

Development Consent

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

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the development application referred to in Schedule 1, subject to the Conditions 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.

[Name of Commissioner]

Member of the Commission

[Name of Commissioner]

Member of the Commission

[Name of Commissioner]

Member of the Commission

Sydney

2021

File: DOC21/106627

SCHEDULE 1

Application Number:

SSD-8660

Applicant:

Davis Earthmoving and Quarrying Pty Ltd

Consent Authority:

The Independent Planning Commission

Site:

Lot 4 DP 227279

90 Gindurra Road, Somersby NSW 2250

Development:

Construction and operation of a resource recovery facility processing up to 200,000 tonnes per annum of construction and demolition waste and a building and landscaping supplies facility.

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DEFINITIONS

Additional Information	The Applicant's addendum response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act and includes the document titled, <i>Request for Additional Information – Air Quality and Noise & Vibration Impact Assessments</i> , prepared by Jackson Environment and Planning Pty Ltd, dated 30 September 2021 and all attachments
Applicant	Davis Earthmoving and Quarrying Pty Ltd, or any person carrying out any development to which this consent applies
AQIA	Air Quality Impact Assessment
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i> (NSW)
BCD	Biodiversity and Conservation Division, DPIE
CAQMP	Construction Air Quality Management Plan
Certifier	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
CNVMP	Construction Noise and Vibration 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
Construction and demolition waste	Concrete, tiles, masonry, asphalt, timber, stumps, root balls, metals, excavated natural material and virgin excavated natural material, as outlined in the EIS, RtS, Supplementary RtS and Additional Information and permitted by an EPL.
Council	Central Coast Council
CSMP	Construction Stormwater Management Plan
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Decommissioning	The controlled process of safely retiring a facility from service, including decontamination, dismantling and disposal after the cessation of operations
Demolition	The deconstruction and removal of buildings, sheds, and other structures on the site
Department	Department of Planning, Industry and Environment
Development	The development described in Schedule 1, the EIS, RtS, Supplementary RtS, and Additional Information, including the works and activities comprising construction and operation of a resource recovery facility processing up to 200,000 tonnes per annum of construction and demolition waste and a building and landscaping supplies facility, as modified by the Conditions of this consent
Development layout	The plans at Appendix 1 of this consent
DPIE	Has the same meaning as the definition of the Department
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EES Group	Environment, Energy and Science Group, DPIE
EIS	The Environmental Impact Statement titled, <i>Environmental Impact Statement Kariong Sand and Soil Supplies, Sand, Soil and Building Materials Recycling Facility – SSD 8660</i> , prepared by Jackson Environment and Planning Pty Ltd, dated 3 August 2020, submitted with the amended application for consent for the development
ENM	Excavated Natural Material
Environment	As defined in section 1.4 of the EP&A Act
EPA	NSW Environment Protection Authority

EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
GMMP	Groundwater Monitoring and Management Program
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the Conditions of this consent
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 <i>Note: “material harm” is defined in this consent</i>
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: <ul 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 and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those imp acts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NRAR	Natural Resources Access Regulator, DPIE
NSW phylloxera infested zone	As defined in Column 3, Part 2 of Schedule 2 to <i>Biosecurity Act 2015</i> (NSW)
OAQMP	Operational Air Quality Management Plan
OEMP	Operational Environmental Management Plan
OSWMP	Operational Soil and Water Management Plan
Principal Certifier	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act or for the subdivision work under section 6.12(1) of the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
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
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
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 (RtS)	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 and includes the document titled, <i>Response to Submissions Report, Kariong Sand and Soil Supplies, Sand, Soil and Building Materials Recycling Facility – SSD 8660</i> , prepared by Jackson Environment and Planning Pty Ltd, dated 30 July 2020 and all attachments
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
Stage 1 Operations	The point at which the site can receive and process up to 100,000 tpa of construction and demolition waste
Stage 2 Operations	The point at which the site can receive and process up to 150,000 tpa of construction and demolition waste
Stage 3 Operations	The point at which the site can receive and process up to 200,000 tpa of construction and demolition waste
Supplementary RtS	The Applicant's supplementary response to issues raised in submission received in relation to the application for consent for the development under the EP&A Act and includes the document titled, <i>Response to Submissions Report, Kariong Sand and Soil Supplies, Sand, Soil and Building Materials Recycling Facility – SSD 8660</i> , prepared by Jackson Environment and Planning Pty Ltd, dated 5 January 2021 and all attachments
TfNSW	Transport for NSW
TIA	Traffic Impact Assessment
tpa	tonnes per annum
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, Response to Submissions (RtS), Supplementary RtS, and the 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.
- 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) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2(c) or A2(e), 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.

Waste

- A6. The Applicant must not receive or process more than 200,000 tonnes per annum of construction and demolition waste.
- A7. Despite Condition A6, the Applicant must not receive or process more than 100,000 tonnes per annum of construction and demolition waste, until the Planning Secretary has approved commencement of Stage 2 Operations.

Note:

- Approval to commence Stage 2 Operations requires the Planning Secretary to be satisfied under the relevant conditions including Condition B11, B26, B35 and B44.

- A8. Despite Condition A6, the Applicant must not receive or process more than 150,000 tonnes per annum of construction and demolition waste, until the Planning Secretary has approved commencement of Stage 3 Operations.

Note:

- Approval to commence Stage 3 Operations requires the Planning Secretary to be satisfied under the relevant conditions including Condition B11, B26, B35 and B44.

- A9. The Applicant must not store more than 40,000 tonnes of construction and demolition waste and landscaping products on-site at any given time.

Landscaping Products Received On-site

- A10. The Applicant must not receive more than 10,000 tonnes per annum of landscaping products including mulches, gravels, sand, and specialist soils from off-site third-party suppliers.

Note:

- The 10,000 tonnes per annum of landscaping products the Applicant is permitted to receive under Condition A10 is in addition to the waste limits under Condition A6, A7 or A8.

NOTIFICATION OF COMMENCEMENT

- A11. 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;
 - (c) cessation of operations; and
 - (d) decommissioning.
- A12. If the construction or operation or decommissioning 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.

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:
- (a) 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;
 - (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 the dilapidation report to the Planning Secretary and Council.
- 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 Building Code of Australia (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.*

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. Prior to the issue of:

- (a) Any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
- (b) an Occupation Certificate, the Applicant must provide the Certifier 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 Certifier to the Planning Secretary within seven days after the Certifier 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 Principal Certifier.

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 NOTE

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

AIR QUALITY

Meteorological Monitoring

- B1. Prior to the commencement of operation, the Applicant must install a suitable meteorological station on the site in consultation with the EPA that:
- (a) complies with the requirements in the latest version of the EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (as may be updated or replaced from time to time); and
 - (b) is capable of continuous real-time measurement of air temperature, wind direction, wind speed, solar radiation, rainfall and relative humidity, and any other requirements specified in the EPL.
- B2. The Applicant must maintain the meteorological station for the operational life of the development.

Dust Minimisation

- B3. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B4. 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;
 - (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

- B5. The Applicant must install and operate equipment in line with best practice to ensure 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.

Construction Air Quality Management Plan

- B6. Prior to the commencement of construction, the Applicant must prepare a Construction Air Quality Management Plan (CAQMP) to the satisfaction of the Planning Secretary. The CAQMP 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 and rank all emissions from all construction activities, 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) nominate the following for each of the proposed controls:
 - (i) key performance indicator(s);
 - (ii) monitoring method(s);
 - (iii) location, frequency, and duration of monitoring;
 - (iv) contingency measures;
 - (v) record keeping;
 - (vi) complaints register;
 - (vii) response procedures; and
 - (viii) compliance monitoring.
- B7. The Applicant must:
- (a) not commence construction until the CAQMP required by Condition B6 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the CAQMP approved by the Planning Secretary for the duration of the development.

Operational Air Quality Management Plan

- B8. Prior to the commencement of operation, the Applicant must prepare an Operational Air Quality Management Plan (OAQMP) to the satisfaction of the Planning Secretary. The OAQMP must form part of the OEMP required by Condition C5 and 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 evidence of consultation with nearby sensitive receivers and justification for the selection of receivers consulted;
 - (d) describe how any matters raised by sensitive receivers under Condition B8(c) have been addressed;
 - (e) detail and rank all emissions from all sources of the development, including particulate emissions;
 - (f) detail an ambient air quality monitoring strategy that is capable of evaluating the performance of the development against the air quality criteria in accordance with the EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*;
 - (g) identify the control measures that will be implemented for each emission source;
 - (h) nominate the following for each of the proposed controls:
 - (i) key performance indicator(s);
 - (ii) monitoring method(s);
 - (iii) location, frequency, and duration of monitoring;
 - (iv) contingency measures;
 - (v) record keeping;
 - (vi) complaints register;
 - (vii) response procedures;
 - (viii) compliance monitoring;
 - (i) include a Trigger Action Response Plan (TARP) with contingency measures to be implemented if air quality triggers are reached or other unpredicted impacts occur and to ensure corrective actions are implemented; and
 - (j) include a complaints management system that would be implemented for the duration of the development.
- B9. The Applicant must:
- (a) not commence operation of any relevant stage of the development until the OAQMP required by Condition B8 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the OAQMP approved by the Planning Secretary for the duration of the development.

Post-commissioning Air Monitoring

- B10. Within three months of the commencement of Stage 1 operations, Stage 2 operations and Stage 3 operations, or within a timeframe as otherwise agreed with the Planning Secretary, a Post-commissioning Air Monitoring Report (PAMR) must be prepared in consultation with the EPA and to the satisfaction of Planning Secretary. The PAMR must be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary and include:
- (a) verification against the air quality criteria, undertaken in accordance with the EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*;
 - (b) an outline of management and mitigation measures to address any exceedances of the criteria; and
 - (c) a description of contingency measures in the event the management and mitigation measures are not effective in reducing air quality impacts to meet the criteria and timing for implementing and validating the effectiveness of these measures.

