

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 project approval referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney 9 MARCH

2018

File: OBJ17/07359

SCHEDULE 1

Project Approval (MP 06_0095) granted by the former Minister for Planning on 22 December 2006 for a Chemical Waste Storage and Treatment Facility at Lot 431 DP854814 known as 40 Christie Street, St Marys in the Penrith local government area.

SCHEDULE 2

This approval is modified as follows:

1. Delete the definition for Department and insert the following definition in alphabetical order:

Department Department of Planning and Environment

2. Delete all references to "Director-General" and replace with "Secretary".

In Schedule 2: Administrative Conditions

3. Delete Condition 2 and replace with the following:
 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 1005, and prepared by Peter J Ramsey and Associates;
 - (c) Final Statement of Commitments in the Submissions Report;
 - (d) Modification application titled *Request for Modification for Chemsals Pty Ltd's Chemical Waste Storage and Treatment Facility*, dated 19 April 2007 and prepared by Peter J Ramsay and Associates;
 - (e) Modification application 06_0095 Mod 2 and accompanying Environmental Assessment titled *Environmental Assessment Chemical Immobilisation and Solidification*, revision 3 dated 18 January 2010;
 - (f) Modification application 06_0095 Mod 4 and accompanying Environmental Assessment titled *Proposal for the acceptance and treatment of E-waste & Minor Site Works*, dated May 2017, prepared by Wild Environment Pty Ltd; and
 - (g) Conditions of this approval.

4. Insert new Condition 8 as follows:
 8. The Proponent must not receive or process on site more than 7,200 tonnes per year of electronic waste (E-waste). The processing of E-waste is limited to the BluBox and CIRRUS units only.

In Schedule 3: Specific Environmental Conditions

5. Delete and replace Condition 12 as follows:
 12. The Proponent shall implement a revised Construction Safety Study for the project to the satisfaction of the Secretary. The plan shall be submitted to the Secretary prior to the commencement of any construction works and shall be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 – Construction Safety*.
6. Delete and replace Condition 13(a) as follows:
 - (a) a revised Emergency Plan shall be prepared, for any modification, in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1 – Emergency Planning*. The updated plan shall include detailed procedures for the safety of all people outside of the development who may be at risk from the development. The plan should retain its procedure for conducting biennial emergency exercises in liaison with Fire and Rescue NSW.
7. Delete and replace Condition 13(b) as follows:
 - (b) a revised Safety Management System shall be prepared, for any modification, in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9 – Safety Management*. The updated document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records shall be kept on-site and shall be available for inspection by the Secretary upon request.
8. Insert new Condition 13A as follows:
 - 13A. The Proponent shall submit to the Secretary a report detailing compliance with Condition 13(a) and Condition 13(b) one (1) month prior to the commencement of operation.
9. Insert new Condition 14 as follows:
 14. The roller doors are to be kept closed or alternatively be fitted with fast opening/closing shutters to be operated from 5 AM to 7 AM and 9 PM to 10 PM where practicable, subject to safety considerations.
10. Insert new Condition 15 as follows:
 15. Prior to the commencement of earthworks, the Applicant must prepare an unexpected finds protocol to ensure that potentially contaminated material is appropriately managed. The protocol must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Secretary, prior to its removal from the site. Where remediation works are required, the Proponent is required to seek appropriate approval.
11. Insert new Condition 16 as follows:
 16. Prior to the issue of a Construction Certificate, the Proponent shall submit a detailed Stormwater Management Plan (SMP) to the Certifying Authority. The SMP is to:
 - (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Penrith City Council;
 - (c) be designed generally in accordance with:
 - i. Site Works Plan, prepared by Taylor Thompson and Whitting, Job number 171562 Drawing number C02, Issue P5 dated 27/10/2017; and
 - ii. Stormwater Report prepared by Taylor Thompson and Whitting, Job number 171562, dated 10/1/2018
 - (d) be designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy;
 - (e) include engineering plans and supporting calculations for the stormwater management system; and
 - (f) address maintenance of the stormwater system for the life of the development.

12. Insert new Condition 18 as follows:

18. All car parking must comply with AS 2890.1.

13. Insert new Condition 19 as follows:

19. The 40 m² parking space (shown on Appendix A) within the loading dock area, adjacent to the north-western boundary fence, shall be kept clear and not be utilised for car parking.

14. Insert new Condition 20 as follows:

20. Screen landscaping is to be provided along the northern boundary line, within the site, to screen the car parking area from the street.

In Schedule 4: Environmental Management and Monitoring

15. Delete and replace Condition 1 as follows:

1. The Proponent shall prepare and implement an Environmental Management Plan (EMP) for the project, to the satisfaction of the Secretary. The EMP shall be revised and updated for any modification. The EMP shall be submitted to the Secretary prior to construction (including construction related to any modification) 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 measures to manage air quality including air quality testing, recording and incident response;
- (f) 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;
- (g) describe the role, responsibility, authority and accountability of all the key personnel involved in environmental management of the project; and
- (h) incorporate the various studies required under this approval.

16. Insert new Condition 9 as follows:

9. A revised Fire Safety Study shall be prepared for any modification and undertaken in consultation with Fire and Rescue NSW. This study shall cover the relevant aspects of the Department's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'* and the NSW Government's *'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems'*.

17. Insert new Condition 10 as follows:

10. Prior to the commencement of construction of the weighbridge, the Proponent must prepare an Operational Traffic Management Plan (OTMP) for the Development to the satisfaction of the Secretary. The OTMP must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) detail the measures that are to be implemented to ensure vehicle safety and efficiency, including addressing internal vehicle movements and the management of multiple vehicles on site at any one time;
- (c) include a Traffic Control Plan (TCP) detailing:
 - (i) the on-site measures to be implemented to control the movement of trucks in and out of the site, as well as on site; and
 - (ii) vehicle scheduling to avoid conflicts and the measures to be taken to avoid vehicles queuing on the street
- (d) detail incident mitigation and management measures; and
- (e) include a program to monitor the effectiveness of these measures.

18. Insert new Condition 11 as follows:

11. The Proponent must:

- (a) not commence construction of the weighbridge until the OTMP required by Schedule 4, Condition 10 is approved by the Secretary; and
- (b) ensure the OTMP (as required and approved by the Secretary from time to time) is implemented for the operational life of the Development.

19. Delete Appendix 1 and replace as follows:

