

# Attachment A

## Development Consent

## Development Consent

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 27 February 2013, I approve the development application referred to in Schedule 1, subject to the Conditions in Schedules 2 to 4.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Chris Wilson  
Executive Director  
Development Assessment, Systems and Approvals

Sydney

17 DECEMBER

2013

#### SCHEDULE 1

Application Number:	SSD 6026
Applicant:	Murray Goulburn Co-op Co. Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	111-113 Quarry Road, Erskine Park (Lot 1022 DP 1175670)
Development:	The construction and operation of a milk processing facility

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## DEFINITIONS

Applicant	Murray Goulburn Co-op Co Ltd or its successor
AS	Australian Standard
BCA	Building Code of Australia
Construction	The demolition of buildings or works, carrying out of works, including bulk earthworks and erection of buildings and other infrastructure covered by this consent
Council	Penrith City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Development	The development as described in the EIS and Submissions Report for the construction and operation of a milk processing facility
Department	Department of Planning and Infrastructure, or its successor
Director-General	Director-General of the Department or nominee
EIS	The Environmental Impact Statement titled ' <i>Devondale Milk Processing Facility, Erskine Park (SSD-6026)</i> ', dated September 2013, and its accompanying appendices and technical reports.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environment Protection Authority, or its successor
EPL	Environmental Protection Licence
Evening	The period from 6pm to 10pm
Facility	The development as described in the EIS
Heavy Vehicle	Any vehicle with a gross mass of 5 tonnes or more
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement such as a shared associations in pastoral landscapes as well as associates linked with the mission period.
Management and Mitigation Measures	The Applicant's Management and Mitigation Measures (see Appendix A)
Minister	Minister for Planning and Infrastructure, or delegate
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water within the Department of Primary Industries
Operation	The receipt, processing and packaging of milk including any ancillary activity.
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Preliminary works	All development described by the following development consents granted by Penrith City Council: <ul style="list-style-type: none"> <li>• DA 13/0695 Bulk earthworks, building foundations and stormwater drainage works; and</li> <li>• DA 13/1084 Steel frame and associated works.</li> </ul>
Reasonable and feasible	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. Feasible relates to engineering considerations and what is practical to build.
RMS	Roads and Maritime Services, or its successor
Submissions Report	The Submissions Report titled ' <i>Submissions Report State Significant Development SSD-6026 Milk Processing Facility 111-113 Quarry Road, Erskine Park</i> ' prepared by CIP – <i>Response to Submissions</i> ' and dated 28 November 2013
Site	The land referred to in Schedule 1

## **SCHEDULE 2 ADMINISTRATIVE CONDITIONS**

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

1. 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 and/or operation of the development.

### **TERMS OF APPROVAL**

2. The Applicant shall carry out the development generally in accordance with the:
  - (a) EIS;
  - (b) Submissions Report;
  - (c) Management and Mitigation Measures (see Appendix A);
  - (d) plans and elevations (see Appendix B); and
  - (e) conditions of this consent.
3. 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.
4. The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
  - (a) any audits, reports, plans, programs, strategies, studies or correspondence that are submitted in accordance with this consent; and
  - (b) the implementation of any actions or measures contained in these audits, reports, plans, programs, strategies, studies or correspondence submitted by the Applicant.

### **LIMITS OF CONSENT**

5. The Applicant shall ensure that the development does not process more than 2.9 million litres of raw milk per week.
6. The Applicant shall ensure that:
  - (a) the gross floor area of the main building does not exceed 8055m<sup>2</sup>;
  - (b) the height of the main building does not exceed 9.425 metres; and
  - (c) the height of milk silos does not exceed 19.5 metres.

### **LAPSING OF CONSENT**

7. This consent will lapse five (5) years from the date of consent unless the works associated with the development have physically commenced.

### **STATUTORY REQUIREMENTS**

8. The Applicant shall ensure that all licences, permits and approval/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 approval/consents.

### **MANAGEMENT PLANS AND MONITORING PROGRAMS**

9. With the approval of the Director-General, the Applicant may:
  - (a) submit any management plan or monitoring program required by this consent on a progressive basis; and
  - (b) combine any management plan or program required by this consent with any similar management plan or program that have been approved under previous consents or approvals.

### **STRUCTURAL ADEQUACY**

10. The Applicant shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, on the site are constructed in accordance with the relevant requirements of the BCA.

#### *Notes:*

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

#### **PROTECTION OF PUBLIC INFRASTRUCTURE**

11. 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.

#### **OPERATION OF PLANT AND EQUIPMENT**

12. 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.

