

Development Consent

Section 89E of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 14 September 2011, the Planning Assessment Commission (the Commission) of New South Wales, approve the Staged Development Application referred to in Schedule 1 subject to the concept proposal conditions in Schedule B and Stage 1 Waste Transfer Station conditions in Schedule C.

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.

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

4 October 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 Number:	SSD-7075
Applicant:	Cleanaway Pty Ltd
Consent Authority:	Minister for Planning
Site:	85-87 Quarry Road, Erskine Park (Lot 1 DP 1140063)
Development:	<p>Erskine Park Waste and Resource Management Facility Staged Development Application, comprising:</p> <ul style="list-style-type: none">- A concept proposal for a Waste and Resource Management Facility (WRMF) with a maximum processing capacity of 300,000 tpa. All waste received at the WRMF shall enter the Waste Transfer Station (Stage 1), up to 150,000 tpa of this waste may be recycled at the Resource Recovery Facility (Stage 2).- Construction and operation of the Stage 1 Waste Transfer Station with a maximum processing capacity of 300,000 tpa.

CONSOLIDATED CONSENT

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-7075-Mod-1	25 August 2017	A/Director, Industry Assessments	Modifications to the development staging, car and truck parking, the office, the load-out bays, the stormwater management system, site levels and landfill ramps.
SSD-7075-Mod-2	26 February 2018	Director, Industry Assessments	Modifications to the site levels, access ramp and car parking.
SSD-7075-Mod-3	24 October 2018	Director, Industry Assessments	Modifications to Stage 1 Waste Transfer Station operation including the installation of a manual sort line, minor site layout alterations and minor building design alterations.
SSD-7075-Mod-4	25 October 2018	Director, Industry Assessments	Extension to construction hours.
SSD-7075-Mod-5	7 July 2023	Team Leader, Industry Assessments	Upgrade waste stored at any given time from 1,040 tonnes to 3,000 tonnes, processing up to 35,000 tpa of glass, and update site layout by removing manual sort line and replacing with glass breaking line.

TABLE OF CONTENTS

	III
SCHEDULE B	5
PART A CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL (STAGES 1 AND 2)	5
STAGED DEVELOPMENT DESCRIPTION	5
CONSENT LIMITS	5
ADMINISTRATIVE CONDITIONS	5
SCHEDULE C	7
CONDITIONS OF CONSENT FOR STAGE 1 - WASTE TRANSFER STATION	7
PART A ADMINISTRATIVE CONDITIONS	7
DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTS	7
LIMITS OF CONSENT	7
STAGED SUBMISSION OF PLANS OR PROGRAMS	7
EVIDENCE OF CONSULTATION	7
METEOROLOGICAL MONITORING	8
DEMOLITION	8
BUILDING CODE OF AUSTRALIA	8
OPERATION OF PLANT AND EQUIPMENT	8
PROTECTION OF PUBLIC INFRASTRUCTURE	8
PART B ENVIRONMENTAL PERFORMANCE	9
WASTE MANAGEMENT	9
AIR QUALITY	9
SOIL AND WATER	11
CONTAMINATION	12
NOISE AND VIBRATION	12
TRAFFIC AND ACCESS	12
FIRE MANAGEMENT	13
VISUAL AMENITY	13
HERITAGE	13
SECURITY	14
PEST, VERMIN & NOXIOUS WEED MANAGEMENT	14
PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING	15
ENVIRONMENTAL MANAGEMENT	15
REPORTING AND AUDIT	16
APPENDIX 1 – SITE LAYOUT PLAN – CONCEPT PROPOSAL	18
APPENDIX 2 – ELEVATION PLANS - WASTE TRANSFER STATION	19
APPENDIX 3 – MANAGEMENT AND MITIGATION MEASURES	21

DEFINITIONS

Applicant	Cleanaway Pty Ltd, or anyone else entitled to act on this consent
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent
Council	Penrith City Council
Department	Department of Planning and Environment
Development	The development that is approved by this development consent and as generally described in Schedule A
DPI	Department of Primary Industries
EIS	Staged Development Application, Environmental Impact Statement, Erskine Park Resource Management Facility prepared by SLR Consulting Australia Pty Ltd dated October 2015
EP&A	<i>Environmental Planning and Assessment Act 1979</i>
EPA	Environment Protection Authority
EPL	Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i>
Feasible	Feasible relates to engineering considerations and what is practical to build
General solid waste (non-putrescible)	As defined in Schedule 1 of POEO Act, but excludes Biosolids
Heavy vehicle	Any vehicle with a gross vehicle mass of 5 tonnes or more
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> .
Incident	A set of circumstances that: <ul style="list-style-type: none"> causes or threatens to cause material harm to the environment; and/or breaches or exceeds the limits or performance measures/criteria in this consent
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Mitigation	Activities associated with reducing the impacts of the development prior to orduring those impacts occurring
MOD 1	SSD 7075 MOD 1 and supporting documentation titled <i>Environmental Assessment Proposed minor changes to approved Erskine Park Resource Management Facility (SSD 7075) Stage 1 Waste Transfer Station</i> , prepared by SLR and dated 10 July 2017
MOD 2	SSD 7075 MOD 2 and supporting documentation titled <i>Erskine Park Waste and Resource Management Facility Modification to approved SSD 7075 Environmental Assessment Report</i> , prepared by EME Advisory and dated January 2018
MOD 3	SSD 7075 MOD 3 and supporting documentation titled <i>Erskine Park Waste and Resource Management Facility Modification to approved SSD 7075 Environmental Assessment Report</i> , prepared by EME Advisory and dated May 2018
MOD 4	SSD 7075 MOD 4 and supporting documentation titled <i>Erskine Park Waste and Resource Management Facility Modification to approved SSD 7075 (Modification 4) Environmental Assessment Report</i> , prepared by EME Advisory and dated 16 August 2018
MOD 5	SSD 7075 MOD 5 and supporting documentation titled <i>Erskine Park Waste and Resource Management Facility Modification to approved SSD 7075 (Modification 5) Environmental Assessment Report</i> , prepared by EME Advisory and dated 11 October 2022.
OEH	Office of Environment and Heritage
Operation	The receipt or processing of waste
PCA	Principal Certifying Authority
Planning Secretary	Secretary of the Department of Planning and Environment, or nominee

POEO Act	<i>Protection of the Environment Operations Act 1997</i>
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
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Response to Submissions (RTS)	Erskine Park Resource Management Facility, Response to Submissions prepared by SLR Consulting Australia Pty Ltd dated 24 February 2016
RMS	Roads and Maritime Services
Site	Land referred to in Schedule A
Stage 1	<p>Stage 1 includes:</p> <ul style="list-style-type: none"> i. demolition of existing structures; ii. bulk earthworks; iii. construction of infrastructure including hardstand areas, stormwater, carparks, weighbridges and sealed roads; iv. operation of a Waste Transfer Station with a processing capacity of upto 300,000 tpa including an air pollution control system; v. a two storey office building and amenities to service the Waste Transfer Station; vi. construction of ancillary components including security fencing, security gates, rain water harvesting, fire suppression system, signage, landscaping and services.
Stage 2	Resource Recovery Facility designed to process 150,000 tpa of recyclable material from the Waste Transfer Station (Stage 1)
tpa	Tonnes per annum
Waste	As defined under the POEO Act
WMP	Waste Management Plan
WTS	Waste Transfer Station

SCHEDULE B**PART A CONDITIONS OF CONSENT FOR CONCEPT PROPOSAL (STAGES 1 AND 2)****STAGED DEVELOPMENT DESCRIPTION**

A1. Consent is granted to the Concept Proposal as described in:

- a) Schedule A;
- b) Staged Development Application (SSD 7075);
- c) EIS;
- d) RTS;
- e) Site layout plan as identified in Appendix 1A;
- f) MOD 1;
- g) MOD 2;
- h) MOD 3;
- i) MOD 4;
- j) MOD 5; and
- k) conditions contained in this development consent.