Air Quality Modelling Verification

- B11. Prior to commencing Stage 2 operations and Stage 3 operations, the Applicant must prepare an Air Quality Modelling Report (AQMR) to the satisfaction of the Planning Secretary. The AQMR 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 the following:
 - (i) air dispersion modelling in accordance with the EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* using air quality monitoring results provided in the PAMR and meteorological data recorded by the on-site meteorological station; and
 - (ii) a verification of the predicted air quality impacts of the development for Stage 2 operations and Stage 3 operations, including identification of any management and mitigation measures required to address exceedances and an analysis of their effectiveness.

Odour Management

B12. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

NOISE AND VIBRATION

Hours of Work

B13. 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
Earthworks and construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation: Waste Delivery and Landscape Supplies Sale	Monday – Saturday	7 am to 6 pm
	Sunday and Public Holidays	Closed
Operation: Waste Processing	Monday – Friday	8 am to 5 pm
	Saturday – Sunday and Public Holidays	Closed

B14. Works outside of the hours identified in Condition B13 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

B15. 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**.

Vibration Criteria

B16. Vibration caused by construction at any residence or structure outside the site must be limited to:

- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
- (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).

B17. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in Condition B16.

B18. The limits in Conditions B16 and B17 apply unless otherwise outlined in a CNVMP, approved as part of the CEMP required by Condition C2 of this consent.

Construction Noise and Vibration Management Plan

B19. The Applicant must prepare a Construction Noise and Vibration Management Plan (CNVMP) for the development to the satisfaction of the Planning Secretary. The CNVMP must form part of a CEMP in accordance with Condition C2 and must:

- (a) be prepared by a suitably qualified and experienced noise expert;
- (b) be approved by the Planning Secretary prior to the commencement of construction;
- (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
- (d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers, including contingency measures;
- (e) include strategies that have been developed with the community for managing high noise generating works;
- (f) describe the community consultation undertaken to develop the strategies in Condition B19(e); and
- (g) include a complaints management system that would be implemented for the duration of the construction.

B20. The Applicant must:

- (a) not commence construction of any relevant stage until the CNVMP required by Condition B19 is approved by the Planning Secretary; and
- (b) implement the most recent version of the CNVMP approved by the Planning Secretary for the duration of construction.

Operational Noise Limits

B21. 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 _{Aeq} (15 minute)
All residential receivers	48
Frank Baxter Juvenile Justice Centre	48
Central Coast Riding for the Disabled Centre	When in use: 53
Industrial	When in use: 68

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 Noise Policy for Industry (EPA, 2017) and Australian Standard AS 1055:2018 Acoustics - Description and measurement of environmental noise (as may be updated or replaced from time to time). Refer to **Figure 3** in **Appendix 1** for the location of residential sensitive receivers.

Noise Walls

B22. The Applicant must construct the noise walls shown in **Figure 4: in Appendix 1**, prior to the commencement of operation of any part of the development.

Note: If construction of noise wall is to be staged, the Applicant must submit a noise verification study to the satisfaction of the Planning Secretary to demonstrate that the development will comply with the noise limits in Condition B21 at all times.

Operational Noise and Vibration Management Plan

B23. Prior to the commencement of operation, the Applicant must prepare an Operational Noise and Vibration Management Plan (ONVMP) for the development to the satisfaction of the Planning Secretary. The ONVMP must form part of an OEMP in accordance with Condition C5 and must:

- (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary
- (b) describe procedures for achieving the operational noise limits detailed in Condition B21;

- (c) describe the measures to be implemented to manage high noise generating works in close proximity to sensitive receivers, including contingency measures;
- (d) include evidence of consultation with nearby sensitive receivers and justification for the selection of receivers consulted;
- (e) describe how any matters raised by sensitive receivers under Condition B23(d) have been addressed; and
- (f) include a complaints management system that would be implemented for the duration of the development.

B24. The Applicant must:

- (a) not commence operation of any relevant stage of the development until the ONVMP required by Condition B23 is approved by the Planning Secretary; and
- (b) implement the most recent version of the ONVMP approved by the Planning Secretary for the duration of the development.

Post-Commissioning Noise Monitoring

B25. Within three months of the commencement of Stage 1 operations, Stage 2 operations and Stage 3 operations, or within a timeframe as otherwise agreed with the Planning Secretary, a Post-commissioning Noise Monitoring Report (PNMR) must be prepared in consultation with the EPA and to the satisfaction of Planning Secretary. The PNMR must be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary and include:

- (a) verification of operational noise against the noise limits specified in Condition B21;
- (b) an outline of management and mitigation measures to address any non-compliance with the limits specified in Condition B21; and
- (c) a description of contingency measures in the event the management and mitigation measures are not effective in reducing noise levels to meet the noise limits and timing for implementing and validating the effectiveness of these measures.

Noise Modelling Verification

B26. Prior to commencing Stage 2 operations and Stage 3 operations, the Applicant must prepare a Noise Modelling Report (NMR) to the satisfaction of the Planning Secretary. The NMR 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 the following:
 - (i) a source emission inventory developed from baseline on-site noise monitoring from the PNMR;
 - (ii) noise modelling undertaken in accordance with the requirements in the latest version of the EPA's *Noise Policy for Industry 2017* and Australian Standard AS 1055:2018 *Acoustics - Description and measurement of environmental noise* using noise monitoring results provided in the PNMR;
 - (iii) a verification of the predicted noise impacts of the development for Stage 2 operations and Stage 3 operations, including identification of any additional mitigation and management measures required to address any non-compliance with the noise limits specified in Condition B21 and an analysis of their effectiveness.

TRAFFIC AND ACCESS

Construction Traffic Management Plan

B27. 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) be prepared in consultation with Council and Transport for NSW (TfNSW);
- (c) detail types and lengths of vehicles used during construction;
- (d) detail the measures that are to be implemented to ensure road safety and network efficiency during construction, including any temporary road closures;
- (e) detail heavy vehicle routes, access and parking arrangements including a swept path diagram demonstrating heavy vehicle entering and exiting the site in a forward direction;
- (f) detail measures that are to be implemented to manage the potential conflicts of movements between pedestrians and construction vehicles;

- (g) 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;
- (h) include a program to monitor the effectiveness of these measures; and
- (i) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

B28. The Applicant must:

- (a) not commence construction until the CTMP required by Condition B27 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 construction.

Roadworks and Access

B29. Prior to the commencement of construction, the Applicant must prepare a detailed design Road Safety Audit in accordance with the *Austroads Guide to Road Safety Part 6: Road Safety Audit* to the satisfaction to TfNSW.

B30. Prior to the commencement of construction, the Applicant must design and install the site access works to the satisfaction of Council, in accordance with latest version of Parts 4 and 4A of the *Austroads Guide to Road Design* and the plan prepared by SECA Solution (Project No HD196, Drawing No HD04 Rev 1 dated 24.07.19). The works must include:

- (a) a 60 m long eastbound right-turn lane on Gindurra Road;
- (b) a site access designed to accommodate the turning path of a 26 m B-Double vehicle;
- (c) a site entry gate located at least 26 m from the Gindurra Road boundary;
- (d) a 'No Right Turn' sign at the outbound lane of the site access (see Figure 2 in Appendix 1); and
- (e) a 'No Left Turn' sign adjacent to the westbound lane on Gindurra Road (east of the site access) prohibiting heavy vehicles from entering the site from the east via Debenham Road South.

Parking

B31. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

Operational Traffic Management Plan

B32. 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 OTMP must form part of the OEMP required by Condition C5 and 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 Council and TfNSW;
- (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 an Operational 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) inform truck drivers of the site access arrangements and use specified haul routes which exclude Debenham Road South, Acacia Road, and Kangaroo Road;
 - (v) include a program to monitor the effectiveness of these measures; and
- (f) include a Traffic Control Plan (TCP) 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 receive and processing areas and mitigate the potential for on-site vehicle conflict; and
- (ii) installation of weighbridges, boom gates, traffic lights, way-finding signage, and line marking.

Operating Conditions

B33. 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 must enter and exit the site in a forward direction;
- (i) all trucks enter the site from an eastbound direction on Gindurra Road and depart the site onto Gindurra Road in a westbound direction; and
- (j) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

B34. The Applicant must not use B-Doubles for the development unless a valid and current permit is issued by the National Heavy Vehicle Register (NHVR) for the development.

Traffic Modelling Verification

B35. Prior to commencing Stage 2 operations and Stage 3 operations, the Applicant must prepare a Traffic Modelling Report (TMR) to the satisfaction of the Planning Secretary. The TMR must:

- (a) be prepared by a suitably qualified, experienced person(s), whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with Council and TfNSW;
- (c) include the following:
 - (i) verification of the predicted traffic numbers and the impacts of operational traffic for Stage 2 operations and Stage 3 operations on road safety and the capacity of the road network using SIDRA or similar traffic modelling; and
 - (ii) identification of any additional mitigation and management measures required to accommodate traffic associated with the increased processing capacity.

SOIL, WATER QUALITY AND HYDROLOGY

Imported Soil

B36. The Applicant must:

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

Erosion and Sediment Control

B37. Prior to the commencement of any construction or other surface disturbance for the development, 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

B38. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an Environment Protection License (EPL).

