Development in accordance with the Waste Monitoring Program approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

NOISE AND VIBRATION

Construction and Operation Hours

- C3. The Applicant shall comply with the construction and operation hours in Table 1 unless otherwise agreed to in writing by the Secretary.

Table 1: Hours of Construction and Operation

Activity	Day	Hours
Construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
	Sunday & Public Holidays	Nil
Operation	Monday – Sunday	24/ hours

- ~~C4. The Applicant must keep a record of Sunday work as identified in Table 1.~~

- C5. Condition C3 does not apply to any activity that is required to be performed by police or other authorities for safety reasons; and/or if there is an on-site emergency that poses an immediate danger to personnel or equipment; and/or the operation or personnel or equipment is endangered. In such circumstances, prior notification shall be provided to the EPA and any affected residents as soon as possible, or within a reasonable period in the case of emergency.

Operational Noise Limits

- C6. The Applicant shall ensure noise from the operation does not exceed the limits in Table 2 below.

Location	Noise limits dB(A)				
	Day (7am-6pm)	Evening (6pm-10pm)	Night (10pm-6am)		Morning Shoulder (6am-7am)
	LAeq (15min)	LAeq (15min)	LAeq (15min)	LFmax (15min)	LAeq (15min)
71 Munro Street, Greystanes	39	38	35	59	39
146 Daruga Avenue, Nelsons Ridge	35	35	35	50	35
Greystanes Estate – Future southern extent	39	37	35	50	39

Noise and Vibration Monitoring

C7. The Applicant shall carry out noise and vibration monitoring in accordance with any requirements in the EPL. This shall include a verification that the facility is operating in accordance with the criteria outlined in Condition C6.

C7A. Within three months of the completion of commencement of extended operation hours as approved under Modification 3, the Applicant must prepare and submit a noise verification report for the Department. The noise verification report must:

- a) be prepared to the satisfaction of the Planning Secretary;
- b) demonstrate that noise verification has been carried out by a suitably qualified and experienced acoustic consultant in accordance with:
 - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018); and
 - (ii) the monitoring and reporting requirements detailed in Section 7 of the Noise Policy for Industry (EPA, 2017);
- c) include:
 - (i) an analysis of compliance with noise limits specified in condition C6;
 - (ii) an outline of management actions to be taken to address any exceedances of the limits specified in condition C6; and
 - (iii) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

Vibration Criteria

C8. The Applicant shall ensure that vibration resulting from the development does not exceed the continuous or impulsive vibration criteria in EPA's *Assessing Vibration: A Technical Guideline* (February 2006) at residential receivers.

Noise Mitigation

C9. The Applicant shall:

- a) 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;
- b) minimise the noise impacts of the development during adverse meteorological conditions;
- c) 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 any noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this consent.

Noise Management

C10. As part of the OEMP the Development, required under Condition D2 of this consent, the Applicant shall prepare a Noise Management Plan. The Plan must:

- a) Be prepared by a suitably qualified and experienced person(s) in consultation with the EPA;
- b) Be approved by the Secretary prior to the commencement of the expanded operations;
- c) Include up to date site plans;
- d) Identify all major sources of noise that may be emitted as a result of the operation of the Development;
- e) Specify the noise criteria as it applies to particular activities;
- f) Include procedures for monitoring of noise emissions from development of the noise mitigation measures outlined in Condition C9;
- g) Describe the procedure to be undertaken if any non-compliance is detected; and
- h) Details the mechanism to consider and address cumulative noise impacts in the context of development in the Greystanes Estate/Widemere Area.

C11. The Applicant shall carry out the Development in accordance with the Noise Management Plan approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

AIR QUALITY**Odour**

C12. The Applicant shall ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

Air quality

- C13. The Applicant shall carry out all reasonable and feasible measures to minimise dust generated by the Development.
- C14. The Applicant shall carry out air quality monitoring in accordance with any requirements in the EPL.
- C15. The Applicant shall ensure the development complies with any air quality limits in the EPL.

