

# Development Consent

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

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Anthea Sargeant  
**Executive Director**  
**Regions, Industry and Key Sites Assessments**

Sydney

17/6/2020

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### **SCHEDULE 1**

<b>Application Number:</b>	SSD 9766
<b>Applicant:</b>	Benedict Recycling Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	Lot 678 in DP 9157  224 – 232 Toongabbie Road, Girraween
<b>Development:</b>	Construction and operation of a waste recycling and transfer facility with an annual handling capacity of up to 220,000 tonnes of general solid waste (non-putrescible).

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## DEFINITIONS

<b>Applicant</b>	Benedict Recycling Pty Ltd, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Certifying Authority</b>	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
<b>Council</b>	Cumberland City Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising the construction of the waste recycling and transfer facility, as modified by the conditions of this consent.
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>EES</b>	Energy, environment and science group
<b>EIS</b>	The Environmental Impact Statement titled 'Environmental Impact Statement, Girraween Waste Recycling and Transfer Facility 223-232 Toongabbie Road Girraween', prepared by EMM Consulting Pty Ltd dated 6 November 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6 pm to 10 pm
<b>Fibre ready facility</b>	As defined in Section 372W of the Telecommunications Act 1997
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage item</b>	An item as defined under the <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
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance

	Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The operation of a waste and recycling transfer facility with an annual handling capacity of 220,000 tonnes upon completion of construction.
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
<b>PCA</b>	Principal Certifying Authority in accordance with the EP&A Act
<b>Planning Secretary</b>	The Secretary of the Department of Planning, Industry and Environment, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to submissions</b>	The Applicant's response to submissions titled 'Response to Submissions Girraween Waste Recycling and Transfer Facility 223-232 Toongabbie Road Girraween', prepared by EMM Consulting Pty Ltd dated 25 March 2020.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Appendix 1.
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months



## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

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

*Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.*

#### LIMITS OF CONSENT

- A5. This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.
- A6. The only type of waste permitted to be received or processed at the site is waste classified as general solid waste (non-putrescible).
- A7. The Applicant must not:
- (a) receive or process more than 220,000 tonnes of general solid waste (non-putrescible) per year; and
  - (b) store more than 1,760 tonnes of general solid waste (non-putrescible) at any one time.
- A8. Stockpiles of processed and/or unprocessed waste on site must not be more than 5 metres in height when measured from the finished ground level of the site.
- A9. The Applicant may undertake waste receival activities, 24 hours, 7 days per week, subject to the following restrictions:
- (a) during the following time periods, a maximum of five waste deliveries can be accepted per hour:
    - (i) 12:00 am to 6:00 am and 10:00 pm to 12:00 am;

#### NOTIFICATION OF COMMENCEMENT

- A10. 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.

- A11. If the construction, 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.

#### **SURRENDER OF EXISTING CONSENTS OR APPROVALS**

- A12. Within 12 months of the date of commencement of development to which this consent applies, or within another timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consent dated 20 September 2005 for the Building and Commercial Waste Recycling Facility in accordance with the EP&A Regulation.
- A13. Upon the commencement of development to which this consent applies, and before the surrender of existing development consents or project approvals required under condition A12, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.

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

#### **EVIDENCE OF CONSULTATION**

- A14. 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**

- A15. 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).
- A16. 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.
- A17. 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.

#### **REQUEST FOR INFORMATION**

- A18. The Applicant must record the amount of waste (in tonnes) received at the site on a daily basis.
- A19. The Applicant must retain all weighbridge records as required by the POEO (Waste) Regulation and for the life of the development. The weighbridge records must be made immediately available on request by the Planning Secretary and/or the EPA.
- A20. The Applicant must retain waste classification records for all wastes received on the site and waste disposed from the site for the life of the development. The waste classification records must be made immediately available on request by the EPA and/or the Planning Secretary.

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

- A21. 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.

- A22. 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.

**Note:** *This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by A19 of this consent.*

## **DEMOLITION**

- A23. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

## **STRUCTURAL ADEQUACY**

- A24. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

**Note:**

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

## **COMPLIANCE**

- A25. 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**

- A26. 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**

- A27. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A28. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- A29. The Applicant must provide a copy of the documentation given to the Certifying Authority under condition A28 to the Planning Secretary within seven days after the Certifying Authority accepts it.

## **UTILITIES AND SERVICES**

- A30. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A31. Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

## **WORKS AS EXECUTED PLANS**

- A32. Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the PCA.