Stormwater Management System

B39. Prior to the commencement of operation, the Applicant must 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 generally in accordance with the conceptual design in the Supplementary RtS prepared by Sustainability Workshop (Stormwater Plan, Sheet 115 Rev 5 dated 10.12.20);
- (c) be in accordance with applicable Australian Standards;
- (d) 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;
- (e) divert existing clean surface water around operational areas of the site;
- (f) direct all sediment laden water in overland flow away from the leachate management system; and
- (g) prevent cross-contamination of clean and sediment or leachate laden water.

Trade Waste

B40. Before the commencement of operation of the development, the Applicant must obtain a permit from Council to discharge the trade wastewater to Council's sewage system.

Operational Soil and Water Management Plan

B41. Prior to the commencement of operation, the Applicant must prepare an Operational Soil and Water Management Plan (OSWMP) to the satisfaction of the Planning Secretary. The OSWMP must form part of the OEMP required by Condition C5 and 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, metering, disposal, and management on-site;
- (d) detail the number and location of piezometers on-site;
- (e) detail the water licence requirements for the development;
- (f) detail the management of wastewater streams on-site;
- (g) include:
 - (i) a Groundwater Monitoring and Management Program required by Condition B45;
 - (ii) a water quality monitoring strategy that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
 - (iii) a TARP with contingency measures to be implemented if water quality criteria are not reached or other unpredicted impacts occur and to ensure corrective actions are implemented; and
 - (iv) a maintenance and inspection schedule of the water management system including inspection of the downstream lands for erosion following each overflow event.

B42. The Applicant must:

- (a) not commence operation until the OSWMP required by Condition B41 is approved by the Planning Secretary; and
- (b) implement the most recent version of the OSWMP approved by the Planning Secretary for the duration of the development.

Post-commissioning Water Monitoring

B43. Within three months of the commencement of Stage 1 operations, Stage 2 operations and Stage 3 operations, or within a timeframe as otherwise agreed with the Planning Secretary, a Post-commissioning Water Monitoring Report (PCMR) must be prepared in consultation with the EPA and to the satisfaction of Planning Secretary. The PCMR must be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary and include:

- (a) soil and water quality monitoring locations;

- (b) a list of analytes at each monitoring location including relevant criteria, sampling frequency, and sampling method(s) agreed by the EPA;
- (c) the method for analysis for each analyte in accordance with the *Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (2004)* and practical quantitation limit;
- (d) verification of the water quality and residual sediment of treated water against the appropriate state and national guidelines criteria including, but not limited to, *Environmental Guidelines: Use of Effluent by Irrigation (DECC 2004)* and the *ANZECC/ ARMCANZ (2000) long-term irrigation criteria*;
- (e) an outline of management and mitigation measures to address any exceedances of the criteria specified; and
- (f) a description of contingency measures in the event the management and mitigation measures are not effective in reducing water quality impacts to meet the criteria and timing for implementing and validating the effectiveness of these measures.

Water Quality Modelling Verification

- B44. Prior to commencing Stage 2 operations and Stage 3 operations, the Applicant must prepare a Water Quality Modelling Report (WQMR) to the satisfaction of the Planning Secretary. The WQMR must:
- (a) be prepared by a suitably qualified, experienced person(s), whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with the EPA;
 - (c) include the following:
 - (i) a verification of the predicted water quality impacts of the development for Stage 2 operations and Stage 3 operations (using water quality monitoring results provided in the PCMR) against the appropriate state and national guidelines criteria including, but not limited to, *Environmental Guidelines: Use of Effluent by Irrigation (DECC 2004)* and the *ANZECC/ ARMCANZ (2000)*; and
 - (ii) identification of any additional mitigation and management measures required to address exceedances and an analysis of their effectiveness.

Groundwater Monitoring and Management Program

- B45. Prior to the commencement of operation, the Applicant must prepare a Groundwater Monitoring and Management Program (GMMP) for the development to the satisfaction of the Planning Secretary. The GMMP must form part of the OSWMP required by Condition B41 and must:
- (a) be prepared in consultation with DPIE Water, Natural Resources Access Regulator;
 - (b) detail baseline data on groundwater levels and quality;
 - (c) include a program to monitor groundwater levels and quality;
 - (d) detail groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts; and
 - (e) include a protocol for the investigation and mitigation of identified exceedances of the groundwater impact assessment criteria.

BIODIVERSITY

- B46. Prior to any clearing or construction works, the Applicant must purchase and retire the following credits to offset the removal of 3.11 ha of native vegetation at the site:
- (a) 51 ecosystem credits for *Scribbly Gum – Red Bloodwood – Old Man Banksia heathy woodland of southern Central Coast (PCT 1642)*;
 - (b) 41 ecosystem credits for *Red Bloodwood – Smooth-barked Apple – Scribbly Gum – Old Man Banksia heathy woodland on sandstone ranges of the Central Coast (PCT 1643)*;
 - (c) 11 ecosystem credits for *Smooth-barked Apple – Turpentine – Blackbutt open forest on ranges of the Central Coast (PCT 1579)*; and
 - (d) 28 species credits for *Eastern Pygmy-Possum* habitat.

The credits must be retired in accordance with the requirements of the BCD's Framework for Biodiversity Assessment or as otherwise agreed by the Planning Secretary.

- B47. The requirement to retire credits (see Condition B46) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of credits, as calculated by the EES Group's Biodiversity Offsets Payment Calculator.
- B48. The Applicant must provide the Planning Secretary with evidence that:

- (a) the retirement of ecosystem credits has been completed (see Condition B46); or
 - (b) a payment has been made to the Biodiversity Conservation Fund (see Condition B47),
- prior to undertaking any clearing of native vegetation, or activities that have the potential to impact upon native vegetation.

Biodiversity Management Plan

- B49. Prior to clearing for construction, the Applicant must prepare a Biodiversity Management Plan (BMP) for the development in consultation with Council to the satisfaction of the Planning Secretary. The BMP:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) must be approved by the Planning Secretary prior to the commencement of clearing for construction and form part of the CEMP in accordance with Condition C2 and the OEMP in accordance with Condition C5;
 - (c) include a description of the measures that would be implemented for:
 - (i) managing the remnant vegetation and fauna habitat on the site;
 - (ii) minimising clearing and avoiding unnecessary disturbance associated with the construction and operation of the development;
 - (d) addresses the requirements of the Somersby Industrial Park Plan of Management;
 - (e) identify the potential risks to the successful implementation of management and mitigation actions for the retained bushland and *Melaleuca biconvexa* buffer area, and include a description of the contingency measures that would be implemented to minimise these risks;
 - (f) include a Vegetation Monitoring Program for the retained *Melaleuca biconvexa* which includes:
 - (i) permanent plots that measure the number of plants (including cover and abundance), their density and age structure, area extent, and their overall health and Conditions; and
 - (ii) identify an appropriate trigger for offsetting impacts to *Melaleuca biconvexa* if the proposed mitigation measures are not effective;
 - (g) include details of who would be responsible for monitoring, reviewing, and implementing the BMP.
- B50. The Applicant must:
- (a) not commence construction and operation until the BMP is approved by the Planning Secretary; and
 - (b) implement the most recent version of the BMP approved by the Planning Secretary.

BIOSECURITY

- B51. Prior to the commencement of operation, the Applicant must prepare a Biosecurity Management Plan to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by Condition C5 and must:
- (a) be prepared in consultation with Department of Primary Industries, Agriculture;
 - (b) be consistent with the relevant AUSTVETPLAN manuals and supporting documents;
 - (c) detail the biosecurity risk from all weeds, pests and pathogens that may be encountered during operation of the development;
 - (d) detail measures to prohibit importing any grapevine plant materials and grapevine rootlings or soils to the site from the NSW Phylloxera infested zone;
 - (e) describe the notification procedures; and
 - (f) detail the measures to maintain quarantine control.
- B52. The Applicant must:
- (a) not commence operation until the Biosecurity Management Plan required by Condition B51 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the Biosecurity Management Plan approved by the Planning Secretary for the duration of the development.

ABORIGINAL HERITAGE

Aboriginal Cultural Heritage Management Plan

- B53. Before the commencement of any clearing or construction works, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) for the development. The ACHMP must form part of the CEMP required by Condition C2 and must:

- (a) be prepared by a suitably qualified and experienced person(s) in consultation with the Registered Aboriginal Parties and Heritage NSW;
- (b) be submitted to the Planning Secretary prior to construction of any part of the development;
- (c) describe the measures to fence the site boundary to protect the Aboriginal cultural heritage values identified in proximity to the site in perpetuity;
- (d) include procedures for vegetation removal and Aboriginal sites survey within the southern half of the site required by Condition B57; and
- (e) include an unexpected finds protocol.

B54. The Applicant must:

- (a) not commence construction until the Aboriginal Cultural Heritage Management Plan is submitted to the Planning Secretary; and
- (b) implement the most recent version of the Aboriginal Cultural Heritage Management Plan submitted to the Planning Secretary for the duration of the development.

Unexpected Finds Protocol

B55. 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) Heritage NSW must be contacted immediately.

B56. 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* (NSW).

Site Survey

B57. The Applicant must undertake a survey of the southern half of the development site following surface removal of vegetation in accordance with the ACHMP required by Condition B53. Any Aboriginal sites or objects identified during the survey must be managed in accordance with the Aboriginal Cultural Heritage Management Plan and the Unexpected Finds Protocol required by Conditions B53 and B55.

Note: *The southern half of the development site is where the proposed resource recovery facility would be located, not the retained bushland in the southern extent of the site.*

HAZARDS AND RISK

Fire Safety

B58. Prior to commencement of construction the Applicant must:

- (a) update the Fire Safety Study (FSS) Report prepared by ACOR Consultant (WA) Pty Ltd, dated 20 July 2020 (revision R3) in accordance with the *Fire Safety in Waste Facilities Guideline* (FRNSW, 2020). The updated FSS report must include:
 - (i) details of the proposed automatic sprinkler system layout;
 - (ii) evidence of the hydraulic calculations for the sprinkler and hydrant systems; and
 - (iii) details of existing fire protection equipment and proposed additional equipment and systems.
- (b) prepare a fire engineering brief questionnaire (FEBQ) to the satisfaction of Fire and Rescue NSW (FRNSW), which includes details of the fire safety system described in the FSS.