Air Quality Mitigation

- C16. The Applicant shall:
- Operate the development so that air emissions are minimised during all meteorological condition;
 - Implement best management practice, including all reasonable and feasible air emissions mitigation measures to minimise emissions from the Development, including but not limited to:
 - Limit vehicle speed on site to 30 kilometres per hour;
 - Ensuring all loaded vehicles entering or leaving the site have their loads covered;
 - Ensure all loaded vehicles leaving the site are cleared of dirt, sand and other materials before they leave the site, to avoid tracking these materials on public roads; and
 - Dust sprays through chemical suppressants, water spray/misters.

Dust Management

- C17. As part of the OEMP the Development, required under Condition D2 of this consent, the Applicant shall prepare a Dust Management Plan. The Plan must:
- Be prepared by a suitably qualified and experienced person(s) in consultation with the EPA;
 - Be approved by the Secretary prior to the commencement of the expanded operations;
 - Identify all major emissions of dust that may occur as a result of the operation of the development;
 - Describe the procedures to manage the emission of dust from the sources identified;
 - Identify the locations where monitoring of dust emissions is to be undertaken;
 - Describe the procedures to manage the emission of dust from the development, in accordance with any requirements of the EPL;
 - Provide protocols for regular maintenance of processes equipment to minimise the potential dust emissions;
 - Detail the development of mitigation measures identified in Condition C16; and
 - Describe the procedures to be undertaken if any non-compliance is detected.
- C18. The Applicant shall carry out the Development in accordance with the Dust Management Plan approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary

Air Quality Audit

- C19. The Applicant shall carry out Air Quality Audit of the Development no later than six months after the commencement of the expanded operations. The audit must:
- Be carried out by a suitably qualified and experienced expert whose appointment has been endorsed by the secretary;
 - Audit the Development whilst it is in operation;
 - Include a summary of air emissions related complaints and any actions that were carried out to address the complaints;
 - Validate the Development against air quality and odour predictions in the EIS;
 - Review design and management practices of the Development against industry best practice for air emissions; and
 - Include an action plan that identifies and prioritise additional air and mitigation measures that may be necessary to reduce air emissions.
- C20. Within three months of commissioning this audit, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.
- C21. The Applicant shall comply with any reasonable requirements of the Secretary arising from the Air Quality Audit.

SOIL AND WATER

Pollution of Waters

- C22. The Development shall comply with Section 120 of the *POEO Act*, which prohibits the pollution of waters, except as expressly provided in an EPL.
- C23. Any discharge or water quality criteria specified under the EPL must be complied with.
- C24. Surface water must only be discharged from the location specified in the EPL.
- C25. Discharges of turbidity and/or suspended solids to waters from discharge point identified in condition EPL is only permitted when the discharge occurs solely as a result of rainfall at the premises exceeding a total of 45 millilitres over any consecutive 5-day period.
- C26. The Applicant shall undertake water quality monitoring at the discharge point and in accordance with the monitoring requirements described under this consent and the EPL.

Erosion and Sediment Control

- C27. All soil and / or vegetation disturbed or removed from the site shall be disposed of to, or stored at, an appropriate location where it cannot be washed off the site.
- C28. All construction vehicles exiting the site, having had access to unpaved areas, shall depart via a wheel-wash facility.
- C29. The Applicant shall implement erosion and sediment control measures during construction in accordance with Landcom's Managing Urban Stormwater: Soils and Construction guideline.

