



**Planning &
Environment**

**STATE SIGNIFICANT DEVELOPMENT ASSESSMENT:
Boral Widemere Resource Recovery Facility
(SSD 6525)**



Environmental Assessment Report
Section 89H of the
Environmental Planning and Assessment Act 1979

November 2016

Cover Photograph: Boral Widemere Recycling Facility (Nearmaps 2015)

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EXECUTIVE SUMMARY

Boral Recycling Pty Ltd (the Applicant) has lodged a Development Application (DA) and accompanying Environmental Impact Statement (EIS) seeking consent to expand its construction materials resource recovery facility (RRF) on Widemere Road, Wetherill Park in the Fairfield Local Government Area (LGA).

The site is located approximately 28 kilometres (km) west of the Sydney CBD near the M4 and M7 Motorways and covers approximately 9.8 hectares (ha). The site is zoned industrial and has been operating as a construction and demolition RRF since 2002 under an existing ministerial consent. The Applicant intends on surrendering the existing consent as part of this DA allowing the site to operate under one consent. The site is owned and operated by the Applicant and is located between the Wetherill Park Industrial Complex and Greystanes Estate Southern Employment Land.

The development involves increasing the processing capacity of an existing RRF from 750,000 tonnes per annum (tpa) to 1,000,000 tpa, expanding the stockpile area by 0.4 hectares (ha), increasing the waste streams processed at the site, modifying the hours of operation and a realignment of an internal haul road.

The facility separates, crushes and blends construction and demolition waste (C&D) with quarry material to produce saleable construction materials. The final recycled products which are sold include road base and aggregate products used for the construction of roads, highways, pavements, car parks and driveways. The facility does not receive any putrescible waste or odorous materials as part of its current operations.

The proposed expansion has a capital investment value of over \$164,112. In addition to the 30 employees already employed at the site, the expansion will generate an additional three jobs.

The proposed development is classified as State significant development (SSD) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves a development for the purposes of a RRF that handles more than 100,000 tpa of waste that meets the criteria in Clause 23(3) of Schedule 1 in *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Consequently, the Minister for Planning is the consent authority for the proposed development.

The Department exhibited the EIS from 4 June 2015 until 17 July 2015. A total of four agency submissions were received. None of the agencies objected to the proposed development, however, the Council and the Environment Protection Authority (EPA) raised concern with the water quality and stormwater management system. No submissions from the general public were received.

The Applicant submitted a Response to Submissions (RTS) report which did not address the EPA's concerns in relation to surface water management and water quality. To address the EPA's concerns, the Applicant submitted a surface water monitoring and mitigation plan, along with baseline water quality data. The data depicted a number of contaminants of concern in the water presently discharging from the site. The Department and the EPA met with the Applicant on a number of occasions to address the water quality issues with the existing facility to ensure that reasonable and feasible mitigation measures could be implemented as part of this DA. The Department and the EPA are satisfied that mitigation measures can be installed to address the current water quality issues at the site prior to the any controlled discharges to Prospect Creek occurring. A commissioning period has also been recommended to detail the effectiveness of the installed mitigation measures.

The Department's assessment of the application has fully considered all relevant matters under Section 79C of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified the following key issues for assessment:

- surface water including the discharge volumes and water quality;

- air quality in particular dust management; and
- noise.

The Department's assessment concluded that the impacts can be mitigated and/or managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and is recommended for approval, subject to conditions.

1. BACKGROUND

1.1. The Department's Assessment

This report details the Department's assessment of the State significant development (SSD 6525) for the Boral Widemere Construction Materials Resource Recovery Facility (RRF). The development involves increasing the waste processing capacity of the existing facility, expanding the stockpiling area by 0.4 hectare (ha), increasing the waste streams processed at the site, modifying the hours of operation and realignment of the internal haul road. The Department's assessment considers all documentation submitted by the Applicant, including the Environmental Impact Statement (EIS) and Response to Submissions (RTS), and submissions received from government authorities. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the proposed development, surrounding environment, relevant strategic and statutory planning matters and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment of the Boral Widemere Construction Materials RRF has concluded the development is in the public interest and should be approved, subject to conditions.

1.2. Project Background

Boral Recycling Pty Ltd (the Applicant) is a division of Boral Limited, an international building and construction materials group headquartered in Australia. The Applicant currently operates the Boral Widemere Construction Materials RRF at Wetherill Park in the Fairfield Local Government Area (LGA) (see **Figure 1**). The site currently operates under an existing approval (Development Application (DA) 21-1-2002-i) issued by the then Minister for Planning on 25 November 2002 and an Environmental Protection Licence (No. 802) issued by the Environment Protection Authority (EPA).

The facility currently separates, crushes and blends construction and demolition waste with quarry material to produce construction materials. Finished recycled products include road base and aggregate products used for the construction of roads, highways, pavements, car parks and driveways. The facility does not receive any putrescible waste or odorous materials as part of current operations.

The RRF currently has approval to process 750,000 tonnes per annum (tpa) of non-putrescible construction and demolition waste (C&D), comprising 600,000 tpa of permitted waste with the balance being made up of blending material (material not more than 25 millimetres (mm) in diameter).

The Applicant proposes to increase the total processing capacity of the RRF from 750,000 tpa to 1,000,000 tpa and increase the waste streams accepted at the site. The Applicant indicates the increase is required to meet market demand for engineered road products. The Applicant intends to surrender the existing development consent for the RRF and continue current operations under the new consent (SSD 6525).

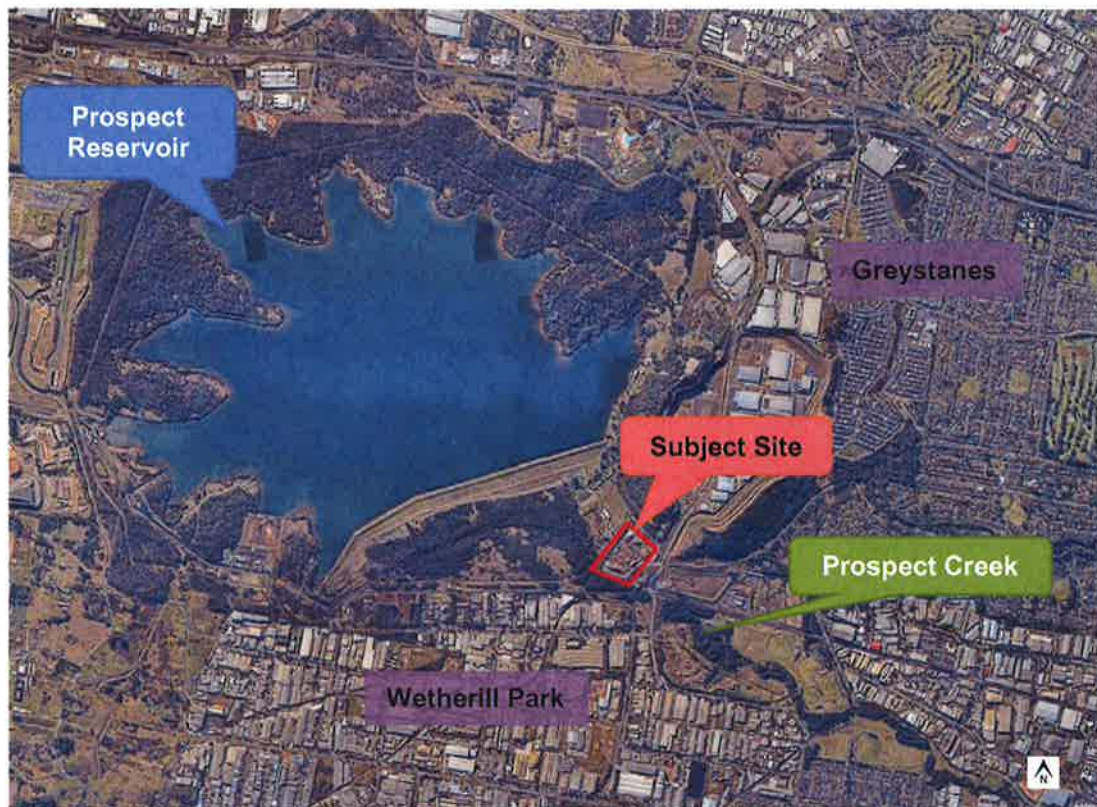


Figure 1: Regional Context

1.3. Site Description

The site is legally described as Lot 4001 in DP 1173524 and is located on Widemere Road, Wetherill Park and covers approximately 9.8 ha. The existing infrastructure on site includes a weighbridge, spot checking platform, administration building, incoming materials stockpile area, processing area, processed materials stockpile area, internal haul roads and two sediment basins. The site gently slopes towards the south-west, towards Prospect Creek. Vehicular access is provided off Widemere Road, which connects to the Prospect Highway and provides access to the M4 and M7 Motorways.

1.4. Surrounding Land Uses

The RRF is located in a predominantly industrial area. To the south of the site is Prospect Creek and the Wetherill Park Industrial Complex. Prospect reservoir and reserve are located to the west and north-west of the site. To the north is the Greystanes Estate Southern Employment Land. Residential and industrial land uses are approximately 1 km east of the site.

The nearest receiver is an industrial receiver known as R8 (see **Figure 2**) located within an industrial area on Davis Road approximately 200 m south west of the site. The nearest residential receiver is a future high density apartment block known as R10 (see **Figure 2**) and is located approximately 700 m to the north-east of the site. The nearest existing residential receiver known as R1 (see **Figure 2**) is located on Munro Street, Greystanes and is approximately 1 kilometre (km) to the east of the site.



Figure 2: Local Context

1.5. Existing Processing Activities

The RRF currently operates under a Ministerial Consent DA 21-1-2002i which is proposed to be surrendered. However, as the facility is expanding its operations, the existing processing activities at the facility will continue. **Table 1** and **Figure 3** shows the existing processing activities and the existing site layout.

Table 1: Existing Processing Activities

Site Layout	Description
Receivals area	<ul style="list-style-type: none"> includes a weighbridge, spot checking platform and administration buildings; and materials arriving at the facility are registered and checked at the receivals area to ensure incoming materials are permitted waste materials.
Incoming Materials Stockpile Area	<ul style="list-style-type: none"> materials are stockpiled on-site by type and size, stockpile heights are not permitted to exceed 20 m; loads are checked for any contamination; and materials larger than 600 mm are further broken down using an excavator.
Processing Area	<ul style="list-style-type: none"> waste materials are processed as follows: <ol style="list-style-type: none"> Crushing: materials are fed into primary and secondary crushers to reduce the size of the material. Removing impurities: steel and other metals are removed from the crushed material via magnetic and manual sorting methods. Screening: material is moved along a conveyor and screened into separate materials and sizes. Stabilisation plant: processed finished products are put through a pugmill (machine where materials are mixed with a liquid) to create different product specifications.
Processed Materials Stockpile Area	<ul style="list-style-type: none"> finished products are placed in stockpiles according to the required product specification.
Water Management Area	<ul style="list-style-type: none"> the site has an existing surface water management system which includes two sediment basins with a combined volume of 5,160 m³; the two basins are hydraulically linked and have an outlet pipe which discharges to Prospect Creek; and water is extracted from the second basin and is reused on site for dust suppression on internal roads, stockpiles, wheelwash and for use in the fixed plant and pugmill.

Site Layout	Description
Internal Haul Roads	<ul style="list-style-type: none"> the site contains a number of internal haul roads including a perimeter haul road and minor internal roads in the various processing and stockpile areas (Figure 3); and the internal flow of traffic at the facility is divided into trucks delivering waste material and trucks collecting product.
Environmental Management	<ul style="list-style-type: none"> the site currently operates under an EPL and an Operational Environmental Management Plan (OEMP). Current dust and air quality requirements include two wheel washing facilities, water sprinklers and water carts on site to suppress dust emissions.



Figure 3: Existing Site Layout

2. PROPOSED DEVELOPMENT

2.1. Description of the Development

The Applicant proposes to continue the sites current processing activities as discussed in Section 1.5, with the addition of the following:

- an increase in the processing capacity of permitted waste up to 1,000,000 tpa;
- acceptance and processing of additional waste streams including:
 - excavated natural material (ENM);
 - tiles and masonry (including materials direct from the manufacturer, such as seconds material);
 - quarry products (greater than 20 mm);
 - wet concrete batching plant stirrer waste (liquid waste from the concrete batching process);

- realignment of the southern perimeter haul road and increase the processing area by 0.4 ha; and
- increasing the operating hours of the recycling facility.

The proposed development does not seek to alter stockpile heights or the type and number of plant and equipment currently used on site. The proposed development would employ three people in addition to the 30 people already employed at the facility.

The Applicant proposes to realign the perimeter haul road on the southern section of the site (see **Figure 4**). The realignment of the haul road would improve internal traffic management at the facility during peak periods while also providing greater flexibility for vehicle movements. The realignment of the haul road also increases the processing area available by 0.4 ha for stockpiling finished product.

The construction works associated with the southern perimeter haul road realignment has a capital investment value of \$164,112 and is expected to take approximately five days. The existing and proposed operations are summarised in **Table 2** below.

