

Modification of Minister's Approval

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, under the Instrument of Delegation executed on 11 October 2017, I approve the modification of the development consent referred to in Schedule 1, subject to the Conditions outlined in Schedule 2.

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 31 January, 2019

SCHEDULE 1

Development Consent (DA 14/96), granted by the former Minister for Planning on 10 September 1996 for the development of a concrete batching plant, an asphalt plant and associated materials handling facility at Burrows Road South, St Peters in the Inner West local government area.

SCHEDULE 2

- 1) Delete the heading "Schedule A" and replace it with the heading "Schedule 1"
- 2) Delete all references to 'WorkCover Authority' and replace with "SafeWork NSW"
- 3) Delete the definitions for "Act", "construction", "Regulation" and "Secretary" in the definitions in the new Schedule 1
- 4) Insert the following definitions in the new Schedule 1 in alphabetical order:

CEMP construction DoI EP&A Act EP&A Regulation MOD 11 PA Planning Secretary waste year	Construction Environmental Management Plan the demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent. Department of Industry <i>Environmental Planning and Assessment Act 1979</i> <i>Environmental Planning and Assessment Regulation 2000</i> Modification 11 to this consent, as described in Condition 2o) Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act. Planning Secretary under the EP&A Act, or nominee has the same meaning as the definition of the term in the Dictionary to the POEO Act a period of 12 consecutive months
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- 5) Insert a new heading immediately after the definitions as follows:

SCHEDULE 2 PART A: ADMINISTRATIVE CONDITIONS

- 6) Insert the letter "A" in front of Condition numbers 1 to 5.
- 7) Delete the words "Environmental Planning and Assessment Act, 1979" in Condition A1 and replace with "EP&A Act".

- 8) Insert the following clauses immediately after clause n) in Condition A2:
- o) modification request DA 14/96 Mod 11, and supporting documents, including the reports titled '*Boral St Peters concrete plant and materials handling facility, Environmental Assessment, Modification 11*' dated 13 July 2018, prepared by EMM, and '*Response to Submissions, St Peters concrete plant and materials handling facility – Modification 11*', dated 11 September 2018, prepared by EMM and a letter dated 12 October 2018 from EMM;
 - p) the development layout in Appendix 1.
- 9) Delete the numbers "280,000" and "750,000" in Condition A5 and replace with "750,000" and "one million", respectively.
- 10) Immediately after Condition A5 insert new Conditions A6 to A15 as follows:
- A6. The Applicant must:
- (a) ensure the maximum hourly truck movements during the morning peak (7 am to 9 am) and afternoon peak (4 pm to 6 pm) do not exceed the limits outlined in Table 1 below; and

Table 1: Maximum hourly heavy vehicle movements from concrete batching plant

Period	Hourly Two-way Movements
7 am – 9 am	88
4 pm – 6 pm	88

- (b) prepare and submit a quarterly report on heavy vehicle truck movements during the morning and afternoon peak periods to Council and the Planning Secretary until the completion of WestConnex Stage 3, unless otherwise agreed to by the Planning Secretary.

EASEMENTS

Maintenance of Water Management System

- A7. Within 12 months after the determination of MOD 11, a positive covenant under section 88E of the *Conveyancing Act 1919* must be registered on the title of the site that provides for the ongoing management and maintenance of the on-site water management system. The covenant must name Council as the prescribed authority, and can only be revoked, varied or modified with the consent of the Council.

PLANNING AGREEMENT

- A8. Within six months after the date of commencement of construction of MOD 11 works, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a PA with the Council in accordance with:
- (a) Division 7.1 of Part 7 of the EP&A Act; and
 - (b) the terms of the offer in the letter dated 18 December 2018 from Boral Resources (NSW) Pty Limited to the Council, which has been accepted by the Council.

EVIDENCE OF CONSULTATION

- A9. Where Conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

DEMOLITION

- A10. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

- A11. All new buildings and structures, and any new alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

COMPLIANCE

- A12. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the Conditions of this consent relevant to activities they carry out in respect of the development.

