

# Development Consent

## Section 4.38 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under delegation executed on 26 April 2021, 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, 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

Chris Ritchie  
**Director**  
**Industry Assessments**

Sydney

2021

File: EF19/30576

### SCHEDULE 1

<b>Application Number:</b>	SSD-10407
<b>Applicant:</b>	Enviro Waste Services Group Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	14 – 16 Kiora Crescent Yennora Lot 49 and 50 DP18211
<b>Development:</b>	Increase in the capacity of an existing liquid waste treatment facility to receive 100,000 tonnes per annum (tpa) of industrial liquid waste and 10,000 tpa of liquid product waste, liquid food waste, shoes, clothing and makeup.

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## DEFINITIONS

<b>Additional Information</b>	The Applicant's addendum response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled, Yennora Liquid Waste Treatment Plant (SSD-10407) – Outstanding Information dated 18 November 2021.
<b>Applicant</b>	Enviro Waste Services Group Pty Ltd, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Certifier</b>	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	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.
<b>Council</b>	Cumberland Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in Schedule 1, the EIS and Response to Submissions, including the works and activities comprising the operation of a Liquid Waste Treatment Plant to receive up to 100,000 tpa of industrial liquid waste and the operation of a Waste Processing Facility to receive up to 10,000 tpa of liquid product waste, liquid food waste, shoes, clothing and makeup, as modified by the conditions of this consent.
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>DPIE</b>	Department of Planning, Industry and Environment
<b>EES</b>	Environment, Energy and Science Group (former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement Enviro Waste Services Group Pty Ltd 14 - 16 Kiora Crescent Yennora NSW</i> , prepared by Benbow Environmental Pty Ltd dated November 2020, submitted with the application for consent for the development
<b>Environment</b>	As defined in section 1.4 of the EP&A Act
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
<b>Industrial liquid waste</b>	Liquid wastes from industrial sources, including Waste Oil (J120), Surfactants (M250), Grease trap waste (K110), Sewage sludge and stormwater (K130), and Landfill leachate (N205), as described in the EIS
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Liquid food waste</b>	Waste consumable liquids such as juices and soft drinks (but not including dairy products), including out-of-date liquids, as described in the EIS
<b>Liquid product waste</b>	Waste liquid products such as shampoos, soaps etc., including out-of-date liquids, as described in the EIS
<b>LWTP</b>	Liquid Waste Treatment Plant
<b>Material harm</b>	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)

<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
<b>Night</b>	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>NRAR</b>	Natural Resources Access Regulator, DPIE
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The use of the waste facility as described in the EIS and RTS
<b>Principal Certifier</b>	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act or for the subdivision work under section 6.12(1) of the EP&A Act.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement 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.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled Response to Submissions Enviro Waste Services Group Pty Ltd 14 - 16 Kiora Crescent Yennora NSW, prepared by Benbow Environmental Pty Ltd dated February 2021
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Appendix 1.
<b>TfNSW</b>	Transport for New South Wales
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>WPF</b>	Waste Processing Facility
<b>Year</b>	A period of 12 consecutive months

## **SCHEDULE 2**

### **PART A ADMINISTRATIVE CONDITIONS**

#### **OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

#### **TERMS OF CONSENT**

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the EIS and Response to Submissions and Additional Information;
  - (d) in accordance with the Development Layout in Appendix 1; and
  - (e) in accordance with the management and mitigation measures in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in Condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2(c) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2(c) or A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### **LIMITS OF CONSENT**

##### **Lapsing**

- 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 that date.

##### **Processing and Storage Capacity**

- A6. The Applicant must not:
- (a) receive or process more than 100,000 tonnes of industrial liquid waste per year;
  - (b) receive or process more than 10,000 tonnes combined of liquid product waste, liquid food waste, shoes, make up or clothes per year;
  - (c) store more than 377 tonnes of liquid waste at any one time (industrial liquid waste and liquid product waste) at the Liquid Waste Treatment Plant (LWTP) at 14 Kiora Crescent;
  - (d) store more than 100 tonnes (combined) of liquid product, liquid food waste, shoes, make up or clothes at any one time at Waste Processing Facility (WPF) at 16 Kiora Crescent; and
  - (e) receive dairy products, including out-of-date dairy products.