#### **SURRENDER OF CONSENT**

13. The Applicant shall surrender the following development consents in accordance with Clause 97 of the EP&A Regulation within six (6) months of the issue of an Occupation Certificate for the associated work, or in such other time as agreed in writing by the Director General:
  - (a) DA 13/0695 Bulk earthworks, building foundations and stormwater drainage works; and
  - (b) DA 13/1084 Steel frame and associated works.

### SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

#### GENERAL

1. The Applicant shall comply with the requirements of the EPA set out in any EPL issued for the development.

#### AIR QUALITY

##### Odour

2. The Applicant shall ensure the development does not cause or permit the emission of any offensive odour (as defined by the POEO Act).

##### Dust Minimisation

3. The Applicant shall ensure that:
  - (a) all heavy vehicles on the site do not exceed a speed of 20 kilometres per hour;
  - (b) all loaded heavy vehicles entering or leaving the site have their loads covered; and
  - (c) all loaded heavy vehicles leaving the site are cleaned of dirt, sand and other materials before they leave the site, to avoid tracking these materials on public roads.

##### Operating Conditions

4. The Applicant shall:
  - (a) implement best management practice, including all reasonable and feasible mitigation measures to prevent and minimise emissions of particulate matter and odour from construction and operation of the development;
  - (b) prevent and minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events;
  - (c) regularly assess air quality monitoring data and relocate, modify, and/or stop operations to ensure compliance with the relevant conditions of this consent; and
  - (d) minimise surface disturbance of the site, other than as permitted under this consent.

##### Boiler Emissions Verification

5. The Applicant shall:
  - (a) within two (2) months of the commencement of operation, undertake stack verification testing of all boilers operated as part of the development to verify that they are compliant with the *Protection of the Environment (Clean Air) Regulation 2010* and the relevant air quality criteria; and
  - (b) within two (2) weeks of the completion of the testing, provide a report containing the results and interpretations of the testing to the EPA and the Department including details of any improvements to be implemented (if needed) to ensure the boilers comply with the *Protection of the Environment (Clean Air) Regulation 2010* and the relevant air quality criteria, to the satisfaction of the Director-General.

##### Odour Management Plan

6. The Applicant shall prepare and implement an Odour Management Plan for the development to the satisfaction of the Director-General. The plan shall:
  - (a) be approved by the Director-General prior to the commencement of operations;
  - (b) be prepared by a suitably qualified and experienced expert;
  - (c) identify all odour sources of the development and all odourous activities being undertaken at the site;
  - (d) include details of all odour control, management and mitigation measures to be employed at the site to control odour;
  - (e) specify odour performance goals;
  - (f) include details of the odour monitoring program to be implemented at the site; and
  - (g) include an formal odour complaints response protocol.

##### Odour Verification

7. The Applicant shall prepare an Odour Verification Report for the development to the satisfaction of the Director-General. The report shall:
  - (a) be submitted to the Director-General within two (2) months of the commencement of operations;
  - (b) be prepared by a suitably qualified and experienced expert;
  - (c) measure all key odour sources of the development during a period of normal operations;
  - (d) determine whether the development is complying with the requirements in this consent to protect off-site receivers against offensive odour;
  - (e) determine if odour emissions from the on-site Waste Water Treatment Plant meet the odour performance goals set out in the Odour Management Plan; and

- (f) if deemed necessary, outline reasonable and feasible measures that may be required to improve odour control at the site and recommend and prioritise recommendations for implementation.
- 8. Within two (2) weeks of the completion of the Odour Verification Report as required by Condition 7 in Schedule 3 of this consent, the Applicant shall submit a copy of the audit report to both EPA and the Department with a response to any recommendations contained in the audit report, to the satisfaction of the Director-General.

## **TRAFFIC**

### **Operating Conditions**

- 9. The Applicant shall ensure that:
  - (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest versions of *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 queuing on the public road network;
  - (d) heavy vehicles associated with the development do not park or stand on local roads or footpaths in the vicinity of the site;
  - (e) all vehicles are wholly contained on site before being required to stop;
  - (f) all loading and unloading of materials is carried out on site; and
  - (g) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

### **Bicycle Racks**

- 10. The Applicant shall provide suitable parking for bicycles and associated facilities such as change rooms at the facility to the satisfaction of the Director-General.

## **SOIL AND WATER**

### **Pollution of Waters**

- 11. The Applicant shall comply with Section 120 of the POEO Act, except as may be expressly permitted by a licence under the POEO Act.

### **Bunding**

- 12. 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 – Participants Handbook*.

