

Development Consent

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

As delegate of the Minister for Planning under delegation executed on 14 September 2011, we, the Planning Assessment Commission of NSW (the Commission), approves 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.

Member of the Commission

Member of the Commission

Sydney

7 March 2016

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

Application No.:	SSD 5300
Applicant:	Bicorp Pty Ltd
Consent Authority:	Minister for Planning
Land:	Lot 10 DP 878167, 50 Wyllie Road, Kembla Grange
Development:	Increasing the capacity of the existing construction and demolition waste and commercial and industrial waste resource recovery facility

CONSOLIDATED CONSENT

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-5300-MOD-1	8 June 2017	Department	<ul style="list-style-type: none"> relocation of the second weighbridge to the west by 4 m and to the south by 9 m to accommodate the larger weighbridge office and to align with the existing weighbridge installation of a larger demountable weighbridge office with an area of 36 m² minor widening of the access carriageway to the inbound and outbound weighbridge resulting in an increased area of 321 m² redirection of rainwater from weighbridge office to an on-site 500 L rainwater harvesting tank connection of overflow rainwater to the existing stormwater management system on the site
SSD-5300-MOD-2	15 May 2020	Department	<ul style="list-style-type: none"> regularising constructed elements including rainwater and firewater storage tanks, a pump room and a fixed picking station installation of new indoor processing plant and fire safety measures
SSD-5300-MOD-3	24 December 2021	Department	<ul style="list-style-type: none"> Extension of operation hours for the loading and transport of sorted material off site Expansion of waste types processed at the site to include rubber, thermosets and composites upgrades to lighting infrastructure

CONSOLIDATED CONSENT

TABLE OF CONTENTS

SCHEDULE 2	1
PART A ADMINISTRATIVE CONDITIONS	1
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT	1
TERMS OF CONSENT	1
STATUTORY REQUIREMENTS	1
BUILDING CODE OF AUSTRALIA	1
LIMITS OF CONSENT	1
STAGED SUBMISSION OF PLANS OR PROGRAMS	2
SURRENDER OF CONSENT	3
METEOROLOGICAL MONITORING	3
OPERATION OF PLANT AND EQUIPMENT	3
DEMOLITION	3
PROTECTION OF PUBLIC INFRASTRUCTURE	3
DISPUTE RESOLUTION	3
DEVELOPER CONTRIBUTIONS	4
PART B ENVIRONMENTAL PERFORMANCE CONDITIONS	5
WASTE MANAGEMENT	5
SOIL AND WATER	5
AIR QUALITY	6
NOISE AND VIBRATION	8
TRAFFIC AND ACCESS	10
HAZARD AND RISK	11
LANDSCAPING AND RIPARIAN ZONES	12
VISUAL AMENITY	13
HERITAGE	13
SECURITY	13
PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING	15
ENVIRONMENTAL MANAGEMENT	15
REPORTING	16
INDEPENDENT ENVIRONMENTAL AUDIT	16
ACCESS TO INFORMATION	18
APPENDIX A – SITE PLANS AND DRAWINGS	19
APPENDIX B – MANAGEMENT AND MITIGATION MEASURES	34

CONSOLIDATED CONSENT

DEFINITIONS

Act	<i>Environmental Planning and Assessment Act 1979</i>
Applicant	Bicorp Pty Ltd, or any other person or persons who rely on this consent to carry out the Development that is subject to this consent Kembla Grange Recycling Pty Ltd or any other person or persons who rely on this consent to carry out the Development that is subject to this consent
Construction	The demolition of buildings or works, carrying out of works, including erection of buildings and other infrastructure covered by this consent
Council	Wollongong City Council
Day	The period from 7 a.m. to 6 p.m. on Mondays to Saturdays, and 8 a.m. to 6 p.m. on Sundays and public holidays
Department	Department of Planning and Environment Department of Planning, Industry and Environment
Development	The development that is approved by the development consent and as generally described in Schedule 1
DPI	Department of Primary Industries
EES	NSW Environment, Energy and Science division of the Department of Planning, Industry and Environment
EIS	Environmental Impact Statement titled, "Kembla Grange Resource Recovery Facility Environmental Impact Statement", dated 17 September 2014, and prepared by TCG Planning
ENM	Excavated Natural Material
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i>
Feasible	Feasible relates to engineering considerations and what is practical to build
FRNSW	Fire and Rescue NSW
Heavy vehicle	Any vehicle with a gross vehicle mass of 5 tonnes or more
Incident	A set of circumstances that: <ul style="list-style-type: none">• causes or threatens to cause material harm to the environment; and/or• breaches or exceeds the limits or performance measures/criteria in this consent
Minister	Minister for Planning and Public Spaces
Mitigation	Activities associated with reducing the impacts of the development

CONSOLIDATED CONSENT

prior to or during those impacts occurring

MOD 1	Section 96 Modification to Development Consent – SSD 5300 Kembla Grange Resource Recovery Facility Upgrade prepared by Jackson Environmental Planning Pty Ltd dated 2017 and supporting documentation.
MOD 2	The modification as described in the Statement of Environmental Effects titled, Section S4.55(1a) Development Modification – SSD 5300 Kembla Grange Resource Recovery Facility Statement of Environmental Effects, prepared by Jackson Environment and Planning and dated 22 February 2020 and the letter titled Response to Agency Comments on SSD 5300 Mod 2 – Kembla Grange Resource Recovery Facility, prepared by Jackson Environment and Planning and dated 21 February 2020
MOD 3	The modification as described in the Statement of Environmental Effects titled Section 4.55(2) Development Modification – SSD 5300 Kembla Grange Resource Recovery Facility - Response to Submissions by Jackson Environment and Planning Version 2 dated 6 November 2021 and supporting documentation.
Morning Shoulder	The period from 6 a.m. to 7 a.m. on Mondays to Saturdays
NRAR	Natural Resource Access Regulator
OEHL	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
Reporting Period	March 15 to March 14
Response to Submissions	Response to Submissions titled, “Kembla Grange Resource Recovery Facility Response to Submissions Report”, dated 29 August 2015, including as amended by the following Addenda: letter from TCG Planning, dated 9 October 2015 and accompanying Vegetation Management Plan, Version 7, dated October 2015, prepared by Southern Habitat; Schedule of Gross Floor Area of Approved and Proposed Buildings”, dated 23 October 2015; letter from TCG Planning, dated 13 November 2015; “Stage Plan”, Drawing No. C39, Revision A, prepared by K.F. Williams and Associates Pty Ltd, dated 17 November 2015, prepared by TCG Planning; and letter from TCG Planning, dated 20 November 2015
Secretary	Secretary of the Department, or nominee
Site	The land referred to at Schedule 1
Stage 1	As shown on the Stage Plan, Drawing No. KF110816 Revision A, dated 17 November 2015, prepared by KF Williams and Associates Pty Ltd
VENM	Virgin Excavated Natural Material

CONSOLIDATED CONSENT

Waste

As defined in the POEO Act

FOR INFORMATION ONLY

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. The Applicant **must** 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 **must** carry out the Development in accordance with the:
- a) EIS;
 - b) Response to Submissions;
 - c) site layout plans and drawings (see Appendix A);
 - d) Management and Mitigation Measures (see Appendix B);
 - e) The S96(1A) Modification Application to SSD 5300 MOD 1, prepared by Jackson Environment and Planning, dated 2017;
 - f) The Modification Application SSD 5300 MOD 2 and supporting documentation, and,
 - g) The s4.55(2) Modification Application SSD 5300 MOD 3 and supporting documentation.
- A3. If there is any inconsistency between the documents referred to above, the most recent document **must** prevail to the extent of the inconsistency. However, the conditions of this consent **must** prevail to the extent of any inconsistency.
- A4. The Applicant **must** 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 **must** ensure that all licences, permits, and approvals/consents are obtained as required by law and maintained as required through 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.

LIMITS OF CONSENT

Waste limits

- A6. The Applicant **must not** receive or process on the site more than 230,000 tonnes per year of waste, subject to Condition A8.

Note: The Reporting year is March 15 to March 14 to align with the EPL reporting period.

- A7. Despite Condition A7, the Applicant **must not** receive or process on the site more than 30,000 tonnes per calendar year of waste until:

- a) a Final Occupation Certificate has been issued for Stage 1 of the Development; and
 - b) the Secretary has approved the Operational Environmental Management Strategy for the Development (see Condition C3).
- A8. The Applicant **must** store no more than 45,000 tonnes of waste on the site at any one time, including:
- a) no more than 2,500 m³ of organic waste on the site at any one time; and
 - b) no more than 500 m³ of the above limit on organic waste is to comprise compost product.