OPERATION OF PLANT AND EQUIPMENT

- A13. All plant and equipment used on site, or to monitor the performance of the development, must be:
- (a) maintained in a proper and efficient Condition; and
 - (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

- A14. References in the Conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A15. However, consistent with the Conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

- 11) Immediately after new Condition A15 insert new Advisory Note AN1 as follows:

ADVISORY NOTES

- AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No Condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

- 12) Insert a new heading immediately after new Advisory Note AN1 as follows:

PART B: SPECIFIC ENVIRONMENTAL CONDITIONS

- 13) Delete all Conditions and Condition headings from Condition 6 to Condition 48 and insert new Conditions B1 to Condition C14 as follows:

ROADS, TRAFFIC AND PARKING

Construction Traffic Management Plan

- B1. Prior to the commencement of construction of MOD 11 works, the Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by Condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s)
 - (b) be prepared in consultation with Council
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) 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;
 - (f) include a program to monitor the effectiveness of these measures; and
 - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

- B2. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan required by Condition B1 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

Roadworks and Access

- B3. Heavy vehicles travelling inbound or outbound from the site must not utilise Mary Street, St Peters.
- B4. The Applicant must comply with the requirements of the RMS and Council regarding the use and any routes of 'B-Double' trucks.
- B5. The Applicant must meet the full cost of any works required to be carried out by Council, DPI, Sydney Water or the RMS in connection with drainage, crossing, alterations to kerb and guttering, footpaths and roads that may be needed as a result of the development in addition to any such works specified in other Conditions.

Operational Conditions

- B6. Prior to the commencement of operation of any of the new infrastructure approved under MOD 11 the Applicant must update the existing Traffic Management Plan for the development. The plan must be incorporated into the updated EMMP required by Condition C5 of this consent and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and the RMS;
 - (c) detail vehicle routes, access and parking arrangements;
 - (d) include details of driver training awareness to minimise noise, in particular from reversing alarms and compression braking;
 - (e) include as Driver Code of Conduct to:
 - (i) minimise conflicts with other road users;
 - (ii) minimise road traffic noise;
 - (iii) ensure truck drivers use specified routes;
 - (iv) ensure no queuing or parking on the local road or footpaths;
 - (v) ensure adherence to all on-site and off-site speed limits;
 - (vi) require all loading and unloading to be undertaken on site; and
 - (vii) require all vehicles to enter and exit the site in a forward direction;
 - (f) include a Heavy Vehicle Management Plan to the satisfaction of Council; and
 - (g) include a program to monitor the effectiveness of these measures.
- B7. The Applicant must:
- (a) not commence operation of any new infrastructure approved under MOD 11 until the operational Traffic Management Plan required by Condition B6 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the operational Traffic Management Plan approved by the Planning Secretary for the duration of the development.
- B8. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.
- B9. For all new works approved under MOD 11, the Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of AS 2890.1:2004 Parking facilities Off-street car parking (Standards Australia, 2004) and AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities (Standards Australia, 2002);
 - (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 associated with the development are not parked on local roads or footpaths in the vicinity of the site;

- (e) all vehicles are wholly contained on site before being required to stop;
 - (f) all loading and unloading of materials is carried out on-site;
 - (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network
- B10. All vehicles exiting the site must pass through an operational and efficient wheel wash and/or vibration grid.
- B11. Within three months of the determination of MOD 11, the Applicant must investigate and submit a proposal to the Bayside Traffic Committee that recommends the extension of the 'No Stopping' zone along Burrows Road South from the intersection of Burrows Road South and Canal Road toward the development. Evidence of this must be provided to the Planning Secretary within four months of the determination of MOD 11.

AIR QUALITY

Dust Minimisation

- B12. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B13. 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

- B14. Within three months of the determination of MOD 11, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The AQMP must form part of the updated EMMP required by Condition C5. The AQMP must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) detail and rank all emissions from all sources of the development, including particulate emissions;
 - (c) identify the control measures that will be implemented for each emission source;
 - (d) describe a program that can evaluate the performance of the operation and determine compliance with key performance indicators;
 - (e) identify trigger levels for particulates for the real-time off-site dust monitors and response procedures;
 - (f) include all existing dust deposition monitoring and criteria as described in the 'Environmental Management and Monitoring Plan' prepared by EMM dated 28 November 2017 for the site;
 - (g) include historical data from existing dust monitoring gauges;
 - (h) nominate the following for each of the proposed control measures for each emission source:
 - (i) key performance indicator;
 - (ii) monitoring method;
 - (iii) location, frequency and duration of monitoring;
 - (iv) record keeping;
 - (v) complaints register;
 - (vi) response procedures;
 - (vii) compliance monitoring; and
 - (i) describe a program for reviewing dust management practices on site to ensure continual improvement in dust management practices and implementation of best practice dust management measures.
- B15. The Applicant must:
- (a) not commence operation of any of the new infrastructure approved under MOD 11 until the Air Quality Management Plan required by Condition B13 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Air Quality Management Plan approved by the Planning Secretary for the duration of the development.