##### **Operational Vehicles and Parking**

- A7. The Applicant must not:
- (a) permit heavy vehicles longer than 10 metres to enter or exit the site;
  - (b) permit heavy or light vehicles associated with the development to park or queue on the public road network;
  - (c) permit heavy vehicles to park onsite if appropriate off-site parking is available; and
  - (d) operate the development when heavy vehicles are parked onsite, except in accordance with the Parking Strategy required by Condition B3.

#### **NOTIFICATION OF COMMENCEMENT**

- A8. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:

- (a) construction;
- (b) operation;
- (c) cessation of operations.

A9. If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

#### **SURRENDER OF EXISTING CONSENTS OR APPROVALS**

A10. Within 12 months of the date of commencement of development to which this consent applies, or within another timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consents for the site including DA2013/351/1 dated 12 February 2014 for the alterations to an existing industrial premises and fit out for a liquid waste facility in accordance with the EP&A Regulation.

A11. Upon the commencement of development to which this consent applies, and before the surrender of existing development consents or project approvals required under Condition A10, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.

**Note:** This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under Part 6 of the EP&A Act. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.

#### **EVIDENCE OF CONSULTATION**

A12. 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.

#### **STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS**

A13. With the approval of the Planning Secretary, the Applicant may:

- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development 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);
- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A14. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A15. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

#### **DEMOLITION**

A16. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

#### **STRUCTURAL ADEQUACY**

A17. All new buildings and structures, and any 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.

*Note:*

- Under Part 6 of the EP&A Act, the Applicant 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 development.

#### **EXTERNAL WALLS AND CLADDING**

A18. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

- A19. Prior to the issue of:
- (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
  - (b) an Occupation Certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.
- A20. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

#### **COMPLIANCE**

- A21. 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**

- A22. 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.

#### **UTILITIES AND SERVICES**

- A23. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A24. Before the commencement of operation of the development, 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*.

#### **APPLICABILITY OF GUIDELINES**

- A25. 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.
- A26. 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.

#### **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.

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### TRAFFIC AND ACCESS

#### Operating Conditions

B1. 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), *AS 2890.2:2018 Parking facilities Off-Street commercial vehicle facilities* (Standards Australia, 2018) and *AS 2890.2:2009 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2009);
- (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) no vehicle longer than 10m is permitted to enter or exit the site;
- (d) no more than three heavy vehicles enter and exit the site each hour;
- (e) the development does not result in any vehicles queuing on the public road network;
- (f) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
- (g) all vehicles are wholly contained on site before being required to stop;
- (h) all loading and unloading of materials are carried out on-site; and
- (i) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

#### Parking

B2. The Applicant must provide sufficient parking facilities, 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.

B3. Prior to commencement of operation, the Applicant must prepare a Parking Strategy for the Development to the satisfaction of the Planning Secretary. The Parking Strategy must form part of the OTMP required by Condition B5 and the OEMP required by Condition C2 and must:

- (a) be prepared in consultation with Council;
- (b) detail the number and location(s) of parking spaces for all vehicles associated with the development, including any off-site locations;
- (c) include a requirement for heavy vehicles to always use approved off-site parking, when available, in preference to onsite parking;
- (d) provide details of contingency measures, such as restrictions in processing capacity or hours of operation of the LWTP or WPF, which are required when heavy vehicles are parked onsite, including triggers for measures and restrictions;
- (e) include a firm commitment to adhere to any contingency measures and restrictions identified in (d) above, including any reduction in hours of operation;
- (f) include a program to monitor the effectiveness of these measures; and
- (g) if necessary, detail procedures for notifying neighbouring properties and Council of any potential disruptions to parking.

The Parking Strategy must be revised to the satisfaction of the Planning Secretary in the event onsite or off-site parking arrangements are amended in the future.

B4. The Applicant must:

- (a) not commence operation until the Parking Strategy required by Condition B3 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Parking Strategy approved by the Planning Secretary for the duration of the development.

#### Operational Traffic Management Plan

B5. Prior to the commencement of operation, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for the Development to the satisfaction of the Planning Secretary. The plan must form part of the OEMP 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 operation;
- (d) detail the measures that are to be implemented to ensure delivery vehicle arrival times are appropriately staggered to ensure arriving heavy vehicles so not queue on the road network, including the use of a vehicle tracking system;
- (e) detail heavy vehicle routes, access and parking arrangements;
- (f) include a Driver Code of Conduct to:
  - (i) minimise the impacts on the local and regional road network;
  - (ii) minimise conflicts with other road users;
  - (iii) minimise road traffic noise;
  - (iv) ensure truck drivers use specified haul routes; and
- (g) include a program to monitor the effectiveness of these measures.