### **Erosion and Sediment Control**

- 13. During the construction of the development, the Applicant shall implement suitable erosion and sediment control measures on site, in accordance with the relevant requirements in the latest version of the EPA's *Managing Urban Stormwater: Soils and Construction* guideline.
- 14. The Applicant shall prepare and implement an Erosion and Sediment Control Plan for the development as part of the Construction Environmental Management Plan (see Condition 1 in Schedule 4 of this consent), which is generally consistent with the Conceptual Soil and Water Management Plan prepared by KMH Environmental (Technical Paper 6c to the EIS).

### **Stormwater Management**

- 15. The Proponent shall prepare and implement a Stormwater Management Plan for the development to the satisfaction of the Director-General. This plan must;
  - (a) be approved by the Director-General prior to the commencement of operations;
  - (b) be prepared in consultation with Council by a suitably qualified and experienced expert;
  - (c) include final detailed design specifications for the stormwater management and collection system;
  - (d) ensure that the stormwater management and collection system is designed, constructed and operated in accordance with the Stormwater Management Strategy prepared by Pitt & Sherry in Technical Paper 6a to the EIS;
  - (e) detail how stormwater runoff from the site would be conveyed;
  - (f) detail how (and ensure that) stormwater run off from the site would be restricted to pre-development rates or less;



- (g) ensure that any stormwater to be discharged off-site meets the stormwater quality (pollution retention) criteria outlined in Section C3 (Table C3.2) of *Penrith City Council Development Control Plan 2010*; and
- (h) describe the measures that would be implemented to maintain stormwater infrastructure for the life of the development.

## VISUAL IMPACT

### Lighting

- 16. The Applicant shall ensure that the lighting associated with the development:
  - (a) complies with the latest version of *AS 4282(INT) - Control of Obtrusive Effects of Outdoor Lighting*; and
  - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### Signage

- 17. The Applicant shall not install any advertising signs on site without consulting with Council and obtaining written approval of the Director-General.

### Fencing

- 18. The Applicant shall ensure, to the satisfaction of the Director-General, that:
  - (a) a barrier (e.g. chain wire fence) is provided to the south and east of the site abutting the biodiversity corridor to prevent clearing of this corridor and to prevent fauna entering the site; and
  - (b) black, open style fencing of a high quality is provided on the site's street frontage that is setback behind landscaping.

## Landscaping and Vegetation Management

- 19. The Applicant shall prepare and implement a Landscaping and Vegetation Management Plan for the development to the satisfaction of the Director-General. The plan shall:
  - (a) be submitted to the Director-General prior to the commencement of construction;
  - (b) detail any landscaping treatments at the site, with particular attention to minimising the visibility of the site from residences and public vantage points and minimising bushfire risk;
  - (c) ensure that the development is undertaken generally in accordance with the Landscape Plans contained in Appendix 2 to the EIS, and any specification set out in the Management and Mitigation Measures and the Submissions Report;
  - (d) ensure landscaping with native species that require minimal water; and
  - (e) describe the on-going measures (e.g. weed control and regular pruning) that would be implemented to maintain landscaping and vegetation on the site for the life of the development.

## NOISE AND VIBRATION

### Noise Limits

- 20. The Applicant shall ensure that the noise generated by the operations on-site does not exceed the limits in Table 1 at any private residential receiver.

Table 1: Noise impact assessment criteria (dB)

Location	Day	Evening	Night	
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Amax</sub>
Any residential receiver, educational establishment or health care premises	35	35	35	45

#### Notes:

- Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

## Operating Hours

21. The Applicant shall comply with the operating hours for the site in Table 2, unless otherwise agreed in writing by the Director-General.

*Table 2: Operating Hours*

Activity	Day	Hours
Construction	Monday - Friday	7.00am – 6.00pm
	Saturdays	8.00am – 1.00pm
	Sundays and Public Holidays	Nil
Operations	All days	24 hours

## Operating Conditions

22. The Applicant shall:
- (a) implement best management practice, including all reasonable and feasible measures to prevent and minimise noise and vibration during construction and operation of the development (including low frequency noise and traffic noise);
  - (b) minimise the noise impacts of the development during adverse meteorological conditions when noise criteria do not apply;
  - (c) maintain the effectiveness of any noise suppression equipment on plant at all times and ensure defective plant is not used until fully repaired; and
  - (d) regularly assess noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this consent.