A2. 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.

CONSENT LIMITS

A3. This consent does not permit the construction and operation of the Stage 2 Resource Recovery Facility.

A4. All waste received at the Site must enter at the Waste Transfer Station for initial processing. The Waste Transfer Station must not process more than 300,000 tpa of waste (as identified in the EPL), up to 150,000 tpa of this waste may be recycled at the Resource Recovery Facility (Stage2).

A5. The Applicant shall carry out the development of the Waste Transfer Station in accordance with the conditions outlined in Schedule C.

A5A. The Waste Transfer Station must not process more than 35,000 tpa of glass.

A5B. No more than 3,000 tonnes of waste must be stored within the Waste Transfer Station at any one time.

ADMINISTRATIVE CONDITIONS**Determination of Future Development Applications**

A6. In accordance with section 83B(3) of the EP&A Act, Stage 2 is to be subject of a future development application.

A7. The determination of the future development application(s) are to be consistent with the terms of this development consent as described in Schedule A, and subject to the conditions in ScheduleB.

A8. As per Clause 2.11 of the *State Environmental Planning Policy (Planning Systems) 2021* any future development application(s) shall be classified State Significant Development.

Obligation to Minimise Harm to the Environment

A9. The Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

Statutory Requirements

A10. 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.

Inconsistency between Documents

A11. If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this consent prevail to the

extent of any inconsistency.

Lapsing of Approval

A12. This consent lapses five years after the date from which it operates, unless the Stage 1 works have 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 Act.

Dispute Resolution

A13. In the event that a dispute arises between the Applicant, 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 **Planning** Secretary for resolution. The **Planning** Secretary's determination of any such dispute shall be final and binding on the parties.

Legal Notices

A14. Any advice or notice to the consent authority shall be served on the **Planning** Secretary.

FOR INFORMATION

SCHEDULE C**CONDITIONS OF CONSENT FOR STAGE 1 - WASTE TRANSFER STATION****PART A ADMINISTRATIVE CONDITIONS****DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTS**

A1. The Applicant shall carry out the Development in accordance with the:

- a) Staged Development Application (SSD 7075);
- b) EIS;
- c) RTS;
- d) Conditions in Schedule B;
- e) Site and elevation plans as identified in Appendix 1B and 2;
- f) MOD 1;
- g) MOD 2;
- h) MOD 3;
- i) MOD 4;
- j) MOD 5; and
- k) management and mitigation measures as identified in Appendix 3.

A2. 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.

- A3. The Applicant shall comply with any reasonable requirement/s of the **Planning** Secretary arising from the Department's assessment of:
- a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this consent; and
 - b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

LIMITS OF CONSENT**Waste Limits**

A4. The Applicant shall not receive or process on the Site more than 300,000 tonnes of waste per calendar year.

A5. The Applicant must record the amount of waste (in tonnes) received at the Site on a daily basis.

A5A. The glass breaking line approved as part of MOD 5 must only be used to separate glass waste permitted to be received within the WTS.

STAGED SUBMISSION OF PLANS OR PROGRAMS

A6. With the approval of the **Planning** 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.

A7. 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 applies, the relationship of the stage to any future stages 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

A8. 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.

METEOROLOGICAL MONITORING

A9. Prior to commencement of operations, 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 Applicant shall operate the meteorological station, and maintain continuous, auditable records of meteorological data, for the life of the Development.

DEMOLITION

A10. The Applicant shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601:2001: The Demolition of Structures*, or its latest version.

BUILDING CODE OF AUSTRALIA

A11. The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures are constructed in accordance with the relevant requirements of the *Building Code of Australia*.

OPERATION OF PLANT AND EQUIPMENT

A12. 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.

PROTECTION OF PUBLIC INFRASTRUCTURE

A13. The Applicant shall:

- a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the Development; and
- b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the Development.

PART B ENVIRONMENTAL PERFORMANCE

WASTE MANAGEMENT

- B1. The Applicant shall not cause, permit or allow any materials or waste (as defined by the POEO Act) 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.
- B2. From the commencement of operation, the Applicant shall implement a Waste Monitoring Program for the Development. The program must:
- a) be prepared by a suitably qualified and experienced person(s) prior to the commencement of operation;
 - b) include suitable provision to monitor the:
 - (i) quantity, type and source of waste received on-site; and
 - (ii) quantity, type and quality of the outputs produced on-site.
 - c) ensure that:
 - (i) all waste that is controlled under a tracking system has the appropriate documentation prior to acceptance at the Site; and
 - (ii) staff receive adequate training in order to be able to recognise, handle and report any hazardous or other prohibited waste, including asbestos.

AIR QUALITY

Construction Mitigation

- B3. During construction, the Applicant shall ensure that:
- a) all vehicles on-site do not exceed a speed of 30 kilometres per hour;
 - b) all loaded construction vehicles entering or leaving the Site have their loads covered; and
 - c) all construction vehicles leaving the Site are cleaned of dirt, sand and other materials before they leave the Site, to avoid tracking the materials on public roads.

Dust Management

- B4. The premises shall be maintained in a condition that minimises or prevents the emission of dust from the premises.
- B5. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading within the Waste Transfer Station.

Odour

- B6. The Applicant shall ensure the Development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).
- B7. The Applicant shall ensure that any waste vehicles parked on the Site do not emit offensive odours.

Air and Odour Emissions Mitigation

- B8. The Applicant shall:
- a) operate the Development so that air and odour emissions are minimised during all meteorological conditions;
 - b) implement best management practice, including all reasonable and feasible air and odour emission mitigation measures to minimise emissions from the Development, including but not limited to an Air Pollution Control System comprising of:
 - (i) a wet scrubber, or an alternative air filtration system, approved by the Secretary, that can achieve an equivalent or better level of odour control to a wet scrubber;
 - (ii) dilution stacks;
 - (iii) fast acting roller doors;
 - (iv) dust suppression through the use of water sprays/misters;
 - c) seal on-site surfaces and regularly maintaining them to prevent dust re-entrainment from vehicle movements and other equipment use; and
 - d) ensure regular maintenance of the air pollution control system.

B9. Prior to acceptance of any waste at the Waste Transfer Station, the Air Pollution Control System identified in condition B8b) must be installed and operational. The wet scrubber technology or similar must be sized with an appropriate level of contingency to enable the level of control to be able to be scaled up if necessary.

Odour Management Plan

- B10. Prior to commencement of construction, the Applicant shall prepare an Odour Management Plan to the

satisfaction of the Secretary. The Plan must:

- a) be prepared by a suitable qualified and experienced person(s) in consultation with the EPA;
- b) describe the measures that would be implemented on-site to ensure:
 - (i) all reasonable and feasible measures are employed to minimise odour emissions, including details of the air pollution control device(s) and all other operational odour mitigation measures;
 - (ii) compliance with the relevant conditions of this consent;
 - (iii) contingency measures are deployed to minimise impacts should adverse odour emissions occur or appear likely to occur;
- c) include an ongoing monitoring program;
- d) include well defined triggers for the deployment of odour mitigation and contingency measures;
- e) include a protocol to determine the occurrence of an exceedance of any criteria in the EPL should an exceedance occur; and
- f) include contingency measures for design or system failure.

B11. The Applicant shall carry out the Development in accordance with the Odour Management Plan approved by the **Planning** Secretary (as revised and approved by the **Planning** Secretary from time to time), unless otherwise agreed by the **Planning** Secretary.