**B6. The Applicant must:**

- (a) not commence operation until the OTMP required by Condition B5 is approved by the Planning Secretary; and
- (b) implement the most recent version of the OTMP approved by the Planning Secretary for the duration of the development.

## **WASTE MANAGEMENT**

### **Operating Conditions**

- B7. The Applicant shall not cause, permit or allow any materials or waste (as defined by the POEO Act) generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by an EPL.
- B8. All waste processing, and material handling activities must be undertaken in an enclosed processing building and within designated areas.
- B9. All waste received on site must always be secured and maintained within designated waste storage areas shown in Appendix 1 and must not leave the site onto neighbouring public or private properties.
- B10. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and direct all wastes to a facility or premises that may lawfully accept the waste.
- B11. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.

### **Waste Management Plan**

- B12. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan (WMP) for the development, to the satisfaction of the Planning Secretary. The WMP must form part of the OEMP required by Condition C2 and must:
  - (a) be prepared by a suitably qualified and experienced person(s);
  - (b) include suitable provision to monitor the:
    - (i) quantity, type and source of waste received on site; and
    - (ii) quantity, type and quality of the outputs produced on site.
  - (c) ensure that:
    - (i) all waste that is controlled under a tracking system has the appropriate documentation prior to acceptance at the site; and
    - (ii) staff receive adequate training to be able to recognise and handle any hazardous or other prohibited waste.
  - (d) include procedures for ensuring waste would be appropriately managed during unexpected machinery breakdown.
- B13. The Applicant must:
  - (a) not commence operation until the WMP is approved by the Planning Secretary; and

- (b) implement the most recent version of the WMP approved by the Planning Secretary for the duration of the development.

## **SOILS, WATER QUALITY AND HYDROLOGY**

### **Discharge Limits**

- B14. 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.
- B15. The Applicant must ensure the stormwater system does not direct contaminated stormwater to Council's stormwater system.

### **Surface Water Management Plan**

- B16. Prior to the commencement of operation, the Applicant must prepare a Surface Water Management Plan (SWMP) to the satisfaction of the Planning Secretary. The SWMP must form part of the OEMP required by Condition C2 and must:
  - (a) detail water use, metering, disposal and management on-site;
  - (b) detail the management of wastewater streams on-site;
  - (c) include suitable provision to monitor the surface water impact assessment criteria, including trigger levels for investigating and potential adverse surface water impacts;
  - (d) include spill management procedures; and
  - (e) a protocol for the investigation and mitigation of identified exceedances of the surface water impact assessment criteria.
- B17. The Applicant must:
  - (a) not commence operation until the SWMP required by Condition B16 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the SWMP approved by the Planning Secretary for the duration of the development.

## **AIR QUALITY**

### **Dust Minimisation**

- B18. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

### **Air Quality Discharges**

- B19. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.
- B20. All tanks must vent to the biotrickling filter system and the air discharged from the biotrickling filter must be exhausted through the stack 6 m above the roofline. The biotrickling filter system stack must have a compliant sampling plane in accordance with AS4323.1-1995.

### **Air Quality and Odour Management Plan**

- B21. Prior to the commencement of operation, the Applicant must prepare an Air Quality and Odour Management Plan (AQOMP) to the satisfaction of the Planning Secretary. The AQOMP must form part of the OEMP required by Condition C2. The AQOMP must:
  - (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with the EPA;
  - (c) detail and rank all emissions from all sources of the development, including odour;
  - (d) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
  - (e) identify the control measures that will be implemented for each emission source; and
  - (f) describe 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.

B22. The Applicant must:

- (a) not commence operation until the AQOMP required by Condition B21 is approved by the Planning Secretary; and
- (b) implement the most recent version of the AQOMP approved by the Planning Secretary for the duration of the development.

### Odour Management

B23. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

B24. The Applicant must carry out an Odour Audit of the development no later than six months after the commencement of operation of the development. Division 9.4 of Part 9 of the EP&A Act applies to this audit which is for the purpose of auditing the development against the odour impact predictions of the development. The audit must:

- (a) be carried out by a suitably qualified, experienced and independent person(s), whose appointment has been endorsed by the Planning Secretary;
- (b) audit the development in full operation;
- (c) include a summary of odour complaints and any actions that were carried out to address the complaints;
- (d) assess the operation against odour impact predictions in the EIS and RtS;
- (e) review design and management practices in the development against industry best practice for odour management; and
- (f) include an action plan that identifies and prioritises any odour mitigation measures that may be necessary to reduce odour emissions.