## Noise Management

23. The Applicant shall prepare and implement a Noise and Vibration Management Plan for the development to the satisfaction of the Director-General. The plan must:
- (a) be approved by the Director-General prior to the commencement of construction;
  - (b) be prepared by a suitably qualified expert;
  - (c) describe the measures that will be implemented to minimise noise and vibration from the construction and operation of the development including:
    - best management practice is being employed on site;
    - traffic management noise is effectively managed;
    - the noise impacts of the project are minimised during any meteorological conditions when the noise criteria in consent do not apply; and
    - compliance with the relevant conditions of this consent.
  - (d) includes a noise monitoring program that:
    - is capable of evaluating the performance of the development; and
    - includes a protocol for determining exceedances of the relevant conditions of this consent and responding to complaints;

## WASTE

### Trade Waste

24. Prior to the commencement of operation, the Applicant shall obtain a trade waste approval from Sydney Water Corporation.

### Classification

25. The Applicant shall ensure that any waste generated on the site is classified in accordance with the EPA's *Waste Classification Guidelines* and disposed of to a facility that may lawfully accept the waste.

### Waste Management

26. The Applicant shall prepare and implement a Waste Management Plan for the development to the satisfaction of the Director-General. The plan shall:
- (a) be prepared by a suitably qualified and experienced expert;
  - (b) be approved by the Director-General prior to the commencement of operation;
  - (c) include final details of the waste management system implemented at the site;

- (d) ensure that best available technology is considered in the final design of the Waste Water Treatment Plant;
- (e) detail the type and quantity of waste to be generated by the operation of the development;
- (f) detail the materials to be reused or recycled, either on or off site;
- (g) detail the procedures for handling, storage, collection of recycling and disposal of all waste in accordance with the best practice industry standards and guidelines; and
- (h) include final details of the trade waste agreement obtained for the development and outline contingency measures for trade waste disposal in the event that a trade waste agreement is not in place.

## **HAZARD AND RISK**

### **Pre-construction**

27. Prior to the commencement of construction of the project (other than preliminary works), the applicant shall submit to the studies set out in clauses (a), (b) and (c) below, to the Director-General for approval. Construction, other than of preliminary works that are outside the scope of the hazard studies, shall not commence until study recommendations have been considered and, where appropriate, acted upon:
- (a) **FIRE SAFETY STUDY** – covering the relevant aspects of the Department of Planning's Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines' and the New South Wales Government's 'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems'. The study shall meet the requirements of Fire and Rescue NSW;
  - (b) **HAZARD AND OPERABILITY STUDY** - chaired by a qualified person, independent of the project. The study shall be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'; and
  - (c) **FINAL HAZARD ANALYSIS** - consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'.

### **Pre-commissioning**

28. Prior to commissioning, the Applicant shall develop and implement the following plans and systems. The Applicant shall submit to the Director-General for approval documentation describing the plans and systems prior to the commencement of commissioning of the proposed project, or within such further period as the Director-General may agree.
- (a) **EMERGENCY PLAN** - detailing procedures for the safety of all people outside of the project who may be at risk from the project. The plan shall be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'; and
  - (b) **SAFETY MANAGEMENT SYSTEM** - covering all on-site operations and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. The Safety Management System shall be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'. Records shall be kept on-site and shall be available for inspection by the Director-General upon request.

### **Pre-startup compliance report**

29. Prior to the commencement of operation of the project, the Applicant shall submit to the Director-General, a pre-start up compliance report detailing:
- (a) dates of study/plan/system completion, commencement of construction and commissioning; and
  - (b) actions taken or proposed, to implement recommendations made in the studies/plans/systems.

### **Post-startup compliance report**

30. Three (3) months after the commencement of operation of the project, the Applicant shall submit to the Director-General, a report verifying that:
- (a) transport routes specified in the Emergency Plan are being followed;
  - (b) the Emergency Plan is in place and that at least one (1) emergency exercise has been conducted; and
  - (c) the Safety Management System has been implemented and that records required by the system are being kept.

### **Hazard audits**

31. Twelve (12) months after the commencement of operations and every five (5) years thereafter, or at such intervals as the Director-General may agree, the Applicant shall carry out a comprehensive Hazard Audit of the proposed project and within one (1) month of each audit submit a report to the Director-General. The audits shall be carried out at the Applicant's expense by a qualified person or team, independent of the project, prior to commencement of each audit and shall be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'.

## HERITAGE

32. The Applicant shall cease all works on site in the event that any Aboriginal cultural object(s) or human remains are uncovered onsite. In the event that an Aboriginal cultural object(s) is uncovered, a suitably qualified and experienced archaeologist, suitable representatives of the local Aboriginal community such as registered Aboriginal parties and the OEH must be contacted to determine the significance of the object(s). In addition, in the event that human remains are uncovered onsite, NSW Police 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.

## BIODIVERSITY

33. The Applicant shall ensure that the development complies with all recommendations outlined in the Flora and Fauna Assessment prepared Travers Bushfire & Ecology (Technical Paper 3 to the EIS).

