

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney

20 February

2019

File: DOC18/974997

SCHEDULE 1

Application Number:	SSD 6619
Applicant:	Enirgi Power Storage Recycling Pty Ltd
Consent Authority:	Minister for Planning
Site:	509 Byrnes Road, Bomen Lot 1 DP 850711, Lot 21 DP 1128492 and Lot 3 DP 594679
Development:	The expansion of an existing used lead acid battery (ULAB) recycling facility to receive and process up to 120,000 per year of ULABs and other lead-based material (to a maximum of 3,000 tonnes) per year and incorporation of the adjacent plastics resource recovery facility to recycle plastics from the ULABs.

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DEFINITIONS

Applicant	Enirgi Power Storage Recycling or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Black water	Untreated sewage
Certifying Authority	A person who is authorised by or under the former section 109D of the EP&A Act to issue Part 4A certificates
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
Council	City of Wagga Wagga Council
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising construction and operation of the expanded Enirgi Battery Recycling Facility, as modified by the conditions of this consent.
Development layout	The plans at Appendix 1 of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	The Environmental Impact Statement titled <i>Enirgi Power Storage Recycling Consolidation Project</i> , prepared by GHD dated July 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW 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 POEO Act
FRNSW	Fire and Rescue NSW
Grey water	Untreated water from shower, laundry and kitchen facilities
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ol style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts

	occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
NEMP	National Environmental Protection Measure
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Operation	The receipt and processing of ULABs and recovery of plastics upon completion of construction of the expanded site.
PCA	Principal Certifying Authority in accordance with the EP&A Act
Permeate	Onsite water that has been treated in the nano-filtration plant
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act titled <i>Energi Power Storage Recycling Consolidation Project – Response to Submissions</i> , prepared by GHD, dated October 2018
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Appendix 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Stage 1	Construction and use of the carpark extension and hygiene baghouse
Stage 2	Construction and use of the remainder of the development not part of Stage 1 as described in the EIS
ULAB	Used lead acid batteries
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

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

LIMITS OF CONSENT

Lapsing

- A5. This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.
- A6. The Applicant must not:
- (a) receive or process more the 120,000 tonnes of used lead-acid batteries (ULABs) and other lead-based materials per year;
 - (b) receive or process more than 3,000 tonnes per year of other externally generated lead-based material (excluding ULABs but including lead dross, lead wheel weights, lead sheet and lead pipe);
 - (c) process more than 6,000 tonnes of plastics per year in the plastics resource recovery facility; and
 - (d) store more than 2,500 tonnes of plastics at any one time in the plastics resource recovery facility.
- A7. The Applicant must ensure that the production rate of the lead smelter does not exceed 87,600 tonnes of product per year.
- A8. The Applicant must ensure the storage of dangerous goods on the site does not exceed the quantities listed in Table 1 and in accordance with Table 3-1 in Appendix K – Hazard and Risk Assessment of the EIS at all times.

Table 1: Maximum storage quantities of dangerous goods

Dangerous goods class	Maximum storage quantity (tonnes)
2.1	2.75
2.2 sub-risk 5.1	132.60
4.1	7.05
5.1	11.54
6.1	12
8	370.28

NOTIFICATION OF COMMENCEMENT

- A9. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:
- (a) construction;
 - (b) operation; and
 - (c) cessation of operations.
- A10. If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

SURRENDER OF EXISTING CONSENTS OR APPROVALS

- A11. Within 12 months of the date of commencement of development to which this consent applies, or within another timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consents for the site including: DA 05/0517 dated 31 May 2005 for the ULAB recycling facility; DA 05/0517 dated 7 September 2016 for the ULAB recycling facility; and DA16/0386 dated 2 November 2016 for the plastics resource recovery facility, in accordance with the EP&A Regulation.
- A12. Upon the commencement of development to which this consent applies, and before the surrender of existing development consents or project approvals required under condition A11, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.

Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.

EVIDENCE OF CONSULTATION

- A13. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A14. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A15. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A16. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A17. Before the commencement of construction, the Applicant must consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure.
- A18. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

DEMOLITION

- A19. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

- A20. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Note:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*
- *Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.*

COMPLIANCE

- A21. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

OPERATION OF PLANT AND EQUIPMENT

- A22. All plant and equipment used on site, or to monitor the performance of the development, must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

EXTERNAL WALLS AND CLADDING

- A23. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A24. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- A25. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

UTILITIES AND SERVICES

- A26. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

WORKS AS EXECUTED PLANS

- A27. Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the PCA.

APPLICABILITY OF GUIDELINES

- A28. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A29. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ADVISORY NOTES

- AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

HUMAN HEALTH

- B1. The Applicant must ensure the development is carried out in accordance with *Work Health and Safety Regulation 2017* (WHS Regulation) and the requirements of SafeWork NSW.
- B2. Prior to the commencement of Stage 2 operation, the Applicant must prepare a Health and Safety Plan (HSP) for the development to the satisfaction of the Secretary. The HSP must form part of the OEMP required by condition C5. The HSP must:
- (a) be prepared in consultation with Murrumbidgee Local Health District and SafeWork NSW;
 - (b) describe the controls to ensure compliance with the WHS Regulation;
 - (c) describe specific engineering controls to be implemented to reduce employee exposure to lead dust and other contaminants;
 - (d) identify personal protective equipment (PPE) required for use onsite;
 - (e) describe the procedures for training, education, awareness programs and inductions for site personnel to ensure adequate protection from human health risks; and
 - (f) identify requirements for health monitoring for site personnel and decontamination procedures.
- B3. The Applicant must:
- (a) not commence Stage 2 operation until the HSP is approved by the Planning Secretary; and
 - (b) implement the most recent version of the HSP approved by the Planning Secretary for the duration of the development.
- B4. The HSP must be integrated into the site's existing Health and Safety Management System

HAZARDS AND RISK

Pre-construction

- B5. At least one month prior to construction of Stage 2 (except for construction of those preliminary works that are outside the scope of hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare and submit for approval of the Planning Secretary the studies set out under subsections (a) to (d) below (the pre-construction studies). Construction, other than of preliminary works, must not commence until approval has been given by the Planning Secretary and, with respect to the Fire Safety Study, approval has also been given by Fire and Rescue NSW.
- (a) **A Fire Safety Study** for the development. This study must cover the relevant aspects of the Department's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study Guidelines'* and the New South Wales Government's *'Best Practice Guidelines for Contaminated Water Retention and Treatment Systems'*. The study must also be submitted to Fire and Rescue NSW for approval. The Applicant must also consult with Fire and Rescue NSW in the development of the Fire Safety Study.
 - (b) **A Hazard and Operability Study** for the development, chaired by a qualified person, independent of the development, approved by the Planning Secretary prior to commencement of the study. The study must be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*. The study report must be accompanied by a program for the implementation of all recommendations made in the report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.
The study must be based on the final detailed design of the expanded facility and include and not be limited to a review of:
 - the scrubbers and desulphurisation processes along with liquid systems within the battery recycling process;
 - the lead smelter, including concurrent operation of the new furnace with the existing furnace as part of lead smelting processes; and
 - the new on-site oxygen generator facility.
 - (c) **A Final Hazard Analysis** of the development, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*.
The Final Hazard Analysis must verify and report, based on the final design of the expanded ULAB recycling facility, that the sulphur dioxide emission rate will not exceed 50 g/s in the event of failure of scrubbers or desulphurisation processes. If this emission rate exceeds 50 g/s, a risk assessment addressing failure of scrubbers or desulphurisation processes must be included and reported in the analysis along with all relevant findings and any recommendations from this risk assessment.
The Final Hazard Analysis must also be accompanied by a program for the implementation of all recommendations made in the analysis. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

- (d) A **Construction Safety Study**, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7, 'Construction Safety'*. For developments in which the construction period exceeds six months, the commissioning portion of the Construction Safety Study may be submitted two months prior to commencement of commissioning.

Pre-commissioning

- B6. The Applicant must develop and implement the plans and systems set out under subsections (a) to (c) below. No later than two months prior to the commencement of commissioning of Stage 2 of the development, or within such further period as the Planning Secretary may agree, the Applicant must submit for the approval of the Planning Secretary documentation describing those plans and systems. Commissioning must not commence until approval has been given by the Planning Secretary.
- (a) A study detailing arrangements for the transport of hazardous materials including details of routes to be used for the movement of vehicles carrying hazardous materials to or from the development. The routes selected must be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 11, 'Route Selection'*. Suitable routes identified in the study shall be used except where departures are necessary for local deliveries or emergencies.
 - (b) A comprehensive **Emergency Plan** and detailed emergency procedures for the development. Emergency Plan must include consideration of the safety of all people outside of the development who may be at risk from the development. The plan shall be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*. The Emergency Plan must also include detailed emergency procedures in relation to emergency situations which may involve lead or lead compound
 - (c) A document setting out a comprehensive **Safety Management System**, covering all on-site operations and associated transport activities involving hazardous materials. The document must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by the Planning Secretary upon request. The Safety Management System must be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.

Pre-startup

- B7. One month prior to the commencement of Stage 2 operation, the Applicant must submit to the Planning Secretary, a **Pre-Startup Compliance Report** detailing compliance with conditions B5 and B6 on this consent, including:
- (a) dates of study/plan/system submission, approval, commencement of construction and commissioning;
 - (b) actions taken or proposed, to implement recommendations made in the studies/plans/systems; and
 - (c) responses to any requirement imposed by the Planning Secretary under condition A2(b).

Post-startup

- B8. Three months after the commencement of Stage 2 operation, the Applicant must submit to the Planning Secretary, a Post-Startup Compliance Report verifying that:
- (a) transport routes specified under condition B6(a) are being followed;
 - (b) the Emergency Plan required under condition B6(b) is effectively in place and that at least one emergency exercise has been conducted; and
 - (c) the Safety Management System required under condition B6(c) has been fully implemented and that records required by the system are being kept.

Hazard Audit

- B9. Within twelve months after the commencement of Stage 2 operation and every five years thereafter, or at such intervals as the Planning Secretary may agree, the Applicant must carry out a comprehensive Hazard Audit of the development. Division 9.4 of Part 9 of the EP&A Act applies to these audits. The audits must:
- (a) be carried out at the Applicant's expense by a qualified person or team, who have been approved by the Planning Secretary and are independent of the development;
 - (b) be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit Guidelines'*; and
 - (c) include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit.
- B10. Within one month of completing each audit carried out in accordance with condition B9, the Applicant must submit a report to the satisfaction of the Planning Secretary for approval. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.

Further Requirements

- B11. The Applicant must comply with all reasonable requirements of the Planning Secretary in respect of the implementation of any measures arising from the reports submitted in respect of Conditions B5 to B10 inclusive, within such time as the Planning Secretary may agree.
- B12. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.
- B13. In the event of an inconsistency between the requirements B12(a) and B12(b), the most stringent requirement must prevail to the extent of the inconsistency.