**Note:** The Odour Audit may be prepared so that it addresses the requirements of this consent and the EPL for the development.

B25. Within six months of commissioning of the Odour Audit required by Condition B24, or as otherwise agreed by the Planning Secretary, the Applicant must submit a copy of the Odour Audit report to the satisfaction of the Planning Secretary, together with the Applicant's response to any recommendations contained in the Odour Audit report.

### NOISE

#### Hours of Work

B26. 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
Construction	Monday – Friday Saturday	7 am to 6 pm 8 am to 1 pm
Operation of liquid waste treatment plant at 14 Kiora Crescent, Yennora	Monday – Sunday	24 hours
Operation of waste processing facility at 16 Kiora Crescent, Yennora	Monday – Sunday	24 hours

**Note:** The hours of operation of the LWTP and WPF may be restricted from time to time by the measures in the Parking Strategy required by Condition B3.

B27. Works outside of the hours identified in Condition B26 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.

### Operational Noise Limits

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

**Table 2** Noise Limits dB(A)

Location	Day L <sub>Aeq</sub> (15 minute)	Evening L <sub>Aeq</sub> (15 minute)	Night L <sub>Aeq</sub> (15 minute)
All residential receivers	47	43	38

**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 (EPA, 1999) (as may be updated or replaced from time to time). Refer to the plan in Appendix 1 for the location of residential sensitive receivers.

## HAZARDS AND RISKS

### Dangerous Goods

- B29. The Applicant must ensure that the quantities of dangerous goods stored and handled at the site or transported to and from the site are below the screening threshold quantities listed in the Department's *Applying SEPP 33* at all times, except for dangerous goods Class 6.2 Packing Group III infectious substances (DG Class 6.2 PG III).

### Bunding

- B30. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

### Emergency Plan

- B31. Prior to commencement of operation of the development, the Applicant must prepare and implement a comprehensive Emergency Plan. The Emergency Plan must:
- (a) be prepared in accordance with the *Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*, including;
    - (i) on-site and off-site fire events and other emergency incidents or potential hazmat incidents
    - (ii) safety of all people outside of the development who may be at risk from the development;
    - (iii) the measures that would be implemented to mitigate potential risks to the health and safety of firefighters and other first responders;
    - (iv) other risk control measures that may need to be implemented in a fire emergency due to any unique hazards specific to the site; and
  - (b) detail emergency procedures for the development.

## FIRE SAFETY

### Fire Safety System

- B32. Prior to the commencement of operation, the final fire and life safety design of the development, including firewater containment, must be finalised in consultation with FRNSW to the satisfaction of the Planning Secretary 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.

### Emergency Services

- B33. Prior to commencement of operation of the development, the Applicant must prepare an Emergency Services Information Package (ESIP) in accordance with the Fire and Rescue NSW 'Fire Safety Guideline – Emergency Services Information Package and tactical fire plans.' and ensure the ESIP is readily accessible to emergency service organisations at all times.

## 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) detailed baseline data;
  - (b) 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;
  - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (d) 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;
  - (e) 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;
  - (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) 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
  - (h) 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

#### OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of Condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the OEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (b) 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
  - (c) include the following environmental management plans:
    - (i) Traffic (see Condition B5) including Parking (see Condition B3);
    - (ii) Waste (see Condition B12);
    - (iii) Surface Water (see Condition B16); and
    - (iv) Air Quality (see Condition B21).
- C4. The Applicant must:
- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
  - (b) 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).

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C5. Within three months of:
- (a) the submission of a Compliance Report under Condition C11;
  - (b) the submission of an incident report under Condition C7;
  - (c) the submission of an Independent Audit under Condition C13;
  - (d) the approval of any modification of the conditions of this consent; or
  - (e) the issue of a direction of the Planning Secretary under Condition A2(b) which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing that a review is being carried out.
- C6. 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.

## REPORTING AND AUDITING

### Incident Notification, Reporting and Response

- C7. The Planning Secretary must be notified in writing via the Major Projects website 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 0.