## ENERGY EFFICIENCY

34. The Applicant shall prepare and implement an Energy Efficiency and Greenhouse Gas Reduction Action Plan for the development, to the satisfaction of the Director-General. The plan must:
- (a) be approved by the Director-General prior to the commencement of operation;
  - (b) be prepared in accordance with the industry standard best practice guidelines including *Guidelines for Energy Savings Actions Plans* (DUES, 2005); and
  - (c) include a program to monitor and report annually on the efficiency of the measures implemented and ensure the development will continue to operate at industry best practice over time.

## Greenhouse Gas

35. The Applicant shall implement all reasonable and feasible measures to minimise:
- (a) energy use on site; and
  - (b) greenhouse gas emissions produced on-site to the satisfaction of the Director-General.

## FIRE MANAGEMENT

36. The Applicant shall:
- (a) implement suitable measures to minimise the risk of fire on-site;
  - (b) promptly extinguish any fires on-site; and
  - (c) maintain adequate fire-fighting capacity on-site.

## Bushfire Risk

37. The Applicant shall ensure that the development complies with all recommendations outlined in the Bushfire Protection Assessment prepare by Travers Bushfire & Ecology (Technical Paper 2 to the EIS).

## FOOD SAFETY

38. Prior to the commencement of operations, the Applicant shall obtain a license as a dairy processing plant under the *Food Regulation 2010* from the NSW Food Authority.

## SECURITY

39. The Proponent shall:
- (a) install and maintain a perimeter security fence and security gates on the site; and
  - (b) ensure that the security gates on site are locked whenever the site is unattended.

## **SCHEDULE 4 ENVIRONMENTAL MANAGEMENT REPORTING & AUDITING**

### **ENVIRONMENTAL MANAGEMENT**

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

1. The Applicant shall prepare and implement a Construction Environmental Management Plan for the development to the satisfaction of the Director-General. The Plan must:
  - (a) be prepared by a suitably qualified and experienced person;
  - (b) be approved by the Director-General prior to the commencement of construction;
  - (c) identify the statutory approvals that apply to the development;
  - (d) consolidate all relevant management plans and monitoring programs required in the conditions of this consent and committed to in the EIS;
  - (e) outline all environmental management practices and procedures to be followed during construction and demolition works associated with the development;
  - (f) describe all activities to be undertaken on the site during construction of the development, including a clear indication of construction stages;
  - (g) detail how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
  - (h) describe of the roles and responsibilities for all relevant employees involved in construction and demolition works associated with the development; and
  - (i) include arrangements for community consultation and complaints handling procedures during construction and demolition.

#### **Operational Environmental Management Plan**

2. The Applicant shall prepare and implement an Environmental Management Plan for the development to the satisfaction of the Director-General. This Plan must:
  - (a) be prepared by a suitably qualified and experienced person;
  - (b) be approved by the Director-General prior to the commencement of operation;
  - (c) provide the strategic context for environmental management of the development;
  - (d) identify the statutory requirements that apply to the development;
  - (e) consolidate all relevant management plans and monitoring programs required in the conditions of this consent and committed to in the EIS;
  - (f) outline the arrangements to ensure compliance with conditions of this consent for the life of the development;
  - (g) include final details of how the environmental performance of the development would be managed and monitored;
  - (h) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise during the course of the development;
    - respond to any non-compliance;
    - manage cumulative impacts;
    - respond to emergencies; and
  - (i) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development.

### **ENVIRONMENTAL REPORTING & AUDITING**

#### **Incident Reporting**

3. Upon detecting an exceedance of the limits/performance criteria in this consent or the occurrence of an incident that causes (or may cause) material harm to the environment, the Applicant shall immediately (or as soon as practical thereafter) notify the Department and other relevant agencies of the exceedance/incident. Within seven (7) days of the date of the incident, the Applicant shall provide the Director-General and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

#### **Independent Environmental Audit**

4. Within one (1) year of the commencement of operations of the development, and every three (3) years thereafter, or as otherwise agreed by the Director-General, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:

- (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;
- (b) include consultation with the relevant agencies;
- (c) assess the environmental performance of the development and assess whether it is complying with the relevant requirements in this consent and any relevant EPL (including any plan or program required under these consents);
- (d) review the adequacy of any plans or programs required under these consents; and, if appropriate;
- (e) recommend measures or actions to improve the environmental performance of the development, and/or any plan or program required under these consents.

*Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.*

- 5. Within six (6) weeks of completing any Independent Environmental Audit, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.
- 6. Within three (3) months of submitting an audit report to the Director-General, the Applicant shall revise any plans or programs in accordance with the recommendations of the audit report, as necessary, to the satisfaction of the Director-General.