## **APPLICABILITY OF GUIDELINES**

- A33. 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.
- A34. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## **ADVISORY NOTES**

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

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### TRAFFIC AND ACCESS

#### Construction Traffic Management Plan

- B1. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan 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;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
  - (d) detail heavy vehicle routes, access and adequate parking arrangements;
  - (e) include a Driver Code of Conduct to:
    - (i) minimise the impacts of earthworks and construction on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise; and
    - (iv) ensure truck drivers use specified routes;
  - (f) include a program to monitor the effectiveness of these measures; and
  - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B2. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan required by Condition B1 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

#### Parking

- B3. 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.

#### Operating Conditions

- B4. The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004) and *AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);
  - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
  - (c) the development does not result in any vehicles queuing on the public road network;
  - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
  - (e) all vehicles are wholly contained on site before being required to stop;
  - (f) all loading and unloading of materials is carried out on-site;
  - (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
  - (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

#### Operation Traffic Management Plan

- B5. Prior to the commencement of operation, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for the development to the satisfaction of the Planning Secretary. The plan must form part of the OEMP required by Condition C5 and be prepared in accordance with Condition C1. The OTMP 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;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency including:
    - (i) ensuring no queuing or parking of vehicles occurs on Toongabbie Road or the surrounding road network;
    - (ii) redirecting incoming trucks to other facilities, as required, to prevent traffic build-up and queuing on Toongabbie Road; and
    - (iii) prioritising the dispatching of processed waste material outside of the road network and facility peak hours;
  - (d) detail heavy vehicle routes, access and parking arrangements;
  - (e) include a Driver Code of Conduct to:
    - (i) minimise the impacts on the local and regional road network;
    - (ii) minimise conflicts with other road users;
    - (iii) minimise road traffic noise;
    - (iv) include a program to monitor the effectiveness of these measures;
  - (f) include a Traffic Control Plan detailing:
    - (i) the on-site measures to be implemented to control the manoeuvring of vehicles in designated areas, including front-end loaders and excavator plant within the waste receipt and storage buildings; and
    - (ii) installation of way-finding signage and line marking.
- B6. The Applicant must:
- (a) not commence operation until the OTMP required by Condition B5 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the OTMP approved by the Planning Secretary for the operational life of the development.

## **WASTE MANAGEMENT**

- B7. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B8. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal, except as expressly permitted by an EPL.
- B9. All waste processing, including truck loading and unloading, storage and materials handling activities must be undertaken in the enclosed processing and storage buildings and only within the areas designated for these activities, as described in the EIS and RTS.
- B10. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste, November 2014*, or its latest version and dispose of all wastes to a facility that may lawfully accept the waste.
- B11. No crushing, shredding or grinding works are permitted on site at any time.

## **Receipt, Storage & Handling of Waste**

- B12. The Applicant shall only receive waste on site that is authorised for receipt by an EPL. No putrescible waste is to be received, stored or processed on site.
- B13. The Applicant shall ensure any waste generated on the site during construction is classified in accordance with the EPA's *Waste Classification Guidelines, 2014* or its latest version, and disposed of to a facility that may lawfully accept the waste.

## **Waste Management Plan**

- B14. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan (WMP) for the development to the satisfaction of the Planning Secretary. The WMP must form part of the OEMP required by Condition C5 and be prepared in accordance with Condition C1. The WMP must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) detail the type and quantity of waste to be received during operation of the Development;
  - (c) describe the handling, storage and disposal of all waste streams generated on site, consistent with the POEO Act, the *POEO (Waste) Regulation, 2014* and the EPA's *Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014)*;
  - (d) include details of stockpile limits in the incoming waste receipt area and waste storage areas;
  - (e) include procedures for ensuring no build-up of waste will occur in the incoming waste receipt area during unexpected machinery breakdown.

B15. The Applicant must:

- (a) not commence operation until the WMP required by Condition B14 is approved by the Planning Secretary; and
- (b) implement the most recent version of the WMP approved by the Planning Secretary for the operational life of the development.

#### **Waste Monitoring Program**

B16. From the commencement of operation, the Applicant must implement a Waste Monitoring Program for the development. The program must:

- (a) be prepared by a suitably qualified and experienced person(s) prior to the commencement of operation;
- (b) include suitable provisions to monitor the:
  - (i) quantity, type and source of waste received on site;
  - (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**

B17. The Applicant must:

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

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

#### **AIR QUALITY**

##### **Dust Minimisation**

B18. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

B19. During construction, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

##### **Air Quality Discharges**

B20. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.