Bunding

- B14. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

CONTAMINATION

Unexpected Finds

- B15. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

Site Auditor

- B16. Prior to the commencement of Stage 2 earthworks or remediation works on site, the Applicant must engage a Site Auditor accredited under the *Contaminated Land Management Act 1997* NSW Site Auditor Scheme.
- B17. The Applicant must ensure the remediation works are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remediation Action Plan, relevant guidelines produced or approved under the *Contaminated Land Management Act 1997* and any conditions and/or recommendation that may be made by the Site Auditor in the Site Audit Statement.
- B18. Prior to commencement of the remediation works, the Applicant must submit to the Planning Secretary, a Section B Site Audit Report and a Site Audit Statement, prepared in accordance with the *NSW Contaminated Land Management - Guidelines* for the NSW Site Auditor Scheme 2017, which demonstrates:
- (a) the appropriateness of the Remediation Action Plan; and
 - (b) that the site can be made suitable for a specified land use (or uses) if the site is remediated/managed in accordance with the implementation of the Remediation Plan.
- B19. Upon completion of the remediation works and prior to the commencement of Stage 2 construction, the Applicant must submit to the Planning Secretary, a Section A Site Audit Report and a Site Audit Statement, prepared in accordance with the *NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017*, which demonstrates the site is suitable for its intended industrial land use.

AIR QUALITY

Operational Procedures

- B20. The ULAB processing building containing the charge preparation area, casting area and slag bay annex must be designed and operated under negative pressure at times when ULAB processing is being undertaken.
- B21. Continuous flow meters must be installed at a location that enables flow rate data to be collected from the ductwork servicing both the existing rotary furnace and the new rotary furnace, as specified in the EPL.

Dust Minimisation

- B22. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B23. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and

- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Discharges

- B24. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements, as specified in the EPL applicable to the site.
- B25. The development design must include an opacity meter in the vent with a high opacity alarm to detect bag failure.

Air Quality Management Plan

- B26. Prior to the commencement of operation of Stage 2, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The AQMP must form part of the OEMP required by condition C5. The AQMP must:
 - (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with the EPA and NSW Health;
 - (c) describe the air quality management system;
 - (d) detail and rank all emissions from all sources of the development, including particulate emissions;
 - (e) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators and relevant NSW criteria;
 - (f) identify the control measures that that will be implemented for each emission source; and
 - (g) nominate the following for each of the proposed controls:
 - (i) key performance indicator;
 - (ii) monitoring method;
 - (iii) location, frequency and duration of monitoring;
 - (iv) record keeping;
 - (v) complaints register;
 - (vi) response procedures; and
 - (vii) compliance monitoring
 - (h) identify a reporting regime which reports on the effectiveness of the air quality management system and compliance with the air quality conditions.
- B27. The Applicant must:
 - (a) not commence operation of Stage 2 until the AQMP required by condition B26 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the AQMP approved by the Planning Secretary for the duration of the development.

Post Commissioning Air Monitoring

- B28. The Applicant must undertake post commissioning monitoring of each licensed discharge point within 12 months from the commencement of operation of Stage 2 of the development. The monitoring must be undertaken:
 - (a) in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in NSW*; and
 - (b) as specified in the EPL applicable to the site.

Post Commissioning Air Emissions Verification Report

- B29. Within 3 months of the completion of the post commissioning air monitoring, the Applicant must prepare, to the satisfaction of the Planning Secretary, a Post Commissioning Air Emissions Verification Report. The Post Commissioning Air Emissions Verification Report must:
 - (a) include the analytic results of the post commissioning monitoring for each discharge point specified in the EPL;
 - (b) describe the operations undertaken during post commissioning testing demonstrating that the post commissioning testing is representative of typical operations. This includes adequate information on the quantity and type of material processed within the furnaces during monitoring;
 - (c) summarise the flow rate data collected from the continuous flow meters (EPL monitoring points 7 and 8);
 - (d) provide emission performance data for each furnace individually based on post commissioning monitoring and flow rate data. This includes the method and any calculations used to derive individual furnace emission performance;

- (e) compare emission performance data for each furnace individually collected in B25 with prescribed concentrations contained in the *Protection of the Environment Operations (Clean Air) Regulation 2010*;
- (f) evaluate the efficacy of the fugitive emission capture and controls installed including evaluating the systems used to maintain the processing building under a negative pressure environment; and
- (g) include the approach, including timeline for implementation, to resolve any non-compliances with the EPL and the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

SOILS, WATER QUALITY AND HYDROLOGY

- B30. The Applicant must ensure that no water from the development is discharged offsite. All water must be managed onsite by the integrated water management system, as described in the EIS, with no discharge to the stormwater network permitted.

Note the capture of clean runoff must comply with the relevant exemptions and licences under the *Water Management Act 2000*

Imported Soil

- B31. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
 - (b) keep accurate records of the volume and type of fill to be used; and
 - (c) make these records available to the Department upon request.

Erosion and Sediment Control

- B32. Prior to the commencement of any construction the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.

Discharge Limits

- B33. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Water Management System

- B34. Prior to the commencement of Stage 2 operation, the Applicant must design, install and operate the upgraded integrated water management system for the development as described in the EIS for the site.

Soil and Water Management Plan

- B35. Prior to the commencement of Stage 2 operation, the Applicant must prepare an updated Soil and Water Management Plan (SWMP) to the satisfaction of the Planning Secretary. The SWMP must form part of the OEMP required by condition C5. The SWMP must:
- (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with the EPA;
 - (c) detail water use and management on-site including a site water balance;
 - (d) detail the water licence requirements for the development;
 - (e) detail the management of wastewater streams on-site;
 - (f) contain a **Surface Water Management Plan**, including:
 - (i) details of management processes proposed for the wheel wash down area and washing of equipment;
 - (ii) a program to monitor:
 - discharge from the nano filtration point as specified in the EPL applicable to the site; and
 - water basin operation;
 - (iii) sediment and erosion control plans; and
 - (iv) a protocol for the investigation and mitigation of identified exceedances of the discharge limits as specified in the EPL applicable to the site.
 - (g) contain a **Groundwater Management Plan**, including:
 - (i) baseline data on groundwater levels and quality;
 - (ii) a program to monitor groundwater levels and quality as specified in the EPL applicable to the site;
 - (iii) groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; and

- (iv) a protocol for the investigation and mitigation of identified exceedances of the groundwater impact assessment criteria.
- (h) contain a **Soil Management Plan** including:
 - (i) measures that will be implemented to prevent soil contamination;
 - (ii) a program to investigate soil contamination levels including locations and frequency;
 - (iii) the approach, including timeline for implementation, to resolve any exceedances of the relevant NEPM criteria.

B36. The Applicant must:

- (a) not commence Stage 2 operation until the SWMP required by condition B35 is approved by the Planning Secretary; and
- (b) implement the most recent version of the SWMP approved by the Planning Secretary for the duration of the development.

Irrigation Management Plan

B37. Prior to the commencement of Stage 2 operation, the Applicant must prepare an Irrigation Management Plan (IMP) for the development to the satisfaction of the Secretary. The IMP must form part of the OEMP required by Condition C5. The IMP must:

- (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with the EPA;
- (c) Include details of the proposed operation, management and monitoring of the permeate irrigation scheme including:
 - (i) proposed volumes to be irrigated;
 - (ii) sampling methods;
 - (iii) proposed use of the area;
 - (iv) target effluent quality parameters;
 - (v) background soil contaminant concentrations;
 - (vi) details of soil monitoring to be implemented including locations (a minimum of six), frequency (at least yearly), sampling method and depth;
 - (vii) details of how operations would be managed to prevent exceedances of the target effluent quality parameters and the overloading of contaminants; and
 - (viii) mitigation measures including a timeline for implementation, should monitoring identify contaminant overloading within the irrigation area.
- (d) Include details of the proposed operation, management and monitoring of the black water irrigation scheme including:
 - (i) proposed volumes to be irrigated;
 - (ii) proposed use of the area;
 - (iii) target effluent quality parameters;
 - (iv) a program to monitor the Sewage Treatment Plant including, on a quarterly basis
 - BOD;
 - total nitrogen;
 - suspended solids; and
 - heavy metals.
 - (v) details of how operations would be managed to prevent exceedances of the target effluent quality parameters and the overloading of contaminants.

B38. The Applicant must:

- (a) not commence Stage 2 operation until the IMP required by condition B37 is approved by the Planning Secretary; and
- (b) implement the most recent version of the IMP approved by the Planning Secretary for the duration of the development.

Permeate Application to Land

B39. Permeate application to the irrigated area, as identified in Appendix 1 – Figure 19 – Irrigated Areas, must be applied in a sustainable manner and in accordance with the *Environmental Guidelines: Use of Effluent by Irrigation* (DEC 2004).

- B40. The quantity of permeate applied to the utilisation area must not exceed the proposed application rate or contaminant loading rate established for the site as detailed in the EIS.
- B41. Permeate application must not occur in a manner that causes surface runoff.
- B42. Spray from permeate application must not drift beyond the boundary of the premises.
- B43. Livestock access to any permeate application area must be denied.
- B44. The Planning Secretary must be advised in writing at least 14 days prior to the irrigation area being rendered unavailable for use.
- B45. Irrigation must not be carried out within 50 metres of any water course or any other land, other than the defined irrigation area as identified on Figure 19 Irrigation Areas in Appendix 1.

WASTE

Construction and Demolition Waste Management

- B46. Prior to the commencement of construction of Stage 2, the Applicant must prepare a Construction and Demolition Waste Management Plan (CDWMP) for the development to the satisfaction of the Planning Secretary. The CDWMP must form part of a CEMP in accordance with condition C2 and must:
 - (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
 - (b) be implemented for the duration of construction works.
- B47. The Applicant must:
 - (a) not commence construction of Stage 2 until the CDWMP is approved by the Planning Secretary.
 - (b) implement the most recent version of the CDWMP approved by the Planning Secretary for the duration of construction works.

Waste Monitoring Program

- B48. From the commencement of Stage 2 operation, the Applicant must implement a Waste Monitoring Program for the development. The program must:
 - (a) be prepared by a suitably qualified and experienced person(s) prior to the commencement of operation;
 - (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; and
 - (c) ensure that:
 - (i) all waste that is controlled under a tracking system has the appropriate documentation prior to acceptance at the site; and
 - (ii) staff receive adequate training in order to be able to recognise and handle any hazardous or other prohibited waste including asbestos.

Waste Management Plan

- B49. Prior to the commencement of Stage 2 operation, the Applicant must prepare a Waste Management Plan (WMP) for the development to the satisfaction of the Planning Secretary. The WMP must form part of the OEMP and be prepared in accordance with condition C5. The WMP must:
 - (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) include details of stockpile limits of incoming ULABs;
 - (c) include procedures to be followed during unexpected processing machinery shutdown;
 - (d) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009); and
 - (e) detail the materials to be reused or recycled, either on or off site.
- B50. The Applicant must:
 - (a) not commence Stage 2 operation until the WMP is approved by the Planning Secretary; and
 - (b) implement the most recent version of the WMP approved by the Planning Secretary for the duration of the development.

Receipt, Storage & Handling of Waste

- B51. All waste must be stored wholly within the designated waste storage areas.

B52. All waste must be loaded and unloaded within the designated loading and unloading areas.