B59. Prior to operation, the Applicant must implement all actions, recommendations and fire safety measures specified in the FSS and FEBQ.

B60. Prior to the commencement of operation, the Applicant must prepare an Emergency Plan for the development. The Emergency Plan must form part of an OEMP in accordance with Condition C5 and must:

- (a) be prepared by a suitably qualified person(s); and
- (b) be prepared in accordance with *AS 3745–2010 Planning for emergencies in facilities*.

Bushfire Safety

B61. The Applicant must ensure the development complies with the relevant provisions of *Planning for Bush Fire Protection 2019* and implement the recommendations and development requirements in accordance with *Bushfire Hazard Assessment* prepared by Bushfire Planning & Design dated 27 July 2020.

Dangerous Goods

B62. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of *Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

Bunding

B63. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with

- (a) the requirements of all relevant Australian Standards, and
- (b) the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

In the event of an inconsistency between the requirements listed from (a) to (b) above, the most stringent requirement shall prevail to the extent of the inconsistency.

WASTE MANAGEMENT

Waste Monitoring Program

B64. 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 provision to monitor the:
 - (i) quantity, type and source of waste received on site;
 - (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

B65. 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 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 *Biosecurity Act 2015 (NSW)*.

Waste Storage and Processing

B66. The Applicant must only receive waste on site that is authorised for receipt by an EPL.

B67. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

B68. The Applicant must not screen and blend any VENM and ENM unless a site-specific resource recovery order and exemption for carrying out screening and blending have been obtained from the EPA.

Statutory Requirements

B69. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.

B70. 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.

B71. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.

CONTAMINATION

Unexpected Contamination and Finds

B72. Prior to the commencement of earthworks, the Applicant must prepare an Unexpected Contamination and Finds 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.

Asbestos

B73. Prior to the commencement of earthworks, the Applicant must prepare an Asbestos Management Plan (AMP) for the development to the satisfaction of the Planning Secretary. The AMP must form part of the CEMP and be prepared in accordance with Condition C2. The plan must:

- (a) be prepared by a suitably experienced person(s) or a SafeWork NSW licenced asbestos assessor; and
- (b) be prepared in accordance with the Stage 1 Preliminary Site Investigation, prepared by Clearsafe Environmental Solutions, dated July 2020.

B74. The Applicant must ensure that any asbestos encountered during the construction works is monitored, handled, transported, and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:

- (a) *Work Health and Safety Regulation 2017*;
- (b) SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;
- (c) SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and
- (d) *Protection of the Environment Operations (Waste) Regulation 2014*.

B75. Prior to the commencement of operation, the Applicant must obtain an Asbestos Clearance Certificate issued by a SafeWork NSW licensed asbestos assessor.

VISUAL AMENITY

Landscaping

B76. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan (LMP) to manage the revegetation and landscaping works on-site, to be submitted to the Planning Secretary. The LMP must form part of an OEMP in accordance with Condition C5 and must:

- (a) detail the species to be planted on-site in accordance with the Landscape Plan prepared by Concept Landscape Architects, dated 3 July 2020, Revision G (see Figure 5: in Appendix 1);
- (b) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
- (c) be consistent with the Applicant's Management and Mitigation Measures detailed at Appendix 2.

B77. The Applicant must:

- (a) not commence operation until the LMP is submitted to the Planning Secretary.
- (b) must implement the most recent version of the LMP submitted to the Planning Secretary; and
- (c) maintain the landscaping and vegetation on the site in accordance with the submitted LMP required by Condition B76 for the life of the development

Lighting

B78. 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.

COMMUNITY ENGAGEMENT

B79. The Applicant must consult with the community regularly throughout the development, including consultation with the nearby sensitive receivers identified on **Figure 3: in Appendix 1**, relevant regulatory authorities, Registered Aboriginal Parties, and other interested stakeholders.

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) Construction Air Quality Management Plan (see Condition B6);
 - (b) Construction Noise and Vibration Management Plan (see Condition B19);
 - (c) Construction Traffic Management Plan (see Condition B27)
 - (d) Biodiversity Management Plan (see Condition B49);
 - (e) Aboriginal Cultural Heritage Management Plan (see Condition B53);
 - (f) Unexpected Contamination and Finds Procedure (see Condition B72);
 - (g) Asbestos Management Plan (see Condition B73); and
 - (h) Community Consultation and Complaints Handling.
- 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;
 - (c) include the following environmental management plans:
 - (i) Operational Air Quality Management Plan (see Condition B8);
 - (ii) Operational Noise and Vibration Management Plan (see Condition B23);
 - (iii) Operational Traffic Management Plan (see Condition B32);
 - (iv) Operational Soil and Water Management Plan (see Condition B41);
 - (v) Biodiversity Management Plan (see Condition B49);
 - (vi) Biosecurity Management Plan (see Condition B51);
 - (vii) Emergency Plan (see Condition B60); and
 - (viii) Landscape Management Plan (see Condition B76).
- 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 a Compliance Report under Condition C14;
 - (b) the submission of an incident report under Condition C10;
 - (c) the submission of an Independent Audit under Condition C16;
 - (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,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing that a review is being carried out.
- C9. 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

- C10. The Planning Secretary must be notified in writing via the Major Projects website 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

- C11. The Planning Secretary must be notified in writing to the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- C12. 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.
- C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

- C14. Within three months after the first year of commencement of operation, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Department reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:
 - (a) identify any trends in the monitoring data over the life of the development;
 - (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
 - (c) describe what measures will be implemented over the next year to improve the environmental performance of the development
- C15. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

Independent 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 prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020);
 - (b) be led and conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Planning Secretary; and
 - (c) be submitted to the satisfaction of the Planning Secretary within three months of commissioning the Audit (or within another timeframe agreed by the Planning Secretary).
- C17. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2020), the Applicant must:
 - (a) review and respond to each Independent Audit Report prepared under Condition C16 of this consent;
 - (b) submit the response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations;
 - (c) implement the recommendations to the satisfaction of the Planning Secretary; and
 - (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

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, 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

- C19. At least 48 hours before the commencement of construction until the completion of all works under this consent, 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) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - (v) minutes of CCC meetings;
 - (vi) 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;
 - (vii) 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;
 - (viii) a summary of the current stage and progress of the development;
 - (ix) contact details to enquire about the development or to make a complaint;
 - (x) a complaints register, updated monthly;
 - (xi) the Compliance Report of the development;
 - (xii) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (xiii) 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