##### **Air Quality Management Plan**

B21. Prior to the commencement of operation, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The AQMP must form part of the OEMP required by Condition C5. The AQMP must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) detail and rank all emissions from all sources of the development, including particulate emissions;
- (c) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;
- (d) identify the control measures that will be implemented for each emission source; and
- (e) nominate the following for each of the proposed controls:
  - (i) key performance indicator;
  - (ii) monitoring method;

- (iii) location, frequency and duration of monitoring;
- (iv) record keeping;
- (v) complaints register;
- (vi) response procedures; and
- (vii) compliance monitoring.

B22. The Applicant must:

- (a) not commence operation until the Air Quality Management Plan required by Condition B21 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Air Quality Management Plan approved by the Planning Secretary for the duration of the development.

#### Odour Management

B23. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

#### NOISE

##### Hours of Work

B24. 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
Construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation (Waste Receival)	Monday – Sunday	24 hours
Operation (Waste Processing)	Monday – Friday	7am to 10 pm
	Saturday	7 am to 5 pm
Operation (Materials Dispatch)	Monday – Friday	24 hours
	Saturday	6 am to 5 pm
	Sunday	8 am to 5 pm

B25. Works outside of the hours identified in Condition B24 may be undertaken in the following circumstances:

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

#### Construction Noise Limits

B26. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 2.

#### Operational Noise Limits

B27. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 2.

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

Location	Day L <sub>Aeq</sub> (15 minute)	Evening L <sub>Aeq</sub> (15 minute)	Night L <sub>Aeq</sub> (15 minute)
R6 48 Oklahoma Avenue, Toongabbie	40	36	35
R8 228 Metella Road, Toongabbie	41	41	35

Location	Day L <sub>Aeq</sub> (15 minute)	Evening L <sub>Aeq</sub> (15 minute)	Night L <sub>Aeq</sub> (15 minute)
R17 1 Greystanes Road, Greystanes	40	36	35
R19 47 Mandoon Road, Girraween	40	35	35
R4 Fox Hill Golf Course, Girraween	53	53	53

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

### Road Traffic Noise

- B28. Prior to the commencement of construction, the Applicant must prepare a Driver Code of Conduct and induction training for the development to minimise road traffic noise. The Applicant must update the Driver Code of Conduct and induction training for construction and operation and must implement the Code of Conduct for the life of the development.

## SOILS, WATER QUALITY AND HYDROLOGY

### Erosion and Sediment Control

- B29. Prior to the commencement of any construction the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by Condition C2.

### Discharge Limits

- B30. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

### Stormwater Management System

- B31. Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:
- be designed by a suitably qualified and experienced person(s);
  - be designed in consultation with Council;
  - be generally in accordance with the conceptual design in the EIS;
  - be in accordance with applicable Australian Standards;
  - 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;
  - divert existing clean surface water around operational areas of the site;
  - direct all sediment laden water in overland flow away from the leachate management system;

### Water Management Plan

- B32. Prior to the commencement of operation, the Applicant must prepare a Water Management Plan to the satisfaction of the Planning Secretary. The Water Management Plan must form part of the OEMP required by Condition C5. The Water Management Plan must:
- be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
  - detail water use, metering, disposal and management on-site;
  - detail the water licence requirements for the development;
  - detail the management of wastewater streams on-site, including leachate;
  - contain a **Surface Water Management Plan**, including:
    - a program to monitor:
      - surface water flows and quality;
      - surface water storage and use; and

- sediment basin operation;
- (ii) sediment and erosion control plans;
- (iii) surface water impact assessment criteria, including trigger levels for investigating and potential adverse surface water impacts; and
- (iv) a protocol for the investigation and mitigation of identified exceedances of the surface water impact assessment criteria; and

B33. The Applicant must:

- (a) not commence operation until the Water Management Plan required by Condition B32 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.

## **ABORIGINAL HERITAGE**

### **Unexpected Finds Protocol**

B34. If any item or object of Aboriginal heritage significance is identified on site:

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

B35. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

## **HAZARDS AND RISK**

### **Hazardous Waste**

B36. The Applicant must implement auditable procedures to handle and dispose of hazardous waste materials such as asbestos, sharps and chemical/biological materials that have been unintentionally received on site.

### **Further Requirements**

B37. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:

- (a) the requirements of all relevant Australian Standards; and
- (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.

B38. In the event of an inconsistency between the requirements B37(a) and B37(b), the most stringent requirement must prevail to the extent of the inconsistency.

### **Bunding**

B39. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

## **FIRE SAFETY**

### **Fire Safety System**

B40. Prior to the commencement of construction, the final fire and life safety design of the development, including firewater containment, must be finalised in consultation with FRNSW to the satisfaction of the Planning Secretary and include suitable additional provisions for special hazards by specifically addressing Clauses E1.10 and E2.3 of Volume One of the National Construction Code (NCC) Series.

