

Project Approval

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

I, the Minister for Planning, under Section 75J of the *Environmental Planning and Assessment Act 1979*, approve the project referred to in Schedule 1, subject to the conditions set out in Schedules 2 to 4.

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 project.

Frank Sartor MP
Minister for Planning

Sydney

22 December 2006

File No: 9042384

SCHEDULE 1

Project Application:	06_0095
Proponent:	Chemsal Pty Ltd
Approval Authority:	Minister for Planning
Land:	Lot 431, DP854814, 40 Christie Street, St Marys
Project:	Chemsal Chemical Waste Storage and Treatment Facility

DEFINITIONS

BCA	Building Code of Australia
Council	Penrith City Council
Day	Day is defined as the period from 7.00am to 6.00pm on Monday to Saturday, and 8.00am to 6.00pm on Sundays and public holidays
DEC	Department of Environment and Conservation
Department	Department of Planning
Director-General	Director-General of the Department of Planning, or delegate
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence
Evening	Evening is defined as the period from 6.00pm to 10.00pm
Minister	Minister for Planning
Night	Night is defined as the period from 10.00pm to 7.00am on Monday to Saturday, and 10.00pm to 8.00am on Sundays and Public Holidays
Proponent	Chemsal Pty Ltd, or its successors in title
Site	Land to which the Project Approval applies
Submissions Report	<i>Submissions Report for Chemsal Pty Ltd's Proposed Resource Recovery Facility at 40 Christie Street, St Marys, New South Wales, dated 4 December 2006, and prepared by Peter J Ramsay and Associates</i>

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

1. Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or decommissioning of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - a) Project Application 06_0095;
 - b) EA titled *Environmental Assessment for a Major Project Proposed Resource Recovery Facility 40 Christie Street, St Marys, New South Wales*, dated August 2006, and prepared by Peter J Ramsey and Associates;
 - c) Final Statement of Commitments in the Submissions Report; and
 - d) conditions of this approval.

If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.

3. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - a) any reports, plans or correspondence that are submitted by the Proponent in accordance with this approval; and
 - b) the implementation of any actions or measures contained in those reports, plans or correspondence submitted by the Proponent.

Structural Adequacy

4. The Proponent 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 BCA.

Notes:

- Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

Protection of Public Infrastructure

5. The Proponent 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.

Operation of Plant and Equipment

6. The Proponent shall ensure that all plant and equipment used at the site is:
 - a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

Management Plans/Monitoring Programs

7. With the approval of the Director-General, the Applicant may prepare and submit any management plan or monitoring program required by this approval on a progressive basis.

SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

WASTE MANAGEMENT

1. The Proponent must not cause, permit or allow the storage, treatment, processing, reprocessing or disposal of any waste requiring an EPL to be stored, treated, processed, reprocessed or disposed of except as permitted by an EPL.
2. The Proponent shall ensure that all waste generated on the site during construction and operation of the development is classified and managed in accordance with the DEC's *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* and disposed of to a facility that may lawfully accept the waste.
3. For the life of the project, the Proponent shall:
 - a) monitor the amount of waste generated by the project;
 - b) investigate ways to minimise waste generated by the project; and
 - c) implement reasonable and feasible measures to minimise waste generated by the project, to the satisfaction of the Director-General.
4. The maximum amount of chemical waste to be stored and processed on the site is outlined in Table 1.

Table 1: Maximum amount of waste to be stored and/or processed

Dangerous Goods Classification	Day	Maximum Quantity Stored on Site
Class	Packaging Group	
2	2.1	500kg
3	PGI, PGII and PGIII	90,000L
		1,500 L
		500 L
4	4.1	10kg
	4.2	10kg
	4.3	10kg
5	5.1	200kg
	5.2	200kg
6	6.1	10,000L
	6.1 (sub Class 3)	500kg
8	Acid	5000L
	Alkali	5000L
	Mercury	500g
9		500kg
C2	Combustible liquid	2000L

AIR QUALITY

5. The Proponent shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the *Protection of the Environment Operations Act 1997*.

Note: Section 129 of the Protection of the Environment Operations Act, 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence at minimising odour.

6. The Proponent shall ensure that the stack discharges must be a minimum of 3 metres above the roof ridge and the stack exit velocity at least 10 meters per second.

NOISE

7. The Proponent shall ensure that noise generated by the project complies with the noise criteria in the DEC Environment Protection Licence for the project.
8. The Proponent shall comply with the construction and operation hours in Table 2, unless otherwise agreed with the Director-General.

Table 2: Construction and Operation Hours for the Project

Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday and Public Holidays	Nil
Operation	All days	6:00am to 6:00pm

Note: Construction activities may be conducted outside the hours in Table 1 provided that the activities are not audible at any premises beyond the boundary of the site.

WATER QUALITY

9. The Proponent shall only discharge water from the site in accordance with the DEC Environment Protection Licence, or in accordance with section 120 of the *Protection of the Environment Operations Act 1997*.

SAFETY AND RISK MANAGEMENT

10. The Proponent shall implement measures to reduce risk at the neighbouring Dunheved Fire Station, including installation of external alarms to alert Dunheved Fire Station in the event of an incident. The external alarms are to be implemented to the satisfaction of the NSW Fire Brigade, prior to the commencing operations.
11. The Proponent shall store and handle all dangerous goods, as defined by the Australian Dangerous Goods Code, strictly in accordance with:
 - a) all relevant Australian Standards;
 - b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - c) the DEC's Environment Protection Manual Technical Bulletin *Bundling and Spill Management*.
12. The Proponent shall prepare and implement a Construction Safety Study for the project to the satisfaction of the Director-General. The plan shall be submitted to the Director-General prior to commencing construction of the project and shall be prepared in accordance with the Department's Hazardous *Industry Planning Advisory Paper No. 7 – Construction Safety Study Guidelines*.