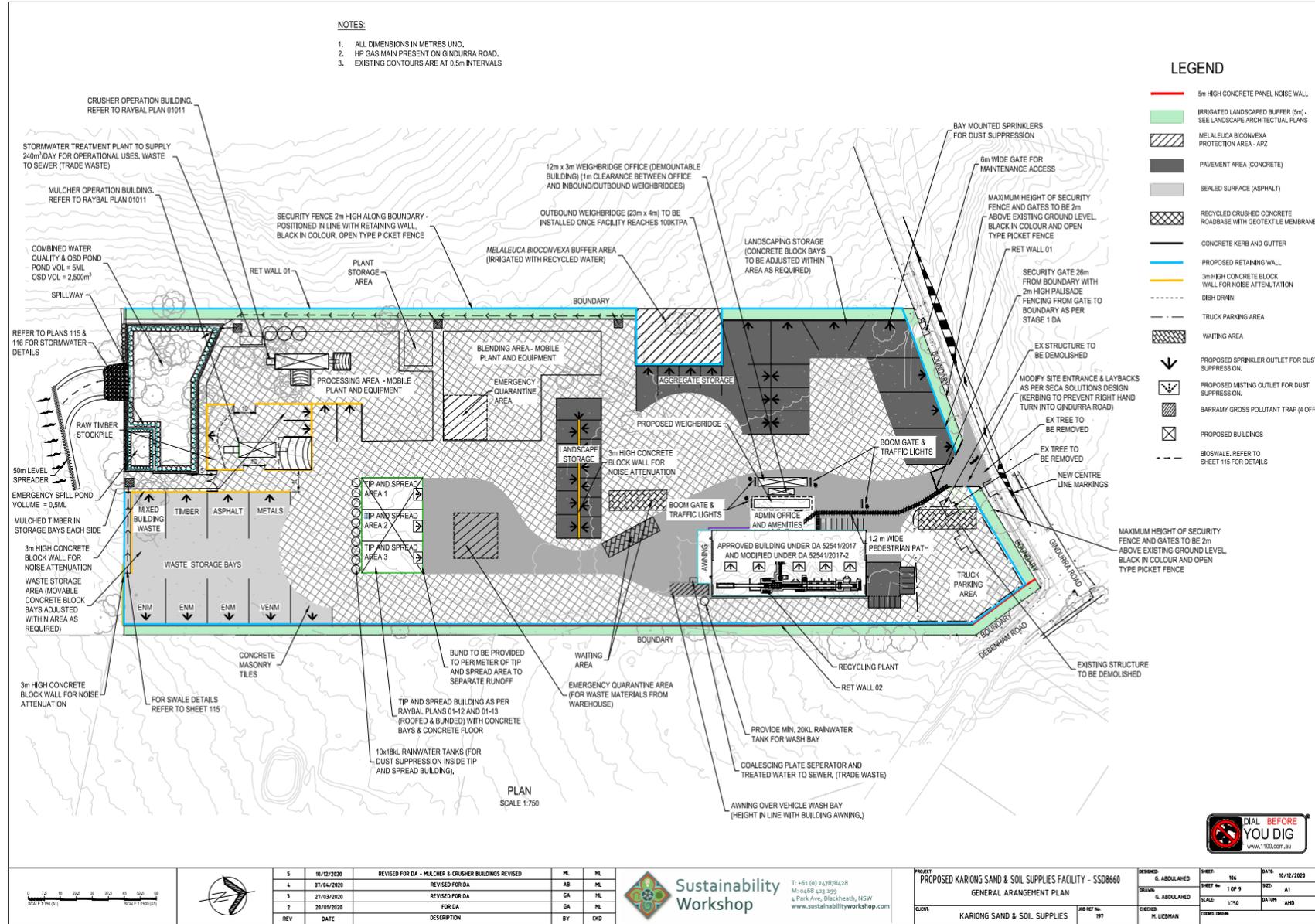


Figure 1: Site Plan



Figure 2: Upgrades of Gindurra Road and the Proposed Site Access Plan

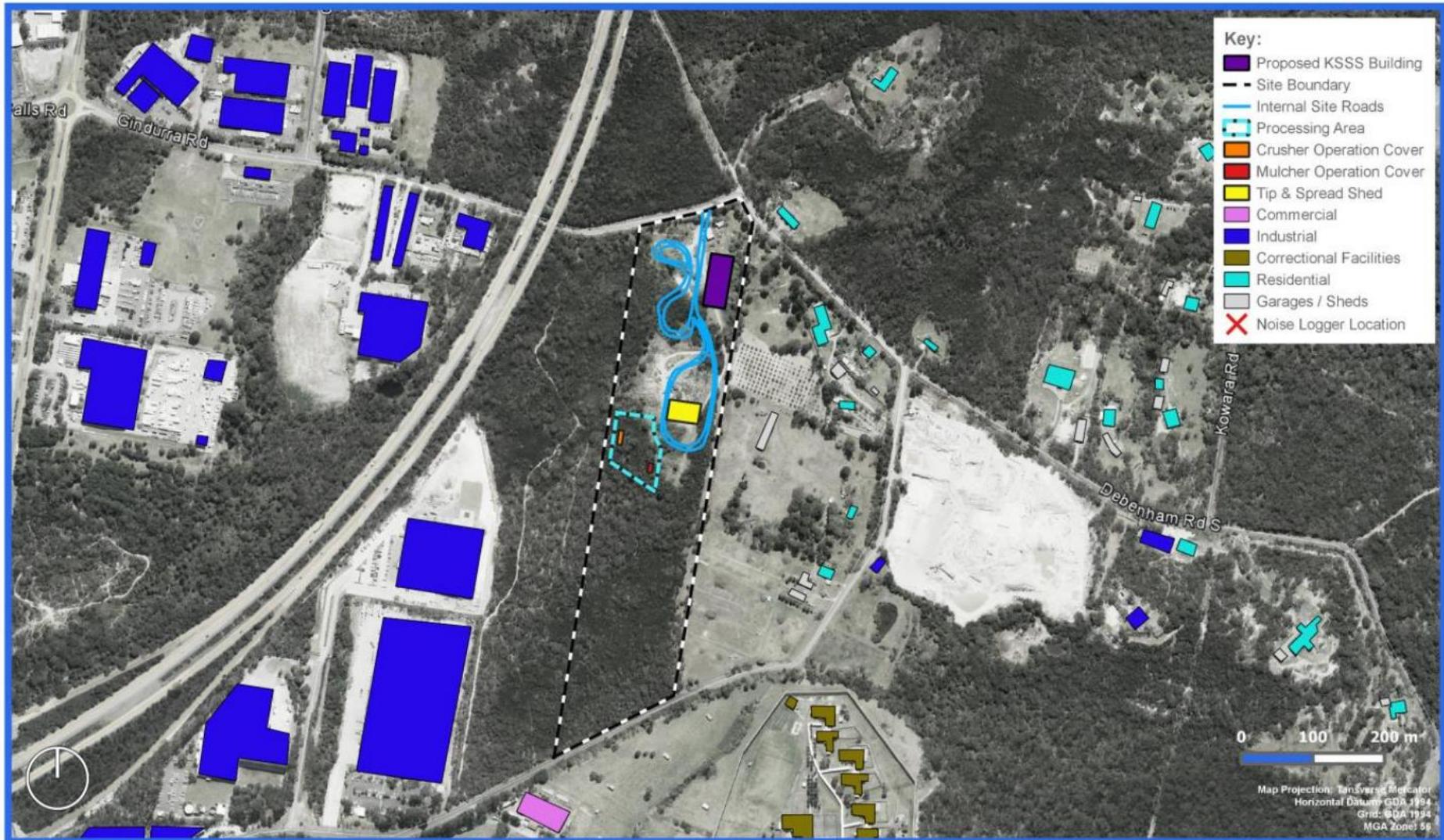


Figure 3: Sensitive Receivers identified in the Noise and Vibration Impact Assessment