B41. Fire and life safety measures are required to be reassessed in consultation with FRNSW if the development consent is modified to change the site configuration, approved processing capacity or accepted waste streams.

## **CONTAMINATION**

B42. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the 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.

### **Lighting**

B43. The Applicant must ensure the lighting associated with the development:

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

## PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) 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;
  - (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (c) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development;
    - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
  - (d) 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;
  - (e) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (f) 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
  - (g) a protocol for periodic review of the plan.

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

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of Condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see Condition B1);
  - (b) Erosion and Sediment Control Plan;
  - (c) Unexpected contamination procedure (see Condition B42);
  - (d) 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; and
- (c) include the following environmental management plans:
  - (i) Traffic (see Condition B5);
  - (ii) Waste (see Condition B14);
  - (iii) Air Quality (see Condition B21);
  - (iv) Water (see Condition B32); and

C7. The Applicant must:

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

## **REVISION OF STRATEGIES, PLANS AND PROGRAMS**

C8. Within three months of:

- (a) the submission of an incident report under Condition C11;
- (b) the submission of an Independent Environmental Audit under Condition C17;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under Condition A2(b) which requires a review,

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

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

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

## **REPORTING AND AUDITING**

### **Incident Notification, Reporting and Response**

C11. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the

Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 3.

### **Non-Compliance Notification**

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

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

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

### **Compliance Reporting**

C15. Within three months after the first year of commencement of operation, and in the same month each subsequent year (or such other timing as 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

C16. 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

- C17. 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).
- C18. 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

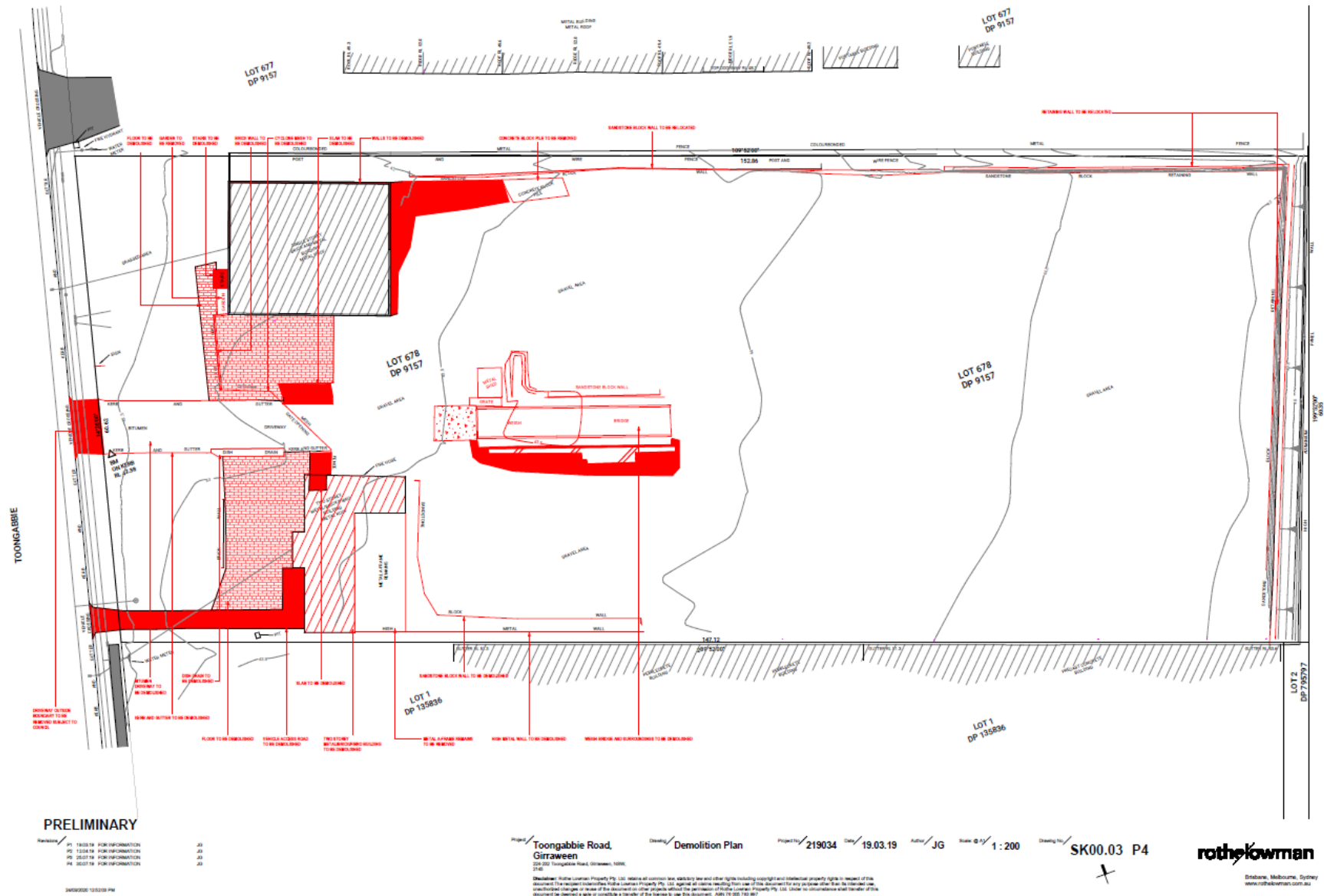
- C19. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

