

# Development Consent

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

I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social 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.

  
Daniel Keary  
**A/Executive Director**  
**Key Sites and Industry Assessments**

Sydney

12<sup>th</sup> NOVEMBER

2015

### SCHEDULE 1

<b>Application No.:</b>	SSD 5041
<b>Applicant:</b>	Sell and Parker Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	23-43 and 45 Tattersall Road, Kings Park (Lot 2 DP 550522 and Lot 5 DP 7086)
<b>Development:</b>	Increasing the processing capacity of the existing metal recycling facility, including reconfiguration and expansion of the facility into the adjoining site at 23-43 Tattersall Road, Kings Park.

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## DEFINITIONS

Act	<i>Environmental Planning and Assessment Act 1979</i>
Applicant	Sell and Parker Pty Ltd, or anyone else entitled to act on this consent
Construction	The demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this consent
Council	Blacktown City Council
Day	The period from 7 am to 6 pm on Monday to Saturday
Department	Department of Planning and Environment
Development	The development that is approved by this development consent and as generally described in Schedule 1
EIS	Environmental Impact Statement prepared by ERM dated July 2014
ENM	Excavated Natural Material
EPA	Environment Protection Authority
EPL	Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i>
Evening	The period from 6 pm to 10 pm
Feasible	Feasible relates to engineering considerations and what is practical to build
Heavy vehicle	Any vehicle with a gross vehicle mass of 5 tonnes or more
Heritage Item	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> .
Incident	A set of circumstances that: <ul style="list-style-type: none"> <li>• causes or threatens to cause material harm to the environment; and/or</li> <li>• breaches or exceeds the limits or performance measures/criteria in this consent</li> </ul>
Material harm to the environment	Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Morning shoulder	The period from 6 am to 7 am on Monday to Saturday
OEH	Office of Environment and Heritage
Operation	The receipt or processing of waste
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Secretary	Secretary of the Department, or nominee
Site	Land referred to in Schedule 1
VENM	Virgin Excavated Natural Material

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. The Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or decommissioning of the Development.

#### TERMS OF CONSENT

- A2. The Applicant shall carry out the Development in accordance with the:
- a) EIS prepared by ERM dated July 2014;
  - b) Response to Submissions report prepared by ERM dated 7 January 2015;
  - c) Supplementary Response to Submissions prepared by Mecone dated 30 June 2015;
  - d) Supplementary Response to Submissions prepared by Sell and Parker Pty Ltd dated 3 September 2015;
  - e) Site layout plans and drawings (See Appendix A); and
  - f) Management and Mitigation Measures (see Appendix B).
- A3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
- A4. The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
- a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this consent; and
  - b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

#### STATUTORY REQUIREMENTS

- A5. The Applicant shall ensure that all licences, permits, and approvals/consents are obtained as required by law and maintained as required throughout the life of the Development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals/consents.

#### BUILDING CODE OF AUSTRALIA

- A6. The Applicant 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 *Building Code of Australia*.

#### LIMITS OF CONSENT

##### Waste limits

- A7. The Applicant shall not receive or process on the site more than 350,000 tonnes per calendar year of waste, subject to Condition A8.
- A8. Despite Condition A7, the Applicant shall not receive or process on the site more than 90,000 tonnes per calendar year of waste (on a weekly pro-rata basis) until:
- a) the Emissions Collection System for the hammer mill has been commissioned in accordance with Condition B20 and approved by the Secretary for operation; and
  - b) a Final Occupation Certificate has been issued for the Development.

A9. In deciding whether to grant approval to operate the Emissions Collection System for the hammer mill in accordance with Condition A8, the Secretary shall take into account the Commissioning Report submitted in accordance with Condition B21.

A10. The Applicant must record the amount of waste (in tonnes) received at the site on a daily basis.

#### **Waste type**

A11. The Applicant shall not cause, permit or allow any materials or waste 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.

#### **DEMOLITION**

A12. The Applicant shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601:2001: The Demolition of Structures*, or its latest version.

#### **SURRENDER OF CONSENT**

A13. In order for the development of land to proceed in a coordinated and orderly manner and to avoid potential conflicts with this consent, the Applicant shall and in the manner prescribed by clause 97 of the Regulation, surrender the development consents described in Table 1 within 14 days of the issue of a Construction Certificate for the Development.

**Table 1 – Consents to be surrendered**

<b>Development Application No. DA-96-305</b>	
<b>Land description</b>	45 Tattersall Road, Kings Park
<b>Development Description</b>	Metal recycling facility on the southern portion of the site.
<b>Date</b>	27 November 1996
<b>Development Application No. 10204 of 2000</b>	
<b>Land description</b>	45 Tattersall Road, Kings Park
<b>Development Description</b>	Establishment of a hammermill and associated components and an approved handling capacity of 60,000 tpa on the northern portion of the site.
<b>Date</b>	11 May 2001

#### **STAGED SUBMISSION OF PLANS OR PROGRAMS**

A14. With the approval of the Secretary, the Applicant may:

- a) submit any strategy, plan or program required by this consent on a progressive basis; and/or
- b) combine any strategy, plan or program required by this consent.

A15. Until they are replaced by an equivalent strategy, plan or program approved under this consent, the Applicant shall continue to implement existing strategies, plans or programs for operations on site that have been approved by previous consents or approvals.

#### *Note:*

- *If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages and the trigger for updating the strategy, plan or program.*
- *There must be a clear relationship between the strategy, plan or programs that are to be combined.*

## **OPERATION OF PLANT AND EQUIPMENT**

- A16. The Applicant shall ensure that all plant and equipment used for the Development is:
- a) maintained in a proper and efficient condition; and
  - b) operated in a proper and efficient manner.

## **METEOROLOGICAL MONITORING**

- A17. Within 14 days of the issue of a Construction Certificate for the Development, the Applicant shall install a suitable meteorological station on the site that complies with the requirements in the latest version of the *Approved Methods for Sampling of Air Pollutants in New South Wales*. The Applicant shall operate the meteorological station for the life of the Development.

## **PROTECTION OF PUBLIC INFRASTRUCTURE**

- A18. The Applicant 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.

## **DISPUTE RESOLUTION**

- A19. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the Development, either party may refer the matter to the Secretary for resolution. The Secretary's determination of any such dispute shall be final and binding on the parties.

## **PART B ENVIRONMENTAL PERFORMANCE**

### **WASTE MANAGEMENT**

- B1. Within 14 days of the issue of a Construction Certificate for the Development, the Applicant shall implement a Waste Monitoring Program for the Development. The program must:
- a) be prepared by a suitably qualified and experienced person(s);
  - b) include suitable provisions 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 in order to be able to recognise and handle any hazardous or other prohibited waste including asbestos.

### **SOIL AND WATER**

#### **Compliance Certificate**

- B2. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water prior to the commencement of construction.

#### **Pollution of waters**

- B3. The Development shall comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided in an EPL.