Dust management

- B16. Prior to any increase in production at the concrete batching plant (as approved under MOD 11 to this consent) the Applicant must review and improve existing dust control measures on the site to ensure:

- (a) the premises is maintained in a condition that minimizes the emission of dust and silt loading on paved surfaces; and
- (b) all reasonable and feasible best practice measures are implemented to minimise dust generated during operations.

Evidence of this review and details of any improvements must be submitted to the Secretary for approval prior to any increase in production at the concrete batching plant (as approved under MOD 10 to this consent).

- B17. No stockpile on site should exceed a height of 4m above ground level or the combined height of the concrete barrier and green mesh fencing, whichever is the lesser.
- B18. Within six months of the determination of MOD 11, unless otherwise agreed to by the Planning Secretary, the Applicant must install a wheel wash system at the eastern site entrance.

Dust Monitoring

- B19. Prior to the operation of any new infrastructure approved under MOD 11 the Applicant must establish up to three off-site real-time dust monitors in the vicinity of sensitive receptors R3 and R4 (as identified in Figure 7.1 of the Environmental Assessment for MOD 11). The monitors must:
 - (a) allow for upwind and downwind measurements;
 - (b) monitor real-time particulate matter concentrations; and
 - (c) be sited in a suitable location agreed to by the Planning Secretary.

Monitoring requirements, response trigger criteria and response procedures must be incorporated into the AQMP required by Condition B13.

- B20. Within two months of the determination of MOD 11, the Applicant must submit all historical data from the existing depositional dust gauges to the EPA.

NOISE AND VIBRATION

Hours of Work

- B21. The Applicant must comply with the hours detailed in Table 2, unless otherwise agreed in writing by the Planning Secretary.

Table 2: Hours of Work

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

- B22. Works outside of the hours identified in Condition B20 may be undertaken in the following circumstances:
 - (a) works that are inaudible at the nearest sensitive receivers;
 - (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - (c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Noise Limits

- B23. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented throughout construction.

- B24. The Applicant must ensure that operational noise from the development does not exceed the noise limits presented in Table 3.

Table 3: Development Noise Limits (dBA)

Day and Night LA_{eq} (15 minute)	Location
42	Bellevue Street
44	Yelverton Street

Notes:

Noise generated by the development is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological Conditions), of the NSW Noise Policy for Industry (2017).

Vibration Criteria

- B25. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration: a technical guideline (DEC, 2006) (as may be updated or replaced from time to time).

RAIL QUARRY PRODUCT DELIVERY

- B26. The Applicant must maximise the use of rail freight for quarry product delivery wherever reasonably practicable.
- B27. The Department may require, at the Applicant's expense, an independent audit of rail use for quarry product delivery if it considers that rail use has not been used wherever reasonably practicable.
- B28. The Applicant must ensure that the rail siding and ancillary works are maintained to a standard which facilitates their use for materials handling and transport at all times.

SOILS, WATER QUALITY AND HYDROLOGY

Erosion and Sediment Control

- B29. Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by Condition C2.

Stormwater Management

- B30. The Applicant must ensure all roof and surface stormwater from the site and any catchment external to the site that presently drains into the site is collected in a system of pits and pipelines/channels and major storm event surface flow paths and discharged to a Sydney Water controlled stormwater drainage system.
- B31. Prior to the commencement of operation of MOD 11 works the Applicant must design, install and operate the upgraded stormwater management system for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the MOD 11 EA;
 - (c) be in accordance with applicable Australian Standards; and
 - (d) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016).

Surface Water Management Plan

- B32. Prior to the commencement of operation of infrastructure works approved under MOD 11, the Applicant must prepare a Surface Water Management Plan to the satisfaction of the Planning Secretary. The Plan must form part of the updated EMMP required by Condition C5 and must:
- (a) be prepared by a suitably qualified and experienced person(s);

- (b) describe the surface water management system;
- (c) be consistent with the surface water management system described in the 'Surface Water Assessment' prepared by EMM on behalf of Boral Resources (NSW) Pty Ltd dated 28 June 2018 (Appendix G of the MOD 11 Environmental Assessment)..
- (d) include a program to monitor:
 - (i) surface water flows and quality;
 - (ii) surface water storage and use; and
 - (iii) sediment basin and bioretention system operation;
- (e) surface water impact assessment criteria, including trigger levels for investigating and potential adverse surface water impacts; and
- (f) a protocol for the investigation and mitigation of identified exceedances of the surface water impact assessment criteria; and
- (g) a maintenance program for all surface water management infrastructure.

Flood Management

- B33. Prior to the commencement of operation of infrastructure works approved under MOD 11, the Applicant must update the Flood Emergency Response Plan to the satisfaction of the Planning Secretary. The Plan must form part of the updated EMMP required by Condition C5 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the Floodplain Risk Management Guideline (OEH, 2007);
 - (c) include details of:
 - (i) the flood emergency responses for both construction and operation phases of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
 - (vi) awareness training for employees and contractors.
- B34. The Applicant must:
- (a) not commence operation until the Flood Emergency Response Plan required by Condition B31 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Flood Emergency Response Plan approved by the Planning Secretary for the duration of the development.
- B35. Buildings, plant and equipment including material storage areas must be set at a minimum height of 500mm above the 1 % Annual Exceedance Probability (AEP) flood event for Alexandra Canal. Details of existing and proposed site levels and means of providing 500mm freeboard above the 1% AEP flood event must be submitted to Council. Variations below 500mm must only be with the written agreement of Council's Director, Technical Services.

Groundwater Management

- B36. Within one month of the completion of construction of MOD 11 works the Applicant must prepare a Dewatering Report for the development. The plan must detail the volume of groundwater taken and include details of any impacts (and associated mitigation measures) that have occurred as a result of groundwater take. The report must be submitted to the DoI Lands and Water Division.

Impacts on Alexandra Canal

- B37. Any new works, including additional car parks, within 40 metres of the top of the bank of Alexandra Canal, must consider the requirements of the *Guidelines for Riparian Corridors on Waterfront Land* (DPI, 2018).

WASTE MANAGEMENT

- B38. Garbage must be stored in a location approved by the Council and be disposed of in an approved manner. All liquid wastes, (other than stormwater) must be discharged to the sewer in accordance with the requirements of the Sydney Water Corporation.
- B39. All waste materials associated with the operation of the proposal must be stored in suitably constructed and enclosed containers or similar facilities on the premises in a neat and tidy manner and at all times.

Construction and Demolition Waste Management

- B40. 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 a CEMP in accordance with Condition C2 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.
- B41. The Applicant must:
- (a) not commence construction until the Construction and Demolition Waste Management Plan is approved by the Planning Secretary.
 - (b) implement the most recent version of the Construction and Demolition Waste Management Plan approved by the Planning Secretary.

CONTAMINATION

- B42. All wash down areas, the truck washing facility and all other areas likely to be contaminated must be isolated from the stormwater drainage system in accordance with the 'Surface Water Assessment' prepared by EMM for Boral Resources (NSW) Pty Ltd dated 28 June 2018 (Appendix G of the MOD 11 Environmental Assessment)..
- B43. Prior to any increase in production at the concrete batching plant (as approved under MOD 10 to this consent) the Applicant must submit to the Secretary for approval evidence of best practice refuelling procedures for the refuelling of site-based mobile plant to ensure appropriate containment and management of spills.

HAZARD AND RISK

- B44. The Applicant must ensure that the quantities of Dangerous Goods present on-site or transported to and from the development are below the screening threshold quantities listed in the Department of Planning's *Applying SEPP 33 Guidelines* (2011) at all times.
- B45. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the 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 liquids.

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

LANDSCAPING

- B46. The landscaping of the site must be maintained at all times, to the satisfaction of Council. This includes suitable perimeter landscaping adjacent to Burrows Road South and a 10 metre wide landscaped buffer strip adjacent to the Alexandra Canal.