Statutory Requirements

- B53. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B54. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.
- B55. The plastic received by the plastics resource recovery facility and any liquid and non-liquid waste produced is to be tested at least quarterly for the measurable properties of waste, including possible chemical and metal residues and contaminants informed by the history of the waste. Contaminant thresholds of the source product are to remain below the classification of general solid waste (non-putrescible).
- B56. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal, except as expressly permitted by an EPL.
- B57. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.
- B58. The Applicant must retain all weighbridge records as required by the *POEO (Waste) Regulation* and for the life of the development. The weighbridge records must be made immediately available on request by the Planning Secretary and/or the EPA.

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- B59. Prior to the commencement of Stage 2 construction, the Applicant must prepare a Construction Traffic Management Plan (CTMP) for the development to the satisfaction of the Planning Secretary. The CTMP must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
 - (d) detail heavy vehicle routes, access and parking arrangements;
 - (e) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes;
 - (f) include a program to monitor the effectiveness of these measures; and
 - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B60. The Applicant must:
- (a) not commence Stage 2 construction until the CTMP required by condition B59 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the CTMP approved by the Planning Secretary for the duration of Stage 2 construction.

Parking

- B61. The Applicant must provide 58 parking spaces on-site, including one for heavy vehicles and 57 for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

Operating Conditions

- B62. The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of AS 2890.1:2004 *Parking facilities Off-street car parking* (Standards Australia, 2004) and AS 2890.2:2002 *Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);

- (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
- (c) the development does not result in any vehicles queuing on the public road network;
- (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
- (e) all vehicles are wholly contained on site before being required to stop;
- (f) all loading and unloading of materials is carried out on-site;
- (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network;
- (h) all trucks leaving the ULAB recycling facility travel through the wheel wash (including those proceeding to the plastics resource recovery facility);
- (i) all vehicles, including light vehicles, within the site must travel on the hardstand only; and
- (j) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

Access

B63. The Applicant must ensure right of way to the PRRF off East Bomen Road is maintained for the life of the development.

NOISE

Hours of Work

B64. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

Table 1 Hours of Work

Activity	Day	Time
Remediation and construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation	Monday – Sunday	24 hours

B65. Works outside of the hours identified in condition B64 may be undertaken in the following circumstances:

- (a) works that are inaudible at the nearest sensitive receivers;
- (b) works agreed to in writing by Council and the Planning Secretary;
- (c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- (d) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise Limits

B66. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 2.

ABORIGINAL HERITAGE

Unexpected Finds Protocol

B67. If any item or object of Aboriginal heritage significance is identified on site:

- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
- (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
- (c) the OEH must be contacted immediately.

B68. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

BIODIVERSITY

Pests, Vermin and Noxious Weed Management

B69. The Applicant must:

- (a) implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and
- (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard or cause the loss of amenity in the surrounding area.

Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.

Vegetation Management Plan

- B70. Prior to the commencement of operation of Stage 2, the Applicant must prepare a Vegetation Management Plan (VMP) for the development in consultation with Council and to the satisfaction of the Planning Secretary. The VMP must form part of the OEMP required by Condition C5 and must:
- (a) be approved by the Planning Secretary prior to the commencement of operation of Stage 2;
 - (b) include the biodiversity mitigation measures identified in the EIS;
 - (c) provide for the protection and revegetation of the remnant Yellow Box Woodland along the western boundary of the site not directly impacted by the development, as identified in Figure 15-1 of the EIS; and
 - (d) ensure only provenance specific species are used in the revegetation works.
- B71. The Applicant must:
- (a) not commence operation of Stage 2 until the VMP required by condition B70 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the VMP approved by the Planning Secretary for the duration of operation.

VISUAL AMENITY

Lighting

- B72. The Applicant must ensure the lighting associated with the development:
- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage

- B73. Nothing in this consent permits the Applicant to erect or display any advertising structure(s) or advertisements associated with the development.

COMMUNITY ENGAGEMENT

- B74. The Applicant must consult with the community regularly throughout the development, including consultation with the nearby sensitive receivers identified on Figure 18 in Appendix 1, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

SECURITY

- B75. The Applicant must ensure the fence surrounding the site is maintained to a standard which prevents unauthorised access.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (h) a protocol for periodic review of the plan.

Note: the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) Erosion and Sediment Control Plan;
 - (b) Unexpected Finds Procedure (see Condition B15);
 - (c) Construction and Demolition Waste Management Plan for Stage 2 (see Condition B46); and
 - (d) Construction Traffic Management Plan for Stage 2 (see Condition B59).
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C6. As part of the OEMP required under Condition C5 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (b) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;

- (iv) respond to any non-compliance;
- (v) respond to emergencies; and
- (c) include the following environmental management plans:
 - (i) Health and Safety (see Condition B2);
 - (ii) Air Quality (see Condition B26);
 - (iii) Soil and Water (see Condition B35);
 - (iv) Irrigation (see Condition B37); and
 - (v) Waste (see Condition B49); and

C7. The Applicant must:

- (a) not commence Stage 2 operation until the OEMP is approved by the Planning Secretary; and
- (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C8. Within three months of:

- (a) the submission of a Compliance Report under condition C16;
- (b) the submission of an incident report under condition C11;
- (c) the submission of an Independent Audit under condition C19;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,

C9. the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

C10. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

REPORTING AND AUDITING

Incident Notification, Reporting and Response

C11. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

C12. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.

C13. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

C14. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

C15. No later than 6 weeks before the date notified for the commencement of construction of Stage 2, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.

C16. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

C17. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

Independent Audit

- C18. No later than 4 weeks before the date notified for the commencement of construction of Stage 2, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.
- C19. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department under condition C18 of this consent; and
 - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C20. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C19 of this consent;
 - (b) submit the response to the Department; and
 - (c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

Monitoring and Environmental Audits

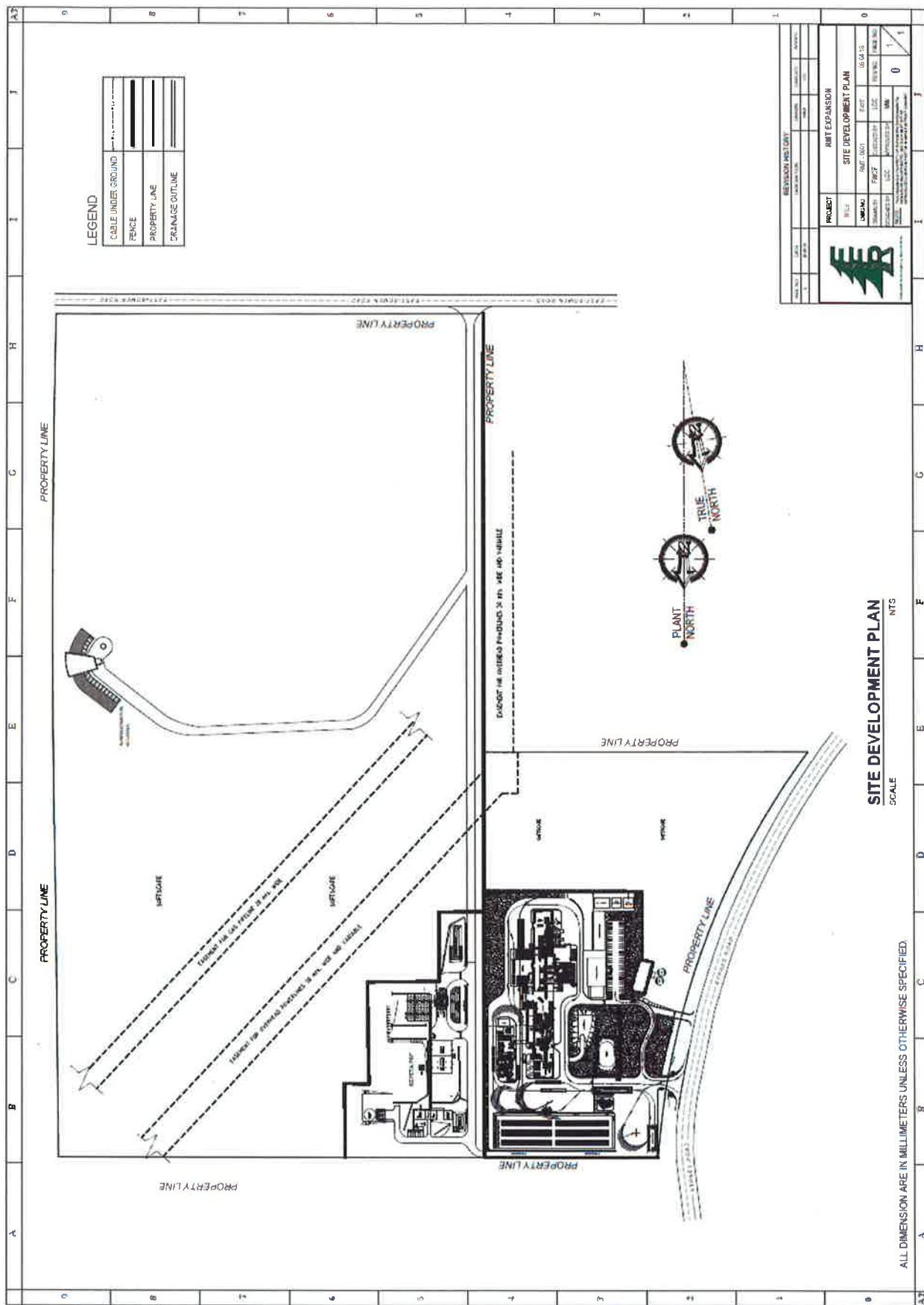
- C21. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