### Non-Compliance Notification

- C8. The Planning Secretary must be notified in writing to the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- C9. 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.
- C10. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Compliance Reporting

- C11. Within three months after the first year of commencement of operation, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Department reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:
- (a) identify any trends in the monitoring data over the life of the development;
  - (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
  - (c) describe what measures will be implemented over the next year to improve the environmental performance of the development
- C12. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

### Independent Audit

- C13. Within one year of the commencement of operation, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (Audit) of the development. Audits must:
- (a) be prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020)
  - (b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary; and
  - (c) be submitted to the satisfaction of the Planning Secretary within three months of commissioning the Audit (or within another timeframe agreed by the Planning Secretary).

- C14. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under Condition C13 of this consent;
  - (b) submit the response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations;
  - (c) implement the recommendations to the satisfaction of the Planning Secretary; and
  - (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

### Monitoring and Environmental Audits

- C15. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

**Note:** For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

### ACCESS TO INFORMATION

- C16. 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) the documents referred to in Condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) 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;
    - (v) 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;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) the Compliance Report of the development;
    - (x) audit reports prepared as part of any Independent Audit of the development and the Applicant’s response to the recommendations in any audit report;
    - (xi) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

## APPENDIX 1 DEVELOPMENT LAYOUT PLANS

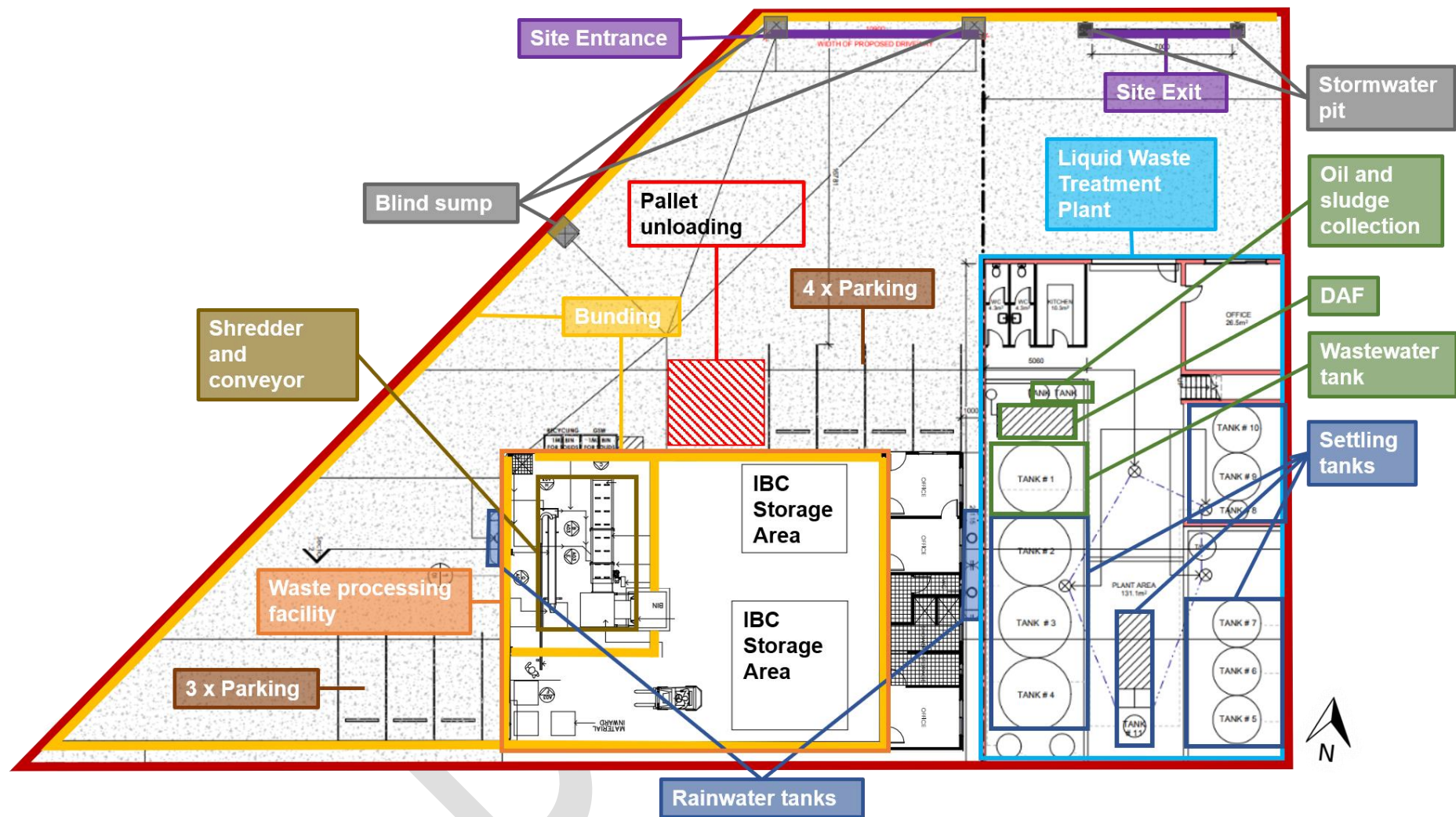


Figure 1: Site Plan





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Benbow Environmental  
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**Figure 2: Location of receivers**