LIGHTING

- B47. Lighting at the site must not cause hazard to aircraft using Sydney Kingsford Smith airport. Any change in lighting at the site must be undertaken in consultation with and to the approval of Sydney Airport Corporation Limited.

PART C: ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease Conditions);
 - (ii) any relevant limits or performance measures and criteria; and

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

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of Condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:
 - (a) Construction Traffic Management Plan (see Condition B1);
 - (b) Erosion and Sediment Control Plan;
 - (c) the 'Vibration Monitoring Plan, Modification 11, Boral St Peters', prepared by EMM, dated 27 November 2018;
 - (d) Construction and Demolition Waste Management Plan (see Condition B38);
 - (e) Noise Management;
 - (f) Dewatering Management; and
 - (g) Community Consultation and Complaints Handling.
- C4. The Applicant must:
 - (a) not commence construction of the new infrastructure approved under MOD 11 until the CEMP is approved by the Planning Secretary; and
 - (b) 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.

Environmental Management and Monitoring Plan

- C5. Prior to the commencement of operation of any infrastructure works approved under MOD 11, the Applicant must update the existing Environmental Management and Monitoring Plan (EMMP) for the site. The updated Plan must show how dust, noise, vibration, traffic and water quality impacts will be measured, monitored, managed and mitigated. The Plan is to include, but not be limited to, the following:
 - (a) a description of the role, responsibility, authority and accountability of key personnel involved in the environmental management of the development;
 - (b) a description of the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies; and
 - (c) baseline background dust, noise and water quality data;

- (d) a contingency plan to manage any unpredicted impacts and their consequences
 - (e) refuelling procedures for site-based mobile plant; and
 - (f) the following management plans:
 - (i) Traffic Management Plan (see Condition B6);
 - (ii) Air Quality Management Plan (see Condition B13);
 - (iii) Surface Water Management Plan (see Condition B30); and
 - (iv) Flood Emergency Response Plan (see Condition B31).
- C6. The Applicant must:
- (a) not commence operation of any MOD 11 infrastructure works until the updated EMMP is approved by the Planning Secretary; and
 - (b) operate the development in accordance with the updated EMMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C7. Within three months of:
- (a) the submission of an Annual Review under Condition xx;
 - (b) the submission of an incident report under Condition xx;
 - (c) the approval of any modification of the conditions of this consent; or
 - (d) the issue of a direction of the Planning Secretary,
- the strategies, plans and programs required under this consent must be reviewed.
- C8. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

ANNUAL REVIEW

- C9. Within 12 months of the approval of MOD 10, and each subsequent 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 and/or subsequent modifications;
 - (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 AND AUDITING

Incident Notification, Reporting and Response

- C10. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 2.