#### **Water Management Plan**

- B4. Prior to the commencement of construction of the Development, the Applicant shall prepare a Water Management Plan to the satisfaction of the Secretary. The plan must:
- a) be prepared by a suitably qualified and experienced person(s) in consultation with the EPA;
  - b) include a detailed site water balance;
  - c) include details of water management, monitoring and incident response arrangements;
  - d) include the details of the:
    - (i) Water Management System for the site (see Condition B6);
    - (ii) Water Management System commissioning, including the time frames for each stage of the commissioning (see Condition B7);
    - (iii) Water Treatment Plant Trial, if required (see Condition B8);
    - (iv) erosion and sediment controls (see Condition B9);
    - (v) bunding (see Condition B10);
    - (vi) flood management (see Condition B11); and
    - (vii) clean water runoff areas that discharge direct to stormwater without treatment (i.e. car parks and roofs).
- B5. The Applicant shall carry out the Development in accordance with the Water Management Plan approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

#### **Water Management System**

- B6. The Applicant shall operate a Water Management System for the site. The system must:
- a) be designed by a suitably qualified and experienced person(s) in consultation with the EPA;
  - b) include a treatment system with primary, secondary and tertiary treatment components;
  - c) be consistent with the guidance in *Managing Urban Stormwater - Soils and Construction Vol. 1* (Landcom, 2004);
  - d) divert clean surface water around operational areas of the site;
  - e) include water quality monitoring that can determine the performance of the water management system against the EPL discharge limits;
  - f) include water reuse based on a risk assessment of environment and human health impacts; and
  - g) be commissioned in accordance with Condition B7.

### **Water Management System commissioning**

- B7. The Applicant shall commission the Water Management System prior to discharging any water from the site. The commissioning must:
- a) be completed within 2 years from the date of this consent, or within such other time agreed in writing by the Secretary;
  - b) be undertaken by a suitability qualified and experienced person(s) in consultation with the EPA;
  - c) include a program for acquiring baseline data of receiving waters and the establishment of site specific stormwater discharge criteria in the EPL;
  - d) including testing of the performance of all components of the Water Management System, including the primary, secondary, and tertiary treatment systems;
  - e) identify and implement changes to the Water Management System that may be necessary to achieve compliance with the discharge criteria in the EPL; and
  - f) include off-site trials of treatment technologies if necessary.

### **Water Treatment Plant trial**

- B8. As part of commissioning the Water Management System, the Applicant may implement off-site trials of components of the Water Management System. Any trial must be conducted by a suitably qualified and experienced person(s) in consultation with the EPA.

### **Erosion and sediment control**

- B9. The Applicant shall implement erosion and sediment control measures on-site in accordance with *Managing Urban Stormwater: Soils and Construction Vol. 1* (Landcom, 2004).

### **Bunding**

- B10. The Applicant shall 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 Liquids: Environmental Protection – Participant's Manual 2007*.

### **Flood management**

- B11. The Applicant shall ensure that:
- a) the finished floor level of any new building is a minimum of 0.5 metres above the 1 in 100 year Average Recurrence Interval flood level;
  - b) any part of a new structure below the 1 in 100 year Average Recurrence Interval flood level is designed and constructed to be compatible with flooding; and
  - c) any perimeter fence or wall does not restrict or impede the flow of overland flow.

### **Imported soil**

- B12. The Applicant shall:
- a) ensure that only VENM, or ENM, or other material approved in writing by the EPA is used as fill on the site;
  - b) keep accurate records of the volume and type of fill to be used; and
  - c) make these records available to the Department upon request.

### **Contamination**

- B13. Prior to commencing any excavation works, the Applicant shall:
- a) identify all potential contaminants that could be disturbed, mobilised and discharged to receiving waters;
  - b) detail the procedures for testing, classifying, handling, storing and disposing of contaminated water, soils and/or groundwater encountered in excavations, in particular during excavation of the stormwater detention basin; and
  - c) detail the measures for periodically testing surface water run-off that may accumulate in excavations, and the procedures for off-site disposal of contaminated water.
- B14. The Applicant shall provide a contamination report to the Department detailing any contamination investigation carried out in the immediate vicinity of the existing detention basin. This report shall be provided to the Department on completion of the works to upgrade the detention basin.

## **AIR QUALITY**

### **Odour**

B15. The Applicant shall ensure the Development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

### **Emissions limits**

B16. The Applicant shall ensure that emissions from the Development do not exceed the emission limits specified in the EPL.

### **Air Quality Management Plan**

B17. Prior to the commencement of construction of the Development, the Applicant shall prepare an Air Quality Management Plan to the satisfaction of the Secretary. The plan must:

- a) be prepared by a suitably qualified and experienced person(s) in consultation with the EPA;
- b) describe the measures that would be implemented to ensure:
  - (i) all reasonable and feasible measures are employed to minimise air emissions;
  - (ii) compliance with the relevant conditions of this consent;
  - (iii) contingency measures are deployed to minimise impacts should adverse air emissions occur or appear likely to occur;
- c) include well defined triggers for the deployment of construction and operational air quality measures;
- d) include well defined triggers for ceasing or partially ceasing operations on site during adverse air quality conditions;
- e) include an Air Quality Monitoring System to evaluate the performance of the Development commensurate with the system proposed in the Air Quality Assessment, prepared by ERM dated September 2015;
- f) include details of the location, frequency and duration of monitoring; and
- g) include a protocol to determine the occurrence of any exceedance of the criteria in the EPL should an exceedance occur.

B18. The Applicant shall carry out the Development in accordance with the Air Quality Management Plan approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

### **Air emissions mitigation**

B19. The Applicant shall:

- a) operate the Development so that air emissions are minimised during all meteorological conditions; and
- b) implement best management practice, including all reasonable and feasible air and odour emissions mitigation measures to minimise emissions from the Development, including but not limited to:
  - (i) installation of an Emissions Collection System servicing the hammer mill that is capable of achieving emission control performance equivalent to the system described in the Air Quality Assessment prepared by ERM dated September 2015;
  - (ii) operating one oxy-acetylene torch at a time;
  - (iii) operating the oxy-acetylene torch only between the hours of 9 am and 3 pm;
  - (iv) cutting any metal beam that is up to 100 millimetres thick with the shear, where possible;
  - (v) enclosure of all conveyors and conveyor transfer points;
  - (vi) dust suppression through the use of water sprays/misters;
  - (vii) sealing of on-site surfaces and regularly maintaining them to prevent dust re-entrainment from vehicle movements and other equipment use; and
  - (viii) installation of appropriate dust screens at the property boundaries.

### **Emissions Collection System commissioning**

B20. The Applicant shall commission the Emissions Collection System for the hammer mill. The commissioning must:

- a) be undertaken by a suitably qualified and experienced person(s) in consultation with the EPA;

- b) test the performance of the system against the performance parameters set out in the Air Quality Assessment prepared by ERM dated September 2015; and
- c) identify and implement any changes to the system that may be necessary to achieve environmental air quality performance commensurate with that set out in the Air Quality Assessment prepared by ERM dated September 2015.

### Commissioning Report

B21. The Applicant shall submit to the Secretary a Commissioning Report detailing the outcomes of the commissioning of the Emissions Collection System for the hammer mill.

### Construction emissions mitigation

B22. During construction, the Applicant shall ensure that:

- a) all vehicles on site do not exceed a speed of 30 kilometres per hour;
- b) all loaded construction vehicles entering or leaving the site have their loads covered; and
- c) all construction vehicles leaving the site are cleaned of dirt, sand and other materials before they leave the site, to avoid tracking the materials on public roads.

### Stockpile management

B23. The Application shall manage stockpiles of scrap metal and processed material to ensure air emissions are minimised.

## EXPLOSION LIMITS

### Airblast overpressure

B24. The Applicant shall undertake all reasonable and feasible measures necessary to prevent explosions from occurring at the Premises.

B25. The Applicant shall ensure that the airblast overpressure level from any explosions on the premises does not exceed 120dB (Lin Peak) when measured at the boundary of the premises.

## NOISE AND VIBRATION

### Noise criteria

B26. The Applicant shall ensure that noise generated by the construction and/or operation of the Development does not exceed the noise criteria in Table 2.

**Table 2: Noise criteria (dB(A))**

Location	Noise criteria (dB(A))			
	Day	Evening	Morning Shoulder	
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (1 minute)
<b>189 Sunnyholt Road</b>	46	46	46	58

### Noise compliance measurement

B27. Noise generated by the Development is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the latest version of the *NSW Industrial Noise Policy*.

### Vibration criteria

B28. The Applicant shall ensure that vibration resulting from the Development does not exceed the continuous or impulsive vibration criteria in EPA's *Assessing Vibration: A Technical Guideline* (February 2006) at residential receivers.

### Noise Management Plan

B29. Prior to the commencement of construction of the Development, the Applicant shall prepare a Noise Management Plan to the satisfaction of the Secretary. The plan must:

- a) be prepared by a suitably qualified and experienced persons(s) in consultation with the EPA;
- b) describe the measures that would be implemented to ensure:
  - (i) all reasonable and feasible measures are employed to minimise noise impacts;

- (ii) the installation and maintenance of appropriate physical noise barriers;
- (iii) air handling devices are designed and located to minimise noise impacts;
- (iv) truck drivers are aware of suitable truck noise mitigation measures;
- (v) contingency measures are deployed to minimise impacts should an exceedance of the criteria occur or appear likely to occur; and
- (vi) compliance with the relevant conditions of this consent;
- c) include a Noise Monitoring Program to evaluate the performance of the Development; and
- d) include a protocol to determine the occurrence of an exceedance of the criteria in this consent should such an exceedance occur.

B30. The Applicant shall carry out the Development in accordance with the Noise Management Plan approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

### Construction and operation hours

B31. The Applicant shall comply with the construction and operation hours in Table 3 unless otherwise agreed to in writing by the Secretary.

**Table 3: Hours of Construction and Operation**

Activity		Day	Hours
Construction		Monday – Friday	7 am to 6 pm
		Saturday	8 am to 1 pm
		Sunday & Public Holidays	Nil
Operation	Oxy-acetylene torch cutting	Monday – Saturday	9 am to 3 pm
		Sunday & Public Holidays	Nil
	All other activities	Monday – Saturday	6 am to 9 pm
		Sunday & Public Holidays	Nil

B32. Despite condition B31, the delivery of material to the site may occur at any time, if that delivery is required by police or other authorities; and/or if there is an on-site emergency that poses an immediate danger to personnel or equipment; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification shall be provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

### Noise mitigation

B33. The Applicant shall:

- a) implement best management practice, including all reasonable and feasible noise management and mitigation measures to prevent and minimise operational, low frequency and traffic noise generated by the Development;
- b) minimise the noise impacts of the Development during adverse meteorological conditions;
- c) maintain the effectiveness of any noise suppression equipment on plant at all times and ensure defective plant is not used operationally until fully repaired; and
- d) regularly assess noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the noise criteria in this consent.

### TRAFFIC AND ACCESS

B34. The Applicant shall ensure that:

- a) site access, driveways and parking areas are constructed and maintained in accordance with the latest versions of *Australian Standard AS 2890.1* and *AS 2890.2*;
- b) the swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, is in accordance with *AUSTROADS Guide to Road Design*;
- c) the Development does not result in any vehicles parking or queuing on the public road network;
- d) all vehicles are wholly contained on site before being required to stop;
- e) all loading and unloading of heavy vehicles is carried out on-site;

- f) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times; and
- g) all vehicles enter and leave the site in a forward direction.

## HAZARD AND RISK

### Fire management

B35. The Applicant shall:

- a) implement suitable measures to minimise the risk of fire on-site including but not limited to the recommendations in the *Preliminary Hazard Analysis of Sell & Parker Pty Ltd Metal Recycling Facility Expansion* prepared by Arriscar dated 10 March 2014;
- b) ensure the height of any stock pile of shredder floc does not exceed 4 metres;
- c) extinguish any fires on-site promptly; and
- d) maintain adequate fire-fighting capacity on-site.

### Emergency Response

B36. The Applicant shall prepare and implement an emergency response plan for the site. The plan must:

- a) include a risk assessment of likely incidents that could occur on-site (e.g. spills, explosion, fire and flood) based on the activities being undertaken, site risks and consequence to the receiving environment;
- b) include the early warning flood readiness and evacuation plan for the site;
- c) document the systems and procedures to deal with the types of incidents identified including relevant incident notification procedures; and
- d) be accessible on the site at all times.

## VISUAL AMENITY

### Lighting

B37. All external lighting associated with the Development shall be mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadways. The lighting shall be the minimum level of illumination necessary and shall comply with *Australian Standard AS 4282 1997*.

### Signage

B38. The Applicant shall install any new signage in consultation with Council.

*Note: This condition does not apply to signage identified as exempt or complying development in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

### Landscaping

B39. Prior to the commencement of construction of the Development, the Applicant shall prepare a Landscape Management Plan to the satisfaction of the Secretary. The plan shall:

- a) be prepared by a suitably qualified and experienced person(s);
- b) detail the landscaping measures including vegetation that would be implemented to minimise the visual impact of the Development, particularly from adjoining premises and public vantage points;
- c) describe the measures to be implemented to protect and retain the mature trees along the northern boundary of the site; and
- d) include measures for monitoring and maintenance of revegetated areas.

B40. The Applicant shall carry out the Development in accordance with the Landscape Management Plan approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

## HERITAGE

B41. The Applicant shall cease all works on site in the event that any Aboriginal cultural object(s) or human remains are uncovered onsite. The NSW Police, the Aboriginal Community and the

OEH are to be notified. Works shall not resume in the designated area until consent in writing from the NSW Police and/or the OEH has been obtained.

