

# Development Consent

## Section 4.38 of the *Environmental Planning and Assessment Act 1979*

### NOTE:

This document is for information only and is not a statutory instrument.

For a comprehensive overview of the changes made by a specific modification, please refer to the relevant modification instrument on the Department's website (<https://www.planningportal.nsw.gov.au/major-projects/projects/determinations>).

### MODIFICATION KEY:

SSD-7733-Mod-1 – Approved by the Team Leader Industry Assessment on 5 May 2021

### SCHEDULE 1

**Application Number:**

SSD-7733

**Applicant:**

NSW Waste Recycling Pty Ltd

**Consent Authority:**

Minister for Planning and Public Spaces

**Site:**

Lot 45 DP 793931

46-48 Peachtree Road, Penrith

**Development:**

Construction and operation of a waste transfer station with a capacity of up to 180,000 tonnes per annum (tpa) of general solid (non-putrescible waste), including pre-classified waste types including sorting, storage and dispatch of materials to other facilities.

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## DEFINITIONS

<b>Applicant</b>	NSW Waste Recycling Pty Ltd, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Certifier</b>	A person who is authorised by or under section 6.5 of the EP&A Act to issue Part 6 certificates
<b>CEMP</b>	Construction Environmental Management Plan
<b>conditions of this consent</b>	conditions contained in Schedule 2 of this document
<b>Construction</b>	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
<b>Council</b>	Penrith City Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Decommissioning</b>	The controlled process of safely retiring a facility from service, including decontamination, dismantling and disposal after the cessation of operations.
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising the construction and operation of a waste transfer station to process up to 180,000 tonnes per annum including the sorting, storage and dispatch of materials to other facilities, as modified by the conditions of this consent
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>EES</b>	Environment, Energy and Science Group
<b>EIS</b>	The Environmental Impact Statement titled ' <i>Environmental Impact Statement for Penrith Waste Recycling and Transfer Facility, 46-48 Peachtree Road, Penrith State Significant Development 7733</i> ', prepared by EMM Consulting Pty Ltd dated 2 June 2017, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage item</b>	An item as defined under the Heritage Act 1977, and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the National Parks and Wildlife Act 1974, the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the Environment Protection and Biodiversity Conservation Act 1999 (Cth), or anything identified as a heritage item under the conditions of this consent

<b>Incident</b>	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
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>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)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Modification Assessments</b>	The document assessing the environmental impacts of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act: <ul style="list-style-type: none"> <li>a) Modification application SSD 7733 Mod 1 prepared by EMM Consulting Pty Ltd and dated 13 April 2021</li> </ul>
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>NCC</b>	National Construction Code
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The operation of a waste transfer station to process up to 180,000 tonnes per annum of building and demolition waste upon completion of construction.
<b>Principal Certifier</b>	Principal Certifier in accordance with the EP&A Act
<b>Planning Secretary</b>	The Planning Secretary of the Department of Planning, Industry and Environment, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>POEO (Waste) Regulation</b>	Protection of the Environment Operations (Waste) Regulation 2014
<b>Reasonable</b>	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.
<b>Response to submissions</b>	Response to Submissions titled <i>Penrith Waste Recycling and Transfer Facility</i> prepared by EMM Consulting dated November 2018
<b>RMS</b>	NSW Roads and Maritime Services
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Appendix 1.
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	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

~~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, Response to Submissions and additional information;~~
- ~~(d) in accordance with the development Layout in Appendix 1; and~~
- ~~(e) in accordance with the management and mitigation measures in Appendix 2.~~

- 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, Response to Submissions and additional information;
- (d) in accordance with the Modification Assessments
- (e) in accordance with the development Layout in Appendix 1; and
- (f) 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 conditions A1(c) to (e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in conditions A1(c) to (e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### LIMITS OF CONSENT

- 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 only type of waste permitted to be received or processed at the site is waste classified as general solid waste (non-putrescible).
- A7. The Applicant must not:
- (a) receive or process more than 180,000 tonnes of general solid waste (non-putrescible) per year; and
  - (b) store more than 1,600 tonnes of general solid waste (non-putrescible) at any one time.
- A8. Stockpiles of processed and/or unprocessed waste on site must not be more than 5 metres in height when measured from the finished ground level of the site.
- A9. The Applicant may carry out activities including receipt, dispatch and sorting of waste, 24 hours, 7 days per week for a continuous two-week period for a maximum of six times per calendar year, subject to the following:
- (a) the two-week periods cannot be consecutive, and must be at least two weeks apart;
  - (b) the two-week period includes weekdays, weekends and public holidays;
  - (c) the licensee must notify the EPA and the Planning Secretary at least 24 hours prior to commencing each two-week period; and
  - (d) the licensee must notify the EPA and the Planning Secretary of any complaints received during the two-week period as soon as possible after the complaint is made.

## **NOTIFICATION OF COMMENCEMENT**

- A10. The date of commencement of each of the following phases of the development must be notified to the Planning Secretary in writing, at least one month before that date or as otherwise agreed by the Planning Secretary:
- (a) construction;
  - (b) operation;
  - (c) cessation of operations; and
  - (d) decommissioning.
- A11. If the construction, operation or decommissioning of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage or as otherwise agreed Planning Secretary, of the date of commencement and the development to be carried out in that stage.

