

Development Consent

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

As delegate of the Minister for Planning under delegation executed on 16 February 2015, 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, and/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.

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney

2017

File: 15/13400

SCHEDULE 1

Application No: SSD 7256

Applicant: ResourceCo RRF Pty Ltd

Consent Authority: Minister for Planning

Site: 35-37 Frank Street, Wetherill Park, NSW
Lot 31 DP 589097

Development: The construction and operation of a Waste and Resource Management Facility to convert up to 250,000 tpa of waste material into Process Engineered Fuel and reusable commodities such as metal, timber, concrete, bricks, rubble and soil.

SSD 7256 MOD 1	Approved 24 September 2018	Enclosure of PEF wrapping and baling machinery
SSD 7256 MOD 2	Approved 28 March 2019	Extension of operating hours
SSD 7256 MOD 4	Approved 1 August 2019	Extension of operating hours to 24 hours, 7 days per week

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DEFINITIONS

Applicant	ResourceCo RRF Pty Ltd, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Certifying Authority	A person who is authorised by or under section 109D of the EP&A Act to issue Part 4A certificates
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	Fairfield City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The removal of buildings, sheds and other structures on the site
Department	Department of Planning, Industry and Environment
Development	The development as described in the EIS and RTS, and as generally depicted in Appendix 1
DPI	NSW Department of Primary Industries
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EfWP	NSW Energy from Waste Policy
EfWMP	Energy from Waste Management Plan
EIS	Environmental Impact Statement titled <i>Waste and Resource Management Facility SSD 15-7256, ResourceCo Pty Ltd, 35-37 Frank Street, Wetherill Park</i> , prepared by Nexus Environmental Planning Pty Ltd dated 8 March 2016
ENM	Excavated Natural Material
EP&A Act	<i>Environmental Planning & Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning & Assessment Regulation 2000</i>
EPA	Environment Protection Authority
EPL	Environment Protection Licence issued by the EPA under the POEO Act
Evening	The period from 6 pm to 10 pm
Feasible	Relates to engineering considerations and what is practical to build
FRNSW	Fire and Rescue NSW
Heavy vehicle	Any vehicle with a gross vehicle mass of five tonnes or more
Incident	A set of circumstances that: <ul style="list-style-type: none"> causes or threatens material harm to the environment; and/or breaches or exceeds the limits or performance measures/criteria in this consent
Management and mitigation measures	The Applicant's management and mitigation measures contained in the EIS/RTS and included in Appendix 2
Minister	Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Modification Assessments	The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act: <ul style="list-style-type: none"> SSD 7256 MOD 1 prepared by ResourceCo RRF Pty Ltd and dated 31 January 2018 SSD 7256 MOD 2 prepared by Cleanaway ResourceCo and dated 13 February 2019 SSD 7256 MOD 4 prepared by ResourceCo RRF Pty Ltd and dated 21 May 2019.
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
OEH	Office of Environment and Heritage
OEMP	Operational Environmental Management Plan

Operation	The receipt, removal or processing of waste
PEF	Process Engineered Fuel
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Relates to the application of judgment 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
RTS	Response to Submissions titled <i>Response to Submissions Waste and Resource Management Facility SSD 15-7256, ResourceCo Pty Ltd, 35-37 Frank Street, Wetherill Park</i> , prepared by Nexus Environmental Planning Pty Ltd, dated 28 November 2016
Secretary	Secretary of the Department (or nominee)
Sensitive Receivers	A location where people are likely to work or reside, this may include a dwelling, school, hospital, office or public recreational area
Site	Land referred to in Schedule 1
tpa	Tonnes per annum
VENM	Virgin Excavated Natural Material as defined in the POEO Act
Waste	As defined in the POEO Act and includes any materials received or processed on the site.

SCHEDULE 2

PART A: ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the development.

TERMS OF CONSENT

- A2. The Applicant, in acting on this consent, must carry out the development in accordance with the:
- (a) Development Application (SSD 7256);
 - (b) EIS;
 - (c) RTS;
 - (d) conditions in Schedule 2;
 - (e) **Modification Assessments**
 - (f) development layout plans and drawings listed at Appendix 1; and
 - (g) the Management and Mitigation Measures as identified in Appendix 2.
- A3. 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.
- A4. The Applicant must comply with all written requirement(s) of the **Planning Secretary** arising from the Department's assessment of:
- (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent;
 - (b) any reviews, reports or audits undertaken or commissioned by the Department regarding compliance with the consent; and
 - (c) the implementation of any actions or measures contained in these documents.