## **SECURITY**

B42. The Applicant shall:

- a) install and maintain a perimeter fence and security gates on the site; and
- b) ensure that the security gates on site are locked whenever the site is unattended.

## **PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**

### **ENVIRONMENTAL MANAGEMENT**

#### **Construction Environmental Management Plan**

- C1. Prior to the commencement of construction of the Development, the Applicant shall prepare a Construction Environmental Management Plan to the satisfaction of the Secretary. The Plan must:
- a) be prepared by a suitably qualified and experienced person(s);
  - b) describe all activities to be undertaken on the site during construction, including a clear indication of construction stages;
  - c) identify the statutory approvals that apply to the Development;
  - d) outline all environmental management practices and procedures to be followed during construction (e.g. construction traffic management and construction noise and vibration management), including all reasonable and feasible mitigation measures to protect the amenity of the surrounding environment;
  - e) detail how the environmental performance of construction will be monitored, and what actions will be taken to address identified adverse environmental impacts;
  - f) describe of the roles and responsibilities for all relevant employees involved in construction;
  - g) include arrangements for community consultation and complaints handling procedures during construction; and
  - h) consolidate the construction related parts of any management plans and monitoring programs required in the conditions of this consent;
- C2. The Applicant shall carry out the development in accordance with the Construction Environmental Management Plan approved by the Secretary (as revised approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

#### **Operational Environmental Management Strategy**

- C3. Within 6 months of the date of this consent, the Applicant shall prepare an Operational Environmental Management Strategy to the satisfaction of the Secretary. This strategy must:
- a) be prepared by a suitably qualified and experienced person(s);
  - b) provide a strategic framework for environmental management of the Development;
  - c) identify the statutory approvals that apply to the Development;
  - d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Development;
  - e) describe in general how the environmental performance of the Development would be monitored and managed; and
  - f) describe the procedures that would be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the Development;
    - (ii) receive, handle, respond to, and record complaints;
    - (iii) resolve any disputes that may arise;
    - (iv) respond to any non-compliance; and
    - (v) respond to emergencies.
- C4. The Applicant shall carry out the Development in accordance with the Operational Environmental Management Strategy approved by the Secretary (as revised approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

#### **Management plan requirements**

- C5. The Applicant shall ensure that the environmental management plans/strategies required under this consent are prepared in accordance with any relevant guidelines and include:
- a) detailed baseline data;
  - b) a description of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures/criteria;

- (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;
    - (iv) the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;
  - c) a program to monitor and report on the:
    - (i) impacts and environmental performance of the Development;
    - (ii) effectiveness of any management measures;
    - (iii) a contingency plan to manage any unpredicted impacts and their consequences;
    - (iv) a program to investigate and implement ways to improve the environmental performance of the Development over time;
  - d) a protocol for managing and reporting any:
    - (i) incidents;
    - (ii) complaints;
    - (iii) non-compliances with statutory requirements; and
    - (iv) exceedances of the impact assessment criteria and/or performance criteria; and
    - (v) a protocol for periodic review of the plan.
- C6. The Secretary may waive some of the requirements in Condition C5 if they are unnecessary or unwarranted for particular management plans/strategies.

## **REPORTING**

### **Incident reporting**

- C7. The Applicant shall notify, at the earliest opportunity, the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the Development, the Applicant shall notify the Secretary and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

### **Regular reporting**

- C8. The Applicant shall provide regular reporting on the environmental performance of the Development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

## **INDEPENDENT ENVIRONMENTAL AUDIT**

- C9. Within 1 year of the date of this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the Development. This audit must:
- a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
  - b) led by a suitably qualified auditor, and include experts in fields specified by the Secretary;
  - c) include consultation with the relevant agencies;
  - d) assess the environmental performance of the Development and assess whether it is complying with the requirements in this consent, and any other relevant approvals and relevant EPL/s (including any assessment, plan or program required under the approvals);
  - e) review the adequacy of any approved strategy, plan or program required under the abovementioned consents; and
  - f) recommend measures or actions to improve the environmental performance of the Development, and/or any strategy, plan or program required under the consents.
- C10. Within three months of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

### **Annual review**

C11. Within 1 year of the date of this consent, and every year thereafter, the Applicant shall review the environmental performance of the Development. 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 the results against the:
  - (i) the relevant statutory requirements, limits or performance measures/criteria;
  - (ii) requirements of any plan or program required under this consent;
  - (iii) the monitoring results of previous years; and
  - (iv) the relevant predictions in the EIS;
- c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
- d) identify any trends in the monitoring data over the life of the Development;
- e) identify any discrepancies between the predicted and actual impacts of the Development, and analyse the potential cause of any significant discrepancies; and
- f) describe what measures will be implemented over the next year to improve the environmental performance of the Development.

### **Revision of strategies, plans and programs**

C12. Within 3 months of the submission of an:

- a) annual review under Condition C11 above;
- b) incident report under Condition C7 above;
- c) audit under Condition C9 above; or
- d) any modification to this consent,

the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent.