## **EVIDENCE OF CONSULTATION**

- A12. 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.

## **REQUEST FOR INFORMATION**

- A13. The Applicant must record the amount of waste (in tonnes) received at the site on a daily basis.
- A14. 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 EPA.
- A15. The Applicant must retain waste classification records for all wastes received on the site and waste disposed from the site for the life of the development. The waste classification records must be made immediately available on request by the EPA and/or the Planning Secretary.

## **STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS**

- A16. 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).
- A17. 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.
- A18. 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**

- A19. Prior to the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and/or provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - (c) submit a copy of this report to the Planning Secretary and where it affects council infrastructure, Council.
- A20. 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 the development; and

- (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

## **DEMOLITION**

- A21. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

## **STRUCTURAL ADEQUACY**

- A22. 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**

- A23. 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**

- A24. 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**

- A25. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A26. 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.
- A27. The Applicant must provide a copy of the documentation given to the Certifying Authority under condition A26 to the Planning Secretary within seven days after the Certifying Authority accepts it.

## **UTILITIES AND SERVICES**

- A28. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

## **WORKS AS EXECUTED PLANS**

- A29. 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 Principal Certifier.

## **APPLICABILITY OF GUIDELINES**

- A30. 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.
- A31. 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

### WASTE MANAGEMENT

- B1. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B2. 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. No putrescible waste may be received, stored or processed on site.

### Receipt, Storage and Handling of Waste

- B3. The Applicant must ensure any waste generated on the site during construction is classified in accordance with the EPA's *Waste Classification Guidelines, 2014* or its latest version, and disposed of to a facility that may lawfully accept the waste.
- B4. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste, November 2014*, or its latest version and dispose of all wastes to a facility that may lawfully accept the waste.
- B5. All waste must be stored wholly within the designated waste storage areas.
- B6. All waste must be loaded and unloaded within the designated loading and unloading areas.

### Operational Waste Management Plan

- B7. Prior to the commencement of 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 required by condition C5 and must:
  - (a) detail the type and quantity of waste to be generated during operation of the development;
  - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the POEO Act, the *POEO (Waste) Regulation, 2014* and the EPA's *Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014)*;
  - (c) include details of the waste stockpile limits in the raw feed and finished product storage areas;
  - (d) include procedures for ensuring no build-up of waste will occur in the raw feed waste stockpile area during unexpected machinery breakdown
  - (e) detail the requirements for non-conforming waste handling and removal; and
  - (f) include details of how the site is consistent with the Standards for managing construction waste in NSW including staff training.
- B8. The Applicant must:
  - (a) not commence 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.

### Waste Monitoring Program

- B9. From the commencement of 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 provisions to monitor the:
    - (i) quantity, type and source of waste received on site; and
    - (ii) quantity, type and quality of the outputs produced on site; 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.

### Pests, Vermin and Noxious Weed Management

- B10. 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.

## **TRAFFIC AND ACCESS**

### **Operating conditions**

B11. 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; and
- (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

### **Construction Traffic Management Plan**

B12. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan (CTMP) for the development to the satisfaction of the Planning Secretary. The plan must form part of the CEMP required by condition C2 and must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) detail the measures that are to be implemented to ensure road safety and network efficiency;
- (c) detail heavy vehicle routes, access and parking arrangements;
- (d) include a Driver Code of Conduct to:
  - (i) minimise the impacts on the local and regional road network;
  - (ii) minimise conflicts with other road users;
  - (iii) minimise road traffic noise;
  - (iv) ensure truck drivers use specified haul routes; and
  - (v) include a program to monitor the effectiveness of these measures.
- (e) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

B13. The Applicant must:

- (a) not commence operation until the CTMP required by condition B12 is approved by the Planning Secretary; and
- (b) The Applicant must ensure the CTMP (as required and approved by the Planning Secretary from time to time) is implemented for the operational life of the development.

### **Operational Traffic Management Plan**

B14. Prior to the commencement of operation, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for the development to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by condition C5 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;
- (d) detail heavy vehicle routes, access and parking arrangements;
- (e) include a Driver Code of Conduct to:
  - (i) minimise the impacts on the local and regional road network;

- (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise;
    - (iv) ensure truck drivers use specified haul routes; and
  - (f) include a Traffic Control Plan detailing:
    - (i) the on-site measures to be implemented to control the manoeuvring of vehicles in designated areas, including front-end loaders within the waste storage building;
    - (ii) installation of way-finding signage and line marking; and
  - (g) include a program to monitor the effectiveness of these measures.
- B15. The Applicant must:
- (a) not commence operation until the OTMP required by condition B14 is approved by the Planning Secretary; and
  - (b) The Applicant must ensure the OTMP (as required and approved by the Planning Secretary from time to time) is implemented for the operational life of the development.

## SOILS, WATER QUALITY AND HYDROLOGY

### Erosion and Sediment Control

- B16. 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

- B17. 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.