LIMITS OF CONSENT

- 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 the date on which the consent would otherwise lapse under section 95 of the EP&A Act.
- A6. The Applicant must not receive or process on the site more than 250,000 tonnes per annum (tpa) of waste, as defined in this consent.
- A7. Incoming waste must only be transported to the site in trucks from pre-qualified customers delivering targeted waste streams, in line with Table 1 of the *NSW Energy from Waste Policy Statement*.

STAGED SUBMISSION OF PLANS OR PROGRAMS

- A8. 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.
- A9. If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must 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 must be demonstrated.

EVIDENCE OF CONSULTATION

- A10. Where consultation with any public authority is required by the conditions of this consent, the Applicant must:
- (a) consult with the relevant public authority prior to submitting the required documentation to the **Planning Secretary** or the PCA for approval, where required;
 - (b) submit evidence of this consultation as part of the relevant documentation required by the conditions of this consent; and
 - (c) include the details of any outstanding issues raised by the relevant public authority and an explanation of disagreement between any public authority and the Applicant or any person acting on this development consent.

DISPUTE RESOLUTION

- A11. In the event that a dispute arises between the Applicant and Council or a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the development, either party may refer the matter to the **Planning Secretary** for resolution. The **Planning Secretary's** determination of any such dispute shall be final and binding on the parties.

STATUTORY REQUIREMENTS

- A12. The Applicant must ensure that all licences, permits and approval/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 approval/consents.

DEMOLITION

- A13. The Applicant must ensure that all demolition associated with the development is carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures, or its latest version and the requirements of the Work Health and Safety Regulation, 2011.

STRUCTURAL ADEQUACY AND CERTIFICATION

- A14. The Applicant must ensure 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 BCA.
- A15. Prior to the commencement of construction, the final design of the development must be finalised in consultation with and to the satisfaction of Fire and Rescue NSW and include suitable additional provisions for special hazards by specifically addressing Clauses E1.10 and E2.3 of Volume One of the *National Construction Code (NCC) Series*.
- A16. Prior to the issue of a Construction Certificate for a building or structure, a Construction Certificate (Engineering Approval) must be submitted to the Certifying Authority for the construction of a new inlet pit and alteration of an existing pit and the connection of the drainage pipe into the existing stormwater drainage pipe within the easement, laybacks, access driveways and replacement of damaged footpaths, in accordance with approved plans.

UTILITIES AND SERVICES

- A17. Prior to the construction of any utility works associated with the development, the Applicant must obtain the relevant approvals from service providers.
- A18. Prior to the commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the Sydney Water Act 1994.
- A19. Prior to the issue of the Final Occupation Certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Council.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A20. Prior to the commencement of earthworks, the Applicant must:
- (a) consult with the relevant owner and/or provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of this report to the **Planning Secretary** and Council.
- A21. The Applicant must:
- (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 infrastructure that needs to be relocated as a result of the development.

DEVELOPMENT CONTRIBUTIONS

- A22. Prior to the issue of a Construction Certificate for any part of the development, the Applicant must pay \$241,930 to Council in accordance with the Fairfield City Council Indirect (Section 94A) *Development Contributions Plan 2011*.

Note: *The contribution amount payable may be adjusted at the date of payment. Any unpaid contributions will be adjusted on a quarterly basis to account for movements in the Australian Bureau of Statistics, Producer Price Index — Building Construction (New South Wales).*

OPERATION OF PLANT AND EQUIPMENT

- A23. The Applicant must 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.

SURRENDER OF CONSENTS

- A24. In order for the development of land to proceed in a coordinated and orderly manner and to avoid potential conflicts with this consent, the Applicant must and in the manner prescribed by clause 97 of the EP&A Regulation, surrender all current development consents associated with the site prior to the issue of an Occupation Certificate for the development.

PART B: ENVIRONMENTAL PERFORMANCE AND MANAGEMENT

WASTE MANAGEMENT

Waste Screening and Acceptance

- B1. The Applicant must:
- (a) implement auditable procedures to:
 - (i) screen incoming waste loads;
 - (ii) ensure that waste is not accepted at the site that is not permitted by the EPL; and
 - (iii) handle and dispose of hazardous waste such as asbestos, sharps and chemical/biological waste that have, despite procedures developed for (ii) above, been received on site.
 - (b) ensure that:
 - (i) all waste that is controlled under a tracking system has the appropriate documentation prior to acceptance at the site; and
 - (ii) staff receive adequate training in order to be able to recognise and handle any hazardous or other prohibited wastes such as asbestos.