Bunding

- C30. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded storage areas in accordance with the requirements of all relevant Australian Standards and the EPA's Storing and Handling Liquids: Environmental Protection - Participants Manual 2007

Site Drainage and Surface Water Management

- C31. Within six months of the expanded operations, the Applicant shall provide certification from a suitably qualified engineer that the internal surfaces of the surface water detention basins have been maintained to the equivalent to, or better than, a clay liner with a permeability of 1×10^{-9} ms⁻¹ or less and a thickness of no less than 900 mm and whether any repairs are necessary. The documentation of the certification shall be provided to the EPA and Secretary.
- C32. Should the certification as per Condition C31 identify that repairs are required, these repairs shall be carried out within two months of the certification.
- C33. The Applicant shall maintain all surface water infrastructure to direct all surface water runoff to the site's surface water detention basins.
- C34. Only water contained in the site's secondary surface water detention basin (sediment basin 2 – as identified in Appendix 1) is permitted to be applied to land and stockpiles within the site. Spray from the application of this water must not drift beyond the boundary of the area to which it is applied.
- C35. The Applicant shall maintain the surface water detention basins on site with a minimum capacity to contain 45 millilitres of rainfall over any consecutive 5 day period. The capacity requirements of the sediment basins may be modified by the EPL.
- C36. The Applicant shall ensure that a visible marker is installed in each sediment retention basin in a position that shows the freeboard in the basin that equates to the volume required to contain all rainfall and runoff in the catchment from a 45 millilitre rainfall event over any consecutive 5 day period or as modified by the EPL.
- C37. The sediment basin liner shall be monitored every 3 years to ensure a clay liner of permeability of 1×10^{-9} ms⁻¹ or less and a thickness of no less than 900 mm is maintained.

Groundwater

- C38. Within six months of the commencement of the expanded operations. The Applicant shall conduct Groundwater Monitoring Program. The program must:
- a) be carried out by a suitably qualified and experienced expert in consultation with the EPA and to the satisfaction of the Secretary;
 - b) assess the potential for leakage of the sediment basins to groundwater;
 - c) detail baseline data, groundwater levels and quality against the relevant criteria;
 - d) provide mitigation and contingency measures to prevent the sediment basins from leaking; and
 - e) identify further groundwater monitoring if required.
- C39. Within three months of the completion of the Groundwater Monitoring Program, the Applicant shall submit a copy of the Groundwater Monitoring Program as identified in Condition C38 to the Secretary and the EPA.
- C40. The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Groundwater Monitoring Program.

Surface Water Mitigation and Monitoring Plan

- C41. Prior to any controlled discharges permitted under the EPL the Applicant must provide a Surface Water Mitigation and Monitoring Plan, the plan must:
- a) be prepared by a suitably qualified and experienced expert;
 - b) be approved by the Secretary in consultation with the EPA;

- c) provide a description and map of the surface water processes and surface water management infrastructure;
 - d) outline the measures to control and manage surface water (including erosion and sedimentation) associated with the Development;
 - e) detail how water used for dust depression will be managed to ensure excessive run-off is not generated at the site;
 - f) consider the human health risks associated with the surface water reuse process at the site;
 - g) include details of the maintenance procedures of the sediment basins and surface water infrastructure;
 - h) describe the procedures for maintaining vegetation along surface water channels and detention systems, to minimise the potential for erosion;
 - i) provide details and outcomes of the water balance review and water quality characterisation as required by the EPL;
 - j) identify and justify practical measures that could be deployed at the site to minimise water pollution;
 - k) identify preferred mitigation measures along with timeframes for implementation;
 - l) establish an ongoing runoff discharge monitoring program to validate the proposed mitigation measures;
 - m) identify measures for managing pollutant exceedances;
 - n) identify contingency options to account for any mitigation measures that do not adequately address the site water pollution risks;
 - o) include a review and justify the flocculants and coagulants used on-site; and
 - p) conduct a review of the methods and chemicals used for pH adjustment in sediment basin.
- C42. The Applicant shall carry out the Development in accordance with the Surface Water Mitigation and Monitoring Plan (including the implementation of mitigation measures) approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