Figure 4: Locations of the Proposed Noise Walls

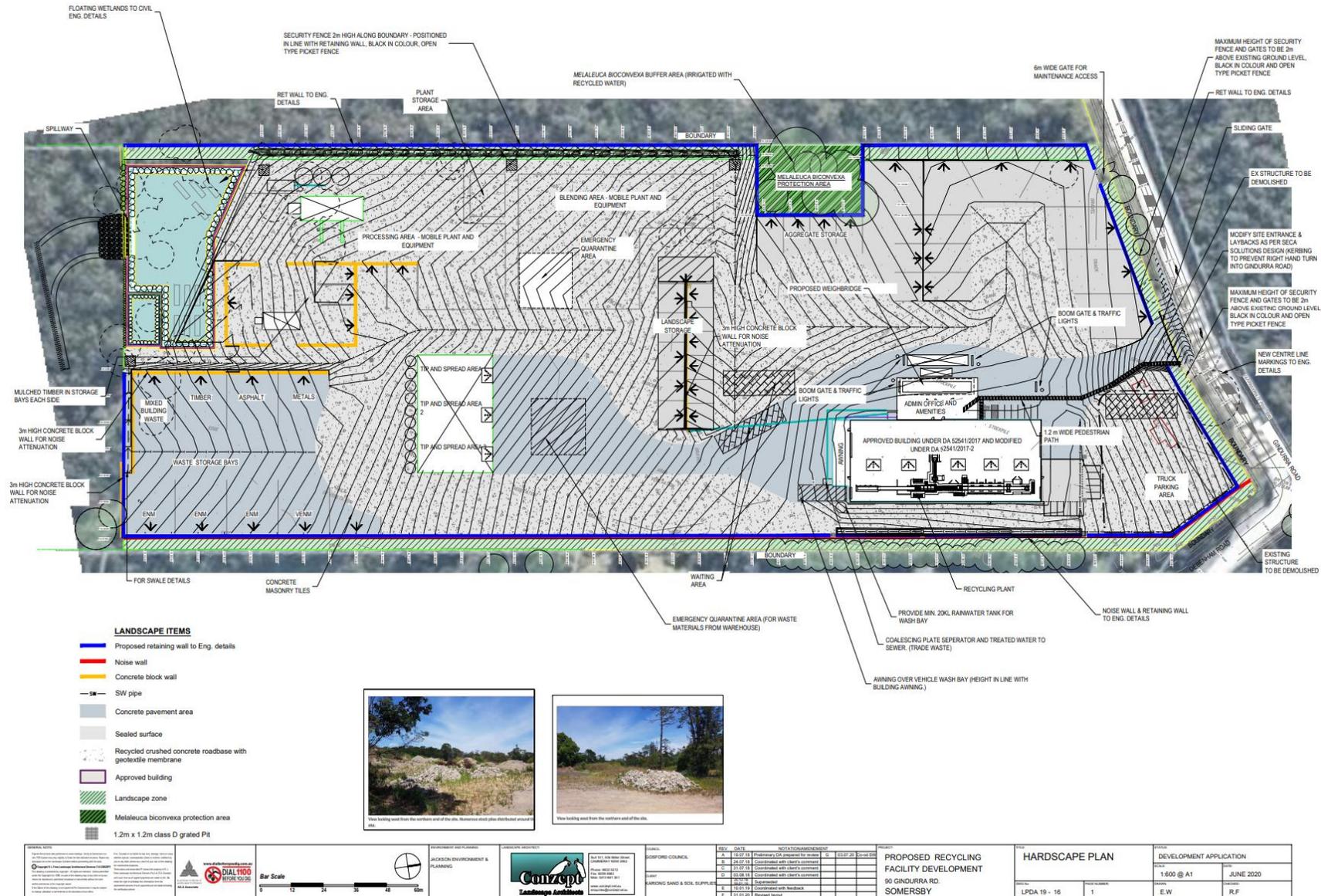


Figure 5: Proposed Landscaping

APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Issue	Mitigation Measure
Waste	
<p>Minimise the amount of waste generated and sent to landfill from site – construction phase</p>	<p>Woody garden organics will be shredded and either used as mulch on site or sold as mulch in the landscape products business.</p>
	<p>Concrete stockpiles will be investigated and tested for compliance with EPA <i>Recovered Aggregate Resource Recovery Order 2014</i>. Compliant materials to be used as a base for the hardstand area in accordance with the EPA <i>Recovered Aggregate Resource Recovery Exemption 2014</i>. Scrap metal will be sold. Any non-useable material, including stockpiles found to be contaminated will be removed from site and disposed in a licensed landfill.</p>
	<p>Any excess material will be sold directly off-site as fill or stockpiled for sale in the building products business.</p>
	<p>Recycled asphalt brought onto the site will comply with EPA <i>Reclaimed Asphalt Pavement Resource Recovery Order 2014</i> and will be used as a top layer for the hardstand in specific areas. The material will be used in accordance with the EPA <i>Reclaimed Asphalt Pavement Resource Recovery Exemption 2014</i>. Any excess will be sold as product in the building supplies business.</p>
	<p>MSW will be collected in a MGB / skip bin and removed regularly by a licensed waste removal contractor and disposed at a licensed landfill.</p>
<p>Minimise the amount of waste generated and sent to landfill from site – operational phase</p>	<p>Mixed building waste from demolition or construction projects. Waste may contain cardboard, plastic, etc. among the concrete, bricks, soil, metal. Recovered materials will be processed into saleable products and sold either directly to customers or through the on-site building supplies business. Aggregate will be sold to construction and road projects. Recovered fines will be sold as landfill alternative daily cover. Re-useable timber will be sold for construction and landscape projects. Residual waste will be collected in a separate bunker or skip bin and regularly removed from site for disposal in a licensed landfill (Genesis Landfill, Eastern Creek, EPL: 13426).</p>
	<p>Products to be tested and sold under a relevant EPA Resource Recovery Order: <i>Recovered Aggregate Resource Recovery Order 2014</i>; <i>“Batch process” Recovered Fines Resource Recovery Order 2014</i>; <i>Mulch Resource Recovery Order 2016</i>; <i>Recovered Plasterboard Resource Recovery Order 2014</i>.</p>
	<p>Concrete / tiles / masonry: Clean, inspected material will be crushed, screened and blended to produce aggregate and soil-replacement products. These will then be sold either directly to customers or through the on-site building supplies business. Any contaminants will be collected in a separate bunker or skip bin and regularly removed from site for disposal in a licensed landfill (Genesis Landfill, Eastern Creek, EPL: 13426).</p>
	<p>Products to be tested and sold under a relevant EPA Resource Recovery Order: <i>Recovered Aggregate Resource Recovery Order 2014</i>; <i>“Batch process” Recovered Fines Resource Recovery Order 2014</i>.</p>
	<p>Timber, stumps, and rootballs: Clean, inspected material will be shredded, screened and blended to produce a range of mulches and landscape products. These will then be sold either directly to customers or through the on-site building supplies business. Any contaminants will be collected in a separate bunker or skip bin and regularly removed from site for disposal in a licensed landfill (Genesis Landfill, Eastern Creek, EPL: 13426). Products to be tested and sold under a relevant EPA Resource Recovery Order: <i>Mulch Resource Recovery Order 2016</i>.</p>

Issue	Mitigation Measure
	<p>Metal: Clean, inspected metals will be sorted into metal types. Some scrap metal may be shredded to reduce size and save space. Recovered metal will be removed to a metal recycler off-site (One-Steel, EPL: 1977). Any contaminants will be collected in a separate bunker or skip bin and regularly removed from site for disposal in a licensed landfill (Genesis Landfill, Eastern Creek, EPL: 13426).</p>
	<p>Asphalt: Clean, inspected material will be crushed, screened and blended to produce aggregate and soil-replacement products. These will then be sold either directly to customers or through the on-site building supplies business. Any contaminants will be collected in a separate bunker or skip bin and regularly removed from site for disposal in a licensed landfill (Genesis Landfill, Eastern Creek, EPL: 13426).</p>
	<p>Products to be tested and sold under a relevant EPA Resource Recovery Order: <i>Reclaimed Asphalt Pavement Resource Recovery Order 2014</i>.</p>
	<p>Virgin Excavated Natural Material (VENM): VENM will be sold either directly to customers or through the on-site building supplies business. Any contaminants will be collected in a separate bunker or skip bin and regularly removed from site for disposal in a licensed landfill (Genesis Landfill, Eastern Creek, EPL: 13426).</p>
	<p>Soils that meet the CT1 thresholds for general solid waste in Table 1 of the NSW EPA's Waste Classification Guidelines: Clean, inspected material will be crushed, screened and blended to produce aggregate and soil-replacement products. These will then be sold either directly to customers or through the on-site building supplies business. Any contaminants will be collected in a separate bunker or skip bin and regularly removed from site for disposal in a licensed landfill. Products to be tested and sold under a relevant EPA Resource Recovery Order: <i>Recovered Fines Resource Recovery Order 2014</i> or <i>Excavated Natural Material Resource Recovery Order 2014</i>.</p>
<p>Maximum amount of stock held on site at any one point in time</p>	<p>A maximum of 40,000 tonnes of waste and waste derived products will be held on site at any one point in time. This figure includes 10,000 tonnes of landscaping materials which will be purchased and sold commercially from the site.</p>
<p>Minimise stockpile heights</p>	<p>Stockpiles of waste materials in the designated waste storage area will be limited to 3m. Height guidance will be provided by the 3m height of the concrete block bays. Stockpiles of inert material such as concrete, brick, soil etc. will be limited to a maximum of 3m in height in the processing and blending areas. Height Poles to the exact length (3m) will provide on-site guidance for stockpile management. Stockpiles of organic material such as timber and mulch will be limited to a maximum of 3m in height in the processing and blending areas. Height Poles to the exact length (3m) will provide on-site guidance for stockpile management. Stockpiles of all processed products, aggregates and landscaping supplies will be limited to 3m. Height guidance will be provided by the 3m height of the concrete block bays.</p>
<p>Stormwater management and soil erosion</p>	
<p>Prevent soil erosion during construction</p>	<p>Sediment barriers and a temporary OSD basin will be established prior to any earthworks on site.</p>
	<p>Stockpiles of topsoil will have water applied at the rate of 2.2L/m²/hr to reduce wind erosion.</p>

Issue	Mitigation Measure
Prevent soil erosion during operations	All operational and storage areas within the development area will be hardstand; concrete pavement, bitumen or compacted crushed concrete with a waterproof membrane underlay.
	Sediment barriers and fences will be permanently maintained on site.
Stormwater capture and treatment	The proposed development has been divided into six distinct sub-catchments and given a risk assessment based on the proposed activity that would occur in the sub-catchment. The site will be contoured to direct stormwater towards drains that channel stormwater to grassed swales then to an OSD basin. Gross Pollutant Traps will be used to reduce sediment and organic material flowing into the OSD basin. The OSD basin will precipitate sediment and remove pollutants with the assistance of a floating wetland. Grass swales will help reduce the nutrient load of the stormwater. Water from the high-risk area will be monitored continuously before being captured in an emergency spill pond. The high-risk stormwater will only pass into the OSD if testing shows it is not contaminated.
Water cycle management	As much captured stormwater as possible will be recycled for dust suppression on-site. Recycled water will be treated in a water treatment unit on-site prior to re-use.
Water cycle management	Water captured in the OSD basin and the rainwater tanks attached to the warehouse and Tip and Spread Building will be used on site, mainly for dust control. Some water will also be used to irrigate the stand of <i>Melaleuca biconvexa</i> during dry periods. Wastewater from the water treatment unit will be disposed as trade waste to sewer.
Soil and Contamination	
Management of risks associated with asbestos during construction phase	An appropriate Asbestos Management Plan should be implemented prior to any development to manage the identified non-friable ACM associated with AEC 2.
	The Asbestos Management Plan should include detailed inspection and remediation prior to any future development.
	Asbestos removal should be undertaken in accordance with an Asbestos Removal Scope of Works / Remedial Action Plan prepared by a Licensed Asbestos Assessor or Competent Person.
	Asbestos removal works should be undertaken by a licensed asbestos removal contractor.
	Subsequent to licensed asbestos removal work, a Clearance Certificate must be issued by a Licensed Asbestos Assessor or Competent Person prior to reoccupation.
	Construction works should include an Unexpected Finds Protocol (UFP) to provide recommended actions for the identification of any further ACM on the ground surfaces or within excavations.
	The Site must be managed such that the ground surfaces are at all times free of visible ACM. Any identified ACM must be managed in accordance with the UFP.

Issue	Mitigation Measure
	Prior to demolition, the onsite buildings and structures should be assessed for hazardous materials including but not limited to asbestos and lead paint. All asbestos containing materials within the buildings and structures at the site must be removed prior to demolition in accordance with Safe Work Australia Codes of Practice.
Soil and groundwater contamination	A waterproof layer will be installed under all operational and storage areas of the site. Paving and hardstand will be installed over the waterproof membrane layer. The OSD Basin will be lined with HDPE (or equivalent). Ongoing groundwater monitoring will be undertaken.
Air Quality (Dust and Other Emissions)	
Minimise impacts on air quality by controlling dust and other emissions – construction phase	
Communications	Develop and implement a stakeholder communications plan that includes community engagement before work commences on site.
	Display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary. This may be the environment manager/engineer or the site manager.
	Display the head or regional office contact information.
Site management	Develop and implement a Dust Management Plan (DMP), which may include measures to control other emissions, approved by the relevant regulatory bodies.
	Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken.
	Make the complaints log available to the local authority when asked.
	Record any exceptional incidents that cause dust and/or air emissions, either on- or offsite, and the action taken to resolve the situation in the log book.
Monitoring	Hold regular liaison meetings with other high-risk construction sites within 500 m of the site boundary, to ensure plans are coordinated and dust and particulate matter emissions are minimised. It is important to understand the interactions of the off-site transport/ deliveries which might be using the same strategic road network routes.
	Undertake daily on-site and off-site inspections where receptors (including roads) are nearby, to monitor dust, record inspection results, and make the log available to the local authority when asked. This should include regular dust soiling checks of surfaces such as street furniture, cars and window sills within 100m of site boundary.
	Carry out regular site inspections to monitor compliance with the dust management plan / CEMP, record inspection results, and make an inspection log available to the local authority when asked.