Waste Storage and Processing

- B2. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- B3. All processed and unprocessed waste must be stored within the building on the site. Processed, wrapped and baled PEF may be stored in the area designated on the approved plans in Appendix 1 for the outdoor storage of PEF.

Statutory Requirements

- B4. All waste removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the waste.
- B5. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal, except as expressly permitted by an EPL.
- B6. The Applicant must record the amount of waste (in tonnes) received at the site on a daily basis.
- B7. The Applicant must retain all sampling and waste classification data for the life of the development and keep it readily available for inspection by the EPA and the **Planning Secretary**.

Energy from Waste Management Plan

- B8. Prior to the commencement of operations, the Applicant must prepare an Energy from Waste Management Plan (EfWMP). The EfWMP must:
- (a) be prepared in consultation with the EPA and to the satisfaction of the **Planning Secretary**;
 - (b) detail the procedures to ensure full and ongoing compliance with the NSW *Energy from Waste Policy*, including:
 - (i) details of how the receipt of incoming waste (feedstock) from waste processing facilities or collection systems complies with the resource recovery criteria specified in Table 1 of the EPA's *Energy from Waste Policy Statement* for each waste stream;
 - (ii) details of how the Applicant will compile and calculate percentages of incoming waste streams every three months and retain this information for submission to the EPA on request;
 - (iii) a procedure for providing evidence to the EPA that incoming material was previously going to landfill;
 - (iv) a procedure for the management of out of specification PEF; and
 - (v) a requirement that out of specification PEF material would not be reprocessed until further analysis demonstrates that it meets the relevant criteria.
 - (c) define calibration procedures and operating thresholds for the online analyser that will be used to measure real-time chlorine, calorific value and moisture content of the PEF.

- B9. The Applicant shall ensure the Energy from Waste Management Plan (as required and approved by the **Planning Secretary** from time to time) is implemented for the operational life of the development.

Waste Monitoring Program

- B10. From the commencement of operation, the Applicant must implement a Waste Monitoring Program for the development. The program must:
- (a) be prepared by a suitably qualified and experienced person(s) prior to the commencement of operation;
 - (b) include suitable provision to monitor on a daily basis the:
 - (i) quantity, type and source of waste received on site; and
 - (ii) quantity, type, quality and destination 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 and handle any hazardous or other prohibited waste, including asbestos; and
 - (d) require that all weighbridge data be retained for the life of the development and be made immediately available on request to the **Planning Secretary** and/or the EPA.

Construction Waste Management

- B11. Prior to the commencement of construction, the Applicant must prepare a Construction and Demolition Waste Management Plan for the development to the satisfaction of the **Planning Secretary**. The plan must form part of the CEMP required by Condition C1 and must:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
 - (b) be implemented for the duration of construction works.

Pests, Vermin and Noxious Weed Management

- B12. The Applicant must:
- (a) implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and
 - (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in the surrounding area.

Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.

SOILS AND WATER

Imported Soil

- B13. The Applicant must:
- (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.

Erosion and Sediment Control

- B14. Prior to the commencement of earthworks, the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements in the latest version of the *Managing Urban Stormwater: Soils and Construction Guideline* and the Erosion and Sediment Control Plan included in the CEMP required by Condition C1.

Discharge Limits

- B15. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Stormwater Management System

- B16. The Applicant must design, install and operate a stormwater management system for the development. The system must:
- (a) ensure the system is designed by a suitably qualified and experienced person(s), generally in accordance with the conceptual design in the EIS and applicable Australian Standards and in consultation with Council;
 - (b) ensure that the system capacity has been designed in accordance with *Managing Urban Stormwater - Soils and Construction Vol. 1* (Landcom, 2004);
 - (c) divert existing clean surface water around operational areas of the site;
 - (d) direct all sediment laden water in overland flow away from the leachate management system; and
 - (e) prevent cross-contamination of clean and sediment or leachate laden water.
- B17. Prior to the issue of a Construction Certificate, a certificate must be submitted to the Certifying Authority certifying that:
- (a) satisfactory arrangements have been made for the disposal of stormwater;
 - (b) the proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties; and
 - (c) the piped drainage system has been designed to Council's Stormwater Drainage Policy.
- B18. Prior to the issue of the Final Occupation Certificate, Works-As-Executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved must be submitted to the Certifying Authority.
- B19. The stormwater drainage generated from the development must be directed to:
- (a) the drainage easement; and
 - (b) Council's street kerb and gutter.
- B20. All stormwater drains/pits on the site must be provided and maintained with the message; "This pit drains to the Georges River". Lettering must be 100mm high block bold yellow painted lettering. Paints used must be of road line marking standard.

