

# 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.



28/09/2020

Anthea Sargeant  
**Executive Director**  
**Regions, Industry and Key Sites**

Sydney

2020

File: SF19/34484

### SCHEDULE 1

|                            |  |
|----------------------------|--|
| <b>Application Number:</b> | SSD 6761   |
| <b>Applicant:</b>          | Med-X Pty Ltd  |
| <b>Consent Authority:</b>  | Minister for Planning and Public Spaces  |
| <b>Site:</b>               | Lot 14 DP 786328, 9 Kenoma Place, Arndell Park NSW<br>Lot 1005 DP 788155, 7 Vangeli Street, Arndell Park NSW   |
| <b>Development:</b>        | Operation of a clinical waste management facility to process up to 2,000 tonnes per annum of clinical waste and store up to 300 tonnes per annum of related waste at 9 Kenoma Place, Arndell Park and use of 7 Vangeli Street, Arndell Park for a delivery vehicle depot and clean sharp waste container storage |

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## DEFINITIONS

|                                   |  |
|-----------------------------------|--|
| <b>Applicant</b>                  | Med-X Pty Ltd, or any person carrying out any development to which this consent applies  |
| <b>BCA</b>                        | Building Code of Australia   |
| <b>Calendar year</b>              | A period of 12 months commencing on 1 January  |
| <b>Certifier</b>                  | A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates   |
| <b>Clinical Waste</b>             | Has the same meaning as the definition of the term in the Waste Classification Guidelines – Part 1: Classification of waste (NSW EPA, 2014)  |
| <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>                    | Blacktown City Council   |
| <b>Day</b>                        | The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays  |
| <b>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 the processing up to 2,000 tpa of clinical waste and storage of up to 300 tpa of related waste, as modified by the conditions of this consent  |
| <b>Development layout</b>         | The plans at Appendix 1 of this consent  |
| <b>EES</b>                        | Environment, Energy and Science Group (former Office of Environment and Heritage)  |
| <b>EIS</b>                        | The Environmental Impact Statement titled <i>Environmental Impact Statement State Waste Services (NSW) Pty Ltd 9 Kenoma Place Arndell Park</i> , prepared by National Integrated Creative Solutions dated 8 January 2019, submitted with the application for consent for the development   |
| <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> (NSW)  |
| <b>EP&amp;A Regulation</b>        | Environmental Planning and Assessment Regulation 2000  |
| <b>EPL</b>                        | Environment Protection Licence under the POEO Act  |
| <b>Evening</b>                    | The period from 6 pm to 10 pm  |
| <b>Incident</b>                   | An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance<br>Note: “material harm” is defined in this consent  |
| <b>Land</b>                       | Has the same meaning as the definition of the term in section 1.4 of the EP&A Act  |
| <b>Material harm</b>              | Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul> |
| <b>Minister</b>                   | NSW Minister for Planning and Public Spaces (or delegate)  |
| <b>Mitigation</b>                 | Activities associated with reducing the impacts of the development prior to or during those impacts occurring  |
| <b>Monitoring</b>                 | Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act  |
| <b>Night</b>                      | The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays  |

|                                |  |
|--------------------------------|--|
| <b>Non-compliance</b>          | An occurrence, set of circumstances or development that is a breach of this consent  |
| <b>OEMP</b>                    | Operational Environmental Management Plan  |
| <b>Operation</b>               | The carrying out of a clinical waste management facility processing up to 2,000 tpa of clinical waste and storage of up to 300 tpa of related waste as described in the EIS and RtS  |
| <b>Principal Certifier</b>     | The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act  |
| <b>Planning Secretary</b>      | Planning Secretary under the EP&A Act, or nominee  |
| <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>Related Waste</b>           | Including anatomical, cytotoxic, pharmaceutical and sharps waste. Has the same meaning as the definition of the term in the Waste Classification Guidelines – Part 1: Classification of waste (NSW EPA, 2014)  |
| <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>Clinical Waste Management Facility, Arndell Park Response to Submissions and Amended Project Report for State Significant Development 6761</i> , prepared by Arup and dated 26 June 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>tpa</b>                     | tonnes per annum   |
| <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 conditions A2(c) and A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and 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.

##### Processing and Storage Capacity

- A6. The Applicant must not:
- (a) receive and process more than 2,000 tonnes per annum of clinical waste;
  - (b) receive and store more than 300 tonnes of related waste per annum;
  - (c) process more than 648 kilograms (kg) of clinical waste per operating cycle of the autoclave;
  - (d) store more than 450 kilograms of clinical waste outside of the approved hours of operation;
  - (e) store any related waste outside of the approved hours of operation; and
  - (f) store more than 1,200 kilograms DG Class 6.2 PG III at all times.