STRUCTURAL ADEQUACY

- A9. All new buildings and structures, and any alterations to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.
- Note
- a) Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
 - b) Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.
- A9A. Within 60 days from date of approval of MOD 2, the Applicant must provide the Planning Secretary with copies of all necessary building information certificates from Council for all structures and items listed in Table A, in accordance with Section 6.26 of the EP&A Act.

Table A: Alterations and Additions to Structures

Structure	Location
Picking Station, screens and crushers connected to partially enclosed storage bays and associated processing equipment	South eastern corner of the site as shown in Appendix A, Site Plan 1
Firewater storage tanks and pump room	Western side of the site as shown in Appendix A, Site Plan 1
Rainwater storage tanks	Northern side of the site located behind existing shed as shown in Appendix A, Site Plan 1

Note: If a structure or item in Table A is considered to be exempt development under the State Environmental Planning Policy (Exempt and Complying Codes) 2008 and Council agrees then a building information certificate may not be required.

STAGED SUBMISSION OF PLANS OR PROGRAMS

- A10. 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.
- A11. Until they are replaced by an equivalent strategy, plan or program approved under this consent, the Applicant **must** 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.

SURRENDER OF CONSENT

- A12. 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 **must** and in the manner prescribed by clause 97 of the EP&A Regulation, surrender the development consent issued by Wollongong City Council described in Table 1 within 14 days of the issue of a Construction Certificate for the Development.

Table 1 – Consent to be surrendered

Development Application No. DA-2009/1153, as modified	
Land description	Lot 10 DP 878167, 50 Wyllie Road, Kembla Grange NSW 2526
Development Description	Building material storage and recycling facility
Date	29 April 2010

METEOROLOGICAL MONITORING

- A13. Within 14 days of the issue of a Construction Certificate for the Development, the Applicant **must** ensure that there is 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 **must** operate the meteorological station for the life of the Development.

OPERATION OF PLANT AND EQUIPMENT

- A14. The Applicant **must** 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.

DEMOLITION

- A15. The Applicant **must** ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601:2001: The Demolition of Structures*, or its latest version.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A16. The Applicant **must**:
- 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

- A17. 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 **must** be final and binding on the parties.

DEVELOPER CONTRIBUTIONS

- A18. Prior to the issue of a Construction Certificate for the Development, the Applicant **must** pay Council \$163,255.35 in accordance with the West Dapto Section 94 Development Contributions Plan. The contribution amount **must** be calculated at the time of payment.

Note: This contribution is subject to indexation to reflect quarterly variations in the Consumer Price Index All Group Index Number for Sydney, as published by the Australian Bureau of Statistics.

PART B ENVIRONMENTAL PERFORMANCE CONDITIONS

WASTE MANAGEMENT

- B1. The Applicant **must** 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.
- B2. The Applicant **must** implement a Waste Monitoring Program for the Development within 14 days of the issue of a Construction Certificate for the Development. The program must:
- a) be prepared by a suitably qualified and experienced person(s);
 - b) include suitable provision to monitor and record 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

Pollution of Waters

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

Sewage Management

- B4. The Applicant **must** obtain approval for the operation of an On-site Sewage Management System in accordance with section 68 of the *Local Government Act 1993*.

Water Management Plan

- B5. Prior to the commencement of operation of the outdoor picking station and prior to the operation of the indoor processing plant as described in MOD 2, the Applicant **must** update its 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 and the Department of Planning, Industry and Environment (Water) and the Natural Resources Access Regulator (NRAR);
 - b) include a detailed site water balance;
 - c) include a mass soil balance;
 - d) include the details of:
 - (i) retaining walls and soil cut and fill;
 - (ii) expected groundwater interception and extraction;
 - (iii) all-weather access to the site;
 - (iv) clean water runoff areas that discharge without treatment (i.e. car parks and roofs)
 - e) the Water Management System for the site (see Condition B7);
 - f) erosion and sediment controls (see Condition B8);
 - g) bunding (see Condition B9); and
 - h) water management, monitoring, testing and incident response arrangements.

- B6. The Applicant **must** 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

- B7. The Applicant **must** 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 and Council;
 - b) control surface water so that it does not mix with waste on the site;
 - c) include surface water and leachate detention;
 - d) be consistent with the guidance in *Managing Urban Stormwater - Soils and Construction Vol. 1* (Landcom, 2004);
 - e) divert clean surface water around operational areas of the site;
 - f) include water quality monitoring that can determine the performance of the water management system against any EPL discharge limits; and
 - g) include water reuse based on a risk assessment of environment and human health impacts.

Erosion and Sediment Control

- B8. The Applicant **must** implement erosion and sediment control measures on-site in accordance with *Managing Urban Stormwater: Soils and Construction Vol. 1* (Landcom, 2004).

Bunding

- B9. 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 Liquids: Environmental Protection – Participant's Manual 2007*.

Imported Soil

- B10. The Applicant **must**:
- 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.

AIR QUALITY

Odour

- B11. The Applicant **must** ensure the Development does not cause or permit the emission of any offensive odour (as defined under section 129 of the POEO Act).

Air Quality Management Plan

- B12. Prior to the commencement of construction of the Development, the Applicant **must** 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, including details of water sprays for stockpiles, exposed areas and the dust suppression system for the crushing plant;
- (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; and
- e) include a protocol to determine the occurrence of an exceedance of any criteria in the EPL should an exceedance occur.

B13. The Applicant **must** 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

B14. The Applicant **must**:

- 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) carrying out all composting on the site inside a fully enclosed building under negative atmospheric pressure;
 - (ii) covering all finished compost or mulch that is stored outside a building with a suitable rain-proof cover;
 - (iii) ensuring all paper, cardboard or plastic that is stored outside a building is within a compacted bale or covered enclosure;
 - (iv) ensuring any stockpile of organic waste stored outside a building is 3 metres in height or less;
 - (v) ensuring any stockpile of inorganic waste stored outside a building is 5 metres in height or less;
 - (vi) storing no more than 2,500 m³ of organic matter outside a building at any one time, comprising of no more than:
 - 1,000m³ of unprocessed green waste;
 - 1,000m³ of mulches; and
 - 500m³ of compost;
 - (vii) storing no more than 300 tonnes of firewood outside a building at any one time; and
 - (viii) dust suppression through the use of chemical suppressants, water sprays/misters.

Construction emissions mitigation

B15. During construction, the Applicant **must** 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.

Air Quality and Odour Audit

- B16. The Applicant **must** carry out an Air Quality and Odour Audit of the Development no later than three months after the Secretary has approved the Operational Environmental Management Strategy (refer to Condition C3) for the Development. The audit must:
- be carried out by a suitably qualified and experienced expert whose appointment has been endorsed by the Secretary;
 - audit the Development whilst it is in operation;
 - include a summary of air and odour emission related complaints and any actions that were carried out to address the complaints;
 - validate the Development against air quality and odour predictions in the EIS;
 - review design and management practices of the Development against industry best practice for air emissions and odour management; and
 - include an action plan that identifies and prioritises additional air and odour emission mitigation measures that may be necessary to reduce air emissions.
- B17. The Applicant **must** comply with any reasonable requirement(s) of the Secretary arising from the Department's assessment of the Air Quality and Odour Audit.

NOISE AND VIBRATION

Construction and operation hours

- B18. The Applicant must comply with the construction and operation hours in Table 2 unless otherwise agreed to in writing by the Secretary.

Table 2: 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	Deliveries and operation of machinery	Monday – Saturday	7 am to 6 pm
		Sunday	8 am to 4 pm
		Public Holidays	Nil
	Loading and Transport of sorted material off site	Monday – Saturday	24 Hours
		Sunday	24 Hours
		Public Holidays	Nil
	All other operational activities	Monday – Saturday	6 am to 6 pm
		Sunday	8 am to 4 pm
		Public Holidays	Nil

- B18A. In addition to the requirements in B18, the Applicant must also ensure that all offsite transport of recovered material or residual waste material is undertaken only during times that are in accordance with the Environment Protection Licence and development consent requirements of the receival facility.

- B19. Despite Condition B18, 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 **must** be provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

Noise criteria

- B20. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 3:

Table 3: Noise criteria (dB(A))

Location	Noise Limits in dB(A)					
	Morning Shoulder	Morning Shoulder	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{AFMax}	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AFMax}
Sveta Petka Monastery Lot 11 DP 787167	35	45	48	48	43	52
6 Bardess Crescent, Farmborough Heights	37	47	37	36	35	52
55 Fairloch Avenue, Farmborough Heights	37	47	37	36	35	52
65 Fairloch Avenue, Farmborough Heights	37	47	37	36	35	52
421 Princes Highway, Kembla Grange	35	52	41	36	35	52
14A Kingston Town Drive Kembla Grange	41	51	41	36	35	52

Noise compliance measurement

- B21. 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

B22. The Applicant **must** 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 mitigation

B23. The Applicant must:

- 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, including during evening and night-time periods;
- 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.