Leachate Management Plan

- B21. Prior to the commencement of operation, the Applicant must prepare a Leachate Management Plan for the management of leachate and firewater at the site, including any possible leachate generated around the baling and wrapping area. The leachate system must:
- (a) be designed by a suitably qualified and experienced person(s) in consultation with FRNSW;
 - (b) provide a management protocol for leachate and firewater;
 - (c) control leachate and firewater so that they do not mix with any stormwater on the site; and
 - (d) include water quality monitoring to determine the performance of the leachate management system.

Water Management Plan

- B22. Prior to the commencement of operation, the Applicant must prepare a Water Management Plan to the satisfaction of the **Planning Secretary**. The Water Management Plan must:
- (a) form part of the OEMP required by Condition C4 and be prepared in accordance with Condition C6;
 - (b) be prepared in consultation with DPI;
 - (c) detail water use, metering, disposal and management on-site;
 - (d) detail the water licence requirements for the development;
 - (e) detail the management of wastewater streams on-site, including leachate and firewater;
 - (f) contain a Surface Water Management Plan, including;

- (i) a program to monitor:
 - surface water flows and quality; and
 - surface water storage and use;
- (ii) sediment and erosion control plans;
- (iii) surface water impact assessment criteria, including trigger levels for investigating potential adverse surface water impacts; and
- (iv) a protocol for the investigation and mitigation of identified exceedances of the surface water impact assessment criteria.

B23. The Applicant shall ensure the Water Management Plan (as required and approved by the **Planning Secretary** from time to time) is implemented for the operational life of the development.

NOISE

Construction and Operation Hours

B24. The Applicant must comply with the hours detailed in **Table 1**, unless otherwise agreed in writing by the **Planning Secretary**.

Table 1: Hours of Work

Activity	Day	Time
Earthworks and construction	Monday – Friday Saturday	7:00 am to 6:00 pm 8:00 am to 1:00 pm
Operation	Monday – Sunday	24 hours

- B25. Works outside of the hours identified in Condition B24 may be undertaken in the following circumstances:
- (a) works that are inaudible at the nearest sensitive receivers;
 - (b) works agreed to in writing by the **Planning Secretary**;
 - (c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - (d) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

Construction Noise Limits

B26. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the EIS.

Construction Noise Management

B27. Prior to the commencement of construction, the Applicant must consult with neighbouring properties regarding the scheduling of high noise generating construction works such as excavation and bulk earth works. The Applicant must provide to the Department with the results of such consultation before construction commences.

Operational Noise Limits

B28. The Applicant must ensure that noise generated by the operation of the development does not exceed the noise limits in **Table 2**.

Table 2: Noise Limits dB(A)

Location	Day L _{Aeq} (15 minute)	Evening L _{Aeq} (15 minute)	Night L _{Aeq} (15 minute)	Night L _{A1} (1 minute)
All residential receivers	35	35	35	45

Note: Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

Noise Mitigation

- B29. The Applicant must:
- (a) 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;
 - (b) minimise the noise impacts of the development during adverse meteorological conditions;
 - (c) maintain the effectiveness of any noise suppression equipment on plant at all times and ensure defective plant is not used operationally until fully repaired; and
 - (d) regularly assess noise emissions and relocated, modify and/or stop operations to ensure compliance with the relevant conditions of this consent.

Road Traffic Noise

- B30. Prior to the commencement of construction, the Applicant must prepare a Driver Code of Conduct and induction training for the development to minimise road traffic noise. The Applicant must update the Driver Code of Conduct and induction training for construction and operation and must implement the Code of Conduct for the life of the development.

AIR QUALITY

Meteorological Station

- B31. Prior to the commencement of any works on-site, the Applicant must install and subsequently maintain during the life of the development, a suitable meteorological station on the site that complies with the requirements in the EPA's *Approved Methods for Sampling of Air Pollutants in New South Wales*.