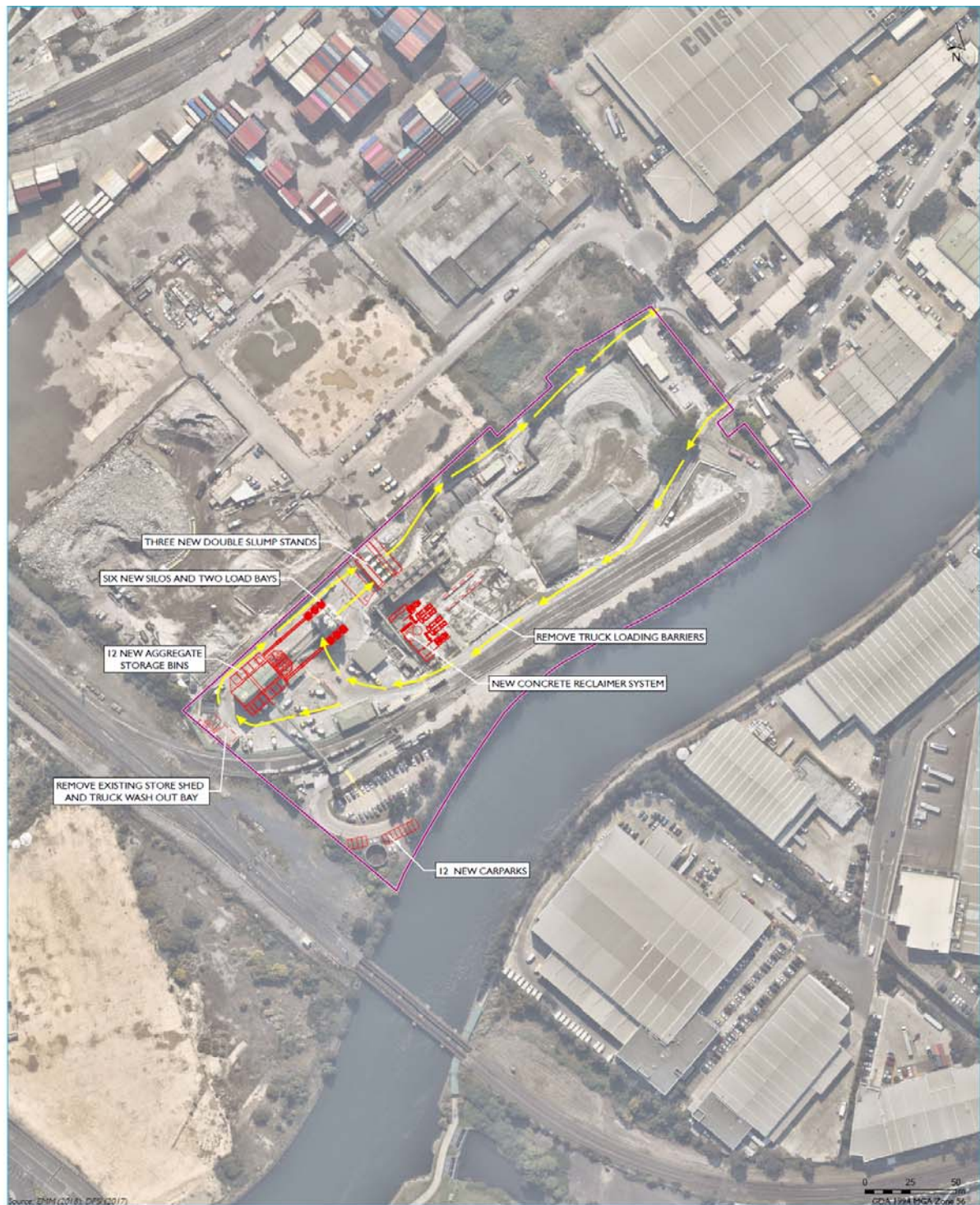
Non-Compliance Notification

- C11. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.
- C12. A non-compliance notification must identify the development and the application number for it, set out the Condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

ACCESS TO INFORMATION

- C14. At least 48 hours before the commencement of construction until the completion of all works under this consent the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) all current statutory approvals for the development;
 - (ii) all approved strategies, plans and programs required under the Conditions of this consent;
 - (iii) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the Conditions of this consent;
 - (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) contact details to enquire about the development or to make a complaint;
 - (vi) a complaints register, updated monthly;
 - (vii) the Compliance Report of the development;
 - (viii) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (ix) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.
- 14) Delete the advisory notes on the final page of the consent.
- 15) Immediately after Condition C14 insert new Appendices 1 and 2 as follows:

APPENDIX 1: DEVELOPMENT LAYOUT



KEY

- Site location
- Concrete plant feature
- Structure to be removed
- Direction of traffic circulation

Proposed concrete plant modification

Response to submissions
Modification 11
Boral St Peters
Figure 3.1 A





Source: Boral (2018), CPE (2017)

KEY

- Site location
- Material handling plant
- Structure to be removed
- Direction of traffic circulation

Proposed material handling facility modifications

Response to submissions
Modification 11
Boral St Peters
Figure 3.1 B



APPENDIX 2: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this Condition even if the Applicant fails to give the notification required under Condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a) identify the development and application number;
 - b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c) identify how the incident was detected;
 - d) identify when the applicant became aware of the incident;
 - e) identify any actual or potential non-compliance with Conditions of consent;
 - f) describe what immediate steps were taken in relation to the incident;
 - g) identify further action(s) that will be taken in relation to the incident; and
 - h) identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a) a summary of the incident;
 - b) outcomes of an incident investigation, including identification of the cause of the incident;
 - c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d) details of any communication with other stakeholders regarding the incident.

END OF DA 14/96 MOD 11