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

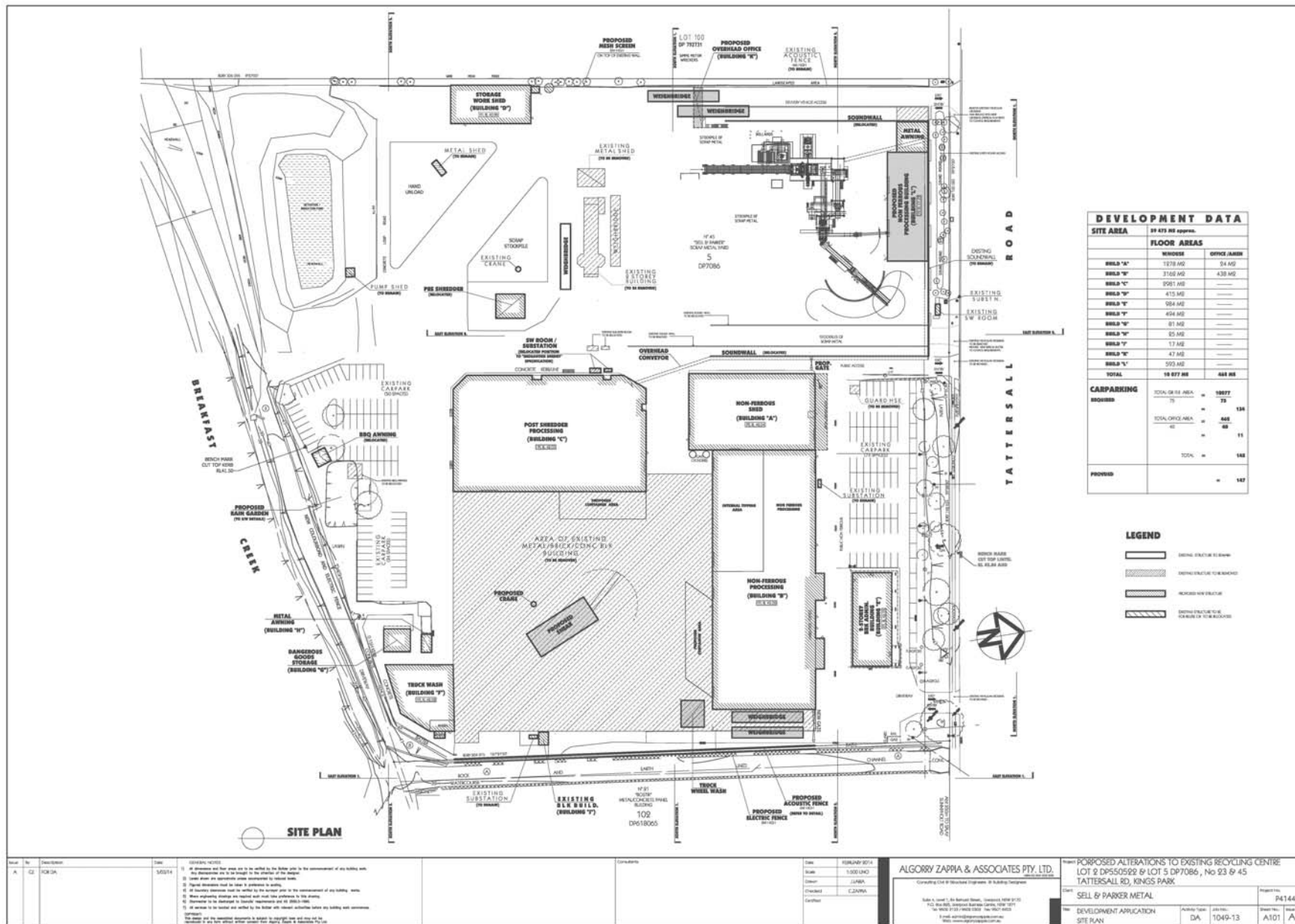
C13. The Applicant shall ensure that the operation of the Development is undertaken in accordance with all relevant updated and/or amended strategies, management plans and programs approved by the Secretary (or as revised and approved by the Secretary), unless otherwise agreed by the Secretary.

### **ACCESS TO INFORMATION**

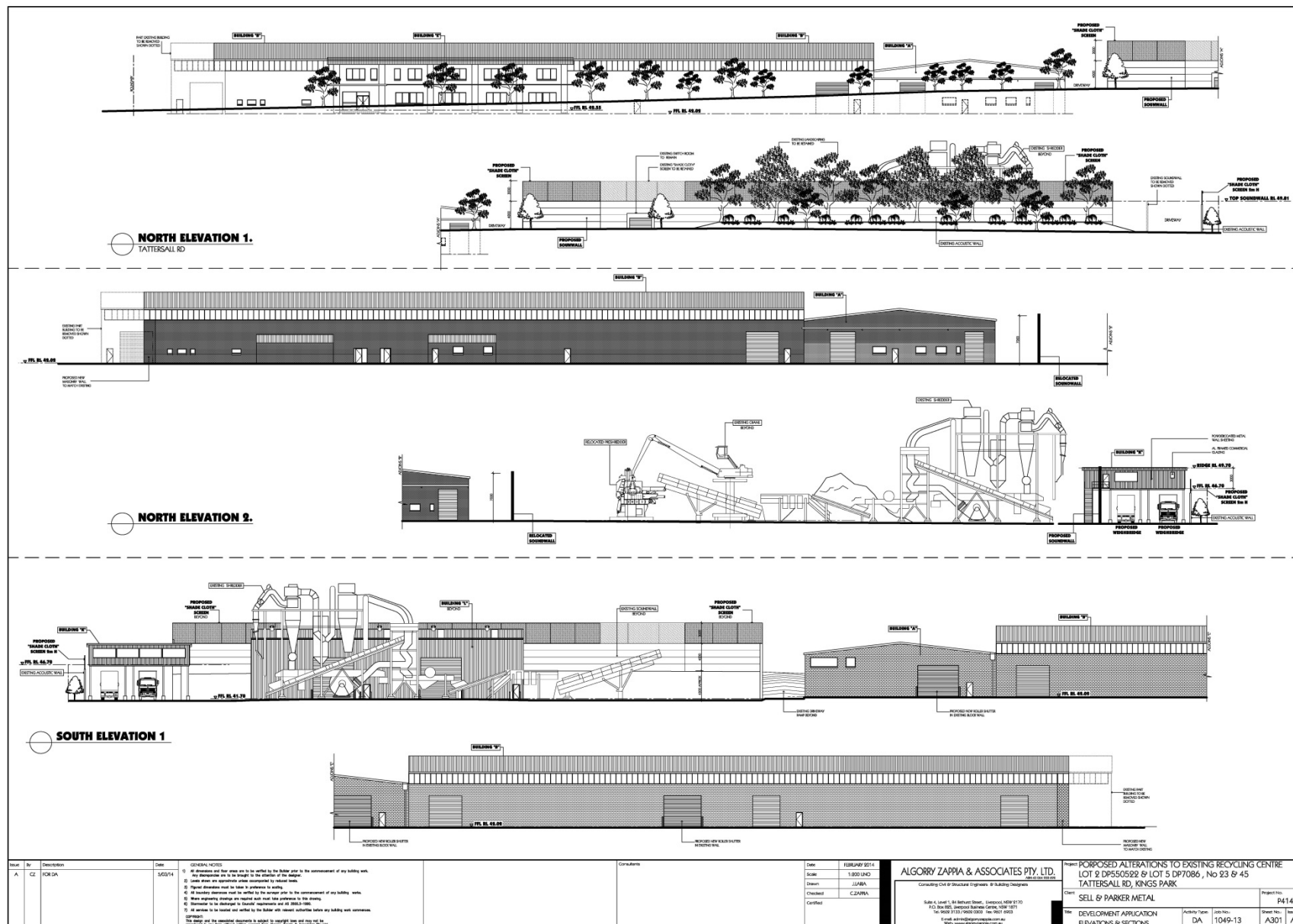
C14. The Applicant shall:

- a) make copies of the following publicly available on its website:
  - (i) the documents referred to in Condition A2;
  - (ii) all current statutory approvals for the Development;
  - (iii) all approved strategies, plans and programs required under the conditions of this consent;
  - (iv) a comprehensive summary of the monitoring results of the Development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
  - (v) a complaints register, updated on a monthly basis;
  - (vi) the annual reviews of the Development;
  - (vii) any independent environmental audit of the Development, and the Applicant's response to the recommendations in any audit; and
  - (viii) any other matter required by the Secretary; and
- b) keep this information up to date.