**Note:** The mass is based on an average waste density of 120 kg/m<sup>3</sup>.

#### NOTIFICATION OF COMMENCEMENT

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

## **SURRENDER OF EXISTING CONSENTS**

A9. Within 12 months of the date of commencement of development to which this consent applies, or within another timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consents for the Site including No JRPP-11-1642 dated 3 August 2011 and modification consent S 9612/1451 dated 2 October 2012 in accordance with the EP&A Regulation.

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

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

## **EVIDENCE OF CONSULTATION**

A11. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
- (b) provide details of the consultation undertaken including:
  - (i) the outcome of that consultation, matters resolved and unresolved; and
  - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

## **STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS**

A12. With the approval of the Planning Secretary, the Applicant may:

- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A13. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A14. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

## **COMPLIANCE**

A15. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

## **OPERATION OF PLANT AND EQUIPMENT**

A16. 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.

## **APPLICABILITY OF GUIDELINES**

A17. 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.

A18. 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

### AIR QUALITY

#### Air Quality Discharges

- B1. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.
- B2. Air from the standalone water tank must be discharged at least 1 metre above the roofline of the building. The ventilation stack must have a sampling plane that has been constructed with consideration of AS 4323.1-1995 Stationery Source Emissions – Selection of Sampling Positions.

#### Air Quality Management Plan

- B3. Prior to the commencement of operation, 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 C2 and:
- (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 odour;
  - (d) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
  - (e) identify the control measures that 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.
- B4. The Applicant must:
- (a) not commence operation until the AQMP required by condition B3 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.

#### Odour Management

- B5. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).
- B6. The Applicant must carry out an Odour Audit of the development no later than six months after the commencement of operation of the development. Division 9.4 of Part 9 of the EP&A Act applies to this audit which is for the purpose of auditing the development against the odour impact predictions of the development. The audit must:
- (a) be carried out by a suitably qualified, experienced and independent person(s), whose appointment has been endorsed by the Planning Secretary;
  - (b) audit the development in full operation;
  - (c) include a summary of odour complaints and any actions that were carried out to address the complaints;
  - (d) assess the operation against odour impact predictions in the EIS and RtS;
  - (e) review design and management practices in the development against industry best practice for odour management; and
  - (f) include an action plan that identifies and priorities any odour mitigation measures that may be necessary to reduce odour emissions.

**Note:** *The Odour Audit may be prepared so that it addresses the requirements of this consent and the EPL for the development.*

- B7. Within six months of commissioning of the Odour Audit required by condition B6, or otherwise agreed by the Planning Secretary, the Applicant must submit a copy of the Odour Audit report to the satisfaction of the Planning Secretary, together with the Applicant's response to any recommendations contained in the Odour Audit report.

## **HAZARDS AND RISKS**

### **Emergency Plan**

- B8. Prior to commencement of operation of the development, the Applicant must prepare and implement a comprehensive Emergency Plan. The Emergency Plan must include:
- (a) consider the safety of all people outside of the development who may be at risk from the development and must be prepared in accordance with the *Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*; and
  - (b) detail emergency procedures for the development.

### **Dangerous Goods**

- B9. The Applicant must ensure that the quantities of dangerous goods stored and handled at the site or transported to and from the site are below the screening threshold quantities listed in the Department's *Applying SEPP 33* at all times, except for dangerous goods Class 6.2 Packing Group III infectious substances (DG Class 6.2 PG III).

### **Bunding**

- B10. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

## **WASTE MANAGEMENT**

### **Waste Monitoring Program**

- B11. Prior to the commencement of operation, the Applicant must prepare a Waste Monitoring Plan (WMP) for the development to the satisfaction of the Planning Secretary. The WMP 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;
    - (ii) quantity, type and quality of the outputs produced on site;
    - (iii) freezer capacity on site for the storage of received anatomical waste; and
  - (c) ensure that:
    - (i) all waste that is controlled under a tracking system has the appropriate documentation prior to acceptance at the site;
    - (ii) sufficient capacity is available for the storage of all clinical and related wastes; and
    - (iii) staff receive adequate training in order to be able to recognise and handle any hazardous or other prohibited waste including asbestos.
- B12. The Applicant must:
- (a) not commence operation until the WMP required by condition B11 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the WMP approved by the Planning Secretary for the duration of the development.