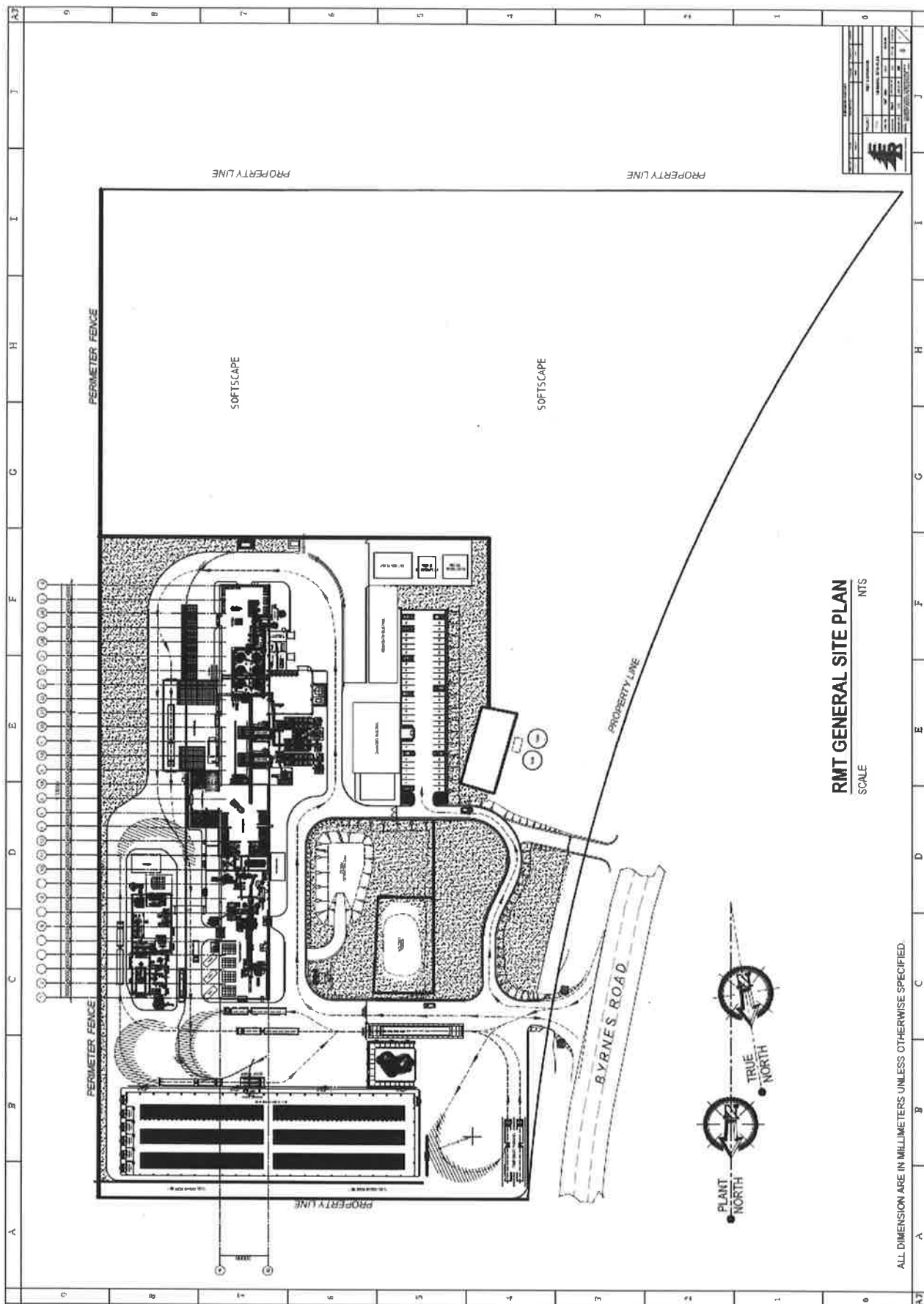
Note: *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the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

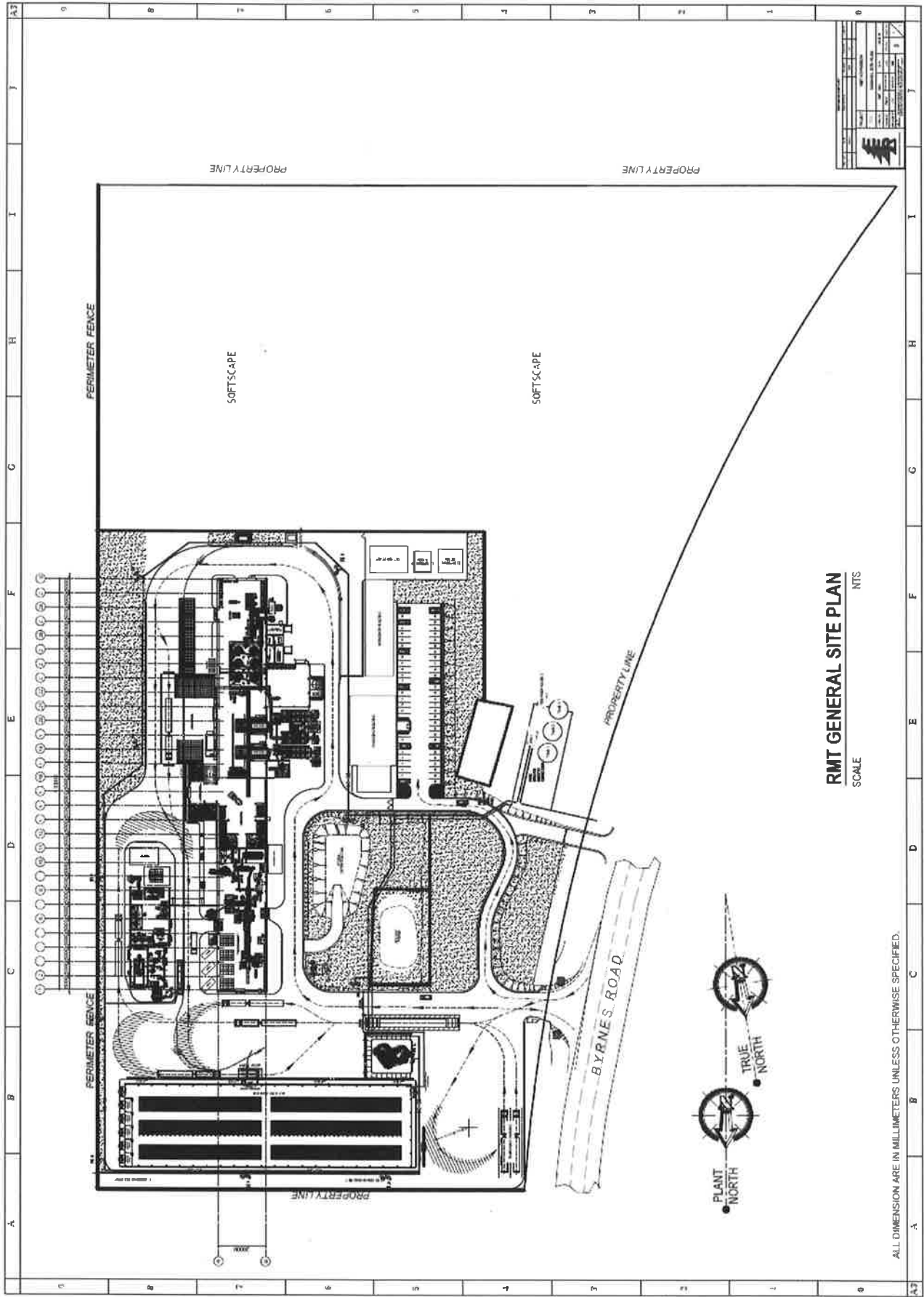
ACCESS TO INFORMATION

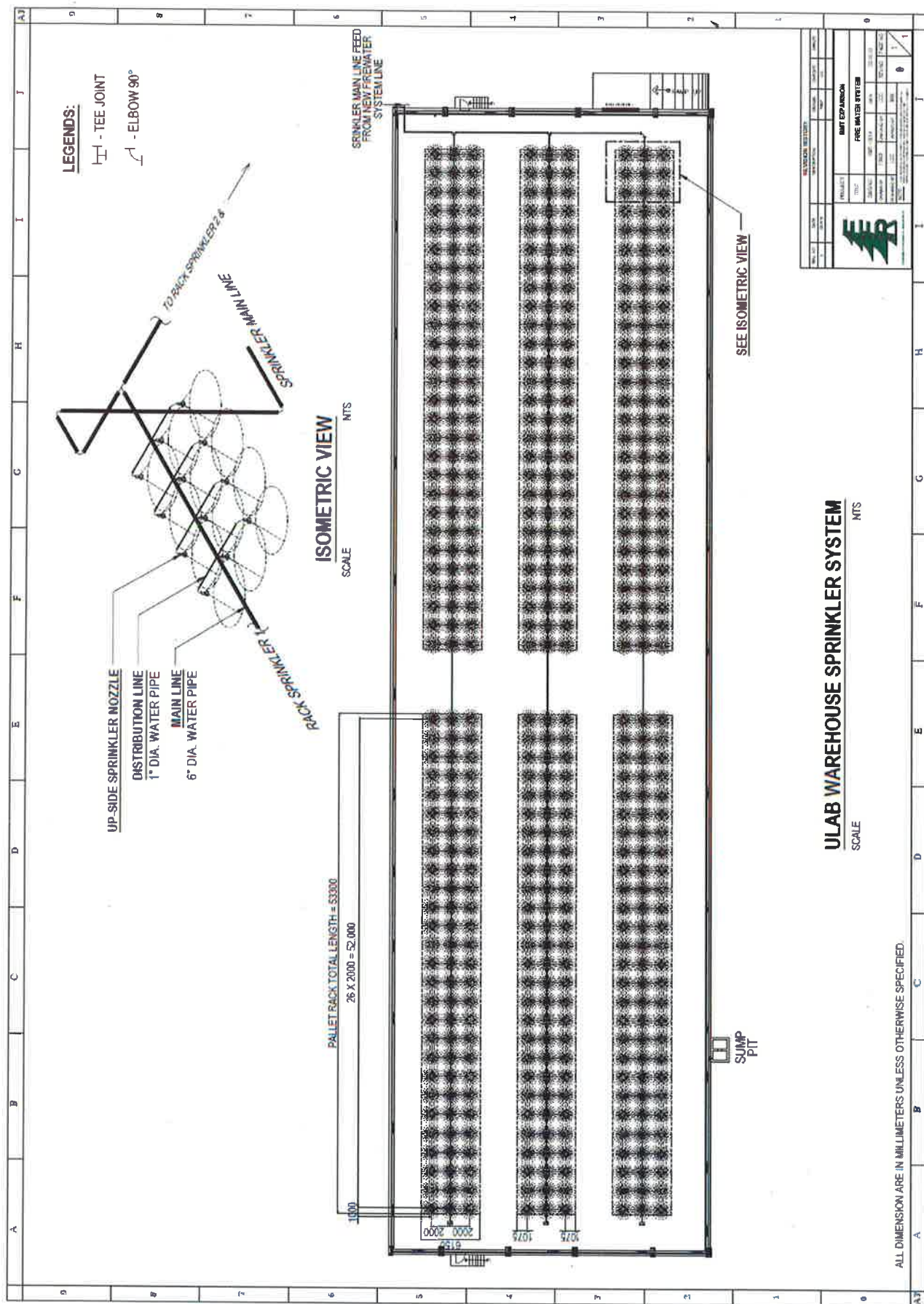
- C22. At least 48 hours before the commencement of construction of Stage 2 until the completion of all works under this consent, including rehabilitation and remediation, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) the Compliance Report of the development;
 - (x) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (xi) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