### Stormwater Management System

- B18. Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be designed in accordance with the management and mitigation measures identified in condition 0;
  - (c) be generally in accordance with the conceptual design in the EIS;
  - (d) be in accordance with applicable Australian Standards; and
  - (e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

## AIR QUALITY

### Dust Minimisation

- B19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B20. 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

- B21. 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.
- B22. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

### Air Quality Management Plan

- B23. Prior to the commencement of operation, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by condition C5 and must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) detail and rank all emissions from all sources of the development, including particulate emissions;
- (c) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
- (d) identify the control measures that will be implemented for each emission source; and
- (e) describe proactive and reactive management strategies.

B24. The Applicant must:

- (a) not commence operation until the Air Quality Management Plan required by condition B23 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Air Quality Management Plan approved by the Planning Secretary for the duration of the development.

## NOISE

### Hours of Work

B25. The Applicant must comply with the hours detailed in Table 1, other than as specified in condition A9.

**Table 1** Hours of Work

Activity		Day	Time
Earthworks and construction		Monday – Friday Saturday	7 am to 6 pm 8 am to 1 pm
Operation	Deliveries and dispatching	Monday – Friday Saturday Sunday Public Holidays	6 am to 10 pm 6 am to 6 pm 8 am to 4 pm Nil
	Material sorting or processing	Monday – Friday Saturday Sunday and Public Holidays	6 am to 10 pm 7 am to 6 pm Nil

B26. Works outside of the hours identified in condition B25 may be undertaken in the following circumstances:

- (a) works that are inaudible at the nearest sensitive receivers;
- (b) works agreed to in writing by 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

B27. 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.

### Operational Noise Limits

B28. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 2.

**Table 2** Noise Limits dB(A)

Location	Day L <sub>Aeq</sub> (15 minute)	Evening/ Morning Shoulder L <sub>Aeq</sub> (15 minute)
All residential receivers	40	35

*Note* Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy (EPA, 1999) (as may be updated or replaced from time to time). Refer to the plan in Appendix 2 for the location of residential sensitive receivers.

## ABORIGINAL HERITAGE

### Unexpected Finds Protocol

- B29. 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 EES must be contacted immediately.
- B30. 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*.

## HAZARDS AND RISK

### Hazardous waste

- B31. The Applicant must implement auditable procedures to handle and dispose of hazardous waste materials such as asbestos, sharps and chemical/biological materials that have been received on site.

### Dangerous Goods

- B32. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.
- B33. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:
- (a) all relevant Australian Standards;
  - (b) the Environment Protection Manual for *Authorised Officers: Bunding and Spill Management – Technical Bulletin* (EPA, 1997).
- B34. In the event of an inconsistency between the requirements B33(a) to B33(b), the most stringent requirement must prevail to the extent of the inconsistency.

### Bunding

- B35. The Applicant must store all chemicals, fuels and oils used on-site in appropriately bunded 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).

## FIRE SAFETY

### Fire Safety System

- B36. Prior to the commencement of construction (excluding site preparation works), the fire and life safety design of the development, including firewater containment, must be finalised in consultation with FRNSW to the satisfaction of the Planning Secretary and include suitable provisions for special hazards by specifically addressing Clauses E1.10 and E2.3 of Volume One of the National Construction Code (NCC) Series.

## CONTAMINATION

- B37. 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. The Applicant must obtain any relevant approvals prior to disposal of any contaminated material off-site.

## VISUAL AMENITY

### Lighting

- B38. 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.

## 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;
    - (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) Construction Traffic Management Plan (see condition B12);
  - (b) Erosion and Sediment Control Plan (see condition B16);
  - (c) Unexpected Contamination Procedure (see condition B37).
- 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) Waste Management Plan (see condition B7);
  - (ii) Operational Traffic Management Plan (see condition B14);
  - (iii) Air Quality Management Plan (see condition B23);

C7. The Applicant must:

- (a) not commence 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 an incident report under condition C11;
- (b) the submission of an Independent Environmental Audit under condition C16;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under condition A1(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 Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto: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 Planning Secretary must be notified in writing to [compliance@planning.nsw.gov.au](mailto: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.

### Annual Review

C15. Within three months after the first year of commencement of operation, and in the same month each subsequent year (or such other timing as may be agreed by the Planning Secretary), the Applicant must submit a report to the Planning Secretary reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. The review must:

- (a) describe the development that was carried out in the previous year, and the development that is proposed to be carried out in the current year;
- (b) include a comprehensive review of the monitoring results and complaints records from the previous year, including a comparison of these against the:
  - (i) relevant statutory requirements, limits or performance measures/criteria;
  - (ii) requirements of any plan or program required under this consent;
  - (iii) monitoring results of previous years; and
  - (iv) the relevant predictions in the EIS, Response to Submissions;
- (c) identify any non-compliances and any incidents which occurred over in the previous year, and describe what actions were (or are being) taken to rectify the non-compliance or incident and avoid recurrence;

- (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.

#### Independent Environmental Audit

- C16. Within one year of the commencement of operation, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (audit) of the development. Audits must:
- (a) be led and conducted by a suitably qualified, experienced and independent team of experts;
  - (b) be carried out in consultation with the relevant agencies;
  - (c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent, and any strategy, plan or program required under this consent;
  - (d) review the adequacy of any approved strategy, plan or program required under this consent; and
  - (e) recommend measures or actions to improve the environmental performance of the development, and any strategy, plan or program required under this consent.
- C17. Within three months of commissioning an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, a copy of the audit report must be submitted to the Planning Secretary and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

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

#### Monitoring and Environmental Audits

- C18. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

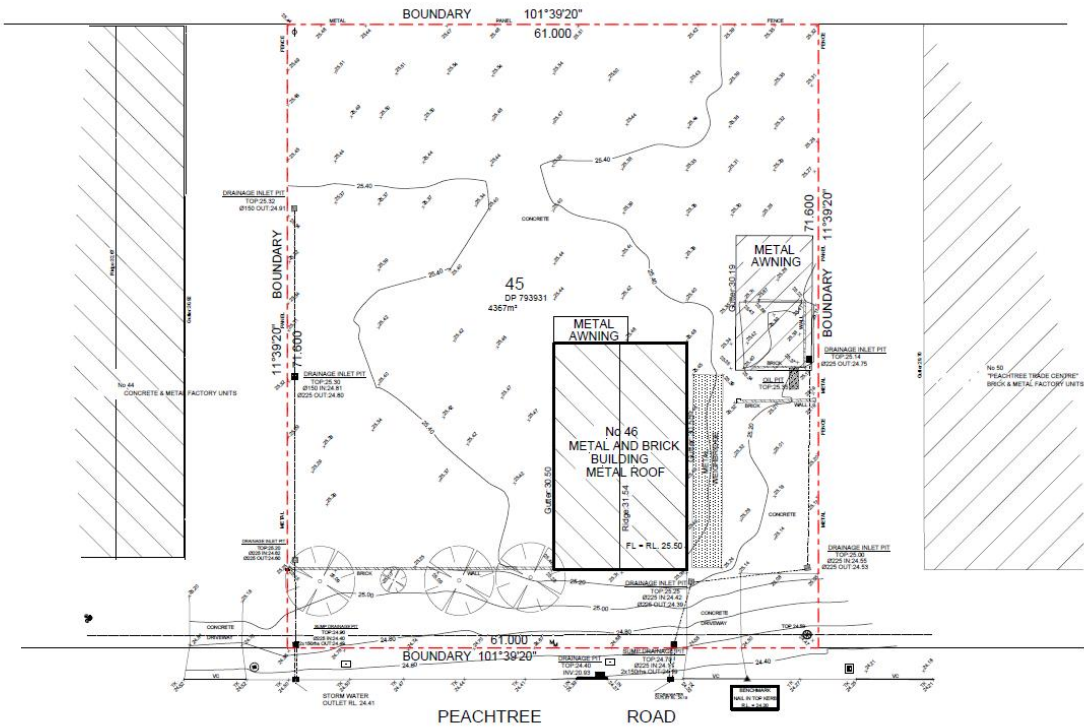
**Note:** *For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of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

#### ACCESS TO INFORMATION

- C19. At least 48 hours before the commencement of construction and for the life of the development, 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 0 of this consent and the final layout plans for the development;
    - (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 Reporting 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 DEVELOPMENT LAYOUT PLANS