### **Waste Processing and Storage**

- B13. The Applicant must unload the waste received at the site inside the processing building and at the designated loading dock to avoid spillage.
- B14. The Applicant must ensure the development does not store clean waste bins in the vehicle manoeuvring area except as shown in Figure 1: in Appendix 1.
- B15. All waste processing, and material handling activities must be undertaken in an enclosed processing building and within designated areas.
- B16. Clinical waste and related waste received on site must always be secured and maintained within designated waste storage areas shown on Figure 3: and Figure 4: in Appendix 1 and must not leave the site onto neighbouring public or private properties.

## Statutory Requirements

- B17. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B18. 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.
- B19. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.

## TRAFFIC AND ACCESS

### Operational Traffic Management Plan

- B20. Prior to the commencement of operation, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for the development to the satisfaction of the Planning Secretary. The OTMP must form part of the OEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s),
  - (b) detail the measures that are to be implemented to ensure road safety and network efficiency during operation;
  - (c) detail the measures that are to be implemented to ensure delivery vehicle arrival times are appropriately staggered including the use of an electronic tracking system;
  - (d) detail heavy vehicle routes, access and parking arrangements; and
  - (e) include a program to monitor the effectiveness of these measures.
- B21. The Applicant must:
- (a) not commence operation until the OTMP required by condition B20 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the OTMP approved by the Planning Secretary for the duration of the development.

## Parking

- B22. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that parking associated with the development does not utilise public and residential streets or public parking facilities.

## Operating Conditions

- B23. The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004), *AS 2890.2:2018 Parking facilities Off-Street commercial vehicle facilities* (Standards Australia, 2018) and *AS 2890.2:2009 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2009);
  - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
  - (c) the development does not result in any vehicles queuing on the public road network;
  - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
  - (e) all vehicles are wholly contained on site before being required to stop;
  - (f) all loading and unloading of materials are 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.

**SOILS, WATER QUALITY AND HYDROLOGY**

**Discharge Limits**

B24. 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.

**NOISE**

**Hours of Work**

B25. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

*Table 1 Hours of Operation*

| <b>Activity</b>   | <b>Day</b>  | <b>Time</b> |
|---|---|-------------|
| Operation of Clinical Waste Management Facility at 9 Kenoma Place, Arndell Park | Monday – Saturday (including public holidays that fall on Saturday) | 7 am – 7 pm |
| Operation of depot and storage facility at 7 Vangelis Street, Arndell Park      | Monday – Saturday (including public holidays that fall on Saturday) | 5 am – 7 pm |

- B26. Operations outside of the hours identified in condition B25 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
  - (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
  - (c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

## PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Management Plan Requirements

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

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

#### OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the OEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (b) describe the procedures that would be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - (ii) receive, handle, respond to, and record complaints;
    - (iii) resolve any disputes that may arise;
    - (iv) respond to any non-compliance;
    - (v) respond to emergencies; and
  - (c) include the following environmental management plans:
    - (i) Air Quality Management Plan (see Condition B3);
    - (ii) Waste Management Plan (see Condition B11); and
    - (iii) Operational Traffic Management Plan (see Condition B20).
- C4. 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

- C5. Within three months of:

- (a) the submission of a Compliance Report under condition C10;
- (b) the submission of an incident report under condition C6;
- (c) the submission of an Independent Audit under condition C12;
- (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.

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**

- C6. 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**

- C7. The Planning Secretary must be notified in writing to the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- C8. 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.
- C9. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### **Compliance Reporting**

- C10. Within three months after the first year of commencement of the development, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Planning Secretary reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:
- (a) identify any trends in the monitoring data over the life of the development;
  - (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
  - (c) describe what measures will be implemented over the next year to improve the environmental performance of the development
- C11. 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**

- C12. Within one year of the commencement of the development, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (Audit) of the development. Audits must:
- (a) be prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020)
  - (b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary; and
  - (c) be submitted to the satisfaction of the Planning Secretary within three months of commissioning the Audit (or within another timeframe agreed by the Planning Secretary).
- C13. 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 C12 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**

C14. 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**

C15. At least 48 hours before the commencement of operation, the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
  - (i) the documents referred to in condition A2 of this consent;
  - (ii) all current statutory approvals for the development;
  - (iii) all approved strategies, plans and programs required under the conditions of this consent;
  - (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
  - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
  - (vi) a summary of the current stage and progress of the development;
  - (vii) contact details to enquire about the development or to make a complaint;
  - (viii) a complaints register, updated monthly;
  - (ix) the Compliance Report of the development;
  - (x) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
  - (xi) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.