Table 2: Existing and Proposed Operations

Aspect	Existing Operations	Proposed Operations
Volume of Materials Processed	<ul style="list-style-type: none"> • 750,000 tpa 	<ul style="list-style-type: none"> • 1,000,000 tpa
Employment	<ul style="list-style-type: none"> • 30 full time operational jobs 	<ul style="list-style-type: none"> • 33 full time operational jobs; and • 8 construction jobs (over 5 days)
CIV	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • \$164,112
Operating Hours	<ul style="list-style-type: none"> • processing activities: <ul style="list-style-type: none"> - 6 am to 10 pm, Monday to Friday; and - 6 am to 4 pm, Saturday. • receipt of waste material and dispatch activities (including maintenance): <ul style="list-style-type: none"> - 6 am to midnight, Monday to Friday; and - 6 am to 4 pm, Saturday. • no operations on Sundays or public holidays. 	<ul style="list-style-type: none"> • processing, receipt and dispatch activities: <ul style="list-style-type: none"> - 6 am to midnight, Monday to Saturday; and - 6 am to 6 pm one Sunday per month. • maintenance activities: <ul style="list-style-type: none"> - 6 am to midnight, Monday to Saturday; and - 6 am to 6 pm, Sundays and public holidays.
Construction Hours	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • construction hours for southern perimeter haul road realignment: <ul style="list-style-type: none"> - 7:00 am to 6:00 pm, Monday to Friday; and - 8:00 am to 1:00 pm, Saturday. • no work on Sunday or Public Holidays.
Parking	<ul style="list-style-type: none"> • 37 car spaces 	<ul style="list-style-type: none"> • 37 car spaces
Waste Materials	<ul style="list-style-type: none"> • building and demolition waste, as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> (POEO Act); • asphalt waste; • virgin excavated natural material (VENM); • plasterboard and ceramics; • cured concrete waste (washout) in solid form from concrete batching plant; • processed natural quarry product; • soil which meets thresholds for General Solid Waste in Table 1 of the waste classification guidelines; • garden waste, as defined in the POEO Act; • general or specific exempted waste; and 	<ul style="list-style-type: none"> • continue processing permitted waste materials, with the addition of: <ul style="list-style-type: none"> - ENM; - tiles and masonry (including materials direct from the manufacturer, such as seconds material); - quarry products (greater than 20mm); and - wet concrete batching plant stirrer waste.

Aspect	Existing Operations	Proposed Operations
	<ul style="list-style-type: none"> any waste which is below licensing thresholds in Schedule 1 of the POEO Act. 	
Daily Movements <i>Truck</i> (Maximum)	<ul style="list-style-type: none"> 432 trucks per day (ie 864 daily truck movements). 	<ul style="list-style-type: none"> the expansion would require an additional 134 trucks per day (268 daily truck movements); and total number of trucks per day : 566 (1,132 daily truck movements).
Stockpile Height	<ul style="list-style-type: none"> 20 m 	<ul style="list-style-type: none"> 20 m
Finished Products	<ul style="list-style-type: none"> recycled aggregate and road base products used for the construction of roads, highways, pavements, car parks and driveways. Materials produced include: <ul style="list-style-type: none"> superfill; 20 mm recycled road gravel; and 20 mm recycled road base. 	<ul style="list-style-type: none"> in addition to the products already produced at the site, new finished products shall include: <ul style="list-style-type: none"> recycled pipe bedding; 20 mm recycled aggregate; 10 mm recycled aggregate; engineered road base/sub base; and non-engineered road base.
Construction Works	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> construction works associated with the realignment of the southern perimeter haul road including 102 m³ flood storage within the roadway hardstand area; and construction works expected to take 5 days.
Stormwater Limits	<ul style="list-style-type: none"> permitted to discharge during uncontrolled events; 100 kilolitre (kL) per day discharge volume limit; and water quality criteria specified in the development consent and the Environmental Protection Licence (EPL). 	<ul style="list-style-type: none"> permitted to discharge during high rainfall events; removal of volume discharge limits for uncontrolled events (storm events); removal of water quality criteria for uncontrolled discharge events; and water quality limits will be specified in EPL.



Figure 4: Proposed Site Layout

2.2. The Applicant's Need and Justification for the Development

Reducing waste and keeping materials circulating within the economy are priorities for the NSW Government. To meet this important challenge, the Government has prepared a state-wide *Waste Avoidance and Resource Recovery Strategy 2014-2021* (WARR Strategy). The WARR strategy for 2014-2021 sets waste recycling targets for C&D. The proposed development would contribute significantly to the State's recovery performance for the recycling of C&D.

The Applicant states the existing facility has made significant contributions to the NSW State waste minimisation target by recycling C&D since 2002. The proposed development, which would increase the processing capacity of the facility from 750,000 tpa to 1,000,000 tpa provides for continued contribution to waste minimisation and resource recovery targets in NSW.

The Applicant also states the proposed development would optimise the current use of the site and would allow for the consolidation of waste from other Boral operations to improve broader resource and recovery outcomes of the company. In addition, the site is located within an existing industrial area and has a sufficient buffer distance from surrounding and future sensitive receivers.

3. STRATEGIC AND STATUTORY CONTEXT

3.1. Strategic Context

The NSW Government has announced the Premier's Priorities which cover 12 key areas including economic growth, provision of infrastructure, protection of vulnerable communities, improving education and environmental protection. One of the Premier's key priorities is 'Creating Jobs'. The NSW Government aims to provide 150,000 new jobs over the next four years.

The proposed development would contribute toward 'Creating Jobs' by providing at least 8 construction jobs and three operational jobs (in addition to the 30 employees already employed at the facility) in the Fairfield LGA. The development also represents an \$116,112 capital investment in industrial development.

A Plan for Growing Sydney

The proposed development is also consistent with the goals, directions and actions outlined in *A Plan for Growing Sydney* as it will:

- assist in the transformation of western Sydney by providing growth and investment in an identified industrial precinct, with high levels of accessibility to the regional road network (Direction 1.4);
- provide additional employment opportunities in close proximity to existing residential developments in western Sydney (Direction 1.4); and
- support the provision of infrastructure by providing construction materials for use in infrastructure projects around NSW.

Draft District Plans

The Greater Sydney Commission has released the draft of six district plans encompassing Greater Sydney which will guide the delivery of *A Plan for Growing Sydney*. The draft district plans set out the vision, priorities and actions for the development of each district. The proposed development is located within the West Central District which is identified as one of the most dynamic and rapidly growing regions in Australia. The proposed development would assist in meeting a waste reuse and recycling priority (Action S9) of the draft district plan through supporting the reuse of construction and demolition waste.

WARR Strategy

The strategy for 2014-2021 sets waste recovery targets for C&D. By 2021-2022, the strategy aims to increase recycling rates for:

- C&D from 76% (in 2010-11) to 80%; and
- increase the waste diverted from landfill from 63% (in 2010-11) to 75%.

The proposed development would contribute to the State's recovery performance in C&D.

3.2. State Significant Development

The proposed development is classified as State significant development under Clause 23(3) of Schedule 1 in the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) because it involves the development for the purposes of a RRF that handles more than 100,000 tpa of waste. Consequently, the Minister for Planning is the consent authority for the development.

3.3. Permissibility

The site is zoned IN2 (Light Industrial) under the *State Environmental Planning Policy (State Significant Precincts) 2005*. Development of a materials recycling or recovery centres is permissible with development consent in the IN2 zone.

3.4. Consent Authority

On 16 February 2015, the Minister delegated the functions to determine SSD applications to the Executive Director, Key Sites and Industry Assessments where:

- the relevant local Council has not made an objection; and
- there are less than 25 public submissions in the nature of objections; and
- a political disclosure statement has not been made.

Of the four submissions received, no submissions were from the public and Council did not object to the development. No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who lodged a submission.

Accordingly, the application can be determined by the Executive Director, Key Sites and Industry Assessments under delegation.

3.5. Other Approvals

Section 89K of the EP&A Act requires further approvals to be obtained, considered or determined in a manner that is consistent with any Part 4 approval for SSD projects under the EP&A Act. In the case of the proposed development, the sites existing Environment Protection License (EPL) will need to be amended by the Environment Protection Authority (EPA) under the POEO Act.

3.6. Considerations under Section 79C of the EP&A Act

Section 79C of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in Section 5 and **Appendix B**. In summary, the Department is satisfied the proposed development is consistent with the requirements of Section 79C of the EP&A Act.

3.7. Environmental Planning Instruments

Under Section 79C of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the proposed development.

The Department has considered the development against the relevant provisions of several key environmental planning instruments including:

- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy (State Significant Precincts) 2005*;
- *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)*; and
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*.

Detailed consideration of the provisions of all EPIs which apply to the proposed development is provided in **Appendix C**. The Department is satisfied the proposed development generally complies with the relevant provisions of these EPIs.

3.8. Exhibition and Notification

Under Section 89F(1) of the EP&A Act, the Secretary is required to make the development application and any accompanying information of an SSD application publicly available for at least 30 days. The application was on public exhibition from Thursday 4 June 2015 until Friday 17 July 2015. Details of the exhibition process and notifications are provided in Section 4.1.

3.9. Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in Section 5 of the Act. The objects of relevance to the merit assessment of this application include:

- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
- (ii) *the promotion and co-ordination of the orderly and economic use and development of land;*
- (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitat; and*
- (vii) *ecologically sustainable development.*

The Department is satisfied the proposed development encourages the proper management of waste resources and the orderly and economic development of land. In particular, the proposed development is a permissible use on industrial zoned land and is located within an industrial park. The proposed development makes use of an existing facility, decreasing the need for a new facility at an alternative location and the associated impacts. The site is also strategically located with access to major regional road networks.

The Department recognises the potential impacts on other land uses nearby, particularly in relation to stormwater, air quality and noise. The Department has assessed these impacts in detail in Section 5 of this report. The Department's assessment has concluded the development would not result in unacceptable impacts on the environment or other land uses subject to the recommended consent conditions being implemented.

The Department has considered the encouragement of ecologically sustainable development in its assessment of the proposed development. This assessment integrates all socio-economic and environmental considerations and seeks to avoid potentially serious or irreversible environmental damage based on an appraisal of risk weighted consequences. The Department is satisfied the proposed development can be carried out in a manner which is consistent with the principles of ecologically sustainable development.

3.10. Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle;*
- (b) *inter-generational equity;*
- (c) *conservation of biological diversity and ecological integrity; and*
- (d) *improved valuation, pricing and incentive mechanisms.*

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

As demonstrated by the Department's assessment in Section 5 of this report, the development is not anticipated to have adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats. The development requires removal of 12 juvenile Swamp Oaks, growing out of stockpiles within a disturbed area of the site. The removal of the 12 trees would not fragment, have an adverse effect, or substantially modify the local occurrence of the Swamp Oak Floodplain Forest community. As such, the Department considers the proposed development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

3.11. Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Under the EPBC Act, assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a 'controlled action'. The EIS for the development included a preliminary assessment of the MNES in relation to the development and concluded the development would not impact on any of these matters, and is therefore not a 'controlled action'. As such, a referral to the Commonwealth Government was not required.

4. CONSULTATION AND SUBMISSIONS

4.1. Consultation by the Department

After accepting the EIS for the application, the Department:

- made the application publicly available from **Thursday 4 June 2015** until **Friday 17 July 2015**;
 - on the Department's website;
 - at the Department's Information Centre (Bridge Street, Sydney);
 - at the Nature Conservation Council's Head Office (Sydney); and
 - at Fairfield City Council;
- notified landowners in the vicinity of the site about the exhibition period by letter;
- notified relevant State government authorities and Fairfield City Council (Council) by letter; and
- advertised the exhibition in the Fairfield Advance.

A total of four submissions from public authorities were received in response to the public exhibition of the proposed development. A summary of the issues raised in submissions is provided below. A copy of these submissions is provided in **Appendix E**. No submissions from the public were received. There were no objections to the proposed development by Council or any other government agencies.

4.2. Public Authorities

Fairfield City Council (Council) did not object to the proposed development but did not support the removal of the stormwater discharge volume limits and water quality criteria. Council raised concern about water quality impacts on Prospect Creek and whether the pollution control limits for Total Suspended Solids (TSS) can be met. Council recommended the Applicant consider changing their operational processes or provide structural upgrades to ensure the proposed operations will not result in changes to sediment, pH, oil and grease discharges into Prospect Creek. Council also recommended an acoustic report be submitted to the EPA to verify noise levels at the nearest receiver comply with the noise criteria.

The **EPA** did not object to the proposed development and noted a license variation of the facility's EPL will be required particularly in relation to stormwater discharge volumes from the site. The EPA agreed to remove the discharge limit for uncontrolled discharges. The EPA maintained volume and pollutant concentration limits must be applied to controlled discharges.

The EPA raised concern with the flocculants currently being used at the site. The EPA requested an initial surface water characterisation assessment of water in the sediment basins be conducted along with identification of potential sources of contamination and management measures. In addition, the EPA recommended:

- the noise limits and a noise compliance assessment be completed;
- an air quality audit to identify fugitive particulate sources and benchmark the mitigation measures against best practice;
- an Erosion and Sediment Control plan for construction;
- an OEMP; and
- an Surface Water Mitigation and Monitoring program.

Roads and Maritime Services (RMS) reviewed the proposed development and did not raise any concerns.

Department of Primary Industries - Water (DPI Water) reviewed the proposed development and did not raise any concerns.

4.3. Response to Submissions

In September 2015, the Applicant provided a Response to Submissions report (RTS). The RTS provided some clarification on air quality, noise and stormwater. However, it disputed a number of the general terms of approval requested by the EPA. The EPA reviewed the RTS and maintained that:

- a surface water mitigation and monitoring plan must be developed and formalised as a monitoring condition on the EPL;
- an assessment of potential for leakage of the sediment basin to groundwater is required;
- an initial surface water characterisation assessment should be conducted to determine the pollutants present in the sediment basins;
- an air quality audit be conducted within six months of commencing operations to identify all fugitive particulate matter emission sources and benchmark the mitigation measures against best practice;
- particulate matter, in particular PM₁₀ and PM_{2.5} should be monitored;
- the OEMP should be updated; and
- an Erosion and Sediment Control Plan is required for construction.