Issue	Mitigation Measure
Preparing and Maintaining the Site	Increase the frequency of site inspections by the person accountable for air quality and dust issues on site when activities with a high potential to produce dust are being carried out and during prolonged dry or windy conditions.
	Agree dust deposition, dust flux, or real-time continuous monitoring locations with the relevant regulatory bodies. Where possible commence baseline monitoring at least three months before work commences on site or, if it a large site, before work on a phase commences.
	Plan site layout so that machinery and dust causing activities are located away from receptors, as far as is possible.
	Erect solid screens or barriers around dusty activities or the site boundary that they are at least as high as any stockpiles on site.
	Fully enclose site or specific operations where there is a high potential for dust production and the site is active for an extensive period. Use sprinklers on all outdoor storage bays and misting systems in all buildings for continuous dust control.
	Avoid site runoff of water or mud. Use sediment barriers and fences.
	Keep site fencing, barriers and scaffolding clean using wet methods.
Operating Vehicle/Machinery	Remove materials that have a potential to produce dust from site as soon as possible, unless being re-used on site. If they are being re-used on-site cover as described below
	Cover, seed or fence stockpiles to prevent wind erosion
	Only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction, e.g. suitable local exhaust ventilation systems
	Ensure an adequate water supply on the site for effective dust/particulate matter suppression/ mitigation, using non-potable water where possible and appropriate.
	Use enclosed chutes and conveyors and covered skips
Waste management	Minimise drop heights from conveyors, loading shovels, hoppers and other loading or handling equipment and use fine water sprays on such equipment wherever appropriate
	Ensure equipment is readily available on site to clean any dry spillages and clean up spillages as soon as reasonably practicable after the event using wet cleaning methods.
	No burning of waste materials.
	Ensure all on-road vehicles comply with relevant vehicle emission standards, where applicable

Issue	Mitigation Measure
Specific Measures to Construction Traffic	Ensure bulk cement and other fine powder materials are delivered in enclosed tankers and stored in silos with suitable emission control systems to prevent escape of material and overfilling during delivery.
	Ensure vehicles entering and leaving sites are covered to prevent escape of materials during transport.
	Inspect on-site haul routes for integrity and instigate necessary repairs to the surface as soon as reasonably practicable.
	Record all inspections of haul routes and any subsequent action in a site log book.
Minimise impacts on air quality by controlling dust and other emissions – operational phase	
Road haulage	Vehicle restrictions that limit the speed of vehicles on the road (<30 kh/hr)
	Surface improvement by paving
	Surface treatment - watering (2.2L/m ² /hr)
Materials handling	Minimising the drop height from vehicles (<1.5m)
	Application of water (2.2L/m ² /hr) via a comprehensive system of sprinklers and misting systems installed across all storage and processing areas
	Modification of activities in windy conditions
	Loading materials to a 3-sided enclosure
	Covering loads with a tarpaulin
	Limit load sizes to ensure material is not above the level of truck sidewalls
	Minimising travel speeds and distances (<30 kh/hr)
	Keep travel routes and materials moist
	Screening, sorting, mulching and crushing operations to be conducted inside enclosed buildings
Materials processing	Tip and Spread area to be enclosed in a three-sided building to provide protection from wind
	Application of water
	Modification of activities in windy conditions
Wind erosion	Application of water
	3-sided enclosures around stockpiles

Issue	Mitigation Measure
	Modification of activities in windy conditions
Transport and Traffic	
Vehicle access, management, parking and design	<p>All vehicles shall be able to enter and exit in a forward direction. Access and internal circulation are to be designed in accordance with AS2890 and Council's DCP.</p> <p>Vehicular access will be provided off Gindurra Road via a secure gate located a sufficient distance within the property so that vehicles up to the size of a B-Double will be able to store without interrupting traffic flow in Gindurra Road. Internal roadways will allow vehicles to circulate within the site to load or unload and exit via Gindurra Road in a forward direction.</p> <p>Service vehicle access will be available via the main entry / exit off Gindurra Road. A concrete kerb to be installed on the outbound lane to prevent vehicles turning rights onto Debenham Rd.</p> <p>The access point will be designed to ensure vehicles can enter the site with minimal delays to other road users. The entrance will be moved 14m west along Gindurra Rd to improve sight issues. To facilitate the right turn movement into the site it is recommended that the existing centre line marking in Gindurra Road be relocated a minimum of 3 metres south (towards the site) to provide sufficient width for a right turn lane into the site. The right turn lane should be a minimum of 60 metres in length to provide sufficient storage for two B-Doubles. The site access should be designed to ensure that the largest vehicle entering or exiting the site is able to do so without encroaching on the opposite lane in Gindurra Road. No Stopping signs would need to be installed on both sides of Gindurra Road for the full length of the right turn lane.</p> <p>No Stopping signs will be required along the frontage of the site.</p> <p>The existing access to the site will be modified to ensure that heavy vehicles up to a B-Double can enter and exit safely. The site entrance has been designed so that vehicles exiting the site can only turn left onto Gindurra Rd. All vehicles will be able to enter and exit the site in a forward direction, with the internal parking layout to be designed at the detailed design stage in accordance with Council requirements and AS/NZS 2890.1:2004 Parking facilities Off-street car parking.</p> <p>The accesses, internal roads and parking aisles will be designed in accordance with AS/NZS 2890.1:2004 Parking facilities Off-street car parking. The aisle width requirement is 5.8 metres.</p> <p>A parking area for heavy vehicles is proposed within the site near the main entrance off Gindurra Road. Three nominated queuing / waiting locations for heavy vehicles within the site.</p> <p>Addition of second weighbridge (to allow dedicated in and out weighbridges)</p> <p>The parking layout shall be designed in accordance with AS/NZS 2890.1:2004 Parking facilities Off-street car parking. Parking Class: 1A (residential, staff). Bay lengths: 5.4 metres; Bay widths: 2.5 metres; and Aisle widths: 5.8 metres.</p>

Issue		Mitigation Measure
		Internal pedestrian access will be provided from the main gate to the main building.
Noise and Vibration		
Minimising noise emissions during the construction phase		Construction works to be limited to 7am to 6pm Monday to Friday, 8am to 1pm on Saturday. No construction work on Sundays or public holidays.
		Avoiding the use of noisy plant working simultaneously and close together during construction works.
		Equipment used intermittently is to be shut down when not in use.
		Where possible, equipment with directional noise emissions should be orientated away from sensitive receivers.
		Regular compliance checks on noise emissions from all plant and machinery.
Minimising noise emissions during the operational phase		Non-tonal reversing alarms should be used on all items and heavy vehicles used for construction.
		5m high noise barriers to be built and maintained along the eastern site boundary. The noise barrier reduces to 2m height as it approaches Gindurra Rd, for aesthetic reasons.
		Mulching and crushing operations to occur inside enclosed buildings.
		Office/warehouse building façade construction to be fitted with sound insulation.
		Processing building to have all doors and openings completely closed during noisy activities
	Concrete storage bunker walls and Tip and Spread building act as noise barriers within the site.	
Biodiversity		
Avoiding impacts from stormwater		Prior to any construction, areas of the site will need to be cleared and contoured to provide adequate drainage to a stormwater detention pond in the south-west corner of the site. Civil site works will need to ensure that there is appropriate drainage and stormwater capture at the site. The three dams located on-site will be filled. The captured stormwater will be used for operational purposes at the site.
Sewerage		The site will be connected to the town sewerage system as part of DA52541/2017.2.
Biosecurity risks – pathogens		Basic control principles include avoiding transport of sediment onto the vegetated areas of the property by cleaning all work clothing, gloves, tools and machinery that enter any protected, vegetated areas. In some cases, a solution of 70% ethanol or methylated spirits in 30% water may be sufficient to disinfect equipment prior to use. The report, 'Arrive Clean, Leave Clean' (Commonwealth of Australia 2015) provides further information and best practice methods to reduce spread of these pathogens between work Subject Sites.
Pests		Vertebrate pests should be controlled on an annual basis (or more regularly as required). Control methods include 1080 fox baiting, trapping, den fumigation and shelter habitat removal.

Issue	Mitigation Measure
Weeds	All environmental and priority weeds will be entirely eradicated from the subject site and then managed under a Vegetation Management Plan (VMP). The VMP will require an annual site visit by a team of qualified bush regenerators to ensure the control of weeds within the subject site.
Avoidance of impacts during clearing operations	A 10 m buffer surrounding <i>Melaleuca biconvexa</i> individuals to ensure the species is not impacted by the development.
	Preparation of a Vegetation Management Plan (VMP) to guide the on-going protection and management of the <i>Melaleuca biconvexa</i> .
	Avoidance of the southern portion of the Subject Property, which totals 4.1 ha and contains habitat for <i>Prostanthera junonis</i> and <i>Hibbertia procumbens</i> . The area partially falls under Management Zone 1b and 1d of the Somersby Industrial Park Draft Plan of Management (Connell Wagner 2005) and the feasibility of entering into a Biodiversity Stewardship Agreement will be investigated.
	Assigning an Ecologist to undertake a pre-clearing survey of the vegetation prior to clearing and development. If any significant ecological values such as nests are found, clearing is to be delayed until the nest is vacated.
	Assigning an Ecologist to be present on site during the clearing events. The Ecologist will be able to guide works crews away from sensitive ecological features and will be on hand to capture and relocate displaced fauna. Where possible the clearing of mature trees will be avoided if they can be accommodated into the development footprint.
	Preventing the inadvertent introduction of exotic flora propagules by following the DEP (2015) 'Arrive Clean, Leave Clean' Guidelines.
	Ensuring appropriate erosion and sedimentation controls are maintained throughout the construction phase and the period immediately following as outlined in the 'Blue Book' (Landcom 2004).
Secure Ecosystem Credits	A total of 103 ecosystem credits and 28 Eastern Pygmy-Possum species credits must be retired in order to offset the impacts of the proposed development.
Fire Safety	
Asset Protection Zone requirements	The following points are to be adhered to for providing APZs; The Inner Asset Protection Area (IPA) is to have a tree canopy cover less than 15%; The Outer Asset Protection Area (OPA) is to have a tree canopy cover less than 30%; No trees are to be located within 2m of the building roof line; Garden beds with flammable shrubs are to be located a minimum 10m from the building; Tree limbs within 2m of the ground are to be removed; and Removal of ground fuels should be removed each year prior to the bushfire season (October-March).
Site Access	Sufficient access is also required to comply with the Planning for Bushfire Protection (2006). These include: Minimum carriageway width of 4.5m (one way) or 8m (two way); Minimum vertical clearance of 4m to any overhanging obstructions; Curves have a minimum 6m inner radius; Minimum 6m between inner and outer curves; Crossfall is not more than 10°; Maximum grades for sealed roads is 15°; Maximum grades for unsealed roads is 10°; Some short constrictions in the access may be accepted where they are not less than 3.5m and extend for no more than 30m; For internal roads: roads are to be through roads. Maximum length of a dead end roads is 100m in from a through road. Dead end roads to be clearly sign posted; For internal roads: provide a minimum 12m outer radius turning circle for dead end roads.