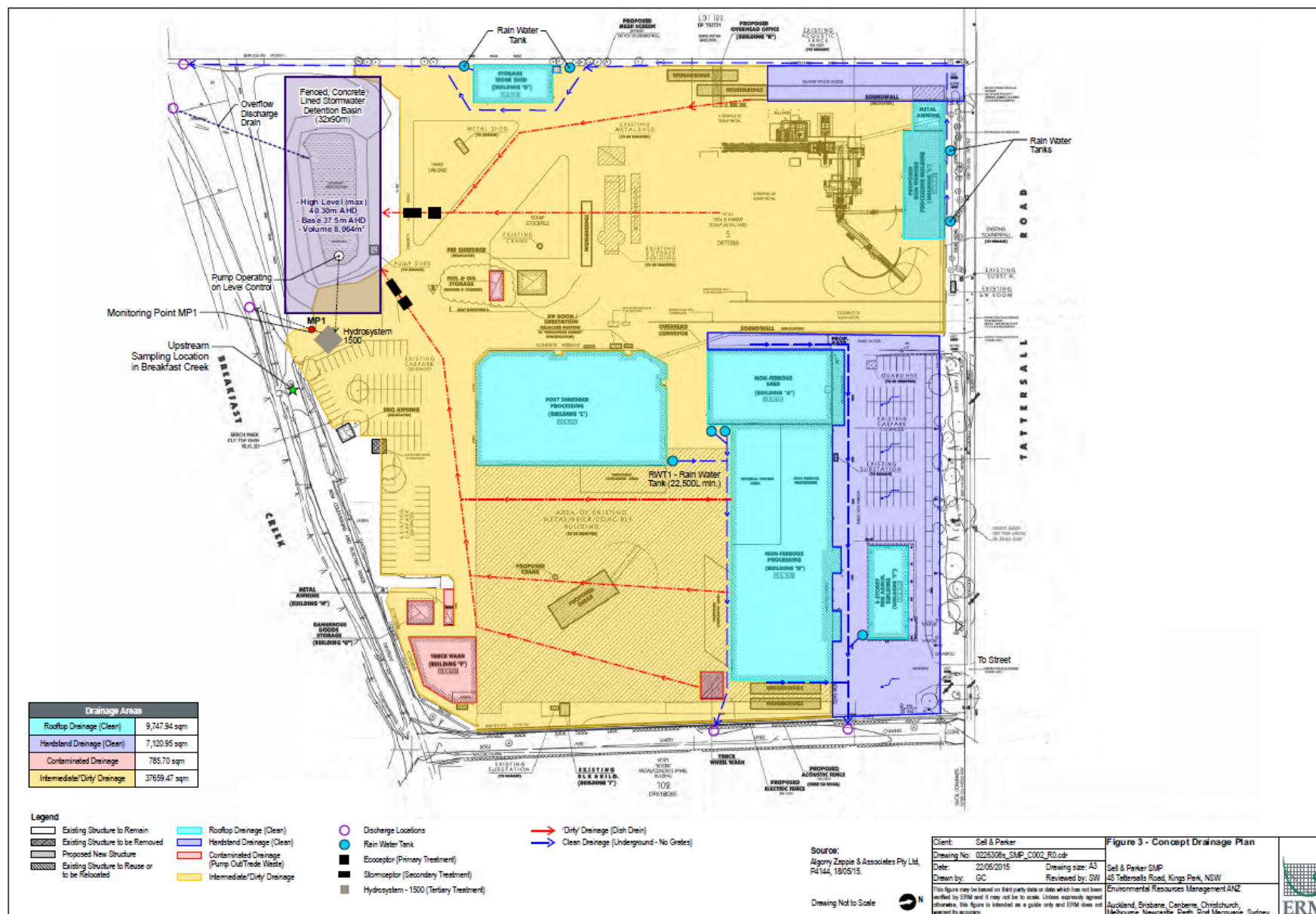
## APPENDIX A – SITE AND LAYOUT PLANS











## **APPENDIX B – MANAGEMENT AND MITIGATION MEASURES**

**Table B.1**      *Summary of Mitigation Measures*

Issue	Potential Impact	Mitigation/ Management Measure
Ecology	The overall potential ecological impacts are considered low given the highly disturbed nature of the site. Only landscape trees separating the two current separate sites require removal. Potential impacts to threatened species are considered highly unlikely.	The following recommendations aim to minimise ecological impacts of the proposed works: <ul style="list-style-type: none"> <li>• sediment control barriers will be installed at the site during construction and while earthworks are undertaken to reduce the likelihood of silted runoff into adjacent Breakfast Creek in the event of high rainfall;</li> <li>• all vehicles are to keep to the existing and proposed access roads on-site at all times; and</li> <li>• all work should be undertaken to prevent the spread of pests and noxious weeds in accordance with the Noxious Weeds Act 1993 and the Noxious and environmental weed control handbook - A guide to weed control in non-crop, aquatic and bushland situations (NSW Government, 2011).</li> </ul>
Heritage (Indigenous)	Potential impacts to previously unknown indigenous artefacts or relics during ground disturbance activities.	In accordance with the <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> (DECCW NSW, 2010) a conservative approach will be adopted at the site. The following mitigation measures will be implemented: <ul style="list-style-type: none"> <li>• all staff, contractors and others involved in the construction works would be made aware of the statutory legislation protecting sites and places of heritage significance; and</li> <li>• all works would cease in the immediate area should any indigenous artefacts or relics be uncovered and the Cultural Heritage Division of the NSW National Parks and Wildlife Service (OEH) contacted.</li> </ul>
Heritage (Historical)	Potential impacts to previously unknown items of historical significance during ground disturbance.	The following mitigation measures are recommended to ensure that if any historical heritage artefacts are encountered appropriate measures are implemented: <ul style="list-style-type: none"> <li>• all staff, contractors and others involved in the works would be made aware of the statutory legislation protecting sites and places of heritage significance prior to works commencing; and</li> <li>• in the event that a site or artefact (as defined by the National Parks and Wildlife Act 1974 or Heritage Act 1977) is identified during construction works, works shall cease at the location. The find shall be immediately reported to the regulator in accordance with legislation. No work shall commence in the vicinity of the find until any required approvals have been given by the regulator.</li> </ul>
Acoustics	Noise and vibration impacts to nearby commercial premises during construction and operation.	The following acoustic screen fencing is proposed to mitigate noise emissions from site operations to neighbouring existing and proposed new industrial premises: <ul style="list-style-type: none"> <li>• retain the existing acoustic screen fencing at a height of 4m, which is currently erected around the existing site northern and western boundary and along existing driveways as shown on the site drawings; and</li> <li>• proposed new metal/colorbond and electric fence along the new eastern boundary shall be an acoustic screen fencing of 4m height</li> </ul> <p>In addition to the above, the noise screen will be designed with regard to the following:</p> <ul style="list-style-type: none"> <li>• the extent of noise reduction required of the noise screen as a whole as perceived from any potentially</li> </ul>