Noise monitoring

B24. The Applicant **must** carry out any noise monitoring required by the EPL.

B24A The Applicant must prepare and submit a noise verification report to the EPA and the Planning Secretary within 3 months from re-commencement of the operation of the fixed picking station and prior to the operation of the indoor processing plant (as described in MOD 2). The report must be prepared by a suitably qualified and experienced acoustic consultant and include:

- a) an analysis of compliance with noise limits specified in Condition B20
- b) an outline of management actions to be taken to any exceedances in noise limits, and ;
- c) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

B24B. The Applicant must prepare and submit a noise verification report to the EPA and the Planning Secretary within 3 months of commencing evening and night-time operations. The report must be prepared by a suitably qualified and experienced acoustic consultant and include:

- a) an analysis of compliance with noise limits specified in Condition B20;
- b) an outline of management actions to be taken to mitigate any exceedances in noise limits; and
- c) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

TRAFFIC AND ACCESS

B25. The Applicant **must** ensure that:

- a) a total of 26 car parking spaces, including one disabled car parking space are provided;
- b) site access, driveways and parking areas are constructed and maintained in accordance with the latest versions of *Australian Standards AS 2890.1, AS 2890.2, AS 2890.6 and AS 1428.1*;

- c) 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*;
- d) the bridge is:
 - (i) designed by a suitably qualified and experienced engineer in accordance with the current Australian Standards for bridge design;
 - (ii) a minimum of 300mm freeboard above the estimated 1% Annual Exceedance Probability flood level to the underside of the bridge deck; and
 - (iii) provided with flood warning signage and flood depth indicators for traffic;
- e) the Development does not result in any vehicles parking or queuing on the public road network;
- f) all vehicles are wholly contained on site before being required to stop;
- g) all loading and unloading of heavy vehicles is carried out on-site;
- h) turning areas are kept clear of any obstacles, including parked cars, at all times;
- i) all heavy vehicles associated with the Development have their loads covered and do not track dirt onto public roads; and
- j) all vehicles enter and leave the site in a forward direction.

HAZARD AND RISK

Fire Management

B25A Prior to re-commencing the operation of the fixed picking station and prior to the operation of the indoor processing plant, as described in MOD 2, the Applicant must install and implement the fire safety measures described in the *Kembla Grange Fire System Upgrade Review* dated 22 March 2020 prepared by EFWF Consulting. Evidence of the installation must be provided in writing to the Planning Secretary.

B25B Prior to re-commencing the operation of the fixed picking station and prior to the operation of the indoor processing plant, as described in MOD 2, the Applicant must prepare and implement an Emergency Management Plan to the satisfaction of the Secretary. The plan must be:

- a) prepared in consultation with FRNSW by a suitably qualified and experienced expert; and
- b) in accordance with AS 3745-2010 *Planning for emergencies in Facilities*.

B26. The Applicant **must**:

- a) implement suitable measures to minimise the risk of fire on the site;
- b) extinguish any fires on the site promptly; ~~and~~
- c) maintain adequate fire-fighting capacity on the site at all times; ~~and~~
- d) **Maintain provision for the containment of fire water run-off based on the worst possible fire scenario for the site.**

Bushfire protection

B27. The Applicant **must**:

- a) ensure that any new building is constructed in accordance with the latest version of *Australian Standard AS 3959* and *Planning for Bush Fire Protection 2006*;
- b) upgrade existing buildings to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2 millimetres and fit external doors with draft excluders; and
- c) ensure landscaping of the Development, excluding the riparian corridor, complies with the principles in Appendix 5 of *Planning for Bush Fire Protection 2006*.

- B28. From the commencement of construction, and in perpetuity, the Development **must** be managed as an Inner Protection Area (IPA) as outlined in *Planning for Bush Fire Protection 2006* and *Standards for Asset Protection Zones*. The IPA **must** include the area around the proposed workshop building for a distance of 20 metres to the north and east, but exclude the riparian corridor, which traverses the site.

LANDSCAPING AND RIPARIAN ZONES

Landscape Management Plan

- B29. Prior to the commencement of construction of the Development, the Applicant **must** prepare a Landscape Management Plan in consultation with the Office of Water, to the satisfaction of the Secretary. The plan must:
- a) be prepared by a suitably qualified and experienced person(s);
 - b) detail the measures to be employed to address the requirements of Condition B30;
 - c) describe and map the extent of the Riparian Zone for the un-named tributary on the site;
 - d) be consistent with the Vegetation Management Plan, Version 7, dated October 2015, prepared by Southern Habitat;
 - e) include:
 - (i) a schedule of proposed planting, including botanic and common names, expected mature height and staking requirements, numbers of plants and pot sizes;
 - (ii) the location of all proposed and existing overhead and underground service lines, with all service lines clear of the drip lines of existing and proposed trees;
 - (iii) the location of common taps and/or irrigation system in accordance with *Wollongong City Council Landscape Technical Policy No 98/4*;
 - (iv) the details of protection measures for existing vegetation to be retained; and
 - (v) a landscape maintenance program for the operational life of the facility.
- B30. The Applicant **must** 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.

Landscaping

- B31. The Applicant **must**:
- a) ensure that all works are consistent with the Vegetation Management Plan, Version 7, dated October 2015, prepared by Southern Habitat;
 - b) ensure that the *Ficus macrophylla* (Moreton Bay Fig) and *Streblus brunonianus* (Whalebone Tree) described in Drawing No.1442-LC01G, prepared by Ochre Landscape Architects dated 12 August 2015, are retained and protected during construction;
 - c) install a permanent physical barrier at the landward extent of the riparian zone to prevent damage to the riparian zone;
 - d) ensure that the riparian zone is landscaped with fully structured native vegetation that emulates the local vegetation community;
 - e) ensure that washing of equipment or disposing of building materials, does not occur within the drip line of any tree nominated for retention;
 - f) ensure that appropriate tree protection measures are employed for the entirety of the excavation and construction phases of the Development, including:

- (i) 1.8 metre high cyclone chain mesh fence, with posts and portable concrete footings; and
 - (ii) mulching of tree protection zones with 75 millimetres of mulch; and
- g) install permeable surfaces (in accordance with the manufacturer's recommendations) for any proposed hard surface under the canopy of existing trees, with finished surface levels matching existing levels.

VISUAL AMENITY

Lighting

B32. The Applicant must comply with the following lighting requirements:

- a) Prior to the commencement of the proposed evening and night time operations at the facility, the Applicant must obtain construction and occupation certificates and implement the proposed lighting infrastructure upgrade described in the Lighting Assessment Report prepared by JHA Consulting Engineers project number 210199 dated 22 June 2021.
- b) Within four months of commencement of the evening and night time operations at the facility, the Applicant must submit a Lighting Verification Report prepared by the lighting Engineer to the satisfaction of the Secretary. The Lighting Verification Report must include the following:
 - (i) demonstration the lighting complies with Australian Standards AS/NZS 1158.3.1:2020 Lighting for roads and public spaces, AS 1680.5:2012 Interior and workplace lighting Outdoor workplace lighting, AS 4282:2009 Control of the obtrusive effects of outdoor lighting, and conditions of this consent.
 - (ii) contingency measures deployed to minimise impacts should unsafe or obtrusive lighting have occurred or be likely to occur.

Signage

B33. The Applicant **must** 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.

HERITAGE

B34. The Applicant **must** cease all works on site in the event that any Aboriginal cultural object(s) or human remains are uncovered. If human remains are uncovered, you must immediately stop work, not further disturb the remains and notify NSW Police. **EES** and the Aboriginal community must be contacted if the remains are suspected to be of Aboriginal origin. If other Aboriginal objects are discovered, you must immediately stop work, not further disturb the objects and notify **EES** by calling Environment Line on 131 555. Works must not resume in the designated area until the relevant written consent is received from NSW Police and/or **EES**. Any Aboriginal objects discovered must be registered on the Aboriginal Heritage Management Information System (AHIMS), in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

SECURITY

B35. The Applicant **must**:

- 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.