Issue	Mitigation Measure
Water requirements	All above ground water and gas service pipes and fittings external to the building are metal.
Electricity and Gas requirements	Where practicable place electrical transmission lines are underground or; If overhead electrical transmission lines are proposed, lines are installed with short pole spacing (30metres), unless crossing gullies, gorges or riparian areas; and no part of a tree is closer to a power line than the distance set out in accordance with the specifications in 'Vegetation Safety Clearances' issued by Energy Australia (NS179, April 2002); Reticulated or bottled gas is installed and maintained in accordance with AS 1596 and the requirements of relevant authorities; Metal piping is to be used; All fixed gas cylinders are to be kept clear of all flammable materials to a distance of 10m and shielded on the hazard side of the installation; Release valves are directed away from the building and at least 2m away from any combustible material, so that they do not act as a catalyst to combustion. Connections to and from gas cylinders are to be metal; Polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not to be used.
Landscaping and property maintenance	<p>The following principles should be applied for the establishment of gardens and property maintenance: Apply the principles for APZ and vegetation management as attached to the appendix of this report; Maintain short cropped grass less than 100mm adjacent to any building; Keep areas under fences, fence posts and gates and trees raked and cleared of fuel; and Utilising non-combustible fencing and retaining walls.</p> <p>Prior to the bushfire season, which runs from October to March, the site should be maintained utilising the following guidelines from Appendix 5 PBP (2006): Remove organic material from the roof and gutters and valleys; Check tiles and roof lines for broken tiles or dislodged roofing materials; Ensure painted surfaces are in good condition with decaying timbers being given particular attention to prevent the lodging of embers within gaps; Doors are fitted with draught seals and well maintained; Mats are of non-combustible material or in areas of low potential exposure; Screens on windows and doors are in good condition without breaks or holes in fly screen material and frames are well fitting into sills and window frames; Where applicable, check pumps and water supplies are available and in working order; Where applicable, drenching or spray systems are tested before the fire season; Hoses and hose reels are not perished and fittings are tight and in good order; and Woodpiles, garden sheds and other combustible materials are located away from the house.</p>
Fire prevention	<p>KSSS plans to prevent fire at the proposed facility by:</p> <ul style="list-style-type: none"> • Eliminating ignition sources near dusts and combustible material; • Prohibit smoking and naked flame to designated smoking areas (no smoking policy for employees and signage for visitors); • Employee induction and education on fire prevention; • Regular inspection of stockpiles; • Sprinkler systems will be installed, in permanent locations, to control dust to the point where potential for fire is minimised; • Site security (fencing, locked gates when facility is closed, gate houses for visitors); • Plant maintenance; • Keeping maintenance and activities that can produce sparks, such as welding, away from combustible material piles; • Avoiding conditions that can lead to spontaneous combustion (e.g., moisture between 25 – 45 percent and temperatures above about 93°C in stockpiles); • Keeping stockpiles low and turning them when the temperature exceeds 60°C; • Management of vegetation and debris; and

Issue	Mitigation Measure
<p>Fire detection</p> <p>Fire suppression and control</p> <p>Smoke management</p> <p>Fire water containment</p>	<ul style="list-style-type: none"> • Designing the facility for access by firefighting equipment, including clear aisles among stockpiles and access to an adequate water supply. <p>Regular inspection of stockpiles. Infrared / heat detection devices overlooking key stockpiles and all processing equipment. Audible and visual alarms to be automatically activated by detection devices.</p> <p>A total of six (6) fire hydrants and six (6) fire reels will be installed on site. Portable fire extinguishers will be located on each piece of mobile equipment and in each building.</p> <p>Install a smoke extraction fan in the Secondary Sorting Warehouse.</p> <p>The OSD basin has sufficient capacity to capture firefighting water. The OSD output valves can be closed to prevent overflow from the OSD basin. Fire water will be tested and disposed to an appropriate outlet.</p>
Heritage	
<p>Measures to preserve historic and Aboriginal Heritage</p>	<p>The southern portion of the study area should not be developed in the future.</p> <p>If any suspected archaeological remains are discovered during the development, all activity must stop and an archaeologist consulted.</p> <p>If any suspected human remains are discovered during the development, all activity must stop and the find reported to the NSW Police and the Coroner.</p>
Visual Impact	
<p>Methods incorporated into the concept design for mitigating the potential visual impact</p> <p>Screen planting principles</p>	<p>The built form of the proposed buildings are of a similar scale to the surrounding industrial and commercial buildings.</p> <p>Building materials selected will reduce colour contrast and blend any new and existing structures, as far as possible, into the surrounding landscape.</p> <p>The existing vegetation buffer along the southern boundary will be retained and supplementary planting incorporated where possible (in accordance with the screen planting principles).</p> <p>Retention of existing trees within the Site to assist in fragmenting views of the proposed development.</p> <p>Foreground visual planting is to be undertaken in areas of highest visual effect, such as along Gindurra Rd and on the site's Eastern boundary.</p> <p>The use of endemic flora species which will integrate with the existing landscape character whilst providing habitat for fauna.</p> <p>Planting should aim to fragment views instead of blocking completely.</p>
Chemicals and hazards	

Issue	Mitigation Measure
Spills and leaks Construction phase	No chemical storage on site during construction works. Maintain spills management response kit onsite – immediate clean-up of spill as per Pollution Incident Response Management Plan (Appendix V)
Fire hazards Construction phase	Fire safety measures as per Fire Safety Procedures in the Pollution Incident Response Management Plan.
Spills and leaks Operational phase	Maintain spills management response kit onsite – immediate clean-up of spill as per Pollution Incident Response Management Plan.
Fire risk	Fire safety measures as per Fire Safety Procedures in the Fire Safety Study, Emergency Plan and Pollution Incident Response Management Plan.

Table 18.2. Statement of Commitments the proponent has proposed to address further matters relating to the environmental assessment of the project, and through feedback from the community consultation and engagement process. These commitments are additional to the compiled mitigation measures for the proposed project.

Statement of Commitment	Description of Commitment
Community engagement	A Community Consultative Committee is formed post approval. Group is to be independently chaired. Meeting will involve neighbours (rural residents and business park representatives), representative(s) from community groups (e.g. Kariong Progress Association and Mangrove Mountains & Districts Community Group) and held on a quarterly basis so data on the performance of the facility can be shared, and feedback can be provided to the site operator. This committee shall provide a forum for involving the community during the construction and operational phases of the project.
Landscaped buffer zone to the east of the site	Advanced tree plantings to be used in landscape buffer between noise wall and surrounding properties to be implemented to soften the interface between the development and neighbouring rural properties. A trellis and native vines to be provided to screen the noise wall and provide a softened buffer between the industrial area and adjacent rural residential properties.
Staged increase in processing pending independent assessment of facility performance and compliance with conditions of consent	A commitment that recycling will increase in stages, only after independent testing is done to prove the facility is performing to the highest environmental standards. These stages proposed include: <ul style="list-style-type: none"> • Following development approval, waste receipt to increase over time to a threshold of 100,000 tonnes per annum; • Consent to increase waste receipt to 150,000 tonnes per annum; • Consent to increase waste receipt to 200,000 tonnes per annum.
Continuous environmental monitoring and publication of results	Continuous monitoring of air quality (dust) and noise at the site boundaries. Water quality to be tested during overflow events. Results to be published on a monthly basis on the Kariong Sand and Soil Supplies web site.
Groundwater monitoring	The groundwater will be sampled and tested regularly, in accordance with the conditions of the Environment Protection Licence.

Statement of Commitment	Description of Commitment
Operational Environmental Management Plan	An Operational Environmental Management Plan will be prepared and published on the Kariong Sand and Soils website to outline the range of environmental management techniques and procedures that will be used to ensure that the environment is managed on site at all times.
Town water (or groundwater) backup supply	Town water or groundwater (subject to approval) will be used as a backup emergency supply of water on the site for dust control in case that water from the stormwater pond is exhausted in prolonged dry weather.
Road Safety Audit	Prior to issue of construction certificate, the proponent will prepare a Stage 3 (Detailed Design) Road Safety Audit in accordance with Austroads Guide to Road Safety Part 6: Road Safety Audit by an independent TfNSW accredited road safety auditor.

APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website 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 C10 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.