Issue	Potential Impact	Mitigation/ Management Measure
Air Quality	Potential localised air quality impacts associated with increased concentrations of TSP at nearby commercial and residential locations.	<p>affected receiver sites;</p> <ul style="list-style-type: none"> <li>any penetrations through the fabric of the noise screen will be sealed air tight;</li> <li>all joints between noise screen panels will be sealed air tight; and</li> <li>noise screens will have no clearance gaps underneath them.</li> </ul> <p>The following mitigation measures will be implemented to manage potential localised air quality impacts during construction and operation:</p> <ul style="list-style-type: none"> <li>vehicles and equipment shall be maintained in accordance with the manufacturer's specifications;</li> <li>additional site fencing located on the eastern boundary of the site, should include appropriate dust screen to minimise airborne dust movements; and</li> <li>all surplus soils from excavations during construction, not reused on-site, shall be removed from site by covered trucks and disposed of at an appropriately licensed facility.</li> </ul>
Greenhouse Gas	<p>Release of GHG emissions into the atmosphere.</p> <p>Based on the GHG assessment undertaken indicate that GHG emissions associated with the upgrade would represent an increase of 0.006% on Australia's national GHG emissions in 2010/11 of 563.1 Mt CO2-e, which is considered negligible.</p>	<p>Efficiency measures which will be implemented to manage GHG emissions during construction and operation include:</p> <ul style="list-style-type: none"> <li>the site will be sealed, which will reduce the emission of GHGs from the mobile materials handling equipment due to a more consistent driving surface and the ability to select more direct routes across the site;</li> <li>the new site design no longer requires trucks to enter the site twice but allows for one main entrance and exit point, reducing the kilometres travelled by trucks;</li> <li>the increased throughput allows for efficiencies due to the economy of scale;</li> <li>additional equipment purchased for the upgrade will conform to the standards of the latest technology including installation of conveyors to move material after processing rather than by FEL or truck;</li> <li>post-upgrade the site has an additional capacity to recover ferrous and non-ferrous materials from the recycling processes, decreasing the need for end users to source raw materials from the extraction industries; and</li> <li>where possible, the site will strive to continually improve the energy efficiency of its process and operations by implementing electricity and cost saving measures.</li> </ul>

Issue	Potential Impact	Mitigation/ Management Measure
Soil and Water	<p>Potential impacts include:</p> <ul style="list-style-type: none"> <li>• accidental release/spillage of contaminants and wastewater generated on-site;</li> <li>• earthworks resulting in potential erosional impacts; and</li> <li>• impacts to water balance as a result of the expansion</li> </ul>	<p>To manage and control stormwater, the following mitigation measures are proposed:</p> <ul style="list-style-type: none"> <li>• installation of two oil/water separators for the new drainage system within the existing and expanded site area;</li> <li>• regular cleaning of the oil/water separators should be carried out to maintain performance;</li> <li>• the existing network of underground stormwater pipes, inlets and oil water separators will be cleaned and, if damaged, replaced during the site refurbishment activities;</li> <li>• a bioretention filter will be installed to receive runoff from overland flows and the underground pipe network on the expanded site area; and</li> <li>• the existing stormwater pond on the existing site will be dredged and excavated to remove any contaminated sediments and lined with clay. Verification sampling will be required as will waste classification sampling to allow for the appropriate disposal of any dredged material.</li> </ul> <p>The general principles to be applied to erosion control for the disturbed site include:</p> <ul style="list-style-type: none"> <li>• plan for erosion and sediment control and assess site constraints during the design phase and before any earthworks begin;</li> <li>• minimise the area of soil disturbed and exposed to erosion;</li> <li>• control water flows from the top of and through the project area – divert up-slope ‘clean’ water away from disturbed areas and ensure concentrated flows are below erosive levels;</li> <li>• rehabilitate disturbed lands quickly; and</li> <li>• maintain erosion and control measures for the duration of the project and until the site is successfully rehabilitated.</li> </ul> <p>Key sediment controls include:</p> <ul style="list-style-type: none"> <li>• protecting stormwater inlets;</li> <li>• constructing a wheel wash;</li> <li>• creating stabilised site access points;</li> <li>• managing stockpiles; and</li> <li>• utilising sediment traps such as sediment fence during construction.</li> </ul> <p>Pollution control methods will include:</p> <ul style="list-style-type: none"> <li>• storage of chemicals within impervious bund of more than 110% of the largest container within the bund;</li> <li>• Material Safety Data Sheets (MSDS) for all chemicals stored on-site and made available to site personnel;</li> <li>• refuelling to occur away from drainage points, with drip trays used and spill kits available; and</li> <li>• trade waste receptacles will be provided for the storage and disposal of all wastes generated on-site.</li> </ul>

Issue	Potential Impact	Mitigation/ Management Measure
Contaminated Land	Potential risks to human health and the environment resulting from exposure to historical contamination during ground intrusive works.	<p>To minimise the use of potable water associated with the expansion of the site, the following measures should be implemented:</p> <ul style="list-style-type: none"> <li>on-going use of collected runoff in the stormwater basin for operation requirements is recommended, as long as the water is of a quality such that impacts to site infrastructure, the surrounding environment and the health and safety of employees is avoided;</li> <li>rainwater tanks may also be installed to utilise the runoff from roof spaces and would likely be best suited to providing water for personal use such as toilet flushing, reducing the requirement for mains supplied potable water.;</li> <li>landscaped areas along the south boundary will include a range of locally endemic species to enhance the portion of the riparian corridor inside the operational boundary of the redeveloped site.</li> </ul> <p>The following management measures will be employed to manage potential exposure to contaminants during construction and operation:</p> <ul style="list-style-type: none"> <li>a contingency for the appropriate management of potential unexpected contamination finds should be incorporated in the Construction Environmental Management Plan (CEMP) for the planned redevelopment of both properties;</li> <li>if localised contaminated soils are encountered during construction works, they shall be segregated and assessed for waste classification and appropriately disposed of or re-used onsite, subject to the results of testing;</li> <li>if significant contamination is encountered during construction works, further investigation in the form of a Phase 1/2 Environmental Site Investigation (ESA) may be required;</li> <li>any imported fill must be certified at source location (e.g. quarry or property owner) as Excavated Natural Material (ENM) or Virgin Excavated Natural Material (VENM) in accordance with the Protection of the Environment Operations Act 1997 (POEO Act) and the Protection of the Environment (Waste) Regulation 2005 (POEO Waste Regulation);</li> <li>all pollution incidents that threaten or harm the environment shall be reported immediately to relevant authorities in accordance with the Protection of the Environment Operations Act 1997 (POEO Act); and</li> <li>a Hazardous Materials Register and respective Safety Data Sheets (SDSs) shall be kept on site at all times and regularly maintained.</li> </ul> <p>In relation to the management of oil, lubricants and other material during operations hammermill operations, the following management measures will be applied:</p> <ul style="list-style-type: none"> <li>vehicles are to be adequately drained prior to coming on the site, if possible, to minimise the requirement for on-site processing. <u>If fluids are present processing must occur prior to recycling the</u></li> </ul>