Odour Audit

B12. Within 6 months of operation or as otherwise directed by the **Planning** Secretary, the Applicant shall carry out an Odour Audit of the Development. The timing of the audit shall coincide with the receipt of putrescible waste at the Waste Transfer Station. The audit must:

- a) be carried out by a suitably qualified and experienced expert whose appointment has been endorsed by the **Planning** Secretary;
- b) audit the Development whilst it is in full operation;
- c) include a summary of air and odour emission related complaints and any actions that were carried out to address the complaints;
- d) validate the Development against the odour predictions in the RTS;
- e) if, as part of the Odour Audit, or as the result of any other odour monitoring, the odour predictions are demonstrated to be inaccurate, initiate an action plan as per B12 (h).
- f) if odour complaints are received, the Applicant must review the meteorological data for the Site and the region to establish the likelihood that the source of the odour originated from the Site. If it is likely that the odour originated from the site it must be reported in accordance with condition C6.
- g) review design and management practices of the Development against industry best practice for air emissions and odour management; and
- h) include an action plan that identifies and prioritises additional air and odour emission mitigation measures that may be necessary to reduce air and odour emissions.

Note: the aim of the odour audit is to validate the odour predictions in the RTS and therefore the audit should be conducted when large amounts of putrescible waste are present on the Site.

B13. Within two months of commissioning this audit, the Applicant shall submit a copy of the audit report to the **Planning** Secretary, EPA and Penrith City Council, together with its response to any recommendations contained in the audit report.

B14. The Applicant shall comply with any requirement(s) of the **Planning** Secretary arising from the Odour Audit.

SOIL AND WATER

Pollution of Waters

B15. The Development shall comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided in an EPL.

Stormwater

B16. A stormwater management scheme must be prepared for the development and must be implemented in consultation with the EPA. Implementation of the scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The scheme should be consistent with the Stormwater Management Plan for the catchment.

Leachate Management System

B17. Prior to operation, the Applicant shall prepare a Leachate Management System for the Site, the system must:

- a) be designed by a suitably qualified and experienced person(s) in consultation with the EPA;
- b) provide a management protocol for leachate (including firewater);
- c) control leachate (including firewater) so that it does not mix with any stormwater on the Site; and
- d) include water quality monitoring to determine the performance of the leachate management system.

B18. The Applicant shall carry out the Development in accordance with the Leachate Management System approved by the Planning Secretary (as revised and approved by the Planning Secretary from time to time), unless otherwise agreed by the Planning Secretary.

B19. Should the Waste Transfer Station no longer be able to utilise the adjacent Landfill Leachate Treatment System, no further waste shall be received at the Site until an alternative strategy for leachate management is provided in accordance with Condition B17. The system shall be designed and installed in consultation with the EPA and subject to the Planning Secretary's approval prior to the facility receiving or processing any further waste.

Erosion and Sediment Control

B20. The Applicant shall implement erosion and sediment control measures on-site in accordance with *Managing Urban Stormwater: Soils and Construction Vol. 1* (Landcom, 2004).

Bunding

B21. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participant's Manual 2007*.

Imported Soil

B22. The Applicant shall:

- a) ensure that only VENM, or ENM, or other material approved in writing by the EPA is used as fill on the Site;
- b) keep accurate records of the volume and type of fill to be used; and
- c) make these records available to the Department upon request.

Compliance Certificate

B23. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water prior to the commencement of construction.

Groundwater Interception and Extraction

B24. The Applicant shall obtain any necessary water related approvals from DPI in the event that groundwater is likely to be intercepted or extracted during construction.

CONTAMINATION

B25. Prior to commencing any excavation works, the Applicant shall prepare a protocol for the management of unexpected contamination finds which details the procedures for testing, classifying, handling, storing and disposing of contaminated water, soils and/or groundwater if encountered in excavations, in particular during excavation of the stormwater detention basin.

B26. The Applicant shall notify the Department detailing any contamination investigation carried out. This report shall be provided to the Department on completion of construction earthworks.

NOISE AND VIBRATION

Vibration Criteria

B27. 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.

Construction and Operation Hours

B28. The Applicant shall comply with the construction and operation hours in Table 3 unless otherwise agreed to in writing by the Planning Secretary.

Table 3: Hours of Construction and Operation

Activity	Day	Hours
Construction	Monday – Friday	5 am to 6 pm
	Saturday	5 am to 5 pm
	Sunday & Public Holidays	Nil
Operation	24 hours a day, seven days a week	

Noise Mitigation

B29. The Applicant shall:

- implement best 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;
- minimise the noise impacts of the Development during adverse meteorological conditions;
- install and implement broadband squawker reversing alarms for all construction vehicles;
- 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
- regularly assess noise emissions and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this consent.

TRAFFIC AND ACCESS

B30. The Applicant shall ensure that:

- a total of 37 car parking spaces, including one disabled car parking space are provided;
- trucks shall only be parked in the designated truck park areas as identified in Appendix 1B;
- at least one load compliance inspection parking area is provided;
- Site access, driveways and parking areas are constructed and maintained in accordance with the latest versions of Australian Standards AS 2890.1, AS 2890.2, AS 2890.6 and AS 1428.1;
- the swept path of the longest vehicle entering and exiting the Site, as well as manoeuvrability through the Site, is in accordance with *AUSTROADS Guide to Road Design*;
- unless such deliveries are via Erskine Park Road, truck deliveries and pickups are scheduled to avoid busy morning and afternoon peak hours;
- the egress of B-double waste transportation trucks from the Erskine Park Industrial Estate is confined to Lenore Drive/Erskine Park Link Road;
- the Development does not result in any vehicles parking or queuing on the public roadnetwork;
- all vehicles are wholly contained on-site before being required to stop;
- all loading and unloading of heavy vehicles occurs inside the Waste Transfer Station;

- k) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times; and
- l) all vehicles enter and leave the Site in a forward direction; and
- m) signage is installed to ensure traffic from the adjacent landfill provides right-of-way to the Development traffic; and
- n) right-of-way signage is installed at accessway road junctions from the adjacent landfill.

FIRE MANAGEMENT

B31. The Applicant shall:

- a) implement suitable measures to minimise the risk of fire on-site including but not limited to the recommendations in the EIS;
- b) extinguish any fires on-site promptly; and
- c) maintain adequate fire-fighting capacity on-site.

VISUAL AMENITY

Building Materials and Landscaping

B32. Prior to the commencement of construction, the Applicant shall prepare a Building and Material Schedule and a Landscape Plan for the development to the satisfaction of the **Planning** Secretary. The Schedule and Plan must:

- a) be prepared in consultation with Council;
- b) be consistent with the Penrith City Council Development Control Plan 2014;
- c) include a building materials list for the Waste Transfer Station;
- d) provide details on boundary fences which shall generally have a maximum height of 2.1m and have an "open" nature, e.g. decorative metal and coloured dark grey or black, or complement the adjacent fencing type, other than the southern boundary fence which may be higher than 2.1m and impermeable, as agreed with the adjacent property owner; and
- e) include details on landscaping, in particular how the area allocated for the Resource Recovery Facility will be grassed and stabilised prior to commencement of operation of the Waste Transfer Station to prevent any run-off and erosion.

B33. The Applicant shall carry out the Development in accordance with the approved Building and Material Schedule and Landscape Plan (as revised and approved by the **Planning** Secretary from time to time), unless otherwise agreed by the **Planning** Secretary.

Lighting

B34. 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 AS 4282 1997*.