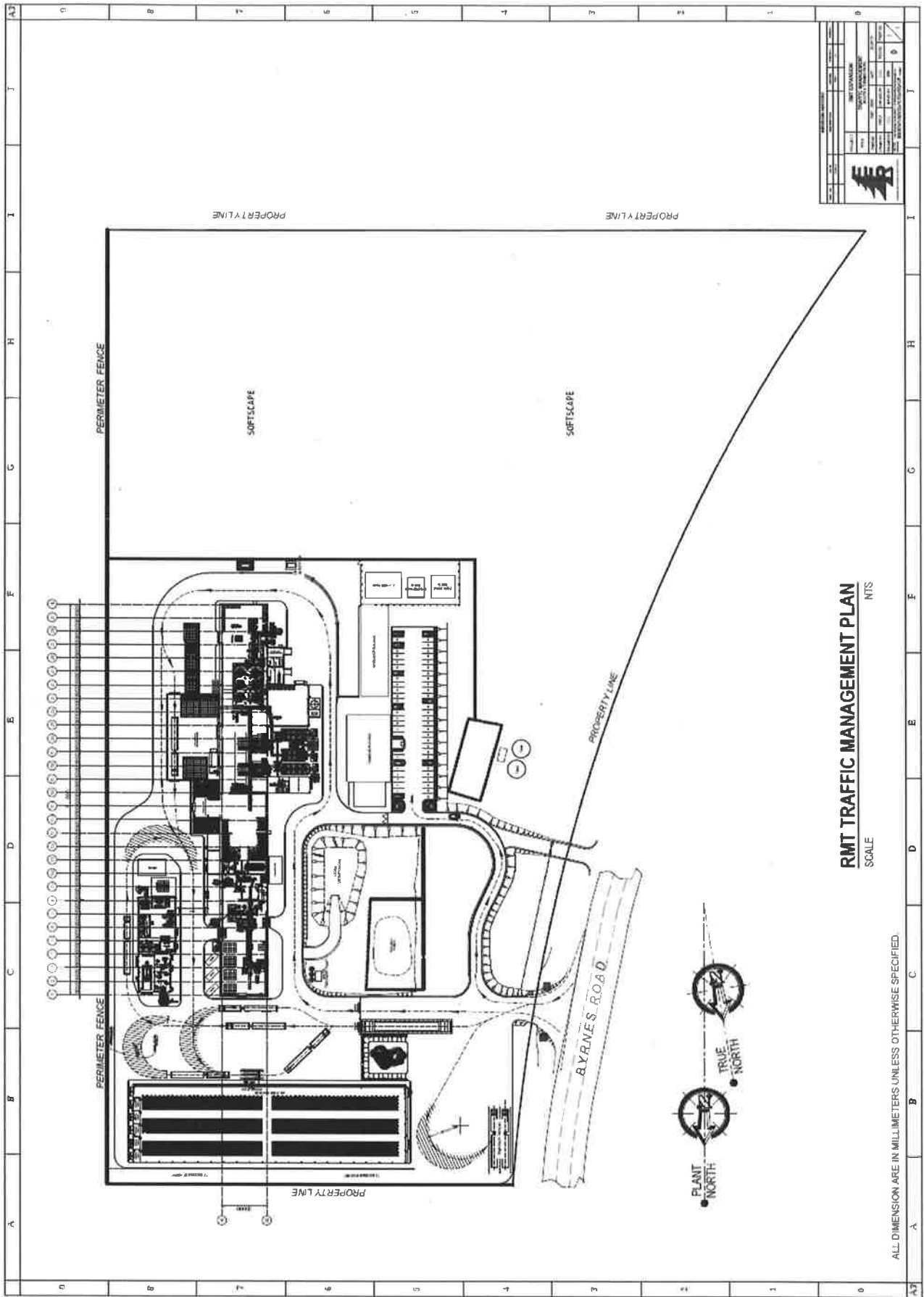
APPENDIX 1





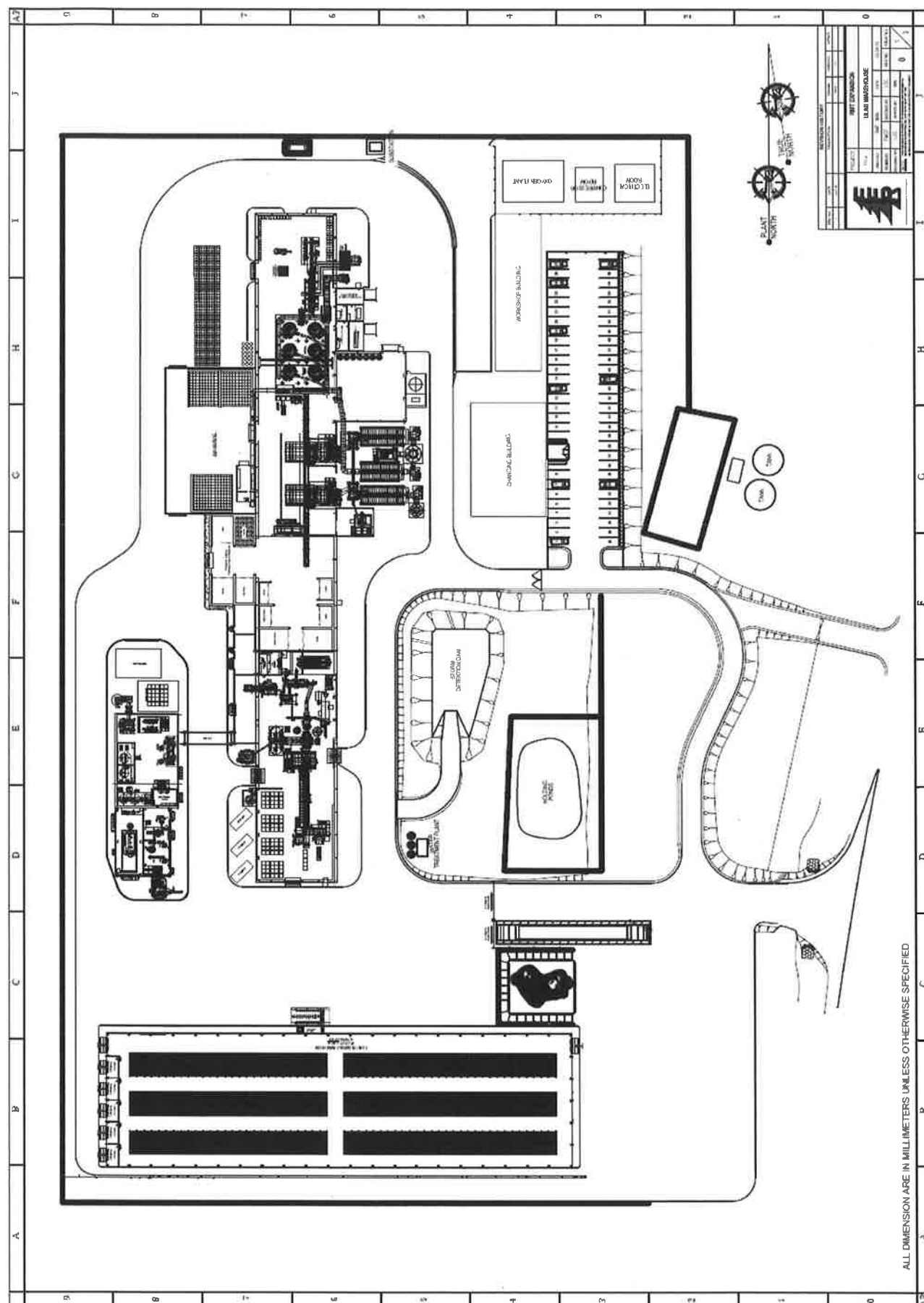


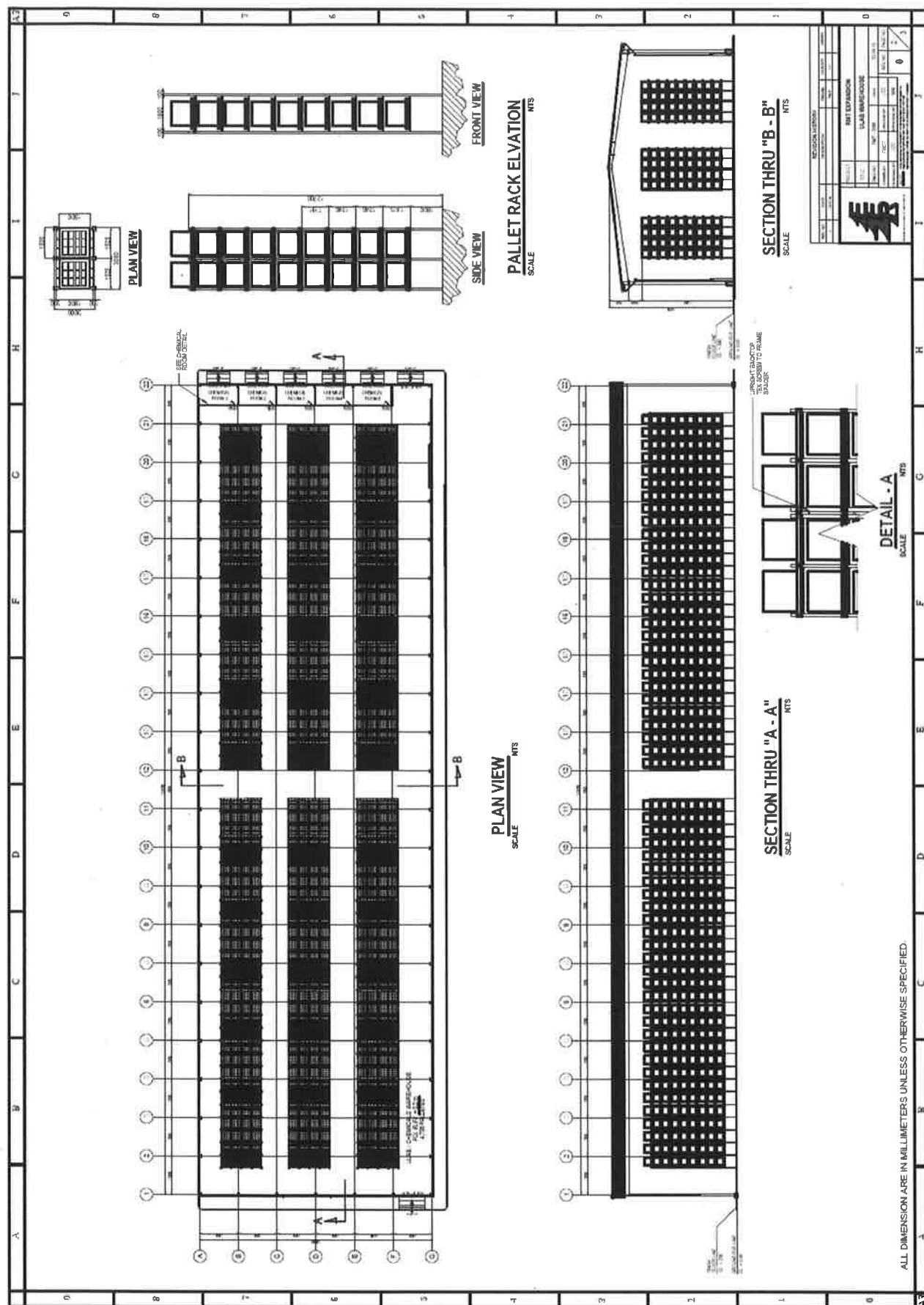


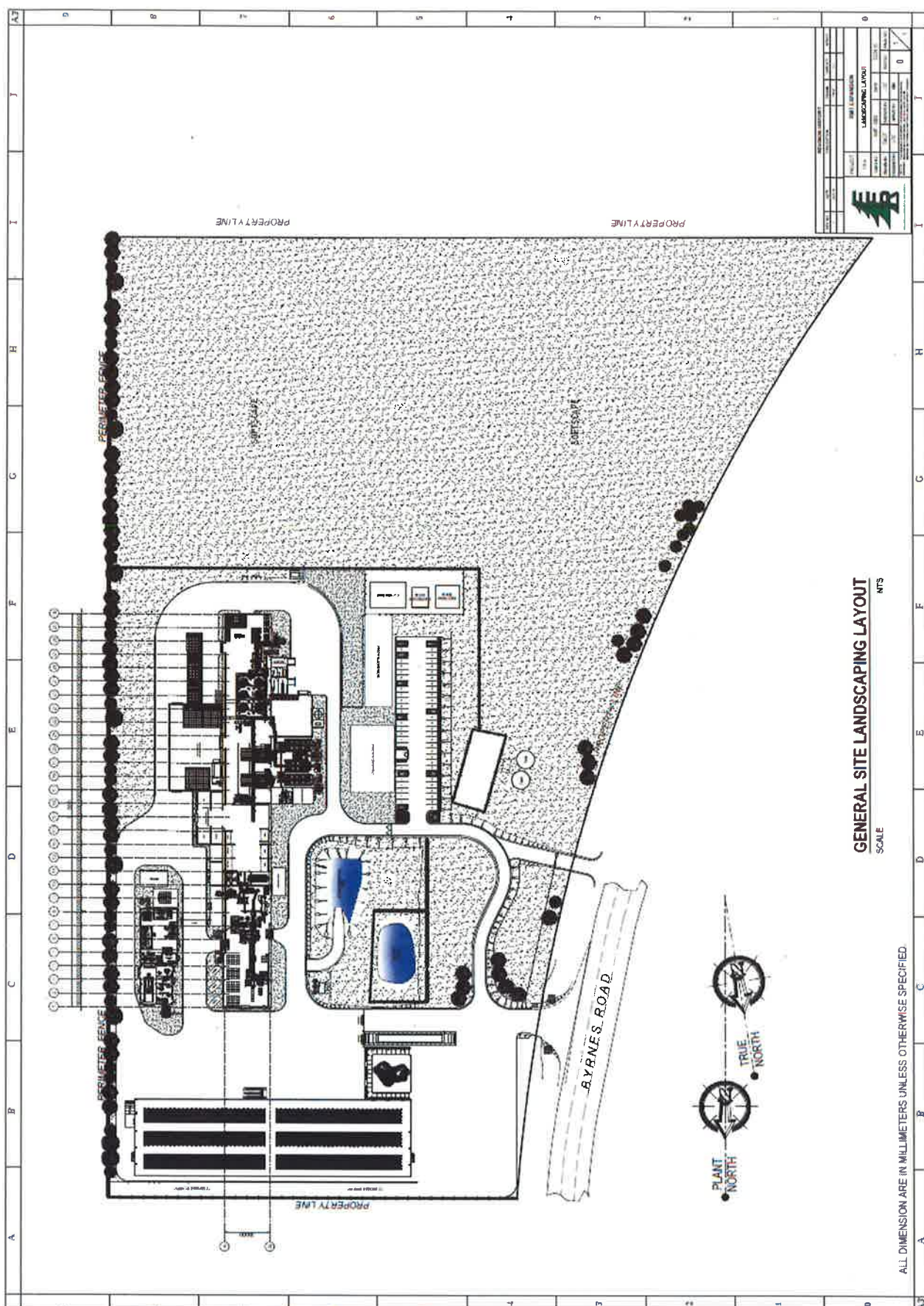