01 EXISTING SITE PLAN  
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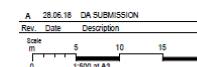
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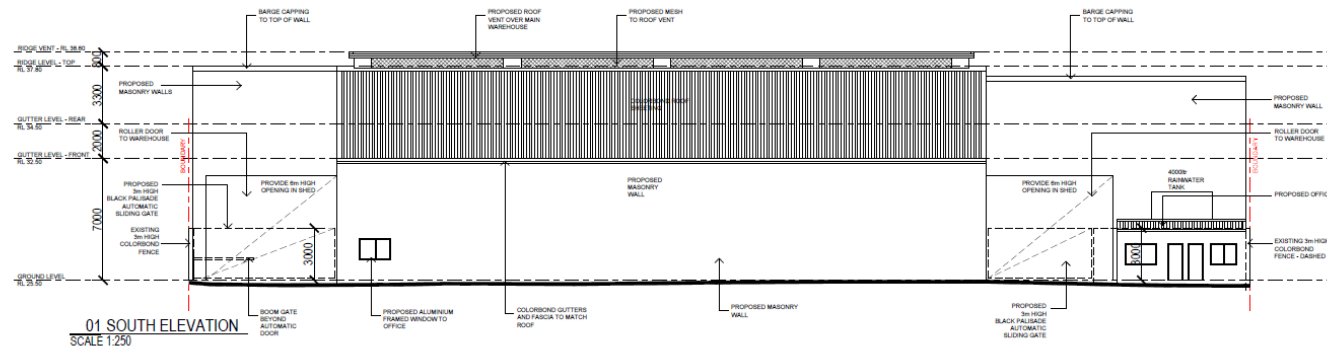
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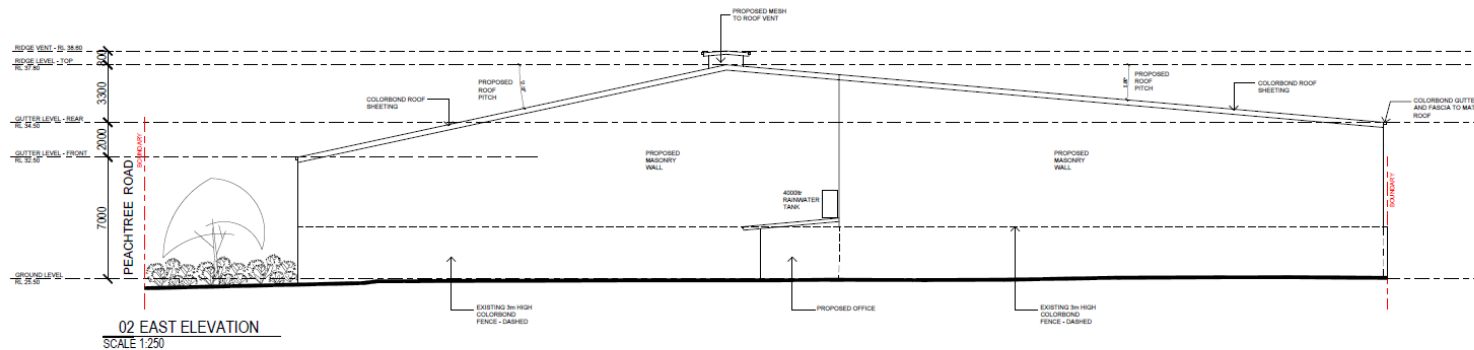
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01 PROPOSED ROOF PLAN  
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SOUTH ELEVATION