Water Quality Validation

- C43. Within three months of implementing the Surface Water Mitigation and Monitoring Plan, the Applicant shall provide a Surface Water Validation Report, which shall:
- a) be carried out by a suitably qualified and experienced expert;
 - b) be approved by the Secretary in consultation with the EPA;
 - c) detail the results of the Surface Water Mitigation and Monitoring Plan;
 - d) provide a characterisation of the water quality discharged in accordance with ANZECC (2000) assessment criteria;
 - e) ensure surface water is being managed in accordance the EPL;
 - f) provide an assessment of the effectiveness of implemented mitigation measures;
 - g) confirm that the site water balance including validation of the sediment pond storage and predicted discharge volume is consistent with the potential pollutant risks;
 - h) if necessary, propose additional mitigation measures to control and/or treat all pollutants that represent a risk of non-trivial harm; and
 - i) update the Surface Water Mitigation and Monitoring Plan to reflect any changes to the surface water management system.
- C44. Any alterations to the surface water management system identified in the Surface Water Validation Report must be implemented prior to any further controlled discharges to the satisfaction of the Secretary.
- C45. The Applicant must comply with any amended water quality criteria and discharge limits identified in the EPL.

Surface Water Audit

- C46. The Applicant shall carry out an independent Surface Water Audit of the Development, in consultation with the EPA, following completion of the Surface Water Validation Report or as directed by the Secretary. The audit must:
- a) be carried out by a suitably qualified and experienced expert whose appointment has been endorsed by the Secretary;
 - b) audit the Development whilst it is in operation;
 - c) validate the development against the Surface Water Mitigation and Monitoring Plan;
 - d) include a summary of any EPL water quality exceedances;
 - e) review design and management practices of the Development against industry best practice for surface water;
 - f) include an action plan that identifies and prioritises additional surface water mitigation measures and/or treatment options that may be necessary to reduce surface water impacts; and
 - g) provide a further program of monitoring to address water quality issues that may emerge over time.
- C47. Within three months of commissioning this audit, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.
- C48. The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Surface Water Audit.

CONTAMINATION

- C49. Prior to the commencement of construction of the realigned haul road as identified in Appendix 1, the Applicant shall prepare an unexpected finds protocol to ensure that potentially contaminated material is appropriately managed. Any material identified as contaminated shall be disposed off-site, with the disposal location and results of testing submitted to the Secretary, prior to its removal from the site.
- C50. The Applicant shall implement the unexpected finds protocol developed under Condition C49 for the duration of construction works.

TRAFFIC AND PARKING

Parking

- C51. The Applicant shall maintain provision for 37 car parking spaces on the site. The spaces must conform to the relevant specifications in the latest version of AS 2890.1.
- C52. Accessible, visitor and service vehicle parking spaces must be clearly signposted and designated in accordance with the relevant Australian Standards.

Operating Conditions

- C53. The Applicant shall ensure that:
- a) the Development does not result in any vehicles parking or queuing on the public road network;
 - b) the realigned haul road (as identified in Appendix 1) is constructed and maintained in accordance with the relevant Australian Standards;
 - c) all vehicles are wholly contained on site before being required to stop;
 - d) all loading and unloading of heavy vehicles is carried out on-site, in particular, all materials when first received at the site shall be unloaded at the receivals area in the north of the site as identified in Appendix 1;
 - e) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times;
 - f) all heavy vehicles associated with the Development have their loads covered and do not track dirt onto public roads;
 - g) all vehicles enter and leave the site in a forward direction; **and**
 - h) all vehicles exiting the site, that have accessed unpaved areas, shall depart via a wheel-wash facility;;
 - i) **the site must not exceed 50 vehicle movements (25 in 25 out) between the hours of 12 and 6am; and**
 - j) **all heavy vehicles must not use Gipps Road or Victoria Street East when traveling to or from the site between the hours of 12am and 6am.**

Driver Code of Conduct

- C54. The Applicant shall implement a Driver Code of Conduct for heavy vehicle drivers associated with the Development. The code must:
- a) be submitted to and approved by the Secretary within 3 months of the commencement of the expanded operations;
 - b) be distributed to all the drivers of heavy vehicles associated with the Development; and
 - c) include provisions relating to:
 - i. the approved haul routes;
 - ii. the operating conditions;
 - iii. the maintenance of engine noise and pollution control equipment; and
 - iv. driving practices the minimise noise emissions on potentially affected residences.