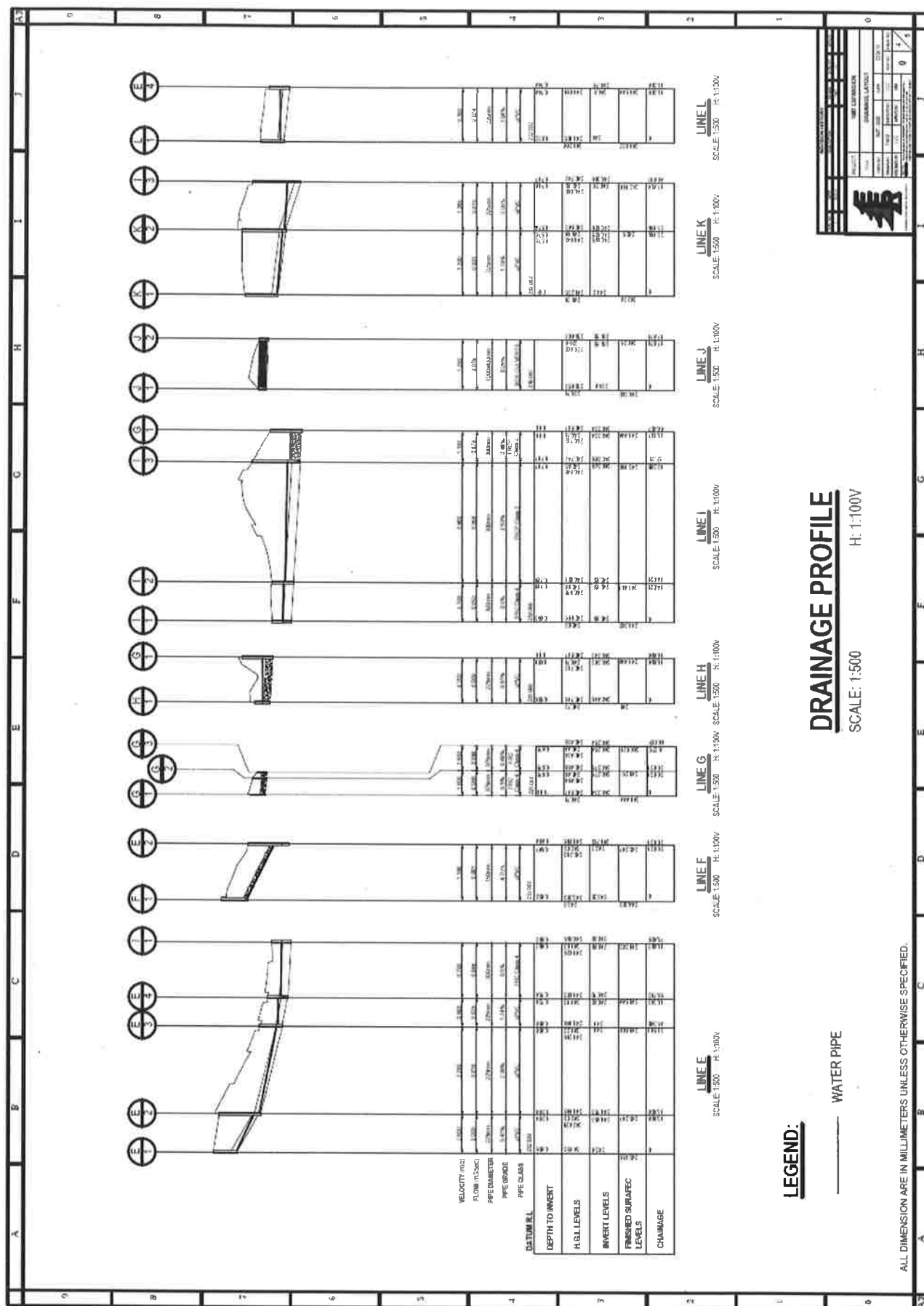
RMT TRAFFIC MANAGEMENT PLAN
SCALE NTS

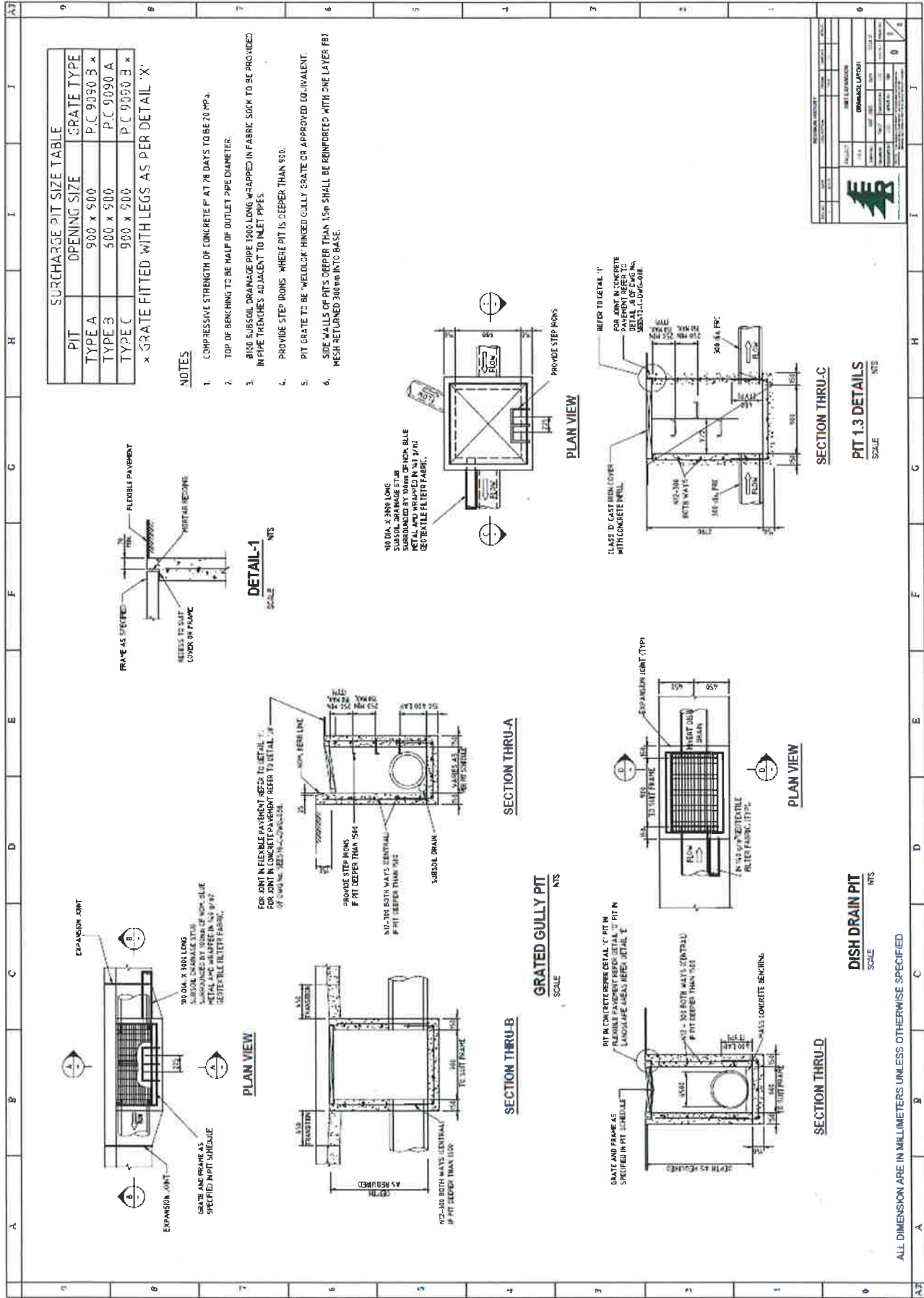
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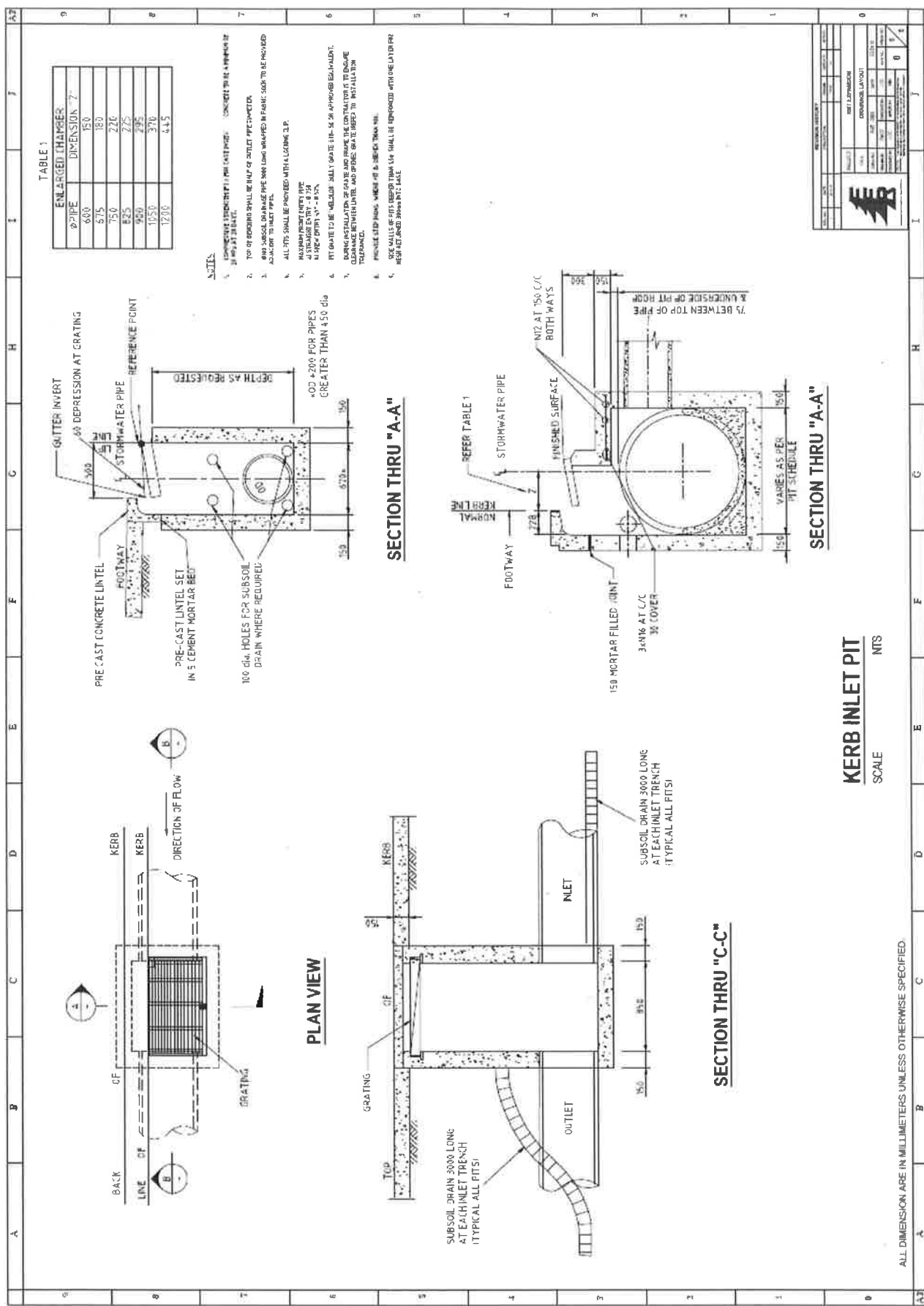