FOR INFORMATION ONLY

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 **must** 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 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 **must** 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. The Applicant **must** prepare an Operational Environmental Management Strategy for the Development 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 **must** 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 **must** 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 **must** 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 **must** 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 **must** 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 **must** provide regular reporting on the environmental performance of the Development on a website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

INDEPENDENT ENVIRONMENTAL AUDIT

- C9. **Within 12 months of the approval of the modification and every three years thereafter, unless the Planning Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the Development. The Audit must:**

- a) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary;
- b) be carried out in consultation with the relevant agencies;
- c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent, and any strategy, plan or program required under this consent;
- d) review the adequacy of any approved strategy, plan or program required under this consent; and
- e) recommend measures or actions to improve the environmental performance of the development, and any strategy, plan or program required under this consent.

C10. Within three months of commissioning an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, a copy of the audit report must be submitted to the Planning Secretary and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

Note: The audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Planning Secretary.

Monitoring and Environmental Audits

C10A. 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 and independent environmental 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.

Annual Review

C11. Within 60 days of the end of the reporting period specified in A6, or otherwise agreed by the Planning Secretary, the Applicant must review the environmental performance of the Development. This review must:

- a) describe the Development that was carried out in the previous reporting 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 reporting 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 **must** 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 **must** 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 **must** make copies of the following publicly available on its website:
- a) the documents referred to in Condition A2;
 - b) all current statutory approvals for the Development;
 - c) all approved strategies, plans and programs required under the conditions of this consent;
 - d) 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;
 - e) a complaints register, updated on a monthly basis;
 - f) the annual reviews of the Development;
 - g) any independent environmental audit of the Development, and the Applicant's response to the recommendations in any audit; and
 - h) any other matter required by the Secretary; and
 - i) keep this information up to date.

APPENDIX A – SITE PLANS AND DRAWINGS

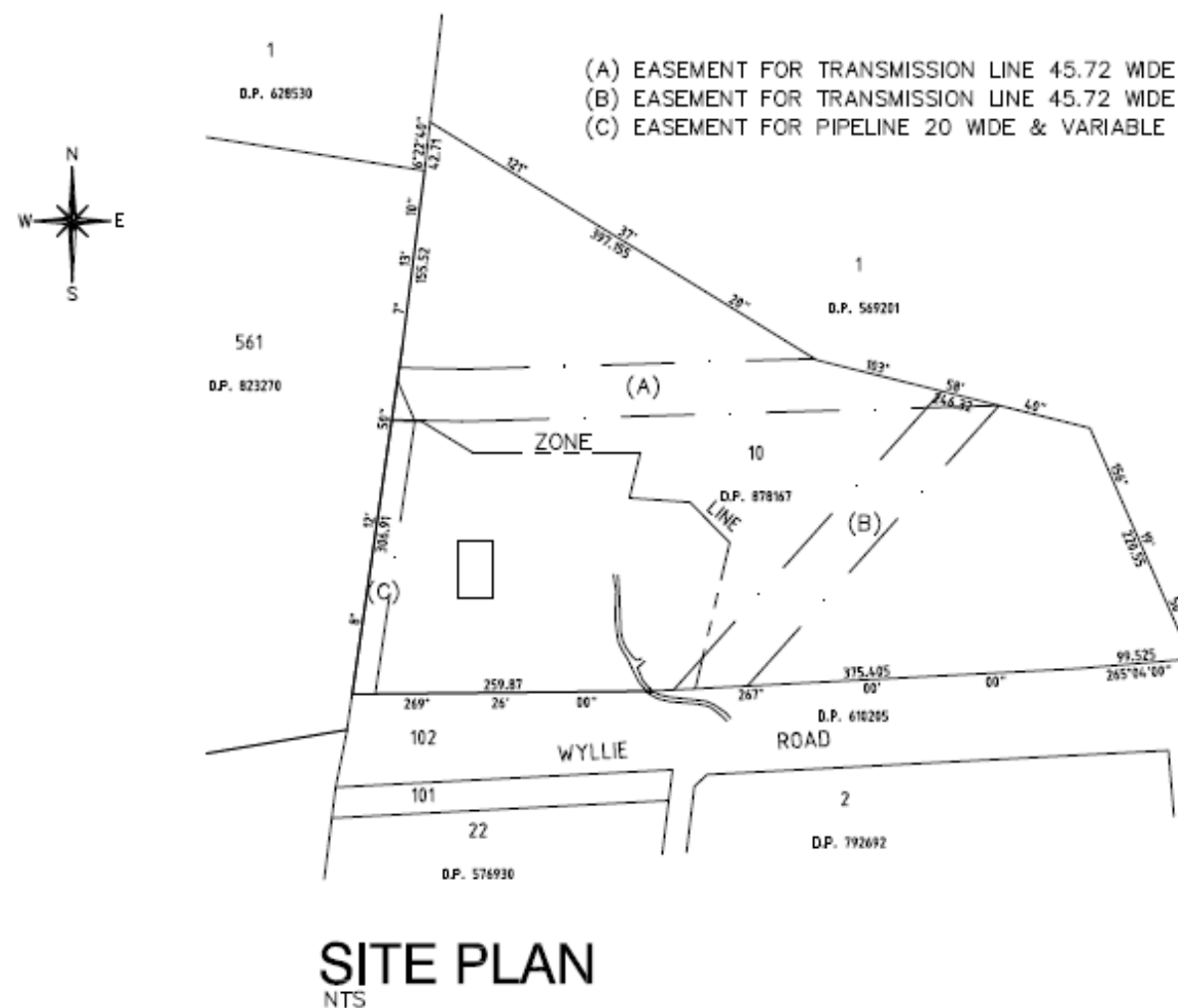
MOD 1 – Replacement of all Plans and replacement with new Plans in A3 Landscape Plans section below

MOD2 – Deletion of the following A3 Plans:

Name	Plan Number	Revision
Site Plan	C10	Q
Site Plan Proposed Layout	C127	E
Site Plan - Usage Areas	C29	E
Operation Plan - layout Version 1	C34	C

MOD 2 – and Addition of the following Plans commencing in A4 Landscape Plans section below

PROPOSED INDUSTRIAL DEVELOPMENT WYLLIE ROAD, KEMBLA GRANGE



INDEX OF SHEETS

C10A	COVER SHEET
C10	OVERALL PLAN – REV.Q
C11	SITE SECTIONS
C12	POND DETAILS
C13	SOIL WATER MANAGEMENT PLAN – REV.M
C14	SOIL AND WATER MANAGEMENT DETAILS
C15	SURFACES PLAN – REV.H
C16	OSD BASIN B
C17	SHREDDING AREA DETAIL
C18	SWEPT PATH AND CARPARKING DETAIL – REV.G
C19	EXISTING SITE PLAN—SURVEY DATED SEPT 2012
C20–C26	NOT IN THIS SET OF DRAWINGS
C27	PROPOSED LAYOUT – REV.E
C28	CUT AND FILL PLAN – REV.E
C29	SITE PLAN – USAGE AREAS – REV.E
C30	SITE PLAN – PROPOSED LAYOUT – PMF FLOOD LINES – REV.E
C31	RAINWATER HARVESTING PLAN – REV.E
C32	LEACHATE CONTROL PLAN – REV.G
C33	SITE PLAN – PROPOSED LAYOUT – Q100 FLOOD LINES – REV.D
C34	OPERATIONAL PLAN – LAYOUT VERSION 1 – REV.C

NOTE:

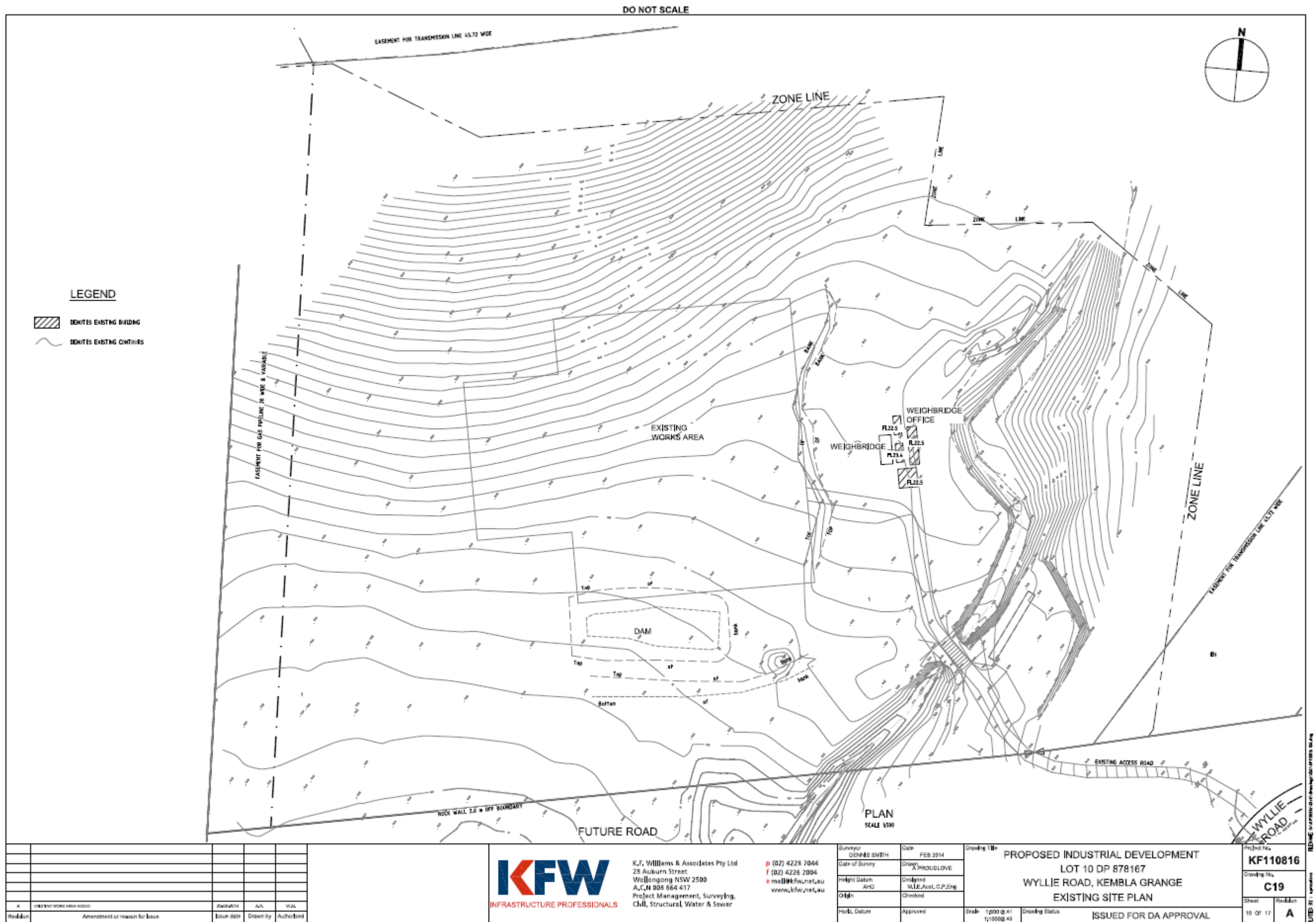
DRAWINGS C19–C32 (EXCLUDING C20–C26) HAVE BEEN ADDED TO THE DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT OF PLANNING



K.F. Williams & Associates Pty Ltd
28 Auburn Street
Wollongong NSW 2500
A.C.N 008 664 417
Project Management, Surveying,
Civil, Structural, Water & Sewer


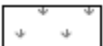
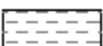
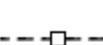

p (02) 4228 7044
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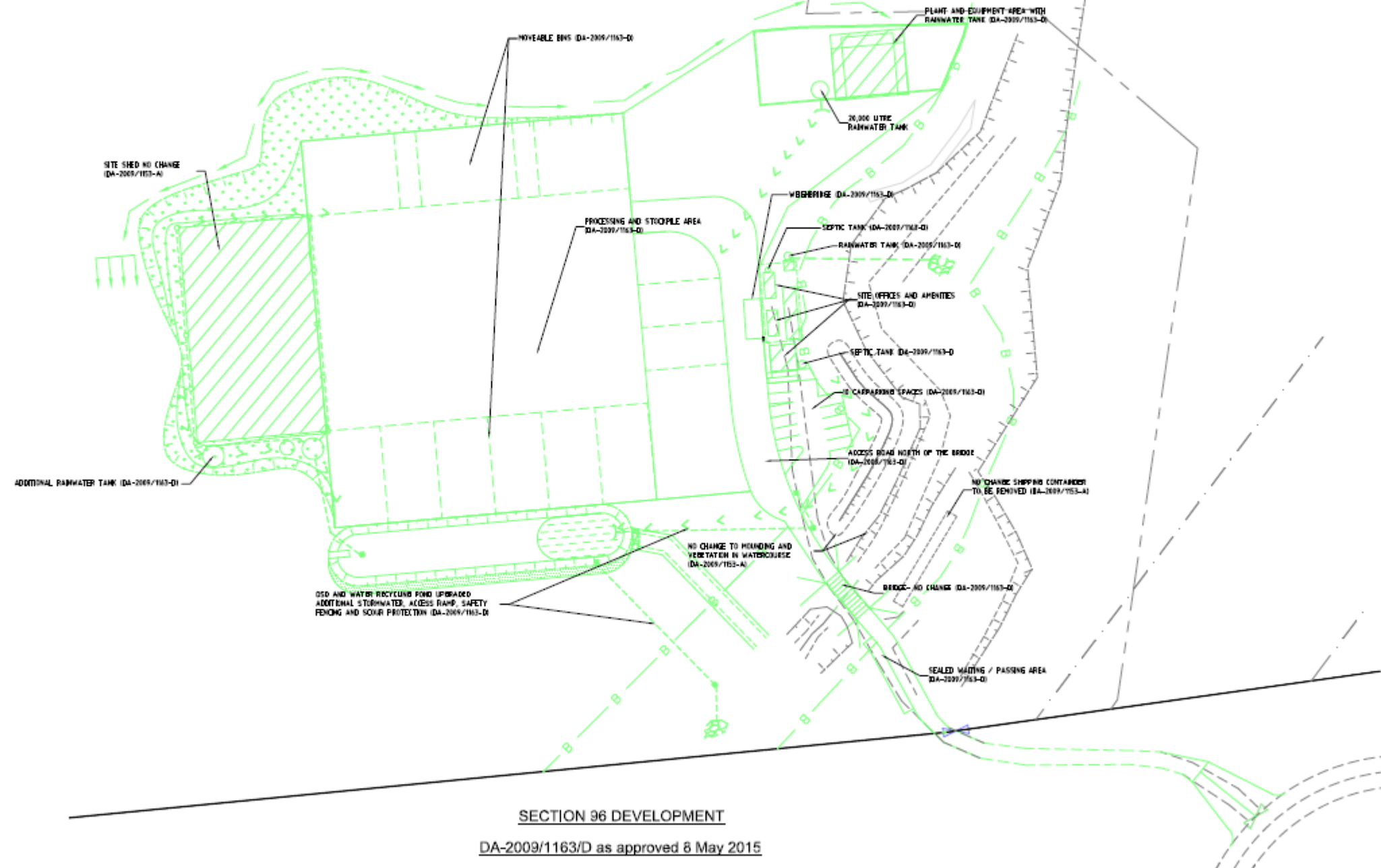
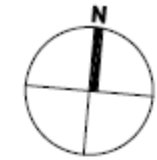
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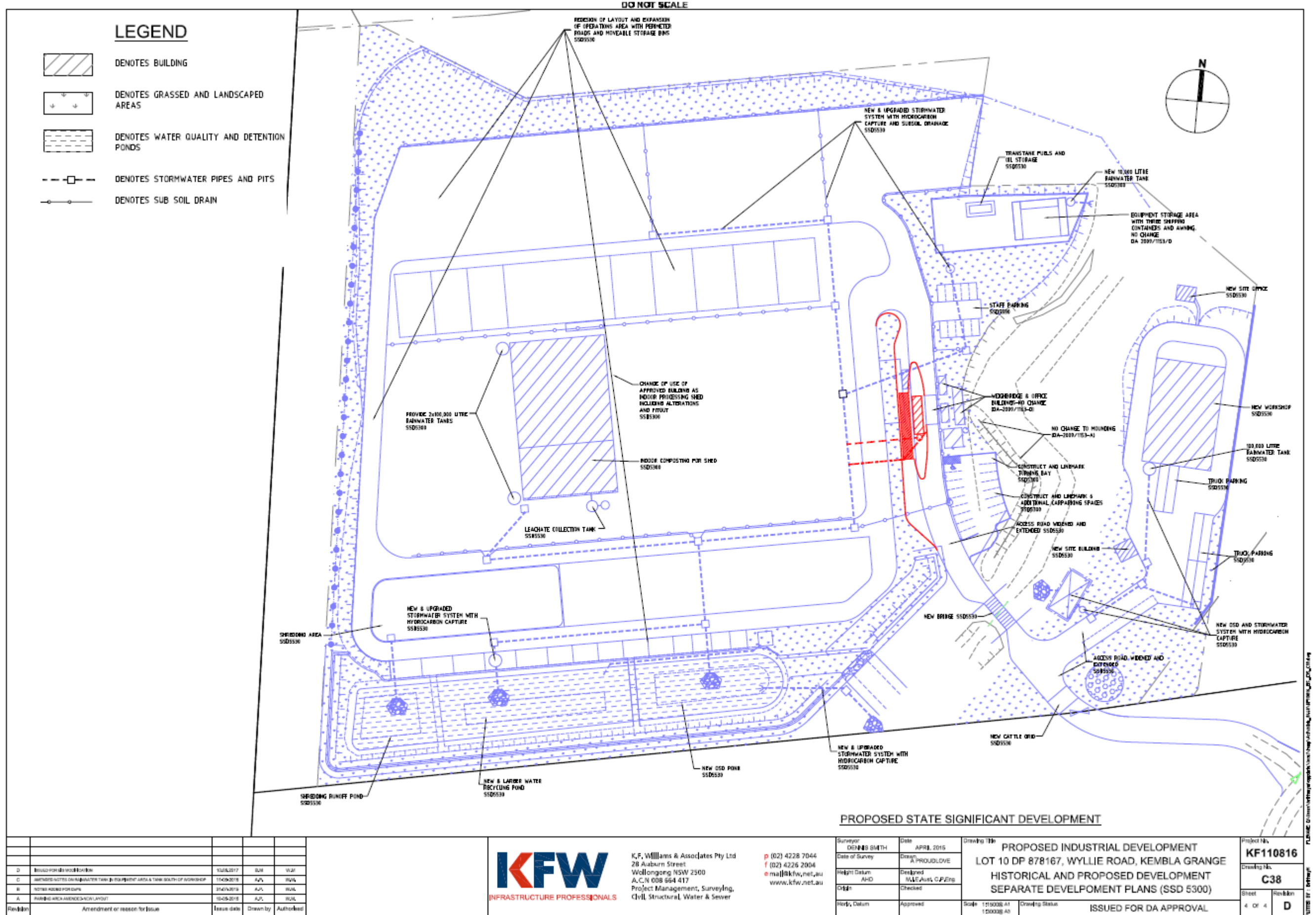
LEGEND