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

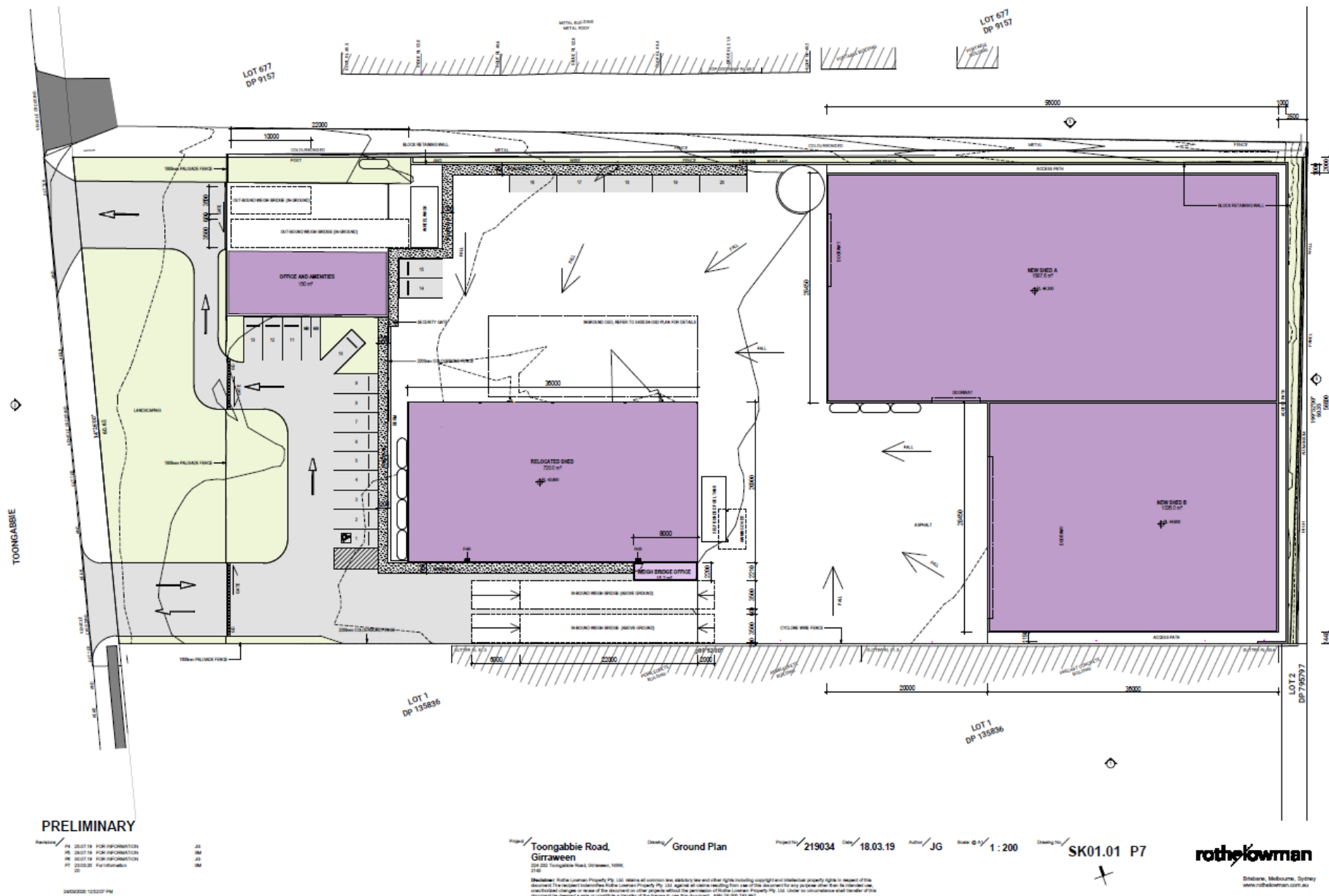
## ACCESS TO INFORMATION

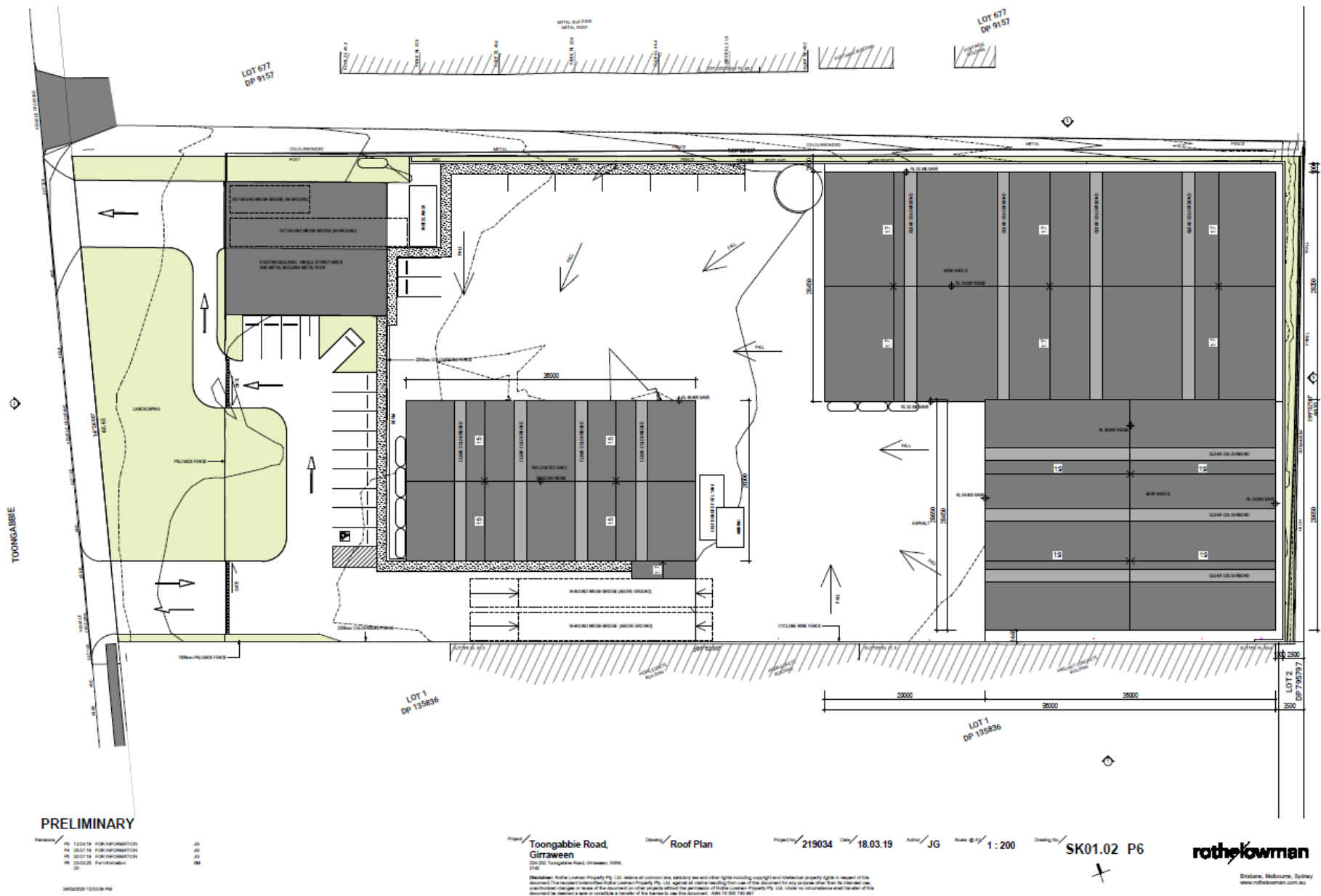
- C20. At least 48 hours before the commencement of construction until the completion of all works under this consent, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in Condition A2 of this consent and the final layout plans for the development;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaint register, updated monthly;
    - (ix) the Compliance Reporting of the development;
    - (x) audit reports prepared as part of any independent audit of the development and the Applicant’s response to the recommendations in any audit report;
    - (xi) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