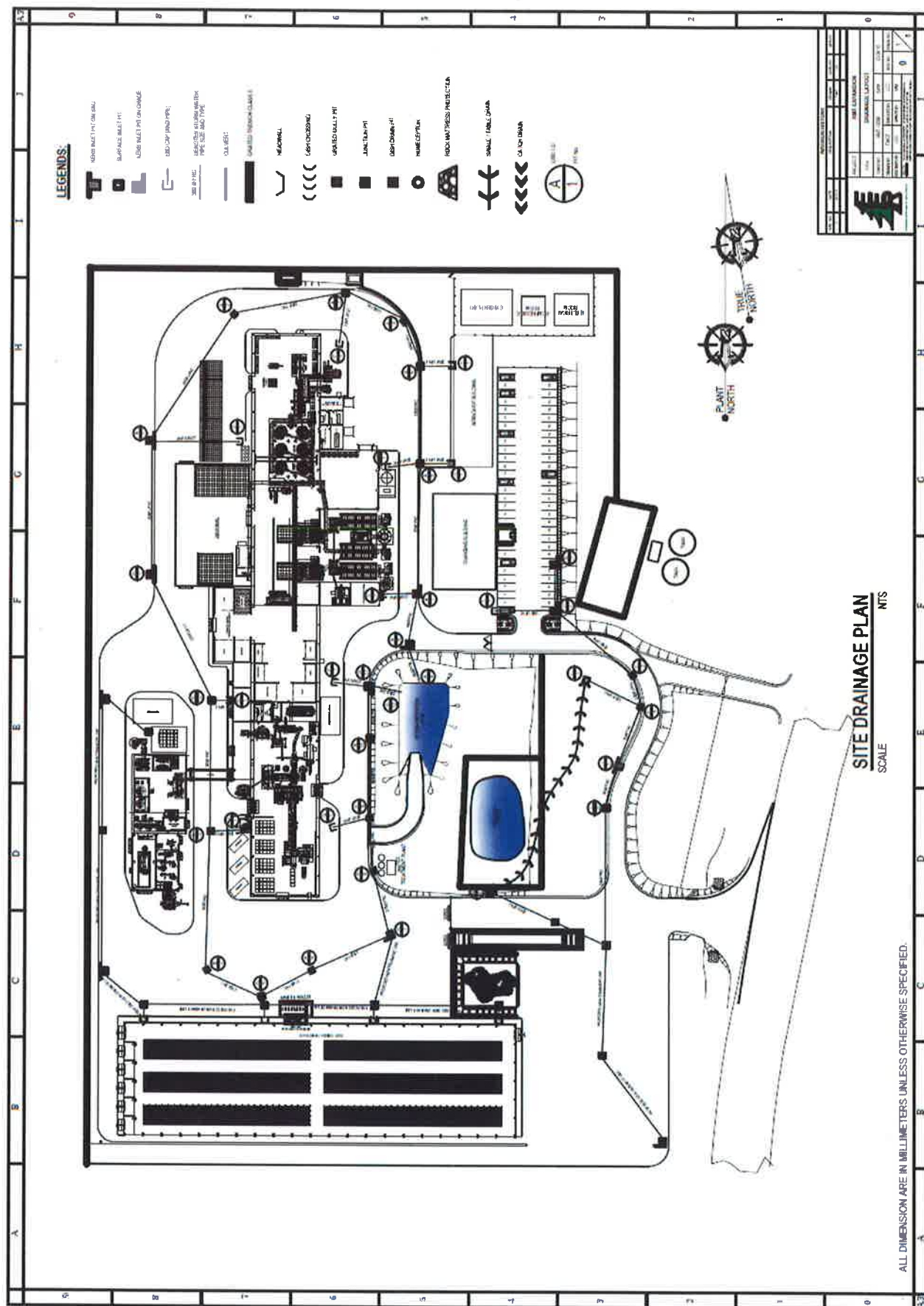


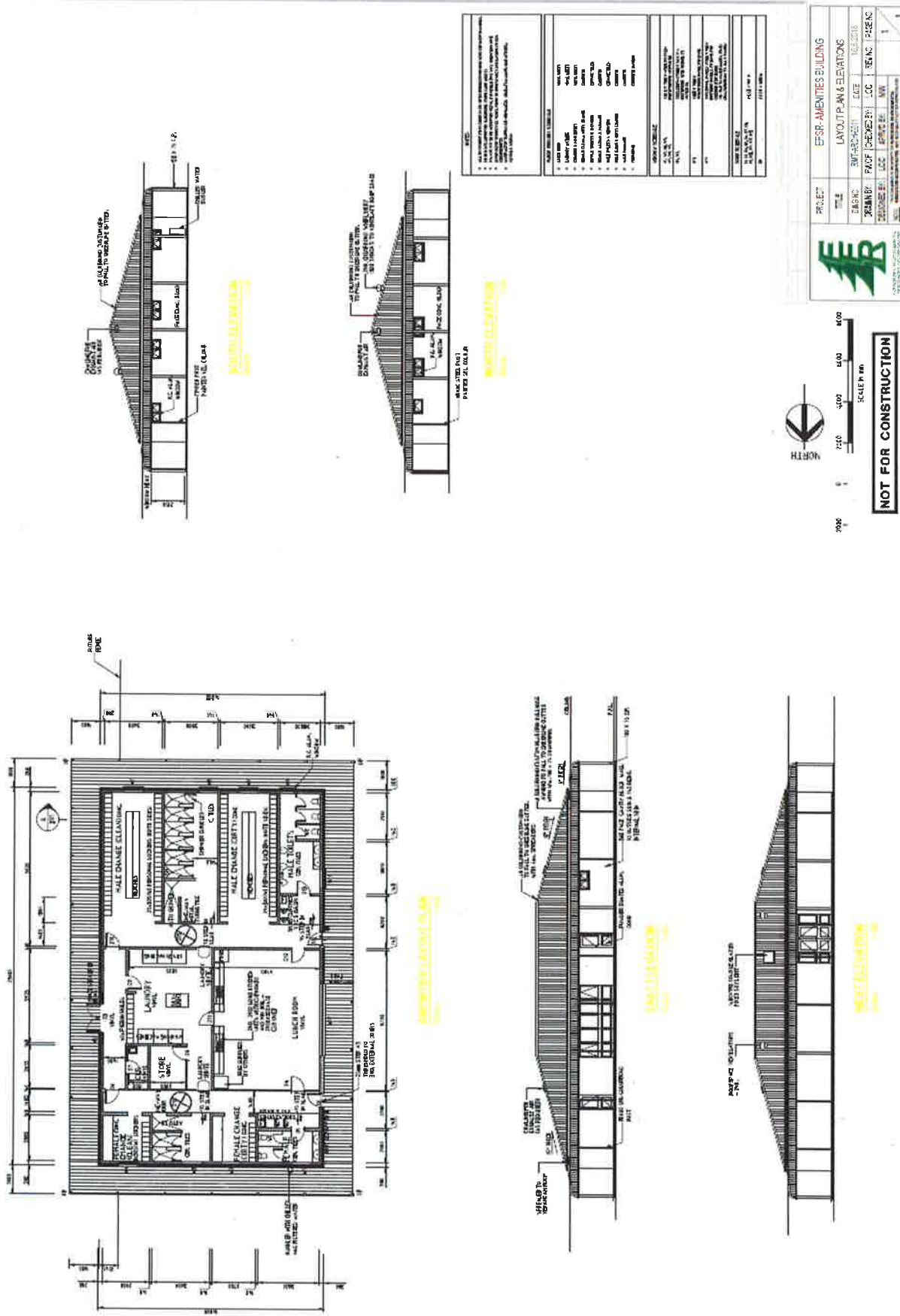












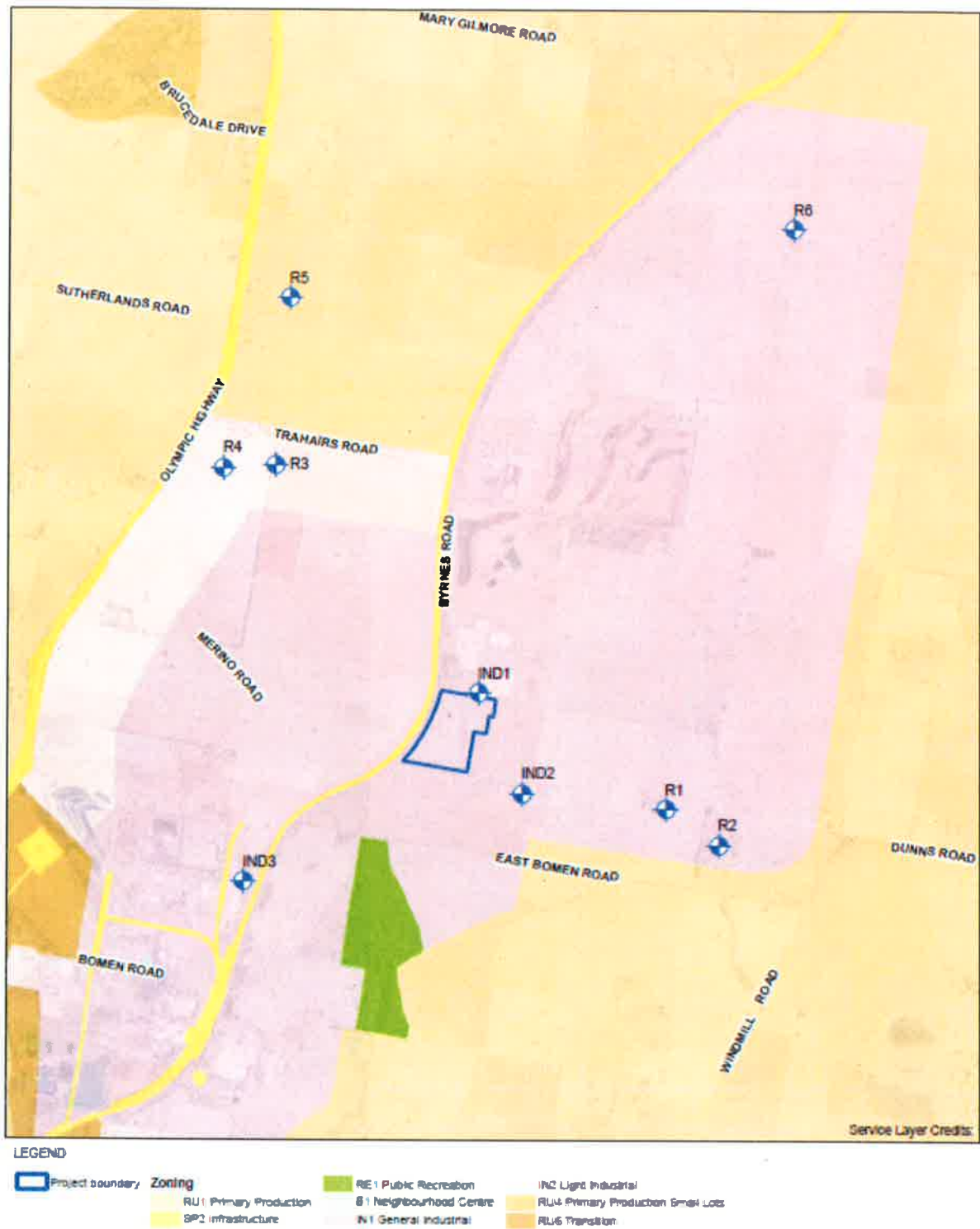


Figure 18: Sensitive receivers

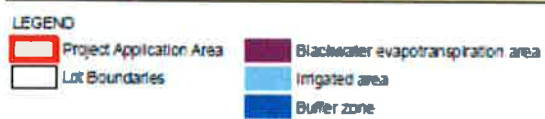


Figure 19: Irrigation Areas

APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Issue	Mitigation measures
General	<ul style="list-style-type: none"> A Construction Environmental Management Plan will be developed prior to the commencement of construction activities for the Project An Operational Environmental Management Plan will be developed prior to the commencement of operational activities
Air and odour	<ul style="list-style-type: none"> Short term potential construction dust impacts will be managed with the adoption of standard dust management measures in the Construction Environmental Management Plan (CEMP). General management measures during construction may include: <ul style="list-style-type: none"> Minimising the amount of land cleared for construction Watering of exposed soil, access and excavation areas as required to reduce dust Covering of stockpiles and any trucks transporting spoil Reducing or minimising construction works on days with very high winds Rehabilitating cleared areas as soon as practicable EPSR should continue to operate the site in accordance with the EPL and the EPSR Operational Environmental Management Plan
Noise and vibration	<ul style="list-style-type: none"> No additional mitigation measures recommended.
Traffic and transport	<ul style="list-style-type: none"> A Construction Traffic Management Plan will be prepared prior to construction commencing, to ensure the safe and efficient movement of traffic and workers. This includes vehicle approach and departure routes, parking and traffic management and on site and public road safety requirements
Human health	<ul style="list-style-type: none"> No additional mitigation measures recommended
Hazard and risk	<ul style="list-style-type: none"> Minimising build-up of combustible materials on-site Installing bollards/protective barriers around gas metering station and LPG storage vessel Inspection and maintenance regime for the gas metering station, LPG storage vessel and associated pipework Screening for water containers of any sort before going to the furnace and casting facilities Separation of, or tightly controlled usage of water around the furnace and casting areas Building design to avoid inadvertent water leakage into the furnace and casting areas
Fire and incident management	<ul style="list-style-type: none"> Smoke detectors Fire detection system Leakage tests of gas safety shutoff valves Sealing the electrical rooms and regular monthly cleaning to reduce dust near sensitive electrical equipment Regular inspection and testing of control valve, pump house, water tanks and overall hydrant system Implement a fire plan with local emergency services such as fire and rescues NSW and Rural Fire Services Ensuring bags used within the baghouses are of low combustibility
Waste	<ul style="list-style-type: none"> No additional mitigation measures recommended

Soil and water

Integrated water management system capacity

- The primary basin and secondary basin water levels will be intentionally kept as low as possible to allow for increased storage availability during an incident or in the event of a rainfall event.
- Silt traps, detention bays, and energy dissipation measures installed on site and designed to capture run-off from the expanded development area during operation of the ULAB facility.

Erosion and sedimentation control

- An erosion and sediment control plan will be prepared for the construction activities in accordance with the Managing Urban Stormwater: Soils and Construction "The Blue Book" (Landcom 2004).

Oil, grease and hydrocarbons

- Any drains not connected to the stormwater basin will be fitted with filters to capture any small amounts of oil, grease and hydrocarbons.
- Filters in drains to be checked at regular intervals.

Heavy metals

- Further characterisation of lead impacts should be completed prior to development works, as a condition of consent. Such works should aim to delineate the lateral and vertical extent of the impact and identify any potential contamination sources, in order to inform subsequent management and remediation activities, as well as improve future site practices.
- A remediation action plan (RAP) would be prepared outlining the strategies to remove/ mitigate the human health and environmental risks arising from any identified lead impact and other potential unidentified contamination at the site. Mitigation measures to manage contamination during construction would be outlined in the Construction Environmental Management Plan (CEMP). The measures outlined in the CEMP would be informed by the outcomes of the additional characterisation work and a RAP. An unexpected finds procedure would also be incorporated into the CEMP.