HERITAGE

- C55. The Applicant shall cease all works on site in the event that any Aboriginal cultural object(s) or human remains are uncovered onsite. The NSW Police, the Aboriginal Community and the OEH are to be notified. Works shall not resume in the designated area until consent in writing from the NSW Police and/or the OEH has been obtained.

VISUAL AMENITY

Lighting

- C56. All external lighting associated with the Development shall be mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadways. The lighting shall be the minimum level of illumination necessary and shall comply with Australian Standard AS4282 1997 – Control of the Obtrusive Effects of Outdoor Lighting.

Signage

- C57. The Applicant shall not install any advertising signs on site without the written consent of the Secretary.

FLORA AND FAUNA

- C58. The Applicant shall:
- a) avoid clearing the Swamp Oak Floodplain Forest EEC at the southern end of the site and ensure this stand is protected and maintained during construction and operation of the Development;
 - b) implement suitable measures to manage and prevent the spread of declared noxious weeds on site; and
 - c) ensure landscaping along the eastern boundary of the site is maintained throughout the life of the Development.

SECURITY

- C59. The Applicant shall:
- a) install and maintain a perimeter fence and security gates on the site; and
 - b) ensure that the security gates on site are locked whenever the site is unattended.

HAZARDS AND RISK

- C60. The quantities of dangerous goods stored and handled at the site shall be below the threshold quantities listed in the Department of Planning's Hazardous and Offensive Development Application Guidelines - Applying SEPP 33 at all times.

SCHEDULE D
ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT**Construction Environmental Management Plan**

D1. The Applicant shall implement a Construction Environmental Management Plan during construction work for the Development. The Plan must:

- a) be prepared by a suitably qualified and experienced expert;
- b) be submitted to and approved by the Secretary prior to the commencement of construction;
- c) details of erosion, sediment and pollution control measures and practices to be implemented during construction of the realigned haul road (as identified in Appendix 1);
- d) describe all activities to be undertaken on the site during construction an outline all management practises and procedures;
- e) identify the statutory approvals that apply to the Development;
- f) describe of the roles and responsibilities for all relevant employees involved in construction; and
- g) include arrangements for complaints handling procedures during construction.

Operational Environmental Management Strategy

D2. The Applicant shall implement an Operational Environmental Management Strategy for the Development. This strategy must:

- a) be prepared by a suitably qualified and experienced expert;
- b) be submitted to and approved by the Secretary prior to the commencement of the expanded operations;
- c) provide a strategic framework for environmental management of the Development;
- d) identify the statutory approvals that apply to the Development;
- e) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Development;
- f) detail the commissioning period, including surface water monitoring and the deployment of mitigation measures;
- g) describe in general how the environmental performance of the Development would be monitored and managed;
- h) include the relevant plans listed in Schedule C;
- i) include a process for ongoing review and update of the OEMP (including documenting any changes to the development, surface water manage system and mitigation measures identified in the surface water mitigation and monitoring plan and any audits);
- j) 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; and
 - (v) respond to emergencies.

Management Plan Requirements

D3. The Applicant shall ensure that the environmental management plans required under this consent are prepared in accordance with any relevant guidelines and include:

- a) detailed baseline data;
- b) a description of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures/criteria;
 - (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;
 - (iv) the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
- c) a program to monitor and report on the:
 - (i) impacts and environmental performance of the Development;
 - (ii) effectiveness of any management measures;
 - (iii) a contingency plan to manage any unpredicted impacts and their consequences;
 - (iv) a program to investigate and implement ways to improve the environmental performance of the development over time;
- d) a protocol for managing and reporting any:
 - (i) incidents;
 - (ii) complaints;

- (iii) non-compliances with statutory requirements; and
- (iv) exceedances of the impact assessment criteria and/or performance criteria; and
- (v) a protocol for periodic review of the plan.