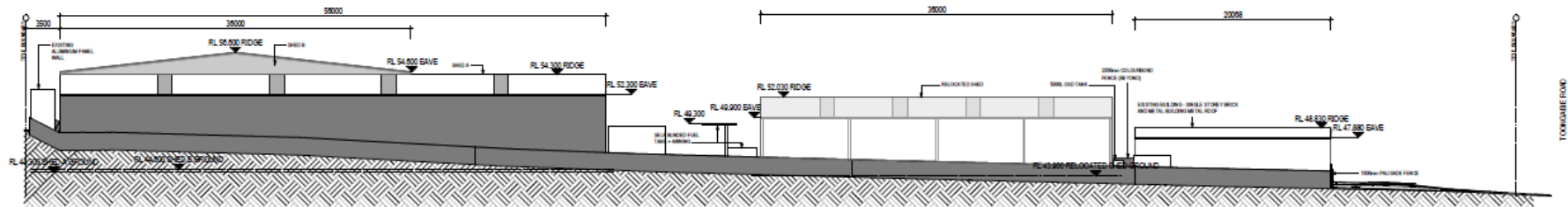
## APPENDIX 1 DEVELOPMENT LAYOUT PLANS



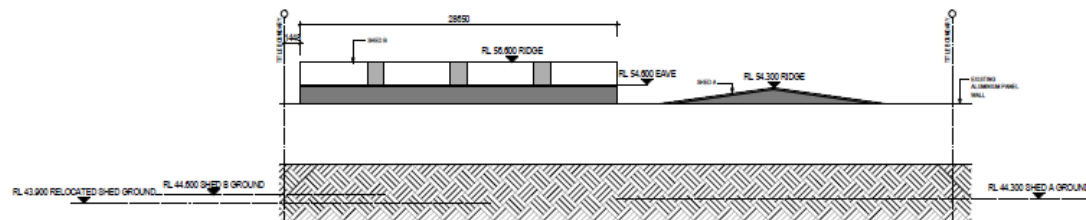








4 SITE ELEVATION - NORTHERN  
SCALE 1:200



4 SITE ELEVATION - EASTERN  
SCALE 1:200

PRELIMINARY

Revisions:  
 P1 12.04.19 FOR INFORMATION  
 P2 20.07.19 FOR INFORMATION  
 P3 20.07.19 FOR INFORMATION

DATE: 20.07.2019 PM

Project: Toongabbie Road, Girraween

Drawing: Site Elevations

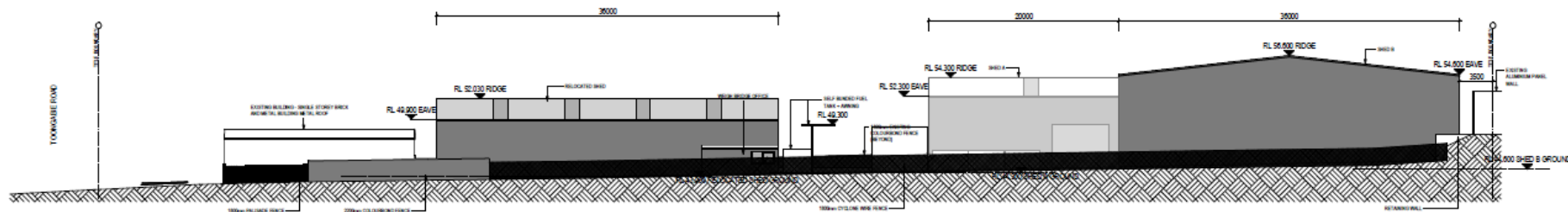
Project No: 219034 Date: 12.04.19

Author: JG Scale: 1:200

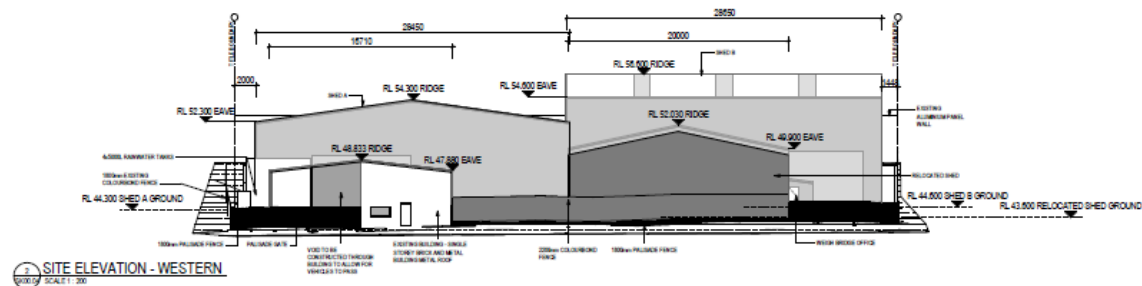
Drawing No: SK02.10 P3

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1 SITE ELEVATION - SOUTHERN  
SCALE: 1:200