In December 2015, the Applicant provided a supplementary RTS which did not adequately address the EPA's concerns. The Department raised concern with the Applicant's supplementary RTS and requested the Applicant provide an initial surface water characterisation assessment of water in the sediment basins along with identification of the potential sources of contamination and proposed management measures.

In September 2016, in a response to the Department and EPA's concerns, the Applicant submitted an on-site stormwater detention basin surface water monitoring and mitigation plan (OSDMMP). The OSDMMP identified potential contaminants of concern in the surface water, possible management strategies and a water quality monitoring program for the commissioning period. In September 2016, the Applicant provided the initial surface water characterisation assessment (baseline data) for the sediment basins. The baseline data identified elevated levels of cadmium, chromium, chromium VI, copper, lead, vanadium, zinc and 2,4-Dinitrophenol. The EPA recommended the Applicant put in place the appropriate management measures to reduce the levels of these contaminants and stated controlled discharges were not permitted until the Applicant could demonstrate the contaminants have been reduced to an acceptable level. The EPA have also required in a Pollution Reduction Program (PRP) for the existing facility.

The Department consulted with the EPA, Council and the Applicant on the draft recommended conditions of consent.

The Department has considered the issues raised in submissions, the RTS and the additional information provided, in its assessment of the development.

5. ASSESSMENT

The Department has considered the EIS (**Appendix D**), the issues raised in the submissions (**Appendix E**), the Applicant's RTS and Supplementary RTS (**Appendix F**) and relevant environmental planning instruments, policies and guidelines in its assessment of the proposed development. The Department considers the key assessment issues are:

- surface water including water quality and stormwater;
- air quality; and
- noise

A number of other issues have also been considered. These issues are considered to be minor and are addressed in Table 4 under Section 5.4.

5.1 Surface Water

The proposed development will increase the impervious surface at the site by 0.4 ha and introduce new waste streams at the facility. As such, the proposed development has the potential to increase surface water flows and introduce additional contaminants to the surface water. Increased runoff has the potential to impact on upstream and downstream catchments if not controlled by an adequate surface water management system (SWMS).

Existing Surface Water Management System

The site is located within the Prospect Creek catchment and generally slopes south-westerly towards Prospect Creek (see **Figure 5**). Prospect Creek flows in a south-easterly direction from Prospect Reservoir into a wetland area within Walder Park before flowing east adjacent to the southern border of the site (around 50 m south of the existing perimeter haul road). The existing SWMS consists of open drains, swales and pipes which collect stormwater runoff from the site before being captured in two sediment basins (basins 1 and 2).

Proposed Surface Water Management System

The EIS included a Surface Water Assessment (SWA), prepared by SLR Consulting which included a site water balance model of the existing and proposed operations. As requested by the EPA, the Applicant also provided an OSDMPP which included potential contaminants of concern associated with the surface water, possible management measures and a monitoring program for the commissioning period. Under the proposed development surface water would continue to be discharged to Prospect Creek. In addition, the Applicant provided baseline data from the licenced discharge point which identified elevated contaminants were present in the surface water. **Figure 5** shows the location of the licenced discharge point.

The existing development consent and EPL contain discharge volume limits and water quality criteria for the licenced discharge point. As part of the proposed development, the Applicant requested these limits be removed for uncontrolled high rainfall events such as storms as the volume limit of 100 kL/day is easily exceeded due to the unpredictable nature of storms. The definition of an uncontrolled rainfall event will be defined in the EPL.

During the exhibition period, both Council and the EPA raised concerns with the proposed SWA and SWMS.

Council did not support the removal of the discharge volume limits and water quality criteria during uncontrolled discharges and raised concerns regarding concentrations of total suspended solids (TSS) entering Prospect Creek. Council requested the Applicant consider changes to the operational processes or structural upgrades to ensure there were no input changes to sediment, pH, oil and grease.

The EPA considered removing the discharge volume limit and water quality criteria for uncontrolled discharges was acceptable provided the appropriate mitigation measures were in place to manage water quality during controlled events. The EPA stated controlled discharges were not permitted until the Applicant could demonstrate the contaminants have been reduced to an acceptable level. To ensure the appropriate water quality criteria are included within the EPL, the EPA suggested a commissioning period should be developed which includes monitoring of the licenced discharge point following the receipt of the additional waste streams and increase in capacity. Following the commissioning period, the EPL would be amended to include the revised water quality criteria. The EPA also requested the sediment basins be tested for leakages and a soil and erosion sediment plan be prepared for construction.

Construction

As the construction phase is estimated to last five days and the construction works are minimal, the Department considers normal construction management measures such as a Construction Environmental Management Plan (CEMP) are adequate to manage the construction impacts. In addition, the construction impacts are considered minimal in the context of the existing development. The Department has recommended conditions requiring the Applicant to implement standard erosion and sediment controls in accordance with the EPA's *Managing Urban Stormwater: Soils and Construction Volume 2* which would be documented in the CEMP.

Operation

The RRF currently has an operational SWMS. The Applicant has not proposed to physically alter the existing SWMS. Currently, basins 1 and 2 have a combined volume of 5,160 m³, are hydraulically linked and have an outlet pipe which discharges into Prospect Creek via a licensed discharged point registered under the facility's EPL (see **Figure 5**). All surface water must enter basin 1 before being discharged to basin 2. Stormwater may only be discharged from the site from basin 2. As part of the site's operations, water from the basin 2 is extracted for reuse on-site for:

- wheel wash water; and
- dust suppression on internal roads, stockpiles and crushing and screening areas.

The Applicant requested the discharge volume limit (100 kL/day) and water quality criteria be removed from the development consent and the EPL during intense uncontrolled rainfall events.

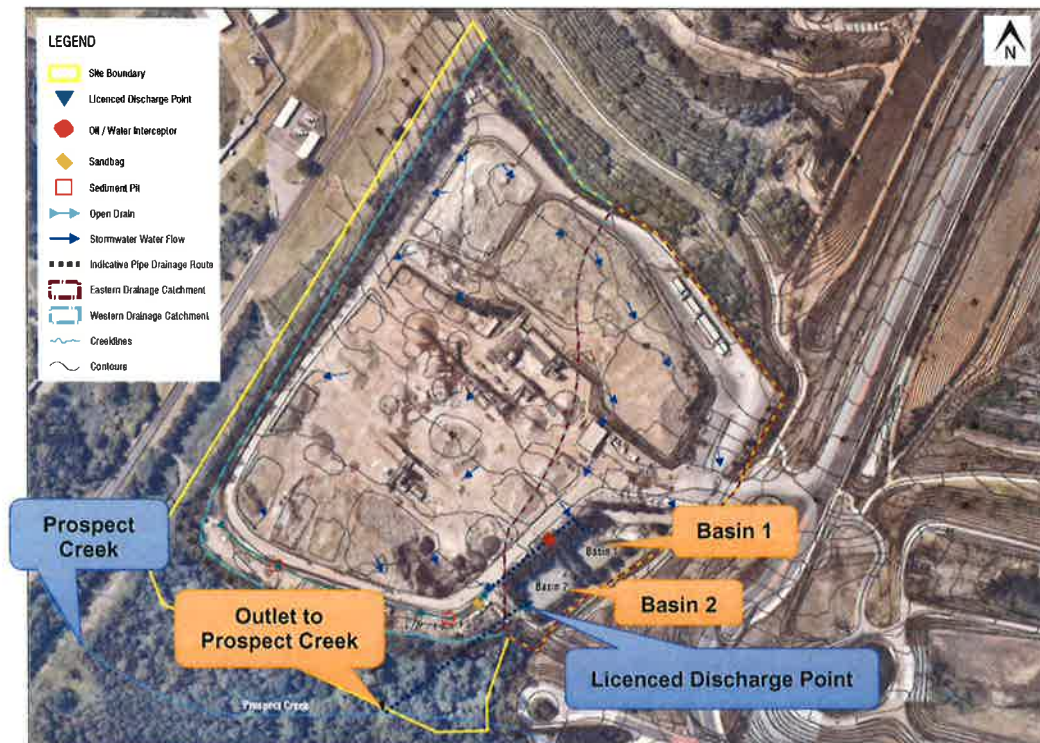


Figure 5: Existing Stormwater Management System

Surface Water Discharge Volume

Stormwater is currently permitted to be discharged from the site under the EPL for a 90th percentile, five day rainfall event. The amount of surface water allowed to be discharged under the existing development consent and EPL is 100 kL/day.

The SWA stated the water usage patterns for the proposed operations would be similar to the existing operations. However, the realignment of the southern perimeter haul road would create an additional 0.4 ha of hardstand area, which would slightly increase the volume of runoff which can be captured on site. The Applicant is proposing 102 m³ of flood storage (see **Figure 6**) within the proposed haul road, up gradient of the spill way, to cater for the increase in impervious area and to ensure the haul road does not flood.

Surface water in the sediment basins is extracted for reuse onsite to ensure water is not discharged from the site unless necessary. Prior to any discharges from the site, the Applicant also undertakes water quality monitoring and where appropriate, may add a flocculent to ensure pollutant concentrations are met for pH, TSS, turbidity and oil and grease.

The water balance model predicted the discharge volume limit of 100 kL/day is likely to be exceeded during intense uncontrolled rainfall events due to the existing size and capacity of the sediment basins. The Applicant conducted an assessment of the number of overflows for a dry, median and wet year. On average, the number of overflow events which exceeded the 100 kL/day limit was four per year. The Applicant indicated under both existing and proposed surface water regimes, the site would be unable to meet the 100 kL/day discharge limit during intense rainfall events because of the limited availability of storage on the site.

As the number of uncontrolled discharges exceeding the 100 kL/day limit is relatively low, the EPA and the Department consider the volume limit can be removed from the consent and EPL provided water quality for controlled discharges is managed effectively.

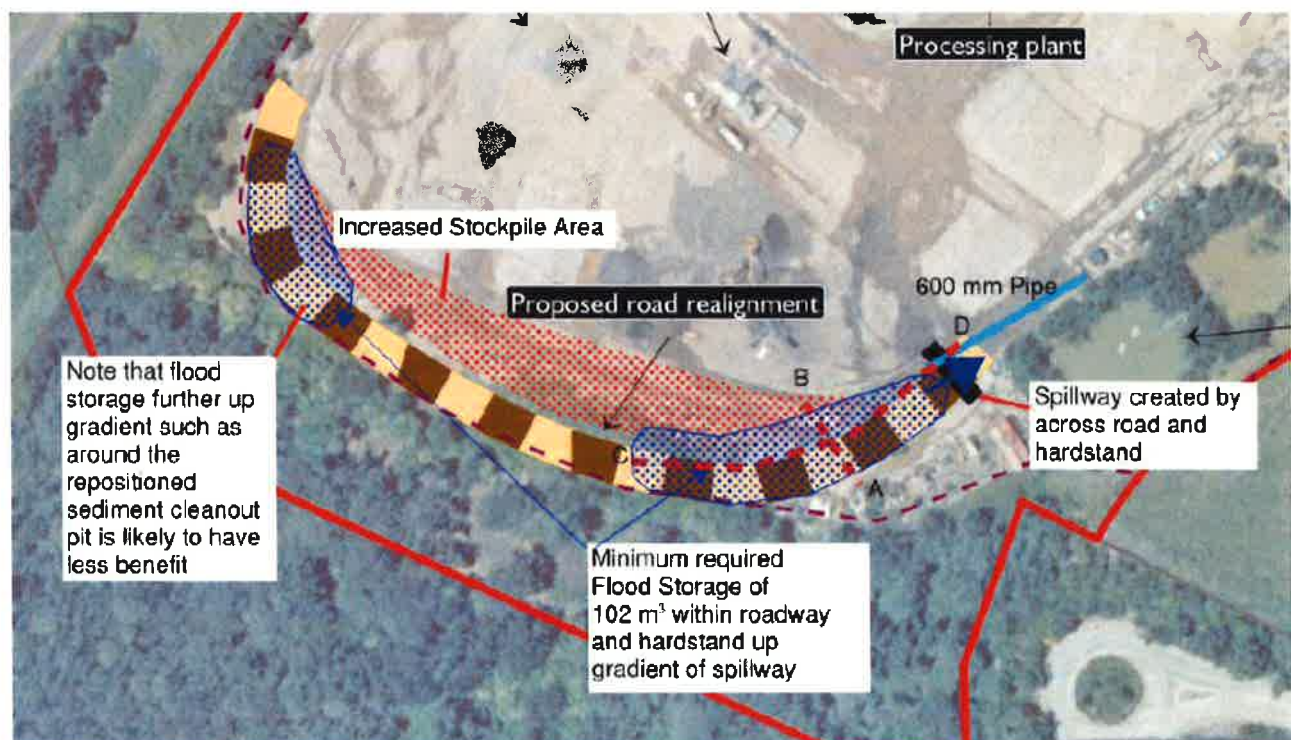


Figure 6: Location of Flood Storage within Haul Road

Water Quality

The Applicant has requested the water quality discharge criteria for uncontrolled events be removed from the development consent and EPL. The SWA concluded that under proposed operations, pollutant concentrations would meet the EPL criteria for TSS, pH, turbidity and oil and grease for controlled discharges. However, pollutant loading to Prospect Creek, particularly TSS, could potentially be greater than expected (at approximately 183 kg/year) if the discharge volume criteria is exceeded during heavy rainfall events. The Applicant modelled the potential impacts of TSS loading to Prospect Creek downstream as a result of increased discharge volumes. The modelling found that under a worst case scenario, the TSS loads being discharged off-site would be minor compared to other urban land uses such as sealed and unsealed roads where annual TSS loadings can be around 16,000 kg/year.