D4. The Secretary may waive some of the requirements in condition C3 if they are unnecessary or unwarranted for particular management plans.

REPORTING

Incident Reporting

D5. D5. The Applicant shall notify, at the earliest opportunity, the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the Development, the Applicant shall notify the Secretary and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

D6. D6. The Applicant shall provide regular reporting on the environmental performance of the Development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

INDEPENDENT ENVIRONMENTAL AUDIT

D7. Within 1 year of the date of this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the Development. This audit must:

- a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
- b) led by a suitably qualified auditor, and include experts in fields specified by the Secretary;
- c) include consultation with the relevant agencies;
- d) assess the environmental performance of the Development and assess whether it is complying with the requirements in this consent, and any other relevant approvals and relevant EPL/s (including any assessment, plan or program required under these approvals);
- e) review the adequacy of any approved strategy, plan or program required under the abovementioned consents; and
- f) recommend measures or actions to improve the environmental performance of the Development, and/or any strategy, plan or program required under these consents.

D8. Within three months of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

Annual Review

D9. Within one year of the date of this consent, and every year thereafter, the Applicant shall review the environmental performance of the Development to the satisfaction of the Secretary. This review must:

- a) describe the Development that was carried out in the previous calendar year, and the Development that is proposed to be carried out over the next year;
- b) include a comprehensive review of the monitoring results and complaints records of the Development over the previous calendar year, which includes a comparison of these results against the:

CONSOLIDATED CONSENT

- (i) the relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this consent;
 - (iii) the monitoring results of previous years; and
 - (iv) the relevant predictions in the EIS;
- c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
- d) identify any trends in the monitoring data over the life of the Development;
- e) identify any discrepancies between the predicted and actual impacts of the Development, and analyse the potential cause of any significant discrepancies; and
- f) describe what measures will be implemented over the next year to improve the environmental performance of the Development.

Revision of Strategies, Plans and Programs

- D10. Within three months of the submission of an:
- a) annual review under Condition D9 above;
 - b) incident report under Condition D5 above;
 - c) audit under Condition D7 above; or
 - d) any modification to this consent,

the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.

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

- D11. The Applicant shall ensure that the operation of the Development is undertaken in accordance with all relevant updated and/or amended strategies, management plans and programs approved by the Secretary (or as revised and approved by the Secretary), unless otherwise agreed by the Secretary.

ACCESS TO INFORMATION

- D12. The Applicant shall:
- a) make copies of the following publicly available on its website:
 - (i) the documents referred to in Condition D2;
 - (ii) all current statutory approvals for the Development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) 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;
 - (v) a complaints register, updated on a monthly basis;
 - (vi) minutes of any community meetings held by the Applicant;
 - (vii) the annual reviews of the Development;
 - (viii) any independent environmental audit of the Development, and the Applicant's response to the recommendations in any audit;
 - (ix) any other matter required by the Secretary; and
 - b) keep this information up to date and to the satisfaction of the Secretary.