2 SITE ELEVATION - WESTERN  
SCALE: 1:200

PRELIMINARY

Revision: P1 25.07.19 FOR INFORMATION  
P2 25.07.19 FOR INFORMATION

JG

24/06/2020 13:52:15 PM

Project: Toongabbie Road,  
Girraween  
200-000 Toongabbie Road, Girraween, NSW, 2160

Drawing: Site Elevations

Project No: 219034 Date: 12.04.19

Author: JG

Scale: 1:200

Drawing No: SK02.11 P2

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## APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

Environmental attribute	Management measure
Air quality	<p>The following management measures will be implemented to minimise the potential for air quality impacts:</p> <ul style="list-style-type: none"> <li>all material storage, sorting and transfer and loading will occur within enclosed sheds;</li> <li>the main waste acceptance and storage shed will to be fitted with an internal water misting system to control dust;</li> <li>only paved areas will be used by heavy and light vehicles; and</li> </ul> <p>material drop heights will be minimised.</p>
Noise	<p>The following management measures will be implemented during construction and operations to minimise the potential for noise impacts:</p> <ul style="list-style-type: none"> <li>plant and equipment will be regularly maintained and serviced;</li> <li>broadband reversing alarms (growlers) will be exclusively used on all mobile plant;</li> <li>the site layout minimises the need for mobile plant to reverse;</li> <li>plant and equipment will be switched off when not in use;</li> <li>material drop heights will be minimised and dragging materials along the ground will be minimised;</li> <li>site contact details will be provided on a board at the front of the site;</li> <li>any noise-related complaints will be handled promptly; and</li> </ul> <p>a complaints register will be maintained.</p>
Traffic and transport	<p>The following management measures will be implemented to improve traffic safety:</p> <ul style="list-style-type: none"> <li>a total of seven street parking spaces along the eastern side of Toongabbie Road (near site boundary) will need to be removed to allow for access to the facility; and</li> <li>no parking signs are to be provided as shown in the concept parking signage plan and/or as agreed by Cumberland Council.</li> </ul>
Water and soil	<p>The following management measures will be implemented to minimise the potential for water and soil impacts:</p> <p><u>Construction:</u></p> <ul style="list-style-type: none"> <li>construction on the site for concrete, drainage pipes and block elements will be undertaken in accordance with the NSW Department of Environment and Climate Change's guidelines for saline soils which recommend use of separation methods or classes of concrete suitable for saline soil environments;</li> <li>the runoff erosion and sediment control strategy will be implemented to manage runoff and sediment during the construction phase;</li> <li>specific runoff sediment traps will be incorporated along the flow path to remove sediment and debris at the source;</li> <li>bund and silt fencing will be incorporated around the perimeter of the site to ensure runoff does not flow onto adjacent sites;</li> <li>the sediment and runoff control measures will be maintained on a regular basis and after storm events.</li> </ul> <p><u>Operations:</u></p> <ul style="list-style-type: none"> <li>all waste transfer and sorting will occur in sheds so that no leachate is produced;</li> <li>no water will be used in the transfer or sorting of waste except for dust control;</li> <li>runoff from the roof and the hardstand and carpark will be separated;</li> <li>roof runoff will be stored in reuse tanks and reused for irrigation and dust control to minimise runoff volume and improve runoff quality;</li> <li>runoff water quality from hardstand will be treated in a VortSentry HS 15 to achieve the pollution reduction rates in the Holroyd DCP 2013 prior to discharge from the site;</li> <li>above ground storage for onsite fire water during firefighting will be provided by way of shed bunding to prevent discharge off the site; and</li> </ul> <p>the fuel storage will be bunded to eliminate spills.</p>
Contamination	<p>The CEMP will identify intrusive ground construction activities and detail how these activities will be managed to avoid or mitigate negative environmental impacts.</p>
Heritage	<p>If any Aboriginal objects are identified during construction or operation of the facility, Benedict would cease work in the immediate area of the find and fence off the area. The find would be reported to DPIE and management measures would be implemented based on the significance of the item. An unexpected finds protocol will be developed further and included in the CEMP and OEMP.</p>



Figure 1: Locations of sensitive receivers

## APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C11 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.