In order to address the surface water impacts, the Applicant has committed to:

- monitoring the water levels in the basin and re-using water on-site to reduce the volume discharged;
- extracting water from the basins during dry periods to maximise the stormwater storage capacity;
- managing water quality (including the use of flocculants to reduce suspended solids and dosing to manage the pH) in the basins to ensure the water quality criteria set out in the EPL can be met;
- monitoring water quality on a daily basis during any discharges from the licenced discharge point in accordance with the EPL and at approximately monthly intervals during periods where there are no discharges;
- a 12 month monitoring program be undertaken to assess the risk posed by the potential contaminants of concern (agreed with the EPA) in accordance with ANZECC (2000) assessment criteria and any additional management practices be implemented based upon its findings;
- the management of fuel spills would continue to be undertaken in accordance with the OEMP; and
- investigating options for additional stormwater storage and/or water supply options.

As requested by the Department and the EPA, the Applicant provided surface water baseline data which identified elevated levels of cadmium, chromium, chromium VI, copper, lead, vanadium, zinc and 2,4-Dinitrophenol. The EPA recommended that controlled discharges cease until the Applicant could demonstrate the contaminants have been reduced to an acceptable level which they have also required in a Pollution Reduction Program (PRP) for the existing facility. In addition, it was recommended that the facility be subject to a commissioning period to validate that the management measures are effective. This has been formalised for the existing operations by the EPA through a PRP attached to the Applicant's EPL. Following the commissioning period, the EPA may amend the EPL to include additional water quality criteria to ensure the facility continues to manage surface water adequately.

In addition to the existing surface water quality issues, the new waste streams have the potential to introduce additional contaminants into the sediment basins. As such, the Applicant conducted a risk appraisal of the potential contaminants of concern and identified mitigation measures to manage these risks. As the concentration of these contaminants will not be fully known until operations commence, the Department and EPA consider it appropriate the facility be subject to a commissioning period. During the commissioning period, the Applicant would be required to conduct rigorous monitoring of the licenced discharge point and if required implement mitigation measures before being permitted to release controlled discharges to Prospect Creek. The monitoring results would then be used to determine whether the water quality criteria on the EPL would require to be amended. Based on the monitoring results, the Applicant may also need to implement additional mitigation measures to ensure the water quality discharging from the site will meet the established criteria.

While elevated levels of contaminants have been identified in water discharges from the site and an increase in production capacity and acceptance of additional waste streams could exacerbate this, the Applicant will be required to provide a detailed mitigation and monitoring plan to be approved by the Department and the EPA, implement the plan and prove it is working through a commissioning period program prior to any controlled discharges being released from the site.

These measures are considered adequate by the Department and the EPA to mitigate any water quality issues and ensure contaminants leaving the site are not impacting Prospect Creek. Should an uncontrolled discharge event occur, the contaminants would likely be highly diluted by the large volumes of water leaving the site and therefore would pose less of a risk to the environment.

Conclusion on Stormwater

The Department considers the construction period to be short, the works minor and the surface water impacts associated with construction to be minimal. To manage the potential construction impacts, the Department has recommended conditions requiring the Applicant to implement standard erosion and sediment controls.

To address the elevated contaminants identified in the baseline water quality data, the Department has recommended additional management measures be implemented at the site prior to any controlled discharges being released from the site. Following this, the Department and the EPA consider a commissioning period would be the appropriate mechanism to determine the relevant water quality criteria which would then be applied to the EPL. The Department has recommended conditions of consent to inform the commissioning period. The Department is satisfied that the water quality issues identified in the performance of the existing facility can be adequately addressed, mitigated and assessed through a commissioning period prior to any further controlled discharges to Prospect Creek. The Applicant has reviewed the proposed surface water management strategy identified above and has committed to its implementation.

The removal of the discharge volume limit is also considered acceptable as discharges over 100 kL/day infrequently occur and the water quality during controlled events will be managed.

The Department has reviewed all the information provided and concludes the surface water impacts at the site could be appropriately managed, subject to the recommended conditions of consent, including:

- the implementation of erosion and sediment control measures during construction;
- procedures for maintaining vegetation along surface water channels and detention systems be provided to minimise the potential for erosion;
- installation of management measures to address the existing contaminants within the surface water;
- implementation of a surface water mitigation and monitoring plan;
- restrict controlled discharges at the site until the contaminants identified in the baseline data have been managed to an acceptable level;
- a surface water commissioning period which includes monitoring, revised water quality criteria and implementation of additional mitigation measures should water quality continue to be an issue;
- compliance with any monitoring requirements, limits or criteria specified under the EPL;
- the maintenance of the sediment basins;
- certification that the clay liner is still intact and not leaking to groundwater be provided; and
- that after 12 months of the expanded operations, the Applicant must conduct a surface water audit which is to be provided to the EPA and Secretary.

5.2 Air Quality

The proposed development has the potential to generate dust emissions (i.e. PM₁₀ and PM_{2.5}) from activities such as the unloading of waste material, crushing and screening operations, stockpiling of products and truck movements on un-sealed haul roads. The construction of the internal haul road also has the potential to cause short-term dust emissions.

An Air Quality Impact Assessment (AQIA) was prepared by ENVIRON Australia Pty Ltd, which assessed the construction and operational air quality impacts of the proposed development.

Construction

Short-term dust emissions may result from the construction works associated with the internal haul road. However, potential impacts from the emissions would be temporary as the realigned haul road would be sealed upon completion and is short term.

The construction phase is estimated to last one week as such, the Department is satisfied dust measures including water suppression on stockpiles and exposed areas, regular sweeping of hard stand areas and construction vehicle wheel washing, will be sufficient to ensure potential construction impacts are mitigated. The Department has included a number of conditions of consent dealing with these matters, including the requirement to implement an approved CEMP which includes the above noted measures.

Operation

The AQIA assessed the operational impacts of both the current operations and the proposed operations. To address the requirements of the EPA's *Approved Methods for Modelling and Assessment of Air Pollutants in NSW* (Approved Methods), the AQIA predicted the operational impacts of total suspended particulates (TSP), dust deposition, PM₁₀ and PM_{2.5}.

The Applicant currently implements the following dust mitigation measures at the facility:

- three stockpile water sprays;
- two water carts for watering of paved and unpaved roadways;
- limit of vehicle travel speed along roads to 30 km/hr;
- sweeping of paved surfaces and roads (two units in use);
- eight water sprays at the crushing, screening plant and blending plant, which will be increased to twelve; and
- the crushing, screening plant and blending plant is currently enclosed.

The nearest receivers are depicted in **Figure 7**. The nearest receiver is an industrial receiver referred to as R8 which is located within an industrial area on Davis Road approximately 200 m south-west of the site. The nearest residential receiver is a future high density residential development which is located 700 m to the east of the site and referred to as R10. The nearest existing residential receiver, referred to as R1, is located approximately 1 km to the east of the site on Munro Street, Greystanes.



Figure 7: Nearest Receivers

Table 3 below shows the particulate matter for the development against the corresponding criteria (with exceedances in bold) for the most affected receivers.

Table 3: Predicted Particulate Matter at the Most Affected Receiver.

Type	Criteria	Cumulative Particulate Matter Current Operations	Cumulative Particulate Matter Proposed Operations
Annual TSP	90 ug/m ³	R10 (Residential): 42.6 ug/m ³ R8 (Industrial): 49.5 ug/m ³	R10 (Residential): 43.2 ug/m ³ R8 (Industrial): 52.5 ug/m ³
PM ₁₀ 24-hour average	50 ug/m ³	R1, R10 (Residential): 82.3 ug/m³ R8 (Industrial): 84.8 ug/m³	R1, R10 (Residential): 82.4 ug/m³ R8 (Industrial): 85.7 ug/m³
PM ₁₀ Annual Average	30 ug/m ³	R10 (Residential): 20.0 ug/m ³ R8 (Industrial): 22.1 ug/m ³	R10 (Residential): 20.2 ug/m ³ R8 (Industrial): 22.9 ug/m ³
PM _{2.5} 24-Hour Average	25 ug/m ³	R1, R10 (Residential): 31.6 ug/m³ R8 (Industrial): 32 ug/m³	R1, R10 (Residential): 31.6 ug/m³ R8 (Industrial): 32.1 ug/m³
PM _{2.5} Annual Average	8 ug/m ³	R10 (Residential): 7.6 ug/m ³ R8 (Industrial): 7.8 ug/m ³	R10 (Residential): 7.6 ug/m ³ R8 (Industrial): 7.9 ug/m ³
Dust Deposition	2 g/m ² /month	R1, R4, R10 (Residential): <0.1 g/m ² /month R8 (Industrial): 0.2 g/m ² /month	R1, R4, R10 (Residential): <0.1 g/m ² /month R8 (Industrial): 0.3 g/m ² /month

In order to assess cumulative impacts, the Applicant obtained background air quality data from the NSW OEH Prospect meteorological monitoring 2013 dataset. The Applicant indicates the exceedances in the ambient background concentration evident in the locality are due to a bushfire event in Sydney in October 2013 which led to elevated concentrations of PM₁₀ (81.8 µg/m³) and PM_{2.5} (31.5 µg/m³). The results show the background particulate matter in the area is elevated. However, the contribution in particulate matter from the proposed development compared to the existing background air quality is considered minor. For instance, the development would only increase the particulate matter experienced at R1 and R10 by 0.1 ug/m³ for PM₁₀ 24-hour average.

The EPA raised no concerns with the exceedances in the ambient background concentrations which the Applicant stated were due to bushfires. The EPA considers while the incremental impact from the proposed development may be minimal, the *Approved Methods for Modelling and Assessment of Air Pollutants in NSW* outlines that best management practices must be

implemented to minimise emissions of pollutants as far as practical. As such, the EPA have requested the Applicant carry out a site audit of all fugitive dust emissions and implement best practice measures to minimise exceedances.

The Department agrees with this approach as a measure to ensure potential air quality impacts on receivers are identified and managed accordingly.

Conclusion on Air Quality

The Department acknowledges the background air quality is elevated for the 24 hour average due to the occurrence of bushfires in 2013 and the construction of warehouse developments in close proximity to the site. The overall increase in dust emissions from the proposed development is predicted to be minimal. The Department considers the expansion would not significantly increase dust emissions from the facility, but to ensure dust emissions from the site do no impact on nearby receivers, the Department has recommended a suite of air quality related conditions of approval, which require the Applicant to:

- continue the implementation of all air impact measures such as watering systems for exposed soil and processing operations, sealed driveways where possible, crushing enclosures and a wheel wash;
- continuously monitor the dust deposition rate at locations to be determined by the EPA and in accordance with the monitoring procedures;
- conduct an audit to identify all fugitive particulate matter emission sources and mitigation measures to ensure best management practices are adopted at the site;
- implement dust management practices, such as increased vigilance or altered operations during adverse meteorology, within a dust management plan; and
- carry out all feasible and reasonable measures to minimise dust emissions and for air monitoring to be carried out in accordance with the EPL.

The Department is satisfied with the implementation of these conditions, air quality impacts from the project would be adequately managed and any future issues could be identified and remedied.

5.3 Noise

Noise generated during the operation of the development would primarily arise from processing activities which include separating, crushing and blending materials. Noise generated from construction of the haul road and maintenance activities (repairs to mobile and fixed plant equipment) are expected to be minimal.

As part of the proposed expansion, the Applicant proposes to increase its operational hours. The EIS included a Noise Impact Assessment prepared by EMM to address the requirements of the *Industrial Noise Policy (INP)*, *Interim Construction Noise Guidelines (ICNG)*, *Road Noise Policy (RNP)* and *Assessing Vibration: A Technical Guide*.

The EPA and Council did not raise any significant concerns with the predicted noise impacts and increase in operating hours. However, both the Council and EPA recommended a set of monitoring requirements to be adopted for the facility to assess compliance with the noise criteria. The EPA also recommended a number of noise limits for the facility. The Applicant accepted the recommended EPA noise limits and monitoring requirements.

Construction

Noise generated during construction works associated with the proposed development would primarily arise from the construction of the realigned haul road and additional stockpile area. The hours of construction are proposed to be in accordance with the ICNG.

Noise associated with the construction activities has been assessed against the operational criteria of the INP (ie. background plus 5 dB(A)) as the construction activities will coincide with the operational activities. The construction activities are expected to meet the operational noise criteria at all receivers.

As the construction period is only anticipated to last 5 days, the Department is satisfied standard construction noise measures and properly maintained sound attenuation on equipment will be sufficient to ensure the construction impacts are below the operational impacts.

Operation

The existing facility operates between 6 am to 10 pm from Monday to Friday, 6 am to 4 pm on Saturdays and no work of any kind on Sundays. The Applicant proposes to modify the hours of operation to permit the following:

- processing, receipt and dispatch activities:
 - 6 am to midnight, Monday to Saturday; and
 - 6 am to 6 pm one Sunday per month.
- ancillary activities:
 - 6 am to midnight, Monday to Saturday; and
 - 6 am to 6 pm, Sundays and public holidays.

Ancillary activities are defined as servicing and/or maintenance of the equipment/machinery associated with the development, loading and unloading of material onto/from vehicles and stockpiles and the selling of recycled product.

The nearest receiver is R4 (known as R8 in the AQIA) is located within the Wetherill Park Industrial. The nearest potential residential receiver (R10) is a future high density residential development. The nearest existing residential receiver (R1) is located to the east of the site (see **Figure 8**).