- Update existing site management and work health and safety plans as an interim management measure to:
 - limit the potential risk of exposure to contamination during the current operation of the facility by maintaining appropriate design and continuation of existing site management practices
 - provide an indication of any emerging contamination issues by maintaining biennial soil monitoring as required in the development consent (DA05/0517, issued by City of Wagga Wagga) for the existing facility.
- Implementation of an unexpected finds process within EPSR's operational environmental management plan, to assist in managing potential unexpected encounters with contaminated soil and/or groundwater.

Biodiversity

Loss of native vegetation habitat

- All staff will be inducted and informed of the limits of vegetation clearing and the areas of vegetation to be retained. Areas of vegetation not to be removed will be clearly marked prior to construction.
- Tree removal will be minimised as far as practicable
- Temporary exclusion fencing will be erected to prevent encroachment and clearing of native vegetation beyond the construction footprint.
- Stockpiles of construction materials will be restricted to existing cleared areas and not within areas of adjoining native vegetation. Stockpiles would be within existing cleared and hardstand areas in the EPSR facility.

Spread of weeds

- Priority weed control measures will be implemented as part of the CEMP to prevent their spread in the study area.
- Declared priority weeds will be managed according to requirements under the NSW Biosecurity Act 2015.
- Soil disturbance will be avoided as much as possible to minimise the potential for spreading weeds and generating sediment.

Chemicals and fuel impacts on native vegetation

- Any herbicides used for weed control will be applied to the manufacturer's specifications and as outlined in the manufacturer's Material Safety Data Sheet.
- Broad spectrum non-selective herbicides (residual herbicides) will not be used. Herbicides selected for use will be appropriate for the species being treated.
- Spraying of herbicides will not be undertaken in windy weather or within such distance of a watercourse as will permit any of the herbicide to enter the water.

Aboriginal Heritage

- The Project should remain within the assessed area. If Project impacts are placed beyond the assessed area, further assessment may be required.
- In the unlikely event that an Aboriginal artefact is located during the construction of the project, all works in that area should cease immediately and the Unanticipated Finds Protocol attached in Appendix 3 of the Aboriginal and non Aboriginal Heritage Assessment (provided in Appendix P), followed.
- Construction workers involved with the Project should be made aware of the legislative protection of Aboriginal cultural heritage objects under the NPW Act. Appendix 4 of the Aboriginal and non Aboriginal Heritage Assessment Report (provided in Appendix P) has been provided to ensure workers are able to identify Aboriginal cultural heritage items should they be noted during the course of Project construction.

Non-Aboriginal heritage

- Should any non-Aboriginal archaeological relics be unexpectedly found during works, work must cease in the area and EPSR's Manager is to be contacted. Works within the area may only recommence after approval is given by their relevant staff. Depending on the nature of the find, notification of any relics may be required under Section 146 of the Heritage Act 1977.

Greenhouse gas emissions

- No mitigation measures recommended.

Design and visual

Landscape

- While there is no formal additional landscaping proposed as part of the proposed expansion, tree screening can be put in place between the ULAB recycling facility and the wool combing facility if there are concerns from the owners.

Lighting

- The surrounding facilities to the north and east do not operate in the evening, so lighting would not impact on their businesses. Impacts of light spill towards Bymes Road is minimal however all requirements of Australian Standard 1158 Road Lighting and the Building Code of Australia will be considered in the lighting design associated with the new building. This will be determined during the construction phase of the development.

APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C11 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.