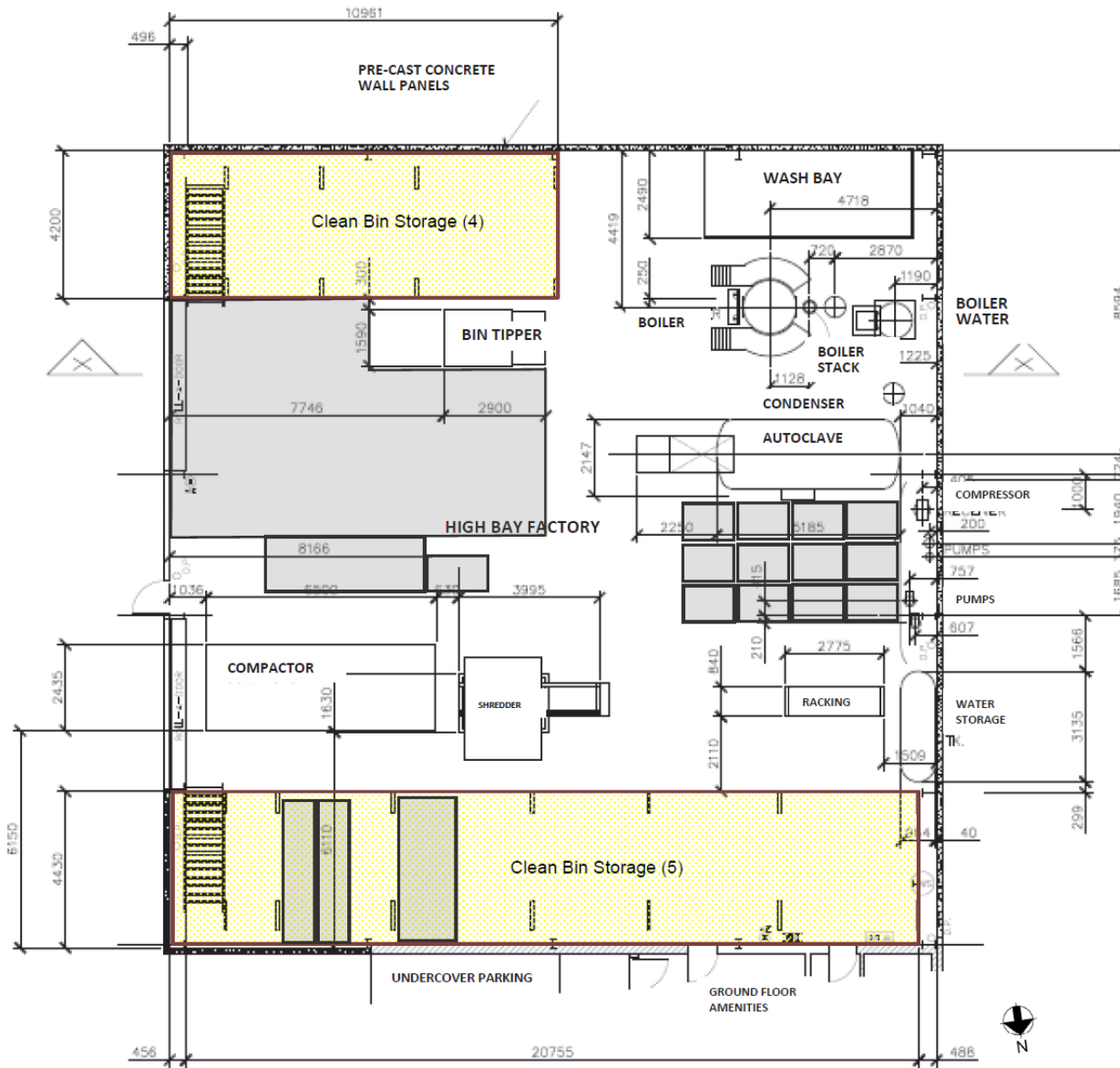


Figure 4: Storage Areas within the Processing Building Plan

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

| <b>Aspect</b>     | <b>Potential impact</b>                         | <b>Management and mitigation measure</b>  | <b>Timing</b>      |
|-------------------|---|---|--------------------|
| Air quality       | Generation of odour and other emissions         | <p>An odour management plan is to be developed to include the following measures:</p> <ul style="list-style-type: none"> <li>• Keep building doors closed when not in use;</li> <li>• Avoid opening the doors after 5pm as much as practical, especially in the cooler times of the year;</li> <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> <li>• Engines of on-site vehicles and plant switched off when not in use;</li> <li>• Vehicles and plant fitted with pollution control devices in accordance with manufacturer specifications;</li> <li>• Any waste requiring overnight storage is stored within a closed container inside the facility;</li> <li>• Additional controls to be implemented, if and as required.</li> </ul> <p>In addition, the odour management plan must include:</p> <ul style="list-style-type: none"> <li>• Key performance indicator(s) for emissions controls;</li> <li>• Monitoring method(s);</li> <li>• Location, frequency and duration of monitoring;</li> <li>• Record keeping;</li> <li>• Response mechanisms; and</li> <li>• Compliance reporting.</li> </ul> | Operation          |
| Air quality       | Generation of odour and other emissions         | <ul style="list-style-type: none"> <li>• New vent pipe on the stand-alone tank to be installed extending at least 1 m above the roofline of the building to improve air dispersion and reduce impacts to receptors. The pipe must have a sampling plane that has been constructed with consideration of AS4323.1 1995.</li> </ul>   | Prior to Operation |
| Air quality       | Generation of odour and other emissions         | <ul style="list-style-type: none"> <li>• The air quality (odour) model is to be validated within 12-months of project approval or as soon as practicable after receipt of a valid odour complaint that cannot be addressed by applying the controls identified in the odour management plan.</li> </ul>   | Post-operation     |
| Noise             | Noise emissions to nearby residential receivers | <ul style="list-style-type: none"> <li>• Vehicles departing the Vangeli Street Parking Depot between 5am and 7am are to follow the designated route to the Great Western Highway, avoiding driving through residential areas</li> </ul>   | Operation          |
| Surface water     | Stormwater contamination                        | <ul style="list-style-type: none"> <li>• The proposed stormwater management measures are to be installed prior to increase of the processing capacity at the site</li> </ul>  | Prior to operation |