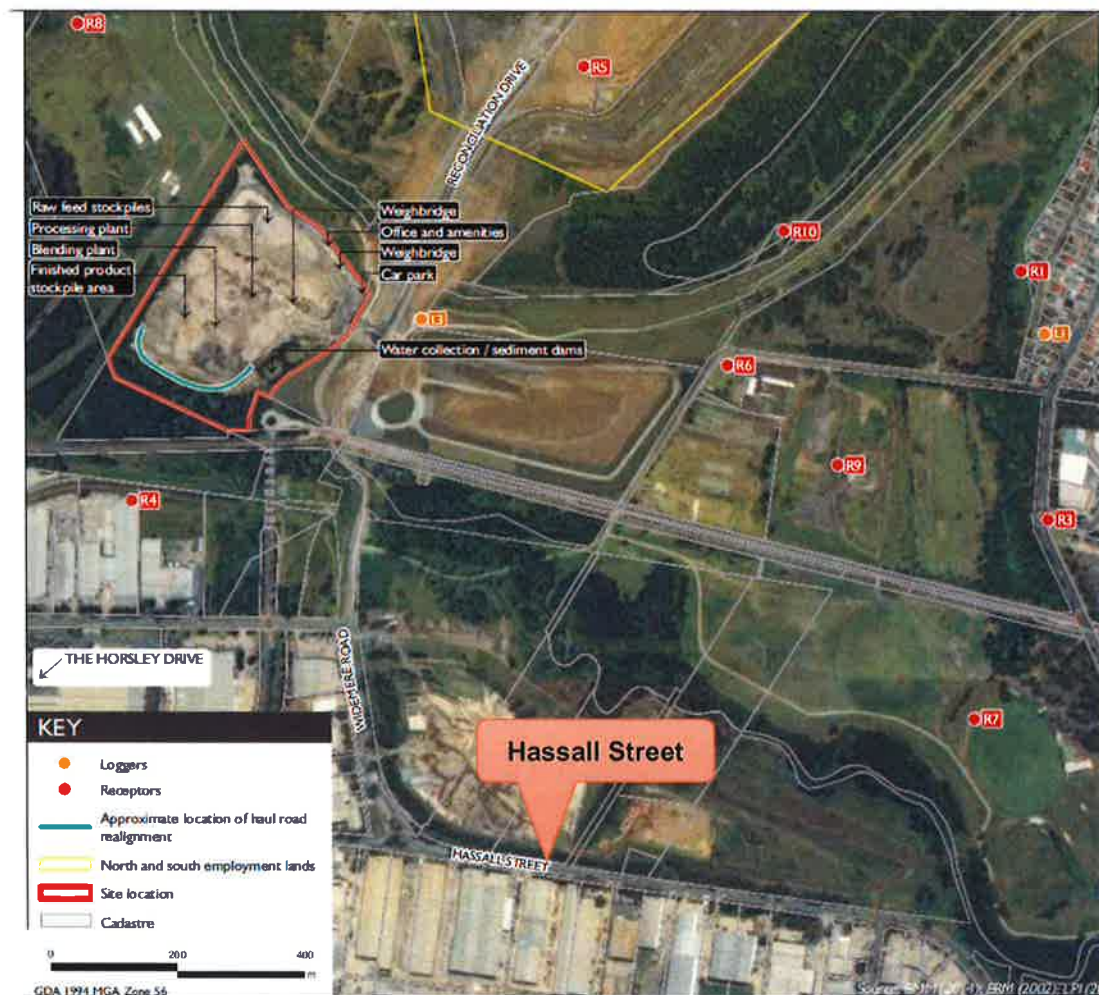


Figure 8: Sensitive Receivers

The NIA predicted under a worst case scenario, noise emissions would be below the Project Specific Noise Level (PSNL) at all receiver for all periods (day, evening and night).

In consultation with the EPA, the Department has recommended operational noise limits for the development which are based on the Applicant's predictions. It is considered that the development will be able to operate under these noise limits due to the large distance between the facility and sensitive receivers and through the implementation of best practice noise mitigation measures. Further, as the Applicant's NIA was based on a worst case scenario, the predicted noise levels are considered conservative and noise impacts at sensitive receivers is unlikely.

Conclusion on Noise Impacts

The Department's assessment concludes the development will not result in significant noise impacts and considers the proposed operating hours will not affect the amenity of the nearest sensitive receivers. As such, the Department has recommended conditions of consent which require the Applicant to:

- implement noise mitigation measures in accordance with best management practice;
- comply with the hours of operation;
- comply with the noise limits recommended by the Department and the EPA;
- conduct noise monitoring as per the EPL; and
- implement a complaints register to enable members of the public to make complaints about any aspect of the operation of the facility. Further, the Applicant is required to respond to complaints and provide details of any actions taken or reasons where no action was taken. The complaints register is to be made available to the EPA or the Secretary of the Department upon request.

The Department is satisfied the noise impacts can be adequately managed following the implementation of the above conditions.

5.4 Other Issues

The Department's assessment of other issues is provided in **Table 4** below.

Table 4: Assessment of Other Issues

Consideration	Recommended Conditions
Traffic and Transport <ul style="list-style-type: none"> • The RRF will generate additional truck movements with the increase in delivery and transfer of materials. • The EIS included a Traffic Impact Assessment (TIA) prepared by EMM which assessed the potential traffic impacts of the development on the surrounding road network during construction and operation. • During construction of the perimeter road realignment, a maximum of 8 construction workforce movements and 10 daily truck movements would occur over 5 days. This is considered a minor increase in truck movements over a short time period which is unlikely to impact the safety and efficiency of the road network. • The site can be accessed from Prospect Highway and Widemere Road by an existing signalised traffic intersection. • Under current operations, a maximum of 432 trucks access the facility each day (864 truck movements). Light vehicle traffic is minimal with around 50 light vehicles accessing the facility (100 movements). The proposed development would increase truck movements to 566 (1,132 truck movements) which is an increase of 134 trucks accessing the site (264 truck movements) each day. • The impact of the proposed development on the external road network, particularly Prospect Highway and Widemere Road, would be minimal given the proposed development is expected to generate 2.2% of all traffic on Prospect Highway (traveling north) and 1 % of traffic on Widemere Road (traveling south) under a worst case scenario. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • ensure construction of the internal haul perimeter road is carried out in accordance with Australian Standards; • provide an OEMP which includes traffic; • maintain the 37 car parking spaces on the site; • all queuing of vehicles occurs within the site; • the proposed turning areas in the car park are kept clear at all times; • all vehicles enter and leave the site in a forward direction; and • prepare a driver code of conduct is prepared and implemented.

Consideration	Recommended Conditions
<ul style="list-style-type: none"> Intersection performance at Widemere Road and Prospect Highway would maintain a Level of Service (LoS) A. RMS and Council did not raise any concerns in relation to traffic impacts. The Department considers the additional truck movements from the proposed development would have a minimal impact on the safety and capacity of the external road network, particularly as Prospect Highway and Widemere Road have been constructed to carry significant amounts of heavy vehicle traffic. The Department is also satisfied the proposed development is unlikely to impact on intersection performance. The Department's assessment concludes traffic and transport impacts of the proposed development would be minimal. However, some controls are required to effectively manage traffic during operations which have been incorporated as conditions. 	
Waste Management <ul style="list-style-type: none"> Improper management of waste streams can lead to excessive residual wastes which require landfilling. Under current operations, all permitted waste streams received and processed at the facility are required to comply with the site's EPL and development consent. Currently, the facility accepts building and demolition waste as defined in Schedule 1 of the POEO Act which includes asphalt waste, VENM, plasterboard and ceramics, cured concrete waste (washout), processed natural quarry product, soil and garden waste. Under the proposed development, the Applicant proposes to accept additional waste streams including excavated natural material, tiles and masonry, quarry products and wet concrete batching plant stirrer waste. The majority of wastes received are recycled into useable products including aggregates and road base. In addition, the facility generates limited volumes of other waste which is not recycled on site. The Applicant currently implements a receivals protocol and quality control measures to ensure waste materials entering the facility comply with the EPL and development consent. Although the majority of the material received at the site is recycled, the facility generates some residual waste which is managed according to its waste classification type. The EIS states there would not be a significant increase in the volume of residual waste generated as a result of increasing the volume or type of material being received at the site. The Applicant has indicated residual waste would be handled in the same manner as current operations and would continue to implement a receivals protocol and quality control measures. Residual waste which is not able to be recycled would be disposed of at a licenced waste facility. Council and EPA did not raise any concerns in regards to waste management. To ensure excessive amounts of residual waste are not brought to the site, the Department has recommended that residual waste should only comprise up to 20% by mass of all stockpiles on the site at any one time. The Department's assessment concludes the proposed development would not result in a significant increase in the volume of residual waste generated. The Department is satisfied the proposed development can be adequately managed by the facility's current waste management protocols and through recommended conditions of consent including a waste monitoring program. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> ensure all waste generated on site is classified in accordance with the EPA's Waste Classification Guidelines and disposed of to a facility which lawfully accept the waste; provide a Waste Monitoring Program; and residual waste may only comprise up to 20% by mass of all stockpiles on the site at any one time.
Biodiversity <ul style="list-style-type: none"> Flora and fauna surveys have previously been undertaken for the site to identify ecologically sensitive communities. The site is primarily cleared, however small patches of Swamp She-oak (<i>Casuarina glauca</i>) forest have been surveyed around the southern boundary of the site. The Swamp She-oak forest is classified as a 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> avoid clearing the Swamp Oak Floodplain Forest EEC at the southern end of the site

Consideration	Recommended Conditions
<p>component of the Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions (Swamp Oak Floodplain Forest EEC).</p> <ul style="list-style-type: none"> • The EIS states the area proposed for the southern perimeter haul realignment has been substantially disturbed, however up to 12 juvenile Swamp Oaks were identified in this disturbed area within a stockpile. • The EIS found the juvenile swamp oaks on the edge of a large patch of Cumberland Swamp Oak Riparian Forest EEC extending along the Prospect Creek Floodplain. However, the removal of this small stand of trees would not fragment, have an adverse effect or substantially modify the local occurrence of the community. Nonetheless, the Applicant confirmed it would minimise impacts to the Swamp Oak Riparian Forest EEC by demarcating areas known to contain the EEC to avoid clearing the Swamp Oak Floodplain Forest EEC. • Construction activities associated with the realignment of the southern perimeter haul road has the potential to contribute to further weed invasion. To minimise this risk, the Applicant has committed to carrying out weed control activities within the site boundary and implement sediment and erosion controls. • The Department's assessment concludes that with these measures in place the impacts to biodiversity would be adequately managed. The Department has included these measures as recommended conditions of consent. 	<p>and ensure this stand is protected and maintained during construction and operation of the Development;</p> <ul style="list-style-type: none"> • implement suitable measures to manage and prevent the spread of declared noxious weeds on site; and • ensure landscaping along the eastern boundary of the site is maintained throughout the life of the Development.
Contributions	
<ul style="list-style-type: none"> • The Department notes Council's <i>Section 94A Development Contributions Plan 2011</i> applies to the expanded operations. As such, a 1% contribution of the Capital Investment Value applies to the proposed development. This is the mechanism by which local transport infrastructure and services contributions are collected. • The Department has recommended a condition requiring the Applicant to pay \$1,641.12. Section 94A Development Contribution. 	<p>Require the Applicant to pay the Section 94A Development Contribution.</p>

6. CONCLUSION

The Department's assessment of the application has fully considered all relevant matters under Section 79C of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development.

The Department's assessment concluded there would be some amenity impacts during the operation of the RRF, such as surface water quality discharging to Prospect Creek, dust emissions and operational noise. Therefore, the Department has recommended a number of conditions to minimise these impacts, including:

- preparation and implementation of a surface water quality mitigation and monitoring program including a commissioning period;
- operational noise limits based on the Applicant's predictions; and
- an audit of the air quality performance of the facility following the commencement of the expanded operations.

The Department considers that the facility would provide a range of environmental and economic benefits for the region, through resource recovery and the provision of long term operational jobs. The proposed development is also consistent with the strategic direction for waste management in NSW. Furthermore, the location of the RRF is considered beneficial as it is in close proximity to the M4 and M7 Motorways and has sufficient buffer distance from existing and future sensitive receivers (of over 700 m).

The Department concludes the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

7. RECOMMENDATION

It is recommended that the Executive Director:

- **consider** the findings and recommendations of this report;
- **approve** the development application under section 89E of the EP&A Act; and
- **sign** the attached development consent (refer Appendix A).

Prepared By:
Kate Masters
Senior Planning Officer
Industry Assessments



Chris Ritchie
Director
Industry Assessments

24/11/16.



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

25/11/16

APPENDIX A: CONDITIONS OF CONSENT

Development Consent

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

As delegate of the Minister for Planning under delegation executed on 16 February 2015, I approve the development application referred to in Schedule A, subject to the conditions specified in Schedules B to D.

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.



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 25 November 2016

SCHEDULE A

Application No.:	SSD 6525
Applicant:	Boral Recycling Pty Ltd
Consent Authority:	Minister for Planning
Land:	Widemere Road, Wetherill Park (Lot 4001 DP 1173524)
Development:	Increase in processing capacity of an existing resource recovery facility to 1,000,000 tonnes per annum of non-putrescible construction and demolition waste.