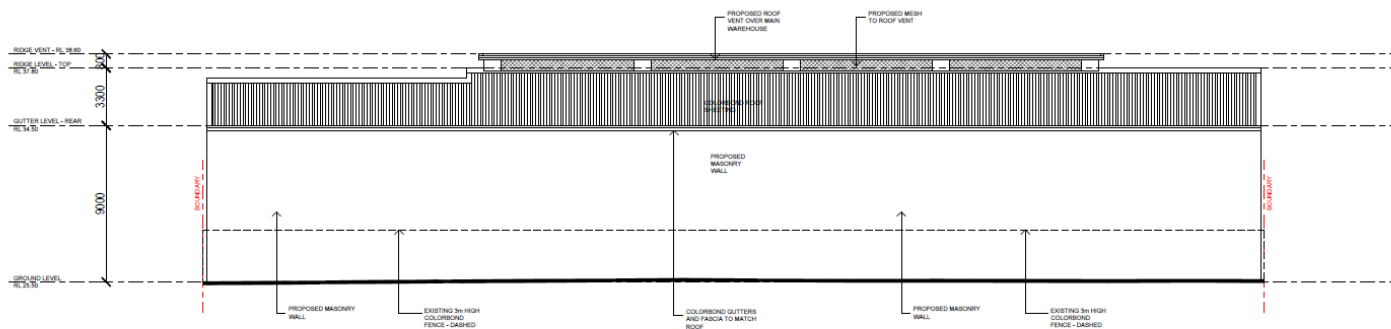
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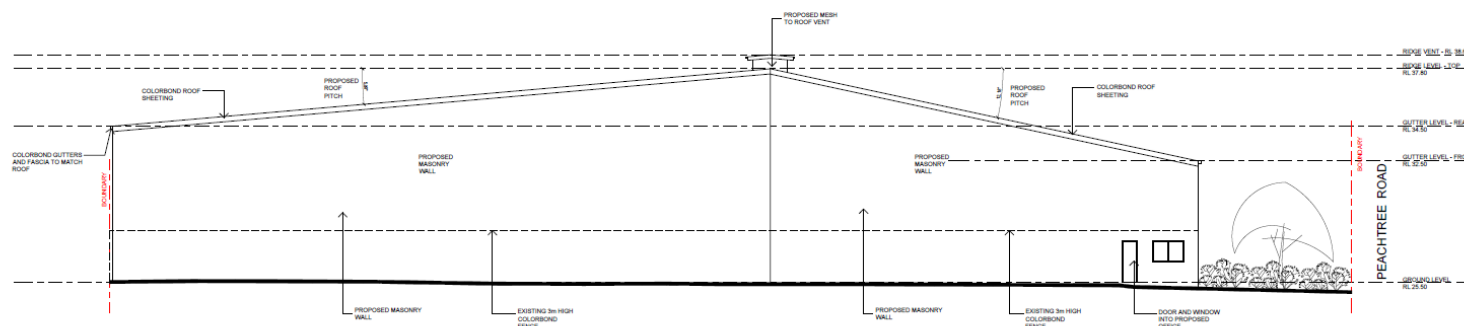
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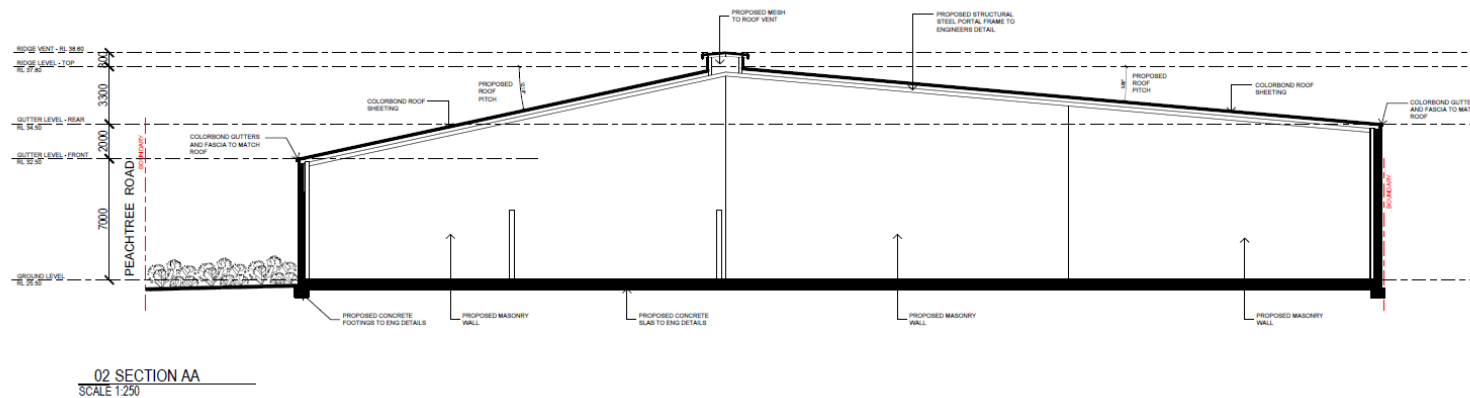
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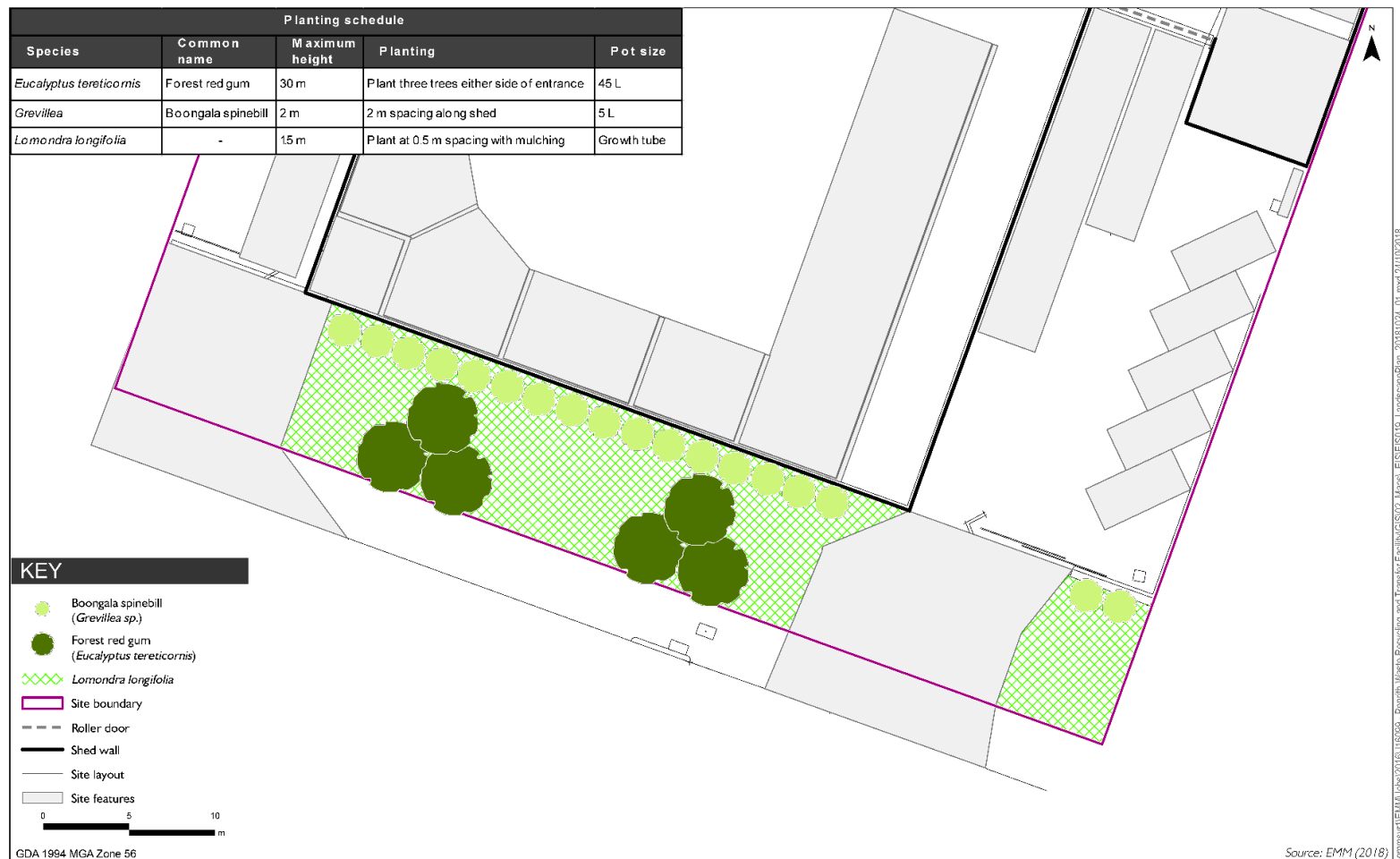
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**Landscape plan**  
 Penrith Waste Recycling and Transfer Facility  
 Response to Submissions  
 Appendix J

## APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Key issue	Management measure
Air quality	<p>The CEMP will include the following air quality management measures:</p> <ul style="list-style-type: none"> <li>dust and air quality complaints will be recorded, identifying cause (stake appropriate measures to reduce emissions in a timely manner and record the measures taken;</li> <li>any incidents that cause exceptional dust emissions and the actions taken to resolve the situation will be recorded;</li> <li>carry out regular site inspections, record inspection results and make an inspection log available to the local authority when asked;</li> <li>the site speed limit will be 20 km/h;</li> <li>idling vehicles will be shut-down where practicable;</li> <li>plant engines will be tuned and maintained regularly;</li> <li>all loaded vehicles entering and leaving sites will be covered to prevent escape of materials during transport; and</li> <li>mains water will primarily be used for effective dust suppression.</li> </ul> <p>The OEMP will include an air quality management plan (AQMP) that will detail the implementation of the following air quality management measures:</p> <ul style="list-style-type: none"> <li>misters will operate at the shed's vehicle ingress and egress points;</li> <li>misters will operate at the southern stockpile area;</li> <li>the entire site will be sealed (as it is already) except for the landscaped verge along Peachtree Road; and</li> <li>a wheel wash will be used to clean truck tyres to prevent mud or sediment being carried to and deposited on public roads.</li> </ul> <p>The OEMP will include the following management measures to prevent odour emissions from the site:</p> <ul style="list-style-type: none"> <li>putrescible waste will not be accepted on site;</li> <li>odorous materials will not be accepted on site;</li> <li>garden waste will be dispatched to another facility licensed to accept it, as soon as there is enough to fill a dispatch vehicle, or if the material starts to</li> <li>compost (whichever is sooner); and</li> <li>no composting will be undertaken on site, as verified by daily infrared, visual and odour testing as outlined in Section 4.1.12iic.</li> </ul>



Key issue	Management measure
Greenhouse gases	<p>The CEMP and OEMP will include the following management measures to prevent/minimise greenhouse gas emissions associated with the site:</p> <ul style="list-style-type: none"> <li>• on-site equipment will be regularly maintained and serviced to maximise fuel efficiency;</li> <li>• vehicle kilometres travelled on site will be minimised; and</li> <li>• energy efficiency will be progressively reviewed and implemented throughout the life of the facility.</li> </ul>
Noise	<p>The CEMP will include the following management measures to minimise noise impacts:</p> <ul style="list-style-type: none"> <li>• choosing quieter plant and equipment, including installing best-practice noise suppression equipment, based on the optimal power and size to most efficiently perform the required tasks;</li> <li>• plant and equipment will be regularly maintained and serviced and operated in the quietest and most efficient manner;</li> <li>• concurrent plant operation will be minimised as practical;</li> <li>• vehicle and plant reversing will be minimised as practical;</li> <li>• use of amplified devices for communication (eg public address systems or similar) will be minimised as practical;</li> <li>• use of equipment that generates impulsive noise will be avoided, as practical;</li> <li>• work will be scheduled to coincide with non-sensitive periods, as practical;</li> <li>• neighbouring businesses will be informed of construction dates and</li> <li>• provided contact details for the site manager for questions or complaints; and</li> <li>• noise mitigation measures will be regularly enforced (eg toolbox talks).</li> </ul> <p>The OEMP will include the following management measures to minimise noise impacts:</p> <ul style="list-style-type: none"> <li>• material sorting will not take place on public holidays, Sundays or before 7 am on Saturdays;</li> <li>• noisy activities and adoption of improvement techniques will be identified;</li> <li>• the movement of materials and plant and unnecessary metal-on-metal contact will be minimised;</li> <li>• material drop heights and the dragging of materials will be minimised;</li> <li>• quieter plant and equipment will be chosen based on the optimal power and size to most efficiently perform the required tasks;</li> <li>• plant and equipment will be operated in the quietest and most efficient manner;</li> <li>• plant and equipment will be regularly inspected and maintained to minimise noise and vibration, and to ensure that all noise and vibration reduction devices are operating efficiently;</li> <li>• noise-related complaints will be handled promptly; and</li> <li>• a complaints register will be maintained.</li> </ul>