Dust Minimisation

- B32. The Applicant must implement all reasonable and feasible measures to minimise dust generated during demolition, earthworks, construction and operation of the development.
- B33. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Management Plan

- B34. 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 C4 and be prepared in accordance with Condition C6. The AQMP must:
- (a) detail and rank all emissions from all sources of the development, including particulate emissions;
 - (b) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
 - (c) identify the control measures that will be implemented for each emission source; and
 - (d) 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.

B35. The Applicant shall ensure the Air Quality Management Plan (as required and approved by the **Planning Secretary** from time to time) is implemented for the operational life of the development.

Odour Management

B36. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

TRAFFIC AND ACCESS

Roadworks and Access

B37. All vehicular crossings must be located a minimum of one metre from any utility pillar/pole. Prior to the commencement of construction, the Applicant must prepare detailed design plans to the satisfaction of Council, demonstrating the access width is in accordance with AS 2890.2-2002 to accommodate the turning path of the largest servicing vehicle. The Applicant must also liaise with Council's Subdivision Branch regarding replacing the drainage pit grate located within the western vehicular crossing.

B38. All trucks leaving the operational site must depart via a wheel wash facility to prevent mud, dust or debris from being deposited on Council roads. The wheel wash facility must be designed and constructed in consultation with Council and to the satisfaction of the **Planning Secretary** prior to commencement of operations.

Parking

B39. Prior to the commencement of operations, the Applicant must provide 42 on-site parking spaces for visitors and staff. Parking areas are to be constructed in accordance with the latest version of AS 2890.1.

Construction Traffic Management Plan

B40. The Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the **Planning Secretary** prior to the commencement of construction. The plan must form part of the CEMP required by Condition C1 and must:

- (a) be prepared by a suitably qualified and experienced person(s), in consultation with Council;
- (b) detail the measures that would be implemented to ensure road safety and network efficiency during earthworks and construction;
- (c) detail heavy vehicle routes, access and parking arrangements;
- (d) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes;
- (e) include a program to monitor the effectiveness of these measures; and
- (f) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

Operating Conditions

B41. 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 and AS 2890.2;

- (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 waste and other materials is carried out on-site;
- (g) all vehicular entries and exits must be made in a forward direction;
- (h) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
- (i) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

HAZARDS AND RISK

Dangerous Goods

- B42. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with all relevant Australian Standards.

Further Requirements

- B43. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) all requirements of all relevant Australian Standards; and
 - (b) the NSW EPA's '*Storing and Handling of Liquids: Environmental Protection – Participants Handbook*' if the chemicals are liquid.

In the event of an inconsistency between the requirements listed from a) to b) above, the most stringent requirement shall prevail to the extent of the inconsistency.

CONTAMINATION

- B44. Prior to the commencement of construction, the Applicant must prepare an unexpected finds protocol to ensure that potentially contaminated material is appropriately managed. The protocol must form part of the CEMP required by Condition C1 and must ensure any material identified as contaminated shall be disposed off-site, with the disposal location and results of testing submitted to Council, prior to its removal from the site.

VISUAL AMENITY

Landscaping

- B45. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the landscaping works on-site, to the satisfaction of the **Planning Secretary**. The plan must form part of the OEMP in Condition C4 and be prepared in accordance with Condition C6. The plan must:
- (a) detail the species to be planted on-site;
 - (b) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
 - (c) be consistent with the Applicant's Management and Mitigation Measures at Appendix 2.
- B46. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by Condition B45 for the life of the development.

Building Materials

- B47. The Applicant must carry out the development in accordance with the External Material Schedule shown on drawing numbers SK1103, SK3101 and SK3102 in Appendix 1, unless otherwise agreed by the **Planning Secretary**.