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DEFINITIONS

Additional Waste	Excavated natural material (ENM), tiles and masonry (including materials direct from manufacturer, such as seconds material), quarry products (greater than 20 mm) and wet concrete batching plant stirrer waste
Applicant	Boral Recycling Pty Ltd or anyone else entitled to act on this consent
Ancillary Operations	Any servicing and/or maintenance of the equipment/machinery associated with the development, loading and unloading of material onto/from vehicles and stockpiles and the selling of recycled product
Construction	The construction of the re-aligned haul road
Controlled Discharge	As defined in the EPL
Council	Fairfield City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Department	Department of Planning and Environment
Development	The development that is approved by this development consent and as generally described in Schedule A
EIS	Environmental Impact Statement, titled Environmental Impact Statement - Widemere Recycling Facility, prepared by EMM dated 29 May 2015
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>
Evening	The period from 6 pm to 10 pm
Expanded Operations	The point at which throughput exceeds 750,000 tonnes per annum of waste and receipt of additional waste streams occurs at the site
Feasible	Feasible relates to engineering considerations and what is practical to build.
Heavy vehicle	Any vehicle with a gross vehicle mass of 5 tonnes or more
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance of criteria in this consent
Land	In general, the definition of land is consistent with the definition in the EP&A Act
Management and Mitigation Measures	The Applicant's management and mitigation measures contained in the EIS and included in Appendix 2
Material harm to the environment	Harm to the environment is material if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial
Minister	Minister for Planning, or delegate
Mitigation	Activities associated with reducing the impacts of the Development prior to or during those impacts occurring
Morning shoulder	The period from 6 am to 7 am on Monday to Saturday, and 7 am to 8 am on Sunday and Public Holidays
Night	The period from 10 pm to midnight on Monday to Saturday
OSD Monitoring and Management Plan	On-Site Stormwater Detention (OSD) Basin Surface Water Monitoring and Mitigation Plan, prepared by Cleanaway, dated 27 July 2016
Operation	Any activity that results in the processing or intended processing of waste and includes ancillary operation
PCA	Principal Certifying Authority authorised under section 109D of the EP&A Act
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RAP	Remedial Action Plan
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
RTS	Response to Submissions, titled Widemere Recycling Facility Response to Submissions, prepared by Boral Property Group, dated 10 December 2015.
Secretary	Secretary of the Department, or nominee
Site	Land referred to in Schedule 1
Surface Water Management System	Means the open drains, swales and pipes that collect surface water runoff from the site to the sediment basins and sediment basins 1 and 2.
Surface Water Detention Basins	Sediment basins 1 and 2 (see Appendix 1)
tpa	Tonnes per annum
Waste	As defined under the POEO Act

SCHEDULE B
ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- B1. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the Development.

TERMS OF CONSENT

- B2. The Applicant shall carry out the Development in accordance with the:
- (a) EIS;
 - (b) RTS;
 - (c) Development layout plans and drawings in the EIS (see **Appendix 1**); and
 - (d) the Management and Mitigation Measures (see **Appendix 2**).
- B3. 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.
- B4. The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Department's assessment of:
- (a) any reports, plans or correspondence that are submitted in accordance with this consent; and
 - (b) the implementation of any actions or measures contained within these reports, plans or correspondence.

LIMITS OF CONSENT

- B5. This consent lapses five years after the date from which it operates, unless the Development has physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under section 95 of the EP&A Act.
- B6. The Applicant shall not receive or process on the site more than 1,000,000 tonnes of waste (as expressly permitted by an EPL) per year.
- B7. The Applicant shall not cause, permit or allow any materials or waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by an EPL.
- B8. Virgin excavated natural material (VENM), timber, metal, plastic, glass, paper and cardboard, tree cuttings and tree trunks) when mixed with inert waste may only comprise up to 20% by mass of all stockpiles on the site at any one time.
- B9. Stockpiles of permitted waste and recycled product shall not be more than twenty (20) metres above ground level.

STAGED SUBMISSION OF PLANS OR PROGRAMS

- B10. 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.
- B11. If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program shall clearly describe the specific stage to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program. A clear relationship between the strategy, plan or program that is to be combined shall be demonstrated.

EVIDENCE OF CONSULTATION

- B12. Where consultation with any public authority is required by the conditions of this consent, the Applicant shall:
- (a) consult with the relevant public authority prior to submitting the required documentation to the Secretary or the PCA for approval, where required;

- (b) submit evidence of this consultation as part of the relevant documentation required by the conditions of this consent; and
- (c) include the details of any outstanding issues raised by the relevant public authority and an explanation of disagreement between any public authority and the Applicant or any person acting on this development consent.

DISPUTE RESOLUTION

- B13. In the event that a dispute arises between the Applicant and Council or a public authority, in relation to an applicable requirement in this consent or relevant matter relating to the development, either party may refer the matter to the Secretary for resolution. The Secretary's determination of any such dispute shall be final and binding on the parties.

STATUTORY REQUIREMENTS

- B14. 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.

METEOROLOGICAL MONITORING

- B15. Within 3 months of the date of this consent, the Applicant shall 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 meteorological station must be operated and maintained for the life of the Development.

UTILITIES AND SERVICES

- B16. Prior to the construction of any utility works associated with the Development, the Applicant shall obtain relevant approvals from service providers.

COMPLIANCE

- B17. The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- B18. The Applicant shall be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.
- B19. The Secretary at any time may require an update on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Secretary and be submitted within such period as the Secretary may agree.
- B20. The Applicant shall meet the requirements of the Secretary in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the EIS and those documents listed under Condition B2. The Secretary may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Secretary may agree.

OPERATION OF PLANT AND EQUIPMENT

- B21. 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.

DEVELOPMENT CONTRIBUTIONS

- B22. The Applicant must pay a levy of the percentage authorised by Fairfield City Council Indirect (Section 94A) Development Contributions Plan 2011, of the proposed cost of carrying out the development. The levy must be paid prior to the commencement of the expanded operations. A copy of the receipt for the payment must be submitted to the Department within two months of payment. The amount of the levy that is payable to Council, calculated as at the date of the grant of this development consent is \$1,641.12.

NOTIFICATION AND SURRENDER OF CONSENT

B23. Prior to the commencement of the expanded operations, the Applicant shall provide written notification in the manner prescribed by Clause 97 of the *Environmental Planning and Assessment Regulations 2000*, and surrender the following consent:

- (a) DA No. 21-1-2002-I granted by the Minister for Planning on 25 November 2002 for the construction and operation of a construction materials recycling facility.

SCHEDULE C

ENVIRONMENTAL PERFORMANCE AND MANAGEMENT

WASTE MANAGEMENT

Waste Monitoring Program

- C1. The Applicant shall prepare a Waste Monitoring Program for the Development. This program must:
- (a) be prepared in consultation with the EPA by a suitably qualified and experienced expert within 3 months of the date of this consent;
 - (b) include suitable provision to monitor the:
 - (i) quantity, type and source of waste received on site; and
 - (ii) quantity, type and quality of the outputs produced on site.
 - (c) ensure that:
 - (i) all waste that are controlled under a tracking system have 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.
- C2. The Applicant shall carry out the Development in accordance with the Waste Monitoring Program approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

NOISE AND VIBRATION

Construction and Operation Hours

- C3. The Applicant shall comply with the construction and operation hours in Table 1 unless otherwise agreed to in writing by the Secretary.

Table 1: Hours of Construction and Operation

Activity	Day	Hours
Construction	Monday to Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
	Sunday & Public Holidays	Nil
Operation	Processing, Reveal and Dispatch Activities:	
	Monday to Saturday	6 am to midnight
	Sunday	6 am to 6 pm (one Sunday per calendar month)
	Public Holidays	Nil
	Ancillary Operations:	
	Monday to Saturday	6 am to midnight
	Sunday	6 am to 6 pm
	Public Holidays	Nil

Note: Ancillary Operations means any servicing and/or maintenance of the equipment/machinery associated with the development, loading and unloading of material onto/from vehicles and stockpiles and the selling of recycled product.

- C4. The Applicant must keep a record of Sunday works as identified in **Table 1**.
- C5. Condition C3 does not apply to any activity that is required to be performed by police or other authorities for safety reasons; 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 is endangered. In such circumstances, prior notification shall be provided to the EPA and any affected residents as soon as possible, or within a reasonable period in the case of emergency.

Operational Noise Limits

C6. The Applicant shall ensure noise from the operation does not exceed the limits in Table 2 below.

Table 2: Noise Limits (dB(A))

Location	Noise Limits dB(A)				Morning Shoulder (6am - 7am)
	Day (7am - 6pm)	Evening (6pm - 10pm)	Night (10pm - 12am)		
	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Fmax} (15min)	
71 Munro Street, Greystanes	39	38	35	50	39
146 Daruga Avenue, Nelsons Ridge	35	35	35	50	35
Greystanes Estate - Future southern extent ¹	39	37	35	50	39

Note:

Note 1: Identified as Location R10 in Widemere Recycling Facility — Noise Impact Assessment (NIA) prepared by EMGA Mitchell McLennan (Ref J13127RP1 dated 27 April 2015).

Note 2: Noise generated by the Development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the Industrial Noise Policy.

Noise and Vibration Monitoring

C7. The Applicant shall carry out noise and/or vibration monitoring in accordance with any requirements in the EPL. This shall include verification that the facility is operating in accordance with the criteria outlined in Condition C6.

Vibration Criteria

C8. The Applicant shall ensure that vibration resulting from the development does not exceed the continuous or impulsive vibration criteria in the EPA's *Assessing Vibration: A Technical Guideline* (February 2006) at residential receivers.

Noise Mitigation

- C9. The Applicant shall:
- 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;
 - minimise the noise impacts of the development during adverse meteorological conditions;
 - 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
 - regularly assess any noise monitoring data and relocate, modify and/or stop operations to ensure compliance with the relevant conditions of this consent.

Noise Management

- C10. As part of the OEMP for the Development, required under Condition D2 of this consent, the Applicant shall prepare a Noise Management Plan. The Plan must:
- be prepared by a suitably qualified and experienced person(s) in consultation with the EPA;
 - be approved by the Secretary prior to the commencement of the expanded operations;
 - include up to date site plans;
 - identify all major sources of noise that may be emitted as a result of the operation of the Development;
 - specify the noise criteria as it applies to the particular activity;
 - include procedures for the monitoring of noise emissions from development, in accordance with any requirements of the EPL;
 - include protocols for the minimisation of noise emissions including deployment of the noise mitigation measures outlined in Condition C9;
 - describe the procedures to be undertaken if any non-compliance is detected; and
 - detail the mechanisms to consider and address cumulative noise impacts in the context of development in the Greystanes Estate / Widemere Area.

- C11. The Applicant shall carry out the Development in accordance with the Noise Management Plan approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

AIR QUALITY

Odour

- C12. The Applicant shall ensure the Development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

Air Quality

- C13. The Applicant shall carry out all reasonable and feasible measures to minimise dust generated by the Development.

- C14. The Applicant shall carry out air quality monitoring in accordance with any requirements in the EPL.

- C15. The Applicant shall ensure the development complies with any air quality limits in the EPL.

Air Quality Mitigation

- C16. The Applicant shall:
- (a) operate the Development so that air emissions are minimised during all meteorological conditions;
 - (b) implement best management practice, including all reasonable and feasible air emissions mitigation measures to minimise emissions from the Development, including but not limited to:
 - (i) limiting vehicle speed on-site to 30 kilometres per hour;
 - (ii) ensuring all loaded vehicles entering or leaving the site have their loads covered;
 - (iii) ensuring all loaded 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; and
 - (iv) dust sprays through chemical suppressants, water sprays/misters.

Dust Management

- C17. As part of the OEMP for the Development, required under Condition D2 of this consent, the Applicant shall prepare a Dust Management Plan. The Plan must:
- (a) be prepared by a suitably qualified and experienced person(s) in consultation with the EPA;
 - (b) be approved by the Secretary prior to the commencement of the expanded operations;
 - (c) identify all major sources of dust that may occur as result of the operation of the development;
 - (d) describe the procedures to manage the emission of dust from the sources identified;
 - (e) identify the locations where monitoring of dust emissions is to be undertaken;
 - (f) describe the procedures for the monitoring of dust emissions from the development, in accordance with any requirements of the EPL;
 - (g) provide protocols for regular maintenance of process equipment to minimise the potential for dust emissions;
 - (h) detail the deployment of the mitigation measures identified in Condition C16; and
 - (i) describe the procedures to be undertaken if any non-compliance is detected.
- C18. The Applicant shall carry out the Development in accordance with the Dust Management Plan approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

Air Quality Audit

- C19. The Applicant shall carry out an Air Quality Audit of the Development no later than six months after the commencement of the expanded operations. The audit must:
- (a) be carried out by a suitably qualified and experienced expert whose appointment has been endorsed by the Secretary;

- (b) audit the Development whilst it is in operation;
- (c) include a summary of air emission related complaints and any actions that were carried out to address the complaints;
- (d) validate the Development against air quality and odour predictions in the EIS;
- (e) review design and management practices of the Development against industry best practice for air emissions; and
- (f) include an action plan that identifies and prioritises additional air and mitigation measures that may be necessary to reduce air emissions.

C20. Within three months of commissioning this audit, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

C21. The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Air Quality Audit.

SOIL AND WATER

Pollution of Waters

C22. The Development shall comply with Section 120 of the *POEO Act*, which prohibits the pollution of waters, except as expressly provided in an EPL.

C23. Any discharge or water quality criteria specified under the EPL must be complied with.

C24. Surface water must only be discharged from the location specified in the EPL.

C25. Discharges of turbidity and/or suspended solids to waters from discharge point identified in condition EPL is only permitted when the discharge occurs solely as a result of rainfall at the premises exceeding a total of 45 millilitres over any consecutive 5-day period.

C26. The Applicant shall undertake water quality monitoring at the discharge point and in accordance with the monitoring requirements described under this consent and the EPL.