## APPENDIX A – MANAGEMENT AND MITIGATION MEASURES

Statement of Commitment No.	Mitigation measures
<b>Air quality, odour and greenhouse gas</b>	
AQ1 *	<p>Construction dust impacts shall be managed through implementation of mitigation measures in the Construction Environmental Management Plan including:</p> <ul style="list-style-type: none"> <li>• Maintaining active road surfaces and application of water as a suppressant;</li> <li>• Damping exposed areas where there is any visible dust lift off;</li> <li>• Limit vehicle speeds;</li> <li>• Limit vehicle movement on-site to defined roads;</li> <li>• Minimising track out of mud onto public roads;</li> <li>• Observing good practice in handling of dusty materials; and</li> <li>• Rehabilitate / vegetate completed sections of the site as soon as is practicable.</li> </ul>
AQ2	The boiler design and operation management shall comply with all the relevant emissions limits and requirements under the POEO Act and POEO CA Regulation.
AQ3	The boiler shall utilise a low NO <sub>x</sub> emitting design and a waste heat economiser to maximise energy efficiency and minimise gas consumption.
AQ4	The wastewater system shall be a fully contained system with hard piping for transferring wastewater with no surface discharge points.
AQ5	The wastewater system shall adequately process the maximum volume of process wastewater under normal operations and avoid prolonged storage and biological decomposition.
AQ6	Monitoring and assessment of odour at the facility shall take place after commencement of operations, at a time to be agreed with the EPA, and a report submitted to the EPA.
<b>Bushfire</b>	
B1	Asset protection zones shall be provided to meet the aims and objectives of <i>Planning for Bush Fire Protection 2006</i> and the Bushfire assessment.
B2	<p>Incorporation of specific building construction standards for parts of the facility within the 20m asset protection zone. This includes:</p> <ul style="list-style-type: none"> <li>• The milk receipt bay canopy and northern portion of the energy centre (within 20m of the boundary) are to be constructed with non-combustible materials;</li> <li>• Operable windows (including louvres) and doors shall be externally screened with metal mesh screens having a maximum aperture size of 3mm;</li> <li>• All external doors are fitted with weather strips where the doors do not close on a rebated edge, and</li> <li>• Roller doors are to be boxed in or sealed in a manner that restricts ember penetration.</li> </ul>
B3	Southern landscaping adjacent to the biodiversity corridor shall not have continuous native vegetation in the form of shrubs and trees.
B4	Planting of trees and shrubs shall not occur within 10m of the facility.
B5	Species selection shall use less flammable species (ie those with a high moisture content, high level of salt, low volatile content of leaves, smooth barks without 'ribbons' hanging from branches or trunks, dense crown and elevated branches).
B6	Organic mulch shall not be used in landscaping.
B7	Reticulated water supply shall use a ring main system for areas with perimeter roads.
B8	Fire hydrant spacing, sizing and pressures shall comply with AS2419.1 (2005).
B9	Hydrants shall not be placed within any road carriageway.