Signage

B35. The Applicant shall install any new signage in consultation with Council and shall comply with the

State Environmental Planning Policy 64 – Advertising and Signage, as relevant.

Note: This condition does not apply to signage identified as exempt or complying development in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

HERITAGE

B36. The Applicant shall cease all works on-site in the event that any Aboriginal cultural object(s) or human remains are uncovered. If human remains are uncovered, you must immediately stop work, not further disturb the remains and notify NSW Police. OEHL and the Aboriginal community must be contacted if the remains are suspected to be of Aboriginal origin. If other Aboriginal objects are discovered, you must immediately stop work, not further disturb the objects and notify OEHL by calling Environment Line on 131 555. Works must not resume in the designated area until the relevant written consent is received from NSW Police and/or OEHL. Any Aboriginal objects discovered must be registered on the Aboriginal Heritage Management Information System (AHIMS), in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

SECURITY

B37. 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.

PEST, VERMIN & NOXIOUS WEED MANAGEMENT

B38. The Applicant shall:

- a) implement suitable measures to manage pests, vermin and declared noxious weeds on-site; and
- b) inspect the Site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on-site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in surrounding areas.

FOR INFORMATION

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

C1. Prior to the commencement of construction of the Development, the Applicant shall prepare a Construction Environmental Management Plan to the satisfaction of the **Planning** Secretary. The Plan must:

- a) be prepared by a suitably qualified and experienced person(s);
- b) describe all activities to be undertaken on the Site during construction, including a clear indication of construction stages;
- c) identify the statutory approvals that apply to the Development;
- d) outline all environmental management practices and procedures to be followed during construction (e.g. construction traffic management, dust management and construction noise and vibration management), including all reasonable and feasible mitigation measures to protect the amenity of the surrounding environment;
- e) detail how the environmental performance of construction will be monitored, and what actions will be taken to address identified adverse environmental impacts;
- f) describe the roles and responsibilities for all relevant employees involved in construction;
- g) include arrangements for community consultation and complaints handling procedures during construction; and
- h) consolidate the construction related parts of any management plans and monitoring programs required in the conditions of this consent.

C1A. Prior to commencement of extended construction hours approved as part of MOD 4, the Applicant must submit a revised Construction Environmental Management Plan to the satisfaction of the **Planning** Secretary. The plan must be prepared in consultation with the EPA and detail the environmental management practices and procedures to mitigate construction noise impacts during the out of hours construction periods.

C2. The Applicant shall carry out the development in accordance with the Construction Environmental Management Plan approved by the **Planning** Secretary (as revised approved by the **Planning** Secretary from time to time), unless otherwise agreed by the **Planning** Secretary.

Operational Environmental Management Plan

C3. The Applicant shall prepare an Operational Environmental Management Plan for the Development to the satisfaction of the **Planning** Secretary. This strategy must:

- a) be prepared by a suitably qualified and experienced person(s);
- b) provide a strategic framework for environmental management of the Development;
- c) identify the statutory approvals that apply to the Development;
- d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Development;
- e) describe in detail how the environmental performance of the Development would be monitored and managed; and
- f) 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.

The Applicant shall carry out the Development in accordance with the Operational Environmental Management Plan approved by the **Planning** Secretary (as revised approved by the **Planning** Secretary from time to time), unless otherwise agreed by the **Planning** Secretary

Management Plan Requirements

C4. The Applicant shall ensure that the environmental management plans/strategies 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;
 - (iv) exceedances of the impact assessment criteria and/or performance criteria; and
 - (v) a protocol for periodic review of the plan.

C5. The **Planning** Secretary may waive some of the requirements in Condition C4 if they are unnecessary or unwarranted for particular management plans/strategies.

REPORTING AND AUDIT

Incident Reporting

C6. The Applicant shall notify, at the earliest opportunity, the **Planning** Secretary and any other relevant agencies including EPA and Penrith City Council of any incident that has caused, or threatens to cause, material harm to the environment or result in offensive odour at sensitive receivers. For any other incident (including complaints) associated with the Development, the Applicant shall notify the **Planning** 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 **Planning** Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

C7. 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

C8. Within 1 year of the date of the commencement of operation, and every 3 years thereafter, unless the **Planning** Secretary directs otherwise, the Applicant must 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 **Planning** Secretary;
- b) led by a suitably qualified auditor, and include experts in fields specified by the **Planning** 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 the 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 the consents.

C9. Within three months of commissioning this audit, or as otherwise agreed by the **Planning** Secretary, the Applicant shall submit a copy of the audit report to the **Planning** Secretary, together with its response to any recommendations contained in the audit report.

Annual Review

C10. Within 1 year of the date of the commencement of construction, and every year thereafter, the Applicant shall review the environmental performance of the Development. This review must:

- a) describe the activities associated with the Development that were carried out in the previous calendar year, and the activities 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 the results against the:
 - (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 previous year, and describe what actions were (or are being) taken to ensure compliance in the upcoming year;
- 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

C11. Within 3 months of the submission of an:

- a) annual review under Condition C10 above;
- b) incident report under Condition C6 above;
- c) audit under Condition C8 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.

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.

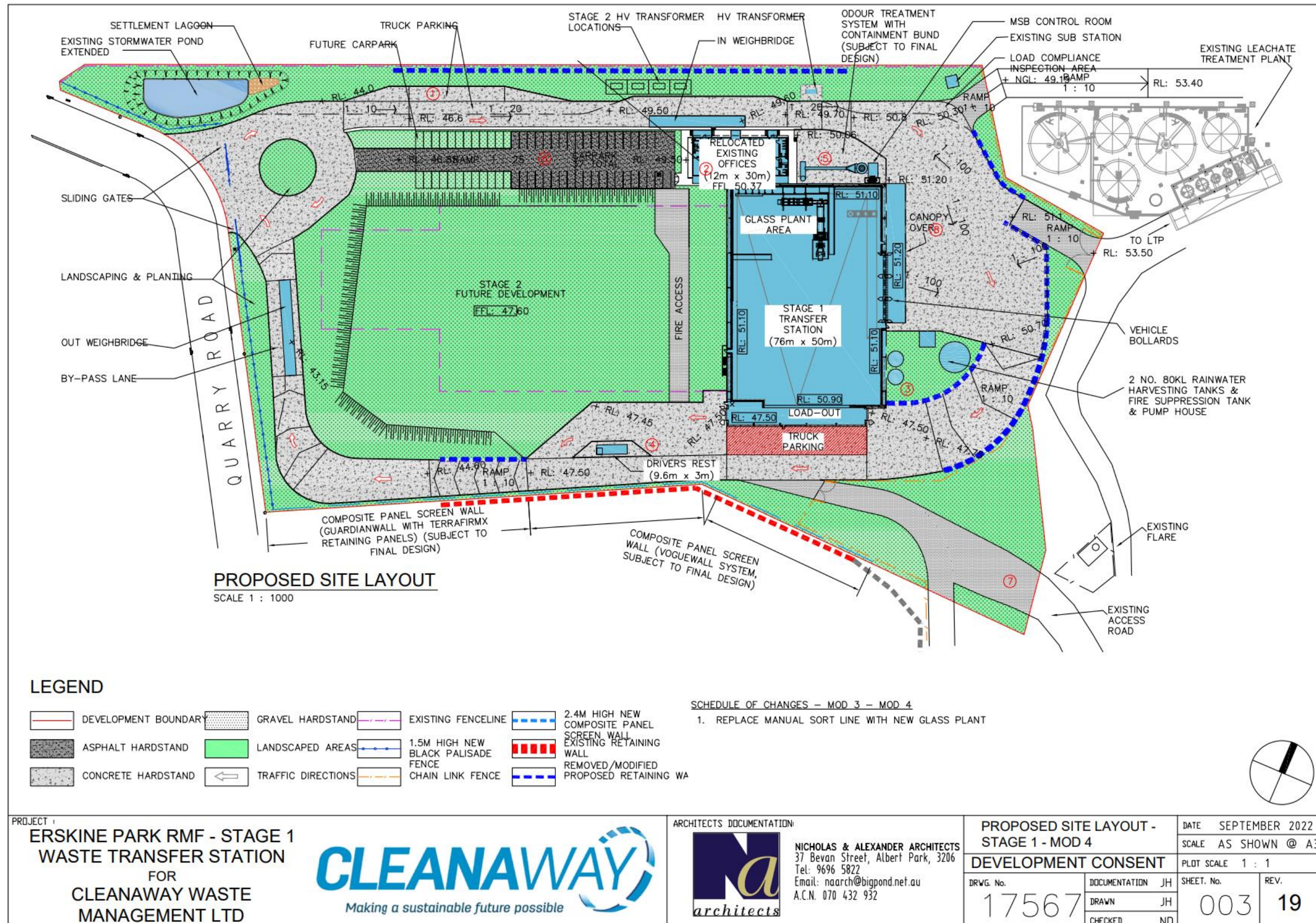
C12. The Applicant shall ensure that the operation of the Development is undertaken in accordance with all relevant updated and/or amended strategies, management plans and programs approved by the **Planning** Secretary (or as revised and approved by the **Planning** Secretary), unless otherwise agreed by the **Planning** Secretary.