Erosion and Sediment Control

C27. All soil and / or vegetation disturbed or removed from the site shall be disposed of to, or stored at, an appropriate location where it cannot be washed off the site.

C28. All construction vehicles exiting the site, having had access to unpaved areas, shall depart via a wheel-wash facility.

C29. The Applicant shall implement erosion and sediment control measures during construction in accordance with Landcom's *Managing Urban Stormwater: Soils and Construction* guideline.

Bunding

C30. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded storage areas in accordance with the requirements of all relevant Australian Standards and the EPA's *Storing and Handling Liquids: Environmental Protection – Participants Manual 2007*

Site Drainage and Surface Water Management

C31. Within six months of the expanded operations, the Applicant shall provide certification from a suitably qualified engineer that the internal surfaces of the surface water detention basins have been maintained to the equivalent to, or better than, a clay liner with a permeability of $1 \times 10^{-9} \text{ ms}^{-1}$ or less and a thickness of no less than 900 mm and whether any repairs are necessary. The documentation of the certification shall be provided to the EPA and Secretary.

- C32. Should the certification as per Condition C31 identify that repairs are required, these repairs shall be carried out within two months of the certification.
- C33. The Applicant shall maintain all surface water infrastructure to direct all surface water runoff to the site's surface water detention basins.
- C34. Only water contained in the site's secondary surface water detention basin (sediment basin 2 - as identified in **Appendix 1**) is permitted to be applied to land and stockpiles within the site. Spray from the application of this water must not drift beyond the boundary of the area to which it is applied.
- C35. The Applicant shall maintain the surface water detention basins on site with a minimum capacity to contain 45 millilitres of rainfall over any consecutive 5 day period. The capacity requirements of the sediment basins may be modified by the EPL.
- C36. The Applicant shall ensure that a visible marker is installed in each sediment retention basin in a position that shows the freeboard in the basin that equates to the volume required to contain all rainfall and runoff in the catchment from a 45 millilitre rainfall event over any consecutive 5 day period or as modified by the EPL.
- C37. The sediment basin liner shall be monitored every 3 years to ensure a clay liner of permeability of $1 \times 10^{-9} \text{ ms}^{-1}$ or less and a thickness of no less than 900 mm is maintained.

Groundwater

- C38. Within six months of the commencement of the expanded operations. The Applicant shall conduct a Groundwater Monitoring Program. The program must:
- (a) be carried out by a suitably qualified and experienced expert in consultation with the EPA and to the satisfaction of the Secretary;
 - (b) assess the potential for leakage of the sediment basins to groundwater;
 - (c) detail baseline data, groundwater levels and quality against the relevant criteria;
 - (d) provide mitigation and contingency measures to prevent the sediment basins from leaking; and
 - (e) identify further groundwater monitoring if required.
- C39. Within three months of the completion of the Groundwater Monitoring Program, the Applicant shall submit a copy of the Groundwater Monitoring Program as identified in Condition C38 to the Secretary and the EPA.
- C40. The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Groundwater Monitoring Program.

Surface Water Mitigation and Monitoring Plan

- C41. Prior to any controlled discharges permitted under the EPL the Applicant must provide a Surface Water Mitigation and Monitoring Plan, the plan must:
- (a) be prepared by a suitably qualified and experienced expert;
 - (b) be approved by the Secretary in consultation with the EPA;
 - (c) provide a description and map of the surface water processes and surface water management infrastructure;
 - (d) outline the measures to control and manage surface water (including erosion and sedimentation) associated with the Development;
 - (e) detail how water used for dust depression will be managed to ensure excessive run-off is not generated at the site;
 - (f) consider the human health risks associated with the surface water reuse process at the site;
 - (g) include details of the maintenance procedures of the sediment basins and surface water infrastructure;
 - (h) describe the procedures for maintaining vegetation along surface water channels and detention systems, to minimise the potential for erosion;
 - (i) provide details and outcomes of the water balance review and water quality characterisation as required by the EPL;

- (j) identify and justify practical measures that could be deployed at the site to minimise water pollution;
- (k) identify preferred mitigation measures along with timeframes for implementation;
- (l) establish an ongoing runoff discharge monitoring program to validate the proposed mitigation measures;
- (m) identify measures for managing pollutant exceedances;
- (n) identify contingency options to account for any mitigation measures that do not adequately address the site water pollution risks;
- (o) include a review and justify the flocculants and coagulants used on-site; and
- (p) conduct a review of the methods and chemicals used for pH adjustment in sediment basin.

C42. The Applicant shall carry out the Development in accordance with the Surface Water Mitigation and Monitoring Plan (including the implementation of mitigation measures) approved by the Secretary (as revised and approved by the Secretary from time to time), unless otherwise agreed by the Secretary.

Water Quality Validation

C43. Within three months of implementing the Surface Water Mitigation and Monitoring Plan, the Applicant shall provide a Surface Water Validation Report, which shall:

- (a) be carried out by a suitably qualified and experienced expert;
- (b) be approved by the Secretary in consultation with the EPA;
- (c) detail the results of the Surface Water Mitigation and Monitoring Plan;
- (d) provide a characterisation of the water quality discharged in accordance with ANZECC (2000) assessment criteria;
- (e) ensure surface water is being managed in accordance the EPL;
- (f) provide an assessment of the effectiveness of implemented mitigation measures;
- (g) confirm that the site water balance including validation of the sediment pond storage and predicted discharge volume is consistent with the potential pollutant risks;
- (h) if necessary, propose additional mitigation measures to control and/or treat all pollutants that represent a risk of non-trivial harm; and
- (i) update the Surface Water Mitigation and Monitoring Plan to reflect any changes to the surface water management system.

C44. Any alterations to the surface water management system identified in the Surface Water Validation Report must be implemented prior to any further controlled discharges to the satisfaction of the Secretary.

C45. The Applicant must comply with any amended water quality criteria and discharge limits identified in the EPL.

Surface Water Audit

C46. The Applicant shall carry out an independent Surface Water Audit of the Development, in consultation with the EPA, following completion of the Surface Water Validation Report or as directed by the Secretary. The audit must:

- (a) be carried out by a suitably qualified and experienced expert whose appointment has been endorsed by the Secretary;
- (b) audit the Development whilst it is in operation;
- (c) validate the development against the Surface Water Mitigation and Monitoring Plan;
- (d) include a summary of any EPL water quality exceedances;
- (e) review design and management practices of the Development against industry best practice for surface water;
- (f) include an action plan that identifies and prioritises additional surface water mitigation measures and/or treatment options that may be necessary to reduce surface water impacts; and
- (g) provide a further program of monitoring to address water quality issues that may emerge over time.

- C47. Within three months of commissioning this audit, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.
- C48. The Applicant shall comply with any reasonable requirement(s) of the Secretary arising from the Surface Water Audit.

CONTAMINATION

- C49. Prior to the commencement of construction of the realigned haul road as identified in Appendix 1, the Applicant shall prepare an unexpected finds protocol to ensure that potentially contaminated material is appropriately managed. Any material identified as contaminated shall be disposed off-site, with the disposal location and results of testing submitted to the Secretary, prior to its removal from the site.
- C50. The Applicant shall implement the unexpected finds protocol developed under Condition C49 for the duration of construction works.

TRAFFIC AND PARKING

Parking

- C51. The Applicant shall maintain provision for 37 car parking spaces on the site. The spaces must conform to the relevant specifications in the latest version of Australian Standard 2890.1.
- C52. Accessible, visitor and service vehicle parking spaces must be clearly signposted and designated in accordance with the relevant Australian Standards.

Operating Conditions

- C53. The Applicant shall ensure that:
- (a) the Development does not result in any vehicles parking or queuing on the public road network;
 - (b) the realigned haul road (as identified in Appendix 1) is constructed and maintained in accordance with the relevant Australian Standards;
 - (c) all vehicles are wholly contained on site before being required to stop;
 - (d) all loading and unloading of heavy vehicles is carried out on-site, in particular, all materials when first received at the site shall be unloaded at the receivals area in the north of the site as identified in Appendix 1;
 - (e) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times;
 - (f) all heavy vehicles associated with the Development have their loads covered and do not track dirt onto public roads;
 - (g) all vehicles enter and leave the site in a forward direction; and
 - (h) all vehicles exiting the site, that have accessed unpaved areas, shall depart via a wheel-wash facility.

Driver Code of Conduct

- C54. The Applicant shall implement a Driver Code of Conduct for heavy vehicle drivers associated with the Development. The code must:
- (a) be submitted to and approved by the Secretary within 3 months of the commencement of the expanded operations;
 - (b) be distributed to all the drivers of heavy vehicles associated with the Development; and
 - (c) include provisions relating to:
 - (i) the approved haul routes;
 - (ii) the operating conditions;
 - (iii) the maintenance of engine noise and pollution control equipment; and
 - (iv) driving practices the minimise noise emissions on potentially affected residences.

HERITAGE

C55. The Applicant shall cease all works on site in the event that any Aboriginal cultural object(s) or human remains are uncovered onsite. The NSW Police, the Aboriginal Community and the OEH are to be notified. Works shall not resume in the designated area until consent in writing from the NSW Police and/or the OEH has been obtained.

VISUAL AMENITY

Lighting

C56. All external lighting associated with the Development shall be mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadways. The lighting shall be the minimum level of illumination necessary and shall comply with Australian Standard AS4282 1997 – Control of the Obtrusive Effects of Outdoor Lighting.

Signage

C57. The Applicant shall not install any advertising signs on site without the written consent of the Secretary.

FLORA AND FAUNA

C58. The Applicant shall:

- (a) avoid clearing the Swamp Oak Floodplain Forest EEC (with the exception of the 12 juvenile Swamp Oaks identified in the EIS) at the southern end of the site and ensure this stand is protected and maintained during construction and operation of the Development;
- (b) implement suitable measures to manage and prevent the spread of notifiable weeds on site as defined in the *Noxious Weeds Act 1993*; and
- (c) ensure landscaping along the eastern boundary of the site is maintained throughout the life of the Development.

SECURITY

C59. The Applicant shall:

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

HAZARDS AND RISK

C60. The quantities of dangerous goods stored and handled at the site shall be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

SCHEDULE D
ENVIRONMENTAL MANAGEMENT AND REPORTING

ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

- D1. The Applicant shall implement a Construction Environmental Management Plan during construction work for the Development. The Plan must:
- (a) be prepared by a suitably qualified and experienced expert;
 - (b) be submitted to and approved by the Secretary prior to the commencement of construction;
 - (c) details of erosion, sediment and pollution control measures and practices to be implemented during construction of the realigned haul road (as identified in Appendix 1);
 - (d) describe all activities to be undertaken on the site during construction an outline all management practises and procedures;
 - (e) identify the statutory approvals that apply to the Development;
 - (f) describe of the roles and responsibilities for all relevant employees involved in construction; and
 - (g) include arrangements for complaints handling procedures during construction.

Operational Environmental Management Plan

- D2. The Applicant shall implement an Operational Environmental Management Plan for the Development. This plan must:
- (a) be prepared by a suitably qualified and experienced expert;
 - (b) be submitted to and approved by the Secretary prior to the commencement of the expanded operations;
 - (c) provide a strategic framework for environmental management of the Development;
 - (d) identify the statutory approvals that apply to the Development;
 - (e) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Development;
 - (f) detail the commissioning period, including surface water monitoring and the deployment of mitigation measures;
 - (g) describe in general how the environmental performance of the Development would be monitored and managed;
 - (h) include the relevant plans listed in Schedule C;
 - (i) include a process for ongoing review and update of the OEMP (including documenting any changes to the development, surface water manage system and mitigation measures identified in the surface water mitigation and monitoring plan and any audits);
 - (j) 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.

Management Plan Requirements

- D3. The Applicant shall ensure that the environmental management plans 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.

D4. The Secretary may waive some of the requirements in Condition D3 if they are unnecessary or unwarranted for particular management plans.

REPORTING

Incident Reporting

D5. The Applicant shall notify, at the earliest opportunity, the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the Development, the Applicant shall notify the Secretary and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.

Regular Reporting

D6. The Applicant shall provide regular reporting on the environmental performance of the Development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.

INDEPENDENT ENVIRONMENTAL AUDIT

- D7. Within 1 year of the date of this consent, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the Development. This audit must:
- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - (b) led by a suitably qualified auditor, and include experts in fields specified by the Secretary;
 - (c) include consultation with the relevant agencies;
 - (d) assess the environmental performance of the Development and assess whether it is complying with the requirements in this consent, and any other relevant approvals and relevant EPL/s (including any assessment, plan or program required under these approvals);
 - (e) review the adequacy of any approved strategy, plan or program required under the abovementioned consents; and
 - (f) recommend measures or actions to improve the environmental performance of the Development, and/or any strategy, plan or program required under these consents.
- D8. Within three months of commissioning this audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

Annual Review

- D9. Within one year of the date of this consent, and every year thereafter, the Applicant shall review the environmental performance of the Development to the satisfaction of the Secretary. This review must:
- (a) describe the Development that was carried out in the previous calendar year, and the Development that is proposed to be carried out over the next year;
 - (b) include a comprehensive review of the monitoring results and complaints records of the Development over the previous calendar year, which includes a comparison of these 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

D10. Within three months of the submission of an:

- (a) annual review under Condition D9 above;
- (b) incident report under Condition D5 above;
- (c) audit under Condition D7 above; or
- (d) any modification to this consent,

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

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.