Lighting

B48. The Applicant must ensure the lighting associated with the development:

- (a) complies with the latest version of *AS 4282 (INT) - Control of Obtrusive Effects of Outdoor Lighting*; and
- (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

PART C: ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. The Applicant must prepare a Construction Environmental Management Plan (CEMP) to the satisfaction of the **Planning Secretary**. The CEMP must:
- (a) be approved by the **Planning Secretary** prior to the commencement of construction;
 - (b) identify the statutory approvals that apply to the development;
 - (c) outline all environmental management practices and procedures to be followed during construction works associated with the development;
 - (d) describe all activities to be undertaken on the site during construction of the development, including a clear indication of construction stages;
 - (e) detail how the environmental performance of the construction works 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 works associated with the development; and
 - (g) include the management plans required under Condition C2 of this consent.
- C2. As part of the CEMP required under Condition C1 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see Condition B40);
 - (b) Erosion and Sediment Control Plan (see Condition B14); and
 - (c) Construction and Demolition Waste Management Plan (see Condition B11).
- C3. The Applicant must carry out the construction of the development in accordance with the CEMP approved by the **Planning Secretary** (and as revised and approved by the **Planning Secretary** from time to time), unless otherwise agreed by the **Planning Secretary**.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C4. The Applicant must prepare an Operational Environmental Management Plan (OEMP) to the satisfaction of the **Planning Secretary**. The OEMP must:
- (a) be submitted to the **Planning Secretary** for approval prior to the commencement of operation;
 - (b) be prepared by a suitably qualified and experienced expert;
 - (c) provide the strategic framework for environmental management of the development;
 - (d) identify the statutory approvals that apply to the development;
 - (e) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (f) 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
 - (g) include the following environmental management plans:
 - (i) Energy from Waste (see Condition B8);
 - (ii) Air Quality (see Condition B34);
 - (iii) Water (see Condition B22); and
 - (iv) Leachate (see Condition B21).
- C5. The Applicant must 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), unless otherwise agreed by the **Planning Secretary**.

MANAGEMENT PLAN REQUIREMENTS

- C6. The Applicant must ensure that the environmental management plans required under Condition C4 of this consent are prepared by a suitably qualified person or persons in accordance with best practice 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; 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 management measures that would be implemented to comply with the relevant statutory requirements, limits or performance measures/criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of any management measures (see (c) above);
 - (e) a contingency plan to manage any unpredicted impacts and their consequences;
 - (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) incidents;
 - (ii) complaints;
 - (iii) non-compliances with statutory requirements; and
 - (iv) exceedances of the impact assessment criteria and/or performance criteria; and
 - (h) a protocol for periodic review of the plan.

Revision of Strategies, Plans and Programs

- C7. Within three months of:
- (a) approval of a modification;
 - (b) approval of an annual review under Condition C8;
 - (c) submission of an incident report under Condition C10; or
 - (d) completion of an audit under Condition C12,

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

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

ANNUAL REVIEW

- C8. Each year, the Applicant must review the environmental performance of the development to the satisfaction of the **Planning Secretary**. This review must:
- (a) describe the development that was carried out in the previous calendar year, and the development that is proposed to be carried out over the next year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against the:
 - (i) the relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this consent;
 - (iii) the monitoring results of previous years; and
 - (iv) the relevant predictions in the EIS;
 - (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - (d) identify any trends in the monitoring data over the life of the development;
 - (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (f) describe what measures will be implemented over the next year to improve the environmental performance of the development.

REPORTING

Incident Reporting

- C9. The Applicant must notify the **Planning Secretary** and any other relevant agencies of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment associated with the development immediately after the Applicant becomes aware of the incident.
- C10. Within seven days of the date of this incident, the Applicant must provide the **Planning Secretary** and any relevant agencies with a detailed report on the incident.

Regular Reporting

- C11. The Applicant must 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.

AUDITING

Independent Environmental Audit

- C12. Within six months of the commencement of operation, and every three 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) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent, and any other relevant approvals, relevant EPL(s) (including any assessment, plan or program required under these approvals);
 - (d) review the adequacy of any approved strategy, plan or program required under the abovementioned consents; and
 - (e) recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under these consents.

Note: This audit team must be led by a suitably qualified auditor, and include relevant experts in any other fields specified by the **Planning Secretary**.

- C13. Within two months of commissioning this audit, or as otherwise agreed by the **Planning Secretary**, the Applicant must submit a copy of the audit report to the **Planning Secretary**, together with its response to any recommendations contained in the audit report.

ACCESS TO INFORMATION

- C14. The Applicant must:
- (a) make copies of the following publicly available on its website:
 - (i) the documents referred to in Condition A2;
 - (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, to the satisfaction of the **Planning Secretary**.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS



Instrument
Appendix 1 SSD 725

APPENDIX 2
APPLICANT'S MANAGEMENT AND MITIGATION MEASURES