Issue	Potential Impact	Mitigation/ Management Measure
		<p>vehicle;</p> <ul style="list-style-type: none"> <li>immediately after receiving a car on-site it should be confirmed that the fluid containing components have been drained/removed and that no leaks are present. If fluid containing components remain or leaks identified place drip trays and seal leaking pipes;</li> <li>vehicle processing area is to be bunded to provide additional protection in the event of spills or overflows;</li> <li>clean up spills within in the bunded area (and across the site more broadly) immediately to prevent interaction with water;</li> <li>ensure all fluids drained from vehicles are stored in appropriate, labelled containers to avoid the potential for cross contamination;</li> <li>always use funnels when transferring fluids to limit the potential for spillage;</li> <li>flock management – if vehicles (and other scrap metals) still contain hydrocarbons or other contaminants there is potential for contamination of the flock. Ensure that it is stored on hardstand, roofed location, with bunding to prevent entry of rainwater and upslope runoff;</li> <li>remove batteries and battery cable ends (that are often also constructed from lead);</li> <li>fuel filters to be removed and stored in a leak proof container;</li> <li>separate other fluids such as brake fluids, coolants, air conditioning fluid, window washing fluid, prior to recycling the vehicle; and</li> <li>spill kits to be stored and maintained in the car handling location.</li> </ul>
Hazards and Risks	Potential off-site impacts include fatality, human injury or damage to property caused from activities undertaken at the site.	<ul style="list-style-type: none"> <li>at least one hose reel and one fire extinguisher be provided for the oxygen and LPG cylinder storage (AS 4332-2004, Table 7.2). This is based upon the 3,000 L of oxygen in the store.</li> <li>provide one powder type extinguisher and one foam extinguisher for all bulk class 3 dangerous goods on site. This includes the storage of fuel and oil removed from vehicles prior to shredding. This recommendation assumes the recovered liquids are stored in intermediate bulk containers.</li> <li>maintain the height of the floc stockpile to less than 4 m, or the total volume to less than 1000 m<sup>3</sup>. This ensures the warehouse in which the floc is stored will not be a high hazard occupancy.</li> <li>continue with the practice of providing water cannons to provide reach to feed and processed stockpiles in the event of a fire in any stockpile.</li> </ul>
Fire and Incident	Floc material has been identified as a potential source of fire. Any uncontrolled leaks or spills have the	The recommendations made in regards to fire protection requirements as detailed above will be implemented To ensure incidents such as accidental spills and / or leakages from machinery are contained and managed appropriately, the following measures will be implemented.

Issue	Potential Impact	Mitigation/ Management Measure
	potential to contaminate soils within unsealed sections of the site, or be entrained in stormwater flow to the detention basin at the rear of the site. Overflow of potentially contaminated water from the detention basin, has the potential to detrimentally impact on Breakfast Creek.	<ul style="list-style-type: none"> <li>the site will be kerbed to retain spillages or stormwater run-off, which outflow via a detention basin. The detention basin has a capacity of 1440 m<sup>3</sup>. This basin will be required to be managed in accordance with the measures identified in Section 6.6).</li> <li>spill kits will be available on-site and be deployed to manage and contain minor spills;</li> <li>all pollution incidents that threaten or harm the environment shall be reported immediately to relevant authorities in accordance with POEO Act.</li> <li>It is recommended that a Fire and Incident Response Management Plan, including but not limited to the mitigation measures above, be developed for the expanded site. Sell and Parker have an existing Emergency Response Plan, this may be updated to include the aforementioned information.</li> </ul>
Traffic and Transport	Compared against the existing traffic volumes in the vicinity of the site, the additional traffic generated by the proposed development is considered negligible and is not be expected to compromise the safety or function of the surrounding road network.	<ul style="list-style-type: none"> <li>a site-specific construction traffic management plan (CTMP) will be prepared prior to works commencing on-site. This is to outline construction traffic volumes, truck routes, access arrangements and construction worker parking arrangements.</li> </ul>
Social and Economic Resources	The proposed development presents an overall positive impact to the local community in terms of employment opportunities and indirect contributions to the local community.	<p>The following measures should be implemented to ensure positive socio-economic impacts of the proposed developed are maximised:</p> <ul style="list-style-type: none"> <li>seek to utilise local available labour force when recruiting for additional employees, including where possible those that have been affected by job losses at the Dexion site;</li> <li>where possible, investigate opportunities for offering apprenticeships for new work force and offer additional training to current workforce;</li> <li>communicate to local business and community the expected start date of construction; and</li> <li>any complaints received relating to site operations are to be recorded and attended to promptly.</li> </ul>
Visual Amenity	The proposed development will not result in significant visual impacts in the vicinity of the site or neighbouring areas	<p>Whilst visual amenity impacts associated with the proposed development are considered negligible the following management measure will be implemented:</p> <ul style="list-style-type: none"> <li>native trees, shrubs and grass species will be planted along site boundaries, particularly the frontage with Tattersall Road, which will complement and enhance existing landscaped vegetation in accordance with the Landscape Concept Plan provided in Annex M.</li> </ul>
Waste Management	<p>Potential impacts include:</p> <ul style="list-style-type: none"> <li>excessive waste being directed to</li> </ul>	<ul style="list-style-type: none"> <li>all waste transported to and removed from the site should be done so in accordance with road and transportation legislation;</li> </ul>

Issue	Potential Impact	Mitigation/ Management Measure
	<ul style="list-style-type: none"> <li>landfill;</li> <li>various types of waste being generated and stored onsite, with the potential for misclassification;</li> <li>contaminated waste not being correctly stored or disposed;</li> <li>off-site impacts to soil and/or water and/or groundwater.</li> </ul>	<ul style="list-style-type: none"> <li>in all cases, appropriately licenced transport contractors are to be engaged to transport waste material to and from the site. The contractors appointed to transport waste are to ensure they: <ul style="list-style-type: none"> <li>are licenced to transport the type of waste they receive;</li> <li>transport the waste to a licenced facility capable of receiving the type of waste and quantity they are carrying;</li> <li>waste is adequately covered during transport; and</li> <li>the contractor transporting the waste is to ensure that completed waste data forms are provided to the waste facility upon arrival</li> </ul> </li> <li>the designated site manager or an appointed responsible delegate should prepare monthly reports clearly documenting the waste that has been received and generated. These should be prepared using waste receipts that have been retained and should include: <ul style="list-style-type: none"> <li>waste classification data to assess compliance with the DECCW (2009) <i>Waste Classification Guidelines</i>;</li> <li>a review of licences held by the facilities where waste has been disposed to assess/ ensure their ability to accept the waste in accordance with relevant legislation; and</li> <li>include any incident reports relating to waste (i.e. spills) which have occurred over that month. Any corrective actions undertaken should also be included.</li> </ul> </li> <li>all waste materials which meet the specification to be reused/ recycled will be processed on-site or be taken to an approved facility, capable of accepting those materials.</li> <li>all other waste is to be disposed in accordance with the classification of the waste material at an approved licenced facility.</li> </ul>