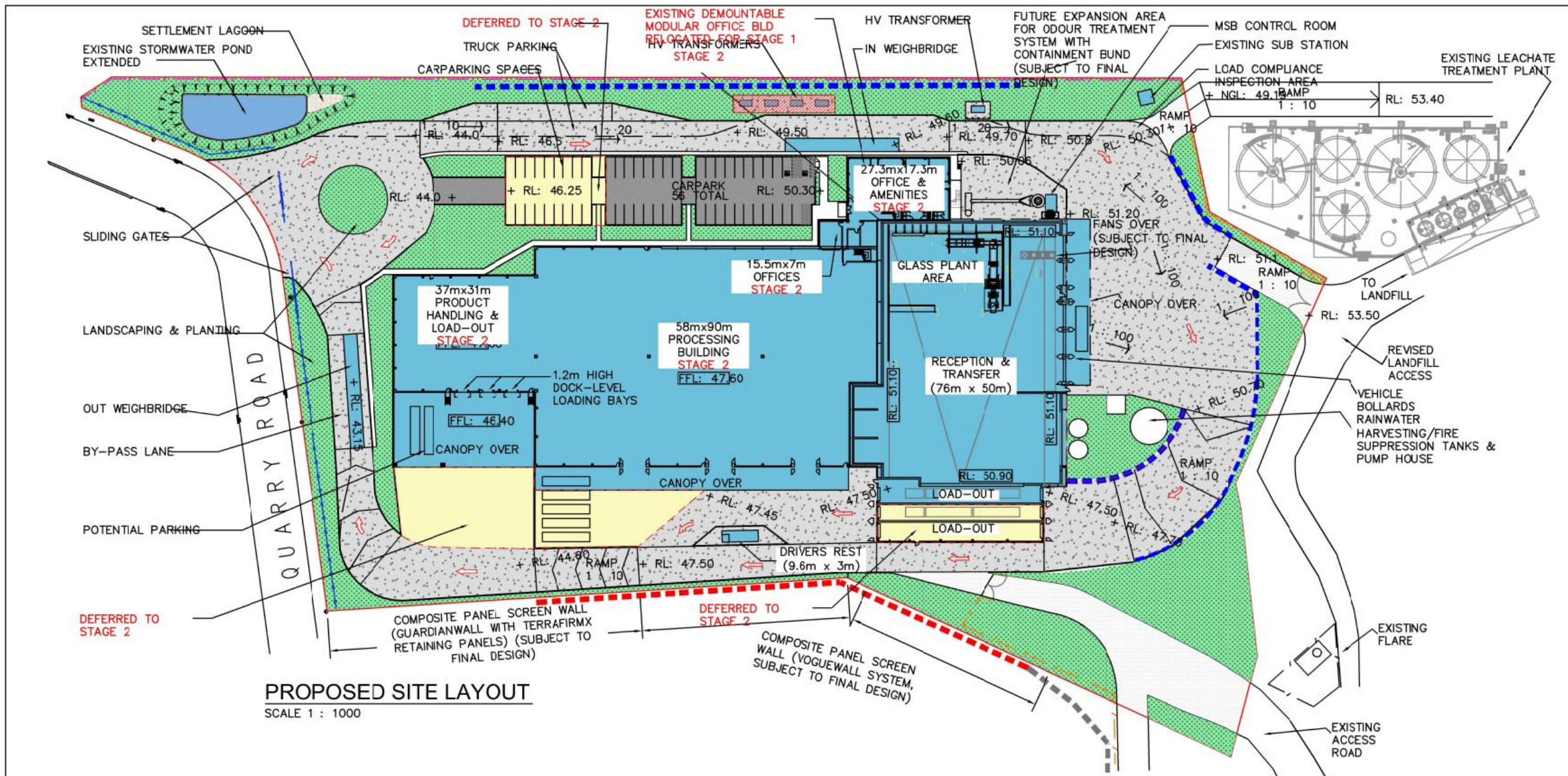
Access to Information

C13. The Applicant shall:

- a) make copies of the following publicly available on its website:
 - (i) the documents referred to in Condition A1;
 - (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) the annual reviews of the Development;
 - (vii) any independent environmental audit of the Development, and the Applicant's response to the recommendations in any audit;
 - (viii) any other matter required by the **Planning** Secretary; and
- b) keep this information up to date

APPENDIX 1A and 1B – SITE LAYOUT PLAN – CONCEPT PROPOSAL WASTE AND RESOURCE MANAGEMENT FACILITY





PROPOSED SITE LAYOUT
SCALE 1 : 1000

LEGEND

	DEVELOPMENT BOUNDARY		GRAVEL HARDSTAND		2.4M HIGH NEW COMPOSITE PANEL SCREEN WALL
	ASPHALT HARDSTAND		LANDSCAPED AREAS		1.5M HIGH NEW BLACK PALISADE FENCE
	CONCRETE HARDSTAND		TRAFFIC DIRECTIONS		EXISTING RETAINING WALL
			CHAIN LINK FENCE		REMOVED/MODIFIED PROPOSED RETAINING WA

SCHEDULE OF CHANGES - MOD 3 - MOD 4
1. REPLACE MANUAL SORT LINE WITH NEW GLASS PLANT



PROJECT :
ERSKINE PARK RMF - STAGE 1
WASTE TRANSFER STATION
FOR
CLEANAWAY WASTE
MANAGEMENT LTD



ARCHITECTS DOCUMENTATION:

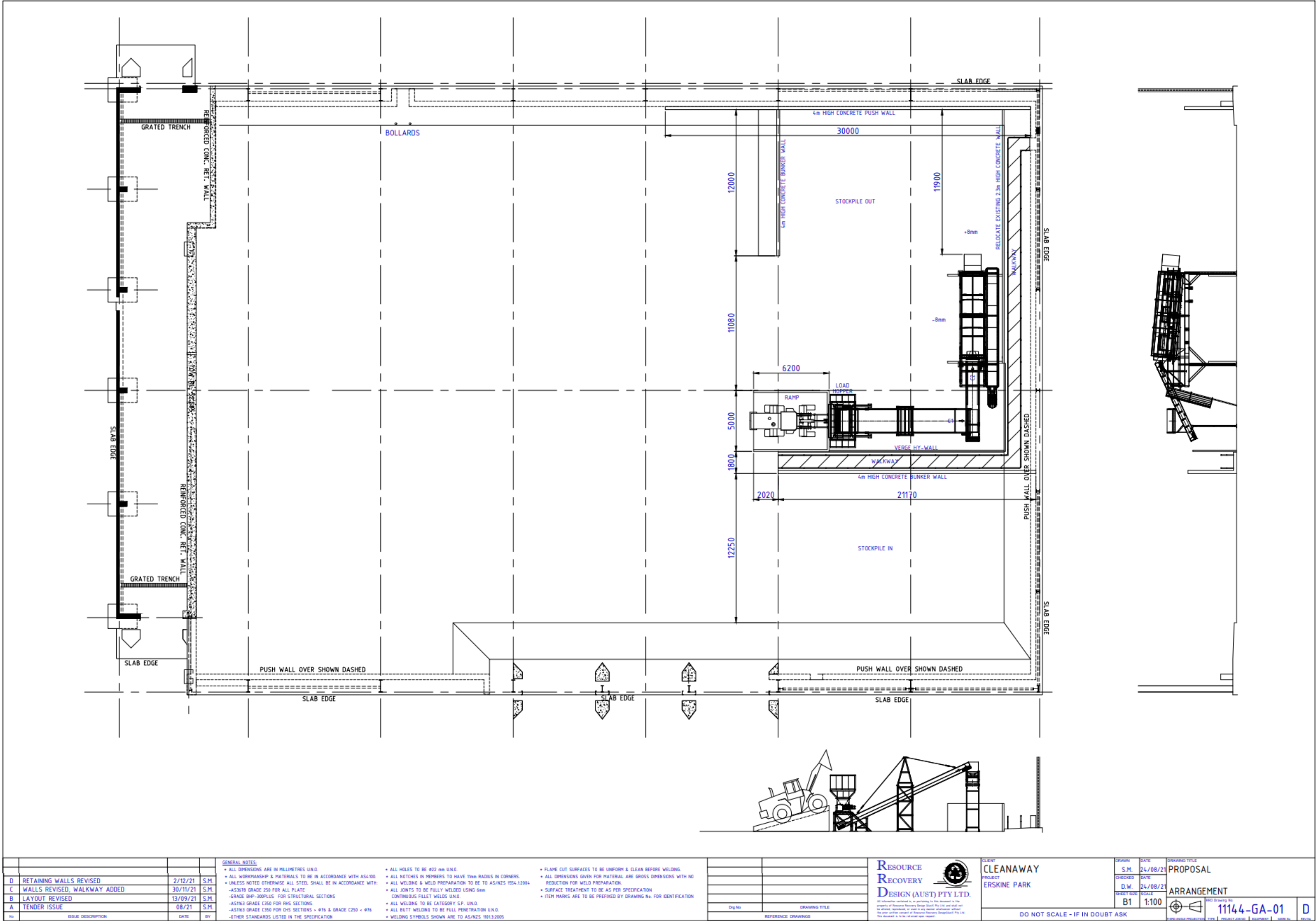


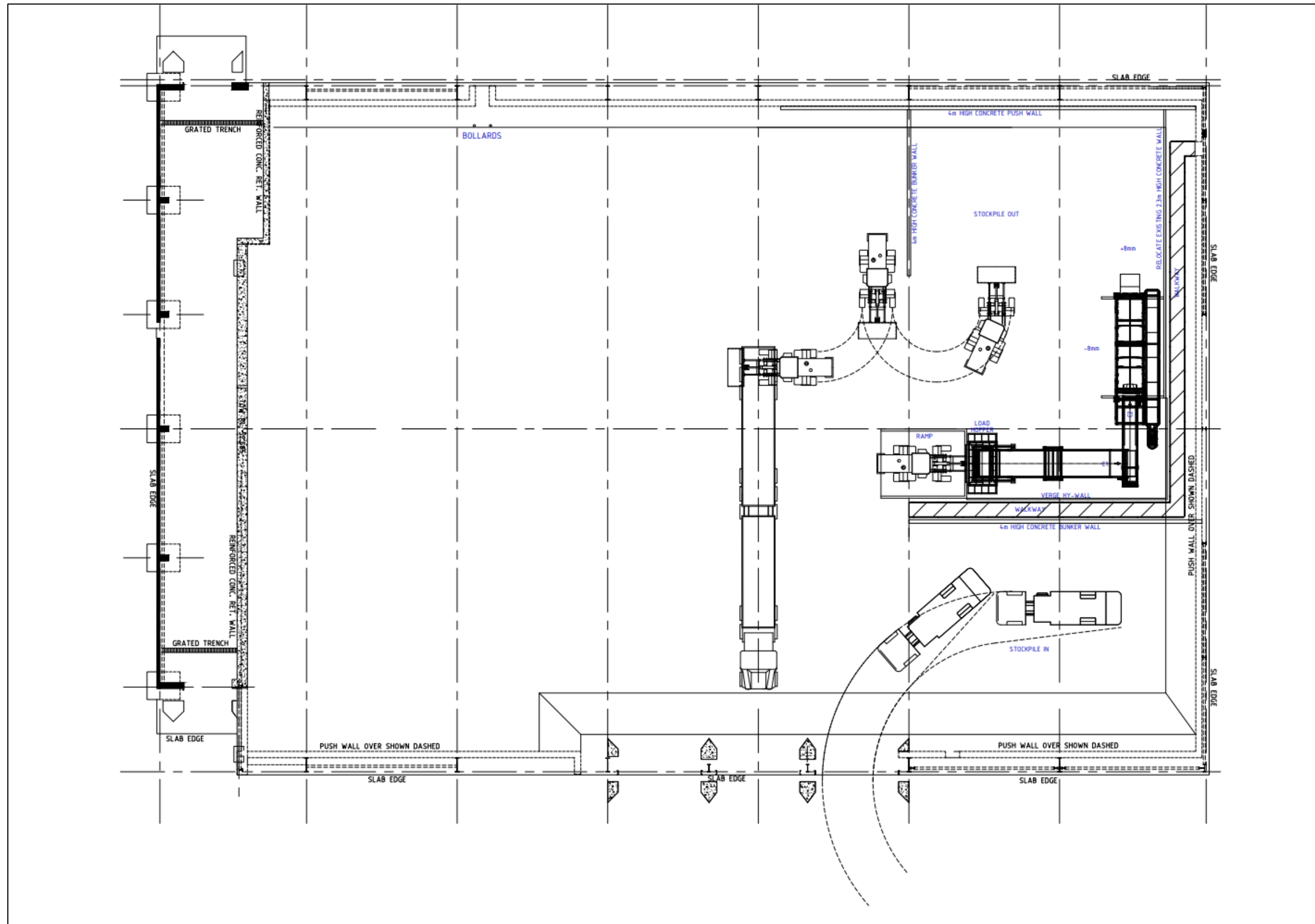
NICHOLAS & ALEXANDER ARCHITECTS
37 Bevan Street, Albert Park, 3206
Tel: 9656 5822
Email: naarch@bigpond.net.au
A.C.N. 070 432 932