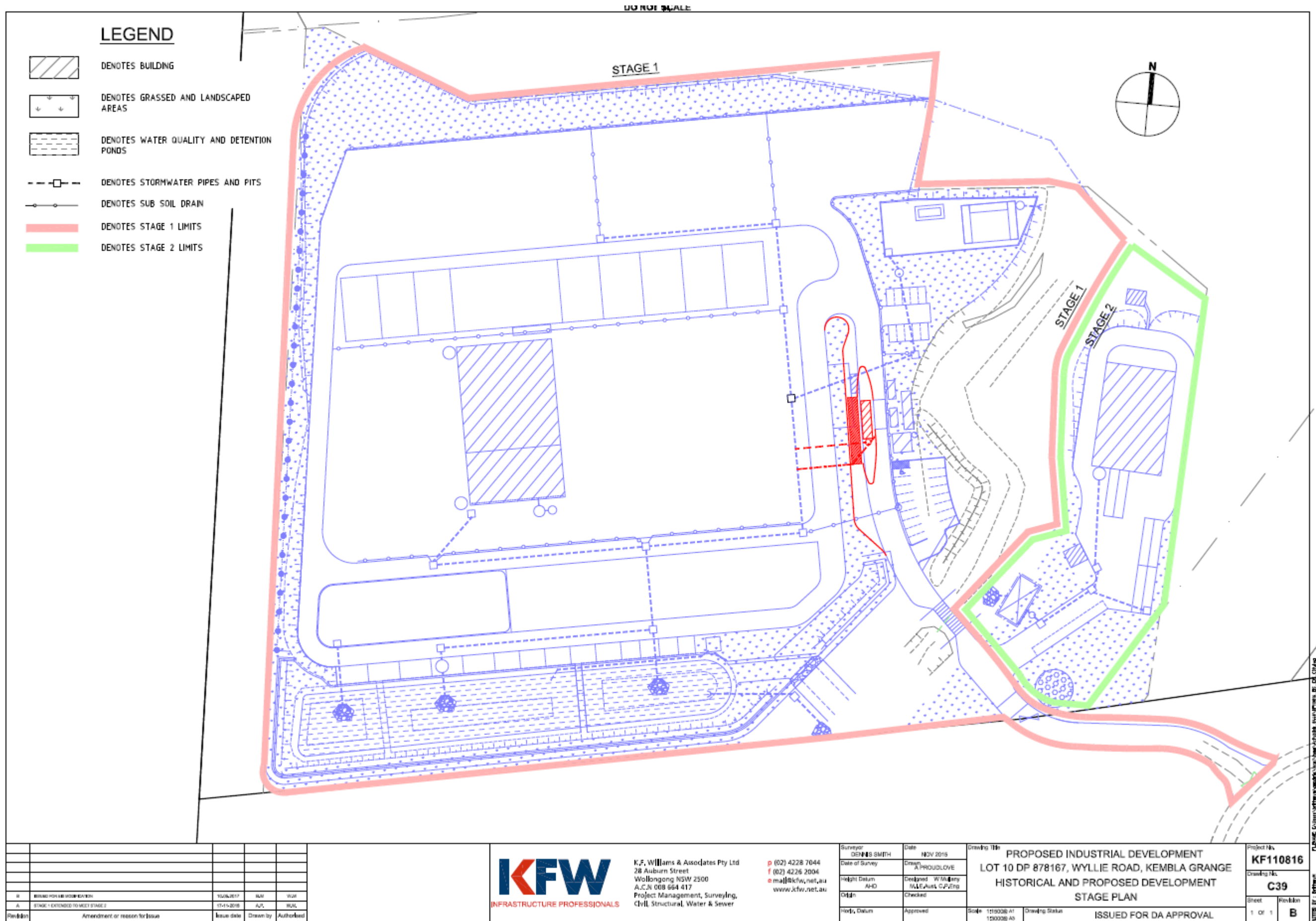
-  DENOTES BUILDING
 DENOTES GRASSED AND LANDSCAPED AREAS
 DENOTES WATER QUALITY AND DETENTION PONDS
 DENOTES STORMWATER PIPES AND PITS
 DENOTES SUB SOIL DRAIN