| Hazards and risks | Fire  | <ul style="list-style-type: none"> <li>• An automatic fire detection system is to be installed inside the facility, with the alarm being signalled to a third-party central monitoring station</li> </ul>   | Prior to operation |
| Hazards and risks | Fire  | <ul style="list-style-type: none"> <li>• A 6m exclusion zone around the LPG tank is to be marked out in yellow paint prior to increase of the processing capacity at the site</li> </ul>  | Prior to operation |
| Hazards and risks | Fire  | <ul style="list-style-type: none"> <li>• The yellow lines defining the 6m exclusion zone around the LPG tank are to be regularly cleaned and repainted, as necessary</li> </ul>   | Operation          |

| Aspect            | Potential impact                      | Management and mitigation measure  | Timing    |
|-------------------|---------------------------------------|--|-----------|
| Hazards and risks | Fire and land and water contamination | <ul style="list-style-type: none"> <li>All bins stored outside the facility are to be kept within the defined outdoor storage area, as shown on the site plan</li> </ul>   | Operation |
| Traffic           | General traffic management            | <ul style="list-style-type: none"> <li>A traffic management plan is to be developed and implemented and is to include measures relevant to the management of traffic, as described in this report and supporting information.</li> </ul>   | Operation |
| Traffic           | Traffic congestion at Kenoma Place    | <ul style="list-style-type: none"> <li>Vehicle arrivals at the facility are to be closely monitored, to limit congestion and ensure waste delivery is evenly spaced across the daily operating hours. This includes use of the existing real-time vehicle tracking system, combined with additional monitoring of daily trends in arrivals.</li> </ul> | Operation |
| Traffic           | Traffic congestion at Kenoma Place    | <ul style="list-style-type: none"> <li>Waste delivery and collection vehicles are to avoid idling in Kenoma Place and utilise the area on-site adjacent to the staff carpark where possible when waiting to unload.</li> </ul>   | Operation |
| Waste management  | General waste management              | <ul style="list-style-type: none"> <li>A waste management plan is to be developed and implemented and is to include measures relevant to the management of waste derived at the site.</li> </ul>   | Operation |
| Surface water     | Stormwater management                 | <ul style="list-style-type: none"> <li>A stormwater management plan is to be developed and implemented and is to include measures relevant to the management of water and stormwater at the site.</li> </ul>   | Operation |
| General           | Community concerns                    | <ul style="list-style-type: none"> <li>The Med-X Communication, Consultation &amp; Participation procedure is to be implemented to ensure any concerns raised by the community are appropriately recorded, reviewed and responded to.</li> </ul>   | Operation |

## 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 C6 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.