SITE LAYOUT - CONCEPT PLAN
FULL SITE DEVELOPMENT - MOD 3
DEVELOPMENT CONSENT

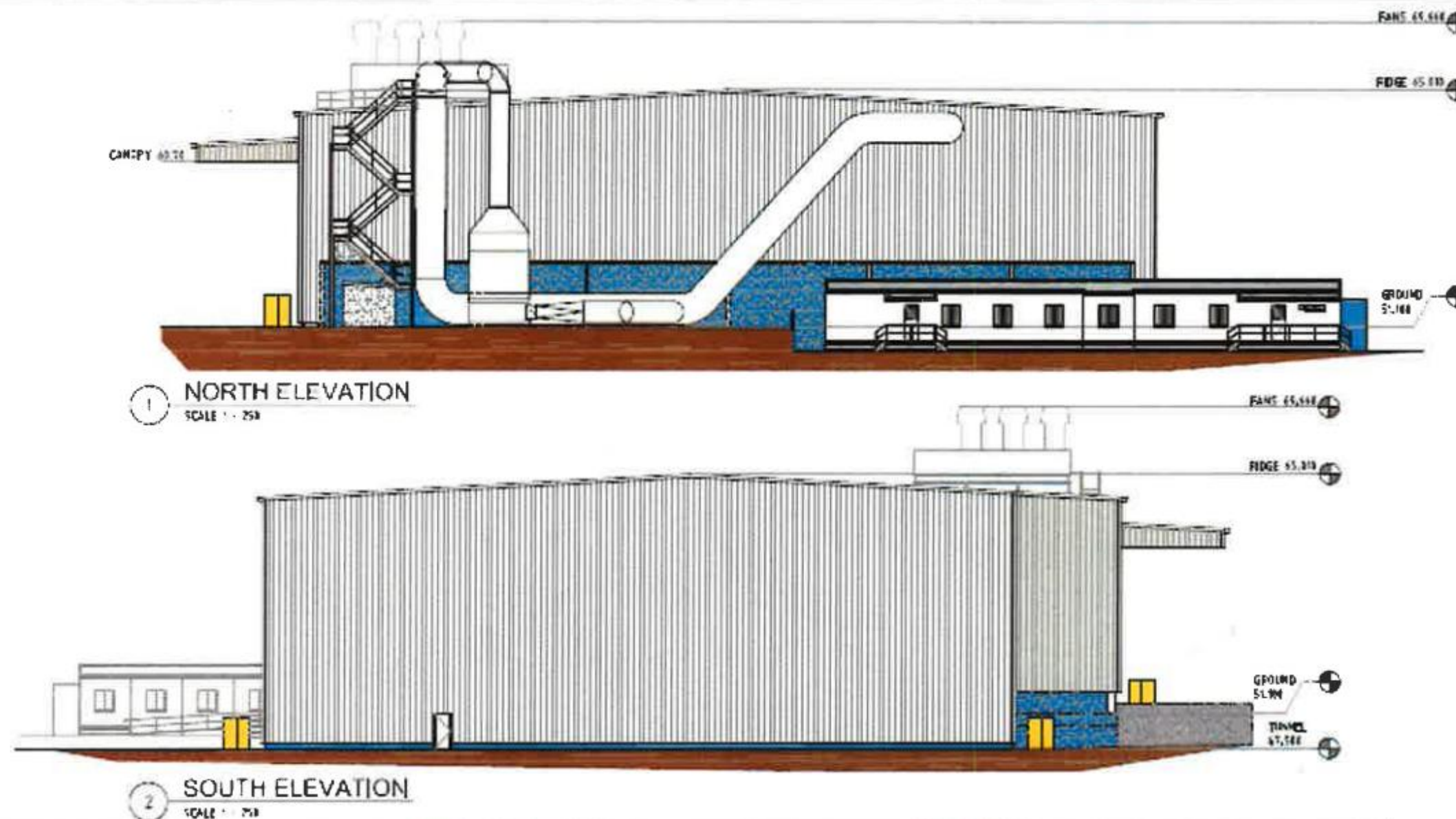
DRWG. No. **17567**
DOCUMENTATION JH
DRAWN JH
CHECKED ND

DATE	SEPTEMBER 2022
SCALE	AS SHOWN @ A3
PLOT SCALE	1 : 1
SHEET. No.	103
REV.	06





APPENDIX 2 – ELEVATION PLANS - WASTE TRANSFER STATION



<p>Cladding External sheet, walled & framed. Corrugated metal, vertical ribbed, galvanized steel, incorporating flash boards and steel bolts, as required to make as adjacent cladding.</p> <p>External sheet, Roof: As wall construction incorporating 50mm insulation, perforated and/or solid backed fibreglass or equivalent, & safety wire mesh, & incorporate rooflights & fly screens.</p> <p>External sheet, Cladding to roof & walls: Vertical ribbed, galvanized steel, with windows & doors to be finished from the Corrugated Colour Range or similar approved.</p> <p>Doors Steel & Glazed doors, metal frames & painted to be finished to yellow powder coating to the same RAL colour as adjacent cladding.</p>	<p>Cladding to office/warehouse To be insulated bulk up system, cladding profile & colour to match as rest of building.</p> <p>Windows Single or double glazed, double glazed windows with 60% opening lights, using aluminium to avoid solar gain, & protecting solar shading to North & East elevations.</p> <p>Finish Key 1. Wall cladding to be Corrugated 'Dumfries' colour. 2. Window frames, door frames & roller shutter doors - highlight colour to be 'Dumfries' 'Dumfries'. 3. Facets gutters, downpipes, flue & roof to be Corrugated 'Dumfries' colour. 4. Base cladding to be fair faced concrete then painted Dulux 'Cleanaway Blue'.</p>	<p>Roof maintenance Roof to be fitted with outside fall arrest system with access walkways, or similar approved, for safe access to maintain, clean & inspect the roof, rooflights, fly screens & gutters.</p> <p>Fall arrest system to comply with all current legislation, and be installed such that the roof does not leak.</p> <p>Access to be by trained personnel, with equipment stored within the office building.</p>
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<p>PROJECT ERSKINE PARK RMF - STAGE 1 WASTE TRANSFER STATION FOR CLEANAWAY WASTE MANAGEMENT LTD</p>	<p>CLEANAWAY Making a sustainable future possible</p>	<p>ARCHITECTS DOCUMENTATION  NICHOLAS & ALEXANDER ARCHITECTS 31 Bevan Street, Albert Park, 3206 Tel: 9446 5822 Email: narch@bigpond.net.au A.C.N. 318 412 937</p>	<p>NORTH & SOUTH ELEVATIONS - MCD 3</p>		<p>DATE: MARCH 2018</p>
			<p>DEVELOPMENT CONSENT</p>		<p>SCALE: AS SHOWN @ A3</p>
			<p>DRG No: 17567</p>	<p>DOCUMENTATION: JH DRAWN: JH CHECKED: ND</p>	<p>PLOT SCALE: 1:1 SHEET No: 023 REV: 08</p>



APPENDIX 3 – MANAGEMENT AND MITIGATION MEASURES

Cleanaway commits to the implementation of the operational mitigation measures, monitoring activities and management strategies outlined in **Section 7** of the EIS for all activities associated with the Development (SSD 7075). The table below presents the key commitments proposed in this EIS, in order to effectively mitigate and/or manage the potential environmental and socio-economic impacts of the Development. Additional commitments identified in the Response to Submissions are also included (highlighted in italics).