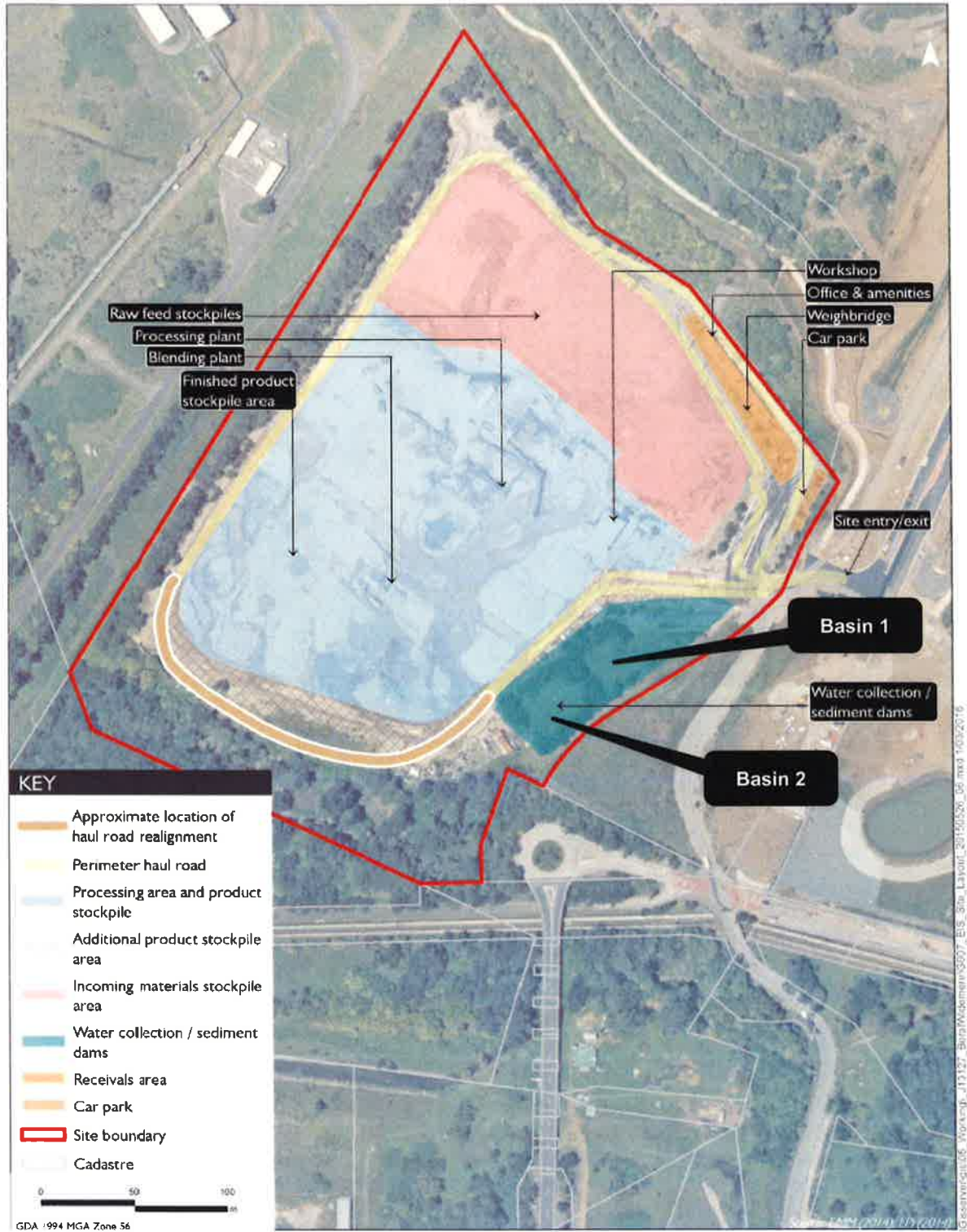
D11. The Applicant shall ensure that the operation of the Development is undertaken in accordance with all relevant updated and/or amended strategies, management plans and programs approved by the Secretary (or as revised and approved by the Secretary), unless otherwise agreed by the Secretary.

ACCESS TO INFORMATION

D12. The Applicant shall:

- (a) make copies of the following publicly available on its website:
 - (i) the documents referred to in Condition D2;
 - (ii) all current statutory approvals for the Development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) a comprehensive summary of the monitoring results of the Development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (v) a complaints register, updated on a monthly basis;
 - (vi) minutes of any community meetings held by the Applicant;
 - (vii) the annual reviews of the Development;
 - (viii) any independent environmental audit of the Development, and the Applicant's response to the recommendations in any audit;
 - (ix) any other matter required by the Secretary; and
- (b) keep this information up to date and to the satisfaction of the Secretary.

APPENDIX 1 – SITE LAYOUT



APPENDIX 2 – MANAGEMENT AND MITIGATION MEASURES

Management item	Mitigation measure	EIS section
Traffic and transport	Current operational procedures and the existing traffic management plan would be reviewed updated to reflect the changes to operations at the facility and as a result of the proposal.	7.4
Air quality	<p>The existing OEMP would be reviewed and updated to reflect proposed operations. The two dust deposition monitors located at the facility would be retained and would continue to monitor dust deposition in accordance with the EPL. Dust mitigation measures would continue to operation including:</p> <ul style="list-style-type: none"> • water cannons on stockpiles; • water cart on internal haul roads; • wheel wash at the southern and northern exits of the facility; • onsite speed limits; and • designed traffic routes. 	8.6
Greenhouse gas	Boral would continue to implement procedures to ensure that onsite equipment is regularly maintained and serviced to maximum fuel efficiency, fuel consumption is be reduced by minimising vehicle kilometres travelled on site, and an ongoing review and implementation of energy efficiency measures are undertaken to reduce GHG emissions at the facility.	8.6
Waste management	Waste management during future operations would be consistent with current operations. The receivals protocol and quality control procedure would continue to be implemented across the facility.	10.2.2 10.2.3
Soils and water	<p>To mitigate the predicted impacts from the proposal, the following management measures are proposed:</p> <ul style="list-style-type: none"> • the sediment basins would retain their current total volume, which exceeds the volume of runoff generated by a 90th percentile, 5 day duration rainfall event; • the water levels in the basins would be monitored and adjusted to ensure adequate water is available to be reused on site; • water would be extracted from the basins during dry periods to maximise the stormwater storage capacity; • water quality in the basins would be actively managed to ensure discharges meet water quality objectives in the EPL; • including the use of flocculent reduce suspended solids and dosing to manage the pH; • water quality monitoring would continue to be undertaken on a daily basis during any discharges from the LDP in accordance with the EPL, and at approximately monthly intervals during periods where there are no discharges; • a 12 month monitoring program be undertaken to assess the risk posed by the potential (agreed with EPA) contaminants of concern in accordance with ANZECC (2000) assessment criteria and any additional management practices be implemented based upon its findings (and conducted annually in September or October); • a pollutant load estimate be undertaken on an annual basis with consideration to discharge volumes and discharge quality in order to monitor the performance of the basin in relation to pollutant loading to Prospect Creek; • the proposed realignment of the perimeter haul road would incorporate the following: 	11.5

Management item	Mitigation measure	EIS section
	<ul style="list-style-type: none"> – sediment laden water would be temporarily collected within two open sediment cleanout pits situated inline within the open drain adjacent to the roadway; – a sand bag would be used to trap sediment up gradient of the piped outlet of the open drain up gradient of Basin 1; – the sediment cleanout pits and open drain are would be regularly inspected and sediment would be cleaned out as required and redistributed into the recycling process stockpiles as often as is necessary to manage water quality within the basins; • the management of fuel spills would continue to be undertaken in accordance with the OEMP. <p>Boral would also investigate options for additional stormwater storage and/or water supply options. This could include (but not be limited to):</p> <ul style="list-style-type: none"> • opportunities to extract water from other local basins owned by Boral; and • opportunities to increase the capacity of the existing sediment basins with consideration to health and safety requirements, and if practical and feasible. 	
Ecology	<p>The following measures should be implemented to minimise impacts to biodiversity during construction and operation:</p> <ul style="list-style-type: none"> • demarcation of the clearing limits using survey pegs to avoid overclearing of the Swamp Oak Floodplain Forest EEC; and • continued implementation of site sediment and erosion control measures to prevent runoff into native vegetation. 	12.4
Heritage	<p>If any items of heritage significance are uncovered during the internal road realignment, work would cease immediately in the vicinity of the item(s) and the OEH would be contacted to ascertain the necessary actions.</p>	13.4
Visual	<p>The stockpile area located within the southern portion of the site would continue to be monitored to ensure that the height of the highest stockpile does not exceed 20 m.</p>	14.3
Socio-economic	<p>The continued management of operations under the proposal would be conducted to review traffic and transport, hazard and risk, visual, air quality and odour, and noise and vibration conditions at the facility in accordance with the EPL, OEMP and traffic management plans.</p>	15.4

APPENDIX B: CONSIDERATIONS UNDER SECTION 79C

Section 79C of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

<p>(a) the provisions of:</p> <p>(i) any environmental planning instrument, and</p> <p>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</p> <p>(iii) any development control plan, and</p> <p>(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and</p> <p>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</p> <p>(v) any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i>) that apply to the land to which the development application relates,</p>	<p>Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the proposed development is provided in Appendix C of this report.</p> <p>The Applicant has not entered into any planning agreement under section 93F.</p> <p>The Department has undertaken its assessment of the project in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p> <p>The site is not located within the coastal zone and the Department is not aware of any coastal zone management plan that applies to the land to which the development application relates.</p>
<p>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</p>	<p>The Department has considered the likely impacts of the project in detail in Section 5 of this report. The Department is satisfied that all environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.</p>
<p>(c) the suitability of the site for the development,</p>	<p>Section 3, Section 5 and Appendix C of this report provide details on the suitability of the site for the project. The site is zoned for IN2 (Light Industrial) and is permissible with development consent.</p>
<p>(d) any submissions made in accordance with this Act or the regulations,</p>	<p>All matters raised in submissions have been summarised in Section 4 of this report and given due consideration as part of the assessment of the proposed development in Section 5 of this report.</p>
<p>(e) the public interest.</p>	<p>The recommended conditions of consent impose a range of controls, which the Department considers will mitigate any potential environmental impacts of the project.</p> <p>The socio-economic benefits generated from the proposed development include the employment of up to 8 construction staff and the on-going employment of an additional three full time employees at the RRF.</p> <p>The Department considers that the project is therefore in the public interest.</p>

APPENDIX C: CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (State and Regional Development) 2011

The proposed development involves the development of a resource management facility that would handle more than 100,000 tonnes per year of waste, and as such meets the criteria in Clause 23(3) of Schedule 1 in the SRD SEPP.

Consequently, the proposed development has been identified as State significant development and the Minister for Planning (or their delegate) is the consent authority for the proposed development. The SRD SEPP is discussed in Section 3.2 of this report.

State Environmental Planning Policy (State Significant Precincts) 2005

The State Significant Precinct SEPP aims to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State to ensure the orderly use, development or conservation of State significant precincts for the benefit of the State.

The site falls within the Greystanes Southern Employment Lands which is listed as a State Significant Precinct and is zoned IN2 (Light Industrial). The objectives of this zone are to provide a wide range of light industrial, warehouse and related land uses, to encourage employment opportunities, and to minimise any adverse effect of industry on other land use. The existing facility and proposed expansion are consistent with the objectives of the zone and the State Significant Precincts SEPP.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP 33 aims to identify proposed developments with the potential for significant off-site impacts, in terms of risk and/or offence (odour, noise etc). A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have a significant risk and/or offence impact on off-site receptors.

As part of current operations, and under the proposed development, diesel would continue to be stored on the site. The facility has a 8,700 litres (L) above ground diesel storage tank. The tank would remain in its current location within a bunded area, 40 m from the site boundary. The site also stores 150 L of Acetylene and Liquid Petroleum Gas (LPG).

The Applicant has advised that the proposed development has not been designed to provide storage for dangerous goods in excess of the thresholds established under SEPP 33, and would therefore not constitute a potentially hazardous industry or potentially offensive industry under the SEPP. Notwithstanding, the Department has recommended conditions requiring the Applicant to ensure all dangerous goods stored on the site are below the thresholds outlined in the *Hazardous and Offensive Development Application Guidelines: Applying SEPP 33*, and are stored in accordance with the *Australian Dangerous Goods Code* and *AS 1940-2004: The storage and handling of flammable and combustible liquids*.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposed development constitutes traffic generating development under Schedule 3 of the ISEPP and was referred to the RMS for comment. RMS confirmed that they have no objection to the project. The development is considered to be consistent with the aims and objectives of the ISEPP, and the requirements of Clause 104 of the SEPP, as demonstrated by the response received from the RMS and in the assessment of the proposed development contained in Section 5 of this report.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application.

The Department has reviewed all contamination issues associated with the development and outlined in the EIS. A Phase 2 investigation was conducted in 2001 which confirmed with the exception of areas requiring remediation, the site was suitable for commercial or industrial use. Boral committed to implementing a sampling and analysis program that included capping the contaminated areas of the facility. These remediation works were signed off by an EPA accredited site auditor in 2002.

As the proposed realignment of the haulage route will not disturb any capped material and the facility does not permit contaminated materials, the Department is satisfied that the development would not result in adverse impacts on the environment or human health, and that the site would be suitable for the project.

The Department considers the proposed development is therefore generally consistent with the aims and objectives of SEPP 55.

APPENDIX D: ENVIRONMENTAL IMPACT STATEMENT

See the Department's website at

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6525

APPENDIX E: SUBMISSIONS

See the Department's website at

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6525

APPENDIX F: APPLICANT'S RESPONSE TO SUBMISSIONS AND ADDITIONAL INFORMATION

See the Department's website at

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6525