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B10	All above ground water and gas pipes external to the building shall be metal, including taps.
B11	A 65mm Storz outlet with a gate or ball valve shall be provided as a suitable connection for fire fighting purposes within the asset protection zones.
B12	Gate or ball valve and pipes shall be metal.
B13	Underground tanks shall have an access hole of 200mm to allow tankers to refill straight from the tank.
B14	Above ground tanks shall be concrete or metal and raised tanks shall have their stands protected. Tanks on the hazard side of the building shall be provided with shielding to protect fire fighters.
B15	All above ground water pipes external to the water pipe shall be metal including any taps. Pumps shall be shielded.
B16	Preparation of Emergency/Evacuation Plan consistent with the RFS Guidelines for the Preparation of Emergency/Evacuation Plans.
<b>Ecology</b>	
E1	A Proposal ecologist shall undertake a search of the area proposed for the stormwater pipe and outlet and relocate any Cumberland Plan Land Snail specimens into nearby bushland prior to construction works commencing.
E2	Phytophthora control protocols shall be followed to minimise the risk of plant pathogens spreading.
E3	Weed control measures shall be undertaken for Blackberry.
E4 *	Where native vegetation areas within the Biodiversity Corridor are disturbed as a result of the proposed stormwater works, the area shall be stabilized and revegetated with native ground layer and shrub species from the relevant local vegetation community post completion of the works to minimise erosion and sedimentation. All other areas disturbed will be stabilised with appropriate groundcover species, consistent with the surrounding vegetation.
E5	Temporary open weave jute mesh, not jute mat, shall be installed for stabilising disturbed grounds to promote natural regeneration.
E6	Weed control for noxious weed species such as Castor Oil Plant shall be undertaken in the Proposal site, in accordance with the NW Act.
E7 *	A Vegetation Management Plan (VMP) shall be prepared in accordance with the Office of Water Guidelines for Vegetation Management Plans (June 2012) to revegetate and rehabilitate areas within the biodiversity/riparian corridor disturbed by the proposal.
E8 *	The landscape areas within the site shall establish native plants and deep rooted trees from the local vegetation community to assist maintain or lower the groundwater table level.
<b>Food protection</b>	
FP1	A site specific Quality Management System shall be prepared for the facility.
<b>Ground conditions</b>	
GC1	<p>In the event that fill material is to be imported onto the site, this material should meet the following importation criteria for salinity, aggressively and fertility criteria:</p> <ul style="list-style-type: none"> <li>pH within the range 5.5 – 7. Material in this range shall generally be non-aggressive towards built structures and within the optimal range for plant growth;</li> <li>ECe &lt;2 – 4 (dS/m). Material in this range is non-saline to slightly saline and generally considered acceptable for plant growth;</li> <li>CEC in the range 12 - 25 meq/100g. Material in this range is generally considered acceptable for plant growth;</li> <li>ESP &lt;5%. Material in this range is generally acceptable from a soil dispersion perspective;</li> <li>Sulphate and Chloride &lt;5,000 mg/kg. Material in this range shall generally be non-aggressive towards piles/foundations, and</li> <li>Resistivity &gt;5,000 ohm.cm. Material in this range shall generally be non-aggressive towards piles/foundations.</li> </ul>



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GC2	The proposed earthworks should be designed to minimise disturbance of the natural site drainage patterns wherever possible. Where these patterns are altered, appropriate artificial drainage should be installed in order to minimise water logging and localised flooding;
GC3	Subsoil drains should be provided in areas where seepage discharge from the underlying soil may occur, such as retained cuts, cut slopes, or changes in grade. Slabs, foundations and retaining walls should be designed with subsoil drains and good drainage to avoid water logging.
GC4	Stormwater should be managed appropriately in order to reduce infiltration. Stormwater infrastructure should be designed to minimise leakage. Guttering and down pipes should be properly connected and maintained at all times.
GC5	All roads, pavements, footpaths and hardstand areas should be graded to prevent surface water ponding. Subsoil drains should be provided in all such areas to collect stormwater and surface water run-off.
GC6	As salinity is a natural phenomenon that can change over time especially during extreme wet or dry conditions, regular inspections and maintenance of facilities should be undertaken in order to identify issues at an early stage.
GC7	Surplus fill material shall be disposed of to a NSW EPA licensed facility. The fill tested shall meet the classification of General Solid Waste.
GC8	A suitable Unexpected Finds Protocol should be developed and implemented during future development works at the site. The unexpected finds protocol shall provide a mechanism to identify and manage potential contamination issues.
GC9	Bunded areas (with impervious flooring) shall be used for storage of potentially hazardous and/or contaminating materials and activities. The bund shall have a capacity to capture 110% of the volume of the largest container being stored.
GC10	Hazard materials shall be located a suitable distance from stormwater drainage areas so as to avoid stormwater contamination.
GC11	Spill clean-up kits shall be located in suitable, easily observed locations throughout the site and use of items within the spill kit shall be demonstrated to all construction personnel.
GC12	Spills of fuel, oil or other hazardous materials shall be promptly cleaned up and any impacted soil removed from site and disposed to an approved facility.
GC13 *	Should groundwater be encountered during construction, all activities at that location will cease, the Proposal Manager will be notified and Office of Water will be contacted.
<b>Hazards and risks</b>	
HR1	Dangerous good storage areas shall comply with the following standards: AS 3780:2008 - "The storage and handling of corrosive substances"; AS 4326:2008 - "The storage and handling of oxidising agents"; AS NZS 4452:1997 - "The storage and handling of toxic substances"; AS NZS 1596:2008 - "Anhydrous ammonia - Storage and handling"; AS/NZS 1677.2:1998 - "Refrigeration systems - Safety requirements for fixed applications"; and AS/NZS 3833:2007 - "The Storage and Handling of Mixed Classes of Dangerous Goods in Packages and Intermediate Bulk Containers".
HR2	Specific on-site personnel shall be trained in specific site procedures, emergency and first aid procedures and the use of fire extinguishers and hose reels.
HR3	Fire extinguishers and spill control kits shall be provided near high risk areas such as the Chemical Storage Area.
HR4	The storage of combustible or flammable materials should be prevented near high risk areas such as the Chemical Storage Area.
HR5	Site management shall prepare and maintain operational procedures to minimise the number of hazardous incidents and accidents on site and to mitigate the consequences of incidents regarding the handling of dangerous goods and chemicals.
HR6	Site employees and milk truck drivers shall be trained in the Milk Spill Management Plan prepared for the site.
HR7	A site Emergency Management Plan shall be prepared and include measures to notify neighbouring premises in the event of an emergency with potential offsite impacts.
HR8	The chilled water system shall be installed, tested, operated and maintained in accordance with the manufacturer's instructions by trained