Statement of Commitments

Aspect/Commitment	Section
General	
A Construction Environmental Management Plan (CEMP) will be prepared for the Development, with sub-plans for specific environmental risk areas, including but not limited to noise, dust and traffic issues.	Section 7.11.5
A site-specific Operational Environmental Management Plan (OEMP) will be developed and submitted to DP&E for approval. The OEMP will ensure that the commitments made within the EIS, along with the conditions imposed by the development consent and EPL, are fully implemented and complied with. The OEMP will establish the framework for managing and mitigating the potential environmental impacts of the Development over the life of the operation.	Section 7.11.5
Air Quality and Odour	
A program of construction air quality monitoring will be implemented.	Section 7.1.5
An air pollution control system will be implemented to provide multiple levels of control and an integrated solution for emission control. The system will include: <ul style="list-style-type: none"> • Containment: containment of dust and odour within the building using fast acting doors and an air extraction system; • Internal air management: the installation of a dust suppression system to control internal dust concentrations; • Air pollution control: the operation of a wet scrubber, required to achieve the 'design standard' with the plant operating at full capacity in the 'normal operations' scenario, or during the 'emergency operations' scenario; and • Emission control: the use of dilution fans to maximise the dispersion and dilution of the extracted, and scrubbed, air. 	Section 7.1.5
Within the first 12 months of operations, monitoring of odour will be undertaken to perform efficiency trials on the scrubber system to demonstrate optimal performance. Cleanaway will also undertake follow-up monitoring during the operational lifetime of the WTS, on a basis to be agreed with the relevant authorities.	Section 7.1.5
Noise and Vibration	
Other than the noise mitigation achieved by the enclosed nature of the building design, no additional noise mitigation measures are warranted.	n/a

Aspect/Commitment	Section
<i>Cleanaway owned vehicles operating on the site will be fitted with the High and Low Buzzer system, designed to minimise noise associated with reversing alarms in accordance with the Australian Vehicle Standard (Australian Design Rule 42/04) and Heavy Vehicle National Law Act 2012.</i>	RTS ¹ Section 3.4
<i>All mobile plant operation will occur inside the WTS building and will be fitted with low frequency white noise reversing alarms.</i>	RTS Section 3.4
Traffic and Transport	
The Construction Traffic Management Plan will be updated in response to pre-construction approvals required as part of the Conditions of Approval. This will be implemented for the duration of construction activities.	Section 7.3.5
Cleanaway will schedule its delivery and transfer trucks to avoid the busy morning and afternoon peak hours.	Section 7.3.5
Transfer trucks departing the site will use the Erskine Park Link Road connection to the M7 rather than the Mamre Road or Erskine Park Road routes to the M4.	Section 7.3.5
<i>Designated pedestrian access will be provided from Quarry Road to the offices.</i>	RTS Section 3.4
<i>Any existing unnecessary property access will be removed, the kerb reinstated to suit the existing kerb, and the verge area reinstated with grass seeded topsoil or turf, which will be addressed in further designed stages.</i>	RTS Section 3.4
Visual Amenity	
Lighting will be designed and installed in accordance with AS 4282-1997 to avoid obtrusive effects to surrounding residents.	Section 7.4.5
Disturbed areas will be rehabilitated on completion of construction.	Section 7.4.5
Mature trees will be fenced and protected for the duration of construction.	Section 7.4.5
Landscape works will be implemented as part of the Development.	Section 7.4.5
<i>Further detail on the architectural treatment of the facility will be provided as the detailed design progresses.</i>	RTS Section 3.4
<i>Black palisade fencing located behind landscaping fronting on to Quarry Road will be provided.</i>	RTS Section 3.4
<i>Upon completion of the WTS, the undeveloped RRF area will be grassed until such time as construction can commence on the second stage.</i>	RTS Section 3.4
Indigenous Heritage	
Should any Aboriginal artefact be uncovered during construction or operation all works will cease in that locale and the OEI will be notified. Works will only recommence when an appropriate and approved management strategy has been agreed to by all of the relevant stakeholders.	Section 7.5.3
Soils and Geology	
Cut and fill slopes will be battered or retained for stability and to reduce the risk of erosion.	Section 7.6.4

¹ RTS - Response to Submissions

Aspect/Commitment	Section
An Erosion and Sediment Control Plan (ESCP) will be prepared as part of the CEMP setting out detailed measures for the management of erosion and sediment.	Section 7.6.4
A program of groundwater monitoring would be undertaken, building on the ongoing groundwater monitoring program undertaken for the landfill.	Section 7.6.4
<p>In the event that unexpected contaminated material is encountered during construction excavations:</p> <ul style="list-style-type: none"> • An environmental management plan will be developed and implemented; and • A suitably qualified environmental consultant will be consulted to assess any unexpected conditions or subsurface facilities discovered during the proposed earthworks. 	Section 7.6.4
<p>In the event that salinity is identified during construction the following measures will be considered:</p> <ul style="list-style-type: none"> • minimisation of exposure of saline and sodic soils in temporary faces or stockpiles during site preparation works; and • the collection and controlled discharge of stormwater from hard surfaces such that the potential for localised ponding or waterlogging is minimised. 	Section 7.6.4
Surface Water	
An Erosion and Sediment Control Plan (ESCP) will be prepared as part of the CEMP setting out detailed measures for the management of erosion and sediment.	Section 7.7.5
Storage of hazardous materials during construction such as oils, chemicals and refuelling activities will occur in bunded areas.	Section 7.7.5
Water quality monitoring of water within the sediment basins will be carried out during the construction phase in accordance with the CEMP.	Section 7.7.5
A minimum of 740 m ³ of OSD will be provided within an underground tank and above ground storage within the detention basin.	Section 7.7.5
Rainwater harvesting tanks will be implemented, which will provide a minimum of 56 KL of water storage for supplying greywater for toilet flushing in the buildings.	Section 7.7.5
Cleanaway will develop a detailed maintenance and operations plan for the entire stormwater system in accordance with Penrith Councils WSUD Policy (PCC, 2013) and will be included within the OEMP.	Section 7.7.5
Flora and Fauna	
Given the highly disturbed and artificial nature of the subject site at Erskine Park, there is no requirement for the implementation of any species specific impact amelioration or environment management measures with respect to threatened or other native biota.	n/a
Greenhouse Gas	
The building will be designed to comply with all National Construction Code and Council requirements and a Section J Energy Efficiency Assessment will be performed prior to construction.	Section 7.9.4
The following points would be considered to reduce the emissions caused from on-site electricity usage:	Section 7.9.4

Aspect/Commitment	Section
<ul style="list-style-type: none"> • A percentage of electricity could be generated on-site through the use of photovoltaic cells, for example; • Use of light sensors minimise lighting related electricity usage; and • Where possible, high efficiency lighting should be used. 	
<p>The following points should be considered to reduce the overall energy use from vehicles and stationary equipment:</p> <ul style="list-style-type: none"> • Variable frequency drive motor controls will be used on stationary equipment to minimise electricity consumption; • Waste transfer vehicles should leave the site with full loads to reduce the number of traffic movements required; • Waste transfer vehicle configuration should be designed to maximise waste transport efficiency; • All vehicles/plant and machinery should be turned off when not in use and regularly serviced to ensure efficient operation; and • Truck routes and loading capacity should be designed and optimised to reduce the distance and effort required by the vehicles. 	Section 7.9.4
Hazard and Risk	
<p>The SEPP 33 screenings for storage and transportation of dangerous goods indicates that the development is below the SEPP thresholds and therefore is not considered a hazardous or offensive development in accordance with the guidelines. As such a Preliminary Hazard Assessment is not required.</p>	n/a
Socio-Economic	
<p>A Community Information Strategy will be implemented throughout construction.</p>	Section 7.11.5
Waste Management	
<p>All received waste will be transported off-site to an appropriately licensed waste management facility in accordance with relevant waste management regulations.</p>	Section 6.12
<p>A Construction Waste Management Plan will be prepared setting out specific measures for the management of waste during the construction period.</p>	Section 7.12.4
<p>An operation WMP will be implemented throughout the life of the operation and will be updated on a regular basis (e.g. annually) to ensure the Plan remains applicable.</p>	Section 7.12.4