CONSOLIDATED CONSENT

APPENDIX 1 – SITE LAYOUT



Change to alignment of the perimeter haul road

APPENDIX 2 – MANAGEMENT AND MITIGATION MEASURES

Management item	Mitigation measure	EIS section
Traffic and transport	Current operational procedures and the existing traffic management plan would be reviewed updated to reflect the changes to operations at the facility and as a result of the proposal.	7.4
Air quality	<p>The existing OEMP would be reviewed and updated to reflect proposed operations. The two dust deposition monitors located at the facility would be retained and would continue to monitor dust deposition in accordance with the EPL. Dust mitigation measures would continue to operation including:</p> <ul style="list-style-type: none"> • water cannons on stockpiles; • water cart on internal haul roads; • wheel wash at the southern and northern exits of the facility; • onsite speed limits; and • designed traffic routes. 	8.6
Greenhouse gas	Boral would continue to implement procedures to ensure that onsite equipment is regularly maintained and serviced to maximum fuel efficiency, fuel consumption is be reduced by minimising vehicle kilometres travelled on site, and an ongoing review and implementation of energy efficiency measures are undertaken to reduce GHG emissions at the facility.	8.6
Waste management	Waste management during future operations would be consistent with current operations. The receivals protocol and quality control procedure would continue to be implemented across the facility.	10.2.2 10.2.3
Soils and water	<p>To mitigate the predicted impacts from the proposal, the following management measures are proposed:</p> <ul style="list-style-type: none"> • the sediment basins would retain their current total volume, which exceeds the volume of runoff generated by a 90th percentile, 5 day duration rainfall event; • the water levels in the basins would be monitored and adjusted to ensure adequate water is available to be reused on site; • water would be extracted from the basins during dry periods to maximise the stormwater storage capacity; • water quality in the basins would be actively managed to ensure discharges meet water quality objectives in the EPL; • including the use of flocculent reduce suspended solids and dosing to manage the pH; • water quality monitoring would continue to be undertaken on a daily basis during any discharges from the LDP in accordance with the EPL, and at approximately monthly intervals during periods where there are no discharges; • a 12 month monitoring program be undertaken to assess the risk posed by the potential (agreed with EPA) contaminants of concern in accordance with ANZECC (2000) assessment criteria and any additional management practices be implemented based upon its findings (and conducted annually in September or October); • a pollutant load estimate be undertaken on an annual basis with consideration to discharge volumes and discharge quality in order to monitor the performance of the basin in relation to pollutant loading to Prospect Creek; • the proposed realignment of the perimeter haul road would incorporate the following: 	11.5

CONSOLIDATED CONSENT

Management item	Mitigation measure	EIS section
	<ul style="list-style-type: none"> – sediment laden water would be temporarily collected within two open sediment cleanout pits situated inline within the open drain adjacent to the roadway; – a sand bag would be used to trap sediment up gradient of the piped outlet of the open drain up gradient of Basin 1; – the sediment cleanout pits and open drain are would be regularly inspected and sediment would be cleaned out as required and redistributed into the recycling process stockpiles as often as is necessary to manage water quality within the basins; • the management of fuel spills would continue to be undertaken in accordance with the OEMP. <p>Boral would also investigate options for additional stormwater storage and/or water supply options. This could include (but not be limited to):</p> <ul style="list-style-type: none"> • opportunities to extract water from other local basins owned by Boral; and • opportunities to increase the capacity of the existing sediment basins with consideration to health and safety requirements, and if practical and feasible. 	
Ecology	<p>The following measures should be implemented to minimise impacts to biodiversity during construction and operation:</p> <ul style="list-style-type: none"> • demarcation of the clearing limits using survey pegs to avoid overclearing of the Swamp Oak Floodplain Forest EEC; and • continued implementation of site sediment and erosion control measures to prevent runoff into native vegetation. 	12.4
Heritage	<p>If any items of heritage significance are uncovered during the internal road realignment, work would cease immediately in the vicinity of the item(s) and the OEH would be contacted to ascertain the necessary actions.</p>	13.4
Visual	<p>The stockpile area located within the southern portion of the site would continue to be monitored to ensure that the height of the highest stockpile does not exceed 20 m.</p>	14.3
Socio-economic	<p>The continued management of operations under the proposal would be conducted to review traffic and transport, hazard and risk, visual, air quality and odour, and noise and vibration conditions at the facility in accordance with the EPL, OEMP and traffic management plans.</p>	15.4

FC