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	professionals or personnel. The ammonia detection system shall be installed and maintained in accordance with AS/NZS 1677.2:1998 (Refrigerating systems - Safety requirements for fixed applications)
<b>Noise</b>	
N1	Construction related noise should be managed in accordance with the Construction Environmental Management Plan
N2*	The Proponent will prepare and implement an Operational Environmental Management Plan that will include details on management of operational noise.
<b>Socioeconomic</b>	
SE1	Consultation will continue with local business and residential community to identify, and where appropriate, address issues related to the further development and operation of the Proposal
<b>Surface Water</b>	
SW1	Erosion and sediment controls shall be implemented during construction works, generally in accordance with the Early Works Soil and Water Management Plan, and updated as necessary. Erosion and sediment controls shall be designed, installed and maintained in accordance with Managing Urban Stormwater: Soils and Construction (Landcom, 2004) (the "Blue Book"). Appropriate erosion and sediment controls shall be installed early in the construction program and in advance of the works they are designed to protect. Controls shall remain in place until such time as the works they protect are completed and the land stabilised, in accordance with Blue Book requirements.
SW2	A stormwater drainage system shall be designed and installed in accordance with the Penrith City Council's requirements, and generally as outlined in the Stormwater Management Strategy. The stormwater system shall convey stormwater to the trunk drainage system in a manner that minimises potential flooding and downstream water quality impacts. An On-site Stormwater Detention (OSD) system shall be installed within the site drainage system, with the purpose of detaining stormwater flows to maintain post-development peak flows at pre-development levels, in accordance with the requirements of the Penrith City Council and generally as proposed in the Stormwater Management Strategy.
SW3	A stormwater treatment device shall be installed within the site capable of achieving pollutant retention in accordance with the requirements of Penrith Council and generally as proposed in the Stormwater Management Strategy.
SW4	Site operating procedures and operational management plans shall be developed that identify and assess potential risks to stormwater quality, and demonstrate appropriate management of these risks. This shall include reference to operational equipment, policies and procedures, maintenance and monitoring requirements, and individual responsibilities, aimed at protecting stormwater quality.
SW5	Emergency procedures shall be put in place to manage the containment and cleanup of hazardous materials in the event of a spill. Areas identified as posing a potential hazard to stormwater quality (e.g. hazardous materials storage areas and bulk product handling areas) shall be suitably isolated from the stormwater drainage system.
SW6	A stabilised drainage path shall be constructed near the eastern property boundary to convey inter-allotment drainage from areas to the north and east, safely through and away from the site. This is expected to require construction (or reconstruction) of grade control structures in the northeast and southeast of the site, to rectify the current unacceptable drainage conditions, which are causing appreciable erosion. Liaison with neighbouring landowners shall likely be required as works on adjoining lands may be required.
SW7	Upon completion of construction the site shall be stabilised such that it does not present an ongoing erosion hazard, including through landscaping of areas that do not contain buildings or hardstand areas. The southern batter shall be landscaped to halt the existing erosion.
<b>Traffic and transport</b>	
T1	In relation to parking, the Proposal shall include disabled parking in accordance with Penrith City Council requirements and be designed in accordance with AS 2890.6 (Parking Facilities: Off-street parking for people with disabilities).

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T2	In relation to bicycle parking facilities, the Proposal shall provide adequate bicycle parking facilities so as to provide the opportunity to reduce car dependency
<b>Visual and Landscape</b>	
V1	The landscape plan shall be implemented to provide visual screening of the facility.
<b>Waste management</b>	
WM1	Recommendations on waste management in the Waste Management Plan shall be implemented to adequately manage wastes generated during construction of the Proposal.
WM2	Recommendations on waste management in the Waste Management Plan shall be implemented to adequately manage wastes generated during operations.
<b>Aboriginal heritage</b>	
AH1	A suitable Unexpected Finds Protocol shall be developed and implemented during construction of the Proposal.
<b>Non-Aboriginal heritage</b>	
NH1	A suitable Unexpected Finds Protocol shall be developed and implemented during construction of the Proposal.