The Proponent shall implement the recommendations of the Construction Safety Study as appropriate, and shall comply with all reasonable requirements of the Director-General in respect of the implementation of any measures arising from the recommendations, within such time as the Director-General may require.

13. The Proponent shall prepare and implement the following studies for the project to the satisfaction of the Director-General:
 - d) an Emergency Plan prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines*. A procedure should be included for conducting biennial emergency exercises in liaison with the NSW Fire Brigade;
 - e) a Safety Management System prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*;
 - f) a Fire Safety Study prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Study Guidelines*, the NSW Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*, and to the satisfaction of the Commissioner of the NSW Fire Brigade;
 - g) a Hazard and Operability Study, chaired by an independent qualified person approved by the Director-General. The study shall be carried out in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 8 - HAZOP Guidelines*. In particular, the operation and safe shutdown systems of the two scrubbers should be addressed. The study report must include a program outlining the implementation of all recommendations made in the report. In the event that implementation of a recommendation is deferred, justification must be provided; and

- h) a Final Hazard Analysis prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis*. The study should consider measures to reduce the risks at the neighbouring Dunheved Fire Station and include details and capability of the roof structure to control rocketing drums.

The studies must be submitted to the Director-General prior to commencing operations. The Proponent shall implement all the recommendations of the studies as appropriate, and shall comply with all reasonable requirements of the Director-General in respect of the implementation of any measures arising from the recommendations, within such time as the Director-General may require.

SCHEDULE 4 ENVIRONMENTAL MANAGEMENT AND MONITORING

ENVIRONMENTAL MANAGEMENT PLAN

1. The Proponent shall prepare and implement an Environmental Management Plan for the project, to the satisfaction of the Director-General. This Plan shall be submitted to the Director-General prior to construction commencing and must:
 - a) provide the strategic context for environmental management of the project;
 - b) identify the statutory and other obligations that apply to the project;
 - c) outline the environmental management and monitoring practices and procedures that would be implemented during construction and operation;
 - d) describe in general how the environmental performance of the project would be monitored and managed during the project;
 - e) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the construction, operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints in accordance with conditions 6 and 7 below;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance; and
 - respond to emergencies;
 - f) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project; and
 - g) incorporate the various studies required under this approval.

COMPLIANCE REPORTING

2. Prior to the commencement of construction and operation, the Proponent shall certify in writing to the satisfaction of the Director-General, that it has complied with all relevant conditions of this approval.
3. Within 3 months of the commencement of operation of the project, the Proponent shall prepare a compliance report to the satisfaction of the Director-General. The report shall be prepared by a suitably qualified, experienced, and independent expert whose appointment has been endorsed by the Director-General and shall include:
 - a) dates of commencement of construction and operation;
 - b) dates of completion and approval of the various studies required under this approval;
 - c) actions taken (or proposed to be taken) to implement conditions 10, 11, 12 and 13 of schedule 3 to this approval; and
 - d) a signed statement that:
 - the Emergency Plan required under condition 13 is effectively in place and that at least one emergency exercise has been conducted;
 - the Safety Management System required under condition 13 has been fully implemented and that records required by the system are being kept;
 - the various studies required under condition 13 have been prepared in accordance with the relevant Hazardous Industry Planning Advisory Paper;
 - all recommendations of these studies have been implemented and are being maintained; and
 - all safety management systems and their associated risk controls have been implemented and are being maintained.

INCIDENT REPORTING

4. The Proponent shall notify the DEC and the Director-General of any exceedance of the performance criteria in this approval or any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Proponent shall provide written details of the exceedance/incident to the Director-General (and any relevant agency) within 7 days of the date on which the incident occurred.

HAZARD AUDIT

5. Within 12 months of commencing operations, and every 3 years thereafter (or as otherwise agreed with the Director-General), the Proponent shall commission a suitably qualified, experienced, and independent person(s), whose appointment has been approved by the Director-General, to undertake a comprehensive Hazard Audit of the site in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines*.

Within 1 month of completion of each Hazard Audit, the Proponent shall submit a copy of the audit report to the Director-General and DEC, with a response to any of the recommendations contained in the audit report.

Following each Hazard Audit, the Proponent shall review and if necessary revise the studies listed in condition 13 of schedule 3 (and any relevant documents required under this approval) to the satisfaction of the Director-General. The revised studies shall be submitted to the Director-General within 3 months of completing the audit.

COMMUNITY COMPLAINT SYSTEM

6. Prior to the commencement of construction, the Proponent shall establish a community complaint system to the satisfaction of the Director-General. This system must include:
- a) a 24-hour telephone number on which complaints about operations on the site may be registered;
 - b) a postal address to which written complaints may be sent; and
 - c) an email address to which electronic complaints may be transmitted.

The telephone number, postal address and email address shall be advertised in a newspaper circulating within the locality on at least one occasion prior to the commencement of construction. These details must also be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public and on the Proponent's internet site, should one exist. The telephone number, postal address and email address must be maintained throughout the life of the development.

7. The Proponent must record details of all complaints received about the project in an up-to-date complaints register. This register must record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available for inspection by the Director-General upon request.

ACCESS TO INFORMATION

8. Subject to confidentiality, the Proponent shall make all documents required under this approval publicly available.
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