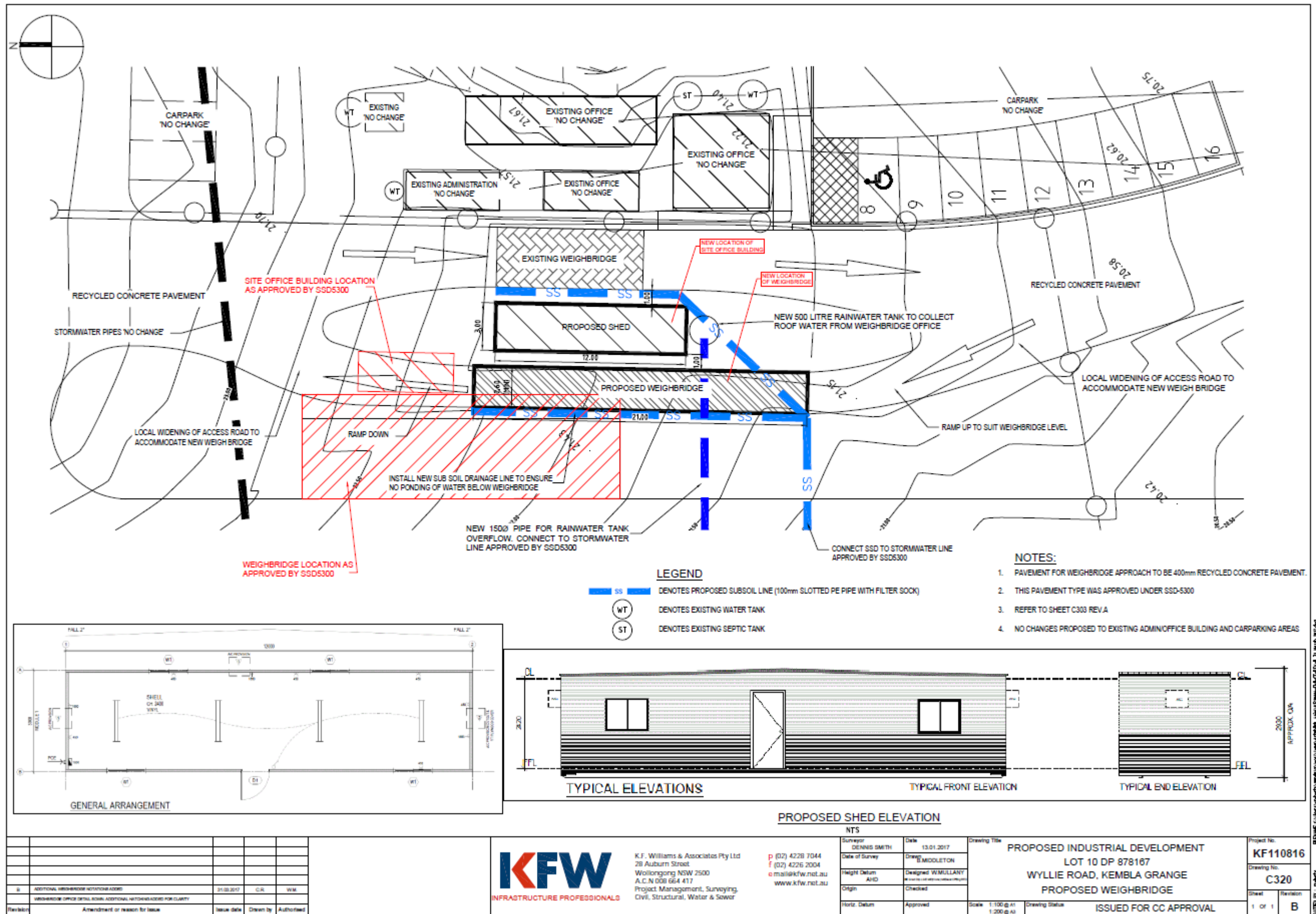
**SECTION 96 DEVELOPMENT**

DA-2009/1163/D as approved 8 May 2015

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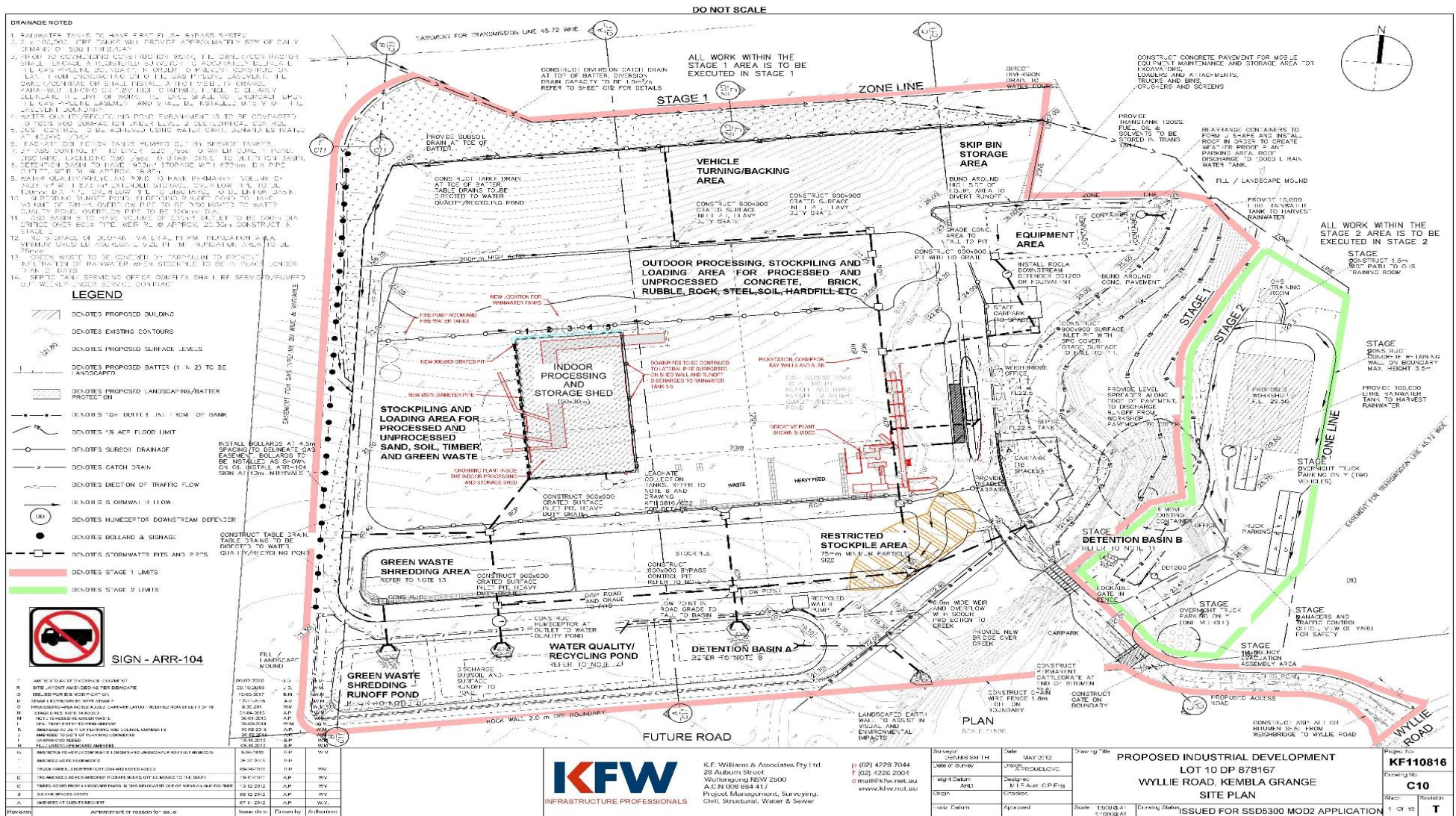