Key issue	Management measure
Visual	<p>Prior to the commencement of operations:</p> <ul style="list-style-type: none"> <li>the street verge along Peachtree Road will be landscaped as outlined at Appendix J. Minor amendments may be required as per the outcomes of detail design and service requirement;</li> <li>the new shed will be painted; and</li> <li>new walls and automated gates will be installed.</li> </ul> <p>The OEMP and CEMP will require the site's frontage be kept tidy and litter free.</p> <p>The OEMP will include a management plan for the landscaped area of the site.</p>
Water	<p>The CEMP will include the following management measures to mitigate water related impacts:</p> <ul style="list-style-type: none"> <li>existing drainage systems will be cleaned before commencement of construction; and</li> <li>an erosion and sediment control plan will be prepared to manage runoff from the site outlining the use of geotextile cloth, gravel filled bags and silt fences to prevent sediment and debris from entering the existing drainage system or otherwise leaving the site.</li> </ul> <p>The following infrastructure will be constructed prior to the commencement of operation, as outlined in appendix E:</p> <ul style="list-style-type: none"> <li>grated permitter drainage lines will be installed at the entrance and exit driveways;</li> <li>runoff sediment traps will be cleaned and installed;</li> <li>drainage infrastructure will be relocated and/or upgraded to accommodate a 10-year ARI event;</li> <li>a 4,000 L rainwater tank will be installed;</li> <li>water efficient fixtures will be installed in the amenity area.</li> </ul> <p>The OEMP will include the following management measures to minimise water impacts:</p> <ul style="list-style-type: none"> <li>the shed's guttering system will be inspected on an annual basis to remove accumulated debris;</li> <li>the rainwater tank will be inspected on a six-monthly basis for structural integrity;</li> <li>drainage inlet pit sediment traps will be inspected on a monthly basis and cleared as necessary;</li> <li>the drainage system will be inspected on a six-monthly basis and cleared to remove accumulated materials;</li> <li>driveways will be swept and cleaned daily;</li> <li>groundwater will not be used;</li> <li>a water management plan will be prepared that will outline the procedures and duration for the monitoring of relevant water quality aspects (eg turbidity and nutrients), including trigger values and responses and contingency measures.</li> </ul>

Key issue	Management measure
Contamination	<p>The CEMP will include the following management measures to mitigate potential contamination impacts:</p> <ul style="list-style-type: none"> <li>• The compromised slab (site 1) and areas where the slab is significantly cracked will be cut and removed, with the soil immediately below the removed slab excavated and tested for petroleum hydrocarbons. If relevant limits are exceeded, the material will be disposed of at a licensed facility.</li> <li>• The oil sumps will be emptied, with contents disposed of at an appropriately licensed facility. The sumps will be inspected for damage. If any damage could allow for leakage, the sumps will be removed, with the soil immediately surrounding the sump tested for petroleum. If removal is required, and soil sampling outcomes exceed relevant limits, the material will be disposed of at a licensed facility. Otherwise, the sumps will be backfilled with concrete.</li> <li>• Removed sections of the slab will be backfilled with VENM and resealed.</li> <li>• During the initial construction stage, section of the slab will be progressively banded, treated with a solvent/degreaser and steam cleaned. The entire slab will be cleaned in this way. Waste water will be pumped out and disposed at an appropriately managed facility.</li> <li>• A construction environmental management plan will be prepared for the development phase of the site, this will include an unexpected finds protocol to ensure that if any contamination is encountered during construction it can be appropriately managed. This plan will inform contractors of the potential for subsurface soil contamination and will be required to look out for staining and odours when excavating. Contractors will also use a photoionization detector during excavations so volatile organic compounds (petroleum hydrocarbons) can be assessed.</li> </ul>
Diesel spill	<p>The OEMP will include the following management measures to minimise impacts associated with a diesel spill:</p> <ul style="list-style-type: none"> <li>- diesel will be supplied to mobile plant by an appropriately licensed and qualified on-site refuelling contractor using a mini-tanker;</li> <li>- refuelling and emergency spill response activities will be detailed; and</li> <li>- there will be a diesel spill kit stored within the shed.</li> </ul>
Traffic and vehicle movement	<p>The CEMP will include a driver code of conduct will outline that will outline processes for minimising road traffic noise.</p> <p>Prior to the commencement of operations, car parking will be provided as per the plans at Appendix A.</p> <p>The OEMP will include an operational traffic management plan that will:</p> <ul style="list-style-type: none"> <li>• restrict queuing or parking of vehicle on Peachtree Road;</li> <li>• outline routes for light and heavy vehicles, including restricting access for heavy vehicles from the west of the site;</li> <li>• detail on-site measures to control the movements of light and heavy vehicles into, within and out of the site;</li> <li>• detail the responsibilities of traffic controller on site; and</li> <li>• detail parking and stopping arrangements within the site (eg the requirements for the circulation, truck tipping, hand unloading and car parking areas).</li> </ul>



Noise monitoring and assessment locations  
 Penrith Waste Recycling and Transfer Facility  
 Noise Impact Assessment  
 Figure 1

Figure 1: Locations of sensitive receivers

## 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](mailto: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.
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.