### **Air and odour**

Maintain existing air and odour mitigation controls including:

- Biotrickling filter system;
- Vertical dispersion stack, 6m above roofline;
- Indoor operations; and
- Deodoriser.

Maintain existing greenhouse gas reduction measures on site:

- Utilising electric equipment where practical; and
- Installation of LED lights.

### **Operational Noise**

The following noise management practices would be implemented for good practice:

- Ensure regular maintenance of noisy machinery so that noise limits are not exceeded at the nearest sensitive receivers.
- Prohibition of extended periods of on-site revving/idling;
- Keeping the roller shutter door closed where possible;
- Minimisation of the use of truck exhaust brakes on site;
- Enforcement of low on-site speed limits; and
- On-site vehicles and machinery to be maintained in accordance with a preventative maintenance program to ensure optimum performance and early detection of wearing or noisy components.

### **Water**

- Maintain isolation of existing on-site stormwater system including captured site stormwater water processed through the facility;
- Fully sealed site;
- Bunded tanks and operational areas maintained to relevant Australian Standards;
- Blind sump pits located within bunded areas;
- Undertake Daily site cleaning;
- Regular clearing and maintenance of blind sump pits;
- Regular workplace inspection and high standard of housekeeping;
- Maintain segregated and designated waste bays and bins; and
- Installation of 3 slim-line water tanks.

### **Waste**

- Dedicated waste storage tanks;
- Licenced waste contractors for collection;
- No stockpile storage on site.
- All solid waste will be stored in bins.
- All liquid waste will be stored in bulk tanks, IBCs, or containers.

- Waste minimisation and resource recovery practices implemented;
- Waste audits included in OEMP;
- Continual improvement of waste minimisation and resource recovery practices included in OEMP.
- Incoming waste procedure included in WMP within OEMP. This will include:  
Testing of all bulk liquid waste prior to collection and after receipt.  
Reject all non-conforming waste

### **Hazard and risk**

- Chemical storage in accordance with relevant Australian Standards;
- Control of ignition sources, including “no smoking” policy;
- Adequate provision for escape;
- Adequate fire services;
- Install bunding for the storage of liquid waste, dangerous Goods/hazardous chemicals and combustible liquids in accordance with the relevant Australian Standards;
- Maintain spill controls including bunding and spill clean up equipment within spill kits;
- Building security;
- Employee training where relevant including:  
Forklift driver training;  
Spill kit training  
Emergency plan and emergency response training including firefighting techniques.

### **Human health**

- Ensure all external areas are kept tidy and free of items and debris to facilitate movement of vehicles on site and minimise potential pollution;
- Implementation of a site specific OEMP;
- Use of Personal Protective Equipment;
- Undertake occupational health assessments if required;
- Regular workplace inspection and high standard of housekeeping;
- Regular program of equipment inspection and maintenance.

### **Site management plans**

Implementation of the following management plans:

- Update of Pollution Incident Response Management Plan (PIRMP);
- Emergency Plan (EP), including contingency plans for failure of machinery and pollution control equipment;
- Interim Overnight Parking Plan; and
- Operational Environmental Management Plan (OEMP).

### **During construction**

The following mitigation measures will be undertaken during construction that involves coming in contact with soil:

- PPE to be worn by all staff and contractor during construction works involving exposed soils. Required PPE is as follows:

P2 mask;  
High visibility clothing;  
Safety boots;  
Safety glasses;  
Impervious gloves.

- Exposed soils are to be kept lightly damp to prevent generation of dust.

### **Parking Measures**

Enviro Waste is committed to the following parking measures:

- Enviro Waste will not park tanker trucks on the street;
- Enviro Waste will only park tanker trucks on-site or on off-site properties approved for tanker parking;
- Enviro Waste will cease waste collection operations if onsite truck vehicle parking obstructs areas of on-site necessary for vehicles to enter and leave in the forward direction.

## **APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website 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 C7 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.