Figure 1| Site Plan

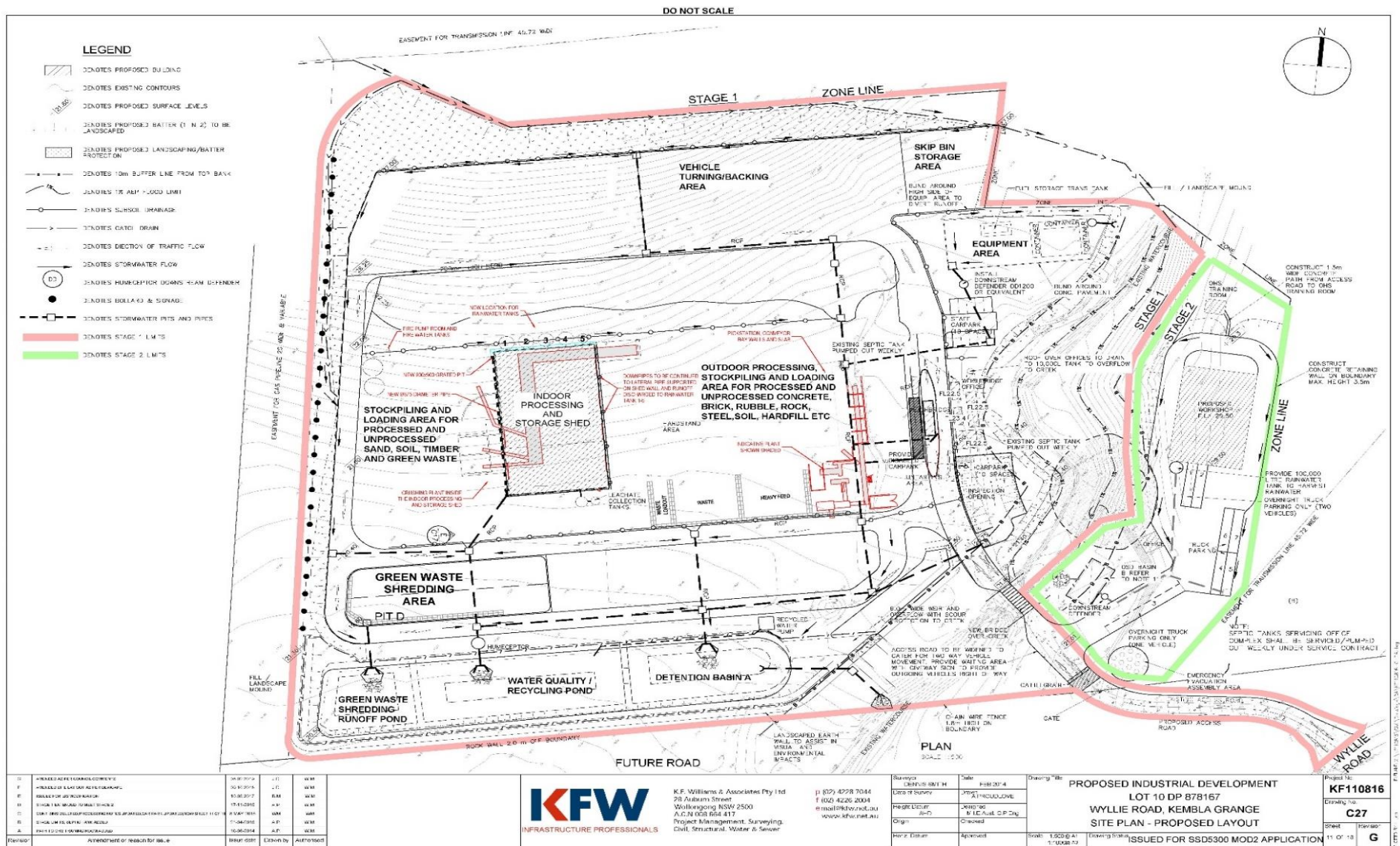


Figure 2| Site Plan – Proposed Layout

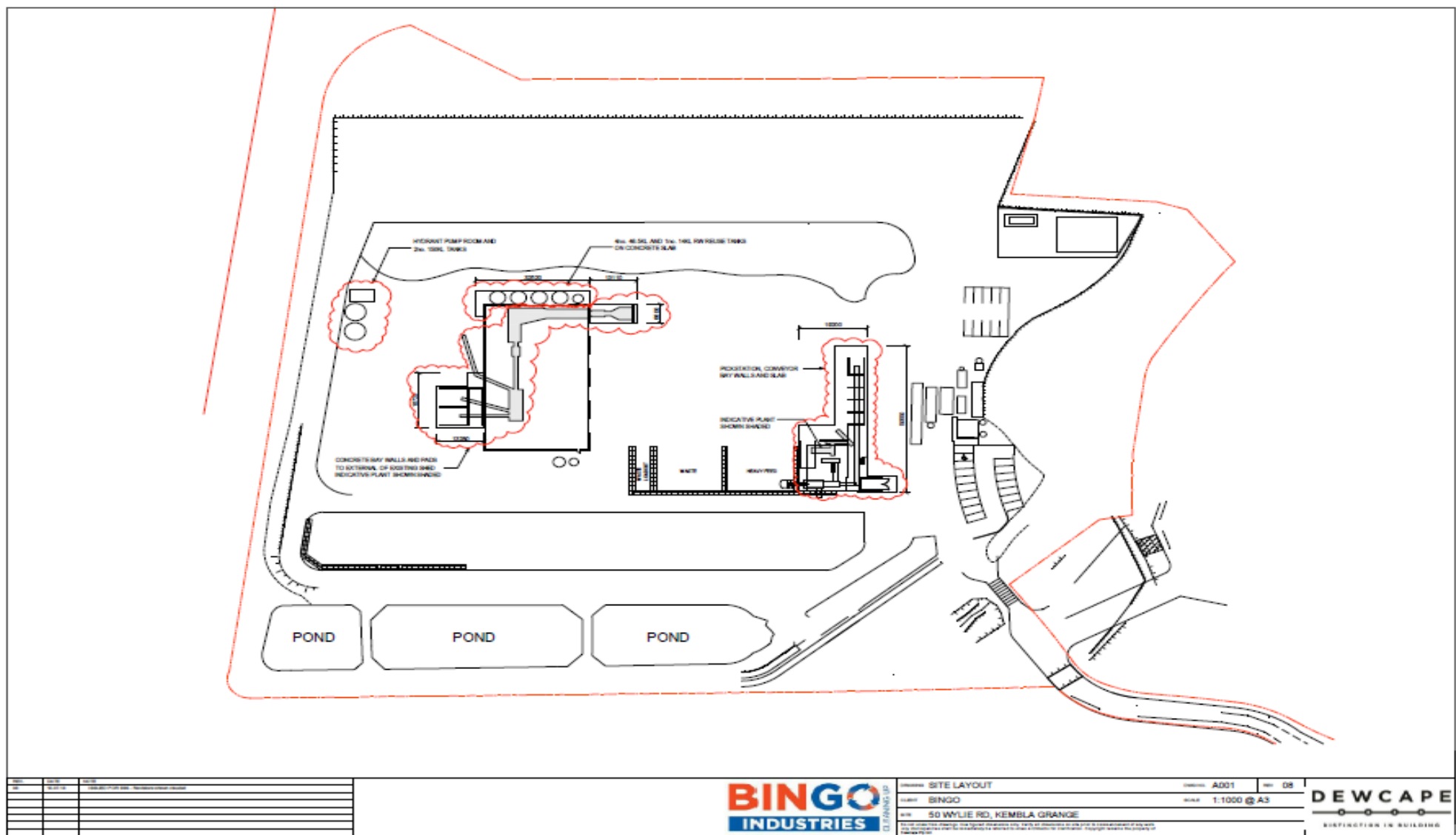


Figure 6 | Site Layout

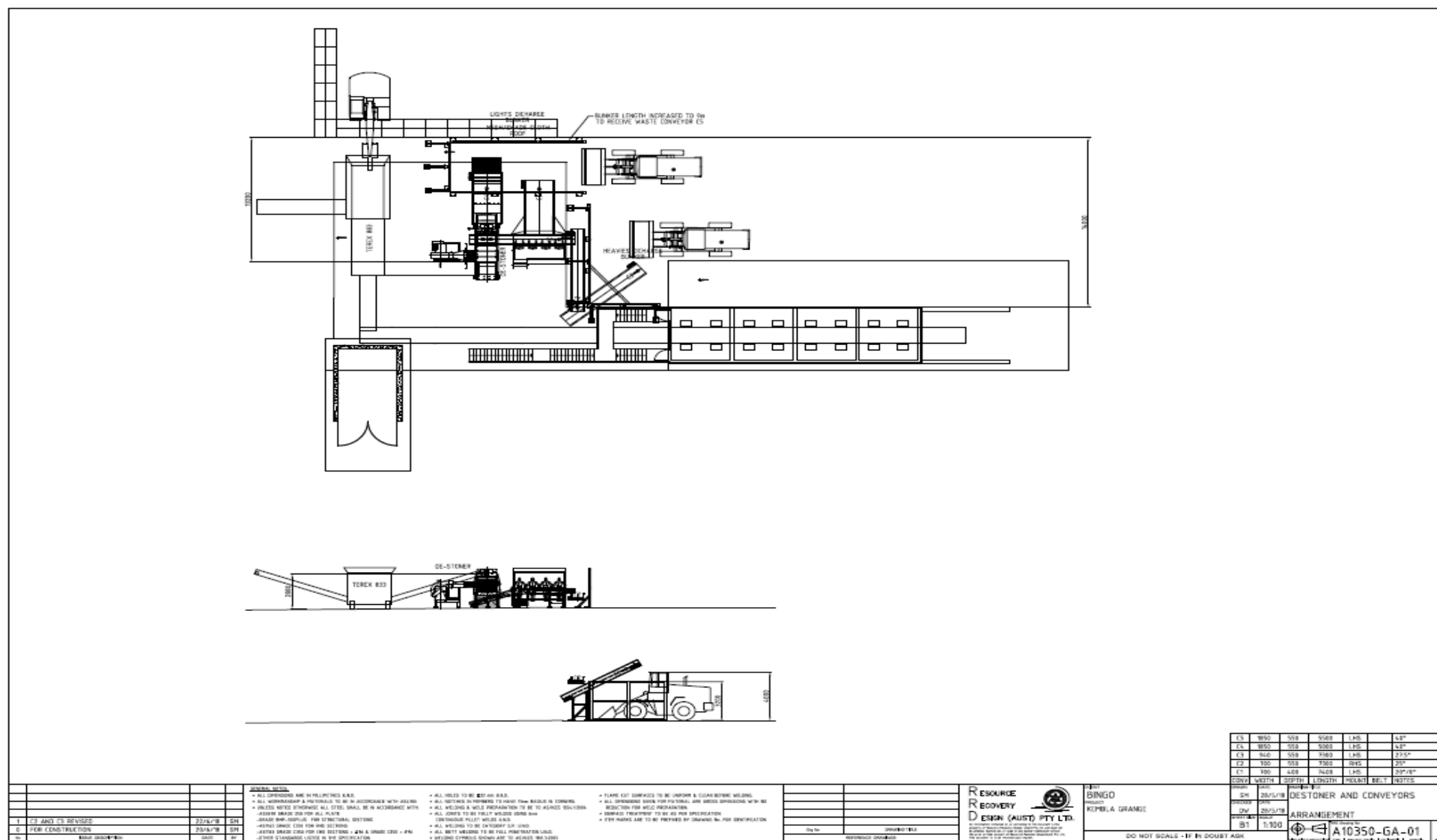


Figure 8| Destoner and Conveyors

APPENDIX B – MANAGEMENT AND MITIGATION MEASURES

FOR INFORMATION ONLY